

MINUTES OF THE MEETING NOVEMBER 28, 2011

PRESIDENT SCHULMAN: Okay now we'll begin this meeting of Canton City Council to order. Roll call 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, MEMBER BUTTERWORTH & BRIAN HORNER)

TWELVE COUNCIL MEMBERS PRESENT.

CLERK TIMBERLAKE: All present Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Tonight's invocation will be given by Council Member-at-Large, Bill Smuckler and will you all please stand and remain standing for our Pledge of Allegiance.

The regular meeting of Canton City Council was held on November 28, 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 Council-at-Large Member Bill Smuckler. The Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: We are now under Agenda Corrections and Changes, Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to add 2nd Reading Ordinances 9 through 15.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A add 2nd Reading Ordinances 9 to 15 to this evening's agenda. 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, the motion carries. Rule 22A is suspended and the Ordinances are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We have two Public Hearings this evening. The first one is scheduled for **7:30 PM** and it's AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY; FOR THE MARTIN CENTER LLC @ 1253 3RD ST SE FROM R-2 (ONE AND TWO FAMILY RESIDENTIAL) TO PCS (PLANNED COMMUNITY SERVICE. THE PLANNING COMMISSION HAS RECOMMENDED APPROVAL OF THE SAME. IT IS IN WARD 4. Is there anyone in our audience wishing to speak for or against this Ordinance change, will you please step forward. I have to repeat this. Is

MINUTES OF THE MEETING NOVEMBER 28, 2011

there anyone wishing to speak for or against this Zoning Change, will you please come forward. No one has appeared so the matter now rests in the hands of Council and the Ordinance will follow later this evening. The next Hearing is AN ORDINANCE VACATING A PORTION OF ALTA PLACE NW; AND DECLARING THE SAME TO BE AN EMERGENCY; FOR PAMELA HARPER BETWEEN MINERVA CT NW AND WOODLAND AVE NW. THE PLANNING COMMISSION HAS RECOMMENDED DENIAL OF THE SAME IN WARD 9. Again, is there anyone in our audience wishing to speak for or against this Zoning Change...this Vacation, will you please step forward. I have to repeat it one more time. Is there anyone in the audience wishing to speak for or against this particular Zoning Change. No one having appeared, the matter too rests in the hands of Council and the Ordinance will be received later this evening.

OLD BUSINESS

PRESIDENT SCHULMAN: We're under Old Business and we have no Old Business to speak of.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We're now under Public Speaks. We do have three speakers this evening. Our first is Jason Scaglione. Jason if you'll step forward and give us your name and your residential address. Welcome, and you promised you will be under three minutes.

JASON SCAGLIONE: I will try my best. Jason Scaglione, 3027 Glen Place NW. I'm here on a couple things. One that comes back to...into my mind, I know we've talked before about maybe having something set up on the City of Canton website where a citizen can have an issue or concern and they can address the specific department and get a return response within 24 to 48 hours, I think it'd be great to revisit that, I don't think that ever took place. I really think it does need to take place. Being as the President of the neighborhood association in my area a lot of people bring things to me and then they want something as a response from me and be sure...sure would be nice to print them out something and say this is where it stands. A couple other issues, I did take a look at some of the vacant houses in my...in my association area there as all the fires and what not that are happening. I noticed that there's two of them on the corner of Broad, 315 and 311 Broad, I believe it is. There right on the corner, both the doors are standing wide open, all the copper pipes have been taken out of them. I should would like to see those boarded up before we have another fire. There's also a warehouse building at the corner of Glen and Floral that the bricks are falling out of the top of the building, I know this is an old issue, I still haven't really heard exactly where it stands but I sure would like to see that addressed before someone gets hurt by something falling from above. And there was one other thing someone brought to me from the association, they work in...within the City and we try very hard to keep our area clean. We have an apartment building at the corner of Tusc. and Wertz that has a dumpster at the rear of the building and if they have a clean out of an apartment or whatever, they just stack the garbage all around the dumpster. Now this weekend there was boxes of paper that were blowing around and everything else which is quite annoying. Of course Monday morning comes, the trash men come, you know there (*inaudible*)...and they know this. But one of our members did bring to my attention that a lot of times they see a street sweeper, once every month by their business. I'd like to see if we couldn't get on kinda that same little schedule since I don't really see one maybe but once a year if we're lucky. So I wanted to bring those few things up there as also with all the fires going on, it's a concern to me. My father was a fireman for a time and I feel bad for those that risk their lives going into these fires and I sure hope..I'm glad to see that we have security here coming into the building but I sure hope that's not taking away from funds for the firefighters. Thank you, have a good day.

MINUTES OF THE MEETING NOVEMBER 28, 2011

PRESIDENT SCHULMAN: Thank you very much, thanks and I'll ask the Clerk to...when we prepare the minutes, we'll send them to Director Price, he's under the weather tonight and I know he'll get back to you on those either personally or next week.

JASON SCAGLIONE: Thank you.

PRESIDENT SCHULMAN: You're very welcome, thanks for coming down and again thank you for expressing those concerns and interests. Our next speaker is Patricia Kirk. Ms. Kirk, if you'll step forward and give us your name and your residential address please and welcome as always.

PATRICIA KIRK: Hi, my name is Patricia Kirk, I live at 131 5th St NE and for those of you Council People that have a letter in front of you called the TCA Branch Host letter, this is a copy. Mr. Torres gave his verbal commitment to his copy August 31, 2010 when he was at a Shake-A-Leaf meeting and he gave his commitment to Lola Lewis of the Ohio Department of Natural Resources in 2010. Everything is explained there to the host City for the Tree Commission Academy which is going to be right across the street at the Church of the Savior. Every year a different City is going to be a host to this and this honor falls to the City of Canton in 2012. I have two names of people so far, one is an education educator from OSU Extension and also a landscaper who have both expressed a strong interest in being on Canton's Tree Commission. If you know you are going to be selected to be on Canton's Tree Commission or if you know you're going to be assigned or you have an interest to be on Canton's Tree Commission please sign up because it's a first come first serve type of thing. It is not going to be held open for 25 people from Canton. This is for 25 people from different Cities. This is not just 25 people from the City of Canton, this is from the State of Ohio. This will be open to different people from different Cities. On the back of your letter, the TCA Branch Host letter, on the back, you will find Lola Lewis' number and her address, there's a phone number there her extension. She is very, very difficult to reach. There's also she email address there, that is who you want to contact. There are also the dates in front of you...right here, the class, there are four classes, freshman, sophomore, junior, senior. Each one is two days long, each class is 8:30 to 3:30. The Senior class is one class...one class day is in September and one class day is in October, that is because you have a long project of homework in between. These classes are intense. Each class has a minimal cost and each class will be paid for because you have to pay for it before you attend it. Not all people that attend these classes graduate but I do know that, that those people who have graduated when I went to them decided to make it a pre-requisite for the people that were going to be in their Tree Commission Academies or their Tree Commissions in their Cities, it is that good and the Ohio State Department of Natural Resources did win an award for this. So you have the information in front of you so keep it up. Thank you very much.

PRESIDENT SCHULMAN: Thank you Ms. Kirk and again thank you for your passion on this issue. Our last speaker tonight is Mr. Pete DiGiacomo. Mr. DiGiacomo if you'll step forward. Welcome again and if you'll give us your name and your residential address please.

PETE DIGIACOMO: Good evening, my name is Pete DiGiacomo. I live at 600 Dent Place, SW, Canton, Ohio. I want to thank City Council, City Administrators for allowing us to come up here and speak. The issue I wanted to come up and talk about, I believe it was one or two weeks ago, there was a house fire in the City...I believe it was in the City of Canton, NW...NE end, they had to call departments I believe from Plain Township and I don't know if...I never was able to get into the specifics of why the City of Canton could not send enough crews up there I guess to handle the fire. With that being said, I'm hoping...there's kind of like a

MINUTES OF THE MEETING NOVEMBER 28, 2011

word going around, rumor...or I hope it's a rumor that there's going to be some Captains retiring, Chiefs and that they maybe closing one or two fire stations. I'm not...like I said, I don't know if it's, you know I don't...again I don't know all the ifs ands or buts about it. I hope that's just a rumor and it's not something that's actually going to happen. If we're closing stations now on, you know, different areas of the City at different times, come next year if we close one or two stations permanently or even not permanently on a rotating basis. If you start, you know shutting down too many stations you're just looking for trouble and I hope that doesn't happen, it's going to sit well with the people of the City of Canton. Like I said, we've had water rates increase, well they just passed the County tax and I...you know, we pay City and everything like that, it's just a service that, you know, along with the Police, the Fire, everything else, we the people the Ci...of the City of Canton here, we...we don't..how can I say it, it's not something you just take for granted, you expect it. If you live out in the Country somewhere where it's 10 miles to the nearest fire or police, you know, that's another case but right here in the City of Canton, there should not be where buildings burn down because you cannot get a fire crew out there in time, anything like that. Thank you very much.

PRESIDENT SCHULMAN: Thank you very much. Thanks to all our speakers tonight, we appreciate those remarks.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: 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 28, 2011.

402. COMMUNITY DEV DIRECTOR WILLIAMS: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO (REMAIN IN) AGMTS ACCEPTING CLEAN OHIO REVITALIZATION FUND MONIES \$3,000,000.00; ENTER INTO (REMAIN IN) CONTRACT WITH HZW ENVIRONMENTAL CONSULTANTS LLC FOR REMEDIAL DESIGN & IMPLEMENTATION SERV; AUTHORIZE AUDITOR TO PAY A MORAL OBLIGATION TO HZW ENVIRONMENTAL CONSULTANTS LLC AND AMEND O#1/2008. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
403. LIQUOR CONTROL DIVISION (OHIO): REQ NEW D1 D3 D3A LIQUOR PERMIT FOR SPORTS THERAPY BAR & GRILL LLC DBA SPORTS THERAPY BAR & GRILL @ 201 CLEVELAND AVE NW. - RECEIVED & FILED
404. PLANNING COMMISSION: RECOMMENDING APPROVAL OF ZONE CHG @ 3120 PARKWAY AV NW FOR DOMINGO MEDICAL COMPLEX FROM PB-1 (PLANNED OFFICE DISTRICT) TO PB-3 (PLANNED GENERAL BUSINESS) IN WARD 1. - JUDICIARY COMMITTEE

MINUTES OF THE MEETING NOVEMBER 28, 2011

405. PLANNING COMMISSION: RECOMMENDING APPROVAL OF REPLAT/LOT SPLIT OF SEVERAL LOTS TO CREATE OL 1025 FOR STARK METRO HOUSING AUTHORITY FOR THE HUNTER HOUSE PROJ (LOTS 8361, 14200-14205, 14312-17313, 29727, 34967, PARTS OF LOTS 17310, 17314-17316, 34893 & PART OF OL 295). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

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 Ordinance 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 ESTABLISHING THE FAIR MARKET VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #02-36699 ON MAPLE AVE NE FOR FERROUS PROCESSING & TRADING CO)
Referred to Community & Economic Development Committee
- #2. (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #02-32612 ON TYLER AVE SE FOR LAUREN WOODS)
Referred to Community & Economic Development Committee
- #3. (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #02-15334 ON SANDAL PL NE FOR ROSA MCNAIR)
Referred to Community & Economic Development Committee
- #4. (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #02-13182 ON WABASH CT NE FOR JANINE BURKE)
Referred to Community & Economic Development Committee

MINUTES OF THE MEETING NOVEMBER 28, 2011

- #5. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND APPROPRIATION TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (FOR CITY'S CONTINUED OPERATION)
Referred to Finance Committee
- #6. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE STARK COUNTY PUBLIC DEFENDER COMMISSION FOR THE PROVISION OF LEGAL SERVICES TO INDIGENTS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #7. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT MODIFICATION 3 WITH J.R. COLEMAN COMMUNITY RENOVATION CORPORATION IN AN AMOUNT NOT TO EXCEED \$213,709.00; AMENDING APPROPRIATION ORDINANCE NO. 245/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (FROM INFRASTRUCTURE BOND FUND TO MAHONING RD CORRIDOR PROJ)
Referred to Public Property Capital Improvement Committee
- #8. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO EXECUTE CHANGE ORDER #1 FOR THE 2011, CITY PAVING CONTRACT WITH CENTRAL ALLIED ENTERPRISES IN THE AMOUNT OF \$578,243.30; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

PRESIDENT SCHULMAN: Thank you Madame Clerk.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We're now under Ordinances and Formal Resolutions for their Second Reading. Madame Clerk if you'll please begin with Ordinance #9.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #9 THROUGH #15 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #9. (2ND 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
- #10. (2ND 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

MINUTES OF THE MEETING NOVEMBER 28, 2011

\$50,000.00 FOR MISCELLANEOUS SHORT-TERM HOUSING SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY

- #11. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010, AND DECLARING THE SAME TO BE AN EMERGENCY (\$44,000.00 POLICE SETTLEMENT FUND)
- #12. (2ND 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
- #13. (2ND 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
- #14. (2ND RDG) **ADOPTED AS ORDINANCE NO. 202/2011** 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 (FIRE DIV)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rule for Ordinance 14.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rule for Ordinance 14. Are there any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk, the Motion carries. Leader you've heard the three readings.

MINUTES OF THE MEETING NOVEMBER 28, 2011

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. Are there any remarks under this Ordinance?

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Smuckler.

MEMBER SMUCKLER: This is not the first time this...I've seen this Ordinance at City Council and I order to remain consistent the other two times I have voted to delete the Captains and on a basis of attrition and in considering that, I voted the other two times, I will vote for a third time to do the same thing.

PRESIDENT SCHULMAN: Thank you Member Smuckler. Any other remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 2 NAYS
(MEMBERS CIRELLI AND HAWK VOTED NAY)

CLERK TIMBERLAKE: Ten yeas, two nays Mr. President.

#14 ADOPTED AS ORDINANCE NO. 202/2011

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance 14 is adopted. Ordinance #15 please.

#15. (2ND RDG) **ADOPTED AS ORDINANCE NO. 203/2011** 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)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules for Ordinance 15.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rule for Ordinance 15. Are there any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 8 YEAS, 4 NAYS

MINUTES OF THE MEETING NOVEMBER 28, 2011

(MEMBERS CIRELLI, SMUCKLER, HAWK AND WEST VOTED NAY)

CLERK TIMBERLAKE: Eight yeas, four nays.

PRESIDENT SCHULMAN: The Motion carries and Ordinance 15 is adopted.

CLERK TIMBERLAKE: That was suspending Statutory Rules.

PRESIDENT SCHULMAN: Oh, I'm sorry. Ya know one of these nights I'll get through this meeting without making a major error. The Motion carries. Now, Leader you've heard the three readings.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 15. Are there any remarks.....

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: under this Ordinance? Member Smuckler.

MEMBER SMUCKLER: I would like to have a division of the question of Ordinance #15 pursuant to Rule #38.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to have a division of the Ordinance...

MEMBER SMUCKLER: The question.

PRESIDENT SCHULMAN: Oh, I'm sorry. Division of the question.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Yes, Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Pursuant to Motion made by Member Smuckler, Rule 38 provides that it takes the majority to divide the question, it's done by roll call and two questions must be...two or more questions must remain standing, each that stands alone and provides a separate distinct question. Mr. Smuckler, based on your remarks earlier, I presume that the division is to consider each of the two positions separately.

MEMBER SMUCKLER: That is correct.

PRESIDENT SCHULMAN: And just so we're clear and Members of Council are clear, the two bargaining unit

MINUTES OF THE MEETING NOVEMBER 28, 2011

personnel that you want divided would be the CANCOM and the what?

LAW DIRECTOR MARTUCCIO: *(Inaudible)*

PRESIDENT SCHULMAN: Sorry, non-bargaining. So the Motion is to divide the question pursuant to Rule 38 which requires a majority to carry the Motion. Madame Clerk, roll call vote please on that Motion.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The Motion carries and so we will...I take it read this as the first part, classification for bargaining unit personnel, Law Director?

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Both positions involve non-bargaining unit employees. Taking in the order in which they come Mr. President, the first one is Position Group 10CM the Safety Director's Communication Center. The vote would be on whether or not to add the classification Director of CANCOM Center to the personnel Ordinance. Meaning that it would be a civilian position called the Director of CANCOM, that is the first position to be considered.

PRESIDENT SCHULMAN: Alright, let's do that first. Leader, so move?

MEMBER DOUGHERTY: So moved.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded. Any remarks?

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Smuckler.

MEMBER SMUCKLER: I don't have enough information on this. I was trying to talk to the Mayor very quickly and the Safety Director but due to the lateness of the hour my biggest problem is, is that I'm very concerned about extending the salary. I had questions about being a part of 9-1-1. I have a number of other questions about this and I...I just can't vote on something that I don't have all the information on.

PRESIDENT SCHULMAN: Any other remarks under the Motion? So the Motion you are read to vote on is the division of the question which relates to 10CM, which is the CANCOM personnel. Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 9 YEAS, 3 NAYS
(MEMBERS CIRELLI, SMUCKLER, AND WEST VOTED NAY)

MINUTES OF THE MEETING NOVEMBER 28, 2011

CLERK TIMBERLAKE: Nine yeas, three nays Mr. President.

PRESIDENT SCHULMAN: The Motion carries. Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. In reading the Ordinance more closely, the second question includes two positions. The first one is Position Group 10FI, which is the Fire Department and it would permit the position of the Fire Chief to be reduced from two positions to one position through attrition.

UNKNOWN COUNCIL MEMBER: (*Inaudible*)

LAW DIRECTOR MARTUCCIO: It's in here.....

CLERK TIMBERLAKE: Yes it is.

LAW DIRECTOR MARTUCCIO: It's in here and...and the other one is the Position of Criminalist in the Group....Position Group 10PO, Police. If Council doesn't object you can be voting on both of those at the same time unless you want to further divide the question. So the next question before Council is if you vote yes, you're voting to eliminate Division Chief by attrition from two to one and you're also voting to add the classification Criminalist with the following qualified language: The position shall be funded by DNA Backlog Reduction Grant and will only be retained as long as the grant funding is available. So again, unless Council wants to further divide the question, you're voting on those two.

PRESIDENT SCHULMAN: Is there a Motion to further divide the question? Hearing none....

MEMBER DOUGHERTY: I make a Motion to move on this...two positions.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded for your vote on the second part of the divided question which involves 10FI and 10PO. Everybody with us? Okay. Any remarks?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes Member West.

MEMBER WEST: Bill said earlier Council has questions about this (*inaudible*)....I don't know if there is a ...someone could put a Motion on the floor that can move this to next week for us to get (*inaudible*)...I can't vote on it today as it stands.

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

NO REMARKS

ROLL CALL 9 YEAS, 3 NAYS
(MEMBERS CIRELLI, HAWK AND WEST VOTED NAY)

MINUTES OF THE MEETING NOVEMBER 28, 2011

CLERK TIMBERLAKE: Nine yeas, three nays Mr. President.

#15 ADOPTED AS ORDINANCE NO. 203/2011

PRESIDENT SCHULMAN: That Motion carries and Ordinance 15 is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Turning now turning to Ordinances and Formal Resolutions for their Third and Final Reading and vote. Madame Clerk, will you please begin with Ordinance 16.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #16 THROUGH #18 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

#16. (3RD RDG) **ADOPTED AS ORDINANCE NO. 204/2011** AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (1253 - 3RD ST SE - MARTIN CENTER) **PUB HRG 11/28/11 @ 7:30 PM**

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I make a Motion to adopt Ordinance 16.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 16 which as I think we indicated earlier was.....

CLERK TIMBERLAKE: No.

PRESIDENT SCHULMAN: What.

CLERK TIMBERLAKE: That's going to be 17.

LAW DIRECTOR MARTUCCIO: That's Ordinance 17.

PRESIDENT SCHULMAN: No, I know I was going to say it's my understanding the Zoning Commission met at approval of this, yeah, that's okay. So a yes vote will be approving it. Any remarks? Hearing none Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

MINUTES OF THE MEETING NOVEMBER 28, 2011**#16 ADOPTED AS ORDINANCE NO. 204/2011**

PRESIDENT SCHULMAN: The Motion carries and Ordinance 16 is adopted. This is certainly an exciting procedural night. *(Laughter)* I'm really not too happy about it either. Alright, would you please read Ordinance 17 Madame Clerk.

#17. (3RD RDG) **DEFEATED** 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**

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. And this is the one where the Planning Commission has recommended denial. So a yes vote would be, Law Director.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. A yes vote would be, yes you want the a....you want the vacation of a portion of Alta Place. If you don't...if you do not want the vacation of Alta Place, you vote no. Let me repeat, if you do not want the vacation of Alta Place, you vote no. Thank you.

PRESIDENT SCHULMAN: Thank you. Any other remarks? Hearing none Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 0 YEAS, 12 NAYS

CLERK TIMBERLAKE: Twelve nays Mr. President.

#17 DEFEATED

PRESIDENT SCHULMAN: The Ordinance is defeated. Ordinance 18 please.

#18. (3RD RDG) **ADOPTED AS ORDINANCE NO. 205/2011** 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)

PRESIDENT SCHULMAN: Leader Dougherty.

MINUTES OF THE MEETING NOVEMBER 28, 2011

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. 205/2011

PRESIDENT SCHULMAN: The Ordinance is unanimously adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: We're now under Announcement of Committee Meetings. Is there any?

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Thank you good sir, appreciate the recognition. The Finance Committee will meet Monday, December 5th right here in Council Chambers.

PRESIDENT SCHULMAN: Thank you Member Hawk.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Smuckler.

MEMBER SMUCKLER: Community Development will also meet at 6:30 same time, same place.

PRESIDENT SCHULMAN: Thank you. Anyone else?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes, Leader Dougherty.

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

PRESIDENT SCHULMAN: Thank you. Any other remarks? Any other Announcements?

MISCELLANEOUS BUSINESS

MINUTES OF THE MEETING NOVEMBER 28, 2011

PRESIDENT SCHULMAN: Turning now to Miscellaneous Business. Is there any?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes, Member West.

MEMBER WEST: I'd like to recognize Ida Ross Freeman, School Board Member...newly elected School Board Member whose in the audience today. They never say that School Board Members don't come to City Council Meetings but she does and I'd like to recognize her. Secondly, I'd like to ask the Law Department, would we be able to get the Tree Ordinance down before the end of the year so that we're ready to go for this tree conference?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President. Member West, the Ordinance is really not tied to the conference or the Tree Commission Academy, it...one doesn't need the other. Our thinking was that we would bring it down probably during February after the new Council has had some time to get...get going again and then we'll have the new Members oriented to what the tree...to what the Tree Ordinance says and have it...have a new discussion with them.

MEMBER WEST: Okay, alright thank you. And then last thing I'd like to let everybody know that, if you haven't by now, there is a stop the violence with laughter comedy event that's going on at the Palace with Eddie Griffin and Gary Owens. *(Member West meant to say that the event will take place at The Civic Center)* Please get your tickets so that we can stick a pause for the cause, it seems like everybody is on stress number 10 level and I think this a way we can decrease our stress and anxiety by going to see a comedy show. Thank you.

PRESIDENT SCHULMAN: Thank you Member West. And the Tree Ordinance Member West is in your Committee, is it not?

MEMBER WEST: Yes.

PRESIDENT SCHULMAN: Good, obviously we're going to be encouraged to get this thing passed I hope. Thanks. Thank you for all your hard work. Any other Miscellaneous....Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. As I had membered....mentioned to Members of Council earlier, I'll mention to the audience. The second of two public hearings on Electric Aggregation for City of Canton residents and small businesses will be tomorrow night here in Canton City Council Chambers at 6:00 PM, our Consultant Mark Burns, President of Independent Energy Consultants will be here to explain what it is Council is about to do now that the voters have authorized Council to become brokers of Electric Aggregation. He will explain our plan of Governance and how the program will work and how everyone will automatically be included unless they opt-out come spring. Again, there will be a presentation with a question and answer period at 6:00 tomorrow here. Thank you.

MINUTES OF THE MEETING NOVEMBER 28, 2011

PRESIDENT SCHULMAN: Thank you Law Director. Any other remarks? Mayor Healy.

MAYOR HEALY: Thank you Mr. President. I'd also like to recognize somebody in the audience today. With us today on a rare occasion we have the former McKinley Bulldog, College and NFL star, Ray Ellis is with us from Arizona. Ray could you please....(*inaudible*).....(*Applause*) Thank you for joining us tonight.

PRESIDENT SCHULMAN: Thank you Mayor. And Mr. Ellis is you know, in a really tough climate in Arizona, I'm sure it's hard on him. (*Laughter*) Alright, any other remarks? Leader.

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

MEMBER PRATER: Seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: (*Gavel falls*) The meeting is adjourned. Drive carefully everybody, the weather is getting bad.

ADJOURNMENT TIME: 8:08 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT