

**MINUTES OF THE MEETING OF NOVEMBER 10, 2008**

PRESIDENT PRO TEM CASAR: With a Quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call please.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

12 COUNCILMEMBERS PRESENT: (DON CASAR, JOE CARBENIA, MARY CIRELLI, BILL SMUCKLER, GREG HAWK, THOMAS WEST, JAMES GRIFFIN, CHRIS SMITH, TERRY PRATER, DAVID DOUGHERTY, PATRICK BARTON & KARL "BUTCH" KRAUS)

TWELVE COUNCILMEMBERS PRESENT. (PRESIDENT SCHULMAN ABSENT; MEMBER SMUCKLER PRESENT BUT NOT IN SEAT FOR ROLL CALL)

CLERK TIMBERLAKE: Twelve present, well eleven present, one somewhere.

PRESIDENT PRO TEM CASAR: We will have the invocation this evening by Patrick Barton, 3<sup>rd</sup>, 7<sup>th</sup> Ward Council person. Will you please remain standing for the pledge of allegiance after invocation.

*The regular meeting of Canton City Council was held on Monday, November 10, 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 7 Councilmember, Patrick Barton, the Pledge of Allegiance led by President Pro Tem Casar.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT PRO TEM CASAR: Thank you Member Barton. We are now under correction, agenda corrections and changes. Member Carbenia I will entertain a motion to suspend Rule 22A to return Ordinances #3, #4, #5 and #6 to this evening's agenda.

MEMBER CARBENIA: Mr. President, I move that Rule 22A be suspended to add 2<sup>nd</sup> Readings of Ordinances 3 through 6, including...3 through and including 6 will....that's all, okay.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to suspend Rule 22A and add 2<sup>nd</sup> Ordinances reading 3, 4, 5 and 6. Roll call please.

NO REMARKS ROLL CALL: 11 YEAS, 0 NAYS  
(SMUCKLER PRESENT BUT NOT IN SEAT FOR ROLL CALL)

CLERK TIMBERLAKE: Eleven yeas Mr. President

PRESIDENT PRO TEM CASAR: Rule 22A has been suspended and the Ordinances are now a legal part of the agenda.

**PUBLIC HEARINGS**

PRESIDENT PRO TEM CASAR: Public Hearing, we are under Public Hearings, there is no public hearing scheduled for this evening.

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**PUBLIC SPEAKS**

PRESIDENT PRO TEM CASAR: Public Speaks, there is no Public Speaks for this portion of the agenda also.

**INFORMAL RESOLUTIONS**

PRESIDENT PRO TEM CASAR: Informal Resolutions, I have...is everybody.....Member Carbenia, I will entertain a motion to excuse President Schulman please from this evening's meeting and I don't see Smuckler here yet so I guess we have to excuse him also.

MEMBER CARBENIA: Mr. President, I move that we excuse President Schulman from tonight's meeting and Council person Smuckler from this evening's meeting.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to excused President Schulman and Council Member Smuckler from this evening's meeting. Roll call please.

NO REMARKS    ROLL CALL: 11 YEAS, 0 NAYS  
(SMUCKLER PRESENT BUT NOT IN SEAT FOR ROLL CALL)

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT PRO TEM CASAR: Let the Journal show that Member Smuckler is now in attendance. Madame Clerk, would you please read Resolution 93 by title only.

#93. BILL SMUCKLER, COUNCIL AT LARGE: SUPPORTING AKRON CANTON AIRPORT. -  
ADOPTED

MEMBER CARBENIA: Mr. President, I move we adopt Resolution 93.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It has been moved and adopted...moved and seconded to adopt Ordinance #.....Resolution #93. Are there any remarks? If not, by voice vote, all those in favor signify by saying aye. Those opposed nay.

NO REMARKS	RESOLUTION	#93	PASSED
UNANIMOUSLY BY VOICE VOTE			

PRESIDENT PRO TEM CASAR: Resolution #93 has been adopted.

**COMMUNICATIONS**

PRESIDENT PRO TEM CASAR: Communications, we are now under Communications. Let the journal show that all communications are received as read.

***NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED NOVEMBER 10, 2008.***

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426. AUDITOR MALLONN (CITY): MONTHLY RPT BY FUND FOR 10/1/08 - 10/31/08. - RECEIVED & FILED
427. AUDITOR MALLONN (CITY): YEARLY RPT BY FUND FOR 1/1/08 - 10/31/08. - RECEIVED & FILED
428. COMMUNICATION DIRECTOR HERMAN: AUTHORIZE SERV DIR TO ENTER INTO AGRMENT W/LIGHTSPEED TECHNOLOGIES, LLC FOR INSTALLING & MAINTAINING A FREE, PUBLIC WI-FI NETWORK IN THE DOWNTOWN AREA. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
429. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE CITY'S LAND DISPOSITION PROG TO ESTABLISH FAIR REUSE VALUE OF PARCEL #02-18960, LOT PT # 742, HIGH AVE SW & CONVEY TO ROBERT SMITH FOR \$1.00. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
430. DOUGHERTY, DAVID, WARD 6 CNLMBR: REQ MAYOR TO SPONSOR ORDINANCE MATCHING THE MONEY FOR MAHONING RD CORRIDOR PROJ. - RECEIVED & FILED
431. HEALTH BENEFITS ADMIN, BRESSON: OCTOBER 2008, MO COMPARATIVE RPT OF INSUR CLAIMS & JAN - OCT PAID CLAIMS & COMPARATIVE RPT. - RECEIVED & FILED
432. LAW DIRECTOR MARTUCCI: MEMO OF LEGAL OPINION ON INFORMAL RESOLUTION #86 & MGMT OF CANTON CITY PARKS CONTROL. - RECEIVED & FILED
433. LIQUOR CONTROL DIVISION (OHIO): REQ TRANSFER OF D2 D2X D3 LIQ PERMIT FOR IMPERIAL BOWLING LANES INC DBA IMPERIAL LANES @ 1643 26<sup>TH</sup> ST NW. - RECEIVED & FILED
434. MAYOR WILLIAM HEALY II: REQ REAPPT OF JOHN SKAKUM AS TRUSTEE ON HARTFORD-HOUTS FUND FOR FIVE YR TERM FROM 11/12/08 - 11/11/13. - PERSONNEL COMMITTEE
435. MAYOR WILLIAM HEALY II: REQ REAPPT OF GLEN STRONG AS TRUSTEE & SEC/TREAS ON HARTFORD-HOUTS FUND FOR FIVE YR TERM RETRO FROM 06/05/08 - 06/03/13. - PERSONNEL COMMITTEE
436. MAYOR WILLIAM HEALY II: REQ REAPPT OF ROBERT FAY TO INCOME TAX REVIEW BD FOR FOUR YR TERM RETRO FROM 3/1/08 - 2/28/12. - PERSONNEL COMMITTEE
437. MAYOR WILLIAM HEALY II: REQ REAPPTS OF MIKE KING, JOHN RING, & DAVE ROBERTS TO THE HOUSING ADVISORY BD FOR TWO YR TERMS RETRO FROM 3/1/08 - 2/28/10. - PERSONNEL COMMITTEE
438. MAYOR WILLIAM HEALY II: REQ APPRL OF DAVID KIRVEN TO FILL VACANT SEAT ON CANTON CONSTRUCTION BD (PLUMBING JOURNEYMAN) FOR A TWO YR TERM RETRO FROM 1/1/08 - 12/31/10. - PERSONNEL COMMITTEE
439. SAFETY DIRECTOR NESBITT: REQ SAFETY DIR TO ENTER INTO A 2 SCHOOL YR

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CONTRACT WITH CANTON DISTRICT BD OF EDUCATION TO PROVIDE TWO UNIFORMED ON-DUTY POLICE OFFICERS FOR MCKINLEY & TIMKEN HIGH SCHOOLS IN THE AMT NOT TO EXCEED \$75,000.00 AND \$76,000.00 RESPECTIVELY, PER SCHOOL YR FROM A RETRO DATE OF 7/1/08. - FINANCE COMMITTEE

440. SAFETY DIRECTOR NESBITT: REQ SAFETY DIR TO ENTER INTO A PROF SERV AGRMNT W/REDFLEX TRAFFIC SYSTEMS, INC. FOR THE IMPLEMENTATION OF PHOTO TRAFFIC ENFORCEMENT. - FINANCE COMMITTEE

441. TREASURER SCHIRACK: RPT OF TREAS OFC BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF 10/31/08. - RECEIVED & FILED

442. TREASURER SCHIRACK: OCTOBER 2008 DEPOSITS & PAY INS TO AMBULANCE LOCK BOX ACCT. - RECEIVED & FILED

443. TREASURER SCHIRACK: OCTOBER 2008 PARKING METER REVENUE. - RECEIVED & FILED

444. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS AS OF 10/31/08. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT PRO TEM CASAR: Ordinances for the First Reading, Madame Clerk would you...let the Journal show that all Ordinances are being given their reading as required by State Law. Madame Clerk would you please read the Ordinances by title only.

