

**MINUTES OF THE MEETING MAY 21, 2007**

PRESIDENT SCHULMAN: (*SOUND OF GAVEL*) I have my water here....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. Tonight we'll have the invocation given by Member Terry Prater. Would you all please remain standing for the pledge of allegiance.

*The regular meeting of Canton City Council was held on Monday, May 21, 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 5 Councilmember Terry Prater, followed by the Pledge of Allegiance led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: We are now under agenda corrections and changes. Members of Council, you're being asked to suspend Rule 22A to add the second 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 and 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 Rule 22A. 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.

**PUBLIC HEARINGS**

PRESIDENT SCHULMAN: We are now under Public Hearings. We have one public hearing scheduled for 7:30 and it's an ordinance authorizing Canton to annex the territory known as the Reifsnyder Park and Park Poultry Annexation area containing approximately 72.782 acres; assigning said territory to Ward 9 of the city, zoning said territory as OS, Open Space and I-2 Heavy Industrial District and declaring the same to be an emergency. The Planning Commission recommends said annexation into the City of Canton. Is there anyone in the audience wishing to speak for or against this annexation, please come forward? Is there anyone in the

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audience wishing to speak for or against this annexation, please come forward? Apparently not, the Chair declares the public hearing over in regard to this matter. The matter now rests in the hands of Council. The ordinance will follow later this evening.

**INFORMAL RESOLUTIONS FROM MAY 14, 2007**

Ah, before we move into Informal Resolutions, I know there was a Resolution on the agenda last week and Member Richard Hart wanted to recognize the Hammer and Nails Organization. So, Member Hart, I'll allow you that opportunity this evening. Thank you.

MEMBER HART: Okay. Thank you Mr. President. Could you read it please?

CLERK TIMBERLAKE: Most certainly. Hammers & Nails Inc is a non-profit ecumenical Christian outreach ministry. This ministry is based in Canton, Ohio and is dedicated to improving the quality of life for disadvantaged area homeowners through home and property improvements. This ministry has stemmed from a temporary outreach ministry which began in 1993 at the North Industry Christian Church; and in 2000, Hammer & Nails Inc. was incorporated into an independent, non-profit organization which has operated full time since January 2002. Hammers & Nails Inc. relies solely on the generosity of the community and foundation grants; and Hammers & Nails, Inc. assists with the disadvantaged Stark County homeowner with home and property improvements. In 2005 over 87 homeowners were assisted by 1800 volunteers donating 15,765 hours of work at a labor value of \$236,475.00. In 2006, our mission grew to over 600 area homeowners having been assisted by 2200 volunteer workers who have dedicated over 11,000 hours of work and service. In 2007, the goal will be to work with 100 families in the Stark County area through the "Adopt-A-Mission in Your Own Backyard" program. Now, therefore, be it resolved that we, the Members of the Council of the city of Canton, Ohio, do hereby go on record as commending Hammers & Nails Inc. give special tribute to, commend and thank this ministry for their dedication to the improvement of our community and the lives of the citizens of Canton.

PRESIDENT SCHULMAN: Member Hart.

MEMBER HART: Thank you. (APPLAUSE) Yeah, again, I'd like to ask Darlene to come up to make this presentation. (INAUDIBLE).....many times, you look at helping out around the world but ah, and and, we do come in, we live in a very needy world and also, you know, we live in a very needy community and many times we don't have to look any farther than our own back yard for people to help and ah, I thank you literally for all your time and effort and how you've touched so many people you'll never know. Thank you very much. (APPLAUSE)

MS. LEGHART: Mr. President, Members of the Council, Members of the Administration. On behalf of Hammer and Nails, I would like to thank each and every one of you for this honor. On behalf of our homeowners and our volunteers, I thank you for the many partnerships that each of you individually and the city has provided. Thank you very much.

PRESIDENT SCHULMAN: Thank you. (APPLAUSE)

**INFORMAL RESOLUTIONS**

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PRESIDENT SCHULMAN: We have no other Informal Resolutions this evening.

**COMMUNICATIONS**

***NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED MAY 21, 2007.***

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

- #337. CHIEF OF STAFF, CONDE: REQ ADOPTION OF THE CITY'S TAX BUDGET AS REQUIRED BY ORC SEC 5705.30 - FINANCE COMMITTEE **PUB HRG 7/9/07 @ 7:30 P.M.**
338. LAW DIR., MARTUCCIO: REQ TO PROPOSE AN INFORMAL RESOLUTION & R-O-W LEGISLATION RE: TELECOMMUNICATION ISSUES. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
339. LIQUOR CONTROL DIV (OHIO): REQ TO CANCEL TRANSFER OF APPLICATION FOR STERN & MANN BAR & GRILLE, LLC DBA STERN & MAN BAR & GRILLE @ 220 MARKET AVE N. - RECEIVED & FILED
340. LIQUOR CONTROL DIV (OHIO): REQ TRANSFER OF OWNERSHIP OF D1, D2, D3, D3A LIQ PERMIT FR: HOLIDAY BAR & LOUNGE INC TO: STERN & MANN BAR & GRILLE LLC DBA STERN & MANN BAR & GRILLE LLC @ 101 CLEVELAND AVE., NW., SUITE 100. - RECEIVED & FILED
341. SAFETY DIR., HUNT: REQ TO ENTER INTO CONTRACT W/WARREN FIRE EQUIP, INC TO PURCHASE 19 SETS OF TURNOUT GEAR FOR FIRE DEPT PURSUANT TO ORC SEC 125.04, STATE COOP PURCH AGMT. - FINANCE COMMITTEE
342. SERVICE DIR., CONCATTO: REQ DETAILS W/CANTON PARK COMM., CANTON JOINT RECREATION DIST., RE: WATER PARK FACILITY TO INCLUDE ZONING, RELOCATION OF BASEBALL FIELDS, SITE PLANS & OPERATING COSTS. - PARKS & RECREATION COMMITTEE
343. SERVICE DIR., CONCATTO: REQ TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT TO REMOVE ALL MATERIAL @ 9<sup>TH</sup> & SCHROYER AVE., SW. - FINANCE COMMITTEE
344. STARK CO 5<sup>TH</sup> DIST APPELLATE CT: JUDGMENT ENTRY RE: PLAIN TWP TRUSTEE VS. BD. OF COMMISSIONERS, ET AL PERMITTED TO 5/11/07 TO FILE BRIEF (DIANO ANNEX). - 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 are being given their reading as required by State Law. Madame Clerk, please

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read the first reading ordinance by title..... (PAUSE .....PRESIDENT SCHULMAN INADVERTENTLY OMITTED THE PUBLIC SPEAKS PORTION WHICH IS AS FOLLOWS.)

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: We do have one speaker this evening and I apologize. Not for the telephone ringing. Um, under Public Speaks on Ordinances and Resolutions, and that speaker is Ms. Parks... Sparks, I'm sorry. If you'll step forward. Thank you ma'am and I apologize for mispronouncing your name. Would you give us your, and I apologize, would you give us your name and your residential address please.

MS. SPARKS: My name is Julie Sparks and my address is 1514 Vasser Avenue NW, Canton, Ohio 44703.

PRESIDENT SCHULMAN: Good evening.

MS. SPARKS: Good evening. I come before you this evening, frankly I had no desire to be here, um I have, as a citizen of this community I have ah, an amount of respect for all of you here that I can't begin to convey and I have a privilege, on a regular basis, to deal with many of you and that relationship is critical to me and, ah, in the roll that I can play as an active citizen and, and then I'm heartened by the process of, of government where we can have an intelligent discussion and maybe even agree or disagree on matters and still keep those relationships in good standing, and so, I come to you today, in my roll as a member of the Canton Joint Recreation Board of Trustees, Canton Joint Recreation District Board of Trustees, a small mouthful. Um, I was appointed to a roll there by the Mayor of Canton and this Council or, many of these members said that was an okay thing. And so that brings with it a certain responsibility and that responsibility is to represent the citizens of the City of Canton, and that's what I do here today and I also want to say that I speak on behalf of the other, the 4 other board members, on the ah, ah Board of Trustees who are unable to be here tonight because there's a lot going on in this community for those of who don't think there is. I certainly think that there is. Bottom line, bottom line kinda person, um, on your papers tonight, there's going to be a, a, an ordinance or resolution for adoption relating to the possibility of putting a water park in Weiss Park, which is one of the parks in the City of Canton. Um, I know that this matter is being brought up for adoption only, but, I want to inform the public and I want to inform you, as members of Council, that the Canton Joint Recreation District became aware of this information last Friday. Ah, maybe it was Thursday, I forget. In any case, very recently, and so, setting aside whether or not Weiss Park is an appropriate place for a water park, certainly we can all agree that another attraction in our community would be a wonderful thing for children and families but the area concern that I bring to you is two-fold. One, we're parks and rec, we're the recreation district. I just whispered in the ear of our park ah, district, Executive Director and got the same information which is, did anybody consult with you on this? So, you have the Park Commission, you have a recreation, the Recreation District and no one in any of those agencies including Sam Seiple from the Natatorium, none of the experts in our community so, I have a concern over the process of determining where we would wanna place a water park if we didn't go to our parks and if we didn't go to our recreation district and sit down with them and talk that through because as individuals who are responsible to govern that, and to manage that, these folks are invested, we've got long term employees who have been doing this for a long time. There's a reason why parks are where they are, there's a reason why ballfields are where they are, one minute.... all right. Bottom line, with Weiss Park, there's so much going on there. It is a beautiful park. It's a jewel and so sure we could stick a water park in the middle of our jewel but, it's very, it's very much used as such. It's got little league there, there's sand volleyball, there's bocci courts, it's a heck of a good place. It's a beautiful place. So, one of the things that was said at the meeting was hey, we've got a lotta beautiful places in the town and we have a lotta places that need lifted up and that need some good things to happen there.

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So, why don't we (*APPLAUSE*) .... why don't we do what we're supposed to do? I know it's important for the city to announce a water park at this time of the year. I understand the pressures, I want to work with them to pick the right location. Weiss Park is not the proper location. There are many parks in our community that are languishing and they could use some uplifting. The Recreation Department ah, I'm stretching out there and speaking on behalf of the Park Department and saying that we'd love to sit down with you. We don't want to put putty in the pipe, but we want to be a part of the process from the beginning and not hear about it afterwards and we need to know that when the water park goes forward, whether it be a spray parks, water parks, that it be well planned and include things like restrooms, dressing rooms and some very basic things that we can't just say, oh that will come later. Ah, now I love Joe Concatto, I love the Mayor, I love all you guys but ah, Weiss Park is not the answer and now is not the time. Although I'd love to work with you to be a part of that solution this summer so that we can get it built for next year. Thank you. (*APPLAUSE*)

PRESIDENT SCHULMAN: Okay. Thank you. (*APPLAUSE*) There are, to our understanding, maybe one or 2 other speakers who wish to address this issue on the water park. We're gonna save that for the end under Public Speaks because I think ah, the problem was a couple of you signed on the wrong sheet but we'll give you the opportunity at the end of the meeting to address us. Now, we'll go back to Ordinances and Formal Resolutions for their first readings.

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: 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 (1<sup>ST</sup> 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  
Referred to Community & Economic Development Committee
- #2 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING SEC 1 (P) OF ORDINANCE NO 177/2006; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #3 (1<sup>ST</sup> 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 30<sup>TH</sup> 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  
Referred to Finance Committee
- #4 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL

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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  
Referred to Finance Committee

- #5 (1<sup>ST</sup> 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  
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 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 (2<sup>ND</sup> RDG) 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 -11<sup>TH</sup> St., NW)  
**PUB HRG 6/4/2007 @ 7:30 PM**
- #7 (2<sup>ND</sup> RDG) 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**
- #8 (2<sup>ND</sup> RDG) ~~ADOPTED AS ORDINANCE 104/2007~~ AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LEASE AGREEMENT WITH GREATER AKRON ATHLETIC CLUB; 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 #8.

PRESIDENT SCHULMAN: Thank you

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend statutory rule for Ordinance #8. 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: Motion carries. You've heard the 3 readings Member Casar.

MEMBER CASAR: Mr. President. I move we adopt Ordinance #8.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #8. Are there any remarks?...

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #8 is adopted.

**#8 ADOPTED AS ORDINANCE #104/2007**

#9 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF 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

#10 (2<sup>ND</sup> RDG) 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

PRESIDENT SCHULMAN: Thank you Madame Clerk.

**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 #11 by title.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #11 THROUGH #16 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.***

#11 (3<sup>RD</sup> RDG) ~~ADOPTED AS ORDINANCE #105/2007~~ AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF THREE (3) PARCELS OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTIES PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT SCHULMAN: Member Casar.

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. 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. Ordinance #12 ~~#11 ADOPTED AS ORDINANCE #105/2007~~

#12 (3<sup>RD</sup> RDG) ~~ADOPTED AS ORDINANCE #106/2007~~ AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF 2 PARCELS OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTIES PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

**#12 ADOPTED AS ORDINANCE #106/2007**

#13 (3<sup>RD</sup> RDG) ~~ADOPTED AS ORDINANCE #107/2007~~ AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOT 34879 AND PART OF OUTLOT 73; 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. Ordinance #14 please Madame Clerk.

**#13 AS ADOPTED AS ORDINANCE #107/2007**

#14 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE #108/2007** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PARTS OF LOTS 1611, 1613 AND 1615; APPROVING AND ACCEPTING THE DEDICATION OF PART OF 3<sup>RD</sup> STREET NW AND PART OF FULTON ROAD NW; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

**#14 ADOPTED AS ORDINANCE #108/2007**

#15 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE #109/2007** AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE REIFSNYDER PARK/PARK POULTRY ANNEXATION AREA CONTAINING APPROXIMATELY 72.782 ACRES; ASSIGNING SAID TERRITORY TO WARD 9 OF THE CITY; ZONING SAID TERRITORY AS OS (OPEN SPACE) AND I-2 (HEAVY INDUSTRIAL DISTRICT); AND DECLARING THE SAME TO BE AN EMERGENCY **PUB HRG 5/21/07 @ 7:30 PM**

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President. 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

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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 #15 is adopted. Ordinance #16 please.

**#15 AS ADOPTED AS ORDINANCE #109/2007**

#16 (3<sup>RD</sup> RDG) ~~**ADOPTED AS ORDINANCE #110/2007**~~ AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO SUPPLEMENTAL AGREEMENTS WITH THE CITY OF NORTH CANTON AND STARK COUNTY FOR CAPITAL IMPROVEMENTS ASSOCIATED WITH THE WPCC; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

**# 16 ADOPTED AS ORDINANCE #110/2007**

**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 4<sup>th</sup> at 6:30 pm.

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: Community and Economic Development will meet 6:30 on June 4<sup>th</sup>, 2007.

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PRESIDENT SCHULMAN: Thank you Member Carbenia. Anyone else?... That's it.

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

PRESIDENT SCHULMAN: Okay. We are now under Public Speaks, Open Forum. We have a number of speakers signed up tonight. Ah, I appreciate all of you coming down to make your remarks. I will, however, hold all the speakers since a number of them seem to me to be somewhat duplicative or redundant. I'm going to hold everyone to 3 minutes. That's our rule, so our first speaker tonight is Ms. Stinson. If you would step forward and give us your name and your residential address please.

MS. STINSON: Good evening Mr. President and Councilmembers. My name is Edythe E. Stinson. I currently reside at [[redacted]], Canton, Ohio. I am a Canton City resident. I have been here 55 years. Um, the reason I am here is the proceedings that has been going on in our city recently is really sickening to me and my question tonight is are cameras being used in every Gang Task Force police vehicle? Are the cameras turned on the entire shift? Will all police vehicles be equipped with cameras and the purpose for my question is this will work 2-fold. It will show the performance of our officer, it will also show the performance of me, the citizen. If the officer is doing everything in line, it's gonna show that on the camera, and show me, being the citizen if I'm a criminal element but that's not my background. That is not me, but it will show what's going on when our officers are out on the street and then that way it will protect them and it will also show but I think it's something that if we currently do not have, we need to look into as a city and maybe it will cut down on some of the crime and the questions we have in regards to our police force. Thank you for the time you allowed me this evening. *(APPLAUSE)*

PRESIDENT SCHULMAN: Thank you. And, I know that's the kindda public speaks we appreciate. That was 2 minutes. Thank you very much. Our next speaker, I'm sorry, sometimes I cannot ah, read your writing so it's my fault, not yours. Um, Ms. Farrachan. I apologize, I'm sorry. If you would give us, and again I apologize, would you give us your...

MS. FARRACHAN: My name is Kameela Farachan.

PRESIDENT SCHULMAN: Thank you very much.

MS. FARRACHAN: And, I'm not related to Louis. *(LAUGHTER)*

PRESIDENT SCHULMAN: If you'll give us your name and your residential address please.

MS. FARRACHAN: I live at 2533 Morris Avenue NE and um, I would like to know why there's so much discrepancy with the Chief of Police McKimm, Safety Director and the Mayor and the Task Force. Um, they have been in and out of the Canton Repository, bickering and showing no, um, there's been um, there's been on occasion, a number of occasions, of such as race discrimination, harassment, abuse, if you can't, if we can't get no respect in City Hall, how's people on the streets gonna respect you as Councilmembers and as the Chief of Police because we need a solution. As you see, no one is stepping up to the plate. We're all talking about what we gonna do, how we gonna do it but when are we gonna get someone in here to do? *(APPLAUSE)* It's time for us to step up. Not only are the Gang Task Force, we have gang members that are black, white, spanic, afro-american, mixed race, it's not only the black children that is a gang problem, we have a gang problem, a drug problem all over the City of Canton, all over Stark County and we need to *(APPLAUSE)* start addressing this problem, one on one. You look around and the majority of the people are women that's here, we're the men, we're

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the white men, we're the black men, we're the preachers, we're the black preachers, we're the white preachers in this city to take a step up. If we can't find nobody in this city, let's hire somebody from outside the City of Canton to bring in a good program that will, we're not gonna deal with the drug problems completely, but we can nullify it because it's the big-time people that are spreading the drugs in here. I can't bring a million dollars worth of drugs in this area. I don't have the money to bring it but it's the people on top that needs to be accountable for bringing these drugs into our area, to our children. I don't care what color they are. There's no color on death. There's no color on when somebody look down at your child in that, in that casket and everybody's weapin' and hollar oh my child, but when are we gonna stop? Lookin' down on these children and from behind the bars of these children when these children get outta, outta incarceration, there are no job opportunities because they have a felon on them, they right back out there sellin' them drugs and 2 minutes, 2 minutes mind you, 2 seconds they can make the same thing and 1, 2 seconds then they'd make in a whole day, in a whole day. Thank you.

