

MINUTES OF THE MEETING MAY 14, 2007

PRESIDENT SCHULMAN: (*SOUND OF GAVEL*) Good evening ladies and gentlemen, sorry we're having somewhat of a late start, we had a ah...pretty full Caucus session...Ah...with a quorum being present, the Chair calls this meeting of Canton Council to order. Roll call vote please Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

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

CLERK TIMBERLAKE: Eleven present, one absent Mr. President

PRESIDENT SCHULMAN: Thank you Madame Clerk. We'll have the invocation tonight given tonight by Councilmember Kelly Zachary. Would you please remain standing for the pledge of allegiance.

The regular meeting of Canton City Council was held on Monday, May 14, 2007 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 Ward 4 Councilmember Kelly Zachary, followed by the Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: We are now under agenda corrections and changes. Members of Council, you're being asked to suspend Rule 22A to add the second reading of Ordinances 6 through and including #12. Member Casar, the Chair will recognize that motion.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinances 6 through and including #12 to this evenings agenda.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add second reading Ordinances 6 through and including 12 to this evening's agenda. Are there any remarks? If not, Madame Clerk, roll call vote please

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Rule 20A..... 22A is suspended and the Ordinances are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We are now under Public Hearings. There are no public hearings this evening.

MINUTES OF THE MEETING MAY 14, 2007**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: We're now under Public Speaks on Ordinances and Resolutions for adoption. We have no speakers signed up to speak this evening.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We are now under Informal Resolutions. Member Casar, I will recognize a Motion to excuse Member Cirelli.

MEMBER CASAR: Mr. President, I move that Member Cirelli be excused from this evenings meeting.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: And I know that Mary wished to be here but she's ah...suffering from an illness tonight. Are there any remarks? If not, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. If you'll read Madame Clerk Resolution 44.

#44 CARBENIA, JOSEPH, WARD 9 CNCLMBR: PLACEMENT OF STREET LIGHT @ 1313 25TH ST NE & 1317 25TH ST NE, POLE 772A4170. - ADOPTED

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Resolutions 44; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution 44. Any remarks?...If not, by voice vote, all those in favor signify by saying aye... Those opposed.....

NO REMARKS

RESOLUTION #44 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: Resolution 44 has been adopted. Madame Clerk, Resolution 45 by title please.

#45 CARBENIA, JOSEPH, WARD 9 CNCLMBR: PLACEMENT OF STREET LIGHT @ 801 25TH ST NE, POLE 772A2115. - ADOPTED

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Resolutions #45.

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MEMBER CARBENIA: Seconded..

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution 45. Any remarks?...If not, by voice vote, all those in favor signify by saying aye... Those opposed say no.

NO REMARKS

RESOLUTION #45 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: Resolution 45 has been adopted. Madame Clerk, will you please read Resolution 46 by title.

#46 COUNCIL-AS-A-WHOLE: COMMENDING POLICE OFFICERS MICHAEL MCKAY & MICHAEL RASTETTER FOR THEIR BRAVERY & HEROIC ACTIONS. - ADOPTED

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Resolutions #46.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution 46. Any remarks? Member Griffin.

MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: Yes Member Griffin.

MEMBER GRIFFIN: Could we have the Clerk read the Resolution please?

PRESIDENT SCHULMAN: Yes, Madame Clerk.

CLERK TIMBERLAKE: Whereas, On Friday, April 27, 2007, while patrolling a southwest neighborhood, **Michael McKay**, veteran patrolman and **Michael Rastetter**, cadet patrolman of the Canton City Police Department noticed smoke in the air and tracked the source to a burning house. Upon arrival, flames were coming out of the windows and people were in the house sleeping. Upon arrival, flames were coming out of the top windows and people were in the house sleeping. The officers kicked open the door and rescued six people, four of whom were sleeping children; and the officers saved their lives. Without hesitation **Michael McKay** and **Michael Rastetter** risked their lives by going into a burning house to search for people; and we commend **Michael McKay** and **Michael Rastetter** for their quick selfless actions and heroism for saving the lives of two adults and four children from a burning home; and Now, Therefore, Be It Resolved: That we, the Members of the Council of the City of Canton, Ohio, do hereby go on record as commending **Michael McKay** and **Michael Rastetter** for their bravery and heroic actions.

(APPLAUSE)

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PRESIDENT SCHULMAN: Member Griffin.

MEMBER GRIFFIN: Thank you Mr. President. Gentlemen...okay...congratulations. On behalf of the Citizens of Stark Co...of Canton and the Council and people in Ward 3, we'd like to thank you for your alertness and...and .. patrolling the Ward and rescuing these people. Thank you very much.

(APPLAUSE)

PRESIDENT SCHULMAN: Are there any other remarks? Member Casar, any other remarks? All those in favor then, signify by saying aye... Those opposed say no.

NO REMARKS

RESOLUTION #46 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: Resolution 46 has been adopted, thank you gentlemen very much for your heroic actions efforts and we really appreciate it. We ah.....we need all the help we can get and you exemplify the best of our police department. Thank you again. Ah...Madame Clerk would you please Resolution 47 by title.

#47 COUNCIL-AS-A-WHOLE: COMMENDING LARRY DAVIS FOR 39 YEARS OF DEVOTED PUBLIC SERVICE IN THE FIREFIGHTER PROFESSION. - ADOPTED

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Resolutions #47.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution 47. Are there any remarks? Member Carbenia.

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

PRESIDENT SCHULMAN: Thank you. Madame Clerk.

CLERK TIMBERLAKE: **Larry Davis** was assigned to the Canton Fire Department's 1st Battalion on May 20, 1968. After just 12 years with the Fire Department, in 1980, he was named *Firefighter of the Year* and 18 years later, in 1998, was again named *Firefighter of the Year*, making **Larry** the only firefighter to be awarded *Firefighter of the Year* twice; and on April 28, 2007 **Larry Davis** retired as head of the Mask Division working on the Self Contained Breathing Apparatus. Since his appointment to the Canton Fire Department on May 20, 1968, he demonstrated a commitment to reducing our community's loss of life and property from fire, and exhibited a professionalism which has been a credit to the department. **Firefighter Davis** had been the recipient of numerous letters of commendation. On his last assignment, **Larry Davis** was working at Station #7, one of City's busiest pump station. He was a very hard working, rarely missed work in his 39 years of service and was very well liked by fellow firefighters; and Canton City Council....Council wishes to offer our heartfelt thanks

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to **Larry Davis** for his many years of devoted public service and joins with his wife, Sue and daughter, Kristine and fellow workers in extending our best wishes for continued good health and happiness in retirement. Now, Therefore, Be It Resolved: That the Council of the City of Canton, Ohio, does hereby go on record as commending **Larry Davis** upon his retirement as Firefighter for the City of Canton Fire Department with 39 years of devoted public service to the Citizens of Canton and for his dedication to the Firefighter profession. Thank you Larry for a job well done!

(APPLAUSE)

MEMBER CARBENIA: I'd like to just say that ah.....Larry Davis was a good.....great firefighter. He did do for our department. I'm saying our department because I retired from the Canton Fire Department and ah....Larry worked hard to do the job that nobody else would do. He also worked ah....hard on keeping the self contained breathing apparatus so the firefighters could breath while they were in fires to fight the fires and rescue people. Not only that, he made suggestions on.....on buying new equipment and kept up to date on all of it and good repair and all. And ah.....39 years is a long time, I tried to get him to go before but he never wanted to go. But one little thing that I want to add to this Larry, you come from the right loins. Your father was a firefighter and your uncle was a firefighter and they were good firefighters.

(APPLAUSE)

LARRY DAVIS: I'm not one for public speaking...ah...I can scream and holler as Chief Joe and Chief Steve will attest to. But I want to thank Council and the Mayor and everybody involved in this. It's time to go.

(APPLAUSE)

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT SCHULMAN: Director Concatto.

SERVICE DIRECTOR CONCATTO: I would just like to say, my 33 years on the Fire Department, I've never met a more professional person, a more capable person than Larry Davis. He was always someone I could turn to for advice and putting 39 years into this job and never backed down 1 day. And my congratulations to a very, very fine.

PRESIDENT SCHULMAN: Thank you Chief Concatto.

(APPLAUSE)

PRESIDENT SCHULMAN: It's a....it's a real distinct pleasure to have 2 branches of our safety forces honored tonight. The safety forces take a lot of heat and almost all of them ah...do a magnificent job for our citizens. Thank you all again. Are there any other remarks? Hearing none, by voice vote, all those in favor say aye... All those opposed say no.

NO REMARKS

RESOLUTION #47 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: Resolution 47 has been adopted. Resolution 48 please Madame Clerk.

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MEMBER CASAR: Mr. President I move we adopt Resolution #48.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution 48. Any remarks? If not by voice vote all those in favor, signify by saying aye. Those opposed say no.

#48 NOT READ ALOUD - ADOPTED

NO REMARKS

RESOLUTION #48 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: Resolution 48 has been adopted. Resolution 49.

#49 WEST, THOMAS, WARD 2 CNCLMBR: ENCOURAGE GIBBS ELEMENTARY STUDENTS TO PARTICIPATE IN 'GOVERNMENT DAY'. - ADOPTED

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Resolutions #49.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution 49. Any remarks?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes Member West.

MEMBER WEST: This actually came as a result of...when I met with Gibbs School about a month ago...when I met with the 3rd graders. And we challenged these young kids to get involved in City Government. So formed this Government Day, it's actually in support of ah...Government Day for Gibbs School. Two weeks ago those Gibbs students, when I was sick, but those Gibbs students, we went out there and cleaned up their neighborhood. 49 youth went out and picked up trash in that community and that neighborhood and this is a way to reconnect young people to City Government and understand what City Council is all about. So I appreciate your support.

(APPLAUSE)

PRESIDENT SCHULMAN: Are there any other remarks regarding Resolution 49?...If not, by voice vote, all those in favor signify by saying aye... Those opposed say no.

NO REMARKS

RESOLUTION #49 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: Resolution 49 has been adopted.

MINUTES OF THE MEETING MAY 14, 2007**COMMUNICATIONS**

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 14, 2007.

PRESIDENT SCHULMAN: We are now under Communications. Let the Journal show that all communications are received as read.

319. AUDITOR MALLONN (CITY): SUBMITTING MONTHLY REPORT BY FUND THRU 04/30/07. - RECEIVED & FILED
320. AUDITOR MALLONN (CITY): SUBMITTING YEARLY REPORT BY FUND THRU 04/30/07. - RECEIVED & FILED
321. CD& PLANNING DIR., POORMAN: REQ MAYOR TO ENTER INTO AMENDED ENTERPRISE ZONE AGMT W/GLENN REAL ESTATE INVESTMENT LLC DBA CUTTER EQUIP CO., @ 3710 PROGRESS ST NE; AUTHORIZE & DIRECT AUDITOR TO PAY PLAIN LOCAL BD OF ED AMTS AGREED UPON PURSUANT TO ORC SEC 5709.82 (C) & (D). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
322. HART, RICHARD, WARD 7 CNCLMBR: REQ INVESTIGATION INTO CITY POLICY USING ENVIRONMENTALLY SUSTAINABLE & FRIENDLY TECHNOLOGY & SUPPLIES.- RECEIVED & FILED
323. HART, RICHARD, WARD 7 CNCLMBR: REQ DISCUSSION TO AMEND CITY CODIFIED ORDINANCES, SEC 503.02, CURFEW FOR MINORS, FR: 11:00 TO 10:00 PM. - RECEIVED & FILED
324. HEALTH BENEFITS ADMIN., BRESSON: APR 2007, MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS & JAN - APR 2007 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
325. OH LIQ CONTROL DIV (STATE OF OH): OH DEPT OF COMMERCE NOTIFICATION OF CITY W/DRAWING OBJECTION FOR SUNKIN INC., DBA SPEED D FOODS @ 2502 11TH ST SW. - RECEIVED & FILED
326. OH LIQ. CONTROL DIV (STATE OF OH): REQ TRANSFER OF OWNERSHIP OF D2, D2X, D3 LIQ PERMIT FR: PAONE & SONS INC., TO CHRONICLE RESTAURANT LLC DBA CHRONICLES @ 601 CLEVELAND AVE. NW. - RECEIVED & FILED
327. OH LIQ. CONTROL DIV (STATE OF OH: OH DEPT OF COMMERCE NOTIFICATION OF DENIAL & REJECTION OF 2006-2007 & 2007-2008 RENEWALS OF C-1-2 PERMIT FOR ABUKWAIK, INC. DBA FOOD CTR @ 636 ROWLAND AVE., NE . - RECEIVED & FILED
328. SAFETY DIRECTOR HUNT: REQ PETTY CASH TO BE ESTABLISHED FOR POLICE DEPT., ADMINISTRATIVE DIV TO COVER MISC. MINOR EXPENSES IN AMT OF \$250.00. - FINANCE COMMITTEE

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329. SAFETY DIRECTOR HUNT: REQ TO CERTIFY VARIOUS PROPERTIES FOR DEMOLITION. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
330. SERVICE DIRECTOR CONCATTO: REQ SERV DIR TO ENTER INTO \$169,206.00 MODIFICATION W/ME COMPANIES RE: INCLUSION OF STORM WATER DETENTION FOR 30TH ST., NE TRUNK SEWER & IMPROV PROJ GP 1083; REQ \$169,206.00 TRANSFER FR: 4501 202001 70507, ENG ADMIN FUND. - FINANCE COMMITTEE
331. SERVICE DIRECTOR CONCATTO: REQ \$35,273.00 MORAL OB MODIFICATION FEE TO GPD ASSOC. RE: EXPANDED AREAS OF DETENTION FOR STEESE AREA DRAINAGE PROJ GP 1082; REQ \$35,273.00 TRANSFER FR: 4501 202001 70507 ENG ADMIN FUND. - FINANCE COMMITTEE
332. SERVICE DIRECTOR CONCATTO: REQ APPROVAL OF SETTLEMENT W/AULTCARE FOR \$623,918.68 REIMBURSEMENT TO CITY IN 2 EQUAL PAYMENTS ON 7/1/08 & 7/1/09; LAW DEPT RECOMMENDING APPROVAL OF SAID SETTLEMENT. - FINANCE COMMITTEE
333. SERVICE DIRECTOR CONCATTO: REQ TO ENTER INTO \$171,600.00 CONTRACT W/HEXAGRAM INC TO UPGRADE AUTOMATED METER RDG SYS TO DIGITAL SVC; REQ \$478,907.08 SUPP APPROP FR: 5201, 5410 & 5601 UNAPP. BAL. FOR COMPLETION OF VARIOUS PENDING WATER PROJECTS. - FINANCE COMMITTEE
334. TREASURER, SCHIRACK: APR 2007 PARKING METER REVENUE. - RECEIVED & FILED
335. TREASURER, SCHIRACK: APR 2007 DEPOSITS & PAY INS FOR AMBULANCE LOCK BOX ACCT. - RECEIVED & FILED
336. TREASURER, SCHIRACK; REPORTS OF TREASURER'S OFC BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF 4/30/2007. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: We are now under Ordinances and Formal Resolutions for the first reading. Let the journal show that all ordinances are being given their readings as required by State Law. Madame Clerk, please read the first reading ordinances by title. Please.

NOTE: PRESENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #5 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- 1# (1ST RDG) AN ORDINANCE AMENDING ORDINANCE #55/77, AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (LT #2894 @ 907 -11TH St. NW)
Referred to Judiciary Committee **PUB HRG 6/4/2007 @ 7:30 PM**
- 2# (1ST RDG) AN ORDINANCE AMENDING ORDINANCE #55/77, AS AMENDED KNOWN AS

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THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (OL #799 @ 3004 Atlantic NE)

Referred to Judiciary Committee

PUB HRG 6/4/2007 @ 7:31 PM

- 3# (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LEASE AGREEMENT WITH GREATER AKRON ATHLETIC CLUB; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- 4# (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH CANTON SYMPHONY ORCHESTRA ASSOCIATION IN AN AMOUNT NOT TO EXCEED \$40,000.00 FOR THE 2007 'CONCERT IN THE PARK'; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- 5# (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT A GRANT FROM THE ODNR, CLEAN OHIO TRAILS FUNDING IN AN AMOUNT NOT TO EXCEED \$445,000.00 AND TO ENTER INTO A RIGHT OF WAY AGREEMENT WITH THE AKRON METRO RAILWAY; AMENDING ORDINANCE #241/2006 AS AMENDED BY MAKING AN APPROPRIATION TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We are now under Ordinances for the second reading. Madame Clerk will you please read Ordinance 6 through 12 by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #6 THROUGH #12 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

- 6# (2ND RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF THREE (3) PARCELS OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTIES PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
- 7# (2ND RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF 2 PARCELS OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTIES PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
- 8# (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOT 34879 AND PART OF OUTLOT 73; AND DECLARING THE SAME TO BE AN

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EMERGENCY

- 9# (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PARTS OF LOTS 1611, 1613 AND 1615; APPROVING AND ACCEPTING THE DEDICATION OF PART OF 3RD STREET NW AND PART OF FULTON ROAD NW; AND DECLARING THE SAME TO BE AN EMERGENCY
- 10# (2ND RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE REIFSNYDER PARK/PARK POULTRY ANNEXATION AREA CONTAINING APPROXIMATELY 72.782 ACRES; ASSIGNING SAID TERRITORY TO WARD 9 OF THE CITY; ZONING SAID TERRITORY AS OS (OPEN SPACE) AND I-2 (HEAVY INDUSTRIAL DISTRICT); AND DECLARING THE SAME TO BE AN EMERGENCY **PUB HRG 5/21/07 @ 7:30 PM**
- 11# (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO SUPPLEMENTAL AGREEMENTS WITH THE CITY OF NORTH CANTON AND STARK COUNTY FOR CAPITAL IMPROVEMENTS ASSOCIATED WITH THE WPCC; AND DECLARING THE SAME TO BE AN EMERGENCY
- 12# (2ND RDG) **ADOPTED AS ORDINANCE #101/2007** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE RECONSTRUCTION OF THE ROSHONG PARK TENNIS COURTS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we suspend the Statutory Rules on Ordinance #12.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rule for Ordinance #12. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Member Casar?

MEMBER CASAR: Mr. President, I move we adopt Ordinance #12.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #12. Are there any

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remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance # 12 is adopted. Thank you Madame Clerk.

#12 AS ADOPTED AS ORDINANCE #101/2007

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: We're now under Ordinances for their third and final reading. Madame Clerk, please read Ordinance #13 by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #13 THROUGH #15 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

13# (3RD RDG) **ADOPTED AS ORDINANCE #102/2007** AN ORDINANCE AMENDING APPROPRIATION NO. 241/2006 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President. I move we adopt Ordinance #13.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #13. Are there any remarks?... If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #13 has been adopted. Ordinance #14 please Madame Clerk.

#13 AS ADOPTED AS ORDINANCE #102/2007

14# (3RD RDG) **ADOPTED AS ORDINANCE # 103/2007** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A TOWER LEASE AGREEMENT WITH CLEARWIRE US LLC TO PERMIT THE INSTALLATION OF AND OPERATION OF ANTENNA FACILITIES; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

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MEMBER CASAR: Mr. President. I move we adopt Ordinance #14.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that we adopt Ordinance #14. Are there any remarks?... If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #14 has been adopted. Ordinance #15 please.
#14 AS ADOPTED AS ORDINANCE #103/2007

15# (3RD RDG) **POSTPONED UNTIL 6/4/07 AN ORDINANCE AMENDING SECTION 1129.02, OFF-STREET PARKING AND SECTION 1153, HEIGHT REGULATIONS OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON**

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Ordinance #15.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #15. Are there any remarks?

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Casar.

MEMBER CASAR: I move we Postpone Ordinance 15 until 6/4/07.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you postpone ah.....voting on Ordinance #15... Are there any remarks?... If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #15 has been postponed to June 4, 2007.

MINUTES OF THE MEETING MAY 14, 2007**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SCHULMAN: We're now under Announcement of Committee Meetings.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, ah...all Council ah.....personnel has received ah...the 2007-2008 ah...blacktopping list ah.....which the Administration proposes ah....for these next 2 years. Ah...I'm calling a meeting ah...for 6:00 on May 21st which is next Monday to ah.....go over this list and that all Council, especially Ward Councilman should be in 100% agreement with this list and if not they should have their substitutes and all they dates what they would like to see put on the list instead of what the Administration proposes so 6:00 next Monday...ah please ah...review your list....ah...the streets that you have, drive your Ward and see that you...that...that the streets that the Administration is proposing, that you are in ah...in favor of having blacktopped.

PRESIDENT SCHULMAN: Thank you Member Casar, any other committee meetings? Member Smuckler.

MEMBER SMUCKLER: Annexation Committee will meet next Monday at 6:30.

PRESIDENT SCHULMAN: Thank you Member Smuckler.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Finance will meet Monday, May 21st at 6:45.

PRESIDENT SCHULMAN: Thank you Member Hawk.

MEMBER WEST: Judiciary will meet at 6:45 on the 21st.

PRESIDENT SCHULMAN: Thank you Member West.

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Member Kraus.

MEMBER KRAUS: I was going to do what Mr. Casar did, I want to thank him for that....ah...so Public Safety and Thoroughfare will deal with that portion of the meeting on the.....next week.

PRESIDENT SCHULMAN: Very good, thank you Member Kraus. Any other committee meetings?

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: We are now under Public Speaks, Open Forum. We have six speakers signed up this evening. For those who are going to speak to Council, the Mayor and her Administration, I just want you to know that if you haven't been here, City Council has adopted a 3 minute.....3 minute limitation on your remarks.

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I can assure you as I say every week, that Council Members, the Mayor and her Administration will remain after the Council meeting to hear any questions or comments that you might have. We welcome them as a matter of fact. But if you would please stick to the 3 minute limitation so I don't have to embarrass you and tell you to sit down. Our first speaker is Daniel DeSantis. Mr. DeSantis, thank you sir, welcome. Would you give us your name please and your residential address.

DANIEL DESANTIS: Daniel DeSantis.

PRESIDENT SCHULMAN: Do me one favor, can you pull that microphone a little closer, I know it's.....

DANIEL DESANTIS: It would be Daniel DeSantis, 3060 Columbus Rd., N.E.

PRESIDENT SCHULMAN: Thank you sir, welcome.

DANIEL DESANTIS: Thank you. I'm the owner of DeSantis Enterprises and I'm one of City's Demolition contractors. We have had problems with the code enforcement. I have been to zoning. Part of this is the planting of grass and the finishing of lots. Okay, I'm one of the contractors just as responsible for the rest but I've been to zoning to complain, I've met with Bernie Hunt to complain and now I'm here. I'm one of many, the question is why we are not all enforced on the coding law. This is left off, this is pushed. From my understandings, we just got a letter from the Mayor through zoning about one of the lots we demoed. I was told by one the zoning officers, which I believe is no longer with zoning, not to plant grass. So it's been left that way. We started Demoing for the City, we were the only contractor planting grass at the finish of a job to find out that I was the only one, questioned it and was told not to. If I plant grass, it grows, the City has to mow it, the City doesn't want to mow it is what I was told. I don't believe that myself. Most of the Ward Members, we have had problems with our lots. We are in there to finish. When I spoke to Bernie he said he would take care of it. But I'm not the only one as a contractor that's creating this problem. I was doing my job until I was told to stop. The other contractors that are out there are not doing them. We have Cottrill Wrecking, which is probably the only two, myself and Cottrill are doing the City's demolitions. His lots are being left of Massillon code. I've been to Massillon, Massillon wants to see Canton's code because they seem it's a little better leaving a grass lot then a muddy lot. You had a recent contractor that just signed in, which was Marshall Property. Sugardale Building, which we all know of that on McKinley was not demoed to code, he just took a building down, I believe it's Dewalt. I got pictures of that and took it to zoning. There was probably debris left in the basement 2 foot below grade. It's in City code to remove all debris, backfill the holes with non-combustible material, which is basically dirt, brick or block. Apparently nothing happened, when I went back later Mr. Marshall got a little upset with me because I was taking pictures again. He was covering it with dirt. I don't know if zoning got there or told them to cover it before someone sees it. But he informed me that he is doing what the EPA tells him to do. The EPA has a broad umbrella, the City of Canton is in the middle and has their codes. There's a lot to this if you get into codes. We should be fined. The City's passing up the opportunity to make money by not fining us and then again letting us do what we want to do....

PRESIDENT SCHULMAN: Thank you.

DANIEL DESANTIS: I would be scared to death to be fined so I would try to do what I'm doing as far as the Councilmen, Our grass will be planted by the end of the month for the lots we did. But that was my only complaint because nothing has happened yet and I've been complaining about this since the first of the year.

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PRESIDENT SCHULMAN: Well I'm sure your comments will engage Council and the Administration from the standpoint of what we call Miscellaneous Business. So we appreciate your remarks. Stick around, I'm sure you'll hear something from the Members or the Administration.

DANIEL DESANTIS: Okay.

PRESIDENT SCHULMAN: Thank you very much sir for coming. Our next speaker, and I apologize if I have mispronounced your name, please tell me....Eric Meighen. Mr. Meighen, good evening. Would you give us your name and your residential address please and speak loud so we can hear ya.

ERIC MEIGHEN: Mr. President, Madame Mayor, Members of Council and Department Heads, my name is Eric Meighen and I live on Wabash Ct. on the Northeast end of Canton and I'm here to address the problem with our parks and I understand we really can't do much unless our park's levies is passed. But I'm here to show you what needs to be done with Cooks Park and there's many improvements that need to be done with it. Councilman West, can you please come forward to hold my posterboard while I explain. *(Laughter) (Applause)*

MEMBER CARBENIA: He did just what you told him.

ERIC MEIGHEN: Okay, as you see....

PRESIDENT SCHULMAN: Here, I would put it....I don't mind having it in front of me so what do you put it right here so everybody can see it. There ya go, thank you.

ERIC MEIGHEN: Okay, as you see, there's many problems I have listed here. I will try to make it short and sweet. But um....there's plenty of trash in this park. It's Cooks Park and there's a lot of trash. There's trash here, like bricks and um...stuff in the river and there's stolen bikes. There's a stolen bike right there. It's in the river, it needs cleared out. There's a bike here and there's.....another problem is new playground equipment. I mean seriously, if you look here, how....how many 7, 8 year olds can be entertained with....with tires, you can only be entertained with ah....tires so long. And I know...I know as a little kid, if ah...if an adult were to let their kid climb up there and he'd fall off and get hurt, what adult would let their kid do that? And the....the swing set, there's only 2 swings for the little kids and there's only 2 swings for big kids and there's really nothing to do there. And then we have this sign, this is the best part, the...the sign it says "Playground Rules" over there in the nice little pond they put there. I loved that, that was great. But there's no playground. Where...where's the playground? Like they have...like it says here, "Respect the Property" and all this other stuff but no playground, but where the playground is, is across the street and there's no si....no sign saying "Respect It" or "Be Careful On It." or whatever and this stuff here, it's old, it needs painted, it needs improvement and then we have trash and metal in our river and then there's a flagpole here. There's no flag. What...what...what's that. And especially the time we're in, should we represent our City and our....our Country? And then there's graffiti here, it needs painted, it's on the bridge and that looks really bad. And then at the....at the baseball park where um....Timken Trojan's play, which I go to Timken, and we go there in the dug outs and we have to kick the bums out of there, they...they go to the bathroom in there, it smells, what's that show the other schools? That shows the other schools, "Oh Canton City is crap" 'cuz we let people pee and everything else in our dugouts. It's horrible. Like there was one game that we actually had to stand outside of the dugouts because we couldn't sit in there because it was so foul smelling. And then...what else....and I think we should put a garden and put a fence around that and make it look nice and put a fence around the pl...the new improved ah..playground. And I also think they should put a pavilion there because I know at the new pond they hold fishing tournaments there and I'd like it to be like family oriented

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where people can barbeque and have picnics and have a good time there.

PRESIDENT SCHULMAN: Eric you have about 30 seconds, I'm sorry.

ERIC MEIGHEN: Okay....and there's just all kind of trash and I would like it to be cleaned up and I want our kids to have like good places to play and enjoy. Every time I want to take my little brother and sister down here, because I can walk there, they're like "No, I don't want to go down there, it's boring." So I have to take them all the way out to Louisville, we call it Rainbow Park but it's Metzger Park. It's a really nice park and so I have to go out of my way just to go to that park for them. And thank you for your time.

PRESIDENT SCHULMAN: Thank you very much.

MAYOR CREIGHTON: Mr. President.

PRESIDENT SCHULMAN: Madame Mayor.

MAYOR CREIGHTON: Um...Eric, may I take that with me tomorrow to the Department Head Meeting so I can give it to the Director of the Parks?

ERIC MEIGHEN: Yes.

MAYOR CREIGHTON: Thank you.

PRESIDENT SCHULMAN: Great, thank you Madame Mayor. Eric thank you very much, I understand your also on the Canton City Youth Council. We appreciate your contribution. Thank you. Our next speaker is Mary Ann Beck.....Mary Ann Beck. Ms. Beck step forward if you'll give us your name and your residential address please and welcome and good evening.

MARY ANN BECK: Good evening City Council Members. It's nice to meet you all and thank you for allowing me to speak this evening. Right now I'm residing with my mother at 6th and McKinley Ave SW in downtown Canton. Our family has lived on the block between 6th and George Place and McKinley and DeWalt since 1864 when my great grandfather came to Canton, Ohio to work for the Sea Aultman Company. The home that we presently reside in, our family has lived in, one family for four generations since 1896. On Good Friday, April 6, 2007 on the 111 birthday of our home, I heard a commotion on the front porch and this person broke open the storm door and beat the glass out of the front door of our double front doors on the right hand side. I opened up the vestibule door and here's this man coming through the window. So I closed the door quickly and tried to dial 911 on my mother's rotary phone. I told her a long time ago that's like find hall central and she's out to lunch. So at any rate, the gentleman came in and I am using that term lightly...came into the middle sitting room and said to me "You may put down the phone, we're not making any telephone calls, we're not talking, I'm not here to hurt you, I just want your money." So my school teacher instincts kicked in and I decided, he doesn't have a weapon but he's probably a bully control type. So I said "Come with me." we walked through the middle sitting room, dining room into the kitchen to butler's pantry and I gave him \$600 in 20s because I had cashed a check because of the holiday weekend. And my mother's \$50 mad money. So we got \$650 in cash plus as we turned around and walked back through the kitchen he took my purse. Now, we're back in the dining room and he's pointing to my 96 ½ year old mother who is watching the Sound of Music. She still hasn't caught on to the fact that he isn't a friend of the families and he said to me "I want her purse!" I said "She doesn't have a purse." "I

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want her purse.” And I said “I’m sorry,” I said “When we go somewhere she gives me what she wants me to carry in my pocketbook.” So he proceeded to take his right fist and hit me right in here and his ring finger caught me right here. Now, I’m rather stunned, needless to say. I think he thought I was a little too forward with him but I figured it was our home. My mother catches on to what’s going on and she jumps up as a 96 ½ year old can do and goes like this to the back of him. And he swishes her to one side and knocks her into some magazines behind where I sit in the dining room and do my book work and I said to him “You better not have hurt my 96 ½ year old mother. At which point I helped my mother up and he proceeds on through the middle sitting room back into the vestibule and I’m right on his tale. We get into the vestibule and I turn on the light he said “Turn that light out!” So I did but I turned it on a second time because the bulb was glowing. He said “I told you to turn that light off!” And I said “Well you know, we’ve had work done in here and apparently we’re going to have to have more work done because this is improperly grounded.” Now he’s over at the door and he’s fumbling around with the locks and I said “You know, you did not break into a modern home, you broke into a 19th Century Queen Anne eclectic townhouse of 1896.” He said “I told you to shut-up!” I said “No, I’m not going to shut-up for the very simple reason that you’ll be here all weekend with us.” Now you’re dealing with an 1896 tumbler lock that’s shaped like a horseshoe and in order to release it, you have to turn it to the left. When you’re done with that, turn the top lock which is a modern day deadbolt lock to the left as well and you’ll be able to get out. Which upon fumbling around a little more, he ultimately did get the doors unlocked and got out on the front porch, left his hat of the front porch and proceeded on his way. At which point, I called the police and they were very, very helpful. And they came down and took care of things and I want to introduce you to the 2 gentlemen back here who helped us as well, Pete Guera and John Harwick. Now John got to see it first hand because he and his wife came down to stay with us in the house throughout the remainder of the evening because the house was open to the elements. We couldn’t lock it back up again. Now, my basic complaint is, we’ve been there 111 years, why should we allow somebody to break into the house and tell me what to? Thank you very much.

PRESIDENT SCHULMAN: Thank you very much...thank you.

(APPLAUSE)

MARY ANN BECK: Thank you.

PRESIDENT SCHULMAN: Thank you Ms. Beck.

MARY ANN BECK: You’re welcome. Thank you.

PRESIDENT SCHULMAN: And we will certainly be here to talk to you afterwards. If not talk about this before. Our next ah...speaker is ah....Ken Nonnemacher. Am I pronouncing your name correctly sir?

(INAUDIBLE)

PRESIDENT SCHULMAN: Well, okay. If you would step forward sir and give us your name and your residential address.

KEN NONNEMACHER: My name is Ken Nonnemacher, I live at 1722 4th St NE. Recently in our neighborhood we’ve had a couple of disturbances. We had somebody shoot up a house in the 1900 block of 4th Street just a shade more than a block from my house. Now, we had a man picked up at 1734 - 3rd St NE for dealing crack cocaine. Ah....I could go on with a long litany of lists about what went on on um.....*(inaudible)* Road. I could

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tell you what happened in the 1600 block of 3rd Street but you already know all that. That's all in your police reports. I complained about this to somebody, not knowing what the outcome would be and this gentleman, who is a member of the Chamber of Commerce, took me to lunch one day and he said "You know Canton." He said ah.... "The boys that are in these gangs are making the rules you have to live by." And I explained to him, I said "When the blood runs on 4th Street, it won't be mine." I said "It will be theirs." I said "And I'm going to tell you this now," I said "If you really believe that," I said "You being a Chamber Member should know better." I said "Because this means you have abdicated your authority. They have won and you have lost." I said "You should fly the white flag from City Hall now." Now gentlemen, it's like this, if we're going to give up and if that's going to become the party line for any pa.... any group here, they should give it up right now because I'll tell ya know, if you say that in public, you are going to go down the drain just like my bath water. That's all I have to say, but I think you understand where I'm coming from. If Rated R has won in my neighborhood and you think they make the rules that I have to live by at age 74, it'll never happen. I know what to do with the weapons I own and I know how to get the bullets for them and I said "I already got them now." I'm not afraid. I used to shoot deer off my porch with a 30 ought 6 brand rifle. I know how to do it now and I had more respect for those deer then I have for these Rated R kids.

PRESIDENT SCHULMAN: Thank you very much sir.

(APPLAUSE)

PRESIDENT SCHULMAN: And again, I apologize for mispronouncing your name but thank you very much sir for your remarks. Our next speaker is Brenda Kimbrough. Ms. Kimbrough, good evening, would you give us your name and your residential address please.

BRENDA KIMBROUGH: Sure. Um... I live at 614 - 7th St NE. I'm in your neighborhood. Uh...yes and one of the things I want to do first of all is um....thank you for getting the banners up. We appreciate that on May the 11th before 8:00 our banners were put up for our neighborhood association. For those who have come and talked about crime and that in our neighborhood, please join our neighborhood association because we are trying to do some things here. I do have some updates as what's coming up uh...in our neighborhood which I just wanted to let them all know, we are partnering with the ah...Canton City about doing a clean up on Monday the 21st and that's going to be ah...cleaning up the area where we live. We are doing a beautification all this month and I'd like to say that the neighbors on 7th Street have started already with a pre-clean up so then when we have the clean up with the City we don't have to work so hard. So ah... the beautification product is going to be vegetables, fruit and all sorts of landscaping to make the area fine because when I came up here before and we talked about the cluster boxes I had said that one of the things that we were going to address would be making sure that our area looked clean, neat and safe. So one of the ways we have done that is we're working with the City as cutting down extra shrubbery, getting rid of extra grass, not making a place for people to have a way in with crime and if they're getting away, lets make it as hard as we can so that cant just run through our neighborhood doing what they want. We need to stop this. Ah...the other thing is ah....we're also having ah....on the 17th, which is on Thursday anybody at Petitti's Garden is coming and they're going to be talking about plants what's good to have in our neighborhood as we do our landscaping. Now, getting to the last part, uh.....on 7th Street my other thing to address is we're having a meeting on the 23rd and it's going to be with AEP because I understand we are getting a transformer on the block between 7th and 8th Street also and Savannah. Which I don't know how many people know that, I didn't until just recently but um...that might be something we're worried about our environmental area for that and how that's going to affect the ah..... plants, animals and people who live there. So I'm just gonna ask Council if you could get back to me on how that's going to work out. And with all of that I'd like to say,

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ah...please don't move out of the neighborhood, stay, lets stay and fight for what is right because there is more of us that are good. Good people live in Canton. Good people live in this City, we just have to make sure that we don't let anybody with any gang take over our neighborhood.

(APPLAUSE)

PRESIDENT SCHULMAN: Thank you very much and thank you for your ah...dedication to the community. Our last speaker tonight is Jak Taylor. Mr. Taylor, would you come up sir and give us your...step right up. If you would come up and give us your name and your residential address, we'd appreciate it.

JAK TAYLOR: Hello, I'm Jak Taylor, I stay on 1534 Parkhill Place, Apt. 5 NE Canton.

PRESIDENT SCHULMAN: Welcome sir, thank you.

JAK TAYLOR: Thanks. Um...I'm basically here to complain about the Gang Task Force. Um....on the 30th I believe of last month, I was at ah....Rowland Park talking to one of my old friends I knew from high school and um...I had left my car running. So I was walking back to my car and the officers from the Dang....the Gang Task Force jumped out on me and told me to put my hands on the hood and um.....so I'm axin' 'em why and they never gave me a reason why. So they going through my cell phones and asking me why do I have 2 cell phones and what do I do in the community and I'm a Mentor through Community Service and I'm also a substitute teacher on Fridays and I also teach a class through Community Service, teaching employment skills to adverse youth. But um...it was just real disrespectful and I'm a coach a Crenshaw Middle School so I...I live in the same community that I serve and um...the kids asking me the next day in school like what was going on with you and the cops and the officers and so...they get a negative picture of the officers because of..because I'm a good guy and I don't think that's right and then I um...I had went out of town that same weekend....they let....the officers ended up letting me go they never told me what the problem was...um...I'm lookin' through my cell phone and I seen that it was a picture on my cell phone....I....I have the cell phone on me now and uh...it was a picture of me on the car. They took, one of the officers took my cell phone and took a picture of me while my hands was on the hood. For what? I don't know why. I just, I just didn't understand it and um...I just basically wanted to tell somebody my story and um..hopefully something get done about it.

PRESIDENT SCHULMAN: Well if you'll stick around afterwards we'll be happy to talk to you. Thank you very much sir.

JAK TAYLOR: Thanks.

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: We're now under Miscellaneous Business, is there any miscellaneous business?

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: Question. Um...can passage of legislation for paving streets by this Council hold the next Council to that?

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PRESIDENT SCHULMAN: Law Director Martuccio, I think that's your ballywick.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member Smuckler, there is a statute on point that talks about the continuation of contracts from one Council term to another and if several steps are met, it can um....if that contract...if that Ordinance is passed, if the contracts are let and executed and begun, even though the list may not be finished, it can continue into the next term.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: I should have known, I...I always gotta be specific with you. Can we pass an Ordinance for next year's streets to be paved?

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT SCHULMAN: Director Concatto.

SERVICE DIRECTOR CONCATTO: In January of each year, you pa....Council approves a list of items that are approved throughout the year which includes paving. Once that list is approved in January for paving, you authorize us to go out and advertise, receive bids and enter into contract with the paving. That happens in January typically every year. So with this paving season we don't really have to go to Council as far as approval to advertise, receive bids and enter into contract.

MEMBER SMUCKLER: My understanding is this that this is a two year program. This term ends December 31st so my question is, doesn't the next Council have to pass the second year of this program even if its funding for it doesn't that Council has to pass that?

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT SCHULMAN: Director Concatto.

SERVICE DIRECTOR CONCATTO: The list that you received today in your boxes were actually a list of four years of a planned system to redo the streets that the City Administration and the Engineer's Office thinks are the worst streets. Whatever you decide or whatever we decide in this meeting on May 21st, whatever streets come out, they will come off that list and we will try to proceed with the 2008 list. The idea of going out to bid ah...is to create a dollar amount. The names of the streets really isn't part of the bid. We would issue street names and street identifications and lengths but it's ah...in January we'd start off with a new bid and a new system.

MEMBER SMUCKLER: Thank you.

PRESIDENT SCHULMAN: Thank you Member Smuckler. Any other remarks.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

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MEMBER HAWK: On the Demolition and the Code Department, I appreciate Mr. DeSantis coming up and speaking up on this issue. I've watched demolition costs rise over the last several years considerably as the people who bid on it limits are limited down or choose not to I guess. Ah...this cost increases and we don't get the same quality. Yards or demolition sites are often times left with junk, large rocks, all kinds of stuff from the site on...in the yar...in the lot. The code is specific when they bid it they are given jo...or bid specifications. The specifications include seeding. It's part of program and part of the process. Anyone who advises them not to do it, I guess we have a question in our City, who we have to speak to on that, who would advise them not to follow the bid process and that...that concerns me greatly. Um but as these cost continue to arise we should at least get what we're paying for. Uh...there was one lot that I was actually very proud of and I wondered who did it, there was a house over by Summit School and says "My goodness somebody finally did it like they're supposed to. I was...I was...I was thrilled when I saw this finished job. But I have seen some that are very bad. There's deep depressions in them often times several feet below grade...um...rocks, bricks, all kinds of other debris passed off as top soil, ah...no seeding done. I think if we're going to pay these folks, they should complete the job, completed as specs they bid it. We need to look into it and I'll call Code Enforcement and Building Department tomorrow and start that process.

PRESIDENT SCHULMAN: Thank you Member Hawk.

MEMBER HART: Yes, I want to ah...congratulate the Mayor on her induction in you YWCA Hall of Fame and congratulations. And also, in a round about way dealing with the paving list ah...and paving costs, you know the Stark County Engineer and this question is maybe more for the Law Director. Um.. You know, increasing license plate fees by \$10.00 and....and some research that had been done, um...I was under the impression that the City could possibly ah...do their own license plate fee increase and that money would stay in Canton because currently within Stark County when you take in Canton, Canal Fulton, North Canton, Louisville, Alliance and Massillon, um....you know if you take a tentative count of the population, they're amounting to about 44% of the population within Stark County but yet I think when you look at maybe a general return to those residents in the....in the um...Municipalities, you're only looking at about a 12% return on the money they're going to be paying. And you know, as money becomes tighter, ah....if...if..if we could do something ah...within the City of Canton for our own paving and road improvements ah....if you can and...and ..and we can get out of having all that money go to the County and we can keep some of that here...I...I..would ask you to look into that. Thank you.

PRESIDENT SCHULMAN: Thank you Member Hart.

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: If I'm not mistaken, we already passed a \$5.00 increase ah...ah... a couple of years ago on license plates right here in the City. The other part of the...of the...what I'd like to mention is um...I'd like...a question for the ah...Director Concatto. Have we put out bids for ah...blacktopping yet or are we going to be blacktopping in December again?

PRESIDENT SCHULMAN: Director Concatto.

SERVICE DIRECTOR CONCATTO: Mr. President. We've ah..put out bids for the ah...hot mix um...that we're planning on doing and when we finalize this list ah...again, May 21st, ah... Councilman Casar wants this meeting

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on Monday, as soon as we get that ah.....done then we'll go out to bid for ah....

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes, Member West.

MEMBER WEST: Um...I also want to speak to the um.....demolition and how they're tearing these houses down and leaving a mess and we've talked about this over the last three years about how their leaving some of these lots. Several lots in Ward 2 have been left to where you can't even mow it even if you did plant grass. And what I would request that if we know if a particular entity that is leaving these lots a mess to where we cannot cut grass there or keep....maintain the lot, that we not use them again. Can we do that?

SAFETY DIRECTOR HUNT: Mr. President.

PRESIDENT SCHULMAN: Director Hunt.

SAFETY DIRECTOR HUNT: In quick answer to Councilman West's question, yes...ah...we have ah..prohibited demolition contractors from bidding on our ah...demolition contracts because they haven't been able to do a good enough job for us. So yes we can do that. I'd like to say finally, I will be here ah...after Council to talk to Mr. DeSantis, I have spoken to him before and I've ah...John Labriola is also here and those individuals that who have ah....questions about the Police Department ah...Gang Task Force. I'm ah...I'll be here and I will be willing to talk to you about those issues.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: In regards to the demolition....ah...I, it's been about a month ago I...I reported the one on 7th and Elgen and also the one on Lawrence Road and they're both the same still.

SAFETY DIRECTOR HUNT: Mr. President.

PRESIDENT SCHULMAN: Member Hunt....er...er.. Director Hunt.

MEMBER CASAR: And who was the contractor? Is the contractor present tonight that did those lots do you know?

SAFETY DIRECTOR HUNT: The contractor who did the home on Lawrence Road is not here present. I have spoken to ah...John Labriola, we both went out and ah....went out with Councilmember West.....he had some homes on those lots also and ah...we have spoken to the Law Department ah..in relation to once a contractor has left and he has been paid his funds, sometimes it's difficult to get them back on the lot. What we have done is instituted a procedure to code go out and sign off of these lots before a demolition contractor can be paid.

MEMBER CASAR: Ah...Safety Director, shouldn't that always have been the policy? I mean why would pay if it's not done correctly?

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SAFETY DIRECTOR HUNT: I cannot answer what's been the policy ah...in the past, however....

MEMBER CASAR: What do you mean policy in the past, this Administration has been here for three years now. The past? We've been having trouble for a long time and we've been having it for the last three years and you've been Safety Director for three years. That's what we're asking about now.

SAFETY DIRECTOR HUNT: Mr. President.

PRESIDENT SCHULMAN: Yes, Director Hunt.

SAFETY DIRECTOR HUNT: The demolition questions that you have brought up, have been ah...I've spoken to ah...John Labriola, our CEO, we're not happy. Ah...we're not happy with what's happened in the past. The code required that we okayed it and some instances we did and some instances we did not. That is not acceptable and we are making sure that from now on we do review and inspect those properties before payment is made.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Could we....and I guess maybe this is a question to the Safety Director. Can we go back on a few of those lots that are looking....that we cannot do anything about and maybe have a company come in and grade those appropriately? Ah...someone give us a cost to appropriately grade those so that we can. Neighbors are willing to cut the lawn but they're not willing to cut it if it's rocky and bumpy and I think that's one of the things we need to look into.

SAFETY DIRECTOR HUNT: We can do that.

PRESIDENT SCHULMAN: Very good.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: As opposed to spending additional money for fees for services that we already should have received under the contract, I think we should encourage the Law Department to look to the contract and not spend any more dollars but make the people who receive their payment liable for that and make the...take the corrective actions. For us to spend more money is foolish. They agreed, they signed a contract, that's why we have contracts. They must live up to their end. Our end is to pay them. I think we need to sit down with John Labriola and not make payment to some of these folks or withhold a percentage until we're...until it's fine and done and we have everything according to the contract that they bid. The bid specifications are very specific as to what needs to be done. Believe me, I've reviewed them and looked at them a lot of times because I'm big on demolitions.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Member Dougherty.

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MEMBER DOUGHERTY: Mr. Hawk this stuffs already been sent to the Law Department so, there's a problem there too.

MEMBER ZACHARY: Mr. President. Can we switch gears.

PRESIDENT SCHULMAN: Member Zachary.

MEMBER ZACHARY: Are we all done with the demolition conversation?

MEMBER CARBENIA: No we're not.

MEMBER ZACHARY: Okay, do you have one more about that and then.....

MEMBER CARBENIA: Yes I have one more statement ah...

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: I'd like to ask Mr. DeSantis if he tore the...if he tore the house down on Gross Ave at 1613, the big apartment? It needs grated and seeded too.

PRESIDENT SCHULMAN: Well I'm sure he'll respond after the meeting. Any other comments about the demolition?

MEMBER ZACHARY: Mr.....

PRESIDENT SCHULMAN: Member Zachary.

MEMBER ZACHARY: No, not about the demolition. I have another comment and I will be brief because I can see the looks on people's faces. First of all, I want to thank ah..... Beck for coming down. I had talked to her several weeks ago and she mad light of her story this evening but it's...it's a terrifying story that we heard tonight and it was terrifying to me when I heard it, to have someone come into your home and...and basically hold you hostage for money. Ah...I didn't know Mr. Nonnemacher was coming down tonight but I'm glad he did because it just proves that we have crime in all areas of our City, not just isolated locations. Uh....I sit here almost ashamed as a City Official tonight because of the headlines that we've recently read in the newspaper. It seems like we all can't get along and...and come up with solutions to help the residents of this City. We initially lauded the Gang Task Force and what a great job they were doing as far as ridding our...our streets of the...the drugs and the crime and we had people standing out on their porches applauding and cheering them on. If they're not doing their job in the scope of what they should be doing and harassing citizens who...who don't deserve to be harassed, that needs to be addressed as well. We've gotta come up with alternate solutions and....and forcing things down people's throats and...and making orders or demands or however we want to put it, it doesn't send a good message to our residents that we care about their safety. It seems like we care more about arguing and...and posturing over power then we do making sure that our residents are safe. I would ask that we look at that and...and introspect amongst ourselves and if we can't involve Council in the process to help make the change and make the difference and...and provide the input, then I pray for our City Leaders right now that they do the right thing. Not just with Chief McKimm but on the other side as well. We've gotta do what's right for the citizens of Canton, not just for our own personal gain.

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(APPLAUSE)

PRESIDENT SCHULMAN: Thank you Member Zachary. Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Um....I'll yield for a moment to Mr. Conde who I think has a very brief request.

PRESIDENT SCHULMAN: Chief of Staff.

CHIEF OF STAFF CONDE: Thank you very much. This is just the Water Facility Committee Meeting. It's on Wednesday, um.. this Wednesday at 6:00 on the 8th floor.

PRESIDENT SCHULMAN: Thank you very much. Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. I would like to respond quickly to several issues that have been raised, including Ms. Zachary. With regard to the Gang Task Force, I wanted to recognize that someone came here tonight on his own time and that's Stark County Prosecutor Mike Bickus, Assistant Prosecutor, whose the Gang Prosecutor for Stark County. (*Inaudible*)...a great deal of knowledge about how to successfully prosecute long term, harsh prison terms for truly nasty, evil gang leaders. Ah...I'm proud to say that the Administration is ah...meeting and will be meeting with him. Ah... with regard to um..what's going on with...with ah...appearing to want to enforce the goals, there are a lot of meetings taking place with regard to the laws involved, the policies involved and the humanity involved. Mr. Taylor, um...what happened to you, if...if you believe it was a matter of ah...sheer profiling and you were innocent and pro...and you were profiled, you have the right to complain to Internal Affairs and they will take it seriously. We in the Law Department, our Prosecutors, our Law Directors are keenly aware there's a fine balance between aggressively pursuing the law and violating someone's rights. There'sthere's an area there where that crosses and we're trying to keep people from crossing that line even though um..there are time when some aggressive measures are called for. We've spoken with ah...the Chief about that and he understands that sometimes law enforcement calls for Andy Griffith ah...but we certainly don't want Clint Eastwood as a Dirty Harry out there ah...either. So, there are meetings taking place at all levels ah...both involving law and..and civil rights and powers and how they all balance out. Ah...please..please understand that we are trying to resolve that as best we can. We in the Law Department have multiple clients, sometimes with multiple points of view. Um...our Majority Leader, Mr. Casar, is ah... monitoring closely a situation all of you in the Council, Administration and Citizens should know about. As you all know, most of you have the advantage of...of Warner Cable. Warner Cable pays um...helps to pay franchise fees that you pay to the City to use our rights of way to bring you cable. Telephone companies are sitting back watching that and they want to be a part of T.V. transmission as well. Cable companies are moving in on phone, phone wants to move in on T.V. Uh...the FCC has yielded to a lot of lobbying by the telephone companies and there is even more of it going on in the General Assembly. This past Friday, we attended an Ohio Municipal Lawyers Conference and the Executive Director of the Ohio Municipal League attended and told us in great detail what's going on in the General Assembly. If this legislation is successful, not only would it deprive the City of some or all of the revenues that we generate for letting cable companies use our right of way, with that money and those obligations that Mr. Casar has been monitoring could be diminished. These phone companies as the way it's structured now would not have the obligation to build out into poor neighborhoods that need more...that need ah...access as well. Ah...they would also have to install those ah....greenish or beige refrigerators every so many houses..ah...that....that are on the ground level. You may have seen them in some neighborhoods, they look like um...metal...metal refrigerators set on streets and rights of way. Ah..we will

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monitor that and ah we are bringing an Ordinance ah...at Mr. Casar's request, a couple of them. One is a Resolution um...asking our Members, our member friends in the House of Representatives to um...to be fair to Cities, as they consider their portion of what the Senate just passed in favor of the phone companies. The other is a right of way Ordinance. We in the City have the right, we believe and I believe you will too as a Council to control yours rights of way and license what can go in there and whether or not it's fair to have a level playing field for who builds in there. Also worth mentioning quickly, public records acts have changed. Public Officials, you will all be asked to attend seminars put on by our Law Department before the year is out...ah....compliance has to be done more promptly soon. Violations will result in fines and possible attorney's fees. So we'll have meetings with all Elected Officials and Department Heads before the year is out, with the Administrations, lessing in cooperation. Immanent domain is a huge topic right now in the General Assembly. Ah...their debating over what blight is and isn't. Um...it could hurt us so we're going to monitor that very carefully for Council and for the Administration. And on a high note, those of you who are wondering what there is to do in Canton that could be fun and uplifting, as you all know a brand new, beautiful green building is going up where the K of C used to be at that corner of Cleveland Avenue North and 6th. It's part of the Metro Housing Oversight. It has in it a magnificent ballroom that will seat 325 people with excellent food and entertainment. Lois DiGiacomo and the Rainbow Repertory Company have arranged for John Tisevich, a Broadway Star to come in and direct about 12 diverse singers of diverse backgrounds to put on a fabulous show. They open this Friday, they run Saturday and Sunday and they will have dinner theater. Um...there are posters out there. Please support this major city facility, this major City event. And Ms. Bevington even has a very talented daughter whose on...whose on that wonderful singing group. Uh...they'll also have a jazz club that will knock your socks off and be an incredible place when it's finished. So please support our City venues..uh..I know some of you know about it, Mari, so we'll be talking it up. Thank you for your attention.

PRESIDENT SCHULMAN: Thank you Law Director Martuccio. Any other miscellaneous business?

MEMBER WEST: Mr. President just one other thing.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Um...tomorrow through Thursday I will be out of town, I will be attending a support of housing conference in Columbus ah...to address ah...homeless...supportive services for the homeless so ah...if any is needing me they connect me through ah...Council here.

PRESIDENT SCHULMAN: Thank you Member West. I just have one...Mr. Taylor, uh..your story was shocking to me and very ah...I'm very angry by it. So I would like....and...and I want to commend you for having the courage to come down here tonight to tell us that story. That's just wrong. It's wrong that we do that to any citizen in this City and I thank you for coming down and I hope you'll stay around and I hope you'll talk to the ah...Mr. Hunt, the Safety Director, and I hope you'll talk to our Law Director because what happened to you should not happen in 2007 anywhere. Thank you sir very much and Ms. Beck, your story was ah...frightening and I would just echo what ah...Member Zachary said, you know, the crime knows no barrier. It's all over the City. We've gotta get smarter and be more strategic and more visionary in our police work around the City. Member Casar.

MEMBER CASAR: I move we adjourn.

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MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT SCHULMAN: (*Gavel falls*) The meeting is adjourned.

ADJOURNMENT TIME: 8:47 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT