

MINUTES OF THE MEETING SEPTEMBER 17, 2012

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to to Canton City Council. Thank you for attending tonight. 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:

12 COUNCIL MEMBERS PRESENT: (DAVID DOUGHERTY, JAMES GRIFFIN, JAMES BABCOCK, MARY CIRELLI, JOE COLE, GREG HAWK, THOMAS WEST, CHRIS SMITH, KEVIN FISHER, JOHN MARIOL, EDMOND MACK & FRANK MORRIS)

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 Council Member at Large and our Finance Chair and my friend, Joe Cole. Will you all please stand and remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on September 17, 2012 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Council-at-Large Member Joe Cole. The Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you very much Member Cole for those words. We're now under Agenda Corrections and Changes. Leader.

MEMBER DOUGHERTY: Mr. President I'd like to move that we suspend Rule 22A to add 2nd Reading Ordinances 9 through 17.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add the 2nd Reading Ordinances 9 through 17 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: Turning to Public Hearings. We have none tonight.

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PRESIDENT SCHULMAN: And moving from there into Old Business the Chief of Staff, Warren Price tells me there is no Old Business.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: So we turn now to Public Speaks. This seems like a walk in the park. We only have 11 speakers tonight. Generally we've had, I don't know, 400 it seems. We appreciate all of you coming down to address Council. I know some of you have not had the occasion to do so. I would only remind you and tell you that Council has a 3 minute....3 minute limit on your remarks and you'll see behind me our Clerk of Courts (*referring to Clerk of Council*) will run the time when you start your discussion with Council and the Administration. You don't have to take the entire 3 minutes if you don't want to but nevertheless, you do have 3 minutes to speak. With that said, our first speaker....and I apologize if I get anybody's name right, please correct me. Is Rod Piswalli....Pisani, sorry. Okay, I understand, I see a w and you put an n. Welcome to City Council, thank you for coming down. If you'll give us your name and your residential address sir, we'd appreciate it.

ROD PISANI: Alright, my name is Rod Pisani. I live at 1107 11th Street, NW, Canton. I'm President of Summit United Neighbors. That...that neighborhood is located between Tusc and 12th Street NW and Monument and McKinley. So, we have a very big (*inaudible*) what I'm here for is I'm here to speak for support of the cameras in the area. We've been having a lot of shootings and stuff and I know these are basically for car traffic and stuff like that but we feel you might pick up a few of the problems that we're having with the shootings in the area and I'm sure with what I'm listening back there, it will be addressed if you see any crime involved with this. Also, I want to thank the City of Canton because our neighborhood association did apply for cameras in our neighborhood to hit some of the hot spots that we're having problems with and we're looking forward to working with the City of Canton for the camera....with the cameras that they're going to give us and thank you very much but we are in favor of the cameras for the City of Canton. Thank you.

PRESIDENT SCHULMAN: Thank you very sir. Our next speaker is Wayne Jamerson. Mr. Jamerson, good evening. How are you tonight?

WAYNE JAMERSON: (*Inaudible*)

PRESIDENT SCHULMAN: Good, thank you. If you'll come down and maybe our interpreter could...well I think you've got it. Good. If you could give us your name and your residential address sir. And again, as always, welcome to Canton City Council.

WAYNE JAMERSON: Thank you. Excuse me, my name is Wayne Jamerson, I live at 2410 14th Street NE, Canton. There was something that was in the paper this summer. Janet Creighton said that the County was getting 14 million dollars and she said the only City that qualified to get some of that money was Canton and she said we was gonna get half of that money was...was 7 million but it might be some more Cities that qualify. I just know when the Council get that money, what are ya'll gonna do with the money? Last week you said you need more policemen and firemen so maybe you can get some more policemen and firemen but, I'd like to know, can anybody answer the question? What you gonna do with that money when you get it? It

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was in the paper, I can go back to the library and get the paper and come back next week and show you.

PRESIDENT SCHULMAN: No, no...we're not challenging the fact that...

WAYNE JAMERSON: If you say you don't know, that's a good enough answer and I can go back and sit down.

PRESIDENT SCHULMAN: Well, I don't think it's a question of not knowing, it may have been addressing another area of potential financing from the State. But if you'll stick around, I think you do anyway, we'll address that in Miscellaneous Business at the end of the meeting. Is that alright sir?

WAYNE JAMERSON: Alright.

PRESIDENT SCHULMAN: Great, it's always a pleasure to have you. Thank you sir.

WAYNE JAMERSON: Thank you.

PRESIDENT SCHULMAN: Our next speaker is Leroy Lynch. Mr. Lynch...and Mr. Lynch has asked for some extra time and we always abide by that request. So, Mr. Lynch has his interpreter here tonight. If you'll give us your name, your residential address.

LEROY LYNCH: Leroy Lynch and I live at 3911 Highview Avenue SW and I have a bit of concern because the last time I was here on September...August 27th, the interpreter that was here misunderstood me and did not translate appropriately. I did submit a letter to the Councils explaining that. I'm sorry, let me get the letter here. And it says...I'm going to have the interpreter address the letter. Saying that a few Councilman share with me their concerns that had me wondering what the problem was. They encouraged me to check the minutes of the Council Meeting for the 27th of August. Upon looking at that, I saw the statements were not correct and I called the secretary to try to fix that and she suggested I come to the next meeting to address this in person. And they had me saying something about robberies, which I did not mention at all and I only wanted to correct what I was trying to say. And the point that I was coming in and I wasn't...it's very frustrating to be misunderstood but in the paper I saw that there was some missing documents, legal documents that were missing from the City and I just feel like, you know, the Mayor and his Council should make sure, you know, that everything was done correctly and those City workers that were let go, it just feels like something has been hidden or, you know, lost intentionally, I'm not saying that but it just doesn't seem right and that should be investigated to possibly bring us back. Alright, thank you very much.

PRESIDENT SCHULMAN: Thank you very much. Thank you Mr. Lynch. Thank you ma'am very much. Our next speaker is Dan Fonte. Dan, good evening...thank you. Good evening, if you'll give us your name and your residential address and as always, welcome to Canton City Council.

DAN FONTE: Good evening. My name is Dan Fonte and I reside at 4415 Dawnridge Circle NW in Canton. I'm here to speak against the cameras. I think those cameras are a violation of the Constitution because number 1, I have no way to cross examine that Constitution...or that camera if I want to take it to Court. So,

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the camera is the Prosecutor, it's the jury and it's the Judge. Now, I happen to have been caught by one of those cameras in California and unbeknownst to me, and I'll tell ya, it wasn't pretty. And when the Safety Director says it's a revenue stream, I think that's the wrong way. Now, if you want to put up cameras for crime, that's something different you might need to discuss. But I am totally against these cameras because all you're going to do is hit the citizens of Canton who drive around Canton, wherever they're going to go, we don't even know where they're going to go and then that's whose going to pay theses...these fees. So, I would hope Council would vote this down and look at some other ways to get venue into the City. Now the other thing I want to talk about is the water meter situation. I had a situation with me where my water bill in July went up 300%. So, I called down on 30th Street and they told me that you had...that you had an estimated bill. I told them it was estimated, I said "You should never have an estimated bill." "You need to call us when you have an estimated bill." Well, I didn't know that. As I looked back with my wife, my bills were estimated since November. So, my question is whose monitoring the system? Somebody out here has got to monitor when it's estimated. In other words, that reader goes somewhere and it's supposed to happen every 12 hours. So, what the City needs to do is put into the next billing that if you ever get an estimated bill, please call...I don't know what you call it, the Arthur Cirelli Service Center and don't pay the bill because it should never be estimated. And I understand we have thousands that aren't working in the City. So, a lot of people don't know about it. So, it needs to be corrected and a public service announcement, we got the media here, we ought to put it in the media, it ought to be in the newspaper. The City ought to take a full page add and say "Don't pay an estimated bill and don't vote for those cameras." Thank you.

PRESIDENT SCHULMAN: Thank you sir. Our next speaker is Harry Murutes, Murutes...I hope I pronounced your name. Are you here. Please step forward sir and give us your name, your residential address and welcome. Did I pronounce your name correctly?

HARRY MURUTES: Yes you did. Thank you.

PRESIDENT SCHULMAN: Great, that's a miracle.

HARRY MURUTES: My name is Harry Murutes, I live at 2919 Midvale Road NW in Canton. I'm here to speak against the traffic cameras and I realize that the main goal...or a major goal is to have them pull in revenues and I have some feelings regarding what happens to traffic with left turns. Now, we wait for a left turn. The traffic that is oncoming eventually comes to a stop, the light turns red then I turn my steering wheel and go through. Did I violate what the camera regards as improper procedure? With a right turn, similar thing, we come up to the intersection, we put on our turn signal, come to a stop, I could be turning on a red light. Does the system record that and how? Other incidents include, sometimes there's a fender bender, some breakdown in the middle of an intersection and then when officials come or even if they don't come, people get out of their cars and eventually traffic is waved to go around, one way or the other. Is that my car being clicked by the camera, I don't know. Fire trucks and ambulances are another situation, they come screaming down the street, they maybe behind me and I pull over or I'm waved over, they could wave you right though a red light, is all of that recorded as tickets. So, those are my concerns. The cameras might do good regarding crime but I think we need to look as well at innocent and proper driving, we might be caught.

PRESIDENT SCHULMAN: Thank you very much sir. Appreciate it. Our next speaker is Kathy Conde. Kathy, good evening, if you'll step forward and give us your name and your residential address please and as always, welcome to Canton City Council.

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KATHY CONDE: Thank you Mr. President. My name is Kathy Conde, I live at 318 23rd Street NW. Most of you have at least a passing acquaintance with me and you know that I am Chip's wife. I want to say up front that I'm not here to speak his thoughts, any of you who know me at all, know that I have my own mind and I speak it. You may also know that I am a life long Democrat. I'm here to tell you that I'm embarrassed to say that I am a Democrat in this City and this County and it's all because, I think of the local politics. To quote a recent question "Where is the outrage?" This City is led by a Mayor who has a history of questionable behavior, so much so that I do not have time to recount the incidents. We are constantly plagued with story after story, incident after incident, accusation after accusation. As they say, where there is smoke, there is fire. Now we've learned that he has issued himself a CIC credit card, this in...this in and of itself is unheard of. After getting caught for using the card for personal purchases, he claims it was a silly mistake, it was a silly mistake he made over 15 times. Is this man lying or is he incompetent? I don't think it matters which. In either case, this behavior would be considered theft in office if it was done by anyone but a Democrat. Where is the outrage? You believe this is the kind of Government we the citizens want. When is enough, enough? If you folks on City Council and the rest of the Administration do not think that this stench clings to you, you are wrong. I have lost hope that this Administration, this City Council, this Law Department, this Police Department is willing to do what it...what needs to be done to move us forward. We have a City that has a world class art museum. We have a presidential library and museum. We have the National First Lady's Library and museum. And we have the Pro Football Hall of Fame. This City declines daily not from a lack of potential but from a lack of effective responsible, honest local Government and leadership. I know that your jobs are not easy but you asked for these jobs and you promised us your best. Your best should include honesty and integrity and you must demand it of each other. It's time to grow some ladies and gentlemen. This City needs some heroes and for better or for worse, the voters have given you that opportunity. Where is the outrage? Thank you for your time.

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

MERVIN RININGER: My name is Mervin Riniger. I live at 613 Dueber Avenue SW. I'm here tonight to speak against the traffic light cameras. I am against that idea because I feel that it's a short term solution to our long term problem of our budget, our City budget of almost \$4 million that the City is looking at being shortage of 2013. Has the City or even the Mayor have thought of long term solutions to our financial problems such as bringing in more jobs, more companies, to hire more people like for an example VXI, hiring the number of people that they're hiring? I believe that's a good step towards the City's financial problems tax revenue. People paying City tax of 2%, I believe that if we have more companies such as VXI, it might help our budget even more. I feel that the City ought to take steps of looking at long term solutions for a long term problem, not short term solutions to our long term problems. I feel that the short term solutions is nothing but a band-aid to stop or slow the bleeding of our long term problem. I feel that long term solutions is the best way for our City to get it to move forward and be a better City, not only to our residents but the entire community or schools and other businesses. And I want to thank you for your time tonight.

PRESIDENT SCHULMAN: Thank you very much sir. Our next speaker is Alonzo Harris. Mr. Harris.

(INAUDIBLE FROM THE AUDIENCE)

PRESIDENT SCHULMAN: I'm sorry?

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(INAUDIBLE FROM THE AUDIENCE)

PRESIDENT SCHULMAN: Okay, thank you for coming though, we appreciate it. Our next speaker, and I apologize, I just cannot read the last name. Andrew.

ANDREW PROCYK: Procyk.

PRESIDENT SCHULMAN: Procyk, how do you spell that sir?

ANDREW PROCYK: P-r-o-c-y-k.

PRESIDENT SCHULMAN: Oh, okay. Welcome, if you'll give us your name and your residential address please.

ANDREW PROCYK: My name is Andrew Procyk, my address is 1529 Gibbs Avenue NE. We've been having a lot of crime in our area and I was wondering whether we could have video cameras to catch some of these criminals, gang members, shootings in that area too. That's all I have to say right now.

PRESIDENT SCHULMAN: Thank you very much Mr. Procyk. Our next speaker is Pete DiGiacomo. Mr. DiGiacomo, good evening. Welcome as always to Canton City Council. If you'll give us your name and your residential address sir.

PETE DIGIACOMO: Pete DiGiacomo, 600 Dent Place, Canton, Ohio. Thank you very much. As far as the cameras go, I feel...I'm in favor of it. It has potential. If you can stop the speeding in school zones, great. If you can stop accidents, great. If you can stop any kind of vehicular accidents, things like that and maybe make a little money on the side, okay that's good too. Now the bad news, I don't feel that you should vote on this tonight, I sat here tonight and listened prior to this Council Meeting. I sat here prior last week listening to the if, ands or buts. Right now from what I interpreted and when I listened to a couple Attorneys speak, there's too many if ands or buts and I feel that it could the City of Canton into some trouble down the road. It's a 5 year contract with an extension of 2 years. So, it possibly could be 7 years. And there's just too many unknowns from what I'm listening and I would hope...there she is...I know she's not, you know....Chris, I'm not...I'm not really in favor, I'm in favor of the cameras because I think it is good. I'm also in favor if you could get cameras in neighborhoods, that's good because the people that might be opposed to cameras in the neighborhood, they're probably the ones that's doing the crimes, period. We need...we need more of that type of a camera. But as far as the traffic cameras, I'm in favor for it because like I say, if it stops the speeding in the school zones where a child maybe killed or anything like that, that's a plus. If you stop accidents possibly, that's a plus but there's just too many unknowns, like I said I sat and listened tonight, I'm not an attorney but when I hear 2 of them talking and some other questions being brought up, they're all kind of like red lights like maybe we should table this until we can all get on this and know what the if, ands or buts could be. That's all I have to say. Thank you very much.

PRESIDENT SCHULMAN: Thank you as always Mr. DiGiacomo. Our last speaker tonight is Dan Abbott. Mr. Abbott good evening. If you'll step forward and give us your name and your residential address please.

DAN ABLETT: Good evening ladies and gentlemen. My name is Dan Ablett and I live at 325 47th St NW. I

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want to thank the City Council for giving me the opportunity to speak tonight. First I want to be clear, I am registered Democrat. Tonight you will be asked to vote to give the Safety Director authority to enter into contract with Redflex Traffic Systems. This is outsourcing. Let me explain, Redflex Holdings is an Australian company based in South Melbourne Australia. They are a publically traded company on the Australian stock market under the symbol RDF. They apparently have offices in the United States but by their own disclosure, they have a credit agreement with the Common Wealth Bank of Australia. Though you Council Members have not received copies of this contract from the Mayor's Office, you're being asked tonight to authorize the Safety Director to contract with Redflex for 5 years with a 2 year automatic renewal. Some of you apparently were under the impression that the use of these cameras is to fight crimes such as murders, shootings, robberies, drugs, etc., that is not true. The contract's paragraph 9.1.1 states, I quote "Customer, our City shall use, deploy and operate mobile speed enforcement vehicles only and solely for speed limit traffic photo enforcement purposes as expressly approved and authorized in writing herein by both Redflex and customer." Around March, 2009 when Mayor Healy tried to contract with Redflex, he expressly said at several public meetings that he wanted the public's input. He said that these cameras were strictly for safety. Now the Safety Director states, and I quote "This is a revenue generating stream, make no doubt about that." When asked in 2009 if he had any projected revenue numbers, the Mayor said he did not. Looking me in the eye, he told me that the installation of these cameras was based solely on safety but this time he has been quoted as saying that the projected revenue generated with these citations has been included in the 2013 budget. What is that projected number? Has anyone here been given that number? Certainly, we the public have not. As...also at those 2009 meetings, Mayor Healy said that if the residents opposed these cameras that he and the Council Members would listen and the Council voted accordingly. The votes clearly expressed...the voters clearly expressed their opinions not to have these cameras and the vote was no. I now ask the Mayor what has changed since 2009 except that now he is saying that it is both a safety and a revenue issue. This time there have been no public hearings as there was last time...were last time. Why is that? Is it because the Mayor does not want to hear about privacy or other issues? Incidentally, I would like to know why the Repository has been lax on covering Mayor Healy's position and his behavior in office. Not one time recently while reporting on this story have they mentioned the campaign contributions that Mayor Healy had in the past accepted from employees of Redflex. Back to the Redflex contract, the contract requires that the City of Canton receive no tax revenue from Redflex and the contract adds that if a violator pays the fine by credit card that he or she will pay credit card fees. What more do we need to convince us that this about money more than safety? In conclusion, the issue is the outsourcing of money and jobs for Australia. It is about revenue for Redflex and lots of it. It is about Canton's resident's money leaving the Country. Thank you.

PRESIDENT SCHULMAN: Thank you very much sir. I want to thank all our speakers this evening for coming down and expressing their view points. It's important for us to hear from citizens in our community and we appreciate you taking your time to come down. That concludes Public Speaks.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: So we turn now to Informal Resolutions and we are now under Informal Resolution #55 Madame Clerk.

#55. CNCL-AS-A-WHOLE: URGING US CONGRESS AND THE PRESIDENT DO ENACT NEW LEGISLATION & REVERSE THE CURRENT DECLINE IN WATER INFRASTRUCTURE. - ADOPTED

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PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President I move to adopt Resolution 55.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution 55. Any remarks? Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #55 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The Resolution carries. Would you turn to Resolution 56 please Madame Clerk.

#56. CNCL-AS-A-WHOLE: SUPPORTING THE INTERNATIONAL DAY OF PEACE. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President I move to adopt Resolution 56.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution 56. Any remarks?

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: Could we have that read please.

PRESIDENT SCHULMAN: Yes, Madame Clerk if you'll read Resolution 56.

CLERK TIMBERLAKE: **WHEREAS**, This year, 2012, the International Day of Peace is on Friday, September 21, 2012. Special activities and celebrations will take place all across the world over the 2012 Peace Day Weekend, including festivals, concerts, a global Peace Wave with moments of silence at noon in every time zone and much more; and **WHEREAS**, Everyone is encouraged to attend local events, to take a moment of peace at noon and check in on the global broadcast to view the worldwide activities; and **WHEREAS**, The International Day of Peace, a.k.a. "Peace Day" provides opportunity for individuals, organizations and nations to create practical acts of peace on a shared date; and **WHEREAS**, This was established by a United Nations resolution in 1981 to coincide with the opening of the General Assembly. The first Peace Day was celebrated in September 1982; and **WHEREAS**, In 2002 the General Assembly officially declared September 21 as the permanent date for the International Day of Peace. By creating the International Day of Peace, the United Nations devoted itself to worldwide peace and encouraged all of mankind to work in cooperation for this goal; and **WHEREAS**, Since its inception, Peace Day has marked our

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personal and planetary progress toward peace. It has grown to include millions of people in all parts of the world and each year events are organized to commemorate and celebrate this day. Events range in scale from private gatherings to public concerts and forums where hundreds of thousands of people participate; and **WHEREAS**, Anyone, anywhere can celebrate Peace Day. It can be as simple as lighting a candle at noon or just sitting in silent mediation. Or it can involve getting your co-workers, organization, community or government engaged in a large event. The impact of millions of people in all parts of the world, coming together for one day of peace, is immense; and **WHEREAS**, International Day of Peace is also a Day of Ceasefire – personal or political. Take this opportunity to make peace in your own relationships as well as impact the larger conflicts of our time. Imagine what a whole Day of Ceasefire would mean to humankind. **NOW, THEREFORE, BE IT RESOLVED:** that we, Members of Canton City Council go on record supporting **INTERNATIONAL DAY OF PEACE**.

PRESIDENT SCHULMAN: Thank you Madame Clerk, any other remarks? Hearing none, by voice...voice vote, all those in favor of Resolution 56 signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #56 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries and Resolution 56 is adopted.

COMMUNICATIONS

PRESIDENT SCHULMAN: We're now 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 17, 2012.

- 346. DEPT OF COMMERCE: NOTICE OF HRG REGARDING TRANSFER OF OWNERSHIP FOR DG HOLDING & MGMT CO, INC., DBA THE SPOT @ 2600 8TH ST NE & PATIO ON 10/3/12 AT 1:45 P.M. - RECEIVED & FILED
- 347. PLANNING COMMISSION: RECOMMEND APPRVL OF REPLAT FOR CANTON POLICE & FIREMAN'S CREDIT UNION, PARTS OF LOTS 253 AND 254 ON SE CORNER OF 6TH ST NW & MCKINLEY AVE. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
- 348. SERVICE DIRECTOR PRICE: AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR REMOVAL & REPLACEMENT OF EXISTING ROOF SYSTEM AT FORMER SEARS BLDG IN AMT NOT TO EXCEED \$300,000.00. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: Turning now to First Reading Ordinances and Formal Resolutions for their First Reading. Madame Clerk would you please begin with Ordinance #1.

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NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #8 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY (\$10,000.00 FAIR HOUSING)
Referred to Finance Committee
- #2. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO EXTEND THE CONTRACT WITH OHIO BILLING, INC. FOR ONE ADDITIONAL YEAR; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #3. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO THREE (3) YEAR LICENSE AND DISPATCHING AGREEMENTS WITH N&T RAILROAD TO ALLOW ACCESS TO OUR 800 MHZ SYSTEM FOR RADIO COMMUNICATION FOR SAFETY FORCES; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #4. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO SOLICIT AND RECEIVE BIDS AND EXECUTE THE SALE OF PARCEL NO. 280824 WHICH IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES; AND DECLARING THE SAME TO BE AN EMERGENCY (FORMER FIRE STATION #9)
Referred to Finance Committee
- #5. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF VARIOUS VEHICLES FOR THE SANITATION DEPARTMENT; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ALTERNATIVELY PURCHASE SAID VEHICLES PURSUANT TO THE STATE COOPERATIVE PURCHASING AGREEMENT AND/OR OHIO DEPARTMENT OF TRANSPORTATION PURCHASING AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee
- #6. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT THE COST ESTIMATE FROM JACK DOHENY SUPPLIES IN AN AMOUNT NOT TO EXCEED \$50,000.00 AND ENTER INTO CONTRACT TO MAKE REPAIRS AND REBUILD COMPONENTS ON THE VACUUM SYSTEM OF VACTOR UNIT 4362 FOR THE COLLECTION SYSTEMS DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee
- #7. (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$186,597.67 TO BROWNFIELD RESTORATION GROUP; AND DECLARING THE SAME TO BE AN EMERGENCY

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- #8. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY (\$399,995.00 FROM 5201 WATER FUND AND \$22,000.00 FROM SEWER FUND)

Referred to Public Property Capital Improvement Committee

PRESIDENT SCHULMAN: Good job Madame Clerk.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: Turning now to Ordinances and Formal Resolutions for their Second Reading. Would you please begin with Ordinance 9.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #9 THROUGH #17 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #9. (2ND RDG) AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 507, EQUAL EMPLOYMENT OPPORTUNITY IN PUBLIC CONTRACTS, CHAPTER 515, FAIR HOUSING CODE, CHAPTER 547, UNFAIR EMPLOYMENT PRACTICES, AND SECTION 790.16 OF CHAPTER 790, CABLE TELEVISION FRANCHISE GENERAL REGULATIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
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- #10. (2ND RDG) AN ORDINANCE AMENDING SECTION 1 (C) OF ORDINANCE NO. 177/2006; AND DECLARING THE SAME TO BE AN EMERGENCY (\$200.00 CHANGE DRAWER - CLERK OF COUNCIL)
- #11. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY (\$150,670.00 2323 PHEP FUND)
- #12. (2ND RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 100/2011, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (SAFETY DIRECTOR - RESEARCH & REFERRAL SPECIALIST)
- #13. (2ND RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (SAFETY DIR COMMUNICATION CTR - PART TIME TELECOM)
-
- #14. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 14943, 14944, 19175 AND 19176; AND DECLARING THE SAME TO BE AN EMERGENCY (1304 GREENFIELD SW - DBA JEBCO MACHINE)

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- #15. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO SEPARATE THREE (3) YEAR AGREEMENTS WITH THE VILLAGE OF CLINTON AND THE CITY OF NEW FRANKLIN TO ALLOW ACCESS TO OUR 800 MHZ SYSTEM FOR MUTUAL AID PURPOSES; AND DECLARING THE SAME TO BE AN EMERGENCY
- #16. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY
- #17. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE IN CONJUNCTION W/WATER RECLAMATION FACILITY (WRF) PHOSPHORUS/TOTAL NITROGEN REMOVAL AND MISCELLANEOUS IMPROVEMENTS PROJECT TO: FILE AN APPLICATION AND ENTER INTO CONTRACT WITH OHIO ENVIRONMENTAL PROTECTION AGENCY (OPEA) FOR A LOW-INTEREST LOAN; ENTER INTO CONTRACT WITH OVIVO USA, LLC FOR PURCHASE OF MEMBRANE BIOREACTOR (MBR) EQUIPMENT AND ASSOCIATED COMPONENTS; ADVERTISE, RECEIVE BIDS AND ENTER INTO A CONSTRUCTION CONTRACT FOR THE PROJECT; FILE AN APPLICATION & ENTER INTO CONTRACT W/OEPA FOR A LOW-INTEREST LOAN TO FUND THE CONSTRUCTION PHASE OF THE PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Thank you very much Madame Clerk. Turning now to Ordinances and Formal Resolutions for the Third and Final Reading and vote. Would you please begin with Ordinance 18.

- #18. (3RD RDG) **ADOPTED AS ORDINANCE NO. 145/2012** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY (\$47,493.54 FROM 2220 506009 HOMELESS PREVENTION & RAPID REHOUSING FUND - OTHER TO 2220 506009 HOMELESS PREVENTION & RAPID REHOUSING FUND - PERSONNEL)

PRESIDENT SCHULMAN: Leader.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 18. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas Mr. President.

#18 ADOPTED AS ORDINANCE NO. 145/2012

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

#19. (3RD RDG) **ADOPTED AS ORDINANCE NO. 146/2012** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY (\$15,286.46 FROM 2211 506009 COMM DEV RECOVERY ACT (CDBG-R) PROG FUND - OTHER TO 2211 506009 COMM DEV RECOVERY ACT (CDBG-R) PROG FUND - PERSONNEL)

PRESIDENT SCHULMAN: Leader.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 19. Any remarks? 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. 146/2012

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 19 is adopted. Ordinance #20 please.

#20. (3RD RDG) **ADOPTED AS ORDINANCE NO. 147/2012** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY (\$79,000.00 FROM UNAPPROP BAL 2323 PREP FUND TO 2323 PREP FUND - PERSONNEL \$25,000.00 AND TO 2323 PREP FUND - OTHER \$54,000.00)

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: 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.

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NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#20 ADOPTED AS ORDINANCE NO. 147/2012

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

#21. (3RD RDG) **DEFEATED** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A PROFESSIONAL SERVICES AGMT WITH REDFLEX TRAFFIC SYSTEM, INC. FOR THE IMPLEMENTATION OF AUTOMATED PHOTO TRAFFIC ENFORCEMENT

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 21. Are there any remarks under this Ordinance?

MEMBER FISHER: Mr. President.

PRESIDENT SCHULMAN: Member Fisher.

MEMBER FISHER: I just wanted to quickly reiterate what I said tonight during the Caucus Meetings, is that, you know, there's been a lot of talk about what these cameras are, what they do but I think it's stated pretty clearly in the contract what they are not. They are not crime cameras. They are...we are expressly forbidden under breach of contract from using these cameras for arrests, for capture, for identification, for conviction of criminal activities. I know that there is...there's debate out there, well could we use it, you know, is it possible there are public records request. Under Section 911 in this contract, we are expressly forbidden from doing it. These are not crime cameras. What they are however, these are cam...these 2 Ordinances together take criminal offenses and make them civil offenses. Which means when you get a bum speeding ticket, as I know many of us have, the burden of proof is on you to prove that you didn't do it. It's on you to determine to show, not in a Court of law but under an appeals process that's set up, it's on you to show that you weren't driving the car or that's not your car or that you actually didn't go through. You're not innocent until proven guilty. You are guilty until proven innocent. I cannot support these.

PRESIDENT SCHULMAN: Thank you Member Fisher.

MEMBER WEST: Mr. President.

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PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Before I make my comments, Law Director, can you address 9.11 please for Member Fisher.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member West, Section 911....9.11 says that the customer, that being the City, shall not use, deploy and/or operating mobile speed enforcement vehicles for any purpose unrelated to speed limit traffic photo enforcement and it goes on to make a list of things like disaster response, relief surveillance, security, arrests, custody, etc., etc. Member Fisher is correct in saying that we cannot use, deploy or operate these mobile speed enforcement units specifically for the purpose of crime protection, crime deterrence, civil process of summons and so on. In other words, we can't turn these cameras around and begin to look for crime or spy on someone or a particular neighborhood. However, I confirmed with their legal counsel during break that the incidental use of these video captures, these digital captures and photos, ultimately becomes a public record that we have custody of. So, if for example, there is a hit/skip accident and the camera may have captured the license plate of the car doing the hitting and the skipping, it is a legal use of our officer to look at those tapes to try and find out who may have been involved in the hit/skip. What they're not for is abuse. You know, we can't look at certain intersections to see if so and so was with someone else's spouse at 3:00 in the morning on a certain intersection. So, again...now the other thing I wanted to clear up was the terms. It is a 5 year contract. There are up to 2 automatic 2 year renewals, up to 2, 2 year automatic renewals provided either side can tell the other at least 60 days in advance of that time period that they do not want to extend.

PRESIDENT SCHULMAN: Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Yes, could you also expound on the out before I say my comments?

PRESIDENT SCHULMAN: Director.

LAW DIRECTOR MARTUCCIO: The out?

MEMBER WEST: Yeah, if Council wanted to get rid of Redflex, could you expound on that?

LAW DIRECTOR MARTUCCIO: Well the...I'm sorry, Mr. President, Member West.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Yeah and it is a 5 year contract and the only out before those 5 years are up, if either side is in a material breach or the Courts should rule that these procedures, these cameras, these processes are

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unconstitutional, if the Courts rule they're unconstitutional, then by operation of law we can get out of this contract or the parts that are affected if it's just affecting a few parts. Otherwise, if we feel they're in breach or they feel we're in breach we have to give each other 45 days notice to remedy the breach and then 45 days notice to get out of the contract. One other point I've mentioned in Committee and I believe it was Mr. Schulman that asked about the indemnification clause. Indemnification means reimbursement and Redflex like most businesses tries to say if you cause a problem customer, then we want you to reimburse us for your problem. That's a fair and easy concept. However, we as a political subdivision of Ohio, like Cities, Townships, Counties, we're not allowed to have blanket reimbursement clauses in our contracts because that's an unlimited amount of money that's not capable of being calculated and we can't do that. Again speaking with the legal counsel for Redflex, they understood. Obviously we cannot contract to break State law. So, the indemnification would have to come back under the allowed area that State law governs. Thank you.

MEMBER WEST: Mr...

PRESIDENT SCHULMAN: Thank you Law Director. Member West.

MEMBER WEST: Yes, now many of you guys know of course I've supported these cameras for quite some....many years and as you guys know, I'm in the inner city and I live on 12th Street, have major problems on 12th Street. As a matter of fact, I think we have one of the highest inters....traffic accidents in the State of Ohio on 12th and Market. These cameras are...are very important for Ward 2 for behavioral change, let me say that again...yes we need it for income but we also need to change people's behavior. In this community, when you drive up to North Canton, you drive to Canal Fulton, you drive in Salem, you automatically slow down, you don't need no police officer there, you don't need no sign, people slow down and they respect the law and the traffic in North Canton. In the City of Canton, they speed up. They speed up on 12th Street, they speed up on Cherry, as a matter of fact in all of our school zones, all you have to do is go to Gibbs, go to Schreiber, they'll tell you, I was there today. This is the first time I've seen the Chief of Police ask us to support this, the...the Police union and the school system have asked us to support this legislation. This is important because our kids are out here walking each and everyday across their school zones and guess what, they're flying down the street. Those mobile cameras are going to be very effective in that area and it will change people's behavior. And being in mental health for years, I know right now every no...I mean our Police Officers are not on these corners because they're too busy chasing people who are shooting up our community. So, this is the time to make this legislation. We need to pass it, we need to move forward with this. Yes the Law Department and the...the Safety Director is going to make sure this language is...is to our advantage. But we need to get this through. And I'm just going to say one more thing here. When you look at the \$4 million shortfall we're faced with next year because of this Governor, okay, we have to come up with financial revenue for the City of Canton. Yes, this is one way of getting that. But I want to say this is not the only thing. Safety is a factor. Behavioral change is a factor. And yes resources is a factor and I'd rather put it on the backs of those individuals that are breaking the law, who are running red lights versus bringing this back to this Council saying "Let's an income tax and let's put it on everybody." Thank you.

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

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member Smith.

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MEMBER SMITH: Yes Mr. President, just to piggy back of what Councilman West was saying. I too am in support of the cameras and I appreciate Mr. DiGiocomo coming down because in the 4th Ward there are a lot of safety concerns and I know it states in this draft a lot of things that cannot be done with these cameras but it brings me back to the incident where the young man was beat brutally to death and if it wasn't for the cameras that was out there, the guys that beat him would never have been caught. Also, in our school zones, I get calls constantly about people speeding in the school zones. So, I would have to say that I will be in support of these cameras tonight. Thank you.

PRESIDENT SCHULMAN: Thank you Member Smith. Any other remarks? Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. Mr. President, I have a real problem with a company that is in Australia. We are outsourcing. The American citizens are fed up to here with outsourcing and we're outsourcing again. They have a few storefronts within the Ci...within the confines of our Country. I have a problem with this being considered a revenue stream. They say they're going to start out with 7 cameras and they will increase these cameras. There also have been...we discussed last week, they said they will put signage up that says these cameras are going to be there. Now, behavioral, when people who see that ahead is a camera, I think going to slow down automatically but then they'll speed at the next one where there isn't one. I mean, you know, people change only whenever they chose to change and most people...unfortunately, I just finished a nursing course and I'm quite embarrassed to say that the average intellect in the United States is of a 5th grade level. So, although some of the behavior that I've seen in some of the Elected Officials kind of....actually has proven that to be true. I do believe this is quite unconstitutional. The responsibility is, you are guilty until you prove yourself innocent and many people will not be able to do that. I think we will make a burden. I've had calls that people say that's all the reason I'm not going to come to Canton. I'm not going to bring business to Canton because another reason that you have big government. You know, people are fed up with big government and not just...some people spoke because they said their ashamed that they....you know, of one party. I'm hearing their ashamed of both parties. You know, we're here to do the responsible thing. We are not here to allow our community to be used and our citizens to be used by an entity from outside of the United States. This draft is probably written by Redflex and it's all in their favor. I see nothing in there that can convince me that we need to do business with these people. So, I will not support this and I'm proud to say that because I'm elected to take care of the people. Thank you.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Any other remarks? Any other remarks?

MEMBER FISHER: Mr. President.

PRESIDENT SCHULMAN: Member Fisher.

MEMBER FISHER: Just to be clear and this is just a point, you know for anybody whose here watching is that these are 2 separate votes to be clear on it. First we have the contract and then we actually have the change in the title to create them. So, there will be 2 votes to follow and it's not all on...even if the contract goes down and we created the title, you know, both of them have to be passed or defeated. I would assume correctly that the Law Department doesn't do anything if one passes and one doesn't.

PRESIDENT SCHULMAN: Thank you Member Fisher. Law Director.

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LAW DIRECTOR MARTUCCIO: Mr. President. Member Fisher does his homework. There are 2 tandem Ordinances here, they're sort of arm and arm. This first one you're voting on is to enter into professional services...or to allow the Safety Director to enter into a professional services contract with the company known as Redflex. The second Ordinance that will follow is a wholesale change in our Codified Ordinances creating a new chapter that makes it a civil offense to go through these intersections and speed zones and so on and so on. If there were a split vote and you passed the Codified Ordinance change, I suppose in theory that could sit on the books until we bought our own machines or another company came along.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: And I thank the Law Director for his explanation. But what I'm hearing say that for instance that if this was voted down, would there be a need...but then I think you said yes you could go ahead and vote on it for possibly down the road. But would there be a need to vote on the second piece of legislation sir?

PRESIDENT SCHULMAN: Law Director.

LAW DIRECTOR MARTUCCIO: Member Cirelli, that's...that's a very good question. No, because we don't have another company lined up after the bidding process or the request for proposals that we've gone through and because we're probably not in the position to buy our own machines, you have a chapter that's essentially unenforceable on the books.

PRESIDENT SCHULMAN: Any other remarks? I have one...a couple questions if I might. I want to first compliment the Law Director for not bringing this down as an Emergency. That gives the Law Director and the Administration the opportunity if this passes tonight, which is a big if, to negotiate the proper terms. But I don't want to put the Safety Director on the spot either but I do have a question as to the term, 5 years. This is a new program, it's never been adopted in the City before. I can appreciate a company not wanting to invest a considerable amount of resources to come into a City like Canton and only be there for 6 months, that I get. What is the magic with 5 years and is...if you know, is Redflex really after a reasonable time period, perhaps 2 or 3 years, to have what we have in labor contracts with our employees, a re-opener where we go back and look at the past and figure out how successful or not, this program has been and decide whether number 1, we should consider continue with it or number 2, it should be changed in our favor. So, if you don't mind answering those, I'd appreciate it.

SAFETY DIRECTOR REAM: Yes, Mr. President. I don't know that there is a particular silver bullet over 5 years. I know that the company put the resources and work in the investment of....on their behalf to do this would want something more long term and 5 years was the agreed upon number of years with the 2, 2 year extensions. That's basically it.

PRESIDENT SCHULMAN: Okay, the second part of that is, would Redflex, if you know be willing to re-open this contract after a contract of let's say 3 years or 2 years just so we have some track record that we can look at, including Members of Council to determine whether this program is a success. I mean obviously, here's my concern for example, if we set up at one of Member West's or Member Smith's intersections and there are 100 more crashes at that intersections because people are slamming on their breaks to avoid getting caught by a camera, as an example. Well please, if we discover that that's occurring, under this contract we have no right to go back and

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say "You know, this is a failure, it's not working. We're sorry, we tried. We wanted this to work, it hasn't." Do we have anything that any indication from Redflex that they are willing to do that?

SAFETY DIRECTOR REAM: I think it goes the....with saying, not without saying but with saying that we can certainly sit and discuss this with them to see what kind of a our situation we can negotiate with them.

PRESIDENT SCHULMAN: Alright, thank you Safety Director. I didn't...again, I didn't mean to put you on the spot but those are some considerations that I would think Members of Council would have. Member Mack.

MEMBER MACK: Yeah Mr. President, I also wanted to bring one point to Council's attention that I feel that has been overlooked so far during this debate. In this contract, there's a specific provision, Section 3.5 that says "The customer with diligently prosecute citations and the collection of all fines." That mean collection is on our shoulders. Now, whether referring it to a collection agency constituents diligence, I mean I think that's a point for the lawyers to argue over. If it's not and we have to refer it to our Law Department for vigorous prosecution, do we have the resources to do that? And by the way, if we get sued for this, a breach of this contract, we're on the hook for their attorney's fees, which can be hundreds of thousands of dollars. Now, President Schulman, you mentioned a good point where what happens if we just walk from the contract and say "Redflex, I'm sorry, it's been great but it's not for us." Well then we can expect to be sued by Redflex. They slapped a \$4.5 million demand on the City of Albuquerque. I don't know if we should get into a partnership with people that treat their partners that way.

PRESIDENT SCHULMAN: Thank you Member Mack. Are there any other remarks?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Safety Director, can you address that collection issue, I think they brought it up in our Committee Meetings last week in reference to our collections.

SAFETY DIRECTOR REAM: Yes I believe that the...

PRESIDENT SCHULMAN: Director.

SAFETY DIRECTOR REAM: Thank you Mr. President, I'm sorry.

PRESIDENT SCHULMAN: That's alright.

SAFETY DIRECTOR REAM: I believe that the intent is that the City will make a good faith effort to do collections on outstanding or unpaid fines associated with this. It is our intention, I know that there has been discussion with Redflex on this as is to initiate as we do with unpaid ambulance fees to outsource it to a company if not Redflex themselves to do the collections of these and I believe that's what that paragraphs about.

MEMBER MACK: Mr. President.

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PRESIDENT SCHULMAN: Member Mack.

MEMBER MACK: With all do respect Safety Director, what's in writing is what counts and that's not what this contract says.

PRESIDENT SCHULMAN: Thank you. Any other remarks? Okay, we are about to vote on Ordinance 21. Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 5 YEAS, 7 NAYS

(MEMBERS GRIFFIN, CIRELLI, HAWK, FISHER, MARIOL, MACK & MORRIS VOTED NAY)

CLERK TIMBERLAKE: Five yeas, seven nays Mr. President.

#21 DEFEATED

PRESIDENT SCHULMAN: The Ordinance fails. Turning now to Ordinance...by the way, the Ordinance 21 is not adopted. Ordinance 22 please Madame Clerk.

#22. (3RD RDG) ***POSTPONED INDEFINITELY AN ORDINANCE CREATING TITLE ELEVEN, AUTOMATED TRAFFIC ENFORCEMENT, UNDER PART THREE - TRAFFIC CODE OF THE CODIFIED ORDINANCES; AND CREATING CHAPTER 391, AUTOMATED TRAFFIC ENFORCEMENT SYSTEM, TO PROVIDE FOR THE IMPLEMENTATION OF A CIVIL AUTOMATED TRAFFIC ENFORCEMENT SYSTEM FOR THE ADMINISTRATIVE ENFORCEMENT OF TRAFFIC CONTROL SIGNALS AND SPEED LIMITS***

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 22. Any remarks under this Ordinance?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Question to the Law Director. If we pass this Ordinance, what's the point?

PRESIDENT SCHULMAN: Law Director.

LAW DIRECTOR MARTUCCIO: Mr. President, very good question Member Cirelli. It's a theoretical point. I don't know that we have anybody in the wings trying to court or...or be a suitor right now. So...I mean you..you

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could put it on the books again in the eventuality that another company comes forward or that we can afford the machines but it's your call.

MEMBER CIRELLI: Mr. President, if I might.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: I look to the Law Director for some of his wisdom...it's....he knows I spent quite a bit of time with him this morning. Do you have a recommendation for Council to more or less decline voting on this or just, you know, table it or whatever.

PRESIDENT SCHULMAN: Director.

LAW DIRECTOR MARTUCCIO: Mr. President, Member Cirelli, again good questions. Ordinarily, my answer would be I help draft Ordinances and make sure they're legally sufficient. I don't create policy, you do. In this case though, you could postpone it, you have the option to postpone it indefinitely or to a date certain and it will be sitting there on the shelf incase something is renegotiated with this company, Redflex or another one that meets Council's satisfaction. They have a saying in law school, the law does not require the doing of the useless thing, Member Mack.....

MEMBER WEST: Mr. President.

LAW DIRECTOR MARTUCCIO:and you know, are we asking you to do a useless thing. I'd say, if you were to defeat it, I would keep this Ordinance at the ready to bring back. You could postpone indefinitely, in which case it could be brought back, dusted off and made ready again. So, that would be an option.

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, there's an amendment to this too. I would just...I can't imagine the vote being any different then it just was. So, can we just move on and do that? I move to amend Ordinance 22.

PRESIDENT SCHULMAN: Member Griffin.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance 22 by virtue of the copy before each Member of Council. Are there any remarks under the motion to amend? Law Director.

LAW DIRECTOR MARTUCCIO: The motion to amend was requested by a couple of sponsors. Essentially what it says is the original Ordinance as drafted would be amended to say that before these red light installations could take place or before the speed and mobile units could be moved into an individual Council Members Ward that the Safety Director would consult with Traffic Engineering, the Police Department and specifically also consult with the Ward Council Member. So, if you include that amendment, that's the package you'd be voting up or down on or postponing. Thank you.

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PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Yes Mr. President, I'd like to make a motion that we postpone this Ordinance.

MEMBER DOUGHERTY: Postpone to when?

MEMBER WEST: Indefinite.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: Technically, we have a motion that...we have a motion on the floor but I'll get right back to you. The motion on the floor is that you amend Ordinance 22 by virtue of the copy before each and every Member of Council. All those in favor, signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it in the Chairs view. Now Member West has made a motion which has been seconded by Member Cirelli to postpone vote on Ordinance 22 indefinitely. Are there any remarks? Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#22 POSTPONED INDEFINITELY

PRESIDENT SCHULMAN: Thank you, the Motion carries and Ordinance 22 is postponed indefinitely. I will say this to the Members of the press, I don't think you're here for any other reason than the cameras. I may be wrong but if you want to take your microphones and go back to the newsroom, we'll...we'll take a short pause in our meeting and allow you guys to get back to work.

(PAUSE IN THE MEETING)

PRESIDENT SCHULMAN: *(Gavel falls)* I didn't say everybody could talk other than the news reporters. Moving to Ordinance 23, Madame Clerk, would you please read it.

#23. (3RD RDG) **ADOPTED AS ORDINANCE NO. 148/2012** AN ORDINANCE AUTHORIZING THE SERV DIRECTOR TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR THE REPAIR OF THE HEATING AND COOLING SYSTEM AT THE SEARS BUILDING; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move that we adopt Ordinance 23.

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MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 23. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#23 ADOPTED AS ORDINANCE NO. 148/2012

PRESIDENT SCHULMAN: Ordinance 23 is adopted. Ordinance 24 please.

#24. (3RD RDG) **ADOPTED AS ORDINANCE NO. 149/2012** AN ORDINANCE AUTHORIZING THE SERV DIRECTOR TO ENTER INTO AGMT W/PROPERTY OWNERS FOR THE CONSTRUCTION OF CITYSCAPE PROJECTS; AUTHORIZING THE CITY ENGINEER TO GENERAL CONTRACT FOR PORTIONS OF THE CITYSCAPES; AMENDING APPROP ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY (\$375,000.00 FR: UNAPPR BAL 4501 CAP FUND TO 4501 202001 CAP FUND - ENG ADM)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move that we adopt Ordinance 24.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 24. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#24 ADOPTED AS ORDINANCE NO. 149/2012

PRESIDENT SCHULMAN: Ordinance 24 is adopted. Ordinance 25 please.

#25. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 150/2012** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH STAPLES CONTRACT & COMMERCIAL, INC. IN AN AMOUNT NOT TO EXCEED \$25,000.00 TO PURCHASE MISCELLANEOUS SUPPLIES PURSUANT TO O.R.C. SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move that we adopt Ordinance 25.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 25. Any remarks? Leader.

MEMBER DOUGHERTY: Mr. President I move we amend Ordinance 25 per the copy in front of all Council.

MEMBER GRIFFIN: Seconded.

AMENDMENT

Pursuant to Rule 36, I move to amend the caption and Section 1 of Agenda Item No. 25 by removing the language "in an amount not to exceed \$25,000.00."

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance 25 by virtue of the copy before each Member of Council. Any remarks on that motion? Hearing none, by voice vote, all those in favor of the motion signify by saying aye. Those opposed.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. Leader.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 25 as amended.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #25 as amended. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#25 ADOPTED AS AMENDED AS ORDINANCE NO. 150/2012

PRESIDENT SCHULMAN: Ordinance 25 as amended is adopted. Ordinance 26 please.

#26. (3RD RDG) **ADOPTED AS ORDINANCE NO. 151/2012** AN ORDINANCE AUTHORIZING THE SERV DIRECTOR TO NEGOTIATE THE FAIR MARKET VALUE OR DONATE TO THE STATE OF OHIO AN EASEMENT OR DEED NECESSARY FOR ODOT TO CONSTRUCT A STORM SEWER AND APPURTENANCES ON AND THROUGH CITY PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move that we adopt Ordinance 26.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 26. 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.

#26 ADOPTED AS ORDINANCE NO. 151/2012

PRESIDENT SCHULMAN: Ordinance 26, thank you Madame Clerk, is adopted. We're turning now to Announcement....oh I'm sorry, Ordinance 27.

#27. (3RD RDG) **ADOPTED AS ORDINANCE NO. 152/2012** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 220/2011, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (\$125,500.00 FROM UNAPPROP BAL 4501 CAP PROJ AND \$5,000.00 FROM UNAPPROP BAL 4502 MOTOR VEHICLE PURCHASE)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move that we adopt Ordinance 27.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 27. 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.

#27 ADOPTED AS ORDINANCE NO. 152/2012

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance 27 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: Turning to Announcement of Committee meetings.

MEMBER COLE: Mr. President.

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PRESIDENT SCHULMAN: Member Cole.

MEMBER COLE: Finance Committee will meet on September 24th at 6:30 PM.

PRESIDENT SCHULMAN: Thank you and you have a lot of work ahead of you on that. Any other announcements?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Public Property Capital Improvement will also meet that evening at 6:30.

PRESIDENT SCHULMAN: Thank you, any other Announcements?

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: Miscellaneous Business. Is there any?

MEMBER WEST: Mr. President.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member West. Age before beauty. *(Laughter)*

MEMBER WEST: Let me ask the Law Department a question real quick. Some...I think it was almost...over 90 days ago we had passed an extension of Phil Sedlacko's contract to the Dog...for our Animal Control Officer position. It's been past that time now. If we wanted to reinstitute that or to...yeah, reinstitute that Ordinance where we brought back an Animal Nuisance Control Officer, what would we need to do to do that?

PRESIDENT SCHULMAN: Director, Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, Member West, we...we the Council would probably let the Safety Director know they were interested in engaging those services again and he could do that for you. He could for you, he could engage those conversations and you then would have to approve entering into a new independent contractor professional services agreement with another Animal Control Officer unless you wanted to make that something...a fixed position in the Police Department or another appropriate place.

MEMBER WEST: Okay, because the reason I asked...and I talked to the Safety Director about this before just recently, you know when Phil Sedlacko was here, I didn't get any calls around dogs and animals and wild and vicious animals, if you will. And prior to him coming, I've had a slew of calls and those calls have now come back. Last night there was a 77 year old woman who a pit bull approached her and didn't bite her thank God but caused her to have a heart attack and she went to the hospital and this is a woman who called the Dog Warden several times to address this dog that was near her home and she said they never came out repeatedly. So we're...we're back at where we were prior to bringing Phil Sedlacko to this community or to the City and I'm...I'm at the point where it's like, it's time to bring...get either him or someone like him back here in this community so that we can address these issues.

PRESIDENT SCHULMAN: Thank you Member West. Member Smith.

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MEMBER SMITH: Yes Mr. President, I didn't a chance last week to thank the following Council Members for participating in the 4th Ward Annual Picnic. We had enough announcements for that night.

PRESIDENT SCHULMAN: Okay.

MEMBER SMITH: But I just wanted to personally thank Dave Dougherty, Cindy Timberlake for all the running that they did, Jimmy Babcock, Councilman Hawk, Thomas West and I personally want to thank Mary and...for her winning the dance contest (*Laughter*). And then I just want to announce about the International Day of Peace, it will be held this Friday, the 21st. Anyone interested in the flyer, I have one and I have the schedule. And the participating schools will be Allen, Belden, Compton and Hartford. So do come out and everybody if you don't, you have a peaceful Peace Day September 21st.

PRESIDENT SCHULMAN: Thank you very much Member Smith. Member Morris.

MEMBER MORRIS: Yes thank you Mr. President. As a freshman, I had my first opportunity to go to the Feed the Needy event that Leader Dougherty puts on and I will say that is the most outstanding program and the way him and Cindy run that, I mean, it was like a well oiled machine. There is one thing, you know, and I'd like to get a little more involved with that next year, I'd like to see some of our teens that need to get their Community Service to come out and kind of help out, out there, the high school kids. Because, you know, you really don't know what you have until you see people who don't have as much as you do and it...it's really heartwarming to see everybody, Council, Administration going out there and trying to provide a service that, you know, is not exactly in our job description to the community. So Leader, great job, it was a wonderful event. Cindy, outstanding, I really enjoyed it. (*Applause*)

PRESIDENT SCHULMAN: Thank you Member Morris. Member Cirelli.

MEMBER CIRELLI: Mr. President, I also wanted to comment on the Feed the Needy. Cindy and Pattie, they were just real troupers as always and you know, Dave took the ball and ran with it and I have to...I was amazed because Giant Eagle sent a Manager and whole crew of people down there to help. That was the first time that it's ever happened. And it was...it really does your heart good to know that we can do a little bit to help those because...and Member Morris, no disrespect but I kind of think that's in our job description because we really don't have one in a sense. But it was really something and anybody that wasn't there, they really missed the smiles. And the gentleman that...that played the music and volunteered that, he also did baking. It was just an amazing day. I mean it really does your heart good. I even have a lady that could actually be on the other end of it come because she had been there before and asked if she could help serve again. So, it's really something that...that we continue to do that. So, I just wanted to thank our leadership, you know, David in putting that all together. He's pretty good driving a U-Haul truck.

PRESIDENT SCHULMAN: Thank you Member Cirelli.

MEMBER CIRELLI: It was a real success.

PRESIDENT SCHULMAN: Thank you. Any other remarks? Leader.

MEMBER DOUGHERTY: Yeah Mr. President, thank you for the comments. It was our 20th year for this event and unfortunately the downside is our entertainment, Family Time Entertainment, it was their last year. They're retiring

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from that type of stuff which is unfortunate because they donated their time and efforts and the crowd actually looks forward to them as much as they do the food. So, we'll have to figure out between now and then what we're going to do because it's going to be tough shoes to fill. Talking to the one person that came up, we gave a gift card, I walked up and gave him a gift card last year and he came up with his wife and showed me what he spent it on and it was shoes that she still had on her feet. So, he wanted to point that out. And Pattie got a call today to thank Council for another wonderful picnic. So, apparently they've been there several times. A bag of groceries he received made a little...just a little easier to be poor today. It's people working together to get something done and that's what happens and I'll thank all my Council Members for either donating and working or doing both. It's really appreciated. R.A. Mallonn and his crew, always there ready to go. R.A. is the big master chef back behind the grill. So, Gary Young comes in the morning, does all the set up and his right hand man, John, is always there from your department and I really appreciate his efforts, all their efforts. Jim Adams came up on his motorcycle ready to go from the Health Department, they always set up a booth with Maria Hall working that, so I really appreciate that. Walmart came and did eye exams. We had the bookmobile there, the WOW van from Aultman and we gave out 92 bags of groceries and other items and we had 100 kids bags that we gave out and all the food, 500 hamburgers and 400 hotdogs. There was probably 400 people there that came through that day. Again, Brian Horner and his family, the past Councilman showed up. Pat Barton and his son. Linda McBride from Human Resources. Now, I apologize if I miss somebody, please. Wendall from Building Maintenance, great help. Warren and his family...wife and family showed up. The Mayor and Austin, thank you very much. It was...it was a great time. Derek Gordon was there. Phil Sedlacko was there helping out and it was real nice, setting up. Fonda ate a lot (*Laughter*) he got in line twice but that's okay. And that's right, Mary did say Giant Eagle did show up and saw the...had 13 volunteers, that's the first time they did it and they want to do it next year. But it was funny because they saw the Walmart bags because Walmart gave us 30 bags already filled up and they said they'll have some bags for us next year. So, but...so, I really appreciate everybody's help. We paid all the bills and have a little bit left over to start for next year. So, thank you very much. Yes sir?

PRESIDENT SCHULMAN: I'm sorry, Director Price had one quick comment.

SERVICE DIRECTOR PRICE: Well I didn't say it was going to be quick Mr. President. (*Laughter*) No, I..I just...I wanted to address, to share it with you since it was brought up tonight in Public Speaks, the issue we're facing with the water meters. It's not actually the meters, it's the MTU unit. That's the gray box that is in all of our homes. The MTUs are meter transmitter units and those send by radio signal to our MDUs, which are collection units located throughout the City. The data from your analog mechanical meter, that's transferred into electronic data and that avoids us having to employ meter readers. The problem is that just over 10 years ago, when the City upgraded to these electronic transmitter units, they did it all at once. And those units and the units of every other manufacture we've checked, they're sealed, you can't replace the batteries, they're designed that way. Every manufacturer designs that way. I assume because then you have to run the units instead of just replacing the batteries. So, we have probably 35 to 40,000 of these. They cost about 100 bucks a piece and since they were all purchased at the same time, the batteries are all failing at the same time. That I've shared with you before. We are facing an ever increasing (*inaudible*) number of failures each month and we...we're..we were able to keep up with that until we ran into a problem with the MTUs, which are the transmitter units located in all of your homes and businesses communicating with the MDUs, which are the receiver, transceiver units that detect what data comes out of your home or business and then sends it to the main plant. Those aren't talking to each other properly because in upgrading to the new MTU units, there was a problem with the MDUs. We have solved that problem, these meters should be corrected but it's true what the citizen had pointed out at Public Speaks. There are a number of folks and...and I...I'm going to look into what notices we send, I talked with Tyler and unfortunately I just can't remember exactly whether it was in the bills or whether we planned to put it in the bills but there are going to be residents who

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are going to receive estimated bills. Those residents should receive...I know that we were sending out the form but to...to let everybody know there is a...you can read your own meter and...and that will...if you send that in with your payment, well if you call in that meter reading that you read yourself, we'll charge you based on that. Now, ultimately, you know, the que...naturally, I mean, there might be the question of a resident, you know, intentionally underestimating their meter read will eventually catch up when these electronic units go in but for residents who do not want to pay an estimated bill, which I would neither, you're able to read the meter yourself, call into the Water Department. We will accept that reading and we will charge you accordingly. But I will check and report back to you the next meeting, what exact notice we're going to be sending. So, I just wanted to clarify that issue if that clarified it at all. Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes, Member West.

MEMBER WEST: (*Inaudible*)...no, real quick. Chief of Staff, could you address Wayne Jamerson's question in reference to the \$7 million I believe that came into the State. I think he was talking about for the foreclosures but I don't know. You can...they said he was going to address that by the end of the meeting.

SERVICE DIRECTOR PRICE: I... Mr. President, I'd love to, I really don't know what money, I mean no offense, I don't know what money he is talking about. It's either the...it's either the land reutilization money or...I'm sorry, the land banking dollars that are available from the State or it would be the casino. The...the land banking dollars, that would be the casino money, that's...those are general fund dollars, those could be used for any municipal purpose. As you know, I mean, those...those dollars in terms of what we'll actually receive, that's still up in the air. But that would be general fund revenue.

PRESIDENT SCHULMAN: Thank you. Any...Law Director Martuccio said he had something humorous to say.

LAW DIRECTOR MARTUCCIO: Member Dougherty, about next year's entertainment. You all recall the public speaker who looked over at a group of young men and said they were hot young Council Members. I think they ought to rehearse a number for you or a number of numbers and if they decline to get...if they decline to be your entertainment, then they ought to do a calendar and sell pinups to make the money for your entertainment.
(*Laughter and applause*)

MEMBER FISHER: Mr. President, I'm up for that. (*Laughter*)

PRESIDENT SCHULMAN: FMMM

MEMBER MORRIS: Mr. President.

PRESIDENT SCHULMAN: Member Morris.

MEMBER MORRIS: Can I just kind of add into this that I am 45 years old, I am not a young man.

PRESIDENT SCHULMAN: Yes you can.

SERVICE DIRECTOR PRICE: Mr. President.

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PRESIDENT SCHULMAN: Director.

SERVICE DIRECTOR PRICE: Speaking of that, I looked over at one point and I...I...this is...I just had to share it. Councilwoman Cirelli, Majority Leader Dougherty, Councilman West and my wife all line dancing to the Electric Slide at one time. It's an image that I won't soon forget. *(Applause)*

PRESIDENT SCHULMAN: A new group, FM Cubed. *(Laughter)* Okay, Leader.

MEMBER DOUGHERTY: Oh goodness. *(Laughter)* Real quick, we will be sending out letters to everybody to thank all the companies like Sandrock and Fisher's and Hostess and Schwebel's and the hotel across the street and Bill Smuckler and his business donated. So...so there's a whole slew of them. So, with that said and so that we don't let Warren speak again, I move we adjourn. *(Laughter)*

MEMBER GRIFFIN: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: *(Gavel falls)* The meeting is adjourned. Thank you everybody.

ADJOURNMENT TIME: 8:55 P.M.

ATTEST: SEPTEMBER 24, 2012
CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

APPROVED: SEPTEMBER 24, 2012
ALLEN SCHULMAN
PRESIDENT