*(APPLAUSE)*

PRESIDENT SCHULMAN: Thank you very much. Thank you Ms. Farrachan very much. Our next speaker is Ida Ross Freeman. Good evening Ms. Freeman

MS. FREEMAN: Good after... good evening. Thank you, thank you for allowing me this ah, opportunity to express my concerns in relation to the police. Um, a couple weeks ago, it took police over 2 hours to come to an incident. So, my question is why don't we have foot patrol, um, foot patrol police and bike police in the city, in the, in the, in the high designated in the high crime areas and more visible. Now where I live, I live in northwest end where the prostitutes hangs and I wanna know how come I don't see police like I do when I go in the northeast end. What, why is there a discrepancy in not patrolling my neighboring and patrolling what's perceived to be the African-American community and, and having police there profiling really, over there all the time over in this community but I live in this community, I mean, in the last year, I've had \$1200 in breaking ins in my car in the windows. Where are the police? The only time I see them is if I call them and then they take forever to get there. Thank you. *(APPLAUSE)*

PRESIDENT SCHULMAN: Thank you. Our next speaker is Cassandra Harmon. I'm sorry.... if you'll give us your name and your address, I, I couldn't read your last name. I apologize.

MS. MARION-BEY: Okay, good evening everybody, Members of Council. My name is Cassandra Marion Bey. I reside at 3221 Allenford Drive SE, and I have ah, I have a question here but I would also just like to say that you know, that I'm hopin' that we can have a dialogue and we can intelligently um, become problem solvers but a lot of the issues that have been mentioned here this evening, and I don't think we're askin' too much because we want our children and our grandchildren to have a future in this city that is designed to enable them to be inclusive of the wealth and benefits and whatever. Now, right now, one of my, my question is, is that ah, can we have a review board with authority to investigate swear-in witnesses, keep records etc., and that all members of the Police Review Board should be required to live in the City of Canton and I, I, I, I think this is important because when you haven't walked in someone's shoes, when your wealthy and you've never lived in a poor neighborhood or if they're not a member of the ah, not necessarily the African-American race, because one thing poverty has no cover, color. And so, but because it seems to prevail more in our community in any other, well, then I think it's important that as women, and as mothers of the children and livin' in these communities ourselves, where we have for, first-hand experience on how it is to have racial profiling, to be worried when 48% of the men in every state across this country, the young black men are incarcerated or did not graduate from high school, where are the economic you know, opportunities, where are the jobs for our teenagers that used to be here? You know, so then if we want Canton, you know, to, ah, you know, for every member to feel like they're a part of this city in order for it to grow,

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well then, we have to be inclusive of neighborhoods, you know, we can't have disparity and wealth in the police force and anything else because we deserve, we pay our taxes and we live in this city just as everyone else do, we should benefit from the economic prospects of Hall of Fame, you know, and we wanna solve some problems and it's been some years that we have asked for a Review Board. So, I thank you for your attention and I'm sure that working together we're gonna get some solutions to the issues that's being brought forth here today.

*(APPLAUSE)*

PRESIDENT SCHULMAN: Thank you very much Ms. Marion. Our next speaker is Monique Conner, the President of the NAACP. Would you give us your name and your address?

MS. CONNER: Yes. Good evening. I'm Monique Conner. Ah, my address is 1823 Tuscarawas Street, Canton, Ohio 44707. Mr. President, Council and Staff, um, I had a question for the Mayor which is not here, but um, I would like my question to be answered at some point so I'm gonna go ahead and speak it for Mr. Hunt here. My thing is the Mayor has been, ah, the Mayor of this in the last 4 years and we have had over 51 homicides in this city and so my thing is what is her plan? What does she plan, what does she have in plan for us to vote for her to show us that she's dealin' with the issue of all the homicides and high crime that's going on in our city. I mean, something has to be done. We read in the paper back and forth, the Mayor has an issue with ah, Chief McKimm, Chief McKimm him, has an issue with gang task and so forth, gang task and vice seem to be doing the same exact thing. So, we wanna know what is the plan of the next term if she's expectin' our vote from the people we wanna ask her on what she is gonna do as far as high crime and the homicides that's going on because there's entirely too many. Thank you. *(APPLAUSE)*

PRESIDENT SCHULMAN: Thank you very much. Thank you Ms. Conner. Our next speaker is Susan Seiler. Ms. Seiler, I hope I pronounced your name right. If you would, step forward and give us your name and your residential address. We'd appreciate it.

MS SEILER: My name is Susan Seiler. I reside at 824 High Avenue SW. It's a century home, built in the 1890, right on the corner of 9<sup>th</sup> and High which I gutted, personally, did all my own electric, ah, refurbished it, beautiful cherry wood, never been painted, it was all originally stained. Unfortunately it sits across the street from the Pastime Inn. This city pulled their liquor license over a year ago. You guys revoked their liquor license over a year ago, yet it remains open due to an endless appeals process. They've appealed 3 times to the, the Division of Liquor Control. We were told 2 weeks ago it could take another 8 months. It's a known gang hang-out, Rated R Gang out, Rated R Gang has taken over this bar. Since the no smoking ban passed, every night there's 30 to 40 people standing outside that bar smoking. They pull their cars up so that they can still hear their stereos. They've even pulled liquor out of their trunk and passed beers from coolers. They bring liquor in and out of the bar freely, um, we, we have video tape evidence of drug sales. Last week, Pat and I, my boyfriend spent the week in court because of a shooting that took place there last fall. Um, 2 weeks we been going in and out of court trying this shooter and his accomplice, and the bartender that was working that night covered for both of them. We have, we have a hit and run on video where someone stole this woman's purse. She ran out to stop him, well you can hear the 'ka-thonk, ka-thonk' as the car runs over her leg. We have, 2 weeks ago, there was a huge fight. Tony, the owner of the bar, shoed everybody out into my property where they picked up the pink brick, solid brick paving bricks that surround my flower beds and they used them as weapons, throwing them at each other. I called dispatch. I called dispatch, I'm telling them where the trouble is. Now the trouble is moving west on Marion and west towards Marion, 3 cruisers pulled up and they park right in front of the door and the trouble runs off. So, maybe you, we should start with our dispatch center also. Today, I was in the Prosecutor's Office because we've had an on-going problem with pit-bulls in the neighborhood, where a gentlemen who's a drug dealer, he was in

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the paper last year, post a \$100,000.00 bond for his son who, who attacked a UPS driver that was trying to deliver marijuana. He has pit bulls at his property. Now we know why after reading that in the paper. They've killed my cats, they've attacked my dogs, they've attacked the neighbor's dog, we can't do anything about it. The city has no laws against nuisance properties like this bar or like these pit bulls. The owners are not accountable for this nuisance property, the owner's not accountable for these pit bulls so we bury children next, not just my cat we bury this time, we are gonna bury a child because of these pit bulls. We're gonna bury my daughter because of, or my step-daughter because they're checking my house regularly for, for gunshots, for bullet wounds, or for bullet holes in, in the house. Nuisance laws, we can close this bar with a nuisance law. Thank you. (APPLAUSE)

PRESIDENT SCHULMAN: Great. Thank you very much. Thank you Ms. Seiler. Our next speaker is Deborah Roland. Ms. Roland. If you'll step forward and give us your name and your residential address please.

MS. ROLAND: Ah, hello everyone. My name is Deborah Roland. I live at 247 19<sup>th</sup> Street NW in Canton. I am currently the President of the Historic Ridgewood Neighborhood Association. I'm here because of some calls I received today about the water park. A number of the neighbors are concerned about the location, the relocation, well, the location of the water park to Weiss Park because we're concerned about keeping the historic nature of our neighborhood intact. Ah, we don't want to turn this into a water park that's a theme, that we have like an amusement park situation. We're concerned about increased traffic, increased security, increased people. Ah, I've always considered our neighborhood kind of an oasis of calm in the city and I want to keep it that way. Ah, I'm just very concerned about that and I also feel, to echo Ms. Sparks earlier comments, that there are areas in our city that are much more in need of a water park than in the Weiss Park area. I know currently, the ah, ballparks in the area are used very thoroughly. I, I, in fact, I just told them the other day that I'd used it, we ourselves used it often and I'm hoping that we can keep the nature of the park intact as it is and I appreciate everyone's concern. Thank you. (APPLAUSE)

PRESIDENT SCHULMAN: Great. Thank you very much. Thank you Ms. Roland. If I had been a little smarter, I would have called Mr. DiGiacomo after Ms. Seiler but Pete, if you, Pete DiGiacomo, if you'll step forward and he's going to talk about the Pastime Inn also. So, if you could give us your name sir and your residential address and also make sure you speak up. We don't have a very good sound system here so speak in the microphone.

MR. DIGIACOMO: My name's Pete DiGiacomo. I live at 600 Dent Place SW. Ah, what Susan was talking about, she lives in front of the Pastime bar so she sees what goes on in front. I live behind it. Ah, daily drug transactions, prostitution, public urination, ah, fights... I've I've, it's got to the point we don't even call the cops anymore. They don't come down. If they do come, it's way too late and I know to catch the drug dealers, it's like a 10 to 15 second transaction. It's it's as quick as that. Ah, the other thing is, I've called vice. Apparently vice only works, what, 9 to 5, something like that (AUDIENCE INAUDIBLE TALKING & APPLAUSE) because I get it and I get an answering machine. This is you know, the vice, leave a message. Ah yeah, we got whor.... ah, prostitutes down here doing their business, ya think you could do something about it. I, I, in 5 years, I've only got a hold of vice maybe 2 or 3 times and the only action was once they came down and did make an arrest for prostitution. The, the likes, one of the council people or any of you up here to tell me, what I can do to help stop the drugs, the prostitution that I see in front of my house and within a half a block. Please don't tell me get on the phone and call uptown to the police. Drug dealing is way way down on priorities. Prostitution is down priority wise. I've had officers tell me the exact same thing. If anybody can tell me, I'll stick around and, ya know, listen.

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PRESIDENT SCHULMAN: Well, stick around cuz we're at miscellaneous comments and we'll all be here after you're through.

MR. DIGIACOMO: Thank you very much. Thank you for the opportunity to speak. (*APPLAUSE*)

PRESIDENT SCHULMAN: Thank you sir. Our last speaker is Eric Resnick. Is Eric here? Mr. Resnick, would you step forward and give us your name and residential address.. and good evening.

MR. RESNICK: Good evening and thank you Mr. President. My name is Eric Resnick. My address is 1828 Grace Avenue NE and I was one of the people who signed on the wrong sheet of paper so, (*PRESIDENT SCHULMAN CHUCKLED*) thank you for your patience with me.

PRESIDENT SCHULMAN: That's all right.

MR. RESNICK: Um, it's good to be able to make it to some council meetings. I used to come more often and arrange my, my work schedule so that I'm actually in town on more Monday nights and it's good to be here. The topic that I'd like to briefly address this evening is the water park, and I'd like to, per say, that if, having heard Ms. Sparks remarks about the Park Commission not being notified properly of what was going on, I find that very disturbing but, more than that, I'd, I'd like to also echo the comments that public allocation of resources is always good discussion and it's always contentious and I now that a lot of work has gone into this project and I know that a lot of people have spent countless hours. But, if you look at Weiss Park, it's already a very developed, beautiful area, with an indoor pool a hundred yards away, and my concern is, if we're gonna spend money for recreation, there are certainly a lot of areas in this community that don't have that and who's who's recreational assets are, are really sparse and, hearing the comments about the crime, the prostitution, the issues that people have spoken so eloquently about here this evening, they're related, and if this city is going to move forward, we need to look at all of the areas of the city, not just the areas that are already well developed, and I would ask (*APPLAUSE*)... and I would ask member of Council to commit to the people of this city that if Weiss Park is infact, the chosen location for this water park, the equal amounts of money are set aside to put into projects in areas of the city where recreation and facilities are pretty bare. Thank you Mr. President. (*APPLAUSE*)

PRESIDENT SCHULMAN: Thank you. Thank you Mr. Rusnick. I'd like to thank all the speakers for coming down. Thank you very much.

**MISCELLANEOUS BUSINESS**

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

MEMBER CASAR: Mr. President. Mr. President. I'd like to address in regards to the water park. First of all Ms. Sparks, ah, a member of the Recreation Board said it that was not the right location for the, for the water, water park. Ah, the Committee's opinion, it is the right location. So that was her opinion, it was not the right location. But, I just have a couple other things I'd like to mention. The City of Canton, ah, your taxpayers money, we've put it in over a million dollars in Weiss Park, I mean to Willig Field to put it 4 new ball diamonds. We didn't hear you come forth at that particular time and complain that you weren't involved or whatever because it was, because it was, you know, in my opinion, there is, you know, ah, I know the past, that we, we, we put new lights in the tennis, I mean, we, meaning your tax dollars, but, not using your levy money, using money from either the General Fund or the Capital Improvement, new lights at the tennis courts twice, 9<sup>th</sup> and Schroyer skateboard

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equipment and so forth and etc., which is par, par, all of a sudden you wanna bite the hand that feeds you because you're not in agreement with that location. Ah, it just, as I, as I see it, I'm talking to the Recreation Board now, not to the constituent, I'm talking to the Board, ah, I was a member of that Board for a year so I know what I'm talking about on this. All I'm saying, all I'm saying is, this communication does include you. It does include the Park Board. It does include the Recreation Board to be involved. This is not locked in concrete. It is one of the best solutions we've had are locations because by far, we have looked high and dry to find out where we could put one, where it would serve the majority of the citizens of Canton, and this location would absolutely do that because it's no more than 10 minutes away from any point in the City of Canton and, and, and, with regards to Service Director Concatto, I think you might have some comments in regards to this also. We did what we felt was trying to serve the entire community, not just certain aspects of the community and I think that that's what, as Council people and as Administration, I think that's our job.

**PRESIDENT SCHULMAN:** Thank you Member Casar. Before we hear from the Service Director, I would ask the audience to do us one favor. I think we're a very polite and obviously we listen to your opinions, you may listen to opinions from Councilmembers that you disagree with, but at least give them the courtesy of the same response that we gave you. If you would do that. Director Concatto.

**SERVICE DIRECTOR CONCATTO:** Thank you Mr. President. Just to again, ah, probably many of you did not have the availability of the letter that was sent to Council. The letter, first of all, established or identified the Committee, which was the Mayor, Mr. Conde, Mr. Hunt and myself and Members of Council which was Ms. Kelly Zachary, Don Casar, Jim Griffin, Terry Prater and Dave Dougherty. This committee has been meeting for a long time to discuss ah, prior, after the closing of Jackson Pool, on what to do with the water facility. At that time and during these meetings, we understood and realized that there is a lot of controversy about whether there should be a swimming pool, whether it should be a water park, whether it should be a spray park, should there be 2 of them, be 1 of them, we, we went to length to try to decide what was the best way of spending all of the citizen's tax dollars. This communication simply says that based upon the decision of the Water Facility Commission, I am requesting, that's me, requesting authorization from City Council to pursue the details of building a facility at Weiss Park. Details will include discussion with the Canton Park Commission, the Canton Joint Recreation District, zoning issues, relocation of 2 baseball fields, neighborhood meetings and preliminary sight plans and potential operating costs. This is not an ordinance to enter into contract, and, and bid out for a water park. I called both the, I, I, I called both the Recreation Department, the Park Commission prior to this letter coming out, indicating what we were doing. It is our feeling, the Water Facility Committee, that we get a commitment from this Council that this is the location that they want that at and then we'll pursue this. That's what our step was. Our step wasn't first to go to the Joint Recreation Department and the park Commission, not that they're not a partner in this, but we wanted to feel comfortable, but that, not only was the Water Facility Committee in favor of this, but the entire Council was in favor of this or at least the majority of Council was. We felt it more important to come to Council and get their commitment to this project before we reached out to these other organizations. We did not ignore them, we understand that they're going to be a partner in this, we understand that there's challenges in putting it anywhere, especially here. We understand those challenges and we're willing to meet the challenges. All we have wanted to put forth here is the Council's commitment that this is where they want to go. They wanted, they want me to come back to them, or at least that they've passed this ordinance, they want me to come back to them with all of these challenges and how we're going to deal with it and that's how, that's what this letter's about.

**PRESIDENT SCHULMAN:** Thank you Director Concatto.

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MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Um, Member West.

MEMBER WEST: Last year, they came and presented um, a baseball field and they said that we did not have enough baseballs in the City of Canton. From what I understood and what I've researched today, was they're looking at taking out 2 baseball fields in order to make this happen, which is contradictory from last year's statement about building, I think it was Mallonn's baseball field. I have a problem with this because...

AUDITOR MALLONN: Sir, just to stand corrected, that's not my baseball field. Just so you know that, okay?

MEMBER WEST: Sorry..... in the name of Mallonn, excuse me. I have a problem with us looking at 400 acres and doing a park outside in Pike Township. Now looking at a facility that is highly used, on 25<sup>th</sup> Street and Market and then looking at putting a million dollars in Weiss, but we have not addressed any recreation within the neighborhoods. In the back of my building, today, I gave permission for a father to allow his kids to play basketball on my parking lot. They're playing in the street. I got calls against this. The people were upset, that people are dribbling a ball late hours of night, but I had to do this because there was no recreation in that area. So, I think that what we really have to look at ..... let me back up. Three weeks ago, I asked the Mayor if she could look into Cook's Park. (*AUDIENCE APPLAUSE*) Cook's Park is in between 4 wards, Ward 2, 4, 6 and 9, and I'm not certain there was any, anyone looking into that at all and I, I, of course, I would yield to you to answer that question. But, I think we have to get to the neighborhoods first. I'm all for enhancing every park. I'm all for the 400 acres and really doing a park out there but until we address the issues in the neighborhood, then, I, I can't support anything else.

PRESIDENT SCHULMAN: Thank you Member West.

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT SCHULMAN: Director Concatto.

SERVICE DIRECTOR CONCATTO: I'm not gonna debate whether this is a good place or not a good place. I think that'll come at the second hearing or the committee meeting. I do want to correct 1 thing. As I read in my letter, this is about relocating 2 baseball fields, not closing 2 baseball fields. We understand the need in this community for baseball fields. That's why the city is putting a million dollars in Willig Field, to make it a more productive baseball field. So, I just wanted to clarify that. As far as the debate on where it should be or wasn't, all of our Water Facility Committee meetings were announced at this Council and were opened to every member of Council. Not just members that were appointed to the Committee, they were open to the public, they were open to everybody else, whoever wanted to come in and voice their opinion at that meeting.

PRESIDENT SCHULMAN: Thank you Director.

MEMBER ZACHARY: Mr. President.

PRESIDENT SCHULMAN: Member Zachary.

MEMBER ZACHARY: I wanna go on record as being a member of the, what are we calling ourselves now, the

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Water Recreation Committee...this committee moved from being the Jackson Pool Committee to the Water Recreation Committee at some point in time over the past couple of years. But, that's neither here nor there. I do wanna go on record as saying I missed the last 2 meetings because they were thrown at us last minute. As many other Councilmembers know, our schedules fill up pretty quickly in advance so I'm already 2 weeks into June as far as scheduling. I do not agree with the proposal that was made and I will go on record as saying I am against it and will be voting against it as such. Um, secondly, I do want to thank Susan and Mr. Di... DiGiacomo for coming down and making their rec...ah, their concerns part of the public record. Joe knows that for the past 3 ½ years since I've gotten this seat, we've been fighting with this bar. I appreciate your involvement and what you have done over the past 3 ½ years and I think the last match is that Susan left that, I wanted to pull all of my hairs out at the same time because, it's like, I don't know what else to do at this point. How can we help this neighborhood and get rid of this menace bar. Ah, I'm putting it to the law Director, I'm putting it to the Safety Director. I've talked to the Prosecutor's office. We have taken the time, our own time to go down to Columbus for appeal hearings and they present a very very good case against having this bar in the neighborhood. The people who are patronizing this bar are terrorizing the neighbors. We need to stop this. How can we help them and I'm, I'm, I'm asking (*AUDIENCE APPLAUSE*) how can we help them?

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

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Um, Member Zachary and other Members of the Council, if you would bear with me a minute, I'm going to read off some of the notes I've made on several speaker's questions. I will also mention where and how they can get more detailed answers, I would like to give very brief answers to hold you temporarily until we have more thorough ones, and I'm going to see if I'm smarter than a fifth grader, (*AUDIENCE LAUGHTER*) in doing this quickly. With regards to cameras, the first speaker: the Chief has announced and he and the Safety Director are, have met to ensure that eventually all cruisers will have digital cameras, not analogs. Digitals have clearer pictures and better sound when the officers leave their cruisers, when they make a stop, these digital cameras are activated. They have a bigger range than analog cameras. Their microphones carry farther. Their conversations can be heard at least 150 feet and will all be reported and it's interesting because you're right, it does help us sometimes understand exactly what happened and sometimes it does clear the Officer because the person accusing them may have been a little drunker or a little higher than they thought they were and sometimes we find Officers not on their best behavior. It does work both ways. Um, with regards to the Chief and the Administration, that is not a Councilmatic matter. I think the second speaker brought that up. That is a matter of the Ohio Revised Code and the Chief and the Safety Director and the few of us in the Law Department met Friday. We're happy to say we've made some progress. There are several areas of agreement and we'll be issuing some joint statements about ah, defining respective roles. That is not a new concern. Memos have been written for the last 7 to 10 years around Ohio about the, the powers between Chiefs and Safety Directors and Mayors. Ah, there is an area of the law that we are defining more clearly and we are working to be successful in some of those areas, even while the lawsuit is pending and some of it has been put on hold. Collective bargaining issues apply there, as do Civil Service regulations. So, I wish I could say it was clear and easy and 'abc' and it's not always that way. But, we are making progress. There is a Review Board in place. Someone brought that up. Um, the Review Board was put in to place by the previous Mayor, Mayor Watkins under executive order. A number of people helped to form the, the, the commission and the people on it. Among them were retired judges, Pastor Chavers, Betty Smith and a number of other folks over the years. Most or all are residents and they have tried to ensure diversity by age, gender and race. They cannot be an authoritative board, they are limited to being advisory under many aspects of state law. Again, we're back into collective bargaining law, contracts, law, SERB, issues. But, they are a very conscientious group. They meet quarterly. Internal Affairs are in attendance and they present their reports that have been completed for review.

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Ah, it is a public meeting. The public and press are welcome to come to those meetings. Ah, and they do offer constructive criticism to internal affairs but mostly, they look at internal affairs reports that have been very very very thoroughly prepared. With regard to the part time, Pastime Inn, I'm sorry, ah, it is in process. We have taken it from the civil division in our office and sent our Chief Deputy Prosecutor, Ty Hauritz to Columbus where Kelly mentioned the ward councilmembers been involved and some of our vice officers have been involved. He is aggressively prosecuting that case. We have won, however, the attorney for the Pastime Inn has filed a series of appeals and asked not to have the license revoked while they're in the appeal process. So far, they've been able to keep it open, however, I would strongly suggest that you don't give up calling the police when you see criminal activity, that you don't call, you don't give up trying to help us make a nuisance case against it. We have been aggressively presenting the evidence. The Division of Liquor, the Liquor Hearing Commission is an entity unto itself. They don't use juries. They're not judges, they're commission members that are appointed and we're doing the best we can. With regard to pit bulls. The Supreme Court threw us a bit of a curve and changed State Law a little bit in terms of the requirements that we can make citizens have. Ah, Majority Leader Casar is riding hard on us in the Law Department and a few other departments to try and hurry legislation ah, to get an Animal Control Officer in place to deal with vicious animals, including those kinds of dogs, but those particular kinds of dogs, we have to re-adjust a particular ordinance based on an Ohio Supreme Court decision that came down recently and with regard to the water park, again, each entity, when and if we're asked to prepare legislation, will have to have a resolution in place. The Park Commission, under Chapter 755 of the Revised Code and the Recreation Department on another chapter near 755 have authority in some cases to, to have some resolution control over the properties that they manage. They will have to be consulted and I believe that's the Administration and Council's intent. Ah, we can't do this in a vaccum and we in the Law Department cannot prepare the legislation until everybody's on the same page, and we're all in agreement and that will be bedded, it will be done in parts and pieces with a foundation in place and we'll work closely with Council and the Administration and the Boards that were previously named when and if that comes to a final form. Thank you.

PRESIDENT SCHULMAN: Thank you Law Director Martuccio. (*MANY MEMBERS REQUESTED TO SPEAK*) Well, I'd like to hear from ah, if I might, Director Hunt particularly, about this Pastime Inn. I just don't get it. I'd like to hear from him.

SAFETY DIRECTOR HUNT: Ah, I'd like to respond, ah, response respond to ah, Ms. Seiler concerning the Pastime Inn. It is true as the Law Director said, they are still under appeal at this point in time. Ah, our Police Department is aware of the problems in that area. We have made arrests in that area. We have some on-going investigations of vice in that area. Ah, I will agree with you, I wished we had an officer that we could just stand outside that bar and make sure that the things that you have described here today do not happen. Those things should not happen ah, in a city of our size, those things shouldn't happen. You shouldn't have to put up with that. I will make sure that, as I think you probably all looked at me here furiously scribbling notes because as a part of our ah, plan to address crime in the city, ah, one of the things that we have to be more ah, active in doing, is to move our officers to those places in the city where they are needed most. Often times, officers are, ah, traveling from one part of the city to another. On an average night, our officers put over a 150 miles on their vehicles and they do that because they are moving from location to location to location. We have tried to alleviate this by hiring officers ah, we have cadets that are starting to be able to be used on the street, we will be in full force this summer, ah, with those officers ah, in collaboration with City Council, they have authorized overtime. We are sending 4 officers, 8 hours a day on overtime to respond to the areas where we have noted crime and where they need to be, and believe you me, I will have a conversation with the Chief and let the Chief know that Chief, we need to have more people around the Pastime Inn. We know that the license has been revoked but it's still under appeal and it's still, still working so, we're going to get more officers in that area. I'd like to speak to you

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afterward. Ah, I think I probably spoken to both of you at one time or another in the past. I'd like to speak to you again to let you know that we are serious about that area. We understand that there's some frustration down there because they're allowed to ah, operate. That is the way our judicial system operates but I would like to talk to you afterward concerning what more we can do because we need to be doing more after listening to what you had to say today. Ah, one more comment on the cameras. As we buy new police vehicles, in the City of Canton, that is black and white vehicles, they are all equipped with, ah, computers and cameras, however, we do have some of the older vehicles that are not equipped with cameras. We are going to add those but we're adding them to the new vehicles first. And finally, the Gang Task Force, because they travel in unmarked vehicles often time, do not have cameras in their vehicles. I think it's important that they do and that is why (*APPLAUSE*) I have requested that they travel in marked, police vehicles which have the cameras and which have the audio equipment. I think that helps both parties but I think it also shows that the city cares because we have spend over \$300,000 on cameras and we're going to spend more money on cameras. Ah, as I said, we're going to get all our black and whites with cameras. The under-cover cars that they Gang Task Force uses does not have cameras. That's why we're moving 'em out of those cars into other cars.

PRESIDENT SCHULMAN: Thank you Director Hunt.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Member Dougherty.

MEMBER DOUGHERTY: I just want to get a clarification for the Water Committee or whatever we're calling it now. But, but, there were, there were options we went over and we did spend a lot of time but, I just wanted to make sure the people understand that even though the decision came down and the decision wasn't unanimous for or against this so, there were some people that liked other options possibly putting some smaller spray parks in the neighborhoods, so, there were some other things talked about. There's good and bad. Unfortunately, all these things, but just so the record's straight that, you know, I wasn't totally for the one at Weiss Park as much as I was for some other, some other options. (*APPLAUSE*)

PRESIDENT SCHULMAN: Thank you Member Dougherty.

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT SCHULMAN: Director Concatto.

SERVICE DIRECTOR CONCATTO: A quick response. The letter did say it was a consensus, not a unanimous decision.

PRESIDENT SCHULMAN: All right. Member Hart.

MEMBER HART: Yeah, just, just a quick question. Um, I guess a couple comments. Um, for the residents out there, I guess the great thing about a democracy is we do have a chance to discuss this issue and and and, we'll vote on it and I think the consensus is gonna be what the residents in the area wanna see happen. Um, we have a really great opportunity here to develop a nice water park somewhere. Um, our challenge should be to try to develop a great year-around water park by doing a joint-venture ah, that's going to both help develop our community economically ah, create recreational opportunities and work towards social improvement in our whole

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community and hopefully that's what we can see come out of this. Also, I wanna congratulate Member Dougherty and ah, the Aultman Hospital on the bike helmet for the first graders. It's been a great program and ah, a little ounce of prevention is worth a pound of cure and I thank Member Dougherty and Aultman Hospital for helping the kids out here in Canton. Thank you. (APPLAUSE)

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: If I may, there's been a filibuster going on here. Ah, I would ask the Law Director to please investigate about pit bulls. I've had ah, quite a few cases lately. I've had some dogs bit by pit bulls and um, I go and pull the ordinance, look at the ordinance on vicious dogs, vicious animals and there aren't any pit bulls on there which, if you live in this city you have more chance of getting bit by a pit pull than maybe a coyote and some other animals that are on there. I just believe (AUDIENCE LAUGHTER & APPLAUSE) that we need to put, we need to put some vicious dogs and determine what vicious dogs are and put them on the list so we can get those dogs muzzled and more. (APPLAUSE)

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member Carbenia, we will do that. The issue is um, the Sate Law was more than adequate. The State Law required a million dollars in insurance, muzzles, cages, chains, etc., etc., etc., what we need to build in, according to the Supreme Court, is a hearing. An opportunity for the person who is accused of having a pit bull to, to help us determine whether or not it is a pit pull or whether it is a part-breed and so on and so on, so we need to build that in.

MEMBER CARBENIA: Well, I, I think we need to put some other language in there, if I may Mr. President, I'm sorry....

PRESIDENT SCHULMAN: No, that's fine.

MEMBER CARBENIA: .. Continuing on this, is, we need to put some language on there where it says if ah, if you consider that dog dangerous. Well, the owner, none of those owners consider that dog dangerous. They all said, oh, that dog would never bite, she'll never do this, do that, well, I beg to differ. I beg to differ that they got a little dog that's a small chihuahua that's got bitten twice now by the dog and the third time, it, it run up behind it's owner and coward to stay away from that dog but that dog still was loose for the third time and I don't believe he got wrote up because it's not a vicious dog.

PRESIDENT SCHULMAN: Thank you Member Carbenia.

MEMBER WEST: Mr. President. Just for a brief....

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Real briefly. Member Casar has been the pit bull on this ordinance and I wanna thank him for that. For 2 years he's been trying to get this thing passed for us but ah, today, I even called, I called into the ah Clerk and asked her if she could ah, send out, ah, sensitive dog catcher or whatever the guy's name is in Stark

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County because we had a pit bull outside my office without any tags, just running loose on 1<sup>st</sup> Street. So, I mean, I would like to see that thing passed as soon as possible because also, on my street, we have what is rottweiler...that's a vicious dog, I think as well. Um, so, we gotta look at all of those. (APPLAUSE)

PRESIDENT SCHULMAN: I, ah, I, I, just wanna say one thing. I've been on Council now, I've been privileged to be President now for about 8 months and I have not heard, I'm sure there's a memory here much longer than mine, 2 people come in and complain about a bar like you 2 came in to complain about tonight. I think that's an outrage! We want, we want people like you to come down to turn our historic homes into homes that are liveable and enjoyable and a blessing to our community. You should not have to put up with that, so, Director Hunt, Director Hunt, all I can say is I think if you parked a squad car in front of that bar for 3 weeks, I have a feeling that bar would close. (APPLAUSE) And there is no, there is no excuse for that. Okay. There is no excuse for that so we thank you all for coming down. Member Casar.

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: 8:47 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

ALLEN SCHULMAN  
PRESIDENT