

MINUTES OF THE MEETING APRIL 29, 2013

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. It's good to see all of you tonight. It must be spring, we have a light crowd this evening but I'm sure it will be an interesting meeting. With that said and a quorum being present, the Chair calls this meeting of Canton City Council. Roll call vote 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)

TWELVE COUNCIL MEMBERS PRESENT.

CLERK TIMBERLAKE: All present Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Tonight's invocation will be given by my friend and Ward 5 Council Member, Kevin Fisher. If you'll all stand and remain standing for our Pledge of Allegiance.

The regular meeting of Canton City Council was held on April 29, 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 5 Council Member, Kevin Fisher. The Pledge of Allegiance led by President Schulman.

PRESIDENT SCHULMAN: Thank you very much Member Fisher.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to add 2nd Reading Ordinances 7 through 9 with #6 being Retained in Committee.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: Thank you, it's been moved and seconded under Agenda Corrections and Changes to Suspend Rule 22A to add the 2nd Reading Ordinances 7 though 9 with Ordinance 6 being Retained in Committee. Any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

PUBLIC HEARINGS

PRESIDENT SCHULMAN: Turning to Public Hearings. We do have one this evening. This is why I have so much admiration for our Clerk who has to read about 20 of these every night. We have a Public Hearing

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scheduled at 7:30 and it's AN ORDINANCE VACATING THE UNIMPROVED PORTIONS OF MAXINE AVENUE N.E., MARTHA AVENUE N.E., FAIRMONT STREET N.E., GRIDLEY AVENUE N.E., AND REGENT AVENUE N.E.; APPROVING AND ACCEPTING THE REPLAT OF THE VACATED STREETS AND OUTLOTS 1313 - 1316, 28728 - 28737 AND 42892 - 42969; AND DECLARING THE SAME TO BE AN EMERGENCY; THE PLANNING COMMISSION HAS RECOMMENDED APPROVAL OF THE SAME IN WARD 6. Is there anyone in the audience wishing to speak for or against this Vacation and Replat, would you please step forward. And repeating it as required, is there anyone in the audience wishing to speak for or against this Vacation and Replat, please come forward. No one has come forward so the Chair declares the public hearing over. The matter now rests in the hands of Council and the Ordinance will follow later this evening.

OLD BUSINESS

PRESIDENT SCHULMAN: Turning now to Old Business. I know that our Chief of Staff, it's our understanding is doing much better. I think he's supposed to be back with us tomorrow. So we wish him, you know, obviously he's been in our thoughts and prayers and wish him the very best when he gets back to work. I'm sure he'll have nothing on his desk needing any immediate attention.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: Tonight we have under Public Speaks 7 speakers signed up. I just want to remind our speakers, a lot of you, in fact almost all of you have spoken before. But I will remind you to be courteous. We can have our disagreements as prayer from Member Fisher reflected. We can have our differences but we don't have to be mean spirited toward one another and I hope that you'll all show that kind of sense that we're all in this together and we need to work together to solve our problems as opposed to being mean about it. So, for the first...our first speaker is James Parker. Mr. Parker, as always welcome. Would you come forward and give us your name and your residential address please.

JAMES PARKER: Thank you, my name is James Parker. I reside at 630 Penny Street SE, in North Canton. Council President Schulman, concerning the stink I made over massage Ordinance 785, I believe William Shakspere had a poem that said "All the world is a stage and all the men and women are merely players on it." However, if Canton City Ordinance 785 were to apply equally to all other professions as it does massage, like instructors of dance, yoga, combat instructors, I'd modify that to all the worlds a whore house and all the men and women are merely whores. Although, with that I may be insulting the oldest of professions. The interpellation of this code for massage carries a presumption of guilt by association not innocent until proven guilty. It reeks of an 80's college boy mind set of management by objective. For instance, if you're intent to stop all the shoplifting at Walmart, you should search everyone on the way out. Objective met, 100%. The trouble is no one wants the has hassle and the unintended consequences are that nobody shops there, they go elsewhere. Criminal...so, they go elsewhere. The criminal for consensual massage without having met all the requirements of Ordinance 785 are a first degree misdemeanor. That of running a house of prostitution, a third degree misdemeanor, not nearly as severely punishable. Do I get it? No. What I believe is that this is a snapshot of a mind set antiquated. By that I mean of the western form of consciousness. Such as C.G. Young once wrote is by no means the same as consciousness pure and simple. Rather, it is a historically determined geographically limited entity that only represents a fraction of humanity. The extension of our form of consciousness should not take place at the expense of other forms of consciousness. Instead it should come about through the cultivation of those elements in our own psyche which are analogues to the qualities of the alien siting. Just as the east has ablide to cultivate our technology, our science and industry they have done so well. The European invasion of the east was an outrage on a grand scale that has left us noblesse oblige with

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an obligation to gain something in understanding of the east. This is perhaps more of a necessity than we may realize at the present time. Wise words for 1928, pure and simple. 1971 Nixon visits China, 2013 Mayor Healy visits and very rightly so for the best interest Canton, Ohio. Please listen more carefully to his suggestions. Consider them a fresh gaze, so to speak. Sometimes the hardest point is unlearning what we think we already know but isn't so. Ask Mayor Healy and his wife, they should be invited to all your houses, your homes for dinner to allow yourselves the opportunity to see just what exchange he had there and ask him about his trip. There and his wife, I believe his son is his immediate family are always welcome in mine. I hope we know what we can learn from where we can go with the people that are taking us over that we owe so much money to. They have learned our way of doing business very well. It's about time we take a look at some of theirs. Thank you.

PRESIDENT SCHULMAN: Thank you very much Mr. Parker. Our next speaker is Dick Drake. Mr. Drake good evening. As always welcome to Canton City Council. If you'll give us your name and your residential address please.

DICK DRAKE: My name is Dick Drake, 320 Sycamore Avenue SE. I'm an ISA Certified Arborists and I'm going...you guys are probably just glad it's only three minutes I got here. A few weeks ago someone made comment of the cityscape trees and how beautiful they were. Well, I want to thank people in this Administration and past. Especially this one who have brought me along to where I am today, Mary Cirelli, Kevin Monroe and Doug Perry. Si...seven years ago I needed to become a Certified Arborist, I needed letters of recommendation and these people had confidence in me and made these letters out for me and I submitted them to be able to take this test. I told you before when someone becomes a Certified Arborist, they need at least three years of cutting in the trees industry. Long story short an Arborist is a specialist in the care of individual trees. Arborists are knowledgeable about the needs of trees and are trained and equipt to provide proper care. (*Inaudible*) an Arborist it's a decision that should not be taken lightly. Proper tree care is an investment that can lead to substantial returns. Well cared for trees are attractive and can add some considerable value to your property. Poorly maintained trees can be a significant liability. Pruning or removing trees, especially large trees can be dangerous work. Tree work should be done only by those trained and equipt with the safety of trees. Now, I mentioned in the past, we get 10 to 20 people per month that get hurt or killed. On the average, 9 people die monthly in the tree industry. So, it's gotten so bad that OSHA is stepping in now. They're going to do random checks on all of the tree trimmers. No matter who you are or where you are, if they're out and they see you working, they're gonna stop and check your equipment, they're gonna make sure you're wearing the proper safety protective equipment, there's gonna be fines leveled. So, I'm just bringing this up to the City. Hopefully we get our Ordinance going, we get our tree trimmers all registered because if you have someone working for you and they're not up to code, there's going to be fines leveled. Especially if there's an injury and everyone's gonna have to pay the price for this. And it's a real dangerous profession. And I especially want to thank Dan Moeglin for letting me take care of the cityscape trees the last 5 years. As I said, you need young tree training to put them where they are today. Now all our trees are ornamental mostly in the cityscapes. Cosmetically they are beautiful, they're a nice welcome mat for the City of Canton. But the most trees with the most value though are your old (*inaudible*) trees and we need these trees, they're the backbone of (*inaudible*) are of the City and in the parks and we need to get after these parks and get our trees reg...regenerated, excuse me. Because without these old (*inaudible*) trees, you're not gonna have the benefits payable to the City because they...they really save the City a lot of money, energy costs, storm water management and so forth. So, I just wanted to address this to you and let you know I'm trying real hard for you, I'll do anything I can. I can be available to help anybody, assist. You know my number and could call. Thank you very much.

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PRESIDENT SCHULMAN: Thank you very much Mr. Drake. Thanks as always for everything, we do appreciate it. Our next speaker is Pete DiGiacomo. Mr. DiGiacomo, good evening and welcome as always to Canton City Council. If you'll give us your name and your residential address please.

PETE DIGIACOMO: My name is Pete DiGiacomo, I live at 600 Dent Place SW, Canton, Ohio. A lot of times I come up here and speak before Council and the Administration and I don't agree with some things so I'm critical of them. Tonight, I'm sorry Mr. Price is not here, he's not feeling well but I wanted to send a message out for him and also for the Administration. The last few days, last...it was last week, SWAN had their neighborhood cleanup. The Street Department came in like a...like a herd of buffalo, I wanna say blitzkrieg but that's not nice either. But it was like, they were everywhere, there were taking down very large...couple large trees that were dead already and I mean it was just...If you'd see a bunch of ants around a sugar cube, that's was that South..SWAN's area looked like. They were everywhere doing everything and so I just wanted to give everybody in the Street Department, all the folks that were there a good atta boy and let that trickle down and let them know because they did a hell of a job. Thank you.

PRESIDENT SCHULMAN: Thank you very much. That's always good but we know we have great employees. Thank you Mr. DiGiacomo. Our next speaker is Bruce Nordman. Mr. Nordman as always again, welcome. If you'll give us your name and your residential address please.

BRUCE NORDMAN: Thank you. Good evening Mr. Mayor, Mr. President, Members of City Council. Group 175 is stronger than ever. We've been getting great support, ordinary citizens like ourselves as well as many highly influential people. We are delighted with the support that we're given. Tonight I want to give a special thanks to Frank Morris, Kevin Fisher and Mary Cirelli for fighting to have \$175,000.00 that we discovered in the general fund last week voted to crime and the hiring of more Police Officers. According to the Mayor and Joseph DiRuzza, the Finance Director, it could cost \$1,335,000.00 for the first year to hire 25 new Police Officers. \$175,000.00 would have been a nice down payment that would have been a 13% down payment on that 1,335,000. Seems like every week we find money. We found \$360,000.00 for the Shotspotter over three years, 3 million for the Hercules Project, 2 ½% increase for non-union employees. Last week \$175,000.00 for the Chamber of Commerce. These are all great causes but not one nickle for an increase in police strength. Last week Group 175 sponsored and ran in conjunction with the County Sheriff's Department, the Stark County Veteran's Service Commission at the American Legion Post 44 a job fair for the...for the new hirees. We are pleased to say it was a tremendous success, we got over 60 applications for the new positions and 10 that were taken home. It was a great....a great stride for safety in our...in our County. Now, I'm offering the same support when we get 175 officers, Group 175 will be more than happy to run a job fair for the City of Canton like we just did for the Sheriff. We got 12 new officers which brings us to 153 and with retirements at the end of the year, we're going to be down to 148, which is 4 above where we ended last year. I just want to make note that we were at 177 when the Mayor was sworn in. So, now is the time for action. Let's find some more money like the \$175,000.00 that we found last week to get our police rank up to 175. Thank you so much for your consideration and time.

PRESIDENT SCHULMAN: Thank you very much Mr. Nordman. Thanks for those comments. Our next speaker is Bruce Brewer. Mr. Brewer, good evening. Again as always welcome to Canton City Council. If you'll give us your name and your residential address please.

BRUCE BREWER: My name is Bruce Brewer, I reside at 1520 Harvard Ave NW in Canton. Good evening

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Members of Council and Mr. Mayor. I am once again speaking on behalf of Group 175. We have repeatedly asked for funding for the increase of Police Officers in the City of Canton and bas...buy some for doing so. I sat here...I sat during Council and heard arguments for the monies for the Chamber of Commerce, that vote was close and only approved by a tie breaker vote. I do not...I...I do think that the Chamber provide a special service to the City and the County. During the course of my research, I did find out that one individual for the Chamber of Commerce makes over \$220,000.00 a year, 175,000 of that does not even pay his wages for one year. Although I know they provide a good service to the City and the County but I do believe that we need to find the funding for these Police Officers, get them on the street so we can provide the safety and well being of our neighbors. Thank you.

PRESIDENT SCHULMAN: Thank you very much sir, appreciate your remarks. Our next speaker is Bret Moore. Mr. Moore, always welcome to Canton City Council. If you'll step forward and give us your name and your residential address please.

BRET MOORE: Thank you and God bless you all. This week...and I ditto what both these great Bruces say. But this week was brought aware of some wording that was being put out on the internet by the Councilman whose running for Ward 9, basically bad mouthing Vassar Park Neighborhood Association and the 175 Group. This evening found out that this has been done in Council quarters too. And I would like to say Mr. Cole if you think you have a chance at that area in..in Ward 9, you have stirred up people that was not even probably gonna go out and vote and they're going to be at the polls now. And I suggest you watch what you say about our group. Thank you.

PRESIDENT SCHULMAN: Okay, our last speaker is Henry Preston. Mr. Preston, good evening. As always welcome to Canton City Council.

HENRY PRESTON: Thank you. My name is Henry Preston, I live at 326 31st Street NW. Tonight I want to applaud Council Member Cirelli, Fisher and Morris who served firm in their convictions last week in an attempt to control spending of the taxpayers money for the accountability in giving \$175,000.00 to the Chamber of Commerce appears to be missing. There's no benchmark to evaluate the results of the spending the taxpayers money as in how many jobs the Chamber of Commerce brings to the City. Council Members Cirelli, Fisher and Morris showed great courage voting no in the fix...in the face of very strong opinions articulated in the favor of giving the Council Chamber...the Chamber of Commerce the \$175,000.00. Besides the dire financial needs of the fire and police departments, Canton is a City of potholes, everywhere within a 3 mile radius of Stark County Courthouse, there are potholes in almost every direction. Canton's main arteries, Cleveland Avenue, Market and Tuscarawas Avenue exhibit many potholes. The point is Canton has many pressing financial obligations and Council Members Cirelli, Morris and Fisher demonstrated sound (*inaudible*) judgement voting no for what I consider a feel good expenditure. Mr. Denny Saunier, President and CEO of Canton Regional Chamber of Commerce told us last week that Canton's \$175,000.00 contribution has leveraged in a 17% of an economic development program to bring jobs to this area. He told us the Chamber of Commerce is working very hard with the oil and gas companies to make sure their operations are safe and done right. We don't want any of the water in the aquafier...aquafiers to be contaminated. Last week this Council voted unanimously to spend almost a half a million dollars for a study to determine if Canton's aquafer water supplies would be in jeopardy with all the fracking activity nearby. Why would Council spend almost a half a million dollars to study the risk of aquafier contamination if the Chamber of Commerce is going to make sure the fracking operations are safe and done right. I don't know of

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anybody of sound mind who is honest and knowledgeable about the fracking process would say that the fracking processes are safe. Anybody who says the fracking processes are safe is either uninformed or intentionally not telling the truth. Every fracked well proposes risks. The more wells that are fracked, the more the risks increased. Gas wells leak many different ways. Methane leaks are often found through the pipeline system components, compressor seals, pump seals and valve packing. One of the most common components that fail is the cemented (*inaudible*). In the industry it has at least a 6% failure rate at the completion of the well. This failure increases during the life of the well. Spending a half a billion dollars to study aquifer contamination for fracking and then give the Chamber of Commerce \$175,000.00 to (*inaudible*) fracking operation when in fact nobody could guarantee at the fracking operation were safe or done right. This seems to be the giving of \$175,000.00 to the Chamber demonstrates that some on Council are...are not being good stewards of taxpayers' money. Thank you.

PRESIDENT SCHULMAN: Thank you very much sir. That concludes our Public Speaks. Appreciate all our speakers coming down this evening. We do listen to you and respect your opinions and appreciate you taking your time.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: Turning now to Informal Resolutions. We have a very important Informal Resolution tonight. Madame Clerk would you please read Informal Resolution 27.

#27. COUNCIL AS A WHOLE: OPPOSING THE "RIGHT-TO-WORK" LAWS AND THE "WORKPLACE FREEDOM" CONSTITUTIONAL AMENDMENT. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President, I move that we adopt Informal Resolution 27.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Informal Resolution 27. Any remarks? Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. I would like to thank Council Member Edmond Mack for putting this Resolution together and then having our staff offer the rest of Council if they want to come on board with him. I want to thank him very much for doing that. Thank you sir.

PRESIDENT SCHULMAN: Thank you. Member Mack.

MEMBER MACK: Thank you Council President. Thank you Member Cirelli but this isn't my Resolution, this is our Resolution because this is an issue that is very important to the City of Canton and very important to the future of the middle class. So, I think everyone on this Council should be commended for standing up against what this Ordinance represents.

PRESIDENT SCHULMAN: Thank you. Okay any other remarks? All those in favor of Resolution #27 say aye. Those opposed no.

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NO REMARKS

RESOLUTION #27 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes resoundingly have it and the Motion carries and Resolution is adopted and we hope that we don't see any so called right to work legislation.

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 APRIL 29, 2013.

182. AGENT FOR PETITIONER, SLIMAN: NOTIFICATION THAT THE CITY OF CANTON HAS OFFICIALLY WITHDRAWN THE TACO BELL ANNEXATION. - RECEIVED & FILED
183. AUDITOR MALLONN: REQ FOR ADDTL AMENDED CERT DATED 4/16/13. - RECEIVED & FILED
184. COUNCIL MEMBER WEST, WARD 2: AUTHORIZE AND PREPARE AMENDMENTS TO THE FORECLOSURE ORDINANCE PASSED IN 2012. - JUDICIARY COMMITTEE
185. DEPT OF COMMERCE: NOTICE OF HRG FOR NEW LIQUOR PERMIT FOR BADRIYA, INC DBA FULTON DRIVE THRU @ 1133 FULTON DR NW, UNIT 2, 1ST FL ONLY ON 5/21/13, 10:00 AM AT STARK COUNTY DEPT OF JOB & FAMILY SERV, 221 3RD ST SE. - RECEIVED & FILED
186. DEPT OF COMMERCE: NOTICE OF HRG FOR RENEWAL OF LIQUOR PERMIT FOR DG HOLDING & MGMT CO., INC. DBA THE SPOT @ 2600 8TH ST NE & PATIO ON 5/21/13, 11:00 AM AT STARK COUNTY DEPT OF JOB & FAMILY SERV, 221 3RD ST SE. - RECEIVED & FILED
187. DEVELOPMENT DIR WILLIAMS: AUTHORIZE ACCEPTANCE OF TRACTS OF LAND IN AREAS FORMERLY KNOWN AS "MOTHER GOOSELAND" AND DO ALL RELATED & ANCILLARY THINGS TO COMPLETE A LEASE TERMINATION AND TRANSFER RIGHTS & OWNERSHIP. - COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE
188. FINANCE DIRECTOR DIRUZZA: AMEND O#209/2012 WITH \$21,600.00 SUPP APPROP FROM UNAPPROP BAL 1001 GENERAL FUND TO 1001 102001 POLICE - ADMIN OTHER FOR NEW POLICE CADETS TO ATTEND OHIO PEACE OFFICER TRAINING ACADEMY. - FINANCE COMMITTEE
189. FINANCE DIRECTOR DIRUZZA: AMEND O#209/2012 WITH \$33,500.21 SUPP APPROP FROM UNAPPROP BAL 6091 MGMT INFO SERV TO 6091 504010 INFO TECH - OTHER TO COMPLETE CLOSING OF 6091 FUND. - FINANCE COMMITTEE

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190. LAW DIRECTOR MARTUCCIO: AUTHORIZE LAW DEPT TO PREPARE PROPOSED AMENDMENTS TO FEE STRUCTURES FOR AMUSEMENT & MUSICAL DEVICES AND AMUSEMENT ARCADES LOCATED WITHIN THE CITY. - JUDICIARY COMMITTEE
191. LIQUOR CONTROL DIV (OHIO): REQ TRANSFER OF D5 LICENSE FROM ONE HAK COMPANY LLC DBA IRISH EXCHANGE @ 3824 W TUSCARAWAS ST TO KAB 1 LLC DBA IRISH EXCHANGE @ 3824 W TUSCARAWAS ST. - RECEIVED & FILED
192. LIQUOR CONTROL DIV (OHIO): REQ TRANSFER OF D4 LICENSE FROM AMVETS POST 0555 @ 315 CLEVELAND AVE NW TO AMVETS POST 0555 @ 216 FOURTH ST NW. - RECEIVED & FILED
193. MAYOR HEALY: AUTHORIZE MAYOR AND/OR SERV DIR TO PAY \$2,400.00 MORAL OB TO LONNIE BOWLING'S USED CAR SALES FOR VEHICLES USED BY SPECIAL INVESTIGATION UNIT. - FINANCE COMMITTEE
194. MAYOR HEALY: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT WITH BOWMAN APPRAISAL SERV INC TO COMPLETE APPRAISAL REVIEW WORK FOR MAHONING RD CORRIDOR PROJ, GP 1103; MAKE A \$14,300.00 SUPP APPROP FROM 4566 MAHONING RD CORRIDOR PROJ, GP 1103 FUND UNAPPROP BAL TO 4566-202079 MAHONING RD CORRIDOR PROJ, GP 1103 FUND & ORGANIZATION; AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
195. MAYOR HEALY: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT WITH TRANSYSTEMS REAL ESTATE CONSULTING, INC TO COMPLETE THE RIGHT-OF-WAY ACQUISITION SERV FOR MAHONING RD CORRIDOR PROJ, GP 1103; MAKE A \$115,819.00 SUPP APPROP FROM 4566 MAHONING RD CORRIDOR PROJ, GP 1103 FUND UNAPPROP BAL TO 4566-202079 MAHONING RD CORRIDOR PROJ, GP 1103 FUND & ORGANIZATION; AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
196. SERVICE DIRECTOR PRICE: AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS, AWARD & EXECUTE A CONTRACT IN AMT NOT TO EXCEED \$42,500.00 FOR REPLACEMENT OF WRF MAINT BLDG BOILER; MAKE \$42,500.00 SUPP APPROP FROM 5410 SANITARY SEWER UNAPPROP BAL TO 5410 206048 WRF MAINT BLDG BOILER PROJ; AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: Under First Reading Ordinances and Formal Resolutions for the first reading. Let the journal show that all the 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

MINUTES OF THE MEETING APRIL 29, 2013***#1 THROUGH #5 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #1. (1ST RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE HALL OF FAME ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Annexation Committee
- #2. (1ST RDG) A RESOLUTION TO SUBMIT TO THE ELECTORS OF THE CITY OF CANTON REDUCING THE COMPOSITION OF THE MEMBERS OF CANTON CITY COUNCIL FROM TWELVE MEMBERS TO NINE WARD MEMBERS EFFECTIVE FOR THE 2016-2017 TERM AND THEREAFTER
Referred to Judiciary Committee
- #3. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$33,000.00 FOR UNAPPROPRIATED BAL OF 1001 GENERAL FUND TO 1001 506001 COMMUNITY DEVELOPMENT ADMIN - PERSONNEL)
Referred to Finance Committee
- #4. (1ST RDG) AN ORDINANCE AMENDING EXHIBIT B TO ORDINANCE NO. 100/2011, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES FOR THE CITY OF CANTON; AMENDING SALARY POLICY AND PROCEDURES FOR THE AUDITOR'S OFFICE AND LAW DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Personnel Committee
- #5. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CHANGE ORDER #4 FINAL WITH INSITUFORM TECHNOLOGIES IN AN AMOUNT NOT TO EXCEED \$30,635.00 FOR THE WEST SIDE INTERCEPTOR SANITARY SEWER REHABILITATION PROJECT, GP 1138; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: Turning now to Ordinances and Formal Resolutions for their second reading. Madame Clerk, would you please begin with Ordinance 6.

CLERK TIMBERLAKE: 7, 6 is Retained in Committee.

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PRESIDENT SCHULMAN: Okay, 6 is Retained in Committee. Thank you.

CLERK TIMBERLAKE: You're welcome.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #6 THROUGH #9 (ORDINANCE #6 RETAINED IN COMMITTEE) FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS

#6. (2ND RDG) ***RETAINED IN COMMITTEE*** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH NEW DAWN DEVELOPMENT HERSHBERGER FAMILY LLC TO PROVIDE A REAL PROPERTY TAX EXEMPTION; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON LOCAL BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82 (C) OF THE REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY

#7. (2ND RDG) AN ORDINANCE AMENDING TITLE ONE, STREETS AND SIDEWALK AREAS, OF PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON BY THE ADDITION OF CHAPTER 923, ROADSIDE MEMORIAL PROGRAM

#8. (2ND RDG) **ADOPTED AS ORDINANCE NO. 81/2013** AN ORDINANCE AUTHORIZING AND APPROVING OF THE IMPLEMENTATION OF THE NEIGHBORHOOD REVITALIZATION STRATEGY AREA PLANS; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO VARIOUS CONTRACTS WITH COMMUNITY BASED DEVELOPMENT ORGANIZATIONS, SUBRECIPIENTS, DEVELOPERS AND/OR OTHER LOCAL AGENCIES OR INDIVIDUALS FOR VARIOUS PROJECTS USING CDBG FUNDS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rules for Ordinance 8. 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

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readings.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 8. Any remarks under this Ordinance?

MEMBER FISHER: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Fisher.

MEMBER FISHER: Just quickly, I wanted to thank Chairwoman Smith and Leader Dougherty for...for making the suggestion that we pass this as an emergency this evening so that the extra two weeks should, I think, be a great help in getting these things moving. So, thank you.

PRESIDENT SCHULMAN: Thank you Member Fisher. Any other remarks?

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Smith.

MEMBER SMITH: I also would like to thank Director Williams for putting forth the effort that he has and bringing this Resolution to pass and hopefully we can get it done in the allotted time necessary to make it better for the City and our residents.

PRESIDENT SCHULMAN: Thank you very much Member Smith. Any other remarks? Hearing none, Madame Clerk, roll call vote please on Ordinance 8.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#8 ADOPTED AS ORDINANCE NO. 81/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #8 is adopted. Ordinance #9 please.

#9. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AMENDMENT TO EXTEND THE SERVICE AGREEMENT WITH KEYBANK NATIONAL ASSOCIATION FOR AN ATM TERMINAL AT THE MILLENNIUM PARKING DECK; AND DECLARING THE SAME TO BE AN EMERGENCY

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ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

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PRESIDENT SCHULMAN: Turning now to Ordinances and Formal Resolutions for their Third and Final Reading and vote. Would you please begin with Ordinance 10.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #10 THROUGH #17 FOR THE THIRD TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

#10. (3RD RDG) ***POSTPONED UNTIL 5/13/13 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO AMEND THE EXISTING JACKSON-CANTON JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT (JEDDC); 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? Leader.

MEMBER DOUGHERTY: Mr. President, I move we postpone Ordinance 10 to 5/13/13.

MEMBER GRIFFIN: Seconded

PRESIDENT SCHULMAN: It's been moved and seconded that you postpone Ordinance 10 until May 13, 2013. Any remarks? Hearing none, all those in favor signify by saying aye. Those opposed.

NO REMARKS

POSTPONEMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The Motion carries and Ordinance #10 is postponed until May 13, 2013. Madame Clerk, 11.

#11. (3RD RDG) ***ADOPTED AS ORDINANCE NO. 82/2013 AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ACCEPT DONATION OF \$22,999.90 IN VALUE OF REAL PROPERTY; TO NEGOTIATE, ENTER INTO A PURCHASE AGREEMENT AND PURCHASE A 44.452 ACRE PARCEL FROM DIANO REALTY CORP. IN AN AMOUNT NOT TO EXCEED \$436,998.10 AND TO NEGOTIATE AND ENTER INTO A FIRST RIGHT OF REFUSAL AGREEMENT FOR THE PURCHASE OF A 4.132 ACRE PARCEL OWNED BY DIANO REALTY CORP.; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; RESTRICTING THE EXPLOITATION OF MINERAL RIGHTS ON THE***

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PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY (\$262,198.86 FROM UNAPPROP BAL OF 5201 WATER WORKS OPERATING FUND TO 5201 207001 WATER WORKS OPERATING - WATER ADMINISTRATION - OTHER AND \$174,799.24 FROM UNAPPROP BAL OF 5401 SANITARY SEWER FUND TO 5410 202010 SANITARY SEWER - ENGINEER DAILY OPERATIONS - OTHER)

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 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#11 ADOPTED AS ORDINANCE NO. 82/2013

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

#12. (3RD RDG) **ADOPTED AS ORDINANCE NO. 83/2013** AN ORDINANCE VACATING THE UNIMPROVED PORTIONS OF MAXINE AVENUE N.E., MARTHA AVENUE N.E., FAIRMONT STREET N.E., GRIDLEY AVENUE N.E. AND REGENT AVENUE N.E.; APPROVING AND ACCEPTING THE REPLAT OF THE VACATED STREETS AND OUTLOTS 1313 THROUGH 1316, 28728 THROUGH 28737 AND 42892 THROUGH 42969; AND DECLARING THE SAME TO BE AN EMERGENCY
PUB HRG 4/29/13 @ 7:30 PM

PRESIDENT SCHULMAN: You read that much better than I did. Leader.

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, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

MINUTES OF THE MEETING APRIL 29, 2013**#12 ADOPTED AS ORDINANCE NO. 83/2013**

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

#13. (3RD RDG) **ADOPTED AS ORDINANCE NO. 84/2013** AN ORDINANCE AMENDING CHAPTER 105, CONTRACTS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON TO INCLUDE A LOCAL PURCHASE PREFERENCE FOR VEHICLES

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President 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 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#13 ADOPTED AS ORDINANCE NO. 84/2013

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

#14. (3RD RDG) **ADOPTED AS ORDINANCE NO. 85/2013** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH ZENITH SYSTEM, LLC IN AN AMOUNT NOT TO EXCEED \$25,000.00 TO PROVIDE CONSULTANT SERVICES FOR UPGRADES TO THE COURTROOMS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President 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? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas Mr. President.

#14 ADOPTED AS ORDINANCE NO. 85/2013

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

#15. (3RD RDG) ***POSTPONED UNTIL 6/24/13 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH CPX SOUTH CANTON, LLC TO PROVIDE A REAL PROPERTY TAX EXEMPTION; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON LOCAL BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82 (C) OF THE REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY***

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?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes, Leader.

MEMBER DOUGHERTY: I move we postpone Ordinance 15 to 6/24/13.

MEMBER GRIFFIN: Seconded

PRESIDENT SCHULMAN: It's been moved and seconded that you postpone Ordinance 15 until June 24, 2013. Any remarks? Hearing none, by voice vote all those in favor signify by saying aye. Those opposed no.

NO REMARKS

POSTPONEMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The Motion carries and Ordinance #15 is postponed until June 24, 2013. Ordinance 16 please.

#16. (3RD RDG) **ADOPTED AS ORDINANCE NO. 86/2013** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A THREE-YEAR AGREEMENT WITH DELL/MCPC IN AN AMOUNT NOT TO EXCEED \$36,100.00 FOR THE KACE 1100 MANAGEMENT APPLIANCE PURSUANT TO O.R.C. SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 16.

MEMBER 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 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#16 ADOPTED AS ORDINANCE NO. 86/2013

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

#17. (3RD RDG) **ADOPTED AS ORDINANCE NO. 87/2013** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A FIVE-YEAR CONTRACT WITH AT&T IN AN AMOUNT NOT TO EXCEED \$100,000.00 FOR THE UPGRADE OF THE CITY'S WIDE AREA NETWORK (WAN) PURSUANT TO O.R.C. SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President 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 again, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#17 ADOPTED AS ORDINANCE NO. 87/2013

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

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: Turning now to Announcement of Committee Meetings.

MEMBER WEST: Mr. President.

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PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Judiciary will meet May 16th at 6:15.

PRESIDENT SCHULMAN: So the audience understands, we do not have a meeting next week so you're more than welcome to show up here, we will probably not be here though. So. Any other Committee Meetings?

MEMBER COLE: Finance will meet at the same time.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member Cole.

MEMBER COLE: Finance will meet at the same time, same place Mr. President.

PRESIDENT SCHULMAN: Thank you. Member Smith.

MEMBER SMITH: Yes, CD will also meet at the same time.

PRESIDENT SCHULMAN: Thank you. Any other?

MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: Yes Member Griffin.

MEMBER GRIFFIN: Personnel will meet May 13th at 6:16.

PRESIDENT SCHULMAN: Thank you.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Public Property Capital Improvement will meet May 13th at 6:15.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Thank you good sir. Annexation will meet on the 13th also. Thank you very much.

PRESIDENT SCHULMAN: Thank you.

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: Turning now to Miscellaneous Business do we have any?

MEMBER MARIOL: Mr. President.

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PRESIDENT SCHULMAN: Member Mariol.

MEMBER MARIOL: Thank you Mr. President. About a week ago we had a fire on Cleveland Avenue at a car dealership. The building has been partially torn down and I'm not sure who can answer this but I've been receiving phone calls about the delay in tearing the whole thing down. Some of the problem is the close proximity to Worley Elementary. Children have been walking through the site and there's a burned vehicle very close to the sidewalk. So, I was wondering if anybody might have some knowledge of when we can expect the full demo to be done.

MAYOR HEALY: Thank you Mr. President. I do not have the time line on that but we did get the call earlier today. The Chief was in my office when we got that report. So, they're going to see if they can get some sort of fencing or something up until that gets done. But they're aware of it and they're also going to let the property owner now that we have to take some safety precautions to keep the kids from being injured. Thank you.

MEMBER MARIOL: Thank you very much.

PRESIDENT SCHULMAN: Thank you Member Mariol. Member West.

MEMBER WEST: Yes, I just wanted to report on B-Earth Day that happened Saturday. It was a great event. I just wanted to thank Subway that delivered sandwiches and the Park Department gave us some tools along with a Public...Project Rebuild who also gave us some tools and we had a great time and planted a lot of flowers. In two weeks we're going to be doing it again so if anybody's interested in joining us, by all means come on down to Nimisilla Park. And then also on tomorrow...tomorrow at Nimisilla Park, there will be Stand Up for Ohio, we'll be focusing on the foreclosure issue. So, if anybody's interested in coming down I think that's at noon at Nimisilla Park. Thank you.

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

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: I move we 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 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Thank you. Meeting is adjourned. Be safe everyone. We'll see you in two weeks. *(Gavel falls)*

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ADJOURNMENT TIME: 8:08 PM

ATTEST: MAY 7, 2013
CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

APPROVED: MAY 7, 2013
ALLEN SCHULMAN
PRESIDENT