

**MINUTES OF THE MEETING APRIL 22, 2013**

PRESIDENT SCHULMAN: Good evening ladies and gentlemen. Welcome to Canton City Council. With a quorum being present, the Chair does call this meeting of Canton City Council to order. Roll call vote please Madame Clerk.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

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

TWELVE COUNCIL MEMBERS PRESENT.

CLERK TIMBERLAKE: All present Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk.. Tonight, and welcome back Member Hawk. We're glad that you're back and feeling better. We'll have the invocation given tonight by Council Member Chris Smith. If you'll all please stand and remain standing for our Pledge of Allegiance.

*The regular meeting of Canton City Council was held on April 22, 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 Member, Chris Smith. The Pledge of Allegiance led by President Schulman.*

PRESIDENT SCHULMAN: Thank you very much Member Smith.

**AGENDA CORRECTIONS & CHANGES**

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

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to add 2<sup>nd</sup> Reading Ordinances 5 through 13 with the exception of #10 which was Retained in Committee.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded for you to Suspend Rule 22A to add the 2<sup>nd</sup> Reading Ordinances 5 though 13 with Ordinance 10 being Retained in Committee. 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: The motion carries. Rule 22A is suspended and the Ordinances are a legal part of your agenda.

**PUBLIC HEARINGS**

PRESIDENT SCHULMAN: Turning now to Public Hearings. We have no Public Hearings scheduled this evening.

**MINUTES OF THE MEETING APRIL 22, 2013****OLD BUSINESS**

PRESIDENT SCHULMAN: Under Old Business, as you all know Director Price had some health problems last week, obviously our thoughts and prayers go out to him and his family and we wish him a very, very speeding recovery. We truly miss him.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: Turning now to Public Speaks. We have 3 speakers signed up this evening. Our first speaker is Bruce Nordman. Mr. Nordman if you'll step forward and welcome as always. If you'll give us your name and your residential address please.

BRUCE NORDMAN: Thank you. Bruce Nordman. I reside at 1623 Logan Avenue NW. Good evening Mr. Mayor, Mr. President, Members of the City Council. We had a meeting last Tuesday with the Mayor and his staff. He was most gracious to provide us with a lot of information and I say a lot of information. The meeting lasted three hours. It was a good give and take. As you can see, I'm still standing here with badge 175. We are going to pursue this and I thank you Mr. Mayor for all of the information. By the time we sort through all of the budget issues, we'll be ready to meet with you in two weeks. Our concern is the concern of every one of the Council People running here and that is crime. We're disappointed that the number one issue on the ballot this year, which is a good cause none the less, is not safety but the parks and park recreation. We wish that it could have been a safety issue but we're going to pursue that separately and we will work on this very hard for the citizens of the city. We continue in our evaluations to see that most of the crime that's committed in the city here, is crime that's done very silently. It's burglary, theft, breaking and entering and robbery. Most of these crimes are done very quietly and most of them are done with people that are armed and it's of great concern to us because those fab four categories, burglary, theft, breaking and entry and robbery consist of about 76 to 77% of the crimes committed on a weekly basis in this city. I also want to bring to your attention that while the figures are thrown around that this is a safe city, citydata.com for the last 11 years, and I only have figures up through 2011, lists the city of Canton as having a violent crime rate over 2 times the national average. Now this is not something to put your thumbs in your vests over, this is something that we're going to keep on so that we can get this city, so that we can get the crime rate even further down. We can get more police officers on the streets. I thank you for all for all your support. We're going to keep at this. We want to work with the Mayor to make everything available to get our strength up to 175 and again Mr. Mayor, I thank you and your staff for the great cooperation with us. We look forward to meeting with you again soon.

PRESIDENT SCHULMAN: Thank you very much sir. Our next speaker is James Parker. Mr. Parker as always, welcome. If you'll give us your name and your residential address please.

JAMES PARKER: James Parker. 630 Penny Street SE. City of North Canton. Thank you Council President Schulman. I'm here for hopefully the final time to discuss massage Ordinance under your City Council passed 785.01 through 99. This massage Ordinance is not enforced therefore it has no teeth, therefore it is a hollow Ordinance. It gives the facade of supervision. Section 4713 of the Ohio Administrative Code gives you a definition for massage therapy or practice that I'll pass around that says, treats the disorder of the human body. However, Section 503.40 of the Ohio Revised Code gives a definition for massage. It's the method of exerting pressure on etc., stroking, kneading, pounding, vibrating, stimulating the external soft tissue of the body. Masseur or masseuse, any individual who preforms massage and of course, it excludes the sexual and genital area which it describes. Under your Ohio Revised Code Section 2907, you have a complete listing of sex offenses, covers everything from rape to GSI to prostitution and whatever else is in between there between that and syphilis. Let's see, so where I'm at with this is that the purpose of this, is it for competency? You look at the State Medical

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Board, page 105 of their primary bases for action, you'll notice that the State Medical Board voted not to proceed not only with maintenance of license or actions but it found that lack of competency is not a significant issue. As far as the maintenance of license or status, it's more of a maintenance of bureaucracy. This folly, the waste, the indignity of the exercise. The nonsense to impose more costly and time consuming activities upon small offices, business operations and especially the healing arts. It escalates the overhead, gives a false sense of a security, an illusion of knowledge. Just like a lot of these licensed massage therapists. You don't think they have an illusion of knowledge that some of them aren't illegitimate, they are. Take it from a guy who's been in the business 18 years. 785 requires the masseuse or masseur, French the male takes dominance, the masseur to wear badges on the front of their shirt. We don't need no stinking badges. I'm asking you to repeal Ordinance 785 entirely. Law Director Martuccio's kind enough to make an appointment to review the state constitutionality because here under the scope of practice it says that under the, under the, here I have it right here, that the township trustees can adopt these type of provisions however, within the unincorporated areas of the township. This is a incorporated area. I want to see if this is constitutional under Ohio Revised Code, Section 503.42 that I can read to you here says, the Board of Township Trustees can adopt Sections under this and etc., etc., that I will have a meeting with Mr. Martuccio over. You go to Belden Village Mall the point is, there's Chinese people down there give massages behind the curtains, etc. They don't need these kind of overbearing regulations. So, whoa unto you. You load men with burdens, grievance to people and yee yourselves touch not the burdens with one of your fingers. Thank you.

PRESIDENT SCHULMAN: Thank you Mr. Parker very much. And I know the Law Director is going to meet with you to discuss that. Our next speaker is Henry Preston. Mr. Preston good evening. As always, welcome to Canton City Council. If you'll give us your name and your residential address please sir.

HENRY PRESTON: My name is Henry Preston. I live at 326 31<sup>st</sup> Street NW and I'm here to talk about the blunders of Planning and Engineering the bicycle lanes part 2. The last time I spoke about the traffic lanes 11 feet wide, not wide enough and bicycle lanes, 5 feet is not wide enough. So, what I'm passing around here is a worksheet and we'll try to take it and get it all filled in by the time zone. Those of you that see 36 feet at the front, if you turned it to the left, right at 180. That's 180. That's 180 feet that there's 36 feet or less width on Harvard Avenue. OK, now Harvard Avenue is, like I say it's 36 feet or less in 180 feet distance. So if we take the 1 foot divider, that's 35 feet. So now if you'll put in 35 feet and then we divide it by 17.5 feet OK, now we see we've got 11 feet for the....are you following me Mr. President?

PRESIDENT SCHULMAN: I'm trying.

HENRY PRESTON: OK.

PRESIDENT SCHULMAN: I actually asked a question and I'll give you some more time. Are you, I'm not sure I understand. Are you opposed to bike lanes or do you just want, your worried about bike lines being too intimate with traffic.

HENRY PRESTON: Exactly. That's what, it's a blunder in planning, yes.

PRESIDENT SCHULMAN: Thank you. Go ahead sir.

HENRY PRESTON: We cleared that up. Yes. OK so at 36 feet, OK the line underneath there at 36 feet put a 1 foot divider. OK, put 1 foot divider now that we got 35 feet traffic surface space. OK, now if we divide that

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into 2, by 2, we've got 17 ½ feet to play with on each side of the divider. OK now come down here where I've got space in there we can put 11 feet in front of it, on top of the arrow. That's northbound and we can put 11 feet on the southboard. OK, now we subtract 11 from 17.5, we got 6.5. Now we're being generous, being generous with the City Engineer. He said 5 feet. I don't know what he's going to do with the other foot and a half there so I'm going to give him 6 ½ feet bicycle lanes. So that gives up 75 inches. Now a mini van is 75 inches, I mean 78 inches. A mini van is 78 inches, OK. Nobody wants to park right against the curb so you, so let's give 'em 6 inches. So we're gonna push that mini van into the traffic lane so, now we're into it 6 inches. Now, nobody wants to sideswipe a vehicle so, you need another 6 inches. So now our 11 foot path becomes a 10 foot path. Now, down here where there's a triangle, that's to represent a....(*buzzer sounds*) OK, thank you.

PRESIDENT SCHULMAN: Just finish up. I interrupted. Just a couple more seconds.

HENRY PRESTON: OK, we divide this 78 inches by 2 we got 39 inches on each side of the bicycle wheel cause that's the center, 39 inches. OK the bicycle handles, they're anywhere between 20 and 26 inches. So we take half of 26, we got 13. OK, so we got 13 minus, subtract 13 from 39 we got 26 inches. OK, that's the distance we have from the bicycle handle to the outside lane. Now what is the distance a motor vehicle should give a bicyclist? Ohio doesn't have a standard but 21 states say 36 inches. So, again we have to get into the 11 foot lane.

PRESIDENT SCHULMAN: OK.

HENRY PRESTON: OK, thank you very much.

PRESIDENT SCHULMAN: Thank you very much Mr. Preston. Appreciate it.

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: Turning now to Informal Resolutions. We have none this evening.

**COMMUNICATIONS**

PRESIDENT SCHULMAN: We 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 22, 2013.***

173. ANNEXATION CHAIR HAWK: REQ TO INITIATE STATEMENT OF SVCS FOR HALL OF FAME ANNEXATION IN PLAIN TWP. - ANNEXATION COMMITTEE
174. CNCL AT LG MBR COLE: REQ LEGISLATION TO UTILIZE THE ALTERNATIVE PLAN FOR THE COMPOSITION OF LEGISLATIVE AUTHORITY AS WRITTEN IN SEC. 731.01 & SET NUMBER OF COUNCIL PERSONS TO A FIXED NUMBER OF 9 WARD MEMBERS. - JUDICIARY COMMITTEE
175. FINANCE DIRECTOR DIRUZZA: REQ TO AMEND APPROP O#209/2012 BY MAKING \$33,000 SUPP APPROP FROM UNAPPROP BAL 1001 GENERAL FUND TO 1001 506001 COMM DEV

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ADMIN - PERSONNEL. - FINANCE COMMITTEE

176. FIRE DEPARTMENT: 2012 ANNUAL RPT. - RECEIVED & FILED
177. LIQUOR CONTROL DIV (OHIO): REQ NEW D5 LIQ PERMIT FOR JASMINE ASIAN BISTRO LLC DBA JASMINE @ 1122 30<sup>TH</sup> ST NW. - RECEIVED & FILED
178. LIQUOR CONTROL DIV (OHIO): REQ NEW D5 LIQ PERMIT FOR DONALD E CHARNETZKY 1<sup>ST</sup> FLR & PATIO @ 1757 CLEVELAND AV SW. - RECEIVED & FILED
179. PERSONNEL COMMITTEE: REQ AMENDMENT TO PERSONNEL ORDINANCES AFFECTING RAISES OF FIDUCIARY & UNCLASSIFIED EMPLOYEES. - PERSONNEL COMMITTEE
180. SAFETY DIRECTOR REAM: DECLARE VARIOUS BLDGS UNSAFE & HAZARDOUS FOR WHICH DEMOLITION IS REQUIRED. - FINANCE COMMITTEE
181. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR &/OR SERV DIR TO EXECUTE CHANGE ORDER #4 FINAL FOR WEST SIDE INTERCEPTOR SANITARY SEWER REHABILITATION PROJ GP 1138 W/INSITUFORM TECHNOLOGIES FOR AMT OF \$30,635.00; REQ \$15,623.85 SUPP APPROP; REQ \$15,011.15 SUPP APPROP; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY THE PROPER DEPT AUTHORITY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: Now we're under First Reading Ordinances and Formal Resolutions for the first reading. Let the journal show that all the Ordinances are being given their reading as required by State law. Madame Clerk, would you please read the First Reading Ordinance by title.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #4 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING TITLE ONE, STREETS AND SIDEWALK AREAS, OF PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON BY THE ADDITION OF CHAPTER 923, ROADSIDE MEMORIAL PROGRAM  
Referred to Judiciary Committee
- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING AND APPROVING OF THE IMPLEMENTATION OF THE NEIGHBORHOOD REVITALIZATION STRATEGY AREA PLANS; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO VARIOUS CONTRACTS WITH COMMUNITY BASED DEVELOPMENT ORGANIZATIONS, SUBRECIPIENTS, DEVELOPERS AND/OR OTHER LOCAL AGENCIES OR INDIVIDUALS FOR VARIOUS PROJECTS USING CDBG FUNDS; AND DECLARING THE SAME TO BE AN EMERGENCY

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Referred to Community and Economic Development Committee

- #3. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AMENDMENT TO EXTEND THE SERVICE AGREEMENT WITH KEYBANK NATIONAL ASSOCIATION FOR AN ATM TERMINAL AT THE MILLENNIUM PARKING DECK; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

***(COUNCIL RECESSED AT 7:47 P.M. FOR THE FINANCE COMMITTEE TO DISCUSS ORDINANCE #4; RECONVENED AT 7:50 P.M.)***

- #4. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 75/2013** AN ORDINANCE DECLARING THE 19 BUILDINGS LISTED ON EXHIBIT A TO BE PUBLIC NUISANCES; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE DEMOLITION OF SAID BUILDINGS; AUTHORIZING THE CLERK OF CANTON CITY COUNCIL TO CERTIFY THE COSTS OF DEMOLITION TO THE STARK COUNTY AUDITOR; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

PRESIDENT SCHULMAN: At this time the Chair would declare an in house recess for the Finance Committee to meet meet in regard to Ordinance 4 on your Agenda this evening. You're now in recess, Chairman Cole.

PRESIDENT SCHULMAN: Alright, Council will reconvene after the recess, Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to add, place Ordinance 4 back on the agenda.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to Suspend Rule 20A, 22A to place Ordinance 4 back on this evening's agenda. Any remarks? Hearing none Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries, Ordinance 4 is a legal part of your Agenda. Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 4.

MEMBER GRIFFIN: Seconded.

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PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rule on Ordinance 4. Any remarks? Hearing none, Madame Clerk again, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries. You've heard the three readings Leader.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 4.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #4. Any remarks under this Ordinance? Hearing none, Madame Clerk again, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#4 ADOPTED AS ORDINANCE NO. 75/2013**

PRESIDENT SCHULMAN: Motion carries and Ordinance #4 has been adopted.

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: Turning now to Ordinances for their second reading. Madame Clerk, would you please begin with Ordinance 5.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #5 THROUGH #13 (ORDINANCE #10 RETAINED IN COMMITTEE) FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS***

#5. (2<sup>ND</sup> RDG) **RETAINED IN COMMITTEE FROM 4/15/13** 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

#6. (2<sup>ND</sup> RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ACCEPT DONATION OF \$22,999.90 IN VALUE OF REAL PROPERTY; TO NEGOTIATE, ENTER INTO A PURCHASE AGREEMENT AND PURCHASE A 44.452 ACRE PARCEL FROM DIANO REALTY CORP. IN AN AMOUNT NOT TO EXCEED \$436,998.10 AND TO NEGOTIATE AND ENTER INTO A FIRST RIGHT OF REFUSAL AGREEMENT FOR THE PURCHASE OF A 4.132 ACRE PARCEL OWNED BY DIANO REALTY CORP.; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; RESTRICTING THE EXPLOITATION OF MINERAL RIGHTS ON THE PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY (\$262,198.86

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FROM UNAPPROP BAL OF 5201 WATER WORKS OPERATING FUND TO 5201 207001 WATER WORKS OPERATING - WATER ADMINISTRATION - OTHER AND \$174,799.24 FROM UNAPPROP BAL OF 5401 SANITARY SEWER FUND TO 5410 202010 SANITARY SEWER - ENGINEER DAILY OPERATIONS - OTHER)

- #7. (2<sup>ND</sup> RDG) AN ORDINANCE VACATING THE UNIMPROVED PORTIONS OF MAXINE AVENUE N.E., MARTHA AVENUE N.E., FAIRMONT STREET N.E., GRIDLEY AVENUE N.E. AND REGENT AVENUE N.E.; APPROVING AND ACCEPTING THE REPLAT OF THE VACATED STREETS AND OUTLOTS 1313 THROUGH 1316, 28728 THROUGH 28737 AND 42892 THROUGH 42969; AND DECLARING THE SAME TO BE AN EMERGENCY **PUB HRG 4/29/13 @ 7:30 PM**
- #8. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING CHAPTER 105, CONTRACTS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON TO INCLUDE A LOCAL PURCHASE PREFERENCE FOR VEHICLES
- #9. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH ZENITH SYSTEM, LLC IN AN AMOUNT NOT TO EXCEED \$25,000.00 TO PROVIDE CONSULTANT SERVICES FOR UPGRADES TO THE COURTROOMS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #10. (2<sup>ND</sup> RDG) ***RETAINED IN COMMITTEE*** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH NEW DAWN DEVELOPMENT HERSHBERGER FAMILY LLC TO PROVIDE A REAL PROPERTY TAX EXEMPTION; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON LOCAL BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82 (C) OF THE REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH CPX SOUTH CANTON, LLC TO PROVIDE A REAL PROPERTY TAX EXEMPTION; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON LOCAL BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82 (C) OF THE REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY
- #12. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A THREE-YEAR AGREEMENT WITH DELL/MCPC IN AN AMOUNT NOT TO EXCEED \$36,100.00 FOR THE KACE 1100 MANAGEMENT APPLIANCE PURSUANT TO O.R.C. SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY
- #13. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A FIVE-YEAR CONTRACT WITH AT&T IN AN AMOUNT NOT TO EXCEED

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\$100,000.00 FOR THE UPGRADE OF THE CITY'S WIDE AREA NETWORK (WAN) PURSUANT TO O.R.C. SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Thank you very much Madame Clerk.

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

PRESIDENT SCHULMAN: We're now turning to Ordinances and Formal Resolutions for their Third and Final Reading and vote. Would you please begin with Ordinance 14.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #14 THROUGH #18 FOR THE THIRD TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.***

#14. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 76/2013** 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 (\$498,600.00 FROM UNAPPROP BAL OF 5201 WATER FUND TO 5201 207022 WATER FUND - OTHER)

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

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

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: I believe last week this was being held and can you explain to us what was, what came of that in the past week sir.

PRESIDENT SCHULMAN: Thank you. For the benefit of Members of Council, I was to meet with Bennett and Williams representatives on Friday, with Director Price. As you know, Director Price had his health problem so I met with Director Converse and 3 incredibly accomplished women from Bennett and Williams, two of whom were PhD's and 1 was a professional hydrologist. There was some concern expressed from some of the Members concerning the amount of this particular contract, which is very, very extensive. It's almost a half a million dollars.

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For what, for what my opinion is worth and I did also meet under the osmosis of being the Chair of the Water Commission. We had a two hour conversation with the representatives of Bennett and William, Williams and I could not have been more impressed. These people get it. They understand the importance of our water supply. They understand that moving into the 21<sup>st</sup> century as we have all said. Our water system will be a greater and greater asset and it is probably worth over a \$1,000,000,000.00 in present day money. We must protect our source water. Without it, human life does not survive and certainly the city of Canton would not survive if any of our three source water centers were contaminated. These people have done this work in the past. They have prevented disasters in other cities and believe me, there are a lot of disasters that can occur to an aquifer or water supply for a city. So, I am very, very impressed with this group. I think you will also be interested in knowing that this is not a company that has ever worked for the oil and gas interest, not that there is anything necessary inherently wrong with that but still, I wanted to satisfy myself that there was no conflict of interest in retaining the services of Bennett and Williams. They have a lot to do. We have a lot to do to save our water supply. Again, I hate to keep beating the same drum every week. The State of Ohio just doesn't do anything to protect aquifers, nothing. They are consistently on the side of the interests that would contaminate and destroy urban areas water supply. It's, it's dumbfounding to me how really out of touch Columbus is with what our urban areas need and must have moving into the, this century. But having said that, I would highly recommend that you vote for this Ordinance. It will protect our water supply to the best of their ability. That's not a, you can't promise a 100% but this will go a long way to doing that. Finally I want to publicly commend Director Converse. He has done an outstanding job with the department and with protection of source water for our city. This is something that should have been done years ago and it's really has not, it really was overlooked and neglected, not by this administration but certainly by others. But I would highly recommend you vote for this Ordinance. Any other remarks? Hearing none, Madame Clerk, roll call vote please.

CLERK TIMBERLAKE: Twelve yeas Mr. President.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

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**#14 ADOPTED AS ORDINANCE NO. 76/2013**

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

#15. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 77/2013** AN ORDINANCE AUTHORIZING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

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

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

**#15 ADOPTED AS ORDINANCE NO. 77/2013**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 15 is adopted. Ordinance #16 please.

#16. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 78/2013** 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

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 16. Any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

**#16 ADOPTED AS ORDINANCE NO. 78/2013**

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Ordinance 16 is adopted. Ordinance 17 please.

#17. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 79/2013** 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 CTIENGINEERS, 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 (\$95,000.00 FROM UNAPPROP BAL OF 5201 WATER FUND TO 5201 207029 WATER FUND - WESTMORELAND WATER MAIN REPLACEMENT - OTHER)

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 17. Any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

**#17 ADOPTED AS ORDINANCE NO. 79/2013**

CLERK TIMBERLAKE: Twelve yeas Mr. President.

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

#18. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 80/2013** 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 (\$175,000.00 FROM 1001 202210 - OTHER TO 1001 506601 - OTHER AND \$175,000.00 FROM 4501 201001 - OTHER TO 4501 202210 - OTHER)

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 18. Any remarks under this Ordinance?

MEMBER MORRIS: Mr. Morris.

PRESIDENT SCHULMAN: Yes, Member Morris.

MEMBER MORRIS: Thank you sir. Earlier today we had a fire at 21<sup>st</sup> and Cleveland Avenue. OK, at the same time we had that fire, a automobile crashed into the front of Taggart's Ice Cream. We had a response time of 20 minutes for an ambulance to get down there today due to the shortage of fire personnel and vote any way you want but my gut is, we have to put the health and welfare of our constituents first before we start passing out checks for \$175,000.00. I will be voting no.

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PRESIDENT SCHULMAN: Any other remarks?

MEMBER CIRELLI: Mr. President.

MEMBER FISHER: Mr. President.

PRESIDENT SCHULMAN: Member Fisher.

MEMBER FISHER: Thank you sir. I've had a, some issues in the past with a, with the way that this, the disclosure on the funds gone and this, to be fair this is something that I don't want to reflect poorly on Denny, Steve, Mike, David or anybody at the Chambers. I think they do a fantastic job and the fact is, is that I've spoken with them a number of occasions about trying to get myself in a position where I feel more comfortable with it. Unfortunately the, I'm not going to be able to vote yes on this and one of the reasons is because of the, the fact that as we stated last week in Committee these are General Fund dollars. It's \$175,000.00 in General Fund money. I understand that the money was found from Capital Improvement in order to cover that cost but, my feeling and this is, as I've said to them, my feeling is if we can find \$175,000.00 to cover that cost for funding of Chamber of Commerce activities then we should be able to steady find \$175,000.00 from other sources to put into the Police Department or keeping fire stations open. This is General Fund dollars and I will be voting no on it. Thank you.

PRESIDENT SCHULMAN: Thank you Member Fisher. Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. Both my fellow Council Members more or less stated the fact before I was coming from too. This is General Fund dollars and I think it could be better used in our safety forces. Thank you sir.

PRESIDENT SCHULMAN: Thank you Member Cirelli.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: My experience with the Chamber over the years is that they do a lot of great work for the community. You know, cities that have great relationships with their Chambers really do strive to be successful. Now what they do is they help us bring in jobs, bring in companies which then brings in 2% and I think we need jobs and this is 17% of their budget. So these are size for the Chambers to give the Chamber more than that, then when it was coming out of federal dollars, which we can't do anymore, then most people didn't have a problem. That money could have been used for other programs in that department so, you know, I know we want to throw the police and fire out there because it's an emotional thing and I'm for more police and fire but what the Chamber does is help us get jobs, the companies to come here with employees so that we can have a better income tax base so that, that money goes into the General Fund and we can get more police and, that's how I look at it.

PRESIDENT SCHULMAN: Any other remarks? Some of you may know and I am less asked, which Member Cirelli did on Ordinance 14, I'm very reluctant to make comments about Ordinances that come before you however,

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I'm also now a member of the CCIC and historically I think you all know that there's been a number of problems in that Canton Investment Corporation and not just recent problems, I mean it goes way back. There have been enormous problems. Director Williams has been phenomenal in changing the culture of that institution. He has worked diligently in changing the culture in a number of areas in Economic Development because there have been historically very, very serious problems in those departments and I have to concur with Leader Dougherty. The Chamber of Commerce does an amazing job for our community. They work hand and glove all the time, seven days a week, in trying to bring businesses to the community and they work hand and glove with the Mayor and his administration and all of us. I, and I certainly echo what Leader Dougherty just said and that is, we do need more police, we do need more fire. But I have to remind people that while this is not an insignificant amount of money, \$175,000.00 is not going to bring in police officers. It just isn't going to do it. And what we're doing now because of the way the state has treated us and I've repeated this and then I'm going to stop talking but, what we've done is, now we are taking money that we need to invest in Canton's future with the Chamber saying that we don't have money to hire police so we're really cutting our throats in two different ways. This is not going to bring police officers on the street and I appreciate what Member Morris said and what all of you said about it because it is critically important that we do get police. But, this is Peter robbing Paul and that's the problem with this and that's what, that's the kind of situation the state has put us in. It's not fair, it's not good public policy certainly and in the end it's going to be devastating for the cities. But never the less if this is another tie vote, I will vote in favor of this Ordinance. I think it's that important.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: I think we can cut our nose to spite our face. Member West.

MEMBER WEST: Mr. President I've worked with the Chamber since I've been with this Council, 10 years now through the CCIC and through the Special Improvement District. Often time my Ward of course, is downtown amongst other businesses that come to town, often times they look for spaces. I call Steve Katz. Some of this funding takes care of Steve Katz. Steve Katz takes care of downtown. They're not only just taking care of our business structures and buildings, bringing businesses to town but they're also bringing residents downtown, downtown living. I mean everyday they're working on our behalf. They're working for the city of Canton and I, I think we have to support this. I know that when I first came on Council, Casar used to talk a lot about how the past Chamber and the city was always fighting and since that time, they've been a great concert and if you've seen, our city has grown significantly as a result of it. Not one day goes by that people don't come downtown and say this is a nice downtown. They haven't stopped yet. We still need their support and I will fund them. I will support this.

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

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Smith.

MEMBER SMITH: You know it's really puzzling me that some of us and not to be throwing anyone out there, how we can sit up and say they're not going to support something when we have had other things that come across our desks that's more important such as recreation for our youth and a lot of them will sit there and you know, they don't even think about it and they'll still vote no. And I think about how the Chamber, I went to a conference a

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couple of weeks ago I think it was with Mel Gravely and the first thing that he talked about was working with the Chamber and how the Chamber can create jobs and bring jobs into the city. No one on this Council needs safety, crime and police no more than anybody so it just makes me think and wonder now why all of a sudden, you know, you don't want to support it. I mean that's your prerogative, I know but I will be supporting it because I know what the Chamber does. I know we need to work with the Chambers and I just think that you know, what they do is important. So I will be supporting it.

PRESIDENT SCHULMAN: Thank you, Member Smith.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: And I think it is important to say, there isn't any Member of this Council that doesn't look at this and exercise independent judgement and this is not a criticism if you vote no or you vote yes. That's your, that's your, you vote your conscience. You vote what your constituents want so....

MEMBER COLE: Mr. President.

PRESIDENT SCHULMAN: ....these are tough political issues. Yes, Member Cole.

MEMBER COLE: I kind of echo what Member Smith states. We talk all the time about Police and Fire but when we provide real solutions to those problems, cause we all want more police but you have to find a way to be at, to be able to pay for them. And just getting out there and stating that as a sound bite for endorsements, maybe the Chamber should endorse them. Maybe we wouldn't have these issues but I mean it's very clear, we continuously have these issues and we don't have a real discussion about it and it's time we need to start having that. It's actually deplorable.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: I think we are having a real discussion on the issue right now, if not then it's went right over somebody's head. If you look back in history, Chambers of Commerce were generally affluent gentlemen that cared about this community, lived in this city and they devoted their time and did not take any pay. That's what history tells us. Now then we had money and we were using Community Block Development Grant money and that was OK with everybody until somewhere along the way, the government told us that's an error. We cannot use those dollars. Now we're talking about General Fund dollars and I think people are looking at the comparison of whenever General Fund dollars can be used for police and fire, our safety forces, we have to say what in our minds do we feel is the most necessary. I think that the people at the Chamber of Commerce will still be there to help us. I think they care sincerely about this community and I think this is not going to hurt them financially that much because they are a 401(k), God bless them, non-for-profit organization and their books are open to anybody and if you bother to look you will see that I don't think we're going to bankrupt them so I do think that we have to look at our safety forces and I do find it resentful whenever I believe 6 of us brought forward to bring a, our starting wages for the police and only two Members of the Personnel and the Finance blocked that out so, let's put our priorities right. Thank you.

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PRESIDENT SCHULMAN: Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Any other....Member West.

MEMBER WEST: Just one more question. Just one more question about that. If I could, Mr. Williams do you know, when we fund the Chamber, how much money does that leverage or maybe Denny Sauniers or Mr. Williams. Denny could you please answer that for me?

PRESIDENT SCHULMAN: Mr. Saunier do you mind coming up so everyone in the audience can also hear you. Thank you.

DENNY SAUNIER: Denny Saunier is my name. I am President and CEO of the Canton Regional Chamber of Commerce. Thank you for the opportunity to make a couple comments. In answer to Council Member West's question. The \$175,000.00 that the city puts forth is leverage into a \$1,044,000.00 Economic Development Program, it's 17%. The rest of the money comes from the business community. The business community, without the business community, there are no jobs. There is no investment in this community. Recently we have seen oil and gas come into this community. The Chamber is working very hard with those companies to make sure that their operations are safe, done right. We don't want any water, any aquifers to be contaminated and neither do they. But this is an industry that through this industry and the help of the city and the Chamber working together, and I want to tell you what, it doesn't happen like this in a lot of communities. We work very, very closely everyday with the city. We respect Council Members opinions. We ask for your opinions. We try to give you an overview of what we're doing. This is done very openly. You have recently seen the unemployment in the city go from 14%, 14% to 7%. That's unheard of in an urban area. How do you think that happens? And I will say this, yes we need police. God bless them. They do an absolutely magnificent job in this city and because of them, we have businesses that are safe. But we need to stop apologizing at some point for economic development. People need jobs. If they have jobs maybe the crime rate will drop. We need to consider that. We need education. You know we work with Stark State very closely in lobbying the state to bring \$10,000,000.00 to Stark State to build a downtown educational facility. We were the only urban area in Ohio that didn't have a connection to the State University system in it's city. Now we do. The education of what they're going to be providing will help that unemployment continue to drop. And yes, there will be some people that come back to this area. You know we're a city now of about what, 67,000 people. Wouldn't it be great to add 10,000 people. 20,000 people. We have that opportunity with this industry coming in. We really absolutely do and we're working very closely with the city. We worked with the Mayor to name this the Utica capital and we're not going to be embarrassed by that. We say I'm very proud of that. As the steel industry made this community strong, so can this. We want to do it right. We want to make sure they're regulated. We want them to hire locally. People need to be trained, educated. That's what Stark State will be doing. The other thing I just want to mention on this is when this, when this opportunity comes, you have to be prepared. The Mills Business Park, one of the finest, first class businesses parks in Ohio. The Chamber led that process through our foundation with the DeHoff Family Foundation. We went to area foundations, Timken Foundation, the Hoover Foundation. Corporations put money into that. Congressman Regula helped us tremendously. It's an \$8,000,000,000.00 business park. \$8,000,000.00 in the city of Canton and so when GE Services comes in and they want to put their location someplace and hire 30, 40, 50 people, we have a shovel ready facility for them. So, you know, this isn't a, this is about working together. This is about the future. This is about what we can do. \$175,000.00 God bless you. I know that, that's a lot of money but so is what the Chamber

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puts in and the business community puts in and just for a second close your eyes and think of, as I said last week, what downtown used to look like. Ten years ago, twelve years ago. The investment that the Chamber has made in that is several millions of dollars to make sure that the city, the downtown, the urban core, our motto is this “you have to have a strong center city to have a strong region” and we’re very proud of what we did with the Millennium Center. We lent, we made a loan to that developer so they could do, complete that facility. What we have done in the downtown area in partnerships with the Special Improvement District, Canton Tomorrow and the Land Bank and let me just say this, the number of business people who give their time, expertise and dollars to leverage that \$175,000.00 into a \$1,000,000.00 program. Thank you.

PRESIDENT SCHULMAN: Thank you.

MEMBER DOUGHERTY: Mr. President.

MEMBER WEST: Mr. President let me just....

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: ...finish my statement. I think, I appreciate that Denny. It was really good. But at the end of the day it comes down to you know, that 175, if we’re going to throw this out, then we’re looking at Community Development to bring more business in here and believe me, they are strapped. We’re the leanest city that we’ve ever been. That department needs help and I’m going to tell you what, the Chamber can help them. This 175 is a small token. Thank you.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: I, I, maybe it’s unfortunate but I can remember what downtown used to look like cause I been here that long and I’ve seen what the Chamber has done and those buildings and we used to give even more to the Chamber. It’s less than what we used to. I consider it an investment and I think we’ll get a good return on that investment. Thank you.

PRESIDENT SCHULMAN: Thank you Leader. I think finally it comes down to those who vote in favor of this Ordinance are not saying we don’t want police and people that vote against this Ordinance in good conscience are not saying we do not want economic development. These are the priorities we have to wrestle with because of limited funding and you know where that limited funding’s coming from. We wouldn’t be having this argument in a moment, in a second if we had, had the resources we were promised. Any other remarks?

PRESIDENT SCHULMAN: It’s been moved and seconded to adopt Ordinance 18. Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 9 YEAS, 3 NAYS  
(MEMBERS CIRELLI, FISHER AND MORRIS VOTED NAY)

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CLERK TIMBERLAKE: Nine yeas, three nays Mr. President.

**#18 ADOPTED AS ORDINANCE NO. 80/2013**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 18 is adopted. That concludes Ordinances for their Third and Final Reading and vote.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SCHULMAN: Announcement of Committee Meetings please.

MEMBER WEST: Mr. President.

MEMBER COLE: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Judiciary will meet April 29<sup>th</sup> at 6:00.

PRESIDENT SCHULMAN: Thank you.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: CD will meet same time, 6:00.

PRESIDENT SCHULMAN: Member Cole.

MEMBER COLE: Finance same time, 6:00.

PRESIDENT SCHULMAN: Any other announcements?

**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: Turning now to Miscellaneous Business.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Is there any? Member West.

MEMBER WEST: Yes. We have on April 27<sup>th</sup>, that's this Saturday, B-Earth day, that's the Birthday we do it every year at Nimisilla Park. We clean up the park and as you guys know, today's Earth Day. That's on the 27<sup>th</sup> and it starts at 10 am until 2. And then also, Stand Up Ohio is also having an event at Nimisilla Park on April 30<sup>th</sup> at 12:00, noon. If you all can come out, that would be great. Thank you.

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

MAYOR HEALY: Mr. President.

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PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: Thank you Mr. President. On the agenda under Communications, 179 is an issue on the Personnel Ordinance. The Personnel Committee apparently has proposed this. I'm requesting that the Personnel Committee schedules a working session. I would guess it would take at least an hour with the Mayor, the Law Director and the city Auditor and if somebody representing the Personnel Committee wants to contact my office, I'd like to schedule that either this week or next at the latest. Thank you.

PRESIDENT SCHULMAN: Thank you Mayor Healy. Any other, Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Two points. Members of Council on the first issue it was asked in Committee about the disposition of city resources like soil that may come to rest on the Diano property. There is a confluence of state and local law that determine the disposition of property. When a city has real property or personal property like soil, it has to generally be sold by a bid. It's an asset that belongs and it has to be bid out. There are some exceptions where it can be done through advertising and auction. You know we sell a lot of things through auction and there's some very few examples that may be sold through the Service Director under certain amounts of money, under local law. The second issue I wanted to make is this, some of you like me are old enough to remember what May Day used to represent beside Maypoles and flowers and things. In the '50's when we had a Soviet Union and a Cold War, the Kremlin Square in Russia would be filled with tanks and missiles and they would parade their mite around the world. President Eisenhower looked at that and having helped win World War II wanted to show the world that the United States was a nations of laws, principals under law which are in fine evidence this evening. A lot of strong opinions were discussed very civilly and arrived at. He wanted to show the world that we were a nation of civilized laws so he declared May Day, May 1<sup>st</sup> to be Law Day. I'm proud to say that here in Stark County and in many bar associations around the country, Law Day is observed by the local bar association. Some call it Law Week like we do or even a Law Month. Inviting all of you, if you want to or any of you to participate in the many activities that our Stark County Bar Association has in store. Kids have been partaking in essay contests. They're be "ask a lawyer" on the radio. They'll be a Law Day luncheon with a powerful speaker this Friday. I know this country's had a horrible past week, part of it caused by some folks that came from another country. If you want to see the flip side of that this Friday at Timken High School is the naturalization ceremony at 10:30 that is a court session held by the Stark County Common Pleas Court attended by numerous officials and it's a powerful moment when 15 to 20 new citizens are sworn in, some of whom share their stories about what it took to get to this country and what it means to them. It's a very inspiring event and it's this Friday at 10:30. Lastly, I have to put a plug in for one other event that's part of Law Week and that is, 12 Angry Men. We have 13 lawyers, not a billable hour among them, not one, volunteering to put on 12 Angry Men in Alliance at their Firehouse Theater and it runs again this weekend for 3 shows. We're going to follow it up in the scant three weeks by the reprise of the popularly recommended Anderson War, the Anderson Civil War trial, the Andersonville Trial. So again, you've got a lot of lawyers and judges working together very hard for months at a time, to try and share Constitutionals and legal precepts with the community. Thank you for that plug.

PRESIDENT SCHULMAN: Thank you Law Director. Any other Miscellaneous Business? Leader. Leader Dougherty.

MEMBER DOUGHERTY: I move we adjourn.

MEMBER GRIFFIN: Seconded.

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

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NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: *(Gavel falls)* Meeting is adjourned. Thank you very much everyone. Have a safe ride home.

ADJOURNMENT TIME: 8:29 PM

ATTEST: APRIL 24, 2013  
CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

APPROVED: APRIL 24, 2013  
ALLEN SCHULMAN  
PRESIDENT