

MINUTES OF THE MEETING OF DECEMBER 1, 2003

The regular meeting of Canton City Council was held on Monday, December 1, 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 At Large Mary Babcock, followed by the Pledge of Allegiance led by President of Council Ray Denczak.

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

ROLL CALL TAKEN BY CLERK OF COUNCIL:

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

1 COUNCILMEMBER ABSENT: (JOE CARBENIA)

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Thank you, Member Babcock. Agenda corrections and changes Members of Council. You're being asked to suspend Rule 24B to add Communication #88 to the Agenda. The Chair will recognize that motion now.

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 24B and add Resolution #89 to the Agenda; seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Rule 24B is suspended and Personnel Committee Resolution #89 is a legal part of your Agenda. You're being asked to suspend Rule 22A to add Ordinances 3 to and including #8. The Chair reminds you that Ordinance #3 is returned to the Committee so it will be Ordinances 2, 4, 5, 6, 7 and 8. The Chair will recognize that motion now Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 22A and add Ordinances 2, 4, 5, 6, 7 and 8 back to the Agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Ordinances 2, 4, 5, 6, 7 and 8 back to the Agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

MINUTES OF THE MEETING OF DECEMBER 1, 2003

PRESIDENT DENCZAK: 22A is suspended and the Ordinances are a legal part of your Agenda. Ordinance #3 is retained in Committee. You're being asked then to vote later on, on the second reading Ordinance #8. This brings your Agenda up to date now.

PUBLIC HEARINGS**PUBLIC HEARING: WHEELING PLACE NE VACATION, 7:30 PM**

PRESIDENT DENCZAK: We have a scheduled Public Hearing for 7:30pm. The Chair declares the public hearing open in the matter of a request by Kathleen Altieri-Bucher to vacate a portion of Wheeling Place NE between Mahoning Road and Francis Court NE. The Planning Commission recommends approval. Is there anyone in the audience wishing to speak for or against this issue, please come forward... The Chair must, The Chair's going to address the audience here. Several of you people have signed up under Public Speaks. If you intend to speak on this issue, there's four people, you did not have to sign up on the list because you could speak under the Public Hearing portion. So, the four of you, that's Ralph Altieri, Mary Ellis, Beverly Sims and Thomas West, you can speak at this time under the Public Speaks portion. So, anyone in the audience now wishing to speak for or against this issue, please come forward...

MR. ALTIERI: My name is Ralph Altieri. I live at 922 Francis Court NE. I oppose vacating a portion of Wheeling Place. My property faces Wheeling where my garage comes out. I was offered \$500 but I did not sign a waiver to vacate Wheeling, and her father, Kathy Bucher has her father's car in my garage. And if, to me, if it was, then the snow plows would not come down and plow me out, I can't get out of my garage, and I'll be blocked in.

MS. ELLIS: Good evening. My name is Mary Ellis and I live at 1405 Nelson Place NE and I'm opposing the closing of Wheeling Place. I live right behind Kathy's apartments and Ralph and my family's going to be the ones mostly effected by this. All the traffic will be routed this way, including from the apartments because her apartments are perpendicular to my house. Last year, she tried to vacate Francis Court and we stopped that. This is directed to Kathy. If you know if you would have helped Ward 2 as much as you try to help yourself, we'd have a perfect Ward. You know, when a person, this is for everyone, when a person's voted into Council, they should be driven by integrity and ethics. You're here to help all the people, not just one person. Speaking of ethics, didn't you

PRESIDENT DENCZAK: Madam. I'm going to ask you to tone down your comments here. This is not the place to berate any person. Speak your concern about the issue itself.

MS. ELLIS: Right...Okay. We just want to know when is enough, enough? Because the older people, these are the people that can't come up to oppose things. This is, this goes on every year with her that something else different comes up. The older people cannot come up here to oppose this. You have, I have 28 names on a, on a petition, and, I, we feel that we're all taxpayers just like everybody else and we all use that street. It's not a street that people don't use. We use it two and three times a day. So, we don't, and we don't understand why we are not included or informed in anything that goes on, including, around our neighborhood. And Mary Babcock, I voted for you.

MS. SIMS: My name is Beverly Sims. I live at 934 Francis Court NE, Canton, Ohio. President and Councilmen, I am talking from my heart. I wanna know why Kathy Altieri, that you are doing this? You have lied, you have said that there was prostitutes in the alley. You had said that there was crime in the alley. It is not true. It's the same thing that you used for the parking we had. There was nothing going on there. My porch, my house, is catty-cornered from our

MINUTES OF THE MEETING OF DECEMBER 1, 2003

parking that you took and there was not no drugs, prostitutes or nothing. You took something away from me, Kathy. You took my faith in Council. I hope you hear that and I hope each and every one of youins' do not vote this because she will sneak in Francis Court next. You are a disgrace to Councilmen. Thank you, each and every one.

MR. WEST: Mr. President, Members of Council, Kathleen Altieri. Tonight I'm here.....

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

MR. WEST: My name is Thomas West. I live at 623 11th Street NW. I've received many calls from the residents here in this area. I also had an opportunity to talk to Miss Altieri along with many of you Councilmembers. At this point in time, I'm advocating that you do not pass this. I'm asking that you postpone it and give this, give this group an opportunity to be heard. To be heard through possible mediation. I think this issue goes further than an alley. I believe this issue facing us is more about confidence in City Council, City government. Many of them have said they spoke to the Planning Commission, many of them was told that they would get a letter. They said that they didn't get a letter. Many of them had indicated that they spoke to Mr. Concatto about this issue along with others and felt that they did not get heard. I'm asking you today, not to pass this, but to postpone it and allow the opportunity for Miss Altieri and this group to sit before a mediation and address this issue. Although I do support deterring crime, I think that that's essential, but at the same time, I think that at this point in time when we're trying to build neighborhoods, we need this neighborhood to be united, not divided. We need this neighborhood to be not disruptive. This Council can disrupt this neighborhood further than what it is now by passing it tonight. Allow the opportunity for mediation and then you will have an outcome to vote on, and that's what I ask you. Thank you.

SAFETY DIRECTOR CONCATTO: Mr. President. Just to let it be clear that I did speak to these people and they did get the opportunity to talk to me. I did not ignore them. I may or may not have agreed with what they had to say, but I did talk to them, and the closing of this street by the Planning Commission really had nothing to do as much with whether there was drug activity, as much as the owners of the property.

(CONVERSATION FROM THE AUDIENCE INAUDIBLE)

PRESIDENT DENCZAK: No, you're out of order. I have one more speaker to recognize. Prosper Altieri, do you wish to speak under this?

MR. ALTIERI: Mr. President, Members of Council. I live at 925 Mahoning Road, right along Wheeling Place...

PRESIDENT DENCZAK: State your name, please, for the record.

MR. ALTIERI: Prosper Altieri. And if they say crime don't exist, somebody's mistaken - they're blind. I had a trailer robbed and Ellis' husband even told me that they're going to steal it if you don't put it away, and they did steal it. I didn't even have it a year. Last year they ripped Christmas tree ornaments off the fence on the alley side and damn near ran over me. I had to block the three windows on the alley side so people wouldn't look in. That goes back to a little longer than that, 20 years. And, as far as Kathy, she didn't steal nothin' from the City. These people, Sims don't have a driver's license, even a car. And she's saying "Oh we took*(interruption from the audience)* and then.....

MINUTES OF THE MEETING OF DECEMBER 1, 2003

PRESIDENT DENCZAK: Madam, please.

MR. ALTIERI: And then, when they allocated Mary 140 feet of road on the other side because they were throwing stuff in her back yard, nobody said a word. We wasn't up here and saying, oh, you can't have the alley. We didn't say a word. But that's funny when the shoe's on the other foot, they don't like it. And that lot in the back which they claim they gave, we bought. We got nothin' for nothin' and it was open for the public, they could have bought it, anybody could've bought that parking lot. So that's about what I wanted to say. They, and then, on top of it, we had a double murder, just two years ago, right across from Mary's. Ed Bowser and his son were shot to death in their house, and anybody that say there's no crime, they better wake up. That's all I gotta say.

PRESIDENT DENCZAK: (*SOMEONE IN THE AUDIENCE WANTED TO SPEAK AGAIN*) I'm sorry, the chair can't recognize you, you already have one opportunity. That's a council rule to speak once. I'm sorry. Anyone else in the audience wishing to speak for or against this issue, please come forward?

MR. WALSH: My name's Tim Walsh. I'm a Canton demolition contractor and renovation contractor. Vacating this alley, and it's a small portion, it's not a big item, I believe it's 15 by 100 feet. We're not talking about a vast piece of property. We're talking about a small little piece of city property that the city has to maintain right now and spend money on. Vacating this alley will dramatically.....

PRESIDENT DENCZAK: Mr. Walsh, excuse me. Did you give me your address for the record? State your address.

MR. WALSH: My address is 1405 Newton Street, Tallmadge, Ohio.

PRESIDENT DENCZAK: Ok, go ahead.

MR. WALSH: Vacating this alley will dramatically improve the safety and security of the neighborhood, especially those closest to the area. Some time ago, my truck was broken into when it was parked down in that alley. They broke in, they stole a camera, some small tools, some cash and ransacked the entire truck. Until that happens to you, ya don't know what a violation of your personal safety's been delivered to yourself. But, once that's done, it's quite an impression. I've witnessed numerous occasions where grown men, on foot, on bicycle, cruising up and down that alley, quickly search for items that you can tell that they're looking for to quickly turn into cash. Along that Wheeling Court area, Kathy's car has been broken into, Prosper's trailer's been stolen, crab apple trees are vandalized, they took a tri-colored beech tree that was planted there, about a 2 inch caliber, vandalism just whacked it over at the ground and just totally ruined it. I've known tenants that Kathy has have had cars broken into. Just clear violations of safety and security. Vacating the alley will reduce the number of police calls and reports that must be written and documented to record the concerns of residents in that neighborhood. I think it would be wise for the city to look at alley vacations wherever they could possibly consider them just to reduce nuisance calls and improve safety of the citizens living in the city. If the city is trying to do more with less, I'm talking about police, fire, safety funds, including road maintenance, then this and any other alley vacation, should be granted speedily and without haste. Alley vacations shift the cost of responsibilities to the residents who then spend their money to fence, landscape and maintain their new property with vigilance and determination to make their property safe and secure and more valuable. Another problem I've not mentioned is the speed in which some individuals travel down that alley. Young children 5 and 6 years old live adjacent to that alley and vacation of the alley will serve to protect these innocent young residents of the community. The vandalism, criminal activity, intimidation

MINUTES OF THE MEETING OF DECEMBER 1, 2003

factors of the neighborhood, thugs, drug-addicted souls, and other undesirable personalities will no longer be permitted to threaten the safety and security and peace of mind of the Altieris and their neighbors and the portion of Wheeling that is vacated. For the safety and security of all concerned parties, vacating this portion of Wheeling Court is the right thing to do. Finally, vandalism, the theft of personal property, are personal violations of ones own sense of security, no matter where you live, whether you live on the street, whether you live in a box, whether you live in a house, a home, an apartment, a palace.....

PRESIDENT DENCZAK: Sir, your 3 minutes are up, bring your remarks to a close please.

MR. WALSH: Okay. I know you'll do the right thing for the safety and security of these life-long residents. They've earned it and they deserve it. Their peace of mind and your peace of mind will fulfill a basic human need- that of feeling safe and secure wherever you lay your head down each night to sleep. I encourage you to empower yourselves and vacate this small piece of Wheeling Court tonight. Thank you for your time.

PRESIDENT DENCZAK: Is there anyone else in the audience wishing to speak for or against this issue, please come forward....? Is there anyone else in this audience wishing to speak for or against this issue, please come forward....? Is there anyone else in the audience wishing to speak for or against this issue, please come forward....? Apparently not, the Chair declares the public hearing over in regards to this matter. The ordinance will follow later this evening. The Planning Commission recommends approval of this vacation.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

PRESIDENT DENCZAK: No one has signed up for Public Speaks under.... oh, I'm sorry. We do have one person signed up to speak under ordinances and resolutions for adoption. That speaker is Richard Zengler.

MR. ZENGLER: Members of Council and the Administration. Thank you for allowing this moment to speak to you tonight. Also, thank you for postponing the matter referred to as Ordinance #9. It is obvious that the cart was before the horse on this item. AFSCME Local 3449 can understand and appreciate the philosophy behind this ordinance, however, as first drafted, it called for the ability for pay increases for some employees. At this time, while other employees are struggling to hold ground, or to take as little a hit as possible, raises for some and not all cannot be tolerated. We are in this together and together we must stay. I thank Auditor Perez for withdrawing the section concerning an increased pay for some of his employees. He can take credit for either being a strong man and admitting a mistake or, as Bill Smuckler would say, a smart man who could count to 7. If the personnel ordinance has some broken parts and if there's a better way to do some things, then fix the whole wheel, not just the spoke. If this type of flexibility is the way the city wants to go, have all elected officials, all departments under the same program and not just for the sake of raises. It is common knowledge that one higher up immediately said 'if the Auditor's office gets his wish, then I want to do the same so that I can get pay raises.' This is the mentality that helped the city get into the mess it's in and this is not the mentality we need at this time and place. I urge you all to go back to Committee with this ordinance and decide to either, (1), allow the personnel ordinance to stay as it is in place or, if it needs re-tooled, re-work it to include all areas that should be included and do so without salary increases. Be the leaders that we ask. If it means waiting until the new Administration is in, and include it, then so be it. The race is on in the city as to who will show leadership for the betterment of Canton. Will it be the city, or City Council, the Administration, or the city employees? I hope that this race ends in a tie, because then the citizens, the employees, city's management and elected officials all win. Thank you.

MINUTES OF THE MEETING OF DECEMBER 1, 2003**INFORMAL RESOLUTIONS**

PRESIDENT DENCZAK: Informal Resolutions, excusing members, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we excuse Member Carbenia this evening; seconded.

PRESIDENT DENCZAK: Moved and seconded that member Carbenia be excused. Are there any remarks?... If not, roll call vote.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Let the journal show that Member Carbenia is excused.

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTION #89 BY TITLE, AS SHOWN BELOW. THE RESOLUTION IS ON FILE IN ITS ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED DECEMBER 1, 2003.

Res #89. BY PERSONNEL COMMITTEE : APPROVING THE REAPPOINTMENT OF PHILLIP FRANCIS TO THE FAIR HOUSING COMMISSION EFFECTIVE 8/1/03 - 7/31/08. - ADOPTED

PRESIDENT DENCZAK: You've heard the reading of the Resolution, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance, I'm sorry, Resolution #89; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #89. Are there any remarks under this Resolution?... If not, by voice vote all those in favor, signify by saying aye. All those in favor, signify by saying aye. All those opposed, no.

NO REMARKS

RESOLUTION #89 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution 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 DECEMBER 1, 2003

MINUTES OF THE MEETING OF DECEMBER 1, 2003

482. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: REQUEST FOR NEW D2, D2X, D3 LIQUOR PERMIT BY TAMMY JEAN LEMBKE, dba CHIRUMBOLOS CAFÉ, LOCATED AT 2454-56 MAHONING RD NE. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
483. LIQUOR CONTROL DIVISION, STATE OF OHIO, 6606 TUSSING ROAD, PO BOX 4005, REYNOLDSBURG, OHIO 43068-9005: REQUEST FOR NEW C1, C2 LIQUOR PERMIT BY JENNINGS ENTERPRISES, INC., dba RJ'S, LOCATED AT 2417 4th ST NW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
484. PRESIDENT OF COUNCIL DENCZAK, CANTON CITY COUNCIL, CANTON, OHIO: PROVIDING COPY OF SUB. H.B. 127 RECENTLY PASSED BY 125TH GENERAL ASSEMBLY TO WARD 1 MEMBER HAWK & REQUESTING THAT HE CONTACT STARK COUNTY TREASURER GARY ZEIGLER & DRAFT RESOLUTION OR ORDINANCE TO ACQUIRE USE OF THIS BILL. - RECEIVED & FILED
485. WILLIAMS, BRUCE, AGENT FOR PETITIONER, CITY OF CANTON DEPARTMENT OF PLANNING MANAGEMENT: NOTICE OF PUBLIC HEARING SET BY STARK COUNTY COMMISSIONERS ON JANUARY 13, 2004 @ 11:00 AM FOR FORD/REPUBLIC GEORGETOWN ROAD ANNEXATION AREA CONSISTING OF 176.280 ACRES IN CANTON TOWNSHIP. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCE #1 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE REFERRAL, AS FOLLOWS.

- #1 (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 (ZONE CHANGE REQUESTED BY MARTIN & DARLENE MORRIS)
Referred to Second Reading Portion of Next Agenda

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #2 THROUGH AND INCLUDING #8 FOR THE SECOND TIME BY TITLE, AS FOLLOWS.

RULE 22A SUSPENDED TO ADD #2 & 4 THROUGH #8:

MINUTES OF THE MEETING OF DECEMBER 1, 2003

- #2 (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION O.236/2002 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY
- #3 **RETAINED IN COMMITTEE** AN ORDINANCE REPEALING CHAPTER 157 "POLICE AND FIRE MINORITY EMPLOYMENT OPPORTUNITY" OF PART 1, ADMINISTRATIVE CODE, OF THE CANTON CODIFIED ORDINANCES PASSED IN 1994 AND DECLARING THE SAME TO BE AN EMERGENCY.
- #4 (2ND RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN THE AMOUNT NOT TO EXCEED \$23,740.00 TO THE UNITED INDUSTRIAL GROUP AND DECLARING THE SAME TO BE AN EMERGENCY
- #5 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT WITH LIFE INVESTORS INSURANCE COMPANY OF AMERICA TO COMMENCE AND ADMINISTER A FLEXIBLE BENEFIT PLAN UNDER SECTION 125 OF THE INTERNAL REVENUE CODE AND DECLARING THE SAME TO BE AN EMERGENCY
- #6 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR &/OR DIRECTOR OF PUBLIC SERVICE TO DESIGNATE THE CANTON COMMERCE DEVELOPMENT, LLC ITS AGENT TO SUBMIT A LOAN APPLICATION TO THE STATE OF OHIO URBAN REDEVELOPMENT LOAN PROGRAM IN AN AMOUNT NOT TO EXCEED \$1.3 MILLION DOLLARS FOR THE MILLS BUSINESS PARK; AUTHORIZING THE ALLOCATION OF \$200,000.00 FOR 2004 & 2005 FOR PURCHASE AND IMPROVEMENT OF THE MILLS BUSINESS PARK; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ACCEPT AND ADMINISTER SAID LOAN AND DECLARING THE SAME TO BE AN EMERGENCY
- #7 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE BOARD OF STARK COUNTY COMMISSIONERS FOR LEASE OF PARKING SPACES AT CORNERSTONE PARKING DECK AND DECLARING THE SAME TO BE AN EMERGENCY
- #8 (2ND RDG) AN ORDINANCE VACATING A PORTION OF WHEELING PL NE A 12 FOOT RIGHT-OF-WAY RUNNING BETWEEN THE SOUTH LINE OF LOT 3080 AND THE NORTH LINE OF LOT 3081 AND FROM THE WEST LINE OF MAHONING ROAD NE TO THE WEST APPROXIMATELY 100 FEET; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING

MINUTES OF THE MEETING OF DECEMBER 1, 2003

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCE #9 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS.

9 (3RD RDG) **POSTPONED TO DECEMBER 8, 2003** AN ORDINANCE AMENDING O.164/2001 AS AMENDED, THE CLASSIFICATION PLAN AND GENERAL SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AMENDING EXHIBIT A TO O.164/2001, AS AMENDED; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #9. Are there any remarks under this ordinance?

MEMBER SMUCKLER: Mr. President, I move we postpone Ordinance #9 'til 12/8/03; seconded.

PRESIDENT DENCZAK: Moved and seconded that Ordinance #9 be postponed until December the 8th, year 2003. Are there any remarks?

MEMBER DIAMOND: Mr. President, to postpone this would simply mean we would wait a week to vote on this?

PRESIDENT DENCZAK: That is correct.

MEMBER DIAMOND: It's my understanding that there are at least three different pending amendments to this ordinance. As Personnel Chairman, it would be my recommendation that we refer this back to Committee, bring all of the amendments back to the Committee and work on this so that we have an adequate, fair and equitable ordinance rather than the three or four people who are working on amendments separately. It would make more sense to do that in a Committee forum, for us to put this ordinance together in a proper and fair way. So, I make a motion that this be returned to the Personnel and Finance Committees; seconded.

PRESIDENT DENCZAK: There's a motion on the floor to postpone the Ordinance and your motion is to return it back to Committee. There's two motions pending before Council. One is to postpone the Ordinance until December the 8th and secondary motion is to refer it back to the Committees. The Chair is going to recognize the first motion first, the motion to postpone. Are there any remarks to postpone this ordinance?

MEMBER DIAMOND: Mr. President, just to be clear. If you vote and you receive a majority of the votes to postpone it, that means there will be no committee meeting, that means the amendments would be dealt with separately, that means there will be no input from either Councilmembers or city workers or any one else. We will just vote on it next week, is that correct?

PRESIDENT DENCZAK: That's correct. The question before you now is to postpone this ordinance until December

MINUTES OF THE MEETING OF DECEMBER 1, 2003

the 8th. Are there any remarks?... This requires a voice vote, however, I'm going to, the Chair is going to ask for a roll call vote.

NO FURTHER REMARKS

ROLL CALL: 9 YEAS, 2 NAYS

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

PRESIDENT DENCZAK: The motion to postpone carries. This ordinance is postponed until December the 8TH, year 2003.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please. There will be an executive session next Monday.

MEMBER SMUCKLER: Mr. President, calling for executive session next Monday night at 6:45 pm for all Councilmembers, the President of Council, Safety Director, Service Director and any of the administrative elected officials that would like to join us from the city.

PRESIDENT DENCZAK: What time is that?

MEMBER SMUCKLER: 6:45.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks Open Forum. We have one person signed up to speak, Judge Harry Klide.

JUDGE KLIDE: Mr. President and Honorable Members of the City Council as well as executive members of this city government. As a resident of this....

PRESIDENT DENCZAK: State your name and address.

JUDGE KLIDE: My name is Harry Klide. I live at 4541 Beverly Avenue NE, Canton, Ohio. As a resident of this community I thought that it was appropriate that I share some information with you, that has been bouncing around in my brains for the last two, three months about a charter form of government. I say what I say because of what I've heard and read in the newspapers for the last few months. I know that we haven't had this issue come before us for about, well, I think it was back in 1960 or early part of the 60's or late part of the 50's. Many things have happened in this community during those 40 plus years and I thought it's appropriate that we may want to consider it. I'm not here to tell you to do it, I'm only asking you to perhaps, or I'm suggesting or recommending that perhaps that you deal with all the issues of this city and for the next number of months, that you perhaps ought to focus on this issue and to see whether or not perhaps we should or should not do it. We have a new Mayor coming in, we have 4 new councilmen coming in, and perhaps a lot of things have happened in this community over the past 40 years and perhaps this might be a good time to look at that particular issue again. All I'm asking you to do is as you deal with the variety of issues that you're going

MINUTES OF THE MEETING OF DECEMBER 1, 2003

to be confronted with over the next number of months, you ought to be perhaps be thinking about this particular issue. As you know, the only way that this can come before, let me also make this very clear, this is my singular interest--I have not discussed this with anyone else except for Joe Martuccio, who has been very, very helpful to me and I certainly appreciate that but I won't here representing other people, I said I'm just a resident--I've lived in this hall for the last 50 years as you well remember. But I thought that I wanted to share this thing with you. If there's anyone who may want to do something about this, I would be delighted to work with them because as you well know I have nothing to do these days and that might keep me very, very busy. As you again know, it takes a 2/3 majority for this thing to happen. Which means, or 8 and 9 of you people will have to decide this issue, or alternatively 10 percent of the electors of the last election and I think there are about 17,000 people who voted, which means that you'll have to have 1700 people to sign a petition to have this thing issued before this matter can come before this committee. The other thing that you ought to know is that if any, if you were to decide this thing, this thing will come before the people not less than 60 days and not more than 120 days later--which means that you really cannot do anything about it realistically until some time next year. If there's a commission selected of 15 members, they have a whole week to decide this thing, and it's my hope or my dream that perhaps, as I look around this room here, there's a lot of you who have a lot of experience and knowledge

PRESIDENT DENCZAK: Judge Klide, I'm sorry but under Council rules, your three minutes are up. Bring your remarks to a close.

JUDGE KLIDE: Boy, when I was here, it was a very democratic institution, this is quite...anyway, all I'm going to say is that if there's any interest whatever, I would be delighted to work with you and it's my hope that you will find some time to focus on this issue because it might be very, very helpful to us. Thank you so much. And, nice to be back.

PRESIDENT DENCZAK: Thank you, Judge. Not many people get the chance and opportunity to tell a Judge that his three minutes are up. (LAUGHTER) I hope I don't have to appear before him some day soon. Okay. That takes care of Public Speaks.

MISCELLANEOUS BUSINESS

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

MEMBER DIAMOND: When the Personnel change ordinance came down and was given to me a week before the vote, I asked the sponsor and I asked the Auditor if we were going to revamp the entire city's personnel ordinance--I would need more than a week to do the research and to look at it fairly and equitably. The Auditor declined to give me an additional week, the Finance Chairman called a Committee meeting. The vote tonight, in light of the controversy surrounding this ordinance, the input that has been given to the Auditor, to the Law Department and to myself regarding questions and suggestions, it is unbelievable to me that a body who is charged with researching and working for the benefit of the people in Canton, and that includes city workers, that there would be so little interest in spending another half hour addressing this issue, giving consideration to the different amendments that have been proposed. It's our responsibility to take the information and do what's right and do what's fair and do what's best, and this Council's vote not to allow input from other department heads, from other appointing authorities, from union members, from city workers, that's a travesty that this Council would not listen--does not welcome input. How are citizens to believe in this government if we sit here and say after all we've heard over the last week in regard to this ordinance, that we don't want to hear any more.

MINUTES OF THE MEETING OF DECEMBER 1, 2003

That we know better. What it is, is, we know the vote. And, as long as there's no more discussion, and as long as there's no more controversy, then the vote will go as planned. I think it's very disappointing, whether you're for this, against it, whether your amendment is good, poor or indifferent, that we don't allow a discussion on something as important as this issue. Thank you. (APPLAUSE)

MEMBER CASAR: Mr. President. That is why we asked for this one week, one week we could get a lot more done in a week than we can just, what we can do here this evening. So, to say that we're not going to entertain any amendments next week is not true. That's why we asked for the week for further study and that's what we, that's what we intend to do.

MEMBER DIAMOND: Mr. President...

PRESIDENT DENCZAK: Anyone else have anything to say?... Member Diamond.

MEMBER DIAMOND: The further study would be done individually if it's done at all. The reason we have a body of 12 members is so that we can collectively decide on what's best for the city. And it doesn't matter how many people individually look into this, we as a body, have to determine where we are going with the personnel ordinance in this city. And, to begrudge and not allow a group discussion after the individual investigation, in my opinion, has no merit.

MEMBER CASAR: Mr. President...

PRESIDENT DENCZAK: Anyone else have anything to say?... Member Mroczkowski and then Member Casar.

MEMBER MROCKOWSKI: Mr. President, well, to say that there wasn't no thought and we need more time... One of the things that I've found in my six years of city council is that we spend a hell of a lot of time making up more time to spend more time looking at more time. This issue was looked at. This issue was talked at Committees, the research was done. Was it something that would be good for the fiduciary people that was involved? The union people have a contract that they live by and they're not effected by how or what happens with the fiduciary people. Was the issue how can we better serve our citizens by making those who are elected in positions and those who are directors of departments to be held accountable? As long as we micro-manage, as long as we make every decision for them, we're the ones who end of up taking the fall for what happens. *The Repository* did a pretty good job on everybody on this City Council because they didn't take a stand. This group of City Council over the last 52 years have taken a stand, put the finances together and done a hell of a lot of hard work to make sure it's there; and that's what this is all about. We don't need no more meetings, we don't need to do anything else other than take a look at, do we want directors to be held accountable for the finances that this council will give them or do we want to micro-manage and make sure that we then be held accountable for how they act? Thank you.

MEMBER CASAR: I pass.

PRESIDENT DENCZAK: Is there any other miscellaneous business?... For clarification, Member Diamond, did you mention the fact that there are some amendments coming down?

MEMBER DIAMOND: Mr. President, that would be the purpose of another Committee meeting. There are at least

MINUTES OF THE MEETING OF DECEMBER 1, 2003

three and possibly four different amendments. I don't know how each person here is going to review three or four amendments.

PRESIDENT DENCZAK: Member Diamond, just answer the question, yes or no.

MEMBER DIAMOND: Yes. Yes.

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

MEMBER HAWK: Mr. President, one comment on this. There was extensive meeting and research done on this and it was done from a fiduciary, from a fiscal point of view. It will save money. That was our concern. We have a budget that's in trouble. We're looking at doing everything we can do to get hold of this budget. Input was there, the meetings were conducted. This extra week will give us the time to, anybody can do their research and speak their course when we vote on it. Thank you.

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.

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN

ROLL CALL: 11 YEAS, 0 NAYS

ADJOURNMENT TIME: 8:18 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL

