

**MINUTES OF THE MEETING OF MARCH 16, 2009**

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to the meeting of Canton City Council. With a quorum being present, the Chair calls this meeting of Canton City Council to order, roll call vote please, Madame Clerk.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

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 MEMBERS PRESENT

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Tonight we'll have our invocation given by Council At Large Member, Bill Smuckler, will you all please remain standing for the pledge of allegiance.

*The regular meeting of Canton City Council was held on Monday, March 16, 2009 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 Council Member at Large Bill Smuckler, the Pledge of Allegiance led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: We're now under agenda, and thank you Member Smuckler, we are now under agenda corrections and changes. Members of Council, as always, you're going to be asked to suspend Rule 22A to add second reading Ordinances #8 through 14. Leader Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinances 8 through and including 14 to this evening's agenda.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A and add the Ordinances 8 through 14. 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 suspended and Ordinances are a legal part of your agenda.

**PUBLIC HEARINGS**

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

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PRESIDENT SCHULMAN: We're 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 and, Madame Clerk if you'll read Resolution #19 by title.

#19. PERSONNEL COMMITTEE: REQ CONFIRMATION OF REAPPT OF MICHAEL MCELFRESH TO CANTON CONSTRUCTION BD COMMENCING 3/1/09 - 2/28/12. - ADOPTED

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Resolution #19.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution 19. Any remarks? If not by voice vote all those in favor signify by saying aye, those opposed no.

NO REMARKS

RESOLUTION #19 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The Resolution is adopted. Resolution 20, please..

#20. PERSONNEL COMMITTEE: REQ CONFIRMATION OF APPT OF ERMA SMITH TO INCOME TAX REVIEW BD. - ADOPTED

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded that you adopt Resolution 20. Are there any remarks? I believe that Miss Smith is here tonight. There she is. Thank you for your service. (*APPLAUSE*) I want to thank Mike McElfresh too for his service. (*APPLAUSE*) It's such a big paying job, I can't believe more people aren't interested in it. In any case, are there any other remarks? If not, by

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Cirelli.

MEMBER CIRELLI: Just like to have this on the record, because then I hope I am saying it correctly, Erma.

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She said something in our Caucus I thought that was very nice and should be out there for the rest of the people here and she said, "Service is the rent we pay for living." And I thought that was very nice of her to say that.

ERMA SMITH: Inaudible.

MEMBER CIRELLI: Pardon me, dear.

ERMA SMITH: Marilyn Wright Edelman.

MEMBER CIRELLI: Marilyn Wright Edelman. Thank you.

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

RESOLUTION #20 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The motion carries and congratulations Miss Smith.

**COMMUNICATIONS**

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

***NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED MARCH 16, 2009.***

134. AUDITOR MALLONN (CITY): COMPARATIVE RPTS OF CASH RECEIPTS FILED AS OF 2/28/09. - RECEIVED & FILED
135. AUDITOR MALLONN (CITY): CERT OF TOTAL AMT FROM ALL SOURCES FOR 2009. - RECEIVED & FILED
136. CARBENIA, J., C&ED CHAIRMAN: ADVISING THAT C#80 FR: 2/23/09 AGENDA IS BEING SENT BACK TO DIRECTOR OF DEV TORRES. - RECEIVED & FILED
137. COURT ADMINISTRATOR KOCHERA: AUTHORIZE MAYOR TO ENTER INTO AGMT W/STATE OF OHIO, DEPT OF REHAB & CORRECTION FOR RECEIPT OF \$81,465.00 FY 2010 COMMUNITY CORRECTIONS ACT GRANT FOR PERIOD COMMENCING 7/1/09 - 6/30/10. - FINANCE COMMITTEE
138. LAW DIRECTOR MARTUCCIO: AUTHORIZE PREPARATION OF NECESSARY LEGISLATION ON BEHALF OF ADMIN FOR RENEWAL OF SID OPERATING ASSESSMENT. - JUDICIARY COMMITTEE

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139. LIQUOR CONTROL DIVISION (OHIO): NOTICE OF HRG RE: RENEWAL OF D-5-6 LIQ PERMIT ON 4/6/09 @ 10:30 AM FOR PLW 2006 LLC DBA HOB NOB TAVERN @ 1604 HARRISBURG RD NE, 1<sup>ST</sup> FLOOR & PATIO. - RECEIVED & FILED
140. LIQUOR CONTROL DIVISION (OHIO): NOTICE OF HRG RE: TRANSFER OF D-5-6 LIQ PERMIT ON 4/6/09 @10:30 AM FOR MIMI HMEIDAN DBA HOB NOB TAVERN @ 1<sup>ST</sup> FLOOR & PATIO, 1604 HARRISBURG RD NE. - RECEIVED & FILED
141. LIQUOR CONTROL DIVISION (OHIO): NOTICE OF HRG RE: RENEWAL OF C-1 LIQ PERMIT ON 4/6/09 @ 11:30 AM FOR ROBERT E. SCHLUNEKER, SR DBA MAGGIORE'S DRIVE THRU II @ 2057-2059 EAST TUSCARAWAS STREET. - RECEIVED & FILED
142. SAFETY DIRECTOR NESBITT: REQ TO AMEND O#97/2007 TO NOW READ "IN AMT NOT TO EXCEED \$156,000.00" TO REFLECT REVISED PROPOSAL FOR PROF SVCS CONTRACT W/MOTTER & MEADOWS ARCHITECTS FOR ARCHITECTURAL & ENG SVCS FOR A NEW NO. 4 FIRE STATION; AUTHORIZE SAF DIR TO ADV, REC BIDS & ENTER INTO CONTRACT &/OR PROJ LABOR AGMT(S) FOR CONSTRUCTION OF STATION. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE COMMITTEES
143. SERVICE DIRECTOR PRICE: REQ FROM STATE THAT CITY CONSENT TO BEGIN CONSTRUCTION OF A RE-DECKING PROJ @ DUEBER AVE & RE-DECKING & PAINTING PROJ UNDER CLEV AVE ALONG I-77. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
144. SERVICE DIRECTOR PRICE: REQ FROM STATE THAT CITY CONSENT TO COMPLETE THE REHAB OF TEN MAINLINE STRUCTURES & PAVING OF I-77 FR: THE STRUCTURE OVER NIMISHILLEN CREEK TO THE STRUCTURE OVER MARKET AVE, CLEVELAND AVE & 15<sup>TH</sup> ST. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
145. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO COOP AGMTS W/ODOT FOR CONSTRUCTION OF SEVERAL PROJS. -

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: We're now under Ordinances and Formal Resolutions for their 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. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A FIVE-YEAR CONTRACT WITH AT&T TO PROVIDE THE CITY WITH A 20MBPS HIGH-SPEED INTERNET CONNECTION; AND DECLARING THE SAME TO BE AN EMERGENCY

**MINUTES OF THE MEETING OF MARCH 16, 2009**Referred to Finance Committee

- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT DONATIONS TO FUND PORTIONS OF THE CANTON CONNECTION FOR FISCAL YEAR 2009; AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #3. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY TWO MORAL OBLIGATIONS IN AMOUNTS NOT TO EXCEED \$5,000.00 AND \$5,600.00 TO COTTRILL WRECKING COMPANY; AND DECLARING THE SAME TO BE AN EMERGENCY (DEMOS OF 735 HIGH AVE & 1116 SHORB NW)  
Referred to Community & Economic Development Committee
- #4. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO JOB CREATION TAX INCENTIVE AND NET PROFITS INCENTIVE AGREEMENTS WITH PROFILE PLASTICS, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- #5. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008 TO APPROPRIATE ADDITIONAL MONEYS NEEDED FOR THE OPERATING EXPENSES OF THE CITY OF CANTON FOR THE REMAINDER OF FISCAL YEAR 2009; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #6. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$1,521.66 TO EATON CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #7. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT TO RELOCATE A WATER MAIN AS PART OF THE MCDOWELL RTA BRIDGE RELOCATION PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance and Environmental & Public Utilities Committees

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: Thank you, Madame Clerk. We're now under Ordinances and Formal Resolutions for their second reading. Will you please read Ordinance #8.

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***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #8 THROUGH AND INCLUDING #14 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.***

- #8. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE GROUP WORKCAMP FOUNDATION TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$50,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY
- #9. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING ORDINANCE NO. 17/89, AS AMENDED, AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED CONTRACT WITH THE CANTON COMMUNITY IMPROVEMENT CORPORATION TO ADMINISTER ADDITIONAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$500,000.00.
- #10. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 37/2009** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A PROJECT LABOR AGREEMENT FOR THE CONSTRUCTION OF A NEW FIRE STATION NO. 4; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move statutory rules be suspended on Ordinance #10.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded to suspend the statutory rule on Ordinance #10. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: The motion carries. Leader Casar you have heard the three readings.

MEMBER CASAR: Mr. President I move we adopt Ordinance #10.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded to adopt Ordinance #10. Are there any remarks under this Ordinance, Member Cirelli.

MEMBER CIRELLI: Thank you, Mr. President. Just for clarification, this and I will direct it I suppose to, Member Carbenia cause he has been working so hard on this. This is the Ordinances for the Projected Labor

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Agreement which you so nicely brought to us last week and everybody and the Resolution that everybody said just kind of elaborated on a little bit sir, I would appreciate it.

PRESIDENT SCHULMAN: Yes, Member Carbenia.

MEMBER CARBENIA: Mr. President. This Project Labor Agreement, essentially what it does is has us use local personnel, local by meaning Stark County, so we can use our workers from Stark County to build these buildings and to spend the money in our County and to keep the money floating around and keeping it within our County we expect it to do these other jobs. This is a performing wage job because it's government money and also it's been endorsed by all the City Councilmen. I thank them, the Mayor and his administration, and I think that it was a good thing. It pulled everybody together and it's unanimous.

PRESIDENT SCHULMAN: Are there any other remarks? I'd like to add just one remark to what Member Carbenia said. This is a win, win situation for both working families in our community and contractors, and the reason I say that is because these Project Labor Agreements have a provision in particularly major jobs, and by the way, the Project Labor Agreements began in the depression under Roosevelt, and Hoover Dam was built with Project Labor Agreements and one of the benefits is there is a no strike provision. So if one trade goes out, the job continues and the contractor is not losing hundreds of thousands of dollars over the time of the strike. There is no strike. Secondly, it incorporates a model safety program that comes from all the trade unions in our local area. And you can't, as an attorney who has represented unfortunately, families who are catastrophically hurt by workplace injuries, this is a terrific thing. Not only for labors, not only for working families, but again for management under workers' comp rates. So this is a win, win for our community and I can't thank, and I will not only comment, we thank the Mayor obviously, but every member of City Council endorsed this Project Labor Agreement and you should all be commended. Thank you very much. So with that, are there any other remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#10 ADOPTED AS ORDINANCE NO.37/2009**

PRESIDENT SCHULMAN: And Ordinance #10 is adopted. Ordinance #11, please.

- #11. (2<sup>ND</sup> RDG) A RESOLUTION WITHDRAWING CANTON'S OBJECTION TO THE RENEWAL OF A LIQUOR PERMIT LOCATED WITHIN THE CITY; AND DECLARING THE SAME TO BE AN EMERGENCY (WHISTLE STOP)
- #12. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$14,950.00 TO OSBORN ENGINEERING CO.; AND DECLARING THE SAME TO BE AN EMERGENCY
- #13. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING SECTION 947.06, SEWER RATES, OF THE CODIFIED ORDINANCES; AND DECLARING THE SAME TO BE AN EMERGENCY
- #14. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 38/2009** AN ORDINANCE AUTHORIZING

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THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO A COOPERATION AGREEMENT WITH J.R. COLEMAN COMMUNITY RENOVATION CORPORATION FOR ENGINEERING AND RELATED CONSTRUCTION SERVICES FOR THE MAHONING ROAD ECONOMIC DEVELOPMENT AND STREETScape PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 193/2008; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President, I move statutory rules be suspended on Ordinance #14.

MEMBER CARBENIA: Seconded

PRESIDENT SCHULMAN: It has been moved and seconded to suspend the statutory rule on Ordinance #14. 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 #14.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded to adopt Ordinance #14. Are there any remarks under this Ordinance? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#14 ADOPTED AS ORDINANCE NO. 38/2009**

PRESIDENT SCHULMAN: Ordinance #14 is adopted.

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

PRESIDENT SCHULMAN: We're now under Ordinances for their third and final reading and vote. Madame Clerk, would you please read Ordinance #15.

#15. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 39/2009** AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$7,350.30 TO BLACK, MCCUSKEY, SOUERS & ARBAUGH; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#15 ADOPTED AS ORDINANCE NO. 39/2009**

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

#16. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 40/2009** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO MAKE APPLICATION FOR AND ACCEPT A GRANT FROM THE DEPARTMENT OF JUSTICE TITLED "GANG PREVENTION COORDINATION AND ASSISTANCE PROGRAM"; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #16. Are there any remarks under this Ordinance? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#16 ADOPTED AS ORDINANCE NO. 40/2009**

PRESIDENT SCHULMAN: Ordinance #15 is adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

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

MEMBER HAWK: Mr. President. The Finance Committee meeting will have a special meeting on Ordinance #5 in tonight's agenda. That meeting will be Wednesday, March 18<sup>th</sup>, here in Council Chambers at 6:30. The regular Finance Committee meeting will be Monday, March 23<sup>rd</sup> at 6:15.

PRESIDENT SCHULMAN: Member Hawk for the benefit of the members of the audience, would you

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explain the significance or importance of this Wednesday meeting please?

MEMBER HAWK: Wednesday meeting is to discuss our 2009 budget. We have been running on a temporary appropriations budget for the first 3 months of this year. We are mandated by law to have a final budget in place by April 1<sup>st</sup> of this year. This will be a discussion of that budget.

PRESIDENT SCHULMAN: Thank you very much, Member Hawk. Is that it? Member Carbenia.

MEMBER CARBENIA: Community and Economic Development will meet at the same time.

PRESIDENT SCHULMAN: Thank you.

MEMBER CARBENIA: On next Monday at

PRESIDENT SCHULMAN: The 23<sup>rd</sup>.

MEMBER CARBENIA: Yes March 23<sup>rd</sup> at 7, 6:15.

PRESIDENT SCHULMAN: 6:30? So that committee will meet March 23<sup>rd</sup> at 6:30?

MEMBER CARBENIA: 6:15

PRESIDENT SCHULMAN: 6:15, thank you Member Carbenia. Any other committee meetings?

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

PRESIDENT SCHULMAN: If not, now we're under Public Speaks Open Forum. We have a number of speakers signed up this evening. I would just ask any of the speakers who have not previously spoken

MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: I'm sorry, Member Griffin.

MEMBER GRIFFIN: I'm sorry, Environmental & Public Utilities will meet also next week at 6:15.

PRESIDENT SCHULMAN: It must be you are so excited about St. Patrick's day, you just completely forgot. And by the way, you'd never know it. But Happy St. Patrick's Day, and to all our Irish friends. In any case, now we're on to Public Speaks and I would just ask for those of you who are not familiar with the rule. Council provides 3 minutes and I'd ask you not to go over that and I will unfortunately have to cut you off if you do, but I will certainly allow you to conclude. But as I say to all the speakers, the Mayor, his administration, Council Members are always here after the meeting to address any concerns any of you may have. So with that I am going to start on the second page, Dr. Deborah Watkins, and good evening. Do you think I was going to call someone else, didn't you?

DR. DEBORAH WATKINS: Yes, I did.

PRESIDENT SCHULMAN: Well I like to keep you on your toes.

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DR. DEBORAH WATKINS: So far you are doing it, cause I know there was about several people before me, President.

PRESIDENT SCHULMAN: Good evening, Doctor.

DR. DEBORAH WATKINS: Good evening and good evening to all of you. Thank you. My name is Dr. Deborah Watkins. I live at 920 4<sup>th</sup> St NE in Ward 2 and I would like to address this to the Mayor, to your cabinet members Mayor, to President Schulman, to all of the Council that is before me and also to all of the constituents that's here. I would like to say, to commend the entire Council on the support that they have given Boccieri regarding the postal, excuse me, investigation, with the problems that we are having. The main Post Office, the Hilton, as well as the 30<sup>th</sup> St. I would like to say that I hope that all of you continue to support Boccieri in this endeavor and the reason why I say that with all sincerity is, one is because Boccieri is having a difficult time, as it was in the paper last week in getting the information that's necessary in his hands so he can go forth and work. So I just would say can you please continue and I know that I'm being repetitive and repeating myself but I say this with all sincerity. The reason why I'm addressing this situation is because I am a past employee of the Hoover Company and I seen this company dismantle themselves. In fact I was employed at Hoover for 16 years, 1977, I'll make this brief, President Schulman cause you did say, and I left the Hoover Company in 1992 to go back to get my Masters. But before I left the Hoover Company, they had started to dismantle different departments and different machines, taking them to Mexico saying they were only going to take X amount of machines, and as you know we are in 2009 and of course, Hoover Company do not exist at all, so I'm addressing this situation because I do not want to see the Post Office in Canton be in the same similar situation. They start taking machines and then it's departments, and then before you know it, the Post Office is completely removed from 30<sup>th</sup> St as well as in town, so I again, I would like to say thank you for giving me this opportunity and continue as you keep me on my toes, I continue to make all of you accountable to Boccieri. Thank you. *(APPLAUSE)*

PRESIDENT SCHULMAN: Thank you, Doctor and that is great point. A really good point. Our next speaker is Trevor Sproul and I hope I, I think I pronounced your name right. Good evening, if you'll give us your name and your residential address please.

TREVOR SPROUL: I am Trevor Sproul. I am from 7643 Lake O'Springs in Jackson Township but I listed my work address. I want to thank you for allowing me the opportunity to come and speak this evening on behalf of Stark County Family Court Work Connection Program. My name is Trevor Sproul and I am one of the Case Managers. This program was designed to assist area youths ages 16 to 19 that have come through the Court system, either formally or informally and our aim is to help them plan for the future. Our goal is that these youths become law abiding, tax paying citizens who take ownership in their community. Our program is based on the premise that when the housing, job retention, and mentorship are provided, these youths, there chances of success are much greater. We assist these youths in getting employment, apprenticeship programs, engaging meaningful community service, and assist them in academic completion of high school and college programs. We work collectively with other agencies to assist them in acquiring clothing, personal items, and even furniture. We provide transportation to employment opportunities and SARTA passes for those in need of transportation to work. The services that we provide in the Work Connection Program are job coaching to ensure accountability and sustainability, academic elevation through assisting students and their families in completing the free application for federal student aid known as FASFA, and helping apply for college grants and taking them to college visits. We provide employment opportunities through partnerships we have developed with The Employment Source, ManCan, and

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Community Employee, Employers. We also provide mentoring through individualized case plans that will enable them to navigate through the tough waters and according to posting by the Department of Labor, research shows that when you mentor one youth, one hour a week for 12 months, 65% of them will become productive young adults. There are currently three Work Connection case managers, and we currently have 51 youths on our case load, of which 26 are new to the program. With the current status of the job market, and our program in it's transition, we currently have five youths with employment. I've given you a brief overview of our program and I am asking you to consider helping us in our effort to make a difference in their lives. We want them to leave us in better shape than we found them. If you have knowledge of employment opportunities, I would ask that you consider these youths in filling them. There are tax incentives for employing them, but more importantly they need your help. Again our goals is to assist them in becoming positive, productive members of our society because they are our future. Again thank you very much for allowing me to come and speak to you.

PRESIDENT SCHULMAN: Thank you and thank you for the good work that you do. (*APPLAUSE*) Our next speaker is Milton Bledson. Good evening sir. Welcome and if you will come up and give us your name and your professional, professional address. I've been taken too many depositions in my life. Would you give me your name and your residential address.

MILTON BLEDSO: Hi, my name is Milton Bledson and I live at 2112 16<sup>th</sup> St NE and I am here on behalf of the Hob Nob Tavern. Since it reopened it has been a better place for our neighborhood and people have somewhere to go to without driving and drinking and it's more quieter. My mom is 75 so she can't go places. She really don't drink but when she wants to go have a beer, I will go down to the Hob Nob, we sit down and have our, have a drink in a comfortable place that's safe. So that's what I want to say in behalf of everybody here, thank you.

PRESIDENT SCHULMAN: Thank you sir very much. Our next speaker is Roger Zachary. Mr. Zachary if you'll set forward and give us your name and residential address.

MEMBER CARBENIA: And what time you came tonight.

ROGER ZACHARY: My name is Roger Zachary. I live at 2621 Wood Owl St NE, Canton, Ohio, and Mr. President of Council, Mayor, Council Members, and city staff members. I got two questions, I'd like to ask. I got three minutes so I'm gonna ask two questions and I want to yield the rest of my time to the whoever is, whoever heads the Road Committee, in the City of Canton. Whoever is over the committee that's over roads, streets, alleys or whatever. My question is what are we doing with Sherrick Road? (*APPLAUSE*) The last, it's been four months, Mr. Bernabei was the last person I heard spoke anything concerning Sherrick Road. I'd like to know what our we doing with Sherrick Road? This project was laid out there during the Watkins administration and it's a shame. You need, it isn't fit for a mule and buggy. (*APPLAUSE*) And there is nobody here addressing the situation. I challenge all of you, go down there tonight just run across it, drive your car. Your feel better if you got out and walked. So, I just want to know. I attend most of these meetings and I very seldom come up here. I am just coming up here because this is a pity and a shame that we let our streets get in such disrepair, so I just what to know whoever is over it can you ask. I am going to yield the rest of my time. I'm gonna sit down and in the rest of my three minutes you can answer that question.

PRESIDENT SCHULMAN: OK

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ROGER ZACHARY: Because I want it on the record. That's why I want to know. (*APPLAUSE*)

PRESIDENT SCHULMAN: Well Mr. Zachary, we're not gonna, we are going to answer your question but we are going to have to wait until we conclude Public Speaks, alright? But thank you. I like how you change our rules. Our next speaker is Patricia Kirk. Miss Kirk.

PATRICIA KIRK: Thank you very much.

PRESIDENT SCHULMAN: Good evening.

PATRICIA KIRK: And I going to take this, make it short. My name is Patricia Kirk, President of Shake a Leaf and Downtown Central and I live at 131 5<sup>th</sup> St. I have too much to talk about so I will keep it down to jobs and lives. That seems to be uppermost in everyone's mind and I did go to the Caucus meeting and it seems to me, that if the Fire Station, the new Super Fire Station Training Center is not built on that particular park that jobs will be lost. They won't. There are jobs that are being lost right now specifically fire fighters. The reason they need overtime is because they're already short handed, and when we have Combo Stations you know, EMT's and fire and you can't go one or the other, both at the same time, this is putting fire fighters lives in jeopardy, it's also putting citizens' lives in jeopardy, and we can't afford this. Now you are probably wondering so, what's the big deal about putting it there because the next expense that we seem to always ask for is sewers, water mains, and that type of construction. The thing of it is, trees are used in other cities to control flooding, to control sewer problems, but Canton has missed the boat in that area. I also want to say that at the Northeast Ohio Urban Forestry conferences that I've been going to for the past five years, you'll never meet a nicer group of people. They make fun of no one. In fact they keep asking me, this year, this year is Canton going to get an award, this year is Canton going to have a tree Ordinance, because you see they understand all these things. Canton doesn't. Canton has short vision and blinders on. If we have somebody tearing down this building and putting up a new one, their working, but we can't see green collar jobs. We can't see further education. We can't see making sustainable jobs so that a man can support his family for decades. We can't see what other cities see like Cincinnati. They made it a law that every single public building is going to have a green roof, even the real old ones. Did you know that it makes, if it is done properly, it makes the roof last twice as long as it would without one. This creates jobs like you wouldn't believe. It also creates conservation. Also, I would like to mention that the public needs recreation. It is important to have supervised play as well as competitive athletic events. The aim of the recreation department is to provide a variety of facilities which is conducive to the mental and physical health of the people of our city. I didn't say that, Dr. Harry Goshall said that. The man whose park you want to destroy. Very famous fellow, and I didn't understand this. He was our Stark County Coroner. He was a doctor's, doctor. If doctor's got sick, they went to him. He was our first outdoor recreation director, and he received a national award for this. But that's alright, you want to destroy his parks and you want to destroy his trees, so and he died in the Canton Christian Home by the way. Thank you very much.

PRESIDENT SCHULMAN: Thank you, Miss Kirk. Thank you, very much. Our next speaker is Jason McKinney Jr. Mr. McKinney, good evening, welcome. You don't look happy to me but, maybe it's just me. Would you give us your name and residential address.

JASON MCKINNEY JR: My name is Jason Orlando McKinney Jr., and I live at 406 Shorb Ave SW and I am the Secretary of the Southwest Association of Neighbors. I've served as a board member of the Canton Aired Club. I've volunteered for the Stark County Council on Drug Abuse. I've worked with the Habitat for

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Humanity as a crew leader for three years, and I am very familiar to the Mayor and to our esteemed Council Woman, Miss Smith and I wanted to thank them first of all for taking a walk through our neighborhood, but my concern tonight is as a 15 year member of our school safety patrol. I work at the corner of 15<sup>th</sup> and Cleveland near Schreiber School and while I'm there, two hours a day, I have an average of 5 cars that run the street light there and that is only a three way stop not a four way stop. And the reason why, I probably going to annoy you is because I'm here a little bit early to tell you that I think that if we have cameras anywhere in Canton, the possibilities that someone might have to come out of their pocket with some money may give them cause when they rush through a school zone or when they come close to them children every day that I'm in the street with them. I've got to the point now where I'm becoming more religious in my religion because of where I work. There are people who go by me daily who just basically will look away or will be eating a sandwich, doing makeup, talking on phone, and your come right through a red light when I have children in the street, and so what I want to urge you all to do, or to think about is not the monetary concerns, not the money that's concerned on one side or the other, not who's gonna put the project in place, or who's gonna do the contract, it's the human lives. The most dangerous place in Canton to stand in the street is in the center of Canton, at the corner of what, Market and Tuscarawas Avenue, right? I think I would have to put that dimension ahead of whatever the other concerns are, right? And I want to thank you all. And I want to thank the Mayor again for coming to the Canton Leadership Training Program and bringing this up so that I had a chance to come here and speak my mind.

PRESIDENT SCHULMAN: Great, well thank you very much sir. We really appreciate it.

JASON MCKINNEY JR: Thank you all.

*(APPLAUSE)*

PRESIDENT SCHULMAN: And Mr. McKinney, thank you for your service too. We appreciate that. Our next speaker is John Regula. Mr. Regula, good evening. Good evening sir.

JOHN REGULA: I'm John Regula. I live at 2114 S 6<sup>th</sup> Street and I'm, I've been upset with a lot of things. This picture in the paper. I've got experience living homeless. I've been in two homeless shelters you could work your way out of. The rest are impossible. This is one of them. I think I can prove to anybody in here, one of the things they do is make professional panhandlers, and I was in this homeless shelter wanting to rent a room or a place. I couldn't get in to Eastgate out here whatever it is one floor plan where I could work with an electric wheelchair but I finally got upset loaded all my stuff up and left, had no idea where I was going to sleep that night but I rented the place I am now. With their help, they kept me from getting there two days, with their help I would probably still be there working for nothing. The difference in this and my business, I was a junk dealer. I took my own money out of my own pocket and bought my stuff. I had to pay taxes. I had to pay minimum wage and I am not smart enough to handle all that, that's why I have not asked for any one of you people's jobs because I know I am not smart enough to handle it. I've become grateful that I'm a high school dropout. My parents didn't sacrifice to send me to college to become stupid, I got it naturally. I believe in education, but there's a lot of people whose got a piece of paper that I'm sure glad I didn't get one, but anybody that would like to know how to help the homeless, I would love to spend some time with you. If you want I'll even teach you how to go out and carry two suitcases and ask for a job, but I gotta leave if you got a job for me. I've gotta leave at 3:00 because I gotta go get in line to get a bed. Now how is a person in that situation supposed to get a job? And it is just pathetic. The women really get beat and I don't even think that every woman should be treated like my sister, my mother, or my daughter and I've had the good fortune

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of being down in the ditch with the winos and everything else. I'm glad I became an alcoholic cause I see things different than I did before, but

PRESIDENT SCHULMAN: I don't mean to interrupt sir, but if you could wrap it up, your at about three and a half minutes. I'm sorry.

JOHN REGULA: I would, I'm really disgusted if their gonna spend \$50,000.00 it should be to recycle that building and sell the bricks. It would not have surprised me to see that the walls fell down and the roof fell on that forklift, cause I've been in there. They wanted me to work there, and it's just, I can't believe that whoever's running it has an education other than they know how to hide the money they collect. Thank you.

PRESIDENT SCHULMAN: Thank you very much sir. (*APPLAUSE*) Our next speaker is Brian Hmidon. Did I pronounce that right? I, pardon. Hmiden, sorry sir. Good evening. If you'll give us your name and your residential address please.

BRIAN HMIDON: My name is Brian Hmidon. I live at 1580 Trump Avenue S.E. in East Canton. I was, I am here on behalf of the Hob Nob Tavern. I currently manage the Hob Nob Tavern and.

PRESIDENT SCHULMAN: Would you mind, I don't mean to interrupt but tell us who owns the Hob Nob Tavern?

BRIAN HMIDON: Currently my Aunt. My Aunt Mimi Hmidon owns the Hob Nob Tavern.

PRESIDENT SCHULMAN: Ok, thank you. Go ahead sir, I'm sorry.

BRIAN HMIDON: We recently bought it from the previous owner about in August or so. And before I go any further, I want to make it known I am not a drinker, a drug user, or anything like that and the only reason why I mention those issues is because with previous ownership there had been some sort of drug issues that occurred at the Hob Nob Tavern that no longer do. I want to apologize to any neighbors that have been inconvenienced by the Hob Nob Tavern. My purpose for being here is, about five, six years ago I had experienced in the Northeast section of Canton with managing a bar. I was at the Goodtimes Pub and Drive Thru at the corner of 19<sup>th</sup> and Harrisburg, and when I was there, issues that are facing the Hob Nob Tavern now didn't exist. We didn't have all the violent issues that face the Northeast section right now then, I mean that we didn't have em then that we have now. I am aware of the issues that are occurring at the Hob Nob Tavern that the neighbors have found issue with and I have discussed them with our Councilman Mr. Carbenia and I have talked with some of the neighbors. The issued are not Hob Nob Tavern issues. The issues are Northeast end, Northeast section issues that are spilling over into the Hob Nob Tavern. We've taken several steps to alleviate the pressures on the neighbors and on us as employees of the Hob Nob Tavern. We have hired additional security. We've restricted entry to any customers that have committed any sort of offensives from fights to being extremely loud in the parking lot to urinating in the parking lot out in the open. We've, along with the security, we've actually started searching customers, you know patrons coming in to make sure their not carrying weapons, any sort of drugs, that you know, obviously we can find, I mean we are not strip searching people but we are doing what we can in every way possible to make it a nice place for everybody. I've made attempts to hire off duty police officers for busier nights like on the weekends. As of now, I haven't received any answers, yes or no, but I've made that attempt. I've reached out to law enforcement in general to try to get a more cooperative effort between the two, you know the Hob Nob and City officials as far as police officers and stuff like that. My main thing is with the issues that we're having, because they're a Canton issue, we need a Canton effort. We need cooperation between bar owners

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and City officials. To just simply close a bar down, like the Hob Nob, past experience has shown just closing bars down doesn't help anything, all it does is transfer problem from one bar owner who, like us, now we have some experience, we know what's going on, we have a list of people who aren't allowed in the bar anymore. We have steps in place to try to curtail the violence. If the Hob Nob closes, as other bars have, who have been labeled nuisances, the problem shifts to somebody else who isn't aware, who isn't ready for it. *(APPLAUSE)*

PRESIDENT SCHULMAN: Thank you, your time is up. I've given you about ½ a minute longer than normal.

BRIAN HMIDON: To sum it up, I just think we need a cooperative effort, not just a policy of shut down and send the problem somewhere else. Because we're putting other people at risk who aren't ready for it. And you know, that's it.

PRESIDENT SCHULMAN: Thank you very much sir. *(APPLAUSE)* Our next speaker is Lawrence Roberson. Mr. Roberson.

Inaudible from the audience.

PRESIDENT SCHULMAN: You don't want to say anything? Ok, thank you very much. Good evening too, by the way. Our last speaker is John, yes (from the audience), sorry Mr. Stone your, you had a little smiley face here. I wasn't quite sure how to interpret it.

JOHN STONE: Yes I do and it's on my face too. I come with a smile.

PRESIDENT SCHULMAN: But I happen to like smiley faces so. Good evening, if you will give us name and your residential address.

JOHN STONE: My name is John Stone and I live at 2906 12<sup>th</sup> St NW and I would just actually personally like to say something to John who got up here and spoke because I

PRESIDENT SCHULMAN: You gonna have to speak into that microphone so we can all hear you.

JOHN STONE: OK. I would just like to personally say something about the homeless issue, because it's something that is very sensitive to me and just hearing him speak, you know, saying that your not very smart, I feel that everyone has to share and that actually the answers to some of the most perplexing questions in life may be found in minds that we never think to acknowledge, and I would be very happy to speak with you about your concerns and I have a program of photography as therapy that I've been trying to implement so I would be happy to talk with you. But that's not the reason I came. The reason I came, the reason I came is to actually wake Canton up to a new idea. And I am going to pass this picture around. I'm with a global humanitarian group that I started that is based here in Canton called "Hearts Coming Together", and if you look at the picture, which actually this is the actual picture unedited because nothing has been added to this picture except the text on that flyer. This is totally unedited but if we look at Ohio it's shaped like a heart and so if Ohio is the heart of our country and maybe even the world, then what is the heart of the heart and it is where that plant is growing up from in that picture which is Canton, Ohio, and I think that this may be a bold statement but I believe it to be true, that the most important jump in this town's evolution will be in it's collective realization that it is the heart of the heart, and the origin station of the Love Train. Everyone knows the O'Jays right? And that song was written here and so I'm here to tell you about an event that we're

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having in Nimisilla Park which actually is bordered by four Canton City wards. A heart has four chambers, so that's our heart and we've neglected our heart. We're very happy to announce actually that the HUD, New Horizon playground will be placed in Nimisilla Park, which we feel is (*APPLAUSE*) a catalyst to many more great things and one of them is an event we are calling "Bearthday" to align with Earthday on April 25<sup>th</sup>. We want to do some cleaning and planting and then inviting people to bring pot luck dinner which we're doing an international theme so we're calling it "Melting Pot" and just inviting people to come and share art and history and defibulate the heart of the heart. So we are working on promotions and I will make sure that Council gets those, but we would really like to invite all four Wards that surround that park to support and participate in some way. So that is why I am here and I am on the Nimisilla Park Revitalization Committee with Councilman West and Julie Sparks who is sitting over here with me, as well as the O'Jays Homecoming Committee and I mention that because I feel all these things tie it together. So I thank you for your time.

PRESIDENT SCHULMAN: Thank you very much, Mr. Stone.

(*APPLAUSE*)

PRESIDENT SCHULMAN: OK, that concluded our Public Speak. We'd like to thank all our speakers this evening. Trust me, we all listen to what you have to say. Even the leader.

**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: We're now under Miscellaneous Business. Is there any Miscellaneous Business?

MEMBER SMUCKLER: Mr. President

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: Questions to the Service Director. Last week Council passed an Ordinance that's just been brought to my attention today for the Northeast Water Field for Burgess & Niple. Your familiar with that, that we passed last week?

SERVICE DIRECTOR PRICE: Yes I am Councilman.

MEMBER SMUCKLER: It was brought to my attention today that the RFP's were from 2002. Are you familiar with that?

SERVICE DIRECTOR PRICE: Yes, I believe that's correct.

MEMBER SMUCKLER: So we are basing the expenditure on 2002 RFP's?

SERVICE DIRECTOR PRICE: Yes for the engineering costs, yes.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: I would like to make a motion to reconsider Ordinance #7.

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MEMBER CIRELLI: Seconded.

MEMBER SMUCKLER: And I would like it sent back to committee. It's under Rule #, I'm sorry. Cindy where, what is this Ordinance I'm

CLERK TIMBERLAKE: Sixteen.

MEMBER SMUCKLER: Sixteen. Ordinance #16 under Rule #41, reconsideration.

MEMBER CIRELLI: Seconded.

MEMBER SMUCKLER: It's not on this agenda, it's on the agenda from last week's agenda.

CLERK TIMBERLAKE: The 3/9 agenda.

MEMBER SMUCKLER: From 3/9 agenda.

CLERK TIMBERLAKE: Ordinance #36.

MEMBER SMUCKLER: OK, I understand how you did it now, I'd like to make a motion to reconsider Ordinance #36-2009 under the March 9, 09 agenda.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: The motion that you have before you in accordance with Rule 41, Member Smuckler?

MEMBER SMUCKLER: That's correct.

PRESIDENT SCHULMAN: Is to reconsider Ordinance #36.

MEMBER SMUCKLER: That's correct.

PRESIDENT SCHULMAN: That was adopted on March 9, 2009, and we have a motion to reconsider and we have a second. I would assume that. Are there any remarks under this motion to reconsider? Member Smuckler.

MEMBER SMUCKLER: Mr. President, according to Section B "Prevailing side is using the file foregoing action shall mean the side as either yeas or nays who voted based on the passing side of this." I voted yes for it, but I was unaware like most of the other Council people are here that the RFP's were dated from 2002. Anybody that has any idea about construction knows that we'll be revisiting this again because the change of construction with change orders or the change for engineering costs can't have not, not gone up since 2002. There is no way that this prices are the same and I can't believe that we would be dealing with 2002 RFP's. And I would like that Mr. Dougherty's committee and the Judiciary Committee please find out what the real price of this has to be and not just what was guessed upon in 2002.

PRESIDENT SCHULMAN: Are there any other, and I think everyone knows, although I will confess I did not know, what an RFP was, somebody told me awhile ago and then I forgot it so I had to ask again. That's a

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Request for Proposal. So Member Carbenia I saw you look like you wanted to address this motion to reconsider Ordinance 36.

MEMBER CARBENIA: I mean I'm in favor of this motion, I just wanna, had a question that maybe Mr. Burns might have to answer. Is, we passed it, has it been put into motion, you know like, I know if you do a motion and you, once you start into it, you can't change that motion, so I just don't wanna, you know, I would like to know if the Law Department says we can't. I will vote yes for this.

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT SCHULMAN: Service Director.

SERVICE DIRECTOR PRICE: Thank you Mr. President, Members of Council. The RFP's were sought in 2002 however the project was bidded whole. The one Ordinance you passed last week was for the engineering and the other one is for the construction costs. I mean the Water Treatment Plant superintendent is not here, however my understanding is that those costs are accurate and that bid will be honored.

MEMBER SMUCKLER: So Mr.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: Your telling me that the RFP's from 2002 are accurate and there's been updated bids for this from Burgess & Niple? Cause according to the engineer today, he told me there had been no updated bids since 2002. I talked to Mr. Moeglin in the Council room in there and that's what I have been racing back and forth to find out if this is true or not.

PRESIDENT SCHULMAN: Director.

SERVICE DIRECTOR PRICE: The, well the Northeast, I'm sorry the Northwest Water Treatment Plant, or I'm sorry Sugarcreek is nearly complete. North

MEMBER SMUCKLER: Your talking about Sugarcreek. This is Northeast.

SERVICE DIRECTOR PRICE: OK.

MEMBER SMUCKLER: I don't, it says here under Council Rules we get one week and I think it's to our benefit just to see what's going on with this, one more week's not going to make a difference, but we will start making a difference if you bring down a bunch of change orders and moral obligations for this whole thing.

SERVICE DIRECTOR PRICE: OK, that's fair enough. I will get with him first thing in the morning. Yea, let's hold it up a week.

MEMBER SMUCKLER: Thank you.

SERVICE DIRECTOR PRICE: OK, thank you.

PRESIDENT SCHULMAN: OK, let me just for the Members of Council, this is new to me and it might be

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new to some of you. Rule 41 provides for reconsideration and it says, "Any member or members, who are absent, abstained from voting, or voted with the prevailing side", which Member Smuckler has indicated he did, "may move the reconsideration of any action of Council accepting measures which have been put into immediate affect. Such a motion for reconsideration shall be made not later than the next regular meeting after the action to which it relates was taken." Which this would be. "No motion to reconsider shall be made more than once on any measure, and such motion shall require a majority of all Members of Council in order to prevail. Any Member of Council may second such a motion. Prevailing side is used in this Rule 41 shall mean the side either yeas or nays who's vote had the affect of passing or defeating the matter being voted on and has no reference to the side having the greater number of votes." So I think that clarifies for you so the motion before you which will require a roll call vote in a simple majority is a motion to reconsider Ordinance #36 which was adopted by you Members of Council on March 9, 2006. That is the motion to reconsider that you are voting upon. Are there any other remarks? With that said.

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Kraus.

MEMBER KRAUS: Bill, is your intention similar to all projects where we have to appropriate money later on at an extra cost. I mean this is something that we as a Council have been looking at doing. I mean a week may not be enough to hold that, but it's a start. That's going to generate down the road projects that we will appropriate today and ten years from now have to appropriate more money for the same project cause of the cost factors.

PRESIDENT SCHULMAN: Service Director.

SERVICE DIRECTOR PRICE: Thank you Mr. President, Members of Council. We have a Board of Control meeting tomorrow and this matter is on the agenda so I will ask if those items, depending on your action this evening, we can certainly put a stop to that, I'll ask that those items be tabled.

MEMBER SMUCKLER: But Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: I know what Member Kraus is lewding to, he has for example, sewer projects, that were, the engineering was done 10 years before and that's, that's a question that can be done. The problem is this was for the engineering itself. The engineering was for doing it now and we're basing it off a proposal that a company made in 2002, and all I'm saying is and ask the same question of the Sewer Dept. Did you take proposals in there? And the answer I got was no. Well, I don't know about anybody else but when I go out and buy a water heater I compare the price at a couple different places. When I go out and buy a furnace, I compare the price at a couple different places. This stuff of we're just accepting things as this is the way it is and we're doing prices from 2002. If they're right, if they're accurate it's fine, but another week won't hurt this or two weeks until we figure out is this accurate and what's been going on because, I'm getting conflicting stories and the Engineer is telling me that 2002 was the last time this was dug out.

PRESIDENT SCHULMAN: Well let's be specific about the debate. The debate is over Ordinance 36. And that's all that, and Member Kraus with all due respect to you, and I certainly appreciate your question and understand the reason for it, but the fact of the matter is we are only debating at this stage, a motion to reconsider Ordinance 36. So, that is the effect of this motion. Are there any other remarks? Member Hawk.

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MEMBER HAWK: This motion that we are going to vote on, I want everybody to be aware that the Engineering costs are what we are looking at here as Mr. Smuckler pointed out but it's not to exceed \$1,500,000.00. I think we need a little better grip on a million, five folks. It takes more consideration than just not to exceed a million, five. I would like to know what it's going to cost, before we pass it. We just gave them carte blanche to go to a million, five, that's what I'm getting at here, so I think Mr. Smuckler's well taken in this respect that we should at least get some more proposals on this and see what engineering costs truly are before we pass it.

PRESIDENT SCHULMAN: Thank you Member Hawk, Member West.

MEMBER WEST: I just, point of clarification. Then as we vote this, to send this back to committee, to Judiciary and Capital, then it will go into second reading and we'll call a committee meeting next week, is that correct?

PRESIDENT SCHULMAN: Yea that's what we we're just trying to determine. Just for the Members of Council their edification. This motion to reconsider would

MEMBER SMUCKLER: Mr. President. All this is, is a motion to reconsider. I'm going to ask you on a second motion to send it back to committee.

PRESIDENT SCHULMAN: Alright, fine. OK, does that answer your question Member West. Thank you. We need somebody up here who understands the Rules.

MEMBER CARBENIA: Especially on a motion.

PRESIDENT SCHULMAN: OK, that's the end of the debate. Madame Clerk will you please call the roll.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Ok the motion to reconsider is adopted. Member Smuckler.

MEMBER SMUCKLER: Mr. President, could you please send it back to the two committees and I would ask the two committee chairman to call a committee meeting for next Monday night on this.

MEMBER CARBENIA: It's been moved and seconded.

PRESIDENT SCHULMAN: OK, if I understood your motion, which I think we should probably have a more specific motion, there is now a motion on the floor and I have yet to hear a second, to refer Ordinance 36 back to committee or committees in this case either Finance and/or Public Property and Capital Improvement for a meeting to be scheduled on March 23<sup>rd</sup>, 2009, that is the motion I have heard. Is there a second?

MEMBER HAWK: I will second that sir.

PRESIDENT SCHULMAN: It has been moved and seconded to refer Ordinance 36 back to committee or committees on 3/23/09. Are there any remarks? If not, Madame Clerk, roll call vote please.

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NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: The motion carries and Ordinance 36 is referred back to committee for a meeting next Monday, March 23, 2009. Do we have any other tricky motions, or anything else. Members Hawk.

MEMBER HAWK: I will call a Finance as a secondary committee on this. Finance will call a committee meeting for 6:15 on March 23<sup>rd</sup>.

PRESIDENT SCHULMAN: Thank you.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Member Dougherty.

MEMBER DOUGHERTY: Public Property Capital Improvement will meet the 23<sup>rd</sup> at 6:15.

PRESIDENT SCHULMAN: Thank you. Any other Miscellaneous Business before we adjourn, I do have something. Member Carbenia.

MEMBER CARBENIA: Mr. President. I would like to make mention about the Hob Nob Café. I've, I met with Brian quite a few times and I thought we might have been able to work something out but after talking to the Director, the Law Department, and Vice they suggested that I don't sign their motions for liquor license, you know, renewal. In tonight's agenda Communication 136, I mean 39 and Communication 140 both deal with that. One is a renewal and one is a transfer and I objected to both of them because Vice and the Law Department that we should, plus it's in their hands. I told Brian that this was in the Law Departments hands and the biggest thing that I could suggest that he does is to go to the hearings that will be called and tell them your side of the story, this communication that you typed out here is a pretty nice communication of whatever, all the things that happened, I believe, but I think it would behoove you to go there to get your side of the story otherwise, I have to go with what the Law Department and Vice Squad tell me, so that's all.

PRESIDENT SCHULMAN: Thank you Member Carbenia. Member Smith.

MEMBER SMITH: Mr. President, I would just like to address Mr. Zachary. I want to thank you for coming up and asking that question and I want to let you know that Sherrick Road is one of our projects with the package and also as Council Person in the 4<sup>th</sup> Ward, that was one of the issues that I campaigned on is for safer roads in this particular area, and I must agree with you, along with all the other residents that's been calling and concerning Sherrick Road and those that travel on it daily. And just today, you'll see later on in the week, there is a column that is coming out, specifically on Sherrick Road that The Repository and I did today and he asked the question, "If Sherrick Road had, if you had to do a degree on Sherrick Road from one to ten", I told them it rated 12, because it is number 1 the worst road in this City and we planned to do something about that. I've also spoke to Mayor tonight and I quite sure he also has something to say about that also and I thank you so very much and we are working on Sherrick Road. *(APPLAUSE)*

PRESIDENT SCHULMAN: Thank you, Member Smith. Mayor Healy.

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MAYOR HEALY: Thank you Mr. President. And also responding to Mr. Zachary. That's what I wanted to refer to as well. I had a chance to talk to Councilman Smith and this is not the first time we spoke about Sherrick Road. She's been on it for quite some time. We have a list of projects that we are working on and I was in Columbus last week and I am going back tomorrow to continue knocking on doors, talking to decision makers in reference to the stimulus dollars. This is a project that fits in reference to multiple different reference categories through transportation, CDBG dollars, highway infrastructure dollars, and each of those are different folks making the decisions, so we're working on that. I had the District Deputy Director in my office today with our Engineer to talk specific, I got his card in my hand because I was just meeting with him before Council and we gave him our priorities for what transportation items that we wanted to be addressed and the top two items out of hundreds of items, that we are looking at, the top two items in reference to our priorities, and this Administration's priorities are Sherrick Road and the Mahoning Road Corridor Project. So we got a little help over there too, but I say that because we are working very hard to make that happen and we are looking for all the resources we can. Sherrick Road is a little bit more difficult because it's not a simple repaving. If it was repaving, we could do that, but because the settling process, they've repaved it and it settles more and creates more problems. It truly is one of the worst roads in the City. We agree with that and we're making it a priority to get this thing both funded and done this year and we are going to do everything we can to make that happen. So that's our goal and when it's complete, as the Councilman said, we are going to have a parade so I'll be there for that as well. So thank you so much for bringing that up.

*(APPLAUSE)*

PRESIDENT SCHULMAN: Thank you, thank you Mayor.

MEMBER WEST: Mr. President, just real briefly.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Just real brief, I just want to respond, Joe Martuccio's not here tonight but I did want to bring forth the Informal Resolution this Council passed on October 30, 2006 and this was in reference to the non-violence crime registry. A proposal we brought forth a couple years ago, few years ago. And next week I'll bring each Council Member a copy of it so that we can revisit this. And this an effort to try to address some of the violence that are occurring at some of these alcohol establishments, so look forward to that.

PRESIDENT SCHULMAN: Thank you Member West. Any other, yes Member Griffin.

MEMBER GRIFFIN: I would like to invite all Council Members and the audience to Westminster Community Church tomorrow evening at 7:30 to listen to the changes that the Mayor is putting on to the Redflex Ordinance, so come out and get informed. Thank you.

PRESIDENT SCHULMAN: Thank you, and before we adjourn are there any other remarks? I do have a, just a brief question, statement, and I have thought long and hard about even raising this matter because Mayor, you know your out there trying to do the best you can for our City but, I am disturbed about this and I do want to bring it up and I do think the public should know and I'd like frankly to hear your response. In this political environment that we're in, campaign contributions and ultimate contracts with any governmental agency may not be illegal but they raise important issues about appearances of impropriety. Appearances of influence and with respect to the Redflex camera issue itself, what has been publicly disseminated in a very minor way shows that your campaign received on July 8, 2008, if the Statement of Contributions Received is accurate, a check or an online payment, I should say, from a Mr. Joe Moore who lives in Scottsdale, Arizona,

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and he gives his employer as Redflex Traffic Systems and the amount of the contribution while modest, was \$125.00. On that same day according to your contribution list a Joe Rice, who listed himself as self-employed, gave an online payment of \$125.00. Again, a modest payment but with no recognition that Joe Rice was in fact and is, and has been up until two weeks ago, a lobbyist for Redflex. Now my understanding is that Redflex approached the City and I don't know when precisely, but again I would like to return back to what Member Smuckler said as far as a request for proposal an RFP, "Was there one", and I think the public is deserving of knowing this, was there a request for proposal for this camera system, and could you please explain the relationship of these campaign donations, one of which, by the way, neither of which I believe represented any illegal payment but again create the appearance of potential influence, and as, and you know, I probably wouldn't raise this if the public itself wasn't so concerned about this camera proposal. So, if you could give us some explanation, if you want to do it privately that's fine, but was there a request for proposal number one, with Redflex camera, and number two as far as I can determine there were no other campaign donations from any of Redflex's competitors.

MAYOR HEALY: Thank you Mr. President. And I will answer the contribution portion first. We had a golf outing last summer and we sent out invitations to everybody including yourself and other members and anybody from the audience who wants to contribute and help the campaign funds because that is the system where we have to raise money to run campaigns. If we had public financing of campaigns then we would have to worry about having to raise money. But in reference to the legal requirements, we are allowed to take up to \$1,000.00 from any individual and they are still fully eligible for contracts with the City and that's something that we lived within those guidelines. Now in reference to the process of us selecting a company, I believe there was three or four companies that was involved in the process. Director Nesbitt was, I'm sorry, three companies. Director Nesbitt was involved in reviewing and interviewing those companies and making a recommendation and I did not sit on that review panel nor did I try to influence that process, but Director Nesbitt could probably answer more in reference to how that process took place and who was bidding for it and how that selection process was made. Thank you.

PRESIDENT SCHULMAN: Thank you, Mayor. Well, if the Director, Safety Director Nesbitt your certainly more than welcome to chime in here but the bottom line is, as I indicate, I don't believe that these payments are improper or illegal but, and maybe the law permits taking up to \$1,000.00 from somebody you are going to do business with. I don't think the public likes that. I don't think it's, I don't know whether political leaders should be in that position and that's the only reason I raised it. So, with that, Member Casar.

MEMBER CASAR: I move for adjournment.

MEMBER CARBENIA: Seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

ADJOURNMENT TIME: 8:45 P.M.

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ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

ALLEN SCHULMAN  
PRESIDENT