

MINUTES OF THE MEETING OF APRIL 28, 2008

PRESIDENT SCHULMAN: Before we begin...ah.. tonight's...ah...meeting. I'd like to have...ah...brief moment of silence, Joe Carbenia, our Member is not here tonight. He's with his son who is undergoing surgery tomorrow, so if we could have a silent prayer for Joe's son.

(MOMENT OF SILENCE FOR GINO CARBENIA, MEMBER JOE CARBENIA'S SON)

PRESIDENT SCHULMAN: Thank you. With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call vote please, Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

11 COUNCILMEMBERS PRESENT: (DON CASAR, MARY M. CIRELLI, BILL SMUCKLER, GREG HAWK, THOMAS E. WEST, JAMES GRIFFIN, CHRIS SMITH, TERRY PRATER, DAVID R. DOUGHERTY, PATRICK BARTON & "BUTCH" KRAUS)

CLERK TIMBERLAKE: Eleven present, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Tonight we'll have our invocation given by our Majority Leader, Don Casar. Would you please remain standing....I'm sorry, Member Smuckler, I scared Majority Leader Casar. Ah...would you please remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on Monday, April 28, 2008 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 Councilmember-At-Large Bill Smuckler, followed by the Pledge of Allegiance led by President Schulman

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you Member Smuckler. We're now under agenda corrections and changes. Members of Council, you're going to be asked to suspend Rule 22A to add the second reading of Ordinances 6, 7, 8, 12, 13, 14, 17 and 18. #'s 9, 10, 11, 15 and 16 will be retained in committee. The Chair will recognize that motion.

MEMBER CASAR: Mr. President,

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinances 6, 7, 8, 10, 12, 13, 14, 16, 17 and 18 to this evening agenda.

MEMBER CIRELLI: Seconded.

CLERK TIMBERLAKE: 19 also?

PRESIDENT SCHULMAN: So it's been moved and seconded to suspend rule 22A to second reading Ordinances 6, 7 and 8, 9....I'm sorry, 6, 7 and 8, 10...I thought, I'm sorry...I know, I thought...ah...10 was going to be held also, am I wrong on that? I thought Member Smith had asked for that to be held.

(INAUDIBLE)

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PRESIDENT SCHULMAN: That's alright, everything that started in the other room is now coming here, so I don't expect this to go easily tonight. Let's try it again...ah...it's 6, 7, 8, 9, 12, 13, 14, 17 and 18. Does that correspond Member...no?

CLERK TIMBERLAKE: Correct.

PRESIDENT SCHULMAN: Alright....so, it's been moved and seconded...*(Laughter)* to suspend Rule 22A to second reading Ordinances 6, 7, 8, 12, 13, 14, 17 and 18. Are there any remarks? If not, Madame Clerk roll call vote please. Thank you Leader Casar.

NO REMARKS ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We are now under Public Hearings. We have...perhaps two public hearings scheduled tonight. The first is AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY; IT IS ASSIGNED TO WARD 2; (THE PLANNING COMMISSION RECOMMENDED DENIAL). Is there anyone in the audience wishing to speak for or against this zone change, please come forward. For those of you who are not familiar with this, I have to read this again. Is there anyone in the audience wishing to speak for or against this zone change, please come forward. Yes ma'am, if you would come up to the microphone here, don't worry, we have all night here, believe me. Good evening, would you do us ah...a favor please and a pleasure, would you...ah...tell us your name and your residential address please.

JANE HUGULEY: My name is Jane Huguley, I live at 1110 Lawrence Rd, NE in Canton.

PRESIDENT SCHULMAN: Very good, good evening.

JANE HUGULEY: Good evening.

PRESIDENT SCHULMAN: And if you'll give us your presentation, thank you.

JANE HUGULEY: Ah...I live across the street from the residence in question and I just don't feel that this is the proper thing to come into our neighborhood at this time. Um...I have a problem with, nothing against the owner of the property, has been cordial enough as a neighbor to us but living across the street and I've heard him in altercations with a woman over various times, numerous times, so many times I've been on my porch and have to go in the house because I didn't want to hear the language that I was hearing and the arguments back and forth and I've actually had to go in and shut my door so that I don't hear it. So I can't understand somebody wanting to put up a residence for women and I've heard and witnessed some things against...ah...a person that was living there with the owner of the house at various times and...I just...I just don't want to see something like that, I guess it sounds bad to say you don't want to give somebody a place that's trying to come out of prison to get their lives together but this is a neighborhood that has been a lot of problems, a lot

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of problems and things are beginning to pick up a little bit and that's just what we hope to see. See our neighborhood to continue to grow and be more family oriented and ah...this is what I'm hoping for at this time.

PRESIDENT SCHULMAN: And Members of Council, this is Ordinance 23 and it's a third reading tonight....do the...I'm sorry, before you sit down...and...and I know your going to address this too ma'am, one second. Do Members of Council have any question or questions for this...ah... lady? Yes, ah...Member Kraus.

MEMBER KRAUS: I just want to make sure that I'm reading it right, she's supporting it as it's written, that it doesn't be approved.

PRESIDENT SCHULMAN: Yes.

MEMBER WEST: Supporting that it does not approve, is that correct.

CLERK TIMBERLAKE: Right.

PRESIDENT SCHULMAN: Alright, thank you very much. Good evening to you ma'am. Would you give us your name and residential address please.

JOHANNA VILLELLA: Yes, it's Johanna Villella and I'm at 1202 Lawrence Rd NE, that is...ah...just a little bit beyond the previous lady's home and basically, everything that she has stated, I am in agreement with so I am opposed to...or I want it denied lets put it that way....

PRESIDENT SCHULMAN: Opposed to the Ordinance.

JOHANNA VILLELLA: Yes, but...ah...everything else that she has stated is pretty much the same thing that I feel and the same thing that I have also witnessed.

PRESIDENT SCHULMAN: Alright, any questions for this resident? Alright, thank you very much ma'am.

JOHANNA VILLELLA: Thank you.

PRESIDENT SCHULMAN: Is there anyone else in the audience wishing to speak for or against this Ordinance? Sir....Good evening to you sir.

KENNETH ROBINSON: Good evening.

PRESIDENT SCHULMAN: Could you give us your name and residential address please.

KENNETH ROBINSON: My name is Kenneth Robinson, I live at 3308 Harmont Ave.

PRESIDENT SCHULMAN: And if you could raise the microphone so we could hear you, we'd appreciate it. Thank you sir, very much.

KENNETH ROBINSON: I'm the owner of the property. Okay...ah...we don't live on the property. We're

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trying to help people and everyone in here has family, daughters, sons, whatever. And I'm a church going person and I'm just trying to help people. Now, the people that are talking against me, they got property across the street and they been busted for drugs over there. But their not mentioning that. Yes, me and my wife had some problems, we moved out of the neighborhood 'cuz.....it's...it's the neighborhood it's not right. There's only one way to get the neighborhood is not right. But there's only one way to get the neighborhood right and that's to get people in there and to help people that can stand up for people like I'm trying to do. I got a big house over there sitting empty, will probably be vandalized. So why not put it into someone's hands that can help people. That's all I have to say.

PRESIDENT SCHULMAN: Okay, thank you very much sir, appreciate it. Is there anyone else in the audience wishing to speak for or against this Ordinance this evening? Apparently not, the Chair declares the public hearing over in regard to this matter. The matter will now rest in the hands of Council. We have a second public hearing this evening, it's AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY; IT IS ASSIGNED TO WARD 7; (THE PLANNING COMMISSION RECOMMENDED APPROVAL OF THIS ORDINANCE). Is there anyone in the audience wishing to speak for or against this Ordinance, please step forward. Yes sir. Would you give us your name and your address please.

BRETT TRESSEL: Yes Mr. President, my name is Brett Trissel, 1831 Ferndale NW, Canton. I am the...ah..me and my wife are the...ah...adjacent property owners to the west. Ah...we are against this being rezoned under R-2, there are way too many rental properties in the neighborhood now. There's been a couple of senseless heinous murders in our neighborhood in the last...oh...just over a year. We don't need another absentee landlord. This same piece of property came before this Council in late '06 and it was approved under the pressure...under the pressure from the previous owner, against the will of the neighbors. There was quite a turnout at that meeting going against..ah...rezoning this property for a duplex and this Council approved it then. I hereby recommend it be denied.

PRESIDENT SCHULMAN: Okay, and this is ah....

BRETT TRESSEL: Thank you .

PRESIDENT SCHULMAN: Thank you Mr. Tressel and this is Ordinance #24. Are there any questions for Mr. Tressel? Okay, thank you very much sir for coming down. Is there anyone else in the audience wishing to speak for or against this zone change, would you please step forward. I see no response so the Chair declares this public hearing over in regard to this matter. The matter now rests in the hands of Council and the Ordinance will follow later this evening.

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're now under Informal Resolutions. Mr. Casar, I'll recommend...I'll recognize a motion to excuse Member Carbenia from this evening's meeting.

MEMBER CASAR: Mr. President, I move that Ninth Ward Councilperson, Joseph Carbenia, be excused from this evening's meeting

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MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to excuse Member Carbenia from this meeting. 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 the motion carries. We're now under....

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER CASAR: I believe ah...you could go with your Resolutions now because...ah...we have the Resolution.

PRESIDENT SCHULMAN: And that's exactly what I was going to do. Thank you Leader Casar. Ah...we're now under Resolutions. It's our understanding that...ah..that Resolution 48 is to be retained in Committee. Is that correct Leader?

CLERK TIMBERLAKE: Yes.

PRESIDENT SCHULMAN: I'll entertain a motion on that Leader Casar.

MEMBER CASAR: Mr. President, I move that...ah...Resolution #48 be held in Committee until...ah...next week, which will be May 5, 2008.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that Resolution 48 be Retained in Committee. Are there any remarks? If not by voice vote, all those in favor of the Motion say aye. Those opposed, no.

NO REMARKS RESOLUTION #48 RETAINED IN COMMITTEE BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: The motion carries. Ah...Madame Clerk, would you please read Resolution 49 by title.

#49. PERSONNEL COMMITTEE: REQUEST CONFIRMATION OF APPOINTMENT OF RODNEY MEADOWS TO ARCHITECTURAL REVIEW BOARD RETRO COMMENCING 1/1/08 - 12/31/11. - ADOPTED

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Resolution #49.

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MEMBER CIRELLI: seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #49. Are there any remarks under this Resolution?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no. The motion carries.

NO REMARKS RESOLUTION #49 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The Resolution carries. Ah...you have all been handed Informal Resolution #50. Does...do all Members of Council have that before them? And I'd like to publically thank our brilliant Law Director for crafting this in a very short period of time. Thank you Law Director Martuccio. Ah...Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Resolution #50.

MEMBER CIRELLI: seconded.

PRESIDENT SCHULMAN: I'm going to ask the Clerk to ah...read the title.

CLERK TIMBERLAKE: Authorizing the Director of Public Service to effect the curbside recycling program; and declaring the same to be an emergency.

#50. COUNCIL AS A WHOLE: RATIFYING & REAUTHORIZING ITS COMMITMENT TO AN IMPLEMENTATION OF CURBSIDE RECYCLING AS AUTHORIZED IN RE#243/2006. - ADOPTED

PRESIDENT SCHULMAN: Any remarks under this Resolution?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS RESOLUTION #50 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: Resolution 50 carries.

COMMUNICATIONS

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

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED APRIL 28, 2008.

196. BEVINGTON, BEVERLY, COUNCIL ADMIN ASST: ADVISING OF HER RETIREMENT EFFECTIVE 4/30/08. - RECEIVED & FILED

197. HAWK, G., WARD 1 CNCLMN: REQ MODIFICATION TO CHAPTER 1305.05, BD OF BLDG APPEALS, TO INCREASE BOND SCHEDULE TO \$5,000.00 FOR RESIDENTIAL & \$10,000.00 FOR COMMERCIAL & INDUSTRIAL DEMOLITIONS; REQ THAT COMMERCIAL PROPERTIES BE PERMITTED ONE ADD'TL EXTENSION OF 60 DAYS TO COMPLETE NECESSARY REPAIRS UPON SHOWING OF GOOD CAUSE. - JUDICIARY COMMITTEE

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198. KOCHERA, M., COURT ADMIN: AUTHORIZE MAYOR TO ENTER INTO AGMT W/STATE OF OH, DEPT OF REHAB & CORRECTION FOR RECEIPT OF \$80,261.00 FY 2009 COMMUNITY CORRECTIONS ACT, JAIL DIV GRANT FOR PERIOD COMMENCING 7/1/08 - 6/30/09. - FINANCE COMMITTEE

199. LIQUOR CONTROL DIVISION (OHIO): REQ NEW D5 LIQ PERMIT FOR MEDINA GOLF MANAGEMENT CORP PATIO & 18 HOLE GOLF COURSE @ 5650 QUARRY LK DR. - RECEIVED & FILED

200. MAYOR HEALY: ADVISING OF APPT OF LT. JACK O. ANGELO III TO CANTON PARK COMM REPLACING DANIEL MOEGLIN WHO VOLUNTARILY VACATED SEAT. - RECEIVED & FILED

201. SAFETY DIRECTOR NESBITT: AUTHORIZE VARIOUS SUPP APPROPS ON BEHALF OF POLICE DEPT. - FINANCE COMMITTEE

202. TREASURER SCHIRACK: RPT OF TREAS OFC BANK RECONCILIATION & CITY'S OUTSTANDING INVESTMENTS AS OF 3/31/08. - RECEIVED & FILED

203. WEST, T., WARD 2 CNCLMN: REQ TO MAYOR TO INVESTIGATE THE UTILIZATION OF CREDIT CARD MACHINES IN CITY DEPTS THAT TAKE PAYMENTS. - 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 reading as required by State Law. Madame Clerk, if you would please read the first reading Ordinances by title.

NOTE: PRESIDENT ALLEN 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 AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO JOB CREATION TAX INCENTIVE AND NET PROFITS INCENTIVE AGREEMENTS WITH KOCH KNIGHT LLC PURSUANT TO THE CITY'S ECONOMIC GROWTH INITIATIVE PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

#2. (1ST RDG) **ADOPTED AS ORDINANCE NO. 47/2008** AN ORDINANCE DECLARING 8 BUILDINGS TO BE PUBLIC NUISANCES; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE DEMOLITION OF SAID BUILDINGS; AUTHORIZING THE CLERK OF CANTON CITY COUNCIL TO CERTIFY THE COSTS OF DEMOLITION TO THE STARK COUNTY AUDITOR; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

PRESIDENT SCHULMAN: At this time the Chair will declare an in house recess for the Community & Economic Development Committee to meet in regard to Ordinance #2 on your agenda this evening. We're

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now in recess.

(COUNCIL RECESSED @ 7:59 PM AND RECONVENED @ 8:00 PM TO DISCUSS THE PASSAGE OF ORDINANCE #2)

PRESIDENT SCHULMAN: Thank you...um...Chairman Smuckler. Council will therefore reconvene after the recess. Have we lost our Leader?

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Smuckler.

MEMBER SMUCKLER: I move add Ordinance #2 back to the agenda.

MEMBER CIRELLI: Seconded

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to place Ordinance #2 back on this evening's agenda. It's been moved and seconded. Are there any remarks? If not roll call vote please.

NO REMARKS ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Should I wait for Don...or?

PRESIDENT SCHULMAN: No, we're alright.

CLERK TIMBERLAKE: Ten yeas, Mr. President.

PRESIDENT SCHULMAN: Okay, we'll wait for Leader Casar, he'll cast the vote on this also. Member Casar, I believe you agree to suspend Rule 22A to place Ordinance #2 back on this evening's agenda.

MEMBER CASAR: Aye.

PRESIDENT SCHULMAN: Okay, Ordinance #2 is, therefore a legal part of your agenda. Member Casar.

MEMBER CASAR: Mr. President, I move we suspend the Statutory Rules on Ordinance #2.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance #2. Are there any remarks?...ah...we....

CLERK TIMBERLAKE: No.

PRESIDENT SCHULMAN: No.

CLERK TIMBERLAKE: No, we didn't suspend Statutory Rules.

PRESIDENT SCHULMAN: Hey, hey, whose running this meeting? *(Laughter)* Are there any remarks?... If

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not, roll call vote please.

NO REMARKS ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk, the motion carries. Ah...Member Casar, you've heard the 3 readings.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #2.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #2. Are there any remarks under this Ordinance?... 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 #2 has been adopted.

ORDINANCE #2 ADOPTED AS ORDINANCE #47/2008

#3 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A TWO-YEAR PROFESSIONAL SERVICES CONTRACT WITH KIKO AUCTIONEERS, INC. TO CONDUCT AUCTIONS AT THE CANTON SERVICE CENTER FOR THE SALE OF JUNK AND SCRAP ITEMS AND IMPOUNDED VEHICLES; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

#4. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND APPROPRIATION REDUCTIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

#5. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND/OR DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT(S) FOR THE PURCHASE AND/OR LEASE OF VARIOUS MOTOR VEHICLES AND OTHER ITEMS OF RELATED EQUIPMENT FOR VARIOUS CITY DEPARTMENTS; AUTHORIZING SAID DIRECTORS TO ALTERNATIVELY PURCHASE AND/OR LEASE SAID VEHICLES AND EQUIPMENT PURSUANT TO REVISED CODE SECTIONS 125.04 AND 5513.01; AMENDING APPROPRIATION ORDINANCE NO. 1/2008; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Property Capital Improvement Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We are now under Ordinances for their second reading. Madame Clerk, will you please read the Ordinances #18 by.....6 by title please.

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NOTE: PRESIDENT ALLEN SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #6, #7, #8, #12, #13, #14, #17 AND #18 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. (ORDINANCES #9, #10, #11, #15, #16, #19 RETAINED IN COMMITTEE)

#6. (2ND RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

#7. (2ND RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

#8. (2ND RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

#9. (2ND RDG) ***(RETAINED IN COMMITTEE)*** A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF CANTON TO ACQUIRE AN EASEMENT IN PROPERTY OUTSIDE THE CITY'S CORPORATE LIMITS PURSUANT TO OHIO REVISED CODE CHAPTER 719 TO PROMOTE DRAINAGE OF THE CITY OF CANTON'S PUBLIC ROADWAY AND STORM WATER SYSTEM IN AN ADJACENT PROPERTY OWNED BY CANTON COMMERCE DEVELOPMENT LLC; AND DECLARING THE SAME TO BE AN EMERGENCY

#10. (2ND RDG) ***(RETAINED IN COMMITTEE)*** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 15140 AND 15141 AND PARTS OF LOTS 15137 THRU 15139; AND DECLARING THE SAME TO BE AN EMERGENCY

#11. (2ND RDG) ***(RETAINED IN COMMITTEE)*** AN ORDINANCE APPROVING AND ACCEPTING THE FINAL SUBDIVISION PLAT FOR MILLS INDUSTRIAL PARK IN THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

#12. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 6966 THRU 6969, PARTS OF LOTS 6964 AND 6965 AND PARTS OF LOTS 6935 THRU 6940; AND DECLARING THE SAME TO BE AN EMERGENCY

#13. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH CANTON MEDIA WORKS PUBLISHING, LLC FOR THE PUBLICATION OF THE CANTON QUARTERLY MAGAZINE FOR CALENDAR YEAR 2008; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH CANTON COMMUNITY IMPROVEMENT CORPORATION FOR THE DISTRIBUTION OF THE CANTON QUARTERLY MAGAZINE; AND DECLARING THE SAME TO BE AN EMERGENCY

#14. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO

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ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE ASPHALT RESURFACING PROGRAM FOR 2008; AND DECLARING THE SAME TO BE AN EMERGENCY

#15. (2ND RDG) ***(RETAINED IN COMMITTEE)*** AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO PERRY TOWNSHIP; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE EXTENSION OF SAID WATER MAIN; AND DECLARING THE SAME TO BE AN EMERGENCY

#16. (2ND RDG) ***(RETAINED IN COMMITTEE)*** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT A GRANT FROM ASHLAND, INC.; AUTHORIZING THE AUDITOR TO ESTABLISH THE 5225 CARNWISE WATER MAIN EXTENSION FUND; AMENDING SUPPLEMENTAL APPROPRIATION ORDINANCE NO. 1/2008; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR SAID WATER MAIN EXTENSION; AND DECLARING THE SAME TO BE AN EMERGENCY

#17. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON SYMPHONY ORCHESTRA ASSOCIATION IN AN AMOUNT NOT TO EXCEED \$30,156.37 FOR THE 2008 CONCERT IN THE PARK

#18. (2ND RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 48/2008** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS, APPROPRIATION TRANSFER, ADVANCE AND ADVANCE REPAYMENT HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we amend...no, I move we suspend the Statutory Rules on Ordinance #18.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance #18. 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: The motion carries. Member Casar, you've heard the three readings.

MEMBER CASAR: Mr. President, I move we adopt #18.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #18. Are there any remarks under this Ordinance? Member Casar.

MEMBER CASAR: Mr. President, I move we amend Ordinance #18 per the copy that all Councilperson's

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have in front of them.

MEMBER CIRELLI: Seconded.

AMENDMENT

Pursuant to Rule 36, I move to amend Agenda Item No. 18 by replacing Exhibit A attached to the ordinance currently pending before Council with the attached Exhibit A.

PRESIDENT SCHULMAN: It's been moved and seconded to amend Ordinance #18 per the copy that all Councilperson's have in front of them. Are there any remarks? If not, by voice vote on that motion to amend all those in favor, signify by saying aye. Those opposed.

NO REMARKS AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The motion carries. Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #18 as amended.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: The question you are now voting on is the Ordinance as amended. It's been moved and seconded. 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 #18 is adopted. Ordinance #19 please..oh, 19 has been held in Committee. Okay we're moving right along here.

ORDINANCE #18 ADOPTED AS ORDINANCE #48/2008

*#19. (2ND RDG) **(RETAINED IN COMMITTEE)** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE 2008 SIDEWALK PROGRAM; AMENDING APPROPRIATION ORDINANCE NO. 1/2008, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFER HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY*

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: We're now under Ordinances, the third and final reading. Madame Clerk would you please read Ordinance #20 by title.

NOTE: PRESIDENT ALLEN SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #20 THROUGH #26 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

#20. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 49/2008** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED ENTERPRISE ZONE AGREEMENT WITH HYDRODEC NORTH AMERICA, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt #20.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #20. Are there any remarks?

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move to amend Ordinance #20 per the copy that all Councilperson's have in front of them.

MEMBER CIRELLI: Seconded.

AMENDMENT

Pursuant to Rule 36, I move to amend Agenda Item No. 20 by substituting the attached amended ordinance for the current ordinance pending before Council.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #20 per the copy before each of you. Are there any remarks under that motion? If not, by voice vote all those in favor, signify by saying aye. Those opposed no.

NO REMARKS AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The motion carries. Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #20 as amended.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #20 as amended. Are there any remarks under that motion? 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 #20 is adopted. Ordinance #21 please

ORDINANCE #20 ADOPTED AS AMENDED AS ORDINANCE #49/2008

#21. (3RD RDG) **ADOPTED AS ORDINANCE NO. 50/2008** AN ORDINANCE AMENDING SECTION 975.08, RATES; RESPONSIBILITY OF PUBLIC SERVICE DIRECTOR, OF THE CODIFIED ORDINANCES; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #21.

MEMBER CIRELLI: seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #21. Are there any remarks under this Ordinance? If not, roll call vote please Madame Clerk.

NO REMARKS ROLL CALL: 9 YEAS, 2 NAYS
(MEMBER CIRELLI & MEMBER DOUGHERTY VOTED NAY)

CLERK TIMBERLAKE: Nine yeas Mr. President, two nays.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #21 is adopted. Ordinance #22 please.
#21 ADOPTED AS ORDINANCE NO. 50/2008

#22. (3RD RDG) **ADOPTED AS ORDINANCE NO. 51/2008** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH RMI TITANIUM COMPANY

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #22.

MEMBER CIRELLI: seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #22. Are there any remarks under this Ordinance? 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 #22 is adopted. Ordinance #23 please.
#22 ADOPTED AS ORDINANCE NO. 51/2008

#23. (3RD RDG) **DEFEATED** AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY
PUB HRG 4/28/08 @ 7:30PM

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #23.

MEMBER CIRELLI: It's been moved and seconded to adopt Ordinance #23. Are there any remarks under this Ordinance?

MEMBER CASAR: Mr. President.

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PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: If you would....if I could have the Law Director explain ah...the voting on this particular one if it's voted....if it's written in the affirmative or if...ah...if we should vote, of course we have two new Members of this Council and it's the first time it's come up so if you would explain that I would appreciate it.

PRESIDENT SCHULMAN: Certainly. Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Ah...Majority Leader, that's a good suggestion. This concerns the...just so we're sure, this concerns the property at 1111 Lawrence Rd NE. It went before the Planning Commission and they recommended denial. Now here's the easiest way I can put this. If you want this zone change to go through....if you want it to go through, vote yes. If you don't want the zone change, vote no. Now because the Planning Commission denied it...ah....you can only overrule them by 3/4 vote, so...ah...it takes nine of you to vote yes to overrule the Planning Commission and...do you understand that? Okay, so again, let me repeat. If you want the zone change, vote yes. If you don't want the zone change vote no. Four nos will override the Planning Commission.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I thought it was the other way around.

LAW DIRECTOR MARTUCCIO: Um... Mr. President.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Member Casar, we write it in the affirmative to make it less confusing but it seems to make it more so. Ah....

MEMBER CASAR: Thank you, I'm one of those new Members of Council. *(Laughter)*

LAW DIRECTOR MARTUCCIO: Sorry about that. Um...so the way...the way this is written, this is written to go ahead and let the zone change take place but again that....because it's overriding the Planning Commission, it's going to take eight, I'm sorry....nine yeses....nine yeses for the zone change. Another words, if you want the zone change vote yes, if you don't want it vote no. And when it's all done, I'll tell you whether it passed or not.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: While...while the Law Director is at it, you may as well do 24 also.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member Casar...ah..in #24, which I believe refers to 1825 Ferndale. Uh...in #24, the Planning Commission voted yes. So this one is a straight up...straight up, if you want it, vote yes. Eight will get you an emergency passage...ah...seven will pass it.

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PRESIDENT SCHULMAN: Okay, well we'll get to that when we read it.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Ah...Member West.

MEMBER WEST: This is on #...vote #23?

PRESIDENT SCHULMAN: 23, yes. We're not on 24 yet.

MEMBER WEST: Yes...um...nobody understands the need for housing, affordable housing, more than I on this Council, I battle with it everyday in my field of work. Um...I talked with Mr. Robinson..ah..about this group home and the need for ah...a reentry program for women. Um...I axed him at that time to go and get the vote...or go out and knock on their doors and axe the residents for this and return it to me with their names and...supporting this. At this point, I went down and knocked on doors and I found that the residents were not in favor of this. So I have to support the resident. So at this point in time, I will be voting no on this. Thank you.

PRESIDENT SCHULMAN: Is everybody clear on..on how your vote will impact what occurs?

LAW DIRECTOR MARTUCCIO: No means, no zone change. Yes means change the zone and let the group home....

PRESIDENT SCHULMAN: Okay, are there any other remarks? Madame Clerk, roll call vote please.

NO REMARKS ROLL CALL: 1 YEAS, 10 NAYS

(MEMBER SMITH VOTED YES, ALL OTHERS NO)

CLERK TIMBERLAKE: One yea, 10 nays Mr. President.

PRESIDENT SCHULMAN: The Ordinance is not adopted. Ordinance #24 please Madame Clerk.

#23 DEFEATED

#24. (3RD RDG) **ADOPTED AS ORDINANCE NO. 52/2008** AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY

PUB HRG 4/28/08 @ 7:31PM

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #24.

MEMBER CIRELLI: seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #24. Are there any remarks under this Ordinance? Member Cirelli.

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MEMBER CIRELLI: Thank you Mr. President. Mr. President, as the gentleman came up and...and talked earlier about this, I remember in 2006 when it did come before us, and I may have been the only person at that time that voted not to take on...to see that was rezoned. I talked against it because I went out and drove and saw the area and talked to the people and I didn't feel that it should be at that time made into a duplex, it should remain a single family home and I still feel that way. Thank you.

PRESIDENT SCHULMAN: Thank you Member Cirelli.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, ah...I believe that...ah...Member Barton is the Councilperson there. Would you please ah...tell us your...ah..

MEMBER BARTON: Mr. President.

PRESIDENT SCHULMAN: Member Barton.

MEMBER BARTON: Um...I have been out to the property, I met with the Millers...um...I've met with the Trissels when I was out campaigning. Um...and I know this was the same property that came before Council, um...probably a year, year and a half ago. I will say that I've seen the property. It is an actual duplex, it was sold to this young couple, young married couple, under the guides that it was a duplex and they bought it. Now I'm not excusing them for not doing their homework but Mr. Trissel, it is their intent to live in the bottom of the property. Uh..they will not be an absentee landlord. And, I've talked to some of the residents that live on Hillcrest and they are in favor of it. Actually, you are my first..ah...residents within the ward that have come out and spoke out against it. Um...the residents are actually for it under the assumption and what they've expressed to me is that they are going to live in the bottom and rent out the upstairs. So I am asking at this time...ah..based on the fact that the property is surrounded by rental properties, it's...it's similar to the properties that are around it. Their intent is to live there, I'm asking for Council to approve this.

PRESIDENT SCHULMAN: Any other remarks?

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: I've always opposed conversion of property that's been vacant for over a year back into duplex status, regardless of how it was built or how it was constructed. In 1977 Council took the idea...took on the zoning and passed this Ordinance. They've seen...they've not seen fit to change it since 1977. This gentleman, the first gentleman came before this Council telling us what a wonderful job he was going to do as soon as he brought this place back to a duplex and how he was going to put wonderful people in it. Unfortunately, the man did not live up to his word as most of these people come before us and ask for do not live up to their...their guidelines. Unfortunately, he sold this property to some folks, the Millers, with...probably have all the intentions of doing the proper thing. When these things keep coming back before Council, time and time again, um...it's disturbing. I think we should stick to our rules and regulations as we go. I will support the Councilman in his asking us to support him to let it go to a duplex because I believe that the Millers were in fact duped by this gentleman who came before this Council and literally hoodwinked

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Council over the process. Um..in the future, I will be opposing all of these that go back to duplex status. Thank you very much.

PRESIDENT SCHULMAN: Thank you Member Hawk. Any other remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS ROLL CALL: 9 YEAS, 2 NAYS
(MEMBER CIRELLI & MEMBER SMUCKLER VOTED NAY)

CLERK TIMBERLAKE: Nine yeas Mr. President, two nays.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #24 is adopted. Ordinance #25 please.
#24 ADOPTED AS ORDINANCE NO. 52/2008

#25. (3RD RDG) **ADOPTED AS ORDINANCE NO. 53/2008** A RESOLUTION ACCEPTING THE TAX INCENTIVE REVIEW COUNCIL'S RECOMMENDATIONS REGARDING ENTERPRISE ZONE TAX ABATEMENT AGREEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar

MEMBER CASAR: Mr. President, I move we adopt Ordinance #25.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #25. Are there any remarks under this Ordinance? 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 #25 is adopted. Ordinance #26 please.
#25 ADOPTED AS ORDINANCE NO. 53/2008

#26. (3RD RDG) **ADOPTED AS ORDINANCE NO. 54/2008** A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE FIRST TEE OF CANTON INC. ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar

MEMBER CASAR: Mr. President, I move we adopt Ordinance #26.

MEMBER CIRELLI: Seconded

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #26. Are there any remarks under this Ordinance? If not Madame Clerk, roll call vote please.

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NO REMARKS ROLL CALL: 10 YEAS, 1 ABSTAIN

(MEMBER DOUGHERTY ABSTAINED)

CLERK TIMBERLAKE: Ten yeas, one abstain Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #26 is adopted.

#26 ADOPTED AS ORDINANCE NO. 54/2008

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: We're now under Miscellaneous, no we're now under Public Speaks, Open Forum. Oh, I'm sorry...I'll get this right, we're now under Committee meetings.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Finance Committee will meet at 5:30 on May 5th.

PRESIDENT SCHULMAN: Thank you.

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel Committee will meet at 5:30 on May 5th.

PRESIDENT SCHULMAN: Member Griffin.

MEMBER GRIFFIN: Mr. President, Environmental and Public Utilities will meet at 5:30 on May 5th.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, the Water Facility Committee was originally scheduled for 5:00 but because of the backlog of material for next week, I'm going to...if the Clerk would please notify the Members of the Committee that it will be 4:30 instead of 5:00.

CLERK TIMBERLAKE: Okay.

MEMBER CASAR: Thank you.

PRESIDENT SCHULMAN: Thank you Leader. Ah...Member Kraus....or I'm sorry, Member Dougherty.

MEMBER DOUGHERTY: Public Property Capital Improvement will also meet on the 5th at the same time.

PRESIDENT SCHULMAN: Thank you.

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MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Member Kraus.

MEMBER KRAUS: Ah...Public Safety and Thoroughfare will need about ½ hour, 45 minutes, do you want to set it earlier or do I just include it within that, Majority Leader?

MEMBER CASAR: I don't thi...do you really think you're going to need that much time?

MEMBER KRAUS: Well, it will be 9 and 11, they're both pertained to the same....

MEMBER CASAR: I understand that but I mean, ah...let me ask the Law Director a question if I may. Law Director, how much time do you think we would need for that, roughly, if you don't have to speak too much?

(LAUGHTER)

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Even if...*(Laughter)* the Engineers do some of the talking...um...easily ½ hour for that.

MEMBER KRAUS: 4:00? Or 4:30?

CLERK TIMBERLAKE: That's Water Facilities at 4:30.

MEMBER KRAUS: Okay. We'll meet at 5:00 then right?

PRESIDENT SCHULMAN: Leader Casar, 5:00?

MEMBER CASAR: Well set the Finance Comm..I mean all Committees for 5:00 and the Water Facility Committee will meet now at 4:00. Cindy, would you please take care of that?

CLERK TIMBERLAKE: Yes sir.

MEMBER SMUCKLER: Mr. President.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: Community Development will meet same time, same place.

PRESIDENT SCHULMAN: 5:00. Member Cirelli.

MEMBER CIRELLI: Mr. President, Sidewalk Committee will meet May 7th, Wednesday at 5:30. Thank you.

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PRESIDENT SCHULMAN: Thank you. Alright.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: We're now under Public Speaks, open forum. I think...do we have...ah...we have one..one speaker signed up this evening. Um...the first speaker is, and I apologize, I think I'm pronouncing your name correctly. Ah...Frederick Meacham, Mr. Meacham, good evening and if you'll come up to the microphone and give us your name and residential address please. Good evening sir.

FREDERICK MEACHAM: My name is Frederick Meacham, I live at 342 Henrietta Ave NE, I have lived there since 1916. I've come to question the request of the teenager from Timken to the Council for a downtown center for teenagers. A pool, video games, music and dance studios, fitness program, computer lab. The above items, minus the pool are what individual families are to provide, not the public taxes. These things are not entitlements for any teen, whether from their families or the public. Social services, leadership training, and cooking classes, social services assistance has been here in Canton in the form of the services from the City and the churches. Leader ships and cooking classes, these too can be obtained...can be obtained from their homes and/or schools. Bible studies to be at their local house of worship, not with public funds. The Urban League, K of C, CYC, Jewish Center and dozens of local churches have provided the space for dances, music, basketball, food venues and after school use of local elementary schools for over 50 years. And I know of three...four areas...buildings, it's been 70 years they've had ah...provided a place for dancing and basketball. Those were...those are The Urban League, the catholic church on 5th Street NW, the catholic church on Mahoning Rd., I forget the name, and the large church opposite Timken High School. These places and dozens of local churches have provided the space for dances, music, basketball venues and after school use right in the neighborhood of any teen and aside from the drug information which is given to them, these amenities were there for their parents and in many cases, their grandparents right here in Canton. Many teenagers have made use of those things that the Timken youth spoke of. Why should we, the City taxpayers have to build a center for those who haven't taken any steps to use what is here. My question to the Council is this, what reason can you give for spending tax money on a project of this nature.

PRESIDENT SCHULMAN: Thank you Mr. Meacham very much. We appreciate it. You're presentation is rhetorical at this point, we'll be able to discuss it or you'll be able to discuss it with us after the meeting.

FREDERICK MEACHAM: Well, ah...I'm afraid, to me that's not good enough.

PRESIDENT SCHULMAN: Well I understand.....

FREDERICK MEACHAM: Excuse me.....

PRESIDENT SCHULMAN: Well Mr. Meacham, excuse me...excuse me, *(Mr. Meacham continuing to talk while the President is talking)* Mr. Meacham, excuse me, I run the meeting, you're...I've given you over a minute more than we normally give. I'm not trying to be disrespectful sir but your time is concluded, we are now going to go into another part of our meeting where this maybe brought up. But we do appreciate your remarks and I appreciate what you have said sir.

FREDERICK MEACHAM: Excuse me, would you explain to me what is the policy of people coming to ask Council something, when...when the Council is not going to answer?

PRESIDENT SCHULMAN: And it figures that this would be the first night that I didn't say what I normally say every meeting and that is, City Council restricts public speaks to three minutes, we will either discuss

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your presentation after you sit down or you will be able to talk to any Member of City Council, the Mayor or his Administration after the meeting is concluded. This is not sir, a question and answer period for Councilmembers or the Administration. It's not...we're not trying to be disrespectful, that's the way the body has been developed. So with that, we thank you for your remarks, they were very informative and...and very interesting but we would ask if you would sir, just sit down and then let us proceed with the meeting, if you have any please stick around, everyone will be here.

FREDERICK MEACHAM: Another words, the Council doesn't give their answers in public, they give their answers individually after the meeting?

PRESIDENT SCHULMAN: I don't know of any legislative body in the United States sir, including the U.S. Congress, which permits the public to come in, ask questions and have it's dually elected representative answer them in public the way you're thinking of, in the forum of a public meeting. We will be able to discuss with you after the meeting any questions you have, which by the way, is a public response to your public inquiry. And with that sir, I'd ask you to please...ah...please, respectfully have your seat and we will proceed with the meeting and be glad to talk to you afterwards. Thank you sir.

MISCELLANEOUS BUSINESS

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

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: This Saturday...um...Saturday evening, early Sunday morning, my window in my office was busted out by a bottle of Old English beer, I think that's what it's called and this past ah...February, when we sat down and we talked about taking fingerprints...ah...of crime scenes. This bottle laid in our office and I axed the police officer to come out and they came out quickly and...um..they investigated and took a report but they didn't take any fingerprints and I'm just wondering, is there a policy that we have, and maybe this is to the Safety Director, the policy we have on fingerprinting crime scenes, whether it's been as small as throwing a bottle through a window or ripping off somebody's car.

PRESIDENT SCHULMAN: Director Nesbitt.

SERVICE DIRECTOR NESBITT: Mr. President, if I could...ah...pass that to Chief McKimm whose here and he could answer that about the policy that they have in place, how they handle that.

PRESIDENT SCHULMAN: That's fine, Chief McKimm.

CHIEF MCKIMM: *(Inaudible)*

PRESIDENT SCHULMAN: If you want to Chief so we can hear ya. Thank you.

CHIEF MCKIMM: The policy we have is one of accessing each individual call on its merit and on its solve ability factor of a situation like this. Um...normally a minor criminal damaging, we probably wouldn't take a fingerprint but if there is...ah...something visible on that bottle, we can certainly take the evidence and we can process it. Um...there's an expense involved and there's a time involved in ah...in a situation like that,

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so...uh...I'm sure that was the officers intention, was he evaluated what he had...ah..tried to determine whether or not it was worth the time and the effort and what the possible outcome would be and made a decision based on that. But if you've got the ah...evidence here, I'd be glad to take a look at it. *(Laughter)* I see you do. Okay.

MEMBER WEST: Well and only reason I'm....I'm really upset about this is because it was only less than three weeks from them vandalizing my bus, for....that we transport mentally retarded children...or...mentally challenged children, excuse me. So that's the only reason, but at the same time, I know that a lot of people within this community are struggling with the same thing. So, hopefully we can get this solved.

PRESIDENT SCHULMAN: Thank you Member West. Chief, thank you and...ah...by the way, thank you for helping us out earlier this evening, we appreciate it. Are there any other...ah...remarks under miscellaneous business? Ah...Member Smith.

MEMBER SMITH: Ah...yes, I would like to commend Chief McKimm and..ah...the policemen that have been visible in the 4th Ward and particularly in the areas that we were having...um...some problems and the neighbors wants to thank you also. And thank you to...ah...Safety Director.

PRESIDENT SCHULMAN: Thank you Member Smith, any other miscellaneous business?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Law Director Martuccio?

LAW DIRECTOR MARTUCCIO: Thank you. Short, the Tree Ordinance has been...ah...drafted. I have met with the Service Director to...ah...bring him up to date on..on the years of work that have gone into the Tree Ordinance with Mrs. Cirelli and a number of other people. Ah...I'll be asking Council for...ah...not next Monday, because it's already full to the gills but...um...some separate time, perhaps ½ hour, 45 minutes to update Council on where we are...ah...with that Tree Ordinance and the questions that still remain, so we can bring that before you for discussion and passage. Thank you.

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

MEMBER KRAUS: Just...just one...ah...Joe, how close we on the...ah...Animal Control Officer?

LAW DIRECTOR MARTUCCIO: I believe a position....

PRESIDENT SCHULMAN: *(Gavel falls)*

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Oh...Law Director Martuccio...that wasn't directed at you. *(Laughter)*

LAW DIRECTOR MARTUCCIO: I believe we have sent a position description to Council ah...that meets the needs of the Human Resources Department and the funding is in place, they can proceed to ah....make that application process in hiring.

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PRESIDENT SCHULMAN: Thank you. Any other miscellaneous business? Mr. Meacham, I just want you, I...I really love people coming down and..and addressing our Council. I think it's very important and I also think it shows a great passion for citizenship and I want you to understand, I did not mean to be...and...if you took it that way, disrespectful in anyway. It's just that this body does have its rules, as does every legislative body and I want you to...I personally thank you for coming down and I'll also make a comment that what you said, I think we should all listen to, including those...ah...young people who addressed us last week and proposed this teen center. I think you brought up some very good points that we should all be alert to and aware of. So I do appreciate, personally, your coming down. Thank you sir. Member Casar.

MEMBER CASAR: Mr President, I move we adjourn.

MEMBER CIRELLI: Seconded.

NO REMARKS ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Meeting is adjourned. (*Gavel falls*)

ADJOURNMENT TIME: 8:36 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT