

MINUTES OF THE MEETING SEPTEMBER 26, 2011

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. I am frankly amazed to see as many people here tonight because I don't know how you found your way into the building. It's very difficult. I went by some guy with a nail gun I think so, in any case with a quorum being present, and welcome by the way everyone, 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: All present Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Tonight we're going to have our invocation given by my Ward Council Member 7 Patrick Barton. Will you all please remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on September 26, 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 7 Council Member Patrick Barton. The Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: That's why he is my Council Member. Thank you very much Member Barton.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Cirelli.

MEMBER CIRELLI: Shouldn't we have that machine, whatever that is up there turned off cause it would be much easier for people to see what the ladies are doing up there. Is that, or do you still you want to use that whoever put it there.

PRESIDENT SCHULMAN: Sure, it was going to be used I think for a presentation.

MEMBER CIRELLI: It's going to be used. OK, thank you so much. Thank you sir.

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President, I want to suspend Rule 22A to add 2nd Reading Ordinances 2 through 13.

MEMBER PRATER: Seconded.

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PRESIDENT SCHULMAN: It's been moved and seconded that you suspend Rule 22A to add 2nd Reading of Ordinances 2 through 13 to this evening's agenda. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

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

PUBLIC HEARINGS

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

OLD BUSINESS

PRESIDENT SCHULMAN: Turning to Old Business. Chief of Staff Price I'll turn this over to you.

SERVICE DIRECTOR PRICE: Mr. President. Good evening ladies and gentlemen. It's my pleasure and I'm taking the podium this evening to do something that normally Council does but we'd like to do something to show our thanks. The city's Water Reclamation Facility has received the NACWA Platinum Award for our compliance and for the operation of the plant. And before I bring Tracy up to tell you a little bit more of that, about that, what I wanted to do was thank, thank all of you. The Water Reclamation Facility is the 10th largest sewer treatment plant in the state of Ohio. We are a regional provider. Our customer base extends throughout Stark County into North Canton and we have agreements with those jurisdictions as well as other local subdivisions to treat their sewage. That plant as I would dare tell you, is probably the best maintained plant, not just in Ohio but in the United States. We recently had a visit from a manufacturer of a product that will go into the new plant and they flew in from Japan and in Japan your waste water treatment plants apparently are very well maintained and as per Japanese custom when you go into those plants in fact, they are so clean, you have to take your shoes off and where slippers around those plants. The executive level individual that flew in from Japan to meet with us about this product that's going into the plant, after looking at our plant, I joked with him through the translator and said well it's probably not as clean as those in Japan, and he said well I beg to differ. This plant is just as nice if not better maintained and went on and on about the grounds, took Tracy aside to personally compliment on it, on the condition of the plant and that's not easy and that was not the condition of the plant when Tracy took over in the early '90's and the folks that are out there, the 50 or so folks that we have out at the Water Reclamation Facility just deserve a heck of a lot of credit for this platinum award. We've had 5 years of consecutive 100% compliance and it's a tough job out there. We not only have to deal with the effluent that comes out of the plant, of course we're permitted and heavily regulated by the EPA but the incineration operation we run out there has an air discharge permit and they just continue to do an amazing job. In terms of what this Council has done, in my going on 3 years here with the city of Canton, where we were eating into the reserves of our plant when I, the Sewer Fund when I arrived, Council's been very supportive in terms of finances over there. Tracy and the folks, the professionals at Water Reclamation, we truly believe that Council has been very supportive of the efforts and understanding, many of you have sat in hours worth of meetings involving our upgrades at the plant and the new technology that will go in there in this \$72,000,000.00 project and so I would like to invite Tracy up and he can say anything else he'd like to but at this time, if Majority Leader Dougherty could come up we'd like to present City Council with an award.

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It's your own version of the NACWA Award that we hope you'll display in the new Caucus Room or in the Members room. *(APPLAUSE)*

TRACY MILLS: Thank you very much. It's a pleasure to be here tonight and represent the 41 employees from the Water Reclamation Facility. As the Director said, we were recently honored from the National Association of Clean Water Agencies with a platinum award. The Platinum Award signifies 5 consecutive years of 100% compliance. I can tell you in my 30 plus year career, it is a first for me. That's a difficult achievement with today's standards that go into the permits. We've got an outstanding staff that does a marvelous job for you day in and day out and we recently honored them. We had a little get together and did an employee recognition. We also wanted to recognize Council for all it's support for our department. On the surface this may appear to be a football helmet but this is a, this is a lot more than a football helmet. You may be familiar with one of our local companies called Lustrous Metal Coating. They pewter plated this football helmet. On one side is the insignia of the city and the other side is the Hall of Fame and on the back of the helmet is City Council and the NACWA Platinum Award. So this is an authentic helmet other than the fact that it weighs a whole lot more and I'm glad I don't have to wear it because of the plating it is very heavy. But it's a pleasure to present this to Council and again thank you very much for your support. *(APPLAUSE)*

MEMBER DOUGHERTY: Chris Smith you want to put this on for me. This is, it's a pleasure to receive this award on behalf of Canton City Council and I think in our new Caucus Room this should be displayed as we open up the new room and get the message out on it that explains exactly what this award is about. You all do such an outstanding job and should be very proud of yourselves. I know we're very proud of you. Thank you. *(APPLAUSE)*

MAYOR HEALY: Mr. President.

PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: Thank you Mr. President. Just one word Majority Leader. Dave, one word for you. Do not put that on your head. It does not bend or bow and if you do get it on you will not be able to get it off so...it's been done before. Thank you.

PRESIDENT SCHULMAN: Thank you.

SERVICE DIRECTOR PRICE: OK, going on to the rest of Old Business. We had a resident discuss her concerns and the kind of bounce around she received from the city and the county trying to acquire property that was adjacent to her's, we are, I know Fonda Williams spent a good deal of time with her afterwards. We are working actively with the county to try to get that problem fixed. We received from James Parker concerns about the itinerant vendors Ordinance but I know that, that matters being worked on by Council and it looks like it's going to be held another week to continue to discuss that matter and Dan Phillips also came to Council to discuss his concerns about it. You know we're happy to work with you to reach a compromise on it.

PRESIDENT SCHULMAN: Thank you Chief of Staff Price.

PUBLIC SPEAKS

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PRESIDENT SCHULMAN: We now turn to our Public Speaks portion of the meeting. We have a number of speakers signed up tonight, 14 in fact. Twelve of them are going to comment to Council about the vendor fee Ordinance which is on tonight's agenda so I will start with the people that are not going to talk about that first and the first person that I would call is Sally Batsch. Miss Batsch if you'll step forward and give us your name and your residential address please.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Yes Member Cirelli.

MEMBER CIRELLI: Before this lady gets to the podium, I think it's a little bit distracting to have construction work going on when we're trying to have a meeting here. Is there something that can be done about that? An hour or two is not going to delay anything. First we had the saw. We could hardly hear what the Majority Leader was trying to say and now we still have they're scrapping concrete. I know what that is as they're laying it. Could somebody look into that please?

PRESIDENT SCHULMAN: Our Clerk indicated that she would go out and try to keep the noise down.

MEMBER CIRELLI: Thank you Cindy.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Miss Batsch, good evening. If you'll give us your name and your residential address please and I would again remind you we have a three minute limitation on Public Speaks.

SALLY BATSCH: Yes, I know. Good evening everyone. My name is Sally Batsch. I live at 2508 8th St NW. I've been here several times, spoke several times and I've been a pain in the neck to the city because of the property next door to me. First I'd like to address something to Mr. Price. When I was here a couple weeks ago at Council, he said his first complaint on the property was August 4th. I'm sorry but 7/22 there was a complaint registered by myself to the Mayor's office hotline and left a message in their voice mail box with no return call. I also called that same day to the unresponsive landlord situation which is held accountant by I guess the Code Department. I talked to a lady named Jewel. It seems to me that all of a sudden both of my complaints were not entered in the system. So then August 4th through, and Mr. Adams will agree to this, I've been a pain in the butt to the Health Department because of the condition of the dump that was next door to me. Now it appears that we have a problem if these things aren't put in the system. I keep accurate logs by hand. Anytime anybody wants dates, times, names, people I've talked to, give me a call. I'll give you a list of all those dates. On the records, the property was supposed to, as far as we could see, there was a Thomas Anderson involved in care of Equity Trust, however he's the financial lender to the man that's buying the house. On yesterday I heard sledgehammers going off next door. I went out with my dog and I said, did the owner send you over? And he said, I am the owner. And I called him by name and he said yes. I said look, we went round three years ago about this property and you being probably what I would term a slum lord. I said you brushed the neighborhood off then and you see the situation you have now. I says you are unhappy because you got fined. I told them to fine it even more. The only way to get you people to take care of property that you're buying is to hit you in the pocket and I said it's revenue for the city. I said I don't believe that you care one thing about the property because you never checked on it in three years. Anyway two other

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neighbors heard me out there screaming my head off and they joined in. I told him as long as I lived next door, I'm going to haunt him and I'm going to watch that property and he may be back in front of the city again and at this point I would like to publically, I thanked him privately, I would like to thank Greg Hawk for his interest in coming out and checking it. Mr. Smuckler for his support in a couple Council meetings but I would like to salute Councilwoman Mary Cirelli because this woman doesn't only listen, she hears which some of you guys, you listen but you really don't hear us. Now she...

PRESIDENT SCHULMAN: You have about 15 seconds.

SALLY BATSCH: I'll get it.

PRESIDENT SCHULMAN: Thank you. No ma'am you will. You have 15 seconds.

SALLY BATSCH: OK, let me have it will ya.

PRESIDENT SCHULMAN: I will.

SALLY BATSCH: OK, thank you. I would like to say, my hats off to Mary and she's for the people and I think you people owe her a round of applause. *(APPLAUSE)*

PRESIDENT SCHULMAN: Our next speaker is Pastor Walter Moss. Pastor if you'll give us your name and residential address please.

PASTOR MOSS: Pastor Walt Moss, 1601 Harvard Ave NW, Canton, Ohio. Council President, Councilman, Administration. One of the words I want to use tonight is proactive. In the Councilman's prayer he talked about that we're family but I really want to say that in the city of Canton, our family is hurting. We just had another young man killed, murdered and so, I've really been struggling with what's been happening in our city with our young people, our youth, our teenagers and so I was thinking about in Canton have we ever had, in each Ward, have we had a youth summit. I believe some Councilman have talked about that in the past but a youth summit would have, would bring our young people together, especially teenagers with clergymen, neighborhood associations and I really believe our young people, we have a lot of good young people and sometimes we don't highlight them or we don't encourage them. I think also one of the projects I would love to hear that Council is doing is planning for next summer for jobs for our teenagers. You know, if they don't have anything to do that is positive, they're going to find something to do that is negative and that, I know I really have a burden for our young people. I was thinking about a buy back program to buy back guns. There's plenty of guns in Canton, Ohio. Cleveland just had one, they ran out. They gave a \$100.00 gift card. They ran out. Over 600 guns was turned in but we've got to do something. We've got to become proactive it all we going to do is sit and talk, then all we going to get is murders, murders, murders. We as leaders, Councilman, administration, the clergy, neighborhood associations, we must not disengage from our young people. I don't know if there's any 19 olds, 18 year in here tonight. 21 year olds, young people. But we've really got to do something to engage our teenagers in this community. God Bless You and Thank you. *(APPLAUSE)*

PRESIDENT SCHULMAN: Thank you. Thank you Pastor very much. Thank you for your service to our

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community also. Alright we turn to vendor fees. Rebecca Bors. Miss Bors if you'll step forward and give us your name and residential address please and welcome to City Council.

REBECCA BORS: Thank you. My name's Becky Bors. I live at 3223 Market Ave N in Canton and I'm here on behalf of the Arcadia Grill, representing Maria and her staff. I think we all recognize that Maria has been very vital in downtown Canton and her support. She's been down here 13 years. As her reason for vesting in here is because she was born and raised here like most of us. This is family and once again referring to the prayer, we believe we're family and friends and should support each other. I think that without the support of ArtsinStark and the Canton Chamber, downtown businesses would have closed a long time ago. They've been very vital in encouraging people to be downtown and they've been very successful at that. Right now, we're looking at the vendors invading our neighborhood so to speak and we do feel that they're taking business away from us. We don't think it's a very relative playing field when they can operate on a minimal fee and go all year long on this permit that they have while our daily expenses are there. It's like, well maybe we should just all close down and do a vendor cart and then send the employees home and we'll put the city of Canton in a real depression because that's what this leads to is losing jobs for everybody. Not only our staff as well as, our purveyors. I mean, these restaurants provide many, many jobs and many opportunities that are being lost. We've lost a lot of restaurants in the past few years. I don't know if you know how many. We counted them today and it's amazing how many people have left this downtown community and that's just the restaurants. That's not including offices and businesses that have also left and moved on. I think we need to look at this a little more seriously. I mean the initial fee may not have been right however, we are looking into that as has been stated earlier. I know our daily fees are \$350.00 just to open up and ours is one of the more reasonable fees of downtown. I think we need to look at the addressing of the vendors also because who's next. Are we going to have vendors selling knock off items in front of S&A or on the green space with their own candies and odds and ends to compete with the Rite-Aid. This is where things lead to if we don't address it now and play a substantial field here. I think we need to look at how many people remain in our community. We don't have the people here to support all these businesses anymore. We're trying to generate people to come downtown. I think this is a very important issue. I'm glad to be here on behalf of Arcadia and bring recognition to this. I'm very proud to be a part of Canton. I've been here all my life and I love being down here supporting it. I know we all do so I hope we look at this with a deep interest that we're not trying to take away from the vendors but allow them the opportunity to be where they can be making their money as well without, you know, taking away from our businesses and do it in a fair level way. I want to thank you for my chance to speak President, Mr. Mayor and to all of the Council Members and the people here tonight representing the other vendors and restaurants downtown. Thank you.

PRESIDENT SCHULMAN: Thank you very much. (*APPLAUSE*) Our next speaker is Maria Byington. Maria if you'll step forward and give us your, although I don't think you need to but, name and residential address please and welcome.

MARIA BYINGTON: Maria Byington, Arcadia Grill. 136 Bellflower NW, Canton. I just wanted to add one more thing. I noticed that in the past 3 ½ years, there's been 18 restaurants that went belly up and it scares us. And it scared me. That is why I approached Mr. Hawk and the Special Improvement District. I didn't know where to go to reach out. I'm asking for you to come up with a solution to this and to be fair to everyone. Thank you.

PRESIDENT SCHULMAN: Thank you very much. (*APPLAUSE*) Our next speaker is Leann Macri. Miss Macri I hope I've pronounced your name right. Good evening. If you'll step forward and give us your name

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and residential address please.

LEANN MACRI: Leann Macri. We're from Primo's downtown 216 4th St. I'm actually from Louisville so she's going to speak.

LISA WESELEK: Mr. President and Members of the City Council. My name's Lisa Weselek. This is my sister and this is my brother-in-law Tigger, Dennis Macri. We're here this evening to speak to you about the amendment of Chapter 749, Itinerant Retailers of the Codified Ordinances. We are business owners in the Special Improvement District and Members of the Canton Regional Chamber of Commerce. We are approaching our 1 year anniversary at Primo's downtown. Like most new business owners in downtown, we've had our ups and downs and some adjusting to it. Within the last year we've been scrutinized over the art on our building, the ownership of our building and asked to participate in (*inaudible*), ticketed by the city for parking in the loading zone while we were unloading goods into our business. And harassed by panhandlers. Why do we stay in the Special Improvement District? Good question. There was no welcome committee there to assist us. The Chamber of Commerce and the Economic Development Director did not come and find us. Our friends and neighbors found us. It was Maria from Arcadia, it was Steve Coon that pointed us here to the downtown. It was the Eslich boys that helped us get our patio. We pay our taxes. We pay our mortgage and we pay our Chamber of Commerce fees. We did not receive any tax breaks as new business owners or any city assistance. Yet we are here everyday fighting to make it in downtown. We have a budding business with a great view, great food and awesome night life. Our new patio has a 360 degree view of the Art's District. We have wonderful friends and neighbors who support us, each other and downtown Canton. We stay here because of them. We are here because we want to keep our little corner of 4th Street and Court Avenue lit up every night instead of boarded up and an eyesore or health hazard to our community. We are firm believers in the free enterprise system. The free enterprise movement started in the early 1700's when many individuals were restricted from starting and owning their own business by the government. In an economic system like ours today, free enterprise means that few restrictions are placed on business activities and their ownership. This system aims for limited restrictions on trade and minimal government interventions. With that being said, I would have to say that we feel that \$250.00 a day isn't unreasonable because that's what it costs us to open our doors daily. That's with Leann cooking lunch everyday and me serving it and we are basically volunteering because we are not taking home a paycheck. With that being said we also feel there may be another solution to Chapter 749 than charging other vendors \$250.00 a day to sell their goods in the Special Improvement District. As new business owners, the Chamber of Commerce was instantly at our door. They were kind and helpful and they wanted us to join as soon as possible yet, when we went to them to market our place for the Hall of Fame festival goers, we got the run around. The front desk called the 8th Floor. The 8th Floor called the front office. The front office called the Welcome Center on Fulton and they even put us in our car and sent us to the Pro Football Hall of Fame which didn't get us anywhere. So, what does the \$500.00 a year membership to the Chamber get us, handfuls of flyers for First Friday. Well as you all know and we all know, everybody finds every restaurant and business downtown on First Friday. It's the rest of the month that we need help with. We feel that a non-waiverable fee should be charged for the itinerant vendors because even when we pay over and above our daily expenses to be located downtown, we still have the Health Department inspecting us at every special event and we still have to pay an entrance fee to be in any special event in the Special Improvement District. Our proposal that is instead of charging the other businesses an outrageous amount of money per day to sell in the Special Improvement District, that the city and the Chamber of Commerce give the businesses that are permanently located downtown, that are bricks or mortar businesses, that are investing in downtown discounts and charge the itinerant vendors monthly or annual fee as well as assigning them to a designated location downtown. If a

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downtown business wants to have a block party or block off the street for an event, it costs us approximately \$200.00 for the police, \$40.00 for a filing fee, \$200.00 to \$300.00 for a band, \$125.00 liquor permit and a \$1,000,000.00 insurance coverage. Why if we are paying the city taxes, the property taxes, liquor taxes, Chamber fees and making a permanent investment in the Special Improvement District, why do we not get a discount on anything downtown. Why when there are major events in downtown Canton are the business owners sometimes the last to know? We had to find out about the MMA fight at the Civic Center from a commercial on Time Warner Cable. That did not give us hardly any time to market for it or to add more people to our staff yet this city gives the Chamber money....

MEMBER DOUGHERTY: Mr. President, excuse me.

PRESIDENT SCHULMAN: Yes.

MEMBER DOUGHERTY: I mean how many minutes....

PRESIDENT SCHULMAN: Well, I'm giving them both 6 minutes, Leader so...

LISA WESELEK: Thank you Mr. President.

PRESIDENT SCHULMAN: You have about 30 seconds left.

LISA WESELEK: I'm wrapping it up sir. But yet the city gives the Chamber money to recruit and retain the small businesses downtown and no one gives us a heads up, a tax break or free entry into anything. In conclusion we would like to say that we are investing in downtown Canton. We want the city officials and the Chamber of Commerce to invest in us. Thank you for your time and consideration in this matter.

PRESIDENT SCHULMAN: Thank you very much. (*APPLAUSE*) Our next speaker is Philip DeChellis. I hope I've pronounced that name right. DeChellis, I'm sorry, DeChellis. I apologize Mr. DeChellis. Welcome to City Council. If you'll give us your name and your residential address please.

PHILIP DECHELLIS: My name is Philip DeChellis and I do reside at 1615 Lancaster Gate in North Canton. I'm here today also as a vendor. My fellow restauranteurs here couldn't have said it any better. I truly believe that something has to be done downtown to insure the survival of a lot of these establishments that have been here many, many years such as myself, Maria, the others and even the newcomers. It is expensive to open up our doors everyday. There are very much numerous expenses if you do own a business, I am pretty well, sure you know what I'm talking about in regards to payrolls, taxes, insurances, your phones and on and on and on. So what I have to say in regards to the \$250.00 vendor fee, I think it is very lenient. The thing is, do you want it in a time when things are critical with all the restaurants down here. There are numerous ones that are not making it. The ones that are here are probably just making it. So the balance is critical and there should be legislation to help the restaurants down here to ensure that they have a good survival rate. They have a lot invested. We have lot invested and I'm sure that the rest of the city should have some form of investment with us and speaking, that minimal fee is absolutely nothing. I would say that, that fee should be more of a discouragement rather than something to entice them, you know. When I see people come down here they think there's an entitlement. I don't think there's any entitlements. If you put your roots in this town and you put your money where your mouth is, OK, and you've actually spent a lot of years here trying to develop your businesses and making a true effort, you know I just don't see that somebody comes off the wind and says

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well I can pick my day. OK it's a nice day today let me do a little business here. It's a small fee. It's a very small fee but yet it's not a small fee for us to open our doors and to make a commitment all year round 24/7 down here. So we do need a little bit of inner action with Council and the legislators to help us ensure that we can be successful down here. We are trying and all we need is a little bit of help.

PRESIDENT SCHULMAN: Thank you very much sir.

PHILIP DECHELLIS: Thank you. *(APPLAUSE)*

PRESIDENT SCHULMAN: Our next speaker is Patrick and Cathy Wyatt. Good evening, welcome. If you'll give us your name and your residential address and I'm presumed that you are Cathy.

CATHY WYATT: Hi.

PRESIDENT SCHULMAN: Good evening.

CATHY WYATT: I'm Cathy Wyatt. I live at 2303 Otterbine in Louisville. My husband Patrick and I own Carpe Diem Coffee Shop on Market Avenue and we're just getting ready to celebrate our 8th year of being in business and we're thrilled to be part of downtown. We've made a huge commitment and we'd just like to feel that the city, the Mayor, everybody has our backs too. You know, blood, sweat and tears go into making a business from, you know the ground up and we just want to feel that everybody is cheering for us too so, I'm just repeating what everybody else has said. We just want to feel like we have some support and just enforce whatever you do decide that the fee should be. So, thank you.

PRESIDENT SCHULMAN: Thank you very much. *(APPLAUSE)* Our next speaker is Ida Ross Freeman. Miss Freeman if you'll step forward and give us your name and your residential address and as always, welcome.

IDA ROSS-FREEMAN: Ida Ross-Freeman. 1129 7th Street NW and I'm here today to talk about the vendors. I am a vendor and I think I'm being proactive when I talk about the vendors. I may not sell food and they pointed out that this Ordinance is for the vendors who sell food. Well today it might be for food but what about the artist people or the craft people in the future. \$250.00 or two whatever is too much for people that sell artwork or crafts. It's really too much and if I set up downtown, when I set up downtown, I have to pay for my space. I have to make sure I have insurance. I have to pay taxes just like a regular person and I use my income to support my family, OK and I don't think of myself as a rogue vendor. I was very insulted by whoever this Michael Gill is that referred to us as, I've been doing this for years. I mean I commend the people who have businesses downtown and I really do. I use the businesses downtown. However, be considerate of someone who's a smaller business when you talk about these fees. Thank you.

PRESIDENT SCHULMAN: Thank you very much. *(APPLAUSE)* Our next speaker is Josh Schory. Mr. Schory if you'll step forward and give us your name and your residential address please.

JOSH SCHORY: Yes, my name is Josh Schory. I'm at 5954 Kerry Circle NW, that's Canton and basically the same thing that they've pretty much said is pretty much what I was going to say except for the fact that somebody said they wanted numbers so just to give you a little background, I used to work at Fedeli's in Canton and at that point in time there was a little better economy I would believe because I seen the growth of

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that restaurant from the beginning and seen the potential that downtown Canton had which in turn when I came to choose where I wanted to put my business in downtown Canton, I do believe that downtown Canton does have a good cause and can be profitable but my concern is that there is not, from what I have seen so far, there is not a whole lot of money and I don't think this city is large enough to withhold so many people. It seems like every time a restaurant opens up, like they pointed out, one shuts down. Just so you guys all know, I, when I first started here, we invested way more than what we wanted to here. I put in about \$160,000.00 of our own money, didn't ask for a cent from anybody and that's pretty much all I have to my name and that's riding on right now so it means a lot to me that every dime counts because yes it does cost about \$400.00 just utilities....

PRESIDENT SCHULMAN: Would you tell Members of Council, chef, because I know you. I know all the people that have spoken, but would you tell them where you, where your establishment is now.

JOSH SCHORY: My establishment now is Lucca Restaurant at 228 4th Street.

PRESIDENT SCHULMAN: Great.

JOSH SCHORY: So meaningfully, what I'm trying to say is, I've been to a lot of large cities around the world and yea, you do see people with vending and these machines. I'm talking about food only here, hot dogs and whatever, what have you but that's because you're in a city with millions of people. Here we don't have that unfortunately and it seems like there's just not enough to go around and for those that are here that have invested all the time and hard work and money into it, I just think our being, you know a little, any other time in the economy is better, I don't think we would mind as much but I think it's just being critical cause we all have our life savings on this. I'm not saying some vendors don't but they're mobile. We can't move anywhere. Were forced to be here and that's where our money goes and everything we do is. That's all I have to say.

PRESIDENT SCHULMAN: Great. Thank you chef, very much. (*APPLAUSE*) Our next speaker is Jim Haavisto. Mr. Haavisto, I hope I am pronouncing your name correctly. If you'll step forward and give us your name and your residential address please sir and welcome.

JIM HAAVISTO: My name is Jim Haavisto. I reside at 2190 University Drive SE in Massillon, Ohio and I happen to be one of the people that own a hot dog vending cart. I actually brought it down to First Fridays for the first time this last month and I wanted to share with this group of Members. First of all, we are real people. We have respect for all business persons in Canton and outside of Canton but I want to encourage everyone here when you're considering the issue before you, look at Canton as a marketplace. I debated, I wrote page after page of things I could say here tonight and just as I was sitting in the chair here tonight it came to me. You need to look at Canton as a marketplace. When you look at all the failed grocery stores, for instance, over the years, what did they all have in common. They didn't adjust, they didn't move, they didn't offer what the people wanted. What happens with all the successful places like your WalMarts and your larger foods, your Giant Eagles and so on. They've accommodated the consumer. There's all different levels of consumer available out there. Every time a person looks whether inside or outside of the city, and I know at times this Council has encouraged people from outside about commenting but it's very important that not only inside but outside the city maintains a good image and it maintains an image that people want to come here. First Fridays has been a phenomenal event. I've been hearing about it for years. I never brought my hot dog cart down here and I use it to make my living. My wife happens, just so you know the person that I am,

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my wife works at Aultman Hospital in Canton, pays her city taxes. We lived in this wonderful city from 1988 until 2003 when we moved to the southeast edge of Massillon. It took us 8 years to sell our home in Canton. Eight years and guess what, we had a mortgage on that property. We paid it. We kept the grass cut. We stayed in contact with the city. We maintained it well, cause I'm proud of Canton too. I may not live here. I'm sorry I don't but we happened but after 4 years of searching for a home, we found one in Massillon. All I'm saying is when people come downtown I came at the beaoning of the people saying, you know that would be great to have a hot dog cart at First Fridays. That would be great. So finally I decided to try it out. I will tell you I sold \$295.00 worth of my goods. Everything that I had on my cart that night. I paid 1/3 in product costs. I want to give you some real numbers. I don't know what the restaurant numbers are. I paid 1/3 in product cost so let's round it off. For \$300.00, I paid \$100.00 in product costs. I maintain a million and a two million dollar aggregate insurance policy that costs me a couple of hundred dollars a year. I'm not, I'm not afraid. I pay permits of \$25.00 per month in Canton Township to set up my cart and I do everything. I pay a couple of hundred dollars a year to have it licensed by the Health Department and guess what, when I get it licensed in Massillon by the city Health Department, a mobile vendor license to go anywhere in the State of Ohio they said you know what, you are a restaurant on wheels, you will get no exceptions from us. You will do it by Code. I accepted that. Took my blueprints to them. I built my cart from scratch, my cart from scratch in my garage at home. I'm sorry if I'm trying to live the American dream. I really am but, I'm going to keep doing it whether this Ordinance passes in it's current state or some other, I will find some way to make a living for my family. I've been married 26 years. My wife, she works hard. She works in the city. We love the city. We love Stark County but we're not whatever we've been called. I don't want to call anybody names here and I don't want to be called names. We're just business people trying to make a living. I have a 25 year old. Guess what, he's in a wheelchair. He's been there all his life. Mary Cirelli I don't know if you remember me or not but you used to come to my ice cream stand in the southwest end of Canton over on 11th and Clarendon years ago. We had wonderful conversations right across the street from my home. I've always, I've never forgotten those conversations we had. We're invested in this town in a lot of special ways and....

PRESIDENT SCHULMAN: You have about 10 seconds.

JIM HAAVISTO: Oh, I'm sorry. Let me wrap it up by saying, just be fair with us. \$250.00 a day is not reasonable. We are not a restaurant. We are a mobile vendors, just be fair with us. We will pay our fair share. Tell us what you want but be reasonable with us and we will provide an exciting service for the city of Canton.

PRESIDENT SCHULMAN: Before you step down, let me ask you one question because I think Council Members should understand this. From your prospective, what do you think would be a fair charge for a mobile vendor to come in to the Special Improvement District, set up on public property that the city owns. What do you believe is a fair price for doing that?

JIM HAAVISTO: The public property with the city of Akron, I just called them two days ago and they gave me all the stipulations. We meet all the stipulations. I'm going up to buy a permit from them. It is \$100.00 per year. I think that, that is probably too low. Canton Township where we set up down at 5 points. We can set up there anytime we want to. The price there is \$25.00 per month. Now if you want to charge a special fee for special events, if maybe that's a percentage of sales. I know that's hard for the auditor and so on. I get it.

PRESIDENT SCHULMAN: Right.

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JIM HAAVISTO: But if there's a special, if it's First Fridays and you say hey, this is First Friday and it's \$50.00 or it's something then we as business people could look at that and say OK, does that make sense. So I think there's some compromise. I don't, we don't set up on public property incidently, if I may add that. I know my time is up but if I may add, we have always worked with Mr. Kolp at Kolp Real Estate. We rent a spot. We pay for that rental spot. We rent our spot in south, south of Canton.

PRESIDENT SCHULMAN: Just out of curiosity, how much does he charge you to rent the spot?

JIM HAAVISTO: 10% of my sales to him every time I open up anywhere on his property.

PRESIDENT SCHULMAN: OK. Alright. Thank you very much sir, we really appreciate it. Thank you. (APPLAUSE) Our next speaker is Dan Phillips. Mr. Phillips if you'll step forward and give us your name and your residential address please.

DAN PHILLIPS: Good evening ladies and gentlemen. I was here last week and I really, I'm from 917 Harrison SW, Canton. I struggled with myself back and forth about coming here tonight because I really didn't want to be labeled the bad guy because I am a mobile vendor. Council-at-Large Mary Cirelli wanted numbers to figure out how you came up with a \$250.00 day vendors fee and I'm here to let you know what it costs me, not anyone else, not the restaurants. I want you to know what it costs me. On a \$250.00 fee based on profits alone, if I would set up for 100 days a year downtown, that's \$25,000.00. That is equivalent to \$2,083.00 per month rent on a space downtown. In order to recover that on a 22 day per month basis, not my model of 8 days, I would have to sell approximately 74 hot dogs a day, 60 coneys a day and 27 dozen wings a day. Sorry Mr. Hawk about coneys and hot dogs but I do love yours. If I mix it up and I want and I have a big day for me, which is approximately 55 hot dogs, 40 coneys and 20 dozen wings, my total receipts is \$203.60 which automatically puts me in the hole of \$46.40 a day. If I would run on my 8 day model of 8 days per month, that would put me at -\$371.20 every month for 8 days downtown. I worked out models for everything. I went through numbers. I tried to do everything I could and these figures don't even include my cleaning supplies, my napkins, my condiments, my serving vessels, my oil, my various sauces, my insurance, everything. I did a breakdown because I made a statement last week of lunch costs downtown which you refuted and so I got on line over the weekend and I did a breakdown and my numbers weren't that far off when I said \$7.00 to \$20.00. It's anywhere from 6 to \$14.00 if you eat there then it's plus your tip you know of 20%. I don't expect tips as a mobile vendor. I won't break this down any further because I know my time is limited but as far as I'm aware there are only 7 registered mobile vendors in the city. I am one of them and I don't speak for all of them. I just know that I want to have the opportunity to come downtown. Not on just a nice day because on nice days, I have a regular job and I work very hard all summer long. My lay off is when I open. I would be down here in the snow, the sleet or the ice, I don't care. I'm inside a truck. I will serve anybody, anytime a very good product at a very reasonable price. In closing I'd just like to say, I have lived in this city my entire life, 48 years. I pay my city taxes. I pay my property taxes. I pay my sales taxes. I try to keep all of my money within this city to try to make this city stronger. This city needs to be stronger and no matter how I can help do it, even if it's a \$100.00 a month that I can help this city out with, to help this city be stronger, I'm willing to do that but \$250.00 a day and making me lose \$46.00 every single day on what I consider a big day for me, is just, it's just not feasible for me but I would just like to have the option of being downtown.

PRESIDENT SCHULMAN: Mr. Phillips I want to ask you just a couple questions for Council's benefit. Do you pay as the previous speaker, a fee or a rental on private property when you put your mobile vendor truck.

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DAN PHILLIPS: Yes sir. Most of the time that I am on private property I have a previous agreement with three different properties.

PRESIDENT SCHULMAN: And how much is that?

DAN PHILLIPS: Well the one, they do not charge me a fee. Mr. Dee's Quick Stop at 9th and Harrison SW, they feel that I bring them more business because I will not sell anything that they sell.

PRESIDENT SCHULMAN: OK so the ones that do charge? I don't want to prolong this.

DAN PHILLIPS: Across the street they charge me \$50.00 per day which I feel you know, is just fine.

PRESIDENT SCHULMAN: OK so let me ask you one other question if I might just so Council appreciates your prospective. How much do you think would be a fair charge to place on mobile vendors who come into the Special Improvement District if at all?

DAN PHILLIPS: OK let me put a question back to you. A vendor that pays everything within the city or an outside vendor that's coming from outside the city where most of our festival vendors come from, from outside the city.

PRESIDENT SCHULMAN: Either one.

DAN PHILLIPS: \$50.00 a day.

PRESIDENT SCHULMAN: OK, great. Thank you.

DAN PHILLIPS: That would be fair for me.

PRESIDENT SCHULMAN: OK thank you very much Mr. Phillips, appreciate it. Our last speaker is Michael Gill. Mr. Gill if you'll step forward and I think everyone knows you but give us your name and your residential address please.

MICHAEL GILL: Michael Gill, 4121 Graham Shaw, Canton, Ohio.

PRESIDENT SCHULMAN: Good evening.

MICHAEL GILL: Good evening. Thank you for allowing me to come here and the opportunity to talk a little bit about the retail Ordinance that is on tonight's agenda. Let me make a few comments about the Ordinance, at least the way I see it. First of all, I think it's a very straight forward Ordinance that really allows an important thing and that is it allows the city to be in control of any person, any group, any business that really comes into our downtown to operate their business. Second of all this Ordinance also gives the city the ability to grant vendor applications for non-profit groups but really at the discretion of City Council and of the city. But most importantly, it protects our retailers which includes restaurants from those who would sell product in our downtown that have less overhead cost. Presently in our downtown we have more capacity than we do demand, we have about 20 restaurants. A large urban area such as Chicago or New York as you know demand exceeds capacity and you need as many vendors and you need as many restaurants as you can possibly

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get. It doesn't make a lot of sense to increase our capacity at this time without trying to level the playing field. I would tell you also that we experience a lot of vendors that sell product at downtown events, probably without a license and certainly without permission of the city. Of course they operate with no rent, no utilities, no income tax which is a disadvantage to our local retailers. Finally we have a group of retailers that includes restaurants that have been instrumental in helping us revitalize this downtown. They have taken large risks to participate in this comeback. This Ordinance shows them that we support their investment in our downtown. Thank you.

PRESIDENT SCHULMAN: Thank you very much, Mr. Gill. *(APPLAUSE)* I've discussed with the Leader about moving into the Ordinance for a third and final reading and vote on Ordinance 14 because we do have people that do have somewhat better things to do than to sit here all night until we get to that Ordinance so with that Leader.

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

MEMBER PRATER: Seconded.

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

MEMBER SMUCKLER: Mr. President could we have the quick one minute, I'll hit the lights here.

PRESIDENT SCHULMAN: Sure.

(Fox News 8 video was shown)

PRESIDENT SCHULMAN: I don't know, can anyone hear this? OK, then let's...sorry Member Smuckler it's not translating from the internet to this. Maybe you could summarize what the story is.

MEMBER SMUCKLER: Basically this is Channel 8 news in Akron and I believe it's September 23rd which is last Friday and this talks about the same type of controversy that's happening up there. They have banned all trucks, not carts but trucks. They couldn't ban the ice cream cart because of the Stadium but they've banned everything else and there's the same type of controversy going here. You have a number of restauranteurs that are not only have an investment in downtown Canton but, they've created a number of other jobs for the people that work at their place. And this is, anybody that's been in the restaurant business understands shifts and how this takes over and you're usually not just creating 5 or 10 jobs you're, based on shifts you're creating three times as many jobs as you need to cover this. I see Councilman West bobbing his head like this and you understand now since you're doing this. So, there's a lot of people that are depending on these people for jobs and the one thing I've had a concern about is that the mobile vendors don't have these kind of people that are depending a whole lot on jobs. They have some but not as many. They have a situation where they're not only trying to create jobs, they go through a different fee structure. On anything I passed out I didn't even get into the \$600.00 licensing health fee that they pay plus all the other jobs that are involved with, that was touched on by Mr. DeChellis by not only the suppliers and the people that they do business with but this is one of the situations where we have to determine where we want to be. And I said this before, some of you read it. I said it in the Committee meetings, I wanted you to hear this tonight cause it's not as cut and dry simply as anybody thinks this is. Now one person will sit here and tell you well, a \$150.00 fee maybe for the year is

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OK. You say well \$50.00 a day is OK and some people here spend anywhere from \$300.00 to \$1,000.00 to open up their doors a day and I'm just suggesting to the folks here, that a \$125.00 a year doesn't do it, especially when they set up on private property, especially when they set up on private property, I'm sorry, especially when they public property and they set up in front of one of the restauranteurs that has given so much to this community. Now there's got to be some happy medium and like I said, I'm willing to compromise if someone can tell me what that magic figure is we can pull out, I'm more than willing to do that but I wanted everybody to hear what was going on because when we brought the Ordinance down and we had Committee meetings, nobody said boo. Now, I know there was a misunderstanding about a \$125.00, I'm sorry \$250.00 a year or \$250.00 a day, whatever that may be but I promise you, whatever we decide, I move on from this. This is not life or death for me. But you know what folks, this is life or death for some of the other people that sit in this room. I just want an understanding of where we are when where protecting jobs in this community of where we're, who's paying for services in this community such as police and fire because that's what we're depending on. As I told Mr. Cole earlier, I'm willing to postpone this another week. Like I said, all I wanted you to do is to hear what you had this evening and I know if we postponed it you wouldn't necessarily hear it. Mr. Majority Leader I'm all for everybody thinking about this so we can arrive at some consensus and postpone it for one more week.

PRESIDENT SCHULMAN: Is there a motion.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: I move we postpone Ordinance 14 for one week.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you postpone the consideration of Ordinance 14 for one week. Is there any, are there any remarks under that motion? Hearing none Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS, 2 ABSTAINS
(MEMBERS HAWK & WEST ABSTAIN)

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

#14 POSTPONED UNTIL 10/3/11

PRESIDENT SCHULMAN: The motion carries. Ordinance 14 will be postponed for one week. I want to thank everyone that came down both from the mobile vendors standpoint, Mr. Phillips and all the restauranteurs. You have been very, I think very, very helpful for this Council.....

MEMBER BUTTERWORTH: Mr. President.

PRESIDENT SCHULMAN: ...In trying to shake out this issue. Yes, Member Butterworth.

MEMBER BUTTERWORTH: Before they leave, and thanks everybody for coming down, is there a way that

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we can address this during the week so that we don't get a fee structure Monday before whatever time the Committee meetings start, we actually have a good discussion about that. There's been some good ideas out here. The thing I struggle with because, I'm proud to say I've eaten in every one of the restaurants except for Lucca, I apologize. I will get there soon, I promise, OK. It's newly opened so I'm working on it. I think for, I can't speak for everyone here, when we go to meetings, I've been to meetings with a lot of people at this table, we go to restaurants. We don't go to the vendors just because it's easier to hold business meetings there. Everybody caters to the free enterprises system. I get it. What Cathy said, and I think Cathy left, enforce what we pass. I talked with one of these people in this room off record and they said, we have a bigger issue during First Friday or Chamber events because the streets are shut down for three days and it hurts our business so when they, there's a lot of sides to this coin we're talking about tonight. Part of it is paying this fee for the mobile vendor then to have someone like Ida that comes down and speaks. I get it, she's working on crafts. Someone spoke about last week, about someone buying a card table and setting up in front of your law firm to open, to have, to start up their own law firm.

PRESIDENT SCHULMAN: Somebody did that as a matter of fact, just a couple of days ago. It's killing my business.

MEMBER BUTTERWORTH: In all seriousness, in all seriousness we are talking about 7 licenses this year. Seven and for the restaurants who put literally their lives are on the line, Smuckler, he's tugging at our hearts. Their lives are on the line and I respect that if they're trying to make money here so let's not wait until next Monday night at 6:00 to figure out if we want it to be \$50.00, \$250.00, \$125.00. This needs to be shared with Council, with the administration, get input from the vendors and restaurants so at next Monday night at 6 or 6:15 we're not reviewing this to have a discussion out of respect for them who have come down tonight, have spoken, some haven't spoken Dico, but he's still here just to hear what we have to say so, let's, I would ask our Honorable Body to please do that. Thank you.

PRESIDENT SCHULMAN: Yes, Law Director.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: I'm sorry, Law Director Martuccio. Just one second Member Cirelli.

LAW DIRECTOR MARTUCCIO: Mr. President, Members of Council just to interject for a moment, something that might be a misperception. It was stated tonight by one of the speakers that this only applied to food vendors. This does not only apply to food vendors, this applies to any itinerant retailer who comes into the SID to vend any products or trade or barter so if they are arts and crafts or if they are T-shirts this applies to them as well, it's not just food and there is an insurance requirement of \$100,000.00 and there are many other things that won't change in our existing Ordinance. Thank you.

PRESIDENT SCHULMAN: Thank you, Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. That was one of the things, I thank you Mr. Martuccio for clarifying that but, I also have the paper here in front of me that states some of these business, that they had received monies and I want to share that with the Council Members also.

PRESIDENT SCHULMAN: Can we do that sometime during the week.

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MEMBER CIRELLI: Well with, when Mr. Butterworth was asking for that special meeting, I think that should, we should be able to discuss that then also.

PRESIDENT SCHULMAN: I agree and I think Member Smuckler certainly as the sponsor of this legislation would be happy to schedule a meeting where you can all vent your feelings and try to...

MEMBER SMUCKLER: Mr. Chairman.

PRESIDENT SCHULMAN: ...figure it out. Yes, Member Smuckler.

MEMBER SMUCKLER: If that's OK with the Majority Leader I'll call a meeting for later this week some time in the evening to make it convenient for everybody and if you can't come call me, if you can show up and what ever you want to do.

PRESIDENT SCHULMAN: Great. OK.

MEMBER SMUCKLER: Thank you.

PRESIDENT SCHULMAN: Thank you.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: Let's move now to Informal Resolutions. And by the way folks who've come down, if you have to go back to work, which I think some of you do, most of you do, please feel free to leave. You are not disrespecting us at all and thank you again everyone on this issue, for coming down. We appreciate it. And Mr. DeChellis, I'm sorry I didn't me to mispronounce your name. I apologize. We are now under Informal Resolutions and I certainly didn't me to demean the Informal Resolution either so, Leader.

LEADER DOUGHERTY: Mr. President, I move we adopt Resolution 27.

MEMBER PRATER: Seconded

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution 27. Are there any remarks?

MEMBER DOUGHERTY: Could we have it read please?

PRESIDENT SCHULMAN: Yes, please, thanks. Madame Clerk.

CLERK TIMBERLAKE: *Whereas*, Goodwill Industries of Greater Cleveland & East Central Ohio, Inc. And a wide variety of organizations have collaborated to create the Community Campus in Canton; and *Whereas*, The Community Campus at Goodwill allows individuals to obtain help and or services from various organizations in one location - meeting a multitude of needs; and *Whereas*, Some current Community Campus partners include Stark County Hunger Task Force, Senior Employment Center, Building Healthy Communities, United Way 2-1-1 and Prescription Assistance Network of Stark County. *Now Therefore be it Resolved:* that we, the Members of Canton City Council do hereby go on public record congratulating and commending *Goodwill Industries of Greater Cleveland and East Central Ohio, Inc.* for providing a variety of services and reaching out into the community to touch the lives of those in need.

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PRESIDENT SCHULMAN: Thank you. Any other remarks? I think we all know the great service that Goodwill does. That whole area done there, the building is just phenomenal so and in this day and age unfortunately we really, our citizens desperately need some of these services, if not all of them. With that, any other remarks? Hearing none, by voice vote, all those in favor, signify by saying aye, those opposed no.

NO REMARKS

RESOLUTION #27 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The motion carries and Member Smith. Thank you.

MEMBER SMITH: *(Inaudible)* ...on behalf of City Council. I especially like this facility because it is like in the 4th Ward and we just love that the organization that has grown forth and expand and stays in our area because it brings greater services to our neighborhood. Thank you so very much.

KEN WEBER: Thank you. *(APPLAUSE)* Mr. President and Members. Thank you for your support and on behalf of the nearly 20,000 people Goodwill served last year, thank you.

PRESIDENT SCHULMAN: Thank you. *(APPLAUSE)*

COMMUNICATIONS

PRESIDENT SCHULMAN: OK, we're now moving on 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 SEPTEMBER 26, 2011.

334. AUDITOR MALLONN: REQUEST FOR ADDT'L AMENDED CERTIFICATE DATED 9/14/11. - RECEIVED & FILED
335. CANTON POLICE DEPT: 2010 ANNUAL REPORT. - RECEIVED & FILED
336. COMMUNITY DEV & PLANNING DIR WILLIAMS: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO FUNDING AGMT W/JR COLEMAN UTILIZING CDBG FUNDS IN AMT OF \$145,000.00 TO PROVIDE FACADE & STREETScape IMPROVEMENTS ALONG THE MAHONING RD CORRIDOR. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
337. DEPT OF COMMERCE: NOTICE OF HRG ON 10/7/11 @1:00 PM AT STARK COUNTY JOB & FAMILY SVCS FOR TRANSFER OF OWNERSHIP FOR FRAMES TAVERN I, LLC 1ST FLOOR & BASEMENT @ 1600 BRYAN AVE SW. - RECEIVED & FILED
338. HENSLEY, L. B. & STEWART, R. P, APPLICANTS: APPLICATION FOR ZONE CHANGE @ 1120 15TH ST NW FROM R-1a (SINGLE FAMILY) TO PCS (PLANNED COMMUNITY SPACE) TO PROVIDE MEDICAL, SOCIAL & HEALTH & WELLNESS SERVICES TO RESIDENTS IN IMMEDIATE & SURROUNDING AREAS. (FORMER LEHMAN SCHOOL IN WARD 1). - PLANNING COMMISSION
339. LIQUOR CONTROL DIVISION: REQ NEW D1 LIQ PERMIT FOR DIPIETRO ENTERPRISES NO 1 INC DBA PIZZA OVEN @ 3201 W TUSCARAWAS ST. - RECEIVED & FILED

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340. LIQUOR CONTROL DIVISION: REQ TRANSFER OF C1 C2 LIQ PERMIT FROM AHN INC DBA STORE TO ASHI INC DBA SAV WAY MART @ 1105 W TUSC. - RECEIVED & FILED
341. LIQUOR CONTROL DIVISION: REQ NEW C1 C2 LIQ PERMIT FOR HILL MINI MART LLC DBA SHORB DRIVE THRU @ 829 12TH ST NW. - RECEIVED & FILED
342. SERVICE DIRECTOR PRICE: REQ AUTHORIZATION TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR PURCHASE OF ONE TON REFUSE PACKER, ONE 4X4 - 3/4 TON PICKUP TRUCK W/PLOW, & ONE TON DUMP TRUCK FOR PARK DEPT; REQ ALTERNATIVELY TO ENTER INTO CONTRACT FOR PURCHASE OF SAID VEHICLES. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
343. SERVICE DIRECTOR PRICE: DUE TO AN ADMIN CLERK @ WATER REC FACILITY RETURNING FROM ACTIVE DUTY FOR THE US ARMY RESERVE COMMAND & THE NEED FOR AN ADDT'L ADMIN CLERK, REQUEST THAT THE BARGAINING UNIT CLASS PLAN BE AMENDED TO INCREASE NUMBER OF EMPLOYEES ALLOWED IN THE CLASSIFICATION ADMIN CLERK FROM 1 TO 2 & ADD QUALIFYING LANGUAGE TO REVERT NUMBER OF EMPLOYEES ALLOWED IN THE CLASSIFICATION BACK TO 1 WHEN EITHER EMPLOYEE VACATE THE POSITION; REQ THE NAME OF THE POSITION GROUP BE UPDATED TO WATER RECLAMATION FACILITY TO REFLECT NAME CHANGE APPROVED IN 2008. - PERSONNEL COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: We're now under First, 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 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO SELL THE CURRENT BASKETBALL FLOOR AND BACKBOARD UNITS AT THE CIVIC CENTER BY SEALED BID OR PUBLIC AUCTION; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee

PRESIDENT SCHULMAN: And when that meeting comes along, it will be a fairly short one.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: Ordinances and Formal Resolution for now for their Second Reading. Madame Clerk would you begin with Ordinance #2.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #2 THROUGH #13 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS):

- #2. (2ND RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO ESTABLISH THE 2531

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NIMISILLA PARK FUND

- #3. (2ND 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 BROAD AVENUE ANNEXATION AREA; AND DECLARING THE SAME TO BE AN EMERGENCY
- #4. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND APPROPRIATION TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (FOR CITY'S CONTINUING OPERATIONS)
- #5. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (HEALTH DEPARTMENT)
- #6. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (\$10,000.00 COUNCIL CITY STREET VACATE EXPENSE)
- #7. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A COOPERATIVE AGREEMENT WITH AKRON METRO FOR THE CONSTRUCTION OF THE WEST SIDE PARKS TRAIL PROJECT, GP 1093; AND DECLARING THE SAME TO BE AN EMERGENCY
- #8. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A COOPERATIVE AGREEMENT WITH AKRON METRO FOR THE CONSTRUCTION OF THE WEST SIDE INTERCEPTOR SANITARY SEWER REHABILITATION PROJECT, GP 1138; AND DECLARING THE SAME TO BE AN EMERGENCY
- #9. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE UPGRADING OF INTERSECTIONS; AND DECLARING THE SAME TO BE AN EMERGENCY (NAVARRE RD SIGNAL SYSTEM)
- #10. (2ND RDG) AN ORDINANCE AUTHORIZING AND CONSENTING TO REPAIR OF THE BRIDGE ON THE OFF RAMP FROM EASTBOUND US 62 TO NORTHBOUND I77 OVER I77; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11. (2ND RDG) AN ORDINANCE AUTHORIZING AND CONSENTING TO RESURFACING OF US 30 FROM SR 43 TO THE EASTERN CORPORATION LINE WITH MISCELLANEOUS BRIDGE WORK WITHIN THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
- #12. (2ND RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$36,950.00 TO BELL EQUIPMENT COMPANY; AND DECLARING THE SAME TO BE AN

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EMERGENCY

- #13. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE OHIO POWER COMPANY TO PROVIDE ELECTRIC ENERGY TO THE N.E. WATER TREATMENT PLANT; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Thank you Madame Clerk. We now move to Ordinances and Formal Resolutions for the Third and Final Reading and vote. If you'll begin with Ordinance 14 please.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #15 THROUGH #22 FOR THE THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS: (ORDINANCE #14 POSTPONED UNTIL 10/3/11)

- #14. (3RD RDG) ***POSTPONED UNTIL 10/3/11 AN ORDINANCE AMENDING CHAPTER 749, ITINERANT RETAILERS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON***

PRESIDENT SCHULMAN: And that's been postponed. Ordinance #15 please.

- #15. (3RD RDG) **ADOPTED AS ORDINANCE NO. 159/2011** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A LEASE AGREEMENT WITH AREF CANTON LP FOR THE PURPOSE OF UTILIZING CITY OWNED PARKING SPACE; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 15. Any remarks under this Ordinance? Hearing none Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS, 1 ABSTAIN
(MEMBER CIRELLI ABSTAINED)

CLERK TIMBERLAKE: Eleven yeas, one abstain, Mr. President.

#15 ADOPTED AS ORDINANCE NO. 159/2011

PRESIDENT SCHULMAN: Ordinance 15 is adopted. Ordinance 16 please.

- #16. (3RD RDG) **ADOPTED AS ORDINANCE NO. 160/2011** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO CONVEY A 25 FOOT STRIP OF LAND TO THE BOARD OF STARK COUNTY COMMISSIONERS; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT SCHULMAN: Leader.

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

MEMBER PRATER: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#16 ADOPTED AS ORDINANCE NO. 160/2011

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

#17. (3RD RDG) **ADOPTED AS ORDINANCE NO. 161/2011** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MUTUAL AGREEMENT(S) WITH THE STARK COUNTY BOARD OF COMMISSIONERS NECESSARY FOR THE APPLICATION TO OPWC AS A JOINT SPONSOR AND FOR THE COMPLETION OF THE 55TH STREET WATER WORK PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 17.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 17. Any remarks under this Ordinance? Hearing none Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#17 ADOPTED AS ORDINANCE NO. 161/2011

PRESIDENT SCHULMAN: Ordinance #17 is adopted. Ordinance #18 please.

#18. (3RD RDG) **ADOPTED AS ORDINANCE NO. 162/2011** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONSULTANT CONTRACT WITH HAMMONTREE AND ASSOCIATES FOR THE ALLENFORD EMERGENCY SANITARY SEWER STABILIZATION AND REHABILITATION PROJECT, TO SOLICIT QUOTES FROM CONTRACTORS, TO EXPEDITIOUSLY AUTHORIZE THE WORK, TO ENTER INTO COOPERATIVE AGREEMENTS WITH STARK COUNTY AND THE CITY OF NORTH CANTON TO REIMBURSE CANTON FOR A PORTION OF THE WORK, TO ENTER INTO AGREEMENTS WITH THE USACE AND/OR THE OHIO PUBLIC WORKS

MINUTES OF THE MEETING SEPTEMBER 26, 2011COMMISSION FOR BOTH TECHNICAL AND FINANCIAL ASSISTANCE; AND
DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 18.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 18. 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.

#18 ADOPTED AS ORDINANCE NO. 162/2011

PRESIDENT SCHULMAN: Thank you, Madame Clerk Ordinance 18 is adopted. Ordinance #19 please.

#19. (3RD RDG) **ADOPTED AS ORDINANCE NO. 163/2011** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO APPLY FOR, ENTER INTO AGREEMENTS AND ACCEPT FUNDS FOR THE 2012 PROGRAM YEAR FROM THE OHIO PUBLIC WORKS COMMISSION; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 19.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 19. 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.

#19 ADOPTED AS ORDINANCE NO. 163/2011

PRESIDENT SCHULMAN: Ordinance #19 is adopted. Ordinance #20 please.

#20. (3RD RDG) **ADOPTED AS ORDINANCE NO. 164/2011** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO REIMBURSE PLAIN TOWNSHIP \$60,500.03; AMENDING APPROPRIATION ORDINANCE NO. 245/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (25TH STREET NE STORM SEWER PROJ)

PRESIDENT SCHULMAN: Leader Dougherty.

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MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 20.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 20. 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.

#20 ADOPTED AS ORDINANCE NO. 164/2011

PRESIDENT SCHULMAN: Ordinance 20 is adopted. Ordinance #21 please.

#21. (3RD RDG) **ADOPTED AS ORDINANCE NO. 165/2011** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO LOCAL PUBLIC AGENCY AGREEMENTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR LOCAL TRANSPORTATION INFRASTRUCTURE PROJECTS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 21.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 21. 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.

#21 ADOPTED AS ORDINANCE NO. 165/2011

PRESIDENT SCHULMAN: Ordinance #21 is adopted. Ordinance #22 please.

#22. (3RD RDG) **ADOPTED AS ORDINANCE NO. 166/2011** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONSULTANT CONTRACT WITH COOPER AND ASSOCIATES FOR THE HAMILTON AVENUE STORM SEWER PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 245/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (\$45,000.00)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 22.

MEMBER PRATER: Seconded.

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PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 22. Any remarks under that Ordinance? Hearing none Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#22 ADOPTED AS ORDINANCE NO. 166/2011

PRESIDENT SCHULMAN: Ordinance #22 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: We now move to Announcement of Committee Meetings.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Yea, Public Property Capital Improvement will meet October 3rd at 6:55 PM.

PRESIDENT SCHULMAN: Thank you Leader. Moving on to Miscellaneous....

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Yes, oh I'm sorry, Member Smuckler.

MEMBER SMUCKLER: If Wednesday at 5:00 sounds good to everybody, this Wednesday. Is that a problem?

PRESIDENT SCHULMAN: Wednesday, 5:00 for Ordinance 14.

MEMBER SMUCKLER: Wednesday at 5:00 we can hash this about so we don't have, you know, however you vote you vote but at least there's no confusion then on next Monday night. Right here, Council Chambers.

PRESIDENT SCHULMAN: Thank you Member Smuckler. Any other announcements?

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: We now move to Miscellaneous Business. Member Cirelli.

MEMBER CIRELLI: I didn't get to announce my Committee meeting.

PRESIDENT SCHULMAN: Oh, I'm sorry. I thought there was only really one. Go ahead, I apologize.

MEMBER CIRELLI: Environmental and Public Utilities. No there's....

CLERK TIMBERLAKE: No.

MEMBER CIRELLI: No. We had a Second Reading. Oh, you're right. Thank you.

CLERK TIMBERLAKE: No problem.

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PRESIDENT SCHULMAN: OK.

MEMBER CIRELLI: Oh, yes. Now you want Miscellaneous.

PRESIDENT SCHULMAN: Sure.

MEMBER CIRELLI: Thank you. Well first of all I'd like to explain my abstention on the vote on 15. That was to my understanding we entered into an agreement with the AREF Canton LP. It has something to do with, where I located this company, and Mr. Price can verify it was in Texas but, we are in a joint operation there for this parking positions for Job and Family Services as well as Chesapeake Oil. Now we're giving Chesapeake Oil, who's got more money than God the same price as Jobs and Family Services so I have a bit of problem with that so that's why I abstained on that vote.

PRESIDENT SCHULMAN: Anything else Member Cirelli.

MEMBER CIRELLI: Yes sir. I would like to ask the Law Director a question cause in complaints coming, that I've received we happened to see a landlord that has quite a few properties, which I don't understand and it's, when you bring up the Auditor's real estate search, his name is there with a certain company and it's for benefit of this particular landlords IRA and how does that work sir because the landlord is not, I would say a user friendly landlord.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, Member Cirelli. Without the benefit of actually looking into some of those documents, I suspect what it is, is a trust. People have the ability to set up assets in their families to go from people who are usually parents to children or grandchildren to make sure that the business holdings go into a trust that passes, instead of passing through real estate documentation as usual or wills, it will go through a trust.

MEMBER CIRELLI: But they, Mr. President, thank you Mr. Law Director. Are we able then to collect if they have delinquent fees there for sewer/water and demo's and what have you. How would we handle something like this sir? And if you know the legal way that you could explain to me later, I can except that. I just, that threw me when I saw that one there.

LAW DIRECTOR MARTUCCIO: I believe trusts are subject to being billed for obligations that are legally incurred, I know we've had, you've had some discussions I know with the administration, and one of our attorneys about going after debts. This could be one of those as well. Again we are willing to look at those that are outstanding and large that are worth the investment of the time and the effort so, certainly I would encourage you to let me know. I can talk to the Assistant Law Director Smith on that one.

MEMBER CIRELLI: Mr. President, thank you, Law Director. And when I made the suggestion about the relinquishing of the fire monies back to the property owners that we have that are delinquent on those properties, can we in fact collect some of that money instead of just returning back money to people that are owe us money.

PRESIDENT SCHULMAN: Law Director.

LAW DIRECTOR MARTUCCIO: The short answer Member Cirelli is probably not without some significant

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changes. An insurance contract is a contract between a private party and the insurance company that helps spread the risk and insurance the loss in the event of a fire. That's what it's purpose is. With maybe some tweaking of a couple of our Ordinances and working on some assignments, we may be able to, may be able to access some of that but the short answer again is probably not. I have asked a couple of our attorneys to work with Code Enforcement to understand the process. They don't happen that often, these, many of these homes are not insured because of the nature of the foreclosures and the people who had previously lived in them were deceased and poor and so on but in those rare occasions when there is money, I have asked them to look into ways to get it. That's the short answer.

PRESIDENT SCHULMAN: Anything else, Member Cirelli?

MEMBER CIRELLI: No, thank you.

PRESIDENT SCHULMAN: Any other Miscellaneous Business?

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Yes Member Hawk.

MEMBER HAWK: Thank you sir. Reverend Moss' three minutes this evening really gave me thought, something I've been kicking around in my head for awhile. Unfortunately the young gentlemen who was murdered was murdered in my Ward and if there's one thing that really disturbs me is everyday when we look at the crime reports, more and more are coming up with, they've been held up by a gun in our streets. Pretty disturbing, pretty scary. I'd like to call upon the expertise of our Safety Director and the Chief of Police. Can we sit down and work out and fund some kind of gun interdiction program and I'm not necessarily talking a buy back. I'm talking about something that the Police Department has involvement in, gives us some good advice and steers us in the right direction. We have to do something to get some of these people who hold these guns off the streets and I think it would be something very viable we should really discuss cause it's really getting scary out there. I know a person who interceded in a robbery the other day and was beat on the head for it, for spending that time doing that. I mean it's, they're getting tougher and tougher out there. It's scarier and scarier. There's more and more guns being stuck in someone's face for a robbery of a simple \$20.00 and a man was killed for next to nothing. So let's work on a gun interdiction program and get some of these off the streets. Thank you very much.

PRESIDENT SCHULMAN: Thank you Member Hawk. Any others?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Member Hawk that was well said and I echo your sentiments but I wanted to speak just briefly, I can't speak about the vendor Ordinance, however one thing that struck me, struck a cord with me was when the two ladies got up to speak, Lisa and Leann and you know, what they were saying I was just feeling and my heart was just palpitating because the reality is when a new business starts, it's so hard. I wanted to say a different word but, it's very hard and I was feeling the same things they was talking about. They were looking for support. They were looking and all they seen was people coming at them from different directions

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and it might have been just you know, putting up a fence and you had to do this, had to pay for this, and had to do that. Putting up a sign and getting somebody to tell you to take it down. I mean all of these things when you're opening up a business, I mean they're small to a city but they're significant to that business opening up and I would just hope that we would take those words very seriously and look at what we can do. If we can cut some of the bureaucracy out or maybe put some more supports in place to help some of these businesses as they navigate through the bureaucracy that exists within our system. We've done a good job of creating some fees and some fines and things of that nature but now we need to do some more interventions to help some of these businesses along their way, so I'm just hoping we can look, look to that and really listen to those, what this woman said.

PRESIDENT SCHULMAN: Thank you Member West. Any other Miscellaneous Business? Before we adjourn, since I'm going to be in a deposition on Wednesday and I wanted to attend that meeting, I just want to speak briefly on this Ordinance for the vendors. I'd like you to consider that it's a limited area. I know some of you are very passionate about the amount but the limited area that I think this addresses is the Special Improvement District which as you know, has basically, is like an incubator for our Arts District and our restaurants and we have invested, all of us, an enormous amount of money and time in that district and it's now coming to blossom and so I think you should consider that when you address this Ordinance. It's only for that Special Improvement District. Secondly, my biggest complaint and I appreciate Mr. Phillips and Mr. Haavisto, Haavisto's remarks, but my biggest concern with it is the selective dates that people arrive. You know, they're not there 365 days a year. They're not there in the winter time. They're not there when the weather's bad, generally. They're there when it's a special event or the sun is shining and they have an opportunity to get a crowd and that's when they make their business and I don't blame them, that's when you should be there. But never the less, our restaurant owners are open all year round. They are open all year round by and large and so that's another consideration that I think you should place when you're thinking about whether to vote for or against this Ordinance. And lastly, I thought it was interesting that Mr. Phillips, and I don't mean to keep using him but, he said \$50.00 a day would an appropriate amount. I think if you take your \$50.00 a day and you take that as a percentage of the receipts that a person makes in a day and you compare that perhaps to the percentage of what our restaurants pay out in a year compared to their receipts, there may be some correlation there, I don't know if there is or not. But I certainly think that is a modest amount to ask these people who come in generally under the best of circumstances, I think it's a modest amount to pay. And lastly, I want to address what Member Hawk said. We were talking about that earlier and you'll recall, a while ago I mentioned guns and I mentioned my strong feelings about hand guns and my strong feelings about where you're entitled to carry a concealed weapon and you'll all remember that the, literally the mountain fell on me. I received, as all of you did, I received one email after another. One telephone call after another. Some of them abusive, some of them cowardly where they would not give me their names or telephone numbers so I could call them back to discuss it, some very positive, in fact the person that called me the "Idiot of the Day" on his website for the Ohio Carry Conceal, I was the "Idiot of the Day", he and I are going to go shooting together with Governor Strickland in late November. We're going to go to a gun range and I'm going to shoot with him. Now, and I am not the target. (LAUGHTER) But I want, having said that, having said that, don't tell me that gun manufacturer's don't know where these weapons are going. Don't tell me that. This is a multi-billion dollar business. We probably control liquor and cigarettes more than we control guns in the United States and I will share Member Hawk's concern. I am sick and tired of these weapons just being funneled into urban areas, into the worst areas, really it doesn't have to be the worst areas, any area. They'll sell a gun to anybody under any circumstances and I'm not talking about taking weapons away from people that have a lawful reason to have them. I'm talking about the people that are only looking to go out and kill other people for nothing, for 20 or 30 bucks. So I endorse Member Hawk's statement and I'm sure the Safety Director, we talked earlier recapped earlier trying to get

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these guns off, trying to guns off the streets is almost impossible but, when you have manufacturers that don't care, when they manufacture guns that are 50 bucks or \$75.00 and advertise them in the newspapers, that's a disgrace to this country and God rest that young man's soul as we say God rest all the souls in Canton that have lost their lives over gun violence in the last year. With that, Leader.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: If you sell tickets to where you're shooting, we may be able to take care of the city's debt as well as the state's debt.

PRESIDENT SCHULMAN: I will, I'll have tickets ready. Member or Leader Dougherty.

MEMBER DOUGHERTY: Mr. President I move we adjourn.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that we adjourn. I'm probably going to regret that statement too. Madame Clerk would you call the roll.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Meeting's adjourned. Be careful going home everyone. *(Gavel falls)*

ADJOURNMENT TIME: 9:01 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT