

MINUTES OF THE MEETING JUNE 4, 2007

PRESIDENT SCHULMAN: (*SOUND OF GAVEL*) Good evening ladies and gentleman. With a quorum being present, the Chair calls this meeting of Canton Council to order. Roll call vote 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, KELLY ZACHARY, TERRY PRATER, DAVID R. DOUGHERTY, RICHARD D. HART, & KARL "BUTCH" KRAUS)

CLERK TIMBERLAKE: All present, Mr. President

PRESIDENT SCHULMAN: Thank you Madame Clerk. Before we have our invocation given tonight by Councilmember David Dougherty, I want to acknowledge 2 birthdays tomorrow. I don't know who's older, either Richard Hart or Jim Griffin, (*LAUGHTER*) but....

MEMBER SMUCKLER: Hart.... Mr. President, Hart.

PRESIDENT SCHULMAN: All those in favor say aye. Those opposed no. Happy Birthday and many healthy and happy ones. (*APPLAUSE*) And Jim, you are the older of the 2. Okay. Ah, after the invocation is given, we'll have ah, pledge of allegiance, so please remain standing.

The regular meeting of Canton City Council was held on Monday, June 4, 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 6 Councilmember David Dougherty, followed by the Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Okay. We are now under agenda corrections and changes. Members of Council, you're being asked to suspend Rule 22A to add the second reading of Ordinances 6 through and including #10. Member Casar, the Chair will recognize that motion.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A to add Ordinances 6 through and including #10 on this evening's agenda.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the ordinance... or suspend the Rule. 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 the Ordinances are a legal part of your agenda. Member West.

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MEMBER WEST: Mr. President. I'd like to suspend Rule 47A to allow our contest winners to come up front for us and sit at the press table.

PRESIDENT SCHULMAN: Is there a second?

(AN INAUDIBLE SECOND WAS PRESENTED)

PRESIDENT SCHULMAN: All those in favor... any discussion? All those in favor signi by... signify by saying aye. Those opposed no. The Rule is suspended. Our honored guests are welcome to come up o the press table. *(PAUSE WHILE STUDENTS CAME FORWARD)* ..and don't look so unhappy. *(LAUGHTER)* We suspended a rule for you. How are all you doing tonight? Good? Well, welcome. We really appreciate you being here. We're looking forward to hearing your essays this evening.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We are now under Public Hearings. We have 2 public hearings scheduled this evening. The first one is for 7:30 pm. It's an ordinance authorizing amending Ordinance No. 55/77 as amended known as the City of Canton zoning ordinance and declaring the same to be an emergency. It is assigned to Ward 1 to redone lot no. 2894 @ 907 11th Street NW from Single Family Residential R-1a to PR-4 Planned Multi-family Residential. The Planning Commission recommended approval of this request. Is there anyone in the audience wishing to speak for or against this zone change, please come forward?... Is there anyone in the audience wishing to speak for or against this zone change, please come forward?... You had us worried Sir. We thought you were gonna come forward. Apparently not, the Chair declares the public hearing over in regards to this matter. The Chair, 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 amending Ordinance No. 55/77, as amended, known as a the City of Canton zoning ordinance and declaring the same to be an emergency. It is assigned to Ward 6 to redone part of outlot no. 799 #3004 Atlantic Blvd NE from B-3, General Business to PB-4, Planned Special Business. The Planning Commission recommended approval of this ordinance.

Once more, is there anyone in the audience wishing to speak for or against this zoning change, 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.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We are now under Public Speaks on Ordinance and Resolutions for adoption. We have no speakers signed up this evening.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We have no other Informal Resolutions. Madame Clerk, please read Resolution #50 by title.

50. COUNCIL OF THE WHOLE: OPPOSING OHIO SENATE BILL #117, SUPPORTING LOCAL CABLE FRANCHISE PROCESS AND HOME RULE. - ADOPTED

PRESIDENT SCHULMAN: The Chair will recognize a motion. Member Casar.

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

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MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution #50. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no. The Resolution #50 has been adopted. Madame Clerk, please read Resolution #51 by title.

51. WEST, THOMAS, WARD 2 COUNCILMEMBER: COMMENDING KENTREL TAYLOR, BRIANA ROSS, VICTORIA DAVIS, KAYLA COX, ADONNAKA WHERRY, JADA JONES, ALEXA ROSS, AMBER JUTE & SOMMER BROBST AS WINNERS OF 2007 GOVERNMENT DAY ESSAY CONTEST. - ADOPTED

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President. I move we adopt Resolution #51.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #51. Are there any remarks? Member West.

MEMBER WEST: Yes, Mr. President. I just wanted to have the Clerk read the ah, Resolution.

CLERK TIMBERLAKE: AN INFORMAL RESOLUTION RESPECTFULLY SUBMITTED BY THOMAS E. WEST, WARD 2 COUNCILMAN ON THIS 4TH DAY OF JUNE, 1007. WHEREAS, June 4, 2007, is the "Government Essay Day" for the students of Gibbs Elementary of Canton City Schools. In its first year, the "Government Essay Day" initiative invites all caring individuals to join together to salute Gibbs Elementary students for taking the initiative to learn about local government and making their community a better place to live; and WHEREAS, "Government Essay Day" is sponsored by Councilman Thomas E. West, Canton City Council and Canton City Schools in an effort to involve elementary students in their local government and create an opportunity for service learning activities to enhance students' academic performance and create a clean neighborhood and city; and WHEREAS, this partnership is created to promote children's learning through the development of student, family, school and community partnerships in conjunction with the City of Canton; and WHEREAS, these students have communicated their experiences of living in the inner City of Canton and have written an essay about the realities of living in Ward 2 knowing their leaders and acknowledging their participation in keeping their neighborhood clean; and NOW THEREFORE BE IT RESOLVED: That Thomas E. West, Ward 2 Councilman and his fellow Councilmembers of the City of Canton, do hereby go on record as commending GIBBS ELEMENTARY STUDENTS for participating in the "Government Essay Day" and for their commitment to get involved in their neighborhood. Therefore it is most fitting and proper to recognize KENTREL Taylor, BRIANA Ross, Victoria Davis, Kayla Cox, Adonnaka Wherry, Jada Jones, Alexa Ross, Amber Jute and Sommer Brobst for their winning essays.

PRESIDENT SCHULMAN: Thank you Madame Clerk. (APPLAUSE) All those, any other remarks?... All those in favor of Resolution #51 honoring these young children say aye. Those opposed no. The Resolution passes. Would any of you or all of you like to read some of what your essay was? Anyone? All right. Ah, Member Kraus will be happy to give you the microphone and we'd like to hear from at least some of you so, don't

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be shy. Who raised the hand, whose back is that to me? What's your name?

BRIANA ROSS: Briana Ross.

PRESIDENT SCHULMAN: Briana? Please be the first one. Thank you Member Kraus.

BIANA ROSS: (*microphone adjustment*) My name is Briana Ross. I am a 5th grader at Gibbs Elementary School. I am entering for the Council city, for the Canton City Council Government Day. The topic I am going to write about is all the positive things that happen in my neighborhood. My neighborhood can be negative. It can also be very positive. Just about every day, families are walking around the neighborhood. We have protests on our street about violence and that is a positive action. Everyone always greets each other whenever they ride or pass by. Our neighborhood always has meetings with the Councilman. Mr. Thomas West is our Councilman for our neighborhood. He tries to make things as positive as possible. Everywhere you turn, you see children laughing and parents and adults talking. Our ward has more than enough positiveness. The protests that we have are about the criminals and fighting in our neighborhood. Everyone walks up and down the neighborhood not on my street or yours. Everyone has a lot of fun doing it. A lot of people in our ward know Mr. West very well. He comes and visits everyone's houses. He talks with us about how the neighborhood is very well. I have the confidence that I can win the Canton City Council Government Day Essay contest. (*APPLAUSE*)

PRESIDENT SCHULMAN: Very good. (*APPLAUSE*) Thank you BIANA. That was excellent. Now, there was another hand. Who else would like to read?

CLERK TIMBERLAKE: Come on.

PRESIDENT SCHULMAN: By the way when, when I sworn in as President of Council, they didn't give me a standing ovation. So, are you ready sweetie? What's your name?

ADONNAKA CHEVELLE WHERRY: Adonnaka Chevelle Wherry.

PRESIDENT SCHULMAN: Okay, great. Adonnaka thank you.

ADONNAKA WHERRY: (*microphone adjustment*) Hi. My name is Adonnaka Chevelle Wherry. I am in 3rd grade. I live in Canton and this essay, I'm going to tell you how to keep Canton clean and safe. This is how I can keep Canton safe. I would tell, tell people not to do drugs because it is bad for your system. I will tell people not to smoke because it is bad for your system too. I think drugs are the biggest problem in Canton. I, I will teach my friends not to do or touch drugs because it is bad. This is how I can keep Canton, keep Canton clean. When I see paper, when I see paper on the ground, I will pick it up and put it in the trash. When I see people do stuff I don't like, I will say, hey, be a teammate. When I, When I see people litter, I will say thank you, I will take that up or I will just show them how to, how to do it. Now you know how to keep Canton clean and safe. (*APPLAUSE*)

PRESIDENT SCHULMAN: Thank you Adonnaka. Anyone else like to read their essay? And your name is?
JADA JONES; Jada Jones.

PRESIDENT SCHULMAN: Good. Thank you.

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JADA JONES: My name is Jada Jones. I'm 9 years old. I go to Gibbs Elementary School. I am in Room 213. In this essay, I am going to tell you how to keep Canton safe and clean. In this paragraph I'm going to tell you how to be safe. You can be safe by not doing drugs because it can kill you. It, I will tell my friends not to do drugs because it's dangerous and bad for you. I can teach the little kids not to do drugs. Now I'm going to tell you how to keep Canton clean. I can keep Canton clean by picking up the trash on the side of the road and telling the garbage men to pick up the trash when they drop the trash. (LAUGHTER) I would like people to, I would like people to stop cussing. That would clean up our neighborhood. Canton is my hometown and I want it to be clean and safe. (APPLAUSE)

PRESIDENT SCHULMAN: Great. (APPLAUSE) Thank you Jada. Anyone else? Anyone else? Yes, and your name is?

SOMMER BROBST: Sommer Brobst.

PRESIDENT SCHULMAN: Great Sommer.

SOMMER BROBST: (*microphone adjustment*) My name is Sommer Brobst and I am a Canton resident. The neighborhood I live in is dirty and kinda dangerous. Some times at night, I can hear gunshots and there are kids walking around in the neighborhood and throwing rocks around 9pm and 10pm some times. I am not allowed outside if my mom isn't home and I'm not allowed to talk to any one unless I know them. I can help clean up the neighborhood by cleaning up the yards and streets. Also, by keeping our houses clean. Most kids aren't allowed to play outside without a parent or guardian watching them because some people have guns and could kidnap them. Some people have guns so to keep our neighborhoods safe, we should try and get rid of the guns some people have. If we keep our neighborhoods clean and safe, families will feel more safe and the kids might actually be able to go outside without the parents worrying that they will get hurt. Most people drive up and down the streets too fast and they could also hit somebody if they're not careful. That is why most people aren't allowed to walk or play in the streets. Without a clean and safe environment to live in more people and more animals will die. That is why we should do our best to keep our neighborhoods clean and safe. (APPLAUSE)

PRESIDENT SCHULMAN: Any one else? Yes sweetie. Your name?

VICTORIA DAVIS: Victoria Davis.

PRESIDENT SCHULMAN: Victoria? Sure.

VICTORIA DAVIS: (*microphone adjustment*) Dear Mr. West. Hi. My name is Victoria Davis. I live on Struber Avenue. It is very bad. People are always fighting, shooting and hanging around abandoned houses. Cops is always around for bad things that people do. Well I would like to see more changes. People stop fighting, people stop hanging around abandoned houses. Just last week, the cops was everywhere. They was in my back yard just like when I first moved in this neighborhood, someone was laying on my front porch. Some times I wish this could be a peaceful neighborhood. Last summer, there was a lot of people down the street shooting, fighting. My brother and I had to get on the floor. Most, almost every day, I hear gunshots, like a parked car falling apart. Now, all these people shooting, people doing drugs and also hanging, gang fights. I want people to stop, to stop doing all these bad things where I live and where younger kids play and go to school at.

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I think there shouldn't be gangs like for an example. If they go walking down the street with a red t-shirt, a person who are in a gang, in a different gang, would ax for, ax one, or ax that person are you in a gang or they would shoot or try to start, make a fight with them and that's not right. You should be able to go down the street with, with any t-shirt you want. I just want to see our streets get clean for younger kids and adults. I want to see less people selling drugs and more people doing right things. I want to see teenagers stop doing drugs and going to church. I, I also want to see more police patrol, patrolling my neighborhood more. Thank you for taking your time to read my letter. Sincerely, Victoria Davis. (APPLAUSE)

PRESIDENT SCHULMAN: Anyone else? Your name?

ALEXA ROSS: Alexa.

PRESIDENT SCHULMAN: Okay Alexa. Okay, great.

ALEXA ROSS: (*microphone adjustment*) Hi. My name is Alexa Ross. I go to Gibbs Elementary. I am in 3rd grade. I am 9 years old. In this essay I will tell you how I can, can keep my neighborhood clean and safe. Do you want to live in a dirty neighborhood? I don't. All the 3rd graders at Gibbs Elementary, at Gibbs, help clean our neighborhood. I felt happy that I could do that. I also keep my yard clean. I keep my yard clean by picking up the trash. I love to see Canton clean. This is how I can help keep my neighborhood safe. I can keep my neighborhood safe by walking away from fights, not getting into fights and saying no to drugs. Now you know why I talk about keeping my neighborhood safe and clean. (APPLAUSE)

PRESIDENT SCHULMAN: Your name sweetie?

AMBER JUTE: Amber.

PRESIDENT SCHULMAN: Amber? Go ahead. Thank you.

AMBER JUTE: (*microphone adjustment*) Thank you. This is, this is an essay about what I would like to see happen in my neighborhood. I would like for Mr. West to tear down all the empty, boarded up houses. I think that they should tear down, tear them down because there is a lot. My house is stuck in between 2 empty houses in there. I think that they are both condemned. There are a lot of cats and dogs in both, not to mention the bugs and grass. Another reason is that some times there are people living there that aren't supposed to. They break in those windows and make their selves right at home. Now my sister and me keep our curtains closed. I was planning on maybe, turning them in to like the fields, or maybe animal shelters, something like that. Whatever you decide to do, I hope you make the right choices and tear down those empty houses. (APPLAUSE)

PRESIDENT SCHULMAN: Thank you. (APPLAUSE) Kayla. Thank you.

KAYLA COX: (*microphone adjustment*) I am Kayla Cox and I am a resident in the City of Canton. I am writing to you to tell you how I can keep my neighborhood safe and clean. This is a paper about how to keep your neighborhood clean. You can tell your neighbors to stop throwing trash in their yards. You can pick up trash when you see the trash. You can pick up bottles when you see them. You can throw them, you can recycle stuff like bottles, cans, paper and plastic bottles and don't bust glass. This is a paper about how to keep your neighborhood safe. You can call the cops if you saw fights in your neighborhood. You can call the ambulance

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if someone is hurt. You can help your neighbors by doing something. You can help your friends study with their, his or her homework and they can help you do something. This is how I will keep my neighborhood clean and safe. (APPLAUSE)

PRESIDENT SCHULMAN: Thank you. (APPLAUSE)

MEMBER WEST: Mr. President. I just wanted everybody to know that there was 54 kids from Gibbs Elementary who signed up to do an essay in the last few weeks of school. They didn't have to do this, but these kids, when I went to visit them several months ago, a couple months ago, they challenged me, after I gave them what they could do in their community, they challenged me to go out to their community to help them pick up trash and I told them at that time that we would do an essay, and these wonderful teachers back here, um, all supported these kids and got them involved and connected to government to show them how things work in their community. There's a popular TV show that says, are you smarter than a 5th grader? I mean, I wonder some times because listening to it, today, these kids do know what's going on in their community and if we, we, we have to give them the opportunity to come before us and speak. This was not a political snafu and I wanted to say that after the first girl spoke. I thank you so much, but, Mike Freeland from the school system has graciously read 54 memos or letters and I thank him for that and the teachers as well, to help us ah, get this kicked off the right way and these kids deserve a big round of applause. (THUNDEROUS APPLAUSE) Now I would like to present the awards. (Councilmember West distributed copies of Council Resolutions to each student that participated this evening as follows) This is to Kayla Cox. Now I met some of these just tonight. Kayla, thank you so much for your participation in our essays. Adonnaka. Jada Jones. Hey Jada. Wasn't you in the Repository picture? Victoria Davis. Briana Ross. Briana and, KESTREL Taylor. Oh, he's not here. Alexa Ross. Amber Jute. And, last but not least, Sommer Brobst.

PRESIDENT SCHULMAN: I know that behind every budding writer, there is a great family and I know we have family members here and teachers. Would family of these wonderful young children stand up and also the teachers from Gibbs School so we can recognize you. (APPLAUSE) There's an old saying 'from the mouths of babes' and we certainly have heard a great deal tonight and ah, we're trying to concentrate on the problems that you have alerted us to. So, thank you again, very much.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Cirelli.

MEMBER CIRELLI: Ah, question to ah, Councilman West.

PRESIDENT SCHULMAN: Yes.

MEMBER CIRELLI: Was this contest open to the male, boys and girls both, sir? (LAUGHTER)

MEMBER WEST: Yes, and we had 54 entries. Ah, interestingly enough, one gentleman did win. Ah, however, he was not able to show up. Ah, so, hopefully, next time we'll get more men around here.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Yes Member Cirelli.

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MEMBER CIRELLI:and, and Councilmember West, it seems like the young ladies really have the situation well in hand and in mind, (*LAUGHTER & APPLAUSE*) of the future. Thank you.

MEMBER WEST: Member Cirelli. Mr. President.

PRESIDENT SCHULMAN: Yes, Member West.

MEMBER WEST: Member Cirelli. I, I will say this, um, next year, we just started this out as a pilot. Next year we really would like to see this go city-wide with all elementary school students and the goal was actually only to have 1 student per grade win, however, I, I guess it was a very hard decision and they brought me 9 and had already talked to them and I think all of these, as your heard tonight, all of them were definitely award winners.

PRESIDENT SCHULMAN: Thank you.....and ah, Mayor Creighton, you had something you wanted to tell the school children.

MAYOR CREIGHTON: Um, congratulations students and if you would please give me a copy of your speech, I will proudly make a display on the first floor of City Hall in the main entrance so everyone can read your fine writing and your words. Thank you.

PRESIDENT SCHULMAN: Great.... and you are welcome to continue to sit in the press area or you can go back to your family, whatever you want to do. (*LAUGHTER AS THE CHILDREN EXITED THE TABLE, ONE BY ONE*)

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 JUNE 4, 2007.

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

345. ASST. LAW DIRECTOR BATES-AYLWARD: NOTIFICATION TO MAINTAIN ANY & ALL RECORDS RE: LEAD PAINT AND/OR LEAD PAINT LITIGATION. - RECEIVED & FILED
346. AUDITOR MALLONN (CITY):CERTIFICATE OF TOTAL AMT FR: 2007 ALL SOURCES. - RECEIVED & FILED
347. AUDITOR MALLONN (CITY):SUBMITTING MONTHLY REPORT BY FUND THRU 05/31/07. - RECEIVED & FILED
348. AUDITOR MALLONN (CITY):SUBMITTING YEARLY REPORT BY FUND THRU 05/31/07. - RECEIVED & FILED
349. CARBENIA, JOE., WARD 9 CNCLMBR: REQ TO AMEND CODIFIED ORD #505.18, SEC © TO ADD 'PIT BULLS' TO LIST OF DANGEROUS ANIMALS. - JUDICIARY COMMITTEE
350. CD & PLANNING DIR., POORMAN: REQ LEGISLATION FOR MAYOR &/OR SERV DIR TO

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ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR STEIN REMEDIATION PROJ FUNDED BY OH DEPT OF DEV. - FINANCE COMMITTEE

351. CD & PLANNING DIR., POORMAN: AUTHORIZE MAYOR &/OR SERV DIR TO MAKE APPLICATION & REC \$198,000.00 FR: H.U.D. TO CONSTRUCT HANDICAP PARK @ CITY OF CANTON WATERWORKS PARK ; AUTHORIZE CITY AUDITOR TO ESTABLISH 'NEW HORIZONS PARK' FUND; AMEND O#1/2007 TO MAKE \$198,000 SUPP APPROP TO NEW HORIZONS PARK FUND. - FINANCE COMMITTEE
352. HART, RICHARD., WARD 7 CNCLMBR.: REQ TO NAME UNNAMED ALLEY RUNNING ALONG 1338 COTTAGE AVE. NW ENDING BEHIND PROPERTY @ 15TH ST NW TO BE "TAYLOR CT". - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
353. HART, RICHARD., WARD 7 CNCLMBR.: STATING OPPOSITION TO PROPOSED WATER PARK @ WEISS PARK. - RECEIVED & FILED
354. HART, RICHARD., WARD 7 CNCLMBR.: PROPOSAL FOR CITY TO CONTINUE & MAKE PERMANENT THE SCHROYER AVE DROP-OFF SITE FOR HOUSEHOLD HAZARDOUS ITEMS INCLUDING TIRES ETC. - RECYCLING COMMITTEE
355. LAW DIRECTOR MARTUCCIO: REQ \$15,000.00 TO PREPARE FOR FED LAWSUIT RE: ESTATE OF SHAWN PIROLOZZI ALLEGING WRONGFUL DEATH BY CITY POLICE OFFICERS. - FINANCE COMMITTEE
356. LIQUOR CONTROL DIV (OHIO): NOTICE OF HRG OBJECTING TO STOCK TRANSFER OF A H N, INC. DBA STORE @ W TUSC. TO BE HELD ON JUNE 26, 2007, 10:30 AM @ 221 3RD ST SE., CANTON, OH. - RECEIVED & FILED
357. RANDAZZO, M.C & MARCANTONIO, A.: APPLICATION TO REDONE LTS #32534, 32535, 32536 & 32537 LOCATED @ NW CORNER OF N. MKT AVE., & 30TH ST FOR BANK W/DRIVE THRU. - PLANNING COMMISSION
358. SERVICE DIRECTOR CONCATTO: REQ TO ENTER INTO AGMT TO GRANT MEASURING & REGULATING STATION ON CITY OF CANTON LAND NEAR 11TH ST SE, W. OF GONDER AVE., W/ DOMINION EAST OH GAS CO. - FINANCE COMMITTEE
359. SERVICE DIRECTOR CONCATTO: REQ SERV DIR TO ENTER INTO \$40,000.00 PROF SVS W/ME COMPANIES TO PERFORM STUDY OF 12TH ST N. CORRIDOR STUDY INCLUDING MONUMENT RD EXTENDING TO GIBBS AVE; \$40,000.00 TRANSFER FR: 4506 201001 75812 TO 4506 202077 70507. - FINANCE COMMITTEE
360. SERVICE DIRECTOR CONCATTO: REQ SERV DIR TO ADVERTISE REC BIDS & ENTER INTO \$74,000.00 CONTRACT FOR SEARS BLDG EXTERIOR FACADE REPAIRS; REQ \$74,000.00 TRANSFER FR: 4510 201001 TO 4510 201050. - FINANCE COMMITTEE
361. SERVICE DIRECTOR CONCATTO: REQ \$7,161.65 SUPP APPROPRIATION FR: UNAPP BAL OF 2111

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STR MAINT FUND TO 2111 104020 73458 MISC SUPPLIES FOR REPAIR OF NOSTALGIC POLE @ 2311 MKT AVE., N. - FINANCE COMMITTEE

362. STARK CO 5TH DIST APPELLATE CT: JUDGMENT ENTRY RE: PLAIN TWP TRUSTEE VS. BD. OF COMMISSIONERS, ET AL PERMITTED TO 5/24/07 TO FILE BRIEF (DIANO ANNEX). - RECEIVED & FILED
363. TREASURER, SCHIRACK: APR 30, 2007 COMPARATIVE REPORT OF CASH RECEIPTS. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

NOTE: PRESENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #5 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH HEXAGRAM INC. IN AN AMOUNT NOT TO EXCEED \$171,600.00 FOR THE UPGRADE OF THE AUTOMATED METER READING SYSTEM; AMENDING APPROPRIATION ORDINANCE NO. 241/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #2 (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 241/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #3 (1ST RDG) AN ORDINANCE ADOPTING THE CITY OF CANTON'S PROPOSED TAX BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2008; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee PUBLIC HRG 7/9/07 @ 7:30PM
- #4 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH WARREN FIRE EQUIPMENT, INC. IN AN AMOUNT NOT TO EXCEED \$30,479.42 FOR THE PURCHASE OF TURNOUT GEAR PURSUANT TO O.R.C. SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #5 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE REMOVAL OF ALL TRASH AND DEBRIS ON THE PROPERTY LOCATED AT 9TH STREET SW AND

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SCHROYER AVENUE SW; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: Thank you Madame Clerk. We are now under Ordinances for the second reading. Madame Clerk will you please read Ordinance #6 through and including #10 by title

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #6 THROUGH #10 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #6 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED ENTERPRISE ZONE AGREEMENT WITH GLENN REAL ESTATE INVESTMENTS, LLC; AND DECLARING THE SAME TO BE AN EMERGENCY
- #7 (2ND RDG) AN ORDINANCE AMENDING SEC 1 (P) OF ORDINANCE NO 177/2006; AND DECLARING THE SAME TO BE AN EMERGENCY
- #8 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A FEE MODIFICATION WITH ME COMPANIES IN AN AMOUNT NOT TO EXCEED \$169,206.00 FOR THE 30TH STREET NE TRUNK SEWER & IMPROVEMENT PROJECT, GP 1083; AMENDING APPROPRIATION ORDINANCE NO 241/2006, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #9 (2ND RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$35,273.00 TO GPD ASSOCIATES; AMENDING APPROPRIATION ORDINANCE NO. 241/2006, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #10 (2ND RDG) AN ORDINANCE APPROVING SETTLEMENT OF DISPUTED HEALTH CARE BENEFITS PAID BY CANTON; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A SETTLEMENT AGREEMENT WITH AULTCARE; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

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

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #11 THROUGH #15 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

- #11 (3RD RDG) **ADOPTED AS ORDINANCE #111/2007** AN ORDINANCE AMENDING ORDINANCE #55/77, AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (LT #2894 @ 907 -11TH St.,

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NW)

PUB HRG 6/4/2007 @ 7:30 PM

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #11. 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. Ordinance #11 is adopted.

#11 ADOPTED AS ORDINANCE #111/2007

#12 (3RD RDG) ADOPTED AS ORDINANCE #112/2007 AN ORDINANCE AMENDING ORDINANCE #55/77, AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (OL #799 @ 3004 Atlantic NE)

PUB HRG 6/4/2007 @ 7:31 PM

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?... 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. Ordinance #12 is adopted.

#12 ADOPTED AS ORDINANCE #112/2007

#13 (3RD RDG) ADOPTED AS ORDINANCE #113/2007 AN ORDINANCE AUTHORIZING THE DIRECTOR PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH CANTON SYMPHONY ORCHESTRA ASSOCIATION IN AN AMOUNT NOT TO EXCEED \$40,000.00 FOR THE 2007 'CONCERT IN THE PARK'; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

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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: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #13 is adopted with the stipulation, Member Casar, that they start playing good music. (LAUGHTER) Ordinance #14.

#13 ADOPTED AS ORDINANCE #113/2007

#14 (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE #114/2007** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT A GRANT FROM THE ODNR, CLEAN OHIO TRAILS FUNDING IN AN AMOUNT NOT TO EXCEED \$445,000.00 AND TO ENTER INTO A RIGHT OF WAY AGREEMENT WITH THE AKRON METRO RAILWAY; AMENDING ORDINANCE #241/2006 AS AMENDED BY MAKING AN 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 #14.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #14. Are there any remarks?... Member Casar?

MEMBER CASAR: Mr. President. Per the copy that all Councilpersons have in front of them, I move to amend Ordinance # 14.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to ado... to amend Ordinance #14 to include a copy before each of you. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT ADOPTED BY UNANIMOUS VOICE VOTE

AMENDMENT: Pursuant to Rule No. 36, I move to amend Agenda Item No 14 as follows: (a) Amend the caption to read: AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT A GRANT FROM THE ODNR - CLEAN OHIO TRAILS FUND IN AN AMOUNT NOT TO EXCEED \$445,000.00 TO ENTER INTO A RIGHT-OF-WAY AGREEMENT WITH THE AKRON METRO RAILWAY AND TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACTS FOR CONSTRUCTION OF AN UNDERPASS AND BRIDGES;

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AMENDING APPROPRIATION ORDINANCE NO. 241/2006, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (b) Add a new section 3 which shall read: SECTION 3: THE DIRECTOR OF PUBLIC SERVICE IS FURTHER AUTHORIZED AND DIRECTED TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACTS FOR THE CONSTRUCTION OF AN UNDERPASS AND BRIDGES IN CONJUNCTION WITH THE PROJECT. (c) RENUMBER CURRENTLY EXISTING SECTIONS 3, 4, AND 5 AS 4, 5 AND 6.

PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: The question you're now voting on is the Ordinance #14 as amended. Are there any remarks, under this Ordinance as amended?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. I'll try to get the next one correct. Ordinance #15. Ordinance # 14 is adopted. Ordinance #15. **#14 ADOPTED AS AMENDED AS ORDINANCE #114/2007**

#15 (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE #115/2007** AN ORDINANCE AMENDING SECTION 1129.02, OFF-STREET PARKING AND SECTION 1153 HEIGHT REGULATIONS OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

MEMBER CASAR: Mr. President.

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 move we amend Ordinance #15 as per the copy that all Councilmembers have in front of them.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to amend the Ordinance #15 as per the copy that all Councilmembers have in front of them.

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MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to amend the Ordinance #15 per the copy before each of you. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no. I believe the ayes have it. Member Casar.

NO REMARKS

AMENDMENT ADOPTED BY UNANIMOUS VOICE VOTE

AMENDMENT: Pursuant to Rule 36, I move to amend Agenda Item No 15 as follows: (a) Amend the language for subparagraph (a) (2) contained in Section 1 to read: **OFF-STREET PARKING AREAS SHALL BE LOCATED ON THE SAME PROPERTY AS THE USE THEY ARE INTENDED TO SERVE EXCEPT FOR EXISTING STRUCTURES LOCATED IN THE B-5 CENTRAL BUSINESS DISTRICT. FOR EXISTING STRUCTURES LOCATED WITHIN THE B-5 CENTRAL BUSINESS, WHEN THE SITE, STRUCTURE OR RENOVATION IS UNABLE TO PROVIDE THE REQUIRED NUMBER OF PARKING SPACES, THE OWNER OR HIS AUTHORIZED AGENT MAY APPLY TO THE BOARD OF ZONING APPEALS (BZA) TO APPROVE THE RELOCATION OF THE REQUIRED NUMBER OF PERMANENT SPACES WITHIN A FOUR BLOCK RADIUS OF THE PARTICULAR PROPERTY AND/OR TO REDUCE THE NUMBER OF REQUIRED PARKING SPACES. THIS SHALL BE EVIDENCED BY A WRITTEN AGREEMENT APPROVED BY THE CHIEF BUILDING OFFICIAL (CBO) AS TO TERMS, CONDITIONS AND PARTIES PRIOR TO APPLICATION BEING MADE TO THE BZA. ADDITIONALLY, IT SHALL BE THE RESPONSIBILITY OF THE OWNER/TENANT OF SAID STRUCTURE TO NOTIFY THE CBO BY CERTIFIED MAIL NOT LESS THAN NINETY (90) DAYS BEFORE THE EXPIRATION OF THE WRITTEN AGREEMENT, WHEREUPON SAID OWNER/TENANT SHALL REAPPLY TO THE BZA FOR APPROVAL OF THE SUBSEQUENT AGREEMENT.** (b) Amend the language for Section 1153.04 contained in Section 2 to read: **NO STRUCTURE SHALL EXCEED 30 STORIES OR 375 FEET.**

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

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #14... #15 as adopted. The question you're now voting on is the Ordinance as amended. Are there any remarks under this Ordinance as amended?

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, reluctantly, I'll probably support this. I don't feel that it's necessary legislation at this time. I can see the addition, the height of the buildings for developers to get the tax credit codes, but at this particular time, I really can't see the ah, part of the additional parking in there because ah, I don't see it in the near future that it would be necessary, that this be done at this particular time but ah, I'll probably support it, but I'm not sure yet.

PRESIDENT SCHULMAN: Any other remarks?

MEMBER CARBENIA: Mr. President. I'll probably vote for this too. Ah, if somebody wants to um, get ah, an apartment up there and wants to walk 6 to 8 blocks, so be it.

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MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Thank you Member Carbenia. Member Cirelli.

MEMBER CIRELLI: I'll vote no. I just wanna apprise everybody because I think it's very impractical, the whole thing. Thank you.

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

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Ah, Member West.

MEMBER WEST: This ordinance um, will also solve some of our empty deck problems. I will support this. I think that this could be, it's a futuristic move that ah, we may all be very pleased with in the future.

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

NO REMARKS

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

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

PRESIDENT SCHULMAN: Ordinance #15 is adopted.

#15 ADOPTED AS AMENDED AS ORDINANCE #115/2007

ANNOUNCEMENT OF COMMITTEE MEETINGS

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

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Finance Committee will meet Monday, June 18th at 6:30 in the Caucus Room.

PRESIDENT SCHULMAN: No other Committee meetings? Great.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: We are now under Public Speaks, Open Forum. We have 8 speakers signed up this evening. As I always say to members of the public that come down to address us, thank you very much for doing so. We appreciate it. We want to hear from the people of our community. I would just caution those who have not spoken publicly at our meetings, we have adopted a rule that gives each speaker only 3 minutes and, I will hold you to that. I don't mean to be impolite. All of us will be here after Council to address any questions you might have but if you could keep your remarks to 3 minutes, we would be most appreciative. The first speaker tonight

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is Angela Newman. Ms. Newman, would you, ah, step forward. Give us your name and your residential address please and welcome. Thank you.

MS. NEWMAN: Hi. My name is Angela Newman. I live at 915 Harrison Avenue SW. I am the owner of the A & R Whistle Stop. I am here to complain about the Canton City Police Department not standing behind me to run a good business in a bad location. The back of my bar faces the Newton Zone. Every time I call the police for help to keep a good business, I get a lot of issues. I have sat down with the Safety Director. He has promised me a meeting with the Chief. That was 3 weeks ago. I still haven't gotten anything. I have had a police officer who was off-duty, park his vehicle in my driveway. I've asked him to please move it so customers can come in. The first thing he does is flash a badge in my husband's face. He's off duty. He has not right to throw that kind of force. Um, I have had issues with a police officer being indignant to me when I have tried to file a report against somebody threatening my life and he had treated me like crap. I filed ah, ah, a thing with the Internal Affairs. It was the officer's name was James Meyers. How convenient that the person that investigated it was named James Myers. It was thrown out. I, I need assistance from this city and I'm not seeing... seeming to get it so, I need to know what can be done to help me and my business because I am trying to thrive here.

PRESIDENT SCHULMAN: Thank you very much Ma'am. Thank you. Our next speaker is Peter DiGiacoma. And, if I mispronounce anyone's name, please tell me, and if you'll step forward sir, and give us your name and your professional, or your residential address.

MR. DIGIACOMO: Ah, my name is Pete, Pete DiGiacomo. My professional resi.... residential address is 600 Dent Place SW. I was up here a few weeks ago ah, about the Pastime Bar on ah, 9th Street SW. Um, I will say that we have seen more black and white units go by. Ah, if there's any undercover, vice or gang task force, of course we don't know if they're in the area. That being said, there's still just as much drug dealing going on, ah, loud noises and things like that. This past Saturday, I couldn't sleep. I was downstairs right around 1:30. Wells Avenue, I'm gonna think yeah, somewhere between 12 to 15 vehicles were lined up on that street, or, on that alley. The bar closed at 2, I'm gonna say 2 to 2:15. You could not get through the alley. People were just partying. Loud music, urination, drugs, I'm, I'm watchin' all of this go on. Two cruisers pull in and I'm thinkin' hey, what they said they actually did, they're just cruising by and they're gonna bust it up. Wrong. Susan Seiler back there, called the police. That's why the police actually did show up. But, it's, it's, it's, still you know, drugs being sold. Again, like I said before, how you can stop it, how you can catch 'em, I'm not sure. Maybe if you do a reverse sting, something like that. Public urination, loud noise, when the, when the cruisers did roll in, it was like chaos. Literally, some of them were running to get away. So, either they were carrying something or they had warrants. Ah, thank you very much.

PRESIDENT SCHULMAN: Thank you sir. *(APPLAUSE)* Our next speaker is Henry Mack. Mr. Mack. Good evening and if you'll step forward and give us your name and your residential address please sir.

MR. MACK: I'll cut this short. My name's Henry Mack. I live at 2430 4th Street NE. I'm a resident for 45 years there. We're having several problems in that area and I'm here to address this Committee, the Mayor and the Safety Director. I would like to have a meeting with the following people, that's the head of the Police Department, the head of the drug enforcement and, we've already set up Mayor, a meeting with the enforcement. They'll be a gentleman talk about that when he gets up here. We're not getting the service in that area that we're supposed to get and I'm not happy, none of the neighbors. Some of the neighbors stand up that's in that area. *(SEVERAL AUDIENCE MEMBERS STOOD TO THEIR FEET TO BE RECOGNIZED AS NEIGHBORS IN THE AREA BEING ADDRESSED)* They're here to represent the same thing. Now, we're not happy at all about the

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service we're getting in that area. Ah, we've had 6 drive-by shootings. This is not a norm thing in that area. Nobody's been arrested. We've turned in drug houses. We can't even get a response. I was supposed to get a response last week. No response, six weeks. The last one I turned in took 14 months to get anything done and I'd like to talk to these gentlemen with the Mayor and them to set a meeting up, I'll be glad to, whether it's one on one or our neighborhood, talking to them. Any way would be just fine. These are the things that cause ghettos. We don't want a ghetto. Okay? We have homes out there. We have problems with grass cutting. That's being solved but there's other things out there and we just, we definitely don't want this. I thank you for listening to me.

PRESIDENT SCHULMAN: Thank you sir, very much. (*APPLAUSE*) Our next speaker is Kenneth Ash Jr. Mr. Ash. Is Mr. Ash here. Oh, I'm sorry. There you are, I'm sorry, I didn't see ya.

MR. ASH: I'm Kenneth Ash Jr. and I live at 1105 Young Avenue NE, going on 67 years. I'm 1 of 5 generations of my family that has lived on Young Avenue across from Nimisilla Park. Now that I'm retired and watching my 4 grandchildren, I have a sixth generation using the park. When I was growing up, Nimisilla Park had 3 tennis courts, a basketball court, 8 swings, a sliding board, picnic pavilion, bandstand, which we had Sunday afternoon concerts, a zoo, the Canton Garden Center, greenhouses, a house in which the Park Superintendent lived in and the Park Department housed their equipment and worked out of this park. We also had a makeshift baseball diamond in which, if you hit the ball up on Lawrence Road, you had a home run! Across the street we had Cook's Park which had an outdoor swimming pool, a basketball court, volleyball court, horseshoe courts, some swings and Cook's Field, a baseball field which kids were not allowed to play on. Across the street from that we had Crescent Lake which today is known as Cook's Lagoon where we fished and ice skated at and it had a shelter with a fireplace in it. Today, Nimisilla has the 3 tennis courts, 2 basketball courts, a parking lot, which is chained up and not in use, only on special occasions, 3 picnic pavilions, 4 swings and 2 toddler swings. The sliding board, a monkey bar to climb on, a merry-go-round, which has since been removed and not replaced like the one in Stadium Park had been replaced. All this equipment was moved to an area next to the tennis courts and then they installed a jungle jim, but not in this area, it's about 50 yards away and the kids have to cross the road in the park to go back and forth. The zoo is now a fenced in area where the Park Department stores their junk. The bleachers for the Hall of Fame Parade and mountains of mulch where there are trees growing out of. The neighbors complain of this site years ago and Peel Coleman had them install green louvers in the chain link fence to try to hide this area. The house was torn down, Carl Reese was the last Superintendent to live there and he is the one that had the present day garden center built 50 years ago. Oh, and we had a fire station built in one corner of the park. Over in Cook's Park, we now had toddler swings, a sliding board, monkey bars, old tires to crawl on and a toddler's jungle gym and of course, Cook's Field is still there. Where the pool once was, in the fall there's a midget football league using this area with no parking. They use the sidewalks. Over at Cook's Lagoon, while it's still there without the shelter and they still fish there because the County stocks it for their rodeos. Years ago, when the city decided to tear out their outside pools, there were to be community senators, centers, with indoor pools to replace them and I believe the United Way was involved with this project. In the northeast end, the Northeast Community Building was built with a pool but a couple of miles away from where Cook's Pool was. In the southeast end, they built the Coleman Center and without a pool. Southwest area, the Boy's Club without a pool. This was to replace the 6th Street pool. The northwest area got the CYC building with the pool plus they have the Branin Natatorium. Now they are talking about water parks and where to put them. In my end of town, they want to install one of these right next to the Northeast Community Center which has a swimming pool. I'm here to say that we need something in my area. A park that is in the inner-city, not on the outer limits. I don't want my neighborhood kids to have to walk miles to do something. The city has a parkland in my area. Why don't you do something constructive with it? I would like to see some type of water recreation installed and I would also like to see them

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move the midget football league into the fenced area in Nimisilla Park, where there is a parking lot and you can store your bleachers around the field and get some use out of them. Thank you. (*APPLAUSE*)

PRESIDENT SCHULMAN: Thank you sir. (*APPLAUSE*) Thank you Mr. Ash. Our next speaker is Preston Young. Mr. Young. Good evening sir. If you'd step forward and give us your name and your residential address please.

MR. YOUNG: My name is Preston Young and my address is 361 Freedom Avenue NE. I was here several times on the pool, but the issues I have tonight is up on the pool. I met with Mr. Labriola outside earlier so I put this on hold because we'll get together. Last fall we went out and covered the whole area, Belden Avenue to ah, ah, Hamilton Avenue east and everything in between that. We covered that area. A lot of riding was done, we spent 2 hours on places that needed code work and stuff done. So, that was last, last fall, so I been checkin' it all winter, no work couldn't be done but now since the weather broke, they have plenty of time to get started on some of that stuff, nothing was done, but ah, it stands, the way it stands, if you don't get the laws, or enforce the laws, it'll never be done. You're gonna have to get those building laws there. I know areas that have 'em and they work and, I won't take a lot of time on that. I have another issue here for about 3 minutes. I have a lot of stuff here tonight...

PRESIDENT SCHULMAN: Well, you have about 2 minutes left.

MR. YOUNG: but I'll just let it go. Code, we'll just table that and probably keep that later, I'll check them premises out ah, later on that. Okay. Next thing is the street department. For, for 3, this is the third year now we've been put on hold, wasn't just about the streets Freedom Avenue. They can, we were listed in 05 to get the streets finished. I been that, in that ah, at that address since, ah, ah, for, for, ah, 40, ah, with that ah, 60, 1960, July 4th 1960 when I moved, we built and moved in 1960. Been there since. The streets have been resurfaced once as asphalt. They came back out after it was done, they had about 2 years later because they did such a lousy job, they scraped a little bit off at the crest of the hill, would not re-did. Nothing since. I have a 120 ft. frontage and it's all cracked, the asphalt's all cracked up. The little pebble, gravel dust flying everywhere. I had to pressure wash the front of my house twice a year. My windows every 2 or 3 weeks because of grim. Some, I can't open the windows or doors because all the dust is still flyin' in. That's because of the condition of that asphalt in the street, it's just dirt. They've been out several times. This looks like spider man web in there. There's cracks and every time it rain, the water gets under it, breaks up more. They came out during the winter, put down some patch in spots right across the driveway. That place was like a dump, wheel covers and everything flying off over here. It gets full of water, you don't know it's there. You couldn't see it anyway at the crest of the hill. So, they patched that again and now it's gone already. But, the street just needs re-surfacin'. They came out last year and re-surfaced from Tusc E to 3rd Street and cut the job off. I thought they were gonna finish the job. I inquired about it. Got a run-around. Nobody knew anything so now it was supposed to have been put on the agenda for, you know, this year. Now I understand the city not doing the streets. Well, something needs to be done or heard because it's ridiculous. You know, all the years I've been there, since 60, and you're fightin' about something either code, zonin' or a bad city services and that's where we get them. It's about time to do something or the whole neighborhood be gone because we can't do it when we have one house at a time. Ya gotta get the laws in, get 'em enforced and there's code work and I know they were workin'. I can take ya to places where I know they worked.

PRESIDENT SCHULMAN: Thank you Mr. Young, very much. (*APPLAUSE*) Our next speaker is Walter Hoov. Good, I'm sorry. Mr. Hood. Welcome sir. I'm sorry I looked, it looks like a 'v' here. I apologize.

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MR. HOOD: My name is....

PRESIDENT SCHULMAN: Mr. Hood, could you give us your name and your ah, residential address please.

MR. HOOD: My name is Walter Hood. My address is 316 Freedom Avenue NE in the great City of Canton, Ohio. I had 2 complaints but one of 'em got solved today. It's the house across the street from me with the address of 321. People mowed that last October and the grass and the weeds were as high as this podium was. I called my Councilperson Zachary last week and they come home from the church this morning and the grass and the weeds is all cut down, and I thank 'em very much, whoever done it and I glad it got done. My second one is like gonna, like Mr., Mr. Young said on that hill on the crest, there's a hill there and our street is about wide as 2 of them tables there and I think for the street department should come through there and see about this parking on both side of that street. It's hard gettin', I gotta car sittin' here, you got one here, and someone's comin' from the north, going south or someone leavin' south going north, somebody gotta pull over like this and wait for the other one to go by. Summer time, kids up there playin' ball, ya know, and it's hard to see 'em, you know, ya got 5 or 6 vehicles on this side of the street, 5 or 6 on that side of the street, you can't see those kids if they run out in the street try to get a ball, and just to make the record straight, 1 neighbor of mine is, 1, 2, 4 vehicles, 4 vehicles. He keeps 2 dogs in the garage, 2 vehicles in the driveway and 2 vehicles on the street. Does that make any sense? But I do, and in the winter time, it's really bad to get up that hill in the winter time. I have a vehicle with 4 wheel drive in it, and I try to go up Freedom to 4th Street, I have to go down Freedom to 3rd Street and go around and it's hard getting those, especially, you know, for people if they haven't cleaned the streets off anything, ya got vehicles parked on both sides of the street, and if cars not going up the hill, they let one that's comin' down, he have to back all the way back down to 3rd Street because, by him stoppin' he can't pull that hill. I think they should have parkin' just on 2 side of the street or none at all, just in that one area, from 3rd and Freedom to 4th and Freedom. They should have parkin' on 1 side of the street or no parking on either side of it. Everybody else garages there, but, if you got stuff in your garage, that's why they need their cars on the street. That's all I have to say.

PRESIDENT SCHULMAN: Thank you sir.

MR. HOOD: You're welcome. (APPLAUSE)

PRESIDENT SCHULMAN: Mr. Hood, I think you must have set a record. You spoke for exactly 3 minutes. Thank you. Our next speaker is.... and we appreciate you coming down... Michael Snell. Mr. Snell, good evening. If you'll give us your name and your residential address.

MR. SNELL: Ah, my name's Michael Snell. I stay at 2501 3rd Street. There's an abandoned house next to mine that's been abandoned for about 5 years. Ah, they just cut the grass Thursday, but its, ya know, they're stealin' the ah, aluminum siding off the house, it's a, it's a sore for the neighborhood and I'd like somebody to do something about it cuz someone owns it. That's all I have. Thank you.

PRESIDENT SCHULMAN: Thank you very much sir. Sir, can you give us the address of that house.

MR. SNELL: Ah.....

PRESIDENT SCHULMAN: It's northeast?

MR. SNELL: Yes. I live at 2501 and it's next to me it's either 2503 or 2507.

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PRESIDENT SCHULMAN: That's fine. We just wanted to know if it was northeast.

MR. SNELL: Okay.

PRESIDENT SCHULMAN: Thank you Sir. (*INAUDIBLE COMMENT FROM THE AUDIENCE REGARDING THE ADDRESS OF THE HOUSE JUST REFERRED TO*) Oh, okay.

CLERK TIMBERLAKE: 2513.....

PRESIDENT SCHULMAN: Okay. Great. Thank you sir very much. Our last speaker tonight is Susan Seiler. Ms. Seiler, I know you've been here. If you can give us your name and your residential address, we'd appreciate it.

MS. SEILER: Susan Seiler and my address is 824 High Avenue SW. Um, this is just to give you an update on, on the Pastime Inn. Pete DiGicno.. Pete DiGiacomo and I spoke at the 21st, May 21st Council meeting and told you some of our woes about the Pastime Inn. Since then, that Saturday following that Council meeting was probably one of the worst nights. Um, we probably had about 40 people out in the streets 'till about 3:30 in the morning partying, loud music, open containers, cruiser drove through the midst of 'em, never even touched their brake lights. Um, Wednesday, I called ah, Safety Director Hunt. He said, how soon could you be here with that video tape. I was in his office within a half hour. We went down to the Chief McKimm's office. We sat down in the Police Department, I don't know, it was at the Vice Unit, and watched, Detective Bureau, and watched the video tape and all of 'em couldn't believe it. Um, this went on until 3:30 in the morning. The Wednesday after that, we had a cruiser parked outside the Pastime at 2:30, closing, and everybody came out quietly, got in the cars and went home. Oh, thank goodness! Saturday night, it was chaos. It was probably one of the worst nights again. There was, after closing time, about 10 after 2, you could see a cruiser cruising around the Pastime and ah, the people that weren't smoking in front of the Pastime, probably about 15 people, go inside the Pastime, okay. At 2:28, he at 2:20 turned out the light, at 2:28 he collects all the beer bottles and they drop 'em before they go out and of course, and they drop 'em in a container as they're going out the door. So, it's clunk, clunk, clunk. Ah, they stayed there at, at 2:28, I called the Police Department because there's approximately 40 people outside in the block partying, loud music, like I said, open containers ah, it took them 8 minutes to get there. Ah, the cruiser pulls up and he lays on his horn, and I'm wondering, cuz I couldn't tell it was a cruiser at the time, till I saw the video tape, and he lays on his horn and he waits for about a minute and then another cruiser gets up, gets behind him and they go in together so, obviously, he decided he better wait for back up. That's how many people were out there and the one cruiser, the first cruiser pulls up, does a big 'u-ie" and stops right in front of the bar. The other cruiser pulls up and he gets out and he puts his hands on his hips and the video's hilarious cuz he's like, man, people, people, go home, and people scurry. It's just amazing how they scurried and at the time, when they first, the cruiser put the horn on it and he laid on the horn, you could hear people whispering and talking, turn around and look at him and then everybody, man it's the cops, it's the cops. Everybody scurried. You can see people running and it's like, that's cool, you can see a couple people, couple kids going that's cool, that's cool. Ya know, he says, don't run, don't run. You can hear all this on the video tape. Um, it's just amazing but I have to thank you Safety Director, because Saturday night, I don't know what I would have, would have done if I would have had to listen to that for another hour, until 3:30 in the morning. So, I wanna thank you for your cooperation with the Pastime. The Department of Commerce still doesn't know where, which Judge is handling the case, the third appeal, but, hopefully, we can get this taken care of soon and I'll give you guys the case number, here, if you can find out for us what is happening so.

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PRESIDENT SCHULMAN: I don't know if all the Members of Council know, who do you work for?

MS. SEILER: I work for the city Fire Department.

PRESIDENT SCHULMAN: And your husband?

MS. SEILER: Firefighter paramedic. My sweetie over there in the red, he's a Firefighter Paramedic and has been with the city for 17 years.....

PRESIDENT SCHULMAN: Okay.

MS. SEILER: on January 12th. So.

PRESIDENT SCHULMAN: Thank you very much.

MS. SEILER: Thank you, thank you so much.

PRESIDENT SCHULMAN: Thank you. (*APPLAUSE*)

MISCELLANEOUS BUSINESS

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

MEMBER CASAR: Mr. President. Um, a Representative of Ohio VietNam Veterans Memorial Park, would like to ah, address Council, ah, next, the 18th of June at 6:15 so I'm granting them 15 minutes to come in and talk about the Memorial Park. That'd be at 6:15 on the 18th in the Caucus.

MAYOR CREIGHTON: Mr. President.

PRESIDENT SCHULMAN: Thank you Member Casar. Madame Mayor.

MAYOR CREIGHTON: Yeah, I'd just like to announce ah, to the citizens and to the City Council that our Street Department um, recently received an award from the Street Maintenance and Sanitation Officials of Ohio presents to the City of Canton Street Department the Excellence in Public Service Award on May the 17th, 2007. They were given this for, this award in recognition of their B A N Program, Beautify A Neighborhood and this year we are booked in all of the neighborhoods. All the dates have been taken but I think that they came up with this innovative program and I think it's nice that the State of Ohio recognized them as award winners. (*APPLAUSE*)

PRESIDENT SCHULMAN: Right.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. I wanted to thank Ms. Seiler and Mr.

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DiG..DiGiacomo for coming and speaking. We will use these minutes in our future cases. Deputy, Chief Deputy Prosecutor Ty Horowitz, has won at every level and I'm keeping him apprised of what's going on. Ah, we'll find out where the appeals process is. We're not gonna give up. The Assistant Attorney General is helping us as well. It's a situation we wanna banish and win. Um, I wanted to thank Council, Member Casar and Council for passing the Resolution urging the Members of the House to modify Senate Bill 117, with regards to the Cable and telecom..telephone company provision. It is an attack on local home rule. It can hurt us financially. Some of you have received, if not all of you, yet another bill, yet another alert from the Ohio Municipal League and John Gotherman, Chief Council behind the Ohio Municipal attorneys will be bringing another communication and resolution soon. The State Senate is at it again, trying to get home rule, by trying to define for us what blight is, as if they can tell in Columbus, what our blight and our slums are like. We want the ability to determine that ourselves. So, if you are contacting any of the House of Representatives where this is at now, please bring that up as well. And, finally, I wanted to mention that when miscellaneous appears to be concluded, um, if, if, Member Casar would make a motion to go into executive session with the City Attorney to discuss a Federal pending case with Council and the Administration, I would appreciate that. Thank you.

MEMBER ZACHARY: Mr. President.

PRESIDENT SCHULMAN: Thank you Law Director. Member Zachary.

MEMBER ZACHARY: Just really quickly, a couple things. I don't know if other Councilmembers have received um, communications recently, whether it's from the Park and Recreation Committee or the Joint Recreation Committee, um, but we're getting these communications at home and they are in reference to things that they feel that we, at City Council, and the Mayor's Administration should or should not be doing in reference to recreation in the city. Um, is it possible, Mayor Creighton, for you to meet with whoever is in charge, to let them know that instead of learning about what may or may not happen in this city, they need to concentrate on some things that are, are, occurring now, such as, um, Mr. Ash, you came and spoke about Nimisilla Park and, and the deplorable condition it's in. The mini park on Cornelia Avenue, the kids can't even play on the equipment there. Ah, whoever is in charge of focusing on the placing equipment and making sure that the play areas are up to snuff and up to par, I think they should concentrate on that at this point as opposed to worrying about a speculation as to where we may or may not put a water park. The other thing, I wanna thank the Affairs of the Community members for coming down to Council tonight and speaking because, as you all know, it has been a, a fight and a struggle for quite some time to get some of the small things done in precinct C in ward 4 so I appreciate you coming down and making your concerns know. Um, we got a communication from a Member of Council and I'm not going to say his name unless he wants me to but it's in reference to the grass cutting program. I'm in full agreement with him on that. I do think that we do need to step it up and if we could hire a few more summer students to cut the grass. I have several properties and, and Uncle Walt, thank you for coming down and thank God that property across from you was cut but there's many others that have not been and have been reported as of last week or before. So, it's not getting done in a timely manner, and that's pretty much all I have. Thank you.

PRESIDENT SCHULMAN: Thank you Member Zachary.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk

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MEMBER HAWK: Thank you. Two quick comments. Two wonderful things happened last Saturday in downtown Canton. Early in the morning, folks started planting flowers to benefit all of us. If you haven't taken a look, go down through there, they've done a marvelous job. It was done by about 9:30 or 10:00 in the morning and then we had the start of the concert, ah, was put on by our Symphony Orchestra along with fireworks. Again, a very well-attended event ah, it was sponsored by the Arts and by the Chamber. They had a lot of hands-on things for children to do. It was truly a family event. It made you feel good because if you looked around at this entire crowd all day long, you saw people bringing their children to downtown Canton which is a certain sign that downtown Canton is safe. They brought their kids. How wonderful! So, I thank everybody that worked on that Committee and actually, our, Council, Cindy, look up here....(LAUGHTER) she participated in both of those processes all, all morning and all afternoon long. Thank you.

CLERK TIMBERLAKE: Thank you. I enjoyed it. (APPLAUSE)

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

MEMBER CASAR: Mr. President. I move we move into Executive Session to discuss pending legislation with our Law Department and all Council persons and the Administration should be present please, and all presently, right now.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that we recess into Executive Session. Are there any remarks... If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT SCHULMAN: Motion is passed.

***COUNCIL PROCEEDED INTO EXECUTIVE SESSION AT 8:45 PM AND RECONVENED AT 9:06PM WITH ALL COUNCILMEMBERS IN THEIR SEATS AT TIME OF ADJOURNMENT.*

MEMBER CASAR: I move we adjourn.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: Roll call vote please, Madame Clerk.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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

ADJOURNMENT TIME: 9:07 P.M.

ATTEST:

APPROVED:

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CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT