

MINUTES OF THE MEETING NOVEMBER 26, 2007

PRESIDENT SCHULMAN: Before we ah...begin tonight's meeting ah...Leader Casar wanted me to announce...Leader Casar wanted me to announce that this Wednesday, which I believe is some date in November...the 28th, ah...this Wednesday, November 28th at 6:15, there will be a City Council Democratic organizational meeting to organize for the year of 2008. So if you'll note that on your calendars please, this Wednesday, November 28th, 6:15, Council Chambers...ah...Mr. Speak...ah...Mr. Leader...ah Caucus room. 6:15, Wednesday, Democratic organizational meeting. And good evening ah... to all of you in the audience. 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:

11 COUNCILMEMBERS PRESENT: (DON CASAR, JOE CARBENIA, MARY CIRELLI, BILL SMUCKLER, GREG HAWK, JAMES GRIFFIN, KELLY ZACHARY, TERRY PRATER, DAVID R. DOUGHERTY, RICHARD D. HART, & KARL "BUTCH" KRAUS) *THOMAS WEST ABSENT DURING ORIGINAL ROLL CALL.*

CLERK TIMBERLAKE: Eleven present, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ah we'll have our invocation tonight given by Councilmember Butch Kraus. If you'll please remain standing for the pledge of allegiance.

The regular meeting of Canton City Council was held on Monday, November 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 Councilmember Karl "Butch" Kraus, followed by the Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: We are now under Agenda corrections and changes.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Yes ah...Leader.

MEMBER CASAR: Ah...would the President please note that Member West is now in attendance.

PRESIDENT SCHULMAN: Thank you very much. Will the record ah...Madame Clerk, please note that ah...Member West is present.

CLERK TIMBERLAKE: West present.

PRESIDENT SCHULMAN: Thank you. Ah... you're going to be asked to suspend Rule 22A to add the first reading Ordinances 16A and the second reading of Ordinances #17 through and including #19 to this evening's agenda. Member Casar, the Chair will recognize that motion.

MEMBER CASAR: Mr. President. I move we suspend Rule 22A and add Ordinance #16A to this evening's agenda and also that we suspend rule 22A for Ordinances #15....17 through 19 to be placed on tonight's agenda.

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MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add first reading Ordinance 16A and second reading Ordinances #17 through and including #19 to this evening's agenda. Are there any remarks?... If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk, the motion is sustained.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We're now under Public Hearings. We have a public hearing that's scheduled for 7:30 this evening. It's an Ordinance vacating a portion of an unnamed alley immediately north of 526 Schroyer Avenue SW; and declaring the same to be an emergency; It is assigned to ward 4; The Planning Commission is recommending approval. Is there anyone in the audience wishing to speak for or against this vacation? Please come forward. Is there anyone in the audience wishing to speak for or against this vacation? Please come forward. No one having come forward, the Chair declares the public hearing over in regard to this matter. The matter now rests in the hands of Council and the Ordinance will follow later this evening.

PUBLIC SPEAKS

(There was no mention of Public Speaks - No speakers)

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: Let's see, we're now under Informal Resolutions

CLERK TIMBERLAKE: *(Inaudible)*

PRESIDENT SCHULMAN: There are no Resolutions, so we move on?

CLERK TIMBERLAKE: Uh huh.

COMMUNICATIONS

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

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

595. CD & PLANNING DIR. POORMAN: REQ MAYOR OR SERV DIR TO ENTER INTO AGMT W/COOPER FIREARMS OF MONTANA INC. FOR NEW JOB CREATION INCENTIVE & NET PROFIT INCENTIVE PROG PURSUANT TO O#2/2006. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

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596. HAWK, GREG, WARD 1 CNCLMBR: REQ DRAFT LEG FOR MAYOR &/OR SERV DIR TO CONVEY CITY PROPERTY @ 3RD NW & FULTON NW LT#42843 & 42844 TO CCIC. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
597. LIQUOR CONTROL DIV (OHIO): NOTICE WITHDRAWING CITY'S OBJECTION RE: C-1-2 NEW LIQ APPLICATION FOR MORAN FOODS, INC. DBA SAVE A LOT 627 @ 2905 MAHONING RD NE - RECEIVED & FILED
598. LIQUOR CONTROL DIV (OHIO): NOTICE WITHDRAWING CITY'S OBJECTION RE: C-1-2 NEW LIQ APPLICATION FOR MORAN FOODS, INC. DBA SAVE A LOT 612 @ 906 W. TUSC ST. - RECEIVED & FILED
599. LIQUOR CONTROL DIV (OHIO): REQ NEW C1 C2 LIQ PERMIT FR: VIRGINIA MARIA BYINGTON DBA BELLAS @ 310 4TH STR NW. - RECEIVED & FILED
600. SERVICE DIRECTOR CONCATTO: REQ TO AMEND CITY CODIFIED ORDINANCES, SECTIONS 921.01, 921.02 (a) (2), & 921.02 (b) (17) TO INCLUDE ADDITIONAL AREAS IN CITYSCAPE AREA. - JUDICIARY COMMITTEE
601. TAYLOR, MARY, CPA: NOTICE OF PRE-AUDIT CONFERENCE ON 11/29/07 @ 9:00 AM IN COUNCIL CHAMBERS RE: CITY OF CANTON AUDIT FOR 1/1/07 THRU 12/31/07. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #16A FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1 (1ST RDG) AN ORDINANCE AMENDING SECTION 1 (P) OF ORDINANCE NO. 177/2006; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #2 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE STARK COUNTY PUBLIC DEFENDER'S COMMISSION FOR THE PROVISION OF LEGAL SERVICES TO INDIGENTS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #3 (1ST RDG) **ADOPTED AS AMENDED AS ORDINANCE #217/2007** AN ORDINANCE TO DETERMINE FEES TO BE PAID BY ANY ENTITY OFFERING VIDEO SERVICE IN CITY OF PURSUANT TO A CITY-ISSUED VIDEO SERVICE AUTHORIZATION &

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AUTHORIZING THE MAYOR TO GIVE NOTICE OF FEE TO VIDEO SERVICE PROVIDER; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

PRESIDENT SCHULMAN: At this time the Chair would declare an in-house recess for the Finance Committee to meet in regard to Ordinance #3 on your agenda this evening. We're now in recess.

COUNCIL RECESSED AT 7:41 P.M. FOR A COMMITTEE MEETING ON ORDINANCE #3, WHICH WAS RETURNED TO THE AGENDA FOR ADOPTION. PRESIDENT SCHULMAN RECONVENED THE MEETING AT 7:43 P.M.

PRESIDENT SCHULMAN: Council will then reconvene after the recess. Member Casar.

MEMBER CASAR: Mr. President, I move we suspend the statutory rule...I move we suspend rule 22A and place Ordinance #3 back on this evening's agenda.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend rule 22A. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: The motion carries and Ordinance 3 is therefore placed back on this evening's agenda and it is a legal part of your agenda. Member Casar.

MEMBER CASAR: Mr. President, I move the statutory rules be suspended on Ordinance #3.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the statutory rules on Ordinance #3. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: The motion carries...ah Member Casar you've heard....

MEMBER CASAR: Mr. President, I move we adopt Ordinance #3.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #3. Are there any remarks

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under this Ordinance?

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we amend Ordinance #3 as per the copy that all Council ah...persons have in front of them.

MEMBER CARBENIA: Seconded.

AMENDMENT: Pursuant to Rule 36, I move to amend Agenda Item No. 3 by adding the following sentence to the end of Section 2:

Any such Mayoral letters of response and notice of the VSP fee that have already been issued are ratified and approved by this Council.

PRESIDENT SCHULMAN: It's been moved and seconded that you amend the Ordinance #3 per all the...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.

NO REMARKS

AMENDMENT ADOPTED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: The motion carries. Member Casar.

MEMBER CASAR: I move we adopt Ordinance #3, as amended.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded ah....to vote on Ordinance #3, as amended. Are there any remarks under this Ordinance, as amended? If not, roll call vote please Madame Clerk.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #3, as amended, therefore has been adopted.
#3 ADOPTED AS AMENDED AS ORDINANCE #217/2007

PRESIDENT SCHULMAN: Ah....Ordinance #4 please Madame Clerk.

#4 (1ST RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

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- #5 (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 250, 251, 252 AND A PORTION OF MCKINLEY AVENUE N.W.; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- #6 (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF ALL OF LOTS 5250 AND 5251 AND A 10 FOOT WIDE ALLEY; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- #7 (1ST RDG) AN ORDINANCE AMENDING SECTIONS 1513.01 AND 1513.02 OF CHAPTER 1513, RECREATIONAL FIRES, OF THE CANTON CODIFIED ORDINANCES
Referred to Judiciary Committee
- #8 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE DEMOLITION AND/OR CONSTRUCTION OF TWO NEW FIRE STATIONS AND RENOVATION OF THE EXISTING BUILDING LOCATED AT 25TH STREET AND CLEVELAND AVENUE N.W.; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance & Public Property Capital Improvement Committees
- #9 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CHANGE ORDER WITH AMERICAN SUNCRAFT CONSTRUCTION COMPANY IN AN AMOUNT NOT TO EXCEED \$37,830.90 FOR THE WPCC WATER TOWER PAINTING PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #10 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO FILE AN APPLICATION FOR AND ACCEPT A GRANT FROM THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE SAFE ROUTES TO SCHOOL PROGRAM AND TO ENTER INTO COOPERATIVE AGREEMENTS WITH ODOT AND AKRON METRO RAILROAD FOR THE CONSTRUCTION OF RESULTING PROJECTS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #11 (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 241/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #12 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO

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ENTER INTO CONTRACT WITH KENDERSON INC. FOR SPECIFICATION DEVELOPMENT AND PROJECT MANAGEMENT SERVICES FOR ROOF REPLACEMENT FOR THE STREET AND SEWER BUILDING AND TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE ROOF REPLACEMENT FOR SAID BUILDING; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance & Public Property Capital Improvement Committees

- #13 (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 241/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$32,150.00 TO HILSCHER CLARKE ELECTRIC; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #14 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- #15 (1ST RDG) AN ORDINANCE AUTHORIZING AND CONSENTING TO THE CONSTRUCTION AND SYSTEM INTEGRATION OF A FREEWAY MANAGEMENT SYSTEM ON INTERSTATE ROUTE 77; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- #16 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$4,603.42 TO COUNTYWIDE LANDFILL; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #16A (1ST RDG) AN ORDINANCE APPROVING A THREE-YEAR TENTATIVE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANTON AND CPFFA LOCAL 249; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Personnel Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We're now under Ordinances for their second reading. Madame Clerk would you please read Ordinance #17 through #19 by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #17 THROUGH AND INCLUDING #19 BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

- #17 (2ND RDG) AN ORDINANCE AUTHORIZING THE PARK AND SERVICE DIRECTORS TO ENTER INTO A LICENSE AGREEMENT WITH PINNACLE PRESS TO PERMIT INGRESS AND EGRESS OF DELIVERY TRUCKS ACROSS UNUSED WILLIG PARK PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY.

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- #18 (2ND RDG) AN ORDINANCE AUTHORIZING THE SAFETY DIRECTOR TO ACCEPT A GRANT IN THE AMOUNT OF \$3,000.00 FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY FOR THE FIRE DEPARTMENT; AMENDING APPROPRIATION ORDINANCE NO. 241/2006 AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #19 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT THE NORTHERN OHIO VIOLENT CRIME CONSORTIUM INITIATIVE GRANT ISSUED BY THE EDWARD BYRNE MEMORIAL GRANT FISCAL YEAR 2007; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: And we are now under Ordinances for their third reading and final reading. Our Clerk is working like a dog tonight. (*Laughter*) Madame Clerk would you please read Ordinance #20 by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #20 THROUGH #22 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. ORDINANCE #23 WAS POSTPONED.

- #20 (3RD RDG) **ADOPTED AS ORDINANCE #218/2007** AN ORDINANCE VACATING A PORTION OF AN UNNAMED ALLEY IMMEDIATELY NORTH OF 526 SCHROYER AVENUE SW; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #20. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #20 has been adopted. Ordinance #21 please.
#20 ADOPTED AS ORDINANCE #218/2007

- #21 (3RD RDG) **ADOPTED AS ORDINANCE #219/2007** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO JOB CREATION TAX INCENTIVE AND NET PROFITS INCENTIVE AGREEMENTS WITH THE QUARRY GOLF CLUB, LLC PURSUANT TO THE CITY'S ECONOMIC GROWTH INITIATIVE PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

#21 ADOPTED AS ORDINANCE #219/2007

#22 (3RD RDG) **ADOPTED AS ORDINANCE #220/2007** AN ORDINANCE APPROVING & ACCEPTING THE DEDICATION PLAT OF A PORTION OF CLEVELAND AVENUE SW; APPROVING & ACCEPTING THE REPLATTING OF PARTS OF OUTLOTS 325, 327 & 328; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #22. Are there any remarks under this Ordinance? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #22 has been adopted. Ordinance #23 please Madame Clerk.

#22 ADOPTED AS ORDINANCE #220/2007

#23 (3RD RDG) **POSTPONED UNTIL DECEMBER 3, 2007** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AMENDED PRESCRIPTION BENEFIT SERVICES AGREEMENT WITH CAREMARK LLC FKA CAREMARK INC. THROUGH THE EMPLOYERS HEALTH PURCHASING CORP OF OHIO, INC FOR ADMINISTRATION OF THE PRESCRIPTION DRUG PROGRAM FOR CITY EMPLOYEES AND THEIR DEPENDENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #23. Are there any remarks?

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we postpone Ordinance #23 until December 3rd ah, 2007.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you postpone Ordinance #23 until December 3, 2007. Are there any remarks?

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT SCHULMAN: Ah...Service Director Concatto.

SERVICE DIRECTOR CONCATTO: I would just ask if there is any questions that ah...need to be asked or answered before December 3rd, I would know what they are so I could answer them.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Yeah, I was going to ask this question but since that ah...that was after you left the room, we decided to postpone it. But ah...the one...the one item that we discussed last week was the mandatory ah...ah...mail-in for ah...our prescription drugs and you had told me this evening ah...and we want to make this a part of public record, that you would take that clause out as the administrator of the...of the program, it would be taken out of...out of the agreement ah...effective February 2nd. Is that....

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT SCHULMAN: Director Concatto.

SERVICE DIRECTOR CONCATTO: February 1st.

MEMBER CASAR: February 1st of '08?

SERVICE DIRECTOR CONCATTO: Right, yes.

MEMBER CASAR: And we can, now when the new Service Director comes in, does that....do we have to do this

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again, or...or is this official, you doing it now, we're signing a new contract?

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT SCHULMAN: Director Concatto.

SERVICE DIRECTOR CONCATTO: This contract with Caremark is for three years. Um...the agreement ah...I would have to refer to the Law Department, I...because the Service Director is also the Plans Administrator. The Plans Administrator does have authority to change, invested to him by the Council, to change some of the things within ah...within the plan. As I did last year, in doing different exams, allowing for more for our employees, um...so I would refer to the, defer to the Law Department. But I would think that a new Service Director probably could change that because it's not a part of this contract....it's part of the contract but it's part of um....let me...let me back off of that. I would say that he could not without three years, because it is part of this contract. Part of this contract will say to Caremark "We will no longer have mandatory mail-order." It's voluntary, if our employees want to do mail-order, this contract will state that.

MEMBER CASAR: Uh...Law Director Martuccio, you...I asked that question tonight in Caucus and you said we probably wouldn't have to do it in an Ordinance form. Do you think we should? Or would it be necessary to just ah....go along with what's a matter of public record, what the Service Director said on this?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Member Casar, I'd have to read the language specifically a little more closely to determine whether or not this Council binds the next administration for three years with the passage of the contract. Ah...typically, a little bit of flexibility is a good thing to fine tune those areas that define work or don't work...um as Service Director Concatto mentioned, the expansion of some of the benefits for something that were well received by this Council. Um...if...within the next week, I will have that amendment, if I believe it's necessary. Uh...if it is something that you think should remain flexible you always the power of the purse, is the ultimate saying. Thank you.

MEMBER CASAR: Thank you.

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT SCHULMAN: Director Concatto.

SERVICE DIRECTOR CONCATTO: I believe more than Council binding this would be the contract itself that would bind, whether that mandatory prescription ah...mail-order is out of there. Ah...am I correct Mr. Martuccio? It would probably be the contract versus the Ordinance authorizing.

LAW DIRECTOR MARTUCCIO: Mr. President.

LAW DIRECTOR MARTUCCIO: Service Director, yes, if it's specifically made part of the contract and there's binding consideration, it's a deal.

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SERVICE DIRECTOR CONCATTO: Mr. President just one more added thing.

PRESIDENT SCHULMAN: Yes Director.

SERVICE DIRECTOR CONCATTO: We did do ah...we did do a printout of where our employees buy their drugs on the first and second prescriptions that are not mail-order and we find that only 10% of the employees buy them from the independent market that came here last week. Out of ah...approximately...out of...for just ah...nine months of this year, we had 3,741 prescriptions and less than 350 of those were taken to ah.. the pharmacies that...Fulton Drugs and the pharmacies that came to us. So our...our employees by far use Rite Aid, use CVS and the reason they do that is probably because of convenience because the \$5.00 co-pay is with all of those, so it's easier for me or you, if you drive by a Rite Aid, it's going to pay...cost you the same amount of money as if you went, I'm going to say, out of your way do go to one of these independent drug dealers....pharmacies, I'm sorry, not drug dealers.

(LAUGHTER)

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: You know, you said there was 300, how many, 300 and?

SERVICE DIRECTOR CONCATTO: There was 3,741 prescriptions that was purchased inside the City of Canton from February 1 through October 31st of this year. 3,741. Out of those, less than 10%, I think it was 350, were purchased at, I'm going to call them an independent dealer, but the Fulton Drugs, the Dartmouth Pharmacy, the Davies Drugs and those.....

MEMBER CASAR: It may not sound like a lot but that could be approximately ah....sixty ah...prescriptions for each one of those ah....five and...and it'd be something to build on....and...and it's in the City of Canton and that's why I think we should strive to ah...at least have it available to them.

SERVICE DIRECTOR CONCATTO: I'm not opposed to that concept, I believe also that we should try to promote our inside City businesses and I believe by taking it off of the mandatory, which was....seemed to be the biggest bone of consents from that group ah...ah...I think that'll....hopefully will satisfy them but at least it would give our employees the opportunity if they don't want mandatory mail-order, to go to Fulton Drugs.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: And also once that's out of there, I think that may ah...ah...encourage or...so that the local...maybe they start advertising that they do do this and those five people could pick up something on advertisement to let them know that they provide this service and why....they're....they're here all the time and I think it's something, we as this Council should ah...strongly ah....go forward with it.

MEMBER ZACHARY: Mr. President.

