

MINUTES OF THE MEETING OF APRIL 3, 2006

PRESIDENT DENCZAK: Councilmembers, please take your seats. With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call please.

ROLL CALL TAKEN BY CLERK TIMBERLAKE

:

12 COUNCILMEMBERS PRESENT: (DONALD E. CASAR, JOE CARBENIA, MARY M. CIRELLI, BILL SMUCKLER, GREG HAWK, THOMAS E. WEST, JAMES GRIFFIN, KELLY ZACHARY, TERRY PRATER, DAVID R. DOUGHERTY, RICHARD D. HART, & KARL "BUTCH" KRAUS)

NO COUNCILMEMBERS ABSENT

The regular meeting of Canton City Council was held on Monday, April 3, 2006, at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Richard D. Hart, followed by the Pledge of Allegiance led by President of Council Denczak.

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Thank you Member Kraus.

MEMBER KRAUS: You're welcome.

PRESIDENT DENCZAK: Agenda corrections Members of Council. You're being asked to suspend Rule 22A to add second reading of Ordinances 8 through and including #19 to the agenda, with #9 being retained in Committee. The Chair will recognize that motion, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add ordinances for the second reading, Ordinance 8 and 10 through 19, #9 being held in Committee for further investigation; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A. Are there any remarks?... If not, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A is suspended and the Ordinances are a legal part of your agenda. You're being asked to suspend 24 to add Resolution #43, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 24B and add Resolution #43 from the Committee Of The Whole dealing with the vacancy of Administrative Assistant V; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 24 to add Resolution #43. That's the Resolution to hire Michelle Senter. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 24 is suspended and Resolution #43 is a part of your agenda. Members of Council to bring your agenda up to date, under Ordinance #9, that is only referred to Public Property Capital Improvement and the Judiciary Committees. I don't know how Personnel Committee got on there but, it's only

MINUTES OF THE MEETING OF APRIL 3, 2006

those two committees.

PUBLIC HEARINGS

PRESIDENT DENCZAK: We have a scheduled public hearing for 7:30 pm. The Chair opens up the public hearing in regards to the matter of a request by Keo Ly to rezone lot 37253 at 3650 Harmont Avenue NE from R-1A to PB-3 Planned General Business for Thai Restaurant. Is there anyone in the audience wishing to speak for or against this issue, please come forward. Is there anyone in the audience wishing to speak for or against this issue, please come forward. Is there anyone in the audience wishing to speak for or against this issue, please come forward. Apparently not, the Chair declares the public hearing over in regards to this matter. The matter now rests in the hands of Council. The Ordinance is on the agenda this evening. At the request of the Ward Councilman, the Chair's going to exercise the prerogative and go out of turn here and go directly to Ordinances to Ordinance #20.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT DENCZAK: Let the journal show that all ordinances are being given their reading as required by State law. Ordinance number 20 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCE #20, OUT OF SEQUENCE, FOR ITS THIRD AND FINAL READING BY TITLE

#20 (1ST RDG) **ADOPTED AS ORDINANCE NO. 55/2006** AN ORDINANCE AMENDING NO. 55/77 AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President, I move we adopt Ordinance #20; seconded

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #20. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #20 is adopted. **#20 ADOPTED AS ORDINANCE NO. 55/2006**

PRESIDENT DENCZAK: We will go back to the original place on the agenda.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY)

PRESIDENT DENCZAK: We're under Public Speaks. No one signed up for Public Speaks under Resolutions for adoption.

INFORMAL RESOLUTIONS

NOTE: PRESIDENT DENCZAK CALLED UPON THE CLERK TIMBERLAKE TO READ THE FOLLOWING INFORMAL RESOLUTIONS #44 BY AGENDA TITLE. THE INFORMAL RESOLUTIONS WHICH FOLLOW ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED (PRESIDENT DENCZAK INADVERTENTLY MADE REFERENCE TO

MINUTES OF THE MEETING OF APRIL 3, 2006***RESOLUTION #43 WHICH SHOULD BE READ AS RESOLUTION #44)***

PRESIDENT DENCZAK: Information Resolutions. It will not be necessary to excuse members. Let the Journal show that all members of Council are present. Resolution #43 please. The question before Council is Resolution #43. Member Casar.

#44 COUNCIL-OF-THE-WHOLE: APPOINTING MICHELE SENTER AS ADMINISTRATIVE ASSISTANT V IN CANTON CITY COUNCIL OFFICE - ADOPTED

MEMBER CASAR: Mr. President. I move we adopt Resolution #43; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #43. Are there any remarks under this Resolution?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Resolution #43 (*REFERRING TO RE#44*) is adopted.

COMMUNICATIONS

PRESIDENT DENCZAK: All communications are received as read, filed, and properly referred.

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED APRIL 3, 2006.

184. CHIEF OF STAFF CHIP CONDE, CITY OF CANTON: REQUEST SUPPLEMENTAL APPROPRIATIONS FOR YOUTH DEVELOPMENT SUMMER FOOD PROGRAM FR: 2650 SUMMER FOOD PROGRAM AND REDUCTION IN 2645 SUMMERTIME KIDS GRANT FUND. - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE CMTES
185. FUHRER, GREGG, NORTHEAST OHIO LABOR MGMT, 6200 FRANK AVE., NW, CANTON, OH 44720: LETTER OF REQUEST RE: FINANCIAL SUPPORT FROM CITY OF CANTON FOR NORTHEAST OHIO LABOR MGMT. - MAYOR
186. GISSENDANER LISA., YOUTH DEVELOPMENT DIRECTOR: REQUEST \$15,000 SUPPLEMENTAL APPROPRIATION FOR 2650 SUMMER FOOD PROGRAM TO BE REIMBURSED BY A STATE GRANT. - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE CMTES
187. SAFETY DIRECTOR BERNARD HUNT, CITY OF CANTON: REQUEST TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT TO INSTALL A SECURITY SYSTEM AT ALL NINE FIRE STATIONS IN AN AMOUNT NOT TO EXCEED \$50,000. - PUBLIC PROPERTY CAPITAL IMPROVEMENT AND FINANCE CMTES
188. SAFETY DIRECTOR BERNARD HUNT, CITY OF CANTON: REQUEST TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR REPAIRS OF THE NORTH DRIVEWAY & FIRE PUMP TEST PAD AT FIRE STATION 6 IN AN AMOUNT NOT TO EXCEED \$30,000. - PUBLIC

MINUTES OF THE MEETING OF APRIL 3, 2006

PROPERTY CAPITAL IMPROVEMENT AND FINANCE CMTEs

189. SAFETY DIRECTOR BERNARD HUNT: REQUEST VARIOUS SUPPLEMENTAL APPROPRIATIONS IN GRANT FUNDS FOR CANTON POLICE DEPARTMENT FR: 2771 LAW ENFORCEMENT BLOCK GRANT 2003; 2772 LAW ENFORCEMENT BLOCK GRANT 2004; 2773 BYRNE MEMORIAL JUSTICE ASSISTANT GRANT. - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE CMTEs
190. SERVICE DIRECTOR JOSEPH CONCATTO, CITY OF CANTON: REQUEST TO WITHDRAW ORDINANCE APPROVING & ACCEPTING THE REPLATTING OF LOT 42547 REQUESTED BY THE CITY OF CANTON LOCATED IN THE 700 BLOCK OF MARKET AVENUE SOUTH. - COMMUNITY & ECONOMIC DEVELOPMENT CMTE
191. SERVICE DIRECTOR JOSEPH CONCATTO, CITY OF CANTON: REQUEST TO ENTER INTO PROFESSIONAL SERVICE CONTRACT TO PREPARE PLANS TO RENOVATE BATHROOMS @ CIVIC CENTER, INCLUDING MCKINLEY RM, WITH MOTTERS & MEADOWS ARCHITECTS; REQUEST TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT TO RENOVATE BATHROOMS @ CIVIC CENTER. - PUBLIC PROPERTY CAPITAL IMPROVEMENT AND FINANCE CMTEs
192. SERVICE DIRECTOR JOSEPH CONCATTO, CITY OF CANTON: REQUEST INCREASE OF 8% IN SANITATION RATES PURSUANT TO CITY CODE SECTION 975.08. - ENV & PUB UTIL CMTE
193. WORHATCH, S. DAVID, ATTY @ LAW, 4920 DARROW RD, STOW, OHIO 44224: LETTER GOING ON RECORD STATING "THAI GOURMET INC." HOLD EXCLUSIVE AND ALL RIGHTS TO "THAI GOURMET, INC." NAME AS PERTAINING TO PUBLIC HEARING HELD FOR KEO O. LY APRIL 3, 2006. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: Ordinances & Formal Resolutions for the first reading; let the journal show that all ordinances are being given their reading as required by State law. Ordinance number 20 please...

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #1 THROUGH #7 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1 (1ST RDG) AN ORDINANCE TERMINATING THE REAL ESTATE AND PERSONAL PROPERTY TAX EXEMPTIONS FOR COLLINS AND AIKMAN ACCESSORY MATS, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- #2 (1ST RDG) AN ORDINANCE TERMINATING THE REAL ESTATE AND PERSONAL PROPERTY TAX EXEMPTIONS FOR POWDER INNOVATIONS, INC. AND T-CORP LTD; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee

MINUTES OF THE MEETING OF APRIL 3, 2006

- #3 (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE FINAL RECORD PLAT OF WILLOW PARK SUBDIVISION #1; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- #4 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO FILL OUT AN APPLICATION WITH THE STATE OF OHIO TO PARTICIPATE IN THE CLEAN OHIO ASSISTANCE FUND, APPLY FOR FINANCIAL ASSISTANCE, ADMINISTER THE FUNDS RECEIVED AND ENTER INTO CONTRACT FOR PROFESSIONAL SERVICES IN AN AMOUNT NOT TO EXCEED THE AMOUNT OF GRANT MONIES RECEIVED IN ACCORDANCE WITH FUND REQUIREMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- #5 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$17,970.00 TO CT CONSULTANTS INCORP; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #6 (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY IN CONJUNCTION WITH THE FEDERAL CAMPUS PROJECT AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND PURCHASE SAID PARCELS AT THE ESTABLISHED FAIR MARKET VALUE; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement and Finance Committees
- #7 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND/OR DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACTS FOR THE PURCHASE OF VARIOUS MOTOR VEHICLES AND OTHER ITEMS OF RELATED EQUIPMENT TO VARIOUS CITY DEPARTMENTS; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND/OR DIRECTOR OF PUBLIC SAFETY TO ALTERNATIVELY PURCHASE SAID VEHICLES AND EQUIPMENT PURSUANT TO REVISED CODE SECTIONS 125.04 AND 5513.01; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement and Finance Committees

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT DENCZAK: Ordinances & Formal Resolutions for the Second Reading.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #8 THROUGH AND INCLUDING 19 FOR THE SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS, WITH THE EXCEPTION OF ORDINANCE #9 WHICH WAS RETAINED IN COMMITTEE.

- #8 (2nd RDG) AN ORDINANCE VACATING A PORTION OF 13TH STREET SE AN UNNAMED 20'

MINUTES OF THE MEETING OF APRIL 3, 2006

ALLEY NORTH OF 13TH STREET SE AND AN UNNAMED 15' ALLEY EAST OF HARTFORD AVENUE SE; AND DECLARING THE SAME TO BE AN EMERGENCY

- #9 (2nd RDG) **RETAINED IN COMMITTEE**
- #10 (2nd RDG) AN ORDINANCE AMENDING ORDINANCE NO 16/2004; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11 (2nd RDG) AN ORDINANCE AMENDING ORDINANCE NO. 218/2004; AND DECLARING THE SAME TO BE AN EMERGENCY
- #12 (2nd RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 3012, 42520 AND 42521; AND DECLARING THE SAME TO BE AN EMERGENCY
- #13 (2nd RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOT 42547; AND DECLARING THE SAME TO BE AN EMERGENCY
- #14 (2nd RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF ALL OF LOTS 22669, 22670 AND 22671; AND DECLARING THE SAME TO BE AN EMERGENCY
- #15 (2nd RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PARTS OF LOTS 6259 AND 6260; AND DECLARING THE SAME TO BE AN EMERGENCY
- #16 (2nd RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PARTS OF LOTS 32539-32543; AND DECLARING THE SAME TO BE AN EMERGENCY
- #17 (2nd RDG) AN ORDINANCE APPROVING AND ACCEPTING THE DEDICATION, WITH VARIANCE, FOR APPROXIMATELY 1700 FEET OF GREENTREE AVENUE SW; AND DECLARING THE SAME TO BE AN EMERGENCY
- #18 (2nd RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$51,818.00 TO HOWELL RESCUE SYSTEMS, INC; AND DECLARING THE SAME TO BE AN EMERGENCY
- #19 (2nd RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE OHIO POWER COMPANY IN AN AMOUNT NOT TO EXCEED \$37,226.62; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT DENCZAK: Ordinance #20 was previously enacted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER CARBENIA: Mr. Chairman. Community & Economic Development Committee will meet at 6:30

MINUTES OF THE MEETING OF APRIL 3, 2006

pm 4/10/06.

MEMBER KRAUS: Mr. Chairman. Public Safety & Thoroughfare will meet 6:30 on 4/10/06.

MEMBER HAWK: Mr. President. Finance Committee will meet at 6:30, April 10th.

MEMBER DOUGHERTY: Mr. President. Public Property Capital Improvement also will meet at 6:30.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks Open Forum, City Business Only. We have 2 people signed up this evening. The first speaker is Melanie Wintrich. Did I pronounce that correctly?

MS. WINTRICH: Good evening Madame Mayor, Councilmembers. My name is Melanie Wintrich. I live at 56559 St. Johns Road, Quaker City, Ohio, and the reason for my being here this evening to address you folks is in regards to the MWCD assessment that's being proposed and the objection hearings close on the 10th of April. MWCD is trying to raise \$270,000,000 from all the taxpayers, all the parcels in 18 different counties. They have not been able to take and tell you folks until 3 weeks ago what your businesses and what your commercial industries were going to take and be assessed. They've been throwing in front of you for the last year \$12 so we've been anaesthetized to this amount. Well, I pulled a few little papers up here. Timken Roller Bearing Company, over a period of 22 years for this assessment, which it's going to go on longer than that, they're going to be paying a half million dollars on top of their property taxes and this will go up each and every year. Their assessment right now is \$23,000 a year on top of their property taxes which will take and make it a little bit difficult to sell property, any business owner, when they've got these high assessment values taxed onto it. Your Aultman Hospital has 255 parcels of ground in Stark County. They're only paying \$7,000 so, is this fair that Timken gets hammered with \$23,000 and then your hospitals only get hit with \$7,000; and, all these businesses are going to have to pass them onto us. Your residents, there are so many errors. It's not \$12 a parcel. If people are having 3 or 4 parcels of land next to each other, they are now finding out that it's going to \$12 on each parcel, which it shouldn't be. MWCD is making it up to the public citizens that they've neglected to inform all of these months that this has been in the works that it's going to be up to the citizens to take and get this corrected. MWCD is not correcting it. You've got to go to your Auditor's. You've got to fill out papers, and you've got to create a headache down in the Auditor's Office to take and get this stuff changed. MWCD realizes that in 5 counties, that double wide and trailers, regular house trailers, have been assessed as commercial industry, \$700, \$800, \$1,000 and it's up to the individual. Well, MWCD has deemed in the last year not to inform the public, not to talk to us about input. They want this money through very fast and the reason they want it through is because they've got a big loan comin' due next year. They say they can't take any of this money and use it for recreation, the same as recreation cannot be used for anything they want this money for, but it's a duplication of services. The Army Corps of Engineers owns and operates all the dams by Ohio law in 1939. The Army Corps of Engineers gets \$60,000,000 a year from the State of Ohio to take and maintain and fix these dams, but 2 weeks ago, MWCD had it splashed all over the papers up here that the Dover Dam is gonna break, the Dover Dam is gonna take New Phil. The Dover Dam isn't gonna take anything. The Dover Dam is going to remain intact folks. For 70 years they claim they've known it's been on bedrock, then why haven't they done something before now. Why do they take and want to get into our pockets now. They want no public.....

PRESIDENT DENCZAK: Ma'am... Ma'am, I'm sorry... Ma'am.. Ma'am... please..... Under Council Rules, you have 3 minutes to speak....

MS. WINTRICH: Okay.

MINUTES OF THE MEETING OF APRIL 3, 2006

MEMBER SMUCKLER: Mr. President. I think I can help this out a little. Ma'am...

MS. WINTRICH: Yes.

MEMBER SMUCKLER: I'm a business owner.

MS. WINTRICH: Ahuh.

MEMBER SMUCKLER: You wanna give me the nuts and bolts of how this affects me.

MS. WINTRICH: Yes. You are going to be assessed on a ERU value on your bill.....

MEMBER SMUCKLER: Woah, woah, woah.... we're gonna talk English first.

MS. WINTRICH: Okay. *(Laughter)*

MEMBER SMUCKLER: Gimme ERU.

MS. WINTRICH: ERU is the value that MWCD has assessed for the way their, their methodology for their assessment prices and they have changed it so many times over the last several months.

MEMBER SMUCKLER: On what authority?

MS. WINTRICH: On John Huppengardener's authority and their appraiser's authorities.

MEMBER SMUCKLER: Is their some type of State Law that's given them the authority to do this?

MS. WINTRICH: ORC 6101.43, Ohio Revised Code takes and gives them the authority from a 1915 law that they can pass this assessment on to the general public.

MEMBER SMUCKLER: Has the assessment ever been done before?

MS. WINTRICH: No, it has not.

MEMBER SMUCKLER: And then, when's the scheduled assessment supposed to take place?

MS. WINTRICH: The scheduled assessment to what the time line is right now is the Judges, the 18-county Judges are going to get together with MWCD on June 10th. These 18 Judges have already pre-approved this assessment to go through. They approved this, then according to all the Auditors, because we've been to every commissioner's meeting that MWCD went to in the past year, what they have is they've got to have all the paper work into the Auditors by August 31st. If it comes in on September 1st, they will not accept them to go on the tax records from January 2007.

MEMBER SMUCKLER: And this is the County Auditor's they have to go into?

MS. WINTRICH: The County Auditor. Each and every county in the 18, or 18 counties.

MEMBER SMUCKLER: And each and every business in the 18 counties will be assessed for this?

MINUTES OF THE MEETING OF APRIL 3, 2006

MEMBER SMUCKLER: Is this a one-time, one year, or is this an annual or....

MS. WINTRICH: They have increased it. It originally started out with a 20-year plan. They have now extended it to 22 years, but, once it's put it, it's like a piggy-back sales tax, it's never going to go away and it will increase on a yearly basis.

MEMBER WEST: Mr. President. Was there, I read this in the paper, but wasn't there an opt-out period where you can actually opt out, opt out against it?

MS. WINTRICH: Yes, you have until Oct....well, what we're doing is you've got 'till October 10th, April 10th to file your objection in the Tuscarawas County Courthouse. All 18 counties have to mail them there. Then, our group, we started, we're working with a couple of attorneys and we're working with the Ohio Supreme Court. We're trying to get this stopped for all of our citizens. It's not fair, it's not my \$12, it's not your \$12, it's for 2.1 million people in these 18 counties.

MEMBER WEST: So, let me get this right. If they opt out, then I won't be assessed?

MS. WINTRICH: Oh, you will be assessed.

MEMBER WEST: I will be assessed?

MS. WINTRICH: You will be assessed. That's just on paper that you're gonna opt out. They're gonna have a hearing in the 18 counties and the 3 Judges, Jane Bond from Summit County, O'Farrell from New Philadelphia and Elwood from Guernsey County are going to be the 3 Judges that we're going to go these 18 counties in the middle of this month that they can have the hearings. Well, these Judges, because we put so much pressure on them, they've backed off and passed it onto 3 magistrates who are pin-picked by these same 3 judges which is still a conflict of interest.

MEMBER CASAR: Mr. President. What would you recommend that this Council do to, if we see it the same you see it, not to have this assessed, but what can we do at this late date, anything?

MS. WINTRICH: I think what we have been working for, for the last 9 months is to get the government offices, the city offices, the councils, the Mayors, the Trustees, the Commissioners, to take and go to Muskingdom and tell them, you have not given us enough time to take and inform our people, our constituents, our county people. MWCD has tried its very best to keep this out of the public hands. They have regretted every meeting that we've attended because we ask questions. We want to know and they will not give you an answer, they will not give you anything about where this money is actually going to be spent or when.

PRESIDENT DENCZAK: Who is the Chairman of this Committee?

MS. WINTRICH: Well, I'm the Vice President of the Coalition of Concerned Citizens.

PRESIDENT DENCZAK: No, the.....

MS. WINTRICH: MWCD? John Huppengardener

PRESIDENT DENCZAK: Oh, I thought.

MINUTES OF THE MEETING OF APRIL 3, 2006

MS. WINTRICH: He's the head gentleman.

PRESIDENT DENCZAK: Oh, I thought it was Adolph Hitler. *(Laughter)*

MS. WINTRICH: And, I've worked, we've been working with all the Commissioners and we've been working with all the Auditors in all the different counties and every day I'm on the phone with all of them and they say this has created such a nightmare for them, and, your County Auditor has had the same problems also, with the phone calls. They called MWCD to take and get answers to their questions, they will not give them. They said after this assessment starts, it's going to be even worse of a nightmare because people are really going to be aware of it then. We're just trying to get the message out to everybody to let them make up their own mind.

MEMBER CIRELLI: Mr. President. Thank you sir. Ma'am, I didn't catch your last name, I'm sorry.

MS. WINTRICH: Wintrich.

MEMBER CIRELLI: Wintrich?

MS. WINTRICH: W-I-N-T-R-I-C-H. *(Spelled out loud)*

MEMBER CIRELLI: Okay. I saw this and I just am researching' the Internet on it. Your group, is that the stop group or something. Do you have a....

MS. WINTRICH: Stop MWCD dot org, yes. We've got a web site that links us over to MWCD so people can be informed on both sides, but we are just trying to, we're trying to stop something that is not right. This law is too outdated, it is too vague on what they want our money for and we know it's not gonna stop at \$12 or \$1,000, it is going to up. In past dealings, I've dealt with them for 30 years. They don't do anything that doesn't go up in price on a yearly basis. Their recreation on their lakes, you're paying over \$240 a month, a year to take for a decal to park on their lake.

MEMBER CIRELLI: Mr. President. On that site that I went to, I can put my name in and my address and it came up that I'll be paying \$12 per year for at least 20-some years as you're saying. It didn't tell me that there, but I knew it was \$12 per year for one parcel. Now, we're trying to get Economic Development in our community here, so for businesses, is the amount the same or do they have to pay more, or how does that work ma'am?

MS. WINTRICH: The businesses are going to be paying a lot more, especially your bigger businesses because they're basing it on your rooftop and your paved parking lots because of the run off water that it causes. If you've got a business that's got a gravel driveway, that driveway's gonna absorb more water than what a big paved parking lot does, so that's how they're basing their percentages and the businesses have, a mall, and a paved parking lot, they're going to be paying thousands and thousands of dollars and that inadvertently, is all going to be passed back to us as a taxpayer, in the form of higher prices. So, we're going to be paying for the schools, the churches, and we're going to be paying for the businesses plus our own individual assessments, because it's going to all be passed back to us, the taxpayer.

PRESIDENT DENCZAK: Ma'am..... okay.....ma'am

MEMBER CIRELLI: Mr. President. Mr. President, is there....

MINUTES OF THE MEETING OF APRIL 3, 2006

PRESIDENT DENCZAK: Wait one moment please. You're extended 5 minutes are up.

MEMBER CIRELLI: I move we give her another 5 minutes? Seconded.

PRESIDENT DENCZAK: Moved and seconded that the speaker be granted another 5 minutes. Are there any other remarks?... IF not, by voice vote, all those in favor signify by saying aye; those opposed no.

NO REMARKS

MOTION GRANTED UNANIMOUSLY FOR 5 MINUTE EXTENSION

PRESIDENT DENCZAK: Before you go on, before I start the time again, ma'am, where is Quarter City? How far is that from Canton?

MS. WINTRICH: Ah, it's about an hour and 45 minutes from here.

PRESIDENT DENCZAK: Hum, I'd hate to keep asking you to come back and tell us what's going on.

MS. WINTRICH: I have been traveling all 18 counties. We have people, we're going to be back up here in New Phil Wednesday night for Kent State University, we have a big meeting going on over there for the public.

PRESIDENT DENCZAK: Okay, you have another 5 minutes.

MS. WINTRICH: Thank you.

MEMBER CIRELLI: Mr. President. When you mentioned Wednesday night meeting, can you explain that to us, what's going to happen at this meeting. Would it be important for us to go there to hear what's happening?

MS. WINTRICH: We're going to have several speakers there and this is going to be an informative meeting for the public. This is what we've been doing throughout the 18 counties for the last several months, is going around to groups of people who have asked us to come and speak to them. We've had Council, different counties asked us to come in, we've had Chambers of Commerce have called us to come in and talk to their business members, we've talked to rallies, we've been to fire departments where they've gotten members from the community to come in. We've held meetings in public places where rooms have been donated, advertised that they have the public come in. We just want you people all to know that this is going to affect all of us. People are under, there are so many misconceptions out there. It's going to a year thing. Everybody's only going to pay \$12, it's not and MWCD, and I've had it right from 2 Auditors, had said to me that this was going, MWCD thought they would get this assessment shoved through without any body complaining about it because they been throwing out that \$12 for so long and it's not fair that they have not asked the public. They had one public meeting in New Philadelphia at the Marlet Center back in the end of February and that meeting was to be opened to the public. We got there and all it was was the 3 appraisers to answer our questions and the only thing they could ask the questions, we answer questions about was the methodology of their assessment. They could not answer a thing about how MWCD plans to handle road-raising when ODOT says it's feasibly impossible to do; how they're going to take and put this money to the dams when they don't own or operate the dams. All they could do was answer on the assessment.

MEMBER CASAR: Mr. President. Mr. President, I'd like to ask the Law Director a question if I may.

PRESIDENT DENCZAK: You may.

MEMBER CASAR: Law Director Martuccio, are you, have you been aware of this at all in regards to this

MINUTES OF THE MEETING OF APRIL 3, 2006

posi...this assessment or, or, or, is this new to you also?

LAW DIRECTOR MARTUCCIO: Mr. President. I am generally aware of it Mr. Casar. I understand that the Conservancy District does operate under the Ohio Revised Code on some rather old laws. I understand they've been conducting hearings. I understand there have been groups attending these hearings. I appreciate the energy. I, I do have a question, though, if you don't mind, of, of our speaker?

MEMBER CASAR: Well, I want to ask another question of yourself, ah, and also the speaker and you can have the floor. Ah, Madame Speaker, could you, do you have any literature or information that you could provide to this Council? It is my intent to put in a Resolution supporting the the non-assessment and I'd like to have some information to put in the body of it, if you could, if you could get me some or we could go to a web site, I guess, but if you had something, it would help, we'd appreciate it.

MS. WINTRICH: Yes, yes, I could probably.... I, I, I did take and bring some papers with me tonight and I wanted to mention....

MEMBER CASAR: Yes.

MS. WINTRICH: The City of Wooster, the Law Director in Wooster, wrote a letter to MWCD and he says he objects to this because you larger cities have sewer rates, am I not mistaken? Your businesses, your homes, your residences in the city limits are already paying these sewer bills right now. The Law Director in the City of Wooster, said that if this assessment goes through because they already have a sewer charge, they want that deducted from their, the people's assessment bills because it's not fair to double tax them for the same thing, and this is right from the Law Director, Richard Benson Jr. from Wooster.

MEMBER CASAR: Mr. President. Just a continue....ah.... I'd like to ask the Law Director to assign someone specifically to this and get us information that we might need to follow through with it, please.

LAW DIRECTOR MARTUCCIO: Mr. President. Yeah, I'd be happy to do so. I know Mr. Benson and I was going to ask you if you were aware of any resolutions that had been passed in any other cities. Obviously, we can't usurp the function of the State government, we can bring a challenge if we think that the law's been violated and maybe that's what I'd like to see. Before you go, I'll make a copy of that if it's okay.

MS. WINTRICH: Sure.

LAW DIRECTOR MARTUCCIO: My question, if it's okay, is, is there an alternative formula that's been advanced by someone to collect enough money to help with this drainage. I mean, obviously, you're talking about draining 20% of the surface of the State of Ohio of water that won't go into the soil because of these impervious surfaces and tops...

MS. WINTRICH: Correct.

LAW DIRECTOR MARTUCCIO: ...is, is there an alternate formula that your group or some other group is advancing?

MS. WINTRICH: There's an alternate formula that we would like to see done and that's with all of the Conservancy Districts in the State of Ohio done away with and it turned over to the ODNR who controls most of it now and the Army Corps of Engineers, then, assess the State of Ohio equally, every home, every business,

MINUTES OF THE MEETING OF APRIL 3, 2006

10, 12, 15 dollars. That's is; flat rate. That would give the departments the money that they need for the partnering grants, from the Federal and State government. That way, it's fair and equitable to all of us because we're being asked to take and supply the recreation and the money for all this when you have people from Cleveland and Columbus that are coming down here to enjoy the recreation, but we're paying for their fun.

PRESIDENT DENCZAK: Once again, I'm sorry, but the 5 minute time limit is up.

MS. WINTRICH: Thank you very much. (*APPLAUSE*)

PRESIDENT DENCZAK: The next speaker is Jason Scaglione.

MR. SCAGLIONE: Good evening President of Council, Mayor, Councilmembers, everyone in the audience. My name's Jason Scaglione. I live at 3027 Glennplace NW here in Canton, Ohio. The reason I'm here tonight is the, the disturbing number of properties in this city that's let go and owners are, are able to rent these properties out and do what they want with them as sub-standard housing level. These people are not held accountable. They have these properties that have numerous code violations against them like the one next to me and these people are able to continue to go by. I have a property next to me that's been 9 years there's been code violations on this property. It has not been fixed yet. These people keep getting more time and more time and more time. Well, we're gonna sell it, we're gonna get somebody in there on land contract. We're gonna get this fixed up but it never happens. We need to see some of this stuff stopped, more aggressive by the City on getting something done with these properties, torn down, whatever needs done. Obviously, as the state the property deems, some of them are worse than others, I'm sure but, it can't continue or else we're gonna have no body wanting to live in the city because of all these properties. You have all these run down houses now, I've put \$35,000 in my house in 2 years and it's worth nothing because I have this house next to me that I couldn't sell my house if I wanted to, and I ask that something get done with this property.

PRESIDENT DENCZAK: Safety Director, are you aware of this property? The Mayor?

MAYOR CREIGHTON: Mr. President, if I may. If, I know Councilman Griffin has already spoken to Jason and I had a conversation with him tonight when he came in. I went up and pulled the record part and I went back upstairs and already emailed Gary Baker, so, I have Jason's number and I'll get back to him and get you some answers.

MR. SCAGLIONE: Mr. President and Mayor, when will we see something, some sort of answers on this property, or to these questions?

MAYOR CREIGHTON: Mr. President. I will, Jason, I have your number and as soon as Gary gets back to me and I know that Jim's already talked to him too, I'm, I'm going to dig a little deeper and, and get the history of the property and then I will share that with you.

MR. SCAGLIONE: Yes, because I do know that this, this owner has been sent letters before by the city and he's not responded to them and you know, this has gone on for 9 years since Mr. Elsass owned the property and I, I don't want to see it go on another 9 years with a 6 yr. old son of mine that has to live in a neighborhood where there's, there's rental houses with drugs going around, people breaking into houses like this one next to me because it's allowed to continue. So, I ask for your help as quickly as possible.

MISCELLANEOUS BUSINESS

MINUTES OF THE MEETING OF APRIL 3, 2006

PRESIDENT DENCZAK: We're now under Miscellaneous Business. Members of Council, bring your attention to a matter that, I want to commend Cindy on her first night running the meeting with me. She did an excellent job. She did it with the help of Bev. I'm very happy that t he 2 work together, it makes my job easy tonight and I want to commend both of you. I have to charge you \$25 for that. And, Member Dougherty, I hate to say this but Member Dougherty's in violation of Rule #39. Where did he go? (*David Dougherty walked out of the meeting temporarily*) He's not there unless he's on the floor or something. (*David Dougherty returned to his seat*) You know you was in violation of Rule 39. Member Dougherty, I ask, I asked you before, several years ago, we had that off track betting issue in your ward and it was voted on. That was voted on by the citizens of Canton to have that off track betting. Is that correct?

MEMBER DOUGHERTY: No.

PRESIDENT DENCZAK: No- no- no wait, Council voted it....

MEMBER DOUGHERTY: No... it wasn't.... Council voted in approval to have that placed here.

PRESIDENT DENCZAK: Okay, then, it was placed on the ballot by a group of people but then it was the entire county that voted on it.

MEMBER DOUGHERTY: Yes sir.

PRESIDENT DENCZAK: Okay. Then it was defeated then....

MEMBER DOUGHERTY: By the County.

PRESIDENT DENCZAK: Right. The question I've been being asked is, Law Director, I've had 2 calls on this, that Massillon is going to vote on a gambling casino by the Shawnee Indians and I don't know what manner they're going do, whether they're going to make an ordinance or what, but if, if it becomes an ordinance that they're going to allow them to establish a casino, or if the citizens of Massillon are gonna vote on it as a city issue, is that also gonna be on the ballot as a County because of the OTB voting in the City of Canton. Can you check that out?

LAW DIRECTOR MARTUCCIO: I will check it out Mr. President. My initial response is what Massillon is voting on tonight, the City of Massillon, is a Resolution; not a formal ordinance, not a binding vote, it's a Resolution of Intent indicating that they're open to the idea should it be legally possible. There's some litigation, I believe, in Federal Court, with the tribe. The State of Ohio does not permit casinos on its land .. yet. There may be some movement, foot, to attempt to do that. The reason that off track betting was voted upon the way it was is there are State Laws that cover it. Again, it's the state, from which all power to gamble it begot, and they haven't begot the power to do casinos yet. But, I will talk with Mr. Sturgeos in Massillon and see the progress of their case.

PRESIDENT DENCZAK: Okay.

MEMBER SMUCKLER: Mr. President. To add a piece to that, since I was heavily involved with that at the time, the, it is mandatory that it be on the ballot for the off track betting portion of it. It failed in the County but it did pass in the City of Canton.

PRESIDENT DENCZAK: Yeah. Is there any other miscellaneous business?

MINUTES OF THE MEETING OF APRIL 3, 2006

DIRECTOR CONCATTO: Mr. President. If I may very quickly. Sewer rates in the City of Canton are basically done with sanitary sewer. Although we use the rates to do some storm sewer work, the basic sewer rate is for your sanitary sewer. Since the floods of 2003, the County has looked at an overall storm water fee that was being considered similar to what Muskingdom is considering here. I'm not saying I'm for it or against it, I'm just...when it comes to the storm of 2003 that we had and the flood in 2003, it was discovered that there really isn't a pot of money available to do some of the storm sewer work and drainage and ditch work that is necessary to prevent some of the flooding that happened in this area. Again, so, the sanitary, sewer rates that we charge is not enough to, to work with or to deal with some of the storm sewer issues that we have, not only in the city, but in the county and there is, there was, by the county, who formed the Committee, and I think Mr. Martuccio was on that committee, that also was considering a square foot rate, flat rate type of storm sewer charge for the purpose of getting rid of our storm water, our rain water in those times when we get our 50 year, 100 year storm. I just wanted to clarify the sewer rate.

PRESIDENT DENCZAK: Is there any other miscellaneous business?...

MEMBER KRAUS: Mr. President. Win, lose or draw, I would like to commend that speaker that was up here for that. Anybody who's that well prepared with a, a proposal or a, a presentation should be commended and I thought it was a very very well done presentation. *(Applause)*

PRESIDENT DENCZAK: Yes it was. Are you an auditor? *(Ms. Wintrich indicated that she is not an auditor)*

MS. WINTRICH: *INAUDIBLE COMMENTS.*

PRESIDENT DENCZAK: Is there any other miscellaneous business?...

MEMBER CASAR: Mr. President, I move that we adjourn; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adjourn. Roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: This meeting is adjourned.

ADJOURNMENT TIME: 8:15 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL