

**MINUTES OF THE MEETING FEBRUARY 24, 2014**

PRESIDENT SCHULMAN: Good evening ladies and gentlemen, welcome to Canton City Council. We have a lot of students tonight. I think from Jackson, right? Jackson High School, welcome. (APPLAUSE) You have to stay the whole meeting right? OK. We have a couple Central students, right? Anyone else? I don't want to offend any High School in the area. (APPLAUSE) Welcome. Apparently those were just the Catholics that applauded. So, 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 we'll have our invocation given by my good friend Council Member at Large Richard Hart. Will you all please stand and remain standing for our Pledge of Allegiance.

*The regular meeting of Canton City Council was held on February 24, 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 Richard Hart Council Member-At-Large. The Pledge of Allegiance led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: Thank you Member Hart. Leader, we're now under Agenda Corrections and Changes.

MEMBER MORRIS: Mr. President, I move we suspend Rule 22A be suspended to add to 2<sup>nd</sup> Readings Ordinances 14 through and including #20. Ordinance #39 be withdrawn.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you Suspend Rule 22A to add the 2<sup>nd</sup> Reading Ordinances 14 through and including 20 to this evening's agenda and you are withdrawing Ordinance 39. 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 to Public Hearings, we have none this evening. \_\_\_\_\_

**MINUTES OF THE MEETING FEBRUARY 24, 2014****OLD BUSINESS**

PRESIDENT SCHULMAN: I asked the Mayor's Chief of Staff, Mr. Williams whether he had any Old Business. He does not.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: We're now under Public Speaks. We do have three speakers this evening. It seems to all be winter related. I guess we're all sick of winter but, our first is Linda Campbell. Miss Campbell if you'll step forward to the microphone. Welcome to Canton City Council. I know I spoke to you earlier this evening. If you'll give us your name and your residential address please.

LINDA CAMPBELL: OK, my name is Linda Campbell. My address, 1016 Struble Avenue NE and that's here in the city, Canton, 44705 zip. The nature of my coming to Council, which I plan to come often but, I'm concerned about having an auto accident February 6<sup>th</sup> of this year where I was in the eastbound, I mean westbound lane going toward Mercy Medical Center when a car that was in front of me, a truck, went around another car and by the time I saw why it went around the other car, I hit my brakes trying to avoid going into this car. At Sparta, you know where Sparta is on...OK, this is where I hit my brakes and I had skid marks all through the....why the officer didn't go back to that point where I had first started trying to avoid hitting this car after I saw it had hit this telephone pole. OK, as a result I'm trying to avoid hitting this car but my vehicle ended up sliding. I tried, I missed two intersections, I mean two openings trying to turn into but when you're on ice, ain't not control. So, my point is, I wasn't cited. The lady wasn't cited. She didn't have insurance but I had to end up getting my vehicle fixed. When I go to pick my vehicle up, they're telling me I had to pay \$250.00. But why did I have to pay \$250.00. It was not my fault so I shouldn't had to pay \$250.00. When I addressed you and you told me about these things, OK. I was going slow. You can't help but go slow on 12<sup>th</sup> Street because ain't nothing but potholes and everything else. You gonna tear your car up if you go fast anyway. You know, I'm a victim of circumstances. OK, if the city can't do their job, then I as a driver, a motorist, you know, when there's things like this, there's other people. What is our rights as motorists? How can we be protected when there's bad weather? You say this is what happens in Ohio but, it's not acceptable to me. If it's things that's happening and they know we going be having bad weather, what is our rights as motorists? How can we be protected when things like this, when the city can't do what they have to do, more, I mean you know, as far as getting the snow up off the highway because on the eastbound lane, no problem. The westbound lane, I mean I was going east, no I was going west. The westbound lane nothing but caked ice. I understand we didn't have a salt, I mean we didn't have salt but why was it so thick of ice in that particular area. That was almost a whole block of nothing but shear ice. So, why do I have to go through this where your, my insurance, and I'm not, I'm just a victim of circumstances. If they say the city can't do their job, they're the victim of circumstances so I am too. Why should my insurance, why should I have to pay anything out my pocket and what can be done about future situations since we know we're going to have bad weather.

PRESIDENT SCHULMAN: Thank you very much ma'am. I appreciate it. Our next speaker is Pete DiGiacomo. Mr. DiGiacomo, good evening. As always, welcome to Canton City Council. If you'll 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. I was not going to speak tonight until I sat here listening to the quorum prior about snow plows and who does what and puts snow different places. My question I guess, it's not going to be about the city plows, that's another thing which whatever, but private plow operators. I don't know if they have to be licensed in the city. Do they have to have insurance to be in the city? While they're plowing snow, where are they allowed to put that snow? Where aren't they allow to put the snow? And the reason I'm asking is, I've got a business by me. Great business, they take care

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of their property, they had a plow operator come in. I got up in the morning on my property on the corner, I live on a corner. Probably close to 5 feet of snow and I'm not sure how wide, I mean it was big. The grandkids could have built tunnels in it and everything else and had fun but it's still there even though...but I'm just curious, what, are there any regulations for private plow operators. Thank you.

PRESIDENT SCHULMAN: Thank you Mr. DiGiacomo. Law Director Martuccio may have something for you in Miscellaneous Business.

PETE DIGIACOMO: *(Inaudible comment with laughter)*

PRESIDENT SCHULMAN: Well, it actually was. I'm sorry. Our next speaker is Tim Porter. Mr. Porter welcome. Good evening. As always welcome to Canton City Council. If you'll give us your name and your residential address and I know your subject matter is lawn mowing which would be very welcome....

TIM PORTER: I'm looking forward to warmer weather.

PRESIDENT SCHULMAN: Yes, I like your subject a lot better.

TIM PORTER: My name's Tim Porter. I live at 1107 10<sup>th</sup> Street NW. I just wanted to comment on the mowing thing that you guys are discussing and I wanted to see if it might be an option to offer the Neighborhood Associations that money to mow those lots. We live in those neighborhoods. Some of us have been mowing those empty lots long before you guys paid us and we're not even getting any money for it. So, I'd just like you guys to make that a consideration to give some of that money to the Neighborhood Associations to mow those lots. And then the other thing is, I wanted to thank our Auditor. I had made some requests for some budget stuff and they sat down with me and gave me more than I could have ever asked. I'll still going through what he gave me. So I just wanted to give a thanks to him and to our Clerk Cindy, who set me up with that stuff in the beginning. Thank you.

PRESIDENT SCHULMAN: Thank you Mr. Porter very much. That concludes our Public Speaks.

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: Moving to Informal Resolutions. We have no Informal Resolutions this evening.

**COMMUNICATIONS**

PRESIDENT SCHULMAN: Turning 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 FEBRUARY 24, 2014.***

74. ABCD, INC.: THIS LETTER IS TO APPRISE YOUR OFFICE THAT THE ABCD, INC. PLANS TO BE THE GENERAL PARTNER OF A RESIDENTIAL REDEVELOPMENT PROJECT LOCATED IN OR WITHIN A ONE-HALF MILE RADIUS OF YOUR POLITICAL JURISDICTION TO SUBMIT A TAX CREDIT APPLICATION TO THE OHFA FOR THE REDEVELOPMENT OF VICTORY SQUARE. - RECEIVED & FILED

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75. CNL-AT-LRG HART: ASKING CITY TO LOOK AT COST EFFECTIVE WAYS OF REPAIRING THE STREETS. - RECEIVED & FILED
76. CNL-AT-LRG HART: INQUIRING AS TO WHETHER A DRIVER OF A CITY PLOW TRUCK CAN BE ARRESTED OR FINED FOR PUTTING SNOW BACK ON THE SIDEWALK ONCE IT HAS BEEN SHOVELED. - RECEIVED & FILED
77. ICAN INC.: THIS LETTER IS TO APPRISE YOUR OFFICE THAT ICAN INC. PLAN TO BE THE GENERAL PARTNER OF A RESIDENTIAL RENTAL DEVELOPMENT LOCATED IN OR WITHIN A ONE-HALF MILE RADIUS OF YOUR POLITICAL JURISDICTION, AND HAS SUBMITTED AN APPLICATION TO UTILIZE THE MULTIFAMILY FUNDING PRGRMS OF THE OHFA FOR THE DEVELOPMENT OF HARMONT PARK HOMES. - RECEIVED & FILED
78. MAYOR HEALY: AUTHORIZATION FOR ALL APPTNG AUTHORITIES TO GRANT ALL MGMT & NON-BARGAINING UNIT EMPLOYEES UP TO A 2% WAGE INCREASE THAT IS RETROACTIVE TO 1/1/2014; A 2% INCREASE TO THE SALARY MAXIMUM FOR ALL MGMT & NON-BARGAINING UNIT CLASSIFICATIONS. INCREASE WILL ALLOW APPTNG AUTHORITIES THE OPTION OF GRANTING UP TO A 2% WAGE INCREASE THAT IS RETROACTIVE TO 1/1/14 TO THOSE EMPLOYEES WHO HAVE REACHED THE TOP END OF THEIR SALARY RANGE; AN AMENDMENT OF THE SALARY RANGES FOR CLASSIFICATIONS BASED ON THE MINIMUM WAGE TO MATCH THE NEW STATE OF OHIO (CURRENTLY \$7.95) OR FEDERAL MINIMUM WAGE, WHICHEVER IS HIGHER; AUTHORIZE THE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY THE PROPER DEPARTMENTAL AUTHORITY; DECLARED AN EMERGENCY. - PERSONNEL & FINANCE COMMITTEES
79. PLANNING COMMISSION: AUTHORIZE A REPLAT OF CVS ON HARRISON AVE. AND TUSC. SW. - PUBLIC SAFETY & THOROUGHFARE COMMITTEE
80. SAFETY DIR PERRY: AUTHORIZE MAYOR AND/OR THE DIR OF PUBLIC SAF TO ENTER INTO A PROF SERV CONTRACTS WITH T.A.C. COMPUTER, INC. FOR THE CAD/RMS/JMS/MDT/FBR SUPPORT AND MAINTENANCE FOR THE SAFETY FORCES EFFECTIVE SEPTEMBER 1, 2013 FOR ONE YEAR. - FINANCE COMMITTEE
81. SAFETY DIR PERRY: REQ LEGISLATION BE PREPARED TO FORMALIZE A NEW THREE YEAR CONTRACT WITH THE CPFFA (FIRE) EFFECTIVE FR 1/1/2014 THRU 12/31/2016. - FINANCE & PERSONNEL COMMITTEES
82. SERVICE DIR BARTOS: AUTHORIZE MAYOR AND/OR SERVICE DIR TO ADVERTISE, RECEIVE BIDS, AWARD & EXECUTE A CONSTRUCTION CONTRACT; AUTHORITY FOR THE MAYOR AND/OR SERVICE DIR TO ENTER INTO AN AGREEMENT WITH DOMINION EAST OHIO GAS FOR REQ GAS LINE RELOCATION WORK; MAKE A SUPPLEMENTAL APPROP OF \$135,000.00 FROM UNAPPROP BAL OF THE 4501(CAP FUND) TO 4501-206012

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(NAVARRE RD BRIDGE & SANITARY SEWER REHAB PROJ GP 1159); MAKE AN APPROP TRANSFER OF \$120,000.00 FROM 5410-202010 (SANITARY SEWER FUND) TO 5410-206012 (NAVARRE RD BRIDGE & SANITARY SEWER REHAB PROJ GP 1159); AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY THE PROPER DEPT AUTH; DECLARE THIS TO BE AN EMERGENCY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

83. SERVICE DIR BARTOS: REQ TO WITHDRAW COMM #39 (MAHONING RD. NE CORR PROJ PHASE 1, GP 1103 PID 90361) FROM 1/27/2014 COUNCIL AGENDA; SAID COMM HAS BEEN REVISED & RESUBMITTED IN COMM #69 OF 2/10/2014 COUNCIL AGENDA. - RECEIVED & FILED
84. SERVICE DIR BARTOS: REQ AUTHORITY FOR MAYOR AND/OR SERVICE DIR TO ADVERTISE, RECEIVE BIDS, AWARD, & EXECUTE A CONSTRUCTION CONTRACT FOR 12<sup>TH</sup> ST. N. CORR PROJ, G.P. 1098, PID 85299; AUTHORIZING FOR MAYOR AND/OR SERVICE DIR TO EXECUTE A PROF SERVICES CONTRACT FOR CONSTRUCTION ENGINEERING SERVICES FOR PROJ; AUTHORIZING TO RECEIVE VARIOUS GRANTS FROM THE SCATS & ODOT TOTALING \$14,367,164.00 OF WHICH \$1,327,522.48 WAS PREVIOUSLY APPROP FOR PROJ; AUTHORITY TO REC A GRANT FROM THE OPWC IN THE AMT OF \$1,500,000.00 FOR THIS PROJ TO FUND THE COST OF BOTH THE CONSTRUCTION & CONSTRUCTION ENGINEERING CONTRACTS; MAKE SUPPLEMENTAL APPROP OF \$13,039,611.52 (PREVIOUSLY UNAPPROP SCATS/ODOT FUNDING): FROM UNAPPROP BAL OF 4563 (12<sup>TH</sup> ST. N. CORR PROJ, G.P. 1098 FUND) TO 4563-202077 (12<sup>TH</sup> ST. N. CORR PROJ, G.P. 1098 FUND & ORGANIZATION); MAKE ADDTL SUPP APPROP OF \$1,500,000.00 (OPWC FUNDING): FROM UNAPPROP BAL OF 4563 (12<sup>TH</sup> ST. N. CORR PROJ, G.P. 1098 FUND) TO 4563-202077 (12<sup>TH</sup> ST. N. CORR PROJ, G.P.1098 FUND & ORGANIZATION); MAKE A SUPP APPROP OF \$210,020.55: FROM UNAPPROP BAL OF 2113 (MUNI ROAD FUND) TO 2113-202001 (MUNI RD FUND - ENGINEERING ADMIN ORG); MAKE SUPP APPROP OF \$450,635.16: FROM UNAPPROP BAL OF 4506 (INFRASTRUCTURE BOND FUND) TO 4506-202001 (INFRASTRUCTURE BOND FUND - ENGINEERING ADMIN ORG); AUTHORIZE THE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY THE PROPER DEPT. AUTH; DECLARE AN EMERGENCY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
85. SERVICE DIR BARTOS: AUTHORIZE MAYOR AND/OR SERVICE DIR TO ADVERTISE, RECEIVE, BIDS, AWARD, AND EXECUTE A CONSTRUCTION CONTRACT FOR MAHONING RD. CORR , STA-SR153-1.70, G.P. 1103, PID'S 90268 & 9036; AUTHORIZING FOR MAYOR AND/OR SERVICE DIR TO EXECUTE A PROF SERVICES CONTRACT FOR CONSTRUCTION ENGINEERING SERVICES FOR MAHONING RD. CORR , STA-SR153-1.70, G.P. 1103, PID'S 90268 & 9036; AUTHORIZING TO RECEIVE VARIOUS GRANTS FROM SCATS & ODOT FOR THIS PROJ; AUTHORITY TO RECEIVE A GRANT FROM OPWC IN THE AMT OF \$600,000.00 & A LOAN OF UP TO \$900,000.00 FOR THIS PROJ; MAKE A SUPP APPROP OF \$7,000,000.00 (SCATS/ODOT FUNDING): FROM 4566 (MAHONING RD. CORR PROJ, GP 1103 FUND) UNAPPROP BAL TO 4566-202079 MAHONING RD. CORR PROJ, GP 1103 FUND & ORG; MAKE AN ADDTL SUPP APPROP OF \$1,500,000.00 (OPWC FUNDING: FROM 4566 MAHONING RD. CORR PROJ, GP 1103 FUND) UNAPPROP BAL TO 4566-202079 (MAHONING RD. CORR PROJ,

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GP 1103 FUND & ORG); AUTHORIZING THE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY THE PROPER DEPT AUTH; DECLARE TO BE AN EMERGENCY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

86. STARK CTY COMMISSIONERS: RECEIPT OF PAPERWORK FOR TASOS ELECTRIC ANNEXATION. - PLANNING COMMISSION
87. TREASURER PEREZ: RECEIPT OF DEPOSITS & PAY-INS FOR JAN. 2014 FOR AMBULANCE LOCK BOX. - RECEIVED & FILED
88. TREASURER PEREZ: RECEIPT OF DEPOSITS & PAY-INS FOR JAN. 2014 FOR PARKING METER. - RECEIVED & FILED
89. TREASURER PEREZ: RECEIPT OF BANK RECONCILIATIONS AND OUTSTANDING INVESTMENTS AS OF 1/31/14. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: We now are under First Reading Ordinances Resolutions. Madame Clerk would you please begin with Ordinance #1.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #13 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO PURCHASE NEW PM2.5 AIR MONITORING EQUIPMENT FOR THE AIR POLLUTION CONTROL DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO: ENTER INTO SEPARATE AGREEMENTS WITH THE OHIO POWER COMPANY, AKA AEP, IN AN AMOUNT NOT TO EXCEED \$600,000.00; WITH TIME WARNER CABLE IN AN AMOUNT NOT TO EXCEED \$36,523.00; AND WITH AT&T IN AN AMOUNT NOT TO EXCEED \$115,127.00 FOR THE COMPENSATION FOR THE RELOCATION OF EXISTING OVERHEAD LINES INTO NEW UNDERGROUND FACILITIES; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$751,650.00 FROM UNAPPROP BAL 4566 MAHONING RD CORRIDOR PROJ, GP 1103 FUND TO 4566 202079 MAHONING RD CORRIDOR PROJ, GP 1103 - OTHER)  
Referred to Public Property Capital Improvement Committee
- #3. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO: ENTER INTO SEPARATE AGREEMENTS WITH THE OHIO

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POWER COMPANY, AKA AEP, IN AN AMOUNT NOT TO EXCEED \$62,876.72; WITH TIME WARNER CABLE IN AN AMOUNT NOT TO EXCEED \$40,000.00; FOR THE COMPENSATION FOR THE RELOCATION OF EXISTING OVERHEAD LINES INTO NEW UNDERGROUND FACILITIES; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$102,876.72 FROM UNAPPROP BAL 4563 12<sup>TH</sup> ST N CORRIDOR PROJ, GP 1098 FUND TO 4563 202077 12<sup>TH</sup> ST N CORRIDOR PROJ, GP 1098 - OTHER)

Referred to Public Property Capital Improvement Committee

- #4. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A TWO-YEAR PROFESSIONAL SERVICES CONTRACT WITH RUSS KIKO ASSOCIATES, INC. FOR AUCTION SERVICES FOR THE SALE OF PROPERTY NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND IMPOUNDED VEHICLES; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #5. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT IN AN AMOUNT NOT TO EXCEED \$350,000.00 FOR THE EVALUATION OF APPROXIMATELY 1,720 WATER DISTRIBUTION VALVES; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$350,000.00 FROM UNAPROP BAL 5201 WATER FUND TO 5201 207022 WATER DISTRIBUTION - OTHER)  
Referred to Finance Committee
- #6. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (POSITION GROUP 20WT, SERV DIR PUBLIC WORKS-WATER CONSTRUCTION, REPAIR, MAINT, SUPPLY & TREATMENT DIV; UTIL OPERATOR 3 & LABORER 2)  
Referred to Personnel Committee
- #7. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING ORDINANCE NO. 120/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (EXHIBIT A AMENDED TO INCLUDE MOST RECENT PROP APPRAISALS)  
Referred to Public Property Capital Improvement Committee
- #8. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO: ENTER INTO AGREEMENTS WITH THE WHEELING AND LAKE ERIE RAILWAY COMPANY AND AKRON METRO REGIONAL TRANSIT AUTHORITY TO SECURE RIGHTS-OF-WAY FOR THE 12<sup>TH</sup> ST N CORRIDOR PROJECT AND FACILITATE THE IMPROVEMENTS TO THE EXISTING CROSSING; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND

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DECLARING THE SAME TO BE AN EMERGENCY (\$450,000.00 UNAPPROP BAL 4563 12<sup>TH</sup> ST N CORRIDOR PROJ, GP 1098 FUND TO 4563 202077 12<sup>TH</sup> ST N CORRIDOR PROJ, GP 1098 - OTHER)

Referred to Public Property Capital Improvement Committee

- #9. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO APPROPRIATE REAL PROPERTY IN CONJUNCTION WITH THE MAHONING ROAD NE CORRIDOR PROJECT, PHASE 1, GP 1103; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Environmental and Public Utilities Committee
- #10. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING CHAPTER 155, DEPOSITORY AND INVESTMENT PRACTICES, OF THE CODIFIED ORDINANCES  
Referred to Judiciary and Finance Committees
- #11. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE TREASURER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH UNITED AMERICAN CAPITAL CORPORATION FOR INVESTMENT ADVISORY SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee

***(COUNCIL RECESSED AT 7:44 P.M. FOR THE FINANCE AND PERSONNEL COMMITTEES TO DISCUSS ORDINANCES #12 AND #13; RECONVENED AT 8:18 P.M.)***

- #12. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 18/2014** AN ORDINANCE APPROVING A THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANTON AND CPFFA LOCAL 249; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance and Personnel Committees
- #13. (1<sup>ST</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 19/2014** AN ORDINANCE AMENDING ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$1,090,000.00 SUPP APPROP FROM UNAPPROP BAL 1001 GEN FUND TO 1001 506001 COMM DEV ADMIN)  
Referred to Finance Committee

PRESIDENT SCHULMAN: And at this time the chair will declare an in house recess for the Finance and Personnel Committees to meet in regards to Ordinances 12 and 13 on your agenda this evening. You're now in recess. Chairman.

PRESIDENT SCHULMAN: Thank you Member, Chairman Hawk. Council will reconvene after the recess, Leader.

MEMBER MORRIS: Mr. President, I move we suspend Rule 22A and place Ordinances 12 and 13 back on this

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evening's agenda.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to place Ordinances 12 and 13 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. Ordinances 12 and 13 are a legal part of your Agenda. Leader.

MEMBER MORRIS: Mr. President, I move we suspend the Statutory Rules on Ordinance #12.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance 12. Any remarks? Hearing none, again 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. Leader you've heard the three readings.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #12.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #12. Any remarks under this Ordinance? Yes, Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Again for the members of the administration or the members of other elected offices or the press or the public, all copies of tentative agreements would be available as public records indicating what it is that was agreed to as a tentative agreement for this collective bargaining agreement. I want to point out that it was said in discussions that the Firefighters Union worked in good faith and with due diligence to come up with a contract that was agreeable to their membership and to the Council, it appears until the vote is taken. The team for the city included Assistant Law Director Kris Bates, of course the Mayor and his cabinet and a number of other folks who were involved in making sure that everything was done with due diligence. There will be raises of 2% over a few years to summarize it. There is a restructuring of some of the schedules, salary rates at the less senior end and at the more senior end and if there are any other summaries that

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Council requests they can be provided by the Mayor or our negotiators. Thank you.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

**#12 ADOPTED AS ORDINANCE NO. 18/2014**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 12 has been adopted. Leader.

MEMBER MORRIS: Mr. President, I move we suspend the Statutory Rules on Ordinance #13.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance 13. Any remarks? Hearing none, again Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

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

MEMBER MORRIS: Mr. President. I move we adopt Ordinance #13.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 13. Any remarks under this Ordinance?

MEMBER MORRIS: Mr. President I move we amend Ordinance #13 per copy all Council Members have in front of them.

MEMBER SMITH: Seconded.

**AMENDMENT**

*Pursuant to Rule 36, I move to amend Agenda Item No. 13 by the addition of a new Section 2, which shall read as follows and result in the renumbering of Sections 2 through 4 as 3 through 5, respectively:*

*Section 2: The record keeping required by the Department of Housing and Urban Development covering Community and Economic Development personnel related costs shall be*

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*summarized and reported to Council on a quarterly basis for a period of one year.*

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance 13 by virtue of the copy of the amendment before each Member of Council. Any remarks on that motion? Hearing none by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #13 as amended.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt 13 as amended. Any remarks under this Ordinance as amended? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#13 ADOPTED AS AMENDED AS ORDINANCE NO. 19/2014**

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

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: Turning now to Ordinances and Formal Resolutions for their Second Reading. Will you please begin Madame Clerk with Ordinance #14.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #14 THROUGH #20 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS: (ORDINANCES #18 & #19 ADOPTED; ORDINANCE #20 ADOPTED AS AMENDED)***

- #14. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$8,000 FROM 2767 701001 COMM SANCTIONS GRANT FUND - PERSONNEL SERV TO 2767 701001 COM SANCTIONS GRANT - OTHER)
- #15. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$165.00 TO EA GROUP; AND DECLARING THE SAME TO BE AN EMERGENCY
- #16. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (5 GRANTS FOR HEALTH DEPT)

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- #17. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONSTRUCTION CONTRACT FOR THE MAIN CT. S.E. SANITARY SEWER REPLACEMENT PROJECT, G.P. 1202 AND TO NEGOTIATE AND SECURE THE SANITARY SEWER EASEMENTS/PROPERTY OWNERSHIP ON BEHALF OF THE CITY; AND DECLARING THE SAME TO BE AN EMERGENCY
- #18. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 20/2014** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO VARIOUS CONTRACTS FOR THE MOWING OF DESERTED/VACANT LOTS THROUGHOUT THE CITY; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Mr. President, I move that we suspend the Statutory Rule for Ordinance #18.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rule for Ordinance 18. Any remarks? Again 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 MORRIS: Mr. President, I move that we adopt Ordinance #18.

MEMBER SMITH: Seconded

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #18. 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.

**#18 ADOPTED AS ORDINANCE NO. 20/2014**

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

- #19. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 21/2014** AN ORDINANCE AMENDING ORDINANCE NO. 169/2013 AS RE-AUTHORIZED BY ORDINANCE NO. 7/2014;

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AND DECLARING THE SAME TO BE AN EMERGENCY (MUNI COURT AUDIO/VISUAL REHAB PROJ)

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Mr. President, I move we suspend the Statutory Rule for Ordinance #19.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rules for Ordinance 19. Any remarks under that motion? 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 MORRIS: Mr. President. I move we adopt Ordinance #19.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 19. Any remarks under this Ordinance? Hearing none Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

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

#20. (2<sup>ND</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 22/2014** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH LEONARD INSURANCE SERVICES AGENCY INC. IN AN AMOUNT NOT TO EXCEED \$58,000.00 FOR A ONE (1) YEAR BUILDER'S RISK INSURANCE POLICY FOR THE WATER RECLAMATION FACILITY PHOSPHORUS/TOTAL NITROGEN REMOVAL AND MISCELLANEOUS IMPROVEMENTS PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Thank you Madame Clerk. Leader.

MEMBER MORRIS: Mr. President, I move we suspend Statutory Rule for Ordinance #20.

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MEMBER SMITH: Seconded.

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

NO REMARKS

ROLL CALL 20 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

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

MEMBER MORRIS: Mr. President I move we adopt Ordinance #20.

MEMBER SMITH: Seconded.

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

MEMBER MORRIS: Mr. President I move we amend Ordinance #20 per copy that all Council Members have in front of them.

MEMBER SMITH: Seconded.

AMENDMENT

*Pursuant to Rule 36, I move to amend Agenda Item No. 20 to change the dollar amount in the caption and Sections 1 and 2 from "\$58,000.00" to "\$62,000.00".*

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance 20 by virtue of the copy before each Member of Council. Any remarks? Hearing none by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. Leader.

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

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 20 as amended. Is that correct?

MEMBER MORRIS: That's correct sir.

PRESIDENT SCHULMAN: Any there any remarks under this Ordinance as amended? Again hearing none,

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Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#20 ADOPTED AS AMENDED AS ORDINANCE NO. 22/2014**

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

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

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

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #21 THROUGH #27 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.***

#21. (3<sup>rd</sup> RDG) **RECONSIDERED & AMENDED AS ORDINANCE NO. 15/2014** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF VARIOUS VEHICLES FOR THE SANITATION DEPARTMENT; AUTHORIZING THE DIRECTOR TO ALTERNATIVELY PURCHASE SAID VEHICLES PURSUANT TO THE STATE COOPERATIVE PURCHASING AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

CLERK TIMBERLAKE: That is a reconsider of Ordinance 15/2014.

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President. I move we reconsider Ordinance 15/2014 adopted on February 10th.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you reconsider Ordinance 15/2014 adopted 2/10/14. Are there any remarks? Hearing none again Madame Clerk, roll call vote.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Motion carries. Leader.

MEMBER MORRIS: Mr. President I move we adopt Ordinance 15/2014 as amended.

MEMBER SMITH: Seconded.

AMENDMENT

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*Pursuant to Rules 41 and 36, I move to reconsider and amend Ordinance No. 15/2014 by the substitution of the attached revised Ordinance for the originally proposed Ordinance.*

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 15/2014 as amended. I'm going to have Law Director Martuccio just briefly explain this Ordinance as amended and reconsidered.

LAW DIRECTOR MARTUCCIO: I will yield to the Service Director but essentially Members of Council what you're doing is you're being asked to reconsider and amend simultaneously during your reconsideration an Ordinance that's previously been passed but as explained in Committee Meetings, Mr. Bartos.

SERVICE DIRECTOR BARTOS: Mr. President, Law Director Martuccio, this is the amend, the amendment is, we will, as you recall at last meeting we approved 4 different vehicles and one of them being just a body for a vehicle to be purchased by Sanitation out of the Sanitation Enterprise Funds. Upon reconsideration we concluded that the packer body which would be retrofitted onto another vehicle, the body itself couldn't be retrofitted to where Director Adams see the Department going as far as standardized cans and the armed bandits or the one armed bandits as they're called. So, the decision was made to, instead of seeking the packer body, just go out and get a brand new packer so we'll be buying 2 packers now instead of 1 but we won't be getting the packer body. It's an increase in cost approximately of \$155,000.00. All of the numbers in this Ordinance were estimates. They were high estimates but we had to be safe because we haven't gone out and advertised and received bids yet but, that's the change in a nutshell.

PRESIDENT SCHULMAN: Thank you very much Director Bartos. Any other remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

**#21 RECONSIDERED & AMENDED AS ORDINANCE NO. 15/2014**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 15/2014 as amended and reconsidered has been adopted. Ordinance 20?

CLERK TIMBERLAKE: 2.

PRESIDENT SCHULMAN: 22.

#22. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 23/2014** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$5,000.00 TO COHHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President I move we adopt Ordinance #22.

MEMBER SMITH: Seconded.

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

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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.

**#22 ADOPTED AS ORDINANCE NO. 23/2014**

PRESIDENT SCHULMAN: Ordinance 22 is adopted. Ordinance 23 please.

#23. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 24/2014** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OR PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT(S) FOR THE LEASING OF FOUR (4) UNMARKED POLICE VEHICLES IN AN AMOUNT NOT TO EXCEED \$106,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

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

MEMBER SMITH: Seconded.

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

**#23 ADOPTED AS ORDINANCE NO. 24/2014**

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

#24. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 25/2014** AN ORDINANCE AUTHORIZING THE DISCHARGE OF THE DEMOLITION LIEN, ASSESSMENTS, PENALTIES AND INTEREST ON THE PROPERTY LOCATED AT 1461 - 9<sup>TH</sup> STREET N.E., REAR; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #24.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 24. Any remarks under this Ordinance? Again hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas Mr. President.

**#24 ADOPTED AS ORDINANCE NO. 25/2014**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 24 is adopted. Ordinance 25 please.

#25. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 26/2014** AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR THE REMOVAL OF NOXIOUS WEEDS AND DEBRIS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #25.

MEMBER SMITH: Seconded.

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

**#25 ADOPTED AS ORDINANCE NO. 26/2014**

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

#26. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 27/2014** AN ORDINANCE AMENDING SECTION 105.11, STATE COOPERATIVE PURCHASING WITH ADMINISTRATIVE SERVICES, AND REPEALING SECTION 105.13, STATE COOPERATIVE PURCHASING WITH ODOT, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #26.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 26. Any remarks? Leader.

MEMBER MORRIS: Mr. President I move we amend Ordinance #26 per the copy that all Council Members have in front of them.

MEMBER SMITH: Seconded.

AMENDMENT

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*Pursuant to Rule 36, I move to amend Agenda Item No. 26 by the substitution of the attached revised amended Ordinance for the originally proposed Ordinance. Slight phrasing changes are being made to paragraphs (c), (d) and (g) of Section 1 to clarify current state law.*

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance 26 by virtue of the copy before each Member of Council. Any remarks? Hearing none by voice vote all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

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

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #26 as amended.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 26 as amended. Any remarks under this Ordinance as amended? 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 AMENDED AS ORDINANCE NO. 27/2014**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 26 as amended has been adopted. Ordinance 27 please.

#27. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 28/2014** AMEND CHAP 181,  
INCOME TAX, OF CODIFIED ORDINANCES OF CITY OF CANTON

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #27.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 27. Any remarks? Leader.

MEMBER MORRIS: Mr. President I move we amend Ordinance #27 per copy that's in front of all Council Members.

MEMBER SMITH: Seconded.

**AMENDMENT**

*Pursuant to Rule 36, I move to amend Agenda Item No. 27 by substituting the Ordinance attached to this amendment for the Ordinance currently pending before Council.*

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PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance 27 by virtue of the copy before each Member of Council. Any remarks? Hearing none Madame Clerk, don't do anything. Roll call. Or, oh I wanted to get this done. Voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #27 as amended.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 27 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.

**#27 ADOPTED AS AMENDED AS ORDINANCE NO. 28/2014**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 27 as amended has been adopted. I know for the students out there it probably seemed a little boring but actually, Council did an enormous amount of work tonight.

CLERK TIMBERLAKE: Yes we did.

PRESIDENT SCHULMAN: A lot of work and a lot of good work. I know it seems dull and tedious. It does to me so I figure it does to you. *(Laughter)*

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SCHULMAN: Announcement of Committee Meetings.

MEMBER MARIOL: Mr. President.

PRESIDENT SCHULMAN: Yes Chairman

CLERK TIMBERLAKE: Mariol.

PRESIDENT SCHULMAN: Oh Mariol.

MEMBER MARIOL: Public Property Capital Improvement will meet March 3<sup>rd</sup> at 6:00 pm.

PRESIDENT SCHULMAN: Thank you Chairman.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk. Chairman Hawk.

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MEMBER HAWK: Thank you good sir. Finance Committee will meet at the same time, the same place. Thank you so much.

PRESIDENT SCHUMAN: Thank you.

MEMBER BABCOCK: Mr. President.

PRESIDENT SCHULMAN: Leader. Oh, wait a minute. I'm sorry.

MEMBER BABCOCK: Sorry wrong one.

PRESIDENT SCHULMAN: Chairman Babcock.

MEMBER BABCOCK: Environmental and Public Utilities will meet same time, same place.

PRESIDENT SCHULMAN: Thank you Chairman.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Any other....yes Chairman Dougherty.

MEMBER DOUGHERTY: Personnel will meet March 3<sup>rd</sup> also.

PRESIDENT SCHULMAN: Thank you. Any other announcements?

MEMBER MACK: Mr. President.

CLERK TIMBERLAKE: Edmond.

PRESIDENT SCHULMAN: Oh, Chairman Mack.

MEMBER MACK: Judiciary will meet at the same time, at the same place.

PRESIDENT SCHULMAN: Thank you.

**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: OK we turning now to Miscellaneous Business. Is there any?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes, Member West.

MEMBER WEST: First I'd like to thank Service Director, Mr. Bartos and Mike Rorar of the Street Department for doing an excellent job of filling potholes this past weekend, Saturday to be exact. But I also want to give, you know compliments to Mr. Rorar for his proactive approach. As everyone knows 12<sup>th</sup> Street is probably one of the worst streets in town for potholes. I mean I think my whole front end went into a pothole but I will say that the, instead of patching 12<sup>th</sup> Street, what they're going to do is to do an emergency procedure and they're going to mill down 12<sup>th</sup> Street from Gibbs all the way to Cleveland Avenue. And what this is going to do is

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save a, save the city a lot of money from patching cause as you guys know, patching 12<sup>th</sup> Street, one day they'll patch it. The next day it's back to the way it was prior to. So, this week they're going to spend almost like \$33,000.00 to mill that down so we, mill that down to the brick because as you guys know, we're doing 12<sup>th</sup> Street project this year anyway. So, it, I think it's a proactive approach and I appreciate their efforts in making that happen so that we can avoid a lot of those potholes on 12<sup>th</sup> Street. Thank you.

PRESIDENT SCHULMAN: Thank you Member West.

SERVICE DIRECTOR BARTOS: Mr. President.

PRESIDENT SCHULMAN: Yes, Director Bartos.

SERVICE DIRECTOR BARTOS: If I could just follow up. I thank Member West and most of the credit goes to Michael because he has done a fantastic job in my opinion. Just so you know on Saturdays, Central Allied which is our asphalt suppliers is typically not open and the asphalt that they supply to us we can't store because of the conditions it has to be stored in. So, the only way we can patch is to make continuous trips to their location. Michael was, took a proactive approach and called Central Allied and said, hey, I know you guys aren't typically open on the weekend but I'd like to call in 6 crews, 18 people in total and we're going to patch for 8 hours on overtime. Would you stay open? Is that enough to keep you guys open on Saturday? And actually they did agree to stay open. We put down some 50 tons of asphalt on Saturday. That's 100,000 pounds of asphalt that was hand shoveled by our Street Department employees so, I'd like to thank Michael, thank the employees who were out there. You know they get paid but like Mike said, you know what would you rather be doing on the nicest Saturday that we've had in months. Would you be, you know, want to be out laying asphalt down or would you want to be with your family and friends. So, I appreciate their work and I also want to say, I want to thank the residents because Michael told me that when the guys were coming back they were saying, man we feel like rock stars out there. All the residents are coming out saying thank you for what you're doing. Thank you for your hard work. Thank you for being out here on a Saturday. So, I'd like to thank those residents as well. You know the process isn't perfect and we're looking to improve everything we can. Member West did mention the emergency. There's actually 2 other emergencies that I'll be, emergency procedures that I'll be moving forward with in accordance with 105.04 of the Codified Ordinances. The Emergency Contractual Procedures Section. Along with 12<sup>th</sup> Street from Gibbs to Cleveland, we're also looking at 25<sup>th</sup> Street from the 1500 block to the 1600 block. That will have to be both milled and then repaved. I've been informed by Superintendent Rorar that's typically the, the paving material isn't made at this time of year but they've informed us that if we move forward with it, they'll produce it and they can put it down at this time of the year so, that one's going to be about \$62,000.00. We did seek a 2<sup>nd</sup> quote but it was \$80,000.00 and it was from a vendor located outside of the city. So, also knock on wood that we don't see any more snow and snow storms but our plows are in terrible shape. It's been determined that 5 plows are needed immediately as an emergency measure to insure that we have enough plows should there be another snow storm. That's going to be about an additional \$40,000.00, about \$8,000 per plow but we just have to get these right now. So, you'll be seeing Emergency Contractual Procedure notifications sent down to you next Council meeting. They'll also be slash moral obligations because these'll all be moral obs. It's a significant expense. It's about \$134,000.00 all told but I think everybody can agree that this has been an, you know a significant and you know, rough winter on our, on our streets and on our Street Department personnel and on our vehicles. So, we're going to go ahead with these unless I hear of some backlash but I think we're making the right decision here so, sorry for taking up so much time.

PRESIDENT SCHULMAN: It's alright. Thank you Director. Chairman Hawk.

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MEMBER HAWK: Mr. President, thank you. I'd also asked you while you're out there milling between Gibbs and Cleveland that you take a look a little further west. There's really some pretty serious, on 12<sup>th</sup> Street to continue it down. You've got the equipment out there. You're already going to mill it. You may as well go make it right because it is going to be part of an overall project that will be required to be done eventually anyway so I think it might be in our best interest to take a look at it and combine the two and make it, get it right. Thank you.

PRESIDENT SCHULMAN: Thank you Chairman.

SERVICE DIRECTOR BARTOS: Mr. President. As both Members Hawk and West mentioned, the 12<sup>th</sup> Street project we're going to have to redo the street anyway but we can mill it down to brick. With 25<sup>th</sup> Street we're going to have to repave it. I don't know if I mentioned this but we're going to have to actually pave it cause there's nothing underneath the concrete that's why, or the asphalt that's there currently. So, that's why we have to re, repave it right way. So, that's for the difference. The discrepancy between the two projects, why one will cost much more than the other.

PRESIDENT SCHULMAN: Thank you Director. Member Hart.

MEMBER HART: Yea just a point of correction for my Honorable Member James "Kennedy" Babcock. He was legally parked outside last week when, (*LAUGHTER*) just as a point. I don't even know why that had to be brought forth but, you know, just amazing to me what some end some people will go to. But also...

PRESIDENT SCHULMAN: I am sure Member Babcock appreciated being reminded of that.

MEMBER HART: Yea, I'm, just amazing anyway.

MEMBER DOUGHERTY: Did you check him out today too?

MEMBER HART: No, I didn't but I did hear he couldn't walk on the golf course cause I've talked to guys that watched him play and he can't play very well. But also, you know on the brick streets, I would hope that as a city, I live in Ridgewood. I look at Arnold Place, you know McGregor, some of these other streets that are brick, they've never been paved and I feel it would be a heck of lot more cost effective to strip the brick off or to strip the asphalt off of those, do the brick repairs because when it's done properly it's done. And it's going to be over the long term, I think a real cost savings to the city.

PRESIDENT SCHULMAN: Well I know you have that Communication and I'm sure they're looking into that.

MEMBER HART: Yea.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Law Director. I'm sorry, Member West.

MEMBER WEST: One more quick question for the Service Director. Since this was a really tough year, are they going to re-score or go through the community and re-score the roads. Cause obviously, I'm sure last years scoring system is probably not even worth it or am I pressing my luck. They need to look into this.

PRESIDENT SCHULMAN: Service Director.

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SERVICE DIRECTOR BARTOS: Mr. President, Member West, yea. I'm sure they're going to go back and reevaluate. Mike had a list of, I think a dozen streets that were really in terrible shape but 12<sup>th</sup> and 25<sup>th</sup> are the ones that are really bad that we're going to hit with these Emergency Procedures but, yes, I'm positive they'll go back and look at everything again.

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

LAW DIRECTOR MARTUCCIO: Thank you Mr. President, Members of Council and some members in the audience. Thank you for being patient. There are a few points we need to clean up. For you students let me segway on what President Schulman said. There's a lot of work that goes in to this, this cacophony of sound that you hear that all sounds the same and most of it starts with research, Communications, preparation of Ordinances and Committee Meetings that took place before most of you arrived. A lot of the nitty, gritty details were discussed in great detail for an hour or two before you got here so please understand that. And Council, thank you for your patience on the many amendments that came before you tonight. You need to understand that a lot of folks are actually reading these Ordinances very closely. I want to commend Council Members and Cindy and Director Bartos and Andrea Perry and our new Purchasing folks. They are reading these very, very closely making sure that we give you the best possible Ordinances we can give you with the most recent information we have. So, thank you for your patience. And for you Pete and Linda for waiting patiently through the whole meeting, I'm not aware that we have any specific regulations for snow plow private drivers. We do have some licensing for a tow truck drivers at the state and local level. I do know this, plow drivers, private plow drivers who plow people's driveways and parking lots are not allowed to put snow on the public streets or in the public alley ways. That is an offense that can be fineable, ticketable and fineable but I'm not aware of any particular restrictions. I think it's, it's probably good for homeowners to ask before they hire snow plow drivers, private drivers to make sure they have insurance in case anything comes up they need to be aware of. And speaking of insurance, to Linda's question, we the city as all the cities do in the northern part of the country that have terrible winters, try to do the best we can with the resources we have. Under Ohio law, we are partly immune from claims against us if we make our best efforts to deal with what we have. We only have as you've heard, so many trucks, so many plows and in any given shift, so many workers. It's up to our managers to try and, and assign those workers to the best of their ability to get to snow, ice and dangerous conditions. As you, many of you know, we've had a shortage of salt as have other communities. So we can only salt to the extent we have it. There's a Chapter in the Ohio Revised Code, Chapter 2744 that talks about our immunity. Now one of the TV news stations recently said it's sovereign. The king can do no wrong, essentially. Well it's not entirely sovereign. We do have a limited amount of immunity. But we as a city have to do the best we can again to try and keep our streets safe. We can't be everywhere all the time. So, when you hit those patches, patches of ice but when you're on roads that have bad potholes that we're not aware of yet because we have hundreds of miles of roads. We're not responsible for paying all the claims. We get a lot of them. We're getting a lot of claims for damaged wheels and rims and rocker arms for the potholes and we're getting claims for things like accidents that occur on ice. The General Assembly, the folks in Columbus have said to us cities, in order to protect your treasuries and let you continue to operate as governments, we're going to shift the burden and let you be immunity, let you be free from lawsuits for things that are not your fault. City or that are merely negligent. Now city people if you're really reckless, careless and want to be crazy, you can be held liable and claims can be filed against you. That's why everybody's required to have insurance and in the case where an uninsured driver, who shouldn't be out there, that's why there's a jailable offense for being an uninsured driver. When an uninsured driver runs into an insured driver, it's up to the insured drivers insurance to cover than. Unfortunately for the people who are conscience enough to cover insurance. So a lot of people, a lot of your constituents Council Members are going to be denied of their claims. Be aware and be prepared for that cause again we have to have aware, must be aware of it and we have to take steps as best we can. And finally on the snow Ordinances. We're not going to be arresting frail grandmas and elderly grandpas and sending the

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Chief out to ticket them as our 1964 Ordinance allows us to do. We're going to revisit our Ordinances in the coming year. We're going to be dragging them on a chain gang into the jails. But, we are going to revisit our Ordinances along with some of the outdated laws we have in our Code and try to do a better job....

MEMBER DOUGHERTY: Please stop him. (*LAUGHTER*)

PRESIDENT SCHULMAN: Thank you Law Director Martuccio. One quick follow up. I know Member Dougherty is very keen on leaving but I just want to say one thing. I want to congratulate all of you for passing the Firefighters contract tonight. I read in the New York Times over the weekend what public employees are going through in Wisconsin since the Republican led Governor and the Republican led Legislature took away all their rights. In Wisconsin apparently people like us and School Boards, they set the price, they set the salaries, no one can complain. And the end of the article was a woman and a woman who's working three jobs now. They give no raises. She has no benefits. It's all given to her rather than collectively bargained and that's pathetic. That's terrible. It's certainly terrible for those people in Wisconsin. We're all proud of our unions. We're certainly proud of our public employees. They do a magnificent job. This has been a brutal, brutal winter and they have performed just spectacularly well. So, I'm glad we have public unions. I'm glad we have great city workers. Leader Morris.

MEMBER MORRIS: Move to adjourn.

MEMBER SMITH: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Meeting is adjourned. (*Gavel falls*)

ADJOURNMENT TIME: 8:51 PM

ATTEST: FEBRUARY 27, 2014  
CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

APPROVED: FEBRUARY 27, 2014  
ALLEN SCHULMAN  
PRESIDENT