

MINUTES OF THE MEETING DECEMBER 3, 2007

PRESIDENT SCHULMAN: Good evening ladies and gentleman, sorry we're beginning a little late...ah...we had a fairly lengthy session, previous to ah...coming out. 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. Ah we'll have our invocation tonight given by our newly elected Majority Leader, Don Casar. Will you all please remain standing for the pledge of allegiance.

The regular meeting of Canton City Council was held on Monday, December 3, 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 Majority Leader Casar, 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 going to be asked to suspend Rule 22A to add the second reading of Ordinances #4 through and including 19, excluding #6, 10 and 14, which would be held in Committee. Member Casar, the Chair will recognize that motion.

MEMBER CASAR: Mr. President. I move we suspend Rule 22A and place on tonight's agenda, Ordinances #4 through and including and including 19, excluding Ordinance 10, 14 and what's the other one....

PRESIDENT SCHULMAN: 6.

MEMBER CASAR: 6.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A ah...to add second reading of Ordinances #4 through and including 19, excluding 6, 10 and 14, held in committee. 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 DECEMBER 3, 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 & Resolutions for adoption. We have no speakers signed up this evening.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We're now under Informal Resolutions. All members are present.

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 DECEMBER 3, 2007.

602. C&ED DIRECTOR, POORMAN: AUTHORIZE MAYOR TO ENTER INTO AMENDED ENTERPRISE ZONE AGMT W/HYDRODEC PLC. TO REFLECT NAME CHANGE TO HYDRODEC NORTH AMERICA, INC; AUTHORIZE & DIRECT AUDITOR TO ANNUALLY PAY TO THE CANTON LOCAL BOARD OF ED SUCH AMTS AS ARE AGREED UPON BETWEEN THE CITY & THE CANTON LOCAL BOARD OF ED &/OR AS REQUIRED TO BE PAID PURSUANT TO SEC 5709.82 (C) & (D) OF THE REVISED CODE. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
603. C&ED DIRECTOR, POORMAN: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/CCIC TO PROVIDE A GRANT UTILIZING CDBG FUNDS IN TOTAL AMT NOT TO EXCEED \$500,000.00 FOR GRANTS, LOANS & ADMINISTRATIVE COSTS. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
604. HAWK, G., FIN. CHAIRPERSON: AUTHORIZE LAW DEPT & AFFECTED DEPTS TO PREPARE ANY NECESSARY AMENDMENTS TO OUR ORDINANCES WHICH WILL CONTINUE TO OFFER THE SAME DISCOUNTED RATES TO HOME OWNING RESIDENTS WHO ARE 65 OR OLDER, OR DISABLED, & WHO MEET THE INCOME GUIDELINE INDICES USED BY THE STATE & COUNTIES IN ORDER TO BE FAIR TO ALL OF OUR UTILITY USERS & OUR PROPRIETARY FUNDS. - ENVIRONMENTAL & PUBLIC UTILITIES & JUDICIARY COMMITTEES
605. LIQUOR CONTROL DIV (OHIO): REQ TRANSFER OF C1 LIQ PERMIT FR: MAGG MSCC LTD DBA MAGGORIES CONV FOODS TO: MACS CONVENIENCE STORES LLC DBA CIRCLE K 5665 @ 2535 FULTON RD. - RECEIVED & FILED
606. LIQUOR CONTROL DIV (OHIO): REQ TRANSFER OF C1 C2 LIQ PERMIT FR: RAMDEVPIR LLC TO: NEIL ONE INC DBA MINI FOOD MART @ 3004 - 17TH ST SW. - RECEIVED & FILED

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607. MAYOR CREIGHTON: REQ TO AMEND APPROP O#1/2007 TO INCREASE THE APPROPS IN A NUMBER OF CITY FUNDS; MAKING VARIOUS SUPP APPROP & APPROP TRANSFERS. - FINANCE COMMITTEE
608. MAYOR CREIGHTON: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/HUNTINGTON BANK TO LEASE UP TO 75 PARKING SPACES AT THE CITY'S CORNERSTONE PARKING DECK FOR 10 YRS & HUNTINGTON BANK WOULD PAY \$4,000.00/YR EITHER ON A YRLY BASIS OR IN 1 LUMP SUM. - FINANCE COMMITTEE
609. SERVICE DIRECTOR CONCATTO: AUTHORIZE SERV DIR TO ENTER INTO PROF SERVICES AGMT W/SQUIRE, SANDERS & DEMSEY LLP USING AVAILABLE FUNDS AVAILABLE IN WPCC'S 2007 BUDGET (NIMISHILLEN CREEK WATERSHED). - FINANCE COMMITTEE
610. SERVICE DIRECTOR CONCATTO: REQ PERMISSION TO ACCEPT GRANT, SET UP A SPECIAL ACCT FOR THE FUNDS; AUTHORIZE \$220,000.00 APPROP FR: UNAPP CARNWISE WATER MAIN EXT TO: APPROPRIATED CARNWISE WATER MAIN EXTENSION FUND; REQ TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR THE INSTALLATION OF A 12 INCH WATER LINE TO SERVE RESIDENTIAL HOMES IN CANTON TOWNSHIP. - FINANCE COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: We're now under Ordinances and Formal Resolutions for the first reading. Let the journal show that all Ordinances are being given their reading as required by State Law. Madame Clerk, please read the first reading 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 MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO JOB CREATION TAX INCENTIVE AND NET PROFITS INCENTIVE AGREEMENTS WITH COOPER FIREARMS OF MONTANA, INC. PURSUANT TO THE CITY'S ECONOMIC GROWTH INITIATIVE PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- #2 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- #3 (1ST RDG) AN ORDINANCE AMENDING SECTIONS 921.01, PURPOSE, AND 921.02, ELIGIBILITY, OF CHAPTER NINE, STREETS, UTILITIES & PUBLIC SERVICES, OF THE CODIFIED ORDINANCES

MINUTES OF THE MEETING DECEMBER 3, 2007**Referred to Judiciary Committee****ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: And we are now under Ordinances for their second reading. Madame Clerk would you please read Ordinance #4 through #19 by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #4 THROUGH AND INCLUDING #19 BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

- #4 (2ND RDG) AN ORDINANCE AMENDING SECTION 1 (P) OF ORDINANCE NO. 177/2006; AND DECLARING THE SAME TO BE AN EMERGENCY
- #5 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE STARK COUNTY PUBLIC DEFENDER'S COMMISSION FOR THE PROVISION OF LEGAL SERVICES TO INDIGENTS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #6 (2ND RDG) **RETAINED IN COMMITTEE**
- #7 (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 250, 251, 252 AND A PORTION OF MCKINLEY AVENUE N.W.; AND DECLARING THE SAME TO BE AN EMERGENCY
- #8 (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF ALL OF LOTS 5250 AND 5251 AND A 10 FOOT WIDE ALLEY; AND DECLARING THE SAME TO BE AN EMERGENCY
- #9 (2ND RDG) AN ORDINANCE AMENDING SECTIONS 1513.01 AND 1513.02 OF CHAPTER 1513, RECREATIONAL FIRES, OF THE CANTON CODIFIED ORDINANCES
- #10 (2ND RDG) **RETAINED IN COMMITTEE**
- #11 (2ND RDG) **ADOPTED AS ORDINANCE #221/2007** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CHANGE ORDER WITH AMERICAN SUNCRAFT CONSTRUCTION COMPANY IN AN AMOUNT NOT TO EXCEED \$37,830.90 FOR THE WPCC WATER TOWER PAINTING PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Is that postponed?

MEMBER CASAR: Which one are we on, I'm sorry.

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PRESIDENT SCHULMAN: 11, I'm sorry.

CLERK TIMBERLAKE: 11.

MEMBER CASAR: Okay, thank you. Mr. President, I move the statutory rules be suspended on Ordinance #11.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend statutory rule for 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: Thank you Madame Clerk. You've heard the three readings, 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: Thank you Madame Clerk, Ordinance #11 is adopted. Ordinance #12.

#11 ADOPTED AS ORDINANCE #221/2007

#12 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO FILE AN APPLICATION FOR AND ACCEPT A GRANT FROM THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE SAFE ROUTES TO SCHOOL PROGRAM AND TO ENTER INTO COOPERATIVE AGREEMENTS WITH ODOT AND AKRON METRO RAILROAD FOR THE CONSTRUCTION OF RESULTING PROJECTS; AND DECLARING THE SAME TO BE AN EMERGENCY

#13 (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO. 241/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

#14 (2ND RDG) **RETAINED IN COMMITTEE**

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#15 (2ND RDG) **ADOPTED AS ORDINANCE #222/2007** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 241/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$32,150.00 TO HILSCHER CLARKE ELECTRIC; 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 #15.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend statutory rule for Ordinance #15. 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, you've heard the three readings, Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #15. Are there any remarks under this Ordinance? 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 #15 is adopted. Ordinance #16.

#15 ADOPTED AS ORDINANCE #222/2007

#16 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY

#17 (2ND RDG) AN ORDINANCE AUTHORIZING AND CONSENTING TO THE CONSTRUCTION AND SYSTEM INTEGRATION OF A FREEWAY MANAGEMENT SYSTEM ON INTERSTATE ROUTE 77; AND DECLARING THE SAME TO BE AN EMERGENCY

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#18 (2ND RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$4,603.42 TO COUNTYWIDE LANDFILL; AND DECLARING THE SAME TO BE AN EMERGENCY

#19 (2ND RDG) **ADOPTED AS ORDINANCE #223/2007** AN ORDINANCE APPROVING A THREE-YEAR TENTATIVE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANTON AND CPFFA LOCAL 249; 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 #19.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the statutory rule for Ordinance #19. Are there any remarks under this motion? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #19.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #19. Are there any remarks under this ordinance? Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #19 is been adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: And we are now under Ordinances for their third reading and final reading. Madame Clerk would you please read Ordinance 20 by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #20 THROUGH #23 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. ORDINANCE #20 WAS POSTPONED.

#20 (3RD RDG) **POSTPONED UNTIL DECEMBER 10, 2007** AN ORDINANCE AUTHORIZING THE

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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: Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #20. Are there any remarks under this Ordinance, Member Casar?

MEMBER CASAR: Mr. President. I move we postpone Ordinance #20 ah.....until December 10, 2007.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that to postpone ah... Ordinance 20 until December 10th. Are there any remarks under that motion? If not, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas.

PRESIDENT SCHULMAN: The motion carries and Ordinance #20 is postponed until December 10th. Ordinance #21 please Madame Clerk.

#21 (3RD RDG) **ADOPTED AS ORDINANCE #224/2007** 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.

PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #21. Are there any remarks under this Ordinance? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #21 is adopted. Ordinance #22 please.

#21 ADOPTED AS ORDINANCE #224/2007

#22 (3RD RDG) **ADOPTED AS ORDINANCE #225/2007** 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

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #22.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #22. Are there any remarks under this Ordinance? 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 #22 is adopted. Ordinance #23 please.

#22 ADOPTED AS ORDINANCE #225/2007

#23 (3RD RDG) **ADOPTED AS ORDINANCE #226/2007** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT THE NORTHERN OHIO VIOLENT CRIME CONSORTIUM INITIATIVE GRANT ISSUED BY THE EDWARD BYRNE MEMORIAL GRANT FISCAL YEAR 2007; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #23.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #23. Are there any remarks under this Ordinance? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #23 is adopted.

#23 ADOPTED AS ORDINANCE #226/2007

ANNOUNCEMENT OF COMMITTEE MEETINGS

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

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: Economic Development will meet next week, 12/10 at 6:30.

PRESIDENT SCHULMAN: Thank you.

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel Committee will meet 12/10 at 6:30.

PRESIDENT SCHULMAN: Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Judiciary will meet on December 10th at 6:30.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I'd like to just at this time ah...announce that the...Finance Committee for the 2008/2009 Council term will be, Chairman Hawk, Member Carbenia and Member Prater.

PRESIDENT SCHULMAN: Thank you Leader Casar. Any other ah...Committee Meetings?

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: If not, we're now under Public Speaks, open forum. And we have one speaker signed up this evening, ah....it is Patricia Kirk. Ms. Kirk, good evening. How are you?

PATRICIA KIRK: Good.

PRESIDENT SCHULMAN: Good. Ah..if you would, and you may have to adjust these...the sound system is not very good here so. And good evening again and ah...I just remind you, our Council rule has a rule of three

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minutes so.

PATRICIA KIRK: Three minutes? Okay. My name is Patricia Kirk and I live at 131 - 5th Street NE and I'm Shake-a-Leaf Chairperson, which is a citizens group. And by the way, I just wanted to say um...Mayor, that I was a Republican poll worker and from what I ah...experienced, you ran a very honorable campaign. The concerned citizens of Shake-a-Leaf are glad to hear that Council wants the new fire station that's going to be built at 25th and Cleveland to be as green as possible. We're very glad to hear that. We're concerned um....about the oak trees that are there. We'd like to save as many as possible. Oaks, as a tree cannot take soil compression, whether it's heavy foot traffic or automobiles or whatever driving on top of them and they can't take major change. But they are very mighty long lived tree. There are five large oaks, possibly shumard oaks, which if that's true, they're rare. The oldest one alone, which could be 200 years old, saw the Civil War and was in it's prime during Martin Luther King's lifetime, there's your Martin Luther King tree. It alone is worth \$5,000.00 or more. With the emerald ash boar at our doorstep, which is very fatal and an uncontrolled tent worm, ah....infestation, killing our big trees, we can hardly afford to kill more big trees through construction if we can avoid it. There's going to be a meeting of Shake-a-Leaf this Wednesday, it's really um...not much notice, but this Wednesday at Church of the Savior right across the street here at 5:30 Wednesday, December the 5th. And ah... Lola Lewis from the Ohio Department of Natural Resources will be there and we're going to try and come up with some ideas to save those trees. Okay, thank you.

PRESIDENT SCHULMAN: Great, thank you very much Ms. Kirk, we appreciate it and we did hear about that ah...last week and believe me ah...we all listened. Thank you. That concludes the public speaks portion.

MISCELLANEOUS BUSINESS

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

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Ah..thank you Mr. President. I've had ah... due to what was in the newspaper, and I have to be honest, I threw it out so I don't recall too much of what it was. But I've had some constituents call concerning ah...the new Administration coming in and the fact that...the question was, "Is it usual and customary that we give them monies for transition and ah...I have spoke with Mayor Watkins, I called him to ask him if he had a transition, I didn't recall. I couldn't recall about Sam Purses...ah...he told me he did not have....never used any money for anything like that. I can ask the Mayor here tonight because I don't want to put words in her mouth, if she did that, my constituents want to know where the money came from and is this a usual and customary procedure and that I'm not sure of, so if I can ask that to the Mayor, did she have a transition team and did she ask for monies from the Council and where did these monies come from, and who approved it?

PRESIDENT SCHULMAN: Mayor Creighton.

MAYOR CREIGHTON: Mr. President, I received no money.

MEMBER CIRELLI: Um... Mr. President, thank you and Mayor Creighton. And whom do I ask where the monies came from?

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PRESIDENT SCHULMAN: Are you ah...addressing ah...the question about Mayor Elect Healy?

MEMBER CIRELLI: Yes.

PRESIDENT SCHULMAN: I think Leader Casar may be able to answer it but I don't believe any money has been expended for that.

MEMBER CASAR: I'm sorry, first of all there was no money given to the transition team. They have a request in ah....to the Finance Committee for ah...for...to do some advertising for the ah...Economic Development Director, Service Director and the Safety Director and they are working with the ah...with ah...Member Hawk, maybe Member Hawk might want to expound on this and along with Sam Sliman, the Civil Service ah...and that...if...if any monies at all will be received it will be just to pay the ads and that is a ah...ah...an expense that is ah...legal.

PRESIDENT SCHULMAN: Member Hawk, if you care to address this.

MEMBER HAWK: Yes I do. I am currently waiting for a letter with Mr. Healy's signature on it and exact costs for the advertising before we make a decision on to what we're going to do. As in everything, we demand pure 100% accountability, we want to know where it's going, what it's being used for so ah...I was supposed to have that letter today. He did not get it to me. He called and said he would get it to me tomorrow, but before any funds are used for anything. They will have to have, I'll have to have a complete breakdown as to where each and every nickel is going.

PRESIDENT SCHULMAN: Thank you Member Hawk. Member Cirelli.

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: I'm sorry, Member Carbenia.

MEMBER CARBENIA: If you could ah...could the Law Director explain that ah..this is legal?

PRESIDENT SCHULMAN: Ah...Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President, Member Carbenia. Those expenditures would be legal if there were money in fund and it were properly authorized by the proper departmental official and certified by the Auditor's Department. Ah...they would be legal because they are an appropriate expenditure for a future position to be vacated. Um...again, assuming they...they come through the appropriate channels and the appropriate requisitions. Uh...I have met with the Chairman of the Finance Committee, we have that...we have discussed that issue. It is also within this Council's purview to determine how much to spend, if it's coming out of one of it's ultimate financial accounts, no matter which department it's....who is authorized to do that.

PRESIDENT SCHULMAN: Thank you Law Director Martuccio.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

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MEMBER WEST: Um...if my memory serves me correct, didn't we pay for a national search for our Economic Development person? Law Director?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, thank you. Um...Member West, I believe that was a split cost between the City and the Chamber of Commerce or another entity, yes.

PRESIDENT SCHULMAN: Anything else...else, Member Cirelli?

MEMBER CIRELLI: Ah just ah, I want to thank all the um...elected officials for, you know, bringing some light to the subject and that I to...as my understanding is correct, that then this whole body will be apprised with what is actually going on, so when our constituents call, we can tell them is that their taxes payer's dollars is where it's coming from and what have you.

PRESIDENT SCHULMAN: I would assume that there is no question about that.

MEMBER CIRELLI: Thank you.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Member Dougherty.

MEMBER DOUGHERTY: Yeah, um...Member Carbenia and ah.. Casar, on #14, I know we held that, are we gonna call a committee meeting for next Monday? Or just, I just wanted to make sure, it's a dual referral, I just wanted to make sure, I know that Mr....or Member Carbenia was gonna hold a meeting with somebody. Yeah, I mean if we need to call a committee meeting for next Monday or not, that's fine. I just wanted to get that clarified.

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: Is that...is that yours? Okay, I'm sorry but, as...as I have the mic though, I hate to give it up...um, no I just ah...I'll be talking to those people so we make sure that ah...they come forward.

MEMBER DOUGHERTY: Yeah, we may as well call a mee....call a committee meeting, that way, we could still hold it if we have to.

MEMBER CARBENIA: Yes.

MEMBER DOUGHERTY: Okay, I'd like to call ah...Public Property Capital Improvement ah...for that same evening as the other committee meetings please.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

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MEMBER HAWK: Member Dougherty, thank you for calling that to our attention. I would like to call a Finance Committee meeting for Monday, December 10th at 6:30.

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

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Um...I wanted to remind Council that we have a Chief Deputy Prosecutor and perhaps a Vice Officer ah...who are willing to come and speak for a few minutes to Council in Executive Session. It was moved from tonight because of the heavy workload that we had to next week, if that suits your pleasure. Ah....it will be an Executive Session to discuss imminent and pending litigation over particular liquor and vice related cases. I think we can contain it to 10 to 15 minutes if that's your pleasure Mr. Majority Leader.

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: We have Council...we have committee meetings from 6:30 so ah...6:15. Is 15 minutes enough time?

LAW DIRECTOR MARTUCCIO: Yes sir, thank you.

MEMBER CASAR: And have them there at 6:15.

LAW DIRECTOR MARTUCCIO: Thank you. Um...the other point ah...I wanted to address was on the trees. I...I have spoken with ah...Rod Meadows and relayed the information about the Shake-a-Leaf ah...concerns. I have spoken with Richard Drake who is a certified arborist, who is both on Shake-a-Leaf and on the study committee preparing legislation for Council over the tree committee ah...about his observations of those trees as well. Um...the architect is very well aware of the concerns and of the...the value of those trees. And we'll consult with the Arborist in the future. Ah, I believe that the Fire Department is willing to work to an extent that it can to reshape the drive into those ah...Fire Stations and training areas, as...as much as feasible. Thank you.

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

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adjourn. Roll call vote please Madame Clerk.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

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

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ADJOURNMENT TIME: 8:04 P.M.

ATTEST:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

APPROVED:

ALLEN SCHULMAN
PRESIDENT