

MINUTES OF THE MEETING OF DECEMBER 15, 2008

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. I have just three quick things I'd like to say. First, if my voice sounds a little odd tonight it's because I think I can sing Karaoke after I have about five vodkas. Obviously, I can't. Secondly, Leader Casar will be your El Presidente next week, I am going to Boston to visit my daughter, sorry I can't be here but the daughter comes before even City Council. And lastly, we have a guest tonight, an esteemed guest because he is Member Griffin's grandson, Ryan Friedl. Ryan you want to stand up. He is at North Canton, Hoover. (APPLAUSE) He has been forced to attend. Welcome and Happy Holidays to you and your family. You've got a great grandfather. Oh, no, I'm sorry he's just your grandfather, not your great grandfather. Anyway, with a Quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call vote please, Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

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

CLERK TIMBERLAKE: All present, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk, we'll have the invocation will be given by Council Member, Bill Smuckler will you all please remain standing for the pledge of allegiance.

The regular meeting of Canton City Council was held on Monday, December 15, 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 Council Member at Large Bill Smuckler, the Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: We're now under agenda corrections and changes, and Members of Council, as always you're going to be asked to suspend Rule 22A to add second reading of Ordinances 6 through 13. Leader Casar, the Chair will recognize that Motion.

MEMBER CASAR: Mr. President, I move that we suspend Rule 22A and add Ordinances #8 through and including #13 on this evening's agenda.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded therefore to suspend Rule 22A to add Ordinances 6 through and including 13. Any remarks, if not Madame Clerk roll call vote please.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President

PRESIDENT SCHULMAN: Thank you Madame Clerk, Rule 22A is suspended and the Ordinances are a legal part of your agenda.

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PUBLIC HEARINGS

PRESIDENT SCHULMAN: We are under Public Hearings, and we have no Public Hearings tonight.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We are now under Public Speaks on Ordinances and Resolution for adoptions, we have no speakers to speak tonight.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: Madame Clerk we are now under Resolutions. Would you please read Resolution 103 by title.

#103. PERSONNEL COMMITTEE: REQ APPT OF WILLIAM SHERER II TO INCOME TAX REVIEW BD EXPIRING 2/28/12. - ADOPTED

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Resolution #103.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded to adopt Resolution #103. Any remarks under this resolution? If not then, all those in favor signify by saying aye. Those opposed no.

NO REMARKS RESOLUTION #103 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: Motion carries. Resolution 103 is adopted.

COMMUNICATIONS

PRESIDENT SCHULMAN: We're are now under Communications. Let the journal show that all communications are received as read, and additionally we are obviously thrilled that the Akron Canton Airports's communication to us is that we now have non-stop service to Washington Reagan National airport so we can all go to the Inauguration.

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 15, 2008.

487. AKRON-CANTON AIRPORT, MCQUEEN: ADVISING THAT US DEPT OF TRANSPORTATION AWARDED WASHINGTON REAGAN NAT'L AIRPORT SLOTS TO US AIRWAYS NON-STOP SERVICE FROM AKRON-CANTON AIRPORT. - RECEIVED & FILED

488. LIQUOR CONTROL DIVISION (OHIO): REQ NEW D5 LIQ PERMIT FOR EVETS ENTERPRISES INC DBA PAPA GYROS @ 2045 CLEVELAND AVE NW. - RECEIVED & FILED

489. PLANNING COMMISSION: RECOMMENDS APPROVAL OF PROPOSED REPLAT OF PARTS OF OUTLOTS 488 & 4899 & DEDICATION OF PORTION OF CLEVELAND AVE SOUTH. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

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490. PLANNING COMMISSION: RECOMMENDS APPROVAL OF ESLICH ANNEXATION; ASSIGNING TO WARD 6; DESIGNATING THE SITE I-1 (LIGHT INDUSTRIAL). - ANNEXATION COMMITTEE

491. SAFETY DIRECTOR NESBITT: REQ TO ENTER INTO CONTRACT W/WARREN FIRE EQUIPMENT IN AMT NOT TO EXCEED \$90,686.71 FOR PURCHASE OF TURNOUT GEAR FOR FIRE DEPT. - FINANCE COMMITTEE

492. SERVICE DIRECTOR BERNABEI: AUTHORIZE PAYMENT OF \$7,445.64 MORAL OB TO NORTHSTAR ASPHALT, INC FOR PURCHASE OF ASPHALT. - FINANCE COMMITTEE

493. SMUCKLER, W., ANNEXATION CHAIR: REQ STATEMENT OF SERVICES FOR CENTRAL ALLIED ANNEXATION. - ANNEXATION COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: We are now under Ordinances and Formal Resolutions for their 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 the first reading Ordinances by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #5 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

#1. (1ST RDG) AN ORDINANCE REAFFIRMING THAT THE CITY OF CANTON WILL PICK UP THE STATUTORILY REQUIRED EMPLOYEE RETIREMENT CONTRIBUTIONS TO THE OHIO PUBLIC EMPLOYEE RETIREMENT SYSTEM FOR CANTON CITY EMPLOYEES PURSUANT TO IRC SECTION 414 (h)(2) ON A PRETAX BASIS; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

#2. (1ST RDG) A RESOLUTION OBJECTING TO THE RENEWAL OF SIX LIQUOR PERMITS LOCATED WITHIN THE CITY; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Intergovernmental & Public Service Committee

#3. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A LEASE AGREEMENT WITH PHIL CAPRI FOR THE LEASE OF PROPERTY LOCATED AT 903 12TH STREET NW; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

#4. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH DIVERSITY MATTERS TO CONDUCT DIVERSITY TRAINING FOR THE POLICE AND FIRE DEPARTMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

#5. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO

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ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH ARCADIS US, INC. FOR THE DEVELOPMENT OF A COMPUTERIZED MAPPING SYSTEM OF THE CITY'S SANITARY AND STORM SEWERS; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance & Public Property Capital Improvement Committees

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We are now on Ordinances for their second reading, Madame Clerk, would you please start with Ordinance #6.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #6 THROUGH #13 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

#6. (2ND RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE KEY BANK ANNEXATION AREA CONTAINING APPROXIMATELY 2.5217 ACRES; ASSIGNING SAID TERRITORY TO WARD 3 OF THE CITY; ZONING SAID TERRITORY AS B-3 (GENERAL BUSINESS); AND DECLARING THE SAME TO BE AN EMERGENCY **PUB HRG 12/22/08 @ 7:00 P.M.**

#7. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT MODIFICATION WITH HAMMONTREE & ASSOCIATES, LIMITED, CONSULTING ENGINEERS IN AN AMOUNT NOT TO EXCEED \$31,046.00 FOR ADDITIONAL DESIGN IMPROVEMENTS TO THE PARK ROAD AND FULTON ROAD N.W. INTERSECTION; AND DECLARING THE SAME TO BE AN EMERGENCY

#8. (2ND RDG) AN ORDINANCE ADOPTING TEMPORARY APPROPRIATIONS FOR THE OPERATING AND CAPITAL EXPENDITURES OF THE CITY OF CANTON, OHIO, FOR FISCAL YEAR 2009; AND DECLARING THE SAME TO BE AN EMERGENCY

#9. (2ND RDG) AN ORDINANCE CREATING AN INCENTIVE/BUYOUT PROGRAM FOR ELIGIBLE FULL-TIME CITY EMPLOYEES; AUTHORIZING THE AUDITOR TO ESTABLISH THE INCENTIVE/BUYOUT PROGRAM CLEARING FUND; AMENDING SECTION 181.14, ALLOCATION OF FUNDS, OF THE CODIFIED ORDINANCES; AND DECLARING THE SAME TO BE AN EMERGENCY

#10. (2ND RDG) AN ORDINANCE SUSPENDING WAGE INCREASES FOR MANAGEMENT AND NON-BARGAINING UNIT PERSONNEL; AND DECLARING THE SAME TO BE AN EMERGENCY

#11. (2ND RDG) AN ORDINANCE PROVIDING FOR THE ISSUANCE OF A NOTE BY THE CITY OF CANTON IN ANTICIPATION OF THE COLLECTION AND PAYMENT OF CITY INCOME TAXES, GENERAL PROPERTY TAXES, AND MISCELLANEOUS OTHER SOURCES TO THE CITY OF CANTON; DECLARING THE NECESSITY OF THE ISSUANCE OF SAID NOTE; AND DECLARING THE SAME TO BE AN EMERGENCY

#12. (2ND RDG) AN ORDINANCE PROVIDING FOR THE ISSUANCE OF A NOTE BY THE CITY OF CANTON IN ANTICIPATION OF THE COLLECTION OF REFUSE COLLECTION RECEIPTS; DECLARING THE NECESSITY OF ISSUANCE OF SAID NOTE; AND DECLARING THE SAME TO

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BE AN EMERGENCY

#13. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND APPROPRIATION TRANSFERS AND REDUCTIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Thank you Madame Clerk, very much. We are now on Ordinances and Formal Resolutions for their third and final reading. Would you please read Ordinance #14 by title.

#14. (3RD RDG) **ADOPTED AS ORDINANCE NO. 183/2008** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY (1114 GONDER SE - ALLEN SCHOOL)

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #14.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #14. Are there any remarks under this Ordinance? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#14 ADOPTED AS ORDINANCE NO. 183/2008

PRESIDENT SCHULMAN: Ordinance # 14 is adopted. Ordinance #15 please..

#15 (3RD RDG) **ADOPTED AS ORDINANCE NO. 184/2008** 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

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #15.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #15. Are there any remarks under the Ordinance? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#15 ADOPTED AS ORDINANCE NO. 184/2008

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #15 is adopted. Ordinance #16 please.

#16. (3RD RDG) **ADOPTED AS ORDINANCE NO. 185/2008** 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

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that we adopt, or that you adopt Ordinance #16. Any remarks? If not, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#16 ADOPTED AS ORDINANCE NO. 185/2008

PRESIDENT SCHULMAN: Ordinance #16 is adopted. Ordinance #17 please.

#17. (3RD RDG) **ADOPTED AS ORDINANCE NO. 186/2008** 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 (KENNET COURT NW, PARCEL #02-35881, ROBERT HARPER)

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #17. Any remarks under this Ordinance? If not, Madame Clerk, again roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#17 ADOPTED AS ORDINANCE NO. 186/2008

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PRESIDENT SCHULMAN: Ordinance #17 is adopted. Ordinance #18 please, Madame Clerk.

#18. (3RD RDG) **ADOPTED AS ORDINANCE NO. 187/2008** AN ORDINANCE AMENDING ORDINANCE NO. 1/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (HEALTH BENEFIT ADMIN POSITION)

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #18. Any remarks under this Ordinance? If not, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#18 ADOPTED AS ORDINANCE NO. 187/2008

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #18 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: We are now under Announcement of Committee meetings.

MEMBER HAWK: Mr. President

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Finance Committee will meet Monday, December 22nd at 6:30 pm.

PRESIDENT SCHULMAN: Thank you.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: Intergovernment & Public Service will meet at the same time the 22nd, 6:30.

PRESIDENT SCHULMAN: Thank you.

MEMBER DOUGHERTY: Mr. President

PRESIDENT SCHULMAN: Member Dougherty.

MEMBER DOUGHERTY: Public Property Capital Improvement will also meet the 22nd at 6:30.

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PRESIDENT SCHULMAN: Thank you.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: We're under Public Speaks. And we have no speakers signed up this evening.

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: We are now on Miscellaneous Business. Is there any Miscellaneous Business?

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I would like to ask the Safety Director, possibly a question. Safety Director Nesbitt, you know we are trying to clean the city up, keep them clean, the neighborhoods and so forth, and I notice every time I drive down Fulton Road beginning at 7th, 6th, 5th, Shorb, there's these old tires that are painted a pastel color. Does there have to be a permit to have those out there? Who gave permit, permission to put them there and why are they there? I mean to me it's a deterrent to a neighborhood and I don't know what it's supposed to indicate and I notice in the summertime they had flowers in them. Now they are bent over, half, you know is there some way or why they're there, do you happen to know?

PRESIDENT SCHULMAN: Director Nesbitt.

SAFETY DIRECTOR NESBITT: Member Casar. First of all, to be honest with you I didn't know that they were there so I'll have to look into that.

MEMBER CASAR: Probably the pastel colors you missed.

SAFETY DIRECTOR NESBITT: I'll look into that and give you a report back.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: I would like to comment on it also. I have been receiving several complaints from people in the community. Fulton Road is one of our main corridors coming into the city and was looking very nice and pretty good, and these tires with different pastel colors. That's kinda like they're a bit unusual to say the least.

PRESIDENT SCHULMAN: Thank you, Member Hawk.

MEMBER CASAR: There old tires without any tread too.

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Member Kraus.

MEMBER KRAUS: I would just like to thank everybody at City Hall and throughout the City offices and

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departments and those that contributed to the Canton Ex-News Boys paper sale, on Friday. We had an excellent day and we raised \$33,107.00 for the school kids. *(APPLAUSE)*

PRESIDENT SCHULMAN: You ought to be congratulated too, Member Kraus. You did a fantastic job and much koodos for your hard work. Any other Miscellaneous Business? Member Casar.

MEMBER CASAR: Adjourn.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that we adjourn. Roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

ADJOURNMENT TIME: 7:50

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT