

**MINUTES OF THE MEETING OF NOVEMBER 13, 2006**

PRESIDENT SCHULMAN: The Chair calls this meeting of Canton City Council to order. Roll call please Madame Clerk.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

11 COUNCILMEMBERS PRESENT: (DON CASAR, MARY M. CIPELLI, BILL SMUCKLER, GREG HAWK, THOMAS E. WEST, JAMES GRIFFIN, KELLY ZACHARY, TERRY PRATER, DAVID R. DOUGHERTY, RICHARD D. HART, & KARL "BUTCH" KRAUS)

11 COUNCILMEMBERS PRESENT, 1 ABSENT (JOE CARBENIA)

CLERK TIMBERLAKE: 11 Present Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. We'll have the invocation tonight given by Member Hart. Please remain standing for the Pledge of Allegiance

*The regular meeting of Canton City Council was held on Monday, November 13, 2006, at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Ward 7 Councilmember Richard Hart, followed by the Pledge of Allegiance led by President Schulman.*

PRESIDENT SCHULMAN: I do want to take a moment to say that in our thoughts and prayers is Member Carbenia who is in the hospital tonight and we wish him a speedy recovery and certainly our thoughts and prayers go out to Joe and his family.

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: We are now under agenda corrections and changes. The Chair will recognize a motion to suspend Rule 22A to add second reading Ordinances #8 through and including #9.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move that we suspend Rule 22A and add Ordinances #8 and including #9 on this evening's agenda; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded, any discussion? Roll call vote please Madame Clerk.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk, the motion is passed.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: We're now under public speaks on Ordinances and Resolutions for adopted. We do not have any speakers signed up to speak tonight.

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INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We are now under information resolutions. The Chair will recognize a motion to excuse Members.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move that Member Carbenia be excused from this evenings meeting; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that Member Carbenia be excused, any remarks?... If not, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT SCHULMAN: Thank you Madame Clerk, would you please read Resolutions #89 through #91 by title.

#89 CONGRATULATING STEVE RICH ON HIS APPOINTMENT OF CANTON CITY FIRE CHIEF-  
(ADOPTED)

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Resolution #89;seconded.

PRESIDENT SCHULMAN: It's been moved and seconded, any discussion? If not by voice vote, all those in favor, signify by saying yea.

NO REMARKS

RESOLUTION #89 APPROVED BY UNANIMOUS VOICE VOTE

(LAUGHTER)

MEMBER KRAUS: Mr. President. Mr. President.

PRESIDENT SCHULMAN: All those in favor say, ah, signify by saying aye, all those opposed.

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Kraus.

MEMBER KRAUS: May I have the Clerk please read that.

PRESIDENT SCHULMAN: Yes, please.

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CLERK TIMBERLAKE: An Informal Resolution SUBMITTED BY WARD 8 COUNCILMEMBER BUTCH KRAUS, 9<sup>TH</sup> WARD COUNCILMEMBER JOE CARBENIA & COUNCIL-AS -A-WHOLE ON THIS 13<sup>TH</sup> DAY OF NOVEMBER 2006 Whereas, Steve Rich was hired as a Firefighter by the City of Canton in May of 1982. In April of 1991 Steve was promoted to Captain. Two years later Steve was promoted to Battalion Chief. Ten years thereafter Steve became Division Chief in August of 2003. Now here we are in 2006 and Steve is now the Fire Chief for the City of Canton, and from Steve's track record he has clearly proven he is deserving of becoming the Fire Chief. Steve is a Certified Paramedic, Certified EMS, Certified Fire Instructor and a member of the State Fire Training Board, and Steve participated in the World Police & Fire games and was the winner of the Decathlon. His picture graced the cover of the Ohio Professional Firefighters magazine. We recognize his selfless and dedicated service which contributes beyond measure to preserving and protecting the safety of all the citizenry of our beloved community. We commend Steve for his commitment and dedication to his fellow firefighters. Steve is deeply respected by his fellow Firefighters, Union Officials, City Council and the Administration. Now Therefore, Be It Resolved: That we the Members of the Council of the City of Canton, Ohio do hereby join his wife Barbara, children Amanda, Aaron, Anthony and Adam and go on record congratulating STEVE RICH for his promotion to Canton City Fire Chief and wish him well in his new position.

(APPLAUSE)

MEMBER KRAUS: Steve, I would like for you to know that this is from all of Council, myself because you're my neighbor and live in my ward, Mr. Carbenia because he is retired from the Fire Department. But this does bring with it everyone sitting there, and it's a great pleasure to give you this.

(APPLAUSE)

STEVE RICH: Thanks a lot Butch and all I gotta say is that I look forward to working with all of Council for the good of the citizens. Thanks a lot.

(APPLAUSE)

PRESIDENT SCHULMAN: Chief, that's what we like, short and sweet and to the point. Congratulations again and all the best to you. You have a great staff.

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT SCHULMAN: Yes, Member....yes, I'm sorry, ah..

SERVICE DIRECTOR CONCATTO: If I may just ah.....someone familiar with the job, I would like to say that the City is very fortunate to have Steve Rich as their Chief, he's a good leader, I've known Steve for many many years and ah...the Fire Department is gonna be better for his leadership.

PRESIDENT SCHULMAN: Any other remarks? Chief, best of luck again to you. Thank you for coming down tonight. The Chair will recognize a motion to adopt Resolution 90. Madame Clerk.

#90 CONFIRMING THE APPOINTMENTS OF AMANDA KENDLE & JANICE PORTER EFF: 11/1/06 TO 10/30/08; SUE MEISTER, ROSEMARY RUBIN & KEITH KIMBLE EFF: 11/1/06 TO



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## REPORT. - RECEIVED &amp; FILED

532. LIQUOR CONTROL DIVISION (OHIO): REQUEST TRANSFER OF OWNERSHIP OF C1, C2, D6 LIQUOR PERMIT FR: ADUSUMILLI FUEL CORP TO: HARMONT QUICK STOP LLC @ 3315 HARMONT AVE., NE, STE A - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE
533. PLANNING COMMISSION: ADVISING OF NO RECOMMENDATION OF PROPOSED CHANGE TO ZONING ORDINANCE RE: GARAGE SALES SIGNS DUE TO 5/5 TIE. - JUDICIARY CMTE
534. SERVICE DIRECTOR CONCATTO: REQUEST APPROVAL OF A WATER MAIN EXTENSION ON PRAIRIE COLLEGE ST SW IN CANTON TWP. - ENVIRONMENTAL & PUBLIC UTILITIES CMTE
535. TREASURER, SCHIRACK: BANK RECONCILIATIONS AND THE CITY'S OUTSTANDING INVESTMENTS AS OF 10/31/06. - RECEIVED & FILED
536. TREASURER, SCHIRACK: OCTOBER 2006 PARKING METER REVENUE. - RECEIVED & FILED
537. TREASURER, SCHIRACK: DEPOSITS & PAY INS FOR THE MONTH OF OCTOBER 2006 FOR THE AMBULANCE LOCK BOX ACCOUNT. - RECEIVED & FILED
538. TREASURER, SCHIRACK: COMPARATIVE REPORT OF CASH RECEIPTS AS OF 10/31/06. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: We are now under Ordinances and Formal Resolutions for the first reading. Let the journal show that all ordinances are being given their readings as required by State Law. Madame Clerk, please read the first reading ordinances by title.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #7 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.***

- #1. (1<sup>ST</sup> RDG) 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
- #2. (1<sup>ST</sup> RDG) AN ORDINANCE VACATING A PORTION OF MOSLEY COURT SW; AND DECLARING THE SAME TO BE AN EMERGENCY.  
Referred to the Public Safety and Thoroughfares Committee
- #3. (1<sup>ST</sup> RDG) AN ORDINANCE VACATING A 10' UNNAMED ALLEY BETWEEN SHORB AVENUE SW AND MARION AVENUE SW & A 10' UNNAMED ALLEY RUNNING BETWEEN LOTS 6524 & 6525; AND DECLARING THE SAME TO BE AN EMERGENCY.

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Referred to the Public Safety and Thoroughfares Committee

- #4. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT WITH MOTOROLA INC. FOR THE PURCHASE OF RADIOS AND RELATED EQUIPMENT FOR THE POLICE DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

- #5. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LEASE AGREEMENT WITH STARK COUNTY EDUCATIONAL SERVICE CENTER; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

- #6. (1<sup>ST</sup> RDG) AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LEASE AGREEMENT WITH ARTS AND STARK FOR THE LEASE OF A PARKING LOT ADJACENT TO THE CIVIC CENTER; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to the Judiciary Committee

- #7. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$342.05 TO REITER DAIRY; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

PRESIDENT SCHULMAN: It's my understanding that ah.....has been withdrawn? Service Director, I'm sorry to interrupt. Has ah....First Reading #7 been withdrawn?

SERVICE DIRECTOR CONCATTO: (INAUDIBLE)

PRESIDENT SCHULMAN: Okay,

SERVICE DIRECTOR CONCATTO: (INAUDIBLE)

PRESIDENT SCHULMAN: That's fine.

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: We're now under Ordinances for their second reading. Madame Clerk, will you please read the Ordinances #8 through #9 by title.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #8 THROUGH #9 FOR THE SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS***

- #8 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE #218/2006** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH COOPER & ASSOCIATES IN AN AMOUNT NOT TO EXCEED \$53,500 TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE OSNABURG TWP., WATER MAIN EXTENSION PROJECT; AMENDING APPROPRIATION ORDINANCE NO.

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1/2006; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move the statutory rules be suspended on Ordinance #8; second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the statutory rules on Ordinance #8, to dispense with the 3 readings of Ordinance #8. Are there any remarks? If not, roll call vote please Madame Clerk.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: You've heard the 3 readings, Member Casar.

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

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Ordinance #8 is adopted.

**#8 ADOPTED AS ORDINANCE 218/2006**

#9. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$41,359 TO EASTABROOK CORP; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Thank you Madame Clerk.

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

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

PRESIDENT SCHULMAN: We're now under Ordinances for their third and final reading. Madame Clerk, please read Ordinances #10 through #13 by title.

#10 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE #219/2008** AMENDING SECTIONS 157.01 & 157.05 OF CHAPTER 157, POLICE AND FIRE MINORITY EMPLOYMENT OPPORTUNITY OF THE ADMINISTRATIVE CODE OF CODIFIED ORDINANCES OF THE CITY OF CANTON

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MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

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

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #10. Any discussion? If not roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Ordinance # 10 is adopted. Thank you Madame Clerk

**#10 ADOPTED AS ORDINANCE 219/2006**

#11 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE # 220/2006** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A DONATION TO ASSIST IN THE PURCHASE OF SMOKE DETECTORS; AMENDING APPROPRIATION ORDINANCE NO. 1/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

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

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #11. Any discussion? If not roll call vote please Madame Clerk.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.



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PRESIDENT SCHULMAN: Ordinance # 11 is adopted, Ordinance #12

**#11 ADOPTED AS ORDINANCE 220/2006**

#12 (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE #221/2006** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE STARK COUNTY METROPOLITAN SEWER DISTRICT FOR THE PURCHASE OF SANITARY SEWER CONVEYANCE RIGHTS IN AN AMT NOT TO EXCEED \$91,136.09; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

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

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #12. Any discussion? If not.....

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Casar.

MEMBER CASAR: I move to amend Ordinance #12 per the copy that all Councilmembers have in front of them; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to amend Ordinance #12. Any discussion? Roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

**AMENDMENT:** Pursuant to Rule 36, I move to amend Section 1 to Agenda Item No. 12 by the addition of the following property and conveyance fee and to amend the total in Section 1 and the caption as follows:

Harmont East Annexation	<u>\$14,604.94</u>
Total	\$105,741.03

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PRESIDENT SCHULMAN: Motion to amend is granted. Member Casar.

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

PRESIDENT SCHULMAN: It's been moved and seconded to adopt amended Ordinance #12. Any discussion? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Ordinance #12 is adopted.

**#12 ADOPTED AS AMENDED AS ORDINANCE 221/2006**

#13 (3<sup>RD</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATIONS IN AN AMOUNT NOT TO EXCEED \$3,155.96 TO EWING CHEVROLET AND \$4,862.81 TO TREAD CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Ordinance #13; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #13. Any discussion? If not Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Ordinance # 13 is adopted.

**#13 ADOPTED AS ORDINANCE 221/2006**

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

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

MEMBER KRAUS: Mr. Chairman.

PRESIDENT SCHULMAN: Member Kraus.

MEMBER KRAUS: Public Safety & Thoroughfare will meet at 6:30 on 11/20/06.

PRESIDENT SCHULMAN: Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Judiciary will meet at 6:35 ah....oh the 20<sup>th</sup> .

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Finance Committee will meet at 6:30 on November 20<sup>th</sup>.

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

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

**MISCELLANEOUS BUSINESS**

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

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adjourn; seconded.

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PRESIDENT SCHULMAN: It's been moved and seconded to adjourn. Any discussion?... If not, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Meeting is adjourned (*gavel falls*)

ADJOURNMENT TIME: 7:47 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

ALLEN SCHULMAN  
PRESIDENT OF COUNCIL