

MINUTES OF THE MEETING JANUARY 31, 2011

PRESIDENT SCHULMAN: Good evening ladies and gentleman and welcome to Canton City Council. You know, I was trying to think of what I wanted to say tonight about a friend that we lost today before we begin our formal meeting. And I guess the point of it is, I have the privilege of sitting up here usually, Member Cirelli, on Monday night, (*Laughter*) and I see people come up that we commend, for example tonight we're commending a person that lives in one of our neighborhoods, it's Member Hawk's Ward and we're going to honor this person for his hard work and dedication to our community. And then there are times that you know we have to talk about those in our community who have died and that's always a very sad thing. But, I guess the reason that I was struck by this is that this is a family, it is a community, that's why we're here serving it, that's why you're here tonight and that's why we live in communities. Because we have the great and the sad, the happy and the tragic. And so tonight, I'd like to take a moment for a silent recognition of our good friend Dick Deitrick, who passed away last night of a heart attack, which if Dick was here, he would say "That's terrific, I'm glad I went that way, I didn't have to suffer." But Dick was a character but a really fun character, smart, he had worked on the railroad most of his life. But really, I think we all would recognize that Dick was formed probably as many of our generation was by the Vietnam War where he served proudly as a Marine. And one of his passions in his life, one of his great passions was being dedicated to veterans and honoring them, recognizing them, helping them. So, we've lost a terrific person in our community. And I'm sorry that we're here tonight saying that. I'd rather have him in the audience. In any case, let's spend a couple moments here to remember Dick and this community.

(MOMENT OF SILENCE)

PRESIDENT SCHULMAN: Thank you, God Bless you Dick. With a quorum being present the Chair calls this meeting of Canton City Council to order. Roll call vote please Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

12 COUNCIL MEMBERS PRESENT: (DAVID DOUGHERTY, TERRY PRATER, MARY CIRELLI, JOE 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'll have our invocation given tonight by Council Member Mark Butterworth. If you will all please remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on January 31, 2011 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 8 Council Member Mark Butterworth. The Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you Mark. I forgot my glasses tonight, I mean I have glasses but...I don't I can't stand wearing bifocals, so I can't see anything. No, so I'm going to have a lot of problems reading tonight. But we are 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 14. Leader.

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MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to add 2nd Reading Ordinance #14.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add the 2nd Reading of Ordinance 14. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: The motion carries and Rule 22A is suspended and the 2nd Reading Ordinance is a legal part of your Agenda.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We're now under Public Hearings. And we do have a Public Hearing this evening. If figures that we would have a public hearing and I can't see. We have a Public Hearing and it is scheduled for 7:30 PM and It's 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; THE PLANNING COMMISSION HAS RECOMMENDED APPROVAL OF THE SAME; AT 2600 25th ST NE (FORMER NORTHEAST COMMUNITY CENTER) FOR HOF REAL ESTATE FROM CS (COMMUNITY SERVICE) TO PB-4 (PLANNED SPECIAL BUSINESS DISTRICT) IN WARD 6. Is there anyone in the audience wishing to speak for or against this zone change, will you please step forward. And I have to repeat...yes sir. Please, if you'll step forward and give us your name and your residential address and welcome.

MARK CURRY: Mark Curry, I reside at 15768 Garfield Road in Salem, Ohio.

PRESIDENT SCHULMAN: Good evening. Could you speak up just a little bit so we can hear what...thank you very much.

MARK CURRY: Yeah, I just ah...I'm one of the owners of HOF Real Estate and I'd just like to tell you a little bit about the project. We're looking to bring the building back to the community. We want to serve some of the same things that the Northeast Community Center did. We want to offer the pool still for the kids to swim in. Some of the different things we want to offer is, during the weekend we want to have a family entertainment center which will offer a rock climbing wall and some inflatables, just a family fun center type place. So, I look forward to being able to do this and thank you for the opportunity.

PRESIDENT SCHULMAN: Great thank you. Is there anyone else wishing to speak for or against this zone change would you please step forward. Seeing no one rise to step forward the Chair declares the public hearing over in regard to this matter. The matter now rests in the hands of Council. The Ordinance will follow right now because we're going to go to that Ordinance so we can dispose of it early on. Leader.

#15. (3RD RDG) **ADOPTED AS ORDINANCE NO. 15/2011** 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

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 15. Are there any remarks under this Ordinance? Hearing none, Madame Clerk, I know we're out of schedule but roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#15 ADOPTED AS ORDINANCE NO. 15/2011

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries and Ordinance 15 is adopted. And good luck to you sir. I wish you the very best. Thank you.

OLD BUSINESS

PRESIDENT SCHULMAN: We're now under Old Business, Chief do you...Director?

CHIEF OF STAFF PRICE: Yes, thank you Mr. President. A meeting or two ago I had shared with Council an update on our salt situation in the Street Department and our handling of the snow events we've been through so far this year. So, I wanted to take the opportunity to address the upcoming weather event that we have and that we anticipate rolling in just about after probably 1 AM this morning. The last forecast we received based on a conference call with ODOT, who has an on staff Meteorologist who was able to talk about our specific area. We are forecasted to receive approximately 2 to 4 inches of snow overnight prior to our morning rush hour and that's going to subside for awhile and then wind speeds are going to increase to about 20 to 30 mph sustained with gusting up to 40 mph. At that same time we're going to be experiencing freezing rain and sleet. The forecast indicates we could have up to 1/2 inch up to 3/4 of an inch of ice accumulation. Our communications with AEP today have indicated that due to that and combined with the winds that we have a high likelihood of some power outages in the area. After that comes in, there will be a second wave and their anticipating approximately 3 to 5 inches of additional snow accumulation starting tomorrow afternoon, evening, continuing into Wednesday. The National Weather Service upgraded their watch for our area to a warning late this afternoon. In preparation for this event, we will be bringing in the day shift for the Street Department at 3 AM and in addition we've mobilized personnel from the Collection Systems Department and Parks Department, that means that basically all of our 3 tandems, our 16 single axle 5 tons, our 13 pickups, our 1 tons, we have I think 8 of those and we have perhaps 6 to 8 additional units available through the Parks Department. We will have mobilized all of those units in addition, we met with the Department Heads today and have tried to identify additional CDL operators who maybe available to help us if this event continues on or to help fatigue with the shifts that we've been bringing in at 3 in the morning because they're going to be certainly working at least 12 hours and then afternoon will be brought in so we'll be fully staffed in all 13 of our snow districts. And just to share this with City Council and the public, we also took the extra precaution, although the forecast does not have us experiencing the blizzard like conditions that are going to be just north of us, that band of weather, according to ODOT and AEP's mapping that they sent to us, is about 2 1/2 hours drive time to the northeast of us. So, if that would swing to the south, we took the

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additional steps of also preparing an emergency operation center in the event that we would number 1 have extended power outages and so we identified all of our facilities with back up generation. The first backup facility for our Service Center operations is City Hall because we do have backup generation that will maintain heat in the building and some lighting. We also feel that we can use the area under the parking deck on 3rd Street as a staging area and shelter for vehicles if we have some sort of major event. The backup location at this point would be the Northwest Water Treatment Plant, which also has a backup generator. Your welcome to call me, I think most of you have my cell number. As this event unfolds if you have any concerns in your Ward, we will have all of our personnel and services and equipment that we have available out there dealing with this situation. The...the...we'll see how it goes tomorrow but the worst of it is going to be Wednesday morning as indicated during the Caucus session. We'll be making some calls in terms of cancellations and closures of City facilities when we have more of a handle on how this thing is going to actually play out. Thank you.

MEMBER WEST: Excuse me Dick Goddard (*Laughter*) Dick Goddard over there. (*Laughter*) No, is there a number that community can call if they're having issues direct to Administration?

CHIEF OF STAFF PRICE: Yeah, that would be Councilman Tom West. (*Laughter*) The Mayor made me say it Councilman, I didn't want to do that. No, um...

MEMBER WEST: I would not be able speak it the same way you did, I'll tell you that.

CHIEF OF STAFF PRICE: While I don't have it offhand, the Street Department will be staffed 24 hours and so the Street Department's phone number listed in the telephone book or on the City's website would be the appropriate number, in fact I'll look it up and we'll give it out under Miscellaneous Business.

MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Griffin.

MEMBER GRIFFIN: It's 489-3030.

CHIEF OF STAFF PRICE: 489-3030. Citizens can al...certainly though citizens are encouraged if they have an emergency to call 9-1-1.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: (*inaudible*) calls today on the Robo...whatever it is from the Red Cross, so they're preparing incase there's a disaster, you know that we need, so that they'll be on call. I just wanted to tell that to the Administration. Because I'm on their team. So that they called all the people on cell phones and our emails and what have you, to tell us (*inaudible*)....incase the people in the community need help, just to give them that reassurance there. Appreciate that sir.

PRESIDENT SCHULMAN: Director.

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CHIEF OF STAFF PRICE: Thank you and Red Cross and their contacts are part of our disaster preparedness plan and in terms of shelter, we've identified several facilities, starting with the Civic Center then moving to the Southeast Community Center that could act as a facility for people if they don't have heat. Thank you.

PRESIDENT SCHULMAN: Any other remarks? Any questions for the Director? Thanks Director, good job.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We're now under Public Speaks. We do have four speakers signed up this evening. Our first speaker is Mr. Kevin Fisher. Kevin, if you'll step forward and just for the record give us your name and your residential address please.

KEVIN FISHER: Good evening, it's Kevin Fisher, 1641 Alden Ave SW. I just....and this is to kind of follow up on the remarks you had about the passing of Dick Deitrick. I learned this morning from Member Horner about Dick's passing and you know, a lot of people, you know, I think just about everybody knew that Dick and I were actually looking forward to running against each other this fall. You know, we were both crazy enough to want the... the seat that Member Prater is so happily running away from. Especially with a snow storm on the way. But uh....yeah, I think there is a lot of times the impression that when your running against somebody that you don't like each other, you know, that your heated rivals but yeah, that certainly was not the case with Mr. Dietrick and myself. Over the...coming to these Council Meetings over the years we became pretty good friends and I think it was a lot of mutual admiration and respect there. He was certainly a colorful figure and as much as he loved Public Speaks and often making people uncomfortable during Public Speaks, I thought, you know, a good way to remember Dick would be during Public Speaks. And, you know, I know that I was looking forward to having some fun this fall throwing a few jabs back and forth with Dick and we were giving each other a hard time over it but the truth is, he was very committed, not only to veterans but to his neighborhood, to his community, to the City and you're always better off having those kind of people in your community. And whenever you loose one because they're so few and far between, people that become active, care about their neighborhood and their community. Ward 5 in the southwest side of town in the City of Canton will really miss having Dick Deitrick down there and I'll miss seeing him here at these meetings. That's all I had. Thank you.

PRESIDENT SCHULMAN: Thanks Kevin, very much. Our next speaker is Pastor Morgan. Good evening Pastor, if you'll come up and just for the record, your name and your residential address please.

C. DAVID MORGAN: You keep saying for the record, I have no record that I'm aware of and I hate to admit it in front of a lawyer but my name is C. David Morgan, I live at 922 27th St NE in the City. Thank you Mr. President, I'm here tonight to offer some thanks because occasionally we need to thank one another for the hard work that we do. In particular I'd like to say that over the past eight months or so, I've had the privilege of working with Councilman Smuckler who chairs the Community and Economic Development Committee, Councilman Hawk who chairs the Finance Committee and Robert Torres from the Healy Administration who does development work in trying to secure some jobs that would provide about \$25,000.00 worth of income tax per year to the City of Canton. This particular effort was not successful but the efforts to secure those jobs for the City are not finished, we're still working on it. But over these months, I have found the need to say publically that these three people were always available for phone calls and discussions, for meetings and for calls to the realtors and the folks who are making the decisions to do the best for the City of Canton to secure those jobs because they obviously care and are devoted to this City. And I thank them publically for that and I think I need to remind us

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all as citizens that when we work together, no matter who we are, citizens, Council People, Administration, we can get things done and we can do things for the good of the whole of the City. Mr. Torres and Mr. Smuckler and Mr. Hawk have been far and away more strident advocates for this City then even we could have expected. They have done well and on behalf of those of us who have had the privilege of working with them and look forward to working them...with them further on these issues, we give you thanks. I also would caution the City that there are those abroad who will at the last minute come in and sell out the City for a little more money and a little less permanence. And they often times are in the industry that does fracking. In this particular case, we understand that the space that was negotiated to the point of signing a lease is going to be leased to one of those companies, short term, who I believe will come in, sign leases and then leave town. They will bring nothing to the City, save a short term boost in revenue. I really feel like in spite of the best efforts of Mr. Torres and Mr. Hawk and Mr. Smuckler and those of us who have worked on this, we got fracked. *(Laughter)* Thank you very much.

PRESIDENT SCHULMAN: Thank you Pastor. Our next speaker is....I think Mark Curry's name is on here but....

CLERK TIMBERLAKE: He spoke.

PRESIDENT SCHULMAN: He did speak, that's what I thought, okay, at least I remembered what happened ten minutes ago which is a miracle. Our last speaker is Rick Boron. Rick, good evening, if you'll step forward and give us your name and your residential address please sir. And I hope I pronounced your name right. Welcome, good to see you.

RICK BORON: Richard Boron, 1918 E. Main Street, Louisville, Ohio 44641.

PRESIDENT SCHULMAN: Sure, go ahead sir.

RICK BORON: And there's one thing I would like to be cleared up on. I think people on Social Security, SSI and SSDI are considered low income people and at one time there was...I pay for a placard for handicapped parking. At one time there was free handicapped parking and now there's handicapped parking meters. I'd just like to be briefed up on that.

PRESIDENT SCHULMAN: Ordinarily we wait until the end of the meeting but I'm going to change things around a little bit. Do you want to...the Law Director can respond to you sir.

LAW DIRECTOR MARTUCCIO: Sir, you're correct. For a long time this City and some others were in the habit of offering some spaces to the people who have handicapped placards for free. There is no legal requirement to do that. It is not a Federal law and I know that because a year or so ago, a local Reverend who had a placard came to the office and we did some research together then and there on the computer. And there are no Federal, State or Local laws that require that that kind of parking be made free, only that it be made available in easily accessible places for folks who have a hard time getting from one spot to another. So again, there are requirements, in some cases there are formulas for a ratio of spaces to a building, curbs for example, but there is no Federal, State or Local requirement that those spaces be provided for free. So that's why there are meters at those spaces I believe.

RICK BORON: Okay, thank you.

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PRESIDENT SCHULMAN: Thank you Mr. Boron, I hope that helped. It probably didn't but nevertheless that's...that's the way the law is sometimes. Thank you sir and thank you all for addressing us, we appreciate it.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We are now under Informal Resolutions and as I said earlier it ah...you take the happy with the sad and the good with the bad. But tonight we're going to honor somebody and I'm very pleased that we're going to do that. Leader.

MEMBER DOUGHERTY: Doesn't she have to read it.

PRESIDENT SCHULMAN: You want to read it? Sure.

#4. COUNCIL-AS-A-WHOLE: COMMENDING JIM WOOFER FOR HIS HARD WORK AND DEDICATION TO THE CITIZENS OF OUR COMMUNITY - ADOPTED

MEMBER DOUGHERTY: Mr. President, I move we adopt Resolution 4.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution #4. Any remarks under this Resolution? Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #4 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The Resolution carries. Member Hawk, I'll give you the honor. Tara, you want to come up and...Debbie you can come up to if you'd like.

MEMBER DOUGHERTY: Member Hawk, would you like that read?

MEMBER HAWK: Please.

CLERK TIMBERLAKE: **WHEREAS**, Jim Woofter is the President of the Westpark Neighborhood Association; and **WHEREAS**, Jim and his family have been residents of the Westpark neighborhood since 1977; and **WHEREAS**, Mr. Woofter has focused on many projects within the Westpark neighborhood, including the restoration of the ornamental street lighting. Jim has worked diligently to promote the safety and merits of the Westpark neighborhood; and **WHEREAS**, Jim is very passionate and committed to the Westpark Neighborhood Association and its residents; and **WHEREAS**, It is imperative that Jim Woofter receives acknowledgment for his undying commitment to the City of Canton and the Westpark Neighborhood Association. **NOW THEREFORE BE IT RESOLVED**: that we, the Members of Canton City Council, do hereby go on public record supporting and commending **JIM WOOFER** for his hard work and dedication for the safety of the citizens of our community.

MEMBER HAWK: Jim is very dedicated to the community. This Resolution was a result of somebody that went over and above. There was an alarm going off in his neighborhood and he made sure that house was safe and secure. (*inaudible*).... Thank you, thank you so much.

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(APPLAUSE)

PRESIDENT SCHULMAN: I told Jim earlier that it's a special recognition because the alarm that was sounding was at my niece's home and she just can't talk more about Jim and all he does for his community and we really are thankful that you're out there doing the good that you're doing. Thank you and to your family also and thanks for coming down. By the way, you do not have to stay during the whole meeting. So, if you feel like leaving, you're more than welcome.

COMMUNICATIONS

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

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED JANUARY 31, 2011.

39. SAFETY DIRECTOR REAM: AUTHORIZE AUDITOR TO PAY MOTOROLA SOLUTIONS INC. \$171,403.78 AND B&C COMMUNICATIONS INC. \$46,223.10 FOR THE CITY'S SHARE OF THE MAINTENANCE FOR DISPATCH CENTER EQUIP AND PORTABLE RADIOS. - FINANCE COMMITTEE
40. SAFETY DIRECTOR REAM: AMEND EXHIBIT A TO O#40/2000, CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL (CADET FIREFIGHTER/PARAMEDIC AND PROBATIONARY POLICE OFFICERS). - PERSONNEL & JUDICIARY COMMITTEES
41. SERVICE DIRECTOR PRICE: AUTHORIZE SERV DIR TO ENTER INTO A PROF SVCS CONTRACT WITH QBE INSURANCE CORP THROUGH AULTCARE CORP TO PROVIDE STOP-LOSS COVERAGE EFFECTIVE 2/1/11 - 1/31/12. - FINANCE COMMITTEE
42. SERVICE DIRECTOR PRICE: AUTHORIZE DONATION OF 1995 INDUCTIVELY COUPLED PLASMA-OPTICAL EMISSION SPECTROMETER (ICP) TO CITY OF ASHTABULA WASTEWATER FACILITY. - FINANCE COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: We're now under Ordinances and Formal Resolutions for the First Reading. Let the Journal show that all Ordinances are being given their reading as required by State Law. Madame Clerk would you please read the First Reading Ordinances by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #13 FOR THEIR FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE VACATING A PORTION OF 19TH STREET NW; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee

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- #2. (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #02-00706, PAUL SLENTZ ON KENNET CT NW)
Referred to Community & Economic Development Committee
- #3. (1ST RDG) **ADOPTED AS ORDINANCE NO. 16/2011** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY (EDWARD "PEEL" COLEMAN COMMUNITY CENTER)
Referred to Community & Economic Development and Public Property Capital Improvement Committees
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- #4. (1ST RDG) AN ORDINANCE SUSPENDING ALL TRAVEL UNLESS RELATED TO GRANTS, MANDATORY CERTIFICATION, LICENSING OR TRAINING, OR LEGAL PROCEEDINGS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #5. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (\$168,500.00/\$198,080.00 - HEALTH DEPT)
Referred to Finance Committee
- #6. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ACCEPT THE VOLUNTARY LABOR AND DONATIONS PROVIDED BY KENT STATE UNIVERSITY'S FACULTY, STUDENTS AND PRIVATE DONORS FOR RENOVATIONS AT THE EDWARD "PEEL" COLEMAN COMMUNITY CENTER; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #7. (1ST RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (POLICE DEPT)
Referred to Personnel Committee
- #8. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A PROJECT SAFE NEIGHBORHOOD GRANT IN AN AMOUNT NOT TO EXCEED \$10,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

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- #9. (1ST RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 17/2011** AN ORDINANCE APPROVING A TWO-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANTON AND CPFFA LOCAL 249; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Personnel Committee
- #10. (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AMOUNT NOT TO EXCEED \$212,100.00 TO PREMIER TRUCK SALES; AMENDING APPROPRIATION ORDINANCE NO. 245/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee
- #11. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE/LEASE AND/OR UPGRADE OF VARIOUS NEW AND/OR USED VEHICLES; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ALTERNATIVELY PURCHASE/LEASE SAID VEHICLES PURSUANT TO THE STATE COOPERATIVE PURCHASING AGREEMENT; AMENDING APPROPRIATION ORDINANCE NO. 245/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (\$700,000.00)
Referred to Public Property Capital Improvement Committee
- #12. (1ST RDG) AN ORDINANCE AMENDING CHAPTER 1311, HOME IMPROVEMENT, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
Referred to Judiciary Committee
- #13. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance & Public Property Capital Improvement Committees

PRESIDENT SCHULMAN: Thank you Madame Clerk. That was a mouth full. We're now under Ordinances and Formal Resolutions for the Second Reading.

CLERK TIMBERLAKE: We got some passages on 1ST Reading.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Yes Leader.

MEMBER SMUCKLER: No.

PRESIDENT SCHULMAN: I'm sorry, Member Smuckler. I think we're going...I understand we're going to take a recess. I will never not wear my glasses again, I can tell you that. At this time the Chair would declare an in house recess for Community and Economic Development Committee and Public Property Capital

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Improvement Committees to meet in regard to Ordinances 3 and the Personnel Committee to meet in regard to Ordinance 9. You're under your recess.

(COUNCIL RECESSED AT 8:10 P.M. FOR THE COMMUNITY AND ECONOMIC DEVELOPMENT AND PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES TO DISCUSS ORDINANCE #3; RECONVENED AT 8:21 PM)

(COUNCIL RECESSED AT 8:21 PM FOR THE PERSONNEL COMMITTEE TO DISCUSS ORDINANCE #9; RECONVENED AT 8:22 PM)

PRESIDENT SCHULMAN: Okay, Council then will reconvene after its recess. Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to place Ordinances 3 and 9 back on this evening's agenda.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend Rule 22A to place Ordinances 3 and 9 back on this evening's agenda. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk, the motion carries and Ordinances 3 and 9 are a legal part of your agenda. Leader.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rules on Ordinance #3. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #3. 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.

#3 ADOPTED AS ORDINANCE NO. 16/2011

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries and Ordinance #3 is adopted. Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 9.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend Statutory Rules on Ordinance 9. Are there any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries and the Statutory Rules are suspended for Ordinance 9. You've heard the three readings, Leader.

MEMBER DOUGHERTY: I move we adopt Ordinance 9.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #9. Any remarks under this Ordinance? Hearing none, Madame Clerk....

(INAUDIBLE)

PRESIDENT SCHULMAN:I'm sorry?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER DOUGHERTY: I move we amend Ordinance 9 per the copy in front of all the Councilman.

MEMBER PRATER: Seconded.

Amendment

Pursuant to Rule 36, I move to amend Exhibit A to Agenda Item No. 9 as follows:

- (a) *Substitute the page marked ARTICLE 46 attached to this Amendment for the page marked*

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ARTICLE 46 in the exhibit attached to the ordinance pending before Council.

- (b) *Substitute the page marked SCHEDULE OF BENEFITS (page 1) attached to this Amendment for the page marked SCHEDULE OF BENEFITS (page 1) in the exhibit attached to the ordinance pending before Council.*

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance 9 by virtue of the copy before each Member of Council. Would you like the Amendment summarized?

MEMBER DOUGHERTY: Yes sir.

PRESIDENT SCHULMAN: Anybody want to....Director? Briefly.

LAW DIRECTOR MARTUCCIO: Mr. President, Mr. Majority Leader....

PRESIDENT SCHULMAN: Law Director.

LAW DIRECTOR MARTUCCIO: Thank you and you can correct me if I'm wrong but there are two substitutions before you. One is I guess a corrected version of Article 46 and it is attached to the Amendment and represents some...some lining through some language on the sick leave article that was agreed to by the bargaining team. And if you can explain the next one Safety Director. Thanks.

SAFETY DIRECTOR REAM: Yes, the next one deals with the scheduled benefits for health care and there was some clarification put in by Assistant Law Director Kris Bates and this accurately reflects what we agreed to in negotiations.

PRESIDENT SCHULMAN: Okay, thank you Director. Any other remarks? So it's been moved and seconded to amend the Ordinance by virtue of the copy before each of you. By voice vote all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The motion carries. Leader.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 9 therefore as amended. Are there any remarks under this Ordinance as amended? 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 AMENDED AS ORDINANCE NO. 17/2011

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PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #9 is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We're now under Ordinances and Formal Resolutions for the Third and Final Reading and vote....I'm sorry, we're now under Ordinances and Formal Resolutions for the Second Reading...I thought I did that. Thank you Madame Clerk.

CLERK TIMBERLAKE: You're welcome.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #14 FOR ITS SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

#14. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010, AS AMENDED, IS AMENDED BY MAKING THE APPROPRIATION REDUCTIONS AND SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (TO CONTINUE TO OPERATE CITY EFFICIENTLY)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Thank you Madame Clerk. Now we are under Ordinances and Formal Resolutions for the Third Reading. We've already voted Ordinance 15. Will you please read Ordinance 16.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #16 FOR ITS THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

#16. (3RD RDG) **ADOPTED AS ORDINANCE NO. 18/2011** AN ORDINANCE AUTHORIZING THE DIRECTORS OF PUBLIC SERVICE AND SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR SUPPLY ITEMS, MATERIALS AND PROFESSIONAL SERVICES FOR THE CITY OF CANTON'S OPERATIONS DURING THE 2011 CALENDAR YEAR; AUTHORIZING ALTERNATIVELY THE PURCHASE OF SAID ITEMS PURSUANT TO THE STATE COOPERATIVE PURCHASING AGREEMENT AND/OR ODOT PURCHASING AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 16. Any remarks under this Ordinance? 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.

#16 ADOPTED AS ORDINANCE NO. 18/2011

PRESIDENT SCHULMAN: Ordinance #16 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: We are now under Announcement of Committee Meetings. Is there any announcement?

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Thank you good sir. The Finance Committee will meet Monday, February 7th at 6:15 PM right here in Council Chambers.

PRESIDENT SCHULMAN: 6:15, thank you.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: Public Safety and Thoroughfare will meet same time and same station.

PRESIDENT SCHULMAN: Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

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

PRESIDENT SCHULMAN: Thank you. Member Smuckler.

MEMBER SMUCKLER: Community Development will also meet at the same time, same place.

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel will meet at the same time, same place.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Member...or Leader Dougherty.

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MEMBER DOUGHERTY: Public Property Capital Improvement will also meet at 6:15 on that date.

PRESIDENT SCHULMAN: Thank you. Any other announcements?

MISCELLANEOUS BUSINESS

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

MEMBER HORNER: Mr. President....Mr. President, I always wanted to say that.

PRESIDENT SCHULMAN: Oh, Member Horner.

MEMBER HORNER: Easy, easy....calm down....*(Laughter)* this does work, I thought it was a prop.
(Referring to the microphone) (Laughter)

PRESIDENT SCHULMAN: I thought somebody was throwing your voice out in the corner there, I wasn't sure. *(Laughter)* Member Horner.

MEMBER HORNER: Thank you sir. I just wanted to take a minute of everybody's time to let you know, I've been here just about a year now, roughly right around a year. I wanted to thank personally everybody in this room for making my first year in Council very, very smooth, very nice and there's three young ladies who was a big, big help to me at the very beginning, they couldn't make it here tonight *(Laughter)* that was a joke, sorry. *(Laughter)* But everybody involved....

PRESIDENT SCHULMAN: That's why Member Horner has not said anything for the last year. *(Laughter)*

MEMBER HORNER: But I just wanted to send out a big thank you to everybody for my first year in Council. Unfortunately, I do have to announce tonight that I will not be seeking re-election. In a couple days, I will not be filing my petition but I am going to be a more at home father and I made that decision. It wasn't an easy one by any stretch. But I will not be filing, I just wanted everybody to know that first hand.

PRESIDENT SCHULMAN: Well we're going to....we're very sorry to hear that. You've done an outstanding job. Thank you.

MEMBER HORNER: Thank you, thank you very much for having me, I appreciate it.

(APPLAUSE)

PRESIDENT SCHULMAN: Yeah, I think we would have eleven nays if we took a vote on that Member Horner. But, be that as it may. Thank you.

MAYOR HEALY: Mr. President.

PRESIDENT SCHULMAN: I can't, whose...oh Mayor, I should know who you are. Mayor Healy.

MAYOR HEALY: It's the new mics...It's in the microphones, I know it's difficult.

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PRESIDENT SCHULMAN: Sorry.

MAYOR HEALY: Mr. President, I have a document here I'd like to share with the Council Members. We send out, this is in reference to an issue that will be on Second Reading next week in reference to the travel legislation that you'll be facing. I wanted to get this document in your hand so you had plenty of time to review it before we had Second Reading. This is a recap of the year end travel report, I want to make sure that you understand the process. Every Department Head that is requesting travel has to review it and approve it for their members and send it up to their Director or Elected Official. Those Directors and Elected Officials then have to send that document to the Mayor for a signature. Every requested travel in the City has to go across my desk and be reviewed. Once I approve it or turn it down, but if I approve it, we immediately make a copy of that request and we compile it and at the end of each month we send that down to Council so you have a copy of every single requested travel that I have seen personally and signed. So, it not only goes through Department Heads and the Elected Officials and Directors, it goes across the Mayor's desk and it comes down to Council for you to review at the end of each month. We send you a monthly statement that shows the actual travel reports. This is a year end report that shows 2008, 2009 and 2010 total years of travel request and spending broken down by department, by purpose and by fund that it is paid for. And I will share with you that year to date for 2010 or the entire year, overall we were down 53% for the last two years of travel and the General Fund spending for travel was down 73%. Total dollars spent in General Fund travel was \$17,700.00. So, that's the dollar amounts we're talking about that would affect the General Fund and the majority of that money...of that 17,000, was done on the request of the Health Department, the Fire Department, the Law Department in reference to the bulk of where those monies have come from...and the Police. So, there's not a lot of dollars here that we're talking about folks. But I wanted to make sure that you had a complete breakdown showing the last three years in reference to spending, the downward trend, the management and oversight that the Mayor personally has as well as Council. And each month you guys get a copy of this report as well as every travel request to review and in the two years time that we've done this process, I have not had one call, concern, complaint or question from any single Member in Council in reference to any travel request that I have signed. So I just wanted to share that with you, you have a chance to review it and next week we'll have further discussion. Thank you.

PRESIDENT SCHULMAN: Thank you Mayor. Any other Miscellaneous Business? Law Director.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. I wanted to add another comment to the question about meters or disability parking upon further reflection. I don't want work that closely with our parking meter enforcement or with that...those policies in the Police Department but I believe part of the reason that went behind having those spaces metered, just like any other meter and any other space was to ensure that there was turn over where there needed to be turn over. Sometimes people would take advantage of that placard and stay in that space all day long when there were other folks with disabilities who would like to have been able to use that space. So some of them also have the same two hour limits that other meters have and the idea was to ensure that...that they weren't...that there was turn over for the other folks who came along that might have to park there that had disabilities that needed to use those spaces. So, it was not an intent to make money off of folks who had disabilities, it was an attempt to make all the meters fairly enforced. I also wanted to mention that at the last meeting on fracking this past Thursday, of course Member Cirelli was there with some...armed with some well thought out questions but Health Commissioner Jim Adams was there, Assistant Law Director Craig Chessler, our utility Attorney was there, Member Griffin, Tyler Converse, the head of the Water Department. So I wanted Council to know that before anything comes to you, it will be well thought out and it will have the input of a number of different people who are important to it as that saga continue, which duck tails into my last one or two comments. On the way back from that it seems to me the surest way to get a snowstorm on a Thursday is to call a fracking meeting because the roads

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were full of snow and when I turned south on Market Avenue it was remarkably free of snow. It was pure, clean pavement. And I don't know if that was the brine but it was the best, best street that we drove on that night I think of all the streets. So that was a wonderful street on Thursday and thank you very much for that. Mr. Horner, it must have taken some thought and some courage to come up with that announcement tonight. We'll miss you.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: I just want to piggyback on what the Law Director said because the meeting before that, I sat in there and heard and that was another snowstorm and I heard all these comments that Plain Township had such wonderful streets and they could immediately tell whenever they came to Canton, a couple people made some jabs at that and that was not so because I drove to both of the meetings and I was very pleased with what our snowplow people have been doing. So, I think they've done a yeoman's job this year, considering what we've been dealt with and yet to come. I think they've done a super job.

PRESIDENT SCHULMAN: And they have. Thank you Member Cirelli, Director Price.

SERVICE DIRECTOR PRICE: Mr. President. Yes and thank you for those remark, I know they appreciate it. We're short of staff then ever before, fewer resources and again they do continue to step up to the plate and continue to try to save salt and continue to come up with some ideas. So, I know they appreciate that. Thank you.

PRESIDENT SCHULMAN: Thank you. Any other Miscellaneous Business? Leader.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that we adjourn. Madame Clerk roll call vote please. And before you do that, by the way folks, be very careful on your way home. Thanks.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: The meeting is adjourned. Thank you again, safe trip. *(Gavel falls)*

ADJOURNMENT TIME: 8:38 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT