

**MINUTES OF THE MEETING OF MARCH 3, 2008**

PRESIDENT SCHULMAN: Thank you for coming out on this beautiful pre-spring evening. But tomorrow, Majority Leader Casar, I hear that it's supposed to be really bad whether for our election.

MEMBER CASAR: Yeah, that's why I voted today.

PRESIDENT SCHULMAN: But that will not stop us from going out and having a drink tomorrow night. 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 M. CIRELLI, BILL SMUCKLER, GREG HAWK, THOMAS E. WEST, JAMES GRIFFIN, CHRIS SMITH, TERRY PRATER, DAVID R. DOUGHERTY, PATRICK BARTON, & KARL "BUTCH" KRAUS)

All COUNCILMEMBERS PRESENT

CLERK TIMBERLAKE: All present Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Tonight we'll have our invocation given by Councilmember Chris Smith. Will you all please remain standing for the Pledge of Allegiance.

*The regular meeting of Canton City Council was held on Monday, March 3, 2008 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 4 Councilmember Chris Smith, 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 going to be asked to suspend Rule 22A to add the second reading of Ordinances #6 through and including #8 Member Casar, the Chair will recognize that motion.

MEMBER CASAR: Mr. President. I move we suspend Rule 22A and add Ordinances #6, 7 and 8 to this evening's agenda.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to second reading Ordinances 6, 7 and 8 to this evening's agenda. 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 and Rule 22A is suspended and the Ordinances are a legal part of your agenda.

**MINUTES OF THE MEETING OF MARCH 3, 2008****PUBLIC HEARINGS**

PRESIDENT SCHULMAN: We are now under Public Hearings. There are no public hearings this evening.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: We are now under public speaks on Ordinances and Resolutions for adoption. We have no speakers signed up this evening.

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: We're now under Informal Resolutions. Madame Clerk, would you please read Resolution #21 by title.

21. PERSONNEL COMMITTEE: WITHDRAWING DEREK GORDON; SEE C#96 RE: APPT OF DONALD PETERSON III TO CANTON REC BD EFF: RETROACTIVE 1/1/08 THRU 12/31/12. - ADOPTED

PRESIDENT SCHULMAN: The Chair will recognize a motion to adopt Resolution #21. Member Casar.

MEMBER CASAR: Mr. President. I move we adopt Resolution #21.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #21. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no. Resolution 21 has been adopted.

NO REMARKS RESOLUTION #21 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: Madame Clerk, would you please read Resolution 22 by title.

22. COUNCIL AS THE WHOLE: COMMITTING CANTON CITY COUNCIL TO THE MAHONING ROAD CORRIDOR PROJECT. - ADOPTED

MEMBER CASAR: Mr. President. I move we adopt Resolution #22.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #22. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye. Those opposed nay. Resolution #22 has been adopted.

NO REMARKS RESOLUTION #22 APPROVED BY UNANIMOUS VOICE VOTE

**COMMUNICATIONS**

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

**MINUTES OF THE MEETING OF MARCH 3, 2008**

***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 MARCH 3, 2008.***

94. CRA HOUSING OFCR WILLIAMS, B: REQ RE-APPT OF GUY BERTRAM & GREG HAWK TO COMM REINVEST AREA HSG CNCL EFF. MAR 1, 2008 THRU FEB 28, 2011. - PERSONNEL COMMITTEE

95. LIQUOR CONTROL DIVISION (OHIO): NOTICE OF HRG ON 3/18/08 @ 2:00 P.M. RE: TRANSFER OF OWNERSHIP & LOCATION APP OF D-5 LIQ PERMIT FOR DIANA LYNN ALBERT dba RIDE TO FREEDOM BAR & GRILL, @ 2001 KIMBALL RD SE. - RECEIVED & FILED

96. MAYOR HEALY: REQ W/DRAW OF MR. DEREK GORDON APPT; REQ APPT OF MR. DONALD PETERSON III TO CANTON REC BD EFF: RETROACTIVE 1/1/08 THRU 12/31/12. - RECEIVED & FILED

97. PLANNING COMMISSION: RECOMMENDING APPROVAL OF REPLAT OF LTS #1993 - 2002 & LTS #6248, 6249 & 28911 & VACATED ROADWAYS ENGLEHART & SAVANNAH AVE NE., (AEP) - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

98. PLANNING COMMISSION: RECOMMENDING APPROVAL OF REPLAT OF 4.5 ACRES BORDERED BY MCKINLEY & HIGH AVE SW., & 3<sup>RD</sup> & 5<sup>TH</sup> ST SW PLUS PROPOSED VACATED STREETS IN SAME AREA TO CONTINUE FED CAMPUS PROJ. (CITY OF CANTON) - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

99. PLANNING COMMISSION: RECOMMENDING APPROVAL OF VACATION OF 4<sup>TH</sup> ST SW BETW MCKINLEY & HIGH AVE SW., & WELLS AVE SW BETW 3<sup>RD</sup> & 5<sup>TH</sup> ST SW FOR FED CAMPUS COMPLEX (CITY OF CANTON) - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

100. ROBINSON, K., (APPLICANT): REQ ZONE CHANGE @ 1111 LAWRENCE RD NE FR: R-1a TO PR-4. - PLANNING COMMISSION

101. SAFETY DIRECTOR NESBITT: REQ AMEND COD ORD POL DEPT TR FDS SEC 131.10 (a) & FED FORFEITURE FDS SEC 131.10 (e) AUTHORIZE SAF DIR ONLY TO MAKE ALL NECESSARY EXPENDITURES FR: THESE FUNDS. - JUDICIARY COMMITTEE

102. SERVICE DIRECTOR BERNABEI: REQ \$400,000.00 SUPP APP FR: UNAPP BAL 4506 INFRA BOND FD TO: 4506 202073 STEIN IND PK, GP 1094, REQ \$400,000.00 SUPP APP FR: UNAPP BAL 2234 STEIN IND PK GP 1094 TO: 2234 202073 STEIN IND PK, GP1094; REQ \$400,000.00 ADV FR: 4506 INFRA BOND FD TO: 2234 STEIN IND PK, GP 1094; REQ \$400,000.00 ADV RE-PAY FR: 2234 STEIN IND PK, GP 1094 TO: 4506 INFRA BOND FUND. - FINANCE AND PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES

103. SERVICE DIRECTOR BERNABEI: SUBMITTING SAN SEWER RATES; RECOMMENDING 8.1% INCREASE EFF: 4/1/08, AMDG SEC 947.06(a), 947.06(c) & 943.05(c). - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE

**MINUTES OF THE MEETING OF MARCH 3, 2008**

104. YOUNG, A., (APPLICANT): REQ ZONE CHANGE OF VAC LOT #30871 ON W TUSC FR: R-1a TO PB-1. - PLANNING COMMISSION

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: We're now under Ordinances and 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, please read the first reading ordinances by title.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #4 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.***

#1. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AUTHORIZING THE MAYOR AND/OR SERVICE DIRECTOR TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE NEW HORIZONS PARK PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance, Community & Economic Development & Parks & Recreation Committees

#2 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$3,600.00 TO DESANTIS ENTERPRISES; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance & Community & Economic Development Committees

#3 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

#4 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$72,520.00 TO CARGILL, INC.; AMENDING APPROPRIATION ORDINANCE NO. 1/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Yes Member Casar.

MEMBER CASAR: Ah...point of information. Ah...Ordinance #1, ah, I would request ah...if you would ah...that it also be referred to Parks and Recreation Committee because it does have to do with the parks.

PRESIDENT SCHULMAN: I'm sorry, so what committee?

MEMBER CASAR: Parks and Recreation.

**MINUTES OF THE MEETING OF MARCH 3, 2008**

PRESIDENT SCHULMAN: Absolutely.

MEMBER CASAR: Thank you.

PRESIDENT SCHULMAN: So Ordinance #1 will be referred not only to Finance and Community & Economic Development but also the Parks Committee. Thank you Member Casar.

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: We are now under Ordinances for their second reading. Madame Clerk, will you please read Ordinances ah...6, 7 and 8 please by title.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #6, #7 and #8 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (ORDINANCES #5 AND #9 WERE RETAINED IN COMMITTEE):***

#5. (2<sup>ND</sup> RDG) **RETAINED IN COMMITTEE**

#6. (2<sup>ND</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

#7. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO 1/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

#8. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR WATER TREATMENT PLANT UPGRADES AND TO ENTER INTO CONTRACT WITH BURGESS & NIPLER FOR ENGINEERING SERVICES; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO APPLY FOR AND ENTER INTO A CONTRACT WITH THE OHIO WATER DEVELOPMENT AUTHORITY FOR LOANS FOR THE PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

#9. (2<sup>ND</sup> RDG) **RETAINED IN COMMITTEE**

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

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

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #10 THROUGH #12 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. ALL THE ORDINANCES WERE ADOPTED BY COUNCIL FOLLOWING THEIR THIRD READING.***

#10 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE #18/2008** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO COMPLETE THE CONTRACTING PROCESS FOR VARIOUS CONTRACTS PREVIOUSLY AUTHORIZED BUT NOT COMPLETED BY JANUARY 1, 2008; AND DECLARING THE SAME TO BE AN EMERGENCY

**MINUTES OF THE MEETING OF MARCH 3, 2008**

PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

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

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #10 is adopted. Ordinance #11 please.  
**#10 ADOPTED AS ORDINANCE NO. 18/2008**

#11 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE #19/2008** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A DONATION TO ASSIST IN THE PURCHASE OF WATER RESCUE EQUIPMENT; AMENDING APPROPRIATION ORDINANCE NO. 1/2008, 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 Res....Ordinance #11.

MEMBER CARBENIA: Seconded.

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

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #11 is adopted. Ordinance #12 please.  
**#11 ADOPTED AS ORDINANCE NO. 19/2008**

#12 (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE 20/2008** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF FIFTEEN TACTICAL ASSAULT RIFLES FOR THE POLICE DEPARTMENT; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ALTERNATIVELY PURCHASE THE RIFLES PURSUANT TO THE STATE'S COOPERATIVE PURCHASING AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

**MINUTES OF THE MEETING OF MARCH 3, 2008**

PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #12, are there any remarks, Member Casar?

MEMBER CASAR: Mr. President, I move we amend Ordinance 12 per the copy that all councilpersons have in front of them; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to amend Ordinance #12 as per the copy before each of you. Are there any remarks? If not, by voice vote, all those in favor of the motion, signify by saying aye, those opposed....The motion carries, Member Casar.

NO REMARKS AMENDMENT APPROVED BY UNANIMOUS VOICE VOTE

**AMENDMENT:** PURSUANT TO RULE 36, I MOVE TO AMEND AGENDA ITEM NO. 12 TO READ AS FOLLOWS:

*Section 3. The Auditor is authorized and directed to draw his warrants from the forfeiture fund upon receipt of vouchers duly approved by the proper departmental authority.*

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

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

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #12 as amended has been adopted.

**#12 ADOPTED AS AMENDED AS ORDINANCE NO. 20/2008**

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SCHULMAN: We're under Announcement of Committee Meetings. Member Hawk.

MEMBER HAWK: Mr. President, Finance Committee will meet at 6:30 on March 10<sup>th</sup>.

PRESIDENT SCHULMAN: Thank you.

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

**MINUTES OF THE MEETING OF MARCH 3, 2008**

MEMBER CARBENIA: Community & Economic Development ah...will meet...ah at 6:30 on 3/10/08.

PRESIDENT SCHULMAN: Thank you.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: The Intergovernmental and Public Service Committee are meeting at 6:30, March 10<sup>th</sup>.

PRESIDENT SCHULMAN: Thank you very much.

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel will meet March 10<sup>th</sup> at 6:30.

PRESIDENT SCHULMAN: Thank you, any other Committee announcements?

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

PRESIDENT SCHULMAN: And we're now under Public Speaks, Open Forum and to the delight of the Majority Leader, we have no public 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'd like to ask the Safety Director a question, about a month ago, I asked in regards to the lighting at the Shorb and the ah...Police Station up there at Shorb and ah...and ah...12th St. As of last week, there are still no lights.

SAFETY DIRECTOR NESBITT: Mr. President.

PRESIDENT SCHULMAN: Yes ah...Director Nesbitt.

SAFETY DIRECTOR NESBITT: My understanding was that ah...by talking to Sergeant ah...Fox, that they had an electrician lined up to come in and wire those lights up and it was going to be done.

MEMBER CASAR: Why would it take a month to string some wire to hook up some lights? I mean, I think that's ridiculous. I think we should have that lit up as soon as possible, like tomorrow.

SAFETY DIRECTOR NESBITT: I'll...I'll re-look into that again and see why it hasn't been done.

**MINUTES OF THE MEETING OF MARCH 3, 2008**

PRESIDENT SCHULMAN: Um...any other Miscellaneous.....

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: Just remind everybody to vote tomorrow who hasn't voted, even though it's bad weather, be like a postman, go do it.

PRESIDENT SCHULMAN: I just want to say 1 thing before Member Casar ah...moves for an adjournment. We have two Members of Council that are running for higher office. I want to commend both of them as public servants, Member Cirelli, Member West, no matter what happens at the election, we appreciate your dedication to the public and your commitment to a better government and a better world in which we live and...I think we all wish you the best of luck. Nice campaign.

*(APPLAUSE)*

PRESIDENT SCHULMAN: Now, Member Casar. Any one else?

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

MEMBER CARBENIA: Seconded.

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

NO REMARKS      ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: The meeting is adjourned. *(Gavel falls)*

ADJOURNMENT TIME: 7:46 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

ALLEN SCHULMAN  
PRESIDENT

**MINUTES OF THE MEETING OF MARCH 3, 2008**