

MINUTES OF THE MEETING OF MAY 23, 2005

VICE PRESIDENT OF COUNCIL Donald E. Casar called the meeting to order in the absence of President of Council Ray Denczak.

The regular meeting of Canton City Council was held on Monday, May 23, 2005, at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (as follows) by Clerk of Council Debra Vanckunas. The invocation was given by Ward 1 Council member Greg Hawk followed by the Pledge of Allegiance led by Vice President of Council Casar.

ROLL CALL TAKEN BY CLERK VANCKUNAS:

11 COUNCILMEMBERS PRESENT: (DON CASAR, JOE CARBENIA, MARY M. BABCOCK, THOMAS M. BERNABEL, GREG HAWK, THOMAS E. WEST, KELLY ZACHARY, TERRY PRATER, DAVID R. DOUGHERTY, RICHARD D. HART & ROSEMARY DIAMOND)

**1 COUNCILMEMBER ABSENT: (JIM GRIFFIN)
COUNCIL PRESIDENT DENCZAK ALSO ABSENT.**

AGENDA CORRECTIONS & CHANGES

VICE PRESIDENT CASAR: Thank you, Member Hawk (referring to invocation). We're now under Agenda Corrections. You'll be asked to suspend Rule 24B to add Resolutions 55, 56 and 57. I will now entertain a motion.

MEMBER CARBENIA: Mr. President, I move that Rule 24B be suspended to add Informal Resolutions 55, 56 and 57; seconded.

VICE PRESIDENT CASAR: Are there any remarks?... Roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

RULE 22B WAS SUSPENDED AND INFORMAL RESOLUTIONS 55, 56 & 57 ARE A LEGAL PART OF THE AGENDA.

VICE PRESIDENT CASAR: You will now be asked to suspend Rule 22A to add Ordinances 15 through and including #20.

MEMBER CARBENIA: Mr. President, I move that Rule 22A be suspended to add second reading Ordinances 15 through 20; seconded.

VICE PRESIDENT CASAR: Any remarks?... If not, roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

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RULE 22A WAS SUSPENDED AND ORDINANCES #15 THROUGH AND INCLUDING #20 ARE A LEGAL PART OF THE AGENDA.

VICE PRESIDENT CASAR: We are gonna suspend-- be asked to suspend rules on Ordinance #17, and originally in Democratic caucus we talked about suspending the rules for #19 and pass it on the second reading, but after Member Bernabei looked over part of the contract in regards to the EPA and the Solid Waste, we have enough time to do that at the next meeting which will be June 6th. So the only change will be Ordinance #17. It'll be up for adoption this evening.

PUBLIC HEARINGS7:30 PM PUBLIC HEARING RE: SHAWNEE/CANTON TOWNSHIP ANNEXATION

VICE PRESIDENT CASAR: We're now under public hearings. We have scheduled for this evening three public hearings. The first one was set for 7:30. It's an annexation of 15.561 acres known as the Shawnee/Canton Township Annexation area, assigning said territory to Ward 4, zoning said territory as R-3, multi-family residential. The Planning Commission has recommended approval. Is there anyone in the audience wishing to speak for or against?... Is there-- please come forward please. Give your name and an address.

MR. DYER: My name is Randy Dyer. I live at 616 15th Street NE. If I'm not mistaken we're talking here about the annexation of the land, is that correct?

VICE PRESIDENT CASAR: Yes. What is known as the Shawnee which is in-- yes, Ward 4.

MR. DYER: Okay. As many of the people here know, I'm from the northeast end. We've been working closely with the Administration on some of the police problems. As far as-- and as we've gotten into looking into this, the bottom line is that our City does not have the funding that we need to properly patrol the streets that we have. I'm not gonna come right out and say I'm against the annexation of land. You people have more knowledge of the inside workings of what's going on here than I do. I can only speak for the average citizens that lives out there in the neighborhood. Since January of this year, the City has - or the Commissioner - has okayed 65, close to 65 1/2 acres of annexation, and is currently looking into another proposed 359 acres. This concerns me when I think that already we have neighborhoods that we do not have police to patrol, not the proper amount of police to patrol. Right now the City of Canton is undermanned. You know, we're authorized to

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have 16 more officers than we actually have on the force, and with the past annexations and future annexations, I would say we need probably 15 more on top of that. We're promising our police force to areas that we're waiving the property taxes on. That concerns me. And like I say, I'm not gonna come right out and say I'm against the annexations. You people are the professionals, and I do trust your judgment, but I ask you to keep in mind that in our neighborhoods we need this law enforcement. We're looking at a task force right now that's just been doing a bang up job, and it has got a buzz going in this city, and yet we're looking at possibly cutting that task force in 60 days because we don't have the funds to keep it going. That concerns me. And now we're looking at promising police officers to areas that are not contributing into the pot with property taxes. And I'm sure that-- I see we have a lot of members of our fire department here. I'm sure they're under the same pressures, lack of funds, large area to cover. Right now the City of Canton on the average has five patrol cars per shift to patrol the entire city. Five patrol cars for the entire City of Canton per shift. Now there is some overlap during shift change, but what concerns me is what are we doing, if we're gonna take on more land, to add to our police force, to ensure that we can take care of what we have. I understand that the annexation is about building the future of Canton, but until we have a solid foundation, we can't build a solid future. And we have to make sure that the foundation we have is solid before we build on it. And with that, thank you.

VICE PRESIDENT CASAR: Thank you. Is there anyone else in the audience wishing to speak for or against?... If not, the Chair declares this portion of public hearings over, and it will be dealt later in Ordinance form #19. (Note: The proper Ordinance is #22)

7:31 PM PUBLIC HEARING RE: LEUCHTAG ZONE CHANGE

VICE PRESIDENT CASAR: We have a second public hearing scheduled for 7:31 requested by Donald Leuchtag, dba Edwards Company to rezone the southwest corner of 11th Street and Garfield SW from R-1A to P1-1 planned light industrial for the purpose of creating parking. The Planning Commission also recommended approval of this request. Is there anyone in the audience wishing to speak for or against?... Is there anyone in the audience wishing to speak for or against?... Is there anyone in the audience wishing to speak for or against this proposal?... Hearing none, the Chair calls this portion over and it will be dealt with in Ordinance #20. (Note: The proper Ordinance is #23)

7:32 PM PUBLIC HEARING RE: RIVERSIDE, WATER, ETC. VACATION

VICE PRESIDENT CASAR: We have a third public hearing scheduled for this

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evening which is scheduled for 7:32. A request by Groffre, Inc. to vacate a portion of Riverside Drive, Water Court, Fork Place, Rake Court and Ida place SE in order to fence an area to prevent open dumping. The Planning Commission also recommends approval. Is there anyone in the audience wishing to speak for or against this project?... Is there anyone in the audience wishing to speak for or against?... Is there anyone in the audience wishing to speak for or against?... If not, the Chair calls this portion of the public hearing over and it will be dealt with in Ordinance #21 later in the agenda. (Note: The proper Ordinance is #24) That concludes public hearings.

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY):

VICE PRESIDENT CASAR: We are now under Resolutions for Adoption only. The first Resolution is excusing members... (INTERRUPTED BY CLERK) Oh, I'm sorry. Public Speaks, Open Forum. There is no one signed up for Public Speaks, Open Forum-- I mean for agenda matters, and we do have some later on under Public Speaks sign up sheet. We have six for open forum, but no one signed up for agenda matters only.

INFORMAL RESOLUTIONS

VICE PRESIDENT CASAR: Next thing on the agenda is excusing members. Member Carbenia?...

MEMBER CARBENIA: Mr. President, I move to excuse President Ray Denczak who's in the hospital, and the Ward 3 Councilman Jim Griffin for a death in the family; seconded.

VICE PRESIDENT CASAR: You heard the motion to excuse Members. Are there any remarks or comments?... If not, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

PRESIDENT RAY DENCZAK AND COUNCILMEMBER JIM GRIFFIN ARE EXCUSED

VICE PRESIDENT CASAR: Member Griffin's mother-in-law passed away this past weekend, Mary Lombardi Biedenbach. I would ask for just a few moments of silence in her honor and also for Member Griffin who is-- the funeral was today.

MOMENT OF SILENCE OBSERVED FOR MARY LOMBARDI BIEDENBACH

VICE PRESIDENT CASAR: Thank you. We are now under Resolution #54.

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Madam Clerk, could you please that Resolution by title only.

VICE PRESIDENT CASAR CALLED UPON CLERK VANCKUNAS TO READ RESOLUTIONS #54 THROUGH AND INCLUDING #57 BY TITLE, AS SHOWN BELOW. THE RESOLUTIONS ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS DATED MAY 23, 2005.

54. HAWK, GREG, WARD 1 COUNCILMEMBER: COMMENDING JANET GORDON FOR 35 YEARS OF DEDICATED SERVICE TO THE CANTON URBAN LEAGUE. - ADOPTED BY COUNCIL

VICE PRESIDENT CASAR: Is a motion to adopt Resolution #54?

MEMBER CARBENIA: Mr. President, I move that we adopt Resolution #54; seconded.

VICE PRESIDENT CASAR: Are there any remarks?... If not-- are there any remarks?... By voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS RESOLUTION #54 APPROVED BY UNANIMOUS VOICE VOTE

VICE PRESIDENT CASAR: Resolution #54 has been adopted.

55. PERSONNEL COMMITTEE: APPROVING THE MAYOR'S APPOINTMENT OF BARBARA ROSENBERG TO THE FAIR EMPLOYMENT PRACTICES BOARD FOR THE 3 YEAR TERM EFFECTIVE 5/1/05 TO 4/30/08. - ADOPTED BY COUNCIL

VICE PRESIDENT CASAR: Is there a motion to adopt Resolution #55?

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

VICE PRESIDENT CASAR: Are there any remarks?... If not, all those in favor signify by saying aye. Those opposed no.

NO REMARKS RESOLUTION #55 APPROVED BY UNANIMOUS VOICE VOTE

VICE PRESIDENT CASAR: Resolution 55 has been adopted.

56. COUNCIL-AS-A-WHOLE: COMMENDING CANTON PROFESSIONAL FIREFIGHTERS ASSN LOCAL 249, IAFF, FOR CONDUCTING A FIRE GROUND OPERATIONS ORIENTATION FOR PUBLIC INFORMATION & FOR THEIR DEVOTION OF SAFETY TO THE GENERAL PUBLIC. - ADOPTED BY COUNCIL

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VICE PRESIDENT CASAR: The Chair will recognize a motion to adopt Resolution #56.

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

VICE PRESIDENT CASAR: Are there any remarks?...

MEMBER CARBENIA: Mr. President, I'd like to have it read in its entirety, please.

VICE PRESIDENT CASAR: Madam Clerk, would you please read Resolution #56.

CLERK VANCKUNAS: An informal resolution respectfully submitted by Council-as-a-Whole on this 23rd day of May, 2005. Whereas, On May 6, 2005 from 8:00 AM to 2:00 PM the Canton Professional Firefighters Association, Local 249, and Stark State College of Technology conducted a fire ground operations orientation for civilians, including elected officials and media representatives, affording them the opportunity to live a day in the life of a firefighter and paramedic; and whereas, being a totally volunteer event, these knowledgeable and dedicated firefighters gave of their own time and energy to provide those individuals who participated with a new perspective on the dangerous and life threatening issues faced by our firefighters on a regular basis. This well organized program allowed participants to suit up in firefighter protective clothing including a self-contained breathing apparatus, climb an aerial ladder, and enter an actual fire to experience first-hand the environment created by such a devastating occurrence. In addition, participants aided in extricating an accident victim from a vehicle using the Jaws of Life, rescued a trapped occupant from a smoke filled structure, and used an automated external defibrillator on a cardiac arrest victim; and whereas, by exhibiting their knowledge, skill, patience and understanding during this orientation, the Canton Professional Firefighters Association provided a unique opportunity for others to fully appreciate the physical ability, expertise and bold courage demanded by the rigorous job of being a firefighter. Thanks to you, this was probably the most meaningful learning experience in which anyone could partake. Now, therefore, be it resolved that we, the Members of the Council of the City of Canton, Ohio, do hereby go on public record as commending the Canton Professional Firefighters Association Local 249, IAFF for their initiative and ingenuity in developing and conducting a program which successfully enabled civilians to realize the true extent of the devotion to our safety possessed by each and every Canton City Firefighter and paramedic.

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VICE PRESIDENT CASAR: Thank you. Are there any further remarks?... If not, all those in favor signify by saying aye. Those opposed nay.

NO REMARKS RESOLUTION #56 APPROVED BY UNANIMOUS VOICE VOTE

VICE PRESIDENT CASAR: Resolution 56 has been adopted. Will Jeff Haley please come forward to accept Council's commendation, and it will be presented by our fireman, Member Carbenia.

MEMBER CARBENIA: Mr. President, could I ask that all the members of the department and everybody who participated move down forward so everybody can see who volunteered their time, who done a great job teaching the Administration and Council on some of the hazards of being a firefighter.

VICE PRESIDENT CASAR: Very well. (APPLAUSE)

(MEMBER CARBENIA AND JEFF HALEY APPROACH THE MICROPHONE)

MEMBER CARBENIA: Jeff, you and the men and women of the Canton Fire Department, this is a great honor for me being a past member of the Canton Fire Department, past member of the Local, and still a member of the Local. I would tend to say you show these people, and many of them have told me, now they have a better feeling for what firefighters do, including fighting fires, climbing ladders, donning equipment, using the jaws of life, and dragging a person out of a building, and learning how to save lives and learning what you guys do everyday, every time you go out, and cost you much of your time, free time, and I'm ecstatic that you guys did do this program. And I think that we should ask some of our other departments to do something just like it, and I'm sure we're going to do that, so... I would like to congratulate one and all, and Jeff, you have something to say, if you would. Congratulations.

MR. HALEY: Thank you. If I could, Member Casar, I just want to say thank you on behalf of the members of Local 249 to City Council as a whole. We accept this with excitement, yet we're humbled that you chose to bring it to us in this format. We thank you for it. We spent a lot of time over the last few years learning more about city government, how it works, and it's benefitted us when we sit down at the table to negotiate contracts, to discuss issues, and we hope that the fire office program benefits you the same way that learning about your jobs has benefitted us. On May 6, what happened was probably the most complex form of communication that our local has ever used because that's

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really what we were doing was just offering you some insight into what it is that we do when we go out to fight a fire or respond to a medical emergency or a traumatic injury. It took months of planning to put this together. I estimate somewhere in the neighborhood of 500 man hours in order to pull this off. Our membership voted to use their own money to fund this, and we think it's beneficial to all. I'd like to thank Member Hawk, Member Diamond, Member Carbenia for their participation in the event, and hopefully what you have learned from it and the discussions you have will encourage others to participate when we hold it again. I'd like to thank Mayor Creighton and her staff, the appointed and elected officials of the City of Canton, that I don't think they had a whole lot of choice in coming. I think the Mayor kinda encouraged them to participate I'll say. And we thank you for that. We thank Stark State College of Technology Fire Science Program for allowing us to use their facilities and the membership for funding it and the members who showed up to take part. Approximately 50 firefighters and paramedics were there and put on the program that I think was a great success. This proclamation, it's an honor to receive this, and on behalf of the membership of Local 249, we thank you. (APPLAUSE)

57. COUNCIL-AS-A-WHOLE: COMMENDING STARK STATE COLLEGE OF TECHNOLOGY FOR PROVIDING FACILITIES TO THE CANTON PROFESSIONAL FIREFIGHTERS ASSOCIATION LOCAL 249, IAFF, FOR THE DEMONSTRATION OF A FIRE GROUND OPERATIONS ORIENTATION. - ADOPTED BY COUNCIL

VICE PRESIDENT CASAR: Is there a motion to adopt Resolution 57?

MEMBER CARBENIA: Mr. President, I move that we adopt Resolution 57; seconded.

VICE PRESIDENT CASAR: Are there any remarks?...

MAYOR CREIGHTON: Mr. President, am I allowed to say something?... Just one comment, I didn't say it after the firemen came forward, but I think if there was anything we learned from the Fire Department is that it really is teamwork, and everybody worked together, and I know I trusted my partner out there. I don't know what I would have done without him. Scott, thanks, because I don't mind telling the residents of this City, I was scared to death, and I will tell you it's better that you have these professionals fighting your fire than these Councilmen or this Administration because they know what they're doing and we should thank God every day for their professionalism.

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VICE PRESIDENT CASAR: Are there any other remarks?...

MEMBER CARBENIA: I'd like to have this read in its entirety too please.

VICE PRESIDENT CASAR: Madam Clerk, please read Resolution #57.

CLERK VANCKUNAS: An informal resolution respectfully submitted by Council-as-a-Whole on this 23rd day of May, 2005. Whereas, On May 6, 2005 from 8:00 AM to 2:00 PM the Canton Professional Firefighters Association, Local 249, conducted a fire ground operations orientation at the fire training facility at Stark State College of Technology. The purpose of this orientation was to afford civilians, including elected officials and media representatives, the opportunity to live a day in the life of a firefighter and paramedic; and whereas, by graciously donating the use of their fire training facility, as well as much of the equipment used in the orientation, Stark State College of Technology helped make it possible for participants to experience first-hand the dangerous and frightening situations encountered by these brave firefighters and paramedics on a daily basis; and whereas, thanks to the professionalism and community dedication exhibited by Stark State College of Technology, the May 6, 2005 fire ground operations orientation was not only a great success, but a meaningful learning experience for everyone involved. Now, therefore, be it resolved that we, the Members of the Council of the City of Canton, Ohio, do hereby go on public record as commending Stark State College of Technology for their cooperation and expertise in developing and conducting a program which successfully enabled civilians to realize the true extent of the devotion to our safety possessed by each and every Canton City Firefighter and paramedic.

VICE PRESIDENT CASAR: Thank you. Are there any further remarks?... If not, all those in favor signify by saying aye. Those opposed nay.

NO REMARKS

RESOLUTION #57 APPROVED BY UNANIMOUS VOICE VOTE

VICE PRESIDENT CASAR: Resolution #57 has been adopted. John Thornton and Bonnie Stich from Stark State College of Technology, please come forward to accept Council's commendation presented by Member Carbenia.

(MEMBER CARBENIA, JOHN THORNTON, AND BONNIE STICH APPROACH THE MICROPHONE)

MEMBER CARBENIA: I just don't know how to work that (referring to the

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microphone). Once again, without you, without Stark Technical College, this program would not have been a success. I know how many hours that you put into it too, and doing it free as pretty darn nice, and I think that the people that run that organization are top shelf, and I know the firefighters think so. We feel that our firefighters are the best, and I know that you do the training for them, so we're very happy with you, and thank you very much and congratulations. (APPLAUSE)

MR. THORNTON: I guess I would just like to say that I am happy and proud that Stark State College was able to take part in the event. It was very successful, a very good day. As a participant, I'd like to thank our emergency services department, of which Bonnie is a part, for their efforts. They worked hard to make the day possible. And I'd just like to say that I guess the part of the day that stays with me most vividly is the pride I saw in the firefighters for both their profession and their department. It was very good day and I thank everybody involved. And I thank you for this. (APPLAUSE)

COMMUNICATIONS

VICE PRESIDENT CASAR: We are now under Communications. Let the Journal show that all communications are received as read. Madam Clerk, would you please read the Communications. (PAUSE) I'm sorry, just received as read. Now, we'll go right onto first reading Ordinances.

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 MAY 23, 2005.

297. AUDITOR R.A. MALLONN, CITY OF CANTON: PROVIDING COUNCIL WITH THE STATUS OF THE COMPENSATED ABSENCE FUND; REQUESTING VARIOUS SUPPLEMENTAL APPROPRIATIONS, \$125,584.58 FROM THE GENERAL FUND & ETC.; REQUEST TO AMEND CITY CODE SECTION 151 TO ALLOW MANAGEMENT/NON-BARGAINING UNIT EMPLOYEES THE OPTION OF CASHING OUT BANKED TIME & REQUIRING THAT EMPLOYEES PROMOTED INTO MANAGEMENT BE REQUIRED TO CASH OUT BANKED VACATION. - PERSONNEL AND FINANCE CMTES
298. COMMUNITY DEVELOPMENT & PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: REQUESTING LEGISLATION AUTHORIZING THE MAYOR &/OR SERVICE DIRECTOR TO CONTRACT W/HABITAT FOR HUMANITY OF GREATER CANTON TO PROVIDE \$80,000 FROM HOME FUNDS FOR REIMBURSEMENT OF MISCELLANEOUS INFRASTRUCTURE COSTS RELATING TO THE HOUSING

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299. COMMUNITY DEVELOPMENT & PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: REQUESTING LEGISLATION AUTHORIZING THE MAYOR &/OR SERVICE DIRECTOR TO CONTRACT W/PRIME TIME BASKETBALL, INC. TO PROVIDE \$20,000 FROM CDBG FUNDS FOR THE 2005 PRIME TIME BASKETBALL PROGRAM - COMMUNITY & ECONOMIC DEV & FINANCE CMTE
300. COMMUNITY DEVELOPMENT & PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: REQUESTING LEGISLATION AUTHORIZING THE MAYOR &/OR SERVICE DIRECTOR TO CONTRACT W/YWCA OF CANTON TO PROVIDE \$20,000 FROM ESG FUNDS FOR MISCELLANEOUS OPERATING COSTS FOR NEW BEGINNINGS PROGRAM. - COMMUNITY & ECONOMIC DEV & FINANCE
301. COMMUNITY DEVELOPMENT & PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: REQUESTING LEGISLATION AUTHORIZING THE MAYOR &/OR SERVICE DIRECTOR TO CONTRACT W/FAMILIES FIRST OF STARK COUNTY TO PROVIDE \$15,000 FROM CDBG FUNDS FOR MISCELLANEOUS PROGRAM COSTS ASSOCIATED W/PARENTS ANONYMOUS PROGRAM. - COMMUNITY & ECONOMIC DEV & FINANCE CMTE
302. COMMUNITY DEVELOPMENT & PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: REQUESTING LEGISLATION AUTHORIZING THE MAYOR &/OR SERVICE DIRECTOR TO CONTRACT W/COMMUNITY SERVICES OF STARK COUNTY TO PROVIDE \$100,000 FROM CDBG FUNDS FOR CONSTRUCTION OF 5,000 SQ. FT. BUILDING N. OF 625 CLEVELAND AVE NW. - COMMUNITY & ECONOMIC DEV & FINANCE CMTE
303. COMMUNITY DEVELOPMENT & PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: REQUESTING LEGISLATION AUTHORIZING THE MAYOR &/OR SERVICE DIRECTOR TO CONTRACT W/CANTON NEGRO OLDTIMERS ATHLETIC ASSN. TO PROVIDE \$21,000 FROM CDBG FUNDS TO PURCHASE PROPERTY FOR HOUSING DEVELOPMENT & PARKING ON 10TH ST NE - WITHDRAWN
304. COMMUNITY DEVELOPMENT & PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: REQUESTING LEGISLATION AUTHORIZING THE MAYOR &/OR SERVICE DIRECTOR TO CONTRACT W/ELSASS TEAM CENTER TO PROVIDE \$22,000 FROM CDBG FUNDS FOR ADMINISTRATION/STAFF COSTS FOR GROUP HOME & FOSTER CARE PROGRAM SERVICES. - COMMUNITY & ECONOMIC DEV & FINANCE CMTE
305. COMMUNITY DEVELOPMENT & PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: REQUESTING LEGISLATION AUTHORIZING THE MAYOR &/OR SERVICE DIRECTOR TO CONTRACT W/ICAN, INC. TO PROVIDE \$38,500 FROM

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CDBG FUNDS FOR MISCELLANEOUS REPAIR/RENOVATIONS @1214 MARKET AVE. N. - COMMUNITY & ECONOMIC DEV & FINANCE CMTEs

- 306. COMMUNITY DEVELOPMENT & PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: REQUESTING LEGISLATION AUTHORIZING THE MAYOR TO SUBMIT 2006 RECYCLE OHIO GRANT APPLICATION. - COMMUNITY & ECONOMIC DEV & FINANCE CMTEs**
- 307. COMMUNITY DEVELOPMENT & PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: REQUESTING LEGISLATION AUTHORIZING MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT W/SONOCO PHOENIX PACKAGING FOR 75% PERSONAL PROPERTY TAX EXEMPTION FOR 10 YEARS FOR EXPANSION OF FACILITY @ 2121 WARNER RD SE; AUTHORIZING CITY AUDITOR TO MAKE PAYMENTS TO CANTON BOARD OF EDUCATION PURSUANT TO ORC SEC. 5709.82 (C)&(D). - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE CMTEs**
- 308. HEALTH COMMISSIONER ROBERT PATTISON, CITY OF CANTON: SUBMITTING COPY OF ODH CERTIFICATION TRANSMITTAL FOR PUBLIC SWIMMING POOLS FOR APRIL 2005. - RECEIVED & FILED**
- 309. MUNICIPAL COURT ADMIN. MICHAEL KOCHERA, CANTON: REQUESTING LEGISLATION AUTHORIZING THE MAYOR TO ENTER INTO A \$74,261 AGREEMENT W/STATE OF OHIO, DEPT OF REHAB & CORRECTION FOR RECEIPT OF FY 2006 COMMUNITY CORRECTIONS ACT GRANT. - MARKETING & DEVELOPMENT GRANT AND FINANCE CMTEs**
- 310. PLANNING COMMISSION, CITY OF CANTON, BRUCE WILLIAMS, SECRETARY: RECOMMENDING APPROVAL OF THE REPLAT OF 3 PARCELS INTO 2 RECONFIGURED LOTS LOCATED N OF 22ND ST SW ON E SIDE OF CLARENDON AVE AS REQUESTED BY EDWARD METZGER, SURVEYOR, FOR HABITAT FOR HUMANITY. - PUBLIC SAFETY & THRU CMTE**
- 311. SERVICE DIRECTOR JOSEPH J. CONCATTO, CITY OF CANTON: REQUEST TO MAKE ADDITIONAL \$16,965 MORAL OBLIGATION PAYMENT TO 3-D SERVICE FOR EMERGENCY REPAIRS TO SYNCHRONOUS MOTOR FOR #1 PUMP @ NE WATER TREATMENT PLANT DUE TO FURTHER REPAIRS; REQUEST \$16,965 SUPPLEMENTAL APPROPRIATION FROM THE 5201 WATER FUND. - FINANCE CMTE**
- 312. SLIMAN, SAMUEL, AGENT FOR PETITIONER: COPY OF ANNEXATION PETITION DOCUMENTS FILED WITH STARK COUNTY COMMISSIONERS IN THE GROFFRE/BROADWAY ANNEXATION AREA. - RECEIVED & FILED**
- 313. HART, RICHARD, WARD 7 COUNCILMEMBER: SUBMITTING CONCEPT & REQUEST TO REDEVELOP THE FORMER MOTHER GOOSE LAND LOCATED OFF WEST TUSC. - RECEIVED & FILED**

MINUTES OF THE MEETING OF MAY 23, 2005ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

VICE PRESIDENT CASAR: We're now under Ordinances and Formal Resolutions for the first reading. Let the journal show that all Ordinances are being given their reading as required by State Law. Madam Clerk, will you please read them by title only.

NOTE: VICE PRESIDENT OF COUNCIL CASAR CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #1 THROUGH AND INCLUDING #14 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1 (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF ALL OF LOTS 41649 THROUGH 41653 AND ALL OF OUTLOTS 968, 970 AND 971; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee**
- #2 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR 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 \$25,000.00 FOR THE EARLY CHILDHOOD EDUCATION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development and Finance Committees**
- #3 (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 122/92, AS AMENDED, AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED AGREEMENT WITH STARK COUNTY OUT OF POVERTY PARTNERSHIP, INC. TO PROVIDE ADDITIONAL FUNDING; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development and Finance Committees**
- #4 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH STARK PRESCRIPTION ASSISTANCE NETWORK, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$15,000.00 FOR MISCELLANEOUS MEDICAL PRESCRIPTION COSTS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development and Finance Committees**
- #5 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON**

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COMMUNITY CLINIC, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$175,000.00 FOR OPERATIONAL EXPENSES; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development and Finance Committees

- #6 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON REGIONAL CHAMBER OF COMMERCE TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$175,000.00 FOR A COMPREHENSIVE ECONOMIC AND DOWNTOWN DEVELOPMENT PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development and Finance Committees

- #7 (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 253/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

- #8 (1ST RDG) AN ORDINANCE VACATING PORTIONS OF 7TH STREET NW AND WELLS AVENUE NW; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Public Safety & Thoroughfares Committee

- #9 (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PARTS OF OUTLOTS 488 THROUGH 491, 493 AND PARTS OF LOTS 3297 AND 3301; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee

- #10 (1ST RDG) AN ORDINANCE VACATING A PORTION OF MILTON COURT NW; APPROVING AND ACCEPTING THE REPLATTING OF ALL OF LOTS 13080, 14228 THROUGH 14242, 14254 THROUGH 14262, 34880, 34881, 34883, 37085, 37086 AND 38546 AND PARTS OF LOTS 14243 AND 14244, VACATED MILTON COURT NW AND PRIVATE ALLEYS; APPROVING AND ACCEPTING THE DEDICATION OF PART OF CROWN PLACE NW; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee

- #11 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN THE AMOUNT OF \$15,575.00 TO PATH MASTER, INC.; AMENDING APPROPRIATION ORDINANCE NO. 253/2004; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement and

MINUTES OF THE MEETING OF MAY 23, 2005**Finance Committees**

- #12 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO MAKE APPLICATION FOR AND ACCEPT A GRANT IN AN AMOUNT NOT TO EXCEED \$33,994.00 FROM THE STATE FOR A SELECTIVE TRAFFIC ENFORCEMENT PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY**
Referred to Marketing & Development Grant and Finance Committees
- #13 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN THE AMOUNT OF \$13,505.64 TO SOUTHEASTERN EQUIPMENT COMPANY; AND DECLARING THE SAME TO BE AN EMERGENCY**
Referred to Public Property Capital Improvement and Finance Committees
- #14 (1ST RDG) A RESOLUTION DESIGNATING PUBLIC MONEYS AVAILABLE FOR ACTIVE AND INTERIM DEPOSITS AND DESIGNATING DEPOSITORY BANKS FOR SAID DEPOSITS**
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

VICE PRESIDENT CASAR: We're now under Ordinances for the Second Reading. Madam Clerk, will you please read the Ordinances by title.

NOTE: VICE PRESIDENT OF COUNCIL CASAR CALLED UPON CLERK VANCKUNAS TO READ THE FOLLOWING ORDINANCES #15 THROUGH #20 FOR THE SECOND TIME BY TITLE, AS FOLLOWS. ORDINANCE #17 WAS ADOPTED AFTER ITS SECOND READING. ORDINANCE #18 WAS RETAINED IN COMMITTEE.

- #15 (2ND RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO ENTER INTO A PROFESSIONAL SERVICE CONTRACT WITH FINANCIAL NETWORK OF AMERICA LTD FOR AN ALTERNATIVE 457 DEFERRED COMPENSATION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY**
- #16 (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 253/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY**
- #17 (2ND RDG) ADOPTED AS ORDINANCE NO. 106/2005 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO**

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CONTRACT WITH MYTHICS, INC. IN AN AMOUNT NOT TO EXCEED \$22,684.44 FOR THE PURCHASE OF AN ORACLE APPLICATION SERVER LICENSE AND ORACLE PROCESSOR LICENSE PURSUANT TO Ohio Revised Code SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CARBENIA: Mr. President, I move we suspend the statutory three readings of Ordinance 17; seconded.

VICE PRESIDENT CASAR: Are there any remarks?... If not, roll call please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

VICE PRESIDENT CASAR: The statutory rules have been suspended.

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

VICE PRESIDENT CASAR: There's a move to adopt Ordinance #17. Are there any remarks?... If not, roll call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

#17 ADOPTED AS ORDINANCE NO. 106/2005

#18 RETAINED IN COMMITTEE AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CHANGE ORDERS #3 AND #4 WITH ESCH WRECKING COMPANY IN A TOTAL AMOUNT NOT TO EXCEED \$69,100 FOR ADDITIONAL DEMOLITION AND SITE RESTORATION WORK AT THE "KRESGE BLOCK"; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER BERNABEI: Mr. President, point of order.

VICE PRESIDENT CASAR: Yes. What is your point of order?

MEMBER BERNABEI: I believe that Ordinance #18 was held in committee and should not be given a second reading tonight.

VICE PRESIDENT CASAR: That is correct, Member Bernabei, and I think we probably forgot to tell the Clerk to do so, but, yes, Ordinance #18 was held in committee, didn't have the necessary signatures for a second reading.

#19 (2ND RDG) AN ORDINANCE APPROVING THE SOLID WASTE MANAGEMENT PLAN OF THE STARK-TUSCARAWAS-WAYNE JOINT SOLID WASTE

MINUTES OF THE MEETING OF MAY 23, 2005**MANAGEMENT DISTRICT; AND DECLARING THE SAME TO BE AN EMERGENCY**

MEMBER BERNABEI: Mr. President, question for the Law Director. Mr. Martuccio, are there any legal reasons this would require City Council to adopt this piece of legislation this evening as opposed to our next meeting, I believe which is scheduled for June 6th?

LAW DIRECTOR MARTUCCIO: Mr. President. Member Bernabei, I'm looking at a letter that was attached to the Ordinance as part of the research in the case, or in the file rather. It is a letter from David Held, the Executive Director of the Stark Tusc Wayne Joint Solid Waste Management District. It's dated March 11th of 2005, addressed to the Mayor. This same letter went to all of the subdivisions of the three counties, and I'm gonna quote from third paragraph. It says, "Within 90 days of receiving a copy of the draft plan, county commissioners and the legislative authority of each municipal corporation and township shall approve or disapprove the draft plan by ordinance or resolution to the district." It goes on to say the largest city in each county has to do the same thing, and the importance of keeping within the time frame. However, assuming that the plan came with the letter, and assuming that the date is accurate, March 11th, that would bring it out to approximately June 10th or so, so technically if the plan came with this letter, we would be within the 90 days if it were voted on June 6th.

MEMBER BERNABEI: Mr. President, this is to the Service Director. Could you please provide us with regard to this plan, which is very comprehensive in size, an executive summary or some other information which would describe to us both the purpose and impact of this plan on the City. This is not for your response right now, but within the next two week period of time.

SERVICE DIRECTOR CONCATTO: (INAUDIBLE)

VICE PRESIDENT CASAR: Well, for the record, Service Director, would you please say that into the microphone.

SERVICE DIRECTOR CONCATTO: Yes, I will provide the executive summary of the draft.

VICE PRESIDENT CASAR: Thank you.

#20 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICE CONTRACT WITH ATELIER

MINUTES OF THE MEETING OF MAY 23, 2005

CORP OF WILSON-HAWK DBA THE WILSON ARCHITECTURAL GROUP IN AN AMOUNT NOT TO EXCEED \$23,960 FOR ARCHITECTURAL SERVICES RELATED TO THE FEDERAL CAMPUS PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD READING

VICE PRESIDENT CASAR: We're now under Ordinances for the third and final reading. Madam Clerk, will you please read Ordinance #21 by title.

NOTE: VICE PRESIDENT OF COUNCIL CASAR CALLED UPON CLERK VANCKUNAS TO READ ORDINANCES #21 THROUGH #33 FOR THEIR THIRD & FINAL TIME BY TITLE, AS FOLLOWS. ALL ORDINANCES WERE ADOPTED FOLLOWING THEIR 3RD READINGS. ORDINANCE #29 WAS AMENDED.

#21 (3RD RDG) ADOPTED AS ORDINANCE NO. 107/2005 AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

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

VICE PRESIDENT CASAR: There's a move to adopt Ordinance #21. Are there any remarks?... If not, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

VICE PRESIDENT CASAR: Ordinance #21 has been adopted. Ordinance 22. #21 ADOPTED AS ORDINANCE NO. 107/2005

#22 (3RD RDG) ADOPTED AS ORDINANCE NO. 108/2005 AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE SHAWNEE/CANTON TOWNSHIP ANNEXATION AREA CONTAINING APPROXIMATELY 15.561 ACRES; ASSIGNING SAID TERRITORY TO WARD 4 OF THE CITY; ZONING SAID TERRITORY AS R-3 (MULTI-FAMILY RESIDENTIAL); AND DECLARING ~~THE SAME TO BE AN EMERGENCY~~

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

VICE PRESIDENT CASAR: There's a move to adopt Ordinance #22. Are there

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

VICE PRESIDENT CASAR: Ordinance #22 has been adopted. Ordinance #23.
#22 ADOPTED AS ORDINANCE NO. 108/2005

#23 (3RD RDG) ADOPTED AS ORDINANCE NO. 109/2005 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

Pub Hrg held 5/23/05 @ 7:31 PM

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

VICE PRESIDENT CASAR: There's a move to adopt Ordinance #23. Are there any remarks?... If not, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

VICE PRESIDENT CASAR: Ordinance #23 has been adopted.
#23 ADOPTED AS ORDINANCE NO. 109/2005

#24 (3RD RDG) ADOPTED AS ORDINANCE NO. 110/2005 AN ORDINANCE VACATING PORTIONS OF RIVERSIDE DRIVE SE, WATER COURT SE, FORK PLACE SE, RAKE COURT SE AND IDA PLACE SE; AND DECLARING THE SAME TO BE AN EMERGENCY

Pub Hrg held 5/23/05 @ 7:32 PM

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

VICE PRESIDENT CASAR: There's a move to adopt Ordinance #24. Are there any remarks?... If not, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

VICE PRESIDENT CASAR: Ordinance #24 has been adopted.
#24 ADOPTED AS ORDINANCE NO. 110/2005

#25 (3RD RDG) ADOPTED AS ORDINANCE NO. 111/2005 AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A ONE-YEAR CONTRACT WITH THE CANTON SYMPHONY ORCHESTRA ASSOCIATION TO PROVIDE A GRANT IN AN AMOUNT

MINUTES OF THE MEETING OF MAY 23, 2005**NOT TO EXCEED \$40,000 FOR THE CHILDREN'S ARTS CONNECTION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY**

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

VICE PRESIDENT CASAR: There's a motion to adopt Ordinance #25. Are there any remarks?... If not, roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

VICE PRESIDENT CASAR: Ordinance #25 has been adopted. Ordinance #26.
#25 ADOPTED AS ORDINANCE NO. 111/2005

#26 (3RD RDG) ADOPTED AS ORDINANCE NO. 112/2005 AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE YMCA OF CENTRAL STARK COUNTY TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$30,000 FOR ESSENTIAL SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY

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

VICE PRESIDENT CASAR: It's been moved and seconded to adopt Ordinance #26. Are there any remarks?... If not, roll call.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS, 1 ABSTENTION (WEST)

VICE PRESIDENT CASAR: Ordinance #27 has been adopted-- 26, excuse me.
#26 ADOPTED AS ORDINANCE NO. 112/2005

#27 (3RD RDG) ADOPTED AS ORDINANCE NO. 113/2005 AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON SYMPHONY ORCHESTRA ASSOCIATION TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$40,000 FOR THE 2005 CONCERT IN THE PARK; AND DECLARING THE SAME TO BE AN EMERGENCY

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

VICE PRESIDENT CASAR: It's been moved and seconded to adopt Ordinance #27. Are there any remarks?... If not, roll call.

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NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

VICE PRESIDENT CASAR: Ordinance #27 has been adopted.

#27 ADOPTED AS ORDINANCE NO. 113/2005

#28 (3RD RDG) ADOPTED AS ORDINANCE NO. 114/2005 AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH ST. PAUL'S SENIOR HOUSING, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$65,471 FOR COSTS ASSOCIATED WITH THE REFINANCING OF ST. PAUL'S SENIOR HOUSING COMPLEX; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #28; seconded.

VICE PRESIDENT CASAR: It's been moved and seconded to adopt Ordinance #28. Are there any remarks?... If not, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

VICE PRESIDENT CASAR: Ordinance #28 has been adopted.

#28 ADOPTED AS ORDINANCE NO. 114/2005

#29 (3RD RDG) ADOPTED AS ORDINANCE NO. 115/2005 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 253/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS, REDUCTIONS IN APPROPRIATIONS AND INTERFUND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

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

VICE PRESIDENT CASAR: It's been moved and seconded to adopt Ordinance #29. Are there any remarks?...

MEMBER CARBENIA: Mr. President, I move we amend Ordinance 29 per the written amendment that every Member has in front of them; seconded.

AMENDMENT: Pursuant to Rule 36, I hereby move to amend Agenda Item No. 29 by substituting the revised Exhibit A attached to this Amendment for the original Exhibit A attached to the ordinance currently pending before Council.

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Attached Exhibit: SEE NEXT PAGE!

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EXHIBIT A

page 1

Supplemental Appropriations

FROM:	The Unappropriated Balance of the 4501 Capital Improvement Fund	\$2,531,563.00
TO:	4501 101001 Safety Director	5,000.00
	4501 101501 Building & Code	10,000.00
	4501 102001 Police	50,000.00
	4501 103001 Fire	120,000.00
	4501 104001 Traffic Engineer	383,600.00
	4501 201001 Service Director	60,564.00
	4501 201201 Purchasing	10,000.00
	4501 202001 Civil Engineering	1,400,000.00
	4501 202210 Public Works	25,000.00
	4501 203001 Civic Center	58,799.00
	4501 204010 Building Maintenance	84,600.00
	4501 301001 Health	20,000.00
	4501 401001 Park	105,000.00
	4501 501001 Mayors	48,500.00
	4501 501601 Youth Development	10,000.00
	4501 504010 MIS	100,000.00
	4501 701001 Judges	25,000.00
	4501 753001 Law	5,500.00
	4501 852001 Treasurer	10,000.00

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EXHIBIT A
page2
Supplemental Appropriations

FROM:	The Unappropriated Balance of the 4502 Motor Vehicle Fund	\$1,034,430.00
TO:	4502 102001 Police	331,930.00
	4502 103001 Fire	327,500.00
	4502 202210 Public Works	268,000.00
	4502 401001 Park	35,000.00
	4502 301001 Health	72,000.00
FROM:	Unappropriated Balance of the 4541 Civic Center Fund	50,000.00
TO:	4541 Civic Center Improvement Fund	50,000.00
FROM:	Unappropriated Balance of the 4543 Marietta Avenue NE Improvement Fund	197,075.02
TO:	4543 Marietta Avenue Fund	197,075.02
FROM:	Unappropriated Balance of the 4516 Harvard Ave Fund	69,582.36
TO:	4516 Harvard Ave Fund	69,582.36
	INTER-FUND TRANSFER AUTHORIZATION	
FROM:	4502 103001 Vehicle Fund - Transfer out for Capital Projects	90,000.00
TO:	4545 Fire Truck Replacement Fund	90,000.00

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EXHIBIT A page 3 Cash Transfer		
FROM:	Appropriated Balance of 4543 Marietta Ave Fund	197,075.02
TO:	4501 Capital Improvement Fund	197,075.02
FROM:	4516 Harvard Ave Fund	69,582.36
TO:	4501 Capital Improvement Fund	69,582.36

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VICE PRESIDENT CASAR: Are there any remarks under the amendment?... If not, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

VICE PRESIDENT CASAR: The amendment is adopted. Now, we are under the amendment as adopted. Are there any remarks?... If not, roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

VICE PRESIDENT CASAR: Ordinance #29 as amended has been adopted.
#29 AS AMENDED ADOPTED AS ORDINANCE NO. 115/2005

#30 (3RD RDG) ADOPTED AS ORDINANCE NO. 116/2005 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 253/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

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

VICE PRESIDENT CASAR: Ordinance #30 has been moved and seconded. Are there any remarks?... If not, roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

VICE PRESIDENT CASAR: Ordinance #30 has been adopted.
#30 ADOPTED AS ORDINANCE NO. 116/2005

#31 (3RD RDG) ADOPTED AS ORDINANCE NO. 117/2005 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT WITH STARK COUNTY TO PROCEED WITH A JOINT PAVING PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

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

VICE PRESIDENT CASAR: Ordinance #31 has been moved and seconded to adopt. Are there any remarks?... If not, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

VICE PRESIDENT CASAR: Ordinance #31 has been adopted.
#31 ADOPTED AS ORDINANCE NO. 117/2005

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#32 (3RD RDG) ADOPTED AS ORDINANCE NO. 118/2005 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 253/2004, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AMENDING ORDINANCE NO. 174/95; AND DECLARING THE SAME TO BE AN EMERGENCY

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

VICE PRESIDENT CASAR: Ordinance #32 has been moved and seconded to adopt. Are there any remarks?... If not, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

VICE PRESIDENT CASAR: Ordinance #32 has been adopted.

#32 ADOPTED AS ORDINANCE NO. 118/2005

#33 (3RD RDG) ADOPTED AS ORDINANCE NO. 119/2005 A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE GROFFRE/BROADWAY ANNEXATION AREA UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

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

VICE PRESIDENT CASAR: It's been moved and seconded to adopt Ordinance #33. Are there any remarks?... If not, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

VICE PRESIDENT CASAR: Ordinance #33 has been adopted.

#33 ADOPTED AS ORDINANCE NO. 119/2005

ANNOUNCEMENT OF COMMITTEE MEETINGS

VICE PRESIDENT CASAR: Announcement of committee meetings.

MEMBER CARBENIA: Mr. President, Community & Economic Development Committee will meet June 6 at 6:00 PM

MEMBER HAWK: Mr. President, Finance Committee will meet Monday, June

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6 at 6:00 PM.

MEMBER BABCOCK: (MEMBER BABCOCK'S COMMENTS ARE INAUDIBLE - SHE CALLS A PUBLIC SAFETY & THOROUGHFARES COMMITTEE MEETING FOR JUNE 6, 2005 @6:00 PM)

MEMBER WEST: Mr. President, Marketing & Development Grant Committee will meet at 6:00 PM on June 6.

MEMBER DOUGHERTY: Yes, Mr. President, Public Property Capital Improvement will also meet that evening, 6:00 PM.

VICE PRESIDENT CASAR: Madam Clerk has an announcement in regards to a meeting we're gonna have 5:30 on June 6, if you would please.

CLERK VANCKUNAS: Mr. President, a representative from the Forester's Organization will be present in City Council Conference Room at 5:30 PM Monday, June 6, to make a presentation regarding making the City of Canton a "tree city organization."

VICE PRESIDENT CASAR: Thank you. As all Council persons are available, could you please be here at 5:30. It's supposed to be a pretty informative meeting. It would be nice and great if we all had a good attendance.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

VICE PRESIDENT CASAR: Public Speaks, Open Forum. We have six speakers. The first one is Jim Rosetta... Jim Rosetta, is he here? (INAUDIBLE COMMENTS FROM CLERK) Okay, he's not here. Second speaker is Ole Mae Thompson.

MS. THOMPSON: Yes, my name is Ole Mae Thompson, and I'm here to speak about some...

VICE PRESIDENT CASAR: Please give your address, please.

MS. THOMPSON: My name is Ole Mae Thompson and I live in Canton, 316 Belden NE. And, I'm speaking about some dogs. Canary something -- Canary Presa, and I have to watch myself all the time when I go out the back door or when I come back in. I stay serious all the time, and these little kids, they ain't gonna keep their eyes on no dog. It's just me. I mean if a 165 dog jump on you, can you handle it? No. And I just wonder if there's anything you can do about that. Cause I stay serious all the time about those dogs. And little kids is on my mind too. And when the parents send them out to play, they don't say watch for the dogs. The

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kids is out playing. So I want to know what you can do about that. And they got bolts around the fence, you know. This is the fence and they just got plate around the fence and the dog can dig out. You don't know whether he out in the morning time, out when you come back. You don't know when to look for the dog.

MEMBER ZACHARY: Mr. President, I met with Ms. Thompson and Ms. Gibbs last week, and the dogs she's referring to are pit bulls, and unfortunately her property abuts the property around the corner from her in the backyards. And even though there is a make shift kennel in this backyard, the dogs are pretty ferocious and from what I understand they can climb the fence, and I don't blame her for being scared because I was scared when I went to meet with her. And it's my understanding that don't we have some type of ruling to say that you have to carry insurance on animals of this nature, and what can we do to help protect her because she's half afraid to come out of her back door sometimes. She has to check and make sure those dogs aren't out there.

VICE PRESIDENT CASAR: Safety Director Hunt, would you like to comment on that please.

SAFETY DIRECTOR HUNT: Ma'am, if in fact this animal has been classified as a vicious dog, and I heard you say the name of the animal, and I'm not sure of that classification, but if it has been classified as a vicious animal, then the ordinance requires that special insurance be obtained for that animal. Law Director Martuccio might be able to add more to that.

LAW DIRECTOR MARTUCCIO: Mr. President, presa canarios are by many accounts dangerous dogs, but if it is a presa canario, they're not required to carry that insurance unless they've proven to be a vicious dog. What we're referring to is a state law, and-- Ohio Revised Code State Law, it says certain kinds of dogs, pit bulls specifically, and others, the owners have to carry a certain amount of insurance, they have to make sure that if they're out in the public, they have to be on a chain, muzzled. Even the fences I think have to have covers on them under certain circumstances. What we can do as a city, if they are ever running around without anybody or any fence containing them, that's called being at large, that's a crime. A police officer could cite the owner for having a dog at large. I believe animal control officers could take them into their custody if they're at large. If police and animal control officers aren't around when they get out, we can possibly help in the Law Department. If you want to come up and visit us

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during the day and file a complaint, we can at least send a letter to the owners if we have their name and address, saying we have reason to believe your dogs are at large, that's a crime. If they're vicious animals, they have to be insured, and take it from there. So again your choices are if they're running around at large, if they're free, that's a crime. But if they're contained, it may not be a crime.

MS. THOMPSON: Well, they be, you know, in the fence, but the 7th of April I was out in my garage and I meant to come out and then this big dog, this 165 pound dog, come around me. See, I didn't know whether the dog was out, you know. Whew! It took my heart from me, I tell you. The Lord was with me cause I can't handle no dog that'd be... He digs his way out, you know, and then six o'clock in the morning I got to get ready and go get my grand kids ready for school, I don't know whether he out, in. When I came back in whether he done dug out, and I find that is very dangerous for me and everybody else in that neighborhood.

MAYOR CREIGHTON: Mr. President. Ma'am, do you happen to know if they're licensed dogs?

MS. THOMPSON: Oh, I couldn't tell you that.

MAYOR CREIGHTON: Okay. The first thing we need to do is we need to check with the Stark County Auditor to see if in fact they are a licensed animal registered in Stark County. If they are not, that is first a violation and the Stark County Dog Warden should be called, and also if they're being treated inhumanely or if there is a -- if you think they're not being treated properly and if they're causing a problem, you can also call the Stark County Dog Warden. It's just down on Mahoning Road, but it is representative of the county. They will come out and pick up those dogs. But we need to find out if they're registered.

MS. THOMPSON: I think they're treated properly. They're just vicious dogs, you know. When I got cutting my grass, I don't know whether I'm gonna finish cutting my grass or the dog gonna run me out of my yard. That's how close they are to me, and that's serious. I could be saving somebody's life, mine or the kids. I know I could be saving the kids' life. The kids are always playing around there, and the parents don't be watching them. Big dogs like that, when they grab a kid they gonna mess that kid up. Thank you.

MEMBER CARBENIA: Mr. President, I would like to suggest that the Safety

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Director just take this up and investigate this, and if he has to call Stark County, then he should do it. I think we should make the move now to do that since the lady is frightened about going out in her yard early in the morning, and I can't blame her for any type of dog really, but there's regulations, they should be followed.

MAYOR CREIGHTON: Mr. President, may I ask- what was her address again, I wasn't sure.

VICE PRESIDENT CASAR: 316 Belden Ave NE. The next speaker is Randy Dyer...

MEMBER BERNABEI: Mr. President, and if I could ask the Safety Director. Would you please report back to us at the next meeting concerning what you find out about this dog. And a question either to the Safety Director or the Mayor, are we receiving cooperation from the Stark County Dog Warden with regard to vicious animal complaints?

SAFETY DIRECTOR HUNT: I have not received any information that they are not following up and doing their job as they're required to do, Council member Bernabei. Is that your question, whether or not they were following up and doing what they're supposed to?

MEMBER BERNABEI: Ye, the question is are we receiving cooperation? Do we need more intensive, you know, oversight of this particular problem because it is a problem and it becomes more of a problem in the Spring and the Summer with the children outside.

MEMBER WEST: Mr. President, I would like to ask the Law Department to get each council member a copy of what are the requirements to have a dog, specifically you said something about a fence and it has to have something over top of it?...

LAW DIRECTOR MARTUCCIO: Member West, I'll make sure a copy of that state statute is in your mail boxes. It prescribes what has to be done if it's a pit bull or vicious dog. Vicious dogs are defined as dogs that have attacked people or dogs. They become vicious by virtue of the attack. The General Assembly of the State of Ohio has specifically found pit bulls to be vicious by their nature, so ye, I'll put that in everybody's mail box.

VICE PRESIDENT CASAR: Law Director Martuccio, would you also include on that what's the requirements or what's the procedure for barking dogs also. The next speaker is Randy Dyer.

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MR. DYER: Randy Dyer, 616 15th Street NE. I spoke earlier so I'm gonna keep it brief here. I'm like a bad check, I'm just gonna keep coming back. I want to specifically thank the Mayor, the Safety Director, Thomas West, and actually Mr. Hawk too, he showed up for our March Saturday. From the northeast end, we want to thank our city for the task force and the great job they've been doing. This is a fantastic start. We want to encourage every Council member here to get involved in making our police force a more potent force in our community. Truth of the matter is we've heard from various people, you know, well we don't have those problems in our district. Well, if we're not all working together, when we drive these problems out of our district, you will have them in your district. And we encourage everybody to be involved to see what we can do to strengthen our police force. Support these guys. They're out there busting their butts. As you know, the first time we came to City Council we came here complaining about some of the service of the police. As we've gotten more involved, we found that these are hard working gentlemen who are overworked and overextended, and we're just pushing that when the next city budget comes up, we're asking every Councilman here to look for what provisions they have to adding more officers to the force. You know, we've got several new Wal Marts coming in, that's gonna bring taxes in. As I said earlier, I know that the City as of right now is authorized to have 183 officers on the force. We have 167, which leaves five patrols per shift for the entire city. This is a problem that I'm hoping that City Council will look into and offer, you know, some thoughts on, some solutions. I'm hoping that when the next city budget comes up, each member of City Council, when you approve a budget, you look for what they're allowing for our police force. These guys are great. I would also like to see that at some point maybe the City Council could offer some kind of plaque or honor to Captain Myers, to Police Chief McKimm, to the members of the task force for the great job they've been doing, and that's I guess all that I got to say and I thank you.

VICE PRESIDENT CASAR: Thank you. Next speaker is Kim Studebaker.

MS. STUDEBAKER: I live in the 4th Street area by McKinley Monument.

VICE PRESIDENT CASAR: Would you please give your name and address please, your address.

MS. STUDEBAKER: Kim Studebaker, 315 Reno Court NW. I'm by the Westlawn Cemetery. There's an ongoing problem. I've just lived there since November. I'm not used to that area, end of town. There's been an ongoing problem there with crime in the area...

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VICE PRESIDENT CASAR: Ms. Studebaker, would you please speak into the microphone.

MS. STUDEBAKER: Okay. There's been an ongoing problem with crime in the area. I just moved there last November. I didn't know it was that bad an area. They've increased the law enforcement that's come out there, which I praise that. That's great. The main problem is I being a Christian, I have been yelled at, cussed at, threatened. There is a major Islamic residence there with Mr. Leslie's properties on either side of me. He says they're relatives of his. I've been threatened by them. The police have been out there on several occasions in that neighborhood. There's lots of prostitution. And, a lot of it does seem to stem -- I mean we probably need to have some of this investigated. Islamic people, I mean, they're not Christian people, and they have shouted Allah and stuff like that at me before. So, I guess mainly if we could have more -- I praise the efforts that are going on there. Maybe you have a solution, what can be done. I've called the police on several occasions having been threatened, had my house broke into once. They attempted to break in and the police did come out right away and that's great, and they, you know, shone the light around. What can be done as far as this property owner and these people living here? They're -- just if anybody has any suggestions, what kind of legal action to take concerning that in that area.

VICE PRESIDENT CASAR: Safety Director Hunt, do you have any comments?

SAFETY DIRECTOR HUNT: Ma'am, could I speak to you after we're finished here today. Let me apologize, I did not catch everything that you said, but...

MS. STUDEBAKER: Right.

SAFETY DIRECTOR HUNT: ...if you'll hang around later, I would like to talk to you about this issue.

MS. STUDEBAKER: Ye, cause it's just like I said, I'm a Christian and I'm a Christian, and you know, we're in the United States here. I don't have to put up with being threatened by Islamic citizens, you know. Right? So, I think that was-- they do seem to have mental problems, so... Since it's an ongoing threat, they do seem to have mental problems, and this property owner is the one renting out to these... I don't rent. I own my own home, so... Okay. Thank you.

VICE PRESIDENT CASAR: Our final speaker is Shawn O'Brien.

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MR. O'BRIEN: Good evening. My name is Shawn O'Brien. I live at 1460 Hillbrook. I come to you tonight as Chairman of the Board of Building Appeals for the City of Canton. It was much to my chagrin this morning when I woke up to hear a news report stating that the budget for the demolition of homes in the City of Canton had nothing left into it, which has directly resulted in my committee. It is with that that I would urge this Council and Administration to find somewhere, some way money to put into that budget to allow us to continue the rest of the year in doing the job that this Council has asked us to do which is to take care of the dilapidated homes that come before the Board of Building Appeals. I hope that you can find that money some place. I am sure that the Finance Committee will investigate this somehow, and I urge everybody to work with us to do what you have asked us to do which is to eliminate dilapidated homes in the City of Canton.

VICE PRESIDENT CASAR: Mr. O'Brien, speaking as a Council person, I am sure that this Council expects to be headed up by first ward councilman, Member Hawk, to see that there are funds available to the best of our ability anyhow. And I think that release was a little premature.

MEMBER HAWK: Mr. President, that came as a surprise to everyone. I found out today while I was at Sam's Club shopping when I got stopped by someone who said you don't have any money left to tear down houses, and I stood there and I said I don't know anything about that. We discussed that earlier. That's out of Member Carbenia's committee, Community & Economic Development. Him and I had a quick conversation on it. We're going to begin looking at that process. It came as a shock to everyone. We had no idea the state of that account, but we'll certainly look into it.

MR. O'BRIEN: I appreciate that considering that we have a meeting this coming Wednesday. I would hope that by Wednesday morning that somebody could come up to me and say don't worry about it, Shawn, if you come up and there's a house to be demolished, go ahead and give them the okay to do it.

MEMBER HAWK: You go ahead and do it.

VICE PRESIDENT CASAR: Mr. O'Brien, as Member Hawk stated, you do your job and we'll do ours. Continue doing what you're doing.

MR. O'BRIEN: I knew I was doing a good job. I would, you know...

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VICE PRESIDENT CASAR: I didn't say good, I just said your job. (LAUGHTER)

MR. O'BRIEN: You know, if somebody told me I had a budget, I would have let you know, but if you could let me know, I would appreciate it.

MEMBER CARBENIA: Mr. President, I think that all of Council doesn't appreciate that. As you know how I am with the media. They like to let stories about before anybody knows about it, especially the Council, and I would appreciate it if our department heads and so on would inform us when they're gonna say something like that, that they don't have money, because it comes back on us. I received two calls today about that, and I'm trying to get some houses torn down in my neighborhood, so we just need to get a little more cooperation between whoever's making those statements, and it has to come from department heads, so we need those -- we need a little cooperation on that if we could. Thank you, Mayor.

MAYOR CREIGHTON: Mr. President, Margy's not here to answer the question, but just let me share with you some of the experiences that I have with WHBC. Many times they will call about a story, and please forgive me, WHBC, but sometimes it's when it's a slow news week, and they will talk to us about a variety of things. For example, about a month ago I was on the radio and I had given the interview a month before. And Craig, I'm not trying to put you on the spot, but sometimes we know that we derive stories out of stories, and in talking with Margy over the last months, as all of you know, that she has been on the radio about various things, I am sure that things have come up over time. I'm not here to try to defend her. I don't know when the conversation took place, but I can tell you from personal experience, especially with radio, that a lot of times on Sunday night, Monday morning, I will wake up to my voice and I am stunned because I had not given an interview that Friday and it was a carryover of another story, so I don't ever want Council to think that we're trying to blind side you. We will tell you. I apologize on behalf of Margy. I will get the rest of the story as Paul Harvey says and report back to you, but I can assure you that it was not done with malice, it was not done with any intent to harm anyone. We are as anxious to get houses torn down and new ones built as Council is, and you have our full cooperation, but I will get an answer from Margy.

MEMBER CARBENIA: Mr. President, to go along with that, Mayor, you know, we've had reports from the Economic Development Department, but it looks like since they're gonna say we don't have money, I think we need a new report that's gonna tell us why we don't need money and

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show what we've paid out over the past two years. I've gotten a couple, but I think we need one for all council members to see, and we want to know why there is no money in that section and I think a report needs to be given to us. So if you would relay that I would appreciate it.

MISCELLANEOUS BUSINESS

VICE PRESIDENT CASAR: We're now under Miscellaneous Business. Is there any miscellaneous business?

MEMBER ZACHARY: Mr. President, I'd like to quickly ask the Service Director a question. Did get your memo in reference to the street repaving program and, as every council member knows, we're asked to submit a list of street names and, although I'm very thankful that six whole streets in Ward 4 will actually be redone, much to my dismay, none of the streets that I requested are on this list, and I normally base my list on the number of complaint calls that I get throughout the year as well as riding through the ward. And I'm just wondering how these streets were selected and what can I do to perhaps get some of the streets that I did request to be put on the repaving program on the list.

VICE PRESIDENT CASAR: Very good question, Member Zachary. Service Director Concatto.

SERVICE DIRECTOR CONCATTO: Mr. President. Member Zachary, this list of streets, and the list began with a number of streets on there, probably three times the list that you see in front of you. These are evaluated by the Street Department as far as what they believe is the condition of the streets. They go out to every one of them and examine them and determine which streets in their minds, as the people that do streets, are the worst streets and the ones that need to be done. So, I'm not sure which streets you requested. I could look at those, but those are reviewed by the Street Department and they make the determination on what streets they feel are the worst streets.

MEMBER ZACHARY: Well, because I know the City will not reimburse people for wheel alignments and busted axles, I would like them to revisit Sherrick Road SE because it's in terrible condition and I've gotten a number of calls over the year about Sherrick Road and I keep telling people to be patient, hold on, it might be done this coming up year. But it is in terrible shape and since I drive down that street every day on my way to work, I see it firsthand.

SERVICE DIRECTOR CONCATTO: I will do that.

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VICE PRESIDENT CASAR: A little further on that, Service Director, I see the bids are to be open May 24th, and it will be accepted by Board of Control May-- reviewed by Board of Control May 30th. What you anticipate the starting date to be on our program this year and what will be the completion date this year.

SERVICE DIRECTOR CONCATTO: Mr. President, the opening of the bids is May 24th. It's earlier than we've done before. I anticipate-- we have to draw up the contracts, enter into the agreements with the contracting company. I would believe that it would probably take 30 days to do that. At that time start our paving program, and I believe that we will be done in plenty of time before the cold weather hits, probably by the end of September.

VICE PRESIDENT CASAR: So, you say the start will be right around July 1st?

SERVICE DIRECTOR CONCATTO: Yes.

VICE PRESIDENT CASAR: And we're not gonna have that excuse every year about the Hall of Fame, we couldn't blacktop or whatever, that we had for the last four or five years cause they were laying blacktop when the snow was falling? And as you know, that is factual.

SERVICE DIRECTOR CONCATTO: There will be no reason not to blacktop streets such as the Hall of Fame.

VICE PRESIDENT CASAR: Well, we, this Council, especially the ward Council people and myself, we would definitely hold you to that. We would like to see this program completed and so stated in the bid, whoever gets it, by September 30th or whatever the last day of the-- September 31st. That's very important that it's done adequately and on time because, as you know Service Director Concatto, the people that bid these, our city program over the years, have kinda put us on the back burner. They take care of their commercial work and so forth and they say well, the city contract we already have in our pocket. We'll do it when we get to it. Not this year. We want it before that contract is signed, and I know as one council person I want to see a copy of it and I want to see a completed date by September 30th, and that is very for sure this year. We talked about it in the past. Another thing as Member Zachary stated also, and I spoke with Member Hawk earlier tonight, regards to a couple streets in his ward that were put on the list last year and again talked about this year. Number one, one of them is McGregor NW where last winter the dirt was actually coming up and they got out there and patched it up, and that definitely has to be put

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on. I told Member Hawk this evening that I will be calling Kevin Monroe tomorrow and I hope that he does so also because it's bad, and it's two years not completed. And some of these streets on here as I look over them today, don't want to mention any to maybe ruffle some curtains or some feathers of the ward council person, but some of these streets I don't if they should be on here. That's my personal opinion and I travel the city quite often, and I just wonder why some are on and some are not.

MEMBER CARBENIA: Mr. President, I would also like to make sure that this program starts early since this evening I went to Paul Milano tire and had him rotate my tires and I had to buy new tires. One of them had a big bubble on the inside. He said it was from hitting a chuck hole. He said that was poetic justice because a council man got a big bubble on a tire, but I didn't feel that way. But I had to put new tires on and I'm sure a lot of people are going through that, and I know that the chuck hole problem is a big problem and I know that Joe, you've been doing a good job trying to get them filled, but now that we have the hot mix, at least they'll stay in there maybe.

MEMBER WEST: Mr. President, ye, I guess I'll jump on that band wagon. When you come down McKinley Avenue, you will feel like you're coming down railroad tracks, and I think that's a couple places in the city. I think one also on Cleveland Avenue. But somehow they got to be fixed. I mean driving down McKinley and riding like you're on a railroad tracks is pathetic. So I know that there's more than just paving that needs to happen there, but if somebody could start looking into that and figuring out a way to eliminate the ruffles there in front of St. Johns. I mean, I think that's going to eventually cause us some problems down the road.

SERVICE DIRECTOR CONCATTO: Mr. President, the McKinley Avenue issue, certainly we can do a fill and rebuild. That I believe is paved over brick, and I believe that the cause of those ripples is the fact that we paved over brick and to fix that project we would have to dig out all of the blacktop, all of the brick and relay down a foundation. That would probably take three fourths of the million dollars that we have in our paving-- well, I don't want to guess. I don't want to throw a number out there, but I know that to remove all the brick and to do a rebase, to do a resurfacing of McKinley Avenue is very expensive. We've been at a million dollars, we was at \$600,000.00 last year, I believe, was the budget. We're at a million dollars this year on paving. It's nowhere near enough to do the streets that you all want. It is the amount of money, however, that fits in our capital budget and able to do the other

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infrastructure work that we need to do in the city. So, certainly we'll look at McKinley Avenue. To do that project and do it right is one thing and to just resurface it is another. So, we will look at it.

VICE PRESIDENT CASAR: Are there any other remarks?...

LAW DIRECTOR MARTUCCIO: Mr. President, thank you. A brief reminder again, after this meeting I would like to meet briefly with the Claims Committee consisting of the Mayor, Majority Leader, Minority Leader and Finance Chairperson in the caucus room to discuss the pending litigation. To Mr. Dyer, those remarks were very appropriate about safety forces and city services keeping out with expansions by annexation, but as Mr. Sliman could probably explain, for these purposes fortunately most of that land is not full of houses quite yet. We hope it will be someday. Fire, we'll have to deal with, businesses as they come along obviously. And regarding demolitions, our assistant law director who helps process demolitions, in looking with an eye toward the budget for future appropriations on demolitions. Their average is increasing somewhat. They're at least at \$4,000.00 or so per place now. One 500 block in Navarre recently cost us \$15,000.00 and the associated costs of advertising run \$300.00 to \$400.00 or more per property. Something to bear in mind. And finally, I wanted to add my congratulations to the remaining Fire Chief and firefighter. As a participant that day, and the only casualty by the way, who finished his rotations, who finished his rotations cause it was only a flesh wound, I would like to add it was a little painful, but it was mostly awesome and educational. And I cannot think of another department that large who could easily muster half of the people who were off that day to come and help participate in the program. So, for the sheer volunteer proportion of employees, they're to be commended. Thank you.

VICE PRESIDENT CASAR: Any other remarks?...

MEMBER BERNABEI: Mr. President. Mr. Jim Rosetta has proposed the construction of a Hawaiian village, miniature golf and other facilities in the Stadium Park. To my information, he ran an advertisement in Saturday's Repository, today also, requesting a polling of citizens at large as to whether or not they were in favor or opposed to that particular idea, and he indicated on this that the responses should be sent back to City Council. I just wish to submit to City Council a packet of 24 negative responses which were delivered to my home this afternoon with a request that I deliver these to City Council tonight.

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VICE PRESIDENT CASAR: Along those same lines, tomorrow at 1:00 in the afternoon there will be a special Park Board meeting to go over this proposed miniature golf in our park system. I too have five or six that I was just going to present to the Board tomorrow, some E-mails and some concerns about it. So I would think it would be very important for all council people, if they could possibly attend, to go to this meeting because I know personally, I live in the area, and the people really don't want it. I think parks are for people, not additional cars, and this is just my personal opinion. I probably shouldn't be stating it now, but I think any council person, for or against, should show up. I really feel that the Park Board will do what's right, and by meaning what's right is not allow additional free enterprise to operate in our park system, and I think if they don't do what's right, it'll come to this Board, this Council, and we will do what's right. It'll be in Parks and Recreation Committee and it'll be there for a long time.

MAYOR CREIGHTON: Mr. President, I want to make sure that you all understand. We were all taken back a bit by that advertisement in the paper, and Mr. Rosetta did come to Margy and showed her that ad and she questioned why he had mentioned the City of Canton and why he was sending it to the City Council PO Box, so I want you to know that was done on his own and we gave him notice that that may not be such a good idea to do that, but that's what happened.

VICE PRESIDENT CASAR: In regards to Mr. Rosetta, you know, we've had three meetings with him, Mayor. I think you were at the first one, and at the first meeting I suggested why are you insisting on public property park land. You have two strikes against you already. Yes, this maybe a fantastic idea, and yes, it may be good for the City of Canton, but don't try and take any of our recreational facilities because once you give up park land or you give up recreational facilities, it's pretty hard to get them back. And I said why do you want to have two strikes against you already. So the first one was shot down, now he comes back with the park one, and the same thing again. You know, if it's such a good idea, find some land, develop it. If you can't find it in the City of Canton, go elsewhere, but you know, don't try and take land from our parks which is very, very precious to a lot of people and I think that's where parks are for people, not for more automobiles in the parks.

LAW DIRECTOR MARTUCCIO: Thank you, Mr. President. To follow up on your remarks, as Council I believe most of you are aware by now, whether land is leased or sold, even for recreational purposes, it has to clear this Council. You have to find it's no longer needed for

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municipal purposes, and it also has to incur a Park Board resolution. But in order to lease it as well as sell it, it has to go to the highest bid, so there are other safeguards in place yet that we'll discuss when the time comes.

VICE PRESIDENT CASAR: Any further remarks?... If not, I'll entertain a motion to adjourn.

MEMBER BERNABEL: Mr. President, on a personal note, to you, President Denczak, I would indicate that you are looking much older tonight than normal. (LAUGHTER)

VICE PRESIDENT CASAR: That's because the chair I'm sitting in is 18 inches off the floor to accommodate the little guy that usually sits here. (LAUGHTER)

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

VICE PRESIDENT CASAR: There's a motion to adjourn. Roll call please.

NO REMARKS PERMITTED ON THE MOTION TO ADJOURN ROLL CALL: 11 YEAS, 0 NAYS

ADJOURNMENT TIME: 9:01 PM

ATTEST:

APPROVED:

**DEBRA VANCKUNAS
CLERK OF COUNCIL**

**RAY DENCZAK
PRESIDENT OF COUNCIL**

