

MINUTES OF THE MEETING OF APRIL 21, 2008

PRESIDENT SCHULMAN: Okay. Good evening ladies and gentlemen. I'm sorry we're a little late tonight, ah, we were having an active discussion in our caucus about improving our city. Before we ah, call the meeting to order, I, I just wanna make one point, because I think there may be some misunderstanding. We do have a public speaks and I know that there are number of public speakers signed up tonight and we appreciate that and we welcome you and we are interested in hearing what you have to say, and, when you come up, I will remind you that there's a 3 minute rule that we have in City Council. That is, we ask that you keep your remarks to 3 minutes and I always say, ah, after that, or really, before public speaks, that all the members of Council and the Mayor and his Administration and the Directors will be here to answer any questions you might have. Those questions and those answers are all off the record. Um, they are, on the record with you, but they are not a part of the committee minutes, the council minutes. So, if you go on line and listen to the speeches, you will not necessary hear the responses of members of Council. That how it is in every legislative body in the United States. I don't want anybody to think that ah, by virtue of the fact that the answers that are given by the Mayor, his Administration, members of Council ah, are not on the record means somehow that we do not want them to be known to the public. So, with a quorum being present, the Chair will calls this meeting of Canton City Council to order. Roll call please, Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

12 COUNCILMEMBERS PRESENT: (DON CASAR, JOE CARBENIA, MARY M. CIRELLI, BILL SMUCKLER, GREG HAWK, THOMAS E. WEST, JAMES GRIFFIN, CHRIS SMITH, TERRY PRATER, DAVID R. DOUGHERTY, PATRICK BARTON & "BUTCH" KRAUS)

CLERK TIMBERLAKE: All present, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. We'll have our invocation given tonight by Councilmember Mary Cirelli. If you would all remain standing for the Pledge of Allegiance please.

The regular meeting of Canton City Council was held on Monday, April 21, 2008 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 Councilmember-At-Large Mary Cirelli, followed by the Pledge of Allegiance led by President Schulman

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: We're now under agenda corrections and changes. Members of Council, you're being asked to suspend Rule 22A to add Communications #193, #194, #195 and, to add the second reading of Ordinances #12 through #21, with the exception of Ordinance #13, #19 and #20, which will be retained in committee. Member Casar, if you can repeat that, the Chair will recognize that motion.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add ah, Communications #193, #194, #195 and put on the agenda for second reading Ordinances ah, #12, #14, #15, #16, #17, #18 and #21.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A. Are there any remarks?... If not, ah, Madame Clerk, roll call vote, please.

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries and the Communications and Ordinances are therefore a part of your legal agenda this evening.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We are now under Public Hearings. There are no public hearings this evening.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We're now under Public Speaks on Ordinances and Resolutions for adoption. We have no speakers signed up this evening.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We're now under Informal Resolutions. Madame Clerk, would you please read Resolution #44 by title.

#44. SMITH, CHRIS, WARD 4 COUNCILMEMBER: (POSTPONED FR: 4/14/08) SUPPORT FUNDING FOR WATER FACILITY IN WARD 4. - POSTPONED UNTIL 5/19/08

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President. I move we adopt Resolution #44, Mr. President.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President. Ah, after talking to Chris Smith, the Fourth Ward Councilperson, we are gonna ask to have this postponed until May 19th, which is ah, 4 weeks from today. Ah, I intend, as Parks and Recreation Committee Chairman, to ah, announce a Committee, a Water Parks Committee and/or a Swimming Park, ah, Swimming Pool Committee, and a recommendation back to this Council by May 19th, that's 1 month, and ah, and then, ah, we have the funds to go and get, get on the fast track, we, we, we drug our feet on it for the last couple 3 years and we want to see this move and move quickly and ah, ah, and I promised Chris Smith, the Fourth Ward Councilperson that we would be back in this Council by May 19th.

PRESIDENT SCHULMAN: Is there a second?

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to postpone Resolution #44 until May 19th, 2008. Are there any remarks to this motion? If not, by voice vote all those in favor, signify by saying aye. Those opposed no. The motion carries and the Resolution is therefore postponed until May 19th, 2008. And by the way, I think that was a ah, a very wise compromise.

NO REMARKS RESOLUTION #44 POSTPONED UNTIL 5/19/08 BY UNANIMOUS VOICE VOTE

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PRESIDENT SCHULMAN: Ah, Informal Resolution #45, Madame Clerk

#45. PERSONNEL COMMITTEE: REQUEST CONFIRMATION OF RE-APPOINTMENT OF PAULINE DOWNING COMMENCING 5/1/08 THRU 4/30/11 AND CONFIRMATION OF APPOINTMENT OF LESTER SANDERS FOR UNEXPIRED TERM EFFECTIVE 4/9/08 BOTH TO FAIR EMPLOYMENT PRACTICES BOARD. - ADOPTED

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President. I move we adopt Resolution #45.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #45. Are there any remarks under this Resolution?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no. The motion carries.

NO REMARKS RESOLUTION #45 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: A motion, or, I'm sorry, Informal Resolution #46 please.

#46. PERSONNEL COMMITTEE: REQUEST CONFIRMATION OF APPOINTMENT OF INDIA JENKINS TO INVESTMENT BOARD RETROACTIVE COMMENCING 1/1/08 - 12/31/09. - ADOPTED

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President. I move we adopt Resolution #46.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #46. Are there any remarks under this Resolution?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS RESOLUTION #46 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: Resolution #46 is therefore adopted. Resolution #47 Madame Clerk.

#47. PERSONNEL COMMITTEE: REQUEST CONFIRMATION OF APPOINTMENT OF BERNADINE JENKINS TO BOARD OF HEALTH FOR 5 YEARS COMMENCING RETROACTIVELY 4/1/08 THRU 3/31/13. - ADOPTED

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: Mr. President. I move we adopt Resolution #47.

MEMBER CARBENIA: Seconded.

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PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #47. Are there any remarks under this Ordinance?... If not, by voice vote, all those in favor signify by saying aye. Those opposed no. Resolution #47 is adopted.

NO REMARKS RESOLUTION #47 PASSED UNANIMOUSLY BY VOICE VOTE

COMMUNICATIONS

PRESIDENT SCHULMAN: We're now under the communications. Let it...let the Journal show that all communications are received as read.

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED APRIL 21, 2008. COMMUNICATIONS #193, #194 & #195 WERE ADDED TO THE AGENDA ON THE FLOOR OF COUNCIL.

184. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO AGMT W/KOCH KNIGHT LLC FOR NEW ECONOMIC GROWTH INITIATIVES. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

185. MAYOR HEALY: REQ APPROVAL OF APPT OF JAMES SLOAN TO CANTON CONSTRUCTION BD FOR 3 YR TERM RETRO COMMENCING 1/1/08 - 12/21/10. - PERSONNEL COMMITTEE

186. MAYOR HEALY: REQ APPROVAL OF APPT OF RODNEY MEADOWS TO ARCHITECTURAL REVIEW BD RETRO COMMENCING 1/1/08 - 12/31/11. - PERSONNEL COMMITTEE

187. MAYOR HEALY: ADVISING OF APPT OF PHILLIP PALUMBO TO CANTON CITY PLANNING COMM EFF 4/15/08 - 12/31/12. - RECEIVED & FILED

188. MAYOR HEALY: INFORMING OF APPT OF DONALD PETERSON III TO CCIC. - RECEIVED & FILED

189. MAYOR HEALY: INFORMING OF APPT OF DANNY THOMPSON TO COMM REINV AREA HSNQ COUNCIL RETRO COMMENCING 3/1/08 - 2/28/13. - RECEIVED & FILED

190. SAFETY DIRECTOR NESBITT: REQ SEVERAL PROPERTIES TO BE CERTIFIED FOR DEMOLITION. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

191. SERVICE DIRECTOR BERNABEI: REQ AUTHORIZATION TO ENTER INTO PROF SERVS AGMT W/KIKO AUCTIONEERS, INC TO CONDUCT AUCTIONS @ CANTON SERVICE CENTER FOR SALE OF JUNK & SCRAP & IMPOUNDED VEHICLES. - FINANCE COMMITTEE

192. WEST, T., WARD 2 CNCLMN: REQ NEW "LAY AREA" FOR STORAGE OF MATERIALS CURRENTLY STORED AT NIMISILLA PK. - RECEIVED & FILED

193. SERVICE DIRECTOR BERNABEI: REQ TO AMEND O#10 ON 3RD RDG TO INCLUDE \$30,000.00 APPROP FR: 4501 CAPITAL IMPROV FUND TO: PARK DEPT. - RECEIVED & FILED

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194. SERVICE DIRECTOR BERNABEI: REQ \$139,984.00 APPROP FOR SUMMER EMPLOYMENT @ STREET, PARK & YOUTH DEPTS, SUMMER YOUTH FOOD SERVICE PROG & SUMMER YOUTH SWIMMING PROGRAM. - FINANCE COMMITTEE

195. SERVICE DIRECTOR BERNABEI & SAFETY DIRECTOR NESBITT: AUTHORIZE SERV DIR &/OR SAF DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR PURCHASE &/OR LEASE OF VEHICLES &/OR EQUIPMENT; REQ \$1,617,200.00 SUPP APPROP FOR SAME. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

NOTE: PRESIDENT ALLEN SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #11 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

#1. (1ST RDG) A RESOLUTION DECLARING THE NECESSITY AND INTENT OF THE CITY OF CANTON TO ACQUIRE AN EASEMENT IN PROPERTY OUTSIDE THE CITY'S CORPORATE LIMITS PURSUANT TO OHIO REVISED CODE CHAPTER 719 TO PROMOTE DRAINAGE OF THE CITY OF CANTON'S PUBLIC ROADWAY AND STORM WATER SYSTEM IN AN ADJACENT PROPERTY OWNED BY CANTON COMMERCE DEVELOPMENT LLC; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Safety and Thoroughfares Committee

#2. (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 15140 AND 15141 AND PARTS OF LOTS 15137 THRU 15139; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Safety and Thoroughfares Committee

#3. (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE FINAL SUBDIVISION PLAT FOR MILLS INDUSTRIAL PARK IN THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Safety and Thoroughfares Committee

#4. (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 6966 THRU 6969, PARTS OF LOTS 6964 AND 6965 AND PARTS OF LOTS 6935 THRU 6940; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Safety and Thoroughfares Committee

#5. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH CANTON MEDIA WORKS PUBLISHING, LLC FOR THE PUBLICATION OF THE CANTON QUARTERLY MAGAZINE FOR CALENDAR YEAR 2008; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH CANTON COMMUNITY IMPROVEMENT CORPORATION FOR THE DISTRIBUTION OF THE

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CANTON QUARTERLY MAGAZINE; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

#6. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE ASPHALT RESURFACING PROGRAM FOR 2008; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

#7. (1ST RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO PERRY TOWNSHIP; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE EXTENSION OF SAID WATER MAIN; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Environmental and Public Utilities Committee

#8. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT A GRANT FROM ASHLAND, INC.; AUTHORIZING THE AUDITOR TO ESTABLISH THE 5225 CARNWISE WATER MAIN EXTENSION FUND; AMENDING SUPPLEMENTAL APPROPRIATION ORDINANCE NO. 1/2008; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR SAID WATER MAIN EXTENSION; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Environmental and Public Utilities Committee

#9. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON SYMPHONY ORCHESTRA ASSOCIATION IN AN AMOUNT NOT TO EXCEED \$30,156.37 FOR THE 2008 CONCERT IN THE PARK

Referred to Finance Committee

#10. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS, APPROPRIATION TRANSFER, ADVANCE AND ADVANCE REPAYMENT HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

#11. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE 2008 SIDEWALK PROGRAM; AMENDING APPROPRIATION ORDINANCE NO. 1/2008, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFER HEREIN DESCRIBED AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We are now under Ordinances for their second reading. Madame Clerk, will you please read the Ordinances #12, #14, #15, #16, #17, #18, and #21 by title.

NOTE: PRESIDENT ALLEN SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #12, #14, #15, #16, #17, #18, & #21 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

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#12. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED ENTERPRISE ZONE AGREEMENT WITH HYDRODEC NORTH AMERICA, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY

(Retained in Cmte 3/3, 3/10, 3/17, 3/24, 3/31, & 4/14/08)

#13. (2ND RDG) **(RETAINED IN CMTE 4/14 & 4/21/08)** AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

#14. (2ND RDG) AN ORDINANCE AMENDING SECTION 975.08, RATES; RESPONSIBILITY OF PUBLIC SERVICE DIRECTOR, OF THE CODIFIED ORDINANCES; AND DECLARING THE SAME TO BE AN EMERGENCY

(Retained in Cmte 4/14/08)

#15. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH RMI TITANIUM COMPANY

(Retained in Cmte 4/14/08)

#16. (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY **PUB HRG 4/28/08 @ 7:30PM**

#17. (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY **PUB HRG 4/28/08 @ 7:31PM**

#18. (2ND RDG) A RESOLUTION ACCEPTING THE TAX INCENTIVE REVIEW COUNCIL'S RECOMMENDATIONS REGARDING ENTERPRISE ZONE TAX ABATEMENT AGREEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

#19. (2ND RDG) **(RETAINED IN CMTE)** AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

#20. (2ND RDG) **(RETAINED IN CMTE)** AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

#21. (2ND RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE FIRST TEE OF CANTON INC. ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Thank you Madame Clerk. You're really earning your wages tonight.

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PRESIDENT SCHULMAN: We're now under, unless you'd like to read them one more time.....

CLERK TIMBERLAKE: That's quite all right.

PRESIDENT SCHULMAN: We're now under Ordinances, the third and final reading. Ah, Member Casar, on Ordinance #22, what is your pleasure?

NOTE: PRESIDENT ALLEN SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #22 THROUGH #24 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS. ORDINANCE #22 WAS REFERRED BACK TO COMMITTEE. ORDINANCES #23 & #24 WERE ADOPTED BY COUNCIL FOLLOWING THEIR THIRD READING.

MEMBER CASAR: Ah, Mr. President, um, Ordinance #22 referred back to Committee, the Judiciary Committee or the Law Director. In fact, ah, Law Director ah, Martuccio, would you like to explain that quickly?

LAW DIRECTOR MARTUCCIO: Thank you.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, Member Casar, Members of Council. As you are aware, this attempts to change an existing Codified Ordinance to amend who the signatories are for monies spent from the Forfeiture Funds. The Department of Justice has guidelines that mandate how some of those funds are to be used. We are in the process of researching who mandatory signatures have to be among people like Police Chief, Safety Director and so on. Ah, we believe the language is a little ambiguous and the greater weight of evidence falls one way over another, however, we are going to ask the Department of Justice if they can issue an opinion or assist us in clarifying that. Ah, so, in the meantime, I ask you to refer it back to committee until we get a good clear answer as to the Federal guidelines as to that particular series of funds. Thank you.

MEMBER SMUCKLER: Mr. President.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: Law Director, are we also asking whether Council can be involved in that process too?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President. Member Smuckler. Council can be involved in the process. Ah, there are examples that we have received by way of email from someone at the DOJ indicating that committees can be involved in, in accessing how the monies are to be spent. The bottom line though,

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the final question, is who must be the signatory on releasing those funds? Now, obviously anything over \$15,000.00 if it's professional service, anything over \$20,000.00 if it's a purchase of goods, like firearms, have to come through Council anyway. But, there are a number of expenditures up to that \$15 or \$20,000.00 threshold that Council um, can have a look at. One of the things we suggested that we could run by the DOJ, if that's your pleasure, is that the reports ah, periodic reports, be submitted to Council indicating where the monies have gone or where the requisitions are being asked for.

MEMBER SMUCKLER: In the past, out of that fund, have we spent over \$15,000.00... and has it come to City Council?

PRESIDENT SCHULMAN: Director.

LAW DIRECTOR MARTUCCIO: Mr. President. Member Smuckler. I believe we have, but I can't site an example for you.

MEMBER SMUCKLER: It has come to City Council?

LAW DIRECTOR MARTUCCIO: It would have to have under our, our particular Ordinances and State law.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Law Director Martuccio. Did you say you have an email explaining the ah, significance, I mean where the funding or what have you, should go?

PRESIDENT SCHULMAN: Director.

LAW DIRECTOR MARTUCCIO: Mr. President. Member Cirelli. There is an email... no, not to that extent. The email did not answer that particular question, but it did say that in some jurisdictions, various groups have been put together to analyze how to expend the funds but, the bottom line still remains, does a particular law enforcement officer, like a sheriff, a prosecutor or a chief of police have to be the final signatory. That's where the legal research is now.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Law Director Martuccio. Um, is there a particular date that you're looking at this to come out of the Judiciary Committee.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Director Martuccio.

LAW DIRECTOR MARTUCCIO: Member West, I don't know. I, I, we've not asked the Federal Department of Justice for that kind of assistance before. I wish I could give you a date.

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PRESIDENT SCHULMAN: Any other questions, before we ah, decide, before the Leader decides what we're going to do, I'd ask the Clerk to read the Ordinance please.

#22. (3RD RDG) **REFERRED BACK TO JUDICIARY COMMITTEE** AN ORDINANCE AMENDING SECTION 131.10, POLICE DEPARTMENT TRUST FUNDS, OF THE CODIFIED ORDINANCES

PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we refer this back to Committee.

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to refer this (Ordinance #22) back to the Judiciary Committee. Member Casar..... back to Committee. Any remarks?... Ah, Madame Clerk, roll call vote please.

MEMBER WEST: Mr. President.....

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: The motion to refer it back to Committee is ah, carried. Member West, I didn't mean to cut you off.

MEMBER WEST: No, that's fine.

PRESIDENT SCHULMAN: Okay. Ah, Ordinance #23 please Madame Clerk.

#23. (3RD RDG) **ADOPTED AS ORDINANCE #45/2008** AN ORDINANCE THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF 165 SPECIALIZED BULLETPROOF VESTS AND 10 STANDARD BULLETPROOF VESTS FOR THE FIRE DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I move we adopt Ordinance #23.

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MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and properly seconded to adopt Ordinance #23. Are there any remarks under this Ordinance? If not, 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 #23 adopted. Ordinance #24 please.
#23 ADOPTED AS ORDINANCE NO. 45/2008

#24. (3RD RDG) **ADOPTED AS ORDINANCE #46/2008** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE LEASE OF A BACKHOE LOADER FOR THE WATER DEPARTMENT; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ALTERNATIVELY LEASE SAID BACKHOE LOADER PURSUANT TO OHIO REVISED CODE SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Member Casar.

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

MEMBER CARBENIA: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #24. Are there any remarks under this Ordinance?... If not, 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 #24 is adopted.
#24 ADOPTED AS ORDINANCE NO. 46/2008

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: We're now under announcement of Committee meetings.

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel Committee will meet Monday, April 28th at 5:45.

MEMBER KRAUS: Mr. President.

MEMBER HAWK: Mr. President

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PRESIDENT SCHULMAN: Member Kraus.

MEMBER KRAUS: Public Safety and Thoroughfares will meet 4/28 at 5:45.

PRESIDENT SCHULMAN: Member Hark.

MEMBER HAWK: Finance Committee will meet 5:45 next Monday, the 28th.

PRESIDENT SCHULMAN: Thank you.

MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: Member Griffin.

MEMBER GRIFFIN: Environmental and Public Utilities will meet on April the 28th at 6:40.... 5:45.

PRESIDENT SCHULMAN: Thank you. Is that all the Committee meetings? Okay.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: We're now under Public Speaks, open forum. As I indicated at the outset of tonight's meeting, ah, we are very interested in hearing what you have to say. I hope you don't take offense to the time limitation but, we have ah, created a rule that ah, restricts your time to 3 minutes and as I say again, members of Council, the Mayor, his Administration, the Law Department Director will be here, after the meeting to answer any questions or to listen to anything you have to say. So, our first speaker, and I apologize if I mispronounce your name, please tell me. Ah, Patti Fetzer. Miss Fetzer, good evening and if you could tell us your name and your residential address please.

MS. FETZER: Hi. I'm Patti Fetzer and my residential address is 308 Eastbury Avenue NE, North Canton, Ohio.

PRESIDENT SCHULMAN: And welcome, thank you.

MS. FETZER: Um, but I'm here actually, as I've been um, working for Community Services of Stark County as their Community Liaison for a number of years and that is located at 625 Cleveland Avenue NW, but, I want to thank you Mr. President, Mayor Healy, Members of City Council and Members of the City's Administration, as well as members that are in the audience from the Canton City Recreation Committee for this opportunity to introduce to you, some recommendations that you all have um, I know that, can Gina pass these out before the meetings. Um, and, the reason these are very important, these are recommendations on Canton City Recreations that come directly from youths of Canton City. It's very important to note because a lot of decisions have been made for a lotta years that haven't involved the voice of our young people and we've been going through a series of discussions since June of 2006 with young people and they have consistently been giving us the same information and the same visions for what they'd like to see happen in Canton City, around recreation and the neat thing that's been happening within the last year is that a lot of us adults in the community, that work with youths have also been coming together. Key adults like Lester Sanders who's part of the gang prevention work, Erica Thom who's part of the drug prevention work, Ramone Stokes who is always an advocate for youth, um, Tiffany Williams with the Mentor Network and a number of other key people. Mari Moss, of course PEACE TV who you see here every week. But, these recommendations um, account for what they speak to and I'm going to allow them to speak to them but

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what's most important is that they wanna be at the tables and part of the decision-making process and they have some neat ideas and some solutions that will help um, keep the Center's staff, also help keep the membership up and um, get some young people off the streets. So, I hope you take the time to really read these. Even take them home, study them um, but especially hear their voices tonight because they'll inspire you, they'll inspire a city like they inspire me on a daily basis. Thank you. *(APPLAUSE)*

PRESIDENT SCHULMAN: Thank you very much.

MS. FETZER: *(SPOKE FROM THE AUDIENCE AND WAS BARELY AUDIBLE)* Is there anyone in the audience that did not get one of the recommendations. We can pass those around.

PRESIDENT SCHULMAN: Thank you Ms. Fetzer. Ah, our next speaker in line with ah, um, Ms. Fetzer's presentation is Joe Payne. Joe, and I know you've been here for some of the other meetings. We appreciate your interest and your coming down. Could you tell us your name and your residential address, Joe?

MR. PAYNE: Ah, yes. My name is Joe Payne and I live at 2337 Winfield Way NE, Canton, Ohio and I grew up in this community for about 12 years and I know where my heart's at. It's in this community and I got a lotta family and friends that live around here and I'm gonna say that it's more violence and more bad things being promoted in the community than there is good things and I know everybody in here probably heard of the story David and Goliath, he took that giant, even though everyone was scared of him, well, the things is, I wanna take on that giant, but, I need everybody else to help me by taking on that giant, which is, let's having something for our community to do other than go out there, hurtin' each other, takin' from each other and taking things that don't belong to them, including people's hearts. So, my plan is, well, our plan is as young people, we take a lotta time out of our lives to try to fix our community, so, if something don't take it out, then this cycle is going to continue and bad things are going to continue to happen. And, my plan is, our plan is to put something good into the community. That way, our young people can have something to do and not only something to do but, so they could exercise their sk... exercise their skills because one day we'll be taking care of you-all as you're taking care of us right now *(APPLAUSE)* so.... and, what I'm sayin' by that is, we need to put a rec center in the middle of downtown that way, everyone will feel safe to come out and participate in some positive things except for going out there and participating in the gang violence. And, if, at the Rec Centers we could have culinary classes, art programs and music studios, dancing um, for home problems we could have counseling and guidances and even prayer for any religion, just a free place to go in there and enjoy yourself and feel safe doin' it other than being out in the streets where you can be harmed. And, I just want to thank you-all for you-all time. I hope you all take this into consideration for people, or people who don't live around in the community and listen to people that do live around in the community to see what's going on everyday. So, thank you for your time. *(APPLAUSE)*

PRESIDENT SCHULMAN: Joe, can you, before... Joe, before you sit down, ah, where are you in school, what grade are you in?

MR. PAYNE: *(SPOKE FROM THE AUDIENCE AND WAS BARELY AUDIBLE)* Um, I'm a senior and I graduate this year *(APPLAUSE)*

PRESIDENT SCHULMAN: Good, good for you. Thank you very much. I appreciate that. Our next speaker in line again with ah, Joe and ah, Ms. Fetzer's statement to us is Tangina Stone. Tangina, would you come up and give us your name and your residential address please.

MS. STONE: My name is Tangina Stone. I live on 1819 4th Street NE. *(MS. STONE ANNOUNCED HER*

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ADDRESS AS 4TH STREET NE BUT WAS SIGNED IN AS 4TH STREET SE)

PRESIDENT SCHULMAN: Good evening.

MS. STONE: Good evening. Um, thank you Mr. President, Mayor Healy, Members of City Council and yeah. I'm here to represent young people because I feel as if we need someone at the table. I'm not alone. There's a whole group of us. If anyone knows what young people want, it's a young person. We need things that will interest young people and keep them off the street, but first we have to understand why they are on the streets in the first place. Young people are on the streets because of lack of things to do and they sell drugs because they don't have money. I witnessed this first-hand. I'm here to offer solutions because we definitely have some problems. I, among some of the other young people, want to be a part of that solution. We meet week after week trying to find ways to make this community better. We need adults that will support us. I recommend that we create some recreation. I don't think that I'm the only one who has noticed that things in this city have changed. Things have gotten a lot harder for young people. You have to really try hard to stay outta trouble because it's so easy to find with no money and nothing to do. Like I said, things have changed and our recreation has not. We need a 21st century recreation center because we are youth living in the 21st century. I recommend that you'd work in our recreation centers and if we create a recreation and hire youth to work there, we would, we would create solutions for some problems already, which are finding things to do and finding ways to get money as young people, without selling drugs. If we don't find a solution soon, our problems will only get worse and I really don't wanna see that happen. I am not afraid to admit that I am afraid of what this summer will be like without recreation. School is out for the summer which only means there's more time for young people to run the street and get into trouble. I recommend that our recreation center should be built in downtown Canton. We all know there's a gang problem in this town. We should build our center in a place where we could promote unity in our community. It would be accessible for youth all over the city and there wouldn't be a problem with gang members fighting over territory. In the recreation center, we won't gang members, we won't be white, black, yellow, rich or poor, it will just be the youth of Canton City. Thank you. *(APPLAUSE)*

PRESIDENT SCHULMAN: Thank you Tangina, before you sit down, tell us a little bit about you. Where are you going to school and what grade are you in?

MS. STONE: *(INAUDIBLE)*

PRESIDENT SCHULMAN: Good for you. Thank you very much. That was excellent. Thanks to all of you, Joe, Tangina, thank you. Ms. Fetzer, thank you. Our next speaker is ah, Rick Simmons. Rick, good evening. If you could give us your name and your address please.

MR. SIMMONS: My name is Rick Simmons. I live at 2522 Winfield Way NE.

PRESIDENT SCHULMAN: Good evening.

MR. SIMMONS: Good evening Council. Ah, I'm the President of Canton Youth Football League. The Canton Youth Football League has partnered up with the J. Babe Stearn Center to bring quality youth league to the City of Canton. We, as the Canton Youth Football League are interested in helping all the youth in Canton, northeast, northeast, southeast and southwest. We plan to have a 12 team minimum league with 6 teams in the 8, 9, 10 Division with 6 teams in the 11 and 12 year old Division. Our league will strive to teach life skills, such as respect, discipline, team work and self worth and the sportsmanship while the kids learn the basics of football.

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All head coaches are required to achieve certification from the USA Youth Football that is sponsored by the NFL. Um, we, the Canton Youth Football League, recognize all kids do not have the same abilities and skills so we have a junior varsity, a varsity for the kids. The varsity games will be played for the kids that have skills needed to play the game of football. The junior varsity game will be for the kids that are new to the game of football or just need to, or, or just need to um, a little more development. This format will allow the kids to fully participate in actual games and allow each kid to develop and grow at their own pace. The Canton Youth Football League will make education a top priority. Weekly, each child will have an academic form to complete and sign by their teacher. This form will show how well or poor the student is doing in school that week. If a child receives a poor evaluation for that week, that child would not participate in the game for that week, also that child will return, also before that, before returning to practice, that child will be required to go to a study table and receive tutoring at the J. Babe Stearn Center and we, the Canton Youth Football League always love the kids more than the game. So, our thing is, we wanna try to help get these kids off the streets. I applaud these young kids that came up here and spoke up cuz I work for the City of Canton and I been there 8 years on the street and I've seen the stuff that they are talking about and if that sign is correct, this is the year of the neighborhood, it's time for the City of Canton to give back to the neighborhoods. So...(APPLAUSE) um, I appreciate, I appreciate you guys listening to me. Ah, I also would like to thank all the Councilmen, Mr. Hawk, Mr. West, Ms. Smith, Mr. Prater, Mr. Dougherty, Mr. Barton, Mr. Kraus, and Mr. Smuckler. Thank you for supporting us cuz tomorrow I have a meeting with Ron Johnson and we will be playing youth football in this league, in this city. So, I would like, if all the other Councilmen would support us, we gettin' our own money, not through the J. Babe Stearn Center, we just rent it through there. We have our money budgeted through there. We gonna be outta this through the J. Babe Stearn Center and also my Treasurer, who's sittin' here, Raymond Stokes so any money that comes through will be seen for anybody to come down within 30 seconds which, to see what we doin'. And, I appreciate all you guys support and hopefully I can get the Mayor's signature on here.

PRESIDENT SCHULMAN: Thank you Mr. Simmons very much. Thank you sir. Good job. (APPLAUSE) Now, if we could get Mr. Simmons together with ah, Joe and Tingina, we've gotta great start here. Our last speaker this evening is ah, Elaine Irwin. Ms. Irwin. Good evening. If you can give us your name and your residential address, ah, please?

MS. IRWIN: My name is Elaine Irwin. I live at 4020 Faircrest Street SW, Perry Township.

PRESIDENT SCHULMAN: And good evening.

MS. IRWIN: Southwest.

PRESIDENT SCHULMAN: Good evening to you.

MS. IRWIN: Thank you. Ah, thank you all for allowing me to be here tonight to speak in the interest of brevity, I brought one of these for most of you to read at your, at your leisure. I will not read the cover letter because it is lengthy but what I would like to do, again in the interest of brevity, is to um, hit the high spots. I've highlighted some and to um, explain some facts and circumstances. This is, as you well know, is regarding the Mills Industrial Park or Development. Ah, looking at the chain of events, if you wanna just flip through the pages, as I go, the first thing after the cover letter is the ah, Ordinance, 262/2003, where the Canton Regional Chamber of Commerce has formed a limited liability agency known as Canton Commerce Development LLC for the purpose of purchasing the Mills Park and developing it into an industrial park at a projected cost of \$3.2 million. The next page, ah, the request is to appoint the Canton Commerce Development as the City's agent to apply for and secure a state of, the State of Ohio loan for \$1.3 million,

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section 3 ah, Mayor, blah, blah, donating \$200,000.00 in the year 2004, \$200,000.00 in the year 2005, next page.....

PRESIDENT SCHULMAN: Ms. Irwin, I hate to, sorry to interrupt. Ah, your, you have about a minute and 15 seconds....

MS. IRWIN: Okay.

PRESIDENT SCHULMAN: ... and I hate to have you waste it going through probably what this Council already knows. If you could tell us ah....

MS. IRWIN: In sum?

PRESIDENT SCHULMAN: In sum, if you could summarize what you're hear to say.

MS. IRWIN: Summarizing?

PRESIDENT SCHULMAN: Yes.

MS. IRWIN: Okay, I believe.....

PRESIDENT SCHULMAN: I don't mean to cut you off.

MS. IRWIN: I believe there are a lot of things that this Council is not aware of. I am giving everyone here the benefit of the doubt that you do not know and are, are not aware through no fault of your own, of all of the facts and circumstances surrounding my position on this topic. There have been many things that have happened. There have been many things that have been done. Ah, most of them are documented and documentable, that you may not have had any need to be aware of but they all involve the Mills Development and they all involve me. Ah, together, with loans, grants, etc., etc., I believe I've uncovered at least \$4.6 that have been dedicated in loans and grants to that development. The development needs part of my land to dump their industrial storm water across. They have no legal right to do that. I have that on authority from Counsel, several. Ah.

PRESIDENT SCHULMAN: Okay. Ah, I hate, I hate, could you, I've given you a little more time. I don't mean to cut you off but it seems to me that...

MS. IRWIN: That was a fast 3 minutes.

PRESIDENT SCHULMAN: your complaint is that um, I think we've heard there's an easement or something along that nature.

MS. IRWIN: The Ord... the Ordinance that, that was prepared for the first reading tonight?

PRESIDENT SCHULMAN: Yes.

MS. IRWIN: I understand last week on the agenda it mentioned my property by the, by address.

PRESIDENT SCHULMAN: All right.

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MS. IRWIN: Ah, I included in the last few pages of this document, on this missive, the Ohio Revised Code that was quoted as the reason or ability for ah, the City of Canton to take my land, Chapter 719, appropriation of property.

PRESIDENT SCHULMAN: Right. Okay. All right. Well, I think we understand. I, I've actually given you 4 minutes but, um, we appreciate you coming down. Ah, does everyone in Council have the hand-out? All right. And as I say, ma'am, we'll be here afterwards, if you.... I know you've been talking to our Law Director, I believe. Ah, everyone will be here to answer any questions you might have. All right?

MS. IRWIN: Sure.

PRESIDENT SCHULMAN: Thank you very much.

MS. IRWIN: Okay.

PRESIDENT SCHULMAN: I appreciate it. Okay, and that concludes Public Speaks.

MISCELLANEOUS BUSINESS

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

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Ah, Mr. Bernabei, on the, on the communication, I think it's #193, #194, #195, just for the record, if we can read that. Ah, one of the issues in there was the swimming pool, summer swimming pool recreation. I think the kids would like to hear that and I know that the YMCA, many people know that the YMCA closed down last summer and ah, they are going to open that back up for the summer, so, if you could just site that and let people know. (APPLAUSE)

SERVICE DIRECTOR BERNABEI: Mr. President.

PRESIDENT SCHULMAN: Director Bernabei.

SERVICE DIRECTOR BERNABEI: Member West. Ah, I unfortunately did not bring with me the, the file that has the, contains the details in regards to this subject, but, a portion of the one communication that Council added to the agenda tonight, ah, provides for a request City Council for funding in the amount of \$25,000.00 for a summer youth swimming program. That will pay the facility cost of local pools who have agreed to participate in this program which will be operated by the Joint Recreation District. Ah, swimming will be available to the youths within the City of Canton at, at the Canton YMCA. The YMCA pool has been closed, but the Board, I know, met last week and agreed that they would open their pool this summer for this particular program at the Northeast Community Center, at the Jewish Center pool and at the Canton Schools Natatorium.

MEMBER WEST: Thank you so much and I'd like to also thank the Mayor ah, Service Director and of course, Finance Committee Greg Hawk and Bill Smuckler for also pushing this legislation, or, this

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communication. Thank you.

PRESIDENT SCHULMAN: Thank you Member West. Any other miscellaneous remarks? Member Casar.

MEMBER CASAR: Mr President, I move we adjourn.

MEMBER CARBENIA: Seconded.

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

NO REMARKS ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: The meeting is adjourned. (*Gavel falls*) Thank you.

ADJOURNMENT TIME: 8:26 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT