

**MINUTES OF THE MEETING SEPTEMBER 24, 2007**

PRESIDENT SCHULMAN: (*SOUND OF GAVEL*) Good evening ladies and gentlemen ah...before we begin the meeting, I'll ask that ah.. all of you bare with me, I'm getting over a cold and it is ah...I'm over it but I have ah..intractable cough. So with a quorum being present, the chair calls this meeting of Canton City Council to order. Madame Clerk, roll vote please call please.

***ROLL CALL TAKEN BY CLERK TIMBERLAKE:***

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

CLERK TIMBERLAKE: Eleven present, one absent, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. We'll have the invocation given tonight given by Councilmember Thomas West. Please remain standing for the pledge of allegiance.

*The regular meeting of Canton City Council was held on Monday, September 24, 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 Thomas West, followed by the Pledge of Allegiance led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: Thank you Member Hawk, that was a very inspirational invocation. Thank you Mr. West. We're now under agenda corrections and changes. Members of Council, you're going to be asked to suspend Rule 22A to add the second reading of Ordinances #9 through, including #19, excluding 17, which is Retained in Committee. Member Casar, the Chair will recognize that motion.

MEMBER CASAR: Mr. President. I move that Rule 22A be suspended to add Ordinances #9 through and including 19 to this evening's agenda, excluding #17.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded to suspend Rule 22A to second reading ordinances 9 through and including 19, excluding 17, which is Retained in Committee to this evening's agenda. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries, Rule 22A is suspended and the Ordinances are a legal part of your agenda.

**PUBLIC HEARINGS**

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

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PRESIDENT SCHULMAN: We are now under public speaks on Ordinances and Resolutions for adoption. We have no speakers signed up this evening.

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: We are now under Informal Resolutions. Mr. Casar the Chair will recognize a motion to excuse Member Zachary.

MEMBER CASAR: Member President, I move we excuse Member Zachary from this evening's meeting.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to excuse Member Zachary from this evening's agenda. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Member Zachary has been excused from this evening's meeting. Madame Clerk, please read Resolution 69 by title.

#69 SUPPORTING THE FIRST ANNUAL 'AHIMSA WALK'. - ADOPTED

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Resolution #69.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution 69. Are there any remarks? I would like to make ah...just a brief remark. This is a 5K walk sponsored by the Asian Indian community of our ah...ah...City and one of the leaders is Dr. Murthy, our Coroner and I know he was ah...very pleased and honored that Council would adopt this Resolution. It is in celebration of Mahatma Gandhi's birthday and as all of you know, Mahatma Gandhi a exponent, one of the greatest historical exponents of piece through non-violence, which we could certainly use in this world. So ah....with that said, any other remarks? By voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #69 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: The Resolution has been adopted, Madame Clerk, Resolution #70 please.

#70 AUTHORIZE SERVICE DIRECTOR TO MAKE AVAILABLE USED 'LINCOLN HIGHWAY'

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## CONSTRUCTION BRICKS FOR PRESERVATION OF HISTORICAL VALUE. - ADOPTED

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Resolution #70.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #70. Are there any remarks? If not Madame Clerk....ah...sorry, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #70 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: Resolution 70 is adopted. Resolution #71 please.

## #71 COMMENDING RSVP FOR CONTRIBUTIONS TO COMMUNITY. - ADOPTED

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Resolution #71.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #71. Are there any remarks? Member West.

MEMBER WEST: Yes, Mr. President, ah...first of all I want to thank ah...Cindy for ah...reading this to the Retired Seniors Volunteer Program ah....last Wednesday they had their annual dinner. This is a group who ah...had approximately 600 volunteers and provided over 60,000 service hours...service hours to our community, which amounts to over \$1,000,000.00 in services to our community. Um...could we have this read please?

PRESIDENT SCHULMAN: Certainly, Madame Clerk.

CLERK TIMBERLAKE: The City of Canton has a rich history in honoring those individuals and groups who have demonstrated great character, acts of kindness, generosity and compassion toward our fellow citizens. RSVP and approximately 600 volunteers provided 60,000 service hours towards meeting the unmet needs and "making a difference" in the lives of our residents and, Whereas: The Retired and Senior Volunteer Program of Stark County provide challenging and meaningful volunteer opportunities for adults 55 and older, and; Whereas: Volunteer services is a proven health prevention strategy for older adults; and; Whereas: Canton citizens benefit from 50 RSVP sites that serve all of Stark County, and; Whereas: RSVP volunteers partner with non-profit agencies to meet a variety of human and community needs, touching all generations and vulnerable populations,

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and; Whereas: The volunteers provided 60,000 hours which at a rate of \$17.75 means that RSVP has contributed One Million, Sixty Five Thousand Dollars to our local community, and; Whereas: Approximately 600 volunteers work throughout the communities, making a positive difference in areas such as literacy, truancy, the environment, health care, arts and culture, and; Whereas: The significant service of RSVP volunteers has reinforced the strength and future of the residents and local communities of the great State of Ohio, Stark County and the City of Canton. Now Therefore Be It Resolved: I, Councilmember, Thomas E. West of Ward 2, along with my colleagues on Canton City Council, do hereby recognize, give special tribute to, and commend most highly RSVP and its hundreds of senior volunteers for their outstanding contribution to the City of Canton and Stark County Community.

PRESIDENT SCHULMAN: Thank you Madame Clerk, anything else Member West? Any other remarks? By voice vote then, all those in favor of adopting Resolution #71, say aye. Those opposed no.

NO REMARKS

RESOLUTION #71 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: The Resolution passes. Ah...Resolution #72 please.

**#72 REQUESTING STREET LIGHT ON EXISTING POLE #796B1-15 BETWEEN 207 ORCHARD AVE & 309 ORCHARD AVE NE. - ADOPTED**

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Resolution #72.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #72. Are there any remarks? If not by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #72 APPROVED BY UNANIMOUS VOICE VOTE

PRESIDENT SCHULMAN: The Resolution passes. Ah...before we get to communications, I do want to say one other thing. I know Member Zachary is not here tonight, the Mayor is not here either and ah...it's not because she's slighting the audience or ah...she's at Lehman High School on ah...City business.

**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 SEPTEMBER 24, 2007.***

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506. LIQUOR CONTROL DIV. (OHIO): REQ TRANSFER D1 D2 D3 D3A LIQ PERMIT FR: HOLIDAY BAR & LOUNGE INC. TO STERN & MANN BAR & GRILLE LLC DBA STERN & MANN BAR & GRILLE @ 101 CLEVE AVE., NW ST #100. - RECEIVED & FILED
507. LIQUOR CONTROL DIV. (OHIO): REQ TRANSFER C1 C2 LIQ PERMIT FR: R & S CONVENIENT MART INC TO A & K LUCKY STAR INC. DBA B & B SUPERMARKET @ 636 CHERRY AVE., NE. - RECEIVED & FILED
508. LIQUOR CONTROL DIV (OHIO): ADVISING OF LEGISLATIVE OBJECTION OVERRULED FOR RENEWAL APP TO BP PROD N AMERICA INC. DBA BP FOOD MART 5896 @ 1200 N MK STR & GAS PUMPS. - RECEIVED & FILED
509. SAFETY DIRECTOR HUNT: REQ \$1,843.45 SUPP APPRO TO 2769 & 2773 BYRNE MEM GRANT FOR CANTON POL DEPT. - FINANCE COMMITTEE
510. SERVICE DIRECTOR CONCATTO: SUBMTG LIST OF DELINQUENT WATER & SEWER CHGS FOR CERTIFICATION TO PROPERTY; REQ CERTIFICATION AS EMERGENCY MEASURE BY 9/28/07. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
511. SERVICE DIRECTOR CONCATTO: REQ APPROVAL OF WATER MAIN EXTEN FOR THE CANSOMED FACILITY LLC ON CLEVE AVE., SW IN CANTON TWP. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
512. SERVICE DIRECTOR CONCATTO: REQ SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT W/RECYCLING FOR CITY OF CANTON'S CURBSIDE RECYCLING PROG. - FINANCE & RECYCLING COMMITTEES
513. SERVICE DIRECTOR CONCATTO: SUBMTG \$29,642.00 EMERGENCY REPAIR PRICE FOR 300 HP MOTOR FR: 3-D SVC @ WATER DEPT. - RECEIVED & FILED
514. SERVICE DIRECTOR CONCATTO: REQ SERV DIR TO ENTER INTO \$3,900.00 MODIFICATION FEE W/COOPER & ASSOC LLP FOR STEIN INDUSTRIAL PK PROJ TO INCORPORATE COST-SAVING MEASURES. - FINANCE COMMITTEE

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

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

- #1 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING ORDINANCE #241/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND

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## DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

- #2 (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF OUTLOT 1115 AND LOT 42337; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety and Thoroughfares Committee
- #3 (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF OUTLOT 1174; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety and Thoroughfares Committee
- #4 (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PART OF OUTLOT 799; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety and Thoroughfares Committee
- #5 (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 22387, 22388, 39984 AND 39985; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety and Thoroughfares Committee
- #6 (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE FINAL RECORD PLAT FOR STEIN INDUSTRIAL PARK AND THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety and Thoroughfares Committee
- #7 (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING ORDINANCE #241/2006, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #8 (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH MOTOROLA INC IN A TOTAL AMOUNT NOT TO EXCEED \$24,711.40 FOR THE PURCHASE OF SIX RADIOS AND RELATED EQUIPMENT FOR THE HEALTH DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Property Capital Improvement and Finance Committees

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: Ah... We're now under Ordinances for their second reading. Madame Clerk would you please read Ordinance #9 through and including 19 by title, excluding 17.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #9 THROUGH AND INCLUDING #19, EXCLUDING #17 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

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- #9. (2<sup>ND</sup> RDG) AN ORDINANCE VACATING A PORTION OF MULBERRY RD SE; AND DECLARING THE SAME TO BE AN EMERGENCY (Pub Hrg 10/1/07 @ 7:30 PM)
- #10. (2<sup>ND</sup> RDG) AN ORDINANCE VACATING A PORTION OF LUTHER PLACE NE; AND DECLARING THE SAME TO BE AN EMERGENCY (Pub Hrg 10/1/07 @ 7:31 PM)
- #11. (2<sup>ND</sup> RDG) AN ORDINANCE VACATING A PORTION OF DESERT INN COURT NW; AND DECLARING THE SAME TO BE AN EMERGENCY  
(Pub Hrg 10/1/07 @ 7:32 PM)
- #12. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY OF CANTON TO ACCEPT DONATION OF REAL PROPERTY FROM SOPHIE MANOS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #13. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CITY OWNED REAL PROPERTY TO FREED HOUSING CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY
- #14. (2<sup>ND</sup> RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
- #15. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
- #16. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING SECTION 127.03, VEHICULAR SELF-INSURANCE FUND, AND SECTION 127.04, CLAIMS AND JUDGEMENTS, OF THE CODIFIED ORDINANCES
- #17. (2<sup>ND</sup> RDG) **RETAINED IN COMMITTEE** (*Not read aloud*)
- #18. (2<sup>ND</sup> 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
- #19. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT AMENDMENT WITH COMPANAGEMENT, INC TO INCREASE ITS FEE FROM \$26,000.00 TO \$26,780.00; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

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PRESIDENT SCHULMAN: Yes, Member Casar.

MEMBER CASAR: Point of ah...information, I think the ah... the Clerk read 17, it was held in committee. Did she...

PRESIDENT SCHULMAN: Sorry?

MEMBER CASAR: Did you read 17 by title?

CLERK TIMBERLAKE: No.

MEMBER CASAR: You didn't?

CLERK TIMBERLAKE: No.

MEMBER CASAR: Okay, thank you.

PRESIDENT SCHULMAN: We're now under Ordinances for their...Member Carbenia.

MEMBER CARBENIA: Oh, it's my fault, I told him it was read. *(Laughter)* He believes what I say.

PRESIDENT SCHULMAN: Well at least you took responsibility Member Carbenia. Thank you.

*(Laughter)*

**ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING**

PRESIDENT SCHULMAN: We're now under Ordinances for their third and final reading. Madame Clerk, please read Ordinance #20 by title.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #20 THROUGH #26 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. (ORDINANCES #23 & #26 WERE ADOPTED AS AMENDED)***

#20 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE #173/2007** AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF ONE PARCEL OF CITY OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE SAID PROPERTY PURSUANT TO THE CITY'S LAND DISPOSITION PROGRAM; 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.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #20 is adopted. Ordinance #21 please.

**ORDINANCE #20 ADOPTED AS ORDINANCE #173/2007**

#21 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE #174/2007** AN ORDINANCE AUTHORIZING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PART OF VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF CANTON OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Ordinance #21.

MEMBER CARBENIA: Seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #21 is adopted. Ordinance #22 please.

**ORDINANCE #21 ADOPTED AS ORDINANCE #174/2007**

#22 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE #175/2007** A RESOLUTION AUTHORIZING THE LAW DIRECTOR TO DISTRIBUTE FREE OF CHARGE TO PUBLIC OFFICIALS AND PUBLIC INSTITUTIONS, COPIES OF THE 2007 SUPPLEMENT TO THE CANTON CODIFIED ORDINANCES; TO AFFIX PRICE FOR THE SALE OF SAME; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Ordinance #22.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #22. Are there any

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #22 is adopted. Ordinance #23.

**ORDINANCE #22 ADOPTED AS ORDINANCE #175/2007**

#23 (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE #176/2007** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE #241/2006, AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATIONS, APPROPRIATION REDUCTIONS, APPROPRIATION TRANSFERS & INTERFUND CASH TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: 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.

MEMBER CASAR: Mr. President, I'd like to amend Ordinance #23 per the copy that all Councilmembers have in front of them.

MEMBER CARBENIA: Seconded.

*AMENDMENT: Pursuant to Rule No. 36, I move to amend Agenda Item No. 23 by replacing Exhibit A attached to the ordinance currently pending before Council with the attached Exhibit A.*

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance #23 per the copy before each of you. Are there any remarks? If not, by voice vote, all those in favor signify by saying aye. Those opposed no. The motion carries. Member Casar.

NO REMARKS

AMENDMENT APPROVED BY UNANIMOUS VOICE VOTE

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #23 as amended. Are there

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any remarks under this Ordinance? If not, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #23 is adopted. Ordinance #24.

**ORDINANCE #23 AS AMENDED AS ADOPTED AS ORDINANCE #176/2007**

#24 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE #177/2007** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO 5 YEAR LEASE AGREEMENT WITH AN OPTION TO PURCHASE 2, 10-TON HEAVY DUTY DUMP TRUCKS; 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 Casar.

MEMBER CASAR: I move we adopt Ordinance #24.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #24. Are there any remarks?..If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #24 is adopted. Ordinance #25 please Madame Clerk.

**ORDINANCE #24 ADOPTED AS ORDINANCE #177/2007**

#25 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE #178/2007** AN ORDINANCE AUTHORIZING THE AUDITOR TO ESTABLISH 2234 STEIN PROJECT GRANT FUND; AUTHORIZING DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE CONSTRUCTION OF THE INFRASTRUCTURE IMPROVEMENTS FOR STEIN INDUSTRIAL PARK GP 1094; AMENDING APPROPRIATION ORDINANCE #241/2006, AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION AND APPROPRIATION TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #25.

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MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #25. Are there any remarks?..If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #25 is adopted. Ordinance #26 please.

**ORDINANCE #25 ADOPTED AS ORDINANCE #178/2007**

#26 (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE #179/2007** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED ENTERPRISE ZONE AGREEMENT WITH GLENN REAL ESTATE INVESTMENTS LLC AND RANDALL, RICHARD AND MOORE, LLC DBA CUTTER EQUIPMENT COMPANY; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President. I move we adopt Ordinance #26.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #26. Are there any remarks? Member Casar.

MEMBER CASAR: Mr. President, I move we amend Ordinance #26 per the copy that all Councilmembers have in front of them.

MEMBER CARBENIA: Seconded.

AMENDMENT: Pursuant to Rule No. 36, I move to amend Agenda Item No. 26 as follows:

- (a) *In the first WHEREAS clause, add the language "and through clerical error failed to authorize personal property tax exemptions for inventory on behalf of Randall, Richard and Moore LLC dba Cutter Equipment Company" after the word exemptions.*
- (b) *Add the language " , retroactive to the date of adoption of Ordinance No. 19/2005, adopted February 7, 2005." to the end of amended Section 2.*

PRESIDENT SCHULMAN: It's been moved and seconded to amend Ordinance #26 per the copy that is before each councilmember. Are there any remarks? If not, by voice vote, all those in favor signify by saying aye. Those opposed no. The motion carries. Member Casar.

NO REMARKS

AMENDMENT APPROVED BY UNANIMOUS VOICE VOTE

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MEMBER CASAR: Mr. President, I move we adopt Ordinance #26 as amended.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #26 as amended. Are there any remarks? If not, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #26 is adopted.

**ORDINANCE #26 AS AMENDED AS ADOPTED AS ORDINANCE #179/2007****ANNOUNCEMENT OF COMMITTEE MEETINGS**

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

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: President Schulman, Finance Committee will meet at 6:45 on October 1<sup>st</sup>.

PRESIDENT SCHULMAN: Member Kraus...sorry.

MEMBER KRAUS: Mr. President, Public Safety and Thoroughfare will meet ah...10/1 at 6:45.

PRESIDENT SCHULMAN: Thank you.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Member Dougherty.

MEMBER DOUGHERTY: Public Property Capital Improvement will also meet that evening.

PRESIDENT SCHULMAN: Thank you. Any other announcements?

**PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)**

PRESIDENT SCHULMAN: We're now under Public Speaks, Open Forum. And tonight we have ah...3 speakers. Ah...I don't know if any of you have addressed City Council in the past but let me just briefly tell you, we appreciate you being here, we appreciate hearing from you. We do however, have a limitation on the Public Speaks and that is 3 minutes and I will respectfully, hold you accountable to that 3 minutes. We'll all be here afterwards, the Mayor, her Administration, City Council Members, if you wish to discuss anything further, we'll be here ah...to share it with you. So please try to keep your remarks to 3 minutes. I hate to interrupt and I will though because that's what I'm supposed to do. Our first speaker, and I apologize if I've mispronounced the name, Brad Cioca. Mr. Cioca, if you'll step up to the microphone sir and give us your name and your residential

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address.

BRAD CIOCA: Good evening.

PRESIDENT SCHULMAN: Good evening.

BRAD CIOCA: My name is Brad Cioca and actually I'm here ah...for Cioca Electric...ah...our address is 8549 Beatty Street, NW, Massillon, Ohio. Um..in Jackson Township. And before I begin, actually, or I can do it afterwards, I have some literature I'd like to give to Council. And I've only brought 10 copies, I didn't realize...

PRESIDENT SCHULMAN: That's fine, we'll be able to make a copy for additional copies.

BRAD CIOCA: I could either do it now or after. This is concerning the bid proposal that we put in on the new Collection Service and Administrative Center. And I'm here to address, I believe the Ordinance, I'm not very familiar with how this is done, is 112-97 Section 105.12, Titled Local Bidder Preference. Um..when I read the public announcement for this project, never stated your business is not located in the City of Canton, that preferential treatment will be taken. When I picked up the set of documents for this project, I was never informed of this Ordinance. When I attended the pre-bid and the bid opening, I was not aware of this Ordinance. Overall, my company spent about \$2,500.00 preparing this bid. I'm summarizing because I got 3 minutes. Um....my employees, when we work in the City of Canton, we pay City withholding tax, we also pay corporation taxes just as any contract that we do that's located in the City. Uh...we filed the last 2 years. We have been in business approximately 3 years. I've got a series of 8 questions, we can go through those um...but basically the just of the 8 questions is...you know, we look, as when we bid projects for our company, I mean, we look at Stark County as a whole. We don't, you know, separate each city, like this is just Canton, this is just Massillon and etc. And it just seems like your Ordinance intent is...is that you're trying to isolate just Canton. You're also limiting the number of contractors that can bid on your project. Now, I understand that originally when this was wrote, you used the um...jurisdictional boundaries of the unions to create a local situation so you could use a local workforce. But some of my questions on this Ordinance is, and I talked to ah...a few people ah..that pertain to this contract, if my company, because I hire out of local hall, even though it's located in Jackson Township, I may have 3 or 4 City residents working for me because we get our members from ah, the union hall or a contractor in the City of Canton could hire, you know, people from Bolivar and New Philly, Massillon, whatever and yet they would still get the contract and in turn, I would be laying off 3 City residents. It doesn't make sense, it's...it's counterproductive. The other thing, I believe it also hampers the bidding process. You know, we're built on a capitalism nature to where we want enterprises to succeed but what your doing is your constricting this. So you have 2 contractors out of 10 that could bid this project from Stark County. Possibly 4, I don't really know how many electrical contractors that are in this City. But maybe 4 or 5 of us are going to bid this size of a project. I think by stammering or stopping the competition on bidding on these projects, you're hurting the City more than your helping it.

PRESIDENT SCHULMAN: Okay, your ti....I'm sorry, your time is up, I do....if you want to just summarize very briefly.

BRAD CIOCA: Well basically, one thing I want you guys to realize is that on the plumbing and electrical contract, the difference was \$10,700.00 in a combined effort. For you to recoup that amount of money you'd have to have \$535,000.00 in income to recover \$10,700.00 at a 2% tax. It seems counterproductive. Thank you.

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PRESIDENT SCHULMAN: Thank you very much sir, we appreciate your comments. And as I say, we'll be here afterwards to discuss this with you. Our next speaker is Bruce A. Davis. Mr. Davis, good evening.

BRUCE DAVIS: Good evening. How you doin'?

PRESIDENT SCHULMAN: Good, how are you tonight?

BRUCE DAVIS: Oh pretty good.

PRESIDENT SCHULMAN: If you can give us your name and your ah...residential address please sir.

BRUCE DAVIS: Bruce A. Davis, 800 Troy Place NW, Canton, Ohio. And one of my things I want to say is about the trouble in Summit County District here...ah, Summit School District, rather....sorry...Summit County, Summit School District, ah...these people blocking the roads, ah...selling drugs, ah...forcing women off the road, making them take alleyways to get home and stuff like that. I know you guys have done a wonderful job, ah...a year and a half ago but it's back, okay. Now my second is about animal nuisance control. Now, not domesticated animals, I'm talking about your racoons, your skunks, your opossums, ah...your feral cats, ah...and I got an offer to make the City, instead of paying \$50.00 per animal, and \$50.00 a day for no matter how many animals I catch when you call me to that residence. And with my past experience in 3 days, I know I can pull out anywhere from 18 to 20 animals per residence and that's quadrant because I'm talking about non domesticated. Their the wild ones. I trap with the Ohio District 3 Office, been with them close to 12 years. I do a lot of business throughout Stark County but the City people will not pay for the business because a lot of people that live in the City cannot afford it. And sometimes I do do it for free. Just because their elderly people and they can't live with racoons in their houses. You know, so, that was the only 2 I wanted to bring up to ya and the most important one to me is gettin' them people off our streets so our kids can come home from school. Kids are even detoured around. Made to walk around. This is their street they were saying. So everybody has to pick their kids up and walk them home. Women coming home at night time, that work midnights that can't get home. They laugh at 'em...ya know, make 'em go around the block and laugh at ya. It's blocked all off. I just wanted to bring that back to the attention and ah...of the trouble at Tro...it's on Troy Place, 90% of it's happening between Shorb and ah...McKinley High...ah...McKinley Avenue. So, that's the only thing I have to say and I hope you take some consideration on the animal part too.

PRESIDENT SCHULMAN: Thank you very much, sir and I know that ah...Safety Director Hunt will be here after the meeting if you want to talk further about this. But thank you from coming down. We appreciate it.

BRUCE DAVIS: Alright, thank you.

PRESIDENT SCHULMAN: Thank you sir. Our next speaker is Tim McCourry. Mr. McCourry, I hope I've pronounced your name correctly. You're an identifiable person. Would you give us your name and your residential address and good evening.

JIM MCCOURRY: Good evening, yes it's Jim McCourry, I live at 1916 Sandwith Ave SW. What I want to speak to you about tonight is getting City Ordinances enforced. Who do I go to to get 'em enforced? I've been to the Mayor, I've been to the Police Department and to Sergeant Fox, I've been to the Law Department and still cannot get 'em enforced. Who do I go to? The City, State or Federal? It doesn't make any difference to me. I need 'em enforced.

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PRESIDENT SCHULMAN: Can you just share with us Mr. McCourry, what Ordinances, specifically, you are referring to?

JIM MCCOURRY: Okay, junk vehicles Ordinance. I've got a junk vehicle ah...Mr. Prater, he knows about this vehicle that's been sitting out in front of my house. I moved in on Sandwith Avenue in 1991 I think it was. I've had 28 cars removed since then. Now they're coming back. I can't get nobody to remove 'em. Every time the police come out, they looked at 'em and say "Oh, we can't do nuttin' about that. The one that settin' across my street right now ah...is junk can, no motor in it, no transmission, they just pushed it there and it's settin' there with blocks under it to hold it from rollin' down in the street. They got real slick about it. They went and got a historical plate on it. Then the City comes out, City Police come out, two people come out, opened the hood, inspected it and everything.... "Awe, there's nothin' we can do about it." Well it took me about 10 minutes to do the research on the computer...ah...and I had the Law Department...ah..her name is Kris Bates at the Law Department, telling there is no such thing as private property and private residential property. If anybody knows your City Ordinance look in 35.01, it gives you your definitions of what they are. Well I couldn't win on that problem. So what I did, I went to the State of Ohio and Historical License Plates, what you have to do to get historical license plates. If you'll look at the affidavit that they filled out, on the bottom of the affidavit it states "By the owner, being first duly sworn, states that I am the owner of above motor vehicle, which is more than 25 years old," which it is, it's a piece of rusted out junk. "I certify that the vehicle has been inspected and found safe to operate on a highway of the State." Which it is not. I relayed this to...

PRESIDENT SCHULMAN: You have about 30 seconds Mr. McCourry.

JIM MCCOURRY: I relayed this to Kris Bates, at the LawDir...."well I'll get with Sgt. Fox and we'll go ask him real nice to move it." No, we're not asking nice no more. He done falsified in it, it's an Ordinance, Ohio Revised Code, I want the charges pressed against him. Period. End of story.

PRESIDENT SCHULMAN: Great, well thank you sir, and again, we'll be back here...we'll be here after City Council to hear ya. Thank you Mr. McCourry for coming down. Alright, that concludes public speaks (open forum)

**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: We're now under Miscellaneous Business, is there any miscellaneous business?

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

PRESIDENT SCHULMAN: Yes, I'd like to just ah...give you a little information that ah...Don had passed on to me earlier when we were voting on that Resolution. Don says "I'd rather walk with Mr. Murthy than lay down with Mr. Murthy." *(Laughter)*

PRESIDENT SCHULMAN: Well, I think that's probably all...all our shared thoughts Member Carbenia.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

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MEMBER WEST: Yeah, Mr. President, um...I got a couple things on my mind tonight. One, ah...two weeks ago, I um...I think it was two weeks ago, we approached, ah...we sent a letter to AEP in reference to them cutting branches and just leaving these cut branches in front of people's houses and they're just laying there. Um...then last week, I axed the Administration if they could look into this matter. Ah..they still to this date have not eradicated or has not picked ah...picked up these branches that they have cut down. Um....is there a...I guess this would be to the Administration, um...are we looking into that and is this a practice that um... they're able to do and it's just leave it up to the home owners to pick up or what?

PRESIDENT SCHULMAN: Director Concatto.

SERVICE DIRECTOR CONCATTO: Mr. President, Member West um...can you give me that address again?

MEMBER WEST: Yeah, there's actually two but the one that comes to mind is 1710 16<sup>th</sup> St NE...um...and I think the other one we did into ah...ah...letter to AEP specifically. 16<sup>th</sup>....say it louder.

PRESIDENT SCHULMAN: What is it Member Carbenia? Did you hear that?

MEMBER CARBENIA: 1607 17<sup>th</sup> .....or ah...16th NE.

MEMBER WEST: But it seems like a practice that we don't want to...

MEMBER CARBENIA: And there's many others....excuse me, there's many others. Dover Place, above 22<sup>nd</sup> Street.

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT SCHULMAN: Director Concatto.

SERVICE DIRECTOR CONCATTO: I know that one of these addresses and I'm not sure if Mr. West ah...has gone back that was done...ah there was a storm and they cut the branches and left it to go on to other power lines that were out but in this in general, and again I'm just gonna state EPA....AEP's position on that, not necessarily mine or the Administration's...ah...that when they have an easement right in um...for their power lines and that when ah...people grow trees in that easement right, they have a right to cut down tree or the branches that affect their power lines. Typically, what they do is they cut the branches down and leave them their. Again, I'm just stating what AEP's policy is, not necessarily what our policy is but ah...since those trees are in their easement right um...they...that's their policy.

MEMBER WEST: Mr. Law Director, what's our policy on...on that matter, when people just leave branches in front of homes?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, thank you. Member West, those are private matters ah...between the land owner and AEP, the utility that provides a service to them. Ah...Mr. Concatto is correct, the utilities have an easement or a legal right to construct their power lines across the property. Which includes the right to access and...and treat those trees so as not to ruin the power lines. Ah...we don't have the ability to

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ah...order them to remove those unless their on public property or they interfere with the public safety, for example, if they were large enough to interfere with a sight, if a driver couldn't see around the corner or see a stop sign, that would be a public safety issue but in a purely private issue, ah...we don't have the authority to order or charge them with any offenses. I can tell you this though, in a move toward being constructive um...as you know, Council has asked a committee to forming a Shade Tree Commission of some kind. Um...Member Cirelli is on that Committee along with ah...Member Con...Service Director Concatto and a number of other officials and civilians. Ah...in the most recent meeting, the Urban Forrester, Certified Arborist who does the tree cutting or oversees it for AEP joined our committee. So those are the kinds of issues we'll be talking to him about as we discuss the shape of this commission and the Ordinance we bring back to Council.

PRESIDENT SCHULMAN: Thank you Law Director Martuccio.

MEMBER WEST: Thank you very much. The second I had, I wanted to thank Bruce Davis for coming down. Ah...Bruce, you know I gotta...I also thank him for keeping an eye out on Troy Place. Ah...years ago, of course they, you know he's one of the founder....foundations to that neighborhood and looks out on that neighborhood and a lot of the residents that are there, he looks after them as well. So, I want to thank him for coming down, he's also a guy, I gotta tell you, who actually ah...trapped one of my racoons. And anytime we have a problem, believe me, my wife's on the phone calling him. So I also want to thank you for that as well.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Cirelli.

MEMBER CIRELLI: Ah...question to ah...Joe Martuccio, the Law Director, regarding the easements. Ah...on our property and such, do we request that they take the things, the branches and what have you away? Or do we just allow them to throw them down and then we dispose of them?

PRESIDENT SCHULMAN: Director Martuccio.

LAW DIRECTOR MARTUCCIO: I don't know the answer to that Mr. President, Member Cirelli. Um...I believe we are responsible for removing whatever debris is left when they enter public property to remove trees that are growing, if they're growing into their power lines. But as a practical matter, I don't know.

MEMBER CIRELLI: Mr. President, Mr. Martuccio, would you look into and let me know, I'd appreciate that sir. And one other thing Mr. President. I just wanted to compliment ah...Councilman Dougherty because we had the feed the needy program, which really, we fed over 500 people, I think we can all attest to. And our staff did a really good job helping out and ah...it was ah....astronomical what happened on Saturday.

*(APPLAUSE)*

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Member Dougherty.

MEMBER DOUGHERTY: Yeah, two things, first, getting back to this issue with the trees. It just doesn't make any sense to me that, so they have an easement so they make.... but they make the situation worse when they

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leave. It's like illegal dumping or something. I...I.I just have a problem with that, we have to come up with a better solution to this issue. And I would like to thank everybody who participated and helped out. I think it was a great success.....um...but it took everybody's help to get it...to make it happen and that's to the cooks, to the Administration, we..we even let Richard Hart cook and I think that's...that's....that in itself was amazing. *(Laughter)* But we also...and there was some volunteers that helped out right here in the audience and there was just...it was just a great effort. It was a great day and ah...the staff..ah...without them helping me organize this, it just wouldn't be done so, thank you, all of you. I really appreciate it.

PRESIDENT SCHULMAN: Great job. Thank you Member Dougherty.

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Yes, in regards to the junk cars, I have been in contact with Mr. McCourry several times ah...and we have gotten some different answers on what qualifies as a junk car and what does not. So, I have a question for the Safety Director and the Law Department. Could we possibly get some clarification on what constitutes a junk vehicle and what doesn't so that I may pass accurate information along when I get these phone calls? Thank you.

PRESIDENT SCHULMAN: Director Hunt.

SAFETY DIRECTOR HUNT: Of course ah...we'd be glad to sit down and talk to the Law Department...ah, as the gentleman indicated, he has already been to the Law Department and spoken to an attorney there. But ah...it looks like ah...there's some clarification problems with our police department too and we'd be glad to do that.

PRESIDENT SCHULMAN: Thank you ah...Safety Director Hunt. Ah...Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, Mr. Prater, the Ordin....there is an Ordinance on the books and it does define a junk car and it has several paint by numbers in it. It is a junk car if: 1. 2. 3....um...there are some things that some people might argue..ah...belong in it that aren't there...um...but as it's written, it does define what a junk vehicle is and it lists the symptoms of a junk vehicle. Ah...defining it is one issue, ah...enforcing it is another. Um...and I will look into it with the Safety Director but there is an Ordinance in place and it is defined and if it needs amended, that's something we can recommend to you.

PRESIDENT SCHULMAN: Thank you Law Director.

MEMBER HART: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Hart.

MEMBER HART: Again, hats off to Dave. It's always been great over the years to...to watch the family affair, if you want to call it that with the, you know, the kids, the family, cousins are there and everybody, you know, just giving back. And also to Safety Director, I wanted to thank the Fire Department because when I told them that ah...Joe was going to be cooking the hotdogs, they did offer to have a paramedic unit and fire truck standing by. *(Laughter)* But that man is truly gifted when it comes to getting those hotdogs on, they were just perfect and

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ah...he did a great, great job. Well R.A. and I were cooking the hamburgers and we created so much smoke, I thought I saw some Indians coming down Market Avenue...so...Member Dougherty, thank you, it's a job well done.

*(Applause)*

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Uh, Joe, you may want to call Ken Huot or Lou Monit, at one time they had a standard procedure because under easements they do one thing with their trees and under another philosophy, they use a contractor. So they may have a standard thing they can send you and it's probably changed since when I was on the street, so you might ask for an updated copy of their...of their policy on that.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Ah...a few responses, ah...Member Kraus, AEP, depending on who and what is in control at the time have...and from time to time said "It is the responsibility of the private property owner to remove trees that grow into their power lines and create a nuisance. Um...they will tell you that they are benefitting or doing a favor to the resident by cutting those trees at their expense. Um...but, again, we'll look into that. I wanted to update Council on a couple of other matters. Ah...with reference to Mr. Cioca, your first public speaker this evening, um..he is a contractor and we did speak on the phone and understand his frustration but he was very civil and he was very organized in his thinking tonight. What he's referring to is an Ordinance that we've had on the books for the past ten years. Ten years ago, Canton City Council passed an Ordinance called Local Bidder Preference. And essentially what it says is "The board of control may award contracts to local bidders over non-local bidders if....if the lowest and best bid is not more than \$10,000.00 difference, not more than 10% higher or \$10,000.00 maximum difference." And they define a local bidder as...as two things, "either a resident of the City or a business that has it's principal place of business in the City limits and has filed income tax returns as a resident for the past two years." The specifications must include this...this Ordinance in the specifications when they go out. Now, he's holding how thick they are and you can argue that it's...you may not find it when your looking through it...ah...and...and a point to be made by Mr. Cioca is, perhaps we should be saying to people "Oh, by the way, if you're not a local bidder, there is a preference for local bidders that you should keep in mind." I understand that. Um...but if the decision is...is less than 10% or under \$10,000.00, and in this case it was. Ah...the job I believe the ah...the electrical job at the new Collection Center is somewhere around \$200,000.00 and I believe this bid was about a \$5,000.00 difference, approximately. So it was within this Ordinance. Now, an issue has arisen and I believe that Mr. Cioca may have an attorney that may have spoken with one of our attorneys and I can tell you that if our Ordinance is in anyway um...illegal or if there has been case law that's modified it in the last 10 years, we will take a close look at that as officers of the Court, we attorneys are sworn to follow the Law that the Courts set for us. Ah...no one has challenged this law and we've not had to look at it in the last 10 year so, that challenge is coming and we will look closely at what the Law says. Another thing I need to remind Council of um...briefly, is that we've had another change in the public records laws. Ah...Senator, or I'm sorry House of Representative Member Oelslager, um got House Bill 9 through the General Assembly. It goes into effect later this week. House Bill 9...ah...tightens up in the view of some for public records laws to make ah...better definitions about promptly and how to redact and what's overly ambiguous. More important for us and how this affects all of us Elected Officials is as follows: Every

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Elected Official or their designee and Council can designate one of it's staff and Auditor, Treasurer, Law Director, or Mayor can designate someone in their staff ah.... to receive three hours of free mandatory training from the Attorney General, once per term once per two year term or once per four year term, we or our designees have to go through a mandatory three hour training by the Attorney General. I...I'm going to provide this in writing to all of you. I'll provide the Attorney General's letter that came out last week, a list of places that offer free training around Ohio...free training. And I'll also summarize the changes for you. You also as a Council, have to pass a policy that adopts this new model public records policy that the Attorney General just issued last week. I'll incorporate that into a Resolution or an Ordinance that I will bring down before you and we have to put up a poster and ah...a few other changes that I will summarize and send to um...the various Elected Official's Offices and I will bring it up at the Department Head meeting. If any of you have any public records questions that arise after September 29<sup>th</sup> about the new law, please give us a call...ah...but in the meantime, I will send you a summary of it. Ah...and again, I can't remind you enough that under the old and the new law, if someone requests a public record, there's no doubt that it's public, we have to make it available promptly, we can't ask for a reason why and we can't demand or issue receipts. It's...doesn't matter what the reason is, the records go ou...and I will summarize that for all of you.

SERVICE DIRECTOR CONCATTO: Mr. President.

PRESIDENT SCHULMAN: Yes.

SERVICE DIRECTOR CONCATTO: Just um..I want to thank the Director for explaining the issue with the electrical inspection or the electrical contractor um...it was a decision of the Board of Control to ah...take the City located....the City business. The difference was about \$5,500.00 from um...a \$200,000.00 bid. On a brighter note, if I may ah.....on Wednesday the 26<sup>th</sup> is our Health Fair. Obviously, you who are all City Employees are welcome to attend that between 1:00 and 7:00. Our employees...it's been very successful, we've had ah...I think over 300, maybe close to 400 of our employees take part in the blood test ah... part of it. And ah...we're very excited about the turnout. It's a lot more than we thought and we'll conclude that with our ah...Health Fair on ah...Wednesday, excited about that.

PRESIDENT SCHULMAN: Thank you Director Concatto. Member Casar.

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

MEMBER CARBENIA: Seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Meeting is adjourned. (*Gavel falls*)

ADJOURNMENT TIME: 8:22 P.M.

ATTEST:

APPROVED:

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CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

ALLEN SCHULMAN  
PRESIDENT