

MINUTES OF THE MEETING OF FEBRUARY 9, 2009

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. Before we begin I want to make a couple of comments, if I, well I am the President so I can say what I want. We had, the Mayor and I had the privilege, as I know some of perhaps you in the audience did of attending the Kimono exhibit at our Canton Museum of Art, and I can tell you, this is an extraordinary exhibition. There are only two cities in the United States which are conducting this exhibit. One is San Diego, California and the other is Canton, Ohio. I want to publicly thank The Timken Company and the Timken Foundation. They donated over \$1,000,000.00 to bring these Japanese treasures and they are Japanese treasures to our city. We expect to have thousands, thousands of tourist coming to Canton and coming to the Art Institute for the very purpose of observing and seeing this incredible exhibition, so I think our city deserves a great round of applause as does The Timken Company and the Timken Foundation. (APPLAUSE) And once again, I would just reiterate, I know our Law Director and a lot of us believe this, the arts are a great economic engine and this Council, I know is very sensitive to that. We are developing and incubating a tremendous arts colony here and we have this tremendous exhibit and I would just encourage all of us to start thinking in terms, not only of sports which we love and we care about and they are great for our community but also the arts in our community. Secondly, I want to personally thank John Labriola, I hope John is somewhere in the audience. John you have done, we cannot tell you how much you have done for our city. We appreciate your great public service. I understand you have an opportunity, and as opportunities knock we all have to at least listen and in some cases answer and we are going to miss you. Believe me, you have done an incredible job. (APPLAUSE) Always quiet but effective. Lastly, I can tell you, I know some of us have seen our leader. I say that loosely, Leader Casar is recovering from surgery and I can tell you he is in a lot of pain but he still is cantankerous as ever so obviously we wish our leader the best of good health and soon, and I know that Member Griffin is not here tonight and obviously we are thinking about him. I think this flu that is going around is effecting a lot of us and I know that Member Carbenia is kinda taken down but he is here working hard. So with that, with a quorum being present, the Chair calls the meeting of Canton City Council to order, roll call please, Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

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

TEN MEMBERS PRESENT, TWO ABSENT (DON CASAR AND JAMES GRIFFIN)

CLERK TIMBERLAKE: Ten present, two absent, Mr. President.

PRESIDENT SCHULMAN: Thank you very much Madame Clerk. Tonight we're going to have our invocation given by Ward 6 Council Member David Dougherty. Will you all remain standing for the pledge of allegiance please.

The regular meeting of Canton City Council was held on Monday, February 9, 2009 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 Council Member David Dougherty, the Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: You can tell you are getting old when you start forgetting the words to the Pledge

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of Allegiance. And you are supposed to be leading them, to boot. We're now under agenda corrections and changes and Members of Council, you're going to be asked to suspend Rule 22A to add the second reading of Ordinances 2 through and 9, with the exception of #7, Member Carbenia, the Chair will recognize that motion, and #7 will be retained in Committee. Member Carbenia.

MEMBER CARBENIA: Mr. President, I move Rule 22A be suspended to add Ordinances 20, Ordinance 2 through 9, excluding #7 which will be retained in Committee.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to the second reading Ordinances 2 through 9. Seven being retained in Committee to this evening's agenda. Are there any remarks, if not, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas, Mr. President

PRESIDENT SCHULMAN: Thank you Madame Clerk. Rule 22A is suspended and those 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

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 Resolution. Member Carbenia, the Chair will recognize a motion to excuse Members Casar and Member Griffin from this evening's meeting with the reasons stated previously..

MEMBER CARBENIA: Mr. President. I move we excuse Majority Leader Casar and Member Griffin from tonight's meeting.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to excuse Members Casar and Griffin from this evening's meeting. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas, Mr. President

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PRESIDENT SCHULMAN: Motion carries and Members Casar and Griffin are excused from this evening's meeting. We are now under further Resolutions and Resolution 9 has been withdrawn. Madame Clerk will you please read Resolution 13 by title..

#13. COUNCIL AS A WHOLE: URGING CONGRESSIONAL BAILOUT BUSINESS COMMUNITY TO HIRE AMERICANS FIRST - ADOPTED

PRESIDENT SCHULMAN: Member Carbenia.

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

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded to adopt Resolution 13. Are there any remarks under this Resolution?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: I would like the Clerk of Council to read that please sir.

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

CLERK TIMBERLAKE: Whereas, The United States business community has continued the practice of not only hiring Americans but also recruited many people from foreign lands; and, Whereas, Many of these foreign hirings have resulted in laying off Americans and bringing these workers in at lesser pay scales; and, Whereas, Many United States banks have sought Government permission to bring many of these foreign workers to the United States; and, Whereas, A dozen United States banks now receiving the largest rescue packages totaling \$150 billion have recruited and asked for visas for more than 21,800 workers over the last six years; and, Whereas, These positions have included such high paying jobs as senior vice presidents, corporate attorneys, junior analysts, and human resource specialists; and, Whereas, The average income of these positions is over \$90,000.00 per year and is double the median income for the average American household; and Now Therefore Be It Resolved: that we, Canton City Council go on public record supporting hiring American workers first if taxpayer's dollars are being used to bailout banks and major corporations.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Member Cirelli would you offer any other remarks?

MEMBER CIRELLI: Yes, Mr. President. In light of the present financial crisis, it is interesting to read what Thomas Jefferson said in 1802. "I believe that banking institutions are more dangerous to our liberties than standing armies. If the American people ever allow private banks to control the issue of their currency, first by inflation, then by deflation, the banks and corporations that will grown around the banks, will deprive the people of all property until there children wake up homeless on the continent that their father's conquered." Thank you sir.

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PRESIDENT SCHULMAN: Thank you, Member Cirelli. Are there any other remarks under Resolution 13? If not by voice vote, all those in favor signify by saying yea, those opposed no.

NO REMARKS

RESOLUTION #13 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it and the Resolution is adopted. Madame Clerk would you please read Resolution 14 by title.

#14. SMUCKLER, B., CNCL-AT-LG: COMMENDING SUE CARTER FOR HER MANY YEARS AS A CANTON SMALL BUSINESS OWNER. - ADOPTED

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Resolution #14.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded to adopt Resolution 14. Are there any remarks, Member Smuckler? None, OK. Any other remarks? Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #14 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The yeas have it and the motion carries.

COMMUNICATIONS

PRESIDENT SCHULMAN: We're 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 FEBRUARY 9, 2009.

65. AUDITOR MALLONN (CITY): MONTHLY RPT BY FUND FR: 1/1/09 - 1/30/09. - RECEIVED & FILED

66. AUDITOR MALLONN (CITY): YRLY RPT BY FUND FR: 1/1/09 - 1/30/09. - RECEIVED & FILED

67. DEVELOPMENT DIRECTOR TORRES: REQ \$41,040.00 SUPP APPROP FR: UNAPPROP 2421 CANTON RAIL STATION FUND TO: 2421 CANTON RAIL STATION FUND - OTHER; AUTHORIZE MAYOR &/OR SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR CANTON RAIL STATION PROJ. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES

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68. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO LEASE AGMT RETRO 8/1/08 - 6/30/09 AT RATE OF \$3,000.00 PER MONTH W/STARK CTY EDUCATIONAL SERVICE CENTER FOR LEASE OF 2 CLASSROOMS LOCATED WITHIN EDWARD L. "PEEL" COLEMAN COMMUNITY CENTER. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE COMMITTEES
69. LIQUOR CONTROL DIVISION (OHIO): NOTICE OF HRG RE: RENEWAL OF LIQ PERMIT ON 2/25/09 @ 10:00 AM FOR ANGELA NEWMAN, WHISTLE STOP @1215 W. TUSC. - RECEIVED & FILED
70. SAFETY DIRECTOR NESBITT: REQ POSITION OF POLICE DEPT RECORD ROOM SUPERVISOR BE TAKEN OUT OF STEP SYSTEM & PLACED INTO PAY RANGE. - PERSONNEL & FINANCE COMMITTEES
71. SERVICE DIRECTOR PRICE: AUTHORIZE CITY TO ACCEPT & APPROPRIATE \$1,463,700.00 & \$500,000.00 GRANTS FR: OHIO PUBLIC WORKS COMMISSION FOR WATER TREATMENT PLANT UPGRADES FOR NORTHWEST TREATMENT PLANT CONSTRUCTION AND PAYMENT OF CAPITAL INTEREST ACCRUED ON OWDA LOAN DURING CONSTRUCTION. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE COMMITTEES
72. SERVICE DIRECTOR PRICE: AUTHORIZE WATER DEPT TO APPLY FOR & ENTER INTO PLANNING LOAN W/OH WATER DEV AUTHORITY FOR AMT NOT TO EXCEED \$1,500,000.00 FOR IMPROVEMENTS OF NORTHWEST WATER TREATMENT PLANT; AUTHORIZE TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR CONSTRUCTION OF WATER TREATMENT PLANT UPGRADES; AUTHORIZE TO ENTER INTO CONTRACT W/BURGESS & NIPLE FOR ENGINEERING SVCS; AUTHORIZE WATER DEPT TO FILE APPLICATION TO SECURE A LOAN THRU WATER SUPPLY REVOLVING LOAN ACCT IN CONJUNCTION W/OHIO WATER DEV AUTHORITY FOR \$15,000,000.00 LOAN TO BE AMORTIZED OVER PERIOD OF 20 YRS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE COMMITTEES
73. TREASURER SCHIRACK : JANUARY 2009 DEPOSITS & PAY INS TO AMBULANCE LOCK BOX ACCT. - RECEIVED & FILED
74. TREASURER SCHIRACK: JANUARY 2009 PARKING METER REVENUE. - RECEIVED & FILED
75. TREASURER SCHIRACK: RPT OF TREAS OFC BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF 1/30/09. - RECEIVED & FILED
76. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS AS OF 1/31/09. - RECEIVED & FILED

MINUTES OF THE MEETING OF FEBRUARY 9, 2009**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

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

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

- #1. (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF EASEMENTS IN REAL PROPERTY; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ACQUIRE EASEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We're now under Ordinances for their second reading. Madame Clerk will you please read Ordinance 2 by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #2, #3, #4, #5, #6, #8, AND #9 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. ORDINANCE #7 IS RETAINED IN COMMITTEE

- #2. (2ND RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 15/2009** 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 (LAW DEPT)

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we suspend the statutory rules on Ordinance 2.

MEMBER CIRELLI: Seconded

PRESIDENT SCHULMAN: It has been moved and seconded to suspend the statutory rule for Ordinance #2. Are there any remarks? If not Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries and Member Carbenia you have heard the three readings.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #2.

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MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded to adopt Ordinance #2. Are there any remarks under this Ordinance?

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: I move we amend Ordinance #2 with a copy that all Council people have in front of them.

MEMBER CIRELLI: Seconded

AMENDMENT:

Pursuant to Rule 36, I move to amend Agenda Item No. 2 by substituting the ordinance attached to this Amendment for the ordinance currently pending before Council.

PRESIDENT SCHULMAN: It has been moved and seconded to amend Ordinance #2 per the copy before each of you. Are there any remarks? If not by voice vote, all those in favor of the motion, signify by saying yea, those opposed no.

NO REMARKS

ORDINANCE #2 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The motion carries, and Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #2 as amended.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded to adopt Ordinance #2 as amended and that is what you are voting on. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten years, Mr. President.

#2 ADOPTED AS AMENDED AS ORDINANCE NO. 15/2009

PRESIDENT SCHULMAN: Motion carries and the Ordinance as amended #2 is adopted. Ordinance #3 please.

#3. (2ND RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 16/2009** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH TAYLOR CHEVROLET FOR THE PURCHASE OF 12 IMPALA SEDANS IN AN AMOUNT NOT TO EXCEED \$292,692.00, TO

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PURCHASE ADDITIONAL SAFETY ACCESSORIES AND/OR EQUIPMENT FOR THESE VEHICLES IN AN AMOUNT NOT TO EXCEED \$58,000.00; AND TO PURCHASE ONE 2009 CHEVROLET TAHOE IN AND AMOUNT NOT TO EXCEED \$33,054.00 FOR THE POLICE DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt, or we suspend statutory rule on Ordinance 3.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: There is a motion to suspend the statutory rule on Ordinance 3. Are there any remarks? If not roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas, Mr. President.

PRESIDENT SCHULMAN: The motion carries and the statutory rule is suspended for Ordinance #3. You have heard the three readings, Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #3.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded to adopt Ordinance #3. Are there any remarks under this Ordinance?

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA, I move we amend Ordinance #3 with the copy that all the Council people have in front of them.

MEMBER CIRELLI: Seconded.

AMENDMENT:

Pursuant to Rule 36, I move to amend Agenda Item No. 3 by the substitution of the attached, revised ordinance for the pending version.

PRESIDENT SCHULMAN: It has been moved and seconded, therefore, to amend Ordinance #3, per the copy before each of you. Are there any remarks? If not, on that motion by voice vote all those in favor signify by saying yea, those opposed no.

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NO REMARKS

ORDINANCE #3 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The motion carries, Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #3 as amended.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded to adopt Ordinance #3, as amended. Are there any remarks under this Ordinance as amended? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas, Mr. President.

#3 ADOPTED AS AMENDED AS ORDINANCE NO. 16/2009

PRESIDENT SCHULMAN: The motion carries and Ordinance #3, as amended has been adopted. Ordinance #4, please.

- #4. (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO. 174/2008; AND DECLARING THE SAME TO BE AN EMERGENCY
- #5. (2ND RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$85.00 TO CLEVELAND SECTION OPC; AND DECLARING THE SAME TO BE AN EMERGENCY
- #6. (2ND RDG) AN ORDINANCE RATIFYING A PROFESSIONAL SERVICES CONTRACT WITH HOLLAND & KNIGHT; AUTHORIZING ANY AMOUNT BILLED IN EXCESS OF \$15,000.00 BE PAID AS A MORAL OBLIGATION; AND DECLARING THE SAME TO BE AN EMERGENCY
- #7. (2ND RDG) **RETAINED IN COMMITTEE** AN ORDINANCE AMENDING SECTION 515.05, FAIR HOUSING COMMISSION, OF CODIFIED ORDINANCES OF THE CITY OF CANTON;
- #8. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO MAKE APPLICATION, EXECUTE GRANT AGREEMENTS AND ACCEPT FUNDS FOR VARIOUS GRANT PROGRAMS FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES; AND DECLARING THE SAME TO BE AN EMERGENCY
- #9. (2ND RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE DIANO ANNEXATION AREA CONTAINING APPROXIMATELY 51.228 ACRES; ASSIGNING SAID TERRITORY TO WARD 6 OF THE CITY; ZONING SAID TERRITORY AS I-1 (LIGHT INDUSTRIAL); AND

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DECLARING THE SAME TO BE AN EMERGENCY

PUB HRG: 2/23/09 @ 7:30 P.M.**ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING**

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

#10. (3RD RDG) **ADOPTED AS ORDINANCE NO. 17/2009** AN ORDINANCE AMENDING ORDINANCE NO. 193/2008 BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Carbenia.

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

MEMBER CIRELLI: Seconded.

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

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas, Mr. President.

#10 ADOPTED AS ORDINANCE NO. 17/2009

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

#11. (3RD RDG) **ADOPTED AS ORDINANCE NO. 18/2009** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH TRINITY GOSPEL TEMPLE TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$50,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: I move we adopt Ordinance #11.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #11. Are there any remarks under this Ordinance? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas, Mr. President.

MINUTES OF THE MEETING OF FEBRUARY 9, 2009**#11 ADOPTED AS ORDINANCE NO. 18/2009**

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

#12. (3RD RDG) **ADOPTED AS ORDINANCE NO. 19/2009** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LEASE AGREEMENT WITH THE GREATER CANTON AMATEUR SPORTS HALL OF FAME ASSOCIATION FOR THE LEASE OF PROPERTY LOCATED AT 1414 MARKET AVENUE NORTH; AND DECLARING THE SAME TO BE AN EMERGENCY MEASURE

PRESIDENT SCHULMAN: Member Carbenia.

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

MEMBER CIRELLI: Seconded.

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

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas, Mr. President.

#12 ADOPTED AS ORDINANCE NO. 19/2009

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

#13. (3RD RDG) **ADOPTED AS ORDINANCE NO. 20/2009** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON JOINT RECREATIONAL DISTRICT FOR FIELD MAINTENANCE AT THURMAN MUNSON MEMORIAL STADIUM; AND DECLARING THE SAME TO BE AND EMERGENCY

PRESIDENT SCHULMAN: Member Carbenia.

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

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #13. Are there any remarks under this Ordinance? Hearing none, Madame Clerk, will you take the roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas, Mr. President.

#13 ADOPTED AS ORDINANCE NO. 20/2009

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

#14. (3RD RDG) **ADOPTED AS ORDINANCE NO. 21/2009** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO MAKE APPLICATION FOR, EXECUTE THE GRANT AGREEMENT, AND ACCEPT AND DISTRIBUTE FUNDS FOR A GRANT FROM THE INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #14.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #14. Are there any remarks under this Ordinance? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas, Mr. President.

#14 ADOPTED AS ORDINANCE NO. 21/2009

PRESIDENT SCHULMAN: Ordinance #14 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

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

MEMBER CARBENIA: I only have one, but you that other one that is retained in Committee. Will that take much time? Let's just make it either 6:30 or quarter til 7.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Finance Committee will meet Monday, February 23rd at 6:45.

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel Committee will meet February 23rd at 6:45.

PRESIDENT SCHULMAN: Thank you.

MEMBER CARBENIA: Mr. President.

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PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: Community & Economic Development Committee will meet on 6, or on February 23rd at 6:45.

PRESIDENT SCHULMAN: Thank you. Any other committee announcements?

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: We're under Public Speaks and we for the second week in a row, I don't know, maybe it's Obama. No speakers.

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: We are now under Miscellaneous Business. Is there any Miscellaneous Business? Member Smuckler.

MEMBER SMUCKLER: I have a couple topics tonight. Number one, I would like to read a letter I received from the airport. Dear Mr. Smuckler, I am truly amazed what can happen when our entire community comes together and says, yes we can. Just such a thing happened when you helped us win non-stop service to Washington DC, Ronald Reagan airport aboard US Airways. We celebrated the inaugural flight on January 25th and 26th. It was too big of a deal to celebrate only once with patriot decorations and Abe Lincoln impersonator, remarks by Congressman Tim Ryan, Congresswoman Betty Sutton, Congressman John Boccieri, and recently retired Congressman Ralph Regula, and most importantly grateful passengers who now have an easy way to reach our nations Capital. It was wonderful. We also recognize that we wouldn't have anything to celebrate if it hadn't been for your support. The 88 support letters sent to the US Department of Transportation helped convince them our community desires and deserves access to Washington DC. Your support helped us clinch this very important victory so on behalf of the Akron-Canton Airport Board of Trustees and our hard working team members, we thank you. Please accept a limited edition of the Inaugural T-shirt as a small momentum of this very exciting community effort. And this was not me, this was you folks working together so I am going to pass this down. It looks like the Council President's size, XXL and if we could please, yes I think this would be a good place for it in the office. *(APPLAUSE)*

PRESIDENT SCHULMAN: Thank you, Member Smuckler, and you had one other comment.

MEMBER SMUCKLER: No, we have a - I received also an email from Mike Kochera based on passing the Resolution last week. I met with Mike Kochera, a problem that the Probation Department is closed during lunchtime, across the hall which creates a problem sometimes in City Hall. To show you to what extent Mike Kochera and the Courts want to work with us, beginning March 1st there will, somebody will be stationed in the Probation Office from now on at lunchtime, so if any of you folks, he has indicated to me have any problem, concerns, complaints, they would like to work with us, please see him, he is very willing to work with us. And keeping along those same lines, several weeks ago you folks passed a Ordinance that I want to commend the Mayor for signing tonight. And that was the annexation along the railroad tracks going in from Jackson Township all the way to the Summit County line. And this shows you what happens in continuation of all these things when we work together. And the Mayor also indicated to me tonight that he has had some meetings with some of the people from Jackson Township and we're working towards a goal of getting an Ordinance down here, that I am sure we can work towards an economic development opportunities in the future with Jackson. And I think you are on board with that, aren't you Mr. Mayor. And looking toward the

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future with some foresight, Mr. Labriola it is sad to see you go, but this offers this city one big, huge opportunity and this offers the county and the other municipalities opportunities and the other townships. With the help of labor, and I stress that, we need to bring labor to the table and we need to talk about working together to combine Building Departments in this community. It is something I have worked very hard with in the Health Department area and some of the other areas, I know Councilman Carbenia and Councilman Casar have worked on this before, but like I said, this offers an opportunity. At the County Commissioner's meeting on Wednesday, County Commissioner Harmon will be asking the same thing for labor and us and other entities to come to the table and look at the possibilities, not saying it's going to happen, but look at the possibilities again of what we can do by working together. Thank you Mr. President.

PRESIDENT SCHULMAN: Thank you Member Smuckler. Mayor Healy.

MAYOR HEALY: Thank you Mr. President and Member Smuckler, thank you. I would like to also echo a few of the comments that was just made. First of all, John Labriola our Chief Building Inspector, or Chief Building Officer, Chief of the Building Department, he has sent his resignation letter in. He is going to take a new position up in Summit County where the City of Akron and the County of Summit have merged their Building Departments into one department. It is one of the largest in the states or it will be, and he has been offered the position to run that, so I congratulate him and that tells you what a fine job he did for the City of Canton. He was recognized for his efforts and we certainly appreciate that John and wish you the best of luck. With that, I also echo the comments of Councilman Smuckler in reference to the opportunity that it brings us to look at the possibilities of what can happen with our Building Department in the City of Canton as well as the County and deciding if that too, wouldn't be an opportunity for us to merge or somehow follow in the footsteps of what's happened up there. That is the first one in the state and I think it is something that the Administration certainly has interest in exploring and is on board and if Council chooses the same direction we want to look at that. And again no guarantees or promises but the opportunity to explore it with labor at our sides, of course. We want to look at that as well, so I wanted to express that. And also in reference to the annexation, again thank you Mr. Smuckler for your efforts in making that happen. I believe that we have an agreement that will benefit the City of Canton as well as Jackson Township and we even had discussion with North Canton and tried to work more on a regional directive to benefit as much of us as possible as opposed to looking for winners and losers. So I think the regional approach is something that we really want to continue and I believe that it is something that will benefit the citizens of Canton and our community as well as the region so I just wanted to share that with you. Thank you.

PRESIDENT SCHULMAN: Thank you, Mayor. Member West.

MEMBER WEST: Yes I failed to mention that the Judiciary Committee will meet on the 23rd also at 6:45.

PRESIDENT SCHULMAN: Thank you. Any other remarks? Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President. I want to thank Council for your ongoing support and diligence in helping us work through various personnel issues. There will be many in the non-bargaining unit and in the bargaining unit area, so thank you for your questions and thank you for your help. I wanted to also thank Allen Schulman in addition to using his gentle bully pulpit here to express, I think articulately express matters of culture and art, he quieting, modestly put his money where his mouth is, and is one of the reasons why the world is a smaller place and we can enjoy the wonderful art and culture of Japan. Thank you. And to Mr. Labriola, on behalf of our office, it has been a pleasure to work with you. You have been a wonderfully

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deep voiced Get 'er done kinda guy and we have always appreciated that and wish you well in addition to the other remarks you have heard. Congratulations.

PRESIDENT SCHULMAN: Any other remarks? Member Carbenia.

MEMBER CARBENIA: Mr. President. I would like to ask the Mayor, you know we have this, all these accolades about the Kimono's and stuff and all the people going to be coming to our town and all of a sudden I see that as of today, they were put combo companies into effect in this city, which when they put these into effect, when you have an ambulance or a pump leaving the other unit shuts down and I don't think it is a good idea. I have been approached by some other citizens today #7 Fire Station was closed while they had these combo company in with 6 people on an ambulance which I never heard of before, and they closed #7 during the morning and then in the afternoon they closed another station to do exactly the same thing and I am just saying that I don't think it's a good thing and I know you are trying to cut overtime and trying to do different things but I think there is, until you show us there is no money, I am not sure we should be closing these companies up.

PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: Thank you, Councilman Carbenia. I will defer that to the Safety Director Nesbitt who is out at the moment but he can respond to you in detail, obviously we have a meeting this week. I understand that the actions were taken to create some flexibility in the department but in reference to that I would prefer to defer this over to the Safety Director and we can answer any specific questions you have, to you and all the Council at that time. Thank you.

MEMBER CARBENIA: Alright, I just wanted to make sure that the other Council people knew that this was happening and that there has been some changes made to the Firefighters and an unfair labor practice and I just want to make sure that everybody knows that they're closing down these engine companies or if they have these combo companies, I don't think it is the best way to go, so I just wanted to make sure that everybody in Council knew it and I will be talking with them.

PRESIDENT SCHULMAN: Are there any other remarks under Miscellaneous Business?

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Member Kraus.

MEMBER KRAUS: I would like to ask Joe a question. Mr. Carbenia, is that different than how they were closing them in the past? I mean is this something new in addition to?

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: If I may Mr. President. Yes it's a different way of doing it. They're actually putting say three men in a company and they will have an ambulance a couple of places.

PRESIDENT SCHULMAN: You microphone just went out. OK there you go.

MEMBER CARBENIA: Now they are going to, whatever goes first the pump or the ambulance the other unit closes down while they're out. So that means that you could be there without a pump company or without an

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ambulance company depending on how many they shut down or they run regularly that we are going to be. I think the safety of the people is at risk and the safety of the firefighters.

MEMBER KRAUS: Thank you. As Public Safety Chairman I appreciate that Joe.

PRESIDENT SCHULMAN: Thank you, Member Kraus. Any other Miscellaneous Business? Member Hawk.

MEMBER HAWK: On moment please. John Labriola, I want to say something to you, Thank You.
(APPLAUSE)

PRESIDENT SCHULMAN: OK we already had a standing ovation for him. Enough is enough, geez. Inaudible comments - Member Carbenia.

MEMBER CARBENIA: I would like to make a motion we adjourn.

MEMBER CIRELLI: Seconded.

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

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas, Mr. President.

PRESIDENT SCHULMAN: Meeting is adjourned, thank you ladies and gentlemen. Have a good week.

ADJOURNMENT TIME: 8:05 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT