

MINUTES OF THE MEETING MAY 20, 2013

PRESIDENT SCHULMAN: Good evening ladies and gentlemen. Welcome to Canton City Council. Before we...I seem to be doing this every week but before we begin tonight's meeting, there was a devastating tornado in Oklahoma today and 45 school children were in a school that was directly hit by the tornado and it was massive. So, our thoughts and prayers go out to the victims and their families and let's have a moment of silent prayer for those people.

(MOMENT OF SILENCE)

PRESIDENT SCHULMAN: Thank you. And with a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call vote please Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

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

ELEVEN COUNCIL MEMBERS PRESENT. (MEMBER CIRELLI ABSENT)

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk.

EXCUSING MEMBERS

PRESIDENT SCHULMAN: Thank you Madame Clerk. Leader Dougherty.

MEMBER DOUGHERTY: Mr. President I move we excuse Member Cirelli from tonight's meeting.

MEMBER GRIFFIN: Seconded

PRESIDENT SCHULMAN: It's been moved and seconded that you excuse Member Cirelli from this evening's meeting. I know our Clerk indicated that Mary is sick tonight. So we wish her a speedy recovery. Any other remarks? Hearing none, Madame Clerk, roll call vote please.

CLERK TIMBERLAKE: It's hot in here.

PRESIDENT SCHULMAN: It's very hot in here.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk and Member Cirelli is excused from this evening's meeting. We have our invocation given tonight by my good friend and Ward 8 Council Member Edmond Mack. Will you all please stand and remain standing for our Pledge of Allegiance.

The regular meeting of Canton City Council was held on May 20, 2013 at 7:30 P.M. in the Canton City

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Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Ward 8 Council Member, Edmond Mack. The Pledge of Allegiance led by President Schulman.

PRESIDENT SCHULMAN: Thank you very much Member Mack.

AGENDA CORRECTIONS & CHANGES

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

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to add 2nd Reading Ordinances 9 through 15.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to Suspend Rule 22A to add the 2nd Reading Ordinances 9 though 11?

CLERK TIMBERLAKE: 15.

PRESIDENT SCHULMAN: 15, I'm sorry. I must have...its' written here but I didn't hear ya. Any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Rule 22A is suspended and the Ordinances are a legal part of this evening's agenda.

PUBLIC HEARINGS

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

OLD BUSINESS

PRESIDENT SCHULMAN: Our Chief of Staff and Service Director and Safety Director, Warren Price is taking a well deserved break tonight so he's not here.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: Turning to Public Speaks. We have 5 speakers signed up this evening. Our first speaker is our good friend, Patricia Kirk. Ms. Kirk if you'll step forward and give us your name and your residential address and welcome and I'm glad to see you're feeling good.

PATRICIA KIRK: Yes, I have a couple topics, I've been away too long. My name is Patricia Kirk, I live at 131 5th Street NE and I'm Downtown Central Neighborhood President. My first question is, why hasn't provision been made for Canton's Tree Commission to meet? It's been a year since the Tree Ordinance. Don't you want people to be able to be...make informed decisions about their property and their quality of life? The fact that this seems so unimportant to our leaders speaks volumes and shows that we need Councils

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at Large. Someone has to watch over the City. Council Members can do a great job in their Ward but may miss the overall picture. By the way, Tree City is an honor of standards that must be earned and examined and can be easily taken away. It's not automatic. Number two, perhaps more people would vote if they thought it would make a difference that could be seen and felt by them. What's next, it's too expensive to have voting? Could we please take the carrot away in front of the horse when asking people to vote on reducing Council at Large so police can be increased, that's two subjects I believe and meant to guide the voter in their decision, not a fair and impartial vote in just Council at Large Members. Thank you very much.

PRESIDENT SCHULMAN: Thank you as always Ms. Kirk. Our next speaker is Gary Cook. Mr. Cook, if you'll step forward and give us your name and your residential address and as always sir, welcome.

GARY COOK: Good evening everyone. Thanks for the chance to say hi to you. I'm Gary Cook, moved up from Florida, I'm buying a house here in Canton. I'm interested in the bike sharing program I've seen in a number of others cities around the Country, New York, Miami, Denver, Colorado, I think Minneapolis and a number of other cities. I did have the pleasure of meeting Mayor and your Dan Moeglin with the Engineer with some of your bike programs, the bike paths of the park systems and such. I just want to promote this (*inaudible*) the awareness and hopefully the media to have a healthy activity. The Country is going green, stay healthier, less petroleum use and such, ride those bicycles (*inaudible*) at different places in town, people can check out a bicycle, ride it locally for the...for the college class or the mov..the theater or run your errands to the store but then put the bike back right in the rack. I think it's healthy, a wonderful activity. I'm a health nut, I like the idea of riding a bicycle, I rode down here tonight. So, hopefully we can all get some good exercise, ride those bicycles once in a while. And this for the City, I think will be wonderful for all concerned. Thank you.

PRESIDENT SCHULMAN: Thank you very much Mr. Cook. Florida to Canton okay. (*laughter*) That's a switch but it's good, thank you for being back in our community. Our next speaker is Peter DiGiacomo. Mr. DiGiacomo, welcome as always. If you'll step forward and give us your name and your residential address please.

PETE DIGIACOMO: My name is Pete DiGiacomo, I live at 600 Dent Place, Canton, Ohio. I kinda got two different things. First of all, I was surprised today going on 77 this morning, Canton Police Department was out with radar. Okay, now but I'd like...if...if it's possible Service Director/Safety Director Warren Price, everybody he does is not here tonight but I would just be curious how long that Officer was out and what his citations were or how many he had. If...if that can be, you know, found out. The other thing is tonight I believe you're going to vote on Council at Large. Hopefully it's going to go down, you're going to keep the Council at Large. It's easy to lose people. But once you lose that position, you're gonna pay hell getting it back again. The on..the thing is, like from time to time the Council people will, for whatever reasons, whether it's Government, family, not be available, they may have to go out of town for a few days, who do you call? You can't get a hold of the Mayor and I'm not picking on the Mayor but I'm just saying...or Administration people. But you can always, most of the time I'm going to say, get a hold of a Council at Large person and they can help you with your problem. I know times, you know, again you weren't the Council lady (*directed to Member Chris Smith*) I...I...I but I'm just saying Council at Large helped me, there to help our...the people in our neighborhood. I just feel that it..by doing that and don't take it person, it's doing an injustice to the citizens of the City of Canton. Thank you.

PRESIDENT SCHULMAN: Thank you as always Mr. DiGiacomo. Our next speaker is Rex Robison. Mr.

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Robison, good evening, welcome. I hope I pronounced your name correctly. If you'll give us your name and residential address sir.

REX ROBISON: My name is Rex Robison, I live at 1611 Superior Avenue NE, Canton, Ohio. I want to announce that the Crystal Park Neighborhood Association has created what we're calling the Crystal Park Memorial Garden. We have planted three trees, one will be...they are to be a living memorial, one for the veterans, one for the police, one for the fire. I want to publically thank Councilman Dougherty for his help in gaining permission to use the property that we're using. The park is located Mahoning Road and Royal Avenue. We will be having a dedication ceremony on Memorial Day at 2:00. We're having one of the father's of the neighborhood who has lost a daughter in Iraq. We're having a police and a fire official or someone from them that will place a wreath at that time. We will be having some speakers and I would like to invite each and every one of you and we would be honored if you have the time and you could join us on that day. Thank you.

PRESIDENT SCHULMAN: Thank you very much and thank you Mr. Robison for your public service. Our next speaker is Greg Sanford. Mr. Sanford, if you'll step forward and give us your name and your residential address and welcome to Canton City Council.

GREG SANFORD: Thank you Mr. President. My name is Greg Sanford, I live at 1537 Henry Avenue SW. I wanted to address a problem we have in our neighborhood. It seems that Henry Avenue has been transformed into drag way 42 or Magnolia Dragway. There's no stop signs, there's no kind of a speed limit posted down this street and all the time, every....every night you're going to hear dragracing going up and down the street, beer bottles smashing on our streets, which causes quite a bit of a problem for our neighbors. We've had sideswipes, we've had hit and runs going on, it's something you know, I don't know what can be done about it but it needs to be addressed. I went and I've talked to a couple of the bars on 15th Street and asked them, you know, see what kind of carry out they're giving to people at nighttime but it seems like it's...summertime is coming and we all know the old....like the old song "Freaks come out at night" (*laughter*) and it seems to apply a lot of times. And I'm also, kind of concerned also, couple times I've caught even the SARTA buses running down the street like this is some kind of a dragway. Now, that's a tad bit dangerous to have something like this going on.

(MEMBER MORRIS' DESK FALLS APART)

(LAUGHTER)

PRESIDENT SCHULMAN: Sorry, our City Council is falling apart over here so.

GREG SANFORD: I knew you was trying to distract me. (*Laughter*) You know, it's just something that needs to be addressed, this dragway. We're also having a problem on our underpass heading north on Henry. It seems that this has become a party place for anybody who's got a six pack. You'll find all kinds of beer bottles scattered up underneath the underpass, broken bottles, cans, it's a recycle person's dream. And basically that's all the problems we have besides, you know, we have the summertime coming and we know there's going to be a lot of event going on and I don't know...I thank the Canton Police for what they have done. They've been....Chief Lawver is one super guy, what can I say, let him know what goes on, something happens. And I can't complain about my Councilman, Mr. Fisher. Mr. Fisher is always there at our side.

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We're just asking for a little help to clean up the neighborhood. Thank you.

PRESIDENT SCHULMAN: Thank you sir very much.

CLERK TIMBERLAKE: Are you alright Frank. *(Laughter)* I'll put that on SeeClickFix Frank, for ya. *(Laughter)* I will take care of that tomorrow for ya.

MEMBER MORRIS: *(Inaudible)*

PRESIDENT SCHULMAN: Well we need a nice breeze. That concludes Public Speaks.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We have no Informal Resolutions this evening.

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 20, 2013.

218. AUDITOR MALLONN: REQ INFORMAL RESOLUTION REAUTHORIZING THE CITY'S PARTICIPATION IN OHIO POLICE & FIRE PENSION SYSTEM (OP&F). - RECEIVED & FILED
219. SERVICE DIRECTOR PRICE: AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR LEASE OF COMMERCIAL SPACE LOCATED AT 215 WEST TUSC. - FINANCE COMMITTEE
220. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD & EXECUTE CONSTRUCTION CONTRACT FOR STORM SEWER REPAIR IN FRAZER ESTATES SUBDIVISION; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT.- PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
221. SERVICE DIRECTOR PRICE: AUTHORIZE SERV DIR TO ENTER INTO PROF SERV CONTRACT WITH BURGESS & NIPLE FOR ENGINEERING SERV DURING PLANNING, DESIGN & BIDDING PHASE OF WATER METER & METER TRANSMITTING REPLACEMENT PROG IN AMT OF \$348,500.00; APPLY AND ENTER INTO CONTRACT WITH OWDA FOR PLANNING LOAN IN AMT NOT TO EXCEED \$348,500.00 TO FUND PLANNING, DESIGN & BIDDING PERIOD ENGINEERING SERV; AUTHORIZE AUDITOR TO ESTABLISH & CREATE 5227 207030 WATER METER/MTU REPLACEMENT PROJ FUND, UPON APPROVAL OF OWDA LOAN, REC ALL OWDA LOAN FUNDS, TRACK EXPENDITURES RELATED TO PROJ & REPAY OWDA LOAN; REQ \$348,500.00 SUPP APPROP FROM UNAPPROP BAL OF 5227 207030 WATER METER/MTU REPLACEMENT FUND TO APPROP BAL OF 5227 207030 WATER METER/MTU REPLACEMENT FUND. -

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PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

222. SERVICE & SAFETY DIR PRICE: AUTHORIZE SERV DIR TO NEGOTIATE AND ENTER INTO CONTRACT WITH STARK COUNTY AND CITY OF NORTH CANTON FOR OPERATION, MAINTENANCE & REPLACEMENT COST SHARING AGMT FOR CANTON'S WRF. - FINANCE COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: 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 #8 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (10P PROBATIONARY POLICE OFFICERS)
Referred to Personnel & Finance Committee
- #2. (1ST RDG) A RESOLUTION TO SUBMIT TO THE ELECTORS OF THE CITY OF CANTON INCREASING THE TERM OF COUNCILMEMBERS FROM TWO YEARS TO FOUR YEARS EFFECTIVE FOR THE 2013-2019 TERM AND THEREAFTER
Referred to Judiciary Committee
- #3. (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE LOT SPLIT/REPLAT OF LOT NO. 35852; AND DECLARING THE SAME TO BE AN EMERGENCY (415 47TH ST NW PARCEL# 301329, THOMAS & LISA FORBES AND GERALD & MARCIA CRAMER)
Referred to Public Safety & Thoroughfares Committee
- #4. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$5,000.00 FROM UNAPPROP BAL 6017 HEALTH & LIFE INSURANCE FUND TO 6017 501101 HUMAN RESOURCES ADMIN - OTHER)
Referred to Finance Committee
- #5. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE CANTON COMMUNITY IMPROVEMENT CORPORATION (CCIC) TO PROVIDE A GRANT UTILIZING GENERAL FUND DOLLARS IN AN AMOUNT NOT TO EXCEED \$250,000.00 FOR GRANTS, LOANS AND ADMINISTRATIVE COSTS; AND DECLARING THE SAME TO BE AN EMERGENCY

MINUTES OF THE MEETING MAY 20, 2013Referred to Finance Committee

- #6. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND/OR THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OR LEASE OF VARIOUS VEHICLES AND/OR EQUIPMENT FOR THE DEPARTMENTS OF PUBLIC SAFETY TO ENTER INTO VARIOUS CONTRACTS FOR THE PURCHASE OF VARIOUS VEHICLES AND/OR EQUIPMENT IN ACCORDANCE WITH O.R.C. SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Property Capital Improvement Committee

- #7. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A ONE YEAR CONTRACT WITH THE STARK METROPOLITAN HOUSING AUTHORITY (SMHA) FOR VEHICLE MAINTENANCE AND FUEL SERVICE; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

- #8. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONSTRUCTION CONTRACT FOR RESURFACING OF THE TENNIS COURTS AT NIMISILLA PARK; AUTHORIZING THE CANTON PARK COMMISSION TO GENERAL CONTRACT REMAINING DEVELOPMENTS OF THIS PARK FACILITY; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Property Capital Improvement Committee *(Due to a clerical error on the Agenda, the wrong referral was made. Correct referral should be Parks & Recreation & Finance Committees)*

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: Turning now to Ordinances of their second reading. Would you please begin Madame Clerk with Ordinance 9.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #9 THROUGH #15 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #9. (2ND 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
- #10. (2ND 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)

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- #11. (2ND 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)
- #12. (2ND 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
- #13. (2ND RDG) **ADOPTED AS ORDINANCE NO. 90/2013** 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)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move that we suspend the Statutory Rules for Ordinance #13.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rules for Ordinance 13. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

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

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 13. Any remarks under this Ordinance? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#13 ADOPTED AS ORDINANCE NO. 90/2013

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PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 13 is adopted. Ordinance 14 please.

#14. (2ND RDG) **ADOPTED AS ORDINANCE NO. 91/2013** 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)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move that we suspend the Statutory Rules for Ordinance 14.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rules for Ordinance 14. Any remarks? Hearing none, again Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: The motion carries. Leader, you've heard the three readings.

MEMBER DOUGHERTY: I move we adopt Ordinance 14.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 14. Any remarks under this Ordinance? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#14 ADOPTED AS ORDINANCE NO. 91/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk. The Motion carries and Ordinance 14 is adopted. Ordinance 15 please.

#15. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONTRACT IN AN

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

PRESIDENT SCHULMAN: Thank you Madame Clerk.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Now we turn to Ordinances and Formal Resolutions for their Third, Final Reading and Vote. Madame Clerk, would you please begin with Ordinance 16.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #16 THROUGH #20 FOR THE THIRD TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

#16. (3RD RDG) **ADOPTED AS ORDINANCE NO. 92/2013** 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

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

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#16 ADOPTED AS ORDINANCE NO. 92/2013

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

#17. (3RD RDG) **DEFEATED** 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

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EFFECTIVE FOR THE 2016-2017 TERM AND THEREAFTER

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?
Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we amend Ordinance 17 per the Amendment in front of all Members.

MEMBER GRIFFIN: Seconded.

AMENDMENT

Pursuant to Rule 36, I move to amend Agenda Item No. 17 by the inclusion of a new, final "whereas" clause as follows:

and

WHEREAS, should this Resolution and the subsequent election result in the reduction of the size of Council, it is Council's intent to calculate the fiscal savings attained and earmark said savings for the hiring and annual compensation of police cadets and officers effective for the years 2016 and thereafter;

PRESIDENT SCHULMAN: It's been moved and seconded that to amend Ordinance 17 by virtue of the copy of the Amendment before each Member of Council. Are there any remarks? Hearing none, by voice vote all those in favor to amend the Ordinance by virtue of the copy of the Amendment, signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries. Now, Leader.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 17 as amended. Are there any remarks under this Ordinance? Member Cole.

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MEMBER COLE: Yes Mr. President, I'd like to just remind this Honorable Body that this is simply giving the voters the opportunity to make their voice heard. Let's keep in mind that Parma did this 40 years ago and there was some discussion on the fact that some Wards may take advantage of other Wards. In my four years here, we've seen that. We've seen certain Council Members never vote for anything that comes the way of certain Wards, we all know that to be the case. What I do think it shows is that the Wards will become even stronger, more important and you'll see more of the divide that we currently have. So, this is something that once again is...is...has needed to occur. It's right sizing our Legislative Body and what this is, is giving the voters the opportunity. Like I said, Parma did this 40 years ago folks, it's time that Canton moves forward.

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

MEMBER MARIOL: Thank you Mr. President. Actually this is for the Law Director, with having 11 Members, what is the necessary votes for this to pass?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, Member Mariol, you asked a good question. State law provides that in order for this to pass, we need a two thirds majority, that means of the Elected Members, not the Members present. So, there are 12 Members, it takes 8, 8 votes to pass this.

MEMBER MARIOL: Thank you very much.

PRESIDENT SCHULMAN: Thank you Law Director. Thank you Member Mariol. Any other remarks? Member Smith.

MEMBER SMITH: Mr. President, you know I was just sitting here thinking and I know before I came on Council, there was a bar that Mr. Smuckler and Mary Cirelli went down and worked real hard on trying to get closed. So, when I came in it sort of made my job easy. There are certain Council Members at Large that I have asked to be present with me for certain issues in the community and I will not be supporting this, simply because I feel that the Council at Large Members are needed and that they do.....(applause)...was that Mr. DiGiocomo?

MEMBER WEST: Yeah it was.

(LAUGHTER)

MEMBER SMITH: Well...but I just want....

PRESIDENT SCHULMAN: No actually it wasn't.

MEMBER SMITH: It wasn't?

PRESIDENT SCHULMAN: No, it was somebody behind him.

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MEMBER SMITH: Okay, I didn't want him to think he influenced me with that conversation he got up here with. *(Laughter)* But, I will not be supporting that because I really feel that we need the Council Members at Large.

PRESIDENT SCHULMAN: Thank you Member Smith. Member West, did you want to say something?

MEMBER WEST: I do, I do. Let me...let me say this, you know and this was a hard vote for me because actually being on Council for ten years....this is my tenth year and a lot of the At Large Members have been very, very supportive but also listening to the community and hearing all the things about Charter Government for over ten years and one thing they said, this is a way that we can reduce Government. I do understand all of what Mr. Cole is trying to do and attempting to do in so much as to make certain that we're able to put our...put this funding back into the Officers' hands and increase services for the community. I would like to see us continue with the Council at Large but I'm glad that this came up because I think we need a clear definition of what At Large Members do in terms of them being supportive of a Council Member's Wards, not undercutting them, making sure they stay out of all the politicking but really serving our community well. So, I'm going to continue to support the At Large Members at this point in time but would like to see them to continue to be supportive of the Ward Council Members and trying to make our City a better place to live, work and play. Thank you.

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

NO REMARKS

ROLL CALL 5 YEAS, 5 NAYS

(MEMBERS HAWK, WEST, SMITH, FISHER, & MARIOL ALL VOTED NAY)

(MEMBER GRIFFIN INTERRUPTS THE ROLL CALL)

MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: Member Griffin.

MEMBER GRIFFIN: I was confused on that vote

PRESIDENT SCHULMAN: Alright, that's fine.

MEMBER BABCOCK: Mr. President, no.

PRESIDENT SCHULMAN: Okay, alright I'll tell ya what. Just so the record is very clear, let's start over again. Leader Dougherty.

NO REMARKS

ROLL CALL 3 YEAS, 8 NAYS

(MEMBERS GRIFFIN, BABCOCK, HAWK, WEST, SMITH, FISHER, MARIOL & MORRIS ALL VOTED NAY)

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CLERK TIMBERLAKE: Three yeas, eight nays Mr. President.

#17 DEFEATED

PRESIDENT SCHULMAN: Thank you Madame Clerk, since it takes 8 votes to pass, the Ordinance is defeated. It's always.....

MEMBER DOUGHERTY: Mr. President, I almost had them. *(Laughter)*

PRESIDENT SCHULMAN: I have to say I was...I was shocked there for a moment. I would also say it's a good thing...it's sometimes a good thing that Martin Olson is not here. So, that's really...*(Laughter)*. Ordinance 18 please.

#18. (3RD RDG) **ADOPTED AS ORDINANCE NO. 93/2013** 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)

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#18 ADOPTED AS ORDINANCE NO. 93/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 18 is adopted. Ordinance 19 please.

#19. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 94/2013** 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

PRESIDENT SCHULMAN: Leader Dougherty.

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MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 19.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 19. Any remarks? Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we amend Ordinance 19 per the Amendment in front of everyone.

MEMBER GRIFFIN: Seconded.

AMENDMENT

Pursuant to Rule 36, I move to amend Agenda Item No. 19 as follows:

1. Amend Section 1 by adding the following sentence after the end of the first sentence: "Said increases shall be at the discretion of the Auditor for the Auditor's office and the Law Director of the Law Department."

2. Add a new Section 3 as follows:

Section 3. Nothing in this ordinance shall affect the 2.5% raises as authorized by Ordinance No. 66/2013.

All succeeding sections are renumbered accordingly.

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance 19 by virtue of the copy of the Amendment before each Member of Council. Are there any remarks? I will take some prerogative here and ask the Law Director just to explain the Amendment please.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President.

PRESIDENT SCHULMAN: Thank you.

LAW DIRECTOR MARTUCCIO: The Amendment offers two Amendments. One that was discussed at the Committee Meeting last week and another that was discussed tonight in Committee. The first one adds a sentence to make sure that the policy if changed tonight, if voted on, would clearly also affect the Law Director and the Auditor as well as the Mayor in terms of eliminating the discretion they have had for several years to come down to one vote per year. The second Amendment says that nothing in the Ordinance that's passed tonight shall affect the 2.5% raise that was authorized by Ordinance 66-2013 recently. Again, we wanted to make it clear that for those appointing authorities and Elected Officials who have not...who have not enacted the 2.5% raises for their empl...who have not applied the 2%...2.5% raises for their employees, they would still have time to do that. The concern was legally and auditing wise that if this Ordinance passes tonight, appointing authorities like I, who have not decided yet whether to give the 2.5 across the board or to anyone,

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would apply. So, this keeps the window open on what was authorized just very recently for those raises. It does not affect, it does not affect the limitations that are in the Ordinance you are voting on. Specifically, no one gets a raise if they've had one within 6 months. Thank you.

PRESIDENT SCHULMAN: Thank you. Alright, so there is a motion to amend again by virtue of the copy before each Member of Council. All those in favor, signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries. Leader Dougherty.

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 19 as amended.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 19 as amended. Any remarks?

MEMBER MORRIS: Mr. President.

PRESIDENT SCHULMAN: Member Morris.

MEMBER MORRIS: Yes sir, thank you. Can we get a clarification on exactly what we're voting on? I'm just kind of confused on it. And...and I kind of got the impression that what we're doing is anybody who comes from the Administration down, we as a Council have to vote on their raise. Correct?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, Member Morris, the Ordinance tonight was requested by the Personnel Committee to modify a policy. The policy began with the Auditor 7 or more years ago. The Law Director picked it up 7 years ago and the Mayor's office picked it up a few years back, if not 5 or 6. That policy gave those 3 offices the right to give up to 2 raises per year, up to 3% per year in their discretion upon review of the employee. This Ordinance tonight takes away that discretion and says 1 raise per year, either 3% or the cost of living, Consumer Price Index, whichever is less. So, yes any other raise for those 3 offices beyond that would have to come before this Council. You may ask about the other Elected Officials, Council, the Treasurer, they're under the general personnel Ordinances and as you heard tonight in Committee Meetings in discussion, there is some discussion of trying to come back again with something more comprehensive for this Council's consideration that hopefully will be a joint effort of Members of Council, the Administration and the other Elected Officials and Human Resources and Auditing and so on. So, to answer your question shortly, this will not allow more than one raise per year, capped at either 3% or the Cost of Living, whichever is less.

PRESIDENT SCHULMAN: Thank you Member Morris. Any other remarks? Mayor.

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MAYOR HEALY: Thank....

PRESIDENT SCHULMAN: Before, I'm sorry, before you go may I just interject before you speak? Because I...because you...you have an interest in the particular side and I just wanted to bring forth at least what I believe. First of all, I believe the Ordinance was genuinely served to Council. I mean, I think there is a...there's a clash of two differing views on Government in this. One is that you as Council Members must have control over your budget, the finances of the City to protect the taxpayer. On the other hand the Mayor is the elected head of the City and has a right, it seems to me as do all the Elected Directors, whether it be the Law Director, the Auditor, the Treasurer, they are elected by the City citizens to run their departments as they see fit. I think there is, because I've talked to a number of Members of Council, both pro and con and I think there is a concern on this Ordinance, are we...or you, going to micro manage the Mayor's Office. On the other hand it's fair to say as some of you do, "well it's not micro managing because the Mayor can come down and ask you Members of Council to allow raises as the Law Director has indicated. For what it's worth, we only have 11 tonight but if someone would abstain for example, I might be called upon to cast a vote, I would...I think there are merits on both sides but I think ultimately, it's probably an interference with the Mayor's prerogative to run the executive office of the City. He is the Elected Mayor of the City, he has a right and not only does he have a right, he more than anyone knows who should get raises and who shouldn't and we're...you're going to be called upon if this passes to make that decision and you're not necessarily in a position to really know whether a person deserves a raise or not. We do entrust...our citizenry, the Mayor of the City to make those decisions and I have always said that I stay as far away as I can from commenting on Ordinances because I'm Elected as President of Council but on the other hand, I am elected. So, I do represent citizens in our community and I think they expect me at certain times, like this one to comment on these kinds of relationships. But that is the ultimate tension point. That's the flex point. Does the Mayor have a right to run his office as he sees fit, that would include raises for worthy employees or should Council do that because Council must protect the citizens and the treasury. That's your flex point and I see merits on both side, I have to say I think the merits generally should fall in favor of the Mayor.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes, Leader.

MEMBER DOUGHERTY: Yes, what this Ordinance does is to make sure that...and it's not just the Mayor, we're talking about the Law Department, Auditor, so we're not just talking about the Mayor and what he has a right to do. Let's remember that we have a strong Council, weak Mayor platform. That's what it is. We're responsible for this in the end and we can't have...worried about giving out...now just so you're clear, that's twice you could...they could give out raises 3...6% total. Anyone...as long as they got it in his budget. Well, if you budget at the beginning of the year, did anybody follow that budget exactly and see how much was in there? There's a good...good chance there's a lot of 3% that can go out there. We didn't have a problem with dealing with this when he came down with...with the Chief's...the Financial Chief's raise and we talked about it and we were educated on it. It's...it's our responsibility and the Finance Committees responsibility and we need to take a hold of this a little better and that's my opinion. You guys don't want to do that and continue to act like we're...we're not running things here, okay. City Council runs this, I'm sorry...that's...I'm not trying to be arrogant about nothing, I'm stating fact. Okay, the Mayor has a right to do what's up there but there comes a point in time, just like us, just like everybody. We make the final decisions, we make the final vote and everything falls on us and when the...and when the finances go sour, everybody's pointing fingers at us, why didn't you do this and why didn't you do that. This isn't a horrible thing, it's just trying to get the reins in and...and there's going to be more coming down because there's a lot of things that we need to get back to. In

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two years we could be in...in deep trouble financially and we could look back at all these, you know, we wanted to get the cadets their money, we you know, there comes a certain point we can't give anymore. So, that...that...that was the point of all this, it wasn't an attack on no one, just trying to do some right.

PRESIDENT SCHULMAN: Thank you Leader and I...by the way, I'm...I understand exactly what you're saying and I don't disagree with a word that you said. You are right, that's the...that's why...that's why there's a debate here. And it's a...it's a very difficult decision. Mayor.

MAYOR HEALY: Thank you Mr. President. And just for clarification, as...as Dave mentioned when you were referencing the Mayor, this is the appointed authority's, including the Mayor, Safety Director, Service Director, the Law Director and the Treasurer and all the appointees under those particular offices. And what this does, is it essentially prevents the ability for those appointing authorities from giving more than a cost of living adjustment annually, once annually. Anything above and beyond that would have to be brought down and in most cases they would be done individually because you're referring to a number of people who have been hired at 85% of their cap as a new employee and there is no provision in this set up that allows us to give any type of increase for those individuals once they've been here for 6 months or a year or longer, once we decided that they're doing a good job and we'd like to move them up. So, this particular structure doesn't allow for the difference between a new employee who would typically step up to top rate or an existing employee whose at top rate. This provision also does not address the cap, so if you've got employees that are at the cap, although we would be allow to give them the cost of living adjustment if they're at their cap, we still wouldn't be able to do it without coming down to Council and asking you to raise their cap by that amount so we could give those raises. So, what this does to be honest with you, is this basically stops the current system, which by the way was approved by Council 4 or 5 years ago, it stops that system and says okay all were going to do now is cost of living adjustments, anything above and beyond that we need to come back down individually like we did with the Finance Director, with the Chief of Staff or others. And...and as I mentioned, we will be working with all the Elected Officials because the rules set or being set with this one do not address the Treasurer, it does not address Council in reference to those same rules that apply to us. We're going to come down and try to create a uniform program that would allow us to address the Civil Service employees, the...the unclassified nonunion employees and have the same rules that apply for all Elected Officials. But we could not amend this one because of the constraints that it had in the original Ordinance, the Law Department says it has to be a separate draft. So, that being said, in the eyes of being prudent, passing this today prevents anything from happening for all practical purposes except for a cost of living adjustment next January and between now and then we're hoping that we'll come up with a more comprehensive program that we can all agree on and that eliminates us from doing anything in between then. So, that's what this is about. Thank you.

MEMBER WEST: Mr. President.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes, Leader.

MEMBER DOUGHERTY: It doesn't stop the Mayor or anybody from doing anything. They can come down here and ask for raises, just like it was done last month. That's what you got to...that's, you know, you folks sitting up in the Mayor's Office, if you were sitting up there you might not be...you might be upset about this too but I'm upset at when...if you're giving out more than one raise to somebody here. I got a little problem with that. I never got one.

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MAYOR HEALY: Mr. President.

MEMBER WEST: Mr. President.

MAYOR HEALY: Just a point of order.

PRESIDENT SCHULMAN: Sure, yes?

MAYOR HEALY: There's not cases out there where more than one raise has been given and although we have the ability for six years to do that, we've been in a recession and so most of our employees have received one raise in the past four years. So, the reality is, although we have the ability, it has not been something that we've abused or the Law Director has abused or the Auditor has abused by any stretch. So, this is...this isn't being done because we have been giving out raises like crazy and we're trying to reign it in, this is being done because the ability for us to do is out there and it makes...it's making people nervous and as...as the Leader said, we've brought down changes in salary for the Chief of Staff and for the Finance Director individually and Council has voted on those things and that's what we'll do in the meantime until some other form is created. Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Yes, Mayor maybe you can answer this question. Are there people currently that you have hired on and said that you was gonna give them a raise that is expecting a raise by the end of the year?

PRESIDENT SCHULMAN: Mayor.

MAYOR HEALY: Yeah, I can give you a couple of specific examples. Angela Cavanaugh was put on payroll as opposed to a contract employee. She was brought in at the 85% level in January with the expectation that she would be able to get a raise in six months and then again at the end of the year. So, she took a pay cut to go off the contract employee to be a salaried employee in the position. Now this will prevent us from being able to give her those step increases that we had told her when we hired her. Andrea Perry has been with us for less than two years or roughly two years and we had...we're not able to step her up because of freezes and stuff that we were coming out of. So, we gave her a 3% in December, which was her first raise and now we cannot give her another raise until next December. So, she'll be with us for almost three years before she gets her second increase...

MEMBER WEST: Now....

MAYOR HEALY: ...So there are individuals like that, that have come in the last two or three or four years that if we want to address them, we'll have to address them individually to Council. So if that answers....

MEMBER WEST: ...so

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MAYOR HEALY:your questions Councilman Morris...

MEMBER WEST: Wait a minute, no....

MAYOR HEALY: ...in reference to will we have to bring individuals down, yeah we will if we want to do more then the cost of living.

PRESIDENT SCHULMAN: Okay, Member West.

MEMBER WEST: So, what Member Dougherty is saying that this Ordinance will not prevent those individuals from getting their raise if that is something you promised, you'll just have to bring it back down to Council, is that correct Member Dougherty?

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Yes, you keep saying with one word "I can't do this anymore" then he's saying "Unless I come to Council" exactly, that's exactly right. He can still get it done like it has in the past. When...when things are outside of this old Ordinance, it could still happen. Come down with a reasoning why and if it makes sense and the majority thinks it makes sense, then that's what we do down here.

PRESIDENT SCHULMAN: And Leader....

MEMBER WEST: One more thing.

PRESIDENT SCHULMAN: Oh, go ahead.

MEMBER WEST: I just want to make certain that, you know, I strongly support a comprehensive overhaul of the policies, of the raises and making that more beneficial for the City because I think over the last year or two years, I mean, it's been kind of crazy coming down here with the different people and it gets me confused, I don't know about the rest of the Members but I would love to see a comprehensive overhaul and everybody involved in that process. Thank you.

PRESIDENT SCHULMAN: Any other remarks?

MEMBER DOUGHERTY: Yeah Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Let's remember, if we don't do anything, then they can do it twice a year up to 6%, whoever they want to give it to as long as they're within their budget without talking to anybody about it, just doing it and if that's....that's what you folks want keep it the same.

PRESIDENT SCHULMAN: Mayor Healy.

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MAYOR HEALY: Thank you Mr. President. (*Inaudible*) let you know that Council does have controls at this point in time by having a budget for each department in reference to what was approved at the beginning of the year. So, we are limited to what our budget holds. And also every employee has a cap that those positions we're allowed to pay up to a certain amount. So, if somebody is at their cap, we can't give them even a penny let alone two raises or any other raises. So, we do have controls in reference to most we're allowed to pay an individual, the most we're allowed to give them on an annual basis and the cap overall in reference to the ability to pay by our budget. I am not fundamentally opposed to tonight's vote, what I am is...is concerned though that we address this and this...this brought this issue to the light and to...to vote on this tonight would allow us to kind of freeze things and give us a chance to bring our heads together and come up with a comprehensive plan that we can all agree on sometime between now and January before this thing goes into effect in reference to just a cost of living only.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: And the other reason of doing this is...is over the years of being here and I talked about it back when we did...just did this 2.5% for these people, they just are forgotten, go years. Unions, which is great, got theirs and then these people are just forgotten about and every time we got to make a cut these are the people we go after first because we can. So, I'm just trying to make it a fair playing field, that's all.

PRESIDENT SCHULMAN: Well, any other remarks?

MEMBER WEST: I was just going to say...

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: We just got to make certain that if people were promised certain salaries and certain incentives, then I think we need to bring them down so that they do get those and especially the women that...like did with you guys Cindy but they do deserve that and if we have it we should support it.

PRESIDENT SCHULMAN: And...and just so the record here is clear, I agree with Leader Dougherty, you are a strong Council and the scheme of things, a weak Mayoral system and when things go south financially, you take the brunt as Leader Dougherty said, you do take the brunt of the financial problems. Although I think the Mayor would agree that he takes it too but...but also the lightning rod is generally with City Council. I do want to ask Law Director Martuccio one question because I don't understand and maybe it's...it's in the mind of some Members of Council. If this passes, then if the Mayor as an example wants to give a raise, the Mayor comes to Council and proposes a raise that, that raise can only be up to 3% or the cost of living adjustment whichever is the lower, is that correct?

LAW DIRECTOR MARTUCCIO: Mr. President, that answer, it's correct if this passes tonight. If the Ordinance before you all passes tonight, the Mayor, the Law Director, the Auditor can only give one raise per year up to 3% or the cost of living Consumer Price Index - Urban, whichever is less. That could be 1.7 for example. That's...that's without Council approval. Right...anything above that we would have to come down. If the Ordinance passes tonight. Yeah, let me restate that...

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PRESIDENT SCHULMAN: Alright because I...

LAW DIRECTOR MARTUCCIO: ...I don't want to confuse anyone.

PRESIDENT SCHULMAN: ...because I was confused and that's why...

MEMBER SMITH: Yes please do because you all done confused me for real.

PRESIDENT SCHULMAN: ...and I think the Leader is rightfully so....

LAW DIRECTOR MARTUCCIO: Let...let me try to make it as clean as I can. If you pass the Ordinance tonight, until something else is done...until something else is done, or we come down to you with individual people or classes of people, then those three offices, Mayor, Law Director and Auditor can only give one raise per year, up to 3% or the Consumer Price Index, whichever is less. If this Ordinance passes, that's our limitation and we have to come to you. Is that a correct statement?

PRESIDENT SCHULMAN: Leader?

MEMBER HAWK: Mr....

PRESIDENT SCHULMAN: So, you can give more of a raise then the cost of living, or the Consumer Price, or 3%, whichever is less if you come to Council. Alright Member Hawk.

MEMBER HAWK: Thank you sir. I commend the Committee for the work they did on this piece of legislation. It's really an attempt to get our hands around the budget some expenditures that have grown drastically in the last seven or eight years. We can go back, there's only two of us on Council who were twelve years ago when the City was in really deep financial problems. We all sat down as a City, our labor people, our management people, we had meaningful meetings, we discussed budgets. It wasn't fun and it wasn't pleasant because it affected people's live and we did get our arms around that budget and it wasn't easy to do and it was done with full cooperation from everybody in this City. We owe an awful lot to our...to our employees who worked very hard and understood this. They all made concessions, they all gave things up, they all worked hard. We've escalated that by giving out raises, by adding people in personnel, some of the people in personnel we've cut and reduced, we put back in the payroll and it reflects in the fact that our safety forces have now shrunk from 175 down. We need to take a real good look at budgets in the future and I think this is the first step and commend Leader Dougherty for brining on this issue. I thank him.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas.

#19 ADOPTED AMENDED AS ORDINANCE NO. 94/2013

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PRESIDENT SCHULMAN: Thank you Madame Clerk. The Motion carries and Ordinance 19 is adopted. Ordinance 20 please.

#20. (3RD RDG) **ADOPTED AS ORDINANCE NO. 95/2013** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC 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: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 20.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 20. Any remarks under this Ordinance? Hearing none, Madame Clerk again, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#20 ADOPTED AS ORDINANCE NO. 95/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 20 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: Moving now to Announcement of Committee Meetings.

MEMBER COLE: Mr. President.

PRESIDENT SCHULMAN: Chair Cole.

MEMBER COLE: Finance will meet at 6:30 on June 3rd.

PRESIDENT SCHULMAN: 6:30, correct? Thank you. Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, Public Property Capital Improvement will also meet on the 3rd at 6:30.

PRESIDENT SCHULMAN: Thank you.

MEMBER WEST: Mr. President.

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MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Yes, Judiciary will meet same time, same place.

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: Community and Economic Development Committee will meet that day at that time.

PRESIDENT SCHULMAN: Thank you.

MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: Miscellaneous Business, is there any? Member Griffin.

MEMBER GRIFFIN: Personnel.

PRESIDENT SCHULMAN: Oh, I'm sorry, Member Griffin.

MEMBER GRIFFIN: Personnel will meet June 3rd, 6:30.

PRESIDENT SCHULMAN: And just so the Members of the audience and the public understand, is there any others?

CLERK TIMBERLAKE: Will somebody call one for Member Cirelli, Public Safety and Thoroughfares please?

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Who sits on it?

PRESIDENT SCHULMAN: Who's on Thoroughfares? Member Morris.

MEMBER MORRIS: Public Safety and Thoroughfares will meet at the same time, same station.

CLERK TIMBERLAKE: Thank you.

PRESIDENT SCHULMAN: And we do not meet next week, we meet the following week because we are on a summer schedule.

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: Is there any Miscellaneous Business.

MEMBER FISHER: Mr. President.

PRESIDENT SCHULMAN: Member Fisher.

MEMBER FISHER: Thank you sir. I wanted to address quickly Mr. Sanford's comments during public

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speaks. I wanted to thank Mr. Sanford for coming down. He is certainly one of our more colorful, entertaining residents over on...on Henry Avenue. The..the concerns with the speeding on Henry Avenue as I indicated to you in my email earlier today, when you contacted me on that, we've sent that to the Safety Director along with the City Engineer in order to look at whether or not the street would qualify with traffic flow under the State guidelines and so forth for signage. And also with regards to the problems on Henry down by the overpass, just recently, and I'll give a lot of credit to Dan Moeglin and Nick Loukas in this, we finally got the lights under the Route 30 over Henry placed, which I am told through a very vigilant constituent, Mr. Ballas, who I know our staff is well aware of. He is a very, very vigilant individual. Those lights were actually out for about 15 years and we got them replaced. So, if anyone is looking for the answer to the punch line of how long does it take to replace light bulbs for Henry Avenue, it is about 15 years. *(Laughter)* But I wanted to thank Mr. Sanford for coming in and we are working on this. Thank you.

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

MAYOR HEALY: Yes.

PRESIDENT SCHULMAN: Yes, Mayor.

MAYOR HEALY: Thank you. First of all I'd like to thank Leader Dougherty for rescheduling the work sessions earlier today and giving us a break where he supplied pizza for us. We all appreciate that, thank you so much. I also want to....to read something if you don't mind, it was brought to my attention and I have a Proclamation here I'd like to share with you. This is recognizing one of our Council Members. Whereas the National Association of Social Workers, Ohio Chapter Region 8 has recognized Thomas West as the Public Elected Official Of The Year for 2013. Whereas Thomas has also been nominated for the State of Ohio NASW, National Association of Social Workers Public Elected Official of the Year. And Thomas has been the Councilman of Ward 2 for the City of Canton since 2004, is very active throughout his community...our community and his Ward. He received his bachelors and masters degree in social work from the University of Akron and he's also an Ohio State Licensed Social Worker. Therefore be it Resolved that I, William Healy by virtue of the authority vested in me as Mayor of the City of Canton on this day, do hereby recognize Thomas West and urge all families and friends to join me in *(inaudible)* him with respect on an admiration he truly deserves for his commitment to the community and service. Tom, thank you.

(APPLAUSE)

PRESIDENT SCHULMAN: Congratulations Member West. And I think the Mayor has one more comment. Mayor Healy.

MAYOR HEALY: Thank you. In reference to Pete, I'm going to see if I can find out that information from our Police to see how many hours and how many tickets they wrote and if we can, I'll bring it back to you in the next session. And also, in reference to the gentleman from Kevin Fisher's Ward, I had mentioned to him that if he'd like I'd be more than happy to come out and visit and take a person look at what's going on out there. So, we'll try and set something up here in the near future. In reference to the City's budget and our finances, I want to make sure that we address this and...and remind you we got some...many Council Members who've in their first term and weren't necessarily engaged two, three, four years ago, this is my sixth year as the Mayor. We have worked on six budgets. From the first year that I was here the recession hit and we have been cutting, to the tune of millions every year. We lost at one point over four million dollars in income tax revenue, we've lost between six and seven million dollars in local government funds and government support from the State of Ohio from cuts from the State and overall it's been ten million dollars over the last five budgets. We've been

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averaging well over two....two million a year that we've had to reduce. Virtually every single department in this City has fewer workers and budgets that are...that are tight in reference to co...where we were three, four, five, six years ago and we still are well below our high year of 2008 in reference to the spending and it could take us another five years before we recover to those numbers. So, we are operating at numbers that are far, far below our pre recession totals. And we have had...virtually every employee in the City has stepped up and are doing more and more and more with fewer and fewer employees and less dollars and resources. So, you know, for any implications that...that we're not familiar with what it takes to...to control our budgets and live within our means, we've done that without layoffs, we've done that without raising taxes and we've been able to survive and even grow and improve many, many areas of the City. We hear about the loss of Police Officers and Firemen in reference to where we used to be and we've got groups asking us to hire more, we'd love to but our budgets have not been rebounded to those pre recession numbers. So, we're doing everything we can within our power and we've got, again every single department in this City will tell you and you can call them up, anyone, and ask them how many fewer employees we have today then you did three years or five years ago or eight years ago. Every single department is in that same boat. So, I...I just want to make sure that we have an opportunity to thank every single City employee who is still here and there is about 150 less employees then there were five years ago. I want to thank all of them for doing everything they have been doing because this City has been functioning and doing a fantastic job under the strained conditions that we've had particularly when you look at other Cities east of us and north of us who have struggled far worse than we have. So, to...to just refresh all of you, we are on the tail end of this recession, this year is the strongest budget we've had where we have a break even budget, our projections for next year are still going to be tight and I will caution all of you that the State is about ready to pass their next biannual budget, which will be done by June 30th and once that is done then we'll have to start counting our eggs and find out how damaging that was to local governments, including ours to determine the impact it's going to have for the next couple of years. So, there's another of outside factors that we have to live with and we have to be cautious about. So, we have been very responsible in making sure we live within our means and...and also try to take care of those people who are working hard to keep the City functioning. So, I just wanted to take this opportunity to remind everybody what the past five or six years has been in reference to finances. Thank you.

PRESIDENT SCHULMAN: Thank you Mayor. Any other remarks? Leader.

MEMBER DOUGHERTY: Mr. West, congratulations. I move we adjourn.

MEMBER GRIFFIN: Seconded.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

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

ADJOURNMENT TIME: 8:30PM

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ATTEST: MAY 24, 2013
CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

APPROVED: MAY 24, 2013
ALLEN SCHULMAN
PRESIDENT