

**MINUTES OF THE MEETING FEBRUARY 28, 2011**

PRESIDENT SCHULMAN: Good evening ladies and gentleman. Welcome to Canton City Council. With a quorum present the Chair calls this meeting of Canton City Council to order. Roll call please Madame Clerk.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

12 COUNCIL MEMBERS PRESENT: (DAVID DOUGHERTY, TERRY PRATER, MARY CIRELLI, JOE COLE, BILL SMUCKLER, GREG HAWK, THOMAS WEST, JIM 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. Tonight our invocation will be given by our Assistant Majority Leader, Terry Prater. Will you all please remain standing for our Pledge of Allegiance.

*The regular meeting of Canton City Council was held on February 28, 2011 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 5 Council Member, Terry Prater. The Pledge of Allegiance led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: Thank you Member Prater. We are now under Agenda Corrections and Changes and Members of Council you're be asked to suspend Rule 22A to add the 2<sup>nd</sup> Reading of Ordinances 5 through 7. Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to add Ordinances 5 through 7.

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

**OLD BUSINESS**

PRESIDENT SCHULMAN: We now move to Old Business. We have, I don't believe any Old Business unless the Mayor has anything further to say.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: We're now under Public Speaks. We have a number of speakers signed up this

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evening. Our first speaker is Bill Dieffenbaugher. Mr. Dieffenbaugher if you'll step forward and give us your name and your residential address please. Good evening sir.

BILL DIEFFENBAUGHER: Good evening, Mr. President...

PRESIDENT SCHULMAN: Good to see you.

BILL DIEFFENBAUGHER: ..And Council Members, Mayor, Tom. My name is Bill Dieffenbaugher. Address is 1611 Haag Avenue, Massillon, Ohio and I represent the city employees of AFSCME Local 2937 and my reasoning for being here is to speak on the snow plow banned issue or what ever the hell you want to call it. I can't believe that such a frivolous incident would bring such a stink to this city and our local union members. I think it was a showing of comraderie, compassion and concern over the Senate Bill 5 issue and not just for theirselves but for the Policemen, the Firemen, the teachers and the community in general because if that passes we're all in trouble. I understand it might have been a bad judgement call at the time. I'm kinda knew to the public sector. I've been a, been involved in the private sector all my life. I'm not a, I don't live in the city of Canton but I work for the city of Canton. I'm very proud of that. I'm so happy to have this job you wouldn't know. So I'm not used to being under a microscope like the representatives, Council Members, Service Director, Safety Director, yourself. There's a big microscope we're under and I have to learn that and I'm learning. I might make a few stumbles on the way but I'm learning and I just think that anything more than a verbal warning to these guys because they have learned, believe me, is unacceptable. And I would also like to commend Council on their Informal Resolution regarding Senate Bill 5 and on a happy note, Councilman Butterworth, on behalf of the employees of the Street Department and myself, we'd like to thank you for your generosity in bringing the pop and candy bars and stuff out to them on the day of the storm. Thank you very much.

PRESIDENT SCHULMAN: Thank you very much. (*APPLAUSE*) OK, our next speaker is Joe Thompson. Mr. Thompson if you'll step forward and give us you name please sir and your residential address.

JOE THOMPSON: My name is Joe Thompson. I live at 318 Schwalm Avenue NE in Canton, Ohio and I'm here to talk about the Ordinance for the Codified registration for the code enforcement that we just, that you guys just started here. What I'm here for is I need some clarity. I'd like to understand what the processes was that brought this about. My question is being is like other than the monetary advantage that you're going to have to it, but how did you guys go about putting this thing together. Who's idea was it? Could somebody give me an idea of what's going on here?

PRESIDENT SCHULMAN: Well those are going to have to be rhetorical questions because, we'll answer them or someone will, either in Miscellaneous Business which is at the end, the completion of our Council meeting or yea, after Council the Mayor's administration, Members of Council are here. We'll be happy to answer those questions.

JOE THOMPSON: Yea because see, we just got this. I got this two weeks ago. I didn't know anything about it. I called my Council person and they said well you know if you've been at the meetings and stuff and well that's not what I sent them here for. I sent you guys here to take care of us. But my question is, and another question, I've got several questions. I'm just going to read them off. You guys can mull them over and maybe someday or someday when you send us the letter, we're supposed to be getting a letter that's supposed to

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explain this to us that we haven't got yet but, it's obvious that this was done to me, in haste. It was the easy way out cause first of all I want to know how many non-owner residences are in effect and how many non-owner guys own houses around here and don't live in them? That's my first question. I want to know that. Second of all I want to know how many people did you guys contact because I know you had a couple hearings here and I know it was in the paper. I did my research and looked in there and for the life of me, I didn't see anybody that was talking about it other than Mr. West, I think brought it up a few times. Councilman West brought it up a few times. I went through the meetings, the minutes and to me it's the function of the Council to represent the people that they're going to be, you know making Ordinances and laws for. I'm questioning number one, how many people did you guys contact before you guys came to this Ordinance, before you made a decision on it. I wonder if businesses, if mortgage companies, if banks, if lenders who are some of the worst mis-users of property around here in this city of Canton, if they're included also. If they were left out then that's making it a discriminatory Ordinance to begin with. I looked through our Codified Ordinance 1351.01. I did not see one thing that would legitimize putting this registration fee upon us. And for year after year and then who's going to stop you. If you're allowed to do this, who's going to stop you from doing again next year and making it \$40.00 or \$50.00? I'll finish. My only thing is....

PRESIDENT SCHULMAN: If you could just wrap it up, we have a three minute time limit.

JOE THOMPSON: I know that's what I said. My only thing is that the next Ordinance that this Council should make should be that Council cannot make any Ordinances that's going to negatively or financially effect people without giving them the right to vote on it. Gentlemen that's how democracy works. Thank you.

PRESIDENT SCHULMAN: Thank you sir very much. (*APPLAUSE*) Our next speaker is, and if you'll stay around Mr. Thompson, you know we'll be here to answer any of those questions that you raised. Our next speaker is Pete DiGiacomo. Mr. DiGiacomo good evening. If you'll step forward and give us your name and your residential address please.

PETE DIGIACOMO: Good evening and thank you for the opportunity to speak to Council tonight and the Mayor and his staff. My name is Pete DiGiacomo and I live at 600 Dent Place SW Canton, Ohio. I'm here tonight, there's a, the address is 606 9<sup>th</sup> Street SW. The address may seem familiar to some of you here, may not. It's a, it one time was the Pastime Bar which has been closed for a couple years. Now some individuals have opened up a teen dance club. It's open Friday night and Saturday night from 7 to midnight. There's only been two weekends that it has been opened. They've had Police response both Saturday nights. No arrests have been made but they've been down there. This past Saturday, the first Saturday we, the weekend that they opened, we were not in the area. This past weekend Friday evening I sat in my vehicle and watched it and there was not too much that went on. Saturday evening when I sat and watched a whole lot was going on. A lot of teenagers, you know, in and out of the place, hanging around, milling around. Finally went back home. Sat there and watched out the front window a little bit more. Watched drug activity, the use of drugs going on, seen one drug transaction then later on in the evening I got tired, I just got sleepy. I had been up all day. When up to bed. My wife called me, you got to get down here. I come downstairs. I find out there was four cruisers called because of a large fight coming down the street on Wells Avenue. In front of my house was a group of, minimum of 15 male teenagers. They stopped in front of the house for awhile then they proceeded to walk out toward McKinley Avenue. There had to be from what we just seen, that group and what I could see running back and forth on 9<sup>th</sup> and Wells, I'm going to put it at 50 to 60. How many were inside, how

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many were outside, I could not say. It was a large, large group. The weather's cold, the weather's not nice. When it gets nice I've already spoke with the Police officers and things like that, they said and I said, when the weather gets nice, they agreed, I said that is going to be one bad problem down there. They did agree with me on that. I don't know if they, if you need a permit to open that type of a business. The Police that went into the establishment said they were, you could purchase soft drinks, snacks, pretzels, chips, things of that nature. There was no food being made. They did apparently have a vendors license for the pop and the chips and that type of stuff. I've been in there a few times a long, long time ago and if you put 80 people in there, you're not dancing. You don't have room to even move around. The main concern is this is going to be a problem. It's already started and I really hope it can get stopped before it gets a ball rolling because when the Pastime Inn was there it took a good two years to get that place closed down and we don't need it this time. Thank you very much.

PRESIDENT SCHULMAN: Thank you very much Mr. DiGiacomo. (*APPLAUSE*) Our next speaker is Rosario Carcione. Rosario if you'll step forward and give us your name and your residential address please. And as always, welcome Mr. President.

ROSARIO CARCIONE: Thanks. My name is Rosario Salvatore Carcione. I reside at 5205 Giacomo Court NW, Canton, Ohio and the President for the Canton Professional Firefighters Local 249. Again I'm here tonight to talk to you about the reduction of the starting salary for firefighters. I was here last week and spoke to you guys about it so I won't take up too much of your time tonight however, again I'm disappointed. At the beginning here you guys didn't spend any time talking about the effects on it again. I thought they made that clear last week that it was unacceptable that you guys only asked one question about it and tonight you guys didn't ask any questions about it. The committee that this is coming out of didn't once speak to the Fire Chief about the effect that this would have on the Fire Department or the effect that it would have on the moral or the future of the Fire Department. The people that you'll be having come in to take the test, the quality of applicant, the type of person that's going to be serving our residents. You guys aren't interested in hiring the most qualified or the best applicants that the state has to offer. All you're interested in is hiring the cheapest labor that \$26,000.00 can buy you. I'll tell you, that's not what you should be doing. These people, our firefighters, our residents, they deserve the best. That's not what you're trying to give them. We're already if you look at the top eight largest cities in the State of Ohio, we're already the lowest paid and tonight you want to make that worse. You want to make it worse for guys coming in here starting salary wise. I tried to have a meeting with the Mayor, the Chief and I. We went up to him, for 15 or 20 minutes spoke to him and they don't care. Nobody cares. You don't want what's best for the city. You're just trying to hire the cheapest labor and that's wrong. That's wrong. People deserve better.

PRESIDENT SCHULMAN: Thank you. (*APPLAUSE*) Our next speaker is Roger Zachary. Mr. Zachary good evening. If you'll step forward and give us your name and your residential address please.

ROGER ZACHARY: Good afternoon. My name is Roger Zachary. I live at 2621 Wood Owl Street NE, Georgeview Estates. The reason I'm here is to speak for my neighbor. I'm here because of the flood in Georgeview Estates. Georgeview Estates was started, started in the year 2000. I built my home there. My neighbor built his home there and last night his home flooded because his sump pump overworked and his sump pump stopped. His whole basement flooded. His basement was finished when his home was built and he basically lost everything in his basement. We've talked about this problem numerous times. I had Mr.

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Price out there this past summer. Over, since 2000 all of the old Council people have been out there. Mr. Mallonn's been out there, Mr. Smuckler's been out there. It seems as though this is the newest allotment in this city and it seems as though we can't get anything done. Like I said, this problem has existed since 2000 and all we do is talk about it. That's a pity and a shame. I put \$25,000.00 in my rear yard and I can get nothing done about the water coming off of Hamilton Avenue. When Mayor Watkins was here, he built a trunk line down 4<sup>th</sup> Street NE where all these streets tie into. There has not been one street tied in since Mayor Watkins was Mayor here. It is a sad thing. It's a sad situation. I've had engineers out there, they've looked and all they want to do is band-aid. Well we'll patch this, we'll patch that. Nothing works. The street needs fixed. Mr. Price the street needs fixed.

PRESIDENT SCHULMAN: Thank you. (*APPLAUSE*) Thank you Mr. Zachary. Our next speaker is Gus Mackey. Mr. Mackey good evening. If you'll come forward and give us your name and your residential address please and welcome.

GUS MACKEY: Hello my name is Gus Mackey. I live at 534 Hamilton NE and I'm here to speak about the same problem that Mr. Zachary just spoke about. I live on Hamilton and we don't have any sewer drains on our, on that street at all and what's happened and I've been here before because my house has been flooded because of that and the water when it comes to my house and then it runs off my house and goes down to Georgetown Estates and then it causes problems there. And so the young man that Mr. Zachary's talking about today, Loren Bell, his house was flooded last night because of flood water coming from my house. And what the city did do last summer was put what they called a french drain in front of my house and so a french drain is not connected to any sewer drain and so it takes about a week for it, for that basin to, water to actually settle down and go into the ground. And so when that over floods, when it gets full what happens is that water comes off of that onto my house. And so today I had, I work midnights, and my wife and my little girl was, they called me at 4:00 in the morning. I work at Timken Company and they said that they were out there trying to get the water out of the garage. Trying to sweep it out of the back door because it was just coming in so fast. So I have this problem that I can't even go on vacations because I worried about if my house will flood because like I said there's no drains there. And so it's just not a good feeling to go to work when you know it's raining and you know your wife and your kids, they have to try to sweep the water out of the garage or either think about going on vacation, you can't really do that cause you worry about if your house would be flooded and you'd have to try to come home and try to do something about it but you know, if you're on vacation when you get back home the damage is going to be done. So we've been talking about this probably about 10 years to try to get some type of storm drains on my street. It's really a shame. I pay city taxes, you know. I'm a law abiding citizen and I do what I'm supposed to do. All I'm asking the city to do is to put some drains on my street. It's really a shame that in the city of Canton there's a street or areas that don't have any drains. It's terrible. The water needs to go somewhere. It doesn't need to go to the houses, it need to go into the drain system and so I've come here before and I appreciate them trying to do something with the french basin but that didn't work. We need to tie that into a drain system. We need to put that into that street so it can tie into that so that water can go into that so it doesn't go into the homes and go into Georgetown Estates so I really need someone to do something about it. We've been talking about this for probably the last 10 years and nothings been, well we did have that last year. They did make an attempt but it just wasn't good enough and we're still getting flooding and so the only answer is, is to put a storm sewer in that street. That's the only answer. That's the only thing that's going to eliminate this problem. So I wanted to bring that to your attention again. Thank you for your time.

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PRESIDENT SCHULMAN: Thank you very much sir. (*APPLAUSE*) Our next speaker is Patricia Kirk. Oh, there you are. You're usually over there. Quit doing that to me. If you'll come up and give us your name and your residential address and welcome again Miss Kirk.

PATRICIA KIRK: Thank you. Good evening. Patricia Kirk, 131 5<sup>th</sup> Street NE. We have a lot of problems out there. No negativity. I'll try to say this with a smile. This is sort of an answer and a lot of questions. Last Council meeting comment suggesting the informative Beacon article February 10<sup>th</sup> was wrong because of a Tree Ordinance was, I feel, a little misleading. We have to ask our self does the Ordinance show, I have it right here. 1963 updated '64, '65 passed '66. Very briefly the Central Business District, planting and seeding, the trees trimming along the public ways, the city lights to trim hazards, prohibition and removal of poplar trees and penalty referring to that chapter. The evidence speaks louder than words. What do the streets show that anybody can see. A lot of dead mutilated trees wrongly planted, lots of storm damage or inviting streets with healthy well maintained trees planted in the right places, controlling pollution, flooding, crime, where a majority of the people can get to it and enjoy it. A Neighborhood Association benefits an entire area. Proactive Tree Ordinances state values for an entire city and their concern with people and their property. Guidelines for developing and evaluating a Tree Ordinance say "A Tree Ordinance is not a panacea for poor municipal tree management. How can we not afford tree removal. Is the damage cheaper? According to the Ohio Revised Code, Section 2744.02 the city is ultimately responsible for liability. Money saved on other projects can pay for removal. Vic Morrello's case study on arboriculture and the laws says in effect to an entity, "You are last ones to touch these trees that are now hazard." The entity removed the trees for free. How do we pay for the demolition of a dangerous, abandoned house? More grants this is true, are for planting not for removal or they can be matching but Salem committee works with Salem Foundation. Is the city handling removal? Is equipment adequate? Do they have training? Training is also available. Is there a tree storm management plan in place to help city departments. Is there tree protection mandated during construction? Why is there a fee for planting but none for destruction of resources? That's almost like we are punishing for doing good but we ignore for doing wrong. Ask why not. We can do a lot about this and why not do something about it? Thank you very much.

PRESIDENT SCHULMAN: Thank you very much. The last speaker is Jennifer Lewis. Miss Lewis good evening. Welcome. If you'll give us your name and your residential address please.

JENNIFER LEWIS: Good evening. Jennifer Lewis, 805 13<sup>th</sup> Street NE. As I was preparing to speak tonight I had several different topics I wanted to touch on but as I drove home from work one word became my focus. Hope. My husband and I became active in the neighborhood events and meetings over a year ago to bring about some positive change. We volunteered countless hours picking up trash, helping neighbors, attending Council meetings, fixing up our home, even putting money into it we had to borrow just in hopes of bettering our area. We wanted to show neighbors and people driving through how nice of an area the Northeast end could be. OK, fast forward a year. What has changed? Where is the hope? I recently went door to door asking why more neighbors won't attend our neighborhood meetings. The number one reason was change. They said why come. You have speaker upon speaker and nothing changes. I am personally sad and discouraged. I pull into an area at the end of a long work day that is littered with trash, debris, gang graffiti and crime. Most of my elderly neighbors won't even come outside anymore. I am concerned at the city's loss of hope. How will we attract new businesses and new neighbors when all they see is a depressed trash filled area. We are so down ourselves, we are seriously considering foreclosure and just giving up. Who wants to

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keep fixing up a home for their children that continues to depreciate and who's kids can't even play outside. Who wants to go to work 50 hours a week only to pull on to a street that is littered with trash, vacant and boarded up homes and filled with offensive speech from gang members walking down. Do you know my street wasn't even plowed during the last two storms. My extended family who wouldn't stay at my house during a recent family tragedy due to crime joked that in the hood, people clean their own streets. I am tired and hurt and do not feel or see much in the way of hope. I wonder with spring around the corner, an upcoming election, and a police force with less officers, will our neighborhood and family be forgotten. Will a town that I so believed in see any real hope. Thank you.

PRESIDENT SCHULMAN: Thank you Miss Lewis. (APPLAUSE) Thank you very much and that concludes the our Public Speaks.

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: We are now under Informal Resolutions. I'm going to take it a little out of order since we have three congratulatory Resolutions. Let's do 7, 8 and 9 and then we'll swing back to #6. So Madame Clerk would you please read Informal Resolution 7.

#7. COUNCIL-AS-A-WHOLE: CONGRATULATING KEN SHEELY FOR BEING NAMED THE ROBERT D. HOROWITZ CRIME PREVENTION CITIZEN OF THE YEAR. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President, I move we adopt Resolution #7.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution 7. Are there any remarks? Leader.

MEMBER DOUGHERTY: Could I have that read please?

PRESIDENT SCHULMAN: Yes, if you'll read it Madame Clerk, please.

CLERK TIMBERLAKE: Sure. *Whereas*, Ken Sheely began his public safety career serving as a Police Officer in Alliance, Magnolia and Wilmot Police Departments. While employed with the Wilmot Police Department, Ken achieved the rank of Captain; and *Whereas*, In March 2005, Mr. Sheely began his employment in the Security Services Department at Aultman Hospital where he has operated in a supervisory or "charge" capacity on all three shifts within the department; and *Whereas*, During Ken's career with Aultman Hospital he has played a vital part in a multitude of successful investigations, one of which took place in the early morning of May 27, 2009. At the time during his patrol sequence of the hospital and surrounding area, Ken observed a verbal altercation between various individuals outside of the White Crown Café. Ken instantly communicated the issue to all security services officers on shift and the Canton Police Department; and *Whereas*, In response to an insight developed through years of law enforcement experience and training, Ken instinctively began monitoring the exterior of the White Crown Café through campus surveillance. By doing this, Ken was able to witness and preserve video evidence pertaining to a triple homicide; and *Whereas*, Due to Ken's keen ability and intuitiveness, the Stark County Prosecutor's Office was

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able to present video footage as a critical piece of evidence during the triple homicide trial in February 2010 ending in the conviction of a criminal offender. *Now Therefore be it Resolved:* that we, the Members of Canton City Council, do hereby publically congratulate Ken Sheely as the "Robert Horowitz Crime Prevention Citizen of the Year." Thank you for going above and beyond the call of duty. Your efforts and dedication are to be commended.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Yes, Ken was unable to attend working one of his many jobs but, we're all real proud of him.

PRESIDENT SCHULMAN: Great, thank you. It's been moved and seconded therefore to pass Informal Resolution 7 congratulating Ken Sheely. Any other remarks? Hearing none by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #7 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. Motion carries, the Resolution is adopted. Resolution #8 please Madame Clerk.

#8. COUNCIL-AS-A-WHOLE: CONGRATULATING OFFICER KIM ELLIOTT FOR BEING AWARDED CANTON POLICE OFFICER OF THE YEAR. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President, I move we adopt Resolution 8.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution 8. Any remarks? Leader.

MEMBER DOUGHERTY: Yes can I have that read please.

PRESIDENT SCHULMAN: Madame Clerk.

CLERK TIMBERLAKE: *Whereas*, Officer Kim Elliott has been employed by the Canton Police Department since 1988; and *Whereas*, Within his first nine years with the Department, Officer Elliott was recognized by the Patrol Shift Captain for personally affecting 333 arrests; and *Whereas*, In 1999 while assigned to the Stark County Metro Narcotics Unit, Officer Elliott was honored for outstanding service and dedication to duty in the area of law enforcement with an award presented to him in Albany, New York by the International Narcotic Enforcement Officer's Association; and *Whereas*, Officer Elliott went on to become a member of the FBI Task Force while assigned to the Vice/Intelligence Unit. During that time he was recognized by the FBI for his professional knowledge and sound judgement he displayed during Operation GUMSHOE; and *Whereas*,

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Later in Officer Elliott's career with the Canton Police Department as a Traffic Hit/Skip Investigator, he investigated over 800 hit/skip traffic crashes and wrote over 200 traffic citations in one year alone; and *Whereas*, In addition, Officer Elliott has received numerous heroic commendations such as his responding to a burglary and apprehending the suspect who later confessed to thirty prior burglaries he had committed. Another for apprehending a juvenile in a stolen vehicle who had robbed a citizen at knife point. He was also commended for his heroism for entering a house that was engulfed in flames and rescuing four residents. *Now Therefore be it Resolved*: that we, the Members of Canton City Council, do hereby go on public record giving special tribute to and commending 2010 Canton Police Officer of the Year Kim Elliott. (*STANDING OVATION*)

PRESIDENT SCHULMAN: Before the Leader presents the award, we might as well pass the Resolution. All those in favor signify by saying aye.

NO REMARKS

RESOLUTION #8 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: Everybody aye? No no's. (*LAUGHTER*) The ayes have it. The Resolution carries. Congratulations. Leader.

MEMBER DOUGHERTY: Thank you, Mr. President. It was definitely a pleasure going to the breakfast and it was a pleasure seeing you get your award, your award there. It was a really nice event and it's definitely a pleasure to be able to honor you with this on behalf of all of Council. You know, we put, you're out there on the streets putting your life on the line every day so that we can all work, live and play in this community and you know, I know first hand how hard you guys work and your dedication, professionalism has not gone unnoticed. Congratulations. (*APPLAUSE*)

OFFICER KIM ELLIOTT: I'd just like to say thanks to City Council and to the citizens of Canton and it's an honor serving everybody here in our city. That's all I've got to say tonight. (*APPLAUSE*)

PRESIDENT SCHULMAN: Congratulations again Officer and thanks for your dedication and public service. Our next Resolution is Resolution #9. Madame Clerk.

#9. COUNCIL-AS-A-WHOLE: RECOGNIZING BETHANY NURSING HOME FOR THEIR EFFORTS TO USE LOCAL CONTRACTORS, LABORERS AND SUPPLIERS IN EXPANDING THEIR NURSING HOME FACILITY. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President, I move we adopt Resolution 9.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that we adopt Resolution 9. Are there any remarks? Member Smuckler.

MEMBER SMUCKLER: Mr. President could I have that read please.

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PRESIDENT SCHULMAN: Yes please Madame Clerk.

CLERK TIMBERLAKE: *Whereas*, Bethany Nursing Home is located at 626 34<sup>th</sup> St NW, Canton, Ohio and is owned and operated by John and Dr. Elizabeth Baum; and *Whereas*, Bethany Nursing Home is a five star facility which recently expanded to 21 skilled private rooms, 55 long term nursing beds and 18 deluxe assisted living apartments; and *Whereas*, Bethany Nursing Home is a Medicaid and Medicare Certified facility which was in the top 2 percent in the State of Ohio in 2010; and *Whereas*, Bethany is recognized for staffing ratios that exceed the Ohio Department of Health's requirements; and *Whereas*, John and Dr. Elizabeth Baum set out on a mission to expand Bethany Nursing Home using local suppliers and labor; and *Whereas*, Bethany Nursing Home has used all Stark County companies for its expansion such as, Bengal Enterprises, Rick DeMuesy Brick Mason, Backtel Excavating, Jason's Drywall, Shanklin Heating and Cooling, Allen Miller Framing and Carpentry, Russo Cement, Kell Painting, Mohler Lumber, Tasos Electric, J.L. Kolp Plumbing, Hot Buys Kitchen Equipment, Kitchen Stainless Hoods, Be Safe Security, Connect USA and First Merit Bank. *Whereas*, Bethany Nursing Home strives to create an environment that encourages residents to live with as much freedom and independence as possible. *Now Therefore be it Resolved*: that we, the Members of Canton City Council, do hereby go on public record recognizing Bethany Nursing Home for their efforts to use local contractors, laborers and suppliers in expanding their nursing home facility *And Further be it Resolved*: that Canton City Council recognizes the superior quality and rating that Bethany has established in the nursing home industry.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Any other remarks, Member Smuckler?

MEMBER SMUCKLER: Yes, Mr. President. Could, we have people here from Bethany and could we ask them to come up front please? (APPLAUSE)

PRESIDENT SCHULMAN: Once again, before the award is given let's take a vote. All those in favor of Resolution, all those in favor of a resolution, all those in favor of Resolution #9 signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #9 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries. Member Smuckler.

MEMBER SMUCKLER: Several weeks ago I had the opportunity to attend the opening of the extended facility and one of the things that caught my eye was is what John here did. He made it a point to use local businesses in the community and I thought that was phenomenal. I think that is fantastic. Between the labor that was done, the organization that was done, the products that were bought and I know without mentioning the name there was one company on the verge of collapse, as he told me, that he probably single-handedly gave them at least a longer lease on life than they had. So I think it commendable that people are beginning to see that it's important to use local labor, local suppliers and local contractors to do what they need to do in this community. Thank you. (APPLAUSE)

JOHN BAUM: On behalf of my whole family, we're very appreciative. We live in tough times and this is a hard hit area and it was very important to us. We, we've made our living here for 30 years as a family business and it was extremely important for us to keep that, the benefits of this project right here in Stark

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County. I'm so proud of that and we'd like to add that we came in under budget and a month ahead of schedule. Thank you.

PRESIDENT SCHULMAN: Thank you. (*APPLAUSE*)

MEMBER CIRELLI: Mr. President, Mr. President. I'd just...

PRESIDENT SCHULMAN: Oh yes, Member Cirelli.

MEMBER CIRELLI: I'd just like to comment to the owners of the facility and being in the nursing industry, I know that most of the local people try to get in to that nursing home because it has such a good reputation so I applaud you for that sir.

JOHN BAUM: Now we have a few vacancies.

MEMBER CIRELLI: OK, that's good to hear. I know some people. Thank you sir.

PRESIDENT SCHULMAN: Thank you very much sir. Thank you. Thanks to you and your family. Alright we're now under Resolution #6. I wanted to come back to that last. Madame Clerk would you please read Resolution #6.

#6. COUNCIL-AS-A-WHOLE: OPPOSING SENATE BILL 5. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President, I move we adopt Resolution 6.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution 6. Are there any remarks? I'd like to have, if you don't mind, the Clerk read that please.

CLERK TIMBERLAKE: *Whereas*, The Senate Insurance, Commerce and Labor Committee is currently considering Senate Bill 5 the end to collective bargaining; and *Whereas*, We must join together to fight against legislation that will weaken the middle class and put our schools, our safety and our community in jeopardy; and *Whereas*, Senate Bill 5 is radical and will undoubtedly have many negative, unintended consequences; and *Whereas*, Ohio needs to keep decent paying middle class jobs, not destroy them. That will only make our State budget situation worse. *Now Therefore be it Resolved*: that we, the Members of Canton City Council, do hereby go on public record not supporting the demise of our working class and opposing Senate Bill 5.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Any remarks on this Ordinance or this Resolution? Leader did you want, I'm sorry maybe you didn't want to say anything. Anyone? Well, I'll just say one thing. I certainly hope this is a unanimous vote. I had, and perhaps it won't be, but all joking aside Senate Bill 5 is the first step it seems to me, in gutting collective bargaining in the United States. And truly, historically if it wasn't for our unions, we would not have a middle class in this country. We would not have worker

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protections. We wouldn't have pensions. We wouldn't have five days a week work week, generally. We wouldn't have a minimum wage. We wouldn't have safety protections for workers. Workers would be treated just as they were at the turn of the last century, like dogs. Like dogs. And I had a constituent contact me about the fire trucks going by the Center when Governor Kasich came to town and there were the demonstrations in regard to Senate Bill 5 which I was proud, and I know there are also others in the room who also stood with the unions against this, and he was questioning the issue of the fire trucks and I said I really don't have a lot of information. I'll try to obtain it. But I did say one thing. I said, you know, I don't want to see our country racing to the bottom and I said this earlier in Executive Session. We were talking about the Police contracts and I think President Carcione raised a good point tonight. I don't want to see Americans working for Chinese wages. And I'm particularly outraged (*APPLAUSE*) I am particularly outraged and this is what I told the constituent, that there's not a fair share sacrifice in this country. None. There is no sacrifice on the part of the super rich. None. All they get is one tax reduction after another while our union employees and our private sector employees are consistently taking pay cuts. They sacrifice. Our unions locally our sacrificing. Our unions on the county level our sacrificing. The state level our sacrificing and that's why you see 70,000 people in the capital of Wisconsin, Madison protesting this. This is an outrage against the average worker in America who is every year falling further and further behind. There has never been a greater inequality of pay in the United States of America in it's history as it is today between the very rich and the rest of us. And I for one am certainly encouraging all of us, not only to oppose Senate Bill 5, but really get behind this and if we have to go demonstrate in Columbus then so be it. This is an attack. (*APPLAUSE*) OK, thank you but in any case, anyone else have any remarks?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Earlier whenever you went to call that Resolution and you called it a revolution and I think that's indicative of what we are seeing happening across the country. We all know what's happening in Michigan, Wisconsin, Indiana and what have you. My father was a coal miner in the coal mines in Pennsylvania and I heard of how, you know, the people, he witnessed the deaths. His brother died at 29 years with pneumoconiosis or black lung disease and we heard about scabs and the hardship of what those, our ancestors fought for and now we're seeing that everything they fought for is being desecrated and they are trying to lower the American standard of living and we're, for God sake if we don't step up now, we're going to turn into a third world country. And I have really fears for my grandchildren, great-grandchildren and what have you. I think we have to come together behind the American standard of living and say we're not going to take this anymore. I was there blowing my Jeep with "Kill the Bill" and you know I, we don't, nobody likes to have to go against the grain but by God when the grain is going the wrong way, we got to stand up and be accounted for. So I hope everybody, and I know one person may not be able to and God bless him. I'll pray for him but I hope everybody and I know all the rest of my peers will support his.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Leader.

MEMBER DOUGHERTY: Yea, I just wanted to thank Member Cole for bringing, for being the leader on bringing this to the table tonight.

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PRESIDENT SCHULMAN: Thank you. Any other remarks?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: I think your remarks were very articulate, well observed and concise. Generally as a law enforcement officer a law director takes no positions on laws that they have to enforce other than to enforce them but this is one in the making. This is one that is not a law yet and I have to tell you that I used to work in the private sector in the Youngstown area as a steel worker full-time for a few years and many summers in the '60's and '70's and wages were good, and we in the private sector would make fun and call our friends who worked for cities and townships "rummies" because they weren't paid as well as we were and the didn't have the benefits packages we did. And the public sector, the local towns and villages in order to lure people away from the steel factories that were doing so well at the time, said we can't offer you lucrative salaries but we can offer you a vacation day here and there. We can pick up part of your pension. We can offer you a few fringe benefits, maybe pick up some of your health care, in order to lure people away from the lucrative private industry. Well as the private industries began to fail, and people we saying government should be run more like private industry, and more private industries failed, it became obvious that collective bargaining was the place that unions could take hold in the public sector and they did. And some might say that the pendulum has swung a little too far and I admit that there may be accesses in every plan whether it's private sector, public sector, union, non-union but on the whole, it has been a balancing of power between management and the work force. And now I see letters to the editor saying, you should tie public sector work forces with private sector. Well I didn't see those letters when the private sector was making so much more. I didn't see anyone saying you should tie the public sector to the private sector and pay them better because they're so far behind. I think people forgot that the, the context of how the public sector came to be and why some of these things were bargained in. Many of the pension pick ups that are now so despised by some many people, came into place because the public sector couldn't afford to give raises many, many times to it's employees so they said we'll pick up some of your pension. That's how some of those things came to being. So whatever side of this issue your on, please consider all of it. Lawyers are fond of using the phrase "the surrounding circumstances, balance, fairness." And again I think many of the things that our President said that you are about to vote on, are matters that seriously need to be considered by intelligent people who are in the General Assembly and seriously weighed before the make any votes or amendments. Thank you.

PRESIDENT SCHULMAN: Thank you, Law Director. Any other remarks? Hearing none, all those in favor signify by saying aye. Those opposed.

NO REMARKS

RESOLUTION #6 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. Motion carries. Resolution 6 is adopted. (APPLAUSE) I hope we'll go much further beyond that.

**COMMUNICATIONS**

PRESIDENT SCHULMAN: OK, Communications. Let the journal show that all Communications are received as read.

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***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 FEBRUARY 28, 2011.***

59. AUDITOR MALLONN: REQUEST FOR ADDITIONAL AMENDED CERTIFICATE DATED 2/23/11. - RECEIVED & FILED
60. CITY OF CANTON POLICE DEPT: REVISED 2010 POLICE DEPARTMENT REPORT FOR THE LAW ENFORCEMENT TRUST FUND, ALCOHOL INTERVENTION/EDUCATION FUND & LAW ENFORCEMENT EDUCATION FUND. - RECEIVED & FILED
61. COMMUNITY DEV DIRECTOR WILLIAMS: REQ \$110,783.74 SUPP APPROP TO THE NEIGHBORHOOD STABILIZATION PROGRAM. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
62. COMMUNITY DEV DIRECTOR WILLIAMS: REQ \$3,513.62 SUPP APPROP TO THE YOUTH DEPARTMENT DONATION FUND. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
63. COMMUNITY DEV DIRECTOR WILLIAMS: AUTHORIZE MAYOR TO AMEND ITS NSP FUNDING AGMT W/MULTI-DEVELOPMENT SERVICES TO PROVIDE AN ADDT'L \$20,000.00 IN NSP FUNDS FOR REHAB OF PROJECTS UNDERWAY, PROP TAXES & MAINTENANCE EXPENSES. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
64. COMMUNITY DEV DIRECTOR WILLIAMS: ALLOW \$56,154.56 CHANGE ORDER TO OCCUR FOR THE PROJ KNOWN AS THE LEAD SMELT PROJECT (REMEDIAION EFFORT AT STEIN INDUSTRIAL PARK) THIS IS AT THE REQUEST OF ENVIRONMENTAL MANAGEMENT SERVICES, THE FIRM CONTRACTED TO PERFORM THE ACTUAL REMEDIATION WORK. - FINANCE COMMITTEE
65. FINANCE DIRECTOR ALGER: AMEND O#245/2010 FOR VARIOUS SUPP APPROPS, APPROP TRANSFERS & INTERFUND TRANSFER NECESSARY TO CONTINUE TO OPERATE THE CITY EFFICIENTLY. - FINANCE COMMITTEE
66. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED TEXT CHANGE TO SECTION 1169.02, APPLICATION FOR CONDITIONAL USE PERMIT, OF THE CODIFIED ORDINANCES. - JUDICIARY COMMITTEE
67. *SAFETY DIRECTOR REAM: REQ \$50,000.00 SUPP APPROP TO CODE ENFORCEMENT ADMINISTRATION FUND TO EXPEDITE THE PAYMENT OF EMERGENCY DEMOLITIONS, BOARD UPS, TITLE SEARCHES, LEGAL ADS & CLEANUP PROJECTS. **WITHDRAWN***
68. SAFETY DIRECTOR REAM: RECEIPT OF DOCUMENTATION REGARDING THE FEMA FIRE PREVENTION GRANT. - RECEIVED & FILED

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69. STARK METROPOLITAN HOUSING AUTHORITY: THANKING COUNCIL FOR ALL THEIR HARD WORK & COOPERATION THAT WAS EXTENDED TO THEM & THEIR CONSULTANT DURING THE CAPITAL FUND EDUCATION & TRAINING FACILITIES GRANT APPLICATION PROCESS. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

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

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #4 FOR THEIR FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:***

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY \$50,818.42 TO JWF SPECIALTY COMPANY; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee

PRESIDENT SCHULMAN: Leader. Oh, I'm sorry.

- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH GATEHOUSE OHIO MEDIA, INC. FOR PROFESSIONAL SERVICES TO MANAGE THE LAYOUT, AD SALES, PRODUCTION AND PHYSICAL DISTRIBUTION OF THE CITY'S QUARTERLY NEWS PUBLICATION; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee

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- #3. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 29/2011** AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN AMENDMENT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE NEIGHBORHOOD STABILIZATION 3 PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- 

- #4. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 30/2011** AN ORDINANCE APPROVING AMENDMENTS TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANTON AND THE CANTON POLICE PATROLMAN'S ASSOCIATION; APPROVING A ONE-YEAR CONTRACT BETWEEN THE CITY OF CANTON AND THE CANTON POLICE PATROLMAN'S ASSOCIATION; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Personnel & Finance Committees

PRESIDENT SCHULMAN: And at this time the Chair would declare an in house recess for Community and Economic Development Committee to meet in regard to Ordinance 3 and in regard to Ordinance 4 the Personnel and Finance Committees to meet. You're now in recess.

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***(COUNCIL RECESSED AT 8:22 P.M. FOR THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE TO DISCUSS ORDINANCE #3; RECONVENED AT 8:24 PM)***

***(COUNCIL RECESSED AT 8:24 PM FOR THE PERSONNEL AND FINANCE COMMITTEES TO DISCUSS ORDINANCE #4; RECONVENED AT 8:25 PM)***

PRESIDENT SCHULMAN: Okay, Council will reconvene after its recess. Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to place Ordinances 3 and 4 back on this evening's agenda.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend Rule 22A to put and place Ordinances 3 and 4 back on this evening's agenda. 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: Motion carries. Ordinances 3 and 4 are back on this evening's agenda. Leader.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rules on Ordinance 3. 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: Motion carries. Leader you've heard the three readings.

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

MEMBER PRATER: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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PRESIDENT SCHULMAN: Ordinance #3 has been adopted. Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 4.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rule on Ordinance 4. 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: Motion carries. You've heard the three readings, Leader.

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 4.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #4. Any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#4 ADOPTED AS ORDINANCE NO. 30/2011**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Motion carries. Ordinance #4 is adopted.

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: We're now under Ordinances and Formal Resolutions for their Second Reading, Madame Clerk will you please begin with Ordinance 5..

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #5 THROUGH #7 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #5. (2<sup>ND</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 (1700 55<sup>TH</sup> ST NE, GERVASI VINEYARD)
- #6. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH TRINITY GOSPEL TEMPLE TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$25,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY

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- #7. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE LEASING OF AVAILABLE SUBFLEETS OF THE CITY'S 800 MEGAHERTZ COMMUNICATION SYSTEM; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT SCHULMAN: Thank you Madame Clerk. Turning now to Ordinances and Formal Resolutions for their Third and Final Reading and vote. Would you please begin with Ordinance 8.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #8 THROUGH #11 FOR ITS THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #8. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 31/2011** AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY \$171,403.78 TO MOTOROLA SOLUTIONS, INC. AND \$46,223.10 TO B&C COMMUNICATIONS, INC. FOR THE CITY'S SHARE FOR THE MAINTENANCE OF THE DISPATCH CENTER EQUIPMENT AND PORTABLE RADIOS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 8.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 8. I just told the Law Director, these guys seem to come in every month. I don't know, maybe it's just me. Every time I, every time I turn around it's \$175,000.00 to Motorola. Anyway other than me, any other remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

**#8 ADOPTED AS ORDINANCE NO. 31/2011**

PRESIDENT SCHULMAN: Ordinance 8 is adopted. Ordinance #9 please.

- #9. (3<sup>RD</sup> RDG) **DEFEATED** AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (CADET FIREFIGHTER/PARAMEDIC & PROBATIONARY POLICE OFFICERS)

PRESIDENT SCHULMAN: Leader.

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

MEMBER PRATER: Seconded.

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PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #9. Are there any remarks Leader?

MEMBER DOUGHERTY: Mr. President I move we amend Ordinance 9 per the copy in front of all Council Members.

MEMBER PRATER: Seconded.

Amendment

*Pursuant to Rule 36, I move to amend Exhibits A and B to Agenda Item No. 9 by substituting the Exhibits A and B attached to this Amendment for the Exhibits A and B attached to the ordinance currently pending before Council.*

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance 9 per the copy before each of you. Leader do you want that amendment summarized.

MEMBER DOUGHERTY: Please.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President, Majority Leader and Members of Council. What you are amending it is by substituting an amended Exhibit A and B which are almost identical to the original Exhibits A and B but for some corrections in some of the numerical figures. So it was some things that were caught as errors by Assistant Law Director Bates and have been corrected.

PRESIDENT SCHULMAN: Thank you Law Director Martuccio. Any remarks under the motion to amend?

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER PRATER: I have a question for the Safety Director. Mr. Safety Director, could you tell us how these number compare currently to what you're proposing in this Ordinance?

SAFETY DIRECTOR REAM: Yes, several years ago we reviewed this Ordinance and recommended, recommended increasing the salaries for cadet officers. Since that time the economic environment has changed. You heard President Carcione offer his opinion references. We did have a discussion with him. We respectfully disagree over some of the logic and reasoning behind this. We think that these numbers represent middle ground that we can attract qualified applicants to our programs and our employment and still save money from the figures that were in there previously. We think the economic environment dictates that we take this action and that's why we presented the Ordinance for you.

PRESIDENT SCHULMAN: Does that answer your question Assistant Majority Leader?

MEMBER PRATER: Yes.

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PRESIDENT SCHULMAN: Thank you. No question Member Cirelli. Any questions over here. What you're prepared to vote upon is simply the motion and second to amend the Ordinance per the copy before each of you. Are there any remarks under that Ordinance or that motion? Hearing none by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

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

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 9 as amended.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 9 as amended. Are there any remarks under this Ordinance? Member Smuckler.

MEMBER SMUCKLER: Mr. President, Safety Director. Classification plan for bargaining unit but this really wasn't bargained for. Is that correct?

PRESIDENT SCHULMAN: Director.

SAFETY DIRECTOR REAM: No it's not bargaining unit personnel. These are cadet officers before they enter the bargaining unit. They are probationary cadet officers and fire fighters that we're recommending the change for.

MEMBER SMUCKLER: And you want to pay these people the salary of approximately \$27,000.00 a year now correct?

SAFETY DIRECTOR REAM: I believe it goes from 26 to 30 depending on what qualifications they carry coming in the door so to speak.

MEMBER SMUCKLER: I for one was here when the editorials were ramped up. We had exhausted half the list and the other half was questionable quality and there was a lot of concern of who we were bringing on. And over the years we've had some problems where we've looked at who we've hired, how they got hired and I think it's the old adage "You pay for what you get". I for one won't be supporting this. I think that the specialization you need and the safety forces in this community that we need to pay people to attract people and I think part of the problem is, is that every time we look to save money, we're looking how far that we can push the safety forces in this community and I think we've stretched it beyond belief where we've annexed all these extra miles and we're trying to tell them to do it with less. I won't be a part of this. Thank you Mr. President.

PRESIDENT SCHULMAN: Thank you Member Smuckler. (*APPLAUSE*) Any other remarks on Ordinance 9 as amended?

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

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MEMBER HAWK: Thank you good sir. I too will not vote in support of Ordinance #9 for a multitude of reasons. It would take far too long to go into, but we're going to ask these people to risk their lives to save our lives and we want to ask them to do it for less money. We opposed by unanimous vote Senate Bill 5 and we are in essence doing the same thing here that the House, that the Senate is trying to do. We are not given these rights to the people to bargain, we are just simply going to cut their salaries. I for one believe that they should receive more money than this in order to start for our city so that we will attract the best by paying more money. Thank you very much sir.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Thank you. Member West.

MEMBER WEST: Safety Director what is the difference in the salary that is, that there bringing it down too. What is the difference?

SAFETY DIRECTOR: Depending on the category that they would fall.....

MEMBER WEST: Alright, what's the salary range currently as it exists today?

SAFETY DIRECTOR REAM: It's somewhere around 3 to \$4,000.00 that we're cutting off the beginning salary ranges.

MEMBER WEST: And then it goes up to what? And then it goes up to your saying about \$29,000.00 to what?

SAFETY DIRECTOR REAM: I believe the ranges in there go from 26 to 32....

MAYOR HEALY: Mr. President.

PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: Thank you. I'll go ahead and take this if you don't mind. The current structure right now if somebody comes in fully licensed, fully certified on the Police Department they would start out as a cadet, first year, first day on the job at \$35,000.00 and it would be like 30 to 35. This takes it from 26 to 30. I just would like to point out to Council that you have just voted for the union contract. By the way, these, these numbers that we're talking about are for new hires, future hires. They're not existing employees so new hires would know what their range is when they walk in the door and whether they would be wanting to take that range walking in. But you just voted for, unanimously in the union contract for the Police Department to lower the wages in years two through six. Year two the wage is \$34,000.00 that you all just voted on. Currently the cadet rate would be at \$35,000.00 which means they would take a pay cut in their second year if you don't take this amendment. So by lowering the wages for new employees to 34 in year two, we're asking you to lower the wages in year one to coincide with the steps that we agreed upon with the Police Department and because Police and Fire have always been at the same wages for starting, that this amendment covers both Police and Fire just for the first year of training cadet wages before they become a union member. This is not a bargaining wage. This is a wage set by the administration and passed by Council. This allows the step process to be in place so that after their first year in the Police Department, they would go to \$34,000.00 in year two and then they would go up to \$40,000.00 in year 3 and then they would go up to the regular scale of like \$49,000.00 in year seven.

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MEMBER WEST: So then, let me understand this. So then as it stands, if this does not pass, year one someone would be making \$35,000.00 and then year two they would be making \$34,000.00.

MAYOR HEALY: Correct. That's why this came down in tandem with the Police Department. The, a new hire in the Police Department, on the vote that you just took would make \$34,000.00 in their first full year in the union. As a cadet, the year before that, they could make \$35,000.00 if we don't change this. That's why we're trying to change it so the step process will be the same.

PRESIDENT SCHULMAN: Any other remarks?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Cirelli.

MEMBER CIRELLI: Mayor Healy does anybody on your administration on the 8<sup>th</sup> Floor make this less of an amount of money?

MAYOR HEALY: Yes.

MEMBER CIRELLI: How many?

MAYOR HEALY: There's four staff people on the 8<sup>th</sup> Floor. One of them makes less than this. One of them makes \$30,000.00 so two of them would be in this category. So half of our staff would be in this range yes.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Just one more question. Could you explain, could you address the issue of the less qualified person coming in based on salary.

PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: Sure. The question was would we attract lesser quality candidates by lower the salary. Two and a half years ago, three years ago we had the conversation with our safety forces and at that point in time the starting range was \$24,000.00 and went up to \$27,500.00. At that point in time, we came to Council and says we'd like to go ahead and raise this to see if it changes the quality of candidates that we get in. We went ahead and did the tests and we did the hiring and you know, there's, it is a bit confusing, yes. We basically came to Council and said hey listen, it's competitive out there, we'd like to raise this as the union contracts have changed, we'd wanted to try to bring them in at a higher rate. Again it's supply and demand. It's the economy. In the last three years, since we've been here, now when we first come in that change happened, so two and a half, three years ago, that change happened. In the last two and a half years, three years, virtually every single city employee has taken furloughs, cuts in pay, increased health care, everybody has adjusted their pay, not just for the city but outside of the city as well. So all of these positions have changed. What we were saying is we could potentially lower that number by a couple thousand dollars to put us in a position to be able to hire more people if you pay less, you can hire more, and we are in a position that at some point in time because of the reduction in money and the reduction of police and firemen that we have, that we're going to have to hire quite a few police and firemen. This will allow us to bring in more people

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with lesser money and it's only, again it's 2 to 4, 2 to \$5,0000.00 difference for the first year only while they're in training.

MEMBER WEST: Can you address the quality of applicant?

MAYOR HEALY: I can't because I have only done one test. We haven't done a comparison. Other administrations have. Our Safety Director can maybe address that because he's been here for quite a while and he can talk about that.

MEMBER WEST: So, wait a minute. If you, if this pass, you're saying that we will hire more officers as a result of the reduction in their starting wage. Is that correct?

MAYOR HEALY: What I'm saying is, is when we have the ability to hire officers, we will be able to get more for our money. It's just, that's the way it is.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: If you look at your amendment and if you look at Exhibit A and you look down at the bottom, cadet with job certification \$26,000.00 a year. Cadet with EMT basic certification \$27,000.00 a year. Cadet with Firefighter certification or EMT basic and Firefighter certifications \$28,500.00 a year. Cadet with EMT/Paramedic certification or EMT/Paramedic and Firefighter certification \$30,000.00 a year. This is what the starting is. This is the first year. I don't have a say in being able to pull apart the contract that you negotiated but I do have a say in this. I get to take the contract up or down, the whole thing because I don't get the line item veto anything. What I am suggesting to this Council and I think Mary raised a good point, \$26,000.00 a year. I want to you understand this. EMT basic certification \$27,000.00 a year. This is some education here that we're talking about.

MEMBER WEST: One more quick question here Mr. President. I said that before I know.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Sorry.

PRESIDENT SCHULMAN: It's alright. Well this is an important issue and you've....

MEMBER WEST: Yea, I think so.

PRESIDENT SCHULMAN: Argue it.

MEMBER WEST: In my mind and maybe, I could be wrong, if we take these individuals....well let me ask you this. Do we have the money currently if we would keep it as it is, to, I mean would we still, would we still have to lay off people or, is that a factor in this?

PRESIDENT SCHULMAN: Mayor Healy.

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MEMBER WEST: So if we kept it the same, we wouldn't have to lay off anybody and everyone would be secure for a year.

PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: Right now we don't have the money to hire anybody, Police or Fire. Any new employees. At some point in time, we're going to be in a position to do so. As we're dealing with a three year recession, we have to look at every option. I will also point out that if we hire somebody and they come in at \$26,000.00, that's because they have no training certification and we're going to be spending that first year as a cadet training that person and getting them certified and paying for that training, so there's an extra cost that the city has to bear in order to go through that training. At the end of that year, they're going to be trained, certified and ready to go and they're going to walk into our, a full fledged fireman with the training and they're going to be going up to \$39,000.00 a year in that second year. So they're going to get a nice jump but we're going to spend a lot of time and energy training these folks and getting them ready. The ones that come in that are trained and ready, they're going to spend a year with us in a cadet category that allows us to evaluate and make sure that they're the type of employee that we want to keep long term as a probationary period and once we decide that we like what they're doing that first year, they kick into the union at the beginning of their second year and they go to that \$39,000.00 rate in their second year. So this is just the first year of probationary period where there's typically a lot of training going on.

MEMBER WEST: Does the Chief, in the Fire Chief support this?

PRESIDENT SCHULMAN: Mayor Healy.

SAFETY DIRECTOR REAM: I can tell you that Chief McKimm is on board. Fire Chief Rich has some reservations but in the present economy, economic environment that we're dealing with, it is my opinion after having been here for many, many a year that we will draw qualified candidates at this starting salary.

MEMBER BUTTERWORTH: Mr. President.

PRESIDENT SCHULMAN: Member Butterworth.

MEMBER BUTTERWORTH: For the Mayor, point of clarification. You said earlier that the second year that they would be, would receive actual pay reduction if this wasn't passed based on what was passed earlier tonight correct? And then your quoted....

MAYOR HEALY: For the Police Department.

MEMBER BUTTERWORTH: For the Police Department. Is it also understood and Joe stop me at anytime to make sure I don't disclose anything. Isn't it also understood though that with their salary reduction that the CPPA just now took, there are other concessions made that it really became a zero net change for them. When you factor in their benefits.

MAYOR HEALY: It's not totally a zero. The first year it would increase our costs by about \$30,000.00. That is offset by a retiree that we have already more than offset that. So there's a way to offset that. So there is a slight increase in year one, a little bit of increase in two but it will also be offset by future hires.

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MEMBER BUTTERWORTH: And for this, Mr. President. And to the Safety Director, trying to do my homework, just to make sure that we do what's obviously best and I appreciate, I think it was Member Hawk's comments that these people are on the line for us on a daily basis. You said that with the Police Chief McKimm was supporting this. I don't want to put words in your mouth. You said he's OK with this and Chief Rich had some reservations.

SAFETY DIRECTOR REAM: That's correct.

MEMBER BUTTERWORTH: OK.

MAYOR HEALY: And also for the record, the Police union is on board with it as well. It is the Fire union representative that has the concerns. So there's a difference here between Police and Fire in their opinion on this but traditionally the city has always had the same starting wages for Police and Fire cadets. That's throughout our history as far back as we have seen which is why these move together.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: The cadets. Training for how long? A year. How long does it take.

MAYOR HEALY: It depends on which certification they need because if you notice there's different steps here depending on what they have. So if they come here at 26 they have to go through all the training. If they come in at 27 ½ they need part of it so, their training would be built in based on what their requirements are for their experience.

MEMBER DOUGHERTY: How, yea but I need to know that in an answer. So can somebody answer that or not? How long does it take, the training and....

MAYOR HEALY: Two years is what I'm being told be the union rep in the Fire Department.

MEMBER DOUGHERTY: So while they're doing this training their, are they fighting fires?

ROSARIO CARCIONE: *(From audience)* Not live fires.

MEMBER DOUGHERTY: So during this whole time, there not putting their lives on the line. Are they or aren't they?

MAYOR HEALY: According to the union rep who works in the Fire Department. He says when they're in medic school, they're not on the trucks going out so, no that would be correct.

MEMBER DOUGHERTY: Thank you.

PRESIDENT SCHULMAN: Any other questions? May I have one question. I'm just listening to the back and forth here. Mayor you said, and I don't disagree that Council approved the other contracts but those where collectively bargained. I mean the unions gave up, we sacrificed, they sacrificed, right. But what I'm hearing is that in Ordinance 9 as amended, this is not collectively bargained this is simply unilaterally decided by the administration as to what the starting wage is going to be. Is that fair?

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MAYOR HEALY: That is correct. And there are no existing employees that would fall into this category. These are for future hires and they're going to know what the salary is before they decided whether to come on board with the city.

PRESIDENT SCHULMAN: So this is not collectively bargained. Now one other question Council may have, in the back of my mind I know I do. What relationship does this have if any, to the collectively bargained agreements that have been struck between Police and Fire.

MAYOR HEALY: The only relationship is what they would make in their first year of employment with the city and what they make in the beginning of their second year which is when they become a union member. And so in this particular case, if you go to what we're proposing it would be, it would go from \$30,000.00 to \$34,000.00 in the Police Department. In the Fire Department they would go from \$30,000.00 to \$39,000.00 in their first year in the union. Right now they could potentially go from 35 to 39 in the Fire or if this stays put they could go from 35 in year one to 34 in year two. So it creates a problem in reference to the Police Department because the actually have lowered their first year in the union below the number that we at on this particular issue here in agreement and again they voted 87 to 7 as a collective bargaining group to accept this change because it would affect, it would be part of the process they would make. The Fire Department did not vote on this because it was something that happened separately. If that makes sense.

PRESIDENT SCHULMAN: Yea, I, there's no back channel connection between Ordinance 9 as amended and any collective bargaining agreement between the city and the firefighters or the police. I mean there's no quid-pro-quo here. There not saying, gee we wouldn't have entered into this agreement if we had known that Ordinance #9 as amended wouldn't have passed.

MAYOR HEALY: No. No, this is separate. But again they knew what the proposal was when they voted.

PRESIDENT SCHULMAN: I got ya. Thank you very much. Any other questions? Any other remarks. OK so what you're voting on is Ordinance #9 as amended. I think it's been moved and seconded. Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 6 YEAS, 6 NAYS

CLERK TIMBERLAKE: Six yeas, six nays. (*APPLAUSE*)

LAW DIRECTOR MARTUCCIO: For the record Mr. President. The case law is that the President could vote if they want to to break a tie but they don't necessarily have to.

PRESIDENT SCHULMAN: Yes it is my first vote in three years. And being consistent with what I've said this evening and recognizing that half of this Council is conflicted about this, I'm going to cast the vote no. (*APPLAUSE*) And that's by the way, I want to make it clear on the record, that's not a slap to the Mayor or the administration at all, that's really not, but I do think, I'd rather see some union unanimity with Council if they have to. It seems to me if they're going to say yes I'm on board with this then I think they should most all be on board with this because it is a significant issue. So I just want the record to be clear on that.

**#9 DEFEATED**

MAYOR HEALY: Mr. President.

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PRESIDENT HEALY: Mayor.

MAYOR HEALY: Yea, thank you. And I certainly understand because what we have here is we've got two bargaining units that have two varying opinions and we because of consistency tried to put them together. If Council is concerned about the fire side of the issue, and understanding now that the way it's structured now with the police union if we hire somebody new they will make more in their first year than in their second, I did think that we have to address this on the police side for sure and again if the Council wants to separate those, that's a Council issue.

PRESIDENT SCHULMAN: Thank you Mayor.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Just real quick. From what I understand, we're not hiring anybody anyway. So it isn't going to be an issue until that comes up. So it may change as a result of that. Another Ordinance may come down and this would be a mute point.

PRESIDENT SCHULMAN: Alright. Let's, any other remarks? Let's move on to Ordinance 10 please. This one may be somewhat easier.

CLERK TIMBERLAKE: I hope so.

#10. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 32/2011** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT FOR STOP-LOSS INSURANCE FOR CITY EMPLOYEES AND THEIR DEPENDENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 10. Any remarks under this Ordinance? Really, hearing none, 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. 32/2011**

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

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#11. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 33/2011** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO DONATE AN INDUCTIVELY COUPLED PLASMA-OPTICAL EMISSION SPECTROMETER TO THE CITY OF ASHTABULA WASTEWATER FACILITY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 11.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #11. Any remarks?

MEMBER BUTTERWORTH: Mr. President.

PRESIDENT SCHULMAN: Member Butterworth.

MEMBER BUTTERWORTH: For the Chief of Staff. From what I understand and looking at this, it would be, it's cost prohibitive to even try and scrap this for what the price we would get for scrap. It would cost more to even get it somewhere. No one really wants to buy this from the standpoint that parts are hard to find and that it's an obsolete piece of equipment. If someone wants to take on the responsibility to use this, so be it which is why we are donating it them. There is no really residual value in trying to sell this correct.

SERVICE DIRECTOR PRICE: Correct. And we have already purchased a replacement Inductively Coupled Plasma-Optical Emission Spectrometer. Thank you.

CLERK TIMBERLAKE: You just had to say it didn't you? *(LAUGHTER)*

PRESIDENT SCHULMAN: I'm sorry what was that again?

SERVICE DIRECTOR PRICE: That's and Inductively Coupled Plasma-Optical Emission Spectrometer.

PRESIDENT SCHULMAN: It's easy for you to say. Any other remarks?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: For what it's...I have to applaud the Chief of Staff because he said that very eloquently.

PRESIDENT SCHULMAN: He did.

MEMBER CIRELLI: It's an interesting machine. I went on the internet and brought it up and by the way, I also received a thank you card from Ashland. I mean an email from them thanking us for giving, donating it to them. I don't know what good it's going to be for them but God bless them, I guess. I questioned that also about the salvation. So thank you sir.

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PRESIDENT SCHULMAN: Thank you. Any other remarks? Hearing none, Madame Clerk roll call vote please on Ordinance 11..

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

**#11 ADOPTED AS ORDINANCE NO. 33/2011**

PRESIDENT SCHULMAN: Ordinance 11 is adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SCHULMAN: We are now under Announcement of Committee Meetings. Member Hawk.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: On Monday, March 7<sup>th</sup> the Finance Committee will meet right here in this very Chambers at 6:45 PM.

PRESIDENT SCHULMAN: Thank you Member Hawk.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: Oh, never mind.

PRESIDENT SCHULMAN: OK. Any other announcements? That's it. OK.

**MISCELLANEOUS BUSINESS**

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

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT SCHULMAN: Yes, Director.

SERVICE DIRECTOR PRICE: I wanted to, I guess make a long meeting longer and update you though on the flooding situation in the city. Received a call from the City Engineer at about, I don't know 6:40, just 5 minutes before we started. It appears as though based on our Engineering Departments survey of our various bridges and trouble spots, that overall the flood waters are receding by, they had receded by that time at about a foot from the high water mark. We had a significant but manageable flooding throughout the city in spots that, while we don't want to see flooding, we could have anticipated where those trouble spots would be. Now in addition to those which I'll get to in just a moment, we also had obvious isolated incidents throughout the city. The issue mentioned at Georgeview Estates for instance. That would be one of the 50 or so, basement flooding complaints that we received throughout the City of Canton as a result of this event.

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Although Georgeview Estates certainly has it's own unique problems and given the, I'd like to save my remarks on that particular Public Speaks comment for Old Business to cover that next time so I can bring to you, I'll send a Communication as well that will outline kind of the history of that and what's been done. Flooding wise, though we had significant flooding on Allenford Drive which probably remains closed. We had some erosion of the tracks nearby there. One of our sewer lift stations in that area that services about 4 or 5 residences was entirely under water but was functioning. We had flooding on Mill Street SW which had been closed. If you went by Thurman Munson Stadium there was significant flooding there that thank goodness did not reach the building because the new league that is leasing this facility just installed carpet. The field was unaffected. Portions of Sherrick Road ended up closed due to flooding. We did evacuate the Southeast Community Center today because flood waters had reached about a foot away from the back door. We had a vehicle damaged in the parking lot as a result of the high flood waters in that parking lot but damage to the building at this point was spared. Belden Avenue and Ira Turpin Way, there were public storage that was closed down and probably still is due to high flood waters. The new retaining wall and level system that was installed by Republic Storage as a result of the 2003 flooding event seems to have helped them although I do understand that waters did at one point go over that wall and so there was some damage there. There was probably some damage to maybe a handful of businesses in the city. City parks were affected. Monument and Stadium Park access roads remain closed and resident's can anticipate potential flooding in those parks and should stay clear of the area. Cook Park was completely flood and should be avoided. Impact on city facilities, I've already mentioned the Southeast Community Center. The area surrounding Thurman Munson I mentioned to you. I also will tell you and you may have read it online in The Repository. Canton's Water Reclamation Facility as a result of the heavy infiltration and in float that resulted from the storm event. While we normally treat about 38,000,000 gallons per day, our average flow from the beginning of this storm event was 108,000,000 gallons per day. We reached a peak of 111,000,000 gallons per day and given the rate that we actually experienced on average, we will probably experience the largest flow into the plant in the city's history. At approximately noon today, the Water Reclamation Facility did reach it's capacity due to storm water infiltration and we were bypassing some sewage at various emergency discharge points into the Nimishillen Creek. That can be, although it's rare here, that is typical and happened probably in just about every community that was effected by the storm event and while that's obviously a concern, we don't want to be it, to have to do that, many communities it happens a dozen times a year or more. The last time that we discharged in an emergency situation the Nimishillen was in June of last year. We've taken some additional precautions tonight, although we think that the worst of it's over. Once we talk with the experts and generally after the rain stops and there's no additional rain in the forecast last time we checked, you could have your high water mark anytime within 24 hours. The Stark Emergency Management Agency and other officials that looked at the creek think that we probably reached our peak about 12 hours into the event. Although waters have receded about a foot, we have some isolated anomalies I'd call them that we're still a little bit concerned about. Concerned enough that the Police Department, we had a joint meeting between the Service and Safety Department head this afternoon and the Police have agreed to help the service side out by patrolling a list of trouble spots and bridges supplied by the City Engineer. They'll be doing that as they can but probably about every hour tonight. We also have Street Department, Engineering Department and Sewer Department staff who are available in case we would see some sort of rise that would not be expected. All in all though we hope that these flood waters will have receded entirely hopefully within the next couple of days. The only other thing I guess would be on the Public Speaks tonight, I guess I'd ask you to let me report back to you under Old Business except Miss Lewis had mentioned in her remarks that 13<sup>th</sup> Street had not been plowed during the past two storm events. I am going to look into that obviously, we certainly don't by policy and certainly my own personal policy is we, it doesn't matter where you live in the City of Canton, we want to provide you with the same level of service and I'd agree that in this last storm event I actually pulled a couple

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of trucks and resources from the Northwest side cause the Street Superintendent talked about it and thought we were overemphasizing and diverted some of those resources to the Southeast. But we try to be very fair and very systematic in that but I will look into that and if that had no been done over the past two storms and I'll check with the Street Superintendent and confirm that but certainly that's not right. We'll want to fix that. Thank you.

PRESIDENT SCHULMAN: Thank you sir.

MEMBER WEST: Mr. President.

MEMBER SMITH: Mr. President

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: Mr. President, I just wanted Director Price. Could you please talk to Mr. Thompson before leaving tonight so he can get some clarity on his issue?

PRESIDENT SCHULMAN: Director.

SERVICE DIRECTOR PRICE: I would, yea one of us can stick around. On the IPMC, I would defer that probably to the Safety Director or the Chief Building Official.

PRESIDENT SCHULMAN: Anything else Member Smith?

MEMBER SMITH: No thank you.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Yes, Mr. President. This is directed to the administration. First of all I want to thank Chief, Fire Chief Rich for his help in the flooding this afternoon, especially with 9<sup>th</sup> Street in Nimishillen overflow. One thing you didn't mention, Service Director was the 9<sup>th</sup> Street. A couple homes there did get flooded and one of the houses actually their basement collapsed. And right now I'm not certain if FEMA will help them or not or how we can get some emergency funds to assist them in their, tomorrow hopefully. But this is something that has, you know, haunted the O'Jays Parkway for years. You see Mr. Bird back there. He comes up quite frequently to talk about Nimishillen Creek overflow and anytime there is a pour, everyone seems to get frightened down in that area. It's almost like a paranoia and the this time they were again right. Before they talked to us about, it was a 100 year storm. Well this was only 8 years and it happened again and thank God, that it wasn't raining throughout the day or more houses would be flooded and collapsed. If we can build, you said something earlier about a retaining wall helped with Republic Steel, Storage. If we can do something just for that area from that Risher area, from 9<sup>th</sup> Street to Irwin that would help out tremendously and protect those homes in that immediate area. Even a retention or detention basin. If we can dig a huge hole, I don't know, where the water can seep down so that it's not going into the homes or give them some more time, that could help. Now I know we've had the Army Corp of Engineers down there, I know we've had Dan Moeglin and his group down there. We've even had the, what's the other group called, Muskingum Water Shed people down there and I know they put it back on us. So, I'm just asking Council, Monday I'm going to put forth a Communication asking us to put forth some type of retention wall there, and it could just

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be the dirt that we carry over from Nimisilla Park, the zoo area, and place there and, so that when water does come there it doesn't go beyond the creek, so if there's something we can do to address those issues, I would appreciate it very much. Thank you.

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

SAFETY DIRECTOR REAM: Mr. President.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: I have some concerns and I'm sure I guess I would direct them to the Law Director of the ex Pastime Inn perhaps opening up some kind of a party place or what have you. Can we have someone in the administration check in to that sir, to find out who would we direct that to? Maybe, Mr. Safety Director Ream can speak on that issue cause if he had cruisers down there he probably is aware of it.

PRESIDENT SCHULMAN: Director.

SAFETY DIRECTOR REAM: Yes ma'am. I'll check into it. Chief McKimm was here when it was brought to our attention tonight and we will look into it.

MEMBER CIRELLI: OK, I appreciate it and while you've got the microphone, I know we were going to buy some more smoke detectors. Am I correct on that sir?

SAFETY DIRECTOR REAM: That's correct, another 1,200.

MEMBER CIRELLI: Another 1,200. Might I show you one that I brought tonight that is really what I wanted from the get go and I'm sure you can get a better price on them than I got. When I started this, these are the ones that have the 10 year lithium battery that can not be removed. And that's what I really wanted for the general public out there. You have to get rid of the whole smoke detector after 10 years, but at that time when I started checking, it was like \$34.00 or \$35.00. I purchased this a Menard's yesterday and with tax and everything it only came to \$13.00 and wait let me put my glass, my specs on to see just what the price was. \$13.65 and I know you could get a much better price if you're going to purchase 1,200 of them sir so, if you'll have a look see at it when we're done here I would really appreciate that.

PRESIDENT SCHULMAN: Director Ream.

MEMBER CIRELLI: And it also has, so I know they didn't want them because they said that they were too sensitive to, and when they were cooking or what have you, but this has got a different gadget on it that if that happens they can turn it off and it will be back on.

PRESIDENT SCHULMAN: OK, Director.

SAFETY DIRECTOR REAM: When we order such large quantities, we're held that we have to take this out to bid. And under most circumstances the idea is that the bid price will come in cheaper than what you can

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buy it at retail and I think one of the issues is that a supplier being able to get the large quantities and we much go with the best bid that we receive so when we go out to bid, if this is one of those anomalies that we don't get a price as good as what they get at retail, we're still bound by the bidding process that we have to conduct our business by. So, I know we've gone out to bid. I'm not sure what the lowest bid was. We have Board of Control tomorrow. We'll be reviewing that bid but that's how we have to purchase these irregardless of what you may find at retail, I, dependent on, dependent on my Fire Department to pick out what they felt was most appropriate for a smoke alarm for the general public here and we bid it according to those specs. OK.

PRESIDENT SCHULMAN: Anything else, Member Cirelli?

MEMBER CIRELLI: The main intent, when I started this, way back when, and Joe how many years ago was this? You could probably recall.

LAW DIRECTOR MARTUCCIO: Four.

MEMBER CIRELLI: Four years ago. It was a fact that this battery can not be removed, cause people do have a habit, whenever it's Christmas time or it's Easter time, they get them an Easter bunny toy or something and they need a battery and unfortunately people will take them out of the smoke alarms. And that's the whole point behind this, is this cannot be removed. And to me, I'd really be happy if I could go over those bids with you sir. I'd feel really good. Is that doable?

SAFETY DIRECTOR REAM: Sure, it's public record. I mean we'll be going to the Board of Control at 9:15 tomorrow morning and you're more than welcome to come up there.

MEMBER CIRELLI: So you're going to have the bids there tomorrow. Did they ask for what we had in the past or did we ask for something different?

SAFETY DIRECTOR REAM: It's my understanding that we bid the same ones that we got in the first batch so...

MEMBER CIRELLI: Then there's no comparison. Thank you.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Law Director Martuccio and then Director Price.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. I just wanted to update Council on the matter of trees. Our version of Johnny Appleseed, I guess would be Joanna Appleseed, has persuaded us to resurrect and revise and redistribute the Tree Ordinance. It is now in the hands of Miss Kirk, a certified arborists, several city officials who worked on the past version and, I believe Miss Cirelli and your Clerk if any of you are interested in reading and commenting upon the new Tree Ordinance and perhaps sponsoring it. Thank you.

PRESIDENT SCHULMAN: Great, thank you Law Director. Director Price.

SERVICE DIRECTOR PRICE: Thank you Mr. President. Councilman West, I just wanted to let you know, if you do have constituents in the case where you have a collapsed basement, I would recommend contacting the Community Development Department. Director Williams may be able to help you out. We might have

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emergency funds available depending upon certain circumstances for that individual and he may be able to direct you to other sources as well.

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER SMITH: Mr. President, one other thing.

PRESIDENT SCHULMAN: Yes, Member Smith.

MEMBER SMITH: Just for some clarity, from Mary and the Pastime Inn. Mary we've been in touch with the owner of the building ever since the first incident a couple of weeks ago and he did assure us that if there's any more incidents down there, that he will forfeit the person that renting it and we can see now that we have two reports for two weeks straight in a row. So I'm quite sure there will be something done about the Pastime Inn. It do sit in the 4<sup>th</sup> Ward and we do have it on track Mary.

PRESIDENT SCHULMAN: Great, thanks Member Smith. Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, during Agenda Corrections and Changes, I failed to mention that in Communication 67 was withdrawn.

PRESIDENT SCHULMAN: And before you adjourn, Member Butterworth, I'm sorry..

MEMBER BUTTERWORTH: It's been a long meeting, my apologies.....

PRESIDENT SCHULMAN: That's alright.

MEMBER BUTTERWORTH: The question for the administration, for the Mayor and it doesn't need to be addressed tonight, I just curious with recent things that have happened here in the city, the status of the Spray Park, the \$500,000.00, don't want an update tonight, if we can get it next week, just curious as to what the status is. If we could get that. Thank you. Thank you Majority Leader.

PRESIDENT SCHULMAN: Great, thank you. Leader.

MEMBER DOUGHERTY: 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: Twelve yeas.

PRESIDENT SCHULMAN: *(Gavel falls)* Thank you ladies and gentlemen. Meeting adjourned. Please all drive carefully.

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ADJOURNMENT TIME: 9:27 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

ALLEN SCHULMAN  
PRESIDENT