

**MINUTES OF THE MEETING DECEMBER 13, 2010**

PRESIDENT SCHULMAN: Good evening ladies and gentleman and welcome to Canton City Council. Before I begin, I want to say to Commissioner Adams, it's nice to have you back, you've been in our thoughts and prayers, you and your family. I know it was a terrible loss and our hearts go out to you. But thank you for being here tonight, we appreciate it. With a quorum present the Chair calls this meeting of Canton City Council to order. Roll call vote please Madame Clerk.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

12 COUNCIL MEMBERS PRESENT: (DAVID DOUGHERTY, TERRY PRATER, MARY CIRELLI, JOSEPH COLE, BILL SMUCKLER, GREG HAWK, THOMAS WEST, JIM GRIFFIN, CHRIS SMITH, PATRICK BARTON, MARK BUTTERWORTH & BRIAN HORNER)

TWELVE COUNCIL MEMBERS PRESENT.

CLERK TIMBERLAKE: All present, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. We were to have our invocation tonight given by Council Member at Large Bill Smuckler, he has decided to turn that task over to somebody that I'd frankly rather hear from.....

MEMBER SMUCKLER: A higher authority.

PRESIDENT SCHULMAN: More than Member Smuckler. Pastor Morgan is going to give us our invocation, Pastor David Morgan. Will you all please stand and remain standing for our Pledge of Allegiance.

*The regular meeting of Canton City Council was held on December 13, 2010 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 Pastor C. David Morgan. The Pledge of Allegiance led by President Schulman.*

PRESIDENT SCHULMAN: Thank you very much Pastor Morgan, as always.

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: We are now under Agenda Corrections and Changes. Members of Council you're going to be asked to suspend Rule 22A to add the 2<sup>nd</sup> Reading Ordinance 7. Ordinance #6 will be retained in Committee. Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to add 2<sup>nd</sup> Readings Ordinance 7.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add the 2<sup>nd</sup> Reading of Ordinance 7 to this evening's agenda. Are there any remarks? Hearing none, Madame clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

**PUBLIC HEARINGS**

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

**OLD BUSINESS**

PRESIDENT SCHULMAN: We are now under Old Business. I've been informed by the Chief of Staff that there is no Old Business to discuss.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: We are now under Public Speaks. We have three speakers signed up this evening. We'll begin with Dan Coen. Dan if you'll step forward and give us your name and your residential address please and welcome again to our meeting.

DAN COEN: Thank you Mr. President. My name is Dan Coen, I live at 3105 Crescentview Drive SW in Massillon, Ohio. This is the third time I've spoken on this matter that relates to the vote two weeks ago and last week regarding the International Property Maintenance Code, specifically for Amendment B. As I've stated, I support the International Property Maintenance Code as it was passed with Council and Amendment A, I also passed with the Trades. But Amendment B, I have a problem with and I'm going to explain why. I believe that the Members of Council who voted for that last week did a disservice to the citizens of the City of Canton. For over a year, landlords, business leaders, the Administration, Council, the Law Department, all negotiated in good faith in putting this together. And at the last minute, two weeks ago, some Councilmen got together, decided to throw an Amendment in without much thought to it, whether it was for personal reasons or political reasons, I don't know. That was a distervi....ah...ah...that was a mistake. We negotiated in good faith, everyone did and those Council Members that brought that up violated the trust that we brought to the table. How can we, citizens and business leaders in this community trust that when we negotiate with the Council that you're going to do and negotiate in good faith with us when at the last minute you come up with an Amendment without any thought? You never gave any thought to the repercussions both legal, because you don't know the way it was written and I'm sure the Law Director didn't like the way that one page Amendment was written because it leaves you open to lawsuits and that's the last thing I want to do or any other citizen or business leader wants to do in this community. But when you raise my rates over 400% for code compliance, and it's 400%, I was wrong when I spoke before, it's not 200%, it's 400% because you increased the fees that we negotiated from \$10.00 a year to \$20.00 a year per property and then you threw in the \$150.00 every five years. I don't know how the business community leaders or individuals can trust the Council when you negotiate like that. I also believe you breached your fiduciary responsibility by passing that without knowing what the consequences are, the financial consequences. No one did their homework, you can't tell me that just because someone called up the Building Department and said "\$150.00 is a good fee to charge" without any justification for that, that you didn't breach your fiduciary responsibility with the citizens. I'm very disappointed in that vote. I hope that the Council Members who voted for that can explain to me, the other landlords that are in the audience here and the citizens of Canton, why you did that and why you think it's justified that a 400% increase on individuals like myself, just because I own rental properties, that that's justified. It was brought up that it's only 8 cents a day. If you charged every citizen in the City of

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Canton 8 cents a day, you'd bring in \$2,000,000.00. That's a little fairer then charging me 4,000. Thank you for your time.

PRESIDENT SCHULMAN: Thank you Mr. Coen, very much. You know, I appreciate your remarks and I'm not going to respond to them because you have an absolute right to make those comments. I do think though, sitting as the Chair of this meeting, I think some of your comments were somewhat unfair and a little bit harsh, more harsh then is necessary. I really believe every Council Member that I serve with has the best interest of the citizens at heart, whether they are for or against a piece of legislation. I can understand your being upset with the increases and the manner in which it might have been accomplished but I think it's somewhat unfair, and I like you, so I'm just saying this publicly, I think it's somewhat unfair to attack the integrity of Members of Council, whether they vote for against a piece of legislation. I know each one of them, they believe in their hearts that what they do serves the citizens of our community. So, with that, our next speaker is David DeChiara. Mr. DeChiara, good evening, if you'll step forward and give us your name and your residential address please.

DAVID DECHIARA: My name is David DeChiara, I live at 233 Bellflower Avenue in Canton. I came here tonight to personally thank City Council for making investment into the City more expensive, difficult and encourage investors to look elsewhere. I cannot see how doing mandatory interior inspections is making any difference. I have been in business ten years in Canton and have not really noticed any marked improvement in the state of the neighborhoods from interior inspections. Yet, I seem to waste time going to meetings each month on how we can fix the neighborhoods which continue to decline. I feel these inspections are a waste of time for landlords like myself whose properties meet or exceed what City Code requires. This time and energy should be put...should be spent on the problem properties which always seem to adjoin mine and remain that way for year after year. I do not need the City to tell me how to care for buildings, I know how to do so. I have built a solid reputation as a responsible landlord in Canton. Regrettably, I put too many cookies in one jar and that cookie is Canton City...or that cookie jar is Canton City. I have one rental property in Perry Township, it is neat, clean, in good repair and occupied. I pay no inspection fees, I have nobody intruding into my tenants home and the tenant is safe, happy and if she has any problems, she calls me for same day repairs if any are needed. I assure you, I have purchased my last property in Canton City. If I can find someone stupid enough to purchase my buildings in Canton, I'd sell them all and start over again in Perry Township. The smoking mirrors game of tenant's safety is just that, if anything....if anything, it is most landlords that are exposed to unsafe conditions dealing with tenants, evictions and the aftermath. They trash the places, do not pay rent, live like pigs, wait until I physically set their stuff out on the curb and then I'm the bad guy threatened, cursed at and called offensive names. The victim in many cases is the landlord with worthless civil lawsuit, judgment and damaged buildings and losses of thousands of dollars. Leave the existing fee structure in place and make the system complaint driven. If a tenant isn't happy with the conditions, they need to educate themselves and pay their rent in escrow to the Courts, call City Code or call the Health Department. It is time we stop making the landlords responsible for holding tenants hands. We are all big boys and girls in Canton City, tenants as full grown adults know right from wrong and should be able to determine their own unfit living conditions. These increased fees cannot be passed onto the tenant either, incase no one has noticed, Canton is a dying City, rent rates are going down. I've lowered many rates to occupy my buildings, several units have been vacant for over ten months. In the ten year history of being a landlord, I have never had units remain vacant this long and it disturbs me as to what the future may hold. Our downtown is beautifully renovated but neighborhoods in nearly all four directions of downtown are basically slums. Increasing fees will only discourage investment into the neighborhoods where it's

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desperately needed. Canton already has a reputation for having strict building codes and yet nearly every single neighborhood is a mess. The current system is not working, making that system more expensive for the landlord is not going to fix anything and only hurt the little guy like me. I urge the Mayor to veto this new legislation, go back to the drawing board and find a better way to fix the problem of our decaying neighborhoods. Thank you.

PRESIDENT SCHULMAN: Thank you very much sir for your comments. Our last speaker is Dave Kirven. Mr. Kirven, good evening, welcome. If you'll give us your name and your residential address please.

DAVE KIRVEN: Dave Kirven, 926 Wise Avenue SE, North Canton. I'm here to talk to you tonight about Ordinance #1, Amending Chapters 1313, 1315 and 1317. I'm here to speak on behalf of the Canton Construction Board just to explain what our intentions are here. The purp...the Canton Construction Board kinda..they pretty much...one of their responsibilities is to oversee the licensing and registration of contractors, make sure the contrac...licensed contractors are doing the work, licensed plumbers, electricians, HVAC. And right now, if somebody would come to us and the Plumbing Inspector, HVAC Inspector comes to us and says "This guy doesn't have a license, he doesn't have a contractor's license and he's not taking permits out." All we can do is say "Okay, you can't do that." What we're asking to do is to be able to levy civil penalties to these people to try to get...push them towards getting their con....their license. And it's not going to be, you know, this is not going to be our first course of action when the people come to us, we've had them come and pour...just recently we had a plumber come in that's working in the William R. Day Building, he didn't have a City license. He came in within two days he proved that he could do the work, he got a license and now he is working in the City. So, we just want qualified license people working in the City and we'd appreciate your consideration in these Amendments.

PRESIDENT SCHULMAN: Thank you very much. That concludes Public Speaks.

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: We're now under Resolutions, Madame Clerk would tell us about Resolution 60.

#60. COUNCIL AS A WHOLE: AMENDING COUNCIL RULE #22. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President, I move we adopt Resolution 60.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution 60. Any remarks? Hearing none by voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #60 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries. Resolution 60 is adopted.

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PRESIDENT SCHULMAN: We're now under Communications. Let the journal show that all Communications have been 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 13, 2010.***

478. AUDITOR MALLONN: CERTIFICATE OF TOTAL AMT FROM ALL SOURCES FOR 2010. - RECEIVED & FILED
479. COMMUNITY DEV DIRECTOR WILLIAMS: ESTABLISH FAIR REUSE VALUE OF REAL PROPERTY & AUTHORIZE DISPOSITION OF SAID PROPERTY (LABORER'S INTERNATL UNION OF N AMERICA - PARCEL #02-20767 ON 2<sup>ND</sup> ST NW). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
480. COMMUNITY DEV DIRECTOR WILLIAMS: ESTABLISH FAIR REUSE VALUE OF REAL PROPERTY & AUTHORIZE DISPOSITION OF SAID PROPERTY (LABORER'S INTERNATL UNION OF N AMERICA - PARCEL #02-14421 ON 2<sup>ND</sup> ST NW). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
481. COMMUNITY DEV DIRECTOR WILLIAMS: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/GOODWILL INDUSTRIES OF GREATER CLEVELAND & EAST CENTRAL OHIO, INC. TO PROVIDE ECONOMIC DEVELOPMENT GRANT IN AMT NOT TO EXCEED \$50,000.00 FOR COMMUNITY CAMPUS PROJ PHASE II, RETROACTIVE FROM 1/1/10 TO 12/31/10. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
482. LIQUOR CONTROL DIVISION (OHIO): TRANSFER OF D5 LIQ PERMIT FOR MJB ENTERTAINMENT LLC DBA SHIELD TAVERN 1<sup>ST</sup> FL & BSMT @ 1153 MCKINLEY AVE SW. - RECEIVED & FILED
483. SERVICE DIRECTOR PRICE: REQ MODIFICATIONS TO CHAP 943.01 AND 943.37 OF OHIO ADMINISTRATIVE CODE TO INCLUDE MINOR SEWER USE REVISIONS TO WATER RECLAMATION FACILITY. - JUDICIARY COMMITTEE
484. SERVICE DIRECTOR PRICE: REQ 2<sup>ND</sup> AMENDMENT TO DRAFT ORDINANCE REGARDING COOPERATIVE AGMT W/J R COLEMAN COMMUNITY RENOVATION CORP FOR IMPLEMENTING MAHONING RD ECONOMIC DEVELOPMENT & STREETScape PROJ; AUTHORIZE SERV DIR TO TRANSFER \$34,085.00 FROM 4506 201001 SERV DIR - OTHER TO 4506 202079 MAHONING RD PROJ - OTHER FOR ADDT'L ENVIRONMENTAL WORK REQUIRED BY ODOT. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE COMMITTEES
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485. \_\_\_ STARK COUNTY BOARD OF ELECTIONS: CERTIFICATE OF RESULT OF ELECTION,

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RENEWAL OF JOINT RECREATIONAL BOARD LEVY. - RECEIVED & FILED

486. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS AS OF 11/30/10. - RECEIVED & FILED

487. TREASURER SCHIRACK: RPT OF BANK RECONCILIATIONS & OUTSTANDING INVESTMENTS AS OF 11/30/10. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: We are now under Ordinances for the First Readings. Let the Journal also show that all Ordinances are being given their reading as required by State Law. Madame Clerk will you please read the First Reading Ordinance by title.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 AND #5 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:***

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING CHAPTERS 1313, 1315 AND 1317 OF TITLE THREE - LICENSING CONTRACTORS, OF PART THIRTEEN - BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON  
Referred to Judiciary Committee
- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY MORAL OBLIGATIONS IN AMOUNTS NOT TO EXCEED \$2,750.00 TO HEPA; \$4,500.00 TO COTTRILL WRECKING; \$2,830.00 AND \$4,710.00 TO CRS GENERAL CONTRACTING AND \$1,400.00 TO ESLICH WRECKING; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance & Community & Economic Development Committees
- #3. (1<sup>ST</sup> RDG) AN ORDINANCE COMMITTING 2011 APPROPRIATIONS FOR MAINTENANCE AGREEMENTS FOR THE CANCOM SYSTEM; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #4. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE IN COOPERATION WITH THE PARKS BOARD AND DIRECTOR OF CANTON CITY PARKS, TO MAKE APPLICATION FOR, EXECUTE GRANT AGREEMENTS AND ACCEPT FUNDS FROM THE NATURE WORKS, LAND AND WATER CONSERVATION FUND, CLEAN OHIO TRAILS FUND AND OTHER POTENTIAL FUNDING SOURCES FOR THE PURPOSE OF REHABILITATION AND SITE IMPROVEMENT PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance & Parks & Recreation Committees

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- #5. (1<sup>ST</sup> RDG) AN ORDINANCE ADOPTING APPROPRIATIONS FOR THE OPERATING AND CAPITAL EXPENDITURES OF THE CITY OF CANTON, OHIO, FOR FISCAL YEAR 2011; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: We are now under Ordinances and Formal Resolutions for their Second Reading, Madame Clerk Ordinance #6 please.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #7 FOR ITS SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (ORDINANCE #6 WAS RETAINED IN COMMITTEE):***

- #6. (2<sup>ND</sup> RDG) ***RETAINED IN COMMITTEE*** A RESOLUTION APPROVING THE RECOMMENDATIONS OF THE FACT-FINDER'S REPORT, DATED DECEMBER 1, 2010, CONCERNING SETTLEMENT OF CONTRACTUAL DISPUTES BETWEEN THE CITY OF CANTON AND THE CPFFA LOCAL 249
- #7. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH AT&T CORPORATION FOR A SIXTY (60) MONTH PERIOD TO PROVIDE PHONE CARRIER SERVICES TO THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT SCHULMAN: We're now under Ordinances and Formal Resolutions for their Third and final Reading and vote. Would you please read Ordinance #8.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #8 THROUGH AND INCLUDING #9 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS :***

- #8. (3<sup>RD</sup> RDG) **ADOPTED ORDINANCE NO. 242/2010** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (\$174,952.78 - NEW HORIZONS PARK FUND)

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 8.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you amend...that you adopt Ordinance #8. Any remarks under this Ordinance? Hearing none, Madame Clerk, roll call vote please.

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NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#8 ADOPTED AS ORDINANCE NO. 242/2010**

PRESIDENT SCHULMAN: Ordinance #8 is adopted. Ordinance #9 please.

#9. (3<sup>RD</sup> RDG) **ADOPTED ORDINANCE NO. 243/2010** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO EXECUTE AGREEMENTS WITH STARK AREA REGIONAL TRANSIT AUTHORITY (SARTA), THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) AND THE FEDERAL TRANSIT ADMINISTRATION (FTA); TO SEEK CONSULTING AND ENGINEERING CONTRACTS AS NEEDED FOR SARTA'S "MAHONING ROAD ROUTE" IMPLEMENTATION IMPROVEMENTS; TO APPLY FOR, ENTER INTO AGREEMENT FOR AND RECEIVE VARIOUS OTHER GRANTS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 9.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 9. Any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#9 ADOPTED AS ORDINANCE NO. 243/2010**

PRESIDENT SCHULMAN: Thank you Madame Clerk, the motion carries, Ordinance #9 is adopted.

**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 good sir. The Finance Committee will meet Monday, December 20<sup>th</sup> at 6:00 PM. Folks, the budget is up for discussion so come prepared with questions. Thank you very much.

MEMBER SMUCKLER: Mr. President.

MEMBER WEST: Mr. President.

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PRESIDENT SCHULMAN: Member Smuckler, sorry I...

MEMBER SMUCKLER: Community Development, same time, same place.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Yes, Judiciary will meet at the same time, same place.

PRESIDENT SCHULMAN: Great, thank you very much. We're now under Mis.....

MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: I'm sorry, oh Member Griffin.

MEMBER GRIFFIN: Parks and Recreation will meet same time, same place.

PRESIDENT SCHULMAN: Thank you very much. Any other ones?

**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: We're now under Miscellaneous Business. Mayor.

MAYOR HEALY: Thank you Mr. President. Pursuant to Rule 43 of the Rules of Procedure of City....ah Canton City Council and the Ohio Revised Code Section 731.27, I hereby veto Ordinance No. 227/2010 in its amended form with my allotted time period of ten days. This veto is a result, not that I am opposed to the overall piece of legislation, I am opposed to the Amendment B for a number of reasons. I will mention a few of them just now and the rest is in the written form that I submitted to you. The financial information in reference to the impact was not...there was no study or document available at the time of the vote. I have provided that we spent the last ten days working on this so that we could submit it to Council for your reconsideration. The IPMC before Amendment B had a positive impact of the budget by over \$300,000.00. The Amendment B nearly wiped that out completely. So, that had a negative impact of over \$300,000.00 and I want to make sure that Council understands the finances of this as they look at it. In addition to finances which obviously in the financial situation we're in, every dollar matters, the language of the Amendment may or may not reflect the actual intent of Council, it is unclear. I brought up that language in some specific cases to a number Member of Council and they were also confused in reference to the intent as opposed to the actual impact. The Amendment was written...as written will potentially increase fees to property owners by as much as 700% if there is an actual transfer of property in there, which you didn't calculate, the member of the audience that spoke. And again, I don't know that, that was considered because it did stack fees as opposed to substitute fees. And there was also questions in reference to the language that was not clear as we were sitting down with the Law Department trying to understand the language in reference to the fees for three units or less or four units or more, it was not clear whether that was separate buildings or multiple buildings or are we talking about a high rise or are we talking about somebody who owns 600 houses across the City and got the discount rate. So, it doesn't...it doesn't specify and quite frankly creates some confusion compared to the other language. And most importantly, this Amendment really didn't go through the normal channels and it creates a lot of confusion both in the language as well as the intent and the way it's written, it's not real clear. So, to combine that with the economic impact, I'm asking Council, and there is a number of other reasons I listed here, I'm asking Council to reconsider this particular piece of legislation, the IPMC that went through

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without the Amendment B does address the legal issues that we have faced with our conflicts in property maintenance with the State of Ohio Code. And I also will say that I understand that the majority of Council and the majority of the Administration understands the need for interior inspections. This reconsideration will allow us to review that and discuss our alternatives as well as the financial impact. This document that I'm submitting and your leaders have it, they can make copies and send it to all the Members, this document will actually give some alternatives that will require some inspections but gives us different reasons and economic impacts for those and I hope that Council would take a look at this and consider these options before moving forward. But I will ask that they move forward on the IPMC, which needs to be done. Again, this is my notice formally and I appreciate your time. Thank you.

PRESIDENT SCHULMAN: Thank you Mayor. And I did give..the Mayor was kind enough to provide me a copy of the letter explaining the rationale for the veto and I've given it to our Clerk and she'll make copies or probably scan it email it...email it to all of you so you can read it. I also since...although the Law Director was way ahead of me, to my recollection as far as my tenure as President of Council, I've never seen a veto. So, I ask...and again, the Law Director is ready to do it anyway, but I'd like to have the Law Director give you some explanation of what happens next with regard to this, what I think we would all agree is a very important piece of legislation. So, Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Members of Council and Administration, as you know we're a Statutory City governed by the Ohio Revised Code. Section 731.27 allows Mayor's vetoes in Cities and it describes how that happens. Your Rule of Procedure here in Canton City Council, Rule 43, pretty much mirrors that Revised Code Section in every important word. And what it says is "The Mayor may veto any Ordinance or Formal Resolution passed by Council within 10 days after the date of passage or adoption....." which is happening, ".....and shall return it with his or her objections to Council or if it's in session at the next regular meeting, which objections shall be entered in the Journal." That's happening. Part B, "When the Mayor vetoes an Ordinance or a Formal Resolution and returns it with his or her objections, Council may after 10 days....after 10 days, Council may reconsider it by a Motion for Reconsideration, which shall require a majority vote of all its Members." So, if Council wishes to reconsider this Ordinance again, seven of you have to move, second and vote to reconsider it. When that Motion for Reconsideration is pending, it would take eight votes, because it says "Upon such reconsideration, if it's approved by a two thirds vote of all of its Members, it shall then take effect as if it were signed by the Mayor." So, again after 10 days, so not at the next Council Meeting, but after 10 days, Council may reconsider this Ordinance by a vote of 7 to reconsider it. In order to override the veto and enact the law again as if it were signed by the Mayor, it would take 8 votes. If that doesn't happen, there is no passed Ordinance. So, if...if there is no override, then it would be my legal suggestion that we get together ASAP and fashion something that is acceptable to Council and the Administration because once again, we will be without the International Property Maintenance Code as our polestar and we won't be enforcing the current Code because much of it is in conflict with the State as Angela Cavanaugh has told us about for several months now and as the Department of Commerce has warned us. I will keep them apprised as I know, I believe, Ms. Cavanaugh may as well. I will give the Department of Commerce a call and let them know what's going on at this...the IPMC largely has become law here twice in various fashions and that if it...I'll keep her apprised, I'll just let her know that whatever happens, I will keep them in touch with whatever happens. Are there any questions about this procedure?

MAYOR HEALY: Mr. President.

PRESIDENT SCHULMAN: Mayor, yes.

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MAYOR HEALY: Thank you. When Council is reconsidering that in the current form, do they have the ability to amend it before they vote again or do they have to vote on it as it's shown?

LAW DIRECTOR MARTUCCIO: It's a question I think I'll have to research before that vote comes. Your rule and the State Law seem to say "Upon reconsideration if it's approved by a two thirds vote, it shall take effect." My practical suggestion would be this, and again I'll research this between now and then, let's say between now and then there are some discussions about what if, what if it's not overridden, what if there aren't 8, 9 or more votes to override it and we end up from square one again. In the interim, I would suggest some, and I would be happy to be part of it if this happens, some conversations could take place now or later about what it would take to pass our version of the International Property Maintenance Code that all of Council could live with at least temporarily so that we're back in the position of having one. In order to speed that process along, to answer your question Mayor, if on the night it's reconsidered, if there is an Amendment at the ready, I will make sure between the Council...between the Council Rules and the Ohio Revised Code that, that could be done if there is an Amendment at the ready. So, say for example you wait two weeks, which you can do, you can't do it next week and on December 27<sup>th</sup> or for example the first Meeting in January, you decide to reconsider the Ordinance that's been vetoed, maybe there can be an Amendment at the ready that can be offered and if so, if it's legally permissible, we could have another Ordinance that soon. If not, then we would have to start again with a Communication, the First Reading, the Committee Meeting on Second Reading and Third Reading and so on to get back into compliance.

MAYOR HEALY: Mr. President.

PRESIDENT SCHULMAN: Yes, Mayor Healy.

MAYOR HEALY: Thank you Mr. President. I'd like to make the offer for members of Council, all Members of Council, any specific or individual or all of you, one at a time or in groups. But as the Mayor, the Safety Director, the Building Department CBO and anybody else that you need access to in order to be able to review any ideas, thought or questions, we can review the financial documents with you, we will be available anytime if you want to schedule group meetings next week since that's the week that nothing can be done, we can actually arrange time to sit down with any or all of you to hash this out. We certainly want to come up with a solution that works for all of us and I just want to let Council know that the Administration is ready, willing and able to...to be of assistance to help us come up with a solution that works for all of us. Thank you.

PRESIDENT SCHULMAN: Thank you Mayor.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Law Director, so currently we are operating on the first IPMC that was passed, is that correct?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Law Director Martuccio.

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LAW DIRECTOR MARTUCCIO: Member West, that's a good assumption but not true. Now that the Ordinance has been vetoed, the first version went down when it got amended and became the second version. That's what was supposed to...when it became reconsidered, there was no longer an original Ordinance. It was the original Ordinance plus Amendment B that was passed last week or whenever...yeah last week. That was what was in existence. It would not become law until 30 days after the Mayor signed it. The Mayor hasn't signed it and in fact, within 10 days he's allowed to consider it, he's returning it. So, we have no Ordinance in effect...no new Ordinance in effect currently. There is no new Ordinance in effect and won't be until such time as this Council either overrides the veto or passes a new version. So, we are left to our Codified Ordinances which are on our books, which in my opinion and the Chief Building Officials opinion, we shouldn't enforce most of because it is in conflict with State law.

MEMBER WEST: So, my understanding is, let's say that we don't do the reconsideration, is it possible that we can just throw out the IPMC and wait for the Amendments and work on the Amendments later, is that something we could do?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Member West, I think again, and I'll have...vetoes are so rare I don't remember the last one, honestly. If it's permissible upon the reconsideration, say 7 of you decide in 2 or 3 weeks that you want to reconsider this, then it's reconsidered. Again, it would take 8 to override the veto. If the necessary 8 votes aren't there but there are 8 or 9 or more votes to Amend it, if it's possible and there's Amendment in hand, I think we may be able to have a new Ordinance that night, 2 or 3 weeks from now, whenever you want to reconsider it again as a Council. Should that all break down, should there not be an acceptable solution, then again we have to start from scratch, the Communication, the First Reading, Second Reading, Committee Meeting, Third Reading.

PRESIDENT SCHULMAN: Well the question I...if I might ask the Law Director, the question I have is if it...if this Council reconsiders it's reconsidering the original with the Amendment, it's reconsidering the entire Ordinance that was passed last week. So, unless 8 votes are obtained to override the Mayor's veto, you're going to have to start from scratch.

MEMBER DOUGHERTY: No, Mr. President...Mr. President.

PRESIDENT SCHULMAN: Unless...well go ahead, sorry, Leader Dougherty.

MEMBER DOUGHERTY: Well he's saying he has to look into it, we could come down with an Amendment that would erase Amendment B and just keep Amendment A with the Ordinance and then move on with that vote. Am I correct?

MEMBER WEST: But that would go through Communication.

PRESIDENT SCHULMAN: Law Director.

LAW DIRECTOR MARTUCCIO: Mr. President, Mr. Majority Leader, I believe you are. My first inclination

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is to say you are. However, if I find some case law that says you got to start from scratch if you can't override it, then I will let you all know.

PRESIDENT SCHULMAN: Okay. Any other remarks? We're on Miscellaneous Business, any other Miscellaneous Business?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. A question to the Administrator and I don't know who would handle it, that would be the Service Director, I have had some people contact me on first of all if they have a commercial building and it may have a kitchen in it, they are automatically getting billed pretty high stipend per month for having a garbage disposal in their kitchen and they don't even have a garbage disposal. So, are we now looking at, oh I see Mr. West is shaking his head so he must have heard about that also, so, are we now implementing some things that maybe are on the books and we have not done so and are we contacting and finding out if they do have a disposal so that we don't charge people and then have to, you know, retract the whole thing?

PRESIDENT SCHULMAN: Director, some nytherious secret scheme the City is putting into place?

SERVICE DIRECTOR PRICE: Mr. President, thank you. Yes, this is the...you've caught me, it's the garbage disposal conspiracy...(Laughter)

MEMBER WEST: It is.

SERVICE DIRECTOR PRICE: We need money really...(Laughter) You know what Mary, honestly, I don't...I don't know, I don't know if it's the Building Department or Health Department would be....

*INAUDIBLE FROM THE AUDIENCE*

SERVICE DIRECTOR PRICE: ....it's Building? Okay, can you address it Angela or do you want us get back to her? With permission from the President, may the Chief Building Official address?

PRESIDENT SCHULMAN: Sure that's fine Director. Good evening. Just for the record, so we have it, your name and your position please.

ANGELA CAVANAUGH: My name is Angela Cavanaugh and I'm the Building Official.

*INAUDIBLE*

ANGELA CAVANAUGH: Okay, Angela Cavanaugh and I'm the Building Official....

PRESIDENT SCHULMAN: There ya go. Thank you.

ANGELA CAVANAUGH: ....for the City of Canton. Yes, the Water Department has requested that we use

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our inspectors to go into every establishment that serves food and check to see whether they have a garbage disposal. One of our Building Inspectors, well actually two of our Building Inspectors completed this task, gave the information to the Water Department so they can assess those people as the Ordinance states.

MEMBER CIRELLI: So, Mr. President....

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: ...and Ms. Cavanaugh, if they do not have a garbage disposal, they're not having to pay the fee?

ANGELA CAVANAUGH: That is correct.

MEMBER CIRELLI: Because... Mr. President.

PRESIDENT SCHULMAN: Yeah, sure.

MEMBER CIRELLI: One of the constituents had told me that he was charged and he did not have a garbage disposal and their addressing that I guess. So, and I saw Mr. West shake...shake his head and nod about the same thing I guess I was talking about. So, maybe he knows of some other situations that are having the same, you know, problem.

ANGELA CAVANAUGH: Oh, I'm certainly sure that of the over 400 that we inspected, that maybe they were charged incorrectly. So, they need to get back with the Water/Sewer Department for that correction....

MEMBER CIRELLI: Mr. President.

ANGELA CAVANAUGH: ...We just did the inspections out of the Building Department.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Thank you. And Ms. Cavanaugh, then am I hearing you say that we have not done this in the past and now that we have just decided since they have contacted you to inspect and then charge now for them having a garbage disposal. And can you tell us what the fee is please?

ANGELA CAVANAUGH: I do not know what the fee is.

MEMBER CIRELLI: Oh, then Mr. President and Ms. Cavanaugh, am I correct that this is just something new that the Health Department has contacted your department and asked you...

ANGELA CAVANAUGH: No the Water Department.

MEMBER CIRELLI: ...to pursue? Or the Water Department, excuse me....

ANGELA CAVANAUGH: Yes...

MEMBER CIRELLI: ...has just done this recently?

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ANGELA CAVANAUGH: That is correct. Yes.

MEMBER CIRELLI: Okay thank you.

PRESIDENT SCHULMAN: Thank you

MEMBER CIRELLI: And she probably can't answer this other one because, another one is, I've had some constituents that say they always pay their water bill when it's due but however I guess sometimes now their getting a \$3.00 fee if it's late, which they've never received before even though the bill had been late. So, is that something new we're doing also?

PRESIDENT SCHULMAN: Ms. Cavanaugh I think you're...

ANGELA CAVANAUGH: I can't speak to that.

PRESIDENT SCHULMAN: No, I know you can't, I think we're done listening to you. Thank you very much.

MEMBER WEST: Mr. President. I will...I will shed a little bit of light on that. I will say that when we started the restaurant, we were also being billed a charge and I didn't know what the charge was and I called about it and it was because we had a garbage disposal, which I thought was pretty helpful not hurtful. But we were getting charged and wasn't notified of that. But the garbage disposal was taken out and then they stopped charging us.

MEMBER CIRELLI: Mr. President. Could Mr.....

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Could Mr. West maybe apprise us of what the monthly fee was?

MEMBER WEST: It was so long ago but I know it was pretty steep.

MEMBER CIRELLI: Okay, thank you sir.

MEMBER WEST: I did want to say one other thing.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: This past week I noticed on 12<sup>th</sup> Street and O'Jays Parkway there was just tons of State Troopers, I mean is there some kind of special opt or something that was going on?

PRESIDENT SCHULMAN: I think it was because we had our party at the Desert Inn. *(Laughter)*

MEMBER WEST: Is that what it was? *(Laughter)* I should have known better.

SAFETY DIRECTOR REAM: I think they went east instead of west.

MEMBER WEST: But I was...I was, although, I'm, you know, again I was glad to see that they were out but I

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was also concerned of, you know, some of the restaurant establishments on 12<sup>th</sup> Street that, you know, rely on some of those sales. And people were...I just heard that all throughout the...the weekend of people being, you know, afraid to come out because of that.

SAFETY DIRECTOR REAM: Mr. President.

PRESIDENT SCHULMAN: Director.

SAFETY DIRECTOR REAM: I also saw the enforcement activity, what I do know is that 12<sup>th</sup> and Market has been identified as the number one leading accident intersection in the County. The State Highway Patrol has the right and authority to do enforcement on any State Routes, that would include Market Avenue and 12<sup>th</sup> Street that are both marked as State Routes. So, if they decide to come in and enforce on those right of ways, they have the legal authority to do that.

PRESIDENT SCHULMAN: Thank you Director Ream. Any other Miscellaneous Business? Member Smith.

MEMBER SMITH: Yes, Mr. President, I just wanted to let everybody know and keep Ms. Brogdon in prayer, she's been in the hospital for the past seven days. She had some minor surgery but after the holidays she's going to have to have some major surgery.

PRESIDENT SCHULMAN: Okay, thank you very much and we'll obviously do that.

MEMBER BUTTERWORTH: Mr. President.

PRESIDENT SCHULMAN: Member Butterworth.

MEMBER BUTTERWORTH: Yes, for the Chief of Staff, for Communication 477, which I think we...it will be its First Reading next week, for those....hopefully this Honorable Body has looked at it or at least flipped through it. Page 2 has been very helpful, it's a summary, I know that there is a large looming deficit coming around the corner and how we address that and look at it will be very important. I know starting next week, I think we start at 6 if I heard correctly.

PRESIDENT SCHULMAN: Right.

MEMBER BUTTERWORTH: There's probably going to be major discussions about this and I know it's going to be a big issue for us of how we address the budget for next year and for what we start with. I know it's a moving target and I just appreciate the information and it's a basis for us to have discussions.

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT SCHULMAN: Director Price.

SERVICE DIRECTOR PRICE: Thank you Member Butterworth. The..yeah, I would encourage Council Members to do the same thing, you're welcome to thoroughly review that. We will be...we certainly want to work with Council on this moving target. I will be scheduling budget hearings with the Department Heads that affect particularly the General Fund. I will be letting Mr. Hawk know and you're all welcome to participate or attend. I'll send notice to Cindy so that you know when those are happening, you know, we

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encourage your involvement in that. Mary I don't want to... Mr. President, going back to Member Cirelli's questions. On the garbage disposal thing Mary, let me, since it's obviously the Water Department, apparently the Building Department was asked by Water to do these inspections, I'll get you something in writing from the Superintendent to explain how that works so that you know that. And then the \$3.00 late fee, we...I did impose...this was early this year, probably or maybe with the last rate increase, I did impose a late fee. We weren't charging any late fee. Was your concern that people were being charged the fee and they weren't late?

MEMBER CIRELLI: Uh...

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: (*Inaudible*)...people said they did say they were a few days late, I guess they budget when they...and they figure when their bill was going to come and I guess this was the first time they were ever charged a fee. And even though in the past apparently they have been late but they were never charged that fee. So, this was something totally new to them so that's they called about it.

SERVICE DIRECTOR PRICE: Okay, it is new this year, I don't remember exactly when I ordered it to take affect but we are charging that nominal fee when their late.

MEMBER CIRELLI: Thank you. Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Thank you, one more thing and everybody here knows I've been sending them all kinds of information on this Hydrofracking issue and a couple of Councilman asked me which meeting they should attend tomorrow night. There is a Plain Township meeting, that's their regular Township Meeting that they will be having and that is probably one of the things on their Agenda so they will be discussing that. The other meeting that was going to be held by the...Kurt Schuring has been cancelled and there will be meetings forthcoming in the first part of January so that both sides and all sides can hear the positives and the negatives about this issue. And Mr. Chairman, I want to thank you very... Mr. President, I want to thank you very much for having constructed the Water Commission Meeting because it's very important that we protect our water and I'll be looking forward to having our first meeting on Thursday. Thank you.

PRESIDENT SCHULMAN: Just to give every Member of Council a heads up, we're having our first introductory Water Commission Meeting Thursday at our offices and the two goals, you'll be happy to know are number one, protecting our water supply, that goes without saying because it's, in my opinion, one of the most important asset we have as a City. And secondly, how we can leverage our water supply creating jobs, economic development. We'll have that report for you no later than March 30<sup>th</sup>. Leader.

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

MEMBER PRATER: Seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk, Meeting is adjourned. Please everyone drive carefully, have a good week. (*Gavel falls*)

ADJOURNMENT TIME: 8:22 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

ALLEN SCHULMAN  
PRESIDENT