

**MINUTES OF THE MEETING OF MAY 18, 2009**

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome Canton City Council. We appreciate your attendance tonight and I'm sorry again for the delay. We were in an Executive Session and took a little longer than we thought, so with that and with a quorum being present the Chair calls this meeting of Canton City Council to order. Roll call vote please Madame Clerk.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

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

TWELVE COUNCIL MEMBERS PRESENT

CLERK TIMBERLAKE: All present, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Tonight we'll have our invocation given by Ward 8 Council Member, Butch Kraus. Will you all please remain standing for the pledge of allegiance and for those wearing caps, if you'll take them off, thank you.

PRESIDENT SCHULMAN: Before we begin the Pledge of Allegiance would you mind turning that thing off. Please so, thank you very much. I know we're the heart of it all, but we need some silence. Thank you.

*The regular meeting of Canton City Council was held on Monday, May 18, 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 Karl "Butch" Kraus, the Pledge of Allegiance led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: Thank you. Thank you, Member Kraus. We're now under agenda corrections and changes and Members of Council you're being asked to suspend Rule 22A to add the 2<sup>nd</sup> Reading of Ordinances 11 through 13, Leader Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: As much as I loved Member Cirelli's second, Joe it's great to hear your voice. Welcome back.

MEMBER CARBENIA: Thank you.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend Rule 22A to add 2<sup>nd</sup> reading Ordinance 11 through 13 to this evening's agenda. Are there any remarks? If not roll call vote please, Madame Clerk.

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NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: 12 yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries and Rule 22A is suspended and the Communication and Ordinances are a legal part of your agenda.

**PUBLIC HEARINGS**

PRESIDENT SCHULMAN: We are now under Public Hearings. We have no Public Hearings this evening.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: We are now under Public Speaks on Ordinances and Resolutions and similarly we have no speakers signed up to speak this evening.

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: We are now under Informal Resolutions. Madame Clerk would you please read Resolution 36 by title.

#36. CIRELLI, M, CNCL-AT-LARGE: REQ US CONGRESS TO IMPLEMENT THE AMERICAN CLEAN ENERGY & SECURITY ACT OF 2009. - ADOPTED

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President I move we suspend, I move we adopt Ordinance, Resolution #36.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule, you got me doing it Leader. It's been move and seconded to adopt Informal Resolution 36. Are there any remarks? Member Cirelli.

MEMBER CIRELLI: Thank you, Mr. President and lastly

PRESIDENT SCHULMAN: You are going to have to speak up, I don't think it's on.

MEMBER CIRELLI: Oh I'm sorry.

PRESIDENT SCHULMAN: Thank you.

MEMBER CIRELLI: Is it on now?

PRESIDENT SCHULMAN: Yes.

MEMBER CIRELLI: OK, thank you Mr. President. I would just like to ask our ladies in Council if they will send out as they did last week to Congress on that issue.

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CLERK TIMBERLAKE: Yes ma'am.

MEMBER CIRELLI: Thank you very much.

PRESIDENT SCHULMAN: Very good, thank you and thank you for that Resolution, Member Cirelli. Any other remarks? If not by voice vote all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #36 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: Motion carries. Resolution is adopted. Resolution 37 Madame Clerk.

#37. PERSONNEL COMMITTEE: REQ CONFIRMATION OF REAPPT OF JAMES REINHARD TO STARK AREA REGIONAL TRANSIT AUTHORITY FROM 4/1/09 UNTIL 3/31/12. - ADOPTED

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Resolution #37.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution 37. Are there any remarks? If not, by voice vote all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #37 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: Motion carries. Resolution 37 is adopted.

COMMUNICATIONS

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

***NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED MAY 18, 2009.***

224. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE DEPT OF DEV, IN COLLABORATION W/STARK CNTY REG PLANNING, TO ISSUE JOINT REQ FOR PROPOSAL, ACCEPT & EVALUATE PROPOSALS, SELECT, & ENTER INTO CONTRACT W/LOCAL AGENCIES QUALIFIED TO PROVIDE NECESSARY OVERSIGHT & SVCS REQ TO PERFORM & ACHIEVE THE GOALS OF THE PROG. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

225. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO A CONTRACT W/HABITAT FOR HUMANITY OF GREATER CANTON TO PROVIDE GRANT UTILIZING NEIGHBORHOOD STABILIZATION PROG FUNDS IN AMT NOT TO

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EXCEED \$480,000 FOR DEV & CONSTRUCTION OF HSNG UNDER THE NEIGHBORHOOD STABILIZATION PROG. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

226. HEALTH BENEFITS ADMIN, MCBRIDE: APRIL 2009, MONTHLY COMPARATIVE RPT - INSURANCE CLAIMS. - RECEIVED & FILED
227. LIQUOR CONTROL DIVISION (OHIO): REQ TRANSFER OF C1 C2 LIQ PERMIT FR: GIANT OHIO LLC DBA GIANT 447 TO: BATTERSHELL ENTERPRISES LLC DBA BP GASOLINE 447 @ 2211 W. TUSCARAWAS. - RECEIVED & FILED
228. LIQUOR CONTROL DIVISION (OHIO): ADVISING THAT HRG RE: LIQ PERMIT RENEWAL FOR PLW 2006 LLC DBA HOB NOB TAVERN @ 1604 HARRISBURG RD, NE, 1<sup>ST</sup> FLOOR & PATIO SCHEDULED FOR 6/9/09 @ 11:15 A.M. - RECEIVED & FILED
229. LIQUOR CONTROL DIVISION (OHIO): ADVISING THAT HRG RE: LIQUOR PERMIT TRANSFER FOR MIMI HMEIDAN DBA HOB NOB TAVERN, 1<sup>ST</sup> FLOOR & PATIO @ 1604 HARRISBURG RD, NE, SCHEDULED FOR 6/9/09 @ 11:15 A.M. - RECEIVED & FILED
230. PLANNING COMMISSION: RECOMMENDS APPROVAL OF PROP ZONE CHANGE OF LOTS 39534, 39355, PART OF 39657, 36959, 36960, 36961, 36962 & PORTIONS OF RECENTLY VACATED ALLEYS ALL TO NORTH OF 631 30<sup>TH</sup> ST NW FR: R-1a TO PB-3 (DUMONT'S). - JUDICIARY COMMITTEE
231. PLANNING COMMISSION: RECOMMENDS APPROVAL OF PROPOSED REPLAT OF PARTS OF OL 397 & 398 ON 13<sup>TH</sup> ST NE (2300 BLOCK) (OHIO ASSOC OF URBAN TRAINING). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
232. PLANNING COMMISSION: RECOMMENDS PLACING 7.23 ACRE TRACT KNOWN AS CENTRAL ALLIED ANNEXATION & FRONTS COLUMBUS RD NE IN THE 3100 BLOCK IN WARD 6; ZONING SAME AS I-1. - ANNEXATION COMMITTEE
233. PRATER, T., PERSONNEL CHAIR: AMEND BOARDS & COMMISSION ORDINANCE TO REFLECT RECENT CHANGES TO FAIR HSNG BD. - JUDICIARY COMMITTEE
234. SAFETY DIRECTOR NESBITT: ALLOW SAF DIR TO ASSESS FEES FOR USE OF CITY SAFETY FORCES DURING SPECIAL EVENTS ON PUB PROPERTY. - FINANCE COMMITTEE
235. SERVICE DIRECTOR PRICE: SUBMITTING THE 2009 CITY OF CANTON SOLID WASTE MNGMT SYSTEM RATE STUDY PURSUANT TO SEC 975.08 OF CODIFIED ORDINANCES; ADVISING THAT SHOULD COUNCIL TAKE NO FURTHER ACTION, THE RATE PROPOSALS WILL TAKE AFFECT 45 DAYS FROM DATE OF SUBMISSION. - RECEIVED & FILED
236. SERVICE DIRECTOR PRICE: AUTHORIZE SERV DIRECTOR TO ENTER INTO COOP AGMT W/ODOT TO PAVE TUSCARAWAS ST. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

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237. SERVICE DIRECTOR PRICE: REQ PERMISSION FOR ENG DEPT TO ENTER INTO COOP AGMT W/BOARD OF STARK CNTY COMMISSIONERS FOR REPLACEMENT OF MILL ST. BRIDGE IN AMT NOT TO EXCEED \$200,000.00 WHICH WILL BE COVERED BY MUNICIPAL RD FUND GRANT RECEIVED FR: COUNTY. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
238. TREASURER SCHIRACK: APRIL 2009 DEPOSITS AND PAY INS TO AMBULANCE LOCK BOX ACCT. - RECEIVED & FILED
239. TREASURER SCHIRACK: APRIL 2009 PARKING METER REVENUE. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: We are now under Ordinances & 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, would you please read the first reading Ordinances by title.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #10 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.***

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING CHAPTER 150, SYSTEMS PLANNING BOARD, OF THE CODIFIED ORDINANCES  
Referred to Judiciary & Finance Committees

PRESIDENT SCHULMAN: And at this time the Chair, on no I'm sorry. Leader Casar. See I asked the Leader about that and he never answered it so I apologize.

- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS, ADVANCE AND ADVANCE REPAYMENT HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance & Community & Economic Development Committees
- #3. (1<sup>ST</sup> RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET 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  
Referred to Community & Economic Development Committee
- #4. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE STARK COUNTY BOARD OF COMMISSIONERS FOR VISRE STREET LEVEL IMAGERY SERVICES; AND DECLARING THE SAME TO BEN AN EMERGENCY

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- #5 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

- #6 (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 81/2009** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A NON-DISTURBANCE AND ESTOPPEL AGREEMENT WITH AND BETWEEN THE OHIO CULTURAL FACILITIES COMMISSION AND THE NATIONAL FOOTBALL MUSEUM, INC. DBA PRO FOOTBALL HALL OF FAME; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

PRESIDENT SCHULMAN: Now I can declare an in house recess for Finance Committee to meet in regard to Ordinance 6 on your agenda. You are now in recess.

*(COUNCIL RECESSED @ 7:46 PM FOR FINANCE COMMITTEE TO DISCUSS THE ADOPTION OF ORDINANCE #6; RECONVENED @ 7:48 PM)*

PRESIDENT SCHULMAN: Thank you Member Hawk. Council is therefore reconvening after our recess, Leader Casar. Leader Casar.

MEMBER CASAR: Mr. President, I move that Rule 22A be suspended and add Ordinance #6 back on this evening's agenda.

PRESIDENT SCHULMAN: Joe I don't know whether I heard a second.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: Thank you.

MEMBER CARBENIA: I forgot.

PRESIDENT SCHULMAN: This is, oh it's one of those meetings. It's been moved and seconded to suspend Rule 22A. Are there any remarks? If not, roll call vote please Madame Clerk..

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you the motion carries. Rule 22A is suspended and Ordinance 6 is placed back on this evening's agenda. Leader Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rules on Ordinance 6. 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. Leader Casar, you've heard the three readings.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #6. 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.

**#6 ADOPTED AS ORDINANCE NO. 81/2009**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #6 is therefore adopted. Ordinance #7 please.

- #7 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE CONSTRUCTION OF A NEW K9 TRAINING BUILDING; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Property Capital Improvement & Finance Committees
- #8 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE CONSTRUCTION OF THE 49<sup>TH</sup> & GARDENDALE NE STORM SEWER AND BASIN PROJECT, PHASE II, GP 1074; AMENDING APPROPRIATION ORDINANCE NO. 193/2008; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Property Capital Improvement & Finance Committees
- #9 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Judiciary Committee

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#10 (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 82/2009** A FINAL RESOLUTION ADOPTING PLANS, AUTHORIZING THE SERVICE DIRECTOR TO COOPERATE WITH AND REQUEST THE DIRECTOR OF TRANSPORTATION TO PROCEED WITH THE IMPROVEMENT TO AND RESURFACING OF PORTIONS OF STATE ROUTE 172 AND ENTER INTO CONTRACT; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety & Thoroughfares Committee

PRESIDENT SCHULMAN: At this time the Chair would declare another in house recess for the Public Safety & Thoroughfares Committee to meet in regard to Ordinance #10 on your agenda this evening. You're now in recess.

*(COUNCIL RECESSED @ 7:52 PM FOR FINANCE COMMITTEE TO DISCUSS THE ADOPTION OF ORDINANCE #10; RECONVENED @ 7:54 PM)*

PRESIDENT SCHULMAN: Thank you Mr. Chair and Council will therefore reconvene after it's recess, Leader Casar.

MEMBER CASAR: Mr. President, I move that we suspend Rule 22A and place Ordinance #10 back on this evening's agenda.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to place Ordinance 10 back on this evening's agenda.. Are there any remarks? If not, roll call vote please Madame Clerk..

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #10 is therefore back on this evening's agenda. Leader Casar.

MEMBER CASAR: Mr. President, I move we suspend Statutory Rules on Ordinance #10.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance #10. Are there any remarks? If not, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

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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 under this Ordinance? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#10 ADOPTED AS ORDINANCE NO. 82/2009**

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

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

CLERK TIMBERLAKE: We are now in the process of second readings Ordinance 11.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #11 THROUGH #13 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

#11. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 83/2009** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND APPROPRIATION TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: I move we suspend Statutory Rules on Ordinance #11.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance #11. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

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

MEMBER CARBENIA: Seconded.

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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: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#11 ADOPTED AS ORDINANCE NO. 83/2009**

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

#12. (2<sup>ND</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 84/2009** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH ANGELA CAVANAUGH TO SERVE AS THE CITY'S CHIEF BUILDING OFFICIAL IN AN AMOUNT NOT TO EXCEED \$65,500.00; AMENDING APPROPRIATION ORDINANCE NO. 193/2008; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: I move we suspend Statutory Rules on Ordinance #12.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rules on Ordinance #12. 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. Leader Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #12. Are there any remarks? Leader Casar.

MEMBER CASAR: I move we amend Ordinance #12 per the amendment that every Council Person had given to them Caucus this evening.

MEMBER CARBENIA: Seconded.

**AMENDMENT:**

*Pursuant to Rule 36, I move to amend Agenda Item No. 12 by changing the amount in the caption and*

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*Section 2 from \$65,500.00 to \$20,000.00.*

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt, that you amend Ordinance #12 per the copy before each of you. Are there any remarks? If not by voice vote, all those in favor signify by saying yea, and those opposed no.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: The motion carries. The Ordinance is amended. Leader Casar.

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

MEMBER CARBENIA: Seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#12 ADOPTED AS AMENDED AS ORDINANCE NO. 84/2009**

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

#13. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CHANGE ORDER #1 WITH CENTRAL-ALLIED ENTERPRISES, INC. IN AN AMOUNT NOT TO EXCEED \$136,512.35 FOR ADDITIONAL COSTS RELATED TO THE 30<sup>TH</sup> STREET NE STORM SEWER, ROADWAY RECONSTRUCTION AND STORM WATER BASIN PROJECT, GP 1083; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT SCHULMAN: Thank you Madame Clerk. We're under Ordinances and Formal Resolutions for the third and final reading and vote. Ordinance #14 please.

#14. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE 85/2009** AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO APPROPRIATE A PERMANENT EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT IN REAL PROPERTY OUTSIDE THE CITY'S CORPORATE LIMITS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #14. Are there any remarks under this Ordinance?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Yes Member Cirelli.

MEMBER CIRELLI: I will continue as a matter of principal to vote no on this Ordinance. Thank you.

PRESIDENT SCHULMAN: Thank you, Member Cirelli. Any other remarks? If not Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 1 NAYS  
(MEMBER CIRELLI VOTED NAY)

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

**#14 ADOPTED AS ORDINANCE NO. 85/2009**

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

#15. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 86/2009** AN ORDINANCE AMENDING CHAPTER 105, CONTRACTS, OF TITLE ONE - GENERAL PROVISIONS OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #15. Are there any remarks? Leader Casar.

MEMBER CASAR: I move we amend Ordinance #15 per the copy that each Council Person have in front of them.

MEMBER CARBENIA: Seconded.

**AMENDMENT:**

*Pursuant to Rule 36, I move to amend Section 1 to Agenda Item No. 15 by changing the dollar amount from \$50,000.00 to \$100,000.00 in paragraph (a)(1)A.*

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PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance #15 as per the copy before each of you. Are there any remarks under the motion to amend? If not by voice vote, all those in favor signify by saying yea, and those opposed no. The motion carries. Leader Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #15 as amended. Are there any remarks under this Ordinance as amended?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you. Again, just in the interest of full disclosure, the amendment changes one of the redefined provisions in this Project Labor Agreement Ordinance as it called. What were doing is retooling Chapter 105 contracts of our Codified Ordinances by defining what Project Labor Agreements are and when they kick in. The amendment that was just authorized raises the threshold on major construction projects from \$50,000.00 to \$100,000.00. Last week there was some discussion about the Minority Business Enterprise component of that. I have not forgotten. We are working on that. Member West and Corey Minor-Smith and some other organizations. We will be coming back with some updated language for that, for the Minority Business Enterprise and for Chapter 5017 that talks about the no longer in existence Home Town Plan and Black Coalition, which was passed 35 years ago and is in need of updating. Thank you.

PRESIDENT SCHULMAN: Thank you, Law Director Martuccio. Any other remarks? I would venture to say, that this is one of the most significant and important Ordinances that we have voted upon, I believe at least in my tenure, which's not been as long as most of yours, for the working men and women in this community. We salute you. We appreciate your hard work. Believe me everyone sitting before you, wants to put you back to work. That's what we want and that's what we believe this Ordinance does and City Council and the Administration and the Mayor should all be highly commended for moving this Ordinance through in these challenging economic times. So you are all to be congratulated and with that, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#15 ADOPTED AS AMENDED AS ORDINANCE NO. 86/2009**

PRESIDENT SCHULMAN: Ordinance #15 as amended is adopted. *(APPLAUSE)*.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SCHULMAN: We're now under Announcement of Committee meetings. Are there any announcements?

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MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Judiciary will meet, the next date is June 8<sup>th</sup> at 6:00 P.M.

MEMBER HAWK: Mr. President

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Finance Committee will meet Monday, June 8<sup>th</sup> at 6 PM.

PRESIDENT SCHULMAN: Thank you.

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: Community & Economic Development will June 8<sup>th</sup> at 6:30.

PRESIDENT SCHULMAN: Thank you.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Member Dougherty.

MEMBER DOUGHERTY: Public Property and Capital Improvement will also meet that evening.

PRESIDENT SCHULMAN: Thank you. Anyone else?

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

PRESIDENT SCHULMAN: OK, We are now under Public Speaks Open Forum and as I do every Council meeting, I would just remind the speakers that we have a three minute time limit on your remarks and I would like to call the hard working men in this case, although I know there are hard working women obviously in our community, to speak to us on Ordinance, on the Ordinance that was just passed, Ordinance #15. The first speaker I would ask to come forward is Anthony Libertore, please. Mr. Libertore good evening, welcome. If you could give us your name and your residential address, I'd appreciate it.

ANTHONY LIBERTORE: Good evening. My name is Anthony Libertore. I'm at 1410 Valentine Circle out by the Stables. I am a member of Ironworkers Local 550 and as such, I'd like to personally thank the Members of Council. Mr. Carbenia, Mr. Smuckler, all of you, for passing this Ordinance. I believe that it is important for us not only to work of course. I am out of work right now, laid off, struggling to pay bills, as is everybody in this community. This gives us an opportunity to work and keep the tax base here in this community where it belongs. There are way to many undocumented workers that I know of coming in, working, taking the money back out of Canton. Our money belongs in the City of Canton, period, so I would thank all of you for passing.

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PRESIDENT SCHULMAN: Thank you very much. (*APPLAUSE*) Our next speaker is Daniel Konovsek. I hope I have pronounced that correctly sir, good evening. If you, you can stand right there but speak up please. Thank you.

DANIEL KONOVSSEK: I would like to thank all of you for passing the Ordinance and I would like to speak on this matter this evening. I live over in the Southwest end of Canton over by Canton Drop Forge and Republic Refuse and the Timken Faircrest plant and you know it's just quiet over there and I don't know what to do now. It used to be too noisy now it's too quiet, you know it, jobs are leaving us. It's very important to keep the jobs here in Canton. I'd like to thank each and every one of you.

PRESIDENT SCHULMAN: Thank you, sir. (*APPLAUSE*) And we hope we can keep you up all night long. Our next speaker is Scott Oster. Mr. Oster would you step forward and give us your name and

SCOTT OSTER: I will pass tonight.

PRESIDENT SCHULMAN: OK, thank you. The final speaker is Darrell Compton. I'm sorry if I mispronounced your name, I apologize. If you'll step forward and give us your name and your residential address please.

DARRELL COMPTON: Oh yea, Darrell Compton. I am a lifetime member, citizen of Canton, Ohio. I live at 2224 Maple Avenue NE and again I would like to thank the entire Council as well as Mr. Carbenia, Mr. West, Mr. Smuckler for adopting the Ordinance 105 and like my fellow Ironworker Tony said, it seizes the opportunity to keep taxes in the city. Keep our local men and women working like they should be and as far as the out of town contractors issue, I myself as well as a few ironworkers I have personally worked with, we've all witnessed out of town contractors as well as undocumented workers come in, not necessarily take our work but do our work and they're off in the wind. So like I said, it is a great opportunity for us to seize the opportunity to work and become contributing citizens of Canton, Ohio. I appreciate it.

PRESIDENT SCHULMAN: Thank you very much sir. (*APPLAUSE*) Thank you. Our next, and thank you all for coming by the way. We really appreciate your words of support and encouragement. It helps us all. Our next speaker is Patricia Kirk. And Ms. Kirk your name and your residential address please.

PATRICIA KIRK: Thank you. I'm Patricia Kirk. I live at 131 5<sup>th</sup> St NE and I'm here to remind you about the two part mini series coming up that's being held by Shake-a-Leaf. And the first one is June the 2<sup>nd</sup> and it's Green Space 101 the Big Picture. It's Tuesday, June the 2<sup>nd</sup> at 6:30 at Church of the Savior United Methodist. Church of the Savior is right across the street here at 120 Cleveland Ave. The second series is Friday night 6:30, June 6<sup>th</sup>, or 5<sup>th</sup>, sorry at 6:30. Now both series are going to have a panel. The second series is going to be also shared by Eric Aiken whose going to give a presentation. He's from NEFCO, the Watershed coordinator. Why am I doing this? Because Canton makes a lot of decisions. And sometimes they make a lot of decisions without realizing the impact on whether the impact is on jobs, the environment, people, the present generation or the future generation. And it's open to the public and Ohio Greenspace when they did this DVD, they titled it "Solutions for Ohio's Communities" and we can use that. Thank you very much.

PRESIDENT SCHULMAN: Thank you, Ms. Kirk. (*APPLAUSE*) Our next speaker is John Stone. Mr. Stone has a Powerpoint presentation which disturbed the meeting at the beginning but we overlooked that. Mr. Stone good evening. If you'll come up, give us your name and your residential address and also promise us that this Powerpoint presentation will take no more than three minutes.

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JOHN STONE: Inaudible from audience.

PRESIDENT SCHULMAN: OK, well will hear from that's, I'll honor your request. Will hear from Betty Medley. Miss Medley good evening, welcome. If you could give us your name and your residential address please.

BETTY MEDLEY: Hi, my name's Betty Medley. I live at 1222 Rockwood Avenue SW.

PRESIDENT SCHULMAN: Good evening.

BETTY MEDLEY: Good evening. I read in the paper where you were going to take a vote on an increase in the Sanitation, the garbage and I just wondered when is that going to take place? Your vote.

PRESIDENT SCHULMAN: I'll tell you what, we'll answer your question in, we're not ducking it. We'll answer your question in Miscellaneous Business alright.

BETTY MEDLEY: OK.

PRESIDENT SCHULMAN: Thank you very much. Thank you. OK, now we will hear from Mr. Stone. Before you do that, Mr. Stone, if you will give us your name and your residential address.

JOHN STONE: Sure. I'm John Stone and I reside at 2906 12<sup>th</sup> Street and I'm here just to report that the defibulation of the Heart of the Heart at Nimisilla Park was successful and the best way to show that is a testimony of a neighbor of the park who just happened through as we were watering our new flower garden there and so I have a short video to do that. I have to change mic's and hopefully this will all go well. If it doesn't go as well as we would like it to, I still would like to thank you for setting all this up and invite everybody to look at [YouTube.com/Heartscomingtogether](http://YouTube.com/Heartscomingtogether) where you can see the video there.

PRESIDENT SCHULMAN: Thank you.

JOHN STONE: (Changing and checking the microphone) OK. Powerpoint video given. Thank you and I'd like to especially thank Council Member Cirelli and West who worked very hard that day.

PRESIDENT SCHULMAN: Thank you, John very much. OK that concludes Public Speaks tonight.

**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: We've now under Miscellaneous Business. Is there any Miscellaneous Business?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Just want to remind Council Members about the Water Treatment Facility tour. If you haven't signed up we've gotta send that back to the Water Treatment Facility so that they can make sure their, that everyone is taken care of when they go through. So get with the clerks on duty to get signed up.

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

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SERVICE DIRECTOR PRICE: Thank you Mr. President, Members of Council. Miss Medley you had a question regarding the sewer rate increase or I'm sorry the sanitation rate increase. The Canton Codified Ordinances section 975.08, that is the law on the books for our city that determines how the sewer rate goes in, or the sanitation rate goes into effect. I sent the letter to Council requesting the sanitation rate increase on May 14, 2009. That was when I sent my communication and report to Council. The Ordinance says that 45 days after that date the sanitation rate would go into effect unless Council would take some action to change the rate proposal requested by the, or submitted by the Service Director. And so that day would fall on June 28, 2009, which happens to be a Sunday, you know I guess it would be up to the Law Department but I think that Council would probably have to their next meeting since it falls on a weekday so the deadline for Council to act would June 29, 2009, otherwise the rate increase as proposed by the Service Director would go into effect on that date.

PRESIDENT SCHULMAN: Thank you Director.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes, Member West.

MEMBER WEST: That rate increase was 24% right?

*From the audience - 24% yea right.*

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT SCHULMAN: Yes, Director.

SERVICE DIRECTOR PRICE: Yea, Member West, that would take our rate from \$14.39 per month to approximately \$17.80 which is yes, a 24% increase.

MEMBER WEST: About \$3.00 and what. \$3.

SERVICE DIRECTOR PRICE: \$3.40 I guess.

MEMBER WEST: Is that per month, or?

SERVICE DIRECTOR PRICE: Per month.

MEMBER WEST: OK.

PRESIDENT SCHULMAN: And for those of you who are interested, and I think all of you probably are, there was a handout that Members of Council received from the Service Director last week and I would encourage you to obtain a copy of that. In my judgement and I meant to say this last week and I was remiss in not doing so. It was probably one of the most thorough reports I think that has been presented to Council in a very, very long time. And it really documented in a very, very clear and concise fashion why unfortunately these rates need to be increased and I would again highly recommend that anyone who's interested in that should obtain a copy of that report from the Director and I will say publicly that the Director deserves a lot of credit for putting that together. It was a lot of hard work and I think once the public reads that, I think, and if you have questions we'll be happy to answer them, but I think the public will understand why these rates are going up

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as they are and in addition why they're still lower than every single city in the state of Ohio. That's number one, number two, Law Director Martuccio as all of us know presented an overview this evening on the trial that's occurring in Federal Court presently against the City and I want to publicly thank the Law Department and Law Director Martuccio and all the hard working lawyers that put time and effort in on a case. I know something about trials and I know something about trying cases and though a monumentally difficult and the work that goes in the courtroom pales in comparison to the work that you have to undertake outside the courtroom to prepare those jury trials, so I would like to give the Law Director a round of applause. *(APPLAUSE)* And with that said, Leader Casar.

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

MEMBER CARBENIA: Seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

ADJOURNMENT TIME: 8:21 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

ALLEN SCHULMAN  
PRESIDENT