

MINUTES OF THE MEETING OF DECEMBER 21, 2009

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. I know we have a number of firefighters here this evening with their families. We want to know that, we want you to know we're thinking of you. We're going to try to do everything in our power to make this right but I would like to recognize before we begin the formal meeting Chief Rich, I know the Chief wanted to address us in caucus and I felt it was more appropriate knowing that there was a large group of citizens here tonight to hear the Chief in open session as opposed to the small room we're in. So Chief I would invite you up if you would. Welcome and good evening and if you'll give us your remarks we'd be most appreciative.

CHIEF RICH: Thank you. *(APPLAUSE)* Good evening. As we all know we have had layoffs in the Fire Department. It seems that this situation has been centered around the administration and the Fire Firefighters union and I can appreciate this but as an interested third party, the Fire Chief who's sworn to protect the lives and property of the citizen's of Canton, I have grave concerns for my firefighters and the citizen's of Canton at the staffing level we are now operating at. The Fire Department is down 17% in manpower due to layoffs. We currently have 145 firefighters on the job. From the years 2003 to 2006 the city suffered an average of 5 fire deaths a year. Our manpower averaged 157 firefighters during those years. The past two years unfortunately we've had only one fire death. Our average manpower during these two years was 172 firefighters. These statistics as they are, are certainly disturbing. I'm critically aware of the city's financial situation and I'm not trying to stare anyone into bankrupting the city. I feel that our manpower situation can and must be taken care of and I implore this body as well as the firefighters and everybody work together to get our manpower back for the safety of this community. Thank you.

PRESIDENT SCHULMAN: Thank you, Chief. *(APPLAUSE)* Thank you very much Chief. With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call vote please Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

11 COUNCIL MEMBERS PRESENT: (DON CASAR, DAVID DOUGHERTY, MARY CIRELLI, BILL SMUCKLER, GREG HAWK, THOMAS WEST, JAMES GRIFFIN, CHRIS SMITH, TERRY PRATER, PATRICK BARTON & BRIAN HORNER)

ELEVEN COUNCIL MEMBERS PRESENT. (MEMBER KRAUS ABSENT)

CLERK TIMBERLAKE: Eleven present, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Tonight we'll have our invocation given by Council Member, Patrick Barton. Will you all please remain standing for the pledge of allegiance.

The regular meeting of Canton City Council was held on Monday, December 21, 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 7 Council Member, Patrick Barton. 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 5 through #9. Ordinance

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4 will be retained in committee. Leader Casar.

MEMBER CASAR: Mr. President, I move suspend Rule 22A and add Ordinances 5 through 9 on to this evening's agenda.

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to 2nd Reading Ordinances 5 through 9. Are there any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We're now under Public Hearings. We have no Public Hearings this evening.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We are now under Public Speaks on Ordinances and Resolutions for adoption. Similarly we have no speakers signed up this evening.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We are now under Informal Resolutions. Leader Casar, I'll recognize a motion to excuse Member Kraus from this evening's meeting.

MEMBER CASAR: Mr. President, I move that we suspend, we excuse Member Kraus from this evening's meeting.

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to excuse Member Kraus from this evening's meeting. Any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries and Member Kraus is excused from this evening's meeting. We're now under Informal Resolution 65.

#65. HAWK, G. WARD 1 CNCLMBR: COMMENDING JAMES BOWER FOR HIS OUTSTANDING

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CAREER AT THE STARK COMMUNITY FOUNDATION AND WISH HIM THE BEST IN HIS RETIREMENT YEARS. - ADOPTED

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance, Resolution #65.

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution 65. Are there any remarks? Member Hawk.

MEMBER HAWK: Mr. Bower was unable to attend this evening so I will present this to him tomorrow at the office.. He will be honored but if we could get this read please.

PRESIDENT SCHULMAN: Sure, if you would Madame Clerk. Thank you.

CLERK TIMBERLAKE: *Whereas:* Jim Bower became President of the Stark Community Foundation on November 1, 1988 and after 21 years of service has decided to retire; and *Whereas:* James Bower had a fulfilling 25 year career in the practice of architecture with Lawrence, Dykes, Bower & Clancy prior to accepting the position with the Foundation; During his tenure as President, the Stark Community Foundation has grown from \$26 million to \$135 million in permanent endowment assets benefitting the community; and *Whereas:* In 2006, James became the Treasurer of the Central Canton Weed & Seed site and has volunteered many hours serving various boards such as Canton Regional Chamber of Commerce, Canton Tomorrow, Mount Union Advisory Board and a trustee for the Stark Development Board; and *Whereas:* James and his wife Donna have three children and six grandchildren to enjoy time with; and *NOW THEREFORE BE IT RESOLVED:* Greg Hawk, Ward 1 Council Member does recognize and highly commend James Bower for his outstanding career at the Stark Community Foundation and wish him the best in his retirement years.

PRESIDENT SCHULMAN: Thank you Member Hawk. Thank you Madame Clerk. Are there any other remarks? Hearing none, by voice vote, all those in favor of the Resolution signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #65 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it, the motion carries. Resolution is adopted. Resolution 66 please.

#66. HAWK, G. WARD 1 CNCLMBR: EXTENDING SYMPATHY & APPRECIATION TO ROBERT C MARSHALL'S FAMILY & FRIENDS WITH ADMIRATION FOR HIM & HIS WORK AS SITE COORDINATOR FOR CENTRAL CANTON WEED & SEED STEERING COMMITTEE. - ADOPTED

PRESIDENT SCHULMAN: Leader Casar.

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MEMBER CASAR: Mr. President, I move we adopt Resolution #66.

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution 66. Are there any remarks? Member Hawk.

MEMBER HAWK: Can the Resolution please be read?

PRESIDENT SCHULMAN: Sure, Madame Clerk.

CLERK TIMBERLAKE: *Whereas:* Robert C. Marshall served as the Site Coordinator for the Canton Central Weed & Seed from March 8, 2007 until his passing on October 23, 2009; and *Whereas:* Mr. Marshall was always diligent and effective in discharging his duties; and always cordial and ethical in his conduct; and *Whereas:* Mr. Marshall is greatly missed by his colleagues on the Steering Committee, by the City of Canton Policemen with whom he worked, and by the volunteers and staff of the organizations participating in the Central Canton Weed & Seed program *NOW THEREFORE BE IT RESOLVED:* that Greg Hawk, Ward 1 Council Member and the Central Canton Weed & Seed Steering Committee extend their sympathy and appreciation to Robert C. Marshall's family and friends with my admiration for him and his work as Site Coordinator.

MEMBER HAWK PRESENTED MEMBER OF THE MARSHALL FAMILY WITH THE RESOLUTION PLAQUE ON BEHALF OF CANTON CITY COUNCIL (APPLAUSE)

PRESIDENT SCHULMAN: Thank you Member Hawk. Are there any other remarks? All those in favor of Resolution 66 signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #66 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it, the motion carries. Resolution 66 is adopted. Resolution 67 please Madame Clerk.

#67. PERSONNEL COMMITTEE: REQ AUTHORIZATION OF APPT OF DONALD SINGER TO HARTFORD HOUTS POOR FUND COMMENCING 11/1/09 - 10/31/14. - ADOPTED

MEMBER CASAR: Mr. President, I move we adopt Resolution #67.

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution 67. Are there any remarks? Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #67 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it, the motion carries. Resolution 67 has been adopted.

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Resolution 68 please.

#68. SMITH, C. WARD 4 CNCLMBR: SUPPORTING THE USE OF CAPITAL IMPROVEMENT LEGISLATIVE GRANT & PORTIONS OF OTHER FUNDS TO DEVELOPMENT THE "CANTON WATER FACILITY" AT THE EDWARD "PEEL" COLEMAN CENTER. - ADOPTED

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Resolution #68.

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution 68. Are there any remarks?

MEMBER SMITH: Could we have that read in it's entirety, please?

PRESIDENT SCHULMAN: Sure Member Smith, thank you. Madame Clerk.

CLERK TIMBERLAKE: *Whereas:* Canton City Council wants to develop activities to maintain the City as a place where residents want to live, work and rear their families; and *Whereas:* The City has the opportunity to use a Capital Improvement Legislative Grant for a "Canton Water Facility" and portions of other funds to make improvements on a city owned property; and *Whereas:* The Edward "Peel" Coleman Center is located on 1400 Sherrick Road in the Edward "Peel" Coleman Center in the City of Canton; and *Whereas:* The Edward "Peel" Coleman Center is a place where City residents participate in quality athletic activities, educational programming and civic functions; and *Whereas:* The "Canton Water Facility" will enhance the activities and programming at the Edward "Peel" Coleman Center; and ***NOW THEREFORE BE IT RESOLVED:*** that Canton City Council go on public record supporting the use of a Capital Improvement Legislative Grant and portions of other funds to develop the "Canton Water Facility" at the Edward "Peel" Coleman Center.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Are there any other remarks? Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #68 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it, the motion carries. Resolution 68 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 DECEMBER 21, 2009.

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522. FINANCE DIRECTOR ALGER: AUTHORIZE SUPP APPROPS, APPROP TRANSFERS &/OR APPROP REDUCTION (TO MEET FINAL 2009 PAYROLL). - FINANCE COMMITTEE
523. HEALTH COMMISSIONER ADAMS: SUBMITTING 2010 GENERAL REVENUE BUDGET REQUEST APPROVED BY BD OF HEALTH AT THEIR REGULAR MTG ON 12/14/09. - RECEIVED & FILED
524. LAW DIRECTOR MARTUCCIO: REQ TO RECONSIDER & AMEND O#238/2009, 239/2009, & 240/2009; PERMIT A NEW ORDINANCE TO AUTHORIZE AN ANTICIPATORY SECURITY. - FINANCE COMMITTEE
525. MAYOR HEALY: AUTHORIZE RE-APPT OF STEVE COON TO ARCHITECTURAL REVIEW BD COMMENCING 1/1/10 - 12/31/13. - PERSONNEL COMMITTEE
526. MAYOR HEALY: AUTHORIZE RE-APPT OF CLINT ZOLLINGER TO FAIR EMPLOYMENT PRACTICES BD FOR THREE YR TERM COMMENCING 1/1/10 - 12/31/12. - PERSONNEL COMMITTEE
527. MAYOR HEALY: AUTHORIZE APPT OF KARL "BUTCH" KRAUS TO BD OF ZONING APPEALS FOR THREE YR TERM COMMENCING 1/1/10 - 12/31/12. - PERSONNEL COMMITTEE
528. MAYOR HEALY: ADVISE OF RE-APPT OF STEVE KATZ TO CCIC FOR ONE YR TERM COMMENCING 1/1/10 - 12/31/10. - RECEIVED & FILED
529. MAYOR HEALY: ADVISE RE-APPT OF ROBERT THOMPSON TO CCIC FOR ONE YR TERM COMMENCING 1/1/10 - 12/31/10. - RECEIVED & FILED
530. MAYOR HEALY: ADVISE OF RE-APPT OF DONALD PETERSON TO CCIC FOR ONE YR TERM COMMENCING 1/1/10 - 12/31/10. - RECEIVED & FILED
531. MAYOR HEALY: ADVISE OF APPT OF REV WARREN CHAVERS TO CIVIL SVC COMMISSION FOR SIX YR TERM COMMENCING 1/1/10 - 12/31/15. - RECEIVED & FILED
532. MAYOR HEALY: ADVISE OF APPT OF JAMES BOWE, SR TO PLANNING COMMISSION COMMENCING 1/1/10 - 12/31/15. - RECEIVED & FILED
533. MAYOR HEALY: ADVISE OF RE-APPT OF ALEXANDER HAAS TO CITY PLANNING COMMISSION FOR SIX YR TERM RETRO COMMENCING 6/1/09 - 5/31/15. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: We are now under Ordinances and Formal Resolutions for the First Reading. Let the journal show that all Ordinances are being given their reading as required by state law. Madame Clerk would you please read the 1st Reading Ordinances by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #1

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- #1. (1ST RDG) **ADOPTED AS ORDINANCE NO. 244/2009** AN ORDINANCE REDUCING SALARIES FOR COUNCIL MEMBERS AND THE PRESIDENT OF COUNCIL; AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON, OHIO; ACCEPTING PROPOSED HEALTH CARE CHANGES; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Personnel & Finance Committees

(COUNCIL RECESSED AT 7:53 P.M. FOR PERSONNEL AND FINANCE COMMITTEE TO DISCUSS THE ADOPTION OF ORDINANCE #1; RECONVENED AT 7:54 P.M.)

PRESIDENT SCHULMAN: OK, Council will reconvene then after the recess. Leader Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinance #1 back on the agenda and also number 3A on this evening's agenda.

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to place Ordinance 1 and 3A back on this evening's agenda. Are there any remarks? Hearing none, Madame Clerk roll call vote for Ordinance 1 and 3A.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries and Ordinance 1 and 3A are therefore back on this evening's agenda and are a legal part of your agenda. Leader Casar.

MEMBER CASAR: Mr. President, I move the Statutory Rules be suspended on Ordinance #1.

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance #1. Are there any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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

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MEMBER CASAR: Mr. President, I move we adopt Ordinance #1.

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #1. Are there any remarks under this Ordinance? I want to make it clear if I might, from what Member Hawk said, that it is not simply a 6.28% deduction in Council benefits and salary but including the benefits it's over 9%. Recognizing ultimately it's a modest amount in the giant deficit the city faces, but I want to commend and congratulate City Council for doing this. It's certainly almost twice what is being asked of our other employees in the city and while the amount again is not that significant, certainly you've stepped to the plate and shown that you're doing what is right for the city. So with that statement, are there any other remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#1 ADOPTED AS ORDINANCE NO. 244/2009

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 2 or I'm sorry were on, where are we here. Ordinance 2.

- #2. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE AND DELIVER TO DOMINION EAST OHIO GAS COMPANY AN EASEMENT ON PROPERTY OWNED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- #3. (1ST RDG) AN ORDINANCE AUTHORIZING AND CONSENTING TO ODOT QUALIFIED CONTRACTING FOR MINOR REHABILITATION AND RESURFACING OF STATE ROUTE 627, FAIRCREST STREET; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- #3a. (1ST RDG) **ADOPTED AS ORDINANCE NO. 245/2009** AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,800,000.00 FOR THE PURPOSE OF PROVIDING FUNDS TO PAY A COURT-APPROVED SETTLEMENT OF A CLAIM AGAINST THE CITY.
Referred to Finance Committee

(COUNCIL RECESSED AT 7:58 P.M. FOR FINANCE COMMITTEE TO DISCUSS THE ADOPTION OF ORDINANCE #3A RECONVENED AT 8:01 P.M.)

PRESIDENT SCHULMAN: OK, Council will reconvene after it's recess. Leader Casar.

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

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MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules with regard to Ordinance #3A.

MEMBER CASAR: Mr. President, I have to put it back on the agenda first. I'm sorry.

PRESIDENT SCHULMAN: That's what I thought, OK.

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

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to place Ordinance 3A back on this evening's agenda. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries. Ordinance 3 is a legal part of your agenda. Leader Casar.

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

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance 3A. Are there any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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

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

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #3A. Are there any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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PRESIDENT SCHULMAN: Ordinance 3A is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We're now under Ordinances for the Second Reading. Madame Clerk would you please read Ordinance 5.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #5 THROUGH #9 (ORDINANCE #4 RETAINED IN COMMITTEE) FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #4. (2ND RDG) ***RETAINED IN COMMITTEE AN ORDINANCE AMENDING TITLE SEVEN, HOUSING STANDARDS, OF PART THIRTEEN - BUILDING CODE OF THE CODIFIED ORDINANCES***
- #5. (2ND RDG) 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 (ICAN HOUSING SOLUTIONS - OUT LOT #1140, RICHMOND AVE NE) **PUB HRG 12/28/09 @ 7:30 P.M.**
- #6. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO PURCHASE REAL PROPERTY IN CONJUNCTION WITH THE NEIGHBORHOOD STABILIZATION PROGRAM; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE DEMOLITION OF THE BUILDING LOCATED ON THE PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY
- #7. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO JOB CREATION TAX INCENTIVE AND NET PROFITS INCENTIVE AGREEMENTS WITH MEDLINE INDUSTRIES, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY
- #8. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF OUT LOTS 1306 AND 1307; AND DECLARING THE SAME TO BE AN EMERGENCY (IN MILLS INDUSTRIAL PARK - GBC DESIGN)
- #9. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE DEDICATION PLAT OF A PORTION OF HARMONT AVENUE AND SLOPE EASEMENTS; APPROVING AND ACCEPTING THE REPLATTING OF LOT 42587 AND PART OF LOT 37251; AND DECLARING THE SAME TO BE AN EMERGENCY (BAYER BECKER)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Thank you Madame Clerk. We are now under Ordinances and Formal Resolutions for their third and final reading and vote. Would you please read Ordinance 10?

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- #10. (3RD RDG) **RECONSIDERED & ADOPTED AS AMENDED AS ORDINANCE NO. 238/2009**
AN ORDINANCE AUTHORIZING THE SETTLEMENT OF *TROY PIROLOZZI V. ERIC STANBRO, ET AL.*; AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY APPROPRIATING FROM THE UNAPPROPRIATED BALANCE AND ALLOCATING SAME TO ITEM HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: And Madame Clerk would you read Ordinance 11 and Ordinance 12 also and we'll make this a trilogy of reconsideration.

- #11. (3RD RDG) **RECONSIDERED & ADOPTED AS AMENDED AS ORDINANCE NO. 239/2009**
AN ORDINANCE AUTHORIZING THE AUDITOR TO ENTER INTO AGREEMENTS WITH SQUIRES, SANDERS AND DEMPSEY TO ISSUE A ONE YEAR BOND ANTICIPATION NOTE; AND DECLARING THE SAME TO BE AN EMERGENCY (TROY PIROLOZZI V. ERIC STANBRO, ET AL)

- #12. (3RD RDG) **RECONSIDERED & ADOPTED AS AMENDED AS ORDINANCE NO. 240/2009**
AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND INTERFUND TRANSFER HEREIN DESCRIBED: AND DECLARING THE SAME TO BE AN EMERGENCY (TROY PIROLOZZI V. ERIC STANBRO, ET AL)

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we reconsider Ordinance #238, 239, and 240/2009 and amend them as follows per the Resolution or amendment that Martuccio explained to us this evening.

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to reconsider Ordinances 238, 239, 240 all 2009 together with the amendment that the Law Director has submitted to all Council Members. Is that correct, Leader? Are there any remarks? Hearing none Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: OK, Leader Casar you're going to move to amend.

MEMBER CASAR: I did move to amend under this motion.

PRESIDENT SCHULMAN: I thought he did that. We've, my esteemed Law Director has told us we do need a vote on the amendment. So the motion would be to amend pursuant to....

MEMBER CASAR: OK, Mr. President, I move we amend Ordinance #238, 239, and 240/2009 per the attachment that all Council Members have in front of them.

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MEMBER DOUGHERTY: Seconded.

AMENDMENT:

Pursuant to Rule 41 and 36, I move to reconsider Ordinance No. 238, 239 and 240/2009; and to amend them as follows:

Ordinance No. 238/2009

Amend Section 1 d and Section 2 to read:

“d. The funding is to be provided by utilizing the City’s ability to issue a Bond Anticipation Note (manuscript debt) in the form of a note payable and held as a treasury investment of the treasury investment pool equity in anticipation of a one year bond anticipation note issued for the judgement/settlement at which time the short term note will be repaid and the investment matured no later than March 1, 2010.”

Section 2. *The Law Director is authorized and directed to request an interfund transfer from the 1001 General Fund of \$1.8 million dollars to 1105 (75-30-01) Law or (10-20-01) Police Settlement Fund for the purpose of satisfying the City’s settlement obligation in U.S. District Court Case No. 5:07-CV-00798*

Ordinance No. 239/2009

Amend Section 1 by substituting the new phrase “Bond Anticipation Note (Manuscript Debt)” for the current phrase “loan taken from 6010 Workers’ Compensation Fund”.

Ordinance No. 240/2009

Amend the fund titles and accounts in Sections 1 and 2 as follows:

Section 1. *Appropriation Ordinance No. 193/2008, as amended, is amended by making the following supplemental appropriation:*

<i>FROM:</i>	<i>Unappropriated Balance 1001 General Fund</i>	<i>\$1,800,000.00</i>
<i>TO:</i>	<i>1001 80-10-10 Auditor Legal Obligation</i>	
	<i>- Other</i>	<i>\$1,800,000.00</i>

Section 2. *Appropriation Ordinance No. 193/2008, as amended, is amended by making the following interfund transfer:*

<i>FROM:</i>	<i>1001 80-10-10 Auditor Legal Obligation</i>	<i>\$1,800,000.00</i>
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TO: *Unappropriated balance of 1105*
(75-30-01) Law or (10-20-01) Police *\$1,800,000.00*

PRESIDENT SCHULMAN: It's been moved so moved. Are there any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion to amend 238, 239 and 240/2009 is carried Leader.

MEMBER CASAR: Mr. President I move we adopt Ordinance 238, 239 and 240/2009 as amended.

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 238, 239, 240/2009 as amended. So the question you're now voting on are those Ordinances as amended. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS **#10, #11 & #12 RECONSIDERED & ADOPTED AS AMENDED AS ORDINANCE**
NO. 238, 239 & 240/2009

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries. 238, 239, 240 are, as amended are adopted. Ordinance 13 please.

#13. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 246/2009** AN ORDINANCE AMENDING TITLE FIVE - ADDITIONAL PUBLIC SERVICES TO PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES BY THE ADDITION OF CHAPTER 972, SPECIAL EVENTS

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #13. Leader Casar.

MEMBER CASAR: Mr. President, I move we amend Ordinance 13 per the copy that all Council person's have in front of them.

MEMBER DOUGHERTY: Seconded.

MINUTES OF THE MEETING OF DECEMBER 21, 2009AMENDMENT:

Pursuant to Rule 36, I move to amend two sections of Agenda Item No. 13 as follows:

Section 1. Section 972.02(d) is amended to read:

(d) Completed applications for events utilizing city owned property, or for block parties necessitating sufficient road closures and services that in the discretion of the Safety Director constitute a major event, shall include proof of liability insurance in the amount of one million dollars (\$1,000,000.00) and name the city as an additional insured.

Section 972.03(a) is amended to delete (a)(5).

PRESIDENT SCHULMAN: It's been moved and seconded to amend the Ordinance as by the copy or as per the copy before each Member of Council. Are there any remarks? Hearing none, by voice vote, all those in favor of this motion, signify by saying aye, those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The motion carries. Leader Casar.

MEMBER CASAR: Mr. President I move we adopt Ordinance #13 as amended.

MEMBER DOUGHERTY: Seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#13 ADOPTED AS AMENDED AS ORDINANCE NO. 246/2009

PRESIDENT SCHULMAN: Ordinance 13 is adopted. Ordinance 14 please.

#14. (3RD RDG) **ADOPTED AS ORDINANCE NO. 247/2009** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO: ADVERTISE, RECEIVE BIDS AND ENTER INTO A CONSTRUCTION CONTRACT FOR THE SHERRICK ROAD IMPROVEMENT PROJECT, G.P. 1121; EXECUTE A PROFESSIONAL SERVICES CONTRACT FOR CONSTRUCTION ENGINEERING SERVICES WITH OMNI PRO SERVICES LLC; AND TO RECEIVE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDS IN THE AMOUNT OF \$1,500,000.00 FOR THIS PROJECT THROUGH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO FUND THE COST OF BOTH THE CONSTRUCTION AND CONSTRUCTION ENGINEERING CONTRACTS; AUTHORIZING THE AUDITOR

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TO ESTABLISH THE 4559 SHERRICK ROAD IMPROVEMENT FUND, G.P. 1121;
AMENDING APPROPRIATION ORDINANCE NO. 193/2008; AND DECLARING
THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #14.

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 14. Are there any remarks under this Ordinance? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS; 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#14 ADOPTED AS ORDINANCE NO. 247/2009

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 14 is adopted. Ordinance 15 please.

#15. (3RD RDG) **ADOPTED AS ORDINANCE NO. 248/2009** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO; ENTER INTO AGREEMENTS FOR GRANTS WITH THE U.S. DEPARTMENT OF ENERGY AND AMERICAN ELECTRIC POWER AND TO RECEIVE THE SUBSEQUENT GRANTS; TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH URS CORP. FOR THE COMPLETION OF A COMPREHENSIVE DETAILED ENERGY AUDIT IN AN AMOUNT NOT TO EXCEED \$75,000.00; TO ADVERTISE, RECEIVE BIDS AND ENTER INTO VARIOUS MATERIALS, SUPPLIES AND CONSTRUCTION CONTRACTS NEEDED TO CONSTRUCT IMPROVEMENT PROJECTS, AND/OR ENTER INTO CONTRACTS FOR THE PURCHASE OF MATERIALS AND SUPPLIES PURSUANT TO REVISED CODE SECTIONS 125.04 AND 5513.01; AUTHORIZING THE AUDITOR TO ESTABLISH THE 2236 ENERGY EFFICIENCY AND CONSERVATION GRANT FUND; AMENDING APPROPRIATION ORDINANCE NO. 193/2008; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 15. Are there any remarks under this Ordinance? Hearing none Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS; 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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PRESIDENT SCHULMAN: 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: Thank you sir. On behalf of my friend Butch Kraus, Chairman of the Public Safety & Thoroughfares Committee, they called committee meeting at 6:45 on Monday, December 28th, 2009.

PRESIDENT SCHULMAN: Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Judiciary will have a special meeting tomorrow at 6 PM to address the issues discussed tonight at caucus at 6:00 regarding the International Property Code.

PRESIDENT SCHULMAN: Thank you Member West.

CLERK TIMBERLAKE: Where at, in caucus?

MEMBER WEST: Right here in caucus.

PRESIDENT SCHULMAN: Any other announcements?

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel Committee will meet next Monday at 6:45.

PRESIDENT SCHULMAN: Anyone else?

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: We're now under Public Speaks. We have a number of speakers signed up this evening all of whom are going to address the unfortunate, untimely and sad layoffs that our community and our city is suffering. If, for those of you who have not spoken, I would just ask that you abide by Council's three minutes. We do want to hear from you. I tell every speaker that comes up every Monday, it's not usually as crowded as it is tonight, that we will be here after we adjourn. The Mayor's, the Mayor, his administration, Council Members and myself will be here along with the Law Director and the Auditor and we will be here to answer any questions, to hear any complaints and to listen to your positions. So that's the reason we would ask that you try to stay within three minutes. Our first speaker is Martha Stockdale. Miss Stockdale if you'll step

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forward and give us your name and your residential address. Good evening and happy holidays.

MARTHA STOCKDALE: Thank you. My name is Martha Stockdale and I live at 721 Colonial Boulevard NE in Canton. I do not believe that the Mayor or City Council Members are mean spirited or that they don't care about the needs of our citizens. I do believe however, that neither the Mayor or anyone who supports these lay offs understand all that is involved in providing quality emergency services, whether fire protection and all that that entails or emergency medical care. The decision to reduce the number of firefighter medics who cover this city on a daily basis is putting lives in jeopardy, not just the lives of firefighters who will have less backup during an emergency but the lives of citizen's as well. I could give many examples to support this claim but the three minute time limit allows just one. Yesterday because a city ambulance was not available, a private ambulance had to be called to respond to a pediatric poisoning emergency. The response time was 24 minutes from the time the operator received the call until the private ambulance arrived on the scene. We hear that the city cannot afford to keep the Fire Department at current levels. Yet in the two days since the 28 firefighters we laid off, the city turned 13 medic runs over to private ambulances. These 13 runs represent billable charges averaging \$600.00 each for a total of \$7,800.00 just for those two days. At that rate, the city is going to give \$1,423,500.00 to private ambulance services. In other words, the city is gonna give up \$1,423,500.00. I have read the campaign literature of many who now sit in Council Chambers. Many of you stated you support the safety forces. Well talk is cheap. If you truly support our safety forces, then please do all you can to end the lay offs and return the Canton Fire Department to staffing levels that will keep our firefighters safe. Please do all you can to end the lay offs and return the Canton Fire Department to staffing levels that will deliver the services Canton citizen's have paid for and deserve. Please do all you can to end the lay offs and return the Canton Fire Department to staffing levels that will keep medic services available to Canton citizens. And one further note that I hadn't written down. President Schulman you mentioned that it's commendable that Council is willing to give up 9% and I do think that's commendable but I want everyone here to recognize that the 28 firefighters who got laid off were being asked to give up not 9%, not 10%, not 20, not 30. I sound like one of those Friday night, you know, not \$19.95, but more than 40%, they were being asked to give up. And I just don't think that it's fair that that much of a percentage should come from the Fire Department. Thank you. *(APPLAUSE)*

PRESIDENT SCHULMAN: Thank you Miss Stockdale. That was outstanding. Thank you very much. Our next speaker is Justin Watson. Mr. Watson if you'll step forward. Please give us your name, your residential address and again to you and your family, happy holidays.

JUSTIN WATSON: Thank you. My name is Justin Watson. I live at 1254 Shorb Avenue NW in Canton. As most of you know, I've been leading the picket at City Hall. I've been out there every day at least between 10 and noon since December 1st. I've seen many of you. I spoke with many you. I think I can safely say as a lifelong citizen of this city and with, I'm also expecting a child here in March. I think I can speak for every citizen in this city and say that to cut safety forces for dollar signs does not equal lives and these dollar signs are dollar signs that the taxpayers pay. I don't feel that that is right at all. I think there's other ways we can save. I hate to see anyone lose their job, don't get me wrong. You know, times are tough but, cutting the safety forces and putting everyone at risk is just not, not worth it. I'm letting everyone know that I am going to continue my protest no matter what opposition I face from it until all the guys are back to work. Thank you for your time. *(APPLAUSE)*

PRESIDENT SCHULMAN: Our next speaker, I'm gonna go a little out of order, is Michael Taylor. Mr. Taylor would you step forward please. Good evening, would you give us your name, your residential address and happy holidays to you and your family.

MICHAEL TAYLOR: Happy holidays to you. My name is Mike Taylor. My address is 615 Buena Vista

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Boulevard in Steubenville, Ohio. I am here as a representative for the State and International Firefighters and most especially to the firefighters in Canton, Local 249. Some of you, I know having been introduced to you by our very good friend the late Joe Carbenia. I had the privilege for many years to serve on the OAPFF Executive Board with Joe. He was both my mentor and my friend. It is safe to say that Joe would be very disappointed in what is happening here in the city and the Fire Department that he loved so much. There is no question that we're in the most difficult economic times that most of us can ever remember. However, the decision to layoff these firefighters will result in a reduction in the very services that this community needs more than ever. What the Mayor and this Council seem to be telling their constituency is when things are good, when people can afford the upkeep on their homes and property's, their vehicles, and their health care, we as a city can afford to provide you with an adequate Fire and EMS service. But when things are not so good, when people need these services the most, when the possibility of a tragedy are at it's highest, you are essentially saying sorry we can't afford it. For many there's something philosophically of not morally wrong with that. I would ask all of you to rethink the consequences of your actions together with the firefighters, think of alternatives that will not so adversely affect your community. With these layoffs you are effectively eliminating the one product in the fire service that generates income for this city. You have reduced emergency medical services to one company and most importantly to me, you're jeopardizing the safety of the fire and EMS personnel that I represent. I believe that together you can find a better way. I thank you for your time and as always the State and International Firefighters are available to help in any way we can. Thank you very much. *(APPLAUSE)*

PRESIDENT SCHULMAN: Thank you. Thank you Mr. Taylor. Our next speaker is Stephen Rich. Oh you already, I'm sorry. If you'd said Chief I would have understood that. Our next speaker is George Jordan. Mr. Jordan good evening, if you'll give us your name, your residential address and happy holidays to you and your family.

GEORGE JORDAN: Merry Christmas to you. I don't have a prepared speech. My name is George Jordan. I live at 203 Harrison Avenue SW in the city of Canton. Gotta be honest with you, I'm here with a vested interested. I have two granddaughters that live in Canton too, and their health and their safety is very important to me and I can't put a dollar value on it. I imagine the city runs their finances the same way I run mine, they just have a little bit more to work with or maybe a little less. But when I look at my finances, I have to cut out what I feel is unnecessary. What I feel is not really important. I hope the city hasn't done that by laying off the firemen. That would bother, bother me a lot. I'm just wondering if there aren't any feel good programs that we have that although nice aren't really necessary. Our recycling bin won't save my granddaughter's life. But a fireman might. Thank you. *(APPLAUSE)*

PRESIDENT SCHULMAN: Our next speaker is Pete DiGiacomo. Mr. DiGiacomo. Good evening, if you'll step forward and give us your name and your residential address and happy holidays to you and your family.

PETE DIGIACOMO: Thank you for the opportunity of speaking tonight. Pete DiGiacomo. I live at 600 Dent Place SW. I'm 65 years old and I've lived all my life in the City of Canton. I believe I spoke here maybe three weeks ago, and I honestly and truthfully believed that there would be a last minute reprieve. There'd be no lay offs, didn't happen. I would not want to be either in Mayor Healy your position, and the rest of your staff or in the Fire Departments position. If there's an emergency, whether it be fire, EMS, response time is too slow because you've laid off the people that you need to service the City of Canton. I pay my taxes, I don't complain, I get the services but I'm not getting my services when you've got peoples that are not manning the stations. You've got to go back to the drawing board. Start over if that's what it takes. *(APPLAUSE)* I worked down at Timken's for 30 years. I did my time down there. It's the same thing down there. Company says one thing, union says another one, bang heads, get together, whatever it takes so we get our people, our firefighters, our EMS back in the stations manning, protecting my life, your lives, your families lives. It's not worth, you know

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I, somewhere there has to be some extra money. I know it's hard to find it but somewhere down in there it has to be there because we can't get through, you know, the way it is now. I hope, I hope, I hope nothing every happens through this layoff where somebody loses a life because I'm gonna tell you what, the shit will hit the fan and it's gonna come back. It's gonna come back. Thank you very much.

PRESIDENT SCHULMAN: Thank you sir. (*APPLAUSE*) Our last speaker this evening is Rosario Carcione. If you'll step forward. Give us your name, your residential address. Happy holidays to you and your family.

ROSARIO CARCIONE: Happy holiday. My name is Rosario Salvatore Carcione, President of Canton Professional Firefighters Association Local 249. I reside at 5205 Giacomo Ct NW in Canton. I am here tonight to speak about the layoff of 20, 28 firefighters and the impact it will have on the City of Canton. A city that all of us with the exception of Safety Director Ream have chosen to call home. For the last 12 months, the city has been closing ambulances and fire stations as a way not to pay overtime. The union has pleaded with the administration to keep all the stations open and ambulances to provide adequate staffing levels for our firefighters and residents. The city continues to ignore the pleads for safe staffing levels from the firefighters and the Fire Chief. Instead of working with the union, the Mayor has been heard on the radio questioning if the city needs nine fire stations. The Safety Director has expressed to the union his desire to right size the Fire Department. A Director for restructuring from a Safety Director with zero experience in firefighting tactics and little concern for providing the highest level of emergency care possible for our residents. The union cannot sit by and what this Mayor and his staff destroy public safety. Following the departure of the former Safety Director Nesbitt whom had agreed to safely staff the Fire Department, the union had to file a grievance for safe staffing levels. Mayor you and your new Safety Director have little concern for the men and women of the Canton Fire Department and it is a shame that an arbitrator will determine the fate of our residents and firefighters safety. It is not right for the city to place the lives of it's residents and firefighters in jeopardy under the guides of financial crisis. The Canton Professional Firefighters Association has hired an independent auditor to show the residents and the courts the extra money the city has that could have been used to advert these layoffs and to keep it's resident's safe without placing the burden onto the firefighter families that survive like the majority of America from paycheck to paycheck. We as Canton firefighters are among the lowest paid firefighters in the state not collecting secondary income from the city like most of you. Mayor you laid off 28 firefighters that you claimed could have worked 43% reduction in hours to keep their jobs. But you could not guarantee the layoffs within the 90 days. If you could work 28 firefighters nearly half the time, then common sense would indicate that all of these lay off's were needed. We all swore an oath to protect the resident's of this city. From where I stand, I've only witnessed this oath being carried out on the streets, through the labor of our city's unions. Thank you. (*APPLAUSE*)

PRESIDENT SCHULMAN: I want to thank all our, I want to thank all our speakers this evening.

MISCELLANEOUS BUSINESS

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

MEMBER CIRELLI: Mr. President, thank you. Question to the Mayor. Mayor as you know, Council does not hire, fire, layoff, only our Council Staff is within our preview. Have we looked at all the finances sir. Is there any money in Capital Improvements that could be used to bring any of the firefighters back in. Is every cent been accounted for and is there any monies anywhere that can help with this situation that's at hand sir?

PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: Mr. Council President and to the Council Member Cirelli. First of all I will clarify that

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Council does approve every labor contract that we have which dictates the rules of manpower and you also approve the hiring and firing of this administration with a few exceptions that we can do without your approval. But with that being said, in reference to the budget, we have been working on this budget if you recall, we had a reduction in our budget at the beginning of last year. We also had a de-certification that came up in August and we have been micro-managing this budget reviewing every line as much as possible and now we're dealing with another reduction that we have to do for January. We are reviewing the available dollars in Capital most of which are pre-designated through prior programs, bonds and so on. Also we did an early retirement, earlier this year. That retirement payment happens for five years so we will be making that payment come again 2010 and beyond and we have very limited dollars which we're reviewing. But yes we're exploring every possibility. We're doing everything we can to address this shortfall and we also in reference to the members of the Fire Department and their families out there, we are willing and ready to continue discussions. The proposal that was addressed that you voted on this past Friday was negotiated between your leaders and the union and the administration. That's the proposal that we all thought was the best opportunity to avoid layoffs, obviously that didn't meet the needs of the union and we're willing to go back to the drawing board and try another alternative but you know right now we just want to let you know we're ready and able to continue.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Mayor, thank you. We do not do the negotiations of the contracts sir you do that. Also have you considered any of your own administration people. You've heard what City Council's willing to do. Are you doing anything on the 8th floor? (*APPLAUSE*)

PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: Thank you and Councilman Cirelli, we have, Councilwoman Cirelli, we have addressed through the Mayor's administration in 2009 we addressed reducing our spending to meet the 2009 budgetary needs. We are now working on the 2010 budgetary needs. In addition to what Council had approved this evening I'd like to commend Council for their actions. I would also like to point out for the public record and our Health Department, Mr. Adams is here today. The Health Department has also taken a concession and submitted that to the Auditor's office and I'd like to thank the Health Department for that. All their members are taking 3 ½% reduction that would effect their pay directly as well as the increase in health care. I would also like to, you know these actions need to be recognized because people are stepping up. We've had the Police Department and the CPPA who took a 5% furlough across the board to avert layoffs and I would like to make sure we recognize them for that. I also would like to recognize the Judges who came in with a 5% reduction of last years spending on their 2010 proposal. The Treasurer's office came up with another \$105,000.00 this week to help reduce their spending from the Income Tax Department. The Auditor's office, Law Department and Mayor's office had already met a significant decreases and I appreciate that, thank you Mr. Auditor, Law Director for that. The administration that you're referring to in my position, we had discussed and agreed to not only the health increase and the furloughs that have been taken but our cabinet will be taking furloughs including myself in addition to the other reductions we've taken and those furloughs will last as long as any employee in the City of Canton is on furlough or laid off. So we're stepping up to the plate to help as well but I point that out to you because people want to know who's doing what. We've got departments all over the city that are stepping up and trying to contribute and we've been continually working on reducing that 4 and a half million dollar deficit and we're a lot closer right now. We're still negotiating with AFSCME but both AFSCME unions and there's several other issues that are on the table that are pending which we can't get into discussions right now. But I want to let you know that everybody is stepping up and feeling the problems of no

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cash flow. Thank you.

PRESIDENT SCHULMAN: Anything else Member Cirelli?

MEMBER CIRELLI: No Mr. President, I appreciate that.

PRESIDENT SCHULMAN: If I might, I just want to follow up on a thread that was brought out by Council Member Cirelli, Mayor. I mean it is clear that this Council does not hire, fire, or lay off. You would agree with that?

MAYOR HEALY: No my comment was that the Council does approve the hiring and firing in most situations that we have.

PRESIDENT SCHULMAN: Alright like you, you implied it seemed to me, I think someone unfairly with all due respect, that Members of this Council can put the 28 firefighters back to work. I think clearly if it was up to us, everyone of those firefighters would be back to work. *(APPLAUSE)*

MAYOR HEALY: Mr. President, I would like to say....

PRESIDENT SCHULMAN: Whoa, whoa wait....

MAYOR HEALY: Mr. President, I would like to say that the administration would like to see that also.

PRESIDENT SCHULMAN: I understand and please folks wait, wait, wait, you know I respect all of you, respect that this is a meeting. I appreciate what you're, how you feel, but if you can just be quiet for a little bit. I just wanted, I just want to be clear though, I don't think it's fair to imply that City Council has the power to really do anything Mayor. You're the one that negotiates the contracts with the approval of Council once they are negotiated and if Council needs changes obviously it's sent back. But I think it's very disingenuous to suggest that these Members of Council have a right to do anything with regard to the layoffs at this point. Would you not agree?

MAYOR HEALY: Mr. President, I think the comment was that Council has nothing to do with hiring and firing and I believe that they do have some input in reference to budgetary restraints, union contracts and so on, and what I'm saying is this is this is a temper of elected officials including Council that we have a process that happens and we're all working within the same constraints.

PRESIDENT SCHULMAN: Alright well then the last point I want to follow up on Member Cirelli is and we have expressed this, and I have expressed it. I would just ask you to justify a Communications Director making about \$70,000.00. *(APPLAUSE)* Please, I'd like to hear that because that's at least, it seems to me one or two firefighters. And I frankly have always been at a lose with all due respect to you, and I understand, and by the way you folks have to understand the enormous, and I think you do, economic pressures this city's under as every city in the country is. But truly if you, would you please just justify why we're paying \$60,000.00 to \$70,000.00 to a Communications Director when we're laying off firefighters and other personnel that are critical to the safety of our community.

MAYOR HEALY: Thank you for asking that. You know the administration done presentation where we actually laid out exactly what each of the cabinet members do. We've invited Council to those meetings. I believe that a number of the Council Members actually got to sit through those presentations that actually came

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to those. We have full presentations of what each member of the cabinet and this staff does. What I can tell you is this, these people are very, very hard working. Very well positioned for what they do and I want to tell you, we have cut the spending from the Mayor's budget by \$150,000.00 in the last two and a half years. In whatever titles I give those people or whatever responsibilities I give them, we have fewer people making less money, doing more work and you're going to criticize those people...

PRESIDENT SCHULMAN: Yea, yes

MAYOR HEALY: I think that's very unfair for you to point those out. Now...

PRESIDENT SCHULMAN: And if I might and then I'm gonna move on, I not trying to get in a debate with you. I asked you specifically about a Communications Director. I'm asking you to justify it in the light of \$4,500,000.00 deficit for the city. Do we need a Safety Director, absolutely. Do we need a Service Director, absolutely. Do we need a Finance Director, probably. But do you need a Communications Director, I don't think so. That's my point (*APPLAUSE*)

MAYOR HEALY: Thank you for your opinion.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes Member West.

MEMBER WEST: Safety Director the question is....

PRESIDENT SCHULMAN: Folks, please.

MEMBER WEST: The statement was brought up that there was, they were asked to take a 40% cut. Could you explain that to me because I'm not clear on that, 40%.

SAFETY DIRECTOR REAM: During the course of the negotiations we had with the fire union, we spoke about many issues. The final proposal that the union leadership and the administration agreed to have them take back to their members affected the work hours and the number of work hours for the 28 firefighters that had received layoff notices. That was a reduction of the 40 some percent that was referred to by President Carcione.

MAYOR HEALY: Mr. President.

PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: Thank you. The issue at hand was in reference to, we had a \$1,100,000.00 anticipated reduction in the fire budget. The fire spending is about a third, almost a third of the spending. We were looking at reducing the Fire Department by roughly a million, the Police by roughly a million, ACFSME by roughly a million and the rest of the city by about one and a half million and that's the breakdown that we had in reference to how to get to this budget reduction. The 1.1 projection for the Fire Department was based on if we laid off 28 Fire Department members at the bottom from seniority which by contract is the only option we have to do unless union negotiates alternatives to us because we're not allowed to open up the contract by making other proposals so that's where that came in. The 28 members, because we have to pay unemployment and Cobra and what have you, you don't realize the full savings dollar for dollar for those members being laid off. You also lose the difference, so that's what we would save. Now when we looked at how much we would save by

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reducing the hours of those members, and by the way we offered to do an across the board furlough with all members from top to bottom to share it equally that number, that proposal was redirected. That was a proposal that was offered by the Police Department and we started with negotiations with that idea. So that was kicked out immediately. So we looked at the number of costs per employee and we said hey if they work 30 hours a week which is half the time, they typically work a 60 hour work week because of the 24 hour shifts and so on. But if we worked them half the time, those same 28 that would have been laid off, and we're willing to give them full time benefits, we would realize a certain dollar savings. The union leaders came back and said but it takes 33 ½ hours a week to be guaranteed full retirement. So we said we don't want to take away retirement credit so if we go up to the 33 ½ number, they would be considered full time employees with full time retirement qualifications for this year and full time benefits and they would then be the first ones called in when members call off, we typically have call off's every day because there's a lot of injuries and issues with firemen, so what happens is there's an opportunity for those members to start out at 33 ½ hours a week and potentially get more depending on the call ins. Then the call backs would be at straight time instead of overtime. Thus giving us an opportunity to realize about 75 or 80% of that total savings. That combined with the clothing allowance gave us very, very close to the same 1.1 that we were looking at. So we found another way to come up with the same million plus reductions. We thought that allowing those firemen who were on the verge of being laid off, having the opportunity to work 30, 33 ½ hours or more, still have full time health care and benefits and the retirement credit, that that was a better alternative than being laid off straight and the question came up was what if those members decided that they'd rather the lay off instead of the ½, the partial hours. And we said that we would allow them to do so. So for those 28 members who were on the layoff list, they would have had the option to either take the voluntary layoff as their positioned right now or it's not voluntary, I understand but take the layoff, or to work the 33 ½ hours and potentially get kicked out more. And then if we had retirements or attrition in any other way those members would immediately be filtered back up. Any savings we realized or additional funding we realized from EMS calls would allow us to get those members working and the goal was to review it every 9, every 3, every 90 days or every 3 months and evaluate how many members if any we can get back on to full time status. That was the proposal that was in front of us. There was a few other variables on that but the idea was that it was better to give those members who were on the verge of being laid off, the opportunity to work at least 33 ½ hours, have health care, and get credit for a full year on their retirement and potentially get back to work sooner than the alternative. And that's what was voted on and I don't know how that was transferred in the meeting with and how they decided they were for it or against it but we felt that that was a good option. Apparently the Fire Department did not feel that was a good option. They voted it down and we're ready to go back and look for a whole nother option of formulas and alternatives to try to come up with that savings to get you guys back to work. Thank you.

PRESIDENT SCHULMAN: Any other questions?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Barton. Ok go ahead Member Cirelli.

MEMBER CIRELLI: I understand the EMS is a, is a revenue driven, I mean we receive monies from those, so there's no other services that I can think of that brings money into the, into their own unit. Why is that money go into the general fund and specifically not into the EMS or the fire stations to keep them afloat, because they're earning that dollars. And now since they're not there, independent ambulances will be making the money and somehow I have a problem with losing money that we possibly could be making money. It just doesn't seem to justify. The ends doesn't justify the means. Can you...

MAYOR HEALY: Mr. President.

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MEMBER CIRELLI: Could you give an answer?

PRESIDENT SCHULMAN: Mayor, sure if you could answer, I'd and I'd like to hear how much money we're losing by virtue of not having a full staff.

MAYOR HEALY: The Fire Department's budget if you look at last years, this years and next years projections, you're in the 15 to \$16,000,000.00 a year for that packet and you can look at each category to see exactly what the number was but it's in the 15 to 16 million range. The revenue that's generated by EMS calls is somewhere in the \$1,800,000.00 range. So it's a very small percentage of what the total cost of operation is. It doesn't cover the cost of operating those EMS, it offsets a big, a portion of the cost and so we know that we potentially could lose and will lose some EMS runs by losing firemen. We don't want to do that. We also know that by having the 28 back in the office, so to speak, allows us to retain those dollars and potentially make more if we're able to position it with some of these discussions. So that's a variable that we have to factor in. It does not cover the total cost, it only covers a portion of it and that's the problem. We can lose some revenue but we don't lose, it's not like we have \$15,000,000.00 worth of revenue that's at risk. It's a small percentage.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: My main question was why isn't that money go back into that department instead of into the general fund sir.

MAYOR HEALY: Actually it does. The Fire Department is paid for out of the general fund. Those dollars go in the general fund which go back into covering portions of the fire cost. Police and Fire both are general fund as the biggest portion of the general fund about 68 to 70% of every dollar we spend out of the general fund goes to Police and Fire. So it's the same pot.

PRESIDENT SCHULMAN: Any other Miscellaneous Business?

MEMBER HORNER: Mr. President.

PRESIDENT SCHULMAN: Yes Member Horner.

MEMBER HORNER: I just have a question for the Mayor if I could. That deal that you said was offered to the firefighters, would that be guaranteed that if the firefighters took that deal they would not, they would not get laid off in the future?

MAYOR HEALY: It's a great question and actually that was discussed and agreed upon in the meeting. It was guaranteed on our end that there would be no further lay offs in the Fire Department as long as our budget did not get decertified. Because, because, hold on, we can only be working on the budget that we know of and I think was it twice in the last 30 years we had decertification so it's not something that happens very often. But we couldn't make a guarantee and then if the Auditor comes back and says oops we're \$2,800,000.00 short like we were last all the sudden we're back to square one. So as long as we're working on this budget, we would guarantee it and I don't control the budget or certification, I only control the negotiation process based on what they tell us we have to spend. So it would be guaranteed off of what is certified by the Auditor.

PRESIDENT SCHULMAN: Any other Miscellaneous Business? Member Barton.

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MEMBER BARTON: Mr. President I, I'm still a little bit confused here and while I just want to make a few statements and then ask a question and I think it kinda goes along with what Member West was saying. First of all, I'm not here to point fingers at anybody. I think we're all in this position together and therefore I think we all have to pull together and work together to resolve the financial crisis that this city is facing. However, what concerns me is that we're looking at a past budget that I think was around 54, \$55,000,000.00 now we're looking at \$49,000,000.00. To me that's about 11%. I don't understand how we can ask the Fire Department to take roughly 43% when other departments are taking 3 ½ or 4%. I think it should be even across the board for every employee, every department. (APPLAUSE)

MAYOR HEALY: I'm very fond of that.

PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: Thank you for bringing that to our attention. The reduction of the 40% or whatever roughly that number was, was for the 28 members that were on the verge of being laid off and now since laid off. That was not a 40% reduction for every member in the Fire Department of the 170 roughly members that are out there. If they wanted to distribute that amongst all their members it may be into the 8, 9, 10% range across the board. That, I'm not saying that's not insignificant but what I am saying is, is when we talked to the union leaders in looking for options, that particular option was not one that they wanted to present to their members. That's what the Police did. They did it across the board. The Fire chose not to. So I understand, I'm just saying that's, that option was not out there. So the 40% reduction was not on all members across the board, it was on those members that were getting laid off and it was an alternative to saying hey instead of layoffs we might be able to do this. Again, that's one idea. We are willing, and again any member in Council whose got recommendations on how to address, we'll be listening to you. We've been talking about this for months. We've been negotiating with the union leaders for months in reference to options, but we are looking for ideas. We have less money to use and we have to find a way to get through this by spending less money.

PRESIDENT SCHULMAN: Any other Miscellaneous Business? Is there any before you meeting to adjourn? I just want to wish all of you a Merry Christmas and a healthy, happy and prosperous New Year and a Happy Hanukkah.

MAYOR HEALY: Mr. President.

PRESIDENT SCHULMAN: Yea. I think maybe you should do that next week. Oh OK. We have one more thing we're going to do so Leader just sit back and enjoy for a moment.

MAYOR HEALY: Mr. President and I don't want to take this lightly as well. I wanted to read a Proclamation that I have here if you would. This is *Whereas*: Councilman Donald Casar began his first term as City Council Person in 1970 serving as Ward 9 Councilman, Council-at-Large, and Majority Leader during his tenure; and *Whereas*: Councilman Casar has served as a member of the Stark County Democrat Executive Committee, a member of the past President of the Jefferson-Jackson Democratic Club and a board member of the Canton Community Improvement Corporation; *Whereas*: Donald Casar has also served as a member of the Westpark Neighborhood Association, member of the Canton Chamber of Commerce Recycling Committee, a member of the Canton City Schools Advisory Committee, a member and past president of the Canton Recreational Board; *Whereas*: Councilman Casar successfully initiated the popular Canton Sidewalk and Curb Replacement Program to assist homeowners with the cost of replacing sidewalks and curbs; and *Whereas*: Councilman Casar has selflessly served as a community leader, honorable public servant and a personal mentor; **THEREFORE BE IT RESOLVED THAT**: I, William J. Healy II, by virtue of the authority vested in me as Mayor of the great city

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of Canton, Ohio do hereby recognize Councilman Donald Casar on the occasion of his retirement for his service to the community and urge all citizens to join me in publicly courting him with the respect and honor and admiration he truly deserves. There's one more thing Don, in reference to the presentation you had last week and of course another issue that you fought so heavily on with the goose, I also have brought you a memento in reference to the goose and that would be the Grey Goose. *(LAUGHTER AND APPLAUSE as the Mayor presents Majority Leader Casar with a bottle of Grey Goose).*

MEMBER CASAR: Thank you Mayor.

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: I move we adjourn.

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded we're adjourned. Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: The meeting is adjourned. Thank you ladies and gentlemen, safe holidays.
(Gavel falls)

ADJOURNMENT TIME: 8:53 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT