

**MINUTES OF THE MEETING MARCH 14, 2011**

PRESIDENT SCHULMAN: *(Gavel bangs)* It's so quiet in here I hardly have to do that..Good evening ladies and gentleman. Sorry we started late tonight. We were in Executive Session and that sometimes takes a little time. Welcome. I hope all of you are recovering from, you know it's really only 6:30. I hope you know that. Well, it's bothered me all day. With a quorum present the Chair calls this meeting of Canton City Council to order. Roll call vote please Madame Clerk.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

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: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. We'll have our invocation given tonight by Council Member Joe Cole will you, Council Member at Large, Joe Cole.. Will you all please remain standing for our Pledge of Allegiance.

*The regular meeting of Canton City Council was held on March 14, 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 Council Member at Large Member Joe Cole. The Pledge of Allegiance led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: We're now under Agenda Corrections and Changes and Members of Council you're be asked, as you always are, to suspend Rule 22A to add the 2<sup>nd</sup> Reading of Ordinances 4 through 8. Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to add 2<sup>nd</sup> Reading of Ordinances 4 through 8.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add 2<sup>nd</sup> Readings 4 through 8 to this evening's Agenda. 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, the motion carries. Rule 22A is suspended and the Ordinances are a legal part of your Agenda.\_\_\_\_\_

**MINUTES OF THE MEETING MARCH 14, 2011****PUBLIC HEARINGS**

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

**OLD BUSINESS**

PRESIDENT SCHULMAN: Turning to Old Business. Do we have any Old Business, Chief of Staff, Warren Price?

SERVICE DIRECTOR PRICE: Thank you Mr. President. Ernest Moles, a Township resident who lives adjacent to Georgeview Estates spoke at the last meeting. Development Director Williams along with the Engineering Department continue to work on that situation. I have directed the Engineer's office to look at a holistic solution to the problem which would include engineering estimates on the grating issues or the elevation issues Hamilton and so as a base line what we want to do is start with the permanent fix for this valuable asset in our community and go from there. So the first step is to once and for all, determine from an engineering standpoint what would be required to solve the problem for Georgeview Estates. You know in the city frankly, it also plans to potentially invest in that area in terms of the Green Housing Program. So you know it's important that we resolve the issues. Now that's not to say that I necessarily know of where the money's going to come from but it's important to, certainly as step one, once and for all, identify what exactly needs to be done there to solve this problem permanently. I think we've certainly flushed this out enough that I hope that Members of Council and the public know that while the developer built this allotment, we didn't and while the subdivision regulations at the time made all, this was all, this all went through our subdivision rights and everything was approved. Despite that fact there are very nice homes. There are families that live in that allotment that are experiencing a continuing problem that we at least need to figure out how to fix and then go from there. So we continue to work on it actively. We involved Mr. Williams because of the development issues associated with that and also frankly to explore funding opportunities. The time is right. It is, we're doing this Green Housing Project in that area and so we continue to work on that. I have scheduled by the way, if you remember Mr. Moles, he again is in the township but I have scheduled an appointment to go out to his property and look at what he's talking about. The street he's on which is an alley is city right of way and he had some concerns about that as well, so. We also received, in Public Speaks Louis Shurman spoke with regard to his feelings about the lack of police response in some areas and his ideas for reducing burglaries. That was, is being dealt with by the Safety Department and they are investigating that. Thank you.

PRESIDENT SCHULMAN: Thank you Chief of Staff. Appreciate it.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes, Leader.

MEMBER DOUGHERTY: Chief of Staff on this Georgeview Estates, there's been a lot of plans and a lot of talking for years. You know pointing fingers, who's fault is it, when it was the contractors. And well, we weren't watching the contractors so, we need to take this finally please and do something about it and get it where it needs to be. Now that sounds that's what you want to do. So I hope that's the case because I'm totally on board for that and as Chairman of the Committee, Public Property Capital Improvement please call on me if you think I can help you in any way.

**MINUTES OF THE MEETING MARCH 14, 2011**

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT SCHULMAN: Yes, Chief of Staff.

SERVICE DIRECTOR PRICE: Yea that's, I mean certainly I've been out at the property at least once. Fonda's been out there, we've had engineering folks out there probably dozens of times over the years. And you are absolutely right, Majority Leader. My mission is to, is to get the problem solved. The issue is always one of money but I think we have the right people this time working on it to come up with a creative solution to that problem and in terms of watching the contractors, sure that was, that's on us to some degree and there's a shared responsibility here between the developer, contractors that put these things in and the city of Canton. But I think it's worth pointing out, I mean on a positive note, there are subdivision regulations now, do require individual drainage plans for individual lots within these subdivisions and so we hope that this sort of thing doesn't happen in the future, but you're right, it's a shame that this has been permitted to go on and that this problem has been out there for so long and with this sort of commitment we certainly, our goal is to solve it.

MEMBER DOUGHERTY: I think, Mr. President, I think we can solve it. It's going to take some money, so it might have to come from somewhere else, even if, it might have to come from Ward 6. I don't know and that would be fine with me so, it just needs done. We want people to build homes in Canton and stay in Canton and they should be able to do that and not have problems.

PRESIDENT SCHULMAN: Thank you Leader. Any other questions for the Chief of Staff, Service Director, Warren Price? None, OK.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: We're now under Public Speaks. We have two speakers signed up this evening. Our first is Joe Thompson. Mr. Thompson, good evening again. Welcome. If you'll step forward. I know that you're becoming an old hand at this. If you'll give us your name and your residential address please.

JOE THOMPSON: Good evening. My name is Joe Thompson. I live at 318 Schwalm Avenue NE in Canton, Ohio and I'm here again to address what Mr. Schulman said at the end of the meeting last time about the amount of time that it took for this Codified Ordinance to be passed. I didn't have a chance to respond then but I'm going to take this little time to tell you that it's not about the amount of time that it takes, it's about the way that the legislation is done and if it is effective and this to me was defective. Now, I'm in the process of having some litigation done on this. This will be redressed, hopefully in courts. I hate to that but that's the way it's going to end up and I've been in talking to the Landlords Association and other different rental groups. Now I'm not in the favor of anybody, any landlord, any slum lord, any thing like this. I think it's detestable. They should be handled. But also at the same time I think that, well the thing was, is that they, we had been in talks and they told me that they were glad that the Codified enforcement department. They said that they wouldn't bother anybody as long as they paid the \$20.00 a month which to me seems extortionate to me but at the same time that I was in the process, I have one property. I only have one property so I don't have a bunch of properties and I don't have a dog in this fight as they see too much and that property is my mother's home and I have family in there. It's just the fact that the process and the way that it was done seemed harmful and hurtful to me. Now, being that being said, that going forward that anytime this Council has Ordinances or any laws that they're passing that's going to affect people's pocketbooks, now you guys have done a wonderful job of bringing Canton from the brink of disaster. You remember here years ago when

**MINUTES OF THE MEETING MARCH 14, 2011**

downtown seems like almost a ghost town. Well the reason behind that was what, there was some people that were holding properties that had problems that were dilapidated, were falling apart. They were holding out for more money more than anything. But then the Code Enforcement people had to come in and say well we got to do this, we got to do that and finally something got done and I applaud everybody here. The only problem is now that we have a city that looks decent but the people in Canton can't hardly afford to live here anymore because of the taxes and because of things like this. This code that came up, it's not going to effect the landlords that much. It's going to effect the renters because the landlords going to pass that cost right on to them, so that's not a problem for them. The problem is the way it was done. The way it was set up and I know that you guys are having troubles communicating with each other much less communicating with the public and it is up to the public to bring their butts up here and see what's happening. I got one more thing to say real quick. Last week you guys, I think you allocated \$25,000.00 to Trinity Gospel Temple which, I love Brother Dave. I'm a Muslim but I love Christ too but I think that it seems a bit scary to me when you give money to a religious organization when you have United Way, you have the Salvation Army, you know like a non-secular or a secular organization as compared to a religious organization. At the same time one of the ladies passed out some literature which was religious based. It's nothing wrong with that but I think it should have been done after Council not during the Council time and I got about 900 other things I want to talk to you about but there good things. OK, as far as the city goes, our streets, I think Mr. West you brought that up about our streets, the potholes and stuff. There's a place up in Sandusky and in Canada they've been doing it for years. They use that tire rubber, you know along with asphalt. That would save us a lot of time if we're going put money in our city's streets again, let's use that. Let's start thinking out of the box, I mean, I love unions but if the unions say well we got have people here so we can keep working. No do it smart, keep, they can sit on their butts but I don't want to have my car torn up. Alright that's it. Thank you very much.

PRESIDENT SCHULMAN: Thank you Mr. Thompson. (*APPLAUSE*) Thank you for coming down. Thank you for expressing your opinion. We appreciate it by the way. It's not, I hope you didn't think I said anything that was critical of you. I'm glad to see it. I hope you come down every week. Our next speaker is Patricia Kirk. Miss Kirk, good evening. If you'll give us your name and your residential address. Good evening.

PATRICIA KIRK: Hi, good evening. Patricia Kirk. I live at 131 5<sup>th</sup> Street NE and I am President of Downtown Central Neighborhood Association and also Shake-a-Leaf. Some interesting things were brought up tonight and this is going to be very short.

PRESIDENT SCHULMAN: Good, I'll stop the clock then.

PATRICIA KIRK: But you mentioned that S.C.O.G. started around 2005 or whatever. Something else happened around 2005 and I was going through some old letters and I found one. We had met, at that time it was Mayor Janet Weir Creighton and she had wanted it CUNA, Canton Urban Neighborhood Association was proposed and that was before Downtown Central Neighborhood Association existed and then there was also a meeting at the Caucus that was held in the little room at that time and Caucus left. And then there was a Tree Ordinance that was really worked on, really hard for six months by qualified people and that never left Committee. It's 2011 now and lets not let this Tree Ordinance die again, please. This is not a Ordinance that will take anything out of the taxpayers pocket. Nothing. If anything it will protect the taxpayers funds by protecting a natural resource in the city of Canton in the proper way of taking care of it and utilizing it as it gives back to the city. It protects it. And that's what the Tree Ordinance establishing a street tree commission

**MINUTES OF THE MEETING MARCH 14, 2011**

is all about but, this March 24<sup>th</sup> of course there's going to be a Shake-a-Leaf meeting at 6:30 and Jim Nero is going to be there speaking, Master Gardener and that type of thing. But he's going to be talking about trees and the proper care and the characteristics and the right tree in the right place. If you have any questions, this is a nice little place to start. Please bring your questions. Open this up and liven it. Don't say oh my gosh, I don't know anything about that, let's not do anything about this. It's time, it's over five years folks. I know your busy. I know there's other things happening but this is a good thing that you can do quickly. Thank you very much.

PRESIDENT SCHULMAN: Thank you very much as always. (*APPLAUSE*)

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: We're now under Informal Resolutions. We have none this evening.

**COMMUNICATIONS**

PRESIDENT SCHULMAN: Turning to Communications. Let the journal show that all Communications are received as read.

***NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED MARCH 14, 2011.***

83. BARTON, P, ANNEXATION CHAIRMAN: REQ STATEMENT OF SVCS FOR ARMORY ANNEXATION CONSISTING OF APPROX 1.368 ACRES LOCATED IN CANTON TWSHP. - ANNEXATION COMMITTEE
84. COMMUNITY DEV DIRECTOR WILLIAMS: AUTHORIZE MAYOR TO SUBMIT APPLICATIONS TO HUD FOR THE NEIGHBORHOOD STAB PROG III IN ORDER TO MEET THE HUD REQUIREMENTS & AN IMPOSED DEADLINE OF 3/18/11. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
85. COMMUNITY DEV DIRECTOR WILLIAMS: REQ \$1,233,756.00 SUPP APPROP TO THE NEIGHBORHOOD STABILIZATION 3 PROG. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
86. LAW DIRECTOR MARTUCCIO: REQ TO AMEND SEC 1361.151 OF THE CODIFIED ORDINANCES BY DELETING REFERENCES IN REGARD TO EXTERNAL WOODBURNING APPLIANCE LANGUAGE AMENDMENTS. - JUDICIARY COMMITTEE
87. LAW DIRECTOR MARTUCCIO: REQ AUTHORIZATION TO PREP LEGISLATION TO CAUSE THE DEMO LIENS, ASSESSMENTS, PENALTIES & INTEREST TO BE DISCHARGED FOR 1434 - 5<sup>TH</sup> ST NE & 2307 WINFIELD WAY NE. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
88. LIQUOR CONTROL DIVISION (OHIO): RECEIPT OF CORPORATION/STOCK DATA

**MINUTES OF THE MEETING MARCH 14, 2011**

VERIFICATION FOR TAMARKIN CO DBA GIANT EAGLE 4034 @ 608 RAFF RD SW. - RECEIVED & FILED

89. SAFETY DIRECTOR REAM: AUTHORIZE TO ACCEPT FUNDS FOR ASST FOR FIREFIGHTERS GRANT RECEIVED FROM FEMA & THE DEPT OF HOMELAND SECURITY TO PURCHASE HEART MONITORS & ACCESSORY EQUIP; REQ \$320,000.00 SUPP APPROP; REQ AUTHORITY TO ENTER INTO CONTRACT W/PHYSIO-CONTROL INC FOR AMT OF \$319,682.41 FOR PURCHASE OF EQUIP. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
90. SERVICE DIRECTOR PRICE: REQ AUTHORITY TO ENTER INTO A NON-EXCLUSIVE AGMT W/WINDSTREAM PERMITTING THEM USE OF CERTAIN CITY RIGHTS-OF-WAY TO INSTALL COLLOCATED EQUIP & CABLE FOR FIBER SVCS TO TELECOMMUNICATION CARRIER CUSTOMERS. - PUBLIC SAFETY & THOROUGHFARES & ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEES
91. SERVICE DIRECTOR PRICE: AUTHORIZE AUDITOR TO MAKE PAYMENT TO KIMBLE CLAY & LIMESTONE FOR LANDFILL DISPOSAL & RECYCLING CHARGES FOR THE MONTH OF DEC 2010 IN AMT OF \$73,416.03. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
92. SERVICE DIRECTOR PRICE: REQ TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR PAVING OF PARKING LOT AT WILLIG BALL FIELD COMPLEX ALONG W/SOME DRAINAGE IMPROVEMENTS; REQ \$125,000.00 SUPP APPROP FR: 4509 RECREATIONAL BOND FUND TO 4509 201001. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
93. SMUCKLER, W, CNC-AT-LG: REQ LAW DEPT TO PREPARE NECESSARY LEGISLATION IN REGARD TO SCOG GOVERNANCE BD FOR THE CITY TO PARTICIPATE IN REGIONAL 9-1-1. - JUDICIARY COMMITTEE
94. TREASURER SCHIRACK: COMPARATIVE REPORT OF CASH RECEIPTS FILED AS OF 2/28/11. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: Under Ordinances and Formal Resolutions for their 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 #3A FOR THEIR FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:***

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE, TO ENTER INTO A FUNDING AGREEMENT WITH J.R. COLEMAN TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED

**MINUTES OF THE MEETING MARCH 14, 2011**

\$125,000.00 FOR FACADE AND STREETScape IMPROVEMENTS; AND  
DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development & Public Property Capital  
Improvement Committees

- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE STARK METROPOLITAN HOUSING AUTHORITY IN AN AMOUNT NOT TO EXCEED \$40,000.00 FOR THE PURCHASE AND INSTALLATION OF SECURITY CAMERAS; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development & Finance Committees
- #3. (1<sup>ST</sup> RDG) AN ORDINANCE RENAMING A PORTION OF NIMISILLA COURT S.E. IN THE CITY OF CANTON, WILBUR ALLEN JR. AVENUE S.E.  
Referred to Public Safety & Thoroughfares Committee
- #3A. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 37/2011** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AMENDED FUNDING AGREEMENTS WITH THE MULTI-DEVELOPMENT SERVICES (MDS) AND ZEPHYR PROJECTS, INC.; DDK PROPERTIES; AND STARK METROPOLITAN HOUSING AUTHORITY PURSUANT TO NEW NSP III GUIDELINES; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee

PRESIDENT SCHULMAN: The Chair will declare an in house recess for that Committee to meet in regards to Ordinance 3A on your agenda. You're now in recess.

***(COUNCIL RECESSED AT 7:51 PM FOR THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE TO DISCUSS ORDINANCE #3A; RECONVENED AT 8:00 PM)***

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

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to place Ordinance 3A back on the agenda.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to place Ordinance 3A back on this evening's agenda. 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. Ordinance 3A is a legal part of your agenda. Leader Dougherty.

**MINUTES OF THE MEETING MARCH 14, 2011**

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: A motion to suspend the Statutory Rules on Ordinance 3A. Are there any remarks under this motion? If not, 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 3A.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 3A. 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.

**#3A ADOPTED AS ORDINANCE NO. 37/2011**

PRESIDENT SCHULMAN: Ordinance 3A is adopted.

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: We're now under Ordinances and Formal Resolutions for their Second Reading, Madame Clerk would you please begin tonight with Ordinance #4.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #4 THROUGH AND INCLUDING #8 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #4. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (NSP - \$110,783.74)
- #5. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (YOUTH DEVELOPMENT - \$3,513.62)
- #6. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN

**MINUTES OF THE MEETING MARCH 14, 2011**

AMENDED FUNDING AGREEMENT WITH MULTI-DEVELOPMENT SERVICES UTILIZING NEIGHBORHOOD STABILIZATION PROGRAM (NSP) FUNDS IN AN AMOUNT NOT TO EXCEED \$20,000.00 TO BENEFIT LOW AND MODERATE INCOME FAMILIES; AND DECLARING THE SAME TO BE AN EMERGENCY

- #7. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CHANGE ORDER WITH ENVIRONMENTAL MANAGEMENT SERVICES IN AN AMOUNT NOT TO EXCEED \$56,154.56 FOR ADDITIONAL COSTS RELATED TO THE LEAD SMELT PROJECT AT THE STEIN INDUSTRIAL PARK; AND DECLARING THE SAME TO BE AN EMERGENCY
- #8. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS, APPROPRIATION TRANSFERS AND INTERFUND TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (VARIOUS FUNDS)

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

PRESIDENT SCHULMAN: Thank you Madame Clerk. We are now under Ordinances and Formal Resolutions for their Third and Final Reading and vote. We have one tonight. Would you please begin with and only Ordinance 9.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #9 FOR ITS THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #9. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 38/2011** AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY \$50,818.42 TO JWF SPECIALTY COMPANY; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 9. Are there any remarks under this Ordinance? This was, by the way, raised I think last week and I asked Law Director Martuccio, since I am in the field, just to look at the information that had been provided. Not that, certainly not that I didn't trust the Law Department to make the determination. I was just kind of surprised at the amount and having going through the billing, it looks like the vast majority was for legal fees which we are on the hook for through this program. I didn't see any excess, in fact I saw very little expenditure for experts. I thought maybe that's where the money was going someplace that it should have but this is basically a law firm in Cleveland that was doing work on behalf of the city and by all, and I do know something about the case as you do, and by all intensive purposes they've done a remarkably good job for the city so, for what that's

**MINUTES OF THE MEETING MARCH 14, 2011**

worth. 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.

**#9 ADOPTED AS ORDINANCE NO. 38/2011**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 9 is adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

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

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Thank you good sir. The Finance Committee will meet Monday, March 21<sup>st</sup> at 6:45 PM.

PRESIDENT SCHULMAN: Thank you Member Hawk.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

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

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Public Property Capital Improvement will also meet that evening at 6:45.

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: Public Safety & Thoroughfares will meet at 6:45 that evening too.

PRESIDENT SCHULMAN: And there is a Water Commission meeting tomorrow at my office across the street at 4:00. I would invite anyone that would like to come down. That's going to be one of our last meetings and we will as promised issue a report to Council making recommendations as to what we should do next. I think that concludes Announcements of Committee meetings.

**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: Any Miscellaneous Business?

MEMBER WEST: Mr. President.

**MINUTES OF THE MEETING MARCH 14, 2011**

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: I want to compliment Mary Cirelli on her meeting with the fracing. I came down here with my two kids, although they were bored and we had to leave but, it was an awesome meeting and it looked like a lot of people attended and I believe in giving credit where credits do and I think she did a good job conducting that meeting and the place was packed and it turned out very nice, so I wanted to commend her on that.

PRESIDENT SCHULMAN: Thank you Member West.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: I think we would be remise if we did not ask for a moment of silence for what has happened over in Japan and keeping in mind that they were using an alternative source of energy being nuclear and they're still having chaos, total chaos as to what's happening there so, our prayers and what have you needs to go to that country and also for everybody that's coming to their assistance because we don't know yet what the outcome may be.

PRESIDENT SCHULMAN: Right. I think that's very appropriate. We'll take a moment of silence to think about those people.

*(MOMENT OF SILENCE TAKEN)*

PRESIDENT SCHULMAN: Thank you. Thank you Member Cirelli. Anything else?

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Last, at the Budget Meeting down at the Southeast Community Center, there was an item on the spreadsheet that recommended, excuse me, that wanted to explore the increase in the city income tax. I at that time indicated I would not pursue that nor would I choose to pursue that increase in city income tax yet I found my name attached to that line item in the spreadsheet. I would ask that my name be removed from that and that my position on the increase in city income tax be known, that I did not, I am not in favor of any increases in city income taxes.

MEMBER SMITH: Mr.

MAYOR HEALY: Mr. President.

PRESIDENT SCHULMAN: Mayor.

MAYOR HEALY: Thank you. Council Member I think that was removed, at least I was told it was. Just for clarification, I don't believe that anybody volunteered to take any of those tasks. None of them or very few of

**MINUTES OF THE MEETING MARCH 14, 2011**

them were anything that anybody would want to do. What we were looking at was, the requested assignment was to explore how we would go about doing it, what the amounts of dollars would be generated and what the time frame would be so that we would have the clarification of those ideas in order to compare and to determine at a future date so, just for clarification nobody's name on that list is advocating for the item that their name is attached to so, for that clarification. These are just research projects to explore those ideas. And I had one other item I wanted to address real quick in reference to a comment earlier or a question earlier from a constituent. This was in reference to the monies that were going through Trinity Gospel. Just want to clarify on that. The monies were not going to Trinity. Trinity is a pass through. They have the volunteers whose going to allow us to distribute those dollars to the public. Every single dollar will make it to a person in need in the community. Trinity is just a pass through in helping us distribute it so, that's the clarification if that helps. Thank you.

PRESIDENT SCHULMAN: And certainly no religious test of any kind would be applied for that.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes, Member West.

MEMBER WEST: One more thing. Joe Martuccio our Law Director. Pat Kirk came up in reference to the Tree Ordinance. Didn't you speak to us a few weeks ago saying that it's almost prepared. It's almost finished and it's going to come down. Where is that at in the process.

PRESIDENT SCHULMAN: Law Director.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member West there was another draft that was released to several officials, city officials, Miss Kirk and a couple of other folks and we're beginning to get feedback. In fact, just this week and today I got some feedback from the Park Department and the Licensing Department which I think are I think important to making it as good as it can be before it comes before you. When the circle of folks have completed their questions, I'd like to reconvene a small group and work the Ordinance over before we bring it to Council.

MEMBER WEST: And I just want to thank Pat, cause I think she's an example of one person can make a big thing move forward and over the years you have done, you've been here time and time again presenting facts to Council about the Tree Ordinance so, I do appreciate your efforts. Thank you. (*APPLAUSE*)

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: Yes, I'd just like to thank Chief of Staff, Director Williams and the Engineer Department and I certainly hope that we can satisfy the residents of Georgeview Estates and please don't forget that Councilman Dougherty said that we can use some of his money. (*LAUGHTER*)

PRESIDENT SCHULMAN: Anything else Member Smith? What Committee did you think you were on next week? We need to discuss that. I want to follow up on one thing that Member Hawk said about the tax. I would be interested in looking into that. I don't get it. It's like income taxes are not only the third rail of

**MINUTES OF THE MEETING MARCH 14, 2011**

government, they're like the first rail of government. You get close to talking about an income tax increase and you are politically dead. It's something wrong with that. It doesn't make sense to me. I understand it. Nobody wants to pay taxes, just don't quite understand how it's the death sentence of public service. I just don't get that, it doesn't make any sense to me and I would be willing to, and of course I can say that because I'm running unopposed. But in any case I know that I did raise it. I raised it the last time and I remember the storm of controversy that just swept over me from The Repository and others and I don't understand. I even asked how long ago our income tax was put in. It's been 2% for, does anybody know? 20 or longer.

*(Inaudible comment from audience)*

PRESIDENT SCHULMAN: I think it's been longer than that. And you know, my point is, just and then I'll finish. It's just that if you don't raise income taxes the whole public gets hit by all sorts of hidden taxes. It's going to, government will continue. It's just a question of where you're going to be, where your money is going to be taken from and it would be much, it seems to me, much better if we had a real, realistic look at our tax structure. Who pays, who could afford to pay more perhaps, so I would be happy to be on that Committee.

MAYOR HEALY: Mr. President, you are the Committee. We have, what we're looking to do, just for reference is, we just want to do the research on it so we know exactly what our options, processes, and values are so we can start to get things on the table.

PRESIDENT SCHULMAN: Right, yea.

MAYOR HEALY: So that's what we'll bring to the table for all of Council and the administration to review, so anything you could do to help us with that, we'd appreciate it. Thank you.

PRESIDENT SCHULMAN: And the reason I'm really raising it tonight, I the Clerk of Council spoke today in Common Pleas Court for her cousin, who was almost beaten to death, a Canton Police Officer and you know, you hear on the news how greedy public servants are. The police, the firefighters, teachers, sanitation workers. They're the cause of all America's problems. You know, give me a break. So, let's look at the tax structure and see if it can be, you know, as I said the last time, maybe people that enjoy tremendous benefits from this country can start paying a fair share toward helping all of us because everyone else is paying that fair share.

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT SCHULMAN: Chief.

SERVICE DIRECTOR PRICE: Not that I'm certainly advocating an income tax because while we talk about it, we of course don't want to advocate those things but, the very building that we're sitting in was paid for by a tax voluntarily imposed by the people of the city of Canton on themselves and the cost of the building then, although \$4,000,000.00, would be about \$35,000,000.00 today. And so the plaque in the lobby is absolutely true. It is from City Council thanking the people of Canton for their foresight and you wouldn't have this facility and many of the other facilities we have that keep us going to this day if it weren't for the people of the city of Canton who voluntarily taxed themselves to do this. So the people of Canton have stepped up before.

PRESIDENT SCHULMAN: Thank you. OK, I'm off my high horse, so Leader.

**MINUTES OF THE MEETING MARCH 14, 2011**

MEMBER DOUGHERTY: Goodness. I move we adjourn.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded, goodness to adjourn. Madame Clerk.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Safe ride home everyone. Be careful. *(Gavel falls)*

ADJOURNMENT TIME: 8:15 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

ALLEN SCHULMAN  
PRESIDENT