

**MINUTES OF THE MEETING SEPTEMBER 19, 2011**

PRESIDENT SCHULMAN: Good evening ladies and gentlemen. Welcome to Canton City Council we appreciate your attendance tonight. With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call vote please, Madame Clerk.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

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

ELEVEN COUNCIL MEMBERS PRESENT. (MEMBER BRIAN HORNER ABSENT)

CLERK TIMBERLAKE: Eleven present Mr. President.

**EXCUSING MEMBERS**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Leader I'll recognize a motion to excuse Member Horner from this evening's meeting.

MEMBER DOUGHERTY: Mr. President, I move we excuse Member Horner from tonight's meeting.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to excuse Member Horner from this evening's meetings. Are there any remarks? I know that Member Horner had some pressing personal business and could not be here tonight. Any other remarks? Hearing none, Madame clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries, Member Horner is excused from this evening's meeting. Our invocation tonight will be given by one of my favorites, Ward 4 Council Member Chris Smith. Will you please stand and remain standing for our Pledge of Allegiance.

*The regular meeting of Canton City Council was held on September 19, 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 4 Council Member Chris Smith. The Pledge of Allegiance led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: Thank you very much Member Smith. Leader, we're now under Agenda Corrections and Changes.

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to add 2<sup>nd</sup> Reading Ordinances 13 through 20 with 21 remaining in Committee.

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MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add 2<sup>nd</sup> Reading of Ordinances 13 to 20. 21 will be Retained in Committee. Are there any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

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

**PUBLIC HEARINGS**

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

**OLD BUSINESS**

PRESIDENT SCHULMAN: We're now under watching our Service Director try to fix our computer with my umbrella. We're now under Old Business and the Chief of Staff, do you have any Old Business?

SERVICE DIRECTOR PRICE: Mr. President, we don't have any items from our last Public Speaks round but I did want to bring up something I think technically fits under Old Business because it...it starts about 50 years ago. This weekend, a couple of good things happened, first was...first time I had a chance to attend Majority Leader's Feed the Needy program and wow what a...I mean what a great thing and it was...it was a lot of fun but also provided for a lot of people. Now the next day, Sunday, Hilscher Clark and our Building Maintenance Department cut off power to this building, I found out it's...it's the first time this building has been without power in over 50 years. When this building was constructed in 1960 when the City took possession and the building was energized, that was the...the first time that the building had power and the power has never gone out since that time, ever. For 50 years we've had power to the degree that to shut it off to tie in the new addition to the electrical bus in the basement, the concern was that number one the shut off switches had not been exercised or moved in 50 years, we had no idea what was going to happen when those switches were shut down. Second issue was, over the 50 year period there have been alterations to the building in some direct connections such that the contractor was not confident that by even if the switches worked to shut off power, that we'd actually shut off power to the entire bus. So AEP had to come in and cut the main lines coming into this building and because that has never happened before and we've never been without power, no one was quite sure what exactly would happen and what would be involved in re-energizing the building. And there was a history lesson there when the building, the only snafu when the building was energized in 1960 was that one of the transformers and they're all original and all 50 years old, one of the transformers blew and caught fire requiring Cleveland Avenue to be closed and there was a substantial fire in the basement at that time. None of those bad things happened and that's why I wanted to mention it was Old Business. I wanted to commend Hilscher Clark, I wanted to commend our Building Maintenance Department because it essentially went with only two hitches. Some folks that were in the building today will know that one of our elevators was down, the system we were unable to properly reboot it, we got them in today and got that repaired. The other issue was the security pads on the 8<sup>th</sup> floor, the passwords reset but they got us into the...you know, into our space. But it enabled us number one to get the

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electric to the addition on. The other thing it enabled us to do was, while the generator for this building has been exercised for the last 50 years every Sunday for one hour, that generator is run, okay. That generator has never ever operated, if you can believe this, under a load. And so, it's never been used, no one knew if the transfer switch would actually transfer power over and over the 50 years that we've occupied the building, the City has never been sure exactly what the generator would power. So, while....while the generator was running to maintain the communications on the roof and to maintain our air conditioning and our server systems throughout the building, our Building Maintenance crew, we had a staff of four plus the Building Maintenance Superintendent came in on Sunday and they were able to go through the building and they have marked and we will begin the process of marking all of the electrical outlets and those...those panels and all that stuff that runs off the generator. So it was a good exercise but it just...I couldn't help but mention it to Council many of you who have been here for sometime with the community because it just struck me as fascinating and shocking that this building in 50 years has never lost power, we've never shut off the main...you know, the main switches to the power of this building. So, good job by Hilscher Clark and our Building Maintenance Department. Thank you.

PRESIDENT SCHULMAN: Thank you.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: We're now under Public Speaks. We have three speakers signed up this evening. Our first is Vicki Mitchell. Ms. Mitchell, if you'll step forward and give us your name and your residential address please and welcome to Canton City Council. Good evening.

VICKI MITCHELL: My name is Vicki Mitchell and my City address is 740 Union Avenue SW and the zip code is 44707.

PRESIDENT SCHULMAN: Can you just move that down just a little bit so we can hear? That's great, thanks. Thank you.

VICKI MITCHELL: The issue that I'd like to present this evening is a concern that I have with the difficulty in purchasing property that I guess, I don't know, I could say owned by the City but...where a home has been declared a public nuisance and the home has been torn down and then the neighboring property owner to be able to purchase that property. The neighborhood that I live in is certainly not up to par and when I moved there five years ago, I was under the understanding that through help from the City as well as public service agencies that everything that could be done was going to be done to try to improve things in the area. Over the course of the past five years that I've lived there I have saved money waiting for this home beside me to be torn down. It has since been torn down and I have gone through extreme difficulty in trying to figure out how to go about obtaining property. I...initially when I saw it in the paper that it was going to be torn down, I...I contacted the County. I was told by the County that I should contact the City, I contacted the City and I was told that I should wait until the property was actually torn down and at that time then I would have to wait until the following January until the property was reassessed for the value. At this time that has happened and I contacted the City again and what I was told that the City could not help me purchase the property because even though I met the other criteria with being a neighboring party and it was delinquent in taxes it would make lot misshape. So the City couldn't help me because it would make the property misshape, which I can assure you in my neighborhood is the least of our worries. So, I was then told to contact the County again, now this is the second time I've been told to call somebody else in the course of a year. I contacted the

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County, when I contacted the City they said that I would be able to purchase the property for \$750.00 through the County. I called the County back and they said that that's not accurate, that you put \$750.00 down in order to have the City do the foreclosure...or the County, I'm sorry...the Prosecutor do the foreclosure but at that time then after that occurs, you have to purchase the property for the value of the property and the cost of the Court costs, which could run up to several thousand dollars I was told. So, in order for me to purchase this property, which is a tiny little piece of land who no one mows, no one takes care of, I've been doing that myself and before I can even mow it I have to clean off trash, I have to clean off beer bottles, busted bottles, you know, all kinds of nonsense every week to even mow it because we take care of it. I now have to worry about coming up with several thousand dollars to pay the County to help me foreclose on the property. Now, me purchasing the property which is valued at \$1,200.00 from the City would be putting money into the City as well as my property taxes going to the County and if I could add, I work for the County and I see people being laid off right now continually and I'm doing, you know, we're all doing extra work which we, you know, gladly do to try to make things better for our community. But when I'm seeing people laid off around me everyday and I'm trying to give money to the City to purchase a property that no one wants, no one cares for as well as give property taxes to the County to prevent future layoffs and I'm being told that basically no one can assist me with that and every one I call tells me to call someone else. I just found that, that was unacceptable and so I came here tonight to see if there was any assistance that could be brought to us in that neighborhood.

PRESIDENT SCHULMAN: Will you tell us who you called from the City?

VICKI MITCHELL: I spoke with someone in Community Development, Ms. Talbert.

PRESIDENT SCHULMAN: Alright. Ms. Mitchell, Law Director Martuccio, if you could stick around, our meeting I don't think is going to take that long tonight.

VICKI MITCHELL: Okay.

PRESIDENT SCHULMAN: So, if you'd stick around until the end of the meeting, this is our Law Director, Joe Martuccio, he'll be happy to talk to you and you've raised some very, very good points and we'll take care of it believe me.

VICKI MITCHELL: Thank you.

PRESIDENT SCHULMAN: Thank you very much. And thank you for your public service too. Our next speaker is James Parker, Mr. Parker if you'll step forward and give us your name and your residential address please and welcome to Canton City Council. Good evening.

JAMES PARKER: Thank you Councilman Schulman. My name is James Parker, I reside at 630 Penny Street SE in North Canton, Ohio. Dear Honorable Mayor Healy and respected Councilmen, concerning a proposed \$250.00 a day license fee for mobile temporary food vendors, this proposed Ordinance in my humble opinion is in violation of the 13<sup>th</sup> Amendment of the US Constitution under the equal protection clause as well as the interference of interstate commerce clause. There is defacto evidence to support a financial conflict of interest from Councilman Smuckler as well as Councilman Hawk who has respectfully recused himself from voting.

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This Ordinance shows that as long as the greater Canton Chamber of Commerce are getting paid substantial fees and commissions by temporary and/or mobile food vendors that this fee won't apply to them. Prima facie, another conflict of interest and from a tax exempt entity and PO to boot. This proposal does not fit the mission statement, Special Improvement District, which I encourage all of you to read on their website. What this proposed Ordinance would accomplish if passed would be to stifle innovation, choice and competition. Putting an exorbitant taxation fee without proper representation on the free enterprise system of food service and hospitality. Will the ladies and gentlemen who are giving out free meals at the Kresge space...on the green space, will they be exempt from this on Sunday mornings, I hope so. It could be just a matter of time when laws similar to this mission.....(*inaudible*) to include any other vendor that's mobile or temporary, including but not limited to those who compete against other pet businesses in the SID that are afraid of the competition and want to flex their political muscle. To those who are and will remain...(*inaudible*) in their...(*inaudible*) provincial mind set, I ask and say to you, when one thousand call center jobs windfall and ramp up here let's allow and welcome our new consumers by allowing a diversity of tastes, services and food styles and speed of service. Let there be plenty of room at the trough for everyone without juicing the mobile vendor. Competition is the lynch pin to improved customer service, quality and to economic recovery. Instead of over insulating established businesses, why not find new ways to attract and bring even more people downtown for the commerce. How about the 550 people daily or so that visit the Pro Football Hall of Fame, let's get the birds eye view shall we. As an important tool of economic recovery and avant guard sports, arts partnership between Canton, Massillon and Akron, the Akron pros champs in 1920, Fritz Pollard way before, Jackie Robinson and Jessie Owens, (*inaudible*) jewels in this County. This could have meteoric impact on Stark County tourism, housing, community development and job creation. Thank you very much.

PRESIDENT SCHULMAN: Thank you. Our next speaker is Dan Phillips, Mr. Phillips, if you'll step forward and give us your name and your residential address and welcome to Canton City Council and good evening.

DAN PHILLIPS: Good evening ladies and gentlemen, my name is Dan Phillips, I reside at 917 Harrison SW. You may or may not remember me from the meeting in '06 on the same subject of vendor license fees for downtown. I made a special effort to attend that meeting and I believe that my words on that day...I believe may have had some affect since the issue was dropped. Since that time, my business has undergone some changes, I no longer own the concession trailer that I had at the time, I sold it in order to buy the former painter's union at 1800 9<sup>th</sup> Street in hopes to open there but just in time for the economy to tank. I had a stroke in 2010 so I was forced to sell that building and have recently purchased a mobile food truck because my health has improved and my passion for cooking has returned. So here we are five years later facing the same issue and I would love to occasionally work downtown. However, the \$250.00 fee is just way too much for me and is the major prohibiting factor for me to even be in the SID. It's...I believe it's a ridiculous amount for one day because there are many vendors that don't even net \$250.00 in a day, including myself. It was decided that the businesses who chose to be in the SID deserve special consideration because they pay rent, income taxes and are more important then the little guys. However, I live in the City, I pay my taxes, I spend the majority of my money in the City. Also, our Law Director has decided that Mr. Smuckler does not have a conflict of interest even though he owns a restaurant supply place and Mr. Smuckler, this is not a personal attack upon you..I greatly appreciate what you have done for this City over your years of service to the City. I just got my business restarted with my mobile food truck this year and with the extra fee, there's no way that I can have the opportunity to come downtown. So, I will pretty much stay in my own area with small but very loyal customer base and I would really like to know what the actual boundaries of the SID are so that I can

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possibly park just outside of it and not be in violation or have to pay that extra \$250.00. When I do get up and running I will make sure that the people that work downtown know that there is other options available other than the 7 to \$20.00 lunches that are currently downtown in the majority of the places. Thank you for your time, thanks for listening.

PRESIDENT SCHULMAN: Thank you very much sir. Okay, that concludes Public Speaks.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We're now under Informal Resolutions. Madame Clerk, will you please begin with Resolution 25.

#25. PERSONNEL COMMITTEE: REQ CONFIRMATION OF RICK GECKLER TO THE CANTON RECREATION BOARD TO TERM EXPIRING 12/31/11. - ADOPTED

PRESIDENT SCHULMAN: Leader.

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

MEMBER PRATER: Seconded

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution 25. Any remarks? By voice vote, all those in favor of confirmation of Mr. Geckler, signify by saying aye, those opposed no.

NO REMARKS

RESOLUTION #25 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it, the motion carries. I know that Mr. Geckler was here, congratulations and we appreciate your public service. Thank you. Resolution 26.

#26. WEST, THOMAS WARD 2 CNCL MBR: HONORING THE RSVP ORGANIZATION FOR THEIR VOLUNTEERS IN OUR COMMUNITY. - ADOPTED

PRESIDENT SCHULMAN: Leader.

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

MEMBER PRATER: Seconded

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution 26. Any remarks? Member West.

MEMBER WEST: Yes Mr. President can we...could you have that read please?

PRESIDENT SCHULMAN: Sure, Madame Clerk would you please read the Resolution.

CLERK TIMBERLAKE: **WHEREAS**, The Retired and Senior Volunteer Programs (RSVP) of Stark County provides challenging and meaningful volunteer opportunities for adults 55 years and older, and; **WHEREAS**,

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RSVP and approximately 320 volunteers have provided 57,000 service hours towards meeting the unmet needs and “making a difference” in the lives of residents. The volunteers have contributed One Million, Two Hundred and Eighty Two Thousand, Five Hundred Dollars (\$1,282,500.00) to our local community, and; **WHEREAS**, Canton citizens benefit from over 50 RSVP sites that serve all of Stark County by partnering with non-profit agencies to meet a variety of human and community needs, and; **WHEREAS**, The committed volunteers of RSVP make a positive difference in such areas as literacy, health care, arts and culture, and the environment, and; **WHEREAS**, It is a proven health prevention strategy for older adults to engage in volunteer services and the volunteers of RSVP have reinforced the strength and future of the residents of our area. **NOW THEREFORE BE IT RESOLVED**: that I, Council Member Thomas E. West of Ward 2 and Canton City Council do hereby recognize and give special tribute to **RETIRED AND SENIOR VOLUNTEER PROGRAMS** and its hundreds of senior volunteers for their outstanding contribution to the City of Canton and the Stark County Community.

PRESIDENT SCHULMAN: Thank you Madame Clerk.

MEMBER WEST: Mr. President, I will be presenting this at the annual dinner, we thank you for your support.

PRESIDENT SCHULMAN: Great, thank you Member West. Any other remarks? Hearing none, again by voice vote, all those in favor of the motion, signify by saying aye, those opposed no.

NO REMARKS

RESOLUTION #26 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it, the motion carries.

**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 SEPTEMBER 19, 2011.***

329. DOWNTOWN MERCHANTS: SUPPORTING THE ORDINANCE TO AMEND CHAP 749, ITINERANT RETAILERS. - RECEIVED & FILED
330. LIQUOR CONTROL DIVISION (OHIO): REQ TRANSFER OF C1 C2 LIQUOR PERMIT FROM DAVID KNOTTS INC DBA MAGGIORES DRIVE THRU 23 TO ABU JASIM LLC DBA MAGGIORES DRIVE THRU 23 @ 3060 W TUSC . - RECEIVED & FILED
331. MAYOR WILLIAM HEALY: REQ APPROVAL OF APPT OF MR. MATTHEW C. HALTER TO ARCHITECTURAL REVIEW BOARD FOR RETRO TERM COMMENCING 1/1/11 - 12/31/14. - PERSONNEL COMMITTEE
332. SAFETY DIRECTOR REAM: DECLARE 2 BUILDINGS UNSAFE & HAZARDOUS FOR WHICH DEMO IS REQUIRED. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

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333. SERVICE DIRECTOR PRICE: AUTHORIZE SERV DIR TO SELL CURRENT BASKETBALL FLOOR AND BACKBOARD UNITS AT CIVIC CTR AS THE CLEVELAND CAVALIERS HAVE PURCHASED NEW FLOORS AND BACKBOARD UNITS THAT WILL BECOME PROPERTY OF THE CITY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: Turning to First Reading Ordinances. 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 #12 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:***

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO AMEND THE GEORGETOWN ROAD COOPERATIVE ECONOMIC DEVELOPMENT AGREEMENT (CEDA) TO INCLUDE THE BROAD AVENUE ANNEXATION AREA; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Annexation Committee
- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND APPROPRIATION TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (FOR CITY'S CONTINUING OPERATIONS)  
Referred to Finance Committee
- 
- #3. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (HEALTH DEPARTMENT)  
Referred to Finance Committee
- #4. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (\$10,000.00 COUNCIL CITY STREET VACATE EXPENSE)  
Referred to Finance and Judiciary Committees
- 
- #5. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A COOPERATIVE AGREEMENT WITH AKRON METRO FOR THE CONSTRUCTION OF THE WEST SIDE PARKS TRAIL PROJECT, GP 1093; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety & Thoroughfares Committee
- #6. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A COOPERATIVE AGREEMENT WITH AKRON

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METRO FOR THE CONSTRUCTION OF THE WEST SIDE INTERCEPTOR  
SANITARY SEWER REHABILITATION PROJECT, GP 1138; AND DECLARING  
THE SAME TO BE AN EMERGENCY

Referred to Public Safety & Thoroughfares Committee

- #7. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE UPGRADING OF INTERSECTIONS; AND DECLARING THE SAME TO BE AN EMERGENCY (NAVARRE RD SIGNAL SYSTEM)  
Referred to Public Safety & Thoroughfares Committee
- #8. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING AND CONSENTING TO REPAIR OF THE BRIDGE ON THE OFF RAMP FROM EASTBOUND US 62 TO NORTHBOUND I77 OVER I77; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety & Thoroughfares Committee
- #9. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING AND CONSENTING TO RESURFACING OF US30 FROM SR 43 TO THE EASTERN CORPORATION LINE WITH MISCELLANEOUS BRIDGE WORK WITHIN THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety & Thoroughfares Committee
- #10. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$36,950.00 TO BELL EQUIPMENT COMPANY; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #11. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE OHIO POWER COMPANY TO PROVIDE ELECTRIC ENERGY TO THE N.E. WATER TREATMENT PLANT; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Environmental & Public Utilities Committee

***(COUNCIL RECESSED AT 7:57 PM FOR THE COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE TO DISCUSS ORDINANCE #12; RECONVENED AT 7:58 PM)***

- #12. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 154/2011** AN ORDINANCE DECLARING 2 BUILDINGS TO BE PUBLIC NUISANCES; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE DEMOLITION OF SAID BUILDINGS; AUTHORIZING THE CLERK OF CANTON CITY COUNCIL TO CERTIFY THE COSTS OF DEMOLITION TO THE STARK COUNTY AUDITOR; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee

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PRESIDENT SCHULMAN: And at this time the Chair would declare an in house recess for the Community and Economic Development Committee to meet in regard to Ordinance 12 on your agenda this evening. You're now in recess.

PRESIDENT SCHULMAN: Council will reconvene after its recess. Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to place Ordinance 12 back on the agenda.

MEMBER PRATER: Seconded

PRESIDENT SCHULMAN: It's been moved and seconded to Suspend Rule 22A to place Ordinance 12 back on this evening's agenda. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: The motion carries. Leader, you've heard the three readings.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 12.

MEMBER PRATER: Seconded

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance 12. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: The motion carries. Now, you've heard the three readings, Leader.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 12.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 12. Any remarks under this Ordinance? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

**#12 ADOPTED AS ORDINANCE NO. 154/2011**

PRESIDENT SCHULMAN: The motion carries. Ordinance 12 is adopted.

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PRESIDENT SCHULMAN: We're now under Second Reading Ordinances. Madame Clerk will you please read Ordinance 13.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #13 THROUGH #20 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (ORDINANCE #21 RETAINED IN COMMITTEE):***

- #13. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A LEASE AGREEMENT WITH AREF CANTON LP FOR THE PURPOSE OF UTILIZING CITY OWNED PARKING SPACE; AND DECLARING THE SAME TO BE AN EMERGENCY
- #14. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO CONVEY A 25 FOOT STRIP OF LAND TO THE BOARD OF STARK COUNTY COMMISSIONERS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #15. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MUTUAL AGREEMENT(S) WITH THE STARK COUNTY BOARD OF COMMISSIONERS NECESSARY FOR THE APPLICATION TO OPWC AS A JOINT SPONSOR AND FOR THE COMPLETION OF THE 55<sup>TH</sup> STREET WATER WORK PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY
- #16. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONSULTANT CONTRACT WITH HAMMONTREE AND ASSOCIATES FOR THE ALLENFORD EMERGENCY SANITARY SEWER STABILIZATION AND REHABILITATION PROJECT, TO SOLICIT QUOTES FROM CONTRACTORS, TO EXPEDITIOUSLY AUTHORIZE THE WORK, TO ENTER INTO COOPERATIVE AGREEMENTS WITH STARK COUNTY AND THE CITY OF NORTH CANTON TO REIMBURSE CANTON FOR A PORTION OF THE WORK, TO ENTER INTO AGREEMENTS WITH THE USACE AND/OR THE OHIO PUBLIC WORKS COMMISSION FOR BOTH TECHNICAL AND FINANCIAL ASSISTANCE; AND DECLARING THE SAME TO BE AN EMERGENCY
- #17. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO APPLY FOR, ENTER INTO AGREEMENTS AND ACCEPT FUNDS FOR THE 2012 PROGRAM YEAR FROM THE OHIO PUBLIC WORKS COMMISSION; AND DECLARING THE SAME TO BE AN EMERGENCY
- #18. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO REIMBURSE PLAIN TOWNSHIP \$60,500.03; AMENDING APPROPRIATION ORDINANCE NO. 245/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (25<sup>TH</sup> STREET NE STORM SEWER PROJ)

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- #19. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO LOCAL PUBLIC AGENCY AGREEMENTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR LOCAL TRANSPORTATION INFRASTRUCTURE PROJECTS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #20. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONSULTANT CONTRACT WITH COOPER AND ASSOCIATES FOR THE HAMILTON AVENUE STORM SEWER PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 245/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (\$45,000.00)
- #21. (2<sup>ND</sup> RDG) **RETAINED IN COMMITTEE** AN ORDINANCE AUTHORIZING THE AUDITOR TO ESTABLISH THE 2531 NIMISILLA PARK FUND

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

PRESIDENT SCHULMAN: We're now under....thank you Madame Clerk, we're now under Ordinances and Formal Resolutions for the Third and Final Reading and vote. Would you please begin with Ordinance 22.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #22 THROUGH #26 FOR THE THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #22. (3<sup>RD</sup> RDG) **POSTPONED UNTIL 9/29/11** AN ORDINANCE AMENDING CHAPTER 749, ITINERANT RETAILERS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

PRESIDENT SCHULMAN: Leader.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 22. Are there any remarks under this particular Ordinance?

MEMBER DOUGHERTY: Mr. President.

MEMBER SMITH: Mr. President.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President, I move we postpone Ordinance 22 for one week until September 26<sup>th</sup>.

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MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you postpone Ordinance 22 for one week until September 26<sup>th</sup>. Any remarks under that Ordinance?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Yeah, the maker of the Ordinance wants to postpone it for a week. To gather more information for some questions that were brought up.

PRESIDENT SCHULMAN: Alright, any other remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS, 2 ABSTAIN  
(MEMBERS HAWK AND WEST ABSTAINED)

CLERK TIMBERLAKE: Nine yeas, two abstain Mr. President.

PRESIDENT SCHULMAN: Motion carries and Ordinance 22 is postponed for one week. Ordinance 23 please.

#23. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 155/2011** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND APPROPRIATION TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (EXHIBIT A - VARIOUS 16 FUNDS)

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 23. Any remarks under this Ordinance? Hearing none Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

**#23 ADOPTED AS ORDINANCE NO. 155/2011**

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

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#24. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 156/2011** AN ORDINANCE AMENDING SECTION 947.20, RATES FOR OUTSIDE CITY USERS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

PRESIDENT SCHULMAN: Leader.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 24. Any remarks under this Ordinance?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Yes Member Cirelli.

MEMBER CIRELLI: Thank you sir. Question to Mr. Price.

PRESIDENT SCHULMAN: Service Director.

MEMBER CIRELLI: On Ordinance 24 sir. This is the rates for outside City users. This is...can you explain a little bit about this please sir.

SERVICE DIRECTOR PRICE: Yeah, the City of Canton operates a large regional service system. Roughly half if not more of the sewage that comes into our Water Reclamation facility is either from Stark County or North Canton. On the County side, while we take the sewage, the County operates a sanitary sewer district and so they own those lots. Even so, on connections into the County's lines that are 8 inches or larger, we currently issue and charge for a satellite sewer permit. What this legislation does is, it enables us to conduct the inspection and approve and obviously charge a fee for connections smaller than 8 inches. Now we're not going to be regulating every small residential connection along the existing County sewer main. This would enable us to issue satellite sewer permits for residential subdivisions, commercial tap ins to our lines that are somewhat smaller than the 8 inch and 8 inch for a commercial business is pretty substantial sanitary sewer connection. This enables us to number one, better control what comes into our system and we're nowhere near reaching our capacity today but 10 to 20 years from now that might be an issue. Number two, it...it..with that control comes the ability to...to perhaps leverage better development deals for the City of Canton as we head down the road but it's...it's just something that, you know, we have the ability to regulate and probably I think, anyway in my opinion, we should given that while it might be County sewer district sewer system, ultimately that sewage does come to us for treatment.

MEMBER CIRELLI: Mr. President, thank you Mr. Price. It's consistent with what we are charging the outside users right now, is it not sir?

SERVICE DIRECTOR PRICE: That's correct.

MEMBER CIRELLI: Thank you very much.

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PRESIDENT SCHULMAN: Any other remarks under Ordinance 24? Hearing none Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

**#24 ADOPTED AS ORDINANCE NO. 156/2011**

PRESIDENT SCHULMAN: Ordinance #, thank you Madame Clerk, Ordinance #24 is adopted. Ordinance #25 please.

#25. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 157/2011** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH BOBCAT COMPANY IN AN AMOUNT NOT TO EXCEED \$57,978.92 FOR THE PURCHASE OF ONE (1) COMPACT EXCAVATOR, MODEL E80 PURSUANT TO O.R.C. SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 25. Any remarks under this Bobcat Ordinance? Hearing none Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

**#25 ADOPTED AS ORDINANCE NO. 157/2011**

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

#26. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 158/2011** AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR WATER AND/OR SEWER SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

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

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NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

**#26 ADOPTED AS ORDINANCE NO. 158/2011**

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance 25 is adopted (*President Schulman meant to say Ordinance #26*).

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SCHULMAN: And that moves us on to Miscellaneous Business, is there any, Member West. Oh, I'm sorry, Announcement of Committee Meetings.

MEMBER HAWK: Mr. President, I thought you forgot about it.

PRESIDENT SCHULMAN: I'm sorry Member Hawk, I completely forgot.

MEMBER HAWK: Thank you sir. The Finance Committee will meet Monday, September 26, 2011 at 6:30 PM right here in Council Chambers sir.

PRESIDENT SCHULMAN: Thank you Member Hawk.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: Public Safety and Thoroughfares will meet also at 6:30, September 26<sup>th</sup>.

PRESIDENT SCHULMAN: Thank you.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member West. I'm sorry, Member Cirelli.

MEMBER CIRELLI: Mr. President, Environmental and Public Utilities will meet at the same time.

PRESIDENT SCHULMAN: Thank you very much.

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel will meet at the same time.

PRESIDENT SCHULMAN: Thank you. Member Barton.

MEMBER WEST: Mr. President, Judiciary will meet same time, same place.

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PRESIDENT SCHULMAN: Thank you. Member Barton.

MEMBER BARTON: Same time, same place, Annexation Committee.

PRESIDENT SCHULMAN: Right, thanks. Any other announcements?

**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: Now we move to Miscellaneous Business. Member West.

MEMBER WEST: You know, I do have something to say but I think I'm going to hold off until next week in reference to the statement, think it had to do with the businesses. But I am concouraged that we heard a lot of people speak a lot about restaurants today and how the volatility of restaurants out there...and it seems like everybody is astute to what's going on but I have a statement that I'd like to talk about next week after we address this issue. And let me...for the record so that everybody also knows, I excused myself from voting on that piece of legislation because of the amendment and it also could potentially have the Cantonian involved as a restaurant vendor that may come down to the Kresge Lot at some point. So, I felt it was probably best that I felt that it was probably best that I excuse myself.

PRESIDENT SCHULMAN: Thank you Member West. Anything else Member West? That's it? Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. Question to the Administration, I had quite a few people calling me that they were calling the non-emergency number in the Police Department and it just rang and rang and rang and rang and two of them got back to me and said they ended up calling 9-1-1 and they were apologizing to 9-1-1 and they were told that there were some problems with the AT&T connection and they of course assured them and they felt bad because they had to use 9-1-1 because they feel that that's an emergency only. And so, is...do you know if there is a problem there and would you sir check because the people are feeling, you know, like they want to call but it's not that important to call but yet it is important to them because barking dogs maybe barking, you know, continually for 24 hours but they don't want to call as 9-1-1 and that's what they end up having to do and then apologizing for it.

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT SCHULMAN: Director.

SERVICE DIRECTOR PRICE: Councilwoman, yeah I'm not aware of that, okay...Katie and I are not aware of it but we'll certainly look into it so if that was the case (*inaudible*)...

MEMBER CIRELLI: I appreciate that and if you can let me know and then I can call them back. Mr. President, this is something I have to say to you.

PRESIDENT SCHULMAN: Sure.

MEMBER CIRELLI: Whenever you went to speak about the itinerant, I was really offended when you called the people poachers and I'll tell you why. My family, we...to make ends meet, we had to go door to door to sell fruit and vegetables in the summertime. We sold Christmas trees, my dad would rent a lot. We weren't competing and we were competing with people that had the monies to have a big spot to be able to sell their fruits and vegetables and what have you. But you know what, if it wasn't for that we didn't have...we wouldn't

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eke out enough money to make a living. So, I more or less was probably considered a poacher and also it was probably against the child labor laws because I was just a kid. So, you know there are some people in life and maybe you are fortunate enough you never had the experiences that I've had and I'm glad I've had them because it's made me the person who I am and I just...I just really think that you owe this...this Honorable Body and the people here an apology because the word poacher was not befitting of how you used it sir. I was really insulted by that.

PRESIDENT SCHULMAN: Well I do apologize to you Member Cirelli if you took it that way, I certainly didn't intend it that way. What I did mean and what I will say again is that there are vendors that look for the best opportunities to come down to the Special Improvement District to sell their food and that is diminishing the restaurants that have committed to downtown Canton, committed to the revitalization of that particular district and I don't think it's fair. I...and believe me I understand that there are two sides to this issue as I'm sure the sponsor of the legislation understands since he postponed it until next week. But I'm holding a letter from the Arcadia Grill, from Primo's, from Conestoga, Carpe Diem, Napoli's, Lucca, Sheri Sweets, all these people, all these restaurants who have committed to downtown who have said we are going to put our restaurants in the downtown community. They could go to Belden Village, they could go to places where the traffic is but they've decided to commit to downtown. Not only do they pay taxes and utilities and support employment on a regular basis 365 days a year, they also pay in addition a special improvement district fee, now that's on top of everything else they give back to our City. I don't think it's too much with all due respect to you and to the other Members who expressed reservations to ask these vendors who were coming in...certain of them coming in when they can make the most money and get the biggest bang and then leave...and then leave to pay \$250.00 a day if that's what they want. Now you may not like the amount, I can understand that and I certainly, to sum up understand your concerns and I would never ever criticize you or make fun of you and if you took that as any insult, I certainly apologize on the record. But there is another issue but there is another issue here that I do think is important to address and that's the...that's the issue I am addressing. And lastly, to one of the people that came up and I respect his right to make a living but there are places downtown which you don't have to pay \$7.00 or \$20.00 or \$30.00 for a lunch and they're in the same position. So, I think there is a balancing act here, I think Member Smuckler understands that but I think it's important...I think it's important to support people that support this community day in and day out, that was my only point. So again, I do apologize.

MEMBER CIRELLI: Mr. President I appreciate that. I just want to ask the Law Director, has there been any, to your knowledge, any financial rationale on this particular Ordinance that's before us.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Member Cirelli, not in a mathematical analysis per say. I understand that the figure was arrived at by comparing it to some of the fees that are asked of vendors who come for special events downtown. I understand it was a rough approximation of what one business may be expected to pay over the course of a year when you take all of their utilities, property taxes, etc., etc., etc., and analyze them. But no, to answer your question, I was not handed a mathematical analysis.

MEMBER CIRELLI: Mr. President, thank you Mr. Martuccio for that. And Mr. President, I generally believe in any debate. There's generally three sides, there's your side, my side and somewhere in the truth lies in the middle and because, you know, we're both biased on our own but you have to remember in the Special Improvement District and I appreciate what they're doing and I was under the guys that they were doing this

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because they wanted to make very esthetic appearance because they want...they're...we're competing with Belden Village for garsh sake, let's be real about it and I can appreciate that they're doing that but also we've had how many restaurants and by golly I will look it up that have also came in and gotten City tax monies to assist them and then they have left us in the lurch and we have to take that into consideration too that they've walked out and they've left hundreds of thousands of dollars that they...that we gave them and then capoot and we're out that money and those are all taxpayers' dollars. So you have to take all those things into consideration. And as I spoke before, restaurants unfortunately are the number one businesses going out of business and always has been, it's the...it's the history of it all. It's part of the beast that goes with it. But now you have to think about another thing, most of these restaurants have the ability to sell alcohol. Alcohol is where your money is being made if you're running a business and we're not no dummies about that one, I don't think you'll disagree with me about that one. Now are we going to give the itinerary people a chance to sell margaritas on their little carts, then maybe that's more of a leverage of a....of a level field.

PRESIDENT SCHULMAN: Thank you Member Cirelli, I hope you accepted my apology. Member Smuckler.

MEMBER SMUCKLER: Mr. President.

MEMBER SMITH: Mr. Pres....

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: As the sponsor of this Ordinance, I want to assure everybody that this just isn't about restaurants. I know because the Ordinance covers more than just restaurants. Mr. Martuccio, the thing that strikes me about this is, is that I know because some people have set up down here that everybody believes this is what the whole aim is but I guess my concern more is, is that we let any business set up on public property to go into competition with any other business. That's my concern here. So, if I decided that I wanted to open up a law firm for \$125.00 in overhead, we could open up right next to Allen Schulman and Associates, right Law Director?

LAW DIRECTOR MARTUCCIO: Mr. President....

MEMBER SMUCKLER: What..what..and that was a facetious questions. What I'm trying to make a point of here is there isn't anything wrong with that as long as you don't want anybody to pay taxes. As long as you want to create an area for everybody to open up wherever they want to open up in...on public property, it's no problem. You don't want to have anybody funding anything around here. Now I, like the next person, say how much taxes is enough but I also realize that if we want to fund police, if we want to fund fire then someone's going to have to pay these taxes and we can't let everybody set up all over the place. Now I'll bring the figures next week, I'll bring what it co...some of the restauranteurs that signed this letter next week but above and beyond that, I want everybody to understand that there's more to it than this. I mean I can lose part of my business and set up too on the Kresge block and not pay the overhead. I mean just think about this, we are making and opening up for whoever and that's my concern here. Because a hotdog stand set up there and because I happen to be in the restaurant business, which most of those people I don't sell on that list, I got belted but I've been doing this for a longtime folks, I'm used to getting belted. All I want this to do is, beside we had a meeting a little earlier today, we're going to lose 1.7 million dollars next year, there's more losses coming down the road and when the guns keep blaring at night, as they're doing, and people are getting shot, beside who's going to fund all this? At least for the next two years, I won't be around here to be in your position to decide how it's going to be carved out but it does have to be carved out and somebody has to make those tough decisions. Now, I'll bring the figures, we can debate this next week and I thank the Council

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President, I had a...it seems like Monday nights, things get spun around for me. But I had one emergency that I'd like to share with everybody very quickly, identity theft, big issue. My wife got identity theft, my bank account got raided, not for much but a little. This is what happens because we're all on this type of a business bases that we're all on the plastic now and it happens all over. I was the sixth one at my bank in two weeks. Sixth one in two weeks, same type of stuff. Think of that when you're going on the internet.

PRESIDENT SCHULMAN: Thank you Member Smuckler. Member Smith.

MEMBER SMITH: Mr. President, I'll save my statement for next week because it really concern what we were saying about the rate and a young man that is sitting here this evening which has a T-shirt business and I'm quite sure that \$250.00 would be too much for him but I'll discuss that next week. But I do want to apologize for Ms. Mitchell, I do know Ms. Mitchell, I know the area that she lives in, she's a very good resident and neighbor and she keeps her house up and I really wish that we could do something. And I apologize for you going through so many changes in trying to obtain that property. So, I do hope that we can do something to satisfy her and thanks for coming down.

PRESIDENT SCHULMAN: Thank you Member Smith.

MEMBER COLE: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Cole.

MEMBER COLE: I think we can safely say that we all want to see our downtown restaurants thrive. The problem that we have with this is how can we jus...how can we justify \$250.00 a day to \$125.00 a year? What we're essentially saying here is that there is no vendors that can actually come into the SID, that's what that's saying. Now why didn't the legislation just outlaw because that's the intent of this piece of this legislation. I don't feel comfortable with it, we've already discussed that we did not have a proper analysis of how we came to that \$250.00. I would hope that by next weeks meeting we will have an analysis to see if there's even a need for this, that's what I would like to see. Are we creating legislation just to create legislation, let's get some data to support that our restaurants are at dire need due to the vendors within our community. Thank you.

PRESIDENT SCHULMAN: Thank you. Member West, you had something else to say, I didn't hear you so I apologize.

MEMBER WEST: That's quite alright. This is to the Law Department. Law Department, I've been asked about the Tree Ordinance, do we know where we're at with the Tree Ordinance and when that will come down?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Law Director.

LAW DIRECTOR MARTUCCIO: Member West, I am awaiting any other amendments that were mentioned at Committee that people had concerns about and I know the one particularly that I may need to rework is the one about trees on private property.

MEMBER WEST: So..so with that being said, any Council Members, if you have any other input on the Tree Ordinance, please by all means get with Joe Martuccio and voice your concerns so when it comes down we can

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move forward wi...or move forward with it. The other thing I wanted to mention, Saturday...this past Saturday Gibbs Involved Neighborhood Association did a really good job, had hundreds of kids in their area and we fed them and had fun and it was just a glorious time and sorry that Christine Peter is not here to hear this but she did an awesome job of pulling that community together, got churches involved, it was just a glorious time. And I also understand that the Feed the Needy did an excellent job so I think this past weekend, we served our community well. Also Mr. Parker I want to thank you for...once again for coming down as always and voicing your concerns and I'm anxious to hear what's going on with the Jim Thorpe, so hopefully we can hear that soon too. Thank you.

PRESIDENT SCHULMAN: Thank you Member West. Leader.

MAYOR HEALY: Mr. President.

PRESIDENT SCHULMAN: Oh, I'm sorry. Before you begin Leader, Mayor.

MAYOR HEALY: Thank you, sorry about that. First of all I wanted to address briefly Vicki Mitchell, thank you for coming in and expressing your frustration, I understand and I certainly want to apologize on behalf of the City for our role in that confusion. The only explanation I have is we're confused...we are. It's a very complicated process, it goes back and forth between the County and the City and the State and we need to have a program that simplifies that and also we need to lobby the legislation to help us streamline some of those things to make it easier. I was smiling, not to be facetious but I was smiling while you were speaking because right behind you is Jason, who him and I have had this conversation for about the last year and a half, the exact same thing is going on, the exact same thing with the property lines not being, you know...the whole thing. And so he...believe me, if you want to talk to him, he knows exactly what's going on. It is very challenging, hopefully Joe Martuccio will help us get more clarity in the direction to go from here. But we have...we have been able to convert a number of those properties over but it's a long process, it's a little confusing and quite complicated. The fees that you were talking about, trying to give the City revenue, we only charge the cost it is to...that the County charges us, so there's no profit or revenue for the City, we are just passing along at cost to the homeowners to help streamline this process just for some clarity. But we will do whatever we can in the meantime and I believe that we need to have some opportunity to lobby the legislature to change some rules to make it a lot easier for us because I would much rather see neighbors taking those properties than have the confusion and the unclaimed property that we have now. So thank you for coming down here, we're...we're working on it and we need to work harder and try to promote the better solution, so thank you for that. I also wanted to take one moment to compliment and congratulate Dave Dougherty for his annual Feed the Needy efforts. The program that he puts together is a fabulous program for all those that were there. I can't even tell you how many people were there but...do you know how many people you served that day with burgers.

MEMBER DOUGHERTY: *(Inaudible)*

MAYOR HEALY: Okay, you got it. Well I just wanted to compliment you on that and I'll go ahead and take it from here. Thank you for what you do every year and it was a...it was a great...great day for a lot of people.

PRESIDENT SCHULMAN: Thank you Mayor. Leader Dougherty, I know you want to talk about over the weekend so...

MEMBER DOUGHERTY: Thank you Mr. President, thank you Mayor for your comments. I believe this is our 19<sup>th</sup> year if I'm not mistaken. The history of this was that City Council would give back to the community with a project and this project was created and so with that said, you know, I thank all of you, all my Members

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and Mr. President for either your time and donations or both and it still doesn't get things done with what you have to do so, it took the efforts of a lot of people to make it happen, a lot of City departments, a lot of businesses in the community that donated and we're going to be definitely sending thank you's out, we'll send an applause letter to the Repository to put in thanking everyone. I want to personally thank the office staff for their hard work and dedication and didn't mind when I wanted things to be perfect but yet you made them perfect. So, Mr. Mallonn, I appreciate your time, Gary is always there man right in the morning taking care of things, you're always there for what we need and I appreciate that. Law Department, thank you for your help, appreciate you coming down. This was the Chief of Staff's first experience and he brought his kids down and helped out, so it was nice being able to tell him what to do once (*Laughter*)...so...and he listened, so that was very nice but it was a lot of help. And the Mayor came down and helped out and...and all of you that came down I appreciate it, it went very smooth. We...we had volunteers from all over, we had the Wow Van in from Aultman and Walmart really pitched in and did eye...eye exams for everybody that wanted them and so the Health Department does an outstanding job for us year in and year out. And the Health Commissioner was there, the whole time and donated his time and the Department did an excellent job with the booth there also. But you know we're always...and we're going to be sitting down because I got some ideas about expanding this further even so, I want to try to do some different things and hopefully keep it good. Our entertainment was there again, Family Time Entertainment and..Spike and Benny do an outstanding job for us, volunteer their time, don't ask for a penny which is really nice. We cooked and served 400 hamburgers and 400 hotdogs in an hour and twenty minutes. So, the line was none stop, we had approximately 75 bags each of groceries and toiletries which they could pick from. My goal would be to have a bag for everybody that shows up so that's one of my goals that...right now we have to give out tickets so that they draw tickets and then get to come up and...But the entertainment is great, the atmosphere is great and they do truly appreciate it and I appreciate all of you. Thank you.

PRESIDENT SCHULMAN: Thank you Leader. Any other remarks? Let's hear it for the Leader.

(*APPLAUSE*)

MEMBER DOUGHERTY: Thank you very much.

PRESIDENT SCHULMAN: With that, Leader Dougherty.

MEMBER DOUGHERTY: I move we adjourn.

MEMBER PRATER: Seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk, the meeting is adjourned. (*Gavel falls*) Be careful everybody going home.

ADJOURNMENT TIME: 8:36 P.M.

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ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

ALLEN SCHULMAN  
PRESIDENT