

**MINUTES OF THE MEETING APRIL 9, 2007**

PRESIDENT SCHULMAN: (*SOUND OF GAVEL*) With a quorum being present, the Chair calls this meeting of Canton City Council to order. Madame Clerk, roll call please.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

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

CLERK TIMBERLAKE: Eleven present, 1 absent, Mr. President (HART ABSENT)

PRESIDENT SCHULMAN: Thank you Madame Clerk. Tonight's invocation will be given by Councilmember Bill Smuckler. Would you please remain standing for the pledge of allegiance.

*The regular meeting of Canton City Council was held on Monday, April 9, 2007 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Councilmember-At-Large Bill Smuckler, followed by the Pledge of Allegiance led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: We are now under agenda corrections and changes. Members of Council, you're being asked to suspend Rule 22A to add the second reading of Ordinances #10 through and including #18. Member Casar, the Chair will recognize that motion.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinances #10 through and including #18 on this evening's agenda.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: Thank, you. It's been moved and seconded to suspend rule 22A the second reading Ordinances #10 through and including 18 to this evenings agenda. Are there any remarks?... If not, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

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

**PUBLIC HEARINGS**

PRESIDENT SCHULMAN: We are now on 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 do have one speaker signed up tonight. Ah...we're pleased tonight to have Mr. Robb Hankins,

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who is the director of our Cultural Arts Center and the ArtsinStark Program and I must say that next to greening this City, there's probably no more important aspect of City life to make the world a better place to live and Canton a better place to live than encouragement of the arts. Mr. Hankins, thank you very much for being with us tonight.

ROBB HANKINS: Thank you so much for having us and for allowing us to speak before the passes of our Informal Resolution. My name is Robb Hankins ah...*(inaudible)* of ArtsinStark. As some of you know, for nearly 40 years the Cultural Center for the Arts up on Market next to the Civic Center was and still is a fabulous 330,000 square foot building with five wonderful organizations, The Canton Symphony, The Canton Museum, The Canton Ballet, Voices of Canton, Inc. and The Players Guild Theater. Well two years ago, we decided that we needed a new job description, County wide. We are now ArtsinStark, The County Arts Council. I'm here tonight with one of my board members, Mr. John Kristoff, whose the Vice President of Communication at the Diebold Company. We have a Resolution that we'd like you to pass, you know it's an Informal Resolution. But I've sworn to only take two minutes more to talk about it so you can get on with your regular business. Um.....this year we will give out \$850,000.00 to the Canton Symphony, the Canton Ballet, The Canton Museum, The Voices of Canton, Inc. and the Players Guild Theater. In the last 18 months as we moved to ArtsinStark, and I've given you a list on page 2, we will give out another \$300,000.00 to 70 different organizations, most of which have never, ever received money from us before. I'm quickly, very quickly going to mention a couple of those special project grants. Number 8 on your list, The Canton Calvary Mission applied through us because they wanted to partner with the North Canton Playhouse to produce a neighborhood production of the Wizard of Oz. Number 10, Canton City Schools, ah...the group that's in bloodline, that many of you may know is one of the best jazz groups in the entire world, they're also school teachers and this summer they're doing a summer jazz camp for Canton kids. Number 20....Number 36, Living Fountain Dance, um....incredible modern dance company and I went to their performance where they had Ca.....it was a celebration of cancer survivors and not only did they choreograph pieces about cancer survivors but they had cancer survivors dancing with them on stage, absolutely incredible. 48, Piece T.V., Mari Moss is here, what more can I say, an alternative ah...for kids and chance to make television. 51, Quest Recovery Services, recently had their world premier of a movie about why not to use drugs and alcohol and they came to us for a grant. Um....and finally, Stark Arts Coming Together, 61, that's why I'm here tonight. This is a volunteer grass roots organization that from April 13<sup>th</sup> to the 22<sup>nd</sup> wants everyone in the County to recognize we have 500 artists and craftsmen here and 100 artistry and cultural organizations. My 30 seconds that are left, this flier encourages you to pass the Resolution. We also urge you to come to the finale, Sunday, April the 22<sup>nd</sup>, free, 5 hours, happens to be at GlenOak School, one of the best art schools in America. Um....we're inviting everyone to come to enjoy that. Um...we ask you to pass this Resolution and we ask you to join us in future in supporting our mission, which is growing the arts to create smarter kids, new jobs and help your communities. Thank you very much.

PRESIDENT SCHULMAN: Thank you very much. I'm not sure we realize since we're such a sports town but the arts has more attendance than every sport in the United States combined. So when Mr. Hankins talks about the economic benefits of a great art program. We should listen very carefully to that if for no other reasons, for jobs and economic development.

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: Um....Mr. Casar, Mr. Leader, I'll recognize a motion to excuse members.

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MEMBER CASAR: Mr. President. I move that Member Hart be excused from this evening's meeting.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to excuse Member Hart this evening's. Um... Madame Clerk, roll call vote please.

CLERK TIMBERLAKE: Eleven yeas Mr. President.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT SCHULMAN: Thank you Madame Clerk. Madame Clerk, would you please read Resolution #39 by title.

#39 COUNCIL-AS-A-WHOLE: DECLARING 4-13-07 THROUGH 4-22-07 '**STARKARTS FESTIVAL WEEK.**' - ADOPTED

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Resolution #39.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution #39. Any discussion? If not, all those in favor signify by saying aye. Those opposed no. The motion carries and we do recognize Stark Arts Festival Week. Thanks again Mr. Hankins.

NO REMARKS

RESOLUTIONS #39 WAS ADOPTED BY VOICE VOTE

COMMUNICATIONS

**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 APRIL 9, 2007.**

PRESIDENT SCHULMAN: Uh...we're now under Communications. Let the Journal show that all communications are received as read.

276. AUDITOR MALLONN (CITY): SUBMITTING YEARLY REPORT BY FUND 01/01/07 THRU 03/30/07. - RECEIVED & FILED

277. AUDITOR MALLONN (CITY): SUBMITTING MONTHLY REPORT BY FUND 03/01/07 THRU 03/30/07. - RECEIVED & FILED

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278. HEALTH BENEFITS ADMIN., BRESSON: CORRECTED FEB 2007, MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS & JAN - FEB 2007 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
279. HEALTH BENEFITS ADMIN., BRESSON: MAR 2007, MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS & JAN - MAR 2007 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
280. HEALTH COMMISSIONER PATTISON: REQUEST TO APPROPRIATE VARIOUS FUNDS FROM THE UNAPPROPRIATED BALANCES IN HEALTH DEPT. - FINANCE CMTE
281. LIQUOR CONTROL DIVISION (OHIO): ADVISING OF HRG RE: BP PRODUCTS N AMERICA, INC DBA BP FOOD MART 5896 @ 1200 N. MKT STR & GAS PUMPS IS CONTINUED CONTINGENT UPON VERBAL AGMT TO W/DRAW OBJECTION BY 4/30/07. - RECEIVED & FILED
282. LIQUOR CONTROL DIVISION (OHIO): REQ NEW D1 LIQUOR PERMIT FOR OUR LADY OF PEACE MENS CLUB DBA OUR LADY OF PEACE MENS CLUB. @ 1001 39<sup>TH</sup> ST NW. - RECEIVED & FILED
283. MAYOR CREIGHTON: REQ TO RE-APPT MR. STEPHEN HICKMAN, DVM TO CANTON HEALTH BD. EFF: 5 YR TERM 4/1/07 - 5/31/12. - PERSONNEL CMTE
284. OHIO EPA: ISSUANCE OF FINDING OF NO SIGNIFICANT IMPACT ISSUED FOR CITY OF CANTON SUGARCREEK WATER TREATMENT PLANT PROJECT FS-390377-01. - RECEIVED & FILED
285. SAFETY DIRECTOR HUNT: REQ TO ENTER INTO \$128,000.00 CONTRACT W/MOTTER & MEADOWS ARCHITECTS TO PROVIDE ARCHITECTURAL & ENGINEERING SVC & SITE DEV. FOR NEW FIRE STATION (FUNDING IN RECENTLY OBTAINED BOND). - PUB PROP CAP IMP and FINANCE CMTES
286. SERVICE DIRECTOR CONCATTO: REQ FOR DESIGN FEE MODIFICATION W/OSBORN ENGINEERING CO FOR INCREASED AMT OF \$60,500.00 FOR PROF ENG & SURV. SVC FOR 25<sup>TH</sup> ST NE STORM SEWER PROJ GP 1090. - FINANCE CMTE
287. SERVICE DIRECTOR CONCATTO: REQ TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR CONSTR OF NEW SYSTEMS SVC CTR & ADMINISTRATION BLDG FUNDING IN 5406 SEWER COLLECTION BLDG BOND FUND. - PUB PROP CAP IMP CMTE
288. SERVICE DIRECTOR CONCATTO: REQ TO ENTER INTO \$106,100.00 CONTRACT W/COOPER & ASSOCIATES LLP FOR PROFESSIONAL ENG SVC FOR STEIN INDUSTRIAL PARK; REQ \$106,100.00 SUPP APPROP FR: 4501 ENG ADMIN. - FINANCE CMTE
289. TREASURER, SCHIRACK: MAR 2007 PARKING METER REVENUE. - RECEIVED & FILED

