

**MINUTES OF THE MEETING OF JULY 14, 2003**

*The regular meeting of Canton City Council was held on Monday, July 14, 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 Joseph Carbenia, 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 Council to order. Roll call vote please.

ROLL CALL TAKEN BY CLERK OF COUNCIL:

ALL 12 COUNCILMEMBERS PRESENT: (BILL SMUCKLER, DONALD E. CASAR, MARY BABCOCK, GREG HAWK, KATHLEEN Altieri-BUCHER, RICHARD MALLONN, CRAIG MASSEY, JOHN MROCZKOWSKI, DAVID DOUGHERTY, RICHARD HART, ROSEMARY DIAMOND, JOE CARBENIA)

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT DENCZAK: Thank you, Member Carbenia. Agenda Corrections, Members of Council, you're being asked to suspend Rule 22A to add Communication#292 from Safety Director Concatto in regards to an outdoor training range that will be referred to the Law Director. You're being asked to suspend 22A to add Ordinance 9A for first reading in regards to that same communication, the outdoor training range that will be added, referred to the Finance Committee. You're being asked to adopt Ordinance #4 under First Readings. There will be an in-house recess for that Committee to meet. Under second reading of ordinances, Ordinance #13 should state second reading please. I believe that brings your communications and ordinances up to date. Member Smuckler, the Chair will now recognize Rule 22A suspension.

MEMBER SMUCKLER: Mr. President, I move that we suspend Rule 22A to add Ordinances 10 through 17, communication #292 and Ordinance 9A to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add the second reading of Ordinances 10 to and including #17, Communication #292 from the Safety Director and Ordinance #9A for the outdoor training range. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: The second reading of Ordinance #10 through and including #17 and the Communication 292 and Ordinance 9A are a legal part of your agenda. This brings your agenda up to date members of Council.

**PUBLIC HEARINGS**

**PUBLIC HEARING #1, LAVERNE DALE ZONE CHANGE, 7:30 PM**

PRESIDENT DENCZAK: We have several scheduled public hearings at this time. We have a scheduled public hearing from 7:30 pm. It is a request by Laverna E. Dale Jr. to rezone 3827 Kirby Avenue NE from R-1A to PB-3 expansion

**MINUTES OF THE MEETING OF JULY 14, 2003**

of existing business, Laverne Dale Water Center. The Planning Commission recommends approval. The Chair now opens the public hearing in regards to this matter. Is there anyone in the audience wishing to speak for or against this rezone, please come forward... Is there anyone in the audience wishing to speak for or against this rezoning, please come forward... Is there anyone in the audience wishing to speak for or against this rezoning, please come forward... Apparently not, the Chair declares the public hearing over in regards to this matter. The ordinance will follow later this evening.

**PUBLIC HEARING #2, LAMBOS ZONE CHANGE, 7:31PM**

PRESIDENT DENCZAK: We have a scheduled public hearing for 7:31. A request by Lambos Investment Partners to rezone 121 Smith Avenue NW from R-1A to PB-3 to provide additional parking and longer drive thru for a new KFC Restaurant. The Planning Commission recommends approval. The Chair declares the public hearing open in regards to this matter. Is there anyone in the audience wishing to speak for or against this rezoning, please come forward... Is there anyone in the audience wishing to speak for or against this rezoning, please come forward... Is there anyone in the audience wishing to speak for or against this rezoning, please come forward... Apparently not, the Chair declares this public hearing over and the matter now rests in the hands of Council. An Ordinance will follow later this evening.

**PUBLIC HEARING #3, AULTMAN HOSPITAL ZONE CHANGE, 7:32PM**

PRESIDENT DENCZAK: We have a scheduled public hearing for 7:32. It is a request by Aultman Hospital to rezone lots on the north side of 6<sup>th</sup> Street SW from B-2, R-1A & B-1 to PCS for a 4-story addition with helipad. The Planning Commission recommends approval. The Chair opens this public hearing in regards to this matter of this rezoning. Is there anyone in the audience wishing to speak for or against this rezoning, please come forward. State your name and address please.

MR. FRIEDL: Ed Friedl, 1010 Edgewood Street, North Canton.

PRESIDENT DENCZAK: Go ahead.

MR. FRIEDL: Aultman Hospital's plan is to construct a \$90 million addition, four stories, 310,000 square feet. This addition will house programs of the Heart Program, Women's Program, new emergency room and Trauma Program. As stated in our application the helipad will be located on the roof of the new facility. This new addition will be further connected by a lobby and tunnels and bridges at all levels. The proposed area for this addition currently follows zoning district of B-2, R-1A and B-1 and we're requesting to rezone to PCS Community Service District. Aultman Hospital respectfully asks the City of Canton approve this request to rezone to allow our facility to start construct later this year. Thank you.

PRESIDENT DENCZAK: Is there anyone else in the audience wishing to speak for or against this rezone, please come forward... Is there anyone else in the audience wishing to speak for or against this rezoning, please come forward... Is there anyone else in the audience wishing to speak for or against this rezoning, please come forward... Apparently not, the Chair declares the public hearing over in regards to this matter and the ordinance will follow later this evening.

**PUBLIC HEARING #4, GRAVILLA ZONE CHANGE, 7:33PM**

PRESIDENT DENCZAK: We had another scheduled public hearing for 7:33 pm. It is a request by Michael Gravilla and Canton City Schools to rezone 400-409 Fulton NW from R-1A to PB-4 to relocate existing business "Clean-ups

**MINUTES OF THE MEETING OF JULY 14, 2003**

by Mike.” The Planning Commission recommends approval. The Chair opens the public hearing in regards to this matter now. Is there anyone in the audience wishing to speak for or against this rezoning, please come forward... Is there anyone else?... Is there anyone in the audience wishing to speak for or against this rezoning, please come forward... Is there anyone else wishing to speak for or against this rezone, 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 will follow later this evening.

**PUBLIC HEARING #5, WAL-MART ZONE CHANGE, 7:34PM**

**PRESIDENT DENCZAK:** We have a final public hearing scheduled for 7:34 pm. It’s a request by Canton Associates to rezone 3200 Atlantic Boulevard NE from B-3 to PB-4 for a Wal-Mart Supercenter. The Planning Commission recommends approval. The Chair opens the public hearing with regards to this matter. Is there anyone in the audience wishing to speak for or against this rezone, please come forward.

**MS. MIGGINS:** Mr. President, I’m Lynn Miggins from KS Associates, 260 Burns Road, Elyria, Ohio 44035 representing Wal-Mart Stores. As you know, our plan is to build a new super center at the southwest corner of Harmont and US 62. The land is properly zoned for the store at this point in time and for a future gas station with the exception of the activities that we’d like to conduct at a tire and lube express center which follow under your service station zoning classification. Therefore, that’s the reason for our rezoning request. We are respectfully asking for your approval. Thank you.

**PRESIDENT DENCZAK:** Is there anyone else in the audience wishing to speak for or against this rezone, please come forward... Please come forward.

**MS. FILIGNO:** I wasn’t planning to talk about it.

**PRESIDENT DENCZAK:** State your name and address please.

**MS. FILIGNO:** My name is Sophie Filigno. I live at 2230 - 40<sup>th</sup> Street NW in Canton 44709. And, I wasn’t planning to talk about this but I saw this on the agenda and I just came here for the meeting tonight to listen and I was wondering why there has to be a zoning change when across the street K-Mart has a gas station and they used to have a service station for automobiles and previous to that, the store, I don’t know which store it was but it was one of the stores previous to this, also had a gas station and a service station over there. And, I was wondering why you have to change the zoning now.

**PRESIDENT DENCZAK:** The Law Department advises me, the Law Director, advises me that K-Mart is not in the City of Canton, it’s in Plain Township.

**MS. FILIGNO:** But previous to this, I remember, many years ago when I was a teenager growing up in that neighborhood. Previous to this, there was a gas station in there, over there, and there was a service station, Diano Radiator, just to name one name. But, there was a service station, I believe, there too. And I was wondering why now the zoning has to be changed when previous to this, I would say in the 1960s was when these facilities were there and why now you have to have the zoning change?

**MINUTES OF THE MEETING OF JULY 14, 2003**

LAW DIRECTOR MARTUCCIO: Mr. President, Ms. Filigno. That area, that particular business use might have fallen out of use for a period of time sufficient enough to let the zoning come back to what the City now has it zoned for. In other wards, it didn't exist long enough to grandfather it so they have to start from scratch and they have to honor our current zoning system and the people have sent a representative to say tonight, and they've done so in writing, that they would like a variance or change from it so that they can fit this lubrication business into that zoning.

MS FILIGNO: But if I were someone living in that area, I would question that and I would wonder why there has to be a new type of zoning just for this specific purpose, and, I would wonder about that and I would question that. Also, I wonder if it's, going to tear down the old building and rebuild new or if they're going to use the existing building. That really wasn't stated by the lady who came forward to speak.

MAYOR WATKINS: Mr. President, Ma'am. To the best of my understanding the old building will be demolished and will be replaced by a brand new structure by Wal-Mart. The primary reason for the change was that the old zoning expired because of this use for a number of years and has fallen under the new zoning regulations which require that they go through these kind of hoops in order to get the proper zoning. They have done all that and we certainly welcome Wal-Mart into our community.

MS. FILIGNO: Oh, I know this will be the second store in fact. I was wondering, how this will harm the business for K-Mart across the way. I'd hate to see K-Mart close. Thank you.

PRESIDENT DENCZAK: One moment ma'am... Ma'am, did you also sign up to speak for.....?

MS. FILIGNO: Yes I did.

PRESIDENT DENCZAK: Ok, fine. Thank you. You're excused.

MS. FILIGNO: Thank you.

PRESIDENT DENCZAK: Is there anyone else in the audience wishing to speak for or against this rezone, please come forward... Is there anyone else in the audience wishing to speak for or against this rezoning, please come forward... Is there anyone else in the audience wishing to speak for or against this rezoning, 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 will follow later.

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

PRESIDENT DENCZAK: Under Public Speaks Ordinances or Resolutions for adoption, one person signed up to speak--former Judge Harold DeHoff--but he informs the Chair that he wants his name withdrawn. That he is for the rezoning on Ordinance #16.

**INFORMAL RESOLUTIONS**

**MINUTES OF THE MEETING OF JULY 14, 2003**

PRESIDENT DENCZAK: Informal Resolutions, excusing members will not be necessary. Let the journal show that all members of Council are present. Before we go to the commending Ulster Project, for now, the Chair is going to request all council members to exercise their prerogative here to go directly to ordinances.

**ORDINANCES & FORMAL RESOLUTIONS FOR THIRD READING**

PRESIDENT DENCZAK: Under third and final reading, Ordinances #19, 20, 21, 22, and 23. We'll take care of these at this time. Let the journal show that all ordinances have been given their readings as required by State Law. Ordinance #19 please.

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #19-23 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS.***

#19 (3<sup>rd</sup> RDG) **ADOPTED AS ORDINANCE NO. 139/2003** AN ORDINANCE AMENDING ORDINANCE NO. 55/77 AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT DENCZAK: 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: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #19 is adopted.

**ADOPTED AS ORDINANCE NO. 139/2003**

#20 (3<sup>rd</sup> RDG) **ADOPTED AS ORDINANCE NO. 140/2003** AN ORDINANCE AMENDING ORDINANCE NO. 55/77 AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT DENCZAK: Member Smuckler...

MEMBER SMUCKLER: 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.

**ADOPTED AS ORDINANCE NO. 140/2003**

**MINUTES OF THE MEETING OF JULY 14, 2003**

#21 (3<sup>rd</sup> RDG) **ADOPTED AS ORDINANCE NO. 141/2003** AN ORDINANCE AMENDING ORDINANCE NO. 55/77 AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT DENCZAK: Member Smuckler...

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance # 21; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 21. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS ROLL CALL: 11 YEAS, 0 NAYS, 1 ABSTENTION (DOUGHERTY ABSTAINED)

PRESIDENT DENCZAK: Ordinance #21 is adopted. **ADOPTED AS ORDINANCE NO. 141/2003**

#22 (3<sup>rd</sup> RDG) **ADOPTED AS ORDINANCE NO. 142/2003** AN ORDINANCE AMENDING ORDINANCE NO. 55/77 AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT DENCZAK: Member Smuckler...

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

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

NO REMARKS ROLL CALL: 11 YEAS, 0 NAYS, 1 ABSTENTION (HART ABSTAINED)

PRESIDENT DENCZAK: Ordinance #22 is adopted. **ADOPTED AS ORDINANCE NO. 142/2003**

#23 (3<sup>rd</sup> RDG) **ADOPTED AS ORDINANCE NO. 143/2003** AN ORDINANCE AMENDING ORDINANCE NO. 55/77 AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT DENCZAK: Member Smuckler...

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance # 23; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 23. Are there any remarks under this ordinance?... Very well, roll call vote please.

**MINUTES OF THE MEETING OF JULY 14, 2003**

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #23 is adopted. We will now go back to the original place on the agenda.

**ADOPTED AS ORDINANCE NO. 143/2003****INFORMAL RESOLUTIONS**

***PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTION #58 AS SHOWN BELOW. THE RESOLUTION IS ON FILE IN ITS ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED July 14, 2003.***

#58 BY RICHARD HART, WARD 7 MEMBER: COMMENDING THE ULSTER PROJECT -ADOPTED

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #58; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #58. Are there any remarks under this resolution?...

MEMBER HART: Mr. President, I would like to have it read and also I would like a representative from the Ulster Project and I'll present this to them.

PRESIDENT DENCZAK: Clerk Vanckunas, will you read the Resolution, please?

*RESOLUTION #58 READ BY CLERK OF COUNCIL VANCKUNAS: Whereas, The Massillon/Canton Ulster Project is an inter-denominational organization that works to promote peace in strife-torn Northern Ireland. Each year, the Ulster Project brings twelve teenagers from the Greater Belfast area to western Stark County to live, work and play with their American counterparts for the month of July. The Northern Irish group is comprised of six girls and six boys, all fifteen years of age. Half the group is Catholic and half Protestant. They stay with local host families who have a child of the same age and gender. Together, the American and Northern Irish teens spend a life-changing month learning to see beyond differences in nationality and religion; and Whereas, Since 1982, the Massillon/Canton Ulster Project has given hundreds of Northern Irish youth the opportunity to make friends from opposing sides of the conflict in their troubled land. Through the generosity of Stark County citizens, these future leaders get a first-hand glimpse of America, and the values of freedom, equality, and brotherhood that we as Americans live by; and Whereas, The hope is that friendships made and lessons learned here will make their way back to Northern Ireland, and help to bring healing and reconciliation to their people. Together, we believe that we truly can change history. Ulster Project teens experience opposite faith persons through one-on-one encounters and these experiences help them understand how pointless hatred is; Now, Therefore, Be It Resolved: That we, the members of the Council of the City of Canton, do hereby go on public record as commending all those involved in THE ULSTER PROJECT including the Executive Committee, their American host families, and the host teens for their hard work and dedicated efforts in helping build understanding and friendship between Catholic and Protestant teenagers from Northern Ireland. We further commend our Northern Irish guests for their vision of a peaceful, democratic nation, and wish them God-speed*

**MINUTES OF THE MEETING OF JULY 14, 2003**

*in the task that lies before them.*

PRESIDENT DENCZAK: Are there any remarks?

MEMBER HART: Mr. President, just, for the, those kids that have been chosen—you've been chosen because of some leadership skills. And, ya' know, you plant the seed and it eventually grows and eventually you guys and gals are going to be called upon to be leaders in your own community, and I hope you will take this experience to build a better community back in, in Northern Ireland. Out of the mouths of babes sometimes, and I know when my son was involved there was a young girl whose father had been killed in a, who just happened to be at the wrong place at the wrong time and many of the kids that I had met on that trip that experienced things I can only read about and some really terrible things. And, ya' know, look long and hard at the world you live in because you're going to be the leaders of tomorrow and of the future Belfast and future Northern Ireland. And you're going to be the ones to lead and hopefully to be a peaceful country and will make a lot of improvements. We have people from all different races and creeds here and we do our best to work together for a better community. So, I'll make this presentation and I hope you enjoy your time here.

PRESIDENT DENCZAK: One moment please, we have to vote on it. Don't get excited. It will pass. Any closing remarks?... If not then by voice vote, all those in favor signify by saying aye. Those opposed, say no.

NO FURTHER REMARKS

RESOLUTION #58 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted. Okay.

MEMBER HART: Would you like to say a few words?...

BRIAN McCLAIN (FROM THE ULSTER PROJECT): We have a little certificate here and it says, *Massillon Canton Ulster Project extends its thanks to Canton City Council for the warm welcome that you have given us and our projects over the years. We also offer our gratitude for our steadfast service to the citizens of Canton and we wish you good fortune and God's guidance in all your endeavors in the years to come.* Thank you to the City Council.

PRESIDENT DENCZAK: Anyone else have anything to say?

DON CIRELLI: I'm Don Cirelli, I'm the Diversity Director for the Canton Massillon Ulster Project and I just want to make just a short comment here. Things are changing in Northern Ireland and it's due to programs like these that really do make a difference. I want to introduce Mrs. Brian McClain who is an Irish Counselor and Laura Barton who's also an Irish Counselor and this is Julie Farenbaugh, one of our American Counselors. And Brian, do you just wanna talk about, you know, the changes...?

BRIAN McCLAIN: Well, just basically, I did the project myself as a teen years ago--I went to Alliance. And, it actually, the difference that this does make is incredible because I had never befriended a protestant. I myself am a Catholic. I didn't know any Protestants until I did this project and it gives us a future opportunity because segregation at home, I'm sure you understand it--if you're a Catholic, you are totally segregated from the protestant community regardless of where you live. You could live next door to a protestant and not know that person and this is actually an



**MINUTES OF THE MEETING OF JULY 14, 2003**

opportunity. The project, we get an opportunity to meet them and be friends with people of other religions. And, it is a great opportunity for all these teens. Last year the teens that did it, I know that they still meet up themselves, like every couple of weeks they phoned, phoned their counselors, they phoned me. You know, they all get together when they go home. That would not have been heard of if it wasn't for the City Council and for their help that they actually did. We appreciate everything that America does and everything that both the project actually does for us in America. Thank you very much again.

PRESIDENT DENCZAK: After reading all the accounts in the newspapers, maybe there is some hope for the future of our world. What's that? ...

SAFETY DIRECTOR CONCATTO: Mr. President, can they stand up?

PRESIDENT DENCZAK: What's that?...

SAFETY DIRECTOR CONCATTO: Maybe the other participants can stand up.

PRESIDENT DENCZAK: Oh, all right....can the rest of the group please stand up? (APPLAUSE) Thank you very much.

**COMMUNICATIONS**

PRESIDENT DENCZAK: All Communications are received as read. Communication #292 that was added to the agenda from the Safety Director Concatto is referred to the Law Director.

***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 July 14, 2003***

- 273. AUDITOR KIM R. PEREZ, CITY OF CANTON: MONTHLY REPORT BY FUND FOR 6/1/03 - 6/30/03. - RECEIVED & FILED
- 274. AUDITOR KIM R. PEREZ, CITY OF CANTON: YEARLY REPORT BY FUND FOR 1/1/03 - 6/30/03. - RECEIVED & FILED
- 275. FETTMAN PROPERTY MANAGEMENT LIMITED, 2915 TUSCARAWAS STREET WEST, CANTON, OHIO 44708: REQUEST TO REZONE PART OF OUTLOT 411 LOCATED AT THE SE CORNER OF WERTZ & HURSH PLACE NW FROM R-1A TO PB-3 FOR AN OFFICE BUILDING & MEDICAL SALES. - PLANNING COMMISSION (See C#280)
- 276. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OH 43068-9005: REQUEST FOR NEW D5 LIQUOR LICENSE BY ROBERT K. MCGILL, dba RIVIERA CLUB OF CANTON, LOCATED @ 508 CLEVELAND AVE NW. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE

**MINUTES OF THE MEETING OF JULY 14, 2003**

277. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OH 43068-9005: REQUEST FOR TRANSFER OF CI, C2 LIQUOR PERMIT BY TAMARKIN COMPANY, dba GIANT EAGLE FUEL STATION, LOCATED @ 104 RAFF RD SW. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
278. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OH 43068-9005: NOTICE OF HEARING SCHEDULED 8/7/03 @ 11:00 AM @ STARK COUNTY JOB & FAMILY SERVICES RE:REQUESTBY AMEERS, INC. dba IN-N-OUT, 805 MCKINLEY SW, FOR NEW C1,2 LIQUOR LICENSE. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
279. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING RD, PO BOX 4005, REYNOLDSBURG OH 43068-9005: NOTICE OF HEARING SCHEDULED 8/7/03 @ 1:30 PM @ STARK COUNTY JOB & FAMILY SERVICES RE: REQUEST BY LA TIENDA HISPANA OVIEDOS CORP, dba LA TIENDA HISPANA OVIEDOS, 909 12<sup>th</sup> ST NW, FOR NEW C1,2 LIQUOR LICENSE. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
280. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL OF ZONE CHANGE REQUEST BY FETTMAN PROPERTY MANAGEMENT LIMITED FROM R-1A TO PB-3 FOR THE SE CORNER OF WERTZ & HURSH PLACE NW TO PERMIT A NEW OFFICE BUILDING W/MEDICAL EQUIPMENT SALES. - LAW DIRECTOR **PUBLIC HEARING 8/25/03 @ 7:30 PM** (See C#275)
281. SAFETY DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUEST TO AMEND O#97/2003 TO AUTHORIZE PURCHASE OF A TOTAL OF 7 POLICE CRUISERS FROM EWING CHEVROLET @ \$34,861.00 PER VEHICLE, NOT TO EXCEED \$244,027 TOTAL. - LAW DIRECTOR (See O#3, 1<sup>st</sup> Rdg)
282. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST \$522,122.80 SUPPLEMENTAL APPROPRIATION FROM 4501 CAPITAL IMPROVEMENT FUND & \$939,422.80 FROM 4534 GP 1052 4<sup>th</sup> ST NE RECONSTRUCTION FUND; & TRANSFER OF \$522,122.80 FROM 4501 CAPITAL IMPROVEMENT FUND TO 4534 202001 GP 1052 4<sup>th</sup> ST NE RECONSTRUCTION FUND FOR PURPOSES OF ENTERING INTO CONTRACT WITH CENTRAL-ALLIED ENTERPRISES. - LAW DIRECTOR (See O#144/2003)
283. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO APPROVE A WATER MAIN EXTENSION TO 3 LOTS ON MILL ROAD SE OWNED BY PATHWAY CARING FOR CHILDREN IN CANTON TWP. - LAW DIRECTOR (See O#5, 1<sup>st</sup> Rdg)
284. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO APPROVE A WATER MAIN EXTENSION TO CANTERBURY CREEK DEVELOPMENT IN PLAIN TWP. - LAW DIRECTOR (See O#6, 1<sup>st</sup> Rdg)

**MINUTES OF THE MEETING OF JULY 14, 2003**

285. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO APPROVE PLACEMENT OF JAMES DIMARZIO IN STEP 3 OF THE ASST. SUPERINTENDENT COLLECTION SYSTEMS POSITION AT A \$54,995.00 ANNUAL SALARY. - PERSONNEL COMMITTEE
286. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR PURCHASE OF VEHICLES FOR SANITATION DEPARTMENT (WHITE GOODS PICKUP, 3/4 TON PICKUP & 25 CUBIC YARD PACKER). - LAW DIRECTOR (See O#7, 1<sup>st</sup> Rdg)
287. SERVICE DIRECTOR MICHAEL L. MILLER & MAYOR RICHARD D. WATKINS, CITY OF CANTON : REQUEST TO AMEND O#40/2000, THE BARGAINING UNIT CLASSIFICATION PLAN, TO MOVE OR ADD CERTAIN LOCAL 2937 POSITIONS FROM DEPARTMENT OF PUBLIC WORKS TO WATER POLLUTION CONTROL CENTER. - LAW DIRECTOR (See O#8, 1<sup>st</sup> Rdg)
288. ST. PAUL'S UNITED METHODIST CHURCH, REV. WALLACE, 2705 6<sup>TH</sup> STREET SW, CANTON, OHIO 44710: OBJECTION TO REZONING REQUEST OF AULTMAN HOSPITAL (See O#16, 2<sup>nd</sup> Rdg, 7/14/03). - RECEIVED & FILED
289. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF PARKING METER REVENUE AS OF JUNE 30, 2003. - RECEIVED & FILED
290. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF DEPOSITS & PAY INS TO AMBULANCE LOCK BOX ACCOUNT AS OF JUNE 30, 2003. - RECEIVED & FILED
291. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: REPORT OF TREASURER'S OFFICE BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF JUNE 30, 2003. - RECEIVED & FILED
292. SAFETY DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUEST TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR CONSTRUCTION OF OUTDOOR TRAINING RANGE FOR CANTON POLICE DEPT. - LAW DIRECTOR (See O#9A, 1<sup>st</sup> Rdg)

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT DENCZAK: We are now under Ordinances and Formal Resolutions for the first reading. Ordinance number 1 please.

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #9A FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS. FOLLOWING ITS FIRST READING***

**MINUTES OF THE MEETING OF JULY 14, 2003**

***& A COMMITTEE MEETING, ORDINANCES #4 WAS RETURNED TO THE AGENDA FOR ADOPTION.***

- #1 (1<sup>st</sup> RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNERS IN THE JEFFRIES BROTHERS ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR THE INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Annexation Committee
- #2 (1<sup>st</sup> RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE I-77/FAIRCREST ANNEXATION AREA CONTAINING APPROXIMATELY 885 ACRES; ASSIGNING SAID TERRITORY TO WARDS 4 AND 5 OF THE CITY; ZONING SAID TERRITORY AS I-1, I-2, B-3, AND R-1C AND DECLARING SAME TO BE AN EMERGENCY  
Referred to Annexation Committee
- #3 (1<sup>st</sup> RDG) AN ORDINANCE AMENDING SECTION 1 (A) TO ORDINANCE NO. 97/2003 AND DECLARING SAME TO BE AN EMERGENCY  
Referred to PPCI and Finance Committees
- #4 (1<sup>st</sup> RDG) **ADOPTED AS ORDINANCE NO. 144/2003** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND TRANSFER HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #5 (1<sup>st</sup> RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO CANTON TOWNSHIP; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE EXTENSION OF SAID WATER MAIN AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Environmental & Public Utilities Committees
- #6 (1<sup>st</sup> RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO PLAIN TOWNSHIP. AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE EXTENSION OF SAID WATER MAIN AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Environmental & Public Utilities Committees
- #7 (1<sup>st</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT (S) FOR THE PURCHASE OF VARIOUS MOTOR VEHICLES FOR THE SANITATION DEPARTMENT; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ALTERNATIVELY PURCHASE SAID VEHICLES PURSUANT TO REVISED CODE SECTIONS 125.04 OR 5513.01 AND DECLARING THE

**MINUTES OF THE MEETING OF JULY 14, 2003**

SAME TO BE AN EMERGENCY

Referred to PPCI and Finance Committees

#8 (1<sup>st</sup> RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Personnel Committee

#9 (1<sup>st</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE ECONOMIC DEVELOPMENT AGREEMENT WITH CANTON TOWNSHIP AND PLAIN TOWNSHIP ON PROPERTY LOCATED IN THE JEFFRIES BROTHERS ANNEXATION AREA AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Annexation Committee

#9A(1<sup>st</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE CONSTRUCTION OF THE OUTDOOR TRAINING RANGE FOR THE POLICE DEPARTMENT AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee.

***AT 8:04 P.M., COUNCIL RECESSED FOR A FINANCE COMMITTEE MEETING TO DISCUSS ORDINANCE #4. PRESIDENT DENCZAK RECONVENED THE COUNCIL MEETING AT 8:08 P.M.***

PRESIDENT DENCZAK: Council is reconvening after recess. Member Smuckler do you wish to add Ordinance #4 back to the agenda?

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 22A and add Ordinance #4 back to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A and add #4 to the agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #4 is a legal part of your agenda, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we suspend the statutory 3 readings of Ordinance #4; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the 3 readings of Ordinance #4. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the 3 readings here, Member Smuckler.

**MINUTES OF THE MEETING OF JULY 14, 2003**

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #4; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #4. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #4 is adopted.

**#4 ADOPTED AS ORDINANCE NO. 144/2003**

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT DENCZAK: Ordinances and formal resolutions for second reading.

***NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #10 THROUGH #18 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. SECOND READING ORDINANCES #10-12 & 14-17 WERE ADOPTED BY COUNCIL. ORDINANCE #18 WAS DEFEATED.***

#10 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 145/2003** 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.

MEMBER SMUCKLER: Mr. President, I move we adopt, I'm sorry, I move we suspend statutory three readings of Ordinance #10; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #10. 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 #10; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #10. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #10 is adopted.

**ADOPTED AS ORDINANCE NO. 145/2003**

#11 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 146/2003** AN ORDINANCE AMENDING

**MINUTES OF THE MEETING OF JULY 14, 2003**

APPROPRIATION ORDINANCE NO 236/2002 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY.

MEMBER SMUCKLER: Mr. President, I move we suspend the statutory three readings of Ordinance #11; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the 3 readings of Ordinance #11. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the 3 readings, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #11; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #11. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #11 is adopted.

**ADOPTED AS ORDINANCE NO. 146/2003**

#12 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 147/2003** 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 PROGRAMS AND DECLARING THE SAME TO BE AN EMERGENCY.

MEMBER SMUCKLER: Mr. President, I move we suspended the statutory 3 readings of Ordinance #12.

PRESIDENT DENCZAK: There's a need to dispense with the 3 readings of Ordinance #12. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the 3 readings, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #12; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #12. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

**MINUTES OF THE MEETING OF JULY 14, 2003**

PRESIDENT DENCZAK: Ordinance #12 is adopted.

**ADOPTED AS ORDINANCE NO. 147/2003**

# 13 (2<sup>nd</sup> RDG) AN ORDINANCE VACATING PORTIONS OF MARYLAND, ROSLYN, BELLFLOWER, AND BROOKS AVENUESW, 22<sup>nd</sup> ST & 23<sup>rd</sup> ST SW APPROVING AND ACCEPTING THE REPLATTING OF ALL OR PARTS OF LOT #30409, 30412-30422, 31481-31502, 31568, 31681-31724, 31815-31896, 32008-32086, 32195-32234, 34366-34375, 34379-34380 AND OUTLOTS 653 & 654 AND DECLARING THE SAME TO BE AN EMERGENCY

#14 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 148/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A GRANT IN THE AMOUNT OF \$6,320 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

MEMBER SMUCKLER: Mr. President, I move that we suspend the statutory 3 readings of Ordinance #14; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the 3 readings of Ordinance 14. Are there any remark?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the 3 readings Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #14; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #14. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #14 is adopted.

**ADOPTED AS ORDINANCE NO. 148/2003**

#15 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 149/2003** 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.

MEMBER SMUCKLER: Mr. President, I move that we suspend the statutory 3 readings of Ordinance #15; seconded.



**MINUTES OF THE MEETING OF JULY 14, 2003**

PRESIDENT DENCZAK: There's a move to dispense with the 3 readings of Ordinance #15. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the 3 readings, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #15; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #15. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #15 is adopted.

**ADOPTED AS ORDINANCE NO. 149/2003**

#16 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 150/2003** 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 AN EMERGENCY.

MEMBER SMUCKLER: Mr. President, I move that we suspend the statutory 3 readings of Ordinance #16; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the 3 readings of Ordinance #16. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the 3 readings Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #16; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #16. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

**MINUTES OF THE MEETING OF JULY 14, 2003**

PRESIDENT DENCZAK: Ordinance #16 is adopted.

**ADOPTED AS ORDINANCE NO. 150/2003**

#17 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 151/2003** 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.

MEMBER SMUCKLER: Mr. President, I move we suspend the statutory 3 readings of Ordinance #17; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the 3 readings of Ordinance #17. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: You've heard the 3 readings Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #17; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #17. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS, 1 ABSTENTION (HART ABSTAINED)

PRESIDENT DENCZAK: Ordinance #17 is adopted.

**ADOPTED AS ORDINANCE NO. 151/2003**

#18 (2<sup>ND</sup> RDG) **DEFEATED** AN ORDINANCE APPROVING A 19-MONTH COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANTON AND CPPA LOCAL 98 AND DECLARING THE SAME TO BE AN EMERGENCY.

MEMBER SMUCKLER: Mr. President, I move we suspend the statutory 3 readings of Ordinance #18.

PRESIDENT DENCZAK: There's a move to dispense with the 3 readings of Ordinance #18. Are there any remarks?...

MEMBER MASSEY: Mr. President, I have a question for the Finance Chairman. Do we have the money....?

PRESIDENT DENCZAK: One moment, one moment. This is up for the second reading, dispense with the 3 readings. Are there any remarks under the dispensing of the 3 readings?... If not, roll call vote, please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

**MINUTES OF THE MEETING OF JULY 14, 2003**

PRESIDENT DENCZAK: You've heard the 3 readings, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #18; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #18. Are there any remarks?... Member Massey?...

MEMBER MASSEY: Mr. President, for the Finance Chairman. Do we have the money to support this?

MEMBER MROCZKOWSKI: Mr. President, Member Massey, in a word, no. When you look at the City's finances--where we are now, where we're going to be, how we're going to get there--it's not there. We, we have over 900 employees, each and every one of them are deserving, many of the give up sacrifices to get us through this. As we go through this, this year and next year, we have to look if, at that as a re-pay and what we can do. But as far as the answer to your question - no.

MEMBER MASSEY: Thank you.

PRESIDENT DENCZAK: Is that it Member Massey?

MEMBER MASSEY: That's it - thanks.

PRESIDENT DENCZAK: Any further remarks?... Safety Director?

SAFETY DIRECTOR CONCATTO: Mr. President, I would ask the Finance Chairman a question that the conciliator, do we have the funds to pay for what a conciliator may or may not do on this?

MEMBER MROCZKOWSKI: Mr. President, Safety Director, I believe that is something we're just going to have to take a look at. The question was asked if you have the money now - we do not have the money. Are we going to have it in 2004? No we're not. If it, if it, if a conciliator or someone else orders us to, at that point the City will have to make a determination of what they're going to do with their work force and how they're going to pay it.

SAFETY DIRECTOR CONCATTO: Mr. President. I'd ask the Finance Chairman another question. Did you take into consideration this entire package including the health care benefits?

MEMBER MROCZKOWSKI: Mr. President, Safety Director, yes I have. As we, as we looked at it, I think that configuration of numbers, when we looked at one set of numbers as we, as the budget came out with, and then looked at another set we had in addition of \$400,000, we looked at that as being a payment, I don't know where the \$400,000 is going to come from. I don't see that as a total savings because there's still too many what-ifs that we have to deal with in reality. So, as I looked at the total package as what was there, I think the negotiators looked at it in a way that they needed to. I don't know if they saw all the evidence of saving monies, I wasn't part of that. So, I will not even, even delve into that. But, as we look at the total package for this Council to look at, if there is money available now or next year, the answer is no.

**MINUTES OF THE MEETING OF JULY 14, 2003**

SAFETY DIRECTOR CONCATTO: Mr. President, thank you. I just want the people to know here and the Council to know this as they vote on this - to know what we had to take into consideration in these negotiations was also what a conciliator may or may not award the CPPA on this issue. That was a very serious consideration on our part. We certainly felt that the health care benefits was a very important part of this negotiated package. As everybody here knows it is our attempt, and I believe all of Council will agree, that we try to have one consistent health care package for every employee of the City of Canton - Union or non-Union. We believe that the acceptance of this health care program and this package is paramount. It is one of the number one issues that we went after to get that. We believe that the health care package, as we see it today, verses the one that we had prior to this is an enormous change. A big change to the employees. A big cost-issue with the employees. So, we felt that the health care package was very important. We were very, we were concerned about losing that health care package in this negotiations if they go to conciliation. Certainly a conciliator could award a part of that, a portion of that health care package, if the Union so desired to come in with that. We believed that it was very important to get the health care package in its entirety. That's one of the main issues that we had with this. If there's any other questions from Council, I'll be glad to answer them.

PRESIDENT DENCZAK: Are there any other remarks?... If there are no other remarks, roll call vote please.

NO REMARKS                      ROLL CALL: 0 YEAS, 11 NAYS, 1 ABSTENTION (DIAMOND ABSTAINED)

PRESIDENT DENCZAK: Ordinance #18 is defeated.

**ORDINANCES & FORMAL RESOLUTIONS FOR THIRD READING**

PRESIDENT DENCZAK: Ordinances for 3<sup>rd</sup> reading.

***NOTE: THIRD READING ORDINANCES #19-23 WERE DEALT WITH EARLIER IN THE MEETING-SEE JOURNAL PAGE #459 HEREIN. PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE REMAINING ORDINANCES #24 & 25 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS.***

#24 (3<sup>rd</sup> RDG)      **ADOPTED AS ORDINANCE NO. 152/2003** AN ORDINANCE ADOPTING THE CITY OF CANTON'S PROPOSED TAX BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2003 AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we suspend statutory 3 readings...

PRESIDENT DENCZAK: No, that's....

PRESIDENT SMUCKLER: Alright, I move that we adopt Ordinance # 24; seconded.

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

**MINUTES OF THE MEETING OF JULY 14, 2003**

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #24 is adopted.

**ADOPTED AS ORDINANCE NO. 152/2003**

#25 (3<sup>rd</sup> RDG) **ADOPTED AS ORDINANCE NO. 153/2003** AN ORDINANCE AMENDING CHAPTER 1313, ELECTRICAL; CHAPTER 1315, PLUMBING; CHAPTER 1317, HEATING, VENTILATING & AIR CONDITION CODE; CHAPTER 1333, RESIDENTIAL BUILDING CODE AND CHAPTER 1351, PURPOSE & SCOPE OF THE CODIFIED ORDINANCE OF THE CITY OF CANTON.

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #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 #25 is adopted.

**ADOPTED AS ORDINANCE NO. 153/2003****ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT DENCZAK: Announcement of Committee meetings please.

MEMBER MROCZKOWSKI: Mr. President, Finance Committee will meet 6:30 July 28, 2003 in the Council Caucus Room.

MEMBER CARBENIA: Mr. President, Annexation Committee will meet same day, same time.

MEMBER DIAMOND: Mr. President, Personnel will also meet on that day at that time.

MEMBER HAWK: Mr. President, Environmental and Public Utilities will meet at 6:30, July 28<sup>th</sup> in the Caucus Room.

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

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

PRESIDENT DENCZAK: Public Speaks Open Forum. We have several people signed up to speak this evening. The first speaker is Matt Benson.

MR. BENSON: My name is Matt Benson, I live at 1305 - 41<sup>st</sup> Street NW, and I am speaking on behalf of Kenton and Valerie Kirkland who are my next door neighbors and Alice Saver who is also my next door neighbor and this is in regards a letter that we sent to Mr. Miller beginning of June on instructions by him requesting the City of Canton designate

**MINUTES OF THE MEETING OF JULY 14, 2003**

unpaved areas of Shanabruck NW and an alleyway behind our house is, that the, currently the City owns and being deeded to us and also giving easement to the City for the use of utilities and so forth. And, my question to Mr. Miller is, I guess the status of that just so we know, ya' know, what is going on. We have not heard anything from the City in 6 weeks.

PRESIDENT DENCZAK: Service Director Miller?....

SERVICE DIRECTOR MILLER: The Engineering Department is reviewing that. They're reviewing that in that we are looking at primarily the requests of the folks that came to that meeting to re-review that whole area. Whether or not, primarily Shanabruck, not so much the alleys running east, west--west Shanabruck needs to be also kept right now for the easement portion of it more than anything else. To be able to take that storm water down Shanabruck, down into that, what is a creek down behind those houses and down through. They are taking some time to review that, they are preparing right now also the Ohio Public Works application for that 41<sup>st</sup> Street project which is Steese 1, Steese 3 and Steese 4. So they are working on it, it's not something that's going to come quickly. It's going to probably be some time this fall before we finally get ourselves into the position where we can at least go forward to the east-west alley that runs immediately behind the houses.

MR. BENSON: Okay. I guess my other question then would be that where the Shanabruck wood dead ends was there any jeopardy of us not being able to get that property deeded to us because of the fact that they may need it for facilities for drainage or would that be something that could be along with an easement that we could just take that property then but give it to the City to use for any kind of facilities or utility purposes?

SERVICE DIRECTOR MILLER: That's something that is under review. We won't need all of Shanabruck obviously, because that's, if I remember the dedication plat, about 50 foot wide. We're not going to use 50 foot, or the pipe. Pipe's going to be big but it's not going to be 50 foot wide. So that's something that's under review as how much we're going to need because again, we'd rather get it right up front and get it dedicated right as far as the easement is concerned and then come back and give you the remainder and give you so much and then come back and try to get it back from you later on. So we want to make sure we got all the i's dotted and t's crossed before we go forward with this.

MR. BENSON: Thank you very much.

PRESIDENT DENCZAK: The next speaker is Alice Sarver.

MS. SARVER: My name is Alice Sarver and I live at 1225 - 41<sup>st</sup> Street NW. In reading the first reading of #4 on the program, I have a question as to how long it took to have that re-construction done on the 4<sup>th</sup> Street NE and was there a grant involved in that or does that money come from some place else?

SERVICE DIRECTOR MILLER: That project began approximately in the year 1999 or 2000 as far as the concept of that project is concerned. There is a grant involved from Ohio Public Works that's about \$417,000 and some change. The rest is coming from City funds. That ended up being a little bit more than what we originally expected that project to run, around 745 to 800,000, and it ended up because of additional work that we looked at in that project, it ended up being a little bit more and that's why the grant amount is, is smaller than, as far as percentage wise, than we usually get.

**MINUTES OF THE MEETING OF JULY 14, 2003**

MS. SAVER: And when was the original concept of meeting that? You said '99 is probably when it was started but..?

SERVICE DIRECTOR MILLER: I would have to go back. I'm thinking somewhere in that, that vicinity that project came forth.

MS. SARVER: I guess that my frustration is that I'm sitting, looking at this and hearing, knowing that the projects in our area, by your admission, have been looked at since 1980 and we're still waiting for grant money and/or money or even a start of something. And, I see you jumping to other projects within, within the same City that I live in.

SERVICE DIRECTOR MILLER: Yes ma'am it's the same city that you live in and all the rest of us live in and there are demands in other wards other than just Ward 8. The Steese project was done, projects 1 and 2 up in Ward 8. There are some other drainage projects that have been done in Ward 8. This project specifically that we're talking about tonight is in Ward 4. Again, all the ward councilmen here all like to have projects done in their wards as well.

MS. SARVER: ....okay, I'm gonna have a semi, semi-colon and a comma; however, it just seems to me that the \$225,000 that has been given to Ward 8 over the last 12 years is very small in comparison to this and in the timing involved. You know, I, I guess I just need an explanation on why we've been ignored, or why the councilman from Ward 4 has been granted this kind of money when we've been sitting here waiting for 35 years.

SERVICE DIRECTOR MILLER: Well, the \$225,000 was definitely off as far as your ward is concerned.

MS. SARVER: I think that's what was stated in the letter I got.

SERVICE DIRECTOR MILLER: That is how much was spent on the Steese Project, not in the ward. Ward 8 does not just include the Steese area. Going into the list I have, Harrison Avenue was one of the ones that was in Ward 8. That one, by the way, was in excess of a million and a half dollars; 30<sup>th</sup> Street, Cromer Project was done in Ward 8, that was approximately \$600,000 total; Plain Center Project was done in Ward 8, that was approximately \$400,000; Cromer and Arnold from 34<sup>th</sup> to 37<sup>th</sup> was done in Ward 8, that's approximately \$400,000; Mt. Vernon Avenue Project was done in Ward 8, that was approximately 340 to \$350,000; that takes us up to 1999. I've got some more and it goes through the list. As you can see, there's quite a bit of projects that have been done in Ward 8.

MS. SARVER: Okay. Thank you. And also what is the status of the grant that you're now writing or doing for the project in the Steese Avenue? What's, where....

SERVICE DIRECTOR MILLER: We are in the process of preparing that grant application for Ohio Public Works this next round. The deadline, if I recall correctly, is September 15<sup>th</sup>. We've reviewed this Fall and the actual awarding of the money, of the grant money, will occur somewhere in November, December, and that will allow Council then to, in the next budget, if the grant money is awarded, not only set aside money for construction but set aside the engineering money as well.

MS. SARVER: Thank you very much for your time.

PRESIDENT DENCZAK: The next speaker is Kenton Kirkland. Am I pronouncing that correct?

**MINUTES OF THE MEETING OF JULY 14, 2003**

MR. KIRKLAND: I'm Kenton Kirkland and I live at 1317 41<sup>st</sup> Street NW. About a month ago my wife and us and neighbors were here, I'm talking about, the drainage problem, but that's not what I'm talking about today. We mentioned to them about a street light behind our property where we had a car had went through our house, and they said it should be no problem it should be fixed in a couple weeks. Nothing's been done about putting up the street light. This is for the Safety and the Service Director. They are the ones who talked to my wife and all of us about it.

SERVICE DIRECTOR MILLER: If I recall this conversation....if I recall the conversation correctly, this is one that's a new light that needs to be put up and we have put in the request. I will check tomorrow again to see where that request is as far as the process is concerned. Is that the back of your property where it comes in?

MR. KIRKLAND: Yeah, back there where Vernon comes down. Yes. And that's.....

SERVICE DIRECTOR MILLER: I will check on that tomorrow and, leave me your phone number so that I can give you a call and tell you what the status is.

MR. KIRKLAND: Okay. Thank you. And another thing...you said about that property in the back where that alleyway is. Are we going to get any written note or anything about that?

SERVICE DIRECTOR MILLER: Yes. When we're ready to do the vacation process, you will get a communication from the Planning Department asking to sign off on vacating that portion and that probably will be the first one you get will be the east-west alley that runs back there. One of the things that's also in the midst, not so much for you folks to the west of Shanabruck but to the east is that there is an entity that wants to sell those lots back there in the creek bed and we are communicating with them telling them that those lots should not be sold as is. The only access they have off that is that alley. So that one is one that is going to be a little bit more complicated to the east of Shanabruck at this point in time. We are going to look into purchasing that, (a), so that nobody tries to build a house back there, or houses, and, (b), so that it can potentially be used as a retention basin as part of the overall drainage process that's going in there.

MR. KIRKLAND: Okay. Thank you.

PRESIDENT DENCZAK: The next speaker is Dank Webb. Is that correct?

MR. WEBB: Good afternoon. My name is Dank Webb. I live at 2638 Wood Owl Street NE, Canton, Ohio 44704. And, I have a concern over on Marietta Avenue and that's between Georgetown Road NE and East Tusc. NE. I guess I have a question. First of all, what is the criteria for installing sidewalks and curbs in the City of Canton, first. We the residents of the Georgeview Estates have the following concerns. The safety, does safety carry any weight in terms of the streets and curbs over on Marietta Avenue? Was installing sidewalks and curbs in the development a concern initially? If so, why not have the same concern for the rest of the development? There's great concern for walkers and senior citizens on Marietta Avenue. The traffic on Marietta Avenue does not allow for foot traffic. Sidewalks and curbs would allow for safe foot traffic and for those who would want to, say, walk up and down Marietta. We're requesting Council would see to it that the development of Georgeview Estates would be completed 100 percent by having the sidewalks and curbs installed on Marietta Avenue between Georgetown Rd NE and East Tuscarawas Street NE. We are very concerned that there has been some indications that there would be no sidewalks and curbs along Marietta Avenue NE between Georgetown Road and Tuscarawas Street. We would like to put our concerns to rest so that we



**MINUTES OF THE MEETING OF JULY 14, 2003**

can feel assured that the development that you have invested in over there will remain complete and that it could be completed by putting in the streets and curbs over there. Assume that there is some comparison as far as say, some wards been neglected because the money's being spent in other wards. In the numbers that I was given by Mr. Miller, it appeared that those wards have a concern about being neglected, have they had our concerns, I think the whole community would be here. So, on behalf of the residents of Georgeview Estates, I thank you for this opportunity. We look forward to seeing to it that Georgeview Estates would be completed in its entirety with streets and curbs along Marietta Avenue. Thank you.

SERVICE DIRECTOR MILLER: Mr. President. This issue came up once before and I wasn't given an opportunity to respond. So I would like to respond tonight if I could, Mr. Webb. This project came before Planning Commission approximately 4, 5, 6 years ago for Georgeview Estates. At that point in time the Planning Commission was requested not to put sidewalks and curbs in on Marietta because it didn't control all of Marietta Avenue. Marietta Avenue inside the City's corporate limits stops short of Georgetown Road and stops short of East Tusc up around 2<sup>nd</sup> Street, if I recall correctly. That came to this Council and with the consent of the ward councilman, that was approved in that manner. So, there was no plan to put in sidewalks and curbs on Marietta Avenue from East Tusc to Georgetown or in the area that was being developed as Georgeview Estates. The issue of how much money was spent in Ward 4 also came up when that came up before. Ward 4 also has gotten its share of projects over the years. Ward 4 has had Kimble Road done from Market Avenue down to south of the ball stadium; it's had Warner Road done; it's had Sherrick Road done as far as drainage is concerned from Cherry Avenue over to Warner Road and at this point 4<sup>th</sup> Street was the next one up and that was again the request of the ward councilman at that point in time. As far as paving is concern, Ward 4 has got more paving money over the last 11 years than any other ward in the City. There are other streets, and again, that's something that was brought up before in the City that have developments going on in them that do not have curb and sidewalk. On Plain Center Road is a good example where there's some very substantial homes going in there as well, that, I'm not sure if they're comparable to your, the housing in Georgeview Estates because you have some very fine houses over there. And there's some very fine houses in Plain Center Estates and I don't know what the price range is but, Plain Center Estates is another one that has no curb or sidewalks on Plain Center but has some very substantial houses going in right next to it. That's what happened, that's the history as far as the curb and sidewalk on Marietta. It was something that was brought up in the original subdivision plans for Georgeview Estates and between Planning Commission, the ward councilman at that point in time, and City Council, the developer of Georgeview Estates is not required to put in sidewalks and curbs on Marietta Avenue.

MR. WEBB: I understand that this was probably done many years ago and during that particular time, I don't believe that they even anticipated Georgeview Estates being what it is today. What we're concerned about is ..we don't want to, ya' know, seem like we have our hands out begging, but, we felt like this is going to contribute to the City of Canton. And for one to ride down Marietta Avenue and see the new homes there and not see streets and curbs along Marietta but have to come within the development to see the streets and curbs there, I think it just could be some after-thought that could be put into this. I would like to see some thoughts put back into it back then. I think those thoughts was looking at a minimal amount of money going into that area. The people that I talked to never expected the homes to go probably over \$60,000 or \$70,000 over there. There are homes in there well over \$200,000 now and I think to get the program off the ground, I think they was trying to cut the budget as much as possible. So where we are I hope the Council will review this. Take another look at it. Drive over there. And I think you can understand our concerns. Again, it's a safety issue and it's an evaluation issue that we would like you to take into consideration. Thank you very much.

**MINUTES OF THE MEETING OF JULY 14, 2003**

MEMBER MASSEY: Mr. President, Mr. Webb, Wednesday I will go to CD to see if we can try to get some kind of grant monies to try to get something started in the future. I'll do that Wednesday. Thank you.

MR. WEBB: Thank you very much for your help. Thank you for your time.

PRESIDENT DENCZAK: The next speaker is Keith Bell.

MR. BELL: My name is Keith Bell. I live at 1135 Roslyn SW, Canton and I'd like to thank the Law Director for his swift response I received in the mail. It was shocking to me that I got a response that fast and my co-workers and I would just like to thank you and I would like to speak to you again about something afterwards. And, I hear everybody talk about these grants. Well, it, earlier, I heard the City got a lot of land somewhere, like 300-some acres?

PRESIDENT DENCZAK: Annexation that is.

MR. BELL: Yeah, well, Stark Park, they already have the grant from the State for ATV park, State Park. Did you ever thought you could put something like that in that area? Not the whole area, but a section of it? And, maybe give that some consideration what you was gonna do for the area out there. See, the money's there.

PRESIDENT DENCZAK: Can anybody respond to that?

SERVICE DIRECTOR MILLER: The area that you're talking about, the City doesn't own it. If it was annexed in, we would have to approach the owners and actually get the title to that property before we would be able to develop it into some type of ATV park.

MR. BELL: Do you think that..

SERVICE DIRECTOR MILLER: I can certainly suggest that to our Park Board.

MR. BELL: Yeah, that would be nice. Okay. Can I see you afterwards? Thank you very much sir. I appreciate it.

PRESIDENT DENCZAK: The next speaker is Kathryn Ramsey.

MS. RAMSEY: Mr. President, Members of City Council. My name is Kathryn Ramsey. I have no intention of..

PRESIDENT DENCZAK: State your address.

MS. RAMSEY: Pardon?...

PRESIDENT DENCZAK: State your address please.

MS. RAMSEY: 2322 - 16<sup>th</sup> Street NE, Canton.

PRESIDENT DENCZAK: Okay.

**MINUTES OF THE MEETING OF JULY 14, 2003**

MS. RAMSEY: And, I don't have any desire to move out of the City of Canton...or rather, I didn't, until recently. But my neighborhood is going down the tubes. And, the Police have been called, the Mayor's Office has been called, City Council member have been called. My neighborhood was a good neighborhood until like...5 years ago, a man, a man and a woman lived..moved in next door to me and they made my life hell on earth. He came in with a bulldozer, he bulldozed the property line, he was going to start an auto repair club under my window. I personally talked to Mayor Watkins about this and he said this can't happen and that he would see to it that it didn't happen, and, it didn't. But he chose to make our lives miserable in other ways. This went on for 5 years. This went on for 5 years. I get up at 4:00 in the morning. I have gotten up at 4:00 in the morning - many mornings with like 2 hours sleep because he did drugs, he was drunk and he would race his motorcycle up and down his driveway at 1:00 in the morning. He had his buddies lived in with him and, I mean, it was just un-believable what I went through. So, in April, they lost the house. She finally got fed-up and moved out. The bank foreclosed but before they moved out, he trashed the house. The, he stole, he actually stole the garage door off the garage. There is trash visible from 16<sup>th</sup> Street, you can see, and I have expressed concern to everyone that I could call; Zoning, Code, every body - that some kids are going to go in there some night and they're going to have a smoking party and some of their, you can see a barrel there, I don't know what's in the barrel, they're going to burn the place down. I have gotten, I talked to Codes, Mr. Robinson, he said I should have posted that property. Well, I understand that they did come out and maybe did drop some pellets in the pond that was stagnating there full of mosquitoes. I think they did that but, the garage needs secured. I called Zoning years ago because he bought a bulldozer in and he tore up the sidewalk and he laid brick sidewalks. He's gone, the grass is growing up between the bricks. You can't mow brick sidewalks. There is, there are trees growing up in front of the house in the shrubbery in the flowers..

PRESIDENT DENCZAK: Ma'am, I'm sorry, there is a Council rule that your 3 minutes are up.

MS. RAMSEY: Okay.

PRESIDENT DENCZAK: I'm going to ask a question. Who's ward is this in?

MEMBER DOUGHERTY: That's mine, Mr. President.

PRESIDENT DENCZAK: Are you aware of this problem?

MEMBER DOUGHERTY: Yes I am. I've sent in the information. I want the Safety Director to be able to follow up on this with Codes because I have the letter. One of the other issues is that this is like the third inspector I've had in the last 6 weeks so, they keep changing...

MS. RAMSEY: Yes, right.

MEMBER DOUGHERTY: So, it seems I get, I get on track with something and I've, I've got a new inspector, so now I've got someone new that's not familiar with old problems. That's been one of the issues, but, I got this message back that the grass is supposed to be turned into the Street Department and it definitely needs cut and also the Community Services is to be directed to go move that junk and Code is going to go in and board it up. Now, I was also told that there is a lot of board-up issues and it was on the list, I just don't know, they couldn't tell me when the day would come that we could get that accomplished. So, if you could follow up on that please.

**MINUTES OF THE MEETING OF JULY 14, 2003**

SAFETY DIRECTOR CONCATTO: What is the address?

MEMBER DOUGHERTY: 2214 - 16<sup>th</sup>. It's quiet, but it's a mess.

MS. RAMSEY: Yes, it's finally quiet.

PRESIDENT DENCZAK: You probably won't miss it.

MS. RAMSEY: Thank you.

PRESIDENT DENCZAK: Thank you. The final speaker is Sophie Filigno.

MS. FILIGNO: Mr. President and Members of Council. My name is Sophie Filigno, I live at 2230 - 40<sup>th</sup> Street NE, Canton, Ohio in Plain Township and I'm talking again about the Kresge Block and I was hoping that there could be some, a store back there. That would have been nice if, I was thinking, if Wal Mart could have come there, that would have been very nice. And, my students of the custom company have left now. I don't know what's going to be done with the block but it would be nice if there could be a store or stores, if it could be done the sooner the better because the whole block is an eyesore. Thank you.

MAYOR WATKINS: Mr. President, Ma'am, something is in the process of being done. We're in the process now of getting the necessary dollars from the State of Ohio remediation fund. That block will come down, will be brought to grade level. There are at least 2 developers right now that are very interested in putting some facilities that will include mixed stores, restaurants, offices, I think it's going to be very very acceptable.

MS. FILIGNO: Thank you, Mayor.

**MISCELLANEOUS BUSINESS**

PRESIDENT DENCZAK: We are now under miscellaneous business. Is there any miscellaneous business?

MEMBER CASAR: Mr. President, Mr. President, just a few comments before I get to what I wanted to speak about. But this Council was to act on what is today #18 which directly effects our budget this year and next year and the years to come. And, as a member of Council for 20 years plus, I have had many times when I've had to vote for something that was not probably the appropriate thing. I lost friends in different departments because I voted the way I voted because I thought I was going the way my constituency, the way I felt was the correct way. And, so that's one of the things, and that's one of the things we have to do if, if we're gonna, for the big bucks we make on this job. But, I'm very concerned of the fact that one member of Council tonight voted, abstained, on that particular ordinance and I want to reflect back on 4 or 5 other ordinances where she did not abstain, and I want to ask her why she chose to abstain tonight? It's just, I'd like to start out with on August 30 of 1999, an Ordinance for the CPPA, approving a fact finding report, she voted in favor and did not abstain. On December 13, 1999, again, Ordinance #241/99 was about a deal between the Fraternal Order of Police and the Ohio Labor Council and here again, after the first reading and, this particular Council Member voted for it. She did not abstain. On December 2, 2002, approval went into a collective bargaining agreement negotiation between the Mayor and the City of Canton and Fraternal Order of Police effective January 1, 2003, she voted for it. On June 17, 2002, over the collective bargaining unit between the City of Canton and CPPA, Local #88, she voted

**MINUTES OF THE MEETING OF JULY 14, 2003**

for it, she did not abstain. And as recently as March 30<sup>th</sup> of this year, 31<sup>st</sup> of this year, myself and as member of Council, we had a little debate in regards to step increases for the City of Canton workers and all this, in my opinion, doesn't matter if it's a dollar or a hundred dollars, we did not have the money for it. My question being, if all that she said and practiced in the past, why Member Diamond would you abstain this evening?

PRESIDENT DENCZAK: Member Diamond, do you wish to respond?

MEMBER DIAMOND: One response is I refuse to be involved with another 15 minute argument. When I first became elected to Council, I asked Law Director Bernabei if I should abstain from any contracts for the CPPA which would not directly impact upon my husband who is in management, and he indicated that I should not abstain. Recently, I was told, rightly or wrongly, that there were political enemies who felt that would be an issue and so in order to protect myself of any conflict of interest, I decided, despite, what my attorney told me, City of Canton attorney, I would abstain so that there could be no potential for conflict.

MEMBER CASAR: Mr. President...

PRESIDENT DENCZAK: Member Casar, you have 20 seconds left of your 3-minute time limit.

MEMBER CASAR: How much time?

PRESIDENT DENCZAK: 20 seconds.

MEMBER CASAR: Member Diamond, in light of what you have just informed this Council and myself, I would ask you to resign as Chairman of the Fin...Personnel Committee because as Chairman, you cannot represent this Council wholeheartedly and do the job that you are appointed to do by the members of this Council. If that's the way you feel about any Police matter or anything that comes up where your husband's involved, and you choose to abstain, I do not feel that you are doing the job that you are elected to do and that this Council approved you to be Chairman of the Personnel Committee.

MEMBER DIAMOND: Last remarks. Mr. Casar.

PRESIDENT DENCZAK: Just one moment, one moment please. Ask for recognition.

MEMBER DIAMOND: May I speak?

PRESIDENT DENCZAK: Say Mr. President.

MEMBER DIAMOND: Mr. President, may I speak please?

PRESIDENT DENCZAK: I guess I'll be written up in the paper again tomorrow, but, Member Diamond.

MEMBER DIAMOND: I would say Member Casar, that I do not run this position either 8<sup>th</sup> Ward or Personnel Chairman because of your opinion of what I can do or what I cannot do. I've been Personnel Chairman for 12 years.

**MINUTES OF THE MEETING OF JULY 14, 2003**

When it comes to money, that's a different issue as opposed to issues dealing with Personnel matters, and very very few of those have dealt with Police personnel. I am not, as you try each and every Monday, to engage me in a verbal attack, I will not respond to whatever response you have, but I do my job very well, I research what I'm doing and I have my facts and figures before me and I have all the information I need to make the decisions that I need to make. And whether you think I'm doing a good job or not, is not my concern. My concern is the people that I represent. Thank you.

MEMBER CASAR: Mr. President, do I have any time left?

PRESIDENT DENCZAK: No.

MEMBER CASAR: Thank you.

PRESIDENT DENCZAK: Does anyone else have anything to say? Member Casar...?

MEMBER CASAR: Member Diamond, I would still like to have an answer why you abruptly changed from abstaining tonight and before you voted in the past, that's all the question I ask.

PRESIDENT DENCZAK: Is that it Member Casar?..... She's not going to respond to you.

MEMBER CASAR: I understand that, Mr. President, all I want, in closing I'd say.....abstention is an easy way out. Probably one easier way is just not to come to Council being tonight that you didn't want to particularly vote on an issue.

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?

MEMBER MROCKOWSKI: Mr. President, question for the Law Director. Law Director, I was asked a question by a group at a meeting we had over Scott's Costume when we went through the process of eminent domain and that whole series of events. They've received, I believe, from the courts, relocation money? They ended up selling that business. Did we pay them relocation when they didn't relocate and, if we did, can we get it back?

LAWDIRECTORMARTUCCIO: Mr. President, Mr. Mrockowski, under the Community Development Block Grant guidelines that come from the Federal Government, when a municipality relocates a business for eminent domain purposes, they can pay them relocation money. It was authorized. I believe we filed a law suit but did not end up going to court because both sides agreed on a figure that was one of the higher appraisals for the value of the property. I don't know if we paid relocation money, but I do believe some of the material was relocated. I'm not sure, I'll find that out for you. If indeed part of the business was relocated, then they should be eligible, we'll have to look and see. We'll have to match up the facts with the law, and I can get back to you on that.

MAYOR WATKINS: Mr. President, Member Mrockowski, I don't believe that they were paid any relocation costs because that was in the process of happening and were going to relocate downtown and then it didn't happen through the negotiated process. They were bought by another local company and had merged with them. So, I'll check it out for you and make absolutely certain.

**MINUTES OF THE MEETING OF JULY 14, 2003**

MEMBER MROCZKOWSKI: Thank you.

PRESIDENT DENCZAK: Is there any other miscellaneous business?

LAW DIRECTOR MARTUCCIO: Mr. President, a few remarks. First of all I'd like to thank the Service and Safety Directors for modeling the new non-union uniforms that we'll all be wearing for city employment and so on. (LAUGHTER) And, I also wanted to, I also wanted to mention that, that the Safety Director and his team did negotiate in good faith with the union and did work hard: the Budget Director, Safety Director one of our Assistant Law Directors and the Police Chief. I understand completely why Council voted the way it did, they articulated their reasons, but that negotiating team will have to come back to Council periodically for guidance, for strategies that they go through the fact-finding process and if that's rejected by either side, then of course, we'll need some guidance or conciliation and the strategies that are involved in conciliation. Secondly, there was a method to the madness about not putting up stop signs at an intersection recently when the traffic light went out - that's an act of nature. Three years ago, there had been a number of law suits, four years ago, there had been a number of law suits because signs had gone up, 4-way stop signs had gone up under intersections where the light had gone dead. Sometimes these intersections are referred, are repaired by the utility companies from a distance. They're fixed remotely sometimes from miles away and there's not a person there to say the light should come on, take these signs down now. So, a number of drivers were confused when presented with a stop sign and a green light and some of them would slow, stop, hesitate and get slammed - literally, and there were injuries and the City was named in those law suits. So our Chief law counsel, who happens to be a very successful personal injury lawyer in his private practice was asked to analyze the situation - just from that point of view. Not about traffic cops or all those other things but just from the point of view of liability, and concluded that it would be safer to human beings, there would be less property damage and less liability to the City if in those cases when the electricity went out, signs did not go up because under Ohio Revised Code Section 4511.132, drivers have to treat it as a four-way stop as they approach it. They have to exercise care and they have to yield. So, from that perspective a policy was developed 4 years ago, issued by then Safety Director Bair, which said in those instances when it's a mechanical repair, that we're working on, stop signs will go up because when the repairs are made that stop sign will come down. But, it's very difficult to coordinate, when we're under extreme emergencies, the personnel which are already stretched in are spread out throughout the entire city. So, there was a method to that madness and in case any of you want more information, tell me, we can share that discussion that took place some 4 years ago. Lastly, Member Hart thank you for commending the Ulster Project, it was very touching. May I suggest that in exchange, the United States send six liberally-leaning Democrats and 6 right-leaning Republicans to Ulster next year and see how they turn out.

PRESIDENT DENCZAK: Law Director, and what was your reference to in uniforms.....one moment please, what was your reference to uniforms?

LAW DIRECTOR MARTUCCIO: I noted that the Service and Safety Directors were handsomely modeling the uniforms that will now be required of all non-union personnel.....

PRESIDENT DENCZAK: No, no, no, no, not that too. Dickson's had a sale downtown and if you buy one suit, you get one free. (LAUGHTER) Member Hart....?

MEMBER HART: Law Director, I will check into that to see if we can work out a dual program with them.

**MINUTES OF THE MEETING OF JULY 14, 2003**

Thank you. Member Diamond, did say that we don't have 6 Republicans yet on City Council so we have to wait 'till next year? (*LAUGHTER*)

PRESIDENT DENCZAK: Is there any other miscellaneous business?

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

PRESIDENT DENCZAK: Moved and seconded that you adjourn. Roll call vote please. Member Smuckler, cast your vote.

MEMBER SMUCKLER: I couldn't hear -- you've lost control.

PRESIDENT DENCZAK: Answer the roll call please.

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN

ROLL CALL: 12 YEAS, 0 NAYS

ADJOURNMENT TIME: 9:12 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS  
CLERK OF COUNCIL

RAY DENCZAK  
PRESIDENT OF COUNCIL