

**MINUTES OF THE MEETING MARCH 26, 2007**

PRESIDENT SCHULMAN: (*SOUND OF GAVEL*) The Chair calls this meeting of City....Canton Council to order. Roll call please Madame Clerk.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

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

MARY CIRELLI ABSENT

CLERK TIMBERLAKE: Eleven present, Mr. President

PRESIDENT SCHULMAN: Thank you Madame Clerk. We're gonna have the invocation given tonight by Member Carbenia. If you all would remain standing for the pledge of allegiance.

*The regular meeting of Canton City Council was held on Monday, March 26, 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 9 Councilmember Joe Carbenia, followed by the Pledge of Allegiance led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: We have a um..... crowd group tonight, thank you all for coming, we appreciate your being here. We are now under agenda corrections and changes. The Chair will recognize a motion, Member Casar to suspend Rule 22A.

MEMBER CASAR: Mr. President, I move that Rule 22A be suspended to add Ordinances #11, 12 and 13 to this evenings agenda; seconded

PRESIDENT SCHULMAN: It's been moved and seconded to suspend rule 22A to add second reading Ordinances 11, 12 and 13. Any discussion.....Roll call vote please Madame Clerk.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Is anyone particularly hot in here tonight? The Chair will allow anyone to take off their coats if you ah....get too hot.

**PUBLIC HEARINGS**

PRESIDENT SCHULMAN: Ah there ah...We are now on Public Hearings. There are no public hearings scheduled for this evening.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: We are now under Public Speaks on Ordinances and Resolutions for adoption. We have no speakers signed up to speak tonight.

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**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: We are now under Information Resolution. The Chair will recognize a Motion to excuse members.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move that Member Cirelli be excused from this evenings meeting; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to excuse Member Cirelli this evening, are there any remarks? If not, 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. Madame Clerk, will you please read Resolutions 25 through 31 by title. Do you want to do that?

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Ah.... Resolutions 25 through and including 26 ah..... we'll just adopt those ah...all under one motion ah...Member Smuckler already ah.....presented ah these ah.....Proclamations last week. So I move that we adopt Resolutions 25 and including #30; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolutions 25 through and including Resolutions 30. Is there any comment? By voice vote, all those in favor say aye....Those opposed, no.

NO REMARKS

RESOLUTIONS #25 - #30 WERE ADOPTED BY VOICE VOTE

PRESIDENT SCHULMAN: The motion and the Resolutions carry.

25. NOT READ ALOUD

26. NOT READ ALOUD

27. NOT READ ALOUD

28. NOT READ ALOUD

29. NOT READ ALOUD

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PRESIDENT SCHULMAN: Ah....Resolution 31 Madame Clerk.

31. WEST, T., WARD 2 COUNCILMEMBER: SUPPORTING THE PROPOSED CANTON SENIOR, A DEVELOPMENT OF A 40 UNIT, 3 STORY DEVELOPMENT FOR SENIORS LOCATED BETWEEN 5<sup>TH</sup> & 6<sup>TH</sup> NW IN WARD 2. - ADOPTED

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Resolution #31; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution 31. Are there any remarks?... It not, by voice vote, all those in favor say aye. Those opposed no.

NO REMARKS

RESOLUTION #31 HAS BEEN ADOPTED BY VOICE VOTE

**COMMUNICATIONS**

***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 MARCH 26, 2007.***

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

250. CANTON MUNICIPAL COURT: REQUEST LEGISLATION AUTHORIZING MAYOR TO ENTER INTO W/STATE OF OHIO, DEPT. OF REHAB. & CORRECTIONS TO RECEIVE \$80,261.00 FY 2008 COMMUNITY CORRECTIONS ACT, JAIL DIVERSION GRANT FR: 7/1/07 - 6/30/08. - FINANCE COMMITTEE

251. CD & PLANNING DIR., POORMAN: REQUEST AUTHORIZATION TO ACCEPT PROPERTY LOCATED @ 1217 LOUISIANA AVE NW FR: MULTI-DEVELOPMENT SERVICES OF STARK COUNTY. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

252. CD & PLANNING DIR., POORMAN: AUTHORIZE LEGISLATION TO EFFECT THE RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

253. COUNCIL FINANCE CMTE: RECOMMENDING THE AWARD OF A \$500,000.00 GRANT FOR THE REPAIRS OF FAWCETT STADIUM. - FINANCE COMMITTEE

254. PLANNING COMMISSION: RECOMMENDING THE ANNEXATION AREA KNOWN AS THE QUARRY ANNEXATION TO BE ASSIGNED TO WARD 4 WITH VARIOUS ZONING DESIGNATIONS. - ANNEXATION COMMITTEE

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255. SAFETY DIR., HUNT: REQUEST SAF DIR TO PAY \$5,528.60 TO THOMAS SHELBY CO & \$110,000.00 TO MOTOROLA TO PROVIDE WIRELESS-ENHANCED 9-1-1 SERVICE TO BE REPAID BY STARK CO COMM. - FINANCE COMMITTEE
256. SAFETY DIR., HUNT: REQUEST SAF DIR TO ACCEPT \$20,050.00 GRANT ON BEHALF OF CANTON FIRE DEPT FROM THE STATE FIRE MARSHALL; REQUEST SUPP APPROP OF SAME FR: UNAPPROP BAL OF 2783 FIRE DONATION FUND TO: 2783 FIRE DONATION FUND. - FINANCE COMMITTEE
257. SERVICE DIR., CONCATTO: REQUEST TO CONTRACT W/ODOT IN COOPERATION W/ TRANSPORTATION DIR FOR REHAB &/OR RESURFACE OF RT 43 FR: 25<sup>TH</sup> to 55<sup>th</sup> ST & STATE RT 43D FR: CHERRY TO 3<sup>RD</sup> & MARKET AVE., FR:15<sup>TH</sup> TO WALNUT; CITY TO ASSUME ALL COSTS OF IMPROVEMENTS FR: FED. HWY ADMIN & US TRANSPORTATION DEPT; CITY TO ASSUME ALL CONSTR COSTS DETERMINED BY STATE & FED HWY ADMIN; CITY'S ESTIMATED SHARE OF \$688,724.00 AVAILABLE IN MUNI. RD. FUNDS. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
258. SERVICE DIR., CONCATTO: ADVISING OF EMERGENCY REPLACEMENT OF COOLING TOWER FOR 'SEARS' BLDG & REQUEST TO RATIFY ACTIONS OF SERV DIR FOR REPLACEMENT IN AMT NOT TO EXCEED \$49,900.00. - FINANCE COMMITTEE
259. SERVICE DIR., CONCATTO: REQUEST AUTHORIZATION OF SERVICE DIR TO ENTER INTO CONTRACT W/CAMP DRESSER & MCKEE FOR DESIGN SERVICES IN AMT NOT TO EXCEED \$24,950.00; REQUEST SUPP APPROP OF SAME FR: UNAPPROP BAL OF 5413 SEWER REPLACEMENT FUND TO: 5413-20-60-43 WPCC TERTIARY FILTER PROJECT. - FINANCE COMMITTEE
260. WILLIAMS, WATER DEPT SUPER.: SUBMITTING 2006 ANNUAL REPORT FOR CANTON WATER DEPT. - 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, would you please read the first reading ordinances by title.

***NOTE: PRESENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #10 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:***

- #1 (1<sup>ST</sup> RDG) AN ORDINANCE VACATING 14' UNNAMED ALLEY BETWEEN ROSS AND CARNAHAN AVENUES; APPROVING AND ACCEPTING THE REPLATTING OF LOTS 8290 - 8297 AND LOTS 8331 - 8341 & A PORTION OF THE VACATED ALLEY; APPROVING & ACCEPTING THE DEDICATION OF PART OF LOTS 8219, 8220, 8290 AND 8341 (CITY OF CANTON); AND DECLARING THE SAME

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TO BE AN EMERGENCY

Referred to Public Safety & Thoroughfares Committee **PUB HRG. 4/9/07 @ 7:30 PM**

- #2 (1<sup>ST</sup> RDG) AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH NEO LABOR MANAGEMENT COUNCIL IN AN AMOUNT NOT TO EXCEED \$20,000.00 FOR ADDITIONAL TRAINING, SUPPORT AND MEDIATION SERVICES TO CANTON'S LABOR/MANAGEMENT COUNCIL; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #3 (1<sup>ST</sup> RDG) AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON YMCA AND THE NORTHEAST COMMUNITY CENTER TO PROVIDE A REIMBURSEMENT GRANT IN AN AMOUNT NOT TO EXCEED \$25,000.00 FOR AQUATIC RECREATION FOR THE CITY'S YOUTH; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #4 (1<sup>ST</sup> RDG) AN ORDINANCE APPROVE AND ACCEPTING THE REPLATTING OF OUTLOT 983 (BUCKEYE LAND CO.); AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety & Thoroughfares Committee
- #5 (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PARTS OF LOTS 1492 & 1493 (HABITAT FOR HUMANITY); AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety & Thoroughfares Committee
- #6 (1<sup>ST</sup> RDG) APPROVING AND ACCEPTING THE REPLATTING OF LOTS 38115, 38116 AND 38117 (THOMAS & PAMELA CHRISTIANSON); AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety & Thoroughfares Committee
- #7 (1<sup>ST</sup> RDG) APPROVING & ACCEPTING THE DEDICATION OF LAND ON TUSCARAWAS STREET WEST (CITY OF CANTON); AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety & Thoroughfares Committee
- #8 (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE #59/2007** AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH MILLER CABLE COMPANY IN AN AMOUNT NOT TO EXCEED \$78,572.00 FOR THE INSTALLATION OF DECORATIVE LIGHTS; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Property Capital Improvement & Finance Committees
- #9 (1<sup>ST</sup> RDG) AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND/OR DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO

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CONTRACTS FOR THE PURCHASES OF VARIOUS MOTOR VEHICLES AND OTHER ITEMS OF RELATED EQUIPMENT FOR VARIOUS CITY DEPARTMENTS; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND/OR DIRECTOR OF PUBLIC SAFETY TO ALTERNATIVELY PURCHASE SAID VEHICLES AND EQUIPMENT PURSUANT TO REVISED CODE SECTIONS 125.04 AND 5513.01; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Property Capital Improvement Committee

- #10 (1<sup>ST</sup> RDG) AUTHORIZING AND CONSENTING TO MINOR REHABILITATION RESURFACING OF STATE ROUTE 43 FROM 25<sup>TH</sup> STREET TO 55<sup>TH</sup> STREET; STATE ROUTE 43D FROM CHERRY AVENUE TO 3<sup>RD</sup> STREET AND MARKET AVENUE FROM 15<sup>TH</sup> STREET TO WALNUT AVENUE UNDER THE SUPERVISION OF THE DIRECTOR OF TRANSPORTATION OF THE STATE OF OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety & Thoroughfares Committee

PRESIDENT SCHULMAN: At this time the Chair would declare an in house recess for the Public Property Capital Improvement Committee to meet in regard to Ordinance #8 on your agenda this evening. We're now in recess.

COUNCIL RECESSED AT 7:42 P.M. FOR A COMMITTEE MEETING ON ORDINANCE #8, WHICH WAS RETURNED TO THE AGENDA FOR ADOPTION. PRESIDENT SCHULMAN RECONVENED THE MEETING AT 7:44 P.M.

PRESIDENT SCHULMAN: Council will reconvene after the recess. Member Casar.

MEMBER CASAR: Mr. President, I move that Rule 22A be suspended and add Ordinance 8 back on this evening's agenda; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you place Ordinance #8 back on this evening's agenda. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas Mr. President.

PRESIDENT SCHULMAN: Member Smuckler, do you wish to vote on that?

MEMBER SMUCKLER: Aye.

PRESIDENT SCHULMAN: Thank you. Ordinance #8 is now a legal part of your agenda. Member Casar.

MEMBER CASAR: Mr. President, I move the Statutory Rules be suspended on Ordinance #8; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rules on Ordinance #8. Are there any remarks? If not, Madame Clerk, roll call vote please.

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NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #8; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #8. Are there any remarks under this Ordinance? If not, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Ordinance #8 had been adopted.

**#8 ADOPTED AS ORDINANCE #59/2007****ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: We are now under Ordinances for the second reading. Uh...Madame Clerk will you please read Ordinance #11 through #13 by title.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #11 THROUGH #13 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.***

- #11 (2<sup>ND</sup> RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUES OF 4 PARCELS OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTIES PURSUANT TO THE CITY'S NEIGHBORHOOD REVITALIZATION STRATEGY PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
- #12 (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING SECTION 1 (C) OF ORDINANCE NO 177/2006; AND DECLARING THE SAME TO BE AN EMERGENCY
- #13 (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$10,151.71 TO PPI GRAPHICS; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT SCHULMAN: We are now under Ordinances for their third and final reading. Madame Clerk, please read Ordinances 14 through 18 by title.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #14 THROUGH #18 FOR THEIR THIRD AND FINAL READING BY TITLE AS***

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#14 (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE #60/2007** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 241/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND APPROPRIATION TRANSFERS AND REDUCTIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

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

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #14. Are there any remarks?...

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move to adopt Ordinance 14 per the copy that all councilmembers have in front of them; seconded.

*AMENDMENT: Submitting the amended first page of Exhibit A attached to this Amendment for the original first page of Exhibit A attached to the ordinance currently pending before Council.*

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance #14 by virtue of the copy that all councilpersons have before them. Are there any remarks? If not by voice vote, all those in favor signify by saying aye....Those opposed, no.

NO REMARKS

AMENDMENT ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: The motion to amend carries. The question you are now voting on is the Ordinance #14 as amended. Are there any remarks under this Ordinance as amended? If not Madame Clerk, roll call vote please.

CLERK TIMBERLAKE: 11 yeas Mr. President.

NO REMARKS

ROLL CALL: 11 YEA, 0 NAYS

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

**#14 AS ADOPTED AS AMENDED AS ORDINANCE #60/2007**

#15 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE #61/2007** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO 241/2006, AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION 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 #15; seconded.

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

CLERK TIMBERLAKE: 11 yeas Mr. President.

NO REMARKS

ROLL CALL: 11 YEA, 0 NAYS

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

**#15 ADOPTED AS ORDINANCE #61/2007**

#16 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE #62/2007** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE CONSTRUCTION OF WATER TREATMENT PLANT UPGRADES; TO ENTER INTO CONTRACT WITH BURGESS & NIPLE FOR THE ENGINEERING SERVICES AND TO MAKE APPLICATION AND ENTER INTO CONTRACT WITH THE OHIO WATER DEVELOPMENT AUTHORITY FOR A LOAN IN THE AMOUNT OF \$3,500,000.00; 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 #16; seconded.

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

CLERK TIMBERLAKE: 11 yeas Mr. President.

NO REMARKS

ROLL CALL: 11 YEA, 0 NAYS

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #16 is adopted. Ordinance #17.

**#16 ADOPTED AS ORDINANCE #62/2007**

#17 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE #63/2007** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN THE AMOUNT NOT TO EXCEED \$9,600.00 TO COTTRILL WRECKING; AND DECLARING THE SAME TO

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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 under this Ordinance?

MEMBER ZACHARY: Mr. President.

PRESIDENT SCHULMAN: Member Zachary.

MEMBER ZACHARY: If I could just ask the Service Director ah...ah...quick question in reference to the property that um...we're paying this money out for. I understand that it's all complete as far as the demolition. Can we follow through to make sure that some type of safety mechanisms are put in place um.....so that no one in the area falls in a hole or anything like that?

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT SCHULMAN: Safety Director Concatto.

SERVICE DIRECTOR CONCATTO: I would ah....respectfully pass that on to ah....the Safety Director.

PRESIDENT SCHULMAN: Safety Director Hunt.

SAFETY DIRECTOR HUNT: If I may.

PRESIDENT SCHULMAN: Chip, you're next so get ready.

*(Laughter)*

SAFETY DIRECTOR HUNT: We do have the ah....Safety Personnel from the Fire Department ah...on site most days and we do have ah....John Labriola has a ah....person from the Buildings Department that goes out on a ah.....regular basis for safety measures.

MEMBER ZACHARY: Is Mr. Schulmaker going to be required to put a fence of any kind?

SAFETY DIRECTOR HUNT: If the fence is necessary, we'll have them put a fence up.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: I think also the other thing we should know is, the law department is trying to recover this money too as they did on the other ah....on the demolition.

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LAW DIRECTOR MARTUCCIO: Mr. President. Thank you Member Carbenia. I'm making a note as we speak to reproduce this Ordinance for our office tomorrow to begin commencement of collections.

PRESIDENT SCHULMAN: Are there any other remarks on Ordinance #17? If not, Madame Clerk, roll call vote please.

CLERK TIMBERLAKE: 11 yeas Mr. President.

NO REMARKS

ROLL CALL: 11 YEA, 0 NAYS

PRESIDENT SCHULMAN: Ordinance #17 is adopted. Ordinance #18.

**#17 ADOPTED AS ORDINANCE #63/2007**

#18 (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE #64/2007** AN ORDINANCE AMENDING SECTIONS 151.07, 151.08, 151.09, 151.12, 151.13, 151.14 & 151.26 & REPEALING SECTIONS 151.091 & 151.092 OF CHAPTER 151, EMPLOYMENT PROVISIONS, OF CODIFIED ORD OF CITY OF CANTON; 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: It's been moved and seconded that you adopt Ordinance #18. Are there any remarks?...

MEMBER CASAR: Mr. President, I move we amend Ordinance 18 per the copy that all Councilpersons have in front of them and also I'd like to say I'd to thank the Personnel Department....Personnel Committee and also the Finance Committee for working out this Ordinance so that it was something that we could hopefully adopt this evening. After five ah.....ah.....postponements; seconded.

*AMENDMENT: Substituting the amended ordinance attached to this Amendment for the original currently pending before Council.*

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance #18 per the copy that is in front of all Councilmembers. Are there any remarks?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Could Law Director, um....explain this to us?

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PRESIDENT SCHULMAN: Yes. Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank You, Mr. President, Member West. The highlight, as was pointed out in Personnel Committee by the Chair, I would echo Member Casar's thanks to ah....Personnel Committee, Finance Committee and the Members of the Administration and Law Department who worked to ah....put together a version that I think reflects the majority of the opinions here. Here is the highlight and the re-cap. The amendment you're about to vote on by voice vote ah....and then if it's approved, the Ordinance you'll be voting on does the following things: It reinstates terminal pay, ah...again this is the Ordinance for Non-Bargaining Unit Management and Non-Union Folks. Um....it...it....and...and it will not instill or instate banked vacation. It will not instill or instate banked vacation, so it will allow the carry over of vacation days from the current five per year to fifteen per year. Uh....it allows for credited benefits from other political subdivisions for 80 hours. Anything over that would have to come to Council. Um...and one of the areas of most recent discussion, it makes no changes to the current longevity provisions. The longevity provision that closed the door as of January 1<sup>st</sup> of '03 uh....stays the same. Uh...are there any questions about this summary? I think, Mr. Chairperson, it restates what you said in Committee.

MEMBER PRATER: Yes, Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: The amendment before us today is...is not my wishes....I've been a stickler for fairness this whole time and I believe that longevity pay should either be in our out across the board for everybody. Uh...the facts remain that we have 700 plus employees that currently get longevity pay and 22 that do not and Gary Young from the Auditor's office last week stood in Caucus and told us that there's no significant financial impact one way or the other. So the only issue that keeps coming back to me is 750 plus that get longevity and 22 that do not. Now whether we as a City, like or do not like Longevity pay to me is that the issue, the issue is, we should be consistent across board and our core package should be the same for all employees. Thank you.

PRESIDENT SCHULMAN: Thank you Member Prater. Are there any other remarks? Now what you're going to do by voice vote is the amendment. If there are no other remarks, by voice vote, all those in favor of the amendment signify by saying aye. Those opposed, no.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Yes Member Casar.

MEMBER CASAR: Could we do a roll call please?

PRESIDENT SCHULMAN: There's been a motion for roll call, is there a second?

MEMBER CARBENIA: Second.

PRESIDENT SCHULMAN: Any discussion on the motion for roll call vote? Madame Clerk, roll call vote please.

CLERK TIMBERLAKE: 8 yeas, 2 nays Mr. President.

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NO REMARKS

ROLL CALL: 8 YEA, 2 NAYS

PRESIDENT SCHULMAN: The motion carries. The question you're now voting on is the Ordinance as amended. Are there any remarks under this Ordinance as amended, Ordinance #18?

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

PRESIDENT SCHULMAN: It's been moved and seconded.....I think we.....(*inaudible*).....that's alright.....in any case, are there any other remarks? Madame roll....Madame Clerk, roll call vote please.

CLERK TIMBERLAKE: 1 abstain, 2 nays, 8 yeas Mr. President.

NO REMARKS

ROLL CALL: 8 YEA, 2 NAYS, 1 ABSTAIN

PRESIDENT SCHULMAN: Ordinance 18 as amended has been adopted.

**#18 AS ADOPTED AS AMENDED AS ORDINANCE #64/2007**

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

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

MEMBER KRAUS: Mr. Chairman. Mr. President, I'm sorry.

PRESIDENT SCHULMAN: Member Kraus.

MEMBER CARBENIA: Public Safety & Thoroughfares will meet at 6:30 on April 2<sup>nd</sup>.

PRESIDENT SCHULMAN: Thank you.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: The Finance Committee will meet Monday, April 2<sup>nd</sup> at 6:30.

PRESIDENT SCHULMAN: Thank you.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Member Dougherty.

MEMBER DOUGHERTY: Public Property Capital Improvement will also meet at 6:30 that evening.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

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MEMBER HAWK: There will be an additional Finance Committee Meeting, it's part of our quarterly review...ah, it will happen April 2<sup>nd</sup> at Water Pollution Control. That's part of the normal Department Head's meetings that they always hold.

PRESIDENT SCHULMAN: And the time is what?

MEMBER HAWK: 9:00 A.M.

PRESIDENT SCHULMAN: 9:00 A.M. Thank you. Any other announcements of Committee Meetings?

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

PRESIDENT SCHULMAN: If not, we are now under Public Speaks, Open Forum. We have two speakers signed up tonight, perhaps it will be one of the two ah....either Gary or Beatrice Bickel. Mr. Bickel thank you. If you could step forward to the microphone, tell ah.....us your name and your residential address and just to give you some direction, we have a rule here that public speaks is limited to three minutes. I'm not that much of a stickler, we appreciate you coming down and discussing your problem tonight ah.....but feel free ah to address the Council and the Administration. Thank you sir.

GARY BICKEL: Thank you very much. My name is Gary Bickel, 1830 Hillcrest Rd NW here in Canton from Ward Number 7. On January 24<sup>th</sup> my wife road a passionate letter to the Mayor regarding the deterioration of properties in our neighborhood, Mayor and Marilyn have been working diligently and heavily with us on this matter and it got to be a desperate situation because we, my wife and I got together and called the various departments before hand. Health Department, Police, Vice, Dog Warden, Traffic Engineering, Code Office, Prosecuting Office, Zoning and finally Mr. Hart. Many times, not just once, many times in the last 2 to 4 years. And just within our view of our front door on Hillcrest, 1806 Ferndale, 1825 and 1835 Hillcrest are 3 slums owned by slum lords, if I could be so bold, who have not even thought about our neighbors and homeowners that live there, owner occupied people. They've intruded our street, they're all filthy, junky porches in view of people that go by, it embarrasses us. 1825 and 1835 Hillcrest has dogs chained to their front porches and they dart out and make noise and go on and on and um.....at 1806 um...on uh....Ferndale, they have a boat sitting there that hasn't moved for over a year. We've never had this filthy living before when we moved there 9 years ago. It's just deteriorated and we put over \$50,000.00 cash in our house that made our property value go up and all these non owner occupied situations come in and just move us right down. So in conclusion, I hope in addition to the Mayor, our neighborhood is going to be closely watched and demolitions or warnings take place sooner rather than the later. Because we personally invested a lot of time and money in this. Thank you very much.

PRESIDENT SCHULMAN: Thank you Mr. Bickel very much.

*(APPLAUSE)*

**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: We are now under Miscellaneous Business, is there any miscellaneous business?

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

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MEMBER CASAR: Mr. President, ah....back on ah January 22<sup>nd</sup> there about, I went out and I, and I took a lot of photos of ah...locations around the City ah....regards to signage. Ah...drive thrus ah....convenient stores and so forth and etc. and I have the ah.....about 12 pictures here and that is by no means ah...all of them in the City but one day I had my camera and I just said it's about time we, the City do something about this do something about these signs that these establishments plaster all over their facility. I gave...I gave ah...this information, this ah...the ah....pictures to the ah.....Law Department and ah.....with Thomas Burns, he started working on it ah...which is two months ago, ah....just a little over two months ago. Ah.....a letter was proposed, was drafted to go out to all of these establishments and..and..Mr. Labriola from the Building Department gave all Councilmembers a copy of this letter and ah....who it was going to be ah.....sent out to. My concern was, when I did this back in January ah.....I just felt that ah...I just felt that it's time that we enforce our signing Ordinances, which we have and....and I won't take the time to read it but if you could see by Mr. Labriola's ah...letter here, he spells out basically the same thing that Darla from the Building Department ah...has done earlier....ah...on March 26<sup>th</sup>, his letter is date March 2<sup>nd</sup>. It's in my opinion and a lot of Council people that I spoke with ah...it's time we enforce these Ordinances. We are trying to clean up the City of trash, liter and so forth and then we let these establishments plaster their signs on the building, on the fences and if you think in your mind as you drive, you'll know what I' talking about. I feel very strong about it that we ah.....enforce these Ordinances and...and we should start immediately. The Administration has given them 30 days or 'til May 1<sup>st</sup>. I could live with that, I don't think it's necessary but if they choose to give them 'til May 1<sup>st</sup>, I guess it'll be alright. I have these pictures that if any councilmember want to see and then some of them...a couple of them from every Ward. I didn't want to discriminate any particular Ward, so I made sure I drove the whole City. But I think it's just something that we must start doing to clean up our City and this is one easy way to do it. We have the Ordinance already, let's start enforcing it. Thank you.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Thank you Member Casar. Member Dougherty.

MEMBER DOUGHERTY: Yes ah...Member Casar, thank you um...for this work, I know it's funny after you talked to me about it and how you were going to move forward with this, I started getting phone calls about this exact thing and so I told them we were going to be working on this and I'm glad it's um.....coming about because I've contacted several areas that I'm having this problem with and hoping that they would voluntarily do this and unfortunately it doesn't happen so we have to go this route. Thank you.

PRESIDENT SCHULMAN: Thank you Member Dougherty.

MAYOR CREIGHTON: Mr. President.

PRESIDENT SCHULMAN: Madame Mayor.

MAYOR CREIGHTON: Um..thank you very much. Speaking of Ordinances, um....I would also remind everyone that effective April the 1<sup>st</sup>, we will enforce the 32 gallon, on behalf of the Sanitation Department. As a reminder to everyone, there are billboards up, it should....it is in your Canton Quarterly, which you should receive in the next few days, if you don't, ask your postman where it is. You also receive a postcard and it is also on our website, so that too is an Ordinance that we're going to enforce. Also a few months ago, I think it was Member uh....West that brought up the signs on the easements and the right of way that say "Cash for your House" or "Get a Loan", well we've instructed the Sanitation Department and the Street Department to start to

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pick up those signs that are in those easements and or right of ways. So if people start to get upset and they call you, you can tell them to call the Mayor but unless they are in a front yard, as your Ordinance indicates, as our Ordinance in the City indicates, um.....they will be picked up. So this is just another effort in trying to get everything cleaned up. So uh...I just wanted to remind everybody about the quarterly and also remind everybody about the 32 gallon can.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mayor, may I ask the Mayor a question please?

PRESIDENT SCHULMAN: Sure.

MEMBER CASAR: Did you say there was billboards regards to this?

MAYOR CREIGHTON: Yes there are.

MEMBER CASAR: And how many are there?

MAYOR CREIGHTON: Eight.

MEMBER CASAR: And who paid for them?

MAYOR CREIGHTON: Ah...out of the Sanitation Budget. And they look just like this Member Casar, they look just like what's in your....

MEMBER CASAR: I'd like to ask the Law Director a question if I may. Law Director, is this...is this a ah.... legitimate expense?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President. Member Casar, uh...without the research that I'll probably have to do to follow up on this, my preliminary impression is that it probably is that it relates to Health, Safety and Welfare. Um....if there is a shown nexus between reducing injuries um....and improving the work force and so on, it probably would be. Uh...is that a request to research?

MEMBER CASAR: Mr. President, I would like to have a ah...written ah....answer to that by next week.

MAYOR CREIGHTON: Mr. President.

PRESIDENT SCHULMAN: Madame Mayor.

MAYOR CREIGHTON: Um....as a follow up to that too Don...um...Member Casar, uh...let me explain that um...when we mail out our notices, they go to the owner of the property, so if in fact you are a renter, you may not see that if you're landlord doesn't pass it on and so we wanted to make sure that we strategically placed those



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billboards in locations of people coming in through our City and in the neighborhoods that everyone had equal notice about the 32 gallon. And I did it....it...it was on my authority.

PRESIDENT SCHULMAN: Thank you Madame Mayor.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: I want to thank ah... Brenda Kimbrough from CAN-DO, uh neighborhood association um March 21<sup>st</sup>, uh they had about 40 residents out at uh....Stark Social Work Network and opposed to the uh....mail carrier of cluster boxes um.....and that same evening I received a letter from The Canton Post Office that would like to invite everybody to a Town Hall Meeting that would explain the potential changes in the delivery of service to address the zip codes....areas.....zip code areas: 44703, 44704, 44705, 44706 and 44707. This is something that does not just affect 7<sup>th</sup> Street, it affects many of our Wards....um and it looks like it's um a lot of the areas which covers 2, 4, 5 and um...I think 7 um....and also 1. This is something that covers our whole City that we need people to come to this meeting and let the post office know that this is not something that our residents desire. We are advocates for....we are advocates for our residents and we need ah...your support out there so come on out on the 29<sup>th</sup> at 7:00 P.M. at the Martin Luther Lutheran Church Fellowship Hall at 701 Walnut Avenue NE, Canton, Ohio.

PRESIDENT SCHULMAN: Member West, you said something ah...before the meeting that the Postmaster came in last week and indicated that he was going to notify the residents who were affected by this and my understanding is....what?

MEMBER WEST: Some of the residents have not received notice as of this morning, that's....that's the last of I heard. So, this meeting is actually on Thursday so it's very vital that each one of us get out and let our residents know that this is actually occurring. Um...the neighborhood association, I think she just received hers today, so I'm hoping that everybody received theirs today. I wish they would have gave them a little bit more advanced notice. This is going to affect our seniors and our people with disa.....ah...disabilities. And it's in my....in my mind set, I believe that um....a number of people is going to be affected through this and it's going to harm our City. We don't need no more assets taken out of our community.

PRESIDENT SCHULMAN: Well do you believe that this is just a first step that pretty soon we'll all be living in neighborhoods where you have cluster mailboxes?

MEMBER WEST: Yes, I also believe we'll have a number of postal workers ah....we'll loose a number of postal workers and possibly a post office in the future if we loose the postal workers.

PRESIDENT SCHULMAN: Thank you.

MEMBER WEST: And then also I wanted to mention this too, I...I don't believe, and I was speaking to someone specifically, this is the United States Postal Service, the United States Government and the United State Government is not one to back down from terror and they should not back down from terror in our neighborhoods. So we will deliver that message on the 29<sup>th</sup> and we axe everybody to come out and ah....with a unified voice and say that we are opposed to this.

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PRESIDENT SCHULMAN: Thank you Member West.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Ah...two things, number one, back to the trash cans, if...who is fined if...if it's a resident or a rental property? Does it go back to the owner of the property or who....Law Director, could you give me some light....because I'm sure that question is going to be brought up?

LAW DIRECTOR MARTUCCIO: Mr. President, ah.....Member Casar that's a very good question. Um.....my recollection of the Ordinance is that it is the user uh.....who places the illegal can out um....they have the choice of complying with the law. They are the person who generates the trash and puts it at the curb. Ah....I think it's a direct violation by the user of the...of the can that places it on the curb.

MEMBER CASAR: Thank you. And one other thing ah....last week ah....under miscellaneous business ah....Service Director Concatto wanted to speak only we had a motion to adjourn and a second and so he didn't an opportunity to speak so I was hoping he would like to speak this evening.

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT SCHULMAN: Service Director Concatto.

SERVICE DIRECTOR CONCATTO: I really don't have anything say. *(Laughter)*

MEMBER CASAR: So what's new. *(Laughter)*

MEMBER KRAUS: Mr. President.

SERVICE DIRECTOR CONCATTO: Thank you Mr. Casar, no I do.

PRESIDENT SCHULMAN: He actually does have something to say. That was a joke.

SERVICE DIRECTOR CONCATTO: I was kidding. *(Laughter)* Mr. President, all I....I wanted to announce that ah...in our healthcare benefits um.....the City of Canton, we have raised our individual limits to \$2,000,000.00 which is something that we brought to Council earlier in the year and we were able to get it in our contract for this year. So ah...instead of ah....a one time limit of \$1,000,000.00 for any individual on our healthcare, it's \$2,000,000.00 which ah...in today's world, it wasn't long ago we thought \$1,000,000.00 was a lot of money in today's world \$2,000,000.00 really isn't a lot when you talk about health care. With that, also we have been discussing ah...as the health plan administer, some medical preventative issues for our healthcare. One, we're looking at employees smoking cessation. Some types of things that would help our employees with that. We're looking at raising our immunization ah....fees and...and ah....limits so that ah...children from 2 to 9 and from 9 and older would have more that...ah...the healthcare would provide more funds for immunization. That's important for those that are going to college. Ah...the Cervical Cancer issue....is....is another issue that it's important and we feel by possibly raising our ah....limits that that'll help that and we're also looking at preventive medicine as far as ah...men and women over 50 years old...ah...us paying for a wellness colonoscopy

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or sigmoidoscopy ah.....as a preventive medicine. We are looking at this not necessarily because....these are cost effective issues these issues would help us help prevent illness in our employees but also be cost effective. First in mind with helping our employees but then also being cost effective so these are good cost effective issues. Ah...we'll be back...ah...we'll be changing that policy hopefully in the next month ah...month.

PRESIDENT SCHULMAN: Thank you Service Director Concotto.

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Yes ah....Member Kraus.

MEMBER KRAUS: Two quick things. One, I wanted to convey that I've had quite a few calls on the Canton Quarterly, my constituents wanted me to convey that that was a very nice paper, however Mayor, I don't get mine. I will check with the Post Office. And on behalf of Councilman Dougherty and myself, a lot of our kids in Ward 6 and 8 attend ah....GlenOak High School, Plain Center and we would like to extend to them a hearty congratulations on reaching the State Semi-Finals and we'll presenting to the next Sunday at their homecoming um.....from Council, a um....Proclamation. Thank you.

PRESIDENT SCHULMAN: Thank you Member Kraus.

*(Applause)*

PRESIDENT SCHULMAN: Member Hart.

MEMBER HART: It ah....just a quick question for the Service Director: following Sanitation, I've had a person that ah...for two weeks has had the proper size can and it has not been picked up and..ah....from my, I surmise it's just in between routes and....and it's you know, just being um...passed by...um the constituent wanted know if you know, they pay for the service and....and is there anyway that they could get a you know a coupon or reduced rate because twice, you know they paid for the service and the service hasn't been completed. It's been a single can.

PRESIDENT SCHULMAN: Service Director Concatto.

SERVICE DIRECTOR CONCATTO: If you would please give me the name and address of that person. I won't make no promises there....there could be a valid reason why it wasn't picked up. It could have been overlooked but before I give out coupons, which we don't have, and wouldn't do, I would like to get a better idea explanation so if you could leave that with me either today or.....

MEMBER HART: Alright yeah, I'll give it to you tomorrow. And also I...I want to congratulate the Mayor on ah....winning the ah....Most Outstanding Carver at the ah.....she was a guest carver at the carving demonstration and if you guys next year really want to have a, you know a great few hours ah....true artistry and wood down there. Some of those people utterly fantastic what they were able to carve but she did an Orca that the wood ducks actually flew off. It was so realistic.

MEMBER CASAR: Mr. President.

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PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I'd like to ask ah...Member Hart a question. Ah....Member Hart is this particular service ah.....trash is on ah....Cottage?

MEMBER HART: Yes it is.

MEMBER CASAR: I went and visited that on two occasions and the can was you know say either half full or half empty, however you want to. But that's the way it was two weeks in a row. I went and checked it out myself. And for no reason it wasn't picked up.

MEMBER HART: No, yeah....I

SERVICE DIRECTOR CONCATTO: Just, Mr. President.

PRESIDENT SCHULMAN: Service Director Concatto.

SERVICE DIRECTOR CONCATTO: This individual...well Mr. Casar, just give me his name when we're done. I think I know who you mean.

PRESIDENT SCHULMAN: Any other remarks in Miscellaneous Business?

MEMBER CARBENIA: Ah...Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: Ah...I would like to thank Joe personally, Joe Concatto, for looking into the healthcare situation. We asked him to look into and raising that to \$2,000,000.00 and all the other things that he added ah...over and above what we asked for. Ah...the other thing that I'd like to ask is you know, you said that whoever puts the cans out or the person that lives there ah...what about if we sending letters out to...to all the ah...landlords and the landlord don't tell that person. Then the that person doesn't get his trash picked up or he gets fined or whatever it is. Um....some people don't buy the paper and some people don't listen to the radio some people ah...don't have a car, you know...um....I'm just saying that ah...I'm not sure it should be that way. I think the landlord should be paying.

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT SCHULMAN: Service Director Concatto.

SERVICE DIRECTOR CONCATTO: Um.....on this...the first thing that would happen is if they were oversized cans. It wouldn't be a fine. It wouldn't be picked up. Therefore, that call would probably come to either the Councilperson, myself or the Sanitation Department whereas at that time we could explain that to them....Ah...I think we're trying to make every effort to ah meet every address in the City to let them notify them of that but ah....I'm not sure....it really...I'm not sure if the Ordinance does give a fine. I'd have to....I'm not sure if that's a misdemeanor or if it's just a requirement.

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PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President. Um..again without having the benefit of the research, I can't specifically say but I can tell you that due process is built into it. We can't take money from someone without some form of due process. Some opportunity to be heard and offer an explanation after being notified of the violation. So, we can't take money without due process.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I apologize but, Service Director Concatto, perhaps the easy way to solve this would be who pays the utility bill, that's who should be responsible for the trash cans. Wouldn't you think that would be the easiest way? I mean the landlords usually pay the sewer and water and so forth and trash. I think they should be the ones responsible to provide those cans and to make sure their the right size.

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT SCHULMAN: Service Director.

SERVICE DIRECTOR CONCATTO: That is a legal question. I don't really have a problem who it is uh...and it would have to be a legal issue. I understand what you're saying though, I don't disagree.

MEMBER CASAR: Just a suggestion.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: If we're looking at doing that then is it possible that maybe the City could look into a program itself where we purchase them and then bill it through their water or there sewage and take care of it for themselves that way their standardized?

PRESIDENT SCHULMAN: Well, I'm sure that will be answered after the meeting. *(Laughter)*

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adjourn; seconded.

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

CLERK TIMBERLAKE: Eleven yeas.

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NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT SCHULMAN: (*Gavel falls*) The meeting is adjourned. Thank you. Thank you folks for coming.

ADJOURNMENT TIME: 8:20 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

ALLEN SCHULMAN  
PRESIDENT