

MINUTES OF THE MEETING OF NOVEMBER 10, 2003

The regular meeting of Canton City Council was held on Monday, November 10, 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 Ward 7 Councilmember Richard D. Hart, followed by the Pledge of Allegiance led by President of Council Ray Denczak.

TRANSCRIBER'S NOTE: DUE TO TECHNICAL DIFFICULTIES WITH THE RECORDING SOFTWARE, THIS MEETING OF COUNCIL WAS RECORDED ON ONLY TWO CHANNELS INSTEAD OF THE NECESSARY FOUR. AS A RESULT, THE RECORDING IS MUFFLED & INAUDIBLE IN MANY AREAS. THIS WILL EXPLAIN THE [UNINTELLIGIBLE] NOTATIONS YOU SEE THROUGHOUT THIS TRANSCRIPTION. A RECORDING OF THE LIVE BROADCAST OF THIS COUNCIL MEETING IS AVAILABLE ON THE INTERNET: <http://citycouncil.ci.canton.oh.us/>

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, DON CASAR, MARY M. BABCOCK, GREG HAWK, KATHLEEN ALTIERI-BUCHER, R. 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: To bring your agenda up to date, Members of Council, you're being asked to suspend Rule 24B to add Resolutions 85 and 86; you're being asked to suspend Rule 22A to add the second reading of Ordinances 21 through and including 28; you're being asked to amend Ordinance #37, and you are being asked to adopt Ordinance #26 under second readings. The Chair will now recognize Rule 24B suspension, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move to suspend Rule 24B and add Informal Resolutions 85 and 86 to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded that Rule 24B be suspended. 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 Informal Resolutions 85 and 86 are a legal part of the agenda.

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The Chair will now recognize Rule 22A suspension, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move to suspend Rule 22A and add Ordinances #21 through 28 to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Ordinances #21 through and including #28 to the agenda. Are there any remarks under this suspension?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinances 21 through and including 28 are a legal part of your agenda. This brings your agenda up to date, Members of Council.

PUBLIC HEARINGS

PRESIDENT DENCZAK: There is no scheduled public hearing at this time.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

PRESIDENT DENCZAK: Public Speaks under Ordinances or Resolutions for Adoption. We have quite a few names signed up this evening. The first speaker is Paul Snyder.

MR. SNYDER: Good evening. Ladies and gentlemen of Council, I'll just speak to you on behalf...

PRESIDENT DENCZAK: State your name and address for the record please.

MR. SNYDER: My name is Paul Snyder, 1104 McDowell NE. I've been asked to speak on behalf of Item #38 on your resolutions in reference to the property at 2409 and 2411 - 4th Street NW in Canton. It's been requested by Mr. Fricker to go back to a duplex. I just wanted to speak on behalf of that. My mother was the previous owner of this property. This particular property at 2409 and 2411 - 4th Street was built and designed as a duplex. It has been a duplex its entire life on 4th Street. My mother sold it at the age of 82 to Mr. Fricker for him to continue it on as a duplex...to fix it up. And that was one of the reasons my mother needed to sell it. On her fixed income, she was not able to meet the requirements the City had for the requirements, because it was a duplex. And I was told by the inspectors that I was not able to do the needed repairs on the property since it was a duplex. The property has always been a duplex; it has 2 separate entrances, 2 furnaces, 2 hot water tanks and 2 of everything. And somehow it got reverted back to single family. So on behalf of the new owner, who has spent a lot of time fixing it up as a duplex, I am requesting that it remain a duplex as it was so intended.

PRESIDENT DENCZAK: Okay?... The next speaker is Paul Bromall...am I pronouncing that correctly?

MR. BROMALL: Good evening, I'm here to address Council on Issue #37.

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PRESIDENT DENCZAK: State your name and address please.

MR. BROMALL: My name is Paul Bromall, I'm the General Manager of Canton Centre Mall.

PRESIDENT DENCZAK: No, I want your address please.

MR. BROMALL: My address is 681 Stevens Avenue...

PRESIDENT DENCZAK: Six-eight-one?

MR. BROMALL: Stevens Avenue, Akron.

PRESIDENT DENCZAK: Okay, go ahead.

MR. BROMALL: I've come here to address Council because of concerns of local citizens and groups opposed to the WalMart store being located on a portion of property in Canton Centre. People have been opposed to change for years in all cities across America. And without change, communities continue to struggle to survive. Although I sympathize with these communities, I'm only concerned about one community--Canton. For the past few months I've heard City officials talk about (*UNINTELLIGIBLE*) and the budget. I've heard school members say they don't have enough money for teachers, books, buildings, etc. I've also seen headlines in *The Repository* saying 800 jobs lost at Flemings...Timken moves plant...Hoover lays off 600. People who've lost their jobs, they lived, they worked in the City of Canton. Even though we can't ever replace the jobs that are lost, WalMart has the opportunity to bring something back to the community that it needs. They can help supplement many family incomes and provide for education, jobs that help supplement personal incomes, maybe the welfare system cannot. Canton Centre has been part of this community since 1965. It was the only enclosed shopping center in the City. It also employs over 350 people of this area each and every day of the year. It's a well-known fact that the Mall has been struggling for a number of years. We have the opportunity to change that and help the struggling business owners and to create an even greater opportunity for existing businesses in that end of the City. What I have just described is a scenario that needs to consider while voting for approval of some changes needed. You must also consider the financial impact it will have on the City's need for income, with property tax, sales and income tax that is generated. And for those afraid of change and new competition, maybe they need to take a look at their existing operation and ask how they can change to better help the entire community and not just themselves. So I ask City Council to approval the replat for WalMart. Thank you for your time.

MEMBER CASAR: Mr. President, yes, I have a question for the gentleman...

PRESIDENT DENCZAK: Sir...sir...? (*CALLING MR. BROMALL BACK TO THE MICROPHONE*)

MEMBER CASAR: Are you representing WalMart or just Canton Centre?

MR. BROMALL: I'm the General Manager of Canton Centre...not WalMart.

MEMBER CASAR: So you don't have anything to do with...

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MR. BROMALL: I have nothing to do with WalMart at all. ...I represent the (*UNINTELLIGIBLE*)...

MEMBER CASAR: So we're still in the blind as far as...at least this Councilperson is because to...you know, what's the intent, how many will they employ there and so forth and etc. And I...

MR. BROMALL: I don't have numbers of that. You'd probably have to contact WalMart, but until all of this is approved and it goes forward, there's no way to know that.

MEMBER CASAR: WalMart hasn't even given us the common courtesy to (*UNINTELLIGIBLE*) for this building. At least I don't know what they're building...I've asked the Planning Department and I've asked other departments for the City, and no one seems to know.

MR. BROMALL: (*UNINTELLIGIBLE*)

MEMBER CASAR: Pardon?... They will be?... Good, I can ask them the question.

PRESIDENT DENCZAK: The next speaker is Bill Glenn.

MR. GLENN: I think I should have put that under Public Speaks at the end...I just wanted to make a comment.

PRESIDENT DENCZAK: You're not going to talk about...any issue on the agenda?... Then you want to speak under the other Miscellaneous Business...I mean Public Speaks?... Okay. The next speaker is Brian Smallwood.

MR. SMALLWOOD: My name is Brian Smallwood, address is 1700 Lyons Road, Dayton, Ohio. I work for CESO and I'm here tonight representing WalMart and also Canton Centre Mall. I'd just like to speak on behalf of the lot split. What we are trying to do is in this particular situation, a particular parcel of this ground is zoned commercial presently. We are attempting to basically split that parcel of ground to allow WalMart to purchase the eastern-most portion of it to construct a supercenter. That's pretty straightforward of what we're attempting to do and I guess there's some questions. I'll be happy to entertain those at this time.

MEMBER CASAR: Mr. President. Yes, I have a question in regards, I brought it up last week, everything was all set to go with the property on 62 & Harmont for a supercenter...I mean WalMart, I'm sorry. And now that's on hold to go to West Tusc. And in my opinion, the City of Canton needs development in the far eastern side of the City before it needs it on the western side, just my opinion. Why are they putting the one on West Tusc on the fast track and kinda lagging behind on the one that's all ready to go? I mean, other than a marketing decision or a corporate decision? And if you people would have done your homework, there's a need for that in that area, more so than the west. Can you kind of explain that to this Council?

MR. SMALLWOOD: Well, I will do my best. Unfortunately, I cannot comment on the store on 62, that is another engineering firm doing it altogether. I have no idea their schedule at all at this point. I do know that the one on West Tuscarawas, or at least in my firm, has been put on a fast track for several reasons. Number one, the type of construction that's going to be going on there, we wanted to get everything moving because it's quite involved--and that's just from an engineering standpoint. From the aspect of WalMart, it is more of a real estate issue. We had to meet some deadlines

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for some real estate closings and what not. That's why we were pushing it forward more quickly, at least for my firm. Now in terms of the scheduling for the store that's going out on 62, I really can't attest to anything on that schedule. I am not aware of anything on that store.

MEMBER CASAR: Mr. President, is there anyone else here from WalMart who might know that?

MR. SMALLWOOD: I don't believe so, sir. I'm just, my job is to just deal with the store on West Tuscarawas Street.

MEMBER CASAR: Mr. President. Yes, how many will that employ approximately?

MR. SMALLWOOD: Our general projection numbers are around anywhere from 350 to 500 employees depending on the season.

MEMBER CASAR: What's the average wage?

MR. SMALLWOOD: The average wage I'm not sure of.

MEMBER CASAR: Do you have a ballpark figure?

MR. SMALLWOOD: I believe it's a little over....boy, I really hate to attest to that. I apologize for not having those numbers...

MEMBER CASAR: Well, see, those are some of the things that I would like to know personally 'cause I feel that we have quite a few stores that have invested in that community down in that area that's been there for a long time, grocery stores and etc. And WalMart's going to come in and undercut the employees. Sure, they are charge less for their product, but you're robbing Peter to pay Paul in my opinion, just to have a WalMart. How many WalMarts do we need in this community? You know, I think we have enough as it is. *(AUDIENCE APPLAUSE)*

PRESIDENT DENCZAK: Please...*(USING GAVEL FOR ORDER)* Mayor?

MAYOR WATKINS: Mr. President. I can answer Member Casar's question relative to the Harmont store. That is a Super-WalMart. And I talked to *(UNINTELLIGIBLE)* last week, who is the, who heads up the development organization. And is a Super-WalMart and they'll be opening bids on that in December of this year.

MEMBER CASAR: Thank you.

PRESIDENT DENCZAK: Thank you, sir.

MR. SMALLWOOD: Thank you.

PRESIDENT DENCZAK: The next speaker is Thomas Flynn.

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MR. FLYNN: My name is Thomas Flynn, 375 West North Street, Akron, Ohio. I represent WalMart when it comes to site selection in northeast Ohio and I thought it was important that I be here this evening to address your questions and concerns. However I think that there may be a more appropriate point in time to do that. You know, obviously, we went through this process with the store on Harmont and that store is going to be under construction (*UNINTELLIGIBLE*). There was a internal decision on which one would (*UNINTELLIGIBLE*) first. And, you know, that internal decision was made that Canton Centre should be the first store. That may or may not be the case now. But I think what's before us tonight is a lot split. And there will be a point in time when we present the Canton Centre store to the community, and to you all, and certainly we will in town to make those presentations, you know, to whomever the appropriate people are. Certainly, we do not want you to feel that you are neglected in this process. It is very systematic and it is starting with the lot split. And, really, our opinion is it has very little to do with the actual store itself. It's a legal process that we will see through and we will follow that up with the (*UNINTELLIGIBLE*) process.

PRESIDENT DENCZAK: Is that it?

MR. FLYNN: That's it.

PRESIDENT DENCZAK: Okay. The next speaker is John Seckler.

MR. SECKLER: Good evening. My name's John Seckler, I live at 2521 Nicholas Place NW, Canton, Ohio. I was here to speak on behalf of Jim Fricker, on issue 38. Pretty much everything's been said that needs to be said on this issue. (*UNINTELLIGIBLE*) mostly to say that I grew up there through the second grade. Some lady tried to testify that how can kids grow up there, what are they going to turn out like with no place to play and no parking and all kinds of crap like that. I think I turned out all right. Kids don't need anything but other kids and great parents to turn out well. My parents are a testament to that and the thing I'm not sure of, I hear the law is if you left it sit vacant for more than 12 months or something, I heard, that it reverts back to what it previously was. Well, I'm not sure about law like I said, but if that's true, it's always been a duplex, it was never anything but a duplex, so it should be cut and dry right now. But I'm not sure about the law. So I'm just here on behalf of Mr. Fricker and I think it should remain a duplex. And thank you for your time.

PRESIDENT DENCZAK: Well, maybe the Law Director could explain that. Law Director Martuccio?

LAW DIRECTOR MARTUCCIO: Mr. President, Sir. I or we may have mis-spoke when we talked about reverting back. The way the law reads that was passed in 1977, there was an overall desire for seeing a pattern, so this Council codified an ordinance which said there is a preference for single-family dwellings. And should a multi-family dwelling sit voluntarily vacant for more than a year, it will convert to a single-family dwelling. If I said "revert" back to, that's misleading, I apologize.

PRESIDENT DENCZAK: Okay?...

MR. SECKLER: Thank you.

PRESIDENT DENCZAK: Thanks. The next speaker is Joseph Bartholomew.

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MR. BARTHOLOMEW: My name's Joe Bartholomew. I live at 5965 Thistlehill Circle NW, Canton, Ohio. I was here two weeks ago to speak on the WalMart issue. And at that time, I said I was here on my own accord. But one thing has changed in a couple weeks, is that many, many of my fellow employees at Fishers have asked me to come back and speak again. So I'm here to speak again, to remind you maybe of what I said the first time and to add a few things. These gentlemen from WalMart that came up here first, I found it interesting that the man I think he was the mall manager, he spoke in terms of the WalMart shop as being supplemental income. I didn't hear anything about family-supporting jobs...jobs that can buy homes, jobs that support families and jobs that put kids through college and so forth. The next gentleman that come up and...the next gentleman that came up represented WalMart said he couldn't quote wages. Well, I'd like to do a little bit of that here tonight. I'm an employee of Fisher Foods, I'm a meat cutter at Fisher Foods. And I've been there since the 1960's. I understand that this is a done deal with WalMart going in, at least that's the scuttlebutt I hear, but I'm hoping you didn't sign on the dotted line yet. And I'm hoping that you will at least give consideration to two things before you do. And that is trade offs and exploitation. If nothing else, please remember and consider before you sign on the dotted line, trade offs and exploitation. If you allow WalMart with their Supercenters to come in and take over Canton, you are quite possibly driving Fisher Foods out—a company that has been good for this community for many decades. And all you need to do is look at the track record. All you need to do is see that WalMart has driven two dozen national chains into bankruptcy in the past 10 years...supermarket chains. What I want to talk about a little bit is, if you think of the supermarket industry as a service industry—and that's what it is. But at Fisher's, in fact, the meat department at Fishers still cuts meat the old-fashioned way—hanging quarters of beef. It is not likely, and I can't speak for WalMart, I don't know what their plans are, but it is really not likely that they are going to be cutting hanging beef...getting in 230-pound front quarters, 230-pound hind quarters and breaking it down from there...

PRESIDENT DENCZAK: Sir, I'm sorry, but under Council Rules, your 3 minutes are up, so bring your remarks to a close.

MR. BARTHOLOMEW: I didn't know there was a time limit.

PRESIDENT DENCZAK: Yes, there's a Council Rule.

MEMBER MROCZKOWSKI: Mr. President, I move that this gentleman be given another 3 minutes to conclude his remarks; seconded.

PRESIDENT DENCZAK: Moved and seconded that this man be given another 3 minutes; are there any remarks?... If not, by voice vote, all those in favor, signify by saying aye; those opposed, no.

NO REMARKS

MOTION PASSED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Sir, you have another 3 minutes.

MR. BARTHOLOMEW: Thank you. I'm sorry I didn't know there was a time limit. I just want you to remember trade offs and exploitation. The trade offs are that Fishers are a meat cutting operation that gives back to 75 employees in the meat processing; that's manufacturing jobs before we can do the service jobs. I stopped at the Supercenter in WalMart in Massillon. They have ready-cut meat. The man behind the counter there came out the doors, told me the meat is cut in Kansas, pre-packaged, pre-wrapped, pre-trayed, pre-everything. If you let WalMart push Fishers out, and the meat-

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cutting jobs at Fishers aren't going across the street to WalMart. In effect, they're going to Kansas or wherever else they're going to have this meat pre-packaged and pre-priced. The meat cutters and meat clerks, 75 jobs and wages go up to \$16.91 for me, a meat-cutter, 15.18 for clerks. Fishers pay a thousand dollars on top of that for insurance for our families' premium, a thousand dollars a month for each of us. And on top of that a pension. You're sending 75 jobs out to Kansas or wherever else. On the exploitation thing, you've heard all the things, there's 50 complaints against the National Labor Relations Board, up to 50, almost 50. I don't know of one against Fishers. You heard about 300 illegal immigrants arrested working at the WalMarts in 21 different states including Ohio. In my career that spans 5 decades at Fishers, there has been, I have no recollection of even one illegal immigrant working at Fishers. There's a tremendous difference there. Even Jay Leno is joking about illegal immigrants, illegal aliens working at WalMart, calling them Wal Martians. It's become trendy to joke about peoples' misfortunes and having to work with little or no health care and with wages that can't support a family. You are trading good, family-supporting jobs at Fishers for what was termed supplemental income kind of jobs at WalMart, not to mention sending 75 to Kansas. I figure my 3 minutes are about up.

PRESIDENT DENCZAK: You got 29 seconds.

MR. BARTHOLOMEW: I got 39 seconds...?

PRESIDENT DENCZAK: Twenty-nine.

MR. BARTHOLOMEW: Okay, well back to WalMart. It's just a shame that we need you people to step up and be like the Rosa Parks of 2003 and the Abraham Lincoln of 2003 and say it's time to get rid of modern-day exploitation.
(AUDIENCE APPLAUSE)

PRESIDENT DENCZAK: The next speaker is Mike Martino...is that correct?

MR. MARTINO: Not Wal Martian, Martino. Mr. Mayor, Ladies and Gentlemen of the Council, thank you very much. I don't live in Canton, however, I own property here on 819 Walnut. My wife and I own a...

PRESIDENT DENCZAK: Sir, I have to have your home address.

MR. MARTINO: My home address is 580 Macenna Drive, that's in Wadsworth.

PRESIDENT DENCZAK: Where at?

MR. MARTINO: Wadsworth, Ohio.

PRESIDENT DENCZAK: Okay, go ahead.

MR. MARTINO: I'd like to again address Council regarding the issue of WalMart. I understand it's a re-plating issue. Most folks I've talked to, they don't see a need for us even to be here because they feel that this is an issue that has already probably been decided by everyone that sits on Council here. I don't believe that's true or I wouldn't be here tonight. I strongly urge you to remember the information you recently got in the mail—hopefully everyone read those facts and figures. They're all very accurate. I find it very interesting that you're about to vote on something where the

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representative is not even here for that corporation—a corporation which happens to be the largest corporation in the world. It's a number one Fortune 500 company. But I would be embarrassed to say that I work at a Fortune 500 company and made \$8.21 an hour as an average wage. You have an opportunity to pick your neighbors here. I think you're going to make a grave mistake by picking a WalMart as your neighbor. If this re-platting goes through and you allow for this corporate monster to come in, you're going to have 4 WalMart Supercenters within about a 25 mile radius. There's one in Massillon, there'll be two in Canton, there's one in Alliance. These are the Supercenters—I'm not mentioning all the other WalMarts there are, and Sam's Clubs. Mr. Bromall mentioned earlier that a loss of jobs at Hoover and some other folks down here in the Canton area are a great misfortune; that is true, it is a great misfortune. Part of the problem of the misfortune is WalMarts. If you're the number one supplier of Hoover vacuums in this country, you can pretty much dictate to that company what you're going to pay for those vacuums. So Hoover had no other choice but to move their operations either into Mexico or overseas. With that being said, you still have an opportunity to look them in the eye and ask them how low are we going to lower this bar? The wages and benefits those folks that work at WalMart make are below poverty level. If you're going to create 400 jobs here in Canton and expect a wonderful tax base for the City and, I know their game plan, they come in and they tell you how great it's going to be for the City and how the schools are going to benefit. But what about the hundreds and hundreds that are going to be lost along the way because they can't "compete" or change their style of marketing. They don't have the pockets that are as deep as WalMart, they cannot compete with that. They cannot compete with the buying power or the muscle that they're able to put on their suppliers. So I still want to urge you...(TIMER SOUNDING) I'll ask for one more minute if that's possible...?

PRESIDENT DENCZAK: No...it's up to Council.

MEMBER MROCKOWSKI: Mr. President, I move to give the gentleman one more minute; seconded.

PRESIDENT DENCZAK: It's moved and seconded that the gentleman be given one more minute; are there any remarks?... If not, by voice vote, all those in favor, signify by saying aye; those opposed, no.

NO REMARKS

MOTION PASSED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Sir, you have one more minute.

MR. MARTINO: Thank you. Sooner or later we're going to be living in a society here where the average wage is about 8 to 9 dollars an hour. Now I don't know how many folks want to live on 8 to 9 dollars an hour and raise their families on that, without having probably two other jobs. It's very difficult. You know, I think everyone needs to take some time out of your schedule, go to a WalMart store and ask the employee or associate as they're called how their standard of living is—what are they making an hour—do you have health insurance. Those are the important questions here tonight—not that you're going to get a box store that's going to create tax revenue in your opinion. Thank you very much. (AUDIENCE APPLAUSE)

PRESIDENT DENCZAK: The next speaker is Philip Papadopoulos.

MR. PAPADOPULOS: Hi, my name is Philip Papadopoulos; 1042 - 25th Street NW, Canton, Ohio. I'd like to say that we look at the idea of a WalMart coming into Canton as a bad idea. I work for Giant Eagle on 30th Street and while

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there's problems, you know, with all jobs, at WalMart, they don't pay a living wage. There's 70,000 people on strike in California right now in the service industry because a Supercenter WalMart's coming in right now. Grocery stores are saying they can't afford benefits for their employees. So I believe that WalMart coming in is divisive to those community as well. It will destroy all the decent-paying grocery jobs, which is one of the few service sector jobs left in this country that will pay a living wage. And that's all I have to say, just take that into consideration. Thank you. (*AUDIENCE APPLAUSE*)

PRESIDENT DENCZAK: The final speaker is Rebecca Murphy.

MS. MURPHY: Hi, I'm Rebecca Murphy and my address is 1470 St. Elmo Avenue NE in Canton. I'm speaking about WalMart also, but I'm speaking on the other side of WalMart. Although I don't really think it's necessary to have both a WalMart at Route 62 and the one on Tusc, I do support at least one of them in Canton. I worked in retail for 3 years of my life and I actually applied to work at Fishers. I was going to be hired as a bagger at 5.40 an hour and have 9 dollars taken out of every paycheck for union dues. My husband works at Park Farms. He is a union member. The health insurance I had when I worked at K-Mart is a lot better than the health insurance my husband has. And we have over \$3,000 in medical bills this year from just me having a baby and him having a colonoscopy. And he supposedly has a decent job with this union that's supposed to help him get decent health care. I know, I work in a non-union place right now and we have better health insurance. Sure there's a little bit of money taken out of every paycheck to have that insurance, but it's a lot better than paying a thousand dollar medical per person just to have some kind of health insurance. As far as wages go, in my experience in retail, most people that work in a retail establishment, that's not their main job, they're not the main breadwinner of the family. Either they and their spouse work, or they're retired from another job and that's a job they have after retirement, or they're high school students. WalMart, K-Mart, Target, Walgreen, none of those jobs are meant to be jobs that you supposed to be able to live on. So these arguments about cutting wages from Fishers and Giant Eagle, I think that's the difference between apples and oranges. Secondly, I think WalMart is good, I think Marc's is good because (*UNINTELLIGIBLE*) less prices is forcing stores like Giant Eagle and Fishers to lower their prices. I don't shop at Fishers because their prices are too high. I don't like shopping at Giant Eagle, until recently because now recently, they started dropping their prices. Why?...because of the lower competition. I think it's good. And, for all this propaganda that this union's sending out to all their members about how bad WalMart is, it is exactly that, it's propaganda. I see all kind of fallacies this way and that through everything they write. And the main reason that they don't want WalMart here is because they want to unionize WalMart, and because WalMart is resistant to that, they're going to fight any WalMart store because then that's less people that's not unionized. They care about how many people they can get in the unions. And that's, I firmly believe that. And so I am all for having at least one WalMart in the City of Canton to help lower prices, raise competition, and to help the Canton Centre area or the Route 62 area, bringing in jobs and helping the commerce of the area. Thank you. (*AUDIENCE APPLAUSE*)

PRESIDENT DENCZAK: This ends the Public Speaks portion under Ordinances & Resolutions for Adoption.

INFORMAL RESOLUTIONS

PRESIDENT DENCZAK: Informal Resolutions--excusing members. It will not be necessary to excuse members; let the journal show that all members of Council are present.

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PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #84 THROUGH #87 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED November 10, 2003.

84. BY MASSEY, CRAIG, WARD 4 COUNCILMEMBER: COMMENDING BENNY MCLEOD FOR HIS VOLUNTEER SERVICE IN BASKETBALL CAMPS COMMUNITY SERVICE PROGRAMS. - ADOPTED BY COUNCIL

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #84; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution 84. Are there any remarks?... If not, by voice vote all those in favor, signify by saying aye. Those opposed, no.

NO REMARKS RESOLUTION #84 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #84 is adopted.

85. BY PERSONNEL COMMITTEE OF COUNCIL: CONFIRMING THE APPOINTMENT OF JOHN SKAKUN, CPA, AS A TRUSTEE FOR THE HARTFORD & HOUTZ POOR FUND. - ADOPTED BY COUNCIL

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #85; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution 85. Are there any remarks under this Resolution?... Very well, by voice vote, all those in favor, signify by saying aye. Those opposed, no.

NO REMARKS RESOLUTION #85 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #85 is adopted.

86. BY THE PERSONNEL COMMITTEE: CONFIRMING THE REAPPOINTMENT OF RABBI JOHN SPITZER TO THE FAIR EMPLOYMENT PRACTICES BOARD FOR A 3-YEAR TERM EXPIRING 11/21/06. - ADOPTED BY COUNCIL

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #86; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt 86; are there any remarks under this Resolution?... Very well, roll call vote please.I'm sorry. Don't look at me like that, I made a mistake. I'm sorry, voice vote. Roll call...voice vote, all those in favor, signify by saying aye; those opposed, say no.

NO REMARKS RESOLUTION #86 ADOPTED BY UNANIMOUS VOICE VOTE

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PRESIDENT DENCZAK: I'll get this straight pretty soon. Resolution #87 please.

87. BY SMUCKLER, BILL, COUNCILMEMBER-AT-LARGE: COMMENDING DR. CRAIG & MRS. JEAN BALLOON FOR RECEIVING THE 2003 PRESERVATION AWARD FOR THEIR HISTORIC RESTORATION OF THE CRAFTSMAN BUNGALOW AT 25TH & CLEVELAND NW. - ADOPTED BY COUNCIL

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #87; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution 87; are there any remarks under this Resolution?... Very well, by voice vote, all those in favor, signify by saying aye; those opposed, no.

NO REMARKS

RESOLUTION #87 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Resolution #87 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 November 10, 2003

430. AUDITOR KIM R. PEREZ, CITY OF CANTON: REQUEST FOR ADDITIONAL AMENDED CERTIFICATE DATED 10/29/03. - CLERK OF COUNCIL

431. AUDITOR KIM R. PEREZ, CITY OF CANTON: REQUEST FOR ADDITIONAL AMENDED CERTIFICATE DATED 10/30/03. - CLERK OF COUNCIL

432. AUDITOR KIM R. PEREZ, CITY OF CANTON: MONTHLY REPORT BY FUND FOR 10/1/03 - 10/31/03. - RECEIVED & FILED

433. AUDITOR KIM R. PEREZ, CITY OF CANTON: YEARLY REPORT BY FUND FOR 1/1/03 - 10/31/03. - RECEIVED & FILED

434. LAW DIRECTOR JOSEPH MARTUCCIO, CITY OF CANTON: REQUESTING PASSAGE OF AN ORDINANCE ADOPTING AMENDMENTS TO THE TRAFFIC & GENERAL OFFENSES CODES OF CANTON CODIFIED ORDINANCES EFFECTIVE 1/1/04. - RECEIVED & FILED (See O#5&6, 1st Rdg)

435. LAW DIRECTOR JOSEPH MARTUCCIO, CITY OF CANTON: COUNCIL MAY SOON EXPECT AN ORDINANCE WHICH ADDRESSES ALL ISSUES ON THE PROPOSED VACATION OF PORTIONS OF 14th & LAWN AVE SW AS REQUESTED BY DUMONT SEED CO. - WARD 5

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COUNCILMEMBER, CC: PUBLIC SAFETY & THOROUGHFARES COMMITTEE

436. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: REQUEST FOR NEW C1, C2 LIQUOR PERMIT BY DWS INC., dba SHORB DRIVE THRU, LOCATED @ 829 12th ST NW. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
437. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: REQUEST FOR NEW D1 LIQUOR PERMIT BY BOBBIE J. McCALL, dba BJ'S PUB, LOCATED @ 2543 WINFIELD WAY NE. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
438. MAYOR RICHARD D. WATKINS, CITY OF CANTON: REQUESTING AUTHORIZATION TO APPOINT JOHN SKAKUN, CPA, AS TRUSTEE FOR HARTFORD-HOUTZ POOR FUND. - PERSONNEL COMMITTEE (See Re#85)
439. MAYOR RICHARD D. WATKINS: REQUESTING VARIOUS SUPPLEMENTAL APPROPRIATIONS & TRANSFERS NECESSARY TO MEET OPERATING EXPENSES FOR REMAINDER OF 2003 (TO FUND PAYROLL IN GENERAL FUND & SANITARY SEWER; & FOR PARTS, SERVICE & FUEL FOR DMV FUND. - LAW DIRECTOR (See O#7, 1st Rdg)
440. MAYOR RICHARD D. WATKINS, CITY OF CANTON: REQUESTING AUTHORIZATION TO REAPPOINT RABBI JOHN SPITZER TO THE FAIR EMPLOYMENT PRACTICES BOARD FOR THE TERM 11/22/03 TO 11/21/06. - PERSONNEL COMMITTEE (See Re#86)
441. MORRIS, MARTIN & DARLENE, 6323 MELODYLANE NE, NORTH CANTON, OHIO 44721: REQUEST TO REZONE LOTS 25949-25951 LOCATED AT 3865 MAHONING RD NE FROM R-1A TO PR-4 TO PERMIT A 6-UNIT APARTMENT. - PLANNING COMMISSION (See C#443)
442. NORTHEAST OHIO NATURAL GAS CORPORATION, LAWRENCE P. HAREN, PRESIDENT, PO BOX 430, LANCASTER, OHIO 43130-0430: NOTIFICATION OF INTENTION TO APPLY TO PUCO FOR RATE INCREASE FOR NATURAL GAS SERVICES PROVIDED TO CITY OF CANTON CUSTOMERS. - RECEIVED & FILED
443. PLANNING COMMISSION, SHEILA K. THARP-BARRINO, SECRETARY, CITY OF CANTON: RECOMMENDING APPROVAL OF ZONE CHANGE REQUEST BY MARTIN & DARLENE MORRIS FROM R-1A TO PR-4 FOR 3865 MAHONING RD NE TO PERMIT A 6-UNIT APARTMENT. - LAW DIRECTOR (See C#441) **PUB HRG 12/15/03 @ 7:30 PM**
444. PLANNING COMMISSION, SHEILA K. THARP-BARRINO, SECRETARY, CITY OF CANTON: RECOMMENDING APPROVAL OF REQUEST BY GEORGE MORRIS TO REPLAT LOTS 13294 & 13295 IN THE 1500 BLOCK OF BEDFORD AVE SW INTO TWO RECONFIGURED LOTS. - LAW DIRECTOR (See O#8, 1st Rdg)

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445. REPUBLIC ENGINEERED PRODUCTS, 3770 EMBASSY PARKWAY, AKRON, OHIO 44333-8367: ANNOUNCEMENT OF PURCHASE OFFER FROM PERRY STRATEGIC CAPITAL. - RECEIVED & FILED
446. REPUBLIC ENGINEERED PRODUCTS, 3770 EMBASSY PARKWAY, AKRON, OHIO 44333-8367: ANNOUNCING APPROVAL OF PAV REPUBLIC, A NEWLY-FORMED AFFILIATE OF PERRY STRATEGIC CAPITAL, AS LEAD BIDDER IN SALE OF REPUBLIC'S ASSETS. - RECEIVED & FILED
447. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO ENTER INTO \$69,400 CONTRACT WITH CIVIL DESIGN ASSOCIATES FOR PROFESSIONAL SERVICES FOR MIDWAY AVENUE NE IMPROVEMENTS PROJECT, GP 1072; REQUEST TO ESTABLISH PROJECT FUND; & REQUEST \$69,400 TRANSFER & SUPPLEMENTAL APPROPRIATION FOR SAME. - LAW DIRECTOR (See O#9, 1st Rdg)
448. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST FOR LEGISLATION TRANSFERRING OWNERSHIP OF 919 WALNUT AVE NE, PREVIOUS LOCATION OF THE FRIENDSHIP CENTER, TO CANTON COMMUNITY INVESTMENT CORP. - LAW DIRECTOR (See O#10, 1st Rdg)
449. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO TRANSFER OWNERSHIP OF PROPERTY LOCATED ON THE NORTHEAST CORNER OF WALNUT & 2ND ST NE & ON THE WEST SIDE OF WALNUT AVE NE BETWEEN 3RD & 4TH STREETS TO THE CANTON COMMUNITY IMPROVEMENT CORP. IN ACCORDANCE WITH AGREEMENT WITH STARK COUNTY FAMILY SERVICES TO EXCHANGE SAME FOR PROPERTY ON THE NORTH SIDE OF EAST TUSCARAWAS BETWEEN WALNUT & CHERRY AVE. - LAW DIRECTOR (See O#11, 1st Rdg)
450. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO ENTER INTO \$75,750 CONTRACT WITH COOPER & ASSOCIATES, LLP FOR PROFESSIONAL SERVICES FOR 38TH ST NW IMPROVEMENT PROJECT, GP 1067; REQUEST TO ESTABLISH PROJECT FUND; & REQUEST \$75,750 TRANSFER & SUPPLEMENTAL APPROPRIATION FOR SAME. - LAW DIRECTOR (See O#12, 1st Rdg)
451. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO ENTER INTO \$18,600 CONTRACT W/CT CONSULTANTS FOR ENGINEERING SERVICES IN LIFT STATION REPLACEMENT @ COUNTRY FAIR SHOPPING PLAZA & ALLENFORD DR; ADVERTISE, RECEIVE BIDS & ENTER INTO \$100,000 CONTRACT FOR CONSTRUCTION; & \$118,600 SUPPLEMENTAL APPROPRIATION FROM 5410 SANITARY SEWER FUND FOR SAME. - LAW DIRECTOR (See O#13, 1st Rdg)
452. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST AUTHORIZATION TO

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EXECUTE & DELIVER AN EASEMENT TO AULTMAN HEALTH FOUNDATION TO INSTALL UNDERGROUND ELECTRICAL CONDUITS FOR THE NEW ADDITION. - LAW DIRECTOR (See O#14, 1st Rdg)

453. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO TRANSFER \$94,378.33 TO THE 4547 SHORB & 4TH NW ROADWAY IMPROVEMENT FUND FOR PURPOSES OF SIGNALIZING THE INTERSECTION OF 4TH & FULTON NW. - LAW DIRECTOR (See O#15, 1st Rdg)
454. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO ENTER INTO \$22,350 CONTRACT WITH CT CONSULTANTS FOR REMOVAL OF 8th STREET NE BRIDGE OVER MIDDLE BRANCH OF NIMISHILLEN CREEK; REQUEST TO ESTABLISH PROJECT FUND & TRANSFER \$22,350 FROM 5410 202010 FUND FOR SAME. - LAW DIRECTOR (See O#16, 1st Rdg)
455. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF INCOME TAX CASH RECEIPTS AS OF 10/31/03. - RECEIVED & FILED
456. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF DEPOSITS & PAY INS TO AMBULANCE LOCK BOX ACCOUNT AS OF OCTOBER 31, 2003. - RECEIVED & FILED
457. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: COMPARATIVE REPORT OF PARKING METER REVENUE AS OF OCTOBER 31, 2003. - RECEIVED & FILED
458. TREASURER ROBERT C. SCHIRACK, CITY OF CANTON: REPORT OF BANK RECONCILIATIONS & OUTSTANDING INVESTMENTS AS OF OCTOBER 31, 2003. - RECEIVED & FILED
459. WILLIAMS, BRUCE, AGENT FOR PETITIONER, CITY PLANNING DEPARTMENT, CITY OF CANTON: PETITION TO ANNEX 176.280 ACRES OF LAND IN CANTON TOWNSHIP KNOWN AS THE "FORD/REPUBLIC GEORGETOWN CEDA ANNEXATION AREA." - LAW DIRECTOR

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: We're now under Ordinances and Formal Resolutions for the first reading and referral. Let the journal show that all ordinances & resolutions are being given their reading as required by State Law. Ordinance #1 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #20 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

#1 (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS

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THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (FIRST CHURCH OF NAZARENE ZONE CHANGE)

Referred to Second Reading Portion of Next Agenda

#2 (1ST RDG) 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 (TODD LENS MAN/PRIME PROPERTIES ZONE CHANGE)

Referred to Second Reading Portion of Next Agenda

#3 (1ST RDG) 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 (TRENA & SOLADENE CURTIS/JAZZY KIDZ DAY CARE ZONE CHANGE)

Referred to Second Reading Portion of Next Agenda

#4 (1ST RDG) AN ORDINANCE VACATING A PORTION OF A DEDICATED ALLEY BETWEEN 5TH STREET S.W. AND 6TH STREET S.W.; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Safety & Thoroughfares Committee

#5 (1ST RDG) AN ORDINANCE ADOPTING 2004 AMENDMENTS TO THE TRAFFIC AND GENERAL OFFENSES CODES OF THE CANTON CODIFIED ORDINANCES

Referred to Judiciary Committee

#6 (1ST RDG) A RESOLUTION AUTHORIZING THE CITY LAW DIRECTOR TO DISTRIBUTE FREE OF CHARGE TO PUBLIC OFFICIALS AND PUBLIC INSTITUTIONS COPIES OF THE 2004 AMENDMENTS TO THE TRAFFIC AND GENERAL OFFENSES CODES; TO AFFIX PRICE FOR SALE OF SAME

Referred to Judiciary Committee

#7 (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION AND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

#8 (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PART OF LOTS NOS. 13294 & 13295; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Safety & Thoroughfares Committee

#9 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH CIVIL DESIGN ASSOCIATES, INC. IN AN AMOUNT NOT TO EXCEED \$69,400.00 TO PROVIDE PROFESSIONAL ENGINEERING AND SURVEYING SERVICES FOR THE MIDWAY AVENUE NE IMPROVEMENTS; AUTHORIZING THE

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CITY AUDITOR TO ESTABLISH THE 4552 MIDWAY AVENUE NE IMPROVEMENTS FUND; 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 Public Safety & Thoroughfares & Finance Committees

#10 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee

#11 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee

#12 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH COOPER & ASSOCIATES, LLP IN AN AMOUNT NOT TO EXCEED \$75,750.00 TO PROVIDE PROFESSIONAL ENGINEERING AND SURVEYING SERVICES FOR THE 38TH STREET NW IMPROVEMENT, GP 1067; AUTHORIZING THE CITY AUDITOR TO ESTABLISH THE 4553 38TH STREET NW IMPROVEMENT, GP 1067 FUND; 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 Public Property Capital Improvement & Finance Committees

#13 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH CT CONSULTANTS, INC. IN AN AMOUNT NOT TO EXCEED \$18,600.00 FOR ENGINEERING SERVICES ASSOCIATED WITH THE LIFT STATIONS REPLACEMENT PROJECT; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT IN AN AMOUNT NOT TO EXCEED \$100,000.00 FOR THE CONSTRUCTION ASPECT OF THE PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY APPROPRIATING FROM THE UNAPPROPRIATED BALANCE AND ALLOCATING SAME TO ITEMS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Environmental & Public Utilities & Finance Committees

#14 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE AND DELIVER TO AULTMAN HEALTH FOUNDATION/AULTMAN HOSPITAL AN EASEMENT ON PROPERTY OWNED BY THE CITY OF CANTON; AND DECLARING

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THE SAME TO BE AN EMERGENCY

Referred to Public Safety & Thoroughfares Committee

- #15 (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE TRANSFER AND SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

- #16 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH CT CONSULTANTS IN AN AMOUNT NOT TO EXCEED \$22,350.00 TO PROVIDE ENGINEERING SERVICES FOR THE REMOVAL OF THE 8TH STREET NE BRIDGE; AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Safety & Thoroughfares & Finance Committees

- #17 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE STARK COUNTY PUBLIC DEFENDER COMMISSION FOR THE PROVISION OF LEGAL SERVICES TO INDIGENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Intergovernmental & Public Service & Finance Committees

- #18 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH STARK COUNTY REGIONAL PLANNING COMMISSION TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$82,000.00 FOR A COMPREHENSIVE FAIR HOUSING PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development & Finance Committees

- #19 (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 143/2002

Referred to Personnel Committee

- #20 (1ST RDG) A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

Referred to Finance Committee

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

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ORDINANCES #21 THROUGH AND INCLUDING #28 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCE #26 WAS ADOPTED BY COUNCIL FOLLOWING ITS SECOND READING.

RULE 22A WAS SUSPENDED TO ADD #21 THROUGH #28:

- #21 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA AGREEMENT WITH ESMET, INC. TO PROVIDE REAL PROPERTY TAX EXEMPTIONS FOR AN ADDITION TO A BUILDING LOCATED IN THE WARD 4 COMMUNITY REINVESTMENT AREA; AUTHORIZING THE GRANTING OF TEN YEAR REAL PROPERTY TAX EXEMPTIONS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #22 (2ND RDG) AN ORDINANCE VACATING A PORTION OF MELCHOIR PLACE SW; APPROVING AND ACCEPTING THE REPLATTING OF LOTS NOS. 376-380, 522, 523, 33403, 33558, 42175 - 42182, PART OF LOTS NOS. 524 AND 375; AND DECLARING THE SAME TO BE AN EMERGENCY
- #23 (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #24 (2ND RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$35,640.59 TO WENGER EXCAVATING, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY
- #25 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH URS CORPORATION IN AN AMOUNT NOT TO EXCEED \$316,519.00 FOR THE TUSCARAWAS STREET IMPROVEMENTS, STA-77-13.90, GP 1064; AUTHORIZING THE CITY AUDITOR TO ESTABLISH THE 4551 TUSCARAWAS STREET IMPROVEMENTS GP 1064 FUND; AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE TRANSFER AND SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #26 (2ND RDG) **ADOPTED AS ORDINANCE NO. 223/2002** AN ORDINANCE AUTHORIZING THE MAYOR TO FILE WITH THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT A 2004 CONSOLIDATED PLAN FOR THE 2004 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, 2004 HOME INVESTMENT PARTNERSHIP PROGRAM AND 2004 EMERGENCY SHELTER GRANT PROGRAM; RATIFYING SUBMISSION AND FILING OF SAID PLAN; AUTHORIZING THE MAYOR TO EXECUTE GRANT AGREEMENTS WITH THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND TO ACCEPT FUNDING FOR THE THREE PROGRAMS; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: There is 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 #26; seconded.

PRESIDENT DENCZAK: It's moved and seconded that you adopt 26; are there any remarks under Ordinance #26?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #26 is adopted.

#26 ADOPTED AS ORDINANCE NO. 223/2003

#27 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE YWCA OF CANTON, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$50,000.00 FOR REPLACEMENT OF THE ROOF ON THE GATEWAY HOUSING PROJECT FACILITY; AND DECLARING THE SAME TO BE AN EMERGENCY

#28 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for the third and final reading.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #29 THROUGH AND INCLUDING #37 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS. ALL THIRD READING ORDINANCES WERE ADOPTED FOLLOWING THEIR FINAL READINGS.

#29 (3RD RDG) **ADOPTED AS ORDINANCE NO. 224/2003** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PART OF OUTLOT 827; APPROVING AND ACCEPTING THE DEDICATION OF PART OF LESH STREET NE AND RICHMOND

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AVENUE NE; AND DECLARING THE SAME TO BE AN EMERGENCY.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #29; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #29; are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #29 is adopted. **#29 ADOPTED AS ORDINANCE NO. 224/2003**

#30 (3RD RDG) **ADOPTED AS ORDINANCE NO. 225/2003** AN ORDINANCE AUTHORIZING THE PAYMENT OF A MODIFIED ALLOCATION TO SCOG FOR 2004 AND THEREAFTER; AND DECLARING THE SAME TO BE AN EMERGENCY.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #30; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #30; are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #30 is adopted. **#30 ADOPTED AS ORDINANCE NO. 225/2003**

#31 (3RD RDG) **ADOPTED AS ORDINANCE NO. 226/2003** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PART OF OUTLOT NO. 248; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #31; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 31; are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #31 is adopted. **#31 ADOPTED AS ORDINANCE NO. 226/2003**

#32 (3RD RDG) **ADOPTED AS ORDINANCE NO. 227/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A GRANT IN THE AMOUNT OF

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\$6,334.00 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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #32; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance 32; are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #32 is adopted. **#32 ADOPTED AS ORDINANCE NO. 227/2003**

#33 (3RD RDG) **ADOPTED AS ORDINANCE NO. 228/2003** 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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #33; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #33; are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #33 is adopted. **#33 ADOPTED AS ORDINANCE NO. 228/2003**

#34 (3RD RDG) **ADOPTED AS ORDINANCE NO. 229/2003** AN ORDINANCE AUTHORIZING THE MAYOR AND OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON CITY SCHOOL DISTRICT TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$30,000.00 FOR THE EARLY CHILDHOOD EDUCATION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #34; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #34; 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)

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PRESIDENT DENCZAK: Ordinance #34 is adopted. **#34 ADOPTED AS ORDINANCE NO. 229/2003**

#35 (3RD RDG) **ADOPTED AS ORDINANCE NO. 230/2003** AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF ONE PARCEL OF CITY-OWNED REAL PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #35; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #35; are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #35 is adopted. **#35 ADOPTED AS ORDINANCE NO. 230/2003**

#36 (3RD RDG) **ADOPTED AS ORDINANCE NO. 231/2003** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO FILE AN APPLICATION TO THE STATE OF OHIO TO PARTICIPATE IN THE CLEAN OHIO 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 AN AMOUNT NOT TO EXCEED \$50,000.00 IN ACCORDANCE WITH THE REQUIREMENTS OF THE CLEAN OHIO ASSISTANCE FUND APPLICATION; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #36; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #36; are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #36 is adopted. **#36 ADOPTED AS ORDINANCE NO. 231/2003**

#37 (3RD RDG) **ADOPTED AS ORDINANCE NO. 232/2003** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF OUTLOTS NOS. 666 AND 667; AND DECLARING THE SAME TO BE AN EMERGENCY

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MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #37; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #37; are there any remarks under this ordinance?...

MEMBER SMUCKLER: Mr. President, I move to amend Ordinance #37 by the amendment before every Councilperson; seconded.

PRESIDENT DENCZAK: It's moved and seconded to amend the ordinance per the copy before each of you. Questions?...

AMENDMENT: Pursuant to Rule No. 36, I hereby move to amend Agenda Item No. 37 as follows: 1. Amend the outlot numbers listed in the caption and Section 1 to read as: Outlots Nos. 666 and 677. 2. Substitute the Exhibit A attached to this Amendment for the Exhibit A attached to the ordinance currently pending before Council.

MEMBER SMUCKLER: Mr. President, could I have the Law Director please roughly just state the...what this amendment does.

LAW DIRECTOR MARTUCCIO: Mr. President, Mr. Majority Leader of Council. This amendment is essentially housekeeping. Let me explain. The original ordinance accepted the replatting of Outlots #666 and 667. We subsequently learned that those numbers were in error; it should be 677 instead of 667. And we are substituting a new plat for the original plat. (*UNINTELLIGIBLE*) ...part of the request by the Canton City Civil Engineering Division. There were a few items they requested and (*UNINTELLIGIBLE*) ...engineers and corporations from the private sector. So what is before you is the amendment simply somewhat changing the replats. Replats again deal with redesignation of real property or land, and in this case, they want to renumber two outlots into three outlots. It went before our Planning Commission and they recommended approval. These lots (*UNINTELLIGIBLE*) by Canton Centre Mall and the CESO Engineers & Surveyors. This replat will provide (*UNINTELLIGIBLE*) parcels at the Canton Centre Mall.

PRESIDENT DENCZAK: The question before you now is the amendment proposed. Are there any remarks under the amendment?... The question you're voting on now is the amendment. By voice vote, all those in favor, signify by saying aye; those opposed, no.

NO FURTHER REMARKS

AMENDMENT APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The amendment has passed. The question before you now is the ordinance as amended.

MEMBER CASAR: Mr. President, as I stated earlier, if this particular WalMart was being built at 62 where I feel it is necessary, I would support it wholeheartedly because I think we need development in the area. I supported the other legislation for 62 that's come through this Council a few months back, for 62. I cannot and will not support it for West Tusc because I don't really feel that we need that development in that particular place. I think we have two good markets, we have one almost across the street, Giant Eagle on Raff--another Fisher's on Harrison. So I think that we're in pretty good shape here. Just to pull out a couple facts here. WalMart in 2004, they plan on building another 315

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stores in this country. And 223 of those will be supercenters. How many WalMarts, as I said earlier, do we need? How many WalMarts can this country survive? And what's to say, what's to say that this WalMart, as big a corporation as they are, can keep on growing when they run everyone else out of business and they start raising their prices and now we're stuck with (*UNINTELLIGIBLE*) WalMart. I just cannot see why we have to have another supercenter on West Tusc with the stores we already have there. If they believe in building where they originally said, I would support it, even though I don't believe them. I don't think it's the greatest idea, but how dare we need development—in my opinion we don't need it up there. And I don't call this a union issue, I call this a union right issue. I call it a reason that we should be a fair wage for a fair day's work—we should get good benefits and we should be able to support a family, not supplement or whatever. Because there's a lot of senior citizens or senior people of parents that work but they don't have anyone else supplementing, so they're working. And that's what I call it, I call it union rights. And in my opinion, WalMart is not fair to their employees of what they pay them. And another thing in regards to 62. In view of the fact there's retail on West Tusc, who's to say after they build that and the economy doesn't pick up like they want it to and they say, oh, I don't think we need to go out on 62 now because we have one in Alliance, less than 10 miles away. So that's another reason why I don't support the one on West Tusc. I believe we should be pursuing the one on 62. And I will support it there. I will not support it on West Tusc. (*AUDIENCE APPLAUSE*)

PRESIDENT DENCZAK: (*USING GAVEL*) Are there any further remarks?

MEMBER MALLONN: Mr. President, yes, I'd like to respond in regard to Member Casar's comments. Obviously, Mr. Casar, you have not been to Canton Centre Mall lately. Your statement that we don't need development in that area...Canton Centre Mall is not dying, it is dead. And I live across the street and I frequent Canton Centre Mall and it's very sad. When I was notified of this WalMart coming into Canton Centre Mall, I was ecstatic, along with 300-plus residents who live at the Mayfield Senior Center who are very pleased to hear of them coming there. They think it's a great idea. And on behalf of the 5800 people that I represent in Ward 3, I have gotten three phone calls from people who are opposed to WalMart. So I will be supporting WalMart going into the Canton Centre Mall. I can understand each and every one of the people who spoke tonight, their concerns about WalMart going in there. But myself being a businessman, it is my feeling that business creates business. I think there's enough to go around and each and every store in that area will thrive as well as make Canton Centre Mall better, as well as the whole community. Thank you. (*AUDIENCE APPLAUSE*)

MEMBER DIAMOND: Mr. President, I have a question for the Law Director. Are we voting on an ordinance that says we like WalMart or don't like WalMart or we like how they pay or we don't like how they pay—or are we voting on a parcel of land that has been determined by the Planning Commission to be appropriate for a split?

PRESIDENT DENCZAK: Law Director...?

LAW DIRECTOR MARTUCCIO: Mr. President, Member Diamond. Like so many other ordinances that preceded it tonight, this is a lot split. This is about real estate and real property.

MEMBER DIAMOND: Mr. President. I respect each person's opinion, but I think it's important that Councilmembers vote on the legislation before them. Not on something outside the ordinance. And in essence what this does, if City Council does not approve this, it doesn't mean WalMart can't come to Canton. What it means is that WalMart will come to Canton more slowly or may relocate. This is simply an ordinance that deals with replatting property. And however

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you feel, pro or con, for this store—really has nothing to do with this piece of legislation.

MEMBER BABCOCK: Mr. President. The reason I (*UNINTELLIGIBLE*) the stores that are established out there (*SOMEONE IN THE AUDIENCE SAYING THEY CAN'T HEAR HER*)

PRESIDENT DENCZAK: Speak...is your microphone on?

MEMBER BABCOCK: The stores that are already established out there (*UNINTELLIGIBLE*)....well, I said I've got to support the ones that are out there already...(*UNINTELLIGIBLE*)

PRESIDENT DENCZAK: Any other remarks?

MEMBER HART: Yeah, Mr. President, you know as a member of organized labor, you know people have the right to organize and I've heard people come forth and say the employees of WalMart are not being paid a fair wage. In growing up, my father was a printer at *The Repository*, and I remember times where you know he was on strike. And I remember going down at 9th & McKinley and picking him up when they were printing the competition newspaper out of the old gas station down there. The point is is that the issue here if employees are dissatisfied, they need to do what this town has had a rich tradition in, organize themselves into labor. Have somebody represent them for the higher wages. You know I've been a proud member of organized labor. And if people want to get ahead then they need to put out and work for that better living wage like everybody else has. You know, I've been a supporter of Fisher Foods and Giant Eagle. And going there I had some employees call me concerning that. You know, I remember as a child going in the park, there was the fruit lady there, there was the butcher and that's what people in Canton want, they want service. And Fisher Foods has had that tradition of service. And I'll be quite honest with you, the people that aren't interested in service aren't going to come to Fisher Foods because they probably don't shop there now. You know, they'll go to the WalMart. You're not going to lose any customers because what Giant Eagle has given, what Fisher Foods has given is service and if you go to, you know, a local plumbing supply, Renner's Supply, you know, I can run out to Home Depot and you know where they tell me to go?...go down to Renner's. You know, they haven't been effected because they have a good product and they give service. The same as Schneider Lumber. Service is what people want and value and that's what Fisher Foods has offered, that's what Giant Eagle has offered.

PRESIDENT DENCZAK: Are there any further remarks?... If not, the question you are voting on now is Ordinance #37 as amended. Roll call vote please.

NO FURTHER REMARKS

ROLL CALL: 8 YEAS, 4 NAYS

(SMUCKLER, BABCOCK, HAWK, ALTIERI, MALLONN, DOUGHERTY, HART & DIAMOND VOTED YES. CASAR, MASSEY, MROCZKOWSKI & CARBENIA VOTED NO)

PRESIDENT DENCZAK:We're having some technical difficulties. This electronic age is driving me crazy. The ordinance has passed with the emergency. (*AUDIENCE APPLAUSE*) **ADOPTED AS ORD NO. 232/2003**

ORDINANCES & FORMAL RESOLUTIONS - POSTPONED MATTER:

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PRESIDENT DENCZAK: Ordinances and Formal Resolutions, Postponed Matter. Member Smuckler....?

#38 **DEFEATED** **POSTPONED FROM 10/20&27/03 COUNCIL MTGS; HAS REC'D 3 RDGS:**
AN ORDINANCE AMENDING ORDINANCE NO. 55/77 TO AS AMENDED KNOWN AS
THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE
AN EMERGENCY. (FRICKER ZONE CHANGE)

MEMBER SMUCKLER: Mr. President. I move we adopt Ordinance #38; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #38. Are there any remarks under this Ordinance?... If not, roll call vote please.

NO REMARKS
ROLL CALL: 5 YEAS, 7 NAYS
(CASAR, BABCOCK, MALLONN, HART & CARBENIA VOTED YEA. SMUCKLER, HAWK, ALTIERI,
MASSEY, MROCZKOWSKI, DOUGHERTY & DIAMOND VOTED NAY)

PRESIDENT DENCZAK: The ordinance is defeated.

O#38 DEFEATED BY A VOTE OF 5-7

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER MASSEY: Mr. President, Community and Economic Development will meet the November 17 at 6:00.

MEMBER MROCZKOWSKI: Mr. President, Finance Committee will meet the same time, same place.

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

MEMBER DOUGHERTY: Mr. President, Public Property Capital Improvement will also meet.

MEMBER SMUCKLER: Mr. President, Judiciary will also meet November 17th, 6:00.

MEMBER ALTIERI BUCHER: Mr. President, Intergovernmental & Public Service and Environmental & Public Utilities will meet at 6:00.

MEMBER BABCOCK: Mr. President, Public Safety and Thoroughfares will also meet November 17th at 6:00.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks, Open Forum, we have several people signed up for this portion.

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MR. FRICKER: I got something to say about 38...if it's any good. You guys already decided on the matter...

PRESIDENT DENCZAK: Wait, no, I'm sorry, but we have to go in order that you signed up. The first speaker is Nick Conley Jr.

MR. CONLEY: My name's Nick Conley, Jr., I live at 1507 South Chapel, Louisville. I'm here to speak about the local towing procedures. There was a vehicle break down at 12th & Market at (*UNINTELLIGIBLE*) in the afternoon, making a traffic hazard. A local City officer would impound that vehicle and clear up the intersection. Today at 3:15 a tractor trailer rolled over at 77 and 62. The local police department allowed a towing company out of Leetonia, Ohio to respond two hours and 15 minutes, almost 2 hours and a half, after the accident happened—tying up 77 southbound, northbound, Route 62. As we speak, the accident is still being cleaned up and cleared—when there's local companies in town to do this. I just want to bring this to Council's attention. This accident would have brought a lot of money for us, for our employees that live in the City, they pay taxes, I pay taxes, we pay property taxes. I just want to bring this incident to the City Council. Thank you.

SAFETY DIRECTOR CONCATTO: Mr. President, the accident that's on Route 77 at present was the semi under that rolled over southbound.

MR. CONLEY: That's correct, sir.

SAFETY DIRECTOR CONCATTO: I believe the company that they called out (*UNINTELLIGIBLE*)...I'm not sure that this accident is still going on, but I believe there were some specific needs... (*UNINTELLIGIBLE*) along the highway. I'm going to talk to the officers to make sure what the decision was. I also understand that there was certain gallons of diesel fuel spilled there and they're waiting for... (*UNINTELLIGIBLE*) to show up to clean that up. So it's not just an accident, and believe me, I understand what you're saying, Nick, and I understand about your need for business, but I'm not so sure that there wasn't some special needs here that would were necessary.

MR. CONLEY: Sir, we have all the equipment, we... (*UNINTELLIGIBLE*) we did it Tuesday.

SAFETY DIRECTOR CONCATTO: I will be glad to look into why that decision was made...I was told there was some specialty...

MR. CONLEY: I was up there, I was told it was Lieutenant Rubis' demand that they let whoever the company wants to get so it's...you know, and for two and a half hours let 77 be tied up before they even get up there and start the initiation of cleaning up the accident. I just wanted to...(UNINTELLIGIBLE) Thank you.

PRESIDENT DENCZAK: The next speaker is Jim Fricker.

MR. FRICKER: Good evening, Councilmembers. My name is James T. Fricker and I live at 916 Ridge Road with my wife and two children. My wife and I own the property at 2409-2411 Fourth Street NW. In the time that we owned the property, we have never had a complaint from any neighbor nor have we had the police called about a disturbance at our property. Our neighbors have saw me often working about my property and never had voiced a complaint. Our property has never been broken into or disturbed. However due to the recent... (*UNINTELLIGIBLE*) two of my front

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windows have been broken. Councilmembers, I have no trouble whatsoever for the past 5 years leading to this circumstance. I am not looking for trouble. I would like my duplex status given back for my family, which I feel they deserve. This is for... (*UNINTELLIGIBLE*) future which my wife and I have invested over \$70,000. Councilmembers, I appreciate you listening and hope for your support to reinstate the duplex status. I hope you guys would have heard that. I got one more question, what do you guys want me to do with my property now?..

PRESIDENT DENCZAK: You say, "you guys", who are you referring to?

MR. FRICKER: Council. Council is the ones that made their decision. I mean, do you guys want to steal it from me? Are you going to say, Mr. Fricker, we're going to take your property now, by eminent domain? I don't know. I'd like an answer.

PRESIDENT DENCZAK: Can anyone answer that?

MEMBER ALTIERI-BUCHER: Mr. President. Mr. Law Director, what exactly...what would you say about the property.... (*UNINTELLIGIBLE*) precisely because if this is a need to change the law that it reverts to single family...rather than it reverts...change in wording of the law that says it reverts back to what it was intended to be built to be, is that what the issue is here?

LAW DIRECTOR MARTUCCIO: As I understand the question, the ordinance again was passed 26 years ago...(*UNINTELLIGIBLE*) it said the desire of the City was to get as much single family dwelling back as possible and ...(*UNINTELLIGIBLE*) multi-family duplex or triplex or multi-plex remained vacant voluntarily for more than a year, it will revert to or become a single family. If Council is of the mind to change that, then I think it would create some extensive discussion with... among the staff, with Code, with housing, with Realtors. There are other cases in which some... (*UNINTELLIGIBLE*) marketed to me as a duplex, is sold to me a duplex. I didn't know. In that case, those folks have recourses against the relators, no matter what the legal status of the property. So there are discussions that can take place. Did I answer your question?

MEMBER ALTIERI-BUCHER: Yeah. I think that basically what I was addressing was the fact that the intention back then because there was so many hundreds and hundreds of homes that were subdivided up and the intention was to reverse that and make it a single family. Existing duplexes built as such ...(*UNINTELLIGIBLE*)

LAW DIRECTOR MARTUCCIO: No, if, Mr. President, Member Altieri, if Council wanted to, an amendment could be discussed in which a home, for example a home that was built as and always was a duplex would remain. As a policy decision, this Council could make that a consideration.

MR. FRICKER: Hopefully you guys can put your minds together and change it so I get my duplex status back. But I've been dealing with this for half a year now and I'm getting tired of it. Thank you.

PRESIDENT DENCZAK: The next speaker is Paul Kemp.

MR. KEMP: My name is Paul Kemp and I live at 227 Chicago Place NW in Canton. I'm here 'cause I want to know why Chicago Place hasn't been repaired. Now Chicago Place has been sinking ...(*UNINTELLIGIBLE*). When it was

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first reported, they came out and put an orange barrel out there, but nothing else has been done. Nothing. Chicago Place is an accident waiting to happen. Cars come zooming down through there, they hit that orange barrel. A number of times, I've set it back (*UNINTELLIGIBLE*). This morning the orange barrel was down at Chicago Place and Logan Avenue. I didn't put it back. If somebody else (*UNINTELLIGIBLE*) ...they're coming down there at speeds unbelievable. One of these days, there's going to be an accident there. As I said before, Chicago Place is an accident waiting to happen. And I want to know what it's taking so long to repair that street?

PRESIDENT DENCZAK: Service Director, do you wish to respond?

SERVICE DIRECTOR MILLER: This is the first time I was made aware of the problem on Chicago Place, other than the fact that there is an interceptor sewer that's being designed for that area for storm water. I will check into it Wednesday--tomorrow's a holiday. If you give me your phone number, I'll give you a call Wednesday.

MR. KEMP: Now wait a minute. This has been reported several times. And it was reported, the last time it was reported, it was reported to the Hot Line. (*UNINTELLIGIBLE*) ...it was a commissioner by the name, they told me his name was Mike, but couldn't remember his last name. Now that was the first there, but this has been reported 8 months ago. And a lot of people are coming up now and saying I've never heard about it before. Well, they put these orange barrels out, don't they have a record of when and where they put them? Or do they just put them any place?

SERVICE DIRECTOR MILLER: Yes, sir, they have a record. I will check the record first thing Wednesday morning and I will give you a call if you give me your phone number. Nobody's called my office. If they called the Mayor's Hot Line, the Mayor's Hot Line is answered, I believe, out at Street Department still. If that number is still active. So at this point in time, it has not come to my attention. Now that it has come to my attention, I will give you an answer Wednesday morning. Leave your phone number so I can give you a call.

PRESIDENT DENCZAK: Mr. Kemp, after the meeting, would you give him your phone number?

MR. KEMP: Right now?...

PRESIDENT DENCZAK: Well, it's up to you if you want to release your number now.

MR. KEMP: Thank you. (*MR. KEMP LEAVES THE PUBLIC SPEAKS MICROPHONE TO GIVE HIS PHONE NUMBER TO THE SERVICE DIRECTOR*)

PRESIDENT DENCZAK: The next speaker is Al Sciddurlo.

MR. SCIDDURLO: Hi, my name is Al Sciddurlo and I own the property 910 - 12th Street NW. I have 3 apartments in the back, in the front, I have a pizza shop. And the last time I was here is because my wife, she almost got attacked outside the pizza shop. This time I'm here because I don't see any changes. And I have in front of me 3 reports that I made...April 1st, nothing done about it, I have a report made 4th of July, nothing, oh, I made a mistake, it was the 5th of July, nothing happened. I don't understand it what's the (*UNINTELLIGIBLE*)...

PRESIDENT DENCZAK: Safety Director, are you aware of these charges here?

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SAFETY DIRECTOR CONCATTO: I believe I am, Mr. President. (*UNINTELLIGIBLE*)

MR. SCIDDURLO: I'm still waiting for...(UNINTELLIGIBLE)

SAFETY DIRECTOR CONCATTO: A check was sent to you certified, certified mail? It's my understanding...

MR. SCIDDURLO: Well, the public knows that the business opens at 11:00....why they show up at 7:00 at my house? I can't figure that out. Until today, I'm still waiting tomorrow. Now I had another accident that I had to report, that I got in front of me, and...because, I live in Plain Township, 2123 Clearview, so what I did, I got one of these checks that a customer give me, I called the Sheriff Swanson, he sent me a deputy--in two days, I got the money back. I got it right here. It took the Sheriff Dept. two days. Now what's the reason that the Canton Police Department, not the Police Department, it was the Detective Bureau...why every time you call them, number one, they don't call me back, number two, they forget about you, it's like you don't even exist. What's tomorrow?

MEMBER SMUCKLER: Mr. President. Al, did you ever get the check back from the City?

MR. SCIDDURLO: No. I got two checks, not one, two. One is \$50, such I told the Police where the people live. I point the finger the guy that did it to me, and still today this guy goes by my pizza shop and laughs at my face. I had another accident, I got the report here, this other guy with the check (*UNINTELLIGIBLE*) ...the 3rd of July, I called this guy, tried to collect the check. (*UNINTELLIGIBLE*) ...And I called this gentleman...

PRESIDENT DENCZAK: Sir, I'm sorry, your 3 minutes are up; bring your remarks to a close.

MEMBER SMUCKLER: Mr. President, due that I have been personally involved in this for probably over 4 weeks now, I can't believe that we can't get a check out and 4 weeks to get back to this gentleman. Please give this man...I move that we give this man another 2 minutes to continue this; seconded.

PRESIDENT DENCZAK: Moved and seconded that this man be given a 2-minute extension at this time; are there any remarks?... If not, by voice vote, all those in favor, signify by saying aye; those opposed, no.

NO REMARKS

MOTION APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: Sir, you have 2 more minutes.

MR. SCIDDURLO: This check was made for \$11, he bought a pizza, he came on the 5th of July. (*UNINTELLIGIBLE*) ...the account was closed. I believe account closed is a felony. So I call the Police, I called this gentleman, I tried to reason with him. This man told me if I call him back, he's going to come down to my shop and shoot me. So what I did, I called the Police, which....when they showed up, they didn't show up...because they were on Saturday. Because I got a report here stating that the accident was on 7-4; they show up on 7-8 to take a report. (*UNINTELLIGIBLE*) ...Me and my wife we're going to plan on selling everything in this town, and have a nice life. Because you know when you call the law and they show up 4 days later, and I have the proof here, I think it stinks. I'm from another country; I was born and raised in Italy. And we believe you do wrong, you will pay. But which way?...legal way. (*UNINTELLIGIBLE*) ...in Canton, Ohio, I don't see that. It's always tomorrow. So that's why I'm here to find out what tomorrow is. I had

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the gentleman over here, Massey, come see me at the pizza shop. I explained it to him, he couldn't believe it. I got the papers right here. I didn't make these papers.

MEMBER SMUCKLER: Mr. President. Mr. Safety Director, can you back in the police division....?

MR. SCIDDURLO: (*UNINTELLIGIBLE*)

PRESIDENT DENCZAK: Sir, wait, wait, wait, please, a member of Council asked him a question—you'll have time to respond.

SAFETY DIRECTOR CONCATTO: Mr. President, Member Smuckler. I gave specific orders to Lt. Thomas that if the check came back, that we send it certified mail. He was to give it to me and I would personally bring the check to him. Now I'm assuming that the check didn't come back. I will find that out tomorrow because they never called me to say it came back. The sent the check by certified mail. My understanding from the Police Department that he was given a line up to look at, he could not pick out the guy that gave him the check. My understanding from the Police Dept.—they have investigated the stolen check. Obviously not to the...the way Mr. Casto would like it to be. I talked many hours to Mr. Casto on the phone and tried to work this out with the check. We're not trying to keep the check from him. Again, my understanding is he got the check, he says he doesn't—I will call Lt. Thomas.

MEMBER SMUCKLER: Mr. President. Mr. Safety Director, if he got the check, you should have a signed, certified receipt that he got the check. That's what I'm looking for. Thank you.

MR. SCIDDURLO: Let me comment please. Where I come from in Italy, if somebody commit a crime such as this \$50 check, this check would cost me 110—because you give me a \$50 check, (*UNINTELLIGIBLE*) my bank charge me \$10, so it's \$110 check. Now maybe for all of you people, maybe \$110 is not much. But I have 4 children to support. To me \$110 is 3 weeks milk money. In Italy, the system...I'm not putting down the system here, but if I request a check back, you guys should have told me, no, you gotta catch this guy. You gotta do what you're doing right. Instead everybody agreed who sends the check tomorrow...and it's been since April 1st. So I want to know what tomorrow is. That's all. Thank you.

PRESIDENT DENCZAK: The next speaker is Judy Seckler.

MRS. SECKLER: Judy Seckler...my home address?

PRESIDENT DENCZAK: Yes, please.

MRS. SECKLER: 2226 Woodlawn NW, Canton, Ohio 44708. I was here in regards to the duplex for Mr. Fricker. (*UNINTELLIGIBLE*) ...When I was here and spoke the first time, I asked each one of you Council people if you would go to that duplex and take a look at it. And see if you can tell me that that duplex is to be made into a single family dwelling. I'd like to see any one of you take that responsibility for doing that. I told you I lived in that home, the duplex downstairs, for 15 years I had that property. I had a beauty salon, there was no problem with any parking. I had two children that was raised—the boy, Denny Snyder that was here and spoke to you people, lived upstairs before we ever moved there. And he grew up there and is fine. The lady that got up and said about it being a travesty to have children

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grow up in that—I was very offended. I have two children that grew up—John Seckler and Deanne Seckler—which they both got up here and spoke. Now I cannot believe that there is justice in this world and that you're going to take this apartment and you're going to say it has to be made into a single family dwelling. I don't know this man, I never saw him before in my life, but I have...me having—it was a duplex, house that we bought two doors from the house on 4th Street. And we converted it back into a single family dwelling, which it was before the people bought it before us. And we converted it back to a single family dwelling...which is, was all approved and everything was well and fine. But I cannot believe that if you took one look at this place, you went and looked at it...I would request you please go look at it and tell me how you're going to put this back into a one-family dwelling. You're not. It was built as a duplex, it is a duplex, and it should remain a duplex. And I'm very, very disappointed with this, that this Council would come up and say...(UNINTELLIGIBLE) Thank you. (AUDIENCE APPLAUSE)

PRESIDENT DENCZAK: The next speaker is Deanne Seckler.

MS. SECKLER: My name is Deanne Seckler, I live at 2515 Nicholas Place NW—I remembered it. I'm here also in support for James Fricker for the duplex on 4th Street to remain a duplex. I came to hear the decision on this matter and I thought I was coming to speak for it, and I didn't get to. I'd like to know the reason behind those that voted no to this and I'd like them to put themselves in his shoes and how would they like to be him. (UNINTELLIGIBLE) Thank you. (AUDIENCE APPLAUSE)

PRESIDENT DENCZAK: The next speaker is Bill Glenn.

MR. GLENN: Thank you, Mr. President. It's Bill Glenn, 2506 Coventry Boulevard NE, Canton. I just wanted to keep it real simple. I wanted to congratulate Mr. Dougherty for the past election and I look forward to working with him (UNINTELLIGIBLE) ...assist in any way. Thank you. (AUDIENCE APPLAUSE)

MISCELLANEOUS BUSINESS

PRESIDENT DENCZAK: We're now under Miscellaneous Business. Is there any Miscellaneous Business?... Member Altieri?

MEMBER DIAMOND: Mr. President. We had a speaker in regard to towing this evening. As you're aware, I submitted an ordinance...resolution a few weeks ago that would have required that the Police Department call a Canton-based company when towing was required as opposed to (UNINTELLIGIBLE) ...someone else. Since the Law Director indicated that we ought to look further into the legality of the resolution, I have received additional information most recently from Jackson Township. And also the Safety Director and the Law Department has also received that. And I am hoping that I can get the entities, the other political entities who have done what I would like to do for Canton in a meeting with the Law Department and myself and we can draft something that is going to put money in the hands of City businesses that choose to remain here in the City. Thank you.

PRESIDENT DENCZAK: Is there any other Miscellaneous Business?... No other Miscellaneous Business?...

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

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

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN

ROLL CALL: 11 YEAS, 0 NAYS
(HAWK EXCUSED)

ADJOURNMENT TIME: 9:15 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL

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