

**MINUTES OF THE MEETING OCTOBER 24, 2011**

PRESIDENT SCHULMAN: Good evening ladies and gentlemen we're going to stop the construction during our meeting so if you'll bear with us for a moment. Ah, that's better. Thank you all for attending. I want to recognize our young students from Jackson High School here tonight for their Government class, welcome. I think you'll enjoy the meeting, at least I hope you will and give you a big round of applause, thank you for coming.

*(APPLAUSE)*

PRESIDENT SCHULMAN: On an all together different note, I'd like to take a moment of silence tonight, you know I hate war. Today we had the announcement that Marlinton High School graduate, Ashley White, 24, died in Afghanistan by virtue of a I.E.D. and she was 24 years old, had just been sent to Afghanistan and had been married 5 months. So, hopefully as the President announced, we're leaving Iraq, which is a good thing and soon I hope we'll leaving the war zone of Afghanistan. But let's have a moment of silence for Ashley and her family.

*(MOMENT OF SILENCE)*

PRESIDENT SCHULMAN: Thank you. And with a quorum being 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. And tonight invocation is going to be given by our esteemed Majority Leader, David Dougherty. If you'll all please stand and remain standing for our Pledge of Allegiance.

*The regular meeting of Canton City Council was held on October 24, 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 6 Council Member David Dougherty. The Pledge of Allegiance led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: Thank you very much Leader. We're now under Agenda Corrections and Changes. Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to add 2<sup>nd</sup> Reading Ordinances 6 through 13.

MEMBER PRATER: Seconded.

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PRESIDENT SCHULMAN: It's been moved and seconded that you suspend Rule 22A to add the 2<sup>nd</sup> Reading of Ordinances 6 through 13. Any remarks? And it's also our understanding that Ordinance 14 is referred back to Committee. 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 the Ordinances are a part of your agenda this evening. Leader, we've discussed bringing up Ordinance 13, I think now would be an appropriate time so we can allow our friends from Mercy Medical to hopefully hear the vote approved and send them on their way. Leader.

MEMBER DOUGHERTY: Go ahead and read that.

#13. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 180/2011** 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 \$250,000.00 FOR THE DEVELOPMENT OF A MEDICAL FACILITY IN THE ST. PAUL SQUARE AREA; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 13.

MEMBER PRATER: Seconded

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rules on Ordinance 13. 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: Thank you Madame Clerk. Leader, you've heard the three readings.

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

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 13. Are there any remarks under this Ordinance? I think we indicated, Sister, certainly before the meeting, we all appreciate all the good deeds and work you do for our community. You're a treasure to our community and we are very much appreciative, thank you so much. *(Applause)* Any other remarks? Hearing none, Madame Clerk roll

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call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#13 ADOPTED AS ORDINANCE NO. 180/2011**

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance 13 is adopted. And again, you will not offend us if you...I know you have other things to do. You're more than welcome to leave the meeting, just be careful on your way out.

**PUBLIC HEARINGS**

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

**OLD BUSINESS**

PRESIDENT SCHULMAN: Moving to Old Business, I'll turn this part of the Agenda over to the Mayor's Chief of Staff, Warren Price.

CHIEF OF STAFF PRICE: Thank you Mr. President. There were six items under Old Business, the first one was Charles Killins had spoke regarding inspection of houses to be demolished, yards that need mowed and the 12<sup>th</sup> Street and Harrisburg bridges that need repaired. I did refer, I wasn't here but we referred those matters to couple of departments that would handle those items and we're working on that. Patricia Kirk spoke about the Tree Commission Academy and the potential of that being a requirement for the Tree Ordinance. I've spoken to the Law Department and they're looking at that potential, I don't know, requirement or incorporating that somehow into the Tree Ordinance. Cindy Hall spoke regarding a...her desire for a public meeting regarding Lehman High School with all the parties involved because there's still questions that remain. The completion of that property transfer from the Canton Community Improvement Corporation to the proposed owners of the Lehman High School is not yet complete and so it maybe a little premature to do that. However, I do want to assure you that before the actual project will go forward, there will be opportunities for the Planning Commission and other entities to have those public meetings, I think we'll...I'm sure, you know, Councilman Hawk, myself, Members of the Administration are happy to sit down and talk with those neighborhood associations. I think there were some other speakers but I don't see any specific action on either of those next two. And Kathryn Ramsey suggested we tighten surveillance on scrap dealers has been referred to the Office of Public Safety. Thank you. Oh and one more thing with Mr. Scaglione, out there, I saw your face and you've been very patient with me. I wanted to let you know Angela and I did look at the building before I...I left to do my nuptials and so I...I will since I saw you, I'll call you but I think we've got hopefully good news for you, so.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Thank Mr. President. Director Price, we did have a meeting with the folks from the North Lehman Association, it was very positive and went very well. They...and they're being very supportive of the process and the program. So, that's one less thing we need to put on...keep on your very busy plate, so...

