

MINUTES OF THE MEETING OF NOVEMBER 20, 2006

PRESIDENT SCHULMAN: 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 M. CIRELLI, BILL SMUCKLER, GREG HAWK, THOMAS E. WEST, JAMES GRIFFIN, KELLY ZACHARY, TERRY PRATER, DAVID R. DOUGHERTY, RICHARD D. HART, & KARL "BUTCH" KRAUS)

12 COUNCILMEMBERS PRESENT

CLERK TIMBERLAKE: All Present Mr. President.

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

The regular meeting of Canton City Council was held on Monday, November 20, 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 Member Kraus, followed by the Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: We are now under agenda corrections and changes. The Chair will recognize a motion to suspend Rule.....

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Yes Member Casar.

MEMBER CASAR: I move that we suspend Rule 22A and add Ordinances #3 through and including #8 on this evening's agenda; seconded.

PRESIDENT SCHULMAN: Madame Clerk.....oh, thank you, it's been moved and seconded, roll call vote please Madame Clerk.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Motion passes.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: There are no public hearing scheduled for this evening.

PUBLIC SPEAKS

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

MINUTES OF THE MEETING OF NOVEMBER 20, 2006**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: We are now under information resolutions. The Chair would recognize that all members are present.

PRESIDENT SCHULMAN: Madame Clerk please read Resolution #92.

#92 COMMENDING THE CANTON COMMUNITY BASED OUTPATIENT CLINIC FOR THEIR DEDICATION, PROFESSIONALISM & COMPASSION FOR OUR VETERANS- (ADOPTED)

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Resolution #92; seconded.

PRESIDENT: It's been moved and seconded to adopt Resolution 92. By voice vote, all those in favor, signify by saying aye, all those opposed no.

NO REMARKS

RESOLUTION #92 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: The Resolution 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 NOVEMBER 20, 2006.

539. AUDITOR, MALLONN (CITY): CERTIFICATE OF TOTAL AMOUNT FROM ALL SOURCES FOR 2006. - RECEIVED & FILED
540. C D & PLANNING DIR., POORMAN: REQUEST AUTHORIZATION FOR MAYOR AND/OR SERV DIR TO ENTER INTO A CONTRACT W/COMMUNITY SERVICES OF STARK COUNTY, TO PROVIDE A GRANT UTILIZING THE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$100,000 (FR: THE 2005 CDBG FUNDS) FOR CONSTRUCTION OF A BUILDING ADDITION WHICH WILL PROVIDE NEW OFFICES & A SERVICE CENTER. - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES
541. HEALTH COMMISSIONER, PATTISON: REQUEST TO MAKE \$6,000.00 APPROPRIATION FR: UNAPP. BAL. OF THE 2321 IAP GRANT TO: 2321 IAP GRANT FUND. - FINANCE COMMITTEE

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542. LIQUOR CONTROL DIVISION (OHIO): ADVISING THAT ALL PERMITS TO SELL ALCOHOLIC BEVERAGES WILL EXPIRE ON 2/1/07. - RECEIVED & FILED
543. LIQUOR CONTROL DIVISION (OHIO): ADVISING THAT HEARING REGARDING MEZE'S MARKET, INC., DBA MEZE'S MARKET @ 1639 MAPLE AVE NE HAS BEEN CONTINUED. - RECEIVED & FILED
544. LIQUOR CONTROL DIVISION (OHIO): ADVISING THAT HEARING REGARDING AHN, INC DBA STORE @ 1105 WEST TUSCARAWAS HAS BEEN CONTINUED. - RECEIVED & FILED
545. MAYOR CREIGHTON: REQUEST AUTHORIZATION TO REAPPOINT JOHN PICARD TO THE BOARD OF BUILDING APPEALS EFFECTIVE 1/1/07 - 12/31/09. - PERSONNEL COMMITTEE
546. MAYOR CREIGHTON: REQUEST AUTHORIZATION TO REAPPOINT KAREN BUTERA TO THE ZONING BOARD OF APPEALS EFFECTIVE 1/1/07 - 12/31/09. - PERSONNEL COMMITTEE
547. MAYOR CREIGHTON: REQUEST AUTHORIZATION TO REAPPOINT CLINT ZOLLINGER TO THE FAIR EMPLOYMENT PRACTICES BOARD EFFECTIVE 1/1/07 - 12/31/09. - PERSONNEL COMMITTEE
548. MAYOR CREIGHTON: REQUEST AUTHORIZATION TO REAPPOINT RABBI JOHN SPITZER TO THE FAIR EMPLOYMENT PRACTICES BOARD EFFECTIVE 1/1/07 - 12/31/09. - PERSONNEL COMMITTEE
549. MAYOR CREIGHTON: REQUEST AUTHORIZATION TO REAPPOINT JOHN LUCAS, JR TO THE FAIR EMPLOYMENT PRACTICES BOARD EFFECTIVE 1/1/07 - 12/31/09. - PERSONNEL COMMITTEE
550. MAYOR CREIGHTON: REQUEST AUTHORIZATION TO REAPPOINT LAWRENCE WINBERRY TO THE CANTON PARK COMMISSION EFFECTIVE 1/1/07 - 12/31/09. - PERSONNEL COMMITTEE
551. PLANNING COMMISSION: RECOMMENDING DENIAL OF PROPOSED REZONE FR: R-1a TO: PR-2 @ 1607 MAY PL NE (RADELY WINN). - JUDICIARY COMMITTEE
552. PLANNING COMMISSION: RECOMMENDING APPROVAL OF THE PROPOSED REZONE FR: R-1a TO PB-3 @ 1800 9TH ST SW WITH THE CONDITION THAT TWO FIFTEEN MINUTE PARKING SPACES BE CREATED ON THE STREET (DAN THE WING MAN'S REAL GRILL). - JUDICIARY COMMITTEE
553. PLANNING COMMISSION: ADVISING OF NO RECOMMENDATION OF PROPOSED REZONE FR: B-3 TO: PB-4 @ 2317 - 13TH ST NW DUE TO 4/4 TIE (HARRY POTROOS). - JUDICIARY COMMITTEE

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554. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED VACATION OF UNION AVE SW FR: THE N LINE OF BALLARD PL SW TO THE S LINE OF :PTS 42151 & 42153 & AN UNNAMED ALLEY BETWEEN LOTS 1811 AND 1813 FR: THE E LINE OF UNION AVE SW TO THE E LINE OF LOTS 1811 & 1813 (EVERHARD PRODUCTS). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
555. SAFETY DIR., HUNT: REQUEST FOR APPROVAL FOR 23 PROPERTIES TO BE CERTIFIED FOR DEMOLITION. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
556. SERVICE DIR., CONCATTO: REQUEST AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH FIBER TECHNOLOGIES NETWORK, LLC FOR CONSTRUCTION OF A "FIBER PLANT" TO CONNECT THE CANTON CITY SCHOOLS ADMIN. BLDG.@617 MCKINLEY AVE SW & THE SCHOOLS DISTRICT'S POP SITE @ 301 SOUTH CLEVELAND AVE. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
557. SERVICE DIR., CONCATTO: REQUEST AUTHORIZATION FOR SERV DIR TO ENTER INTO CONTRACT WITH CTI ENVIRONMENTAL, INC. FOR ENGINEERING SERVICES IN AN AMOUNT NOT TO EXCEED \$19,750; REQUEST SUPPLEMENTAL APPROPRIATION FOR SAME FR: UNAPP. BAL. OF 5410 SANITARY SEWER FUND TO: 5410-20-60-42 WPCW WATER TOWER PAINTING PROJECT. - FINANCE COMMITTEE

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 #2 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO JOB CREATION TAX INCENTIVE AND NET PROFITS INCENTIVE AGREEMENTS WITH AVANTI CORPORATION PURSUANT TO THE CITY'S ECONOMIC GROWTH INITIATIVE PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to Community & Economic Development Committee
- #2. (1ST RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO CANTON TOWNSHIP; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE EXTENSION OF SAID WATER MAIN; AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to Environmental & Public Utilities Committee

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 #3 through #8 by title.

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NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #3 THROUGH #8 FOR THE SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS

- #3. (2ND RDG) AMENDING ORDINANCE NO. 55/77 AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY.
- #4. (2ND RDG) AN ORDINANCE VACATING A PORTION OF MOSLEY COURT SW; AND DECLARING THE SAME TO BE AN EMERGENCY.
- #5. (2ND 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.
- #6. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT WITH MOTOROLA INCORPORATION FOR THE PURCHASE OF RADIOS AND RELATED EQUIPMENT FOR THE POLICE DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY.
- #7. (2ND 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.
- #8. (2ND 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.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCE #10 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: Thank you Madame Clerk, we're now under Ordinances for their third and final reading. Madame Clerk, please read Ordinance #10 by title.

- #10. (3RD RDG) **ADOPTED AS ORDINANCE NO. 223/2006** 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

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

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

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PRESIDENT SCHULMAN: It's been moved and seconded to adopt 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: The Ordinance is adopted.

#10 ADOPTED AS ORDINANCE 223/2006**ANNOUNCEMENT OF COMMITTEE MEETINGS**

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

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Ah, Member Carbenia.

MEMBER CARBENIA: The Community & Economic Development Committee will meet ah...6:30, next Monday.

PRESIDENT SCHULMAN: Thank you.

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Member Kraus

MEMBER KRAUS: Public Safety and Thoroughfare will meet at the same time, 6:30, next Monday.

PRESIDENT SCHULMAN: Thank you.

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel Committee will meet next Monday at 6:30.

PRESIDENT SCHULMAN: Thank you.

MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: Member Griffin.

MEMBER GRIFFIN: Environmental & Public Utilities will meet next Monday at 6:30.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

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

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MISCELLANEOUS BUSINESS

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

CHIEF OF STAFF CONDE: Mr. President.

PRESIDENT SCHULMAN: Yes, Im sorry.

CHIEF OF STAFF CONDE: Ah....The Water Facilities Committee will meet at 5:30 next Monday up on the 8th floor.

PRESIDENT SCHULMAN: Thank you very much.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adjourn; 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. However, I just want to say ah, if I might....2 things....ah...I want to wish you and your families a very Happy Thanksgiving. We have a great deal to be thankful for. And I would like to also recognize Bob Fisher is turning 70 years old this Wednesday. Congratulations.

(APPLAUSE)

PRESIDENT SCHULMAN: And as I told Member Casar, Bob, I will never be older then you are.

(LAUGHTER)

PRESIDENT SHULMAN: Meeting adjourned. (*gavel falls*)

ADJOURNMENT TIME: 7:36 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT OF COUNCIL

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