

**MINUTES OF THE MEETING OF FEBRUARY 25, 2008**

PRESIDENT SCHULMAN: Okay. Good evening ladies and gentlemen. Glad we have a nice turn out tonight and, are we all ready to go? We have our Service Director, so, we're ready. With a quorum being present, the Chair calls the meeting of Canton City Council to order. Roll call please Madame Clerk.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

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

All COUNCILMEMBERS PRESENT

CLERK TIMBERLAKE: All present Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Tonight we'll have our invocation given by Councilmember Jim Griffin. Would you please remain standing for the Pledge of Allegiance of the Flag.

*The regular meeting of Canton City Council was held on Monday, February 25, 2008 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 Jim Griffin, followed by the Pledge of Allegiance led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: That would make ah, Member Griffin, that would make the name of a great movie. We are now under agenda corrections and changes. Members of Council you're going to be asked to suspend Rule 22A to add the second reading of Ordinances #6 through and including #9. Member Casar, the Chair will recognize that motion.

MEMBER CASAR: Mr. President. I move we suspend Rule 22A and add Ordinances #2 through and including #6 on this evening's agenda.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to second reading Ordinances #6 through and including #9.

MEMBER CASAR: Yes, I'm sorry.

PRESIDENT SCHULMAN: Member Casar. Sorry.

MEMBER CASAR: Yeah, #6 through #9.

PRESIDENT SCHULMAN: Yeah, #6 through and including #9 to this evening's agenda. Are there any remarks?... If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: The motion carries and Rule 22A is suspended and the Ordinances are a legal part of your agenda.

**PUBLIC HEARINGS**

PRESIDENT SCHULMAN: We have one public hearing tonight scheduled for 7:30. It's an ordinance authorizing Canton to annex the territory known as Koch Knight annexation area containing approximately 27.3292 acres; assigning said territory to Ward 4 of the city; zoning said territory as I-2, heavy industrial district; and declaring the same to be an emergency. The Planning Commission has recommended said annexation of the City of Canton. Is there anyone in the audience wishing to speak for or against this annexation, would you please come forward? I have to say this one more time. Is there anyone in the audience wishing to speak for or against this annexation, would you please come forward? No one coming forward, the Chair declares the public meeting over in regard to this matter. The matter now rests in the hands of Council and the Ordinance will follow later this evening.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: We are now under public speaks on Ordinances and Resolutions for adoption. We have no speakers signed up this evening.

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: We're now under Informal Resolutions. Madame Clerk, would you please read Resolution #15 by title.

15. COUNCIL OF THE WHOLE: COMMENDING ROBERT PATTISON FOR HIS DEDICATED PUBLIC SERVICE TO THE CITIZENS OF CANTON. - ADOPTED

PRESIDENT SCHULMAN: The Chair will recognize a motion to adopt Resolution #15. Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #15. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no. Resolution #15 has been adopted.

NO REMARKS      RESOLUTION #15 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: Ah, Madame Clerk, would you please read Resolution #16 by title.

16. COUNCIL OF THE WHOLE: REQUEST SPEEDY END TO COURT BATTLE INVOLVING LIQUOR LICENSE @ PASTIME INN. - ADOPTED

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

MEMBER CARBENIA: Seconded.

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PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #16. Are there any remarks?... If not, by voice vote.....

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Smuckler.

MEMBER SMUCKLER: Um, people signed up for city business. When, when are they allowed to speak? Because, someone wanted to speak on the Pastime Inn.

PRESIDENT SCHULMAN: At the Public Speaks.

MEMBER SMUCKLER: There's 2 sections.

PRESIDENT SCHULMAN: Oh. Well, if someone would like to speak regarding the Pastime Inn, we'd be more than happy to, end this Resolution, #16, we'll be more than happy to hear you right now. I thought there was one person who did want to speak. Mr. DiGiacomo. Thank you sir. Yes. If you'd step forward please and give us your name and your residential address sir.

MR. DIGIACOMO: My name is Pete DiGiacomo. I live at 600 Dent Place SW in the City of Canton. Um, on Resolution #16, a speedy end to the court battle involving a liquor license for the Pastime Inn, ah, it's been 2 years, close to 2 years trying to get the place closed down. A few weeks ago there was gunfire, 2 or 3 people were shot. Ah, apparently, and I don't know this for a fact, but, they, I do know they have closed the Pastime Inn. I believe the owner has done that. In the last 6 or 7 days, it has been so peaceful, so quiet down there, you cannot believe it. I wish it was summertime so we could enjoy sitting on the front porch. Um, whatever it takes to get this place closed down, new liquor license, so they do not get it, please, please do it. I apologize. We, my wife, we have not been here for about 6 or 7 months and the last time we had heard was that it was pretty much stalled down in Columbus, suspending the liquor license. The owner of the bar has appealed it and appealed it and appealed it. Already, ah, people that lived in the neighborhood had been forced to move, not because they wanted to, but because of the Pastime Inn and what goes on there. I'm 63 years old. I've lived down there since 1966, we're not going any place, regardless of what happens down there, we're not going anywhere. All I'm hoping is that you can get the place shut down permanently. Like I say, right now, it's like day and night. You cannot believe it's actually, even sitting in our house, it's enjoyable. You don't have the cars going by, the baboom, baboom, baboom, from the stereos. You don't have the prostitutes, you do not have the drug dealings. It's, like I said, day and night. Thank you very much. *(APPLAUSE)*

PRESIDENT SCHULMAN: Thank you sir. We appreciate your perseverance. Ah, are there any other remarks?... Member Smuckler? Okay, if not, by voice vote, all those in favor signify by saying aye. Those opposed nay. Resolution #16 has been adopted.

NO REMARKS      RESOLUTION #16 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: Resolution #17 Madame Clerk

17. COUNCIL OF THE WHOLE: ALLOWING TREX LIQUOR PERMIT TRANSFER FR: MOZART

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RESTAURANT & BEER GARDEN TO: LAVILLITA DBA EL CAMPESINO ON CLEVELAND AVENUE NW. - ADOPTED

PRESIDENT SCHULMAN: Well, I live right near there and I love El Campesino so, I hope they do get in there. Ah, Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #17. Are there any remarks?...

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Ah, Member Kraus.

MEMBER KRAUS: I would like Council to um, support this... like you say, um, Mozart was a fine restaurant no, no, um, bad calls, no police calls and El Campesino is coming in to get the place and I would like to invite everybody to come to Ward 8 and, and try the restaurant once it opens. Thank you.

PRESIDENT SCHULMAN: Thank you Member Kraus. Any other remarks?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no. Resolution #17 is adopted.

NO REMARKS RESOLUTION #17 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: Resolution #18 Madame Clerk.

18. COUNCIL OF THE WHOLE: SUPPORTING ISSUE 22 FOR STARK COUNTY MRDD. - ADOPTED

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Resolution #18.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #18. Are there any remarks?...

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes, Member West.

MEMBER WEST: I've asked the community to stand with us in supporting this Resolution and voting for this issue to help individuals that can't help themselves. Thank you.

PRESIDENT SCHULMAN: Thank you Member West. Any other remarks?... If not then, by voice vote, all

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those in favor signify by saying aye. Those opposed no. Resolution #18 is adopted

NO REMARKS RESOLUTION #18 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: Resolution #19 please Madame Clerk.

19. PERSONNEL COMMITTEE: REQUEST CONFIRMATION OF RE-APPOINTMENT OF DR. PETER FERGUSON TO CANTON CIVIL SERVICE COMMISSION . - ADOPTED

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President. I move we adopt Resolution #19.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #19. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no. Resolution #19 has been adopted.

NO REMARKS RESOLUTION #19 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: Resolution #20 please, Madame Clerk.

20. SMITH, C., WARD 4 COUNCILMAN: HONORING CANTON CHAPTER OF OHIO BLACK WOMEN'S LEADERSHIP CAUCUS, A.B.C.D. & THE LEILA GREEN ALLIANCE OF BLACK SCHOOL EDUCATORS. - ADOPTED

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President. I move we adopt Resolution #20.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #20. Member Smith, would you like to make your presentation?

MEMBER SMITH: I would. I would like to ask Ms. Stephanie Patrick to come forward and could you please read that for me Madame Clerk?

PRESIDENT SCHULMAN: Yes. Thank you.

CLERK TIMBERLAKE: An Informal Resolution Respectfully submitted by Chris Smith, Ward 4 Councilmember on this 25<sup>th</sup> day of February, 2008. WHEREAS; In observance of February being Black History Month, the Canton Chapter of the Ohio Black Women's Leadership Caucus, A.B.C.D. and the Leila Green Alliance of Black School Educators are to be commended for having the first and longest running program honoring Dr. Martin Luther King, Jr. The program, Dr. Martin Luther King, Jr. Community Celebration was started by the Canton Chapter of the Ohio Black Women's Leadership and A.B.C.D. in 1976 with a vision for

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the black community to come together to celebrate Dr. King's life and legacy with songs, praises and words of encouragement. The program was later passed onto the Leila Green Association of Black Educators; and, WHEREAS; On January 21, 2008, at the 32<sup>nd</sup> annual Dr. Martin Luther King, Jr. Community Celebration, State Senator Kirk Schuring presented the organization with a flag that was flown in from the White House in honor of the event and Dr. King; and WHEREAS; Mrs. Stephanie Patrick, Principal of Allen School and President of the Leila Green Alliance of Black Educators is the Chairperson of the Dr. Martin Luther King, Jr. Community Celebration; and NOW THEREFORE BE IT RESOLVED: That I, Chris Smith, Ward 4 Councilmember of the City of Canton, Ohio do hereby go on public record honoring the CANTON CHAPTER OF THE OHIO BLACK WOMEN'S LEADERSHIP CAUCUS, A.B.C.D. & THE LEILA GREEN ALLIANCE OF BLACK SCHOOL EDUCATORS for their diligence and hard work in keeping the dream of Dr. Martin Luther King, Jr. alive, the dream of racial unity, equality for all and a nonviolent society. (APPLAUSE)

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Member Kraus.

MEMBER KRAUS: Shouldn't we, shouldn't we vote first before she presents that?

PRESIDENT SCHULMAN: That's fine. All those in favor of Resolution #20, signify by saying aye. Those opposed no. Resolution #20 has been adopted.

NO REMARKS RESOLUTION #20 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: Yes, Ms. Patrick. It gives me great pleasure to present this to you. In fact, I'm honored because I remember when you first started and I was a young girl at the time...

UNKNOWN: Yeah, right. (LAUGHTER)

MEMBER SMITH: ...and I feel privileged to ah, submit this to you and thank you so much for ah, allowing this to go on for so many years and we hope that you continue. God bless you and the organizations for carrying on the memory of the Reverend Dr. Martin Luther King.

MS. PATRICK: Thank you very much. I appreciate it. (APPLAUSE)

MEMBER SMITH: Thank you.

MEMBER DOUGHERTY: Mr. President. Mr. President.

MS. PATRICK: I just wanna, I want to thank everyone and ah, I was at Allen when we started but I'm at Hartford now, Principal at Hartford. Okay?

MEMBER DOUGHERTY: Hold on there Ms. Patrick. Hold on. Mr. President.

PRESIDENT SCHULMAN: Member Dougherty. Sorry.

MEMBER DOUGHERTY: Another great accomplishment. Probably another one that she ah, had in her

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life was ah, to get me through school. *(LAUGHTER)* As my teacher at Hartford....

MS. PATRICK: Now you know he's too old for me to have had him in school. *(LAUGHTER)*

MEMBER DOUGHERTY: I didn't have no gray hair back then though. But, I, I really remember what she did for me and congratulations!

MS. PATRICK: Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Ms. Patrick, as you know, um, we all respect you. We all love you and we, we know what you do. This woman is incredible, ah, all the children of this community and all these adults, especially the ones with gray hair, all owe you a gratitude of thanks and we thank you. This weekend I had an opportunity, or, this weekend, yeah, had an opportunity to be with John Conyer, the Congressman who passed the Martin Luther King holiday and, um, now we see you here and both of you, it's just such an inspiration to be around both of you, so thank you.

MS. PATRICK: Ah, Will Dent wanted to be here because, you know, Will with A.B.C.D. has started a lot of grass roots organizations but he was gonna be out of town, and another, another person that was one of the original people that was involved with starting this whole program was Mr. Robert Fisher and I see he's back there and I want to give him his claps also. *(APPLAUSE)*

PRESIDENT SCHULMAN: Thank you so much and congratulations!

**COMMUNICATIONS**

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

***NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED FEBRUARY 25, 2008.***

67. A.B. C. D. HOMES V LLC, 1225 GROSS AVENUE NE, CANTON, OH 44705: APPRISING OF A RESIDENTIAL RENTAL DEVELOPMENT TO BE LOCATED IN OR WITHIN ½ MILE RADIUS OF THE CITY'S POLITICAL JURISDICTION & PLANS TO UTILIZE THE MULTIFAMILY FUNDING PROG OF OHFA FOR SAID DEVELOPMENT; ADVISING OF CITY'S RIGHT TO SUBMIT A WRITTEN STATEMENT OF DISAPPROVAL OR OBJECTION TO THE EXEC DIR OF OHFA BY CERTIFIED MAIL SUBMITTED WITHIN 30 DAYS OF RECEIPT OF NOTICE, SIGNED BY A MAJORITY OF VOTING MEMBERS OF LEGISLATIVE BODY GOVERNING CITY. - RECEIVED & FILED

68. AMERICAN ELECTRIC POWER, (APPLICANT) 700 MORRISON RD, GAHANNA, OH 43230: REQ VACATION OF PORTION OF SAVANNAH AVE NE BETWEEN 8<sup>TH</sup> ST NE & 7<sup>TH</sup> ST NE. - PLANNING COMMISSION

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69. AMERICAN ELEC POWER, (APPLICANT) 700 MORRISON RD, GAHANNA, OH 43230: REQ VACATION OF PORTION OF ENGLEHART CT NE BETWEEN 8<sup>TH</sup> ST NE & 7<sup>TH</sup> ST NE. - PLANNING COMMISSION
70. AUDITOR MALLONN (CITY OF CANTON): CERTIFICATE OF TOTAL AMT FR: 2008 ALL SOURCES. - RECEIVED & FILED
71. C&ED DEPUTY DIR., WEST (CITY OF CANTON): AMEND O#1/2008 BY MAKING \$198,000.00 SUPP APPROP TO NEW HORIZONS PARK FUND; AUTHORIZE MAYOR &/OR SERV DIR TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR THE NEW HORIZONS PARK PROJECT. - FINANCE & COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEES
72. C&ED DEPUTY DIR., WEST, (CITY OF CANTON): REQ AUTHORIZATION FOR AUDITOR TO PAY MORAL OB IN AMT NOT TO EXCEED \$3,600.00 TO DESANTIS EXCAVATING FOR EMERGENCY SERVICES TO DEMOLISH 410 HOOVER AVE NW DUE TO FIRE. - FINANCE & COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEES
73. CANTON-STARK CTY CRIME LAB (CITY OF CANTON): 2007 ANNUAL RPT. - RECEIVED & FILED
74. CLERK OF COUNCIL, TIMBERLAKE (CITY OF CANTON): REQ FORMAL RESOLUTION WITHDRAWING CITY'S OBJECTION TO THE ISSUANCE OF LIQUOR PERMIT FOR JOHN M. & MALIA J. ABEL, DBA, SMITTY'S PUB @ 2103 HARRISON AVE SW, 1<sup>ST</sup> FLOOR & BASEMENT. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
75. HEALTH BENEFITS ADMIN, BRESSON (CITY OF CANTON): JAN 2008 MO COMPARATIVE RPT OF INSUR CLAIMS & JAN 2008 PAID CLAIMS & COMPARATIVE RPT. - RECEIVED & FILED
76. HEALTH COMMISSIONER, ADAMS (CITY OF CANTON): REQ APPROP OF \$108,803.08 OF UNAPPROP FUNDS FOR REIMBURSEMENT TO THE OH DEPT OF HEALTH. - FINANCE COMMITTEE
77. LIQUOR CONTROL DIVISION (STATE OF OHIO): ADVISING THAT HRG SCHEDULED FOR 2/14/08 RE: LIQ PERMIT FOR SUNKIN, INC DBA S & K MINI MART @ 2502 - 11<sup>TH</sup> ST SW, 1<sup>ST</sup> FLOOR HAS BEEN CONTINUED. - RECEIVED & FILED
78. LIQUOR CONTROL DIVISION (STATE OF OHIO): NOTICE OF HRG ON 3/18/08 @ 9:00 A.M. RE: RENEWAL OF LIQ PERMIT FOR MARTIN JOSEPH STURIALE DBA PASTIME INN @ 606 - 9<sup>TH</sup> ST, SW, 1<sup>ST</sup> FLOOR. - RECEIVED & FILED
79. LIQUOR CONTROL DIVISION (STATE OF OHIO): NOTICE OF HRG ON 3/18/08 @ 10:30 A.M. RE: RENEWAL OF LIQ PERMIT FOR SUNKIN, INC DBA S & K MINI MART @ 2502 - 11<sup>TH</sup> ST, SW, 1<sup>ST</sup> FLOOR. - RECEIVED & FILED
80. LIQUOR CONTROL DIVISION (STATE OF OHIO): NOTICE OF HRG ON 3/18/08 @ 1:00 P.M. RE: RENEWAL OF LIQ PERMIT FOR PLATINUM DYNASTY LLC DBA CLUB BLUEPRINT @ 1016 - 12<sup>TH</sup> ST NE, 1<sup>ST</sup> FLOOR & BASEMENT. - RECEIVED & FILED
81. LIQUOR CONTROL DIVISION (STATE OF OHIO): REQ NEW D3 LIQ PERMIT FOR



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VIRGINIA MARIA BYINGTON DBA BELLAS @ 310 4<sup>TH</sup> ST NW. - RECEIVED & FILED

82. MAYOR WILLIAM HEALY (CITY OF CANTON): REQ AUTHORIZATION OF APPT OF MR. DEREK GORDON TO THE CANTON RECREATION BD. - PERSONNEL COMMITTEE

83. MAYOR WILLIAM HEALY (CITY OF CANTON): ADVISING OF APPOINTMENT OF DANIEL MOEGLIN TO THE CANTON PARK COMMISSION. - RECEIVED & FILED

84. MILLER CHAD & COURTNEY (APPLICANTS) 1825 FERNDALE RD NW, CANTON, OH 44709: REQ ZONE CHANGE @ 1825 FERNDALE RD NW FR: R-1a TO: PR-2a. - PLANNING COMMISSION

85. PLANNING COMM. (CITY OF CANTON): RECOMMENDING APPROVAL OF PROPOSED REPLAT OF LOTS 6738 - 6741, PART OF OL 339 AND THE PROPOSED VACATED TIMKEN PL & MCGRAW PL SW ROADWAYS IN WARD 5 (GROFFRE INVESTMENTS) - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

86. PLANNING COMM. (CITY OF CANTON): RECOMMENDING APPROVAL OF PROPOSED VACATION OF MCGRAW PL SW BETWEEN HENRY AVE & BOLIVAR RD SW IN WARD 5 (GROFFRE INVESTMENTS). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

87. PLANNING COMM. (CITY OF CANTON): RECOMMENDING APPROVAL OF PROPOSED VACATION OF TIMKEN PL SW BETWEEN HENRY AVE & BOLIVAR RD SW IN WARD 5 (GROFFRE INVESTMENTS). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

88. PLANNING COMM. (CITY OF CANTON): RECOMMENDING APPROVAL OF PROPOSED VACATION OF SAVANNAH AVE NE BETWEEN 7<sup>TH</sup> ST NE & 8<sup>TH</sup> ST NE IN WARD 2 (AMERICAN ELECTRIC POWER). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

89. PLANNING COMM. (CITY OF CANTON): RECOMMENDING APPROVAL OF PROPOSED VACATION OF ENGLEHART AVE NE BETWEEN 7<sup>TH</sup> ST NE 8<sup>TH</sup> ST NE IN WARD 2 (AMERICAN ELECTRIC POWER). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

90. PLANNING COMM. (CITY OF CANTON): RECOMMENDING DENIAL OF PROPOSED ZONE CHANGE @ 802 - 25<sup>TH</sup> ST NW FR: R-1 (SINGLE FAMILY) TO: PR-4 (PLANNED DISTRICT MULTI-FAMILY) IN WARD 7 (JOEL HARRIS). - JUDICIARY COMMITTEE

91. SERV DIRECTOR BERNABEI (CITY OF CANTON): REQ APPROVAL OF EMERGENCY PURCHASE OF APPROX 2,000 TONS OF SALT FR: CARGILL, INC IN APPROX AMT OF \$72,520.00 AS MORAL OB; REQ \$175,000.00 SUPP APPROP FR: UNAPPROP BAL OF 2111 STREET MAINTENANCE FUND TO: 2111 202210 STREET MAINTENANCE FUND. - FINANCE COMMITTEE

92. WEST, THOMAS, WD 2 CNCLMN (CITY OF CANTON): REQ LAW DEPT TO PURSUE THE DESIGNATION OF MARTIN LUTHER KING, JR WAY & CHERRY AVE. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

93. YWCA EX. DIRECTOR EGBERT, 231 6<sup>TH</sup> STR NE., CANTON, OH 44702: APPRISING OF YWCA

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BEING PRIMARY MANAGING MEMBER OF A RESIDENTIAL DEV LOCATED IN OR WITHIN ½ MILE RADIUS OF THE CITY'S POLITICAL JURISDICTION & PLANS TO UTILIZE THE MULTIFAMILY FUNDING PROG OF OHFA FOR SAID DEVELOPMENT; ADVISING OF CITY'S RIGHT TO SUBMIT A WRITTEN STATEMENT OF DISAPPROVAL OR OBJECTION TO THE EXEC DIR OF OHFA BY CERTIFIED MAIL SUBMITTED WITHIN 30 DAYS OF RECEIPT OF NOTICE, SIGNED BY A MAJORITY OF VOTING MEMBERS OF LEGISLATIVE BODY GOVERNING CITY. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

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

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

#1. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED ENTERPRISE ZONE AGREEMENT WITH HYDRODEC NORTH AMERICA, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

#2. (1<sup>ST</sup> RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

#3. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO 1/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

#4. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR WATER TREATMENT PLANT UPGRADES AND TO ENTER INTO CONTRACT WITH BURGESS & NIPLE FOR ENGINEERING SERVICES; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO APPLY FOR AND ENTER INTO A CONTRACT WITH THE OHIO WATER DEVELOPMENT AUTHORITY FOR LOANS FOR THE PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

#5. (1<sup>ST</sup> RDG) A RESOLUTION WITHDRAWING CANTON'S OBJECTION TO THE RENEWAL OF A LIQUOR PERMIT LOCATED WITHIN THE CITY; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Intergovernmental & Public Service Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

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PRESIDENT SCHULMAN: We are now under Ordinances for their second reading. Madame Clerk, will you please read Ordinances #6 through #9 by title.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #6 THROUGH #9 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (ORDINANCE #9 WAS PASSED ON IT'S SECOND READING):***

#6 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO COMPLETE THE CONTRACTING PROCESS FOR VARIOUS CONTRACTS PREVIOUSLY AUTHORIZED BUT NOT COMPLETED BY JANUARY 1, 2008; AND DECLARING THE SAME TO BE AN EMERGENCY

#7 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A DONATION TO ASSIST IN THE PURCHASE OF WATER RESCUE EQUIPMENT; AMENDING APPROPRIATION ORDINANCE NO. 1/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

#8 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF FIFTEEN TACTICAL ASSAULT RIFLES FOR THE POLICE DEPARTMENT; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ALTERNATIVELY PURCHASE THE RIFLES PURSUANT TO THE STATE COOPERATIVE PURCHASING AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

#9 (2<sup>ND</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO 14/2008** AN ORDINANCE AMENDING ORDINANCE NO.164/2001 AND EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President. I move the Statutory Rules be suspended on Ordinance #9.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rule for Ordinance #9. Are there any remarks?... If not, Madame Clerk....

MEMBER CIRELLI: Mr. Chairman.

PRESIDENT SCHULMAN: Yes, Member Cirelli.

MEMBER CIRELLI: On this particular Ordinance, I will be voting no and I would like to explain the reason I am doing so. Um, we've got about 3 or 4 different.....

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MEMBER CASAR: Mr. President. This is ah, for Statutory Rules.

PRESIDENT SCHULMAN: Right. Ah, yeah, if you could just hold your remarks for just a couple minutes. Thank you. Ah, are there any remarks on the motion to suspend the Statutory Rule? If not, Madame Clerk, roll call vote please.

NO REMARKS            ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Okay, you've heard the 3 readings, Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #9. Now, Member Cirelli, are there any remarks under this Ordinance?

MEMBER CIRELLI: Thank you Mr. President. Ah, as I said on this particular Ordinance, I'll be voting no and ah, the last about a week or so, we've had like 4 or 5 different versions of this Ordinance. Unfortunately, ah, Gary Young was absent today and I was trying to get some statistics from him. I spoke with, um, ah, Councilman Hawk over the weekend on the revenues and he said this month we're down \$332,000.00. Of course, we have to just take it one month at a time and look at the quarterly, what that comes in at because next month it could go up. But, um, from what I've been able to bring out of all this, I have here the former Administration had 11 people. This Ordinance has a total of 15. Now, 2 of those are vacancies that are not going to be, could potentially be filled, but are not filled right as of this present time. But, I do have a problem with the fact that ah, they'll be 2 people in the CD department, that's Community Development, with a total of \$129,260.00 would be their salaries ah, the former Administration, and that's coming in, the former Administration had 1 person in that capacity leaving at \$97,500.00 and I also am very consistent to whatever office I have held because of the benefits that are added on top of these positions in government usually takes into another 1/3 of the dollars, and, I'm only 1 person but, I'm going with my guts and I think we are at very much in a precarious financial situation, ah, our entire country is right now and I'm not comfortable um, voting for this at this time, so I'll vote no.

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

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Yes, I... a question for the Law Department, some clarification please. We have in front of us the Ordinance that states amendment. Do we have to vote on the amendment first or are we voting on the whole package?

PRESIDENT SCHULMAN: No, we'll, well you'll be voting on the amendment, because Member Casar will move to amend in just a minute.

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LAW DIRECTOR MARTUCCIO: Mr. President.... Member Prater

PRESIDENT SCHULMAN: Yes, Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: You're both correct. Ah, what you'll be, what you'll be doing, what the amendment reads is, you are substituting the attached, entire amended Ordinance for the original version. So, you'll have a clean view, full Ordinance to replace the original one to vote on. Thank you.

PRESIDENT SCHULMAN: Thank you. Any other remarks?

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: If I can, I'd like to say that ah, I've been in on during these negotiations ah, with the with the Mayor and his committee and along with Greg Hawk, Don Casar, Terry Prater and myself and we've went over these figures over and over and over and I knew there was a few versions that came down, but ah, no matter how it came down it still came down within the budget and the budget was the same as or a little bit less than the last Administration whether he hired another person or not and ah, I'm in favor of ah, of ah, voting on it and voting yes.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: As I stated in our ah, Democratic caucus this evening, ah, this Administration has been ah, 2 months now. Ah, they're trying to get their ah, ship in order up there so they can better serve the citizens of Canton and also better serve the constituents of Councilmembers here. Ah, they could get their, ah, their positions where they should be, the people in place, and ah, we'll work with the Administration, especially the Finance Committee Chairman ah, Greg Hawk, Personnel Committee Chairman Terry Prater and Gary Young and Auditor Mallonn in the Auditor's Department and along with and many thanks to the Law Director on this and I, I, I think that ah, all the questions have been answered, we are within the budget and below the budget and this Council, especially the Finance Committee, ah, cut some areas, quite, quite, quite a few areas before this pass, piece, final legislation was up for adoption tonight and I want to commend the Members of Council that has done their homework and now let's get moving and I think this is something we could not only support but we can afford.

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

LAW DIRECTOR MARTUCCIO: Mr. President. Thank you Member Casar and Member Carbenia and Hawk and all the others for your hard work but I wanted to mention one more person who we won't be able to thank much longer because she will stick to her proposed retirement and that is Linda Patterson in the Human Resource Department, for doing ah, an incredible amount of institutional memory and work for the Administration and Council. Thank you. *(APPLAUSE)*

MEMBER CASAR: Mr. President. Mr. President and also....

PRESIDENT SCHULMAN: Member Casar.

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MEMBER CASAR: ....ah, ah, thank you Member Martuccio, I mean Law Director Martuccio and also the Administration worked really hard on this especially Tom Bernabei and the Mayor. This was a joint effort, a cooperative effort like we're gonna do like we did with the last Administration. We're here to serve the citizens of Canton and I don't care if we're all Democrats or we're all Republicans, we're gonna do our job as we done in the last Administration and we're gonna do it with this Administration. (APPLAUSE)

MEMBER CASAR: Thank you Member Casar. Now Member Casar.

MEMBER CASAR: Mr. President. I move, I move we adopt, I move we amend, no I move we adopt Ordinance #9.

MEMBER CARBENIA: Seconded.

MEMBER CASAR: Did we adopt already. Okay, then....

PRESIDENT SCHULMAN: We've already done that.

MEMBER CASAR: Okay, then, I move to amend Ordinance #9 per the amendment that all Councilmembers received in Committee this after, this after...this evening and as Member, as Law Director Martuccio said, it's a, it's a clean Ordinance. All the new papers and documents are in this Ordinance, right, in this, which is actually a complete new ordinance.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: Okay. It's been moved and seconded then to amend Ordinance #9 per the copy before each of you. Are there any remarks under this motion?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no. The motion carries. Member Casar.

NO REMARKS                      AMENDMENT APPROVED BY UNANIMOUS VOICE VOTE

*AMENDMENT:        PURSUANT TO RULE 36, I MOVE TO AMEND AGENDA ITEM NO. 9 BY THE SUBSTITUTION OF THE ATTACHED AMENDED ORDINANCE AND EXHIBIT FOR THE ORIGINAL VERSION.        (PLEASE SEE ORDINANCE JOURNAL FOR COMPLETE AMENDED ORDINANCE & EXHIBITS).*

MEMBER CASAR: Mr. President. I move we adopt Ordinance #9 as amended.

PRESIDENT SCHULMAN: And the question you have...

MEMBER CARBENIA: Yeah, seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #9, as amended. Therefore, your voting on Ordinance #9 as amended. Are there any remarks under this Ordinance, as amended?... If not, roll call vote please, Madame Clerk.

NO REMARKS

ROLL CALL: 11 YEAS, 1 NAY

(CIRELLI)

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

PRESIDENT SCHULMAN: Thank you Madame Clerk. The Ordinance therefore carries, as amended, and it is adopted. **#9 ADOPTED AS AMENDED AS ORDINANCE NO. 14/2008**

**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 Ordinance #10 by title.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #10 THROUGH #12 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. ALL THE ORDINANCES WERE ADOPTED BY COUNCIL FOLLOWING THEIR THIRD READING***

#10 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE 15/2008** AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE KOCH KNIGHT ANNEXATION AREA CONTAINING APPROXIMATELY 27.3292 ACRES; ASSIGNING SAID TERRITORY TO WARD 4 OF THE CITY; ZONING SAID TERRITORY AS I-2 (HEAVY INDUSTRIAL DISTRICT); AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

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

NO REMARKS      ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #10 is adopted.

**#10 ADOPTED AS ORDINANCE NO. 15/2008**

#11 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE 16/2008** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$2,490.00 TO CAROLINA ENVIRONMENTAL, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

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

PRESIDENT SCHULMAN: Eleven. Is it eleven?

CLERK TIMBERLAKE: Yes.

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MEMBER CASAR: Thank you.

PRESIDENT SCHULMAN: Ah, Ordinance #11. Yes.

CLERK TIMBERLAKE: Yes.

MEMBER CASAR: I was trying to rush to Bernabei. I'm sorry. What is number I, would....

PRESIDENT SCHULMAN: Are you trying to test me since I haven't been here in a while, is that it?

MEMBER CASAR: Well, actually, Mem, Mister, Member, ah Mr. President, ah....

PRESIDENT SCHULMAN: You may be out of order here.

MEMBER CASAR: Ah, I forgot because I've been up there for so long. *(LAUGHTER)*

PRESIDENT SCHULMAN: And you did a very good job.

MEMBER CASAR: Mr. President. I move we adopt...

PRESIDENT SCHULMAN: ... and I'm going to commend you in a moment.

MEMBER CASAR: I move we adopt Ordinance #11.

PRESIDENT SCHULMAN: Member Casar. Ordinance #11. Is there a second?

MEMBER CARBENIA: Yes. Yes. Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #11. 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 #11 is adopted. **#11 ADOPTED AS ORDINANCE NO. 16/2008**

PRESIDENT SCHULMAN: Ordinance #12, I may exercise my right to take it off the agenda this evening. I, I'm not sure we should waive any residency requirement, particularly for our Service Director, but, go ahead and read it anyway.

#12 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE 17/2008** AN ORDINANCE WAIVING THE RESIDENCY REQUIREMENT OF SECTION 735.01 OF THE OHIO REVISED CODE FOR THE DIRECTOR OF PUBLIC SERVICE

PRESIDENT SCHULMAN: Member Casar.



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

MEMBER CARBENIA: Seconded.

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

NO REMARKS      ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve ayes.

PRESIDENT SCHULMAN: That's hard to believe. Ordinance #12 is adopted. *(APPLAUSE)*  
**#12 ADOPTED AS ORDINANCE NO. 17/2008**

MEMBER CARBENIA: That shows a vote of confidence.

PRESIDENT SCHULMAN: And we have our new Safety Director, that's, our Service Director. Whatever he is. Yes, Member Kraus.

MEMBER KRAUS: I, I just want to point out that, that Director still has a house in Ward 8 so there's hope. There's hope. *(LAUGHTER)*

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**ANNOUNCEMENT OF COMMITTEE MEETINGS**

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

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Finance Committee will meet 6:30, ah, March 3<sup>rd</sup>.

PRESIDENT SCHULMAN: Thank you Member Hawk.

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: Community and Economic Development will meet at 6:30 on March 3<sup>rd</sup> 08.

PRESIDENT SCHULMAN: Thank you, Member Carbenia. Member Smith.

MEMBER SMITH: Um, Mr. President. Intergovernmental and Public Service Committee will meet March the 3<sup>rd</sup> at 6:30.

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

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MEMBER PRATER: Personnel will meet the same day at 6:30.

PRESIDENT SCHULMAN: Thank you.

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

PRESIDENT SCHULMAN: We're now under Public Speaks, Open Forum and we have 1 speaker this evening. Ah, Mrs. Brogdon. Good evening. We appreciate you being here as always and ah, I know you know the routine but you give us your name please and your residential address.

MS. BROGDON: My name is Ruby Brogdon. I live at 1617 3<sup>rd</sup> Street NE. We have a problem, I have a problem house, next door to me, and something is going to happen. They livin' in it now and we had to call the gas company last week. This lady here, can witness what I'm talkin' about because this house is in between her and I, it's more closer to her than it is me. I've heard of them riggin' the cable, but not gas and electric on Second Street and Riverside, they had the electric rigged. People can do anything now. I don't know who own this house. It needs cleanin' up. There's one across the street needs cleanin' up and whoever the owner is, they need to find them and make them do something about it because something is going to happen over there and this is recently and I been complainin' about this house for a long time and it wasn't in 1 day. They boarded this house back up when they was puttin' the washer in there. This was going to the basement and now it's going direct into the house. People's comin' out the backs into the yard. I don't care what Councilman's here, if you can do something about this house, I want you to see what can be done about it. If you can't find the owner, find somebody that knows what you can do to get this house corrected in some kind of way. Thank you.

PRESIDENT SCHULMAN: Thank you.

MEMBER SMITH: Mr. President. Mr. President.

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: Yes Ms. Brodgon. We've already discussed that this evening and our Safety Director has some things that he's going to confer with you and also, our Service Director and we're going to make sure of your safety as I've already explained to you. In fact, tomorrow someone will be out to go through the house and see what can be done, but I'm gonna let our Safety Director assure you of your safety also.

PRESIDENT SCHULMAN: Thank you Member Smith.

SAFETY DIRECTOR NESBITT: Mr. President.

PRESIDENT SCHULMAN: Safety Director Nesbitt.

SAFETY DIRECTOR NESBITT: Yes ah, tomorrow we will be out there to inspect that ah, residence to ah, check with the gas and ensure the safety. Ah, we'll be doing that tomorrow.

PRESIDENT SCHULMAN: Thank you very much, and we'll be around afterwards for you to, if you have any other questions, and we appreciate your coming down. Thank you. Ah, that concludes our Public Speaks, Open Forum.

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**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: We're now under Miscellaneous Business. Is there any Miscellaneous Business?

SAFETY DIRECTOR NESBITT: Mr. President.

PRESIDENT SCHULMAN: Director Nesbitt.

SAFETY DIRECTOR NESBITT: Yes, I'd like to address the Pastime ah, ah, situation. Ah, 7 to 10 days ago, Mr. Meola, his wife, the owners of the establishment and 2 employees came in to talk to the Mayor and myself. Ah, they had concerns, of, of what is taking place there and asked what we could do and, and how to help with this situation. The Mayor told the Meolas that the only thing that's acceptable is for the establishment to be closed down. It's a nuisance ah, to Canton and the behavior there and goings on are totally unacceptable and ah, Mr. Meola, at that time, asked that he wanted to try to close a little earlier to address the concerns there and again, the Mayor reiterated to him ah, that that was not acceptable that the establishment needed to be closed and ah, and we felt that that meeting was productive and also, the Law Department is work as well with us in, in dealing with this situation. *(APPLAUSE)*

PRESIDENT SCHULMAN: Thank you Safety Director.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: I also would like to say to Mr. DiGiacomo, I am glad that you're at peace with the Pastime Inn. Also, when the weather breaks, I'm gonna come over and sit on the porch with you also. *(LAUGHTER)* So, as soon as the weather breaks, I'll be over.

MR. DIGIACOMO: *(SPOKE FROM THE AUDIENCE WHICH WAS INAUDIBLE)*

MEMBER SMITH: Okay. Well, that would do just fine.

PRESIDENT SCHULMAN: With that we may all be down there. *(LAUGHTER)* Can you give us a date? I know that Member Hawk and Member Smuckler only like to go down there, you know, when there's shootings and the police are out, but.....

MR. DIGIACOMO: *(FROM THE AUDIENCE)* They were in the thick of it.

PRESIDENT SCHULMAN: ... and they were in the thick of it. Any other remarks?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Ah, several weeks ago, I put through a communication for the YMCA to ah, a communication for the YMCA to receive \$32,000.00 for the YMCA and Northeast Community Center, and um, I haven't heard anything back yet from that, but I wanna make certain that even though with that we have a tight budget, I wanted to make certain that people are, realize that we can't afford not to support water

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recreation and recreation this summer. So, I don't know who, who received that Ordinance, or that communication. Was that the Law Department, or... it's you? Okay. You wanna respond to that.

MEMBER HAWK: *(INAUDIBLE RESPONSE)*

MEMBER WEST: What answers do you need?

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: We'll discuss it in committee. I haven't received all the information I've requested from um, the YMCA. It still needs to be reviewed, ah, and it has to go through a separate Ordinance and, it's actually contingent on what we're gonna look at a budget, ah, you know, it was requested actually for \$36,000.00 not \$32,000.00. Ah, you sponsored it, you should know what the number is. I'm taking a look at it now. I did not sign that out to be turned into legislation until I get a full review of everything and see how it fits in our budget. Last year's number was \$25,000.00. I still, again, the YMCA billed us once for \$4.50 per person, they billed us the next month for \$5.75 per person, and then they billed us the third month at \$6.00 per person. So, as I look at the billing on it, I have questions on the whole process, but the Y's pool is also not open. So, I don't know how you can have an aquatics program when you do not have a pool that's even open. I have issues.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Um, actually, I think we did address those issues. There was a letter sent from the Y and yes, the secretary's did receive to give it to all Councilmembers and it discussed the issue they serve 750 youth. Those were for Y passes and Northeast Community Center gave \$40.00 per Y pass, or pass and that not only included water recreation but it also included a pass for all recreation so that they could just play basketball and do other things as well. So, I'm not sure if you got that communication, but that did come through ah, about a week or 2 weeks ago. I remember receiving that. Um, but I wanted to make certain that we are ahead of this and being pro-active to summer recreation because if we don't, we will see these kids in the community creating havoc um, so I just wanted to make certain that we're on top on it. *(APPLAUSE)*

PRESIDENT SCHULMAN: And from what I'm hearing, I, I don't think you 2 are at cross-purposes I think ah, Member Hawk is simply addressing the issue of the budget and that's a floor consideration and obviously you have a concern ah, for the youth of our city and I think that's probably something we all do.

MEMBER WEST: And I'm not fronting..... ah, Mr. President.

PRESIDENT SCHULMAN: Sure.

MEMBER WEST: I just wanted to make certain that, I didn't know where the process was at. I didn't know that it was in Finance and being held up. Actually, I thought it was already in the Law Department, coming down for an Ordinance. Um, I also wanted to talk about the Grant Writer. I think that's something else that we need to start looking at and more specifically, we have grant dollars at state level and federal level that we can apply for and to hold those things up is going to further delay resources coming into the city. *(APPLAUSE)*

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PRESIDENT SCHULMAN: Okay. Thank you Member West. Ah, I have 1 remark, but, does anybody else have any miscellaneous business?... I don't know whether I had an opportunity, I wanted to thank Member Barton for our neighborhood meeting. He secured the room at Malone College, Malone University and ah, I do appreciate all your hard work and effort that went into that. You'll also, and I, I obviously would be remiss if I didn't thank the Majority Leader for ah, taking my position, when I was off. I appreciate that. I apologize for not being here. Sometimes I do have business out of town and it's actually business and not ah, pleasure. Ah, lastly, I know Sam Sliman is here and, the banner you see behind us, ah, was Sam's business that did this and I think it's a clear reminder of what we're trying to do Mr. DiGiacomo, among others, you're of the neighborhood. We need to make our neighborhoods safe and strong and vibrant and that's what we're intending to do and I know that I spoke to Mr. Balent from the Repository, as a lot of us did, and indicated to him that we were not trying to cut the public out and I know Majority Leader Casar mentioned that and I would like us, if we can, to take a look at our calendars ah, to see whether or not we might be able to have another neighborhood meeting either of the 15<sup>th</sup> of March or the 22<sup>nd</sup> of March. Member Casar.

MEMBER CASAR: Mr. President. If I may. If I may. Before we set a date, let's discuss this.

PRESIDENT SCHULMAN: Okay. Fine. Fine. But I think it is important that we do that and, I think the neighbors ah, would like the opportunity to speak and I know Majority Leader Casar is strongly in favor of that.

MEMBER CASAR: Mr. President. Mr. President. The, the Mayor has his ah, meeting this week ah, tomorrow, Wednesday night....

PRESIDENT SCHULMAN: You want to comment on that? And...

MEMBER CASAR: ... and we have to ah, set some guidelines before we establish or have another meeting or where it's gonna be and ah, we're not gonna have.. ah, ah, at least I think this is Council's position, we, we wanna have a guideline and agenda that could be followed and not just a helter-skelter type meeting.

PRESIDENT SCHULMAN: I think that's a very good idea. I agree. Ah, Mayor Healy.

MAYOR HEALY: Thank you Mr. President. Ah, I just would like to ah, remind the, the members, as well as the citizens that we have our first Mayor's Night, which is this Wednesday. It starts at 5:30 to 7:30. Anybody that comes in there at that time, will have an opportunity to sit down directly and speak with me and/or any of my Administration that you might have questions for as long as you're here by 7:30, we'll stay as long as we have to, to make sure that we speak to everybody. We'll do our best, unless there's 10,000 of you here, then we'll have to talk (*CHUCKLE*) but, ah, it's an opportunity ah, for people to, to, get a chance, to, to, to meet me without an appointment. You show up and we'll do what we can to address your concerns. If you have ideas, bring them to us. We wanna make sure that we're working for the people and that's what this is about. We'll do this every month from now on.

PRESIDENT SCHULMAN: Yes. Mayor Healy.

MAYOR HEALY: Also, thank you Mr. President. I also would like to, to just say thank you to the Council, to everybody in Council, particularly to ah, Member Hawk, Finance Chair and Member Casar, Majority Leader, all the members on the Finance and Personnel Committee who's, who's met with me off and on for the past many weeks. Ah, we had a very complicated ah, ah, Ordinance, on the personnel and I appreciate

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you guys working with me and ah, and supporting that, and ah, again, showing that we can work together and put together a ah, an Ordinance that's gonna allow our, our Cabinet and our Administration to step in and ah, do what we, we promised the citizens we were gonna do. And, and, I also would like to make sure that others that were involved in the process, the Law Director extensively and Linda, ah, I know we wore you out on this one. Thank you so much for, for everything you did. Ah, you kept us sane and ah, on track and everybody was involved so, thank you all and ah, we're ready to move forward.

PRESIDENT SCHULMAN: And one other point Mayor, I think we have a new Economic Development ah, person.

MEMBER HEALY: We do. Ah, the last member of our Cabinet ah, starts today, Robert Torres. Stand up if you would. (*APPLAUSE*) He's the... Director... he's the Director of Development and that was a key area that we, that we talked about our needs for the city. Ah, we now have all our members in place and we're ready to move forward and start making a difference to create jobs and grow our community. Thank you very much.

PRESIDENT SCHULMAN: Thank you Mayor. Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: Roll call vote, please Madame Clerk..

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

ADJOURNMENT TIME: 8:19 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

ALLEN SCHULMAN  
PRESIDENT

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