

MINUTES OF THE MEETING OF FEBRUARY 11, 2008

PRESIDENT PRO TEM CASAR: With a quorum being present, the Chair now calls Canton City Council meeting to order. Roll call please.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

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

All COUNCILMEMBERS PRESENT

CLERK TIMBERLAKE: All present Mr. President.

PRESIDENT PRO TEM CASAR: We will have the invocation given tonight by Council ward, Councilman West of the 2nd Ward and would you please remain standing for the Pledge of Allegiance of the Flag.

The regular meeting of Canton City Council was held on Monday, February 11, 2008 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Ward 2 Councilmember Thomas West, followed by the Pledge of Allegiance led by President Pro Tem Casar.

AGENDA CORRECTIONS & CHANGES

PRESIDENT PRO TEM CASAR: Thank you Member West. We are now under agenda corrections. We, ah, I will accept a motion to, to, ah, suspend Rule 22A and have Ordinances #4, #5, #7 and #8 placed on the agenda. Member Carbenia.

MEMBER CARBENIA: Mr. President.

MEMBER CASAR: Member Carbenia.

MEMBER CARBENIA: I move we, um, let's see, Rule 22A be suspend and add second readings ah, #4, #5, #7 and #8.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to suspend Rule 22A. Are there any remarks?... If not roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM CASAR: Rule 22A has been suspended and Ordinances #4, #5, #7 and #8 are now a part of the agen.... the evening's Agenda.

PUBLIC HEARINGS

PRESIDENT PRO TEM CASAR: Public Hearings. Ah, we are now under public hearings. There's no public hearings scheduled for the open forum.

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FULTON DRIVE THRU @ 1ST FL., S. UNIT & BASEMENT 1133 FULTON RD NW. - RECEIVED & FILED

60. MAYOR HEALY: ADVISING OF RE-APPOINTMENT OF DR. PETER FERGUSON TO THE CANTON CIVIL SERVICE COMMISSION. - PERSONNEL COMMITTEE

61. SAFETY DIRECTOR NESBITT: REQUEST VARIOUS SUPP APPROP ON BEHALF OF THE CANTON FIRE DEPT. - FINANCE COMMITTEE

62. SERVICE DIRECTOR BERNABEI: AUTHORIZE TO APPLY FOR & ENTER INTO A PLANNING LOAN W/OHIO WATER DEV AUTHORITY FOR AN AMOUNT NOT TO EXCEED \$175,000.00 FOR CONSTRUCTION & ENGINEERING SERVICES FOR THE NW WATER TREATMENT PLANT IMPROVEMENTS; AUTHORIZE TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR THE CONSTRUCTION OF THE WATER TREATMENT PLAN UPGRADES; AUTHORIZE TO ENTER INTO CONTRACT W/BURGESS & NIPLER FOR ENGINEERING SERVICES DURING BIDDING & CONSTRUCTION & RESIDENT PROJECT REPRESENTATION; AUTHORIZE TO FILE AN APPLICATION THRU THE WATER SUPPLY REVOLVING LOAN ACCOUNT IN CONJUNCTION W/THE OHIO WATER DEVELOPMENT AUTHORITY. - FINANCE COMMITTEE

63. TREASURER SCHIRACK: JANUARY 2008 PARKING METER REVENUE. - RECEIVED & FILED

64. TREASURER SCHIRACK: JANUARY 2008 DEPOSITS & PAY INS FOR AMBULANCE LOCK BOX ACCOUNT. - RECEIVED & FILED

65. TREASURER SCHIRACK: REPORTS OF TREASURER'S OFFICE BANK RECONCILIATIONS, & CITY'S OUTSTANDING INVESTMENTS AS OF 1/31/08. - RECEIVED & FILED

66. TREASURER SCHIRACK: SUBMITTING 1/31/08 COMPARATIVE REPORT OF CASH RECEIPTS. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT PRO TEM CASAR: First reading of Ordinances Madame Clerk please. Would you please read Ordinances #1, #2 and #3 by title only.

#11. COUNCIL OF THE WHOLE: COMMENDING & CONGRATULATING DETECTIVE SERGEANT

JOHN GABBARD AS CANTON EXCHANGE CLUB'S CANTON POLICE OFFICER OF THE YEAR. - ADOPTED

(INAUDIBLE)

CLERK TIMBERLAKE: That's all right.

PRESIDENT PRO TEM CASAR: Excuse me ah, ah,... Madame.. I'm getting ahead of myself there ah, we

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are under Resolutions. Ah, Resolution #11 ah, Madame Clerk, would you please read that by title only.

#11. COUNCIL OF THE WHOLE: COMMENDING & CONGRATULATING DETECTIVE SERGEANT

JOHN GABBARD AS CANTON EXCHANGE CLUB'S CANTON POLICE OFFICER OF THE YEAR. - ADOPTED

MEMBER CARBENIA: Mr. President. I move we adopt Resolution #11.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Resolution #11. Are there any remarks?

PRESIDENT PRO TEM CASAR: Ah, Councilman Prater, I mean Barton.

MEMBER BARTON: Mr. President, Can I have the Resolution read please.

PRESIDENT PRO TEM CASAR: Ah, yes. Madame Clerk, would you please read Resolution #11.

CLERK TIMBERLAKE: Submitted by Council-of-the-Whole Commending and Congratulating Detective Sergeant John Gabbard as Police Officer of the Year on this 11th day of February 2008. Whereas, The Canton Exchange Club, in cooperation with the Canton Police Department, the Stark County Prosecutor's office and the Stark County Sheriff's Department sponsors an annual Crime Prevention Week Award Breakfast. The Breakfast affords the opportunity to recognize selfless, dedicated services performed by top law officers who contribute beyond measure to preserving and protecting the quality of life within our community; and, Whereas, This year's "Canton Police Officer Of the Year" is Detective Sergeant John Gabbard. John was hired on February 17, 1998 in the Canton Police Department. By 2003, he was honored for his outstanding efforts in the patrol division. In 2006, he was promoted to Sergeant, shortly thereafter, he was transferred to the Detective Bureau. In 2007, John handled 215 criminal cases of which he solved 65% by arrest or extenuating circumstances. Five cases involved homicide or death investigations, 24 felonious assaults, 40 aggravated robbery or burglaries, 35 theft or criminal damage, 6 rape investigations and 4 missing persons; and Whereas, A good officer compiles statistics and results but a great officer adds the actions of a loving husband and father, the virtue of an honorable citizen and the professionalism of a model employee. We hereby join with his wife, Andrea, children, Joe, Nathan, Emma and Benjamin and all the Citizens of Canton in congratulating Detective Sergeant John Gabbard for being one of Canton's finest police officers. NOW THEREFORE BE IT RESOLVED THAT: We, the elected Members of the Council of the City of Canton, Ohio, do hereby go on public record as commending DETECTIVE SERGEANT JOHN GABBARD for being recognized as the Canton Exchange Club's "Canton Police Officer of the Year" and for his resolution of purpose toward a citizenry which he is sworn to serve and protect. We thank you, Detective Sergeant Gabbard for a job well done! (*APPLAUSE*)

PRESIDENT PRO TEM CASAR: Ah, Member Barton, would you like to ah, we'll go to first....you heard Resolution #11. Is there, there a move to adopt?

MEMBER CARBENIA: Move to adopt.

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PRESIDENT PRO TEM CASAR: There has been a move. Ah, by voice vote please. All those in favor signify by saying aye. Those opposed...opposed no?... The ayes have it. Resolution #11 is adopted. Member Barton would you like to present it?

NO REMARKS
VOTE

RESOLUTION #11 APPROVED BY UNANIMOUS VOICE

MEMBER WEST: Bring his family up.

MEMBER BARTON: Members of Council, Mayor's Administration, Members of the Audience. I'd like to take this opportunity to congratulate Detective Gabbard. Um, I've known Detective Gabbard and his family for a long time. Um, years ago, before the, I'm gonna call him John, cuz it's been probably 10 or 12 years ago, we actually used to work in the food service industry as waiters ah, (*LAUGHTER*) together, while we were in college. That's how far back this goes. Um, and, and back then, when we would finish up our duties and close up the restaurant at the end of the night, there was no one that I'd rather close that restaurant with than, than John ah, because of his hard work and I knew I could always count on him. It's ironic that we've come full circle to this point and now we're both working for the betterment of this city. I'd like to take this opportunity to again, congratulate Detective Gabbard and his family and ah, as former neighbors, we do miss him and ah, I'd just like to say again, congratulations. (*APPLAUSE*)

DETECTIVE GABBARD: Thank you. Thank you very much and ah, he stole a little bit of my thunder because I wanted to surprise everyone by saying that I used to work with ah, Councilman Barton. But, ah, Members of Council, Mayor, thank you very much and to the Chief, thank you and again for being here, ah, for all of your support and the things that we're able to accomplish in the Detective Bureau we're very proud of and ah, we do that with the support of our, of our Administration and of course through the support of my family, I can't say enough about how supportive my family has been and how helpful it is to have such a supporting wife. And, ah, one other things I'd like to say is that all, even with our relationship, Councilman Barton, what, what he may not know is that he is a big reason why I am here and that is because he actually told me about the test, to take to become a Police Officer for the City of Canton and ah, although I knew I was going to be a Police Officer, I was happy to come to Canton and I was going to take the test with Pat and I think he backed out at the last minute and, and I got on. So, I appreciate it and thank you very much. (*APPLAUSE*)

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM CASAR: Member Cirelli.

MEMBER CIRELLI: Thank you. Ah, Detective Gabbard, I just have to extend this to you. I was there at the breakfast that day and you are everything that ah, anybody could imagine that they would want in a Police Officer and a Detective when I saw you on that stage and how you, how I expounded about your family and they were all there surrounding you and it was really very heart-warming and you made me feel very proud, ah, to know that we have young gentlemen like yourself, serving on our forces. God bless you and, and God keep you safe and your family too. Thank you so much for all you do sir.

DETECTIVE GABBARD Thank you very much. Thank you and ah, I have to get them in bed so, excuse me, honestly, I'm actually working on a case right now and my family has to get to an 8:00 bed time. Thank

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you very much. Thank you. *(APPLAUSE)*

PRESIDENT PRO TEM CASAR: Any further remarks? If not, I'd like to take ah, a small minute before we go to Resolution #12. Ah, the new Walsh University is represented here this evening I understand and ah, with their Instructor.

CLERK TIMBERLAKE: It's Malone.

PRESIDENT PRO TEM CASAR: Oh, is it Malone?... Sorry! *(LAUGHTER)* I wrote Walsh. *(LAUGHTER)*
Sorry, Thomas, I wrote Walsh.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM CASAR: Ah yea.....

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM CASAR: Cuz they, I read in the paper today that is it Malone, ah, is now considered a university, or is a university. I understand there are some students and one of their Instructors is here, so, would you please stand up and be recognized. *(APPLAUSE)* Thank you very much for coming. Ordinance... ah, Resolution #12.

#12. PERSONNEL COMMITTEE: REQUEST AUTHORIZATION TO RE-APPOINT SUE ROSS TO THE BOARD OF ZONING APPEALS RETROACTIVELY COMMENCING 1/1/08 THROUGH 12/31/10.
- ADOPTED

MEMBER CARBENIA: Mr. President, I move we adopt Resolution #12.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Resolution #12. Are there any remarks?... If not all those in favor signify by saying aye. Those opposed nay.

NO REMARKS
VOTE

RESOLUTION #12 APPROVED BY UNANIMOUS VOICE

PRESIDENT PRO TEM CASAR: The ayes have it, Resolution #12 is adopted. Number 13.

#13. PERSONNEL COMMITTEE: REQUESTING AUTHORIZATION TO APPOINT ROBERT THOMPSON TO CCIC RETROACTIVELY COMMENCING 1/1/08-12/31/08. - ADOPTED

MEMBER CARBENIA: Mr. President.

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: I move we adopt Resolution #13.

MEMBER CIRELLI: Seconded.

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PRESIDENT PRO TEM CASAR: Resolution #13 been moved and seconded. Are there any remarks?... If not all those in favor signify by saying aye. Those opposed nay. The ayes have it. Resolution #13 is adopted

NO REMARKS
VOTE

RESOLUTION #13 APPROVED BY UNANIMOUS VOICE

#14. PRATER, TERRY, WARD 5 COUNCILMEMBER: REQUESTING STREET LIGHT ON FREMONT PL SW, POLE #819A3-139. - ADOPTED

MEMBER CARBENIA: Mr. President.

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: I move we adopt Resolution #14.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Resolution #14. Are there any remarks? If not all those in favor signify by saying aye. Those opposed nay. The ayes have it. Resolution #14 has been adopted.

NO REMARKS
VOTE

RESOLUTION #14 APPROVED BY UNANIMOUS VOICE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT PRO TEM CASAR: Since we've already done Communications, we are now under Resolutions under Ordinances for their first readings. Madame Clerk, would you please read Ordinances #1, #2 and #3 by title only.

NOTE: PRESIDENT PRO TEM CASAR CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #3 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

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

Referred to Community & Economic Development Committee

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

Referred to Finance Committee

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- #3 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF FIFTEEN TACTICAL ASSAULT RIFLES FOR THE POLICE DEPARTMENT; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ALTERNATIVELY PURCHASE THE RIFLES PURSUANT TO THE STATE COOPERATIVE PURCHASING AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT PRO TEM CASAR: We are now under Ordinances for their second reading. Madame Clerk, will you please read Ordinances #4 by title.

NOTE: PRESIDENT PRO TEM CASAR CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #4 THROUGH #8 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (ORDINANCE #6 WAS RETAINED IN COMMITTEE AGAIN FR: 2/4/08; ORDINANCE #8 WAS ADOPTED AS AMENDED):

- #4 (2ND RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE KOCH KNIGHT ANNEXATION AREA CONTAINING APPROXIMATELY 27.3292 ACRES; ASSIGNING SAID TERRITORY TO WARD 4 OF THE CITY; ZONING SAID TERRITORY AS I-2 (HEAVY INDUSTRIAL DISTRICT); AND DECLARING THE SAME TO BE AN EMERGENCY

- #5 (2ND RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$2,490.00 TO CAROLINA ENVIRONMENTAL, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY

- #6 (2ND RDG) **RETAINED IN COMMITTEE**

- #7 (2ND RDG) AN ORDINANCE WAIVING THE RESIDENCY REQUIREMENT OF SECTION 735.01 OF THE OHIO REVISED CODE FOR THE DIRECTOR OF PUBLIC SERVICE

- #8 (2ND RDG) **ADOPTED AS AMENDED AS ORDINANCE #11/2008** AN ORDINANCE AMENDING ORDINANCE NO. 1/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Mr. President. I move we suspend the Statutory Rules for Ordinance #8.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to suspend Statutory Rules for #8. Are there any remarks?... If not, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM CASAR: You've heard the 3 readings. Member Carbenia.

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MEMBER CARBENIA: Ah, Mr. President. I move we adopt Ordinance #8.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: There's a moved and second to adopt the Ordinance #8. Are there any remarks?

MEMBER DOUGHERTY: Point of Order, Mr. President.

PRESIDENT PRO TEM CASAR: Yes Dave.

MEMBER DOUGHERTY: Um, was there an amendment to that?

PRESIDENT PRO TEM CASAR: Yeah, that comes next. Member Carbenia.

MEMBER CARBENIA: Comes now.

PRESIDENT PRO TEM CASAR: We mess up, but, not all the time. (*LAUGHTER*)

MEMBER CARBENIA: Mr. President. I move we, we amend Ordinance #8, per the copy that everybody has in front of them.

AMENDMENT: AN ORDINANCE AMENDING ORDINANCE NO. 1/2008, AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CANTON, STATE OF OHIO, THAT: Section 1. Appropriation Ordinance No. 1/2008, as amended, is amended by making the following supplemental appropriations: FROM: Unappropriated Balance of the 4501 Capital Improvement Fund \$352,581.20 TO: 4501 201001 Service Director - Other \$337,581.20 4501 501001 Mayor's Office \$15,000.00

FROM: Unappropriated Balance of the 1001 General Fund \$25,000.00 TO: 1001 502550 Baseball Stadium - Other \$25,000.00 Section 2. The Auditor is authorized and directed to draw his warrants upon receipt of vouchers duly approved by the proper departmental authority. Section 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Canton; the emergency being to avoid unnecessary delay in making the foregoing supplemental appropriations which is needed for the efficient operation of various departments. And provided it receives the affirmative vote of two-thirds of the elected and/or appointed members to Council, it shall take

effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law. PASSED: President of Council, ATTEST: Clerk of Council, APPROVED: Mayor

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #8, per amended. Are there any remarks?... If not, roll call please.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT PRO TEM CASAR: Ordinance #8 has been adopted as amended. Ordinance number...

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#8 ADOPTED AS ORDINANCE NO. 11/2008

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT PRO TEM CASAR: Ordinances for their third and final reading. Ordinance #9 please.

NOTE: PRESIDENT PRO TEM CASAR CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #9 THROUGH #10 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. ALL THE ORDINANCES WERE ADOPTED BY COUNCIL FOLLOWING THEIR THIRD READING

#9 (3RD RDG) **ADOPTED AS ORDINANCE #12/2008** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A JOB CREATION TAX INCENTIVE AGREEMENT WITH THE HUNTINGTON NATIONAL BANK PURSUANT TO THE CITY'S ECONOMIC GROWTH INITIATIVE PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Carbenia.

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

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #9, are there any remarks?... If not, roll call please.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM CASAR: Ordinance #9 has been adopted. Ordinance #10.

#9 ADOPTED AS ORDINANCE NO. 12/2008

#10 (3RD RDG) **ADOPTED AS ORDINANCE # 13/2008** AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO ENTER INTO CONTRACT WITH THE BELOW-NAMED CITIES AND VILLAGES TO PROVIDE LEGAL REPRESENTATION CONCERNING THE PROSECUTION OF CRIMINAL CASES AND RELATED MATTERS BY THE CITY PROSECUTOR'S OFFICE; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Carbenia.

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

MEMBER CARBENIA: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #10, are there any remarks?... If not, roll call please.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM CASAR: Ordinance #10 has been adopted.

#10 ADOPTED AS ORDINANCE NO. 13/2008

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM CASAR: Announcement of Committee Meetings, please.

MEMBER CARBENIA: Mr. President.

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Economic Development Committee will meet 6:15 on February 25th.

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM CASAR: Member Hawk.

MEMBER HAWK: Finance Committee will meet 6:15 on February 25th.

MEMBER PRATER: Mr. President.

PRESIDENT PRO TEM CASAR: Member Prater.

MEMBER CARBENIA: If I..... Didn't we say 6:15 or 6:45?

CLERK TIMBERLAKE: 6:15.

MEMBER CARBENIA: Okay, 6:15.

MEMBER PRATER: Personnel Committee will meet at 6:15 on February 25th.

PRESIDENT PRO TEM CASAR: Is that it?

CLERK TIMBERLAKE: Yes, ahuh.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT PRO TEM CASAR: We're now under Public Speaks, Open Forum. We have 3 speakers signed up for tonight. The first speaker is Ruby Brogdon. If you'll please come forward and give your name and address.

MS. BROGDON: My name is Ruby Brogdon. I live at 1617 3rd Street NE. It's the house next door to me. It's filthy. They boarded it up. They took it off and they's movin' a washer in. I saw it. I called the police. Saturday night, they took the board off again and my neighbors said they saw someone movin' in this house. The old garage needs tearin' down. My lot was loaded with pampers. I haven't had a baby in 49 years. *(LAUGHTER)* So, I, I want something to be done about this house. And, if you don't wanna hear my mouth, I want you to look into it. I was told by the present Administration, I complained about it. They said they couldn't find the owner. If you can't find the owner, can't the City take it over and do something

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about it? I'm tired. There's one across the street. It's filthy. There's one down the street that's been vacant for about 6 years. It's not boarded up. There's one behind me that been vacant for about 3 years. It's not boarded up. What they do to these vacant houses like that, they set them on fire and this is what's going to happen to this. There's no use in comin' when it's too late because I been complainin' about this house. I live by myself, and I'm afraid of this house. If I live upstairs, I could see what was going on, but I live on the side of Riverside and I can't see what's goin' on at night. Now, Friday, it was still boarded up. This happened Saturday mornin'. I mean, Saturday night. That's all I have to say.

PRESIDENT PRO TEM CASAR: Thank you. Ida Ross Freeman Second speaker.

MS. FREEMAN: Good, good afternoon or good evening. My name is Ida Ross Freeman. I live at 1129 7th Street NW. Um, I'm here to ah, kinda embrace what you have up there. The year of our neighborhoods. It has suddenly occurred to me that I have lived through 4 Mayors of our city and our community's negative problems have continued to increase. That's not to say that city officials haven't tried but I feel that they have left out one important key-element for change and that's the people who live in the communities and work in the communities. I come down here often to see what's going on as it relates to change, as it relates to change and now that we have a new Mayor, my fifth Mayor, I'm hope, hopeful that these changes will come. The meeting on Saturday was very confusing to me as a citizen who felt that we was misled by the notice in the local newspaper. After talkin' to several individual citizens who was at the meeting, we were remiss that the meeting was set up not to include the citizens. Now, I have, I have a question. Are you really serious about changing, about the change in our community and do you, and do you, our paid city officials, see a positive change comin' some time soon in the future? I, as a very involved citizen, would like to participate in helpin' make that change come. I'm sure there are other citizens in our community who are waiting for your instructions. Thank you. (APPLAUSE)

PRESIDENT PRO TEM CASAR: Thank you. Our last speaker this evening is Patricia Kirk.

MS. KIRK: Good evening. My name's Patricia Kirk. I live at 131 5th Street NE and I'm President of Shake A Leaf. I wanted to remind Council to pass the tree ordinance that the Law Department has had for over 2 years. We've been meeting, the tree ordinance meeting has been meeting for 6 months now. Ah, this started under Mayor Creighton and we had a presentation to the Council Caucus June 6, 2005. This is why it's good for the City of Canton. After your meeting Saturday, I thought it was very good, the ideas that you had about the neighborhoods. One study, we're concerned about crime, one study found that trees and other foliage do not provide cover for would-be criminals as had been widely believed. In fact, there were fewer reported crimes. Air pollution is another thing that we don't do well in and 212 metric tons of particulates are removed each year in Chicago by trees. Green spaces, I heard good ideas for vacant tree lots, like the NID. It fosters a sense of community, especially in the urban areas. Urban trees also reduce storm water run off. I heard something about that too. Without the tree ordinance passed, actually passed, there will be no Tree Commission. Without the Tree Commission, you cannot start to do positive things about the trees in Canton. Several years before it even came to the Mayor and the Council, I did go to other seminars in other cities and they always had a comment about Canton, off the record, that it was never positive. The very first comment about Canton that I had when I took a survey downtown, this is a win-win situation, why haven't we ever done this before? When I described the process of going to the different stages and they said, oh well, forget it if you have to go through Council, you'll never get it through Council. So, I want to encourage you to pass the tree ordinance that's coming up to you, hopefully, soon. We should be done writing it by now. Thank you very much.

PRESIDENT PRO TEM CASAR: Thank you.

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PRESIDENT PRO TEM CASAR: We're now under Miscellaneous Business. Is there any Miscellaneous Business?

MEMBER WEST: Mr. President.

MEMBER SMUCKLER: Mr. President.

PRESIDENT PRO TEM CASAR: Mr. President, before I turn it over to the floor, because I know yours may take a little longer, I'd like to make a remark if I may, please. Ah, Saturday, yes, we did have a ah, which was supposed to be a, Council brainstorming or lack of brainstorming, whatever you want to call it, meeting, and that was the intent of this meeting. The intent was that the Council members, the 12 members of Council could get together and the Administration and just hash all things that we might like to do to make our neighborhoods like we want them to be. Ah, lack of information, or no information to the news media, was not presented that way. Yes, it had to be an open meeting but it wasn't, it was not presented, it was not supposed to be a public, ah, being able to speak accordingly. We did not want to shut off the public, which we, ah, but the meeting was for Council members only, but we had to open it up because that is the way government should be, opened up to the public. However, the public does have an opportunity to speak here, every Monday night at ah, you get, just like this evening, 3 minutes, 3 minutes each speaker has and if you need more time, we could suspend rules and give you more time which we have done on many occasions but that meeting was not publicized the way it should have been. It was a brainstorming for the City Council members to get together, after all, we are your elected officials, we do have to get together on occasions to see what we could do, maybe without the public being over our shoulder, ah, being involved all the time. Yes, to participate is fine but there's a time and a place for everything and Saturday was not the place for the citizens to speak. You have an opportunity when, in the next couple months or so we plan on ah, going further on this particular, what we started last Saturday, and, and ah, make some things come to fruition so, I just wanted to make sure that everyone knew that that event was a, I think it was just blown out of proportion. Why our local news media had, ah, put in more in the article than should have been put in but we do thank the ones who did show up and I think the meeting was very productive. We did get some things done. Ah, we have an outline of everything we did do and I think it was very productive and there will be a follow up meeting, but it will be a different venue when we do have that. And, on Saturday, we talked about land bank, ah, and I'm announcing a committee for the land bank. It will be chaired by Member Hawk, first ward councilman, ah, second, seventh ward councilman Barton and ah, ninth ward councilman Joe Carbenia will be the three members of that committee and that's one of the things that we discussed so that's, we're starting on that now and I just wanna make it clear that ah, we ah, we, we do want all citizens to participate but we just wanna make it clear that we did not slight you on Saturday, but that's what the intent of the meeting was. So, thank you very much for your patience.

MEMBER SMITH: Mr. Pres.....

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM CASAR: Member West.

MEMBER WEST: Yes. I also wanted to just say thank you for your leadership in that meeting Saturday. I thought it was very productive as well. Um, and Allen Schulman's facilitation, um, and he's right, I mean, not too often do we get a chance to sit down and brainstorm, together, without the Sunshine Law. Ah, this is,

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this was very productive for us to be able to vent about some of the things that's also going on in our wards to other councilmen and also to find a solution to some of those problems. Some times listening to other councilmen, you find that they have answers you may not have. So, I wanted to thank you for that opportunity and hopefully, we could do more of that, with the input of the community coming up to see what their councilman's dealing with on every day basis, I thought was also productive. So, um, I just wanted to mention that. The second thing is, to the Law Department, do we know when the tree ordinance is coming down or close to that? Okay. Yes. And then, the last thing is um, the grant writing, we talked about that on Saturday as well. The communication for grant writing. That is in the Law Department and that should be coming down soon. We did complete the job description and hopefully ah, that could be done soon so we can bring revenues into our city. Thank you.

MEMBER SMITH: Mr. President. To say ah, to Ms. Brogdon, I appreciate her comin' down.....

PRESIDENT PRO TEM CASAR: Member Smith.

MEMBER SMITH: I'd just like to say, thank her for comin' down and that if at any time that you see where a house is boarded up, if you would, you know, be so kind as to call me and maybe we can get it taken care of and also to Safety Director Nesbitt, that area that she's speakin' of, I think you've already gone down that street where we did a count of those houses and I'd like to ensure you that the new Administration, along with the Safety Director and Council we're doing everything that we can to ensure your safety with the boarded up houses. So, I'm so sorry for that incident over the weekend but, we're going to make sure that you feel safe in your home.

MEMBER SMUCKLER: Mr. President.

PRESIDENT PRO TEM CASAR: Member Smuckler.

MEMBER SMUCKLER: Could um, I ask that rules be suspended and that the Police Chief be invited to come join us, ah, for miscellaneous business.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded that the ah, the Chief, the Police Chief be invited to ah, come up, sit down and ah, questions that may ah, come to you, you would, ah, to answer those please. Ah, there's a, you can come up here Chief. That'd be good. It's been moved and seconded. Are there any remarks?... If not, roll call vote.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM CASAR: Thank you. Any ah....

MEMBER SMUCKLER: Mr. President.

PRESIDENT PRO TEM CASAR: Member Smuckler.

MEMBER SMUCKLER: Ah, Chief, as we've discussed, ah, probably 6 to 8 months ago, Member Hawk

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and myself, after no less than a half a dozen times of the Seilers coming down to City Council, went down to the Pastime Inn at 1:30 in the morning and um, the thing that floored me was, watching what was going on in front of the Pastime Inn, 6 to 8 months ago, with the crack pipes and the smoking marijuana outside and the going doors up and the music blaring at 1:30 in the morning and when I went to call the Police Department, um, Susan Seiler told me that she was not allowed to call 9-1-1 anymore because this wasn't an emergency and, let's see, and, needless to say, I called 9-1-1 anyway, ah, because I thought it was an emergency. Ah, your Police Department responded very valiantly. And, 3 cars pulled up and I hope it wasn't just because I was there and Member Hawk was there, but I have a sneaking suspicion it might have been. Um, and, everything was going along until the dogs showed up and then people started scattering left and right, which led me to believe me that there were drugs going on there. Now, um, your police officer told me that these were the same people that were causing problems at several of the other bars that had just moved to this bar. Now, I pick up the newspaper today, and we had 4 people shot over the weekend down there. This is 6 to 8 months later. The Seilers have left town because it was easier to flee town than it was to deal with it. I just am at a loss, total loss what to do with this anymore and we have a new ward council person and I've talked to her about this situation, but we've gotta deal with this and I don't know what to do anymore and I would hope that you have some plan to deal with this situation there.

CHIEF MCKIMM: Well, ah, yes Councilman. I don't know if this is on or not, but, yes, um, it is a perplexing problem. Um, the problems at the Pastime bar are similar to the problems that we've had at many many other establishments in this city over the years and we dealt with each one of those in as timely a manner as possible. Um, I'm speaking of anything from Squinks to Chicks to Andres to the 30/30 to the Carousel. One by one ah, they, the ah patrons, ah, the trouble patrons seems to attach themselves to certain bars and ah, create nuisances at those locations. Currently, that location is the Pastime and we are working, taking steps, every step that we can, in order to alleviate that problem. We're taking all the legal steps which I think that Kris Bates from the Law Department can elaborate on, as well as taking the practical steps and what we can do as a Police Department, what I, what I plan to do is to make sure that um, whenever we have extra officers available, and on occasions, on several nights during the week, we do have extra officers available in the sense of our overlap, on the afternoon and midnight shifts, um, what I'll do is have the Supervisors create some impromptu ah, walk-throughs of the bar, um, some unannounced walk throughs and hopefully, catch them off-guard and let them know that the ah, Police Department is watching. The other thing we can do is um, I'll make every effort possible to have a cruise or cruisers there at closing time, um, to make sure there's a timely closing of the bar as well as an orderly dispersal of the um, patrons.

MEMBER SMUCKLER: Chief. That's, that's the biggest problem because most of this happens between 1:30 and 2:30 in the morning. If you could do that, that would be fantastic. I'm sure it would take a load off of Councilmember's Smith's mind as well as the rest of us having to deal with this year after year, and the Law Department's on the hook. You're right, we are, we have called the Law Department and told them, find some other way other than having this stuck in Columbus for the next 6 years of trying to get this out of the Appeals Court too, if we have to go the nuisance route, whatever route we have to take to clean this place up, and if they move somewhere else, an officer, what's the officer there, Walker? Walker told us this was the same people from the Carousel. These were the same people from Chick's. He recognized the people. If this is the same people, they move to a new spot, I implore you to do the same thing at the new spot and, and, and act on it as fast as possible. I mean, we could, I don't care if they go out of town. I'm responsible for this town and, and I want them outta this town.

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM CASAR: Member Cirelli.

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MEMBER CIRELLI: Ah, this is to Chief McKimm. I want to compliment Councilmember Kraus because at our brainstorming session, in which, Chief, you weren't there and that's okay cuz I guess you weren't supposed to be anyhow, but, ah, Member Kraus brought up something about if we enforce the little laws, and what came to my mind, when we were having this discussion in our Caucus Room, was the loud noise, that's a little law but if we could enforce that that is happening down there and every little law that we possibly have, if we could possibly come down heavy with those little laws, maybe enough of the little laws, we can finally make a big case out of this whole thing and may be help bring to some result to that. So, I just wanted to mention that, to ask if that might be do-able sir.

CHIEF MCKIMM: Well, I agree, that does have an affect and that would be the idea behind the ah, Task Force, that I'll try to create ah, from time to time during the evening hours when we have the manpower available. Um, when the line ups allow it, we'll send a Task Force out and we'll do just that and enforce some of the little things going on in the ah, in the area of the bar, the loud music, the loitering, the things of that nature, maybe the ah drug use outside. Um, things like that. We'll attack those, let 'em know we're out, we're watching and that ah, and that while the ah, license is in appeal, that we're going to take action.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM CASAR: Member West.

MEMBER WEST: Two years ago, almost two years ago, I brought forth a proposal. It was called the Violent Crime Registry and the Law Department ah, drafted a piece of legislation that came down. Um, and this would prevent individuals that created a violent act, um, at a bar or any type of violent act and it would ban them from all bars within the City of Canton. I think it's time that we re-visit that and maybe come up with some legislation so that these criminals and violent people, um, are not going from bar to bar to bar to bar. Um, I think that's what's warranted, that's what I'm hearing today is that it seems to me that the individuals keep going from one bar to the next bar to the next bar and we're chasing them, but if we have something like a registry, then we identify who is actually the violent people and maybe then people would not think twice about causing some type of violent act within the bar or within a mile radius. But, I would like to bring that back forward and maybe we can pass that and see if that can work within the City of Canton.

MEMBER CARBENIA: Mr. President.

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Ah yes. Mayor Healy (*INAUDIBLE*) brought some people in from the State last weekend, or ah, last week some time and um, those people are from the Law Department and the, the, I don't know if there was some lawyers there from the State, ah, from the Attorney General or the Liquor Control but, those are the people that we probably need to bring in there Mr. Healy, if we could. I know that ah, Mr. Nesbitt has said, in his interviews that he felt that you would start with all the small too. That, that, we would take on this crime at, with all the small too, starting like if a guy's carrying a, a 20 oz. beer and things like that, walkin' up the street, parkin' in the way, that ah, we'd, we were gonna try to do that and I, I hope that we're still on that line. Ah, I know it's a very difficult job and ah, I know what happens is we keep callin' the guys out and they come out and they're gone and I know it's very frustrating and when they do get 'em it seems like they get out right away so, ah, just keep pluggin' and I'd like to see if we could get this guy, these people from the Liquor Control Board to come up here or go down there and, and try to get somethin'

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done ah, and especially ah, the Law Department to get this as a nuisance. I know I've had 2 houses that were put as a nuisance. They made them sell 'em first then, the guy's aunt bought it, but ah, that was either here nor there, I guess. So, anyway, ah, I know it's a hard job and I, and if you would ah, try to speed it up on these jobs, these ones right here.

PRESIDENT PRO TEM CASAR: Mayor Healy.

MAYOR HEALY: Thank you. We did have ah, the Director for Liquor Control here, Director Shaheen was here for that meeting. We also had the Director for the State of Ohio Public Safety, Mr. Gussman. They were both here as well as members from all their departments, they represented that. And, and, the great part about that was that we did get a lot of one-on-one time. Our Directors were able to match up. The Chief was here speaking with them and we got quite a few great ideas but, ah, even more importantly than that, we got a lot of great contacts and great lines so when we do have issues like this, we can make phone calls and say, okay we need some help here. What steps do we take in this situation? So, I think those are just the beginning steps. But, that's gonna allow us to form some policies and procedures and recommend some ordinances and things like that that will help us move quicker on, on these issues. And, we made some recommendations ah, through the ah Safety Director to the Law Department to see if there's some things we can come up with ah, from information wthat we've received from them that might help us address this problem quicker than, than has been in the past. So, we're workin' on those things, we're gonna continue to work on them. Thank you.

PRESIDENT PRO TEM CASAR: Is there any further info... miscellaneous business?... If not, Member Carbenia.

MEMBER CARBENIA: I move we adjourn.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adjourn. Are there any... or, roll call please.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM CASAR: (*Gavel falls*) This meeting is adjourned.

ADJOURNMENT TIME: 8:17 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

DONALD E. CASAR
PRESIDENT PRO TEM

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