

MINUTES OF THE MEETING OF FEBRUARY 12, 2007

PRESIDENT SCHULMAN: (*SOUND OF GAVEL*) Wow..... this is a rowdy group. Ladies and gentlemen, with a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call vote please, Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

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

CLERK TIMBERLAKE: All present Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. This is a very rowdy group tonight. It must be because it's in the middle of February and we're sick of this weather and it's going to get worse. But, tonight, we will have the invocation given tonight by Member Prater and ladies and gentlemen, following the invocation, if you would remain standing for the pledge of allegiance.

The regular meeting of Canton City Council was held on Monday, February 12, 2007 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 5 Councilmember Terry Prater, followed by the Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: We are now under agenda corrections and changes. Members of Council, you're being asked suspend Rule 22A and to add the second reading of Ordinances #6 through and including #11. Member Casar, the Chair will recognize that motion.

MEMBER CASAR: Mr. President. I move we suspend Rule 22A and add Ordinances #6 through and including #11 on to tonight's agenda; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add seconding reading Ordinances #6 through and including #11 to this evening's agenda. Are there any remarks?... Hearing none, roll call vote please Madame Clerk.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Rule 22A is suspended and the ordinances are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We are now under Public Hearings. There are no public hearings this evening.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: Under the agenda, we are now under Public Speaks on Ordinances and Resolutions for adoption. We have no speakers signed up to speak this evening.

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PRESIDENT SCHULMAN: We are now under Informal Resolutions. Madame Clerk, please read Resolution #16 by title.

#16 PERSONNEL COMMITTEE: REQUEST TO REAPPOINT MR. TIMOTHY WEDEKAMM TO FAIR HOUSING COMMISSION FR: 2/1/07 THRU 1/31/12. - ADOPTED

PRESIDENT SCHULMAN: This Chair will recognize the motion, Member Casar.

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

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #16. Are there any remarks?... Hearing none, by voice vote, all those in favor signify by saying aye... Those opposed say no... Resolution #16 has been adopted.

NO REMARKS RESOLUTION #16 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: Madame Clerk, Resolution #17 by title please.

#17 PERSONNEL COMMITTEE: REQUEST TO REAPPOINT ATTORNEY IVAN REDINGER, JR. TO FAIR HOUSING COMMISSION FR: 2/1/07 THRU 1/31/12. - ADOPTED

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

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

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #17. Are there any remarks?... Hearing none, all in favor of that Resolution say aye... Those opposed no... Resolution #17 has been adopted.

NO REMARKS RESOLUTION #17 APPROVED BY UNANIMOUS VOICE VOTE

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 FEBRUARY 12, 2007.

67. CANTON DEVELOPMENT PARTNERSHIP, 222 MARKET AVENUE NORTH, CANTON, OH 44702: LETTER OF SUPPORT OF AMENDMENTS TO CHAPTER 743 JUNK DEALERS OF PART 7. - RECEIVED & FILED.

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68. CD & PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: AUTHORIZE MAYOR &/OR SERV DIR TO MAKE APPLICATION & RECEIVE A \$400,000 GRANT FR: OH DEPT OF DEVELOPMENT FOR GRANT MONIES FOR INFRASTRUCTURE IMPROVEMENTS TO STEIN INDUSTRIAL PARK. - COMMUNITY & ECONOMIC DEVELOPMENT CMTE
69. LAW DIRECTOR JOSEPH MARTUCCIO: REQUEST FOR ADMINISTRATION & CANTON TWP TRUSTEES TO ENTER INTO PPC ANNEXATION AGREEMENT FOR 5.7 ACRES ON RAFF ROAD SW PURSUANT TO ORC SEC 709.192 TO DEVELOP PROPERTY, ALLOCATE TAX & PROVIDE SAFETY & MUNICIPAL SERVICES. - ANNEXATION CMTE
70. LAW DIRECTOR JOSEPH MARTUCCIO: AUTHORIZE JUDICIARY COMMITTEE TO DRAFT & PRESENT LEGISLATION AMENDING SEC 181.12(b) OF CITY INCOME TAX, CODIFIED ORDINANCES, ORC SECTION 718.12. - JUDICIARY CMTE
71. LIQUOR CONTROL DIVISION, STATE OF OHIO: NOTICE OF HRG TO BE HELD 3/5/07 @ 9:00 AM RE: TRANSFER OF OWNERSHIP FOR LIQUOR PERMIT FOR FULTON DRIVE THRU INC @ 1133 FULTON RD NW, 1ST FLR S. UNIT & BASEMENT. RECEIVED & FILED
72. LIQUOR CONTROL DIVISION, STATE OF OHIO: NOTICE OF HRG TO BE HELD 3/5/07 @ 10:00 AM RE: RENEWAL OF LIQUOR PERMIT FOR MEZE'S MKT INC DBA MEZE'S MKT @ 1639 MAPLE AVE., NE . - RECEIVED & FILED
73. LIQUOR CONTROL DIVISION, STATE OF OHIO: NOTICE OF HRG TO BE HELD 3/5/07 @ 11:30 AM RE: RENEWAL OF PERMIT FOR SUNKIN, INC DBA SPEED D FOODS @ 2502 11TH ST SW. - RECEIVED & FILED
74. MAYOR JANET CREIGHTON, CITY OF CANTON: REQUEST AUTHORIZATION TO APPOINT MR. LARRY BELL TO THE FAIR HOUSING COMMISSION FOR THE UNEXPIRED TERM OF ECILA TUCK EFFECTIVE 1/1/04 - 12/31/08. - PERSONNEL COMMITTEE
75. HEALTH BENEFITS ADMINISTRATION, ROSE BRESSON, CITY OF CANTON: JAN 2007 MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS. - RECEIVED & FILED
76. SAFETY DIRECTOR BERNARD HUNT, CITY OF CANTON: AUTHORIZE SAFETY DIRECTOR TO \$887.00 MORAL OBLIGATION TO COUNTRY SISTERS EMBROIDERY ON BEHALF OF BUILDING DEPT FOR UNIFORMS. - FINANCE CMTE
77. SAFETY DIRECTOR BERNARD HUNT, CITY OF CANTON: REQUEST TO ADOPT LEGISLATION FOR SAFETY DIRECTOR, ON BEHALF OF CANTON POLICE DEPT. TO DONATE USED WORKOUT MATS TO STARK STATE COLLEGE OF TECHNOLOGY FOR POLICE TRAINING PURPOSES. - PPCI CMTE
78. SERVICE DIRECTOR JOSEPH CONCATTO, CITY OF CANTON: AUTHORIZE TO ENTER INTO 3-YR CONTRACT W/STANDARD INSURANCE COMPANY TO PROVIDE GROUP TERM LIFE & AD&D COVERAGE FOR ALL ELIGIBLE CITY EMPLOYEES EFF: 3/1/07. - FINANCE CMTE

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79. SERVICE DIRECTOR CONCATTO: AUTHORIZE SERVICE DIRECTOR TO ENTER INTO \$249,492.14 CHANGE ORDER #2 WITH OHIO TECHNICAL SERVICES INC TO REMOVE ASBESTOS FROM ONESTO HOTEL. - FINANCE CMTE
80. STARK COUNTY COMMISSIONERS, CENTRAL PLAZA SOUTH, CANTON, OHIO: RESOLUTION APPROVING THE REIFSNYDER PARK/PARK POULTRY ANNEXATION . - RECEIVED & FILED
81. TREASURER, ROBERT SCHIRACK, CITY OF CANTON: JAN 2007 PARKING METER REVENUE. - RECEIVED & FILED
82. TREASURER, ROBERT SCHIRACK, CITY OF CANTON: DEPOSITS & PAY INS FOR JAN 2007 FOR AMBULANCE LOCK BOX ACCOUNT. - RECEIVED & FILED
83. TREASURER, ROBERT SCHIRACK, CITY OF CANTON: REPORTS OF TREASURER'S OFFICE BANK RECONCILIATIONS, & CITY'S OUTSTANDING INVESTMENTS AS OF 1/31/07. - RECEIVED & FILED
84. TREASURER, ROBERT SCHIRACK, CITY OF CANTON: SUBMITTING JAN 31, 2007 COMPARATIVE REPORT OF CASH RECEIVED. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: We are now under Ordinances and Formal Resolutions for the first reading. Let the journal show that all ordinances are being given their readings as required by State Law. Madame Clerk, please read the first reading ordinances by title.

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

- #1 (1ST RDG) AN ORDINANCE 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
- #2 (1ST RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Personnel Committee
- #3 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY MORAL OBLIGATIONS IN AMOUNTS NOT TO EXCEED \$350.00 TO BARCO SECURITY SYSTEMS, INC; \$121.50 TO SILCO FIRE PROTECTION CO AND \$138.84 TO

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MEGGITT DEFENSE SYSTEMS; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

- #4 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE 41ST STREET NE (STEESE) STORM SEWER CONSTRUCTION PROJECT GP 1081; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ACCEPT A GRANT IN THE AMOUNT OF \$1,158,840.00 FROM THE OHIO PUBLIC WORKS COMMISSION; AMENDING APPROPRIATION ORDINANCE NO 241/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Environmental and Public Utilities and Finance Cmtes

- #5 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO PROFESSIONAL SERVICES CONTRACT FOR ENGINEERING SERVICES FOR THE TUSCARAWAS STREET RECONSTRUCTION PROJECT, GP 1064; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE TUSCARAWAS STREET RECONSTRUCTION PROJECT, GP 1064; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ACCEPT GRANTS TOTALING \$5,636,900.00 FROM OHIO PUBLIC WORKS COMMISSION, OHIO DEPT OF TRANSPORTATION AND SCATS; AMENDING APPROPRIATION ORDINANCE NO. 241/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares and Finance Cmtes

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We are now under Ordinances for their second reading. Madame Clerk, will you please read Ordinances #6 through #11 by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #6 THROUGH #11 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. ORDINANCE #11 WAS AMENDED AND ADOPTED.

- #6 (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 6522 AND 6526 & TWO VACATED ALLEYS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #7 (2ND RDG) AUTHORIZING THE CITY OF CANTON TO ACCEPT DONATION OF REAL PROPERTY FROM THE ESTATE OF WILLIAM E. BRINSON; AND DECLARING THE SAME TO BE AN EMERGENCY
- #8 (2ND RDG) AN ORDINANCE AUTHORIZING THE CITY OF CANTON TO ACCEPT

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DONATION OF REAL PROPERTY FROM ELINOR REPASKY; AND DECLARING THE SAME TO BE AN EMERGENCY

- #9 (2ND RDG) AUTHORIZING THE CITY OF CANTON TO ACCEPT DONATION OF REAL PROPERTY FROM KENNETH HALL, TRUSTEE; AND DECLARING THE SAME TO BE AN EMERGENCY
- #10 (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE #241/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11 (2ND RDG) **ADOPTED AS AMENDED AS ORDINANCE #29/2007** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE EXTENSION OF WATER MAINS INTO OSNABURG TOWNSHIP; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO APPLY FOR AND ENTER INTO A CONTRACT WITH THE OHIO WATER DEVELOPMENT AUTHORITY FOR A LOAN IN THE AMOUNT OF \$1,967,781; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE OR DESIGNEE TO ENTER INTO THREE LICENSE AGREEMENTS WITH WHEELING & LAKE ERIE RAILWAY COMPANY FOR A LUMP SUM OF \$16,800; AUTHORIZING THE AUDITOR TO ESTABLISH THE 5224 OSNABURG WATER MAIN EXTENSION FUND; AMENDING SUPPLEMENTAL APPROPRIATION NO. 241/2006, AS AMENDED; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President. I move the Statutory Rules be suspended on Ordinance #11; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to dispense with the 3 readings of Ordinance #11. Are there any remarks?... Hearing none, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT SCHULMAN: Thank you Madame Clerk.. Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #11; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #11. Are there any remarks?...

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

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MEMBER CASAR: I move to amend Ordinance #11 per the copy that all Councilmembers have in front of them; seconded.

AMENDMENT: Pursuant to Rule 36, I move to amend Agenda Ord #11 by deleting the phrase "and enter into contract" from the caption and Section 1.

PRESIDENT SCHULMAN: It's been moved and seconded to amend the Ordinance per the copy before each of you. Are there any remarks?... Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: The question you're now voting on is the Ordinance as amended. Are there any remarks under this Ordinance as amended?... Roll call vote please Madame Clerk.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT SCHULMAN: The Ordinance is adopted.

#11 ADOPTED AS AMENDED AS ORDINANCE #29/2007

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 Ordinance #12 by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #12 THROUGH #21 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. ALL THE ORDINANCES WERE ADOPTED BY COUNCIL FOLLOWING THEIR THIRD READING. ORDINANCE #12 WAS AMENDED AND ADOPTED. ORDINANCE #14 WAS POSTPONED. UN-NUMBERED ORDINANCE HAD RULE SUSPENSION BUT WAS INADVERTENTLY OMITTED FROM THE ROLL CALL ON FEBRUARY 5, 2007, THEREFORE, ROLL CALL WAS TAKEN ON THIS ORDINANCE WHICH WAS APPROVED.

#12 (3RD RDG) **ADOPTED AS ORDINANCE # 30/2007** AN ORDINANCE AMENDING CHAPTER 743, JUNK DEALERS, OF PART SEVEN, BUSINESS REGULATION CODE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Ordinance #12; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #12. Are there any remarks?

MEMBER CASAR: Mr. President.

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PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move to amend Ordinance #12 per the copy that all Councilmembers have in front of them; seconded.

AMENDMENT: The last sentence of subparagraph 743.07 (a) shall be amended to read: If the sale or exchange is in excess of a \$100 value and the dealer does not know or recognize the seller, nor possess any existing documentation identifying the seller with any of the foregoing information, the dealer shall obtain a fingerprint of the seller's right or left thumb by a method approved by the City Chief of Police or his designee.

I further move to amend Section 8 by the addition of a new subparagraph (c) to read as follows: (c) no junk and scrap dealer shall purchase or receive by sale, barter, exchange or otherwise any metal identified or marked with a painted color which has been precertified or registered with the dealer as a proprietary color used by a current landlord or other premises owner. Subsequent owners shall present a bona fide receipt of other evidence of transfer of ownership, which shall be photocopied and retained.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #12 in accordance with the amendment that is before each of you. Are there any remarks?... All those in favor of the amendment, say aye. Those opposed no.

NO REMARKS

AMENDMENT ADOPTED BY UNANIMOUS VOICE VOTE

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

CLERK TIMBERLAKE: Twelve yeas Mr. President.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT SCHULMAN: The ordinance is adopted..

#12 ADOPTED AS AMENDED AS ORDINANCE #30/2007

#13 (3RD RDG) **ADOPTED AS ORDINANCE # 31/2007** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH BROWNFIELD RESTORATION GROUP IN AN AMOUNT NOT TO EXCEED \$284,733.00 FOR PHASE II ASSESSMENT WORK AT THE FORMER HERCULES ENGINE SITE; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Ordinance #13; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #13. Are there any remarks?... Hearing none, Madame Clerk, roll call vote please.

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CLERK TIMBERLAKE: Twelve yeas Mr. President.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT SCHULMAN: Ordinance #13 has been adopted **#13 ADOPTED AS ORDINANCE #31/2007**

#14 (3RD RDG) **POSTPONED**

PRESIDENT SCHULMAN: Ordinance #14 has been postponed. Ordinance #15 Madame Clerk.

#15 (3RD RDG) **ADOPTED AS ORDINANCE # 32/2007** AN ORDINANCE APPROVING & ACCEPTING THE REPLATTING OF PARTS OF LOT 37589 & OUTLOT 850; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

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

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #15. Are there any remarks? Hearing none, roll call vote please Madame Clerk.

CLERK TIMBERLAKE: Twelve yeas Mr. President.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT SCHULMAN: Ordinance #15 is been adopted. Ordinance #16.

#15 ADOPTED AS ORDINANCE #32/2007

#16 (3RD RDG) **ADOPTED AS ORDINANCE #33/2007** AN ORDINANCE APPROVING & ACCEPTING THE REPLATTING OF LOTS 26501, 26502 & 26503; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Yes.

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

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #16. Any remarks?... Hearing none, Madame Clerk, roll call vote please.

CLERK TIMBERLAKE: Twelve yeas Mr. President.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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PRESIDENT SCHULMAN: Ordinance #16 is adopted. **#16 ADOPTED AS ORDINANCE #33/2007**

PRESIDENT SCHULMAN: The Chair made an error, which is very uncommon, but, I'd like to take us back to Ordinance #14. I said that was postponed, that requires a motion and a voice vote. Member Casar.

MEMBER CASAR: Mr. President. I move we postponed Ordinance #14 until....

MEMBER CARBENIA: Seconded.

MEMBER CASAR:February 26th meeting; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that we postpone Ordinance #14 until February 26th. Any remarks?... By voice vote, all those in favor say aye. Those opposed. Hearing no opposition, the motion to postpone is carried. Madame Clerk, Ordinance #17.

NO REMARKS **#14 POSTPONED BY UNANIMOUS VOICE VOTE**

PRESIDENT SCHULMAN: Motion to postpone was carried. Madame Clerk, Ordinance #17.

#14 POSTPONED UNTIL 2/26/07

#17 (3RD RDG) **ADOPTED AS ORDINANCE #34/2007** AN ORDINANCE APPROVING & ACCEPTING THE REPLATTING OF OUTLOT 1013; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

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

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #17. Are there any remarks?... Madame Clerk roll call vote please.

CLERK TIMBERLAKE: Twelve yeas Mr. President.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT SCHULMAN: Ordinance #17 has been adopted. Ordinance #18 Madame Clerk.

#17 ADOPTED AS ORDINANCE #34/2007

#18 (3RD RDG) **ADOPTED AS ORDINANCE #35/2007** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 241/2006, AS AMENDED IS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

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MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

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

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #18. Are there any remarks?... Hearing none, Madame Clerk, roll call vote please.

CLERK TIMBERLAKE: Twelve yeas Mr. President.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT SCHULMAN: Ordinance #18 is adopted. Ordinance #19.

#18 ADOPTED AS ORDINANCE #35/2007

#19 (3RD RDG) **ADOPTED AS ORDINANCE #36/2007** AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CHANGE ORDER #1 WITH GROUND TECH, INC. IN AN AMOUNT NOT TO EXCEED \$13,646.00 FOR THE WPCC BIOFILTER MEDIA REPLACEMENT PROJECT; AMENDING APPROPRIATION ORDINANCE NO 241/2006, AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION 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 #19; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #19. Are there any remarks?... Hearing none, Madame Clerk roll call vote please.

CLERK TIMBERLAKE: Twelve yeas Mr. President.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT SCHULMAN: Ordinance #19 has been adopted. Ordinance #20.

#19 ADOPTED AS ORDINANCE #36/2007

#20 (3RD RDG) **ADOPTED AS ORDINANCE # 37/2007** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH MITY-LITE, INC IN A TOTAL AMOUNT NOT TO EXCEED \$58,616.00 FOR THE PURCHASE OF FOLDING CHAIRS, STACKING CARTS & STACKING BASES FOR THE CANTON MEMORIAL CIVIC CENTER; AND DECLARING THE SAME TO BE AN

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EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

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

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #20. Are there any remarks?... Hearing none, Madame Clerk, roll call vote please.

CLERK TIMBERLAKE: Twelve yeas Mr. President.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT SCHULMAN: Ordinance #20 is been adopted. **#20 ADOPTED AS ORDINANCE #37/2007**

PRESIDENT SCHULMAN: What you have on your agenda is Ordinance #21 was another, believe it or not, mistake of the Chair. Oh not yet. Oh, we're good, then, there is no mistake. (LAUGHTER) Beth, remember that.

#21 (3RD RDG) **ADOPTED AS ORDINANCE # 38/2007** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH MOTTER & MEADOWS ARCHITECTS IN AN AMOUNT NOT TO EXCEED \$56,600.00 FOR ARCHITECTURAL/ENGINEERING SERVICES FOR THE COLLECTION SYSTEMS DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

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

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #21. Any remarks?... Hearing none, Madame Clerk roll call vote please.

CLERK TIMBERLAKE: Twelve yeas Mr. President.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

#21 ADOPTED AS ORDINANCE #38/2007

PRESIDENT SCHULMAN: Now, we're at the point where the Chair made a error last week. Ah, roll call vote on, roll call final vote on the ordinance before you...

MEMBER CASAR: On the President's mistake. (LAUGHTER)

PRESIDENT SCHULMAN: ...on the Presi...a, roll call vote on the President's mistake. No. Roll call vote on ah, what is before you on the agenda from last week's meeting. Madame Clerk, roll call vote please.

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(The following ordinance, which was not read aloud, inadvertently was omitted from a final roll call vote regarding Item No. 16 of the February 5, 2007 agenda. The final roll call is being given as mentioned below.)

(VOTE) **AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A LEASE AGREEMENT WITH PHIL CAPRI FOR THE LEASE OF PROPERTY LOCATED AT 903 12TH STREET NW; AND DECLARING THE SAME TO BE AN EMERGENCY**

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT SCHULMAN: The Ordinance is adopted. Ordinance #12 is adopted. Thank you. *(Referred to above ordinance from 2/5/07)*

ANNOUNCEMENT OF COMMITTEE MEETINGS

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

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel Committee will meet February 26th at 6:15. In addition to that, the Personnel Committee is calling a special meeting on Tuesday, February 20th at 6:15. We will be going into executive session to discuss matters of compensation. Thank you.

PRESIDENT SCHULMAN: Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Judiciary will meet on February 20th ah, 6:30pm.

PRESIDENT SCHULMAN: The 26th?

MEMBER WEST: The 26th. Excuse me.

MEMBER KRAUS: Mr. Chairman.

PRESIDENT SCHULMAN: Member Kraus.

MEMBER KRAUS: Public Safety and Thoroughfare will meet 2/26, 6:30. Thank you.

PRESIDENT SCHULMAN: Thank you.

MEMBER GRIFFIN: Mr. Chairman.

PRESIDENT SCHULMAN: Member Griffin.

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MEMBER GRIFFIN: Environmental and Public Utilities will meet on February 26th at 6:30 pm.

PRESIDENT SCHULMAN: Thank you.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: The Finance Committee will meet Monday, February 26th at 6:30. There will all.... there will be another Finance Committee meeting Tuesday, February 20th at 9 am at the Central Fire Station. This will be a review of this year's budget so far.

PRESIDENT SCHULMAN: Thank you Member Hawk.

MEMBER HAWK: It coincides with the department head meetings we can get things done with one less meeting. A little more efficiency will work for all of us.

PRESIDENT SCHULMAN: Great. Very good idea. Thank you very much. Anyone else?...

CHIEF OF STAFF CONDE: Mr. President.

PRESIDENT SCHULMAN: Yes.

CHIEF OF STAFF CONDE: The Water Recreation Committee will be meeting on February 26th at 5:30 up on the 8th floor.

PRESIDENT SCHULMAN: Thank you. Anyone else... Okay.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: We are now under Public Speaks, and we're very very pleased and happy to have with us tonight one of the members of our Youth City Council who I know is ah, from having met Beth, is very nervous but I assured her that she would get a warm reception before us. So, Beth, would you come up to the microphone. And if you can tell the Mayor and her Administration and City Office Holders and Members of Council your name and your address.

MISS SMITH: Hi. My name is Beth Smith. I'm a member of Youth Canton City Council from early college high school.... I live at...

PRESIDENT SCHULMAN: Beth, may I interrupt you one second? We really do want to hear what you have to say, so, um, let's make sure the microphone's on and if you can speak...

MISS SMITH: Hi. My name is Beth Smith. I'm a member of Youth Canton City Council, um from early college high school. I live in, I live in Canton, Ohio, ward 7, my Councilmember is Richard Hart. Mr. President, Madame Mayor, Councilmembers, I come here tonight to propose something done about the community service deals. Um, there are many people who have problems coming up with ideas for community service and I know that students at early college high school that we have to have 30 hours of community service

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by the end of the year in order to get our academic letter. I'm, I'm going to present a few ways that we could um, that we could fix, that could fix this problem. Um, the first one let me give you some reasons why this problem is a good one to address. First of all, community service hours look good on job and college applications as well as they can teach you morals and, and, as well as go through life. Um, also, if people had an easier way to find community service, they might be more um, they might be more likely to do something with them. Also, it gives, also it gives, kids in my life need to do community service, is they are told what needs to be done. It could definitely better the community and people, and I know as a fact that when you get done with your community service, you feel, you have a feeling that you can't get, you can get no other way, and the way to fix this problem I want to propose a web site. I will speak for the Canton Youth City Council that could be a link on the City Council web site. This, on the Canton Youth City Council web site, there could be a link to a community service web site. This could have links, phone numbers and other references for, for different community services. There could be descriptions and times when this needs to be done so people can find, people and students can find ah, community service that would best fit their interests and their schedule. A few other ways could be a newsletter, sent to schools so that kids can find a community service that would best fit them. Also, sending a monthly letter to school counselors and principals so that when, if kids come, to ask them questions about finding their community service, if they need the service hours as early, early college students do, they would have something as a reference that they could use to help the students find a community service that would best fit them. In front, there's a paper that I laid out at your spots before the meeting, there's a link to a Repository article. Um, this article was about volunteers, where volunteers are needed throughout the City of Canton. This could be a first place to start and as I know a lot of students don't read the newspaper, a web site that their, that's made out to them, could, could definitely help them with this issue. I thank you and I hope you take everything I say into consideration.

PRESIDENT SCHULMAN: Thank you very much. Excellent job Beth! Excellent job and your ideas are terrific and thank you very much, and, that wasn't that bad was it? (*Miss Smith made a jester from the audience saying 'no'.*) Okay.

MEMBER WEST: Hey Member Hart, could we see that? (*Making reference to a poster that Miss Smith had made*)

MEMBER CARBENIA: Bring it up here so I can have a look.

MEMBER HART: I didn't say anything.

PRESIDENT SCHULMAN: ..some really good ideas. Beth, that was excellent. Great job! (*Time taken to look at Beth Smith's poster*) Beth, terrific job again, congratulations. And, I'm sure that the Mayor and other Members of Council made comment on this because I think it's a great idea you have. Um, we're now.... we have no other public speakers tonight

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: And, we're now under Miscellaneous Business. Is there any miscellaneous business?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

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MEMBER WEST: I have a couple things. First, first and foremost, I want to thank Council for passing the junk dealer ordinance. A lotta work went into that. I'd like to thank ah, Joe Carbenia, ah, Member Kraus, um, Member Casar for being on that Committee and really serving, along with ah, Dan, Dan Heaton who is the officer who is there and of course, Joe ah, Joe Martuccio who is of course, the mastermind of words. Ah, and I think that we have really done a great service for our city today. The second thing I wanted to talk about was um, I'm not certain, I think this would be going to the Law Department or, yeah, the Law Department. The signs that are up all over town that have the houses on it for financing that's in the strips throughout the city, did you see that on McKinley and 12th, bright yellow signs, they're not mine, but the ones that look like houses? But, what is the, well there's the bright yellow signs that look like houses all through the inner city and then also, we have some of the signs posted on our telephone polls. And I know, I didn't know if that had anything to do with the new ordinance that we passed with the poll um, or not, or if that's even legal.

PRESIDENT SCHULMAN: Yes, Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Member West, our ordinances declaring where signs can be posted, ah, primarily deals with private properties by consent. Anything in a city-owned space, anything on a utility pole, anything on a tree unless it's privately owned um, is forbidden and the city has the right to collect these signs from rights of ways and from what you might call um, the ah, the strip, ah, the devil's strip, anything that is under the easement or right of way of the city is a forbidden spot and can be collected by the city.

MAYOR CREIGHTON: Um, Mr. President.

PRESIDENT SCHULMAN: Madame Mayor.

MAYOR CREIGHTON: Um, tomorrow in between their snow plowing, I'll have them pick up the illegal signs around the city. They're an eye-soar and I'll be glad to get rid of them.

MEMBER WEST: Thank you Mayor.

PRESIDENT SCHULMAN: Thank you Mayor.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Yeah, speaking of eye-soars, I think it would be a good point to ah, bring it up. I, ah, drove around the city a couple weeks ago and took, ah, no, it's 15, 16 photos of ah, what I call eye-soars around carry-outs, food markets, mini marts, there were beer signs, cigarette signs and I gave those pictures to ah, Joe Martuccio and I want, ah, we want to review our areas because those are really eye-soars. If there's a property next to a drive-thru, they have signs the whole length and ah, at, at, at different ah, Speed D Foods or whatever, mini-marts, call them whatever, the ah, big cigarette signs that are tore down or are half down and ah, ah, I, I, I got with Member Martuccio, I mean Law Director Martuccio, and we're going to be coming through to straighten that up because ah, you know, this Council, this Administration has done ah, a yeoman's job trying to clean the city up and, and, we're permitting those signs to be the way they are and I think we have to change our zoning, to eliminate them and only have one or two per, ah, location so, we're working on that right now.

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PRESIDENT SCHULMAN: Madame Mayor.

MAYOR CREIGHTON: Mr. President. I, I concur with ah, um, ah Member Casar. I just want to remind us all that, you know, we all have to stick together on this because we'll get a lot of calls from a lot of different companies that will complain that we are invading their privacy or that their signs should be there for advertising and I'm with ya because it, it has really, um, I've had complaints from people that it, it, it really just demoralizes people that, in our community and in our neighborhoods so, I, I applaud ya and, and we'll, we'll get 'em picked up.

PRESIDENT SCHULMAN: Thank you Madame Mayor....

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: thank you Member Casar. Yes, I'm sorry. Member Carbenia.

MEMBER CARBENIA: (*CHUCKLE*) Ah, I'd like to....

PRESIDENT SCHULMAN: Well I oughtta 'hawk' you guys.

MEMBER CARBENIA: I'd like to ask the Mayor....she said she was gonna have the fellows pick 'em up ah, between snow plowing. I, I would rather see somebody from like, ah, our Law Department, call that, that number. I mean, it's, it's all one number on them homes, call them and say that that's illegal and that they say it's illegal and tell them that there's, there's possibly could be a fine to this and ah, it's violating a city ordinance. This way, we can save our guys who's gonna be ragged from plowing if the stories are correct.

MAYOR CREIGHTON: Mr. President.

PRESIDENT SCHULMAN: Madame Mayor.

MAYOR CREIGHTON: I really meant that tongue-and cheek for tomorrow. I doubt that they really will pick 'em up tomorrow because of the snow.

MEMBER CARBENIA: I wasn't tryin' to ah, ah, hit ya on it, I just thought that the thing would be better to call.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President. Member Carbenia. Thank you. Ah, we will attempt, if we can, through those phone numbers, to find out who has custody or ownership of those signs; some manager and send them a notification they're in violation of the law in addition to telling them over the telephone if we can. Um, thank you, that would be a good way of affecting due process before we take their property.

PRESIDENT SCHULMAN: Member Kraus.

MEMBER KRAUS: Yes, I just wanted to thank yourself and Timken High School for ah, inviting us last week and I met with Glenoak's new Superintendent for about an hour and half with the engineers and I'm, I'm, I'm working on something that they, they would be willing to bring our show to Glenoak, 44th Street campus um, and,

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also, they're gonna wanna come in and be partner with the City Council. Everybody keeps forgettin' ward 8, parts of 6, 7 though we're in the city, our kids go to Glenoak and they keep puttin' levies out there. My phone keeps ringin' off the hook. So, I'm gonna bring them and in and we're gonna become partners. Thank you.

PRESIDENT SCHULMAN: Great. Thank you. I wanted to publicly thank the Mayor and her Administration and Law Director Martuccio, particularly, and our Majority Leader and you the Members of Council for our road meeting last week at Timken High School. I thought it went extraordinarily well and I just want to make a plight here. Everything we do, I'm proud to say, having served here not very long, is a collective enterprise, and, everything we do is for the betterment of this city and I really want to thank you Members of Council, for agreeing to take our City Council meetings on the road, so to speak. I think we deserve the recognition, I think it's a good idea, it, it was somewhat unfortunate that we had the weather we had last week but I can assure you we will be going on the road in the spring time. We'll be back at Timken. I think we oughtta go to McKinley. I think we should go to Glenoak. I think we oughtta hit the schools first and ah, I wanna thank you again for your supporting that effort. I also would be remiss if I didn't say that it was a monumental task and that Cindy Timberlake and Michelle and Beverly did a spectacular job and they really deserve, I think, a round of applause from us. *(APPLAUSE FOR THE COUNCIL STAFF)*

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Since we're gonna be traveling so much, ah, maybe we can rent this facility out and get a little bit of money for this, for the golfers. *(LAUGHTER)*

PRESIDENT SCHULMAN: Member Casar. I think that's a very good idea. Um, also, I'd like to say that I think that one of our members had a birthday on Saturday and *(LAUGHTER)* you, you can tell her it was because of the groan but I'd like to wish Bill Smuckler a healthy, happy birthday and many healthy and happy returns. Congratulations!

MEMBER CASAR: Mr. President.

DIRECTOR CONCATTO: Mr. President. Can I, just one....

PRESIDENT SCHULMAN: Yes, Service Director Concatto.

DIRECTOR CONCATTO: Just, um, for Council's, for Council, you passed 2937's contract, ah, a couple weeks ago, they passed it on Saturday.

PRESIDENT SCHULMAN: Great. Thank you. Before.....

SERVICE DIRECTOR HUNT: Mr. President.

PRESIDENT SCHULMAN: Yes, ah, Service Director Hunt.

SERVICE DIRECTOR HUNT: I'd just like to say that I'd like to thank ah, Law Director Martuccio. Chief Building Official John Labriola today brought me some color pictures of 1018 McKinley Avenue. They just

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started to tear it down and so, hopefully, within the next several days, we'll get that, ah, that eye-soar torn down.

PRESIDENT SCHULMAN: Great. Thank you.

MEMBER CASAR: Mr. President. I'd just like to say.....

PRESIDENT SCHULMAN: Yes, Member Casar.

MEMBER CASAR: ... in regards to 1018, I would like to thank this Council for not acting on that ordinance that we would expended taxpayers money without doing what we did do and now it's coming down, not at taxpayers money.

PRESIDENT SCHULMAN: Great. That's good news. Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. Ah, last, Cindy's there, she'll have to refresh my memory, one of the instructors from McKinley High School's out in the audience and some of us Council people went to McKinley High School and met with the students, I think the Youth Council and was very productive, and I just wanna thank the gentleman and acknowledge him that he's here tonight. So, if you would stand.

CLERK TIMBERLAKE: Mike Freeland.

PRESIDENT SCHULMAN: Mike, please stand up.

MEMBER CIRELLI: We appreciate you very much. (*APPLAUSE*)

PRESIDENT SCHULMAN: Thank you very much. Thank you Member Cirelli and before we adjourn, I just wanna say as we always try to do, thank you folks in the audience for braving the weather and coming out tonight. We always appreciate your attendance. Ah, we appreciate your interest and we're always available, certainly after this meeting or any time, to answer any questions or listen to any advice you might have. So, thank you. Member Casar.

MEMBER CASAR: Mr. President. Are you through?

PRESIDENT SCHULMAN: Yes.

MEMBER CASAR: Mr. President, I move we adjourn;

PRESIDENT SCHULMAN: Thank you Member Casar.

MEMBER CARBENIA: .. if you are, seconded.

PRESIDENT SCHULMAN: Moved and seconded that we adjourn. Are there any... oh, there are, there can't be any remarks. Madame Clerk, roll call vote please.

CLERK TIMBERLAKE: Twelve yeas Mr. President.

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NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT SCHULMAN: The meeting is adjourned. (*Gavel falls*)

ADJOURNMENT TIME: 8:12 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT OF COUNCIL