

**MINUTES OF THE MEETING APRIL 8, 2013**

PRESIDENT SCHULMAN: Good evening ladies and gentlemen. Welcome to Canton City Council. Happy Spring. (*CHEERS FROM THE AUDIENCE*) That did not call for an outburst, I just said Happy Spring. That's why everyone's here tonight. It's good having you all here. We appreciate your interests. We obviously appreciate your input, which I know we have a number of speakers this evening so we'll get right on with the meeting. With a queer, quorum being present, the Chair calls this meeting of City Council to order. Roll call vote please Madame Clerk.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

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

TWELVE COUNCIL MEMBERS PRESENT.

CLERK TIMBERLAKE: All present Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Tonight we'll have our invocation given by your friend Council Member at Large Member Joe Cole. If you'll stand and remain standing for our Pledge of Allegiance.

*The regular meeting of Canton City Council was held on April 8, 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, Joe Cole. The Pledge of Allegiance led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: We're now under Agenda Corrections and Changes, Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to add 2<sup>nd</sup> Reading Ordinances 6 through 8 and have Communication 163 Withdrawn..

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to Suspend Rule 22A to add the 2<sup>nd</sup> Reading Ordinances 6 through 8 with Communication #163 being withdrawn. 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 motion carries and Rule 22A is suspended. The Ordinances are a legal part of your agenda.

**PUBLIC HEARINGS**

PRESIDENT SCHULMAN: Turning to Public Hearings. We have none scheduled this evening.

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PRESIDENT SCHULMAN: Turning to Old Business. We do have Old Business and I will now turn that over to the Mayor's Chief of Staff, the Safety Director, the Civil Service Director, the Service Director, Warren Price.

SERVICE DIRECTOR PRICE: Thank you Mr. President. Two items I wanted to follow up on from prior Old Business. One would be a request for plans for the bike trail on Market Avenue to be changed. We are talking with Engineering Department about that. Bill Bartos is, has referred it to our Engineer, Dan Moeglin and so we will consider that and then there was a suggestion that care and management responsibilities for Central Plaza be given to the Parks and Recreation, the Parks Department. We actually have transferred responsibility for at least one piece of city property, the old train station. There are two parks already. There are some potential union issues and some other issues with transferring Central Plaza, at the least of which right now I think it's right of way but, I will talk to Derek about that. We'll talk with the Parks Department. Those were the two updates I had. Thank you.

PRESIDENT SCHULMAN: Thank you Director very much.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: Turning now to Public Speaks. We have 13 speakers this evening and for those of you who have not spoken, I know we do have some repeat and we do appreciate that and we appreciate the ones that are coming down for the first time. Just be advised that there is a 3 minute limit to your discussion with us tonight. I've never had anybody be disrespectful but please try to keep the dignity of the moment in mind. So with that, our first speaker is Rod Pisani. Rod Pisani if you'll step forward. Good evening sir. If you'll give us your name and your residential address please.

ROD PISANI: Rod Pisani, 1107 11<sup>th</sup> Street NW, Canton, Ohio. Zip code 44703. Hello, I'm with my friends from Neighborhood Leadership Council and we want to say "Hi, neighbor" and remind everyone you don't have to move to live in a better neighborhood. But it does not stop there. A great American of our time, Hillary Clinton quoting her, "It takes a village to raise a child." She is right. Let's look at the changes in today's families, homes and community environments. In the 44703 zip code area, there are 3,780 households and nearly 1/3 of residents live in poverty. That's 31.1%. 16.6% of working age 16 years and older are unemployed. There's 2,687 children and youth enrolled in grades K through 12. Recent Canton Police report graphs have shown an increase in trouble calls at the end of the school day. Our children have no chance. The neighborhoods you live in designates your gang ties. You're automatically a member. Our neighborhood, they're known as Shorb Kids. Low income children are more likely to drop out of school. Only 68% graduate. Due to the economic status, low income children are unable to enjoy after school activities that could feed each ones individual passion and would help to find and bring out their hidden talent. Since 1999, MDS has been providing after school programs for the youth in the Summit and Canton area. Programs assist in homework assignments and other related academic activities. Today SUN and MDS are collaborating. SUN will serve as the organizing vehicle to expand after school and summer children and youth activities with the partnership of talented entrepreneurs in the local area. We call the alliance Community Partnership for Education and Non-Contact Activities or CPENCA. The activities to be added are with MDS educationary. We're going to add skyping to distant lands like Africa and Korea so the children will understand a foreign places and what people's cultures are. MDS will also be working with us with an Ohio University master gardener who will train youth in the knowledge of gardening herbs and vegetables. And finally the knowledge to inner city kids, children that carrots do not originate from isle 9 in the supermarket. Culinary Delights one

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of the top master chefs in the US, Kent Welsh will be training and educating high school youth in the culinary skills of prepping, cooking, quick, delicious, nutritious and healthy meals. Photography. Children will learn all about art and magic of catching that special moment in time. EN-RICH-MENT. Area youth expressing their love and passion for musical instruments, learning to play string, wind, percussions, keyboard and more. Fantastic Gymnastic and Dance helping children to develop that hard work ethics by inspiring them not to pray for an easy life but to work to be a strong person. Yoga-2-Go teaching children how to deal and manage everyday stress and anger in their life. This collaboration has spent years in, on communicating and working together. We are bringing CPENCA to the city of Canton and asking the city, the foundations, philanthropists and citizens to help us with some of these burdens of the, this program by partnering with CPENCA. Let's help those that have little by giving them a chance and a choice in life. Remember the words of one of our founding fathers and a very great American, Benjamin Franklin with a comment from Poor Richard's Almanac, the year 1733, "An ounce of prevention is worth a pound of cure." I finally remembered the phrase, Our home, our children, our future. Make the comment, the connection please. I thank you and everyone has a proposal, a program guide here. OK, thank you.

PRESIDENT SCHULMAN: Thank you very much, Mr. Pisani. We appreciate it. Our next speaker is Bret Moore. Mr. Moore if you'll step forward and give us your name, your residential address and as always, welcome to Canton City Council sir.

BRET MOORE: Council President hello and Members and Frank Morris, I'd like to thank you in working with you over the last week, our one and only Ward 9 Councilman. I'd like to say thank you. Mr. Schulman you directed us to Columbus to try and get some answers for some funding for our Police Officers. You'll be happy to know that I've solved the problem. I talked with Representative Schuring this week and he did give several suggestions as such like, combining the Stark and the city Health Department. A couple other departments which I can only assume means jobs would be lost and that's really not what we're looking for but, the fundage coming down from the casinos, I understand nobody's got their hands on that yet. It's not been earmarked and I understand at one point it was to be \$5,000,000.00 and now it's estimated to be about \$3,000,000.00 coming down the pike but that \$3,000,000.00 could bring us to 175 and I think that, that's the way it should go. We can also, I guess, if we need \$1,500,000.00 for benefits and all to supply for those police officers, then we can work on the firemen and get them back up to snuff. Thank you.

PRESIDENT SCHULMAN: Thank you very much. (APPLAUSE)

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: I'm going to get back to Public Speaks in a, just a couple minutes. We do have a Resolution congratulating Davies Drugs on 50 years in Canton and rather than have the family wait for that, I'd like to move forward if I might Leader, so if, Madame Clerk if you'll read the Resolution please.

CLERK TIMBERLAKE: *WHEREAS*, Davies Drug and the Fettman family are celebrating their 50<sup>th</sup> year in running the store which was originally founded in the 1930's; and *WHEREAS*, David Fettman bought Davies Drug, first located at 3001 Tuscarawas Street West in 1963 and in 1984 doubled the size by moving across the street to a larger facility; and *WHEREAS*, David Fettman bought Davies Drug, first located at 3001 Tuscarawas Street West in 1963 and in 1984 doubled the size by moving across the street to a larger facility; and *WHEREAS*, In 1997, a second Davies Drug store was opened at the North Canton Medical Foundation. The two stores combined now have 50 employees; and *WHEREAS*, Today, Steve Fettman works at the Canton location with his brothers, Michael who manages the front of the store and Matt also a pharmacist; and

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*WHEREAS*, The future of Davies Drug is already being worked on, as Steve's son Zak was recently accepted into the pharmacy program at the University of Cincinnati; and *NOW, THEREFORE, BE IT RESOLVED*: that we the Members of Council of the City of Canton do hereby go on record congratulating *DAVIES DRUG* for their service to the Canton community in remaining a locally owned and operated business for 50 years.  
(*STANDING OVATION*)

#24. COUNCIL AS A WHOLE: CONGRATULATING DAVIES DRUGS FOR THEIR 50<sup>TH</sup> ANNIVERSARY. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes, Leader.

MEMBER DOUGHERTY: I move that we adopt Informal Resolution 24.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Informal Resolution 24. Any remarks? Hearing none, by voice vote all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #24 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The Motion carries. The Resolution is adopted. Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. I'm asking for the Fettman family as they're coming all down so we can give them this Resolution. Thank you.

PRESIDENT SCHULMAN: Thank you.

CLERK TIMBERLAKE: Don't be shy.

MEMBER CIRELLI: Thank you all for indulging while I got to meet all the family. I know most of them but not all of them. We have now with Zak, we've got 4 generations of a family owned business in the city of Canton. Now they're setting a pattern if we want to have more and more so we can then come down here and give Resolutions. This has been a wonderful family. They love Canton, Ohio. The whole family and remember it all starts with Mom, so she's here too. So, I'm going to have Steve introduce all his members of the family and have everybody give them a great round of applause cause they are a great family and it's what I think we want every family to be. (*APPLAUSE*)

STEVE FETTMAN: Of course Mr. Schulman, Mayor and City Council Members, we'd like to thank you for this tremendous honor. You know, I don't know if anybody read in the paper but you know, this has been our whole lives. My dad bought the store when I was 6 weeks old and we grew up in that drug store so we

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appreciate the recognition you guys are honoring us with tonight. I'd like to just introduce everybody here quickly. My brother Michael who manages the front of the store, my Mom, the matriarch (*APPLAUSE*). My brother Matthew, who's also a pharmacist. My wife, Jodie back there. Payton, my daughter. Justin. My daughter Robin and Zak who's, was just accepted at Cincinnati into their Pharmacy program. (*APPLAUSE*) I'd also like to thank the city very much. Also we thank the Council Members. Thanks to the city. Thank you all very much. (*APPLAUSE*)

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes, Leader.

MEMBER DOUGHERTY: I don't know if Kelli Scott's here. We could do the other one real quick if you wanted to.

PRESIDENT SCHULMAN: Sure, as long as we're on Informal Resolutions. Madame Clerk would you read Informal Resolution 23 please.

#23. PERSONNEL COMMITTEE: REQ CONFIRMATION OF APPT OF KELLI SCOTT TO CANTON RECREATION BOARD FROM 4/25/13 TO 12/31/15. - ADOPTED

PRESIDENT SCHULMAN: Leader.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Informal Resolution 23. Any remarks? Hearing none, by voice vote all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #23 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The Motion carries. Congratulations to Miss Scott. We look forward to your terrific public service, wherever you are in the house. Alright, now, and I appreciate the audience's and the speaker's most importantly patience while we did that.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: We're now to speaker #3, Branden Moore. Mr. Moore if you'll step forward sir and give us your name and your residential address and welcome sir.

BRANDEN MOORE: Thank you very much. How's everyone doing tonight?

PRESIDENT SCHULMAN: Good, thank you.

BRANDEN MOORE: Branden Moore, 301 18<sup>th</sup> Street NW. I want to speak a little bit about VPNA, Vassar Park Neighborhood Association. I can say that I am a proud member of the VPNA and even prouder son of

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my father, Bret Moore who is a big part of the VPNA and is out here, even out here in the streets doing as much as he can to keep the streets clean and keep everything safe for the neighborhood. You know, a couple of years ago I lived on the other side of 15<sup>th</sup> which wasn't in the boundaries of VPNA but I frequently walked the streets mostly around the boundaries of VPNA and I can definitely say over the, you know, couple years there's been a lot of progress made as far as safety, as far as trash in the streets. You know our streets are not a trash can. We appreciate people keeping their, you know, things off the street. You get something from McDonald's, don't toss your cup out in the street, pick it up. Throw it away. (APPLAUSE) And, you know, I, I really appreciate the work that Bruce Brewer and my father, Bret Moore has done to keep the streets clean. To keep things picked up and you know, it takes the support of, of you know, and Jean Hershberger. It takes the support of the neighbors as well. It's, it's, you know, we can't, they can't do this stuff on their own, we need you're support and let's get some more police out here. How about that? So, that's what I want to say. (APPLAUSE)

PRESIDENT SCHULMAN: Thank you very much sir. Our next speaker is Kenneth King. Mr. King. Good evening. If you'll step forward sir and give us your name and your residential address please.

KENNETH KING: Hello, I'm Kenneth King. 2916 6<sup>th</sup> Street, corner of 6<sup>th</sup> and Wertz. The reason I'm here is because like everybody here, we care. We could be sitting at home watching TV or I'd be working on my old Pontiac but I'm here for 4 reasons. The drugs have to stop coming into the neighborhood in order to control the crime. We have to see something that's wrong before it happens. OK, and got to talk to people, get people involved. The more people we get involved, the less crime we're going to have. So, and the young kids they're vulnerable so what they see us do, you know, they do, so we got to set good examples and because of that, I think we need to bring the D.A.R.E. program back. Officer Adams, I really liked him. He was in charge of the D.A.R.E. program and I miss not seeing that in schools. And that's all. Thank you.

PRESIDENT SCHULMAN: Thank you very much sir. Our next speaker is Pastor C. David Morgan. Pastor Morgan as always, good evening. Welcome to Canton City Council. If you'll give us your name and your residential address please.

DAVID MORGAN: My name is David Morgan. I live at 922 27<sup>th</sup> Street NE. That's in the Colonial Heights neighborhood and you see a lot of folks here tonight, most of them representing or members of one of the many Neighborhood Associations within the city. We call them neighbors. Sometimes we call them friends. Mostly we call them we the people. You guys have called them some names too but we're not going to repeat those here. We're particularly pleased because we're in Ward 9 and one of the things we are thankful for is our Ward 9 Councilman, Frank Morris. And his institution of Ward 9 meetings where the citizens can come and talk with their Councilman, find out things. He brings in people from the administration and we learn. It's a good thing and a good program that others would do well to adopt. But back to that name thing, cause I'm going to leave you with a bit of historical wisdom. President Lincoln was once speaking and he asked a riddle to a crowd. He said if you call a dog's tail a leg, how many legs does a dog have. Five shouted out someone from the crowd. No, Mr. Lincoln said. Just because you call it a leg, doesn't make it a one, a dog still has four legs. And then Mr. Lincoln went on to say, and you can fool some of the people all of the time, and all of the people some of the time, but you can't fool all of the people, all of the time. And to that I would only add, you can't fool the people of Ward 9 this time. (APPLAUSE)

PRESIDENT SCHULMAN: Thank you. Our next speaker is Skylark Bruce. Miss Bruce good evening. Welcome. If you'll give us your name and your residential address please.

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SKYLARK BRUCE: Skylark Bruce. 2520 Market Avenue North. He wanted to live surrounded by beauty. He didn't find it in the mirror. He didn't find it in disappearing family. He didn't find it in health. The malignants found him and tried to beat him down. It couldn't gloom his toothless smile under an old ball cap declaring him a union man. Tumors winced his legs together but they couldn't stop his gnarled hands from outfitting his electric wheelchair with something new each week. Harold rumbled into the community meal in the park. Barbie dolls in shiny dresses and bikinis hung from the corners of his homemade umbrella. Harold, are these your girlfriends? Harold beamed, nope they're my guardian angels. Too bad Mattel didn't make a Robin Hood Barbie, a vigilante to pillage the ramplle coffers for Harold's hospital bills. When Harold wasn't in the hospital, a shabby, senior, discount apartment passed for his home. But he never missed that Sunday meal in the park. Barbie dolls, Christmas lights and streamers adorned his chair and attachments. Denim coverhalls massed his depleted skin and over medicated body. Guardian Barbie I wish Harold may, I wish Harold might have no pain at all tonight. We cooked lunches to soft, barely chewy perfection. Harold was hardly the only guest with dental issues. Wheelchairs go first, come on man, move that. Harold would extra time with ill fitting dentures before the hot meal. Then came September and Harold didn't. His apartment building neighbors said Harold had eaten his last supper. Hang a Barbie from your umbrella. Call it an angel and remember to let the wheelchair people eat first. I am one of several volunteers who makes the Canton Sunday Picnic happen every Sunday at 1:00 at Market Square Park. (APPLAUSE) Thank you. But we have been, that meal has been happening at that location for 4 to 5 years now. I've been involved for about 3 and we could really use an indoor location. I have asked everyone who I know personally to ask everyone they know who owns a building downtown so that we can get out of the sleet and the rain and the mud up to my knees and out of the heat in the summer and so far, no one has been willing to let us in. So, I thought hey, City Council. You all know people. So, and some of you own buildings downtown too so, I would like to put the word out that the Canton Sunday Picnic which is a very grassroots sort of thing, being anywhere from 30 to 130 people every Sunday could really use a roof over our heads and walls around us. So thank you very much for your consideration.

PRESIDENT SCHULMAN: Thank you. (APPLAUSE) Thank you, that was a beautiful story also Miss Bruce thank you. Our next speaker is Leroy Lynch. Mr. Lynch I hope there is a...good. Mr Hawk is here tonight. Good evening sir.

JACK HAWK: No, I was going to let him speak for himself this evening.

PRESIDENT SCHULMAN: He can do that very well by the way.

LEROY LYNCH (*with Jack Hawk interpreting*): I know that. My name is Leroy Lynch. I live at 3911 Highview Avenue. I've come here for...thank you for allowing me to come here and speak. I've come here for a reason because there was a meeting last week that, about the union, that we're, can't support that because he will not support signing this document with a \$7,000.00 pay out. He says he wants to be hired back to his job. Please respect his views. The Mayor please respect his views. He would like to be back, brought back to work. He doesn't want to give up the \$7,000.00 and he says thank you all for that.

PRESIDENT SCHULMAN: Thank you very much. (APPLAUSE) Our next speaker is Connie Collings. I hope I pronounced that right. Is Connie here? Good evening Miss Collings. If you'll step forward and give us your name and your residential address and welcome to Canton City Council.

CONNIE COLLINGS: Hi, my name is Connie Collings. My address is 5923 Libby Street NW, Canton, Ohio. I'm coming to here today to tell you that the beginning of March we decided it was time for us to move our

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business out of our home and actually get a location. And the majority of our business is in Akron where most of our customers are but, still we looked and we choose the city of Canton and we purchased a building down on Fremont SW by Fishers and we are moving our business down there. Now before I purchased the property, the first call I made was to the Zoning office to make sure that we could have that type of business in that location. Very helpful. Answered all my questions.

PRESIDENT SCHULMAN: Would you tell us what business you are in?

CONNIE COLLINGS: Hero Heating and Cooling.

PRESIDENT SCHULMAN: OK, thank you. Sorry.

CONNIE COLLINGS: My second call was to the city of Canton Code office to find out the history of the building, see what you know, what has happened in the past cause I wasn't familiar. They were very helpful. They answered all my questions and reassured me that it was a good building. We purchased the building and of course the first thing you do is turn your utilities on and we called the city of Canton Water Department. They came out, couldn't turn the water on because the curb adaptor was broke. Over the years it just had broke. They were very responsive. They were out the next day with a crew, turned our water on, very happy with the city of Canton Water Department. Kudos to them. We are obviously licensed in the city of Canton, going through the licensing thing, working with the Law Director to get that straightened out. Very happy with the service and that we're getting. Reason that I'm here to talk to you is kudos to Canton. You guys have made it you know, very easy for us to buy a building. Buy it, close it and move in within two weeks. We've very happy. We're glad to be a part of Canton now and once we get opened and the doors opened at the end of this week, we'll invite you all down. But we're happy to be part of Canton. Thank you.

PRESIDENT SCHULMAN: Thank you. *(APPLAUSE)* Miss Collings I think I speak for every Council Member and the administration. We'd like you here every week. *(LAUGHTER)*

SERVICE DIRECTOR PRICE: Please come back.

PRESIDENT SCHULMAN: Please come back with all good news. Thank you very much for that experience with the city offices. Our next speaker is James Parker. Mr. Parker as always, welcome to Canton City Council. If you'll come up forward and give us your name and your residential address.

JAMES PARKER: Thank you Council President. My name's James Parker. Good evening. 630 Penny Street SE, city of North Canton. By the way, my three children all attend Canton City Schools and my ex-wife all live in Canton. I'd like to thank the Fettman's and congratulate them. Mr. Fettman has always said about the Football Heritage Corridor is a great idea. He's come down here and he's said stuff like that for years, way before I worked on it. I'm here to ask the Canton City Council very seriously to abolish all of Ordinance 785 to 78599 concerning, you should know it, you voted on it a few weeks ago, tripled the prices in that category on two different categories concerning massage. To my knowledge, no other township bordering us have adopted anything like this. From the current track record, it has not been enforced. I have given you regis examples. Anyhow, it is a barrier of entry for any day spa, body wrap, etc. You should be familiar with that 300% increase that was voted on, two different fees. The end of that 785.99, any consideration and mere helper or worker in any way is definitely in violation of a 1<sup>st</sup> degree misdemeanor. To begin with, the word massage is Hindu. It means to shampoo. It is the most ancient of healing methods, the Su Wen Neiijing or

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The Yellow Emperor's Classic on Internal Medicine over 25 years old, describes a massage in detail. So do the Greeks and Romans but nowhere in studying these texts have I seen any types of these requirements. If you wish to disway the oldest known profession, other than motherhood, enforce what's on the books concerning that, the prostitution. The Ohio Revised Code, Section 50340 already covers massage for those who do not become state licensed massage therapists. Personally, well I'm on page 3, during MacArthur's occupation of Japan in World War II, due to a large amount of new, free enterprises, that these Americans were encouraged, a lot of brothels ran as massage parlors so MacArthur outlawed massage. As a result, a large amount of blind people were put out of work and Helen Keller had to appeal before the United Nations to get the band lifted. As for generations, this was the accepted form of work for blind people. My point is, there are many disabilities other than blindness, like poverty that gives me a rash. These fees are not suggested by Section 503.40 or anywhere in the Ohio Administrative Code. Personally I cancelled a \$2,000.00 ad on 101.7 last month due to a, for a Valentine's Day spa massage, dinner dance for couples at the Lion's Den and this has prevented an additional day spa not to open in Canton. That's why I'm upset. My Philomathion project to train blind is also in limbo. Whoa onto you, ye hypocrites, ye tax time and rue, it says in the Bible. He goes on further but I'll spare you the chastising. Please review and revoke this Canton City Ordinance. The laying on of hands for health and healing and well being should not be outlawed or unduly infringed upon anywhere at anytime. It is a God given right. To endanger one, endangers all. Thank you very much.

PRESIDENT SCHULMAN: Thank you as always Mr. Parker. Our next speaker is Patricia Howard. Miss Howard, good evening. Welcome as always to Canton City Council. If you give us your name and your residential address please.

PATRICIA HOWARD: Hi, my name is Patricia Howard and I live at 1109 Melchoir Place SW and I'm here on behalf of our Neighborhood Associations and I'd like to ask those representing our neighborhoods to please stand. (*Group rises and APPLAUSE given*) Hi, neighbor. On behalf of the Neighborhood Associations, we would like to thank Council for your service to our needs. We are a diverse community. We share the same roads, parks and highways but we are also a community with unique challenges. Some neighbors are challenged by abused tree tops, others by abused children. Some are concerned about blighted properties, others about closed schools. We asked you as our Council representatives to treat each of our unique problems with equal vigor and with equal challenge. Thank you.

PRESIDENT SCHULMAN: Thank you. (*APPLAUSE*) Thank you Miss Howard and thank everyone from the Neighborhood Associations. We appreciate your public service and dedication believe me. Our next speaker is Lee Cote. Mr. Cote if you'll step forward and give us your name and your residential address and to you, always welcome.

LEON COTE: Good evening. My name is Lee Cote. I live at 1225 41<sup>st</sup> Street NW in Canton. Mr. Mayor, President Schulman, Majority Leader Dougherty and Members of City Council. I noticed this past week, the President gave up a 5% pay raise and that was followed by the Secretary of State, John Kerry giving up a 5% pay raise because of the tough economic times that we're facing. In the city of Canton we have a serious problem that we've been addressing and trying to address for the past couple of years and that's the lack of the sufficient number of police and firefighters to protect our city. I'd like to talk, I'm opposed to pay raises on #9 that's going to cost the city about 300, and to go with the amendment of 2 ½%, it will be \$350,000.00. That will buy 6 additional Police Officers. Now I know 14 are hired and will be sworn in next week but really two have already taken jobs in another location. So, they're going to swear in 12. Five have just retired so you're

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net is going to be 7 Police Officers, not 14. I would like to run against any City Councilor here this evening that votes in favor of these pay raises because I will take tomorrow's Repository and go door to door and show the people that you're more interested in voting for pay raises for a select few than you are for protecting the city of Canton with additional police and firemen. And I'll tell you what, it would resinate with the people and you will be in big trouble. President Schulman I would ask a favor of you. Should there be a tie this evening on this vote, I would ask that you vote against it and I'll tell you why. I will bet, I'm not a gambling man, but I will bet you with you the beverage of your choice against a black coffee that if it's defeated this evening and the money is allocated for additional police and firemen, within the next couple of weeks through some miracle \$350,000.00 will be found to reintroduce the bill for pay raises. And I'll take you up on that bet. Thank you very much.

PRESIDENT SCHULMAN: Thank you. (*APPLAUSE*) Our next speaker is Jack Hawk. Mr. Hawk. Good evening again. As always, welcome. If you'll give us your name and your residential address please.

JACK HAWK: My name is Jack Hawk. I live at 217 16<sup>th</sup> Street NW, Canton, Ohio. I am the Interim Director for Triad Deaf Services. We thanked you for, over a year ago, for supporting us. I'm hear to advocate. One of my rolls is not just to be a pretty face in the community (*LAUGHTER*) but I'm here to advocate. Where's that piece of paper that Leroy gave to you that was on that union dot. Madame Clerk, about the 2<sup>nd</sup> paragraph it says on there that subject to him taking a Civil Service test, he's welcome to come back and get a job. Is that right?

CLERK TIMBERLAKE: Would you like for me to read it?

JACK HAWK: Could you please for the record.

CLERK TIMBERLAKE: The city agrees that, and there's a blank line, may apply for employment with the City of Canton through the normal processes, such as civil service testing and they will be considered for employment as any other applicant.

JACK HAWK: Thank you. I challenge you that a deaf person who, this may be hard for you to understand, English is not their first language. It may be hard for you to understand. American Sign Language is and it's based on idioms and based upon, like Chinese characters. You cannot give somebody like Leroy Lynch a Civil Service exam and expect him to pass it. He already took it once and failed it miserably. He needs to have an interpreter there but because of the laws, he'll never be able to pass that test. 33 years ago when he became an employee, that was not one of the fundamentals that you had. Today it is. So, I encourage you, people of diversity, and I mean whether you, people of handicap, people of race, ethnics, whatever, I encourage you to find a way to allow a person like Leroy Lynch to be able to take this Civil Service exam with the understanding that the language he needs and have an interpreter sitting next to him. I please encourage you to think about that. Thank you.

PRESIDENT SCHULMAN: Thank you sir, very much. (*APPLAUSE*) Mr. Hawk thank you for your advocacy. Our next speaker is Issa Salti. Good evening sir. If you'll step forward and give us your name and your residential address and welcome to Canton City Council.

ISSA SALT: Good evening. My name is Issa Salti.

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PRESIDENT SCHULMAN: I'm sorry. Sorry I mispronounced your name.

ISSA SALT: It's OK, It's OK President. Thank you for allowing me to have the opportunity to speak. My name is Issa Salti. My address is 22656 Greeceville Cove, Rocky River, Ohio, 44116. Good evening dear, Mr. Mayor, dear Members of the Council and the wonderful residents of the city of Canton. I recently purchased the business on 1133 Fulton Road NW, the Fulton Drive-thru. My initial investment is right around \$30,000.00 and \$30,000.00 went into the repairs of the building. Unfortunately the building was condemned by the city, by the Building Inspector due to a, it was a danger to human life and a fire hazard. Obviously to make a long story short sir, I know I have three minutes, I have invested \$30,000.00 into this business and that's just electrical and getting the doors open, besides the inventory. My goal here is to establish a clean, operating business and hire and create jobs. I have about 4 people that will be working at the drive-thru. I have the chain coming from Cleveland that's called Hanini Subs. They're interested in opening a pizza shop, corn beef parlor, in the building and that's looking to generate hopefully another additional 8 jobs. Unfortunately in order for me to maintain my doors open, I need to compete with the surrounding businesses. I need to attract customers. Like I said, unfortunately Mr. President, I need to obtain the beer and wine carry out permit and it has been objected by my Councilman Mr. Hawk. I'm down here to tell you Mr. President that I'm about to shut the doors down in the next couple weeks cause I'm unable to generate revenue and generate to pay my property taxes, pay my income taxes, payroll withholding. It's just been very rough the last three months. My rent is \$2,000.00. I've been investing all my personal savings into this business and it was just unfortunately too late to find out that Mr. Hawk has a personal issue with having beer and wine license due to the previous problems that the location had. I've been in business Mr. President for 15 years. I've owned gas stations in Youngstown and Cleveland, Ohio. I've been a victim of a brutal, violent crime. My brother was murdered on Thanksgiving Day at his business, so I already know about keeping crime away from my business, Mr. Hawk. And I'm investing a lot of money into this place and I just wanted to have the opportunity to tell you since you have not given me a chance to speak nor introduce myself. You've just been very harsh on me. That's why the last three months I've been very quite sir. Just hopefully you'll have a change of heart and give me one strike and I'm out type of deal.

PRESIDENT SCHULMAN: OK, Mr. Salti, that's all the time.

ISSA SALT: Oh, three minutes already.

PRESIDENT SCHULMAN: Yea, I'm sorry.

ISSA SALT: Thanks.

PRESIDENT SCHULMAN: Yes, we appreciate it. Thank you very much. (*APPLAUSE*) Our next speaker is Christopher Leach. If you'll step forward and give us your name and your residential address please. And welcome sir.

CHRISTOPHER LEACH: My name's Christopher Leach. I live at 1368 Scoville Avenue SW. The Chairman of SWIFT Neighborhood Association, SouthWest Investment For Tomorrow. In our recent meeting, we have some concern now that the weather's starting to change about the bonfires, campfires, that a lot of the people in town like to burn nightly. What I'd like to know is, is this a legit thing or are they doing this illegally. Are we allowed to burn? One of our neighbor's apparently found out where they take the old railroad ties with the smell of creosote is so thick you have to shut your windows almost nightly. I'm not sure that for the benefit of

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some that others should have to suffer to close the windows to not have, you know, the nice cool air in the evenings. And I'd like to know yes or no, is this something legit? Is there, what do I want to say, things you have to do to burn a bonfire?

PRESIDENT SCHULMAN: If you'll give us one minute.

CHRISTOPHER LEACH: OK.

PRESIDENT SCHULMAN: We're going to ask our Law Director Martuccio to respond to you.

LAW DIRECTOR MARTUCCIO: Mr. President, Mr. Leach. There are regulations in place at the state and local level to prevent that kind of burning that you're describing. When one has a fire inside the city limits, they have to get a city, they have to notify the Fire Department and it has to be compliant with the regulations. Certain size, only until certain hours. There may be some consumption of food. I don't know all the regulations but I do know that....

CHRISTOPHER LEACH: Alcoholic beverage yes, food no. Go ahead.

LAW DIRECTOR MARTUCCIO: I do know that we've had some concerns expressed by a couple of different Council Members over the years with neighbors who were discourteous and insensitive to their neighbors. One particular person had a child with asthma and the smoke was lofting into the window so, I would recommend starting with the Fire Department and I would recommend a follow up with us in the Law Department if that doesn't help the situation. Thank you.

CHRISTOPHER LEACH: OK, alright. So, it, with a lack of police, who do we go to....

PRESIDENT SCHULMAN: Well you have to, I think Law Director Martuccio said call the Fire Department, then call....

CHRISTOPHER LEACH: They're also short too with staffing. I mean...

PRESIDENT SCHULMAN: Well, let's do this. Try to do that and if you can't get a response then I guarantee you the administration will take action.

CHRISTOPHER LEACH: Or Kevin will help us.

PRESIDENT SCHULMAN: Or well, Kevin Fisher's your Council Member. He'll take action. He may take it independent of everybody.

CHRISTOPHER LEACH: Thank you for your time.

PRESIDENT SCHULMAN: Thank you sir. Our next speaker is Richard Manson. Mr. Manson good evening. Welcome to City Council. If you'll step forward and give us your name and your residential address.

RICHARD MANSON: My name's Richard Manson. My address is 601 High Avenue SW and....

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PRESIDENT SCHULMAN: You're going to have to speak up because everybody wants to hear you.

RICHARD MANSON: 601 High Avenue SW. My name's Richard Manson. What I came to talk to you about is blighted housing. I, I talked about this last week and, and first of all growing in Canton you pretty much knew where the crime was. Not that there wasn't crime but you didn't see crime anywhere but there was 3 or 4 places that were...there was 3 or 4 places that was high in crime and a, places like Highland Park, Belden Avenue and we knew where those were but one thing I noticed traveling around...I actually lived about 6 different places since I grew up here and Canton and I've traveled around to all the neighborhoods I used to live in and they're quite a bit more blighted. There's a lot more crime. It's spread out. I mean, we, it's pretty much spread out all over the inner city. It's not like it used to be. And, but recently the last few months I had a chance to research some of the cities like Spokane, Washington; Philadelphia, PA, that has actually implemented revitalization and redevelopment efforts and it didn't happen overnight. True, many of these got started about 10, 20 years ago back before we had the economic issues we have now today but, most of these plans are about 15 or more year plan and to accomplish their goal, it took an organized effort of volunteers, donated services, paid for projects but, the thing is, that it was common to all of them, they had a city plan and they had goals. Canton's situation of course, in terms of the inner city and our blight, it didn't happen overnight. It probably, I mean it took 40 to 50 years. It wasn't this City Council that, it was, it seems like a little bit of a foresight of long term goals in terms of looking decades ahead. I know you have a, one more look at the issues today and what we have to do this year and maybe next year but one thing I see is there has to be long term goals, long term planning. Urban sprawl happened in the '50's, we all know that. It kicked off a lot of the blight we see. Many, but last week I talked about some goals like sidewalks and I ran some numbers on how many mileage we have in sidewalks. And I know it's take probably \$250,000,000.00 to redo every sidewalk in Canton which I mentioned but that is not possible. But, if you average that out over 40 years or more and it ends up being just a couple million. And I know we lost a lot of income revenue from people moving out of the city, 115,000 in the '50's and now it's about 75,000 so we've lost income there. With the blighted housing the incomes are smaller so, even less so, we've lost about 27 to \$33,000,000.00 in income tax revenue from the '50's until now. So that right there's money that if had better housing we could get some more money.

PRESIDENT SCHULMAN: Thank you very much sir, appreciate it. I want to thank all the speakers this evening. Thank you for coming down. We appreciate it. As I tell all the speakers, will all be here after the meeting if you have any questions. We'll be able to address them. Also Members of Council may speak about some of the issues you've presented at something called Miscellaneous Business.

COMMUNICATIONS

PRESIDENT SCHULMAN: In any case 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 APRIL 8, 2013.***

148. APPLICANT, LRC-A-TUSC PROPERTIES, LLC: REQ ZONE CHANGE @ SW CORNER OF DRYDEN AVE & GROVE PL SW FROM R-1a TO B-3 TO ADD A CVS/PHARMACY STORE. - PLANNING COMMISSION

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149. APPLICANT, LUBOV, INC: REQ ZONE CHANGE @ 127/129 HARRISON AVE SW FROM R-1a TO B-3 TO ADD A CVS/PHARMACY STORE. - PLANNING COMMISSION
150. APPLICANTS, RICHARD & SHARON MEDLA: REQ ZONE CHANGE @ 133 HARRISON AVE SW FROM R-1a TO B-3 TO ADD A CVS/PHARMACY STORE. - PLANNING COMMISSION
151. APPLICANT, JOHN M. WOJTILA:REQ VACATION OF PORTION OF DRYDEN AVE SW (FROM W TUSC AVE DOWN ITS MOST SOUTHERN INTERSECTION W/GROVE PLACE) ALSO GROVE PL FROM DRYDEN AVE TO HARRISON AVE SW. - PLANNING COMMISSION
152. AUDITOR MALLONN: MONTHLY RPT BY FUND FROM 3/1/13 - 3/28/13. - RECEIVED & FILED
153. AUDITOR MALLONN: YEARLY RPT BY FUND FROM 1/1/13 - 3/28/13. - RECEIVED & FILED
154. COMPLIANCE DIRECTOR PERRY: REQ TO ACCEPT \$1,500.00 GRANT RECEIVED BY THE WAL-MART FOUNDATION IN SUPPORT OF THE FAIR HOUSING MONTH'S ACTIVITIES TO PROVIDE GIFTS & PRIZES FOR WINNERS OF THE ESSAY CONTEST & COLORING CONTEST, DOOR PRIZES & FOOD FOR EVENTS. - FINANCE COMMITTEE
155. COURT ADMINISTRATOR KOCHERA: REQ LAW DIR TO PREPARE LEGISLATION FOR SERV DIR TO ENTER INTO PROF SVCS AGMT IN AMT NOT TO EXCEED \$25,000.00 ON BEHALF OF CANTON MUNI COURT W/ZENITH SYSTEMS LLC AS A CONSULTANT TO DESIGN, PLAN, DEVELOP & PROVIDE PROJ SPECS & DRAWINGS, DEVELOP BID SPECS, PROVIDE ON-SITE ENGINEERING & RELATED RESPONSIBILITIES TO PROVIDE UPGRADE TO THE COURTROOMS W/ADA COMPLAINT ASSISTIVE HEARING DEVICES & EVIDENCE PRESENTATION SYSTEM. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
156. DEPT OF COMMERCE: INFORMING THAT CITY HAS WITHDRAWN ITS OBJECTION TO RENEWAL OF CLASS D-5 LIQ PERMIT FOR JOHN L. JONES @ 704 4<sup>TH</sup> ST SW. - RECEIVED & FILED
157. DEVELOPMENT DIRECTOR WILLIAMS: REQ AUTHORIZATION FOR MAYOR OR SERV DIR TO ENTER INTO AGMT W/NEW DAWN DEVELOPMENT HERSHBERGER FAMILY LLC TO PROVIDE 10 YR, 75% PROP TAX ABATEMENT OF 79 UNIT HOTEL @ I-77 FAIRCREST EXIT. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
158. DEVELOPMENT DIRECTOR WILLIAMS: REQ AUTHORIZATION FOR MAYOR OR SERV DIR TO ENTER INTO AGMT W/CPX SOUTH CANTON LLC TO PROVIDE 10 YR, 75% PROP TAX ABATEMENT FOR CONSTRUCTION OF 85 UNIT HOTEL @ I-77 FAIRCREST EXIT. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

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159. LIQUOR CONTROL DIVISION (OHIO): REQ NEW D1 D3 LIQ PERMIT FOR MKING LLC DBA SHERIS AT SHEARS @ 427 TUSCARAWAS E. - RECEIVED & FILED
160. MAYOR HEALY: REQ CONFIRMATION OF APPT OF BERNADINE SNELL (JENKINS) TO CANTON CITY HEALTH BD FROM 4/1/13 - 3/31/18. - PERSONNEL COMMITTEE
161. SERVICE DIRECTOR PRICE: REQ TO ENTER INTO 3 YR AGMT W/DELL/MCPC FOR THE KACE 1100 MANAGEMENT APPLIANCE IN AMT NOT TO EXCEED \$36,100.00. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
162. SERVICE DIRECTOR PRICE: REQ TO ENTER INTO 5 YR CONTRACT W/AT&T FOR UPGRADE OF CITY'S WIDE AREA NETWORK IN AMT NOT TO EXCEED \$100,000.00. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
163. SERVICE DIRECTOR PRICE: REQ \$50,000.00 SUPP APPROP FROM SARTA AREA IMPROVEMENT FUND - 2450 TO PARK ADMINISTRATION - 2450 401001 - OTHER FOR CONSTRUCTION OF TRAIL & PLAYGROUND EQUIPMENT IN CRENSHAW PARK & ADJACENT PROPERTIES; AUTHORIZE MAYOR &/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD & EXECUTE A CONSTRUCTION CONTRACT FOR CONSTRUCTION OF PLAYGROUND; AUTHORIZE CANTON PARK SYSTEM TO GENERAL CONTRACT REMAINING DEVELOPMENTS OF THIS PARK FACILITY THRU USE OF CITY FORCES &/OR LOCAL CONTRACTORS & SUPPLIES. - FINANCE COMMITTEE
164. TREASURER SCHIRACK: RPT OF DEPOSITS AND PAY INS TO AMBULANCE LOCK BOX FOR MARCH 2013. - RECEIVED & FILED
165. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR MARCH 2013. - RECEIVED & FILED
166. TREASURER SCHIRACK: RPT OF BANK RECONCILIATIONS AND CITY'S OUTSTANDING INVESTMENTS AS OF 3/29/13. - RECEIVED & FILED
167. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS AS OF 3/31/13. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: Turning now to Ordinances and Formal Resolutions for their 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 #5 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE

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CODIFIED ORDINANCES OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Judiciary Committee

- #2. (1<sup>ST</sup> RDG) A RESOLUTION AUTHORIZING THE LAW DIRECTOR TO DISTRIBUTE FREE OF CHARGE TO PUBLIC OFFICIALS AND PUBLIC INSTITUTIONS COPIES OF THE 2013 SUPPLEMENT TO THE CANTON CODIFIED ORDINANCES; TO AFFIX PRICE FOR THE SALE OF SAME; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Judiciary Committee
- #3. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$95,000.00 WITH CTI ENGINEERS, INC. TO PREPARE PLANS AND SPECIFICATIONS FOR THE REPLACEMENT OF FAILING WATER MAINS ON WESTMORELAND AVENUE N.W. AND VICINITY; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #4. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO AMEND THE EXISTING JACKSON-CANTON JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT (JEDDC); AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Judiciary Committee
- #5. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A GRANT AGREEMENT WITH THE CANTON COMMUNITY IMPROVEMENT CORPORATION IN AN AMOUNT NOT TO EXCEED \$175,000.00 FOR THE PURPOSE OF FUNDING CANTON REGIONAL CHAMBER OF COMMERCE ACTIVITIES; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Property Capital Improvement Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: Thank you very much Madame Clerk. Turning now to Ordinances and Formal Resolutions for Second Reading. Madame Clerk, would you please begin Madame Clerk with Ordinance 6.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #6 THROUGH #8 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #6. (2<sup>ND</sup> RDG) AN ORDINANCE TEMPORARILY SUSPENDING THE 3% CAP FOR THE FINANCE DIRECTOR'S POSITION
- #7. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING A STIPEND, IN AN AMOUNT NOT TO EXCEED \$12,000.00 PER YEAR, TO ANY INDIVIDUAL SERVING SIMULTANEOUSLY AS THE DIRECTOR OF PUBLIC SAFETY AND DIRECTOR OF PUBLIC SERVICE; AND DECLARING THE SAME TO BE AN EMERGENCY

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- #8. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH BENNETT & WILLIAMS ENVIRONMENTAL CONSULTANTS, INC. IN AN AMOUNT NOT TO EXCEED \$498,600.00 TO PERFORM A COMPREHENSIVE SOURCE WATER PROTECTION PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY

**ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Now we turn to Ordinances and Formal Resolutions for their Third and Final Reading and vote. Would you please begin with Ordinance 9 which is the Ordinance, reminding Member of Council that has the two amendments that Law Director Martuccio will be happy to explain.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #9 THROUGH #13 FOR THE THIRD TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.***

- #9. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 66/2013** 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

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 9.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 9. Any remarks. Leader.

MEMBER DOUGHERTY: Mr. President, I move we amend Ordinance 9 per the copy in front of all Members.

MEMBER GRIFFIN: Seconded.

**AMENDMENT**

*Pursuant to Rule 36, I move to amend Agenda Item No. 9 by substituting the ordinance attached to this amendment for the ordinance currently pending before Council.*

PRESIDENT SCHULMAN: You mean Amendment #1.

MEMBER DOUGHERTY: Yes.

PRESIDENT SCHULMAN: OK, thank you.

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MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: Thank you. So it's been moved and seconded that you amend Ordinance #9 per the copy, Amendment #1 that all of you have in front of them. Do you want to briefly, Law Director Martuccio summarize Amendment 1, one more time.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President, Members of Council. You have read the Communication that proposed the original Ordinance. You've had this discussed in 2<sup>nd</sup> Reading and in Committee meetings. Amendment 1 which is the amendment now before you for a vote, amends the Ordinance to do the following things: 1) it allows for a 2.5% raise to those people who are non-bargaining unit, non-union, management. It does not include Elected Officials. It also limits Elected Officials to their current salaries. It does not enlarge them or raise their cap so to speak. It limits Elected Officials who can only get raise in their next term anyway under another Ordinance. And it finally per the request of several people, includes a restriction that says essentially, if an employee in these categories has received a raise within the last six months they're not eligible for this raise until that time period has expired....

*(PROBLEM WITH RECORDER - HAD TO RESTART)*

PRESIDENT SCHULMAN: ...in Amendment #2 the only difference Law Director Martuccio would be instead of a 2.5% increase, it is a 2.0% increase.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. That's correct, #2 is identical to #1 with the exception of it is 2% and not 2.5%. Thank you.

PRESIDENT SCHULMAN: OK. So it's been moved and seconded to amend the Ordinance per the copy before each of you. Are there any remarks under this motion to amend by virtue of Amendment 1?

MAYOR HEALY: Mr. President.

PRESIDENT SCHULMAN: I'm sorry, who was that.

CLERK TIMBERLAKE: The Mayor.

PRESIDENT SCHULMAN: Oh yes. Mayor. Sorry.

MAYOR HEALY: I just wanted to, to remind Council and also the audience that roughly 2/3's of, or less than half of the money used for this is coming out of Enterprise Funds that are not the General Fund. The General Fund will be affected by about \$120,000.00 with the 2% rate and \$150,000.00 for the 2.5% rate. The rest of those dollars are coming from other funds which cannot or would not be used for police, fire or other General Fund purposes. Thank you.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader Dougherty.

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MEMBER DOUGHERTY: Yea, in discussions with the Mayor requested that this come down and mirror AFSCME's contract which usually is the case and you know folks, you know if we wanted to hire police and not give out raises, then we should have started with the Police and the Fire Department and all those. Nobody was talking about that. Those come down, those contracts come down and they're voted on with nothing. Pass, pass, pass. I've supported them too. I have no problem with that. But you know, every time we get to this group, you know what, we want to mess with them because we can. And they're the ones always getting beat up. They don't deserve this and they don't deserve that. I'll tell you what, you can get, you know endorsements from these other AFSCME and the Police and Fire. Well I can't get an endorsement from this group of people, but you do. You get endorsed every day by them. Cause what happens is, you have a problem so what do you do, you call, you got a constituent that calls you and they got a big problem and they want it solved yesterday. So you call into the office, who's in this group, then they call somebody in another department and another department and another department and another department who's in this room and in this group. Then they solve your problem for your constituent in a timely fashion that makes you all look good. That's called an endorsement because when I call, they take care of my stuff for me. And I really appreciate that and I don't think, I think they deserve every penny of this. They're to be the only group in this city that doesn't get a raise. Some of them haven't had, had one raise in 5 years. That's horrible. And everybody else in the city got a raise including all of us. So let's remember that and please support those who do an excellent job for the city and I'm proud of them. Thank you. *(APPLAUSE)*

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

MEMBER MACK: Mr. President.

MEMBER FISHER: Mr. President.

PRESIDENT SCHULMAN: Member Mack.

MEMBER MACK: Thank you Mr. President. As Council Persons, and I think that Leader Dougherty's point is right on...

PRESIDENT SCHULMAN: Member Mack, I'm sorry to interrupt. You're going to have to...there you go. *(MEMBER MACK ADJUSTED HIS MICROPHONE)*

MEMBER MACK: Better. Better.

PRESIDENT SCHULMAN: Much better.

MEMBER MACK: We have to make sure the employees of this city are treated fairly, fairly. But on the other side of that bounds, we have to make sure we are good stewards of the taxpayer funds. I mean we are the stop gap for the money that comes out of the city's coffers. I believe the city employees need a raise and I think where my problem is, is how much that raise is. I am a lot more comfortable, as amended, as per Leader Dougherty's amendments, with a 2% raise for this group of employees as opposed to a 2.5% raise. There's precedent for a 2% raise and we gave the police as far as I understand, a 2% raise. Now I understand there's also precedent for a 2.5% raise cause that's what was given to the AFSCME unions but, you know what, those men and women also pay union dues that these men and women do not. And so when it comes to striking a balance and treating our employees fairly, which we must do or we will lose them. In being a good steward of taxpayer funds, 2% raise in

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my view is what I think is fair because at the end of the day it may be just \$50,000.00 but that's a lot of money. And that money, like it or not, could represent a Police Officer and that's important to me. So I will support this as a 2% raise but I not as a 2.5% raise.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Thank you. Leader.

MEMBER DOUGHERTY: I think it was just explained by the Mayor that most of this money doesn't come out so you couldn't use it to buy police. It comes out of Enterprise Funds so, let's, let's keep it clear and clean. OK cause those are the facts. And another fact is, this group takes furloughs, have taken furloughs in the past, money out of their pocket. They've got extra health care costs so, they got it all too.

PRESIDENT SCHULMAN: Member West did you, I heard someone. Oh, Member Fisher sorry. I didn't mean to....sorry. Member Fisher.

MEMBER FISHER: Thank you sir. I just want to thank Leader Dougherty for his comments regarding this, this group of employees. You know last night I was on the phone with the Chief of Police last night at 9:30, 10:00 and here's a guy who, by the way for the record, is on vacation this week. This is his week off, that if I get a call in the middle of the night, you can be assured of the fact that Chief Lawver's going to get a call from me in the middle of the night and he's always been willing to take it. We had Dan Moeglin, Kevin Monroe out at the Babe Stearn Center you know helping out with the, explaining some new programs to my constituents. I have no problem trying to take care of employees that take care of our city. I will also agree with my colleague Member Mack on the, the amendment taking it to 2.5%. While I certainly appreciate the back and forth cause we've done both percentages, I do feel at this time that 2% in my opinion is more in line with where I'm comfortable being. Thank you.

PRESIDENT SCHULMAN: Thank you. Any other remarks?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Mayor may, can you tell us if we did the 2.5% versus the 2%, financially where would that put us. I mean do we have the money to provide the 2.5% raise to the employees that did not get a raise.

PRESIDENT SCHULMAN Mayor Healy.

MAYOR HEALY: Thank you Mr. President. The difference between the 2 and the 2.5 is roughly \$30,000.00 out of the General Fund. That's the actual difference of General Fund dollars. It's roughly \$30,000.00 and we would be able to make that work.

MEMBER WEST: You would be able to what? I'm sorry. Make it work?

MAYOR HEALY: Yes.

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PRESIDENT SCHULMAN: Anything else Member West?

MEMBER WEST: Mr. President I'm just concerned that when we see people like Pattie Dorosky who's worked here 6 years and I know she slaves over, she has 12 bosses and she's only had 1 raise in 6 years and it's the ladies that experience the most harm in this. I mean if you look at the list that was in the paper, there was, the two lowest was women and you know our secretary's who take all of our calls, they have the low pay. A lot of our departments are inadequately paid. Let's just be real about it. Some of you guys said Police Officers that are sitting in a classroom for a year was getting paid too low. And I think you're right in some aspects and we need to raise them too. If the funds are here, these are people that are working very hard to the citizens of Canton and specifically in Ward 2. Now a year ago I was pushing a measure to try to bring in some monies to hire more Police Officers to where we wouldn't have this issue because we would have another income or revenue generated source and I think as we continue to get businesses downtown, our worker's are going to work harder but they're going to need to be appreciated and when they, you want your garbage picked up, you want your trash picked up and you want the Health Department to go out. You want Laura over there in the corner to go out and address that trash that no one ever, that somebody dumped in your area, you know, those are the people that were talking about. So, you know, they're just as important, if not more important than Police and Fire. We need to make certain that we look at it from that perspective. Police and Fire is not our only employees. Trust me, if these other ones wasn't here, we'd have much more crime. So, I'm going to support that these individuals get the resources needed and their 2.5 and/or the 2. I'm for both of them. Thank you.

PRESIDENT SCHULMAN: Thank you Member West. Member...did you want to say something Director. Director Price.

SERVICE DIRECTOR PRICE: Thank you Mr. President. Stand up would you. My folks, the Department Heads and the Non-Management or Management Non-Bargaining Unit folks that we have here. *(APPLAUSE)* To all of you, please stand up. Alright, starting over there, you got Street Department, Department of Motor Vehicles, you've got Water, you've got Engineering represented, you got Collection Systems, you got Water Reclamation, you've got Building Maintenance, thanks for turning the air conditioning on by the way, Cliff, it's much cooler in here. You guys can have a seat. If it's a difference between the 2 and the 2.5 and if it's a \$30,000.00 savings to the General Fund, I'll make it easier. The stipend that the Mayor's asking for me to serve both as Safety and Service Directors, I don't want it. I reject it. *(APPLAUSE)* I'm not going to take it so, you give them the 2.5%, I reject the stipend. I don't want it. Those people are the ones that are going to have to help me out. They're going to have to cover for me when I'm not available along with Bill Bartos over there and I want those, I'd much rather those people have the ½% than for me to get the \$12,000.00 stipend. I mean the stipend to be honest, is more about you know, my wife asking me, well you're going to take on more responsibility for no more money. OK, I can deal with her when I get home cause she'll no doubt hear about this, but forget the stipend. If it's \$30,000.00 of the General Fund, you're \$12,000.00 closer. Give it to them, please. Thank you. *(STANDING OVATION)*

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

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MEMBER CIRELLI: Thank you Mr. President. You know I think we have something back ackwards here. We always have the Police and the Fire and the AFSCME negotiations and generally I, to my knowledge there's not one Council Member that's involved in the negotiations. Those are done through the Mayor and his administration. And they come down here and we go into an Executive Session and we discuss what has occurred and what we feel that we can afford. Now what I'm hearing is that we more or less have abused our positions because we didn't speak up during those negotiations even though we really don't have a right to do that. And I've been around this for, this hall here and around government for a number of years. It's always the same story. The Police and the Fire have their negotiations and the AFSCME unions have theirs and then it comes back to the rest of the employees and sure, everybody works very hard. By the way I am a firm believe to all the Council Members, the only endorsements you need are your voters and I think you should keep that foremost in mind. We, not too many, a few months ago, we had a deficit and we were all worried how we were going to make it through the year. Chances are that's going to occur this coming winter also because it's more or less a routine thing. Sure everybody deserves a raise and I credit them because most of them go above and beyond but I think that's what we've all wanted to do for our citizens or we wouldn't be working in this facility. And I thank everybody but I also recall when we had a rainy day fund. We no longer have any of that. The newer Council People probably don't even really know what that's all about. And sure shooting we always have something that comes up that needs to be taken care of but you know with a raise like this, the lowest man on the totem pole, is still the lowest man when they get the raise. I have a real problem with that. They can never be brought up cause if you make \$100,000.00 and you get 2%, doesn't take a rocket scientist to figure that out. But if you make 20% and you get 2%, it sure as heck is a lot lower. I don't like percentage raises. I never have. I never shall and I'm hard pressed to vote for raises when we don't have adequate Police on the streets and our Fire Departments are being closed, two, three sometimes three a week yet. That is risking peoples lives and those are the people that were put in office to protect. And God bless all of our Department Heads. I spent one Friday. I called every department except my own Council office. As God as my witness, all I got was voicemails and no one returned my calls. That I don't appreciate for the general citizenry out there, except one Department Head takes my calls even if it's not during, and I'm not talking about the police and fire, takes my calls at all hours. Now if we were flush with money, I'd be the first one to be pushing for the 2.5% raise but you know, figures don't lie but liars can figure. And I just don't think we're going to have the money to afford this so I'm going to vote no on it.

PRESIDENT SCHULMAN: Thank you Member Cirelli.

MEMBER DOUGHERTY: Mr. President.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: I know we can go around and around with this and I just couldn't sit here and not say anything. And I'm so glad that you had these employees to stand because you know what, just about all of them, and I can certainly say in my Ward, we go above and beyond and I know Reverend Morgan made a statement earlier as too, we should pattern after ones doing as far as having administrators to come and people to come and speak. I can truly say that the Neighborhood Associations in my Ward, we do keep in touch. We do have people to come and discuss things with us and when we need something done, we do go to the Department Heads because you know what, I can guarantee you, have of them in here I know their cell phone numbers. I never get a recording. I always get somebody and they always take care of what ever it is that we're calling for. And when I can't get them, I do

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call the Council Office and they have already said to me, OK Chris, if we can't get 'em on this line we do know other lines and I have not had any problems with any of them and I will be supporting it 110%. (APPLAUSE)

PRESIDENT SCHULMAN: Thank you Member Smith. Member Morris.

MEMBER MORRIS: Thank you Mr. President. Well, I'm gonna definitely have to say Warren in all honesty I was probably a no vote, until that nice passionate speech so, nice job. I do have some concerns though. OK and, part of it is a lot of these folks that we are talking about getting a 2.5 pay, percent pay increase, when we really start breaking it down we do have a lot of employees within the city that are making the bare minimum. OK and they really do deserve a pay raise. We also have a large group making almost \$80,000.00 a year and my big concern with a pay raise is, in 2011 Council passed a raised for all the employees. Two weeks later, Council comes back and gives a pay increase to 9 individuals on the 8<sup>th</sup> floor. Within 4 months a new Council comes in and we're faced with a \$3,500,000.00 deficit. At the beginning of this year we negotiated all our union contracts. Now we're giving the other employees a raise but we're still facing a \$1,300,000.00 deficit at the end of the year. Mr. Mayor please tell me something to make me feel a lot better.

MAYOR HEALY: Mr. President.

PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: Yea, going back to 2011 when Council was deciding based off the facts that we had at the time, you've got to remember that the state budget came in after that point and that's when we lost millions of dollars from the state action, after that fact so, things did change and again the recession also changed as time went by. So, there were decisions made based off information available at that time. Based on information available at this time, as I mentioned in the State of the City, this is the smallest projected deficit that we have faced since I've been Mayor, in six years. And so the gap is certainly going down lower and lower and we're in a position where we have hired a few more Police Officers. We're able to take care of the people that we have by a little bit of a raise and I just want to remind this Council as well, and as Member Cirelli mentioned she doesn't like flat percentage raises, well she just took one herself, as did all Members of Council and all Elected Officials. In addition to that the Police Officers, the CPPA, FOP and both AFSCME units received a percent increase that this Council approved unanimously and the only individuals that have not been included are these members which we're talking about. Not just those members in service but also the Police Chiefs and Fire Chiefs which are not part of the union raises, the staff of the Council office, the Auditor's office, the Treasurer's office, the Law Department, Judges and Courts, Health Department and all those other workers that are not part of the unions. And I will add the Fire Department, the Fire union has not been included but their contract comes up later in the year and we'll have to address them as the last unit of the city workers. But again, we tried to be fair as some get something, we try to make sure all get something. Thank you.

PRESIDENT SCHULMAN: Thank you Mayor. Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. One of the advantages of getting old, one of the few advantages of getting old is that I can remember some things. Not always but sometimes. I was asked to be, 3 Mayors ago, I think, three administrations ago, I was asked to be the Chief Negotiator for management when we would negotiate wages and benefits with all of our unions and at the time, there was a Budget Director that was a bit of a lightning rod but a very bright guy, hard-working, conservative Republican friend of mine named Rick Gatien. And after observing these negotiations in action cycle after cycle after cycle, where 900 out of a 1,000 employees

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would raises through their collective bargaining and the voices that they have in union bargaining, we'd come down to the last 10%, the 90 or the 100 or so who weren't in unions, usually last and they were the guinea pigs when we had to tighten our belts and we do. I agree with everything everyone's saying. This is our family, monies tight, we have to look at our checkbook but this country's founded on fairness. Fair is fair and Rick Gatien had a saying that is still true to this day and that is, management was first with the worst and last with least. Management was the first to step up and say we'll pay higher insurance premiums as Mr. Dougherty recalls. Management was the first to get longevity taken away a host of other benefits. Management typically got lower raises than the unions because they didn't have the ability to collectively bargain and they didn't have the ability to strike. So, as a result some of the wages scales are skewed. I know I'm well paid and I thank God for my job and thank God for the people who help support me with their taxes. Thank you. But I have some employees who aren't very well paid. We have full time prosecutors who are advising Police Officers and working with them after hours, on weekends on search warrants who went through 7 or 8 additional years of school after high school who have student loans in the neighborhood of 50 to \$100,000.00 who are making incredibly important decisions in prosecuting cases. Many of them only earning 44 or \$45,000.00 after all that. I know it sounds like a lot of money, but given where they've come from and comparing them to other folks in the city and some teachers and so on with Bachelor's degrees, it's not. So as an Executive Officer of the city, I appreciate the chance to help influence you and at least speak a little bit on the topic. Thank you.

MEMBER COLE: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Cole.

MEMBER COLE: Just very quickly, with this outcome can we a, I don't know how we'd go about this but, I think I can speak for all of us, we work with Mr. Price, Director Price on a day to day basis and regardless of what the outcome is please don't allow that to happen because you deserve that as well. You've worked your tail off and we appreciate that but that just once again is a testament to the type of man you are. So, thank you.

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

MEMBER DOUGHERTY: Mr. President.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Thank you. Question to Law Director Martuccio. In a conversation that we had today, am I correct in the fact that yourself as the Law Director and appointing authority, the Mayor and the Auditor has the discretion to give to your own employees a 3% increase twice a year if you desire.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, Member Cirelli. Yes, that's a fairly accurate summary of what we said today. What happened if you'll all recall, and again here's my memory, my age. At the time, then Auditor Perez said to Council, instead of giving these cookie cutter 2%, 3% fit all, give me the discretion to decide who needs raises and who doesn't and give me some discretion to go up to, I don't up to, I don't know if it was 3% but it

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is now, and up to twice a year so these people that are well below can catch up. And that way I won't have to give raises to everyone because they're my fiduciaries and there are only a handful of them. I was given that same authority by City Council for my fiduciary employees who are mostly the attorneys in the office, all the attorneys and a few secretaries and I can say, we haven't abused it. We haven't given out that many but we have to those people I mentioned earlier. The Mayoral administration came along and said OK, that's a good approach. It gives us some discretion. It gives us the ability to do merit raises if you will so, yes the Mayor was added to that list of Public Officials and that's how that came to be, subject to their cap. The Mayor makes a good point. Subject, now some of them have been capped by their ranges, by the fact that they have hit the top of their allowed range.

PRESIDENT SCHULMAN: Leader.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Go ahead, Member West.

MEMBER WEST: Just real quick. You know one thing about this whole process, I going to use my son's language, it sucks. It really does. This whole process, because when it comes down to it, you have, you give this group a raise and then later you give this group a raise, I mean I would like us to see, sit down and figure out a fair process by which we handle this each and every year so that we don't have to come down to this again. Another year goes by, you know you got these cookie cutter raises going all around the city and you know, one group gets it and another groups mad because they didn't. I mean I just think that we have a better way of figuring, we have to find a better way to figure this out so that it's a fair process for everybody.

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Yes Mr. President. Well the problem is, you have the union contracts and there's certain things and laws and it's not the same as this group so there's the problem that we have. At some, I'm being told some Councilmen are going to the unions this year saying ask for 3%. Now we're arguing about this group for 2.5 and that's just ridiculous and when I'm standing in the living room, in the basement doorway of a house at 1:00 in the morning with 8 foot of water in the basement and I got the Service Director standing next to me, I reached him that night. I have no problem reaching any of these guys. I mean they cringe when I call but you know, they still...they let it ring a while, but they answer. Thank you.

PRESIDENT SCHULMAN: Thank you Leader.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

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MEMBER CIRELLI: A question to the Law Director Martuccio. When this all occurred, like 3 administrations back, did Council at that time have the opportunity to do the same for their own employees sir.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Meaning ask for the authority to have discretion.

MEMBER CIRELLI: Yes sir.

LAW DIRECTOR MARTUCCIO: In theory all Elected Officials had that ability but some chose not to accept, take advantage or use it as a system.

MEMBER CIRELLI: So just for a point of clarification, City Council at that time, and I'm assuming and I never assume but, if I heard you right when Mr. Perez was the Auditor, right the Auditor yea, he chose and I don't know how it started with him but he choose to do so and then told the other appointed authorities they could do so and the people that were Council at that time also knew they could do so but they chose not to. Is that, am I hearing that correctly?

LAW DIRECTOR MARTUCCIO: Yes. Member Cirelli, Mr. President various Elected Officials had various points of view on that, some didn't quite agree with that amount of discretion so, as is usual it was a spirited debate when all of these things came along. Thank you.

MEMBER CIRELLI: So, thank you Mr. President. If this Council so choose to introduce that to their own body, they still have that opportunity to do that. Is that correct sir?

PRESIDENT SCHULMAN: Law Director.

LAW DIRECTOR MARTUCCIO: Yes.

PRESIDENT SCHULMAN: OK, thank you.

MEMBER CIRELLI: Appreciate it. Thank you.

PRESIDENT SCHULMAN: Any other remarks? If it's a tie, I will vote for the 2.5% increase for what it's worth. You know all I could think of when I heard this debate is, I hear it every week over money is that the Governor and the majority of General Assembly must just be cackling away in Columbus. This is the fight that we have. We have no money, they take it away. We try to give our employees modest wages after no pay raises after making them pay more for their benefits, after making them take furloughs, not working at all and this is where we come down. We come down to the fact that people want police. We can't hire a Police Officer for a year. This money, there's not enough money here to hire a Police Officer for one year. There isn't and Police Officers aren't going to work for a year. They want to work for the rest of their careers, so we need that money. That money is in Columbus as usual. But in any case, I will vote for this. We have the best union and non-union employees in the state of Ohio working for this city. They do amazing work. They deserve it. Any other remarks? To remind you, you are voting on the Ordinance 9 as amended by Amendment #1.

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MEMBER DOUGHERTY: We're voting on, pardon me Mr. President....

PRESIDENT SCHULMAN: Yea, I'm sorry. You're going to vote on the motion to amend Ordinance 9. Thank you Leader, with Amendment #1 which is a 2.5% raise and everything the Law Director has told you. We all set? And I'm going to ask rather than a voice vote because there is, not controversy but certainly differing positions, I'm going to ask for a roll call vote, Madame Clerk.

NO REMARKS

ROLL CALL 6 YEAS, 6 NAYS

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

CLERK TIMBERLAKE: Six yeas, six nays.

PRESIDENT SCHULMAN: Lee you're going to have to buy me some liquor or, or you're going to have to run against me. I vote yes. And that, the amendment is, well I'm a little premature here, as I usually am. The amendment is adopted, it passed. Now we move to question you're going to vote on. Leader.

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 9 as amended.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 9 as amended by virtue of Amendment 1.

MEMBER FISHER: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Fisher.

MEMBER FISHER: Just a question on procedure and you know, correct me if I'm wrong on this. Do we need to, I guess I need to speak to the Law Director. Do we need to actually vote on Amendment 2 even though at this point now, it would be a moot point or does that need to be dropped before we can move to the final passage?

LAW DIRECTOR MARTUCCIO: Mr. President, Member Fisher, we don't get to Amendment 2 unless the Ordinance is amended by #1 fails.

MEMBER FISHER: OK, so, so we do not need to address Amendment 2, we can move forward to passage. I just wanted to be clear on that.

LAW DIRECTOR MARTUCCIO: Yes, that's a good question. The question has also arisen about the President's ability to vote to....

PRESIDENT SCHULMAN: To break a tie.

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LAW DIRECTOR MARTUCCIO: As you all know by now, the President of Council, when a tie takes place has the option to vote. He's not required to by law but he or she can vote to break a tie. In this case, he wasn't actually voting on the amendment, or on the Ordinance as some of you may say, he was voting on the vote to amend it. He wisely asked for a voice or a roll call vote, cause if had been a voice it would have been equal voices floating around out there yes and no, so he went around and the record you all consented to voice votes, to roll call vote. Being that, that time, I'm of the opinion that I believe he can break that tie under, under law because it was subjected to a roll call vote.

PRESIDENT SCHULMAN: That may sound devious and sneaky. I had no idea. In any case, we are...the next vote then or the next motion is and I think Leader, have you made that motion and it's been seconded.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: So, it's moved and seconded that you adopt Ordinance 9 as amended by Amendment #1 which is the 2.5% increase. Are there any remarks? Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 7 YEAS, 5 NAYS

(MEMBERS CIRELLI, HAWK, MARIOL, MACK AND MORRIS VOTED NAY)

CLERK TIMBERLAKE: Seven yeas, five nays Mr. President.

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**#9 ADOPTED AS AMENDED AS ORDINANCE NO. 66/2013**

PRESIDENT SCHULMAN: Thank you. It passes then. Ordinance 9 as amended by Amendment #1 passes as a non-emergency Ordinance and is adopted.

MAYOR HEALY: Mr. President.

PRESIDENT SCHULMAN: Yes Mayor.

MAYOR HEALY: Point of clarification for the Law Director. This was listed as an emergency. Is, does it have enough votes for emergency passage? And what happens.

LAW DIRECTOR MARTUCCIO: Mr. President, Mr. Mayor.

PRESIDENT SCHULMAN: Law Director.

LAW DIRECTOR MARTUCCIO: Mr. Mayor as the President stated, it passes because a majority of Council has voted for it but the emergency clause does not become effective cause it takes 8 votes for an emergency. It takes two-thirds. In this case 8 out of 12 to become an emergency. So it will become effective 30 days hence unless the Mayor vetoes it.

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PRESIDENT SCHULMAN: OK. Moving on Ordinance #10.

#10. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 67/2013** AN ORDINANCE AMENDING SECTION 707.02 LICENSE; FEE; DURATION; ISSUANCE AND REVOCATION, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 10.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 10. Any remarks under that Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

**#10 ADOPTED AS ORDINANCE NO. 67/2013**

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PRESIDENT SCHULMAN: Ordinance #10 is adopted. Ordinance #11 please.

#11. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 68/2013** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$14,857.98 TO SUNPRO, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 11.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 11. Any remarks under this Ordinance?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli, I'm sorry.

MEMBER CIRELLI: To I think the Service Director Price. This was, if I'm not mistaken was for a spill and we had to do a moral, do an emergency thing to have this cleaned up. Is that correct sir?

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PRESIDENT SCHULMAN: Director Price.

SERVICE DIRECTOR PRICE: Mr. President correct. I got a phone call I think it was about 2:30 in the morning from dispatch. We had, it ended up being transmission fluid I think that went into the storm sewer and we've since remedied this situation. There was an issue, we worked it out with the Fire Department and Collection Systems Department. For these spills we didn't actually have a budget or an appropriated line item for these sorts of things and so I authorized it to clean it up because it was an emergency but it has to come back as a moral ob. We have since budgeted, this years budget includes some dollars for these emergency spills.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Yes Member Cirelli.

MEMBER CIRELLI: Thank you and yes, I'll just call you the Chief of Staff that's much simpler than two complicating ones. Do we make an attempt to recoup this money from the persons or whomever did the spill sir?

PRESIDENT SCHULMAN: Director.

SERVICE DIRECTOR PRICE: Yes Councilwoman Cirelli we do. I don't know the particular disposition of this one or if the culprit was ever found however I know that the Fire Department does investigate those matters.

MEMBER CIRELLI: Thank you. Thank you.

PRESIDENT SCHULMAN: Any other remarks? Hearing none, Madame Clerk roll call vote please on Ordinance 11.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

**#11 ADOPTED AS ORDINANCE NO. 68/2013**

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PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries. Ordinance 11 is adopted. Ordinance #12 please.

#12. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 69/2013** 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 (PIROLOZZI)

PRESIDENT SCHULMAN: Leader.

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MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 12.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 12. Any remarks?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Just for the record I'd ask the Law Director, how many more years to we have before this claim will be paid sir?

PRESIDENT SCHULMAN: Director.

LAW DIRECTOR MARTUCCIO: The total amount, I believe was \$1,800,000.00 and at about \$100,000.00 a year, I think we've paid a few years, five years so there are over a dozen years remaining.

PRESIDENT SCHULMAN: Any other remarks?

MEMBER CIRELLI: Thank you.

PRESIDENT SCHULMAN: Hearing none, Madame Clerk roll call vote please on Ordinance 11, 12 sorry.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

**#12 ADOPTED AS ORDINANCE NO. 69/2013**

PRESIDENT SCHULMAN: Motion carries. Ordinance 12 is adopted. Ordinance 13 please.

#13. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 70/2013** 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 OEPA FOR A LOW-INTEREST LOAN TO FUND THE CONSTRUCTION PHASE OF THE PROJECT; AMENDING

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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)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President I move 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 FISHER: Mr. President.

PRESIDENT SCHULMAN: Oh, sorry. Member Fisher.

MEMBER FISHER: I was just wondering, could the Service Director possible give like a 4 or 5 hour long explanation on this issue. (*LAUGHTER*) No I just, this is something that the Director and I have spoken about on a number of occasions and it slowed down and picked back up again and I do want to thank you for all your work on it sir.

PRESIDENT SCHULMAN: Thank you Member Fisher. Any other remarks? 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. 70/2013**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 13 is adopted. That concludes the Ordinances.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SCHULMAN: Now we turn to Announcement of Committee Meetings.

MEMBER COLE: Mr. President.

PRESIDENT SCHULMAN: Finance Chair Cole.

MEMBER COLE: Yes on April 15<sup>th</sup> at 6:30 PM Finance will be held.

PRESIDENT SCHULMAN: Thank you.

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MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Chairman West.

MEMBER WEST: Judiciary will meet same time, same place, 6:30.

PRESIDENT SCHULMAN: Thank you.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes, Leader.

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

PRESIDENT SCHULMAN: Thank you. That concludes....

CLERK TIMBERLAKE: Member Griffin.

PRESIDENT SCHULMAN: Member Griffin.

MEMBER GRIFFIN: Personnel. Personnel will meet same time.

PRESIDENT SCHULMAN: Thank you.

**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: Alright turning to Miscellaneous Business. Do we have any?

MEMBER WEST: Mr. President.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: OK, Member Hawk.

MEMBER HAWK: Thank you Mr President. I inquired about the demolition process that's going on in the city and it actually started with one house and then I kept inquiring and I'm really kind of at odds with the whole process at this point in time. We were given \$1,000,000.00 by the Stark County, by Stark County that was part of a settlement of a lawsuit in order to help us tear down houses in our city without matching money. Well that money runs out at the end of this year. We're already through the first quarter of the year and so far we have only 17 houses ready to go. At that rate, you know, even if they're \$6,000.00 a house, you're certainly well, I think you're just about \$100,000.00 or somewhere just a little over that, in that kind of money. You know I think what we need to do here is find out what's taking so long, why we haven't streamlined this operation and why we aren't getting to tearing down these house because we sure as heck cannot afford to lose \$1,000,000.00 of money to tear down houses. And understand one thing, that there is more money available if we use, possibly, I going to say possibly available in the event we can go through that first million. But at a quarter of the way through the year, going to relinquish that December 31, 2013 and 17 houses ready to tear down, I think we need some answers and I'd really appreciate it if maybe Director Cavanaugh can come to the Council meeting, not to Caucus but to the Council meeting and give us

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an update and some explanation as to where we are on this. I think it would be very beneficial for all of us to know and understand where we stand on this demolition process and how some of these things need to come down because we're all concerned about our neighborhoods being safer and demolitions are one of the biggest complaints we get besides law and order it to demo properties. So I'd respectfully request that Director Cavanaugh, or Chief Building Official Cavanaugh comes next week to Council meeting and explain this to us and help us out a little bit in understanding it. Thank you.

PRESIDENT SCHULMAN: Director do you want to comment on that?

SERVICE DIRECTOR PRICE: Yea only to say that, that's fine.

MEMBER WEST: Mr. President.

MEMBER HAWK: Warren thank you very much. That's the shortest explanation we've had in a long time. I appreciate it.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Well if I might. I just keep...are you going to talk about that too? Because Member Hawk is right, this is April. We have 8 months. We have \$1,000,000.00 and I'd just like to ask the Director if I'm correct. We have \$1,000,000.00 from the state and we have matched that with another \$1,000,000.00 from the city. We have \$2,000,000.00. We have all these homes that are going to be demolished and we are on #17.

SERVICE DIRECTOR PRICE: We have a list. Yea, Mr. President. We have a list of, you know well over 400 properties but we're still, she's doing the title work, screening those. We're up to 17 now. Give us, this rate of the, these being cleared and on the list and ready to go is going to increase expeditiously. We are on target to get these done and we'll get back with you. I'll have her explain this next week on where we're at.

PRESIDENT SCHULMAN: Mayor.

MAYOR HEALY: Yes just a point of reference. You know I asked that same question back in August of last year. Angela has been waiting for more than 6 months to be able to start because we had to wait for clearance through the county and then our matching funds and now that she's got the clearance, now she's moving forward. But she didn't want to spend any money on starting the process because if she spent it before it was approved, we may have been able to get reimbursed. So she sat waiting patiently for the go ahead and she has that now but she can give you the specific details of exactly when she got the go ahead and what the time frame is and how she plans on getting as many done before the end of the year as possible.

PRESIDENT SCHULMAN: Do you think there would be any benefit to having Miss Cavanaugh come every month, once a month to give us an update as to where she is.

MAYOR HEALY: I think that's certainly at the Council's disposal. If they request it, she could do that.

PRESIDENT SCHULMAN: OK because if we don't it, we lose the money. Is that right? OK. Member West.

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MEMBER WEST: Yes, I'd learned tonight of a very dear friend who always came to Council meetings, everybody knows her as Constance Brown, Neighborhood Association Leaders. An awesome woman. I learned that she passed away so I would ask that we do a moment of silence in her behalf.

PRESIDENT SCHULMAN: Absolutely. If we could have a moment of silence please.

*(MOMENT OF SILENCE OBSERVED FOR CONSTANCE BROWN)*

PRESIDENT SCHULMAN: Thank you. Thank you Member West.

MEMBER WEST: Yes and then thank you husband for continuing to come out. If he could stand.

PRESIDENT SCHULMAN: Thank you sir. *(APPLAUSE)*

MEMBER WEST: Also, I guess this would be Law Department. James Parker came up here and talked about massage therapist and that Ordinance that we passed some months ago about \$300.00 being fined. I spoke to Shirley who is down in the Police Department and she indicates that the \$300.00 would not be, would not effect people that had state license but those people that do not have a license. Is that correct?

PRESIDENT SCHULMAN: Law Director.

LAW DIRECTOR MARTUCCIO: Mr. President, Member West. I know Shirley knows her licenses, licensing issuing inside out. My understanding is that this increase was designed to get at the very people that Mr. Parker said shouldn't be here. There were some suspicious places. They were being surveilled by the police and I think your correct. I can get a clearer answer for you and call you this week.

MEMBER WEST: I was wondering, is it possible that someone can send him a letter of some sort to that frame of reference if that's the case.

PRESIDENT SCHULMAN: OK, anything else Member West.

MEMBER WEST: I do want to thank Tina who comes up here all the time. Tina's an awesome person and I also appreciate her support and Mr. Killens. Mr. Killens would you please stand up. A couple weeks ago Mr. Killens got a letter from our dear President of the United States and he wrote him a letter and he responded back to Mr. Killens. So I wanted everyone to know that Mr. Killens is on his game and continues to advocate for the city of Canton. *(APPLAUSE)* Thank you Mr. Killens.

PRESIDENT SCHULMAN: OK, thank you. Anything else?

MEMBER CIRELLI: Question to the Chief of Staff. You were not here last week so I'm and Safety Director Ream took the issue and said he would explain it to you but sometimes things get lost and I just wanted to know, did he discuss with you the LED lights that we're putting up in the, I going to say the historic areas, cause that's also in Harter Heights and in the Ridgewood area. They're putting up the same wattage in the lights that are lower, only about 12 feet I think, as like the once on Cleveland or Market Avenue, excuse me sir, are probably about 20 some feet up in the air and I was suggesting that we could lower the wattage because it would be even cheaper when we

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use a lower and softer wattage in those places to just keep it that way and to lessen our costs. So was that, did you get that message sir.

PRESIDENT SCHULMAN: Director.

SERVICE DIRECTOR PRICE: Mr. President I did and Councilman Mariol had actually called me right after a neighborhood meeting, I think about 8:30 at night one night about that same issue and we're meeting on it tomorrow. So we are going to discuss it.

PRESIDENT SCHULMAN: Great.

MEMBER CIRELLI: Thank you. Thank you Mr. President.

PRESIDENT SCHULMAN: Anything else?

MEMBER CIRELLI: Yes Mr. President. There's one other thing I think we need to address in this body. At least think about it.

PRESIDENT SCHULMAN: The basketball game in 15 minutes.

MEMBER CIRELLI: Yea alright. I'll make it real fast. No we say no cell phones, yet some people will sit in this honorable body and text with them. I think that is very disrespectful and if we say no cell phones, I don't think we should have cell phones so, whatever this body should, you may, we make, if we're going to make something like that then tell everybody and then we'll all get our ones and text with it. So something should be addressed to that. Thank you.

PRESIDENT SCHULMAN: Thank you. Member Hawk.

MEMBER HAWK: Quickly Mr. President. Addressing the gentleman speaking about the liquor license. I work for the people in Ward 1. They elect me. They give me my power. I do not make decisions. What I've done is at their request. I was not insulant. I was not non-supportive. I told the gentleman on several occasions that, how to go about, what the process was. This evening I informed him that if we needed to have a discussion, we needed to have it with one of the city lawyers present cause I feel that's a fair way and that way nobody misunderstands and gets in trouble. But I work for people in Ward 1. They do not want that. As long as they don't want it, that's all I got to do is have them tell me what they want. I'll do it for them.

PRESIDENT SCHULMAN: Thank you Member Hawk. Director.

SERVICE DIRECTOR PRICE: Mr. President. I'm sorry just a point of order. When I had my cell phone out I just want to let you know I was not texting, I was trying to look up the Codified Ordinances to see for that gentleman there what permitting regulations we had and yes we do have a recreation fire permit. You're limited to 2 X 2 X 2 areas and the Fire Department if you call them will respond to fires, so....

PRESIDENT SCHULMAN: I had mine out trying to record the game. Leader.

MEMBER DOUGHERTY: Move to adjourn.

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MEMBER GRIFFIN: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas.

PRESIDENT SCHULMAN: *(Gavel falls)* Drive safely.

ADJOURNMENT TIME: 9:19 PM

ATTEST: APRIL 12, 2013  
CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

APPROVED: APRIL 12, 2013  
ALLEN SCHULMAN  
PRESIDENT