

MINUTES OF THE MEETING OF OCTOBER 16, 2006

PRESIDENT SCHULMAN: The Chair calls the meeting of, the City of ah, City Council to order. Roll call please.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

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

ONE MEMBER ABSENT (ZACHARY)

PRESIDENT SCHULMAN: Thank you Madame Clerk. We'll have the invocation tonight given by Councilmember Thomas West. And we'd as the audience if you would to please remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on Monday, October 16, 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 2 Councilman Thomas West, followed by the Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Ladies and gentleman, we want to welcome you on behalf of the administration and the members of City Council, we appreciate you coming out tonight. We appreciate your interest in how the City is operated and what we do here and ah, we'll give you, I know we have some public speakers and we'll certainly give you opportunity to talk to us tonight. I want to say a special hello to the ah, Neighborhood Associates, we appreciate you being here and all the fine work that you do. The Chair will recognize a motion to suspend Rule 22A to add 2nd Reading Ordinances #7 through and including #17, roll call vote please..

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Yes..

MEMBER CASAR: I move we suspend 22A and add Ordinances #7 and including #17, to this evening's agenda; seconded.

PRESIDENT SCHULMAN: 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.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: There are no public hearings scheduled for this evening.

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PRESIDENT SCHULMAN: We are now under the public speaks on ordinances and resolutions for adoption. We have no speakers signed tonight.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: The Chair will recognize a motion to excuse members.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Yes Member Casar.

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

PRESIDENT SCHULMAN: Call the roll please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT SCHULMAN: Madame Clerk, please read Resolutions 81 through 82 by title please.

NOTE: PRESIDENT SCHULMAN CALLED UPON THE CLERK OF COUNCIL TO READ THE FOLLOWING INFORMAL RESOLUTIONS #81 THROUGH #82 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 16, 2006.

#81. PERSONNEL COMMITTEE: REQUEST AUTHORIZATION TO APPOINT DENNIS TRENGER TO THE SYSTEMS PLANNING BOARD FOR A TWO-YEAR TERM WHICH WILL BE EFFECTIVE OCTOBER 1ST 2006 THROUGH SEPTEMBER 30TH 2008 - ADOPTED

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Resolution #81; seconded

PRESIDENT SCHULMAN: Madame Clerk, voice vote please. All in favor, aye. All opposed, nay.

(LAUGHTER)

NO REMARKS

RESOLUTION #81 IS ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: Resolution is adopted. Resolution 82 please.

#82. COUNCIL-AT-LARGE DON CASAR: COMMENDING RAY DENCZAK FOR HIS YEARS OF SERVICE WITH THE CITY OF CANTON. - ADOPTED

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MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Resolution #82; seconded.

PRESIDENT SCHULMAN: Is there any discussion?

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER CASAR: I would request that the Clerk please read ah, Resolution #82.

CLERK TIMBERLAKE: An Informal Resolution respectively submitted by Council-at-Large, Don Casar on the 16th day of October, 2006. Whereas, Raymond Denczak started his political career serving the citizens of Canton when elected 4th Ward Councilman in 1962; and In 1972, Raymond Denczak was elected President of Canton City Council, where he served until 1987; and He was again elected President of City Council in 1990 and served until his untimely death on September 9th 2006; and Raymond Denczak performed his duties as President of Canton City Council in a professional and impartial manner for a period of thirty-one years; and Raymond, President Denczak often added a lighter side with a touch of humor during our meetings in this Council Chamber; and This Council Chamber became a second home to President Denczak, it seems only fitting to have his name remain in our presence; and Canton City Council should consider naming this chamber the "Raymond Denczak Council Chamber" in honor of his many years of service to the citizens of Canton; and Now, Therefore, Be It Resolved: That upon adoption of this resolution an appropriate sign "RAYMOND DENCZAK COUNCIL CHAMBER" be placed at the entrance to Council Chamber and that a portrait of President Denczak be placed in the Council Chamber.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Any other discussion? If not all those in favor signify by saying aye; those opposed no.

NO REMARKS

RESOLUTION #82 IS ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: Resolution 82 has been adopted.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Sorry, Member Casar.

MEMBER CASAR: Would the Denczak family please come forward to receive this resolution.

MEMBER CASAR: Ray, Pam, on behalf of City Council and myself and past City Council, I'm sure if they were present they would go along with the Resolution this Council just did in naming this Raymond Denczak Council Chambers for his many years dedicated services, not only to the citizens of Canton, how he ran these meetings and looked over Council Members and especially ah how he was a stickler on making sure everything according to our rules (INAUDIBLE) rules of orders. I just think this is appropriate that ah this Council do this, in Ray's memory and we think of him as ah, one of the, probably one of the finest Presidents this Council ever had even

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despite of the new one sitting up there, hopefully the best we'll ever had. And again, thank you very much for the time that your father has dedicated to this Council and assisted Canton and we certainly appreciate it.

(STANDING OVATION)

RAY DENCZAK, JR.: On behalf of the Denczak family, we would like to thank the members of City Council for taking the time to honor our father tonight. Over the years he has received many awards but to be honored and remembered by his peers is something his family will always cherish. We would also like to extend a special thanks to Cindy, Bev and Michelle for their kindness and generosity toward our father. We enjoyed listening to your warm memories of him over the years. With over 40 years of public service and 34 years as council president, we were and still are extremely proud of his dedication and commitment to the City of Canton. In our minds, his legacy will never be forgotten. Thank you.

(STANDING OVATION)

PRESIDENT SCHULMAN: I will say to the Denczak family, when I assumed this post I said there would be no one who would ever exceed or excel what your dad did up here and ah, I know he's probably looking over my shoulder now and I hope not to make to many more mistakes tonight. But, thank you very much.

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 OCTOBER 16, 2006.

- #467. ANDERSON, JAMES, APPLICANT: APPLICATION FOR STREET VACATION OF PORTION OF UNION AVE SW AND A 14' UNNAMED ALLEY, A 50 FOOT WIDE STREET AND A 14' WIDE ALLEY. - PLANNING COMMISSION
- #468. AUDITOR, MALLONN (CITY): SUBMITTING YEARLY REPORT BY FUND THRU 9/30/06. - RECEIVED & FILED
- #469. AUDITOR, MALLONN (CITY): SUBMITTING MONTHLY REPORT BY FUND THRU 9/30/06.- RECEIVED & FILED
- #470. CD& PLANNING DIR., POORMAN: AUTHORIZE MAYOR OR DIR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH COT-PURITECH, INC. FOR THE NEW ECONOMIC GROWTH INITIATIVE INCENTIVES. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
- #471. CD PLANNING DIR., POORMAN: AUTHORIZE THE ACCEPTANCE OF A \$120,000 PER YEAR GRANT FOR HUD FOR A 3 YR FAIR HOUSING ASSISTANCE PROGRAM; APPROVE THE MAYOR AND/OR DIR OF PUB SERVICE TO ENTER INTO A MONTH TO MONTH CONTRACT (NOT TO EXCEED 1 YEAR) W/STARK COUNTY REGIONAL PLANNING COMMISSION TO

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CONTINUE TO PROVIDE FAIR HOUSING SERVICES FOR THE CITY UNTIL SUCH TIME AS A FAIR HOUSING OFFICE & STAFF ARE OPERATIONAL FOR THE CITY. - COMMUNITY & ECONOMIC DEV and FINANCE COMMITTEES

- #472. CD PLANNING DIR., POORMAN: AUTHORIZE THE MAYOR TO SUBMIT/FILE WITH THE US DEPT OF HOUSING & URBAN DEVELOPMENT (HUD) A FISCAL YEAR 2007 CONSOLIDATED PLAN ACTION PLAN & TO EXECUTE GRANT AGREEMENTS W/HUD & ACCEPT THE CITY'S 2007 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), 2007 HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) & 2007 EMERGENCY SHELTER GRANT (ESG); AUTHORIZE MAYOR TO REVISE AND/OR AMEND THE CONSOLIDATED PLAN & BUDGETS FOR CDBG, HOME AND ESG & TO PROVIDE SUCH ADDITIONAL INFORMATION AS MAY REQUIRE; AUTHORIZE & DIRECT CITY AUDITOR TO REVISE THE BUDGETS AS PERMITTED BY CDBG REGULATIONS, THE COMMUNITY, ECONOMIC DEVELOPMENT & PLANNING DEPT & THE US DEPT OF HUD; TO UTILIZE THE ESTABLISHED FUND ACCOUNTS KNOWN AS CDBG & HOME & TO DRAW HIS WARRANTS AGAINST THE CDBG FUND & HOME FUND BASED UPON RECEIPT OF VOUCHERS DULY APPROVED BY THE PROPER DEPARTMENTAL AUTHORITY. - COMMUNITY & ECONOMIC DEV COMMITTEE & FINANCE COMMITTEES
- #473. CD PLANNING DIR., POORMAN: AUTHORIZE THE MAYOR TO ENTER INTO A FUNDING AGREEMENT WITH SCOPP TO PROVIDE HOME FUNDS IN THE AMOUNT OF \$240,000 FOR THE WILLOW PARK HOUSING PROJECT TO BENEFIT LOW/MODERATE INCOME FAMILIES. - COMMUNITY & ECONOMIC DEV and FINANCE COMMITTEES
- #474. HART, R., WARD 7 COUNCIL MBR: CORRESPONDENCE TO JOE MARTUCCIO REGARDING RESEARCH FOR AN ORDINANCE TO ASSESS FINES FOR EXCESSIVE POLICE CALLS. - RECEIVED & FILED
- #475. HEALTH BENEFITS ADMIN., BRESSON: SEPTEMBER 2006, MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS & JANUARY - SEPTEMBER 2006 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
- #476. LIQUOR CONTROL DIVISION (OHIO): SUBMITTING TRANSFER OWNERSHIP OF C1, C2 LIQUOR PERMIT FR: HOLLAND OIL CO. TO: MACS CONVENIENCE STORES LLC, DBA CIRCLE K 5626 @ 3920 TUSCARAWAS ST W. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
- #477. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED REZONE FR: B-2 TO PB-4 @ 1037 DUEBER AVENUE SW FOR THE CONSTRUCTION OF AN OFFICE/GARAGE COMPLEX FOR A ROOFING BUSINESS (WAYNE MARION). - JUDICIARY COMMITTEE
- #478. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED REPLAT FOR LOTS 7891 & 40796, THE S.E. CORNER OF 2ND ST SE & ECONOMY CT SE & THE DEDICATION RIGHT OF WAY (CITY OF CANTON. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
- #479. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED REPLAT OF PART

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OF LOT 793 (THE 600 BLOCK OF CLEVELAND AVE N, THE WEST SIDE) (STARK METROPOLITAN HOUSING). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

- #480. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED REPLAT OF PARK OF OL 215 JUST EAST OF THE N.E. CORNER OF 6TH ST SW & DUEBER AVENUE SW, THE EAST SIDE OF DUEBER AVENUE IN THE 200 BLOCK (JOHN ALDEN). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
- #481. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED VACATION OF A 10' ALLEY (UNNAMED) BETWEEN SHORB AVENUE SW & MARION AVENUE SW & A 10' UNNAMED ALLEY RUNNING BETWEEN LOTS 6524 & 6525 BETWEEN SHORB & MARION AVENUES (SPRING REALTY) - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
- #482. PLANNING COMMISSION: RECOMMENDING APPROVAL OF ASSIGNING THE RECENTLY ANNEXED LAND KNOWN AS THE DIANO ANNEXATION TO WARD 6 & CLASSIFYING THE ZONING DESIGNATION AS I-1 LIGHT INDUSTRIAL. - ANNEXATION COMMITTEE
- #483. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED VACATION OF A PORTION OF MOSLEY CT SW FROM THE NORTH LINE OF LOTS 42226 & 42235 TO A POINT 4.66' NORTH OF THE SOUTH LINE OF LOTS 10199 & 10188 (AULTMAN HEALTH FOUNDATION). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
- #484. SAFETY DIR., HU NT: AUTHORIZE DIR OF PUBLIC SAFETY TO PAY THE FOLLOWING MORAL OBLIGATIONS ON BEHALF OF THE CANTON POLICE DEPT.: \$3,155.96 TO EWING CHEVROLET FOR THE REPAIRS OF ONE-MAN CRUISERS; AND \$4,363.10 & \$499.71 FOR THE K-9 TRAINING FACILITY FOR FREIGHT THAT WERE APPROVED THROUGH A LOCAL HOMELAND SECURITY BUDGET. - FINANCE COMMITTEE
- #485. SERVICE DIR., CONCATTO: AMEND ORDINANCE 245/99 BY APPROVING DIR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT AMENDMENT WITH MERCY MEDICAL CENTER AND CONCERN IN THE AMOUNT OF \$20.00 PER EMPLOYEE FOR A TOTAL AMOUNT NOT TO EXCEED \$19,800.00. - FINANCE COMMITTEE
- #486. SERVICE DIR., CONCATTO: AMEND ORDINANCES 226/2005 AND 256/2005 BY MAKING THE EFFECTIVE DATE FOR THE HARRISBURG RD NE WATER FIELD CONTRACT RETROACTIVE TO AUGUST 14, 2006 AND MAKING THE EFFECTIVE DATE FOR THE SUGARCREEK WATER FIELD CONTRACT RETROACTIVE TO AUGUST 25, 2006. - JUDICIARY COMMITTEE
- #487. SERVICE DIR., CONCATTO: AUTHORIZE DIR OF PUBLIC SERVICE TO ENTER INTO A 5 YEAR LEASE/PURCHASE CONTRACT WITH DIGITAL & ANALOG DESIGN CORPORATION FOR THE NECESSARY EQUIPMENT TO REPLACE THE CITY'S CURRENT VOICE COMMUNICATION SYSTEM; AUTHORIZE DIR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH KEY GOVERNMENT FINANCE, INC. FOR A TAX-EXEMPT MUNICIPAL GOVERNMENT LEASE TO COVER PURCHASE OF SAID EQUIPMENT. THE TOTAL AMOUNT NOT TO EXCEED \$750,000.00. - FINANCE COMMITTEE
- #488. SLIMAN, S., AGT FOR PETITIONER: SUBMITTING COPY OF ANNEXATION PETITION DOCUMENTS FILE W/STARK COUNTY COMMISSIONERS IN THE REIFSNYDER PARK/PARK

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POULTRY ANNEXATION AREA. - RECEIVED & FILED

- #489. SLIMAN, S., AGT FOR PETITIONER: SUBMITTING COPY OF ANNEXATION PETITION DOCUMENTS FILED W/STARK COUNTY COMMISSIONERS IN THE HARMONT EAST ANNEXATION AREA. - RECEIVED & FILED
- #490. TREASURER, SCHIRACK: SEPTEMBER 2006 PARKING METER REVENUE. - RECEIVED & FILED
- #491. TREASURER, SCHIRACK: DEPOSITS & PAY INS FOR THE MONTH OF SEPTEMBER 2006 FOR THE AMBULANCE LOCK BOX ACCOUNT. - RECEIVED & FILED
- #492. TREASURER, SCHIRACK: BANK RECONCILIATIONS AND THE CITY'S OUTSTANDING INVESTMENTS AS OF 9/29/06. - RECEIVED & FILED
- #493. TREASURER, SCHIRACK: COMPARATIVE REPORT OF CASH RECEIPTS AS OF 9/30/06. - 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 #6 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1. (1ST RDG.) AN ORDINANCE VACATING PORTIONS OF MARYLAND AVE S.W., ROSLYN AVE S.W. & BELLFLOWER AVE S.W.; APPROVING & ACCEPTING THE REPLATTING OF 13.999 ACRES OF LAND; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee **PUBLIC HRG. 10/30/06 @ 7:30 P.M.**
- #2. (1ST RDG.) AMENDING ORDINANCE NO 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Judiciary Committee **PUBLIC HRG. 10/30/06 @ 7:31 P.M.**
- #3. (1ST RDG.) AN ORDINANCE AMENDING ORDINANCE NO 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Judiciary Committee **PUBLIC HRG. 10/30/06 @ 7:32 P.M.**
- #4. (1ST RDG.) AN ORDINANCE AMENDING SECTION 151.10, HEALTH & WELFARE BENEFITS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON.

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Referred to Judiciary Committee

- #5. (1ST RDG.) AMENDING APPROPRIATION ORDINANCE NO. 1/2006 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

- #6. (1ST RDG.) AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$825.39 TO OFFICE MAX CONTRACT, INC.; 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 #7 through #17 by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #7 THROUGH #17 FOR THE SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #7. (2ND 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
- #8 (2ND 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
- #9 (2ND 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
- #10 (2ND RDG) 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
- #11 (2ND 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

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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

- #12 (2ND 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 1ST 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
- #13 (2ND 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
- #14 (2ND 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
- #15 (2ND RDG) **ADOPTED AS ORDINANCE NO. 182/2006** 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
- #16 (2ND 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 \$85,472.45 FOR THE 4TH STREET/SHORB AVENUE NW IMPROVEMENT PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

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#17 (2ND 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

PRESIDENT SCHULMAN: Thank you Madame Clerk.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Ordinance #15, we should, could go back towards 15 and suspend the rules and pass 15, ah, we've always done that in the past on the agreements and it just shows ah, our ah, commitment to, to the ah, agreement.

PRESIDENT SCHULMAN: Member Casar, ah.

MEMBER CASAR: I will have to suspend the statutory rules.

PRESIDENT SCHULMAN: There's a move to dispense with the 3 readings of Ordinance 15.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER CASAR: I move we suspend the statutory rules on Ordinance #15; seconded

PRESIDENT SCHULMAN: Are there any remarks? If not then roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: 11 yeas Mr. President.

PRESIDENT SCHULMAN: You've heard the 3 readings, Member Casar.

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

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: 11 yeas Mr. President.

PRESIDENT SCHULMAN: Ordinance 15 is adopted **#15 ADOPTED AS ORDINANCE NO. 182/2006**

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

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PRESIDENT SCHULMAN: We are now under Ordinances for their third and final reading. Madame Clerk, please read ordinances #18 through 21 by title please.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #18 THROUGH #21 FOR THE THIRD TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. ALL THE ORDINANCES WERE ADOPTED BY COUNCIL FOLLOWING THEIR THIRD READING

#18 (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 183/2006** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A PROFESSIONAL SERVICE CONTRACT * *IN AN AMOUNT NOT TO EXCEED \$31,200.00, AT \$75.00 PER HOUR FOR A MAXIMUM OF 416 HOURS* WITH ANGELA JACOBY CAVENAUGH FOR PLANS EXAMINATION DUTIES FOR THE BUILDING DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

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

PRESIDENT SCHULMAN: Any remarks?

MEMBER CASAR: Mr. President, I move we amend Ordinance #18 per the copy that each Councilperson has in front of them; seconded.

AMENDMENT: Pursuant to rule 36, I move to amend Agenda Item No. 18 as follows: Amend Section 1 to read as follows: Section 1. The Director of Public Safety, on behalf of the City of Canton, is authorized to enter into a professional service contract in an amount not to exceed \$31,200.00, at \$75.00 per hour for a maximum of 416 hours, with Angela Jacoby Cavanaugh for plans examination duties for the Building Department. Pursuant to Rule 36, I move to amend Agenda Ordinance 18 by adding a new Section 2 which shall read as follows and renumbering current Sections 2 and 3 as Sections 3 and 4: Section 2. At the conclusion of the contract, the Chief Building Official shall review said contract with, and report to, Council on what was completed during the contract.

PRESIDENT SCHULMAN: It's been moved and seconded then to Amend the Ordinance 18 per the copy before each ah, of the councilmembers. Are there any remarks? If not by voice vote, all those in favor signify by saying yea, those opposed, no.

NO REMARKS

THE AMENDMENT WAS ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: I will get this right (LAUGHTER) maybe by next year. So the question you're now voting on is the Ordinance 18 as amended. Are there any remarks under this Ordinance as amended? Roll call vote please Madame Clerk.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: 11 yeas, Mr. President.

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PRESIDENT SCHULMAN: Ordinance 18 as amended has been adopted.

#18 ADOPTED AS AMENDED AS ORDINANCE NO. 183/2006

#19 (3RD RDG) **ADOPTED AS ORDINANCE NO. 184/2006** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF OUTLOT 696 AND 682; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Mr. Casar.

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

PRESIDENT SCHULMAN: Are there any remarks? Madame Clerk call the roll please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: 11 yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance 19 has been adopted.

#19 ADOPTED AS ORDINANCE NO. 184/2006

#20 (3RD RDG) **ADOPTED AS ORDINANCE NO. 185/2006** 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.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Mr. Casar.

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

PRESIDENT SCHULMAN: Any remarks? If not please call the roll.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: 11 yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance 20 has been adopted.

#20 ADOPTED AS ORDINANCE NO. 185/2006

#21 (3RD RDG) **ADOPTED AS ORDINANCE NO. 186/2006** 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.

MEMBER CASAR: Mr. President.

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PRESIDENT SCHULMAN: Mr. Casar.

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

PRESIDENT SCHULMAN: Any remarks? Madame Clerk call the roll.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: 11 yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #20 has been adopted, excuse me, Ordinance #21 has been adopted.

#21 ADOPTED AS ORDINANCE NO. 186/2006

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: We are now Announcement of Committee Meetings.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Judiciary will meet at 6:30 on October 23rd.

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Member Kraus

MEMBER KRAUS: Public Safety and Thoroughfare will meet at 6:30 on 10/23.

MEMBER HAWK: Mr. President

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: The Finance Committee will at 6:30 on 10/23.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: We are now under the ah, Public Speaks Open Forum and tonight we have 5 speakers signed up to speak. I would just like to say that City Council has adopted a rule that you are not to exceed 3 minutes. It's not because we don't want to hear from you. I think it's just that ah we don't want to hear from you too long. (LAUGHTER) So, the first speaker tonight is from the um, Neighborhood Associates and it is Veronica Callahan and I would ask Ms. Callahan to step forward if you would Ms. Callahan, state your name and your home address for us please.

VERONICA CALLAHAN: My name is Veronica Callahan, I reside at 3406 34th St, Canton, OH. 44705. Good evening Mr. President, Mr. Schulman, Mayor Creighton and Members of Council. On behalf of N.A.V.E., this is our second annual trip to the um Council Chambers to attend your meeting and at this time I

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would like to recognize the members of our group, so everyone with N.A.V.E. please stand. (APPLAUSE) Thank you. Um, this year on behalf of N.A.V.E. and it's ironic that you presented a plaque on this evening to Mr. Ray Denczak's Family, but we also wanted to show that we um, supported, um Mr. Denczak and we appreciated all the years that he served this Council and supported neighborhood organizations. Um, we'd also like to welcome you to Council, um, Mr. Schulman. As a group, we visit Council twice a year to demonstrate our support of the City and it's officials. N.A.V.E. is the political arm of the neighborhood leadership council, which was developed by the Stark Community Foundation. We support each other when issues arise in our neighborhoods, we promote voter registration and education as well as host annual events, um, which provide a platform for the residents to become informed. This year, N.A.V.E. has elected to host a Community Forum and we um, are very pleased to have joined in with the City of Canton and we are both supporting this event and collaborating together, they are, we just wanted to take the opportunity tonight to invite each of you again to come out to the Forum this Thursday, the doors are gonna open at 4:30. There's gonna be booths there that represent all neighborhood associations, as well as the City Departments and um, there has been a little question about politics. This one will not be a political forum, this is an opportunity for Mayor Creighton and her designated staff to tell um, the constituents and the residents what should be happening in the City of Canton and our neighborhoods and more importantly how we can get involved in the process to make Canton a better place to live and work and play. Um, that being said, there's been a lot of progress in our city and in our neighborhoods, we fully support the Mayor and her staff and we're looking for a, forward to a great evening and we just encourage you as our Ward Representatives and as our Mayor to consider, you know allowing us to become involved in the process as we all continue to work toward the good of Canton.

PRESIDENT SCHULMAN: We really, would you do me one favor Ms. Callahan, would you just repeat where, and the time where it's going to be one more time.

VERONICA CALLAHAN: Oh yes sir, and I do have flyers in case I um, need to leave 'em. It's gonna be Thursday, October 19th at the Canton Memorial Civic Center and the um, doors open at 4:30 and the forum begins at 6:00 and just um, so that the community knows, there's door prizes, refreshments, questions and answers and again you can visit booths before the forum and after the forum.

PRESIDENT SCHULMAN: Very good, thank you very much.

(APPLAUSE)

PRESIDENT SCHULMAN: And our second speaker is also from N.A.V.E. and Brenda Kimbrough, and if I mispronounce your name, please tell me because your name is important to us.

BRENDA KIMBROUGH: I am Brenda Kimbrough, I live at 614 7th St and I am part of N.A.V.E. And I would just like to thank everybody for this opportunity to speak to you and uh, I'd just like to say that we are happy with our neighborhood improvements thanks to the Mayor and the clean up. Uh, it was a wonderful thing that happened on September the 25th and I live on 7th Street and you all know where that is and it was a tough one. Thank God for the uh, City Council people who allowed the ah, street department with the cleanup, it was awesome. Um, things were picked up, trash was picked up and it was beautiful for that little time. We're still working on keeping it clean so, we're gonna keep up the good work and I thank the Council for that. I also wanted to say that I enjoyed the City Magazine that was in my mail, that was an awesome and wonderful piece of communication and I think that it will be great for inviting people to our City. So I want to commend you on that. Third thing I'd like to say is thank you for the Police Department, who has had his presence in my neighborhood. We've had some rough times but we're getting over it and 1 by 1, 2 by 2 and if

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we all work together we can make it happen. So I just wanted to say something nice 'cuz you may not always here, is that we do.....there are people in the City that appreciate what you do and what you do is valued and important to us and we're behind you. And all of us are working toward not moving but living in a better neighborhood 1 person at a time 'cuz that's what the N.A.V.E. is all about. You don't have to move from your neighborhood. You can make it better where you are. Thank you.

(APPLAUSE)

PRESIDENT SCHULMAN: And as a new comer and ah, a former outsider. I have to say the City is blessed with ah, the members of this Council and the Administration and her hard working staff. Uh, the City is doing an amazing job. Uh, our next speaker is Bob, Barb, I'm sorry Schneider. Barb, good evening.

BARB SCHNEIDER: Ah, my name is Barb Schneider, my address is 2814 - 6th St SW, um, good evening, I am also a member of N.A.V.E. but this is just on my own personal issue. Um, today, after 16 years of living in my house, it was brought to my attention that uh, my trash cans are of a, of the wrong size. My trash was not picked up because it is a 33 gallon sized trash can and the City has an Ordinance that it's not to be over 30. Uh, totally blew my mind because my trash is still sitting there. So after I called today I was told that my trash will not be picked up unless I have the proper sized trash cans next week. After 16 years they've been okay but today they weren't. Um, so my question is I don't know where this Ordinance came from but, just about everybody I talked to today, no one has heard of it. Um, they throw our trash cans, they leave trash. Um, if I go out and purchase new trash cans are they gonna be responsible for putting them back where they belong. They throw them on the sidewalks, people walk to and from Aultman Hospital, kids walk to school, they have to move around 'em. I'm just concerned as to where this Ordinance came from after 16 years.

PRESIDENT SCHULMAN: And we have a Miscellaneous remarks, ah, time that may address your issue. If not, please stay afterwards and ah, address your issue to the administration or the Council member.

BARB SCHNEIDER: Okay

PRESIDENT SCHULMAN: Alright?

BARB SCHNEIDER: Thank you.

PRESIDENT SCHULMAN: Thank you very much.

(APPLAUSE)

PRESIDENT SCHULMAN: Our next speaker is Diane Wissuccheck and Diane is going to talk about recycling tonight.

DIANE WISSUCHECK: Thank you Mr. President. I am Diane Wissuccheck, I live at 2029 Franklin Place NW in the Mount Vernon neighborhood and I am a member of Neighborhood Leadership Council. Mr. President, Mayor Creighton, Council Members, in April of 2005 I addressed this Council on the issue of curbside recycling in the hopes that in the.....a recycling program for this City was immanent. To this day, I have seen no evidence that our City is any closer to implementing a good recycling program and this is a continued frustration for me. As we should all be aware, recycling is a necessity in this day in age with the landfills wanted to expand, the increased cost of energy and our natural resources being depleted, we must all be responsible citizens of this world and do whatever is necessary to be good stewards of what we have been given. In our throw away society. We must always find ways to reuse those items that we as individuals no

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longer need. I have discussed this issue with Member Hart several times and know that he promotes recycling and works to recycle on a personal level. But it is not enough to hope that each individual in the City will get onboard with recycling on their own. Just drive through any neighborhood on garbage collection day and observe the amount of recyclables that are left for the garbage trucks. The current system rewards those who do not recycle. It costs nothing extra in fees, time or effort for a resident to dump their recyclables at curbside. Those persons who are dedicated to recycling must use their own vehicles in time to haul items to one of the recycling collection points and still pay the same for their garbage collection as those who place everything in the garbage. Recycling needs to be the rule and not the exception. Therefore, it is necessary that it be required in our curbside pickup. In addition to collection and processing of normal daily recyclables, the City needs to seriously consider composing, composting or mulching yard waste. Since it is even harder for the average person to process and transport to the yard waste center. And the advantage of this is the possible use of the materials in the City parks and gardens and again not filling up landfills.....fills with useable organic material. I appreciate the clean up efforts the City has been doing. We now need to complete the effort with a recycling program that will bring us to the level of most major cities so that everything that is cleaned up does not get added to our garbage heaps. A main element in getting high participation in the recycling program is the education of our residents. Are there plans to accomplish this? Because recycling will help the whole city including the neighborhoods. Neighborhood Associations can help with this education process by reinforcing the rules of recycling and the advantages of recycling and the advantages of recycling to our neighborhood residents. Let us bring Canton into the 21st Century. Thank you.

PRESIDENT SCHULMAN: Thank you very much.

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT SCHULMAN: Yes, Service Director.

SERVICE DIRECTOR CONCATTO: I would like to respond. If I may.

PRESIDENT SCHULMAN: Sure.

SERVICE DIRECTOR CONCATTO: Um, as Council knows, we recently passed an Ordinance that um for ah, \$24,000.00 to consult with G and T Environmental to do a study of curbside recycling for the City of Canton. In cooperation with Tri-County solid waste. This ah, this grant...the...actually the funding for this money was given to us by the Tri-County solid waste district. Uh, that consultant is now working with us to decide in which direction the City of Canton would go, not whether we will go with curbside recycling, is how we will do curbside recycling. There's a number of different options that the City can take. One of them is it a single stream or is a triple stream. One of that means, do we have 1 can for every resident or do we have 3 cans. The issue is, do we pick it up ourselves and our employees or is done privately by a private contractor. There's a number of different alternatives that the City has to look at before we finalize going into a recycling plan. The consultant will finish his study probably sometime in the middle of November. This study will be included in the Ohio EPA's Plan, which will given to the Tri-County Solid Waste District. The Tri-County Solid Waste District will be responsible for the City of Canton's recycling program it will be in their plan required by the Ohio EPA. It will also have requirements of the Tri-County Solid Waste District. Having to fund the City of Canton for an up to start this program, including possibly buying trucks. The Ohio EPA has asked that this plan be completed by December 31st of this year. We are working very hard to get this.....our consultant done, to let Ohio EPA know how we want curbside recycling done, so it can be put in the Tri-County Solid Waste District's Plan for 2007 and begin hopefully in 2007.

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PRESIDENT SCHULMAN: Our next speaker is Amy Stertzbach, if I again have mispronounced your name I apologize.

AMY STERTZBACH: Actually Mr. President you did a great job. It's of German decent its S-t-e-r-z-b-a-c-h but some people chose to say Sterzbach, so you did fine.

PRESIDENT SCHULMAN: Well, it's one good thing I've done this evening. Thank you.

AMY STERTZBACH: Again, um, I reside in the City, um at 2500 Lakeroad Blvd NW and um, I am the Chairperson of the Westburg Veteran's Memorial Park Neighborhood Association. Our boundaries are from Broad Ave NW to Lakeroad Blvd NW and we go from 13th Street down to 9th Street. And I am here today as a proud member of N.A.V.E. and also a member Neighborhood Leadership Council and I would just like to make my presence known to City Council and let them know, I am a proud um member of living in a neighborhood in Canton City. I appreciate all that the City is working to try to accomplish. Um, we, most of our complaints are um, few and in between because I feel we have a wonderful neighborhood, we do have many available homes that I feel are nice, they ah.....families could move into, however, I really would rather not see rental properties be put into those homes because we have such a great area. I do live where there is a widening of I-77 and that construction seems to be um going on and on and on, some of our concerns are just our street where the ah, lights are especially at um, Harrison and 13th St. The light signals there, they said that they um...as soon as the construction is finished. We have cars that are backed up and backed up. We have um, the Lehman um....Middle School there, children are being let out. Broad and 13th Street is a hazard during um....morning time, between 8 and 9 and afternoon time between 3 and 4 with children um....crossing there and cars wanting to turn and um.....a lot of horns beeping, ah, a lot of cars slamming on brakes and I would just hope that this construction, um, I don't know if the City can ah, move ah the State along there on I-77 to get that finished and get the lights timed correctly so that that would be much better for our neighborhood. But um.....I do appreciate the time that you've allowed me to speak here and ah....I look forward to coming back to Council again. Thank you.

PRESIDENT SCHULMAN: Thank you very much.

(APPLAUSE)

PRESIDENT SCHULMAN: I have to say as a President's purgative ah...the recycling and the environmental comments ah.....I think this City is gonna be surprised in the next short future as to where the City is going environmentally because if we don't do it we're all in trouble and I know there is incredible dynamic and belief here on this Council. That's what we have to do. And not only is it environmentally smart, it makes profits and businesses can take advantage of it and it's for the good health of all of us. And we do appreciate ah....the people from N.A.V.E., not singling them out necessarily but, we serve as your pleasure, that's one of the things that I mentioned when I assumed this post and we never forget that we serve at your pleasure. And without active citizens, ah.....there is no community in this country that can survive. We need the positive communication and spirit of our citizens because after all, we're all in this together. So again, we really thank you for attending tonight. We appreciate your being here and anytime, you're always welcome here.

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: We're now under Miscellaneous Business, is there any Miscellaneous Business?

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MEMBER KRAUS: Mr. President.

MEMBER CIRELLI : Mr. President.

PRESIDENT SCHULMAN: Okay, I've got.....who was the first person here. Member Kraus go ahead and I'll get to Member Cirelli.

MEMBER KRAUS: I would, as chairman of Public Safety and Thoroughfare, I'm sure the Mayor or Joe will probably address this but I would like for them to issue their purgative to get that garbage picked up in the mean time until we can get that resolved. There may very well be an Ordinance, I heard 'em talk about it in my years of service with the City, but I would like to get the garbage for sanitary reasons picked up and then the issue resolved. Thank you very much.

PRESIDENT SCHULMAN: Member Kraus, ah.....Law Director Martuccio I think has an answer to that.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President, Member Kraus, a previous Service Director brought the attention to this Council that we had a number of containers that our Sanitation Workers were picking up that were, um.....not in conformance with any standards. Some of them were those 55 gallon metal drums that have toxic waste in them. Some of them were breaking apart and cutting the hands of the waste collectors, so he asked this Council back in 2001 or 2000 if we could pass an amendment to our Codified Ordinances which would standardize the containers. Ah....in addition to that he pointed out that some of the oversized containers were too heavy and it was causing injuries, ah...workers' compensation type injuries. So, our Codified Ordinances were amended to, to this definition, um.....we had a law in place that said that if the, if the reusable containers were incapable of meeting the definition of approved containers, those would be considered waste and could be placed in the collection vehicle by the collectors. Approved container, or garbage can, is defined as follows in our Ordinances as a result of that amendment several years ago: "A galvanized or heavy duty rubber or heavy duty plastic solid waste container with the separate lid and handles, which has a maximum capacity of 32 gallons. The solid waste container must be capable of retaining its structural integrity through temperature extremes." So 32 gallons was the number that was arrived at in either 2001 or 2000 when that amendment was passed.

PRESIDENT SCHULMAN: Thank you, Mayor.

MAYOR CREIGHTON: Mr. President, thank you. Ah, tonight I have 2 very important announcements to make, actually 1 is most important. Tonight it is my honor to present to City Council and to the City of Canton, our new EEO Director, ah....his name is Bryant Lemmon and Bryant would you please stand so everyone knows who you are. (APPLAUSE) Bryant is ah.....filling a position that has been vacant for a lot of years. Um...he brings a professional skill set of research, communication and organization. He was born in Canton, raised in Massillon but came back, saw the light after spending 16 years in the great state of Michigan as an educational specialist, (LAUGHTER) which (LAUGHTER)

PRESIDENT SCHULMAN: Do I hear a motion to adjourn Member Casar?

MAYOR CREIGHTON: I just want, I just want to share with you that if you happen to be asking yourself, he wrote this "No, I haven't turned into a Wolverine" so that was good news. But he brings a great skill set, we're very excited about his ah, ah....his abilities and his proactive approach to solving problems. So I wanted to introduce him to all of you tonight. He did start today, he will be housed at the Southeast Community Center for easy access. The Second announcement, um.....it's on a lighter note, but I want you

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all to know because a lot of work goes into beautifying our City and this past week, the City of Canton was recognized by the Canton Garden Center with the award of "Excellence" for the beautification efforts of all of our employees in downtown Canton. So you need to give yourselves a round of applause 'cuz I know that a lot of Council even helped with the planting and I appreciate it. Thank you.

(APPLAUSE)

MAYOR CREIGHTON: Mr. President, I need to be excused.

PRESIDENT SCHULMAN: The Mayor has indicated that unfortunately she has to go to a funeral tonight so Mayor, we appreciate it. Thank you. Ah....Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. On behalf of my fellow colleagues, I just want to thank you very much for the book that you presented to all of us.

PRESIDENT SCHULMAN: Your welcome.

MEMBER CIRELLI: That was very kind of you. And God bless you for that Sir.

PRESIDENT SCHULMAN: Thank you very much, I hope you all enjoy, it's "Profiles of Courage" by John Trinity and it won the ah....Pulitzer Prize and it talks about Political Leaders who have the courage to stand up for their principals, even at the risk of not being re-elected. So ah....it's a book out, I hope you'll all enjoy it, I appreciated the opportunity to give it to each of you. Anything else under miscellaneous business?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Ya know, I apologize, I can't.... when, when you say something, I don't know how Ray did it but I'm sure he did it better then I'm doing it. But, I apologize. Member West.

MEMBER WEST: First I'd like to thank the Safety Director and the Police Department for ah....the sting on the prostitutes ah.....in our community that's something that's needed. Um, the only question with that though is um.....before, they had told us that when we arrested prostitutes, they get back on the street. Did it stick this time? Ah.....Safety Director?

SAFETY DIRECTOR HUNT: Mr. President.
(SILENCE)

PRESIDENT SCHULMAN: I apologize, I wasn't leaving.

SAFETY DIRECTOR HUNT: Ah, at this point in time, those cases have not been adjudicated so it's ah...difficult to say.....ah...through the Law Director though, we have tried to impress upon the Courts the need to keep these individuals in jail and keep them off the streets because we all know that if we just use a turn style and let them go in and come back out, they'll be on the streets, so I will follow up and get back to you on that.

MEMBER WEST: And I guess the other question would be, will they continue to do that until it's cleaned up or?

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SAFETY DIRECTOR HUNT: Mr. President.

PRESIDENT SCHULMAN: Yes Mr. Safety Director.

SAFETY DIRECTOR HUNT: Yes we will, we will not announce before hand when we will do that but that is something ongoing in this administration. We will do that.

MEMBER WEST: Okay, thank you.

PRESIDENT SCHULMAN: Any other Miscellaneous Business?

MEMBER HART: Mr. President.

PRESIDENT SCHULMAN: Member Hart.

MEMBER HART: Um.....You know for, I'd like to thank Diane for coming down and um for each member that is here from N.A.V.E., Um..... the success of any program is going to be the individual many of you have gone through the training and as individuals are making big impacts in your own block, your own neighborhood and collectively in the whole city, which is gonna make it a lot better place for all of the Citizens to live in. And as this recycling program does progress, you know, I wanna thank um.....uh.....the Mayor and Service Director and Law Director for their help and guidance....um.....because it's been extremely uh, refreshing, having uh, helped to see that things get done and this administration is uh.....been extremely proactive in this. Ah...ah....again, as it progresses, ah.....we will be receiving money, there'll be a very no cost at all in getting this program started to the citizens and ya know I agree whole heartedly with you. Ah....you've gotta be part of the solution and if you don't want to be part of the solution then it should be costing you because in particular elderly people, those on limited incomes that do take the time to recycle should not be subsidizing those that don't want to recycle and are creating the problem. And the sad commentary is um.....Stark County and many areas in Ohio have been blessed Geologically after the glaciers left with prime landfill....uh...space and we've got what they want and we've got it and and the actually sad commentary is the inter-interstate commerce which you know, Stark County gets to be responsible for literally 100's of tons of trash coming from the East Coast and currently we're taking about 60% of the trash here within our own State of Ohio because people don't want to be made responsible in other areas. It becomes cheaper to dump it here and create problems for our own environment. And again, as we progress, I want, you know, with environmental issues, you know, uh....we're working on a tree Ordinance and as our President did say, you know, "when land can't sustain a tree, it can't sustain people." And ah.....you know eventually, each and every thing that we do as an individual is going to make an impact and it's better to be a positive one. And um.....for Mr. ah....our President, um I, I just, I don't have a watch but Member Dougherty reminded me that you were getting dangerously close to 3 minutes on your comments, (LAUGHTER), so, I, I just, he wanted me to make sure that you knew that. (LAUGHTER) So again, thank you for all, thank you for making a difference each and every one of you.

SERVICE DIRECTOR CONCATTO: Mr. President.

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Yes Mr. Service Director.

SERVICE DIRECTOR CONCATTO: Real quick comment.

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PRESIDENT SCHULMAN: Yes.

SERVICE DIRECTOR CONCATTO: Barb Schneider, if I could see you afterwards and get your phone number, um...for the trash cans, but we all have to realize that when our trash, our sanitation workers come to your house, they come to about another 100 houses, so the limitation on that weight is because they don't just do it there, they do it day in and day out 8 hours a day and there has to be a limitation. And trust me when I tell you that people can fill up a 33 gallon can, it's a lot heavier then you would suspect. But I will talk to you and get your phone number ma'am and I will get back with you. The other thing is that ah, we are still on target for ah...West Tusc. Bridge to open up on a week from tomorrow, the 24th (APPLAUSE) um.....I say that not for applause, because we've only been waiting but I do say that because this should release some traffic on 13th Street, understanding that 13th Street is the only Avenue to come west to east. There is no other way then 13th Street. This West Tusc. opening will help relieve that traffic there, which we know and have known that it's been a problem we've tried to monitor as best we could. It's still dated for October 24th and we're still waiting for that date. I think uh.....somebody's gonna have the champaign. (LAUGHTER)

PRESIDENT SCHULMAN: Thank you Service Director.

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Any other Miscellaneous Business?

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Member Kraus.

MEMBER KRAUS: I just, 2 quick comments, I'd like to thank all of the, my 5 member neighborhood groups who were in attendance tonight. As I am a past President of an association, I understand the importance of it's not, you don't have to move to live in a better neighborhood...and....and my 5 presidents that I work with, I believe that we take that a step farther. They are my eyes and ears and together because I live in 1 of those neighborhoods and I live in a Ward with all 5 neighborhoods that we do it together, we win together, we lose together. I also would like to thank the Denczak Family, who as Ray, as an 8th Ward resident for many years um was a very good mentor to me. I miss him dearly but we have some other things as I spoke to you about that we want to do in the 8th Ward and I will keep you abreast of that. Thank you very much.

PRESIDENT SCHULMAN: Thank you Member Kraus.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Yes, Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. I'd like to follow up on 2 sets of remarks that were made earlier. With regard to the Prostitutes and how quickly they recycle and get back on the streets. Uh....many people are probably not aware that we have a limitation, have had, for quite sometime a limitation of jail space and the Judges around Stark County, Municipal and Common Pleas have had to prioritize how many seats can be devoted to what kinds of crimes. The most serious crimes of course taking precedence. We wanna keep the felons in prison for sure before we let out low level misdemeanors. However, the Sheriff is announcing an open house soon and the opening of a larger, newer jail with more beds in it. So those repeat offenders may get a higher priority then they've had in the past even if they are misdemeanors. With regard

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to recycling, when the report comes back, we do have an Ordinance on the books that has created a solid waste task force. It is made up of a number of people...um.....from various representative capacities. Um....from the City administration, from Council, from um.....AFSCME, from um.....the sanitation department, from the Women, ah....League of Women Voters, ah.....The Chamber of Commerce, Consumer Advocacy, um...that task force um.....is charged with considering information, planning and making recommendations regarding recycling, composting, incineration and other things. So, when that report is ready, there will be a task force and some of it's already in place to take that information and use it to the City's best advantage. And duck tailing on your remarks Mr. President and Mr. Hart, a lone voice crying in the wind for a long time for recycling and Ms. Wissuheck. There are some things happening in the City, um.....that are going to help global warming. I would highly recommend the film "An Inconvenient Truth" regardless of how you feel about Mr. Gore, there is a lot of education in that film. Um....upon viewing it, I was in Colorado and during a recent vacation made it a point to drive 100 miles across gravel paths in mountains at 12,000 feet through storms to meet with the City attorney of Aspen, Colorado, who has been on television because he has started a global warming initiative, called the Canary Initiative. He is of the opinion that I share that each city, 1 at a time can make a difference. Now, they have concerns about snow coming too late and leaving too soon and that's their money. But there are things we can do as a city in representatively smaller capacity to help. One of them, I'm proud to say came out of the Service Department, our Director of Department of Motor Vehicles recently sent a memo to all department heads in the City advising them that letting gasoline engines idle burns a lot of gasoline and if it's excessive and unnecessary idling, it emits a great deal of carbon it doesn't have to. So we're trying to raise conscienceness in the city. We're using those smaller pigtail florescent bulbs as often as we can. We're going to take smaller steps. Um...I have some things that I've shared with some of the members of Council and with the Administration at a department head meeting and they were all very receptive to beginning to look at things incrementally, first things that don't cost so much, ah.....or anything, to make the difference and then move into things gradually as we can as a City. So there will be more coming and 1 of the first things as Mr. Hart mentioned is a tree Ordinance, it's taking a lot of time to prepare. I know several members of Council, including Ms. Cirelli have been asking about it. Um.....it will help the air quality. It will help reduce liability. It will with drainage, it will do a number of things if it's comprehensive but it will take some time and I will be meeting with um.... the Head of Parks and Recreation, ah....to discuss that in some detail, at some point and then we'll be talking with the rest of Council as that develops. Thank you for your time.

PRESIDENT SCHULMAN: Any other comments? I would just echo the fact, I think this City in 5 years will be known as the greenest City in the West Belt. I can tell you that there is a belief on this Council that that's gonna happen and it's not just because it sounds good. It puts people to work. We can have environmental jobs here. We can have solar panels made, we've got all the water in the world, as Member Casar always reminds us. And to make a solar panel, you need a lot of water and we can have these jobs in this community but there has to be a political will to do it and this Council has that political will. I guarantee it! And we will do it.

(APPLAUSE)

PRESIDENT SCHULMAN: Having said that, is there a....

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER CASAR: I move we adjourn; seconded, seconded, seconded

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(LAUGHTER)

PRESIDENT SCHULMAN: Let's see, do we need a roll call on that?

CLERK TIMBERLAKE: Yes sir.

PRESIDENT SCHULMAN: Roll call 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: 8:26 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT OF COUNCIL