

MINUTES OF THE MEETING AUGUST 26, 2013

PRESIDENT SCHULMAN: Good evening ladies and gentlemen. We welcome you to Canton City Council on this beautiful evening in August. It's nice to have summer for a change. 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, JOSEPH 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 2 Council Member Thomas West. If you'll all please stand and remain standing for our Pledge of Allegiance.

The regular meeting of Canton City Council was held on August 26, 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 2 Council Member, Thomas West. The Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you Member West. Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to add 2nd Reading Ordinances 11 through 20.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to Suspend Rule 22A to add 2nd Reading Ordinances 11 through 20 to this evening's Agenda. Are there any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

PUBLIC HEARINGS

PRESIDENT SCHULMAN: Turning now to Public Hearings. We have no Public Hearings this evening.

OLD BUSINESS

PRESIDENT SCHULMAN: Under Old Business, I've been advised by our Service Director, Mr. Bartos, there

MINUTES OF THE MEETING AUGUST 26, 2013

is no Old Business to discuss.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: On Public Speaks, we do have seven speakers signed up this evening. I note that Mr. Preston is signed up for what he describes as Council Member behavior. I would just...you know, we like to hear from the citizens of the community and we particularly are not insensitive people and we have thick skins as we should but I hope whatever Mr. Preston is going to say will be conducted with the dignity and respect it deserves. So, with that Patricia Kirk is our first speaker. Ms. Kirk, as always welcome. Good to see you. If you'll step forward and give us your name and your residential address please.

PATRICIA KIRK: Hi everybody, can you hear me okay?

PRESIDENT SCHULMAN: Yes.

PATRICIA KIRK: Okay. My name is Patricia Kirk, I live at 131 5th St NE in Canton. Excuse me (*clearing her voice*)...but I'm a little unprepared about this because in the Tree Commission there have been proposed changes to the Ordinance that we worked on so long for so many years but I don't even know if you've seen this yet. But especially on page 6 of the Ordinance, under 917.09, where ever licensed is there in bright yellow highlighted, I would like to see the word permit used because normally a City does not issue licenses. I don't know if you're aware of this yet or not but there are some professional tree care workers companies who do not want to park their trucks on our streets because our trees are in such bad condition and they do not want to hurt their reputation, they're afraid that someone might see them there. I..Canton is my hometown and I want to see Canton raise its standards. For instance, I don't think the City should give tree care workers licenses because they should already have a license through their professional organization like (*inaudible*) or whatever it is. And if their so super good and have such a super reputation they can go on that too but it's our job to make sure that their license is up to date and that they're actually following the care on their license. So, wherever it says license under the proposed change, I would say that it should be changed back to permit and then that list can show the workers that have very good work on their trees and people can choose from them. Thank you very much.

PRESIDENT SCHULMAN: Ms. Kirk, just so Members of Council understand, no one is purposing any changes in the Tree Commission Ordinance, it's what your Commission will recommend to Council, is that right?

PATRICIA KIRK: Well, I don't know. The last meeting we had, Dan Moeglin said that he would push through these changes on the Ordinance. I just assumed he had or would very soon....

PRESIDENT SCHULMAN: Okay.

PATRICIA KIRK:He handed them out....

PRESIDENT SCHULMAN: Alright, thank you.

PATRICIA KIRK:That's all I know. Thank you very much.

PRESIDENT SCHULMAN: Thank you very much, I appreciate it. Well I haven't been here for about a year

MINUTES OF THE MEETING AUGUST 26, 2013

so that's the reason I don't... (*Laughter*) Our next speaker is Pete DiGiacomo. Mr. DiGiacomo, as always welcome 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. I've got a couple things. First, what I've been told I wanted to find out about. Civil Service Commission I believe is going to be having a test later this year and my understanding is right now their moni..there's...they're...they're monitoring some applicants that are going to take the test. In other words they're helping them with the test. If they pass this monitoring, the teaching, they will...I believe get a certificate or something like that and upon that they will receive 20 points toward the Civil Service test. I just...that there. Okay, got that out. The other thing is this past Saturday, Ward 2 and Ward 4 had a Town Hall Meeting, went there, wanted to listen to see what all was going on, very good meeting. I wanted to you know, Councilman Smith, Council Person Smith, Councilman West, want to thank you. But there was a group of young men there who did not know one another but as they started to speak, they all had the same goal, their life stories, they told a little bit about that. Very simple, they've got a lot of street (*inaudible*) so to speak, they've been there, they've done it and they're referring to the young men that are out there now, the gang bangers and that, that are shooting. Some of the groups have already started to talk with some of the people. And if the Administration in any way shape or form can lead and give them any type of assistance, it would be to the benefit of everybody in the City of Canton. Like I said, I was really, really impressed with these young men. There was, I'm gonna say 3 or 4 of them did not know the other ones were doing the exact same thing they're doing. So, having this Town Hall meeting brought them together and like I say, they all spoke and a couple of them told their life history...parts of it. The one...one gentleman had been in prison, had been a leader of a gang, did...did the same thing what's going on here right now, learned from...from his mistakes but he and others are trying to get the other kids...or young adults straightened around. Real quick note, one way streets, well Walnut, bicycle lanes, somebody screwed up big time...big time. I've...I've looked at books and I've read it offline, bicycles, vehicles, travel in the same way as the traffic flows. You do not, it's against the Ohio State Law to travel against traffic, it's right there, black and white. Unfortunately, you've already...somebody has already got it painted and put on the street. Wells Avenue...Walnut Avenue should be southbound, Cherry could be northbound, one way...the sign...the street smart on the...the...that's...that's right is very nice, looks good coming the wrong way up...up...up against traffic. The City could get sued.

PRESIDENT SCHULMAN: Thank you very much Mr. DiGiacomo. Our next speaker is Bruce Nordman. Mr. Nordman, good evening. As always, welcome to Canton City Council, if you'll give us though your name and your residential address sir.

BRUCE NORDMAN: Thank you. I'm Bruce Nordman, I reside at 1623 Logan Avenue NW in Canton, Ohio. Greetings Mr. Mayor, Mr. President and Members of the City Council. I missed the last two meetings unfortunately with family illness and regional show in Chicago but we're back in town. I want to thank the City Council and all of the Members, Mr. President, Frank Morris for passing the Formal Resolution that when the Parks Levy passes, the funds that will go back into the General Fund will be allocated for safety. I thank all of you. On September 9th, Group 175 will be ready to announce a major undertaking that will be beneficial to the City. The details are not quite firm but on the 9th...on the 9th of September we will be ready to endorse it. I just want to restate the mission of Group 175. The mission of Group 175 is to bel...is to bring the Police Department to 175 Officers. We had a meeting with Andrea Perry and the Chief on Monday. At the end of the year the projected strength for the Police Department is 150 Officers. That means that we need another 25. I'm also sad to report that the Fire Department's strength, which is now at 140 is the lowest that it has been since numbers have been recorded, since 1982. This is not good. We have a Civil Service exam

MINUTES OF THE MEETING AUGUST 26, 2013

coming up on October 30th for the fire and November 5 for the Police Department. I also laid out in front of you for you to look and peruse the neighborhood's top 100 most dangerous Cities in the United States. I'm sorry to report that number 62 in the United States happens to be the City of Canton according to this report and this is for Cities of 25,000 or more with a thou...as the number of crimes per thousand residents and this includes violent crimes which are murder, armed robbery and aggravated assaults. The City of Cleveland is only worse than us which is listed at number 33 and all other Cities in Ohio are listed behind us. There's also a report four pages back which lists the crime index in terms of Cities, which 100 is the least violent and the lower the number it goes the more violent. So, I would like you to take a look at this report, study at your leisure, this is what we're talking about with Group 175 and I thank you very much.

PRESIDENT SCHULMAN: Thank you Mr. Nordman. Thank you sir. Our next speaker is Bruce Brewer. Mr. Brewer, welcome again to Canton City Council. If you'll give us your name and your residential address sir.

BRUCE BREWER: My name is Bruce Brewer. I live at 1520 Harvard Avenue NW. I'd like to thank Council and the Members of Council, President for letting me speak tonight. Although I do...am a member of Group 175, I am not speaking in that capacity tonight. I am speaking for Vassar Park Neighborhood Association. Sometime ago, the neighbors got together and...with a...the owner of Ridgewood Castle. Everybody knows Ridgewood Castle. We fought long and hard to get Ken Ippolitto to conform to the rules that we regulate ourselves in our neighborhood. Sometime ago by a slip of the tongue we heard that there were meetings being held with Ridgewood Castle and Ridgewood and the Ward 9 Councilman left out along with the neighborhood of Vassar Park. Although we do try to work with the City in every capacity, I don't believe as Mr. West would state that we are represented at Ridgewood Castle if we are not invited to do so. We started this with Ken Ippolitto to make him conform to be a good neighbor, we cannot do that unless we are invited and we have a say in what's done at Ridgewood Castle. We started, the guys put up a fence for us, he didn't want to but he done it. We asked for more security, we asked for cameras to be put up as far as I know because I didn't get any information as to what I needed for tonight's meeting. We don't know who attended the meeting, we don't know what kind of time line that Ken was given to get the security and the cameras up. We don't like to give Ken was given to get the security and the cameras up. We don't like to give Ken Ippolitto too much leeway because he doesn't do as we need him to do. I ask that from this day forward that we are there to represent Ridgewood...or Vassar Park Neighborhood Association when there is a meeting held there and with our Ward Councilman also in Ridgewood...in that meeting. Thank you very much.

PRESIDENT SCHULMAN: Thank you sir very much. Our next speaker is John Contrucci. Mr. Contrucci good evening. Welcome to Canton City Council. If you'll come forward and give us your name and your residential address please sir.

JOHN CONTRUCCI: My name is John Contrucci, I live at 1104 Arlington Avenue NW, Canton, Ohio 44708. It's not a...I have a situation over by my house, it's a rental property and they have a couple trees. One tree that quite a few years ago somebody planted. It's a...it's a nice tree, it's a maple tree. There's another tree right up against the house that...it's a wild tree, it just started growing and it's starting to protrude and it's already in...you know, it's almost onto the roof of my house, you know. Plus the rest of the backyard is trashed, they got a garage...I mean I got pictures of this and everything. And I didn't know where to go or who to talk to about who to talk to about getting this fixed up. I mean figured I could call this woman that owns this house but I figured the first time she says something that I don't agree with then I'm gonna...being an

MINUTES OF THE MEETING AUGUST 26, 2013

Italian....*(laughter)* I'm gonna lay it on her, you know. And I don't know if I should, you know, get a lawyer or what.

PRESIDENT SCHULMAN: Do you have the information with you tonight?

JOHN CONTRUCCI: I've got pictures of the...

PRESIDENT SCHULMAN: I think it's Member Hawk's Ward.

JOHN CONTRUCCI: Yeah.

PRESIDENT SCHULMAN: Greg Hawk, so I would recommend and I'm sure Greg would agree that you see him, if you can after the meeting sir or give him a call. His cell phone is listed and I'm sure he'd be more than happy to talk to you about this problem.

JOHN CONTRUCCI: Alright, alright thank you.

PRESIDENT SCHULMAN: And Mr. Contrucci...sir...sir. Law Director Martuccio wanted to say something also.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. I could say it under Miscellaneous Business but with the benefit of those who won't be here for the Administration and Council Members, this is very general legal advice, I have to put a little caveat saying that you have to consult with your own lawyer in private matters. But generally speaking, the City of Canton can only regulate and interfere or get involved with limbs or trees that might fall into a public space and damage a car or injure a person. For example, if a big tree limb might fall on a City street or a City sidewalk or a City alley, we the City can notify the owner of that property to say your tree branch, your tree constitutes a nuisance in a potential threat and hazard to the safety and welfare of our City, take it don't. If you don't we will and we will bill you for it and we give them so many days notice and then we collect, what we don't and we send it as a lien. However, when it's on two pieces of private land that are against one another, that are right next door to each other and it doesn't involve a threat to the public, it's a private matter. So, generally when people call our office with these kinds of questions our advice is you should talk to your neighbor, let your neighbor know that there is a potential danger.

JOHN CONTRUCCI: Well I...this person lives in Perry Township. She...she rents this house out, I don't know.

LAW DIRECTOR MARTUCCIO: At any rate, whoever....

JOHN CONTRUCCI: And that person...and I don't expect the people that live to cut that tree down...they...they...

LAW DIRECTOR MARTUCCIO: Right.

JOHN CONTRUCCI: ...hardly ever cut the grass....

MINUTES OF THE MEETING AUGUST 26, 2013

LAW DIRECTOR MARTUCCIO: Right.

JOHN CONTRUCCI:... you know what I mean? I'm worried about that tree, it landing on my house because I was told by somebody that if it lands on my house it's like my responsibility, it's not theirs because it was their tree that fell onto my property.

LAW DIRECTOR MARTUCCIO: This is an area that again is a bit gray. The idea is to contact whoever is in control of that property. If it's a landlord, the landlord. If it's a corporation, the corporation. Sometimes your insurance agents can help because if it's an act of God...say it's a...it's a tree that looks fairly healthy and another hurricane Ike comes through and blows the tree from one lot over onto another lot, it is the responsibility of the person upon whom it falls. If it falls on your house, it's your responsibility to repair your house and get rid of the tree or your insurance company assuming you're insured. Sometimes if you let your insurance agent know there appears to be a dead tree, damaged tree that could fall on your home, sometimes they will take it upon themselves to contact the owner or the insurance agent for the other property. But again, these were private matters, I really can't advise on private issues except generally speaking except to say communication can't hurt and certainly a letter notifying the landlord that....

JOHN CONTRUCCI: So it would be best for me to go talk to a lawyer then?

PRESIDENT SCHULMAN: Well I would first sir follow up on our recommendation, talk to your Ward Council Member Mr. Hawk. Believe me he....all these Members of Council are very active in their communities. They will lend you as much assistance as you need. Alright....

JOHN CONTRUCCI: Yeah I...

PRESIDENT SCHULMAN: ...and we appreciate you coming down tonight.

JOHN CONTRUCCI: Well I...I didn't want to call this woman up....

PRESIDENT SCHULMAN: Right.

JOHN CONTRUCCI: ...and both me and her getting ignorant with each other and...

PRESIDENT SCHULMAN: No, I know and I can tell that, that could potentially happen. *(Laughter)*

JOHN CONTRUCCI: Well you know, I mean....aye...I just spent \$25,000.00 a couple years to build a car garage and it's legal. You know I had a legal guy doing it....

PRESIDENT SCHULMAN: And our Clerk is going to give you the number to call. And our...and we appreciate it sir. I've got to move on though. Thank you. Thank you for coming, I appreciate it. Our next speaker is Phyllis Bond. Ms. Bond, good evening. As always, welcome to Canton City Council.

PHYLLIS BOND: Good evening, thank you. I have...first of all I would like to thank Tom West for...Councilman West for coming...

PRESIDENT SCHULMAN: Can you...I'm sorry to interrupt, could you give us your name and your

MINUTES OF THE MEETING AUGUST 26, 2013

residential address.

PHYLLIS BOND: I'm so sorry. My name is Phyllis Bond and I reside at 1611 Struble Avenue NE in Canton, 44705.

PRESIDENT SCHULMAN: Thank you.

PHYLLIS BOND: I would like to first thank Tom West, Councilman West for coming out and addressing some of the problems and some of the situations we were having but we continue to have the same problems. We have one house in our neighborhood that has changed the whole neighborhood. I mean one house has changed our neighborhood. We had a shooting last night. There were cars that were hit, the neighbor's house that had nothing to do with it, his house was hit. And we continue to have underage children with guns. My question is where are these guns coming from? Sixteen year olds with guns and they're showing, you know, that they have guns and trying to make people fearful which I'm not fearful but it's just like I'm fearful for my grandchildren if they come or what have you. And we continue to have problems with swearing, you can't sleep at night. They're...this is the one house. There have...there's probably as many as 50 people that are over there at one time, cars are parked in the streets, cars are parked different directions, continuously bottles and what have you, they're throwing them all over the place. I mean it's just...it's terrible. And we have the tree that's and the house next to it with all the bears and all of the stuff on it and they continue to come and play loud music and they're drinking. I mean it's just ridiculous. And we continue to call but it's...it's like this...our area is...continues to go down. People are continually moving because of this one house.

PRESIDENT SCHULMAN: Who owns this house?

PHYLLIS BOND: Johnson.

PRESIDENT SCHULMAN: Does Johnson live there or....

PHYLLIS BOND: I think it's rented to the mother-in-law.

MEMBER WEST: *(Inaudible)*

PHYLLIS BOND: The family, but it's family members. I mean they...they...it's just like they own this...that part of the street and it's right...and I'm right next door to it. We've always had a quiet nice neighborhood. But something has to be done about it. We...I would like to start and I talked to Councilman West about this, about starting an organization where we're trying to get the community members in our neighborhood involved and we'll meet and try to come up with ideas and things to do to deter all of this from the neighborhood.

PRESIDENT SCHULMAN: Well in the meantime, Safety Director Perry is in the back of the room. So, believe me she'll be very happy to talk to you and get this matter taken care of.

PHYLLIS BOND: Okay. And then my concern is that is there any way that when we do call the police, I mean if you have 50 people in one house, it's not a club. This is a...this is a residence, you know, people live here. People are trying to sleep, people, you know, they can't even come up the street because the...the street is crowded with cars. So there...something has to be done. And so I just beg for your help in any way that you can. And if you can think of ideas to help us as an organization as we start, I would appreciate it.

MINUTES OF THE MEETING AUGUST 26, 2013

PRESIDENT SCHULMAN: Thank you very much Ms. Bond. Thank you for coming down and believe me the Administration will respond to your complaints. 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 St NW, Canton. First of all I want to commend Council Members Chris Smith and Thomas West for an outstanding Town Hall meeting. It was as somebody who has been in the event planning myself, I understand the details and you did a superb job, so thank you very much. The other thing I'm here tonight, Mr. President, I'm going to address you because this has to do you are President of Council. Mr. President, at the last Council Meeting I chose to echo Mr. Bruce Nordman's comments to the Mayor at an earlier meeting that crime in Canton is rampant. Ma...Majority Leader David Dougherty has been a Member of Council for over 20 years filled the chair which you are now seated at the last public Council Meeting. While I provided information to Council as to how crime in Canton compared to small Cities around Canton and large Cities around the U.S. Mr. Dougherty chose to engage in the juvenile behavior of turning that chair that you're sitting in facing the Clerk of Council and appeared to look at the count down screen while I provided this information to Council. This juvenile behavior portrays, in my opinion, that he wanted to be totally disengaged from the information that I was providing Council. Rampant crime in Canton is no small minor (*inaudible*) to responsible residents living in Canton. Mr. Dougherty's engaging in juvenile behavior while sitting in the chair that you are now sitting, temporarily filling position you hold was an insult to all the (*inaudible*) sitting behind me who are also very concerned about the rampant crime in Canton. Mr. President, you have reminded all of us on several occasions that we are all in this together. Mr. President, the obnoxious, rude, discourteous, disrespectful, in your face juvenile behavior during the public Council Meeting demonstrated by Mr. Dougherty who is a senior Council Member showed a lack of professional conduct that reflects poorly on all the Members of Council. This demonstrated behavior clearly shows not all Members of Council are fully engaged in putting forth the effort to contribute to making Canton a safer City in which to live. This demonstrated behavior makes those who are on Council, the Safety Force and the Safety Director and residents who are fully engaged in reducing crime in Canton a much more difficult endeavor. Mr. President, in my opinion, you should conduct a staff development meeting for all the Members of the Council and the proper conduct of Council Members during the public Council Meetings at your earliest opportunity. Thank you.

PRESIDENT SCHULMAN: Thank you sir, very much. I know that I don't have to...Mr. Preston, defend the Leader of Council but I will say that I know the leader pretty well and he is very engaged and he is certainly interested in...I'm not asking for a response...he is certainly interested in the welfare of our community, including the serious issues that crime presents to the community. But I'm sure that Leader Dougherty can speak for himself if he desires or he can talk to later or you could search him out and...and have a discussion with him. Alright, that concludes Public Speaks.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We're now under Informal Resolutions. Tonight we have no Informal Resolutions.

COMMUNICATIONS

PRESIDENT SCHULMAN: We're now under Communications. Let the journal show that all Communications are received as read.

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE

MINUTES OF THE MEETING AUGUST 26, 2013

IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED AUGUST 24, 2013.

342. COMMUNITY DEV DIRECTOR MILLER: ESTABLISH FAIR REUSE VALUE OF PARCEL OF REAL PROP & AUTHORIZE DISPOSITION OF SAID PROP (JESSE JONES, PARCEL #02-08850, PT LOT #6346 LOCATED ON 4TH ST SE). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
343. COMMUNITY DEV DIRECTOR WILLIAMS: AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO AGMT WITH CASE FARMS PROCESSING, INC AND CASE FARMS, LLC TO CONTINUE AND EXTEND THE PRIOR JOBS CREATION AGMT WITH PARK FARMS ENTERED INTO 8/20/08. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
344. HEALTH COMMISSIONER ADAMS: REQ \$80,000.00 SUPP APPROP FROM UNAPPROP BAL 2328 PHEP TO 2328 PHEP GRANT FUND. - FINANCE COMMITTEE
345. SAFETY DIRECTOR PRICE: AMEND O#177/2006 TO TRANSFER FUND ADMIN FOR IMPOUND CASH DRAWER FROM SUPERINTENDENT OF WATER TO CHIEF OF POLICE. - JUDICIARY COMMITTEE
346. SERVICE DIRECTOR BARTOS: AUTHORIZE THE MAYOR AND/OR SERV DIR TO NEGOTIATE & ENTER INTO PROF SERV CONTRACT WITH BRICKER & ECKLER, LLP, FOR LEGAL SERV OF CONTRACT REVIEW IN AMT NOT TO EXCEED \$29,800.00 AND AUTHORIZE AUDITOR TO DRAW WARRANTS UP RECEIPT OF VOUCHERS. - FINANCE COMMITTEE
347. SERVICE DIRECTOR BARTOS: SUBMIT LIST OF DELINQUENT WATER & SEWER CHARGES TO BE FILED WITH STARK COUNTY AUDITOR FOR PROP TAX ASSESSMENT. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #10 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE AND RECEIVE BIDS FOR THE CANTON MUNICIPAL COURT AUDIO/VISUAL REHABILITATION PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee

MINUTES OF THE MEETING AUGUST 26, 2013

- #2. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$8,574.00 FROM 2767 701001 COMM SANCTIONS GRANT - PERSONNEL SERV TO 2767 701001 COMM SANCTIONS GRANT - OTHER)
Referred to Finance Committee
- #3. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO AMEND THE EXISTING CITY OF CANTON/CANTON TOWNSHIP 1-77 COOPERATIVE ECONOMIC DEVELOPMENT AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee *President Schulman meant that this is referred to Annexation Committee*
-
- #4. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A ONE-YEAR SUPPORT CONTRACT WITH DLT SOLUTIONS IN AN AMOUNT NOT TO EXCEED \$40,270.00 FOR ONGOING SUPPORT AND MAINTENANCE OF THE CITY'S ORACLE SOFTWARE LICENSES PURSUANT TO O.R.C. SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- PRESIDENT SCHULMAN: And Madame Clerk, the record should reflect I jumped ahead of ya, Ordinance 3 should be referred to the Annexation Committee.
- #5. (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$60,393.85 TO CENTRAL ALLIED ENTERPRISES; AMENDING APPROPRIATION ORDINANCE NO. 209/2012, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (FROM UNAPPROP BAL OF 5201 WATER FUND TO 5201 207022 - OTHER)
Referred to Finance Committee
- #6. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONTRACT FOR THE USE OF FUEL CARDS FOR FUELING ALL CITY VEHICLES; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #7. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONSTRUCTION CONTRACT FOR THE HARRISBURG ROAD RESURFACING PROJECT, G.P. 1139, ENTER INTO A COOPERATIVE AGREEMENT WITH THE BOARD OF STARK COUNTY COMMISSIONERS TO REIMBURSE CANTON FOR A PORTION OF THE WORK AND RECEIVE GRANT FUNDS; RECEIVE OHIO PUBLIC WORKS COMMISSION GRANT FUNDS IN AN AMOUNT OF

MINUTES OF THE MEETING AUGUST 26, 2013

\$150,000.00; AUTHORIZING THE AUDITOR TO ESTABLISH THE 4571 PROJECT FUND; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee

- #8. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONSTRUCTION CONTRACT FOR THE 55TH ST NE STORM SEWER AND ROADWAY IMPROVEMENT PROJECT, G.P. 1125; RECEIVE OHIO PUBLIC WORKS COMMISSION GRANT/LOAN FUNDS FOR THIS PROJECT; RECEIVE GRANT FUNDS FROM THE BOARD OF STARK COUNTY COMMISSIONERS; AUTHORIZING THE AUDITOR TO ESTABLISH THE 4565 PROJECT FUND; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee
- #9. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PURCHASE AGREEMENT IN AN AMOUNT NOT TO EXCEED \$21,000.00 WITH NORMAN AND BARBARA LORD FOR THE PURCHASE OF PARCEL #304459 AND TO ENTER INTO COOPERATIVE AGREEMENTS WITH GERVASI VINEYARDS AND/OR OTHER PROJECT STAKEHOLDERS FOR THE DEVELOPMENT AND MAINTENANCE OF A TRAILHEAD; AUTHORIZING THE ENGINEERING AND PARKS DEPARTMENTS TO GENERAL CONTRACT AS NEEDED TO DEVELOP THE TRAILHEAD THROUGH THE USE OF CITY FORCES AND/OR LOCAL CONTRACTORS AND SUPPLIERS; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee

(COUNCIL RECESSED AT 8:03 P.M. FOR THE PUBLIC SAFETY AND THOROUGHFARES COMMITTEE TO DISCUSS ORDINANCE #10; RECONVENED AT 8:06 P.M.)

- #10. (1ST RDG) **ADOPTED AS ORDINANCE NO. 146/2013** AN ORDINANCE AMENDING ORDINANCE NO. 115/2013 BY ACCEPTING AND APPROVING THE PROPOSED AND AMENDED EXHIBIT A; AND DECLARING THE SAME TO BE AN EMERGENCY (VACATION OF DRYDEN AVE SW & PART OF GROVE PL SW)
Referred to Public Safety and Thoroughfares Committee

PRESIDENT SCHULMAN: And at this time the Chair would declare an in house recess for the Public Safety and Thoroughfares Committee to meet in regard to Ordinance 10 on your Agenda this evening. You're now in recess.

PRESIDENT SCHULMAN: Council will reconvene after the recess. Thank you Madame Chairman. Leader.

MINUTES OF THE MEETING AUGUST 26, 2013

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to place Ordinance 10 back on the agenda.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to Suspend Rule 22A to place Ordinance 10 back on this evening's agenda. 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. Motion carries. Ordinance 10 is a legal part of your Agenda. Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 10.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance 10. Any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

MEMBER DOUGHERTY: I move we adopt Ordinance 10 please.

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 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#10 ADOPTED AS ORDINANCE NO. 146/2013

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

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

MINUTES OF THE MEETING AUGUST 26, 2013

PRESIDENT SCHULMAN: Now we turn to Second Reading Ordinances and Madame Clerk, would you please begin with Ordinance #11.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #11 THROUGH #20 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #11. (2ND RDG) AN ORDINANCE RENAMING A PORTION OF SEICH COURT SW IN THE CITY OF CANTON, RALPH BYRD COURT SW
-
- #12. (2ND RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$385.27 TO AIRGAS USA, LLC; AND DECLARING THE SAME TO BE AN EMERGENCY
- #13. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH MORNING PRIDE MANUFACTURING, INC. IN AN AMOUNT NOT TO EXCEED \$35,000.00 FOR THE PURCHASE OF TURNOUT GEAR PURSUANT TO O.R.C. 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY
- #14. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A REIMBURSEMENT GRANT FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY IN AN AMOUNT NOT TO EXCEED \$2,500.00; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (UNAPPROP BAL 2812 FIRE DEPT EMS GRANT FUND TO 2812 103001 FIRE DEPT EMS GRANT - OTHER)
- #15. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$200,000.00 FROM UNAPPROP BAL 2760 FEDERAL FORFEITURE FUND TO 2760 102001 FEDERAL FORFEITURE - OTHER)
- #16. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH THE FIRST TEE OF CANTON FOR THE LEASE OF CITY-OWNED PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY
- #17. (2ND RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 100/2011, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (REORGANIZE PURCHASING DEPT)
- #18. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND EXECUTE A CONSTRUCTION CONTRACT FOR THE TRINITY PLACE AND CAPRICE

MINUTES OF THE MEETING AUGUST 26, 2013

AVENUE NW SANITARY MANHOLE REHABILITATION PROJECT, GP 1174; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$130,000.00 UNAPPROP BAL 5410 SANITARY SEWER FUND TO 5410 206313 SANITARY SEWER - TRINITY PL & CAPRICE AVE NW SANITARY MANHOLE REHAB GP 1174 - OTHER)

- #19. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO APPLY FOR, ENTER INTO AGMT FOR AND RECEIVE OHIO PUBLIC WORKS COMMISSION FUNDS FOR THE 2014 PROGRAM YEAR FOR VARIOUS CITY PROJECTS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #20. (2ND RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 147/2013** AN ORDINANCE AMENDING ORDINANCE NO. 120/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (12TH ST CORRIDOR PROJ)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 20.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rules for Ordinance 20. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

MEMBER DOUGHERTY: I move we adopt Ordinance 20.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #20. Any remarks? Leader.

MEMBER DOUGHERTY: Yes, I move we amend Ordinance 20 per the Amendment in front of all Council Members.

MEMBER GRIFFIN: Seconded.

Amendment

MINUTES OF THE MEETING AUGUST 26, 2013

Pursuant to Rule 36, I move to amend Agenda Item No. 20 by the substituting the Exhibit A attached to this Amendment for the Exhibit A attached to the ordinance currently pending before Council.

PRESIDENT SCHULMAN: It's been moved and seconded to Amend Ordinance 20 by virtue of the copy before each Member of City Council. Are there any remarks? Hearing none, by voice vote all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries. Leader.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 20 as Amended. Any remarks under this Ordinance? Hearing none, Madame Clerk, again roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS, 1 ABSTAIN
(MEMBER CIRELLI ABSTAINED)

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

#20 ADOPTED AS AMENDED AS ORDINANCE NO. 147/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries. Ordinance 20 is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Turning now to Ordinances and Formal Resolutions for their Third, Final Reading and Vote. Would you please begin with Ordinance 21 please.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #21 THROUGH #26 FOR THE THIRD TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

#21. (3RD RDG) **ADOPTED AS ORDINANCE NO. 148/2013** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (\$10,762.02 FROM 2313 301001 - OTHER TO 2313 301001 - PERSONNEL)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 21.

MEMBER GRIFFIN: Seconded.

MINUTES OF THE MEETING AUGUST 26, 2013

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 21. 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.

#21 ADOPTED AS ORDINANCE NO. 148/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 21 is adopted. Ordinance 22 please.

#22. (3RD RDG) **ADOPTED AS ORDINANCE NO. 149/2013** AN ORDINANCE AUTHORIZING THE HEALTH COMMISSIONER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT IN THE AMOUNT OF \$20,000.00 WITH THE NATIONAL ORGANIZATION OF URBAN MATERNAL AND CHILD HEALTH LEADERS FOR THE PURPOSES OF PROVIDING TRAINING, FACILITATION, AND TECHNICAL ASSISTANCE FOR THE STARK COUNTY EQUITY INSTITUTE FOR INFANT MORTALITY; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 22.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 22. 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.

#22 ADOPTED AS ORDINANCE NO. 149/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk. Motion carries. Ordinance 22 is adopted. Ordinance 23 please.

#23. (3RD RDG) **ADOPTED AS ORDINANCE NO. 150/2013** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$81.32 UNAPPROP BAL 2785 2010 BYRNE MEMORIAL GRANT FUND TO 2785 BYRNE MEMORIAL GRANT - OTHER)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 23.

MEMBER GRIFFIN: Seconded.

MINUTES OF THE MEETING AUGUST 26, 2013

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 23. Any remarks? Leader.

MEMBER DOUGHERTY: Mr. President, I move we amend Ordinance 23 per the Amendment.

MEMBER GRIFFIN: Seconded.

Amendment

Pursuant to Rule 36, I move to amend Agenda Item No. 23 by amending the "TO" line to read as follows:

*TO: 2785 102001 Police Admin.
- Other §81.32*

PRESIDENT SCHULMAN: It's been moved and seconded to Amend Ordinance 23 by virtue of the Amendment before each Member of City Council. Are there any remarks under that Motion? Hearing none again, by voice vote all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The Motion carries. Leader.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 23 as amended.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 23 as Amended. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#23 ADOPTED AS AMENDED AS ORDINANCE NO. 150/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 23 is adopted. Ordinance 24 please.

#24. (3RD RDG) **ADOPTED AS ORDINANCE NO. 151/2013** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT WITH THE WHEELING AND LAKE ERIE RAILWAY AND/OR THE OHIO RAIL DEVELOPMENT CORPORATION TO UPGRADE CERTAIN RAILROAD CROSSINGS IN CANTON; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO RECEIVE GRANTS AND UTILIZE FUNDING MADE AVAILABLE FOR THE PROJECT THROUGH AGREEMENTS WITH WHEELING AND LAKE ERIE RAILWAY AND/OR THE ORDC; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONSTRUCTION CONTRACT AND TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A MATERIALS PURCHASE CONTRACT OR TO PURCHASE SAID MATERIALS VIA THE STATE COOPERATIVE PURCHASING AGREEMENT; AUTHORIZING THE

MINUTES OF THE MEETING AUGUST 26, 2013

AUDITOR TO ESTABLISH AND CREATE THE 4570 RAILROAD CROSSING/TRAFFIC SIGNAL UPGRADE PROJECT, GP 1149 FUND; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 24.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 24. Any remarks under this Ordinance?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes, Member West.

MEMBER WEST: Just...just quickly, this is receiving grant funds correct? This is no City money going into this project, right?

PRESIDENT SCHULMAN: Service Director Bartos do you want to answer that?

SERVICE DIRECTOR BARTOS: We're conferring.

CLERK TIMBERLAKE: Section 2, receive grants.

PRESIDENT SCHULMAN: Our Clerk indicates Section 2 talks about receiving grants, so.

MEMBER WEST: Then I guess the question is more specifically, is there any City dollars going into this project? Let me...let me just go forward. If...if there are City dollars going into this project, you know, I would like us to work something out with them because they still have a lot of railroad ties that are north of 12th Street and going all through Ward 9 and through the rest of the City and I believe there are still some in Ward 4, railroad ties that are laying all along the side that is very blighted and has been there for years. Now, they've done a good job of cleaning up a large portion that is in Ward 2. But there's still a lot to go and I just think that we really need to sit down and talk to them before passing or giving them monies or...or a pass through then they need to help us out with that problem.

SERVICE DIRECTOR BARTOS: Mr. President.

PRESIDENT SCHULMAN: Service Director.

SERVICE DIRECTOR BARTOS: I was leaning towards answering no that...as in no we won't be spending any City money on this. It appears that this is all grant funds we received. So, there's no City dollars.

MEMBER WEST: So, we're a pass through then?

SERVICE DIRECTOR BARTOS: Essentially.

MINUTES OF THE MEETING AUGUST 26, 2013

MEMBER WEST: Can we....can we meet and talk with them in reference to those railroad ties that there is all throughout the City that's still laying ideally blighting up our...or making our community look messy?

SERVICE DIRECTOR BARTOS: Mr. President.

PRESIDENT SCHULMAN: Yes.

SERVICE DIRECTOR BARTOS: Yeah, we can...we can meet with them and if you'd like to be there we can set that up.

MEMBER WEST: That would be fine, I'd love to do that.

PRESIDENT SCHULMAN: I asked the Law Director how much money are we talking about passing through the City to the railroad.

SERVICE DIRECTOR BARTOS: It appears to be \$200,000.00.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Cirelli?

MEMBER CIRELLI: Do they have on their sir which tracks that they will be working on and rehabbing, because they've done some in the past, quite a few. I didn't know if they had them or not, which areas.

SERVICE DIRECTOR BARTOS: Mr. President.

PRESIDENT SCHULMAN: Yes, Le...Service Director.

SERVICE DIRECTOR BARTOS: The traffic signal upgrades will occur at the following intersections: Cleveland Avenue and Market Avenue South, 4th Street and Madison Court SE, 3rd Street and Madison Court SE, Tuscarawas Street and Cherry Avenue East and 12th Street and Lawrence Road NE.

MEMBER CIRELLI: Thank you sir and thank you Mr. President.

MEMBER WEST: Well, just one more quick comment Mr. President.

PRESIDENT SCHULMAN: Yes, Member West.

MEMBER WEST: The reason I say that is again, many of you guys know Pattie and myself along with someone up in...what's the gentlemen's name in Community Development...Jim Moraghan, have been working on cleaning up ties for year, like three years. And we have fined this same company that they haven't even paid their fines in reference to cleaning up the railroad ties. So, I mean I just believe that we should have a better working relationship. Especially, I know I want my...my signal things upgraded too but at the same time we need them to clean up their mess. Thank you.

PRESIDENT SCHULMAN: Thank you Member West.

MEMBER FISHER: Mr. President.

MINUTES OF THE MEETING AUGUST 26, 2013

PRESIDENT SCHULMAN: Member Fisher.

MEMBER FISHER: Just a point of clarity on this, if I recall correctly, Engineer Moeglin at the Committee Meeting, this grant originated with...go back in the way back machine, the federal stimulus project and it was awarded through the State, which, you know, award...which we even act as a pass through to the Ohio..to the Wheeling Railroad Association. Just a point of clarity, if I recall that correctly, this is Government in action, we're now three years later, four years later we're finally getting around to spending that, so. That's my recollection of how that grant was to operate.

PRESIDENT SCHULMAN: Thank you Member Fisher. Any other remarks? Okay, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#24 ADOPTED AS ORDINANCE NO. 151/2013

PRESIDENT SCHULMAN: The Motion carries and Ordinance 24 is adopted. Ordinance 25 Madame Clerk.

#25. (3RD RDG) **ADOPTED AS ORDINANCE NO. 152/2013** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$3,736.84 UNAPPROP BAL 4501 CAPITAL FUND TO 4501 202032 HARMONT AVE SANITARY SEWER EXTENSION PROJ - OTHER)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 25.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 25. 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.

#25 ADOPTED AS ORDINANCE NO. 152/2013

PRESIDENT SCHULMAN: Ordinance 25 is adopted. Thank you Madame Clerk. Ordinance 26 please.

#26. (3RD RDG) **ADOPTED AS ORDINANCE NO. 153/2013** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$6,000.00 TO HAYMAKER TREE AND LAW; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 26.

MINUTES OF THE MEETING AUGUST 26, 2013

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 26. Any remarks under this Ordinance? Again, hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#26 ADOPTED AS ORDINANCE NO. 153/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance 26 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: Turning now to Announcement of Committee Meetings.

MEMBER COLE: Mr. President.

PRESIDENT SCHULMAN: Member Cole.

MEMBER COLE: Finance will meet September 9th at 6:15.

PRESIDENT SCHULMAN: Thank you.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Mem...Member Cirelli.

MEMBER CIRELLI: Public Safety and Thoroughfares will meet following the same time.

CLERK TIMBERLAKE: No, you had your Committee Meeting tonight Mary.

MEMBER CIRELLI: Thank you.

CLERK TIMBERLAKE: You're welcome.

MEMBER CIRELLI: I'll take that back.

PRESIDENT SCHULMAN: As they said on Saturday Night Live "Never mind."

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes, Leader.

MEMBER DOUGHERTY: Public Property Capital Improvement will also meet that evening. Also the Rules Committee will meet that evening.

PRESIDENT SCHULMAN: Any other remarks?

MINUTES OF THE MEETING AUGUST 26, 2013

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Thank you good sir. The Annexation Committee will meet at the same time and the same place.

PRESIDENT SCHULMAN: Thank you. Does that wrap up Committee Meetings?

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: Turning now Miscellaneous Business. Do we have any?

MEMBER CIRELLI: Mr. Chairman.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Question I don't know whom to direct it to, I would imagine Mr. Bartos. And I've had a lot of people quite concerned and you've probably seen it too about Walnut Avenue and the park...I mean not the park, excuse me the bicycle lanes going both ways, which as far as I can comprehend that is illegal because as the gentleman stated all traffic is supposed to be, accept for pedestrians, they walk towards the traffic but other traffic...and also they're going to put I guess angled parking there and a lot of people are still parking perpendicular, the old fashioned way and I guess maybe the markings aren't there yet but that's going to be a nightmare for our road crews to have to plow the snow and what have you and is that...are we breaking the law by having that bicycle path going both ways on a one way street sir?

PRESIDENT SCHULMAN: Service Director.

SERVICE DIRECTOR BARTOS: Mr. President, for...for legal advice, I defer to the Law Director but there do seem to be a lot of questions about this. So, I'd be willing to have the Engineer come and discuss this at a Committee Meeting if we wanted to...if everybody wanted to do that as well. But for the...though I...you know, play a lawyer on T.V. I figure I'll defer to that actual legal representation for the City.

PRESIDENT SCHULMAN: Law Director Martuccio. Thrown under the proverbial bus as always.

LAW DIRECTOR MARTUCCIO: I was just saying to...thrown under the rims of a bicycle right. I was just saying to the President, since we were children most of us were taught that very same thing, bicycle with cars, you walk against them. I'm going to look it up. I made a note earlier in the meeting after Mr. DiGiacomo spoke to contact the Engineer. There maybe something in the uniform traffic manual that Engineers live and die by that I'm not aware of but certainly we can research the Ohio Revised Code and the Ohio Administrative Code and come up with an answer.

MEMBER CIRELLI: Mr. President, thank you Mr. Martuccio. After hearing so many complaints, I drove down there myself and you know where as we...it seems to die after you get by the Cornerstone Building I think, I don't know where it's going to pick up or go or anything, it's like duh, it stops there and who knows where or why it's supposed to handle. So, it seems like there are some missing links there. So, whatever we could find out and maybe have the Engineer come...if he has to come and explain that to us, we would all appreciate it. Thank you sir.

MINUTES OF THE MEETING AUGUST 26, 2013

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

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes, Member West.

MEMBER WEST: Yes, I wanted to thank Edmond Mack for doing a presentation for Charter Government last week. I appreciate you doing that. And I also want to thank Mary for...for coming out to that event. Member Smith, Morris and Member Fisher, they also did another educational meeting at JJ Club and I want to thank Fisher for standing in for me that day. I also wanted to thank people for the Town Hall, we had a nice Town Hall that happened this past Saturday. I want to thank the Mayor for coming out and addressing some concerns. Member Griffin, Majority Leader Dave Dougherty, Member Morris and Andrea Perry, the staff of the Administration, they did a great job and came out and presented a lot of information to the public. Andrea Perry, which is the Safety Director, Lisa Miller and what I heard this morning from CBP, Community Building Partnership, they have already started receiving a lot of calls from that meeting from some of the products they had. It obviously was a really nice article about the 1.6 million dollars that Community Development is doing for our Wards. So, I think people are looking real positive about, you know, some of the programs out there to help them. So, I appreciate all of your support. And Member Smith is going to read through some of these people and we want to thank all of the people who donated door prizes but Member Smith, you can talk now.

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: We want to thank the following businesses, sponsors and donations: Hall of Fame Market, Gas City, Miles Body Shop, My Market, ABCD, Aldi's Groceries, Stephen Slesnick, Family Dollar, Napoli's, Mount Olive Baptist Church, Early Education Center, that's about it. Did you mention...did you say Mr. Griffin, Councilman Griffin was there?

MEMBER WEST: I did.

MEMBER SMITH: Oh okay, I didn't want you be overlooked Mr. Griffin because he was the first one there. Okay, thank you.

PRESIDENT SCHULMAN: Thank you Member Smith. Any other remarks? Leader.

MEMBER DOUGHERTY: Yes Mr. President, just a couple comments. I never had this type of verbal bashing in 24 years, not even from my constituents. I don't know...must be awful upset apparently. Never got a phone call, never talked to me, I don't think we've even had a conversation in our lives. Might have been...maybe I could have gave him a little different perspective of what I was doing and why I was doing it. I'm not Allen Schulman and my job is to run the meeting when he's not here and that's exactly what I did and I won't do anything different tomorrow. There was people being disrespectful President in that meeting and I told them so. And we're here to run the meeting and people are to be respectful. We get to the point when we want to come up in the mic and be hateful, that isn't going to produce anything good either. You don't even know me sir. Move to adjourn.

MEMBER GRIFFIN: Seconded.

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

MINUTES OF THE MEETING AUGUST 26, 2013

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Meeting is adjourned. (*Gavel falls*) Be careful going home everybody. Enjoy your Labor Day weekend.

ADJOURNMENT TIME: 8:30 PM

ATTEST: AUGUST 30, 2013
CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

APPROVED: AUGUST 30, 2013
ALLEN SCHULMAN
PRESIDENT