

MINUTES OF THE MEETING MARCH 25, 2013

PRESIDENT PRO TEM DOUGHERTY: With a quorum being present, the Chair calls this meeting of City Council to order. Roll call.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

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

ELEVEN COUNCIL MEMBERS PRESENT.

CLERK TIMBERLAKE: Eleven yeas Mr. President.

EXCUSING MEMBERS

PRESIDENT PRO TEM DOUGHERTY: Member Babcock, I'll recognize a motion to excuse Members..

MEMBER BABCOCK: Mr. President I move we excuse Member Griffin and President Schulman from tonight's meeting.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to excuse Members Griffin and President Schulman from tonight's meeting. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT PRO TEM DOUGHERTY: The motion carries. We'll have the invocation given tonight by Council-at-Large Member Jim Babcock. Please stand and remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on March 25, 2013 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, James Babcock. The Pledge of Allegiance led by President Pro Tem Dougherty.

AGENDA CORRECTIONS & CHANGES

PRESIDENT PRO TEM DOUGHERTY: Thank you Member Babcock. Agenda Corrections and Changes please.

MEMBER BABCOCK: Mr. President, I move Rule 22A be suspended to add 2nd Readings and Ordinances #6 and including #7.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to suspend Rules. Any remarks? Roll call.

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NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Ordinances are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT PRO TEM DOUGHERTY: We have no Public Hearings tonight.

OLD BUSINESS

PRESIDENT PRO TEM DOUGHERTY: Any Old Business Mayor? Thank you.

PUBLIC SPEAKS

PRESIDENT PRO TEM DOUGHERTY: We're under Public Speaks. We have seven signed up. Richard Drake please. Everyone speaking will have three minutes. Give your name and address and welcome.

RICHARD DRAKE: Good evening everyone. My name is Richard Drake. I live at 3020 Sycamore Avenue SE, Canton Township. I'm here to talk a little bit about water tonight and also a safety meeting. What I want to say is, soil is the nation's real capital and water not oil, is a truly viable resource. More than petro or land, it is over water that the most bitter conflicts of the near future may be fought. The wars of the next century will be about water. No trees, no soil, no water, desert. Destruction of the earth's living cover is proceeding at a rate and on a scale unparalleled in history and when that thin cover of soil is gone, the curdle regions where it formerly lay will be uninhabitable deserts. That could have been written yesterday but in fact, it's more than 60 years old. The Rape of the Earth. The World's Survey of Soil Erosions the book by Jackson White published in 1939. So, here we are today and when the Ohio Valley was first discovered, we were 98% trees, water everywhere, then along came the settlers, the loggers, World War 1 and it forced the big armed furnaces. Devastated all Ohio's trees, 98%. A squirrel could jump from tree to tree across the state. Now, we're, we went down to 10% after World War 1 and then conservation come along. So now we're recovering at about 31, 33% trees. And getting back to the water which we could have had water anywhere years ago. Look around today, you got to buy water everywhere you go and hope it's fit to drink, a lot of it. So now we're constantly at battle with clean water. So now we want to go green. We're understanding why we need trees. We need protected boundaries around our aquifers and I want to thank the Mayor and the administration for buying this property around our aquifers. We could never have enough land around your aquifers, water sources needs to be protected. At least a two mile radius because of the fracking. It just gets in there and it just ruins our water supply. So again, I commend you on all that and we need to start taking care of our trees, our existing ones and plant new ones and take care of our (*inaudible*)...and maybe we can start getting sustainability back into our, our urban forest and our communities. Then one other thing I wanted to bring up was the Ohio Utilities Protection Service. Every year they have an annual program for safety and anyone that digs or is around an accident, needs to have this training so they know what to do to save lives. So I'm going to give this paper and pass it around and there's a number here you can call and there's a 90 minute free program give out by Ohio Utilities Commission every year. Food and you get continuing education units so people that need their license renewed, you can get credits for this. And I highly recommend that people go to this because if you got new police officers, you never have enough training, OK, so I recommend somebody call up and send somebody to this. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you. (*APPLAUSE*) Bruce Nordman.

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BRUCE NORDMAN: Good evening. Evening Mayor, Majority Leader Dougherty, Members of the City Council. I'm here representing Group 175. You know Mr. Brewer and I run a concealed carry class and we canvas the most difficult areas in the city. Shorb Avenue, Gibbs, 19th and Maple. We also deal in and contact all of the businesses that deal in cash. And the one concern is, that they're concerned about crime as it relates to police strengths. I'd like to take this moment to thank the Mayor and Council for the 14 additional policemen that they have put into this year's budget but, with our studies we feel that the police strength should be at 175. Now, I have put on each of your desks this report which states in 2008 there were 2,432 arrests with 175 officers, with an average of 14 officer, 14 arrests per officer. 2012 we dropped 843 as the strength of the Police Department dropped but also an alarming statistic is the arrest per officer also reduced. Now last week, President Schulman indicated that he would like us to contact our legislators and we would like from the Mayor's office a little guideline and some printed materials so that we can speak effectively to that issue. And we would also like to meet with whomever that you could designate to help us in terms of getting our police strength up to 175. We'll meet with anybody, anywhere, at any time. All you have to do is tell us when and where and we'll arrange it. Now the conceal carry permits that were up 52% last year, that indicates there is a problem. Also, the crime statistics in terms of the shots fired more specifically right, relate to gangs and we'd like for our Police Department to be proactive and to get the Gang Force back going so that we can infiltrate these gangs and create, create safety before the crimes even happen. So that's part of that 175 and also, last year we built 17 new houses in the city. The year before 14 and there's a tremendous amount of growth going on and it all relates to safety. And also, the final thing is, that while we lost 8, almost 7,200 people in the city of Canton, Stark County lost only 2,000 and our median income dropped down from \$38,000.00 to \$30,000.00. That's a big drop. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you. (*APPLAUSE*) John Swartz. Good evening.

JOHN SWARTZ: I'm John Swartz from 239 Perry Drive NW, Canton, Ohio. President of Council, Mr. Mayor, Council Members 50 years ago I was teaching at a little college up in Cleveland and the historian of the college said to me, "If you want to know a city, you need to know it's buildings, you need to know it's history, but you also need to know it's cemeteries." And he proceeded to take me out to the cemetery on 9th Street and when we got out there, he took me around there. All of these tombstones began to come to life. They began to say something about what was happening in that city. Well I had the same experience at West, not Westbranch cemetery but, Westlawn and I was out there and there's a little area about maybe the size of this area here and in that area, names like Aultman and Miller and Ball are all over the place. And I said well who could these people be, they're all pretty much in an enclosure and that building that we're restoring, the Aultman building, is really a story. It's a history of a huge pocket of people who became great in Canton. It's not just Cornelius Aultman and this by the way is, if you go to the Canton website, this comes up under agricultural people but, Cornelius Aultman came down here with his step-brother who's name was Lewis Miller. They come down here and started an agricultural business and they were joined by a Ball named Mr. Ephraim Ball who had a building right across from the tracks where the Aultman Building is now. But anyway, they got into this, they made an incredible business and it became so great that actually Lewis Miller moved to Akron and started a branch of Aultman up there which became eventually International Harvester. He was a founder of Sunday schools but he also joined a man named John Franken, John Francis who actually started, the two of them started the Chautauqua Society in New York. So that's another big name and he has a quick print up there, he had 12 kids and they're all buried in a circle in northwest Akron. Anyway, Thomas Edison after his wife died, ended up marrying Lewis Miller's daughter, Nina so that's a time in to the building that Steve Coons is trying to restore downtown which is the electric, the old Ohio Power building. That's got wells in it, it's got all kind of interesting things from the past because they used to produce steam. Thank you.

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PRESIDENT PRO TEM DOUGHERTY: Thank you very much.

JOHN SWARTZ: OK. (*APPLAUSE*)

PRESIDENT PRO TEM DOUGHERTY: Bret Moore.

BRET MOORE: Good evening. God bless all of you. As in the prayer that was given tonight, how they said bless Canton, Mayor Healy I would like to say that I have not got a chance to speak with you directly and if I could have a moment of your time, I'd like to say to you that what I've heard is, and I'm not even sure who I've heard this from but, somebody told me that you know, you have and which we all understand. You have many things on your plate but when you're concentrating on one thing some of the others things don't get so much work. When you're concentrating on another thing some of the other things get left alone and I heard that this was the year that you was going to concentrate harder on the police force. Now I don't know if this is true or not, but all I ask of you is, this city of Canton, I've, I was born here. I grew up here. I've never left here except for vacations and I love this city and I think that this city should be a shining star on the map of Ohio and I would ask that when you're putting your directions all towards one thing, that it be Canton and how we can better Canton and make it a better place for all of us. And thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you. (*APPLAUSE*) Dave Kirven.

DAVE KIRVEN: Dave Kirven. 926 Wise Avenue SE, North Canton, Ohio. I'm here on behalf of the East Central Ohio Building Trades tonight to ask for your support and approval of the Hercules Ordinance. First of all I'd like to thank the administration for their efforts to put us together with Cormony and Skanska and to address our issues with hiring local contractors for the Hercules project. In particular Fonda Williams and Joe Cole for their participation. On paper this just looks like a pretty simple dollars and cents deal but in reality this is about embracing a vision. The vision that Cormony has put in front of us I think not only, it not only shows their commitment to the community but to their local workforce and also will serve as a gateway for investment for the downtown area, plus it will change the face of downtown Canton for the next generation. On behalf of the East Central Ohio Building Trades, I'm asking for your support tonight. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you. (*APPLAUSE*) Jim Parker.

JIM PARKER: Jim Parker. 630 Penny Street SE, city of North Canton, Ohio, however my birth certificate says Canton, Ohio. My father's side has three generations here in Canton. My grandfather had a shoe shine parlor I may have mentioned a lot here. One of the sons happened to grow up poor, playing a trumpet while turned down a Juilliard scholarship to go into, to support his family. Ended up becoming Sheriff of Stark County, George Papadopoulos. My mother's side has four generations in Canton. So there's no question about my living in North Canton, my integrity for this town. I would also recommend to pay Mr. DiRuzza his salary to commensurate with his level of professionalism. March 28, 2013 will mark the 125th year since the birth of the legend, James, James Frances Thorpe. And this year will reveal the 50th anniversary rebuild of the Pro Football Hall of Fame. I've been asked if I'm not dwelling on the past too much, that dwelling on the past can rob the present. Yes it can, however to forget the past steals it and robs it from our future. For two years now, I've asked that proper, clean, untattered flags fly on the extra 17 flagpoles on Central Plaza. After about 16 months or so, Derek Gordon in Mayor Healy's office, put up some team flags and Hall of Fame flags. I was thrilled. From the beginning Mayor Healy has to his credit, responded to all my concerns which pale in

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comparison to the yeoman's task of running a city as big as this as well as he does. As of now, management of Central Plaza is fragmented. The Chamber of Commerce doing a weak job at their end at best. I recall candy canes on display in May with winter banners to compliment that. In fact my 10 year old knows better that to allow that on my front porch. If I would please this Council, please put the care and management of Central Plaza, the Parks and Recreation where Derek Gordon is working. This shift will put the burden on those who can do it, not those who can't. It's obvious that the worst management is no management. This is the welcome mat of our city and it's improper. While doing so, would you please designate it as Jim Thorpe Plaza. Just today, Pete Calac, Jr. told me of a Hollywood producer doing research on the Carlyle Indian team. Thorpe, Calac Sr., Joe Guyon and Little Twig, also a Canton policeman played on. They were the 1916-1917 Canton Bulldogs, undefeated, unscored upon. A record that stands to this date in professional football. The movie will start at Wounded Knee massacre and will culminate with the Carlyle Indian School vs the Army game which would be five generals played in, including Eisenhower. Some books say that the last game that he played after a cheap shot on Thorpe that isn't true either. He ended up playing another. Guess who was the victor. It was that tough a game. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you. (*APPLAUSE*) Dominique Simpson. Evening.

DOMINIQUE SIMPSON: (*Inaudible*)...I would like you guys to do something about your police officers. (*Inaudible*)....and he said something about increasing the police force when should like deal with the ones you have and teach them how to do their jobs correctly. You know I've been to jail more times than a criminal and I don't even have a record. You know, I've gotten my car taken twice this month you know. I mean a \$165.00 here, \$165, 70.00 there. I live off of \$200.00 a month so my whole month this month went to a car that shouldn't even be towed. But the good thing about it is, I mentioned the jurisdiction over everything you know, and still they give me a ticket off a 2006 license when I have a California license and they know I can't sit in court of a California license but I'm on an Ohio 2006 license. I will not give up my jurisdiction. I will not, to no one, you know and I need someone on Council or people in the audience to say, hey leave this guy alone. He's really trying to do something well for your community. You know, I mad at my news cause they had me out here. They told me at first, oh no, you're from Africa. You know, come to find out, I'm originally, our family is from here. They wiped my tribe out to 200 people. Fourteen Chiefs came with my grandfather plus me you know, you know we Pledge Allegiance every Monday but how many people stay true to that pledge. If you are true to that pledge, you would help me and tell folks to leave that guy alone. He doesn't do anything. I can bring, I want to bring my nation's money here. That \$3,000,000.00 you need, I can get it, but I would need everybody's help. I'm not trying to take money out of communities, I'm trying to put, I'm trying to invest in communities all over America. It's my duty. You know, so if you guys could please help. Ya'all can all give me \$10.00 and I can get my \$165.00 like right now. This, but, I'll deal with that as it comes. Here's, here's my jurisdiction, if you can get your police officers to accept that, hey, he doesn't want to be a slave, cause I don't want to be a slave. None of my family ever wanted to be slaves that's why we had wars and that's why I have a loading title. I don't have mortgage title.

PRESIDENT PRO TEM DOUGHERTY: Thank you.

DOMINIQUE SIMPSON: (*Inaudible as he left the podium*)

INFORMAL RESOLUTIONS

PRESIDENT PRO TEM DOUGHERTY: Now under Informal Resolutions. There are none tonight.

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PRESIDENT PRO TEM DOUGHERTY: 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 MARCH 25, 2013.

138. COUNCIL AS A WHOLE: REQ TO AMEND THE CODIFIED ORDINANCES TO PERMIT CITY OFFICIALS TO RECOMMEND THE PURCHASE OF VEHICLES & SUPPLIES FROM LOCAL VENDORS WHEN THE LOCAL PRICES ARE SIMILAR TO OR SLIGHTLY HIGHER THAN PRICES AVAILABLE VIA THE STATE COOP PURCHASING AGMTS OR OTHER BIDS. - JUDICIARY COMMITTEE
139. MAYOR HEALY: REQ AUTHORIZATION OF APPT OF KELLI SCOTT TO CANTON REC BD FROM 4/25/13 TO 12/31/15. - PERSONNEL COMMITTEE
140. MAYOR HEALY: REQ LEGISLATION LIFTING THE 3% CAP FOR FINANCE DIRECTOR'S POSITION EFFECTIVE 30 DAYS FROM PASSAGE OF LEGISLATION. - PERSONNEL & FINANCE COMMITTEES
141. MAYOR HEALY: AUTHORIZE ADMINISTRATION TO PAY A STIPEND IN AMT NOT TO EXCEED \$12,000 PER YEAR TO ANY INDIVIDUAL SERVING SIMULTANEOUSLY AS SAF DIR & SERV DIR. - FINANCE COMMITTEE
142. SERVICE DIRECTOR PRICE: REQ AUTHORIZATION TO ENTER INTO PROF SVCS CONTRACT W/BENNETT & WILLIAMS ENVIRONMENTAL CONSULTANTS INC TO PERFORM A COMPREHENSIVE SOURCE WATER PROTECTION PROJ IN AMT NOT OF \$498,600.00; REQ SUPP APPROP FROM UNAPPROP BAL OF 5201 WATER FUND. - FINANCE COMMITTEE
143. SERVICE DIRECTOR PRICE: REQ TO AMEND SEC 181.17 OF CODIFIED ORDINANCES TO ALLOW CAPITAL FUNDS TO BE USED FOR FUNDING THE HERCULES PROJ LOAN & OTHER URBAN RENEWAL ACTIVITIES ASSOC W/THE HERCULES PROJ; AUTHORIZE & DIRECT AUDITOR TO CREATE A PROCEEDS ACCT FOR REVENUE RECEIVED FROM THE HERCULES PROJ LOAN; AUTHORIZE & DIRECT AUDITOR TO CREATE A LOAN FUND ACCT FOR PAYMENTS & TRANSFERS ASSOCIATED W/THE HERCULES PROJ LOAN; AUTHORIZE & DIRECT SERV DIR &/OR AUDITOR TO ISSUE BOND ANTICIPATION NOTES IN AMT NOT TO EXCEED \$3,000,000.00 IN ORDER TO FUND THE HERCULES PROJ LOAN. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT PRO TEM DOUGHERTY: Now under Ordinances and Formal Resolutions for their First Reading. Madame Clerk.

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NOTE: PRESIDENT PRO TEM DOUGHERTY CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #5 FOR ITS FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE AUTHORIZING A WAGE INCREASE FOR MANAGEMENT AND NON-BARGAINING UNIT PERSONNEL; 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
Referred to Personnel and Finance Committees
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- #2. (1ST RDG) AN ORDINANCE AMENDING SECTION 707.02 LICENSE; FEE; DURATION; ISSUANCE AND REVOCATION, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
Referred to Judiciary Committee
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- #3. (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$14,857.98 TO SUNPRO, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
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- #4. (1ST RDG) AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,500,000.00 FOR THE PURPOSE OF REFUNDING BOND ANTICIPATION NOTES PREVIOUSLY ISSUED FOR THE PURPOSE OF PROVIDING FUNDS TO PAY A COURT-APPROVED SETTLEMENT OF A CLAIM AGAINST THE CITY
Referred to Finance Committee
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- #5. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE IN CONJUNCTION WITH THE 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 (OEPA) 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 AND ENTER INTO CONTRACT WITH OPEA FOR A LOW-INTEREST LOAN TO FUND THE CONSTRUCTION PHASE OF THE PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$28,500,000.00 FROM UNAPPROP BAL 5442 WRF PHOSPHORUS/NITROGEN PROJ FUND TO 5442 206044 WRF PHOSPHORUS/NITROGEN PROJ - OTHER)
Referred to Public Property Capital Improvement Committee
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ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT PRO TEM DOUGHERTY: Now under Ordinances for Second Reading.

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NOTE: PRESIDENT PRO TEM DOUGHERTY CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #6 THROUGH #7 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #6. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$7,859.36 SUPP APPROP NEIGHBORHOOD STABILIZATION PROG & \$13,946.42 APPROP TRANSFER NEIGHBORHOOD STABILIZATION PROG)
- #7. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$22,262.77 AND \$21,389.72 SUPP APPROP FOR WEST SIDE INTERCEPTOR SANITARY SEWER REHAB PROJ, GP 1138)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT PRO TEM DOUGHERTY: Now under Ordinances for their Third and Final Reading.

NOTE: PRESIDENT PRO TEM DOUGHERTY CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #8 THROUGH AND INCLUDING #13 FOR THE THIRD TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

- #8. (3RD RDG) **ADOPTED AS ORDINANCE NO. 58/2013** A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE TACO BELL ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON TS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER BABCOCK: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes.

MEMBER BABCOCK: I make a motion we adopt Ordinance #8.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 8. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#8 ADOPTED AS ORDINANCE NO. 58/2013

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PRESIDENT PRO TEM DOUGHERTY: Ordinance 8 has been adopted. Ordinance 9.

#9. (3RD RDG) **ADOPTED AS ORDINANCE NO. 59/2013** AN ORDINANCE ADOPTING AMENDMENTS TO THE ECONOMIC GROWTH INITIATIVE REGULATIONS; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER BABCOCK: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes.

MEMBER BABCOCK: I make a motion we adopt Ordinance #9.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 9. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#9 ADOPTED AS ORDINANCE NO. 59/2013

PRESIDENT PRO TEM DOUGHERTY: Ordinance 9 has been adopted. Ordinance 10.

#10. (3RD RDG) **ADOPTED AS ORDINANCE NO. 60/2013** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A FIVE-YEAR RECIPROCAL SERVICE AGREEMENT WITH STARK STATE COLLEGE OF TECHNOLOGY (SSCT); AUTHORIZING THE DONATION OF A 1982 TOWER TRUCK TO SSCT IN 2018; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Babcock.

MEMBER BABCOCK: Mr. President, I make a motion we adopt Ordinance #10.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 10. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

MINUTES OF THE MEETING MARCH 25, 2013**#10 ADOPTED AS ORDINANCE NO. 60/2013**

PRESIDENT PRO TEM DOUGHERTY: Ordinance 10 has been adopted. Ordinance 11.

#11. (3RD RDG) **ADOPTED AS ORDINANCE NO. 61/2013** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A DESIGN CONTRACT WITH CTI ENGINEERS, INC. FOR THE FAIRCREST S.W. SANITARY SEWER PROJECT, GP 1142; AUTHORIZING THE AUDITOR TO ESTABLISH THE 5401 HB 487 SANITARY SEWER PILOT PROGRAM FUND; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (3 SUPP APPROPS FOR SANITARY SEWER FUNDS AND A \$690,892.16 INTERFUND TRANSFER TO 5401 HB 487 SANITARY SEWER PILOT PROGRAM)

PRESIDENT PRO TEM DOUGHERTY: Member Babcock.

MEMBER BABCOCK: Mr. President, I make a motion we adopt Ordinance #11.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 11. Any remarks?
Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#11 ADOPTED AS ORDINANCE NO. 61/2013

PRESIDENT PRO TEM DOUGHERTY: Ordinance 11 has been adopted. Ordinance 12.

#12. (3RD RDG) **ADOPTED AS ORDINANCE NO. 62/2013** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO SUBMIT AN APPLICATION AND ANY OTHER NECESSARY DOCUMENTATION TO THE STARK COUNTY LAND REUTILIZATION CORPORATION (SCLRC) FOR A MOVING OHIO FORWARD DEMOLITION PROGRAM FUNDING GRANT AND TO ENTER INTO A SUBRECIPIENT AGREEMENT WITH THE SCLRC IN ORDER TO EFFECT THE DEMOLITION OF NUISANCE RESIDENTIAL STRUCTURES WITHIN CANTON; RATIFYING ANY ACTIONS TAKEN BY THE DIRECTOR OF PUBLIC SERVICE; AUTHORIZING THE AUDITOR TO ESTABLISH THE 1151 STARK COUNTY/CANTON LAND REUTILIZATION AND NOTE FUND; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$1,000,000.00 FROM UNAPPROP BAL 1151 LAND REUTILIZATION & NOTE FUND TO 1151 101501 CODE ENFORCEMENT - OTHER)

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PRESIDENT PRO TEM DOUGHERTY: Member Babcock.

MEMBER BABCOCK: Mr. President, I make a motion we adopt Ordinance #12.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance #12. Any remarks?
Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#12 ADOPTED AS ORDINANCE NO. 62/2013

PRESIDENT PRO TEM DOUGHERTY: Ordinance 12 has been adopted. Ordinance 13.

#13. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 63/2013** AN ORDINANCE
AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LOAN
AGREEMENT IN AN AMOUNT NOT TO EXCEED \$3,000,000.00 WITH CORMONY
DEVELOPMENT (OR SOME OTHER ENTITY YET TO BE DETERMINED) IN ORDER
TO PROVIDE GAP FINANCING TO THE HERCULES REDEVELOPMENT PROJECT;
AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Babcock.

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

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 13. Any remarks?

MEMBER CIRELLI: Mr. President. Thank you. Question to Mr. Martuccio. Mr. Martuccio, Law Director Martuccio will you please give us a synopsis of what you had told us in Caucus please for record. And then I have some other questions sir.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes.

LAW DIRECTOR MARTUCCIO: Member Cirelli. The amendment that I assume will be offered up to this before it's voted upon, it's before all of you, reads that it's, it's an amendment that will add one more sentence to Section 1 of the Ordinance pending before you. The sentence reads "The execution of said loan agreement is contingent upon

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the passage of pending supplemental legislation which shall provide for the initial designated capital funding, the creation of loan fund (s), with necessary appropriations, and the issuance of bond anticipation notes.” Again, thank you for the opportunity to explain. What this does is it says that assuming this Ordinance passes tonight, the Service Director is still not authorized to execute the agreement until the legislation that’s coming to you very soon, is also passed. So this says to the Service Director, the administration and our city at large, the first step is in place to contemplate entering into a loan agreement. The next legislation which comes before us will authorize Capital Fund monies to be used as a back up or a backstop to get the ball rolling for the loan agreement with it’s concurrent promissory note and mortgage. All the terms will be set forth in that so, again, this amendment is necessary to say we’re in motion but, contracts and related documents including the loan agreement won’t be executed till all the financing and the bond anticipation note is in place and the Codified Ordinance is changed to allow the Capital monies to be used to do that. Thank you for the opportunity.

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Cirelli.

MEMBER CIRELLI: I’m not sure who to direct the question to. I see that Mr. Price is not with us tonight, cause I had sent him an email on Friday and I still didn’t receive any answers from him but, I need to know, Capital Improvement money, isn’t that General Fund dollars. When we make the budget we set X amount of dollars aside for Capital Improvement which is what we use for when we blacktop roads. What we use for big purchases, etc., we use Cap monies. Our we setting aside, what I’m hearing you say is it’s sort of like a bridge that we’re going to use Capital monies until all the finances are structured. Maybe I’m not getting that.

LAW DIRECTOR MARTUCCIO: Mr. President, Member Cirelli. I don’t want to speak for the administration and the folks that have been working on this so diligently but, the simplified version is, I have to think in simple terms is that, this again primes the pump. The promissory note and the loan agreement will obligate the partners to this agreement to begin paying the loan back. They’ll pay only the interest initially and I believe the rate is 4%. At some point, I believe that sometime in 2015, those payments back to the city will include principle and interest. Now, in the meantime the bond anticipation note will allow us to borrow amongst our own funds here at the city in order to have the money to back the loan for the agreement. It is intended that those monies get, get paid back. Also, to your point about blacktopping and other capital improvement needs. Again, my understanding is, we have at any giving point a number of debt capsules in a year, debt documents in a year. Some are falling off. Some will fall off in the years to come. As they do, it will free up some of the Capital Fund money that had been obligated to debt so that there will be some left over to do the things like blacktopping and other capital repairs. How much, I would yield to other people on that. That’s not what I do but, that’s my understanding of how this is coming in to place and interlocking if you will.

MEMBER CIRELLI: Uh, Mr. President. Thank you Martuccio. When you and I had the conversation on the phone, I was trying to put it together and we both came to the conclusion like, where’s the beef, you know as we were talking about this whole issue trying to figure out. And then tonight I’d learned that we will be collecting back 4% till the year December 2015. That’s when it would kick in as when the principle and the interest would come back to the city. Is that correct?

LAW DIRECTOR MARTUCCIO: That’s my understanding in the documents that I’ve been reviewing.

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MEMBER CIRELLI: So and I mean somebody walk me through this cause again, I'm not sure. I'm assuming and I could be wrong, one should never assume that the \$3,000,000.00 will come out of our tax monies. And if we're going to sell ourselves the bonds, is that what I heard you say, or within ourselves, the financing, there's \$3,000,000.00 somewhere that we feel pretty secure that we could use to aid and assist them in this project. However, us Council People are under the impression that there isn't even any money to give starting wage, a decent starting wage to the police force and that makes ya wonder what, where's the beef.

LAW DIRECTOR MARTUCCIO: Mr. President, Member Cirelli. Again, only dealing with the documents I've dealt with so far, I understand that concern. A lot of people share it. The proportion that, income tax money is collected by anyone who lives and works in the city at the rate of 2%. When it comes in, that money is divvied up, pursuant to a formula that's been on our books for decades. I think it says 2/5, 3/5's, 1/5, 4/5's, split up, I'm sure. A certain percentage is taken for Capital Improvement monies, has been for decades. What is being proposed in a combination of fiscal documents to make this happen, will not take from the General Fund split. It won't be taking money needed to pay your salary or my salary or any salaries that come out of the General Fund. If I'm misstating anything I would let the Budget Director or Auditor correct me but I'm trying to talk in general terms so we can all follow this, this evening. Thank you.

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes.

MEMBER CIRELLI: Mr. DiRuzza do we have, comfortably have \$3,000,000.00 because they want to start this project? You know they've owed the property for some time or maybe the Mayor wants to answer, I don't know. I think he's shaking his head. He wants to shake his head. Thank you.

MAYOR HEALY: Mr. Chairman. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Mayor.

MAYOR HEALY: We have operations of about \$170,000,000.00 a year in the city of Canton give or take a few every year, that's the range that we're in. That represents multiple funds. The General Fund is about \$53,000,000.00 of that \$170. We have Enterprise Funds. We have Development Funds, Capital Funds and each of those Funds can not typically be co-mingled with each other. So while we can sit here and talk about how our General Funds are stressed and how we have limitations in reference to what we can do to pay police cause that's the fund they're paid out of. When they're taking an anticipatory note and they're asking us to us that for a future bond that's coming, we're going to be borrowing that money and the Auditor's going to see fit to where the funds are to pull it from another fund and allow us to pay that back when the bond gets released. So it's not going to be touching General Fund dollars at all, this whole process. So, there are differences between the way the money flows and there specific uses for each fund and this is kind of a basic government fund accounting that we deal with.

MEMBER CIRELLI: And Mr. President. Mr. DiRuzza are you comfortable with exactly what the Mayor stated?

FINANCE DIRECTOR DIRUZZA: Mr. President. Yes I am.

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

PRESIDENT PRO TEM DOUGHERTY: Member Babcock.

MEMBER WEST: Mr. President.

MEMBER BABCOCK: Mr. President, I move we amend Ordinance #13 per the copy that all Council Members have in front of them.

MEMBER HAWK: Mr. President I have a comment please.

PRESIDENT PRO TEM DOUGHERTY: We have a motion on the floor.

MEMBER CIRELLI: Seconded.

AMENDMENT

Pursuant to Rule 36, I move to amend Agenda Item No. 13 by the addition of the following sentence to the end of Section 1.

The execution of said loan agreement is contingent upon the passage of pending supplemental legislation which shall provide for the initial designated capital funding, the creation of loan fund(s), with necessary appropriations, and the issuance of bond anticipation notes.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to amend Ordinance 13. Are there any remarks? By voice vote all those in favor, signify by saying aye. Those opposed.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM DOUGHERTY: Member Hawk.

MEMBER HAWK: Thank you Mr. President. I think Councilman Mack made a very insightful statement the other evening when we were discussing this in Committee that it's the future of Canton we're looking at here with this loan and we need only to go back to Meyers Lake. Look just that far as west as Meyers Lake went. The sitting City Council chose not to purchase that and when you look at that area, how well it's been developed today, I think we look at it with a touch of envy. That could have been ours. We could have been receiving those tax dollars. That's something that was a serious mistake. But the best information at the time, they decided against it. I don't think we can afford another mistake like that. I mean this is an insightful, this is something we need to look forward to in order to build our city and to make it happen. Is it a bit of a risk? Yes it is. But there was a very great NHL hockey player named Wayne Gretzky when asked about his prolific scoring he said, "I missed a 100% of the shots I never took." We need to support this.

MEMBER FISHER: Mr. President.

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PRESIDENT PRO TEM DOUGHERTY: Member Fisher.

MEMBER FISHER: Thank you sir. You know obviously we, you know this is a rather complicated issue and my remarks just wanted to be that over the last few weeks, since this has first come downstairs, there's been a lot of back and forth between Members of Council and the administration and I particularly wanted to thank Director Williams for the work that he did in working with all of us and coming from a number of different backgrounds, I had concerns about loan security. I had concerns about local labor and trades being used on the jobs and Director Williams did along with the rest of the administration they did a fantastic job of hearing out everybody's concerns. You don't, if you own a television or get the newspaper, you can plainly see that government doesn't always work well and that's pretty obvious to anybody. This is one of these examples I think that which ever side of the issue that your on, that it's, we've worked as what, they way that we're supposed to. A proposal comes down, there are concerns back and forth, everybody works together to come up with the best possible proposal. The proposal that we have before us tonight in my opinion is a greatly improved upon from where it started. I'll be happy to support this. I want to thank you.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member West.

MEMBER WEST: There's a statement that says, "Wherever people are, businesses flourish". I've been on this Council for 10 years. I have been the Ward 2 Councilman in downtown Canton seen a lot of restaurants come and go, never got a chance to see a lot of retail come. I think this project is going to be the catalyst of change in downtown Canton. When people come downtown and they live downtown, that's when businesses will flourish and restaurants will succeed, retail will come and I want to applaud the administration, Majority Leader and private businesses and Fonda Williams for leading this project, for taking Council to see what you guys seen years ago. So I appreciate you guys bringing this and I will support this gladly and thank you.

PRESIDENT PRO TEM DOUGHERTY: Any other remarks? Member Babcock.

MEMBER BABCOCK: Mr. President I move we adopt Ordinance #13 as amended.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 13 as amended. Roll call.

NO REMARKS

ROLL CALL 10 YEAS, 1 NAYS
(MEMBER CIRELLI VOTED NAY)

CLERK TIMBERLAKE: Ten yeas, one nay Mr. President.

#13 ADOPTED AS AMENDED AS ORDINANCE NO. 63/2013

PRESIDENT PRO TEM DOUGHERTY: Ordinance 13 has been adopted

MINUTES OF THE MEETING MARCH 25, 2013**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT PRO TEM DOUGHERTY: Announcement of Committee Meetings.

MEMBER SMITH: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Smith.

MEMBER SMITH: Personnel will meet April the 1st. 6:30.

MEMBER WEST: 6:15.

PRESIDENT PRO TEM DOUGHERTY: 6:15.

MEMBER SMITH: OK, 6:15.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member West.

MEMBER WEST: Judiciary will meet on April Fool's Day at 6:15. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you.

MEMBER COLE: Mr. President. Finance will meet at 6:15.

PRESIDENT PRO TEM DOUGHERTY: Public Property Capital Improvement will also meet. Do we have Personnel?

CLERK TIMBERLAKE: Chris called it.

PRESIDENT PRO TEM DOUGHERTY: OK.

MISCELLANEOUS BUSINESS

PRESIDENT PRO TEM DOUGHERTY: We're under Miscellaneous Business. Is there any business?

MEMBER FISHER: Mr President.

PRESIDENT PRO TEM DOUGHERTY: Member Fisher.

MEMBER FISHER: I just wanted to thank the staff and students over at Dueber Elementary. I was asked to come in and read to a group of 1st graders this week. I found the largest print book that I possibly could which worked out good. I was thinking I may have to memorize it but it was, it actually was a lot of fun. The kids were great. The staff was fantastic. Principal Kim Kingsbury was fantastic. One funny thing I'll pass along. The Mayor has already heard this one but I sat down and I said to the kids, "OK, I brought two choices for you. Who wants me to read Rainbow Fish? Who would like me to read this application for a zoning variance? And of course most of the kids said Rainbow Fish but I swear there was one kid that jumped up and said, zoning variance" and thankfully he was outvoted because I didn't actually have one with me so.....

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PRESIDENT PRO TEM DOUGHERTY: Mayor.

MAYOR HEALY: Thank you Mr. President. Couple of comments from earlier Public Speaks. First John Swartz, I want to thank you again for being here. For those of you that don't know, he was responsible, almost single handedly he was responsible for helping us put up the Canton Greats on the city's website. He did a tremendous amount of research that helped us. I think we've added a few to that since then but I want to thank you again for that. That's a nice addition to the city's website and there's a lot of history inside that. (APPLAUSE) And also to address Bruce Nordman and Bret Moore and the others with the 175 tag on. I certainly applaud you for that thought. We'd love to be able to do that. The city of Canton has lost over the last seven or so years, six or seven years, the city has lost \$6,500,000.00 in annual funding that was state funded support that we used to get. \$6,500,000.00. That amount is just about exactly what we'd need to get both the Police Department and the Fire Department, you're focusing on police. The Fire Department is down 30 to 40 guys just like the Police Department. If we got both of those back up the strength that we had in 2008, it would cost us over \$6,000,000.00 which is exactly, almost exactly the amount of money the state has taken from us. Those dollars that the state cut to local funds, and it's happening not just to Canton but local communities across the state of Ohio, those are directly related to police and fire protection in our cities across Ohio which is why we've screaming like crazy as Mayor's to let them know we don't want them to take any more. That's General Fund money that helps us keep our community safe. The state budget's going to come up again in July, 1st of July they have to have it voted by and we're concerned about the changes that they'll make that address local government. We're also very concerned about House Bill 5. House Bill 5 is an issue on local government tax collections and what we're allowed to charge on taxes. They're claiming it's something to make it uniform across the state of Ohio. It's a Trojan Horse. It has nothing to do with uniformity because every time we recommend something that would create a process that's the same, they continue to slip in tax credits, tax breaks and tax loopholes for special interests. They way that it's structured now it could cost the city of Canton anywhere from a half a million to a million dollars or more if the Bill passes the way it is of money that we will not be allowed to collect anymore at the local level because of changes in the state government. Another \$1,000,000.00 loss is about, well I can't even put, about 20 more police officers in the department. That's the equivalent. So as we sit here and talk about trying to strengthen our budget and our finances and our spending, it is directly related to what's happening in Columbus. I'd be more than happy to meet with you individually or as a group to share with you the information that's come out of Columbus and what they're looking at now to help lobby the legislators and get our message out. We've been working it very strong from the Ohio Municipal League. We've got Council's that have supported Resolutions all over the state and Mayor's that have written letters but, again, it's a fight to protect local control and local support of state. We need all the help we can get and your voice's will be very welcome and to that fight. So if you'd like we can set up something maybe next week where I can give you all the information you need to help us. One other, one other factor, thank you. One other factor is Allen Schulman asked our State Legislators to come present to this Council and talk to us about the state budget and I think only one of them showed up, is that correct? Not during Council but only one of them came. In other words, we've had an opportunity to ask our legislators to come here to speak to this Council to discuss what's going on in Columbus and they've refused. So I think that says a lot in reference to how much they care about what's going on in local government. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you. Any other remarks?

MEMBER SMITH: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes.

MEMBER SMITH: I'd just like to mention some entertainment that's coming to Canton. We have two entertainers, Jimmy and Johnnie Barkay that was born and raised here in Canton and we're, they're having a family reunion

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which they bringing a concert here to the Palace Theatre. I have some flyers about it. Joe Torre in case you don't know who he is, he's a famous comedian. I'm also co-hosting with him and I have some flyers and I would like Canton to just come out and support so that we can bring other entertainment to Canton. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you. Member Babcock.

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

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adjourn. Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Ten yeas Mr. President. *(Clerk Timberlake meant to say Eleven yeas)*

PRESIDENT PRO TEM DOUGHERTY: *(Gavel falls)*

ADJOURNMENT TIME: 8:20 PM

ATTEST: MARCH 28, 2013
CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

APPROVED: MARCH 28, 2013
DAVID R. DOUGHERTY
PRESIDENT PRO TEM