

MINUTES OF THE MEETING OF OCTOBER 27, 2008

PRESIDENT SCHULMAN: Good evening ladies and gentlemen. Welcome to Canton City Council. We appreciate you being here. I would say that before we begin that the City of Canton had a tremendous day today with, hopefully the next President of the United States Barack Obama, (*applause*) who by the way was here to give the closing argument to the American people from the City of Canton, Ohio. I think that's pretty sharp. And we should all congratulate our City and it's officials, it was a great day. With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call please Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

12 COUNCILMEMBERS PRESENT: (DON CASAR, JOE CARBENIA, MARY CIRELLI, BILL SMUCKLER, GREG HAWK, THOMAS WEST, JAMES GRIFFIN, CHRIS SMITH, TERRY PRATER, DAVID DOUGHERTY, PATRICK BARTON & KARL "BUTCH" KRAUS)

TWELVE COUNCILMEMBERS PRESENT.

CLERK TIMBERLAKE: Twelve present Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. We'll have our invocation given tonight by Councilmember Terry Prater. If you will all remain standing for the pledge of allegiance please.

The regular meeting of Canton City Council was held on Monday, October 27, 2008 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Ward 5 Councilmember, Terry Prater, the Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you Member Prater. We're now under agenda corrections and changes, and Members of Council you're going to be asked to suspend Rule 22A to add the Second Reading of Ordinances 9, 10, 11, 12, 14 and 15. Ordinances 8 and 13 will be retained in committee. Member Casar, the Chair will recognize that Motion.

MEMBER CASAR: Mr. President, I move we suspend statutory rules 9, 10, 11, 14, 15 and 12 to this evening's agenda.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend statutory rule and add the Ordinances 9, 10, 11, 12, 14 and 15. 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, Rule 22A is therefore suspended and the Ordinances are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We're now under Public Hearings. And we do have a public hearing this evening and it is scheduled for **7:30 pm**. It's AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS

MINUTES OF THE MEETING OF OCTOBER 27, 2008

AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY; IT IS ASSIGNED TO WARD 6; THE PLANNING COMMISSION RECOMMENDED APPROVAL OF THIS ZONE CHANGE. Is there anyone in the audience wishing to speak for or against this zone change, please come forward. Is...and I have to repeat this....is there anyone in the audience wishing to speak for or against this zone change, would you please step forward. Seeing no one stepping forward to the podium, the Chair declares the public meeting over in regard to this matter and the matter now rests in the hands of Council. And the Ordinance will follow later this evening.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We are now under Public Speaks, there are no speakers this evening, nor do we have any Ordinances and Resolutions for adoption.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We do have an Informal Resolution and it is Resolution 88. Madame Clerk, would you please read Resolution 88 by title.

#88. COUNCIL AS A WHOLE: OBJECTING TO 45% RATE INCREASE OVER NEXT 3 YEARS PROPOSED BY AEP. - ADOPTED

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Resolution #88.

MEMBER CARBENIA: Seconded.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Yes Mr. President, I'd like to have the Clerk read that Resolution please.

PRESIDENT SCHULMAN: If you would Madame Clerk, would you please read Resolution 88.

CLERK TIMBERLAKE: **Whereas:** American Electric Power (AEP), services most of the residences, businesses and commercial establishments in Canton and has proposed increasing its rates 45%, at 15% for each of the next 3 years; and **Whereas:** Ohio Consumers' counsel, Janine Megden-Ostrander, the States' Chief Residential Utility Advocate, has been quoted as calling AEP's increase one of the largest in the 31 year history of her office; and **Whereas:** The City of Canton has many residents living at or near the poverty line and citizens who are on reduced and fixed incomes, who are also facing increased costs in other commodities and funds; and **Whereas:** Canton City Council believes that as the elected representatives of City residents, it has an obligation to relay the concerns of hard-pressed residences and businesses of Canton to state officials and corporate representatives. **NOW THEREFORE BE IT RESOLVED:** That the Clerk of Canton City Council is instructed to serve copies of this Resolution upon the Public Utilities Commission, American Electric Power and Consumers' Counsel, Janine Megden-Ostrander; and **BE IT FURTHER RESOLVED:** That the Council of the City of Canton supports the efforts of the Ohio Consumers' Counsel to require and ensure that utility rate increase requests are reasonable, justified, and necessary. **BE IF FURTHER RESOLVED:** That this legislative body requests that the PUCO resolve the above described disparities in favor of the utility users and negotiate reasonable, incremented increases if it diligently finds

MINUTES OF THE MEETING OF OCTOBER 27, 2008

that any proposed electricity fee increases are necessary, justifiable and verifiable.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Member Casar, you made a Motion and I believe the motion was seconded by Member Carbenia. Are there any remarks? Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. Mr. President, I think that it's pretty obvious that since the deregulation of the utilities has happened that the utility companies are now practically raping the customer. They're doing what they darn well please, when they darn well please and it you look at the profits they're making and paying to their CEOs, golden parachutes that are going out and what have you. I think it behooves us to support this in saying that we are against this deplorable rate increase because we...our constituents, not only just here in Canton but all over are in one heck of a state and then for them to ask for such a huge increase is absolutely despicable. Thank you sir.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Are there any other remarks? If not, by voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS
UNANIMOUSLY BY VOICE VOTE

RESOLUTION #88 PASSED

PRESIDENT SCHULMAN: The Resolution carries.

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 OCTOBER 27, 2008.

413. AUDITOR MALLONN (CITY): CERT OF TOTAL AMT FR ALL SOURCES FOR 2008. - RECEIVED & FILED
414. MAYOR WILLIAM HEALY II: REQ REAPPOINT CHARLES DEGRAFF TO SARTA BOARD FOR 3 YR TERM FROM 9/1/08 - 8/31/11. - PERSONNEL COMMITTEE
415. MAYOR WILLIAM HEALY II: REQ APPT DUSTIN WRIGHT TO SYSTEMS PLANNING BOARD FOR 2 YR TERM FROM 10/1/08 - 10/1/10. - PERSONNEL COMMITTEE
416. MAYOR WILLIAM HEALY II: REQ APPT JOSEPH G COLE TO BOARD OF ZONING APPEALS TO FILL REMAINING TERM OF KAREN BUTERA FROM 10/1/08 - 12/31/09. - PERSONNEL COMMITTEE
417. CANTON POLICE DEPARTMENT: 2007 ANNUAL REPORT. - RECEIVED & FILED
418. SERVICE DIRECTOR BERNABEI: REQ EXPANSION & ELIGIBILITY IN CITYSCAPE PGM FOR SID AREA AT 600 & 612 6TH St NW. ENGINEER ADVISES HE HAS AVAILABLE FUNDS FOR THIS PROJECT. - JUDICIARY COMMITTEE

MINUTES OF THE MEETING OF OCTOBER 27, 2008

419. STARK COUNTY COMMISSIONERS: RESOLUTION APPROVING ANNEXATION OF KEY BANK. - PLANNING COMMISSION

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 #7 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

#1. (1ST RDG) AN ORDINANCE AMENDING VARIOUS SECTIONS OF PART THREE-TRAFFIC CODE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
Referred to Judiciary Committee

#2. (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PART OF OUT LOT NO. 935 AND ALL OF LOT NO. 42504; AND DECLARING THE SAME TO BE AN EMERGENCY (HAMMONTREE & ASSOC, FULTON RD NW & PARK NW)
Referred Public Safety & Thoroughfares Committee

#3. (1ST RDG) **ADOPTED AS ORDINANCE NO. 153/2008** AN ORDINANCE DECLARING 18 BUILDINGS TO BE PUBLIC NUISANCES; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE DEMOLITION OF SAID BUILDINGS; AUTHORIZING THE CLERK OF CANTON CITY COUNCIL TO CERTIFY THE COSTS OF DEMOLITION TO THE STARK COUNTY AUDITOR; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee

PRESIDENT SCHULMAN: And in regard to this Ordinance, the Chair would declare an in house recess for the Community & Economic Development Committee to meet in regard to Ordinance #3 on your Agenda. You're now in recess.

(COUNCIL RECESSED @ 7:45 PM AND RECONVENED @ 7:46 PM TO DISCUSS THE PASSAGE OF ORDINANCE #3)

PRESIDENT SCHULMAN: Council will therefore reconvene after the recess. Leader Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add Ordinance #3 back on 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.

MINUTES OF THE MEETING OF OCTOBER 27, 2008

PRESIDENT SCHULMAN: Thank you Madame Clerk, the motion carries and Ordinance #3 is a legal part of your agenda. Member Casar.

MEMBER CASAR: Mr. President, I move we suspend the Statutory Rules on Ordinance #3.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend 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. You've heard the three readings Leader Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt 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.

#3 ADOPTED AS ORDINANCE NO. 153/2008

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #3 is adopted. Ordinance #4 please.

#4. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH FEDERAL SIGNAL CORPORATION FOR THE PURCHASE AND INSTALLATION OF ONE WARNING SIREN PURSUANT TO O.R.C. SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

#5. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (CIVIL SERV, SEWER & POLICE)

Referred to Finance Committee

#6. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO MAKE APPLICATION FOR, ACCEPT AND EXECUTE GRANTS FROM THE STARK-TUSCARAWAS-WAYNE JOINT SOLID WASTE MANAGEMENT DISTRICT; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

MINUTES OF THE MEETING OF OCTOBER 27, 2008

#7. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO APPLY FOR, ACCEPT AND EXECUTE A GRANT FROM THE CLEAN OHIO CONSERVATION FUND FOR FUNDING FOR THE PURCHASE OF AN APPROXIMATE 12 ACRE PARCEL OF PROPERTY ADJACENT TO MALLONN PARK; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We are now under Ordinances for their second reading. Madame Clerk, will you please read Ordinance #8 by title, #9, I'm sorry, Ordinance #9.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #9, #10, #11, #12, #14 AND #15 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

#8. (2ND RDG) ***RETAINED IN COMMITTEE*** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO JOB CREATION TAX INCENTIVE AND NET PROFITS INCENTIVE AGREEMENTS WITH SHERI'S SWEETS, INC. PURSUANT TO THE CITY'S ECONOMIC GROWTH INITIATIVE PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

#9. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH STARK COMMUNITY FOUNDATION TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$50,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY

#10. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH MENTORING NETWORK OF STARK COUNTY TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$50,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY

#11. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH HABITAT FOR HUMANITY OF GREATER STARK AND CARROLL COUNTIES, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$150,000.00 FOR REIMBURSEMENT OF MISCELLANEOUS INFRASTRUCTURE COSTS RELATING TO THE HOUSING PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

#12. (2ND RDG) ***ADOPTED AS ORDINANCE NO. 154/2008*** AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF EASEMENTS IN REAL PROPERTY; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ACQUIRE EASEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY (4020 FAIRCREST SW)

PRESIDENT SCHULMAN: Leader Casar. Ordinance #12.

MEMBER CASAR: Mr. President, I move we suspend the statutory rules on Ordinance #12.

MEMBER CARBENIA: Seconded.

MINUTES OF THE MEETING OF OCTOBER 27, 2008

PRESIDENT SCHULMAN: It's been moved and seconded to suspend statutory rule for Ordinance #12. 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 carries. Leader Casar, you've heard the 3 readings.

MEMBER CASAR: Mr. President. I move we adopt Ordinance #12.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #12. Are there any remarks?...If not, Madame Clerk, roll call vote please.

NO REMARKS ROLL CALL: 11 YEAS, 1 NAY

(MEMBER CIRELLI VOTED NAY)

CLERK TIMBERLAKE: Eleven yeas, one nay Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #12 is therefore adopted. Ordinance #13 please.

#12 ADOPTED AS ORDINANCE #154/2008

#13. (2ND RDG) **RETAINED IN COMMITTEE** AN ORDINANCE AMENDING CHAPTER 1361, RESIDENTIAL OCCUPANCY STANDARDS, OF TITLE SEVEN - HOUSING STANDARDS, OF THE BUILDING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

CLERK TIMBERLAKE: 13 is retained. Ordinance #14.

PRESIDENT SCHULMAN: Sorry, Ordinance #14.

#14. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO FILE WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT A 2009 - 2013 CONSOLIDATED PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, HOME INVESTMENT PARTNERSHIP PROGRAM AND EMERGENCY SHELTER GRANT PROGRAM; RATIFYING SUBMISSION AND FILING OF SAID PLAN; AUTHORIZING THE MAYOR TO EXECUTE GRANT AGREEMENTS WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND TO ACCEPT FUNDING FOR THE CONSOLIDATED ONE YEAR ACTION PLAN FOR FISCAL YEAR 2009 FOR THE THREE PROGRAMS; AND DECLARING THE SAME TO BE AN EMERGENCY

#15. (2ND RDG) **ADOPTED AS ORDINANCE NO. 155/2008** A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE CANTON AUTO ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF

MINUTES OF THE MEETING OF OCTOBER 27, 2008

CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we suspend the Statutory Rules on Ordinance #15.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Statutory Rules on Ordinance 15. 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: Ordinance #15 is adopted. And we're now on Ordinances for their third and final reading. Madame Clerk, would you please....Oh, I'm sorry, right, it's been a tough day today. I apologize, Leader.

MEMBER CASAR: Mr. President. I move we adopt Ordinance #15.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: I'm gonna get this Ordinance adopted if it kills me. It's been moved and seconded that you adopt Ordinance #15. Are there any remarks under Ordinance #15?...If not, Madame Clerk, roll call vote please.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Ordinance #15 is adopted.

#15 ADOPTED AS ORDINANCE #155/2008**ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING**

PRESIDENT SCHULMAN: And we are now on Ordinances for their third reading and final reading. Madame Clerk will you please read Ordinance 16.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #16 AND #17 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.**#16. (3RD RDG) ADOPTED AS ORDINANCE NO. 156/2008 AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (WARD 6) **PUB HRG: 10/27/08 @ 7:30 P.M.****

PRESIDENT SCHULMAN: Leader Casar.

MINUTES OF THE MEETING OF OCTOBER 27, 2008

MEMBER CASAR: Mr. President, I move we adopt Ordinance #16.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #16. Any remarks? If not Madame Clerk, roll call vote please.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President

#16 ADOPTED AS ORDINANCE NO. 156/2008

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance 16 is adopted. Ordinance #17 please.

#17. (3RD RDG) **ADOPTED AS ORDINANCE NO. 157/2008** RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move we adopt Resolution #17.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #17. 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

#17 ADOPTED AS ORDINANCE NO. 157/2008

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance 17 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

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

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: Community and Economic Development will meet on November 3rd at 6 P.M.

PRESIDENT SCHULMAN: Thank you. Member Hawk.

MEMBER HAWK: Mr. President, Finance Committee will meet Monday, November 3, 2008 at 6 P.M.

PRESIDENT SCHULMAN: Thank you.

MINUTES OF THE MEETING OF OCTOBER 27, 2008

MEMBER WEST: Mr. President

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Judiciary will meet on November 3rd 6 P.M.

PRESIDENT SCHULMAN: Thank you.

MEMBER PRATER: Mr. President.

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel will meet November 3rd at 6 P.M.

PRESIDENT SCHULMAN: Thank you. Member Kraus.

MEMBER KRAUS: Public Safety and Thoroughfare will meet on the 3rd at 6 P.M. too.

PRESIDENT SCHULMAN: Thank you very much.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: We're now under Public Speaks, Open Forum. We have four speakers signed up this evening. Again, just to caution those who have not ever spoken in Public Speaks here in City Council, we do have a time limit of three minutes and if you will please abide by that, our first speaker is Paul Messenger. Mr. Messenger, good evening, if you could step up to the microphone, give us your name sir and your residential address.

PAUL MESSENGER: Good evening, my name is Paul Messenger, I live at 3022 12th St NW. My problem is a sandwich wagon in the neighborhood that is operating a portable generator and my house being like 200 feet away, it's very annoying. And I've talked to the gentleman that runs the sandwich wagon and he says he has all the permits and he's allowed to be in front of this building, it's 1131 Wertz Avenue NW, right beside Wade's Foreign Auto Parts if anybody is familiar with that area. And I just want to know what we can do to get him to stop running a generator in the neighborhood.

PRESIDENT SCHULMAN: And we'll all be here after the meeting and we'll...you're Councilmember will be here and you'll be...or you may even hear your Councilmember respond in Miscellaneous Business.

PAUL MESSENGER: Okay, that's it.

PRESIDENT SCHULMAN: Thank you very much sir, thanks for coming down, we appreciate it. Our next speaker is Patricia Kirk. Ms. Kirk. Don't let that woman trip you out of there. Good evening, welcome again, give us your name and address please.

PATRICIA KIRK: Alright, Patricia Kirk, I live at 131 5th St NE. And I have the contract here of the Kresge Lot, adopt a lot and both copies are signed and does one copy remain with us and we give the other one to you? That's...okay. Also, a petition that I started the other Monday is coming along but this is not a high numbers petition, I am not standing on the street corner and just getting anybody's. I will tell you something

MINUTES OF THE MEETING OF OCTOBER 27, 2008

very interesting, about 120 of them just came from the businesses around the Kresge Lot, the people that work in the businesses there. Not one of them want a building there, not one, in fact they were like "Oh, absolutely, sure let me sign that, no we don't want a building there." I have not made a copy of it yet but when I do I will turn it in, who do I turn it in to?

PRESIDENT SCHULMAN: The Council Clerk would be, I think the person you'd want to see, Ms. Timberlake.

PATRICIA KIRK: Alright, thank you very much. That's what I wanted to tell you. Do I give this to you Mr. Bernabei?

PRESIDENT SCHULMAN: Yes, after the meeting you can give it to him, thank you very much.

PATRICIA KIRK: Alright, thank you very much.

PRESIDENT SCHULMAN: Thank you. Our next speaker is Fendrich Clark. Mr. Clark, good evening. Welcome, if you'd give us your name please and your residential address.

FENRICH CLARK: Yes Mr. President. Thank you very much. My name is Dr. Fenrich Clark, I reside at 2648 Squirrel Hollow St NE. I am here today as a representative of our Neighborhood Association of Georgeview Estates. We are...we want to officially recognize and thank the Mayor and Carmen West, a representative from the Mayor's office for a fine job. We appreciate the work that is being done out at Georgeview Estates. And just recently we've had some uncovered basements and those basements were filled in and covered. So we want to come on record as a Neighborhood Association, I'm here as a representative of our Neighborhood Association. There are several of our members here today with me and we want to come on record to publicly thank the Mayor for following through on some things that he has stated earlier. The mission of the Georgeview Estates Neighborhood Association is to provide homeowners in the development the opportunity to live in a safe, caring and beautiful environment who are committed to preserving the highest possible standard of living in property values within our development, are encouraging responsible ownership, respect for each other and showing consideration for our surrounding community. So although we want to thank the Mayor and Carmen West for the things that they have done out in Georgeview Estates, we still have two other issues that we would like to be addressed. First is the unfinished house at the corner of Quail Hollow and Doeskin, that house is still unfinished and it's in pretty bad shape. And we were hoping that that would still be addressed. And there is another issue that has come to our concern and that's the illegal dumping that is an adjacent property to the neighborhood. We've noticed some illegal dumping at that location and also some illegal hunting. So we wanted bring that to the attention of City Council and we want to commend our Councilperson Chris Smith for the fine job that she is doing. Thank you.

PRESIDENT SCHULMAN: Thank you very much sir. Thank you for coming down. Our last speaking is Darrell Austin. Mr. Austin. Good evening sir, I think you've been here before, if you'd give us your name and your residential address please.

DARRELL AUSTIN: My name is Darrell Austin, I reside at 1427 Sycamore Avenue SE. Can you hear me Mr. President?

PRESIDENT SCHULMAN: I can, thank you.

DARRELL AUSTIN: Mr. President, Council and fine citizens of the City of Canton. We heard today as Councilman Terry prayed about disparity and hope and I truly believe in prayer myself because it does

MINUTES OF THE MEETING OF OCTOBER 27, 2008

change things in each one of us as we go about our own individual lives each day. We get on that carousel of life and once the carousel starts, you somehow or another think that maybe you don't want to get off but one day you have to get off. This past weekend, and I know I spoke very rapidly last week in Council in regards to the Compton Learning Center, disparity has hit again at the Compton Learning Center. The carousel has stopped, we have had a shooting in the rear of our building, substantial damage has been made to the building and I don't know the actual procedures in which Barco has to take to get an immediate response from the Canton City Police Department but we really would like for you, as Building a Better and a Healthy Community Association is our Neighborhood Community Association to get an immediate response in that particular area because of the emergencies that we have had recently and current. I talked with Mr. Odim from the S.T.A.R.T.A. bus station and I've learned today that just to get two bus stops moved from in front of the Compton Learning Center so that our children could be safe from harm and danger, they have to contract out someone to move two bus stops a block away from one another from in front of the school. My comment is today that the carousel has stopped in the 4th Ward when shootings begin to tear up our learning institutions. Thank you Mr. President.

PRESIDENT SCHULMAN: Thank you very much sir. Okay and that concludes the public speaks open forum.

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: We're now under Miscellaneous Business. Is there any miscellaneous business? Member Casar.

MEMBER CASAR: Mr. President, I'd like to ask the Mayor a question if I may.

PRESIDENT SCHULMAN: Absolutely.

MEMBER CASAR: Mayor, on my job I travel the State and I've only been in two Cities that the angular parking like the City of Canton has and Akron and my question is, you know, we pull into a driveway, we pull into our garage, we don't back in, why in the world are we backing into angular parking spots? And I consider myself a decent driver but I can't get into those and I wonder, you know, why aren't we pulling in and backing out instead of... Because you're driving down the road, you see these cars, you think their going the wrong way but their actually parked, what's the rhyme and reason why we are parking that way? To me it is wrong and I've talked to some many people lately that are asking me the same question. I said "You know, it kinda bothers me, I'm going to ask the Mayor, I'm going to ask the Administration why because I don't think it's a good...a good method of parking." Could you answer that question by anyway or has any other Councilman have the same problems that I've had with quite a few people asking me?

PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: Thank you Mr. President, thank you Don, Majority Leader, Don Casar. From what I understand, this is the Dan Moeglin through the Engineers Office and designed and some others who studied this recommended this as the direction. Because when you're going to...I mean if it's parallel parking, you pull ahead and you back into your parallel spot, this is a similar back in where you pull...you pull up and you back into the angle spot, it's actually much easier than a parallel parking but you back in. But when you're leaving the spot, you're now going with the flow of traffic, if it's the reverse way, to get out of that spot, you literally have to go against traffic on a one-way street to get out of that spot and...and so, that was the explanation that was given to me.

MEMBER CASAR: That, you know, sounds logical but it's not practical in my opinion. I think it's very

MINUTES OF THE MEETING OF OCTOBER 27, 2008

hard to do, I know the other night I was parking in one, I had to pull in and out three times to get straight because there wasn't a car on either side of me. I just...I think it's wrong, I think we should...we should look at that. And I would like to ask the news media maybe a question here, if they could do some type of survey I see in the news media every once in awhile of what the citizens think of that because from what I've heard, they don't like it. They'll drive around the block and try to find another location before the even attempt to pull in there and I would like to possibly ask the news media if they could run some type of survey and ask what the citizens think of this 18th Century parking instead of 21st Century. I just think we should look at it. Thank you.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Maybe we should call the Jetson Family, I betcha' they could help us. *(Laughter)* Member Cirelli

MEMBER CIRELLI: Thank you Mr. President. If I recall, and this is not going to help you out Member Casar, but I remember reading in the paper, as you say, have them do it, that the explanation that why they were doing that was to get more parking spaces there. But of course it went through my mind also about, if....and I know we're not going to have much solved but say there's a lot of snow, that would...I would think it would make it even that much harder for the snow plows to even move snow when the cars are parked at an angle than when they're straight. But that's just one issue there. I have a question I'd like to ask the Law Director. Law Director Martuccio, if I am a City employee, am I permitted to purchase a house through S.C.O.P.? Which we do business and do the funding for?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member Cirelli, the answer is probably. According to the Ohio Ethics Commission, you shouldn't, a public employee shouldn't suffer adversely from being a public employee. However, they have to be dealt with at arms length like anyone else in good faith and meet the same criteria. They cannot be shown, of course, any form of favoritism. If at anyway, smacks of using their position to gain something of value for themselves or their family then it might be unethical. So again, the answer is, it depends. If it's arms length and they meet all the other qualifications, they may be able to apply.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Where would I get that information about the other qualifications sir?

LAW DIRECTOR MARTUCCIO: You could generally get it from the Ohio Ethics Commission web page. They have a series of pamphlets numbered one through nine and one of them might cover it. If it's a specific employee with a specific situation, they can call me and you know, we'll look at it a little more closely.

MEMBER CIRELLI: Okay, thank you very much sir. Thank you Mr. President.

PRESIDENT SCHULMAN: Thank you Member Cirelli.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Mr. President, this weekend there was a horrific car accident that happened on McKinley

MINUTES OF THE MEETING OF OCTOBER 27, 2008

and 12th Street and before I was real concerned about going ag...going for...or voting for us to get those red light traffic signal things to...to help prevent traffic jams and things of that nature. And after seeing this hit and run this past weekend, you know, I'm really leaning towards supporting that and I'm wondering when will that come down for our review...the traffic signal enforcement?

PRESIDENT SCHULMAN: Service Director Bernabei.

SERVICE DIRECTOR BERNABEI: Member West, that really falls within Director Nesbitt's (*inaudible*) and I will, he is not here tonight because again, his son is leaving tomorrow. But I will obtain an answer from him tomorrow, I think that that's close to being brought down to City Council but I will obtain a...an answer for you tomorrow and respond to you and any other Councilmembers that wish to know.

MEMBER CASAR: Mr. President. If I may, maybe I could help with that answer, which came from Tom Nesbitt, dated the 15th of October that Redflex has been...Traffic System has been accepted as our provider incase we would happen to go with this, so, I know that there is a committee, Member Carbenia is on that committee and they voted that Redflex be the one, so would assume that it will be coming down shortly.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: I believe Law Director Martuccio had something to say, in response to that.

LAW DIRECTOR MARTUCCIO: Yes, thank you.

PRESIDENT SCHULMAN: Please.

LAW DIRECTOR MARTUCCIO: Mr. President, Member West, Member Casar, Administration, yes I understand that Mr. Nesbitt has been conscientiously working with that organization. In a communication to him, I suggested, of course, and he realizes a communication must precede an Ordinance which comes to Council. I've also recommended that we all work hard closely with Engineering, we also work closely with the Clerk of Courts for the new volume of citations that may arise from this and that we work with the Prosecutors in the event that there is an appeal. Once it's determined where you would these, whether it's in speed zone....ah....school zones, red lights or just speed zones in general. I'd also like time to contact the company and other Cities to see what other sorts of Ordinances they had to pass to modify the current system in place. You have a system in place that already makes it a criminal traffic offense to speed through school zones, to go through red lights, this is an alternate civil procedure that would provide a civil fine, as I understand it, the way they do it most places, would not result in an insurance deficit, you know getting points against your insurance. So there are some things to be looked at. I appreciate the fact that you have a committee and would be willing to work with the Administration and Council to make that smooth transition if that's your will.

PRESIDENT SCHULMAN: Member Cirelli, you want to add on this area?

MEMBER CIRELLI: Yes sir.

PRESIDENT SCHULMAN: Sure, go ahead.

MEMBER CIRELLI: I just wanted to call attention to City Council's...ah...The Canton Repository, Sunday, October 19, 2008. Toledo, and ah..you may want to mark that down Law Director, "Council reacts angrily to news of shortfalls and one of theirs was a revenue from the red light cameras that is \$750,000.00 less than was expected." So I just wanted to give that to him, the information. Thank you sir.

MINUTES OF THE MEETING OF OCTOBER 27, 2008

PRESIDENT SCHULMAN: Thank you Member Cirelli. Member Smuckler.

MEMBER SMUCKLER: Law Director, you and I had a conversation of the last week about the falling price of natural gas and what we have negotiated for over the next two year period of time, what we're stuck with, how we can get out of it if we want to, how our citizens can get out of it, would you please take the microphone and elaborate where we're at with all of this?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Mr. Smuckler, thank you for the time to consider the question, it is a simple and yet a complicated answer, as is often the case. The simple answer is, anyone in the City of Canton's Aggregation Program, which includes most of our houses who aren't with another individual contractor who aren't with a utility. Anyone who's with Vectron is locked into a rate of \$11.75 per thousand cubic feet. That rate is good through this winter, all the warm months, and the winter of '08 and '09..... '09 and '10. That rate is good through March of 2010. It is \$11.75 and it was chosen at a time when Public Officials involved in making that decision, including people from the Administration, the Law Department, and some Councilmembers, were looking at prices of \$20.00 per thousand cubic feet in Europe, less than average underground storage, hurricane season upon us, and in most Cities around Ohio were involved in this aggregation plan took one of two approaches. Do we lock in a price so that people who are on fixed incomes, senior citizens, low income folks, can figure out what their budget will be with a locked in price, or do we roll the dice, see what the utility does month to month, maybe it goes up to \$20.00, we were talking about it when it was in the range of \$13.00 to \$15.00, or maybe it goes down to \$10.00, like it has or below. Our officials thought we want to protect our citizens, even though it may be some risk involved to public officials for choosing to go on a locked rate when it would fall but we wanted what we thought would be price protection for our citizens. As everyone knows every economist out there right now is saying we've got no mold for what's happening now, for commodities trading including oil and natural gas. So with that we struck a price at \$11.75 and the gas company bought accordingly. The easy answer, direct answer to your question is to protect our citizens. If you can find a price on your own that's better, and you can right now, you can leave Vectron and there is not penalty. One of the things that the City, Administration and Council made sure that our broker got for us was that if you leave Vectron there is no penalty to leave. However, if you leave Vectron for one of these companies that is dangling an offer in front of you, be weary because that may not go into effect for another month or two. They have to get you off one company, on to another, start you on a new load factor, so you might not pick it up until the middle of winter. Then after the elections and I am not being cynical, but should the price of commodities like gas and oil go up again, if you've left Vectron, you cannot come back unless they let you because it's a contract. So if you ride it out with us it's \$11.75 per MCF now through this winter and the next winter no matter what those prices are next winter until March of 2010. We also have the rewards program through Vectron that some people are taking advantage of. When you get these mailers saying "We guarantee, we'll stay \$.30 below the utilities if you come with us." You can do that, but the utility is month to month. One other thing I gotta tell you is the utility is going out of being in the utility business in March of 2009. Dominion East Ohio will no longer be a utility, it will be a energy provider that competes with all the other energy providers like Vectron and IGS and so on and so on and so on. And as you all know, the utility is approaching with the PUCO and has gotten permission to increase there delivery charges. In a new structured form that may actually help people who use a lot of gas, maybe not help the people who use a little gas so much. Bottom line, if you don't like the \$11.75 that we've locked in, as a prudent way of fixing your expectations, you can leave without charge. Read the fine print if you go to someone else because nearly anyone else you go to will have termination fees and on Apples to Apples at the PUCO today they showed those termination fees, some at \$0.00, but many of them were at \$125.00 or \$150.00, \$50.00, \$50.00, \$50.00 to terminate. Be

MINUTES OF THE MEETING OF OCTOBER 27, 2008

careful, read the fine print, be aware that you may not be able to come back into our program next summer should the prices go up in the range of \$13.00 - \$15.00.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: What are the prices on the Apples to Apples that is there in front of you right now?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Sure, Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Member Smuckler, this was printed out today. Most of them are below us to be honest. Many of them range from the high 10's into the 13's. On month to month, monthly variables, those range from \$8.79 to \$11.73 right now. But again, those ride the market month to month, depending on what the market does. The longest you can lock into here, as of today, is a 36 month contract for \$12.30 per MCF, as of today. And again, some of those are limited to the first come first serve, they maybe the first 500 callers or the first 1,000 callers and they all tell you they're subject to change on no notice until you lock in.

PRESIDENT SCHULMAN: Member Smuckler, if...I want to just add on to what Law Director Martuccio had just said. Service Director Bernabei asked me to sit in on that meeting with the Mayor and the representative of the company that was talking to us about our future energy prices and it's interesting, I was trying to think of a good analogy, it's almost like being in Vegas and it's real easy to play the hand once you've seen it after everybody lays their hand down. At the time that we met, gasoline prices were \$140.00 a barrel, they are below \$65.00 a barrel today. At the time, gas prices were, natural gas prices, despite the fact that the United States is one of the largest producers of natural gas, was skyrocketing. So at the time, we...you know, we were all asked what do you think, and at the time it looked to me like this was a terrific bargain but as a matter of fact, we did not lock into the price that we could have. I mean, we could have locked actually, I believe into a higher price, a much higher price. I mean this was...this was a situation where the chances of gas...natural gas prices going down in the foreseeable future with the booming economies around the world, China and India particularly, were not very good. So, I have to...I have to say, just from being a neutral observer in this, it's a very complex undertaking and I can't tell you lastly that if anybody saw 60 Minutes last night, T.E. Pickens, who was on T.V. advertising wind and solar and a new energy plan for America, just lost two billion dollars, two billion dollars. Now, he's not stupid but I don't think a lot of people anticipated the...the tremendous economic crisis that we and the rest of the world have undergone in the last sixty days, I don't think anyone did. So, that's now...to finalize that point, it's very possible that gas prices, natural gas prices, as these economies come back are going to go through the roof again. So, it's a difficult task to....it's like throwing a dart at a dart board, you just never know. But with that, Member Smuckler.

MEMBER SMUCKLER: Mr. President, I understand and I'm not here throwing stones at anybody, what I'm trying to do is, there's a lot of people getting phone calls right now that are saying "You can get natural gas for \$9.79." Well, right now we are at \$9.99 I believe with the November going up at Vectron to \$11.75. And once those go up, as these people, these sales people continue to call into these homes, there's going to be a lot of questions asked, why we're at \$11.75 and they're offering as low as \$8.75 down there. Now how long that lasts, I don't know and I'm more inclined to stay locked into the \$11.75 but there's....based on the phone calls that are coming into some of these places, it might not look too palatable for some people.

PRESIDENT SCHULMAN: Law Director.

MINUTES OF THE MEETING OF OCTOBER 27, 2008

LAW DIRECTOR MARTUCCIO: Thank you. Member Smuckler, I would advise each of you to advise the constituents who call you, because many of them call our office, "If you're thinking about leaving, ask when does my new price flow start, does it start in January, does it start in...I mean, what month will I start paying the new rate, how long is it guaranteed for, what's the termination penalty if I leave early and what happens when my six months or my one year end."

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: On that same issue, I got a call today from a constituent inside the City of Canton and her relative is in the out in the County and she said that her relative told her that the County Commissioners did an aggregation also but they also got a 10% reduction for their senior citizens and I guess that they have to prove that they are the homeowner and that they are indeed a senior citizen. That might be something for in the future when it comes to negotiations, maybe you could think on that issue sir. I'd appreciate that.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Any other comments?

MEMBER CARBENIA: Mr. President.

PRESIDENT SCHULMAN: Member Carbenia.

MEMBER CARBENIA: I would just like to say that usually I beat the Repository up but I would like to thank them for helping us carry the McKinley/Massillon game, even though it didn't turn out the way we wanted. But I would at least like to thank them because I usually beat them up. Thank you.

PRESIDENT SCHULMAN: You're welcome. And WHBC I think was instrumental in that. Member Casar.

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

MEMBER CARBENIA: Seconded.

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

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

ADJOURNMENT TIME: 8:24 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT