

MINUTES OF THE MEETING OF FEBRUARY 23, 2009

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. We appreciate your presence tonight on this very cold evening. With a quorum being present, the Chair calls this meeting of Canton City Council to order, roll call please, Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

11 COUNCILMEMBERS PRESENT: (JOE CARBENIA, MARY CIRELLI, BILL SMUCKLER, GREG HAWK, THOMAS WEST, JAMES GRIFFIN, CHRIS SMITH, TERRY PRATER, DAVID DOUGHERTY, PATRICK BARTON, & KARL "BUTCH" KRAUS)

ELEVEN MEMBERS PRESENT, ONE ABSENT (DON CASAR)

CLERK TIMBERLAKE: Eleven present, one absent, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. We'll have our invocation given tonight by Council Member, Ward 8 Council Member Karl "Butch" Kraus. Will you all please remain standing for the pledge of allegiance.

The regular meeting of Canton City Council was held on Monday, February 23, 2009 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 Council Member Karl "Butch" Kraus, the Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you Member Kraus for that inspirational prayer. And congratulations on your granddaughter...wow you don't look old enough to really have a granddaughter. We're now under agenda corrections and changes and Members of Council, you're going to be asked to suspend Rule 22A to add the second reading of Ordinances 8 and 9, Member Carbenia, the Chair will recognize that motion.

MEMBER CARBENIA: Mr. President, I move we.... Rule 22A be suspended to add second readings Ordinances #8 and 9 to this evening's agenda.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add second reading Ordinances 8 and 9 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 the motion carries Rule 22A is suspended and Ordinances 8 and 9 are a legal part of your agenda.

PUBLIC HEARINGS

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PRESIDENT SCHULMAN: We're now under Public Hearings. There is one public hearing this evening and it is scheduled for **7:30 pm**. It's AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE DIANO ANNEXATION AREA CONTAINING APPROXIMATELY 51.228 ACRES; ASSIGNING SAID TERRITORY TO WARD 6 OF THE CITY; ZONING SAID TERRITORY AS I-1 (LIGHT INDUSTRIAL); AND DECLARING THE SAME TO BE AN EMERGENCY. Is there anyone in the audience wishing to speak for or against this annexation, would you please step forward. I have to repeat this and I apologize but, is there anyone in the audience wishing to speak for or against this annexation, would you please step forward now. Having seen no one step forward, the Chair declares the 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.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We are now under Informal Resolutions. Member Carbenia, I will recognize a motion to excuse Majority Leader Casar from this evening's meeting.

MEMBER CARBENIA: Mr. President, I move that we excuse Majority Leader Casar from this evening's meeting.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to excuse Majority Leader Casar who I think most of you know is recovering from a very significant surgery, he had a knee replacement, I know he would like to be here this evening, but 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: Motion carries and Majority Leader Casar is excused from this evening's meeting.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We're now under...we're going to go back because I missed Public Speaks on Ordinances and Resolutions for adoption, thank you Madame Clerk. We have no speakers signed up this evening.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: Now we're back on Informal Resolutions, Madame Clerk will please read Resolution 15 by title.

#15. BARTON, P. WARD 7 CNCL MEMBER: REQ PLACEMENT OF STREET LIGHT ON POLE #771D03-129 ON 22ND ST NW BTWN CLEVELAND AVE NW & MARKET AVE NW. - ADOPTED

MEMBER CARBENIA: Mr. President.

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PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: I move we adopt Resolution 15.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded to adopt Resolution 15. Are there any remarks under this Resolution?

MEMBER BARTON: Mr. President.

PRESIDENT SCHULMAN: Member Barton.

MEMBER BARTON: I just ask all Council Members approve this Informal Resolution. I talked to the business owners there and they had some incidents they're basically looking for some more lighting and anything they can do to deter any kind of crime there. So I'm just asking for your support on this at this time. Thank you.

PRESIDENT SCHULMAN: Thank you and thank you for bringing it forward. Are there any other remarks?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: I'd like to compliment Council Member Barton. This would not only help the one business that complained, it will help the business of Canton Friendship Center also. So I want to compliment you on moving forward with this Resolution sir. Thank you. Thank you Mr. President.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Are there any other remarks? If not, by voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #15 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The Resolution and motion 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 FEBRUARY 23, 2009.

78. AUDITOR MALLONN (CITY): CERT OF TOTAL AMT FROM ALL SOURCES. - RECEIVED & FILED

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79. DEPUTY DIRECTOR WEST: REQ MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/THE GROUP WORKCAMP FOUNDATION TO PROVIDE GRANT NOT TO EXCEED \$50,000.00 UTILIZING CDBG FUNDS FOR "CALL CANTON HOME" PROG FOR PARTIAL YR 2009 & 2010. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
80. DIRECTOR TORRES: REQ MAYOR &/OR SERV DIR TO ENTER INTO AGMT W/CITY CENTER FITNESS GRANT IN THE AMT OF \$75,000.00 TO BE FORGIVEN AT RATE OF 20% PER YR FOR 5 YRS, LOCATED @ 121 CLEVELAND AVE SW & CREATING 10 - 14 NEW JOBS. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
81. DIRECTOR TORRES: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/CCIC TO PROVIDE GRANT UTILIZING CDBG FUNDS NOT TO EXCEED \$500,000.00 FOR GRANTS, LOANS, & ADMIN COSTS. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
82. HEALTH BENEFITS ADMIN., MCBRIDE: JANUARY 2009, MO COMPARATIVE RPT OF INSUR CLAIMS & JAN 2009 PAID CLAIMS & COMPARATIVE RPT. - RECEIVED & FILED
83. MAYOR WILLIAM J HEALY: ADVISE RE-APPT OF ANDREW BLACK TO CANTON PARK COMM FOR 3 YR TERM COMMENCING 1/1/09 - 12/31/2011. - RECEIVED & FILED
84. MAYOR WILLIAM J HEALY: ADVISE APPT OF DONALD R. SINGER TO AREA AGENCY ON AGING AREAWIDE ADVISORY COUNCIL FOR 3 YR TERM COMMENCING 1/1/09 - 12/31/11. - RECEIVED & FILED
85. MAYOR WILLIAM J HEALY: ADVISE RE-APPT OF DR. MERLE GRIFF & QUINZELLA HOBBS TO AREA AGENCY ON AGING AREAWIDE ADVISORY COUNCIL 3 YR TERM COMMENCING 1/1/09 - 12/31/11. - RECEIVED & FILED
86. MAYOR WILLIAM J HEALY: REQ AUTHORIZE RE-APPT OF VIRGINIA JEFFRIES & LOVIE HAILEY TO FAIR EMPLOYMENT PRACTICES BD FOR 3 YR TERM COMMENCING 3/1/09 - 2/1/11. - PERSONNEL COMMITTEE
87. MAYOR WILLIAM J HEALY: REQ PAYMT OF MORAL OB FOR \$7350.30 FOR 2008 INV RCVD LATE FOR BLACK, MCCUSKEY, SOUERS & ARBAUGH LPA. - FINANCE COMMITTEE
88. PLANNING COMMISSION: RECOMMENDING RAILROAD ANNEXATION BE ASSIGNED TO WARD 8 OF APPROX 22 ACRES & LAND CONSTITUTING THE RAILROAD LINE BE ZONED OS (OPEN SPACE) & APPROX 1 ACRE OF LAND KNOWN AS THE R M PROPERTY BE ZONED B-4 (SPECIAL BUSINESS) (JACKSON TOWNSHIP). - RECEIVED & FILED
89. PLANNING COMMISSION: RECOMMEND DENIAL OF ZONE CHG @ 351 CORNELIA AVE NE FROM R-1a (SINGLE FAMILY RESIDENTIAL) TO PR-4 (PLANNED MULTI-FAMILY) (TRENA & SOLADENE CURTIS). - JUDICIARY COMMITTEE

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90. PLANNING COMMISSION: RECOMMEND APPROV OF TWO ALLEY VACATIONS ONE RUNNING SOUTH FR 31ST ST NW TO LOT # 39355 & ONE RUNNING WEST FR FRAZER NW TO LOT # 39355 & REPLAT LOTS 36949 - 36953, PART OF 36957 & LOTS 36958 - 36962 (DUMONT'S SEED CO). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
91. PLANNING COMMISSION: RECOMMEND APPROV OF ZONE CHG @ 1460 SHRIVER AVE NE FROM R-1a (SINGLE FAMILY RESIDENTIAL) TO PR-4 (PLANNED MULTI-FAMILY) W/ADDED STIPULATIONS OF LICENSING REQUIREMENTS (CYNTHIA WALKER). - JUDICIARY COMMITTEE
92. PLANNING COMMISSION: RECOMMEND APPROV OF ZONE CHG @ 1521 15TH ST NE FROM R-1a (SINGLE FAMILY RESIDENTIAL) TO PR-4 (PLANNED MULTI-FAMILY) W/ADDED STIPULATIONS OF LICENSING REQUIREMENTS (CYNTHIA WALKER). - JUDICIARY COMMITTEE
93. SAFETY DIRECTOR NESBITT: AUTHORIZE SAF DIR TO APPLY FOR & ACCEPT GRANT FROM DEPT OF JUSTICE FOR "GANG PREVENTION COORDINATION & ASSISTANCE PROGRAM" NOT TO EXCEED \$200,000.00. - FINANCE COMMITTEE
94. SAFETY DIRECTOR NESBITT: RPT OF INMATES INCARCERATED FOR JAN 2009. - RECEIVED & FILED
95. SERVICE DIRECTOR PRICE: ADVISING COUNCIL THAT STREET DEPT WILL HAVE COMPLETED SALT CONTRACT BY END OF FEBRUARY & IF CONDITIONS OCCUR ADDTL PURCHASING WILL BE NECESSARY. - RECEIVED & FILED
96. SERVICE DIRECTOR PRICE: 2008 ANNUAL RPT FOR WATER RECLAMATION FACILITY (WRF). - RECEIVED & FILED
97. SERVICE DIRECTOR PRICE: REQ CONSIDERATION OF SEWER RATE INCREASES. - RECEIVED & FILED
98. SLIMAN, S., AGENT FOR PETITIONER: ANNEXATION PETITION DOCUMENTS FOR 22.377 ACRES, EXPEDITED TYPE 2 ANNEXATION FOR AREA TO BE KNOWN AS "THE R M INVESTMENTS/METRO RTA ANNEXATION" (JACKSON TOWNSHIP). - 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, would you'll please read the first reading Ordinances by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #7 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

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- #1. (1ST RDG) AN ORDINANCE CREATING TITLE ELEVEN, AUTOMATED TRAFFIC ENFORCEMENT, UNDER PART THREE - TRAFFIC CODE OF THE CODIFIED ORDINANCES; AND CREATING CHAPTER 391, AUTOMATED TRAFFIC ENFORCEMENT SYSTEM, UNDER TITLE ELEVEN OF PART THREE - TRAFFIC CODE OF THE CODIFIED ORDINANCES, TO PROVIDE FOR THE IMPLEMENTATION OF A CIVIL AUTOMATED TRAFFIC ENFORCEMENT SYSTEM FOR THE ADMINISTRATIVE ENFORCEMENT OF TRAFFIC CONTROL SIGNALS AND SPEED LIMITS
Referred to Finance & Public Safety and Thoroughfares Committees
- #2. (1ST RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE CANTON AUTO ANNEXATION AREA CONTAINING APPROXIMATELY 0.696 ACRES; ASSIGNING SAID TERRITORY TO WARD 6 OF THE CITY; ZONING SAID TERRITORY AS B-4 (SPECIAL BUSINESS); AND DECLARING THE SAME TO BE AN EMERGENCY **PUB HRG 3/9/09 @ 7:30 PM**
Referred to Annexation Committee
- #3. (1ST RDG) AN ORDINANCE VACATING A PORTION OF ENGLE PLACE SW; AND DECLARING THE SAME TO BE AN EMERGENCY **PUB HRG 3/9/09 @ 7:31 PM**
Referred to Public Safety and Thoroughfares Committee
- #4. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE CANTON RAIL STATION PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development & Finance Committees
- #5. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LEASE AGREEMENT WITH STARK COUNTY EDUCATIONAL SERVICE CENTER; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement & Finance Committees
- #6. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT GRANTS FROM THE OHIO PUBLIC WORKS COMMISSION FOR THE WATER TREATMENT PLANT UPGRADES; AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement & Finance Committees
- #7. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR WATER

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TREATMENT PLANT UPGRADES AND TO ENTER INTO CONTRACT WITH BURGESS & NIPLE FOR ENGINEERING SERVICES; AUTHORIZING THE MAYOR AND OR DIRECTOR OF PUBLIC SERVICE TO APPLY FOR AND ENTER INTO CONTRACTS WITH THE OHIO WATER DEVELOPMENT AUTHORITY FOR LOANS FOR THE PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Property Capital Improvement & Finance Committees

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We're now under Ordinances and Formal Resolutions for the second reading. Would you please read Resolution...I'm sorry, Ordinance 8 by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #8 AND #9 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

#8. (2ND RDG) AN ORDINANCE AMENDING SECTION 515.05, FAIR HOUSING COMMISSION, OF CODIFIED ORDINANCES OF THE CITY OF CANTON

#9. (2ND RDG) **ADOPTED AS ORDINANCE NO. 23/2009** AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF EASEMENTS IN REAL PROPERTY; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ACQUIRE EASEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY (4020 FAIRCREST ST SW)

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we suspend the statutory rules on Ordinance #9.

MEMBER SMUCKLER: Seconded

PRESIDENT SCHULMAN: It has been moved and seconded to suspend the statutory rule for Ordinance #9. Are there any remarks? If not Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 1 ABSTAIN, 0 NAYS
(MEMBER CIRELLI ABSTAINED)

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

PRESIDENT SCHULMAN: Thank you Madame Clerk, the motion carries and the statutory rule for Ordinance #9 is suspended, Member Carbenia you've heard the three readings.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #9.

MEMBER SMUCKLER: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded to adopt Ordinance #9. Are there any remarks

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under this Ordinance? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 1 ABSTAIN, 0 NAYS
(MEMBER CIRELLI ABSTAINED)

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

#9 ADOPTED AS ORDINANCE NO. 23/2009

PRESIDENT SCHULMAN: The Ordinance is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: We're now under Ordinances for their third and final reading. Madame Clerk if you'll read Ordinance #10 by title.

#10. (3RD RDG) **ADOPTED AS ORDINANCE NO. 24/2009** AN ORDINANCE AMENDING ORDINANCE NO. 174/2008; AND DECLARING THE SAME TO BE AN EMERGENCY (MIDTOWN CAFÉ)

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: I move we adopt Ordinance #10.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #10. Are there any remarks under this Ordinance? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 1 ABSTAIN, 0 NAYS
(MEMBER HAWK ABSTAINED)

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

#10 ADOPTED AS ORDINANCE NO. 24/2009

PRESIDENT SCHULMAN: The motion carries, Ordinance #10 is adopted. Ordinance #11 please.

#11. (3RD RDG) **ADOPTED AS ORDINANCE NO. 25/2009** AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$85.00 TO CLEVELAND SECTION OPC; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #11.

MEMBER CIRELLI: Seconded.

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PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #11. 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.

#11 ADOPTED AS ORDINANCE NO. 25/2009

PRESIDENT SCHULMAN: Ordinance #11 is adopted. Ordinance #12 please.

#12. (3RD RDG) **ADOPTED AS ORDINANCE NO. 26/2009** AN ORDINANCE RATIFYING A PROFESSIONAL SERVICES CONTRACT WITH HOLLAND & KNIGHT; AUTHORIZING ANY AMOUNT BILLED IN EXCESS OF \$15,000.00 BE PAID AS A MORAL OBLIGATION; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Carbenia.

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

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #12. Are there any remarks under that Ordinance? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#12 ADOPTED AS ORDINANCE NO. 26/2009

PRESIDENT SCHULMAN: Ordinance #12 is adopted. Ordinance #13 please.

#13. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 27/2009** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO MAKE APPLICATION, EXECUTE GRANT AGREEMENTS AND ACCEPT FUNDS FOR VARIOUS GRANT PROGRAMS FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES AND TO ENTER INTO AN INTER-AGENCY AGREEMENT WITH THE STARK COUNTY PARK DISTRICT COMMISSIONERS AND/OR THE STARK COUNTY COMMISSIONERS FOR THE MAINTENANCE AND SECURITY, AND PAYMENT FOR EXPENSES INCURRED IN THE CONSTRUCTION OF TRAILS RESULTING FROM SUBSEQUENT GRANT PROJECTS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Carbenia.

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

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MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded to adopt Ordinance #13. Are there any remarks? Member Carbenia.

MEMBER CARBENIA: I move that we amend Ordinance #13 per the copy that everyone has in front of them I hope.

MEMBER CIRELLI: Seconded.

AMENDMENT:

Pursuant to Rule 36, I move to amend Agenda Item No. 13 by the substitution of the attached, revised ordinance for the pending version.

PRESIDENT SCHULMAN: It has been moved and seconded to amend Ordinance #13, in accordance with the copy before each of you. Are there any remarks under that motion? If not, by voice vote all those in favor on the motion to amend, say aye, those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The motion carries, Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #13 as amended.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded to adopt Ordinance #13 as amended. Are there any remarks under this Ordinance? And you are now voting on Ordinance #13 as amended. Roll call vote please Madame Clerk.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#13 ADOPTED AS AMENDED AS ORDINANCE NO. 27/2009

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #13 as amended is adopted. Ordinance #14 please.

#14. (3RD RDG) **ADOPTED AS ORDINANCE NO. 28/2009** AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE DIANO ANNEXATION AREA CONTAINING APPROXIMATELY 51.228 ACRES; ASSIGNING SAID TERRITORY TO WARD 6 OF THE CITY; ZONING SAID TERRITORY AS I-1 (LIGHT INDUSTRIAL); AND DECLARING THE SAME TO BE AN EMERGENCY **PUB HRG: 2/23/09 @ 7:30 P.M.**

PRESIDENT SCHULMAN: Member Carbenia.

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MEMBER CARBENIA: Mr. President, I move we adopt Ordinance 14.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #14. 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.

#14 ADOPTED AS ORDINANCE NO. 28/2009

PRESIDENT SCHULMAN: Ordinance #14 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: We are now under Announcement of Committee meetings.

MEMBER KRAUS: Mr. Chairman.

PRESIDENT SCHULMAN: Member Kraus.

MEMBER KRAUS: Public Safety & Thoroughfare will meet March 2, 2009 at 6:15.

PRESIDENT SCHULMAN: Thank you.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Member Dougherty.

MEMBER DOUGHERTY: Public Property Capital Improvement will also meet on the 2nd at 6:15.

PRESIDENT SCHULMAN: Thank you.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Finance Committee will meet 6:15 on March 2nd.

PRESIDENT SCHULMAN: Thank you.

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel Committee will meet March 2nd at 6:15.

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PRESIDENT SCHULMAN: Thank you. Member Smuckler.

MEMBER SMUCKLER: Mr. President.

MEMBER SMUCKLER: Annexation will meet same place, same time.

PRESIDENT SCHULMAN: Thank you.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: We're under Public Speaks and we have it looks like nine....nine speakers this evening and obviously we welcome you. I do know that there is...there are a number of residents from our Community here to speak on the zone change. You can all speak, I don't have a problem with that obviously we welcome your comments but if they're all going to be the same, perhaps you could select two or three out of the, what looks to me like five or six people to be the spokespersons for your public speaks. So, if you want to do that, that's fine. But the first speaker is Trena Curtis. Ms. Curtis, would you step forward? Good evening and welcome. And also with Ms. Curtis is, I believe her husband, Mr. Curtis.

TRENA CURTIS: Yes.

PRESIDENT SCHULMAN: Great, will you give us....and thank you for being here, we appreciate your coming down. Would you give us your name and your residential address please.

TRENA CURTIS: My name is Trena Curtis. My residence is 351 Cornelia Avenue in Canton.

SOLADENE CURTIS: Soladene Curtis, same residence.

PRESIDENT SCHULMAN: And good evening to both of you. Go ahead.

TRENA CURTIS: I want to make this quick. It seems like it's been a lot of calamity going within on our neighborhood amongst a few neighbors. Some misinformation has been going around. A lot of intimidation regarding property values. My husband and I have been in business for eight years and want to transition into our home. We kind of want to decrease our numbers and be able to do what we do in the community a little bit freer. Right now, with the daycare, we can't do a lot of other things that we want to do as far as helping people due to daycare licensing, they're stating that we can't run any other business inside of the childcare center and that's not what we really signed up to do in the beginning. Our focus is children but our main focus is the community and providing emergency assistance and what have you. And there are people that are against us having a daycare in our home and I think we've been using a lot of semantics. We don't want to run a daycare center in our home. We're not trying to get full fledged like we were, we just want to have a few children. It's not going to affect traffic patterns, it's not going to affect property values. At the Planning Commission it was told to one of the residents that this does not affect property value. So we do want to reassure people. We're not a trucking company, we're not a car wash, we're not a mall. We just want to work from our home and be able to do what we do in the community and just kinda want to ease some of the stuff that's been going on in people's minds. Do you want to say something? *(addressing her husband)*

SOLADENE CURTIS: Basically to reiterate what she said. We're not a huge corporation, we're not intending to buy up a lot of land and tear down trees and build this big infrastructure or anything like that.

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We're basically just trying to conduct business out of our home. With the economy, with the state of the economy the way it is, you know, years ago we had a lot of, I guess, senior people who are kind of afraid of change. And you know, I can respect that, me being from the neighborhood, my father has lived around the corner from where we are fifty years or more. So, I know exactly the concerns that the people have as far as the neighborhood going down, so to speak. We in no way, shape or form plan on doing that, we don't plan on building anything that's going to change the esthetics of the neighborhood, nor our home for that matter. We're simply trying to conduct business out of our home.

TRENA CURTIS: So with that, we ask you to revoke the Planning Commission's decision to deny a zone change on our home only. We have to do this, I mean, we can do business with six children and not have to go for a zone change but that's going to create problems because I would be the only person that would be able care for those children and with the way that we're operating our business and the other things that we're doing in the community, I wouldn't be able to leave the house. So this is why we're needing a zone change to apply for Type A child care in our home, which allows us to care for up to twelve children.

PRESIDENT SCHULMAN: Okay, very....

SOLADENE CURTIS: I'm sorry, there's also a...I guess an issue of traffic but what people fail to realize is the fact that a daycare center, you know, parents, they come and drop the kids off and then they go take care of their daily responsibilities. It's not like it's going to be a party where people are just going to be blocking traffic and driveways and things of that nature.

PRESIDENT SCHULMAN: Alright, thank you very much Mr. and Mrs. Curtis, we appreciate it. The third speaker is Mr. Papadopoulos. I want to hold off on Mr. Papadopoulos because I'm starting to sense that you are the proponents obviously of the zone change and there maybe some people, who I take it are against this....against your position. So, what I'd like to do if...if that is true. Katherine Baylock, is Ms. Baylock here? Or Mr. Baylock, no? Is there a Katherine Baylock? B-A-Y-L-O-C-K. (*Inaudible*) Sure, come on, that's fine. And I take it you're Ms. Baylock. Good evening. If you could give us your name and your residential address please.

KATHERINE BAYLOCK: Katherine L. Baylock, I live at 325 Cornelia Avenue for almost thirty years, in Canton, Ohio.

PRESIDENT SCHULMAN: Okay, proceed, go ahead. Thank you for coming.

KATHERINE BAYLOCK: Okay, I just listened to the Curtis', you know, talk about their daycare and I want them to know that it's nothing against the daycare or you, I been knowing your parents for thirty years almost, over thirty years. But, the concern that I have and other residents that are senior citizens and they've been out there, oh, over thirty years, retired from Timken, Republic Steel, some of them were Marines in World War II and they worked hard, they fought, they raised their children, some kids were waivery, some wasn't. But it's not to point the finger at you having a daycare, our whole concern is the zone change. Because once you change a zone from residential to commercial, you're opening up a can of worms where anybody, it's quite a few empty houses in parts of that neighborhood that could come in there and start a business, that's the concern. It's not pointed at you or the daycare, I know you work well with kids, I know all that because my daughters know you and what you do but it's not that. It's just changing the zone itself and right now we just....it's quite a few of us that don't want that done. And that's all we have to say, we just

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don't want the zone change because of that.

PRESIDENT SCHULMAN: Okay, thank you very much, thank you for coming down. We have another speaker on the zone change, Pamela Win. Ms. Win. (*Inaudible*) I'm sorry? Okay and finally Mr. Meacham, would you say the same thing or would you like to come up? Would you like to come up and give us your name and your residential address please. And good evening.

FREDERICK MEACHAM: Good evening, my name is Mr. Frederick Meacham, I live at 342 Henrietta Avenue NE. I've come here to again, voice my objection to a business being created in my backyard, literally. Where my brother Jimmy and I sold our family three backyard lots to them to build their house as a home, not as a business. Thank you.

PRESIDENT SCHULMAN: Thank you very much sir. We have also Mr. Young, but I'm not sure, was he going to, Mr. Young were you going to address the zoning issue? (*Inaudible*) Pardon? Yes, come on up sir, you're more than welcome. Would you give us your name and your residential address and good evening to you sir.

PRESTON YOUNG: My name is Preston Young, I live at 361 Freedom Avenue NE. I'm here every two years, same thing, same family was trying to get zone changed two years ago. We been doing this since 1960 from the time we built and moved down there, that's been one hassle, that's enough to keep it as a residential area. So far we have been blessed with good planning from the Planning Commission and Zoning Commission to keep it the way it is. We would like it to remain the way it is, as a residential area. You know, it's a lot of people that we put in petitions, each Council Person should have a named petition, that's just part of it. But once something happens like that, all the older people in there now, well they can't around as much. But my phone jumps off the hook when something comes up so I do the legwork and get all the stuff to get it going. So I and the other guys here do...does that. But to the point is, we go through this, we've had everything from trucking to somebody wanting beer joints and every else, barber shop and beauty shop and it's strictly a close knit little hood in there that's residential and we would like to keep it that way. And any zone change will spoil that and you know we have enough problem otherwise, fighting other things out there in that area to keep it going. You can check with the Mayor, he can tell you about those problems, which they did a terrific job on last year. We appreciate that. In the meantime, I'm asking the Councilmen to go along with the Planning Commission and Zoning Commission and vote no on that change.

PRESIDENT SCHULMAN: Very good, thank you very much Mr. Young, we appreciate it. Thank you all for coming down. Our next speaker is Mr. Papadopoulos. Mr. Papadopoulos, good evening. Can you give us your, you've been here before, I know, would you give us your name and your residential address please.

PHILIP PAPADOPULOS: Yes, my name is Philip Papadopoulos and I reside at 1042 25th St NW. I want to thank Canton City Council for giving citizens the opportunity to speak. I am requesting that Canton City Council reconsider the building of a super Fire Station and training center at 25th Street and Cleveland Avenue, which is part of our Canton City Park System. The park is enjoyed by thousands of Cantonians each year. Young people play basketball, baseball, football and contrary to many opinions, soccer is played on the enclosed soccer field. Canton McKinley's soccer team often practices on this field. There are also swings and a sliding board for the youngsters to enjoy. Last week, we celebrated President's Day and in my 68 years, twelve Presidents have served our Country. On the proposed Fire Station site, sits a giant oak tree, 16 feet, 2 inches in circumference, his estimated age is 200 to 225 years. That indicates that he has lived during

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the terms of all of the Presidents of the United States. Also on this site are four other magnificent oak trees which are about 125 years old, having residency in the park before William McKinley was elected President. Is Canton City Council going to foreclose on these residents? Canton is striving to be known as a green City, what better way than to preserve our green space with the possibility that funds maybe available from the stimulus package, Canton City Council can review its options. There are many concerned citizens who are asking Council to preserve our parks and trees for future generations. Thank you.

PRESIDENT SCHULMAN: Thank you very much sir. Our next speaker is Patricia Kirk. Ms. Kirk, good evening. If you could give us your name and your residential address please.

PATRICIA KIRK: Good evening everyone. Thank you for letting me speak and I'm also going to pass these three pages to the people around Council and just pass them around and I will collect them later.

PRESIDENT SCHULMAN: Just for the record, could you give us your name and address please.

PATRICIA KIRK: Oh, sorry.

PRESIDENT SCHULMAN: That's alright.

PATRICIA KIRK: I do it every time. My name is Patricia Kirk, I live at 131 5th St NE. I am the President of Shake a Leaf, which is citizens improving Canton's community and green space for present and future generations and also Downtown Central Neighborhood Association. These two pictures here are just two of the trees, this one here is the smaller one. This only shows the trunk, this one is the bigger one. I want to you imagine with me a tree taller than this room, the canopy fills the entire room and the trunk would be about here. The roots would cover most all of what you see in here. I'll just start this out. You can pass (*inaudible*). I've been here for over 50 years, worked here, went to school here, I've learned one thing, people do not have the same personalities, neither do Cities. Canton has a very unique history and heritage and it comes in three forms. One is people, structures and green space and these three things have one thing in common, they all give back to the City. Why are we so quick to destroy our heritage in Canton? As Mr. Papadopoulos mentioned, that park is the (*inaudible*) park, was specially built for soccer, it's in between a historic fireplace that was built to look like the rest of the neighborhood and it is surrounded by five oaks that range in age from 100 to 200 years old. Now, if you have heard that these oaks are rotting from the inside and they're bad shape, that is not true. They have been looked by...at by arborists. There is one bad tree, it may have been struck by lightning. The rest are in good shape. I called the EPA and Cities can get carbon credits for agreeing not to cut down deciduous hard wood, old trees. Senator Luger, in Indiana is getting carbon credits for not cutting down chestnut trees, I believe, in his property. And as the man at EPA said, people just do not understand the value of green space to the air. This is where we get our oxygen and incase you don't know, at hospitals are planting healing gardens because people heal better around trees and also they lower blood pressure in five minutes, that's better than a pill. And if we keep going at this rate, we're all going to be on blood pressure medication and we're going to have to ask the Government for free oxygen tanks because Canton has very very little and we shouldn't be destroying it. This is our heritage, there are better solutions to this, we're surrounded by empty buildings that can be used. Also we have a tendency....

PRESIDENT SCHULMAN: If you could, I hate to interrupt you, you know I love to hear you speak.

PATRICIA KIRK: Okay, I just want to say, Canton is our neighborhood, it's good to look after our neighbors but Canton is our neighborhood and what effects one corner, effects the rest. This Fire Station can be built, will protect but it will also remove Fire Stations from protecting others. Thank you very much.

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PRESIDENT SCHULMAN: Thank you. Thank you. Our last speaker, if I've done this correctly, is Christine Peterson. Good evening, if you could give us your name and your residential address please.

CHRISTINE PETERSON: My name is Christine Peterson, I live at 319.....

PRESIDENT SCHULMAN: Speak up if you would. Thank you.

CHRISTINE PETERSON: 14th Street NE, Canton, Ohio. Mr. President, Members of Council, Mayor and Administration, good evening and I thank you for the opportunity to speak. I'm here to respond to the recent mirage of allegations, investigations and problems that has seeped into and disrupted the daily operation of The Canton City Government. These plaques have affected the daily lives of many individuals and the citizens of Canton as a whole. My purpose here tonight is to place into the hands of each Council Member, the Council President, the Mayor and the Administration a resource that offers guidance and tools for applying truth to the everyday operations of the City. The truth can heal, restore, offer hope and instruction during these troubled times. It offers wisdom to those who ask. The truth will give us freedom and freedom only comes through prayer and forgiving. This booklet that I am giving you is a tool to be used to pray for the healing of our City and Nation. Seek God for the City is to be read daily beginning February 25th, Ash Wednesday through April 25th, Psalm Sunday and it is a compliment of The House of Prayer Restoration, House Ministries International in Canton. As it stands without any exceptions, the truth is the only answer for the City of Canton and the truth comes from God and I pray that this resource will be used by each of you to seek God for the City. Thank you and God Bless each one of you.

PRESIDENT SCHULMAN: Thank you very much Ms. Peterson. Thank you.

(APPLAUSE)

PRESIDENT SCHULMAN: And that concludes our Public Speaks, Open Forum this evening.

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: We're now under Melissa....*(laughter)*...is there a Melissa Laneous out there. We're now under Miscellaneous Business. Is there any? No Miscellaneous Business. Mayor, oh I'm sorry, one second, Mayor Healy.

MAYOR HEALY: Thank you Mr. President and to the Council. We had a press release that went out today that I'd like to share with everybody. We had our statistics that came out, crime statistics that showed our 2008 numbers and we had compared them to 2007 and even went back through 2005, 2004 and you know, although, we don't like to have any crime in this community the good news is that the crime numbers were reduced by nearly 14% in 2008 compared to 2007 and they were actually lower than the 2006, 2005 and 2004 numbers as well. So, we had a pretty good reduction. I'd like to compliment and congratulate the Canton Police Department, Chief McKimm, Director Nesbitt and everybody involved in helping make our community safer. There's a lot of variables that go into that, a lot of the efforts and the programs that were put into place as well as happen stance in luck and we'll take that too. And we know that those numbers can change on us at given time. We're hoping to continue this trend and help do what we can to make those numbers go down again for 2009. And again, I just wanted to share that with everybody, it's good news for the City of Canton. And I compliment everybody involved, thank you.

(APPLAUSE)

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PRESIDENT SCHULMAN: And I know the Chief is in the room and congratulations Chief, keep up the good work, we appreciate it.

(APPLAUSE)

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. I'd like to direct this to the Mayor and probably the Service Director, Mr. Warren Price. With the Holidays that we've just passed, have come and gone, President's Day, a lot of people were confused with the sanitation pick up, including myself and not just....and I heard it from a lot of different Wards because some people thought it was going to be delayed, that the trash pick up would be delayed and unfortunately on my street some of them follow suite, if I don't put mine out, they don't either so I failed to put mine out and then low and behold, here they were on their regular schedule. So if there is some way that we could maybe inform maybe through the press or what have you because generally I read everything in the paper and I didn't see anything in the press that they were not going to have the....no...not be there to pick....I mean they were going to go on their regular schedule and then the interesting thing about it all is Barney, and that's what he told us to call him, our new Director of Sanitation, when I called him, he said he was off on President's Day but his crews worked, so that....and I know our staff was off and it was rather confusing, you know, I thought whenever he was...would be off then his crews would be off. So that even complicated it a bit more. So if we could just maybe get a little bit more coverage as to when...when they are going to be delayed, it would be helpful for all the community. So, you know, maybe the radio would pick it up and the media too, I'd appreciate that and so would the citizens. Thank you Mr. President.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Do you want to answer? Director.

SERVICE DIRECTOR PRICE: Thank you Mr. President and Councilwoman Cirelli, you know we'll, like you as far as our President's Day collection I will need to look into that myself and but as soon as we do, we'll look into getting the word out and making sure that people are aware of our schedule. Thank you.

PRESIDENT SCHULMAN: Thank you Director.

MEMBER BARTON: Mr. President.

PRESIDENT SCHULMAN: Member Barton.

MEMBER BARTON: Yes, I would just like to address Ms. Kirk and Mr. Papadopoulos on their concerns about the concerns over at the park. I would like to say, right now I'm not feeling a lot of love for the trees because in the last six months, I've lost power along with many residents up there due to trees and the wind storms. This last time I was without power for two days. It got down to 50 degrees in my house, I had to take my family to a hotel room until they got it restored. However, being that said, I did also participate in the Fireman's training last year and I know how hard that job is, I've talked to some of the Firemen and they have expressed to me that they are in need of a new Fire Station over there. So, I will say this and I wanted to direct this to the Safety Director and to the Mayor, I know we're looking at a new Fire Station over there and we're looking at building it just to the north of the old Fire Station, in an effort to maybe look at this from all sides, would it be possible to remove the old existing Fire Station and build the new one on the existing site in an effort to not disturb some of those older trees plus give the Firemen their new station and maybe create

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a win, win, win situation for all those concerned. Thank you.

PRESIDENT SCHULMAN: Thank you Member Barton. Director Nesbitt.

SERVICE DIRECTOR NESBITT: Thank you. That has been considered with the...and talked to Engineering and the set backs, the Engineering Department says that the Fire Station be set back farther from the street and also the...currently where the fire trucks and ambulances are coming onto Cleveland is too close to the intersection and it needs to be set back farther for safety reasons. So that's what that consideration was. As far as the trees are I have designed and insured that two of the largest trees are going to be saved. We are gonna lose a couple, three of them, I'll admit that, I've told Ms. Kirk has heard this as well at the different meetings we've had. But we're going to do everything we can to not disturb the two largest trees there to ensure that we try to save those.

MEMBER BARTON: Mr. President.

PRESIDENT SCHULMAN: Member Barton.

MEMBER BARTON: I just wanted to say thank you to the Safety Director on that information. And I also want to say to the residents that, though I am trying to do the best thing for everybody involved here. My number one concern is the safety of the residents of that Ward. And if that means having the proper equipment to equip our Firefighters and have the training center there and the Fire Station for them, then if it means saving one life, then that's where I'll have to stand on that issue. Thank you.

PRESIDENT SCHULMAN: Thank you Member Barton.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: I wasn't going to bring this up but since Member Barton did bring it up, I have some real concerns because Canton has really literally destroyed an awful lot of our buildings that should have been maintained and I'd be remiss if I didn't mention that Fire Station. To a lot of people that's a historic building, if that could have been...be incorporated somehow, if it could be moved somehow, I think it would be great if we could have it used as possibly a museum Fire...for firefighters museum someplace, it would be something else that would bring people to Canton and keep historic value of that property, I mean the building in itself, the architect. We're very sensitive to that, we've lost the Case Mansion, we've lost the good God, we've lost about 90% of this City, let's be real about it. And then later after the fact, we realize that it even does cost more to take these buildings down than if we would just leave them there and don't bother with for like one, the asbestos. When you start dealing with asbestos, then you have a problem, if you have it contained, it does not cost anything. I mean, you can build around it and what have you. So, if there is somehow, and I just saw Member Carbenia had a drawing here, it's the first that I've seen the potential Fire Station. If that could be incorporated in there somehow and or the building itself, can be given some consideration, I think that would be greatly appreciated by this entire City because they're tired of watching everything being torn down. Thank you.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Member Carbenia.

MEMBER CARBENIA: Yes Mr. President, I move we adjourn.

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MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded to adjourn, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: (*Gavel falls*) Meeting is adjourned, thank you ladies and gentlemen.

ADJOURNMENT TIME: 8:17 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT