

**MINUTES OF THE MEETING OF OCTOBER 6, 2008**

PRESIDENT SCHULMAN: Good evening ladies and gentlemen. Another sterling day in our United States economy. With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call vote please Madame Clerk.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

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: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Tonight we're going to have our invocation given by Councilmember Jim Griffin. If you'll all remain standing please for the pledge of allegiance.

*The regular meeting of Canton City Council was held on Monday, October 6, 2008 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Ward 3 Councilman, James Griffin, the Pledge of Allegiance led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: Thank you Member Griffin. We're now under corrections and changes. Members of Council you're going to be asked to suspend Rule 22A to add the Second Reading of Ordinances 10 through 13. Member Casar, the Chair.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinances 10, 11, 12 and 13 to this evening's agenda.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: Thank you, it's been moved and seconded to suspend Rule 22A to add the second reading Ordinances 10 through 13 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 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 tonight.

**PUBLIC SPEAKS**

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

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: Madame Clerk would you please read Resolution 87 by title.

#87. BARTON, P., WARD 7 CNCLMBR: REQ STREET LIGHT ON EXISTING POLE #771C2-68 AT 1829 HILLCREST NW. - ADOPTED

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Resolution #87.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution 87. Are there any remarks? If not by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS      RESOLUTION #87 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The Resolution is adopted.

**COMMUNICATIONS**

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

***NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED OCTOBER 6, 2008.***

391. AUDITOR MALLONN (CITY): CERT OF TOTAL AMT FR ALL SOURCES FOR 2008. - RECEIVED & FILED

392. AUDITOR MALLONN (CITY): MONTH RPT BY FUND FOR 9/1/08 - 9/30/08. - RECEIVED & FILED

393. AUDITOR MALLONN (CITY): YEARLY RPT BY FUND FOR 1/1/08 - 9/30/08. - RECEIVED & FILED

394. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR TO SUBMIT, EXECUTE & ACCEPT GRANT AGMTS W/HUD FOR 2009 CDBG, HOME, & ESG GRANTS; AUTHORIZE MAYOR TO REVISE &/OR AMEND CONSOLIDATED PLAN & BUDGETS FOR CDBG, HOME, & ESG; AUTHORIZE & DIRECT AUDITOR TO REVISE BUDGETS AS PERMITTED BY CDBG, HOME, & ESG REGULATIONS & HUD; UTILIZE ESTABLISHED FUND ACCTS KNOWN AS CDBG & HOME & DRAW HIS WARRANTS AGAINST CDBG FUND & HOME FUND BASED UPON RECEIPT OF VOUCHERS. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

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395. LIQUOR CONTROL DIVISION (OHIO): REQ NEW D1 D3 LIQ PERMIT FOR EVETS ENTERPRISES INC DBA PAPA GYROS @ 2045 CLEVELAND AVE NW. - RECEIVED & FILED

396. OHIO EPA: ISSUANCE OF FINDINGS OF NO SIGNIFICANT IMPACT FOR CITY OF CANTON - NORTHWEST WATER TREATMENT PLANT PROJECT FS-390420-01. - RECEIVED & FILED

397. SAFETY DIRECTOR NESBITT: REQ PAYMENT OF \$1,050.00 MORAL OB TO ANGELA CAVANAUGH FOR PLANS EXAM SERVS EXCEEDED ORIGINAL CONTRACT. - FINANCE COMMITTEE

398. SMUCKLER, W., ANNEXATION CHAIRMAN: REQ STATEMENT OF SERVICES FOR CANTON AUTO ANNEXATION. - ANNEXATION COMMITTEE

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

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

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #9 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.***

#1. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (WARD 6)

Referred to Judiciary Committee      **PUB HRG: 10/27/08 @ 7:30 P.M.**

#2. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO JOB CREATION TAX INCENTIVE AND NET PROFITS INCENTIVE AGREEMENTS WITH SHERI'S SWEETS, INC. PURSUANT TO THE CITY'S ECONOMIC GROWTH INITIATIVE PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred Community & Economic Development Committee

#3. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LEASE AGREEMENT WITH LOUIS SHAHEEN DBA MIDTOWN CAFÉ FOR THE LEASE OF COMMERCIAL SPACE IN THE CORNERSTONE PARKING DECK; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

#4. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH STARK COMMUNITY FOUNDATION TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$50,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

#5. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH MENTORING NETWORK OF STARK

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COUNTY TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$50,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

#6. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH HABITAT FOR HUMANITY OF GREATER STARK AND CARROLL COUNTIES, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$150,000.00 FOR REIMBURSEMENT OF MISCELLANEOUS INFRASTRUCTURE COSTS RELATING TO THE HOUSING PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

#7. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE DOMESTIC VIOLENCE PROJECT, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$50,000.00 FOR MISCELLANEOUS SHORT-TERM HOUSING SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

#8. (1<sup>ST</sup> RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF EASEMENTS IN REAL PROPERTY; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ACQUIRE EASEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development & Environmental & Public Utilities Committees

#9. (1<sup>ST</sup> RDG) RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

Referred to Finance Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: We are now under Ordinances for their second reading. Madame Clerk, will you please read Ordinance #10.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #10 THROUGH AND #13 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.***

#10. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH PHILIP SEDLACKO FOR ANIMAL CONTROL SERVICES FOR THE CITY OF CANTON; AMENDING APPROPRIATION ORDINANCE NO. 1/2008; AND DECLARING THE SAME TO BE AN EMERGENCY

#11. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH ANGELA CAVANAUGH FOR PLANS EXAMINATION DUTIES FOR THE BUILDING DEPARTMENT; AMENDING APPROPRIATION ORDINANCE NO. 1/2008; AND DECLARING THE SAME TO BE AN EMERGENCY

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#12. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS, APPROPRIATION TRANSFERS, APPROPRIATION REDUCTION AND INTERFUND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

#13. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 146/2008** A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE ESLICH ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move the Statutory Rules be suspended on Resolution #13.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules for Ordinance #13. Are there any remarks? If not Madame Clerk, roll call vote please.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

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

MEMBER CARBENIA: Seconded.

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

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #13 is adopted. Ordinance #14.....

**#13 ADOPTED AS ORDINANCE NO. 146/2008**

**ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING**

PRESIDENT SCHULMAN: And we're now under Ordinances for their third reading and final reading.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #14 AND #15 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.***

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#14. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 147/2008** AN ORDINANCE AMENDING 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 #14.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #14. Any remarks under this Ordinance? If not Madame Clerk, roll call vote please.

NO REMARKS      ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President

**#14 ADOPTED AS ORDINANCE NO.147/2008**

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #14 is adopted. Ordinance #15 please.

#15. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 148/2008** 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

PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 15. Any remarks? If not Madame Clerk, roll call vote please.

NO REMARKS      ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President

**#15 ADOPTED AS ORDINANCE NO.148/2008**

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #15 is adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

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

MEMBER CARBENIA: Mr. President.

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PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: Community & Economic Development Committee will meet 10/20/08 at 3 o'clock in the morning (*Laughter*) 6 P.M.

PRESIDENT SCHULMAN: Just to remind everyone in the audience, we do not have a City Council Meeting next week, so if you show up, your going to be all by yourself. Any other announcement?

MEMBER GRIFFIN: Mr. President.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: (*Inaudible*)

MEMBER GRIFFIN: Thank you, Environmental & Public Utilities will meet on the October 20<sup>th</sup> at 6 P.M.

PRESIDENT SCHULMAN: Thank you. Member Hawk.....Member West.

MEMBER WEST: Mr. President, Judiciary will meet October 20<sup>th</sup> at 6 P.M.

PRESIDENT SCHULMAN: Thank you. Member Hawk.

MEMBER HAWK: Thank you, sir. Finance will meet October 20<sup>th</sup> at 6 P.M. and as a reminder, there will be a Budget Review Meeting tomorrow in this Chamber at 10 A.M.

PRESIDENT SCHULMAN: Thank you, that should be a very important meeting. That concludes the Announcement of Committee Meetings.

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

PRESIDENT SCHULMAN: We're now under Public Speaks and Open Forum. We have one speaker signed up tonight. Mr. Oliver, if you'll step forward, thank you. If you'll give us your name and your residential address please.

KENT OLIVER: My name is Kent Oliver, I live at 2985 Mill Ridge Circle NW, 44708. I am the Executive Director of The Stark County District Library and my purpose here this evening is to briefly make you aware of an important issue that's on the ballot this November that impacts the City of Canton. Right now I'm having a Q & A passed around about Issue 53. Issue 53 is a replacement of The Stark County District Library operating levy. It's a very important levy for the library. It is not a new tax, it is not an increase in our mill rate. What it is, is 30% of our operating, our daily operating in order to make the library system go forward. We think it's a very important levy for Stark County and certainly the City of Canton. Since the last levy has passed, you're probably aware, we've opened up a number of new facilities in the area. We've been able to replace the staff that...staff positions that had gone vacant without the money to fill them. This is just, I can't emphasize how important this levy is. Some of the things that the library does that you think about even beyond the collections that we have, I know some of you have been at our programs at our different branches in our communities. You know, we do things like job fairs, we've had a few job fairs this year that I think are very important in the scheme of Economic Development. You know, like all of us, we're

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tightening...like everybody else the library is tightening it's belts in order to make things happen. Even with this levy the library is forecasting that we will be looking at a deficit budget within the next couple of years. And this has to do with a lot of things, in just general increase in costs and also the fact that we are funded both by a local operating levy and by State funding and we are certainly seeing a slow but sure eroding of our State funding as well. So we...we're not asking for you folks to do anything with this this evening other than to make you aware of it and as you're out in the community and people are asking you about it, hopefully you'll be a little bit more aware of what we're asking for. Are there any questions?

PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: Thank you Mr. President. I also would just like to congratulate you, I see that the libraries are rated as one of the top ten libraries in the Nation.

KENT OLIVER: Top one hundred, correct.

MAYOR HEALY: Well top ten for areas of our size.

KENT OLIVER: Right, we're within the top ten for areas of our size, correct.

MAYOR HEALY: And I just want to congratulate you for that and let you know that we certainly appreciate it. And I appreciate you bringing this to us today. I am in support of this and fully endorse this Issue on your behalf as well, so thank you .

KENT OLIVER: Thank you Mr. Mayor, we appreciate it.

PRESIDENT SCHULMAN: And just so Councilmembers understand, Mr...we are very fortunate to have Mr. Oliver as Executive Director, he has done an incredible job running our libraries and I can't tell you how important it is, I know I had a conversation with Judge Gwin, who I believe sits on the Board.

KENT OLIVER: He is on the Foundation Board.

PRESIDENT SCHULMAN: And, would you just share with us how many of our citizens utilize the services of our libraries?

KENT OLIVER: Certainly, in our system we have 146,000 library card holders. We have checked out 4,000,000 items last year. The reason we say items, it can be anywhere from a book to a CD to a DVD, whatever. I didn't bring all the numbers with me tonight but our numbers have all gone up as far as increase in programs and people that attend them. It's actually astounding. We're very pleased with the usage that we're getting.

PRESIDENT SCHULMAN: Well, you're doing an outstanding job and we thank you. Anything else you wish to add?

KENT OLIVER: No, have a great evening.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Cirelli.



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MEMBER CIRELLI: Thank you Mr. President. Mr. Oliver.

KENT OLIVER: Yes.

MEMBER CIRELLI: Can you tell us what percent of...and maybe you don't know this, but the percent of the people of Canton, the City of Canton that use your libraries, or maybe you don't know that.

KENT OLIVER: I don't have that breakdown, our entire service area that includes the County and the City is about 256,000 people demographically and since we have a number of about 146,000 percentage wise that's very high. And I'm sure we're looking at the same percentage within the City.

PRESIDENT SCHULMAN: Anything else Member Cirelli?

MEMBER CIRELLI: Yes Mr. President. Kent. *(Inaudible)*

KENT OLIVER: I absolutely will. You've been one of our best users and supporters in the past and we appreciate that.

PRESIDENT SCHULMAN: That could be a danger though Mr. Oliver, that is a problem. *(Laughter)*

KENT OLIVER: We have not found it so to this point. *(Laughter)*

PRESIDENT SCHULMAN: Thank you and very good job.

*(APPLAUSE)*

PRESIDENT SCHULMAN: Okay that concludes Public Speaks.

**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: We're now under Miscellaneous Business, Member Casar.

MEMBER CASAR: Mr. President, there's a few things I want to bring to Council's....I don't know if they're familiar with some of these items with regards to the Ohio Revised Code but I don't like bring it to their attention in case they don't know. After the Council meeting on September 22<sup>nd</sup> two weeks ago I went home and looked up into my old Parks and Recreation files back in 1973 and 1974, yes I was here then. I found two legal opinions, legal opinion number 7328 and 7425 and here's part of it, obviously I'm not going to read it all, I'm just going to read a little bit of these opinions and they were issued by, at that time, Solicitor Klide, the first one on May 15, 1973, "The establishment of the Park of Board Commissioners and granting of the power to said Commission is provided by Chapter 755, Ohio Revised Code. According to 755.05, Ohio Revised Code, "The Board of Park Commissioners shall have the control and management of parks, park entrances, parkways, boulevards, connecting viaducts, subways, children's playgrounds and public bath and stations of public comfort located in such parks, construction, repair and maintenance thereof. The Board shall exercise exclusively all the powers and perform all the duties, in regard to such property vested in and imposed upon the Director of Public Service." That was the first one that was back in '73 and then in 1974, there was another opinion asked for and it says basically "The solicitor's office rendered an opinions of this question 1972 and 1973, both opinions, 7251 and 53....7328 have stated "And you are so advised that the Ohio Revised Code Section 755.05 gives the power of Parks Commission the control and management of parks. The Law seems clear that Canton City Council cannot exercise any authority over the parks. Such authority is vested

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exclusively by State Law and Park of Board Commissioners.” Klide went on further to say that “Principle connections to the City’s Administration and City Council should have with park’s system is through Mayoral appointment of the Commissioners and appropriation of funds by Council.” He also says that Council must authorize control of more than \$1,500.00 for contracts. Klide also pointed out that Park Board was created by voters of Canton in a special election, May 27, 1920....April 27, 1920 and this was not by legislative action. I know the Ohio Revised Code has not changed since it’s been....re....in 1952, therefore I’m sure these two opinions that were issued in ‘73 and ‘74 are still good opinions. However, I will ask the Law Director for a new opinion when he returns from vacation next week. And I feel very, very confident that the Park Board will do the same. I personally don’t care where this park is put, the only thing I wanted to be done correctly and according to law. And what this Council did two weeks ago was not the way it should have been done. This piece of Legislation is in Committee already, the Committee has not brought it out and in my opinion, we should not have acted on this and I should have asked the Chair to put it...refer it to Committee. I didn’t because I felt Council would have...I really didn’t know, obviously I should have known but I didn’t know, I thought they’d have enough knowledge at what was going on and they would have supported the wishes of the Parks and Recreation Committee, all three members, the Administration and the Park Board but they didn’t. So like I said, I really don’t care where this park is built but I want it to be built somewhere where it will be utilized and it will be safe for our handicapped children to be able to come and participate. So I guess the Park Board will make the final decision on this and that’s rightfully where it should be. Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Thank you Member Casar. Member West.

MEMBER WEST: I appreciate Don Casar and your research for what you’ve done in terms of the park and I also concur that it is the Park Board’s decision to address the Parks throughout our City. But it’s also that Council, that we are the funders, we are the ones that legislate the finances to go and appropriate those to go to certain parks and playgrounds. When we met with the Park Department, I believe the week before that came up, the Park Department actually put it in our hands and they were going to have a meeting with myself and Carbenia and Member Casar along with whoever else they so chose to to decide which park we would put that at, at Nimisilla Park or at Stadium. It is my contention and the reason I brought the Informal Resolution up was not to backdoor anybody or to get anybody offended but it was just essentially to find out where all Councilmembers were at and I axed each and everyone one of them to commit to the neighborhoods and specifically Nimisilla Park being that it was centrally located within four major wards. I also wanted to say that I think that although I can understand what Casar is saying, I got to also say that I looked up at the....I got a report from the Chief of Police, or the Police Department in reference to the crime areas and actually there’s more crime that’s being committed at Stadium Park than there is at Nimisilla, matter of fact, there’s 300 and some incidents at Stadium and only 112 and Nimisilla Park. I contend that Nimisilla Park is an appropriate place and I would hope that the Park Department would uphold the decision made by this Council as a Whole. And I appreciate everybody’s support...continued support for that.

PRESIDENT SCHULMAN: Thank you Member West. Any other Miscellaneous remarks?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes Member West.

MEMBER WEST: And I would also axe that each Committee, Finance Committee, Community Development Committee and also the Finance Comm...it’s Finance Committee, Park Department and...Park Department and all those Committees would please let this go forward as...as Council wishes.

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PRESIDENT SCHULMAN: Thank you Member West.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I just want to state that his numbers, in regards to 300 and some incidents in Stadium Park versus 100 and some in Nimisilla, how many people attend the parks? So let's get the numbers right, there's probably hundreds of thousands at Stadium Park and maybe a thousand at Nimisilla Park.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Sure, I said the numbers were actually related to crime, not individuals going to that park. I would not have those numbers but I don't know that Nimisilla Park last year when we had the O'Jay's event, there was like somewhere around 20,000 people over the three day period. That park has been heavily used and the Park Department will also convey that over the last four years, Nimisilla Park has increased it's membership and it's use over those years.

PRESIDENT SCHULMAN: Any other Miscellaneous remarks?

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Smith.

MEMBER SMITH: I'm agreement with Mr. West as far as the park going into Nimisilla. But I just wanted axe Mr. Casar, could you just give me some clarity as to why you stated that it wouldn't be used at Nimisilla, is that what you said, that it wouldn't be useful?

MEMBER CASAR: I didn't say it wouldn't be used, it would be utilized more at Stadium Park because of the traffic and the other activities that are there that are surrounding it and people with handicapped children would be able to do other things while they were at that park. And as I said two weeks ago, we have, you know, the facilities that are just more conducive for that type of atmosphere, than they are...and I don't have anything against Nimisilla Park, I grew up in that area but I'm just saying common sense, in my opinion, says it should be put where there is more people that it could be utilized and it would be watched after, it's lit because of the tracks there and, I'm not...you know, you heard everything I said two weeks ago and that was my comments, it would be utilized more and people would feel...and I'd say people would feel safe, it would be safer there.

MEMBER SMITH: Well I understand that but just to let you know, that that park is used by quite a few people, quite a few organizations do use Nimisilla and there are thousands...and...that do participate in that park and it will get utilized to the fullest and I still feel that it deserves to go into Nimisilla Park.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

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MEMBER CASAR: Councilman Smith is entitled to her opinion, I'm entitled to my opinion. Let the Park Board make the decision.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Yes and I don't want to belabor the point here but again, the one thing I said last week was this was an area of course Member Dougherty is also having a Corridor restored there, where...Mahoning Corridor. There's a lot of traffic on 12<sup>th</sup> Street, I don't think there's any contention that 12<sup>th</sup> Street gets a lot, O'Jays Parkway gets a lot as well Mahoning Road Corridor. It's a highly traveled road. But I want to say this, I look at everything we put right next to 77 and a lot of individuals come to Canton, off of 77, they jump back on the highway after they visit our facilities. It's time that we allow these companies, I mean these people to come through our City, stop at a gas store, stop at a department store or stop somewhere, stop in downtown and get some food while they're going through Nimisilla Park. At one time, that area....and I've got to say this because I've been in this seat for five years, and everybody I talked to about Nimisilla Park has nothing but rave reviews about their childhood there and the only thing I'm trying to do is to recreate what you guys experienced, is to recreate some viability, some...some major things in Nimisilla Park, opening up that old zoo where other...the kids that are out there now, the kids that maybe don't have anything to go to now have something to go to so they can look back and say "You know what, I like Nimisilla Park and Nimisilla Park are good days." And that's what we have to do as a Council is start building up those neighborhoods to where each and every one of us or our kids can say "You know what, we love our community." And I think that that's what I'm trying to do.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Thank you Member West.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: As I stated, I don't personally care if the park goes there or if it doesn't go there, let's do it correctly that's all I'm saying. And the way, two weeks ago it was done, was not the correct way to do it, that's my point.

MEMBER WEST: But going forward...excuse me...

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: But going forward Member Casar, if I may. Going forward, okay, I may have put forward a Resolution, an Informal Resolution asking these Councilmembers where they stood, the Ordinance is currently in Committee and the Park Board really put it in our hands when we met with them last meeting. Now question..if I'm wrong, are we...are you saying that then those three Committee Members decide where that goes or should it be council as a whole? I'm going forward.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Member West, you obviously read Rule 28, you know what it says. And I'm sure you did, and I know what it says. That's not the point, the point is that if you were so interested in it then why didn't you do it correctly? Come to the Committee Chairman, me and myself and Member Hawk, the Finance

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Committee Chairman and Member Carbenia, the Economic Development Committee. Do it the right way, you backdoored it and I'm not happy the way you did it, that's my point. Do it the right way. The citizens of Canton deserve better, not to do something because you want a piece of legislation, you think you can find a loop hole to get away with it, you did it, not the correct way.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: And I'm not upset, this is a healthy debate everyone, so please, and I'm not looking for applause but I will say this, when we look at, the reason I did it the way I did it was because from what I understood, when I came in to Council, well when I heard that the decision was already made after the Park Board meeting when we were supposed to meet, we did not have a meeting about what we had talked about, whether it be at Nimisilla Park or whether it at Stadium. I heard that it was going to be at Stadium and that was the end all be all. I didn't think that was right and I felt the Informal Resolution could show that seven members supported it.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, this is the last I'm going to say on it. Member West, did you get involved with HUD when HUD said we had to have a time period to have that constructed? Did you get involved with Senator Brown's Committee, I meant his people at his office when the Administration called them and had a conference call to have it extended? Did you get involved with any of that? Or did you just put your Resolution in and contact every Councilperson and begged on bended knees to vote for your Resolution? Did you get involved why we had to act on this at all? Did you?

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: I did not get involved in the HUD decision. But I will say this, I didn't...I did get involved in the spray park, I did get involved with that whole Jackson Pool issue, I did get involved with all those recreational things. I did get involved with community meetings that said that they want recreation in our neighborhoods, I did get involved in that. I did get involved in all of the things that came down with kids, youth and family....

MEMBER CASAR: Mr. President. Point of information....He's not answering my question.

MEMBER WEST: Wait a minute I have the floor...Member.... I have the floor right?

PRESIDENT SCHULMAN: Wait...wait...wait Let Mr. West finish.

MEMBER WEST: I have the floor?

PRESIDENT SCHULMAN: Yes you do.

MEMBER WEST: So, just to put it clearly, no I did not get involved in the HUD decision but I don't think that that's what the decision....when you and Carbenia....excuse me, but I thought it was an excellent concept that you said that it should not go at Waterwork Park and I agreed with you because it flooded too much. I also agree that it floods too much at Stadium Park, Nimisilla Park has never been flooded, zero times have they been flooded. So when we talked about that, that was the main issue we talked about with Waterwork

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Park was it was flooded all the time and that's why we couldn't put it there. And I'm not trying to again, showboat, that's what I heard and I thought Nimisilla Park was a good thing and I brought it up at the committee meeting at that time. And I recall you and also Member Carbenia both said to me that you would support it at Nimisilla Park at that time in those committee meetings, you said that and then it had changed somewhere along the lines. And as you said, Stadium Park has a lot of people there, Stadium Park is a great park, I love that park. And I think it's just time that we start building some of the other parks up. That's why I think it's important that we support this Resolution.

PRESIDENT SCHULMAN: Okay, well I agree, I think it's been a healthy debate. Anybody else want to speak to this issue? I do think Leader Casar and Member West, this was a good debate, we should air these differences, I'm going to go back to what I know the moab believes and has stated over and over again, we shouldn't have these debates because we shouldn't be starved for urban funds. We should have a beautiful facility at Nimisilla, we should have a beautiful facility at Stadium. All our parks should be properly funded, we shouldn't have...we shouldn't be at this point where our urban areas, our Cities are getting nothing, nothing from either State or Federal Government. So, with that said, Member Casar.

MEMBER GRIFFIN: Mr. President, may I add something?

PRESIDENT SCHULMAN: Yes, Member Griffin.

MEMBER GRIFFIN: Okay, on another topic, I'd like to remind everybody that on October the 18<sup>th</sup>, the Canton Preservation Society is opening up a resale shop at 1227 West Tusc., that's just east of the train station and Downtown Motors. Also, the Preservation Society is looking for old photographs, if you have some old photographs that you'd like to have preserved, please contact the Preservation Society and they'll put them in their library. Thank you Mr. President.

PRESIDENT SCHULMAN: Thank you Member Griffin. Member Casar.

MEMBER CIRELLI: Mr. President.

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

MEMBER CARBENIA: Second.

PRESIDENT SCHULMAN: Too late. Madame Clerk, there's a motion to adjourn, roll call vote please.

NO REMARKS      ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

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

ADJOURNMENT TIME: 8:09 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

ALLEN SCHULMAN  
PRESIDENT