

MINUTES OF THE MEETING FEBRUARY 25, 2013

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome as always to Canton City Council. With a quorum being present, the Chair calls 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, JAMES GRIFFIN, JAMES BABCOCK, MARY CIRELLI, JOE COLE, GREG HAWK, THOMAS WEST, CHRIS SMITH, KEVIN FISHER, JOHN MARIOL, EDMOND MACK & FRANK MORRIS)

ELEVEN COUNCIL MEMBERS PRESENT.

CLERK TIMBERLAKE: Eleven present Mr. President.

EXCUSING MEMBERS

PRESIDENT SCHULMAN: Thank you Madame Clerk. Leader, excusing Member Smith.

MEMBER DOUGHERTY: Yes, Mr. President I'd like to excuse Member Smith from tonight's meeting.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to excuse Member Smith from tonight's meeting. Let me just say that Member Smith's family had a horrible tragedy the last couple of days and our thoughts and prayers are with Member Smith and her family and certainly our hearts are with her. I know her heart is heavy tonight. Any other remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries and Member Smith is excused from this evening's meeting. Tonight we're going to have our invocation given by Ward 7 Council Member John Mariol. Will you please all stand and remain standing for our Pledge of Allegiance and I know Member Mariol has a little different invocation tonight.

(MOMENT OF SILENCE FOR MICHAEL MCDONALD).

The regular meeting of Canton City Council was held on February 25, 2013 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 7 Council Member, John Mariol. The Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: We're now under Agenda Corrections and Changes. Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to add 2nd Reading Ordinance #8 with 6 and 7 being Retained in Committee.

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MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: Thank you. It's been moved and seconded to suspend Rule 22A to 2nd, to add the 2nd Reading Ordinance 8. 6 and 7 will be Retained in Committee. Are there any remarks? Hearing none, Madame Clerk, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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

PUBLIC HEARINGS

PRESIDENT SCHULMAN: Turning to Public Hearings. We have none this evening.

OLD BUSINESS

PRESIDENT SCHULMAN: We're now under Old Business and Chief of Staff, Warren Price has indicated he has no Old Business for Council or the audience.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We turn now to Public Speaks. We have five speakers signed up this evening. Our first is James Parker. Mr. Parker, as always welcome. If you'll give us your name and your residential address please.

JAMES PARKER: James Parker. 630 Penny Street SE, North Canton, Ohio. Thank you all for allowing me to speak this evening concerning the naming rights of the Canton Civic Center such as Diebold Center, Aultcare Center, Schulman and Associates Civic Center, to the highest bidder. As someone who cares about the greatest generation, need I remind you all that when it opened, The War Memorial Civic Center, what a perfectly fine name, honoring military veterans and their families put through the horrors of war, not conflicts, operations or serges. Men and women who fought battles liberated and witnessed the atrocities of war. In our double speak society and white washing of a prior generations sacrifices, they're fighting and dying, freezing and starving to protect our country from socialist and communisting encroachment and doing what's right for America. Now do you want a bumper, bumper sticker, a corporate logo to lift your coffers? If you do, you're selling out the sacrifices of our forebearers from what they named it. You're violating a sacred trust. Why not allow commercial logos on the city light poles, on the banner poles. Why not rent out the patrol cars like an Indianapolis race cars. Monument Park, you could sell the Christmas decorations naming rights. I could take it to the add absurdum but you get my point. City Ordinances in place that should disallow this sell out that I perceive as blood money and dishonorable to the name War Memorial Civic Center of Canton, Ohio. Secondly, the flags at Central Plaza. Sins of omission. There's zilch there. Oh yea, a torn State of Ohio flag waving by a string and a weathered, beat up, rag of a flag supposed to represent the state bicentennial next to our honorable American flag that we all Pledge to Allegiance to. I've can see that if this Jim Thorpe statue can make it to Central Plaza, it's strict language and Ordinance would need establish regarding the style and manner in which the plaza is maintained and fashioned. Twenty five thousand dollars for 1805 hats and t-shirts but not a cent for patriotism. The Hall of Fame flag, in 1805 flag for Central Plaza. I'll read to you that you are never finished. About 80% of the success of any public space can be attributed to it's management no

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matter how good the design space is. It will never become a true space unless it is cared for well. Lastly, my deep debt of gratitude to Team Healy and our wise leader Mayor Healy for sending his new emissary, Bill Bartos to a meeting in Massillon and Mayor Kathy Catazaro-Perry's office to meet and discuss a football heritage corridor proposal, etc. The mark of a learned mind Aristotle said is to entertain thoughts without necessarily accepting them. On the other hand, I've had great success with Team Healy but I've never heard or had a call from anyone on Council regarding the promulgation or spousal of anyone, of any of my ideas. Do any of you care? The idea to have Marion Motley field on the green space. They chose the mind set of not recognizing black history including the Allen Page jury room and the Allen Page Avenue, etc. I plead to you to do something. Thank you.

PRESIDENT SCHULMAN: Thank you Mr. Parker as always. Our next speaker is Dick Drake. Mr. Drake good evening. Welcome as always. If you'll give us your name and your residential address please.

DICK DRAKE: My name's Dick Drake. I live at 3020 Sycamore Avenue SE and I'm going to talk about our silent residents who need protection. When you have a local government the last thing on their priority list is the trees and the care that they need for survival in this harsh environment. We have standards of educational requirements to be eligible to hold certain positions in work related fields of expertise that requires a wide range of knowledge. Most local governments have no knowledge of trees than their much needed protection from the unskilled and uneducated hackers and whackers out there. Anyone can buy a saw and a truck and call themselves a tree trimmer. Trees have no one to stand up for them so they're the defenseless unless they have protection. This is why Tree Ordinance, Ordinances are so important. You can have dedicated people in place to form a Tree Commission to help set up the Tree Ordinance and such standards to ensure the health and safety for the trees and the people of the community. Then direct those who want to enter the field of forestry to get the education they need to learn how to properly care and prune trees and plant more to conserve our heritage. Every city, town or village needs a qualified list of accredited tree services that can be registered and past on to the community when their services are needed. Everyday a tree gets cut, taken down or ruined from bad tree practices. It just takes years to get back the loss of a mature tree. We have to understand the benefits a tree provides to the world and we need to protect them at all costs. Our world needs them now more than ever because more of them have been cut down than been replaced. And do you know when the time to plant a tree is, twenty years ago. And the second best time is today. So, remember gentlemen, Arbor Day's coming up in April and it'd sure be nice if we could start getting some programs started to replenish our urban forest area. Thank you very much for your time.

PRESIDENT SCHULMAN: Thank you as always Mr. Drake. We appreciate it.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER WEST: Just for a side note. Dick Drake went down to Nimisilla and burned 250 nest eggs of the gypsy moth to protect out trees in Nimisilla Park so I thank him for that. *(APPLAUSE)*

PRESIDENT SCHULMAN: Thank you Mr. Drake. Thank you Member West. Our next speaker is David Morgan. Pastor Morgan good evening. Welcome as always. If you'll give us your name and your residential address please.

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DAVID MORGAN: David Morgan. I live at 922 27th Street NE in Canton. April 9, 2012. That's the date that this Council passed the Tree Commission Ordinance. The Ordinance that says the Mayor shall appoint 5 commissioners and there's certain qualifications. We have at least 5 people who are qualified even to the highest degree of qualifications required by the Ordinance. It's been almost 11 months and no appointments have been made. My question is when will we have those appointments or when will this Council change the definition of shall to might or maybe? Thank you.

PRESIDENT SCHULMAN: Thank you Pastor Morgan. (*APPLAUSE*) Our next speaker is Erina Martin. And I hope I pronounced your first name Miss Martin. I'm, you have nice writing but I think, is it E-R-N-A.

ERINA MARTIN: It's Erina. My name is Erina.

PRESIDENT SCHULMAN: Arain? Araina?

ERINA MARTIN: Eraina.

PRESIDENT SCHULMAN: Eraina. Thank you very much. Welcome Miss Martin.

ERINA MARTIN: Thank you. 1202 16th Street NE, Canton, Ohio. My concerns are the make shift memorials, grave sites that are placed at corners as well as the gun violence which is surrounded about. The make shift memorials, I've noticed the corner of 16th and Struble there's at least 3 or 4 times a week, anywhere from in the morning til 1 at night, 1 in the morning. I'm seeing loitering. I'm seeing drug use. I'm seeing trash left from their bottles of drinking liquor, loud music. I've made the complaint. It's been going on. It's based on the situation with the gentleman that was shot in the club in Perry. I don't understand why his memorial is at 16th and Struble when he was killed at a club. I have all do respect for the dead but there's grave sites and I feel that, that's what that's for. I've been told that you guys are trying to put into action a 90 day period for this to take place. My vision on that is, why would anyone allow this to take place period unless a person specifically died at that spot and why would they be given 90 days when there's grave sites and that's what that's for. Trash is everywhere. Basically this was a, now they're going there, I overheard it was his birthday. He's deceased. He's with God. His birthday they all come around, 30 of them. Then 10, 15 minutes they're drinking, they're doing whatever, fights breakout. Called the police before it got to that point, before the police had got there, they had disbursed. It was one pushing the other one out of the way, no you go, you go, they leave and then once the police arrived they sat there and they looked at them and kept drinking and doing their drugs as if, you're a joke. Like totally disrespecting. None of them moved. None of them flinched. None of them did anything. The other officer waited for back up. He pulled up. Only think that I saw that took place was him asking him to pick up their beer cans and bottles. My question is, why weren't anyone asked for their ID. Why wasn't anyone asked for, where do you live, why are you here at 1 in the morning? From that day, the following day, the same thing a fight broke out at 8:00, again around 10, then 1:00, 2 in the morning gunshots flew. I hear the fight. I hear gunshots and an ambulance is called. I hear a young lady in the alley screaming. He's bleeding from the head, he's bleeding from the head. I call 9-1-1, five cars come. Come to find out, it was a head injury from me reading The Repository but, I heard the gunshots and this continues on. It's been going on for a while. I really feel that the gun, of course gun controls a whole different issue but the make shift memorials, it's got to stop because it gives them the feeling, OK I can hang here. I can hang here. So if you give them 90 days, what are they going to do, go to the next corner? The next corner. The next corner and just continue. It's got to stop.

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PRESIDENT SCHULMAN: Thank you very much Miss Martin. Appreciate it. Thank you. (*APPLAUSE*) Our last speaker tonight is Mr. Terrel Lee. Terrel, sorry sir. If you'll step forward and give us your name and your residential address and welcome.

TERREL LEE: Address don't mean nothing to me.

PRESIDENT SCHULMAN: Well you have to give your....

TERREL LEE: 1210 16th Street NE.

PRESIDENT SCHULMAN: Thank you very much.

TERREL LEE: The problem is, is the fact that the cops come, they looking at the people not doing nothing, worry about back up. I understand the Police Department is short handed at night. I understand that there could be a wreck somewhere. I understand you got to wait on so and so to clean up his little area to come and help ya. I understand it all but I do not understand you gonna sit there and watch somebody drink beer on a public street. Now I'm not allowed to drink. I can sit there on my porch but I'm not allowed to go out there and sit and drink a beer like a criminal. That's ridiculous. I'm a motorcycle bum from way back. I can handle all of that mean, evil crap. Half the stuff I seen you guys never even would imagine but it's ridiculous for that to happen over and over and over and what she been emphasizing on is the fact that this memorial, all it does is just fuel everything. And for you guys to manipulate a 90 day thing, piss on that. It does not need to be involved in a situation especially if there's a store by it. There's another memorial right down the street and in and out of the store, can't blame....I get out of my shoes, get in the storekeepers shoes. I'd sell beer all day too. I'd sell cigarettes all day too. They're there all day. Music banging. Cops ride by so it, 90 day memorial, yea. It's worth 2 cent on a doorknob as far as me and all the residents that live in that area and where ever else they are. It's worth 2 cent on a doorknob. You wake up, I got a 7 year old daughter and I'm worried about her sleeping at night. You wake up under them circumstances. I told the cop before. I'm going to sue them. I'll be sitting on the patio or in the house. Just come and arrest me I'll go, I got no problems but there won't be nothing special where it came from. It's coming from me. I have no problem. I'm 61. In a New York minute, I'll go straight to jail and do the rest. I don't care. Mess with my family (*inaudible*). I'm just letting you know. I understand this way. I understand the whole neighborhood. The old people are scared shitless. Excuse my french but that's what it is. For ya all to sit here and play tiddley wicks with this, is bull. It's bull and I'm sorry you all can't accept but that's who I am. I am nobody to mess with. I don't care. I care about my family. I help the neighbor. I call the police probably way often more than she do. They come by, half the cops in the neighborhood know me. They come by and have ice cream sundaes with my daughter. Given, give her 25 cents.

PRESIDENT SCHULMAN: OK, thank you. Thank you sir. (*APPLAUSE*) I'd like to thank all our speakers tonight. Thank you for coming down. We do listen to you and hear you.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: Turning now to Informal Resolutions. We have two this evening. Our first is Resolution 14, Madame Clerk.

#14. PERSONNEL COMMITTEE: REQ CONFIRMATION OF RE-APPT OF RON BERGER TO

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CANTON CONSTRUCTION BOARD FROM 1/1/13 - 12/31/15. - ADOPTED

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution 14. Any remarks? Hearing none, by voice vote all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #14 PASSED BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The Resolution is adopted. Turning now to Resolution #15.

#15. RULES COMMITTEE: AMEND COUNCIL RULES. - DEFEATED

PRESIDENT SCHULMAN: Leader.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to amend, to adopt Resolution 15. Any remarks under this Informal Resolution? Hearing none, by voice vote all those in favor signify by saying aye. Those opposed no.

NO REMARKS

INAUDIBLE RESPONSES

PRESIDENT SCHULMAN: I'm going to ask that the Clerk record the vote please, so Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 5 YEAS, 6 NAYS
(MEMBERS CIRELLI, HAWK, FISHER, MARIOL, MACK AND MORRIS VOTED NAY)

CLERK TIMBERLAKE: Five yeas, six nays Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. According to Rule 46, Amending Council Rules, requires a two-thirds vote of all Members of Council so, the Resolution is defeated.

COMMUNICATIONS

PRESIDENT SCHULMAN: Turning now to 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

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81. APPLICANT DARLENE GUYNUP: APPLICATION TO VACATE PORTION OF FAIRMONT ST NE, GRIDLEY AVE NE, REGENT AVE NE, MAXINE AVE NE, MARTHA AVE NE. - PLANNING COMMISSION
82. CLERK TIMBERLAKE: WITHDRAWING OBJECTION TO RENEWAL OF LIQ PERMIT FOR JOHN L JONES DBA JOHN LS @ 704 4TH ST SW. - JUDICIARY COMMITTEE
83. DEPT OF COMMERCE: ADVISING THAT HRG SCHEDULED FOR 2/19/13 RE: DG HOLDING & MANAGEMENT CO INC DBA THE SPOT HAS BEEN CONTINUED. - RECEIVED & FILED
84. DOMINION EAST OHIO GAS: ADVISING OF PUCO'S APPROVAL FOR DOMINION TO USE AN AUTOMATED ADJUSTMENT MECHANISM KNOWN AS THE AMR COST RECOVERY CHARGE TO ALLOW DOMINION TO RECOVER CERTAIN COSTS ASSOC W/DEPLOYING AMR TECHNOLOGY THROUGHOUT ITS SERVICE TERRITORY. - RECEIVED & FILED
85. FINANCE DIRECTOR DIRUZZA: REQ TO AMEND APPROP O#209/2012 W/VARIOUS SUPP APPROPS (FIRE & POLICE ADMINISTRATIONS). - FINANCE COMMITTEE
86. HEALTH COMMISSIONER ADAMS: REQ TO AMEND O#209/2012 TO MAKE \$30,000.00 SUPP APPROP FROM UNAPPROP BAL OF 2317 - LOCAL HEALTH ASSESSMENT & ACCRED. FUND TO 2317 301001 OTHER. - FINANCE COMMITTEE
87. HEALTH COMMISSIONER ADAMS: REQ TO AMEND O#209/2012 TO MAKE VARIOUS APPROPS. - FINANCE COMMITTEE
88. LIQUOR CONTROL DIVISION (OHIO): REQ NEW C1 C2 LIQ PERMIT FOR BADRIYA INC DBA FULTON DRIVE THRU @ 1133 FULTON DR NW. - RECEIVED & FILED
89. MAYOR HEALY: REQ AUTHORIZATION OF RE-APPT OF MICHAEL ABBOTT TO CANTON CONSTRUCTION BOARD FROM 1/1/13 TO 12/31/15. - PERSONNEL COMMITTEE
90. SAFETY DIRECTOR REAM: REQ PERMISSION TO APPROVE THE SHOTSPOTTER FLEX CONTRACT SO IT CAN BE INSTALLED & UTILIZED BY SUMMER OF 2013. - FINANCE COMMITTEE
91. SERVICE DIRECTOR PRICE: REQ AUTHORIZATION FOR MAYOR &/OR SERV DIR TO MAKE APPLICATION, ENTER INTO CONTRACT FOR & REC FUNDS FOR VARIOUS GRANT PROGS (NATURE WORKS, LAND & WATER CONSERVATION FUND, CLEAN OHIO TRAILS FUND & RECREATIONAL TRAILS PROG); REQ AUTHORIZATION FOR MAYOR &/OR SERV DIR TO ENTER INTO COOP AGMTS W/PROJ PARTNERS FOR SAID GRANTS. - FINANCE COMMITTEE
92. SERVICE DIRECTOR PRICE: REQ AUTHORIZATION TO ADVERTISE, REC BIDS & ENTER

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INTO CONTRACT FOR ONE 2013 OR NEWER HEAVY DUTY CREW TRUCK CAB & CHASSIS & ONE VALVE OPERATING MAINTENANCE TRAILER SYSTEM FOR WATER DEPT; REQ AUTHORIZATION TO PURCHASE ONE BOBCAT S650 SKID-STEER LOADER W/ACCESSORIES, ONE JEEP PATRIOT SUV, ONE CHEVROLET SILVERADO 2500 PICKUP TRUCK & ONE CASE 590SN BACKHOE FOR WATER DEPT FROM STATE COOP PURCHASING PROG. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

93. SERVICE DIRECTOR PRICE: REQ AUTHORIZATION FOR MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/ODOT FOR CONSTRUCTION OF RESURFACING PORTION OF HARRISON AVE OVER US30 INCLUDING BRIDGE APPROACHES; MAKE \$139,790.00 SUPP APPROP FROM 4501 (CAPITAL FUND) UNAPPROP BAL TO 4501-202001 (ENGINEERING ADMINISTRATION - OTHER); AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY PROPER DEPT AUTHORITY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
94. SERVICE DIRECTOR PRICE: REQ AUTHORIZATION FOR MAYOR &/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD & EXECUTE A CONSTRUCTION CONTRACT FOR LIGHTING REPAIRS AT THURMAN MUNSON MEMORIAL STADIUM. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
95. SERVICE DIRECTOR PRICE: REQ AUTHORIZATION FOR PURCHASE OF 3 VEHICLES FOR ENGINEERING DEPT; AUTHORIZE MAYOR, SERV DIR &/OR SAF DIR TO ENTER INTO CONTRACT FOR PURCHASE OF SAID VEHICLES; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY PROPER DEPT AUTHORITY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
96. SERVICE DIRECTOR PRICE: REQ TO RATIFY ENCLOSED TENTATIVE AGMTS REACHED BETWEEN CITY & AFSCME LOCAL 2937 & AFSCME 3449. - FINANCE & PERSONNEL COMMITTEE
97. SERVICE DIRECTOR PRICE: REQ PRELIMINARY PARTICIPATION LEGISLATION W/ODOT THAT WILL ALLOW THE ROAD WIDENING PROJ ON MARKET AVE TO MOVE FORWARD. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
98. SERVICE DIRECTOR PRICE: REQ CONSENT LEGISLATION THAT WILL ALLOW ODOT TO PERFORM MOWING WORK ON I-77 WITHIN CITY LIMITS. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
99. SERVICE DIRECTOR PRICE: REQ CONSENT LEGISLATION THAT WILL ALLOW ODOT TO PERFORM PAVEMENT MARKING WORK ON I-77 & US-30 WITHIN CITY LIMITS. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
100. THE ABCD INC: ADVISING THAT ABCD INC WILL BE THE GENERAL PARTNER OF A RESIDENTIAL RENTAL DEVELOPMENT LOCATED IN OR WITHIN A 1-HALF MILE RADIUS OF YOUR POLITICAL JURISDICTION & PLANS TO UTILIZE THE MULTIFAMILY FUNDING

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PROGRAMS OF THE OHIO HOUSING FINANCE AGENCY FOR DEV OF THIS PROPERTY. -
RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: We're now 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 Ordinance by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #5A FOR ITS FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$24,154.83 - 2235 506009 BROWNFIELD JOB TRAINING GRANT - OTHER)
Referred to Finance Committee
- #2. (1ST RDG) A RESOLUTION CONSIDERING AND APPROVING THE PETITION FOR RENEWAL OF THE OPERATING ASSESSMENT OF THE DOWNTOWN CANTON SPECIAL IMPROVEMENT DISTRICT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Judiciary Committee
- #3. (1ST RDG) AN ORDINANCE AUTHORIZING CHIEF STEPHEN RICH AND THE CANTON FIRE DEPARTMENT TO DONATE USED FIRE EQUIPMENT TO A HONDURAS FIRE DEPARTMENT
Referred to Finance Committee
- #4. (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$333.68 TO LIFE GAS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #5. (1ST RDG) AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR THE REMOVAL OF NOXIOUS WEEDS AND DEBRIS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

(COUNCIL RECESSED AT 7:50 P.M. FOR THE FINANCE AND PERSONNEL COMMITTEES TO DISCUSS ORDINANCE #5A; RECONVENED AT 7:51 P.M.)

- #5A. (1ST RDG) **ADOPTED AS ORDINANCE NO. 23/2013** AN ORDINANCE APPROVING CONTRACT AMENDMENTS TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANTON AND LOCAL 2937 AND OHIO COUNCIL 8; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance & Personnel Committees
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(COUNCIL RECESSED AT 7:51 P.M. FOR THE FINANCE AND PERSONNEL COMMITTEES TO DISCUSS ORDINANCE #5B; RECONVENED AT 7:55 P.M.)

#5B. (1ST RDG) **ADOPTED AS ORDINANCE NO. 24/2013** AN ORDINANCE APPROVING CONTRACT AMENDMENTS TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANTON AND LOCAL 3449 AND OHIO COUNCIL 8; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance & Personnel Committees

PRESIDENT SCHULMAN: And at this time the Chair would declare an in house recess for the Finance and Personnel Committees to meet in regard to Ordinances 5A and 5B on your Agenda this evening. You're now in recess.

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

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to place Ordinances 5A and 5B back on the agenda.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to place Ordinances 5A and 5B back on this evening's agenda. Any remarks? Hearing none Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries, Ordinances 5A and 5B are a legal part of your Agenda. Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance 5A. Any remarks? Hearing none again, 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: I move we adopt Ordinance 5A.

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MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 5A. 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.

#5A ADOPTED AS ORDINANCE NO. 23/2013

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

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rules on Ordinance 5B. Are there any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries. Leader Dougherty you've heard the three readings.

MEMBER DOUGHERTY: I move we adopt Ordinance 5B.

MEMBER GRIFFIN: Seconded.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#5B ADOPTED AS ORDINANCE NO. 24/2013

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

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: Turning now to Ordinances and Formal Resolutions. Oh, I'm sorry. Ordinance #8.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #8

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CLERK TIMBERLAKE: For their Second Reading. Ordinance #8.

- #6. (2ND RDG) **RETAINED IN COMMITTEE** *AUTHORIZE SAF DIR TO ENTER INTO PROF SVCS AGMT W/REDFLEX TRAFFIC SYSTEMS INC FOR IMPLEMENTATION OF AN AUTOMATED PHOTO TRAFFIC ENFORCEMENT PILOT PROGRAM IN LIMITED AREAS OF CITY*
- #7. (2ND RDG) **RETAINED IN COMMITTEE** *AN ORDINANCE AUTHORIZING THE AUDITOR TO ESTABLISH TWO FUNDS FOR RECEIPT AND DISBURSEMENT OF REVENUES COLLECTED IN CONJUNCTION WITH THE AUTOMATED TRAFFIC ENFORCEMENT PROGRAM*
- #8. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$30,000.00 - 2760 102001 POLICE ADMIN - PERSONNEL)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Turning now to Ordinances and Formal Resolutions for the the Third and Final Reading and vote. Would you begin Madame Clerk with Ordinance 9.

- #9. (3RD RDG) **ADOPTED AS ORDINANCE NO. 25/2013** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$1,762.00 TO BLACK, MCCUSKEY, SOUERS & ARBAUGH; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 9.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 9. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#9 ADOPTED AS ORDINANCE NO. 25/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 9 is adopted. Ordinance 10 please.

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#10. (3RD RDG) **ADOPTED AS ORDINANCE NO. 26/2013** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$2,700.00 TO US EVALUATIONS, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 10.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 10. 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.

#10 ADOPTED AS ORDINANCE NO. 26/2013

PRESIDENT SCHULMAN: Ordinance #10 is adopted. Ordinance #11 please Madame Clerk.

#11. (3RD RDG) **ADOPTED AS ORDINANCE NO. 27/2013** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$167.00 TO PREMIER COURT REPORTING; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 11.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 11. Any remarks under this Ordinance? Hearing none, Madame Clerk again, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#11 ADOPTED AS ORDINANCE NO. 27/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 11 is adopted. Ordinance 12.

#12. (3RD RDG) **ADOPTED AS ORDINANCE NO. 28/2013** AN ORDINANCE APPROVING AND

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ACCEPTING THE REPLATTING OF LOTS 5213 THRU 5221, 30051, PART OF LOT 30052 AND PARTS OF OUT LOTS 351 AND 72; AND DECLARING THE SAME TO BE AN EMERGENCY (1138 CAMDEN AVE SW - SIMON WARSTLER)

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 12. Any remarks under this Ordinance? Hearing none again 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. 28/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 12 is adopted. Ordinance 13 please.

#13. (3RD RDG) **ADOPTED AS ORDINANCE NO. 29/2013** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE YOUNG MEN'S CHRISTIAN ASSOCIATION (YMCA) IN AN AMOUNT NOT TO EXCEED \$50,000.00 FOR THE OVERALL MANAGEMENT AND SUPERVISION OF THE FACILITY AND PROGRAMMING AT THE EDWARD "PEEL" COLEMAN COMMUNITY CENTER; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance 13.

MEMBER GRIFFIN: Seconded.

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

#13 ADOPTED AS ORDINANCE NO. 29/2013

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

#14. (3RD RDG) **ADOPTED AS ORDINANCE NO. 30/2013** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012, AS AMENDED, BY MAKING THE APPROPRIATION REDUCTIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (NSP, NSP3, HOME & BYRNE GRANTS)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance 14.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 14. Any remarks under this Ordinance? Yes, Member Cirelli.

MEMBER CIRELLI: I know the Community Development Director Fonda Williams is here. I wonder if he can come forward. I have a question I wanted to know about the reduction, it says various appropriate reductions and I wanted to know why that was necessary sir.

PRESIDENT SCHULMAN: Thank you very much Member Cirelli. Director good evening.

COMMUNITY DEVELOPMENT DIRECTOR WILLIAMS: I'm sorry. What was the question. I apologize.

MEMBER CIRELLI: Thank you Mr. President. Mr. Williams on this Ordinance it says appropriate reductions. So why were those reductions necessary? That's the question 1.

COMMUNITY DEVELOPMENT DIRECTOR WILLIAMS: Yes. Back in the, I believe it was November or December when I presented the Community Development Block Grant budgets, HOME budgets, NSP budgets, etc. What I gave you was our anticipated budgets for 2013 which this Council adopted. After meeting with Gary Young, Deputy Auditor what he wanted to do was reduce that appropriation because we don't actually have cash in hand yet. As you're aware with changes in Congress our monies are always subject to decrease if you will, at this point so, what Gary wanted to do, Mr. Young wanted to do was wait until closer to the time when that cash would actually be here and then we would re-appropriate the monies at that time. I've explained to this Council in the past, typically with CDBG dollars sometimes when we get awarded but the actual cash doesn't come here until May, June, it's been as late as July. So this is just really an accounting method that Mr. Young wants to use so as soon as it's closer to that time for that monies to come, we'll come back to this Council.

MEMBER CIRELLI: OK.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Thank you. Thank you Director Williams. So we really don't know the amount that we're

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going to receive. Is that correct sir?

COMMUNITY DEVELOPMENT DIRECTOR WILLIAMS: We receive the actual letter like we do annually from the Department of HUD, Housing and Urban Development telling us our formula allocation for 2013. The problem is, that is subject to change with Congress. So, what Gary wants to do is wait until we actually have the cash or close to having cash in hand then we'll come back to this Council.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Thank you Mr. Williams. And had we always included the Byrne grant in there? I was thinking that was, that we had set that different or something.

FINANCE DIRECTOR DIRUZZA: Mr. President.

PRESIDENT SCHULMAN: Yes, Director. Oh, I'm sorry. Finance Director.

FINANCE DIRECTOR DIRUZZA: The Byrne grant is a police grant and that's got nothing to do with CD. They had simply over appropriated from what the Auditor certified so by law we have to reduce those appropriations to the certifications that he put forth.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Maybe I'm a little slow. I just didn't get why this all was thrown in together under Mr. Williams' guise. Whenever I had always thought the Byrne was police grant. So am I missing something here? Please, you know, clue me in if I am.

PRESIDENT SCHULMAN: Director.

FINANCE DIRECTOR DIRUZZA: No, I put this legislation together and since they were all an appropriation reduction, I just put them all together under one piece of legislation.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: To the Law Director. Is this a normal procedure sir?

PRESIDENT SCHULMAN: Law Director Martuccio.

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LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member Cirelli the Ordinance is sponsored by the Mayor and it's captioned making approp, amending an appropriation Ordinance that had been passed in 2012 by making the reductions. It is allowable to mix the various kinds of reductions. They don't all have to be, they're individually labeled and they're individually numbered so the average person could determine where they come from. There's nothing in this that says it's specifically for HUD or CDBG.

MEMBER CIRELLI: Thank you Mr. President and thank you Mr. Williams and Director.

MEMBER FISHER: Mr. President.

PRESIDENT SCHULMAN: Member Fisher.

MEMBER FISHER: Thank you. Director Williams just for, listening for the reasoning behind it. It sounds like we're kind of at the knife's edge on the Congressional sequester coming up and there's possible concerns that with the discretionary funding reduction and the, we could you know, be at the edge of that. So, in addition to the State of Ohio sticking it to us, the United States Congress might be joining in on the game.

PRESIDENT SCHULMAN: Director.

COMMUNITY DEVELOPMENT DIRECTOR WILLIAMS: Mr. President. Yes Member Fisher you're correct. In my conversation with Deputy Auditor Gary Young, this measures really to protect this body. You know it's public information that our CDBG funds were cut in 2010 by 16%, 2011, 16% and I want to say 18% in 2012. So as a precautionary measure, you know we really just don't want to, the certificate that high at this time until we get a better handle on the actual cash that we'll be able to receive.

MEMBER FISHER: Thank you sir. Mr. President.

PRESIDENT SCHULMAN: Member Fisher.

MEMBER FISHER: Yes, a follow up on what you said last week and I mean this is a crying shame that we have to go through this non stop. Now in addition to the state level, we're hearing possibly even further cuts in the federal level. Thank you Director.

COMMUNITY DEVELOPMENT DIRECTOR WILLIAMS: Thank you sir.

PRESIDENT SCHULMAN: Thank you Member Fisher.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Just real quick Member, excuse me, Director. The NSP funds, I thought we were finished with NSP funds. Is this the last of it or is this a new application?

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COMMUNITY DEVELOPMENT DIRECTOR WILLIAMS: We...Mr. President. We actually received two different rounds of funding. We received NSP1, NSP3 and so we're finishing up those, those programs but we still have those dollars to be received.

PRESIDENT SCHULMAN: Thank you very much Director Williams.

COMMUNITY DEVELOPMENT DIRECTOR WILLIAMS: Thank you.

PRESIDENT SCHULMAN: I don't envy your job. Any other remarks on Ordinance 14? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#14 ADOPTED AS ORDINANCE NO. 30/2013

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

#15. (3RD RDG) **ADOPTED AS ORDINANCE NO. 31/2013** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH BLACK, MCCUSKEY, SOUERS & ARBAUGH IN AN AMOUNT NOT TO EXCEED \$45,000.00 TO PROVIDE SPECIALIZED LEGAL ASSISTANCE WITH WORKERS' COMPENSATION CASES; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$45,000.00 6010 WORKERS' COMP FUND TO 6010 501101 HUMAN RESOURCES - OTHER)

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 15. Any remarks under this Ordinance? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 1 NAYS
(MEMBER MORRIS VOTED NAY)

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

#15 ADOPTED AS ORDINANCE NO. 31/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 15 is adopted. Ordinance 16 please.

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- #16. (3RD RDG) **ADOPTED AS ORDINANCE NO. 32/2013** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO A CONSTRUCTION CONTRACT FOR THE CONSTRUCTION OF THE MILL STREET SE SANITARY SEWER REPLACEMENT, GP 1188 AND TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE BOARD OF STARK COUNTY COMMISSIONERS, IF NEEDED TO REIMBURSE CANTON FOR A PORTION OF THE WORK; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$350,000.00 5410 SANITARY FUND TO 5410 206311 SANITARY FUND)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance 16.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 16. 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.

#16 ADOPTED AS ORDINANCE NO. 32/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 16 is adopted. Ordinance 17 please.

- #17. (3RD RDG) **ADOPTED AS ORDINANCE NO. 33/2013** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$1,585.44 TO BEAVER EXCAVATING, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance 17.

MEMBER GRIFFIN: 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 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#17 ADOPTED AS ORDINANCE NO. 33/2013

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PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance 17 is adopted. Ordinance 18 please.

#18. (3RD RDG) **ADOPTED AS ORDINANCE NO. 34/2013** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO A CONSTRUCTION CONTRACT FOR THE CONSTRUCTION OF THE ALLENFORD DRIVE SANITARY SEWER REPAIR, GP 1114 (SEWER BYPASS); AND TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE BOARD OF STARK COUNTY COMMISSIONERS AND THE CITY OF NORTH CANTON, TO REIMBURSE CANTON FOR A PORTION OF THE WORK; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$220,000.00 5410 SANITARY FUND TO 5410 206310 SANITARY FUND)

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 18. Any remarks under this Ordinance?

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT SCHULMAN: Yes, Director.

SERVICE DIRECTOR PRICE: Thank you. I just wanted to correct a statement I made under 2nd Reading. These dollars, I think you're familiar with the Allenford sewer project which runs along the Nimishillen Creek. That's the main line that runs to the Water Reclamation Facility so it's a 72 inch line. We're working with the Army Corp of Engineers to shore up the bank that it, that it rests in. I had said that we would be bypassing and that's accurate, \$220,000.00 supplemental appropriation. That would be to bypass that 72" main however, I inferred you I think, that we would be pumping. That's not true. Actually our engineers have identified a way to bypass by gravity and by installing an additional line. The benefit is, it's not only probably cheaper but, we'll let that stay in place so if we ever have to bypass again, this is a permanent bypass. We'll be able to switch off that line and go to our 60" so, I just wanted to correct the inference that I might have made that we were actually pumping which we're not.

PRESIDENT SCHULMAN: Thank you Director Price. Any questions? Any other comments? Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#18 ADOPTED AS ORDINANCE NO. 34/2013

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PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 18 is adopted. Ordinance 19 please.

#19. (3RD RDG) **ADOPTED AS ORDINANCE NO. 35/2013** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT(S) TO COMPLETE DEMOLITIONS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance 19.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 19. 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.

#19 ADOPTED AS ORDINANCE NO. 35/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance 19 is adopted. Ordinance 20.

#20. (3RD RDG) **ADOPTED AS ORDINANCE NO. 36/2013** AN ORDINANCE AMENDING SECTION 181.14, ALLOCATION OF FUNDS, OF THE CODIFIED ORDINANCES; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 20.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 20. 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.

#20 ADOPTED AS ORDINANCE NO. 36/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 20 is adopted. Ordinance 21.

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#21. (3RD RDG) **ADOPTED AS ORDINANCE NO. 37/2013** AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,000,000.00, FOR THE PURPOSE OF PAYING THE COSTS OF REVITALIZATION WITHIN THE CITY AND ADDRESSING PROPERTY CONDITIONS THAT ARE DELETERIOUS TO THE PUBLIC HEALTH AND SAFETY THROUGH THE DEMOLITION OF DETERIORATING STRUCTURES AND THE IMPROVEMENT OF THOSE SITES, THEREBY ENABLING THE USE OR REUSE OF LANDS WITHIN THE CITY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance 21.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that we adopt Ordinance 21. Any remarks? Member Cirelli.

MEMBER CIRELLI: Mr. President. I had mentioned this in Caucus and the reason was that in the newspaper I read that we are going to loan ourself this money and pay ourselves back. But when you read it, it says the issuance, the sale of bond anticipation notes in one or more series an aggregate principal amount not to exceed \$2,000,000.00 so in my mind I was thinking that should be more or less taken out of there and I wanted to be sure that we weren't doing something tonight that the paper told me, cause I had not, that's the only way I noticed it was when I read it in the paper was that we are doing something different. So if the Law Director could maybe expound on that I'd appreciate that sir.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member Cirelli these bonds are issued per the advice of our specialized bond legal counsel. They, as you know, the city rarely issues bonds and this is a program that is unique because ultimately they can't be sold at public offerings. So the idea is to do this one year at a time and this anticipates \$2,000,000.00 in the event that another million dollars comes to the Stark County Land Reutilization Program. The issuance is all provided for at great length and great detail in this particular Ordinance and I'm quite certain it's done according to Ohio law and any replicable Federal Trade Commission rules as well.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: So, Mr. President to, thank you Mr., Law Director Martuccio. We are in fact issuing bonds then. OK I just wanted clarification because of what the article in the paper had said. So I appreciate that. Thank you very much.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Any other remarks under Ordinance 21? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Eleven yeas Mr. President.

#21 ADOPTED AS ORDINANCE NO. 37/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk. Our Clerk of Council certainly earned her salary tonight. That was a, there were a lot of Ordinances.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: Turning now to Announcement of Committee Meetings.

MEMBER COLE: Mr. President.

PRESIDENT SCHULMAN: Chairman Cole.

MEMBER COLE: Finance will meet at 6:00 PM, March 4th.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes. Chairman West.

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

PRESIDENT SCHULMAN: Member Griffin. I think you have a Personnel Member Griffin. That's OK.

MEMBER GRIFFIN: At 6:00 PM on March 4th.

PRESIDENT SCHULMAN: Thank you. Any other Announcements?

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: Hearing none, we turn now to Miscellaneous Business? Is there any?

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT SCHULMAN: Yes, Director.

SERVICE DIRECTOR PRICE: I just wanted to advice Council pursuant to my obligation by the Codified Ordinances of the city of Canton, that the Water Reclamation Facility and Collection Systems Department have completed the 2012 Sanitary Sewer rate study update for the Sewer Enterprise Fund however, we are operating under a 4 year rate plan that was implemented 4 years ago. This is the final year of that rate plan and so there is no action required by this Council however, the report was complete and we are communicating, will be communicating that to City Council and the, but the rate does not change from the 4 year plan that was Codified 4 years ago. Thank you.

PRESIDENT SCHULMAN: Thank you Director Price. Any other remarks?

MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: Member Griffin.

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MEMBER GRIFFIN: I'd like to remind Council Members and the gallery that the Canton Connection came out last week, late last week and I'd appreciate it if you could read the articles on the park systems and that and also if you take some time, maybe 10, 15 minutes to take the survey and return it on the park systems and that because we got to know what you want before we can go and you know, go any further cause it's a very important issue for us. So I'd just appreciate if you'd read the articles and take the survey. Thank you.

PRESIDENT SCHULMAN: Thank you Member Griffin. Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. This is a question to the Mayor and unfortunately Mr. Drake kinda stole my thunder in a sense. I was wanting to know Mayor Healy how soon the Tree Commission will be in effect and you'll be appointing people to it because spring will pretty soon be coming along and we'd like to have a handle on that. Would you give us some time frame or something sir. I'd appreciate that.

PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: Yes. We may have that done this week.

MEMBER CIRELLI: OK. Mr. President...

PRESIDENT SCHULMAN: Yes, Member Cirelli.

MEMBER CIRELLI: ...and Mayor Healy. Thank you very much for that. I have some grave concerns whenever the people came up and on 16th and Struble and I'm sure Mr. Ream will be addressing that and perhaps will...Mr. Ream will you get back to this Council body and let us know what's going on and what the decision will be and this time, please get back to us. I'd really appreciate that sir by email or whatever. Thank you very much.

PRESIDENT SCHULMAN: Thank you. Any other comments? Briefly I...

MEMBER WEST: Yea.

PRESIDENT SCHULMAN: No, go ahead. Go ahead Member West.

MEMBER WEST: Well I got two things going on. Well one, I wanted to first, course I think that everybody knows now that former Councilwoman Wilma Lipkins also passed away this week and we probably need to do a moment of silence for her. So if we could do that at this time, I would appreciate that. Thank you.

PRESIDENT SCHULMAN: Let's recognize a moment of silence please.

(MOMENT OF SILENCE FOR WILMA LIPKINS)

PRESIDENT SCHULMAN: Thank you Member West.

MEMBER WEST: Thank you. The second thing, Mr. Parker, I think a lot of Council People, you said we don't respond to you in reference to the ideas that you come up with. I just want to let you know that I think a lot of Council Members here agree with a lot of your ideas and there is some movement in the various forms and we can't wait for the Jim Thorpe to occur. I also wanted to talk a little bit about the roadside memorials. That's something that's going to be coming down and currently there's nothing in place that addresses roadside memorials in the city of Canton as you read in the newspaper. The young lady that came down tonight, I did talk with her in length,

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pretty extensively about the roadside memorial up on 16th and Struble and actually she shed a little bit more light than I ever anticipated that these roadside memorials are causing a continuation of, in some instances rage and it's fueling the fire in some cases. Something that we didn't talk about initially when we talked about taking these roadside memorials down. You know I'm a firm believer that we just don't need to keep them up longer than 90 days. I think a year and a half is too long and you know, I've talked to several people in the community in reference to this and did a lot of research on it but what, but what she had, what she's experiencing is a lot of fighting that's going on, on 16th and Struble and Frank Morris talked about that earlier this year in that we've had a lot of problems, extensive problems in that area for several years. But it's time that we put a stop to it. I know that the Mayor has a plan for some of the guns, shooting that going on in the community that will get a quicker response by the police. But we, you know the President has brought out an initiative to try to address guns. You know, we need more answers, more solutions to this problem and I don't know that the roadside memorials in themselves, I think it's one component that's causing a lot of fuel or flame to the problem but these young people are out of control and we need every effort and every mind to come up with a solution. You know you can't say that this plan won't work or that plan won't work you know, a collection of all these plans can work. We don't know, we have to try and I think that's where I stand in Ward 2 because I have a lot of roadside memorials. I have a lot of speeders. I have a lot of problems and you know, when I come up with solutions it's to try to address some of those problems and it may not be the most popular idea but, I think our community is calling for leaders. Leaders that are going to make tough decisions, tough decisions and they may not be popular but it can work. We can at least make an attempt to try to make something work. So if there's anybody else that has a solution to the problem that I have on 16th and Struble, I'd love to hear it. Email me and then I can go forward with it. Thank you.

PRESIDENT SCHULMAN: Thank you.

MEMBER FISHER: Mr. President.

PRESIDENT SCHULMAN: Member Fisher.

MEMBER FISHER: Thank you. Just to kind of follow up on a similar thing that my friend Mr. West was discussing. We had a, this weekend, a homicide over in Ward 5 in front of the Friendly Corner Tavern which is actually about ½ a block from the house where I grew up at. My grandfather used to stop there after work at Timkens to, to entertain the gang down there after having a few. This is now the third death we've had I think in front of this particular establishment over the past three months to the point where it's obviously, it's a pattern not a coincidence and I'd just like to ask the Safety Director if we can try to get together on that sometime and discuss some ideas on that here sometime over the next week.

PRESIDENT SCHULMAN: Thank you. Any other comments? Last week we were discussing and we had it tonight with Member West and Member Fisher and Director Williams. Not only is the state pounding us but also now the federal government which we know is dysfunctional is also threatening to withdraw funds from our city. The Madame Clerk did send letters to all the legislators who I would believe should come and see us since we are the largest city in their districts. So far, Rep, Senator Oelslager has been the only legislator to respond to our request. He has respectfully declined to appear. I don't know the reason so I'm not suggesting it was for a bad reason but he's not coming so we did not schedule it tonight because of how many Ordinances we had and Madame Clerk was busy enough. We do have it scheduled for next Monday. I know we're starting at 6:00. What I'd ask is our Clerk let me know or let the Leader know whether any legislators are going to come. That included by the way, not only the state legislators but also our federal legislators and again as far as I can determine, well accept for Representative Renacci, we're still the largest district, largest city in some of the Congressional districts. So they should be here and I hope we can have a warm dialogue that will discuss why cities and urban areas just keep getting hammered. Lastly we do have a Water Commission. I know one Member of Council has recommended

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somebody or two. I don't want Pastor Morgan to come up next year and say the Water Commission was established 5 years ago and you haven't done it, your job, so we would like to get that Commission up and running. And I'd like to do it within the next couple of weeks. At least have some names of people. So if you would be so kind as to provide that.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Do you think it would be helping out if all of us signed something to the legislators and it was emailed to them.

PRESIDENT SCHULMAN: I think that, I think whatever you can do to bring them here for them to tell us why we are consistently and other urban areas are consistently being cut financially. Yes. I think that would be a great idea. Mayor.

MAYOR HEALY: When you get a response from these legislators, if they're not available on the day that we ask, can we ask them when they are available.

PRESIDENT SCHULMAN: Fine.

MAYOR HEALY: I think it's important that they come down and address this body and quite frankly there should be no excuse for them not wanting to spend time with this legislative body here in the city of Canton that's been thrashing to answer questions and quite frankly I think we need to hold them accountable if they're not coming.

PRESIDENT SCHULMAN: Well and nobody knows more than you, what you have to work with which is less and less every single year. Member Cirelli.

MEMBER CIRELLI: I just wanted to thank the Mayor for chiming in there because I think it's a very important. After all, our people are their people as well and they need to know that and we need to be, you know we're here to help with solutions and we need to understand and make them understand what the heck we're dealing with. So I'd really appreciate if all of us...I do have a couple of phone numbers and some emails for if you need them, let me know.

PRESIDENT SCHULMAN: And lastly, I know that Jim Hillibush of the Rep, I don't know how many of you saw his column yesterday, and I respect Jim's opinion and his view but you know actually the point, I'll try to make it in a response to his (*inaudible*) piece. The point wasn't that were not doing better than we were. I think the Mayor and obviously the administration would agree, yes. The economy is somewhat improving. No telling what's going to happen with the sequester. It might put us right back into a recession but the fact of the matter is, we don't have, we're standing in place, treading water. All we can do is keep moving the money around and keep taking, robbing Peter to pay Paul. That's not sufficient. It's like having a business with one machine that is a hundred years old and you've done everything you can to repair it every year and keep putting new parts on it but eventually that machine is just going to break and it's done. And that's our urban area today. We just don't have the resources and the resources are available. So that's, I appreciate the Mayor's and obviously all the Members of Council, their advice and input. Let's get these people here to tell us why were not getting any money. It's killing us.

MEMBER HAWK: Mr. President.

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PRESIDENT SCHULMAN: Anything else? Member Hawk.

MEMBER HAWK: Thank you. I think that we've invited them. They've ignored us and I think the email to them should be very short and very simple and to the point. Why are you ignoring us? Ask them the question and let them tell us.

PRESIDENT SCHULMAN: Well we can all do what we think is the right course of action but we would like to hear from them. Leader.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adjourn. 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. Thank you Madame Clerk and thank you Assistant Madame Clerk. Meeting is adjourned. Drive carefully everyone. *(Gavel falls)*

ADJOURNMENT TIME: 8:34 P.M.

ATTEST: MARCH 1, 2013
CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

APPROVED: MARCH 1, 2013
ALLEN SCHULMAN
PRESIDENT