

MINUTES OF THE MEETING OF SEPTEMBER 25, 2006

ALLEN SCHULMAN SWORN IN BY DON CASAR AS NEW COUNCIL PRESIDENT.

(APPLAUSE)

PRESIDENT SCHULMAN: That was the ah, that was the only thing I should have practiced a little bit more. (Laughter) With your indulgence ladies and gentlemen, I would like to say just a few words. Mayor Creighton, members of the City Administration, Law Director Martuccio, Auditor Mallonn, I know the Treasurer, Schirack is in Dayton tonight, my fellow members of City Council, members of City Council staff and I cant tell you what a great staff we are blessed to have. And most especially to the people we serve in this great city, the hard working citizens of Canton. I am, ladies and gentlemen, humbled. For over 33 years Ray Denczak devoted his life to public service. Ray was more then a dedicated Democrat. He was a born leader with an unabiding love for this City and its people. 31 years of his public service was as president of this City Council. A position that I now occupy thanks to the Precinct Committee people who showed their faith in my ability to undertake this important office. How does one match the accomplishments of a man like President Denczak? With great humility and a knowledge that one cannot possibly achieve his level of excellence. All I can promise you is to do my level best, keeping in mind at all times that we serve at the peoples will and their welfare must be our primary goal. We live in a turbulent age, the tremors of change are felt across our land and are shaking our institutions. In this part of the country we have seen the effects of these seismic chips. The loss of good paying jobs, health care and pensions, outsourced at distant places beyond our control. The flight of our young people to communities which offer a brighter more secure future. The growing disparity between the rich and the middle class. Some would say the decimation of the American dream. The explosion of the number of our fellow citizens living in poverty as we saw Saturday with Member Dougherty and the wonderful job he and others, particularly his family did. That line never stopped for 2 ½ hours. The environmental degradation we have seen. The lack of education of so many of our young people. The monumental challenges that we face as we embark together into the 21st Century are indeed enormous. Yet, here we all are, we bring to our public service a commitment to change and an undying faith that we can overcome these difficulties and create a better community for all of our citizens. What a remarkable optimism we all have and is it genuine or is it simply a pipe dream? I firmly believe we can accomplish anything so long as we are together, each pulling in the same direction. Before my decision to seek this important office, I spent a long time listening to each and everyone of you. In my opinion we have here assembled a collection of individuals with tremendous strengths and great wisdom - not the same strengths - but different - judging each opportunity of problem from an angle specially formed from your past experiences - owning a business, working in industry, president of unions, overcoming the poisonous atmosphere of racism. Spending a life devoted to governmental service, educating our children. We are blessed that our city at this time in its history is led by elected officials who understand the challenges of this age and who have chosen to work together, work together, for a better future. I mean this from the bottom of my heart. Thank you for the kindness you have shown me and the opportunity to work with you on this great mission. Finally and contrary to some political observers, I do not subscribe to the idea that government is part of the problem. I believe government when it is disciplined, competent and caring, is, has been and must be part of the solution. Together with business and trade union, civic and religious leaders, grass roots community and neighborhood organizations, working together - listening to one another - debating respectfully - and treating each other truly as we would want to be treated - we will move this city forward to a brighter day and, most importantly, the people we serve will know. God bless you and God bless our City of Canton. Thank you.

(APPLAUSE)

PRESIDENT SCHULMAN: Now, it appearing that a quorum is present, the Chair calls this meeting of Canton City Council to order. Madame Clerk, the roll call please.

MINUTES OF THE MEETING OF SEPTEMBER 25, 2006***ROLL CALL TAKEN BY CLERK TIMBERLAKE:***

12 COUNCILMEMBERS PRESENT: (DON CASAR, JOE CARBENIA, MARY M. CIRELLI, BILL SMUCKLER, GREG HAWK, THOMAS E. WEST, JAMES GRIFFIN, KELLY ZACHARY, TERRY PRATER, DAVID R. DOUGHERTY, RICHARD D. HART, & KARL "BUTCH" KRAUS)

ALL PRESENT

PRESIDENT SCHULMAN: Thank you Madame Clerk, we're going to have the invocation tonight given by Councilmember Bill Smuckler, we will all stand and please remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on Monday, September 25, 2006, 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, followed by the Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: The Chair will recognize a motion to suspend Rule 22A to add 2nd Reading Ordinances #5 through and including #14, excluding Ordinance #10. Member Casar.

MEMBER CASAR: Mr. President. I move we suspend 22A and Ordinances through 5 and including #14, excluding #10 which will remain in committee as requested by Finance Committee Chairman, Member Hawk; seconded.

PRESIDENT SCHULMAN: Moved and seconded to suspend rule 22A are there any remarks? If not, Madame Clerk, the roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: 12 yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Rule 22A is suspended and the Ordinances are a legal part of your agenda. The Chair will recognize a Motion to suspend Rule 24 to add Resolution #76. Member Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 24 to add Resolution #76 to this evenings agenda; seconded.

PRESIDENT SCHULMAN: Moved and seconded to suspend Rule 24, are there any remarks? If not, Madame Clerk, the roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: 12 yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk, Rule 24 is suspended and Resolution #76 is a legal part of your agenda.

MINUTES OF THE MEETING OF SEPTEMBER 25, 2006**PUBLIC HEARINGS**

PRESIDENT SCHULMAN: We now move on the Agenda to public hearings. There are no public hearings scheduled for this evening.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We now move to public speaks. We are now under public speaks on Ordinances and Resolution for Adoption. We do not have any speakers this evening.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We next move to Informal Resolutions. We are now under Informal Resolutions. It will not be, I do not believe that it will be necessary to Excuse Members. Let the Journal show that all members of Council are present. Madame Clerk please read Resolution #76 by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON THE CLERK OF COUNCIL TO READ THE FOLLOWING INFORMAL RESOLUTIONS #76 THROUGH #78 BY AGENDA TITLE. ALL INFORMAL RESOLUTIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED SEPTEMBER 25, 2006.

#76. CASAR, MJR LDR & CARBENIA, WD 9: NAMING OF PARK FOR RICHARD A. MALLONN-ADOPTED

PRESIDENT SCHULMAN: The Chair will recognize a Motion to adopt Resolution #76, Member Casar.

MEMBER CASAR: Mr. President. I move that we adopt Resolution 76; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #76. Are there any remarks?

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Casar.

MEMBER CASAR: I would request that ah, Madame Clerk read Resolution #76.

PRESIDENT SCHULMAN: Will the Clerk please read that?

CLERK TIMBERLAKE: An Informal Resolution respectfully submitted by Donald E. Casar, Councilman-at-Large and Joseph Carbenia, 9th Ward Councilman on this 25th day of September, 2006. Whereas, The City of Canton is in the process of developing a new park located in the vicinity of 4th Street and Raff Road NW; and Whereas, This property was formerly owned by the Stark County Fair Board and now owned by the Canton City School Board; and Whereas, The City of Canton has successfully negotiated a 99-year lease with the Canton City School Board at a cost of \$1 per year; and Whereas, This area of the City of Canton is lacking a park and recreation facility; and Whereas, Richard A. Mallonn served on Canton City Council for eight years and as a member of Council's Park and Recreation Committee was involved and very instrumental in the support of new and improving our parks throughout the City of Council; and Whereas, Mr. Mallonn went on to serve the citizens

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of Canton for nine years as Canton City Auditor, he continued to support our park and recreation efforts; and Whereas, Canton City Council go on record strongly recommending the Canton Park Board naming the new park located in the vicinity of 4th and Raff NW the "Richard A. Mallonn Memorial Park." Now, Therefore, Be it Resolved: That a copy of this resolution be sent to the Canton Park Board for its consideration in naming said park "RICHARD A. MALLONN MEMORIAL PARK."

PRESIDENT SCHULMAN: Thank you Madame Clerk. Are there any other remarks?

MEMBER ZACHARY: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Zachary?

MEMBER ZACHARY: Just a point of clarification for the audience so that they don't think we're naming the park for the gentleman that's sitting to my left, this was his father. So he did serve the City of Canton for a number of years and did so quite well. Thank you.

PRESIDENT SCHULMAN: Thank you Member Zachary. Are there any other remarks?

MAYOR CREIGHTON: Mr. President.

PRESIDENT SCHULMAN: Yes Mayor?

MAYOR CREIGHTON: This is a wonderful tribute to a long time servant of the City of Canton and I'm sure the Mallonn Family would be honored.

PRESIDENT SCHULMAN: Any other remarks members? If not by voice vote, all those in favor, signify by saying aye, those opposed, no

NO REMARKS

RESOLUTION #76 IS ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: Resolution #76 has been adopted. Resolution #77 please Madame Clerk.

#77. PERSONNEL COMMITTEE: CONFIRMING APPOINTMENT OF RICHARD GATIEN TO THE INCOME TAX REVIEW FOR AN UNEXPIRED TERM TERMINATING ON 2/28/09. - ADOPTED

PRESIDENT SCHULMAN: The Chair will recognize a Motion to adopt Resolution #77, Member Casar.

MEMBER CASAR: Mr. President. I move that we adopt Resolution 77.

PRESIDENT SCHULMAN: Is there a second?

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #77. Are there any remarks? If not, by voice vote.

MEMBER CASAR: Mr. President.

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PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I request a roll call vote on this please.

PRESIDENT SCHULMAN: That's fine, Madame Clerk, will you please call the roll?

NO REMARKS

ROLL CALL: 10 YEAS, 2 NAYS

PRESIDENT SCHULMAN: Resolution #77 has therefore been adopted. Resolution #78 please.

#78. PERSONNEL COMMITTEE: CONFIRMING APPOINTMENT OF AMY DREUSSI TO THE STARK REGIONAL PLANNING COMMISSION FOR A 3-YEAR TERM, RETROACTIVE TO 8/1/06 EXPIRING ON 7/31/09. - ADOPTED

PRESIDENT SCHULMAN: The Chair will recognize a Motion to adopt Resolution #78, Member Casar.

MEMBER CASAR: Mr. President. I move that we adopt Resolution #78; Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #77. Are there any remarks? If not by voice vote, all those in favor signify by saying aye, those opposed, no.

NO REMARKS

RESOLUTION #78 IS ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: It appearing that Resolution #78 has been adopted.

COMMUNICATIONS

PRESIDENT SCHULMAN: 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 SEPTEMBER 25, 2006.

440. AUDITOR, MALLONN (CITY): CERTIFICATE OF TOTAL AMOUNT FROM ALL SOURCES FOR 2006. - RECEIVED & FILED

441. AUDITOR, MALLONN (CITY): REQUEST AUTHORITY FOR PROF. SVS AGRMT W/SQUIRE, SANDERS & DEMPSEY, LLP & KEY BANK FOR PROVIDING LEGAL & FINANCIAL UNDERWRITING SVS. RE: CITY'S 2006 BOND ISSUANCE. - FINANCE CMTE

442. HEALTH BENEFITS ADMIN. BRESSON: AUG 2006 MO. COMPARATIVE REPORT OF INSURANCE CLAIMS, & JAN-AUG 2006 PD CLAIMS & COMPARATIVE RPT. - RECEIVED & FILED

443. LIQUOR CONTROL DIV (OHIO): REQUEST BY PAONE & SONS INC., 1ST FLR & BSMT @ 221 2ND ST NW FOR TRANSFER D-2, D2X, D3 LIQUOR PERMIT TO M & B ENTERTAINMENT LLC

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dba IRISH UNIVERSITY PUB, 1ST FLR & BSMT @ 221 2ND ST NW. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

444. MAYOR CREIGHTON: ADOPT \$7,325,000 OUTSTANDING WATERWKS SYS IMPR BONDS REFUNDS, & ETC.; FINANCE \$5,400,000 TRANSPORTATION & RELATED INFRASTRUCTURE IMPROVEMENTS, ETC.; FINANCE \$2,000,000 CONSTRUCTION & IMPR RECREATIONAL FACILITIES, ETC.; FINANCE \$8,450,000 CONSTR & IMPR CITY BUILDINGS, ETC. - FINANCE CMTE
445. MAYOR CREIGHTON: AUTHORIZE CITY AUDITOR TO ESTABLISH EMPLOYEE RECOGNITION FUND TO DEPOSIT VARIOUS UNION & DONATED FUNDS. - FINANCE CMTE
446. MAYOR CREIGHTON: AUTHORIZE CITY AUDITOR TO REC \$723,975 GRANT ESTABLISHING CONVENTION CTR FEASIBILITY GRANT FUND FOR STUDY TO CONSTRUCT CONVEN CTR; AUTHORITY TO ENTER INTO AGMT W/CORMONY DEV LLC TO ADMINISTER FUNDS & CONDUCT STUDY. - FINANCE CMTE
447. MAYOR CREIGHTON: ADOPT A NEGOTIATED TENTATIVE 3-YR. COLLECTIVE BARGAINING WAGE AGRMT BETW CITY OF CANTON & CPFFA LOCAL 249. - FINANCE CMTE
448. SAFETY DIRECTOR HUNT: ANNOUNCING MTG OF FEDERAL SIGNAL RE: CITY OF CANTON WARNING SIRENS ON SEPT. 27, 2006 @ 10:30 AM IN CITY ENGINEERING CONFERENCE RM. - RECEIVED & FILED
449. SERVICE DIRECTOR CONCATTO: AUTHORIZE \$85,742.45 PAYMENT OF CH OR #4 W/TAB CONSTR CO INC. TO COMPLETE 4TH ST/SHORB AVE., NW IMPRMT PROJ. - FINANCE CMTE
450. SERVICE DIRECTOR CONCATTO: AUTHORIZE SERV DIR TO ENTER INTO MO. \$8,000 SBC GLOBAL SERVICE INC CONTRACT (dba AT&T GLOBAL SVS) FOR 36 MO. PHONE CARRIER SVS FOR CITY OF CANTON. - FINANCE CMTE
451. SLIMAN, SAM, AGT FOR PETITIONER: SUBMITTING COPY OF LEGAL NOTICE OF PUB HRG SET BY CNTY COMMISSIONERS ON NOV. 16, 2006 @ 11:00 AM IN STARK CNTY COMMISSIONER'S OFC FOR THE "DIOGUARDI ANNEXATION AREA" OF 0.110 ACRES IN PLAIN TOWNSHIP. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: We now move on the Agenda to the First Reading of Ordinances. We are now under Ordinances and Formal Resolutions for the First Reading. Let the Journal Show that all Ordinances are being given there reading as required by State Law. Madame Clerk please reading Ordinances by Title.

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

#1 (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF OUTLOT

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696 AND 682 AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee

#2 (1ST RDG) APPROVING AND ACCEPTING THE REPLATTING OF LOTS 14661 THROUGH 14663 AND THE DEDICATION OF A PORTION OF 7TH ST NE AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to Public Safety & Thoroughfares Committee

#3 (1ST RDG) **ADOPTED AS ORDINANCE #161/2006** AN ORDINANCE DECLARING 20 BUILDINGS TO BE PUBLIC NUISANCES; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE DEMOLITION OF SAID BUILDINGS; AUTHORIZING CLERK OF CANTON CITY COUNCIL TO CERTIFY THE COSTS OF DEMOLITION TO THE STARK COUNTY AUDITOR AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Carbenia.

MEMBER CARBENIA: Ah, we need to have a recess so we can ah, have our reading.

PRESIDENT SCHULMAN: Very good, the chair then will declare a recess to consider Ordinance #3 in committee.

MEMBER CARBENIA: Thank You.

MEMBER CARBENIA: Ah, this is ah, #3 on the Agenda tonight. An Ordinance declaring 20 buildings to be public nuisances; Authorizing the Director of Public Safety to Enter into contract for the demolition of said buildings; Authorizing the Clerk of Canton City Council to certify the cost of Demolition to the Stark County Auditor and Declaring the same to be an emergency.

PRESIDENT SCHULMAN: Member Casar, do we have a Motion to add Ordinance #3, oh I'm sorry.

MEMBER CARBENIA: Are there any other questions?

(INAUDIBLE)

MEMBER CARBENIA: Yes, Mr. West.

MEMBER WEST: Are we caught up with the demos, ah to date? Ah, maybe that's a Safety Director question.

MEMBER CARBENIA: Um, I think you might have to have the director answer that, I know they've been tearing a lot of buildings down. I went out and checked all these to see if they should be tore down and ah, to know if we're actually caught up, Director Hunt, please.

DIRECTOR HUNT: Councilmember Carbenia, we have a, we presently have a demolition list that is not complete ah, that we passed sometime ago because we are waiting for the historical review to take place in Columbus,

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therefore, I requested our buildings department to, ah, determine another list because we had some homes that had been on the list for a period of time and we weren't able to get to them because of those homes held up for historical so we determined another list so that we could keep caught up.

MEMBER WEST: So the question is I guess, if you don't mind, um, the list that we're passing tonight, then they should be able to move on those expeditiously?

DIRECTOR HUNT: That is correct.

MEMBER CARBENIA: Any other questions? If not, ah I will sign this out for the second reading. Um and vote on it tonight I believe.

PRESIDENT SCHULMAN: I will declare the recess completed. We are now back on the Agenda. Member Casar, do you have a motion to add Ordinance #3 back on the Agenda?

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinance #3 back on this evenings agenda.

PRESIDENT SCHULMAN: Thank you, thank you very much. Any discussion? Madame Clerk, the roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: 12 Yeas Mr. President.

PRESIDENT SCHULMAN: Thank you, Member Casar, do you wish to suspend the 3 readings?

MEMBER CASAR: Mr. President, I move we suspend the statutory rules for Ordinance #3; seconded.

PRESIDENT SCHULMAN: Any discussion? Roll call vote please Madame Clerk.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: 12 Yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #3 is now before you for a vote, is there a motion?

MEMBER CASAR: Mr. President, I move we adopt Ordinance #3: seconded.

PRESIDENT SCHULMAN: There be a motion, second any discussion? Madame Clerk, will you call the roll?

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: 12 Yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madam Clerk. Now we are back on the Agenda with regard to the first reading of Ordinance #4, Madame Clerk.

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- #4 (1ST RDG) AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO APPROPRIATE REAL PROPERTY WITH THE CONJUNCTION WITH COLUMBUS RD / HARMONT AVE NE INTERSECTION PROJECT AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to the Public Safety & Thoroughfares Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We're now under second readings of Ordinances for their second reading. Madame Clerk will, you please read the ordinances #5 through #14 by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #5 THROUGH #14 FOR THE SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- 5# (2nd RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET 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
(C&ED)
- 6# (2nd RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH HYDRODEC GROUP PLC TO PROVIDE A REAL PROPERTY TAX EXEMPTION; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON LOCAL BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82 (C) AND (D) OF THE REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY
(C&ED)
- 7# (2nd RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH HYDRODEC GROUP PLC PURSUANT TO THE CITY'S JOB CREATION INCENTIVE PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
(C&ED)
- 8# (2nd RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO DONATE USED FIRE EQUIPMENT TO STARK STATE COLLEGE OF TECHNOLOGY
(PPCI)
- 9# (2nd RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO ESTABLISH AND/OR MAINTAIN PETTY CASH AND/OR CHANGE DRAWER FUNDS FOR VARIOUS CITY DEPARTMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY
(FIN)
- 10# (2nd RDG) **RETAINED IN COMMITTEE** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A PROFESSIONAL SERVICE CONTRACT WITH ANGELA JACOBY CAVENAUGH FOR PLANS EXAMINATION DUTIES FOR THE

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BUILDING DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY (FIN)

- 11# (2nd RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO 1/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (FIN)
- 12# (2nd RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CHANGE ORDER WITH FLOYD BROWNE GROUP IN AN AMOUNT NOT TO EXCEED \$8,014.00 FOR ADDITIONAL EXPENSES RELATING TO THE TITLE V PERMIT PROJECT FOR THE WATER POLLUTION CONTROL CENTER; AMENDING APPROPRIATION ORDINANCE NO. 1/2006; AND DECLARING THE SAME TO BE AN EMERGENCY (FIN)
- 13# (2nd RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO 1/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (FIN)
- 14# (2nd RDG) AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR WATER AND/OR SEWER SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY (FIN)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #15 THROUGH #25 FOR THE THIRD TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. ALL THE ORDINANCES WERE ADOPTED BY COUNCIL FOLLOWING THEIR THIRD READING

PRESIDENT SCHULMAN: We are now under Ordinances for their third and final reading. Madame Clerk, would you please read Ordinances 15 through 25 by title.

- 15# (3rd RDG) **ADOPTED AS ORDINANCE NO.162/2006** AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF 5 PARCELS OF CITY-OWNED PROPERTY; AUTHORIZING SALE & CONVEYANCE OF SAID PROPERTIES PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: The Chair will recognize a motion to adopt Ordinance #15, Member Casar.

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

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

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NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: 12 Yeas Mr. President.

PRESIDENT SCHULMAN: The Ordinance #15 has been adopted.

16# (3rd RDG) **ADOPTED AS ORDINANCE NO. 163/2006** AN ORDINANCE ESTABLISHING THE FAIR REUSE AND/OR FAIR MARKET VALUES OF 7 PARCELS CITY OWNED PROPERTY; AUTHORIZING THE SALE & CONVEYANCE OF SAID PROPERTIES PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: The Chair will recognize a motion to adopt Ordinance #16, Member Casar.

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

PRESIDENT SCHULMAN: It's been moved and seconded, are there any remarks? Hearing none, will you please ah, call the roll Madame Clerk.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: 12 Yeas Mr. President.

PRESIDENT SCHULMAN: Ordinance #16 has been adopted.

17# (3rd RDG) **ADOPTED AS ORDINANCE NO. 164/2006** A RESOLUTION TO WITHDRAW THE CITY OF CANTON'S OBJECTION TO THE RENEWAL OF A LIQUOR PERMIT LOCATED WITHIN THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Yes Member Casar.

MEMBER CASAR: I move we adopt Ordinance #17; seconded.

PRESIDENT SCHULMAN: Thank you, it's been moved and seconded, any remarks? If not, roll call please Madame Clerk.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: 12 Yeas Mr. President.

PRESIDENT SCHULMAN: Ordinance #17 has been adopted, Ordinance #18 please.

18# (3rd RDG) **ADOPTED AS ORDINANCE NO. 165/2006** A RESOLUTION TO AUTHORIZING THE LAW DIRECTOR TO DISTRIBUTE FREE OF CHARGE TO THE PUBLIC

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OFFICIALS & PUBLIC INSTITUTIONS COPIES OF 2006 SUPPLEMENT TO CANTON CODIFIED ORDINANCES; TO AFFIX PRICE FOR SALE OF SAME; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: The Chair will recognize a motion, Member Casar.

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

PRESIDENT SCHULMAN: Ordinance #18, has been moved and seconded any remarks? Would you call the roll please Madame Clerk.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: 12 Yeas Mr. President.

PRESIDENT SCHULMAN: Ordinance #18 has been adopted. Ordinance #19 Madame Clerk please.

19# (3rd RDG) **ADOPTED AS ORDINANCE NO. 166/2006** AN ORDINANCE AUTHORIZING THE EDITING & INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF CANTON OHIO; AND DECLARING THE SAME TO BE EMERGENCY

PRESIDENT SCHULMAN: The Chair will recognize a motion to adopt. Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #19; seconded.

PRESIDENT SCHULMAN: Moved and seconded to adopt Ordinance #19, any remarks? If not, the roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: 12 Yeas Mr. President.

PRESIDENT SCHULMAN: The Ordinance #19 has been adopted. Ordinance #20 please Madame Clerk.

20# (3rd RDG) **ADOPTED AS ORDINANCE NO. 167/2006** AN ORDINANCE AUTHORIZING REQUEST TO THE OHIO BOARD OF BUILDING STANDARDS TO CERTIFYING THE CITY OF CANTON FOR ENFORCEMENT OF THE RESIDENTIAL CODE OF OHIO TO EXERCISE ENFORCEMENT AUTHORITY AND ACCEPT & APPROVE PLANS & SPECIFICATIONS AND MAKE INSPECTIONS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: The Chair recognizes a motion for Ordinance #20, Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #20; seconded.

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PRESIDENT SCHULMAN: Thank you, are there any remarks? If not, Madame Clerk, the roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: 12 Yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #20 has been adopted. Ordinance #21 please.

21# (3rd RDG) **ADOPTED AS ORDINANCE NO. 168/2006** AN ORDINANCE AMENDING CHAPTER 1317, HEATING, VENTILATING & AIR CONDITIONING CODE, CHAPTER 1333 RESIDENTIAL BUILDING CODE AND CHAPTER 1351; PURPOSE & SCOPE OF CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: The Chair will recognize a motion to adopt Ordinance #21, Member Casar please.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #21; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #21, is there any discussion? If not, would you please call the roll please?

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: 12 Yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk Ordinance #21 has been adopted. Ordinance #22 please.

22# (3rd RDG) **ADOPTED AS ORDINANCE NO. 169/2006** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT A GRANT FROM THE CANTON REGIONAL CHAMBER OF COMMERCE IN THE AMOUNT OF \$50,000.00 FOR CANTON CIVIC CENTER RESTROOM RENOVATION PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: The Chair will recognize a motion to adopt Ordinance #22, Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #22; seconded.

PRESIDENT SCHULMAN: Thank you, moved and seconded, is there any discussion on Ordinance #22? Hearing none, Madame Clerk will you call the roll please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: 12 Yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #22 has been adopted. Ordinance #23 please.

23# (3rd RDG) **ADOPTED AS ORDINANCE NO. 170/2006** AN ORDINANCE APPROVING & ACCEPTING REPLATTING OF OUTLOT #1123 & THE DEDICATION OF PART OF

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GEORGETOWN STREET NE; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: The Chair will recognize a motion to adopt Ordinance #23, Member Casar please.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #23; seconded.

PRESIDENT SCHULMAN: Thank you any remarks? Madame Clerk will you call the roll please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: 12 Yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #23 has been adopted. Ordinance #24 please.

24# (3rd RDG) **ADOPTED AS ORDINANCE NO. 171/2006** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AN AGREEMENT WITH CANTON CITY SCHOOL DISTRICT BOARD OF EDUCATION TO PROVIDE 2 POLICE OFFICERS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: The Chair will recognize a motion to adopt Ordinance #24, Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #24; seconded.

PRESIDENT SCHULMAN: Thank you. It's been moved and seconded, any remarks? Madame Clerk will you call the roll please.

NO REMARKS

ROLL CALL: 11 YEAS, 1 ABSTAIN

CLERK TIMBERLAKE: 11 Yeas, 1 Abstain, Mr. President.

PRESIDENT SCHULMAN: Ordinance #24 has been adopted. Ordinance #25 Madame Clerk please.

25# (3rd RDG) **ADOPTED AS ORDINANCE NO. 172/2006** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT TO REMODEL SINK AREAS IN CONCESSION STANDS LOCATED AT THE CANTON CIVIC CENTER; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: The Chair will recognize a motion to adopt Ordinance #25, Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #25; seconded.

PRESIDENT SCHULMAN: The Ordinance has been moved and seconded, are there any remarks?

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Hawk.

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MEMBER HAWK: I would ask that while, when we remodel the concession areas, which is something we very much need to do, that we begin reviewing the whole process of how the concessions are handled. The profit margins and ah, how we track them and who we purchase product from. I think it needs to be kind of an overall package here while we're revamping and remodeling, we should also redo the system to make it more efficient and more effective.

PRESIDENT SCHULMAN: Thank you Member Hawk, are there any other remarks? Hearing none, Madame Clerk will call the roll vote please?

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: 12 Yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk Ordinance #25 has been adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: Next on the Agenda are Announcement of Committee Meetings. Mr. President, Mr. President sorry.

MEMBER KRAUS: Mr. President

PRESIDENT SCHULMAN: Member Kraus, sorry.

MEMBER KRAUS: That's fine. Public Safety and Thoroughfare will meet 10/02/06 at 6:45 P.M. And may I compliment you on a well run meeting.

PRESIDENT SCHULMAN: Thank you Member Kraus.

(LAUGHTER)

PRESIDENT SCHULMAN: Although there were some curve balls thrown my way Member Kraus. Any other announcement of committee meetings? Mr. Carbenia....Member Carbenia?

MEMBER CARBENIA: We already did that ah, Ordinance.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: Hearing no other announcement of committee meetings, we'll move the agenda then to public speaks open forum. And I would like to say that um, we appreciate citizens coming here to City Council to express themselves. We hope that you will return frequently, ah, we all require your input and your thoughts, the reservoir of knowledge is not just seated before you. So we appreciate that, but with that appreciation our Council rules limit public speakers to 3 minutes, so if you would follow that admonition we would appreciate it. On tonight's Public Speaks we have, and if I have mispronounced your name, please tell me when you stand before us. Leon M. Cote, and Mr. Cote, we appreciate you being here and if you would give us your name and your home address please sir.

LEON COTE: My name is Leon M. Cote, I live at 1225 - 41st St NW in Canton, Ohio 44709. Madame Mayor, Mr. newly elected President Schulman, Members of the Board and Department Heads, I'm here to

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talk about a rural issue, 41st St NW, the Steese Project. (SILENCE)

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Kraus.

MEMBER KRAUS: Can I ask a question?

PRESIDENT SCHULMAN: Yes.

MEMBER KRAUS: This project is in my ward, I um, I'm kinda curious here, if, why we're holding up here.

LEON COTE: That was 1 minute before somebody decided to talk and they asked a question. We have been waiting 4 years, so ya think the 1 minute was long? Think of how long it is in respect to years. Um, thank you Mr. Counselor. We have been waiting 4 years for this project. A couple of months ago we were informed that the easement letters and the um, work agreements were in the Engineer's Department all set to go out. Mr. Kraus and I volunteered to hand deliver them to the residence of 41st St. to expedite the process. Bids cannot go out until these are done. To date, they have not been sent out, this is over 2 months, when we were promised they were going out 2 or 3 months ago. It's been a frustrating 4 years. I would be willing to bet that when the time comes to go out for bid, which we were promised it was going out last winter, and then it was going to be start.....go out December so it could be started this fall, the bids still have not gone out yet. We will be hard pressed to get it out and get it started in March or April of next year. I would just suggest to the City Council 38th Street has taken 5 years. 44th Street took 5 to 6 years. 41st St is going on 4 years. Something is wrong with the project or something is wrong with the system. I would propose to the City Council to think outside the box a pass the city mandating that when you get a grant from the Federal Government or the State Government that it has to go out for bid within 1 year from receiving that grant. To wait 4 years is absolutely ludicrous. I know Mr. Kraus will probably be coming before you to ask for an additional quarter of a million to a half a million dollars to do the project. Had it been started 3 ½ years ago or 3 years ago, we could have continued it out from Steese to Cleveland Ave where it should go for less money. I'm sorry I took your time, I appreciate the opportunity to speak but I am so frustrated with this and you waited 1 minute waiting for me to say something, we've waited 4 years. Thank you for your time.

MEMBER CIRELLI: Mr. Cote.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. Will you familiarize me, since I haven't been here those 4 years, what exactly is the Steese Project, Sir?

LEON COTE: Huh, I'm glad you asked. I will bring you up to speed. Approximately 30 some odd years ago a study was made of the Steese drainage area, which encompasses our neighborhood. 32 projects were identified to ah, that the City needed to do to alleviate flooding. In the 30 plus years, 2 of the 30 projects have been done and completed. This is the 3rd project and when you wait 4 years to get a project, we're never gonna get the side streets done in my lifetime and I, I just feel if you mandated that the City Engineer's Department would have to go out to bid within a year of receiving that grant you just, you'd eliminate a lot of problems. Let me just say this, Mrs. Cirelli, I am a General Contractor and you give me ½ million dollars to build you a home and we are going on almost 4 years, would you be a little upset that I haven't started your home yet? Each and everyone of you stop and think about that. How would you feel if you gave me a million

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and ½ dollars and I haven't even started it yet? I know each and everyone of you would be coming out of your seat. You'd be upset, you would be as, more upset then I am right now 'cuz I'm rather calm. How I was able to stay quiet a minute, (LAUGHTER) believe me, that was the hardest thing in the world to do. But ah, I was just trying to get the point across. And I thank you. Did that answer your question Mrs. Cirelli?

MEMBER CIRELLI: Um, Mr. President, I would like to answer Mr. Cote.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Yes, you ah, this is a drainage problem is what I'm concluding.

LEON COTE: That is correct.

MEMBER CIRELLI: Um, and did I hear you not say anything, since you did say that there is already the grant has been allocated?

LEON COTE: The grant, the grant was accept.....was ah made in December, 4 years ago, it will be 4 years this December that the City was notified that we received the grant.

MEMBER CIRELLI: Mr. President, that would be December 2003?

LEON COTE: Well this is '06 so it would be 2002

MEMBER CIRELLI: 2002, okay. And I look to the question to the Law Director on this issue. Is what the gentleman say....says uh, this honorable body could mandate that could we not sir?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: That Ordinance could be proposed, uh, in drafting it however, I would consult with the authorities involved, Um somebody at the Department of Development on their grant procedures, somebody, probably the Service Director and the Engineers on implementation times. For any unforeseen, for any unforeseen consequences, um or hindrances, um, so the Ordinance could probably be written in such a way that um barring those kinds of anticipated delays or obstructions or time periods that are involved in, in other processes, yeah, it's a long answer but I guess the answer is: Yes with some study we could that.

PRESIDENT SCHULMAN: Member Cirelli, anything else?

MEMBER CIRELLI: No thank you Mr. President, thank you Mr. Cote.....

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Thank you Member Cirelli.

MEMBER CIRELLI: As a nurse I thought maybe you were having a small stroke there in all honesty, I have to admit that 'cuz.....Ask Member Smucker, I, I really thought maybe he was having a difficulty problem

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there.

PRESIDENT SCHULMAN: Well it's an old trial tactic as a matter of fact. Member West. And very effectively done Mr. Cote.

MEMBER WEST: Mr. President, maybe I'm not clear but Member Kraus, what um, what are you being told of the delay of the project?

MEMBER KRAUS: I will address the issue in general when President tells me it's time, if you wish to do it now before the next speaker I will do so.

PRESIDENT SCHULMAN: While we are going into miscellaneous business, I recommend we do it at that time. Any other, Mr. Cote? Mr. Cote, thank you very much for coming down, we appreciate it. Have a good evening. We have no other ah, public speakers.

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: We are now under Miscellaneous Business. Is there any Miscellaneous Business Member Kraus? Member Dougherty?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Member Dougherty.

MEMBER DOUGHERTY: Thank you. I just wanted to thank everybody who helped out ah, this past weekend. We had to figure it out but it was the ah, 14th year that we did this event. It was ah, probably this biggest one. We had a tremendous amount of um, donations from all the departments. Ah, health department leading the way as usual. Ah, we went from last year giving out 60 bags of groceries and such to 120 so that we doubled it and ah, the donations just kept coming and the volunteers kept coming. And you can't get this done by yourself, so I really appreciate it. Especially with the new staff, I refer to them ah, which pry wasn't very nice as our new rookies that were involved and every time something didn't go right they, they got blamed for it, regardless of whose fault it was. But I thank them, they brought a new energy to this event and ah that was appreciated and of course, Bev's daughter, now I'm getting into this and someone's gonna be mad because I didn't mention them and I apologize but we will be sending out thank you's to everyone but Bev's daughter of course did the face painting for 2 hours which was real nice and of course um, Benny and Spike came and did the entertainment for free, so that was nice and of course we cant do this event without our cooks and I think R.A. was the most upset I've ever seen him 'cuz when that grill was not working right, he has a problem. We had to run and go get grills and things didn't look good there for awhile but I calmed him down and he finished it off and Member Hart was back there too helping and ah, I hope that the new people that showed up and came and was able to come and I understand when people are busy, we all have busy lives and I understand people can't come ever year but if you do get a chance to come, I think you really appreciate what's going on, um, it's...it's, and we talked about this, it's unfortunate we have to have events like this uh to help out those less fortunate but, they....they really do enjoy it. Um, so I thank you.

PRESIDENT SCHULMAN: If I may, the President is gonna take the chair's purgative and we want to thank you Member Dougherty and your family for putting this on for our community and I think you deserve a nice round of applause.

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(APPLAUSE)

MEMBER HART: Mr. President.

PRESIDENT SCHULMAN: Member Hart, who is not that good of a cook by the way but.....

(LAUGHTER)

MEMBER HART: You learn quickly Mr. President. No, first meeting here and you're already hammering me, you know that's okay. I...I just have to tell ya a little story, Friday, I come down here and Dave's coming down the steps and, of City Council, and I almost thought it was a little kid coming out at Christmas time looking underneath the tree because he comes down and he is very animated and he goes "Rich, did....did you go back in the Caucus Room?" I mean, you know it's like, you know the pony that was underneath the Christmas tree when you were a kid. If, I never got one but ya know. (LAUGHTER) And....and....and I, and I, very animated and very excited, you know, it's the most we've ever done and....and I go back there and I open up the door and, you know I see, literally 100's, probably tons of merchandise, which so many of us take for granted but for those folks that got it, it was something special. And, ya know the Auditor and I are down there cooking 430 hamburgers, some 400 hotdogs and I, I saw, I, I guess what at least 30 boxes of MaryAnn Donuts there which I think probably some of the volunteers eat half of those. (LAUGHTER) And, and but what... what makes it for me special is, you know seeing the Dougherty's there year after year. And when you're back there cooking what really makes it special for me, is through the smoke, is you look out there and you, you know, you see a lot of people out there that are needy and but really makes it special for me is through that smoke I look out and I think of Baryshnikov, Astaire and Kelly and Dougherty out there dancing 'cuz he's truly one of the legends of dance (LAUGHTER). And....and again, you know, um, so um, so many people out there in need and and again, I want to thank Dave from the Minority side (LAUGHTER) for a, making that day special for them, it's it's a great thing that he does and thank you.

PRESIDENT SCHULMAN: Member Hart, thank you though, really. Ah, any other Miscellaneous business?

MEMBER ZACHARY: Mr. President.

PRESIDENT SCHULMAN: Member.....I'm sorry. Member Zachary.

MEMBER ZACHARY: Ah, just really briefly, um, Mr. Cote, I of all people feel your pain as you well know, uh, dealing with drainage problems in the neighborhood is not fun and I am no where close to being to the point where you are and you could wait, it seems 30 years. So, I, I guess I would ask even though our Service Director, does anyone have any information about when this project will move forward?

PRESIDENT SCHULMAN: Mr. Safety Director?

SAFETY DIRECTOR HUNT: I do not have information relative to when it will move forward but we're taking notes. I will contact our City Engineer, Dan Moeglin tomorrow. Dan is ah, always worked very well with Councilmember Kraus and other Councilmembers, he always ah, strives to do the right thing in a timely manner. We will find out what's going on and get back to him.

MEMBER ZACHARY: Thank you.

PRESIDENT SCHULMAN: Any other comments under Miscellaneous Business, Member Kraus?

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AUDITOR MALLONN: Mr. President

PRESIDENT SCHULMAN: I'm sorry, Auditor Mallonn.

AUDITOR MALLONN: Yes, ah, I would just like to personally thank ah Dave Dougherty and his family for all the hard work that they've ah put in for the past 14 years and on a another note, it was also very nice to see our newly appointed President of Council there, ah, cooking for 3 hours for the past 14 years, our previous Council President was there eating. (LAUGHTER) So, ah President Schulman, thank you very much.

PRESIDENT SCHULMAN: Thank you Auditor Mallonn. I did ah, eat a hot dog or 2 while I was ah.....Any other remarks under Miscellaneous Business? Member Kraus.

MEMBER KRAUS: Mr. President, Members of Council and members of the audience, unless you've lived in the 8th ward for 30 years, you didn't really understand flooding 'cuz you was always told there was no flooding. But there is. The project that Mr. Cote is talking about was 1 of my pet projects when I came onboard, I worked very closely with the Administration and the builder. When I came onboard, this project was dead and wasn't gonna happen. I sat down with the Engineers, administration, through the help of Mr. Casar, Mr. Carbenia, and CIC, we took a builder who wanted to build 25 homes, we worked with him and got him 9 homes, we're gonna end up with a new building but the most important thing is we're gonna get a detention basing in ward 8 that we had none. That was step 1 to getting.....to resolving the flooding and we're working on more and I do working on more and I do work very closely with the Engineers. The problem being that this project is a toll project. What's going on now is the detention basing will be built by the end of the week and able to handle the water. The rest of that project which is private is gonna be separate. Mr. Cote and I as a Ward 8 resident, I understand his frustration 'cuz I've lived in the 8th ward since 1994 and I'm still getting flooding but I'm working on it. What Mr. Cote, today when I was late for Council, I was meeting with the Engineers, the developer on 44th St and they're going to, by the end of the week or week in a half have the pro...have the um, work agreements and those out. But what his frustration is and mine and probably every other Councilman is, I inherited projects that have been sitting that long and I personally have hand delivered them on 38th St. That project is now been bided out. I worked for the City for 33 years and I know how many times 44th St didn't get done and time is money. Time is money, if, if we bid em a little quicker, if we could ever come up with some legislation, and I think that's what Mr. Cote is asking. I will continue to work with the Engineer, the project is going on very nicely and the other projects are getting done. But to wait that long when you continuously get flooded and people don't think you're getting flooded because they've been told there is no flooding, it's very frustrating and...and yes, we will get this project done, it's a a pet project of mine. And Mr. Cote, and his partner, Alice Carver was the ones that come forward originally with the petition by all the neighbors and asked me to come on board as part of their committee and I took it a step farther and I became their councilman and I also worked very closely with all them neighbors so I understand his frustration, I appreciate him speaking and.....and I will not commit anything that I cannot personally guarantee. But I will continue to do what I've always done since January and I am a thorn in everybody's side. I'll call you everyday till I get it done and that's the best commitment that I can make at this time.

PRESIDENT SCHULMAN: Thank you Member Kraus.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Ah question to the Law Director, um, Law Director could you tell us where we are, it's

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almost October in the Natural Gas Aggregation Issue?

LAW DIRECTOR MARTUCCIO: Mr. President.

MR. PRESIDENT: Yeah, I'm sorry, Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Yes I can Member Cirelli. Um, City of Canton struck its price ah, last week and it is \$11.65 per mcf, ah that is for a fixed winter price, meaning, that is the guarantee price of the 6 coldest months of the year, ah, arguably. And for the 6 warm months it's a variable marketplace price which has done us very well over the last few years. Um, when you compare that to other prices, please bear in mind that those are for fixed year long prices which are typically a little lower. We have that option. We're in negotiations now and that's....that's a bad word, I shouldn't say negotiations. People always ask us, why don't you negotiate a better price. We have to strike the price for the commodity of natural gas on the future's market, like some stock broker would and....and it varies on where it is on any given point in time. However, our broker has advised us that they may be able to get yet a lower price if the City is willing to extend its contract out a couple of more months. If the market continues to drop as it had last week, again, barring no tropical depressions, hurricanes headed towards the gulf, missiles being aimed at anyone and dogs howling at a yellow moon under a blue star. It's such a bizarre turn of circumstances, we may be able to negotiate a fixed price that is considerably lower than anything on the market right now. But I don't want to make that commitment because it is very touchy. For now, \$11.65 is the price including the adder. Now, uh, Dominion still continues to charge a price to carry that to your home as they would with any other gas provider.

MEMBER CIRELLI: Um, Mr. President and Law Director

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Is that with Verizon?

LAW DIRECTOR MARTUCCIO: Ah that is with Vectron, yes, we're under contract with Vectron, yes.

PRESIDENT SCHULMAN: Any other Miscellaneous Businesses or Business, excuse me? Member Casar.

MEMBER CASAR: I make a motion to adjourn; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adjourn. Roll call please, Madame Clerk.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: 12 Yeas Mr. President.

PRESIDENT SCHULMAN: This meeting is officially adjourned.

ADJOURNMENT TIME: 8:29 PM

ATTEST:

APPROVED:

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CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT OF COUNCIL