

MINUTES OF THE MEETING OF APRIL 6, 2009

PRESIDENT PRO TEM CASAR: The Chair calls this meeting of Canton City Council to order, roll call please.

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, JR.)

ALL COUNCIL MEMBERS PRESENT (PRESIDENT SCHULMAN ABSENT)

ASSISTANT DOROSKY: Twelve yeas Mr. President.

PRESIDENT PRO TEM CASAR: We will now have the invocation given by 3rd Ward Councilman, Jim Griffin. And please remain standing for the pledge of allegiance of the flag.

The regular meeting of Canton City Council was held on Monday, April 6, 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 Jim Griffin, the Pledge of Allegiance led by President Pro Tem Casar.

AGENDA CORRECTIONS & CHANGES

PRESIDENT PRO TEM CASAR: Thank you Member Griffin we are now under corrections and changes of the agenda. Members of Council, you'll be asked to suspend Rule 22A and add the 2nd Ordinances 5 through and including #8, Member Carbenia.

MEMBER CARBENIA: Mr. President, I move Rule 22A be suspended to add three second readings Ordinance #5 through and including #8.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to suspend Rule 22A. Are there any remarks? If not roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM CASAR: Rule 22A has been suspended.

INFORMAL RESOLUTIONS

PRESIDENT PRO TEM CASAR: Is there a motion to excuse President Schulman from this evening's meeting.

MEMBER CARBENIA: Mr. President. I move we excuse Allen Schulman from tonight's meeting.

MEMBER CIRELLI: Seconded.

MINUTES OF THE MEETING OF APRIL 6, 2009

PRESIDENT PRO TEM CASAR: It's been moved and seconded to excuse President Schulman from this evening's meeting. Are there any remarks? If not roll call, please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PUBLIC HEARINGS

PRESIDENT PRO TEM CASAR: We are now under Public Hearings. We have four Public Hearings for this evening. The first Public Hearing is scheduled for 7:30 P.M. A zone change, AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY. Is there anyone in the audience wishing to speak for or against this zone change. Is there anyone in the audience wishing to speak for or against this zone change. Is there anyone in the audience wishing to speak for or against this zone change. If not, this will be dealt with under Ordinance #9. The second Public hearing is scheduled for 7:31 P.M. AN ORDINANCE VACATING TWO UNNAMED ALLEYS; APPROVING AND ACCEPTING THE REPLATTING OF LOTS NOS. 36949 THRU 36953, PART OF LOT NO. 36957, LOTS NOS. 36958 THRU 36962 AND THE TWO UNNAMED VACATED ALLEYS; AND DECLARING THE SAME TO BE AN EMERGENCY. Is there anyone in the audience wishing to speak for or against this vacation. Is there anyone in the audience wishing to speak for or against this vacation. Is there anyone in the audience wishing to speak for or against this vacation. If not, this portion...the Public Hearing is closed and this will be dealt with under Ordinance #10 this evening.

MEMBER SMITH: Excuse me Mr. President.

PRESIDENT PRO TEM CASAR: Yes.

MEMBER SMITH: I think they might be some residents that misunderstood.

CLERK TIMBERLAKE: Public Speaks Chris.

PRESIDENT PRO TEM CASAR: This is not for yours. This is...this is not....that was under, that will be dealt with, Member Smith, under...they'll be speaking under Ordinances for...I mean, Resolutions or Ordinances for adoption and I changed them, they signed up at the wrong place. So they'll be speaking next.

MEMBER SMITH: Oh okay, thank you.

PRESIDENT PRO TEM CASAR: The third Public Hearing is scheduled for 7:32 P.M. It is AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY. Is there anyone in the audience wishing to speak for or against this zone change. Is there anyone in the audience wishing to speak for or against this zone change. Is there anyone in the audience wishing to speak for or against this zone change. Hearing none, this portion of the Public Hearing is closed and will be dealt with as Ordinance #11 later this evening. The fourth Public Hearing is scheduled for 7:33 P.M. And it's AN

MINUTES OF THE MEETING OF APRIL 6, 2009

ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY. Is there anyone in the audience wishing to speak for or against this zone change. Is there anyone in the audience wishing to speak for or against this zone change. Is there anyone in the audience wishing to speak for or against this zone change. This zone change, or Public Hearing for this zone change is closed and this will be dealt with under Ordinance #12 later in the meeting.

PUBLIC SPEAKS

PRESIDENT PRO TEM CASAR: We are now under Public Speaks for Ordinances and Resolutions for Adoption. We have five speakers signed up. The first speaker is Frederick Meacham. Would you please come forward and give your name and address please.

FREDERICK MEACHAM: My name is Frederick Meacham, I live at 342 Henrietta Ave NE, Ward 4, Northeast. Good evening. I've come again to reprove a second agust body, Council Woman Smith of the 4th Ward. She and some residents of Sherrick Road SE have accused the City's neglect, was due to being located in a minority and low income area. The facts that our City Engineer, Dan Moeglin, pointed out that Sherrick Road, wrote unique woes began far back as 1970 and that that department has been working on the solution in 1998, 2004, 7 and 8 with their findings ending with the 1.5 million dollar cost tag. The most expensive road project in the Canton community. We in Ward 4, northeast have agreed there are more potholes in the southeast end due to the higher volume of traffic. My street, Henrietta was announced to be worked at on the last summer and when it didn't happen at the end of the summer I went to speak with Mr. Moeglin and was told the City didn't have the money to finish the work on my street and to wait until next year, 2009. If it doesn't happen this summer, you can bet your bottom dollar that I'll be camping in the Mayor's office everyday until it is completed. The City bus station was not meant to accommodate exclusively to the southeast homes, nor any other special community. It has always been downtown to accommodate the entire City residents. 4th Ward, northeast needed a pool greater than southeast, as we have been without longer and we have a much larger population to serve. The condition of Cook's Park buildings are the same as in Crenshaw Park. As for the City wooing a grocery store and gas station placed in the area, southeast are, why would anyone want to? The southeast are there has the highest crime rate in City and not thanks to Alan Page Drive community. The reason the businesses moved out, it wasn't safe. The southeast community, Ward, 4th Ward, has been treated better than any Ward in town. Where else in this City can you find a community structure as large as the Coleman Community Center or....

PRESIDENT PRO TEM CASAR: Mr. Meacham, you've exceeded your three minutes, would you please bring your remarks to a close.

FREDERICK MEACHAM: I just have about three seconds more. With a \$300,000.00 annual expense. Fostering black racism does not hence intelligent leadership nor forward moving race relationship in our City or County, it only diminishes once growth. That's it. Thank you.

PRESIDENT PRO TEM CASAR: Thank you Mr. Meacham. The next speaker is Kathy Baylock. She's not here?

MEMBER CARBENIA: She doesn't want to do it.

MINUTES OF THE MEETING OF APRIL 6, 2009

PRESIDENT PRO TEM CASAR: Oh, you signed up on the wrong sheet, we put you where you're supposed to be.

KATHY BAYLOCK: Pardon?

PRESIDENT PRO TEM CASAR: You signed up under business not pertaining to this evening's agenda. You signed up under Public Speaks, Open Forum. So we moved you over to this, where you want to be. That's why you were called now.

KATHY BAYLOCK: Concerning the zone change?

PRESIDENT PRO TEM CASAR: Yes.

KATHY BAYLOCK: My name is Kathy Baylock, I live at 325 Cornelia Avenue, NE. And I am standing in behalf of being against the zone change. My reason being that there's quite a few senior citizens that live in that area for over thirty years or more and I stand with them against it because at the time of purchasing the homes, it was on the deed and it's indicated that it's a residential area. So for years therefore, they paid their taxes to the City for those reasons and we're at this point, we just don't want it changed. We want it to stay what it is. And that's it.

PRESIDENT PRO TEM CASAR: Thank you. The next speaker is Preston Young.

PRESTON YOUNG: My name is Preston Young, I live at 361 Freedom Avenue, NE, in the City of Canton. I was here before and this will be short tonight. Everyone knows we are against the zone change that is on Cornelia Avenue. Just the other night to reiterate, we still against that, we don't want it. One of the zone changes, cause it was all about zone changes, we wouldn't like to see any zone changes made in that area and we'd like to keep it the way it is without any zone changes. Once you get a zone change, we're asking for a lot of trouble. We have enough problems out there as it is, which we will be hearing about later on and things need to be done. Thank you.

PRESIDENT PRO TEM CASAR: Thank you Mr. Young. The next speaker is Trena Curtis.

TRENA CURTIS: Good evening, thanks for having me again. My name is Trena Curtis and I live at 351 Cornelia Avenue. You got a hand ful of folks that's making a lot of noise about this zone change but I got over one hundred and some signatures for the daycare. And that's only three streets, if I have to go up and down two or three more, I will if that's going to make a difference. But this is my livelihood here, I want to work from home, I've been steadfast about it for awhile, I still steadfast against...for it rather, you know. You know, folks been making comments about this zone change and what they don't want but, we built in this neighborhood a few years ago because we wanted to invest in that community and I stated before, we could have built anywhere. We love our neighborhood just like anybody else. There's a beauty salon right beside the gentleman that just spoke, it was there for thirty years, there was no problem. There is a beauty salon right around the corner from me, no problem, they had to apply for a zone change just like we did. There are several group homes in the neighborhood, no problem. I want to be able to work from home so whatever your decision is tonight, or whatever it was before tonight, I ask that you look inside yourself and think about what's right, I want to work from home, I am not bothering anybody, all I want to do is take care of kids,

MINUTES OF THE MEETING OF APRIL 6, 2009

that's all I want to do.

PRESIDENT PRO TEM CASAR: Thank you. The final speaker is Julia Curtis.

JULIA CURTIS: I just wanted to say this, why....

PRESIDENT PRO TEM CASAR: Would you please give your name and address please.

JULIA CURTIS: My name is Julia Curtis, I live at 3200 Millvale Avenue NE.

PRESIDENT PRO TEM CASAR: Okay, proceed.

JULIA CURTIS: I was saying I heard about this here people on Cornelia Avenue, they don't want any children there I guess but they don't realize, they're going to get old one day and the children are gonna take over anyhow. But they were children at one time and all she wants to do is stay home and raise her children and help other children. I don't see anything wrong with that. Like she said before, there are people out there, if they had anything to do with it, they wouldn't be out there either. Suppose a sex offender come into the neighborhood, what would they do, would they run him out or run her out or what? Supposing a drug addict moved in there, what would they do, stir up a lot of trouble. People got to live just like they do, they're not the only ones that have nice neighborhoods, we all have nice neighborhoods but people got to live and let people live as far as children. If you don't love a child, something is wrong with you. No doubt they were children at one time and we'd like to see them, like I said, it takes one African village to raise one child, it's not an African village but we can help raise children. We can help them, there's so many children out here today that needs help so why we want to be selfish and say we don't want no kids in the neighborhood? It's not their neighborhood anyhow, it belongs to the Lord and the State.

PRESIDENT PRO TEM CASAR: Thank you. That concludes Public Speaks.

COMMUNICATIONS

PRESIDENT PRO TEM CASAR: We 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 APRIL 6, 2009.

161. AGENT, AKERS SIGN: REQ ZONE CHG FROM R-1a (SINGLE-FAMILY RESIDENTIAL) TO PB-4 (PLANNED SPECIAL BUSINESS DISTRICT) FOR MESSAGE CTR SIGN. - PLANNING COMMISSION
162. AUDITOR MALLONN (CITY): MONTHLY RPT BY FUND 3/1/09 - 3/31/09. - RECEIVED & FILED
163. AUDITOR MALLONN (CITY): YEARLY RPT BY FUND 1/2/09 - 3/31/09. - RECEIVED & FILED

MINUTES OF THE MEETING OF APRIL 6, 2009

164. DEVELOPMENT DIRECTOR TORRES: 2008 REVIEW OF TAX ABATEMENTS. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
165. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR TO SUBMIT/FILE W/HUD AN AMENDED CONSOLIDATED PLAN OR OTHER APPLICATIONS; EXECUTE & ACCEPT GRANTS FOR CDBG, ESG AND HPRP; AUTHORIZE AUDITOR TO ESTABLISH 2220 HOMELESS PREVENTION FUND; & SUPP APPROP TO FACILITATE. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
166. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR &/OR SERV DIR TO SUBMIT PROPOSAL & ENTER INTO CONTRACT W/WORKFORCE INITIATIVE ASSOC FOR YEAR-ROUND YOUTH WORKFORCE FROM 9/1/09 - 8/1/10. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
167. FINANCE DIRECTOR ALGER: REQ AUTHORIZE FROM COUNCIL FOR APPROP REDUCTIONS, TRANSFERS, & INTERFUND TRANSFERS FOR O#55/2009. - FINANCE COMMITTEE
168. LIQUOR CONTROL DIVISION (OHIO): ADVISING THAT RENEWAL APPLICATION FOR ANGELA NEWMAN DBA WHISTLE STOP @ 1215 WEST TUSCARAWAS ST WILL BE PROCESSED FOR D5 PERMIT. - RECEIVED & FILED
169. LIQUOR CONTROL DIVISION (OHIO): ADVISING THAT HRG RE: LIQ PERMIT RENEWAL FOR DIANE SCHOTT DBA HOB NOB TAVERN @ 1604 HARRISBURG ROAD NE HAS BEEN RESCHEDULED. - RECEIVED & FILED
170. LIQUOR CONTROL DIVISION (OHIO): ADVISING THAT HRG RE: TRANSFER OF OWNERSHIP FOR MIMI HMEIDAN DBA HOB NOB TAVERN @ 1604 HARRISBURG ROAD NE HAS BEEN RESCHEDULED. - RECEIVED & FILED
171. SAFETY DIRECTOR NESBITT: REQ PAYMENT OF MORAL OB TO MOTTER & MEADOWS FOR PROPOSALS OF FIRE STATION FOR \$23,480.00. - FINANCE COMMITTEE
172. SAFETY DIRECTOR NESBITT: AUTHORIZE SAF DIR TO ENTER INTO PROF SVCS CONTRACT W/PHILIP SEDLACKO FOR ANIMAL CONTROL SERVICES IN AMT NOT TO EXCEED \$17,600.00 FOR 5/1/09 - 12/31/09. - FINANCE COMMITTEE
173. SUPERINTENDENT WILLIAMS: 2008 WATER DEPARTMENT ANNUAL REPORT. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT PRO TEM CASAR: We are now under Ordinances & 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 please read the Ordinance #1 by title only.

MINUTES OF THE MEETING OF APRIL 6, 2009

NOTE: PRESIDENT PRO TEM CASAR CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #4 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1. (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 164/2001 AND EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (POLICE DEPT - RECORD ROOM SUPERVISOR)
Referred to Personnel & Finance Committees
- #2. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO SUBMIT A PROPOSAL AND ENTER INTO CONTRACT WITH THE WORKFORCE INITIATIVE ASSOCIATION (WIA), THE EMPLOYMENT SOURCE TO PROVIDE FUNDING FOR YOUTH WORKFORCE DEVELOPMENT SERVICES FOR A 2009 SUMMER EMPLOYMENT PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- #3. (1ST RDG) AN ORDINANCE 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 Committee
- #4. (1ST RDG) **ADOPTED AS ORDINANCE NO. 58/2009** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE APPROPRIATION REDUCTION, APPROPRIATION TRANSFER AND INTERFUND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

PRESIDENT PRO TEM CASAR: We will now have a Finance Committee meeting, Member Hawk, we will adjourn to Finance Committee please.

(COUNCIL RECESSED @ 7:50 PM FOR FINANCE COMMITTEE TO DISCUSS THE ADOPTION OF ORDINANCE #4; RECONVENED @ 8:12 PM)

PRESIDENT PRO TEM CASAR: Let the journal show we are now reconvening the Council Meeting, I will entertain a...Rule 22A to put Ordinance 4 back on this evening's agenda. Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we suspended Rule 22A to place Ordinance #4 back to this tonight's agenda.

MEMBER SMUCKLER: Seconded.

MINUTES OF THE MEETING OF APRIL 6, 2009

PRESIDENT PRO TEM CASAR: It's been moved and seconded to suspend Rule 22A. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 11 YEAS, 1 NAYS
(MEMBER CIRELLI VOTED NAY)

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

PRESIDENT PRO TEM CASAR: Rule 22A has been suspended and Ordinance #4 is a part of the agenda. Member Carbenia, I will entertain a motion to suspend the Statutory Rules on Ordinance #4.

MEMBER CARBENIA: Mr. President, I move we suspend the Statutory Rules on Ordinance #4.

MEMBER SMUCKLER: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to suspend Statutory Rules on Ordinance #4. Any remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 11 YEAS, 1 NAYS
(MEMBER CIRELLI VOTED NAY)

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

PRESIDENT PRO TEM CASAR: The Statutory Rules have been suspended, is there a motion to adopt Ordinance #4?

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #4.

MEMBER SMUCKLER: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #4. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 11 YEAS, 1 NAYS
(MEMBER CIRELLI VOTED NAY)

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

#4 ADOPTED AS ORDINANCE NO. 58/2009

PRESIDENT SCHULMAN: Ordinance #4 has been adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT PRO TEM CASAR: We're now under Ordinances for the Second Reading. Madame Clerk will please read Ordinance #5 by title only.

