

MINUTES OF THE MEETING MARCH 8, 2010

PRESIDENT SCHULMAN: Good evening ladies and gentlemen. Good evening ladies and gentlemen and welcome to Canton City Council. We have a nice turnout tonight, I presume it's because of the beautiful weather we have finally had received. It's been a long time coming. 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:

11 COUNCIL MEMBERS PRESENT: (DAVID DOUGHERTY, TERRY PRATER, MARY CIRELLI, BILL SMUCKLER, GREG HAWK, THOMAS WEST, JAMES GRIFFIN, CHRIS SMITH, PATRICK BARTON, MARK BUTTERWORTH & BRIAN HORNER)

ELEVEN COUNCIL MEMBERS PRESENT. ONE ABSENT (JOE COLE)

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk.

EXCUSE MEMBERS

PRESIDENT SCHULMAN: Leader Dougherty, I'll recognize a motion to excuse Member Cole from this evening's meeting.

MEMBER DOUGHERTY: Yes, Mr. President, I move Member Cole....excuse Member Cole from this tonight's meeting.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you excuse Member Cole from this evening's meeting. Are there any remarks under that motion? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Sure Member Cirelli votes yes for Member Cole (*Laughter*)...

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: She can't even give me a break.

(LAUGHTER)

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: We're going to have our invocation given tonight by Ward 4 Council Member Chris Smith. Will you all please remain standing for the Pledge of Allegiance.

MINUTES OF THE MEETING MARCH 8, 2010

The regular meeting of Canton City Council was held on Monday, March 8, 2010 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 4 Council Member, Chris Smith. The Pledge of Allegiance led by President Allen Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: I am in such a good mood tonight, I don't quite know why but Member Smith, I enjoyed your prayer tonight. I think there were all sorts of messages being sent above and across. We're now under agenda corrections and changes. Members of Council you're going to be asked to suspend Rule 22A to add the 2nd Reading of Ordinances 7, 10; 11 is withdrawn; 12 is retained in committee; 13 and 16 and Leader, I'll entertain a motion.

MEMBER DOUGHERTY: Mr. President I move we suspend Rule 22A to add 2nd Reading Ordinances 7 through 10 and 13 through 16 with 11 being withdrawn and 12 retained in committee.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add the 2nd Reading as motioned. Are there any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We're now under Public Hearings and figures we have three public hearings scheduled tonight. The first is scheduled for **7:30 pm**. It's AN ORDINANCE VACATING A PORTION OF MENTZER PLACE NE; AND DECLARING THE SAME TO BE AN EMERGENCY; IT IS ASSIGNED TO WARD 2; THE PLANNING COMMISSION RECOMMENDED APPROVAL OF THE SAME; THIS IS IN REGARD TO THE YWCA. Is there anyone in the audience wishing to speak for or against this vacation, please come forward. And I have to ask this again, I apologize. Is there anyone in the audience wishing to speak for or against this vacation, please come forward. Seeing none, the Chair declares the public hearing over in regard to this matter. The matter now rests in the hands of Council. And the Ordinance will follow later this evening. Our next Ordinance is scheduled for **7:31 pm**. It's 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; IT IS ASSIGNED TO WARD 9; THE PLANNING COMMISSION RECOMMENDED DENIAL OF THE SAME; THIS IS IN REGARD TO 1639 MAPLE AVE NE. Is there anyone in the audience wishing to speak for or against this zone change, please come forward. I see two people, three, four. If you'll step forward please and...right up there ma'am and sir. If you'll step forward and give us your name and your residential addresses please. And we'll start with the lady that....Good evening.

MINUTES OF THE MEETING MARCH 8, 2010

THERESA JOY: Hi.

PRESIDENT SCHULMAN: If you'll give us your name and your residential address please.

THERESA JOY: My name is Theresa Joy, my address is 3823 Taft Avenue NE.

PRESIDENT SCHULMAN: And good evening to you and please feel free.

THERESA JOY: Hi, I'm speaking on behalf of the building at 1639 Maple. My husband and I are trying to reopen the store. We would like it a family business. We realize there's been a lot of problems in past, we ourselves have not run it. There's been several people that has run the store, we are aware of the alcohol and the drug problems in the parking lot. My husband had the store for a short period of time, he had a stroke in 2006, he had to close the store. So, after that, there was several different owners, you know, other then his self.

PRESIDENT SCHULMAN: Well we appreciate that, thank you and this matter will be heard later this evening.

THERESA JOY: Okay.

PRESIDENT SCHULMAN: Next, anyone else? Good evening ma'am.

MARGARET SHURIE: Good evening.

PRESIDENT SCHULMAN: Would you give us your name and your residential address please.

MARGARET SHURIE: My name is Margaret Shurie and I live at 1715 Virginia Place NE. I'm against the store opening. I've been there for 34 years and as the lady had said that her husband did own it at one time, well whenever they owned it, there was drugs, prostitution, hangouts and just pulled our area down very, very bad and I vote for it to be closed and kept closed. That's the only way our neighborhood is going to come back.

PRESIDENT SCHULMAN: Okay, thank you very much. Ma'am, good evening. Would you give us your name and your residential address please.

AMY STEINARD: Amy Steinard, 1620 Maple. I am...I do not want the store back...opened back up. Our neighborhood at this point, there's myself and one other permanent resident down there. Every house is empty. There is no...and there's a drive-thru, there's three drive-thrus within a mile radius. There's three stores down there. There is no need. We need to do something else down there then to open a store and have more problems.

PRESIDENT SCHULMAN: Okay, thank you very much. Yes sir, good evening, if you'll give us your name and your residential address.

DAN SCHMIDT: Yeah, Dan Schmidt at 5049 Ridgeport, Robertsville. I own a house next to Amy, and I'm

MINUTES OF THE MEETING MARCH 8, 2010

trying to fix it up and try to keep a nice house and get some decent renters and I'm against the store being opened too. I used to live on May Place several years ago and when that store was open, there was nothing but issues.

PRESIDENT SCHULMAN: Okay, thank you sir very much. Yes sir, good evening....

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER DOUGHERTY: Could we have the people that have spoken please take their seats.

PRESIDENT SCHULMAN: Sure.

WILLIAM SMITH: Good evening, my name is William Smith, I live at 4861 4th St NW in Canton, Ohio. And I am 100% against opening this store. At one time, I did have a family member that owned the store and I know the problems that it caused the neighborhood. I so happen to be a member of a church down in the area about two doors away and we definitely don't want drugs and prostitution or anything else in the area. So, I'd appreciate it if the store was not opened. Thank you.

PRESIDENT SCHULMAN: Very good, thank you, sir. Yes ma'am, good evening, if you'll give us your name and your residential address.

MARIA WILLIS-GORDON: My name is Maria Willis-Gordon and I live at 1655 Bexwell Street NE. But I worship at 1651 Maple Street and I do not want this store opened. When it was open, it caused a lot of problems. We have some young children out that we do vacation bible school with and when the store is open the cars zoom up and down where we're at with the children. The parking spaces are gone, people are using drugs on the church property. So I really would like to see the store stay closed.

PRESIDENT SCHULMAN: Thank you very much ma'am. And thank you all for addressing us, we appreciate it. Is there anyone else wishing to speak for or against this zone change, I see no one stepping forward dias. So, Chair declares this meeting over...or this public hearing over in regard to this matter. The matter now rests in the hands of Council and the Ordinance will similarly follow later this evening. Our third public hearing is 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; IT IS ASSIGNED TO WARD 6; THE PLANNING COMMISSION RECOMMENDED APPROVAL OF THE SAME; AND THIS IS IN REGARD TO 1658 SUPERIOR AVE NE, FAMILY CHRISTIAN CENTER. Is there anyone in the audience wishing to speak for or against this zone change, would you please step forward. Once again is there anyone in the audience wishing to speak for or against this zone change, seeing no one rise, the Chair declares this public hearing over regard to this matter now rests in the hands of Council and the Ordinance will follow later this evening. And again, thank you all for your remarks, they're very much appreciated.

MEMBER DOUGHERTY: Mr. President.

MINUTES OF THE MEETING MARCH 8, 2010

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Could you use your prerogative and maybe go to Ordinance 18 and could we just go ahead and vote on that. Is that okay?

PRESIDENT SCHULMAN: I would be happy Leader to use my prerogative (*Laughter*)...and we will go to...it's one of the few prerogatives I actually possess. (*Laughter*) We will go to Ordinance 18 and Madame Clerk, it is an Ordinance for the third and final reading and vote, if you would read the Ordinance please.

#18. (3RD RDG) **DEFEATED** 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 (1639 MAPLE AVE NE - MUNIR RASDAN) **PUB HRG: 3/8/10 @ 7:31 PM**

PRESIDENT SCHULMAN: Leader.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 18. And I believe, Law Director Martuccio, this is the Ordinance that a no vote is something and a yes vote is something (*Laughter*)...So could you explain that.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Members of Council, I know it's confusing when the Planning Commission recommends denial, as they have in this case. The Planning Commission is recommending denial of the zone change. So, if you would like to see the zone change denied, if you don't want this to open as the store as it was put to you, vote no. If you want to see the zone change, vote yes.

PRESIDENT SCHULMAN: Thank you Law Director Martuccio. And there is a motion and there is a second. Was there...Leader, did you make a motion, I'm sorry? Okay, it's been moved and seconded to adopt, yes, Ordinance 18. Are there any further remarks from Council Members on this Ordinance.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: I will say, this also abuts my Ward. Although, you know, you want to see stores open up all throughout the City, but I have to say, you know, that store did bring a lot of negativity to that area. And that area used to be a real prominent area. A lot of families, there was a lot....a good neighborhood and I have to say, I have to vote no on this because it really destroyed that neighborhood. A lot of gang activity was going around that store, a lot of drug dealing. Just over a year ago there was graffiti all over the place. And that's just something that you don't want to see and I think that neighborhood is on the rebound. Tearing a lot of properties down, down there that had some blighted issues to it and I just cannot support this. So, just

MINUTES OF THE MEETING MARCH 8, 2010

wanted to put that on record. Thank you.

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

SERVICE DIRECTOR PRICE: Thank you. In addition to the property specific issues that this Council has raised, I just wanted to mention to you, I feel compelled to get this on the record as well. That in recommending denial to this Council, that the Planning Commission also found based on professional staff's recommendation within the Planning Commission within the Planning Department that this proposed use did not match with mesh with our land use planning. So a professional staff recommendation in terms of this use as compared to the other uses surrounding and the City's plans for that area this proposed zone change did not conform to that. Thank you.

PRESIDENT SCHULMAN: Any other Members wish to remark on this Ordinance.

MEMBER HORNER: Mr. President.

PRESIDENT SCHULMAN: Member Horner.

MEMBER HORNER: I would like to comment on this, it is in my Ward and I have to go along with the denial of that. With the phone calls that I have received recently, which have been numerous calls, people are adamant and the homeowners in that area do not want that store opened up again. And it makes it tough, I work full time with the lady who was just up here, who was the owner of the store and I see her everyday and no disrespect to her and I don't want to ever turn my back on businesses coming into Canton, because we need businesses. But from the negative, just total outbreak of calls that I got about that store, I also am going to be voting no tonight.

PRESIDENT SCHULMAN: Okay, thank you Member Horner. And we do recognize that's sometimes a very difficult position to be in. Are there any other remarks? Hearing none, Madame Clerk roll call vote please on Ordinance 18.

NO REMARKS

ROLL CALL: 0 YEAS, 11 NAYS

CLERK TIMBERLAKE: Eleven nays, Mr. President.

ORDINANCE #18 DEFEATED

PRESIDENT SCHULMAN: Thank you Madame Clerk and the Ordinance is defeated.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: And now we will go to Informal Resolutions and we none this evening.

COMMUNICATIONS

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

MINUTES OF THE MEETING MARCH 8, 2010**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: Oh, I'm sorry, we have Public Speaks, where'd I miss....how did I miss that? Sorry, no one gets to speak tonight. Mr. Deitrick, I'm sorry, it's just....Our first speaker is Rafael Cox and I do apologize. I've been in a trial all day, I apologize my brain is like swiss cheese. Mr. Cox, if you'll step forward and give us your name and your residential address. And welcome sir.

RAFAEL COX: My name is Rafael Cox and I reside at 5016 Rocky Rill NE in Canton...

(COMMOTION IN THE AUDIENCE)

PRESIDENT SCHULMAN: *(Bangs the gavel)* Excuse me...sir, I'm sorry, if you want to carry on a conversation, would you mind going out in the hall. I'm not picking on you but you're very loud and disrupting our speaker.

(FROM THE AUDIENCE: "I want to speak")

PRESIDENT SCHULMAN: No, I'm sorry, you can't. But we'll be here after the meeting and we'll be more than happy to listen to you, alright? I will personally stay here and talk to you after the meeting.

(INAUDIBLE FROM THE AUDIENCE)

PRESIDENT SCHULMAN: Right, I'm sorry sir.

MEMBER CIRELLI: Mr. President, could you ask the gentleman to repeat his address? I couldn't hear either.

PRESIDENT SCHULMAN: Yes. We'll be here after the meeting sir. Mr. Cox, I'm sorry, would you repeat your name and your residential address please.

RAFAEL COX: My name is Rafael Cox, I reside at 5016 Rocky Rill Avenue NE in Canton. I came originally to voice my choice about the condition of Sherrick Road. Having arrived, I was assured by the Mayor that the Sherrick Road Project has been contracted out and it shall be starting in April. So, I wanted to commend the fact that we're going to finally see Sherrick Road done. I'm going to withhold the dancing until I see the completion *(Laughter)*. But I do want to commend you on that. And so, with that, I just want to resolve that this is done now and we're just going to look forward to the construction coming down and getting started. And thank you once again for finally getting to it cause we have ruined some vehicles on Sherrick Road in Canton, Ohio. Thank you.

PRESIDENT SCHULMAN: Thank you sir. Thank you Mr. Cox. Our next speaker is Richard Deitrick. Mr. Deitrick, good evening. If you'll step forward and give us your name and your residential address please.

RICHARD DEITRICK: My name is Richard Deitrick. I live at 144 Park SW in Canton. I just had a suggestion. I know you'll probably think I'm nuts but it's a nice suggestion I think. I don't know how many people have run into rude children but I run into a lot of rude, very rude kids. I run into a lot of nice ones too but, even in my neighborhood, but I run into such nasty mouthed kids and most of them don't have two parent homes and I'm not blaming Lyndon Johnson or whoever I can blame about that. I'll just say there's

MINUTES OF THE MEETING MARCH 8, 2010

bad things going on and kids have no one to raise them, you know, their parents are working or on drugs, who knows. But I think it's a good idea if there was a way, I mean we got a lot of empty buildings in town, I know my ideas sound a little nuts but why don't we have some kind of a military type school, advocate something like that to make a Christian out of some of these little creeps. *(Laughter)* I mean, they are so nasty and rude, I can tell you story after story, the ones that I talked to. And I told you one story and you said do not tell that story....

PRESIDENT SCHULMAN: Don't tell that story.

RICHARD DEITRICK: Okay, I won't tell it....

PRESIDENT SCHULMAN: That's a bad idea.

RICHARD DEITRICK: Anyway, I just thought it would be a good idea, people from Chicago and New York will send their kids to Canton, Ohio to get straightened out. I think it would be a great idea, and the economy the way it is, I think it's a great idea, we got a lot of empty buildings and I can hand pick some serious people that know how to straighten out bad people. Just a thought, just the thought, I just thought I would run it by you guys since I'm here. Thank you.

PRESIDENT SCHULMAN: Thank you Mr. Deitrick. Okay....I looked, there is no full moon is there out there? *(Laughter)* Thanks Richard, it's always a pleasure to hear from you.

COMMUNICATIONS

PRESIDENT SCHULMAN: We're now under Communications. Let the journal show that all communications are received as read. And Mr. Cox, it was a pleasure to hear from you too.

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 MARCH 8, 2010.

116. AUDITOR MALLONN: MONTHLY RPT BY FUND FOR 2/1/10 - 2/26/10. - RECEIVED & FILED
117. AUDITOR MALLONN: YEARLY RPT BY FUND FOR 1/1/10 - 2/26/10. - RECEIVED & FILED
118. DEPUTY DIRECTOR WEST: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO A FUNDING AGMT W/QUALITY CARE CONSTRUCTION, INC. IN AMT NOT TO EXCEED \$350,000.00 TO ACQUIRE, REHAB & RESALE PROPERTIES UNDER NSP PROG TO LOW & MODERATE INCOME FAMILIES THRU 12/21/12. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
119. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR TO SUBMIT AMENDED ACTION PLAN TO HUD FOR NEIGHBORHOOD STABILIZATION PROG (NSP) AS HUD'S REQUIREMENT- COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
120. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE AUDITOR TO PAY MORAL OB IN AMT \$1,105.00 TO AMERICAN TITLE ASSOCIATES AGENCY, INC. FOR TITLE SEARCHES OF

MINUTES OF THE MEETING MARCH 8, 2010

CODE DEMOLITIONS PERFORMED IN 2010. - FINANCE & COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEES

121. LIQUOR CONTROL DIVISION (OHIO): APPEAL HRG FOR MARK & FRANCES MILLS DBA FRIENDLY KORNER TAVERN @ 1503 HARRISON AVE ON 3/25/10 AT 11:30 AM AT VERN RIFFE CTR @ 77 S HIGH ST 19TH FL, COLUMBUS, OH 43215. - RECEIVED & FILED
122. MAYOR WILLIAM HEALY: INFORMING COUNCIL THAT SERV DIR WARREN PRICE HAS BEEN APPOINTED AS CHIEF OF STAFF. - RECEIVED & FILED
123. MAYOR WILLIAM HEALY: REQ WITHDRAW NOMINATION OF MR. MICHAEL RUKAVINA TO CANTON CONSTRUCTION BRD. - RECEIVED & FILED
124. MAYOR WILLIAM HEALY: AUTHORIZE APPT OF DON SINGER TO INCOME TAX REVIEW BRD FOR TERM OF 3/1/10 - 2/28/14. - PERSONNEL COMMITTEE
125. TREASURER SCHIRACK: RPT OF TREAS OFC BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF 2/26/10. - RECEIVED & FILED
126. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR FEB 2010. - RECEIVED & FILED
127. TREASURER SCHIRACK: RPT OF DEPOSITS & PAY INS TO AMBULANCE LOCK BOX ACCT FOR FEB 2010. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: We're now under Ordinances and Formal Resolutions for the First Reading. Let the journal show that all Ordinances are being given their reading as required by state law. Madame Clerk will you please read the 1st Reading Ordinances by title.

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

- #1. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO: ADVERTISE, RECEIVE BIDS AND ENTER INTO A CONSTRUCTION CONTRACT FOR THE FULTON/PARK DRIVE INTERSECTION IMPROVEMENT PROJECT, G.P. 1077; EXECUTE A PROFESSIONAL SERVICES CONTRACT FOR CONSTRUCTION ENGINEERING SERVICES WITH OMNI PRO SERVICES LLC; RECEIVE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDS IN THE AMOUNT OF \$1,200,000.00 FOR THIS PROJECT THROUGH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT); RECEIVE OHIO PUBLIC WORKS COMMISSION (OPWC) FUNDS IN THE AMOUNT OF \$549,080.00 FOR THIS PROJECT TO FUND THE COST OF BOTH THE CONSTRUCTION AND CONSTRUCTION ENGINEERING CONTRACTS; AMENDING APPROPRIATION ORDINANCE NO.

MINUTES OF THE MEETING MARCH 8, 2010

1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

PRESIDENT SCHULMAN: You want to read that one more time. *(Laughter)*

#2. (1ST RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (COMM DEV & PLANNING)

Referred to Personnel and Finance Committees

#3. (1ST RDG) **ADOPTED AS ORDINANCE NO. 38/2010** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF 124 PAIRS OF BOOTS FOR THE FIRE DEPARTMENT AND ENTER INTO CONTRACT WITH WARREN FIRE EQUIPMENT INC. FOR THE PURCHASE OF TURNOUT GEAR PURSUANT TO O.R.C. SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

(COUNCIL RECESSED @ 7:57 PM FOR FINANCE COMMITTEE TO DISCUSS THE ADOPTION OF ORDINANCE #3; RECONVENED @ 7:58 PM)

PRESIDENT SCHULMAN: Council will than reconvene after its recess. Leader Dougherty.

MEMBER DOUGHERTY: Mr. President I move suspend Rule 22A to place Ordinance 3 back on this evening's agenda.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to put Ordinance 3 back on this evening's agenda. Are there any remarks? If not, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 3 is a legal part of your Agenda. Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 3.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance #3.

MINUTES OF THE MEETING MARCH 8, 2010

Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 3.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #3. Are there any remarks under this Ordinance? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#3 ADOPTED AS ORDINANCE NO. 38/2010

PRESIDENT SCHULMAN: Ordinance #3 is adopted. Ordinance #4 please.

#4. (1ST RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Personnel Committee

#5. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE NORTHEAST OHIO LABOR MANAGEMENT COUNCIL IN AN AMOUNT NOT TO EXCEED \$10,000.00 TO PROVIDE LABOR MANAGEMENT CONSULTATION SERVICES; AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

#6. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A TWO-YEAR PROFESSIONAL SERVICES CONTRACT WITH KIKO AUCTIONEERS, INC. TO CONDUCT AUCTIONS AT THE CANTON SERVICE CENTER FOR THE SALE OF JUNK AND SCRAP ITEMS AND IMPOUNDED VEHICLES; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We are now under Ordinances and Formal Resolution for their Second Reading.

MINUTES OF THE MEETING MARCH 8, 2010

Madame Clerk, will you begin with Ordinance 7 please.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #7 THROUGH #10 AND #13 THROUGH #16 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS: (ORDINANCE #11 HAS BEEN WITHDRAWN AND ORDINANCE #12 HAS BEEN RETAINED IN COMMITTEE)

- #7. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT AN AID TO FIREFIGHTERS GRANT IN AN AMOUNT NOT TO EXCEED \$200,300.00; AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY _____
- # 8. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT DONATIONS TO FUND PORTIONS OF THE CANTON CONNECTION FOR FISCAL YEAR 2010; AMENDING APPROPRIATION ORDINANCE NO. 1/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #9. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A JOB CREATION TAX INCENTIVE AGREEMENT WITH AMERIDIAL, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY
- #10. (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO. 17/89, AS AMENDED, AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED CONTRACT WITH THE CANTON COMMUNITY IMPROVEMENT CORPORATION TO ADMINISTER ADDITIONAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$500,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11. (2ND RDG) ***WITHDRAWN*** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (\$152,265.00 2211 506001 COMM DEV FUND)
- #12. (2ND RDG) ***RETAINED IN COMMITTEE*** AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #02-22031 LAWRENCE RD NE, RICHARD T. MALLET)
- #13. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010, AS AMENDED, BY MAKING THE APPROPRIATION REDUCTIONS, SUPPLEMENTAL APPROPRIATIONS, AND INTERFUND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

MINUTES OF THE MEETING MARCH 8, 2010

(NECESSARY FOR CITY'S CONTINUING OPERATIONS)

- #14. (2ND RDG) AN ORDINANCE AUTHORIZING THE LEASING OF AVAILABLE SUBFLEETS ON THE CITY'S 800 MEGAHERTZ COMMUNICATION SYSTEM; AND DECLARING THE SAME TO BE AN EMERGENCY
- #15. (2ND RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (CRIME LAB - POLICE DEPT)
- #16. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO APPLY FOR AND ACCEPT POTENTIAL GRANT FUNDING THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT FOR THE NORTHEAST WATER TREATMENT PLANT IMPROVEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY (\$15,000,000.00)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: We're now under Ordinances and Formal Resolutions for their Third and Final Reading. Give ya time to have a drink of water.

CLERK TIMBERLAKE: Thank you.

PRESIDENT SCHULMAN: Would you start with Ordinance #17 please.

- #17. (3RD RDG) **ADOPTED AS ORDINANCE NO. 39/2010** AN ORDINANCE VACATING A PORTION OF MENTZER PLACE NE; AND DECLARING THE SAME TO BE AN EMERGENCY **PUB HRG: 3/8/10 @ 7:30 PM**

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 17. Are there any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#17 ADOPTED AS ORDINANCE NO. 39/2010

MINUTES OF THE MEETING MARCH 8, 2010

PRESIDENT SCHULMAN: Ordinance 17 is adopted. Ordinance 19 please. _____

#19. (3RD RDG) **ADOPTED AS ORDINANCE NO. 40/2010** 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 (1658 SUPERIOR AVE NE - FAMILY CHRISTIAN CENTER)

PUB HRG: 3/8/10 @ 7:32 PM

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#19 ADOPTED AS ORDINANCE NO. 40/2010

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

#20. (3RD RDG) **ADOPTED AS ORDINANCE NO. 41/2010** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A GRANT FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY IN AN AMOUNT NOT TO EXCEED \$4,500.00; AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (FIRE DEPARTMENT)

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#20 ADOPTED AS ORDINANCE NO. 41/2010

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Ordinance 20 is adopted. Ordinance #21 please.

MINUTES OF THE MEETING MARCH 8, 2010

#21. (3RD RDG) **ADOPTED AS ORDINANCE NO. 42/2010** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (\$53,091.00 POLICE DEPARTMENT)

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 21. Are there any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#21 ADOPTED AS ORDINANCE NO. 42/2010

PRESIDENT SCHULMAN: Ordinance 21 is adopted. Ordinance 22 please.

#22. (3RD RDG) **ADOPTED AS ORDINANCE NO. 43/2010** AN ORDINANCE AMENDING SECTION 133.051, CHARGES FOR PUBLIC SAFETY SERVICES AT SCENES OF MOTOR VEHICLE ACCIDENTS, AND SECTION 705.07, PROHIBITIONS AND PENALTIES FOR FALSE ALARMS, APPEALS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 22. Are there any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#22 ADOPTED AS ORDINANCE NO. 43/2010

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

#23. (3RD RDG) **DEFEATED** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AN AGREEMENT WITH THE CREDIT BUREAU OF STARK COUNTY FOR COLLECTION SERVICES REGARDING AMBULANCE

MINUTES OF THE MEETING MARCH 8, 2010**BILLING COLLECTIONS AND NON-FIRE RELATED FIRE DEPARTMENT SERVICES FOR MOTOR VEHICLE ACCIDENTS; AND DECLARING THE SAME TO BE AN EMERGENCY**

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 23. Are there any remarks under this Ordinance?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes, Member West.

MEMBER WEST: Yes, Law Director, could you give us a clear, I know we had some discuss early on, on this. Could you kinda go over that with us one more time please.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President, Member West and Members of Council, when bills are sent to people who have needed extra assistance in the opinion of the Fire Department for motor vehicle accidents, accidents occur and additional equipment is sent to provide medical services or simply to have equipment they can block off the intersection to protect people from being hit or hurt. There's a fee for that service cause it's not necessarily fighting fires or being used an ambulance per say. We bill the person who's charged at fault or in some cases different parties and/or their insurance companies. When money is not collected the Fire Department gives its best efforts to collect the money. When that fails the Law Department enters the picture and we attempt to collect the bills. When we fail, we found that we need an extra....we need extra help from a professional collection agency. So, request for proposals went out and in this case, the Credit Bureau of Stark County proved to be the best bidder with the best collection record. And the percentage their keeping is better then the percentage that others offered. So, if you authorize this, you're authorizing the City to enter into a contract with the Credit Bureau of Stark County to keep a portion of the money that they collect from these bills that have been uncollected up to this point.

PRESIDENT SCHULMAN: Does that answer your question Member West? Great, any other remarks? Hearing none, Madame Clerk roll call vote please on Ordinance 23.

NO REMARKS

ROLL CALL: 6 YEAS, 5 NAYS

(MEMBERS DOUGHERTY, PRATER, CIRELLI, GRIFFIN & SMITH ALL VOTED NAY)

CLERK TIMBERLAKE: Eight yeas, three nays Mr. President....five nays....six and five I'm sorry.

PRESIDENT SCHULMAN: That's alright.

MINUTES OF THE MEETING MARCH 8, 2010

CLERK TIMBERLAKE: Six yeas, five nays, I'm sorry.

ORDINANCE #23 DEFEATED

PRESIDENT SCHULMAN: The Ordinance is adopted, but not as an emergency....The Ordinance is defeated, let's stand corrected here, that's alright....There were six yes votes, five no votes. So, the Ordinance does not carry and it fails. Ordinance 24 please Madame Clerk.

#24. (3RD RDG) **ADOPTED AS ORDINANCE NO. 44/2010** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH STANDARD INSURANCE COMPANY FOR GROUP TERM LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE COVERAGE FOR ELIGIBLE CITY EMPLOYEES; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#24 ADOPTED AS ORDINANCE NO. 44/2010

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

#25. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 45/2010** AN ORDINANCE AMENDING SECTION 551.01, DEFINITIONS, AND SECTION 551.03, NOTICE TO REMOVE; ACTION UPON NONCOMPLIANCE, PROCEDURE FOR COLLECTING EXPENSES; APPEALS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

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

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes, Leader Dougherty.

MINUTES OF THE MEETING MARCH 8, 2010

MEMBER DOUGHERTY: I move we amend Ordinance 25 per the copy all Council Members have in front of them. Very quick, it was just a word that they had to take out of the Ordinance because it was repeated twice, the word upon. So, there is no major thing on this amendment.

MEMBER PRATER: Seconded.

AMENDMENT

Pursuant to Rule 36, I move to amend subsection (a) of Section 2 of Agenda Item No. 25 by removing the word "upon" from the second sentence.

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

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it, the motion carries. Leader Dougherty.

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

MEMBER PRATER: Seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#25 ADOPTED AS AMENDED AS ORDINANCE NO. 45/2010

PRESIDENT SCHULMAN: Ordinance 25 is amended, is adopted. Ordinance 26 please.

#26. (3RD RDG) **ADOPTED AS ORDINANCE NO. 46/2010** AN ORDINANCE AMENDING SECTION 917.04, NOTICE TO TRIM; CITY MAY TRIM, UNPAID COSTS A LIEN, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

MINUTES OF THE MEETING MARCH 8, 2010**#26 ADOPTED AS ORDINANCE NO. 46/2010**

PRESIDENT SCHULMAN: Ordinance 26 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: We're now under Announcement of Committee Meetings. And thank you Madame Clerk, that was a lot of work tonight.

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel Committee will meet March 15th at 6:00.

PRESIDENT SCHULMAN: Thank you.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Finance Committee will have a special meeting Wednesday at 5:15 PM in the Council Chamber. Clerk, would you please make sure that Treasurer Schirack receives notification.

CLERK TIMBERLAKE: Yes sir.

MEMBER HAWK: Thank you.

MEMBER HAWK: Okay, now the normal Finance Committee Meeting will be held Monday, March 15th at 6:00 PM.

PRESIDENT SCHULMAN: Thank you Member Hawk. Any other announcements?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Tracy Mills has requested to give a presentation, he says would last 30 minutes. So we will have that presentation at 5:30 Monday.

PRESIDENT SCHULMAN: Very good, thank you Leader.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: Hopefully all will go well and we will have a CD Meeting at 6:15 to discuss the one Ordinance that we left off tonight at the Council Ward Member's request.

MINUTES OF THE MEETING MARCH 8, 2010

PRESIDENT SCHULMAN: Thank you Member Smuckler. Any other Committee Meetings?

MISCELLANEOUS BUSINESS

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

MEMBER SMITH: Yes, Mr. President. I would like to discuss the water facility where it was left off I guess a couple of times, being held in Committee. First of all, I'd like to thank Corey Minor Smith for all of the time and hard work that she put in into getting some figures for our Finance Chair. My understanding is that it is being held in Committee for some numbers that Ms. Smith was able to get. And also, that water facility committee...or that water facility project was held in Committee in 2003, 2005, 2006, 2008 and now in 2010 it's being held again. And I also had a meeting earlier with the Finance Chair Hawk and he said that it was being held in Committee indefinitely, indefinitely means to me forever. So that means it will not ever come out of Committee?

PRESIDENT SCHULMAN: Is that a...I think that's a rhetorical question.

MEMBER SMITH: I beg your pardon? I said Finance Chairman Hawk.

MEMBER HAWK: It was held in Committee.

MEMBER SMITH: And held in Committee means when and could you answer us why?

MEMBER HAWK: It was held in Committee because it was the choice of the Finance Committee. It did not receive proper signatures to come out of Committee. That's basic Government 101.

MEMBER SMITH: Okay, basic Government 101, well I can go along with that but in 2009, December 14th, I have signed support from the Council Members supporting that water facility. Also, we need to let the public know that if we do not support it, then we fixin' to send a half a million dollars back that was given to us for a water facility. And that water facility is greatly needed over in the Southeast area and it is for the future of our children. Let me remind you how many recreational facilities have been taken away from the 4th Ward. And I really don't need to name all of them cause basically we all know Jackson Park, first of all where most of us probably wasn't to say yea or nay on that but you do remember that the railroad track (*inaudible*). After that they put, I think the Fire or Policeman right on top of the tennis court. Along with that, Munson Stadium, you know that was set right on top of Allen Park and don't let me have to remind them about Riverside that was also taken away. We already don't have basic commodities in that area and recreation is a number one need in that particular area. And I feel that our credibility is on line here because if you supported it, then we need to continue. And I also would like to know how many Council Persons here support it. Was it just the Finance Chair that decided to take it out of Committee? And what was the reason? I mean, you know, just saying that it's been held up does not give me a reason.

MEMBER HAWK: (*Inaudible*)....read your rules of Council, it will give you a basic process of when it's held in Committee.

MEMBER SMITH: Okay but Mr. Martuccio, what can be done when it's held in Committee to bring it out of Committee?

PRESIDENT SCHULMAN: Law Director Martuccio.

MINUTES OF THE MEETING MARCH 8, 2010

LAW DIRECTOR MARTUCCIO: Mr. President, if you give me a minute, I will pull out the Council Rules and see what it says about that because it's kept in Committee obviously by a Rule so.

MEMBER SMITH: Okay, is there a possibility Mr. Joe Martuccio, while you're looking....Law Director that we can vote on it tonight?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Member, no. Until it's voted out of Committee and properly back on the Agenda with the suspension of rules and the number of readings, it can't be voted on....

MEMBER SMITH: Tonight?

LAW DIRECTOR MARTUCCIO: Tonight....But let me give you an answer as to how it can...it can only come out of Committee if it receives the requisite amount of signatures. I'll look and see if there is another rule that might apply to any other way. But essentially it has to be signed out by a quorum, meaning three out of the five Committee Members.

MEMBER SMITH: Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Thank you Member Smith, Member West.

MEMBER WEST: I just wanted to piggyback off that, I'm kind of concerned, I didn't know that the \$500,000.00 that we're talking about, are we talking about the bond or are we talking about the \$500,000.00 the State is coming...that's I mean, let me ask that of the Service Director or Safety Director....Service Director...Chief of Staff. *(Laughter)* You got one of them titles.

PRESIDENT SCHULMAN: Director, Chief of Staff.

SERVICE DIRECTOR PRICE: Service Director is fine. This specific legislation, I think we're talking about the grant fund, that's the State fund.

MEMBER SMITH: A half million dollars? Or are we talking about the rec. fund? Because see, my understanding is that the rec. fund money also along with the half million dollars was supposed to go towards the water facility at the Edward "Peel" Coleman Center.

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT SCHULMAN: Director.

SERVICE DIRECTOR PRICE: The...we've got the rec. bond fund, which with...with principle and the interest City's earned on it has a balance of \$1,030,000.00 in that fund. The grant fund through the State, I think it's \$495,000.00, the legislation that I believe you're discussing is the grant legislation with the State in the amount of \$495,000.00.

MINUTES OF THE MEETING MARCH 8, 2010

MEMBER SMITH: Well, I'm really discussing both of them because both of them was voted on, but it was to my understanding, when I met with Finance Chair, Mr. Hawk earlier, he said "Both of them will be held in Committee." Now, we know that if we don't that if we don't use the one, it's going back. Am I correct? And also I do understand, last week you we was asking us to take the bond fund money to pay utility bills. Am I correct?

PRESIDENT SCHULMAN: Director.

SERVICE DIRECTOR PRICE: That's correct, but I'm going to add...I'm going to add the caveat of Gary Young that we're not actually asking you to pay the utility bills directly out of the bond fund. But yes, in a round about way, I'm asking this Council to utilize those bond funds in such a way to clear up Capital Improvement money to pay building utilities to enable us to continue our operations this year.

MEMBER SMITH: Okay, so we need to let it know, and go on record that you are asking, after we done voted, that we will support this water facility fund to not do the water facility period, ever.

SERVICE DIRECTOR PRICE: I'm asking.... Mr. President....

MEMBER SMITH: Well, let me...let me just clarify this, cause you said "Once the money is gone, it's gone." So then we won't have no money to do the water facility. Am I correct?

SERVICE DIRECTOR PRICE: You're correct. What I wanted...

MEMBER WEST: Mr. President.

SERVICE DIRECTOR PRICE: Mr. President, I do want to...I want to clarify that the bond fund and that the grant fund, I'm asking you to use the rec. bond fund to bail the General Fund out basically so that we can continue City operations in terms of that State money, I'm not...I'm not asking you to do anything with that, you know, I'm not asking you one way or another. It's the rec bond money that I was asking this Council to use.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: And I just wanted to complete my thought. So, we are gonna be able to bring this up in Committee in the next couple weeks after we get the information, I understand, is that...I mean, I just want to get to the bottom cause I know we were going to get some financial numbers as of the last meeting and it was in reference to some of those questions around the operational expense, those types of things. And I know I had brought up if we were gonna partner with the YMCA to see if they would be able to provide those services. Hey guys, summer is coming and I just again, once again believe that we cannot afford not to have some water recreation in this City, it's just needed in that area, it's needed, we've...you know, we've committed some bond money years ago to create a water facility because Jackson Pool was taken and that pool was very significant to that area. So I would appreciate if we're able to do a good discussion on that, bring it out and have a vote. I don't know all the details behind it but hopefully we can get that done. Thank you.

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

MINUTES OF THE MEETING MARCH 8, 2010

Cirelli.

MEMBER CIRELLI: Mr. President, before we started today you made a jab at me and it was all in fun I know but I wanted to just tell you that at the last Finance Meeting, Member Cole excused himself and made sure we all knew we he had to be out of town on his other business. So, that's what...

PRESIDENT SCHULMAN: I know, I was just kidding. Leader Dougherty.

MEMBER CIRELLI: Thank you.

PRESIDENT SCHULMAN: You're welcome.

MEMBER DOUGHERTY: Mr. President, just to hopefully clarify, the \$495,000.00 is from the State, it's not from any account in the City. It has to be used specifically for water. Okay, that's what we're talking about. Two different pots of money, two different situations. So, I just want to clarify that. I move to adjourn.

PRESIDENT SCHULMAN: Well....okay. There's been a motion to adjourn.

MEMBER SMITH: I have (*Inaudible*) that's right, we have other comments over here President Schulman.

MEMBER DOUGHERTY: Then vote no to not adjourn.

MEMBER SMITH: No.

MEMBER DOUGHERTY: Okay, well let's wait for them to call your name.

MEMBER SMITH: Will you call my name....(*Laughter*)

PRESIDENT SCHULMAN: One second.

CLERK TIMBERLAKE: Smith (*Laughter*)...Smith.

PRESIDENT SCHULMAN: Madame Clerk, roll call vote please on the motion to adjourn.

NO REMARKS

ROLL CALL: 0 YEA, 11 NAYS

CLERK TIMBERLAKE: Eleven nos.

PRESIDENT SCHULMAN: The motion is defeated. Member Smith.

MEMBER SMITH: Okay we have other Council Persons that have some comments while we waiting on the Law Director.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: I won't hold you in suspense any longer. The rules...I've reviewed the

MINUTES OF THE MEETING MARCH 8, 2010

rules Member Smith and had this not come out of Committee, one rule would have applied had it not been referred, another rule would have applied. But in your case, Rule 22C clearly applies. Rule 22C says that once its been given....once an Ordinance has been given its first reading and it's been referred to the same Committee for a schedule Committee hearing, it reads this way "They, meaning the Ordinances, shall not be eligible for their second and third reading and considered for passage until they have received a majority of the responsible Committee Members signatures and have been resubmitted to the Clerk of Council for inclusion on the next Agenda." Another words, what I said earlier was accurate, it takes three signatures of the five Member Committee to get it back out for a vote. Thank you.

PRESIDENT SCHULMAN: Member Butterworth.

MEMBER BUTTERWORTH: To Majority Leader's comments, to make sure I'm understanding everything correctly, the....Service Director, the...what's being held in Finance Committee is of the \$495,000.00 from the State of Ohio, correct?

PRESIDENT SCHULMAN: Director.

SERVICE DIRECTOR PRICE: Mr. President, yes Councilman Butterworth, I believe so.

MEMBER BUTTERWORTH: And with that 495, are there any repercussions as to repayment if the facility doesn't stay open?

SERVICE DIRECTOR PRICE: Yes.

MEMBER BUTTERWORTH: What are those?

SERVICE DIRECTOR PRICE: If the facility wouldn't stay open for a period of fifteen years, we would have to return the principle and interest on a pro rated basis.

MEMBER BUTTERWORTH: Thank you.

PRESIDENT SCHULMAN: Thank you Member Butterworth. Any other remarks?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Thank you. Mr. Price, CEO, Mr. Price, is there a statement of interest on that sir? Do they include that? Also, what percent of interest?

PRESIDENT SCHULMAN: Director.

SERVICE DIRECTOR PRICE: I don't... Mr. President, I'm sorry, Councilwoman Cirelli, I don't know what the interest rate is and in terms of the proration, I don't know, unless we have the contract with this....I'm not personally sure of that myself. Whether it's prorated or it's the full...the full amount we will have to return.

MEMBER CIRELLI: Thank you sir.

MINUTES OF THE MEETING MARCH 8, 2010

PRESIDENT SCHULMAN: Any other remarks Member Cirelli?

MEMBER WEST: Mr. President, I have one last....

PRESIDENT SCHULMAN: Member West.

MEMBER WEST:one last comment. You know, I think we get tied up sometimes into the, you know, even the recession, and all of these figures and keeping police and keeping fire and all these other....and hiring more police because we have so much trouble in the streets, this is a proactive approach to keeping kids off the street instead of in jails. I'd rather have them in a water park then busting windows out in the neighborhoods and I think those are prices that we have to look at, I mean, over the years, if we use this 7, 10 years and something for God happens to where we can't pay it back, we only have to....it's prorated from what I understand....from what I understand, the last we talked. And that's why I think the...okay, so that's why I think we have to have a Committee Meeting so we can discuss this fully to understand all the details of this particular grant. But...but also I want to say, this Council in the past has made a commitment to build a water facility and we didn't have a grant at that time, I recall. I mean, we just had the bond money and we were going to use the money and we were going to pay that money back. But now we have \$500,000.00 grant where we don't have to use our money, we're using the State's money to put up this facility. And I believe with some creative minds, we could cover this cost over the fifteen years if we do some creative partnership. It doesn't have to be a City alone program, it can be partnerships with people who do it the best, like the YMCA or some of those other recreational facilities out there. I believe we need to look at this and really bring it out and let's talk about it and dot our I's and cross our T's and move forward with recreation for kids.

PRESIDENT SCHULMAN: Well, I just want to make one comment, I admire all of your passion for the betterment of our City and I particularly have always admired Member Smith's passion for the benefit of her Ward, which is why she is here, that's why you're all here. However, I have to reflect of what Member Hawk said, this is the political process, five of your Members, five of your Members compose the Finance Committee, five of twelve. The political system is designed to protect every Committee and its Chair, because there are a number of you who are Chairs of your respective Committees and there are certain prerogatives which go with that Chairperson ship, one of which is to have a vote in Committee and to hold Ordinances that you don't want to see the light of day come out. So, I respect everyone here and I respect the two competing views because you can certainly see what they are. One is, we need this water park desperately, it's been on the Agenda for years and there's no reason why we can't do it. On the other hand, the Finance Committee has reviewed it, at least some of it's Members, the majority of Members and have concluded for one reason or another, probably because of this horrible economy that we're in but this is not the appropriate time to engage the City in this kind of undertaking. So, my only statement would be, for those who want to see this come out of Committee, the way you work, is you talk to the Members of the Finance Committee and you try to craft a creative compromise that satisfies those who are deeply concerned, not against your Wards but deeply concerned about spending money at this time in the City's life and you know how bad it is out there. Maybe this is not the appropriated time but Member West, maybe there is something that could be done to craft a compromise with those five Members. That's the political process. So, I'm not taking either side, I'm just listening to it, admiring everyone's passion, particularly yours Member Smith. I know you care about the people in your Ward, as you should and you care about the City. But there are those conflicting competing interests now and I would recommend you, you know, go back to the drawing boards and use the political process as it was designed. Any thing else?

MEMBER SMITH: Well I certainly appreciate, you know, what you're saying and you know, the political

MINUTES OF THE MEETING MARCH 8, 2010

process sometimes don't always work.....

PRESIDENT SCHULMAN: It sure doesn't I know.

MEMBER SMITH:It's what is needed that works. And I really appreciate what you saying but it's really not political at this particular time. It's about business and what needs to be done in that particular area. And I do understand what you saying about the political process...

PRESIDENT SCHULMAN: Well there's a....

MEMBER SMITH:But right now it's about caring and doing what is needed and what you said you was going to do about that water facility.

PRESIDENT SCHULMAN: And I think you've all had enormous faith in Member Hawk as Chair of the Finance Committee. Obviously, it's not only Chairman Hawk but it's the four other Members of the Committee and I don't want to belabor this and I'm not trying to get into a back and forth with you Member Smith because I admire your passion. It's just that when I say politics, I mean sitting down and crafting some of the compromises that Member West may have been addressing and I'm sure you have some creative ideas on this too. And I'm sure that the Finance Committee would be more then receptive, knowing all of you as I do. So, with that....

MEMBER SMITH: Right, well I really think we need to sit down and discuss it because a half a million dollars is a lot of money to let go back anywhere. And especially with the economy because I just can't see a half million dollars going back when it was given to us for a water facility and that water facility is needed at that Edward "Peel" Coleman Center.

PRESIDENT SCHULMAN: And everyone hears loud and clear. Leader, now? Anyone else?

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

MEMBER PRATER: Seconded.

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

NO REMARKS

ROLL CALL: 9 YEAS, 2 NAYS
(MEMBERS SMITH AND BUTTERWORTH VOTED NAY)

CLERK TIMBERLAKE: Nine yeas and two nays.

PRESIDENT SCHULMAN: The meeting is adjourned. (*Gavel falls*) Thank you ladies and gentlemen drive carefully.

ADJOURNMENT TIME: 8:35 PM

MINUTES OF THE MEETING MARCH 8, 2010

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT