

MINUTES OF THE MEETING NOVEMBER 19, 2007

PRESIDENT SCHULMAN: (*SOUND OF GAVEL*) A very rowdy bunch tonight. Good evening everyone, ah, welcome to Canton City Council. 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 CIRELLI, BILL SMUCKLER, GREG HAWK, THOMAS WEST, JAMES GRIFFIN, 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. Tonight, we'll have the invocation tonight given by Councilmember Richard Hart. Will you please remain standing for the pledge of allegiance.

MEMBER HART: I was informed just before the meeting that ah, Charles Ede's daughter, Laurie, some of you may remember her ah, when Charles was on City Council. She passed away today at Cleveland Clinic, and ah, she was about 21 or 22 years old. So, in particular if you could remember the Ede family in your prayers.

The regular meeting of Canton City Council was held on Monday, November 19, 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 Councilmember Richard Hart, followed by the Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you Member Hart. We're now under agenda corrections and changes. Members of Council, you're going to be asked to suspend Rule 22A to add the second reading of Ordinances #5 through and including #8. Number 4 has been held in Committee. Member Casar, the Chair will recognize that motion.

MEMBER CASAR: Mr. President. I move we suspend Rule 22A and add Ordinances #5 through including and including #8 to this evening's agenda.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add second reading Ordinances #5 through and including #8 to this evening's agenda. Are there any remarks?... If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Rule 22A is suspended and the Ordinances are a legal part of your agenda.

MINUTES OF THE MEETING NOVEMBER 19, 2007**PUBLIC HEARINGS**

PRESIDENT SCHULMAN: We're now under Public Hearings. There are no public hearings 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.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We are now under Informal Resolutions. We are.... all the members are here.

COMMUNICATIONS

PRESIDENT SCHULMAN: We're 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 NOVEMBER 19, 2007.

- 562. AUDITOR MALLONN (CITY): SUBMIT MO RPT BY FUND THRU 10/31/07. - RECEIVED & FILED
- 563. AUDITOR MALLONN (CITY): SUBMIT YRLY. RPT BY FUND THRU 10/31/07. - RECEIVED & FILED
- 564. BECKER, R., SLIMAN, S., & HUMPHRIES, J., APPLICANTS: APPLICATION OF VACATION OF LEY COURT NW & A PORTION OF WELLS AVE NW. - PLANNING COMMISSION
- 565. CIRELLI, M., CNCLMBR AT LARGE: REQ LEG REQUIRING ALL CURRENT & NEW RENTAL PROP TO BE EQUIPT W/WORKING TAMPER PROOF SMOKE ALARMS W/A TEN YR LIFE SPAN. - JUDICIARY COMMITTEE
- 566. FINANCE COMMITTEE: REQ 2008 BUDGET/APPROPRIATIONS ORDINANCE BALANCE EXPENDITURES VERSUS REVENUES BE PRESENTED TO FINANCE CMTE. - FINANCE COMMITTEE
- 567. HART, R., WARD 7 CNCLMBR: REQ LEGISLATION TO EARMARK OR DIVERT A PORTION OF THE INHERITANCE TAX REVENUE TO A FUND WHICH WILL ASST ELIGIBLE LOW-MODERATE INCOME RESIDENTS W/HIGH EDUCATION APP FEES & MISC EXPENSES; REQ LAW DEPT & AUDITOR'S OFFICE TO ASST IN RESEARCH OF SAME. - FINANCE COMMITTEE
- 568. HEALTH BENEFITS ADMIN, BRESSON: OCT 2007 MO COMPARATIVE RPT OF INSUR CLAIMS & JAN - OCT 2007 PAID CLAIMS & COMPARATIVE RPT. - RECEIVED & FILED

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569. LAW DIRECTOR MARTUCCIO: AUTHORIZE SERV DIR TO ENTER INTO CONTRACT W/THE STARK COUNTY PUBLIC DEFENDER COMMISSION FOR LEGAL SERVICES FOR INDIGENTS CHARGED W/CITY ORDINANCE VIOLATIONS IN CANTON MUNICIPAL COURT FR: 1/1/08 - 12/31/08, W/AN OPTION TO RENEW FOR AN ADDITIONAL 1-YR PERIOD COMMENCING 1/1/09 & TERMINATING 12/31/09; RATE FOR NEW CONTRACT WILL BE \$195/PER CASE. - FINANCE COMMITTEE
570. LAW DIRECTOR MARTUCCIO: REQ LEGISLATION TO PROVIDE VIDEO SERV PROVIDER FEE, IE: FRANCHISE FEE, BY ORDINANCE & AS ADOPTED BY CANTON CITY COUNCIL; EXPAND APPLICATION OF VIDEO SERVICE PROVIDER FEE ON ADVERTISING REVENUES IN COMPLIANCE W/HSB #117 AS AN EMERGENCY MEASURE. - FINANCE COMMITTEE
571. LIQUOR CONTROL DIV (OHIO): NOTICE OF HRG ON 11/8/07 @11:30 A.M. RE: TRANSFER OF C-2-2X LIQ PERMIT FOR FULTON 12TH ST DRIVE THRU LLC DBA FULTON DRIVE THRU @ 1ST FL, SOUTH UNIT & BASEMENT, 1133 FULTON RD NW. - RECEIVED & FILED
572. LIQUOR CONTROL DIV (OHIO): HRG CONTINUED RE: TRANSFER OF C-2-2X LIQ PERMIT FOR FULTON 12TH ST DRIVE THRU LLC DBA FULTON DRIVE THRU @ 1ST FL, SOUTH UNIT & BASEMENT, 1133 FULTON RD NW. - RECEIVED & FILED
573. LIQUOR CONTROL DIV (OHIO): NOTICE TO CANCEL HRG RE: C-1 LIQ APPLICATION FOR AZAEL, INC DBA LA REYNA @1123 - 12TH ST NW. - RECEIVED & FILED
574. LIQUOR CONTROL DIV (OHIO): REQ TRANSFER OF C1 C2 LIQ PERMIT FR: JOSEPH C BATTERSHELL DBA MARIOS DRIVE THRU @ 912 - 914 12TH ST NE TO: MOOCHS INC DBA MARIOS DRIVE THRU @ 914 12TH ST NE. - RECEIVED & FILED
575. MAYOR CREIGHTON: REQ TO AMEND O#40/2000, CLASSIFICATION PLAN FOR BARGAINING UNIT EMPLOYEES, TO MOVE THE CLASSIFICATION OF PREVAILING WAGE COORDINATOR FR: POSITION GROUP 50CD, DIV OF C&ED & PLANNING MANAGEMENT TO: POSITION GROUP 10BC, SAF DIR'S DEPT OF CODE ENFORCEMENT. - PERSONNEL COMMITTEE
576. PLANNING COMMISSION: RECOMMENDS DENIAL OF PROPOSED ZONE CHANGE OF WESTBROOK PK UNITED METHODIST CHURCH @ 2521 12TH ST NW FR: R-1a TO: PB-4 TO ALLOW AN ELECTRONIC MESSAGE UNIT. - JUDICIARY COMMITTEE
577. PLANNING COMMISSION: RECOMMENDS APPROVAL OF PROPOSED REPLAT OF LOTS 250 - 252 & A PORTION OF THE VACATED MCKINLEY AVE NW (CANTON ELDERLY LLC). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
578. PLANNING COMMISSION: RECOMMENDS APPROVAL OF PROPOSED REPLAT OF LOTS 5250 & 5251 & THE PROPOSED ALLEY VACATION TO THE N. OF 1431 6TH ST SW (CLASSIC CAR COLLISION). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

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579. SAFETY DIRECTOR HUNT: REQ TO AMEND SECTIONS OF CHAPTER 1513, RECREATIONAL FIRES OF THE CODIFIED ORDINANCES TO BRING THE CITY ORDINANCES MORE IN LINE W/THE OHIO FIRE CODE WHILE STILL MAINTAINING A SAFE DISTANCE. - JUDICIARY COMMITTEE
580. SAFETY DIRECTOR HUNT: AUTHORIZE SAF DIR TO APPLY FOR & ACCEPT A \$2,000.00 GRANT FR: WALMART TO ASST IN THE PURCHASE OF CHILD IDENTIFICATION KITS FOR THE INDENTIKID PROG; REQ SUPP APPROP FOR SAME FR: UNAPPROP BAL OF 2775 SAFE NEIGHBORHOOD HERO'S GRANT FUND. - FINANCE COMMITTEE
581. SAFETY DIRECTOR HUNT: AUTHORIZE SAF DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR VARIOUS DEMO & CONSTRUCTION PROJECTS. (FOR NEW FIRE STATIONS) - FINANCE & PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES
582. SERVICE DIRECTOR CONCATTO: AUTHORIZE SERV DIR TO EXECUTE CHANGE ORDER W/AMERICAN SUNCRAFT CONSTRUCTION CO IN AMT NOT TO EXCEED \$37,830.90 FOR WPCC WATER TOWER PAINTING PROJ. - FINANCE COMMITTEE
583. SERVICE DIRECTOR CONCATTO: AUTHORIZE SERV DIR TO SUBMIT & REC A GRANT FR: ODOT FOR SAFE ROUTES TO SCHOOL PROG; REQ AUTHORIZATION TO ENTER INTO COOPERATIVE AGREEMENTS W/ODOT & AKRON METRO RAILROAD FOR CONSTRUCTION OF RESULTING PROJ. - FINANCE COMMITTEE
584. SERVICE DIRECTOR CONCATTO: REQ \$36,000.00 SUPP APPROP FR: 1001 GENERAL FUND UNAPPROP BAL TO: 1001 201020 CITY SCENIC TRAIN STATION FOR THIS YR'S POLAR EXPRESS PROGRAM. - FINANCE COMMITTEE
585. SERVICE DIRECTOR CONCATTO: AUTHORIZE SERV DIR TO ENTER INTO PROF SERVICES CONTRACT W/KENDERSON INC FOR SPECIFICATION DEV & PROJ MANAGEMENT SERVICES FOR ROOF REPLACEMENT FOR STREET & SEWER BUILDING; REQ TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR ROOF REPLACEMENT OF SAME. - FINANCE & PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES
586. SERVICE DIRECTOR CONCATTO: REQ TRANSFER OF \$32,150.00 MORAL OB FR: UNAPP FUNDS OF WATER DEPT TO: 5210 207012 75812 - OUTSIDE CONTRACTORS FOR EMERGENCY REPAIRS OF VARIOUS EQUIPMENT @ WATER DEPT NORTHEAST WATER TREATMENT PLANT. - FINANCE COMMITTEE
587. SERVICE DIRECTOR CONCATTO: AUTHORIZE SERV DIR TO CONVEY CITY OWNED REAL PROP @ TONNER CT SW & SCHROYER AVE SW, KNOWN AS LOT 42846 & PARCEL #0247982 TO CCIC. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
588. SERVICE DIRECTOR CONCATTO: AUTHORIZE THE OHIO DEPT OF TRANSPORTATION TO CONSTRUCT A FREEWAY MANAGEMENT SYSTEM ON I-77 WITHIN THE CANTON CITY LIMITS AT NO COST TO CANTON. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

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589. SERVICE DIRECTOR CONCATTO: AUTHORIZE SERV DIR TO PAY \$4,603.42 MORAL OB ON BEHALF OF STREET DEPT TO COUNTRYWIDE LANDFILL FOR DISPOSAL COSTS FROM CLEAN-UPS THROUGHOUT THE CITY. - FINANCE COMMITTEE
590. TREASURER SCHIRACK: 10/31/07 COMPARATIVE RPT OF CASH RECEIPTS. - RECEIVED & FILED
591. TREASURER SCHIRACK: OCT 2007 PKING MTR REVENUE. - RECEIVED & FILED
592. TREASURER SCHIRACK: OCT 2007 DEPOSITS & PAY INS FOR AMBULANCE LOCK BOX ACCT. - RECEIVED & FILED
593. TREASURER SCHIRACK: REPORT OF TREAS OFC BANK RECONCILIATION & CITY'S OUTSTANDING INVESTMENTS AS OF 10/31/07. - RECEIVED & FILED
594. YELLOW CAB LEASING, INC.: NOTIFYING THAT IN COMPLIANCE W/O# 763.04 e EFF-ECTIVE 11/5/07 TAXICAB RATES WILL DECREASE TO 2.20 FOR THE FIRST 1/10 MILE & .20 FOR EACH ADDITIONAL 1/10 MILE. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: We're now under Ordinances and Formal Resolutions for their 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 Ordinances by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #3 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1 (1ST RDG) AN ORDINANCE AUTHORIZING THE PARK AND SERVICE DIRECTORS TO ENTER INTO A LICENSE AGREEMENT WITH PINNACLE PRESS TO PERMIT INGRESS AND EGRESS OF DELIVERY TRUCKS ACROSS UNUSED WILLIG PARK PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY.
Referred to Parks & Recreation Committee
- #2 (1ST RDG) AN ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ACCEPT A GRANT IN THE AMOUNT OF \$3,000.00 FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR THE FIRE DEPARTMENT; 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 Finance Committee
- #3 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT THE NORTHERN OHIO VIOLENT CRIME CONSORTIUM INITIATIVE

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GRANT ISSUED BY THE EDWARD BYRNE MEMORIAL GRANT FISCAL YEAR 2007; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: Thank you Madame Clerk. We're now under Ordinances for their second reading. Madame Clerk would you please read Ordinance #5 through #8 by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #5 THROUGH AND INCLUDING #8 BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

#4 **RETAINED IN COMMITTEE**

#5 (2ND RDG) **ADOPTED AS ORDINANCE #211/2007** 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.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move the Statutory Rules be suspended on Ordinance #5.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules for Ordinance #5. Are there any remarks?... If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: The motion carries ah, Member Casar, you've heard the 3 readings.

MEMBER CASAR: Mr. President. I move we adopt Ordinance #5.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #5. Are there any remarks to this Ordinance?... If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #5 is adopted.

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- #6 (2ND RDG) AN ORDINANCE VACATING A PORTION OF AN UNNAMED ALLEY IMMEDIATELY NORTH OF 526 SCHROYER AVENUE SW; AND DECLARING THE SAME TO BE AN EMERGENCY
- #7 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO JOB CREATION TAX INCENTIVE AND NET PROFITS INCENTIVE AGREEMENTS WITH THE QUARRY GOLF CLUB, LLC PURSUANT TO THE CITY'S ECONOMIC GROWTH INITIATIVE PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
- #8 (2ND RDG) AN ORDINANCE APPROVING & ACCEPTING THE DEDICATION PLAT OF A PORTION OF CLEVELAND AVENUE SW; APPROVING & ACCEPTING THE REPLATTING OF PARTS OF OUTLOTS 325, 327 & 328; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Thank you Madame Clerk. We are now under Ordinances for their third reading and final reading. Madame Clerk, please read Ordinance #9 by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #9 THROUGH #14 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. ORDINANCE #14 WAS POSTPONED.

- #9 (3RD RDG) **ADOPTED AS ORDINANCE #212/2007** 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

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #9.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Ordinance #9. Are there any remarks?.. If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #9 is adopted. Ordinance #10 please.

ORDINANCE #9 ADOPTED AS ORDINANCE #212/2007

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#10 (3RD RDG) **ADOPTED AS ORDINANCE #213/2007** 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

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #10.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #10. Are there any remarks?.. If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #10 is adopted. Ordinance #11 please.

ORDINANCE #10 ADOPTED AS ORDINANCE #213/2007

#11 (3RD RDG) **ADOPTED AS ORDINANCE #214/2007** AN ORDINANCE APPROVING & ACCEPTING THE REPLATTING OF ALL OF LOT 1410 & PARTS OF LOTS 1411 & 1412; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #11. Are there any remarks?.. If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #11 is adopted. Ordinance #12 please, Madame Clerk.

ORDINANCE #11 ADOPTED AS ORDINANCE #214/2007

#12 (3RD RDG) **ADOPTED AS ORDINANCE #215/2007** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO MAKE APPLICATION FOR & ACCEPT A GRANT IN AN AMOUNT NOT TO EXCEED \$27,347.69 FROM THE STATE FOR A

MINUTES OF THE MEETING NOVEMBER 19, 2007**SELECTIVE TRAFFIC ENFORCEMENT PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY**

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #12.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #12. Are there any remarks?.. If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #12 is adopted. Ordinance #13 please, Madame Clerk.

ORDINANCE #12 ADOPTED AS ORDINANCE #215/2007

#13 (3RD RDG) **ADOPTED AS ORDINANCE #216/2007** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS & ENTER INTO A LEASE AGREEMENT FOR LAND OWNED BY THE 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 #13.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #13. Are there any remarks?.. If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk.

ORDINANCE #13 ADOPTED AS ORDINANCE #216/2007

PRESIDENT SCHULMAN: We're now under Announcement of Committee meetings.....

MEMBER CASAR: Mr. President.

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PRESIDENT SCHULMAN: Ordinance #14 please Madame Clerk.

#14 (3RD RDG) **POSTPONED UNTIL NOVEMBER 26, 2007** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AMENDED PRESCRIPTION BENEFIT SERVICES AGREEMENT WITH CAREMARK LLC FKA CAREMARK INC. THROUGH THE EMPLOYERS HEALTH PURCHASING CORP OF OHIO, INC FOR ADMINISTRATION OF THE PRESCRIPTION DRUG PROGRAM FOR CITY EMPLOYEES AND THEIR DEPENDENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: I don't know what I'd do without my Clerk. Member Casar.

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

MEMBER CARBENIA: 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 we postpone Ordinance #14 until November 26th ah, 2007.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you postpone ah, a hearing on Ordinance #14 until November 26, 2007. Are there any remarks?... Roll call vote please, Madame Clerk.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: The motion to postpone carries.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: We're now under Announcement of Committee Meetings.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: The Parks and Recreation Committee will meet November 26th at 6:45.

PRESIDENT SCHULMAN: Thank you.

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MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Finance Committee will meet Monday, November 26th at 6:45.

PRESIDENT SCHULMAN: Thank you. Is that it?

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: We're now under Public Speaks, open forum. We have 1 speaker this evening. Ah, it's Philip Papadopoulos. Mr. Papadopoulos. Good evening. If you'd step forward. I, I think you have been here before, so you are familiar with our ground rules. Could you give us your name and your residential address please, sir?

MR. PAPADOPULOS: Yes. My name is ah, Philip V. Papadopoulos.

PRESIDENT SCHULMAN: Would you do me a favor? I don't know if that microphone is on, Member Kraus or.... you're gonna have to speak louder. Sorry, the sound system is not really that good here.....except it is when the Clerk tells me I did something wrong, then it's perfect.

MR. PAPADOPULOS: Hello?

PRESIDENT SCHULMAN: Go ahead sir.

MR. PAPADOPULOS: Yes. My name is Philip Papadopoulos and ah, I reside at 1042 25th Street NW, Canton, Ohio.

PRESIDENT SCHULMAN: Good evening.

MR. PAPADOPULOS: I would like to ah, I would like to thank Canton City Council for the opportunity to speak. I am asking Canton City Council to reconsider the proposal to build a Fire Department Training Center at Walsh Park located at 25th and Cleveland Avenue NW. This facility would be adjacent to the Canton Christian Home, a home for the seniors and elderly and would create a nuisance for the elderly with the added noise at this location. Additionally, it would involve the destruction of the soccer field there which Canton City Council built for the Canton Invaders, a number of years ago, which is still in use, contrary to what, you know, many people's perception. In addition, and this is a little known fact. Just west of the soccer field fence, there are 4 oak trees, first old growth oak trees. Two of them are 9 feet in circumference, the other 2 are 11 feet in circumference. They are huge trees. It's hard to notice them like, when you just drive by but if you walk near them, they are there. They are between 125 and 150 years old. Just north of the soccer field, within a few feet is another old oak tree, which is 16 feet in circumference which means it's close to 300 years old. It was there before the United States Constitution was ratified. This tree would also be placed in jeopardy if this location was used to build this facility, and, I'm asking ah, the City Council Members to consider ah, these facts and perhaps, consider another location which would not involve destroying the trees and destroying part of one of Canton's parks. Thank you.

PRESIDENT SCHULMAN: Thank you Mr. Papadopoulos, very much. Thank you sir and have a happy Thanksgiving. We have no other speakers so...

MINUTES OF THE MEETING NOVEMBER 19, 2007**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: We are now under Miscellaneous Business. Is there any miscellaneous business? Member Hawk.

MEMBER HAWK: Mr. Chairman. I'd like to thank Mr... Councilmember Griffin for donating the City's Christmas tree again this year. (*APPLAUSE*) That's the second year in a row, and I....

MEMBER GRIFFIN: My pleasure.

MEMBER HAWK: ...and I believe that we will be sending you a bill for the landscaping for removing that tree because we can use it.

MEMBER GRIFFIN: And mowing the lawn, that they, the grass seed that they plant.

MEMBER HAWK: Yeah, we're billing you for that. In other words, you're paying us. (*LAUGHTER*)

PRESIDENT SCHULMAN: Thank you Member Griffin.

MEMBER GRIFFIN: I'm going to complain because, you know, without that tree there, there's extra light coming into my bedroom and I don't know if I'm gonna be able to sleep. So, I'll be calling them tomorrow morning to see what we can do about that. (*LAUGHTER*)

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia..... ah, I'm sorry. Would.... Member Kraus.

MEMBER KRAUS: I just wanted to remind everybody that ah, the Canton Ex-Newsboys things are coming up um, Wednesday, the 12th of December, we have a ah, kick-off banquet. Tickets are \$20.00 a piece, guest speaker's Denny Saunier. It's at Moonlight Ballroom. I have tickets for that and the following Friday we'll be out selling newspapers. I'll be in city hall so bring your, bring your money. Thank you.

PRESIDENT SCHULMAN: Thank you Member Kraus. Member Carbenia.

MEMBER CARBENIA: First, Member Griffin. Um, call your Councilman if you want to complain about light coming in your window. (*LAUGHTER*) Secondly, ah, as you know, I sent a letter to the post office asking them to come to this meeting and explain their issues. Ah, we got a call today, from a Victor Dubina, who refused to come for whatever reason saying that he already had a meeting with the public. Sounds like, you know, sounds like this is a done deal. But, I just would ah, like to say that you know, there's some things that, that, that go on at those um, that, at that Akron post office that ah, somebody had called me and told me about years ago, a few years ago, somebody was caught changing the color code so they could work overtime or, the company was changing, the ah, postage mark, the color, to show what day it came in, so, just what we were saying, that it's going to delay our mail. But, if they change the color or the post mark, it's gonna look like they, the mail's not delayed. But, ah, eventually, they're gonna move this place and ah, I don't know what we can do to stop them other than blockade 77 North. Another thing that goes to Akron and Akron does not deserve this and we don't deserve them moving out of Canton as they did in Mansfield, not too long ago. Thank you.

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PRESIDENT SCHULMAN: Thank you Member Carbenia. Member Cirelli.

MEMBER CIRELLI: Mr. President. Thank you sir. Questions to the Law Director. I made a phone call and maybe it didn't get through, but in today's paper was a big article and I've had some constituents who probably know what I'm talking about. So, could you maybe speak on that sir, I would appreciate it.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member Cirelli did call me today and left a voice mail. She was concerned on behalf of her constituents, all of your constituents, about an advertisement placed on A-6 of today's Repository in which ah, in very fine print, the ah, utility known as Dominion East Ohio is putting the public on notice that they have asked PUCO for permission to raise their rates. They have indicated in that ad, and in their filings with the PUCO, which you can access by the way, anyone can access, on the website. It gives you the address on page A-6 of today's Repository. Ah, you can call or write them as well. Um, essentially, what they're saying is they have had costs that they have to recover. That they're no longer in a situation where they're recovering their costs and they would like various aspects of transporting the gas, covering the gas, delivering the gas, ah, so various components of their bills to people who are on Dominion East Ohio or their sister affiliate, ah, Dominion Energy, they're asking PCO, the PUCO, the Public Utilities Commission of Ohio to grant them the right to raise their rates which is what they have to do by State law. So, it's an advertisement that's required by law and it's also a form of public relations for them as well. Um, if anyone wants to, they can write to the PCO, PUCO or attend the hearing that is scheduled to explain why they think ah, this company should not be entitled to recover what they claim are lost revenues. Thank you.

PRESIDENT SCHULMAN: Thank you Law Director Martuccio. Member Cirelli.

MEMBER CIRELLI: (INAUDIBLE)

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Law Director.

LAW DIRECTOR MARTUCCIO: It's a good question. Good follow up question. Ah, if you are in a separate aggregation program, the city's or someone else's, you've all been getting letters at home, I'm sure. Um, the, the, the contract price that you agreed to, \$9.99, \$9.49 for mcf, will remain the same through the period that the letter says it's supposed to be. For example, if you're locked in 'till September of 07, you're locked in 'till September of 07 at that rate. Um, what may change in the future, is the underlying costs that the utility charges to deliver the gas, if the PUCO allows them. Now, those are future costs, so they may not effect your current contract. Ah, if you don't mind, by the way, I'll give you an update on the city's program. Some of you have forwarded emails to me, um, thank you, indicating that um, some people in, in the city are not happy with what's going on with the city's aggregation program. This is what's going on. Right now and through December 31st, this year, so that's for the next 6 weeks, we, city residents, who are in that program, are paying \$10.99 for mcf, including transportation charge ah, but there's also a separate charge that, as you all know, shows up separately, from Dominion. That's the fixed price for the mcf. What is yet to be determined, is the price that we, in the aggregation program, will pay for January, February and March, the 3 cold months. Um, after that, there's good news. We have a, another broker who has arranged for some very competitive pricing and some very very good terms. We're happy to announce, that come April of 2008, and thereafter, ah, we'll have Vectron again but there

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will be no fees. Let me repeat that. No cancellation fees should anyone decide to leave Vectron. They heard loud and clear. They were also concerned that because of the way that we got caught in high prices over a year ago, and having to blend out for the remainder of the year, if you recall it was going to be 11-something and by extending it more, by doing an blending-extend, it came down to \$10.99. Now, bottom line is, you're wondering, okay, what's the price gonna be for January, February and March? We don't know yet because we're hoping that um, December, this year is like December last year, when there was a glut of storage and there were no hurricanes anymore and as you all remember last year in December, you got flooded with letters at your homes for independent energy providers who were offering you great deals. We're hoping, that by holding out a little longer, we can get a better price. Now, we're at a disadvantage because we're only bidding on 3 months, the 3 coldest months. These plans you get in your mail are for a year or 10 months including the hottest months of the year, which can offer a bigger discount. So, please don't be surprised if the price per mcf is in the 10s and again, this being a free country, if you get another offer, um, and you're not good at tolerating risks, you may want to look at it. On the other hand, I, as a public official, helped to bring Vectron to this town, will stay with this program, whatever it is and wherever it goes. I hope that answers your question.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Member Hart.

MEMBER HART: Um, just for all the members, I had a communication um, you know, concerning ah, developing a, a fund for students that might be low to moderate income where they might be able to use, ah, some funds to help them pay for ah, application fees and that for college because at the high school level, there's many students that ah, have the brains but even when it comes to that first hundred dollars for making an application, can't make it and the idea was to use a very small portion of inheritance tax, um, to help fund, begin to fund that program and then with the high schools, ah, notify the students at GlenOak, ah, McKinley and Timken. You know, I've talked to some of the member along here that would be willing to ah, co-sponsor that and if anybody else, if you haven't read it, the communication is in there, ah, in the box and then there was also a letter in your mailbox concerning if you'd be willing to sponsor that, and you know, please let me know if you're, if you're willing. And, also, um, for the Mayor and Service Director. I talked to the Principal at our school Bob Vero and if we need a, a, a place to ah, you know, kick off the recycling program here before the end of the year, um, you know, would be more than happy to have that done at Harter School.

PRESIDENT SCHULMAN: Thank you Member Hart. Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Two things. This Council had asked me to look into the possibility of doing something about plastic water bottles, perhaps banning their sale. That could be tricky. There's something known as the Interstate Commerce Clause, which, essentially says, we shouldn't mess around with Interstate Commerce unless we have a compelling reason. What I would suggest and come back to Council with, given the spirit of what you've asked me to do, is to encourage some sort of deposit program, like some cities and states have for returning ah, bottles for a nickle and/or passing a resolution to recycle their own plastic gallons by going to places like Fishers, which is a local company and putting your quarter in the machine, and you know, getting several gallons of water at a time for drinking and recycling your plastic jugs that way. Um, second issue. Um, Mr. Papadopulous, a couple of people have asked me to comment about the trees. Thank you. Mr. Papadopulous is a very conscientious citizen and a very good cook by the way. Ah, he has come to Council and has politely asked that ah, we look at alternate plans. Ah, we had discussions, he and I and, and, our Assistant Law Director Tom Burns about the, the restrictions that go with the land and the covenants and so, but, as to get to the trees, ah, when that was brought up, I called Rod Meadows, who's the architect for that particular project and Rod called back and left a voice message saying he is aware of how old these trees are

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and how beautiful they are and he will do everything in his power, as the architect to make sure that we can go around them. I'm not sure if they can all be saved, perhaps, but, he will try to do what he can as the architect of the project to save these ancient and beautiful trees. Thanks for bringing that up.

PRESIDENT SCHULMAN: Thank you. Ah, just 1 comment. Ah, we have the road map to sustainability, ah, here, if you have not received it, they're in the Council Chambers and we have more copies up here. I'm gonna keep, I'm gonna keep pressing this issue we hear about the cost of gas, which is not gonna go down. We hear about 300 year old trees which ought to be saved and we should demand, frankly, that they be saved. I, I, I can't believe an architect can only say, we'll do our best. I think this Council should insist that it, that those trees be saved. Ah, they are our heritage and we need all the heritage we can get. But, I, I just wanna say, this is a great plan. I've talked to the leader, I've talked to a number of Councilmembers. I think ah, we're all in agreement, that 2008 is going to be the year of the neighborhood. That we've done a spectacular job with our city and it's time to turn to our neighborhoods. We have major problems in our community and they all stem from our neighborhoods and I think we can all assure the members of the public, I know I've talked to the leader and he is dedicated to this proposition and has been for 30 years that if we don't have neighborhoods that are vital and vibrant, and, and, really caring about each other, this city, no matter what happens downtown, we're in serious trouble. This is the road map. I'd ask each of you to read it and I think we can incorporate a number of these ideas. They're very simple and yet at the same time, um, ah, they can be very effective in saving the city. So, anything else? Member Casar.

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

MEMBER CARBENIA: Seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Meeting adjourned. (*GAVEL FALLS*)

ADJOURNMENT TIME: 8:02 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT