

**MINUTES OF THE MEETING OF OCTOBER 2, 2006**

PRESIDENT SCHULMAN: Good evening. A quorum being present, The Chair calls this meeting of the Canton City Council to order. Roll call please madame Clerk.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

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

ONE MEMBER ABSENT (SMUCKLER)

PRESIDENT SCHULMAN: Thank you. We'll have the invocation tonight given by Councilmember Greg Hawk. Please remain standing for the Pledge of Allegiance.

*The regular meeting of Canton City Council was held on Monday, October 2, 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 Ward 1 Councilman Greg Hawk, followed by the Pledge of Allegiance led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: Barring any curve-balls tonight, I will try to handle the meeting properly. We are now under the agenda corrections and changes. The chair will recognize a motion to suspend Rule 22A to add 2<sup>nd</sup> Reading Ordinances #12 through and including #15.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Casar.

MEMBER CASAR: I move we suspend 22A and add Ordinances #12 and including #15, on this evening's agenda; seconded.

PRESIDENT SCHULMAN: Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The Chair will recognize a motion to suspend Rule 24B to add Resolutions 79 and 80. Roll call vote please, Madame Clerk.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Oh, I'm sorry.

MEMBER CASAR: Mr. President. I move we suspend Rule 24B and add Resolution #79 and 80 to this evening's agenda; seconded.

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PRESIDENT SCHULMAN: Thank you. Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT SCHULMAN: Thank you, Madame Clerk.

**PUBLIC HEARINGS**

PRESIDENT SCHULMAN: We're now public hearings. There are no public hearings scheduled for this evening.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: Under public speaks on ordinances and resolutions for adoption. We have no speakers signed up to speak.

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: We're now in Informal Resolutions. The Chair will recognize a motion to excuse members.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Yes Member Casar.

MEMBER CASAR: I move that Member Smuckler be excused from this evening's meeting; seconded.

PRESIDENT SCHULMAN: Moved and seconded. Are there any remarks?... Madame Clerk, roll call please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT SCHULMAN: Madame Clerk, will you please read Resolutions 79 through 80 by title.

***NOTE: PRESIDENT SCHULMAN CALLED UPON THE CLERK OF COUNCIL TO READ THE FOLLOWING INFORMAL RESOLUTIONS #79 THROUGH #80 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 OCTOBER 2, 2006.***

#79. KRAUS, BUTCH, WARD 9 COUNCILMEMBER: REQUESTING A STREET LIGHT ON THE 47<sup>TH</sup> ST NE BETWEEN GARDENDALE NE & 49<sup>TH</sup> ST NE. - ADOPTED

PRESIDENT SCHULMAN: The Chair will recognize a motion to adopt Resolution #79.

MEMBER CASAR: Mr. President. I move we adopt Resolution #79; seconded

PRESIDENT SCHULMAN: There is a motion to adopt and a second. Any remarks?... If not..

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MEMBER KRAUS: Mr. Chairman.

PRESIDENT SCHULMAN: Yes. Member Kraus.

MEMBER KRAUS: Um, on both of these, 79 and 80, I'll be working with Mr. Concatto and Mary. I needed to just get them on the Resolution. There's some problems in that area and I will work and we will kept, be kept updated on them. Thank you.

PRESIDENT SCHULMAN: Thank you Member Kraus. Any other remarks?... Hearing none, by voice vote all those in favor signify by saying yea, aye. I said yea. (*Laughter*) Thank you. All those opposed, no.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER CASAR: Point of information. You know, after all these....

PRESIDENT SCHULMAN: Yes Member.

MEMBER CASAR: .....years saying it one way, it's pretty hard to change. (*Laughter*)

PRESIDENT SCHULMAN: That's fine. So, yea is off .... and Member Casar, the correct language will be, all those in favor say yes....aye.

MEMBER CASAR: Mr. President. Note for ya, I think if, if, if you say in the positive, no matter what you say, it means the same.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT SCHULMAN: Thank you. (*Chuckling*) That Resolution #79 has been adopted. The Chair will recognize a motion to adopt a motion to adopt #80 please.

#80. KRAUS, BUTCH, WARD 9 COUNCILMEMBER: REQUESTING A STREET LIGHT ON 49<sup>TH</sup> STREET NE BETWEEN GARDENDALE NE & BEVERLY NE. - ADOPTED

MEMBER CASAR: Mr. President. I move we adopt Resolution #80; seconded.

PRESIDENT SCHULMAN: Any remarks?... If not, by voice vote, all those in favor signify by saying aye; those opposed no. I'm a fast learner!

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

**COMMUNICATIONS**

PRESIDENT SCHULMAN: We are now under communications. Let the Journal show that all communications are received as read.

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***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 OCTOBER 2, 2006.***

- #451. AUDITOR, R. A. MALLONN, (CITY OF CANTON): FISCAL OFFICER'S CERTIFICATE FOR BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,030,000 FOR COSTS OF CONSTRUCTING & IMPROVING CITY RECREATION FACILITIES. - RECEIVED & FILED
- #452 AUDITOR, R. A. MALLONN, (CITY OF CANTON): FISCAL OFFICER'S CERTIFICATE FOR BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$5,485,000 FOR COSTS OF CONSTRUCTING & IMPROVING CITY ROADS. - RECEIVED & FILED
- #453 AUDITOR, R. A. MALLONN, (CITY OF CANTON): FISCAL OFFICER'S CERTIFICATE FOR BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$8,580,000 FOR COSTS OF ACQUIRING, CONSTRUCTING & IMPROVING CITY BUILDINGS . - RECEIVED & FILED
- #454 AUDITOR, KIM R. PEREZ (STARK COUNTY): ANNUAL FINANCIAL REPORT FOR THE YEAR ENDED 12/31/05. - RECEIVED & FILED
- #455 DUTTON, JEFF, STARK COUNTY ADMINISTRATOR: LETTER DATED 9/15/06, APPROVING RESOLUTION OF COMMISSIONERS, AUDITOR'S REPORT, SANITARY ENGINEER'S REPORT, ENGINEER'S REPORT, PROOF OF NOTIFICATION OF FILING TO TOWNSHIP CLERK, PROOF OF NOTIFICATION OF FILING TO CITY CLERK, JOURNAL ENTRY OF FILING OF PETITION, STATEMENT BY AGENT, DESCRIPTION, FILING DATA, PETITION & MAP FOR DIANO ANNEXATION. - ANNEXATION COMMITTEE
- #456 LAW DIRECTOR JOE MARTUCCIO, CITY OF CANTON: REQUEST AUTHORIZATION TO CLARIFY & AMEND SECTION 151.10, HEALTH AND WELFARE BENEFITS OF THE CODIFIED ORDINANCES OF THE CITY. - JUDICIARY COMMITTEE
- #457 LIQUOR CONTROL DEPT (OHIO): SUBMITTING NOTICE OF HEARING FOR THE TRANSFER OF OWNERSHIP ON 10/18/06 @ 10:30 AM (CANTON SOUTH DRIVE THRU INC 1837 CLEVELAND AVE., SW). - RECEIVED & FILED
- #458 LIQUOR CONTROL DEPT (OHIO): SUBMITTING NOTICE OF HEARING FOR A NEW PERMIT ON 10/18/06 @ 11:30 AM (MURPHY OIL USA, INC DBA MURPHY USA #7163). - RECEIVED & FILED
- #459 MARION, WAYNE APPLICANT, 3302 LINDBERGH RD NW, CANTON, OH 44718: ZONE CHANGE APPLICATION FOR 1037 DUEBER AVE SW FR: B-2 TO PB-4 (WAYNE MARION ROOFING & HOME IMPROVEMENT). - PLANNING COMMISSION
- #460 MAYOR JANET CREIGHTON: LETTER DATED 9/27/06 TOGETHER WITH PROCEDURES THAT THE WATER DEPT USES TO PROCESS DELINQUENT ACCOUNTS - RECEIVED & FILED
- #461 MAYOR JANET CREIGHTON: REQUEST AUTHORIZATION TO APPOINT DENNIS TRENGER TO THE SYSTEMS PLANNING BD EFFECTIVE FR: 10/1/06 TO 9/30/08. - PERSONNEL

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## COMMITTEE

- #462 REMARK, CHRIS, APPLICANT FOR AULTMAN HOSPITAL, 2600 6<sup>TH</sup> SW, CANTON, OH 44710: APPLICATION FOR STREET VACATION OF PORTION OF MOSLEY CT SW LOCATED BETWEEN ARLINGTON AVE SW & BEDFORD AVE SW (AULTMAN HEALTH FOUNDATION. - PLANNING COMMISSION
- #463 SAFETY DIRECTOR BERNARD HUNT, CITY OF CANTON: REQUEST AUTHORIZATION OF SUPPLEMENTAL APPROPRIATION FOR THE ENGINEERING DEPT OF \$5,429.15 FR: UNAPPROPRIATED BAL OF 2111 STREET MAINT FUND TO 2111 10-40-20 75806 MAJOR EQUIPMENT. - FINANCE COMMITTEE
- #464 SERVICE DIRECTOR JOE CONCATTO: REQUEST PAYMENT AUTHORIZATION OF \$825.39 TO OFFICE MAX CONTRACT, INC FOR AN OUTSTANDING INVOICE FOR COPY PAPER. - FINANCE COMMITTEE
- #465 SPRING, ROBERT, JBHR ENTERPRISE, 303 14<sup>TH</sup> ST NE, CANTON, OH 44714: APPLICATION FOR ALLEY VACATION FOR 2 10' WIDE ALLEYS ON 3<sup>RD</sup> STREET SW BETWEEN PARCEL #02-47056 & PARCEL #02-84742 & A 10' WIDE ALLEY LOCATED JUST NORTH OF ABOVE MENTIONED PARCELS (JBHR ENTERPRISE). - PLANNING COMMISSION
- #466 WILLIAMS, ERIC, ATTORNEY AT LAW, 8040 CLEVELAND AVE., NW, N. CANTON, OH 44720: NOTICE OF FILING OF TRANSCRIPT OF PROCEEDINGS FOR FILING IN THE CASE: PLAIN TWP BD OF TRUSTEES V. BD OF COUNTY COMMISSIONERS, STARK COUNTY, ET AT. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: Under 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 their reading as required by State Law. Madame Clerk, please read the first reading ordinance by title.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE ORDINANCES #1 THROUGH #11 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.***

- #1. (1<sup>ST</sup> RDG) A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR  
Referred to Finance Committee
- #2 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH SQUIRE, SANDERS & DEMPSEY LLP FOR LEGAL & FINANCIAL UNDERWRITING SERVICES ASSOCIATED WITH THE CITY'S 2006 BOND ISSUANCE; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee

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- #3 (1<sup>ST</sup> RDG) AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT \$2,030,000 FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING AND IMPROVING RECREATIONAL FACILITIES, INCLUDING WITHOUT LIMITATION, NEW FIELDS AND OTHER IMPROVEMENTS AT THE WILLIG & BORS FIELDS AND IMPROVEMENTS AT HARTER FIELD AND WATER FACILITIES; AND DECLARING AN EMERGENCY  
Referred to Finance Committee
- #4 (1<sup>ST</sup> RDG) AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$5,485,000 FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING, RECONSTRUCTING, RESURFACING, AND IMPROVING CERTAIN ROADS WITHIN THE CITY, INCLUDING SIDEWALKS, CURBS AND STREETSCAPES, AND INSTALLING; AND IMPROVING SEWERS AND DECLARING AN EMERGENCY  
Referred to Finance Committee
- #5 (1<sup>ST</sup> RDG) AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$8,580,000 FOR THE PURPOSE OF PAYING THE COST OF ACQUIRING, CONSTRUCTING AND IMPROVING CITY BUILDINGS INCLUDING WITHOUT LIMITATION, THE CONSTRUCTION OF A NEW FIRE STATION IN THE NORTHERN PART OF THE CITY, THE IMPROVEMENT OF THE SERVICE CENTER FACILITY, AND THE RENOVATION, REMODELING AND REFURBISHING OF CITY HALL, THE CIVIC CENTER AND OTHER CITY FACILITIES; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #6 (1<sup>ST</sup> RDG) AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$7,535,000 FOR THE PURPOSE OF REFUNDING AT A LOWER INTEREST COST \$7,325,000 OF THE CITY'S OUTSTANDING WATERWORKS SYSTEM IMPROVEMENT BONDS, SERIES 1995, DATED AS OF FEBRUARY 1, 1995 AND STATED TO MATURE ON DECEMBER 1 IN 2010 AND 2015, WHICH WERE ISSUED FOR THE PURPOSE OF IMPROVING AND EXPANDING THE MUNICIPAL WATERWORKS SYSTEM BY ACQUIRING, CONSTRUCTING, RECONSTRUCTING AND OTHERWISE IMPROVING STRUCTURES AND FACILITIES FOR RAW WATER TREATMENT, FINISHED WATER STORAGE AND DISTRIBUTION AND WATERWORKS ADMINISTRATION AND SERVICE, INCLUDING ALL NECESSARY EQUIPMENT, SITE IMPROVEMENTS AND FURNISHINGS, TOGETHER WITH ALL NECESSARY AND RELATED IMPROVEMENTS AND THE ACQUISITION OF ANY REAL ESTATE OR INTERESTED THEREIN REQUIRED THEREFORE; AND DECLARING AN EMERGENCY  
Referred to Finance Committee
- #7 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO ESTABLISH THE 2410 EMPLOYEE RECOGNITION FUND; AMENDING APPROPRIATION ORDINANCE NO 1/2006, AS AMENDED; AND DECLARING THE SAME TO BE AN EMERGENCY

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- #8 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT A GRANT IN THE AMOUNT OF \$723,975; AUTHORIZING THE AUDITOR TO ESTABLISH THE 2428 'CONVENTION CENTER FEASIBILITY GRANT FUND'; AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CORMONY DEVELOPMENT, LLC; AMENDING APPROPRIATION ORDINANCE 1/2006, AS AMENDED; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

- #9 (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING A CONTRACT AMENDMENT TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANTON AND THE CANTON PROFESSIONAL FIREFIGHTERS ASSOCIATION LOCAL 249; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance and Personnel Committee

- #10 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CHANGE ORDER #4 WITH TAB CONSTRUCTION COMPANY, INC. IN AN AMOUNT NOT TO EXCEED \$85,742.45 FOR THE 4<sup>TH</sup> STREET/SHORB AVENUE NW IMPROVEMENT PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

- #11 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH SBC GLOBAL SERVICES, INC. DBA AT&T GLOBAL SERVICES TO PROVIDE PHONE CARRIER SERVICES TO THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We're now under ordinances for their second reading. Madame Clerk, will you please read the ordinances #12 through #15 by title.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #12 THROUGH #15 FOR THE SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #12 (2<sup>ND</sup> RDG) **RETAINED IN COMMITTEE FR: 9/18/06** 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 BUILDING DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

- #13 (2<sup>ND</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF OUTLOT 696 AND 682; AND DECLARING THE SAME TO BE AN EMERGENCY

- #14 (2<sup>ND</sup> RDG) APPROVING AND ACCEPTING THE REPLATTING OF LOTS 14661 THROUGH

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14663 AND THE DEDICATION OF A PORTION OF 7<sup>TH</sup> ST NE; AND DECLARING THE SAME TO BE AN EMERGENCY.

- #15 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO APPROPRIATE REAL PROPERTY IN CONJUNCTION WITH COLUMBUS RD / HARMONT AVE NE INTERSECTION PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY.

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

PRESIDENT SCHULMAN: We are now under Ordinances for their third and final reading. Madame Clerk, please read ordinances #16 through 24 by title.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #16 THROUGH #24 FOR THE THIRD TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. ALL THE ORDINANCES WERE ADOPTED BY COUNCIL FOLLOWING THEIR THIRD READING***

- #16 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 173/2006** AN ORDINANCE ESTABLISHING THE FAIR MARKET A 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

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

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

PRESIDENT SCHULMAN: It's been moved and adopted, and it's been moved and seconded. Are there any remarks?... If not, Madame Clerk please call the roll.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: The Ordinance has been adopted. **#16 ADOPTED AS ORDINANCE #173/2006**

- #17 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 174/2006** 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

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.



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

PRESIDENT SCHULMAN: It's been moved and seconded, are there any remarks?... If not, Madame Clerk, the roll call please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: The Ordinance has been adopted. **#17 ADOPTED AS ORDINANCE #174/2006**

#18 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 175 /2006** 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

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Casar.

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

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

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS, 1 ABSENT  
(HART)

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

PRESIDENT SCHULMAN: The ordinance has been adopted. **#18 ADOPTED AS ORDINANCE #175/2006**

#19 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO.176/2006** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO DONATE USED FIRE EQUIPMENT TO STARK STATE COLLEGE OF TECHNOLOGY

MEMBER CASAR: Mr. President

PRESIDENT SCHULMAN: Member Casar.

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

PRESIDENT SCHULMAN: It's been moved and seconded. Any discussion?

MAYOR CREIGHTON: Mr. President.

PRESIDENT SCHULMAN: Yes Mayor.

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MAYOR CREIGHTON: Members of Council. I did send a letter to President O'Donnell at Stark State College and ask them about the consideration of a reduction in tuition. He first of all, wanted to thank us for the donation, in fact, if it does come his way. Second of all, he will get back to us about the feasibility of a tuition discount. I just don't have it tonight.

PRESIDENT SCHULMAN: Any further discussion on Ordinance 19?... If not, Madame Clerk, call the roll.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: The Ordinance has been adopted. **#19 ADOPTED AS ORDINANCE #176/2006**

#20 (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO.177/2006** 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

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

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

PRESIDENT SCHULMAN: Is it my understanding that that was going to be amended? Oh, I'm sorry, I didn't hear what, would you repeat that please?

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

PRESIDENT SCHULMAN: Any remarks?... Sorry.

MEMBER CASAR: Mr. President. I move we amend Ordinance #20 per the copy that all Council people have in front of them.

PRESIDENT SCHULMAN: Thank you

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to amend the ordinance per the copy in front of each of you. Are there any remarks?... If not, by voice vote, all those in favor signify by saying aye; those opposed?

**AMENDMENT:** *PURSUANT TO RULE 36, I MOVE TO AMEND AGENDA ITEM NO 20 TO AMEND THE CHANGE DRAWER AMOUNT IN SUBSECTION (d) UNDER SECTION 1 TO READ \$7,500.00 INSTEAD OF \$10,000.00*

NO REMARKS

AMENDMENT APPROVED BY UNANIMOUS VOICE VOTE

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PRESIDENT SCHULMAN: The question you're now voting on is the Ordinance 20 as amended. Are there any remarks under this ordinance as amended?... Hearing none, Madame Clerk, call the roll please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you. Ordinance 20 has finally been adopted.

**#20 ADOPTED AS AMENDED AS ORDINANCE #178/2006**

#21 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO.178/2006** 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

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

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

PRESIDENT SCHULMAN: Moved and seconded. Any remarks?... Hearing none, Madame Clerk, call the roll.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Ordinance #21 is adopted.

**#21 ADOPTED AS ORDINANCE #178/2006**

#22 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 179 /2006** 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

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

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

PRESIDENT SCHULMAN: Moved and seconded. Are, is, are there any remarks?... Madame Clerk, call the roll please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Eleven yeas Mr. President.

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

#23 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 180/2006** 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

MEMBER CASAR: Mr. President

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Ordinance #23 seconded.

PRESIDENT SCHULMAN: It has been moved and seconded. Any remarks?... Madame Clerk, call the roll please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Ordinance 23 has been adopted. **#23 ADOPTED AS ORDINANCE #180/2006**

#24 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 181/2006** 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

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

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

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 24 has been adopted.

**#24 ADOPTED AS ORDINANCE #181/2006**

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SCHULMAN: We are now Announcement of Committee Meetings.

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MEMBER HAWK: Mr. President

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: The Finance Committee will meet Monday, October 16<sup>th</sup>, 6:15 pm to discuss Ordinances #1, 7, 8, 9, 10 and 11. We will call another Finance Committee meeting later to discuss 2, 3, 4, 5 and 6. Ordinances 2 through 6 is going to require some discussion and some input from a lot of people. I think it bears the extra time taken for all of us to get an explanation on it, know what's going on and go forward with this in a very professional fashion.

PRESIDENT SCHULMAN: Very good. Thank you Member Hawk. Okay, everybody heard that?

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel Committee will meet October 16<sup>th</sup> at 6:15.

MAYOR CREIGHTON: Mr. President.

PRESIDENT SCHULMAN: Mayor.

MAYOR CREIGHTON: Um, I would like to request the Pool Committee to meet at 5:30 on the 8<sup>th</sup> floor on October the 16<sup>th</sup>.

PRESIDENT SCHULMAN: Thank you Mayor.

MAYOR CREIGHTON: I'm sorry? Pool Committee. Yep. P - O - O - L (*spelled*) I know I have an accent.

PRESIDENT SCHULMAN: The, the, the poll?

MAYOR CREIGHTON: Yes, swimming 'poll' committee. Sounds like southwest, proud of it. (*Laughter*)

PRESIDENT SCHULMAN: Let, the record reflect the Mayor's indicated it's the "poll" committee. We all know is as the "pool" committee, but that's all right. Anything else?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Yes. Member Cirelli. I'm Sorry.

MEMBER CIRELLI: Are we under miscellaneous now? Are we, are we under miscellaneous sir?

PRESIDENT SCHULMAN: Not yet. Any other.....

SERVICE DIRECTOR: Mr. President.

PRESIDENT SCHULMAN: Yes Service Director Concatto.

DIRECTOR CONCATTO: I would just like to know, ah, since our meeting's not for 2 weeks, when will you

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schedule a meeting for that, Mr. Hawk?

MEMBER HAWK: Sir, it will be in between, it will be prior to the next Council meeting. It will probably be in the afternoon, if we can all get together and spend some time on it and get a good discussion going.

DIRECTOR CONCATTO: Do we still, ah, still have a Finance Committee meeting next Thursday?

MEMBER HAWK: I believe we do yes, I'd have to look on the calender, but yes I believe we, our quarterly finance committee meeting. Yeah.

DIRECTOR CONCATTO: Thank you.

PRESIDENT SCHULMAN: Thank you. Any other announcement of committee meetings?.... If not, we'll move to the public speaks portion.

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

PRESIDENT SCHULMAN: We have no public speakers tonight, so, we must have done something right in the last week.... (*Laughter*)..taking a page off of the Mayor's book.

**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: We're now on Miscellaneous Businesses or Business. Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. Ah, this is just to Mayor Creighton. I just want to compliment ah, ah, Kevin Monroe on his speedy answer to my email ma'am. It's sorta your department. He beat ya. (*Chuckle*) But, he really did a fast turn back for me so I really appreciate that. Thank you very much.

PRESIDENT SCHULMAN: Any other miscellaneous business?

MEMBER ZACHARY: Mr. President.

PRESIDENT SCHULMAN: Yes. Member Zachary.

MEMBER ZACHARY: I would just like to take the opportunity to invite all members of Council as well as any one in the audience, um, just, later this week on the 4<sup>th</sup>, 5<sup>th</sup> and the 6<sup>th</sup> of October, um, SARTA is participating in communities in motion as part of the American Public Transportation Association. Ah, they usually do a week every year where they recognize, whether it's seniors, communities, kids, whatever the case may be. This year, it's communities in motion. We are going to have a trolley as well as a technological advanced bus, parked downtown in each of the cities between 11 am and 1 pm. Um, that's Massillon on the 4<sup>th</sup>, Canton on the 5<sup>th</sup> and Alliance on the 6<sup>th</sup>, so, please come down, those of you who are not familiar with SARTA, ah, and find out a little bit about what we do. Thank you.

PRESIDENT SCHULMAN: Thank you Member Zachary. Any other miscellaneous business?...

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Yes Member Casar.

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

PRESIDENT SCHULMAN: It's been moved and seconded that we adjourn. The roll call vote please, Madame Clerk.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. This meeting is adjourned (*gavel falls*)

ADJOURNMENT TIME: 7:57 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

ALLEN SCHULMAN  
PRESIDENT OF COUNCIL