

**MINUTES OF THE MEETING OCTOBER 17, 2011**

PRESIDENT SCHULMAN: Good evening ladies and gentlemen. We're going to start our meeting just a few minutes early for a couple of very important announcements. First our Clerk's sister is here from Bradenton, Florida. Let's hear it for Nancy Timberlake. (*APPLAUSE*)

NANCY TIMBERLAKE: Thank you.

PRESIDENT SCHULMAN: Nancy you have a great Dad and certainly it's important to recognize a birthday today for some of you who weren't here which (*MEMBER SMITH CLAPPING*) who do you think it might be? Happy Birthday to Chris Smith.

CLERK TIMBERLAKE: Yea girl. (*APPLAUSE*)

PRESIDENT SCHULMAN: As I like to say, I have belts older than Chris. I was going to say something else but I thought it would be inappropriate at a meeting of City Council which with a quorum being present, the Chair calls the 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: Very good. Thank you Madame Clerk. Tonight we're going to have our invocation give by Ward 9 Council Member Brian Horner. Will you all please remain standing for our Pledge of Allegiance.

*The regular meeting of Canton City Council was held on October 17, 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 9 Council Member Brian Horner. The Pledge of Allegiance led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: Thank you Member Horner. Let's hope your words are heard. We're now under Agenda Corrections and Changes. Members of Council, you're being asked to suspend Rule 22A to add 2<sup>nd</sup> Reading of Ordinances 9 through 12. Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to add 2<sup>nd</sup> Reading Ordinances 9 through 12.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add the 2<sup>nd</sup> Reading

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Ordinances 9 through 12. 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. Rule 22A is suspended and the Ordinances are a legal part of your agenda.

**PUBLIC HEARINGS**

PRESIDENT SCHULMAN: Turning to Public Hearings, we have no Public Hearings this evening.

**OLD BUSINESS**

PRESIDENT SCHULMAN: We're under Old Business now and I would ordinarily turn this over to the Mayor's Chief of Staff, Warren Price but he is celebrating his honeymoon, so he will not be here and the Mayor indicates that there is no Old Business to discuss so congratulations to Warren and his beautiful bride Michelle.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: We're now under Old Business. No, we just did that. We're now under Public Speaks and we have two speakers that are speaking this evening. Our first speaker is Mr. Charles Killens. Mr. Killens if you'll step forward and give us your name and your residential address and welcome. Good evening.

CHARLES KILLENS: Good afternoon. My name is Charles Killens. I'm at 1223 Market Avenue north of 12<sup>th</sup> Street. I'm still walking around and wondering if the inspectors doing their job here in the city in relation to property that needs to be tore down and grass to be cut. I talked to the Mayor about the Health Care Center. Did you go back there and look at that spot that I talked to you about?

MAYOR HEALY: *(Inaudible)*

CHARLES KILLENS: Pardon.

PRESIDENT SCHULMAN: He said he did look at it.

CHARLES KILLENS: There's several like that throughout the city and Councilman say, I've called into the Health Department and Engineers and also, there's a bridge out on 12<sup>th</sup> Street. It's caved and there's several of them over by Harrisburg, the creek. If they don't do something about it, they're going to get a flood throughout Harrisburg within the next couple of years. That bridge is clogged up with debris and it needs to be taken care of but I don't seem to be getting response from these city inspectors regarding these things I'm telling you about now and that's all I have to say. I wish you would get to it like I told you. I missed this election and I'm getting ready for the next one. Thank you.

PRESIDENT SCHULMAN: Thank you Mr. Killens. Thank you Mr. Killens and I think all the ladies in the audience thank you for those beautiful flowers that you gave them this evening. Thank you. It's a nice way to

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begin the meeting and then you can yell at the Mayor. Our next speaker is Patricia Kirk. Miss Kirk if you'll step forward and give us your name and residential address please.

PATRICIA KIRK: Hello. I'm Patricia Kirk. I live at 131 5<sup>th</sup> Street NE and last time I was here I think I talked about topping, you know when you lob off branches of the tree leaving a big stub and it ends up killing the tree eventually. I would like to talk about planting. We can't seem to get that right either. We can't seem to do that correctly, professionally and I'm sorry Doug Perry is not here with us tonight. If he was, it wasn't Doug Perry either, but I did watch trees being planted professionally. I'm very unobtrusive but you can hold up your hands, show your wrist, like it's upside down, like your fingers are the roots, your wrists are what are called the root flare. When you plant a tree you should not cover the root flare. OK, I'm going to pass something around. This picture, this is TJ. TJ had to replant one of the pine trees on Kresge lot because a tent had pulled it over and when he did he found what he is holding. It was wrapped around the roots. That tree had been there a good 10 years or so. It's a wire cage. The wire cage is used to carry the tree from the truck to the hole. It was still there. That tree had one root, one root. It was growing up over the cage and trying to find some dirt. There were no roots that had grown through the burlap and the cage. The trees that I watched planted oh, about a month ago, were planted the exact same way. I asked for the burlap and the cage to be cut away, they said they would not do that. They said that they were street trees and they needed that for support. That's not true. There is no difference between street trees and yard trees. The difference is street trees have it much harder. I'm going to pass this around. One is a sheet of instructions on how to plant a tree. They say to remove everything. Second is what happens when you don't. OK, second I want to talk about the Tree Commission Authority or Tree Commission Academy which this city is going to host in 2012. It's only two months away folks. The Tree Ordinance, there's no reason we cannot have the Tree Commission Academy as a requirement for the people that are going to be on the Tree Commission. It's free for Mayors. It's meant for people on the Commission. It's meant for people on the Council. I just wanted to bring that up. It is needed cause we're still paying people to top our trees. We're not paying attention to how high and big the trees are underneath the lines and as you can see, we're not paying attention to very old material as to how to plant trees. And may I mention that Canton is fast becoming an unliveable city which means the trees are disappearing and that goes for Ward 2, even as I speak. Where I live they are planting a fence all the way around the property which means the trees will be removed and if they are not removed, they will be killed. It will look like all the rest of the HUD properties which are kinda like jails and let me ask you something. For those people that do rent or live in a neighborhood where there are renters, do you receive little postcards in the mail telling you of child predators? We do, sexual predators, we do in the mail. Elderly housing does receive these. Cities with a lot of trees have a reduction in crime. Let me repeat that. Cities with a lot of trees have a reduction in crime. I know this is going to make me real popular but where the new Fire Station is and you see the big like grass gully that is a rain catch basin, that's like a government requirement because all that cement and rooftop is creating a lot of runoff flooding and that is a rain catch basin. Rain that was caught and soaked up by trees before. Yes, I know that a Fire Station is necessary to save lives but so is filtration of the air and water. I don't mean to be a downer all the time but the Tree Ordinance is a way to be an upper. Thank you very much.

PRESIDENT SCHULMAN: Thank you Miss Kirk. Before you step down, what department is it that you saw planting the trees as you say they were planted? Do you remember?

PATRICIA KIRK: Department? It was a private department.

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PRESIDENT SCHULMAN: A private company that did, was doing it. Alright, thank you very much. Appreciate it.

MEMBER WEST: Member Schulman.

PRESIDENT SCHULMAN: Yes, Member West.

MEMBER WEST: That tree is just....

PATRICIA KIRK: But it was hired by....

PRESIDENT SCHULMAN: No, I understand, thank you.

MEMBER WEST: That tree was probably planted about 7, 6 or 7 years ago at the Kresge lot, right? So if that one tree was probably planted with the metal casing, they're all probably planted. So the question is, is somebody going to look at trying to address that issue so those trees are strong and viable for future to come.

PRESIDENT SCHULMAN: Thank you Member West. Thank you again Miss Kirk. We always appreciate hearing from you and I did mention to the Law Director, they're working on that Ordinance. We're going to get that, believe me.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: OK, we're now under Informal Resolutions. Madame Clerk will you begin with Resolution 30 please.

#29. *PERSONNEL COMMITTEE: REQ CONFIRMATION OF APPT OF MR. MATTHEW C. HALTER TO ARCHITECTURAL REVIEW BOARD FOR RETRO TERM OF 1/1/11 - 12/31/14. - **WITHDRAWN***

#30. *PERSONNEL COMMITTEE: REQ CONFIRMATION OF RE-APPT OF MR. CHARLES DEGRAFF TO STARK AREA REGIONAL TRANSIT AUTHORITY BOARD FOR RETRO TERM OF 9/1/11 - 8/31/14. - ADOPTED*

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President for clarification, Resolution 29 has been withdrawn.

PRESIDENT SCHULMAN: Thank you.

MEMBER DOUGHERTY: I'd like to adopt Resolution 30 please.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution 30. Any comments? Hearing none by voice vote, all those in favor signify by saying aye, those opposed no.

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NO REMARKS

RESOLUTION #30 PASSED BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it, the motion carries and Resolution 30 is adopted.

**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 OCTOBER 17, 2011.***

351. AUDITOR MALLONN: REQ FOR ADDT'L AMENDED CERTIFICATE DATED 9/30/11. - RECEIVED & FILED
352. AUDITOR MALLONN: MONTHLY RPT BY FUND FOR 9/1/11 - 9/30/11. - RECEIVED & FILED
353. AUDITOR MALLONN: YEARLY RPT BY FUND FOR 1/1/11 - 9/30/11. - RECEIVED & FILED
354. COUNCIL PRESIDENT SCHULMAN: RECOMMENDING COUNCIL-AT-LARGE MEMBER JOE COLE TO THE CANTON CONSTRUCTION BOARD TO FILL A VACANCY. - RECEIVED & FILED
355. DEVELOPMENT DIRECTOR WILLIAMS: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/MERCY MEDICAL CENTER TO PROVIDE GRANT UTILIZING CDBG FUNDS IN AMT NOT TO EXCEED \$250,000.00 FOR DEV OF A MEDICAL FACILITY IN THE ST. PAUL SQUARE AREA. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
356. DEVELOPMENT DIRECTOR WILLIAMS: AUTHORIZE MAYOR TO SUBMIT/FILE W/HUD A FISCAL YR 2012 CONSOLIDATED PLAN ACTION PLAN, EXECUTE GRANT AGMTS W/HUD & ACCEPT THE CITY'S 2012 CDBG, 2012 HOME, & 2012 ESG; AUTHORIZE MAYOR TO REVISE &/OR AMEND THE CONSOLIDATED PLAN & BUDGETS FOR CDBG, HOME & ESG FOR PROG YR 1/1/12 - 12/31/12. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
357. HEALTH COMMISSIONER ADAMS: REQ \$6,000.00 APPROP FROM UNAPPROP FUNDS 2314 CHILD & FAMILY HEALTH FUND TO OTHER LINE ITEMS IN FUND 2314 CFH FUND FOR NEW GRANT REC'D FROM AUSTIN-BAILEY HEALTH & WELLNESS FOUNDATION FOR BUDGET YR 9/22/11 - 9/22/12. - FINANCE COMMITTEE
358. LAW DIRECTOR MARTUCCIO: AMEND MGMT/NON-BARG PERSONNEL ORDINANCE ELIMINATING THE AUTOMATIC COST OF LIVING SALARY INCREASES CURRENTLY IN PLACE FOR MOST ATTORNEYS IN LAW DEPT. - PERSONNEL COMMITTEE

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359. LIQUOR CONTROL DIVISION (OHIO): REQ NEW C1 C2 LIQ PERMIT TO SHREE SHIVAM INC @ 2211 TUSCARAWAS RD. - RECEIVED & FILED
360. MAYOR WILLIAM HEALY: ADVISING OF RE-APPTS OF SHARON JOHNSON, JOHANNES KICKEN & TIMOTHY MILLER TO MAYOR'S COMMUNITY RELATIONS COMMISSION FOR RETRO TERM OF 7/1/11 - 6/30/13; ALSO SHAWN WEST FOR NEW 2 YR TERM FROM 10/12/11 - 10/11/13. - RECEIVED & FILED
361. PLANNING COMMISSION: RECOMMENDING APPROVAL OF ZONE CHG FOR THE MARTIN CENTER LLC @ 1253 3<sup>RD</sup> ST SE (5 PARCELS, AKA PTS OF LOTS 1564 THRU 1566) FROM R-2 (ONE & TWO FAMILY RESIDENTIAL) TO PCS (PLANNED COMMUNITY SERVICE). - JUDICIARY COMMITTEE
362. PLANNING COMMISSION: RECOMMENDING DENIAL OF ALLEY VACATION OF ALTA PL NW BETWEEN MINERVA CT NW AND WOODLAND AVE NW (PAMELA HARPER). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
363. SAFETY DIRECTOR PRICE: AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR THE PURCHASE OF 1 SINGLE AXLE 5 TON DUMP TRUCK W/PLOW & SPREADER; 1 TRACTOR W/FLAIL MOWER FOR HIGHWAY MOWING; 1 ONE TON DUMP TRUCK W/PLOW; 1 3/4 TON PICKUP W/PLOW & 1 SKID STEER LOADER W/ATTACHMENTS FOR STREET DEPT; AUTHORIZE SERV DIR TO ALTERNATIVELY ENTER INTO CONTRACT(S) FOR THESE PURCHASES IN ACCORDANCE W/O.R.C. SECTION 125.04, STATE COOP PURCHASING AGMT. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
364. TREASURER SCHIRACK: RPT OF DEPOSITS & PAY INS FOR SEPTEMBER 2011 TO AMBULANCE LOCK BOX. - RECEIVED & FILED
365. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR MONTH OF SEPTEMBER 2011. - RECEIVED & FILED
366. TREASURER SCHIRACK: BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF 9/30/11. - RECEIVED & FILED
367. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS FILED AS OF 9/30/11. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: Turning to First Reading 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 ORDINANCE #1 THROUGH #8 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:***

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- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING SECTION 105.06, MINORITY CONTRACT PROVISION, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON  
Referred to Judiciary Committee
- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010, AND DECLARING THE SAME TO BE AN EMERGENCY (\$16,000.00 FROM UNAPPROP BAL 1001 GENERAL FUND TO 1001 501101 HUMAN RESOURCES ADMIN - PERSONNEL)  
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 (\$110,000.00 FROM UNAPPROP BAL 2328 PHEP FUND TO 2328 PHEP - OTHER)  
Referred to Finance Committee
- #4. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING COUNCIL TO ACCEPT A DONATION IN THE AMOUNT OF \$2,000.00 FROM THE WEST PARK NEIGHBORHOOD ASSOCIATION FOR THE PURCHASE OF TWO SECURITY CAMERAS AND ASSOCIATED EXPENSES RELATED TO THE INSTALLATION OF THE EQUIPMENT; AMENDING APPROPRIATION ORDINANCE NO. 245/2010; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #5. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO FILE AN APPLICATION TO THE STATE OF OHIO, DEPARTMENT OF DEVELOPMENT, TO SUPPORT AN APPLICATION FOR ASSISTANCE UNDER THE OHIO JOB READY SITES PROGRAM; AUTHORIZING THE AUDITOR TO ESTABLISH A FUND; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- #6. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A FIFTEEN (15) YEAR POWER PURCHASING AGREEMENT WITH ENER-G SOLUTION PARTNERS FOR THE PURPOSE OF THE INSTALLATION OF SOLAR PANEL FIELDS ON CITY-OWNED PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Environmental & Public Utilities Committee
- #7. (1<sup>ST</sup> RDG) RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR  
Referred to Finance Committee
- #8. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH MERCY MEDICAL CENTER TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED

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\$250,000.00 FOR THE DEVELOPMENT OF A MEDICAL FACILITY IN THE ST. PAUL SQUARE AREA; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: Turning now to Ordinances and Resolutions for their Second Reading. Would you please begin with Ordinance 9 Madame Clerk.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #9 THROUGH #12 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS):***

- #9. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING CHAPTER 749, ITINERANT RETAILERS, OF THE CODIFIED ORDINANCES OF CITY OF CANTON
- #10. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A FUNDING AGREEMENT WITH J.R. COLEMAN IN AN AMOUNT NOT TO EXCEED \$145,000.00 TO PROVIDE FACADE AND STREETScape IMPROVEMENTS ALONG THE MAHONING ROAD CORRIDOR; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF VARIOUS VEHICLES FOR THE PARK DEPARTMENT; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ALTERNATIVELY PURCHASE SAID VEHICLES PURSUANT TO THE STATE COOPERATIVE PURCHASING AGREEMENT AND/OR OHIO DEPARTMENT OF TRANSPORTATION PURCHASING AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
- #12. (2<sup>ND</sup> 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 (ADMIN CLERK - WATER RECLAMATION FACILITY)

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

PRESIDENT SCHULMAN: Thank you Madame Clerk. Turning now to Ordinances and Formal Resolutions for the Third and Final Reading and vote. Begin with Ordinance 13.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #13 AND #14 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS: (ORDINANCE #13 IS POSTPONED UNTIL 10/24/11)***

- #13. (3<sup>RD</sup> RDG) ***POSTPONED UNTIL 10/24/11 AN ORDINANCE AUTHORIZING THE AUDITOR TO ESTABLISH THE 2531 NIMISILLA PARK FUND***

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PRESIDENT SCHULMAN: Leader.

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

MEMBER PRATER: Seconded.

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

MEMBER DOUGHERTY: Mr. President, I move we postpone Ordinance 13 for one week to the 24<sup>th</sup>.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you postpone Ordinance 13 for one week which would be October 24, 2011. Any comments? Hearing none by voice vote all those in favor of the motion to postpone signify by saying aye, those opposed no.

NO REMARKS

ORDINANCE #13 POSTPONED BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it, the motion carries and Madame Clerk Ordinance 14.

#14. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 178/2011** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO SELL THE CURRENT BASKETBALL FLOOR AND BACKBOARD UNITS AT THE CIVIC CENTER BY SEALED BID OR PUBLIC AUCTION; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 14. Any remarks under this Ordinance? Hearing none Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#14 ADOPTED AS ORDINANCE NO. 178/2011**

PRESIDENT SCHULMAN: Ordinance 14 is adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SCHULMAN: We're now turn to Announcement of Committee Meetings.

MEMBER HAWK: Mr. President.

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PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Thank you good sir. The Finance Committee will meet Monday, October 24<sup>th</sup> at 6:15 P.M. in Council Chambers. Thank you.

PRESIDENT SCHULMAN: Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

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

PRESIDENT SCHULMAN: Thank you.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: Community Development same time, same place.

PRESIDENT SCHULMAN: Thank you.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Environmental and Public Utilities same time, same place.

PRESIDENT SCHULMAN: Thank you. Any other announcements?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes, Leader Dougherty.

MEMBER DOUGHERTY: Yes, I would like to call a meeting at 6:00 P.M. for the Chamber of Commerce to come in and give us a 15 minute presentation update.

PRESIDENT SCHULMAN: Thank you. Any other announcements?

**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: Hearing none, we'll turn to Miscellaneous Business. Is there any? Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. I just wanted to piggy back on what Miss Kirk mentioned and I think somebody mentioned to her where those trees she that observed being planted on something by, that

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was being paid for by the city of Canton. Is that correct ma'am? And I have the same concerns that she has because we all know if you plant something and it's planted improperly then you're going to be called back when it dies to replant it and just as Member Smuckler had mentioned about planting perennials instead of annuals, something that will grow back again yearly, therefore saving taxpayers money. I think that it behooves to see that things are planted properly because all we're doing is wasting taxpayers dollars down the road a few years. Those trees die and that's what's going to happen and what's the point of doing that. It's redundant. My husband was an engineer and he said that most architects always know that concrete cracks and flat roofs leak, so that's why they design accordingly then they always have jobs to do. And so you have to look at the other, same way around. People who plant trees that know, hey, they're going to die in a few years, I'll be called back and I can replant them. I think we need to address that and see that it's done properly so whichever department should be in charge of that, I would appreciate it for the taxpayers. Thank you.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Any other Miscellaneous Business?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member Butterworth.

MEMBER BUTTERWORTH: Thank you Mr. President. I received a phone call from a constituent today regarding a meeting tomorrow night at Glenwood Middle School at 6:00 P.M., Public Utility Commissions of Ohio regarding our electric rates. This constituent was adamant that we all know here in Council and that we would consider attending that meeting and they asked that I would make that announcement here tonight. Secondly there was an issue with a street in Ward 8 and I know that the Mayor was out there and Member Cole was out there as well as myself. At various times during this year that was one of the top 10 worst ranked streets in the city. It was scheduled to be re-paved, though some constituents were unhappy that it wasn't being re-paved in a timely manner, there were reasons for that. I wanted to publicly say thank you to Dan Moeglin and his staff. They've done a tremendous job in actually communicating not only with the Mayor and reciprocating from the Mayor but also with the constituents for the fact that the explanations that I gave them were the same explanations that were given by Dan and his staff so, thank you to the Engineering Department. Thank you Mr. President.

PRESIDENT SCHULMAN: Thank you Member Butterworth.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Yes, I'd like to thank Council and members of the community who have sent sympathy cards, the beautiful flowers that were sent during my brother's death. I really will, it was really sincere and I really appreciated that, the support. I also want to thank you guys for wishing me a Happy Birthday on Facebook, I think I got a 1,000 messages so I appreciate that as well. And Mr. Killens the bridge that's down on 12<sup>th</sup> Street, Mr. Killens...

PRESIDENT SCHULMAN: Mr. Killens, Mr. Killens.

MEMBER WEST: Mr. Killens, right here, the bridge on 12<sup>th</sup> Street, the Engineer Department, are actually

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fixing those and it was in the paper and it showed the time line so actually 2013, I believe it was '14 that bridge is going to be repaired. So just so you know, they're working on 12<sup>th</sup> Street. They're going to redo all of that stuff, OK, so it's going to be done. Alright, we're going to make this happen. We're going to clean it up. I appreciate you coming down. Thank you.

PRESIDENT SCHULMAN: Thank you Member West. Any other Miscellaneous Business? Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: With regard to the Tree Ordinance, if any of you, I thank you Member Cirelli for your comments. If any of you have any remaining comments, please forward them. I'm meeting with some folks tomorrow at Mr. West's request. I'm also hearing back from AEP. They've had a chance to look at the Ordinance and they have some concerns too and some other folks, so my job I guess is to shepherd all of those and deal with them in a manner that I think brings an Ordinance that you can pass. Thank you.

PRESIDENT SCHULMAN: Great, thank you Law Director. Any other Miscellaneous Business?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Mr. Martuccio, Law Director. Do you think we'll have that prepared before the 2012 Conference?

LAW DIRECTOR MARTUCCIO: Yes.

PRESIDENT SCHULMAN: Great. Any other remarks?

MEMBER CIRELLI: I just thought of something.....

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: ....that I could throw in there since Mr. Martuccio's going to be working on. Since we're trying to get income for the city, if the trees are implanted improperly, then we could fine them. And we know we'd make a lot of money cause so far they've been implanting them all improperly.

PRESIDENT SCHULMAN: OK, Leader.

MEMBER DOUGHERTY: Thank you. I move we adjourn.

MEMBER PRATER: Seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

**MINUTES OF THE MEETING OCTOBER 17, 2011**

*Clerk Timberlake wishes Chris Smith a Happy Birthday during roll call.*

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: *(Gavel falls)* Meeting is adjourned. Safe trip home everyone. Thank you.

ADJOURNMENT TIME: 7:53 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

ALLEN SCHULMAN  
PRESIDENT