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290. TREASURER, SCHIRACK: DEPOSITS & PAY INS FOR MAR 2007 FOR AMBULANCE LOCK BOX ACCOUNT. - 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: PRESENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #9 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:***

- #1 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING SECTION 1129.02 OFF-STREET PARKING & SECTION 1153, HEIGHT REGULATIONS OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON  
Referred to Judiciary Committee
- #2 (1<sup>ST</sup> RDG) A RESOLUTION WITHDRAWING CANTON'S OBJECTION TO THE RENEWAL OF A LIQUOR PERMIT LOCATED WITHIN THE CITY AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Intergovernmental & Public Utilities (*Service*) Committee
- #3 (1<sup>ST</sup> RDG) A RESOLUTION WITHDRAWING CANTON'S OBJECTION TO THE RENEWAL OF A LIQUOR PERMIT LOCATED WITHIN THE CITY AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Intergovernmental & Public Utilities (*Service*) Committee
- #4 (1<sup>ST</sup> RDG) AN ORDINANCE NAMING AN UNNAMED ALLEY IN THE CITY OF CANTON 'J. BABE STEARN PLACE'  
Referred to Public Safety & Thoroughfares Committee
- #5 (1<sup>ST</sup> RDG) AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A 3 YEAR CONTRACT WITH AULTWORKS OCCUPATIONAL MEDICINE FOR PROFESSIONAL MEDICAL SERVICES FOR CITY OF CANTON JOB APPLICANTS & EMPLOYEES; 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 ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT IN AN AMOUNT NOT TO EXCEED \$285,000.00 FOR THE WPCC WATER TOWER PAINTING PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 241/2006 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee

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- #7 (1<sup>ST</sup> RDG) AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICE CONTRACT WITH COOPER & ASSOCIATES, LLP FOR WILLIG PARK SOFTBALL COMPLEX; AND TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR CONSTRUCTION AND/OR RENOVATION OF THE WILLIG PARK SOFTBALL COMPLEX; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Parks & Recreation and Finance Committees
- #8 (1<sup>ST</sup> RDG) AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE CONSTRUCTION WORK TO RELOCATING 12" WATER MAIN CURRENTLY LOCATED UNDER WELLS AVENUE SW; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #9 (1<sup>ST</sup> RDG) APPROVING A CANTON CITY WATER MAIN EXTENSION TO JACKSON 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 Ordinance #10 through #18 by title.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #10 THROUGH #18 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. ORDINANCE #13 WAS ADOPTED ON THE SECOND READING.***

- #10 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE STATE OF OHIO, DEPT OF REHABILITATION & CORRECTION FOR RECEIPT OF THE FISCAL YEAR 2008 COMMUNITY CORRECTIONS ACT GRANT IN AN AMOUNT NOT TO EXCEED \$80,261.00; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11 (2<sup>ND</sup> RDG) AUTHORIZING THE AUDITOR OF THE CITY OF CANTON TO ACCEPT DONATION OF REAL PROPERTY; 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 NEIGHBORHOOD REVITALIZATION STRATEGY PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
- #12 (2<sup>ND</sup> RDG) A RESOLUTION ACCEPTING THE TAX INCENTIVE REVIEW COUNCIL'S RECOMMENDATIONS REGARDING ENTERPRISE ZONE TAX ABATEMENT AGREEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #13 (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE # 69/2007** AN ORDINANCE AUTHORIZING A

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GRANT TO THE CANTON CITY SCHOOLS BOARD OF EDUCATION FOR \$500,000.00 TOWARD THE REPAIRS AND RENOVATION OF FAWCETT STADIUM; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A DISBURSEMENT AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

#14 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS STARK CERAMICS, INC./THE QUARRY ANNEXATION AREA CONTAINING APPROXIMATELY 851.5587 ACRES; ASSIGNING SAID TERRITORY TO WARD 4 OF THE CITY; ASSIGNING ZONING; AND DECLARING THE SAME TO BE AN EMERGENCY

**PUB HRG APR 16, 2007 @ 7:30 PM**

#15 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH MOTOROLA IN AN AMOUNT NOT TO EXCEED \$110,000.00 FOR INSTALLATION, PROJECT SUPERVISION AND RELATED EQUIPMENT FOR A SECONDARY PSAP-911 SYSTEM; AND DECLARING THE SAME TO BE AN EMERGENCY

#16 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A GRANT FROM THE STATE FIRE MARSHALL IN THE AMOUNT OF \$20,050.00 FOR THE FIRE DEPT; AMENDING APPROPRIATION ORDINANCE NO 241/2006, 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'd like to go back to Ordinance # ah....13 if I may please.

PRESIDENT SCHULMAN: Yeah.

MEMBER CASAR: Mr. President, I move the Statutory Rules be suspended on Ordinance #13.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rule for Ordinance #13. Are there any remarks?... If not, Madame Clerk, roll call vote please.

CLERK TIMBERLAKE: 11 yeas Mr. President.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT SCHULMAN: Thank you Madame Clerk. You've heard the 3 readings. Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #13. Are there any remarks?... If not, Madame Clerk, roll call vote please.

CLERK TIMBERLAKE: 11 yeas Mr. President.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

**#13 AS ADOPTED AS ORDINANCE #69/2007**

PRESIDENT SCHULMAN: Ordinance # 13 is adopted. I believe we were still on the readings of ah....

CLERK TIMBERLAKE: 17.

PRESIDENT SCHULMAN: 17.

#17 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$49,900.00 TO EMC SERVICE COMPANY; AND DECLARING THE SAME TO BE AN EMERGENCY

#18 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH CAMP DRESSER & MCKEE FOR DESIGN SERVICES IN AN AMOUNT NOT TO EXCEED \$24,950.00; AMENDING APPROPRIATION ORDINANCE NO 241/2006; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Thank you Madame Clerk.

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

PRESIDENT SCHULMAN: We are now under Ordinances for their third and final reading. Madame Clerk, please read Ordinances #19 by title.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #19 THROUGH #25 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.***

#19 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE #70/2007** AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE ENTER INTO CONTRACT WITH NEO LABOR MANAGEMENT COUNCIL IN AN AMOUNT NOT TO EXCEED \$20,000.00 FOR ADDITIONAL TRAINING, SUPPORT AND MEDIATION SERVICES TO THE CANTON'S LABOR/MANAGEMENT COUNCIL; AND DECLARING THE SAME TO BE AN EMERGENCY



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MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Ordinance #19.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #19. Are there any remarks?... If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: 11 yeas Mr. President.

PRESIDENT SCHULMAN: Ordinance #19 is adopted. Ordinance #20 Madame Clerk.

**#19 ADOPTED AS ORDINANCE #70/2007**

#20 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE #71/2007** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON YMCA AND THE NORTHEAST COMMUNITY CENTER TO PROVIDE A REIMBURSEMENT GRANT IN AN AMOUNT NOT TO EXCEED \$25,000.00 FOR AQUATIC RECREATION FOR THE CITY'S YOUTH; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Ordinance #20.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #20. Are there any remarks?... If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 1 ABSTAIN (MEMBER WEST), 0 NAYS

CLERK TIMBERLAKE: 10 yeas, 1 abstain Mr. President.

PRESIDENT SCHULMAN: Ordinance #20 has been adopted. Ordinance #21.

**#20 ADOPTED AS ORDINANCE #71/2007**

#21 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE #72/2007** AN ORDINANCE APPROVING AND

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ACCEPTING THE REPLATTING OF OUTLOT 983 (BUCKEYE LAND CO.); AND  
DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Ordinance #21.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #21. Are there any remarks?... If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: 11 yeas Mr. President.

PRESIDENT SCHULMAN: Ordinance #21 is adopted. Ordinance #22.

**#21 ADOPTED AS ORDINANCE #72/2007**

#22 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE #73/2007** AN ORDINANCE APPROVING AND  
ACCEPTING THE REPLATTING OF PARTS OF LOTS 1492 & 1493 (HABITAT FOR  
HUMANITY); AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Ordinance #22.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #22. Are there any remarks?... If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: 11 yeas Mr. President.

PRESIDENT SCHULMAN: Ordinance #22 is adopted. Ordinance #23 please Madame Clerk.

**#22 ADOPTED AS ORDINANCE #73/2007**

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#23 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE #74/2007** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 38115, 38116 AND 38117 (THOMAS & PAMELA CHRISTIANSON); AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Ordinance #23.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #23. Are there any remarks?... If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: 11 yeas Mr. President.

PRESIDENT SCHULMAN: Ordinance #23 has been adopted. Ordinance #24 please Madame Clerk.

**#23 ADOPTED AS ORDINANCE #74/2007**

#24 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE #75/2007** AN ORDINANCE APPROVING & ACCEPTING THE DEDICATION OF LAND ON TUSCARAWAS STREET WEST (CITY OF CANTON); AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Ordinance #24.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #24. Are there any remarks?... If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: 11 yeas Mr. President.

PRESIDENT SCHULMAN: Ordinance #24 is adopted. Ordinance #25 Madame Clerk.

**#24 ADOPTED AS ORDINANCE #75/2007**

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#25 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE #76/2007** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND/OR DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACTS FOR THE PURCHASES OF VARIOUS MOTOR VEHICLES AND OTHER ITEMS OF RELATED EQUIPMENT FOR VARIOUS CITY DEPARTMENTS; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND/OR DIRECTOR OF PUBLIC SAFETY TO ALTERNATIVELY PURCHASE SAID VEHICLES AND EQUIPMENT PURSUANT TO REVISED CODE SECTIONS 125.04 AND 5513.01; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Ordinance #25.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #25. Are there any remarks?... If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: 11 yeas Mr. President.

PRESIDENT SCHULMAN: Ordinance #25 is adopted.

**#25 ADOPTED AS ORDINANCE #76/2007**

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

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

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Parks and Recreation Committee will meet ah.... at 6:00 on April 16<sup>th</sup>.

PRESIDENT SCHULMAN: Thank you.

MEMBER ZACHARY: Mr. President.

PRESIDENT SCHULMAN: Member Zachary.

MEMBER ZACHARY: Intergovernmental & Public Service Committee will meet April 15<sup>th</sup> (16<sup>th</sup>) at 6:00.

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PRESIDENT SCHULMAN: Thank you very much.

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel Committee will meet next Monday at 6:00.

PRESIDENT SCHULMAN: Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Judiciary will meet next April 16<sup>th</sup> at 6:00.

PRESIDENT SCHULMAN: Thank you. Member Griffin.

MEMBER GRIFFIN: Environmental & Public Utilities will meet at 6:00 on April 16<sup>th</sup>.

PRESIDENT SCHULMAN: Thank you Member Griffin.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Finance Committee will meet Monday, April 16<sup>th</sup> at 6:00.

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Member Kraus.

MEMBER KRAUS: Public Safety & Thoroughfares will meet 4/16 at 6:00.

PRESIDENT SCHULMAN: Thank you.

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

PRESIDENT SCHULMAN: We are now under Public Speaks, Open Forum. We have one (1) speaker signed up this evening. The first speaker tonight is Mr. Roy Barr. Mr. Barr, good evening. If you'll step forward to the microphone Mr. Barr. Welcome and thank you for coming down tonight. Ah... would you tell us your name and your residential address and Mr. Barr, let me caution you, ah...The City Council has adopted a rule that public speaks is limited to 3 minutes so if you could please keep your remarks within that time we'd appreciate it. Good evening and you...you have the floor.

ROY BARR: Thank you President Schulman. I was the second on the list, did the first gentleman cancel or what was the....

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PRESIDENT SCHULMAN: No, Mr. Hankins spoke on the Arts Program.

ROY BARR: Thank you sir and I appreciate the time given to me and ah....I understood that it was 6 minutes but have they changed the rules?

PRESIDENT SCHULMAN: 3 minutes.

ROY BARR: I sent a package down to ah....the ah...let me introduce myself first.

PRESIDENT SCHULMAN: Thank you.

ROY BARR: My name is Roy Barr, I own and operate Meadowlake Golf Course located at 1211 39<sup>th</sup> Street NE in Canton and that's in Plain Township.

PRESIDENT SCHULMAN: And your residential address, sir?

ROY BARR: It's the same, I live on the property.

PRESIDENT SCHULMAN: Thank you.

ROY BARR: Um.... I sent a packet down to ah.....I believe it was the Mayor and does anybody have any idea where that packet is or what the status is of what's ah... happening up there about the flooding on our golf course?

PRESIDENT SCHULMAN: Well, that's what I think you're going to address tonight and we'll get....I know the Service Director will have some comments in Miscellaneous Business but if you could give us what you're here to tell us, we'd appreciate it.

ROY BARR: Sure...ah...we're in the process of ah.....obtaining bids to replace the 48" culvert that deteriorating on the golf course. We ah...find out that there's another project west of us in the City of Canton to ah...install curbs, gutters and storm banks and catch basins. Are any provisions made to retain that water before they send it down on our golf course? If there's no provisions on that, to my knowledge there's no easements granted to anyone in the way of flooding. No to Plain Township, not to the City of Canton or by the County Commissioners. And without an easement I believe there needs to be an agreement and what were doing is addressing Council tonight, Commissioners tomorrow and the Trustees about the possibility of entering some type of obtaining a grant from the Ohio Public Works Commission. This has to be done through an entity, it can't be done by an individual. Now the only easement that goes through Meadowlake is for a 12" sanitary sewer and if we can work it out, that we could come up with some type of a joint effort by the City of Canton, the County Commissioners and the Plain Township Trustees to apply for a public works grant so that we could replace this culvert with a 60" culvert and possibly ah....this flooding situation will be resolved with some type of agreement, so that's the reason for our coming down here. We want to know, you know, what's happened. We sent this package down here, we've received nothing from anybody. The problem continues to be a problem and we'd like to get this resolved before the culvert collapses. The culvert is deteriorating because of all of the salt that comes off the streets and the salt primarily coming from Canton and off of State Route 43. So, I appreciate your time to mentioning this to you and if you have any questions, we'd be happy to answer your questions at this time or at some future time if you'd like to have us come into one of your meetings, just let us know.

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PRESIDENT SCHULMAN: I did want to say, our meeting is almost over and your more than welcome to stay. I can assure you that ah...Councilmembers are very sensitive to the public's needs and they'll be here to answer any questions or talk to you if they have any questions. But we appreciate you're coming down. Thank you.

ROY BARR: Thank you very much.

PRESIDENT SCHULMAN: Thank you. That concludes ah.....public speaks, open forum.

**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: We are now under Miscellaneous Business, is there any miscellaneous business, Mr. Service Director?

SERVICE DIRECTOR CONCATTO: Mr. President. Um...concerning Mr. Barr's um request, I've....I've never seen a packet. The only information that I've ah....ever received and...I'm not sure if the Mayor has received it or not, I have not. The only information that I have received is from Mr. Regula's office that's saying that Mr. Barr was at his office complaining about...or questioning the 38<sup>th</sup> Street project and what it would do about flooding. Uh....and the culvert and his...his property. Ah....we had Chris Barnes, our Engineer, review that very extensively. He has written a letter concerning that, I have that on file, we'd be glad to present that to Council at any time, his information. Ah....this has been 6 months ah....since this has been done. I don't recall everything, I do recall that the 38<sup>th</sup> Street project should not interfere with the ah...storm water issue that....that ah...Mr. Barr is speaking of. I'd be glad to review that..ah...that with you Mr. Barr. I'd be glad to send you ah...Mr. Barr's remarks and concerns, our Engineer about this project, we'd be glad to do that, in fact I will do that, I will send you his....his letter to me concerning this project. Ah...also, I can only say that with OPWC, Ohio Public Works Commission Funds, um.....normally are not done on ah....private property. Ah...those funds would normally not be used for private property and if you are in Plain Township that would probably be the entity that would have to then go to OPWC to secure those grants but I would be glad to....I will look into this more thoroughly and I'll be glad to send you, Mr. Barr, a copy of Chris Barnes, our Engineer's comments about your concerns about your culvert.

PRESIDENT SCHULMAN: Thank you Mr. Service Director. Any other Miscellaneous Business?

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adjourn.

MEMBER CARBENIA: Seconded.

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

CLERK TIMBERLAKE: Eleven yeas.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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

ADJOURNMENT TIME: 8:07 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

ALLEN SCHULMAN  
PRESIDENT