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PRESIDENT SCHULMAN: Member Zachary.

MEMBER ZACHARY: Just a quick question for the Service Director. Is it necessary to lock in the contract for three years or can you put a year term in there, so that...that your renewal runs with your health insurance renewal?

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT SCHULMAN: Director Concatto.

SERVICE DIRECTOR CONCATTO: This contract is for three year. Um...this contract starts January 1, so we're not in a position to do a lot of changes to this contract. Maybe it's something that we want to work on, or I should say you may want to work on, or you all may want to work on um....in the next couple years.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you. Uh...Member Zachary, it's probably to our advantage to do it in the three year term. Um...it led to more favorable bids by a lot of major groups. And as you know we're part of a large buying consortium, which also leads to larger discounts. Uh...It's not unlike many other commodities, where um...locking in for a long time helps you hedge against inflation. Um... and the Service Director was not inaccurate when he talked about drug dealers. They are dealing in drugs, they just happen to be legal, although the profit margin on them is probably much higher then on some of the illegal drugs.

SERVICE DIRECTOR CONCATTO: Mr. President, just so you know that we...we spend approximately \$1,000,000.00 a year on prescription drugs or our employees spend approximately \$1,000,000.00 a year on prescription drugs, just to give you an idea of what...

PRESIDENT SCHULMAN: Well, if I could follow up just with one question because I know ah...Leader Casar had the same question. Um.....and....and the independent pharmacists that came in last week raised this point. Apparently the top selling drug, or the most used drug by City employees is Lipitor, for example, and they indicate....well they...let's say Lipitor just for the sake of argument and the independent pharmacist said that if we could get a generic drug at...they could....they could provide that and they would save the City up to \$15,000.00. Does that \$15,000.00 come out of the General Fund? Where does that money come from? When you say "The City pays a \$1,000,000.00 in prescription drug expenses for our workers, for our employees." Where does that money come from?

SERVICE DIRECTOR CONCATTO: Mr. President, um...each employee, we budget...it comes out of the General Fund. Part of the budget of all...all departments is there's X amount of dollars that is budgeted per employee. It's about, it ranges about \$5,000.00 per employee that is budgeted throughout each department, so every employee, every department head budgets \$5,000.00 that goes into the health fund. It's a separate fund that pays all of our health expenses. It basically comes out of the General Fund and is budgeted and geared toward each employee but it does come out of the General Fund. So the \$1,000,000.00 basically comes out of the health fund that is funded by the General Fund, not a Capital, not 4501 or 4502.

PRESIDENT SCHULMAN: So if it was possible to incentivise our employees to purchase generic drugs as opposed to the high expense Lipitors of the world. Would that be possible to do? And as a result would the savings be born through the General Fund?

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SERVICE DIRECTOR CONCATTO: Mr. President, I believe that that's a doctor's decision not ours.

PRESIDENT SCHULMAN: Well but we could incentivise the...we could incentivise our employees, give them some break if they went to generic drugs as opposed to the very high costs which are just more expense and the generics do exactly the same thing.

SERVICE DIRECTOR CONCATTO: We...we do that now, we have tier one, tier two and tier three, so a doctor can decide whether he wants to do a tier one, or a tier two or a tier three. Tier one would be the generic drug, you can do a tier two, which could be a \$20.00 co-pay that is, that is just a....a normal maintenance drug, like Diavan for high blood pressure and/or you do a tier three, which is not on the list, that that would be a higher co-pay. So we already have tiered money, tiered program in our prescription drugs. But again, it's up to the doctor to determine. My doctor would tell me that I...he will not prescribe to me a...a...ah....generic drug for Nexium. He won't do that. Now, is he getting a kick back, I mean, I don't know that. But I can only tell you he's my doctor and I pay for him for the best advise he can give me and if he says that's what I take, and Nexium is not a tier one, it's a tier two, I pay a little bit co-pay more but that's what he tells me.

PRESIDENT SCHULMAN: Okay.

SERVICE DIRECTOR CONCATTO: I can't....I can't make those decisions for the...for the doctor.

PRESIDENT SCHULMAN: Yeah, I know that the independent pharmacists were concerned about that.

MEMBER ZACHARY: Mr. President.

PRESIDENT SCHULMAN: Member Zachary.

MEMBER ZACHARY: Again, ah...Service Director Concatto, I understand the tier set up, however ah...just based on, say for instance where I am right now, if an employee chooses to take a name brand drug when there is a generic equivalent available, then they pay a higher co-pay, so does the City have anything like that in place? Because, whether the doctor prescribes it or not, if the employee chooses, some people just refuse to do generic because they like the name brand. So if they refuse it and there's a generic available, instead of paying \$5.00 for a name brand drug, then you pay \$25.00 for a designer drug, or name drug.

SERVICE DIRECTOR CONCATTO: That's correct, they would pay the tier two price, which I think is \$20.00 versus I think maybe a \$10.00 co-pay for generic, \$20.00 for ah...the tier two. That employee would have to pay the tier two co-pay.

MEMBER ZACHARY: So are you saying, even if your doctor prescribes a name brand drug, then you pay the lower co-pay because your doctor says you have to have the name brand?

SERVICE DIRECTOR CONCATTO: No. If your doctor prescribes a generic, you pay the tier one, if he prescribes the tier two, you pay the tier two.

PRESIDENT SCHULMAN: Okay, thank you. Okay, ah....there is a motion and a second to postpone Ordinance 23 until ah...December 3, 2007. Are there any other remarks? If not, Madame Clerk roll call vote please.

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NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas.

PRESIDENT SCHULMAN: The ah....motion carries.

ANNOUNCEMENT OF COMMITTEE MEETINGS

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

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: The ah...Economic Committee will meet on December....December 3rd at 6:00 P.M.

PRESIDENT SCHULMAN: Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Judiciary will meet on December 3rd at 6:00.

PRESIDENT SCHULMAN: Thank you, Member Hawk.

MEMBER HAWK: Mr. President, the Finance Committee will meet December 3rd at 6:00.

PRESIDENT SCHULMAN: Thank you.

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Member Kraus.

MEMBER KRAUS: Public Safety & Thoroughfare will meet December 12....December 3rd at 6:00 P.M.

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel Committee will meet December 3rd at 6:00 P.M.

PRESIDENT SCHULMAN: Thank you.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Member Dougherty.

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MEMBER DOUGHERTY: Public Property Capital Improvement will also meet 6:00 P.M. on the 3rd.

PRESIDENT SCHULMAN: Thank you.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: We're now under Public Speaks, open forum. And we have ah...two speakers signed up this evening and I think both are familiar with the ground rules so I'm not going to go over them. Our first speaker is Eric Resnick. Eric, if you'll come forward and give us your name please for the record and your home address.

ERIC RESNICK: Thank you Mr.....is this on?

CLERK TIMBERLAKE: Yeah.

ERIC RESNICK: It's on? Thank you Mr. President. My name is Eric Resnick and I live at 1828 Grace Ave NE.

PRESIDENT SCHULMAN: Good evening.

ERIC RESNICK: Good evening. Mr. President, Members of Council, Members of the Administration, I came here this evening to pose one question to you, and that question is what's the rush? Here's why I'm posing this question, we see by the discussion over Ordinance 23, and I've flagged a couple of other Ordinances, specifically #4 and perhaps 16A and some others and I know that there's some other stuff that's in the pipeline for Council business. We have a new Administration coming in. And some of the things that Council is proposing and passing are things that the new Administration, not the current Administration, are going to be charged with implementing. Now while that's perhaps okay, and your two co-equal branches of Government. Um....there are a number of citizens who are emailing the transition committee and I know, because I get some of them. Um....specifically about the issues that Ordinance #4 deals with. There is an expectation, a belief, a hope, whatever you want to call it that the new Admini....by the citizens, that the new Administration is going to have some input into these things. I know that a lot of what you do here is pro-forma and a lot of what you do here needs to be dealt with quickly. But you are asking.....you are asking the new Administration to, that's not been seated yet, not fully come together yet, to implement some things that you're passing here. You may have a reason, if you do that's okay but again, the question is for some of this stuff, what's the rush? Thank you Mr. President.

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT SCHULMAN: Service Director Concatto.

SERVICE DIRECTOR CONCATTO: This Administration is not rushing anything through Council. The prevailing wage issue in #4 was something that we'd been dealing with for months. It's something that this Council wants. It wants a prevailing wage person, in fact, in place as soon as possible. The 16A is the contract that we've been negotiating for months with the Firefighters that they have passed. We are not pushing it through Council, we believe it's the time for Council to pass it. The contract is over November 1st, therefore, it's important that we try to get this through as quickly as possible. Our contract in drugs is up and due for January 1 of 2008. These are not issues that we are trying to push through Council so that the next Administration doesn't have a right or doesn't have a say in what's going on. These are things that have been hanging out there that we

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need to conclude with at this Administration.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I want to concur with the Service Director ah... you know anything....anytime legislation comes before this Council we try to ah....do our duty, investigate it, Committee hearings and so forth and it takes it's course and...and I would say 90% of the time it has it's three readings and the Councilmembers have enough time to study it. And...and ah...in the one regards to the ah...16A, as the Service Director said, you know, that's a contract and normally, normally we pass it on the first reading because it's done with....ah Council can do...we can't add to it, we can't subtract ah...that's what it is and we usually pass it and that's the way it is and....and we are not rushing anything through, in fact we postponed Ordinance #23, we postponed it last week, we postponed it again this week for some further investigations on it. But that has to be in place also so that we can take care of our citizens, that they have their drugs that will be needed at the first of the year. So the three that you mentioned, are things that have been....as Member....as Service Director said, it's been in the works and...and we're not rushing anything through, we're doing our job as we always have and we're not going to change because the new Administration is coming in.

PRESIDENT SCHULMAN: Ah...and you do have a right to respond. I just want to take ah....I want to take a prerogative here and ah...because I am in ah...very...I'm in a different position, I'm not a Councilmember and I'm not with the Administration, I'm basically in between. But I find this shot (*Laughter*)...I find this ah...I find this shot across the bow ah...highly unusual and really politically inept, if I may say so. Ah...we...if you....if this Administration, if the next Administration ah...which we intend to support, has a problem with something that this Council is doing, I would expect the next Administration to come to the leadership of City Council and discuss it privately instead of raising this in a public fashion. Frankly ah....I find the question obnoxious and insulting to this Administration and this City Council and I'm very surprised. Now Eric, I don't know whether you're carrying water for Mayor Elect Healy in asking this question tonight, I don't know, I hope not, frankly because we're going to make an effort in 2008 to bring all of the parties together, Council and the new Mayor and we're looking forward to that but to publicly come in tonight and challenge this Council and to challenge the sitting Administration for rushing into something without ever bothering, it seems to me, as far as I can tell, talking to any of the leadership or any of the Members of Council here is very unfair and I think unwarranted and this Council doesn't deserve that. But go ahead.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: I thank you for your comments but I too am insulted as a Councilmember that this allegation is even being made. I'm insulted.

PRESIDENT SCHULMAN: Thank you, go ahead Mr. Resnick.

ERIC RESNICK: Mr. President, Members of Council, first of all, if an allegation was being made, I'm sure that Mayor Elect Healy would come here and make the allegation....I...this is not about making allegations. What also might clear this up is, I slightly miss spoke, the Ordinance that I am referring to wasn't #4, it's #8. Which I apologize for, but again, this is....this is not to be construed as a shot across the bow or an allegation of any kind.

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It is a question. I am not a member of any Administration. I am a citizen. It is a question.

PRESIDENT SCHULMAN: Well we appreciate you being here. Thank you very much.

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT SCHULMAN: Director Concatto.

SERVICE DIRECTOR CONCATTO: Since it's #8, I will say, and this Council knows, we have met separately with Councilmembers to determine and to decide about these stations. This...this is not something, we've been working on this for months, if not for a whole year. We've talked to Council about one station versus two stations. This was not an Administrative decision, this was decision, I think that will be made by Council. They will have the opportunity to make this decision upon their vote when this comes up, but it was not something that we're pushing through. It was something that we'd been discussing for a long time. And...and these...the architect was chosen months ago. So this is the same as 4 and...and the other ones is not something that we're rushing through, it's something that's been on the table and something that needs to be decided now. Whether it's December 31st or now, it needs to be decided now, it's not something that we should wait for. There's not a purpose to wait for it unless this Council determines they don't want two stations and if that's the case, when it comes up, postpone it like you did this one. You're...we're not forcing you into anything, you're...you're...you know what to do with these if you don't like what they are. So you do it. You don't know what to be told to do it.

PRESIDENT SCHULMAN: Director Hunt.

SAFETY DIRECTOR HUNT: Mr. President, I'd just like to say that in regard to ah...#8, as Service Director Concatto has stated, ah...this Administration has met with the neighborhood associations. This Administration has met with City Council. This Administration has also listened to the Fire Department. The Fire Department with City Council pres...present, suggested the other station to help ah...reduce the amount of time that they take to go to fire. City Council said to the Fire Department, the Fire Chiefs, "You make the call, you're the Fire Personnel." This was made in a deliberate fashion. There is no rush to what's going here, I would only have to say that Mr. Resnick is uniformed in this situation.

PRESIDENT SCHULMAN: Any other remarks? Ah...Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, ah...Members of Council, there's one other factor, every two years, as most of us know, ah....Council dies. And on January 1st a new Council, a new Phoenix arises from the ashes, where new oaths of office (*laughter*) and begins a new. So anything that's not finished, this is also ah...ah...public service message as well that I intended to say anyway. This isn't directly meant to answer the question. Any....any Ordinances that are not executed by the clothes of this year have to be brought back to Council with new communications and re-ratifications. Ah....so those things that have been funded that have been ah...executed, let's take steps to get them forwarded just a little bit more so that they don't have to come back and...and be reborn with a new Phoenix. Thank you.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Okay, our next ah...I'm sorry, Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. Uh....I think the Law Director and several other Councilmembers

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have been here long enough, when we've changed Administrations as well and this was always the way we've done things, it wasn't like we purposely set out to do something incorrect or what have you. I mean these were things that came with negotiations with the Firefighters and what have you. Ah....am I correct or am I incorrect that this is the way we've always done it, even when we've had other people coming in as the new Administrator? Am I correct or not sir?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, Member Cirelli, that's true, we do tend to try to wrap up business that has been in the pipeline for awhile. Ah...especially something like labor contracts, which uh...for which the Mayor is the chief spokesperson in this Council, is the body accepts or rejects.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Any other statements? Alright, our next speaker is Jan Urban. Ms. Urban, good evening.

JAN URBAN: Good evening.

PRESIDENT SCHULMAN: And would you give us your name and your home address and don't feel uncomfortable, I don't think you'll go through a buzz saw here. Go ahead.

JAN URBAN: No, My name is Jan Urban, I live at 1604 27th St NW, Canton, Ohio.

PRESIDENT SCHULMAN: And good evening.

JAN URBAN: I've been a resident here since 2000 and um, you our neighborhoods are getting older, the structures are getting older and most of us that are property owners ah....try to reinvest into our homes, energy, gutters and all that. Well this is about the efficiency and the competence of this um...some agencies that we have in place here in the City of Canton. Um...I had ah...an issue with ah...some gutters...ah....my neighbor and myself both had new roofs, new gutters put on three years ago, this November and ah...low and behold, after two and a half years, ah...the structures are very close together, two sides of the houses are maybe...there's eight foot distance, well their gutter people didn't drain the gutter off into the street or disperse the water so naturally we have the water running between two properties, so ah...after two years, naturally my block got filled and the water is coming through because all this water was draining. So I called the City, Building Code Department, Engineering, my Councilmember, all kinds of people in June, had them come out and I suggested that maybe you should let these people know how they should drain their gutters. And with that, I dug out my foundation, water proofed it and all that. Well, the City got back to me as far as the Building Code Department, saying that we had no such Ordinances on how people should drain their water off their houses. Now I find that hard to believe after ah....we have codes that you can't leave your car running in the City, you can't beep your horn and all that. But people can run their water into other people's basements or in their backyards and that's perfectly legal. Now this is what I was told by these departments. So, here it is November, people have restructured their water but it's all on my property and um...I talked to the Law Department, the Law Director, Joe, some of his assistance, Jason and trying to get the right notification to these people so I don't have a down out battle with..."You can't do that, you can't do that." I want them to know properly how to drain their water off their houses. So, I've had lots of suggestions told to me. I want to know why these Departments do not run efficiently. And according to code, because we do have codes. The State of Ohio has codes for this and I was told in June that there wasn't any and I'm fed up. Now I have a whole backyard that's being flooded because these people in June were not told properly how to run their water of their house because they don't know. But they have no regard to my property. And now all their water is running right to the edge of our property and into my backyard because nobody can

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do their job in this City. And I want to know why nobody is reprimanded.

PRESIDENT SCHULMAN: Thank you very much Ms. Urban. Where, as I say to all the speakers, who come up, we'll all be here afterwards and you're more than welcome to talk to the Service Director or any member of Council ah...about your problem and they will listen, believe me. Thank you for your ah...comments. I know you're frustrated, just bare with us.

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: Uh....We're now under....ah...what are we under.... Miscellaneous Business. Is there any miscellaneous business?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: I did speak with Ms. Urban. She's correct and we did find two Ordinances on point that we gave her notice of ah...that prevent you from sending your spout, your down spout toward your neighbors property. Especially if it creates a nuisance and from the sounds of it, it does. Um...I had that conversation with Jason Reese and Gary Baker of Code, while they were sitting in Jason Reese's office. Um...the last conversation we had was that they intended, uh...both Code and Jason, whose not a Code Enforcement Officer but a Lawyer who helps them, intended to come out during a rain to actually personally see it themselves. Not that we don't believe you or doubt you, but they wanted to take photographs and make a record so that when we do take action, we do use due process and notify the other property owner that they appear to be in violation...and so on and so on. Uh...there are Ordinances that protect you and they are on the books and I believe both Code, um...Mr. Labriola and Jason Reese will be looking at the property. Thank you.

PRESIDENT SCHULMAN: Member Griffin.

MEMBER GRIFFIN: Mr. President, I'd just like to remind Council that ah...in the last week, ah...a member, a longtime member of City Council passed away, a good citizen of Canton, he was an active member in City Council, Jaycees, he was active in the Parent Teacher's Association for all the schools his children went to, he was a Ward Councilman out in my neighborhood when I was growing up, Harry Guist. And I'd like to have a moment of silence for Dr. Harry J. Guist.

PRESIDENT SCHULMAN: Thank you Member Griffin. Let's take a moment of silence for Dr. Guist.

(MOMENT OF SILENCE TAKEN FOR DR. HARRY J. GUIST)

PRESIDENT SCHULMAN: Thank you. Any other Miscellaneous Business? Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: Ah...Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas Mr. President.

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

ADJOURNMENT TIME: 8:25 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT