

MINUTES OF THE MEETING JULY 23, 2007

PRESIDENT SCHULMAN: (*SOUND OF GAVEL*) Good evening, with a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call vote please Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

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

CLERK TIMBERLAKE: Eleven present, one absent Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Tonight we'll have the invocation given tonight by our Majority Leader Don Casar. Would you please remain standing for the pledge of allegiance.

The regular meeting of Canton City Council was held on Monday, July 23, 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 Majority Leader Casar, followed by the Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: We're 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 15 through and including #24. Member Casar, the Chair will recognize that motion. Sorry...with the exception of Ordinance 22.

MEMBER CASAR: Mr. President, I move that Rule 22A be suspended on Ordinances 15 and including #24, exception of #22.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add the second reading Ordinances 15 through and including 24, except 22. Are there any remarks? If not, Madame Clerk, roll call vote please

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Rule 22A is suspended and the Ordinances are a legal part of your agenda. You're also being asked to suspend Rule 22A to add the first reading of Ordinance #14A.

MEMBER CASAR: Mr. President, I move we suspend Rule 22 and place #14A on this evening's agenda.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 20A to add first reading Ordinance 14A to this evening's agenda. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

MINUTES OF THE MEETING JULY 23, 2007

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Rule 22A is suspended and the Ordinance 14A is a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We're now under Public Hearings. There are no public hearings this evening.

PUBLIC SPEAKS

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

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We're now under Informal Resolutions. Member Casar, I'll recognize a motion to excuse Member Carbenia.

MEMBER CASAR: Mr. President, I move that Member Carbenia be excused from this evening's meeting.

MEMBER CIRELLI: Seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven present, one absent Mr. President.

PRESIDENT SCHULMAN: The motion carries. Madame Clerk, would you please read Resolution #58 by title.

#58. PERSONNEL COMMITTEE: REQUEST APPROVAL TO REAPPOINT REVEREND DAVID MORGAN TO HOUSING ADVISORY BOARD, EFFECTIVE 3/7/07 THROUGH 2/28/09. - ADOPTED

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Resolution #58.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt ah...Resolution #58. Are there any remarks? If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #58 ADOPTED BY UNANIMOUS VOICE VOTE

MINUTES OF THE MEETING JULY 23, 2007

PRESIDENT SCHULMAN: Resolution #58 has been adopted. Madame Clerk Resolution 59.

#59. PERSONNEL COMMITTEE: REQUEST APPROVAL TO REAPPOINT REVEREND RONALD KLINGER TO HOUSING ADVISORY BOARD, EFFECTIVE 3/1/07 THROUGH 2/28/09. - ADOPTED

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Resolution #59.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #59. Are there any remarks? If not, by voice vote all those in favor signify by saying aye. Those opposed no. Resolution #59 has been adopted. Resolution #60 please.

NO REMARKS

RESOLUTION #59 ADOPTED BY UNANIMOUS VOICE VOTE

#60. PERSONNEL COMMITTEE: REQUEST APPROVAL TO REAPPOINT MR. JOEL OWENS TO HOUSING ADVISORY BOARD, EFFECTIVE 3/1/07 THROUGH 2/28/09. - ADOPTED

MEMBER CASAR: Mr. President, I move we adopt Resolution #60.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #60. Are there any remarks? If not by voice vote all those in favor signify by saying aye. Those opposed no. Resolution #60 has been adopted. Resolution 61 please.

NO REMARKS

RESOLUTION #60 ADOPTED BY UNANIMOUS VOICE VOTE

#61. PERSONNEL COMMITTEE: REQUEST APPROVAL TO REAPPOINT MR. JOHN PICARD TO HOUSING ADVISORY BOARD, EFFECTIVE 3/1/07 - 2/28/09. - ADOPTED

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Resolution #61.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution #61. Are there any

MINUTES OF THE MEETING JULY 23, 2007

remarks? If not ah.....by voice vote all those in favor signify by saying aye. Those opposed no. Resolution #61 is adopted. Resolution 62 please.

NO REMARKS

RESOLUTION #61 ADOPTED BY UNANIMOUS VOICE VOTE

#62. PERSONNEL COMMITTEE: REQUEST APPROVAL TO REAPPOINT MR. JOE RACE TO HOUSING ADVISORY BOARD, EFFECTIVE 3/1/07 - 2/28/09. - ADOPTED

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Resolution #62.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution #62. Are there any remarks? If not by voice vote all those in favor signify by saying aye. Those opposed no. Resolution 62 has been adopted. Resolution 63 please.

NO REMARKS

RESOLUTION #62 ADOPTED BY UNANIMOUS VOICE VOTE

#63. PERSONNEL COMMITTEE: REQUEST APPROVAL TO REAPPOINT MIKE WILLIAMS TO HOUSING ADVISORY BOARD, EFFECTIVE 3/1/07 - 2/28/09. - ADOPTED

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Resolution #63.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution 63. Are there any remarks? If not by voice vote all those in favor signify by saying aye. It's just not the same without Joe Carbenia, I don't know what it is. *(Laughter)* Are you all sure about that? All those opposed no. Resolution 63 has been adopted.

NO REMARKS

RESOLUTION #63 ADOPTED BY UNANIMOUS VOICE VOTE

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 JULY 23,

MINUTES OF THE MEETING JULY 23, 2007**2007.**

421. AUDITOR MALLONN (CITY): CERTIFICATE OF TOTAL AMT FR: 2007 ALL SOURCES. - RECEIVED & FILED
422. HEALTH COMMISSIONER PATTISON: REQ \$43,555.00 SUPP APPROP FR: UNAPP BAL OF 2328 PUB HEALTH INFRASTRUCTURE FOR PUB HEALTH INFRASTRUCTURE GRANT FR: OH DEPT OF HEALTH. - FINANCE COMMITTEE
423. LIQUOR CONTROL DIV (OHIO): REQ TRANSFER OF OWNERSHIP OF D5 LIQ PERMIT FR: PETER G PAPACOSTAS TO CANTON AGORA LLC, DBA CANTON AGORA LLC @ 520 4TH ST NE (BSMT ONLY). - RECEIVED & FILED
424. MAYOR CREIGHTON: REQ ALLOWING UNION EMPLOYEES TRAINING TIME & AMENDING CITY'S BARGAINING UNIT CLASS. PLAN; ADVISING OF PROPOSED CHANGES FOR PROB. POLICE OFCS. - PERSONNEL COMMITTEE
425. PLANNING COMMISSION: RECOMMENDING VARIOUS CHANGES TO ZONING ORDINANCES (CITY OF CANTON). - JUDICIARY COMMITTEE
426. PLANNING COMMISSION: RECOMMENDING ZONE CH REQ. BY ANNA MYERS & JEFF MUCCI @ 3315 HARMONT AVE., NE FR: B-3 TO PB-4 FOR CAR WASH. - JUDICIARY COMMITTEE
427. SAFETY DIRECTOR HUNT: REQ \$45,000.00 SUPP APPROP FR: UNAPPROP BAL OF 2763 FUND FOR CANTON POLICE DEPT. - FINANCE COMMITTEE
428. SERVICE DIRECTOR CONCATTO: REQ TO ENTER INTO AGMT W/STATE FOR LEASING OF PKG SPACES @ CORNERSTONE I & II @ \$20.00 PER SPACE RETRO TO 7/1/07 THRU 6/30/09 & \$25.00 PER SPACE FR: 7/1/09 THRU 6/30/11. - FINANCE COMMITTEE
429. SERVICE DIRECTOR CONCATTO: REQ \$500,000.00 TRANS FR: 4506 201001 75812 2006 CITY INFRASTRUCTURE BOND FD TO ADD STREETS ON TO CITY'S 2007 PAVING PROG. - FINANCE COMMITTEE
430. SERVICE DIRECTOR CONCATTO: REQ AUTHORIZATION FOR MAYOR &/OR SERV DIR TO ESTABLISH FMV FOR PROPERTY @ 49TH ST & GARDENDALE AVE., NE, STORM SEW IMPROV GP 1074; AUTHORIZE MAYOR &/OR SERV DIR TO NEGOTIATE SAME FMV; AUTHORIZE MAYOR &/OR SERV DIR TO CHANGE & CORRECT PROPERTY OWNERS NAMES, PARC # & OTHER TYPO ERRORS. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
431. SWARTZ, JOHN: LETTER OF PRAISE FOR CITY'S SUPPORT OF 'CONCERT IN THE PARK'. - RECEIVED & FILED
432. TREASURER, SCHIRACK: JUN 30, 2007 COMPARATIVE REPORT OF CASH RECEIPTS. - RECEIVED & FILED

MINUTES OF THE MEETING JULY 23, 2007**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 ordinance by title please.

NOTE: PRESENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #14A FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:

#1 (1ST 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 the Intergovernmental & Public Service Committee

PRESIDENT SCHULMAN: And what I would recommend is why don't we go through skipping 2, go to 3 through 14 and then we'll come back to 2 and 11.

CLERK TIMBERLAKE: Okay.

#3 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH THE DOMESTIC VIOLENCE PROJECT INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$50,000.00 FOR MISCELLANEOUS SHORT TERM HOUSING SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to the Community & Economic Development Committee

#4 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE YMCA OF CENTRAL STARK COUNTY TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$32,500.00 FOR CENTRAL SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee

#5 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON REGIONAL CHAMBER OF COMMERCE TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$175,000.00 FOR A COMPREHENSIVE ECONOMIC & DOWNTOWN DEVELOPMENT PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee

#6 (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 17/88 AS AMENDED; AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED CONTRACT WITH THE CANTON COMMUNITY IMPROVEMENT CORPORATION TO

MINUTES OF THE MEETING JULY 23, 2007

ADMINISTER ADDITIONAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$500,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

- #7 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A FUNDING AGREEMENT WITH STARK COUNTY OUT OF POVERTY PARTNERSHIP INC. TO PROVIDE CDBG FUNDS IN THE AMOUNT OF \$50,000.00 AND HOME FUNDS IN THE AMOUNT OF \$775,000.00 FOR THE ADMINISTRATION AND IMPLEMENTATION OF THE CITY'S HOUSING PROGRAMS AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

- #8 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A JOB CREATION TAX INCENTIVE AND NET PROFITS INCENTIVE AGREEMENT WITH PARK POULTRY INC. PURSUANT TO THE CITY'S ECONOMIC GROWTH INITIATIVE PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

- #9 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY OWNED REAL PROPERTY NO LONGER NEEDED FOR MUNICIPAL PURPOSES TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

- #10 (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE 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

- #12 (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 241 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to the Finance Committee

- #13 (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 241/2006 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to the Finance Committee

- #14 (1ST RDG) AN ORDINANCE AMENDING SECTION 943.13 GENERAL DISCHARGE PROHIBITIONS OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON.

Referred to the Judiciary Committee

MINUTES OF THE MEETING JULY 23, 2007

PRESIDENT SCHULMAN: At this time the Chair would declare an in-house recess for both the Community & Economic Development Committee and....

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER CASAR: Did you do 14A yet?

PRESIDENT SCHULMAN: Oh, I'm sorry.

CLERK TIMBERLAKE: No problem.

#14A (1ST RDG) **AN ORDINANCE 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 the Finance Committee

PRESIDENT SCHULMAN: Thank you Member Casar.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Yes Member Casar.

MEMBER CASAR: Ah...before you ah....recess to ah...Committee meeting on Ordinance #2 and also #11, you have to read the title for 2, I don't think we read the title for 2.

PRESIDENT SCHULMAN: Fine, we you please re....thank you Member Casar...will you please read ah...Ordinance #2 by title.

#2 (1ST RDG) **ADOPTED AS AMENDED AS ORDINANCE #132/2007** AN ORDINANCE DECLARING 32 BUILDINGS TO BE PUBLIC NUISANCES; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE DEMOLITION OF SAID BUILDINGS; AUTHORIZING THE CLERK OF CANTON CITY COUNCIL TO CERTIFY THE COSTS OF DEMOLITION TO THE STARK COUNTY AUDITOR; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee

PRESIDENT SCHULMAN: And also, Ordinance #11.

#11 (1ST RDG) **ADOPTED AS ORDINANCE #133/2007** AN ORDINANCE AUTHORIZING THE MAYOR TO CO-APPLY FOR A BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT TO ENTER INTO AGREEMENT TO ACCEPT AND ADMINISTER THE GRANT AND TO EXECUTE A LETTER OF UNDERSTANDING WITH STARK COUNTY, OHIO CONCERNING REALLOCATION OF PROCEEDS OF THE GRANT; AMENDING APPROPRIATION ORDINANCE NO. 241/2006; AND

MINUTES OF THE MEETING JULY 23, 2007**DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee**

PRESIDENT SCHULMAN: Now at this time, the Chair would declare an in-house recess for the Community and Economic Development Committees and the Judiciary Committee. I'm sorry Finance....I'm telling you, it's just not the same without Joe. (*COUNCIL RECESSED @ 7:47 PM TO DISCUSS ORDINANCES #2 AND #11. COUNCIL RECONVENED @ 7:51 PM*)

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

MEMBER CASAR: Mr. President. I move that we suspend Rule 22A and...on Ordinance #2 and #11 and place them back on this evening's agenda.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: Thank you. It's been moved and seconded to suspend Rule 22A to place Ordinances 2 and 11 back on this evening's agenda. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk, the motion carries. Ordinances 2 and 11 are part of your agenda and a legal part of your agenda this evening. Member Casar.

MEMBER CASAR: Mr. President. I move the Statutory rules be suspended on Ordinance #2.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory rules on Ordinance #2. Are there any remarks?.. If not, roll call vote please Madame Clerk.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: The motion carries, you've heard the 3 readings. Member Casar.

MEMBER CASAR: Mr. President. I move we adopt Ordinance #2.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #2. Are there any remarks?

MEMBER CASAR: Mr. President.

MINUTES OF THE MEETING JULY 23, 2007

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Per ah...Law Director Martuccio's elegant explanation of this ah...amendment. I move we amend Ordinance #2 per the copy that all Councilpersons have in front of them.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt....that you amend Ordinance #2, as 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 ADOPTED BY UNANIMOUS VOICE VOTE

MEMBER CASAR: Mr. President I move we adopt Ordinance #2 as amended.

MEMBER CIRELLI: Seconded.

AMENDMENT: Pursuant to Rule 36, I move to amend Agenda Ordinance No. 2 by the addition of a new Section 4 to read as follows, and the renumbering of Sections 4 and 5 as Sections 5 and 6 respectively:

Section 4. The demolition of the building(s) located at 929 Shorb Ave. NW listed on Exhibit A is hereby ratified, and subject to any and all of the applicable conditions and terms of this ordinances.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #2 as amended. Are there any remarks under this Ordinance? If not Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #2 is adopted. Member Casar.

ORDINANCE #2 ADOPTED AS AMENDED AS ORDINANCE #132/2007

MEMBER CASAR: Mr. President I move we suspend the Statutory Rules on Ordinance #11.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend Statutory Rules on Ordinance 11. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries, you've heard the three readings. Member Casar.

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

MINUTES OF THE MEETING JULY 23, 2007

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: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #11 is adopted.

ORDINANCE #11 ADOPTED AS ORDINANCE #133/2007**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: We're now under Ordinances for their second reading. Madame Clerk will you please read Ordinance 15 through 24 by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #15 THROUGH #24 (WITH THE EXCEPTION OF #22) FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #15 (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (LTS #32534, 32535, 32536 & 32537 ON NW CORNER OF MARKET AVE. N & 30TH ST NW)
PUB HRG 8/6/07 @ 7:30 PM
- #16 (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (LTS 42465 THRU 42479 ON HANNAH CIR NW)
PUB HRG 8/6/07 @ 7:31 PM
- #17 (2ND RDG) AN ORDINANCE APPROVING & ACCEPTING THE REPLATTING OF OUTLOTS 1188 & 1189; AND DECLARING THE SAME TO BE AN EMERGENCY (JAMES REED)
- #18 (2ND RDG) AN ORDINANCE APPROVING & ACCEPTING THE FINAL RECORD PLAT FOR THE QUEEN ESTHER'S SUBDIVISION IN THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
- #19 (2ND RDG) AN ORDINANCE APPROVING & ACCEPTING THE REPLATTING OF ALL OF LOTS 23352 THRU 23354; APPROVING & ACCEPTING THE DEDICATION OF ADDITIONAL RIGHT OF WAY TO THE SOUTH SIDE OF 25TH STREET NE; AND DECLARING THE SAME TO BE AN EMERGENCY
- #20 (2ND RDG) **ADOPTED AS ORDINANCE #134/2007** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$21,000.00 TO BITZEL EXCAVATING, INC.; AND DECLARING THE

MINUTES OF THE MEETING JULY 23, 2007

SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move the Statutory rules be suspended on Ordinance #20.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rules for Ordinance #20. Are there any remarks? If not, Madame Clerk, Roll Call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: The motion carries. You've heard the three readings. Member Casar.

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

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance # 20. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #20 is adopted. Ordinance #21 please.

ORDINANCE #20 ADOPTED AS ORDINANCE #134/2007

#21 (2ND RDG)

ADOPTED AS ORDINANCE #135/2007 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT IN AN AMOUNT NOT TO EXCEED \$200,000.00 FOR THE REPAIR OF BRICK STREETS IN THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move the Statutory rules be suspended on Ordinance #21.

MEMBER CIRELLI: Seconded.

MINUTES OF THE MEETING JULY 23, 2007

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rules for Ordinance #21 Are there any remarks? If not, Madame Clerk, Roll Call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: The motion carries. Member Casar ah....you've heard the three readings.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #21.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance # 21. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #21 is adopted. Ordinance #22 please.

ORDINANCE #21 ADOPTED AS ORDINANCE #135/2007

CLERK TIMBERLAKE: Is held in Committee...Number....

PRESIDENT SCHULMAN: Oh that's held in Committee. Rule ah... Ordinance 23 please.

#22 (2ND RDG) **HELD IN COMMITTEE** *(Not read aloud)*

#23 (2ND RDG) **ADOPTED AS AMENDED ORDINANCE #136/2007** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT IN AN AMOUNT NOT TO EXCEED \$1,800,000.00 FOR WPCC TERTIARY FILTER PROJECT; AMENDING APPROPRIATION ORDINANCE NO 241/2006, AS AMENDED BY MAKING A SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; 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 #23.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rule for Ordinance #23. Are there any remarks? If not, Madame Clerk, Roll Call vote please.

MINUTES OF THE MEETING JULY 23, 2007

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: The motion carries. Member Casar ah....you've heard the three readings.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #23.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance # 23. Are there any remarks? Member Casar.

MEMBER CASAR: Mr. President, per copy the copy of all Councilpersons have in front of them, I move we amend Ordinance #23.

MEMBER CIRELLI: Seconded.

AMENDMENT: Pursuant to Rule 36, I move to amend Agenda Item No. 23 by the addition of a new Section 2, renumbering current Sections 2 and 3 to Sections 3 and 4 respectively and amending the dollar amount in the new Section 3 to read \$1,822,800.00:

Section 2. The Director of Public Service is authorized to enter into agreement with MWH Americas Inc. in an amount not to exceed \$22,800.00 for construction services.

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance #23 per the copy before each of you. Are there any remarks? If not, by voice vote, all those in favor of the amendment, say aye. All those opposed, no. The motion carries as amended.

NO REMARKS

AMENDMENT ADOPTED BY UNANIMOUS VOICE VOTE

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Casar.

MEMBER CASAR: I move we adopt Ordinance #23 as amended.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #23 as amended. Are there any remarks under this Ordinance? If not Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

MINUTES OF THE MEETING JULY 23, 2007

PRESIDENT SCHULMAN: Ordinance #23 is adopted. Ordinance #24.

ORDINANCE #23 ADOPTED AS AMENDED AS ORDINANCE #136/2007

#24 (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO 241/2006, AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move....I'm getting ahead of myself.

PRESIDENT SCHULMAN: I was hoping you weren't right. Because I didn't have a clue what to do.

MEMBER CASAR: Joe is not here....

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: We're now under Ordinances ah....for their third and final reading. Madame Clerk, please read Ordinance #25 by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #25 THROUGH #28 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

#25 (3RD RDG) **ADOPTED AS ORDINANCE #137/2007** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO FILE AN APPLICATION FOR AND ACCEPT A GRANT FROM THE DEPARTMENT OF HOUSING & URBAN DEVELOPMENT FOR THE CONSTRUCTION OF A HANDICAP ACCESSIBLE PARK; AUTHORIZING THE AUDITOR TO ESTABLISH THE 2529 NEW HORIZONS PARK FUND; AMENDING APPROPRIATION ORDINANCE NO 241/2006; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #25.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #25. Are there any remarks? If not...yes, Member Hart?

MEMBER HART: Uh...just a word to the Administration...um...as a teacher of handicapped kids over the years...um...we put a handicapped accessible park down at Lathrop Elementary some years ago. Uh...it was really great to see the kids on the wheelchair swings. The first time we pushed them we saw those eyes light up, you

MINUTES OF THE MEETING JULY 23, 2007

know...that freedom. And uh...unfortunately in many communities, you know those who do have physical disabilities, whatever they may be, sometimes can be uh.....sadly underserved and uh...this money will go to really serve a great need and I hope that the City and Park Department will do their best to add accessible parks no matter what the handicap and disability is all throughout the City.

PRESIDENT SCHULMAN: Thank you Member Hart. Are there any other remarks? Hearing none. Oh...ah...Madame Clerk will you call the roll please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #25 is adopted. Ordinance #26.

ORDINANCE #25 ADOPTED AS ORDINANCE #137/2007

#26 (3RD RDG) **ADOPTED AS ORDINANCE #138/2007** AN ORDINANCE NAMING AN UNNAMED ALLEY IN THE CITY OF CANTON, TAYLOR COURT

MEMBER CASAR: Mr. President, I move we adopt Ordinance #26.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #26. Are there any remarks concerning Taylor Court? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #26 is adopted. Ordinance #27 please.

ORDINANCE #26 ADOPTED AS ORDINANCE #138/2007

#27 (3RD RDG) **ADOPTED AS ORDINANCE #139/2007** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE AND DELIVER TO DOMINION EAST OHIO GAS COMPANY AN EASEMENT ON PROPERTY OWNED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #27.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #27. Are there any remarks? If

MINUTES OF THE MEETING JULY 23, 2007

not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #27 is adopted. Ordinance #28 please.

ORDINANCE #27 ADOPTED AS ORDINANCE #139/2007

#28 (3RD RDG) **ADOPTED AS ORDINANCE #140/2007** AN ORDINANCE AMENDING ORDINANCE NO. 241/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Ordinance #28.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #28. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #28 is adopted.

ORDINANCE #28 ADOPTED AS ORDINANCE #140/2007**ANNOUNCEMENT OF COMMITTEE MEETINGS**

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

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Community & Economic Development will meet 6:00 on August 6th.

PRESIDENT SCHULMAN: Thank you Member Casar.

MEMBER ZACHARY: Mr. President.

MINUTES OF THE MEETING JULY 23, 2007

PRESIDENT SCHULMAN: Member Zachary.

MEMBER ZACHARY: Intergovernmental & Public Service Committee will meet at 6:00 on August 6th.

PRESIDENT SCHULMAN: Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Judiciary will meet at 6:00 PM on the August 6, 2007.

PRESIDENT SCHULMAN: Thank you.

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel Committee will meet at the same time on August 6th.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Finance Committee will meet at Monday, August 6th at 6:00 PM. In addition, there will be a Finance Review tomorrow...it's part of...we will review the second quarter of the 2006 budg....or 2007 budget, I'm sorry. 2007 budget and it will be held at 236 Second Street SW.

PRESIDENT SCHULMAN: I'm familiar with that building. (*Laughter*) It's a great...it's a great old building. Very good. Any other committee?...That's our building...Any other committee?

MEMBER HAWK: That would be at...Sir, that would be at 9:00 AM.

PRESIDENT SCHULMAN: Yes, unfortunately, I know that too. Any other committee meetings?

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: We're now under Public Speaks, Open Forum. We have...3 ah...speakers signed up this evening. For those of you who are not familiar with ah....Council's policy, if you would do us a favor, ah...we restrict our speakers to 3 minutes and I'd like to tell speakers that have not spoken before City Council, the Mayor or her Administration that we always are here afterwards so 3 minutes is more than enough time, if you have anything else to say, we're all available to listen to you or take your questions. So with that said, our first speaker is Joseph Vinci. Mr. Vinci, did I pronounce that correctly?

(*Inaudible*)

PRESIDENT SCHULMAN: Great. Well, what...what is your name?

MINUTES OF THE MEETING JULY 23, 2007

(Inaudible)

PRESIDENT SCHULMAN: Well, ah...Joseph Vinci would you please give us your name and residential address and welcome. Thank you sir.

JOESPH VINCI: Joseph Vinci, I live at 2631 Wildwood Ave NE, Canton, Ohio. I've lived in Canton, Ohio for 56 years with the exception of the 20 years I spent in the military. When I retired from the military, I could have lived anywhere I wanted to...I...but I chose the City of Canton because I feel this is a good place to live. I retired in my neighborhood. However, the neighborhood is zoned R-1, single family residential. If we change that, I believe our neighborhood would be lost. 1333 Colonial Blvd. is an example we currently have. There are 4 people living in a 3 bedroom house and being used as a commercial group home. An individual making profit from it. This neighborhood has been one of the best neighborhoods in...in the City, of course I'm biased because I grew up in that neighborhood. I hope the Law Department, City Managers, City Council and the people agree with me in the concept of family neighborhoods are continued. I also, realize the concept of family has changed over the years. It's not what it's used to be, but a commercial group home is not a family. Since that time, since I wrote this statement, I talked to Tom (*inaudible*) in the Law Department and he basically informed me that I was out of luck that the Federal Government and the City Government, I mean the Federal Government and the State Government defines under 6 people as not a group home, that 4, 5,...3, 4, or 5 people could live in a home and it's not considered a group home. Um...I know that the neighbors are up in arms in the neighborhood over this. I...I don't have a problem with the individuals who live there. The problem is the caretakers, when you have a group home or facility such as this, you got constant people coming and going, 12:00 at night we have 6 or 7 cars there, ah...noise. I have a basketball court in my yard, they come over and use my basketball court and I'm not against kids but at least ask me, you know it's just ah...respect the rights of others. Thank you very much.

PRESIDENT SCHULMAN: Thank you Mr. Vinci. Ah...and again, you'll have an opportunity after the meeting to talk to the Councilmembers or the Mayor or her Administration. Thank you for coming tonight. Our next speaker is Doug Kish. Mr. Kish, would you give us your name please and your residential address.

DOUG KISH: I live at...my name is Doug Kish, I live at 1400 27th St NE.

PRESIDENT SCHULMAN: Good evening.

DOUG KISH: I'm here today speaking on behalf of my mother, Elaine....um...my mother who has lived um...in the same are that Mr. Vinci lives in ah...for over 25 years. Uh...both my sister and I live um.. in the same Northeast quadrant. Uh...we did decide to purchase homes in this quadrant. In the past 3 years we have seen a definite decline in the neighborhood and in the past months it has proven to get worse. About 8 weeks ago a woman introduced herself as Tiffany walked up to my mother and sister and explained to her that ah...they were opening a group home next door. Without no notification, they...and then she proceeded to let us know the tenants, there was going to be 3 men and 1 woman living there with caregivers coming and going all hours of the night. Ah...my mother was upset by this information due to the fact that we are zoned R-1, we're single family housing. Ah...since we have raised this issue with ah...Mr. Carbenia, the Building Inspector, Zoning Inspector and now as of today..ah.. I received notification from um...Mr., I think it's Tom Burns from the Law Department saying there was nothing we can do about it. This frustrates me as a lifelong resident, as a stable neighborhood in Northeast quadrant um..is declining. And the laws to protect our homes are not enforceable. I have no problem with these residents if they were abiding by the Canton City zoning laws. Um...my concern is that the multi-family dwellings could erode our investments, our homes and livelihoods. I ask Council to consider this issue ah...and what we can

MINUTES OF THE MEETING JULY 23, 2007

do to protect the neighborhood in the Northeast quadrant. I asked Mr. Carbenia to investigate this further and to help the residents in our area and I want to thank the Council for ah...allowing me to bring this issue to their attention.

PRESIDENT SCHULMAN: Thank you Mr. Kish. And Mr. Kish and Mr. Vinci ah...stick around because we have miscellaneous business and you may get some information that'll help you. Our last speaker is ah...we're saving the best for last, with all due respect to the gentlemen. Lois DiGiacomo, would you step forward and give us your name and your residential address please.

LOIS DIGIACOMO: Lois DiGiacomo, 3198 Mariner's Island Dr., in Canton. For my introduction, I have just 2 things to tell you about myself. I'm going to describe 4 productions that are coming to the Canton Cabaret Musical Dinner Theater in Downtown Canton and I'm going to make 1 offer that I hope cannot be refused. Since early in Mayor Watkins time in office, I have been active in downtown Canton committees and projects. I love downtown Canton and I want my grandchildren to stay here to once again enjoy it as I did when I was their age and as I am again right now. For the past 2 years, Arts in Stark has funded a program called Special Project Grants. More than 130 county non-profits have received more than \$400,000.00 in new dollars to grow the arts, create smarter kids, new jobs and healthier communities. One such non-profit that receives seed money is the Canton Cabaret. But we are different in that we are not a special project. We are a new business that is part of downtown Canton's revitalization. We are a new business determined to advance the goal of the Convention and Visitor's Bureau to make Stark County more popular as a tourist destination. We are a new business determined to advance the goals of the Brain Game initiative. We are located in the Grand Ballman...Ballroom of the Metropolitan Center, 6th Street and Cleveland, North. A prime location, a location that would not be in existence as it is now, if it were not for the support given by this City Council. Canton Cabaret is a renter at the Metropolitan Center, we are not a tenant. We have nothing to do with any part of Center's operation, including the Restaurant. It would be much less expensive for us to be located elsewhere. We have had several offers to move elsewhere, outside of downtown Canton, outside of Canton. We will not. Our 4 productions, August 10th and 11th "Remembering Moonlight Ballroom" with a live 9 piece orchestra. The last time an orchestra like this performed in Canton was at the Ballroom before it burned in 1979. Jack Halkadies, the last surviving Canton musician who entertained there, will be in that orchestra. The radio host who broadcasts live from the Ballroom, Dick Waco, will reprise his role and he will be joined by Attorney John Werren, Michael Sonata, the Frank Sinatra impressionist, Canton Cabaret singers, professional ballroom dancers, a Meyers Lake experience with pictures and sounds taken from the newest book "About Meyers Lake, The Last Dance". It will be there that evening for sale. We have the smell of petunias and the sounds of Saul, the Laughing Lady from the Laugh in the Dark, perhaps even a calliope playing in the background. September 8th, 15th and 16th, a tribute to Hank Williams, the concert that never happened. Eight of ten Cantonians remember the story, Hank died on his way to Canton to perform. Recording artist Ryan Humbert will bring Hank to life. He is researching the exact songs Hank would have sung that night, January 1, 1953. Ryan has agreed to shave his beard, dye his hair black, buy a cowboy hat and lose weight for the part. Some of the productions being considered for November are the Tony Bennett Story, Judy Garland, the world's greatest entertainer, and Gershwin by George. Our New Year's Eve Gala, we are planning a package deal with the McKinley Grand and the Sarta Trolley to make sure that those attending do not have to drive a car those 10 blocks back to the Hotel. Jon Tisevich, a Broadway entertainer for 7 years who recently returned to Canton will be featured in this and will help direct that show. Canton Cabaret is now answering requests for holiday party entertainment. We have a repertory company of singers, dancers, musicians, composers and playwrights who can repeat any show and who can create any size, any length new show requested. We are the only repertory company in the county that is doing this. With my knowledge of Stark County artists, after interviewing 1,000 of them on my show, State of the Arts and their talent, any kind of show is possible. My one

MINUTES OF THE MEETING JULY 23, 2007

offer is this: you are invited, along with your spouse or significant other to attend "Remembering Moonlight Ballroom", August 10th and 11th for the price of the show only. Come at 6:30 and enjoy the meal on us. Canton Cabaret needs your support. All new endeavors in this area need the support of community leaders such as yourselves. I have flyers, window posters, table tents for your favorite restaurants and tickets available after the meeting. And on behalf of the production staff of Canton Cabaret, I thank you for your time and attention.

PRESIDENT SCHULMAN: Thank you.

(Applause)

PRESIDENT SCHULMAN: We wish you the very best, you know that and I know that Lois asked me first I hope to do the radio commentary but John Werren was second?

LOIS DIGIACOMO: Don't tell John.

PRESIDENT SCHULMAN: Okay, oh..I will tell him, believe me. Um...that concludes our Public Speaks this evening. It's probably better that John is doing it since I can't seem to speak at all tonight.

MISCELLANEOUS BUSINESS

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

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Ah thank you Mr. President. Ah...two weeks ago whenever the ah...I want to call it the Canton/Massillon Ulster Program was here uh...Councilman Hart was very nice to relinquish that right that he generally presents a resolution to them and allowed me to do, so I do want to thank you for that ah....Councilmember Hart. Ah.....secondly, I would like to follow that up with the fact that ah....I am of Irish decent, along with kind of a Hines 57. But an interesting story is when we were in Ireland, my husband, Richard Fawcett, my grandsons and my son, we went to where my family came from, Ballymoney and um...the Northern part of Ireland. And on the train coming back, we only spent a day there. So on the train, I was reading a brochure and here it turns out to be the same City that our Honorable President William McKinley's family hales from. So I found that rather quite interesting. I hope to return there so I can see the monument that is placed there in honor of the President William McKinley. Also, and...ah..it was our Spear family and we have a big reunion in August in the Laurel Mountains in Pennsylvania. And James Buchanan, another President, his mother was a Spear, so he's also in the family tree. So I failed to bring those remarks and I just wanted to bring the ah....Councilmembers up to speed as to why I was...I so intently wanted to present that Ulster organization. So thank you very much sir.

PRESIDENT SCHULMAN: Thank you Member Cirelli.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: I'd like to thank ah...Service Director, Joe Concatto for repaving the courts down at Nimisilla

MINUTES OF THE MEETING JULY 23, 2007

Park and in such a timely manner. This Sunday we are having the O'Jays ah...family reunion down there and we're bringing back the old school basketball tournaments. Some of you guys remember that back in the day and these kids will be playing from 10 AM to 8 PM. So come down and watch them and see all the activities going on ah...down at Nimisilla Park and again, thank you Joe.

PRESIDENT SCHULMAN: Thank you Member West.

MEMBER HART: I just ah...wanted to congratulate the Palace Theatre. Saturday night downtown Canton, at the ah...what's called our Green space, they had a free movie, Shrek 1. Um.....Member Hawk was there, it was probably attended by, I'm guessing maybe 350 people, a lot of families there....were you there too? *(Laughter)* Okay well anyway, *(inaudible)*.....Anyway, it was a great ah....it was a great evening out and ah...you know downtown is alive.

(LAUGHTER)

MAYOR CREIGHTON: Mr. President.

PRESIDENT SCHULMAN: Mayor Creighton.

MAYOR CREIGHTON: In the spirit of fun, if you remember, we had our ah...t-rex on the square and we asked for a contest um....of youngsters to submit a name and tonight I am happy to announce that the name, the official winner ah...as chosen by ah....Cindy Timberlake, ah...Lisa Wait, whose a professor of Communications at Kent State and Marilyn Holbrook from the Mayor's office chose the following name as the winner "Derek the Downtown Dino". Um...that was submitted by Grace Williams and I believe she is an 8 or a 9 year old young lady and we were excited because it got kids involved and got them downtown. Now just for fun, if I just could indulge you for one moment. We also got an entry from the Canton Police and Fireman's Credit Union and I'll just read a couple. One was "Redneckasaurus" because of the duct tape, "Tackysaurus" because he's falling apart. Um...."Eyesaurus Rex" that's obvious. So, they're gonna get an ice cream cone from the Mayor.

PRESIDENT SCHULMAN: Very good. Well there are two things that ah...we should all recognize as Richard said, "It's nice to have green space downtown." People love it, they just...*(applause)* they come down. And secondly, as I, as we've talked about before, the arts bring in more money then all the professional sports teams combined in the United States. So when you have good art or bad art, eyesaurus or greatasaurus, you have people coming down with their families and that's what this community needs, so you're all to be congratulated. Ah....

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: I think we're remise if we don't thank the Palace Theatre. They were the folks who put this together on their own. They worked very hard to...to put that drive-in...outdoor movie, or whatever you chose to call it in downtown Canton. They...they made all the arrangements, they hired their own security, off duty policeman. They had a nice concession stand there. It was really something to see and enjoy. Ah...I think a lot of the kids really liked it and I did get to speak with the Mayor, we stood and watched the movie together so it was very interesting.

MINUTES OF THE MEETING JULY 23, 2007

PRESIDENT SCHULMAN: I'm waiting for Member Kraus. Member Kraus, did you have fun?

(Inaudible)

PRESIDENT SCHULMAN: *(Laughter)* Okay.

MEMBER KRAUS: Can I ask the Mayor where that school....what school she attended or does it say? Or what part of town she lives in?

MAYOR CREIGHTON: Mr. President, she lives in Plain Township.

MEMBER KRAUS: Good, GlenOak.

(Laughter)

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President, I'd like to ah...update Council and members of the audience on a couple of items. First of all, Mr. Vinci and I are also of Irish decent. Very far south where it's very sunny. Ah...Mr. Vinci and Mr. Kish thank you for raising your concerns about what's going on in your neighborhood. Um...this is a topic that's come up before and Mr. Burns of our office is correct, there are some State Statutes directly on point. In chapter 3722 of the Ohio Revised Code called "Adult Care Facilities" they mention that any person may operate an adult family home, licensed as an adult care facility as a permitted use in any residential district or zone including any single family residential district or zone of any political subdivision. Now they are, we the City, may require them to comply with all the usual requirements, area, height, yard, architectural compatibility and so on. Um....the definition of an adult family home under the same section is a residence or facility that provides accommodations to 3 to 5 unrelated adults and supervision and personal care services to at least 3 of those adults, between 6 and 16 is called an adult group home. The law goes on to say that we as a City can prevent what they call "Excessive Concentration" ah...we can look at zoning to prevent saturation but we cannot keep them out, even if we were a Charter City we could not keep them out. We can require though, basically the philosophy behind this State law and the Federal laws that gave rise to it are that as you mentioned, one of you speakers mentioned earlier, it's hard to define a family now. Our local Ordinances are out of date and there preempted by these laws. So many people who live in single family homes now are blended families with unmarried adults and unrelated people living them and the laws for disabled folks say essentially at the Federal and State level "Treat people with disabilities as you would anyone else." If other unmarried people can live in your single family homes and your single family districts, than so can people who are disabled, who are not related or unmarried. So it is very very very hard to define what a family is in this century. Now, the flip side of that is that um...we can hold them to the same standards we're supposed to treat them the same as anyone else, that's....also goes for violations. If ah...we're looking into ensuring that they have a Certificate of Occupancy because this is not an owner occupied home ah...so they have to have a Certificate of Occupancy and they have to live up the same codes that anyone else who has a rental has to live up to. Ah....if they are in violation of code standards inside or outside, they can be enforced. If they are creating disorderly conduct by using property without permission that's arguably a trespass. The Prosecutor side of my Law Department can help in ensuring that people don't act disorderly by issuing letters if...if one would care to come in and make a complaint. If they violate laws, they can be cited like anyone else. The idea behind the law is to treat them the same, whether it's giving them the benefit of the doubt as neighbors or whether it's punishing violations of code laws or crimes. Um, I can explain

MINUTES OF THE MEETING JULY 23, 2007

a little further if one...if you would like to talk to me afterwards. But essentially, the case law says that even under our home rule powers, under the Ohio Constitution, when there's a matter that's uniformly applicable across the state, it's a matter of Statewide concern and under Federal law treating with disabilities the same is a matter of State and Federal concern they trump us. Again, what we can do is hold them to the same code standards, ah...behavioral standards and other...other zoning standards and we can prevent extensive....extensive or...or um....saturation of..of...of these homes. One the second matter to update Council on: I understand at the last meeting ah...there were some remarks made and evidence distributed about alleged criminal activity at the Pastime Inn. Um...both sides of our office, the criminal and the civil, have...have ah...researched and have prepared to file in the Franklin County Common Pleas Court an appeal. As you know, the City has won at every level in its battle against the Pastime Inn. We've had their liquor license removed. Ah...however, the trial Court at the...in the trial Court level, the Common Pleas Court, granted a Stay and said they can continue to sell alcohol even while they were defeated by the City. We are preparing a Motion to Vacate that Stay, ah...we are going to ask the Court of Common Pleas in Franklin County to Vacate the Stay and stop the sale of liquor while the appeals go through the Common Pleas Court and what we are assured will be another appeal in the Court of Appeals in Franklin County. Ah...so we will be filing that within the week, um....and we'd like to thank the folks who gave us the evidence to do that. (*Applause*) We very much appreciate the evidence that was gathered for us, the video and...and the other evidence will be used, hopefully persuasively. Barring that, should that fail, we can look at ah...a possible nuisance action but we're choosing to try to lift the Stay because it is faster, it will take less time than pursuing a nuisance action in our opinion. So that is the update on the second matter and again I can answer any questions about that as well.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, ah...when the Law Director said he had a couple things to ah...to let us know about, I thought one of them might be the Animal Control Officer but it wasn't so I'll... so I'll ask him. You know while you were gone last...two weeks ago I asked a question, I was asking hopefully we'd have some type of you know...this is August pretty soon and...and we have...we're no where further then we were in January. I mean, I know Government work runs slowly but I mean...that's even not even a crawl. What's...what's the problem? You know we've had a vicious attack last week on a dog ah..you know...ah...vicious attack on a cat with the individuals just basically ignoring it and laughing at it. You know, Joe, what's the problem? Why can't we get something done on this? Why would it take, you know, going on 8 months?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you. Member Casar that's a fair question. Because we have the experience of nearby communities to look to and because we want to put this together carefully and as well as we can, we've learned all the things that are weak or bad about other programs in surrounding communities with their animal control. We're trying to avoid all those pitfalls, ah....as you know, when one ah....when a Government asks someone to carry a weapon, there are liability issues galore unless they are a Certified Peace Officer or a Police Officer. We've had issues like that in the past that dragged on for years in litigation. When someone who carried a weapon wasn't in the Police Union. Ah...there are competitive Civil Service Exams, ah....issues, ah.... placement in the union, ah...what we are about to do is come up with our best recommendation and bring a draft to you Member Casar and the people who are effected by it and who will be asked to enforce it. Um..upon your consideration and feedback and that of the others, ah...we will refine it according to the directions given to us by

MINUTES OF THE MEETING JULY 23, 2007

the sponsor or sponsors of the Ordinance that will end up in the Judiciary Committee, I...I believe. Ah...there are personnel issues that we wanted to flush out but our...our best recommendation at this point, considering every point of view, every alternative, every weakness that we've heard from the local Dog Warden and surrounding communities and their Law Directors, ah...we'll probably pursue down the path of ah...investigating ah... this being placed in the Police Department under the Police Chief, uh...is our, what we think is the most prudent legal way to do it. Ah...we'll also build into it considerations for quipping, um... and community policing in the downtown when there aren't so many animals to be caught or pursued in the colder months.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, so when do you think that this Cou...this body will receive that, ah...legislation?

LAW DIRECTOR MARTUCCIO: Um..we hope to have a draft to you within the next month and ah...possibly within the next 2 weeks and assuming it meets your approval, we'll get it in front of Council as soon as it's ah....given the stamp of approval by the people who will, we be thinking, will be enforcing it.

MEMBER CASAR: So basically this Council, we really wanted this for the summertime, when we have the, not only domestic animals but the wild animals coming in and so forth, we're not going to see this until the snow flies is what your basically telling me?

LAW DIRECTOR MARTUCCIO: I think you'll have something passed during the fall when some of these animals are mating and at their rowdiest, I hope.

MEMBER CASAR: And...and hopefully, you know....this particular person, whoever it maybe, he or she ah...will be permitted to carry a gun because I wouldn't want to see one of those ah...go against some of these vicious dogs and/or also wild animals. Ah...I think it's very ah...important that they are able to protect their self.

PRESIDENT SCHULMAN: Thank you Leader Casar.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. Um...Law Director Martuccio, ah....the Animal Control Officer in Massillon, if it's still the same person that I knew it was ah...is she a part of the Massillon Police Officers?

LAW DIRECTOR MARTUCCIO: No. And there are issues that we understand that have been created by that um...there are also issues with ah...trying to cover evenings and weekends ah...we're really trying to cover all the bases for you and anticipate all the problems and issues that we've found have been problematic elsewhere.

MEMBER CIRELLI: And uh... Mr. President and Mr. er... Law Director Martuccio, I've had many calls on the incident of that ah...pit bull killing that poor cat and the children and the general public out there cannot believe that there's something more cannot be done about children of that age, locating who they were and something more being more of a penalty because we all know that people that have a propensity to be...serve animals and be cruel, grow up to be ah...even worse crimes that they commit. And they've asked that we'd ask you that question, are they looking to find out who those children are and can something more be done about that?

MINUTES OF THE MEETING JULY 23, 2007

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Member Cirelli, I'm at a disadvantage having been out of state for awhile. Um...I'm not sure I'm familiar with those exact circumstances. Um...I do want everyone to know that there are laws on the books in addition to what you've recently passed, um...that already required liability insurance and muzzling and...and control of those animals. Letting any...any animal run at large is a misdemeanor in this City but there are particularly harsh laws and penalties in place for pit bulls, which are vicious animals. What was in question was, ah....Supreme Court decision recently talking about providing due process for animals declared as vicious, um...but to answer your question, if ah...I'm sure that the Prosecutor's side of our office is aware of what happened and ah...are probably part of an investigation. We can talk about it afterwards if you'd like.

MEMBER CIRELLI: I would really appreciate if we could do that sir. Thank you.

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

MEMBER KRAUS: Joe, while you was off, I had asked your Law Office and the Building Department, ah John Labriola had sent a letter to Columbus about those group homes. Did you get a copy upon your return?

LAW DIRECTOR MARTUCCIO: Mr. President. Yes Mr. Kraus, I did.

MEMBER KRAUS: I think maybe we just need to get a better handle, you know...on some...some issues to work with it and John was very helpful in that area. I just wondered if you got a copy of it.

PRESIDENT SCHULMAN: Thank you Member Kraus. Any other remarks? Member Casar.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adjourn.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adjourn....roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: (*Gavel falls*) The meeting is adjourned, thank you ladies and gentlemen for attending.

ADJOURNMENT TIME: 8:36 P.M.

MINUTES OF THE MEETING JULY 23, 2007

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT