

MINUTES OF THE MEETING SEPTEMBER 13, 2010

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. We have a modest Agenda but an enormous number of public speakers. So, we're going to get on with the meeting and with a quorum being present the Chair does call this meeting of the Canton City Council to order. Roll call vote please Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

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

TWELVE COUNCIL MEMBERS PRESENT.

CLERK TIMBERLAKE: All present, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. From appearances, it looks as if we have a full compliment of City Council tonight so we will not have to excuse anyone. Our invocation tonight will be given by Council Member at Large Bill Smuckler. If you'll all please remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on September 13, 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 Council Member at Large, Bill Smuckler. The Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: We're now under Agenda Corrections and Changes and Members of Council you're going to be asked to Suspend Rule 22A to add the Second Reading Ordinances 6 through 11, Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move to suspend Rule 22A and add 2nd Reading Ordinances 6 through 11.

MEMBER PRATER: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

PUBLIC HEARINGS

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PRESIDENT SCHULMAN: We're now under Public Hearings. We have two Public Hearings this evening. The first is scheduled for 7:30 PM and it's AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE DELONG ANNEXATION AREA CONTAINING APPROXIMATELY 0.192 ACRES; ASSIGNING SAID TERRITORY TO WARD 3 OF THE CITY; ZONING SAID TERRITORY AS R-1A (SINGLE FAMILY RESIDENTIAL); AND DECLARING THE SAME TO BE AN EMERGENCY. THE PLANNING COMMISSION IS RECOMMENDING APPROVAL OF THIS ORDINANCE. Is there anyone in the audience wishing to speak for or against this Annexation, will you please come forward now. And under the law I have to repeat it. Is there anyone in the audience wishing to speak for or against this Annexation, will you please come forward. Seeing no one coming forward, the Chair declares this public hearing over in regard to this matter. The matter now rests in the hands of Council. The Ordinance will follow later this evening. We have a second public hearing scheduled for 7:31 PM. It's AN ORDINANCE AMENDING VARIOUS CHAPTERS OF PART OF ELEVEN, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON. THE PLANNING COMMISSION IS RECOMMENDING APPROVAL OF THIS ORDINANCE. Is there anyone again in the audience wishing to speak for or against this Amendment, would you please step forward. Again, Is there anyone in the audience wishing to speak for or against this particular Amendment. Seeing no one come forward, the Chair also declares the public hearing on this Amendment over. The matter will rest in the hands of Council. The Ordinance will follow later this evening.

OLD BUSINESS

PRESIDENT SCHULMAN: Now we are under Old Business. And since our Mayor's Chief of Staff and the Service Director, Warren Price, is under the weather tonight, I would ask the Mayor if he has any remarks to give under the Old Business. Mayor.

MAYOR HEALY: Thank you Mr. President.

PRESIDENT SCHULMAN: Thank you.

MAYOR HEALY: We had a couple of issues that I want to follow up on. First we were asked the question of why are we the only surrounding City to have the super water treatment plant. Somebody was asking why Canton was doing this. The water treatment plant that we have actually covers a large portion of central Stark County, well outside our borders, as a matter of fact, I think a little more than half of the service is from outside the City limits. It covers parts of many Townships surrounding us as well as the entire City of North Canton. And so it's kind of a....although it's the City's plant, we partner with North Canton and the County on operating this. And it does cover, what do you think, maybe a third of the County, roughly? Somewhere in that area. That hopefully answers the question. There was another question in reference to the Tree Commission about the City of Canton being a host. I believe that Robert Torres forwarded the letter....a copy of the letter to Patricia Kirk who asked the question and we did put in a request to see if we can host for that future Tree Commission process....Academy. And also she mentioned to me that she is going through the process and will graduate sometime later in the year and hopefully I'll be there to see her at her graduation. So, we're going to try to work that out. The last thing on the list too, is in reference to Mother Angelica, I believe Council is going to be passing an Informal Resolution addressing the signage. The other issue was in reference to the City's website where we have a listing of Canton's famous people...Canton's famous citizens. We're gathering the information and working on that so that we can add her to that list and designate her as one of our famous folks from the City of Canton. So, that's something that's in the works as

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well. I think that addresses anything that was talked about prior and if not, we can catch it on the next round. Thank you.

PRESIDENT SCHULMAN: Thank you Mayor.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We're now under Public Speaks and as I said, we have a whole host of people wishing to speak tonight. Just to remind those in the audience who have not spoken before City Council, Council does have a rule which limits remarks to three minutes. And in light of the numerous speakers tonight, and some of them will probably be duplicative, will be saying, pretty much some of the same things. I'm going to hold everybody to that three minutes. As I've said before, if you have anymore you wish to say or add, Council stays behind after the meeting. The Mayor, his Administration is here and you're more then welcome to come up and communicate with us. Our first speaker is Keith Keim. Mr. Keim, okay....Keith Keim, K-E-I-M. Our next speaker is Linda Campbell. Ms. Campbell, good evening, if you'll give us your name and your residential address please.

LINDA CAMPBELL: Good evening, my name is Linda Campbell, 1016 Struble Avenue, NE, Canton, Ohio. And my concern is of inmates who are coming in out of our prison that may have like a felony or whatever. And they're coming back into society and their coming out and they need jobs and stuff. But if they put these...put on the application they maybe a felony or something or other, well, they're getting this "We'll call you" or you know, "We can't hire felons." And they need jobs just like anybody else, you know, people I know we all make mistakes and we all have some kind of issues or whatever. But when you've done your time and you come home, you need to be able to be able to rehabilitate yourself. If you don't have a job to survive, then those...that creates a problem. And so, these are my concerns, you know, as far as people coming home out of prison that needs jobs and they may have a felon behind them and if they put down on the application that they have a felon, well then that's the reason why they don't call them. Or if they put it...don't put it down and they may hire them, then they get fired. So, this is my issue, so....my concern.

PRESIDENT SCHULMAN: Okay, very good. Thank you very much Ms. Campbell, appreciate it. Our next speaker is Mary Bennett. Ms. Bennett, good evening, if you'll come up please and give us your name and your residential address please. Good evening again.

MARY BENNETT: Hi, my name is Pastor Mary Bennett. I'm a child of God, I'm the wife of Ala Ali Bennett and I am the mother of Michael Levotti, Michelle Carter, and Ala and I have been married 20 years and have 3 of the most beautiful children, Maria Elizabeth Bennett, Gabriel Catherine Bennett and Josiah Ali Bennett. And I am here tonight and it's so sad and I'm so glad that the City is here. But I have done, I made a...this is the Ohio Revised Code of children's rights. The other one that I am going to pass on is the Constitutional Right to be a parent. For 6 years, 6 long years, I have fought for the reunification of my children. I have not wanted to come to City Council because I have done everything I can in the City. I went to every agency and I want to say this, there are only 2, and I'm going to repeat that, out of every agency, every lawyer, every social worker, all the ways down to Columbus, there are only 2 politicians, 2 people that stood and whatever they told my husband and I, they did. And those two people are in this room tonight, the beloved mother Cirelli and Mayor Healy. Those are the only 2 people. Psalms 12:5 says "For the oppression of the poor, for the sign of the needy, now will I arise." And Proverbs 31:8 and 9 says "Speak out for those who cannot speak for themselves." Now I have...my children are not going to be sacrificed for this City. Job

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and Family Services is...needs to be...have some...somebody do some checks and balances. My children have suffered and I'm going to repeat that, absolutely suffered and there is a lot of people on City Council that my husband and I went to. On November 22, 2006, David E. Stucki put a permanent, what he calls the death penalty on families. He put it on my family, he took my children, my husband suffered so bad. We are consumers, we have a disability and I...I was 15 and my husband was 24. We did not ask to have a mental disability but we deal with it everyday.

PRESIDENT SCHULMAN: Ms. Bennett, your 3 minutes are up, if you could just summarize briefly, I'm going to give you an opportunity, just to.....

MARY BENNETT: My husband had a seizure when he got the paperwork. And he laid in intensive care for 5 days on a bed suffering because he fought so hard for the returning of his children. My son was molested, okay, after...they left my daughters in the home....no, no, huh uh, no I waited 6 years for this....

PRESIDENT SCHULMAN: Well Ms. Bennett, I'm sorry....

MARY BENNETT: My daughters were left in the home and ended up in mental hospitals, my middle child, my son right now is down at...at Faircrest, he's in the detention home and I am not going to leave go of my children...

PRESIDENT SCHULMAN: Okay...

MARY BENNETT: There are....I have 5, and I'm going to continue, there's people on this Board that I have been to their offices over and over and over, somebody...my son, because he was late 2 days to Timken High School....

PRESIDENT SCHULMAN: Okay, Ms. Bennett, I'm sorry, I'm going to have to cut you off, I'm sorry. We'll be here afterwards, we'll listen to you, believe me. But we do have a number of other speakers and it is our rule, I apologize.

MARY BENNETT: Nothing is more important then the children of this community.

PRESIDENT SCHULMAN: I don't disagree with you. Thank you ma'am. Our next speaker is Patricia Kirk, good evening.

PATRICIA KIRK: Good evening everyone, this is going to be short. When a person has a store, one of the very first things that they do is take an inventory. An inventory, a tree inventory is very important for a City. It takes the number, the location, the size, the health, disease, the soil of trees in a specific area. This 21st, Shake A Leaf is going to have short meeting about who does what in a tree inventory. But we plan to have...plan to have a 3 day seminar October the 21st at North Branch Library and part of this is hands on demonstration and that's why it's at North Branch and it will be including the Ridgewood Area because there's trees there. If anyone from the City would like to take part in this seminar, it will be a good one. Thank you very much.

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PRESIDENT SCHULMAN: Thank you very much. Our next speaker is Kevin Bass. Mr. Bass, good evening, if you step forward and give us your name and your residential address please.

KEVIN BASS: My name is Kevin Bass, my address is 1710 Regent Avenue. And I'm here to support the grant for the water park. I believe that, first of all (*inaudible*) accountability to our children. And it will give them an activity. We need this grant for the water park to reestablish our community and restore our neighborhood in the 4th Ward district. As a tutor in the summer program at the Community Drop In Center, I realized the significance of the Edward "Peel" Coleman Center. We didn't have a lot of money because of finances to go on extravagant trips. But to be able to take these children from the Community Drop In Center to the Coleman Center and just participate in activities, it meant a whole lot to them. I believe that it's vitally important, because it keeps our children active and they must have an outlet. This also would show the 4th Ward and the community that they haven't been left out of the equation for community redevelopment. The grant for the water park will create a new spirit in this community as a result of redevelopment, the interstate coming through there, a lot of things has been shut down. There is a deprivity in that area and it needs to be restored. And the lady made a powerful comment before she walked away. Our children are everything and....thank you.

PRESIDENT SCHULMAN: Thank you very much. Our next speaker snuck in between Mr. Bass and Mr. Hubbard or Ms. Hubbard. Rita James, is Rita James here? You want to step up and give us your name and your residential address please. And welcome.

RITA JAMES: Good evening everyone. I am Rita James and on behalf of 633 Alan Page Drive, I am here in support of the water park issue at the Southeast Community Center. I just wanted to share a few concerns with you in regards to that. The Southeast Community Center and the desire to bring about change in our community by bringing an indoor water facility at the Center. Helping us to help ourselves with some issues, for instance, one in which our President's wife spoke about the issue of obesity. Many people do not have jobs, there are single parents as well as active and inactive. The moral in our neighborhoods, no jobs, drugs, crime, repeat...repeat criminal offenders, aids, HIV, all of which play a big part in our community by which, without much hope for the future. With more risk involving people, innocent people who need to have someone that cares. The new addition would brighten hope for dreamers knowing somebody cares. It'll help the old and the young people out of eliminating a lot of issues like obesity, low moral, self esteem, as well as jobs and crime. Bring the indoor water facility to our community will be great in helping out the single parents. They'll be able to do things with their kids and it can help out with teen pregnancy. This monument would help with as many issues the City faces. Knowing that a little crumb would be so affective with your support. One million dollars was offered to a site in the northwest side to do the same thing by building a water park. But they didn't want it. So we are asking for the same money to be used on this side of town for a water park. They do not want us to have a positive change in our community. Instead, they wanted to use that money to pay old water bills. The people who are in favor, are very respected people, such as Council Person Chris Smith and Councilman Thomas West. But they can't do it without us speaking out on the issues and letting our voice be heard. I just want to say to take those concerns into consideration and I thank you for allowing me to speak this evening. Thank you.

PRESIDENT SCHULMAN: Thank you Ms. James, very much. Our next speaker is....

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MAYOR HEALY: Mr. President.

PRESIDENT SCHULMAN: Oh, I'm sorry Mayor, go ahead. The Mayor wanted to comment Ms. James on something you said, just so you're...you are understanding of what it is that they're going to do tonight.

MAYOR HEALY: Just a clarification for you and others that may be speaking on this. The proposal, again it was amended, it is an...it's not an indoor water park, it's an outdoor spray park. It's slightly different than what was initially opposed a year ago or so. It's an outdoor spray park that's being discussed this evening. And I think there's wording changes that are before Council before the final vote.

PRESIDENT SCHULMAN: Great, thank you very much Mayor. Our next speaker is BJ Rice-Hubbard. Good evening, if you'll give us your name and your residential address please.

BJ RICE-HUBBARD: Good evening Council President and Council Members at Large and community. My name is BJ Rice-Hubbard, I reside at 3121 Maple Avenue NW...NE in Canton. I am here in favor of the water park, be it indoor or outdoor for the 4th Ward. I would like to just share with you personally how much the 4th Ward or the Peel Coleman Center has been an influence in my life since I was 15 years of age. My first job was a lifeguard at Jackson Pool when it was open. That was the best experience I've had in my entire life and I have grown from that. When you look at the youth in the 4th Ward, they are deprived. There is nothing else for them to do. And the Edward "Peel" Coleman Center is a center that will house and have been housing youths, high risk youths and giving them a holistic approach to what we need within our community to in order for us to function as a community effectively. I am in favor of the sprinkling system, it would be nice if it was an indoor water park or an outdoor water park. But I am in favor of something there at the Edward "Peel" Coleman Center. We have a great facility, we have great children and they need an outlet. Thank you.

PRESIDENT SCHULMAN: Thank you very much. Our next speaker is Carrie Brown. Ms. Brown, good evening, if you'll give us your name and your residential address please and welcome.

CARRIE BROWN: My name is Pastor Carrie Brown, my address is 1017 Garfield Avenue SW and today I would like to stand here as an advocate for the Southeast Community Center, Edward "Peel" Coleman Community Center as some of us know. I have been in that community center, I grew up in the area first of all for over 25 years. I've volunteered my services for over 10 years. On August 22nd, in collaboration with 6 of the other organizations, we threw an event that drew over 3,000 families and children from that area, other areas, other Cities that came. That came to that community to enjoy the events and we put a water sprinkler outside and different water activities for the children to enjoy. And it was such a joy to watch these children run in and out of the sprinklers and enjoy the water activities. Why that was such a necessity is because some of the kids will not make it out of that neighborhood. Some of them won't enjoy swimming because of the lack of transportation due to the economy. Some fam...parents cannot afford cars or buses. So, some children, that's the only Cedar Point they'll see. That's the only Geauga Lake they'll ever experience. And I don't speak from just statistics, I speak from experience because I was that child. And so today, on behalf of the community, on behalf of the Edward "Peel" Coleman Community Center, on behalf of the community leaders, I challenge you to the commitment you have on that wall. Our commitment is to a prosperous economic future, one of growth, one of prosperity. And today, I said I think it's fair that we allow the hope

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of prosperity and growth to come into that community center through this grant, the water sprinkler system, indoor. And thank you for allowing me to speak.

PRESIDENT SCHULMAN: Thank you Pastor, very much. Our next speaker is Jon Hall. Mr. Hall, good evening, if you'll step forward and give us your name and your residential address. Good evening.

JON HALL: How you doing ladies and gentlemen? My name is Jon Hall, I'm here to speak in for the...in reference to the water park issue. I stay at 633 Alan Page Drive. I have here with me some petitions that I went out and put and got. It's 100...it's not much but it's 147, I went out and...I didn't have to get paid to do it and...that are in support of this issue. In fact I have here some people that had not spoken that are not going to get a opportunity to maybe speak or have already speak, I would ask if you would all stand if you support of the...of the community water park. Would you please. These are all of the people, all these people here are in regards to the support of the water park issue. And I thank you guys and I applaud you for being here. And I just wanted to say that I am thankful for this opportunity to speak. I'm not here because somebody is paying me or I'm running for to be a...looking to be a politician or anything like that, I'm just thankful for the opportunity. I appreciate everyone of you guys being here, doing you jobs, I know you're doing it with the best of your abilities but I'm asking if you guys would be in support of this issue happening. I thought it was gonna...when I was last here, it was gonna be an indoor water park. Then I heard maybe it was going to be an outdoor water park. Now I'm hearing it's going to be a sprinkling system. And I'm just looking at what I once heard that once somebody here...some of you guys were looking to maybe put that on the northwest end or to be an indoor water park. Now we know the Northeast Center has shut down, the Y has shut down, now we're looking at maybe...and some of the guys here, and correct me if I'm wrong have been looking for the Southeast Center to be cut down, I mean shut down because it's a waste of City taxpayers money. Now, I'm just sharing with you right now, if that place shuts down, you gotta look at...you gotta take on the fact that it's mostly in the urban area. I don't know if that's coincidence but I'm looking at it, correct me if I'm wrong, I maybe wrong but it's...to me it's like a form of...a form of legal slavery going on because if youth kids don't have nothing to do, we already know it's a setup for them to be in your police jails, to be out there selling crack, shooting one another. And I'm just asking if you can help us to help ourselves by legalizing this water parks issue to be formed where it's going to bring about more change in our community. Like I said to you once before, it's not only black people but it's white people there. So the line is being erased right before our eyes. So, help us to help us in our community. And I appreciate you would. God bless you and I wish all of you the greatest throughout the year.

PRESIDENT SCHULMAN: Thank you very much. Thank you Mr. Hall. Our next speaker if Rick Simmons. Mr. Simmons, good evening, if you'll step forward and give us your name and your residential address please.

RICK SIMMONS: My name is....my name is Rick Simmons, I live at 1435 Viola Parkway.

PRESIDENT SCHULMAN: Good evening.

RICK SIMMONS: Good evening. I'm also here to support the "Peel" Coleman Center and the Urban League and all of its projects. Just to give you a little bit of understanding why I support, they gave me the keys to be the young man that I am today. I was not always a angel out there. I got 10 years in the City. I'm married, I have 4 kids, I have a great house. I was one of the fortunate ones that the lady said that never would make it out. I'm still in Canton, I love Canton. I think this would be a great addition, not just the 4th Ward but the

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greater City of Canton altogether and to all children. So, I just wanted to come and give my support to this adventure, to the distinguished panel. As all of you know, I love this City with my heart and I would do anything for these kids. So, as soon as I knew this was on the issue, I had to come up and give my support. I am a member of the Peel Coleman Center and my son is a member of the Peel Coleman Center and we go down there frequently to support it, use its programs and he don't even know it's a sprinkler system, water park, whatever is gonna be there. But once he find out, I'm pretty sure he's gonna want to go. So thank you kindly.

PRESIDENT SCHULMAN: Thank you very much Mr. Simmons. Our next speaker is Lois DiGiacomo. Ms. DiGiacomo, good evening, if you'll step forward and give us your name and your residential address please and welcome.

LOIS DIGIACOMO: My name is Lois DiGiacomo, I live at 3198 Mariners Island Drive here in Canton. Measure of any civilization or any community is how well their young are cared for. Recently the young in this area have lost their library. Now I have two observations and they really are connected. One observation is that the perception of our community now is pretty far down with all the tax office debacle that we're living with. There was another happening that happened here this weekend, there was a presentation at Timken High School and that presentation had a core group of people that worked with 89 young children. It was an organization and a performance that these children will never, never forget. These are not connected but I will tell you that anything that is done that will be positive for the youth of our community, especially the youth who have lost so much and have so little will only contribute to the growth that will happen in this City from now on. At one time in this City on Cherry Avenue there were every black business that would be needed. It disappeared with urban removal. If that had not happened this City would be a different place today because we would have a large population of middle class blacks. Let's start again and maybe for the first time to look at an area that can improve this community in the next 15, 20 or 30 years. Thank you.

PRESIDENT SCHULMAN: Thank you very much. Our next speaker is Arnold Dick. Mr. Dick, good evening, if you'll give us your name and your residential address please.

ARNOLD DICK: I'm Arnold Dick and I've been in Canton all my life too.

PRESIDENT SCHULMAN: Welcome.

ARNOLD DICK: I'm on 6th St NE, Canton. And yes, I'm a Cantonian, sure enough a real Cantonian. Jack Babe Stearn, he brought me up, George Miller brought me up, Ronny Harris, he brought me up. I have 5 championships here in Canton, I won the tough man contest here in Canton, the first one ever. Uh...wow...I've seen....I've seen, I wanna say that I seen Ferraro's Bakery, which is very part of a black community that was torn down here too, which is now out on Navarre Road, I believe, come from...come from the heart of Canton, Southeast where all blacks have supported them. I've seen Cherry Street torn apart, as someone said that was all black community. Blacks help these other blacks have something to be proud of. I have many friends who (*inaudible*)...Jack Babe Stearn was powerful man. I always seen him try to work hard and help the community. But now, speaking on the Peel Coleman Center, I have been there 4 years. I'm a staff member of the Peel Coleman Center, I have volunteered my services for the last 4 years of my experience that I have to the young kids there to try to keep them out of trouble. It should be...seems like to me we're all intelligent here, I quite can't understand why such a thing is so hard to do. To lift Canton up, to make that community shine will make Canton shine itself, period. As the sign says there "Help your

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community grow” put some life back down there again and it makes the whole City comes back together. Help these peoples down there that truly need helps and jobs at the same time, we’ll bring some jobs in down there. If I can give my (*inaudible*) those 4 years, without one red penny, not one dime was not given to me and Mrs. Smith, Mrs. Brown, there’s other ones here that knows me, that I...that’s what I have done. I also want to thank Mrs. Brown, Smith...Mrs. Brown and the City of Canton, the Mayor, that gave me my...my award that was so healing, it came out of it’s...out of the clear blue sky and I want to thank them for that, for my little opportunity down there to try to give something back. I do have a whole lot of experience, I have not always been an angel, but I have always not been a bad person either. Thanks to Jack Stearn...Babe Stearn and Miss Smith. Thank you.

PRESIDENT SCHULMAN: Thank you Mr. Dick. You must have an internal clock, that was exactly 3 minutes. Thank you. Our next speaker on the Coleman Center, then we have one speaker left. Stacy Smith, Ms. Smith....Mr. Smith, gosh I’m sorry, if you’ll come forward, give us your name and your residential address please and welcome sir.

STACY SMITH: How you doing, my name is Stacy Smith, my family resides at 2235 5th Street, the Tavaris Family. I came up here, I felt compelled to come and speak, I just returned, I’ve been in California roughly for about 21 years. I left 21 years ago, I was one of those kids that they talked about that would never get out the City. So, I left, I went to California and I learned and I grew. And I got a chance to to see how Cities operate and work together. In this particular situation, the Peel Coleman Center, I think, is not just one person’s responsibility or one side of town’s responsibility or one side of town’s responsibility, I think it’s all our responsibility at this point. To come back and kind of see the City and the shape that it was in when I left, is a little disheartening, but you know what, we have some good people here on that Southeast side of town that are really trying to get some good things going. Now, my compelling thing is, they need help, they need help. They need this water park to get going and get going pretty quick here. Now, it’s not us we’re concerned about, it’s the kids. So, if I can say anything for anybody, I’m saying it on behalf of all the kids in that area, just like she said, that won’t ever get a vacation for the summer. You know, they’ll come out and they’ll do most of their summer at the Peel Coleman Center and there’s people down there that know that and those are the people that you don’t see behind the scenes that come out and do it and don’t ask for a dime, do it because they know that if we don’t do it, who will. So, with that being said, I’d just like to say please, please get a move on this thing and let’s get something going in that area and we’ll build from that. Thank you.

PRESIDENT SCHULMAN: Thank you Mr. Smith. I can tell you’re from California, you know, you’re wearing a San Francisco 49ers shirt. Next time maybe a Browns or Pittsburgh or...the way the Browns are playing Pittsburgh is fine. (*Laughter*) Our last speaker is...just kidding, gosh, I’m sorry....Steve Eibel, Mr. Eibel good evening. I saved you for last, if you’ll come forward and give us your name and your residential address please.

STEVE EIBEL: Yes, my name is Steve Eibel, I live at 740 41st Street NW, Canton and I’m here on a zoning violation that has been told to me that I am violating. I’ve had the police, actually the police are at my house right now, two police cars for a trailer and a truck that sits in front of my house. By all the laws and all the Ordinances, I am legally bound to be there. I feel I am being harassed by the police and by a...I don’t want to say Council but Council. I’ve spoken to a Lieutenant today just hours ago and he directed me that it was brought up in Council Meeting about my vehicles. I pictures and all kinds of stuff about my stuff. He advised me to come down here tonight. My Council Member has never spoken to me about this problem.

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He has obviously spoken to the other people on the street but I work for 20 people on my street through the year. There is one person who I do not work for. I am a taxpayer, I don't want to break the law but I don't want to be singled out, I guess is what I want to say. Not 100 yards from where my vehicles sit, are vehicles that are parked and do not move, ever. I move mine daily, I work with them and like I say, I've been threatened, today I was threatened by Lieutenant Rubis of the traffic department of towing my vehicles and impounding them. It costs me \$655.00 to buy 6 little tags for my vehicles, I'm glad to pay them, I love paying taxes, I love this Country, I love what I do, \$655.00 for 5 vehicles supposedly it's supposed to go for the streets and whatever, that's what I'm parked on....

PRESIDENT SCHULMAN: Mr. Eibel, you have about...no time left but that's okay, you want to summarize, finish up?

STEVE EIBEL: I will summarize real quickly.

PRESIDENT SCHULMAN: Okay, please.

STEVE EIBEL: I just feel I'm being singled out 6 times, and like I say, there's police, I just gave my Councilman....my son called me as I'm here, there's 2 police officers. It's ridiculous, those policeman don't have nothing better to do. I'm not breaking any laws, I'm just trying to make a living. Thank you.

PRESIDENT SCHULMAN: Thank you very much sir. Thank you Mr. Eibel. That...and again, as I said to all the speakers, Council Members and the Mayor and his Administration, other than Mr. Price, whose under the weather, will be here after the Meeting if you want to discuss anything further. With that, we are concluded with Public Speaks.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We're now under Informal Resolutions and Madame Clerk, will you please read Informal Resolution 46 please.

#46. COUNCIL AS A WHOLE: ERECTING HONORARY SIGNS ON MARKET AVE CELEBRATING MOTHER ANGELICA'S LIFELONG ACHIEVEMENTS. - ADOPTED

PRESIDENT SCHULMAN: Leader.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution 46. Are there any remarks? Hearing none, by voice vote, all those in favor of the Resolution signify by saying aye. All those opposed.

NO REMARKS

RESOLUTION #46 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it, the Motion carries, the Resolution is adopted. Madame Clerk, would you read Resolution 47 please.

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#47. WEST, T., WARD 2 CNCL MBR: HONORING THE RSVP ORGANIZATION FOR THEIR VOLUNTEERS IN OUR COMMUNITY. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President, I move we adopt Resolution 47.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution 47. Are there any remarks under this Ordinance, Member West?

MEMBER WEST: Yes, I'm going to present this at the banquet, could we have it read for the record please.

PRESIDENT SCHULMAN: Yes, Madame Clerk, could you read Resolution 47 please for the record and for all of us too.

CLERK TIMBERLAKE: **WHEREAS**, The Retired and Senior Volunteer Programs (RSVP) of Stark County provides challenging and meaningful volunteer opportunities for adults 55 years and older, and; **WHEREAS**, RSVP and approximately 400 volunteers have provided 70,000 service hours towards meeting the unmet needs and "making a difference" in the lives of residents. The volunteers have contributed One Million, Two Hundred and Forty-two Thousand, Five Hundred Dollars (\$1,242,500.00) to our local community, and; **WHEREAS**, Canton citizens benefit from over 50 RSVP sites that serve all of Stark County by partnering with non-profit agencies to meet a variety of human and community needs, and; **WHEREAS**, The committed volunteers of RSVP make a positive difference in such areas as literacy, health care, arts and culture, and the environment, and; **WHEREAS**, It is a proven health prevention strategy for older adults to engage in volunteer services and the volunteers of RSVP have reinforced the strength and future of the residents of our area. **NOW THEREFORE BE IT RESOLVED**: that I, Council Member Thomas E. West of Ward 2 and Canton City Council do hereby recognize and give special tribute to **RETIRED AND SENIOR VOLUNTEER PROGRAMS** and its hundreds of senior volunteers for their outstanding contribution to the City of Canton and the Stark County Community.

PRESIDENT SCHULMAN: Thank you. Any other remarks? Hearing none, by voice vote, all those in favor of Resolution 47, signify by saying aye. All those opposed, no.

NO REMARKS

RESOLUTION #47 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The Motion carries, the Resolution is adopted.

COMMUNICATIONS

PRESIDENT SCHULMAN: We're 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 SEPTEMBER 13, 2010.

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347. APPLICANT, KOSTADINOS FAKELIS: REQ VACATION OF A 12' PORTION OF QUEENS CT NW FROM RICHARD PL NW TO 12TH ST NW. - PLANNING COMMISSION
348. AUDITOR MALLONN: MONTHLY RPT BY FUND FOR 8/1/10 - 8/31/10. - RECEIVED & FILED
349. AUDITOR MALLONN: YEARLY RPT BY FUND FOR 1/1/10 - 8/31/10. - RECEIVED & FILED
350. COMPLIANCE DIRECTOR MINOR SMITH: AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO AMENDED GRANT AGMT & REC FUNDS FROM HUD OF \$35,848.00. - FINANCE COMMITTEE
351. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/DOMESTIC VIOLENCE PROJECT, INC. TO PROVIDE GRANT IN AMT NOT TO EXCEED \$50,000.00 UTILIZING ESG FUNDS AND REQUIRING DOMESTIC VIOLENCE PROJ TO MATCH FUNDS FOR SHORT TERM HOUSING FOR RETRO PERIOD FROM 1/1/10 - 12/31/10. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
352. HEALTH COMMISSIONER ADAMS: REQ APPROP TRANSFER OF \$455.46 FROM 2328 PHI - PERSONNEL TO 2328 PHI OTHER. - FINANCE COMMITTEE
353. LIQUOR CONTROL DIVISION (OHIO): REQ NEW D3A LICENSE FOR MARIACHI OF CANTON LLC @ 3020 ATLANTIC BLVD NE. - RECEIVED & FILED
354. SAFETY DIRECTOR REAM: REQ SUPP APPROP OF \$40,125.00 FROM 2760 102001 UNAPPROP TO 2760 102001 OTHER FOR HARDWARE & LICENSING FOR CAD/RMS PROJ FROM FEDERAL FORFEITURE FUND. - FINANCE COMMITTEE
355. SERVICE DIRECTOR PRICE: AUTHORIZE SALE OF 1989 CHEV SUBURBAN NO LONGER NECESSARY FOR MUNICIPAL PURPOSES TO CONCERNED CITIZENS OF THE 4TH WARD FOR \$1.00. - FINANCE COMMITTEE
356. SERVICE DIRECTOR PRICE: AUTHORIZE LEGISLATION TO REMAKE LOAN IN AMT OF \$61,156.00 PAYABLE IN MONTHLY INSTALLMENTS OVER 10 YR PERIOD TO CANTON NEGRO OLDTIMERS SECURED BY BLDG AT 1016 12TH ST NE. - FINANCE COMMITTEE
357. SLIMAN, SAMUEL, AGENT FOR PETITIONER: OFFICIAL WITHDRAW OF EXPEDITED TYPE 2 ANNEXATION FOR THE ARMY NAVY ANNEXATION. - RECEIVED & FILED
358. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS AS OF AUGUST 31, 2010. - RECEIVED & FILED
359. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR AUGUST 2010. - RECEIVED & FILED
360. TREASURER SCHIRACK: RPT OF DEPOSITS & PAY INS FOR AMBULANCE LOCK BOX ACCT FOR AUGUST 2010. - RECEIVED & FILED

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361. TREASURER SCHIRACK: RPT OF BANK RECONCILIATIONS & OUTSTANDING INVESTMENTS AS OF AUGUST 31, 2010. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: And we're under Ordinances and Formal Resolutions for the First Reading. Madame Clerk would please begin with Ordinance #1.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #5 FOR THEIR FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:

- #1. (1ST RDG) 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 (\$402,780.70 - COMMUNITY DEVELOPMENT FUND)
Referred to Community & Economic Development & Finance Committees
- #2. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (BOND RETIREMENT FUND - \$5,346.00, POLICE SETTLEMENT FUND - \$1,844,120.00 & GENERAL FUND - \$2,010,000.00)
Referred to Finance Committee
- #3. (1ST RDG) AN ORDINANCE AMENDING SECTION 105.07, GRANT AND LOAN APPLICANT REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY CANTON
Referred to Judiciary Committee
- #4. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (IAP GRANT FUND - \$50,000.00)
Referred to Finance Committee
- #5. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT THE FEMA SAFER GRANT IN AN AMOUNT NOT TO EXCEED \$3,440,134.00; AUTHORIZING THE AUDITOR TO ESTABLISH THE 2815 FEMA SAFER GRANT FUND; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We're now under Ordinances and Formal Resolutions for the Second Reading. Madame Clerk will you begin with Ordinance 6 please.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #6 THROUGH #11 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS :

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- #6. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ACCEPT SUPPLEMENTAL FAIR HOUSING ASSISTANCE FUNDS IN THE AMOUNT OF \$8,500.00 TO COVER EXPENSES FOR FOUR (4) INDIVIDUALS TO ATTEND THE ANNUAL POLICY CONFERENCE; AND DECLARING THE SAME TO BE AN EMERGENCY
- #7. (2ND RDG) 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 (CANTON FEDERAL CAMPUS PROJECT FUND \$8,234.59)
- #8. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE CANTON COMMUNITY IMPROVEMENT CORPORATION (CCIC) TO ADMINISTER FUNDS FOR THE FORD ROAD PROJECT; AUTHORIZING THE AUDITOR TO ESTABLISH THE 2816 629 ODOB FORD ROAD GRANT FUND; AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY
- #9. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (2312 STD CONTROL \$45,000.00)
- #10. (2ND RDG) ADOPTED AS ORDINANCE NO. 171/2010 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (LAW DEPT \$15,000.00)

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules for Ordinance 10.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance 10. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 10.

MEMBER PRATER: Seconded.

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PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 10. Any remarks under this Ordinance?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. I'd like to have the Law Director, if he would, reiterate what he told us where the monies were coming from just for the record, I'd appreciate that sir.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member Cirelli, the \$15,000.00 that is the subject of this Ordinance is being moved from the Law Department's personnel account into an account called other to pay a claim. A claim was brought against the City as a result of a motor vehicle accident on Route 30 in the City limits. That claim has been worked on for years, it involved many other parties. It is being settled per authority of the Claims Committee and the other...for a total of \$30,000.00 the other 10....another \$10,000.00 will come from our general fund and another \$5,000.00 from, I believe the sewer proprietary fund. Thank you.

MEMBER CIRELLI: Thank you and thank you Mr. President.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Any other remarks on Ordinance 10? Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#10 ADOPTED AS ORDINANCE NO. 171/2010

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #10 is adopted. Ordinance #11 please.

#11. (2ND RDG)___AN ORDINANCE AUTHORIZING THE MAYOR AND/OR SERVICE DIRECTOR TO MODIFY THE EXISTING ME COMPANIES CONTRACT FOR THE 12TH STREET N. CORRIDOR PROJECT, G.P. 1098 AND TO RECEIVE FEDERAL TRANSPORTATION FUNDS IN AN AMOUNT NOT TO EXCEED \$743,852.00; AMEND APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT SCHULMAN: Thank you Madame Clerk, that concludes the Second Reading Ordinances. We now move to Ordinances and Formal Resolutions for the Third and final Reading. Would you please begin with Ordinance 12 please.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #12 THROUGH #17 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS :

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#12. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 172/2010** 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 (GIS COORDINATOR)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 12.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 12. Are there any remarks under this Ordinance? Leader.

MEMBER DOUGHERTY: Mr. President, I move we amend Ordinance 12 per the copy in front of all Members.

MEMBER PRATER: Seconded.

AMENDMENT

Pursuant to Rule 36, I move to amend Agenda Item No. 12 by the substitution of the attached, revised ordinance for the pending version.

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance #12 per the copy before each of the Council Members. Are there any remarks?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Yes, could we have that amendment summarized please.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Thank you Mr. Majority Leader. The amendment is to Ordinance #12. Ordinance #12 creates a GIS position in the Engineering Department for Mr. Bodenschatz. It has been explained in Committee and it has been postponed a number of times. The reason for its postponement was, if you recall, President Stauffer of the AFSCME unit 2935 and President Roney of AFSCME 3449, whose here this evening, were concerned that by creating this position and having this gentleman take on additional duties and getting an immediate raise wasn't in the spirit of the calks and the context of the concessions the AFSCME units have made where they had to forego raises last year and Management has done as well for the last couple of years. Mr. Warren Price, your Chief of Staff and Service Director called us on Friday and asked us to prepare an amendment saying that there had been a successful meeting of the minds at a labor management conference between he and some of his department leaders who are here this evening and the unions. With that in mind, we prepared this amendment but I have to read a couple of changes, actual number changes. If you look, the amendment in front of you says "Pursuant to

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Rule 36, I move to amend Agenda Item No.12 by the substitution of the attached, revised ordinance.....” This Ordinance and #13, which I can explain when it comes up next will have a similar explanation, almost an identical explanation, include the language that shows the meeting of the minds. The language is at the bottom of the page and it also appears on the attached chart that goes with the classification plan. The unions requested that the agreement that had been met, the meeting of the minds they had, be reduced to writing and memorialized so it would be in stone so to speak. And that’s the last paragraph on the first page of the substitute Ordinance and it reads “Any employee placed in this position will be paid at a Grade 6 Step 5 salary until such time as AFSCME 2937 and /or 3449 employees are given a base salary wage increase. Upon the first pay period after ratification of a contract between the city of Canton and AFSCME 2937 and/or 3449 granting such an increase, the employee will be paid at Grade 4.” If you...I’m going to give the official copy to our Clerk of Council, I’m going to change that period to a comma and add Step 3 so it reads Grade 4, Step 3. That will also happen on the chart that accompanies it. The reason I’m explaining this and I appreciate the Majority Leader asking us to do so, is that Mr. Price is very ill today and could not make the meeting tonight. I ran this change by the union folks that were here this evening, President Ray Roney and Union Official James Ergon after Tracy Mills approved it and Dan Moeglin, this involves Dan Moeglin’s....but they were involved in the meeting of the minds. And this meets the approval of Dan Moeglin, I wasn’t able to show it to Mr. Price today. So, with that, that is what’s before you.

PRESIDENT SCHULMAN: Thank you Law Director Martuccio. Any other remarks? Just to remind you, Motion, seconded to amend. Any other remarks?

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: Mr. Law Director and Mayor, whoever can answer this, when do the next AFSCME negotiations come up?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: I don’t know the answer to that.

PRESIDENT SCHULMAN: Or Safety Director Ream.

SAFETY DIRECTOR REAM: It’s my understanding that they have a re-opener concerning wages next year.

PRESIDENT SCHULMAN: Next when, I’m sorry.

SAFETY DIRECTOR REAM: Next year.

PRESIDENT SCHULMAN: Next year.

SAFETY DIRECTOR REAM: They received....I’m sorry, their contract was up last year, that’s my mistake. They received zero for this year with a re-opener starting next month, yes.

MEMBER SMUCKLER: So technically if you folks settle on even a \$1.00 raise, then this will kick in at a different sum to Step 4...or Step...yeah, Step 4, Grade 3 or...is that correct?

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PRESIDENT SCHULMAN: Law Director Martuccio or the Mayor.

LAW DIRECTOR MARTUCCIO: In theory yes, what we're talking about our giving...our increases to the base salary wage. And once that is ratified by the unions and City Council, it becomes official. I understand and appreciate the point you're making Member Smuckler but I don't believe it would be an insignificant raise. But in theory yes, if it were insignificant, it would lead to a raise as prescribed here for this particular employee.

MEMBER SMUCKLER: Which is not an insignificant raise, is that correct? What are we talking about here? Can we have someone approach the microphone and tell us how much it's going to be?

PRESIDENT SCHULMAN: Mr. Moeglin, just so the record knows who's approaching the microphone.

DAN MOEGLIN: The individual in question currently makes roughly \$56,300.00 per year, he would increase to roughly \$60,000.00 per year.

PRESIDENT SCHULMAN: Thank you Dan. Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you, if Warren Price were here I'm sure he would say this isn't just a raise, this includes increased duties and responsibilities and the combination of duties not heretofore combined. So it isn't just a raise, it isn't just a step increase as I understand it.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: Yeah, what was...what was this...who were doing these duties before that the new duties that there going to be done?

PRESIDENT SCHULMAN: Mr. Moeglin.

MEMBER SMUCKLER: And exactly what are those duties.

DAN MOEGLIN: The duties in question are to create a GIS Program with the City. Previously those duties had not been done. We have, for lack of a better term, dabbled around the edges of it. We've been coordinating with the County Auditor's Office and their GIS Department. This would improve the elaboration or the collaboration between those and allow us to do more things in-house than we've done before, creation of maps, better inventory of what materials we have. It applies to safety, economic development, our utilities, engineering functions and so forth.

MEMBER SMUCKLER: And I remember we passed this down here to do this with the County. Where is the money going to come from?

DAN MOEGLIN: Currently Mr. Bodneschatz, if he is appointed by the Civil Service Board to this position, pending the outcome of this, his salary is split, as is our Civil Engineering side of things. He's roughly paid, I believe it's about 60% out of capital funds, about 20% out of sewer...or I'm sorry 30% out of sewer funds and about 10% out of general funds. But those numbers, don't quote me on those, I don't have the spreadsheets in front of me.

MEMBER SMUCKLER: I understand, you're giving us just a ballpark on this whole thing.

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DAN MOEGLIN: Yes sir.

MEMBER SMUCKLER: In the meantime, is he going to work on this GIS System without being compensated?

DAN MOEGLIN: Assuming this is approved tonight, yes sir. That's part of the arrangement, he will work on the GIS System and at his current rate, he has agreed to that.

MAYOR HEALY: Mr. President.

PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: Thank you. The jest of this is they are going to take on the new responsibilities that would normally have been at a higher pay but they're going to suspend the higher pay until the unions are in a position to get raises. So, when we negotiate with the unions, if....or I should say when the time comes that we have the ability to compensate the unions for increases, it will be also factored in as we calculate those costs, the increasing these employees. They will not get a raise until the union body does. So they're just suspending an opportunity for a raise but they want the responsibility and those jobs. So, we're doing it for the same money at this point in time.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Two questions. (*Inaudible*)....increases in these economic conditions. You mentioned that part of his salary and I believe some of the (*inaudible*).....also being paid out of the sewer fund. We just increased our sewer rates. I really feel that, that is unfair to our taxpayers to increase their sewer rates and then give people raises. It just is not (*inaudible*). And the other thing is I think you're putting the cart before the horse, I think we should look at our budget first determine if in fact our good people from labor negotiate their increases and then come back (*inaudible*) ...personnel in order give increases. I don't think we should tie salaried people...personnel to negotiating contracts, this just doesn't sit well with me. This creates a real problem with us passing out union raises. (*Inaudible*) ...I believe that they do a fine job. (*Inaudible*)...in this economic time (*inaudible*)...until we start looking at budgets to see I just feel it's really unfair to put this in the budget that somebody else maybe surprised of later on down the line. I think that all three of these (*inaudible*) in the same basic category. And again, I'm not a big fan of increasing sewer rates and passing along raises, this just doesn't sit well.

PRESIDENT SCHULMAN: Dan, you can sit down unless you have anything else you want to say.

DAN MOEGLIN: I'll respond to the first part of that to the extent I'm able. These gentlemen or ladies, depending on who would get the appropriate jobs, they will be doing a service that will improve our efficiency and allow us to do a better job and in the long run save money. So this isn't just something that we think would be fun to do, it's about improving our efficiency and saving taxpayers' dollars. By a small investment, we get a significant return on our investment. So, we believe we are doing our taxpayers justice by implementing this strategic approach to our engineering and so forth. I'll defer on the second question, that's your opinion.

PRESIDENT SCHULMAN: Thank you Dan.

MEMBER WEST: Mr. President.

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PRESIDENT SCHULMAN: Well, Member Cirelli, she was next. Go ahead.

MEMBER CIRELLI: Thank you Mr. President. And I don't know, Member Smuckler said a dollar figure, I'm thinking what if it's like ten cents that the unions would get, then this would kick in that he would get...that this position would get what it states on this Ordinance. Am I correct? To the Law Director.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, Member Cirelli, yes. For example, if they were to get a ten cent an hour increase, yeah.

MEMBER CIRELLI: Okay thank you. And Mr. President, I have to agree with Member Hawk. These are tight times, very difficult fiscal times and I would like to think that our employees are willing to tighten their belts and do more for less, because really most of our employees are doing that. And I would expect the leaders to set an example and these are people in leadership position. So, I cannot justify that we raised rates and now we're going to give people in positions that what I'm hearing them not say is "No, I'm not going to do that unless you give me more money." And that doesn't sit well with me. Thank you.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Member West.

MEMBER WEST: Yes, maybe this would go to the Law Department, the Mayor or Dan Moeglin. If this gets voted down, what's the consequence?

PRESIDENT SCHULMAN: Mr. Moeglin.

DAN MOEGLIN: The consequence is he does not pick up these additional duties. He won't perform things like making...generating better inventories, allowing us to maintain our facilities better, getting a better handle on our facilities. Will basically continue as status quo as opposed to improving our efficiency and getting more bang for our dollars and being allowed to provide better service. We'll stick with what we have, which is, we're behind the times the way it is in a lot of these areas, this is an effort to try and get us into the 21st Century.

PRESIDENT SCHULMAN: Mr. Moeglin, may I ask you a question. The person we're talking about or the position we're talking about is working now, correct?

DAN MOEGLIN: Yes sir.

PRESIDENT SCHULMAN: Is making \$56,000.00 approximately.

DAN MOEGLIN: Approximately, yes.

PRESIDENT SCHULMAN: This would give that person \$60,000.00....

DAN MOEGLIN: Not at the moment, that raise would be suspended until such time as the union gets theirs.

PRESIDENT SCHULMAN: So, until the union gets money, this employee who was doing this work for the last year for free doesn't get anything?

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DAN MOEGLIN: He is not currently doing this work. He will be doing this work pending passage of this. He will not get a raise until such time as the union does. He will get a raise at that time but until then he will do the work at his same current rate.

PRESIDENT SCHULMAN: Alright, so he will do....assuming there's no...knock on wood, I hope we're in the position to give raises to our City employees but nevertheless, if they receive no raises, he'll do this work for his regular salary that he's being paid now.

DAN MOEGLIN: The exact same salary he is making now.

PRESIDENT SCHULMAN: Okay.

DAN MOEGLIN: Less any furloughs.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yeah, Member West.

MEMBER WEST: Let me make this clear. We have to do this work based on legislation we passed last week or a couple weeks ago...three weeks ago, in reference to the GIS System with the County is that correct?

DAN MOEGLIN: The GIS that you passed a few weeks ago, while they are associated are not directly related, that legislation, and I wasn't directly involved with that, but that allowed the County to implement some new technology. Passage of this will allow us to better utilize that technology here at the City to improve our function and our efficiency.

MEMBER WEST: And I could also be way off but this also has to do with the Water Treatment Facility as well, is that correct? Some of the duties that...that's going to beef up and...

DAN MOEGLIN: Rick will....

MEMBER WEST: Rick will address that?

DAN MOEGLIN: Mr. Bodneschatz or the person in this position will have some general duties associated with better mapping and documentation of our sewer collection system, both sanitary and storm as well as becoming involved with our water lines and assisting them and developing a data base and good mapping of those. The legislation you see next on the Agenda will be more related to the sewer treatment plant.

PRESIDENT SCHULMAN: Okay, thank you Mr. Moeglin. Ah...we're on the amendment, just the motion to amend. Any other remarks on the motion to amend?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: I listened to the presentation that they gave and you know, it is about improving efficiency. It is about getting a department where it needs to be. As Chairman of Public Property Capital

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Improvement, I would always ask why...why aren't we doing this a different way, why are we behind. And you know, they came forward and stepped forward and said "Look, I won't take a raise, we understand what's going on." And they talked to the unions, conversations went on and they don't have a problem with it either. They understand it too and I'm supporting this legislation, I just wanted to give my two cents worth in. But I'm telling you that this is going to have him go in the right direction and we need to try and understand that. Thank you.

PRESIDENT SCHULMAN: Okay.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: A question, what I hear him, in essence saying "I will do this job now if this Ordinance passes for \$56,300.00." Okay, let's say they go into negotiations and nobody gets any money, is he not going to do the job then anymore because they didn't agree to any raises for the union but will he be tied into doing this for \$56,300.00? And if he can do it now.

PRESIDENT SCHULMAN: Okay, we'll let Mr. Moeglin respond.

DAN MOEGLIN: That would be the case, as the legislation, the amendment is quite clear, until the union gets the raise, he will continue to do that job with the additional responsibilities at his current rate.

MEMBER CIRELLI: So, Mr. President and Mr. Moglin....

PRESIDENT SCHULMAN: Moeglin (*referring to Member Cirelli mispronouncing Dan Moeglin's name*) Moeglin, not Moglin, he's been around for just a few years.

MEMBER CIRELLI: I'm used to calling him Dan.

PRESIDENT SCHULMAN: I know.

MEMBER CIRELLI: Mr. Moeglin....he's going to do this job for \$56,300.00 and let's just say they go into negotiations and they don't get anything, he's still going to end up doing the job for \$56,300.00. So, to me it's like he's asking, he must feel confident that we're gonna have some money to give to the other employees, which I don't feel confident with. And I think if he is willing to do the job at \$56,300.00, we should go ahead with it right now as it is and let well enough be alone.

PRESIDENT SCHULMAN: Okay, any other....we're just on the amendment, that's all, we're not on the Ordinance as amended. Let's do that first. All those in favor of the amendment to Ordinance 12, signify by saying aye. Those opposed.

NO REMARKS

AMENDMENT PASSED BY VOICE VOTE

PRESIDENT SCHULMAN: One no, the ayes have it, the Motion carries. Now before you is Ordinance #12 as amended, Leader.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance #12 as amended.

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MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved to adopt Ordinance 12 as amended so the question you are now voting on is the Ordinance #12 as amended. Now, are there any remarks under this Ordinance as amended? Member Cirelli, do you have anything else you wish to say?

MEMBER CIRELLI: No sir, I think I made my point pretty clear.

PRESIDENT SCHULMAN: Okay, anyone else?

MEMBER WEST: Mr. President, just one more quick question.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: I was told that we had the best Engineers in the area. Is that correct?

(LAUGHTER)

MEMBER WEST: I asked this for a reason.

PRESIDENT SCHULMAN: Mr. Moeglin, are you the best Canton City Engineer in Canton?

MAYOR HEALY: You're under oath.

DAN MOEGLIN: At the current moment, I am the best Canton City Engineer that you have.

(LAUGHTER)

MEMBER WEST: And from what I understand, you know, we as Council Members sometimes we gotta be very careful when we talk about people's salaries and giving them...shortening them from what they really deserve. And I'd hate to lose some of our valuable people in the City of Canton. I'm gonna support this because you're telling me that this is the best road to take.

DAN MOEGLIN: Yes sir.

MEMBER WEST: And...so I'm gonna to support you in that and I'm gonna also hold you accountable in making certain, you know, this GIS system is the best in the area. I know you've done a lot of work in this City and has approved a lot of things for us and I appreciate your hard work and I just wanted to say that for the record.

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

LAW DIRECTOR MARTUCCIO: Thank you. On Member West's point, we have worked with this individual in the Law Department on many occasions and I can tell you that when we're struggling to get something done on time and done right, he's there. He works after hours, he makes sure that it's done with focus and detail. So you're not entrusting just anyone to take on additional duties for the same amount of pay. I...we, I'm speaking for our department, have found he and the other employees of the Engineering Department to go above and beyond the call. Thank you.

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PRESIDENT SCHULMAN: I also think....Member Hawk.

MEMBER HAWK: I also them to be very outstanding Engineers who does a really fine job. (*INAUDIBLE*)

PRESIDENT SCHULMAN: And I was just going to say in defense, although I don't think he needs to be defended by me of Member Hawk. There is obviously a concern of money, where it's going to come from in these very harsh economic times and I know the Mayor understands that more then anyone because he has to manage his budget. But in any case, any other remarks? Hearing none. Madame Clerk, roll call vote please on Ordinance #12 as amended.

NO REMARKS

ROLL CALL: 10 YEAS, 2 NAYS
(MEMBERS CIRELLI AND HAWK VOTED NAY)

CLERK TIMBERLAKE: Ten yeas, two nays Mr. President.

#12 ADOPTED AS AMENDED AS ORDINANCE NO. 172/2010

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #12 as amended is adopted. Ordinance #13 please.

#13. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 173/2010** 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 (WATER RECLAMATION FACILITY)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 13.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #13. Any remarks, Leader.

MEMBER DOUGHERTY: Mr. President, I move we amend Ordinance 13 per the amendment in front of all Members.

MEMBER PRATER: Seconded.

AMENDMENT

Pursuant to Rule 36, I move to amend Agenda Item No. 13 by the substitution of the attached, revised ordinance for the pending version.

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance #13 per the copy before each of you, Leader would you like to have Law Director Martuccio explain the amendment.

MEMBER DOUGHERTY: I guess. (*Laughter*)

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PRESIDENT SCHULMAN: Let the record show that the Leader was less than enthusiastic about Law Director Martuccio explaining this amendment. (*Laughter*) But nevertheless, Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, Member...Mr. Majority Leader, I can appreciate that. However, in order to save us of reconsidering this amendment next week if it does pass, I will offer up a couple of changes. Again, the same story holds true, this is...this time we're shifting though to the Water Reclamation Department and Mr. Mills and a different employee. Same principle though, the creation of additional duties, an objection by the union, subsequent discussions with the unions, a meeting of the mind with the unions. The amendment that I'm about to read to you with a couple of changes and numbers was approved by the union officials who were here earlier this evening. And I want to thank Mr. Mills for bringing a couple of necessary changes to our attention in the absence of Mr. Warren Price. Again, if you turn to the first page of the amended Ordinance the same principle holds here but you have to pencil in a couple of changes that I will give to...that I have given to the Clerk of Council. "Any employee placed into this position will be paid at Grade 4 Step 4...." Those numbers are incorrect, it will be "Grade 4 Step 4 salary until such time..." etc., etc., etc., at the end of the sentence "...the employee will be paid at Grade 4, Step 5." Grade 4, Step 5 and the same change is made on the schedule that's attached. That will correct this particular Ordinance. Thank you.

PRESIDENT SCHULMAN: Any other remarks? Okay, by voice vote all those in favor...I'm sorry, I got a text from my wife who asked whether I had taken her car keys and I actually did take her car keys (*laughter*) and the car is sitting out in the driveway with it's top down. So, I'm sorry, I have to do that...alright. All those in favor of Ordinance 13, the amendment to Ordinance 13 signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The Motion carries.

MEMBER CIRELLI: No.

PRESIDENT SCHULMAN: I'm sorry? (*Laughter*) The ayes have it, the Motion carries. Now were on Ordinance 13 as amended. Leader.

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

MEMBER PRATER: Seconded.

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

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: Tracy could I ask you to please approach the microphone?

PRESIDENT SCHULMAN: Mr. Mills.

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MEMBER SMUCKLER: Tracy we've had many discussions about this issue and with this \$70,000,000.00 project, if...what would you do if we didn't do this?

TRACY MILLS: If Council does not pass this Ordinance tonight, one of the first things I will have to do is advertise in the local paper for a consultant to come in and do value engineering on the project. Value engineering would cost in the neighborhood of \$75,000.00, that's been a verbal quote that's been given to me. We would have to do that because the City of North Canton and Stark County that have a combined interest of 56.5% of the 72.12 million dollar project, they have demanded that value engineering be performed on this project to protect their interest, their fiscal dollars, their taxpayers and so forth, rate payers. So, we would have no choice but to do that. There are other items....

MEMBER SMUCKLER: Wait, wait, wait, don't pass by that point yet.

TRACY MILLS: Okay.

MEMBER SMUCKLER: How much of the total bill does the City of North Canton and Stark County, how much do they cover?

TRACY MILLS: Uh.....

MEMBER SMUCKLER: Percentage wise.

TRACY MILLS: 56½ % of 72 million if somebody's got a quick calculator. Close to 40 million. And keep in mind that at this point, they have only agreed and entered into a supplemental agreement for the designed phase only, not the construction. That's very, very important, we are under a compliance schedule to initiate construction I believe within 48 months of May 1st of this year.

MEMBER SMUCKLER: And how much of a raise are we talking about with the same amendment if it gets any type of a....

TRACY MILLS: The employee, Doug Harris, if he is approved by the Civil Service Commission, is currently at Grade 4, Step 4, this Ordinance would push him to a Grade 4, Step 5. It's a simple step increase which is approximately \$2,600.00 and it's also a Step increase that he is going to receive anyway as soon as managements wages are unfrozen.

MEMBER SMUCKLER: So this is \$2,600.00 versus the \$75,000.00 you would go out to bid for, is that correct?

TRACY MILLS: Absolutely, absolutely.

MEMBER SMUCKLER: Thank you sir.

PRESIDENT SCHULMAN: Thank you Member Smuckler. Thank you Director. Any other remarks? Hearing none, you're now voting on the Ordinance 13 as amended. Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 2 NAYS
(MEMBERS CIRELLI AND HAWK VOTED NAY)

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CLERK TIMBERLAKE: Ten yeas, two nays Mr. President.

#13 ADOPTED AS AMENDED AS ORDINANCE NO. 173/2010

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance 13 as amended is adopted. Madame Clerk, Ordinance 14 please.

#14. (3RD RDG) **ADOPTED AS ORDINANCE NO. 174/2010** 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 (WATER CONSTRUCTION , REPAIR MAINTENANCE, SUPPLY TREATMENT DIVISION)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 14.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 14. Are there any remarks, Leader.

MEMBER DOUGHERTY: Mr. President, I move we amend Ordinance 14 as per the amendment in front of all Members.

MEMBER PRATER: Seconded.

AMENDMENT

Pursuant to Rule 36, I move to amend Agenda Item No. 14 by the substitution of the attached, revised ordinance for the pending version.

PRESIDENT SCHULMAN: It's been moved and seconded that Ordinance 14 be amended per the copy before each of you. Leader would you again like to have Law Director Martuccio explain this amendment?

MEMBER DOUGHERTY: Yes sir.

PRESIDENT SCHULMAN: Thank you. Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Mr. Majority Leader, you'll be glad you did because there's no need for this amendment after all. Again, in the absence of Mr. Price, I double checked this with the diligent department heads behind you, Mr. Moeglin and Mr. Mills, they can speak and have spoken this evening with me for Tyler. This Ordinance #14 is a similar concept and it goes to the Water Department. However, there is no one in that position yet and there is no amendment necessary. I can remind you and if you have additional questions, they can answer them for you. As proposed to you, without the amendment, this would create and add the classification Facilities Engineer, Grade 4 with one employee allowed. If Council passes this, if and when this employee is employed, they start at the lowest level they're

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allowed to start at unless the appointing authority comes to Council and asks for something beyond that and Council would have to give their permission. There is no one in this position now. I spoke with the union officials here again this evening prior to the meeting and explained that once I understood that, again in the absence of not being able to consult with Mr. Price, there is no need for an amendment. However, if you have questions about when this will be filled or how, I would have to yield to the gentlemen who you've been questioning thus far.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Wait a minute, I'm confused. This is the Water Department, why is this position needed again?

DAN MOEGLIN: I'll do my best to speak on behalf of the Water Department and the Service Director. This position is needed again to move the Water Department forward. As you folks will probably all recognize there are a significant number of water main breaks that occur on a regular basis throughout the City. Our distribution lines are in desperate need of repair and replacement. This position will focus on those types of activities. We have put a lot of energy and money and so forth into upgrading the water plants. It's time to look at the distribution system itself. Tyler Converse...Mr. Converse, the Superintendent of the Water Department has identified his distribution system as one of his top priorities, he needs some engineering knowledge and expertise to help him with that. In addition to that, he also has some other programs that he wants to implement on a large scale basis, which are leak detections so he can go out, identify existing leaks, repair those, somebody has to manage that work and keep it moving forward.

MEMBER WEST: What are we doing currently?

DAN MOEGLIN: Fixing leaks as they break. Which, significant overtime and inefficiencies and tearing up of roads takes place when we do that.

PRESIDENT SCHULMAN: Okay, anything else Member West? I have a question for the Law Director, I'm not sure I understood what you said Law Director Martuccio. Do we need this amendment or do you want this amendment withdrawn or should we vote on the amendment, vote it down, what's your recommendation?

LAW DIRECTOR MARTUCCIO: If no vote takes place, there is no amendment. The amendment...did the vote take place?

MEMBER DOUGHERTY: It didn't take place, I made a motion to amend this Ordinance though.

PRESIDENT SCHULMAN: And it's been seconded.

LAW DIRECTOR MARTUCCIO: You can withdraw it and....

MEMBER DOUGHERTY: Yes, at this time I'd like to withdraw the motion to amend this Ordinance.

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MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: Alright, so it's been moved and seconded to withdraw the amendment. All those in favor signify by saying aye. Those opposed, no.

NO REMARKS

AMENDMENT WITHDRAWN BY VOICE VOTE

PRESIDENT SCHULMAN: The amendment is withdrawn. So now we're just talking about Ordinance 14 as originally proposed.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: I move we adopt Ordinance 14.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 14. I just want to compliment everyone in the Council tonight because you've been very diligent in determining what exactly these positions are going to be and what exactly is going to be accomplished by filling them and how much money it's going to cost and what money will be saved. I just have to say I have not heard this for Ordinance 14, who is it that is going to be placed in some new salaried position? Just for the benefit of the Members of Council, maybe I'm the only one that doesn't understand it but I don't.

DAN MOEGLIN: This position, there's nobody that's essentially been earmarked to fill this. This would be a new hire, it could be from within but most likely from outside.

PRESIDENT SCHULMAN: And that would start at how much?

DAN MOEGLIN: Uh...

PRESIDENT SCHULMAN: I mean, I know you're not the Water Superintendent but...

DAN MOEGLIN: It'd be Grade 4, either Steps 1 and 2, as any new person off the street would be hired into that position. You could not hire beyond that without Council approval and there would be no raises once that person is hired in until the unio....or the Management steps are reimplemented at some point in the future.

PRESIDENT SCHULMAN: But Dan unlike 12 and 13, 14 is somewhat different. I mean this is a moot position, a new salaried position so Council understands with new monies coming into the department. It'll have to be funded if the person is hired.

DAN MOEGLIN: Yes, and I will say this was budgeted for and essentially a lot of this work had been previously performed by the current Superintendent as he filled the Assistant Superintendent position at that time. So the money is there, it's in place and we need another body to do the work.

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PRESIDENT SCHULMAN: Okay.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: Is this position...I'm sorry to put you on the spot but there's no one else here. Does this position currently exist in our Personnel Ordinance now?

DAN MOEGLIN: No sir.

PRESIDENT SCHULMAN: Mayor.

MAYOR HEALY: Yeah, I'll respond to that.

PRESIDENT SCHULMAN: Sure.

MAYOR HEALY: What happened when JD Williams was the Superintendent, Ty was the Assistant, JD retired. We moved Ty up, we did not replace him, rather than filling the position that Ty left we wanted to redefine that position for a use that makes more sense for Ty. So, that's what this, it's a new position. He's not refilling an Assistant position he wants to fill this and so there's a job description change in that...

PRESIDENT SCHULMAN: Okay. Member Hawk.

MEMBER HAWK: (*Inaudible*).... no longer needed are we going to leave that as an open position too? I guess my other question is I really haven't really started to tally this stuff...

PRESIDENT SCHULMAN: Do you know Dan? I...again, we don't want...mean to put you on the spot.

DAN MOEGLIN: Right, I believe the starting salary is in the range of \$58,000.00, in that range, 54 maybe, somewhere along those lines.

PRESIDENT SCHULMAN: Okay, Member Cirelli.

MEMBER CIRELLI: While you're up there Dan, since you're the excellent and best Engineer we have in the City of Canton...

DAN MOEGLIN: Currently.

MEMBER CIRELLI: By your own admission. (*Laughter*) I hear you say if we don't fill this position then we're not going to get our leaks fixed and all these other things, which to my understanding has been going on quite well already. And now we're creating another position and that's gonna cost more money. I either, and I guess you and I don't have the same mind set (*Laughter*) and that's the same here Dan. Mr. Moeglin, the same here because I believe, this is all about taxpayers' money and I believe in trying to get the best out of our workers and I've worked in some very tough positions, I think most of these people here have and not necessarily in an elected capacity for the same money all the time. Because where I was working, they didn't

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have it. And I would like to think that we have workers that feel the same way about this City and will go out of their way and go and stay until 5 and 6 or what have you, until their job is done. And also, there's an influx of people out there that will take everyone of your positions if you don't like them. And you know, there's an old...this has come before me in a round about different way and many times in my elected capacity as a Commissioner, and what have you, but we have to hire a certain person at the starting rate or what have you, a higher rate because he could make more money out working for the general public, out working in public entities. And what came to my mind, I said "Then you're telling me we're hiring idiots because if somebody can make more money outside of Government that's where they should go then and we shouldn't hold them." But what you don't hear in all of this, is you got to put another 1/3 on top of all these salaries for pensions, benefits and what have you. And you and I know right now that the general public is fed up to way higher then you and I can reach with the bureaucrats in Government and the money that they're spending. So, I believe it behooves us to tighten our belts where we can, everybody else wants to let their belt loosen up, maybe when their britches fall down they'll say I made a mistake. I don't mind being the only one to cast a no vote again but I will do that. I'm always consistent in what I believe and I would expect better performance for what we have now. Thank you.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Okay, hearing no more remarks...*(Laughter)* we are going to vote on Ordinance 14, not as amended, just Ordinance 14. Madame Clerk, roll call vote please.

CLERK TIMBERLAKE: My pleasure.

NO REMARKS

ROLL CALL: 8 YEAS, 4 NAYS
(MEMBERS CIRELLI, SMUCKLER, HAWK AND WEST VOTED NAY)

CLERK TIMBERLAKE: Eight yeas, four Nays Mr. President.

#14 ADOPTED AS ORDINANCE NO. 174/2010

PRESIDENT SCHULMAN: Ordinance 14 is adopted. Ordinance 15 please Madame Clerk.

#15. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 175/2010** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT A GRANT FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR) IN AN AMOUNT NOT TO EXCEED \$495,000.00 FOR THE CONSTRUCTION OF AN INDOOR WATER PARK FACILITY AT THE EDWARD "PEEL" COLEMAN CENTER; AND TO ENTER INTO A PASS THROUGH AGREEMENT WITH THE ODNR IN AMOUNT NOT TO EXCEED \$495,000.00; AUTHORIZING THE AUDITOR IS AUTHORIZED TO ESTABLISH THE 2237 WATER PARK FACILITY GRANT FUND; AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 15.

MEMBER PRATER: Seconded.

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PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 15. Are there any remarks? Member Smith.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: I move we amend Ordinance 15 per the amendment in front of everyone.

MEMBER PRATER: Seconded.

AMENDMENT

I move, pursuant to Rule 36, to amend Agenda Item No. 15 by deleting the words "is authorized" after the word "Auditor" in the caption, and deleting the word "indoor" from the caption and Section 1.

PRESIDENT SCHULMAN: It's been moved and seconded to amend Ordinance 15 per the copy before each Council Member. Are there any remarks on the amendment? Leader...Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you. This will be much shorter. As you all noted earlier, this really isn't going to be an indoor park per say. Now, the Ordinance amendment you have in front of you says there's a motion to delete the words "is authorized" after the word "Auditor" in the caption. I'm adding a comma to the official version I'm going to give to the Clerk of Courts and adding this phrase "and" so, reading it in context, the Motion is to delete and to continue to delete the word "indoor" from the caption and from Section 1. So, we're simply scratching the word indoor from the caption and the word indoor from Section 1 to make this Ordinance accurate and not have to reconsider it. Thank you.

PRESIDENT SCHULMAN: Okay, without addressing the Ordinance, either itself or as amended, are there any remarks on the amendment to the Ordinance? Hearing none, by voice vote, all those in favor of amending Ordinance 15 per the copy, signify by saying aye. Those opposed, no.

NO REMARKS

AMENDMENT PASSED BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The Motion carries, Leader.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance #15 as amended.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 15 as amended. Member Smith.

MEMBER SMITH: Yes.

PRESIDENT SCHULMAN: Before you begin, I know there were others obviously who were very active in this, I don't take a stance one way or the other but you've been politically astute, you've done a great job mobilizing your community that you represent in endorsing this and I want to compliment you publically.

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You've really done a remarkably great job. I'm bringing this to Council's attention and final vote. So, you're to be congratulated. Now, go ahead.

MEMBER SMITH: Thank you so much Mr. President. But I really just wanted to piggyback on some of the things that the residents had spoke about. BJ failed to mention that the play "The Wiz" that took place on yesterday, these students practiced at the Southeast Community Center and did they production out of sight. And I want them to know that not only are we trying to get a spray park but we are upgrading the facility also. Because I believe that anything that you take care of and promote, it will last. It's not about us, it's not, it's not about us. But I want that community, the children of the City, not just that community of the 4th Ward to look back 25 years from this date and say that this Administration cared, not only did they care about us and our future but they cared about a building that we own. And if we do not put any money into something that we own, it's not gonna last anyhow. And I know that, you know, that \$495,000.00 is not gonna, you know, it's not gonna get us a swimming pool that we certainly was hoping for. But it will give those children of the City and the community, the asset of having a spray park in this community. And those funds were allocated and lobbied for, for a spray park. And that's why I'm asking Council to support this so that we can look back and say that we supported the children of this community, which is greatly needed. I ask for your support in this, this evening.

PRESIDENT SCHULMAN: Thank you Member Smith. Any other remarks? Member Griffin.

MEMBER GRIFFIN: Mr. President, I will support this Ordinance if the updates for the building will come first. I think it's very important that we have a secured structure there before we go on to the water. So is that gonna be in the Ordinance that the refurbishing of the building will be done first?

PRESIDENT SCHULMAN: Mayor do you want to address that.

MAYOR HEALY: Yeah Mr. President, I'll address that. I don't think it's structured in the Ordinance. It is specified how much goes towards the building and how much goes towards the spray park. But I can tell you that the upgrades to the building will start immediately. The spray park will probably not start until spring, until the weather breaks after this winter season. So, those adjustments inside could all be completely done before we get to the outside just by the timing of the Ordinance.

MEMBER GRIFFIN: I will support it if the, you know, if I'm assured that the structure is going to be secure.

PRESIDENT SCHULMAN: Well it doesn't make much sense and I agree Member Griffin, to build a spray park if the building is going to fall around the people using it. Any other remarks?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Yes, and I'll ask this I guess to the Mayor. When you speak of the upgrades and I'm glad to hear that also because to me that's very important that we make sure that building is functioning and what have you because we're going to add something else, so we want to make sure all systems are go. Do we have the money for those upgrades that are set aside from this money sir and what fund will that come from?

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PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: Yes thank you. The \$495,000.00 will be split, I believe the numbers are 350 will go towards the spray park project, the balance of that will be put into the facility. We also have funds from the energy block grant money that we receive that will deal with a number of the other upgrades, particularly issues like the HVAC and lighting and things like that, that are energy issues. That was described in detail, I think they had a walk thru, they invited all Council Members this past week and some came and the rest I of them I think got copies of the documents. So you should have all that information. Thank you.

MEMBER CIRELLI: And Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: The question is really very important to and I think the Law Director would have to answer this. If we are going to charge a fee, do we have it structured in there that we will be carrying insurance, which you did state that, that would be a necessity? So, I wanted to make sure and where would we get the money out to pay for that insurance because that's...I don't want to see the City get sued.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member Cirelli, thank you for your question. Our Chief Counsel and I, Kevin L'Hommedieu have discussed this extensively this past week. Let me explain, we have insurance and our insurance will cover the proposed water park under our policy. However, our deductible is, has been and should always be to save us money, \$125,000.00. So, being that this is a spray park, it's unlikely that anyone will drown but should someone for example trip and break a bone, if it were shown that it was due to our negligence that we had a terrible nuisance that we ignored, they could file a claim and that claim would have to be paid by us up to \$125,000.00. However, I want to hasten to add, \$125,000.00 deductible, I want to hasten to add, we have Governmental immunity when we do Governmental functions. Operating a spray park is a Governmental function under Ohio law. So, we would have that kind of immunity. That kind of immunity that I'm referring to is Chapter 2744 that generally gives us the cloak of immunity from lawsuits provided we do whatever we're supposed to do within the scope of our employment to the best of our ability. Someone can still bring a lawsuit for negligence though if they can prove there was physical defect that was open and we ignored or simply failed to try treat properly. Now, to your question, with that background, there's another flavor of immunity that's called recreational user immunity and I know about this one because I argued this at the Supreme Court 20 years ago, Ohio Supreme Court, when a political subdivision like a City, opens recreation to the general public free of charge. They have what is known as recreational user immunity, meaning they're immune from lawsuits unless there is something really extraordinarily wrong. But generally it's a pretty good cloak of immunity. However, if a fee is charged the answer becomes less clear. There are cases that have been decided in the 20 years since I argued that case that seem to say that if a Municipality charges a fee they could lose that cloak of immunity. That was so..so held by and Appeals Court in 1990 and also another Common Pleas Court in 19...or later in 2001. In 2003 a different Court in a different part of Ohio went a different way with a softball player who had to pay a fee to play softball. So our best answer to you is, if we maintain this facility accurately and well, we will have the cloak of immunity. We have insurance, again up to \$125,000.00 deductible. We also have recreational user immunity unless we charge a fee in which case that user immunity, that kind, that flavor is in question. It is in jeopardy.

PRESIDENT SCHULMAN: Any thing else Member Cirelli?

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MEMBER CIRELLI: I just want to clarify, is it 125 or 225 sir?

LAW DIRECTOR MARTUCCIO: Member Cirelli, 125,000 is our deductible. So, if a Judge or a jury found we were at fault and we were negligent, we would pay up to 125,000.

PRESIDENT SCHULMAN: Any other remarks? Member Cirelli, I'm sorry, did you have one more? You may as well finish up, go ahead Member Cirelli?

MEMBER CIRELLI: I just wanted to find out if in case and is this of bearing or is it went away that if we would default and it not be open for 15 years, where...would we have to pay the total amount back and with interest and where would we get the money just in case that would happen and maybe that's not even an issue now. Maybe that's been worked out.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, Member Cirelli, my understanding is that we would pay back only the remaining pro rated portion. For example, if we were open 10 years of the 15, we would only have to repay a third.

PRESIDENT SCHULMAN: Yes Member Hawk.

MEMBER HAWK: (*Inaudible*)....Interest?

LAW DIRECTOR MARTUCCIO: Yes.

MEMBER HAWK: I guess the other question (*inaudible*) down into determination later on, if we close the spray park to maintain the building (*inaudible*)...do we have to repay that portion...the unused portion of the grant? I can point to an ice rink that sits out there right now that is now closed because the City cannot afford to afford recreation of an ice rink and we can't keep it open anymore and yet we're going to accept another form of recreation (*inaudible*)... So my question again, where is that line drawn? If the spray park closes and the building stays open, do we have to pay that money?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, Member Hawk, that's a good question. If you as my clients instructed the Law Department to say "Due to fiscal concerns way beyond our imagination" and legitimate issues we had to close it, we would argue we couldn't afford to repay it and shouldn't have to repay it. However, we all know how that works. And if the language, obviously if the State Attorney General had one of its assistants pursue us, we would argue we would only owe a portion of the portion and only for that, that hasn't been used yet. So, for example if this works out to be a little less than half for the spray park and we were open 10 out of the 15 years, I'd say we'd only at most be liable for half of the remaining third or so. But yes, we would face that possibility.

PRESIDENT SCHULMAN: Any other remarks? Anything else Member Hawk? Okay, hearing none, Madame Clerk roll call vote please on Ordinance 15 as amended.

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NO REMARKS

ROLL CALL: 10 YEAS, 2 NAYS
(MEMBERS HAWK & BUTTERWORTH VOTED NAY)

CLERK TIMBERLAKE: Ten yeas, two nays Mr. President.

#15 ADOPTED AS AMENDED AS ORDINANCE NO. 175/2010

PRESIDENT SCHULMAN: Ordinance 15 as amended is adopted. Ordinance 16 please Madame Clerk.

#16. (3RD RDG) **ADOPTED AS ORDINANCE NO. 176/2010** AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE DELONG ANNEXATION AREA CONTAINING APPROXIMATELY 0.192 ACRES; ASSIGNING SAID TERRITORY TO WARD 3 OF THE CITY; ZONING SAID TERRITORY AS R-1A (SINGLE FAMILY RESIDENTIAL); AND DECLARING THE SAME TO BE AN EMERGENCY

PUB HRG: 9/13/10 @ 7:30 PM

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 16.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 16. Any remarks under Ordinance 16? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#16 ADOPTED AS ORDINANCE NO. 176/2010

PRESIDENT SCHULMAN: Ordinance 16 is adopted. Ordinance 17 please.

#17. (3RD RDG) **ADOPTED AS ORDINANCE NO. 177/2010** AN ORDINANCE AMENDING VARIOUS CHAPTERS OF PART ELEVEN, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

PUB HRG: 9/13/10 @ 7:31 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. Any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

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NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#17 ADOPTED AS ORDINANCE NO. 177/2010

PRESIDENT SCHULMAN: Ordinance 17 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

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

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Thank you good sir. Finance Committee will meet Monday, September 20, 2010 at 6:45 right here in the Council Chamber.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Judiciary will meet at the same time and same place.

PRESIDENT SCHULMAN: Thank you.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: Community Development, same time, same place.

PRESIDENT SCHULMAN: Thank you. Is that it?

MISCELLANEOUS BUSINESS

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

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: Okay, I have a couple of things I would like to uh...probably direct it to Director Ream. For the past couple of weeks the parents have been calling me concerning tickets that they are getting while they are parking at the Little League game at the Southeast Community Center. I really wish you could come down there one Saturday and see that it is over 2,000 to 3,000 parents and kids down there. There is no other place to even park. But I just feel like it's unfair that these parents be ticketed for parking where they feel that they shouldn't be parking, I'm saying the City or whoever is giving these parking tickets, I'm really not for sure. But on last week I did talk to Grant Presley regarding it and I really wish that its something that can be done about that. I just feel like it's so unfair for the parents to have to come down while their children are playing ball and be ticketed for illegal parking. So, what do you think we can do about that?

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PRESIDENT SCHULMAN: Director.

SAFETY DIRECTOR REAM: Yes, this is the first I became aware of it this evening and as we discussed earlier, I'm not sure if it's our Park Police Officer or our regular officers. I will get with Members of the Police Department to here and investigate into this matter and see what we can do about it.

PRESIDENT SCHULMAN: Thank you Director.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Yeah, sure.

MEMBER SMITH: For those of you who have not rode on Sherrick Road, we want to give you the opportunity to do so. We're planning a ribbon cutting ceremony to dedicate Sherrick Road and I would like to invite each and every one of you to parade with us down Sherrick Road September the 26th at 3:00. There we gonna start at the beginning of Sherrick Road and I'm going to use this word, and the corridor of Sherrick Road and Cherry and we're going to take it to the Southeast Community Center. There we'll have refreshments, entertainment and some speakers. So, I would appreciate and I invite you all out. *(Inaudible)* for Council Members because I do appreciate your vote for Sherrick Road and I really appreciate it so *(inaudible)*...invitations for you. So put your walking shoes on Mary and dance along with us *(inaudible)*.

PRESIDENT SCHULMAN: Thank you Member Smith. Any other Miscellaneous Business? Hearing none, Leader.

MEMBER DOUGHERTY: Mr. President, I want to remind everyone about the Feed the Needy Picnic this Saturday and all of you that haven't donated your money, I'm comin after you. *(Laughter)* Let's give it up, Chris Smith. *(Laughter)* You got half a million dollars, can you give me 20 of it? *(Laughter)* So, we need as much help as we can get down there for the set up and the actual function and hopefully, I believe this is our...it'll be our 18th year we've done this so. Mr. President, I move we adjourn.

MEMBER PRATER: Seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Meeting adjourned.

PRESIDENT SCHULMAN: *(Gavel falls)* Meeting is adjourned thank you ladies and gentlemen, safe trip home.

ADJOURNMENT TIME: 9:29 P.M.

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ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT