

MINUTES OF THE MEETING NOVEMBER 21, 2011

PRESIDENT SCHULMAN: Good evening again ladies and gentlemen and welcome to Canton City Council. Before we begin our meeting obviously, all of us on Council and I know I express the Mayor and his administration's feelings. We want to wish you all a very Happy Thanksgiving. We have a lot to be thankful for as citizens in this country so, Happy Thanksgiving to you and your families and I can see that people are getting ready because we have a very thin crowd tonight. Secondly before we begin, I want to congratulate our Law Director, Joe Martuccio. He was dancing with the stars of Canton on Saturday night. (APPLAUSE) And nobody had the guts to say for a big man he danced gracefully but he was beautiful. And for a fairly big man and old man he danced very well and in the mean time the Palace had 800 people, the place was filled and packed and the Palace Theatre raised over \$10,000.00 so we have a great community. We have a lot to be proud about. (APPLAUSE) But seriously, Joe was spectacular and with that and with a quorum being present the Chair does call 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 & BRIAN HORNER)

ELEVEN COUNCIL MEMBERS PRESENT.

CLERK TIMBERLAKE: Eleven present Mr. President.

EXCUSING MEMBERS

PRESIDENT SCHULMAN: Thank you Madame Clerk. Leader Dougherty I'll recognize a motion to excuse Member Butterworth from this evening's meeting and just so the record knows and the audience knows, Member Butterworth's daughter had a medical emergency and obviously our thoughts and prayers are with her and he had to go to the hospital so, with that Leader.

MEMBER DOUGHERTY: Mr. President, I move we excuse Member Butterworth.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you excuse Member Butterworth from this evening's meeting. 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. The motion carries and Member Butterworth is excused from this evening's meeting. We'll have our invocation or invitation. We're going to have our invocation...we're going to have the invocation given tonight by Council Member-at-Law, re-elected Joe Cole and will you all please remain standing for our Pledge of Allegiance.

The regular meeting of Canton City Council was held on November 21, 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

MINUTES OF THE MEETING NOVEMBER 21, 2011

was given by Council-at-Large Member Joe Cole. The Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you Member Cole. We're now under Agenda Corrections and Changes, Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to add 2nd Reading Ordinances 9 through 11.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you add 2nd Reading Ordinances 9 to 11 to 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: Motion carries. I wish I had drinks. I can't, I don't have an excuse for that tonight so I apologize. The 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. Chief of Staff, do you have any Old Business?

WARREN PRICE: Thank you. We heard from Charles Killens last night who had issues with demolition. You know we've heard that presentation and I don't know that there were legitimate legal issues that concerned me over his subject matter. James Parker spoke of the football recognition in downtown Canton. You know, I know the Chamber continues to work on that. I know the city you know, has made that a priority. I can't get into detail. I know there is going to be, there is going to be some football recognition in this building as part of the addition which I hope you all got a chance to take a look at you know, and I'll have more details on that but that's going to be pretty exciting, pretty neat for the building and that was it under Old Business. Thank you.

PRESIDENT SCHULMAN: Thank you, Mr. Price.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We are now under Public Speaks. We have three speakers this evening. Our first is Mr. Pete DiGiacomo. Mr. DiGiacomo good evening. If you'll give us your name and your address please and welcome.

PETE DIGIACOMO: *(Inaudible)*

PRESIDENT SCHULMAN: OK, great.

MINUTES OF THE MEETING NOVEMBER 21, 2011

PETE DIGIACOMO: My name's Pete DiGiacomo. I live at 600 Dent Place SW, Canton, Ohio.

PRESIDENT SCHULMAN: Good evening again.

PETE DIGIACOMO: Thank you. Thank you for allowing me to address the Council and city administration. What I want to say, talk to you about is the Sanitation Department. My understanding is there is an Ordinance in order, what you place your trash in is supposed to be 32 gallon container. Past weekend we had, I had a problem because we happen to have a 45 gallon container. I'd like to show you something. This is a 45 gallon and a 32 gallon comes to right about here. *(Shows height on side of can)* Oh, someone put trash in here. *(LAUGHTER)* Isn't that funny. This is a 13 gallon bag. To get 3 of these into a 32 gallon container isn't real easy you know, to put the lid on. That's the first thing. This is a 32 gallon bag and if you fill this up, you can't put no more in your can so that means you need 2 or 3 cans. As a rule we put out 3 or 4 bags, sometimes 5 if we're gone or we miss the pickup. The next week we got 6 or 8 bags which would need at least 2 or 3 of the containers. The problem that I had was this is from the 45 gallon, there were three of the white bags in the bottom of this one and this was on top sitting right by it. The Sanitation truck came by, looked at it, drove away. So, I called the lady and I just you know, they didn't pick it up. She said, what size it is and I told her. She said the city Ordinance is 32 gallons. I said, OK let me ask you this, I know they don't pick these up and dump them. I wouldn't expect them to. I'm 5' 6" and this...*(inaudible)*... with the bag up. It's not that it weighs that much, nothing like that, they don't want to do that, but in the back of the Sanitation truck I see a completely full size couch, full size. Not for two, full size for three people. They picked it up and they put that in the back but I can't get this emptied. OK, I'll take my trash and go home.

PRESIDENT SCHULMAN: OK, thank you. *(LAUGHTER AND APPLAUSE)* Thank you as always, Mr. DiGiamoco. Our next speaker is Ray Nicholson. Mr. Nicholson if you'll step forward. Good evening. If you'll give us your name and your residential address. Welcome and Happy Thanksgiving to you and your family.

RAY NICHOLSON: Thank you. Good evening. My name is Ray Nicholson. I live at 328 Ohio Avenue NE, Massillon. I'm part of the Canton Negro Oldtimers and I'm here to read this letter. This is Canton Negro Oldtimers at 1016 12th Street NE in Canton. Our President, Chester Warren, Bill Lacey, William Lacey, Vice President, Ernie Burks, Secretary, J.B. Ellis, Treasurer, Ray Nicholson, Chaplain, Fred Hall, Sargent-at-Arms. July 6, 2011. Dear Friends and Community, The violence happening in our city is out of hand. We the Canton Negro Oldtimers, as members of this community are wondering what we can do to help curb this violence. By the time our children enter high school, they have seen the use of weapons, guns or other acts of violence against various people in their neighborhood, schools, or at home. We are willing to work with our city officials and the community leaders to help stop this violence that has continued to plague our good city of Canton, Ohio. As a result of this violence, our youth are suffering. We have parents burying their children on a weekly basis. We have more than teen, we have more teen parents than ever before. We as community leaders must step up. The proverb "It takes a whole village to raise a child" rings so true today. We need better alternatives for our youth, hanging out at local centers instead of hanging out on the streets, summer jobs instead of selling drugs and child's play instead of gun play. For more than 50 years, the Canton Negro Oldtimers have worked for the betterment of this community or of the community and it is our stand that we will work with anyone who is willing to step up and work to make changes for the betterment of this community. Sincerely, Chester Warren, President and Bill Lacey, Vice President. Thank you.

PRESIDENT SCHULMAN: Thank you very much sir. We appreciate it. *(APPLAUSE)* And our last speaker is

MINUTES OF THE MEETING NOVEMBER 21, 2011

Chet Warren. Mr. Warren if you'll step forward. Give us your name and your residential address and as always welcome to Canton City Council.

CHET WARREN: Good afternoon. Before I start on the letter, each one of you all, I dropped a letter off to you about the problem and our concerns about it but before I do that, I'd like to let people know that we have a good community as far as police and firemen and everyone. This last Saturday we had a Thanksgiving giveaway for people down at the Southeast Community Center. I'd like to thank Captain Jordan over there and Chief Rich. They was there and a lot of you don't know and I didn't like the Chief of Police neither at first. But you know, I thought he was really prejudice you know, but believe me I really thinks in his heart is a good man and I think he care about our city and one of the things him and his son been over 10 years come down there and deliver baskets, turkeys to the families. I mean go out and drive their own cars. A lot of people don't know that. I'd like to thank Fonda Williams from the Mayor's office that came down and worked and helped and showed his face and showed that the Mayor's office is concerned about our citizens and I hope everybody in here start taking heed to what we said about in that letter because I'm really serious about that letter, what we wrote. You know, you talk about politicians, you talk about when the election, you talk about jobs. You know the only way we gonna get jobs in our community, we got to make a safe community and get good schools. You know we can talk all we want and we willing to work with anyone, not only in just Canton, Stark County is at risk and you can see it now. If we don't get together, we got a lot of great minds but if we still just don't get together and just take care of your own little niche then that's the problem. It just grow and grow. We got to start working more with the police. We got to start, like James Cole, I mean, I love that guy. That guy did a super job when he was on vice and he still doing a good job. And now Dave Davies that took his place now, I think they're doing a good job and I really think we need more raids. We've got to get these young kids off the streets, into schools and get their parents up for one thing. I mean that is sickening and you know and people are safe, to make it safe to walk the street. People are scared to walk the street, then you come to work and leave at 5 but you can go down naked and no one would get you because there's nobody here and one of the things we have to do, whatever you want to do, all of you that ran for office, we got to start getting together. Getting the great minds together. Even from the foundations, their wanting to give money to any charitable reason for kids or something, we got to do something about it and they got to be accountable. When you give money to somebody that handle kids even at Metropolitan Housing we got young girls letting young punks, excuse my language, in their house. I mean we gotta be accountable for that and then we gotta take care of that crunch. We got to make it really, really strong throughout this whole community and all Stark County. We gotta be a role model for the country evidently and we can do it cause we got the people to do it. I'm just tired and sick and seeing the young mens walking the streets down with their pants down to the their butt, young girls skipping school and all that. That is shameful and then we want to ask people to come get a, come get their business here. They won't do that. They want a safe environment to come around. At least I know we ain't going to stop 100% of it. Now we got what, we got almost a record on McKinley. We got to stop that. We got to slow it down and black on black crime, we got to get more serious about it. We got to get more serious about it. We got to get to the judges. I mean this black on black crime's got to stop. It have to stop. Now it's black on white crime too and it got to stop because it's in every neighborhood now because we can't control it unless we get together as one unit and do it. Work with the Mayor. The Mayor said that's what he want and he can't do it by his self. We got to have everybody in this room, out of this room, from the whole of Stark County, all the agencies, United Way and everybody to take care of this community. We got to get together. We got together for Corporate Cup and had fun and everything, we can get together for that and make changes then this whole community and be a role model throughout this whole darn United States. Thank you.

MINUTES OF THE MEETING NOVEMBER 21, 2011

RESIDENT SCHULMAN: Thank you. (*APPLAUSE*) Thank all our speakers. Thank you Mr. Warren very much. We hear you loud and clear.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We, turning now to Informal Resolutions. We have none 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 NOVEMBER 21, 2011.

390. COMMUNITY DEV DIRECTOR WILLIAMS: ESTABLISH FAIR REUSE VALUE OF REAL PROPERTY & AUTHORIZE DISPOSITION OF SAID PROPERTY (FERROUS PROCESSING & TRADING CO. - PARCEL #02-36699 ON MAPLE AVE NE). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
391. COMMUNITY DEV DIRECTOR WILLIAMS: ESTABLISH FAIR REUSE VALUE OF REAL PROPERTY & AUTHORIZE DISPOSITION OF SAID PROPERTY (LAURA WOODS - PARCEL #02-32612 ON TYLER AVE SE). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
392. COMMUNITY DEV DIRECTOR WILLIAMS: ESTABLISH FAIR REUSE VALUE OF REAL PROPERTY & AUTHORIZE DISPOSITION OF SAID PROPERTY (ROSA MCNAIR - PARCEL #02-15334 ON SANDAL PL NE). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
393. COMMUNITY DEV DIRECTOR WILLIAMS: ESTABLISH FAIR REUSE VALUE OF REAL PROPERTY & AUTHORIZE DISPOSITION OF SAID PROPERTY (JANINE BURKE - PARCEL #02-13182 ON WABASH CT NE). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
394. FINANCE DIRECTOR DIRUZZO: AMEND APPROP O#245/2010 BY MAKING VARIOUS SUPP APPROPS & APPROP TRANSFERS (NECESSARY TO CONTINUE TO OPERATE CITY EFFICIENTLY). - FINANCE COMMITTEE
395. HEALTH BENEFITS ADMIN MCBRIDE: OCT 2011 MONTHLY COMPARATIVE REPORT - INS CLAIMS. - RECEIVED & FILED
396. LAW DIRECTOR MARTUCCIO: AUTHORIZE SERV DIR TO ENTER INTO CONTRACT FR: 1/1/12-12/31/12 W/STARK CNTY PUB DEFENDER COMM FOR LEGAL SVCS FOR INDIGENTS CHARGED W/CITY ORD VIOLATIONS IN MUNI CT. - FINANCE COMMITTEE
397. LIQUOR CONTROL DIVISION (OHIO): NOTIFY EXPIRATION OF ALL LIQ PERMITS 2/1/12; MUST

MINUTES OF THE MEETING NOVEMBER 21, 2011

RCV OBJECTIONS BY 1/3/12. - RECEIVED & FILED

398. MAJORITY LEADER DOUGHERTY & LAW DIRECTOR MARTUCCIO: PREPARE LEGISLATION TO RE-DIVIDE CITY WARDS BASED ON POPULATION CHANGES FROM CENSUS. - JUDICIARY COMMITTEE
399. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT MODIFICATION 3 W/JR COLEMAN COMMUNITY RENOVATION CORP FOR \$213,709.00; MAKE \$213,709.00 APPROP TRANSFER FROM 4506-201001 THE INFRASTRUCTURE BOND FUND - SERV DIR ADMINISTRATION TO 4506-202079 THE INFRASTRUCTURE BOND FUND - MAHONING RD CORRIDOR PROJ, GP 1103; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY THE PROPER DEPT AUTHORITY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
400. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR &/OR SERV DIR TO EXECUTE CHANGE ORDER #1 FOR 2011 CITY PAVING CONTRACT, GP 1162 W/CENTRAL ALLIED ENTERPRISES IN AMT OF \$578,243.30; AUTHORIZE & DIRECT AUDITOR TO DRAW WARRANTS & MAKE PAYMENTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY THE PROPER DEPT AUTHORITY. - FINANCE COMMITTEE
401. WEST, T, WARD 2 CNCL MBR: REQ LEGISLATION TO CREATE A CITIZEN'S REVIEW COMMISSION CONSISTING OF 9 PEOPLE (1 FROM EACH WARD) TO OVERSEE ANY & ALL RESIDENTIAL DEMOLITIONS THAT ARE PAID FOR BY THE CITY. - JUDICIARY & COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEES

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #1 THROUGH #8 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF A GOVERNMENT ELECTRIC AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20 OF THE OHIO REVISED CODE FOR ELIGIBLE RESIDENTS, BUSINESSES AND OTHER ELECTRIC CONSUMERS IN THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Judiciary and Environmental & Public Utilities Committees
- #2. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE DOMESTIC VIOLENCE PROJECT, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$50,000.00 FOR MISCELLANEOUS SHORT-TERM HOUSING SERVICES; AND

MINUTES OF THE MEETING NOVEMBER 21, 2011

DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

- #3. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010, AND DECLARING THE SAME TO BE AN EMERGENCY (\$44,000.00 POLICE SETTLEMENT FUND)
Referred to Finance Committee
- #4. (1ST RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (FIRE DIV)
Referred to Personnel Committee
- #5. (1ST 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; AND DECLARING THE SAME TO BE AN EMERGENCY (CANCOM CENTER DIRECTOR)
Referred to Personnel Committee
- #6. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A THREE-YEAR CONTRACT WITH ACLARA RF SYSTEMS INC. IN AN AMOUNT NOT TO EXCEED \$616,000.00 FOR THE PURCHASE OF METER TRANSMITTING UNITS, TO ENTER INTO A ONE-YEAR SERVICE AGREEMENT IN THE AMOUNT OF \$27,255.00 FOR SYSTEM AND SOFTWARE MAINTENANCE, AND TO ACCEPT FREE OF CHARGE \$46,000.00 IN DATA COLLECTION UNIT UPGRADES AND 8 HANDHELD PROGRAMMING DEVICES; AMENDING APPROPRIATION ORDINANCE NO. 245/2010; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement and Finance Committees
- #7. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH PARK FARMS, INC. TO PROVIDE A COMMUNITY DEVELOPMENT BLOCK GRANT IN AN AMOUNT NOT TO EXCEED \$100,000.00 FOR JOB CREATION; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- #8. (1ST RDG) **ADOPTED AS ORDINANCE NO. 197/2011** AN ORDINANCE RE-DIVIDING THE BOUNDARIES OF THE WARDS OF THE CITY OF CANTON; AMENDING CHAPTER 111 OF THE CODIFIED ORDINANCES: AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Judiciary Committee

PRESIDENT SCHULMAN: At this time the Chair would declare an in house recess for the Judiciary Committee

MINUTES OF THE MEETING NOVEMBER 21, 2011

to meet in regard to Ordinance #8 on your agenda this evening. You're now in recess.

PRESIDENT SCHULMAN: Mr. Chairman, OK? Thank you. Council will reconvene after the recess. I want to commend the Chairman, West and the Members of the Judiciary Committee and Leader Dougherty and Fonda Williams particularly since we now know that he's in the barrel tonight. Usually I'm in that position and our Law Director. That way, I was just saying to Law Director Martuccio that's a hard, you think these things are pretty easy. This is not an easy task and you all should be commended, you did a great job. So with that, Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to place Ordinance 8 back on the agenda.

MEMBER PRATER: Seconded

PRESIDENT SCHULMAN: It's been moved and seconded to Suspend Rule 22A to place Ordinance 8 back on the 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: Motion carries. Ordinance 8 is a legal part of your agenda. Legal, Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 8.

MEMBER PRATER: Seconded

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance 8. Any remarks? Hearing none...

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Cirelli.

MEMBER CIRELLI: How will the general public, aside from the fact that this will be in the paper, do they, is there someone else from the Board of Elections or someone that will inform the people that their boundaries have changed and what have you.

PRESIDENT SCHULMAN: Is that a question?

MEMBER CIRELLI: Yes sir. I guess I'll direct that to the Law Director.

PRESIDENT SCHULMAN: The question, Law Director is from Member Cirelli is there someone from the Board of Elections who will inform the people that they are now in a new district or precinct or...

MINUTES OF THE MEETING NOVEMBER 21, 2011

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Yea, in speaking with Jeanette in the meetings, that is their job to make sure that communication goes out.

PRESIDENT SCHULMAN: OK. Great, thank you Leader.

MEMBER CIRELLI: Thank you.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Again, there's a motion to suspend Statutory Rules on Ordinance 8. 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: Motion carries. Leader, you've heard the three readings.

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

MEMBER CIRELLI: Seconded.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#8 ADOPTED AS ORDINANCE NO. 197/2011

PRESIDENT SCHULMAN: Ordinance #8 is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: Now we are under Ordinances for their Second Reading. Madame Clerk will you please begin with Ordinance #9.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #9 THROUGH #11 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

#9. (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN

MINUTES OF THE MEETING NOVEMBER 21, 2011

AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (1253 - 3RD ST SE - MARTIN CENTER)

PUB HRG 11/28/11 @ 7:30 PM

#10. (2ND RDG) AN ORDINANCE VACATING A PORTION OF ALTA PLACE NW; AND DECLARING THE SAME TO BE AN EMERGENCY (BETWEEN MINERVA CT NW & WOODLAND AVE NW - PAMELA HARPER)

PUB HRG 11/28/11 @ 7:31 PM

#11. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS, APPROPRIATION TRANSFERS AND INTERFUND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (TO REPLENISH HEALTH FUND SHORTAGE)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Thank you Madame Clerk. We're now turning to Ordinances and Formal Resolutions for their Third and Final Reading and vote. Will you please begin with Ordinance #12.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #12 THROUGH #15 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

#12. (3RD RDG) **ADOPTED AS ORDINANCE NO. 198/2011** 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 (CONTINUED OPERATION OF THE CITY)

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: 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. 198/2011

MINUTES OF THE MEETING NOVEMBER 21, 2011

PRESIDENT SCHULMAN: Ordinance #12 is adopted. Ordinance 13 please.

#13. (3RD RDG) **ADOPTED AS ORDINANCE NO. 199/2011** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND INTERFUND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (FUND MOTOR VEHICLE DEPT)

PRESIDENT SCHULMAN: Leader Dougherty.

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. Any remarks under that Ordinance? Hearing none Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#13 ADOPTED AS ORDINANCE NO. 199/2011

PRESIDENT SCHULMAN: Ordinance 13 is adopted. Ordinance #14 please Madame Clerk.

#14. (3RD RDG) **ADOPTED AS ORDINANCE NO. 200/2011** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A GRANT FROM THE 2011 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT IN AN AMOUNT NOT TO EXCEED \$49,600.00 FOR THE POLICE DEPARTMENT; TO RATIFY ANY AGREEMENT ENTERED INTO WITH THE STARK COUNTY COMMISSIONERS REGARDING THE DISTRIBUTION OF GRANT FUNDS; AND AUTHORIZING THE AUDITOR TO RENAME FUND 2769 FROM THE 2006 BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT TO THE 2011 BYRNE LOCAL SOLICITATION GRANT FUND; 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 11 YEAS, 0 NAYS

MINUTES OF THE MEETING NOVEMBER 21, 2011

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#14 ADOPTED AS ORDINANCE NO. 200/2011

PRESIDENT SCHULMAN: Ordinance #14 is adopted. Ordinance #15 please.

#15. (3RD RDG) **ADOPTED AS ORDINANCE NO. 201/2011** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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 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.

#15 ADOPTED AS ORDINANCE NO. 201/2011

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 15 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: We have now turning to Announcement of Committee Meetings.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Thank you good sir. The Finance Committee will meet Monday, November 28th at 6:15 P.M. right here in Council Chamber.

PRESIDENT SCHULMAN: Thank you Member Hawk.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MINUTES OF THE MEETING NOVEMBER 21, 2011

MEMBER SMUCKLER: Community & Economic Development meet same time, same place.

PRESIDENT SCHULMAN: Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Judiciary meet same time, same place.

PRESIDENT SCHULMAN: Thank you.

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel will meet Monday, November 28th at 6:15.

PRESIDENT SCHULMAN: Thank you. Any other announcements?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Turning to Miscellaneous Business. Is there any? Member Cirelli, I apologize.

MEMBER CIRELLI: That's alright. Environmental and Public Utilities in combination with Judiciary will meet also then.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes Leader Dougherty.

MEMBER DOUGHERTY: Public Property Capital Improvement will meet 6:15 the 28th.

PRESIDENT SCHULMAN: Thank you. Any other meetings?

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: OK, we turn to Miscellaneous Business. Is there any?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Just, just to ducktail off of what we talked about a little earlier in reference to notifying the

MINUTES OF THE MEETING NOVEMBER 21, 2011

public about their Ward change. I was wondering, would it be appropriate for the Councilman to reach out, maybe us send a letter advising them that I'm their new Councilman, etc., etc., etc. Is that appropriate?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member West, yes. In fact the city could use it's website, it's magazine, any number of public resources to let the effected Wards and districts know.

PRESIDENT SCHULMAN: Anything else Member West?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Yes, Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Members of Council there are two things I wanted to bring your attention as we begin to end this calendar year. As you know, Council authorized an Ordinance allowing the aggregation of electricity for eligible city residents and small businesses, much like Council did for natural gas 11 years ago. It's been very successful. Ten out of those eleven years you've saved people a lot of money on their gas bills. Well this past November 8th, our voters authorized the aggregation of electricity much like gas was. Now to make that happen, two, a couple things have to happen. There have been ads placed in The Repository. There'll be two ads telling the public that there will be two Public Hearings. The first one is here tomorrow at 10:00 in the morning and the next one is next Tuesday, a week from tomorrow at 6:00 in the evening to get evening folks here. Present at that Public Hearing will be our consultant, Mark Burns of Independent Energy who has shepherded us through natural gas and natural electric aggregation. Not only us but a lot of neighboring communities. He'll be here at 10 in the morning to explain how it works because once Council did this, Council had to adopt, Council will have to adopt a plan, a governance plan and tomorrow Mark will be here in the morning and next week to explain this plan that Council will be adopting. We'll come back with it. It's submitted already as legislation. So again, the advertising and the two Public Hearings are a prerequisite to Council's adopting that plan and he'll explain that this is an opt-out plan meaning that once it takes place, everyone that who's eligible is automatically in. He'll also explain though that it may take a while to get everyone in cause there may not be enough room for everyone until late spring of next year so, there will be an opt-in plan that folks will be hearing about shortly as well as an introduction and then again tomorrow at 10 and next Tuesday at 10. The other thing I wanted to mention was, every two years, as you all know the term of Council comes to an end and a new term begins and there's a break. In order for any contracts to be effective, there's something called "law going into full operation" meaning that a number of Ordinances will come to Council before the year is out and we'll be asking you to pass them. Some of them will come popping back up for the next term of Council, for the new Council Members on lists of Ordinances to be re-ratified or ratified and re-authorized rather cause they didn't go through the full operation. Real quickly what that means is, when we bring in an Ordinance authorizing contracts, in order for it to be fully operational before December 31st, they'll have to be time for both sides to sign, so the contract will have to be executed by the city and the provider or the vendor, the Board of Control will have to meet to authorize it and it will have to have been certified by the Auditor as having funds in place to make that contract happen. Now each and every step does not have to happen before December 31st for the contract to be fully operational so, as we bring these to you, we'll try to remind you of those that we think can be made fully operational before the year is out and again those that come back on lists early next year to be re-authorized and ratified. If you have any questions, feel free to call us in the Law Department and Mr. Price and I, the reason for my bringing this to your

MINUTES OF THE MEETING NOVEMBER 21, 2011

attention is Mr. Price asked me today about this biennial ritual, this dance we do every two years, to make sure that we're aware of those contracts that can be accomplished within the end of the year and those that can't.

PRESIDENT SCHULMAN: Thank you Law Director Martuccio. Chief of Staff Price.

SERVICE DIRECTOR PRICE: Thank you Mr. President. I just wanted to address real quickly Mr. DiGiacomo's concerns regarding the size of the containers. It is true. The Ordinance we have on the books limits the size of the containers to 32 gallons and that's been, that's been on the books for a very long time. Now Council, you know, you do have the power to change that, you know, I think you'll get, you may get some...I wasn't here when it was obviously originally done and I don't think many of us in the room were. I assume it was based on the weight and you know, things like that. You've got the injury issue, Workers' Comp, those sorts of things you know, on the other hand it's hard really to find a container really less than that size. I mean to find those smaller containers, they're, most municipalities probably gone to larger automated systems so, you know, we've talked about it internally. If anybody from Council does want to discuss that issue with me since it was brought to your attention and it is by Ordinance, I'm happy to do that but you're gonna want bring me into it at some point if you are interested in changing that. I did want to confirm what Mr. DiGiacomo said. The only thing I would say about the furniture and large items, we don't have those at every stop. If we increase the container size, we will have those containers at every stop, me included, I'll buy one of those. The issue is the cost benefit basically. The benefit would be it would be easier to get containers, you know you'd have one container instead of two or six bags you know along the curb lawn. The cost would be to our employees since we're still in a very laborious operation. We run a very traditional Sanitation Department. It's all physical, we don't have any automation so, you know we'd have to kinda do a cost benefit as to the potential injury or Workers' Comp claims, you know that may result from the additional weight vs you know the rest of the world having moved on to larger containers so I just wanted to share with you the background. Thank you.

PRESIDENT SCHULMAN: Thank you Director. Member Cirelli.

MEMBER CIRELLI: Mr. President. Thank you, Service, Chief of Staff Price for bringing up the issue. I've tried to myself, I've looked at prevention and knowing that we have that clause in there that they're supposed to only carry so much in weight and I don't even put my garbage cans out there. I just take the bags cause I got tired of chasing the lids on windy days or watching the garbage cans roll down the street so I tried to get most of the people in my neighborhood to take their bags out and if you spray a solution of like half and half with bleach and water it will keep the animals from digging into the plastic bags so, it's so much easier. I just, you know I put my bags in there, as a matter of fact, I put them out before I came tonight and set my bags on top of my recycling one and so far the critters have left it alone, so that way you don't have to worry about buying, replacing your garbage cans all the time and it's just a little thought of prevention and you spray the bleach and the water, it freeze and it gets me through real well so I just thought I might suggest that to him. And then on another issue is this is that time again that the Stark County Auditor and it's also online, present the taxes, you know the people that are due. I would behoove everybody, it was in Sunday's paper and some people do get the paper, some don't, it's also online that you can see what's happening in your area and also bring it to the attention of Mr. Williams out there because we have an Ordinance that if people owe taxes and Mr. Williams, I'm speaking to you, that if anybody owes taxes not to come to the, you know our city for extra funding. Just as a little reminder. Thank you sir.

PRESIDENT SCHULMAN: Great, thank you Member Cirelli. Any other remarks? Leader.

MINUTES OF THE MEETING NOVEMBER 21, 2011

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 please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: The meeting is adjourned. Again, Happy Thanksgiving everyone. *(Gavel falls)*

ADJOURNMENT TIME: 8:14 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT