

**MINUTES OF THE MEETING OF APRIL 17, 2006**

ASST. MAJORITY LDR. CARBENIA: Yes. Members of Council, if you would please take your seats. Okay, we want to call this meeting to order, Canton City Council to order and we'll have roll call.

***ROLL CALL TAKEN BY CLERK TIMBERLAKE:***

11 COUNCILMEMBERS PRESENT: (JOE CARBENIA, MARY M. CIRELLI, BILL SMUCKLER, GREG HAWK, THOMAS E. WEST, JAMES GRIFFIN, KELLY ZACHARY, TERRY PRATER, DAVID R. DOUGHERTY, RICHARD D. HART, & KARL "BUTCH" KRAUS)

1 COUNCILMEMBER ABSENT: (MAJORITY LDR CASAR & PRESIDENT DENCZAK ABSENT)

*The regular meeting of Canton City Council was held on Monday, April 17, 2006, at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Joe Carbenia, followed by the Pledge of Allegiance led by Council-At-Large Bill Smuckler.*

ASST. MAJORITY LDR. CARBENIA: At this time, I'd like to appoint Member Smuckler as the Presiding Officer of the Council tonight. He's going to run the meeting and I'm going to take over as Majority Leader. It's been moved and seconded. All in favor signify by saying aye. Those opposed to say..... Motion carried.

NO REMARKS

APPROVED BY UNANIMOUS VOICE VOTE

*(TIME WAS TAKEN FOR MEMBER SMUCKLER TO TAKE HIS SEAT AS PRESIDENT PRO TEM OF CANTON CITY COUNCIL)*

**PUBLIC SPEAKS**

PRESIDENT PRO TEM SMUCKLER: We have scheduled now, Public Speaks. Ordinances and resolutions for adoption only. No one signed up for public speaks.

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT PRO TEM SMUCKLER: Agenda corrections suspending rule 22A, Mr. Majority Leader.

MEMBER CARBENIA: Yes Mr. President. I, ah, ..... I move we suspend Rule 22A and add second readings from 6 to 12A, excluding #7, #9, and #12A; seconded.

PRESIDENT PRO TEM SMUCKLER: Its been moved and seconded to suspend Rule 22A. Any discussion?.....Roll Call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT PRO TEM SMUCKLER: Motion carries. Mr. Majority Leader recognize the motion to suspend Rule 24B and add #45 and #47 to the agenda?

ASS'T. MAJORITY LDR. CARBENIA: Yes, I move we suspend Rule 24B to add Resolutions #45, #46 and #47 to the agenda; seconded.

PRESIDENT PRO TEM SMUCKLER: Its been moved and seconded. Any discussion?.....Roll Call.

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NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT PRO TEM SMUCKLER: Motion is carried. Excusing members this evening. Mr. Majority Leader.

ASST. MAJORITY LDR. CARBENIA: I move that we excuse Majority Leader Don Casar and President Ray Denczak; seconded.

PRESIDENT PRO TEM SMUCKLER: Its been moved and seconded to excuse member Casar and Council President Denczak. Any discussion? Roll Call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT PRO TEM SMUCKLER: Members Carbenia and Council, I'm sorry, members Casar and Council President Denczak are excused for this evenings meeting.

**COMMUNICATIONS**

PRESIDENT PRO TEM SMUCKLER: Let the record reflect that the communications 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 APRIL 17, 2006.***

- 214. HEALTH BENEFITS ADMIN. BRESSON: MAR 2006 MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS, & JANUARY-MAR 2006 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
- 215. PLANNING COMMISSION: RECOMMENDING APPROVAL OF REPLAT OF PART OF LOTS 1663 & 1664 & ALL OF LOTS 42491 & 42492 (LOCATED ON 6<sup>TH</sup> ST NE W. OF SPRING AVE NE) AS REQ. BY HABITAT FOR HUMANITY. - P S & T
- 216. PLANNING COMMISSION: RECOMMENDING APPROVAL FR: R-1a TO PR-2 TO REZONE 1825 FERNDAL RD NW REQ. TOM & CAROL LEWIS . - LAW DIRECTOR
- 217. PLANNING COMMISSION: RECOMMENDING DENIAL FR: R-2 TO PB-3 TO REZONE 306 STERLING AVE., SE REQ. BY SUSAN RYKOWSKI, TONY DIMARZIO AGT. - LAW DIRECTOR
- 218. SAFETY DIRECTOR HUNT: REQUEST AUTHORIZATION TO TRADE-IN 1983 SUTPHEN 100 FT. AERIAL TOWER TRUCK IN FIRE DEPT. - PPCI & FINANCE CMTES.
- 219. SMUCKLER, B. CNCL-AT-LARGE: REQUEST TO INITIATE ORDINANCE FOR DIANO STATEMENT OF SERVICES. - RECEIVED & FILED
- 220. TREASURER SCHIRACK: COMPARATIVE REPORT OF CASH RECEIPTS FILED AS OF 3/31/06. - RECEIVED & FILED



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PRESIDENT PRO TEM SMUCKLER: Law Director.

LAW DIRECTOR MARTUCCIO: I would like to inform Council as I did in Caucus that Resolution #1, I'm sorry, Formal Ordinance #1 is a re-do, it is actually an Ordinance that we have already sent down and had it's second reading tonight as Ordinance #6, so again, being that it was a redundant, duplicative Ordinance, I would ask the sponsor of the Ordinance to withdraw it, Mayor, if you would please. Simply withdraw Ordinance #1.

MAYOR CREIGHTON: I would ask, Mr. President.

PRESIDENT PRO TEM SMUCKLER: Mayor.

MAYOR CREIGHTON: I would ask that Ordinance #1 be withdrawn.

PRESIDENT PRO TEM SMUCKLER: The maker has requested that Ordinance #1 is withdrawn. It is withdrawn. Ordinance #2.

***NOTE: PRESIDENT PRO TEM SMUCKLER CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #2 THROUGH #5 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS. ORDINANCE #1 WAS WITHDRAWN.***

#1 (1<sup>ST</sup> RDG)      **WITHDRAWN**

#2 (1<sup>ST</sup> RDG)      AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO NON-DISTURBANCE & ESTOPPEL AGREEMENT W/& BETWEEN OHIO CULTURAL FACILITIES COMMISSION & NAT'L FOOTBALL MUSEUM INC; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Property Capital Improvement Committee

#3 (1<sup>ST</sup> RDG)      AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT W/FINLEY FIRE EQUIPMENT CO, INC., IN AN AMOUNT NOT TO EXCEED \$30,000 WITH A PURCHASE OF TURNOUT GEAR PURSUANT TO ORC SEC. 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Property Capital Improvement and Finance Committees

#4 (1<sup>ST</sup> RDG)      AN ORDINANCE AUTHORIZING MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT W/CANTON SYMPHONY ORCHESTRA ASSOCIATION IN AN AMOUNT NOT TO EXCEED \$41,400 FOR THE 2006 CONCERT IN THE PARK; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community Development and Finance Committees.

ASST. MAJORITY LDR. CARBENIA: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Mr. Majority Leader.

ASST. MAJORITY LDR CARBENIA: Number 4 was sent to the Finance Committee because it's no longer use, used Community Development funds for that.

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PRESIDENT PRO TEM SMUCKLER: Okay, we are going to refer it straight to the Finance Committee. I am a little more flexible then the guy that usually sits up here. (LAUGHTER)

ASST. MAJORITY LDR CARBENIA: Thank you.

PRESIDENT PRO TEM SMUCKLER: No problem. Ordinance #5.

#5 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING DIRECTOR OF PUBLIC SERVICE TO ENTER INTO PROFESSIONAL SVS. CONTRACT W/CAREMARK, INC. THROUGH THE COMMUNITY HEALTH CARE COALITION FOR ADMINISTRATION OF PRESCRIPTION DRUG PROGRAM FOR CITY EMPLOYEES AND THEIR DEPENDENTS; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee

PRESIDENT PRO TEM SMUCKLER: Member Carbenia, I would like to take a five minute recess for Community Development Committee.

ASST. MAJORITY LDR CARBENIA: Yes, thank you, I make a motion that we have a recess for a Community Development Committee meeting.

PRESIDENT PRO TEM SMUCKLER: We're recessed, It's my purgative.

*(COUNCIL TOOK A SHORT COMMITTEE RECESS FROM 7:46PM UNTIL 7:49 TO DISCUSS AGENDA ITEM #6)*

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT PRO TEM SMUCKLER: Canton City Council is now back in session. Ordinances for Second Reading. Ordinance #6.

***NOTE: PRESIDENT PRO TEM SMUCKLER CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #6, #8, #10, #11 AND #12 FOR THE SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. ORDINANCES #7, #9 AND #12A WERE RETAINED IN COMMITTEE.***

# 6 (2<sup>nd</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AMENDED ENTERPRISE ZONE AGREEMENT W/BROWNSTONE DEVELOPERS, LLC; AND DECLARING THE SAME TO BE AN EMERGENCY

# 7 (2<sup>nd</sup> RDG) **RETAINED IN COMMITTEE**

#8 (2<sup>nd</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2006, AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATIONS REDUCTION OF APPROPRIATIONS & INTERFUND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

#9 (2<sup>nd</sup> RDG) **RETAINED IN COMMITTEE**

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- #10 (2<sup>nd</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT IN AN AMOUNT NOT TO EXCEED \$30,000.00 FOR THE REPAIR OF THE NORTH DRIVEWAY & FIRE PUMP TEST PAD AT STATION 6; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11 (2<sup>nd</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2006 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #12A (2<sup>nd</sup> RDG) **RETAINED IN COMMITTEE**
- #12 (2<sup>nd</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICE CONTRACT W/MOTTER & MEADOW ARCHITECT SERVICE TO PREPARE PLANS &/OR SPECIFICATIONS FOR RENOVATION OF THE CIVIC CENTER RESTROOMS, AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR RENOVATION OF THE RESTROOMS; AND DECLARING THE SAME TO BE AN EMERGENCY

**ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING**

PRESIDENT PRO TEM SMUCKLER: Ordinances for their third and final reading.

***NOTE: PRESIDENT PRO TEM SMUCKLER CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #13 THROUGH & INCLUDING #19 FOR THE THIRD TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. ALL THE ORDINANCES WERE ADOPTED BY COUNCIL FOLLOWING THEIR THIRD READING.***

- # 13 (3<sup>rd</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE # 67/2006** AN ORDINANCE TERMINATING THE REAL ESTATE AND PERSONAL PROPERTY TAX EXEMPTIONS FOR COLLINS AND AIKMAN ACCESSORY MATS, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY

ASST. MAJORITY LDR CARBENIA: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Mr. Majority Leader.

ASST. MAJORITY LDR CARBENIA: I move we adopt Ordinance #13.

PRESIDENT PRO TEM SMUCKLER: Its been moved and seconded to adopt Ordinance #13. Is there any discussion? Member Carbenia?

ASST. MAJORITY LDR CARBENIA: Yes, I would like to. There is an amendment to Ordinance #13. Everybody has the amendment before them. I move that we amend it according to the amendment before us.

**AMENDMENT: Pursuant to Rule 36, I move to amend Agenda Item No. 13 with the addition of**

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a new Section 3 to read as follows, and renumbering of the current last Section from 3 to 4: Section 3. The Law Director is authorized to investigate the potential retroactive recovery of any taxes due the City of Canton and pursue reasonable remedies.

PRESIDENT PRO TEM SMUCKLER: Its been moved and seconded to amend Ordinance #13, is there any discussion? Roll call on the amendment.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT PRO TEM SMUCKLER: The Ordinance before you as amended. Member Carbenia?

ASST. MAJORITY LDR CARBENIA: I move that we adopt Ordinance or Resolution #13 as amended.

PRESIDENT PRO TEM SMUCKLER: Its been moved and seconded to adopt Ordinance #13 as amended. Is there any discussion? Roll Call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT PRO TEM SMUCKLER: Ordinance #13 as amended is adopted.

**#13 ADOPTED AS AMENDED AS ORDINANCE # 67/2006**

PRESIDENT PRO TEM SMUCKLER: Ordinance #14:

#14 (3<sup>rd</sup> RDG) **ADOPTED AS ORDINANCE #68/2006** AN ORDINANCE TERMINATING THE REAL ESTATE AND PERSONAL PROPERTY TAX EXEMPTIONS FOR POWDER INNOVATIONS, INC. AND T-CORP LTD; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM SMUCKLER: Member Carbenia.

ASST. MAJORITY LDR CARBENIA: I move that we adopt Ordinance #14; seconded

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #14 is there any discussion? Roll Call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT PRO TEM SMUCKLER: Ordinance #14 is adopted.

**# 14 ADOPTED AS ORDINANCE # 68/2006**

PRESIDENT PRO TEM SMUCKLER: Ordinance #15.

#15 (3<sup>rd</sup> RDG) **ADOPTED AS ORDINANCE #69/2006** AN ORDINANCE APPROVING AND ACCEPTING THE FINAL RECORD PLAT OF WILLOW PARK SUBDIVISION #1; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM SMUCKLER: Member Carbenia.

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ASST. MAJORITY LDR CARBENIA: I move that we adopt Resolution, or, Ordinance #15; seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #15. Is there any discussion? Roll Call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT PRO TEM SMUCKLER: Ordinance #15 is adopted.

**#15 is ADOPTED AS ORDINANCE #69/2006**

PRESIDENT PRO TEM SMUCKLER: Ordinance #16.

#16 (3<sup>rd</sup> RDG) **ADOPTED AS ORDINANCE #70/2006** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO FILE OUT AN APPLICATION WITH THE STATE OF OHIO TO PARTICIPATE IN THE CLEAN OHIO ASSISTANCE FUND, APPLY FOR FINANCIAL ASSISTANCE, ADMINISTER THE FUNDS RECEIVED AND ENTER INTO CONTRACT FOR PROFESSIONAL SERVICES IN AN AMOUNT NOT TO EXCEED THE AMOUNT OF GRANT MONIES RECEIVED IN ACCORDANCE WITH FUND REQUIREMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM SMUCKLER: Member Carbenia.

ASST. MAJORITY LDR CARBENIA: I move that we adopt Ordinance #16; seconded.

PRESIDENT PRO TEM SMUCKLER: Moved and seconded to adopt Ordinance #16, is there any discussion? Roll Call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT PRO TEM SMUCKLER: Ordinance #16 is adopted.

**#16 ADOPTED AS ORDINANCE #70/2006**

PRESIDENT PRO TEM SMUCKLER: Ordinance #17.

#17 (3<sup>rd</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE # 71/2006** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$17,970.00 TO C T CONSULTANTS INC; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM SMUCKLER: Member Carbenia.

ASST. MAJORITY LDR CARBENIA: I move that we adopt Ordinance #17; seconded.

PRESIDENT PRO TEM SMUCKLER: Its been moved and seconded that we adopt Ordinance #17. Is there any discussion? Roll Call.

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NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT PRO TEM SMUCKLER: Ordinance #17 is adopted.

**#17 ADOPTED AS ORDINANCE # 71/2006**

PRESIDENT PRO TEM SMUCKLER: Ordinance #18.

#18 (3<sup>RD</sup> RDG) *(INADVERTENTLY NOT READ INTO THE RECORD BUT PASSED UNANIMOUSLY)*  
**ADOPTED AS AMENDED AS ORDINANCE NO. 72/2006** AN ORDINANCE  
ESTABLISHING FAIR MARKET VALUE OF \$109,000 FOR REAL PROPERTY IN  
CONJUNCTION WITH THE FEDERAL CAMPUS PROJECT, GP 1070 &  
AUTHORIZING SERVICE AND/OR SAFETY DIRECTOR TO PURCHASE VEHICLES  
& EQUIPMENT PURSUANT TO ORC. SEC. 125.04 & 5513.01; AND DECLARING THE  
SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM SMUCKLER: Member Carbenia.

ASST. MAJORITY LDR CARBENIA: I move we adopt Ordinance #18; seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded that we adopt Ordinance #18. Is there any discussion? Member Carbenia.

ASST. MAJORITY LDR CARBENIA: Mr. President, I move we amend this Ordinance with the paperwork that everybody has in front of them; seconded.

**AMENDMENT:** Pursuant to Rule 36, I move to amend Agenda Item No. 18 by the substitution of the attached amended ordinance for the pending ordinance. The amended ordinance amends the caption, and adds a whereas clause and a new Section 3 which explains and authorizes the additional expenditures required by compliance with federal regulations to compensate real property owners dislocated by the Federal Campus project.

PRESIDENT PRO TEM SMUCKLER: Its been moved and seconded that we amend Ordinance #18. Is there any discussion? Roll Call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT PRO TEM SMUCKLER: Member Carbenia, Ordinance #18 is amended.

ASST. MAJORITY LDR CARBENIA: I move that we adopt Ordinance #18 as amended; seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #18 as amended. Any discussion? Roll Call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT PRO TEM SMUCKLER: Ordinance #18 as amended is adopted.

**#18 ADOPTED AS AMENDED AS ORDINANCE #72/2006**

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PRESIDENT PRO TEM SMUCKLER: Ordinance #19.

#19 (3<sup>rd</sup> RDG) **ADOPTED AS ORDINANCE # 73/2006** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND/OR DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACTS FOR THE PURCHASE OF VARIOUS MOTOR VEHICLES AND OTHER ITEMS OF RELATED EQUIPMENT TO VARIOUS CITY DEPARTMENTS; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND/OR DIRECTOR OF PUBLIC SAFETY TO ALTERNATIVELY PURCHASE SAID VEHICLES AND EQUIPMENT PURSUANT TO REVISED CODE SECTIONS 125.04 AND 5513.01; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM SMUCKLER: Member Carbenia.

ASST. MAJORITY LDR CARBENIA: I move that we adopt Ordinance #19; seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #19. Is there any discussion?

ASST. MAJORITY LDR CARBENIA: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Carbenia.

MEMBER CARBENIA: I move that we amend Ordinance #19 with the, per the paperwork that everybody has in front of them; seconded.

**AMENDMENT AS FOLLOWS:**

ORDINANCE NO.

AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY IN CONJUNCTION WITH THE FEDERAL CAMPUS PROJECT; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND PURCHASE SAID PARCELS AT THE ESTABLISHED FAIR MARKET VALUE; AND DECLARING THE SAME TO BE AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANTON, STATE OF OHIO, THAT:

Section 1. The establishment of the fair market values, as hereinafter provided, are approved as to the real properties described below in conjunction with the Federal Campus Project:

<u>PARCEL IDENTIFICATION</u>	<u>FMV</u> <u>AMOUNT</u>	<u>OWNER</u>
Part of Lot 951, Parcel No. 02-33901 and	\$109,000.00	Esabel M. Dunlap
Part of Lot 951, Parcel No. 02-33902		H T T A Esabel M. Carney 402 High Avenue S.W. Canton, Ohio 44707

Section 2. The Director of Public Service, on behalf of the City of Canton, be and is authorized and directed to negotiate and purchase the parcels listed in Section 1 from the owners in an amount not to exceed the established fair market values. Copies of the legal descriptions are attached hereto as Exhibits A and B. Section 3. The Auditor is authorized and directed to draw his warrants upon receipt of vouchers duly approved by the proper departmental authority.

