

MINUTES OF THE MEETING SEPTEMBER 24, 2012

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. It's good to have you all out tonight. Can everybody hear me alright out there? (*Working with microphone*) How about now? Testing, testing. OK, thank you. 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. Sorry I think, I hope I'm being heard but, some people may think it's better that I'm not. We'll have the invocation given tonight Council Member at Large and my good friend, Mary Cirelli. Would you please all stand and remain standing for our Pledge of Allegiance.

The regular meeting of Canton City Council was held on September 24, 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 Mary Cirelli. The Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you Member Cirelli. Leader.

MEMBER DOUGHERTY: Mr. President we need to suspend Rule 22A to add 2nd Reading Ordinances 4 through 11.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 20A, 22A to add the 2nd Reading of Ordinances 4 through 11. Any remarks? Hearing none Madame Clerk, roll call vote please.

CLERK TIMBERLAKE: We're having a little technical problem right now so I'll be going back to the old famous paper here.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

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

PUBLIC HEARINGS

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PRESIDENT SCHULMAN: Turning to Public Hearings. We have none tonight.

OLD BUSINESS

PRESIDENT SCHULMAN: Our Chief of Staff, Warren Price is not here tonight. He is on business so, we have no Old Business.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We are under Public Speaks. We have no feral cat issues so we only have three speakers this evening. If you'll, just save your, do we have three minutes? I'll hold you to three minutes for the speakers that are coming to address us. We appreciate always your being here. Our first speaker, and I apologize if I don't have your name pronounced correctly, Ken Monnemacher. And if you'll step forward sir and give us your name. Monnemacher, well I apologize. Mr Monnemacher, good evening. If you'll give us your name and your residential address please.

KEN MONNEMACHER: I come before your meeting this evening because...

PRESIDENT SCHULMAN: Sir, I'm sorry could you give us your name and your residential address.

KEN MONNEMACHER: My name is Ken Monnemacher. I live at Mayfield Manor, 3844 11th Street SW, Apartment 607.

PRESIDENT SCHULMAN: Thank you sir. Welcome, sorry.

KEN MONNEMACHER: I appreciate the opportunity to talk to this group tonight and the reason is, I come here on behalf of the tenants of Building 1 at Mayfield Manor. We are going to be out of our apartments for 2 days and there are some like me who's children only live in Phoenix, Arizona; Mundaline, Illinois and Columbia, South Carolina and for us to get out of our apartments to accommodate what they want to do with the contractor is going to be quite a severe problem. We have some people in our building who are very, very elderly and almost cannot take care of themselves so getting them out is going to be more than a challenge. Now the problem is, that in this whole exercise what has to be noticed is that the responsibility and the planning that should have been done by the architect and the management at our buildings is being transferred an inch at a time, over on to the tenants which is absolutely the wrong way to do it. I feel that they should solve their own problems. They should not make their problem, our problem. Now, I think that there's some doubt as to whether they have legal, legal ability to do some of the things they want to do because in a Section 8 house, I don't think I could ever tell somebody to leave it for two days while I fixed their kitchen and it's that simple. So that is the whole story and I leave it there for you to ponder.

PRESIDENT SCHULMAN: Are they making no accommodations for those who have to be displaced from their homes?

KEN MONNEMACHER: Well, we're making accommodations for meals on the days when they're not in their apartments, OK, but, and you can go to the Canton Baptist Temple or something like that where they have a program but, the thing is, is that, you can sit down in the main lobby and you can look at the big screen TV, which is not exciting to me but, the problem is that we are kind of an afterthought in their plans. Their plans are made based upon the fact that you are going to perform to their standards, they can't do anything to

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suit you. Consequently as a result of these conversations with Candace, I have applied to Canton Towers to get an apartment there and move because I told her, if I have to pack everything up that I own, I'm going someplace else. I'm not going to be there and that's elementary.

PRESIDENT SCHULMAN: Well but you're one of the fortunate ones, so thank you. Any other questions? Thank you sir very much. Appreciate it. Our next speaker is Pete DiGiacomo. Mr. DiGiacomo if you'll step forward and give us your name and your residential address and as always, welcome to Canton City Council.

PETE DIGIACOMO: My name is Pete DiGiacomo, 600 Dent Place SW, Canton, Ohio. I wish Mayor Healy was here but he's not cause this is kind of for the administration but, Mr. Ream is here so, I'll talk to you. It really, City Council has nothing to do with it so you can do whatever you do. About three months, three and a half months ago, I stood here and brought up the subject about how the city could make some extra money pertaining to Interstate 77 and Interstate 30. Was the idea that I had, well not my idea but, was to have more Canton patrol cars out there with radar. At that time, I figured up a thing with using two cruisers, six hours out of the eight hour day because they cannot do tickets for eight hours but I had it wrote down here and I'll give this quit run by to you. I figured three stops per hour and how I came up with that is I talked with a patrolman. I said how many do you think you could do two in an hour and he kind of laughed. He said if I'm only doing two in an hour, that means I'm sleeping. He said realistically three to four so I'm going on three traffic stops and hour at \$125.00 per stop. And again, using a six hour day because the extra two hours, either for lunch, restroom, going from one stop to the other, things like that. Going on a six hour that they could do their stops, at \$125.00 a stop, three an hour, they would make \$375.00 an hour. That's one cruiser, times 6 hours comes up to \$2,250.00 a day. Now if you're going to use two cruisers which would work good, one on north, one on south, whichever way. If you're gonna use two cruisers, you're going to make \$4,500.00 a day, five days a week, \$22,500.00. Four weeks out of a month, \$90,000.00. And I'm only figuring this on nine months out of the year because you've got winter coming up and other things so you're not going to be able to be having cruisers out with radar on the interstates for 12 months. It's, I know it's not going to happen but on a nine month period, I've got it down to \$810,000.00 which is more than the traffic cameras I believe would bring in, even though they said \$1,100,000.00, I think roughly, but don't quote me. The other thing would be is that, out of the \$810,000.00, you have to pay the patrolman, but since they're not gonna, and I would not use 10 year vets, 15 year vets, use the bottom and I think they make somewhere, and I'm, don't quote me, 37 to \$40,000.00 a year so, if you even go at the....

PRESIDENT SCHULMAN: You have about 10 seconds.

PETE DIGIACOMO: So if you're going to pay them \$80,000.00, you're still going to going to come out with around \$750,000.00 a year and that's you know, that's good money. It's more than you would have got from the cameras I believe and I know that the last time, Mayor Healy said that they did a study and they came up with a whole lot different price but again, just something to think about. Thank you.

PRESIDENT SCHULMAN: Thank you very much, Mr. DiGiacomo. Our last speaker is Leroy Lynch. Mr. Lynch good evening. And if you would indicate to Mr. Lynch we will give him a little more time.

LEROY LYNCH: Good evening everyone. My name is Leroy Lynch. I live at 3911 Highview Avenue SW. Thank you for having me here and I just wanted to mention again, as the other gentleman said, I am disappointed the Mayor's not here because really this was my issue, was with the Mayor. One of my concerns

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is that the recent credit card issues. I understand that the Mayor said that there were 16 incidences and he made a mistake and that there was forgiveness given but really my concern is that I personally have lost my job and I was going to be rehired but then I was fired. And I feel that there was too much consideration given to the judge, I'm sorry, to the Mayor that he was forgiven but our department was not and the issue of my rehiring was not forgiven and was not made right and I feel that, that's not correct. Why is the Mayor given preferential treatment. He still has his job. I don't. And so I felt that really that I should have been given the same consideration as the Mayor. That's really was my point. Thank you. Thank you for having me.

PRESIDENT SCHULMAN: Thank you very much sir. (*APPLAUSE*) Thank you and thanks to the interpreter tonight. We appreciate it. Thank you. OK, that concludes Public Speaks.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: Turning to Resolutions. We have no Informal Resolutions this evening.

COMMUNICATIONS

PRESIDENT SCHULMAN: Let the journal show that all Communications have been 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 24, 2012.

349. COURT ADMINISTRATOR KOCHERA: REQ \$24,050.64 SUPP APPROP & \$27,030.88 APPROP TRANSFER FOR CONTINUED PROPER OPERATION OF COURT. - FINANCE COMMITTEE
350. FULTON LUMBER COMPANY, INC, APPLICANT: ZONE CHANGE APPLICATION FOR 2610 HARRISON AVE NW FROM PI-1 (PLANNED LIGHT INDUSTRIAL) TO B-4 (SPECIAL BUSINESS). - PLANNING COMMISSION
351. HEALTH COMMISSIONER ADAMS: REQ TO APPROP \$25,000.00 UNAPPROP FUNDS FROM 2318 HIV PREV FUND TO OTHER LINE ITEMS IN FUND 2318 HIV PREV FUND. - FINANCE COMMITTEE
352. HEALTH COMMISSIONER ADAMS: REQ TO APPROP \$600,000.00 OF UNAPPROP FUNDS FROM 2316 WIC FUND TO PERSONNEL ITEMS IN FUND 2316 WIC FUND (\$225,000.00) & TO OTHER ITEMS IN FUND 2316 WIC FUND (\$375,000.00). - FINANCE COMMITTEE
353. SAFETY DIRECTOR REAM: REQ TO AMEND O#200/2011 TO ALLOW SAF DIR TO ACCEPT AN ADD'TL \$4,273.25 IN FUNDS FROM 2009 EDWARD BYRNE REGULAR SOLICITATION GRANT ON BEHALF OF CCPD; REQ TO APPROP SAME INTO FUND 2784. - FINANCE COMMITTEE
354. SERVICE DIRECTOR PRICE: REQ CONSENT LEGISLATION W/ODOT THAT WILL ALLOW ODOT TO PERFORM MISC BRIDGE REPAIR & MAINTENANCE ON BRIDGE #STA-IR77-9.08R CANTON. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

MINUTES OF THE MEETING SEPTEMBER 24, 2012**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

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

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #3 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77; AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (1836 8TH ST NE, DAVID CONANT)
Referred to Judiciary Committee **PUB HRG 10/15/12 @ 7:30 P.M.**
- #2. (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 253 AND 254; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- #3. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE REMOVAL AND REPLACEMENT OF THE EXISTING ROOFING SYSTEM AT THE FORMER SEARS BUILDING/CANTON CITY GOVERNMENT OFFICE COMPLEX IN AN AMOUNT NOT TO EXCEED \$300,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: Turning now to Ordinances and Formal Resolutions for the Second Reading. Madame Clerk, would you please begin with Ordinance #4.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #4 THROUGH #11 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #4. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY (\$10,000.00 FAIR HOUSING)
- #5. (2ND 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
- #6. (2ND 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

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- #7. (2ND 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)
- #8. (2ND 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
- #9. (2ND 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
- #10. (2ND RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$186,597.67 TO BROWNFIELD RESTORATION GROUP; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11. (2ND 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)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Thank you Madame Clerk. We now turn to Ordinances and Formal Resolutions for the Third and Final Reading and vote.

- #12. (3RD RDG) **RECONSIDERED AND AMENDED 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: I understand we have a motion to reconsider.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes, leader.

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MEMBER DOUGHERTY: I move that we reconsider Ordinance 145/2012 adopted on September 17, 2012.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you reconsider Ordinance 145/2012 which was adopted on September 17, 2012. Are there any remarks? Hearing none Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The Ordinance is adopted. Leader.

MEMBER DOUGHERTY: Mr. President I move we amend Ordinance 145/2012 per the copy in front of all Council Members.

MEMBER GRIFFIN: Seconded.

AMENDMENT

Pursuant to Rules 41 and 36, I move to reconsider and amend Ordinance No. 145/2012 by amending the dollar figure in Section 1 to \$45,134.85.

PRESIDENT SCHULMAN: It's been moved and seconded that Council amend Ordinance 145/2012 by virtue of the copy before each Member of Council. Are there any remarks?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes, leader.

MEMBER DOUGHERTY: Could we have that summarized, please?

PRESIDENT SCHULMAN: Yes, Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President, Mr. Majority Leader. When this Ordinance was passed last week, it carried an amount in it of \$47,000.00 and nearly \$500.00. When it hit the Auditor's office, it was discovered there was an insufficient amount of money to meet that so this Ordinance, this amendment, reconsideration does only one thing. It changes the figure from \$47,493.54 down to \$45,134.85, a difference of just over \$2,000.00 to match what's in fund. Thank you.

PRESIDENT SCHULMAN: Thank you Law Director. Any other remarks? All those in favor of the motion to amend, signify by saying aye. Those opposed no.

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NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. Leader.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 145/2012 as amended.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 145/2012 as amended. Are there any remarks under this Ordinance as amended? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#12 RECONSIDERED AND AMENDED AS ORDINANCE NO. 145/2012

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 145/2012 as amended is adopted. Ordinance #13 please.

#13. (3RD RDG) **ADOPTED AS ORDINANCE NO. 153/2012** 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

PRESIDENT SCHULMAN: Leader.

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

MEMBER GRIFFIN: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#13 ADOPTED AS ORDINANCE NO. 153/2012

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PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 13 is adopted. Ordinance 14 please.

#14. (3RD RDG) **ADOPTED AS ORDINANCE NO. 154/2012** 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)

PRESIDENT SCHULMAN: Leader.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 14. 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.

#14 ADOPTED AS ORDINANCE NO. 154/2012

PRESIDENT SCHULMAN: Thank you Madame Clerk. I'm glad we can trust the Clerk of Council with \$200.00 in her drawer. Ordinance #15 please.

#15. (3RD RDG) **ADOPTED AS ORDINANCE NO. 155/2012** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY (\$150,670.00 2323 PHEP FUND)

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 15. Any remarks under this Ordinance?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

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MEMBER CIRELLI: To the Auditor Mallonn over there. Since we had a problem with the last one that we had to reconsider, are the fundings there sir, on this one?

AUDITOR MALLONN: (*Inaudible*)... Member Cirelli, upon looking at this thoroughly, yes I believe they are but I will let you know in the morning for sure after I verify that.

MEMBER CIRELLI: Ok, sir. Thank you very much.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Any other remarks? Hearing none, Madame Clerk roll call vote please on Ordinance 15.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS)

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#15 ADOPTED AS ORDINANCE NO. 155/2012

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

#16. (3RD RDG) **ADOPTED AS ORDINANCE NO. 156/2012** 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)

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: 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 10 YEAS, 2 NAYS
(MEMBERS CIRELLI AND HAWK VOTED NAY)

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

#16 ADOPTED AS ORDINANCE NO. 156/2012

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 16 is adopted. Ordinance 17 please.

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- #17. (3RD RDG) **ADOPTED AS ORDINANCE NO. 157/2012** 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)

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: 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. 157/2012

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 17 is adopted. Ordinance 18 please.

- #18. (3RD RDG) **ADOPTED AS ORDINANCE NO. 158/2012** 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)

PRESIDENT SCHULMAN: Leader Dougherty.

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

NO REMARKS

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

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

#18 ADOPTED AS ORDINANCE NO. 158/2012

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PRESIDENT SCHULMAN: Ordinance 18 is adopted. Ordinance 19 please.

#19. (3RD RDG) **ADOPTED AS ORDINANCE NO. 159/2012** 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

PRESIDENT SCHULMAN: Leader Dougherty.

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 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. 159/2012

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

#20. (3RD RDG) **ADOPTED AS ORDINANCE NO. 160/2012** 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

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.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

MINUTES OF THE MEETING SEPTEMBER 24, 2012**#20 ADOPTED AS ORDINANCE NO. 160/2012**

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance 20 is adopted. Ordinance 21 please.

#21. (3RD RDG) ***POSTPONED UNTIL 10/1/12*** 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

PRESIDENT SCHULMAN: It's almost unfortunate we have to postpone this because you'll have to read it one more time. 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. Any remarks? Leader.

MEMBER DOUGHERTY: Mr. President I move we postpone Ordinance 21 till October 1st.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you postpone Ordinance 21 until the October 1, 2012 Council meeting. Any remarks? Hearing none, by voice vote all those in favor of postponement, signify by saying aye. Those opposed no.

NO REMARKS

POSTPONEMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries and Ordinance 21 is postponed until October 1, 2012. That concludes Ordinances.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: We have Announcement of Committee meetings.

MEMBER DOUGHERTY: Mr. President.

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PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Yes, I have a Committee meeting for Public Property Capital Improvement at 6:45 on October 1st.

PRESIDENT SCHULMAN: Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes, Member West.

MEMBER WEST: Judiciary will meet the same time, same place.

PRESIDENT SCHULMAN: Thank you. Member Cirelli, Public Safety and Thoroughfares.

MEMBER CIRELLI: Will meet at the same time, 6:45.

PRESIDENT SCHULMAN: Thank you very much. OK, that concludes Announcement of Committee meetings.

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: Do we have any Miscellaneous Business? Member Fisher.

MEMBER FISHER: Mr. President, thank you. I just wanted to share what I felt, some news I was pretty excited about. I, I spoke today with the Housing Department and what I was quickly chastised for pronouncing wrong, it is not Worchester, Massachusetts, it's apparently pronounced Worcester, Massachusetts although I'm trying to figure out how they come up with that. However, this was the original city that first began bonding vacant houses and holding banks responsible for the maintenance of the properties. This was the one that Springfield based theirs on, which Canton then in turn based ours on. I had the opportunity to speak with the woman who set up their program today which is going remarkably well there. They are, she tells me currently holding over \$3,000,000.00 in bonds on bank owned properties there. She was the one who set up the program from day one and has agreed to talk with our Chief Building Official and give our Building Department some insight on how they went and set their's up which I was just thrilled to hear how well that was going and I was very grateful for her to be willing to talk to us. You know, also I suppose I should have brought this up before we voted but to the, the Safety Director, I noticed on Ordinance 19 where we're providing the, the radio support to Clinton, I have a ex-girlfriend in Clinton who had the good sense to drop me like a bad habit about 15 years ago and I assume that worked in their favor when negotiating this deal.

PRESIDENT SCHULMAN: Thank you Member Fisher. Any other Miscellaneous Business?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Just briefly, just for the gentleman that came up from Mayfield Manor, wouldn't our Fair Housing Department address that issue? Specific to seniors being kicked out of their apartments and having to wait

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two days to come back. I don't know if the Law Department would know that or not but I would think Fair Housing would be the appropriate....

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member West, Fair Housing can address any issues alleging discrimination on the basis of the protective categories by state and federal law and as of tonight, local law which adds sexual orientation among others to those categories that are protected. So the residents would have to make a case that they've been evicted or constructively convicted on the basis of their age, race, religion, ethnic background, sexual orientation. It's not something that's a city action that we can get directly involved in but, it is something that is, I'm not quite understanding. I don't know that a landlord can constructively, can actually evict someone or constructively, meaning sort of evict them in the way that it results without adequate notice and without making provision for some other shelter while they're not able to be in the building. It is something that I suppose could be brought to our Fair Housing Commission, or a Fair Housing Officer to see if they might find some sort of discrimination in it but again, I don't understand entirely what's happened.

MEMBER WEST: OK, I was just thinking also with, I think he mentioned something about HUD dollars or Section 8 dollars being involved and I think if, if they have to be displaced for any amount of time, they're supposed to accommodate them but I'm not certain if our, maybe even our CD Department may know something about that, Lisa Miller. So he may want to contact her. Thank you.

PRESIDENT SCHULMAN: Thank you Member West. Any other Miscellaneous Business?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: I just wanted to thank Mr. DiGiacomo for doing all that mathematical work and presenting tonight. Unfortunately the Mayor wasn't here but I'm sure the Safety Director will pass that on to him but you have a real good thought there. And maybe since we're saying we need money, that might be a good way of acquiring some. Thank you very much for your, for thinking outside the box sir. God bless you.

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

MEMBER DOUGHERTY: I move we adjourn.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that we 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. Drive home safely everyone. Thank you for coming.

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ADJOURNMENT TIME: 7:58 P.M.

ATTEST: SEPTEMBER 27, 2012
CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

APPROVED: SEPTEMBER 27, 2012
ALLEN SCHULMAN
PRESIDENT