

MINUTES OF THE MEETING OF SEPTEMBER 22, 2008

PRESIDENT SCHULMAN: Good evening ladies and gentlemen, and welcome to Canton City Council. Before we begin tonight we're going to honor one young person in our community and the second young person is Joe Payne just got back from boot camp, where is Joe. Joe, oh he went outside, okay. Well then never mind, forget it. With a quorum is present, the Chair calls this meeting of Canton City Council to order. Roll call vote please Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

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

TWELVE COUNCILMEMBERS PRESENT.

CLERK TIMBERLAKE: All present Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. We're going to have our invocation given tonight by Councilmember Greg Hawk and I'd ask each of you to remain standing for our pledge of allegiance.

The regular meeting of Canton City Council was held on Monday, September 22, 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 1 Councilman, Greg Hawk, the Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you Member Hawk. 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 4, 6, 7 and 8. Ordinance #5 will be retained in committee. Member Casar, the Chair will recognize that motion.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinances 4, 6, 7 and 8 to this evenings agenda.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add the second reading Ordinances 4, 6, 7 and 8 to this evening's agenda. Are there any remarks, if not, Madame Clerk roll call vote please.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk, Rule 22A is therefore suspended and the Ordinances are a legal part of your Agenda.

PUBLIC HEARINGS

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

MINUTES OF THE MEETING OF SEPTEMBER 22, 2008PUBLIC SPEAKS

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

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We are now under Informal Resolutions. Madame Clerk would you please read Resolution 85 by title.

#85. COUNCIL AS A WHOLE: COMMENDING MARI MOSS FOR DEDICATION TO THE YOUTH OF OUR COMMUNITY. - ADOPTED

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Resolution #85.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #85. Are there any remarks? Member Smith.

MEMBER SMITH: Yes, could we have the Resolution read.

PRESIDENT SCHULMAN: Yes, please if you would Madame Clerk.

CLERK TIMBERLAKE: **WHEREAS:** Mari Moss is the Producer/Director of P.E.A.C.E. T.V. (Positive Events in Arts Culture and Education Television), a non-profit organization for Stark County youths, Broadcasted on Channel 11, which Mari started in February, 2002; and, **WHEREAS:** Mari has helped over 200 people with this organization over the past 6 years, most of which are now high school graduates, with many continuing on to become college graduates; and, **WHEREAS:** Mari is also the Founder and Executive Director of "Present your Talents for Peace", a non-profit organization showcasing talents of Stark County youth; and, **WHEREAS:** Mari Moss is the recipient of many awards, including The Martin Luther King, Jr. Community Builder Award, The Martin Luther King Community Service Award, The Phenomenal Woman Award and the Top 20 under 40 in Stark County Award. **NOW THEREFORE BE IT RESOLVED: That we, the members of Council of the City of Canton, Ohio do hereby recognize, give special tribute to and commend MARI ALISTINE MOSS for her positive commitment and work with the youth of the community.**

PRESIDENT SCHULMAN: Thank you very much. Let's adopt the Resolution and then we'll have Member Smith present the plaque to Ms. Moss. Any other remarks? If not, all those in favor of this Resolution 85, honoring Mari Moss say aye. Those opposed no.

NO REMARKS RESOLUTION #85 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The Resolution carries. Member Smith.

MINUTES OF THE MEETING OF SEPTEMBER 22, 2008

MEMBER SMITH: And I would like to also ask if her students, P.E.A.C.E. T.V., would ya'll please stand. And Mari, on behalf of the Canton City Council, you know we're very proud of you and we wish you much success in your future endeavors. And we hate to see you leave the City but we know you'll do good where ever you are. God Bless you.

MARI MOSS: God Bless you. Thank you so much.

(STANDING OVATION)

MARI MOSS: I just want to say one thing if that's...a few things. First of all giving honor to God and this is for community organizers everywhere. Community organization means something. But first of all, I have to give honor to God and all I can say is I tried to do all that I could do in the community in regards to the young people with the support of my family, my mother and father, Reverend and Darlene Moss, my auntie, Linda, my uncles and especially young people, this is for ya'll and I just wanted to encourage all of you to please continue to sow seeds and to the lives of the young people because they are our future. So thank you.

(APPLAUSE)

PRESIDENT SCHULMAN: Thank you Mari and congratulations and we wish you all the best success in Gotham City. Our next Resolution is Resolution 86. Madame Clerk.

#86. WEST, T., WARD 2 CNCLMN: REQ COMMITMENT OF FED GRANT FUNDING FOR CONSTRUCTION OF NEW PLAYGRND IN NIMISILLA PARK. - ADOPTED

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Resolution #86.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #86. Are there any remarks? Member West.

MEMBER WEST: Yes Mr. President, I'd like to have it read but I'd also like to say a few comments afterwards.

PRESIDENT SCHULMAN: That's fine, Madame Clerk if you'll read the Resolution please.

CLERK TIMBERLAKE: **WHEREAS:** Through the Federal EDI Special Project Grant #B-06SPOH0801 the City has offered opportunities and made available funds for an adaptable playground. These funds have been allocated to include the construction of a "New Horizon" playground that is an adaptable playground for individuals with disabilities; and, **WHEREAS:** Canton City Council appears to have determined that Waterworks Park is an inappropriate location for the adaptive park and the committee convened to rebuild Nimisilla Park, which is centrally located between Wards 2, 4, 6 and 9 and because City Council has promoted the "Year of the Neighborhood" as their theme for 2008 and because the City of Canton has received another "Weed & Seed" designation in the same area, it is only fitting that the "New Horizon" playground be constructed at Nimisilla Park; and, **WHEREAS:** Nimisilla & Cook Park Revitalization

MINUTES OF THE MEETING OF SEPTEMBER 22, 2008

Committee is working diligently to revitalize Nimisilla Park and has identified an NFL Grant for the implementation of a Midget League Football Field and could use this grant for the playground as matching funds for leverage for an additional \$200,000.00 to be located at this park; and, **WHEREAS:** Now that Nimisilla has renewed interest and commitment as a family recreational park, the time has come to restore the park that will enhance Canton's quality of life and preserve the rich history of our community; and, **WHEREAS:** At this time, the City of Canton should renew its commitment to the neighborhoods by constructing a new adaptive playground in Nimisilla Park. **NOW THEREFORE BE IT RESOLVED: That we, the members of Canton City Council of the City of Canton, Ohio do hereby go on public record by publicly voicing our official support for a well deserved recreation by constructing a new adaptive playground in Nimisilla Park. FURTHER BE IT RESOLVED: That Canton City Council go on public record to commit the Federal Grant funding for the construction of a new playground in Nimisilla Park in the 2008 calendar year.**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Member West.

MEMBER WEST: Thank you Madame Clerk. As you all know, five years now it's been working...working in progress to try to do more things down in Nimisilla Park to rid the park of darkness and create a light. And at this point in time, Nimisilla Park has now increased its involvement in terms of families going down there and also now having family reunions. This is an opportunity for us to invest in a neighborhood park. This is the year of the neighborhood and I think that Nimisilla Park is fitting. And I would appreciate each and every one of your support. Thank you.

PRESIDENT SCHULMAN: Thank you Member West. Member Casar.

MEMBER CASAR: Mr. President, I stated in Committee why I felt that the Park should go in Stadium Park but I'll repeat myself here. First of all, this grant that we received and got approval from H.U.D. back in 2006 for \$198,000.00 to build a park for handicapped children and originally they wanted...the previous administration wanted to put it in Stadium Park...I mean in Waterworks Park and at that time as Chairman of the Parks and Recreation Committee, I made objections to it for a few reasons and so it was sent back to the Administration to the new Administration to look for another site. Myself, Member Carbenia and Member West, we met with the Park Board last Wednesday and they are in the agreement that Waterworks Park probably wasn't the best and they really didn't care too much where we put the...put it, whatever we come up with as long as we get it before the deadline of starting a facility on September 30th. So because of the urgency of the date that we had to start this park, I met with Member Carbenia, as a member of the Parks and Recreation Committee along with myself as Chairman. I met with Tom Bernabei, the Chief of Staff and the Service Director of the City of Canton and we decided that probably the best location for the City of Canton would be Stadium Park. Now like I stated in Committee, for obvious reasons, number one, it is centrally located, Wards 1, 7 and 3 and probably close to Ward 5. So it's really centrally located. The expressway is right there in grassy grass, the hospital is there, the park is lit at all times, the walking track, which would be right next to where ever the park would be put in a couple of locations that we looked at. There's a toilet facility there already, the tennis courts are there, there's a lagoon, there's just many activities that will keep an eye on the park because of the vandalism, we have a lot of our parks where some of the parks, we can't even open the toilet facilities because they get tore up. So we felt with all that I just mentioned, that this would be the logical place and probably the best place to erect this park. And I ask Council to turn down this Resolution and go forth with the Stadium Park request and the Administration will get started on it. We can get a...go out for bids or we could just hire an architect as long as we get started on this before September 30th. So that was the urgency of this and I ask Council to turn this Resolution down. Thank you.

MINUTES OF THE MEETING OF SEPTEMBER 22, 2008

PRESIDENT SCHULMAN: Thank you Member Casar, any other remarks? Member Carbenia.

MEMBER CARBENIA: Also, I think that Member Casar forgot is that we had already sent a letter to Sherrod Brown asking him to change the location for us because it is a grant and it had Nimisilla...or it had Waterworks Park on it and we had to get this off the ground and that's why the Director, as soon as we talked to him, he says "Well, I'm going to take action." So he took his action, we've already sent them a letter saying change this and then they okayed it and told us that we would be able to do that through Senator Sherrod Brown, so at that, I'll vote against this issue too.

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

MEMBER WEST: Yes Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Could I have the Service Director...was there a designation...a location designated on your letter to Sherrod Brown?

PRESIDENT SCHULMAN: Director Bernabei.

SERVICE DIRECTOR BERNABEI: Mr. President, Member West, I am reading to you from an email which was received from Frank McNally, Director of Congressional Grants Division, U.S. Department of Housing and Urban Development, this is dated September 18th, so this was received Thursday afternoon of last week. This was in follow up to Bruce Williams from...or off the Community and Economic Development. Bruce was charged with the obligation of contacting Senator Brown's office, asking for his assistance to do two things, number one would be to obtain an extension of the grant, which we were under the impression was to expire September 30th if we took no action on it and second was to change the potential location of that park from Waterworks Park to another location. It has been discussed by Members Casar and Carbenia, I initiated discussions concerning this because I was concerned about loss of this grant as I had indicated to you as well. As a result of Bruce's conversations to the Senator, we also drafted a letter for the Mayor's signature and that was also sent to Senator Brown. As a result of that, I assume that he had, or his office had conversations with the office of Housing and Urban Development and they sent a clarification email as follows: Dear Mr. Williams, I am writing to recap issues that we discussed this afternoon. First, you are correct that the City and the Department needed to be under contact for this grant by September 20....and I think it should have been September 30th, but September 20, 2008 and in fact the City and the Department executed a grant agreement for this grant in May, 2007. So they were treating the fact....the interpretation given to me was that we needed to be in contract with the vendor for the construction of the park, when in fact, H.U.D., at least upon clarification, said we needed to be in contract with H.U.D., so therefore we were okay on the...on the extension period. Secondly, the Congressional authorization for the grant does not reference any specific location for the New Horizon's Park. Again, the Congressional authorization does not reference a location, although there was language in the grant document itself that discusses Waterworks Park. So the actual location of the park is not an issue for the Department, apart of course from the Part 58 Environmental Clearance that will be needed prior to commitment of funds in the future. And then it goes on to discuss some other issues as to budget and so forth but those were the primary two issues that were discussed and led to everything.

PRESIDENT SCHULMAN: Member West.

MINUTES OF THE MEETING OF SEPTEMBER 22, 2008

MEMBER WEST: Thank you.

PRESIDENT SCHULMAN: Are there any other remarks?

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I just request a roll call please.

PRESIDENT SCHULMAN: Okay, we're on Resolution 86. No other remarks? All those in favor signify by saying aye.

MEMBER CASAR: Mr. President, roll call please.

PRESIDENT SCHULMAN: Oh, I'm sorry, you said roll call, that's what I was going to do Member Casar and you threw me a curve.

MEMBER CASAR: I figured you probably would but I just wanted to make sure.

PRESIDENT SCHULMAN: I agree, that having an abundance of caution, let's do a roll call vote. And just saying, I don't think this is an argument among Members, it's really an argument that we're not getting the money we should from the Federal Government, which I...and I think we all say over and over again, stop starving our urban areas and let's not argue over every nickle that they throw at us, which is all their giving us. But in any case, roll call vote Madame Clerk.

NO REMARKS ROLL CALL: 7 YEAS, 5 NAYS
(MEMBERS CASAR, CARBENIA, HAWK, GRIFFIN AND KRAUS VOTED NAY)

CLERK TIMBERLAKE: Seven yeas, five nays.

(APPLAUSE)

PRESIDENT SCHULMAN: And it appears that Resolution 86 is adopted.

COMMUNICATIONS

PRESIDENT SCHULMAN: Alright, we're 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 SEPTEMBER 22, 2008.

372. HEALTH COMMISSIONER, ADAMS: REQ \$77,389.33 FROM UNAPP. FUNDS OF 2328, PUBLIC HEALTH INFRASTRUCTURE TO 2328 PUBLIC HEALTH INFRASTRUCTURE FUND. - FINANCE COMMITTEE
373. MAYOR WILLIAM HEALY II: LTR OF CORRECTION TO C#189 ON AGENDA DATED

MINUTES OF THE MEETING OF SEPTEMBER 22, 2008

4/21/08 FOR THE TERM OF DANNY THOMPSON (COMMUNITY REINVESTMENT AREA HOUSING COUNCIL) WHICH SHOULD EXPIRE ON FEB 28, 2011 NOT FEB. 2013. - RECEIVED & FILED

374. SAFETY DIRECTOR NESBITT: JUNE & JULY 2008 RPT OF INMATES INCARCERATED UNDER CITY ORDINANCE PROVIDED BY STK CTY SHERIFF SWANSON. - RECEIVED & FILED

375. SAFETY DIRECTOR NESBITT: REQ AUTHORIZATION TO ENTER INTO CONTRACT WITH PHILIP SEDLACKO FOR ANIMAL CONTROL NOT TO EXCEED \$15,000.00 FOR THE PERIOD OF OCT. 15, 2008 TO DEC. 31, 2008. - FINANCE COMMITTEE

376. SAFETY DIRECTOR NESBITT: REQ AUTHORIZATION TO ENTER INTO PROF SERV CONTRACT WITH ANGELA CAVENAUGH FOR CONT DUTIES AS CITY'S CONTRACT PLANS EXAMINER NOT TO EXCEED \$30,000.00 (RATE OF \$75 PER HR) SUPP. APPR. FR: 1001 TO: 1001 101501. - FINANCE COMMITTEE

377. SERVICE DIRECTOR BERNABEL: REQ AUTHORIZATION FOR SUPP APPROP, APPROP TRANSFERS AND APPROP REDUCTIONS TO MOVE EXISTING FUNDS WITHIN DEPTS. - FINANCE COMMITTEE

378. SIEGFRIED, P., APPLICANT: REQ ZONE CHG FOR 112 DUEBER AVE SW FROM B-3 TO PB-4 TO ADD AN ELECTRONIC MESSAGE CENTER BOARD. - PLANNING COMMISSION

379. SLIMAN, S., AGENT FOR PETITIONER: ANNEXATION PETITION DOCUMENTS FOR AREA TO BE KNOWN AS "THE KEY BANK ANNEXATION AREA". - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

NOTE: PRESIDENT SCHULMAN 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) **ADOPTED AS ORDINANCE NO. 138/2008** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AMENDED COOPERATIVE AGREEMENT AND RECEIVE FUNDS IN THE AMOUNT OF \$1,967.00 FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

PRESIDENT SCHULMAN: And at this time the Chair will declare an in house recess for the Finance Committee to meet in regard to Ordinance 1 on your agenda this evening. We're now in recess.

(COUNCIL RECESSED @ 7:56 PM AND RECONVENED @ 7:58 PM TO DISCUSS THE PASSAGE OF ORDINANCE #1)

PRESIDENT SCHULMAN: Thank you Member Hawk. Council then will reconvene after the recess, Member Casar.

MINUTES OF THE MEETING OF SEPTEMBER 22, 2008

MEMBER CASAR: Mr. President I move we suspend Rule 22A and return Ordinance #1 back on this evening's agenda.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded then to suspend Rule 22A to place Ordinance 1 back on this agenda. Any remarks? If not Madame Clerk, roll call vote please.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: The motion carries and Ordinance 1 is a legal part of your agenda, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend the Statutory Rules on Ordinance #1.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance #1. Any remarks? If not Madame Clerk, roll call vote please.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries, Member Casar you've heard the three readings.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #1.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #1. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #1 is therefore adopted. Ordinance #2 please.

ORDINANCE #1 ADOPTED AS ORDINANCE NO. 138/2008

#2. (1ST RDG) AN ORDINANCE AMENDING 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

MINUTES OF THE MEETING OF SEPTEMBER 22, 2008

#3. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A ONE YEAR LEASE EXTENSION WITH ENZ, INC.; WAIVING THE EXTENSION PAYMENT OF \$20,000.00 AS REQUIRED UNDER THE PREVIOUS LEASE; APPROVING ASSIGNMENT BY ENZ, INC. OF THE LEASE AGREEMENT/EXTENSION TO VALLEY MINING, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We're now under Ordinances for their second reading. Madame Clerk, will you please read Ordinance #4.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #4, #6, #7 AND #8 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. (ORDINANCE #5 RETAINED IN COMMITTEE)

#4. (2ND RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

#5. (2ND RDG) ***RETAINED IN COMMITTEE*** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE AND INSTALLATION OF ONE PRE-MANUFACTURED CONCRETE RESTROOM BUILDING FOR MALLONN PARK; AND DECLARING THE SAME TO BE AN EMERGENCY

#6. (2ND RDG) AN ORDINANCE AMENDING SECTION 921.02, ELIGIBILITY, OF THE CODIFIED ORDINANCES

#7. (2ND RDG) AN ORDINANCE AUTHORIZING THE CITY OF CANTON TO ACCEPT DONATION OF REAL PROPERTY FROM MILDRED A. AND MARY ANN BECK; AND DECLARING THE SAME TO BE AN EMERGENCY

#8. (2ND RDG) **ADOPTED AS ORDINANCE NO. 139/2008** AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR WATER AND/OR SEWER SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move the Statutory Rules be suspended on Ordinance #8.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance #8. Any remarks? If not Madame Clerk, roll call vote please.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

MINUTES OF THE MEETING OF SEPTEMBER 22, 2008

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #8. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

ORDINANCE #8 ADOPTED AS ORDINANCE NO. 139/2008

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: We're now under Ordinances for their third reading and final reading. Madame Clerk will you please read Ordinance 9 by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #9 THROUGH AND INCLUDING #13 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

#9. (3RD RDG) POSTPONED TO OCTOBER 20, 2008 AN ORDINANCE AUTHORIZING THE 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 (1114 GONDER SE - ALLEN SCHOOL)

PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #9. Any remarks?

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we postponed Ordinance #9 until October 20, 2008.

MEMBER CARBENIA: Seconded.

MINUTES OF THE MEETING OF SEPTEMBER 22, 2008

PRESIDENT SCHULMAN: It's been moved and seconded to postpone Ordinance #9 until October 20, 2008. By voice vote then...oh is there a...there is a motion, by voice vote then. Any remarks? Now by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS ORDINANCE #9 POSTPONED UNTIL 10/20/08 BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: I've only been here two and one half years, I'm sure I will get this right one of these day. The motion is carried and the Ordinance is postponed until October 20, 2008. Ordinance #10 please Madame Clerk.

#10. (3RD RDG) **ADOPTED AS ORDINANCE NO. 140/2008** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A GRANT IN THE AMOUNT OF \$4,000.00 FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR THE FIRE DEPARTMENT; AMENDING APPROPRIATION ORDINANCE NO. 1/2008, AS AMENDED; BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #10. Any remarks? If not Madame Clerk, roll call vote please.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#10 ADOPTED AS ORDINANCE NO. 140/2008

PRESIDENT SCHULMAN: Ordinance #10 is adopted. Ordinance #11 please.

#11. (3RD RDG) **ADOPTED AS ORDINANCE NO. 141/2008** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOT NO. 14320 AND PART OF LOT NO. 14321; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #11. Any remarks? If not roll call vote please Madame Clerk.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

MINUTES OF THE MEETING OF SEPTEMBER 22, 2008

#11 ADOPTED AS ORDINANCE NO. 141/2008

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #11 is adopted. Ordinance #12 please.

#12. (3RD RDG) **ADOPTED AS ORDINANCE NO. 142/2008** AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$13,694.79 TO SPITZER CHEVROLET COMPANY; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #12. Any remarks? If not Madame Clerk, roll call vote please.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#12 ADOPTED AS ORDINANCE NO. 142/2008

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #12 is adopted. Ordinance #13.

#13. (3RD RDG) **ADOPTED AS ORDINANCE NO. 143/2008** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO MAKE APPLICATION FOR, EXECUTE THE GRANT AGREEMENT AND ACCEPT FUNDS FOR A GRANT FROM THE OHIO AND ERIE CANALWAY ASSOCIATION FOR AN EXPANSION OF THE PASSENGER LOADING AREA AT THE CANTON LINCOLN HIGHWAY STATION; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #13. Any remarks? If not Madame Clerk, roll call vote please.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#13 ADOPTED AS ORDINANCE NO. 143/2008

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #13 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: We are now under Announcement of Committee meetings.

MINUTES OF THE MEETING OF SEPTEMBER 22, 2008

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Thank you sir. Finance Committee will meet at 6:45 on September 29th.

PRESIDENT SCHULMAN: Thank you Member Hawk. Member West, anything from you tonight? No Judiciary Committee? Okay, good.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: We're now under Public Speaks, Open Forum. I know that we do have a number of speakers this evening and I also know that while all the subjects are...while all the subjects are important, there is going to be discussion about a tragic loss of life and I would just ask the speakers to remember and try to self enforce, if you would, City Council's rule of speaking for three minutes. I always say that the Mayor, the Safety Director, the Service Director, the Mayor's Administration, and Councilmembers will be here after the meeting if you have any further things, any further comments to make, we'll be here to listen to you. But for the purpose of the meeting and your public speaks, if you'll just keep your remarks down to three minutes, as difficult as that may be. Our speaker tonight is Veronica Carley, Ms. Carley....*(Corrected from the audience)* I'm sorry, would you step forward and just give us your name and your address please. Give us your name and your residential address please.

VERONICA EARLY: My name is Veronica Early, my address is 2223 Harmont Ave NE, that's in Canton.

PRESIDENT SCHULMAN: Good evening, and I know this is difficult for you, go ahead please.

VERONICA EARLY: Yes, I just wanted to say, we are the family of Darryl Paul Ross who was shot and killed by the S.W.A.T. team in his home while taking a shower. The Repository chooses to write that he was a robber, a drug dealer, a violent person, when in fact just the opposite was true, he was a father to him, he was our brother. He was a person that had a job for many years. He was a supervisor at Sterlite for over ten years. He was a comedian and he was a friend to all. He's never known a stranger. He was...we as the family of Darryl Paul Ross, we expect that there would be an outside investigation, we want an external investigation. But wait, excuse me, I said we expect or we would like, we demand and external investigation. We do not believe that the police can police themselves just like if I was to steal something from you and you called me and said "Okay, I want you to investigate yourself." Gonna find me innocent. So we want someone from the outside of Stark County to investigate this. This has been happening too often, too many times and it's gonna stop. It's gonna stop with us. Thank you.

PRESIDENT SCHULMAN: Thank you very much. Our next speaker is Delivia McDonald...You're all...and I take it Storm Ross and Mr. Smith? Okay. James Smith, well that's, I don't think you're involved in this particular issue. If you'll step forward, I just wanted to make sure there was no one else addressing this tragedy. Mr. Smith.

JAMES SMITH, SR: Good evening, thank you, my name is James M. Smith, Sr., I reside at 3047 9th St, now, I'm still in the same, same Ward, still with Jason and our group. Lack of response time by the Police Department, there's two issues of why I had to move recently, one of the major one was the alleged, the known suspected drug dealer that had been shot, they kept blocking the street, blocking the street. I called the Police Department because him and his brother and a friend had a ball bat and they decided they wanted to go

MINUTES OF THE MEETING OF SEPTEMBER 22, 2008

ahead and have a field day with myself. I'm a former Marine, I don't care. I will protect my life, my family, my friends, my property. The police officer showed up 54 minutes after I was threatened quote, unquote, and I will pay for a polygraph test "I don't know about you but I grew up in the hood, you want to talk to people the way you want to talk to people, you need a good old fashion ass whippin." That's what the police officer told me, fast forward three weeks, last Sunday morning, 2:51 A.M., I'm now living at 9th and Maryland, a gentleman was making a left hand turn, someone ran the stop light, I heard the bang. Of course my house, the way it faces, my house was right on the inside, someone ran the light. Kudos to the Fire Department EMS, they were on the scene within eight minutes. The Police Department, the accident happened at 2:51, first car on the scene, 3:18, twenty seven minutes after the accident. They had already taken the two people that were hurt to the hospital. When the officers showed up, "Well, who was driving this vehicle?" If you been there within a certain amount of time, you would have known. But they were already on their way to the hospital. I said "Do you want me to put safety cones out?" I had them, they said "No." He parked in the middle. Cars were going up Maryland and down 9th were driving around the police car through the glass, I could have put cones up. Eighteen...or twelve minutes after he showed up at 3:30, he finally put one flare out. Then the tow truck that came out was on Maryland Avenue itself, was an older, I'm not sure if you contract these people out to haul cars, it was an old truck, no parking lights, missing headlight. There could have been another accident. But twenty seven minutes after an accident, when you're 2 1/2 miles from...from downtown, the Police Department, is unacceptable. Thank you.

PRESIDENT SCHULMAN: Thank you sir very much. Since I think this person is going to comment following Mr. Smith and keep the subjects together, Jason Scaglione. If you'll come up, and I know you've been here before, if you'll give us your name and your residential address please.

JASON SCAGLIONE: Yes sir, Jason Scaglione, 3027 Glen Place. Good evening Council. I just wanted to touch on that same subject. We had a little incident, not necessarily this subject but the overall picture here. We had a wire down that kids were actually walking over, it was a live power line. I was called by American Electric Power and told to call the Police Department and have them come out and guard that line until they get out there to isolate that. The Police Department was called, I called them myself, they put me on hold a second and they ended up sending a fire truck out with five Firefighters in it. Now, anybody can look at fuel sign and see what's more expensive, gasoline or diesel. How many miles to the gallon does the fire trucks get versus the police cruiser? I know, I've talked to many officers, I've talked to many people in this City, we're short on officers. What's it take to get some hired. What do we have to do? I'd love to know, I'd love to help if I can. Thank you.

PRESIDENT SCHULMAN: Thank you very much sir. Our last speaker tonight is Patricia Kirk. Ms. Kirk, do you want to step forward and give us your name and your residential address.

PATRICIA KIRK: Thank you, I'm Pat Kirk, I live at 131 5th Street NE, President of Shake a Leaf and Downtown Central and I would like to offer my condolences to the family and to all the people that have suffered through this storm. First the Fire Department, Street Department and A.E.P. need to be commended for answering all the calls that they did answer. The Street Department had over 100 calls about downed trees, the Fire Department had 200 calls between 4:30 and 7 last Monday. Honestly, Canton was extremely lucky...lucky that no one was killed and I think that was because it happened during the evening. Does Canton have a tree emergency plan worksheet, similar to this one, for urban and community foresters, community leaders, public works planners and Councils? This was...I'll just pass it around. This was presented by the urban forester of Bowling Green during the Northeast Urban Community Forestry Conference in August. He said "you can tell when an urban forester is doing his or her job, nothing happens." Which means during a storm, there is little or no damage. I can say this for a fact that even on public and

MINUTES OF THE MEETING OF SEPTEMBER 22, 2008

private land, just the little bit that I know, trees that were professionally trimmed for wind did not have the damage that other trees did. This is what the tree ordinance is for, to set standards for tree care and safety, it is to take care of people, it is not a dead tree hit list. It is not out to slap fines on people. Is it cheaper to pay all the overtime for the calls? Please reconsider this ordinance this Thursday at 6:30 Maureen will talk of her experience as a forester, not an urban forester in Detroit. Please attend, we can learn from this. Thank you very much.

PRESIDENT SCHULMAN: Thank you very much. As always, we appreciate your dedication. We'll get this taken care of one of these days.

MISCELLANEOUS BUSINESS

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

MEMBER HAWK: Mr. President, very quickly, the other day I was contacted by a gentleman who was hired to do some demolition work on a property for Habitat for Humanity. And I bring this up only to point out the fact that the importance of removing vacant houses from our neighborhoods. When the demolition contractor went into this house, he was confronted by two gentlemen who had set up housekeeping and living in this place, squatting. One of them was armed with a large sword, after some yelling and some complaining, he dropped the sword and the two men did vacate the property. Now understand, they were living there, there was no sanitary facilities or anything else, this house is quite a mess and yet people insisted on living in it. When they left they also found ammunition for a 45 caliber handgun. The other interesting thing they found in the mix of things that were laying in this vacant house was an indictment. So vacant houses are nothing but trouble, nothing good happens in a vacant house, that's why I've always advocated removing vacant houses from our neighborhoods in order to make our area safer. Thank you.

(APPLAUSE)

PRESIDENT SCHULMAN: Thank you Member Hawk.

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: I'd like to call on our newlywed, Member Kraus.

MEMBER KRAUS: Thank you Mr. President. I'd like to congratulate the people on Nimisilla because I grew up in Nimisilla Park and I know what used to be there and what can be there. But as a Ward Councilman who lives and represents the people on the far end of the northwest, I'm going to tell you something you will probably not believe Tom, I have a park that's been there since before all of us and the same equipment is sitting on that park, the kids can't use it because they don't even know what the stuff is. It's stuff that we used to use and to them it's Chinese and I would like to see all our parks updated, I do congratulate, but as the representative, it's sad that we have to do it this way but I think we just need to do all of them, bring them all up to snuff. But congratulations, I grew up at 5th and Mahoning.

PRESIDENT SCHULMAN: Thank you Member Kraus. While I'm sure whatever equipment we do get in the parks will probably be made China, so we'll be back to that. Any other remarks? Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. I would like to direct my remarks to my fellow actors, Ida Ross and Storm, I would express the sentiment on behalf of all of us and your family members that

MINUTES OF THE MEETING OF SEPTEMBER 22, 2008

the sudden loss of life is always shocking, always tragic, no matter what the circumstance is. Now I'll put my lawyer hat on for a second and I know that we have a habit of staying after Council to answer questions. I would respectfully ask that Councilmembers and Administration, you're free to express your condolences obviously but I would stay away from discussing any of the details. I believe that our Safety Director has a statement about the investigation that he'll share with you and he is the appropriate person under law to do that, as the Executive Head of the Police Department. So again, all of us express our condolences but beyond that, in the event that one side or another isn't satisfied with the investigation, I think it's best to let the professionals take its course and exhaust the avenues that exist there. Again, I am sorry for the loss that you're all feeling.

PRESIDENT SCHULMAN: Thank you Law Director Martuccio. Safety Director Nesbitt.

SERVICE DIRECTOR NESBITT: First of all, I too want to express my condolences to the family of Darryl Ross, during which is surely a very difficult time for them. I'd also like to express words of comfort as well to the officers that were involved in this last Thursday's incident, where they too are burdened by this situation. As a retired Law Enforcement Officer of 30 years, I can tell you that no Police Officer wants to be put in the situation like the one which occurred this last week. And I will say that my thoughts and prayers are with all the families involved with this. With regard to this incident itself, unfortunately I am restricted from discussing the details of this case and the circumstances surrounding the incident because it is currently sealed by a Grand Jury. Meaning or wondering what happened in this case, and I am here today to state publicly that the details of this case will be released as soon as we are permitted to by law to discuss them. I can also guarantee you that this process will be open and transparent and that we will answer everyone's questions once we are permitted to discuss the facts of the case. I am confident that the two investigations that are currently taking place, the one internally and the one externally, will be conducted professionally, ethically and with all due diligence. Until the end of these investigations, however, I ask that everyone remain patient as...patience as the process works itself out. No one is happy when an incident like this occurs but I know that we work through this and we will continue to protect and serve the residents of Canton to the best of our abilities. Thank you.

PRESIDENT SCHULMAN: Thank you Director Nesbitt. Any other Miscellaneous Business? Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. This is for Safety Director Tom Nesbitt. Tom, I just want to thank you very much for the many calls and conversations that you and I had and working with A.E.P. and I'm asking you publically if you can get together a group from A.E.P. or a spokesperson or what have you to address this issue so that we can hopefully...this will not occur again. I know we had Ike down there and we got the remnants of Ike but this are here, there was no sirens or what have you and also Perry Township, we weren't the only ones. Perry Township did not have any sirens and Alliance didn't have any sirens also sir. And I think we need to work somehow with all the communities so that we can do some preparation and hopefully have the right contacts and the right people and I think I can ask you to do that I'd like to be a part of it if you would like so. Thank you. Thank you Mr. President.

PRESIDENT SCHULMAN: Thank you Member Cirelli.

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Member Kraus.

MINUTES OF THE MEETING OF SEPTEMBER 22, 2008

MEMBER KRAUS: I...just one quick thing. I want to thank Cindy and Pattie and Michelle, I just received my power last night from the storm and the girls were very helpful because I had no phone or email or anything and I want to thank the girls, they did a great job.

PRESIDENT SCHULMAN: Thank you Member Kraus, we're blessed to have a great staff, I know that.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: I would be remiss if I did not say something about Mari Moss. Mari Moss said it best that community organizer, that is truly who she is. You know, each...every week this girl pounds the pavement for young people all across this City and many people don't realize, she walks in here looking like a million dollars but she don't get paid that much. But she goes out and writes grants and gets dollars for these kids and if you see throughout the whole community, right now there's billboards, positive billboards that they went out and got money for and they got their positive messages throughout the City on billboards trying to target youth. So I think she's done an extraordinary job and we need to continue to support that young movement and help lift them up. So, thank you Mari for all that you do.

(APPLAUSE)

PRESIDENT SCHULMAN: Well I think I'm looking at Mari's mom, I don't think the apple falls far from the tree there. So, I think she comes by it naturally. Mayor Healy.

MAYOR HEALY: Thank you Mr. President. First I would also like to publically express my condolence to the Ross family and it's unfortunate that...that things turned out the way they did and we certainly wish you all the best during this difficult time. I'd also like to send out some...some praise to Mari Moss, my friend, and I have to say that she's been out there for...for many many years and fighting and struggling and never giving up no matter what obstacles been put in front of her and we're proud of ya, we love ya. Congratulations. And last, I'd also like to recognize a gentleman here that's with us today, the new Interim Director of the Urban League, Vince Watts. Congratulations Vince.

(APPLAUSE)

PRESIDENT SCHULMAN: Congratulations Vince.

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: If I may, during this past week of no power, I was only without power one day and I know that many of my relations and of everybody in this City that we've been out and people handled it pretty good. Some, it took a lot but they handled it. But I would like to congratulate the Safety Director and Service Director and the Mayor for the great job that they've done on trying to clean this up and get things running. I mean the Police Department and the Fire Department were out there right away. They had the Street Department, them guys going out putting up barricades all over and they could only cut so many trees. They called them in, they were all working overtime, they...they were doing a great job and they done a great job and I'd like to congratulate them and all the people that work for them on...on a great job and also I would be

MINUTES OF THE MEETING OF SEPTEMBER 22, 2008

remise if I didn't once again, say that you have my sympathy for your loss. Thank you.

PRESIDENT SCHULMAN: Thank you Member Carbenia. Any other Miscellaneous Business. Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adjourn. Roll call vote please Madame Clerk.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas.

PRESIDENT SCHULMAN: (*Gavel falls*) Meeting is adjourned. Thank you.

ADJOURNMENT TIME: 8:27 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT