

**MINUTES OF THE MEETING DECEMBER 20, 2010**

PRESIDENT SCHULMAN: Good evening ladies and gentleman and welcome to Canton City Council. That's what I'm talking about. A few preliminary remarks, Merry Christmas everyone. We won't see you until after the holidays. We wish all of you a joyous and wonderful and safe Christmas and Holiday Season. We appreciate you being here tonight and I think if Member Griffin tells me, we are ready to start the meeting. And with a quorum present the Chair calls this meeting of Canton City Council to order. Roll call vote please Madame Clerk.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

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

ELEVEN COUNCIL MEMBERS PRESENT. (COUNCIL MEMBER COLE ABSENT)

CLERK TIMBERLAKE: Eleven present, one absent

**EXCUSING MEMBERS**

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Yes I move we excuse Council Member Cole from tonight's meeting.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to excuse Council Member Cole. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. You'll have to bear with me a little bit folks because I'm getting over a cold and smoking doesn't help any but I've got a cough tonight so I'll try to make it through. Tonight we're going to have our invocation given by my good friend, Ward 1 Council Member Greg Hawk. If you'll all please stand and remain standing for our Pledge of Allegiance.

*The regular meeting of Canton City Council was held on December 20, 2010 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Ward 1 Council Member Greg Hawk. The Pledge of Allegiance led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: We are now under Agenda Corrections and Changes. Members of Council as you always are, you're going to be asked to suspend Rule 22A to add the 2<sup>nd</sup> Reading of Ordinances 8

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through 11. #12 will be retained in Committee. Leader Dougherty.

MEMBER DOUGHERTY: Yes Mr. President, I move we suspend Rule 22A to add 2<sup>nd</sup> Readings Ordinance 8 through 11.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add the 2<sup>nd</sup> Reading Ordinances 8 to 11. Are there any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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

**PUBLIC HEARINGS**

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

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**OLD BUSINESS**

PRESIDENT SCHULMAN: We are now under Old Business. Chief of Staff Price, any Old Business?

CHIEF OF STAFF PRICE: No.

PRESIDENT SCHULMAN: Very good, thank you.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: We are now under Public Speaks. We have five speakers this evening. Some names I recognize, some I don't but for those that I don't, City Council has a rule that limits Public Speaking to three minutes. As I tell all our speakers, first we certainly appreciate you coming down to speak. We're interested in what you have to say obviously or we wouldn't have a Public Speaks portions, but more importantly we're not trying to restrict your viewpoint but we'll all be here after the meeting. The Mayor, his Chief of Staff, Service Director, Safety Director, all Members of Council to answer any questions or to continue the conversation after the Council Meeting. So with that said, our first speaker is another good friend and a Plain Township Trustee, Lou Giavasis. Trustee Giavasis thanks for coming. Give us your name and residential address please.

LOU GIAVASIS: Yes, my name is Lou Giavais. My address is 5751 Beverly Avenue NE, Canton, Ohio 44712. The reason why I'm here tonight Mr. President and Council is the, the proposed Ordinance that I think that you're going to be looking at in relation to Hydrofracking. I think everybody's read some things about it in the paper. There's a lot of unknowns....*(Problems with microphone)*

PRESIDENT SCHULMAN: I think that's on but you're very quite.

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LOU GIAVASIS: I just don't have a voice to project.

PRESIDENT SCHULMAN: There you go. Well, I know better than that.

LOU GIAVASIS: Plus I'm a little bit nervous. There's more people sitting at your table than normally attending a Township Meeting as a whole too, so, I normally don't have an audience like this to speak in front of. With that said, I'm here to speak in favor of the Ordinance that you're looking at. Myself and my Board are also looking at a similar Ordinance with a little bit of differences because we don't have some of the same statutory authorities that a municipality does in a township but we are limited, limited governments have home rule. The only thing that I ask you to do is look at this Ordinance with an open mind. Do your diligence, do your research, see what this issue involves, because I think you framed it up the other night at the Water Commission Meeting. There's only one real side to this issue. Is there a danger to our water supply? In Plain Township, I truly believe there is one because we are on private water. The reason why I'm speaking to Council tonight is because the rest of my residents drink Canton water and this, if this procedure goes forward as planned, it can have a negative bearing impact on the water supply in this entire area of the county. What you're going to hear when you find out about this issue is, this has been done for 40 or 50 years. It has been. There has been a form of hydraulic fracking in this part of Ohio for 50 years but that was a vertical type of fracking. This is a lateral. This is where they go down and when I met with Chesapeake and they go out 4000 feet in all different directions and explode the shale. They have no idea what's going to transpire when that happens. Well casings break, methane gas gets into the water. Once that happens, there's no going backwards, so I'm asking Council to look at this Ordinance with an open mind. You can go on line, you can read pros and cons. I ask you to meet with the oil companies like I did. Ask them the questions and the one answer to the question I got that raised the big concern with me, I said can you give me a guarantee that this will not effect any of my resident's water? And they told me there was no guarantees. So that says enough in itself. So I believe there is an imminent threat to the water. With that, that's all I have to say.

PRESIDENT SCHULMAN: Thank you very much Trustee. We appreciate you coming down. Our, I'm trying to put the people in some order here that are talking about the same thing so the next speaker will be Chuck Osborne. Mr. Osborne good evening. Welcome to Canton City Council. If you'll give us your name and your residential address please.

CHUCK OSBORNE: Good evening sir. My name is Chuck Osborne, 307 Fairview Street SE, North Canton, Ohio. I'm hear tonight just to commend this body for exploring this issue to protect your water sources and the water sources here in Stark County. I believe we have an emergency and we need to proceed with haste. I've gotten word that in North Canton, there's a land owner on the east border of the city, actually in Plain Township who's contemplating a lease on property that abuts our East Maple Street well field. I would ask that this body unite with other entities, Plain Township, North Canton and anyone else, government body who has an interest in protecting a city, the county's water sources and unite together to fight this. I believe this is, I don't believe in doing anything in any haste but this is on our doorstep and I believe you need to be moving quickly, aggressively and making it clear that the water sources of the county and the health and safety and welfare of the public come first. Thank you for letting me speak.

PRESIDENT SCHULMAN: Thank you very much Mr. Osborne. We appreciate your coming down and giving us your view. Our last speaker on this particular subject, not our last speaker is Greg Coleridge. Mr.

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Coleridge, good evening and if you'll step forward and give us your name and your residential address please. And it's good to see you again.

GREG COLERIDGE: I have a handout. How can I get that around?

PRESIDENT SCHULMAN: Right over there to Member Horner. Thank you.

GREG COLERIDGE: Good evening. My name is Greg Coleridge. I'm the Director of the Northeast Ohio American Friends Service Committee which is a Quaker related social action organization. We have a number of members who live in the Canton area. The address is 2101 Front Street in Cuyahoga Falls. I commend this body for taking up, looking up, researching and preparing legislation that would potentially ban hydraulic fracking. Not regulate but ban and I think that is warranted based on evidence that you maybe have already come across or will come across during the time that you will entertain some exhausted research and I think it warrants doing some exhaustive research. But you don't have to dig very deep, no pun intended, or drill very deeply to find out that there is a problem. A deep problem associated with this form of drilling and you don't have to take my word. You don't have to take the word of Mary Ann Butterfly who may live in a tree somewhere in the Appalachian Mountains. All you have to do is take the word of Chesapeake energy. This is a copy, one page from their annual report most recent and what it shows from this out of state corporation that is involved in drilling is that this is risky business. And I just basically cut and pasted a couple of the sections of the report. You can look at this on line if you care to from pages 21 and 32 and what it says very briefly is quote, and it is meant for their investors, their shareholders as well as potential. It says, "the natural gas and oil business includes a variety of operating risks including the risk of fire, explosions, blow outs, pipe failure at normally pressure formations and environmental hazards such as oil spills, natural gas leaks, ruptures or discharges of toxic gases. And it goes on to pay, to portray a rather risky business associated with this. But I would say again from their standpoint, not mind, not an environmentalist but from theirs, this is quite problematic. The burden of proof in matters like this should always rest on those who want to do something very radical and drilling deeply and potentially putting at risk not only the people of this community, but the water source, I think places the burden of proof on Chesapeake energy. So I conclude just by calling on you to fulfill your Constitutional sworn duty to uphold the health, safety and welfare of this community by vigilantly looking into this and doing what the city of Pittsburgh has done unanimously by City Council and a number of other communities to pass an Ordinance that would ban drilling of this very risky nature. Thank you very much.

PRESIDENT SCHULMAN: Thank you very much. Appreciate your coming down. Following those three speakers though I think it is important to have the record reflect that this body and this administration will be thoughtful and deliberate about whatever Ordinance if any, is developed and ultimately put forth to the Council. We are not going to preselect any particular company. We are not anti-drilling. We are not anti-business. Obviously there are major and considerable and important concerns that we have with regard to our water supply and we will after thoughtful and deliberate investigation and hearings and listening to the experts and others come to a conclusion that I know will be a right for our community.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes, Leader.

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MEMBER DOUGHERTY: There's not enough copies for everyone. So if we can get that taken care of before the night's over.

PRESIDENT SCHULMAN: Yep, thank you Leader. With that our next speaker is Veronica Earley. I'm sorry, I'm having trouble reading and speaking. Good evening Miss Earley. Thank you for coming. If you'll give us your name and your residential address please.

VERONICA EARLEY: Veronica Earley. Address is 2223 Harmont Avenue NE, that's in Canton, Ohio. I'm here today on behalf of our children. It's come to, I was a juvenile probation officer for 28 years in Stark County and I knew, I worked in the schools, in the intercity schools and I knew of the need for our counseling agencies to be in the schools instead of our kids going to a counselor and see him maybe once every couple of weeks and then come back into school and have the same behaviors. Meantime the teachers are suffering as well as the students. So there was an agency that was brought down here that was, that specializes in minority behavior. This is called Minority Behavior and Health Group. They're, Minority Behavior Group is began a series of community meetings hosted by the Acronymity Partnership, a coalition of churches, committee partnership with the interest of Holistic Community & Development with the consturancies of 5,000 people. It was requested by these who attended these meetings that a culturally specific counseling program be developed in 1998. Dr. Quenner, Dr. Juanita Martin, Dr. Pamela Fair-Singleton and Pastor Jeffrey Dennis, President of the Akron Unity Partnership, recruited two additional licensed counselors and formed the African American Counseling Team. The African American Counseling Team began through a collaboration with the Alcohol, Drugs and Mental Health Board and the Summa Health System. Over the years they transpired into the Minority Behavior and Health Group. This group, they came down here in September and started working in Hartford School making tremendous progress. While as, what happen is, Hartford, the Addis Board decided that they did not want an outside agency coming in and doing their work and taking money from Stark County, now when they could have people here to the same work. Well my question is, there are no African American therapists in Stark County that's getting work, enough to work in the schools. You have this, the Board actually has CPTS workers. They have therapists that work in the schools from the time the school opens until the last student leaves of the day, so therefore when kids are acting out, cussing off their teachers, or about to fight, that therapist, that CPTS worker can come in there and grab that child out of that class, get the disruption away from the other students and work with that child right there. You don't have to wait until a week later or days later when this situation's already been resolved. But that wasn't good enough. They said no their sources no longer wanted them there so they just going to kick them out of the school that same, that very same day even though the had a meeting to meet with Minority Behavior and Health Group the following day to see what services they did provide. Now they told them, you know they sent them a letter saying no we don't need to meet with you anymore, we've already decided we want you out. And this is a mental health board. How do you, you know how important therapy is then you just going to tell them to drop their clients and you're not going to see them anymore as of today. That's unethical. It's even a breach of malpractice. You can't do that. If they want to tells them, if you don't get out then we're not going to pay you anymore. So when word got to me that they were doing this, I starting calling around and calling different agencies, different people, the community and they called the board and they called the Board of Education and they decided OK, well we're going to let you stay in and were going to see what happens. We're going to find this money. Now, I just wanted the committee because I know you guys can't really help with this but I want the community to know how they feel about your children. And how they feel about these teachers. This is a shame that you have a agency that's working in

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your schools, helping your teachers, helping the kids and they're actually making progress. They've only been there since September and they've made tremendous progress. Not only Hartford School, but they should be in every middle school, every grade school, every high school down here. This company is willing to move down here. You say you don't want the money taken out of your community, fine. How about letting them move and putting their agency in your community. How 'bout that. That'll work. But no they don't want that either. You know, OK I know my times running up so I'm just saying, I just want you guys to be aware of what's going on in your community and you guys need to be upset and angry and write these boys and let them know. You want an agency in your community for your children. You demand it.

PRESIDENT SCHULMAN: Thank you very much, Miss Early, I appreciate it. Our last speaker is Ida Ross-Freeman. Miss Freeman good evening. If you'll give us your name, although you're no stranger and address please.

IDA ROSS-FREEMAN: Good morning, good evening. 1129 7<sup>th</sup> Street NW, Canton, Ohio. Notice I say Canton, Ohio. Anyway this is in relation to the Odadas Board pulling their therapist from Hartford Middle School last week and I titled this piece our children, our community, our concern. As we all know, or at least should know, that some of our children are from homes that cause them grief. That causes them grief. Our children cannot articulate their feelings so they go to school and call attention to their grief by acting out. This acting out causes them to get into trouble in school and are victims of steralite, suspension and expulsions. I am one to say that Canton, Stark County is the best place to be for supportive services. Our community Canton, Stark County has many service providing agencies available for just about anything that anyone might need help with. Now the touchy part is, our community have available services that are being funded to serve all of the community. They even have board members on these boards allegedly from the community that is to be served who just go along with the flow and never rocking the boat by not asking questions about quality of the services and how these services are being provided and by whom. I believe I have spoken on this before about service providers getting to know the finacular of their client. But some of these providing agencies are failing to provide services their mission for funding have said they would provide. I am not saying that they're haven't tried but I am saying that their workers do not match their community that they serve. These disparities have caused a great mistrust and a riff between the community and the funding source and providing agencies. We have funding sources who feel that one side better off and data statically have proven this to be an error of thinking and antiquated thinking. Our community's are more diverse now than ever and this population change is growing and these funding sources need to change with the times. Granted people have to be qualified for these positions but our community funding sources have to be more vigilant in their search for qualified, diverse service provider. Even if it means reducing funds for those provided, those that provide services that do not comply with the Civil Rights Acts of 1960's. No more business as usual. Minority is a viable part, part of this community and these funders need to know that when the word minority is used, it does not only imply black folks. Minority means anyone who fits into the less than majority population for example Hispanic, Latinos, Africans, Appalachian, Asian, homosexual and women, Americans and so on. My community have tenancy to only cross label blacks as the only minority. Shame of showing on those who think that way. Our children are suffering from this lack of social knowledge in relation to inclusion by funders who think that one size fit all. Our concerns of funding boards and funding members of these boards refusing to use blanket agency here and funding agencies from outside our community to accommodate this disparity and treatment and services to our children and family. Thank you.

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PRESIDENT SCHULMAN: Thank you very much. Thank you. Thanks to the last two speakers. I would recommend, I think Miss Earley you indicated this is probably not the city's problem it is more of a county problem and I do know that Pastor Morgan is here tonight. He sits on the Mental Health and Recovery Services Board for the County and I know he's interested in this and would love to talk to you so, just a head's up. Thank you all speakers. We appreciate it.

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: We're now under Informal Resolutions and we have no Informal Resolutions.

**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 DECEMBER 20, 2010.***

488. CIRELLI, M, CNCL-AT-LG, SMUCKLER, B, CNCL-AT-LG, BARTON, P, WARD 7 CNCLMBR, & HORNER, B, WARD 9 CNCLMBR: REQ LAW DEPT TO RESEARCH & PREPARE LEGISLATION THAT BANS THE COMMERCIAL EXTRACTION OF NATURAL GAS WITHIN THE CITY &/OR NEAR OUR AQUIFER IF POSSIBLE, UNDER OUR HOME RULE & POLICE POWERS. - JUDICIARY COMMITTEE
489. MAYOR HEALY: RECEIPT OF VETO OF O#227/2010 IN ITS AMENDED FORM. - RECEIVED & FILED
490. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED REPLAT OF LOTS 37154 - 37156 & LOTS 37150 & 37151 (3000 BLOCK OF DALEFORD & FLETCHER AVE NE) IN WARD 6 (HABITAT FOR HUMANITY). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
491. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED REPLAT OF LOTS 9563 - 9565 (13<sup>TH</sup> ST NE BETWEEN GIBBS & STRUBLE AVE NE) IN WARD 2 (HABITAT FOR HUMANITY). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
492. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED ZONE CHANGE @ 2600 25<sup>TH</sup> ST NE FROM CS (COMMUNITY SERVICE) TO PB-4 (PLANNED SPECIAL BUSINESS DISTRICT) IN WARD 6 (HOF REAL ESTATE). - JUDICIARY COMMITTEE
493. SERVICE DIRECTOR PRICE: REQ RAILROAD CROSSING OF ELM CT BE PERMANENTLY CLOSED AS PART OF OVERALL CROSSING UPGRADE PROJECT & THAT THE CITY CONTINUE TO MOVE FORWARD W/OVERALL PROJ THAT MAY INCLUDE RECEIPT OF EQUIPMENT, SVCS, & GRANT DOLLARS NEEDED TO COMPLETE THE PROJECT (UPGRADE PROJ GP 1149 - ELM CT, WHEELING LAKE ERIE RAILROAD CROSSING CLOSING). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

**MINUTES OF THE MEETING DECEMBER 20, 2010****ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: We are now under Ordinances for their First Readings. And let the Journal show that all Ordinances are being given their reading as required by State Law. Madame Clerk will you please read the First Reading Ordinances by title.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #7 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:***

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (2699 ROBERTS AVE NW - FAIRBANKS BLDG. CO.)  
Referred to Judiciary Committee
- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFERS, SUPPLEMENTAL APPROPRIATIONS, APPROPRIATION REDUCTIONS AND INTERFUND TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #3. (1<sup>ST</sup> RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY, AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #02-20767 LABORER'S INTERNATIONAL UNION OF NORTH AMERICA ON 2<sup>ND</sup> ST NW)  
Referred to Community & Economic Development Committee
- #4. (1<sup>ST</sup> RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY, AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #02-14421 LABORER'S INTERNATIONAL UNION OF NORTH AMERICA ON 2<sup>ND</sup> ST NW)  
Referred to Community & Economic Development Committee
- #5. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH GOODWILL INDUSTRIES OF GREATER CLEVELAND AND EAST CENTRAL OHIO, INC. TO PROVIDE AN ECONOMIC DEVELOPMENT GRANT IN AN AMOUNT NOT TO EXCEED \$50,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- #6. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING SECTION 943.01, DEFINITIONS, OF CHAPTER 943, SEWER REGULATIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

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- #7. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AMENDMENT NO. 2 TO THE COOPERATION AGREEMENT WITH J.R. COLEMAN COMMUNITY RENOVATION CORPORATION FOR THE MAHONING ROAD CORRIDOR ECONOMIC DEVELOPMENT PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Property Capital Improvement & Finance Committee**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: We're now under Ordinances and Formal Resolutions for the Second Reading. Madame Clerk would you please begin with Ordinance #8.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #8 THROUGH #11 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (ORDINANCE #12 WAS RETAINED IN COMMITTEE):***

- #8. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING CHAPTERS 1313, 1315 AND 1317 OF TITLE THREE - LICENSING CONTRACTORS, OF PART THIRTEEN - BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
- #9. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY MORAL OBLIGATIONS IN AMOUNTS NOT TO EXCEED \$2,750.00 TO HEPA; \$4,500.00 TO COTTRILL WRECKING; \$2,830.00 AND \$4,710.00 TO CRS GENERAL CONTRACTING AND \$1,400.00 TO ESlich WRECKING; AND DECLARING THE SAME TO BE AN EMERGENCY
- #10. (2<sup>ND</sup> RDG) AN ORDINANCE COMMITTING 2011 APPROPRIATIONS FOR MAINTENANCE AGREEMENTS FOR THE CANCOM SYSTEM; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE IN COOPERATION WITH THE PARKS BOARD AND DIRECTOR OF CANTON CITY PARKS, TO MAKE APPLICATION FOR, EXECUTE GRANT AGREEMENTS AND ACCEPT FUNDS FROM THE NATURE WORKS, LAND AND WATER CONSERVATION FUND, CLEAN OHIO TRAILS FUND AND OTHER POTENTIAL FUNDING SOURCES FOR THE PURPOSE OF DESIGNING AND CONSTRUCTION OF THE MCKINLEY PARK REHABILITATION AND SITE IMPROVEMENT PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY
- #12. (2<sup>ND</sup> RDG) ***RETAINED IN COMMITTEE*** AN ORDINANCE ADOPTING APPROPRIATIONS FOR THE OPERATING AND CAPITAL EXPENDITURES OF THE CITY OF CANTON, OHIO, FOR FISCAL YEAR 2011; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT SCHULMAN: Thank you Madame Clerk very much. We're now under Ordinances and Formal Resolutions for the Third and final Reading and vote and we only have one so would you please read Ordinance #13 Madame Clerk.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #13 FOR THE THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS :***

#13. (3<sup>RD</sup> RDG) **ADOPTED ORDINANCE NO. 244/2010** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH AT&T CORPORATION FOR A SIXTY (60) MONTH PERIOD TO PROVIDE PHONE CARRIER SERVICES TO THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

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 under this Ordinance? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

**#13 ADOPTED AS ORDINANCE NO. 244/2010**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 13 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. The Finance Committee will meet right here in this very room on Monday, December 27<sup>th</sup> at 6:00 PM. This will be our last meeting for the year folks. Thank you very much.

PRESIDENT SCHULMAN: Thank you Chairman Hawk.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes, Member West.

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MEMBER WEST: The Judiciary Committee will also meet the same time, same place and would like to wish everybody a Merry Christmas.

PRESIDENT SCHULMAN: Thank you Chairman.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Smuckler.

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

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Public Property Capital Improvement will also meet the 27<sup>th</sup> at 6.

**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: We're now under Miscellaneous Business. Is there any? OK, Leader. Sorry, Law Director Martuccio does have some Miscellaneous Business.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Members of Council I was asked last week if it were possible if a veto were reconsidered whether or not it could be amended during the reconsideration process. The answer is no. After doing initial research, having my ace leadership followed up with electronic research and after consulting with our leadership in the Civil Division, the answer is no. Again when an Ordinance is properly vetoed, as this was, after 10 days this Council may reconsider that Ordinance in it's entirety. To repeat it would take 7, a vote of 7 people to have it reconsidered and a vote of 8 to override it after 10 days and it was a week ago tonight. So let me repeat, it cannot simply be amended. What that means is if that Ordinance is, if it either dies from not being overridden or if it fails to be overridden, then we'd have to start from scratch with a Communication and however many readings Council wanted. Again we, however wants to sponsor it can approach me and discuss this research or this reading but a new Ordinance can be sponsored, it can be the same form as the previous one, almost the same form, a different form. We do need to get the International Property Maintenance Code back on track to replace large parts of our existing Codified Ordinances which are not enforcing in the mean time so as not to be in conflict with state law.

PRESIDENT SCHULMAN: Thank you Director Martuccio. Any questions for the Law Director? Member West.

MEMBER WEST: Yes, Law Director. The original IPMC Ordinance, since that has already been brought up and it's already been amended, that one cannot be resurrected and implemented as it stands, as it was presented by the Service Director?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Law Director Martuccio.

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LAW DIRECTOR MARTUCCIO: Member West, Chairman of the Judiciary Committee, yes it can be resurrected again however, let's say for example the Ordinance is brought to the floor for a veto. If the veto fails we cannot simply amend the Ordinance that was defeated by substituting the original. We can bring it back but we have to start from scratch. It can be identical to or slightly different than what was presented before but it would have to have a Communication and a First Reading and so on. Yes. Thank you.

PRESIDENT SCHULMAN: Any other questions for the Law Director? Leader Dougherty.

MEMBER DOUGHERTY: 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: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Meeting is adjourned. Thank you, drive carefully ladies and gentleman. Again Very Merry and Joyous Christmas to you all. *(Gavel falls)*

ADJOURNMENT TIME: 8:08 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

ALLEN SCHULMAN  
PRESIDENT