

MINUTES OF THE MEETING APRIL 30, 2007

PRESIDENT SCHULMAN: (*SOUND OF GAVEL*) Where is Joe? Oh. Good evening ladies and gentlemen, before we begin tonight's meeting, ah, I would like to send out a very warm birthday acknowledgment tonight. Our Majority Leader, Don Casar's birthday is Wednesday. (*CHEERS & APPLAUSE*) It's hard to believe that he's a year older.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler, I will recognize you tonight. I do have the power. (*LAUGHTER*)

MEMBER SMUCKLER: Seventy what?..... (*LAUGHTER*) Mr., Mr. President...

PRESIDENT SCHULMAN: Yes, Member Smuckler.

MEMBER SMUCKLER: Seventy what?

PRESIDENT SCHULMAN: Seventy-three.

MEMBER SMUCKLER: Seventy three?

PRESIDENT SCHULMAN: And he, and he doesn't look a day older than that! (*LAUGHTER*) Is it Sunday or Wednesday? It's happy birthday, and many healthy and happy ones Don!

MEMBER CARBENIA: Let's be honest, he looks 40. (*APPLAUSE*)

CLERK TIMBERLAKE: Yea Don.

PRESIDENT SCHULMAN: Now, with that announcement, and with a quorum being present, the Chair calls this meeting of Canton Council to order. Roll call vote Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

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

THOMAS E. WEST ABSENT

CLERK TIMBERLAKE: Eleven present, one absent Mr. President

PRESIDENT SCHULMAN: Thank you Madame Clerk. We'll have the invocation tonight given tonight by Councilmember James Griffin. If you'll remain standing for the pledge of allegiance.

The regular meeting of Canton City Council was held on Monday, April 30, 2007 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Ward 3 Councilmember James Griffin, followed by the Pledge of Allegiance led by President

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Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: We are now under agenda corrections and changes. Members of Council, you're being asked to suspend Rule 22A to add the second readings of Ordinance 9 though and including 11. Member Casar, the Chair will recognize that motion.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinances #9, #10 and 11 to this evenings agenda.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add second reading Ordinances #9 through and including #11 to this evening's agenda. Are there any remarks? If not, Madame.. Yes, Member Cirelli.

MEMBER CIRELLI: Ah, I just wanted to remind you that the public hearing was put in the wrong um, I don't, on Ordinance #6, communication #6 should have been for #5, if you wanna correct that sir.

PRESIDENT SCHULMAN: Yes, thank you Member Cirelli. I was gonna do that under public hearings, but, ah, there was a transcription mistake. We have a public hearing listed under first reading #6 on the agenda. That was supposed to have been first reading #5. Thank you Member Cirelli. Any other remarks?... If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

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

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We're now under Public Hearings. We have a number of public hearings scheduled. The first one is for 7:30. It's an ordinance vacating a portion of right-of-way along 17th Street SE, approving and accepting the replatting of part of outlot #315 and the vacated portion of the right-of-way and declaring the same to be an emergency. It's assigned to ward 4. Planning Commission recommends approval of the same. Is there anyone in the audience wishing to speak for or against this vacation, please come forward. I have to say this 2 more times. Is there anyone in the audience wishing to speak for or against this vacation, please come forward. Is there anyone in the audience wishing to speak for or against this vacation, please come forward. Apparently not, the Chair declares the public hearing over in regard to this matter. The matter rests, the matter now rests in the hands of Council. The ordinance will follow later this evening.

We have another public hearing scheduled for 7:31 pm. It's an ordinance authorizing Canton to annex the territory known as East Harmont Annexation containing approximately 8.2833 acres, assigning said territory to Ward 6 of the city, zoning said territory as 1, I-1, light industrial district and declaring the same to be an

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emergency. The Planning Commission recommends this annexation into the City of Canton. Is there anyone in the audience wishing to speak for or against this annexation, please come forward. Is there anyone in the audience wishing to speak for or against this annexation, please come forward. Is there anyone in the audience wishing to speak for or against this annexation, please come forward. Apparently not, the Chair declares the public hearing over in regard to this matter. The matter now rests in the hands of Council. The ordinance will follow later this evening.

We have a third hearing scheduled for 7:32 pm. It's an ordinance amending sections, section 1128.02, off-street parking and section 1153, height regulations of the Codified Ordinances of the City of Canton, city-wide zoning text amendments. Planning Commission recommends approval of the same. Is there anyone in the audience wishing to speak for or against this amendment, please come forward. Is there anyone in the legislature that doesn't make me do this 2 more times? Is there anyone in the audience wishing to speak for or against this amendment please come forward. Is there anyone in the audience wishing to speak for or against this amendment, please come forward. Apparently not. The Chair declares the public hearing over in regards to this matter. The matter now rests in the hands of Council. The ordinance will follow later this evening.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We are now under Informal Resolutions.... I'm Sorry. We're now under Public Speaks on Ordinances and Resolutions for adoption. We have no speakers signed up this evening.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We are now under Information Resolutions. Ah, let's move to excusing members. Mr. Casar, I'll recognize a motion to excuse Member West.

MEMBER CASAR: Mr. President. I move that ah, second ward councilmember Thomas West be excused from this evenings meeting

MEMBER CARBENIA: Seconded

PRESIDENT SCHULMAN: Thank you. It's been moved and seconded to excuse Member West from this evening's meeting, are there any remarks?... If not, roll call vote please Madame Clerk.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ah, Resolution #43 by prerogative of the President, will be tabled this evening

COMMUNICATIONS

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED APRIL 30, 2007.

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

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are received as read.

311. CANTON MUNICIPAL COURT, CITY OF CANTON: 2006 ANNUAL REPORT. - RECEIVED & FILED
312. HHGSCI (HATTIE HARRIS GOOD SPIRITS CLUB INTERNATIONAL) : PROCLAMATION OF APPRECIATION TO CANTON CITY COUNCIL FR: HATTIE HARRIS GOOD SPIRITS CLUB INTERNATIONAL. - RECEIVED & FILED
313. MAYOR JANET CREIGHTON, CITY OF CANTON: REQUEST TO TRANSFER \$125,000.00 PREVIOUSLY APPROPRIATED IN 1001 50-10-01, MAYOR'S BUDGET TO CCIC TO ALLOCATE THESE FUNDS THROUGH CCIC TO ENHANCE ECONOMIC DEV PROJ IN THE CITY. - FINANCE CMTE
314. MAYOR JANET CREIGHTON, CITY OF CANTON: SUPPORTING \$4.1 BILLION IN FORMULA FUNDS FOR CDBG THIS FISCAL YR. - RECEIVED & FILED
315. SERVICE DIRECTOR JOE CONCATTO, CITY OF CANTON: REQUEST TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR ROSHONG PK TENNIS CTS CONSTRUCTION. - FINANCE CMTE
316. SERVICE DIRECTOR JOE CONCATTO, CITY OF CANTON: REQUEST TO ENTER INTO LEASE AGREEMENT W/GREATER AKRON ATHLETIC CLUB, INC FOR THURMAN MUNSON MEMORIAL BASEBALL STADIUM LEASE RETRO 4/1/07 - 8/15/07. - FINANCE CMTE
317. SERVICE DIRECTOR JOE CONCATTO, CITY OF CANTON: REQUEST TO ENTER INTO \$40,000.00 CONTRACT W/CANTON SYMPHONY ORCHESTRA ASSOC. FOR 2007 "CONCERT IN THE PARK" HELD IN MONUMENT PK ON 7/2/07; RAIN DATE IS 7/3/07. - FINANCE CMTE
318. SERVICE DIRECTOR JOE CONCATTO, CITY OF CANTON: REQUEST TO ACCEPT REIMBURSABLE \$445,000.00 GRANT FR: ODNR - CLEAN OHIO TRAILS FUND TO BE USED TO BUILD A 5 MI. TRAIL FR: 9TH & SCHROYER SW TO COVERED BRIDGE PK ON THE N. BOUNDARY OF CITY; REQ \$645,000.00 TRANSFER FR: 4501-202001, CAPITAL - ENG ADMIN TO: 4501-202074; CAPITAL - GP 1093, WEST SIDE PK TRAIL & BRIDGES; REQ TO ENTER INTO R-O-W AGREEMENT W/AKRON METRO RAILWAY UTILIZING THEIR PROPERTY TO CONSTRUCT PORTION OF TRAIL. - FINANCE CMTE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

NOTE: PRESENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #8 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS. ORDINANCE #6 WAS ADOPTED ON ITS FIRST READING.

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- #1 (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF THREE (3) PARCELS OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTIES PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community and Economic Development Committee
- #2 (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF 2 PARCELS OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTIES PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community and Economic Development Committee
- #3 (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOT 34879 AND PART OF OUTLOT 73; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety and Thoroughfares Committee
- #4 (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PARTS OF LOTS 1611, 1613 AND 1615; APPROVING AND ACCEPTING THE DEDICATION OF PART OF 3RD STREET NW AND PART OF FULTON ROAD NW; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety and Thoroughfares Committee
- #5 (1ST RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE REIFSNYDER PARK/PARK POULTRY ANNEXATION AREA CONTAINING APPROXIMATELY 72.782 ACRES; ASSIGNING SAID TERRITORY TO WARD 9 OF THE CITY; ZONING SAID TERRITORY AS OS (OPEN SPACE) AND I-2 (HEAVY INDUSTRIAL DISTRICT0, AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Annexation Committee **PUB HRG MAY 21, 2007 @ 7:30 PM**
- #6 (1ST RDG) **ADOPTED AS ORDINANCE #93/2007** AN ORDINANCE APPROVING AND ACCEPTING THE FINAL SUBDIVISION PLAT FOR THE DEVELOPMENT KNOWN AS THE QUARRY IN THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares

PRESIDENT SCHULMAN: At this time, the Chair would declare an in-house recess for the Public Safety and Thoroughfares Committee to meet in regard to Ordinance #6 on your agenda this evening. You're now in recess.

COUNCIL RECESSED AT 7:42 P.M. FOR A COMMITTEE MEETING ON ORDINANCE #6, WHICH WAS RETURNED TO THE AGENDA FOR ADOPTION. PRESIDENT SCHULMAN RECONVENED THE MEETING @ 7:45 PM.

PRESIDENT SCHULMAN: Council is reconvening after the recess. Member Casar.

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MEMBER CASAR: Mr. President. I move we suspend Rule 22A and return Ordinance #6 to this evening's agenda.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A in regard to Ordinance #6. Are there any remarks?... If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #6, thank you Madame Clerk, is a legal part of your agenda. Member Casar.

MEMBER CASAR: Mr. President. I move we suspend the Statutory Rules on Ordinance #6.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: There's a motion to suspend the Statutory Rules on Ordinance #6 and a second. Are there any remarks?... If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. You've heard the 3 readings. Member Casar.

MEMBER CASAR: Mr. President. I move we adopt Ordinance #6.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #6. Any remarks? If not, Madame....

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Yes. Ah, Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you. I'd simply like the record to reflect that the Planning Commission Secretary has reported out, that the Planning Commission at their meeting on April 17th, did recommend approval of this final subdivision plat. They took into consideration the zoning area. It's going to be planned single family residential. The plans have the approval of various departments in the city and the zoning classification and subdivision preliminaries were worked out in conjunction with the Osnaburg Township Trustees. I simply wanted that in the record given, that this is part of the recent, controversial annexation. Thank you very much.

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

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MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: Once again, I'd like to thank the Law Department for keeping on top of this and make sure that we move this through as quickly and smoothly as possible.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #6 is adopted. Ordinance #7.

#6 ADOPTED AS ORDINANCE 93/3007

#7 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO SUPPLEMENTAL AGREEMENTS WITH THE CITY OF NORTH CANTON AND STARK COUNTY FOR CAPITAL IMPROVEMENTS ASSOCIATED WITH THE WPCC; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvements Committee

#8 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE RECONSTRUCTION OF THE ROSHONG PARK TENNIS COURTS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We are now under Ordinances for the second reading. Madame Clerk will you please read Ordinance #9 through #11 by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #9 THROUGH #11 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

#9 (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION NO. 241/2006 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

#10 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A TOWER LEASE AGREEMENT WITH CLEARWIRE US LLC TO PERMIT THE INSTALLATION OF AND OPERATION OF ANTENNA FACILITIES;

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AND DECLARING THE SAME TO BE AN EMERGENCY

- #11 (2ND RDG) AN ORDINANCE AMENDING SECTION 1129.02, OFF-STREET PARKING AND SECTION 1153, HEIGHT REGULATIONS OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: We're now under Ordinances for their third and final reading. Madame Clerk, please read Ordinances #12 by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #12 THROUGH #18 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

- #12 (3RD RDG) **ADOPTED AS ORDINANCE #94/2007** AN ORDINANCE VACATING A PORTION OF A RIGHT-OF-WAY ALONG 17TH STREET SE; APPROVING AND ACCEPTING A REPLATTING OF PART OF OUTLOT 315 AND THE VACATED PORTION OF THE RIGHT-OF-WAY; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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

#12 AS ADOPTED AS ORDINANCE #94/2007

- #13 (3RD RDG) **ADOPTED AS ORDINANCE #95/2007** AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE EAST HARMONT ANNEXATION AREA CONTAINING APPROXIMATELY 8.2833 ACRES; ASSIGNING SAID TERRITORY TO WARD 6 OF THE CITY; ZONING SAID TERRITORY AS I-1, LIGHT INDUSTRIAL DISTRICT; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

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MEMBER CASAR: I move we adopt Ordinance #13.

MEMBER CARBENIA: Seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

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

#13 ADOPTED AS ORDINANCE #95/2007

#14 (3RD RDG) **ADOPTED AS ORDINANCE #96/2007** AN ORDINANCE AMENDING ORDINANCE NO 241/2006 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Ordinance #14.

MEMBER CARBENIA: Seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #14 is adopted. Ordinance #15.

#14 ADOPTED AS ORDINANCE #96/2007

#15 (3RD RDG) **ADOPTED AS ORDINANCE 97/2007** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH MOTTER AND MEADOWS ARCHITECTS IN AN AMOUNT NOT TO EXCEED \$128,000.00 FOR ARCHITECTURAL AND ENGINEERING SERVICES AND SITE DEVELOPMENT FOR THE NEW FIRE STATION; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

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PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Ordinance #15.

MEMBER CARBENIA: Seconded.

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

MEMBER CASAR: Mr. President. I'd like to ask the Service Director a question. Service Director ah, Concatto, ah, you know, we spoke numerous times regards to a new fire station and it has been desire, my desire and also other members of council that this ah, that this ah new fire station be green, green, green, green green, and I just wanna make sure that when these, when we go out for the architectural engineering services that that is spelled out emphatically, that that is what we want it to come back.

SERVICE DIRECTOR CONCATTO: Mr. Chairman..

PRESIDENT SCHULMAN: Director Concatto.

SERVICE DIRECTOR CONCATTO: AH, this project is also probably more under the Safety Director than myself but we duly interviewed the architects and we certainly made that an issue and we'll continue to say yes to your, your request.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #15 is adopted. Ordinance #16.

#15 ADOPTED AS ORDINANCE #97/2007

#16 (3RD RDG) **ADOPTED AS ORDINANCE #98/2007** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A DESIGN FEE MODIFICATION WITH OSBORN ENGINEERING COMPANY IN AN AMOUNT NOT TO EXCEED \$60,500.00 FOR THE 25TH STREET NE STORM SEWER PROJECT; AMENDING APPROPRIATION ORDINANCE 241/2006 AS AMENDED BY MAKING THE APPROPRIATION TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Ordinance #16.

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MEMBER CARBENIA: Seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 16 is adopted. Ordinance #17 please.
#16 AS ADOPTED AS ORDINANCE #98/2007

#17 (3RD RDG) ADOPTED AS ORDINANCE #99/2007 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE CONSTRUCTION OF A NEW COLLECTIONS SYSTEMS SERVICE CENTER AND ADMINISTRATION BUILDING; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: 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?... If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance 17 is adopted. Ordinance #18 please.
#17 AS ADOPTED AS ORDINANCE #99/2007

#18 (3RD RDG) ADOPTED AS ORDINANCE #100/2007 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL ENGINEERING SERVICE CONTRACT WITH COOPER AND ASSOCIATES LLP IN AN AMOUNT NOT TO EXCEED \$160,100.00 FOR THE STEIN INDUSTRIAL PARK PROJECT; AMENDING APPROPRIATION ORDINANCE NO 241/2006 AS AMENDED BY MAKING THE APPROPRIATION TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

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PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Ordinance #18.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #18. Are there any remarks?... If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance 18 is adopted. Thank you Madame Clerk.

#18 AS ADOPTED AS ORDINANCE #100/2007

ANNOUNCEMENT OF COMMITTEE MEETINGS

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

MEMBER CARBENIA: Community and Economic Development will meet on ah, May 14th at 6:30.

PRESIDENT SCHULMAN: Thank you.

SERVICE DIRECTOR CONCATTO: Mr. President

PRESIDENT SCHULMAN: Ah, Director Concatto.

SERVICE DIRECTOR CONCATTO: Ah, I would ask Council to attend a meeting at ah, 6:00 here at Council Caucus, or Council Chambers, concerning the um, Passive Park Concept for um, our property in Pike Township.

PRESIDENT SCHULMAN: Thank you Service Director. Member Kraus.

MEMBER KRAUS: Public Safety and Thoroughfare will meet ah, May 14th at 6:30.

PRESIDENT SCHULMAN: Thank you.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: The Finance Committee will meet Monday, April 14th at 6:30; excuse me, May, May 14th, not April.

PRESIDENT SCHULMAN: What did you say, I didn't catch that? April. All right.

MEMBER DOUGHERTY: Mr. President.

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PRESIDENT SCHULMAN: Member Dougherty.

MEMBER DOUGHERTY: Public Property Capital Improvement will also meet that day and time.

PRESIDENT SCHULMAN: Thank you. Any other announcements?...

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: We are now under Public Speaks, Open Forum. We have two speakers signed up this evening. The first speaker is Phillip Papadopoulos. I hope I've pronounced your name correctly. I apologize if I haven't. Ah, sir, would you step forward and tell us your name and your residential address and as I tell all public speakers, I don't mean to be rude, but City Council has adopted a limitation of 3 minutes on this public speaks program. I can assure you that if you wish to address any other problems or questions or information you may have, we'll all be here after the meeting and more than happy to talk to you, but, good evening sir, welcome and please begin.

MR. PAPADOPULOS: Okay. My name is Philip Papadopoulos. Ah, I live at ah 1042....

PRESIDENT SCHULMAN: Excuse me. Is your, ah, Member Kraus, is his microphone on? Thank you. There ya go. Thank you sir.

MR. PAPADOPULOS: Thanks. Ah, my name is, thanks, my name is Philip Papadopoulos. I reside at 1042 25th Street NW Canton, Ohio and ah, I'd like to thank Canton City Council for the opportunity to speak and ah, my question, there are a few questions about this ah, 25th Street ah, fire station and the ah, land adjacent to it, the park land. This ah, plan is ah, to appropriate some of the ah, park land, which amounts to revocation of a donor's request, and I question the legality and the ethics of taking public land used by the citizens for a park to expand it for the use of a fire station. Ah, the questions I have is, one of em problem is, what if a future donor wished to donate land to the City of Canton for a specific use. Would ah, you would be ah, you know, questions about whether his intent for the request would be honored. Somebody might want to revoke for some other reason like City Council. There's another question that ah, comes into consideration that nobody has brought up is the ah, the Christian Home is adjacent to this land where the elderly live. The addition of an additional fire ah, ah, truck would mean more calls, more noise for the elderly there. No one's spoke for them, you know, has taken into consideration for their ah, comfort or convenience there at that place. And, lastly, it's ah, the Summit Academy, which is right near by, uses the ah park for a ah, recess. So, I mean, thousands of people use this park and the donor, that was his intent to, for that to remain a park. And my question, last question would be would it not be more cost effective to renovate 19th Street, the Market Station, and ah, use this money which is a bond issue, which amounts to a debt for more urgent problems in the city and that ah, concludes my remarks.

PRESIDENT SCHULMAN: Very good. Thank you very much Mr. Papadopoulos. We appreciate it. (APPLAUSE) Thank you for coming sir. Our next speaker is Justin Kuemerle. Justin, if you'll give us your name and your residential address please.

MS. KUEMERLE: I'm Justin Kuemerle. 1003....

PRESIDENT SCHULMAN: You're gonna have to.... I'm sorry, you're gonna have to speak up just a little bit so we can all hear you.

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MS. KUEMERLE: Justin Kuemerle, 1003 11th Street NW. Mr. President, Madame Mayor, Distinguished Member of Council. Ah, I'm Justin Kuemerle. I'm a rep.. I'm a member of the Canton City Youth Council that you recently formed. I'd like to thank the Mayor for starting work on a issue which I'm going to be stating on tonight. An issue I read about in the Repository where the students at Gibbs Elementary felt that they were unsafe in going outside for recess or going outside their own home. I was recently informed by Mike Freeland, social studies coordinator for Canton City Schools, Mr. West had informed him that the area around Gibbs was a Weed and Seed area which is money provided by the Federal Justice Department for use of public safety. Um, there was also a Weed and Seed area around Summit Elementary and around that area there were two substations for the police department. By using Weed and Seed money in the Gibbs area, we could establish a subdivision of the police department in that area which are faster response times and to heighten the security for the students and the parents that everyone feels safer. This leads me into my next and final point that I feel response times for the Canton Police are down. I'm said to say it. Ah, I feel the, the police department should take more after the fire department. Instead of having one centralized station downtown, they should spread out across the city. Not just the Weed and Seed areas, but the city in general. There should be said number in northeast and northwest and southeast end and of course in downtown. This will improve response time. If you're calling someone for a non emergency issue and they have to come all the way from downtown, they're going from the far end to the southeast end or whatever, it will take them a good chunk of time to get there and most likely, by the time they will get there, the issue will have been resolved, most likely illegally, which does not help residents. So, by eight...by including substations around the city, it will improve response times and improve safety of the city and probably improve the look of the city by keeping people who aren't supposed to be on the street, off the street. Um, this is all I have and I hope that the members of Council will see this and the Safety Director will look into this issue and hopefully, this will be covered and the students at Gibbs will feel safer and hopefully response times can go up.

PRESIDENT SCHULMAN: Thank you very much Mr. Kuemerle. (*APPLAUSE*) Thank you sir for coming down. We appreciate your remarks.

MISCELLANEOUS BUSINESS

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

MEMBER SMUCKLER: Mr. President. Um, Annexation will all see... also meet May 14th at 6:30.

BUDGET DIRECTOR CONDE: Mr. President.

PRESIDENT SCHULMAN: Yes.

BUDGET DIRECTOR CONDE: The Water Facility Committee will be meeting on Thursday, May 10th at 6:15 on the 8th floor of City Hall.

PRESIDENT SCHULMAN: Thank you Chief of Staff.

MEMBER ZACHARY: Mr. President.

PRESIDENT SCHULMAN: Member Zachary.

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MEMBER ZACHARY: Thank you. First of all, I just want to thank the Mayor for everything that she's done to help create the Mayor's Mentoring Initiative that will actively recruit city workers who are to volunteer for the Community Drop In Center's mentoring program. I understand that ah, a couple people have already volunteered so far and I'm extending the invitation to my fellow Councilmembers to volunteer to be a mentor for the program. If you have an interest, I've asked ah, one of the ladies, I asked Cindy in the Council Office to take names and numbers and once we're ready to start the training, we will let you guys know, but it's one hour a week for a period of a year, initially, um, that hour could include anything from spending time with a child making sure they're ok for a phone call, email, text messaging, but I am asking my fellow Councilmembers to volunteer as well because I believe the Mayor and I were the first in line and we'd like to have you join us. Thank you.

PRESIDENT SCHULMAN: Thank you Member Zachary. (APPLAUSE) Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President. To Mr. Papadopoulos. I believe your first question was whether or not we legally authorized or researched the transfer of that land ah, with regard to the fire station. One of the more experienced real estate attorneys in our office did spend some time reviewing the title and deed work, looking in old Law Department files, talking with someone from the State or Federal Department of something or other, they, there are a number of records that were researched and I believe that there was due diligence done to ensure that the donors intent was met. I would be happy to meet with you afterwards to take any additional names or numbers or information that you would like me to pass along to the attorney that did the work on this. I'll stick around.

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

MEMBER HART: Mr. President. Yeah, ah, for Safety Director Hunt, if you could just, on behalf of myself and Canton City Council give ah, Mike McKay and Mike Rastetter a big thank you um, you know, there by the Grace of God that they were at the right place at the right time and when they were patrolling and saved 6 people's lives, ah, you know, with a matter of a few minutes, ah, you know, it could have been very tragic. But, ah, you know, please ah, you know, express our thanks.

SAFETY DIRECTOR HUNT: Mr. President.

PRESIDENT SCHULMAN: Safety Director Hunt.

SAFETY DIRECTOR HUNT: I've already ah, spoke to the Chief. We've taken the necessary steps right now to ah, make sure they get accommodation for those efforts and, we really like to see that on the part of our safety forces.

PRESIDENT SCHULMAN: Thank you Member Hart. Any other remarks?...

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adjourn.

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MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: There's a motion to adjourn. Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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

ADJOURNMENT TIME: 8:05 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT