

**MINUTES OF THE MEETING OF JUNE 30, 2003**

*The regular meeting of Canton City Council was held on Monday, June 30, 2003, at 7:30 P.M. in the Canton City Council Chamber. The meeting was called to order by President of Council Ray Denczak. The roll call was then taken (as follows) by Clerk of Council Debbie Vanckunas. The invocation was given by Councilmember Rosemary Diamond, followed by the Pledge of Allegiance led by President of Council Denczak.*

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

ROLL CALL TAKEN BY CLERK OF COUNCIL:

12 COUNCILMEMBERS PRESENT: (BILL SMUCKLER, MARY M. BABCOCK, DONALD E. CASAR, GREG HAWK, KATHLEEN ALTIERI BUCHER, RICHARD A. MALLONN II, CRAIG MASSEY, JOHN R. MROCZKOWSKI, DAVID R. DOUGHERTY, RICHARD D. HART, ROSEMARY DIAMOND, & JOE CARBENIA)

NO COUNCILMEMBERS ABSENT

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT DENCZAK: Thank you, Member Diamond. Members of Council, the additions and corrections to your agenda. The Chair will recognize Rule 24B suspension to add Resolutions 56 and 57 to the agenda, Member Smuckler.

MEMBER SMUCKLER: I move we suspend Rule 22A, I'm sorry, 24B, and add Resolutions Number 56 and 57 to the agenda; seconded

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 24B to add Resolutions 56 and 57 to the agenda. 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 Resolutions 56 and 57 are a legal part of your agenda. To further bring your agenda up to date, Members of Council, the Chair will recognize Rule 22A to add second reading of Ordinances 19 through 26, and Ordinance 13A.

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 22A to add Ordinances 19 through 26 and 13A to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add the Ordinances 13A and second reading of 19 to 26 to the agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A has been suspended and Ordinance 13A and 19 to 26 are a legal part of your agenda. For your information, Members of Council, Ordinance 13A under first reading is being referred to the Environmental Pollution Committee of Council – Environmental and Public Utilities Committee. This brings your agenda up to date.

### PUBLIC HEARINGS

PRESIDENT DENCZAK: We have a scheduled public hearing this evening for 7:30. It's Canton's proposed tax budget for the fiscal year ending December 31, 2004. The Chair opens the public hearing in regards to this matter. Is there anyone in the audience wishing to speak for or against the Canton's proposed tax budget, please come forward... Is there anyone in the audience wishing to speak for or against the tax budget, please come forward... Is there anyone in the audience wishing to speak for or against the tax budget, please come forward... Apparently not, the Chair declares...

MEMBER SMUCKLER: Mr. President, before we close that hearing, based on some of the figures I showed you in there, can we get an explana-- would this be an appropriate time to...

PRESIDENT DENCZAK: Yes. If this is for Council's information?

MEMBER SMUCKLER: This would be for Council's information on the tax budget.

PRESIDENT DENCZAK: Yes, the tax budget vote won't come until next week, or next meeting. However, if you have some information that Council should be aware of, now would be the time to...

MEMBER SMUCKLER: I would like that Tad Ellsworth be allowed to speak for five minutes on the tax budget.

PRESIDENT DENCZAK: Well, let me -- let the Chair close the public hearing. Apparently, nobody wants to speak on it. So I'll close that and then I'll recognize you so that you can bring this matter to Council's attention. The Chair declares the public hearing over in regards to this matter. Member Smuckler, make the motion to allow Mr. Tad...

MEMBER SMUCKLER: I make a motion that Tad Ellsworth be allowed to address Council for five minutes; seconded.

PRESIDENT DENCZAK: Moved and seconded for Mr. Ellsworth to speak for five minutes. Are there any remarks?... If not, by voice vote all those in favor signify by saying aye---those opposed, no.

NO REMARKS

TAD ELLSWORTH ALLOWED TO SPEAK  
BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Is there a microphone for him to sit at?....

MEMBER SMUCKLER: Tad, under the General Fund under Exhibit A, I'm sorry, Exhibit 1 under Expenditures, current year estimated for 2003, Total Security of Persons and Property, I'm looking at. You have \$31,034,400.00.

As the budget estimated for 2004, you have \$31,491,000.00. Does that include the contract that was just passed by the CPPA which affects the FOP and drives everything else involved?

BUDGET DIRECTOR ELLSWORTH: No. When this budget was completed, those numbers were not known. The agreement with the CPPA was completed about a week ago, so those numbers were not included. However, the makeup of that agreement with the CPPA would not affect those numbers based on the projections that we have. In fact, it may actually reduce those numbers.

MEMBER SMUCKLER: Yes. How much does this reduce that number by then?

BUDGET DIRECTOR ELLSWORTH: For 2003 it would reduce it by an estimated \$40,000.00. I don't have those CPPA numbers in front of me. And for 2004 it would be approximately \$20,000.00. Not a significant reduction.

MEMBER SMUCKLER: Well then if -- I'm not sure what's driving the number then, if you've said that the contract's only gonna cost us...

BUDGET DIRECTOR ELLSWORTH: Again, and I explained this when we did talk about it, when you're talking about these contracts, what we're talking about is comparing an old contract to a new contract. By virtue of health care costs increasing, step increases and other things, those contracts are going up no matter what, unless we can negotiate away benefits they already have. So what...

MEMBER SMUCKLER: Which we did with -- I'm sorry, not we. Which you -- the Mayor, did with the health insurance.

BUDGET DIRECTOR ELLSWORTH: Right. And that -- and basically the changes in the health care insurance are to help us stave off new costs. It'll -- it's a break-even proposition. They were designed, the health care changes were designed for the City to not experience any new costs relative to health care. Now with the increases that were negotiated into the CPPA contract for 2004, they are offset by what we are saving on those health care costs.

MEMBER SMUCKLER: Then my question is why has this gone up in a proposal on the budget, \$400,000.00 from this year, when you actually have less personnel down there, you're not -- and you're -- according to your figures we're not giving any raise this year and actually based on the figures that you gave us last Monday night, actually according to your figures, the minimal increase was not that much based on driving the FOP and the management of the police. Why is it up...?

BUDGET DIRECTOR ELLSWORTH: You'll...

MEMBER SMUCKLER: Why is it up \$400,000.00?

BUDGET DIRECTOR ELLSWORTH: You'll remember from the explanation we gave on I think it was Wednesday night for the CPPA contract, that we projected that the cost would go up by \$200,000.00 by virtue of all the other things that are happening. With health care you have -- you can project 18% for certain on prescriptions, you can project 5 to 10% certain on hospitalization. Those costs will go up. What we're talking about -- and also you have step increases. There's a number of officers who will get step increases 'cause our contracts do not freeze step increases for our union folks. So, those costs were there in the presentation. You could see that the costs went from, I'm rounding up, 8 1/2 million to 8.7 million in 2003-2004 regardless of what happened because of those things that

drive those costs. Workers comp rates will go up. There's all kinds of things that will go up that we have very little control over.

MEMBER SMUCKLER: You take it into the tangible of what you started the year, added about the number of policemen versus what the number of policemen are right now.

BUDGET DIRECTOR ELLSWORTH: Right. Well, the number of policemen that these numbers are based on are based on where they're at right now.

MEMBER SMUCKLER: Which is whether these numbers be...

BUDGET DIRECTOR ELLSWORTH: 125 in the CPPA. There's also 47 in the FOP plus two members of management, the major and the chief, and I believe that's 173, off the top of my head.

MEMBER SMUCKLER: And that's what the tax budget was based on?

BUDGET DIRECTOR ELLSWORTH: That's correct.

MEMBER SMUCKLER: And the current 2003 estimated figures were based on the same number of people?

BUDGET DIRECTOR ELLSWORTH: That's correct.

MEMBER SMUCKLER: Well, then I'll call you because between now and then that we go to pass this, you're talking \$200,000 but there's -- according to some quick math, there's a \$461,000 difference in here.

BUDGET DIRECTOR ELLSWORTH: Well, that's right because you also have the Police -- the Fire Department is also included in Security Persons and Property and that's another -- that's a whole other group and there's twenty individuals in the lower steps that receive step increases quite rapidly in the Fire Department contract.

MEMBER SMUCKLER: Well, I will call you because like I said, we are in a situation where this is gonna have huge impact on whether we can afford or not afford the CPPA contract then. Thank you.

PRESIDENT DENCZAK: You're excused.

### **PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY)**

PRESIDENT DENCZAK: Public Speaks - Ordinances or Resolutions. No one has signed up for public speaks under ordinances and resolutions for adoption.

### **INFORMAL RESOLUTIONS**

PRESIDENT DENCZAK: Informal resolutions, it will not be necessary to excuse the members. Let the journal show that all Members of Council are present. Resolution number 54 please.

**PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #54 THROUGH 57 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED JUNE 30, 2003.**

54. INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE: OBJECTING TO THE TRANSFER OF C2, C2X, D6 LIQUOR PERMIT FOR CANTON PETROLEUM, INC dba GASCO EXPRESS MART, 3325 HARMONT NE. - ADOPTED BY COUNCIL

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution Number 54; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution 54. Are there any remarks under this Resolution?... Very well, by voice vote, all those in favor signify by saying aye. Opposed, no.

NO REMARKS RESOLUTION #54 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution 54 is adopted.

55. INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE: OBJECTING TO THE ISSUANCE OF A NEW C1, C2 LIQUOR PERMIT FOR AMEERS, INC dba IN 'N OUT, 805 MCKINLEY SW. - ADOPTED BY COUNCIL

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution Number 55; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution 55. Are there any remarks under this Resolution?... Very well, by voice vote, all those in favor signify by saying aye. Opposed, no.

NO REMARKS RESOLUTION #55 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution 55 is adopted.

**RULE 24B WAS SUSPENDED TO ADD #56 & 57:**

56. PERSONNEL COMMITTEE: CONFIRMING THE MAYOR'S APPOINTMENT OF GLENN STRONG TO FILL A VACANT TERM AS SECRETARY/TREASURER OF THE HARTFORD-HOUTZ POOR FUND BOARD. - ADOPTED BY COUNCIL (See C#259)

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution Number 56; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution Number 56. Are there any remarks under this Resolution?... Very well, by voice vote, all those in favor signify by saying aye. Opposed, no.

NO REMARKS RESOLUTION #56 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution Number 56 is adopted.

57. ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE: RECOMMENDING THAT THE ANNUAL COST OF LIVING ADJUSTMENT FOR SOLID WASTE MANAGEMENT BE WAIVED PURSUANT TO CODIFIED ORDINANCE SEC. 975.08(a). - ADOPTED BY COUNCIL (See C#270 & O#132/2003)

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution Number 57; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution Number 57. Are there any remarks under this Resolution?... Very well, by voice vote, all those in favor signify by saying aye. Opposed, no.

NO REMARKS

RESOLUTION #57 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution Number 57 is adopted.

### COMMUNICATIONS

PRESIDENT DENCZAK: All Communications are received as read.

***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 June 30, 2003***

254. AUDITOR PEREZ, CITY OF CANTON: REQUEST FOR ADDITIONAL AMENDED CERTIFICATE DATED 6/17/03. - CLERK OF COUNCIL
255. BUREAU OF MOTOR VEHICLES, 1970 WEST BROAD STREET, PO BOX 16520, COLUMBUS, OHIO 43216-6520, MARJI L. HYDEN, CHIEF, TAX DISTRIBUTION: ACKNOWLEDGING RECEIPT OF ORDINANCE 95/2003 RE: IMPOSING \$5.00 MUNICIPAL VEHICLE LICENSE FEE BEGINNING WITH 2004 REGISTRATION YEAR. - RECEIVED & FILED
256. CANTON FIRE DEPARTMENT: 2002 ANNUAL FIRE DEPARTMENT REPORT. - RECEIVED & FILED
257. HEALTH DEPARTMENT, CITY OF CANTON, 420 MARKET AVENUE NORTH, CANTON, OHIO 44702-1544, ROBERT E. PATTISON, HEALTH COMMISSIONER: REQUEST FOR ORDINANCE TO INCREASE APPROPRIATIONS IN GRANT FUNDS FOR CANTON CITY HEALTH DEPARTMENT. - LAW DIRECTOR (See O#2, 1<sup>st</sup> Rdg)
258. MAYOR RICHARD D. WATKINS, CITY OF CANTON: ADVISING OF PAUL BAIR'S APPOINTMENT ON CANTON CITY PLANNING COMMISSION FOR THE TERM 6/1/03-5/31/09. - RECEIVED & FILED
259. MAYOR RICHARD D. WATKINS, CITY OF CANTON: REQUEST COUNCIL AUTHORIZATION OF GLENN STRONG'S APPOINTMENT AS SECRETARY/TREASURER OF THE HARTFORD-HOUTZ POOR FUND BOARD. - PERSONNEL COMMITTEE (See Resolution #56, ADOPTED)
260. MUNICIPAL COURT, PRESIDING & ADMINISTRATIVE JUDGE STEPHEN F. BELDEN,

CANTON CITY HALL, 218 CLEVELAND AVENUE SW, CANTON OH 44702: REQUEST THE MAYOR ENTER INTO AGREEMENT WITH STATE OF OHIO TO RECEIVE A \$48,496 GRANT FOR THE MISDEMEANANT COMMUNITY SANCTIONS PROGRAM. - LAW DIRECTOR (See O#3, 1<sup>st</sup> Rdg)

261. OHIO DEPARTMENT OF TRANSPORTATION, PO BOX 899 , COLUMBUS, OHIO 43216-0899, JEFFREY M. HISEM, ADMINISTRATOR, OFFICE OF ESTIMATING: NOTICE OF EXECUTED COPY OF COOPERATIVE CONTRACT BETWEEN CITY & ODOT RE: IR-77 IMPROVEMENT. - RECEIVED & FILED, CC: SERVICE DIRECTOR
262. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF I-1 LIGHT INDUSTRIAL, I-2 HEAVY INDUSTRIAL, B-3 GENERAL BUSINESS, & R-1C, SINGLE FAMILY RESIDENTIAL ZONING FOR I-77/FAIRCREST ANNEXATION AREA. - LAW DIRECTOR **PUBLIC HEARING SCHEDULED FOR 8/11/03 @ 7:30 PM**
263. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF VACATION OF BROOKS, LINWOOD, BELLFLOWER, ROSLYN, MARYLAND, 22<sup>ND</sup> & 23<sup>RD</sup> SW, AND REPLAT OF ALL OR PARTS OF VARIOUS LOTS & OUTLOTS REQUESTED BY MARATHON-ASHLAND. - LAW DIRECTOR (See O#4, 1<sup>st</sup> Rdg) **PUBLIC HEARING SCHEDULED FOR 7/28/03 @ 7:30 PM**
264. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF FINAL PLAT OF GATEWAY HOMES AS REQUESTED BY COOPER & ASSOCIATES FOR ABCD-GATEWAY PLACE LLC. - LAW DIRECTOR (See O#128/2003)
265. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF FINAL PLAT OF CHERRY HOMES AS REQUESTED BY COOPER & ASSOCIATES FOR ABCD-CHERRY HOMES LLC. - LAW DIRECTOR (See O#129/2003)
266. SAFETY DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUEST FOR APPROVAL OF DEMOLITION OF 2 PARCELS (1227 DOUGHERTY NW & 2024 21<sup>ST</sup> ST NE). - LAW DIRECTOR (See O#130/2003)
267. SAFETY DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUEST TO ACCEPT A \$6,320 GRANT FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY TO PURCHASE SOFTWARE &/OR HARDWARE FOR CANTON FIRE DEPARTMENT EMS INCIDENT REPORTING SYSTEM; & REQUEST \$6,320 SUPPLEMENTAL FROM THE 2812 EMS TRAINING & EQUIPMENT FUND. - LAW DIRECTOR (See O#8, 1<sup>st</sup> Rdg)
268. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO EXECUTE & DELIVER AN EASEMENT ON A PORTION OF COURT AVENUE SW TO CONSTRUCT, MAINTAIN, REPAIR, REPLACE, USE & OPERATE A PERMANENT UNDERGROUND UTILITY LINE FOR THE NATIONAL FIRST LADIES' LIBRARY. - LAW DIRECTOR (See O#131/2003)

269. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR CONSTRUCTION OF NEW BRICK SIDEWALK AT WESTBROOK VETERANS MEMORIAL PARK. - LAW DIRECTOR (See O#10, 1<sup>st</sup> Rdg)
270. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO WAIVE ANNUAL COST OF LIVING ADJUSTMENT FOR SOLID WASTE MANAGEMENT PURSUANT TO CODIFIED ORDINANCE 975.02, SECTION 4. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE (See Resolution #57, ADOPTED, & O#132/2003)
271. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF INCOME TAX CASH RECEIPTS AS OF 5/31/03. - RECEIVED & FILED
272. WILLIAMS, KELLY, 3304 - 9<sup>TH</sup> STREET SW, CANTON, OHIO 44710: LETTER OF COMPLAINT RE: LACK OF SANITATION SERVICES. - SERVICE DIRECTOR

### **ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT DENCZAK: Ordinances and 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 1 please.

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #13A FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS. FOLLOWING THEIR FIRST READING & A COMMITTEE MEETING, ORDINANCES #5, 6, 7, 9 and 13A WERE RETURNED TO THE AGENDA FOR ADOPTION.***

- #1 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN THE AMOUNT OF \$3,498.51 TO THE WORKSHOPS, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY.  
Referred to Finance Committee
- #2 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY.  
Referred to Finance Committee
- #3 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF OHIO FOR RECEIPT OF A GRANT FOR THE MISDEMEANANT COMMUNITY SANCTIONS PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY.  
Referred to Finance Committee
- #4 (1<sup>ST</sup> RDG) AN ORDINANCE VACATING PORTIONS OF MARYLAND, ROSLYN, BELLFLOWER, LINWOOD, AND BROOKS AVENUES SW; 22<sup>ND</sup> STREET SW AND 23<sup>RD</sup> STREET SW; APPROVING AND ACCEPTING THE REPLATTING OF ALL OR PARTS OF LOT NOS. 30409, 30412 - 30422, 31481 - 31502, 31568, 31681 - 31724,



31815 - 31896, 32008 - 32086, 32195 - 32234, 34366 - 34375, 34379 - 34380 AND  
OUTLOTS 653 AND 654; AND DECLARING THE SAME TO BE AN EMERGENCY.  
~~PROBBERN7/28/03@7:30 PM~~  
Referred to Public Safety & Thoroughfares Committee

- #5 (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 128/2003** AN ORDINANCE APPROVING AND ACCEPTING THE FINAL RECORD PLAT OF GATEWAY HOMES IN THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY.  
Referred to Public Safety & Thoroughfares Committee
- #6 (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 129/2003** AN ORDINANCE APPROVING AND ACCEPTING THE FINAL RECORD PLAT OF CHERRY HOMES IN THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY.  
Referred to Public Safety & Thoroughfares Committee
- #7 (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 130/2003** AN ORDINANCE DECLARING 2 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 and Finance Committees
- #8 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A GRANT IN THE AMOUNT OF \$6,320.00 FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY - DIVISION OF EMERGENCY MEDICAL SERVICES FOR THE FIRE DEPARTMENT; AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY.  
Referred to Finance Committee
- #9 (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 131/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE AND DELIVER TO THE NATIONAL FIRST LADIES' LIBRARY AN EASEMENT ON PROPERTY OWNED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY.  
Referred to Public Safety & Thoroughfares Committee
- #10 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE CONSTRUCTION OF A NEW BRICK SIDEWALK AT WESTBROOK VETERANS MEMORIAL PARK; AND DECLARING THE SAME TO BE AN EMERGENCY.  
Referred to Park & Recreation and Finance Committees
- #11 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING ORDINANCE NO. 28/2003 AND AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO FILE AN APPLICATION TO THE STATE OF OHIO TO PARTICIPATE IN THE CLEAN OHIO ASSESSMENT-ASSISTANCE FUND, APPLY FOR FINANCIAL ASSISTANCE AND ADMINISTER THE FUNDS RECEIVED; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF

PUBLIC SERVICE TO ENTER INTO CONTRACT FOR PROFESSIONAL ENVIRONMENTAL SERVICES IN ACCORDANCE WITH THE REQUIREMENTS OF THE CLEAN OHIO ASSESSMENT-ASSISTANCE FUND APPLICATION; AND DECLARING THE SAME TO BE AM EMERGENCY.

Referred to Community & Economic Development and Finance Committees

#12 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT FOR THE PURCHASE, SALE AND EXCHANGE OF REAL ESTATE BETWEEN THE CITY OF CANTON, CANTON CITY SCHOOL DISTRICT BOARD OF EDUCATION AND MICHAEL A. GRAVILLA; AND DECLARING THE SAME TO BE AN EMERGENCY.

Referred to Public Property Capital Improvement Committee

#13 (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING A NINETEEN MONTH COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANTON AND CPPA LOCAL 98; AND DECLARING THE SAME TO BE AN EMERGENCY.

Referred to Personnel Committee

#13A (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 132/2003** AN ORDINANCE WAVING THE ANNUAL ADJUSTMENT TO THE BASE SANITATION RATE AS ESTABLISHED BY THE CONSUMER PRICE INDEX PURSUANT TO SECTION 975.08, SANITATION RATES, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY.

Referred to Environmental & Public Utilities Committee

PRESIDENT DENCZAK: At this time the Chair's going to declare an in-house recess for the Committees to meet on Ordinances 5, 6, 7 and 13A. You're now in recess. I'm sorry, also Number 9.

***AT 7:57 P.M., COUNCIL RECESSED FOR A COMMITTEE MEETING ON ORDINANCES NUMBER 5, 6, 7, 9 AND 13A, WHICH WERE RETURNED TO THE AGENDA FOR ADOPTION. PRESIDENT DENCZAK RECONVENED THE COUNCIL MEETING AT 8:09 P.M.***

PRESIDENT DENCZAK: Council's reconvening after the recess for committee meetings. We're back in session. Under first readings, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I would like to suspend Rule 22A and add Ordinances 5, 6, 7, 9 and 13A back to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Ordinances 5, 6, 7, 9 and 13A to the agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 22A has been suspended and Ordinances 5, 6, 7, 9 and 13A are a legal part of your agenda, Member Smuckler.

#5 **ADOPTED AS ORDINANCE NO. 128/2003** AN ORDINANCE APPROVING AND ACCEPTING THE FINAL RECORD PLAT OF GATEWAY HOMES IN THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY.

MEMBER SMUCKLER: Mr. President, I move we suspend statutory three readings of Ordinance Number 5; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance Number 5. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the three readings, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance Number 5; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance Number 5. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance Number 5 is adopted. **#5 ADOPTED AS ORDINANCE NO. 128/2003**

#6 **ADOPTED AS ORDINANCE NO. 129/2003** AN ORDINANCE APPROVING AND ACCEPTING THE FINAL RECORD PLAT OF CHERRY HOMES IN THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY.

MEMBER SMUCKLER: Mr. President, I move we suspend statutory three readings of Ordinance Number 6; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance Number 6. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the three readings, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance Number 6; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance Number 6. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance Number 6 is adopted. **#6 ADOPTED AS ORDINANCE NO. 129/2003**

#7 **ADOPTED AS ORDINANCE NO. 130/2003** AN ORDINANCE DECLARING 2 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.

MEMBER SMUCKLER: Mr. President, I move we suspend statutory three readings of Ordinance Number 7; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance Number 7. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the three readings, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance Number 7; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance Number 7. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance Number 7 is adopted. **#7 ADOPTED AS ORDINANCE NO. 130/2003**

#9 **ADOPTED AS ORDINANCE NO. 131/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE AND DELIVER TO THE NATIONAL FIRST LADIES' LIBRARY AN EASEMENT ON PROPERTY OWNED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY.

MEMBER SMUCKLER: Mr. President, I move we suspend statutory three readings of Ordinance Number 9; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance Number 9. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the three readings, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance Number 9; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance Number 9. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance Number 9 is adopted. **#9 ADOPTED AS ORDINANCE NO. 131/2003**

#13A **ADOPTED AS ORDINANCE NO. 132/2003** AN ORDINANCE WAVING THE ANNUAL ADJUSTMENT TO THE BASE SANITATION RATE AS ESTABLISHED BY THE CONSUMER PRICE INDEX PURSUANT TO SECTION 975.08, SANITATION RATES, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY.

MEMBER SMUCKLER: Mr. President, I move we suspend statutory three readings of Ordinance Number 13A; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Number 13A. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the three readings, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance Number 13A; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt 13A. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance Number 13A is adopted.

**#13A ADOPTED AS ORDINANCE NO. 132/2003**

### **ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT DENCZAK: Ordinances and formal resolutions for the second reading.

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #14 THROUGH AND INCLUDING #26 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCES #19, 20, 22, 24, 25 AND 26 WERE ADOPTED FOLLOWING THEIR SECOND READINGS.***

#14 (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING O.55/77 AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE AND DECLARING THE SAME TO BE AN EMERGENCY (LAVERNE DALE ZONE CHANGE) **PUB HRG 7/14/03 @ 7:30 PM**

#15 (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING ZONING O.55/77 AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE AND DECLARING THE SAME TO BE AN EMERGENCY. (LAMBOS [KFC] ZONE CHANGE) **PUB HRG 7/14/03 @ 7:31 PM**

#16 (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING O.55/77 AS AMENDED KNOWN AS THE CITY OF

ANTON ZONING ORDINANCE AND DECLARING THE SAME TO BE AN EMERGENCY (AULTMAN HOSPITAL. ZONE CHANGE)**PUB HRG 7/14/03 @ 7:32 PM**

#17 (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING O.55/77 AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE AND DECLARING THE SAME TO BE AN EMERGENCY (GRAVILLA/CCS ZONE CHANGE) **PUB HRG 7/14/03 @ 7:33 PM**

#18 (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING O.55/77 AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE AND DECLARING THE SAME TO BE AN EMERGENCY (WAL-MART ZONE CHANGE) **PUB HRG 7/14/03 @ 7:34 PM**

**RULE 22A SUSPENDED TO ADD #19-26:**

#19 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 133/2003** AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO CANTON TWP. AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE DIRECTOR TO ENTER INTO CONTRACT FOR THE EXTENSION OF SAID WATER MAIN AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we suspend statutory three readings of Ordinance Number 19; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance 19. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the three readings, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance 19, seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 19. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 1 NAY (CASAR)

PRESIDENT DENCZAK: Ordinance 19 is adopted.

**#19 ADOPTED AS ORDINANCE NO. 133/2003**

#20 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 134/2003** AN ORDINANCE AUTHORIZING THE SETTLEMENT OF BLACKTOP PAVERS SHEET METAL COATINGS INC. v. CITY OF CANTON, v. AMERICAN MOTORIST INSURANCE CO. et al., AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we suspend statutory three readings of Ordinance Number 20; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance Number 20. Are there

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the three readings, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance Number 20, seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance Number 20. Are there any remarks under this Ordinance?

MEMBER SMUCKLER: Mr. President, what fund is this coming out of?...like I don't already hazard a guess.

LAW DIRECTOR MARTUCCIO: It's coming in, Mr. President.

MEMBER SMUCKLER: This is coming in?

LAW DIRECTOR MARTUCCIO: It's money coming in.

MEMBER SMUCKLER: No. What fund is it going into?

LAW DIRECTOR MARTUCCIO: I believe the General Fund.

MEMBER SMUCKLER: This will go into the General Fund?

LAW DIRECTOR MARTUCCIO: I could stand corrected, but I believe so. We're bringing money in for the payment of expenses...

MEMBER SMUCKLER: I understand. I just wanted to -- was hoping you were gonna give me the General Fund answer. Oh, here we go.

SERVICE DIRECTOR MILLER: Mr. President. The money as I understand it in this fund was expended out of 4501 and some grant funds so it would have to be returned from whence it was spent.

MEMBER SMUCKLER: And that is the bad news. Okay.

PRESIDENT DENCZAK: Are there any other remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance Number 20 is adopted.

**#20 ADOPTED AS ORDINANCE NO. 134/2003**

#21 (2<sup>ND</sup> RDG) AN ORDINANCE ADOPTING THE CITY OF CANTON'S PROPOSED TAX BUDGET FOR FISCAL YEAR ENDING 12/31/04 AND DECLARING THE SAME TO BE AN EMERGENCY **PUBLIC HEARING HELD 6/30/03 @ 7:30 PM**

#22 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 135/2003** AN ORDINANCE AUTHORIZING DIRECTOR OF PUBLIC SAFETY TO ACCEPT A GRANT IN THE AMOUNT OF \$1,960.42 FROM OHIO DEPT OF PUBLIC SAFETY FOR THE FIRE DEPARTMENT; AMENDING APPROPRIATION O.236/2002 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we suspend statutory three readings of Ordinance Number 22; seconded..

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance Number 22. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the three readings, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance Number 22; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt 22. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance Number 22 is adopted.

**#22 ADOPTED AS ORDINANCE NO. 135/2003**

#23 (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING CHAPTER 1313, ELECTRICAL; CHAPTER 1315, PLUMBING; CHAPTER 1317, HEATING, VENTILATING & AIR CONDITIONING CODE; CHAPTER 1333, RESIDENTIAL BUILDING CODE; & CHAPTER 1351, PURPOSE & SCOPE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

#24 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 136/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO MAKE APPLICATION FOR & ACCEPT GRANT IN AN AMOUNT NOT TO EXCEED \$36,607 FROM THE OFFICE OF THE GOVERNOR'S HIGHWAY SAFETY REP FOR A SELECTIVE TRAFFIC ENFORCEMENT PROGRAM AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we suspend statutory three readings of Ordinance Number 24; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance Number 24. Are there any remarks?... If not, roll call vote please.



NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the three readings, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance Number 24, seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt 24. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance Number 24 is adopted.

**#24 ADOPTED AS ORDINANCE NO. 136/2003**

#25 (2<sup>nd</sup> RDG) **ADOPTED AS ORDINANCE NO. 137/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH FINKBEINER, PETTIS & STROUT IN AN AMOUNT NOT TO EXCEED \$23,500.00 TO CONDUCT A SANITARY SEWER STUDY; AMENDING APPROPRIATION O.236/2002 AS AMENDED BY MAKING THE TRANSFER HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY.

MEMBER SMUCKLER: Mr. President, I move we suspend statutory three readings of Ordinance Number 25; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance 25. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the three readings, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance Number 25; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance Number 25. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance Number 25 is adopted.

**#25 ADOPTED AS ORDINANCE NO. 137/2003**

#26 (2<sup>nd</sup> RDG) AN ORDINANCE AUTHORIZING THE PAYMENT OF THE MINIMUM SCOG ALLOCATION OF 5% FOR BALANCE OF 2003 AND DECLARING THE SAME TO BE AN EMERGENCY.

MEMBER SMUCKLER: Mr. President, I move we suspend statutory three readings of Ordinance Number 26; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance 26. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the three readings, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance Number 26; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 26. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance Number 26 is adopted.

**#26 ADOPTED AS ORDINANCE NO. 138/2003**

### **ORDINANCES & FORMAL RESOLUTIONS FOR THIRD READING**

PRESIDENT DENCZAK: We have no third readings of ordinances or resolutions.

### **ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER DIAMOND: Mr. President, Personnel Committee is going to meet Thursday, July 10<sup>th</sup> at noon.

PRESIDENT DENCZAK: Would you say that again please so everybody hears it.

MEMBER DIAMOND: Thursday, July 10<sup>th</sup> at noon.

PRESIDENT DENCZAK: At noon?

MEMBER DIAMOND: Uh-hum.

PRESIDENT DENCZAK: Other committees, please.

MEMBER BABCOCK: Mr. President, Public Safety and Thoroughfare will meet July 14<sup>th</sup> at 6:30.

MEMBER MALLONN: Mr. President, Parks & Recreation will meet Monday, July 14<sup>th</sup>, 6:15.

MEMBER MROCKOWSKI: Mr. President, Finance Committee will meet at 6:15 on July 14<sup>th</sup>.

MEMBER DOUGHERTY: Mr. President, Public Property Capital Improvement will also meet that evening, 6:15.

MEMBER MASSEY: Mr. President, Community Economic Development will meet July 14<sup>th</sup> at 6:30.

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

PRESIDENT DENCZAK: Public Speaks, Open Forum. We have three, four people signed up to speak this evening. First speaker is Keith Bell. You have to speak into the microphone there.

MR. BELL: I have a couple questions I'd like to...

PRESIDENT DENCZAK: State your name and address please.

MR. BELL: My name is Keith Bell and I live at 1135 Roslyn SW.

PRESIDENT DENCZAK: Okay.

MR. BELL: I have a couple questions. I feel that I'm being discriminated by law so I'd like to direct this to the Law Director if I could.

PRESIDENT DENCZAK: Alright.

MR. BELL: Would that be alright?

PRESIDENT DENCZAK: Yes.

MR. BELL: Okay. I don't understand because I called the State of Ohio and I got the laws on ATV's and they told me if I have a valid driver's license and I have proof of ID, you know, that's the same thing as a license, and I have full coverage insurance, that you're allowed to ride them on the road, but you have to check within your jurisdiction. So I live in Canton so I checked with Canton and they say I'm not allowed to ride it on the road, and what I was wondering why because we have scooters, there's horses, there's tractors, everything else is on the road, and if I hit you with my ATV, I have full coverage. You know, it's not like I'm not a kid, you know, I got a license, I have -- it's registered with the State of Ohio. And what is the law why you can't ride them on the road, but you can ride everything else on the road?

LAW DIRECTOR MARTUCCIO: Mr. President, I cannot off the top of my head -- if you can stay, I'll look through the Codified Ordinances with you. There may even be a state law on point that they neglected to tell you about. But I will look it up for you, if we can't find an answer.

MR. BELL: Well, see I talked to the prosecuting attorney and he says he don't know, but you're just not allowed. I said well the State says I am. You know what I'm saying? And I feel it's discrimination. I mean, you got all these kids out here on scooters and I can't ride my ATV on the road? I can see years ago, I understand that cause they didn't have lights. They didn't have anything. They didn't have the speeds to keep up with anything. Well, you know, I can -- I'm not gonna tear up and if you tear up, I mean that's more money for the City cause you're gonna get a fine just like you do if you tear up in a car. You know, one police officer told me, he says, well, you got all these kids. Well, kids ain't supposed to be on them in the first place. You know, and I think that's a law that needs

to be changed or at least looked at. You know, cause...

LAW DIRECTOR MARTUCCIO: Mr. President, it's not a form of discrimination. Discrimination only applies when a protected class is being discriminated against on the basis of race, religion, handicap, creed and so on and so on. However, I will look it up and if we can't find the answer tonight, we'll talk about it tomorrow.

MR. BELL: Well, I feel that I'm -- why I said this too is 'cause I can't get a motorcycle 'cause of my thumb, I have a deformed thumb and you can't work a throttle on the gas. Well a four wheeler, you can just push it, so it's, you know, it's real easy to operate. And I thought this is crazy. Now Wayne County, they passed a bill that you're allowed to have them on the street so I was told by one of our fine police officers, "then why don't you move there?". You know, that's ridiculous, you know when you're just talking to someone. You know, I like where I live. I live on Roslyn and, you know, I like the City of Canton. You know, my kids go to school here and you know, I just like it. But I think maybe -- is there any way we can change that or anything can be done about it?

LAW DIRECTOR MARTUCCIO: Mr. President, if there is a law against it, that law would have to be amended and that would have to come through City Council if it's a Codified Ordinance. I'm taking on face value that whoever you talked to at the State level was accurate about that.

MR. BELL: Yeah, I got a paper from them and I showed it to the police officer. I just talked to him, and I was at Dunkin' Donuts, believe it or not, and that's out of their jurisdiction. This is a Canton police officer sitting at Dunkin' Donuts, Car Number 30. I just happened to talk to him. (LAUGHTER) I'm sorry, but I'm gonna tell you the way it is—up in Canton South, and I said come on, man, give me a break, and you know what he told me? That's an old paper, and I said I can go down to the Motor Vehicles and get another one. That's -- they're the ones who gave it to me when I registered my four wheeler. I mean I paid for the license so that tells me that I should be able to ride on the street, right? Don't license go for your street?

PRESIDENT DENCZAK: You have a license?

MR. BELL: Yeah, I got a license.

PRESIDENT DENCZAK: A license plate?

MR. BELL: Well, it's called an off road license, but it's still a license. If he -- I could give my registration. If he'd go run this in the computer, it'll come back to me as a motor vehicle. And if any -- the State said if I get caught doing anything on that red light, stop sign, they said it would go against my driver's license, just like a car. You are -- you'll get points and everything. Now that's State, but you gotta go with what your juris-- you know, what your township says. So, I know we're allot bigger than Wayne County, but I don't feel I should have to move there.

PRESIDENT DENCZAK: Well, okay. Your three minutes are up, sir. But, you'll...

MR. BELL: You want to see this?

LAW DIRECTOR MARTUCCIO: Let's talk about it afterwards.

PRESIDENT DENCZAK: No, he'll see you after the meeting. Okay?

MR. BELL: Okay.

PRESIDENT DENCZAK: You stay there. He'll meet with you after the meeting.

MR. BELL: Alright.

PRESIDENT DENCZAK: Thank you. The next speaker's Jim Deselms. Am I pronouncing that correct? Did I pronounce that correct?

MR. DESELMS: Yeah, you did. Mr. President, my name is Jim Deselms, representing Marathon-Ashland Petroleum Refinery and I was here just in case...

PRESIDENT DENCZAK: State your address, please.

MR. DESELMS: P.O. Box 764, Bolivar, Ohio.

PRESIDENT DENCZAK: We have to -- the rules require that I have a home address, so give me your home address please.

MR. DESELMS: 1816 Old Trail Road, Bolivar, Ohio.

PRESIDENT DENCZAK: 18...?

MR. DESELMS: 1816 Old Trail Road.

PRESIDENT DENCZAK: Oak...?

MR. DESELMS: Old Trail Road.

PRESIDENT DENCZAK: Okay. Go ahead.

MR. DESELMS: And I simply put my name down in case there was any questions come up about Ordinance Number 4 on the vacation of the streets and replatting of the property down there at the refinery. But I have no comments.

PRESIDENT DENCZAK: Oh, I see, okay. You wanted to speak if there were any questions on that. Okay, fine. The next speaker is Teresa Almasy. Is that pronounced correctly?

MS. ALMASY: Mr. President, my name is Teresa Almasy. I live at 247 Linwood Avenue N.W. in Canton. I'm here on behalf of the McKinley Senior Baseball Team. At the beginning of the season their home field was at Don Scott. I'm not sure of the specific reasons, but as of June 14<sup>th</sup> the teams were no longer permitted to use Don Scott. Because all the ball fields had already been secured by other teams, this McKinley team is without a playing field. For example, last Saturday on June 28<sup>th</sup>, our ball team was originally scheduled to play a double header at Don Scott with Wadsworth at 12:00 noon. Instead the game was changed to one game only at 10:00 A.M. at Crenshaw Field. However, on arrival to the field there was already two teams practicing and they were not willing to give up the field which is perfectly understandable. We were again without a playing field, so the coach asked me to go to Bart--Bors Field to see if it was available and it was empty, so we ended up moving the game there. Our visitors from Wadsworth had to be rerouted to Bors field which caused them confusion and inconvenience. This was an embarrassment for the City of Canton. It was once again disappointing to the team and quite frustrating to the

parents. It made us appear incompetent. Mayor Watkins and City Council, in our efforts to improve the image of the City of Canton, to make it more convenient for the parents, more exciting and pleasurable for our players and visiting teams, to make it a thrilling experience for everyone, parents, players, visitors alike, would it not be the best choice to play ball at Thurman Munson which is available? Our tax dollars have paid for this baseball stadium. To not use it when it is needed is a waste of our money. Please consider this request. We need your help because we do not have a field to play in. Thank you.

PRESIDENT DENCZAK: Are you aware of this, Mr. Miller, Service Director?

SERVICE DIRECTOR MILLER: Mr. President, just as for clarification, I don't have last Saturday's schedule in front of me...

MEMBER ALTIERI-BUCHER: I do.

SERVICE DIRECTOR MILLER: But for the next four weeks for Thurman Munson, Thurman Munson is being used seven games this week, six games and a day camp next week, eight games the following week and five games the week thereafter. It is being used very extensively. It's being scheduled by the Rec Department in conjunction with the Civic Center in order to get seven or eight games out of it a week. It is used by high school teams in the Spring.

MS. ALMASY: Right. I know that.

SERVICE DIRECTOR MILLER: It is still used quite extensively. It's something that we're talking with the Rec Department about whether or not they want to take it over as far as scheduling's concerned. It's also a question of dollars. I did talk to the school today. We have in the past offered them Thurman Munson Stadium for a number of different purposes and they indicated the reason that Don Scott wasn't in use because there was some damage to the field when it was played on during the rain and that's why it was no longer available for use until those repairs were taken care of. Rec Department is the one that schedules fields. The fields are maintained in conjunction with Rec Department by Park Department as well, as well as the fact that there are a number of fields that are maintained by Canton City Schools. There are about four layers of bureaucracy involved in that and unfortunately sometimes those layers aren't talking to each other. There's no question about that. But, Thurman Munson Stadium is being used quite extensively.

MS. ALMASY: I can appreciate that, but you know, we as parents have paid for these boys to play baseball and the Booster Club from McKinley Baseball has paid a lot of money and there are no fields for these boys to play. There has to be some place for them to play.

SERVICE DIRECTOR MILLER: I would suggest one of the things that you do because Thurman Munson again is just one field...

MS. ALMASY: Well, that's fine.

SERVICE DIRECTOR MILLER: ...and it's pretty highly -- how they schedule this to call Recreation Department tomorrow, 456-4521, and talk to Nadine Sawaya and get with her to see whether or not you can work out the schedule that you have in your hand for the rest of the season on Rec Department fields. There are a number of those fields available, and if I can get a copy of that schedule, we'll look and see if there's something that can be done as far as putting a couple of those games in...

MS. ALMASY: That'd be great.

SERVICE DIRECTOR MILLER: ...at Thurman Munson at some point.

MS. ALMASY: That'd be great. Thank you.

PRESIDENT DENCZAK: The final speaker is Bill Aston.

MR. ASTON: Good evening. My name is Bill Aston. I live at 1924 Dennison N.W., Mt. Vernon neighborhood, Canton, Ohio. I'd like to thank City Council for letting me speak tonight. And, I noticed on tonight's agenda and checked with ahead of time that two weeks ago Member Hart and Vice President Smuckler asked to have clarification on the sexually-oriented businesses on the ordinance. I talked to the Law Director before the meeting also and he says that we do have some agreements with that, but basically just to keep Council and the residents here in the audience up to date on what's going on there, to highlight that, what's going on there, we're still getting some minors in there. We had one incident that we have photographs of from one of our picketers, a definite -- a minor going in. You know, hopefully that's slowing down. As far as them keeping up their property, they are doing so-so, but there's weeds all along right up against their building and out by the curbs near the blacktop and they're not keeping cleaned up, you know, as being a good neighbor, you know, things can get ahead of you a little bit. We had another person's parking a vehicle there that brushed one of the picketers and tried to accuse them and called the Police that the picketer actually hit the vehicle, it was a motorcycle. The police was called on that. Just little things, but we're only out there six to eight hours a week picketing, Friday nights, Sundays and then Monday evening so we're not being there all the time. We're not in their face, but we're keeping the public aware. I happened to be on the picket line tonight and heard most of the beeps and most of the cars that passed that responded were positive in our favor. There was a few that were kinda like in your face, you know, they beeped and then you saw some other gesture coming after that. Again, my purpose is to keep everybody informed and up to date on what's going on. We're not gonna go away. We're hoping they're not going away, and the Law Director mentioned that there was possibly some changes why that we did not have new legislation here, so we appreciate that that you are working forward with these issues. So, thanks for your time.

### **MISCELLANEOUS BUSINESS**

PRESIDENT DENCZAK: We're now under Miscellaneous Business. Is there any miscellaneous business?... (NO RESPONSE)

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

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

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN

ROLL CALL: 12 YEAS, 0 NAYS

ADJOURNMENT TIME: 8:42 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS  
CLERK OF COUNCIL

RAY DENCZAK  
PRESIDENT OF COUNCIL