

**MINUTES OF THE MEETING OF MAY 19, 2008**

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, CHRIS SMITH, TERRY PRATER, DAVID R. DOUGHERTY, PATRICK BARTON & "BUTCH" KRAUS)

TWELVE COUNCILMEMBERS PRESENT

CLERK TIMBERLAKE: Twelve present Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. We'll have the invocation given tonight by Councilmember Jim Griffin. Will you all please remain standing for the Pledge of Allegiance.

*The regular meeting of Canton City Council was held on Monday, May 19, 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 James Griffin, followed by the Pledge of Allegiance led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: We're now under agenda corrections. Members of Council, you're going to be asked to suspend Rule 22A to add Communication #236 the Second Reading of Ordinances #5, 6, 8 and 9; Ordinance #4 will be referred back to the Planning Commission and Ordinance #7 will be retained in committee. Member Casar, the Chair will recognize that motion.

MEMBER CASAR: Mr. President. I move we suspend Rule 22A to add Communication #236 and 2<sup>nd</sup> Reading Ordinances #5, #6, #8 and #9 to this evening's agenda.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add Communication #236 and second reading Ordinances #5, #6, #8 and #9 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: The Motion carries and Rule 22A is suspended and Communication #236 and the Ordinances are a legal part of your agenda.

**PUBLIC HEARINGS**

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

**PUBLIC SPEAKS**

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

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: We're now under Informal Resolutions.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move to postpone Resolution #44 to June 16, 2008.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to postpone Resolution #44 until June 16, 2008. Are there any remarks? If not by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS    RESOLUTION #44 POSTPONED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: Ah....the Motion Carries and Informal Resolution 44 is continued until June 19, 2008. *(He meant to say June 16, 2008)* Ah....Madame Clerk, would you please read Resolution 53 by title.

#53. COUNCIL AS A WHOLE: CONGRATULATING THE CATHOLIC MEN'S LUNCHEON CLUB FOR THE DEDICATION TO THEIR FAITH. - ADOPTED

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Resolution #53.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution 53. Are there any remarks?

MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: Member Griffin.

MEMBER GRIFFIN: Could we have the Clerk read the Resolution.

PRESIDENT SCHULMAN: Yes, Madame Clerk, would you please read the full Resolution.

CLERK TIMBERLAKE: **AN INFORMAL RESOLUTION RESPECTFULLY SUBMITTED BY COUNCIL AS A WHOLE ON THIS 19<sup>th</sup> DAY OF MAY, 2008 WHEREAS:** The "Catholic Men's Luncheon Club" is celebrating their 75<sup>th</sup> Anniversary on May 20<sup>th</sup>, 2008; and, **WHEREAS:** During these 75 years the men of this club have provided fellowship through their solidarity and sharing faith with one another; and, **WHEREAS:** These men have shown the strength of their faith by educating and bringing awareness in reunited strength to the important issues of the time; and, **WHEREAS:** The group is strong role

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models for the Community as they have a rich heritage and history of the Church in Stark County and the greater Canton Community. **Now Therefore Be It Resolved:** We, the members of Canton City Council do hereby reaffirm the mission of **THE CATHOLIC MEN'S LUNCHEON CLUB** and congratulate them for the dedication to their faith. Jim.

PRESIDENT SCHULMAN: Thank you Madame Clerk.

MEMBER GRIFFIN: Thank you.

PRESIDENT SCHULMAN: Any other remarks? If not Madame...if not by voice vote, all those in favor signify by saying aye. Those opposed, no.

NO REMARKS    RESOLUTION #53 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: Resolution 53 is therefore adopted.

MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Griffin.

MEMBER GRIFFIN: I'll deliver that tomorrow. Their having a dinner tomorrow evening at the C.Y.C. and I'll deliver it then.

PRESIDENT SCHULMAN: Very good, thank you Member Griffin very much. Ah...Madame Clerk, would you please Informal Resolution 54 by title.

#54. COUNCIL AS A WHOLE: CONGRATULATING CAPTAIN JAMES MYERS ON HIS RETIREMENT. - ADOPTED

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Resolution #54.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution 54. Are there any remarks?

MEMBER CASAR: Mr. President, I would ask the Clerk to read ah...please read...ah... Resolution #54.

PRESIDENT SCHULMAN: If you would Madame Clerk, thank you.

CLERK TIMBERLAKE: My pleasure. **AN INFORMAL RESOLUTION RESPECTFULLY SUBMITTED BY COUNCIL AS A WHOLE ON THIS 19<sup>TH</sup> DAY OF MAY, 2008 WHEREAS:** Captain James W. Myers was hired on the City of Canton Police Department as a police officer on March 18, 1968. After serving over 40 years on the department he retired on April 25, 2008; and, **WHEREAS:** Captain Myers has always lived by the motto "To serve, not to be served". Captain Myers worked in many departments while at the Police Department. In 1973, he started the polygraph unit; and in 1974 he was the youngest

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policeman to ever make the Vice Squad. In 1985, he started the Police K-9 unit and ran it for several years. The K-9 unit was very successful under his command. In 2005, Captain Myers was very instrumental in starting the Gang Task Force Unit; and, **WHEREAS:** Captain Myers was promoted several times during his career. In 1976 he was promoted to Sergeant, in 1979 he was promoted to Lieutenant, and in 1990 he was promoted to Captain. As Captain, he was in charge of the Detective Bureau and the Internal Affairs office. In 2002, Captain Myers was transferred to the Patrol Division where he supervised the Vice Unit, the Traffic Division and the Patrol Division with nearly 100 officers of the 173 member department under his command; and, **WHEREAS:** Captain Myers has many additional credits to his name. He is a true professional in every sense of the word. He has worked diligently to improve life in his community. He has enriched the lives of many children and senior citizens alike. He has made numerous lifelong friends while at the Police Department. **Now Therefore Be It Resolved:** That we, the members of Canton City Council do hereby go on public record congratulating, commending and saluting **CAPTAIN JAMES W. MYERS** for his everlasting loyalty to the City of Canton and the community, his immeasurable hard work and dedication to his job and for going above and beyond the call of duty for and with his fellow Officers. You are truly one of our "CANTON HEROS"!

*(STANDING OVATION)*

PRESIDENT SCHULMAN: Chief, I understand you'd like to say something too. And I know Member Carbenia will make the presentation.

CHIEF MCKIMM: Thank you...ah...President Schulman. Um..um...Director..um...Bernabei, ah...Law Director Martuccio, Councilmembers...um and citizens, I want to thank you for allowing me to make this presentation. What I'd like to do is present this plaque that the Police Department has prepared for Captain Myers. Um...you heard a long list of his achievements with the Department over his forty year career and I won't bother to repeat those things. But I just want to say that um...Captain Myers has served in almost every...in almost every capacity in the Canton Police Department over the forty year career and served each division..um..particularly well. Many of those...ah..positions that he has served in, he actually helped to initiate or create, which is a real...um...ah...accomplishment for Captain Myers. But I'll always remember Captain Myers as somebody who...um...had a very unique ability, an ability that I don't think I've ever seen quite like it in any other police officer and probably never will for the remainder of my career. Um...he had a true ability to be able to treat people in...in a way that...um...that was just...um...awe inspiring at times, in...in a way, it showed that he really cared for the person, he really cared for the...ah...whether it was a suspect, whether it was a victim, he treated them with great, great respect, a respect that you sometimes only see in a..ah...in a father or...or even a clergy member. At the same time, he had the ability to...ah...treat a...treat a criminal with his...ah...just deserve and ah...he was always very judicious and very careful in ah...in how he...how he treated both the criminal and both the ah...victims...and...and...and it showed...ah...what a great...ah...officer he really was. So at this time, I'd like to present this plaque to...ah...Captain Myers from the Police Department, which simply says...um "For your exemplary service to Canton Police Department and the Citizens of our Community. It's a lasting testament of the value you have added to the lives of countless people, whom you have touched in your service." So Captain, congratulations for forty years of service.

*(APPLAUSE)*

PRESIDENT SCHULMAN: Captain, before we ah...we hear from you...ah..let's take a vote on this to make sure this is what we actually want to do. *(Laughter)*

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CAPTAIN JAMES MYERS: Okay.

PRESIDENT SCHULMAN: There's been a motion and it's been seconded. All those in favor, signify by saying aye. Those opposed no.

NO REMARKS    RESOLUTION #54 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: Captain, congratulations and I know Member Carbenia would like to say a few things before we hear some words from you.

MEMBER CARBENIA: First off, I'd like to congratulate you personally.

CAPTAIN JAMES MYERS: Thank you Joe.

MEMBER CARBENIA: I've had a lot of dealings with you over the years and I think that all of Council would love to shake your hand and tell you what type of person we think you are. The main thing is that the Chief already took almost everything I wanted to say about you and the type of police you were and I'm glad he did, I'm glad he was here to speak...ah...for all the programs that you start and worked at. You either created them or worked at them, everything that there was and you always did a fine job and I think that...ah...everybody in the City has appreciated you, along with our constituents out there. I'm sure that they...that they know what type of person you are. We're not happy to see you go in one sense but in the other sense, I'm happy to see you go and get out of the rat race and get some retirement under ya. Go travel a little bit, do a little fishing, I don't know if you play golf but everyone fishes. So with that, I would like to congratulate you one more time and present you with this plaque.

*(APPLAUSE)*

CAPTAIN JAMES MYERS: I'd like to say just a few words. First of all, thank you. Ah...I served the City of Canton for forty years and I've been good to the City of Canton. But the City of Canton has been good to me too. Allowed me to ah...provide...ah to get married, have a house, two children, sent them to good schools. So, I thank that City and my biggest...ah...thank you goes to the citizens who I had the pleasure of working with and as...ah...Ms. Timberline read...ah...my motto always has been to serve, not to be served. Ah...I believe that...ah...to serve, not to be served. Ah...I believe that...ah...to serve and protect on the side of the car is true and ah...I enjoyed it for forty years, that's why I stayed around. I'd still be here but ah...Nesbitt gave me the boot. *(Laughter)* No, just kidding. Forty years, it's time to go. And I have ah...several things planned in the future...ah...I just bought a house for myself to ah...reward myself. I live up there by the Mayor now in Montabello.

MEMBER KRAUS: That's my ward.

CAPTAIN JAMES MYERS: Oh, you live up there too?

MEMBER KRAUS: *(Inaudible)*

CAPTAIN JAMES MYERS: God Bless ya. *(Laughter)* So I thank you, the citizens, the Councilmembers, one and all. And God Bless ya.

*(APPLAUSE)*

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CHIEF MCKIMM: Council President, if I could have one more minute.

PRESIDENT SCHULMAN: Sure.

CHIEF MCKIMM: Um...I feel I'd be remiss if I didn't also mention...um...Captain Allison, who also recently retired from the Canton Police Department. Um....another fine, fine officer who served for years and years in our Department and almost as many....in almost as many capacities as I think Captain Myers did. Um...unfortunately he couldn't be here tonight but...but...but I can't let this go by without acknowledge...acknowledging his service also to the Canton Police Department.

*(STANDING OVATION)*

PRESIDENT SCHULMAN: Okay, that's the last time we're going to stand up tonight. *(Laughter)* We go back a long way. It's good to see ya and congratulations and our very best on your retirement. We're getting very old Jim. *(Laughter)* Ah...Informal Resolution 55 please.

CLERK TIMBERLAKE: Boring. *(Laughter)*

PRESIDENT SCHULMAN: Pardon?

CLERK TIMBERLAKE: Boring. *(Laughter)*

PRESIDENT SCHULMAN: No, we're not boring we're very *(inaudible)*

#55. COUNCIL AS A WHOLE: RATIFYING BILLING EXEMPTIONS. - ADOPTED

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Resolution #55.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution 55. Are there any remarks? If not by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS RESOLUTION #55 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The motion carries. Ah...Madame Clerk, Informal Resolution 56 please.

#56. SMUCKLER, W., CNCL-AT-LARGE: RATIFYING BILLING EXEMPTIONS. - ADOPTED

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Resolution #56.

MEMBER CARBENIA: Seconded.

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PRESIDENT SCHULMAN: Thank you. It's been moved and seconded to adopt Resolution 56. Are there any remarks? Member Smuckler, any remarks you'd like to make?

MEMBER SMUCKLER: No.

PRESIDENT SCHULMAN: Okay...ah...hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS RESOLUTION #56 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The motion carries.

**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 MAY 19, 2008.***

222. AUDITOR MALLONN (CITY): CERTIFICATE OF TOTAL AMT FR: 2008 ALL SOURCES. - RECEIVED & FILED

223. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR TO ENTER INTO FUNDING AGMT W/STARK CTY OUT OF POVERTY PARTNERSHIP TO PROVIDE CDBG FUNDS IN AMT OF \$50,000.00 & HOME FUNDS IN AMT OF \$500,000.00 TO ADMINISTER & IMPLEMENT CITY'S HSNG PROGS TO BENEFIT LOW & MODERATE INCOME FAMILIES FOR 1 YEAR. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

224. NAT'L STEELWORKERS OLD TIMERS FOUNDATION, APPLICANT: REQ ZONE CHANGE @ 3825 - 13<sup>TH</sup> ST SW FR: R-1A/R-4 TO: PB-4 TO ALLOW ELECTRONIC MESSAGE CENTER. - PLANNING COMMISSION

225. PLANNING COMMISSION: RECOMMENDING APPROVAL OF VACATION OF LEY PL NW BETW HIGH & WELLS AVES NW & WELLS AVE BETW 4<sup>TH</sup> & 5<sup>TH</sup> STREETS NW; RECOMMENDING APPROVAL OF REPLAT OF LTS 247, 2753 - 2762, PART OF LTS 248 & 249, PART OF VACATED MCKINLEY AVE NW & VACATED WELLS AVE & LEY PL NW (HILSCHER CLARK ELECTRIC). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

226. PLANNING COMMISSION: RECOMMENDING APPROVAL OF VARIOUS TEXT CHANGES TO SEC 1157 OF COD ORDINANCES (I-1 LIGHT INDUSTRIAL DISTRICT). - JUDICIARY COMMITTEE

227. PLANNING COMMISSION: RECOMMENDING DENIAL OF ZONE CHANGE @ 1731 WALLACE AVE NE FR: R-1 TO: PB-4 TO ALLOW A MECHANIC'S GARAGE (MARTHA ANDERSON). - JUDICIARY COMMITTEE

228. PLANNING COMMISSION: RECOMMENDING APPROVAL WITH STIPULATIONS OF ZONE CHANGE @ 1513 - 15<sup>TH</sup> ST NE FR: R-1A TO: PR-4 TO CONDUCT A CONTROLLED ROOMING & BOARDING FACILITY (CYNTHIA WALKER). - JUDICIARY COMMITTEE

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229. PLANNING COMMISSION: RECOMMENDING APPROVAL WITH STIPULATIONS OF ZONE CHANGE @ 1411 - 15<sup>TH</sup> ST NE FR: R-1A TO: PR-4 TO CONDUCT A CONTROLLED ROOMING & BOARDING FACILITY (CYNTHIA WALKER). - JUDICIARY COMMITTEE
230. PLANNING COMMISSION: RECOMMENDING APPROVAL TO REPLAT LT 42865 (SW CORNER OF 6<sup>TH</sup> ST NW & MCKINLEY AVE) & DEDICATE WELLS AVENUE NW. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
231. PLANNING COMMISSION: RECOMMENDING APPROVAL TO REPLAT LT 42791 (ON QUARRY LAKE DR SE) (MICHAEL CAVEY). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
232. SAFETY DIRECTOR NESBITT: REQ \$1,842.69 SUPP APPROP TO REPLACE LIGHT POLE ON MONTROSE AVE NW WHICH WAS DAMAGED DUE TO AUTO ACCIDENT. - FINANCE COMMITTEE
233. SERVICE DIRECTOR BERNABEI: PROVIDING INFO RE: THE PURCHASE OF ECIVIS GRANT FINDING SOFTWARE PKG & RECOMMENDING COUNCIL PERMIT COMPLETION OF TRIAL PERIOD W/SOFTWARE TO DETERMINE ITS EFFECTIVENESS BEFORE CONSIDERING HIRING A FULL-TIME PERSON FOR GRANT WRITING PURPOSE. - FINANCE COMMITTEE
234. SERVICE DIRECTOR BERNABEI: REQ GRANTING AN EASEMENT TO TIMKEN CO IN PUBLIC RIGHT OF WAY WITHIN WEST LANE OF DUEBER AVE SW FOR PURPOSES OF INSTALLATION OF A COMMUNICATIONS CONDUIT. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
235. SERVICE DIRECTOR BERNABEI: AUTHORIZE VARIOUS APPROPS FR: UNAPPROP BAL OF 4501 CAPITAL IMPROVEMENT FUND IN TOTAL AMT OF \$616,171.00. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
236. SERVICE DIRECTOR BERNABEI: REQ FOR MULTIPLE ITEMS OF LEGISLATION ASSOCIATED W/BISON CORPORATION REMEDIATION PROJECT. - COMMUNITY & ECONOMIC DEVELOPMENT 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, would you please read the First Reading Ordinances by title.

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

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING ORDINANCE NOS. 50/2008 AND 247/2007; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Environmental & Public Utilities & Judiciary Committees

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#2. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO ENTER INTO CONTRACT WITH KRONOS INCORPORATED FOR THE ACQUISITION, INSTALLATION AND MAINTENANCE OF A NEW TIME AND ATTENDANCE SYSTEM PURSUANT TO O.R.C. SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

#3. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Personnel Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: We are now under Ordinances for their second reading. Madame Clerk, will you please read the Ordinance #5 by title.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #4 THROUGH AND INCLUDING #9 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.***

#4. (2<sup>ND</sup> RDG) **REFERRED BACK TO PLANNING COMMISSION** *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*

#5. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING CHAPTER 1305 OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

PRESIDENT SCHULMAN: Thank you, we're now under Ordinances for their third and final...

CLERK TIMBERLAKE: Ordinance #6....

PRESIDENT SCHULMAN: Oh, I'm sorry.

#6. (2<sup>ND</sup> RDG) AN ORDINANCE REINSTATING AND RATIFYING RESOLUTION NO. 243/2006; AUTHORIZING THE SERVICE DIRECTOR TO EXECUTE THE "2008 START-UP GRANT AGREEMENT" WITH THE SOLID WASTE MANAGEMENT DISTRICT (SWMD), TO APPLY FOR, ACCEPT AND EXECUTE AN ADDITIONAL GRANT FROM THE SWMD FOR \$181,000.00 FOR START-UP COSTS, TO WORK WITH THE LAW DEPARTMENT TO EFFECT ALL AGREEMENTS, ORDINANCES AND RESOLUTIONS NECESSARY FOR THE IMPLEMENTATION OF THE RECYCLING PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

#7. (2<sup>ND</sup> RDG) **RETAINED IN COMMITTEE** *AN ORDINANCE AMENDING SECTION 551.02, PROHIBITIONS AND PENALTY, OF CHAPTER 551, WEEDS AND LITTER, OF THE CODIFIED ORDINANCES*

#8. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO

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RENAME THE WATER POLLUTION CONTROL CENTER; AUTHORIZING THE LAW DIRECTOR TO AMEND ALL CODIFIED ORDINANCES REFERRING TO THE WATER POLLUTION CONTROL CENTER; AMENDING EXHIBIT A TO ORDINANCE NO. 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND 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

#9. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING NO. 1/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT SCHULMAN: Thank you Madame Clerk. We're now under Ordinances, the third and final reading. Madame Clerk will you please read Ordinance #10 by title.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #10 THROUGH #13 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.***

#10. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 71/2008** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE 2008 SIDEWALK PROGRAM; AMENDING APPROPRIATION ORDINANCE NO. 1/2008, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFER HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #10. Are there any remarks? Member Casar.

MEMBER CASAR: Mr. President, I move we adopt....amend Ordinance #10 per the copy that all Councilpersons have in front of them.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: Seconded.

**AMENDMENT**

*Pursuant to Rule 36, I move to amend Agenda Item No. 10 by substituting the Ordinance attached for the Ordinance currently pending before Council.*

PRESIDENT SCHULMAN: Thank you. It's been moved and seconded to amend Ordinance #10 per the copy before each of you. Are there any remarks? If not by voice vote on that motion to amend, all those in

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favor, signify by saying aye. Those opposed, no.

NO REMARKS AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The motion Carries. Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #10 as amended. Are there any remarks under this Ordinance as amended? If not Madame Clerk roll call vote please.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

**#10 ADOPTED AS AMENDED AS ORDINANCE NO. 71/2008**

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

#11. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 72/2008** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO JOB CREATION TAX INCENTIVE AND NET PROFITS INCENTIVE AGREEMENTS WITH HYDRODEC NORTH AMERICAN HOLDINGS, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #11. Are there 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.

**#11 ADOPTED AS ORDINANCE NO. 72/2008**

PRESIDENT SCHULMAN: Ordinance #11 is adopted. Ordinance #12 please.

#12. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 73/2008** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF REHABILITATION & CORRECTION FOR RECEIPT OF THE FY 2009 COMMUNITY CORRECTIONS ACT GRANT IN AN AMOUNT NOT TO EXCEED \$80,261.00; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

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

NO REMARKS ROLL CALL: 12 YEAS, 1 NAY

(MEMBER CARBENIA VOTED  
NAY)

CLERK TIMBERLAKE: Eleven yeas, one nay, Mr. President

**#12 ADOPTED AS ORDINANCE NO. 73/2008**

PRESIDENT SCHULMAN: Ordinance #12 is adopted. Ordinance #13 please.

#13. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 74/2008** 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

PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #13. Are there 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.

**#13 ADOPTED AS ORDINANCE NO. 74/2008**

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

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

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

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move....I mean I...ah...would like to make an announcement that the...ah...Water Facilities Committee will meet June 2<sup>nd</sup> at 5:30.

PRESIDENT SCHULMAN: Thank you.

**MINUTES OF THE MEETING OF MAY 19, 2008**

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Finance Committee will meet Monday, June 2<sup>nd</sup> at 6:30.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Judiciary will meet June 2<sup>nd</sup> at the same time.

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel Committee will meet June 2<sup>nd</sup> at 6:30.

MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: Member Griffin.

MEMBER GRIFFIN: Environmental will meet at the same time, 6:30, June 2<sup>nd</sup>.

PRESIDENT SCHULMAN: Any other Committee Meetings?

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

PRESIDENT SCHULMAN: We're now under Public Speaks, Open Forum. We have two speakers signed up this evening. I recognize both of them...ah...from previous Public Speaks. Our first speaker is Patricia Kirk. Ms. Kirk will come up and again, give us your name and your...ah...residential address please.

PATRICIA KIRK: Hello, good evening. My name is Patricia Kirk and I live at 131 5<sup>th</sup> St NE and tonight I would simply like to remind you of a tree pruning...ah...session we are going to have at the little Kresge Park downtown, Wednesday night, 5:30 and this is done because if you prune a tree when it's young, just two years after you plant it, you save thousands of dollars in the future. And also I would like to say thank you for finally ah...considering the Tree Ordinance to be put on the law books of Canton City. Thank you very much.

*(APPLAUSE)*

PRESIDENT SCHULMAN: Thank you. And again...ah...Patricia, thank you for all your hard work and dedication to this, we really do appreciate it future generations will appreciate it. Ah...our next speaker is Mary Knorzer. Mary, good evening. We met...ah....outside, if you'll come up and just give us your name and residential address and just remember we only have three minutes. Thank you.

MARY KNORZER: My name is Mary Knorzer and I live at 1116 Clarendon. Last week I presented a situation of an elderly lady and I just wanted to know if anybody found out anything about it or not.

PRESIDENT SCHULMAN: We can't answer that now but we will.

**MINUTES OF THE MEETING OF MAY 19, 2008**

MARY KNORZER: Oh, okay, that's fine and also, keep up the Girl Scout Troop. I was a Girl Scout Leader for seven years and I have girls come to me that I was a leader of, that appreciated everything I did. So if you ever need any help, afterwards, I'll give you my name and I'll get you guys all the badges you want.

PRESIDENT SCHULMAN: Thank you Mary very much. Thank you.

*(APPLAUSE)*

PRESIDENT SCHULMAN: And that concludes our Public Speaks.

**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: We're now under Miscellaneous Business. Is there any miscellaneous business?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Gibbs Area Involved Neighborhoods, May 20<sup>th</sup> on Tuesday at 6:30, guest speaker, Lester Sander's, Gang Prevention and Resource Coordinator will...ah...be at the Canton Calvary Mission. And anybody wanting more information, speak to Christine, who is the leader of that Neighborhood Association. Also um...this past week, two weeks, in the last two weeks...uh...two of my homes and my snow plow has been stolen. We put forth...two of homes...excuse me, the copper in my home has been stolen. Um...in two of the houses that I own. I'm very disappointed because we put some teeth into our scrap metal Ordinance and I'm very disappointed that the State has not come through with passing it Statewide. Um..this is not just happening to me but it's happening throughout our community and our neighborhoods. And it's really sad because no one sees what's happening. We see air conditioners being taken off of a lot of the businesses but yet they're still ah...no one sees what's happening. So, I don't know what to do here, I don't know where we're at with this but somehow we're going to have to remedy this for the...for our Community and for our Neighborhoods

*(APPLAUSE)*

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

MEMBER CASAR: Mr President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move that we adjourn.

MEMBER CARBENIA: Seconded.

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

MEMBER DOUGHERTY: Point of Order. Point of Order.

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CLERK TIMBERLAKE: Point of Order? Point of Order.

MEMBER DOUGHERTY: Were we going to go into Executive Session?

CLERK TIMBERLAKE: No we're not Dave.

MEMBER DOUGHERTY: Okay.

CLERK TIMBERLAKE: I'm sorry.

PRESIDENT SCHULMAN: The Executive Session has been cancelled. Madame Clerk.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas.

PRESIDENT SCHULMAN: Is the meeting adjourned? (*Gavel falls*) The meeting is adjourned, thank the girls.

ADJOURNMENT TIME: 8:15 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

ALLEN SCHULMAN  
PRESIDENT