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CHIEF OF STAFF PRICE: Okay, well thank you.....

MEMBER HAWK: Thank you.

CHIEF OF STAFF PRICE:..... Councilman Hawk but since it's under Old Business I'll go ahead and take credit for the meeting having occurred and accomplished so....*(Laughter)*...Yeah, we took care that for you, thank you.

MEMBER HAWK: Thank you sir, I appreciate that very much.

PRESIDENT SCHULMAN: Member Hawk, I thought you were going to comment on Chief of Staff's wedding because I know that while he was on his honeymoon that's all he thought about was Old Business...*(Laughter)*...so, I'm sure he called in everyday. But I..we do want to congratulate Warren and his bride Michelle, they are a wonderful couple and we wish you all the best and all the happiness.

*(APPLAUSE)*

PRESIDENT SCHULMAN: You want to say anything or is that pretty much it?

CHIEF OF STAFF PRICE: Thank you....*(Laughter)*... thank you.

PRESIDENT SCHULMAN: Okay, that concludes Old Business.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: We're now under Public Speaks. We have three speakers this evening. Our first speaker is Jim Haavisto. Mr. Haavisto, I hope I'm pronouncing your name right. If you'll step forward, I know you've been here before, if you'll step forward and give us your name and residential address please. And welcome to Canton City Council again. Thank you for coming.

JIM HAAVISTO: My name is I live at 2190 University Drive SE and that is in Massillon, Ohio. Sorry about that, I apologized last time but that's where I live now. I am standing up to speak about the mobile vendors or itinerant vendor Ordinance that's before you. I did receive a copy of the...of even the amendment and the changes that are made to it. I just wanted to stand up one more time and have you....and ask you to reconsider that one more time. There really is...I'm looking at...I've been looking at the poster here for the last 30 minutes saying "Growing Canton: Our Commitment to a Prosperous Economic Future" Growth and Prosperity. This legislation means for everybody accept some. So, I'd like you to look at that, the fees are still outrageous that are in the proposal now, I know we talked about maybe 25 or \$50.00 a day but still in my research over these last several weeks, there is no...there are no Municipalities, there are no Townships, no one is even close to this level of fee for vendors and also the restriction of where the vendor can set up. I thought it was a free market system and I know there are rules and regulations that come in handy for protecting persons but this...this Ordinance actually smells a little bit of protectionism, a little bit of conflict of interest and definitely not free market capitalism. So, I would just want to stand up and encourage you to really think about what you're doing, think about stifling. If...if...when we start with the mobile vendors now, that's an easy one, that's a small target and guess what, you know what, I wanted to come back for another reason, they

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always say we come in on the sunny days, I just wanted to come back and say no, we're in it for the long haul. Our business is doing well just so you know on the side our business is doing well, it's actually up by almost double over the last 30 days. So, we're excited about that. We'd like to start doing business in Canton. I've even talked to Mr. Cole about a possible facility for manufacturing these carts and so on. But again, there's a lot more to consider than just a mobile vendor in this territory. And we're not killing restaurants, our market and our competition is not sit down restaurants, it's been proven over and over and over again. It is fast food restaurants and guess what, I'm not going to run McDonalds out of business and guess what Damons at Belden Village didn't go out of business because of a mobile food vendor. Neither did the steakhouse at Belden Village, neither did any other restaurant, if you look at any restaurant, research it, ask them why they went out of business. I've researched the most I can find on the internet and everywhere else. I've never once heard a mobile vendor running a restaurant out of business. So I want you...I would just encourage you to really look at this Ordinance and realize, this is protectionism, this is a special interest item, it's not going to help the City of Canton, it hurts the image of the economics in the City of Canton. Thank you.

PRESIDENT SCHULMAN: Thank you very much sir. We appreciate your comments and I know that's going to be brought up in third reading tonight and I'm sure it will have a challenging debate. Our next speaker is Jennifer Lewis. Ms. Lewis, good evening, welcome as always. If you'll give us your name and your residential address please.

JENNIFER LEWIS: Jennifer Lewis, 805 13<sup>th</sup> Street NE. I wanted to start with the word courage - the quality of mind and spirit that evades a person to face difficulty, danger or pain without fear. My husband and I have been faced with some difficult times, these are hard times on a lot of us. I came down tonight grateful for my three minutes to speak to all Elected Officials and/or candidates or Council Members seeking office or holding office. I plead to each and everyone of you who currently serve or about to serve to do so because you care about people. Show you care by having the courage to follow through with what you say you stand for. Be there for the citizens of Canton suffering in their own neighborhoods from vacant homes, blight, gangs, drugs and most of all and most recently shootings. Have the courage to not get caught up in the political side of everything and really listen to the people of Canton. Over the last several months, my family and neighbors have been terrorized yet again by one particular house on our street. It took the courage for people like myself to stand up even in danger to start calling and demanding help. Over a period of time and the courage of several individuals, this house was surrounded and brought down last week by SWAT and Canton Detectives. This family is currently out on bail and back to threatening and terrorizing us. Please be there for the people. Stand up for the little neighborhood boy who sent me a text last night as I finally sat down "Jen, are people allowed back in that house? Can you get it tore down? If you do, I'll feel a little safer and I can go to sleep." Courage, have the courage to make a difference because you truly care about people. Lastly, a huge thank you to Officer Pellegrino, Detective Smith and countless others at our Police Department who take the time to care about my family's personal safety and well being at all times. Both of these officers have taken time out from their families, even being at home to come and care for my family. I feel personally grateful for their recent efforts to care about what is happening on my street. Thank you.

PRESIDENT SCHULMAN: Thank you very much. Thank you as always Ms. Lewis. I'm glad to know there's some ray of hope and I'm...I'm sure that Director Ream will speak with you afterwards if you're still having problems. But thank you again as always. Our last speaker is Richard Johnson. Mr. Johnson good evening, if you'll step forward and give us your name and your residential address and welcome to Canton

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City Council.

RICHARD JOHNSON: How you doing? My name is Richard Johnson, I live at 2503 Baldwin Avenue, Canton, Ohio 44705. I'd like to talk about how the police decide to come to which call and which call not to come to. I called them this morning about my truck had like five bullet holes in it and they wouldn't come out. They gave me a...a...I can't even remember what they called it, some type of claim number. So as I go to work and I'm at work and I hear from the street, someone called me, you hear a young man was shot five times one street over from you up the road. Said, no I hadn't heard that. So I go home, I call them again and said before I start cleaning this glass up and disturbing evidence, it might be a crime scene, would you like to come out and see it? Oh no, we don't want to come out and see it, I'm like why not? Because you have a claim number. And that was it.

PRESIDENT SCHULMAN: We're listening to everything you're saying to us. Don't misunderstand. This is the opportunity for members of the community to come forward as you've done and we thank you very much and give us this information. If you'll wait until after the meeting, we have our Safety Director here, I'm sure he'll be interested in what you have to say and will answer any questions as will any of Members of the Council. Where do...you live on....

RICHARD JOHNSON: Baldwin.

PRESIDENT SCHULMAN: ...Baldwin. Alright.

RICHARD JOHNSON: Okey dokey.

PRESIDENT SCHULMAN: Thank you very much sir for coming. We appreciate it.

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: Moving now off of Public Speaks and into Informal Resolutions. We have no Resolutions this evening.

**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 24, 2011.***

368. DEPT OF COMMERCE: NOTIFICATION OF CANCELLATION OF HEARING DUE TO OBJECTION BEING WITHDRAWN FOR HILL MINI MART, LLC DBA SHORB DRIVE THRU @ 829 12<sup>TH</sup> ST NW. - RECEIVED & FILED
369. FINANCE DIRECTOR DIRUZZA: REQ AMEND O#245/2010 WITH SUPP APPROP AND APPROP TRANSFERS IN EXHIBIT A FOR CONTINUED OPERATION OF THE CITY. - FINANCE COMMITTEE

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370. FINANCE DIRECTOR DIRUZZA: REQ AMEND O#245/2010 WITH SUPP APPROP AND INTERFUND TRANSFERS IN EXHIBIT A AND B TO FUND THE MOTOR VEHICLE DEPT TO CONTINUE SERVICE OF CITY VEHICLES. - FINANCE COMMITTEE
371. LIQUOR CONTROL DIVISION (OHIO): REQ C2 C2X TRANSFER OF LIQUOR PERMIT FOR DIPIETRO ENTERPRISES NO 1 INC DBA PIZZA OVEN @ 3201 W TUSCARAWAS ST. - RECEIVED & FILED
372. MAYOR WILLIAM HEALY: SUBMISSION OF FINAL MEMBER LIST OF CANTON ENTREPRENEUR LAUNCH COMMISSION. - RECEIVED & FILED
373. SAFETY DIRECTOR REAM: DECLARE 4 BLDGS UNSAFE, HAZARDOUS & DANGEROUS TO PUBLIC HEALTH, SAFETY & WELFARE CONSTITUTING PUBLIC NUISANCES FOR WHICH DEMOLITION IS REQUIRED. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
374. SAFETY DIRECTOR REAM: REQ ACCEPTANCE OF FUNDS FROM 2011 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG PROG) IN AMT OF \$49,600.00 FOR CANTON POLICE DEPT; REQ RENAME OF FUND 2769 FROM 2006 BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT TO 2011 BYRNE LOCAL SOLICITATION GRANT FUND; RATIFY ANY AGMT ALREADY ENTERED INTO WITH STARK CNTY COMMISSIONERS REGARDING THIS GRANT. - FINANCE COMMITTEE
375. SERVICE DIRECTOR PRICE: AUTHORIZE ODOT TO REPAIR RAFF RD BRIDGE OVER US RT 30 IN CANTON CITY LIMITS AT NO COST TO THE CITY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT AND PUBLIC SAFETY & THOROUGHFARES COMMITTEES
376. SERVICE DIRECTOR PRICE: AUTHORIZE TRANSFER OF ½ ACRE OF PARCEL #284617 FOR SARTA'S CNG STATION; DETERMINE ANY RESTRICTIONS ON PROPOSED TRANSFER OF PROP & HOW TO BEST COMPLETE THE TRANSFER; RECOMMEND TRANSFER TO CCIC AND THEN FROM CCIC TO SARTA. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: Turning now 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 begin with the First Reading Ordinances by title.

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

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO FILE WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) A 2012 CONSOLIDATED ACTION PLAN FOR THE 2012 COMMUNITY DEVELOPMENT BLOCK GRANT, 2012 HOME INVESTMENT PARTNERSHIP, AND 2012

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EMERGENCY SHELTER GRANT PROGRAMS; RATIFYING SUBMISSION AND FILING OF SAID PLAN; AUTHORIZING THE MAYOR TO EXECUTE GRANT AGREEMENTS WITH HUD AND TO ACCEPT FUNDING FOR THE THREE PROGRAMS; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee

- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010, AND DECLARING THE SAME TO BE AN EMERGENCY (\$6,000.00 - 2314 CHILD & FAMILY HEALTH FUND)  
Referred to Finance Committee
- #3. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 100/2011, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON (LAW DEPARTMENT, CRIMINAL & CIVIL DIV)  
Referred to Personnel Committee
- #4. (1<sup>ST</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 STREET 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  
Referred to Public Property Capital Improvement Committee

***(COUNCIL RECESSED AT 7:49 PM FOR THE COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE TO DISCUSS ORDINANCE #5; RECONVENED AT 7:51 PM)***

- #5. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 179/2011** AN ORDINANCE DECLARING 4 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

PRESIDENT SCHULMAN: We're now under Ordinances, thank you Madame Clerk....oh, I'm sorry we're going to recess...Oh, at this time the Chair would declare an in house recess for the Community and Economic Development Committee to meet in regard to Ordinance 5. You're now in recess.

PRESIDENT SCHULMAN: Okay, Council will reconvene after the recess. Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to place Ordinance 5 back on the...this evening's agenda.

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MEMBER PRATER: Seconded

PRESIDENT SCHULMAN: It's been moved and seconded that you Suspend Rule 22A to place Ordinance 5 back on this evening's agenda. Any remarks? If not, 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 Ordinance 5 is a legal part of your agenda. Leader...Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 5.

MEMBER PRATER: Seconded

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance 5. 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. Leader, you've heard the three readings.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 5.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #5. Any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#5 ADOPTED AS ORDINANCE NO. 179/2011**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 5 has been adopted.

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: Now we move to Ordinances and Formal Resolutions for their Second Reading. Madame Clerk will you please begin with Ordinance #6.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #6 THROUGH #12 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS):***

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- #6. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING SECTION 105.06, MINORITY CONTRACT PROVISION, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
- #7. (2<sup>ND</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)
- #8. (2<sup>ND</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)
- #9. (2<sup>ND</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
- #10. (2<sup>ND</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
- #11. (2<sup>ND</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
- #12. (2<sup>ND</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

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

PRESIDENT SCHULMAN: Thank you Madame Clerk. We're now under Ordinances and Formal Resolutions for their Third and Final Reading and vote. Will you please begin with Ordinance 15.

MEMBER DOUGHERTY: Point of Order.

PRESIDENT SCHULMAN: Oh yes, Leader.

MEMBER DOUGHERTY: We still need to do 14.

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PRESIDENT SCHULMAN: Okay, let's do 14 then.

CLERK TIMBERLAKE: Okay.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #14 THROUGH #18 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

#14. (3<sup>RD</sup> RDG) **REFERRED BACK TO COMMITTEE** AN ORDINANCE AUTHORIZING THE AUDITOR TO ESTABLISH THE 2531 NIMISILLA PARK FUND

PRESIDENT SCHULMAN: Leader.

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, Leader.

MEMBER DOUGHERTY: Mr. President, I move we send Ordinance 14 back to Committee. Finance Committee for further review.

PRESIDENT SCHULMAN: It's been moved and seconded that you send Ordinance 14 back or refer it back to the Finance Committee for further review. Any remarks? By voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS          REFERRED BACK TO COMMITTEE PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it, the motion carries. Madame Clerk, now Ordinance 15.

#15. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 181/2011** AN ORDINANCE AMENDING CHAPTER 749, ITINERANT RETAILERS, OF THE CODIFIED ORDINANCES OF CITY OF CANTON

PRESIDENT SCHULMAN: Leader.

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. Any remarks, Leader.

MEMBER DOUGHERTY: Yeah Mr. President, I move we amend Ordinance 15 per the copy in front of everyone.

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MEMBER PRATER: Seconded.

**AMENDMENT**

*Pursuant to Rule 36, I move to amend paragraph (b) of Section 1 of Agenda Item No. 15 as follows:*

*(b) Itinerant retailers, including itinerant vendors of food, desiring to conduct business within the downtown area designed as the Special Improvement District shall pay a permit fee to the City in the amount of either one hundred twenty-five dollars (\$125.00) per month or one thousand dollars (\$1,000.00) per year per itinerant retailer, except for those individuals who will be conducting business in conjunction with a designated special event co-sponsored by the Chamber of Commerce and/or the city of Canton, or approved by the city. Itinerant retailers of food within the Special Improvement District shall vend only in the Central Plaza in downtown Canton, with no more than two vendors locating in the North plaza and two vendors located in the South plaza on a first come, first reserved basis.*

*I further move to amend Agenda Item No. 15 by the addition of a new Section 3 as follows, with current Sections 3 and 4 being renumbered Sections 4 and 5 respectively:*

Section 3. *Section 749.99, Penalty, of the Codified Ordinances is amended to read as follows:*

*Whoever violates any provisions of this Chapter shall be guilty of an unclassified misdemeanor and fined a mandatory find of \$250.00. Each daily violation shall constitute a separate violation.*

PRESIDENT SCHULMAN: Would you like that summarized?

MEMBER DOUGHERTY: Please.

PRESIDENT SCHULMAN: Law Director would you like to summarize the amendment to Ordinance 15 please.

LAW DIRECTOR MARTUCCIO: Mr. President, Mr. Majority Leader, Members of Council, the amendment includes the changes that have been discussed at various Committee Meetings and work sessions over the last several weeks. It incorporates an amendment that changes the fee from the original \$250.00 per day to \$125.00 per month or \$1,000.00 per year. It continues to exempt those special events that are done by the City or the Chamber of Commerce in conjunction with the City. It also now eliminates the..the waiver of the \$120.00 fee for those who sell any kinds of itinerant goods outside the SID, it's still \$125.00 outside the SID without a waiver. This also relegates the vendors to a geographical area in the center of town known as the Central Plaza, no more than two vendors in the North plaza and no more than two vendors in the South plaza together on a first come first reserved basis. It also incorporates the penalty that was discussed, that being a mandatory \$250.00 penalty for each violation for those folks who violate...who sell itinerant goods in the City of Canton, or food without the permit being properly obtained. This marks a little bit of a change, this is better, this is an unclassified misdemeanor and the money is collected, when it is collected it goes to the City. Those, I believe reflect the changes that were discussed and compromised with the work of everyone here.

PRESIDENT SCHULMAN: Thank you very much Law Director. It's been moved and seconded to amend Ordinance 15 per the copy before each of you. Are there any other remarks? Hearing none, by voice vote, all those in favor of the motion to amend the Ordinance, signify by saying aye. Those opposed no.

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NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

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

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to amend Ordinance...to adopt Ordinance 15 as amended. Are there any remarks? Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. Question to the Law Director, if I am an itinerant vendor as of today and I want to do business in Canton, tell me what would I do sir.

PRESIDENT SCHULMAN: Law Director.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member Cirelli, if you are selling goods off of a mobile cart, you're considered an itinerant retailer as we define it. If you wanted to sell your goods today, you mean before the Ordinance change?

MEMBER CIRELLI: Yes sir.

LAW DIRECTOR MARTUCCIO: Today before the Ordinance changes, you would go to our license bureau in the City Hall, Police Department area and meet with our license technician and file an application. It would require the payment of a \$125.00 fee to be an itinerant retailer within the City of Canton. If you have a valid certification from the Board of Health and you're State permit to vend, your fee of \$125.00 would be waived but you still have to register and have a valid permit issued to you to vend within the City limits that you can display.

MEMBER CIRELLI: Okay, so then actually I'm not...I don't have to pay that 125 if I have from the State's Health Department. Is that correct sir?

LAW DIRECTOR MARTUCCIO: That's correct. If you are otherwise certified by the State and have a current Canton Health Department certification to sell food, now this doesn't apply to T-shirts and gizmos and balloons and those kinds of things. Only to food, if you have a Health Department certification, yes, the \$125.00 fee will be waived.

MEMBER CIRELLI: And that...that license from the Health Department is for how long sir?

LAW DIRECTOR MARTUCCIO: I believe for a season but I'm not sure, it could be for an entire year. I know when Mr. Adams was here, he asked the question and he answered it but I don't remember his response.

MEMBER CIRELLI: Does anybody here recall? So you'd be paying \$125.00 annually, period.

LAW DIRECTOR MARTUCCIO: I believe their fee was a little higher. Yes.

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MEMBER CIRELLI: My second question was I'm still not settled in my mind about the having the special events where all of the people in the SID and they want to partake and no matter what, even if their outside of the SID, I mean...what I mean is vendors coming in, that they all have to still pay that \$225.00 to the Chamber of Commerce, is that correct or did I, you know...

LAW DIRECTOR MARTUCCIO: Yes, under the way the Ordinance currently exists and the way it continue to exist 30 days from now if its voted by 8 Members of Council or 7 Members of Council rather and signed into law. The way it currently exists and will exist, if...if a special event is deemed a special event by the City and it's held in conjunction with the Chamber or it's a City special event on a stand alone, the fee is waived to sell those goods or food in the special improvement district. However, they would still have to pay, the vendor would still have to pay the fee that's associated with being part of the special event. The rationale behind that is the vendor comes to a large event that typically has 100s or 1,000s of people and it's a captive audience, it's an audience in which the vendor usually expects to sell a lot of goods, especially I assume in good weather. So yes, currently and in the future in a deemed special event, the private vendor would work out their fee with the Chamber to be a part of that large special event.

MEMBER CIRELLI: With this that we have before us, if I am an itinerant vendor and the Chamber is having one of their special events, what do...and I could be placed in two north or two south in the plaza, I can still do that and be part of it and what am I paying and who am I paying it to?

LAW DIRECTOR MARTUCCIO: I see, it's your question then, if...if you're a private vendor and you're not part of a special event, can you still go into the Central Plaza if you pay your 125 a month or your 1,000 a year as long as your limited to two in the north plaza and two in the south plaza, you're paying 125 a month or a 1,000 a year. You could go there unless the Central Plaza is where the special event was taking place. If the special event was taking place in the Central Plaza, there would be no room to sell your wares.

MEMBER CIRELLI: So Mr. President and Mr. Law Director, then I would become more or less a displaced person, displaced vendor if they're having the event in the plaza, is that correct?

LAW DIRECTOR MARTUCCIO: Mr. President, Member Cirelli....

PRESIDENT SCHULMAN: Law Director.

LAW DIRECTOR MARTUCCIO: ...yes, I believe so.

PRESIDENT SCHULMAN: Anything else Member Cirelli?

MEMBER CIRELLI: Well I just wanted to add that everywhere that I have looked I have not seen, I know that some people do and other Cities do charge fees, the fees have not...this amount nor have I seen where they're placing them in a particular place. And I really have a problem I guess with that whole issue.

PRESIDENT SCHULMAN: Okay, anything else?

MEMBER CIRELLI: Nope, I thank you.

PRESIDENT SCHULMAN: Thank you. Member Smuckler. Okay. Any other remarks? Member Barton.

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MEMBER BARTON: Mr. President, just one quick question. This fee would be for itinerant retailers, correct?

PRESIDENT SCHULMAN: Law Director.

LAW DIRECTOR MARTUCCIO: Mr. President, Member Barton, yes that's correct.

PRESIDENT SCHULMAN: Any other remarks?

MEMBER COLE: Mr. President.

PRESIDENT SCHULMAN: I thought.....yes, Member Cole.

MEMBER COLE: Yes, during our work sessions, it was discussed that we've never had a perfect Ordinance here in City Council and I think that this is..is one of those situations as well, by no means is this perfect but I do believe that the fee structure is now in the ballpark of what other Municipalities across our Country do. So I..I want that to be...to be stated. So, thank you.

PRESIDENT SCHULMAN: Thank you. Any other remarks? Just from my perspective, I want to compliment each and everyone of you and I want to compliment Member Smuckler, perhaps most of all for putting together this group to hash out what would be fair and what would be acceptable not only to the restauranteurs in our Special Improvement District but also to the itinerant retailers who are selling their respective wares to the City and our community. And I did want to comment on the public speaker who said that this was some kind of an attack on capitalism or free market capitalism. I think there are always constraints on free market capitalism as there should be. I think in some sense we saw three years ago what happened when there was a diminishment of restraints on free market capitalism, not that this compares to that. But nevertheless, you all did a magnificent job of coming together. Hearing the various political views and the economic views and you're all to be complimented. I think you've struck a great bargain here but we'll see what happens with the vote. There is a motion on the floor. Any other remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 7 YEAS, 3 NAYS, 2 ABSTAINS

(MEMBERS CIRELLI, SMITH AND BUTTERWORTH VOTED NAY; MEMBERS HAWK AND WEST  
ABSTAINED)

CLERK TIMBERLAKE: Seven yeas, three nays and two abstains.

**#15 ADOPTED AS AMENDED AS ORDINANCE NO. 181/2011**

PRESIDENT SCHULMAN: Thank you Madame Clerk, the Ordinance has been adopted. Ordinance #16 please.

#16. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 182/2011** 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

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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 to adopt Ordinance 16. 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.

**#16 ADOPTED AS ORDINANCE NO. 182/2011**

PRESIDENT SCHULMAN: Ordinance 16 is adopted. Ordinance 17 please.

#17. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 183/2011** 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

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 17.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 17. 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.

**#17 ADOPTED AS ORDINANCE NO. 183/2011**

PRESIDENT SCHULMAN: Thank you Madame Clerk Ordinance 18 is adopted. We're now under Announcement of Committee Meetings.

CLERK TIMBERLAKE: No that was 17, under 18 now.

PRESIDENT SCHULMAN: 17, sorry....

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MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: ...sorry. I'm making a big...I ...I can't keep up with this agenda tonight. I don't know what's wrong. Ordinance 17 is adopted, I guess we're on Ordinance 18.

#18. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 184/2011** 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)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 18.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 18. 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.

**#18 ADOPTED AS ORDINANCE NO. 184/2011**

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance 18 is adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SCHULMAN: Now we are under Announcement of Committee Meetings.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Thank you good sir. The Finance Committee will meet Monday, October 31<sup>st</sup>, which is Halloween here at 6:30 P.M. Thank you.

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel Committee will meet Monday, October 31<sup>st</sup> at 6:30.

PRESIDENT SCHULMAN: Thank you. Any other announcements?

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

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MEMBER SMUCKLER: CD will meet same time, same place.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Public Property Capital Improvement will also meet that evening at 6:30.

PRESIDENT SCHULMAN: Thank you very much. Anything else?

**MISCELLANEOUS BUSINESS**

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

MEMBER CIRELLI: Thank you Mr. President.

PRESIDENT SCHULMAN: You're welcome.

MEMBER CIRELLI: Mr. President, first of all I'd like to thank Safety Director Ream on behalf, if you can take it back to the Chief...the Fire Chief sir, for getting the right ten year nonremovable smoke detector, the batteries...the lithium batteries. I very much appreciate that. And I did not know that they were passing them out again but a retired Firefighter in the neighborhood had went and got some for the neighbors and apprised me of it. So it happened to be the same night that I...I went down that earl...and got the papers and took them to some of the people that called and said their batteries were beeping. So, I replaced them, I got the papers filled and what have you and I went down to the fire station to take the papers down there and was hoping to get a few more but unfortunately the Administration Office was closed. So, the get gentlemen there invited me to sit and partake with...some soup with them and...so I did. First time I ever had hubbard soup, it was wonderful. The next thing you know, the alarm went off and I was sitting there by myself. I mean they are very professional people and fast and they were gone before I could even blink an eye. So, I hurried up and washed my bowl because you can hear what's all going on and what departments they're calling and everything. I mean, if you're not...if you have hearing problems you can go down there and believe me, they'll take care of them for you. So, I heard it was down, I believe 712 Michael Place and...I might be wrong on the street but anyhow I washed my bowl and spoon and I looked out the window and I saw all the smoke pouring and I heard all the action so naturally I jumped in my Jeep and I went down and I observed what happened and I want to thank Member Dougherty because he was kind enough then later, he wanted to...Council to, you know, help the people that were displaced and so we did that. But when I got home and got to thinking about the whole issue, I know that unfortunately it's potentially the fire may have been set and got to thinking about all the homes that we we're protecting with our ten year nonremovable lithium battery smoke alarms and I also realized that we only gave them out to property owners, which I can appreciate that because it should be the responsibility of the landlords to provide that. However, I'm not comfortable knowing that the landlords are doing that and whenever I'm looking at now statistics rising closely to 60% of maybe our housing stock might be in people that are renting, I have real concerns about their livelihood as well. And is there any possible way that we could see...or how we could enforce this with our manpower the landlords are providing such a devise, do we need an Ordinance that says it has to be the ten year nonremovable smoke alarm and that could go to you Mr. Martuccio, do we need an Ordinance says the landlords have to provide the same thing that we are providing for the homeowners or can we by way of a potentially grant through Community Development dollars see that that's provided without breaking some law that's removing the landlords responsibility? I don't know but I just have real concerns about renters now that are we turning our backs on them and it's all

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about lives.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you President Schulman. Member Cirelli, we would look into...again, if they're gifts...if...if these are presented through a grant, we can obviously do anything that meets minimum code or above as part of a gift or grant program, anything that meets our minimum code or above and I believe that since we've adopted the International Property Maintenance Code, that's where we'd (*inaudible*) to, to see what the minimum kind of smoke detector is required by...by law. If...if we wanted to mandate something more, something that lasts longer and is tamper proof, we'd probably have to amend our Ordinance to do that.

MEMBER CIRELLI: Then Mr. President and Mr. Law Director, would you please bring forward an amendment to the International Property Maintenance Code that the landlords must provide this particular type of smoke detector to the people, I'd appreciate that very much sir.

PRESIDENT SCHULMAN: Safety Director Ream, did you have any comment on Member Cirelli's remarks?

SAFETY DIRECTOR REAM: Well I'll pass those nice remarks along to the Fire Department personnel. I thank you for that. I believe that smoke detectors in rental properties is covered under the International Property Maintenance Code. I am unsure that we can dictate the kind but I'll have our CBO do some research on that.

MEMBER CIRELLI: Thank you Mr. President, thank you.....

PRESIDENT SCHULMAN: Thank you Director.

MEMBER CIRELLI: .....Mr..... Director Ream, I appreciate that.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Anything else, Member Cirelli? Any other remarks?

MEMBER HAWK: Real quickly Mr. President.

PRESIDENT SCHULMAN: Yes Member Hawk.

MEMBER HAWK: I'd like to invite everybody to stop down and take a look at the Council sculpture that was placed at the entrance to Monument Park on 12<sup>th</sup> Street, NW right at the bottom of Serpentine Hill that was put in there by West Park Neighborhood Association. It was a joint effort by a lot of people and if you get a chance to go down and look at it, it's a pretty nice piece of art. The first one in our community in our Park System and I thank everybody for their support on it.

PRESIDENT SCHULMAN: Thank you Member Hawk. Any other remarks? If I could very briefly before we adjourn Leader, I know that some of...I think all of you received a letter from a person identifying his or her self as "The Spirit" and it said that...it used the words Schulman the hypocrite, the anti-Christ, pharius jew and said "Don't forget to ask Schulman about his secret automatic Oozie he and other jews unlawfully own and have in their homes." I just want the public to know I do not have a secret Oozie in my home. And I do want to say that one of the beauties of our Constitution under the First Amendment is that ignorance can be glorified and I think in this instance it's a clear indication of that statement. So, I know some of you have received it, it

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truly does not bother me. I know this person has sent these before. Again, it demonstrates really the amazing ability of our Constitution to protect all thoughts and all acts of speech. So, I would only ask if the public knows who the Spirit is, why don't you have the Spirit call me and I'll be happy to disabuse him of the notion that I have any type of firearms in my home. Although, I am shooting on November 14<sup>th</sup> and I maybe packing heat the next time I see the Spirit. (*Laughter*) Leader.

MEMBER HAWK: Mr. President.... Mr. President one other...

PRESIDENT SCHULMAN: Member Hawk.

PRESIDENT SCHULMAN: Thank you sir. One other comment, I received that letter also and I was deeply offended by it, it's the second time I've received that attack on Members of our Jewish community. I think it's obscene and ridiculous. Mostly what I feel is the exception to it is the man is a coward or the woman is a coward, whoever wrote that did not sign their name to it. Therefore, their opinion does not carry any weight or value. Great thing about the United States is and one of the names has become synonymous with signing up...and the John Hancock who signed the Declaration of Independence and some of those gentlemen also helped write the Constitution. They had the nerve to sign their name and the ability and the pride to sign their name on such a precious document. This man is a coward.

PRESIDENT SCHULMAN: Thank you Member Hawk. Leader.

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

MEMBER PRATER: Seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 1 NAYS  
(MEMBER BUTTERWORTH VOTED NAY)

CLERK TIMBERLAKE: Eleven yeas, one nay Mr. President.

PRESIDENT SCHULMAN: (*Gavel falls*) Meeting is adjourned. Thank you ladies and gentlemen, thank the high school students. Be careful on the way home.

ADJOURNMENT TIME: 8:19 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

ALLEN SCHULMAN  
PRESIDENT