

MINUTES OF THE MEETING OF FEBRUARY 26, 2007

PRESIDENT SCHULMAN: (*SOUND OF GAVEL*) 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:

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

DON CASAR AND MARY CIRELLI ABSENT

CLERK TIMBERLAKE: Ten present, two absent Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. We will have the invocation ah tonight given by 6th Ward Councilmember David Dougherty please remain standing for the pledge of allegiance.

The regular meeting of Canton City Council was held on Monday, February 26, 2007 at 7:30 P.M. in the Canton City Council Chamber . The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Ward 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. Is there a motion to suspend Rule 22A?

MEMBER CARBENIA: Yes, Mr. President, I move we...Rule 22A be suspended and add, to add 1st Readings #5 and #7, 2nd reading Ordinances 9, 10, 12 and 13; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add the 1st reading of Ordinance 5 and 7 and the seconding reading Ordinances 9, 10, 12 and 13. Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas Mr. President.

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

PUBLIC HEARINGS

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

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We are now under Public Speaks. There are no public speakers signed up tonight.

INFORMAL RESOLUTIONS

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PRESIDENT SCHULMAN: Uh, we do have two member absent tonight. Is there a motion to excuse members Casar and Cirelli?

MEMBER CARBENIA: Yes, Mr. President, I would like to excuse members um...um...Members Cirelli and Casar from tonight's meeting; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to excuse Members Cirelli and Casar. Roll call vote please Madame Clerk.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas Mr. President.

PRESIDENT SCHULMAN: The motion carries. We are now under Informal Resolutions. Madame Clerk, please read Resolution #18 by title.

#18 PERSONNEL COMMITTEE: REQUEST TO APPOINT MR. LARRY BELL TO FAIR HOUSING COMMISSION FR: 2/1/04 THRU 1/31/08. - ADOPTED

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: I move we adopt Resolutions 18; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #18. Any remarks?...If not, by voice vote, all those in favor signify by saying aye... Those opposed say no... Resolution #18 has been adopted.

NO REMARKS

RESOLUTION #18 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: Resolution 18 has been adopted.

COMMUNICATIONS

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

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED FEBRUARY 26, 2007.

85. ABCD HOMES V LLC: NOTIFICATION AS MANAGING MBR OF SINGLE FAMILY RESIDENTIAL DEV & NOTIFYING OF RIGHT OF DISAPPROVAL OR OBJECTION TO OHFA W/IN 30 DAYS . - RECEIVED & FILED

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86. ABCD HOMES V LLC: NOTIFICATION OF MEMBERSHIP IN MULTIFAMILY RESIDENTIAL DEV FOR SENIOR CITIZENS & NOTIFYING OF RIGHT OF DISAPPROVAL OR OBJECTION TO OHFA W/IN 30 DAYS. - RECEIVED & FILED
87. AUDITOR MALLONN: CERTIFICATE OF TOTAL AMT FR: 2007 ALL SOURCES. - RECEIVED & FILED
88. CANTON SENIOR LLC: NOTIFICATION AS MANAGING MBR OF SENIOR 3-STORY DEVELOPMENT ON MILL ST SW & CLEV AVE., SW & NOTIFYING OF RIGHT OF DISAPPROVAL OR OBJECTION TO OHFA W/IN 30 DAYS. - RECEIVED & FILED
89. CIRELLI, MARY, COUNCILMBR AT LARGE: REQUEST TO CONSIDER GEO-THERMAL HTG SYSTEM FOR CITY OWNED BLDGS IN FUTURE. - RECEIVED & FILED
90. LAW DIRECTOR MARTUCCIO: REQUEST TO PREPARE LEGISLATION TO ENTER INTO ANNEXATION AGRMT BETW CITY OF CANTON, PLAIN TWP & PARK FARMS PURSUANT TO ORC. - ANNEXATION CMTE
91. LAW DIRECTOR MARTUCCIO: REQUEST TO JUD CMTE TO RESEARCH LEGISLATION RE: MANDATORY USE OF TAMPER-PROOF, LONG-TERM SMOKE DETECTORS FOR CITY RESIDENTS. - JUDICIARY CMTE
92. LAW DIRECTOR MARTUCCIO: REQUEST TO AMEND O#29/2007 TO REPLACE THE FIGURE OF \$16,800 TO \$24,000 ON LEGISLATION RE: WHEELING & LAKE ERIE RAILWAY CO FOR RIGHTS TO 3 RR CROSSINGS. - FINANCE CMTE
93. LIQUOR CONTROL DIVISION (OHIO): ADVISING OF CANCELED HEARING RE: CITY COUNCIL'S OBJECTION TO STOCK TRANSFER APPLICATION, AHN, INC. DBA STORE @ 1105 W. TUSC.,. - RECEIVED & FILED
94. LIQUOR CONTROL DIVISION (OHIO): ADVISING OF CANCELED HEARING RE: CITY COUNCIL'S OBJECTION TO 2006-2007 RENEWAL APPLICATION, AHN, INC. DBA STORE @ 1105 W. TUSC.,. - RECEIVED & FILED
95. MAYOR CREIGHTON: REQUEST APPROVAL OF DEBORAH ROHRBACH REAPPOINTMENT TO THE FAIR EMPLOYMENT PRACTICES BD EFF: 3/1/07 THRU 2/28/10. - PERSONNEL CMTE
96. NEIGHBORHOOD DEV SVS INC.: NOTIFICATION AS GENERAL PARTNER OF SINGLE FAMILY RESIDENTIAL DEV & NOTIFYING OF RIGHT OF DISAPPROVAL OR OBJECTION TO OHFA W/IN 30 DAYS. - RECEIVED & FILED
97. PIRHL DEVELOPERS, LLC: NOTIFICATION AS CO-DEVELOPER OF SINGLE FAMILY RESIDENTIAL DEV & NOTIFYING OF RIGHT OF DISAPPROVAL OR OBJECTION TO OHFA W/IN 30 DAYS. - RECEIVED & FILED

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98. PLANNING COMMISSION: RECOMMENDS APPROVAL TO VACATE UNNAMED ALLEY BETW ROSS & CARNAHAN AVE. S. OF IRA TURPIN WAY & N. OF BLECKER PL. NE; REPLAT LTS 8290 THRU 8297, LTS 8331 THRU 8341 & PROPOSED VACATED ALLEY; & DEDICATE PART OF LTS 8219, 8290 & 8341. - PUBLIC SAFETY & THOROUGHFARES CMTE
99. SAFETY DIRECTOR HUNT: REQUEST \$9,600 PAYMENT TO COTTRILL WRECKING FOR EMERGENCY DEMOLITION OF HOUSE @ 1018 MCKINLEY AVE., SW. - COMMUNITY & ECONOMIC DEVELOPMENT CMTE
100. SAFETY DIRECTOR HUNT: REQUEST APPROVAL TO HIRE MR. LARRY MACKEY IN STEP 3 @ \$50,575.00, GRADE 6, OF CRIMINALIST POSITION IN THE CANTON POLICE DEPT'S CRIME LAB EFF: 4/2/07 (SALARY FULLY REIMBURSABLE BY SCOG). - PERSONNEL CMTE
101. SERVICE DIRECTOR CONCATTO: REQUEST INCREASE OF 2.5% IN SANITATION RATES AS DETERMINED BY 2006 CPI & PURSUANT TO CITY CODE SECTION 947.06 (d). - ENVIRONMENTAL & PUBLIC UTILITIES CMTE
102. SERVICE DIRECTOR CONCATTO: REQUEST INCREASE OF 2.5% IN SEWER RATES AS DETERMINED BY 2006 CPI & PURSUANT TO CITY CODE SECTION 947.06 (d). - ENVIRONMENTAL & PUBLIC UTILITIES CMTE
103. STARK COUNTY COMMISSIONERS: SUBMITTING ALL ANNEXATION MATERIALS RE: STARK CERAMICS/THE QUARRY ANNEXATION - EXPEDITED TYPE I. - PLANNING COMMISSION
104. STARK COUNTY COMMON PLEAS CT: SUBMITTING NOTICE OF ADMINISTRATIVE APPEAL RE: PLAIN TWP VS. BD OF COMMISSIONERS, STARK CO ET AL (DIOGUARDI ANNEXATION). - RECEIVED & FILED
105. WEST, THOMAS, WARD 2 CNCLMN: REQUEST LAW DEPT TO RESEARCH & REVIEW CITY CODE FOR OUTDATED & UNENFORCEABLE LAWS; NOTIFY JUDICIARY CMTE OF FINDINGS. - JUDICIARY CMTE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #8 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS. ORDINANCES #5 AND #7 WERE ADOPTED FOLLOWING RECESS FOR COMMITTEE MEETINGS.

#1 (1ST RDG) AN ORDINANCE APPROVING & ACCEPTING RIGHT OF WAY DEDICATION PLAT OF PORTION OF 26TH ST SW; APPROVING & ACCEPTING THE REPLATTING OF

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PARTS OF OUT LOTS 483 THRU 485; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Safety & Thoroughfares Committee

- #2 (1ST RDG) AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO MAKE APPLICATION FOR & ACCEPT GRANT FUNDS FROM THE OHIO DEPARTMENT OF DEVELOPMENT FOR THE STEIN INDUSTRIAL PARK; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

- #3 (1ST RDG) AUTHORIZING THE MAYOR TO ENTER INTO AN ANNEXATION AGREEMENT WITH CANTON TOWNSHIP ON PROPERTY LOCATED IN THE PPC ANNEXATION AREA; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Annexation Committee

PRESIDENT SCHULMAN: And I'd like the record to show that PPC Incorporated is a client in my private law practice.

- #4 (1ST RDG) AN ORDINANCE AMENDING SEC 181.12, VIOLATIONS; PENALTY OF CHAPTER 181, INCOME TAX

Referred to Judiciary Committee

- #5 (1ST RDG) **ADOPTED AS ORDINANCE # 39/2007** AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$887.00 TO COUNTRY SISTERS EMBROIDERY; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

- #6 (1ST RDG) AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO DONATE USED POLICE WORKOUT MATS TO STARK STATE COLLEGE OF TECHNOLOGY

Referred to Public Property Capital Improvement Committee

- #7 (1ST RDG) **ADOPTED AS ORDINANCE # 40/2007** AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH STANDARD INSURANCE COMPANY FOR GROUP TERM LIFE & ACCIDENTAL DEATH & DISMEMBERMENT INSURANCE FOR ELIGIBLE CITY EMPLOYEES; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

- #8 (1ST RDG) AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CHANGE ORDER #2 WITH OHIO TECHNICAL SERVICES, INCORPORATION IN AN AMOUNT NOT TO EXCEED \$249,492.14 FOR THE ONESTO HOTEL PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance committee

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PRESIDENT SCHULMAN: At this time the Chair would declare an in-house recess for the Finance Committee to meet in regard to Ordinance 5 and 7 on your agenda this evening. You're now in recess.

COUNCIL RECESSED AT 7:37 P.M. FOR A COMMITTEE MEETING ON ORDINANCE #5 AND #7, WHICH WAS RETURNED TO THE AGENDA FOR ADOPTION. PRESIDENT SCHULMAN RECONVENED THE MEETING AT 7:38 P.M.

PRESIDENT SCHULMAN: Council will reconvene after the recess. Rule 22A has already been suspended will place Ordinance #7 back on this evening's Agenda, Member Carbenia.....I'm sorry, #5, Ordinance #5 will be placed back on the agenda.

MEMBER CARBENIA: Mr. President, I move that we suspend Statutory Rules on Ordinance #5; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to dispense with the three readings of Ordinance #5. Are there any remarks? If not, Madame Clerk, roll call vote please.

CLERK TIMBERLAKE: Rules have already been suspended.

PRESIDENT SCHULMAN: Thank you Madame Clerk.

CLERK TIMBERLAKE: 5 and 7.

PRESIDENT SCHULMAN: Thank you. You've heard the three readings, Member Carbenia. You know, since I don't have any opponent in the ah...coming up in the next election, all I can tell you is I just got back from Las Vegas today and I'm a little confused.

(LAUGHTER)

MEMBER CARBENIA: Mr. President, I move we suspend statutory rules on Ordinance #5; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the statutory rules on Ordinance #5. Are there any remarks? If not roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas.

PRESIDENT SCHULMAN: Thank you Madame Clerk. You've heard the three readings, Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #5;

PRESIDENT SCHULMAN: Seconded? I didn't hear it.

MEMBER SMUCKLER: Seconded.

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PRESIDENT SCHULMAN: Thank you. Thank you Member Smuckler. Ah, it's been moved and seconded that you adopt Ordinance #5. Are there any remarks? If not, Madame Clerk, roll call vote please.

CLERK TIMBERLAKE: Ten yeas Mr. President.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

#5 ADOPTED AS ORDINANCE #39/2007

PRESIDENT SCHULMAN: Ordinance #5 is adopted. Rule 22A has been suspended on Ordinance #7 on this evenings agenda. Member Carbenia.

MEMBER CARBENIA: Mr. President, I move that we suspend the three readings on Ordinance #7; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that we dispense with the three readings of Ordinance #7. Are there any remarks? If not, roll call vote please.

CLERK TIMBERLAKE: Ten yeas Mr. President.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT SCHULMAN: That motion carries. Member Carbenia, you've heard the three readings.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #7; seconded.

PRESIDENT SCHULMAN: Thank you very much Member Smuckler. It's been moved and seconded that you adopt Ordinance #7. Are there any remarks under this Ordinance? If not, roll call vote please Madame Clerk.

CLERK TIMBERLAKE: Ten yeas Mr. President.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

#7 ADOPTED AS ORDINANCE #40/2007

PRESIDENT SCHULMAN: That Ordinance is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We are now under Ordinances for their second reading. Madame Clerk, will you please read Ordinances 9, 10, 12 and 13.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #9, #10, #12 and #13 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

#9 (2ND RDG) AMENDING ORDINANCE NO 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN

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EMERGENCY

- #10 (2ND RDG) 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
- #11 (2ND RDG) **RETAINED IN COMMITTEE**
- #12 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE 41ST STREET NE (STEESE) STORM SEWER CONSTRUCTION PROJECT GP 1082; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ACCEPT A GRANT IN THE AMOUNT OF \$1,158,840.00 FROM THE OHIO PUBLIC WORKS COMMISSION; AMENDING APPROPRIATION ORDINANCE NO 241/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #13 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO PROFESSIONAL SERVICES CONTRACT FOR ENGINEERING SERVICES FOR THE TUSCARAWAS STREET RECONSTRUCTION PROJECT, GP 1064; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE TUSCARAWAS STREET RECONSTRUCTION PROJECT, GP 1064; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ACCEPT GRANTS TOTALING \$5,636,900.00 FROM OHIO PUBLIC WORKS COMMISSION, OHIO DEPT OF TRANSPORTATION AND SCATS; AMENDING APPROPRIATION ORDINANCE NO. 241/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: And let the record reflect that Ordinance 11 and Ordinance 14 have been held in committee.

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

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: We are now under Ordinances for their third and final reading, Madame Clerk, please read Ordinance #15 by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #15 THROUGH #19 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. ALL THE ORDINANCES WERE ADOPTED BY COUNCIL FOLLOWING THEIR THIRD READING. ORDINANCE #20 WAS POSTPONED.

- #15 (3RD RDG) **ADOPTED AS ORDINANCE # 41/2007** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 6522 THRU 6526 & TWO VACATED

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ALLEYS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #15; seconded.

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

CLERK TIMBERLAKE: Ten yeas Mr. President.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

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

#15 ADOPTED AS ORDINANCE #41/2007

#16 (3RD RDG) **ADOPTED AS ORDINANCE #42/2007** AUTHORIZING THE CITY OF CANTON TO ACCEPT DONATION OF REAL PROPERTY FROM THE ESTATE OF WILLIAM E. BRINSON; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #16; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt.....Member Hawk, I'm going to have you start doing the seconds if that's alright. (*Laughter*) It's been moved and seconded to adopt Ordinance #16. Are there any remarks? If not, Madame Clerk, roll call vote please.

CLERK TIMBERLAKE: Ten yeas Mr. President.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

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

#16 ADOPTED AS ORDINANCE #42/2007

#17 (3RD RDG) **ADOPTED AS ORDINANCE #43/2007** AUTHORIZING THE CITY OF CANTON TO ACCEPT DONATION OF REAL PROPERTY FROM ELINOR REPASKY; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Carbenia.

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

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #17. Are there any

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remarks? If not, Madame Clerk, roll call vote please.

CLERK TIMBERLAKE: Ten yeas Mr. President.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

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

#17 ADOPTED AS ORDINANCE #43/2007

#18 (3RD RDG) **ADOPTED AS ORDINANCE #44/2007** AUTHORIZING THE CITY OF CANTON TO ACCEPT DONATION OF REAL PROPERTY FROM KENNETH HALL, TRUSTEE; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Carbenia.

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

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #18. Are there any remarks? If not, Madame Clerk, roll call vote please.

CLERK TIMBERLAKE: Ten yeas Mr. President.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT SCHULMAN: Ordinance #18 is been adopted. Ordinance #19 please Madame Clerk.

#18 ADOPTED AS ORDINANCE #44/2007

#19 (3RD RDG) **ADOPTED AS ORDINANCE #45/2007** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE #241/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Carbenia.

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

PRESIDENT SCHULMAN: And anyone who wants to make a second.

MEMBER SMUCKLER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #19. Are there any remarks? If not, Madame Clerk, roll call vote please.

CLERK TIMBERLAKE: Ten yeas Mr. President.

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NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

#19 ADOPTED AS ORDINANCE #45/2007

PRESIDENT SCHULMAN: Ordinance #19 is adopted. Ordinance #20 has been postponed until our next, oh...is there a motion to postpone Ordinance #20?

#20 (3RD RDG) **POSTPONED**

MEMBER CARBENIA: Mr. President, I make ah...ah..motion that we adopt Ordinance 20; seconded.

CLERK TIMBERLAKE: Postponed.

PRESIDENT SCHULMAN: It's been move and seconded to adopt Ordinance #20. Are there any remarks?

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: I move that we postpone Ordinance #20 until March 5th, 2007; seconded.

PRESIDENT SCHULMAN: I don't think it's March 5th isn't it the 7th?

CLERK TIMBERLAKE: March 5th.

PRESIDENT SCHULMAN: Oh is it. Oh okay, it's my daughter's birthday, I thought it was a Saturday. It's been moved and seconded that we postpone Ordinance #20 until March 5th. Are there any remarks? If not Madame Clerk, roll call vote please.

CLERK TIMBERLAKE: Ten yeas Mr. President.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT SCHULMAN: The motion carries, Ordinance #20 is postponed until March 5th, 2007.

ANNOUNCEMENT OF COMMITTEE MEETINGS

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

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: Um...Community and Economic Development Committee will meet ah....at 6:15 on March 5th, 2007.

PRESIDENT SCHULMAN: Thank you.

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MEMBER SMUCKLER: Mr. President.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: Annexation will meet same time, same place, same date.

PRESIDENT SCHULMAN: Thank you. Member West.

MEMBER WEST: Mr. President. Judiciary will meet on March 5th at 6:15pm.

PRESIDENT SCHULMAN: Thank You. Member Hawk.

MEMBER HAWK: Mr. President. The Finance Committee will meet Monday, March 5th at 6:15.

PRESIDENT SCHULMAN: Thank you.

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel Committee will meet March 5th at 6:15.

PRESIDENT SCHULMAN: Thank you.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Member Dougherty.

MEMBER DOUGHERTY: Public Property Capital Improvement will also meet that night at 6:15 PM.

PRESIDENT SCHULMAN: Thank you.

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Member Kraus.

MEMBER KRAUS: Public Safety and Thoroughfare will meet at the same time.

PRESIDENT SCHULMAN: Thank you. Any other committee meetings? If not, we're moving on to Public Speaks Open Forum.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: We do have one speaker signed up tonight. Uh...Joyce Hutson, ah...Joyce would

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you step up if you don't mind to the microphone and if you'll tell Members of Council, the Mayor and her Administration, your name and your home address please.

JOYCE HUTSON: Joyce Hutson.....

PRESIDENT SCHULMAN: And um... Ms. Hutson, you're going to have to get a little closer to the microphone.

JOYCE HUTSON: Joyce Hutson....

PRESIDENT SCHULMAN: Great, thank you.

JOYCE HUTSON: 2000....Hello....2007 31st St NW, Canton, 44709.

PRESIDENT SCHULMAN: And I know you're concerned is with the City income tax matter and we have discussed this and I believe you had a discussion with Member Smuckler also, so....uh...please feel free.

JOYCE HUTSON: Regarding Canton City Income Tax, the Federal Government, the State Government, regarding income tax, the State/County Government, regarding property tax all have in essence a bottom line. Meaning, below a certain income, no Federal taxes due, no State taxes due, no Property Taxes due. That bottom line is about \$25,000.00 and it varies from year to year. The City of Canton has no bottom line on their income tax. I would ask that you look at that and put a bottom line where everyone else has put a bottom line.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Yes Member Smuckler.

MEMBER SMUCKLER: Joyce, could um...I ask you to please elaborate your conversation that you had with...based on your circumstances and other circumstances that may arise similar to yours.

JOYCE HUTSON: I have Multiple Sclerosis. I've had it for about 20 years. I have not been able to work a real full time job for about 12 years. I am on Social Security. I didn't work for 4 or 5 years. When I came back to work, I work all of about 15 hours a week, which is my physical limit, I paid County Property Tax because I thought I was supposed to. I did not pay City Income Tax because I thought I didn't have to. I did it backward. I have 2 Senators and 2 Congressman at the State level working to change the look back period for the Homestead Exemption, for which I was always eligible and didn't know it. I am asking Council to help with my City Income Tax difficulties because they would like what I paid to the County. I would like to not pay everybody.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: Um...I think that I would request of you please ask the Treasurer to come to the next meeting so maybe we can get some further information into um....because I know there's some other circumstances involved where we do have, I believe there's six or seven exemptions uh....right now. One of them is clergy, one of them is at a certain age...I mean we do this for college kids. But ah.....I think what we

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ought to do is take this matter under consideration. I know he specifically cant talk about specific cases but maybe he would want to shed some input into this and the next meeting maybe he could be there at 6:15 also and we could talk about this situation.

PRESIDENT SCHULMAN: And I will do that. And, Ms. Hutson maybe you....if you wouldn't mind, if you could be here next Monday.

JOYCE HUTSON: Absolutely.

PRESIDENT SCHULMAN: At 6:15 then we'll have an opportunity to discuss it further but we do appreciate your bringing this to our attention. Uh, something should be done. Not just specifically with you, with anyone in your position but thank you very much for coming. We appreciate it.

JOYCE HUTSON: Thank you.

PRESIDENT SCHULMAN: Must be a full moon tonight. We're now under uh.....yes? Yes sir?

SHANE TURCKES: *(FROM THE AUDIENCE) (INAUDIBLE)*.....but I would like to speak.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes Member West.

MEMBER WEST: I would ah...grant him 2 minutes to speak, 3 minutes to speak; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that we grant the young man ah...2 minutes to speak. All those in favor say aye. Any opposed?

NO REMARKS

APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: Motion carries. Good evening sir.

SHANE TURCKES: Thank you, I apologize...

PRESIDENT SCHULMAN: If you would do us one favor, I don't mean to interrupt but if you'll give us your name and your home address and if you'll speak in the microphone so we can all hear what you have to say.

SHANE TURCKES: My name is Shane Turckes, my address is 225 Ironwood St SW, Canton OH 44706.

PRESIDENT SCHULMAN: Thank you sir.

SHANE TURCKES: And I apologize for not signing up. This is the first time I ever had a meeting. I work in the Sanitation Department and I feel that these rules that we're trying to get passed is important about these illegal cans. If you've ever been hurt, you realize that not only are you injured but your family is injured because your family has to take up the slack. I have a 22 month old child and I have been hurt on these cans where I can't hold my child because my shoulder is either hurt or my knee went out on me and my wife has to pick up all the

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duties and she is also pregnant. And I have lost a couple children, not because of my injuries but with my wife trying to pick up the slack it makes it hard. And this is a career for me, not just a job that I come here. And a lot of people at the Sanitation Department are fathers, grandfathers, grandmothers and mothers and we also have other jobs that help Canton, by we have another guy that's a minister, I am a Sunday School teacher, and we have other people that work in the church. So this is not just people that are slack around that pick the Sanitation Department. We pick the City of Canton as a career and to help the City of Canton become beautiful. And we've bent over backwards for our people by showing up after, if they put up their trash late or even came out the next day or had a mistake. We went back and got those and we take care of our people and all we ask in return is for our people to take care of us and take care of us by making ah...this rule as 32 gallon cans. These cans are not just heavy because...and for us to pick up the bags is not a choice for us. We have hypodermic needles, glass and we also have people that have diseases that are transmittable by cuts and by blood. So we ask for these cans because it's safe for us and for the community. And that's all that I would like to say.

PRESIDENT SCHULMAN: Very good, well you said it very well. Thank you very much sir. Appreciate it. Thank you. (*APPLAUSE*)

MEMBER ZACHARY: Mr. President. Over here, it's only me, Kelly Zachary.

PRESIDENT SCHULMAN: Oh, I'm sorry. (*Laughter*) I'm watching the other gentleman raise his hand. I'm sorry. Member Zachary.

MEMBER ZACHARY: Um...just a really quick question for um...maybe the Service Department. Outside of the obvious thing that we're doing now, do we have any types of safety training in place for our....our Sanitation ah....professionals...ah...whether it be, how to properly lift, whether it be ah....providing them with gloves or things where their backs or....I mean, what are we doing on our part as an employer to help make sure that our workers stay safe?

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT SCHULMAN: Mr. Service Director.

SERVICE DIRECTOR CONCATTO: Yes, we do...we do provide them with the equipment and the uniforms that they need, including gloves, we provide them with ah...training, we provide them with ah.....shots, HIV, not HIV but ah....Hepatitis, the ability to get Hepatitis shots from needles that they could be infected by, by reaching into a can. So we do ah...provide them with training and we do provide them with the equipment and the materials that they need to do their job.

MEMBER ZACHARY: Is the training ongoing or is it just when they first get hired and then they're on their own? Or do we do any type of follow up?

SERVICE DIRECTOR CONCATTO: Ah...it's basically, the only training that's available is lifting training, how to lift and we do do that. Do we do it ongoing? We don't do it every month but we do it periodically. Um....other than the lifting aspect of it, um....that's about the....other than the drivers and they all have to be CDL drivers if they're driving the truck. So there's training in driving but as far as the waste collectors themselves are concerned, that's the biggest aspect of it.

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MEMBER ZACHARY: Thank you.

PRESIDENT SCHULMAN: Thank you Member Zachary.

(From the audience)

SHANE TURCKES: Sorry but um...I've never been trained. I personally have never been trained and I've been injured 3 or 4 times and um....they just said "Can you handle the lifting?" That's all.

PRESIDENT SCHULMAN: Right....right, if you'll...you'll do me one favor, ah...you've had your opportunity to speak, I don't mean to cut you off at all. After the meeting though, you'll have an opportunity to talk to any of us. We'd be happy to talk to you. Alright sir? It's just, out of order and sir, I don't know what your hand is up for but if you didn't sign up for public speaks, someone's gonna have tosome member will have to make a motion to allow you to do so.

MEMBER KRAUS: He's from my ward Mr. President, I'll allow him 2 minutes.

PRESIDENT SCHULMAN: Okay, is there a second?

MEMBER SMUCKLER: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that we allow the gentleman 2 minutes to speak. All those in favor say aye. Any opposition? Motion carries

NO REMARKS

APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: Would you tell us sir, your full name, your home address and speak very clearly and distinctly into the microphone.

HARRY KOURIS: Yes sir Mr. President, my name is Harry Kouris, uh....my address is 3721 Harrison Avenue NW. Um....thank you Councilman Kraus and Councilman West and Councilman Hawk, I've spoken with you guys and I just wanted to go ahead and ah..you know, add my 2 cents to the garbage situation and um...support this fellow back here that um...in what he said because, I have a trash can that is meant for ah..I don't know if it's a 34 gallon or what it is, but it's meant for the machines to pick up and dump and you know, I'm in construction, I'm an electrician working towards getting my license...Um....I'm also very proactive in fighting crime in the community together with the vice unit and the Councilmembers. And um.....I support him in what he says because when I first heard about the trash can issue, I went out right away and bought, you know, lighter trash cans with handles, whether that meant buying two, I bought two, but if I have to buy more, I will buy more because....you know, you shouldn't have to be a power lifter to lift these trash cans and sometimes, you know people like me, if I am doing remodeling in my house, there might be a few bricks in the bottom or something, who knows. Those trash cans get to be really heavy. So, I understand their viewpoint and um.....and you know and what he was ah.....saying so I support it and I've talked to a lot of other people in the community that you know that....you know that argue about it and say well you know now they bring this up and they want to change this issue. Well I tell them, you know, these guys are doing a job for us to pick up our trash and the least we can do is um...invest some money in buying lighter trash cans to help them do their job and to avoid injuries and avoid what every....what most companies want to avoid and that is Workers' Comp. claims.

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PRESIDENT SCHULMAN: Thank you very much sir.

HARRY KOURIS: Thank you.

MISCELLANEOUS BUSINESS

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

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT SCHULMAN: Service Director Concatto.

SERVICE DIRECTOR CONCATTO: Um...as far as training and sanitation workers, I can assure you that that training will be done very quickly, if that's not been the case. Um....you read in the paper just Saturday about um....the decision that ah....we have made as far as sanitation is. I want to clear one point up that the paper uh....was misquoted a little bit and that is, I did meet with the union president and I did meet with the sanitation superintendent, Mel Meadows....uh....and uh.....the union president, which is Ray Stauffer.....uh....this was at one of the requests of your resolution to me to do...uh...the union is fully behind uh...our maintaining the 32 gallon limit as is the superintendent, uh....as you may have read, we have put our date to be April 1st now that we would ask all of our residents to reduce the size of their can to 32....32 gallon. We did take into consideration the aspect of recycling, however, the recycling cans will be 18 gallon cans...Uh...we do not believe that that'll have an affect. And that we still believe that the 32 gallon can is appropriate. Um....based on safety and the uh....workers ability to do their 400 routes, their 400 homes a day...uh....we just think that's appropriate. I know that Council wished to go in another direction but it was uh....uh....my decision that uh....that we...and I discussed this with the Mayor and it was our decision that we continue with ah....enforcing 32 gallon...ah....can, which would take effect April 1st.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: Yeah, Mr. President. Um...I'd like to um...also thank uh...Mr. Smuckler for seconding tonight, ah....we're probably going to have a training program for him too. (LAUGHTER) As you know, ah he's been ah, you know the Majority Leader for many years himself so he was used to making the...the ah, motions but not seconding them. So I guess we'll have to train him a little.

PRESIDENT SCHULMAN: Member Carbenia, you did an outstanding job tonight. Much better than ah...Majority Leader Casar as a matter of fact.

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Member Kraus.

MEMBER KRAUS: Um....I just wanted to say, Joe, I don't think that Council was fully against the 32 gallon can as much as most of our calls were the way that it was presented to the member....or to the constituents. Um....whatever we choose to do, I think we just need to get a better communication out to the people and that way they, there's no conflict between calls that you know, might have got it but it blew away or they posted it on the can. I think that was the majority of the calls. And I think you'll probably handle that as you usually do.

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MAYOR CREIGHTON: Mr. President.

PRESIDENT SCHULMAN: Mayor.

MAYOR CREIGHTON: Oh, I guarantee you we will handle it the correct way this time. (*Laughter*) It will be in the Canton Quarterly, it will be in the Newspaper, it will be on the Radio, it will be in letters if I have to write each one out separately, we will communicate with our citizens.

(*APPLAUSE*)

PRESIDENT SCHULMAN: And I would only repeat as I say this is about the 3rd time I've said it. If you recycle, which I'd like the....and the paper did an outstanding job on that ah.....article. But if people recycle, these gentlemen and....and gentle ladies who ah...have this tremendous responsibility of picking up our trash and our garbage. They won't have anything to pick up or they'll have very little left because it...it's just incredible how little garbage you have when you recycle and it's an easy thing to do and thanks to the administration and this council. That's what this City is going to do.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Oh, Member Dougherty.

MEMBER DOUGHERTY: Yeah, just on that note, I also want to let the administration know and to the Departments during the storm how well they did um....getting out there and getting everything cleaned up from the Sanitation workers to the Street Department and the Park Department, everybody that helped out. It was a bad storm and um....they worked real hard and I think they did an excellent job so thank you.

PRESIDENT SCHULMAN: They did a great job. Very good job.

(*APPLAUSE*)

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: I will make the motion to adjourn; seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adjourn. Any remarks? Roll call vote please.

CLERK TIMBERLAKE: Ten yeas Mr. President.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT SCHULMAN: (*Gavel falls*) The meeting is adjourned. Thank you and thank you folks in the audience for coming.

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ADJOURNMENT TIME: 8:09 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT OF COUNCIL