PRESIDENT DENCZAK:: With a quorum being present, the Chair calls this meeting to order. Roll call please.

### ROLL CALL TAKEN BY CLERK TIMBERLAKE:

12 COUNCILMEMBERS PRESENT: (DON 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)

#### ALL 12 COUNCILMEMBERS PRESENT

The regular meeting of Canton City Council was held on Monday, May 8, 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 Councilmember At Large, Bill Smuckler followed by the Pledge of Allegiance led by President Ray Denczak.

PRESIDENT DENCZAK: Thank you Member Smuckler.

### **AGENDA CORRECTIONS & CHANGES**

PRESIDENT DENCZAK: Agenda corrections Members of Council.. You're being asked to suspend Rule 22A to add the second readings of Ordinance #5 & 6. Member Casar, the Chair will recognize that motion at this time.

MEMBER CASAR: Mr. President. I move we suspend rule 22A and add ordinances 5 & 6 to this evening's agenda; seconded.

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

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A is suspended and Ordinances #5 & 6 are a legal part of your agenda. You are being asked to suspend Rule 24B to add Resolution 50 to the agenda. Member Casar, the Chair will recognize that motion.

MEMBER CASAR: Mr. President, I move we suspend Rule 24B and add Resolution #50 to this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 24B. Are there any remarks?... If not, roll call vote please.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 24B is suspended and Resolution #50 is a legal part of your agenda. The Chair understands also that you're also going to be asked to consider Ordinance #1 this evening and pass it in its entirety. This brings your agenda up to date.

#### **PUBLIC SPEAKS**

PRESIDENT DENCZAK: No one has signed up for Public Speaks.

# **PUBLIC HEARING**

PRESIDENT DENCZAK: We have no scheduled Public Hearing at this time.

# **INFORMAL RESOLUTIONS**

PRESIDENT DENCZAK: It will not be necessary to excuse members. Let the journal show that all members of Council are present. Resolution #50, please.

NOTE: PRESIDENT DENCZAK CALLED UPON THE CLERK OF COUNCIL TO READ INFORMAL RESOLUTION #50 BY AGENDA TITLE. INFORMAL RESOLUTION #50 IS LISTED BY AGENDA TITLE, AND ON FILE IN ITS ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED MAY 8, 2006.

#50 PERSONNEL COMMITTEE: APPOINTMENT OF KAREN BUTERA TO SERVE ON THE ZONING BOARD - ADOPTED

PRESIDENT DENCZAK: Mr. Casar.

MEMBER CASAR: Mr. President. I move we adopt Resolution #50; seconded.

PRESIDENT DENCZAK: Moved and seconded to adopt Resolution #50. Are there any remarks under this Resolution?... Very well, by voice vote, all those in favor, signify by saying aye. Those opposed no.

**NO REMARKS** 

RESOLUTION #50 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted.

# **COMMUNICATIONS**

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

- 237. AUDITOR, MALLONN (CITY): SUBMITTING JANUARY 1, 2006 APRIL 28, 2006 YEARLY REPORT BY FUNDS. RECEIVED & FILED
- 238. AUDITOR, MALLONN (CITY): SUBMITTING APRIL 1, 2006 APRIL 28, 2006 MONTHLY REPORT BY FUNDS RECEIVED & FILED
- 239. AUDITOR, PEREZ (COUNTY): RESPONSE REGARDING TESTING OF OCTANE LEVELS IN GASOLINE. RECEIVED & FILED
- 240. CANTON MUNICIPAL COURT: SUBMITTING 2005 ANNUAL REPORT. RECEIVED &

**FILED** 

- 241. CARBENIA, J. WARD 9, CNCLMBR, (CITY): REQUEST TO INITIATE COST ANALYSIS (AMPCO VS. CITY). - RECEIVED & FILED
- LAW DIRECTOR MARTUCCIO, (CITY): REQUEST AUTHORIZATION TO PREPARE AN 242. ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO SIGN AN AGREEMENT ON BEHALF OF THE CITY OF CANTON FOR A PARCEL IN NORTH CANTON. -INTERGOVERNMENTAL & PUBLIC SERVICE
- 243. LIQUOR CONTROL DIVISION (OHIO): SUBMITTING NOTICE OF HEARING FOR RENEWAL OF PERMIT (JOHN E. JOHNSON, DBA CAROUSEL LOUNGE, 3012 ATLANTIC BOULEVARD, NE) - INTERGOVERNMENTAL & PUBLIC SERVICE
- 244. LIQUOR CONTROL DIVISION (OHIO): SUBMITTING NOTICE OF HEARING FOR NEW PERMIT APPLICATION (GOLFERS AND HACKERS, INC., DBA DIGGERS, 2001 KIMBALL ROAD SE). - INTERGOVERNMENTAL & PUBLIC SERVICE
- 245. LIOUOR CONTROL DIVISION (OHIO): SUBMITTING NOTICE OF CONTINUATION OF PROCESSING RE (ID ABBOU, INC., DBA HALL OF FAME MARKET, 704 SHERRICK ROAD., SE, UNIT A). - INTERGOVERNMENTAL & PUBLIC SERVICE
- 246. SAFETY DIRECTOR HUNT: REQUEST FOR SEVERAL PROPERTIES TO BE CERTIFIED FOR DEMOLITION. - COMMUNITY & ECONOMIC DEVELOPMENT
- SERVICE DIRECTOR CONCATTO, (CITY): REQUEST TO CERTIFY LIST TO BE 247. PRESENTED TO STARK COUNTY AUDITOR FOR LIENS TO BE ASSESSED. -INTERGOVERNMENTAL & PUBLIC SERVICE
- 248. SERVICE DIRECTOR CONCATTO, (CITY): REQUEST AUTHORIZATION TO ENTER INTO CONTRACT WITH GREAT LAKES ENERGY PARTNERS, LLC REGARDING NATURAL GAS RESERVE. - ENVIRONMENTAL & PUBLIC UTILITIES
- 249. SERVICE DIRECTOR CONCATTO, (CITY): REQUEST LEGISLATION ALLOWING CITY TO ACCEPT \$1,000,000.00 GRANT, AUTHORIZE BURGESS & NIIPPLE LTD TO PROCEED WITH DESIGN, SET UP A SPECIAL ACCOUNT FOR FUNDS AND AUTHORIZE TO APPROPRIATE FUNDS . - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE
- 250. TREASURER, SCHIRACK (CITY): SUBMITTING APRIL 2006 REPORT FOR ACCOUNT OF PARKING METER REVENUE . - RECEIVED & FILED
- TREASURER, SCHIRACK (CITY): SUBMITTING APRIL 2206 REPORT FOR ACCOUNT OF 251. DEPOSITS AND PAY INS MADE TO THE AMBULANCE LOCK BOX ACCOUNT. -RECEIVED & FILED

PRESIDENT DENCZAK: We're now under Ordinances for First Reading. Let the journal show that all ordinances are being given their reading as required by State Law. Ordinance #1 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK TIMBERLAKE TO READ THE ORDINANCES #1 THROUGH #4 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS. NOTE: ORDINANCE #1 WAS READ AND PASSED ON THE FIRST READING AS FOLLOWS:

- #1 (1<sup>ST</sup> RDG)

  ADOPTED AS ORDINANCE #84/2006 AN ORDINANCE DECLARING 16
  BUILDINGS TO BE PUBLIC NUISANCES; AUTHORIZING THE DIRECTOR OF
  PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE DEMOLITION OF SAID
  BUILDINGS; AUTHORIZING THE CLERK OF CANTON CITY COUNCIL TO CERTIFY
  THE COSTS OF DEMOLITION TO THE STARK COUNTY AUDITOR; AND
  DECLARING THE SAME TO BE AN EMERGENCY
  Referred to Community Economic Development
- #2 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2006, AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY Referred to Finance Committee
- #3 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY Referred to Finance Committee
- #4 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO MAKE PAYMENT TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION FOR THE PURPOSE OF GRANTING A LOAN TO GREYSTONE LIMITED PARTNERSHIP; AMENDING APPROPRIATION ORDINANCE NO. 1/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY Referred to Public Property Capital Improvement and Finance Committees

PRESIDENT DENCZAK: At this time, the Chair is gonna declare an in-house recess for the Community and Economic Development Committee to meet in regards to Ordinance #1 on your agenda. You're now in recess.

COUNCIL RECESSED FROM 7:39PM TO DISCUSS AND ADOPT ORDINANCE #1. COUNCIL RECONVENED AT 7:42PM TO RETURN AND ADOPT ORDINANCE #1 TO THE AGENDA.

PRESIDENT DENCZAK: Council is reconvening after the recess. Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinance #1 back on this evening's agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Ordinance #1 back to the agenda.

Are there any remarks?... If not, roll call vote please.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #1 is a legal part of your agenda Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Statutory Rules on Ordinance #1; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #1. Are there any remarks?... If not, roll call vote please.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Member Casar, you've heard the three readings of Ordinance #1.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #1; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #1. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #1 is adopted. O#1 IS ADOPTED AS ORDINANCE #84/2006

#### ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #5 & 6 FOR THE SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS

#5. (2<sup>ND</sup> RDG) A RESOLUTION APPROVING A STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE DIANO ANNEXATION AREA UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH STARK COUNTY TO PURCHASE THE RIGHTS AND OR EXISTING INFRASTRUCTURE FOR THE SEWER SERVICE FOR THE DIANO ANNEXATION AREA; AND DECLARING THE SAME TO BE AN EMERGENCY

#6. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$23,785.00 TO WESTERN BRAND DIESEL, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY

#### ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for their third and final reading. Ordinance #7 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #4 THROUGH #8 FOR THE THIRD TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. ALL THE ORDINANCES WERE ADOPTED BY COUNCIL FOLLOWING THEIR THIRD READING.

#7 (3<sup>RD</sup> RDG) <u>ADOPTED AS ORDINANCE #85/2006</u> AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PART OF LOTS 1663 AND 1664 AND ALL OF LOTS 42491 AND 42492; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT DENCZAK: Member Casar.

MEMBER CASAR: Mr. President, I move to adopt Ordinance #7; seconded

PRESIDENT DENCZAK: Moved and seconded to adopt Ordinance #7. Are there any remarks under this Ordinance? Very well, roll call vote.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK : Ordinance #7 is adopted. #7 ADOPTED AS ORDINANCE # 85/2006

## ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER HAWK: Mr. President. Finance Committee will meet at 6:45 on May 15<sup>th</sup>.

MEMBER DOUGHERTY: Mr. President. Public Property Capital Improvement will also meet at 6:45 on the 15<sup>th</sup>.

MEMBER KRAUS: Mr. President. Public Safety and Thoroughfare, 6:45 on the 15<sup>th</sup> of May.

MEMBER DENCZAK: Anybody else?

MEMBER WEST: Mr. President. Judiciary will meet May 15<sup>th</sup>, 6:45.

# PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: We're now under Public Speaks. We have one person signed up. Sandy Belliveau.

MS. BELLIVEAU: Hello, Sandy Belliveau, 1022 5th Street NW, Canton, OH 44703. I'm here tonight to invite Council and the other members here to our "Prostitution John March" sponsored by our association. (*Audience reaction*) All rightie. The new active neighborhood association, we've branched off from Summit United and we have our own association now. This is sponsored by us and the Canton City Police Department. We, for a while, we were pretty, we were doing pretty well as far as the hookers and the johns but we've got a new batch in now that are just, have no idea, all the work that we've put into it, so. This suggestion was made to us through the Police Department and I'm sure it was discussed with Mr. Hunt and Mayor Janet. Thank you. Thank you

for trying to help us and come up with ideas. We really do appreciate it. We know it's not the end, but, you know, we're a pretty feisty bunch back there, so we're pretty much game to whatever. I mean, whatever goes, you know, you don't have to worry about us comin' out, we're already out. We're just waitin' for an ok because we, we're tired of, you know, I never thought... all the houses I've ever lived in. I never would wake up in the morning and say gee, I don't see no hooker and it's noon. I mean, you take for granted that, when you live in a normal area that functions normally, you just, you don't think of those things. We think about those things all the time, or hey, I got to sleep all night and I didn't hear somebody out in the road screaming and hollering at cars at 3 in the morning. You know, it's, so, I know, I know that the Mayor and the Safety Director is working on this with us and so is Chief McKimm and the Canton City Police Department who has been, just, just super for the last two years in really trying to have really really; I would challenge any other Police Department nationwide to do what our Police Department's done for us. I just, I don't, I think this is really an extraordinary situation to really go to bat for a neighborhood. I think this is a golden opportunity. We're having ...the march will be on Saturday at 2:30 pm. It starts off at the Cuyahoga Train Station, which is on Tusc, right between Brown and Downtown Ford. It will end up at the Police sub-station, at the corner of 7<sup>th</sup> and Fulton. We are expecting somewhere between 100 and 200 people. I just got back from our leadership meeting and our leaders of the Canton City Neighborhoods know about it have also got fliers and if possible, I don't know if this is possible, but, we have fliers here. Can I leave them at the back in case anyone would like to pick one up. That'll be, will give you the time and the date frame. Thank you in advance for coming and supporting us. (APPLAUSE)

# **MISCELLANEOUS BUSINESS**

PRESIDENT DENCZAK: We're now under Miscellaneous Business. Is there any Miscellaneous Business? Members of Council, I have an email here. It's in regards to the condition of Fire Chief Scott, and it says: Hi there, sorry I've been off the last 2 weeks. Just got back today. This is from Anita McAllister. All I've heard today is that he is home and expects to be off for at least one month. I think he took a stress test last week but haven't heard how it has come out yet. When I hear any more, I will let you know. That was dated today. Is there any other Miscellaneous Business?

MEMBER SMUCKLER: Mr. President. On Thursday, May 18<sup>th</sup> 2006, there will be an open public meeting to discuss the possibilities of charter government for the City of Canton. The meeting will be held at 6:30 here in Canton City Council Chambers. Um, the focus will be Mr. Scott Felmeth who's an attorney at law who took Canal Fulton, moved them as a government, as they are from village to charter and also John Gotherman from the Ohio Municipal League who has done a number of Charters around the state. There will be a panel discussion in here at 6:30 on May 18<sup>th</sup>.

PRESIDENT DENCZAK: Mr., Member Smuckler, would you send me a note to get permission to use the Chamber for that night?

MEMBER SMUCKLER: Ah, Mr. Denczak, I cleared it with your staff that told me that they discussed it with you.

PRESIDENT DENCZAK: Ah, it is not Mr. Denczak, it's Mr. President.

MEMBER CIRELLI: Mr. President Denczak.

PRESIDENT DENCZAK: The meeting for the charter form of government will be held in the men's restroom.

MEMBER SMUCKLER: Mr. Denczak. Mr. Council President. I want you to know when I sat up there at the

Chair at the meeting you missed, you should have heard that crew talk about me and you over there. (LAUGHTER)

PRESIDENT DENCZAK: Was it complimentary?

MEMBER ZACHARY: No.

MEMBER SMUCKLER: For neither one of us.

PRESIDENT DENCZAK: Well, from now on, this side will never be recognized again. (*LAUGHTER*) Is there any other Miscellaneous Business?

MEMBER WEST: Yeah, this past Saturday, I attended the 'save our sons' meeting down at the Canton Negro Oldtimers Association and they were talking about the different strategies and solutions that could help with a lot of the young men and young women that are out on the streets creating havoc, if you will. I'm trying to save our kids from all the problems that are going on. My concern right now is that last week we had another person who died under the age of, well they were 18 years old, got stabbed, and I know that we have, we hired more police. We hired 10 more police to be out there on the streets to .....11? Eleven more police officers on the street to combat these problems but I think we have to look at another area as well and that's jobs. I know the city hires individuals but, Administration, I don't know who can answer this, but in terms of summer jobs, are we offering summer jobs for young people?

SAFETY DIRECTOR HUNT: Mr. President. The City is going to be hiring summer help. We have already sent the forms down to our Personnel Department. They are reviewing those this week.

MEMBER WEST: So, there's already people who have already applied for that, right?

SAFETY DIRECTOR HUNT: Yes.

MEMBER WEST: Do we know how many jobs there will be? I think as a Council, we need to petition the State and Federal Government for those summer jobs that we used to have when we were kids because I think that that could combat some of the problems that we're having. Right now a lot of kids are out there, they're selling drugs because there's no jobs out there that can afford them and we need to be able to help them in every effort we can. So, I just wanted to bring that up, bring it to people's attention because we got too many killings going on. Last year, we were ranked, what, 30<sup>th</sup>, in the nation or the country? Is that correct, Joe do you know?

LAW DIRECTOR MARTUCCIO: Mr. President. I believe that number is accurate.

MEMBER WEST: And we, I mean, in the last couple months, we have what, three murders? Three people killed to violence and we gotta stop this right now in its tracks so, we gotta do everything we can on our level to advocate for jobs and all these other intervention programs too to combat this problem.

PRESIDENT DENCZAK: Is there any other miscellaneous business?

MEMBER CIRELLI: Mr. President. Question to the Law Director. And, the lady that spoke triggered in my mind..... at one time and I suppose they're still doing it, they had cameras, the police would put, of the cars and the vehicles in the areas of high prostitution or what have you, but a lot of people called and, and said that they blanked out, and they did, the license plates. Why was that sir?

LAW DIRECTOR MARTUCCIO: Mr. President. Member Cirelli, I believe it was, in part, to avoid law suits for invasion of privacy. Obviously, if your car is in a public place, the public has a right to see your car and the license plates on it. But, for us to imply, as a government or seem to imply officially, the reason that car was in that neighborhood, was to commit a problem, could be problematic if there was an innocent explanation. So, while it's useful as a tool in law enforcement, you have to be careful how we use it. I would remind all of us that at one point, Time Warner was happy to scroll the names of convicted johns on their community access channel. We can, publicly, scroll the names of convicted people, on that format or other formats that are available to us so that's something we can resurrect again if you want to.

MEMBER CIRELLI: Mr. President and Law Director. Could you see that possibly that would be done might help some of the people because they're half responsible.

LAW DIRECTOR MARTUCCIO: Absolutely. I'll look into it.

PRESIDENT DENCZAK: Is there any other miscellaneous business?

MEMBER CARBENIA: Mr. President. I was wondering, while I was away over the weekend and I heard one of the department heads father had passed away. Does anybody know about that? Kevin Monroe?

PRESIDENT DENCZAK: Kevin Monroe.. It was his father.

MEMBER CARBENIA: Does anybody know if he has visiting hours or anything.

PRESIDENT DENCZAK: Yes, it's tonight from 6:30, I'll say 6 to 8, it could be 6 to 9 but I, I did attend this evening but, it's tonight yes.

MEMBER CARBENIA: Where?

PRESIDENT DENCZAK: At Roden on North Cherry.

MEMBER CARBENIA: Thank you.

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

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

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

**NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS** 

CLERK TIMBERLAKE: 12 yeas Mr. President.

PRESIDENT DENCZAK: This meeting is adjourned.

ADJOURNMENT TIME: 7:57 PM

ATTEST: APPROVED:

CYNTHIA TIMBERLAKE CLERK OF COUNCIL

RAY DENCZAK PRESIDENT OF COUNCIL