

**MINUTES OF THE MEETING JANUARY 13, 2014**

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call vote please Madame Clerk.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

12 COUNCIL MEMBERS PRESENT: (FRANK MORRIS, CHRIS SMITH, JAMES BABCOCK, RICHARD HART, BILL SMUCKLER, GREG HAWK, THOMAS WEST, JIM GRIFFIN, KEVIN FISHER, DAVID DOUGHERTY, JOHN MARIOL & EDMOND MACK)

TWELVE COUNCIL MEMBERS PRESENT.

CLERK TIMBERLAKE: All present, Mr. President.

PRESIDENT SCHULMAN. Thank you Madame Clerk. Tonight's invocation will be given by Ward 6 Council Member David Dougherty. Will you all please stand and remain standing for our Pledge of Allegiance.

*The regular meeting of Canton City Council was held on January 13, 2014 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 6 Council Member David Dougherty. The Pledge of Allegiance led by President Schulman.*

PRESIDENT SCHULMAN: Thank you Member Dougherty.

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: We're now under Agenda Corrections and Changes and there are none this evening.

**PUBLIC HEARINGS**

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

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**OLD BUSINESS**

PRESIDENT SCHULMAN: Under Old Business. Chief of Staff Williams.

CHIEF OF STAFF WILLIAMS: Thank you Mr. President. Just one order of Old Business. Mr. Leroy Lynch and Mr. Jack Hawk approached Council at the last meeting and asked that consideration is given for scoring as applied to hearing impaired or deaf persons taking the Civil Service exam and this is something that Director Perry did touch base with Mr. Hawk on and something we're further looking into along with the Law Department. That concludes Old Business.

PRESIDENT SCHULMAN: Thank you Mr. Williams.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: Turning now to Public Speaks. We have 8 speakers scheduled this evening. Our first speaker is Bruce Nordman. Mr. Nordman welcome, as always. If you'll give us your name and your residential address please.

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BRUCE NORDMAN: I'm Bruce Nordman. I reside at 1623 Logan Avenue NW. This morn, this evening I'm here to talk about the Majority Leader position. First of all, I want to offer congratulations to Councilman Smith in her new position and I know she will do, I'm looking around here, I gotta get refocused. There you are. I know you're going to do a fine job and we'll be looking forward to working with you in that position. We're here representing Group 175 to support Frank Morris for Majority Leader. He's our Councilman for Ward 9 which I'm a member of and he's done an outstanding job in holding regular meetings with all of the members of the Ward and seeking their opinions. And even sometimes when the members opinions or the residents opinions are different than Frank's, he has always carried his resident's opinions forward and I think that, that's an indication of very strong leadership, who's willing to reach out to his residents. Obviously he through Group 175's involvement sponsored the Informal Resolution for the Park Levy money to be devoted to public safety for which we applaud him. I think that was a very, very bold step. We're concerned about checks and balances in government. We feel that governments operate effectively when there are checks and balances between the legislative and the administrative functions and I think Frank would do a wonderful job in representing the city in that endeavor. Now, we've heard some comments about diversity and I'm going to touch on that for a second and if I was the Councilman of Ward 2 or Ward 4 I would most certainly push for those viewpoints but as a public policy I would think that in the interest of the city, if we have the two key voting positions in Ward 2 and Ward 4, it won't property represent the total interest of the city. So, with that reason I would also ask that you support Frank Morris. And one other area about the Downtown Committee. I would suggest that you would think to make this a non-political activity that the City Council would appoint concerned citizens to develop a plan for downtown and report back to the City Council that way the neighborhoods and the Wards can profit by their attention and the city as a whole can develop a plan based on committee people reporting to the city. I can say that Group 175 would be happy to take this on as a responsibility should the Council decide that, that's in your interest. I thank you for your time and Happy New Year.

PRESIDENT SCHULMAN: Thank you Mr. Nordman. Our next speaker is Henry Preston. Mr. Preston good evening. Welcome to Canton City Council. If you'll give us your name and your residential address please.

HENRY PRESTON: Good evening. My name is Henry Preston. I live at 326 31<sup>st</sup> Street NW, Canton. Tonight I'd like to commend Member Hawk and Member Mack in their voting on the December 30<sup>th</sup> on the, not to amend the residency requirement of the Safety Director. I thought that was a responsible and a no brainer but obviously it wasn't a no brainer because everybody else voted in the negative. And the one thing that kinda scratched my head is Member Smith and Member West, when Member Mack was talking about the type of government we had, Members West and Smith did not like the change because they thought they would not have proper representation and I agreed with that. But I was stunned when they turned around and voted to have the Safety Director not have residency in here when she lives on the opposite part of town. I just, I scratched my head and I just didn't understand it. But anyway, Hawk and Members Hawk and Mack I want to congratulate you. Good thinking. Good responsible voting. Thank you.

PRESIDENT SCHULMAN: Thank you Mr. Preston. Our next speaker is Jonathan Bailey. Mr. Bailey as always, welcome to Canton City Council. If you'll step forward sir, give us your name and your residential address please.

JONATHAN BAILEY: My name's Jonathan Bailey. I live at 405 3<sup>rd</sup> Street NE, Canton, Ohio. I was going to bring up the bait bike issue again, for city police to put out bait bikes, get some of these thieves. I really don't believe that there isn't enough money or manpower to make this happen. If you know, you had a hospital that

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had to lay off some doctors and nurses, would they like make a list of diseases and maladies that they're going to let run rampant through society or would they work harder to fill that shortfall. I think they would work harder and the Police Department is like a thousand times more important to society than any and all doctors and hospitals because we have historical facts of societies that had no doctors and hospitals whatsoever that ran pretty good because the law enforcement is what made that happen. They need to fill that gap in whatever way possible. Thank you very much.

PRESIDENT SCHULMAN: Thank you Mr. Bailey very much. Our next speaker is Stephanie Sweany. Miss Sweany welcome, as always to Canton City Council. If you'll give us your name and your residential address please.

STEPHANIE SWEANY: Hi, I'm Stephanie Sweany. I live at 4725 Cleveland Avenue NW. Though I'm currently in Edmond Mack's Ward, I was a resident of Ward 9 for five years and up until the last 3 months of Councilman Morris's term I was a resident of Ward 9 so I'm here to speak on his behalf and support the decision to make him the Majority Leader. First, I'd like to talk a little bit about the whole back and forth that's been going on. I'm questioning whether or not he is the Majority Leader. The majority rules. That's the way government works. That's the way our democracy works and I believe that if we continue to go back and forth on this issue that it's going to get in the paper, and already in the paper. I see cameras here. I've seen blogs written about it and that, that makes the public lose confidence in their Council if we can't make a decision on an important matter. So, I think the best decision is to put this at rest because it really does make people lose confidence and think that our Council can't govern here in the city. Like I said, I was a resident of Ward 9 and I went through several different Councilman in my 5 years in Ward 9 and I had never seen a Councilman inspire like Councilman Morris has done. You know Ward 9 has had a, you know, we've had our fair share of back and forth and we've had several different Councilman and I really saw people rally behind Councilman Morris. To me leadership is not something that you, that you are, you earn that you weren't necessarily given. It's something that you have and he has inspired people and he has put the best interest of the city at the forefront when it comes to safety. And I think that, that sometimes is not a popular issue because he has been really relentless in making sure that legislation is passed that the city, the people of the city actually want and I think that's really important. That's all.

PRESIDENT SCHULMAN: Thank you very much Miss Sweany. Appreciate it. Our next speaker, I was going to make a comment about former Member Cirelli being here tonight but she's going to speak. So, if you'll step forward and give us your name and your residential address please and always, welcome to Canton City Council.

MARY CIRELLI: Thank you. Former Councilwoman Mary Cirelli. 424 19<sup>th</sup> Street NW. I came here tonight to hear some of the Rules and I was quite disappointed when they were discussing the issue of the voting. They had Pat Barton come down here and show us a procedure that they did in the State House where everybody votes at once. You just push a button and the votes all come up at once and then they're accordingly and you can even do it in colors but, it sounds like they don't want to be a progressive group they just want old things as it always was and there's games that can be played with that and some of the new Council people may not have been here when Pat made that presentation and I think they need to ponder the fact of what that's all about. When we were at the State House we made our vote and it was over with. We didn't wait to see who's voting for what and what have you. So I just think it's a big issue that they really are reluctant to change and I was very disappointed. Thank you very much.

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PRESIDENT SCHULMAN: Thank you Member Cirelli very much. Our next speaker is Pete DiGiacomo. Mr. DiGiacomo as always, welcome to Canton City Council. If you'll step forward and give us your name and your residential address please.

PETE DIGIACOMO: My name's Pete DiGiacomo. I live at 600 Dent Place SW, Canton, Ohio. This evening when I sat back there and listened to, I believe it was the Rules and everything that you were going over, it was very refreshing. Council people were joking with one another. They're laughing with one another. Seemed like kumbaya and all that stuff, I mean but, we know it's not. OK and it isn't funny. It ain't funny a damn bit. This thing with the Majority Leader now you want, they want to have another vote or some type of thing like that. This is kinda like de ja vu, Swanson, Maier. Heads are nodding, OK. The Democrats, you know I've said it before a couple times, instead of being divided, work together. Do you all agree? No. I don't expect you to agree. But at least ways try not to drive more spikes in between one another. Whoever, you know, however you want to take it. I usually don't write stuff down but I did and now I'm lost. The other thing was, there was folks here last week at the meeting that very seldom come to City Council meetings and they came up here, they spoke what they believed but not what they knew. They spoke very highly of Tom and that's good because I have nothing against Mr. West. Then the one gentleman kind of belittled Mr. Morris about his you know, qualifications he didn't have and this and that. If the people that come up here don't realize all you folks up here do the damned best job that you know how to do. So, when I'm sitting back there and somebody comes up and starts nitpicking at whoever, if you don't want to know what you're talking about, you know you really shouldn't be talking. So, I hope I know what I'm talking about. OK, I'm almost done on this one. OK, I've got 55 seconds, here we go. Today's paper, Park Department just won the lottery. Anybody know what I'm talking about? OK, last year budget 1.08 million, this year budget 2.54 million. They have in here increase of 133%. I'd like to get a raise like that so I could just spend the hell out of the money. The thing here that I just noticed, a couple caught my eye, \$10,000.00 for new trash cans. That's kinda like the \$400.00 toilet seat for the government. Park Police Officer. Years ago we had a Park Police Officer. I remember being down at Monument Park. He sat in his car for over 40 minutes. He got out 2 times to tell the kids don't feed the ducks. So, I got some other stuff but, my time's up. You all have a good evening.

PRESIDENT SCHULMAN: Thank you Mr. DiGiacomo. Our next speaker is James Parker. Mr. Parker as always, welcome to Canton City Council. If you'll step forward also and give us your name and your residential address please.

JAMES PARKER: James Parker, 630 Penny Street SE, North Canton, Ohio. I'm here tonight to talk about tactical...I'm here to talk about what happened on April 15, 2013 with two explosions occurred 12 seconds apart at the Boston Marathon finish line. There were no other tertiary explosive devices. Casualties included 3 dead and 265 wounded. In earlier wars the ratio of wounded to dead was 3 to 1. It is now approximately 40 to 1, partly due to body armour and partly because every soldier in combat is trained in technical casualty care in order to translate these military lessons into guidelines appropriate for the use of civilian population and the environment, the committee for tactical emergency casualty care was convened. Basically it must be mentioned that Boston has frequent emergency drills and that the use of these casualty care has...such as tourniquets and associated training and hemorrhage control protocols were brought to the site of the incident but many of the improvised tourniquets failed and had to be replaced. Police were first on the scene but had not training in controlling hemorrhage and no light weight tourniquets or pressure control bandages. The ability to control a catastrophic hemorrhage and provide airway should be a basic skill of every

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police officer on the street but at this time many places, it is not part of their basic training. According to my findings, the SWAT Police in Canton have this type of training, most of them. Some of the Canton Police have these available if they know how to use them, they are asking for them but the average patrol car has a first aid kit similar to what you would find in an office building. This is not adequate. The guidelines for tourniquets use to be that they were contraindicated, that if you left the tourniquet on too long it would cause limb damage. Now a days the studies have shown that up to 2 hours of continuous tourniquet application can occur before any damage occurs to the limb therefore giving time to...for the emergency medical responders. If there is a tertiary explosive device and the first responders are blown up then who is going to respond to them? So secondary police forces and citizens should (*Inaudible*) themselves into the use of a tourniquet like we were taught in the Boy Scouts. Cardiopulmonary resuscitation is not done in such blasts and ballistic injury situations. I believe just this week in the Repository it was mentioned that a gentleman in London, Ohio and I use that term loosely, was arrested with, I don't know, 20 bombs, 20 guns, all kind of jazz. We don't know what kind of trip he was on and that's in London, Ohio. The adult male has about 5 liters of blood, a useful guideline is about 500 cc's of blood separate from life from death in traumas casualties. These...those going into shock are prone to the development of multiple organ dysfunction and failure that they die from weeks later. It will exsanguinate, that is bleed to death within 90 seconds to 3 minutes. You can go longer without breathing. So, therefore the first step in tactical emergency casual care is to control excisable hemorrhage and even if you have to use some ball point pens and strip of t-shirt in order to lift that, wind it up tight and if it still doesn't work, you apply another one above it. The other thing our police should have is a hemorrhage control agent....a...there's new generations of these listed and I will give these reports to....

PRESIDENT SCHULMAN: Okay.

JAMES PARKER: ...our Safety Director. Thank you very much.

PRESIDENT SCHULMAN: Thank you very much. Appreciate it. Our last speaker is, last but not least, Lee Cote. Mr. Cote if you'll step forward and give us your name and your residential address please and we always welcome you to the public speaks. Good evening.

LEON COTE: Mr. President, Mr. Majority Leader, Assistant Majority Leader, Members of Council, Members of the Mayor's Cabinet, can you hear me?

PRESIDENT SCHULMAN: Yes.

LEON COTE: Okay, my name is Leon M. Cote. I live at 1225 41<sup>st</sup> Street NW, Canton, Ohio 44709. On November 6, 2013 there was a feeling of elation and anticipation that the next two years were going to be the beginning of a renaissance in the City of Canton. With the election of new members of Council, the feeling was a breath of fresh air in the spirit of change for the better. What have we seen to date? An illegal meeting on December 17<sup>th</sup> that was not posted 24 hours in advance. The insult of playing politics and going into executive session so the constituents that were there could not see the discussion for Majority Leader and Assistant Majority Leader. The Law Director told them they could not vote, have a straw poll or elect the two leaders. After the meeting it is announced that Ms. Smith has been unanimously elected Assistant Majority Leader and Mr. Frank Morris has been elected Majority Leader with President Schulman breaking the tie. If that is not a vote, what the hell is it? Next we come down to the first Council Meeting of the year and instead

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of families of Council Members being there to see and participate in swearing in ceremonies in a photo op we see a circus. The petty politics of the evening was disgusting. I personally found it reprehensible to have the race card introduced into the discussion to say I and many members of the City of Canton are upset would be an understatement. The people of Canton did not elect politicians. We elected legislators who would put the City of Canton first and enact legislation to get things done. The sideshow that is going on is keeping the 12 of you from doing what you were elected to do. I would like to know the following, when are the 12 Policeman and 12 Fireman that have been promised for over a year going to be appointed? What (*inaudible*)? I also want to know if in fact the 5 Policemen and 9 Firemen who are expected to retire, when are they going to be replaced and on what date? When is the Council going to stop the Mayor from raiding the Capital Improvement funds to pay our light bill and other items that should be under the General Fund? The people are annoyed that there is not enough money in the Capital Improvement account to pave your streets that are our streets, every Ward in the City looks like a battle ground. The streets are full of potholes and no money to take care of them. I find band-aid Jamie's approach to taking care of this problem unacceptable. And in conclusion I hope the citizens of Canton are asking one thing of each of you, do your job, the job you were elected to do, never mind the politics, just do your job. Thank you.

PRESIDENT SCHULMAN: Thank you Mr. Cote. That concludes Public Speaks.

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: Turning now to the Informal Resolutions. Madame Clerk would you please begin with Informal Resolution #6.

#6. COUNCIL-AS-A-WHOLE: URGING ODOT TO RECONSIDER HIGHWAY PLANNING TO UPGRADE IMPORTANCE OF INTERSTATE 77 AND ROUTE 30 EAST. - ADOPTED

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Mr. President, I move we adopt Informal Resolution #6.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Informal Resolution #6. Are there any remarks under this motion? Hearing none, by voice vote all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #6 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it and Resolution 6 is adopted. Resolution 7 please Madame Clerk.

#7. COUNCIL-AS-A-WHOLE: SUPPORTING "OHIO" BY ZACH PAXSON AS THE OFFICIAL COUNTRY SONG OF THE STATE. - ADOPTED

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Mr. President, I move that we adopt Informal Resolution 7.

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MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to move for adoption of Ordinance #7. Any remarks under this Ordinance?

MEMBER HART: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Hart.

MEMBER HART: I heard a rumor that Mr. Dougherty, Member Dougherty would sing that for us, Acappella, is...is there any truth to that? *(Laughter)*

PRESIDENT SCHULMAN: Member Dougherty.

MEMBER DOUGHERTY: Mr. President, it is a rumor. *(Laughter)*

PRESIDENT SCHULMAN: Is there any...Member Griffin?

MEMBER GRIFFIN: Whose gonna sing it?

MEMBER DOUGHERTY: Zach Paxson.

PRESIDENT SCHULMAN: Well, we're endorsing its adoption so I hope somebody knows what it sounds like. Well, any other remarks? Hearing none, Zach Paxson will be very happy or very sad tonight. All those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #7 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it and motion...Informal Resolution 7 is adopted.

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COMMUNICATIONS

PRESIDENT SCHULMAN: We turn 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 JANUARY 13, 2014.***

8. AGENT FOR PETITIONER, SLIMAN: RECEIPT OF PERTINENT DOCUMENTS FOR THE TASOS ELECTRIC ANNEXATION. - RECEIVED & FILED
9. COUNCIL MEMBER MACK, WARD 8: AMEND O#202/2011 EXHIBIT A (PROVIDE SAFETY CAPTAINS IN CANTON FIRE DEPT). - PERSONNEL COMMITTEE
10. COUNCIL MEMBER WEST, WARD 2: REQ LEGAL OPINION IN COUNCIL VICE PRESIDENT VOTE. - RECEIVED & FILED

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11. COURT ADMIN KOCHERA: REQ AMEND O#169/2013 (AUDIO/VISUAL PROJ FOR MUNICIPAL COURT). - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
12. HEALTH COMMISSIONER ADAMS: AUTHORIZE CANTON CITY BOARD OF HEALTH AND/OR HEALTH COMMISSIONER TO ADVERTISE, REC BIDS AND ENTER INTO CONTRACT(S) FOR PURCHASE OF 1 VEHICLE FOR AIR POLLUTION CONTROL DIV OF CITY HEALTH DEPT AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
13. SAFETY DIRECTOR PERRY: REQ \$1,200.00 MORAL OB PAYMENT TO COTTRIL WRECKING COMPANY FOR DEMO DUE TO FIRE AT 1146 SPRING NE. - FINANCE COMMITTEE
14. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT FOR PURCHASE OF 4 PICK-UP TRUCKS FOR WRF; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
15. SERVICE DIRECTOR BARTOS: AMEND EXHIBIT A OF O#218/2013 (MAHONING RD CORRIDOR PROJ). - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
16. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, REC BIDS AND ENTER INTO CONTRACT(S) FOR PURCHASE OF NEW VEHICLES & PACKER BODY REPLACEMENTS FOR SANITATION DEPT; AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT(S) FOR PURCHASE OF ITEMS DESCRIBED THROUGH STATE COOP PURCHASING PROG; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
17. SERVICE DIRECTOR BARTOS: AMEND EXHIBIT A OF O#120/2013 (12<sup>TH</sup> ST CORRIDOR PROJ). - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
18. SERVICE DIRECTOR BARTOS: AUTHORIZE THE MAYOR, SERV DIR AND/OR LAW DIRECTOR OR THEIR DESIGNEE TO APPROP PROP WITHIN CORP LIMITS FOR PURPOSE OF ACQUIRING WARRANTY DEEDS, STANDARD HWY EASEMENTS AND/OR TEMP EASEMENTS NECESSARY FOR CONSTRUCTION OF 12<sup>TH</sup> ST CORR PROJ, GP 1098; AUTHORIZE MAYOR, SERV DIR AND/OR LAW DIR OR THEIR DESIGNEE TO MAKE MINISTERIAL CHANGES OR TYPOGRAPHICAL ERRORS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
19. TREASURER PEREZ: RPT OF BANK RECONCILIATIONS AND CITY'S OUTSTANDING INVESTMENTS AS OF 12/31/13. - RECEIVED & FILED
20. TREASURER PEREZ: RPT OF DEPOSITS AND PAY INS FOR AMBULANCE LOCK BOX ACCT FOR DECEMBER 2013. - RECEIVED & FILED

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21. TREASURER PEREZ: RPT OF PARKING METER REVENUE FOR DECEMBER 2013. - RECEIVED & FILED
22. TREASURER PEREZ: COMPARATIVE RPT OF CASH RECEIPTS AS OF 12/31/13. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: Turning now to First Readings Ordinances. We're now under Ordinances and Formal Resolutions for the First Reading. There are none this evening.

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: We're now under Ordinances for their Second Reading. There are none this evening.

**ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING**

PRESIDENT SCHULMAN: We're now under Ordinances for their Third Reading and Final Reading and similarly, there are none this evening.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SCHULMAN: Do we have an Announcement of Committee Meetings? No Committee Meetings.

**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: We're now under Miscellaneous Business? Is there any Miscellaneous Business?

MEMBER FISHER: Mr. President.

PRESIDENT SCHULMAN: Member Fisher.

MEMBER FISHER: Thank you. I...I presume most members saw the write up in the Repository in regards to Fawcett Stadium with the planned renovations there. I gave a call over to the Chamber of Commerce today and let Steve Katz know over there that as someone that marks the years of my life gone by, by which falls I'm sitting over in the stands at Fawcett Stadium that I, you know, annual season ticket holder for all my Bulldog games, Go Pups, and that I...I think it's...looks like a fantastic plan and I. This could be a real positive and hopefully bring the State Championship games back to the City and improve the Hall of Fame ceremony. So, I hope everyone will take a look at that I think it could be a real good positive for the City. Thanks.

PRESIDENT SCHULMAN: Thank you Member Fisher. Member West.

MEMBER WEST: Yes, Mr. President, last week or...yeah last week or last Thursday, for some reason I'm thinking it was a whole week, but anyway last Thursday when we had discussed the Informal Resolution and elected the Majority Leader, or Vice President, when we were going through those...when we were going through the verdict I felt that, that went so fast that we could not respond to that because it went from, you know, Joe's interpretation to your interpretation and not having those legal documents here in front of me and then seeing....making the verdict and then it was moved on to the next Agenda. So, I sent a letter asking for a Reconsideration. Now, I know I can't ask for a Reconsideration because I wasn't part of the prevailing vote, right? But, so I would need somebody to...to make that consideration. I felt it was necessary for us to do the

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discussion. In our rules, on Rule 24C, it states on Informal Resolutions and that's what that was, it was an Informal Resolution and it come down to the...it needs to be a majority of the Council Members present and that's what our rule says. Which, that day was 12 Members and 12 Members means 7 votes. Neither I got 7 votes nor neither Member Morris got 7 votes. So, that implies that we currently did not have a Majority Leader, in fact that's why I've asked for a consideration. I must also say that this is not a personal issue towards Member Morris. You know, I think the world of Member Morris and I think he knows that but when it came down to process, when it comes down to the rules then I think that's important that we follow what's here in front of us. So, that's why I've asked for a Reconsideration. Now, I can ask, you know, one of you guys to do that and give me that vote and let's go through the process. In the past there has been a precedence already set that, you know, you run the vote and then you run the vote and if you don't get 7 then you sit down and talk it over and you figure it out what you want to do as a Council, as a Body within the 12. So, that's why I've asked for a Reconsideration as well as a legal opinion on the Rule. So, I just want to put that out there for discussion.

PRESIDENT SCHULMAN: Thank you Member West. Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member West, you did ask for a Reconsideration. It is up to the Members of this Body as you work out to do that or not under Rule 41. You know, as you pointed out, it would have to either be, according to the Rules, someone who abstained or someone who voted on the prevailing side. It's not something that I could mandate at the request of your opinion. I am, with regard to the rest of your opinion continuing to do some research. I have additional research coming in from different (*inaudible*). You know, our Chief of our Civil Division is...is working on those requests as well. I don't have an answer at this time. As I mentioned before, we are in uncharted waters. We are somewhere we have never been before and it is not my intention to obfuscate, delay, stall or...or create gridlock. I want to get to those answers as...as soon as I can to see where we could be going with this.

PRESIDENT SCHULMAN: And...and Member West if I may add, as Presiding Officer, Rule 41 as Law Director Martuccio indicated states that any Member or Members who were absent, abstained from voting, that would be Member Hart, or voted with the prevailing side, that would be in accordance with my parliamentary decision would be the 6 who voted for Mr. Morris excepting, may move for consideration of any action of Council excepting measures which have put into immediate affect. Except excepting measures which have been put in into immediate affect. Such a motion for Reconsideration shall be made not later than the next regular meeting after the action to which it relates was taken. No motion to reconsider shall be made more than once on any measure and such motion shall require a majority of all Members of Council in order to prevail. Any Member of Council may second such a motion. So, that is, I think what you're asking for and I just wanted Members of Council to know that that's the Rule under which Member Morris is requesting either the majority, prevailing side or the Member who abstained for making that motion.

MEMBER WEST: And just also for the record, when...when we...when we look at this vote in the future and someone else may challenge one of our Ordinances maybe someone out there in the public that would come in and say "You know what, I challenge this and I challenge it because you guys voted for this under the Majority Leader that signed off it that he didn't never have the 7 votes." Would that be a problem? I think it would. I think this is setting a precedence without getting that 7. I also believe that, that 7 is a magical number. I believe it's important that you go out and get that 7<sup>th</sup> vote, that's the majority of the Council, that's the majority of the City. It's nothing about Frank individually but it is, it's been the standing rule here historically for years and everybody knew it. So, you have to get 7 and not just on the Majority Leader but also on your Ordinances. It's very important that, that occurs in my mind. So, you know, I'm asking for the consideration and I'm not a sore

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loser trust me when I say that because at the end of the day, I strongly believe in the process and that's what we're doing now is the process, it's not personal. Thank you.

PRESIDENT SCHULMAN: Pete, I'm sorry believe it or not we can hear what you're saying up here. So, I know you didn't intend to interrupt but apparently the acoustics are a lot better coming from your side then they are from ours. But thank you. Thank you Member West.

MEMBER WEST: Sure. So, if anybody would like to consider, I would really appreciate...and then at the same time if it comes out the same way, then I think we can deliberate and discuss it which we haven't had an opportunity to do so.

PRESIDENT SCHULMAN: Do I hear a motion? I do not hear a motion. So, any other Miscellaneous Business?

MEMBER HART: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Hart.

MEMBER HART: Just a quick question and I don't know whether to address this to the Service Director or Safety Director, I'm thinking with what happened in West Virginia, you know this past week, you know, they're having a....well I don't know what you want to call it, an environmental travesty that's always kind of been a passion of mine. You know our well fields are down south of Canton where we get 42 inch water lines coming all the way up from Sugarcreek and you know, the landfill that's there off of 77 had the ground burning and I just wondered through the Ohio EPA what the status is of that because I guess when I see this, what happened there with chemicals being spilled in the water, if the liners in that landfills are ever breached because of that aluminum dross burning and with all the other garbage and trash that's underneath there burning, you know, when we burn things toxic fumes and chemicals are given off. My great worry is that if the ground water is ever breached through those landfills, you know, it could have a huge impact on not only 300,000 people like they estimated in West Virginia but probably a good couple million or more that get their water from our well fields and I know in the past when I was on Council, you know the Ohio EPA worked out a, you know, well we'll cover it up with...with, you know, plastic and to me that's like getting a diagnosis of cancer and giving yourself a new suit. It may make it look better but it's not doing anything to solve the problem and could you please look into that.

PRESIDENT SCHULMAN: Well Member Hart, I can respond somewhat to that. You'll be happy to know that in your absence, Council appointed and Law Director Martuccio changed the Water Commission of the City. I am chairing that Commission and you'll be happy to also know that you're now on that Committee (*Laughter*) and I was going to actually appoint you to it.

MEMBER HART: Normally my wife makes those decisions for me Mr. President. (*Laughter*)

PRESIDENT SCHULMAN: Well, your wife called and you're appointed and Law Director Martuccio and the Water Department, Tyler Converse and others in City have been meeting. We have spent...the Water Department has spent almost \$700,000.00 in asking for a consultant from Columbus, a Hydrologist Firm, experts in the field of protecting water fields, water wells. They are going to undertake the most extensive investigation of our water supply to ensure that what happened in West Virginia, God forbid would ever happen

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to our aquifers and we are in fact preparing to come eventually within the next three or four months to Council to request Ordinances be drafted involved in that and it's going to require some communication with our citizens and our businesses to make sure that they're not in the well field and that they will not be able to pollute it. So, believe me this Council is proactive when it comes to protecting our water supply which we've said over and over again is the greatest asset this City has. So with that congratulations on your appointment Member Hart.

MEMBER HART: (*Inaudible*)

PRESIDENT SCHULMAN: Any...

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes, Member West.

MEMBER WEST: I also wanted to address the issue of the Safety Director residency and this is really, in my head, we have a bunch of people who work in the City of Canton who work various positions and then they're promoted to other positions and you know, with Andrea Perry, she's been doing a great job in that position but she was already working as a Human Resource Director and then got promoted to that job. So, this wasn't something like we went out of State and got somebody and brought them in or somebody lives in North Canton and hired them. This is somebody that has just got....receive a promotion and she needed the residency and I think that's what we did...I can only speak for myself, in the past have done. So, although I do support people who work in the City to live here and work here but at the same time we do have a lot of good staff who are in lower level positions that may end up getting promoted and I support her as a result of that. So, I wanted to say that. And secondly, thank you for your comments Mr. DiGiocomo, I do appreciate that and welcome back Member Cirelli and I do appreciate your comments and I'm glad that you're feeling better. Thank you.

PRESIDENT SCHULMAN: Are there any other remarks under Miscellaneous Business? May I just conclude with one statement. Mr. Nordman made a statement tonight and he is friend and I'm not sure he meant it the way he said it or the way I interpreted it. If Member West and Member Smith were the Majority Leader and Minority Leader of this Council, they would protect every single citizen in this community. And I know that you did not mean to suggest that if we had two people of color serving in leadership roles on this Council, that somehow they would not represent the entire community in which they live. And so I wanted that to be on the record as it would anyone who would have been selected to those two positions from this group. I can assure Mr. Nordman and I can assure the public, they will always represent the full citizens of this community. This is not this, this community is not a racially, in my opinion, a racially divided community. Now, Vince Watts might think otherwise, that's, but I'm not sure even he would think otherwise but, nevertheless I think that we all care about the people of color who live in this community.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: So, with that, I'm sorry Vince, I didn't mean to point you out.

MEMBER WEST: Mr. President, one more thing.

PRESIDENT SCHULMAN: Yes, Member West.

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MEMBER WEST: Could I also have the Law Department or Law Director, if you could explain to them in reference to the legal opinion and my letter, could you do that for me just so that it's on record.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Yes, Member West. Member West has reduced to writing some questions for me. Under the Ohio Revised Code in Title 7, I am the legal advisor to city officials including elected officials, department heads and you as legislative members. If you ask me for a legal opinion on a matter, I am obligated to answer you orally or in written within a reasonable amount of time. He's raised some issues about last week. Again it is my intent to quickly and thoroughly research those issues. As you all know, I am well compensated. You set my salary. I do care about our city. I don't want to do anything that is going to result in potential gridlock but I am overly prudent and if I feel that as a result of some of these things that I learned that I would recommend a different way of doing things until we have an answer, I will say so and clearly in writing. It is our hope to avoid any litigation in this matter. If there is any, we hope to make it as expedient as possible and avoid as much cost or expense as possible but again to answer your question bluntly, you are entitled to my thoughts on your issues. Thank you.

PRESIDENT SCHULMAN: Any other Miscellaneous Business? Leader Morris.

MEMBER MORRIS: Mr. President, I move we adjourn.

PRESIDENT SCHULMAN: Member Smith we need a second.

MEMBER SMITH: Seconded.

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

CLERK TIMBERLAKE: Wait a minute. Richard you got something or what?

MEMBER HART: I just, never mind.

PRESIDENT SCHULMAN: Well there's a motion to adjourn. I...that takes priority and precedence over any other motions.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Motion to adjourn is granted. *(Gavel falls)*

ADJOURNMENT TIME: 8:13 PM

ATTEST: JANUARY 17, 2014  
CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

APPROVED: JANUARY 17, 2014  
ALLEN SCHULMAN  
PRESIDENT