

MINUTES OF THE MEETING OF OCTOBER 27, 2003

The regular meeting of Canton City Council was held on Monday, October 27, 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 6 Councilmember David Dougherty, 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, DAVID R. DOUGHERTY, RICHARD D. HART, ROSEMARY DIAMOND & JOE CARBENIA)

1 COUNCILMEMBER ABSENT: (JOHN MROCZKOWSKI)

RECOGNITION OF SCOUT TROOP 130

PRESIDENT DENCZAK: Before we proceed with the meeting, the Chair wishes to recognize Boy Scout Troop 130 from Bethel Lutheran Church. The Scout Master is Ray Studer and accompanying them is former city employee Jim Cordray. Would you please stand for Council's recognition. (APPLAUSE)

AGENDA CORRECTIONS & CHANGES

PRESIDENT DENCZAK: Okay. Agenda corrections and changes. You're going to be asked to adopt Ordinance #8 on the 1st reading. You're being asked to adopt Ordinance #15 under second readings, and you're being asked again this evening to postpone Ordinance #30. You're going to be asked to postpone this until November the 10th, year 2003. Resolution #83 is being withdrawn at the request of Member Diamond. You're being asked to suspend Rule 24B to add Resolution #81. At this time the Chair will recognize that motion, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move to suspend Rule 24B to add Resolution #81 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 Resolution #81 is a legal part of your agenda. You're being asked to suspend Rule 22A to add Ordinances for the 2nd reading, Ordinances #10 through and including #19. Are there?...that's it. The Chair will recognize that motion now.

MEMBER SMUCKLER: Mr. President, I move to suspend Rule 22A to add Ordinances #10 through #19 back to the

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agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Ordinances #10 through and including #19 to the agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinances #10 through and including #19 are a legal part of your agenda. This brings your agenda up to date.

PUBLIC HEARINGS**PUBLIC HEARING #1, OSTER SAND & GRAVEL ZONE CHANGE, 7:30 PM**

PRESIDENT DENCZAK: We have several public hearings scheduled this evening. The first one was scheduled for 7:30 PM. It's a request to rezone part of Outlot 1004 located on the north side of Columbus Road NE from the current PI-1 light industrial to a new PI-1 to permit expansion of an existing business into the City as requested by Norm Eckinger Construction for Oster Sand & Gravel. Planning Commission recommends approval. Is there anyone in the audience wishing to speak for or against this rezoning, please come forward... Is there anyone in the audience wishing to speak for or against this rezoning, please come forward... Is there anyone in the audience wishing to speak for or against this rezoning, please come forward... Apparently not. The Chair declares the public hearing over in regards to this matter. The matter now lays in the hands of Council. The Ordinance will appear later this evening.

PUBLIC HEARING #2, AMBULANCE ASSOC. ZONE CHANGE, 7:31 PM

PRESIDENT DENCZAK: We had a scheduled public hearing for 7:31 PM. A request to rezone parts of Lots #6082 and 6085 located at 614 McGregor Avenue NW from R-1A to PB-4 Planned Special Business as requested by Ambulance Associates. The Planning Commission recommends approval. Is there anyone in the audience wishing to speak for or against this rezoning, please come forward...

MR. BABB: Members of Council, Mr. President, I'm Richard Babb from Ambulance Associates, currently the CFO. Essentially, due to the mushrooming demand for wheelchair van transportation, we have outgrown our building and, with your concurrence tonight, it is our hope to construct an alternate storage building which will house three to four of our wheelchair vans. Thank you.

PRESIDENT DENCZAK: Thank you. Is there anyone else in the audience wishing to speak for or against this rezoning, please come forward... Is there anyone else in the audience wishing to speak for or against this rezoning, please come forward... Is there anyone else in the audience wishing to speak for or against this rezoning, please come forward... Apparently not. The Chair declares the public hearing over in regards to this matter. The matter now rests in the hands of Council. The Ordinance will appear later this evening.

PUBLIC HEARING #3, CHRISTMAS SEAL DRIVE. ZONING MAP CHANGE, 7:32 PM

PRESIDENT DENCZAK: We had a scheduled public hearing for 7:32 PM. It's a request by Ward 7 Councilmember Hart to amend the official zoning map at the east end of Christmas Seal Drive from B-1 to B-3 General Business. The Planning Commission recommends denial of this. The Chair now opens this to the public in regards to the official zoning

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map change. Is there anyone in the audience wishing to speak for or against this change, please come forward... Is there anyone in the audience wishing to speak for or against this zone change, please come forward... Is there anyone in the audience wishing to speak for or against this zone change, please come forward... Member Hart, do you wish to speak on this particular issue?

MEMBER HART: Yes, sir, I wish to speak in behalf of Mr. Beckett, who, sometimes he's -- others may find him hard to understand...

PRESIDENT DENCZAK: The Chair understands this.

MEMBER HART: This area off of Cleveland Avenue is kind of a very small island. Mr. Beckett owns the building clear at the very end of it, and presently the area in through there is zoned B-1 which affects the homes directly behind the pizza shop and Hopkins & Kipp, and where the Hog Heaven or the barbecue will now be. It used to be Friendly's. This will affect his property directly to the back of that. I have a petition signed by the four residents. There's only four residential houses back there, and the residents have said they're in favor of the zoning update and revision, and as I addressed back in the caucus room, I'm asking you to vote for the zoning change of that area.

PRESIDENT DENCZAK: Is there anyone else in the audience wishing to speak for or against this issue, please come forward... I believe the Chair has said that several times before so the Chair declares the public hearing over in regards to this matter. The matter now rests in the hands of Council. The Ordinance will follow later this evening.

PUBLIC HEARING #4, AMEND OFFICIAL ZONING MAP, 7:32 PM

PRESIDENT DENCZAK: We had a scheduled public hearing for 7:32 PM. A request to amend zoning Ordinance 55/77 for numerous changes to official Zoning Map. The Planning Commission recommends approval. Is there anyone in the audience wishing to speak for or against the official zoning map changes, please come forward... Is there anyone in the audience wishing to speak for or against changes in the official zoning map, please come forward... Is there anyone in the audience wishing to speak for or against the changes to the official zoning map, please come forward... Apparently not. The Chair declares the public hearing over in regards to this matter. The matter now rests in the hands of Council. The Ordinance will follow later this evening.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

PRESIDENT DENCZAK: No one has signed up for Public Speaks under Resolutions or Ordinances for Adoption.

INFORMAL RESOLUTIONS

PRESIDENT DENCZAK: Informal Resolutions--excusing members. Member Smuckler?...

MEMBER SMUCKLER: Mr. President, I move we excuse Member Mroczkowski his evening; seconded.

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

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NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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

PRESIDENT DENCZAK CALLED UPON CLERK OF COUNCIL VANCKUNAS TO READ RESOLUTIONS #81 THROUGH #82 BY TITLE, AS SHOWN BELOW—RESOLUTION #83 WAS WITHDRAWN FROM THE AGENDA. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED OCTOBER 27, 2003.

81. INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE: RECOMMENDING HEARING & OBJECTION BE WITHDRAWN FOR THE ISSUANCE OF A NEW D5 LIQUOR PERMIT REQUESTED BY ROBERT MCGILL DBA RIVIERA CLUB OF CANTON AT 508 CLEVELAND AVENUE NW—ADOPTED BY COUNCIL

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #81; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #81. Are there any remarks?... If not, by voice vote all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #81 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The public hearing and objection is withdrawn. Resolution #82, please.

82. SMUCKLER, MAJORITY LEADER: HONORING THE MEMORY OF DEACON EUGENE W. SMITH. - ADOPTED BY COUNCIL

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #82; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Resolution #82. Are there any remarks under this Resolution?... If not, by voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #82 ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT DENCZAK: The Resolution is adopted.

MEMBER SMUCKLER: Mr. President, members of the family are here this evening. May I make that presentation?

PRESIDENT DENCZAK: Yes, you may. Please call them forward. *(PAUSE AS FAMILY MEMBERS APPROACH THE PODIUM)*

MEMBER SMUCKLER: In the course of my travels over the last year, one of the things that we sorely lack in our community is minority economic development. And, Mr. Smith, who passed away, began something that I think is important not only in the minority community, but important in the whole community, and he was co-founder of the Smith

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Nursing Home, the first African American nursing home in Stark County. And, since there is very few minority economic development as I stated, I think that that was a first. That's important to recognize. Also, among the other aspects of what he contributed to his life, he should be recognized. Years ago my wife was a nursing home ombudsman, and she had the opportunity to visit this nursing home and every other nursing home in this county and the next county, and the Smiths run a very nice facility and it's a facility that the African community can be very proud of, and Mr. Smith ought to be recognized and so should the Smith Brothers that are here this evening. And, I would like to honor your father, his memory, and his contributions to the African American community and the City of Canton in general.
(APPLAUSE)

MR. SMITH: I'd just like to say on behalf of my father, Eugene Smith, and my mother, they both together organized and built this nursing home. I appreciate what you're doing for us on behalf of my brothers and my sisters. We thank you very much. (APPLAUSE)

PRESIDENT DENCZAK: As the Chair stated before, Resolution #83 is withdrawn at the request of the author of the Resolution, Member Diamond. (*Resolution #83: BYWARD 8 COUNCILMEMBERDIAMOND-RECOMMENDING THAT ALL TOWING REQUESTED WITHIN THE CITY BE PERFORMED BY TOWING COMPANIES UNDER CONTRACT WITH THE CITY*)

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 OCTOBER 27, 2003

421. LAW DIRECTOR JOSEPH MARTUCCIO, CITY OF CANTON: REQUEST TO APPROVE LEGISLATION TO AUTHORIZE A COMMUNITY REINVESTMENT AREA AGREEMENT BETWEEN THE CITY OF CANTON AND ESMET, INC. - LAW DIRECTOR (See O#1, 1st Rdg)
422. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL TO VACATE A PORTION OF AN UNNAMED ALLEY EAST OF SCHROYER SW BETWEEN 5TH & 6TH STREETS AS REQUESTED BY ATTORNEY SCOTT SANDROCK FOR ESMET INC., 1406 5TH STREET SW. - LAW DIRECTOR
PUB HRG 11/24/2003 @ 7:30 PM
423. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL TO REPLAT OUTLOT 666 & 667 INTO 3 RECONFIGURED OUTLOTS AS REQUESTED BY CESO ENGINEERS & SURVEYORS FOR CANTON CENTER MALL (WALMART PROJECT). - LAW DIRECTOR (See O#19, 2nd Rdg)
424. PLANNING COMMISSION, CITY OF CANTON, SHEILA K. THARP-BARRINO, SECRETARY: RECOMMENDING APPROVAL TO VACATE A PORTION OF MELCHOIR PLACE SW NORTH OF

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9TH ST., BETWEEN MARKET & COURT AVENUES, & TO REPLAT 20 LOTS & A VACATED ALLEY INTO 1 RECONFIGURED OUTLOT AS REQUESTED BY HINTON SURVEYING FOR PREMIER OFFICE COMPLEX LLC. - LAW DIRECTOR **PUB HRG 11/17/03 @ 7:30 PM** (See O#2, 1st Rdg)

425. ROACH, GREGORY, 2107 37th St NW, CANTON, OHIO: LETTER OF REQUEST THAT THE CITY OF CANTON BECOME A "SPONSOR OF BURN SURVIVORS THROUGH ACBC" (ALUMINUM CANS FOR BURNED CHILDREN). - RECEIVED & FILED
426. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST FOR \$5,645.10 SUPPLEMENTAL APPROPRIATION FROM THE 2415 FUND TO REPAIR ATTENUATOR ON ROUTE 62 AT CLEVELAND AVE MEDIAN. - LAW DIRECTOR (See O#3, 1st Rdg)
427. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO PAY A \$35,640.59 MORAL OBLIGATION TO WENGER EXCAVATING FOR EMERGENCY ROADWAY RECONSTRUCTION ON WARNER ROAD NE DUE TO SUMMER FLOODING. - LAW DIRECTOR (See O#4, 1st Rdg)
428. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO ENTER INTO A \$316,519 CONTRACT WITH URS CORPORATION FOR PROFESSIONAL SERVICES FOR THE TUSCARAWAS STREET IMPROVEMENTS, STA-77-13.90, GP 1064; REQUEST TO ESTABLISH THE 4551 TUSCARAWAS STREET IMPROVEMENT GP 1064 FUND; & REQUEST \$316,519 SUPPLEMENTAL APPROPRIATION FROM 4551 FUND. - LAW DIRECTOR (See O#5, 1st Rdg)
429. SERVICE DIRECTOR MICHAEL L. MILLER, CITY OF CANTON: REQUEST TO AMEND CITY CODE CHAPTER 947 TO ALLOW WPCC FUNDS TO BE EXPENDED FOR SANITARY SEWER & STORM WATER SEWER COLLECTIONS. - LAW DIRECTOR

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT DENCZAK: Ordinances and Formal Resolutions for the 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 ORDINANCES #1 THROUGH AND INCLUDING #9 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS. ORDINANCE #8 WAS ADOPTED FOLLOWING ITS FIRST READING & COMMITTEE MEETING.

- #1 (1ST 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

Referred to Community Economic Development & Finance Committees

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- #2 (1ST 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
Referred to Public Safety & Thoroughfares Committee
- #3 (1ST 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
Referred to Finance Committee
- #4 (1ST 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
Referred to Finance Committee
- #5 (1ST 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
Referred to Public Safety & Thoroughfares and Finance Committees
- #6 (1ST RDG) 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
Referred to Community & Economic Development Committee
- #7 (1ST 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
Referred to Community Economic Development and Finance Committees

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#8 (1ST RDG) **ADOPTED AS ORDINANCE NO. 210/2003** AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 194-2003 TO AMEND THE TIME OF PERFORMANCE TO COINCIDE WITH THE 2003-2004 PROGRAM YEAR; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community Economic Development & Finance Committees

#9 (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 Community Economic Dev. & Public Property Capital Imp. Committees

PRESIDENT DENCZAK: At this time the Chair's going to declare an in-house recess for the Community Economic Development and the Finance Committees to meet in-house in regards to Ordinance No. 8 on your agenda this evening. You're now in recess.

(COUNCIL RECESSED AT 8:01 PM FOR A COMMITTEE MEETING ON ORDINANCE #8, WHICH WAS RETURNED TO THE AGENDA FOR ADOPTION. THE MEETING WAS RECONVENED BY PRESIDENT DENCZAK AT 8:05 PM)

PRESIDENT DENCZAK: Council is reconvening after the recess. This Council wishes Ordinance #8 placed back on the agenda, Member Smuckler?

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 22A and add Ordinance 8 back to the agenda; seconded.

PRESIDENT DENCZAK: Moved and seconded to suspend Rule 22A to add Ordinance #8 to the agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #8 is a legal part of your agenda, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I move we suspend statutory three readings of Ordinance #8; seconded.

PRESIDENT DENCZAK: There's a move to dispense with the three readings of Ordinance #8. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #8; seconded.

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PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #8. Are there any remarks under this Ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #8 is adopted.

#8 ADOPTED AS ORDINANCE NO. 210/2003

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

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

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #10 THROUGH AND INCLUDING #19 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCE #15 WAS ADOPTED BY COUNCIL FOLLOWING ITS SECOND READING.

RULE 22A SUSPENDED TO ADD #10 THROUGH #19:

#10 (2ND RDG) 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 AVENUE NE; AND DECLARING THE SAME TO BE AN EMERGENCY.

#11 (2ND RDG) AN ORDINANCE AUTHORIZING THE PAYMENT OF A MODIFIED ALLOCATION TO SCOG FOR 2004 AND THEREAFTER; AND DECLARING THE SAME TO BE AN EMERGENCY.

LAW DIRECTOR MARTUCCIO: Mr. President, I apologize to you and to Member Smuckler as majority leader and the rest of Council for not having brought this up during committee, but it occurs to me that this Ordinance #11 would help save the amount of money we have to spend next year and would help the City in planning its budget next year, and would help SCOG in planning its budget for next year if we could pass it this evening. It's not a necessity, but it would assist in the planning time continuum. Thank you.

PRESIDENT DENCZAK: What is Council's desire on this matter?

MEMBER SMUCKLER: Council's desire is, the assistant majority leader and the majority leader just talked back and forth about it, and we're sort of hesitant without getting a little bit more information, Mr. Law Director. I know we're probably obligated, but we also want to know if there's any other alternatives to this because this is a considerable amount of money for us to delve into, and I just would rather not do it if we can at all wait the two week period. Thank you.

#12 (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PART OF OUTLOT NO. 248; AND DECLARING THE SAME TO BE AN EMERGENCY

#13 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT

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A GRANT IN THE AMOUNT OF \$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

#14 (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 236/2002, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

#15 (2ND RDG) **ADOPTED AS ORDINANCE NO. 211/2003** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE NORTHEAST COMMUNITY CENTER TO PROVIDE TWO LOANS IN A TOTAL AMOUNT NOT TO EXCEED \$59,500.00 FOR THE INSTALLATION OF A COMPLETE KITCHEN AT THE FACILITY LOCATED AT 2600 25TH STREET NE; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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

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

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #15 is adopted.

#15 ADOPTED AS ORDINANCE NO. 211/2003

#16 (2ND RDG) 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

#17 (2ND RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF ONE PARCEL OF CITY-OWNED REAL PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF

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SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

#18 (2ND RDG) 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

#19 (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF OUTLOTS NOS. 666 AND 667; 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. Ordinance #20 please.

NOTE: PRESIDENT DENCZAK CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #20 THROUGH AND INCLUDING #29 FOR THE THIRD & FINAL TIME BY TITLE, AS FOLLOWS. ALL THIRD READING ORDINANCES WERE ADOPTED FOLLOWING THEIR FINAL READINGS.

#20 (3RD RDG) **ADOPTED AS ORDINANCE NO. 212/2003** AN ORDINANCE AMENDING ORDINANCE NO. 55/77 AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY. (OSTER SAND & GRAVEL ZONE CHANGE)

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #20. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #20 is adopted.

#20 ADOPTED AS ORDINANCE NO. 212/2003

#21 (3RD RDG) **ADOPTED AS ORDINANCE NO. 213/2003** AN ORDINANCE AMENDING ORDINANCE NO. 55/77 AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY. (AMBULANCE ASSOCIATES ZONE CHANGE)

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

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #21 is adopted. **#21 ADOPTED AS ORDINANCE NO. 213/2003**

#22 (3RD RDG) **ADOPTED AS ORDINANCE NO. 214/2003** AN ORDINANCE AMENDING ORDINANCE NO.55/77 AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (CHRISTMAS SEAL DRIVE ZONE CHANGE)

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

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #22. Are there any remarks under this ordinance?...

MEMBER HART: Yeah, Mr. President. Again, just quickly, I would ask for all the Councilmembers' support on this. The four residents that live along the area have had no problem with it, and they all signed off on a petition, and again, I'm asking for your vote. Thank you.

MEMBER SMUCKLER: Mr. President, just a point of clarification. If we want to vote with the ward councilman's recommendation instead of the Planning Commission's recommendation, we are casting a yes vote, is that correct?

PRESIDENT DENCZAK: That is correct.

MEMBER SMUCKLER: Thank you.

PRESIDENT DENCZAK: It requires nine votes to override their recommendation.

MEMBER SMUCKLER: Thank you.

PRESIDENT DENCZAK: Any other remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #22 is adopted. **#22 ADOPTED AS ORDINANCE NO. 214/2003**

#23 (3RD RDG) **ADOPTED AS ORDINANCE NO. 215/2003** AN ORDINANCE AMENDING ORDINANCE NO.55/77 AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND THE OFFICIAL ZONING MAP

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

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #23 is adopted. **#23 ADOPTED AS ORDINANCE NO. 215/2003**

#24 (3RD RDG) **ADOPTED AS ORDINANCE NO. 216/2003** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO WORK AGREEMENTS IN CONJUNCTION WITH THE FULTON ROAD TRAFFIC SIGNAL SYSTEM IMPROVEMENT PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #24 is adopted. **#24 ADOPTED AS ORDINANCE NO. 216/2003**

#25 (3RD RDG) **ADOPTED AS ORDINANCE NO. 217/2003** 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 #25; seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #25 is adopted. **#25 ADOPTED AS ORDINANCE NO. 217/2003**

#26 (3RD RDG) **ADOPTED AS ORDINANCE NO. 218/2003** AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A GRANT IN THE AMOUNT OF \$157,500.00 FROM THE TIMKEN FOUNDATION FOR THE JACKSON POOL; AUTHORIZING A CASH MATCH OF \$157,500.00 FROM THE 2004 CAPITAL IMPROVEMENT FUND; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #26 is adopted. **#26 ADOPTED AS ORDINANCE NO. 218/2003**

#27 (3RD RDG) **ADOPTED AS ORDINANCE NO. 219/2003** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO ESTABLISH THE 7506 BUILDING DEPARTMENT STATE ASSESSMENT FUND; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #27; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #27. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #27 is adopted. **#27 ADOPTED AS ORDINANCE NO. 219/2003**

#28 (3RD RDG) **ADOPTED AS ORDINANCE NO. 220/2003** 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 #28; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #28. Are there any remarks under this ordinance?... Very well, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT DENCZAK: Ordinance #28 is adopted. **#28 ADOPTED AS ORDINANCE NO. 220/2003**

#29 (3RD RDG) **ADOPTED AS ORDINANCE NO. 221/2003** AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO PLAIN TOWNSHIP; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE EXTENSION OF SAID WATER MAIN; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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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: 10 YEAS, 1 NAY (CASAR VOTED NO)

PRESIDENT DENCZAK: Ordinance #29 is adopted.

#29 ADOPTED AS ORDINANCE NO. 221/2003

ORDINANCES & FORMAL RESOLUTIONS - POSTPONED MATTER:

PRESIDENT DENCZAK: Ordinances and Formal Resolutions, Postponed Matter. Number 30, Member Smuckler.

#30 **POSTPONED FROM 10/20/03 COUNCIL MTG; HAS REC'D 3 RDGS:**

POSTPONED AGAIN TO 11/10/03: 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 #30; seconded.

PRESIDENT DENCZAK: Moved and seconded that you adopt Ordinance #30. Are there any remarks under this Ordinance?...

MEMBER SMUCKLER: Mr. President, due to information that's still being provided to us, I move to postpone Ordinance #30 until 11/10/03; seconded.

PRESIDENT DENCZAK: Moved and seconded to postpone Ordinance #30 until November 10, 2003. Are there any remarks?... If not, by voice, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

MOTION APPROVED BY UNANIMOUS VOICE VOTE

#31 **POSTPONED FROM 10/20/03 COUNCIL MTG; HAS REC'D 3 RDGS**

ADOPTED AS ORDINANCE NO. 222/2003 AN ORDINANCE AMENDING NO 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY. (HARDING ZONE CHANGE)

PRESIDENT DENCZAK: #31, Member Smuckler.

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: 11 YEAS, 0 NAYS

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PRESIDENT DENCZAK: Ordinance #31 is adopted. **#31 ADOPTED AS ORDINANCE NO. 222/2003**

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT DENCZAK: Announcement of Committee Meetings please.

MEMBER MASSEY: Mr. President, Community and Economic Development will meet the 10th of November at 6:15.

MEMBER BABCOCK: Mr. President, Public Safety and Thoroughfares will also meet November 10th at 6:15.

MEMBER HAWK: Mr. President, Finance Committee will meet at 6:00 November 10, 2003.

PRESIDENT DENCZAK: Is that 6:00?

MEMBER HAWK: Yes.

MEMBER DOUGHERTY: Mr. President, Public Property Capital Improvement will meet at 6:15 on the 10th.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT DENCZAK: Public Speaks, Open Forum, City Business only. The Chair has the rest of the speakers this evening. The first speaker, I'm sorry, but I cannot recognize the signature. Ohofrio Seiddurlo, is that it? You don't have an address and you don't mention your subject.

MR. SEIDDURLO: Oh, sorry about that.

PRESIDENT DENCZAK: What's your address?

MR. SEIDDURLO: My address is 910 - 12th Street. My full name is...

PRESIDENT DENCZAK: 12th Street, what? Northeast, northwest?

MR. SEIDDURLO: Northwest.

PRESIDENT DENCZAK: And your subject is...?

MR. SEIDDURLO: I own the Casto's Pizza and the reason why I'm here is for safety in my area because it's getting bad. Real bad.

PRESIDENT DENCZAK: Ok. Go ahead.

MR. SEIDDURLO: And, you know, today for me was the deadline because around 5:00 my wife, I have three small

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children, they come to see me at the pizza shop because I don't have time, I'm a self-proprietor. I work 15 to 16 hours a day, so after school, my wife, she comes over to show me my children and every time they park in my parking lot, it's all you see is pimps, hookers, drug dealers, and nothing has been done. I'm sick of it. Now, the reason why I'm here is I'm gonna need something to be done quick because it's getting bad by the day. Every day we have the same people in the streets, the same, nothing different. We have the same hookers. The same pimps. The same drug dealers. They hang out in my parking lot. Soon as I go outside to tell them to move, they throw rocks at me, they curse at me, so I wish -- I put my property for sale because I'm not -- I'm living in fear here. I have three children, three little girls, eight years old, seven and six, and I don't want to die in this area. Because every time you say something to these kids, it's like you're talking to the wall. They curse at you. They throw stones at you, beer bottles. Every morning I gotta sweep my driveway. That's all I've been seeing is (*UNINTELLIGIBLE*). I'm sorry, I'm Italian, okay. So, you know, a lot of words don't come out right. I'm just sick of this. I mean, I had enough. I mean, (*UNINTELLIGIBLE*) that don't take the law -- how do you win? But then when you call the law, nothing is being done. Matter of fact, a month ago we had a parade on Shorb, and right after the parade was business as usual. The pimps, they're still there. The hookers, they're still there. The drug dealers, they're still there. And the bums, they're still there. So I don't know what to tell you. I don't know what to do anymore because I put my building for sale to get out of this area.

PRESIDENT DENCZAK: Safety Director, is the police department aware of this problem?

SAFETY DIRECTOR CONCATTO: Yes. I've talked to Mr. Casto many times, and we're working to the best of our ability to try to deal with this along with the council person, Mr. Hawk. I understand his problem. All I can tell you is that we're working to try to solve it.

MR. SEIDDURLO: I mean, you know, it's impossible that we have to live like this. Because, I'm in this business since 1999, I took over this. I'm in this town since 1986. I went back -- since I used to work for Napoli Pizza Company since it was on Cleveland Avenue and Third Street. I been there six years. I was the (*UNINTELLIGIBLE*) for business over there because my boss sold it to somebody else. I make a business go. I treat everybody equally, it doesn't matter what color they are.

PRESIDENT DENCZAK: Sir, I'm sorry, but under council rules, you're three minutes are up.

MR. SEIDDURLO: It's just -- it's pretty shi-- it's a shame for me to say that my neighborhood where I have my business is the worse neighborhood in Canton, Ohio. Thank you.

PRESIDENT DENCZAK: Member Hawk, are you aware of this situation?

MEMBER HAWK: Yes. I've spoke with Mr. Casto several times. I was in his place of business. I spent a Friday evening down there back on-- in Richard Court and the immediate area surrounding his building. We were on Louisiana, over on Richard, with Mr. Smuckler at the time. It is a tough, tough area, and I know that Director Concatto has been working on it. There has been more patrols. We are working very hard to clean up that entire area. Unfortunately, it's...

PRESIDENT DENCZAK: No, I'm sorry. No, I'm sorry. See the councilman after the meeting, okay? I'm sorry, that's the rules. Can you talk to the gentleman, Member Hawk, after the meeting? The next speaker is Diane Biery. Yes, I understand, you know the Clerk of Council.

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MS. BIERY: My name is Diane Biery. I live at 1377 Park Avenue SW. I am a home owner and I have lived at this address for seven years. I support the vacation of 14th Street SW with the closing of Dueber, Lawn and Park, but my concern is that this is the first time that many of our council members have heard of this issue. This past Friday I was told that if the Law Director did not have the ordinance ready, then he would at least do the communication for this meeting. My first question is where is the communication? It is not -- am I not...? (*NOT BEING PICKED UP ON THE MICROPHONE--ADJUSTMENT TOO HIGH*) Oh, I'm too short. Okay. So, my first question was where is the communication? It's not on the agenda, and that's what we were promised. My second question is what did the Law Director have to do to get this ordinance ready when it is a fact that the first week of September the ordinance came to the Council desk to be put on the agenda for the first meeting in September? I have a time line. I'll probably run out of time. I've tried to go through this real quick, but I do have someone that could finish it, if you don't mind, that is on the list. I'd like to explain. Three years ago Nick Streamo, Jr. started this process. Unfortunately, Nick passed away suddenly on September 2, 2003, but believe me, anyone that knew Nick knows that he is here tonight with us. I can only relate to you the past seven months since I've been involved in support of this closing. May 21st of this year Nick and I attended a neighborhood meeting about pros and cons of the 14th Street closing. All safety and service departments were invited to attend to ease concerns. No representative came. At this meeting, we were told that the issue would be presented to the Planning Commission for a vote. They forgot to mention that in 2001 it had already been presented to the Planning and was passed. Two of the council members, one who is present here tonight, told Nick and I not to worry, once the Planning Commission votes, they will take the ordinance to City Council with their full support. Now, remember, this is still May of this year. June 2003, not on the Planning schedule. We were told the reason was safety and service concerns that Mr. Miller and Mr. Concatto were looking into. While they were doing that, Nick and I also spoke with the Fire Chief and the supervisor of sanitation. They both told Nick that they had no problem with closing as they could and would work around it and still service the residents effectively. July 8th, Planning meeting. Nick and I both spoke in support of the closing and relayed our conversations with the departments. By the way, once again, the departments were invited to come to this meeting. Once again, no one came. At this time, Mr. Miller tried to amend the ordinance and the legal department representative present told him and the committee that they cannot do this. They must vote on the ordinance as is originally presented. This was conveniently left out of our minutes, however -- and I have the minutes here -- however, the meeting was taped and is available. But when I asked Mr. Bruce Williams for a copy, he said he would have to find out how much it cost so he'd know how much to charge me. He never did get back with me. Anyway, the item was tabled so Mr. Miller and Mr. Concatto could get their departments to the next meeting. August 12, 2003, Planning meeting. Guess what? No one from Safety or Service Departments came to that meeting. A respective member of Council that is here tonight addressed the Planning Commission and expressed his support for the original vacation request that was before the Board and told them that the ward councilman would speak in favor of the ordinance before City Council. Once again, Mr. Miller tried to get the amendment in and the Law Department representative once again advised him he could not do this. They must vote on the original ordinance, and then if they wanted to vote on the amendment, they could. Mr. Miller quickly spoke over that person as she spoke, and without regard of the legal advice, asked for a vote on the amendment.

PRESIDENT DENCZAK: Ma'am, I'm sorry. The Council rules, your three minutes are up.

MS. BIERY: That's okay.

PRESIDENT DENCZAK: The next speaker is Sherese Streamo.

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(INAUDIBLE REMARKS FROM SOMEONE IN THE AUDIENCE)

PRESIDENT DENCZAK: If it's alright with you. I mean, it's not a -- there's no rule that says I have to recognize you in any particular order. So this is who? Tana Streamo-Garaux?

MS. STREAMO-GARAUX: Yes. My name is Tana Streamo-Garaux.

PRESIDENT DENCZAK: Okay.

MS. STREAMO-GARAUX: I am also in favor for the closing of 14th Street SW. Leaving off where she left, Mr. Miller quickly spoke over that person as she spoke and without regard of legal advice, asked for a vote on the amendment and did not bring up the original ordinance. This is reflected in the minutes we have here for you today. What is not in the minutes is the legal department's voice. However, it is on the tape if we ever find out how much we need to pay for them. Now, remember, this is August already. After this meeting, my father was approached by two council members, one is present tonight, who assured him that the original ordinance would go to Council with their full support. Also to expedite this procedure, they will see that the first two steps would be waived and the third step would be on the agenda right away. As promised, the ordinance was on Council's desk the day after Labor Day to be put on the agenda for the first meeting in September. In the meantime, my father passed away, and it was put on hold until the wishes of our family were known. The end of September, my sister Sherese called Mr. Martuccio and gave him the go ahead to continue the process of the entire closing. It is now October 27th, and the ordinance is yet to be put on the agenda. Which I conclude with the following questions. Our first question is, where is it? Our second question, what did the Law Director have to do to get this ordinance ready when it is a fact that the first week of September the ordinance came to the Council desk to be put on the agenda for the first meeting in September?

PRESIDENT DENCZAK: The Law Director is going to respond to all of you in regards to this matter later on. Okay? Sherese Streamo now?

MS. STREAMO: My name is Sherese Streamo. I live at 4527 Aurora Avenue NW. I'm here tonight also in favor of closing 14th Street from Dueber to Park and Lawn Avenue directly behind the Dumont Seed Company. I am a representative for the Dumont Seed Company as I inherited the title of Director of Operations for the Dumont Seed Company. For some of you who are unfamiliar with the company, the Dumont Seed Company, it has history in the City of Canton. It has been around since 1869 where it originally started on 2nd and Market downtown, and it remained downtown until the 1940's where it then moved to 630 - 30th Street NW. It remained there until it moved to 1381 Dueber Avenue which it is continuously at at this time. A second location was added in 1975 at the present location at 619 - 30th Street NW in Canton. I have presently managed this company for 20 years, I will continue to manage this company in the City of Canton, and I'm interested in closing the surrounding streets around my other location on Dueber Avenue for the growth and development of this area. I'm concerned at this time with the lengthy holdup on getting this ordinance ready to be put on the Council agenda. Thank you.

PRESIDENT DENCZAK: I believe that's all that's speaking... Law Director.

LAW DIRECTOR MARTUCCIO: Thank you, Mr. President. Are there any other speakers on this particular

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ordinance or topic?

PRESIDENT DENCZAK: Not signed up, no.

LAW DIRECTOR MARTUCCIO: Mr. President, Members of Council, members of the Streamo family, first of all, we all loved your father and deeply miss him. Secondly, to answer your questions directly and then provide a history, the communication is not here, it wasn't prepared because I didn't know exactly what the ordinance was supposed to reflect. The second question is what does the Law Director have to do to get it ready. The ordinance has been drafted, it's been ready for awhile. And the plat that accompanies it which is a necessary part of it has been prepared, and it's ready. However, let me explain the confusion. Two cliches apply. One, there have been too many chefs in the kitchen and two, the right hand didn't know what the left was doing at one point. Now, let me explain those. This all began three years ago. Nick Streamo, Jr. applied for a vacation of approximately three blocks, approximately two blocks of 14th Street that runs roughly parallel to Route 30 alongside the Dumont Seed Company business off Dueber. There's an alley called Lawn that's also involved here. That's the third approximate block. Originally as applied for, all three blocks were requested to be vacated so that the business could expand along the loading dock on 14th Street, keep the speeders from speeding through, which was a neighborhood concern. Lawn Avenue, it was explained, the vacation of it could allow the connection of several Streamo family properties to meet. It was passed by the Planning Commission two or three years ago. By the time it got to Engineering, there was a collective oops. There are some concerns here that should have been addressed before it was approved and not after. Among those were extensive ownership by the State of Ohio of certain abutting or adjacent properties. The Department of Transportation became involved and there was a succession of people there, three or four folks, all good folks who kept involved. But, some of that property had to be sold and as you recall, we prepared something we had not ever prepared before a year or two ago, we brought a resolution down called abdication. We asked for an abdication, and Council agreed, of the City's intent to vacate certain portions of certain city, state, joint-owned property. Some of this property, it turns out, was never dedicated as it should have been and some of the ownership was in question. So it took awhile to work those issues through. Some of the items on the plat which is a necessary part of a vacation, as you know, were in error, and Nick, Jr. had to contact the surveyor a number of times. Meanwhile, we in the Law Department were trying to coordinate the efforts of ODOT, the Streamo family, the city engineers and the required other participants. We had a joint meeting several months ago with a number of people around the table from all those departments. The most recent issue that came up was the fact that there was a large water main that runs under Lawn Avenue, I believe, from Navarre out across Route 30 that supplies the Timken Company with huge volumes of water. It was a concern that was raised as was pointed out by the Streamos, among others, at Planning Commission. It was also true a number of department heads weren't there to present their views first hand or directly about concerns about trucks not making turns and other allegations. However, the water line...

PRESIDENT DENCZAK: Sorry, under Council rules -- what you have to say is important, and the Chair can exercise a prerogative and I'll give you another three minutes.

MEMBER CASAR: Mr. President, could we extend the Law Director's time so he can finish his...?

PRESIDENT DENCZAK: The Chair's doing that now.

LAW DIRECTOR MARTUCCIO: Thank you. I'm sorry I can't expedite it further, but it's extremely complicated as

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we all understand. A search was begun by Timken Company lawyers after the Streamo family agreed they were not after the water main that lay beneath Lawn Avenue. No one's intent was to block off the water main. However, easements were discovered for all sorts of water lines in and around there, but not that particular one dating back to the 1920's. So, we in the Law Department and the Timken Company attorneys executed some language together, drafted some language, that appeared to satisfy their needs and ours to make sure that their rights to that water were safe. The last piece of this. As you all know, generally speaking, it's the ward council person's wishes that are honored in the vacation. Mr. Mroczkowski expressed to me that after considering all of the ward's neighbors' concerns, he had additional concerns recently. And he echoed the belief that perhaps the Planning Commission's recommendation that only one block be initially vacated, that's 14th Street along the loading dock, between Dueber and Lawn, he explained that that might be a good start because of some concerns he had after sharing a number of points of view. And I understand there were meetings where other things have been said and that Mr. Mroczkowski expressed something in writing as recently as a couple of months ago. Unfortunately, he couldn't be here tonight for health concerns. The other person with the most knowledge of this couldn't be here this evening, and that's our Service Director, so I'm trying to wrap it all up for everyone. As I sat there last week trying to prepare an ordinance, I needed to know where we were. I spoke with the Engineer and I said if we bring an ordinance down vacating the first block of 14th Street alongside the loading dock, as a start, is the plat sufficient to do that? And the answer was no, we need a new plat because the other plat took care of all three blocks, if you will. We spoke with Community Development, the money -- since we all feel that the delays are the City's responsibility, the City was prepared to find ways to pay for the revised plat. So, all of those steps began to fall into place. What I need to know as the City's legal officer, so that I can bring the appropriate ordinance down is, is the ordinance going to reflect one block initially with a follow up as recommended by the Planning Commission, or is it going to reflect all three. Unfortunately, I haven't been able to connect with Mr. Mroczkowski to find out what the ward councilman's wishes are. If it is all three, that ordinance is easily prepared and finished up cause it's done practically. If it is one block, it'll need some touching up and a new plat, which again, shouldn't be difficult cause it's just taking out parts of the three blocks and reducing it to one at City expense. Again, the right hand and the left hand simply need to communicate with each other, and we can have an ordinance down reflecting one of those two points of view. I'm sorry it took so long. There's a whole lot more that we left out, but that's the sum and substance of what's happened thus far.

PRESIDENT DENCZAK: The next speaker is Jim Fricker.

MR. FRICKER: Yeah, mine's about that duplex that was supposed until...

PRESIDENT DENCZAK: Okay. State your name and address.

MR. FRICKER: My name's James Keith Fricker. I reside at 916 Ridge Rd NW, Canton, Ohio.

PRESIDENT DENCZAK: It's in regard -- your subject is 2409 - 2411...?

MR. FRICKER: Yes.

PRESIDENT DENCZAK: 4th Street SE?

MR. FRICKER: Yes.

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PRESIDENT DENCZAK: Okay. Go ahead.

MR. FRICKER: I got Stark County Auditor records here stating that my property's a duplex, I'm paying taxes on it as a duplex. I bought it as a duplex. My closing papers have duplex status on it. I also have information here in my deed stating that I have an easement on the west side of my property giving me access from the front to the rear to get to my garages for my tenants. It's here if Council would like to see these papers.

PRESIDENT DENCZAK: Who's ward is this in?

MEMBER SMUCKLER: Mr. President, one of the reasons that we postponed this was some information that even the Safety Director tried to tell me just before the meeting tonight. I mean, we're only as good as the information given to us. Mr. Safety Director, can you offer the information you offered me earlier this evening?

SAFETY DIRECTOR CONCATTO: Mr. President. Yes. On February -- first of all, Mr. Fricker, you made a comment last meeting that the code enforcement officer told you that you could do what you wanted with that property and it would remain a duplex, some words like that. On February...

MR. FRICKER: He said if we declared it vacant, you can work on it at your leisure.

SAFETY DIRECTOR CONCATTO: On February 15, 2002, you were sent a letter saying that pursuant to city ordinance, vacant building registration, the one year time limit for the above referenced vacant property, which is 2409 - 4th Street NW, you are now required to either renew this application as a vacant property or register it as a one unit dwelling for certificate of occupancy. You came into the office or called on approximately April 29th of the year 2003, and the note that was given, the comment that you made, the owner came in and wanted to register as a duplex. This property has been vacant for over a year, and the lady told you to talk to the Zoning Inspector. You kept persisting. I finally told you -- I'm gonna read it as she said it, "I finally told him that if I let him register the property, he could register, but the \$10.00 fee for the second unit is not refundable if he couldn't use it as a duplex. He kept saying that things over there are okay to be a duplex, just take the money. I did and told him that I needed to get approval from Darla for it being a duplex." And you were told that on April 29th.

MR. FRICKER: Yes, sir, I was pretty persistent about it...

PRESIDENT DENCZAK: Wait, whoa, whoa, whoa...

SAFETY DIRECTOR CONCATTO: One more comment, if I may.

PRESIDENT DENCZAK: Please. Go ahead.

SAFETY DIRECTOR CONCATTO: On May 8, 2003, you were sent a letter, and this was from Roger Westfall, our Building Official, "In checking with zoning, this cannot be used as a duplex," and this is addressed to you regarding this property. "In checking with zoning, this cannot be used as a duplex. Please contact Darla, who is our Zoning Inspector, about this issue." So you were notified, sir, that this...

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MR. FRICKER: This is after the twelve months. I was not initially...

PRESIDENT DENCZAK: Sir, wait, one moment, please. Safety Director, are you finished now? Because under the council rules, I cannot permit you to debate each other.

SAFETY DIRECTOR CONCATTO: I don't wish to debate. I'm just reading the...

PRESIDENT DENCZAK: Okay. I -- okay -- but...

SAFETY DIRECTOR CONCATTO: And I'm not here to decide whether it should be a duplex or not.

PRESIDENT DENCZAK: Alright. Are you finished with your comments? Sir, I haven't taken away any of your time limit while we were responding to you. So you still have two minutes.

MR. FRICKER: I have one -- I'd like to say all this...

PRESIDENT DENCZAK: One moment, please.

MEMBER SMUCKLER: Mr. President, I believe I asked the Safety Director the question, and I wanted it just so I can follow up with a question. Mr. Fricker, did you receive these other letters that the Safety Director talked about?

MR. FRICKER: Yeah. Yes.

MEMBER SMUCKLER: You received the February letter?

MR. FRICKER: I did not -- yes.

MEMBER SMUCKLER: Okay.

MR. FRICKER: My argument is, I was not informed in writing or verbally to declare this vacant or I'm gonna lose my duplex status. That's my argument. This is after the fact. They want to tell me this after I declared it vacant and now I lose my duplex status. It's after the fact. I needed to know up front.

MEMBER HAWK: Mr. President, may I ask a question of Mr. Fricker?

PRESIDENT DENCZAK: Yes, you may.

MEMBER HAWK: Mr. Fricker, last week I asked you when you bought that property and you said you didn't know. Do you know when you purchased that property?

MR. FRICKER: Yes. I bought it in -- I took \$10,000.00 -- \$10,572.00 to Beacon Title on October 10, 1997. Here's my cashier's check.

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MEMBER HAWK: So you were responsible for keeping it vacant for six years?

MR. FRICKER: I only declared it vacant last year.

MEMBER HAWK: But it was vacant for five years previous to that?

MR. FRICKER: Yes.

MEMBER HAWK: And it was under your ownership during this entire time?

MR. FRICKER: Yes, the whole time.

MEMBER HAWK: So you are responsible for keeping it vacant?

MR. FRICKER: I'm responsible for keeping it up, making sure....

MEMBER HAWK: No. My question is simple.

MR. FRICKER: Keeping it secured...

MEMBER HAWK: My question is are you responsible for keeping it vacant?

MR. FRICKER: I was working on the property.

MEMBER HAWK: Thank you.

MR. FRICKER: Yes, sir.

SAFETY DIRECTOR CONCATTO: Mr. President, just to clarify. A property is vacant doesn't mean it's a single family, a duplex or triplex. It simply means it's vacant. You must declare what you want that property to be once you decide that. In other words, you can register your property as a vacant property and that's what it is. It's a vacant property. It doesn't make it a duplex. It doesn't make it a single family. That's why you received the first letter. You can register it vacant or you can decide right now that's it's gonna be a one unit because that's all it can be, and that's what they told you, or you can continue to register it vacant and leave it vacant either until you sell it or until you decide which way you're going with it. Once it was found that you decided to go to a duplex, Mr. Westfall sent you a letter to say it can't be a duplex. Once you register it vacant, once you decide to change the registration, once you decide that it's no longer gonna be a vacant property, I'm not gonna sell it, I'm gonna decide right now what it's going to be, that's when you have to register that building for what it is. And that's why you got the letter in May. And that's why you got the letter in February. And that's why the lady told you if you want to register it vacant, it's \$20.00. If you want to now register it as a one unit, which is the only thing you can register it as, it's gonna be \$40.00, and that's what that letter said.

MR. FRICKER: What did I do?

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SAFETY DIRECTOR CONCATTO: You insisted on registering it as a duplex.

MR. FRICKER: Exactly.

SAFETY DIRECTOR CONCATTO: But, you were told it can't be a duplex.

MR. FRICKER: Well, she told me -- this is how I got here -- go see Bruce Williams. That's what I did, go to the Planning Commission, and that's how I got here was my \$250.00 application, my \$40.00 of typed signatures with all the residents within a 300 foot radius of my property, and that's why I'm here.

SAFETY DIRECTOR CONCATTO: Mr. President. You are here, sir, for that, because the Planning Commission denied that. They denied your request to rezone that. The reason that you are here is because it stayed vacant for over a year, it reverted back to an R-1A, you came to the Planning Commission requesting it to be rezoned so you could put the duplex there. They denied that. Now, this body can change that recommendation as it did tonight already in another issue.

MR. FRICKER: Yes, sir.

SAFETY DIRECTOR CONCATTO: And again, I'm not here to say whether it should be a duplex or whether it should be single family. That's up to this Council. I'm just trying to set the procedures straight.

MR. FRICKER: I can quickly say it was built as a duplex, it was designed as a duplex. The deed from 1928 has two mailing addresses as if it was a duplex. It's always been a duplex. I want it to remain a duplex.

PRESIDENT DENCZAK: The next speaker is Bernard Baughman.

MR. BAUGHMAN: My name is Bernard James Baughman. I live at 413 Arlington Avenue NW. And, in regards to the conversation about the property at 2409 and 2411 - 4th Street NW, Councilmembers, Mr. President, I've been living at this property adjacent to Mr. Fricker's property since 1985 before he owned it. When it was a duplex, we had not too many problems in the neighborhood especially with Northwest Market as a drug hangout. Now, when it was vacant for those few years after he owned it, the place was robbed constantly, there was nobody sitting on the porch watching the place reporting things happening. They climbed my fence I don't know how many times. I've lost count. I put a security device over the fence so they wouldn't. I don't know what to do but to say if this place isn't a duplex, I'm gonna have to seek other security measures. There's a couple people that don't like the apartment, but it was built as a duplex like Mr. Fricker said, it's a nice property, he's put a lot of money in it, more money than I have in my own property. It's fixed up nicer than my property (*CHUCKLES*), and I'm embarrassed to say that, but it should be a duplex because when it was occupied by a Mrs. Snyder, she was our little Gladys Cravats, she used to watch the neighborhood. And Mr. Gus Price owned the store at one time. He lived on the corner. When he was ever approached or robbed, she was right there with the cop. Now, we have no -- there's no security lights in the parking lot. The owner is R.J. now, the name of the property. They don't care. With that property being occupied, at least there's somebody to watch it. The neighborhood, the apartments across the street and the whole area of 4th Street. That's all I have to say.

PRESIDENT DENCZAK: I have several Seckler family members here to speak. You have not -- you've listed your

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addresses, but you haven't written down what the subject is, so the first speaker is Judy Seckler. What is the subject matter?

MS. SECKLER: Pardon?

PRESIDENT DENCZAK: What is the subject matter you want to speak on?

MS. SECKLER: The duplex. That house was always a duplex.

PRESIDENT DENCZAK: Oh, okay. The 2409 and 2411 address?

MS. SECKLER: Yes.

PRESIDENT DENCZAK: So all of you are speaking on that this evening?

MS. SECKLER: Yes.

PRESIDENT DENCZAK: Okay. I have to write this down, what your subject is, so ... go ahead.

MS. SECKLER: I had that property about 15 years that I lived there. I also had a beauty salon there for almost 15 years. There was absolutely no problem with the parking. The people, Denny Snyder and his mom and dad, Paul and Gert, lived upstairs from us all those years. There was never one bit of problem with parking in the driveway to the garages. There was never any problem with anything. That was a duplex, and it's absolutely a crime to say that that is not a duplex. It is. I don't know the man that owns this house now, but I know, I lived there all these years, my children were there ten years, and this is a crime to deprive this man of his duplex status. And it is wrong, and I can't see anything profitable to this City of Canton. I own a property three houses down on 4th Street from that, and they have children there, and I'm contemplating buying two properties on Arlington that are adjacent to my property, and if this is the way that they do things in Canton, I can see why so many people are saying they want to move out of the City of Canton because this is really totally wrong to not let this man have his duplex. If you go look at this house, it is an absolute duplex. There is no way it would be made into a single family dwelling. You go take a look at it and see what I'm talking about. And, I appreciate your letting me say my say, but it is a duplex. Thank you very much.

PRESIDENT DENCZAK: Thank you. The next speaker is Deanne Seckler.

MS. SECKLER: Hi. My name is Deanne Seckler, and I'm here on behalf of the duplex...

PRESIDENT DENCZAK: State your address, please, Deanne.

MS. SECKLER: I'm nervous, I forgot. 2515, 2-5-2...

PRESIDENT DENCZAK: 2515 Nicholas Place?

MS. SECKLER: (*NERVOUS NOISE*)Nicholas Place NW.

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PRESIDENT DENCZAK: Hey, hey, hey. Don't get nervous. I'm nervous, more nervous than you are, so...

MS. SECKLER: I'm nervous.

PRESIDENT DENCZAK: Take it easy, okay?

MS. SECKLER: (*CHUCKLES*) I lived at that duplex ten years of my life, and like my mother said, there's no way that that place could be a single house dwelling the way it's set up. You have to go look at it. And, we were happy there, that was our home, and I guess some woman got up the last time and started bad mouthing how children can't live there and everything. I grew up there and we didn't want to leave that house. It was wonderful. And, I support that man for it staying a duplex.

PRESIDENT DENCZAK: Okay. Is that all you have to say?

MS. SECKLER: I have a lot of childhood memories there. It was a good place to live.

PRESIDENT DENCZAK: Okay. That wasn't so bad, was it, now? Okay. The next speaker is John Seckler.

MR. SECKLER: Hi, Mr. President. My name's John Seckler. I live at 2521 Nicholas Place NW, Canton, Ohio, and I'm just here on behalf of Mr. Fricker. I also lived at that duplex until second grade, and the only bad memory I have about it is the day we found out we had to move from there -- or, we didn't have to, we were going to move. And, I don't see -- I don't understand the law, why it can't remain a duplex, so I'm ignorant on that, but you have to go look at it, I'm sure, you know, it's designed to be a duplex. It's always been a duplex. And, I don't see how you could have it any other way. I just hope you vote in this man's favor. Thank you.

PRESIDENT DENCZAK: The Law Director is going to explain the way the law works. Law Director.

(INAUDIBLE REMARKS FROM SOMEONE IN THE AUDIENCE)

PRESIDENT DENCZAK: I'm sorry, but -- I'm sorry. Ma'am, I'm sorry, I can't allow you to speak. You had your chance, and I'm sorry. Council rules.

LAWDIRECTORMARTUCCIO: Mr. President, thank you. Member of Council, members of the audience. It appears very much as though we are attempting to frustrate the desires of a number of people who want to bring the duplex back. The law was passed 26 years ago. A previous incarnation of this group of people decided that as a policy, because of growing complaints about parking problems, density problems, and problems related with absentee landlords, again, generally speaking, not in specific cases, an ordinance was passed some 26 years ago in 1977 that said certain areas would go back to being single family dwellings if they were vacant for over a year. That policy was designed to bring some of these areas back to being single family dwellings because the perception was they would have less problems with density, parking and the related problems with over population. As it turns out, this particular property has been vacant for over a year, and by operation of law, it reverts back to being a single family. Had it not been vacant for that period of time, it would have been grandfathered forever as long people were in it living as a duplex or triplex or whatever the case may be. It could have been grandfathered forever. That's the issue before this Council, and as was stated by the

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Safety Director, this group can undo that law if it feels compelled to do so by strong enough evidence, and that's the policy decision they're facing. Thank you.

MISCELLANEOUS BUSINESS

PRESIDENT DENCZAK: Okay. We are now under Miscellaneous Business. Is there any Miscellaneous Business?... Member Altieri?

MEMBER ALTIERI: Yes, Mr. President. I wanted to make a comment about the editorial I read in *The Repository*. Is that okay?

PRESIDENT DENCZAK: Which editorial?

MEMBER ALTIERI: Concerning Mary Babcock.

PRESIDENT DENCZAK: Oh, okay.

MEMBER ALTIERI: This concerns an editorial by *the Repository*, and it's about an individual on the Council that I consider a great lady. It disgusts and sickens me as I'm sure it does most decent individuals to once again read insulting, degrading material publicly printed, or I should say regurgitated about her. The extent of *the Repository's* appalling behavior in print has no limit, and for what reason to viciously attack her, except that they feel they have the right. No one has any right to slander and beat down to degradation a viable, involved, live human being. Not for any reason, least of all by an institution who has full attention of the public and at a time of great interest to our community. The abuse as well as the deliberate elimination of written material that they call editing in this paper during an election period paints a picture to the public as truth. Only problem is *the Repository* eliminates or edits more about information and the mere existence of humans. So, the public is ignorant and kept in the dark. The tactics that *the Rep* has displayed during the election is at least out of line and at the most words I can't use in public. Mary Babcock has been voted in more than 20 years. When I first came into office, as well as Craig Massey, Greg Hawk, we had plenty of questions, believe me, and she's answered them all or steered us in the direction to get the answers to our questions. This lady walks faster than we can run. She's a social and public figure obviously liked by a community because of repeatedly getting voted in. Her stamina is far beyond what I could have imagined by such a young woman. She deserves nothing but compliments and help when needed, just as she's given to us. Insults, inflammatory comments she doesn't deserve. And if this is what *the Rep* has to resort to to get who they want voted in, I should say that they have the legal license to be verbally abusive to anyone. I've said all I can say about *the Rep*, and I hope that the public has the intelligence to see through these editorials. As for Mary Babcock, I commend her wholeheartedly. She deserves respect, and each of us should hope to be as involved in life as she is. (APPLAUSE)

PRESIDENT DENCZAK: I'm glad I wrote that for you. (LAUGHTER)

PRESIDENT DENCZAK: Is there any other Miscellaneous Business? I'll have you know that the reporter put his pen down when you started talking. (CHUCKLES) Is there any 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

ADJOURNMENT TIME: 9:07 P.M.

ATTEST:

APPROVED:

DEBRA VANCKUNAS
CLERK OF COUNCIL

RAY DENCZAK
PRESIDENT OF COUNCIL

