

MINUTES OF THE MEETING OCTOBER 15, 2012

PRESIDENT SCHULMAN: Good evening ladies and gentlemen. Oh, this microphone. Good evening ladies and gentleman. I started the meeting a little early because I want a, I would like to introduce the senior class, from the government class from Central Catholic. One of whom happens to be Member Babcock's nephew. So, if you'll stand senior class....

CLERK TIMBERLAKE: Come on.

PRESIDENT SCHULMAN:Central Catholic, so we can give you a round of applause (*APPLAUSE*) and I also would like to recognize Zac Fettman. Zac you're here for Jackson High School, welcome (*APPLAUSE*). We want to thank you and obviously we want to thank all of you who came out tonight. We certainly appreciate it and with a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call vote please Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

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

ELEVEN COUNCIL MEMBERS PRESENT.

CLERK TIMBERLAKE: Eleven present, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk

EXCUSING MEMBERS

PRESIDENT SCHULMAN: Member Dougherty, I'll recognize a motion to excuse Member West who is sick this evening. We wish him the very best. Hope for a speeding recovery.

MEMBER DOUGHERTY: Mr. President, I move Member West be excused from tonight's meeting.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to excuse Member West from this evening's meeting. Any remark, remarks? Hearing none Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Motion carries, Member West is excused from this evening's meetings, meeting. We'll have our invocation given tonight by Ward 4 Council Member, Chris Smith, in subbing for Member West. Would you all please stand and remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on October 15, 2012 at 7:30 P.M. in the Canton City

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Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Ward 4 Council Member Chris Smith. The Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you very much Member Smith. We're now under Agenda Corrections and Changes, Leader.

MEMBER DOUGHERTY: Mr. President I move we suspend Rule 22A to add 2nd Reading Ordinances 8 through 12.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add the 2nd Readings, Reading Ordinances, you know that's what happens when you take a week off. Reading Ordinances 8 through 12. Any remarks? Hearing none Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

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

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We're now under Public Hearings. We do have one Public Hearing this evening. It is scheduled for **7:30** and it's 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; THE PLANNING COMMISSION HAS RECOMMENDED APPROVAL OF THE SAME AT 1836 - 8TH STREET NE FROM B-3 which is GENERAL BUSINESS TO PCS which is PLANNED COMMUNITY SERVICE in WARD 4. Is there anyone in the audience wishing to speak for or against this Ordinance. Will you please step forward. I have to repeat this, I apologize. Is there anyone in the audience wishing to speak for or against this Zoning Change, will you please step forward. Seeing no one step forward, the matter now rests in the hands of Council and the Ordinance will follow later this evening.

OLD BUSINESS

PRESIDENT SCHULMAN: We're now under Old Business and do we have any. We do not have any Old Business.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We're now under Public Speaks. We have four speakers signed up this evening. You'll notice when you come up for those of you who have not spoken, we have a timer. We appreciate you coming down. We like to hear from you, it's just that we don't want to hear from you for hours on end. *(LAUGHTER)* So, you'll be given three minutes. As I tell all the speakers who come down, it's not because we're being disrespectful, everyone will be here after the meeting to discuss any issues you might have. The Mayor, his administration, Members of Council and we're more than happy to talk to you later. Our first

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speaker is George Simionides. Good evening. If you'll step forward sir and give us your name and your residential address please. And welcome to Canton City Council.

GEORGE SIMIONIDES: My name is George Simionides and I live at 5424 Peach Street in Louisville, Ohio and I'm here on a property we own at 202 18th Street NW. Our property is directly in back of the parking area of Ridgewood Castle Apartments. We have had some rather severe problems with Ridgewood Castle. We've had tenants from the Castle using our property as a thoroughway for 18th Street. We've had incidents where the tenants were exposed to public urination from men and women on our property. We've had noise levels that have been unacceptable, tenants have moved. We've also had something that we consider particularly disconcerting, the trash that's being thrown over. We've hauled away everything from mattress and general trash to human waste. Of particular concern, is pregnancy tests and drug needles that have been thrown over. Any of our attempts to address these issues with the management of Ridgewood Castle have been met with hostility so I'm here to see if there's something that can be done. I understand about a month ago there was a meeting and one of the first things on the agenda was that a privacy fence was going to be installed around the perimeter of the property. After speaking to people after the fact, I found that, that wasn't going to happen so, I as a taxpayer, I'd like to know why, excuse me, that is. My property is actually 4' below the level of that property so for me to put up a fence, it would cost approximately 10 to \$12,000.00 for a 10 to 12 foot fence if the city were to allow that and I just don't think that's fair. I don't think I as a taxpayer should have to pay money out of my pocket to keep the riff raff from this apartment complex off my property. I don't think anybody on that street should. They shouldn't have to install special lighting. They shouldn't have to pay for fencing. They should be taken care of and the City Council needs to get involved in this. I think if something isn't done, this is just going to escalate and I think it's just getting to a point that possibly an outside agency needs to get involved and possibly investigation needs to occur to determine why these things aren't happening. Generally when the citizens, when citizenry sees something like this occurring and nothing is happening, you have to ask, what's the ulterior motive. What's actually happening here? Who's benefitting from this arrangement that someone isn't doing something about this so, I would like to see something happen and I'd like to see something happen relatively soon before this gets totally out of hand. That's all I have to say. Thank you.

PRESIDENT SCHULMAN: Thank you very much sir. We appreciate it. (*APPLAUSE*) Our next speaker, and you'll have to forgive me, it's either an R or a K. I'm going to assume it's a K, Jim Keoch. Good, I got it right. Good evening sir. Welcome to Canton City Council. If you'll step forward and give us your name and your residential address please.

JIM KEOCH: My name is Jim Keoch and I live, reside at 5151 Rocky Rill Avenue NE, Canton, Ohio. I'm here to speak regarding the upcoming debate that's going to be during Council business regarding the increased fees for non-owner occupied residence. I would ask Council, all Council Members to seriously consider the ramifications of such an action. The properties that we acquire, I'm a housing provider in the city of Canton. I've been a housing provider for 49 years in the city of Canton. We have taken many of these properties that were in dilapidated conditions or bank foreclosed on, we have turned them around, converted them in to properties where taxpaying citizens now reside. We as any other business have certain amount of expenses. The city government, any government entity choose to keep increasing fees without reasonable need for doing so, which, since about what, two years ago, the Council debated and came up with, in conjunction with talking with the Stark County Real Estate Investors Association, a group of which I am a trustee, we were able to negotiation a reasonable solution to a problem. This apparent Ordinance in my opinion, is certainly one that's going to be punitive. We have, I have one member who says it's going to cost

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him \$3,000.00 and another one that costs him \$12,000.00. Those kinds of amounts of money sound insignificant to some people but, if you're having to pay that bill, it's certainly not as insignificant. Again, I caution all Members of Council to consider the ramifications of driving out of this community, out of this city of Canton, those landlords who are in fact your better landlords by penalizing them for a few people who are causing the problems. You can spend your time and efforts chasing us around for our money or you can spend your time and efforts as a city, chasing those who are causing you the problems. There are plenty of Ordinances on the books, I'm sure that you can, would be able to ream these people in. Again, why penalize those who are abiding by the law, contributing to your community, improving the assets, improving your tax base. That's just totally unnecessary at this current time. Thank you very much.

PRESIDENT SCHULMAN: Thank you sir, very much. (*APPLAUSE*) Our next speaker is Leroy Lynch. Mr. Lynch if you'll step forward and give us your name and your residential address and as you know, we'll give you a little more time if necessary since you're using the interpreter tonight and if the interpreter would introduce herself to Council.

TIFFANY HAMILTON: Hi there. I'm Tiffany Hamilton and I am the sign language interpreter for tonight from Triad Community Services. I am a certified interpreter, which Leroy wants me to point out.

PRESIDENT SCHULMAN: Thank you very much.

LEROY LYNCH: My name is Leroy Lynch. I live at 3911 Highview SW and the reason I'm here tonight is because of the rehire issue that's still at hand. I'm concerned because this has been going on since January the 13th. We're 10 months into it and it just keeps being postponed and postponed. I hear it's going to be, oh in a couple weeks or maybe next month and I hear again it's supposed to be in another two weeks but I find out this morning it's been postponed to another month and I don't agree with this dragging of the feet. It looks like you guys are waiting until after the re-election and you're waiting to see, you know, if you're going to be still around before you make a decision on it and it's wasting everyone's time and I don't agree with that. Thank you.

PRESIDENT SCHULMAN: Thank you Mr. Lynch very much. (*APPLAUSE*) Our next speaker is Connie Collings. Miss Collins, Collings. Good evening, welcome. If you'll step forward and give us your name and your residential address please.

CONNIE COLLINGS: My name is Connie Collings. My residential address is 5923 Libbie Street NW, Canton. I am, excuse me, I have bronchitis, it's hard to speak. I am President of the Stark County Real Estate Investors Association and I am here because I am concerned as long as, as well as our members are concerned about the proposed Ordinance you guys will be discussing regarding the additional fees for landlords. There are a lot of investors here tonight. Not all of them wish to speak. At this time I would like to ask anybody who is a landlord here to please stand up. (*PERSONS IN AUDIENCE STAND*) This issue concerns a lot of us. There are a lot of rental properties in here. The landlords who are here, almost all of them are members of our association and they are good landlords and we put more money into our rentals sometimes than we put into our own homes. I have replaced refrigerators in rentals units faster than I have replaced them in my own home. You know, I have duct tape on those doors sometimes, when that's because I have four kids that tear it apart and I refuse to buy a new one yet. What I would like to suggest is before Council makes any decisions on this, you really need to understand what it is to be a good landlord in the city of Canton. I'd like to publicly

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invite you all to our next meeting which is August 30th at the Mayfield Senior Center on Raff and 13th Street SW. It's a trade show format.

PRESIDENT SCHULMAN: Do you mean October 30th?

CONNIE COLLINGS: I'm sorry, you are correct. October 30th.

PRESIDENT SCHULMAN: That's OK.

CONNIE COLLINGS: I will have a table at that meeting for Canton City Council and I will sit at the table with you and allow you to speak to any member who wants to come up and talk to you so you can understand what it is to be a landlord in the city of Canton, what we go through. You can explain to us what your concerns are in a very social, informal format. It's not a, you're not going to be on, on anyone's radar, it's just social. Feel free to come. We can maybe help you come up with a better solution than the one that you've proposed which in our opinion comes across as being punitive instead of productive and that's all I'd like to say. Thank you.

PRESIDENT SCHULMAN: Miss Collings before you sit down, we appreciate you being here, thank you. It is October 30th at the Mayfield Center. What time?

CONNIE COLLINGS: 7:00 P.M. and it's open to the public. Anybody can come.

PRESIDENT SCHULMAN: And this is called the.....

CONNIE COLLINGS: Stark County Real Estate Investors Association.

PRESIDENT SCHULMAN: Great. Thank you very much. (*APPLAUSE*) Thank you for coming down. And obviously I want to thank the members of the Investment Group for coming down also tonight. I say this to everyone that comes down for a specific reason, if you want to leave, feel free. You don't have to be held hostage here. That goes for anyone, but if you want, particularly the real estate people, if you want to get up and leave now, you're more than welcome to do that as long as you're just quiet about it. So thank you for coming. We appreciate you being here.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We're now turning to Informal Resolutions. We have none this evening. And nothing will happen by the way if you walk out of the room. There's not going to be an Ordinance that's passed tonight so don't worry, I'm not trying to trick anyone.

COMMUNICATIONS

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

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED OCTOBER 15, 2012.

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361. AUDITOR MALLONN: REQ FOR ADDT'L AMENDED CERTIFICATE DATED 9/28/12. - RECEIVED & FILED
362. AUDITOR MALLONN: MONTHLY RPT BY FUND 9/1/12 - 9/28/12. - RECEIVED & FILED
363. AUDITOR MALLONN: YEARLY REPORT BY FUND 1/1/12 - 9/28/12. - RECEIVED & FILED
364. COMM DEV DIRECTOR MILLER: ESTABLISH FAIR REUSE VALUE OF REAL PROP & AUTHORIZE DISPOSITION OF SAID PROP LOCATED ON LACAVE PL NW FOR TIM & CLAIREESE PORTER (PARCEL #02-18094, PART LOT #13447). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
365. COMM DEV DIRECTOR MILLER: ESTABLISH FAIR REUSE VALUE OF REAL PROP & AUTHORIZE DISPOSITION OF SAID PROP LOCATED ON LACAVE PL NW FOR TIM & CLAIREESE PORTER (PARCEL #02-22610, PART LOT #13447). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
366. DEVELOPMENT DIRECTOR WILLIAMS: AUTHORIZE MAYOR &/OR SERV DIR TO MAKE APPLICATION FOR & REC MONIES FROM CLEAN OH ASSISTANCE FUND FOR ASSESSMENT OF PROP KNOWN AS JEFFRIES FORMER REPUBLIC STEEL MILL PROJ; AUTHORIZE TO ADVERTISE FOR & ENTER INTO CONTRACTS &/OR AGMTS FOR ANY NECESSARY ARRANGEMENTS ASSOCIATED W/ASSESSMENT WORK. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
367. FINANCE DIRECTOR DIRUZZA: REQ TO AMEND APPROP O#220/2011 BY MAKING \$389,519.00 SUPP APPROP (FIRE DEPT, CENTRAL COMMUNICATIONS & CIVIL SERVICE). - FINANCE COMMITTEE
368. FISHER, K, WARD 5 CNCLMBR, MACK, E, WARD 8 CNCLMBR, MARIOL, J, WARD 7 CNCLMBR & MORRIS, F, WARD 9 CNCLMBR: REQ DRAFT LEGISLATION THAT INCREASES THE LICENSING FEES OF ALL NON-OWNER OCCUPIED RESIDENTIAL PROPERTIES IN CITY & INCREASE PENALTIES OF FACILITIES THAT FAIL TO OBTAIN THE REQUIRED LICENSE FROM CITY. - JUDICIARY COMMITTEE
369. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED ZONE CHANGE @ 2610 HARRISON AVE NW FROM P1-I (PLANNED LIGHT INDUSTRIAL) TO PB-4 (PLANNED SPECIAL BUSINESS) TO USE LAND AS SITE FOR EQUIP RENTALS (FULTON LUMBER). - JUDICIARY COMMITTEE
370. PLANNING COMMISSION: RECOMMENDING DENIAL OF PROPOSED ZONE CHANGE @ 1130 WERTZ AVE SW FROM R-1A (SINGLE FAMILY RESIDENTIAL) TO PR-2 (PLANNED TWO FAMILY RESIDENTIAL) TO USE AS A DUPLEX (VICKIE KNAFEL LUNSFORD). - JUDICIARY COMMITTEE

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371. SERVICE DIRECTOR PRICE: AUTHORIZE & DIRECT SERV DIR TO ENTER INTO MNGMT SERV CONTRACT W/HEALTH DEPT TO PROVIDE OVERSIGHT OF SANITATION IN AMT NOT TO EXCEED \$60,000.00. - PERSONNEL & FINANCE COMMITTEES
372. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CHANGE ORDER FOR 2012 CITY PAVING CONTRACT, GP, 1187 W/CENTRAL ALLIED ENTERPRISES IN AMT NOT TO EXCEED \$250,000.00; AUTHORIZE MAYOR &/OR SERV DIR TO EXECUTE CHANGE ORDER #1 2012 CITY PAVING CONTRACT #2012-34, GP 1181 W/CENTRAL ALLIED ENTERPRISES IN AMT NOT TO EXCEED \$250,000.00; MAKE \$75,000.00 SUPP APPROP FROM 4501-202260: CAPITAL FUND-STREET PAVING, AUTHORIZE & DIRECT AUDITOR TO DRAW WARRANTS & MAKE PAYMENTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY PROPER DEPT AUTHORITY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
373. SERVICE DIRECTOR PRICE: REQ AUTHORITY TO NEGOTIATE & ENTER INTO AGMT W/HRM ENTERPRISES INC TO SELL LARGE VOLUMES OF WATER TO BUSINESSES OWNED BY THIS COMPANY. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
374. TREASURER SCHIRACK: RPT OF DEPOSITS AND PAY INS FOR AMBULANCE LOCK BOX ACCT FOR SEPTEMBER 2012. - RECEIVED & FILED
375. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR SEPTEMBER 2012. - RECEIVED & FILED
376. TREASURER SCHIRACK: RPT OF BANK RECONCILIATIONS AND CITY'S OUTSTANDING INVESTMENTS AS OF 9/28/12. - RECEIVED & FILED
377. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS AS OF 9/30/12. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: Turning now to Ordinances and Formal Resolutions for the First Reading. Let the journal show that all Ordinances are being given their Reading as required by State law. Madame Clerk would you please read the First Reading Ordinances by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #7 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 (\$154,054.00 FROM UNAPPROP BAL OF 2331 APC FUND TO 2331 APC FUNDS - OTHER - HEALTH DEPT)
Referred to Finance Committee

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- #2. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY (\$53,000.00 FROM UNAPPROP BAL OF 1105 POLICE SETTLEMENT FUND TO 1105 753001 LAW DEPT - OTHER)
Referred to Finance Committee
- #3. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY (\$15,096.00 TRANSFER FROM 4502 103501 CENTRAL COMM - OTHER TO 4502 103001 FIRE ADMIN)
Referred to Public Property Capital Improvement Committee
- #4. (1ST RDG) AN ORDINANCE AMENDING CHAPTER 955, WATER, OF THE CODIFIED ORDINANCES
Referred to Judiciary Committee
- #5. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT MODIFICATION #2 WITH ME COMPANIES IN AN AMOUNT NOT TO EXCEED \$686,323.00 TO COMPLETE THE BALANCE OF THE DETAILED DESIGN, ENVIRONMENTAL DOCUMENTATION AND RIGHT-OF-WAY WORK FOR THE 12TH STREET N. CORRIDOR PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY (\$39,536.56 FROM UNAPPROP BAL OF 4563 12TH ST CORRIDOR PROJ GP 1098 TO 4563 202077 12TH ST CORRIDOR PROJ GP 1098 - OTHER)
Referred to Public Property Capital Improvement Committee
- #6. (1ST RDG) RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR
Referred to Finance Committee

(COUNCIL RECESSED AT 7:48 P.M. FOR THE PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE TO DISCUSS ORDINANCE #7; RECONVENED AT 7:51 P.M.)

- #7. (1ST RDG) **ADOPTED AS ORDINANCE NO. 169/2012** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH DOWNTOWN FORD FOR THE PURCHASE OF ONE FORD EXPLORER WITH NEEDED ACCESSORIES IN AN AMOUNT NOT TO EXCEED \$25,606.50 PURSUANT TO O.R.C. SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee

PRESIDENT SCHULMAN: And at this time the Chair will declare an in house recess for that Committee to meet in regard to Ordinance #7 on your Agenda. You are in recess.

PRESIDENT SCHULMAN: Council will reconvene after the recess. Leader Dougherty.

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MEMBER DOUGHERTY: Yes, Mr. President, I move we suspend Rule 22A to place Ordinance 7 back on our agenda.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A. Are there any remarks? Hearing none Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The Motion carries. Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 7.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rules on Ordinance 7. Any remarks? Hearing none, Madame Clerk roll call vote again please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries. You've heard the three readings Leader.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 7.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #7. Any remarks under this Ordinance? Hearing none, Madame Clerk again roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#7 ADOPTED AS ORDINANCE NO. 169/2012

PRESIDENT SCHULMAN: Thank you Madame Clerk. Motion carries. Ordinance 7 is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

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PRESIDENT SCHULMAN: Turning now to...(NOISE FROM AUDIENCE) I didn't realize there was that much excitement about it. Was that an Explorer or a Chevy? Turning now to Ordinances and Formal Resolutions for the Second Reading. Madame Clerk, would you please begin with Ordinance #8.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #8 THROUGH #12 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #8. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 220/2011, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION AND APPROPRIATION TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (\$24,050.64 & \$27,030.88 - COMMUNITY SANCTIONS GRANT FUND)
- #9. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 220/2011, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (\$25,000.00 2318 HIV PREVENTION FUND - HEALTH DEPT)
- #10. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY (\$600,000.00 - 2316 WIC FUND - HEALTH DEPT)
- #11. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 220/2011, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (\$675.00 - 2784 2009 BYRNE MEMORIAL CANTON JUSTICE ASST GRANT FUND)
- #12. (2ND RDG) AN ORDINANCE AUTHORIZING AND CONSENTING TO MISCELLANEOUS BRIDGE REPAIR AND MAINTENANCE ON THE STRUCTURE AT 1R77-9.08R OVER THE NORTHBOUND RAMP ON IR77; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Thank you Madame Clerk. We now turn to Ordinances and Formal Resolutions for their Third, Final Reading and vote. Would you please begin with Ordinance 13.

- #13. (3RD RDG) **ADOPTED AS ORDINANCE NO. 170/2012** 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) **PUB HRG 10/15/12 @ 7:30 P.M.**

PRESIDENT SCHULMAN: Leader Dougherty.

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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?

MEMBER SMITH: Yes, Mr. President.

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: I'd just like to remind Council Members that this was the Ordinance that I asked for your support. This building had remained vacant for many, many years. It was a bar previously. It is now a church and the residents are very happy that the church is coming there and it will be a great asset to this community so I ask for your support. Thank you.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#13 ADOPTED AS ORDINANCE NO. 170/2012

PRESIDENT SCHULMAN: Ordinance 13 is adopted. Ordinance #14 please.

#14. (3RD RDG) **ADOPTED AS ORDINANCE NO. 171/2012** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 253 AND 254; AND DECLARING THE SAME TO BE AN EMERGENCY (6TH AND MCKINLEY NW FOR CANTON POLICE AND FIREMAN'S CREDIT UNION)

PRESIDENT SCHULMAN: Leader Dougherty.

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 11 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Eleven yeas Mr. President.

#14 ADOPTED AS ORDINANCE NO. 171/2012

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 14 is adopted. Ordinance 15 please.

#15. (3RD RDG) **ADOPTED AS ORDINANCE NO. 172/2012** 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

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move 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? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#15 ADOPTED AS ORDINANCE NO. 172/2012

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 15 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: Turning now to Announcement of Committee meetings.

MEMBER COLE: Mr. President.

PRESIDENT SCHULMAN: Member Cole.

MEMBER COLE: Finance will meet at 6:45 October 22nd.

PRESIDENT SCHULMAN: Thank you.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader Dougherty.

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MEMBER DOUGHERTY: Public Property and Capital Improvement will also meet that evening at that time.

PRESIDENT SCHULMAN: Thank you. Any other announcements? Turning....Judiciary.

CLERK TIMBERLAKE: Wait someone needs to call Judiciary for Thomas.

MEMBER COLE: Judiciary will be at 6:45 as well.

PRESIDENT SCHULMAN: Thank you.

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: Turning now to Miscellaneous Business, is there any?

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Thank you. I'd like to congratulate Officer Shackle and Officer Jeffries. Officer Jeffries is one of our new rookies. They apprehended a criminal down on Fulton Road last Saturday afternoon. They got there very quickly. I've had several run ins with this gentleman. He seems to like lawnmowers. He particularly liked mine. I caught him coming out of my garage with a pressure washer and I was unable to stop him that afternoon because a policeman was not available. I found out later that my stereo was missing out of my car in my garage. I ran into him again a second time when he was selling lawnmowers down at Morris Scrap Dealers and this Friday, or this Saturday afternoon I was headed down on Fulton Road when here he comes, pushing a lawnmower, a weed wacker, a walker for a disabled person and a sander and several other tools. Now I called the police. Him and I exchanged words. He understood, he recognized who I was, I recognized who he was, the police got there, they did in fact find him. They found an additional thing with this gentleman. He had broken into a car, or excuse me allegedly been in a car, he was found with a woman's purse that would have saved him a whole lot of issues. This lady got her purse back immediately and I was thankful even though she was from Michigan so....and I had my Ohio State shirt on. But again, a lot of thanks and gratitude to Officer Shackle and Officer Jeffries for what they did. They did an outstanding job. They took this gentleman off the street and I appreciate them very much and their quick response. Thank you.

PRESIDENT SCHULMAN: Thank you Member Hawk. Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. I spoke to Mr. Adams earlier and thanked him and I know we all opened the paper and we saw Mark Adams on the paper on all of the things that he has done and put the money out of his own pocket to buy a truck and several other pieces of equipment and he's taken it upon himself to clean up Canton and I was really impressed to see a person I mean, we have a lot of really good workers but someone to even go that far, it was \$13,000.00 was one of the expenses I believe it said. I was really impressed by an employee and very proud you know, to have him on board cause it just makes you feel really, really good when you see something like that happening and believe me, the people in the city know this whenever that's going over an above the call of duty. Now Mr. President I have something I have to ask Mr. Burns I guess, since Mr. Martuccio's not here and....

PRESIDENT SCHULMAN: Oh, I'm sure Tom's very excited about this.

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MEMBER CIRELLI: (*LAUGHTER*) Oh, I'm sure he is very excited. Well, he's handling this anyhow. It has to do with the, this so called issue that we have at the CCIC and the credit card. And I thank you and I find out, I found out why when you sent it twice, my computer's done a strange thing. I was looking for something and it throws it into the trash, so I apologize for my computer. I hopefully, my son's helped me and I think we got that straightened out but, maybe it was brought to your attention, maybe not, but we had a consultant that we hired in August but yet we used the, that credit card to pay for a room for him in July to attend a seminar. Now I know that's going to be a finding against us. Maybe you didn't notice it and maybe you did but I think it would be worthy of you checking that out sir and finding out how we could pay for something when he really wasn't brought on board yet. And also, in reviewing the tapes of the meeting, one of the members, well Mr. Katz, voted when they had a round table up in Cleveland where the city was having some accolades, he voted when he really should have not voted. That was totally improper so, I don't know whether you can handle that at another meeting but he should....

TOM BURNS: That wouldn't invalidate that vote. It was a unanimous vote on that particular expenditure.

MEMBER CIRELLI: Pardon me sir.

TOM BURNS: It was a unanimous vote. It would not have invalidated the approval of that expenditure.

MEMBER CIRELLI: Mr. President, it was a unanimous vote did you say?

TOM BURNS: Yes.

MEMBER CIRELLI: But it was by voice. It went around the table and voted.

TOM BURNS: It was roll call vote.

MEMBER CIRELLI: Mr. President.

TOM BURNS: It was by voice but it was a roll call vote.

MEMBER CIRELLI: Right but to my understanding...

TOM BURNS: As was all of them.

MEMBER CIRELLI: To my understanding, like when we do a roll call vote here, if there's a potential thing that it may be a conflict of interest, that person generally abstains from the vote. Now if I'm incorrect, you know, I'll eat my words, whatever.

TOM BURNS: What I'm saying is that it, if he had abstained it would still have been the same result. I know and take cognisance of your point but, what, all I'm trying to say is it would not have changed the vote.

MEMBER CIRELLI: OK, thank you Mr. Burns. I appreciate that very much. And I'm a little frustrated on some of the retire, rehire also things cause the general public seems to think Council has something to do with that and Mr. Burns or President Schulman, if we do, would you please let us know because to my understanding that is up to the administration. Am I incorrect on that or am I correct sir?

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PRESIDENT SCHULMAN: I wish I could answer that question Member Cirelli. I don't know the answer to that. I would assume that Council is not initially responsible for anything that has to do with that problem.

TOM BURNS: I'm not handling that particular matter. Ms. Bates has been working closely on that issue and I really don't know the status of it. I can make an inquiry tomorrow though.

MEMBER CIRELLI: I would appreciate that sir because Mr. President and Mr. Burns, obviously Mr. Lynch has been here several times and we have a lot of new Council people here also and we're all sometime wondering on our own, what are we supposed to do, or you know, this was an administration move and Mr. Price it looks like, I think, is going to rise to the table and I appreciate that.

SERVICE DIRECTOR PRICE: Yes Mr. President. This Council I believe, authorized and direct me to enter into an agreement with the Auditor of the state to conduct an audit. That audit is underway but is not yet complete officially is what I understand. Thank you.

MEMBER CIRELLI: OK, thank you Mr. President and thank you Mr. Price. I appreciate that.

PRESIDENT SCHULMAN: Thank you Member Cirelli. I think what is true is Council had absolutely nothing to do with the problem itself. We do know that so I think it's only fair to mention that. Any other comments on Miscellaneous Business? Leader.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adjourn. Any, well there is no remarks. Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Thank you all for coming down. The meeting is adjourned. Please drive carefully. *(Gavel falls)*

ADJOURNMENT TIME: 8:06 P.M.

ATTEST: OCTOBER 17, 2012
CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

APPROVED: OCTOBER 17, 2012
ALLEN SCHULMAN
PRESIDENT