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Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Canton; the emergency being to avoid unnecessary delay in the acquisition of property for the Federal Campus Project. And provided it receives the affirmative vote of two-thirds of the elected and/or appointed members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_  
President of Council

ATTEST: APPROVED:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

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5/19/11  
134  
AK  
TES ALL 1/15/92

WARRANTY DEED - No. 142-B 002301 VOL. 1352 PAGE 653

Know All Men by These Presents

That, We, Gerd Lenka and Edith Lenka, husband and wife, the Creator, for the consideration of One and 00/100 Dollars, (\$1.00) - received to our full satisfaction of Kasal M. Carney, the Creator, the City of Canton, Stark County, Ohio.

Situated in the City of Canton, County of Stark and State of Ohio; known as being part of Lot Number Nine, Block 115, Subdivision 1051 in the City of Canton, Stark County, Ohio; beginning for the same at an iron pin at the Northwest corner of said lot; thence South 76° 30' East along the Lot Line 70.58 feet to an iron pin and the place of beginning for the tract herein described; thence continuing South 76° 30' East along the Lot line 31.42 feet to an iron pin; thence South 13° 20' West 49.90 feet to an iron pin on the South line of said lot; thence North 76° 50' West 31.42 feet to an iron pin; thence North 13° 20' East 49.90 feet to an iron pin on the North line of Lot No. 551 and the place of beginning.

Account #02-33901  
612 - 4th Street  
CORP  
RECORDED THIS DATE  
JAN 15 1993  
JAN 15 1993

To Have and to Hold the above granted and bargained premises, with the appurtenances thereto belonging, to the said Creator, her heirs and assigns forever. We, the said Creator, do hereby warrant and defend the above described premises, as a good and lawful title in FREE, SIMPLE, and best good right to bargain and sell the same in manner and form as above written, and that the same are free from all incumbrances whatsoever except restrictions, easements and conditions of record.

And that we, the said Creator, do hereby warrant and defend the above described premises, with the appurtenances thereto belonging, to the said Creator, her heirs and assigns, against all lawful claims and demands whatsoever except as aforesaid.

And for valuable consideration the said Creator, her heirs and assigns, all right and expectancy of interest in the above described premises.

In Witness Whereof We have hereunto set our hand and the day of January in the year of our Lord one thousand nine hundred and Ninety-three

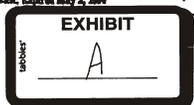
Witnessed by the said Creator, Gerd Lenka and Edith Lenka, their heirs and assigns, and our consent with the said Creator, her heirs and assigns, that at and until the recording of these presents, we are well advised of the above described premises, as a good and lawful title in FREE, SIMPLE, and best good right to bargain and sell the same in manner and form as above written, and that the same are free from all incumbrances whatsoever except restrictions, easements and conditions of record.

State of Ohio, ) Before me, a Notary Public  
Stark County, ) in and for said County and State, personally appeared the above named

Gerd Lenka and Edith Lenka, husband and wife who acknowledged that their did sign the foregoing instrument and that the same is their free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal, at Canton, Ohio, this 15th day of January, A. D. 1993.

This instrument prepared by MARY ANN HENDERSON, Notary Public, State of Ohio, Matthew J. Koch, Attorney at Law, Canton, Ohio, Eastern May 2, 2004



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1/15/93 bk  
68-3902-753 ALL

WARRANTY DEED-44, 100-00 002300  
**Know All Men by These Presents**  
That, I, Roger E. Lenka, unmarried  
for the consideration of One and 00/100 Dollars,  
to the satisfaction of One and 00/100 Dollars,  
I have sold unto the said Grantee, her heirs and assigns, the following described premises  
situated in the City of Canton, County of Stark  
and State of Ohio

Known as and being the same as being more fully described in the City of  
Canton, Stark County, Ohio, beginning for the same at an iron pin at the Northwest  
corner of said lot; thence South 76° 30' East along the lot line 70.58 feet to an  
iron pin, thence South 13° 20' West 49.90 feet to an iron pin; thence North 76° 30'  
West along the South line of Lot No. 951, 70.58 feet to an iron pin at the Southwest  
corner of said lot; thence North 13° 20' East along the lot line 49.90 feet to an  
iron pin at the Northwest corner of said lot and the place of beginning.

account # 02-33902  
402 High Ave. SW  
RECORDED THIS DATE  
JAN 15 1993  
STARK COUNTY RECORDER JANET W. WIER  
93 JAN 15 PM 2:17  
FEE 10- FEE 31/40  
JAN 15 1993

in the same name or less, but subject to all legal mortgages.  
He Has and he hath the above granted and bargained premises, with the appurtenances thereto in and to the same, unto the said Grantee, her heirs and assigns forever.  
And I, Roger E. Lenka, the said Grantor, do for myself and my heirs, executors and administrators, in compliance with the provisions of the laws of the State of Ohio, hereby certify that the above described premises, as a good and lawful title in fee simple, and have good right to bargain and sell the same in manner and form as above written, and that the same are free from all encumbrances whatsoever except restrictions, assessments and conditions of record.

and that I will warrant and defend said premises, with the appurtenances thereto belonging, to the said Grantee, her heirs and assigns, against all lawful claims and demands whatsoever except as aforesaid.  
And for valuable consideration

In Witness Whereof I have hereunto set my hand, the day of January, in the year of our Lord one thousand nine hundred and Ninety-Three

Mary Ann Henderson  
Sally A. Murphy  
Roger E. Lenka  
for Roger E. Lenka

State of Ohio, )  
Stark County, )  
Notary Public  
Roger E. Lenka, unmarried  
000431



MARY ANN HENDERSON  
Matthew J. Koch, Attorney General, Expires May 9, 2004  
January 1, D. 19 93  
Mary Ann Henderson

**MINUTES OF THE MEETING OF APRIL 17, 2006**

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to amend Ordinance #19. Is there any discussion on the amendment? Roll Call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT PRO TEM SMUCKLER: Ordinance #19, Member Carbenia.

ASST. MAJORITY LDR CARBENIA: I move that we adopt Ordinance #19 as amended; seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded that we adopt Ordinance #19 as amended. Is there any discussion? Roll Call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT PRO TEM SMUCKLER: Ordinance #19 is adopted as amended

**#19 ADOPTED AS, AS AMENDED ORDINANCE #73/2006**

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT PRO TEM SMUCKLER : Announcement of Committee Meetings.

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Hawk.

MEMBER HAWK: Finance Committee will meet at 6:15 PM on April 24, 2006.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Sills, I mean Dougherty.

MEMBER DOUGHERTY: Public Property Capital Improvement will meet at 6:15 PM. Thank you.

PRESIDENT PRO TEM SMUCKLER: Thank you. Anyone else?

MEMBER KRAUS: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Kraus.

MEMBER KRAUS: Public Safety & Thoroughfare will meet at 6:15 PM on the 24<sup>th</sup>.

MEMBER CARBENIA: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Carbenia.

ASST. MAJORITY LDR CARBENIA: Community & Economic Development will meet at 6:15 PM on the 24<sup>th</sup>.

PRESIDENT PRO TEM SMUCKLER: Anyone else?

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MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Hawk.

MEMBER HAWK: We will have additional Finance Committee Meeting. This is for the budget, quarterly budget review. It will be held in the Caucus Room April 20, 2006 at 10:00 AM.

PRESIDENT PRO TEM SMUCKLER: Any other discussion on committee meetings?

MEMBER HAWK: That is a Thursday.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member West.

MEMBER WEST: Judiciary will meet at 6:15 PM..... on April 24, 2006.

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

PRESIDENT PRO TEM SMUCKLER: We are on Public Speaks Open Forum, City Business Only. We have one person signed and a Councilman who is going to ask for rule suspension. Reyne Woodward would you please come to the mic up front there and state your name and address for the record.

MS. WOODWARD: It's Reyne Woodward, my address is 331 Millview Pl, SW, Canton, OH 44706. I, I have never done this before, I didn't know I had to speak.

PRESIDENT PRO TEM SMUCKLER: You can say whatever you want.

MS. WOODWARD: Okay. There is a bit of problem. I've lived at this, I've lived on that street my whole life. I've had two properties on this street and the one that I'm at right now, which is 331 Millview, um, all these years I believed that the road right beside my home was vacated. I put my house up for sale. Last Monday was closing of the house and the buyer walked away from it at that point because it should that the road was not vacated. Um, so I'm in a bit of a mess right here. I have a property that was supposed to be signed today for the house that I want to get now. I could not do that and I kinda want this settled. I mean I don't know, I've asked numerous times to have people check on this property and no one has ever responded back to me. The only time that I've had anybody respond back to me is Kelly Zachary and she is working on this right now to kinda get this matter resolved so I can move on and this person could move into the City of Canton without all these headaches.

PRESIDENT PRO TEM SMUCKLER: Member Zachary.

MEMBER ZACHARY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Yep.

MEMBER ZACHARY: Mr. President, I am gonna ask, and this is on the Agenda as a communication tonight but I am going to ask our administration on their end as well as Council on our end. I've talked to Majority Leader Casar and he is willing to suspend the three readings for this to get it expedited but we have to do what we need to do administratively to get this thing done as quickly as possible. I feel horrible for this family. They have such a cute little cottage style house on this street and its really not, vacating the street is not going to affect anyone.

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The road has been grown over for quite sometime and they have been taking care of it for the past seventeen years. Initially when they thought that street was vacated it was the wrong part of the street and we have put this family pretty much through hell for the past several months because we haven't stepped up to do what we were supposed to do and we just found out last Tuesday that the road wasn't vacated and it shouldn't have taken us that long to do that and as a result, she has lost the sale of her home to a potential buyer. It's not fair to her, so I would ask that we do everything in our power to expedite the situation.

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Service Director.

SERVICE DIRECTOR CONCATTO: Ms. Woodward, who did you contact in the City? Do you have any names that you want to share with me? This is the first time I've heard of this was when Member Zachary called me last week. This street where we are talking about is Eversole?

MS. WOODWARD: Uh huh, yes.

SERVICE DIRECTOR CONCATTO: Eversole is a dedicated street up to 25<sup>th</sup> St, anything north of that is not dedicated. Your part of the street, and there are streets in the City that are dedicated streets that are grown over.

MS. WOODWARD: Uh huh.

SERVICE DIRECTOR CONCATTO: Possibly what you're, the situation that you're in, I, again this is the first time I've heard of it, the vacations usually are applied with Council and go through Planning Commission, Um, I would have to look and see how we could rush that through because it has to get through Planning Commission, there is a fee to pay Council Clerk. It's a \$300 vacation fee. I just don't know, if you could help me even after the meeting, who would tell you this information, I don't know.

MS. WOODWARD: Well the guardrail has been there for thirty-five years.

SERVICE DIRECTOR CONCATTO: I'm sorry?

MS. WOODWARD: There is a forty-two foot guardrail right beside my property that was put there thirty-five years ago when I was a child.

SERVICE DIRECTOR CONCATTO: I understand that,

MS. WOODWARD: Right.

SERVICE DIRECTOR CONCATTO: I was just curious, you said that you've called many many people.

MS. WOODWARD: I spoke with a Bruce Williams, I spoke with a Rick.....

SERVICE DIRECTOR CONCATTO: Zengler?

MS. WOODWARD: That's it.

SERVICE DIRECTOR CONCATTO: Okay, and when did you speak with these individuals?

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MS. WOODWARD: Oh, I spoke with Bruce, probably, mmmm, I'm going to say, how long has my house been on the market? Off and on for three years. We've never gotten any call backs and I just thought, when no one calls you and is trying to help you, I said "Please help me, I don't know what to do." He said oh well, I just remember what he said to me, he goes, well there's, he goes its never been vacated and he says, "Well all I'm saying to you, good luck." Just very sarcastic to me and it's like what do I do next, I mean I don't know.

PRESIDENT PRO TEM SMUCKLER: If I could just intercede here because, could I just recommend that the Service Director, the Councilperson and if need be the Mayor get together. This meeting wont last much longer.

MS WOODWARD: Sure.

PRESIDENT PRO TEM SMUCKLER: Just get together, wait for it after the meeting and instead of going through all this, we can get this taken care of.

MS. WOODWARD: That's fine.

PRESIDENT PRO TEM SMUCKLER: Alright, thank you.

SERVICE DIRECTOR CONCATTO: Just one comment if I may.....

PRESIDENT PRO TEM SMUCKLER: Yeah.

SERVICE DIRECTOR CONCATTO: .....Mr. President, is that I don't want to give any false hopes, again.....

PRESIDENT PRO TEM SMUCKLER: I understand.

SERVICE DIRECTOR CONCATTO: .... And typically, this goes through the Planning Commission and, and reviewed by the Planning Commission before it gets to Council. I just don't want to give you any false hopes.

PRESIDENT PRO TEM SMUCKLER: I understand, just, lets get the information together and see how far we can go with this to, you know, for whatever the case maybe.

MS. WOODWARD: Okay, is that all?

PRESIDENT PRO TEM SMUCKLER: That's it. Just wait for after the Council Meeting, when it's over please come up front here.

MS. WOODWARD: Okay.

PRESIDENT PRO TEM SMUCKLER: Thank you.

PRESIDENT PRO TEM SMUCKLER: Member West.

MEMBER WEST: Yes Mr. President, I would like to recognize Kathy Lopez, she owns a business, and I am going to say this in English and Spanish, Los Taquitos, did I say that right? For three minutes.

*(MS. LOPEZ DID NOT SIGN UP FOR PUBLIC SPEAKS THEREFORE, MEMBER WEST RECOGNIZED HER*

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*DESIRE TO SPEAK BEFORE COUNCIL ON THE FLOOR WHICH WAS GRANTED BY COUNCIL BODY. MS. LOPEZ WAS GRANTED THE TRADITIONAL 3 MINUTES FOR PUBLIC SPEAKS)*

PRESIDENT PRO TEM SMUCKLER: Um, could I get a second from someone there?

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM SMUCKLER: Its been moved and seconded that we allow Kathy for public speaks. By voice vote, all those signify by saying yea. All those opposed.

NO REMARKS

APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT PRO TEM SMUCKLER: Ayes have it. Kathy, please state your name and address for the record.

MS. LOPEZ: Thank you Mr. President and City Council, my name is Kathy Lopez, I reside in the City of Canton at 1209 Hoover Place, NW, I also own a Mexican Restaurant downtown Canton, 220 Market Ave, N., in the Millennium Building. Umm, the reason why I am here today is because umm, originally when I had applied for, or spoke with the Building Department to get an inspection done, get an occupancy permit, Uh, I was denied the permit to have a ventilation system put in that location. Umm, Mr. Gallagher with CT Consultant had advised me that the reason that we could not get the hood system was because the smell of food that would go out through the front into the street of Market Avenue would cause problems, such as grease falling on people walking by, umm, and it would be a public nuisance. I have since then been informed that there is another establishment on the same street, called Little Chicago, who has been approved a permit to have the same ventilation system installed and I have a real problem with that. I believe that as a business owner, if the rules apply to me, they should apply to everyone else, regardless of how long they have been in business, okay? I know we are trying to get downtown, more businesses to come into downtown and you know, I just think that it's only fair and I would like this, this matter to be looked into because if this is the case then the Building Department and CT Consultants is not doing their job correctly. Um and that's basically my concern and my complaint. And I just ask that everyone here today just look into this, do what they can. Um if I am wrong then I made a mistake, but I was informed by the cook from that establishment and they have been in business for two years. So for two years they have been able to do something that's not, that should not be going on and yet I cannot do that.

PRESIDENT PRO TEM SMUCKLER: Are you..... um, Bernie.

SAFETY DIRECTOR HUNT: Mr. President. If you have some time afterward, I would like to talk to you because Building rules are for everyone, we don't change the rules, Mr. Gallagher doesn't do that so if you want to talk to me afterward we'll find out what's going on.

MS. LOPEZ: Okay, thank you.

PRESIDENT PRO TEM SMUCKLER: That concludes public speaks.

**MISCELLANEOUS BUSINESS**

PRESIDENT PRO TEM SMUCKLER: Miscellaneous Business. Is there any Miscellaneous Business?

MEMBER WEST: Mr. President.

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PRESIDENT PRO TEM SMUCKLER: Member West.

MEMBER WEST: On April 22<sup>nd</sup> at 10:00 am, the Hoops for Health, its Minority Health Month, Hoops for Health event will occur Malone College. I invite every Council Member to there, it's at 10:00 am. It's well attended. There's a lot of health booths there. A lot of your constituents will be there as well so please attend that. Second thing, before coming to Council I got a disturbing call and I did get a chance to speak to Chief McKimm on this. We have a number of shootings that are going on in on 9<sup>th</sup> St and Plymouth, which is in Ward 2 . Um, last year we had a pretty effective kickoff campaign, if you will, to truancy and gang violence. I am hoping that we can do the same response this year and Chief McKimm has assured me that they are going to look into doing something like that. But, I just wanted to make sure that this Council is aware because one of our priorities that we had stated that we are going to improve our police presence within the neighborhood. So I wanted to bring that to bear because a number of these shootings are going on on a regular basis on 9<sup>th</sup> Street.

PRESIDENT PRO TEM SMUCKLER: Anyone else for Public Speaks? Law Director. Yeah we are under Miscellaneous, I'm sorry.

LAW DIRECTOR MARTUCCIO: Mr. President. I just wanted explain to those who are new in the audience, about the amendments. When an amendment is offered on the floor, it has been fully discussed in the committee meetings, which are also public. They are held in a meeting adjacent to chambers just before we come in here. If you are curious, you could certainly attend those meetings or ask any of us afterwards. For example, one amendment tonight was to have the Law Director pursue past tax remedies, past tax loses on the (inaudible), in other words, to add some additional funding to the federal project to purchase real estate for the federal campus that's going downtown; and the third one was to authorize a trade in, thank you, I can't see the fine print anymore. Uh to authorize a trade in of an old fire truck for a new fire truck. So again, um for those of you who aren't familiar with the process, you are always welcome to ask about that. Thank you Mr. President.

PRESIDENT PRO TEM SMUCKLER: There will be a meeting for those who would like to attend. Its an open public meeting on April 19, 2006 at 6:30 PM to discuss Charter form of Government, most of all of you should have gotten a letter. I hope you will all attend. Any other Miscellaneous Business? Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. Um, I just put a paper in front of every Council member and the Mayor and the Administration. Attention Postal Customers: They were picketing the main post office today. Unfortunately, uh, thanks to Butch Kraus he had passed a Resolution here and possibly some of those fears that member Kraus had, or they.....the employees there see coming to fruition. So I just wanted everyone to know and I just wanted this to go on the record to know that there is something there that we all need to be apprized of and is asking people to contact their Congressman to see if they can prevent more or less a downsizing is the bottom line is what it comes down to and us losing the Canton City stamp of which I know the Mayor is very adamant about keeping that. So I just wanted everybody to be aware of what is going on in the community. Thank you very much sir.

ASST MAJORITY LDR CARBENIA: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Carbenia.

ASST MAJORITY LDR CARBENIA: I would also like to mention about the Postal problems up there. I would hope that when the people drive by there, I'm an old union person. Blow your horn, let them know you're concerned and you know what they are doing because they are trying to save the jobs in this city. And the other thing I have if I may, is I like to smell food downtown, that would be good for me. I'll make a

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motion to adjourn; seconded.

PRESIDENT PRO TEM SMUCKLER: Its been moved and seconded to adjourn Canton City Council. Any discussion? Roll Call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: 11 yeas Mr. President. Meeting adjourned.

ADJOURNMENT TIME: 8:15pm

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

RAY DENCZAK  
PRESIDENT OF COUNCIL