

MINUTES OF THE MEETING OF MAY 5, 2008

PRESIDENT PRO TEM CASAR: This Chair calls this meeting of Canton City Council to order. Roll call please.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

11 COUNCILMEMBERS PRESENT: (DON CASAR, JOE CARBENIA, MARY M. CIRELLI, BILL SMUCKLER, GREG HAWK, THOMAS E. WEST, JAMES GRIFFIN, CHRIS SMITH, DAVID R. DOUGHERTY, PATRICK BARTON & "BUTCH" KRAUS)

ELEVEN COUNCILMEMBERS PRESENT, ONE ABSENT (TERRY PRATER)

CLERK TIMBERLAKE: One absent, eleven present.

PRESIDENT PRO TEM CASAR: We'll have our invocation given this evening by 1st Ward Councilman Greg Wes....Greg Hawk (*Laughter*)...sorry. Ah...please remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on Monday, May 5, 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 Greg Hawk, followed by the Pledge of Allegiance led by President Pro Tem Casar.

AGENDA CORRECTIONS & CHANGES

PRESIDENT PRO TEM CASAR: We're now under agenda corrections to place Ordinance...or I will entertain motion for Rule 22A to place Ordinances 4 through and including #12 on this evening's agenda.

MEMBER CARBENIA: Mr. President, I move we, I move Rule 22A be suspended and add second readings 4 through and including 12.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to suspend Rule 22A. Are there any remarks? If not, roll call please.

NO REMARKS ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas.

PRESIDENT PRO TEM CASAR: Rule 22A is suspended and the Ordinances are now part of the agenda.

PUBLIC HEARINGS

PRESIDENT PRO TEM CASAR: Public Hearings.....we have...ah...no public hearings for this evening.

PUBLIC SPEAKS

PRESIDENT PRO TEM CASAR: Public Speaks...we had one person signed up on the wrong...ah...place for Public Speaks, Elaine...ah..Irwin, so we'll recognize her under the...ah...final part of the Public Speaks.

INFORMAL RESOLUTIONS

MINUTES OF THE MEETING OF MAY 5, 2008

PRESIDENT PRO TEM CASAR: Ah...Informal Resolutions. I enter...I entertain a motion to excuse Member...ah... President Schulman. Member Carbenia.

MEMBER CARBENIA: Mr. President...ah.....

PRESIDENT PRO TEM CASAR: And Terry Prater also, sorry.

MEMBER CARBENIA: Mr. President, I move we excuse President Schulman and Member Prater from tonight's meeting.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to excuse Allen Schulman, President and Terry Prater, 5th Ward Councilman from this agenda. Are there any remarks?...The evening's meeting. Are there any remarks? If not roll call please.

NO REMARKS ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM CASAR: Let the journal show that ah...Schulman...President Schulman and 5th Ward Councilman...ah...Terry Prater are duly excused from this evening's meeting. Let's see...where are we at now....okay, Informal Resolution 51, Madame Clerk, would you please read it by title.

#51. WEST, T., WARD 2 CNCLMN: SUPPORTING HORORARILY NAMING CHERRY AVE (BETWEEN 19TH ST NE & 17TH ST SE) & WALNUT AVE (BETWEEN 15TH ST NE & 3RD ST SE) THROUGH THE PLACEMENT OF INFORMATIONAL SIGNS LABELED "DR. MARTIN LUTHER KING, JR. CORRIDOR." - ADOPTED

MEMBER CARBENIA: Mr. President. I move we...um...we...um...adopt Resolution 51.

MEMBER CIRELLI: seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Resolution #51. Are there any remarks?

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM CASAR: Member West.

MEMBER WEST: Yes, Mr. President, this is a request to create the honorary name of...ah...Cherry Avenue and Walnut to the Martin Luther King Memorial Corridor. Um...over the past four years since we've been on Council, there's been much discussion about naming a street after the Dr. Martin Luther King, Jr. and um...the Martin Luther King Commission, the Stark County...or the, excuse me, the Coalition Against Violence and community members, business members, all came to a...an agreement. Ah...and that agreement was to...to present a presence in downtown Canton. Um...and so much as now, we will have a strong presence on Walnut and Cherry to rename a Corridor. Thank you.

MINUTES OF THE MEETING OF MAY 5, 2008

PRESIDENT PRO TEM CASAR: Are there any further remarks?

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM CASAR: Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. Um...I want to compliment...um...Councilman West and Councilman Smith because they were on the...ah...Committee, that they came to a resolution that would also keep Cherry Avenue and Walnut Avenue with the names, so therefore, it wouldn't cause any financial burden on the people that are there to change all their addresses or what have you. And yet, by the same time, we are indeed...um..dedicating an area in memory of Dr. Martin Luther King, Jr. Corridor. So I want to compliment them all on that...ah...on...ah...coming to that conclusion. Thank you sir.

(APPLAUSE)

PRESIDENT PRO TEM CASAR: Are there any further remarks?

MEMBER CARBENIA: Mr. President.

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: I would also like to...ah...add my congratulations to this solution. Ah...this has been a longtime coming, it should have been a longtime ago and I'll end it at that.

MEMBER KRAUS: Mr. President.

PRESIDENT PRO TEM CASAR: Member Hawk. I mean Kraus....*(Laughter)*...sorry, I got...I got Hawk on my mind tonight.

MEMBER KRAUS: Ah...Councilman West, I too want to congratulate you as Chairman of Public Safety and Thoroughfare, I've been watching this very closely, had also a meeting with you guys on the outside and I think it was a great...it was a great solution. Thank you.

PRESIDENT PRO TEM CASAR: Are there any further remarks? If not by voice vote, all those in favor signify by saying aye. Those opposed no. Resolution 51 has been adopted.

NO REMARKS RESOLUTION #51 PASSED UNANIMOUSLY BY VOICE VOTE

COMMUNICATIONS

PRESIDENT PRO TEM CASAR: 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 MAY 5, 2008.

204. AUDITOR MALLONN (CITY): YEARLY REPORT BY FUND FOR 1/1/08 - 4/30/08. - RECEIVED

MINUTES OF THE MEETING OF MAY 5, 2008

& FILED

205. AUDITOR MALLONN (CITY): MONTHLY REPORT BY FUND FOR 4/1/08 - 4/30/08. - RECEIVED & FILED

206. LAW DIRECTOR MARTUCCIO: REQ PERMISSION TO PREPARE & SUBMIT LEGISLATION ON BEHALF OF SERV DIRECTOR, IMPLEMENTING CURBSIDE RECYCLING ON A CITY-WIDE BASIS PURSUANT TO PAST ORDINANCES, ONGOING NEGOTIATIONS & A RECENT RESOLUTION. - RECYCLING COMMITTEE

207. LAW DIRECTOR MARTUCCIO & SERVICE DIRECTOR BERNABEI: REQ AUTHORIZATION TO AMEND COD ORD SEC 551.02, PROHIBITIONS & PENALTY, OF CHAPTER 551, WEEDS & LITTER, TO INCREASE PENALTY FOR REPEAT OFFENDERS FR: MINOR MISDEMEANOR (NON-JAILABLE) TO: 4TH DEGREE MISDEMEANOR (DISCRETIONARY JAIL SENTENCE OF UP TO 30 DAYS). - JUDICIARY COMMITTEE

208. LAW DIRECTOR MARTUCCIO: REQ AUTHORIZATION TO PREPARE & SUBMIT INFORMAL RESOLUTION APPROVING & RATIFYING THE USE OF EXISTING QUALIFYING STANDARDS NEARLY IDENTICAL TO THOSE USED BY COUNTIES TO GRANT EXEMPTIONS FOR UTILITY DISCOUNTS; REQ TO AMEND O#247/2007 TO SIMPLIFY LANGUAGE; REQ TO AMEND O#50/2008 TO ACCURATELY REFLECT DISCOUNTED RATE FOR HOMESTEAD EXEMPTIONS DUE TO AN INCORRECTLY CALCULATED RATE IN SECTION 1. - ENVIRONMENTAL & PUBLIC UTILITIES & JUDICIARY COMMITTEES

209. LIQUOR CONTROL DIVISION (OHIO): REQ TRANSFER OF D5 LIQ PERMIT FR: FINIKI INC DBA FLAMING PIT @ 3504 W TUSC ST TO: LUIGI TOZZI LLC DBA PICCIANOS @ 410 MARKET AVE N. - RECEIVED & FILED

210. LIQUOR CONTROL DIVISION (OHIO): ORDER THAT THE LEGISLATIVE OBJECTION BE OVERRULED & THE PROCESSING OF LIQUOR APP CONTINUE FOR DIANA LYNN ALBERT DBA RIDE TO FREEDOM BAR & GRILL @ 2001 KIMBALL RD SE. - RECEIVED & FILED

211. LIQUOR CONTROL DIVISION (OHIO): ORDER THAT THE LEGISLATIVE OBJECTION BE OVERRULED & THE PROCESSING OF LIQUOR APP CONTINUE FOR SUNKIN, INC DBA S & K MINI MART @ 2502 - 11TH ST SW, 1ST FL. - RECEIVED & FILED

212. SERVICE DIRECTOR BERNABEI: REQ APPROVAL OF RE-NAMING THE WATER POLLUTION CONTROL CENTER (WPCC) AS THE CITY OF CANTON WATER RECLAMATION FACILITY(WRF); AUTHORIZE LAW DIR TO CHANGE ALL CITY CODE REFERENCES FR: WPCC TO: WRF. - JUDICIARY COMMITTEE

213. SERVICE DIRECTOR BERNABEI: REQ \$175,000.00 SUPP APPROP FR: UNAPP BAL 5223 WATER INFRASTRUCTURE CAPITAL IMPROV FUND TO: 5223 207024 WATER - NW TREATMENT PLANT - OTHER (PLANNING LOAN FR: THE OHIO WATER DEVELOPMENT AUTHORITY TO FUND ENG DESIGN SERVICE FOR IMPROVEMENTS TO COLLECTOR WELL #2 AT NW WATER TREATMENT PLANT). - FINANCE & PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES

MINUTES OF THE MEETING OF MAY 5, 2008

214. TIMBERLAKE, C., CLERK OF CNCL: REQ FORMAL RESOLUTION WITHDRAWING CITY'S OBJECTION TO ISSUANCE OF LIQ PERMIT FOR SUNKIN, INC DBA S & K MINI MART @ 2502 - 11TH ST SW. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT PRO TEM CASAR: 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, would you please read Ordinances by title only.

NOTE: PRESIDENT PRO TEM CASAR CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #3 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 HYDRODEC NORTH AMERICAN HOLDINGS, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

#2. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF REHABILITATION & CORRECTION FOR RECEIPT OF THE FY 2009 COMMUNITY CORRECTIONS ACT GRANT IN AN AMOUNT NOT TO EXCEED \$80,261.00; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

#3. (1ST 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

Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT PRO TEM CASAR: We are now under Ordinances for their second reading. Madame Clerk, will you please read the Ordinances by title only.

NOTE: PRESIDENT PRO TEM CASAR CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #4 THROUGH AND INCLUDING #12 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

#4. (2ND RDG) A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF CANTON TO ACQUIRE AN EASEMENT IN PROPERTY OUTSIDE THE CITY'S CORPORATE LIMITS PURSUANT TO OHIO REVISED CODE CHAPTER 719 TO PROMOTE DRAINAGE OF THE CITY OF CANTON'S PUBLIC ROADWAY AND STORM WATER SYSTEM IN AN ADJACENT PROPERTY OWNED BY CANTON COMMERCE DEVELOPMENT LLC; AND DECLARING THE SAME TO BE AN EMERGENCY

#5. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 15140 AND 15141 AND PARTS OF LOTS 15137 THRU 15139; AND DECLARING THE SAME TO BE

MINUTES OF THE MEETING OF MAY 5, 2008

AN EMERGENCY

- #6. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE FINAL SUBDIVISION PLAT FOR MILLS INDUSTRIAL PARK IN THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
- #7. (2ND RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO PERRY 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
- #8. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT A GRANT FROM ASHLAND, INC.; AUTHORIZING THE AUDITOR TO ESTABLISH THE 5225 CARNWISE WATER MAIN EXTENSION FUND; AMENDING SUPPLEMENTAL APPROPRIATION ORDINANCE NO. 1/2008; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR SAID WATER MAIN EXTENSION; AND DECLARING THE SAME TO BE AN EMERGENCY
- #9. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO JOB CREATION TAX INCENTIVE AND NET PROFITS INCENTIVE AGREEMENTS WITH KOCH KNIGHT LLC PURSUANT TO THE CITY'S ECONOMIC GROWTH INITIATIVE PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
- #10. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A TWO-YEAR PROFESSIONAL SERVICES CONTRACT WITH KIKO AUCTIONEERS, INC. TO CONDUCT AUCTIONS AT THE CANTON SERVICE CENTER FOR THE SALE OF JUNK AND SCRAP ITEMS AND IMPOUNDED VEHICLES; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND APPROPRIATION REDUCTIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #12. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND/OR DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT(S) FOR THE PURCHASE AND/OR LEASE OF VARIOUS MOTOR VEHICLES AND OTHER ITEMS OF RELATED EQUIPMENT FOR VARIOUS CITY DEPARTMENTS; AUTHORIZING SAID DIRECTORS TO ALTERNATIVELY PURCHASE AND/OR LEASE SAID VEHICLES AND EQUIPMENT PURSUANT TO REVISED CODE SECTIONS 125.04 AND 5513.01; AMENDING APPROPRIATION ORDINANCE NO. 1/2008; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT PRO TEM CASAR: We're now under Ordinances, the third and final reading. Madame Clerk would you please read Ordinance #13 by title only.

NOTE: PRESIDENT PRO TEM CASAR CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #13 THROUGH #19 FOR THEIR THIRD AND FINAL READING BY

MINUTES OF THE MEETING OF MAY 5, 2008***TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.***

#13. (3RD RDG) **ADOPTED AS ORDINANCE NO. 55/2008** 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

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Resolution 13

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Resolution #13. Are there any remarks?

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM CASAR: Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. Mr. President, I will be voting no on the next three Ordinances for the simple reason, the County...ah...was laying of. Our finances we are in a recession, I would say. I cannot justify giving raises to anybody at this time because of...ah...once we start giving raises, then we have all the rest of the City employees that say "What about me?" And I just don't think that's fair. So that's why I'll be voting no on all those three sir. Thank you.

PRESIDENT PRO TEM CASAR: Any further remarks? If not, by roll call all those in favor signify by saying aye. Those opposed, no. Roll call please.

NO REMARKS ROLL CALL: 10 YEAS, 1 NAY

(MEMBER CIRELLI VOTED NO)

CLERK TIMBERLAKE: Ten yeas, one nay, Mr. President.

#13 ADOPTED AS ORDINANCE NO. 55/2008

PRESIDENT PRO TEM CASAR: Ordinance #13 has been adopted. Ordinance #14 please.

#14. (3RD RDG) **ADOPTED AS ORDINANCE NO. 56/2008** 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

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt...ah...Res...or Ordinance 14.

MEMBER CIRELLI: Seconded.

MINUTES OF THE MEETING OF MAY 5, 2008

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #14. Are there any remarks? If not roll call please.

NO REMARKS ROLL CALL: 10 YEAS, 1 NAY

(MEMBER CIRELLI VOTED NO)

CLERK TIMBERLAKE: Ten yeas, one nay, Mr. President.

#14 ADOPTED AS ORDINANCE NO. 56/2008

PRESIDENT PRO TEM CASAR: Ordinance #14 has been adopted. Ordinance #15.

#15. (3RD RDG) **ADOPTED AS ORDINANCE NO. 57/2008** 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 _____

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Resolution 15...Ordinance 15.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: Are there any remarks? If not roll call please.

NO REMARKS ROLL CALL: 10 YEAS, 1 NAY

(MEMBER CIRELLI VOTED NO)

CLERK TIMBERLAKE: Ten yeas, one nay, Mr. President.

#15 ADOPTED AS ORDINANCE NO. 57/2008

PRESIDENT PRO TEM CASAR: Ordinance #15 has been adopted. Ordinance #16.

#16. (3RD RDG) **ADOPTED AS ORDINANCE NO. 58/2008** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 6966 THRU 6969, PARTS OF LOTS 6964 AND 6965 AND PARTS OF LOTS 6935 THRU 6940; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance 16.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded. Are there any remarks? If not roll call please.

NO REMARKS ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

MINUTES OF THE MEETING OF MAY 5, 2008

#16 ADOPTED AS ORDINANCE NO. 58/2008

PRESIDENT PRO TEM CASAR: Ordinance #17 has been adopted. Ordinance #18.

CLERK TIMBERLAKE: That was 16. We're on 17.

PRESIDENT PRO TEM CASAR: Oh...I'm sorry, Ordinance #17.

#17. (3RD RDG) **ADOPTED AS ORDINANCE NO. 59/2008** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH CANTON MEDIA WORKS PUBLISHING, LLC FOR THE PUBLICATION OF THE CANTON QUARTERLY MAGAZINE FOR CALENDAR YEAR 2008; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH CANTON COMMUNITY IMPROVEMENT CORPORATION FOR THE DISTRIBUTION OF THE CANTON QUARTERLY MAGAZINE; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance 17.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #17. Are there any remarks? If not roll call please.

NO REMARKS ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#17 ADOPTED AS ORDINANCE NO. 59/2008

PRESIDENT PRO TEM CASAR: Ordinance #17 has been adopted. Ordinance #18.

#18. (3RD RDG) **ADOPTED AS ORDINANCE NO. 60/2008** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE ASPHALT RESURFACING PROGRAM FOR 2008; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance 18.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #18. Are there any remarks? If not roll call please.

NO REMARKS ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#18 ADOPTED AS ORDINANCE NO. 60/2008

MINUTES OF THE MEETING OF MAY 5, 2008

PRESIDENT PRO TEM CASAR: Ordinance #18 has been adopted. Ordinance #19.

#19. (3RD RDG) **ADOPTED AS ORDINANCE NO. 61/2008** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON SYMPHONY ORCHESTRA ASSOCIATION IN AN AMOUNT NOT TO EXCEED \$30,156.37 FOR THE 2008 CONCERT IN THE PARK

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance 19.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #19. Are there any remarks? If not roll call please.

NO REMARKS ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#19 ADOPTED AS ORDINANCE NO. 61/2008

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM CASAR: Announcement of Committee meetings please.

MEMBER CARBENIA: Mr. President.

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: At 6:45 on May 12th, ah...Community and Economic Development.

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM CASAR: Member Hawk.

MEMBER HAWK: Finance Committee will meet May 12th at 6:45.

PRESIDENT PRO TEM CASAR: Member Cirelli, do you want to announce your Sidewalk Committee again?

MEMBER CIRELLI: Yes sir. Thank you Mr. President. Um...this Wednesday, May 7th at 5:30, I'm having the Sidewalk meeting with all the Sidewalk Committee Members, ah....Dan Moeglin, our Engineer will be there and Mr. President, you wanted me to remind you yourself as well. And of course any of the other Councilmembers are invited as well as the general public. So that'll be this Wednesday at 5:30 in the Caucus Room. Thank you.

PRESIDENT PRO TEM CASAR: Any other Committee Meetings? The Water Facility Committee will meet at 5:00 in the Democratic Caucus Room. Ah...any other Committee Meetings?

MINUTES OF THE MEETING OF MAY 5, 2008

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT PRO TEM CASAR: Yes...ah... Law Director Bernabei....I mean Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Um...I would like to have an informational session with Council at 6:30. Fifteen minutes in advance of your other Committee Meetings to...um...give you the highlights of the Tree....proposed Tree Ordinance and answer any questions you might have and see if you need additional time beyond that. But I thank you Mr. President for that opportunity.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT PRO TEM CASAR: We're now under Public Speaks, open forum. We have one speaker signed up to speak this evening. Elaine Irwin. Would you please give your name and address.

ELAINE IRWIN: Elaine Irwin, 4020 Faircrest Street, Canton....Canton, Ohio, Perry Township. I um...I know there are a couple left handed Councilmembers and so, I'm not picking on you but I'm using you as a illustration. Um..so your left handed, let's say for a moment that I've lost my right hand and I've decided to take yours to replace it. Not to worry, I'm going to tell you because you've got your whole body and your other hand to still use. So...ah....I'm going to pay you \$8,000.00 for your hand because that's what I think it's worth. And since I'll be performing services for the City Council and the City of Canton with my new right hand, I'll have their undivided support, after all, it would be for the greater good. And just think of the money the City Council would save by only paying me...giving you \$8,000.00 for your hand. Ah...at any rate, um...would you vote for that? Do you think that sounds fair to put a value on your hand, for me to put a value on your hand because I need it? Um...seriously, we need to think about how we treat other people and their property. Think long and hard about the decisions you make with raising of a hand, decisions that can destroy or change a life, a livelihood, a business. Victims of natural disasters accept that their lives were ruined by acts of God or the forces of nature. People do not accept that Government or City Council can inflict that same kind of damage on individuals who just want to live, work and pay taxes on their land. Thank you.

PRESIDENT PRO TEM CASAR: Thank you Madame Irwin.

MISCELLANEOUS BUSINESS

PRESIDENT PRO TEM CASAR: We are now under Miscellaneous Business. Is there any miscellaneous business?

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM CASAR: Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. Mr. President, this question goes to the Mayor...um...I've had...I've been besieged, as well as I think some other Councilmembers have been by an incident that happened over the weekend concerning the ballpark. Thurman Munson Ballpark, and the question, I was of the understanding that you of course appoint people and then we approve them.....*(Inaudible..the microphone system was accidentally turned off)*

MEMBER WEST: All of them are off....

MINUTES OF THE MEETING OF MAY 5, 2008

PRESIDENT PRO TEM CASAR: I shut you off....I shut you off.

MAYOR HEALY: Are we on now? Okay and that's my answer. The ah...Recreation Department is a joint Recreation Department with the...ah... Canton City School and the City of Canton. The Mayor appoints three Members to the Board and the Superintendent appoints the other two. It's a five member board.

MEMBER CIRELLI: Okay...um... Mr. President, thank you Mayor and how about the Park Board? Can you tell me exactly the scenario there sir?

MAYOR HEALY: Mr. President.

PRESIDENT PRO TEM CASAR: Member Healy...I mean Mayor Healy.

MAYOR HEALY: Thank you, I got a demotion. The..ah...Park Board is made up of three Members, all three are appointed by the Mayor and the funding for the Park is...ah...is... through the City or City Council.

MEMBER CIRELLI: Ah... Mr. President, thank you Mayor ah ...Healy. Ah...what is the possibility, sir, of merging these two Boards and having just one Board? Do you ever see that in the future possibly happening...ah...and getting better control over what we're doing with these two boards sir?

PRESIDENT PRO TEM CASAR: Mayor.

MAYOR HEALY: Thank you. The...um...the...the logic of merging them makes a lot of sense. The...the complications however, are that the...the...the way that these Boards were created....ah...they were both created by votes of the people. Ah...the Parks..um...is...is through as Statutory Law that allows us to created the Board. There is no...ah...written Law currently that allows us to...um..to dissolve the current Park Board. So we would have to go to the Legislature and create a system. The Recreation Board...ah...again was created...ah...ah... by a vote of the people and...um...if we dissolve that Board or try to change that Board, we also dissolve the funding that goes with that because of the levy...ah... that was put past, so you...you risk losing those funds...ah...by changing that Board. So, it's...it's...um...going to be very difficult for us to just re-do the whole thing and join them together but...ah...there are other avenues that we can pursue.

MEMBER CIRELLI: Okay....excuse me Mr. President. Thank you Mayor Healy and uh...I'm sure you're aware of what the incident that I'm speaking about because I sent you emails and what have you. Ah...do you believe that you can find some resolve to assist the...the people out there with the teams that want to play and what have you and with porta potties at the fields and perhaps....um...reevaluate the monies that we're spending at...ah...one of the parks and maybe we could do it cheaper, putting toilets in one of the parks and give some consideration.

PRESIDENT PRO TEM CASAR: Mayor Healy.

MAYOR HEALY: Thank you. Um...yeah, we...we had a meeting today...ah..with the Park and the Recreation..ah..Directors...um...as well as some of the Board Members and...ah...we are putting together our...our...ah... plans to address those questions that were brought up...ah..so that we can avoid these problems in the future and I think we're...we're on the right path and we should be seeing some sort of resolve on this over the next thirty to sixty days as they meet with their Members.

MEMBER CIRELLI: Okay...Um...Mr. President. Thank you Mayor Healy for your answers, I appreciate

MINUTES OF THE MEETING OF MAY 5, 2008

that.

PRESIDENT PRO TEM CASAR: Is there any other Miscellaneous Business?

MEMBER WEST: Mr. President.

MEMBER SMITH: Mr. President.

MEMBER WEST: Ladies first, by all means.

PRESIDENT PRO TEM CASAR: 4th Ward Councilperson, Smith.

MEMBER SMITH: Ah...yes, Mayor, ah...regarding the incident that happened on Saturday...ah...two things. Ah... you know, we had you down to throw out the first ball, although the weather, you know, did permit us to..um...a couple hours for some nice weather, did you...um...forget you was supposed to throw out the first ball? The little kids was waiting on you. Also...um...Malone College, they has precedence over anybody else that has paid the \$500.00 to rent the..ah...field?

PRESIDENT PRO TEM CASAR: Mayor.

MAYOR HEALY: Thank you. The um...the incident on the...ah.. weekend, obviously we had rain issues and...ah...and I was with my son...ah...at his soccer game, which was delayed because of the rain. Uh...and again because of the rain situation, soccer does play in the rain but baseball typically doesn't. Uh...when...uh..so...so that's where my delay was. But in reference to the first pitch, no I was not to throw out the first...ah...Senator Boccieri...uh...from what I understood, was throwing out the first pitch. Uh...so that was what was...ah...told to me. Um...and again, there maybe some confusion in that but that's where that was. But thank you for...for bringing that up. Third, in reference to the tarp...um...the Malone College put the tarp down to protect the field and ah...they were determining whether...ah...whether...when the rain stopped and the conditions changed, that it be appropriate to move the tarp. And...ah...again, because of the rain...ah..they decided that...ah...that was not the proper time to un...to unveil the tarp. And...ah...and therefore that didn't happen. Ah...again, I do not run the Recreation Department, we have a Director who does that. I do not fund the Recreation Department...uh...they have separate funding and there is a Board that oversees that. And so for you, or for the Little League or for anybody else out there that believes that I have control of this, they need to clearly understand that is an independent Board that handles this and their the ones who have to get the phone call when they want to make changes on what...what's happening out on those fields. Thank you.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM CASAR: Is there any other Miscellaneous Business? Member West.

MEMBER WEST: Ah...yes, ah...I just want to be very clear to this Council as well as to the community, that with the MLK, I was a sponsor along with...ah...several other people. But more so, I wanted the people that worked on this diligently over the last couple years, they're in the audience, some of them...um...please stand and...and be recognized because it truly was a community effort to pass that legislation for the ah....Martin Luther King Corridor. Would you please stand, all those who were in...involved in that process.

MINUTES OF THE MEETING OF MAY 5, 2008

(APPLAUSE)

PRESIDENT PRO TEM CASAR: Is there any other Miscellaneous Business?

MEMBER CARBENIA: Mr President.

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move that we adjourn.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adjourn. Roll call please.

NO REMARKS ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM CASAR: This meeting of Canton City Council is adjourned. *(Gavel falls)*

ADJOURNMENT TIME: 8:03 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

DON CASAR
PRESIDENT PRO TEM