

MINUTES OF THE MEETING MAY 13, 2013

PRESIDENT SCHULMAN: Good evening ladies and gentlemen. Welcome to Canton City Council. Ruby Brogdan died Saturday night and Ruby Brogdan died Saturday night and I've said this a couple time. We're almost a community within a community here. We have people that, from our neighborhoods that come to our meetings regularly and we love having them and they become really cherished friends and Ruby was certainly one of them. So let's take a moment and God rest her soul and let's take a moment of silent prayer for Ruby Brogdan.

(MOMENT OF SILENCE FOR RUBY BROGDAN)

PRESIDENT SCHULMAN: Thank you. I think maybe that child was somewhat indicative of her feisty character. Anyway, with a quorum being present, the Chair calls this meeting of Canton City Council. 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's invocation is given by my good friend Ward 7 Council Member and my Member of Council John Mariol. Will you all please stand and remain standing for our Pledge of Allegiance.

The regular meeting of Canton City Council was held on May 13, 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 Ward 7 Council Member, John Mariol. The Pledge of Allegiance led by President Schulman.

PRESIDENT SCHULMAN: Thank you very much Member Mariol.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to add 2nd Reading Ordinances 10 through 14 with #9 Retained in Committee.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: Thank you, it's been moved and seconded to Suspend Rule 22A to add the 2nd Reading Ordinances 10 though 14 to tonight's agenda and to hold Ordinance 9 in Committee. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

PUBLIC HEARINGS

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

OLD BUSINESS

PRESIDENT SCHULMAN: We now turning to Old Business and it's good to have our old friend, Director and the Mayor's Chief of Staff, Warren Price back with us, healthy and raring to go. *(APPLAUSE)*

DIRECTOR PRICE: Thank you, I'm in my prime so I'm doing fine, or so I thought until I had a minor heart attack. OK, anyway, one item that I did want to cover and this was BHA, before heart attack. Here, this was April 15th. There was a Mr. King that spoke, would ask, and I remember him, I remember him explaining to Council that he had kind of, I think with well, you know intentions or good intentions had ejected himself into a matter before the police had arrived which kinda begged the question, what is one supposed to do during a dispute before the police get there. And I guess my recommendation officially from the city would be don't get involved. You know it's a situation where when you call the police, I mean you know, we would certainly he begged, you know begged the question, he asked it and so naturally you know our advise would be wait till the police get there and let them resolve the matter. One other item I did want to point out that I know was related to Engineering and I'll be able to report back to you on was the correct size of the bicycle lanes. Those were some comments were heard on April 22nd and so I will be getting back to you on that. Thank you.

PRESIDENT SCHULMAN: Thank you Director. Again, welcome back. I'm sure you're thrilled.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We're now under Public Speaks. We have 6 speakers tonight. Our first speaker is Sarah Buchanan. Miss Buchanan good evening. Sarah Buchanan, OK. Our next speaker is, oh I'm sorry. No, actually Pete DiGiacomo is the next speaker. You know I don't like to be challenged in my authority here. *(LAUGHTER)* Our next speaker is Pete DiGiacomo. Thanks Mr. DiGiacomo for ruining the schedule for all of us. If you'll step forward and give us your name and residential address.

PETE DIGIACOMO: Are you sure it's me?

PRESIDENT SCHULMAN: Well I'm pretty sure.

PETE DIGIACOMO: OK. My name's Pete DiGiacomo. I live at 600 Dent Place, Canton, SW. I'm here to speak about the possible elimination of Council-at-Large Members. If you eliminate the Council-at-Large, I'm not an expert but I know from personal experience, that means somebody else is going to have to take up their slack and I know the Council People all have a lot of stuff to do but know you're going to have a little bit more stuff to do. It's not a good idea. I just don't think it's a good idea and that's...oh, I'd like to keep talking cause the 3 minutes isn't up there yet. Alright, that's....

PRESIDENT SCHULMAN: Actually, actually you can talk all night.

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PETE DIGIACOMO: Oh, OK. Well let me tell you a story. That's alright.

PRESIDENT SCHULMAN: Thank you Mr. DiGiacomo. We'll get our screen straightened around here. Our next speaker is a Ms. Martin. I'm sorry is it Trina?

ERINA MARTIN: Erina.

PRESIDENT SCHULMAN: Erina. Thank you very much. If you'll step forward Miss Martin and give us your name and your residential address please and welcome to Canton City Council.

ERINA MARTIN: Thank you. My name's Erina Martin. It's 1202 16th Street NE, corner of Struble and 16th. I want to illustrate my concerns about the crime in the area from 15th Street to 16th Street and Struble. I've seen with my own eyes many people standing around, open containers, bottles of Cobosia, bottle of Cognac, beer bottles on top of the cars. I've seen assault weapons, glock, 9mm on top of the hoods of the cars. I've seen drug activity from 15th and 16th Street and Struble all hours of the night. The stores close at a certain hour. I don't see you come back with chips, soda. You're back within 15 seconds counting money. It doesn't take a rocket scientist to figure out what you're doing. After that, just the other evening I called and I was told by dispatch that the people that I'm seeing with my own eyes weren't doing anything by standing and loitering in the middle of the street. Personally I don't want to be told be dispatch. I would like them to help me. I don't want them to be telling me that they're not doing anything when I've visually seeing 15, 20 people on a regular basis at least 3 times a week, open containers, even during the day. Little kids are walking by, riding their bikes. They're looking, trying to understand what are they smoking, what are they doing, why is the music loud? This is unacceptable from were I come from and the way I was raised. It needs to stop. I've seen guns. I've called. There's been an occasion where the police came right on target. Unfortunately, the person had pulled off and they happened to catch up with them at another house down the block from where this activity takes place. By this time, they're already in the house. Of course, they say the 3 police cars looking from left to right. Of course, you know they put the guns away. The guy comes out of the house, he's pulling his shirt up. Why are you pulling up your shirt? No one said anything to you. That's a dead giveaway that you know you're hiding something. The same person that hangs out at this particular area. There's at least 15 to 20 on a regular basis. It's a zoo. It's a circus. It's a movie. Don't believe me, ride through anywhere from 11 in the morning until 1 in the morning. They're bouncing the basketball up until 10:30 at night. I don't need dispatch to tell me they're not doing anything. If there's 10 or 15 people standing and you don't live there, I need the police to pull through, ask for ID's. Who are you? Where do you live? Who are you visiting? Otherwise, you need to disburse. From this point, I feel like it's not, you're not allowed to walk down the street and be drunk, intoxicated. So what's the difference between them and someone trying to walk home and make it home if they're tolerance is too high. What's the difference? It's no difference. Write tickets. Rattle the cage. Something needs to be done. I'm begging you and begging you.

PRESIDENT SCHULMAN: Thank you very much ma'am. (*APPLAUSE*) Our next speaker is Phyllis Bond. Miss Bond, good evening. Welcome to Canton City Council. If you'll give us your name and your residential address please.

PHYLLIS BOND: Good evening. My name is Phyllis Bond. My address is 1611 Struble Avenue NE and I kinda piggyback on what Erina shared. I stay at a house almost right across the street from where a lot of activity is going on. The parking is crazy when we have visitors. There's nowhere to park, in fact they have to, the road, street is blocked half the time because there's so many cars in the area. It's my, visitors have to

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go in the back of my house to park and there's people sitting in cars all the time making horrendous noise. I have a grandson that I can't even bring to my house because there were gunshots fired right underneath...someone came in the side of my house and fired about six or seven gunshots. And when the police came they were looking for the shells right underneath my bedroom window so, I can't bring my grandson to my house. It's constantly just activity going on and you know, I'm not going to move. No one's going to run me out of my area but I think that something needs to be done. I'll call the police, sometimes they respond, sometimes they don't and I think that it's you know, it's really a shame that you have to live in an area where you don't really have the help of the city like you should.

PRESIDENT SCHULMAN: May I ask you one question? When the police do come, you've said the police have come, what happens then? Can you share that with us?

PHYLLIS BOND: Sometimes they just ride through. Sometimes they just ride through.

PRESIDENT SCHULMAN: And what happens to the people that you're complaining about? Do they leave? Do they scatter?

PHYLLIS BOND: Sometimes they do. They'll leave for awhile and then they're back.

PRESIDENT SCHULMAN: OK.

PHYLLIS BOND: I mean this is, this goes on like at 2:00 in the morning. I get up. I work. I have to get up early in the morning. I can't get my sleep because it's all of this noise. There's fighting, there's yelling, there's screaming. It's just like, it's just like a zoo. It really is and I don't think that...I think something needs to be done. You know you continue to call the police and you continue, you know the same things continually go on and I'm just wondering if the street's, it's a pretty narrow street, I'm wondering if there can be a parking, the parking can be changed because like I said, when someone comes to our house, they're parking right in front of our sidewalk so no one can get into our house. They have to go around the back alley in order to get in you know, unless they are walking on the grass and walking through my hedges. There's beer bottles in our hedges. I'm trying to keep my yard clean. There's beer bottles and we're picking up cans and it's just, it's terrible. So we, I'm just asking for the help.

PRESIDENT SCHULMAN: Thank you very much ma'am. (*APPLAUSE*) Our next speaker is Precious Cox. Miss Cox, good evening. Welcome. If you'll give us your name and your residential address please.

PRECIOUS COX: Good evening. I'm Precious Cox, 1626 Rowland and I've lived there for about 10 years or more and ever since I've moved there, oh for about the last 5 years the neighborhood has just really gone down, down. These landlords rent to all these young people. They have no respect. They just come in, do what they want to do and the fallout from Phyllis and them, when they can't park over there, they parking on our street and I would like that alley closed off. I live on one side, my son lives on the other side and all those yards, I don't know who they belong to, who I need to get in touch with but there's several empty houses and yards that need to be cut in the neighborhood and I want to know what to do about it. Who do I talk to? Someone, I know my Councilman, Morris. I've already talked to him about some issues but we need to get some things rolling and we're really, we want to work with you guys but we need help. Thank you.

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PRESIDENT SCHULMAN: Thank you very much. (*APPLAUSE*) Our next speaker is James Parker. Mr. Parker, good evening. Welcome to Canton City Council as always. If you'll give us your name and your residential address please.

JAMES PARKER: Good evening. James Parker, 630 Penny Street SE, North Canton, Ohio. Council President Schulman, this Saturday, May 18th the Canton Chamber will be seeking volunteers to help beautify downtown including Central Plaza by planting flowers and sprucing up. Armed Services Day's coming, then Memorial Day the 27th, upcoming celebrations but for the last 6 months until now, 18 or so of 19 flagpoles at Central Plaza remain unadorned next to our American flag which we just pledged allegiance to. There's an old Bing Crosby movie when he crones about what Old Glory means to you. If you ask everyone in here, you get a wide range of answers just like in that movie yet they'd all be personal and patriotic. To me the absence of flags on the poles beside Old Glory in Central Plaza leaves a negative impression, leaving 18 vacancies, 30 foot poles for guests at the McKinley Grand to gaze from their windows and form opinions. It leaves our American flag forlorn and without tribute to what Canton, Ohio brings to the great melting pot of the American culture. What does Canton mean to you? Is that the signal we send to impress visitors? This is the city's welcome mat a la taco cart. Why not have flags up year round? Why not allow the responsibility to go to Parks and Recreation to be better managed. This is a gross oversight. Am I the only one who notices? Not judging from the comments I've heard while the pro football team flags were flying there. Pizzazz was just one description I recall of many. I just saw a movie, The Book of Elam where Tommy Lee Jones corrects an immigrant school janitor who raised the American flag upside down explaining that this is an extreme distress signal. At the end of the movie, without letting Old Glory touch the ground, he stops and returns the flag upside down again telling the janitor to leave it that way. So, how is it Canton. Are we in such distress? Can't we please display the matic flags that don't tear and decay there like the Goodwill Industry flags denoting poverty and the United Will, Way flags have done. Would it be asking too much, as if it would, and if it would please this Council to help celebrate the fact that we are the birthplace of the NFL 93 years ago. To place team flags back up all summer to celebrate the Hall of Fame's golden anniversary and to distinguish it even further, to rename the Central Plaza Jim Thorpe Plaza. This could be accomplished easily as Thorpe is a Charter Member of the Hall of Fame. His family and those of Native American's and their sympathizers would be every bit of gratitude would be received at least as much or more so than that of the Delbert Sullivan Memorial area of this City Hall. I know that the Jim Thorpe Association would be honored to hear of such news. I suggest values.com and an Alan Page Foundation in Canton to help stop the violence and we need to honor Alan Page with an avenue in his name as well, while he's living. Thank you very much.

PRESIDENT SCHULMAN: Thank you very much. (*APPLAUSE*) I want to thank all the speakers tonight and that the women from Struble and 15th and 16th. I can assure you your, you have a very fine Member of Council. In addition, we're listening and something will be done. Thanks.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: OK, turning now to Informal Resolutions. We do have one this evening and it is Informal Resolution 28, Madame Clerk.

#28. WARD 4 CNCL MBR SMITH & WARD 6 CNCL MBR DOUGHERTY: AUTHORIZING THE CITY OF CANTON TO FILE AN APPLICATION TO THE STATE OF OHIO TO PARTICIPATE IN THE CLEAN OHIO BROWNFIELD PROGRAM. - ADOPTED

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PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move that we adopt Informal Resolution 28.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Informal Resolution 28. Any remarks? Hearing none, by voice vote all those in favor of signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #28 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it and the Motion carries. Rule 28, or Resolution 28 is adopted.

COMMUNICATIONS

PRESIDENT SCHULMAN: Turning now to 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 MAY 13, 2013.

197. AUDITOR MALLONN: MONTHLY RPT BY FUND FROM 4/1/13 - 4/30/13. - RECEIVED & FILED
198. AUDITOR MALLONN: YEARLY RPT BY FUND FROM 1/1/13 - 4/30/13. - RECEIVED & FILED
199. COUNCIL AS A WHOLE: REQ TO AMEND EXHIBIT A TO O#40/2000 TO INCREASE SALARY OF PROBATIONARY POLICE OFFICERS. - PERSONNEL & FINANCE COMMITTEE
200. COUNCIL MBR WEST, WARD 2: REQ DRAFT LEGISLATION THAT WILL INCREASE TERM OF COUNCIL MEMBERS TO MIMIC THAT OF THE MAYORAL ELECTION. - JUDICIARY COMMITTEE
201. COUNCIL MBR WEST, WARD 2: REQ TO AMEND O#181/2011 (ITINERANT RETAILERS) TO EXCLUDE TRUCKS & TRAILERS FROM THE FOUNTAIN AREA. - JUDICIARY COMMITTEE
202. DEVELOPMENT DIRECTOR WILLIAMS: RECOMMENDING APPROVAL OF PROPOSED LOT SPLIT/REPLAT OF 415 47TH ST NW (PARCEL# 301329 & LOT# 35852) (THOMAS & LIESL FORBES & GERALD & MARCIA CRAMER) IN WARD 8. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
203. DEVELOPMENT DIRECTOR WILLIAMS: RECOMMENDING APPROVAL OF PROPOSED ZONE CHANGE OF 133 HARRISON AVE SW (PARCEL# 228696 & LOT# 9775) FROM R-1a (RESIDENTIAL) TO PB-3 (PLANNED GENERAL BUSINESS) (RICHARD & SHARON MEDLA) IN WARD 5. - JUDICIARY COMMITTEE

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204. DEVELOPMENT DIRECTOR WILLIAMS: RECOMMENDING APPROVAL OF PROPOSED ZONE CHANGE OF 127/129 HARRISON AVE SW (PARCEL# 214861 & PT LOT# 9774) FROM R-1a (RESIDENTIAL) TO PB-3 (PLANNED GENERAL BUSINESS) (LUBOV, INC) IN WARD 5. - JUDICIARY COMMITTEE
205. DEVELOPMENT DIRECTOR WILLIAMS: RECOMMENDING APPROVAL OF PROPOSED ZONE CHANGE OF THE SOUTHWEST CORNER OF DRYDEN AVE SW & GROVE PL SW (LOT# 9774) FROM R-1a (RESIDENTIAL) TO PB-3 (PLANNED GENERAL BUSINESS) (LRC-A TUSC PROPERTIES LLC) IN WARD 5. - JUDICIARY COMMITTEE
206. DEVELOPMENT DIRECTOR WILLIAMS: RECOMMENDING APPROVAL OF PROPOSED ALLEY VACATION OF DRYDEN AVE SW FROM W TUSC AVE TO ITS SOUTHERN MOST INTERSECTION WITH GROVE PL SW & OF GROVE PL SW FROM DRYDEN AVE SW TO HARRISON AVE SW (JOHN WOJTLA OF THE ZAREMBA GROUP LLC, AGENT FOR DEARBORN LAND INVESTMENT LLC) IN WARD 5. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
207. DIRECTOR OF COMPLIANCE PERRY: REQ TO AMEND APPROP O#209/2012 BY MAKING \$5,000.00 SUPP APPROP FROM UNAPPROP BAL OF 6017 HEALTH & LIFE INSURANCE TO 6017 501101 HUMAN RESOURCES ADMIN - OTHER TO CONTINUE PAYING US HEALTHWORKS INC FOR THEIR SVCS RELATED TO WORK EVALUATIONS, DRUG SCREENS & RETURN TO WORK EVALUATIONS.- FINANCE COMMITTEE
208. LIQUOR CONTROL DIV (OHIO): REQ NEW C2 D1 LIQ PERMIT FOR GRAPES IN A GLASS LLC @ 575 MARKET AVE N. - RECEIVED & FILED
209. MAJORITY LEADER DOUGHERTY, ASSISTANT MAJ LEADER GRIFFIN & PRESIDENT SCHULMAN: REQ TO AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/CCIC TO PROVIDE A GRANT UTILIZING GENERAL FUND DOLLARS IN A TOTAL AMT NOT TO EXCEED \$250,000.00 FOR GRANTS, LOANS & ADMIN COSTS; DOLLARS PREVIOUSLY BUDGETED IN 2013 FY BUDGET. - FINANCE COMMITTEE
210. SAFETY DIRECTOR PRICE: REQ TO AUTHORIZE MAYOR &/OR SAF DIR TO ENTER INTO CONTRACT FOR PURCHASE OF NEW BULLETPROOF VESTS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
211. SAFETY & SERVICE DIRECTOR PRICE: REQ TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR PURCHASE OR LEASE OF VARIOUS VEHICLES (FOR FIRE, POLICE, STREET DEPT & DMV). - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
212. SERVICE DIRECTOR PRICE: ADVISING THAT THE CITY WILL BE ENTERING INTO A PLA FOR THE PHOSPHORUS/TOTAL NITROGEN & MISCELLANEOUS IMPROVEMENTS PROJECT (WRF). - RECEIVED & FILED
213. SERVICE DIRECTOR PRICE: REQ TO AUTHORIZE MAYOR &/OR SERV DIR TO ENTER

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INTO A ONE YR CONTRACT W/SMHA, WHEREBY THE CITY WILL REC MONETARY COMPENSATION IN EXCHANGE FOR VEHICLE MAINTENANCE & FUEL SVC PERFORMED BY CITY OF CANTON DMV. - FINANCE COMMITTEE

214. SERVICE DIRECTOR PRICE: REQ IN CONJUNCTION WITH CANTON PARK SYSTEM CAPITAL FUNDS FOR UPGRADES & REPAIRS TO THE NIMISILLA PARK TENNIS COURTS IN AN EFFORT TO REPURPOSE THEM AS BASKETBALL COURTS NOT TO EXCEED \$40,000; AUTHORIZE MAYOR &/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD & EXECUTE A CONSTRUCTION CONTRACT FOR RESURFACING OF THE TENNIS COURTS; AUTHORIZE CANTON PARK SYSTEM TO GENERAL CONTRACT REMAINING DEVELOPMENTS OF THIS PARK FACILITY THE USE OF CITY FORCES &/OR LOCAL CONTRACTORS & SUPPLIERS. - PARKS & RECREATION & FINANCE COMMITTEES
215. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR APRIL 2013. - RECEIVED & FILED
216. TREASURER SCHIRACK: RPT OF DEPOSITS AND PAY INS TO AMBULANCE LOCK BOX FOR APRIL 2013. - RECEIVED & FILED
217. TREASURER SCHIRACK: RPT OF BANK RECONCILIATIONS AND CITY'S OUTSTANDING INVESTMENTS AS OF 4/30/13. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: We're now under 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 #8 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #1. (1ST RDG) **WITHDRAWN** 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)
Referred to Finance Committee

CLERK TIMBERLAKE: Ordinance 1 is withdrawn.

- #2. (1ST RDG) AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF LAND TITLE RIGHTS FOR CERTAIN LANDS FKA AS "MOTHER GOOSELAND"; AND DECLARING THE SAME TO BE AN EMERGENCY

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- #3. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$21,600.00 FROM UNAPPROPRIATED BAL OF 1001 GENERAL FUND TO 1001 102001 POLICE - ADMIN - OTHER)
Referred to Finance Committee
- #4. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$33,500.21 FROM UNAPPROPRIATED BAL OF 6091 MANAGEMENT INFORMATION SERV TO 6091 504010 INFORMATION TECHNOLOGY - OTHER)
Referred to Finance Committee
- #5 (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$2,400.00 TO LONNIE BOWLING'S USED CAR SALES INC.; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #6 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH BOWMAN APPRAISAL SERVICE, INC. TO COMPLETE APPRAISAL REVIEW WORK FOR THE MAHONING ROAD CORRIDOR PROJECT, G.P. 1103; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$14,300.00 FROM UNAPPROP BAL 4566 MAHONING RD CORRIDOR PROJ GP 1103 FUND TO 4566-202079 MAHONING RD CORRIDOR PROJ GP 1103 - OTHER)
Referred to Public Property Capital Improvement Committee
- #7. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH TRANSYSTEMS REAL ESTATE CONSULTING, INC. TO COMPLETE THE RIGHT-OF WAY ACQUISITION SERVICES FOR THE MAHONING ROAD CORRIDOR PROJECT, G.P. 1103; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$115,819.00 FROM UNAPPROP BAL 4566 MAHONING RD CORRIDOR PROJ, GP 1103 FUND TO 4566-202079 MAHONING RD CORRIDOR PROJ, GP 1103 - OTHER)
Referred to Public Property Capital Improvement Committee
- #8. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONTRACT IN AN AMOUNT NOT TO EXCEED \$42,500.00 FOR THE REPLACEMENT OF THE WRF MAINTENANCE BUILDING BOILER; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$42,500.00 FROM UNAPPROP BAL 5410 SANITARY SEWER

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FUND TO 5410-206048 WRF MAINTENANCE BUILDING BOILER PROJ - OTHER)

Referred to Public Property Capital Improvement Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: Turning now to Ordinances and Formal Resolutions for their second reading. Madame Clerk.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #10 THROUGH #14 (ORDINANCE #9 RETAINED IN COMMITTEE) FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS

- #9. (2ND 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***
- #10. (2ND RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE HALL OF FAME ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11. (2ND RDG) A RESOLUTION TO SUBMIT TO THE ELECTORS OF THE CITY OF CANTON REDUCING THE COMPOSITION OF THE MEMBERS OF CANTON CITY COUNCIL FROM TWELVE MEMBERS TO NINE WARD MEMBERS EFFECTIVE FOR THE 2016-2017 TERM AND THEREAFTER
- #12. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$33,000.00 FOR UNAPPROPRIATED BAL OF 1001 GENERAL FUND TO 1001 506001 COMMUNITY DEVELOPMENT ADMIN - PERSONNEL)
- #13. (2ND RDG) AN ORDINANCE AMENDING EXHIBIT B TO ORDINANCE NO. 100/2011, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES FOR THE CITY OF CANTON; AMENDING SALARY POLICY AND PROCEDURES FOR THE AUDITOR'S OFFICE AND LAW DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
- #14. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC

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SERVICE TO ENTER INTO CHANGE ORDER #4 FINAL WITH INSITUFORM TECHNOLOGIES IN AN AMOUNT NOT TO EXCEED \$30,635.00 FOR THE WEST SIDE INTERCEPTOR SANITARY SEWER REHABILITATION PROJECT, GP 1138; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Thank you Madame Clerk.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: We now are under Ordinances and Formal Resolutions for their Third and Final Reading and vote. Would you please begin with Ordinance 15.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #15 THROUGH #18 FOR THE THIRD TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

#15. (3RD RDG) ***POSTPONED UNTIL 6/3/13 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***

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? Leader.

MEMBER DOUGHERTY: Mr. President, I move we postpone Ordinance 15 to 6/3/13.

MEMBER GRIFFIN: Seconded

PRESIDENT SCHULMAN: It's been moved and seconded that you postpone Ordinance 15 until June 3, 2013. Any remarks? Hearing none by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

POSTPONEMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The Motion carries. The Ordinance is postponed until June 13th. Madame Clerk, Ordinance 17 or 16 please.

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#16. (3RD RDG) **ADOPTED AS ORDINANCE NO. 88/2013** 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 (TANNY BURT ROADSIDE MEMORIAL PROGRAM)

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?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes, Member West.

MEMBER WEST: Yes, this is the Tanny Burt Roadside Memorial Program. I ask that you guys support this and get this passage and we have Miss Burt in the audience and her family and her friends. Can you guys please stand? (*APPLAUSE*) They're all in support of this language so, so I appreciate your support in this. Thank you.

PRESIDENT SCHULMAN: Thank you Member West. Thank you all for coming also. Any other remarks?

MEMBER FISHER: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Fisher.

MEMBER FISHER: Just quickly. I wanted to commend Member West for this Ordinance. I think it's very well written and it's very respectful of, of families wishing to have memorialize or losses and I'd said to him everything because I have some, a few memorials in my Ward and I was concerned obviously when it first came up but I, once I read it over and talked to Mr. West, I think this is a very well done Ordinance and I'll be happy to support it. Thank you.

PRESIDENT SCHULMAN: Great, 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.

#16 ADOPTED AS ORDINANCE NO. 88/2013

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

#17. (3RD RDG) **ADOPTED AS ORDINANCE NO. 89/2013** 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

PRESIDENT SCHULMAN: Leader Dougherty.

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

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#17 ADOPTED AS ORDINANCE NO. 89/2013

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

#18. (3RD RDG) **POSTPONED UNTIL 7/1/13** 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

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? Leader Dougherty.

MEMBER DOUGHERTY: I move we postpone Ordinance 18 until 7/1/13.

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MEMBER GRIFFIN: Seconded

PRESIDENT SCHULMAN: It's been moved and seconded that you postpone Ordinance 17 until July 1, 2013. Any remarks? Hearing none, by voice vote all those in favor signify by saying aye. Those opposed no.

NO REMARKS

POSTPONEMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The Motion carries and the Ordinance is postponed until July 1st.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: Turning now to Announcement of Committee Meetings.

MEMBER COLE: Mr. President.

PRESIDENT SCHULMAN: Member Cole.

MEMBER COLE: Yes, Finance will meet May 20th at 6:00.

PRESIDENT SCHULMAN: Thank you.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: CD will also meet May 20th, same time.

PRESIDENT SCHULMAN: Thank you.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Public Property Capital Improvement will be meeting that night too at 6 PM.

PRESIDENT SCHULMAN: Thank you. Any other announcements?

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: Turning now to Miscellaneous Business. Do we have any?

MEMBER SMITH: Mr President.

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: Yes, Mr. President. Shawn had spoke to me out in the hallway. She wanted to give thanks. She didn't know whether it was going to pass or not but we assured her that it would and we, I told her that she should have signed up for Public Speaks but this will happen afterwards. So would you just stand

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Shawna once again. She wanted everyone that supported this Ordinance, she wanted to thank you on behalf of doing so. It's her son that was killed at that particular time and so when we get this done, we want you all to ride past and see the memorial and the family wants to thank you also for your support.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes, Leader Dougherty.

MEMBER DOUGHERTY: If you've seen, deem it necessary, if she does want to speak.

PRESIDENT SCHULMAN: I have no, if you'd like to step up...

MEMBER SMITH: Yes, I think she should. Come on Shawna.

MEMBER WEST: Come on up Shawna.

PRESIDENT SCHULMAN: Don't mess with Member Smith.

SHAWNA BURT: Thank you.

MEMBER DOUGHERTY: Thank you Mr. President.

PRESIDENT SCHULMAN: No, thank you Leader.

SHAWNA BURT: Hi, Mr. President. I just want to thank the city of Canton for allowing this in honor of my son. I want to thank Mr. West for doing what he did with the plaque and everything for me. This is pretty much all I have left of my son cause of where he was killed at and I promise to abide by all the rules, keep it clean, and I wanted to know if it was possible if someone could cut it, the grass for me on a regular basis. If not, I don't mind cutting it myself but, I just want to thank you. The whole panel. I really do. This means a lot to me.

PRESIDENT SCHULMAN: Well, thank you and you know you have our heartfelt sympathies and deepest thoughts. *(APPLAUSE)*

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Let me also say, she's been working on a project that she'll be unveiling here in the future of really trying to address all mothers who've lost their sons and daughters and on a memorial site in the city, somewhere in the city so that we have one location and people can go and mourn their loss. And one thing that really struck me on this is that you know, we forget that not everybody has a, can go to a graveyard site. A lot of mothers and fathers don't have the funds to bury their children so they have them cremated. So to have a place and I think she's working on that right now, to help other mothers to be able to deal with the same thing so I want to thank her for all her efforts and, in trying to go down this field. The other thought I had, I wanted address Miss Erina, Miss Martin and Miss Bond's concern that is in my Ward so Frank's area. That's something that we're dealing with and addressing. I know that we're going to have, we're asking the Safety

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Director if we can get an earlier curfew. Maybe to start looking at the curfew cause a lot of kids are hanging out, not just in that area but in several areas throughout the city, as a way to try to address some of the groupings and some of the negative behaviors that's happening in our neighborhoods and in our community. And then secondly, the police is familiar with what's going on there and I also understood the Safety Director was going to address it so, I do thank you guys for coming. Continue to come. Squeaky wheel gets the grease and I say that because right now we are going into, intelligently led policing which means that the people who call the most is going to get the service so continue to call. Thank you.

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

MEMBER MORRIS: Mr. President.

PRESIDENT SCHULMAN: Member Morris.

MEMBER MORRIS: Thank you. I also would like to thank the ladies for coming in and speaking tonight and a question for our Chief of Staff, Service Director/Safety Director. Myself and Member Dougherty shared a shooting down on Indiana Way on Friday. Thursday there was shots fired in the 1500 block of 19th Street again and it seems as the weather's starting to warm up, it's going to start escalating even more. How soon can we anticipate this Shotspotters being up and running? And that is one of the questions that I've been getting hit with pretty regularly is well when are they going to have that system and when is it going to be up?

PRESIDENT SCHULMAN: Director.

DIRECTOR PRICE: Thank you Mr. President, Councilman Morris. Yea we want it up as soon as possible. One of the things we've run into is an issue of negotiating use of utility poles particularly from AT&T actually. In the past, I'm sorry (*inaudible comment*) no AT&T. In the past the city has been able to put you know, traffic signalization, you know pretty much anything we, you know needed for municipal purposes on these private utility poles and you know not the least of the, one reason is, it's in our right-of-way and so apparently the utilities are looking at trying to charge and you know, that's slowed us up a bit so we are certainly working on it and I just, I met with the Chief late last week about it and he's to update me here quickly so I should hopefully have better information for you on Monday. This coming Monday. Thank you.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Thank you Member Morris. Member Smith.

MEMBER SMITH: Just one more thing. I'd like to thank you for the moment of silence for Miss Brogdan and that you know, Council was her heart. In fact she had talked about coming this Monday because she had just moved. So, there will be an announcement later in the week as to her funeral arrangements so just keep her family in prayer. Thank you.

PRESIDENT SCHULMAN: Thank you Member Smith. Member Cirelli.

MEMBER CIRELLI: Thank you Mr. Chairman. This is a question to the Chief of Staff and as Councilman Morris said, /Safety Director/Service Director. People have heard and seen a lot about cameras and then they had it in the paper about the parks are going to have cameras that they wear on themselves when they're approaching people and what have you so it has some constituents in the general public say, "Am I permitted to

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wear a camera as such if I'm being approached the Police Department or there's something going on that we've had to call the police for and I am allowed to use that camera to tape the response." And do they have to follow a police order if they are told, maybe the Law Director can chime in here, that they have to shut it off by the officer.

PRESIDENT SCHULMAN: Director or Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member Cirelli generally speaking under the First Amendment, we have freedom to assemble, freedom of speak as long as it doesn't collide with other superceding rights like curfews for children. To answer your question, you can wear a camera and it can do essentially what your eyes and ears can do. However, if it is interfering with something and I can't think of an example readily, it may be something that's...let's say for example that an officers working on a confidential buy and he's using a confidential informant, someone who can't be exposed because of safety reasons in prosecuting a case safely. That might be an exception but generally speaking, you can wear a camera. Everybody has smart phones. They can be your eyes and ears and again, unless they're compromising the ability of something to be done safely, it's a right you have.

MEMBER CIRELLI: Mr. President...

PRESIDENT SCHULMAN: Thank you Law Director.

MEMBER CIRELLI: ...and Mr. Martuccio, thank you. Also can you tell me the answer that they are told by an officer that they are supposed to relinquish that and give them to them. Do they have to do that?

PRESIDENT SCHULMAN: Director.

DIRECTOR PRICE: Thank you Mr. President. Councilwoman Cirelli. If they're ordered by the police to stop filming or that they would take that equipment, the citizen should probably stand down and comply at that point however, you know naturally as the Law Director pointed out you know, our police operate under certain standards that are of course required to operate and these standards would include the, you know not the least ones would be the Constitution of the United States, the Constitution of the State of Ohio, the Ohio Revised Code and so you know, if there were something improper you know naturally we have means to investigate that and look into it but I would certainly recommend the citizen comply with the order of the police officer under those circumstances regardless of what their opinion might be at that point.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member Cirelli in this ongoing little tutorial here, the other thing that is clear in our law is, you can't be deprived of life, liberty or property without due process. If someone has something they believe is wrongfully deprived, they have means to go through internal channels to try and get it. They can file with the Police Department if it is confiscated. It's up to law enforcement and ultimately judges to determine whether or not it was lawfully seized. We cannot unlawfully seize property. If we do, there are consequences including compensation for the person who's wronged. It's hard to speak in specific terms here, we can only talk in generalities because again it can depend on the surrounding circumstances. The police have been trained. We have been looking at case law in our office. We have certain Assistant Law Directors and prosecutors who train the police and they are current on the most recent case law with the Supreme Court of the United States and the Supreme Court of Ohio have issued and they're trying to comply with those standards. So, again, I can only speak in general terms without knowing

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the specifics of the case. Thank you.

PRESIDENT SCHULMAN: Thank you Law Director. Anything else Member Cirelli? Any other Miscellaneous Business? Leader.

MEMBER DOUGHERTY: I move we adjourn.

MEMBER GRIFFIN: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Meeting is adjourned. Be careful going home everyone. *(Gavel falls)*

ADJOURNMENT TIME: 8:08 PM

ATTEST: MAY 17, 2013
CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

APPROVED: MAY 17, 2013
ALLEN SCHULMAN
PRESIDENT