

**MINUTES OF THE MEETING OF MARCH 9, 2009**

PRESIDENT SCHULMAN: Good evening ladies and gentlemen, I can tell it's springtime in the air, it's a very rowdy crowd tonight. I'd like to welcome Martin Olson, who is here. He has a blog that is somewhat popular, I've read it and he does a good job covering County issues and we're glad you're here. Thank you Martin. Again, good evening everyone. 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:***

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

TWELVE MEMBERS PRESENT

CLERK TIMBERLAKE: All present Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. We'll have the invocation given tonight by Council At Large Member, Mary Cirelli. Would you all please remain standing for our pledge of allegiance.

*The regular meeting of Canton City Council was held on Monday, March 9, 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 at Large Mary Cirelli, the Pledge of Allegiance led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: As I did in our Council Hearing before hand, I want to welcome back our Majority Leader, Don Casar. Welcome back, good to see ya. *(Applause)* That's probably the last nice thing anybody is going to say tonight. We're now under agenda corrections and changes. Members of Council, as always, you're going to be asked to suspend Rule 22A to add the second reading of Ordinances 9 and 10 and Leader Casar the Chair will recognize that motion.

MEMBER CASAR: Mr. President, I move we suspended Rule 22A and add Ordinances #9 and 10 to this evening's agenda.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to second reading Ordinances 9 and 10 to this evening's agenda. Are there any remarks, if not, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

**MINUTES OF THE MEETING OF MARCH 9, 2009****PUBLIC HEARINGS**

PRESIDENT SCHULMAN: We're now under public hearings. And tonight we do have two public hearings so if you'll bare with me. The first is a public hearing scheduled for 7:30 P.M. It's 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 Is there anyone in the audience wishing to speak for or against this annexation, please come forward. And by law, I have to repeat it. Is there anyone in the audience wishing to speak for or against this annexation, would you please step forward. Having seen no one step to the dais, the Chair declares the public hearing over in regard to this matter. And the matter now rests in the hands of Council. And the Ordinance will follow later this evening. Now, we have a second public hearing scheduled tonight for 7:31. It's AN ORDINANCE VACATING A PORTION OF ENGLE PLACE SW, BETWEEN BEDFORD AVE SW & MOSLEY COURT SW; AND DECLARING THE SAME TO BE AN EMERGENCY Once again, is there anyone in the audience wishing to speak for or against this annexation, would you please step forward. Is there anyone in the audience wishing to speak for or against this annexation, would you again please step forward. No one having appeared, the Chair declares the public hearing over in regard to this matter. And 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 are now under Informal Resolutions. Madame Clerk will please read Resolution #17 by title.

#17. COUNCIL AS A WHOLE: REQ & SUPPORT A FULL AUDIT OF THE PENSION GUARANTEE CORP FOR US STEEL WORKERS. - ADOPTED

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: I move we adopt Resolution #17.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution 17.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Smuckler.

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MEMBER SMUCKLER: Mr. President, those of us that have invested over the last few years in mutual funds and stocks, have taken the risk upon ourselves of why we don't have any money right now. But the Steel Workers, for years, paid into what was a guaranteed fund and that's key here. And there is supposed to be a certain amount of money there upon their retirement and there is supposed to be some certain amount of benefits upon their retirement. The week before last, a gentlemen from the Steel Workers paid me a visit and said he was working with the office of the United States Senator Sherrod Brown, they're working on making sure that their benefits aren't cut, which they are being cut right now. They're making sure that the fund is solvent and there seems to be some question whether the fund is solvent. So I would like this Council to go on record that we are behind the Steel Workers making sure that they get their guarantee of what they put in and that the Government oversees what they put in and they get their benefits that they negotiated for. Thank you Mr. President. *(Applause)*

PRESIDENT SCHULMAN: Thank you Member Smuckler. Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. Mr. President, it was about 1985 or '84, we had taken several busses, when I say we, it was the workers from the LTV and Republic Steel and we went to Congress and lobbied them for the PBGC, when it was just starting to form. And some people at that time, they had to explain what the PBGC was, now I think everybody is familiar with it. We also went and petitioned Judge Loveland in New York City as well, so I think we need to hold them accountable so that the pensions are there for these people because these people put everything they did in their honest work, hard work and what have you into this companies and they deserve this. So, I'm say, I'm pr...very proud to be part of the Council that's trying to get this held in...in...you know and make sure our monies...their monies are there guaranteed for them. So, I think it's something we have to do. Thank you sir. *(Applause)*

PRESIDENT SCHULMAN: Thank you Member Cirelli. Are there any other remarks on Resolution 17? Hearing none, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #17 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The Resolution carries. Resolution 18 please Madame Clerk.

#18. COUNCIL AS A WHOLE: COMMITTING TO PURCHASE PRODUCTS & SERVICES THAT ARE MADE OR PERFORMED BY THE USA AND WHEN POSSIBLE USE STIMULUS MONEY TO PROVIDE FOR CANTON, OHIO. - ADOPTED

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded to adopt Resolution 18. Are there any remarks? Member Carbenia.

MEMBER CARBENIA: Mr. President, on this Resolution all this Resolution does is endorse what President

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Obama has said about using stimulus money for American made products and with the use in the United States with that money and we're just...and everybody on Council signed onto it, so...if fact they signed on to both of these and hope that everybody supports it.

PRESIDENT SCHULMAN: Thank you Member Carbenia. Any other remarks? Yes, Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. It was approximately, I think about two weeks ago whenever they wrote an article either in the Washington Post or New York Times that the United States Chamber of Commerce came out that they could not support made in the United States. So naturally, I contacted Mr. Katz at our local Chamber of Commerce, he has yet got back to me to find out why (*inaudible*)... that was correct. And I am very hard pressed and I want the community to know that I think, you know, we give money to the Chambers of Commerce, I'm sure every other Government entity does. But I think they need to get behind and jump on this wagon too and say to us "We want made in the United States." Thank you.

PRESIDENT SCHULMAN: Thank you Member Cirelli. To the defense of the local Chamber, however, I would say that the National Chamber is different and separate and I don't think that would be the consensus of our local Chamber of Commerce. But thank you for that remark. Any other remarks? Hearing none, all those in favor of Resolution 18, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #18 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it and Resolution 18 is adopted.

COMMUNICATIONS

PRESIDENT SCHULMAN: We're are 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 MARCH 9, 2009.***

110. ANNEXATION CHAIRMAN, SMUCKLER: REQ LEGISLATION FOR THE RM INVESTMENTS/METRO RTA ANNEXATION. - ANNEXATION COMMITTEE
111. AUDITOR MALLONN (CITY): MONTHLY RPT BY FUND 2/1/09 - 2/27/09. - RECEIVED & FILED
112. AUDITOR MALLONN (CITY): YRLY RPT BY FUND 1/1/09 - 2/27/09. - RECEIVED & FILED
113. CANTON-STARK CTY CRIME LAB: 2008 ANNUAL REPORT. - RECEIVED & FILED
114. COMMUNICATIONS DIRECTOR HERMAN: AUTHORIZE SERV DIR TO ENTER INTO 5 YR CONTRACT W/AT&T FOR INTERNET CONNECTION. - FINANCE COMMITTEE
115. COMMUNICATIONS DIRECTOR HERMAN: AUTHORIZE SERV DIR TO ACCEPT

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DONATIONS FROM ARTSINSTARK, CANTON REG CHAMBER, STARK-TUCS-WAYNE JOINT SOLID WASTE MGMT DIST TO FUND PORTIONS OF CANTON CONNECTION (FORMERLY CANTON QUARTERLY) EACH FOR \$2,500.00 TO PAY GATEHOUSE OHIO MEDIA, INC. - FINANCE COMMITTEE

116. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE AUDITOR TO PAY A MORAL OB NOT TO EXCEED \$5,000.00 TO COTTRILL WRECKING CO. FOR THE DEMO CLEARANCE, REMOVAL, & GRADING OF A FIRE DESTROYED PROP @ 735 HIGH AVE SW. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
117. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE AUDITOR TO PAY A MORAL OB NOT TO EXCEED \$5,600.00 TO COTTRILL WRECKING CO. FOR THE DEMO CLEARANCE, REMOVAL, & GRADING OF A FIRE DESTROYED PROP @ 1116 SHORB AVE NW. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
118. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO AGRMT W/PROFILE PLASTICS INC FOR ECONOMIC GROWTH INITIATIVE INCENTIVE O#2/2006 TO MOVE BUSINESS INTO CANTON @ 1201 CAMDEN AVE SW IN 11 YR LEASE WITH TWO 5 YR OPTIONS HAVING A TOTAL OF 20 EMPLOYEES, & APPLYING FOR 5 YRS @ 50% OF THE 2% INCOME TAX. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
119. HEALTH BENEFITS ADMIN MCBRIDE: FEB 2009 MO COMPARATIVE RPT OF INS CLAIMS & FEB 2009 PAID CLAIMS & COMPARATIVE RPT. - RECEIVED & FILED
120. LIQUOR CONTROL DIVISION (OHIO): NOTICE OF HRG RESULTS RE: WITHDRAWL OF OBJECTION FOR ANGELA NEWMAN AT WHISTLE STOP @ 1215 W TUSC ST. - RECEIVED & FILED
121. LIQUOR CONTROL DIVISION (OHIO): REQ STOCK HOLDER CHANGE ON C1 C2 LIQ PERMIT FROM SUNKIN INC DBA S & K MINI MART @ 2502 11<sup>TH</sup> ST SW 1<sup>ST</sup> FL FROM SATISH PATEL (99%) TO SATISH PATEL (40%). - RECEIVED & FILED
122. MAYOR WILLIAM HEALY: REQ AUTHORIZE RE-APPT OF MICHAEL MCELFRISH AS ELECTRICAL JOURNEYMAN TO CANTON CONSTRUCTION BOARD. - PERSONNEL COMMITTEE
123. MAYOR WILLIAM HEALY: REQ APPROVAL FOR APPT OF ERMA SMITH TO INCOME TAX REVIEW BOARD FOR TERM COMMENCING UPON APPROVAL FOR 4 YRS. - PERSONNEL COMMITTEE
124. MAYOR WILLIAM HEALY: ADVISE OF RE-APPT JACK HAWK TO COMMUNITY REINVESTMENT AREA HOUSING COUNCIL FOR 3 YR TERM 3/1/09 - 2/28/12. - RECEIVED & FILED
125. MAYOR WILLIAM HEALY: SUBMITTING 2009 BUDGET. - FINANCE COMMITTEE

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126. SAFETY DIRECTOR NESBITT: AUTHORIZE PYMT TO EATON CORP IN THE AMT OF \$1,521.66 FOR THE REPLACE CIRCUIT BOARD & RESET THE SYSTEM AT CROMER TOWER SITE COMMUNICATION BLDG. - FINANCE COMMITTEE
127. SAFETY DIRECTOR NESBITT: REQ AUTHORIZATION FOR SAF DIR TO CREATE PART-TIME POSITION FOR COMMUNITY INITIATIVE TO REDUCE VIOLENCE (CIRV) PROJ MGR. - PERSONNEL & FINANCE COMMITTEES
128. SERVICE DIRECTOR PRICE: REQ SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT TO RELOCATE 200' OF 12" WATER LINE AS PART OF THE MCDOWELL RTA BRIDGE RELOCATION PROJ; \$40,000.00 FROM UNAPPROP BAL OF 5201 FUND TO 5201 207022 WATER DISTR FUND. - FINANCE & ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEES
129. SERVICE DIRECTOR PRICE: REQ AUTHORIZATION FOR MAYOR &/OR SERV DIR TO ADVERTISE, PUB REQS FOR ENG SERV & ENTER INTO CONTRACT FOR COMPLETION OF PRELIMINARY ENGINEERING FOR MAHONING RD CORRIDOR PROJ NOT TO EXCEED \$250,000.00 FROM 4506 202079 MAHONING RD CORR FUND; & IN ALTERNATIVE AUTHORIZE MAYOR &/OR SERV DIR TO NEG & ENTER INTO CONTRACT ESTB COOP AGRMT W/J R COLEMAN COMM RENOVATION CORP TO IMPLEMENT MAHONING RD ECONOMIC DEVELOPMENT & STREETScape PROJ ALLOCATING \$250,000.00 FROM MAHONING RD CORR PROJ FUND 4506 202079. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
130. TREASURER SCHIRACK: FEBRUARY 2009 DEPOSITS & PAY INS TO AMBULANCE LOCK BOX ACCT. - RECEIVED & FILED
131. TREASURER SCHIRACK: FEBRUARY 2009 PARKING METER REVENUE. - RECEIVED & FILED
132. TREASURER SCHIRACK: FEBRUARY 2009 RPT OF BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF 2/27/09. - RECEIVED & FILED
133. WEST, T. WARD 2 CNCL MBR: REQ ORDINANCE FOR PROP OWNERS TO PROVIDE DUMPSTER FOR ANY PERSONS BEING EVICTED OR FORECLOSED UPON. - JUDICIARY COMMITTEE

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: We're now under Ordinances and Formal Resolutions for their First Reading. Let the Journal show that all Ordinances are being given their reading as required by State Law. Madame Clerk, would you please read the first reading Ordinances by title.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #8 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.***

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- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE GROUP WORKCAMP FOUNDATION TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$50,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING ORDINANCE NO. 17/89, AS AMENDED, AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED CONTRACT WITH THE CANTON COMMUNITY IMPROVEMENT CORPORATION TO ADMINISTER ADDITIONAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$500,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- #3. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A PROJECT LABOR AGREEMENT FOR THE CONSTRUCTION OF A NEW FIRE STATION NO. 4; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development & Judiciary Committees
- #4. (1<sup>ST</sup> RDG) A RESOLUTION WITHDRAWING CANTON'S OBJECTION TO THE RENEWAL OF A LIQUOR PERMIT LOCATED WITHIN THE CITY; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Intergovernmental & Public Service Committee
- #5. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 30/2009** AN ORDINANCE APPROVING A THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANTON AND CPPA LOCAL 98; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Personnel & Finance Committees

PRESIDENT SCHULMAN: At this time, the Chair would declare an in house recess for the Personnel Committee to meet in regard to Ordinance 5 on your agenda this evening, we are now in recess.

*(COUNCIL RECESSED @ 7:44 PM FOR PERSONNEL & FINANCE COMMITTEES TO DISCUSS THE ADOPTION OF ORDINANCE #5; RECONVENED @ 7:45 PM)*

PRESIDENT SCHULMAN: Okay, Council is reconvening after the recess. Leader Casar.

MEMBER CASAR: Mr. President, I move we Rule 22A be suspended and add Ordinance #5 back to this evening's agenda.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: Thank you, It's been moved and seconded to suspend Rule 22A to place

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Ordinance #5 back on this evening's agenda. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: The motion carries and Rule 22A is suspended and Ordinance #5 is now a legal part of your agenda. Leader Casar.

CLERK TIMBERLAKE: Suspend Statutory Rules Leader Casar.

MEMBER CASAR: Mr. President, I move the Statutory rules be suspended on Ordinance #5.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Statutory Rules on Ordinance #5. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: The motion carries, Member Casar, you've heard the three readings.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #5.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #5. Are there any remarks under this Ordinance?

MEMBER CASAR: Mr. President, I would just like to...Council...just to thank Administration, the Law Department, Joe Martuccio, Bill Adams, the President of the Union and especially Thomas Nesbitt, our Safety Director, and, who else did I miss?

CLERK TIMBERLAKE: Kris Bates.

MEMBER CASAR: Kris Bates, Assistant Law Director, for the wonderful job they did and I think that from what we understand and what I heard tonight, it's going to save the City taxpayers of Canton some money over the years and I want to commend, especially the Union for getting on board and helping the City in a time of dire needs. Thank you.

PRESIDENT SCHULMAN: Thank you Member Casar. Member Carbenia.

MEMBER CARBENIA: Yes Mr. President. I also would like commend the negotiating team for the City and

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for the Police Officers. I feel that they've done one great job. I just hope that they are..the contract is a nice contract, I think both sides like it. It's going to save the some money. I just hope that we're in negotiations with the officers in the police department and hopefully we can do something with fire in the same aspect. Thank you very much.

PRESIDENT SCHULMAN: Thank you Member Carbenia. Are there any other remarks? Member Hawk.

MEMBER HAWK: Thank you Mr. President. I too, as Chairman of the Finance Committee, would especially like to thank everyone who was involved in this process for saving our City money. In these tough economic times, it is very grateful and very helpful that our labor unions settled down and said to us, sat down at the table and said to us that they were willing to help us bring ourselves out of these tough financial times. Thank you Mr. Adams, the President of the Police CPPA Union. And thank you to the negotiating team for the outstanding job they did.

PRESIDENT SCHULMAN: Are there any other remarks? Member Kraus.

MEMBER KRAUS: Yes Mr. President, I also would like to extend a thank you to the Administration and the Union. As always, the Unions step up and work very hard with the Administration and they've done it in the past. And I am...I am very confident that they'll continue to do it in the future.

PRESIDENT SCHULMAN: Thank you Member Kraus. Any other remarks? I'd like to say one thing. I agree with everything that's been said, although, and I certainly agree that the negotiating team for the City is certainly to be commended but the Union, and I think it's been identified, the Union Members are the ones that stepped to the plate and in our time of need decided that the right thing to do was to enter into a contract, which frankly doesn't give them anymore money. And you know, we have a Federal, and I know Member Carbenia and certainly Member Kraus, we have Federal legislation coming up on car checks for Unions. Where Unions should be allowed to organize. And I think this is an outstanding example of why we need Unions in this Country. (*Applause*) So, I want to commend them, you know, they do the right thing, they help people and they've been the backbone of our middle class. Any other remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#5 ADOPTED AS ORDINANCE NO. 30/2009**

PRESIDENT SCHULMAN: Ordinance #5 has is adopted. Ordinance #6 please.

#6. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$14,950.00 TO OSBORN ENGINEERING CO.; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee

#7. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING SECTION 947.06, SEWER RATES, OF THE CODIFIED ORDINANCES; AND DECLARING THE SAME TO BE AN EMERGENCY

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Referred to Environment & Public Utilities & Finance Committees

- #8. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO A COOPERATION AGREEMENT WITH J.R. COLEMAN COMMUNITY RENOVATION CORPORATION FOR ENGINEERING AND RELATED CONSTRUCTION SERVICES FOR THE MAHONING ROAD ECONOMIC DEVELOPMENT AND STREETScape PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 193/2008; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Property Capital Improvement Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: We're now under Ordinances for the second reading. Madame Clerk would you please read Ordinance #9 by title.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #9 AND #10 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.***

- #9. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$7,350.30 TO BLACK, MCCUSKEY, SOUERS & ARBAUGH; AND DECLARING THE SAME TO BE AN EMERGENCY
- #10. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO MAKE APPLICATION FOR AND ACCEPT A GRANT FROM THE DEPARTMENT OF JUSTICE TITLED "GANG PREVENTION COORDINATION AND ASSISTANCE PROGRAM"; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT SCHULMAN: We're now under Ordinances for their third and final reading. Madame Clerk, would you please read Ordinance #11 by title?

- #11. (3<sup>RD</sup> RDG) ***TABLED UNTIL 3/23/09 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***

PRESIDENT SCHULMAN: Leader Casar.

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

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MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #11. Are there any remarks? Leader Casar.

MEMBER CASAR: Mr. President, before I make my remark in regards to ah...I just want to make it crystal clear that this Council was prepared to vote on this piece of legislation this evening. The Mayor called me this morning and asked me if we would consider tabling this for two weeks. He had some amendments that he would like to discuss with the parties involved and out of courtesy, something that this Council has always done, especially since I've been Majority Leader, any Member of Council, the Administration, the Law Department, who ever it may have been when they ask for that, as a courtesy, we've always granted it. And the Mayor asked for a two weeks to table this and that's why this Council agreed to do so. But I want to make it crystal clear that this Council was prepared to vote on this this evening. And so for that, I'd like to make a motion to table Ordinance #11 until March 23<sup>rd</sup>.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that Ordinance #11 be tabled until March 23, 2009. Are there any remarks?

MEMBER CIRELLI: Mr. Chairman.

PRESIDENT SCHULMAN: Madame...or Member Cirelli.

MEMBER CASAR: Mr. President, this is not debatable.

PRESIDENT SCHULMAN: Oh, I'm sorry. That is correct, sorry. All those in favor of the motion to table Ordinance #11 to March...I'm sorry, yeah, March 23, 2009 say aye. Those opposed no.

NO REMARKS

ORDINANCE #11 TABLED TO 3/23/09 BY VOICE VOTE  
(MEMBERS CIRELLI & HAWK VOTED NO)

PRESIDENT SCHULMAN: The motion carries and Ordinance #11 is tabled until March 23, 2009. Ordinance #12 please Madame Clerk.

#12. (3<sup>RD</sup> RDG)     **ADOPTED AS ORDINANCE NO. 31/2009** 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**

PRESIDENT SCHULMAN: Leader Casar.

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

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MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #12. Any remarks?

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: I would hope that everybody could vote for this even though it's in Ward 6.

*(Laughter)*

PRESIDENT SCHULMAN: Thank you Member Carbenia. Any other remarks? Whose Ward is that by the way? *(Laughter)* Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#12 ADOPTED AS ORDINANCE NO. 31/2009**

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #12 is adopted. Ordinance #13 please.

#13. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 32/2009** 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**

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER CARBENIA: Seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 1 ABSTAIN, 0 NAYS  
(MEMBER DOUGHERTY ABSTAINED)

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

**#13 ADOPTED AS ORDINANCE NO. 32/2009**

PRESIDENT SCHULMAN: Thank you, the motion carries, Ordinance #13 is adopted. Ordinance #14 please.

#14. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 33/2009** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE CANTON RAIL STATION

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PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #14. Are there any remarks? If not, yes, Member Cirelli.

MEMBER CIRELLI: (*Inaudible*)

PRESIDENT SCHULMAN: We can't hear you so you're going to have.....

MEMBER CIRELLI: Oh, I'm sorry.

PRESIDENT SCHULMAN: There you go.

MEMBER CIRELLI: There. I'm sure some of the other Council Members have been down to, close to Downtown Ford where this is all taking action. And if they were there last year and saw all the children that came for the Midnight Express and what have you, it's a real positive thing to see those kids having a heck of a good time. And something that's a family oriented thing. So I think it's great what we're doing down there and this is just improving it that much more better. Thank you sir.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Are there any other remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#14 ADOPTED AS ORDINANCE NO. 33/2009**

PRESIDENT SCHULMAN: Ordinance #14 is adopted. Ordinance #15 please.

#15. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 34/2009** 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

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #15.

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MEMBER CARBENIA: Seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#15 ADOPTED AS ORDINANCE NO. 34/2009**

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #15 is adopted. Ordinance #16 please.

#16. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 35/2009** 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

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #16.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #16. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#16 ADOPTED AS ORDINANCE NO. 35/2009**

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #16 is adopted. Ordinance #17 please.

#17. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 36/2009** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR WATER 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

PRESIDENT SCHULMAN: Leader Casar.

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MEMBER CASAR: Mr. President, I move we adopt Ordinance #17.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #17. Are there any remarks under this Ordinance? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#17 ADOPTED AS ORDINANCE NO. 36/2009**

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #17 has been adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

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

MEMBER CARBENIA: Mr. President, I'd like to announce that Community & Economic Development are having our meeting next week, 3/16/09 at 6:15.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Judiciary will meet March 16<sup>th</sup> at 6:15.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Finance Committee will meet Monday, March 16<sup>th</sup> at 6:15. Thank you.

PRESIDENT SCHULMAN: Thank you.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: Intergovernment & Public Service Committee will meet also, same time, 6:15.

PRESIDENT SCHULMAN: Thank you. Member Griffin.

MEMBER GRIFFIN: Mr. President, Environmental & Public Utilities will meet same time, same day.

PRESIDENT SCHULMAN: Thank you.

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

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MEMBER PRATER: Personnel will meet same time, 6:15.

PRESIDENT SCHULMAN: Thank you.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Member Dougherty.

MEMBER DOUGHERTY: Public Property Capital Improvement will also meet.

PRESIDENT SCHULMAN: Thank you. I don't think there are any committees left are there? I've never seen so many committees.

MEMBER CASAR: Mr. President. If I may.

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: A privilege question. Let's change that to, if Council wouldn't mind, let's change that to 6:00. I didn't realize there were so many committee meetings. Instead of 6:15 let's make that 6:00.

PRESIDENT SCHULMAN: That's fine, so let the record show that all the committees will meet on March 16, 2009 at 6:00 instead of 6:15. Thank you Leader.

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

PRESIDENT SCHULMAN: We're under Public Speaks and we have one speaker signed up this evening. Excuse me, there's more than one speaker. Sorry, we have four speakers signed up this evening. Our first speaker is David George. Mr. George, if you'll step forward and if you'll step forward sir and give us your name and your residential address. Right up there if you would. And Mr. George, just, well why don't you get up there, you look like Member Casar so we're going to let you take some time here.

DAVID GEORGE: My name is David George, I live at 1524 Harrisburg Rd NE in Canton.

PRESIDENT SCHULMAN: Welcome sir, and just as a reminder for you, if, I don't know whether you've ever addressed City Council but, and the other speakers, City Council does have a rule of three minutes so, if you could keep your remarks within that time, I'm not like some, I'm not going to cut you off but try to keep it within three minutes.

DAVID GEORGE: I'm here in regards to the Hob Nob Bar and Grill at 1604 Harrisburg Rd NE, since January, or since December 6<sup>th</sup>, there have been 38 police calls to the bar. Since February 1<sup>st</sup> there have been 24 police calls to the bar. Everything from menacing to persons with guns, shots fired, obstructions, destruction, assault with casualties. Last Friday night at 1:00 there were several police cruisers, shots were fired again. My property adjoins the parking lot of this property, of this bar. I don't know what I'll do if a bullet comes flying into my house and one of my family members have blood. I'm wanting Council to know that something needs to be done. I went ahead and I made up a petition, I went to every adjoining property owner of the Hob Nob Bar. I've given a copy of this to Council, it's in the offices and it's stated "We the undersigned, would like it to be known, although we are not against a business man trying to make a living, the operation of the Hob Nob is causing an unsafe neighborhood. Through the constant police calls for disruption of gun fire, littering, traffic, loud vibrating music, loud and vulgar language, fighting, public

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urination, prostitution and drug trading. The above complaints are causing a public nuisance in our opinion and thus causing devaluation of our property values.” Every adjoining property owner or resident that is in this building has signed it. 100%, Council. I looked up on the internet earlier and the public nuisance is an interference with the common rights of the general public or an infinite number of persons in an unreasonable interference with the health, safety and comfort of that community. I understand that the Law Department and stuff is trying to get rid of the liquor license of the bar but as a public nuisance, isn't there anything else we can do? Adopting emergency Resolutions that I've heard all evening that you've had so many police calls, you have to have an off duty officer. Something. Thank you.

PRESIDENT SCHULMAN: Thank you Mr. George very much, thank you sir. I can assure you that action will be taken. Our next speaker is Robert Ackerman, Mr. Ackerman, Robert Ackerman. Nope, okay, he was going to speak on the cameras and probably will come back. John Regula, Mr. Regula, are we on the right night here?

CLERK TIMBERLAKE: He's coming.

PRESIDENT SCHULMAN: Is he? Where is he? Oh there he is, thank you. Mr. Regula would you step forward sir and give us your name and your residential address sir.

JOHN REGULA: I'm John Regula, my address is 2114 6<sup>th</sup> St SW.

PRESIDENT SCHULMAN: Good evening sir.

JOHN REGULA: And I'm upset with the political machine and I'm sure all of you have heard of Al Capone. Do you think he would have got as far as he got if the police and politicians hadn't been for sale? And I would like to see some straightening up done. Thank you.

PRESIDENT SCHULMAN: Thank you sir. Our last speaker is Ken King, Mr. King if you'll step forward and give us your name and your residential address.

KEN KING: Good evening, my name is Kenneth King, I reside at 3003 6<sup>th</sup> St SW.

PRESIDENT SCHULMAN: Good evening sir.

KEN KING: I live on the corner of 6<sup>th</sup> and Wertz SW and there's a lot of drug activity and these guys are calling their selves drug lords. I've witnessed three drug deals in the last two weeks. I've contacted City Vice and Stark County Metro on different occasions and Tim Swanson told me that if the City can't get it done than he'll send the Metro out. And I just want the neighborhood cleaned up and instead of taking matters into my own hands I'd like to see the safe organization do something, well first of all the Vice Squad or the City Police do something because I've called them and they don't come down and it's getting pretty serious. Thank you.

PRESIDENT SCHULMAN: Thank you sir. (*Applause*) And that concludes our public speaks.

**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: We're now under Miscellaneous Business.

MEMBER KRAUS: Mr. President.

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PRESIDENT SCHULMAN: Member Kraus.

MEMBER KRAUS: I just need to ask you a question for protocol, gentleman asked me about speaking on one of the issues I think that we passed a Resolution on, the Steel Workers thing and he did not understand, he did not, he thought he had to sign up. Would you explain to him whether he can speak on that or the protocol please.

PRESIDENT SCHULMAN: Do you want to make a motion?

MEMBER KRAUS: Ah, yes. Mr. President, I make a motion....

MEMBER CASAR: Mr. President, if I may please. Point of information.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Was the individual wanting to speak for or against it?

MEMBER KRAUS: Mr. Chairman....I don't know, he just asked me because he didn't know that you....

MEMBER CASAR: If the individual wanted to speak for it, it was adopted so I see no reason to speak at this time.

MEMBER KRAUS: I just told him I would ask the protocol because I was the closest one to the audience.

PRESIDENT SCHULMAN: Okay, well without going back and forth, you've made a motion, is there a second.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: All those in favor, signify by saying aye. Those opposed no.

NO REMARKS                      MOTION TO ALLOW AUDIENCE MEMBER TO SPEAK BY VOICE VOTE  
(MEMBER CASAR VOTED NO)

PRESIDENT SCHULMAN: Okay, I think I heard two nos, so sir, do you want to come up, give us your name and your residential address and again, if you can keep your remarks to three minutes please. And good evening, you caused us a lot of trouble tonight, so I hope you've got something good to say.

PAUL SANTELLI: I apologize.

PRESIDENT SCHULMAN: I'm just kidding.

PAUL SANTELLI: It's because I was on that bus with Mary. My name is Paul Santelli, I live at 1351 Cricket Hill Drive. I am not a City resident, I am a resident of Stark County. I want to just thank the Council for adopting that Resolution because it is a very important Resolution. And it cuts to the quick of things of what they've done. In 1984, we had to take a bus to Washington to get what I got, that these people didn't get. They did it right in 1984, they didn't do it right now. All we're asking them to do is to abide by the ERISA Law of 1974 in honor and give these individuals a right to get their defined benefit plan that is

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covered by the PBGC and guaranteed by the PBGC. They're not doing it, they're not even adapting their own rules, they're following every rule that they want. They're not doing it. They're taking Widow's Pensions away from them and I want to make one thing clear, you may hear that we lost the Court case on that issue. That's not the issue, there's a lot of issues involved in this. The Court case was only one, that was on the issues of the shut down time period, which I am not going to go into that. We lost that Senator Sherrod Brown tried to put it into the stimulus package and forgive that pay back, he didn't win. So these people are going to have to pay back. But what they've done, they've not only took the reduced pensions, the benefit that they had, they reduced it than they took 10 more percent to pay the money back that they owed on. But I want to thank the Council here for passing that and this is going to be passed through all the areas where people are represented in this area. I just figured it up, on average, pension was 14...\$12,000.00, \$14,000.00. They drop people down from that to \$200.00 a month. I figured it out in one year, Stark County lost 46 million dollars. Now, you guys lost, on your Stark tax, around 3 million after 6.5% tax increase. So that's what everybody is losing and it's not right and it's not fair and it's against the law.

PRESIDENT SCHULMAN: Thank you very much. (*Applause*) Thank you sir for coming in and thank you Member Kraus and we're still under Miscellaneous Business.

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: Yes, if I could, I would like to mention something about the Hob Nob. In December of last year, I signed a form saying that we objected, or I objected to the Hob Nob getting their license. Also, in March 9<sup>th</sup> of this year...or no, February 9<sup>th</sup> of this year I also signed an objection to, they wanted to transfer the liquor license. I've been in touch with our Safety Director, the gang task force, the Law Department, on trying to get this place cleaned up and it's just a tough, long job. I did close down a place on Maple and Bonnot, there used to be a store that they done a lot of dealing and stuff. It took me a couple of years but we got it done. It's just....sorry it takes so long but they have to be able to investigate and have the information and all of the facts before they go to Court because if they don't have the facts right, the Court will just dismiss the case. So, I thank the Director and all who have been helping get this and then City Council I know supported those in those objections. Thank you.

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

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. I want to reiterate what Mr. Carbenia has said for Mr. George and the other neighbors of this particular establishment. Mr. Carbenia, the Police Department and the Safety Director have all been working very closely with our Prosecutors. In fact, this afternoon our Chief Prosecutor and his Chief Deputy were in consultation working on the strategy and the evidence for this case, which obviously I can't share with you. But we are taking it very seriously, it is scheduled, there have been renewals...there have been objections to the renewals. We also have a template now for public nuisance actions against bars, as some of you remember, we filed one last year in the Court of Common Pleas. It's a different level of evidence and while we're gathering evidence for the objection hearing, should that fail or not please us, we can pursue that if the evidence is appropriate. One of the unintended consequences of the smoking ban, I think is that a number of folks cause problems sometimes when they empty out of some of these bars to engage in their nicotine habits and it keeps our police forces busy with complaints sometimes when some of that activity occurs outside of some of these establishments that don't operate by the rules and have a clientele that needs to be cleaned up. I'll also take a moment if I can to commend the CPPA, their President and their negotiating team as well, as they realize, sometimes the Unions and the Administration

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and the Law Department have been in different places on the same issue, so to speak. But I do commend them for being creative and being cognizant of the fact that we are in financially hard times and being very creative in their negotiations. Thank you all.

PRESIDENT SCHULMAN: Thank you. Leader Casar.

MEMBER CASAR: Mr. President, if I may take a minute or two, I see Jim Adams is in the audience. I was wondering if he might come forward so I could ask him a couple of questions if I may.

PRESIDENT SCHULMAN: Sure. Good evening Mr. Adams.

HEALTH COMMISSIONER ADAMS: Good evening.

MEMBER CASAR: Jim, it's been over two months since I asked the question about our favorite subject in our Parks, which happens to be the geese. Has anything been done or has anything been started, has there been anything locally, nationally, anything at all that you could report to this Council so maybe the citizens of Canton might be able to enjoy our parks this year?

HEALTH COMMISSIONER ADAMS: Mr. President, yes, I did do some research on some of the strategies that they use to control these geese. I have been contacted by several vendors, some had helpful suggestions, some had suggestions that were probably not very politically correct. I have talked briefly with the Park Director, I'm sorry....

MEMBER CASAR: I don't care if they are politically correct, tell us what they are.

HEALTH COMMISSIONER ADAMS: Most of the techniques involve some type of repellent or other structural changes they make to try to discourage the geese from walking down to the water. From what I can determine, the best practice is to convene a small working group of the community and you end up developing a written action plan for control that's kind of appropriate for the community. And so I have left some voice messages with the Director of the Park Department, he's left me messages, we haven't been able to connect very well yet. And we are intending to draft a management plan that would be appropriate for the community.

MEMBER CASAR: Jim, this is March, breeding seasons starting. They have anywhere from seven to nine chicks, everyone of those adults and it doesn't take a genius to figure out how many more we're going to have by the time that we would like to get out and start enjoying our park. Something has to be done. Let's be a City and be a leader and let's get something going on it. It's not just the City of Canton, it's the United States and I won't be politically correct but I'll say something, why don't we take those birds and send them to a third world Country where they're all starving and feed them. I mean, let's do something, let's do something. I have a second question if I may.

PRESIDENT SCHULMAN: There's a second question. Leader Casar.

MEMBER CASAR: The question is, and I asked this question over two months ago also, about our ungodly, in my opinion, pastel tires in the near NW with Christmas trees in them now and half of them are straight, half of them are not straight. I think now, I think probably the way that they're probably going to have to get rid of them because I hadn't seen the other results is, I think it's a hazard, I think it's a safety hazard, I think it's breeding grounds for mosquitos, open tires. And I think the Health Department should act on removing

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those tires as soon as possible and if I had two good legs, I'd be out there helping you remove them. Because we're trying to clean up our neighborhoods and those look like hell, excuse my language.

HEALTH COMMISSIONER ADAMS: We'll certainly look into that. Thank you.

PRESIDENT SCHULMAN: Thank you. Thank you Mr. Adams.

MEMBER WEST: Mr. President.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member West was next Mary.

MEMBER WEST: Mr. President, I'd like to direct this to the Service Director. On 14<sup>th</sup> Street between Cleveland Avenue and Shorb, there has been some gas lines removed and I guess they installed some new gas lines but they have not come back and fixed that up. You know, fill the potholes and fix the sidewalks and things of that nature. I'm wondering if you can check into that or do we know something that's going on that we need to address there.

PRESIDENT SCHULMAN: Director.

SERVICE DIRECTOR PRICE: Thank you Mr. President. Councilman West, I'll follow up with Dominion on that. That's the first I was aware of it, thank you.

MEMBER WEST: And a second....

PRESIDENT SCHULMAN: Thank you. Yes, Member West.

MEMBER WEST: One other thing, I wanted to thank Dave George for coming down. It takes a lot of work to go out and get signatures and get people to support you in such cause. And I know Carbenia has done a significant job in trying to close that down. And believe me Mr. George, we will do something about that. But I am concerned that this issue keeps going from one bar to another bar, the next bar and it's going to continue to move around the City to where we shut all these places down, so we're going to have to come up with some serious legislation around helping some of these establishments rid themselves of these problems. I don't know if it's the same people that came from the Past Time Inn to now to the Hob Nob. The Hob Nob used to be a good place to go from what I understand. But some of the other places, the question is where does it go next and what are we going to do to prevent it? So I'm thinking we're going to have to come together and address this issue as well.

PRESIDENT SCHULMAN: Thank you Member West. Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. Mr. President, I want to direct this question to the Law Director, Mr. Martuccio. Mr. George, he had a viable issue there, is it possible that this Council Body could pass legislation that after so many police calls are to an establishment, such as the Hob Nob, because I don't want to see that neighborhood have to have what happened to them that happened down at the Past Time. So could we in fact pass an Ordinance or what have you, that requires that after so many police calls that yes, they have to on their own, the business would have to have a police present...a police officer present there?

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PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, Member Cirelli, that's a very interesting question. We could look into that, it's something that I suppose some people could argue, interferes with restraint of commerce but it's certainly worth looking at. It's a creative idea.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: One second, I don't think Member Cirelli is done, I'm sorry.

MEMBER CIRELLI: Mr. President, therefore Mr. Law Director, I am asking if you would do so and that would help out this whole City and I'm sure Mr. West was probably going in that direction but I'm sure he may have something else to say but if you would please look into that. And Mr. Martuccio, ASAP sir would be greatly appreciated. Thank you very much.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, Member Cirelli.....

PRESIDENT SCHULMAN: Or should I say Law Director ASAP Martuccio? *(Laughter)*

LAW DIRECTOR MARTUCCIO: No comment on that. Thank you, we will. The other thought that occurred to me is that it's the nature of the calls too, so we would have to draw up the Ordinance to adjust the nature of the calls. I know Member West has been asking us about a Registry for awhile for known incidents of violence, for example in different bars and people known to commit that violence. Sometimes the bar owners are encouraged to call the police so that they can come and take care of the problems that are a surprise to them. So, we can tailor it I think to problem calls that are of a certain nature.

PRESIDENT SCHULMAN: Okay, thank you Member Cirelli. Any comments over here?

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: One more thing if I could. Dave had came in and spoke to us here, he also mentioned to me today, and he probably forgot to mention it there because of time constraints that he said he that he had an add that was in the newspaper that said there was going to be a party at, right across the street from the Hob Nob, it's a what you call a tattoo place and anyway, it says that there's going to be a party and there was Saturday night and it was BYOB, you know, bring your own bottle and anyway, they invite people there and they've had a pretty good crowd I guess. And I'm not too sure if you can just have a, you know, a BYOB so you can have a party without having some kind of, what do you call it, a liquor license or some kind of pass by the Director. We're going to check, I want to make sure he knows that we're going to check into it. But I just forgot to say anything about it and he did too at that time. Anyway we're going to be looking into it. I'm going to get the article to Tom Nesbitt.

PRESIDENT SCHULMAN: Thank you Member Carbenia, is there any other Miscellaneous Business? If not, Leader Casar.

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MEMBER CASAR: Mr. President, I move we adjourn.

MEMBER CARBENIA: Seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

ADJOURNMENT TIME: 8:22 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

ALLEN SCHULMAN  
PRESIDENT