

**MINUTES OF THE MEETING OF SEPTEMBER 8, 2008**

PRESIDENT SCHULMAN: Good evening ladies and gentleman. Sorry for the delay, we had a fairly long Caucus meeting this evening. Before we begin Service Director Bernabei called me a couple days ago and gave me a heads up on the person that the Mayor has just hired as Executive Assistant and wanted me to meet with her and said that she was that she was a phenomenal addition to the Mayor's Department. And I met with this young lady today and I have to say, she is incredible, she is everything that the Service Director said she was and the Mayor is to be commended for this hiring. I'm going to introduce her in a moment, she is a graduate of the University of Kentucky in English and Women's Studies. She has come to us from Columbus where she worked with Congress...former Congress Member Tom Sawyer, who is now a Ohio State Senator and I'd like to tell you she's also going to be the Mayor's liaison to the Canton Sustainability Commission and with that, I'd like Bethany Chamberlain, will you stand up and say hello to City Council and the audience.

*(APPLAUSE)*

BETHANY CHAMBERLAIN: *(Inaudible from the audience)*

PRESIDENT SCHULMAN: Welcome and thank you very much. Yeah, I'm sorry, you're also not allowed to stand, please sit down. *(Laughter)* That came from the Service Director by the way who has kinda been a smart aleck all night. Don, do you have anything you wish to add? Mr. Leader?

MEMBER CASAR: I think you covered quite well.

PRESIDENT SCHULMAN: Thank you. 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:*

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

ELEVEN COUNCILMEMBERS PRESENT. COUNCILMEMBER THOMAS WEST ABSENT.

CLERK TIMBERLAKE: Eleven present Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Tonight we're going to have our invocation given by Councilmember Mary Cirelli, I know that Member Cirelli would also desire, as I do, a moment of silence, we lost a wonderful woman today and our former Chair, Roy Gutierrez, lost his wife after some years of illness. Judy Gutierrez passed away today and our thoughts and prayers are with her family and I know that Mary has indicated after her innovation if we could have a moment of silence before the pledge of allegiance. Thank you. So if you'll all rise.

*The regular meeting of Canton City Council was held on Monday, September 8, 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 Councilmember-at-Large, Mary Cirelli, followed by a moment of silence for Judy Gutierrez and the Pledge of Allegiance led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

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PRESIDENT SCHULMAN: Thank you very much Mary. 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 9, 11, 12, 13, 14, 15 and 16. It's my understanding that Ordinances 7, 8 and 10 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 for the second reading, Ordinances #9, 11, 12, 13, 14, 15, & 16 to this evening's agenda.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to second reading Ordinances 9, 11, 12, 13, 14, 15 and 16 to this evening's Agenda, holding 7, 8 and 10 in Committee. Are there any remarks? If not, Madame Clerk roll call vote please.

NO REMARKS ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you the motion carries and rule 22A is suspended and the Ordinances are a legal part of your Agenda.

**PUBLIC HEARINGS**

PRESIDENT SCHULMAN: We're now under Public Hearings and we do have one Public Hearing and it is AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE FIRST TEE ANNEXATION AREA CONTAINING APPROXIMATELY 0.247 ACRES; ASSIGNING SAID TERRITORY TO WARD 6 OF THE CITY; ZONING SAID TERRITORY AS OS (OPEN SPACE); AND DECLARING THE SAME TO BE AN EMERGENCY; PLANNING COMMISSION HAS RECOMMENDED THE SAME. Is there anyone in the audience wishing to speak for or against this annexation, will you please step forward. And once again, is there anyone in the audience wishing to speak for or against this annexation please step come forward. Seeing no one step to the podium, the Chair declares the public hearing over in regard to the matter. The matter will now rest in the hands of Council and the Ordinance will follow later this evening.

**PUBLIC SPEAKS**

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: We are now under Informal Resolutions. Member Casar, I will recognize a motion to excuse Member West.

MEMBER CASAR: Mr. President, I move we excuse Ward 2 Councilman, Thomas West from this evening's meeting.

MEMBER CARBENIA: Seconded.

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PRESIDENT SCHULMAN: Thank you, it's been moved and seconded to excuse Member West from this evening's meeting, I know he had pressing business and he's always here but unfortunately couldn't be with us this evening. Are there any other remarks on this? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk and the motion carries and Member West is therefore excused from this evening's meeting. Madame Clerk will you now read Resolution 82 by title please.

#82. BARTON, P., WARD 7 CNCLMN: REQ STREET LIGHT ON EXISTING POLE #771C2-73 AT 1626 TRINITY PL NW. - ADOPTED

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Resolution #82.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #82. Are there any remarks? Councilmember Barton.

MEMBER BARTON: I just ask for Council's support on this. We have the Honabargers who are here in the audience who I asked to come down this evening. I just wanted to go on record to Council and the Mayor's Administration that these fine citizens of Canton actually have been vandalized twice in the past two and a half weeks we they've had pieces of asphalt thrown in their front window. This is up by Overlook Terrace Apartments up off of Trinity. Mr. Honabarger had actually witnessed some kids running down into those apartments complexes but this is twice in the past two and a half weeks and then again earlier this year. They're at the point where they're going to just board up their front window. So I ask that we go ahead and get a light out there for them so hopefully we can curb this and put some light on these kids that are doing this. Thank you.

PRESIDENT SCHULMAN: Thank you Member Barton. Thank you for bringing it to our attention, we appreciate it. That's what, that's what Councilmembers are for, they're responsive to their constituents. Are there any other remarks? If not then, by voice vote, all those in favor of Resolution 82 signify by saying aye. Those opposed no.

NO REMARKS      RESOLUTION #82 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The Resolution carries. Thanks again Member Barton.

**COMMUNICATIONS**

PRESIDENT SCHULMAN: We're now under Communications, let the journal show that all communications are received as read.

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***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 8, 2008.***

350. AUDITOR MALLONN (CITY): CERTIFICATE OF TOTAL AMT FR: 2008 ALL SOURCES. - RECEIVED & FILED
351. AUDITOR MALLONN (CITY): MONTHLY RPT BY FUND FOR 8/1/08 - 8/29/08. - RECEIVED & FILED
352. AUDITOR MALLONN (CITY): YEARLY RPT BY FUND FOR 1/1/08 - 8/29/08. - RECEIVED & FILED
353. CANTON FIRE DEPT: 2007 ANNUAL REPORT. - RECEIVED & FILED
354. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE THE ACCEPTANCE OF PARCEL AS DONATIONS (#03-04051 MARKET AVE N, #02-02211 WOOSTER AVE NE, #02-02194 RAYNOLDS PL SW). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
355. FINANCE COMMITTEE: REQ 2009 BUDGET BY 12/1/08. - RECEIVED & FILED
356. HEALTH BENEFITS ADMIN, BRESSON: AUGUST 2008 MO COMPARATIVE RPT OF INSUR CLAIMS & JAN - AUG 2008 PAID CLAIMS & COMPARATIVE RPT. - RECEIVED & FILED
357. LIQUOR CONTROL DIVISION (OHIO): REQ TRANSFER OF C1 C2 LIQ PERMIT TO 1939 MAHONING RD INC DBA MAGGIORES @ 1939 MAHONING RD NE FROM DABA INC. - RECEIVED & FILED
358. PLANNING COMMISSION: PROVIDING LIST OF SITES ON NAT'L REGISTER OF HISTORIC PLACES. - RECEIVED & FILED
359. SAFETY DIRECTOR NESBITT: APPROVE DEMOLITION OF VARIOUS PROPERTIES. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
360. SERVICE DIRECTOR BERNABEI: REQ CERTIFICATION OF DELINQUENT WATER & SEWER CHRGS TO STK CNTY AUDITOR PROPERTY TAX LIST. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
361. SERVICE DIRECTOR BERNABEI: REQ STATEMENT OF SERVICES FOR KEY BANK ANNEXATION LOCATED IN PERRY TOWNSHIP. - ANNEXATION COMMITTEE
362. TREASURER SCHIRACK: RPT OF TREAS OFC BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF 8/29/08. - RECEIVED & FILED
363. TREASURER SCHIRACK: AUGUST 2008 DEPOSITS & PAY INS. - RECEIVED & FILED
364. TREASURER SCHIRACK: AUGUST 2008 PARKING METER REVENUE. - RECEIVED &

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FILED

365. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS AS OF 8/31/08. - 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. Thank you.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #6 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.***

#1. (1<sup>ST</sup> RDG) 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

Referred to Finance Committee

#2. (1<sup>ST</sup> RDG) 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

Referred to Public Safety & Thoroughfares Committee

#3. (1<sup>ST</sup> RDG) 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

Referred to Finance Committee

#4. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO MAKE APPLICATION FOR, EXECUTED 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

Referred to Finance Committee

#5. (1<sup>ST</sup> RDG) 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

Referred Finance Committee

#6. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 123/2008** A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE KEY BANK ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON,

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OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Annexation Committee

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President I move we suspend the Statutory Rules on Ordinance #6.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded....

MEMBER CASAR: Mr. President, I'm sorry, it's gotta go to Committee.

PRESIDENT SCHULMAN: Thank you. And the motion would be?

MEMBER CASAR: The Motion would be that you would call a Committee Meeting, that's what you would do.

MEMBER CARBENIA: It's your prerogative.

PRESIDENT SCHULMAN: Okay, thank you. The Chair will then declare an in house recess for Ordinance 6. The Committee is to meet in regard to Ordinance 6 on this evening's agenda. You're now in recess.

*(COUNCIL RECESSED @ 7:48 PM AND RECONVENED @ 7:51 PM TO DISCUSS THE PASSAGE OF ORDINANCE #6)*

PRESIDENT SCHULMAN: Member Smuckler, thank you very much. The Council will now reconvene after it's recess and Member Casar.

MEMBER CASAR: Mr. President I move we suspend Rule 22A and place Ordinance #6 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 6 back on this evening's agenda. Are there any remarks? If not Madame Clerk, roll call vote please.

NO REMARKS ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: That motion carries and Ordinance 6 is now a legal part of your Agenda, Member Casar.

MEMBER CASAR: Mr. President, I move we suspend the Statutory Rules on Ordinance #6.

MEMBER CARBENIA: Seconded.

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PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance 6. Are there any remarks? If not Madame Clerk, roll call vote please.

NO REMARKS ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #6.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #6. Are there any remarks under this Ordinance? If not, Madame Clerk, roll call vote please.

NO REMARKS ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #6 therefore has been adopted.

**ORDINANCE #6 ADOPTED AS ORDINANCE #123/2008****ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: We're now under Ordinances for their second reading. Madame Clerk, would you please read Ordinance #9 by title.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #9, #11, #12, #13, #14, #15 AND #16 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. (ORDINANCES #7, #8 & #10 RETAINED IN COMMITTEE)***

#7. (2<sup>ND</sup> RDG) ***RETAINED IN COMMITTEE*** AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

#8. (2<sup>ND</sup> RDG) ***RETAINED IN COMMITTEE*** 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

#9. (2<sup>ND</sup> RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (#02-47368 QUEEN CT NW)

#10. (2<sup>ND</sup> RDG) ***RETAINED IN COMMITTEE*** AN ORDINANCE AUTHORIZING THE MAYOR OR

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*DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE YWCA OF CENTRAL STARK COUNTY TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$15,000 FOR MISCELLANEOUS OPERATING COSTS FOR THE TRANSITIONAL HOUSING PROGRAM KNOWN AS NEW BEGINNINGS; AND DECLARING THE SAME TO BE AN EMERGENCY*

#11. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING SECTION 505.18, DANGEROUS OR VICIOUS ANIMALS, OF CHAPTER 505, ANIMALS AND FOWL, OF THE CODIFIED ORDINANCES

#12. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING ORDINANCE NO. 17/2007; AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, THE CLASSIFICATION PLAN AND GENERAL SALARIES FOR MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

#13. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH NORTHEAST OHIO LABOR MANAGEMENT COUNCIL IN AN AMOUNT NOT TO EXCEED \$10,000 TO PROVIDE LABOR MANAGEMENT CONSULTATION SERVICES; AMENDING ORDINANCE NO. 1/2008 BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

#14. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY MORAL OBLIGATIONS IN A TOTAL AMOUNT NOT TO EXCEED \$14,000.00 TO AULTWORKS OCCUPATIONAL MEDICINE AND PSYCHOLOGICAL AND FAMILY CONSULTANTS; AMENDING ORDINANCE NO. 1/2008 BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

#15. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS, APPROPRIATION TRANSFERS AND INTERFUND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (GASOLINE & DIESEL FUEL)

#16. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (WATERWORKS)

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

PRESIDENT SCHULMAN: Thank you Madame Clerk. We're now under Ordinances and Formal Resolutions for their third reading and final reading. Madame Clerk will you please read Ordinance 17 by title.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #17 THROUGH AND INCLUDING #24 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.***

#17. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 124/2008** 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: 8/25/08 @ 7:30 PM**



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PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #17.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #17. Any remarks? If not Madame Clerk, roll call vote please.

NO REMARKS      ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

**#17 ADOPTED AS ORDINANCE NO. 124/2008**

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #17 is adopted. Ordinance #18 please.

#18. (3<sup>RD</sup> RDG)      **ADOPTED AS ORDINANCE NO. 125/2008** AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE FIRST TEE ANNEXATION AREA CONTAINING APPROXIMATELY 0.247 ACRES; ASSIGNING SAID TERRITORY TO WARD 6 OF THE CITY; ZONING SAID TERRITORY AS OS (OPEN SPACE); AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #18.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 18. Any remarks under this Ordinance? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS      ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

**#18 ADOPTED AS ORDINANCE NO. 125/2008**

PRESIDENT SCHULMAN: Ordinance #18 is adopted. Ordinance #19 please.

#19. (3<sup>RD</sup> RDG)      **ADOPTED AS ORDINANCE NO. 126/2008** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LEASE AGREEMENT WITH THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #19.

MEMBER CARBENIA: Seconded.

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PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 19. Are there any remarks under this Ordinance?

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I'd like to just say for the record, I don't feel it's right for the City to give free office space to any organization, be it public or be it private. I don't think it's morally right and I question whether it's legally right. So I'd like to ask the Law Director a question if I may. Law Director Martuccio, would it be right legally for the City of Canton to give this space to an organization free of charge without advertising and receiving bids for it?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member Casar, the Ohio Revised Code generally prescribes that when the City no longer has need for municipal property that it bid it to the highest bidder for lease or sale for five times in the newspaper of general circulation. So, to answer your question, if this were approved, this could be challenged. It was written for other reasons but it could be challenged.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Thank you Law Director Martuccio.

MEMBER CIRELLI: Mr. Chairman.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Mr. Martuccio, I am a member of the organization, should I vote on this or not sir?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, I would....are you an officer?

MEMBER CIRELLI: No sir.

LAW DIRECTOR MARTUCCIO: Do you hold a fiduciary role?

MEMBER CIRELLI: No sir.

LAW DIRECTOR MARTUCCIO: Do you have...do you act in any way shape or form on the budget of that particular organization?

MEMBER CIRELLI: No sir.

LAW DIRECTOR MARTUCCIO: I believe you do not have to, legally, abstain if you choose to you can and

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it would be understandable.

MEMBER CIRELLI: Thank you.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Any other remarks under this Ordinance?

MEMBER SMITH: Yes, Mr. President.

PRESIDENT SCHULMAN: Yes, Member Smith.

MEMBER SMITH: I'd just like to say, this um...it's not the particular building that they are asking for that. It's just a room that's not being utilized for anything at this particular point, not even for storage or anything. And I would ask for you support on this for that particular reason.

PRESIDENT SCHULMAN: Thank you Member Smith, any other remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS      ROLL CALL: 9 YEAS, 1 NAY, 1 ABSTAIN  
(MEMBER CASAR VOTED NAY & MEMBER CIRELLI ABSTAINED)

CLERK TIMBERLAKE: Nine yeas, one abstain and one nay.

**#19 ADOPTED AS ORDINANCE NO. 126/2008**

PRESIDENT SCHULMAN: Okay thank you Madame Clerk. Ordinance #19 is adopted. Ordinance #20 please.

#20. (3<sup>RD</sup> RDG)      **ADOPTED AS ORDINANCE NO. 127/2008** AN ORDINANCE AUTHORIZING THE CITY OF CANTON TO ACCEPT DONATION OF REAL PROPERTY FROM FRANK A. WILLIAMS (FIELD ST.)

PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 20. Any remarks? If not Madame Clerk, roll call vote please.

NO REMARKS      ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

**#20 ADOPTED AS ORDINANCE NO. 127/2008**

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #20 is adopted. Ordinance #21 please.

#21. (3<sup>RD</sup> RDG)      **POSTPONED TO SEPTEMBER 22, 2008** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY, NO LONGER

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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 #21.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: Thank you, it's been moved and seconded to adopt Ordinance #21. Any remarks? If not Madame Clerk, roll call.....

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Casar.

MEMBER CASAR: I'd like to ask the...I don't know who this...the Mayor I suppose a question on this one. Mayor, has the CCI Committee say they would accept this property? Ordinance #21.

MEMBER CARBENIA: I think it's Allen School.

PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: Thank you Mr. President. The CIC has an upcoming meeting in two weeks and I believe this will be on the agenda.

MEMBER CASAR: Should we put the cart before the horse and then donate something to them and we don't even know if they want to accept it?

PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: Mr. President, yes, I believe the intent from the CIC is to recommend this but again that meeting has not happened.

MEMBER CASAR: Mayor, as you know I am a member of that committee and I don't recall even any discussion on this.

PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: Thank you. As I said, the meeting is scheduled for two weeks from now.

MEMBER CASAR: I understand it's scheduled but we, this committee has never taken this into any consideration for this property and I'm saying how do you know that we have the votes to accept this property after Council is going to give it to them? Shouldn't it be the other way around, CIC should say they will be willing to accept it and we, meaning Council of the City of Canton, would deed it over to them.

PRESIDENT SCHULMAN: Mayor Healy.

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MAYOR HEALY: Yes Mr. President. I guess it's your prerogative to delay this until the CIC meets, that's your choice.

MEMBER CASAR: I personally am a member of the committee and I would like to know more about what it's going to be used for and if the CIC has money in our limited budget to do anything, and you know, you're a member of that committee also. And you know we're tight on funds and I just want to know what this is going to cost. We're taking over a building of a substantial size with vandalism and everything else. I mean, you know I'd just like to know, you know, what it's going to end up costing the CIC Committee which we're limited funds already.

PRESIDENT SCHULMAN: Do you think it would be appropriate Member Casar to postpone this for two weeks?

MAYOR HEALY: Mr. President.

PRESIDENT SCHULMAN: Yes, Mayor Healy.

MAYOR HEALY: We do have the Director of Development, Robert Torres, whose been working on that. If you'd like, I'm sure he could address this with more detail.

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: I'm also a member of that committee and I would suggest that we delay this until that committee meets and we thrash this out. I don't see a real problem in it but there are some questions that we need to have answered.

PRESIDENT SCHULMAN: Well, I think all we need is a motion to that effect.

MEMBER CARBENIA: *(Inaudible)*

PRESIDENT SCHULMAN: It's been moved and seconded therefore to postpone Ordinance #21, do we have a date certain for the postponement?

MEMBER CARBENIA: After the CCIC meeting, the Monday after the CCIC meeting.

PRESIDENT SCHULMAN: Which would be September 23<sup>rd</sup>, is that right Member Casar? 20...well 25<sup>th</sup>? That's our next meeting.

*(Inaudible)*

PRESIDENT SCHULMAN: Are we going to postpone it to our next regularly scheduled two week...two weeks from now meeting? Wouldn't that be the 25<sup>th</sup>, or am I wrong? Oh the 20...oh I'm sorry, I'm looking at the August...So we're gonna...the motion is to postpone Ordinance #21 until Monday, September 22<sup>nd</sup>. Thank you, I was looking at the wrong month Mary, I was in August. Okay, any remarks? By voice vote, all those in favor to postpone Ordinance 21 until September 22<sup>nd</sup> say aye. Those opposed no.

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NO REMARKS      POSTPONE O#21 UNTIL 9/22/08 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The motion carries and Ordinance 21 is postponed. Madame clerk, Ordinance #22 please.

#22. (3<sup>RD</sup> RDG)      **ADOPTED AS ORDINANCE NO. 128/2008** AN ORDINANCE AMENDING SECTION 521.08, LITTERING AND DUMPING, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

MEMBER CASAR: Mr. President, I move we adopt Ordinance #22.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: Now don't trick me on this Member Casar. It's been moved and seconded to adopt Ordinance 22. Any remarks? No remarks, Madame Clerk, roll call vote please.

NO REMARKS      ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

**#22 ADOPTED AS ORDINANCE NO. 128/2008**

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #22 is adopted. Ordinance #23 please.

#23. (3<sup>RD</sup> RDG)      **ADOPTED AS ORDINANCE NO. 129/2008** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (HEALTH DEPT)

PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 23. Any remarks? If not Madame Clerk, roll call vote please.

NO REMARKS      ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

**#23 ADOPTED AS ORDINANCE NO. 129/2008**

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

#24. (3<sup>RD</sup> RDG)      **ADOPTED AS ORDINANCE NO. 130/2008** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR LIGHTING MAINTENANCE OF INTERSTATE 77 WITHIN CANTON CITY LIMITS; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Ordinance #24.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #24. Any remarks? If not Madame Clerk, roll call vote please.

NO REMARKS      ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

**#24 ADOPTED AS ORDINANCE NO. 130/2008**

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #24 is adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

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

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: The Finance Committee will meet Monday, September 15, 2008 at 6 P.M.

PRESIDENT SCHULMAN: Thank you.

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel Committee will meet Monday, September 15<sup>th</sup> at 6:00.

PRESIDENT SCHULMAN: Thank you.

MEMBER KRAUS: Mr. Chairman, or Mr. President, I'm sorry.

PRESIDENT SCHULMAN: Member Kraus.

MEMBER KRAUS: Public Safety & Thoroughfares will meet 9/15 at 6:00.

PRESIDENT SCHULMAN: Thank you. Any other committee meetings? Member Smuckler? No you're alright, we've been told you're alright. That is questionable but that's what Cindy has said.

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

PRESIDENT SCHULMAN: We're now under Public Speaks, Open Forum. And I believe we have two speakers signed up this evening. And I think these speakers have spoken previously but just to quickly

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remind you, City Council has a request that you only speak for three minutes if you have anything further to say, we'll all be here to listen to what you have to say after the meeting. Our first speaker is Crystal Byrd. Good evening. If you would step to the podium please and give us your name and your residential address please.

CRYSTAL BYRD: Hello, my name is Crystal Byrd, my residential address is 120 North Avenue in Tallmadge, Ohio.

PRESIDENT SCHULMAN: Good evening.

CRYSTAL BYRD: Good evening.

PRESIDENT SCHULMAN: And thanks for coming.

CRYSTAL BYRD: Oh, thank you for having me. Before I get started, I would first like to thank Council President, Allen Schulman, Honorable William J. Healy II, Mayor, the Ward Councilmembers, the citizens of Canton and Ms. Mari Moss for this great opportunity. A little bit about myself, I've been assisting with PEACE T.V. for the past two years and my experience and expertise is in media and I've had the opportunity to transition from a young leader in the PEACE T.V. program to honor talent to Board President. Ms. Moss, the former Executive Director of PEACE T.V. has recently appointment me as the new Executive Director as she will be relocating to New York. And it's an honor and privilege to serve in this capacity, I accept the position and it is my duty to uphold the mission of the organization which is to empower the youth of Stark County by utilizing the media to reach them in positive ways. I realize that these will be huge shoes to fill but I am up to the challenge. And I can be reached by email at [CrystalByrd@yahoo.com](mailto:CrystalByrd@yahoo.com). Thank you.

PRESIDENT SCHULMAN: Thank you and congratulations.

*(APPLAUSE)*

PRESIDENT SCHULMAN: And I do think Ms. Byrd that you do have large shoes to fill, so we thank you for your effort, we know you're going to do a great job, as did your predecessor. Thank you. Our next speaker and last speaker is Brenda Kimbrough, Kimbrough, I'm sorry. Brenda, good evening. If you would give us your name and your residential address please.

BRENDA KIMBROUGH: My name is Brenda Kimbrough, I live at 614 7<sup>th</sup> St NE in Canton, Ohio.

PRESIDENT SCHULMAN: And good evening to you again.

BRENDA KIMBROUGH: And good evening esteemed Councilmembers. I have a concern and my concern is about AEP. AEP has decided that they were...the City has allowed this, to build a substation right in my front room door. I'm assaulted daily with noise of the equipment that they are using to put in information for this particular item. Some of the things that I am concerned about, where does it all end? My question is, alright, we've torn out an entire City block, you've taken a street up, out of the ground, you put poles up. I have to travel and everyone else in my neighborhood have to go around this whole project, which is adding, what, three tenths of a mile every time you go around this area. This is between 7<sup>th</sup> Street, 8<sup>th</sup> Street and Savannah which is being taken up. Now I was told that when they talked to me that they were not going to take any streets out or block off any streets in my neighborhood. This did not happen, not only did they take the street up but they pulled up all of the bricks and they put a pole right in the middle of it. I do have



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pictures of all of this that I can make sure that you can see. Now, we've seen the destruction of trees, we've seen this open space now is going to be taken for the footers and the equipment that's going to come in. One hundred and fifty foot poles have been put in my neighborhood all around. Ten trees have been cut down, that's alone in my area on 12<sup>th</sup> Street which will be along Nimissilla Park. Some of them were diseased true, but the other five were not but they were all cut down in view of running this wire to this particular substation. Where does it all end? Now, not only are one hundred and fifty foot poles put in around my neighborhood and they put in about an access of what, two or three truckloads, they're also putting in footers, which means that there is going to be at least a hundred and fifty feet down in the ground. My question is where does it all end? Now that we have gas being at \$3.49 a gallon, having to travel around this just to get to our house. The beauty will be gone because once the structure is built and I have no idea how large it's going to be but I am so sure I will not be able to look downtown every again once it's built. And to top it off, they're closing this structure in, which means this whole City block will be controlled by bricks. And so now when I look out instead of seeing the lovely trees, I get to see a nice brick wall in the front of my area. Where does it all end? What are we going to leave for the next generation, we'll have more power but more power at the sacrifice of dead trees at the sacrifice of the beauty that would be for downtown. How much power do we need and where does it all end?

PRESIDENT SCHULMAN: That concludes our public speaks tonight.

**MISCELLANEOUS BUSINESS**

RESIDENT SCHULMAN: And we're now under Miscellaneous Business. Is there any?

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Member Kraus.

MEMBER KRAUS: I'd like to thank City Council and on behalf of St. Anthony's Parish, they sent us a nice letter thanking also for the support we gave them and the add that we took out in their 100<sup>th</sup> year anniversary and it will be on display in the Council office and I'm going to pass it around.

PRESIDENT SCHULMAN: Thank you Member Kraus.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you. I would like to take a moment to commend those in the audience who were in the cast and crew of Ragtime for lifting us up as youth, as older people, as races, and culturally. It took us to a great place. I want to commend Mari Moss for also taking us to good places and the work she's done with our youth. (*Applause*) Our loss will be New York City's gain but you'll come back. And we want to wish you every, every good fortune Ms. Byrd in your success in succeeding a good predecessor, we know you'll do the same.

LAW DIRECTOR MARTUCCIO: Thank you Law Director Martuccio, any other Miscellaneous Business? Member Casar.

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

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MEMBER CARBENIA: Seconded.

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

NO REMARKS      ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Motion carries and the meeting is adjourned. (*Gavel falls*)

ADJOURNMENT TIME: 8:16 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

ALLEN SCHULMAN  
PRESIDENT