

MINUTES OF THE MEETING MARCH 5, 2007

PRESIDENT PRO TEM CASAR: (*SOUND OF GAVEL*) I call Canton City Council to order. Roll call vote please.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

12 COUNCILMEMBERS PRESENT: (DON CASAR, JOE CARBENIA, MARY 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 PRO TEM CASAR: We'll have the invocation given this evening by Member Hart. Please remain standing for the pledge of allegiance.

The regular meeting of Canton City Council was held on Monday, March 5, 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 7 Councilmember Richard Hart, followed by the Pledge of Allegiance led by President Pro Tem Casar.

AGENDA CORRECTIONS & CHANGES

PRESIDENT PRO TEM CASAR: Thank you Member Hart. We are now under agenda corrections.

MEMBER CARBENIA: Mr. President, I move Rule 22A be suspended to add 2nd Readings #4 through #11 tonight; seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded, it's been moved and seconded to suspend Rule 22A. Are there any question?... If not, by roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM CASAR: Rule 22A has been suspended.

PUBLIC HEARINGS

PRESIDENT PRO TEM CASAR: We are now under Public Hearings. We have a public hearing scheduled for 7:30 and it's in regards to an ordinance amending Ordinance #55/77, as amended, known as the City of Canton zoning Ordinance; and declaring the same to be an emergency; Lot #4524 located on the O'Jays Boulevard, Parkway, I'm sorry, assigning to Ward 2 from B-3 general business to PB-4 planned special business; Planning Commission recommends approval of this, with conditions that all work be inside the building and no cars be kept outside the building for extended periods of time. Is there anyone in the audience wishing to speak for or against this zone change?.... Is there anyone in the audience wishing to speak for or against this zone change?... The public hearing is closed and will be dealt with under ordinances.

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PRESIDENT PRO TEM CASAR: Member Carbenia, would you please excuse Member, ah, President Schulman?

MEMBER CARBENIA: Um, I move we excuse, ah, Mr. ah, President Schulman from this evening's meeting; seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to excuse President Schulman from this meeting. Are there any remarks?... If not, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM CASAR: Member, ah, President Schulman is duly excused from this evening's meeting.

INFORMAL RESOLUTIONS

PRESIDENT PRO TEM CASAR: I just want to back up one, ah, just let the journal show that there's no one signed up for Public Speaks under Resolutions and Adoptions so, on the agenda. We are now under Resolutions. Member Carbenia, Resolution #19.

#19 **NOT READ ALOUD**

#20 **NOT READ ALOUD**

MEMBER CARBENIA: I move we adopt Resolution #19...

PRESIDENT PRO TEM CASAR: I'm soo.... I'm, I'm, I'm sorry Member, that is not on the agenda. We did not acc... that is my fault, I, I apologize. Ordinance number, Resolution #21.

#21 **NOT READ ALOUD**

MEMBER CARBENIA: Yes, Mr. President, I move we adopt Resolution 21; seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Resolution #21. Are there any comments?... By vote, by voice vote, all those in favor signify by saying aye... Those opposed say nay...

NO REMARKS

RESOLUTION #21 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT PRO TEM CASAR: Resolution #21 has been adopted. Resolution #22.

#22 **NOT READ ALOUD**

MEMBER CARBENIA: Mr. President. I move we adopt Resolution #22.

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PRESIDENT PRO TEM CASAR: It's been moved and seconded that Resolution 22... are there any, any, all those in favor signify by saying aye, those opposed, those opposed no.

NO REMARKS

RESOLUTION #22 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT PRO TEM CASAR: Resolution #22 has been adopted.

COMMUNICATIONS

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED MARCH 5, 2007.

PRESIDENT PRO TEM CASAR: We are now under Communications. Let the Journal show that all communications are given their reading according to state law.

106. AUDITOR R. A. MALLONN (CITY OF CANTON): SUBMITTING YEARLY REPORT BY FUND THRU 02/28/07. - RECEIVED & FILED
107. AUDITOR R. A. MALLONN (CITY OF CANTON): SUBMITTING MONTHLY REPORT BY FUND THRU 02/28/07. - RECEIVED & FILED
108. BUDGET DIRECTOR CHIP CONDE, CITY OF CANTON: REQUEST SUPP & REDUCTIONS OF APPRO FROM VARIOUS FUNDS FOR NECESSARY OPERATIONS OF THE CITY OF CANTON. - PUBLIC PROPERTY CAPITAL IMPROVEMENT AND FINANCE CMTE
109. CANTON-STARK CNTY CRIME LAB: SUBMITTING ANNUAL REPORT 2006. - RECEIVED & FILED
110. CD& PLANNING DIRECTOR MARGY POORMAN, CITY OF CANTON: REQUEST APPROVAL TO CONVEY PROPERTIES LOCATED @ 1618 GLENDALE AVE NE, 1923 BRYAN AVE SW (COMBINED W/VACANT LOT) & 1717 MAPLE AVE NE WHICH THE CITY RECENTLY ACCEPTED TO ABCD, AS A PART OF OUR NEIGHBORHOOD REVITALIZATION STRATEGY. - COMMUNITY & ECONOMIC DEVELOPMENT CMTE
111. ESLICH, RICHARD, APPLICANT: APPLICATION FOR STREET VACATION OF PORTION OF 17TH ST SE, A 45' WIDE STREET, A 25' PIECE OF ADDITIONAL R-O-W ATTACHED TO THE NORTH R-O-W LINE OF 17TH ST SE BETWEEN ALLEN AVE SE & SOMERSET AVE SE. - PLANNING COMMISSION
112. MAYOR JANET CREIGHTON, CITY OF CANTON: REQUEST AUTHORIZATION TO APPOINT MR. ROBERT THOMPSON, SR. TO THE FAIR EMPLOYMENT PRACTICES BD. EFF. 3/1/07 - 2/28/10. - PERSONNEL CMTE
113. MAYOR JANET CREIGHTON, CITY OF CANTON: REQUEST AUTHORIZATION TO APPOINT

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MS. PAULINE DOWNING TO THE FAIR EMPLOYMENT PRACTICES BD. TO FILL AN UNEXPIRED TERM UNTIL 4/30/08. - PERSONNEL CMTE

114. MAYOR JANET CREIGHTON, CITY OF CANTON: REQUEST PASSAGE OF AN INFORMAL RESOLUTION RECOMMENDING THAT ALL COLLECTIVE BARGAINING AGREEMENTS, THROUGH THE NEGOTIATING PROCESS, CONTAIN THIS SAME PROHIBITION TO SECTION 151.07, VACATIONS AND SECTION 151.26, LONGEVITY BENEFITS FOR FUTURE EMPLOYEES. - PERSONNEL CMTE
115. SAFETY DIRECTOR BERNARD HUNT, CITY OF CANTON: REQUEST AUTHORIZATION A SUPP APPRO OF \$8,728 FR: UNAPPRO BAL OF 2781 THERMAL IMAGING SYSTEM FUND TO: 2781, THERMAL IMAGING SYSTEM FUND. - FINANCE CMTE
116. SERVICE DIRECTOR, JOSEPH CONCATTO, CITY OF CANTON: REQUEST AUTHORIZATION FOR CITY TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR THE CONSTRUCTION OF THE SUGARCREEK WATER TREATMENT PLANT'S SCADA UPGRADES & AUTHORIZE TO ENTER INTO CONTRACT W/BURGESS & NIPLE FOR ENGINEERING SERVICES DURING BIDDING & CONSTRUCTION & RESIDENT PROJECT REPRESENTATION; REQUEST AUTHORIZATION TO FILE AN APPLICATION TO SECURE A 3.25% LOAN THRU WATER SUPPLY REVOLVING LOAN ACCT (WRSLA) IN CONJUNCTION W/OHIO WATER DEV AUTHORITY (OWDA) FOR A LOAN IN THE AMT OF \$3,500,000.00 W/10% CONTINGENCY TO BE AMORTIZED OVER A PERIOD OF 20 YEARS WHICH INCLUDES THE \$3,121,000.00 FOR CONSTRUCTION & \$379,000.00 FOR THE ENGINEERING SERVICES TO BE PERFORMED BY BURGESS & NIPLE; UPON APPROVAL OF LOAN REQUEST SUPP APPRO FR: 5201 207023 UNAPPRO WATER CAPITAL IMPROVEMENT FUND TO: 5201 207023 APPRO WATER CAPITAL IMPROVEMENT FUND. - FINANCE CMTE
117. SERVICE DIRECTOR, JOSEPH CONCATTO, CITY OF CANTON: REQUEST AUTHORIZATION TO ENTER INTO CONTRACT FOR THE CONSTRUCTION OF 14,700' OF EIGHT & TWELVE INCH WATER MAINS & THE INSTALLATION OF A BOOSTER PUMP W/A STANDBY GENERATOR TO EXTEND INTO OSNABURG TWP.; AMEND O#29/2007 TO INCLUDE THIS REQUEST. - ENVIRONMENTAL & PUBLIC UTILITIES CMTE
118. STARK COUNTY COMMISSIONERS, 110 CENTRAL PLAZA S., SUITE 240, CANTON, OH 44702: SUBMITTING ALL ANNEXATION MATERIALS RE: EAST HARMONT AVE. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT PRO TEM CASAR: Ordinances for the first reading. Madame Clerk.

NOTE: PRESIDENT PRO TEM CASAR 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) **ADOPTED AS ORDINANCE #46 /2007** AN ORDINANCE AUTHORIZING THE

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MAYOR TO ENTER INTO AN ANNEXATION AGREEMENT W/PLAIN TWP ON PROPERTY LOCATED IN THE PARK FARMS ANNEXATION AREA; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Annexation Committee

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Mr. President... ah.....

PRESIDENT PRO TEM CASAR: Mr. President, I'm sorry, as President, I'd like to declare a recess so we could have a public hearing, I mean, a comm, a committee meeting on Ordinance #1. We are now under recess.

COUNCIL RECESSED AT 7:40 P.M. FOR A SHORT COMMITTEE MEETING ON ORDINANCE #1 RE: ANNEXATION OF PARK FARMS, WHICH WAS RETURNED TO THE AGENDA FOR ADOPTION. PRESIDENT PRO TEM CASAR RECONVENED THE MEETING AT 7:41 P.M.

PRESIDENT PRO TEM CASAR: We are now back in session. Member Carbenia.

MEMBER CARBENIA: I move we suspend Rule 22A to add #1 back to the agenda; seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded. Are there any comments?... If not, roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM CASAR: Ordinance #1 is back on this evening's agenda. Member Carte, Member Carbenia.

MEMBER CARBENIA: Mr. President. I move we dispense with the 3 readings on Ordinance #1; seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to dispense with the 3 readings on Ordinance #1. Are there any questions or comments?... If not, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM CASAR: Ordinance #1 is, has been suspended with the 3 readings. Ah, Member Carbenia.

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

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PRESIDENT PRO TEM CASAR: Ordinance #1 has been moved and seconded. Are there any questions or comments?... If not, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM CASAR: Ordinance #1 has been adopted.

#1 ADOPTED AS ORDINANCE #46/2007

#2 (1ST RDG) AN ORDINANCE AMENDING THE CAPTION AND SECTION 3 OF ORDINANCE NO 29/2007; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

#3 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$9,600.00 TO COTTRILL WRECKING; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT PRO TEM CASAR: We are now under Ordinances for the second reading. Madame Clerk.

NOTE: PRESIDENT PRO TEM CASAR CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #4 THROUGH #11 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS

#4 (2ND RDG) AN ORDINANCE APPROVING & ACCEPTING RIGHT OF WAY DEDICATION PLAT OF PORTION OF 26TH ST SW; APPROVING & ACCEPTING THE REPLATTING OF PARTS OF OUT LOTS 483 THRU 485; AND DECLARING THE SAME TO BE AN EMERGENCY

#5 (2ND 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

#6 (2ND 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

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: Yes. Mr. President. I move we dispense with the 3 readings of Ordinance #6; seconded.

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PRESIDENT PRO TEM CASAR: It's been moved and seconded to dispense with the 3 readings of Ordinance #6. Are there any question?... If not, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM CASAR: Ordinance #6 is suspended on the rules. Is there any, is there a move to adopt Ordinance # 6?

MEMBER CARBENIA: Mr. President. I move we adopt Ordinance #6; seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #6. Are there any comments or questions?... If not, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM CASAR: Ordinance #6 has been adopted

#6 ADOPTED AS ORDINANCE #47/2007

- #7 (2ND RDG) AN ORDINANCE AMENDING SEC 181.12, VIOLATIONS; PENALTY OF CHAPTER 181, INCOME TAX
- #8 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO DONATE USED POLICE WORKOUT MATS TO STARK STATE COLLEGE OF TECHNOLOGY
- #9 (2ND RDG) AN ORDINANCE 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
- #10 (2ND RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY MORAL OBLIGATIONS IN AMOUNTS NOT TO EXCEED \$350.00 TO BARCO SECURITY SERVICES, INC.: \$121.50 TO SILCO FIRE PROTECTION CO. AND \$138.84 TO MEGGITT DEFENSE SYSTEMS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11 (2ND RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$3,308.38 TO PET SUPPLIES PLUS; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT PRO TEM CASAR: We're now under Ordinances for their third and final reading, Madame

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Clerk.

NOTE: PRESIDENT PRO TEM CASAR CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #12 THROUGH #16 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.

#12 (3RD RDG) **ADOPTED AS ORDINANCE #48/2007** AMENDING ORDINANCE NO 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CARBENIA: Mr. President. I move we adopt Ordinance #12; seconded

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #12. Are there any questions or comments?... If not, roll call vote please.

CLERK TIMBERLAKE: Twelve yeas Mr. President.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT PRO TEM CASAR: Ordinance #12 has been adopted. Ordinance #13.

#12 ADOPTED AS ORDINANCE #48 /2007

#13 (3RD RDG) **POSTPONED** AMENDING EXHIBIT A TO ORDINANCE NO 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Carbenia..

MEMBER CARBENIA: Mr. President, I move we adopt Ordinance #13; seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded that you adopt Ordinance #13. Are there any questions or comments?

MEMBER CARBENIA: Ah, Mr. President.

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: I move we, I move we postpone Ordinance #13 until 3/19/07; seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to postpone Ordinance #13 until 3/19/07. Are there any questions, comments?... If not, roll call please.

CLERK TIMBERLAKE: Twelve yeas Mr. President.

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NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT PRO TEM CASAR: Ordinance #13 is has been postponed until 3/19/07. Ordinance #14.

#14 (3RD RDG) **ADOPTED AS ORDINANCE #49/2007** 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

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

PRESIDENT PRO TEM CASAR: It's been moved and seconded that you adopt Ordinance #14. Are there any questions or comments?... If not, roll call please.

CLERK TIMBERLAKE: Twelve yeas Mr. President.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT PRO TEM CASAR: Ordinance #14 has been adopted.

#14 ADOPTED AS ORDINANCE #49 /2007

#15 (3RD RDG) **ADOPTED AS ORDINANCE #50/2007** 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 PRO TEM CASAR: Member Carbenia.

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

PRESIDENT PRO TEM CASAR: It's been moved and seconded that you adopt Ordinance #15. Are there any remarks? If not, roll call please.

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CLERK TIMBERLAKE: Twelve yeas Mr. President.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT PRO TEM CASAR: Ordinance #15 has been adopted.

#15 ADOPTED AS ORDINANCE #50 /2007

#16 (3RD RDG) AN ORDINANCE AMENDING SEC 151.07, 151.08, 151.09, 151.12, 151.13, 151.14 & 151.26 & REPEALING SEC 151.091 & 151.092 OF CHAPTER 151, EMPLOYMENT PROVISIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY **(POSTPONED FR: 2/12/07 & 2/26/07)**

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

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #16. Are there any questions or comments?

MEMBER CARBENIA: Mr. President.

PRESIDENT PRO TEM CASAR: Member Carbenia.

MEMBER CARBENIA: I move we postpone Ordinance #16 until 3/19/07.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to postpone Ordinance #16 until 3/19/07. Are there any questions, comments or remarks?... If not, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM CASAR: Ordinance #16 has been postponed until 3/19/07.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM CASAR: Announcement of Committee Meetings please.

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM CASAR: Member Hawk.

MEMBER HAWK: The Finance Committee will meet March the 12th at 6:45.

MEMBER CARBENIA: Mr. President.

PRESIDENT PRO TEM CASAR: Member Carbenia.

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MEMBER CARBENIA: Community and Economic Development Committee will meet ah... 3/12/07 at 6:45.

MEMBER PRATER: Mr. President

PRESIDENT PRO TEM CASAR: Member Prater.

MEMBER PRATER: Personnel Committee will meet March 12th at 6:45.

MEMBER KRAUS: Mr. President.

PRESIDENT PRO TEM CASAR: Member Kraus.

MEMBER KRAUS: Public Safety and Thoroughfare doesn't have anything but I would like to allude to Service Director, I think he wants to have a meeting next week on something, if it's ok with the Chair.

PRESIDENT PRO TEM CASAR: Service Director Concatto.

SERVICE DIRECTOR CONCATTO: Mr. President. Recently the City had acquired a computer data base for all of our streets in the City of Canton that was completed by ah, ODOT, Ohio Department of Transportation and they were able to rate all of our streets based on paving needs. We would like to make a presentation to Council so they could understand what this program does and what the ratings are because we are being, we are getting ready to go out to bid for our paving and we want to let you know what we, what our opinion is as far as our program is concerned and also what your opinion is as far as the streets. Paving is always a big issue for everyone, I understand that, for all ward councilmen. We've identified now all the worse streets in the City of Canton. We want to present that to Council. I'd like to have a meeting a half hour before your regular meetings so that would be maybe 6:15. If you would give us a half hour to ah, discuss the paving next Monday.

PRESIDENT PRO TEM CASAR: Member Kraus as Chairman of the Committee, do you have any objections to that?

MEMBER KRAUS: Ah, no, that, that's fine. I, Joe, 5:30 would be enough time or a quarter of 6?

SERVICE DIRECTOR CONCATTO: Well, your meetings aren't until 6:45.

MEMBER KRAUS: Oh, 6:45?..

SERVICE DIRECTOR CONCATTO: At the very, at the very earliest 6:00.

MEMBER KRAUS: Six, 6 or 6:15? Ok, 6:15.

PRESIDENT PRO TEM CASAR: 6:15, ok? 6:15 next week, so Service Director can go over those streets, ah, for the paving program for this year.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT PRO TEM CASAR: We are now under Public Speaks. We do have no one signed up for public speaks.

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PRESIDENT PRO TEM CASAR: Miscellaneous Business. Is there any miscellaneous business?

MEMBER SMUCKLER: Mr. President.

PRESIDENT PRO TEM CASAR: Member Smuckler.

MEMBER SMUCKLER: Mr. President. Um, Mr. President.

PRESIDENT PRO TEM CASAR: Member Smuckler.

MEMBER SMUCKLER: If um, I may ask a question in relationship to the speaker last week about income tax. We had a meeting before the meeting to resolve the personal situation of the speaker but the question was raised in regards to having a bottom ceiling on money that may be collected by people working on a part-time basis. We've had these questions arise in the past. We had it with students several years ago. Ah, I found out a little bit from the Law Department if the Law Director would like to comment on 718, the State or the Treasurer would like to comment on 718. My understanding is on the exemptions, as far as this goes, is, for the record, that's the only reason we're doing..

PRESIDENT PRO TEM CASAR: What, yes... ah, Law Director.

LAW DIRECTOR MARTUCCIO: Member Smuckler, Mr. Schirack. You can supplement this but ah, Assistant Law Director Dave Smith who specializes and works for the income tax department and has done research and The Ohio Revised Code does not allow us to create a ceiling or floor, as you will, or carve exemptions for that particular matter. Ah, to correct that, we being a statutory a city would have to look to the General Assembly in Columbus and change the Ohio Revised Code to allow a municipality like us to be able to do something like that. So again, ah, the Ohio Revised in Chapter 718 would not permit that sort of exemption As to the other practical matter, um, in terms of the funding, I would yield to the Treasurer.

PRESIDENT PRO TEM CASAR: Treasurer Schirack, would you like to come forth and explain that to ah, this Body? Oh, I didn't recognize you. (LAUGHTER) Sorry.

TREASURER SCHIRACK: I'm thinking of something good to say about your back. Um....basically what Joe said is.....involves not only a Statutory City but a Charter City also...and um...what we can't do is the state, there are three...I want to explain to this Council, there are three different areas, the Federal Government, the State Government and you as a body that we take our directions from and we administer the laws for the income tax department and basically you have to get your ducks in order to have any changes whatsoever. So I would suggest that if that's the case and our Prosecutor said so that you contact your local Senators and House Representatives and ask them to change the law in Columbus but if you make...ah...an amendment here, I mean a recommendation here and ask Joe to research, I think he's going to come back to you and say "Well guess what, we can't do it because of the Ohio Revised Code. So that's what we're looking at in getting it changed so we can have that changed but basically we'd do anything you tell us to do, just tell us and we'll do it.

PRESIDENT PRO TEM CASAR: Thank you ah....Treasurer Schirack.

MEMBER DOUGHERTY: Mr. President.

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MEMBER CIRELLI: Mr. Chairman.

PRESIDENT PRO TEM CASAR: Member Dougherty, I think you asked for the floor.

MEMBER DOUGHERTY: Yes, thank you. Just a reminder that The Community Forum is this Thursday at the Northeast Community Center for anyone interested. Everyone in this room is invited. It starts at 6:00 PM it'll be at the Northeast Community Center. Thank you.

PRESIDENT PRO TEM CASAR: Member Cirelli.

MEMBER CIRELLI: Mr. Chairman, thank you. Mayor, I would like to commend a couple of the people that work for you ma'am. Um...one was Kevin Monroe and I had an incident that happened Friday out in a Ward and he quickly got it resolved today and he got back to me and I really appreciate that. Chief Rich, I also was asking for some information and he more then bent over backwards to get things to me and the internet really speeds things up and I am so grateful that we do have that. And also, Mr. Labriola has looked into some issues ah.... resolving some ah....problems that maybe we're doing some city ordinances on rental properties. I just want to commend you on those people that are working there and maybe pass it down to them that I thank them very much as a Councilmember for being "Johnnie on the spot" thank you Mayor.

MAYOR CREIGHTON: Ah...Mr. President.

PRESIDENT PRO TEM CASAR: Mayor Creighton.

MAYOR CREIGHTON: Um...thank you very much ah....Councilman Cirelli. I will take that back. And just a reminder, they work for the tax payers.

MEMBER CARBENIA: I move we adjourn; seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adjourn. Roll call please.

CLERK TIMBERLAKE: Twelve yeas.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

PRESIDENT PRO TEM CASAR: This meeting of Canton City Council is adjourned (*Gavel falls*)

ADJOURNMENT TIME: 8:00 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

DON CASAR
PRESIDENT PRO TEM