

MINUTES OF THE MEETING OF JANUARY 8, 2007

**** PRESIDENT SCHULMAN:** *Before the meeting was called to order, President Schulman requested a moment of silence for the family of Mike Angelo upon the tragic death of his father, Benny Angelo.*

PRESIDENT SCHULMAN: With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call please Madame Clerk.

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, KELLY ZACHARY, TERRY PRATER, DAVID R. DOUGHERTY, RICHARD D. HART, & KARL "BUTCH" KRAUS)

All COUNCILMEMBERS PRESENT

CLERK TIMBERLAKE: All present Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. We'll have the invocation given tonight by Councilmember Greg Hawk. If you folks would please remain standing for the pledge of allegiance. .

The regular meeting of Canton City Council was held on Monday, January 8, 2007 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Ward 1 Councilmember Greg Hawk,, followed by the Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: We are now under agenda corrections and changes. Members of Council you're being asked to suspend rule 22A to add the 2nd reading of Ordinances #6 through and including #7. Member Casar, the Chair will recognize that motion.

MEMBER CASAR: Mr. President. Mr. President. I move we suspend rule 22A, and add Ordinances #6 and 7 back on this evening's agenda; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend rule 22A to a, to add second reading Ordinances #6 through and including #7 to this evening's agenda. Are there any remarks?... If not roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Rule 22A is suspended and the Ordinances are part of your legal agenda. Member Casar, you're being asked to suspend Rule, Rule 22 to add Resolutions 1 to this evening's agenda. The Chair will recognize that motion.

MEMBER CASAR: Mr. President, I move we suspend Rule 22 and add Ord.. Resolution #1 to this evening's agenda; seconded.

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PRESIDENT: It's been moved and seconded. Any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: Despite the fact that Ohio State plays very shortly, we have a number of public meetings and hearings. The first one is scheduled for 7:30. It's an ordinance amending section 1129.19, garage sales in residential districts, of the codified ordinances of the City of Canton. The Planning Commission did not make a recommendation due to a 5 to 5 tie vote. Is there anyone in the audience wishing to speak for or against this amendment?... If so, will you please step forward?... Apparently not, the Chair will declare this public meeting over in regards to the matter. The matter now rests in the hands of Council. The ordinance will follow later this evening. We have another public hearing scheduled for 7:31. It's an ordinance amending Ordinance #55/77, as amended, known as the City of Canton Zoning Ordinance and declaring the same to be an emergency. It is assigned to Ward 9 to rezone lot #15390 at 1607 May Place NE, a single family residential to PR-2, planned two-family residential. The Planning Commission recommended denial. Is there anyone in the audience wishing to speak for or against this zone change, please come forward?... Apparently not. The Chair declares that public hearing over in regard to the matter. The matter now rests in the hands of Council. The ordinance will follow later this evening. We have a public hearing scheduled for 7:32pm. It's an ordinance amending Ordinance #55/77 as amended, known as the City of Canton Zoning Ordinance, declaring the same to be an emergency. It is assigned to Ward 5 to rezone lot #4976 at 1800 9th Street SW from R-1a to PB-3. The Planning Commission recommended approval. Is there anyone in the audience wishing to speak for or against this zone change, please come forward?... Apparently not. That will also be placed on your agenda. We have a public hearing scheduled for 7:33pm. It's an ordinance amending Ordinance #55/77 as amended, known as the City of Canton Zoning Ordinance and declaring the same to be an emergency. It is assigned to Ward 1 to rezone part of out lot #533 at 2317 13th Street NW from B-3, general business to PB-4 planned special business. The Planning Commission did not make a recommendation due to a 4 to 4 tie vote. Is there anyone in the audience wishing to speak for or against this zone, this zone change, please step forward?... Apparently not. The Chair declares this public meeting, hearing over in regard to the matter. The matter now rests in the hands of Council. We have a public hearing scheduled for 7:34pm and it's an ordinance vacating a portion of Union Avenue SW and part of a 14-foot unnamed alley between lots #1811 and 1813 and declaring the same to be an emergency. It is assigned to Ward 4. The Planning Commission is recommending approval. Is there anyone in the audience wishing to speak for or against this vacation, please come forward.... Apparently not. The Chair declares the public hearing over in regards to this matter. The matter now rests in the hands of Council. The ordinance will follow later this evening.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We're now under Informal Resolutions. Oh, I'm sorry, we're now under Public Speaks under Ordinance and Resolutions for adoption. We have no speakers signed up this evening.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We're now under information resolutions. Madame Clerk, please read

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Resolution 1 by title.

#1 CASAR, D., CNCLMBR AT LG: AMENDING CANTON CITY COUNCIL RULES OF PROCEDURES, RULE #2, REVISE COUNCIL MEETING SCHEDULE . - ADOPTED

PRESIDENT SCHULMAN: The Chair will recognize a motion to adopt Resolution #1.

MEMBER CASAR: Mr. President. I move we adopt Resolution #1; seconded

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #1. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS RESOLUTION #1 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: Resolution #1 has been adopted.

#2 COUNCIL AS A WHOLE: COMMENDING THE CANTON PARK DEPARTMENT AND CANTON RECREATION DEPARTMENT FOR HOLIDAY IN THE PARK LIGHTING DISPLAY. - ADOPTED

MEMBER CASAR: I move we adopt Resolution #2; seconded

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #2. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS RESOLUTION #2 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: Resolution #2 has been adopted.

MEMBER CASAR: Mr. President. May I please ask, please ask that a representative from the Park Board to come forward.

PRESIDENT SCHULMAN: Absolutely Member Casar.

MEMBER CASAR: (*PRESENTATION OF INFORMAL RESOLUTION MADE TO DOUG PERRY*) On behalf of Canton City Council, all the citizens of Canton and non citizens that have had the opportunity to go through the parks and see the wonderful job that you've done in the parks for the last couple years and the highlights of this year, we want to thank you very much for doing this. I know I walk the parks and I see the work in the daytime and the time it takes to do this and I want to commend, commend yourself and I know most of this was done without cost to the City of Canton, other than the equipment and the workers in the Park, you can see how beautiful the changes have made our park this season. I know you have extended it even further. I ran into Doug, Doug the other day when I was walking and he getting measurements for next year. I want to commend you and, and, on this, from the Councilmembers and the City of Canton. Now if you can do one other things for us, get rid of the geese. (*LAUGHTER AND APPLAUSE*)

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DOUG PERRY: Thank you very much!

PRESIDENT SCHULMAN: Thank you very much. The Chair will recognize the motion to adopt Resolution #3.

#3 COUNCIL OF THE WHOLE: CONGRATULATING ST. PAUL'S CATHOLIC CHURCH ON THEIR 100TH ANNIVERSARY. - ADOPTED

PRESIDENT SCHULMAN: A motion to adopt Resolution #3.

MEMBER CASAR: Mr. President. I move we adopt Resolution #3; seconded.

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

NO REMARKS

RESOLUTION #3 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: Resolution #3 is adopted Resolution #4 by title please.

#4. PERSONNEL COMMITTEE: REQUEST TO REAPPOINT JACK HAWK TO THE ARCHITECTURAL REVIEW BOARD EFFECTIVE 1/1/07 THROUGH 12/31/10. - ADOPTED

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Resolution #4; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #4. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye. Those opposed, no.

NO REMARKS

RESOLUTION #4 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: Resolution #4 has been adopted.

#5. PERSONNEL COMMITTEE: REQUEST TO REAPPOINT LISA SIMS TO THE CANTON CONSTRUCTION BOARD EFFECTIVE 1/1/07 THROUGH 12/29/09. - ADOPTED

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Resolution #5; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #5. Any remarks?... If not,

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by voice vote all those in favor signify by saying aye. Those opposed, no.

NO REMARKS

RESOLUTION #5 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: Resolution #5 has been 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 JANUARY 8, 2007.

1. AUDITOR, R.A. MALLONN, CITY OF CANTON: CERTIFICATE OF TOTAL AMOUNT FROM 2006 ALL SOURCES. - RECEIVED & FILED
2. AUDITOR, R.A. MALLONN, CITY OF CANTON: CERTIFICATE OF TOTAL AMOUNT FROM 2006 ALL SOURCES. - RECEIVED & FILED
3. AUDITOR, R.A. MALLONN, CITY OF CANTON: SUBMITTING 12/01/06 -12/29/06 MONTHLY REPORT BY FUND. - RECEIVED & FILED
4. AUDITOR, R.A. MALLONN, CITY OF CANTON: SUBMITTING 1/01/06-12/29/06 YEARLY REPORT BY FUND. - RECEIVED & FILED
5. CD & PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: AUTHORIZE MAYOR OR SERVICE DIRECTOR TO ENTER INTO AGREEMENT W/LITTLE CHICAGO BISTRO FOR NEW ECONOMIC GROWTH INITIATIVE INCENTIVES. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
6. CD & PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: AUTHORIZE MAYOR TO SUBMIT CITY OF CANTON COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY TO THE US DEPT OF COMMERCE, ECON. DEV. ADMIN.; NAMING MAJORITY LEADER CASAR & WARD 9 COUNCILMEMBER CARBENIA CO-SPONSORS OF THE LEGISLATION. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
7. CD & PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: AUTHORIZE MAYOR AND/OR SERVICE DIRECTOR TO MAKE APPLICATION FOR AND RECEIVE MONIES FR THE OHIO DEPARTMENT OF DEVELOPMENT FOR GRANT MONIES FROM THE CLEAN OHIO REVITALIZATION FUND FOR REMEDIATION OF HERCULES PROPERTY IN CANTON, OH. - FINANCE COMMITTEE
8. CD & PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: AUTHORIZE MAYOR AND/OR SERVICE DIRECTOR TO MAKE APPLICATION FOR & RECEIVE MONIES FROM

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OHIO DEPARTMENT OF DEVELOPMENT FOR GRANT MONIES FROM CLEAN OHIO REVITALIZATION FUND FOR REMEDIATION OF THE FORMER BISON PROPERTY IN CANTON, OH. - FINANCE COMMITTEE

9. CD & PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: AUTHORIZE THE MAYOR OR SERVICE DIRECTOR TO ENTER INTO AGREEMENT W/REM COMMERCIAL FOR THE NEW ECONOMIC GROWTH INITIATIVES IN ACCORDANCE WITH O#2/2006. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
10. LIQUOR CONTROL DIVISION (STATE OF OHIO): REQUEST NEW D4 LIQUOR PERMIT FOR CANTON POLICE PATROLMEN'S ASSN INC. @ 430 WALNUT NE. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
11. LIQUOR CONTROL DIVISION (STATE OF OHIO): REQUEST TRANSFER OF OWNERSHIP OF D1 D2 D3 & D3A LIQUOR PERMIT FR: HOLIDAY BAR & LOUNGE INC DBA NANCY OS LOUNGE TO: STERN & MANN BAR & GRILLE LLC DBA STERN & MAN BAR & GRILLE @ 220 MARKET AV N. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
12. MAYOR JANET CREIGHTON, CITY OF CANTON: REQUEST AMENDMENTS TO BARGAINING UNIT CLASS. PLAN IN POSITION GROUPS 20CC (CIVIC CENTER) & 20WT (WATER DEPT); & CHANGE IN POSITION GROUP 80AU ON BEHALF OF THE CITY AUDITOR. - PERSONNEL COMMITTEE
13. MAYOR JANET CREIGHTON, CITY OF CANTON: RECEIPT OF TENTATIVE AGREEMENT W/ 2937 & OH CNCL# 8, OF AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL EMPLOYEES, AFL-CIO FOR COUNCIL'S APPROVAL OR REJECTION. - PERSONNEL COMMITTEE
14. MAYOR JANET CREIGHTON, CITY OF CANTON: REQUEST TO APPOINT PASTOR ROBERT DYE TO FAIR EMPLOYMENT PRACTICES BD EXPIRING 12/31/09. - PERSONNEL COMMITTEE
15. PATTISON, ROBERT, HEALTH COMMISSIONER, CITY OF CANTON: REQUEST TO APPROPRIATE \$71,352.33 FR: UNAPPROPRIATED BALANCE OF THE 2327 LEAD SERVICES FUND TO 2327 LEAD SERVICES FUND. - FINANCE COMMITTEE
16. SAFETY DIRECTOR BERNARD HUNT: AUTHORIZE DIRECTOR OF PUBLIC SAFETY ON BEHALF OF CANTON FIRE DEPT TO ACCEPT A DONATION IN THE AMOUNT OF \$1,000 FR WALMART; REQUEST TO APPROPRIATE SAID FUNDS FROM UNAPPROPRIATED BALANCE OF 2783 FIRE DONATION FUND TO 2783 FIRE DONATION FUND. - FINANCE COMMITTEE
17. SAFETY DIRECTOR BERNARD HUNT: AUTHORIZE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT W/BURGESS AMBULANCE SALES, INC & ROAD RESCUE, INC. FOR PURCHASE OF A MEDIC UNIT & AND/OR RELATED EQUIP FOR FIRE DEPARTMENT IN TOTAL AMOUNT NOT TO EXCEED \$207,701.00. - FINANCE COMMITTEE

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18. SAFETY DIRECTOR BERNARD HUNT & SERVICE DIRECTOR JOSEPH CONCATTO: AUTHORIZE TO ALTERNATIVELY ENTER INTO CONTRACTS FOR PURCHASE OF SAID ITEMS IN ACCORDANCE W/ORC SEC 125.04, STATE COOPERATIVE PURCHASING AGREEMENT ORC SEC 5513.01, OHIO DEPARTMENT OF TRANSPORTATION PURCHASING AGREEMENT, & ORC SEC 735.05, NONPROFIT AGENCIES, PROGRAMING EXEMPT SAID PURCHASES FROM REQUIREMENT OF COMPETITIVE BIDDING. - FINANCE COMMITTEE
19. SERVICE DIRECTOR JOSEPH CONCATTO: AUTHORIZE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A 1-YR CONTRACT, EFFECTIVE 3/1/07 W/1- YEAR EXTENSION OPTION, W/RECREATION DEPARTMENT FOR \$25,000 YEARLY FIELD MAINTENANCE @ THURMAN MUNSON MEM STADIUM. - FINANCE COMMITTEE
20. SERVICE DIRECTOR JOSEPH CONCATTO: AUTHORIZE TO ENTER INTO THE FOLLOWING AGREEMENTS EFFECTIVE 2/1/07: CONTRACT W/AULTCARE CORP. PROVIDING MEDICAL, DENTAL & VISION CLAIMS ADMINISTRATION & ACCESS TO PPO NETWORK W/FEEES GUARANTEED THROUGH 1/31/10; CONTRACT W/BENEFIT SERVICES INC. FOR MEDICAL CLAIMS ADMINISTRATION W/FEEES GUARANTEED THROUGH 1/31/08 & ACCESS OHIO HEALTH CHOICE NETWORK; CONTRACT W/HM LIFE INS CO. THROUGH BENEFIT SERVICES, INC. PROVIDING STOP-LOSS INS COV W/PREMIUM RATES GUARANTEED THROUGH 1/31/08. - FINANCE COMMITTEE
21. STARK COUNTY COMMISSIONERS, STARK COUNTY OFFICE BUILDING, CANTON, OHIO: RECEIPT OF RESOLUTION & PERTINENT DOCUMENTS APPROVING STARK CERAMICS/THE QUARRY ANNEXATION. - PLANNING COMMISSION
22. TREASURER, SCHIRACK: REPORTS OF TREASURER'S OFFICE BANK RECONCILIATIONS, & CITY'S OUTSTANDING INVESTMENTS AS OF 12/29/06. - RECEIVED & FILED
23. TREASURER, SCHIRACK: COMPARATIVE REPORT OF CASH RECEIPTS FILED AS OF 12/31/06. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: We are 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, please read the first reading ordinances by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #5 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1 (1ST RDG) AN ORDINANCE AMENDING CHAPTER 743, JUNK DEALERS, OF PART SEVEN, BUSINESS REGULATION CODE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

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Referred to Judiciary 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 #241/2006 BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Finance Committee
- #3 (1ST RDG) AN ORDINANCE AMENDING SECTIONS 921.01, 921.02, 921.03 AND 921.06 OF CHAPTER 921, CITY SCAPES SIDEWALK AND CURB PROGRAM OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
Referred to the Public Property Capital Improvement and Judiciary Cmtes
- #4 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A ROAD MAINTENANCE AGREEMENT WITH THE STARK COUNTY COMMISSIONERS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- #5 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT THE CITY'S COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY AS REQUIRED BY THE US DEPARTMENT OF COMMERCE, ECONOMIC DEVELOPMENT ADMINISTRATION AND TO ACCEPT APPROVED FUNDING ON BEHALF OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We are now under Ordinances for their second reading. Madame Clerk, will you please read Ordinances #6 through #7 by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #6 THROUGH #7 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #6. (2ND RDG) AN ORDINANCE AUTHORIZING AND CONSENTING TO THE UPGRADING REPLACEMENT GROUND-MOUNTED SIGNS ON VARIOUS ROUTES IN STARK COUNTY UNDER THE SUPERVISION OF THE DIRECTOR OF TRANSPORTATION OF THE STATE OF OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY
- #7 (2ND RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$37,204.00 TO CANTON CITY SCHOOLS; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT SCHULMAN: We are now under Ordinances for their third and final reading. Madame Clerk, please read Ordinance #8 by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCE S #8 THROUGH #13 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

#8 (3RD RDG) **ADOPTED AS ORDINANCE 1/2007** AN ORDINANCE AMENDING SECTION 1129.19, GARAGE SALES IN RESIDENTIAL DISTRICTS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON **PUB HRG 1/8/07 @ 7:30 PM**

PRESIDENT SCHULMAN: The Chair will recognize the motion to adopt Ordinance #8.

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

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Ordinance #8 has been adopted. Ordinance #9 please Madame Clerk.

#8 ADOPTED AS ORDINANCE 1/2007

#9. (3RD RDG) **ADOPTED AS ORDINANCE 2/2007** AN ORDINANCE AMENDING ORDINANCE # 55/77 AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY

PUB HRG 1/8/07 @ 7:31 PM

PRESIDENT SCHULMAN: The Chair will recognize the motion to adopt Ordinance #9.

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

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #9, are there any remarks?... If not, roll call vote please Madame Clerk.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Ordinance #9 has been adopted. Ordinance #10 please, Madame Clerk.

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Ordinance #10, please Madame Clerk.

#9 ADOPTED AS ORDINANCE 2/2007

#10. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE 3/2007** AN ORDINANCE AMENDING ORDINANCE 55/77 AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY
PUB HRG 1/8/07 @ 7:32 PM

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

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #10, any remarks?

MEMBER CASAR: Mr. President. As per copy that all Councilpersons have in front of them, I, I move to amend Ordinance #10; seconded.

AMENDMENT: SECTION 2: THIS ZONE CHANGE IS APPROVED SUBJECT TO THE CONDITION THAT TWO 30 MINUTE PARKING SPACES BE CREATED ON THE STREET IN FRONT OF THE BUILDING LOCATED AT 1800 9TH STREET SW, CANTON, OHIO.

PRESIDENT SCHULMAN: It's been moved and seconded to amend Ordinance #10 as per copy for each of you. I'm sorry. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye. Those opposed, no. The question you're now voting on is the ordinance as amended. Are there any remarks under this ordinance as amended?... Roll call vote please Madame Clerk.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The question you're now voting on is the Ordinance as amended. Are there any remarks under this Ordinance as amended?... Roll call vote please Madame Clerk.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Ordinance #10 has been adopted. Ordinance #11 Madame Clerk.

#10 ADOPTED AS AMENDED AS ORDINANCE 3/2007

#11. (3RD RDG) **DEFEATED** 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
PUB HRG 1/8/07 @ 7:33 PM

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Ordinance #11; seconded.

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PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #11, are there any remarks?...

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Just to avoid any confusion, I, I believe this is the ordinance in Mr. Hawk's ward, 2317 13th Street. In this particular hearing for the Planning Commission, the Planning Commission made no recommendation, and as a result, this ordinance is written in the affirmative. So, if it's your desire to deny the request to rezone, this is an application to rezone from a plan, from a general business to a planned special business. If he, if your desire is to deny it, vote no. If you're desirous to approve of it, vote yes.

MEMBER HAWK: Thank you Law Director.

MEMBER CASAR: Thank you Law Director Martuccio, but we already knew that.

PRESIDENT SCHULMAN: Roll call vote please.

NO REMARKS

ROLL CALL: 0 YEAS 12 NAYS

CLERK TIMBERLAKE: Twelve nays Mr. President.

PRESIDENT SCHULMAN: Ordinance #11 has not been adopted, it's been defeated. Ordinance #12 please Madame Clerk.

#11 DEFEATED

#12. (3RD RDG) **ADOPTED AS ORDINANCE 4/2007** AN ORDINANCE VACATING A PORTION OF UNION AVENUE SW AND PART OF A 14-FT UNNAMED ALLEY BETWEEN LOTS 1811 & 1813; AND DECLARING THE SAME TO BE AN EMERGENCY
PUB HRG 1/8/07 @ 7:34 PM

PRESIDENT SCHULMAN: The Chair will recognize the motion.

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

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

NO REMARKS

ROLL CALL: 12 YEAS 0 NAYS

PRESIDENT SCHULMAN: Ordinance # 12 has been adopted. **#12 ADOPTED AS ORDINANCE 4/2007**

#13 (3RD RDG) **ADOPTED AS ORDINANCE 5/2007** AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF 1 PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S

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MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move to adopt Ordinance #13; seconded

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

NO REMARKS

ROLL CALL: 12 YEAS 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Ordinance # 13 has been adopted. **#13 ADOPTED AS ORDINANCE 5/2007**

ANNOUNCEMENT OF COMMITTEE MEETINGS

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

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: I'd like to call a meeting for the Community and Economic Development for 1/22/07 at 6pm.

PRESIDENT SCHULMAN: Thank you.

MEMBER HAWK: Mr. President

PRESIDENT SCHULMAN: Mr. Hawk.

MEMBER HAWK: Finance Committee will meet 1/22/07 at 6pm.

PRESIDENT SCHULMAN: Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Judiciary will meet January 22 at 6pm.

MEMBER PRATER: Mr. President.

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PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel will meet 1/22/07 at 6:00.

PRESIDENT SCHULMAN: Thank you. Member Kraus.

MEMBER KRAUS: Ah, Public Safety and Thoroughfare will meet at 1/22 at 6:00.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Member Dougherty.

MEMBER DOUGHERTY: Public Property Capital Improvement will also meet that evening at 6pm.

PRESIDENT SCHULMAN: Thank you. Anyone else?...

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: We're now under Public Speaks, Open Forum. We have no speakers signed up tonight.

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: We are now under miscellaneous business, is there any miscellaneous business....

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: other than.... Yes Member Casar.

MEMBER CASAR: I move we adjourn; seconded.

PRESIDENT SCHULMAN: Wait.... well I, ya, I ya.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: There's been a motion...

MEMBER CARBENIA: I said it.

PRESIDENT SCHULMAN: ... and it's been seconded to adjourn. I just wanna wish Butch Kraus a very healthy and happy birthday and a long happy, healthy life. That's all.

CLERK TIMBERLAKE: Happy Birthday Butch.

(All of Council wished Councilmember Kraus happy birthday)

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas Mr. President

PRESIDENT SHULMAN: Meeting's adjourned. GO BUCKS!! (*gavel falls*)

ADJOURNMENT TIME: 7:46 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT OF COUNCIL

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