

MINUTES OF THE MEETING OF AUGUST 31, 2009

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. I have a couple of introductory remarks if I might. We're pleased and honored and it's with a bittersweet feeling that we have our new 9th Ward Council Member, Brian Horner. Brian would you stand and let us give a big round of applause. Welcome. We know you'll do a great job and as we've all said to you, you have enormous shoes to fill as I know you recognize and we know you'll be up for the task. It's a pleasure to have you here. Secondly, in the audience tonight from Ward 8 is Nicholas DiPetro. If you'll stand Nicholas, but before we hear a round of applause, Nicholas is an Eagle Scout. Oh, now wait, Butch.

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Yes Butch.

MEMBER KRAUS: He's taking his class tonight and he interviews a politician going for his Eagle Scout.

PRESIDENT SCHULMAN: Oh good. Well Nicholas we know your going to make Eagle Scout, congratulations and welcome. (APPLAUSE)

MEMBER KRAUS: He's going for a Merit badge.

PRESIDENT SCHULMAN: OK great. Well, Nicholas welcome and anytime you want to leave, you feel free. That does not however, include Members of Council, the Mayor, or his administration. Welcome again Nicholas. We appreciate you being here. Now, 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:

9 COUNCILMEMBERS PRESENT: (DAVID DOUGHERTY, MARY CIRELLI, BILL SMUCKLER, GREG HAWK, THOMAS WEST, JAMES GRIFFIN, CHRIS SMITH, KARL "BUTCH" KRAUS & BRIAN HORNER)

NINE COUNCIL MEMBERS PRESENT: (DON CASAR, TERRY PRATER & PAT BARTON ABSENT)

CLERK TIMBERLAKE: Nine here, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Tonight's invocation will be given by Council Member Smith. Will you please all remain standing for our pledge of allegiance.

The regular meeting of Canton City Council was held on Monday, August 31, 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 Ward 4 Council Member, Chris Smith, the Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: We are now under agenda corrections and changes and Members of Council you're going to be asked to suspend Rule 22A to add the 2nd Reading of Ordinances 17 through and including

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21. Ordinances 14 through 16 will be retained in committee. Leader Dougherty.

MEMBER DOUGHERTY: Yes, Mr. President, I move Rule 22A be suspended to add 2nd Readings 17 through including 21. Ordinance 14 through 16 will be retained in committee.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to have the Second Reading Ordinances 17 through and including 21 to the evening's agenda and holding 14 through 16 in committee. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 9 YEAS, 0 NAYS

CLERK TIMBERLAKE: Nine yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you, Madame Clerk. The motion carries. Rule 22A is suspended and the Ordinances are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We are now under Public Hearings and we do have one Public Hearing this evening. It is scheduled for 7:30. It is 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; PLANNING COMMISSION RECOMMENDED APPROVAL TO REZONE FROM (LIGHT INDUSTRIAL) I-1 AND R-1a (SINGLE FAMILY RESIDENTIAL) TO PI-2 (PLANNED HEAVY INDUSTRIAL; LOCATED IN WARD 6 (CENTRAL ALLIED) Is there anyone in the audience wishing to speak for or against this zone change will you please step forward. And I have to repeat this I apologize. Is there anyone in the audience wishing to speak for or against this Central Allied zone change, would you please step forward. Seeing no one coming to the podium, the Chair declares the Public Hearing 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're now under Public Speaks on Ordinances and Resolutions for adoption. We have no speakers signed up to speak this evening.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We are under Informal Resolutions. Leader Dougherty I'll recognize a motion to excuse Members Casar, Prater, and Barton from this evening's meeting, Leader.

MEMBER DOUGHERTY: Yes Mr. President, I move that we excuse Members Casar, Barton and Prater from tonight's meeting.

MEMBER CIRELLI: Seconded.

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PRESIDENT SCHULMAN: It's been moved and seconded to excuse Members Casar, Prater, & Barton from this evening's meeting.. Are there any remarks? If not Madame Clerk roll call vote, please.

NO REMARKS

ROLL CALL: 9 YEAS, 0 NAYS

CLERK TIMBERLAKE: Nine yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you, Madame Clerk. The motion carries and those three Council Members are excused from this evening's meeting. Madame Clerk would you please read Resolution #42 by title.

#42. CIRELLI, M., CNCL-AT-LARGE: REQ ALL CITY ELECTED OFFICIALS PROVIDE COPY OF ANNUAL OHIO ETHICS COMMISSION FINANCIAL DISCLOSURE STATEMENTS TO CLERK OF COUNCIL. - ADOPTED AS AMENDED

PRESIDENT SCHULMAN: Leader Casar, or Leader Dougherty. I knew that I would say that, I apologize. It's habit.

MEMBER DOUGHERTY: Mr. President, I move we adopt Resolution #42.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #42. Are there any remarks?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: I just want to have this on the record. In order to get this financial disclosure statements filed with our Clerk of Council, which everybody that is elected here files them with the State of Ohio. It's all about transparency and convenience for our general public. And having them filed with the Clerk of Council, then the general public can come in to this office and ask to see them if the rest of Council so chooses. When I first started it, I wanted to say "Shall file a copy" but the friendly are of compromise to get this passed it had to go to this and also with Resolution 43 would be our requested to. Personally I find it just a bit hypocritical because we pass Ordinances down here and Resolutions down here all the time requesting that the general public, for the general public laws that they must do but in case of our own we want to be requested not shall. So I must say that.

PRESIDENT SCHULMAN: OK

MEMBER CIRELLI: Thank you.

PRESIDENT SCHULMAN: Thank you, Member Cirelli. Are there any remarks under this Informal Resolution? Hearing none, all those in favor of Informal Resolution 42 signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #42 PASSED BY VOICE VOTE
(Member Griffin voted Nay)

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PRESIDENT SCHULMAN: One no. The yeas have it and Resolution 42 is adopted. Resolution 43 please, Madame Clerk.

#43. CIRELLI, M., CNL-AT-LARGE: REQ ALL CITY ELECTED OFFICIALS PROVIDE COPY OF CAMPAIGN CONTRIBUTIONS & EXPENSES RPT TO CLERK OF COUNCIL. - ADOPTED AS AMENDED

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Resolution #43.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution #43. Are there any remarks? Member Cirelli.

MEMBER CIRELLI: Thank you, Mr. President. Again this is what I had spoke to earlier and I do know they are filed with the Board of Elections, however it would be convenient for our constituents if they would want to come on a Monday night, they could call ahead and say I would like to see a copy of Mary Cirelli's campaign finances and expenses so as again it's for transparency and convenience for the general public. Thank you.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Member Kraus.

MEMBER KRAUS: Mr. President as Mary said those are on file with the Board of Elections. I have no problem if someone wants to see mine. The problem I have is, mine's very large. I don't want to put that burden on the girls. If they want to see my report, they can go down to the Board of Elections.

PRESIDENT SCHULMAN: Thank you Member Kraus. Any other.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: As a Chairman of the Committee who also let that out was and I talked to many of the Council Members. You know I think they just want to avoid, a lot of people wanted to avoid duplication and they were on file at the Board of Elections which is two blocks down the street for this particular Informal Resolution. And I think that was hesitation. I don't think it had anything with not being transparent, so I wanted that to be on the record as well. Thank you.

PRESIDENT SCHULMAN: And I think following up on what the Law Director Martuccio told us in Caucus tonight. This is aspirational and as Member Cirelli has acknowledged, there was a certain compromise. It was shall meaning everyone has to do it and then that was changed to requested so if people want to do it they can, if they don't, they don't have to. But are there any other remarks? Hearing none on the motion to adopt Resolution 43, all those in favor signify by saying aye. Those opposed no.

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NO REMARKS

RESOLUTION #43 DEFEATED BY VOICE VOTE
(Members Hawk, Smith, Kraus, & Griffin voted Nay)

PRESIDENT SCHULMAN: I am going to ask the Clerk for a roll call please.

CLERK TIMBERLAKE: Five yeas and four nays.

PRESIDENT SCHULMAN: I think the Resolution is not agreed to. I don't think that, I know the Resolution is not agreed to. Resolution 48 please.

#48. SMUCKLER, B., CNL-AT-LARGE: SUPPORTING JOB RETENTION IN CANTON, OHIO. -
ADOPTED

MEMBER DOUGHERTY: Mr. President, I move we adopt Resolution 48.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution 48. Are there any remarks? Member Smuckler.

MEMBER SMUCKLER: Mr. President. The short term solution may be what we've talked about in Executive Session tonight. The long term selection, solution for this community is jobs. And the people that are weathering the storm here are the people that we have to take care of and this Resolution, in fact, Mr. President could you read the Resolution. I very rarely do this.

PRESIDENT SCHULMAN: Yes, yes that's fine. If you'll read the Resolution, Madame Clerk please.

CLERK TIMBERLAKE: Yes sir. *WHEREAS*: A vibrant community is measured in it's quality of life and the jobs for it's citizens; and *WHEREAS*: In order to solve Canton's long term budgetary problems and create a better quality of life we must be pro-active in recruiting business inside the City of Canton limits; and *WHEREAS*: This administration should pay special attention to the existing business in the City of Canton; and *WHEREAS*: As late as the recent news of Detroit Diesel shutdown, the Economic Development Department has not mass solicited existing businesses in any survival needs government may have the ability to help with; and *WHEREAS*: Canton should solicit responses from existing business for expansion and more importantly job retention in these hard economic times; and *WHEREAS*: Community and Economic Development should begin with a business to business yellow pages with a mass mailing offering any economic aide through City, State or Federal government might offer; and *NOW, THEREFORE, BE IT RESOLVED*: That Canton City Council go on record urging the Mayor to solicit job retention and job creation through exiting businesses in the City of Canton.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Member Smuckler any other remarks?

MEMBER SMUCKLER: I thinks it's self explanatory. These businesses that are weathering this storm, if they need any help we have to be pro-active in doing it.

PRESIDENT SCHULMAN: Member Cirelli.

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MEMBER CIRELLI: Mr. President, thank you. I want to compliment my co-worker here for introducing this Resolution and for our new Council Member. I might state to him, whenever I first started many years ago in 1980's, I went to all the businesses in my own Ward and offered them exactly more or less what it is. If they need or what have you. So that might be something that you yourself might want to do but also I had contacted the Chamber of Commerce about this because they are, our economic arm and then had insured me that they had been doing this an awful lot also to try to encourage business to let them know that they are available. The city is available to work with them, so it's just another way of reinforcing. Maybe we'll some more press and they will know to come and contact our Economic Development Department if they need some help. Thank you and thank you, Bill.

PRESIDENT SCHULMAN: Thank you, Member Cirelli and I echo your remarks complimenting Member Smuckler, your co-worker. This is important and in fact it's critically important to the future of our city and our community. So, with that being said, on the motion, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #48 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The yeas have it and Resolution 48 is adopted.

COMMUNICATIONS

PRESIDENT SCHULMAN: We 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 AUGUST 31, 2009.

374. AUDITOR MALLONN: CERT OF AMT FROM ALL SOURCES FOR 2009. - RECEIVED & FILED
375. COMPLIANCE DIRECTOR SMITH: INVITING CNCL MEMBERS TO ATTEND SEMINAR PRESENTED BY OH ETHICS COMM ENTITLED "CAN I DO THAT?" ON 9/9/09 FROM 9:00 - 11:00 AM AT THE EDWARD "PEEL" COLEMAN CENTER. - RECEIVED & FILED
376. COURT ADMINISTRATOR KOCHERA: AUTHORIZE SERV DIR TO ENTER INTO PROF SVCS CONTRACT W/JOHN PATRICK PICARD ARCHITECTS, INC FOR ARCHITECTURAL & ENGINEERING SVCS FOR THE MUNI COURT EXPANSION PROJ IN AN AMT NOT TO EXCEED \$136,000.00; AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR CONSTRUCTION OF MUNI COURT EXPANSION PROJ; AUTHORIZE \$1,400,000.00 APPROP TRANSFER TO ACCOMMODATE THE ARCHITECTURAL, ENGINEERING & CONSTRUCTION COSTS FOR THIS PROJ. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
377. DEVELOPMENT DIRECTOR TORRES: ESTABLISH FAIR MKT VALUE OF PARCEL OF REAL PROP & AUTHORIZING DISPOSITION OF SAID PROP (PARCEL #02-01642 ON BROWN AVE NW TO FRANK CILONA). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
378. DEVELOPMENT DIRECTOR TORRES: REQ AMENDMENT TO O#172/2008 TO CHANGE GRANT

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AWARD AMT FROM #3,648,562.00 TO \$3,678,562.00; REQ \$520,000.00 SUPP APPROP FR: UNAPP 2112 506009 HUD NEIGHBORHOOD STABILIZATION 2009 STIMULUS FUND TO 2212 506009 HUD NEIGHBORHOOD STABILIZATION 2009 STIMULUS FUND - OTHER. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES

379. DEVELOPMENT DIRECTOR TORRES: REQ \$23,000.00 APPROP TRANSFER FR: 2211 506009 COMM DEV 2009 STIMULUS FUND - OTHER TO 2211 506009 COMM DEV 2009 STIMULUS FUND - PERSONNEL (YOUTH DEV SALARIES FOR REMAINDER OF 2009; REQ \$3,000.00 APPROP TRANSFER FR: 2211 501601 YOUTH DEV ADMIN - PERSONNEL TO 2211 505001 COMPLIANCE ADMIN - PERSONNEL (COMPLIANCE DEPT SALARIES FOR REMAINDER OF 2009). - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
380. FINANCE DIRECTOR ALGER: AUTHORIZE \$300,000.00 SUPP APPROP FROM UNAPP BAL OF TICKETMASTER FUND TO 7505 203001 CIVIC CENTER - ADMIN TO COVER FUTURE EXPENSES FOR CIVIC CENTER SHOWS THIS FALL. - FINANCE COMMITTEE
381. FINANCE DIRECTOR ALGER: AUTHORIZE VARIOUS APPROP REDUCTION, APPROP TRANSFERS, SUPP APPROP & INTERFUND TRANSFERS. - FINANCE COMMITTEE
382. FRIEDL, E., APPLICANT: APPLICATION TO VACATE A PORTION OF BORS CT SW & LINDENSMITH CT SW FOR CONSTRUCTION OF AN EMPLOYEE PARKING LOT OF 101 SPACES. - PLANNING COMMISSION
383. MAJORITY LEADER DON CASAR: APPOINTING COUNCIL MEMBER JAMES GRIFFIN TO CANTON COMMUNITY IMPROVEMENT CORPORATION (CCIC). - PERSONNEL COMMITTEE
384. MAYOR HEALY: AUTHORIZE REAPPTS OF REV RONALD KLINGER, REV DAVID MORGAN, JOEL OWENS & MIKE WILLIAMS TO HOUSING ADVISORY BD FOR 2 YR TERMS. - PERSONNEL COMMITTEE
385. MAYOR HEALY: AUTHORIZE REAPPT OF AMY SHRIVER DREUSSI TO STARK COUNTY REGIONAL PLANNING COMMISSION FOR 3 YR TERM. - PERSONNEL COMMITTEE
386. MAYOR HEALY: PROVIDING INFO FOR CONTINUATION OF FRINGE BENEFITS FOR FULL-TIME EMPLOYEES OF CITY WHOSE HOURS HAVE BEEN REDUCED DUE TO FISCAL NECESSITY (FURLOUGH). - PERSONNEL & FINANCE COMMITTEES
387. SAFETY DIRECTOR REAM: AUTHORIZE SAF DIR TO REC & APPROP VARIOUS GRANTS. - FINANCE COMMITTEE
388. SAFETY DIRECTOR REAM: AUTHORIZE VARIOUS SUPP APPROPS (FED FORFEITURE FUND & LAW ENFORCEMENT TRUST FUND FOR POLICE DEPT OVERTIME). - FINANCE COMMITTEE
389. SENATOR KIRK SCHURING: RECEIPT OF LETTER TO POSTMASTER GENERAL REQUESTING RECONSIDERATION DECISION TO CLOSE DUEBER AVE, NORTH INDUSTRY & EAST CANTON POST OFFICE. - RECEIVED & FILED

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390. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR AND/OR SERV DIR TO DESIGNATE THE MAHONING RD ECONOMIC DEV PROJ AS A 1ST PRIORITY PROJ FOR 2009 OPWC FUNDING & TO APPLY FOR, ENTER INTO AN AGMT & ACCEPT FUNDS FOR THE 2009 PROG YR FROM OH PUB WORKS COMM. - FINANCE & PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES
391. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS FILED AS OF 7/31/09. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: We are now under Ordinances & 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 #13 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1. (1ST RDG) AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$4,900,000.00 FOR THE PURPOSE OF REFUNDING AT A LOWER INTEREST COST CERTAIN OF THE CITY'S OUTSTANDING VARIOUS PURPOSE IMPROVEMENT BONDS, SERIES 1999, DATED AS OF APRIL 1, 1999 AND STATED TO MATURE ON DECEMBER 1 IN THE YEARS 2009 THROUGH 2012, AND 2018, WHICH WERE ISSUED FOR THE PURPOSES DESCRIBED BELOW, AND DECLARING AN EMERGENCY
Referred to Finance Committee
- #2. (1ST RDG) AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$4,500,000.00 FOR THE PURPOSE OF REFUNDING AT A LOWER INTEREST COST CERTAIN OF THE CITY'S OUTSTANDING PENSION REFUNDING BONDS, SERIES 1998, DATED DECEMBER 1, 1998, AND STATED TO MATURE ON DECEMBER 1 IN THE YEARS 2009 THROUGH 2012, AND 2018, WHICH WERE ISSUED FOR THE PURPOSE OF REFUNDING THE OBLIGATION OF THE CITY OF CANTON, OHIO TO THE OHIO POLICE AND FIREMAN'S DISABILITY AND PENSION FUND FOR EMPLOYER'S ACCRUED LIABILITY, AND DECLARING AN EMERGENCY
Referred to Finance Committee
- #3. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008 , AS AMENDED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #4. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LEASE AGREEMENT WITH STARK COUNTY EDUCATIONAL SERVICE CENTER; AND DECLARING THE SAME TO BE AN EMERGENCY

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Referred to Community & Economic Development & Finance Committees

- #5. (1ST RDG) AN ORDINANCE 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 Community & Economic Development & Finance Committees

- #6. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

- #7. (1ST RDG) AN ORDINANCE 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

- #8. (1ST RDG) AN ORDINANCE WAIVING THE RESIDENCY REQUIREMENT OF SECTION 737.01 OF THE OHIO REVISED CODE FOR THE DIRECTOR OF PUBLIC SAFETY

Referred to Personnel Committee

- #9. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

- #10. (1ST RDG) AN ORDINANCE 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

- #11. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE APPROPRIATION REDUCTIONS, APPROPRIATION TRANSFERS, SUPPLEMENTAL APPROPRIATION AND INTERFUND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

PRESIDENT SCHULMAN: I think Nicholas is looking at you amazed at how fast you read and how you get through this, Madame Clerk. Thank you. Ordinance 12, sorry.

- #12. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO CONDUCT AN APPRAISAL AND ADVERTISE, RECEIVE BIDS AND SELL A PROPERTY OWNED BY THE CITY OF CANTON PURSUANT TO O.R.C. SECTION 721.03; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #02-85878, 10TH ST NE)

Referred to Community & Economic Development Committee

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#13. (1ST RDG) **ADOPTED AS ORDINANCE NO. 152/2009** AN ORDINANCE PROVIDING FOR FRINGE BENEFITS FOR FULL-TIME EMPLOYEES OF THE CITY OF CANTON WHOSE HOURS HAVE BEEN REDUCED DUE TO FISCAL NECESSITY; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Personnel & Finance Committees

(COUNCIL RECESSED @ 7:53 PM FOR PERSONNEL & FINANCE COMMITTEES TO DISCUSS THE ADOPTION OF ORDINANCE #13; RECONVENED @ 8:10 PM)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I'd like to suspend Rule 22A to add Ordinance 13 back on to the agenda.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add Ordinance 13 back on this evening's agenda. Are there any remarks? If not, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 9 YEAS, 0 NAYS

CLERK TIMBERLAKE: Nine yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you, Madame Clerk. The motion carries. Ordinance 13 is a legal part of your agenda this evening.. Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules of the three readings on Ordinance 13.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules of the three readings on Ordinance #13. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 9 YEAS, 0 NAYS

CLERK TIMBERLAKE: Nine yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries, you've heard the three readings Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 13.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #13. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

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NO REMARKS

ROLL CALL:9 YEAS, 0 NAYS

CLERK TIMBERLAKE: Nine yeas, Mr. President.

#13 ADOPTED AS ORDINANCE NO. 152/2009

PRESIDENT SCHULMAN: Motion carries and Ordinance 13 has been adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We are now under Ordinances and Resolutions for their second reading. Madame Clerk will you please read the next Ordinance on the agenda..

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #17 THROUGH #21; FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #14. (2ND RDG) ***RETAINED IN COMMITTEE*** AN ORDINANCE AMENDING SECTION 139.01 OF TITLE FIVE - ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON (BOARDS & CMSN.)
- #15. (2ND RDG) ***RETAINED IN COMMITTEE*** AN ORDINANCE AMENDING SECTION 1701.01 OF PART SEVENTEEN - HEALTH CODE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON (BOARDS & CMSN.)
- #16. (2ND RDG) ***RETAINED IN COMMITTEE*** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE YWCA OF CANTON TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$100,000.00 PER YEAR FOR THREE YEARS FOR THE FIRST PHASE OF THE GATEWAY HOUSE II PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY
- #17. (2ND RDG) AN ORDINANCE SUSPENDING ALL TRAVEL UNLESS RELATED TO MANDATORY CERTIFICATION, LICENSING OR LEGAL PROCEEDINGS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #18. (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #19. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #20. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CHANGE ORDER #1 WITH NL CONSTRUCTION CORP., INC. IN AN AMOUNT NOT TO EXCEED \$127,302.20 FOR ADDITIONAL COSTS RELATED TO THE CONSTRUCTION OF THE NEW COLLECTION SYSTEMS SERVICE CENTER AND ADMINISTRATION BUILDING; AMENDING APPROPRIATION ORDINANCE NO. 193/2008; AND DECLARING THE SAME TO BE AN EMERGENCY

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- #21. (2ND RDG) A RESOLUTION APPOINTING A BOARD OF EQUALIZATION TO HEAR OBJECTIONS TO THE PROPOSED ASSESSMENTS FOR FUNDING OF THE “PUBLIC SERVICE PLAN” AS ADOPTED BY THE DOWNTOWN CANTON SPECIAL IMPROVEMENT DISTRICT AND APPROVED BY CANTON CITY COUNCIL ON JULY 20, 2009; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Thank you, Madame Clerk. We are now under Ordinances for their third and final reading. Madame Clerk would you please read Ordinance 22 by title.

- #22. (3RD RDG) **ADOPTED AS ORDINANCE NO. 153/2009** 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 (PARTS OF LOTS NOS 827, 828, 829 @ 1372 MARKET AVE S)

PUB HRG: 8/3/09 @ 7:33 P.M.

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It’s been moved and seconded that you adopt Ordinance #22. Are there any remarks under this Ordinance? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 9 YEAS, 0 NAYS

CLERK TIMBERLAKE: Nine yeas, Mr. President.

#22 ADOPTED AS ORDINANCE NO. 153/2009

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

- #23 (3RD RDG) **ADOPTED AS ORDINANCE NO. 154/2009** AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH RICHARD REINBOLD; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It’s been moved and seconded that you adopt Ordinance 23. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

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NO REMARKS

ROLL CALL: 9 YEAS, 0 NAYS

CLERK TIMBERLAKE: Nine yeas, Mr. President.

#23 ADOPTED AS ORDINANCE NO. 154/2009

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

#24. (3RD RDG) **ADOPTED AS ORDINANCE NO. 155/2009** AN ORDINANCE AUTHORIZING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 24.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 24. Are there any remarks under this Ordinance? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 9 YEAS, 0 NAYS

CLERK TIMBERLAKE: Nine yeas, Mr. President.

#24 ADOPTED AS ORDINANCE NO. 155/2009

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

#25. (3RD RDG) **ADOPTED AS ORDINANCE NO. 156/2009** A RESOLUTION AUTHORIZING THE LAW DIRECTOR TO DISTRIBUTE FREE OF CHARGE TO PUBLIC OFFICIALS AND PUBLIC INSTITUTIONS COPIES OF THE 2008 SUPPLEMENT TO THE CANTON CODIFIED ORDINANCES, TO AFFIX PRICE FOR THE SALE OF SAME; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 25. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 9 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Nine yeas, Mr. President.

#25 ADOPTED AS ORDINANCE NO. 156/2009

PRESIDENT SCHULMAN: Ordinance 25 is adopted. Ordinance 26 please.

#26. (3RD RDG) **#26 ADOPTED AS ORDINANCE NO. 157/2009** 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 (OUTLOTS 1318 & 1319 ON COLUMBUS RD NE - CENTRAL ALLIED)

PUB HRG 8/31/09 @ 7:30 P.M.

PRESIDENT SCHULMAN: Leader Dougherty..

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 26.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 26. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 9 YEAS, 0 NAYS

CLERK TIMBERLAKE: Nine yeas, Mr. President.

#26 ADOPTED AS ORDINANCE NO. 157/2009

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

ANNOUNCEMENT OF COMMITTEE MEETINGS

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

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: I will call Finance Committee meeting for 6:15 on Monday, September 14th and Member Prater will call Personnel Committee meeting for 6:15 on Monday, September 14th. Thank you.

PRESIDENT SCHULMAN: Thank you Member Hawk.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Judiciary will meet the same time in the same place.

PRESIDENT SCHULMAN: Thank you.

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MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: Community & Economic Development. Same time, same place.

PRESIDENT SCHULMAN: Okay I think that's it. Oh,

CLERK TIMBERLAKE: Greg to call Personnel.

MEMBER HAWK: I did call Personnel.

CLERK TIMBERLAKE: Oh, okay sorry.

PRESIDENT SCHULMAN: I thought I was right but you know....the Clerk is always right, so. I think that is it.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: We're now under Public Speaks, Open Forum. We have some people, oh boy, I just spilled all my water. Thank you. We have some people signed up tonight if I don't short myself out here or become shorter. Our first speaker is Tom Meister and Mr. Meister would you come up and give us your name and your residential address. And would you wait one second because I don't want to detract from anybody saying anything to City Council so hold on one second. I am so excited about Public Speaks that I spilled my water. OK, Mr. Meister, thank you very much. I apologize. Thank you sir and welcome.

TOM MEISTER: Thank you. My name is Tom Meister. I live at 4201 Valley Dr NW in Canton. I am a member of the Harter Heights Area Neighborhood Association and have been asked to speak on a recent association activity. The association is located between Roslyn Ave on the East and Whipple Ave on the West and between W Tusc on the South and 4th St on the North. To encourage residents to maintain their properties and instill pride in their homes, this summer we held a landscape competition and invited residents to enter their front yard, rear yard, or both in a competition. We asked the Master Gardeners of Stark County which is a part of the OSU extension service to do the judging. For the first year, we had a good response for the entries. We even had some residents of an apartment building entered the contest. The Master Gardeners did a fantastic job of organizing, judging, and tabulating the results. A week ago on this past Saturday, August 22nd the association held our neighborhood picnic and awarded certificates and gift cards from a local nursery to first, second, and third place winners in the front and rear landscape competitions. The association and the member gardeners think that it was such a success that we are planning to do it again next year and would like to see this kind of program expand to other neighborhood associations brought to city. I would also like to add that the association is installing street banners along West Tusc between Roslyn Ave and Whipple Ave when the paving work is completed. This was made possible through a grant from the Stark Community Foundation which is partially funded by the city. Thank you.

PRESIDENT SCHULMAN: Thank you, sir. (*APPLAUSE*) Mr. Meister thank you for coming down and thank you for letting us know what's going on in your neighborhood. It's really a pleasure to hear that. Our next speaker is well known. Patricia Kirk. Ms. Kirk would you come up and give us your name and your residential address please. And some demonstrative aides tonight.

PATRICIA KIRK: I just love show and tell. This is, this is something that should never be around a tree.

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PRESIDENT SCHULMAN: You should give us your name and address. I'm sorry just for the record.

PATRICIA KIRK: Patricia Kirk, 131 5th St.

PRESIDENT SCHULMAN: Thank you.

PATRICIA KIRK: As you know, I live near Kresge lot, a show piece that Canton downtown and someone tried to destroy a tree by knocking it over. I tried to dig around it and I couldn't and I called an arborist for help. He had to dig up the entire tree and found this. This is a wire basket that is put around trees when you buy them, balled and burlapped. A balled and burlapped tree already has lost two-thirds of its roots. Underneath this was burlap. Keep in mind this has been for five years. The burlap had not decayed. I pulled all the burlap around. He used full cutters to cut this. We pulled it out. We dug up the entire tree again and it is now planted again in Kresge lot. Now I know you have laughed about the tree Ordinance and about a voluntary tree commission. This shows you why you need it. I know you're tired of hearing about trees, how they fall over dead, how they knock out power lines. This is why. Nobody should ever plant a tree like this. This is why trees die. I don't know who planted these trees but it was done possibly by the city. Downtown we enjoy and appreciate our green space more than any other neighborhood, I believe. Where are our picnic tables in Kresge lot? We had about 19. That is a lot of tables but right now we're down to about 6. The O'Jays are over. I don't think Nimisilla needs them all. Where are our tables? Because now the people that work downtown can't sit out and eat. OK, why don't you find a way to honor the businesses that are downtown now. We don't have a lot done for us. Our parking is taken away. People don't want to come down and use the business but we do need recognition for businesses that are staying here. Also on the corner of 4th and Market NW by the tree boxes, water pours out of the flooded boxes and pours down the sewers, running up the water bill. Why is this? I have never noticed this on any other corner. Those are my questions. Thank you very much.

PRESIDENT SCHULMAN: Thank you very much. Thank you for coming down. (*APPLAUSE*) And I have to take some exception. I don't think anyone here laughs at the trees or the Ordinances. If we didn't have trees, none of us would be here. They're our very good friends. They keep us alive. Our next speaker is Gloria Talarico. Ms. Talarico, good evening. And if you'll give us your name and Member Kraus is always going to help the people there. Do you got it?

GLORIA TALARICO: I got it.

PRESIDENT SCHULMAN: OK, good evening and give us your name and your residential address, please.

GLORIA TALARICO: Good evening. I'm Gloria Talarico and I live at 735 30th St NW which is not even in the city but I am part of the Mayor's Literacy Commission. Mayor Healy knows that and to all of you in the administration and President Schulman. I'm not here with a complaint. I'm just here to tell you what I do and yield my three minutes to the person that I'm bringing to you and so she can speak a little longer. As part of the Mayor's Literacy Commission, we man a table which is called the Mayor's Literacy Resource table. The Mayor has listed it before. It's housed at St. John's Church. We have the Samaritan's table there where we feed between 4 and 600 people every Thursday off of the streets of Canton. Some of them are not only there to eat, but they're there to get help. They're there to get questions answered. They're there to get resumes. So I have with me today, Michele Allison that's in the blue and she's also a member of the Mayor's Literacy Commission and Heather Curtice whose going to speak about an easement problem and a shared drive on Lawn Ave of which I don't have the answers. Now I can sit there and I can answer their questions and I can give em books and I can give em prescriptions and I can help serve the meals. But to many things, I don't have the answers, so I ask for this time in Council so I could introduce Heather Curtice, give her my time and she can try to correct a problem which I

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don't know all the details for. But I did call Councilman Prater three times and I know she tried to call him several times as did the other neighbors. He did call me tonight at 3:00 because the last message I said "I will see at the Council meeting" so I did get a call from him and he is a little bit apprized of this situation but it happened under somebody else's watch when there was a different Councilman. But before I leave the podium, I want to say this was like coming home. I was in this Council room 30 years ago when my father-in-law, Anthony Talarico, was retired due to cancer. Mary Cirelli remembers. Most of you are much too young. *Inaudible comments from audience.* I'm sorry Mary, I didn't mean that as an insult, because

MEMBER CIRELLI: It's a compliment.

GLORIA TALARICO: I'm way past 39 too.

MEMBER CIRELLI: I remember the family for many years.

GLORIA TALARICO: Yes you do. I know. And I'm no stranger to most of the people here but I wanted to say that he didn't want to retire. Cancer retired him and many times he forgot that he worked for Council. He thought that Council worked for him. He was Groucho Marks looking and the Hazard Inspector job was to go say cut your hedges down there blocking the stop sign or your trees in the way or someone's complaining about something hanging over their driveway and he chased around many times and did that but he was honored in this Council room 30 years ago before he died in '79 when it was a forced retirement. But I thank you for letting me come and I'm going to introduce to you Heather Curtice and she lives on Lawn Ave SW and she will tell you about her problem. Thank you.

PRESIDENT SCHULMAN: Thank you and before you leave, thank you for all the hard work you do and you are a dynamo. We really appreciate it, thank you. (*APPLAUSE*) And by the way Gloria, Heather has three minutes anyway and I think you just took five so now she only has 1 minute. Miss Curtice, good evening. You know I'm kidding you. Good evening, if you'll give us your name and residential address.

HEATHER CURTICE: I'm Heather Curtice. I live at 1226 Lawn Ave SW in Canton. I bought my house last year and I lived in the neighborhood for 15 years right across the street from where I bought it. Went to school with all the neighbor's. When I bought my house, everyone around me rented. There was one empty house. Some neighbors moved in and put a fence up that blocked the four way shared drive that went all the way through so that tow trucks could get in and everything else. I called the Zoning Department because I looked on my easement and it said that the Zoning ordinance and use of restrictions required. The zoning lady, Darla, told me that there was nothing she could do, it was a civil matter. We went over and we had asked when they were putting the fence up, we had told them that this had never been blocked before and I knew of two people that came to the Council meeting when McKinney, I think his name was McKinney, was here and they denied them because you have to have four, all four parties have to agree on having it blocked. So I have all four deeds. I have everything. Tow trucks can't deliver my car. Fire trucks can barely get through. There's, it's a really big nuisance trying to get in and out. They have a telephone pole and it's also a one way alley but it's supposed to go all the way through to Dueber SW. The tow truck, I had to have neighbors come and help me push my car all the way up and all the way into my drive instead of having them just come down straight through. They told us that if we showed them the proper papers that they would be glad to take it down. We showed em the papers and they denied taking it down. I talked to Mr. Prater about it and Mr. Prater told me that it was a civil matter but my whole question is I know that in the City of Canton you have to have a permit to put a fence up, and with it having all four easements says that you cannot do this, I just question is why is the city allowing them to keep the fence up without a permit? My son walked to school for three, three years down our private drive to the sidewalk for the crossing guards. Now he has to walk up a one way alley and there's no stop signs set be four way cross way through the alley so.

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PRESIDENT SCHULMAN: May I make a recommendation, I just talked to our Law Director, Joe Martuccio. He's willing to meet with you after tonight's meeting so you can explain it to him and maybe he'll give you some guidance. It may in fact end up to be just a civil issue and you may have to get a lawyer and I know that's, nobody likes to do that and don't laugh, I am a lawyer but, in any case, or I play one on TV. But in any case, I think Law Director Martuccio will help you right afterwards.

HEATHER CURTICE: OK, thank you.

PRESIDENT SCHULMAN: Thank you very much. We'll try to get it straightened out for you. Thank you and that concludes our Public Speaks tonight.

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: We're now under Miscellaneous Business.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: I was trying not to say anything but a Ms. Kirk stood up. I wanted to also let her know that a couple things. One, that your benches are actually, Arcadia Grille has those and they will be returned to the lot. They had a fund raiser I believe, that's what was told to me. *Inaudible comment*. OK well we'll make certain that that happens. But number two, she said something really interesting tonight about the tree advisory committee. Is there, do we have a tree advisory committee currently?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member West we have a tree Ordinance, but it doesn't go as far as the model tree Ordinance that the group worked on for awhile which would include a commission. An actual tree commission.

MEMBER WEST: The reason I asked that question, not because Mr. Kirk indicated or made that statement but this past Saturday, on 13th St we had some heavy winds and a tree came down, almost hit a house and what was unique about this was, I guess last month AEP came out and trimmed this tree and cut half the branches off. So now the tree is leaning toward the persons house so all the weight from one tree is on the side so if the wind blows its almost guaranteed to come down. So, I was just thinking when she said about an advisory committee, if we do warrant that because there's a lot of trees being cut down by different people and their inappropriately being cut and what happens is there subject to not fall on people's houses so I'm wondering what do we have to do to do an advisory committee or is that part of a tree Ordinance or do we just, can we just implement an advisory committee around forestry all together.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Yes Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Member West. We could retool the Ordinance to include a commission and find ways that the Ordinance wouldn't involve new General Fund money. I know that was one of the major issues that Council was concerned about. It would be fairly toothless without some enforcement mechanism. And with regard to what you you're describing, trees that are on private property are really the responsibility of the owner.

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We the city could get involved if parts of those trees appear to be diseased or dying and may fall on the street or sidewalk. We could order the person to have those removed. I know many people can't afford that and that's why in some cities they have funding to help with that kind of thing. AEP is a whole nother story. No one has enough time or desire to hear me explain their rights and responsibilities so I'll pass on that.

MEMBER WEST: Then I guess the only thing, I'm saying is that and I appreciate AEP cutting some of the trees around the wires so that they don't knock wires down. I'm just saying if they could do it appropriately, so that they don't inflict some harm on some to someone's property. Thank you.

PRESIDENT SCHULMAN: Thank you, Member West.

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Member Kraus.

MEMBER KRAUS: Two things. As Ward 8 Councilman for the record, I'd like to, last week I had a group of neighbors in from 8th Ward and I misidentified the president of the group and I would like the record to show that the President of O.U.R. Group is Linda Poole. The second thing as Public Safety & Thoroughfares Chairman, I'd like either the Mayor or Safety Director Ream to maybe, or Director Price to update as much as we can on what's going on with the cadet firemen that we had to lay off and the closing of the fire stations and where we're at financially. I know they can only indulge so much but with winter coming up are winter program. Is it possible just to give us a little bit of an update on that please?

PRESIDENT SCHULMAN: Safety Director Ream.

SAFETY DIRECTOR REAM: Yes sir. An update with the laid off cadet firefighters is we have a meeting scheduled for 11:00 Thursday morning with their union representatives. They have offered a written proposal to us last Tuesday night, they did that at the conclusion of the meeting we had up at the McKinley room. We've entertained that and we're going to discuss that further with them. At this time, we really can't discuss publicly what our response will be but we will formulate a response and have that to them on Thursday.

MEMBER KRAUS: Thank you. Again, I'm going to probably talk to all the Councilmen too. With the situation and I know that you and I had spoken and it rests with the Fire Chief. I don't want Council then putting an extra burden on the Fire Chief in this time that he's going through but every Councilman and every citizen has a right so I, if we can't resolve something amenable I think we have to sit down and at least look at passing the closings around a little bit so that not one, two, or three people in the City of Canton isn't suffering. And I will do that with Council and the Chief. I just appreciate your update so everybody knows where we're at on that. Thank you.

PRESIDENT SCHULMAN: Thank you, Member Kraus. Any other remarks? Before we adjourn, I just want to say one thing if I might, just briefly. When I was privileged to be appointed as President of City Council, I introduced myself to everyone and I mentioned President Reagan's statement that government is not the solution to our problems, government is our problem and I said it that time, and I'll say it again. I do not believe that for a moment. I think government does play a role in solving our problems. We may solve a problem tonight. But last week I asked a question at a meeting and it was a question. It wasn't a statement. It wasn't a proposal. It was merely a question and the question was "What about tax increases? Have they been thought of? Is it part of a potential remedy of devices that can be used to break down this enormous deficit which we talked about in executive session tonight and is going to have major effects upon our city and our neighbors and our families? And it was widely criticized in the media and it should have been and it was not a proposal, it was a question

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addressing a major need in a major crisis. But it was, but implicit in that was a, I think a debate about what our cities for. Why do we have cities? And I think all of us sometimes, some of us, often times lose the perspective of why people started in cities. Why did cities come together? And the fact of the matter is, it was a community of people who had some shared values, not necessarily religious or even ethnic or where you were from but it was a shared value of a community and it was to provide common security and safety for the members of that community who decided to get together and live together and provide security, safety, promote the general welfare and the health and raise the public spirit of those who participated in this city. And they voluntarily came together and taxed themselves to do that. They said we're productive citizens. We believe in communities. We believe in the strength of our families and so we will tax ourselves and we will have these things that we think are important to our well being. So when I hear the few shrill voices which I heard last week, and I'm still going to hear, and you all are going to hear it next week and the weeks that follow. Cut, cut, cut to the bone. Cut government to the bone. I am both a amused and saddened by that. I am amused because people don't apparently understand that who you are cutting, who you are laying off, are your friends and your neighbors. Who live in the same city, community that you do and these are people who work hard for a living like you do and are willing to make sacrifices like you are, but who reinvest back in our cities and our communities, their hard earned money just like you. Just like you. So when you say cut, cut, you're simply to use a paraphrase, your cutting your nose to spite your face. Your not thinking about the consequences of who it is your cutting and what government does for all of us. And why we need government because government is us as a part of our community. We had our executive session tonight and I'll just finish by saying this, we had a very spirited debate in our executive session as we should because we're talking about people's lives. We're talking about families, people that have given service to our city, our community, our neighbors, our friends who've done this. And what will happen to them? What will happen to them? And we said to a person on City Council, to the Mayor and his administration and I believe he listened and I think he agrees and I know he'll do it. We said, we are all in this together. We will all sacrifice together for the better good of our city, the purpose of coming together as members of a community with shared values and as Member Cirelli said the goal of our city, our government is to promote health, safety, and welfare. That's the purpose of government ladies and gentlemen. Nothing more, nothing less and government is all of us. So I want to reiterate on the record tonight. We are willing Mayor to work with you to solve this cities devastating financial crisis with the recognition that you did not cause it. This is far beyond this little city of Canton. The little community of people who got together a hundred years ago and decided to live together in this community. We'll be there to help you, just share, and ask us to sacrifice and ask us to share our ideas with you as I know you will. Leader Dougherty, thank you.

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

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that we adjourn. Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 9 YEAS, 0 NAYS

CLERK TIMBERLAKE: Nine yeas, Mr. President.

PRESIDENT SCHULMAN: Meeting is adjourned. Thank you ladies and gentlemen. *(Gavel falls)*

ADJOURNMENT TIME: 8:45 P.M.

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ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT