

MINUTES OF THE MEETING OF AUGUST 17, 2009

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

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

10 COUNCILMEMBERS PRESENT: (DON CASAR, MARY CIRELLI, BILL SMUCKLER, GREG HAWK, THOMAS WEST, JAMES GRIFFIN, TERRY PRATER, DAVID DOUGHERTY, PATRICK BARTON, & KARL "BUTCH" KRAUS)

TEN COUNCIL MEMBERS PRESENT: (CHRIS SMITH ABSENT)

CLERK TIMBERLAKE: Ten present, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. I approach tonight's meeting with a heavy heart. Our Council had lost a dear friend and Canton has lost a courageous champion for justice and for working men and women. Joe Carbenia was a great public servant. A great public servant and in these difficult economic times that our country faces, he will be solely missed in this Council, in this city. May God bless Joe Carbenia, may he rest his soul and may God shed his grace on this wonderful family, who really are the seeds of the next generation and will continue all the wonderful and caring concerns that Joe reflected in his entire life. We are deeply saddened over his loss and I am going to exercise some prerogative here and rather than go through our customary procedures, I'd like to turn now to the special tribute for our dear friend, Joe Carbenia. Leader Casar.

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

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution 46. Are there any remarks? Leader Casar.

MEMBER CASAR: Yes, sir. I'd like to have the Carbenia family come forward, please.

CLERK TIMBERLAKE: To the podium please.

MEMBER CASAR: Clare, Gary, Gino, Joey, Guy's not here, and Michele. The children of Member Carbenia as a Member of Canton City Council all City Council should take this moment to send the family a proclamation of Joe's service to the City of Canton and also number one to his family and to the City of Canton. As you know, Joe was a dear friend of mine and I thoroughly miss him just as anyone else in this Chamber. Joe worked hard as a Council Person. Joe worked hard at his constituencies. Joe worked hard for the unions, he worked hard for the Fire Department and Joe was well respected and was a good, good man and a very good citizen in the City of Canton. I know that in my heart I don't think that I will ever have anyone to replace him as he sat on my right hand side for the last six, seven years now and Joe did wonders for the City of Canton. I just want to thank all the members of the Carbenia family, especially Clare and give her this Resolution from all Council Members and I also want to make it known tonight that I spoke with the chief of, Fire Chief today and that I am going to be submitting communications shortly and to name the new Fire Station, Joe Carbenia Fire Station #4 and that will

MINUTES OF THE MEETING OF AUGUST 17, 2009

be a forthcoming legislation in the next two weeks, so I think that would be a tribute to Joe, a lasting tribute to the many, many decades that come to this city and when we see that Fire Station on 25th & Cleveland, they'll know that, what that stood for to dedicated and hard working firemen and also a citizen and great assistant and number one family man that you could be proud of him as a wonderful father, wife, I mean husband, with grandchildren and I have got to know all of you over the last few years and my deepest sympathy and thank you for allowing Joe to be a part helping Canton over the past 9 years plus his 27 years as a fireman. Clare especially you, I know what you guys put up with especially the rocky start I had with Joe how many years ago, 30 years ago, then we became the best of friends and I thank you for that also. Thank you very much. (APPLAUSE) Standing ovation.

GARY CARBENIA: On behalf of my family and myself, I would like to thank all of you for your outpouring of love, letters, memories that you shared with me of my father. There's a lot of things have been said about Dad already so I won't go through this long list of accomplishments I have here but there is some, a couple things I would like to share with all of you and this is kinda will sum up how I feel about Dad. A true measure of a man is a person that truly seeks out to make a difference in a positive way and in people's lives everyday and I think that's what my Dad did everyday through his, our family through the Fire Department, he served Canton as a firefighter, he served for the union, his work for, his work for oh jees, I had it all wrote down here and it was much simpler but all the things that Dad did and accomplished over his life and Dad was truly a person that loved the City of Canton. I mean he was just born here. The way his loved his family, we had some many extended families whether it was the Fire Department, the union people, the City Council Members, the City of Canton. It always felt family with Dad but he loved the city and he wanted to make it a good place for people to live and for his grandchildren and his family as well as the rest of the citizens of Canton, Ohio. I think the greatest tribute that we could do for my father would be that to remember that all of you are the caretakers of the city to continue to do the work that my father started with all of you and make, continue to make Canton a great place to live. And in closing I would like to say that, I thank God for giving us Dad and I am proud to say that Joe Carbenia was my father. (APPLAUSE)

GINO CARBENIA: I just want to thank all of you, Mr. Mayor, Safety Director, Service Director for the commendations that were forwarded to the family during this tough time. We appreciate the use of the Civic Center. We appreciate the escort. We appreciate all the well wishes that you've all given us. President Schulman we appreciate your words this evening. Those of you, Councilman Smuckler, your kind words on the radio were very comforting the next morning and all that you guys did in helping remember father in a positive light will be long remembered by all of us and we wanted to thank you. That's it.

PRESIDENT SCHULMAN: Thank you. If you'll, if Mrs. Carbenia if your family will wait one more minute I'd like our clerk to read the Resolution please and then the Mayor has a presentation that he would like to make to the family.

CLERK TIMBERLAKE: *WHEREAS*: With the family by his side Joe Carbenia was sworn in as Ward 9 Council Member on January 1, 2000. Joe served as First Vice President, was Chairman of Community & Economic Development Committee, a Member of the Finance, Rules, Parks and Recreation Committees. In past years Joe served as Chairman of Annexation and Public Property Capital Improvement Committees and sat on Intergovernmental & Public Service, Public Safety & Thoroughfares, Recycling and Judiciary Committees; and *WHEREAS*: Joe was a vocal advocate for the citizens of Ward 9, maintaining consistent attention to the welfare and the best interests of his Ward; and *WHEREAS*: Besides serving as Ward 9 Council Member Joe stated work

MINUTES OF THE MEETING OF AUGUST 17, 2009

as a Firefighter for the City of Canton September 26, 1963 and retired as Captain January 28, 1989. Upon his retirement Joe worked tirelessly and countless hours trying to help his fellow retired Firefighters with any issues; and *WHEREAS*: Joe never forgot where he come from, he always stood up for what he believed in and fought effortlessly for his fellow brother whether it was a Union Member or a Constituent in Ward 9; and *WHEREAS*: Joe was a loving and devoted husband to wife Clara. Joe's children Gary, Gino, Guy, Joey & Michele were his greatest accomplishments. Joe's love for Clara, his children and grandchildren was remarkable and unconditional. *NOW THEREFORE BE IT RESOLVED*; that we, the Members of the Canton City Council do hereby give special tribute and commend Ward 9 Council Member Joe Carbenia for his years of service with the City of Canton, his dedication to the citizens of Ward 9 and his commitment to making Canton a better place to live.

PRESIDENT SCHULMAN: Thank you, Madame Clerk.. Mayor Healy.

MAYOR HEALY: I also wanted to honor Joe today, his wife and legacy with a proclamation. Joe was very, very special to this Council and his special relationship with the administration. He worked with us very closely and nothing did not effect economic development that he did not sign off on or want to be a part of. We knew that if we had Joe involved then it was going to happen and we are solely going to miss him. He was the institution that helped keep our Development Department together. When we needed to know what was going on, he could help with that from 5 years ago, 10 years ago, 20 years ago and that's something that you can't replace. It's amazing, I also want to comment on the proposal that Councilman Casar had about naming the Fire Station. I can tell you that has doubled the next extra specialty which has delvert with me very closely on the budget labor agreement for builders trades in to identify that we we're going to either promote local labor for our city projects which has passed through Council. The Fire Station will be the very first project that will fall under that Project Labor Agreement and will guarantee to have local labor involved in building this station, so not only his career in firefighting but his supporting career in supporting labor both are going to be represented with that station it is truly big that that station becomes named after him. I want to give this to you to let you know how sorry we are and how much we are going to miss him. (*APPLAUSE*)

PRESIDENT SCHULMAN: Thank you very much and you're more than welcome to stay but we understand if you wish to leave, you're more than welcome.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: We have to do a vote on that yet, I think. We haven't voted yet.

PRESIDENT SCHULMAN: Oh, I'm sorry. It's been moved and seconded to adopt Resolution 46. All those in favor signify by saying yeas. Those opposed no.

NO REMARKS

RESOLUTION #46 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The Resolution carries. Before we begin our meeting, I know that Member Kraus had indicated that there was a group of young people from O.U.R. Neighborhood that we wish to recognize tonight, and so Member Kraus.

MINUTES OF THE MEETING OF AUGUST 17, 2009

MEMBER KRAUS: Thank you, Mr. President and very quickly. Sometimes to take a few extra minutes is worth it after you hear this story. As Councilman and bad economic times, you hear everyday or read in the newspaper, on the news, loud music, gangs forming, breaking bottles, destroying property, not getting involved, wearing their pants too low. Well in Ward 8, we got a group of young people who with a grant from the grant foundation through partnership with the City of Canton pick up newspapers, pick up debris with plastic bags, do not break windows, they wash windows. Do not destroy the neighbors property, cut the grass and help out. They come to Council tonight with their group of adult teachers, parents that care where these people are and I am going to take a few minutes not to name all the parents, but I want the parents of this group to stand up but I am going to name the young children who are here because they are here as the next generation and I am very proud that they are a positive note to the City of Canton and I am going to present them with one of our Council pins before they leave here tonight, so will the adults from the O.U.R. group please stand up. These are the adult people. (APPLAUSE) And as I call your name if you're here, please come up and get a pin. Dominic Aquino, Joqwan Goodman, Kyle Hall, Matt Kirkland, Zack Kirkland, Ben Luecke, Jerry Luecke, Austin McKinney, Kelsey McKinney, Ariana Neal, Isaiah Neal, Ashley Nelson, Darius Porter, Isaiah Porter, Joseph Porter, Cassie Yeager, Shauna Yeager, Detria Eustathious, Briana McClung, Megan McClung and Abby McClung and some of these kids might not be here tonight cause they are Boy Scouts, football, or some activity with band or with school and I think this is our next generation and I'm glad to have them. Guys I'll shake your hand when we're done cause we've got to move along but I do want to recognize the major person from this group as Alice Sarver as the union or the President of the Association and Lee Cote as the adult supervisor. Take a quick bow guys and congratulations and thanks. (APPLAUSE)

PRESIDENT SCHULMAN: Thank you Member Kraus. We'll try to get back to our regular agenda now. We're gonna have our invocation given tonight by Council Member Jim Griffin. If you'll all please remain standing for the pledge of allegiance.

The regular meeting of Canton City Council was held on Monday, August 17, 2009 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Ward 3 Council Member, James Griffin, the Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: For those, I think there's some firefighters in the back, if you'd like to sit down up here, your more than welcome. You don't have to stay in the back of the room. We are now under agenda corrections and changes and Members of Council you're going to be asked to suspend Rule 22A to add the 2nd Reading of Ordinances 11 through 16. Leader.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinance 11 through and including 16 to this evening's agenda.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to have the Second Reading Ordinances 11 through 16 to tonight's agenda. Are there any remarks? If not, Madame Clerk, roll call vote please.

MINUTES OF THE MEETING OF AUGUST 17, 2009

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas, Mr. President.

PRESIDENT SCHULMAN: The motion carries. Rule 22A is suspended and the Ordinances are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We are now under Public Hearings. We have no Public Hearings this evening.

PUBLIC SPEAKS

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

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We are under Informal Resolutions, and Leader Casar I'll recognize a motion to excuse Member Smith.

MEMBER CASAR: Mr. President, I move that 4th Ward Council Person Smith be received, be excused from this evening's meeting.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to excuse 4th Ward Council Member Smith. Are there any remarks? If not roll call vote, please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you, Madame Clerk. The motion carries and Member Smith is excused from this evening's meeting. Leader Casar I will entertain a motion to suspend Rule 22A to add Resolution 47 to this evening's agenda.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Resolution #47 to this evening's agenda.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: Thank you. Are there any remarks? Hearing none, roll call vote please, Madame Clerk.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas, Mr. President.

MINUTES OF THE MEETING OF AUGUST 17, 2009

PRESIDENT SCHULMAN: The motion carries and Rule or Resolution 47 is made a part of our agenda and will be heard later this evening.

COMMUNICATIONS

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

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED AUGUST 17, 2009.

346. AUDITOR MALLONN: CERTIFICATE OF AMT FROM ALL SOURCES FOR 2009. - RECEIVED & FILED
347. AUDITOR MALLONN: MONTHLY RPT BY FUND 7/1/09 - 7/31/09. - RECEIVED & FILED
348. AUDITOR MALLONN: YEARLY RPT BY FUND 1/1/09 - 7/31/09. - RECEIVED & FILED
349. AUDITOR MALLONN: REQ AUTHORIZATION TO ISSUE BONDS TO REFINANCE THE 1998 CITY PENSION REFUNDING BONDS & 1999 CAPITAL PROJ BONDS. - FINANCE COMMITTEE
350. CANTON FIRE DEPARTMENT: 2008 ANNUAL RPT. - RECEIVED & FILED
351. CASAR, D., MAJORITY LEADER: REQ \$4,800.00 APPROP REDUCTION FR: 1001 601001 MEALS, LODGING, PLANE TO: GENERAL FUND. - FINANCE COMMITTEE
352. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO A LEASE AGMT W/STARK CNTY ED SVC CENTER FOR LEASE OF 2 CLASSROOMS LOCATED WITHIN THE EDWARD L "PEEL" COLEMAN COMMUNITY CENTER RETRO 9/1/09 - 6/30/10 AT THE RATED OF \$3,000.00/MONTH. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
353. DEVELOPMENT DIRECTOR TORRES: REQ \$749.23 SUPP APPROP TO YOUTH DEVELOPMENT DONATION FUND FOR DONATIONS REC'D TO PURCHASE SUPPLIES & EQUIPMENT FOR YOUTH DEV PROG. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
354. EGBERT, MARGRET, APPLICANT: APPLICATION FOR ALLEY VACATION OF SITES PL NE, LOCATED BETWEEN LOTS 1838 & 1831 FR: WALNUT ST NE TO: REX AVE NE. - PLANNING COMMISSION
355. FINANCE COMMITTEE: REQ PLAN FOR A REVENUE DRIVEN BALANCED BUDGET BY 9/2/09. - RECEIVED & FILED
356. FINANCE COMMITTEE: THANKING COURTS FOR RETURNING \$175,000.00 TO GENERAL FUND. - RECEIVED & FILED

MINUTES OF THE MEETING OF AUGUST 17, 2009

357. HAWK, G., WARD 1 CNCL MBR: REQ TO PASS LEGISLATION REQUIRING PUBLIC BLDGS TO HAVE AUTOMATED EXTERNAL DEFIBRILLATORS ACCESSIBLE. - JUDICIARY COMMITTEE
358. HEALTH COMMISSIONER ADAMS: RECEIPT OF ASSESSMENT OF CANADA GEESE POPULATION. - RECEIVED & FILED
359. LAW DIRECTOR MARTUCCIO: REQ \$31,000.00 APPROP TRANS FR: 1001 753001 LAW DPT PERSONAL SERVS TO: 1001 753001 OTHER TO PAY OUTSTANDING BAL TO STARK CNTY PUB DEF. - FINANCE COMMITTEE
360. LAW DIRECTOR MARTUCCIO: REQ \$30,000.00 SUPP APPROP FR: UNAPPROP BAL OF 1105 POLICE SETTLEMENT FUND TO: 1105 753001 LAW DEPT. - FINANCE COMMITTEE
361. LIQUOR CONTROL DIVISION (OHIO): REQ TRANSFER OF C1 C2 LIQ PERMIT FROM ID ABBOU INC DBA HALL OF FAME MARKET TO HALL OF FAME FUEL MART INC @ 704 SHERRICK RD. - RECEIVED & FILED
362. LIQUOR CONTROL DIVISION (OHIO): REQ D2 D2X D3 STOCK LIQ PERMIT FOR KD CLUB MANAGEMENT INC DBA THE SPOT @ 2600 8TH ST NE & PATIO. - RECEIVED & FILED
363. MAYOR HEALY: REQ WAIVING THE RESIDENCY REQUIREMENT OF SECTION 737.01 OF ORC FOR APPT OF THOMAS REAM AS SAF DIR. - PERSONNEL COMMITTEE
364. PLANNING COMMISSION: RECOMMENDS APPROVAL OF PROPOSED RATE INCREASES CONCERNING ZONING DEPT FEES. - FINANCE & JUDICIARY COMMITTEES
365. PLANNING COMMISSION: RECOMMENDS APPROVAL TO VACATE SITES PL NE BETWEEN WALNUT & REX AVENUES & THE REPLAT OF PROPOSED VACATED SITES PL & LOTS 1836 - 1838 (CANTON YWCA). - JUDICIARY & PUBLIC SAFETY & THOROUGHFARES COMMITTEE
366. SERVICE DIRECTOR PRICE: REQ SUPP APPROP FR: 5201 UNAPPROP BAL TO COVER INCREASED COST & USAGE OF WATER TREATMENT CHEMICALS, BANK FEES, UTILITIES, EQUIPMENT MAINT & REPAIR, GRAVEL & ASPHALT (WATER DEPT); REQ SUPP APPROPS FROM 5410 & 5601 TO COVER ANNUAL BANK FEES (SEWER & SANITATION BILLING). - FINANCE COMMITTEE
367. SERVICE DIRECTOR PRICE: REQ \$228,747.15 FR: 2113 MUNI ROADS FUNDS - UNAPPROP BAL TO: 2113 - 202001 MUNI ROADS FUNDS - ENG ADMINISTRATION FOR CITY'S SHARE OF MILL ST BRIDGE W/COUNTY & CLEV AVE RESURFACING PROJ. - FINANCE COMMITTEE
368. SERVICE DIRECTOR PRICE: REQ IMPLEMENTATION OF VARIOUS COST SAVINGS WHICH INCLUDE VARIOUS APPROP REDUCTIONS, TRANSFERS & INTERFUND TRANSFERS (DMV FUEL). - FINANCE COMMITTEE
369. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS FILED AS OF 6/30/09. -

MINUTES OF THE MEETING OF AUGUST 17, 2009

RECEIVED & FILED

370. TREASURER SCHIRACK: RPT OF PAY INS TO AMBULANCE LOCK BOX ACCT FOR JULY, 2009. - RECEIVED & FILED
371. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR JULY, 2009. - RECEIVED & FILED
372. TREASURER SCHIRACK: RPT OF TREAS OFC BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF 7/31/09. - RECEIVED & FILED
373. WEST, T., WARD 2 CNCL MBR: REQ APPRAISAL, ACCEPT BIDS & OFFER FOR SALE PARCEL #02-85878 (10TH ST NE) AT PUBLIC AUCTION UNDER APPLICABLE OH LAW. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #6 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1. (1ST RDG) AN ORDINANCE AMENDING SECTION 139.01 OF TITLE FIVE - ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON (BOARDS & CMSN.)
Referred to Judiciary Committee
- #2. (1ST RDG) AN ORDINANCE AMENDING SECTION 1701.01 OF PART SEVENTEEN - HEALTH CODE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON (BOARDS & CMSN.)
Referred to Judiciary Committee
- #3. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE YWCA OF CANTON TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$100,000.00 PER YEAR FOR THREE YEARS FOR THE FIRST PHASE OF THE GATEWAY HOUSE II PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development and Finance Committees
- #4. (1ST RDG) AN ORDINANCE SUSPENDING ALL TRAVEL UNLESS RELATED TO MANDATORY CERTIFICATION, LICENSING OR LEGAL PROCEEDINGS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

MINUTES OF THE MEETING OF AUGUST 17, 2009

- #5. (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #6. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #7 (1ST RDG) **ADOPTED AS ORDINANCE NO. 140/2009** AN ORDINANCE DECLARING 11 BUILDINGS TO BE PUBLIC NUISANCES; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE DEMOLITION OF SAID BUILDINGS; AUTHORIZING THE CLERK OF CANTON CITY COUNCIL TO CERTIFY THE COSTS OF DEMOLITION OF THE STARK COUNTY AUDITOR; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community and Economic Development Committee

(COUNCIL RECESSED @ 7:56 PM FOR COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE TO DISCUSS THE ADOPTION OF ORDINANCE #7; RECONVENED @ 7:58 PM)

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and place Ordinance #7 back on this evening's agenda.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to place Ordinance 7 back on this evening's agenda. Are there any remarks? If not, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you, Madame Clerk. The motion carries. Ordinance 7 is a legal part of your agenda. Leader Casar.

MEMBER CASAR: Mr. President, I move we suspend the Statutory Rules on Ordinance #7.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance #7. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

MINUTES OF THE MEETING OF AUGUST 17, 2009

CLERK TIMBERLAKE: Ten yeas, Mr. President.

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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #7.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #7. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas, Mr. President.

#7 ADOPTED AS ORDINANCE NO. 140/2009

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Ordinance #7 is adopted. Ordinance #8, please.

#8 (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CHANGE ORDER #1 WITH NL CONSTRUCTION CORP., INC. IN AN AMOUNT NOT TO EXCEED \$127,302.20 FOR ADDITIONAL COSTS RELATED TO THE CONSTRUCTION OF THE NEW COLLECTION SYSTEMS SERVICE CENTER AND ADMINISTRATION BUILDING; AMENDING APPROPRIATION ORDINANCE NO. 193/2008; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

#9 (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee

(COUNCIL RECESSED @ 8:00 PM FOR PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE TO DISCUSS THE ADOPTION OF ORDINANCE #9; RECONVENED @ 8:06 PM)

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and return Ordinance #9 back on this evening's agenda.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to place Ordinance 9 back on this evening's agenda. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

MINUTES OF THE MEETING OF AUGUST 17, 2009

CLERK TIMBERLAKE: Ten yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you, Madame Clerk. The motion carries. Ordinance 9 is a legal part of your agenda. Leader Casar.

MEMBER CASAR: Mr. President, I move we suspend the Statutory Rules on Ordinance #9.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance #9. Are there any remarks?

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: I'd just like it for the record, Service Director I'm going to ask you this question again cause I want it on the record. Ordinance #9, is any of this money toward salaries?

DIRECTOR PRICE: No.

MEMBER SMUCKLER: Thank you.

PRESIDENT SCHULMAN: Are there any other remarks? Hearing none, roll call vote please, Madame Clerk.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas, Mr. President.

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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #9.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #9. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas, Mr. President.

#9 ADOPTED AS ORDINANCE NO. 141/2009

PRESIDENT SCHULMAN: Ordinance #9 is adopted. Ordinance #10, please.

MINUTES OF THE MEETING OF AUGUST 17, 2009

- #10 (1ST RDG) A RESOLUTION APPOINTING A BOARD OF EQUALIZATION TO HEAR OBJECTIONS TO THE PROPOSED ASSESSMENTS FOR FUNDING OF THE "PUBLIC SERVICE PLAN" AS ADOPTED BY THE DOWNTOWN CANTON SPECIAL IMPROVEMENT DISTRICT AND APPROVED BY CANTON CITY COUNCIL ON JULY 20, 2009; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Judiciary Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We are now under Ordinances and Formal Resolutions for their second reading. Madame Clerk will you please read Ordinance #11 by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #11 THROUGH #16; FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #11. (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(PARTS OF LOTS NOS 827, 828, 829 @ 1372 MARKET AVE S)
PUB HRG: 8/3/09 @ 7:33 P.M.

PRESIDENT SCHULMAN: Leader Casar, are we passing this tonight?

MEMBER CASAR: No.

PRESIDENT SCHULMAN: OK. Let me do this though because....oh, it's not this one, then I'm not going to do that at all. Ordinance #18. Sorry Leader Casar, I didn't mean to surprise you at your age. I'm just kidding, you know I'm kidding. Alright, a little, folks a little humor always helps. Ordinance #18, please.

CLERK TIMBERLAKE: Ordinance #12.

PRESIDENT SCHULMAN: Oh, 12. Oh, who's age? I should've known better. Ordinance #12, please.

- #12. (2ND RDG) AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH RICHARD REINBOLD; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: I think we ought to look at this Ordinance very carefully. Ordinance 13.

- #13. (2ND RDG) AN ORDINANCE AUTHORIZING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

- #14. (2ND RDG) A RESOLUTION AUTHORIZING THE LAW DIRECTOR TO DISTRIBUTE FREE OF CHARGE TO PUBLIC OFFICIALS AND PUBLIC INSTITUTIONS COPIES OF THE 2008 SUPPLEMENT TO THE CANTON CODIFIED ORDINANCES, TO AFFIX PRICE FOR THE SALE OF SAME; AND DECLARING THE SAME TO BE AN EMERGENCY

MINUTES OF THE MEETING OF AUGUST 17, 2009

#15. (2ND RDG) **ADOPTED AS ORDINANCE NO. 142/2009** AN ORDINANCE APPROVING AND ADOPTING AN ALTERNATIVE METHOD FOR APPORTIONING THE STARK COUNTY UNDIVIDED LOCAL GOVERNMENT FUND FOR 2010 THROUGH 2019; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move Statutory Rules be suspended on Ordinance #15.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance 15. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas, Mr. President.

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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #15.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #15. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas, Mr. President.

#15 ADOPTED AS ORDINANCE NO. 142/2009

PRESIDENT SCHULMAN: Ordinance #15 is adopted. Ordinance #16, please.

#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 (OUTLOTS 1318 & 1319 ON COLUMBUS RD NE - CENTRAL ALLIED) **PUB HRG 8/31/09 @ 7:30 P.M.**

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: We are now under Ordinances and Formal Resolutions for the third and final reading and vote. And we do have and did have and it's my fault but we did have two speakers who wanted to talk about

MINUTES OF THE MEETING OF AUGUST 17, 2009

this tonight signed up on the Public Speaks but I should have allowed them to speak to the Ordinances, so I'm gonna use my discretion here and call first Debra Frame. Miss Frame. Good evening and if you'll step to the microphone. And good evening. If you'll give us your name and residential address and I will just remind you in a very nice way, please try to keep the remarks to three minutes. Thank you and good evening.

DEBRA FRAME: My name is Debra Frame and I live at 1021 Cherry Ave NE. I would like to start by telling you all I am sorry for your recent loss of your fellow Council Member. I would also like to thank the Council Members for taking the time to hear our side of the story and for their hard work and advise. This has been a learning experience for me, as I hope it has been for you as well. Let me tell you some of what I have learned. I have realized that I must forever be vigilant in my duties as a citizen, sorry I'm very nervous

PRESIDENT SCHULMAN: That's alright. Relax

DEBRA FRAME: I have learned, I have realized that I must forever be vigilant in my duties as a citizen. I should never give up on my neighborhood or the things I personally want no matter how many mistakes I make along the way or how much hope I may lose. I must learn to be patient, understanding, and have better communication skills. I must educate myself in order to achieve these goals. Most of all, I know this. If you listen and communicate with people while treating them fairly everyone will win. I would also like to add that I do not believe it is in the best interest of anyone to except offers that are not written down and detail oriented. I will end with an apology for any disrespect I am have shown anyone, unfortunately for some, I am like a pit bull. When I feel an injustice has been done, I sink my teeth in and I don't let go till I get satisfaction. Thank you again for your time.

PRESIDENT SCHULMAN: Thank you very much. (*APPLAUSE*) And Mrs. Frame I think you're a little hard on yourself. We appreciate you coming down here. We appreciate you living in our city, and so you don't really have any apologies to make to this Council or the administration. We thank you for all the things that you do in your community. Mr. Frame, good evening.

MATTHEW FRAME: Hi.

PRESIDENT SCHULMAN: Would you give us your name and your residential address and again if you'll keep the remarks under three minutes we'd appreciate it.

MATTHEW FRAME: Thank you, Mr. President. My name is Matthew Frame. I live at 1021 Cherry Ave NE. Nobody here has heard much from me throughout this whole ordeal. My wife's been the one who has dealt with the Development Department and the Mayor's office and City Council Members and countless others. I just want to say I am very proud of her, very proud of her for everything she's done. I've been with her 100% throughout all this. When we came to Council meeting two weeks ago, we signed up under the wrong Public Speaks because we had no idea there was an Ordinance about to be voted on regarding this proposed housing development. All we knew was what two people from the Development Department had told us. They claimed that the city had all the property between Ninth Street and our house and that they were going to build some houses. We did our research and came two weeks ago prepared to ask questions and find out details about this proposed development. The sense we got was that aside from a little map with some squares drawn on it, most of Council knew about as much as we did and we wanted to find out more. When government officials tell us this is what we want to do but don't tell anyone, that's when I really started to wonder what was going on. Now when Council voted four years ago to commit a \$1,000,000.00 of city funds to the Summit Development, there was a cheering section and

MINUTES OF THE MEETING OF AUGUST 17, 2009

everybody knew what was going on. The issue had been studied for six months as I understand and the city had gained support of the neighborhood before going forward. In this case, Council was being asked to commit a half million dollars to this project of federal funds which the city would administer and nobody apparently knew much at all about it. If this project is funded, 50% by federal funds, administered by the city, I think it is fair to ask some questions such as how are the profits going to be split between the city and the developers from the sale of homes and if the houses don't sell, or sell for less than anticipated or they sell and are foreclosed on, who takes the loss, the city, the developers and if the houses are foreclosed on what happens to them. Is their fate controlled by the bank or by the city or by HUD. I have a neighbor who lives across the street named Sonny Poulos and he was not able to come tonight but he has a couple of questions and or a couple points I would like to make along with his questions. Sonny wants to know why would someone with an income that qualifies for this housing development want to live here since there are houses in Market Heights or other better neighborhoods that are available. Our neighborhood as well as further down Cherry, where I know it has also been proposed to put this housing development, it's already depressed. Anybody that buys these houses they're going to wake up everyday and look out their window at a closed McDonald's that's been boarded up for years. A closed KFC that's been boarded up for several years. Down on the corner there is, I believe it's run through SMHA or some other community organization that houses several sex offenders. If you go further down Cherry, where it has been proposed, and there are several closed businesses.

PRESIDENT SCHULMAN: Mr. Frame you have about 30 seconds left.

MATTHEW FRAME: OK. Well in closing all I want to say is that based on the proposal that we saw at Council, my wife and I circulated a petition throughout the neighborhood and based on those plans that we saw, we have about 2 dozen signatures of people in the neighborhood who are against building the development in our neighborhood and I will submit that to the Clerk.

PRESIDENT SCHULMAN: Thank you very much sir. We appreciate it. Thanks for coming down. And great, thank you, Mr. Frame. OK, so now we're on again Ordinances and Formal Resolutions for the third and final reading and vote. Madame Clerk would you please read Ordinance 17 by title.

#17. (3RD RDG) **ADOPTED AS ORDINANCE NO. 143/2009** AN ORDINANCE AUTHORIZING THE MAYOR TO FILE AN APPLICATION WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR HOME CHDO FUNDS, TO EXECUTE GRANT AGREEMENTS AND TO ACCEPT \$250,000.00 IN HOME CHDO FUNDS TO EXPAND THE SUPPLY OF ENERGY EFFICIENT AND ENVIRONMENTALLY FRIENDLY (GREEN) HOUSING; AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH FREED HOUSING CORPORATION IN AMOUNT NOT TO EXCEED \$500,000.00 TO IMPLEMENT THE GREEN HOMES PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #17.

MEMBER SMUCKLER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #17 Are there any remarks?

MINUTES OF THE MEETING OF AUGUST 17, 2009

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: I'd just like to state that this is just to except the funds as we was told tonight in caucus by Miss West that we, this project could be moved anywhere in the city and we have two years to complete it. So to say that it's going to be built between Ninth and Seventh Street, Cherry Avenue to Rex doesn't necessarily mean it will be. This is just to except the funds or to apply for the funds.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Question to the Law Director. Law Director Martuccio in this Ordinance aside from accepting the funds, does it not in fact say that we will go into contract with Freed Housing Corp., sir?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member Cirelli the answer is yes. There are two sections and by voting on this Ordinance Council does two things. One it authorizes the Mayor to file an application with HUD to get these CHDO funds in the amount of \$250,000.00 and accept them per the grant agreements to expand the supply of energy efficient friendly housing, green housing. Two as you've asked it does also authorize the Mayor to enter into a contract with Freed Housing Corporation in an amount not to exceed a half a million dollars and to utilize the foregoing green homes grant and 250 in matching home funds to implement that program.

MEMBER CIRELLI: So Mr., and I'll ask this of the Mayor, or I guess the Finance Director, is she there, this is a total of \$750,000.00 is that correct?

PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: My understanding is it is a total of 500,000 but Robert is here if he could answer that for you.

DIRECTOR TORRES: That's correct Mayor. The actual matching rate to receive the 250,000 is 250,000 from Home funds so we will be allocating normally on a project like this we would be allocating half a million, 500,000. In this case we were able to received the 250,000 and so we're matching it with Home funds and then the private developer comes in for another 500,000. So it is not 750,000 it is 500,000.

MEMBER CIRELLI: To the Law Director. Should it not say in fact then, I'm hearing, what I'm hearing him say is to accept the 250 in CHDO funds and then to enter into a contract with Freed in the amount not to exceed \$500,000.00. Is that correct?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: It could be amended but I believe the intent of it is to include the 250 in the 500,000. If it's confusing the maker of the Ordinance, the Mayor could request an amendment. It's his Ordinance.

PRESIDENT SCHULMAN: Mayor Healy.

MINUTES OF THE MEETING OF AUGUST 17, 2009

MAYOR HEALY: Mr. President. Thank you and to Member, Council Member. I believe the way it's written we're receiving 250 in federal grants and then we'll be putting out 500,000 total. So it's 250 coming in 500 going out to show that it's a half a million from us but half that is covered by the grant.

MEMBER CIRELLI: OK. Thank you, Mayor and thank you, Law Director. On this specific issue, I have some real concerns about it because these homes from my understanding are going to be "Green home projects" which every development now has to be considered green. And it may be a different kind of green but that's alright, I haven't seen that, some people did go to Cincinnati but they didn't bring anything back for show and tell. That would have been nice but it didn't happen and none of, some other people are not to my understanding, Council invited to go along, but the way I see this happening is that, and what I've heard is there's supposed to be possibly X amount of homes, six possibly home built to the tune of \$125,000.00 homes, however they will be sold at \$79,000.00 and Freed happens to be a non-for-profit organization that falls under the guides of Stark Metropolitan Housing Association so therefore, if you subtract 79,000 from 125,000 it comes out to 45, \$46,000.00 so in my mind that is the equity that they will go out to the banks for. So in other words, the people purchasing these homes that will be like their down payment. Now if I'm incorrect on that and also someone in Council when Mr. West, you said in Council we cannot tell people where to live, however this piece of paper telling people where to live so I don't understand what you're saying there, even though it was discussed in Caucus that yes the possibility of this being moved to another location could happen, but I also spoke with the Mayor Friday night and I was under the opinion Friday night that the project was going to be pulled. That didn't happen and no disrespect Mayor but I feel like I was told one thing of which I was comfortable enough when Mrs. Frame had called me on Saturday to tell her that the project was going to be pulled and she was comfortable to tell her neighbors that. That's probably why they're not all down here tonight and this if from the get go has been a real nightmare. The Freed's wanted to purchase a property. Some people said they never tried, they've showed me documentation as far back as 2004 that they were looking at trying to purchase a property and continued to do so. I was also told by Mr. Torres at the last Council meeting on that day that the Freed's could purchase a property. It was a done deal is what he said at \$474 or \$78. That's what he told me on the phone. That night we came to Council, and Miss West said they could purchase for 140 and then \$1,400.00 excuse me and then Tuesday morning on my recorder or Tuesday afternoon when I came home, but the call was on the recorder Mr. Torres said that they would have to pay \$3,700 for it and then since then, the Law Director did some research and told me it's now up to \$400,000.00, I mean \$4,000.00. You know, I really feel, first of all, all the homes in Summit area are not sold. We have many homes, we have a glut of homes that are not sold in this city. I think we would better spend some money in revitalizing some of our homes instead of maybe possibly letting them go to rack and ruin and then up demolishing them cause even Habitat's now moving in that direction of buying \$30,000.00 in some other cities and rehabing them and selling them at maybe 70, \$80,000.00 but also we can't lose something that we don't already have. And my level of trust in this whole project is shot, and I can not in good conscience support this because of what I think that it's, that we're creating here, because they are homes that I was told out there that night on Thursday night when there were six Council Members that these people would have to be at a moderate to low income and if you have nothing invested of your own....

PRESIDENT SCHULMAN: I think Member Cirelli, just, not meaning to interrupt you but, my understanding to this and perhaps if I'm wrong somebody can tell me, is that this is merely an authorization to accept HUD money and that the second stage will be I believe, a full blown review of where it will be, what it will consist of, that's at least my understanding, and

MEMBER WEST: That's exactly what I wanted to say.

PRESIDENT SCHULMAN: And Member West, but I will say this Member Cirelli, you raise extraordinarily important points, it's just that I think perhaps it might be premature at this point to deny the city the right to accept

MINUTES OF THE MEETING OF AUGUST 17, 2009

the \$250,000.00. But that's just what I've heard.

MEMBER CIRELLI: Well, Mr. President, it is my prerogative, if I feel we have people in the capacity that do not know how to spend the money properly to turn it down. I think that's right on behalf of the taxpayers.

PRESIDENT SCHULMAN: And please don't misunderstand. I appreciate your remarks. I think there right to the point.

MEMBER CIRELLI: Thank you.

PRESIDENT SCHULMAN: And I am not suggesting that your not. Are there any other remarks? Member West.

MEMBER WEST: Just really thank you for that comment. I think this is again, this is to accept \$250,000.00 and to match it with 250,000 for a total of \$500,000.00 so that we can build housing in the city of Canton, and we are looking, I hope we are still looking at this as stimulus funds to also provide some jobs to this local area and I don't think this is something we can turn down. Thank you.

PRESIDENT SCHULMAN: OK, thank you, Member West. Are there any other remarks?

MEMBER CIRELLI: Mr. President, just one comment.

PRESIDENT SCHULMAN: Member Cirelli, yes.

MEMBER CIRELLI: This is really not stimulus money as such, per say as from the President. This is just dollars.

PRESIDENT SCHULMAN: Right.

MEMBER CIRELLI: Tax payers dollars. Thank you.

PRESIDENT SCHULMAN: Thank you. Are there any other remarks on Ordinance 17? Hearing none, Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #17.

PRESIDENT SCHULMAN: Oh we've done that. Thank you.

MEMBER CASAR: Been so long, I couldn't remember. And neither did you because of your age.

PRESIDENT SCHULMAN: This is the second. You know I should have never said that. Where am I? Alright, hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 9 YEAS, 1 NAYS
(Member Cirelli voted Nay)

CLERK TIMBERLAKE: Nine yeas, one nay Mr. President.

#17 ADOPTED AS ORDINANCE NO. 143/2009

MINUTES OF THE MEETING OF AUGUST 17, 2009

PRESIDENT SCHULMAN: Ordinance #17 is adopted. Ordinance # 18, please Madame Clerk.

#18 (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 144/2009** AN ORDINANCE CREATING CHAPTER 1128, WINDMILLS AND WIND TURBINES, OF PART ELEVEN - PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON **PUB HRG: 8/3/09 @ 7:30 P.M.**

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #18.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 18. Are there any remarks? Leader Casar.

MEMBER CASAR: Mr. President, I move we amend Ordinance #18, per the, per the copy that all Council Person's have in front of them, that Member, that Law Director Car, that Martuccio gave us in the caucus.

MEMBER CIRELLI: Seconded.

Amendment:

Pursuant to Rule 36, I move to amend Section 1 to Agenda Item No. 18 as follows:

Amend paragraph (c) under Section 1128.06, Lighting, Design and Noise, to read as follows:

(c) Wind turbines shall be designed in a manner that makes them as visually unobtrusive as possible while meeting safety requirements. Towers shall be monopole and not lattice. With respect to color, wind turbines and towers shall be white, off white or unpainted metal or a color required by other federal or state regulations. Any other color shall be approved by the Site Plan Review Committee.

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance #18 by virtue of the copy before each of you. Are there any remarks? If not by voice vote all those in favor of the motion signify by saying yea, those opposed no.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT SCHULMAN: The motion carries. Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #18 as amended.

MEMBER CIRELLI: Seconded.

MINUTES OF THE MEETING OF AUGUST 17, 2009

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #18 as amended. Any remarks? Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas, Mr. President.

#18 ADOPTED AS AMENDED AS ORDINANCE NO. 144/2009

PRESIDENT SCHULMAN: Ordinance #18 is adopted. Ordinance 19 please.

#19. (3RD RDG) **ADOPTED AS ORDINANCE NO. 145/2009** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 36333, 36328 AND 36329; AND DECLARING THE SAME TO BE AN EMERGENCY (WEST OF HARRISON NW ON 34TH ST NW)

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #19.

MEMBER CIRELLI: Seconded.

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

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas, Mr. President.

#19 ADOPTED AS ORDINANCE NO. 145/2009

PRESIDENT SCHULMAN: Ordinance #19 is adopted. Ordinance #20 please.

#20. (3RD RDG) **ADOPTED AS ORDINANCE NO. 146/2009** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PARTS OF OUT LOTS 306, 307, 308, AND 309; AND DECLARING THE SAME TO BE AN EMERGENCY (GATEWAY BLVD SE)

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 20. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas, Mr. President.

MINUTES OF THE MEETING OF AUGUST 17, 2009#20 ADOPTED AS ORDINANCE NO. 146/2009

PRESIDENT SCHULMAN: Ordinance #20 is adopted. Ordinance 21 please.

#21. (3RD RDG) **REFERRED BACK TO COMMITTEE AN ORDINANCE AMENDING SECTION 105.10, PROFESSIONAL OR PERSONAL SERVICES CONTRACTS, OF THE CODIFIED ORDINANCES**

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #21.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #21. Any remarks? Leader Casar.

MEMBER CASAR: Mr. President I move we return this Ordinance back to the Judiciary Committee.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to refer this Ordinance back to the Judiciary Committee. Are there any remarks? If not by voice vote, all those in favor to refer it back, signify by saying yea, those opposed no.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT SCHULMAN: The motion carries. Ordinance 21 is referred. Ordinance 22 please.

#22. (3RD RDG) **REFERRED BACK TO COMMITTEE AN ORDINANCE AMENDING SECTION 353.03, TIME LIMIT METERED ZONES; NOTICE; HOURS OF OPERATION OF PART THREE - TRAFFIC CODE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON**

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #22. Are there any remarks? Leader Casar.

MEMBER CASAR: Mr. President, I move we refer this committee, this Ordinance #22 back to the Judiciary Committee.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that Ordinance #22 be referred back to the Judiciary Committee. Are there any remarks? Hearing none, by voice vote all those in favor of the motion, signify by

MINUTES OF THE MEETING OF AUGUST 17, 2009

saying yea, those opposed no.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT SCHULMAN: The motion carries. Ordinance 22 is referred. Ordinance 23 please.

#23. (3RD RDG) **ADOPTED AS ORDINANCE NO. 147/2009** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (LEAD ASSESSMENT FUND/HEALTH DEPT)

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER CIRELLI: Seconded.

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

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas, Mr. President.

#23 ADOPTED AS ORDINANCE NO. 147/2009

PRESIDENT SCHULMAN: Ordinance #23 is adopted. Ordinance 24 please.

#24. (3RD RDG) **ADOPTED AS ORDINANCE NO. 148/2009** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (WORKERS' COMP RETRO FUND)

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #24. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas, Mr. President.

#24 ADOPTED AS ORDINANCE NO. 148/2009

PRESIDENT SCHULMAN: Ordinance #24 is adopted. Ordinance 25 please.

MINUTES OF THE MEETING OF AUGUST 17, 2009

#25. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 149/2009** AN ORDINANCE ADOPTING THE CITY OF CANTON'S ALTERNATIVE TAX BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2010; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #25. Are there any remarks? Leader Casar.

MEMBER CASAR: Mr. President I move we amend Ordinance #25 per the document presented to us in Caucus this evening.

MEMBER CIRELLI: Seconded.

Amendment:

Pursuant to Rule 36, I move to amend Agenda Item No. 25 by replacing Exhibit A attached to the ordinance currently pending before Council with the attached Exhibit A.

PRESIDENT SCHULMAN: It's been moved and seconded to amend Ordinance 25 by virtue of the copy before each of you. Are there any remarks in the motion? Hearing none, by voice vote all those in favor of the motion signify by saying yea, those opposed no.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

PRESIDENT SCHULMAN: The motion carries. The ordinance is amended. Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #25 as amended.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #25 as amended. Are there any remarks under the Ordinance as amended? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas, Mr. President.

#25 ADOPTED AS ORDINANCE NO. 149/2009

PRESIDENT SCHULMAN: Ordinance #25 is adopted. Ordinance 26 please.

MINUTES OF THE MEETING OF AUGUST 17, 2009

#26. (3RD RDG) **ADOPTED AS ORDINANCE NO. 150/2009** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE LEASE OF SPACE LOCATED AT 215 WEST TUSCARAWAS STREET; AND DECLARING THE SAME TO BE EMERGENCY

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #26. Are there any remarks?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Cirelli.

MEMBER CIRELLI: Can someone please tell me what department or what we're leasing at 215 West Tusc.

PRESIDENT SCHULMAN: Service Director.

SERVICE DIRECTOR PRICE: That is the, is currently used as a Hot Dog stand. It's a right, the skate park is right in front of it. Right across the street.

MEMBER CIRELLI: Thank you, sir.

SERVICE DIRECTOR PRICE: Your welcome.

PRESIDENT SCHULMAN: Any other remarks? Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 9 YEAS, 0 NAYS, 1 ABSTAIN
(Member Hawk Abstained)

CLERK TIMBERLAKE: Nine yeas, One abstained, Mr. President.

#26 ADOPTED AS ORDINANCE NO. 150/2009

PRESIDENT SCHULMAN: Thank you. Ordinance #26 is adopted. Ordinance 27 please.

#27. (3RD RDG) **ADOPTED AS ORDINANCE NO. 151/2009** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH JACK DOHENY SUPPLIES OHIO, INC./VACTOR MANUFACTURING IN AN AMOUNT NOT TO EXCEED \$299,464.29 FOR THE PURCHASE OF ONE VACTOR MANUFACTURING MODEL 2110 COMBINATION SEWER CLEANING TRUCK PURSUANT TO O.R.C. SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Casar.

MINUTES OF THE MEETING OF AUGUST 17, 2009

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

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #27. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas, Mr. President.

#27 ADOPTED AS ORDINANCE NO. 151/2009

PRESIDENT SCHULMAN: Ordinance #27 is adopted. And we're going to go back to Resolution #47. Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Resolution #47 and I would like the, Madame Clerk to give us a description of that Resolution please.

PRESIDENT SCHULMAN: Thank you. Madame Clerk.

CLERK TIMBERLAKE: *Whereas:* Rule No. 5 of the *Rules of Procedure of Canton City Council*, entitled "*Officers of Council*," prescribes the procedure for the election of the First Vice President of Council. This position is vacated due to the untimely death of First Vice President Joe Carbenia; and *Whereas:* Pursuant to Rule No. 5, Section A, said officer "shall be nominated and seconded and voted for by roll call vote" and elected by a majority vote of Council's members; NOW, THEREFORE BE IT RESOLVED: Canton City Council hereby nominates and elects: David R. Dougherty for the position of First Vice President of Council effective August 17, 2009.

PRESIDENT SCHULMAN: Thank you, Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #, no I move we nominate David Dougherty as First Vice President of Canton City Council.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to nominate Member David Dougherty pursuant to Resolution 47. Are there any remarks? All those in favor signify by saying yea, those opposed no.

NO REMARKS

RESOLUTION #47 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: Resolution carries and Member Dougherty has been shoes to fill, but congratulations. (APPLAUSE)

ANNOUNCEMENT OF COMMITTEE MEETINGS

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

MEMBER HAWK: Mr. President.

MINUTES OF THE MEETING OF AUGUST 17, 2009

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Thank you sir. Finance Committee will meet Monday, August 31st at 6:00 P.M.

PRESIDENT SCHULMAN: Thank you.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: The Community & Economic Development will also meet same day, same time, same place.

PRESIDENT SCHULMAN: Thank you.

MEMBER WEST: Mr. President, Judiciary will meet same time, same place.

PRESIDENT SCHULMAN: Thank you.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: We have now moved to Public Speaks, Open Forum. I will just remind our speaker this evening that Council does have a three minute time limit so I would ask that you try to stay within that limit. Our first speaker is Patrick Kirk. Mrs. Kirk. Ms. Kirk. If you'll come forward and give us your name and your residential address.

PATRICIA KIRK: Patricia Kirk. 131 5th St NE and President of Downtown Central and Shake-a-Leaf. Do you know that only 1% of our water is drinkable and we are polluting it? And do you know what you can do at home about this? Do you know why rain gardens are preferred over water retention ponds? On Thursday the 27th at 6:30 at Church of the Savior right across the street, Shake-a-Leaf will have information on these two subjects. Malia Watkins from Stark Regional Planning Commission will give a presentation on what we can do about this. Just not what government can do. We have to think about what we can do. I would also like to add a personal note tonight and this is in no matter disrespect to Joe Carbenia and his family. I really appreciate the tribute he was given and the tribute he and his family were given this evening and as I was sitting there, I was thinking, maybe in my lifetime, maybe not, but it would be wonderful to see this Council honor a Council Person for saving green space that was federally funded because they realize the lives that it saves and the jobs that it gives to the city and the work that it does for the city. But I do realize this will take courage and the courage to step out and be informed. Thank you very much.

PRESIDENT SCHULMAN: Thank you very much, Ms. Kirk. Our next speaker is Harold Friedman, oh, I'm sorry. Just hold on one minute, let's get to Angela Mitchell. Ms. Mitchell is there Angela Mitchell, good evening and if you could come to the microphone. Welcome to City Council, if you'll give us your name and your residential address please.

ANGELA MITCHELL: Good evening, my name is Angela Mitchell and my address is 1531 26th St NW. First of all, I'd like to thank Mr. Barton. I've had several conversations with him regarding a stray cat issue that I'm having in my neighborhood. I live beside DeVille Apartments and we have an issue with some of the tenants feeding cats and the cats mate and then they come over into my yard and then they destroy my garden and my yard and Mr. Barton has helped me with animal control and given me that number and that person Phil has been very helpful

MINUTES OF THE MEETING OF AUGUST 17, 2009

with that. I have tried to contact DeVille see if we could rectify the problem as far as the tenants taking responsibility for the cats, putting them in cages, having them in the apartments, but they haven't been respondent to that and I don't know anything else to do. I do think DeVille should be held accountable for that and I am just here to see if there's anything else that we can do as far as getting DeVille more involved in controlling their tenants, because there's nothing else I can do.

PRESIDENT SCHULMAN: Ok, great. Thank you, Member Barton may comment on that in a little bit.

ANGELA MITCHELL: Thank you.

PRESIDENT SCHULMAN: Thank you very much for coming down. Our next speaker, Mr. Friedman, I apologize, Harold Friedman if you'll come forward and give us your name and residential address please and welcome. And Member Griffin will like your shirt tonight. Good evening.

HAROLD FRIEDMAN: Good evening. I'm Harold Friedman. I live at 1108 49th NW, two blocks north of the Fire Station 10. Mayor this is directed to you. With all the money that our President is spending, wasting for different programs, isn't there any way that you can approach him or approach Congressman Boccieri and tell him we have a problem. We've got three Fire Stations that are going to be closed permanently for a while and we need this. We need to have those Fire Stations open. He's been spending money for things that just don't make sense. And yet, we need money for this situation. Can't you go to Congressman Boccieri and tell him that we got a situation? Canton is the County Seat and we're hurting. We have to wait from either 25th and, now we'll have to wait either 25th and Cleveland or Station 9. We can't go, if we were part of Plain Township we'd end up having to go with Harrison, behind Fishers but we can't get help from them if those other trucks are, if those other stations are called out to other places, so we've got to wait for somewhere else and God knows where they might be where somebody else is going need 'em and there's a lot of seniors beside myself that live out there that live alone. I didn't even know the station was, I walk every day around there and I didn't even know the station was closed for the last few days. Just because of a few, what was it 15 cadets were let go and the stations were closed completely? Isn't there any way at all that you can do something to get a hold of Congressman Boccieri and tell him, look Mr. President you've got money you've been spending for this and spending for that and yet, we, I need help and I need it now for the safety of the City of Canton. Thank you.

PRESIDENT SCHULMAN: Thank you, Mr. Friedman. (*APPLAUSE*) Our next speaker is James Williams. Mr. Williams, good evening. Good evening Mr. Williams. If you'll come up and give us your name and your residential address please.

JAMES WILLIAMS: My name is James Lee Williams and I live at 1024 The O'Jay Parkway.

PRESIDENT SCHULMAN: Good evening, sir.

JAMES WILLIAMS: Good evening to y'all. I was here today because I was asked by the senior citizens who live in my neighborhood to present the keys, present the case about the Fire Stations closing. I'd like to read an affidavit from Robeta Osborn, "It was Sunday and my girlfriend and I had just returned home from church. We sat down on the porch and all a sudden my girlfriend shouted out, Oh my God, her head dropped to the side and I ran to the Fire Station and they responded immediately but it was too late. My friend was dead. I was glad we had them in our neighborhood." Another affidavit from another neighbor, "I went outside and left my grandkids in the house. I locked myself out. With the children in the house, who was too young to open up the door, I ran to the Fire Station and they came to my help, it was zero weather outside." Another affidavit from another neighbor, "My friend cut his arm very badly. He thought he was going to die. He ran to the Fire Station and then

MINUTES OF THE MEETING OF AUGUST 17, 2009

they treated him until their dispatcher called the right people to help him.” A petition, “We the undersigned which consists of the residents of the 2nd Ward F, surrounding residents of the citizens of Stark County request that the Fire Station on The O’Jays Parkway and all the stations stay open for the welfare and the safety of our community.” I myself came from a family of 12 people and I remember the stove caught on fire and the station just happened to be across the street and I’ll never remember, I was just a kid, that’s how long this station’s been there. They came, they took the fire out and I was so glad that they were there. Even my Mother, I remember, she’s dead now, says it was a good thing we had them across the street. I’m asking the Council and the Mayor to consider a cash flow to cut the cash flow and hire these firemens back in because I think that if we consider 1.4 million to have a helicopter to catch one guy who had one pound of reefer, if we consider motorcycles, a BMW motorcycles that are one of each of them cost like maybe a 100,000 a piece that are not being used, can’t we consider cutting the cash flow to have the safety of the community and our firefighters back to work in memory of Joe. Joe Carbenia. He wouldn’t want this to happen in our community. That’s all I’m asking and I ask that it be respectfully submitted. Thank you.

PRESIDENT SCHULMAN: Thank you, sir. (*APPLAUSE*) Thank you. Thank you sir, very much. Our last speaker is Rosario Carcione and he is, as all of you know, the President of the Firefighters Union. Mr. President, good evening, if you’ll give us your name and your residential address please.

ROSARIO CARCIONE: Yes. My name is Rosario Salvatore Carcione. I reside at 5205 Giacomo Court NW in Canton. I’m the President of the Canton Professional Firefighters Association Local 249. Members of Council, I’d like to thank you for this opportunity to speak to you tonight, but I’m speaking to you because I believe tonight my fellow firefighters and the residents of Canton are not safe. Earlier in the year to help with city’s financial problems, Canton Professional Firefighters Association made concessions to the city and with the watchful eye of our Fire Chief, the Fire Department has been and still within it’s budget. Yet, even with the Fire Department within it’s budget, the Mayor has chosen to layoff 15 firefighters before laying off any seasonal or part-time employees of the city. Since the layoffs on Friday the Fire Department has been running with at least three engines and one medic unit closed. Council Member Kraus, the Fire Station in your Ward will always be closed without these 15 firefighters. Both Wards 9 and 3 will be without and open Fire Station on most other days. Safely staffing our Fire Department is critical to the safety of our members and to the residents of Canton. They authorize strength to the Fire Department is 203 firefighters. As I stand before you tonight, the city is 47 firefighters short. It’s not right for the city to place it’s residents and firefighters in danger under the guise of a financial crisis. I strongly urge the Mayor and Council to bring these 15 firefighters back and keep our residents safe. Thank you. (*APPLAUSE*)

PRESIDENT SCHULMAN: Thank you. Thank you President Carcione.

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: We’re now under Miscellaneous Business and I’m sure there’ll be Miscellaneous Business this evening. Member Cirelli.

MEMBER CIRELLI: Thank you, Mr. President. Mr. President I want to speak on the safety and concerns of our citizens. Last Thursday I had a firefighter come to my home and at that time, I spoke with him and he was very concerned over what, the potential layoffs. Which by the way, I did attend the 2:00 meeting down at the Fire Station about the layoffs of our so-called rookie firefighters and I noticed that the majority of them are all EMT’s and being a nurse, I had some real concerns over that because these were young energetic people. And being a nurse, I know when you’re young and you’re energetic and the adrenaline that you need to have to respond in this type of emergencies is very important. Well when the firefighter was there, I had asked him if he was willing to take a cut of possibly 3 to 5%, and he alluded to, I said to keep everybody working. And he alluded to the fact that, that was reasonable he thought. Well then I called my own employees and I asked them if they would take a 5 to

MINUTES OF THE MEETING OF AUGUST 17, 2009

10% cut if it meant, and I spoke to each of the three ladies individually, if it meant now layoffs and I was talking about 3 to 5% to possibly a 10% cut across the board. The entire all city employees, union or what have you. I know that would have to be worked out with negotiations but and by the same token, when the firefighter was there I told him I was willing to take a 20% cut to see if that would occur. I can't speak for my fellow Council Members but the Police and Fire are safety and we all take an oath to provide health, welfare, and safety to our community. I asked the Auditor's office to get me some stats today. If everybody took a 5% reduction, and I believe this is for a year, I did send another email to him but I didn't get a chance to get it and he said that was a savings of, if everybody working in the City of Canton would take a 5% reduction that would be \$2,643,149.45. You know sometimes we have to look at a half a loaf is better than no loaf at all. And I quandered over this whole thought as if I was Mayor, and no disrespect Mayor, but we're all allowed to do that now and then, and I thought what would I do under this situation and that's the direction I would have went in. We have, I believe in our, some of our departments, we have people falling all over each other and I think that needs to be evaluated. I'm uncomfortable with some of the staffing on the eighth floor being a public relations person, not the person, the position. In all things, I'm telling you about positions not people, not individual people but I think we need to walk our talk. I think the Mayor needs to come with a plan starting on the eighth floor, to bring to this Council what he feels are the cuts that should be made there and then think, ponder in his own mind what I have made, what I feel is possibly doing because I really hated to see those young energetic people be cut back and they also know that whenever that layoff came, that means if we do have monies, to start over again, they have to go clear back to the line and put in their applications and start the whole process again. And we also know, when we lay people off that still costs us money. And we also know that we trained those people, so my question is to the Mayor, did we waste our money? Thank you.

PRESIDENT SCHULMAN: Mayor Healy. Was that a question to the Mayor? OK.

MAYOR HEALY: Mr. President and Member Cirelli, I do not believe we wasted our money. We have the services of those 15 cadets for the past 12 months. The intent was to have them for long term and we're going to do everything we can to get through this crisis, financial crisis, and get them back to work as soon as possible.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Mayor Healy, I am correct in what I heard down there with what I heard with our new Safety Director who came in at an awkward time and the Fire Chief and what have you, that those recruits, those 15 recruits, they have no seniority. They do in fact have to go clear to the end of the line again. Is that so or is there some guarantee that those people will be called back and also my question is why did you not entertain setting an example and starting on the eighth floor and making cuts there that seem appropriate and then coming all the way down.

PRESIDENT SCHULMAN: Director Ream did you want to answer that?

SAFETY DIRECTOR REAM: Yes sir.

PRESIDENT SCHULMAN: And welcome, by the way to your first meeting of City Council. You're probably going to be bombarded tonight so.

SAFETY DIRECTOR REAM: That's not a problem. I would like to assure Council that we took great pains to consider all the different possibilities of how we could get through this. Unfortunately, it came down to the best benefit for the city at the time was to take this step, unfortunately it does reduce our staffing which reduces our services. However, the money situation and the budget as it stands now dictated that we must've made that move

MINUTES OF THE MEETING OF AUGUST 17, 2009

when we did and that's what we did. We did take things into consideration and depending on when we would get into a situation to call back as to how that would proceed at that time.

PRESIDENT SCHULMAN: Well let me, if I could, if I could follow up Director, you know I'm sitting on the outside somewhat listening to what's occurring and I know you just started your job so, I appreciate that fact but, I don't understand what's going on. We have 15 firefighters who are going to be laid off. Are you telling me, that 15 firefighters that are in the public safety and interest are the only ones who should've been laid off? That there we no other employees in the city who could have been laid off before these 15 firefighters?

SAFETY DIRECTOR REAM: No what I'm saying is that with the time line of their probationary period expiring. If we would have waited longer, it would have cost us more money.

PRESIDENT SCHULMAN: Well I hate, I don't mean to interrupt but that wasn't my question. And maybe you can't answer it. Maybe the Mayor should be the one to answer this. What other alternatives were there than the laying off of 15 firefighters. You know, Member Cirelli's right about health, safety, and welfare and probably, Mayor you know this and we all know this the most important is safety. And you've got a union as I recall, because I remember we complimented this union on taking a reduction on the union contract. Am I correct in that first?

MAYOR HEALY: Let me respond and I'll be happy to.

PRESIDENT SCHULMAN: Did they take a reduction in the contract?

MAYOR HEALY: I'll respond with an answer if you let me have the microphone.

PRESIDENT SCHULMAN: Alright, alright.

MAYOR HEALY: Thank you sir. What we have here is we have a situation where the budgetary reductions started late last year. We finished last year with at \$57,900,000.00 budget of 2008. When we did our budget for 2009, if you remember correctly, we asked for the early retirement program to help us reduce some spending. We went through several different reductions. We cut nearly \$3,000,000.00 and started this year this a \$55,000,000.00 and change budget that was finalized by this budget in March. So we had nearly a \$3,000,000.00 reduction which we worked on and that's when we went to members from all the different branches of labor and so on and asked for support and we received support from many different areas. At that point in time, we were talking about the budget and it was said that if the budget does not get decertified we'll be able to live within our means based on that budget that was approved in March. Unfortunately, a few months after that the Auditor said, hey wait up, we're going to have to decertify. The budget, he indicated that we were looking at a 1.2 to \$1,600,000.00 reduction as an estimate if he would get back to us after some more reports came in. At that point in time, the administration had been planning to the maximum side of that 1.6 to be prepared to so when he came out and said here's the final number, we would be able to take action. A week, two weeks ago today, the Auditor approached this Council and said he, hey the reduction is more than we expected. It's not 1.2 to 1.6, it's \$2,800,000.00 in total that we have to reduce. That was two weeks ago today. We were prepared to make the 1.8, \$1,600,000.00 reductions at that point in time. We were not prepared for the extra 1,000,000 plus that came in from overage. We had been working to put together this plan. We had been evaluating all the departments from the eighth floor on down. We looked at every single department, we looked at all the unions, we have been working on all of the potential reductions. The Auditor was very helpful in making recommendations on adjusting funds. He redid some of the bond levies and so on so we were getting very close. Another factor came up at the time. The Treasurer said that based on our receipts, we except that we're going down another \$3,000,000.00 by January. So January's budget has to be reduced an additional 3,000,000 after this \$2,800,000.00 on top of that. So we're looking at just what we're doing for August as what we're doing for the end of the year. Now, arrangements that we were making prior to the

MINUTES OF THE MEETING OF AUGUST 17, 2009

decertification allowed us to say, hey we know at the 1.2 to 1.6 we can be here and if you work with us on this we can get that 1.6 now, but the numbers changed two weeks ago. So in as we were evaluating this and we're on a plan to put together our proposals and ideas. Meet with, we still have to meet with Council and review with the Council ideas, that's pending a meeting we're trying to set up. We still have to meet with all the union leaders, across the board, as well as civil service because we're tying up all those different departments and put all those ideas on the table and review those and try to make a final idea of how we're going to address this. There's many of the unions are, some of the unions have a 30 day time line so although we look at one area, we can't make a decision on the spot. In this particular case, the variable that made this decision happen right now was the fact that these 15 cadets were approaching their anniversary or their time line for their probationary period that would have taken them off probation and put them into a full time status into the full time members of the unions. With those goes many benefits. One of the reasons we have unions is because they offer a lot of benefits. Those benefits would have included a substantial pay raise that would have went into effect, it would have included vacation time, it would have included other benefits, personal days, clothing allowance, things like that, that would have increased our costs rather than keeping them the same or reducing them and it also would have created a scenario that would have increased that would have increased the lay off if in fact there was going to be reductions and lay offs in Fire Department, Police Department and every other department in the city because your talking about millions of dollars in reductions not a few hundred thousand, if those reductions were going to come and we knew they were going to come in every department, it would have cost us substantially more to have waited until this week or later to do that action. So we decided that it made more sense to do it earlier. Now we did create some options in negotiating with the unions that if they agreed to allow us to eliminate the discretionary overtime, we would not do the lay offs. That was our proposal and we've got a time line here of all those issues. And that's what Mrs. Cirelli was in and other sat in, I think Butch Kraus sat in on that. When that didn't work, Butch Kraus made the recommendation that all's we need to do at this point in time is ask for them to extend the probationary period for 60 days. Both sides agreed that we would extend for 60 days. That would alleviate the pressure we had to make a decision today and allow us to have more time to work out other alternatives. That was the preference of this administration, it was the preference of the Council and I know it was the preference of the workers out there. The next morning when Civil Service came in to agree cause it had to go to the Civil Service Board, we asked the Civil Service Board to come in, they came in for a special meeting, the proposal was there at that time, the union said that they weren't going to sign off on it. They didn't believe that, that would work for them. He thought that he needed to have some sort of union vote when in fact according to the Law Department, this has, extending the probationary period has happened in the past with Police and Fire and others. It doesn't need a union vote, it could just be a simple approval by the unions. When they decided not to approve it, Civil Service Board went home without taking action and that left us no choice but to go ahead and do the lay off at that point in time and there's a series of events that happened with the Safety Director, the Service Director, the Law Department, the Fire Chief, the union leader and this went on for 3 or 4 days trying to come to a resolution to avoid lay offs. We are going to be sitting down in the next couple of weeks, our time line was a 30 to 45 day time line based on where we were out and what we have already agreed to as trying to move forward with this reduction, but we're talking about millions of dollars that have to be reduced and we wanted to make sure we were doing everything we could before lay offs incurred, unfortunately, this scenario changed the time line and we were not able to work it out last week with the unions.

PRESIDENT SCHULMAN: Well Mayor my understanding, and you correct me if I'm wrong, was that the union asked for a period of time in order for the union executive committee to meet and be presented with this and vote on it. I thought, my understanding was that this deal was structured in such a way that it was going to be agreed upon on Friday, you were going to get that extension, the union was going to once again, I mean we're talking about unions giving back or giving up collectively bargained rights and pay and benefits and that somehow it became a contest of will and I don't think if that is the case Mayor, that 15 cadet firefighters should be placed in the middle of somebody's feelings being hurt or somebody wanting to be the top dog. I mean this, these are 15

MINUTES OF THE MEETING OF AUGUST 17, 2009

people who have families and I know you're, and believe me I understand your position, and I know your sensitive to it but I'm just trying to figure out why we couldn't have delayed this at least for a certain period of time. Why it became on, why it was on Thursday a deal that was finalized and why it became on Friday something that was impossible to meet. I don't get that.

MAYOR HEALY: I don't get it either because the administration had an agreement and we thought that it was approved and we were going to save the lay offs at that point in time but unfortunately it didn't work out that way.

PRESIDENT SCHULMAN: And let me ask you just one other question. Why does the axe fall on the Fire Department? The firefighters. Why are they the first to go?

MAYOR HEALY: As I mentioned, our time planned was a 30 to 45 day time period out, unfortunately this issue moved that clock forward because if lay offs are coming and based on \$6,000,000.00 of reductions in the next 5 months, you're talking about as many as 200 or 250 people across the board if we don't have concessions and adjustments made. We know that there's lay offs staring us in the face. If those lay offs come, it would've been from a standpoint of fiduciary responsibility to the taxpayers of this city. It would have been financially irresponsible for us to lay them off a week after they got all their benefits instead of a week before. We're trying to create opportunities to come up with alternatives before we do lay offs, and we do have that opportunity for other members of the city right now.

PRESIDENT SCHULMAN: Ok, the only

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: The only last thing I would say, this is what I don't understand, is it seems to me what you're saying is that you tried to work this out and it was the union that would not cooperate. Is that what your saying publicly because that is not what I've heard from the Firefighters Union. They are saying they wanted time, a little bit more time to do this and they could have extended the time period.

MAYOR HEALY: Mr. President, I will let you know that I was not sitting at any of those meeting but the Safety Director here was and I will let him answer that in reference to what happened and this

Inaudible comment from unknown voice.

MAYOR HEALY: No seriously, let the Safety Director who sat in those meetings explain from that question exactly what happened.

PRESIDENT SCHULMAN: Alright, Director.

SAFETY DIRECTOR REAM: On Thursday afternoon we thought that we had a waiver of the contract revisions that would allow for the extension of the probationary period. This is something that's been done with various unions throughout the city. We set up the meeting with Civil Service on Friday because they were the body that needed to extend the probationary period and a short time before the meeting started Civil Service was informed by the Fire union that they could not hold up the waiver of the contract in order to allow for the extension. At that time, it forced our hand due to the time constraints of costing additional monies if we waited past Friday to lay the people off and we went ahead with the letters of lay off at that time.

PRESIDENT SCHULMAN: Director Ream, I'm sorry. What did the, what are you saying that the union said?

MINUTES OF THE MEETING OF AUGUST 17, 2009

I missed that. I didn't hear it. I'm sorry.

SAFETY DIRECTOR REAM: I'm saying on Thursday...

PRESIDENT SCHULMAN: I got that on Friday what happened.

SAFETY DIRECTOR REAM: We were under the understanding with the union that they would waive the provision in the contract on Friday morning that changed and they informed Civil Service that they could not waive that provision of the contract.

PRESIDENT SCHULMAN: Well did they ask for more time?

SAFETY DIRECTOR REAM: Well unfortunately with the probationary period running out later, well actually on Saturday, we did not have additional time in order to accomplish anything further at that time other than proceeding with the lay offs.

PRESIDENT SCHULMAN: Ok so what you're saying is that there simply was no time? Because what I'm hearing from the firefighters is there was time. They didn't ask for days, they only asked for hours. Are you saying publicly that, that was not the case?

SAFETY DIRECTOR REAM: I'm saying that there was not enough time to get the Civil Service Board back in. We had already issued the letters of lay offs. They brought in people that were in town for the funeral from the state. We sat and discussed these issues with them. They realized that the time constraints prohibited us from further talking on this on this whole entire lay off thing and unfortunately we had proceeded and we were past the time frame that we could withdraw.

PRESIDENT SCHULMAN: Alright.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: We knew when these firefighters we going to go off two weeks ago. We knew when they were going to go off six months ago to a year ago. What I can't figure out for the life of me because this happens to me, my phone rings at 10:00 in the morning and I'm summoned to a meeting at 2:00 in the afternoon. Now you've known for weeks that they were going to go off the payroll, off of probationary at that period of time. Eight weeks ago I asked for in writing, a financial plan and I'm still sitting here eight weeks later and I'm waiting for a financial plan. And the questions back down to priorities again. This is where we're at. Are we doing something with, not only the firefighters but all these groups, including us. Member Cirelli is correct. Are we dealing with all this and if so, we've got to deal on an all group basis and I've had this conversation with you Mayor. This is a situation where, and I've told you and I am going to say this again and it's about time it said publicly instead of just behind the doors. It's a question of are we keeping safety forces or are we keeping Communication Directors? Are we keeping clerical personnel or are we keeping street people? But somewhat of us better be involved in all this and not at 10:00 in the morning phone call to be somewhere at 2:00 in the afternoon. You knew those people we going off that Thursday. These meetings should have taken place two weeks before this if he gave you the bad news, you should've been doing it Tuesday morning then. And I can tell you one, I'm getting doggone tired of this. Now, Safety Director Ream, I know you just got here but like I said, the time to give everybody some breathing room, is now. Next year you gotta cut \$3,000,000.00 more. Don't hand us a

MINUTES OF THE MEETING OF AUGUST 17, 2009

budget in Council in December and tell us what you are going to do then. It's gotta be done now. And nobody's addressing it. And I'm willing to meet at 2:00 in the morning to address it. But not call us up and summons us to a meeting at 6:30 that night. Set a meeting date and don't talk about hiring Community Development people when you summon us to that meeting. Talk about what we gotta do here to make this all work.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: This question to the Safety Director. I know you just came on. In the past Member, or Safety Director Nesbitt had talked about when we did the combo units. He talked about the rotation of different departments or different firefighters, stations closing. This past weekend at O'Jays Parkway it was closed and we had a major festival across the street there, heavily always relied on that station. Is, how often is that station going to be closed as a result of the rotation?

PRESIDENT SCHULMAN: Director.

SAFETY DIRECTOR REAM: Yes, it's my understanding after conferring with the Chief and Division Chief's of the Fire Departments that depending on the number of personnel that we have to work that day will determine by those staffing levels what Fire Stations will be open. They've identified through a usage statistical fact sheet that they have where are most active stations are and what are most inactive stations are and that's their priority as to what gets closed first depending on the staffing levels of that day.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: For two years in a row, this Council has asked this administration for a revenue driven balanced budget. Now I have to excuse both Directors because they were not here at that time, so this question is directed at the Mayor. When we sat down in office, when you sat down in office, there was a \$3,500,000.00 carry over. We extended the courtesy of 90 days for your first year which is what we need to do and what should be done to bring us a revenue driven balanced budget. You chose not to. We exceeded that and when you exceed, expenditure exceed revenues that is the very deficit, the very definition of deficit spending. The very definition of deficit spending. We have exceeded that. Now guaranteed that this economic crisis is a terrible thing and it does have a serious and major impact on our economy, however, had we not spent the revenue, the carry over while it would be hard to make it up, it would not be as hard as it is today. I voted no on this year's budget for that exact reason, because it was not a revenue driven balanced budget. The Finance Committee has requested in writing a plan, this is Communication #355. We've asked you for some deadlines on this process. We hope that you will honor our request and provide us with the necessary information to bring us back to a revenue driven balanced budget. You will be given, we will ask early this year, that we receive a revenue driven balanced budget for 2010 to give you plenty of time to do it. I will, the Finance Committee will in fact put it in writing, this request. But I think that coming to us at March 31st for us to pass a budget was very tough on all of us in Council and not having any input in either of your first two budgets the end result is what we have today. We'd really appreciate being a part of it. We'll work with you but, you, it is up to you to present us with a budget. My only question I need answered tonight is, Will you be addressing Communication #355 in a timely fashion?

PRESIDENT SCHULMAN: Mayor Healy.

MINUTES OF THE MEETING OF AUGUST 17, 2009

MAYOR HEALY: Yea, Mr. President and to the Council Member. First of all let me make it very clear that the first budget that we had, there was a \$3,500,000.00 carry over coming into that, however, \$2,700,000.00 of that was pre-spent before I even took office of that 3.5. The other 800 was carried over, so the entire carry over was not touched by our budget. The 2,700,000 was accounted for by the salary increases that were contractual by this Council prior to us taking office from all the different unions. That represented about \$1,300,000.00 for all the pay raises and \$1,200,000.00 was the 27th pay period that happens once every 12 years. There was \$300,000.00 that had to be given to the Sanitation Department on the very first day in office from a shortfall that was driven and there was I think \$100,000.00 that was put aside for demolitions that Council took on their approval. That accounts for every cent of that carry over plus the \$800,000.00. This year's carry over of \$800,000.00 we can still meet that if you'd like but that means that we will have to lay off another 15 or 20 employees. We can use that \$800,000.00 to prevent lay offs or we can keep it in the carry over for next year. It's Council's decision. We chose going into this year that we wanted to prevent lay offs as much as possible. That \$800,000.00 that we walked into this year with we chose to budget that as opposed to use it for lay off earlier in the year. And so, that's every cent of the carry over for your revenue driven. Now in answer to your question. Because we are experiencing extremely difficult times, like every city, like every state in the country right now, this, we're no exception to anybody else and quite frankly most communities have already laid off police and fire and others along the way. Because we are using up as much as we can to prevent lay offs this year, we don't anticipate having much of a carry over at the end of this year. That means in order to budget for next year, there is no other dollars, no extra dollars to put a budget together that's not going to be revenue driven because there's no other side dollars. So whether we want to or not, next year's budget will be revenue driven cause that's the only dollars that's gone to be available. So I, yes we will absolutely have a revenue driven balanced budget going into next year and we will meet your request of September 2nd to get this particular round of budget cuts done and also to get the numbers to you for next year's budget by the time lines you requested absolutely.

MEMBER HAWK: Thank you, Mayor. I will again express our willingness to work to bring this budget in. We were not included in the first two. We will work with you on this one if you so desire. If you invite us to the table.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: Thank you, Member Hawk and from what I understand, I do remember that when Tom Bernabei was heading the budget charge first time around you were actually in on those meetings so I believe that you were a part of that round but yes we will absolutely appreciate your help and we will absolutely appreciate your help and we will be requesting it within the next few days and setting up meetings for all of us to get together. Thank you.

PRESIDENT SCHULMAN: Well before Member Cirelli speaks, what I want to make crystal clear Mayor, is that you have unions in this city that have worked with you, that have sacrificed for you, we understand that we're all in this together. We've talked about this almost every meeting for the last three years about the Niagara River and going down the Niagara Falls. We're over the falls, there is no question about that. But these people are willing to work. And what I think would be an absolute outrage is if somebody's ego was involved in this and they decided that they were not going to give this union an opportunity, if that's the case, of going back to the union and trying to figure out how we can keep 15 firefighters in the city to protect our city's citizens. That is the key point tonight. You've got, and listen, we all know you're not in an enviable position of an urban city, we know that. I mean we all, we're not envious, it's not enviable for us to be Members of Council or any elected official in this disaster that's been created. But never the less, you have people who are willing to sacrifice, you'd better take advantage of that and frankly if we hear of a situation where your administration doesn't do that, then we're going to sound off on that.

MINUTES OF THE MEETING OF AUGUST 17, 2009

And we're going to sound off publicly. But what I've heard and I'm only going by what I've heard from the other side is that somehow this was derailed because somebody's ego was effected. That's not right for 15 families. Ego should not equal the loss of 15 firefighting jobs in our city. That's all I wanted to say.

MAYOR HEALY: I'd like to respond to that first.

PRESIDENT SCHULMAN: OK

MAYOR HEALY: Thank you for that but I will also let you know, and I understand as you throw out the ego card, you know there's a lot of negotiation that went on, on this. The team that was involved in this included the Law Department, included the Fire Chief, included the Safety Director, the Service Director sat in on those negotiations. My request and mandate to this group was to do whatever you have to do, to prevent these layoffs. That was the direction that I gave the Service Director and that was what the team had been instructed to figure out a way to make this work. We had three different proposals that we put out there and three different times the rules changed and it got turned down. The team that came back to me and said Mayor we have no choice, we are recommending lay offs. At that point in time I said is there any other opportunity. I don't want to do this. It was not an ego of a group of people, it was not an ego of this administration or this Mayor, this was a financial decision that was calculated by a team including the Law Department with all the legal aspects of what has to be done and the Fire Chief in reference to the safety concern as well as the administration and it is unfortunate. None of us wanted this to happen, none of us want it to happen and we're going to do everything we can to come up with alternative solutions and we're still working on it. For all those firemen out there, we are working on this. We worked on it all day today. We're going to continue to work on alternates because we thought we were extremely close three days ago and getting through this \$2,800,000.00 reduction that would not include the lay off of those firemen. We still have an opportunity to come up with some of those solutions and we're going to be talking to the unions again about working out some things and we may be able to come up with solutions to bring some of those or all of those gentlemen back but we're doing everything we can to do that to meet the financial constraints that we have and also protect every citizen and every employee of this city that we want to be working and especially our safety forces. Thank you.

PRESIDENT SCHULMAN: Alright. Member Cirelli briefly.

MEMBER CIRELLI: Thank you, Mr. President. I just wanna appreciate what you said about the 15 firefighters but also jeopardizing every citizen within this city that we are sworn to take an oath on. Mayor I hear you say again more lay offs. There are other alternatives. I gave you an alternative and it's like you didn't hear me, when I said \$2,643,149.45 if everybody here took a 5% cut. To me that sounds like a darn better alternative than going with lay offs because lay offs still cost us money and sir, you're the Mayor. It's up to you now to pick up the ball and run with it and become the Mayor that you're supposed to be. I don't wanna, I don't want to see that a person dies because it does happen, it's going to be laid at your doorstep not at ours. That's all.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you, Mr. President. Members of Council, Union Members, audience, everyone will soon be engaged in these discussions. Here, in grievances, in law suits, in our homes. There are families who will suffer. There are some key points to remember as we go through these next couple of months together, and again some of you are familiar with them but I will make them brief. Number one, this city has nearly a 1,000 employees. Nearly 90% or 900 of them are in five different unions. Before a union member can be laid off, before the can give back 5%, before the can take furloughs, they have to engage in collective bargaining. They have to voluntarily agree to make those concessions. We can't make them take those concessions. Nearly all of

MINUTES OF THE MEETING OF AUGUST 17, 2009

them are classified civil servants. Before we lay off a classified civil servant, we have to use due process. We have to, I, we have to show a lack of funds. Of the remaining less than 10%, of the remaining less than 100 employees who are not in unions, many of them are fiduciaries there at will employees of elected officials. It is important to keep the safety forces working but, the general fund is what is severely hurting now. It is, it is the collection of income taxes, the 2% that everyone pays who works or lives in the city. That is depleting rapidly and deeply because people in this community are losing jobs and their moving and their companies are closing. So the 2%'s that used to feed us, don't anymore. Of the general fund, which is severely hurting, 70, of the general fund, over 80% is paid in salaries and fringe benefits. Over those since salaries and fringe benefits over 70% are paid just to the Police and Fire Departments, so the less than 30% that make up the Mayor's office, the Law Director's office, Council, the Auditor and the Treasurer. We elected officials have to have our own conversations with our own staffs. I had one three months ago with the entire office and said look around you, the world is collapsing. The stock markets internationally are collapsing. Due to speculators and whoever else you want to blame, this company, countries economy collapsed. It wasn't long before the federal government, the state, the counties all followed. The city is the last to get the downhill roll and unfortunately we'll be the last to recover. We have to make concessions and in our office soon we'll be talking about asking folks to take voluntary lay offs if they are in a position to do that. To voluntarily agree to floating furloughs because they're fiduciaries. I have three union employees and I'll have to follow the union contracts as they exist. These conversations will be taking place very soon and those basics I think have to be remembered. The numbers are sad, the consequences are sad even in our office I know there's a preference to let's kill the lawyers as Shakespeare said at one point time. We don't need them as much as we need others but we do need some prosecutors, we do need some income tax employees to collect the income tax, we do need some people in the Auditor's office to make the city run. The Mayor's office needs some employees. We'll do what we can to eliminate the non-safety forces but again the cuts are going to have to be so deep that even the safety force will be affected, I think. And unfortunately, again it's going to decrease even more next year because people in our community are losing jobs. We're losing factories, we're losing workers. On another note, let me put on my SCOG hat for a minute and thank Council for allowing SCOG to participate in an alternative formula and continue its fine work of supporting one of the best crime labs in the state of Ohio and in the country, and supporting metro and the work they do and helping us to evolve regionalized communications and emergency communications for everybody in the city of Canton and the state. And on the last note, for firefighters a more positive note I hope, the Rainbow Reporatory Company is putting on a tribute production a staged reading this weekend of the play called "The Guys" in respect for September 11th. It's a real life story based on a journalist who helped a firefighter captain named Nick write eulogies for eight men he lost September 11th including his best friend. It's a powerfully moving production that reminds us all of how dangerous it is, the work that you perform. And again that'll be this weekend at the Second April Art Gallery, so it's a plug for the arts obviously but it's also something that I think would deeply more firefighters and all the safety forces. Thanks for the opportunity to say what I said but I've been through these series of negotiations. There not easy and this is the worst we'll ever have. As the Mayor and others have pointed out none of us in this room, well I can't speak for everyone but most of us in this room have never lived through an economic situation like this. I think if you've read any trustworthy journals they will tell you, we've not seen the likes of this since World War II or even 1932 so we in the Law Department pledge that we will do what we can to legally work our way through this maze. I know this past week was a hurried and tense maze that involved some legal issues but there was also a time bomb of a window that was about to close and unfortunately union work, cadets, probationary people are not in unions yet, so they didn't have all of the rights at that point in time but the union was trying to look our for what would have been their future union brothers and sisters. So it was awkward, it was intense, it was sad but it's real and again I think all of us up here, despite our differences on how it should be done, will agree that it's going to have to be done in the most human, legal, fair way possible. Thanks,

PRESIDENT SCHULMAN: Thank you Law Director Martuccio. Any other remarks? Leader Casr.

MINUTES OF THE MEETING OF AUGUST 17, 2009

MEMBER CASAR: Mr. President. I move we adjourn.

MEMBER CIRELLI: Seconded.

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

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas, Mr. President.

PRESIDENT SCHULMAN: Meeting is adjourned. (*Gavel falls*)

ADJOURNMENT TIME: 9:35 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT