

MINUTES OF THE MEETING APRIL 4, 2011

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. We have a very full house tonight, it's nice to see everybody coming down. I just want to remind everyone that tonight is the finals for the basketball national championship and I'm sure that there's no one here that wants to go see that, I think it starts at 8:30. So, but it's nice having all of you here. Thank you very much for attending.

CLERK TIMBERLAKE: Keep your remarks short. *(Laughter)*

PRESIDENT SCHULMAN: Yes, we'll talk about that when we get to Public Speaks. With a quorum being present the Chair calls this meeting of Canton City Council to order. Roll call vote please Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

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

ELEVEN COUNCIL MEMBERS PRESENT. (MEMBER CHRIS SMITH ABSENT)

CLERK TIMBERLAKE: Eleven present, one absent, Mr. President.

EXCUSING MEMBERS

PRESIDENT SCHULMAN: Thank you Madame Clerk. Leader Dougherty, I'll recognize a motion to excuse Member Smith from this evening's meeting.

MEMBER DOUGHERTY: Mr. President I make a motion that we excuse Member Smith from this tonight's meeting.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to excuse Member Chris Smith from this evening's meeting. I know, just so the audience knows, she wishes she was here, she's out of town tonight. Are there any remarks? Hearing none, roll call vote please Madame Clerk.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk, the motion carries and Member Smith is excused from this evening's meetings...meeting. Tonight we'll have our invocation given by my good friend, Ward 2 Council Member Thomas West. Will you all please stand and remain standing for our Pledge of Allegiance.

The regular meeting of Canton City Council was held on April 4, 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 2 Council Member Thomas West. The Pledge of Allegiance led by President Schulman.

MINUTES OF THE MEETING APRIL 4, 2011**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: Thank you very much Member West. We're now turning to Agenda Corrections and Changes and Members of Council you're going to be asked to suspend Rule 22A to add the 2nd Reading of Ordinance 7, Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to add 2nd Reading of Ordinance 7.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add the 2nd Reading Ordinance 7 to tonight's Agenda. Are there any remarks? Hearing none Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries and Ordinance 7 is a legal part of your Agenda.

PUBLIC HEARINGS

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

OLD BUSINESS

PRESIDENT SCHULMAN: We're now under Old Business. I now turn to the young Chief of Staff.

CHIEF OF STAFF PRICE: Thank you Mr. President.

PRESIDENT SCHULMAN: Director.

CHIEF OF STAFF PRICE: We had four speakers last week the primary issue of the first three involved patching of potholes and procedures in the Street Department. I covered that at length in Miscellaneous Business but just to recap very quickly, we're up to roughly 3,000 potholes patched in the City of Canton to date. The procedures for patching those potholes include a requirement that we tamp down those potholes and/or roll them. And while, because of the time that's elapsed between the alleged incident on 44th, where our street crews were supposedly not doing that and when I first heard about it, which was our last Council Meeting, I'm not really able to verify that but I did advise our Street Superintendent and will continue to be vigilant to make sure our people to that, that's one of his pet peeves in fact. And so tamping down the potholes or the cold patch in the potholes, making sure that doesn't wash away is obviously a priority for us. You know, and I would continue to reiterate that we are adequately funded to patch and pave where necessary, it's just like other communities in Northeast Ohio, we've been overwhelmed due to the weather conditions and what we'll acknowledge is poor conditions of our streets after this winter but we're getting there and you know, we are making headway. The final issue that was brought to our attention was the...was brought to us by James Parker who asked what can downtown Canton do to enhance its image as the Hall of Fame City. I met this week with Mike Gill of the Special Improvement District and Denny Saunier of the Chamber of

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Commerce to discuss their strategic plan and vision for incorporating a football theme, or Hall of Fame theme activities and marketing downtown. And all I can say is that we've certainly begun a dialogue that's on the Chamber and the SID District's radar and that we're working towards...always towards incorporating those themes into our development activities. Thank you.

PRESIDENT SCHULMAN: Thank you Director, very much.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We're now into Public Speaks and we have a number of speakers this evening. I'm going to...I looked at the subject matter and I'm trying to divide it up where the messaging is somewhat consistent. So let's start with Martin Zawacky. Mr. Zawacky, good evening, welcome to Canton City Council. If you'll give us your name and your residential address and I would just remind you I was kidding about the game tonight. *(Laughter)* Maybe I was kidding but, we do provide three minutes, so if you could stay within that time period, I would appreciate it. Good evening sir, your name and address please.

MARTIN ZAWACKY: Martin Zawacky, 2831 Harrison Avenue NW, that's Canton's Harrison Hills Neighborhood Association. I...I'm not a sports fan *(Laughter)*

PRESIDENT SCHULMAN: Our next speaker this evening is....*(Laughter)*

MARTIN ZAWACKY: I want to speak on the Mayor's Neighborhood Commission. Last October if you remember Mrs. Sarver brought to you a letter specifically designed talking about vacant homes boarded up and so forth and the following November the Mayor came to our Leadership Council and presented his idea of this Neighborhood Commission. Now, the permit...the perception I had was that this Neighborhood Commission was going to be made up of neighborhood representatives, the leadership from the neighborhood associations, at least wise that would be the *(inaudible)* of the Commission and that we would be involved with deciding who was going to be on the Commission in some fact or manner and as a matter of fact, I know there is 15 of us that signed up to be on the that Committee to decide who would be on it. As far as I know, that never happened with any of us. So, when we see what the board is going to be made up of, we see that there's only 5 neighborhood representatives. Mr. Mayor, there's 50 neighborhood associations in this...in this City, how is...how would that be a fair representation? We...we don't have a communication to network that's really sophisticated, I mean you folks have all been working together, you see each other daily, I can see how that would work really great. And you know, one of the things I saw was that you said that nobody would be serving on it that would be compensated and it seems that everybody that you have named is compensated one way or another. I mean their paid by the City or something, how does that...how does that little nuance make it there? You know, and don't get me wrong, I think that the persons that you have named, you know, they're really important, I mean to get the information, to get decisions and stuff like that. I just don't think that they should be on the board all the time. I think that they could members that would come in, ask questions, you ask them questions, that sort of thing. And realizing that not every neighborhood can be represented, I mean I really wouldn't want to have a committee of 60 people. So, I think you would be careful as to who you get on there that you don't always...don't kind of double up or triple up with persons on this commission that are from the same neighborhood or adjoining. The example being, you could get a Council Member, you could get the Police Chief, you could get a religious community member, they're all from the same neighborhood if you're not careful. And what is the religious community, I'm not quite sure you mean by that anyway. So, we feel, myself and many of the Leadership Council people feel that we really got counted down and we're not

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the participants we thought we were going to be and we need to get...get our ideas into this commission as the neighborhood, get rid of the eyesores, make Canton a place that people want to come and live, want to come and bring their business, make it safer. We just can't have business as usual and without sounding really nasty, it just sounds like business as usual otherwise. So, thank you very much.

PRESIDENT SCHULMAN: Thank you very much sir. Mayor?

MAYOR HEALY: Yeah, okay, I know that Mr. President said there's other speakers on this issue. This is the proposal we put out there, nobody has been formally assigned....

MEMBER DOUGHERTY: Point of order Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER DOUGHERTY: We're in Public Speaks and that's where we need to stay please.

MAYOR HEALY: I know...I...I can respond...

MEMBER DOUGHERTY: You can respond in Miscellaneous Business, this is Public Speaks at this time. Public Speaks.

MAYOR HEALY: Mr....Mr. Majority Leader I was going to recommend that because this is the Neighborhood Association...

MEMBER DOUGHERTY: Point of order Mr. President, please.

PRESIDENT SCHULMAN: Well I think the Mayor has a right of to be heard.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: One moment. I think if we...I think the Mayor just wanted...

MEMBER DOUGHERTY: This is a City Council Meeting Mr. President, I have a Point of order.

PRESIDENT SCHULMAN: I understand...

MAYOR HEALY: Exactly....

MEMBER CIRELLI: And Mr. President....

MAYOR HEALY: ...this is a City Council Meeting and if the Neighborhood Associations....

MEMBER CIRELLI: Excuse me Mayor.

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MAYOR HEALY:group would like to address the Mayor, we can set up a meeting where I can come sit down with all sixty of you.....

PRESIDENT SCHULMAN: Okay.

MAYOR HEALY:and we can address this specifically so it doesn't have to be done during Council time. Myself and if you guys would like to set up a meeting, we can do that....

PRESIDENT SCHULMAN: Okay...

MAYOR HEALY: ...and that'll save us time on all this stuff.

PRESIDENT SCHULMAN: And by the way, the Leader is correct, we have Miscellaneous Business where the Mayor, the Administration, Members of Council can respond specifically to your concerns. Our next speaker is Jason Scaglione. Good evening, if you'll give us your name and your residential address please.

JASON SCAGLIONE: Good evening, Jason Scaglione, 3027 Glen Place NW. I just wanted to bring up something that was missed here that I spoke about last week. I asked why it is...we do have a shortage in our Fire Department is why were sending a fire truck and an ambulance to an ambulance run. If somebody is having a heart attack, I don't really think their going to need soaked down with water. Seems like we're running two vehicles here and I don't know why. I've seen many other communities that do not do that and I'd like to know why we're doing that. On the pothole patching, I'd just like to know if the northwest ends on the last part of the list because Wertz Avenue, Broad Avenue and again Raff Avenue like I spoke about last week to the City limits have not been touched. Is that area being held for last? Thank you.

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

ALICE SARVER: Good evening. The Neighborhood Leadership Council is here tonight as I told you that they would be and all of you had gotten the letter that I'm going to read to this audience tonight and I had hoped that by giving it to you the week prior to my speaking that, that would give you time to address the issues that we have had in our meetings at the Miscellaneous talk after the meeting tonight. The Neighborhood Leadership Council represents dedicated volunteers, they are not paid, from all quadrants of the City of Canton, Ohio that devote hours of time and effort in improving their neighborhood environment. This group meets monthly to share accomplishments and we all also share common concerns of the many neighborhood associations which are funded by the Stark Community Foundation, the City of Canton, the Repository, Chase Bank and the Timken Charitable Trust. Discussions are frank and open with wonderful insightful exchanges that create hope, which is slowly dying in this City. Cooperation and understanding between all neighborhoods that are not competitive, not politically biased nor personally motivated. This should and could provide continuity in this legislative body and involvement of Government within the City's borders. NLC would like to share the recent discussions that occurred at their March 14, 2011 meeting and I attached a letter to that letter that I gave you that cited each one of the concerns of those six groups and unbelievably, the duplication of those concerns was...was dramatic. Please find attached the comments compiled by a group exercise that resulted in many of the same concerns listed from September 2010. That

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meeting was presented to you on October 4, 2010. Hope and revitalization should not be destroyed by inaction or ignored by those hoping that the situations that we are facing are just going to go away. Money is not necessary the answer as we sure all know. Solutions need to be addressed as quickly and creatively as possible. Communication of these concerns is a must. The consensus of the Neighborhood Leadership Council is that we are not being listened to but talked at. In today's electronic overload of gadgets and impersonal contact, listening is becoming a lost art. Most of the leaders, including myself, within the neighborhoods are older established residents that as kids we sure had to listen with respect to our parents, our teachers, our bosses and our loved ones or we paid the consequences. Listening is such an integral part of communication and NLC is attempting to accomplish goals with respect and mutual agreement through cooperative communication and representation. We are all working for safe, healthy, energized and prosperous City with neighborhoods helping to provide the direction to attention to detail for many concerns that are prevalent throughout the City and to promote the positive influence of great neighborhood leaders that are in this audience tonight. How great would it be to call the City and have someone answer, "Hello, this is the City of Canton, Ohio, how may I be of service to you?" Thank you.

PRESIDENT SCHULMAN: Thank you Alice. Thank you very much Ms. Sarver, do you want to introduce or have the neighborhood people stand now or later?

ALICE SARVER: *(Inaudible)*

PRESIDENT SCHULMAN: Okay, great.

ALICE SARVER: Thank you.

PRESIDENT SCHULMAN: You're welcome. Our next speaker is Brenda Kimbrough. Ms. Kimbrough, good evening, welcome.

BRENDA KIMBROUGH: I'm Brenda Kimbrough, I live at 902 Lippert Avenue NE and I am a resident of Canton. I wanted to say thank you. Thank you for what you've done and I thank 3,000 potholes filled and thank you very much for that. I just visited the City of Cleveland where I saw a car that hit a pothole that took the entire wheel assembly off. We didn't have that happen here because our City Council is working on it. Thank you very much. My neighborhood, thank you, we've had the worse winter ever, you have kept the streets cleaned, we have been able to get around the City of Canton, thank you for that. I wanted to also thank you that when we had the electrical problems, just to remind you we don't have to move to live in a better area, we can make a better neighborhood, everybody here is making it better, right? Alright so, since we're making it better the other thing that I wanted to say that when the electric went out, thank you Mayor for what you did, you were a blessing. There were people in neighborhoods all over, God bless, the City took care of it, AEP was on top of it, things were taken care of and we were able to move on. So, I just thank Council, just wanted to give you a heads up here that you are doing something great and I'm with the neighborhood CANDO and we're glad to be here. Thank you.

PRESIDENT SCHULMAN: Thank you very much. Our next speaker is Veronica Callahan. Ms. Callahan, good evening, welcome. You're no stranger here, if you'll step forward though and give us your name and your residential address.

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VERONICA CALLAHAN: Good evening, my name is Veronica Callahan, I reside at 3406 34th Street NE in the City of Canton. To all of City Council, all the City staff and to of course our President, Mr. Schulman, at this time, I will ask that all of N.A.V.E....now don't count this on my 3 minutes.

PRESIDENT SCHULMAN: I won't.

VERONICA CALLAHAN: Would all of the members and neighbors of N.A.V.E. please stand up and be recognized at this time.

(APPLAUSE)

VERONICA CALLAHAN: Alright, we're going to start off a little different with my presentation tonight. First of all, we'd like to invite each and everyone of you here, some of you have already received written notice, and for those that are in attendance, to our 4th annual Primary Election Meet the Candidates which is going to be next Tuesday on the 12th. It will be at the McKinley Grand, the doors are going to open up at 6:00 for meet and greet and we will have a very, very, very informative Meet the Candidates with questions and answers to follow starting at 6:30. So, again if we've overlooked you and you didn't know, we're here, we will be at the McKinley Grand and everyone is invited. It's free of charge and refreshments will be served. Now we got that out the way. Overall, I agree with the presenters that came before me. There's some good and some bad that is coming in and out of our City and in and out of our community. I think we can all agree that collectively is the only way things are going to change. But last year around this time when we came to City Council, we talked about summer jobs, there was a big hoopla, things happened, things didn't happen. I'm gonna, instead of make these my words, I'm going to read to you really quickly the...the exact list that came from these neighborhood associations and notice the repetition that you're going to hear in this list. Large potholes, empty lots, increase in crime, this will continue to increase as the weather gets nicer. Public health nuisance, boarded up houses, lack of youth activity, I'm gonna say that again, lack of youth activity, businesses within residential areas, not just certain (*inaudible*), absentee landlords, crime, illegal drug activity, abandoned homes on the demo list, flood waters in creeks, gang activity and gang related crimes, safety, lack of property maintenance, flood areas, vacant lots, vacant homes, many rental homes and apartments, drugs and poverty, loss of population, abandoned houses, lack of activities for youth, security concerns and theft, negative attitudes, negative attitudes, need new laws, enforce current laws, funding for services, poverty, high crime activity, communication with the City, corporations buying up neighborhoods, lack of security and people leaving the City impact many things, such as schools and funding. I'm going to leave you with this thought, I started out believe it or not 20 years doing nonprofit work, neighborhood camps, neighborhood leadership, neighborhood work. And it's really sad that after 20 years of neglecting this responsibility and that responsibility to be faithful, it's a sad shame that this City has become so political. If you're an advocate for something right, you're wrong. If you advocate for something wrong, you're wrong. I really hope and pray that as many of you run for elections, reelections or whatever else life has in front of you, as our neighbor groups...neighborhood groups continue to be empowered, I enjoyed Mr. Zawacky tonight, why? Because he said something that we all are saying. So, what are you going to do, condemn all of us for agreeing? We stand behind every word he's saying. I would only hope and pray that we can get back to business because guys, our babies, our children are who are paying for this. We need to get back to the old basics, stop the politicking and become a community that represents the City of Canton. Thank you.

PRESIDENT SCHULMAN: Thank you. Our next speaker is Reverend LeRoy Groce, Reverend. Are you here? Oh there you are sir, I'm sorry. Good evening, if you'll step forward and give us your name and your

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residential address please.

REVEREND LEROY GROCE: How are you.

PRESIDENT SCHULMAN: Good, how are you sir?

REVEREND LEROY GROCE: *(Inaudible)*

PRESIDENT SCHULMAN: It's good to have you here. Do you want to, can you make it up to the microphone so we can all hear you Reverend? Thank you. And good evening, if you'll give us your name and your residential address please sir.

REVEREND LEROY GROCE: My name is Reverend LeRoy Groce, I reside at 1041 Roe Court SE, Canton, Ohio 44707. And I been in this City about 10 years now and recently myself and many other people have received citations for parking at the meter downtown. And I'm....I went tonight to ask you to grant me a permit to stage peaceful demonstrations downtown in the Canton district. And there are some things about this, the City of Canton have no jurisdiction over this whatsoever, none. Everybody see this? *(He held up a handicapped placard)* City of Canton has no jurisdiction, the City of Canton has no laws and no City in this nation has laws, Mr. President, you know I'm right about that, they have Ordinances, isn't that correct? Each Ordinance have a number that they have cited me six times. There is no Ordinance number there because they have no approval. From the State of California, that's where this is from, this is not from the State of Ohio and I don't want to talk too much because I'm going into lawyerism. But this is going to wind up in Federal Court if the City don't listen to me. I'm trying to give them a chance to rectify this thing, give everybody their money back that you have fined, if you don't, you're going to find out that this little boy was right about it. Okay? Will you grant me a permit to stage public demonstrations.

PRESIDENT SCHULMAN: Are you asking me Reverend?

REVEREND LEROY GROCE: I'm asking Council.

PRESIDENT SCHULMAN: Oh well, that would have to be a rhetorical question. We'll get to that probably in Miscellaneous Business. As a matter of fact we had an issue like this come up a couple weeks ago, three weeks ago. So, if you could stick around Law Director Martuccio is here, the Mayor's Administration is here, we're all going to stay around so if you have any questions, we'll be happy to answer them and any request we'll be happy to answer.

REVEREND LEROY GROCE: Okay.

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

DONALD PETERSON: My name is Don Peterson III, I live at 345 22nd St NW in Canton. I'm here tonight to thank Members of Council and Members of the Administration for validating and confirming what is generally accepted as a common belief among average citizens and that is, our voice really doesn't matter. I say that even though I volunteer on two City Boards, one being the CCIC and the other being the Canton Joint Recreation Board. Through these groups, I've had an opportunity to get to know and work with many

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Members of Council, I hope I'm viewed as an asset to those groups and my words here tonight are taken as credible by Members of Council and the Administration. I say as a common citizen that our voice doesn't matter to our Elected Officials for two specific and very recent events. The first is Council voted down the request from the Canton Joint Recreation Department to help fund the paving of the parking lot at Willig Field. I understand the budgets as well as anybody and this project has been dragging on for three years trying to get completed. I say three years because three years ago, we were working with a very different budget basis and it should have been paved back then but it wasn't. Now the Canton Joint Recreation Department will be hosting regional and national softball tournaments this spring and summer which will drive tourism and the economy around these events. The parking lot is substandard while the Willig facility is outstanding. I understand that we had a rough winter and the roads are a mess, it's just a poor reflection on our community and diminishes the experiences of the guests that we welcome into the City, the parking lot should have been done as part of the project. The second reason I say the Administration and Council doesn't listen to the neighborhood association members and regular averaged citizens is specific to the fire station on 25th Street and Cleveland Avenue. The Ridgewood Neighborhood Association attempted through two or three year periods to communicate the importance of saving the building and trees on the grounds that house the current fire station. We...and we as regular citizens were willing to accept that the existing station was beyond repair even though it's historical significance was probably going to go away. The focus then shifted to saving the 75 year old trees that lined Cleveland Avenue. Two of the trees were taken down immediately upon breaking ground and last week the remaining two trees were taken. It is disingenuous to feed lip service to constituents like "Oh we'll do what we can to save the trees." And then plant stakes and move dirt with the end result being the elimination of the trees. And to be honest, it really isn't even about the trees, it's partially about the trees but it's about our Elected Officials lying to us, telling us one thing and doing another. Like we had an arborist come out and...and...and the trees have to come down. Was an arborist consulted prior to planting stakes and moving dirt? I don't believe an arborist was. Mr. President, please spare me the sanctimonious defense of Council and the Administration using public service and volunteerism as a shield. As I said, I volunteer on two City governing bodies, I don't earn a salary, I don't receive a pension as a part of that deal. I do it because I care about where I live. However, if you or anyone else on Council would like to forfeit those benefits publically right now, then we can have a fair and balanced debate on managing the City budget and following the citizens will. But until then, the only thing that matters by sitting behind this table is getting reelected, period. And if by some twist of fate, the decisions made by Council and/or the City happen to match the needs and the goals of a neighborhood or citizen group, then we'll be politically exploited so that those Government Officials involved in that decision or product can club their opponent in the head during an election. Thank you for your time. Go Butler.

PRESIDENT SCHULMAN: Thank you Mr. Peterson. Our last speaker, if I have done this correctly is Rosario Carcione. Rosario Carcione, would you step forward and give us your name and your residential address please and welcome again.

ROSARIO CARCIONE: Okay, my name is Rosario Salvatore Carcione, I reside at 5205 Giacomo Court NW in Canton and I'm the President of the Canton Professional Firefighters Association, Local 249. Member Cirelli, I swear to tell the truth, the whole truth and nothing but the truth again. I've had the opportunity to listen to last Monday's Council Meeting and I feel that Member Cirelli and Dougherty were quick to criticize me while failing to understand my message. Tonight, I'm going to bring you the facts. Last week Director Ream stated that we respond with the same personnel on the ALS engine as we do on the ambulance. That's a fact but you should not lose sight of the message I've repeated delivered to you. The Canton Fire Department has the resources to provide the best emergency medical service that residents expect. Many cuts have been

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made during the City's fiscal crisis. However, the elimination of ambulance service, as done three times this year, gambles with the lives of our residents, families and friends. That cut takes the best public service and makes it worse. Remember when I stated seconds count, that's a fact and it's critical that a patient be transported to a medical facility as quickly as possible while treatment is initiated by the medical professionals on hand. An ALS engine is designed to be used in conjunction with the fast response from an ambulance provider. Ladies and gentlemen, if an ALS engine is required to provide advanced cardiac life support in excess of 10 minutes, we'll have exhausted our resources available on the engine to save a life. Director Ream told the residents and Members of Council that when we respond with an ALS engine, we respond with the same amount of life saving equipment, that's incorrect. C-pack, air traction splints, backboards, some life saving medication and the ability to transmit EKGs to the hospital are some of the many critical items not available on the ALS engine. More important than equipment is time. ALS Engines cannot transport patients to the hospital and that's the most critical part of providing an emergency medical service. Council Member West asked how long does it take to call another ambulance, Chief Rich responded "Not long, a minute, a minute and a half." Ladies and gentlemen, seconds count. That was my message two weeks ago. To attempt to downplay the delay it takes to respond to each ambulance is what should disappoint everyone of you. Member West also asked if I had brought these concerns to the Safety Director. Director Ream replied, "No." That's also inaccurate. I sent to Director Ream the exact email I sent each of you on March 18th, three days before I spoke in Council Chambers. I also called the Director on the 18th and spoke with Chief Rich at 7:30 A.M. in person at station 4 about my concerns with the ambulances being closed. The Director did not return my calls and the only Members of Council to respond to my emails were Members Schulman, Hawk and Butterworth. These are the facts. Residents expect an ambulance to arrive at their home in a timely fashion and they expect that as a service provided through their tax dollars. When the City doesn't pick up trash for a day a press release is issued. When they don't provide an ambulance service, not one resident is notified. I always take seriously the message and information that I'm presenting. I just wish our Elected Officials would take serious the message that was being delivered. And if you have questions for me or any other the Members of Local 249, you can find us afterwards to find out how well the ALS engines work in comparison to ambulances. Thank you.

PRESIDENT SCHULMAN: Thank you. Thank you President Carcione. Thank you all for addressing us.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: I want to make a...before Public Speaks is over, that was the last speaker right?

PRESIDENT SCHULMAN: Yes.

MEMBER DOUGHERTY: Okay, in the rules I want to correct something here. The Presiding Officer, which is you, shall refer all matters raised in Public Speaks as follows...and it gives three criteria. So, I stand corrected that if you wanted the Mayor to answer a question, he had every right to do so and if you wanted to do that now, then that's fine and I apologize.

PRESIDENT SCHULMAN: No, that's okay, thank you very much Leader. I was going to take that up privately but I appreciate that. Thank you.

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MEMBER DOUGHERTY: Mr. President, I did it publically so I want to correct it publically.

PRESIDENT SCHULMAN: Well that's very kind. And I accept that and we'll wait for the Mayor and Miscellaneous Speaks. We are now under Informal Resolutions. Well, I wanted to finish, thank you very much ladies and gentlemen for speaking. Mr. Zawacky, I hope you understand sometimes a sense of humor is important in this kind of position, I certainly meant no disrespect to you by the way.

MARTIN ZAWACKY: *(Inaudible)*

PRESIDENT SCHULMAN: Okay, I did hear Mr. Peterson say "Go Butler" though, I did hear that, so.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: Alright, we're now under Informal Resolutions. Madame Clerk, would you please, the Resol...would you please read the Resolution by title.

#13. COUNCIL-AS-A-WHOLE: DESIGNATING APRIL AS FAIR HOUSING MONTH AND SUPPORTING FAIR HOUSING ASSISTING PROGRAM & COMMISSION. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President, I move we adopt Resolution 13.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution #13. Any remarks under this Resolution? Hearing none. By voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #13 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries and the Resolution is adopted.

COMMUNICATIONS

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

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED APRIL 4, 2011.

106. AUDITOR MALLONN: MONTHLY RPT BY FUND FOR 3/1/11 - 3/31/11. - RECEIVED & FILED

107. AUDITOR MALLONN: YEARLY RPT BY FUND FOR 1/1/11 - 3/31/11. - RECEIVED & FILED

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108. COMPLIANCE DIRECTOR MINOR SMITH: ANNOUNCING NATIONAL FAIR HOUSING MONTH WITH INVITATION FOR ALL TO ATTEND AND SCHEDULE OF EVENTS THROUGHOUT APRIL. - RECEIVED & FILED
109. COMPLIANCE DIRECTOR MINOR SMITH: REQ TO AMEND SECTION 105.06 MINORITY CONTRACT PROVISION. - JUDICIARY COMMITTEE
110. ECONOMIC DEV DIRECTOR TORRES: NOTIFY COUNCIL THAT DEPT OF DEVELOPMENT HAS SET ASIDE \$100,000.00 OF CDBG FUNDS TO BE USED IN COLLABORATION WITH YSTARK! AND JUMPSTART FOR CANTON ENTREPRENEUR LAUNCH COMMISSION. - RECEIVED & FILED
111. HATTIE HARRIS GOOD SPIRITS CLUB INTERNATIONAL: SPONSORING NATIONAL THANK YOU DAY FOR ELECTED OFFICIALS ON APRIL 25, 2011. - RECEIVED & FILED
112. HEALTH COMMISSIONER ADAMS: NOTIFY COUNCIL OF PURCHASE OF EOC2GO AT COST NOT TO EXCEED \$38,124.00 WITH FUNDS PROVIDED BY FEDERAL GOVT FROM PUBLIC HEALTH INFRASTRUCTURE PROG. - FINANCE COMMITTEE
113. HORNER, B., WARD 9 CNCL MBR: REQ LEGISLATION TO AMEND SECTION 1313.01 AND SECTION 1315.01 TO CHANGE RATIO OF ELECTRICAL & PLUMBING CONTRACTOR AND JOURNEYMAN ELECTRICIAN OR JOURNEYMAN PLUMBERS TO APPRENTICES TO MIRROR STATE REGULATIONS. - JUDICIARY COMMITTEE
114. LAW DIRECTOR MARTUCCIO AND SERVICE DIRECTOR PRICE: REQ LEGISLATION TO AUTHORIZE CITY TO EFFECTUATE THE CONVERSION OF PAYROLL PENSION CONTRIBUTIONS SO THAT FUTURE EMPLOYEES NOT THE CITY PAY THE EMPLOYEE CONTRIBUTION TO PENSION FUND FOR ALL REMAINING NON-UNION EMPLOYEES. - PERSONNEL & FINANCE COMMITTEES
115. LIQUOR CONTROL DIVISION (OHIO): REQ STOCK TRANSFER FOR A & K LUCKYSTAR INC DBA B & B SUPERMARKET @ 636 CHERRY AVE NE. - RECEIVED & FILED
116. LIQUOR CONTROL DIVISION (OHIO): REQ NEW D1 D2 D3 LIQ LICENSE FOR DONATOS BAR & GRILL LLC DBA DONATOS BAR & GRILL @ 2821 17TH ST SW. - RECEIVED & FILED
117. MAYOR WILLIAM HEALY: NOTIFY COUNCIL OF CREATION OF CANTON ENTREPRENEUR LAUNCH COMMISSION THROUGH EXECUTIVE ORDER 2011-002. - RECEIVED & FILED
118. SERVICE DIRECTOR PRICE: REQ LEGISLATION FOR VARIOUS SUPP APPROP AND CHANGE OF FUND AND ORGANIZATION NAME OF 2415-202210. - FINANCE COMMITTEE
119. SERVICE DIRECTOR PRICE: REQ LEGISLATION TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR (1) 2011 HEAVY DUTY CREW TRUCK CHASSIS IN AMT NOT TO EXCEED \$40,000.00 FOR WATER DEPT; REQ AUTHORIZATION TO PURCHASE FOR WATER DEPT 2

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CASE 590 SUPER M BACKHOES FROM SOUTHEASTERN EQUIP AT COST OF \$81,913.14 EACH; 1 FORD ECONOLINE SERV VAN FROM GERMAIN FORD AT COST OF \$17,020.53; 1 FORD F250 PICKUP TRUCK W/SNOW PLOW PKG FROM VALLEY FORD AT COST OF \$27,109.34 & 1 GMC SIERRA 1500 PICKUP TRUCK FROM BOB ROSS BUICK AT COST OF \$20,374.34 UNDER STATE COOP PURCHASING PROG STATED IN O.R.C. SECTION 125.04. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

120. SERVICE DIRECTOR PRICE: REQ LEGISLATION TO AUTHORIZE & DIRECT SERV DIR TO SEEK PERMISSION AND ENTER INTO AGMT W/VILLAGE OF HARTVILLE TO EXTEND WATER LINES INTO VILLAGE, NEGOTIATE TERMS RELATING TO POTENTIAL EXCLUSIVITY, PROVIDE A MEANS FOR CANTON WATER DEPT TO RECOVER CAPITAL INVESTMENT, SECURE EASEMENTS, AND OTHER TERMS AS NECESSARY TO SECURE CITY'S INTERESTS; AUTHORIZE & DIRECT SERV DIR TO SEEK PERMISSION & ENTER INTO AGMT W TOWNSHIP OF LAKE TO EXTEND WATER LINES INTO TOWNSHIP, NEGOTIATE TERMS RELATING TO POTENTIAL EXCLUSIVITY, PROVIDE A MEANS FOR CANTON WATER DEPT TO RECOVER CAPITAL INVESTMENT, SECURE EASEMENTS & OTHER TERMS AS NECESSARY TO SECURE CITY'S INTERESTS; AUTHORIZE & DIRECT SERV DIR TO ENTER INTO CONTRACT WITH HRM ENTERPRISES INC DBA HARTVILLE HARDWARE (HRM) TO PROVIDE CANTON CITY WATER FOR DOMESTIC & SPRINKLER USE FOR HRM AT RATE NOT TO EXCEED 2.5 TIMES THE IN-CITY RATE FOR A PERIOD OF 20 YRS. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

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

- #1. (1ST RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE BROAD AVENUE ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Annexation Committee
- #2. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO AMEND THE GEORGETOWN ROAD COOPERATIVE ECONOMIC DEVELOPMENT AGREEMENT (CEDA) TO INCLUDE THE ARMORY ANNEXATION AREA; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Annexation Committee

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- #3. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH STARK COMMUNITY FOUNDATION TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$50,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- #4. (1ST RDG) AN ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF CANTON TO BE A PUBLIC PURPOSE; DECLARING A PORTION OF SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; COMPENSATING THE SCHOOL DISTRICT FOR REVENUE NOT REALIZED; DESIGNATING INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT WILL BENEFIT SUCH PROPERTY; REQUITING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING THE 2181 GERVASI 1700 LLC TIF FUND; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #5. (1ST RDG) AN ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF CANTON TO BE A PUBLIC PURPOSE; DECLARING A PORTION OF SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; COMPENSATING THE SCHOOL DISTRICT FOR REVENUE NOT REALIZED; DESIGNATING INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT WILL BENEFIT SUCH PROPERTY; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING THE 2180 MILLS INDUSTRIAL PARK TIF FUND; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #6. (1ST RDG) AN ORDINANCE APPROVING CONTRACT AMENDMENTS TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANTON AND LOCAL 2937 AND OHIO COUNCIL 8; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Personnel & Finance Committees

PRESIDENT SCHULMAN: Thank you Madame Clerk.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We're now under Ordinances and Formal Resolutions for the Second Reading, Will you please read Ordinance #7.

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

- #7. (2ND RDG) AN ORDINANCE AMENDING SECTION 1169.02, APPLICATION FOR CONDITIONAL USE PERMIT, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

MINUTES OF THE MEETING APRIL 4, 2011ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: We're now under Ordinances for their Third and Final Reading and vote. Madame Clerk would you please begin with Ordinance 8.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #8 THROUGH AND INCLUDING #13 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

#8. (3RD RDG) **ADOPTED AS ORDINANCE NO. 48/2011** A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE ARMORY ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#8 ADOPTED AS ORDINANCE NO. 48/2011

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #8 is adopted. Ordinance #9 please.

#9. (3RD RDG) **ADOPTED AS ORDINANCE NO. 49/2011** AN ORDINANCE AMENDING SECTION 1355.02, EXTERNAL WOOD BURNING APPLIANCE, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

PRESIDENT SCHULMAN: Leader.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#9 ADOPTED AS ORDINANCE NO. 49/2011

PRESIDENT SCHULMAN: The motion carries. Ordinance #9 is adopted. Ordinance #10 please.

#10. (3RD RDG) ADOPTED AS ORDINANCE NO. 50/2011 AN ORDINANCE AUTHORIZING THE DISCHARGE OF THE DEMOLITION LIENS, ASSESSMENTS, PENALTIES AND INTEREST ON THE PROPERTIES LOCATED AT 1434 - 5TH STREET NE AND 2307 WINFIELD WAY NE; 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? Member Cirelli.

MEMBER CIRELLI: Mr. President. I apologize whenever this came, we had Jason Reese, the Attorney, I guess give an explanation. I was still driving around trying to find a place to park last week so I didn't hear that. So, I would like to have the Law Director, if he will, explain this Ordinance as best as he can and I appreciate that.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member Cirelli, this case...this Ordinance is the result of a case that was in Common Pleas Court. It was opened in 2007, I believe it was closed perhaps last year and as you pointed out it was handled by one of our Assistant Law Directors who came to explain it last week. What this is, is a request to Council, again, to prep...to let us discharge demolition liens, assessments, penalties and interests that were related to those demolition liens on the properties located at 2307 Winfield Way NE and a related property at 1434 5th Street NE in a (*inaudible*) way. Mr. Reese explained that this involved the potential demolition of a home that had been occupied, a stay was obtained by the property owners, a stay meaning a request of the Judge to stop the demolition. The stay was granted and apparently they were so close in time that you know, the Chief Build..the former Chief Building Official who was ordered to aggressively demolish home. Perhaps the garage was involved, my memory is not great on the details, I don't have the case file. At any rate, the home was demolished after the stay was granted by the Court. This is an uh oh, this is an oops and when property is destroyed, the person has the right to make a claim for compensation for the value of it. What was in dispute was the value of a home that was ordered demolished and there was some printing equipment located in one of the homes. As a result, we settled part of the case for the value of the contents of the home and the rest of the settlement, it was approved by the Court before the case was closed was the City offered to discharge the demolition costs that eventually went as a lien against the property because it was unpaid along with the penalties and interest accumulated on the unpaid demolition lien. That's a brief explanation of what was explained in a little bit more detail, I think last week.

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PRESIDENT SCHULMAN: Member Cirelli is that satisfactory?

MEMBER CIRELLI: Thank you Mr. President and thank you Law Director Martuccio. And again like I said, normally I'm here early and God Bless Cindy, she...I found out later called on my cell because she was concerned about me. But I missed...that's one of the first and very few that I ever missed out on and I would have liked to have heard those questions. So I appreciate that. Thank you very much.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Member West.

MEMBER WEST: Joe Martucci....or Law Director, everything went through its proper procedure though correct? With respect to tearing those houses down, it just happened quicker, is that correct?

LAW DIRECTOR MARTUCCIO: Mr. President. Yes Member West, in terms of the City having done an inspection, in terms of the Chief Building Official finding the home was in need of demolition, in terms of Council concurring, by way of an Ordinance that the home was in need of demolition and that all the owners and lien holders were notified, yes, yes, yes and yes. The only problem here was that the stay was so close in time that I think as Mr. Reese explained, they almost literally crossed, it was just an unfortunate moment and time.

PRESIDENT SCHULMAN: Is that alright Member West? Any other remarks on Ordinance #10? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#10 ADOPTED AS ORDINANCE NO. 50/2011

PRESIDENT SCHULMAN: Ordinance #10 is adopted. Ordinance #11 please.

#11. (3RD RDG) **ADOPTED AS ORDINANCE NO. 51/2011** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT FUNDS FOR THE ASSISTANCE TO FIREFIGHTERS GRANT FROM FEMA AND THE DEPARTMENT OF HOMELAND SECURITY IN AN AMOUNT NOT TO EXCEED \$255,746.00 TO PURCHASE HEART MONITORS AND ACCESSORY EQUIPMENT; AMENDING APPROPRIATION ORDINANCE NO. 245/2010; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH PHYSIO-CONTROL, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

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PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #11. Any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#11 ADOPTED AS ORDINANCE NO. 51/2011

PRESIDENT SCHULMAN: Ordinance #11 is adopted. Ordinance #12 please.

#12. (3RD RDG) **ADOPTED AS ORDINANCE NO. 52/2011** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A NON-EXCLUSIVE AGREEMENT WITH WINDSTREAM KDL, INC. FOR USE OF CERTAIN CITY RIGHTS-OF-WAY TO INSTALL COLLOCATED EQUIPMENT AND CABLE FOR FIBER SERVICES TO TELECOMMUNICATION CARRIER CUSTOMERS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #12. Any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#12 ADOPTED AS ORDINANCE NO. 52/2011

PRESIDENT SCHULMAN: Ordinance #12 is adopted. Ordinance #13 please.

#13. (3RD RDG) **ADOPTED AS ORDINANCE NO. 53/2011** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$73,416.03 TO KIMBLE CLAY & LIMESTONE; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 13. Any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#13 ADOPTED AS ORDINANCE NO. 53/2011

PRESIDENT SCHULMAN: The motion carries and Ordinance 13 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

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

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Thank you kind sir. The Finance Committee will meet on Monday, April 11th at 6:30 PM right here in this Council Chambers.

PRESIDENT SCHULMAN: Thank you.

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel Committee will meet Monday, April 11th at 6:30.

PRESIDENT SCHULMAN: Thank you.

MEMBER BARTON: Mr. President.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Barton.

MEMBER BARTON: Annexation Committee will meet same time, same day, same place.

PRESIDENT SCHULMAN: Thank you. Member Smuckler.

MEMBER SMUCKLER: Community and Economic Development, same date, same time, same place.

PRESIDENT SCHULMAN: Okay, thank you very much.

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: Now we are under Miscellaneous Business?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Question to the Service Director, you talked about the potholes, do you know when they're going to be requesting for our paving list for this upcoming year?

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PRESIDENT SCHULMAN: Director Price.

SERVICE DIRECTOR PRICE: The Engineering Department is working on the paving list now.

MEMBER WEST: And they're going to give us a copy of what they recommend and then of course we're going to give them what we recommend, is that correct?

SERVICE DIRECTOR PRICE: Same process as in the past. The process we employ, we...we start with a baseline of Engineering Department's assessment of the condition of the streets and the streets are all rated. And so everyone of the streets in the City is..is looked at. And then once they have compiled...and that's based on an independent Engineering review. And once that list is compiled, Council has then the opportunity to review that list and provide its input so we're trying to combine basically Engineering/scientific analysis of the streets and then incorporate, you know, a public opinion of what your constituents are telling you. So, it will be the same process as the recent past and so once that list is compiled, we'll make that available to Council and you'll be able to, you know, have your input on that list.

MEMBER WEST: Okay, thank you.

PRESIDENT SCHULMAN: Anything else Member West?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes, Leader Dougherty.

MEMBER DOUGHERTY: When are they doing this?

PRESIDENT SCHULMAN: Director.

SERVICE DIRECTOR PRICE: Mr. President, thank you. They are in the process of doing it now.

MEMBER DOUGHERTY: Okay, because you know how it is, after you know, one road might have been rated, you know, a few months ago a little different then they will be today.

SERVICE DIRECTOR PRICE: Correct.

PRESIDENT SCHULMAN: Anything else Leader? Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. I want to thank Mr. Carcione for coming tonight and for all his fellow workers that came with him and what have you and people in support. I received his email on March 18th and March 21st then he came down and he spoke to us about the situation. Then on March 28th we asked a lot of questions, at least I asked a lot of questions of the Service Director, Thomas Ream and also Stephen Rich that came last...on the 28th to speak about the issue. On the 29th, because you know you take people at their word, one moment...

PRESIDENT SCHULMAN: No, you're good by the way, we can hear you.

MEMBER CIRELLI: Well I...can you hear me without me holding it?

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PRESIDENT SCHULMAN: Yes.

MEMBER CIRELLI: Okay, thank you.

PRESIDENT SCHULMAN: Yep.

MEMBER CIRELLI: On March 29th I sent an email to Mr. Carcione, Thomas Ream, Stephen Rich and Raymond Friedmann and Kerry Bell...or Ball, excuse me. That came about because I made a phone call to find out where I could get some information on those runs and also on the financial analysis because what I heard Mr. Carcione tell me that it cost us money by them being closed down on the 18th and the 19th. I'll read this as Good Morning Rosario...but it went to all those gentlemen: I called and asked for the data on the calls and/or runs for the 18th and 19th of March. Also for a financial analysis concerning those days and I was told these fall under the realm of Captain Friedmann and also Chief Kerry Ball who are both out at this time. I am going to email them. From last night's meeting, Monday 28, 2011, I am of the mind set that all employees as well as the Administration that come before Council to make any statements be sworn to do so. And I thank Mr. Carcione because he was willing to do that, I respect that highly. That I have mentioned under oath that we would hopefully get to the truth from all sides in any situation. As a matter of fact, some of my Council Members after hearing my remark thought it was a very good idea. I made that statement perhaps everyone who comes to speak before Council regarding any and all situations, should be sworn in. Well that received a little bit of ruckus from different people. I am sorry you were not at the meeting to defend your side of the issue Mr. Carcione. As well as I'm aware that the people at times will lie by omission. Because he informed me that I didn't ask perhaps the right question and I can appreciate that. In other words people will not always tell you the truth unless you ask the exact question. And unfortunately at times this has occurred. Thus Council Members can be placed in a very precarious position. Captain Friedmann and Chief Ball, please email me the above and please also email the same information to all Council Members. Thank you all. Mary Cirelli. Now that went out on March 29th, I received nothing. I received that they would get back to me with the financial and the runs. Within several days I got another email that said that I would get that information and as of yet, I have still not received that information. And Safety Director Ream, can you tell me why sir?

PRESIDENT SCHULMAN: Director Ream.

SAFETY DIRECTOR REAM: No, not at this point I can't, I'll do some checking on it though. Can I have the floor please?

PRESIDENT SCHULMAN: I don't...you're not done yet are you Member Cirelli?

MEMBER CIRELLI: No go ahead.

PRESIDENT SCHULMAN: Oh, alright go ahead Director.

SAFETY DIRECTOR REAM: No, I'd just like to address City Council, the Fire Union and the Members that are here. You know, obviously we're in a real tough financial times right now. It's difficult, we are at historic lows in our staffing in both police and fire side. We have less revenue then what we've dealt with in years and years and we're trying to provide the necessary services, some are required by State law, some are not. I'm twisting the Fire Chiefs and Police Chiefs all kind of different ways on ways that we can save money and still deliver the services that's expected in this community. I know that the overtime for the Firefighters have been slashed \$450,000.00 in the last couple years, that's money directly out of your pocket. There is no one sitting here anymore then me who wish that financially we could maintain that level of overtime to give the service

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that we'd like for the community. However, the dollars just don't allow us to do it. So, as we navigate through these difficulties, we will keep the services that we deliver to our community at the forefront in our thinking as we make these tough decisions that we'll have to make in the future as we have in the past with how and what kind of services we deliver to our community. Thank you.

PRESIDENT SCHULMAN: Thank you Director. Member Cirelli, do you want to conclude?

MEMBER CIRELLI: Thank you Mr. President. Mr. Carcione, whenever he spoke tonight mentioned that an ALS engine cannot transport and that's the truth. I always recalled whenever they sent the fire, and I'd asked that question before, why our fire truck goes with an ambulance and it's at times they may need that extra help and not only that, if they have to take that person to the hospital then somebody has to be there to bring people back and sometimes that has to occur. So, they know the...how they work but whenever we had the Chief speak he was making, at least in my mind, I thought when an ALS unit was there that meant that they could follow through just like an ambulance normally would follow through. And so I felt a little bit deceived because I went home that night thinking well whenever they responded with whomever they had that the people would be transported right away. And now, I'm hearing it's a whole story. You know, it sort of was a play on words and as I said, it puts us in a precarious position when we really don't...we're told one thing by people that we put our trust in and then we find out later that I didn't ask the right question and maybe some of the other people did not also. That's really not good enough and I really find it inexcusable that from March 29th that I have not received yet the number of the calls, the data for the calls and the runs on the 18th and 19th of March and also the financial analysis. Good Lord, this is now April the 4th, surely somebody is working somewhere and I'm feeling like that gentlemen says we're not getting responses on this side of the podium or whatever, where we're sitting as their not getting responses on that side and I don't think that's the way we want to run the City. Thank you.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Any other Miscellaneous Business, Member Butterworth.

MEMBER BUTTERWORTH: Thank you Mr. President. For Director Ream, we have not done the cost analysis, correct? From that lost day? Has that been done?

SAFETY DIRECTOR REAM: Not to my knowledge, I haven't seen it.

MEMBER DOUGHERTY: The...for an ALS truck, more or less a fire truck, if it goes to the scene and an ambulance is not sent, can the City recoup any funds for that?

SAFETY DIRECTOR REAM: I've had that discussion with the Chief, he's looking at that right now. It would take....

MEMBER BUTTERWORTH: Right now we're not able to, correct?

SAFETY DIRECTOR REAM: Right now we're not recovering any of that, no.

MEMBER BUTTERWORTH: Correct. If an ambulance does go and we do incur overtime costs, are we able to potentially recoup some of the cost or the expense of sending the ambulance to the scene?

SAFETY DIRECTOR REAM: That's the whole idea behind the fees for the ambulance.

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MEMBER BUTTERWORTH: Correct.

SAFETY DIRECTOR REAM: Yeah, It's not a money making venture...

MEMBER BUTTERWORTH: No, understood.

SAFETY DIRECTOR REAM: It's just offsetting costs, that's correct.

MEMBER BUTTERWORTH: Understood, understood. On the other side, when the ALS truck goes, are we able to...it was brought up...and the audio was kind of sketchy from last week when Chief Rich spoke, it was hard to understand him, when the ALS truck is sent, and I know it was stated that...and I to paraphrase, I don't want to quote it directly, that we're able to provide the same service, there is a time constraint on that correct?

SAFETY DIRECTOR REAM: Well, the idea behind sending the...the bumper truck is simply that it's a life saving situation and the idea is to get somebody there as quickly as possible. So, to get into the particulars of equipment and such, we need to have the Chief here for that.

MEMBER BUTTERWORTH: Sure. And not to paint you in a corner and I appreciate your comments earlier about...earlier about the financial constraints of the City, when can we expect to get that analysis done that Member Cirelli asked via email?

SAFETY DIRECTOR REAM: I'll do some checking, that's the best I can give you at this point.

MEMBER BUTTERWORTH: Okay.

SAFETY DIRECTOR REAM: Okay?

MEMBER BUTTERWORTH: Thank you.

PRESIDENT SCHULMAN: Anything else Member Butterworth?

MEMBER BUTTERWORTH: I will pass at this time. Thank you.

PRESIDENT SCHULMAN: I'm not sure that was the best answer you could have given but...

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: ...I...I...you know, I've listened to this argument back and forth and I've talked to the President on behalf of the firefighters and I know that Council has been involved in this and I hear two things Director, I'm not taking a side, I'm just...this is what I'm hearing. We make money on our ambulance runs, no we don't make money on our ambulance runs. By virtue of everything we have to do to support the ambulance and the training and the charges and the 60% payment that we receive and the 40% we don't, that means we don't make money. On the other hand what I hear is if we only paid a little overtime, bringing people in on ambulances, the City...the citizens would be protected and it actually accrues to the financial benefit of the City. So, I think those are two diametrically opposed ideas and they should be answered. I really believe Council deserves an answer and I think the citizens deserve an answer. So, if you could get that, I would appreciate it.

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SAFETY DIRECTOR REAM: Sure.

MEMBER BUTTERWORTH: Mr. President.

PRESIDENT SCHULMAN: Member Butterworth.

MEMBER BUTTERWORTH: I would be happy to provide a list of questions by tomorrow morning for...to...within the time frame that is ever present it seems to have answered...to get questions answered if that's possible.

PRESIDENT SCHULMAN: Well, I also think the first quarter is done, so we know we have January, February, March stats and we should be able to have something in writing. And I know you're busy, I'm not...and I'm not...I wasn't singling you out Director. But it's...it is a contentious issue and if it does mean the difference between potentially life and death, which in...which it might, then I think we should have that information. Okay, anything else? Let me..I have a couple things I'd like to say, one, I really appreciate and we all do the public speaks tonight. Very harsh tone though, I...I'm really struggling to figure out why because it's troubling, harsh tone from my good friend Mr. Peterson about we should maybe just give up our pensions and give up our salaries and be on an equal footing and from Ms. Callahan who I have the greatest respect for, very sad really, kind of a sad cometary on where the City is and where it's headed. I've tried to re...of course you aren't here every week and sometimes I'm not either but I think we have all been saying together, not separately, not politically, these have been without a doubt the toughest two years in the history of the United States at least going back to the great depression, without question. This City lost, this little City lost at least \$160,000,000.00 of productive income, \$160,000,000.00. You know, we're all trying here and we, God willing, we will continue to try and we can't thank you enough for all that you do in your communities. But this Country is struggling, it's not just here, it's everywhere and what disturbed me the most about the remarks I heard tonight, other than one, the CANDO, was the sense that we're not coming out of it. And I truly believe we are coming out of it, slowly but surely. You know the banks in the United States just push the people over a cliff and they did it to us and we should be looking not at each other, not fighting among ourselves, not the middle class fighting. We should be looking at the people that caused the problem. And so, all I can say in response to what you've said is I think there is hope, it's slow, it's agonizingly slow. We don't have enough of our citizens working, we don't have enough businesses, we don't have enough income, we don't have enough people. But all of us are struggling and all of us are trying very hard to make it right and to put the City forward. So, with that, let me just turn finally to what we told you we will do, Member Hawk and Member Cirelli and I wish Member Smith was here, starting in January you allowed us to conduct the Water Commission which we have done. We met a number of times and we broke off of course with Member Cirelli taking over the issue of the safety of our aquifer, our water supply and we can't thank Member Cirelli enough for her hard work and diligence. We all get a lot of emails from her, which are very important and they're all read. But that's what we decided to do with the safety of our water supply. On the other front, on the business side, I want you to know that it...we are coming with Law Director Martuccio's help and assistance and guidance and legal acumen. We're going to propose an Ordinance that the Water Commission be established as part of the City's infrastructure, as part of Council's organizational chart and that it should be codified and it should be a part of this City going forward. We believe we...we have a 1.5 billion dollar asset in the water supply, in our water...in our aquifers and there are three aquifers that we have which is probably the biggest asset we have, is our water. So, we would like to come to you very shortly and ask you to look into that and set up a Water Commission on a permanent basis which would be responsible for establishing and looking and investigating three things, one, the actual customer business base of the Water Department, what we have learned, what I've learned over the last four years is that in public service it's amazing, you think things are so simple and they're not. They are...they u...you know, I said "This has got to

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be the easiest thing in the world, let's just put our water supply to work and we can leverage it and it can bring business in, it's all complex. You do one thing and then something else hits you from the other side. But we do know that our water system is going to be a tremendous expense and we don't have the customer base for that going forward. We're not in...we're not in any sweat at this point, we've got the best Director in I think the United States in Tyler Converse but nevertheless, going forward in the future, we need to expand a customer base to maintain that first class water system which we have. So, that's the first thing. Secondly, we want to talk about and investigate supplying our water to outline areas, our sister communities where we can expand that customer base to keep our water system solvent. And finally and most importantly, we want to use our water system for economic development, which is obviously the critical goal and I know everyone in the audience wants that too. And we have some very, very good ideas that we'd like to come back to Council and obviously the Mayor and his Administration with to advance that economic development based upon leverage in our water supply. So, as promised, I'm sorry I took so long to explain it, we told you we'd be back in three months, we will be. I think if you give us three more months if we can get the Commission established sooner rather than later and in three months we'll have concrete plans to go forward obviously with the Mayor and his Administration and our Council Leadership and Leader Dougherty. So, that's all I have, Leader.

MAYOR HEALY: Mr. President.

PRESIDENT SCHULMAN: Mayor.

MAYOR HEALY: Thank you. First of all I'd just like to say thank you to all the representatives of the neighborhoods that are here today. We certainly appreciate everything that you do and we're thrilled that you're here even when you do say things we're not happy about, we need to hear it. And what we need obviously is communication between what you guys are working on what the Legislative Body and the Administration is working on and those are the conversations that will continue when we try to continue to evolve and create this Commission that allows us to have that relationship. But most importantly, I just want to say thank you for all that you do and again, we really do appreciate it and we need it as a City to move the City forward. You all should be commended. I also want to thank all the City employees that are out there in coming to the Council Meeting. Obviously this is an opportunity for you to have your voices heard as well and again, whether we like what their saying or we don't like it, it's easy when people come in and say things are great but when people come in and tell you there's problems, that's when we need to listen the most. And so, I can tell you that we hear you and we're going to continue to work and try to address and help listen...continue to listen and address the issues that are most important to you. I also want to take one minute to recognize our new Finance Director, Joe DiRuzza is with us today, the new face up here at the counter. This is his first Council Meeting, today was Karen's last day and so I'd like to welcome him. And he also brought with him for the Council Members, the monthly report that we have that does the updates for you in reference to the revenue flow and the travel budgets and those types of things and he'll continue bringing those as well. But I would like to point out when you talk about hope, this year for the first quarter in a number of different categories we're seeing some positive movement on the revenue side but on the income tax side, although it's still too early to tell because these things jump around a lot from month to month until you get towards the end of the year, you really don't know. But at the end of the first quarter this year, we're up a little over \$400,000.00 in income tax revenue. And I say that cautiously but this is the first time since I've been Mayor that we've had a first quarter revenue that was actually up prior...to the prior year. So, if you're looking for some hope and some...some indicators that we're seeing a turnaround, our unemployment rate has dropped significantly over the last six months, we're significantly down from a year ago and the income tax revenues are starting to climb. And we're hoping that this is a sign of the direction that we're going. So, you guys want hope out there? There's a little hope for you in reference to revenue and the direction of the City.

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PRESIDENT SCHULMAN: Thank you Mayor. Leader.

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

MEMBER PRATER: Seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President..

PRESIDENT SCHULMAN: Thank you Madame Clerk. Goodnight everybody. Drive carefully. *(Gavel falls)*

ADJOURNMENT TIME: 8:44 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT