

MINUTES OF THE MEETING OF NOVEMBER 6, 2006

PRESIDENT SCHULMAN: Good evening Ladies and Gentlemen. The Chair calls this meeting of Canton City Council to order. Madame Clerk, roll call vote please.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

12 COUNCILMEMBERS PRESENT: (DON CASAR, JOE CARBENIA, MARY M. CIRELLI, BILL SMUCKLER, GREG HAWK, THOMAS E. 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. We'll have the invocation given tonight by Councilmember Dave Dougherty. If you'll please remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on Monday, November 6, 2006, at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Ward 6 Councilmember David Dougherty, followed by the Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: We are now under agenda corrections and changes. The Chair will recognize a motion to suspend Rule 22A to add second reading Ordinances #5 through and including #8.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move that Rule 22A be suspended and we include Ordinances #5 and including #8 on this evening's agenda; seconded.

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

NO REMARKS ROLL CALL: 11 YEAS, 0 NAYS
(Roll call out of succession due to unavailability of Thomas West to answer roll call)

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We're now under public hearings. There are no public hearings scheduled for this evening.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: In addition, there are no public speaks on Ordinances and Resolutions for adopted.

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We have no speakers signed up to speak.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We are now under information resolutions. The Chair will recognize a motion to excuse Member West. Member Casar, would you.... does Member West wish to be excused tonight?

MEMBER CASAR: Yes, he was here for roll call and then he's been excused.

PRESIDENT SCHULMAN: Very good. Any remarks?... If not, roll call vote please.

NO REMARKS

NO ROLL CALL TAKEN AS MEMBER WEST WAS EXCUSED

MEMBER CASAR: Mr. President. Ah, point of information. Mr. ah... Member West made roll call so I don't think we have to do this.

PRESIDENT SCHULMAN: All right. That's fine. Very good. Then it will not be necessary to excuse any members. Madame Clerk, would you please read Resolutions #84 through #88 by title.

#84 COUNCIL-AS-A-WHOLE & PRESIDENT SCHULMAN: COMMENDING JULIE HERMAN, TEACHER, FOR RECEIVING THE MILKEN NATIONAL EDUCATOR AWARD. - (ADOPTED)

CLERK TIMBERLAKE: It was adopted on 10/30/06 but we put it back on the agenda tonight for presentation.

PRESIDENT SCHULMAN: Are there any remarks? Member Hart?

MEMBER HART: Ah, Miss Herman's here tonight and I would ask that the Clerk ah, read that and we make a presentation.

PRESIDENT SCHULMAN: Very good.

AN INFORMATION RESOLUTION RESPECTFULLY SUBMITTED BY COUNCIL-AS-A-WHOLE AND PRESIDENT SCHULMAN ON NOVEMBER 6, 2006. WHEREAS: Julie Herman was born a 'twin' with arthrogryposis multiplex congenita, a rare condition consisting of limited range of motion in major joints. As a McKinley High School graduate, Julie went on to graduate with a Bachelor Degree in Special Education from Kent State University. To further prove that being confined to a wheelchair did not deter her dreams, she went on to graduate from Ashland University with her Master's Degree in Education in Administration; and (WHEREAS:) As an Intervention Specialist for Canton City Schools, Julie works with children of special needs. In spite of the fact that she has no use of her arms, her physical condition has never been a deterrent to her, but has made her work harder than average to achieve her goals; and (WHEREAS:) As an advocate for special children, Julie's goal is to have every child she works with go on to college and have successful lives. She works with children to integrate, not separate and has found that learning and doing things in different ways, can lead children to a very successful end-result; and, (WHEREAS:) Proclaiming that 'knowledge is power', Julie has proven that dreams can come true and hard work does pay off. She has earned respect among her peers and also among the students that she teaches and is involved with. It is both fitting and proper that Julie Herman was awarded the distinguished \$25,000 Milken National Educator Award. NOW, THEREFORE, BE IT RESOLVED:

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That we, the Members of the Council of the City of Canton, Ohio, do hereby recognize, give special tribute to, and commend most highly an outstanding Canton City Schools Educator JULIE HERMAN for serving the 'special needs children' of this community with integrity and dignity. Thank you, Julie for your hard work and outstanding service to the children of Compton School. God Bless and keep you as you continue to do the work you so love.

(APPLAUSE)

MEMBER HART: Um, excuse me. (*Member Hart became very emotional*) Some 30 years ago, I walked into a classroom and I met a little girl and her name was Julie and, Julie's been one of those young ladies and one of those kids that, ah, you definitely learn more from than you ever taught her. I've watched her grow up from a little girl into a woman and I watched her grow up into a student, graduate from high school and graduate from college and as a student, she was an excellent student. She chose that calling of becoming a teacher, I think that that's a very high calling and she's exceeded my expectations, and she's just been an excellent teacher and has touched a lot of lives and will continue to touch a lot of lives. And, it's done me good to see what she's been able to achieve and if I was to make one, I guess, critici... I don't want to call it criticism, but I, I, I hope that she will apply for school administration and she's been a heck of a student, a heck of a teacher and will become a heck of an administrator and a lead, and promote other, other teachers to reach out and touch those, those children. And, again, on behalf of Canton City Council, Julie, and ah, all the years I've known you, you've been a great young, ah, I want to say 'little girl' but (*audience chuckles*) ah, that's just because I'm growing old. But again, congratulations and thank you very much. (APPLAUSE)

PRESIDENT SCHULMAN: Member Hart, would Julie like to say anything?

MS. HERMAN: I have a pretty big mouth too. (*Member Hart hand-held the microphone for Julie Herman to speak*) Well I'd have to say this was a big shock to me come about a month ago. I never expect this. I just wanted to do my job, just like any other normal teacher goes to school every day, does their job and I'm glad that I was recognized here in the City of Canton. After I received my degree, my dream was to teach in Canton, but of course you don't receive your dreams so early on. You have to kinda get those hard jobs first and then you get the best job and I got the best job first so, it's an honor to teach in Canton and I plan to stay in Canton as long as they'll want me to stay in Canton so, thanks. (APPLAUSE)

PRESIDENT SCHULMAN: Congratulations again Miss Herman. We are back on the agenda. Madame Clerk, will you please read resolution #87.

#87. PERSONNEL COMMITTEE: CONFIRMING THE IMMEDIATE APPOINTMENT OF MARCIA ZAWACKY TO THE FAIR HOUSING BOARD EXPIRING 12/31/07. - (ADOPTED)

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt resolution #87; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded. Any discussion?... All those in favor signifying by saying aye. Those opposed, no. The resolution passes.

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NO REMARKS RESOLUTION #87 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: Madame Clerk, would you read resolution #88 please?

#88. PERSONNEL COMMITTEE: CONFIRMING THE IMMEDIATE APPOINTMENT OF WILLIAM EUSTATHIOS TO THE BOARD OF BUILDING APPEALS EXPIRING 12/31/08. - (ADOPT)

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt resolution #88; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt resolution #88. Any remarks?... If not, by voice vote, all those in favor signify by saying aye. Any opposed?... Resolution #88 passes, and is adopted.

NO REMARKS RESOLUTION #88 APPROVED BY UNANIMOUS VOICE VOTE

COMMUNICATIONS

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

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED NOVEMBER 6, 2006.

515. AUDITOR R. A. MALLONN, CITY OF CANTON: CERTIFICATE OF TOTAL AMOUNT FROM ALL SOURCES FOR 2006. - RECEIVED & FILED

516. AUDITOR R.A. MALLONN, CITY OF CANTON: SUBMITTING 10/01/06 - 10/31/06 MONTHLY REPORT BY FUND . - RECEIVED & FILED

517. AUDITOR R. A. MALLONN, CITY OF CANTON: SUBMITTING 01/01/06 - 10/31/06 YEARLY REPORT BY FUND . - RECEIVED & FILED

518. EHRET, DAVID, APPLICANT: ZONE CHANGE APPLICATION FOR 405 THE O'JAYS PARKWAY, FR: B-3 TO PB-4 FOR DETAILING OF VEHICLES (TARGET INVESTMENTS INC) - PLANNING COMMISSION

519 LAW DIRECTOR JOE MARTUCCIO: REQUESTING TO AUTHORIZE LEGISLATION FOR THE STATEMENT OF SERVICES AND THE CEDA DEVELOPED THROUGH THE EFFORT OF THE TOWNSHIPS & CITY PERSONNEL (STARK CERAMICS INC.: KOCH KNIGHT & THE QUARRY CEDA ANNEXATION) - ANNEXATION COMMITTEE

520. MAYOR JANET CREIGHTON: REQUEST AUTHORIZATION TO APPOINT VIRGINIA JEFFRIES TO THE CANTON FAIR EMPLOYMENT PRACTICES BOARD EFFECTIVE UPON COUNCIL'S

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CONFIRMATION, EXPIRING ON 2/28/09. - PERSONNEL COMMITTEE

521. MAYOR JANET CREIGHTON: REQUEST AUTHORIZATION TO APPOINT SUE MEISTER FOR 3 YRS AMANDA KENDLE FOR 2 YRS, ROSEMARY RUBIN FOR 3 YRS, JANICE PORTER FOR 2 YRS & KEITH KIMBLE FOR 3 YRS TO THE SOLID WASTE TASK FORCE. - PERSONNEL COMMITTEE
522. PLANNING COMMISSION, CITY OF CANTON: RECOMMENDING APPROVAL OF PROPOSED VACATION OF HOOVER PL NW BETWEEN CLEVELAND AVE., N & MINERVA CT (JAMES BIETZEL). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
523. SAFETY DIRECTOR BERNARD HUNT: ADVISING OF THE DEMOLITION OF THE WAREHOUSE LOCATED AT 1018 MCKINLEY AVE., SW FOLLOWING A FIRE ON 10/19/06; ADVISING OF AN ESTIMATE BY COTTRILL WRECKING CO., FOR \$96,000. - RECEIVED & FILED
524. SAFETY DIRECTOR BERNARD HUNT: AUTHORIZE THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH MOTOROLA, INC FOR THE PURCHASE OF RADIOS & RELATED EQUIPMENT FOR THE POLICE DEPT. IN AN AMOUNT NOT TO EXCEED \$24,784. - FINANCE COMMITTEE
525. SERVICE DIRECTOR JOE CONCATTO: AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LEASE AGREEMENT WITH STARK COUNTY EDUCATION SERVICE CENTER TO LEASE 2 CLASSROOMS LOCATED WITHIN THE EDWARD L. "PEEL" COLEMAN COMMUNITY CENTER EFFECTIVE RETROACTIVE 8/21/06 TO 6/8/07 FOR \$3,000/ MONTH. - FINANCE COMMITTEE
526. SERVICE DIRECTOR JOE CONCATTO: AUTHORIZE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A 99 YR (RENT FREE) LEASE FOR THE USE OF A PARKING LOT OWNED BY ARTS IN STARK. - JUDICIARY COMMITTEE
527. STARK COUNTY COMMISSIONERS: ADVISING OF A PUBLIC HEARING FOR PROPOSED ANNEXATION OF 72.782 ACRES IN PLAIN TWP TO THE CITY OF CANTON (REIFSNYDER PARK/PARK POULTRY ANNEXATION). - RECEIVED & FILED
528. YOUTH DEVELOPMENT DIRECTOR LISA GISSENDANER, CITY OF CANTON: REQUEST PAYMENT FOR SERVICES RENDERED TO VENDORS FOR THE SUMMER FOOD PROGRAM 2006 IN THE AMOUNT OF \$342.05. - FINANCE COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #4 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

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1. (1ST RDG) **ADOPTED AS ORDINANCE 203/2006** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO COOPERATIVE ECONOMIC DEVELOPMENT AGREEMENTS WITH OSNABURG AND CANTON TOWNSHIPS ON PROPERTY LOCATED IN THE STARK CERAMICS, INC; KOCH KNIGHT & THE QUARRY ANNEXATION AREA; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Annexation Committee
2. (1ST RDG) **ADOPTED AS ORDINANCE 204/2006** A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNERS IN THE STARK CERAMICS INC; KOCH KNIGHT & THE QUARRY ANNEXATION AREA UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Annexation Committee
3. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH COOPER & ASSOCIATES IN AN AMOUNT NOT TO EXCEED \$53,500.00 TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE OSNABURG TOWNSHIP WATER MAIN EXTENSION PROJECT; AMENDING APPROPRIATION ORDINANCE NO 1/2006; ANE DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance and Environmental & Public Utilities Committee
4. (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$41,359.00 TO ESTABROOK CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

PRESIDENT SCHULMAN: And, at this time, the Chair will declare an in-house recess for the Annexation Committee to meet in regard to Ordinance #1 on your agenda this evening. You are now in recess.

(COUNCIL RECESSED AT 7:43 PM FOR THE ANNEXATION COMMITTEE TO DISCUSS THE PASSAGE OF ORDINANCES #1. COUNCIL RECONVENED AT 7:52PM)

PRESIDENT SCHULMAN: Council is now reconvening after the recess. Member Casar.

MEMBER CASAR: Mr. President. I move we suspend Rule 22A and place Ordinances #1 & #2 back on this evening's agenda; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to place Ordinances #1 and #2 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

PRESIDENT SCHULMAN: Thank you Madame Clerk. Rule 22A is suspended. Ordinances #1 and #2 are a legal part of your agenda. Member Casar.

MEMBER CASAR: Mr. President. I

PRESIDENT SCHULMAN: Member Casar.

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MEMBER CASAR: Well.....

PRESIDENT SCHULMAN: Move to suspend the statutory rules on Ordinance 1?

CLERK TIMBERLAKE: We read #2 already.

MEMBER CASAR: Mr. President. I move the statutory rules be suspended on Ordinance #1; seconded.

PRESIDENT SCHULMAN: It's moved and seconded to dispense with the 3 readings of Ordinance #1. Are there any remarks?... If not, roll call vote please, Madame Clerk.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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

MEMBER CASAR: Mr. President. I move we adopt Ordinance #1; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #1. Are there any remarks under this Ordinance? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT SCHULMAN: Ordinance #1 is adopted.

#1 ADOPTED AS ORDINANCE 203/2006

PRESIDENT SCHULMAN: Ordinance #2 is a part of your legal agenda.

MEMBER CASAR: Mr.... Mr. President.

PRESIDENT SCHULMAN: Yes Member Casar.

MEMBER CASAR: I move the statutory rules be suspended on Ordinance #2; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded. Any discussion?... If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #2; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #2. Are there any remarks? If not, roll....

MEMBER CARBENIA: Mr. President.

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PRESIDENT SCHULMAN: Sorry? Member Carbenia?

MEMBER CARBENIA: If I may, I'd like to thank Sam Sliman to get us moving on this thing right away and he's doing a great job and we should all be thankful he's out there doing this for us.

PRESIDENT SCHULMAN: Any other remarks?... If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

PRESIDENT SCHULMAN: After that torturous route, ah, Ordinance #2 is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

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

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #5 THROUGH #8 FOR THE SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS

- #5 (2ND RDG) AMENDING SECTIONS 157.01 & 157.05 OF CHAPTER 157, POLICE AND FIRE MINORITY EMPLOYMENT OPPORTUNITY OF THE ADMINISTRATIVE CODE OF CODIFIED ORDINANCES OF THE CITY OF CANTON
- #6 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A DONATION TO ASSIST IN THE PURCHASE OF SMOKE DETECTORS; AMENDING APPROPRIATION ORDINANCE NO. 1/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY
- #7 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE STARK COUNTY METROPOLITAN SEWER DISTRICT FOR THE PURCHASE OF SANITARY SEWER CONVEYANCE RIGHTS IN AN AMT NOT TO EXCEED \$91,136.09; AND DECLARING THE SAME TO BE AN EMERGENCY
- #8 (2ND RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATIONS IN AN AMOUNT NOT TO EXCEED \$3,155.96 TO EWING CHEVROLET AND \$4,862.81 TO TREAD CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Thank you Madame Clerk.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING

MINUTES OF THE MEETING OF NOVEMBER 6, 2006***ORDINANCES #9 THROUGH #21 FOR THE THIRD TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. ALL THE ORDINANCES WERE ADOPTED BY COUNCIL FOLLOWING THEIR THIRD READING***

PRESIDENT SCHULMAN: Thank you Madame Clerk. We're now under Ordinances for their third and final reading. Madame Clerk, please read Ordinances #9 through #21 by title.

9. (3RD RDG) **ADOPTED AS ORDINANCE 205/2006** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 4682 THRU 4684; APPROVING AND ACCEPTING THE DEDICATION OF A PORTION OF THE INTERSECTION OF TYLER AVENUE SE AND 4TH STREET SE; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Ordinance #9; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded. Any remarks? If not roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: That is adopted.

#9 ADOPTED AS ORDINANCE 205/2006

10. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE 206/2006** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH COT-PURITECH PURSUANT TO THE CITY'S JOB CREATION INCENTIVE PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Ordinance #10; seconded.

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PRESIDENT SCHULMAN: It's been moved and seconded. Any discussion?

MEMBER CASAR: Mr. President. I move we amend Ordinance #10 per the copy that all Council Members have in front of them.

PRESIDENT SCHULMAN: It's been moved and seconded to amend the Ordinance per the copy before each of you. Are there any remarks?... If not, by voice vote, all those in favor, signify by saying aye. Those opposed no. The Ordinance #10 passes; amended, I'm sorry. Excuse me... I'm getting there.

NO REMARKS

AMENDMENT APPROVED BY UNANIMOUS VOICE VOTE

AMENDMENT: Pursuant to Rule 36, I move to amend Agenda Item NO 10 to amend the caption and Section 1 to read as follows: *AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH COT-PURITECH PURSUANT TO THE CITY'S JOB CREATION INCENTIVE AND NET PROFIT TAX INCENTIVE PROGRAMS; AND DECLARING THE SAME TO BE AN EMERGENCY SECTION 1: THE MAYOR OR DIRECTOR OF PUBLIC SERVICE, ON BEHALF OF THE CITY OF CANTON, IS AUTHORIZED AND DIRECTED TO ENTER INTO FIVE-YEAR, PARTIAL TAX REIMBURSEMENT AGREEMENTS WITH COT-PURITECH PURSUANT TO THE CITY'S JOB CREATION INCENTIVE AND NET PROFIT TAX INCENTIVE PROGRAMS AND SUBJECT TO THE CITY'S ECONOMIC GROWTH INITIATIVE*

PRESIDENT SCHULMAN: It's been amended. Mr...Member Casar.

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

PRESIDENT SCHULMAN: Moved and seconded to adopt Ordinance #10. Are there any remarks under this amended 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: The Ordinance #10 is adopted.

#10 ADOPTED AS AMENDED AS ORDINANCE 206/2006

11. (3RD RDG) **ADOPTED AS ORDINANCE 207/2006** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ACCEPT A \$120,000 PER YEAR GRANT FOR A 3-YR FAIR HOUSING ASSISTANCE PROGRAM; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MONTH TO

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MONTH CONTRACT WITH STARK COUNTY REGIONAL PLANNING COMMISSION TO PROVIDE FAIR HOUSING SERVICES FOR 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 #11; seconded.

PRESIDENT SCHULMAN: Ordinance #11 has been moved and seconded. Excuse me. Any discussion?... If not roll call vote please, Madame Clerk.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: The Ordinance #11 is adopted. **#11 ADOPTED AS ORDINANCE 207/2006**

12. (2nd RDG) **ADOPTED AS ORDINANCE 208/2006** AN ORDINANCE AUTHORIZING THE MAYOR TO FILE WITH THE US DEPT OF HOUSING & URBAN DEVELOPMENT A 2007 CONSOLIDATED PLAN FOR THE 2007 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, 2007 HOME INVESTMENT PARTNERSHIP PROGRAM & 2007 EMERGENCY SHELTER GRANT PROGRAM; RATIFYING SUBMISSION & FILING OF SAID PLAN; AUTHORIZING THE MAYOR TO EXECUTE GRANT AGREEMENTS WITH THE US DEPT OF HOUSING & URBAN DEVELOPMENT AND TO ACCEPT FUNDING FOR THE 3 PROGRAMS; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President

PRESIDENT SCHULMAN: Member Casar.

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

PRESIDENT SCHULMAN: Ordinance #12 has been moved and seconded. Any discussion?... 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: Ordinance #12 is adopted. **#12 ADOPTED AS ORDINANCE 208/2006**

13. (3RD RDG) **ADOPTED AS ORDINANCE 209/2006** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A FUNDING AGREEMENT WITH STARK COUNTY OUT OF POVERTY PARTNERSHIP, INC TO PROVIDE HOME FUNDS IN AN AMOUNT NOT TO EXCEED \$240,000 FOR THE WILLOW PARK HOUSING PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President

PRESIDENT SCHULMAN: Member Casar.

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

PRESIDENT SCHULMAN: Ordinance #13 has been moved and seconded. Any discussion?... If not Madame Clerk will you call the roll.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Ordinance #13 is adopted. **#13 ADOPTED AS ORDINANCE 209/2006**

14. (2ND RDG) **ADOPTED AS ORDINANCE 210/2006** AN ORDINANCE APPROVING & ACCEPTING THE REPLATTING OF LOTS 7891 AND 40796; APPROVING & ACCEPTING THE DEDICATION OF ADDITIONAL RIGHT-OF-WAY FOR A 15-FOOT TURN-OUT RADIUS; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President

PRESIDENT SCHULMAN: Member Casar.

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

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #14. Any discussion?... If not, roll call vote please Madame Clerk.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: The Ordinance is adopted. **#14 ADOPTED AS ORDINANCE 210/2006**

15. (3RD RDG) **ADOPTED AS ORDINANCE 211/2006** AN ORDINANCE APPROVING & ACCEPTING THE REPLATTING OF PART OF LOT 793; AND DECLARING THE SAME TO BE AN EMERGENCY (St. Metro Housing)

MEMBER CASAR: Mr. President

PRESIDENT SCHULMAN: Member Casar.

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

PRESIDENT SCHULMAN: Ordinance #15 has been moved and seconded. Any discussion?... If not Madame Clerk call the roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Ordinance #15 is adopted. **#15 ADOPTED AS ORDINANCE 211/2006**

16. (3RD RDG) **ADOPTED AS ORDINANCE 212/2006** AN ORDINANCE APPROVING & ACCEPTING THE REPLATTING OF PART OF OUTLOT 215; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President

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PRESIDENT SCHULMAN: Member Casar.

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

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #16. Any discussion? 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 #16 is adopted. **#16 ADOPTED AS ORDINANCE 212/2006**

17. (3RD RDG) **ADOPTED AS ORDINANCE 213/2006** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT AMENDMENT WITH MERCY MEDICAL CENTER AND CONCERN; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President

PRESIDENT SCHULMAN: Member Casar.

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

PRESIDENT SCHULMAN: Ordinance #17 has been moved and seconded. Any discussion? 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 #17 is adopted. . . . **#17 ADOPTED AS ORDINANCE 213/2006**

18. (3RD RDG) **ADOPTED AS ORDINANCE 214/2006** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AMENDED CONTRACTS WITH OHIO POWER COMPANY TO PROVIDE ELECTRIC ENERGY TO THE HARRISBURG

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RD NE WATER FIELD AND SUGARCREEK WATER FIELD; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT SCHULMAN: Member Cas.....

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #18. Any discussion?... If not roll call vote please Madame Clerk.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Ordinance #18 is adopted.

#18 ADOPTED AS ORDINANCE 214/2006

19. (3RD RDG) **ADOPTED AS ORDINANCE 215/2006** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A FIVE YEAR LEASE/PURCHASE CONTRACT WITH DIGITAL AND ANALOG DESIGN CORPORATION FOR VOICE COMMUNICATION SYSTEM EQUIPMENT PURSUANT TO ORC SECTION 125.04; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH KEY GOVERNMENT FINANCE, INC. FOR A TAX-EXEMPT MUNICIPAL GOVERNMENT LEASE FOR THE PURCHASE OF SAID EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$750,000; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President

PRESIDENT SCHULMAN: Member Casar.

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

PRESIDENT SCHULMAN: Ordinance #19 has been moved and seconded. Any discussion?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Ordinance #19 is adopted. **#19 ADOPTED AS ORDINANCE 215/2006**

20. (3RD RDG) **ADOPTED AS ORDINANCE 216/2006** A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE REIFSNYDER PARK/PARK POULTRY ANNEXATION AREA UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President

PRESIDENT SCHULMAN: Member Casar.

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

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Res.... Ordinance #20. Any discussion?... 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 #20 is adopted. **#20 ADOPTED AS ORDINANCE 216/2006**

21. (2ND RDG) **ADOPTED AS ORDINANCE 217/2006** A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE HARMONT EAST ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President

PRESIDENT SCHULMAN: Member Casar.

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

PRESIDENT SCHULMAN: Ordinance #21 has been moved and seconded. Any comments?... Any discussion?... If not Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Resolution #21 is adopted. **#21 ADOPTED AS ORDINANCE 217/2006**

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: We are now Announcement of Committee Meetings.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Monday, November 13th, 6:30 the Finance Committee will meet to discuss the Ordinances for second reading. Also, Thursday, November 9th, 10 AM in the Caucus Room, we'll be holding our quarterly Finance Committee meeting. This is for our budget review for 2006.

PRESIDENT SCHULMAN: November 9th at what time?

MEMBER HAWK: 10 AM.

MEMBER ZACHARY: Mr. President.

PRESIDENT SCHULMAN: Member Zachary.

MEMBER ZACHARY: For Member Prater who cannot talk this evening. The Personnel Committee will be meeting Monday, November 13th at 6:30 PM.

PRESIDENT SCHULMAN: Thank you Member Zachary and thank you Member Prater.

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MAYOR CREIGHTON: Mr. President.

PRESIDENT SCHULMAN: Mayor.

MAYOR CREIGHTON: Thank you. The Water Facilities Commissi.....the Waters Facilities Committee will meet Monday, November the 13th at 5:30, 8th Floor.

PRESIDENT SCHULMAN: Thank you Mayor.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: We have public speaks coming up. There are no public speakers tonight. I'd just like to again, thank our visitors who were attending tonight for the first time or not. Thanks for being out here the night before the election. We have an important election, no matter what your party preference tomorrow. It means a lot for our nation, our state and our city and I encourage each and every one of you to get out and vote.

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: We're now under miscellaneous business.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Member Dougherty.

MEMBER DOUGHERTY: Yes, just a reminder. I gave fliers out to everybody and there's some in the back for the people. There's a Canton Community Forum meeting addressing issues of crime in northeast Canton. One of the sponsors is the NEAR group along with a group of other sponsors. The City of Canton's involved of course and we're looking for your ideas, suggestions and solutions. The Mayor and Councils want the people to attend this, encourage them to attend, talk and give us ideas on how we can possibly make the city much safer. That's at 5:30, November 8th, Wednesday, at the William Hunter Center, 3015 Mahoning Road. Thank you.

PRESIDENT SCHULMAN: Thank you.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Could you put in a request or have our personnel put in a request that they fix the clock since the time has fallen back. Thank you sir.

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PRESIDENT SCHULMAN: That is outrageous! Mayor, would you explain why the clock has not been set back, please?

MAYOR CREIGHTON: Ah, yes I would Mr. President. You're in charge of City Council Chambers.
(LAUGHTER)

PRESIDENT SCHULMAN: I have been told, Mayor, I have no power whatsoever. (CHUCKLE) I don't even think I have the power to move the clock back. Any other remarks?...

MEMBER HART: Mr. President.

PRESIDENT SCHULMAN: Member Hart.

MEMBER HART: Mr. President. Just a question for the Law Director. On Thursday, I attended a meeting down at Bolivar concerning an update of the County-Wide Landfill, that's run by Republic Waste Technologies and as many of you are aware that, I guess putting it mildly, there's a real air quality issue down there. Ah, I guess stench would probably be a better, better word for it. And, you know, our, our Stark County Health Department License it and our city Health Department does the air quality control but during the meeting, I learned there that the Ohio, everybody agrees that there's a problem there and, it, it seems ah, you know, there's a question as to what waste or ah, what Republic Waste is doing to, you know, really help to alleviate that and I, I guess the question was raised about the inability of people to find them where it seems in the city, you know, we are able to find people if they are not making the needed, ah, improvements and I guess there, does our Health Department, which has the contract to provide the air quality studies, do they have the power to issue any kind of citation to Republic Waste because when you hear the stories of the people down there that are unable to sell homes and what not, I mean, it's, you know, in, inconceivable.

LAW DIRECTOR MARTUCCIO: Mr. President. Member Hart, my understanding is that the Ohio EPA has contracted with Canton City Health Department to be its law enforcement agent in terms of enforcing the air quality standard that the State has imposed. As such, if they have probable cause to believe that an offense has been committed, they can contact the Prosecutor of that jurisdiction, whether it's municipal or, or county, depending on the level of the offense, to see if, if that Prosecutor and that Judge concur if probable cause of this to bring a criminal charge. The other option might be to bring a civil case by way of a nuisance law suit um, through the local Prosecutor or the county Prosecutor. Um, we would insist, of course, since they are indirectly a part of the city, an autonomous part of the city, but to answer your question, they have the right provided they have a probable cause basis to consider bringing charges in the local jurisdiction.

MEMBER HART: Okay. Thank you, and also, you know, I wish to congratulate the Member Carbenia's granddaughter was outstanding student at her high school and then also for the Law Director, um, I wanted to know if there was going to be an academy award party after you receive an academy award. (CHUCKLE)

LAW DIRECTOR MARTUCCIO: Mr. President.

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PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you. Member Hart. I have learned a couple of things. The road from Hollywood is paved with shattered dreams (*CHUCKLES*) and there are more unemployed actors than there are unemployed attorneys. I'm not counting on anything but, thanks.

PRESIDENT SCHULMAN: Any other remarks?...

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Member, I mean Law Director Martuccio, wants to make a statement.

LAW DIRECTOR MARTUCCIO: Thank you. Mr. President, Member Casar, on behalf of the Chair, we would entertain a motion, via Council, to go into Executive Session with the Law Director and Assistant Law Director to include, to discuss imminent litigation and to include in that discussion, the Council, the President, Council Staff, the Mayor, her Cabinet, the Chief Building Official and Mr. Williams. And, I believe everyone else is covered under the Cabinet's title.

MEMBER CASAR: Mr. President. I so move; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to retire into Executive Session. Are there any remarks, if not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

(COUNCIL CONVENED INTO EXECUTIVE SESSION AT 8:15PM; COUNCIL RECONVENED AT 9:18PM)

PRESIDENT SCHULMAN: *(GAVEL BRINGS COUNCIL BACK INTO SESSION AT 9:18PM)*

PRESIDENT SCHULMAN: Do we have a motion to adjourn from executive session?...

MEMBER CASAR: Mr. President. I move we adjourn from Executive Session; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded. We'll have a voice vote. All those in favor aye.

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All opposed, no. Do we have a motion to adjourn?...

NO REMARKS BY VOICE VOTE ADJOURNMENT CALLED FROM EXECUTIVE SESSION

PRESIDENT SCHULMAN: Do we have a motion to adjourn?...

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

PRESIDENT SCHULMAN: It's been moved and seconded. Motion to adjourn. Any discussion?... Roll call Madame Clerk.

NO REMARKS ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Meeting is adjourned (*gavel falls*)

ADJOURNMENT TIME: 9:18 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT OF COUNCIL