

MINUTES OF THE MEETING OF DECEMBER 1, 2008

1PRESIDENT PRO TEM CASAR: With a Quorum being present, I call this meeting of Canton City Council to order. Roll call, I mean Invocation tonight will given by, roll call first, I'm sorry. Roll call, Madame Clerk.

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 COUNCIL MEMBERS PRESENT. PRESIDENT SCHULMAN ABSENT

CLERK TIMBERLAKE: All present, Mr. President.

PRESIDENT PRO TEM CASAR: Invocation this evening will be given by Joe Carbenia 9th Ward Council person. Please remain standing for the pledge of allegiance.

The regular meeting of Canton City Council was held on Monday, December 1, 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 Assistant Majority Leader and Ward 9 Council Member Joe Carbenia, the Pledge of Allegiance led by President Pro Tem Don Casar.

AGENDA CORRECTIONS & CHANGES

PRESIDENT PRO TEM CASAR: Thank you Member Carbenia. We're now under agenda corrections we'll entertain Rule 22A to suspend rules for Ordinances 5, 6, and 7. Member Carbenia.

MEMBER CARBENIA: Mr. President, I move Rule 22A be suspended to second readings 5 through and including #7.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to suspend Rule 22A. Are there any questions or comments, if not roll call please.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President

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

PUBLIC HEARINGS

PRESIDENT PRO TEM CASAR: We are under Public Hearings, and we have one public hearing called for 7:30 this evening. Madame Clerk. A Public Hearing on 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. PLANNING COMMISSION RECOMMENDED THE SAME. ASSIGNMENT TO WARD 5, IT'S FOR MCDONALDS ZONE CHANGE FOR SIGN @ 112

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DUEBER AVE SW. Anyone in the audience wish to speak for or against the zone change? Is there anyone in the audience that wishes to speak for or against the zone change? The final time, is there anyone in the audience wishes to speak for or against this zone change? The public hearing is over for this Ordinance and it will be dealt later at Ordinance #9 on tonight's agenda.

PUBLIC SPEAKS

PRESIDENT PRO TEM CASAR: We are now under Public Speaks on Ordinances and Resolutions pertaining on tonight's agenda. There is no one signed up.

INFORMAL RESOLUTIONS

PRESIDENT PRO TEM CASAR: We are under Informal Resolutions. I would like, entertain a motion to excuse Member Schulman, Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we excuse President Schulman from tonight's meetings.

PRESIDENT PRO TEM CASAR: It has been moved and seconded to excuse Member Schulman from this evening's meeting. Are there any comments? If not, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM CASAR: Member Schulman has been duly excused from this meeting. We are now under Resolutions, Madame Clerk will you please read Resolution #400 by title only.

CLERK TIMBERLAKE: Resolution 100?

PRESIDENT PRO TEM CASAR: Resolution 100, I'm sorry.

CLERK TIMBERLAKE: Request appointment of Brenda Turner to City's Housing Advisory Board, commencing March 3, 2008 to February 28, 2010.

MEMBER CARBENIA: Mr. President, I move we adopt Resolution 100.

MEMBER CIRELLI: Seconded

PRESIDENT PRO TEM CASAR: It has been moved and seconded to adopt Resolution #100. Are there any comments? If not all those in favor signify by saying yea, those opposed no. The yeas have it, Resolution #100 is adopted. Madame Clerk, would you please Resolution by title only, Ordinance 101.

NO REMARKS RESOLUTION #100 PASSED UNANIMOUSLY BY VOICE VOTE

CLERK TIMBERLAKE: Request re-appointment of Stan, excuse me, request re-appointment of Steve Lamiell & Paul Bair to Board of Zoning Appeals commencing 1/1/09 through 12/31/12.

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Resolution 101.

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PRESIDENT PRO TEM CASAR: It has been moved and seconded to Resolution 101, are there any comments? If not all those in favor signify by saying yeas, those opposed nay. The yeas have it and the Resolution #101 has been adopted.

NO REMARKS RESOLUTION #101 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 DECEMBER 1, 2008.

464. DEVELOPMENT DIRECTOR TORRES: REQ TO AMEND O#160/2008 TO CHANGE CONTRACT PERIOD OF HABITAT FOR HUMANITY FR: 1/1/08 - 12/31/08 TO 4/1/08 - 4/31/09. - **WITHDRAWN PER BRUCE WILLIAMS**

465. LIQUOR CONTROL DIVISION (OHIO): REQ TRANSFER OF C1 C2 LIQ PERMIT FR: VIRGINIA MARIA BYINGTON DBA BELLAS TO: JT CARRYOUT INC DBA BELLAS @ 310 4TH ST NW. - RECEIVED & FILED

466. MAYOR HEALY: REQ AUTHORIZATION OF APPT OF KATHLEEN TATARSKY TO CITY'S BD OF ZONING APPEALS COMMENCING 1/1/09 - 12/31/11. - PERSONNEL COMMITTEE

467. STARK COUNTY COMMISSIONERS: RESOLUTION APPROVING ANNEXATION OF ESLICH ANNEXATION. - PLANNING COMMISSION

468. SERVICE DIRECTOR BERNABEI: REQ TO ENTER INTO CONTRACT MODIFICATIONS W/ HAMMONTREE & ASSOC., LIMITED, CONSULTING ENGINEERS, FOR ADDT'L DESIGN IMPROVEMENTS TO PARK RD & FULTON RD NW INTERSECTION. - FINANCE & PUBLIC SAFETY & THOROUGHFARES COMMITTEES

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT PRO TEM CASAR: We are now under Ordinances 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 Ordinances for the first reading for Ordinance by title only.

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

#1. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH GATEHOUSE OHIO MEDIA, INC. FOR PROFESSIONAL SERVICES TO MANAGE THE LAYOUT, AD SALES, PRODUCTION AND PHYSICAL DISTRIBUTION OF THE CITY'S QUARTERLY NEWS PUBLICATION; AND DECLARING THE SAME TO BE AN EMERGENCY

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#2. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO FILE AN APPLICATION WITH THE STATE OF OHIO TO PARTICIPATE IN THE CLEAN OHIO REVITALIZATION PROGRAM, APPLY FOR FINANCIAL ASSISTANCE, ADMINISTER THE FUNDS RECEIVED, AND ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR PROFESSIONAL SERVICES IN AN AMOUNT NOT TO EXCEED THE AMOUNT OF GRANT MONIES RECEIVED IN ACCORDANCE WITH FUND REQUIREMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

#3. (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

#4. (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 1/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT PRO TEM CASAR: We are now under Ordinances for their third and final reading. Madame Clerk, would you please read Ordinance #8. Oh, I'm sorry.

CLERK TIMBERLAKE: I guess we just want to get out of here.

PRESIDENT PRO TEM CASAR: Second Reading, I'm sorry.

MEMBER CARBENIA: That's OK Don.

PRESIDENT PRO TEM CASAR: Would you please give Ordinances 5, 6, and 7 by title only.

NOTE: PRESIDENT PRO TEM CASAR CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #5 THROUGH #7 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

#5. (2ND RDG) AS ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2008, AS AMENDED; AND DECLARING THE SAME TO BE AN EMERGENCY (MAHONING RD CORRIDOR)

#6. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A GRANT FROM THE 2008 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT; AMENDING APPROPRIATION ORDINANCE NO. 1/2008; AND DECLARING THE SAME TO BE AN EMERGENCY

#7. (2ND RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A DEFERRED PRO-RATED PAYMENT OF \$124,210.44 TO MOTOROLA; AND DECLARING THE SAME TO BE AN

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EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

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

#8. (3RD RDG) **ADOPTED AS ORDINANCE NO. 174/2008** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LEASE AGREEMENT WITH LOUIS SHAHEEN DBA MIDTOWN CAFÉ FOR COMMERCIAL SPACE IN THE CORNERSTONE PARKING DECK; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CARBENIA: Mr. President.

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 by roll call, please.

NO REMARKS ROLL CALL: 11 YEAS, 0 NAYS, 1 ABSTAIN

(Member Hawk abstained)

CLERK TIMBERLAKE: Eleven yeas, one abstain, Mr. President

#8 ADOPTED AS ORDINANCE NO. 174/2008

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

#9. (3RD RDG) **ADOPTED AS ORDINANCE NO. 175/2008** 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 (MCDONALDS @ 112 DUEBER AVE SW) **PUB HRG: 12/01/08 @ 7:30 P.M.**

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?

MEMBER PRATER: Mr. President.

PRESIDENT PRO TEM CASAR: Member Prater.

MEMBER PRATER: Several Council Members have asked me how I will be voting on this Ordinance this evening since I wasn't able to attend the Committee meetings. Beings this is McDonalds, an existing business right off of 77, I in this particular case happen to like the sign and I will be supporting this Ordinance. Thank you.

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

NO REMARKS

ROLL CALL: 8 YEAS, 4 NAYS
(Members Casar, Carbenia, Cirelli, and Hawk voted Nay)

CLERK TIMBERLAKE: Nine yeas and three nays, oh I'm sorry eight and four, I'm sorry.

#9 ADOPTED AS ORDINANCE NO. 175/2008

PRESIDENT PRO TEM CASAR: Ordinance #9 has been adopted. Ordinance #10 please.

#10. (3RD RDG) **ADOPTED AS ORDINANCE NO. 176/2008** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH LIGHTSPEED TECHNOLOGIES, LLC FOR THE PURPOSE OF INSTALLING AND MAINTAINING A FREE, PUBLIC WI-FI NETWORK IN THE DOWNTOWN AREA; 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. 176/2008

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

#11. (3RD RDG) **ADOPTED AS ORDINANCE NO. 177/2008** AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #02-18960 HIGH AVE SW, ROBERT SMITH)

PRESIDENT PRO TEM CASAR: Member Carbenia.

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

MEMBER SMUCKLER: Seconded.

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

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NO REMARKS
ABSTAIN

ROLL CALL: 11 YEAS, 0 NAYS, 1

(Member Cirelli abstained)

CLERK TIMBERLAKE: Eleven yeas, one abstain.

#11 ADOPTED AS ORDINANCE NO. 177/2008

PRESIDENT PRO TEM CASAR: Ordinance #11 has been adopted. Ordinance #12 Madame Clerk.

#12. (3RD RDG) **ADOPTED AS ORDINANCE NO. 178 /2008** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AGREEMENT WITH THE CANTON CITY SCHOOL DISTRICT BOARD OF EDUCATION TO PROVIDE TWO POLICE OFFICERS; AND DECLARING THE SAME TO BE AN EMERGENCY

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

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #12. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#12 ADOPTED AS ORDINANCE NO. 178/2008

PRESIDENT PRO TEM CASAR: Ordinance #12 has been adopted. Ordinance #13, Madame Clerk..

#13. (3RD RDG) **POSTPONED TO 12/8/08** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH REDFLEX TRAFFIC SYSTEMS, INC. FOR THE IMPLEMENTATION OF AUTOMATED PHOTO TRAFFIC ENFORCEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Carbenia.

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

MEMBER SMUCKLER: Seconded.

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

MEMBER CARBENIA: Mr. President.

PRESIDENT PRO TEM CASAR: Member Carbenia

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MEMBER CARBENIA: I move we postpone this until 12/8/08.

MEMBER CIRELLI: Seconded

PRESIDENT PRO TEM CASAR: It has been moved and seconded to postpone Ordinance #13 until 12/8/08, next week. Are there any remarks? If not by roll call, please.

NO REMARKS
ABSTAIN

ROLL CALL: 11 YEAS, 0 NAYS, 1

(Member Cirelli abstained)

CLERK TIMBERLAKE: Eleven yeas, one abstain.

PRESIDENT PRO TEM CASAR: Ordinance #13 will be postponed until next Monday, December 8th.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT PRO TEM CASAR: We are now under Public Speaks Open Forum. We have no one signed up for Public Speaks this evening.

MISCELLANEOUS BUSINESS

Miscellaneous Business, is there any miscellaneous business? Member Cirelli, what a surprise.

MEMBER CIRELLI: Thank you Mr. President. And maybe the gentlemen have already gotten the email that I sent them. We got something from the State of Ohio that the states that they had purchased extra salt and they are going to have it available, like a 100,000 tons to my understanding and I sent it to Mr. Bernabei, the Mayor, Mr. Nesbitt and I was just saying, Do we have possibly the funds, because they said their going to make it available to counties and municipalities and townships at their price, the way I understood it sir.

SERVICE DIRECTOR BERNABEI: Mr. President.

PRESIDENT PRO TEM CASAR: Service Director Bernabei.

SERVICE DIRECTOR BERNABEI: Member Cirelli, I responded to your email, if you would read your email, I gave you a response probably at about 5:30, 5:45 to 6:00 this evening.

MEMBER CIRELLI: Thank you, Mr. President. I will check it out Tom, I didn't get a chance, I had already left home, thank you.

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

MEMBER CARBENIA: If not, everybody wants to go home and watch Monday Night Football, with Jacksonville and the Texans, stink game, so I move we adjourn.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM CASAR: No Member, I'm sorry I forgot to announce Committee meetings, please.

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MEMBER CARBENIA: OK. Under Committee meetings, Community & Economic Development will meet 12/8/08 at 6:00.

PRESIDENT PRO TEM CASAR: Member Hawk.

MEMBER HAWK: Mr. President, Finance Committee will meet 12/8/08 at 6:00.

PRESIDENT PRO TEM CASAR: Mr. Prater, Member Prater. Do you have a Personnel next week?

MEMBER CARBENIA: Mr. President, should I mention that we are meeting at 6:00 so that Director Bernabei can go over some of the budget. Do we have to mention that?

PRESIDENT PRO TEM CASAR: Member Hawk, please..

MEMBER HAWK: Please, thank you Mr. President. Thank you Mr. Carbenia. Yes, next Monday evening the administration will be giving us a quick review of the budget, an early review on the budget. Again as I said in Committee meetings, it is going to be a very, very important budget for the City of Canton. I would like all of us to attend and listen attentively so we have some good questions to ask of them Thank you very much.

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: I move we adjourn,

MEMBER CIRELLI: Seconded

ADJOURNMENT TIME: 7:53 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

DON CASAR
PRESIDENT PRO TEM