***NOTE: PRESIDENT PRO TEM CASAR CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 AND #2 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.***

#1. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO FILE AN APPLICATION AND THE CANTON HOME RECOVERY PLAN WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR NEIGHBORHOOD STABILIZATION FUNDING, TO EXECUTE GRANT AGREEMENTS AND TO ACCEPT THESE FUNDS AS AN AMENDMENT TO THE CITY'S 2009 COMMUNITY DEVELOPMENT BLOCK GRANT IN THE ADDITIONAL AMOUNT OF \$3,648,562.00; AUTHORIZING THE MAYOR TO REVISE AND/OR AMEND THE CANTON HOME RECOVERY PLAN AND BUDGETS; AUTHORIZING THE AUDITOR TO RENAME AND ESTABLISH THE 2212 HUD NEIGHBORHOOD STABILIZATION FUND; AUTHORIZING THE AUDITOR TO REVISE THE BUDGETS AS PERMITTED BY COMMUNITY DEVELOPMENT BLOCK GRANT REGULATIONS, THE DEPARTMENT OF DEVELOPMENT AND THE HUD; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

#2. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACTS FOR THE REMEDIATION OF THE BISON PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

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PRESIDENT PRO TEM CASAR: Ordinances for their second reading. Madame Clerk, will you please read Ordinance #3 by title only.

***NOTE: PRESIDENT PRO TEM CASAR CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #3 THROUGH #6 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.***

#3. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO MAKE APPLICATION FOR, ACCEPT AND EXECUTE GRANTS FROM THE STARK-TUSCARAWAS-WAYNE JOINT SOLID WASTE MANAGEMENT DISTRICT; AND DECLARING THE SAME TO BE AN EMERGENCY

#4. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO APPLY FOR, ACCEPT AND EXECUTE A GRANT FROM THE CLEAN OHIO CONSERVATION FUND FOR FUNDING FOR THE PURCHASE OF AN APPROXIMATE 12 ACRE PARCEL OF PROPERTY ADJACENT TO MALLONN PARK; AND DECLARING THE SAME TO BE AN EMERGENCY

#5. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING CHAPTER 1361, RESIDENTIAL OCCUPANCY STANDARDS, OF TITLE SEVEN - HOUSING STANDARDS, OF THE BUILDING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

#6. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 162/2008** AN ORDINANCE AMENDING VARIOUS SECTIONS OF PART THREE-TRAFFIC CODE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

PRESIDENT PRO TEM CASAR: Member Carbenia, Safety Director Nesbitt asked that we would consider passing Ordinance #6 this evening, I spoke with the Chairman of the Judiciary Committee, Member West and he agreed. So I would entertain a motion to suspend the Statutory Rules on Ordinance #6.

MEMBER CARBENIA: Mr. President, I move that we suspend the Statutory Rules on #6.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to suspend the Statutory Rules on #6. Are there any remarks? If not roll call please.

NO REMARKS          ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM CASAR: The Statutory Rules have been suspended. Is there a move to adopt?

MEMBER CARBENIA: Mr. President.

PRESIDENT PRO TEM CASAR: Member Carbenia.

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MEMBER CARBENIA: I move we adopt Ordinance #6.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #6. Are there any remarks? If not, roll call please.

NO REMARKS          ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

**#6 ADOPTED AS ORDINANCE NO. 162/2008**

PRESIDENT PRO TEM CASAR: Ordinance #6 has been adopted.

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

PRESIDENT PRO TEM CASAR: We are now on Ordinances for their third and final reading.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #7.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #....No, we have to, I'm sorry, we have to read that.

MEMBER CARBENIA: Okay.

PRESIDENT PRO TEM CASAR: Madame Clerk, would you please read, by title, Ordinance #7.

***NOTE: PRESIDENT PRO TEM CASAR CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #7 THROUGH #11 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.***

#7.       (3<sup>RD</sup> RDG)   **ADOPTED AS ORDINANCE NO. 163/2008** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE YWCA OF CENTRAL STARK COUNTY TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$15,000 FOR MISCELLANEOUS OPERATING COSTS FOR THE TRANSITIONAL HOUSING PROGRAM KNOWN AS NEW BEGINNINGS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #7.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #7. Are there any remarks?

MEMBER CIRELLI: Mr. President.

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PRESIDENT PRO TEM CASAR: Member Cirelli.

MEMBER CIRELLI: Thank you. The young lady that's going to help put this program together for this New Beginnings is Margaret Ebert and she is sitting in the audience tonight. I just wanted to point out that she was a visionary because at least ten, fifteen years ago or more at the YWCA, she put in the geothermal heating. I think that was the first building that ever went in the City of Canton to go that green. And I believe it's probably recouped itself and it's just, I think we should acknowledge her for that and hope possibly that she may be doing the same thing here.

PRESIDENT PRO TEM CASAR: Would you like to stand up and take a bow.

*(APPLAUSE)*

PRESIDENT PRO TEM CASAR: Thank you very much, we appreciate it. You've heard the reading, it's been moved and seconded, is there a move to adopt? We already did that. Roll call please.

NO REMARKS            ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

**#7 ADOPTED AS ORDINANCE NO. 163/2008**

PRESIDENT PRO TEM CASAR: Ordinance #7 has been adopted. Ordinance #8 Madame Clerk.

#8.        (3<sup>RD</sup> RDG)    **ADOPTED AS ORDINANCE NO. 164/2008** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE DOMESTIC VIOLENCE PROJECT, INC TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$50,000.00 FOR MISCELLANEOUS SHORT-TERM HOUSING SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #8.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #8. Are there any remarks? If not, roll call please.

NO REMARKS            ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

**#8 ADOPTED AS ORDINANCE NO. 164/2008**

PRESIDENT PRO TEM CASAR: Ordinance #8 has been adopted. Ordinance #9, Madame Clerk.

#9.        (3<sup>RD</sup> RDG)    **ADOPTED AS ORDINANCE NO. 165/2008** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PART OF OUT LOT NO. 935 AND ALL OF LOT NO. 42504; AND DECLARING THE SAME TO BE AN EMERGENCY (HAMMONTREE & ASSOC, FULTON RD

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NW & PARK NW)

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #9.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #9. Are there any remarks? If not roll call please.

NO REMARKS           ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

**#9 ADOPTED AS ORDINANCE NO. 165/2008**

PRESIDENT PRO TEM CASAR: Ordinance #8 has been adopted...Ordinance #9 has been adopted. Ordinance #10, Madame Clerk.

#10. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 166/2008** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH FEDERAL SIGNAL CORPORATION FOR THE PURCHASE AND INSTALLATION OF ONE WARNING SIREN PURSUANT TO O.R.C. SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Carbenia.

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

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #10. Are there any remarks? If not, roll call please.

NO REMARKS           ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

**#10 ADOPTED AS ORDINANCE NO. 166/2008**

PRESIDENT PRO TEM CASAR: Ordinance #10 has been adopted. Madame Clerk, Ordinance #11.

#11. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 167/2008** 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 (CIVIL SERV, SEWER & POLICE)

MEMBER CARBENIA: Mr. President.

PRESIDENT PRO TEM CASAR: Member Carbenia.



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MEMBER CARBENIA: I move we adopt Ordinance #11.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #11. Are there any remarks?

MEMBER CARBENIA: Mr. President, I move we amend Ordinance #11 per copy that everyone has in front of them.

MEMBER CIRELLI: Seconded

*AMENDMENT: PURSUANT TO RULE 36, I MOVE TO AMEND AGENDA ITEM NO. 11 BY REPLACING EXHIBIT A ATTACHED TO THE ORDINANCE CURRENTLY PENDING BEFORE COUNCIL WITH THE ATTACHED EXHIBIT A.*

PRESIDENT PRO TEM CASAR: It's been moved and seconded to amend Ordinance #12 (*President Pro Tem Casar meant to say Ordinance #11*) per the copy that all Council Persons have in front of them. Are there any remarks? If not, voice vote, please, all those in favor signify by saying aye. Those opposed no.

NO REMARKS          AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM CASAR: The ayes have it, Ordinance...the amendment has been adopted. Ordinance #11, Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #11 as amended.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #11 as amended. Are there any remarks? If not roll call please.

NO REMARKS          ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

**#11 ADOPTED AS AMENDED AS ORDINANCE NO. 167/2008**

PRESIDENT PRO TEM CASAR: Ordinance #11 as amended has been adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT PRO TEM CASAR: Announcement of Committee meetings please.

MEMBER HAWK: Member Casar.

PRESIDENT PRO TEM CASAR: Member Hawk.

MEMBER HAWK: Finance Committee will meet at 6:15 on 11/17/08.

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MEMBER CARBENIA: Mr. President.

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Community & Economic Development will meet at the same time, 6:15 on November 17, 2008.

MEMBER PRATER: Mr. President.

PRESIDENT PRO TEM CASAR: Member Prater.

MEMBER PRATER: Personnel Committee will meet at 6:15 on November 17<sup>th</sup>.

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

PRESIDENT PRO TEM CASAR: We are now under Public Speaks, we have two speakers. The first speaker is Patricia Kirk.

PATRICIA KIRK: Hello, good evening on this very cold evening. I'm Patricia Kirk, President of Shake A Leaf and also Downtown Central Neighborhood Association. I live at 131 5<sup>th</sup> St. I'm just curious, how many of you on Council have received an email about tomorrow's Shake A Leaf meeting at 6:30 at Church of the Savior. No one? One person.

MEMBER CARBENIA: I did.

PATRICIA KIRK: I'm wondering if there is problem with that. Perhaps your emails are being sent to Council and they're not getting to you. Anyway, tomorrow is going to be our last meeting of the year and as a speaker, we are going to have Elaine Marsh, she is formally with Ohio Greenways in Cleveland, Ohio and she would frequently present for the Council. And it would be a very good benefit to Canton if we could have people from the Council there at Shake A Leaf. This would be a very good opportunity to ask questions and find out more about that. It's going to be tomorrow at 6:30 at the church right across the street, it is open to the public. Also the Keep Kresge Lot Green petition is coming along and I haven't had time to really press this but it's really kind of amazing, I've run into nothing but positives, only one negative and it's only from the people that work in that area. So far I have approximately 243 signatures and only 20 have come from the tenant...the tenants in the apartment building where I live and there's 200 there. I haven't had time to go around. You would not believe what I have been running into. They are starting to write comments without even being asked, they love it, they eat lunch there, they enjoy it. Keep it green, keep it up. They want to see that actually turned into a park. So, I'm hoping after tomorrow, I will have this to the Clerk of Council and it's turning into something very positive. It will be in the back of the room if somebody here would like to continue to sign it. Thank you very much.

PRESIDENT PRO TEM CASAR: Thank you Mrs. Kirk. Patricia, the Council office is closed tomorrow for Veteran's Day, just for your information. The next speaker is Michael Swintosky. Is that close?

MICHAEL SWINTOSKY: Closer than many.

PRESIDENT PRO TEM CASAR: Well that's the same thing I get with my name, so, we're ready. Would you please give your name and address please.

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MICHAEL SWINTOSKY: My name is Michael Swintosky, I'm with the North Lehman Neighborhood Alliance and I had a question about what is considered to be normal police response time for traffic accidents. This past Friday, my girlfriend and I were returning home from the First Friday events, we came upon a fairly serious accident that had occurred, probably no more than thirty seconds before, two cars were across both lanes, blocking both lanes of Cleveland Avenue by Kempthorn's and several people had pulled...were already there ahead of us and amazingly no one was hurt, at least not seriously. I had gotten out and verified that, talked with a couple of the people there. Well since it was dark and it was drizzly, we proceeded to back our vehicles up to...back south, to approximately 14<sup>th</sup> Street to direct oncoming traffic coming north to veer off at 14<sup>th</sup> and go around because people had been driving up on the sidewalk on both sides of the street going north and south to get around the vehicles blocking traffic. After waiting about 10 or 15 minutes and no emergency response vehicles had arrived. We called 911 ourselves and you know, they asked us if anybody had been hurt and no, nobody had been seriously hurt and they said "Well, we'll get somebody as soon as we can." Now, it was about 15 minutes later about a half hour after the incident that the paramedics finally showed up to check it out. It was nearly an hour later before the police arrived to check things out. Is that normal response time? Is that the state that our funding is, you know, that we can't afford a better response than that or is this an irregular response? That's...that's my question, I was just curious of what's normal.

PRESIDENT PRO TEM CASAR: You're question will probably be answered under Miscellaneous Business. Thank you.

**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: *(Inaudible)*.....sorry *(Member Cirelli did not have her microphone on)*...which is very much on the increase and I have some real concerns as to what this is going to be doing to our income that we will get. And also there is one in particular that we do business with and I think we ought to consider maybe not doing business with that we provide money for for some people that are tax delinquent. And I think that needs to come under our preview and do our homework and due diligence for the tax payers. And I have some real concerns because of the tough economic times that we are in, as it will affect all the school districts and what have you, which will affect then how we will look at the tax abatements and things coming that we want to create business and what have you. So, I think it's a very crucial thing if everybody's got yesterday's paper, I hope they will take it out and re-look at it, it's in the want ads so I think you'll be amazed at what you'll see there. Thank you sir.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM CASAR: Member West.

MEMBER WEST: Yes, last week we got the render...we got the Law Department's review of the Park Ordinance and I was just wondering if we are going to release the Committee...the park...playground from all those committees so that we can move forward with that project.

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PRESIDENT PRO TEM CASAR: Who are you asking that question of Member West?

MEMBER WEST: Um...I assume....

PRESIDENT PRO TEM CASAR: There is...there are three Committees involved with that. There's Community & Economic Development, Finance and Parks & Recreation. So, there's three individuals, so who do you want to speak to first?

MEMBER WEST: Park & Recreation Committee.

PRESIDENT PRO TEM CASAR: I spoke with Member Hawk this evening and asked him if his Committee was ready to report out on it and I also spoke with Member Carbenia and I really haven't...we haven't come up with a positive answer yet. But I would say it would either be next week or the following week.

MEMBER WEST: Okay, Member Law Director...The Law Director, can you also maybe put that for the record and give us a little update on the re...your decision on that.

LAW DIRECTOR MARTUCCIO: Mr. President. Member West, yes, the decision was rendered. I wrote in it, as was predicted that your two questions went as follows: The Chapter 755 of the Ohio Revised Code gives the Park Commission control of the parks, parkways, boulevards, playgrounds and so on within the parks to the Park Commission. It is a creature that came into being under State Law nearly ninety years ago by a majority vote of the elected of the City of Canton. The first appointees were staggered, now they serve three year terms, they are appointed by the Mayor and they are volunteers. Their funding is what Council gives them, they don't have a separate levy but they do have control over the parks and the playgrounds within the parks. Second question posed was, whether or not the Informal Ordinance, recommending the placement of the park for disabled children would be in...whether it would be enforceable over an Ordinance and the answer was that Ordinances control over Informal Resolutions. It's served to be a recommendation by the fact that seven....a majority of seven versus five voted for placement. The sub issue there was whether the mention of funding, in the Informal Resolution, would control over the pending Ordinance that was in the three Committees you just referred to and it is the Informal Resolution is subservient to the Formal Ordinance, which is still pending. Another words, to spend money, it has to come out, the Formal Ordinance that has been held in Committee has to come out by Council Rules and it controls the funding. The original Ordinance back in 2007 never went into full operation. That was the Ordinance that was site specific, it never went into full operation under Ohio Law. So there is nothing site specific before you. There is the issue of the funding of the \$198,000.00 held in three Committees now and it is up to the Park Commission to decide where to place that particular park.

MEMBER WEST: Thank you.

SERVICE DIRECTOR NESBITT: Member Casar.

PRESIDENT PRO TEM CASAR: Safety Director Nesbitt.

SERVICE DIRECTOR NESBITT: Yes, if I could address the question regarding the accident. There's...there's many variables involved with that and we'd have to look into that and sir, Linda, excuse me Lieutenant Linda Brown is in the back and if you would stop and give her your number, she can look into that and find out what the variances are. But I can tell you that we have to priority all calls that come in.

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Unfortunately, and I have said this since I have been here since January this year, we do not have enough police officers to be able to respond to everything that happens and the calls mount up and they get re prioritized. And by that I mean, an accident can come in and then another call can come in that's higher priority and keeps going above. So there's a lot of variable there that can address that. So, if you would give Lieutenant Brown your name and number, she can look into that and get back to you.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT PRO TEM CASAR: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: On a lighter note, briefly, with Ms. Egbert present there will be a fund raiser for the YWCA next week. There are tickets still available and I will be making a fool of myself and before you say that there's nothing unusual about that, the difference here is, it will be for a good cause. Should any of you still decide to donate to the YWCA, there are tickets left I believe, for the event at Brookside, almost sold out. It would be greatly appreciated. Thank you.

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

MEMBER CIRELLI: Seconded

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

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM CASAR: *(Gavel falls)* Meeting is adjourned.

ADJOURNMENT TIME: 8:07 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

DON CASAR  
PRESIDENT PRO TEM