NOTE: PRESIDENT PRO TEM CASAR CALLED UPON CLERK TIMBERLAKE TO READ

MINUTES OF THE MEETING OF APRIL 6, 2009***ORDINANCES #5 THROUGH #8 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.***

#5. (2ND RDG) **ADOPTED AS ORDINANCE NO. 59/2009** AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (POLICE DEPT - CIRV PROJ MGR)

PRESIDENT PRO TEM CASAR: We will adjourn for a Committee Meeting for Ordinance #5.

MEMBER CARBENIA: We already that sir.

PRESIDENT PRO TEM CASAR: Oh, I'm sorry, I'll entertain a motion to suspend Statutory Rules on Ordinance #5.

MEMBER CARBENIA: Mr. President, I move we suspend statutory rules on Ordinance #5.

MEMBER CIRELLI: Seconded

PRESIDENT PRO TEM CASAR: It has been moved and seconded to suspend Rule 22A forthe statutory rules for #5. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM CASAR: The statutory rules have been suspended. Is there a motion to adopt?

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

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It has been moved and seconded to adopt Ordinance #5. Are there any remarks?

MEMBER SMUCKLER: Mr. President.

PRESIDENT PRO TEM CASAR: Member Smuckler.

MEMBER SMUCKLER: I would not dare add one more person to this payroll unless that it was coming out of, for the record, the Federal money that we get plus the forfeiture fund and that's why I'm supporting this tonight. And I just wanted for the record, that that's where this is coming out of.

PRESIDENT PRO TEM CASAR: Yes, and that was answered in Caucus today by the Chief. Yes, that's

MINUTES OF THE MEETING OF APRIL 6, 2009

where the funds will be coming from. Any other remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#5 ADOPTED AS ORDINANCE NO. 59/2009

PRESIDENT PRO TEM CASAR: Ordinance #5 has adopted. Ordinance #6.

- #6. (2ND RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE CANTON HOTEL & RESTAURANT SUPPLY ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY
- #7. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF LABOR, PLAY EQUIPMENT, AND SURFACING FOR THE NEW HORIZONS PARK OR TO ALTERNATIVELY ENTER INTO CONTRACT FOR THE PURCHASE OF LABOR, PLAY EQUIPMENT, AND SURFACING WITH THE US COMMUNITIES GOVERNMENT PURCHASING ALLIANCE OR THE STATE COOPERATIVE PURCHASING AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
- #8. (2ND RDG) AN ORDINANCE AUTHORIZING PARTICIPATION BY THE CITY OF CANTON IN THE U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT PRO TEM CASAR: We're now under Ordinances for their third and final reading. Madame Clerk would you please read Ordinance #9 by title only.

- #9. (3RD RDG) **DEFEATED** AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (351 CORNELIA AVENUE NE) **PUB. HRG. 4/6/09 @ 7:30 P.M.**

PRESIDENT PRO TEM CASAR: Member Carbenia.

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

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #9. Are there any remarks?

MINUTES OF THE MEETING OF APRIL 6, 2009

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM CASAR: Member West.

MEMBER WEST: Yes, I just wanted to say, I know the Curtis' and Jazzy Care, I know they do good work but this vote actually is a little hard for me because I know the good work that they do but at the same time I also understand all the resident's concerns. One of the things that I see here that, it says planned multi-family residential use, from what I understand, that would be the only multi-family residential use in that area, which is commercial use and the Planning Commission voted to deny this. Tonight, after seeing the Planning Commission records and all the signatures of the people that actually live there, I can't support it, as much as I want to. But I want to go on record as saying that we have to do everything we can to help Jazzy Daycare because they are a good organization and I'd like to see them succeed somewhere in that area. Thank you.

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM CASAR: Member Cirelli.

MEMBER CIRELLI: Thank you sir, I attended one of the neighborhood meetings there on this issue and I heard that, I don't remember what his title now is, whatever Mr. Zengler's title is, I can't recall what it is right now, because, first it was going to be a daycare but than the lady that wanted to have this said that she wanted to feed senior citizens and he said that that would be illegal. And so, I had some concerns about that because that's two actions in a business and he said that could not be done. So with hearing that and all the concerns of the neighbors and then I went and saw the street and seen it's a rather narrow street with dropping people off in the snow and what have you. I can't support it either.

PRESIDENT PRO TEM CASAR: Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 4 YEAS, 8 NAYS
(MEMBERS SMITH, PRATER, DOUGHERTY, AND BARTON VOTED YEA)

CLERK TIMBERLAKE: Eight yeas, and four nays.

#9 DEFEATED

PRESIDENT PRO TEM CASAR: Ordinance 9 the zone change has failed. Ordinance #10.

#10. (3RD RDG) **ADOPTED AS ORDINANCE NO. 60/2009** AN ORDINANCE VACATING TWO UNNAMED ALLEYS; APPROVING AND ACCEPTING THE REPLATTING OF LOTS NOS. 36949 THRU 36953, PART OF LOT NO. 36957, LOTS NOS. 36958 THRU 36962 AND THE TWO UNNAMED VACATED ALLEYS; AND DECLARING THE SAME TO BE AN EMERGENCY (DUMONT SEED COMPANY) **PUB. HRG. 4/6/09 @ 7:31 P.M.**

PRESIDENT PRO TEM CASAR: Is there a motion to adopt Ordinance #10?

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #10.

MINUTES OF THE MEETING OF APRIL 6, 2009

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #10. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#10 ADOPTED AS ORDINANCE NO. 60/2009

PRESIDENT PRO TEM CASAR: Ordinance 10 has been adopted. Ordinance #11.

#11. (3RD RDG) **ADOPTED AS ORDINANCE NO. 61/2009** AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (1460 SHRIVER AVENUE NE) **PUB. HRG. 4/6/09 @ 7:32 P.M.**

PRESIDENT PRO TEM CASAR: Member Carbenia.

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

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #11. Are there any remarks? If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#11 ADOPTED AS ORDINANCE NO. 61/2009

PRESIDENT PRO TEM CASAR: Ordinance #11 has been adopted. Ordinance #12.

#12. (3RD RDG) **ADOPTED AS ORDINANCE NO. 62/2009** AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (1521 15TH ST NE) **PUB. HRG. 4/6/09 @ 7:33 P.M.**

PRESIDENT PRO TEM CASAR: Member Carbenia.

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

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #12. Are there any remarks? If not, roll call please.

MINUTES OF THE MEETING OF APRIL 6, 2009

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#12 ADOPTED AS ORDINANCE NO. 62/2009

PRESIDENT PRO TEM CASAR: Ordinance 12 has been adopted. Ordinance #13.

#13. (3RD RDG) **ADOPTED AS ORDINANCE NO. 63/2009** AN ORDINANCE AMENDING ORDINANCE NO. 97/2007; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE CONSTRUCTION OF A NEW NO. 4 FIRE STATION; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Carbenia.

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

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #13. Are there any remarks?

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM CASAR: Member Cirelli.

MEMBER CIRELLI: Thank you sir. This would go to I think the Safety Director perhaps, Mr. Nesbitt.

SERVICE DIRECTOR NESBITT: Yes.

MEMBER CIRELLI: Thank you, I think this would go to you I'm not sure. I had several people call me on the phone today, they wanted to know on the Fire Station if it was going to be closer to the senior citizen home than it is right now.

SERVICE DIRECTOR NESBITT: The answer to that is yes.

MEMBER CIRELLI: Mr. President and Mr. Nesbitt, would it, in being closer, their concerns was where the sirens going to be and impact, have an impact on the senior citizens living there, I didn't know that answer.

SERVICE DIRECTOR NESBITT: The answer to that is, we've had a conversation with Christian Homes, the name of that facility and they welcome it very much and they said it would not bother them at all.

MEMBER CIRELLI: Okay, Mr. President, Mr. Nesbitt, I appreciate that. I told them I would ask that question tonight, so thank you very much sir.

PRESIDENT PRO TEM CASAR: Are there any other remarks? If not, roll call please.

MINUTES OF THE MEETING OF APRIL 6, 2009

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#13 ADOPTED AS ORDINANCE NO. 63/2009

PRESIDENT PRO TEM CASAR: Ordinance 13 has been adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM CASAR: Announcement of Committee meetings please.

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM CASAR: Member Hawk.

MEMBER HAWK: Finance Committee will meet at 6:30, April 13th.

MEMBER PRATER: Mr. President.

PRESIDENT PRO TEM CASAR: Member Prater.

MEMBER PRATER: Personnel Committee will meet at 6:30, April 13th.

MEMBER CARBENIA: Mr. President.

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Community & Economic Development will meet on the 13th at 6:30.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM CASAR: Member Dougherty.

MEMBER DOUGHERTY: Public Property Capital Improvement will also meet that evening at 6:30.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT PRO TEM CASAR: We are now under Public Speaks open forum. We have five speakers. The first speaker is Victoria LaValla, Victor LaValla, I'm sorry.

VICTOR LAVALLA: My name is Victor LaValla, 1733 Clarendon Avenue, NW. I'm actually speaking on behalf of the American Rescue Workers. A couple of weeks ago a gentleman came in here and spoke for this long about us. So I'm coming back and I'm going to speak for this long. I just need to clarify some things. One, we are a faith based organization. Two, we have a homeless shelter. Three, our intent is not to keep slave labor, okay, we do not keep people working there for free. Four, we do not solicit door to door, we do not go knocking on your doors, if somebody knocks on your door it is not the American Rescue Workers. I will tell you who it is, it is the Volunteer Rescue Mission, they will be wearing our uniforms, they will be carrying Pringles containers with our logos on them and they will be collecting money, but they're not us.

MINUTES OF THE MEETING OF APRIL 6, 2009

Okay, I have called the police, I have called the sheriff. The sheriff actually informed me that he thought that we were the same company, the same organization. We are not. We are in the midst of trying to rebuild the warehouse, which Mr. Regula decided should have been torn down and recycled for bricks. I can tell you that in this first quarter with the economy the way it is, our sales are up from year because people are going where they can afford things, okay, and if you go to 5th Street, 6th Street, 7th Street, okay, there are no stores there, there is only us, so if you would like us to tear it down, we will and we'll move it somewhere else. I can't force people to stay, to make us stay here, okay, but I will tell you that our goal is not to recycle men from homelessness to work for free back to homelessness. Our vision and our purpose is to cycle men in, train them, get them off of the drugs and the addictive behaviors that they have and back into society as productive fruitful people, not people who have nothing better to do but to come. This gentleman was talking all about the wheelchair and all the other stuff I pulled his paper work. On his intake, he got around by walking, so he wasn't in a wheelchair. He also had income, so if he had income, why was he trying to live in a homeless shelter for free. Okay, I'm not picking on him.....

PRESIDENT PRO TEM CASAR: Mr. LaValla, you've exceeded your three minutes, will you please bring your remarks to a close.

VICTOR LAVALLA: I am done, I just wanted to just rectify some stuff.

PRESIDENT PRO TEM CASAR: Thank you. The next speaker is Patricia Kirk.

PATRICIA KIRK: Good evening everyone. Patricia Kirk, 131 5th St NE. Canton has been my hometown for over fifty years and actually I love Canton and I believe in jobs but as I was reading some of the email responses to that Repository news article about the new Fire Station going up, like "Give it up Kirk" And my response to that is never, because I know what I am doing is right. And I also know that people are reacting out of lack of information. Did you know that the City of Canton is the only City in the Stark, Wayne, Portage and Summit Counties that withdrew from Nefco, which is the watershed development section of the EPA. Canton prefers to cover green space, create more run off flooding and build bigger sewers. The report on the Nimishillen Watershed in 2003 was scrapped, do you know why? Because of our flooding. Nothing absorbs water like a 200 year old oak tree, whose roots will be covered and severed, which you plan to do. We also complain about falling trees that cut off power, we did it to ourselves and we do that by cutting the roots of trees. Did you know that a smokers lungs look as black as the City dwellers because of all the pollution they breathe? That's also something that is absorbed by trees. The bigger, the older the tree, the bigger the canopy. The more of this that they absorb. I am for jobs and I know that it takes more than two firefighters to put out a total house fire. I know because I was in one. We have broken seven of the sustainability community indicators checklist on this Fire Station. The same seminar on sustainability meant to make Canton look good. There are four types of tree decisions, scientific, personal taste, emotional and political. There's something called the EDPD and it stands for ego driven power driven decisions and Allen Sewart says that these are very expensive for the community of a City and it doesn't go one step back...or wait a minute, two step backwards, one step forward. It just starts down a slippery slope. And because I can't seem to get.....

PRESIDENT PRO TEM CASAR: Ms. Kirk, you exhausted your three minutes, I will give you twenty extra seconds, please bring your remarks to a close.

PATRICIA KIRK: Thank you. Because I can't seem to get our meeting notices in the Canton Repository, our next meeting is, for Shake A Leaf, is Thursday the 23rd at 6:30. The week after that, we plan to host Bill Hahn from Akron on the 28th or 29th. Thank you very much.

MINUTES OF THE MEETING OF APRIL 6, 2009

PRESIDENT PRO TEM CASAR: Thank you. Next speaker is David George.

DAVID GEORGE: Thank you, my name is David George, I live at 1524 Harrisburg Road, NE, Canton, Ohio. I am talking in regards to the Hob Nob Bar. I want to thank Mr. Smuckler for coming over Saturday night and observing. I haven't spoke here since the March 9th, since that time, the manager Brian has spoke three times and quoting him on the 23rd, "My objective is to keep the Hob Nob opened." There have been ten more police calls to the Hob Nob since I last spoke. Is it not four calls a month grounds for a public nuisance? How long would any of you Council People put up with the noise and the partying three and four nights a week? I guarantee if I was in your yard hearing what I hear, I would be arrested and I would be in jail within a day. I brought to you on March 9th, twenty-six signatures of area residents that have asked the place be declared a public nuisance. I know have thirteen more signatures, none of them solicited by me. People have knocked on my door and said can I sign. I've been told, I sympathize with you but not one of you live it. In the past conversations with Brian, there's been promises of turning on parking lot lights, it's not happened. He has promised looking into security cameras and then I hear there's no money. He's talked about hiring off duty police, it's never happened. He's talked about chaining off the parking lot so that the traffic doesn't flow, still not chained, it's been a month, over a month. I will give him credit, he did hire an off duty security company, starting April 3rd. The company is out of Akron and he wants to support Canton. If it wasn't a game, there wouldn't have been an extension filed to the hearing today. This is going to extend a minimum of four to six months until we get to the hearing and get it resolved with more appeals coming down the pike. I'm going to be living with this and so are the neighbors surrounding for at least the next year. With the economy the way it's going, we have that kind of police force to keep sending people out there? We have the Law Department paying them hours and hours to fight a liquor establishment. When I feel we have sufficient evidence to file for a public nuisance. Thank you.

PRESIDENT PRO TEM CASAR: Thank you Mr. George. Our next speaker is Corey Minor Smith.

COREY MINOR SMITH: Good evening Majority Leader, Members of Council, Elected Officials, fellow Administrators, I am here....

PRESIDENT PRO TEM CASAR: Would you please give your.....

COREY MINOR SMITH: My name is Corey Minor Smith, Director of Compliance, I live in the City of Canton....

PRESIDENT PRO TEM CASAR: Address.

COREY MINOR SMITH: 349 Hamilton Avenue.

PRESIDENT PRO TEM CASAR: Okay, because you signed up 218 Cleveland Avenue.

COREY MINOR SMITH: 218 Cleveland Avenue is my employment.

PRESIDENT PRO TEM CASAR: Okay.

COREY MINOR SMITH: Thank you.

PRESIDENT PRO TEM CASAR: Thank you.

MINUTES OF THE MEETING OF APRIL 6, 2009

COREY MINOR SMITH: Thank you. And again, Majority Leader, Members of Council, Mayor, Elected Officials, as well as fellow Administrators and our guests this evening. I'm here with information for something that we can celebrate and that is Community Development Block Grant Week. We talked about community development this evening, the funds that the City receives. April is National Fair Housing Month and the week of April 13th through the 18th is CDBG Week and we have many projects that have taken place in the City of Canton there in the 2008 year. And we have many projects that we anticipate for the 2009 year. So while we have many things to disagree about, we do have things to celebrate that the City of Canton as a whole, Council, as well as the Administration has brought forth together to bring something for our committee....or our community. So I'm inviting you all, as I did in my written notice on March 23rd to come to the opening ceremony, which will take place here in the City Canton, Council Chambers at 11 A.M. until 12. We will also have an open house on the 5th floor of City Hall from 12 to 4 P.M. and we're inviting all City Council Members, Elected Officials and members of the public to attend the various events we have scheduled throughout the month of April and in particular CDBG Week, April 13th through the 18th. So please come out and support the events, mainly our Minor Home Maintenance Fair, April 15th. We also have a fair housing poster contest with Canton City School students, 8th graders, very talented 8th graders and some of them may live in your Wards. So I encourage you to come out to the Edward Peel Coleman Center on April 16th. Also, there is a Financial Resource Fair, April 16th at the library. And most importantly, our Community Cleanup at Nimisilla Park, it will start at 8 A.M. and end 12 P.M. We will have give aways and refreshments and we invite you all to come out. We hope that you will participate with us, wear your neon t-shirts with us and help support our community by cleaning it up and encouraging our citizens to also participate and I will have information available at the end of Council for anyone interested in receiving more information. Again, 41 years of National Fair Housing Month and the City of Canton is striving for fair housing for all its citizens. Thank you.

PRESIDENT PRO TEM CASAR: Thank you Corey. Our final speaker is Brian Hmidan.

BRIAN HMIDAN: My name is Brian Hmidan, I live at 1580 Trump Avenue SE. As you know, I'm here on behalf of the Hob Nob Tavern and most weeks I come down here with comments about different things we've been doing, things we're trying to do, different suggestions I've been hearing. I have talked to David George on several occasion and during these conversations, he comes to me with different things that aren't normal things to ask for. Like chaining off a parking lot so cars can't park. I mean, to him they can't pass through but to me if I chain off a parking lot, how can they park. There's other things we've discussed that were attempts of mine to try to, you know, make it a better place, which I am fully confident, it has become a better place. Mr. George talks about ten calls in whatever time span he's mentioned, but of those ten calls how many of them were real calls. That's my first question. My second question is of those ten calls, how many of them were, you know, were the police? For an example, we had one call where a lady had been in the bar drinking, her boyfriend to prevent her from driving home, okay, instead of being reasonable, she calls the cops to get her keys back, is that a real call? Is that a call that, you know, safety related or nuisance related? I don't think so, that's just my opinion, you guys make your own opinions of that. My thing is this, he brought up, you know, hiring police officers, which I attempted to do, I was turned down for change of police policy. It appears that police policy now is that they don't allow police officers to work in liquor establishments, that's out of my control. I went further, I went and found my own security company, yeah he happens to be from Akron but he had to be, when he called the Canton Police Department and will most likely either be here next week or he'll definitely appear by the hearing, when he called the Canton Police as a courtesy call, he was told by the Canton Police that he shouldn't work down at The Hob Nob Tavern, for whatever reason. He was then told to call the Law Department. When he called the Law Department he was then told that he shouldn't work in the Hob Nob Tavern and that if anything happens while he's working down there, although he currently has a permit to work in liquor establishment but that if anything happens his City permit would be revoked. So now

MINUTES OF THE MEETING OF APRIL 6, 2009

his livelihood is being brought into question, why, I don't know. That's my question to the Council here. Why would somebody whose just come in to try to, you know, make it a better place for everybody, why is his livelihood being threatened? Why is every door that I knock on being slammed in my face? I mean, I understand Mr. George, you know, he has his opinion and it is his opinion. And, you know, the opinion that if he had done whatever he claims is going on that he would be arrested, I dispute that. The Canton Police, they've been making it a point to, you know, drive through there for whatever reason, whether it's the Hob Nob solely or the neighborhood patrol, I don't know. If somebody was warranted of being arrested, I'm sure the Canton Police would have done their job and arrested them. There have been none and, I'm just, you know, my question is why is every door being slammed in my face when I am only trying to do good things? Thank you.

PRESIDENT PRO TEM CASAR: Thank you. That concludes Public Speaks.

MISCELLANEOUS BUSINESS

PRESIDENT PRO TEM CASAR: We are now under Miscellaneous Business. Is there any Miscellaneous Business?

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM CASAR: Member West.

MEMBER WEST: Just real quick, April 9th is Stark County Minority Health kickoff, I think everybody got a copy of that. It's a dinner at Skyland Pines, it's free. It's also to the public, all you have to do is just call and reserve your plate. So look out for that and hopefully you guys can make that happen.

PRESIDENT PRO TEM CASAR: I'd like to ask the Service Director a question if I may please. Service Director, I drive 25th Street, NW between Market and Cleveland Avenue quite often, is that on the blacktop list this year for repairs because it is...you know I hear quite a bit about Sherrick Road and I have driven Sherrick Road the other day also and I think that's just as bad of condition as Sherrick Road and I really would like to know if it is on the blacktop list and if it's just going to be general blacktop or are we going to tear it all the way down and rebuild it? Because it, you know, we have the university up there, we have four or five churches, we have a library, let alone the everyday traffic. It's a deplorable condition. I just want to know what the status of that is.

SERVICE DIRECTOR PRICE: Mr. President thank you. The Engineering Department is still in the process of prioritizing for the street paving program, I know I just talked with Councilman Dougherty about that but...on the 23rd Street issue, I promise you that we'll...

PRESIDENT PRO TEM CASAR: 25th.

SERVICE DIRECTOR PRICE: Oh I'm sorry, 25th Street, I made a note of that, write it down, take a look and I'll make Mr. Moeglin aware that that's a priority.

PRESIDENT PRO TEM CASAR: Thank you. Is there any other Miscellaneous Business?

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM CASAR: Member Cirelli.

MINUTES OF THE MEETING OF APRIL 6, 2009

MEMBER CIRELLI: Thank you. This is to our Service Director and it's on a street issue. Where they're putting the Federal Building, on High Avenue from about, I think it's 4th Street down to 6th Street, the center of the...the whole center of the road is completely rutted out and you can't really have room for one vehicle. On one part of the place I had to be on the left hand side when I wanted to go down the street and I waited to make sure nobody was coming up the street. Could you have somebody look at that because it's really in a horrible condition and people are trying to get around and of course some of the streets are all, you know, closed down because of that. So, right now they're trying to use High Avenue and it's really in bad shape.

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT PRO TEM CASAR: Director.

SERVICE DIRECTOR PRICE: Thank you. Councilwoman, that's, I'm sorry, High Avenue is the actually street...we'll look into it. Thank you.

PRESIDENT PRO TEM CASAR: Is there any other Miscellaneous Business?

MEMBER SMUCKLER: Mr. President.

PRESIDENT PRO TEM CASAR: Member Smuckler.

MEMBER SMUCKLER: Mayor, did you announce that Cleveland Avenue North was being paved with the stimulus money?

MAYOR HEALY: The...the Cleveland Avenue project is being done all the way up to 50th Street, I...I think it starts at either 12th or 22nd, I think it's 12th, but it's not technically stimulus, it's SCATS money and SCATS money freed up because of stimulus, so it's....

MEMBER SMUCKLER: I understand, thank you. Mr. President.

PRESIDENT PRO TEM CASAR: Member Smuckler.

MEMBER SMUCKLER: On Saturday night between approximately 11:15 P.M. and 12:15 P.M. I was at the Hob Nob. Mr. George called me as I've told him to do so I could see what was going on there. And I understand some of the issues and Mr. Hmidan did show up that night and I told him when you're dealing with an old neighborhood like this, you have ten people approximately standing outside, give or take one or two, at midnight, where the houses are probably next door to each other within spitting distance almost, people want to sleep, they don't want this stuff outside. I watched a car come into the parking lot that Mr. George is talking to you about, sit there for 15 - 20 minutes, watching somebody keep running back and forth from the bar, which I know what that usually leads to and when your officer came up, all they did was give him attitude. We never had these problems with the Hob Nob before. I was the Ward Councilman back then, so I know, a long time ago. *(Laughter)* I reviewed the CD discs that I'll be happy for the Council People to see that happened Thursday night and I can already predict what's going to happen when we have 70 degree nights. Now you suggested to me on Saturday night, after I got up and come down there, that maybe it would be better to move this to a industrial area. That was your suggestion, it's time. Move it or lose it as they say. Because I can tell you, I'm standing with the neighborhood and the 39 people down there, I've seen enough already. From what I saw after I got home on those tapes, or on those discs and what I witnessed what was going on out there, outside the building, and that's the key to this Brian, it's outside the building. But that isn't the end all, the end

MINUTES OF THE MEETING OF APRIL 6, 2009

alls are referred to the Safety Director as the tattoo parlor, which has got a B.Y.O.B. going on down there, especially on Saturday nights, which are illegal and there's enough stuff going on in that neighborhood that they don't need anymore aggravation and it's time for one to close and the other one to move. Thank you.

PRESIDENT PRO TEM CASAR: Is there any other Miscellaneous Business?

MEMBER SMITH: Mr. President.

MEMBER CARBENIA: Mr. President.

PRESIDENT PRO TEM CASAR: Member Smith.

MEMBER SMITH: Mr. President, I'd just like to address Ms. Curtis. I really appreciate you wanting to do business out of your home, I really hate the way it went down tonight but as I said to you previously, I hope that we can still work with you, possibly with economic development and the City to ensure you a suitable building somewhere and I do appreciate you. And as your Council Person, I will be working close with you and that aspect. And thank you so very much.

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Yes, Mr. President. I'd like to also speak about the Hob Nob. I had been in contact with Brian for quite sometime, I sat down with him early, when I got the request for liquor license and we had worked on some stuff and I thought that it was going to be a good thing, you know, with putting in cameras, lighting up the parking lot getting a security guard and so on. And I had talked with him and than....and the Vice and the Law Department got involved and so the Vice said it was the worse place in Canton. And I was under the impression, I feel a little bit sorry for him because I think that, you know, he's in a catch 22 in the sense that he wants to do something and it's not getting done. People are taking advantage of him on both sides of the thing and people come in his place, they don't let them in, they go outside and shoot guns and he gets blamed on it. And the bad thing is, it's drawing the wrong type of crowd and that's the reason I didn't sign the liquor permits. There was one for, you know, the permit and there was one a transfer of the permit. And as I said to him, he should make sure that he goes to the hearing and explain everything to the hearing officer and give them his side of the story. I...as I said, I did not sign these because it was recommended and I feel that I'm not going to reverse that, I would still not sign these permits.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM CASAR: Member West.

MEMBER WEST: Yes, I'd like to ask Butch Kraus, I think it was your committee last year, you let Council, or somehow brought before Council where we were able to submit a list, a priority list of paving projects. I think that was your committee or it was the Service Director, somebody brought that forth last year. I'm wondering if we're going to do that again this year, one. But number two, last year I submitted 12th Street as my number one concern or priority of need. And this year I would probably have to say 12th Street again is my number one priority of need. So, if...I'm hoping that we can do that again this year as we did last year.

PRESIDENT PRO TEM CASAR: Member Kraus.

MEMBER KRAUS: Thomas, it comes through my committee, I would like for us to be able submit all the

MINUTES OF THE MEETING OF APRIL 6, 2009

streets and get the streets that we submitted paved but the way they're doing it is, you submit it, they're selecting. Than they're telling the people that calls that the streets not paved to call their Councilman, it's kind of a double edge sword. You can submit a list anyway, you should be submitting a list and they should be taking that list and paving off of that. The way they did it last year, I didn't get any of the streets that, maybe three of the streets that I put on that list. I don't know how many you got done. But that's one of the problems. Engineering is making the final choice and telling our constituents when our their streets not getting done to call us and I'm telling them to call the Engineering back.

MEMBER WEST: Service Director, can you see, can you see that we have input this year as we did last year in terms of our ranking, priority of need of paving streets?

SERVICE DIRECTOR PRICE: Well, Mr. President. Yeah, Mr. West, I understand that the Engineering Department has employed an objective analysis of the streets. But in speaking with other Members of Council, and I'm certainly welcoming Council's input on those, I do understand however that there's a system that's been put into place by Engineering where they ranked these as do many other communities.

MEMBER WEST: Just one last question, if...do you know when we can get like the potholes filled on 12th Street at least because right now we're dodging them, I mean and...

SERVICE DIRECTOR PRICE: On a...Councilman, I know on an area of 12th Street that I had received another complaint on, I did ask the Street Department to go out and there was some paving done but I've asked them to continue to work on that and I know they did some work on it since I've asked them.

MEMBER WEST: Thank you.

PRESIDENT PRO TEM CASAR: Member Carbenia.

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

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adjourn. Roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM CASAR: Meeting is adjourned.

ADJOURNMENT TIME: 8:54 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

DONALD E. CASAR
PRESIDENT PRO TEM