

MINUTES OF THE MEETING OF APRIL 14, 2008

PRESIDENT PRO TEM CARBENIA: With a quorum being present, the Chair will call this meeting of Canton City Council to order. Roll call please.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

8 COUNCILMEMBERS PRESENT: (JOE CARBENIA, MARY M. CIRELLI, GREG HAWK, JAMES GRIFFIN, CHRIS SMITH, TERRY PRATER, DAVID R. DOUGHERTY, & "BUTCH" KRAUS)

EIGHT COUNCILMEMBERS PRESENT, FOUR ABSENT (DON CASAR, BILL SMUCKLER, THOMAS WEST & PAT BARTON)

CLERK TIMBERLAKE: Eight absent or eight present, four absent Mr. President.

PRESIDENT PRO TEM CARBENIA: Um....At this time I'd like to ah.... mention that I'm appointing Mary Cirelli as Majority Leader Pro Tem tonight. Um...Greg, if you would second the motions, I'd appreciate it. Tonight, I'll be doing the invocations this evening and then after that please remain standing for the Pledge of Allegiance and.....ah...we will begin.

The regular meeting of Canton City Council was held on Monday, April 14, 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 Councilmember Joe Carbenia, followed by the Pledge of Allegiance led by President Pro Tem Carbenia.

AGENDA CORRECTIONS & CHANGES

PRESIDENT PRO TEM CARBENIA: Okay ah...the agenda corrections tonight and changes, we are now under those ah...correction and changes. Members of...ah... Council...you... you're being asked to suspend Rule 22A to add second readings and Ordinances 9 and 11. Ordinance 7, 8, 10 and 12 will be retained in committee, Member Cirelli.

MEMBER CIRELLI: Mr. President, I move....I move we Rule 22A be suspended to add second reading Ordinances 9 & 11, and Ordinances 7, 8, 10 & 12 will be retained in committee.

MEMBER HAWK: Seconded.

PRESIDENT PRO TEM CARBENIA: It being moved and seconded to suspend Rule 22A to add 9 and 11 to this evening's agenda. Um....roll call please.

NO REMARKS ROLL CALL: 8 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eight yeas, Mr. President.

PRESIDENT PRO TEM CARBENIA: Rule 22A is suspended and the Ordinances are a legal part of our agenda.

INFORMAL RESOLUTIONS

PRESIDENT PRO TEM CARBENIA: Ah....we'll have the Resolutions for excusing Members...ah...Mary Cirelli, please.

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MEMBER CIRELLI: Mr. President, ah..I move we excuse Members, Allen Schulman, Patrick Barton, Thomas West, Bill Smuckler and Don Casar.

MEMBER HAWK: Seconded.

PRESIDENT PRO TEM CARBENIA: It's been moved and seconded to excuse Members of Council, Member Allen Schulman, President, Member Casar....Member Casar, Member....oh I don't have to hold that down, huh,

CLERK TIMBERLAKE: Right

PRESIDENT PRO TEM CARBENIA: With mine I have to hold it down. Member Casar, Member West, Member...um...um Bill Smuckler and ah...Pat Barton. All those in favor signify by saying aye, all opposed, on. Carried....Oh, it has to be a roll call vote, I'm sorry.

NO REMARKS ROLL CALL: 8 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eight yeas, Mr. President.

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM CARBENIA: Yes..ah...Ms. Cirelli.

MEMBER CIRELLI: Ah...do we have a public hearing tonight?

PRESIDENT PRO TEM CARBENIA: Yes I'm going to do that right now.

MEMBER CIRELLI: Sorry.

PRESIDENT PRO TEM CARBENIA: Okay, I just probably went out of line with.....ah...excusing the Members.

PUBLIC HEARINGS

PRESIDENT PRO TEM CARBENIA: We have a Public Hearing tonight. We are now under Public Hearings and we have the one public hearing scheduled this evening at 7:30 P.M. It is AN ORDINANCE VACATING PORTIONS OF 4TH ST SW AND WELLS AVENUE SW; APPROVING AND ACCEPTING THE REPLATTING OF 4.545 ACRES OF LAND FROM THE CANTON FEDERAL...AH.. CENTER PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY; THIS IS ASSIGNED TO WARD 4; PLANNING COMMISSION RECOMMENDS APPROVAL OF SAME. Is there anyone in the audience wishing to speak for or against this vacation, please come forward. Once again, is there anyone in the audience wishing to speak for or against this vacation, please come forward...um...please come forward. Apparently no one...apparently not, the Chair declares the public hearing over. The matter now rests on the hands of Council. The Ordinance will follow this...later this evening.

PUBLIC SPEAKS

PRESIDENT PRO TEM CARBENIA: And nobody has signed up under Public Speaks on...ah.. Ordinances

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or Resolutions.

INFORMAL RESOLUTIONS

PRESIDENT PRO TEM CARBENIA: We're now under Informational Resolutions.

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM CARBENIA: Member Cirelli.

MEMBER CIRELLI: I move that we...ah... um...adopt Ordinance... Resolution #40.

MEMBER HAWK: Seconded.

PRESIDENT PRO TEM CARBENIA: It's been moved and properly seconded...um to...let's see...to adopt Ordinance #40. Um...is that a roll...that's just a voice vote. Any remarks?

MEMBER KRAUS: Mr. President.

PRESIDENT PRO TEM CARBENIA: Mr. Kraus.

MEMBER KRAUS: After we vote I would ask the Clerk to read that and then we can make a presentation.

PRESIDENT PRO TEM CARBENIA: Alright, any other remarks? If not...ah... do you have the roll call or the vote?

CLERK TIMBERLAKE: All those in favor say aye. Those opposed, no.

NO REMARKS RESOLUTION #40 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM CARBENIA: And then would you now read the Resolution.

CLERK TIMBERLAKE: Originally developed as a multiple trusteeship community foundation by five Stark County banks in 1963, the Stark Community Foundation has been dedicated to improving and enhancing the quality of life for all Stark County citizens; and **WHEREAS:** By the end of 1964, Corporate Trustees held the funds of the original Foundation totaling \$4,601,694.00 Grants have been paid regularly since 1965 and to date, \$50 million has been paid out in grants for neighborhoods, children's activities, educational scholarships and simply to improve the quality of life in Stark County; and **WHEREAS:** In 1985, the Stark County Community Foundation incorporated and is now operating in trust and corporate form maximizing the flexibility for its donors; and **WHEREAS:** That the leadership that the Stark County Foundation provides has been especially golden in addressing community needs and challenges. Charitable grants are now available up to \$10,000.00 for qualifying neighborhood organizations, thus helping to make our city a better place to live, work and play. **NOW, THEREFORE, BE IT RESOLVED:** That Canton City Council go on public record honoring and commending **THE STARK COUNTY COMMUNITY FOUNDATION** for its services and contributions to the City of Canton as well as the Stark County community and all of our citizens.

MEMBER KRAUS: Mr. President.

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PRESIDENT PRO TEM CARBENIA: Mr. Kraus.

MEMBER KRAUS: I'm not sure if Cindy Lazar is here but I know Marilyn Thomas Jones is here and...ah...I'd like for Marilyn to come up or...and if Cindy is here and then we'll make the presentation. I'd also like to thank Alice Sarver for helping Cindy with getting some of this information.

PRESIDENT PRO TEM CARBENIA: Thank you.

(APPLAUSE)

MEMBER KRAUS: Marilyn this is on behalf of the whole City Council. As you can see we have the Year of Our Neighborhood and I guess I'm just elected because I sit so close to the end and you're so lovely I didn't want anybody else to do it. *(Laughter)*

MARILYN THOMAS JONES: Okay.

MEMBER KRAUS: On behalf of City Council, thank you very much and please say a few words for us.

MARILYN THOMAS JONES: Good evening everyone.

MEMBER GRIFFIN: Hi neighbor.

MARILYN THOMAS JONES: Hi neighbor. On behalf of the Stark Community Foundation, I am proud and extremely happy to accept this Resolution. The Stark Community Foundation has been and continues to be dedicated to the betterment of the City of Canton and to Stark County and it's entirety. Um...I'm surprised to have received this this evening but again I am very happy and particularly happy to have received it from Butch Kraus who went through the Neighborhood Leadership training with me and also your Councilman Griffin has gone through the training and um...we will hang this in a place of honor in our offices. Thank you so very much.

(APPLAUSE)

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM CARBENIA: Mary.

MEMBER CIRELLI: Um...I think it'd be kinda nice if we have everybody in the neighborhoods just stand up so we just applaud all them people for being here tonight.

PRESIDENT PRO TEM CARBENIA: Okay, do so please.

(APPLAUSE)

PRESIDENT PRO TEM CARBENIA: Now I know why Butch twisted my arm so he could give this...ah..Resolution. Moving on, Resolution 44 is going to postponed tonight until April 21, 2008.

COMMUNICATIONS

PRESIDENT PRO TEM CARBENIA: We're now under the communications. Let it...let the Journal show that

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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 APRIL 14, 2008.

164. ANDERSON, MARTHA, L., APPLICANT: REQ ZONE CH @ 1731 WALLACE AVE., NE FR: R-1a TO PB-4. - PLANNING COMMISSION
165. COURT ADMINISTRATOR KOCHERA: CANTON MUNICIPAL COURT 2007 ANNUAL REPORT. - RECEIVED & FILED
166. HATTIE HARRIS GOOD SPIRITS CLB INT'L: NAT'L THANK YOU DAY & PROCLAMATION OF APPRECIATION TO CANTON CITY COUNCIL FOR THEIR HONESTY & INTEGRITY. - RECEIVED & FILED
167. HEALTH BENEFITS ADMIN., BRESSON: MAR 2008 MO COMPARATIVE RPT OF INSUR CLAIMS & JAN - MAR 2008 PD CLAIMS & COMPARATIVE RPT. - RECEIVED & FILED
168. LAW DIRECTOR MARTUCCIO: REQ TO PREPARE RES FOR NECESSITY & INTENT OF CANTON TO ACQUIRE EASEMENT FOR PROPERTY @ 4020 FAIRCREST ST SW, PERRY TWP ESTABLISHING 20-FT PUB DRAIN EASEMENT FOR DRAINAGE OF PUB ROADWAY & STORM WATER MGMT SYS FOR ADJACENT PROPERTY OWNED BY CANTON COMMERCE DEV., LLC. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
169. MAYOR HEALY: RE-APPT MS. PAULINE DOWNING TO FAIR EMPLOY PRAC BD EFF: 5/1/08 THRU 4/30/11. - PERSONNEL COMMITTEE
170. MAYOR HEALY: APPT OF MS. INDIA JENKINS TO INVEST BD. EFF. RETRO 1/1/08 THRU 12/31/09. - PERSONNEL COMMITTEE
171. MAYOR HEALY: APPT OF MS. BERNADINE JENKINS TO CANTON CITY HEALTH BD. EFF. RETRO 1/1/08 THRU 3/31/13. - PERSONNEL COMMITTEE
172. PLANNING COMMISSION: REZONE LTS #30871 THRU 30873 ON N. SIDE OF W TUSC, E. FR: MONTROSE AVE. FR: R-1a TO PB-1 TO CONSTR. MED BLDG (REQ BY DR. ASIF YOUNUS). PLNG COMM RECOMMENDS APPROVAL. - JUDICIARY COMMITTEE
173. PLANNING COMMISSION: REPLAT LTS #15140 & 15141 & PART OF LTS #15137 THRU 15139 @ SW CORNER OF BELDEN AVE. NE & 6TH/8TH ST CONNECTOR. PLNG COMM RECOMMENDS APPROVAL. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
174. PLANNING COMMISSION: APPROVE MILLS INDUSTRIAL PARK FINAL SUBDIV PLAN. PLNG COMM RECOMMENDS APPROVAL. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
175. PLANNING COMMISSION: REPLAT LOTS #6966 THRU 6969, PART OF LTS #6964 & 6965 & PARTS OF LTS #6935 THRU #6940 @ NE CORNER OF 5TH STR & WARNER RD. PLNG COMM RECOMMENDS APPROVAL. (REQ BY JAMES GYALOG) - PUBLIC SAFETY &

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THOROUGHFARES COMMITTEE

176. SERVICE DIRECTOR BERNABEI: ENTER INTO \$35,000.00 AGMT W/CANTON MEDIA WORKS PUB., LLC (CMW) & CANTON CIC FOR PUBLICATION OF 2008 CANTON QUARTERLY MAGAZINE; REQ \$35,000.00 SUPP APPROP FR: 1001 200501 FOR PUBLICATION EXPENSES. - FINANCE COMMITTEE
177. SERVICE DIRECTOR BERNABEI: AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS, AWARD & ENTER INTO CONTRACT FOR ASPHALT RESURF BY MILL & FILL, GATHERING OLD ASPHALT & LAYING NEW ASPHALT FOR 2008 ASPHALT RESURF PROGRAM. - FINANCE COMMITTEE
178. SERVICE DIRECTOR BERNABEI: WATER MAIN EXTEN FOR MVP REAL ESTATE LTD LOCATED ON KROPF AVE., SW IN PERRY TWP TO SERVE 2 EXISTING COMMERCIAL BUSINESSES, 6 PROPOSED STORAGE BLDGS/UNITS & FUTURE COMMERCIAL DEV. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
179. SERVICE DIRECTOR BERNABEI: REQ \$220,000.00 APPROP FR: 5225 UNAPP BAL CARNWISE WATER MAIN EXTEN FUND TO INSTALL 12 IN. WATER LINE ON CARNWISE AVE. SW SERVING APPROX 80 HOMES & CONNECTING TO CITY WATER; ADVERTISE, REC BIDS & ENTER INTO CONTRACT TO INSTALL 12 IN. WATER MAIN IN CANTON TWP. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
180. SERVICE DIRECTOR BERNABEI: ENTER INTO \$30,156.37 CONTRACT FOR 2008 'CONCERT IN THE PARK' W/CANTON SYMPHONY ORCHESTRA ASSN; PROVIDE PAYMENTS TO VENDORS FOR NECESSARY SERVICES @ THE EVENTS HELD IN MONUMENT PK. - FINANCE COMMITTEE
181. SERVICE DIRECTOR BERNABEI: REQ VARIOUS SUPP APPROP, TRANSFERS, ADVANCE REPAYMENTS AS REQ BY CANTON CITY AUDITOR'S OFFICE DEEMED NECESSARY. - FINANCE COMMITTEE
182. SERVICE DIRECTOR BERNABEI: ADVERTISE, REC BIDS, AWARD & ENTER INTO \$100,000.00 CONTRACT FOR 2008 SIDEWALK PROG ADMIN BY CITY OF CANTON ENG DEPT FOR VARIOUS SECTIONS W/IN CITY OF CANTON; REQ APPROP TRANSFER FR: 4501 202001 75812 CAP ENG ADMIN - OTHER CONTRACTORS. - FINANCE COMMITTEE
183. TREASURER SCHIRACK: MAR 31, 2008 COMPARATIVE RPT OF CASH RECEIPTS. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT PRO TEM CARBENIA: We'll move on to...we are now under Ordinances and Formal Resolutions for the first reading. Let the Journal show that all Ordinances are being given their reading and required by State Law. Madame Clerk, please...ah... read them.

NOTE: PRESIDENT PRO TEM CARBENIA CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #6 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE

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- #1. (1ST 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
- #2. (1ST 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
- #3. (1ST 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
Referred to Community & Economic Development Committee
- #4. (1ST RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Personnel Committee
- #5. (1ST RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Personnel Committee
- #6. (1ST RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE FIRST TEE OF CANTON INC. ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Annexation Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT PRO TEM CARBENIA: We are now under Ordinances for their second readings. Madame Clerk, will you please...ah...by...Ordinance 7 by title....or no....

CLERK TIMBERLAKE: Ordinance 9.

PRESIDENT PRO TEM CARBENIA: Ordinance 9.

CLERK TIMBERLAKE: My pleasure.

NOTE: PRESIDENT PRO TEM CARBENIA CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #9 & #11 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW,

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- #7. (2ND RDG) **(RETAINED IN CMTE 3/10/08, 3/17/08, 3/24/08, 3/31/08, 4/07/08 & 4/14/08)** 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
- #8. (2ND RDG) **(RETAINED IN CMTE 4/14/08)** AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
- #9. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF 165 SPECIALIZED BULLETPROOF VESTS AND 10 STANDARD BULLETPROOF VESTS FOR THE FIRE DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
- #10. (2ND RDG) **(RETAINED IN CMTE 4/14/08)** AN ORDINANCE AMENDING SECTION 975.08, RATES; RESPONSIBILITY OF PUBLIC SERVICE DIRECTOR, OF THE CODIFIED ORDINANCES; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE LEASE OF A BACKHOE LOADER FOR THE WATER DEPARTMENT; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ALTERNATIVELY LEASE SAID BACKHOE LOADER PURSUANT TO OHIO REVISED CODE SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY
- #12. (2ND RDG) **(RETAINED IN CMTE 4/14/08)** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH RMI TITANIUM COMPANY

PRESIDENT PRO TEM CARBENIA: Doesn't she do a great job reading those? We can still understand them too. *(Laughter)*

CLERK TIMBERLAKE: Thank you Joe.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT PRO TEM CARBENIA: We're now on third readings. And...ah.... under the Ordinances for their third and final reading. Madame Clerk....ah....please read the Ordinances by title.

NOTE: PRESIDENT PRO TEM CARBENIA CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #13 THROUGH #15 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.

- #13. (3RD RDG) **ADOPTED AS ORDINANCE #42/2008** AN ORDINANCE VACATING PORTIONS OF 4TH STREET SW AND WELLS AVENUE SW; APPROVING AND ACCEPTING THE REPLATTING

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OF 4.545 ACRES OF LAND FOR THE CANTON FEDERAL CENTER PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM CARBENIA: Member Cirelli.

MEMBER CIRELLI: I move we adopt Ordinance #13.

MEMBER HAWK: Seconded.

PRESIDENT PRO TEM CARBENIA: It's been moved and seconded to adopt Ordinance #13. Are there any...ah... remarks? If not, can we have a roll call vote.

NO REMARKS ROLL CALL: 8 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eight yeas Mr. President.

PRESIDENT PRO TEM CARBENIA: Ordinance #13 has been adopted. Madame Clerk, would you read Ordinance 14.

#13 ADOPTED AS ORDINANCE NO. 42/2008

#14. (3RD RDG) **ADOPTED AS ORDINANCE #43/2008** AN ORDINANCE AMENDING ORDINANCE NO. 1/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM CARBENIA: Member Cirelli.

MEMBER CIRELLI: I move we adopt Ordinance 14.

MEMBER HAWK: Seconded.

PRESIDENT PRO TEM CARBENIA: It's been moved and properly seconded to adopt Ordinance 14. Um...ah... roll call please.

NO REMARKS ROLL CALL: 8 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eight yeas Mr. President.

PRESIDENT PRO TEM CARBENIA: Motion..ah..Motion...or ah....Ordinance15 is passed. *(President Pro Tem Carbenia meant to say Ordinance #14 has been adopted)* Um...okay we'll go to Ordinance 15.

#14 ADOPTED AS ORDINANCE NO. 43/2008

#15. (3RD RDG) **ADOPTED AS ORDINANCE #44/2008** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$45,132.00 TO 3-

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D SERVICE LTD.; AMENDING ORDINANCE NO. 1/2008 BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM CARBENIA: Member Cirelli.

MEMBER CIRELLI: I move we adopt Ordinance 15.

PRESIDENT PRO TEM CARBENIA: Member Hawk.

MEMBER KRAUS: Seconded.

PRESIDENT PRO TEM CARBENIA: *(Laughter)* It's a lot of work I know. I do the same thing. Um...It's been moved and seconded to adopt ah....Ordinance 15. Um roll call please.

NO REMARKS ROLL CALL: 8 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eight yeas Mr. President.

PRESIDENT PRO TEM CARBENIA: Ordinance 15 is ah....passed...ah....adopted.

#15 ADOPTED AS ORDINANCE NO. 44/2008**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT PRO TEM CARBENIA: Ah....Announcement of Committee Meetings and ah...we're going to move the Committee Meetings to 5:45 please.

MEMBER PRATER: Mr. President.

PRESIDENT PRO TEM CARBENIA: Mr. Prater.

MEMBER PRATER: Personnel Committee and Annexation Committee will meet April 21st at 5:45.

PRESIDENT PRO TEM CARBENIA: Thank you.

MEMBER GRIFFIN: Mr. President.

PRESIDENT PRO TEM CARBENIA: Member Griffin.

MEMBER GRIFFIN: Environmental & Public Utilities will meet at 5:45...ah...on the 21st.

PRESIDENT PRO TEM CARBENIA: Um..Community & Economic Development Committee will meet at 5:45 on 9/21...or 4/21. Judiciary. Some body call Judiciary. Mary.

CLERK TIMBERLAKE: Member Cirelli.

MEMBER CIRELLI: Ah....Mr. Chairman....*(Inaudible)*

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PRESIDENT PRO TEM CARBENIA: 5:45. Thank you, that's Judiciary. Okay...um....let's see, public speaks, announcements, committees, that's all.

CLERK TIMBERLAKE: Yep...yep, we're okay.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT PRO TEM CARBENIA: Okay, we're up to Public Speaks. We are now under Public Speaks and we have....ah...four people have signed up. First is....ah...Christine Peterson, if you would come forward to the mic and um...give your name and address please. And ah....as...as Allen usually says, "you have three minutes."

CHRISTINE PETERSON: My name is Christine Peterson, my address is 1319 - 14th St NE in Canton. And Mr. President, Mayor Healy, Administration and Council Members, I want to thank you for this opportunity to speak. Um...I would like to introduce myself first and foremost as a resident and a homeowner in the City of Canton for seven years. Secondly, I am the chairperson for G.A.I.N., Gibbs Area Involved Neighbors Association. And G.A.I.N. is the new kid on the block. I want to thank Marilyn Thomas Jones, Stark Community Foundation, the City of Canton, Chase Bank and the Repository for their support of this Association. My reasons for speaking are first to commend the numerous Associations for the work they have accomplished in their community. Second, to commend Council and Administration for addressing the many concerns and issues that have come before them for the betterment of our neighborhoods and our City as a whole. And thirdly, and I feel the most important, I am looking forward to the opportunity to work with each of these entities in building Gibbs Areas Involved Neighbors to be an involved, positive and productive neighborhood. But most important, is that it will be a safe neighborhood, where families will want to live and feel safe allowing their children to play in their yards and to sit on the furniture in the home above window lines. As you can see, there are numerous concerns to address with crime and safety being the first to discuss. In neighborhood meeting, with Councilman Thomas West, Safety Director Thomas Nesbitt, representatives from the Gang Task Force and a representative from the Crime Prevention Specialist Office has been scheduled. Residents from G.A.I.N. area will be invited and encouraged to attend. I have hope and a vision that in the end, our joined efforts to achieve reasonable and mutual goals and solutions and to build off of these solutions will benefit our neighborhood, our community and our City as a whole. Thank you for your attention and this opportunity to serve G.A.I.N. and Canton, Ohio.

(APPLAUSE)

PRESIDENT PRO TEM CARBENIA: Thank you. Next we have...um...Diane...ah...Wissuchek. If you could step forward please, I probably chopped your name up but...uh...give your name and address please and you have three minutes.

DIANE WISSUCHEK: Thank Mr. President, I am Diane Wissuchek and I live at 2029 Franklin Place NW in the Mount Vernon Neighborhood and I am a member of Neighborhood Leadership Council. Mr. President, Mayor Healy, Mr. Service Director, Councilmembers, I am addressing the proposed increase in the ch...charge for Canton City refuse pickup. Currently, every resident of the City of Canton is required to use the City utility services, which include water, sewage and refuse pick-up. We have no options. If we want water and sewage, we also paid for the pickup. The charge for water and sewage is based on usage but what we pay for refuse pickup is a flat rate. No matter how much or how little is placed at the curb. As a retired single person a diminishing income, I do everything I can to control my spending to keep

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within my budget I limited how much electricity and natural gas I use by setting the thermostat at a controlled level and turning off lights and appliances when not necessary. I limit my driving to reduce the cost of gasoline. I limit my shopping to more...to more necessary things. I even watch the amount of water I use in and around the house to control that bill but there seems to be nothing that I can do to control or reduce the cost of my refuse pick-up. As many of you are, I have been recycling for many years and have been doing this at a cost to myself. At this point, especially to during the fall, winter and spring I reduced the amount of pick-up at the curb to one small bag, I estimate to be about eight to ten gallons in size per week. During the growing season, sometimes there is more due to yard waste, so I could recycle more but again, it would require an additional cost to me to buy a composter or haul the yard waste away. I know the City is on the verge of starting Recycling and this is good and it will help in..with the need in transporting some of the recyclables to other locations. But I also know the cost for the refuse pickup, not only includes the cost of labor in transportation around the City but the cost of transporting to and dumping at the landfill. So some people who have reduced their garbage footprint, putting out little trash, are still subsidizing those who have not, or who generate much more garbage because their household contains many more persons. We have talked about this in the past and I have been told that it would be difficult to charge other than a flat rate for refuse pickup. But with the amount of the proposed rate increase, I am asking again for you to think outside the box and see if you can't find a way to make the fee for this service more equitable to the service actually being used.

PRESIDENT PRO TEM CARBENIA: Ma'am.

DIANE WISSUCHEK: It is....

PRESIDENT PRO TEM CARBENIA: Ma'am.

DIANE WISSUCHEK: Yes.

PRESIDENT PRO TEM CARBENIA: If you could go ahead and bring your remarks to an end if you could, the three minutes are up.

DIANE WISSUCHEK: Okay, I will just say basically, I think that...that other Cities have done this and..and come up with other solutions and I would like to have some suggestions. I have some suggestions here if you would like to hear them but there...that I think we should be able to do this to help the people in the City and make the people who use a lot more responsible for what their doing.

PRESIDENT PRO TEM CARBENIA: If you would ah...I'm the..the Safety Director would speak to you after the meeting with all your suggestions, he's the...the man that takes care of Sanitation for us.

DIANE WISSUCHEK: Alright.

PRESIDENT PRO TEM CARBENIA: Thank you .

DIANE WISSUCHEK: Thank you.

(APPLAUSE)

PRESIDENT PRO TEM CARBENIA: Okay, the next speaker is Veronica Callahan. Would you step forward please, give your name and address and you have three minutes starting now...run....*(Laughter)* Thank

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you.

VERONICA CALLAHAN: Thank you. My name is Veronica Callahan, I reside at 3406 - 34th St NE in the City of Canton. And good evening Mr. Carbenia, I ain't gonna call you Council President, and Mayor Healy and all the um...Councilmen and all the...the Service p....ah...people that are here. I am Veronica Callahan like I stated and many of you are no stranger. I'm really...um...pleased to say that I'm...um...standing today as the President of N.A.V.E. Um...and if all of our N.A.V.E. representatives would please stand up real quick, I know we did this before but...and stay standing up with me. We're just here tonight to encourage you guys..um...as our Councilpeople, as our um...City representatives...Oh Butch hold it up. *(Laughter) (Applause)* We're not here to...um..bring any bad flavor to the table or aroma but what we are here to say is, I think we all agree on the problems, the gangs, the drugs, the violence. We know that there's multiple homicides being committed in the City and I'm glad to see...um...even Chief McKimm here, who works a lot with a lot of our organizations. We're here to support you. We hope that we don't want until just once or twice a year to see you guys out. We are happy to say we're going to be hosting our event in October again at the Civic Center. We have been approved for those dollars. There's gonna be some twists and some turns to it, it's not just about candidates and issues but it's about neighborhoods and our families. We encourage you guys to come out this summer. Many of us are going to have block parties and beautification parties. We're going to be doing things all in our neighborhoods. Please, come out and join in with us, don't just, you know, commend us for what we're doing. We're here to work with you. Um...another thing that we would like to say is...um...um...thank you to Marilyn Thomas Jones and...um...the Stark Community Foundation *(Applause)* because without them, we wouldn't be here and to just...just seriously consider...um...I appreciate that sign and I miss City Council for our numerous...ah...ah...personal reasons. But the year of our neighborhoods....guys it's getting worse out here and don't wait until it knocks on your door, it's knocking on all of our doors...um...again, I'm not going to badger you with lists because you guys read the papers and your aware of it. But can we please look at enforcing the curfew laws, the children are younger and younger that are committing these crimes. These homicides, they're not going to go away unless we start getting these kids off the streets, so please, not just come to our monthly meetings, knock on my door, knock on some of these doors, sit on the porch and see what's really happening in the communities cause it is in pretty bad shape. But we do appreciate your support and we're here to help you and thank you.

(APPLAUSE)

PRESIDENT PRO TEM CARBENIA: Thank you. Last...ah...Sharon Skelly, if you could come forward please and give your name address and you have three minutes.

SHARON SKELLY: Good evening, my name is Sharon Skelly, I'm with North Lehman Neighborhood Association, I'm also the secretary of the N.A.V.E. Committee and I'm on Neighborhood Leadership Council. Um...I want to tell you a pleasant good evening. Um...it's good to see you. Um...always good to be here. My address is 1010 -16th St NW...um...and that's what I want to talk about. I have a question for you, what happens when you have a dead elephant in your living room? A dead elephant....it rots because...you...you it's kinda hard to move one of those. Um...we've got that in the North Lehman Area, it's called, Lehman High School...um...the situation there is getting worse and worse and it's systematically becoming a venue for vandalism and other crimes. This is sad, it's a beautiful historic building, it's got a lot of nice features to it...Um...there's so many things we could use it for...for everything like afternoon...after school programs cause we've got an awful lot of latchkey kids in our neighborhood and they need something to do to keep them out of trouble. We also could...um...we have activities for senior citizens, there's so many things we could do with that building and...I mean, the

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possibilities are endless. Ah...we'd like to see some things done about that because it's just getting worse and if we don't do something soon, it's going to deteriorate so badly...um...it...it wouldn't be...we won't be able to fix it if we don't do something now. And that's pretty much what I have to say today. Thank you so much.

(APPLAUSE)

PRESIDENT PRO TEM CARBENIA: Thank you. Thank all of you for coming tonight and especially the four that ah...that thought enough to come up and speak and let us know their mind. And...ah...everybody, there'll be....Council will be milling around after the meeting is over tonight.

MISCELLANEOUS BUSINESS

PRESIDENT PRO TEM CARBENIA: We're...now we're under...ah... miscellaneous business. Do we have any miscellaneous business?

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM CARBENIA: Mary.

MEMBER CIRELLI: Thank you Mr. President. Uh...this question I guess would probably go to...ah...Mr. Bernabei, the Service Director. I had a call last week and fortunately I was in my car when I got the call and someone asked me to go out and watch how they were putting...filling the chuck holes...ah...and this was on Wertz Avenue, close by the fairgrounds and there was two trucks and then I saw another crew further so I observed what they were doing, because of what the person had told me. And they were filling the chuck holes and...uh...they didn't do any stamping or rolling. And so after they filled the chuck holes and they pulled away and as I sat and I watched the next car that came, and it was raining, it started to rain. They went shoosh and it came out. And so the question they were asking me, is it possible that they can stamp after they put that, you know cold patch in or possibly roll it to give it some kind of...ah...a grip in there instead of just filling the chuck holes and then going away. And they even suggested possibly could they put horses up and let it kinda maybe dry and you know, what have you. So I don't know, I've never filled the chuck holes, I've just observed.

SERVICE DIRECTOR BERNABEI: Mr. President.

PRESIDENT PRO TEM CARBENIA: Mr. Director Bernabei.

SERVICE DIRECTOR BERNABEI: Could I refer the ah...answer to this question to ah...Assistant ah...Public Service Director Kraus.

(LAUGHTER)

PRESIDENT PRO TEM CARBENIA: Yes you can. Mr. Kraus, tell him we can....we can answer that can't we Butch.

MEMBER KRAUS: Thank you Director. Mary, it...you can tamp it with a shovel or a tamper but it's temporary. There's not enough heat adhesion or...or an emulsion put down to hold that. That's why it only lasts till the first rain or the first snow. Once they start using hot mix, they'll put an emulsion down then put it in and tamp them and roll them. It...I mean you could ask them to tamp it but to be honest with you, the cars are

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rolling it a whole lot better than a tamper would do on cold mix. And they'll probably start making hot mix this week.

MEMBER CIRELLI: Thank you Mr. President and thank you Member Kraus, so I can at least pass onto the people what...ah...the reason why they don't do it. Thank you.

PRESIDENT PRO TEM CARBENIA: Okay, and just a little piggyback on that..that the reason that they can't do that is because it's cold mix...ah..ah I mean even though it looks like it's hot mix, it's just...it's not going to stay in them holes...ah..if you...if you walk on it three hours later, you're...you're foots going to go down in it, so, that's just the way it is and we can't get them to give us any hot mix until a certain day that they decide that it's going to be above 40 all the time which, we seen the bottom fell out again, so, just ah...ah..piggyback on that. Any other miscellaneous? If not, I'll entertain...oh...Mayor.

MAYOR HEALY: Yes, thank you Mr. President. Ah...first of all, I'd like to thank...ah...the N.A.V.E. organization and all the members that are here...Ah...obviously, ah...we've seen a significant ah...improvement because of the presence of the neighborhood associations...and...and we applaud everything that you're doing and everything that you've done so far. I...I appreciate that. Ah...I just wanted to also...ah...let you know, we're doing what we can to get to the neighborhood meetings, or sending representatives there. Ah...we're trying...we don't have notice from everybody, every organization of when your meetings are. So if you have a way to get that information...ah...to the Administration...ah...we'll have a better change of making sure...ah...we can attend those meetings. Ah...and also if you haven't attended...ah...we are doing once a month, a Mayor's Night...um...the next Mayor's night is April 30th, it's going to be here in the Council Chambers and...ah...it's...it's an opportunity for..for everyone to come in and...ah...meet directly with myself or my administration, depending on what your issue is. The Police Chief...ah...Fire Chief, others attend. So, whatever your issue...ah..we can hook you up directly with that Department or person that's responsible to...to...address it. Uh...but it's a great opportunity for to...for you to bring your ideas ah...and thoughts to the...to the administration as well. So, I welcome all of you and..ah..it just gives us an opportunity to...to...mention when the next one is. Um...there was a comment also in reference to the Lehman School and uh...and I can tell you that...ah..we have met with the Superintendent um...and addressed that issue, our development team and Robert Torres, whose sitting here with us, the Director of Development, ah...is working on some issues as well on...ah...potential options...ah..for us to address that school and to...to help that neighborhood. Ah...so..ah...we are working on it and...and your...your...your words are not falling on deaf ears. We're...we're trying to do something for ya and..and help that neighborhood as well. Ah...so if you have any other particular issues like that, feel free to bring them to us anytime but...but the Mayor's Night is a good time to bring those specific issues to us and...and let us...ah...get the information so we can get back to ya. Again, thank you all for coming and..ah...keep doing what you're doing. Ah...the City needs it. Thank you.

PRESIDENT PRO TEM CARBENIA: Um...we have...ah...special privilege...ah...Cindy Timberlake, our Clerk of Council, would like to mention something to you.

CLERK TIMBERLAKE: I would just like to announce to everybody, tonight is Beverly Bevington's last Council Meeting and I know she didn't want a fuss but I would like to take this opportunity to thank Bev for her thirty some years of service and...um...I wish I was only fortunate enough to be you Bev, at this position...at this point but...ah...I thank you very much for all your hard work you've done in the Council Office and I know all the Councilmembers appreciate all the work that you've done for us. Bev's last day will be April 28th and...ah...we are sorely going to miss you Beverly and good luck in your retirement.

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(APPLAUSE)

CLERK TIMBERLAKE: Do you want to say something?

PRESIDENT PRO TEM CARBENIA: Oh, wait a minute, you didn't get permission to talk. *(Laughter)*

CLERK TIMBERLAKE: Tell him you don't care.

PRESIDENT PRO TEM CARBENIA: Yeah, try to stop a lady from talking.

BEVERLY BEVINGTON: Mr. President.

PRESIDENT PRO TEM CARBENIA: Please Bev.

BEVERLY BEVINGTON: Thank you...ah...very much for giving me the privilege of working for Canton City Council. I'll tell ya, Canton has one of the best Councils that probably anywhere in the Country. They're a very hard working group of people, they have the best interest of Canton...each and everyone of them have the best interest of Canton at heart. Believe me, they...they work us to death. Just in their best interests and...ah...thank you very, very much for accepting me. Thank you for giving me the opportunity. It was a pleasure, an honor and I'm gonna have fun now. Thank you.

(STANDING OVATION)

PRESIDENT PRO TEM CARBENIA: Thank Bev for that paid advertisement. *(Laughter)* Ah...any other miscellaneous business? If not, I will entertain a motion to adjourn.

MEMBER CIRELLI: Mr. President. I move we adjourn.

MEMBER HAWK: Seconded.

PRESIDENT PRO TEM CARBENIA: It's been moved and seconded to adjourn. It's not debatable. Roll call vote please.

NO REMARKS ROLL CALL: 8 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eight yeas, Mr. President.

PRESIDENT PRO TEM CARBENIA: *(Gavel falls)* Dismissed.

ADJOURNMENT TIME: 8:13 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

JOE CARBENIA
PRESIDENT PRO TEM

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