

**MINUTES OF THE MEETING JULY 29, 2013**

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. We thank all of you for coming down. We have a full schedule of speakers tonight. We have looks like 13 or so. Before we begin tonight's meeting I have two very important announcements. One, our Law Director is now a grandfather. (*APPLAUSE*) He hardly looks the age. And speaking of age, one of our Members tonight, John Mariol is celebrating his 14<sup>th</sup> birthday. (*APPLAUSE*) Actually John is twenty....

CLERK TIMBERLAKE: seven.

PRESIDENT SCHULMAN: six. And most of us have belts older than John. So, Happy Birthday and many healthy and happy ones. And congratulations Law Director Martuccio and with a quorum being present, the Chair does call this meeting of Canton City Council to order. Roll call vote please Madame Clerk.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

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

ELEVEN COUNCIL MEMBERS PRESENT.

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk.

**EXCUSING MEMBERS**

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move that we excuse Member Hawk from this tonight's meeting.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to excuse Member Hawk from this evening's meeting. For the record and the public, Member Hawk called me this morning, unfortunately he has to attend a funeral for a very good friends father this evening. So, he said he would try to be here. Any other 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, the motion carries and Member Hawk is excused from this evening's meeting. And tonight's invocation will be given by my good friend Council Member-at-Large, Mary Cirelli. If you'll please stand and remain standing for our Pledge of Allegiance.

*The regular meeting of Canton City Council was held on July 29, 2013 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Council-at-Large Member, Mary Cirelli. The Pledge of Allegiance led by President*

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*Schulman.*

PRESIDENT SCHULMAN: Thank you very much Member Cirelli. Leader Dougherty.

**AGENDA CORRECTIONS & CHANGES**

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

MEMBER DOUGHERTY: Yes, I'd like to suspend Rule 22A to add 2<sup>nd</sup> Reading Ordinances 10 through 17.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to Suspend Rule 22A to add 2<sup>nd</sup> Reading Ordinances 10 through 17. 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. The Motion carries. Rule 22A is suspended and those Ordinances are a legal part of your agenda.

**PUBLIC HEARINGS**

PRESIDENT SCHULMAN: Turning now to Public Hearings. We have no Public Hearings tonight.\_\_\_\_\_

**OLD BUSINESS**

PRESIDENT SCHULMAN: Turning to Old Business, the Mayor's Chief of Staff Director Price is not with us this evening. He'll be back in a couple weeks but there is no, nothing to report on that score.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: Now we turn to Public Speaks. As I said we have about 13 speakers this evening. We always welcome residents of our city to come down to address us. We appreciate it. We like to listen to you but, we only at this point like to listen to you for no more than three minutes. So if you'll, if you'll keep your remarks please within three minutes, you'll notice behind me in a moment there is a timer that will, won't electrocute you at the end or anything bad, but a buzzer will go off to tell you that your three minutes are up. I note that there are a number of speakers tonight that are addressing the same problem and we appreciate that. I would just ask, if you don't mind, try not to repeat the speaker, the points the speaker before you made. It makes it a little easier for everyone who is also waiting for Public Speaks. Our first speaker is Bret Moore. Mr. Moore good evening. As always, welcome to Canton City Council. If you'll give us your name and your residential address sir.

BRET MOORE: Good evening to all. My name is Bret Moore. My address is 1511 Harvard Avenue NW, Canton, Ohio and I would like to note first of all that I do think it would be positive to be able to listen to those cameras at some point and have that choice. I came here this evening to speak about the jewel that this city is and, and how it was proven the night of the fireworks. Man, oh man I cannot believe the show that this town puts on for the Hall of Fame. My father-in-law who a, he lives in Dover was able to attend. He had just lost his wife about six months ago and he was able to attend because his son was in from California. Seeing

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the fireworks that night, halfway through, my father-in-law turned to my wife and said, "I wish your mother could be here to see these." He had never seen them before and my brother-in-law from California said never in his life had he witnessed such a display and, and I always think it's the most fantastic fireworks show anywhere around myself. But to hear these people that's never seen it before speak of it like that and I wonder how many other people come to our great city and see that and say that and pass that on. We glow and we shine as a city so much during these few weeks of the Hall of Fame festivities. I would like to see that carry on and be that way throughout the entire year. I ask of all of you, please sitting in Council seats to dedicate yourselves to doing what's right for this city and do not get involved so much in the political gamery that might happen and really I ask you all just to be true to this city and let's do what's best for this city. And that's all I'd like to say.

PRESIDENT SCHULMAN: Thank you very much Mr. Moore. We really appreciate that. Our next speaker is Frances Rich. Miss Rich good evening. If you'll step forward and give us your name and your residential address.

FRANCES RICH: Good evening. My name is Frances Rich and I live at 1203 Raff Road SW. And I've lived there for 52 years or more and the reason I'm here tonight is to inform everybody that I am concerned about a drive thru that they want to build on Raff Road. We have a very nice neighborhood. We have a nice park for the kids to play and swings for them to swing on. We have a ball diamond there and we also have a nice shelter that the city rents out called Garaux Park, the shelters there. We have a, we have a lot of traffic on Raff Road. I don't know how many of you know about the traffic but we have traffic. We don't need a drive thru. We have a lot of businesses after the 13<sup>th</sup> Street and you all know probably that there's going to be a new one. It's called Habitat for Humanity which is great. We don't mind that at all. That's super but we will be having more traffic and Raff Road has enough traffic. Sometimes you can't even get out on 12<sup>th</sup> Street for about 3 or 4 minutes and I'm against a drive thru in our neighborhood. It's been a nice neighborhood. It's just, I don't know how many of you have a drive thru in your neighborhood but I don't want one in mine and my neighbors don't either so thank you very much.

PRESIDENT SCHULMAN: Thank you very much Mrs. Rich for telling us that. Our next speaker is Chris Barker. Miss Barker good evening. If you'll step forward and give us your name and your residential address and welcome to Canton City Council.

CHRIS BARKER: My name is Chris Barker. I live at 3717 12<sup>th</sup> Street SW and my concern is also the drive thru. We'd like to...some of the concerns we want to bring to your attention is that for one, we've never been informed of the drive thru that was going to be built and we also want you to know that the drive thru is going to butt up against Garaux Park and this park is where the children play and several of these children, they cross Raff Road to go to the park. And with the traffic which was mentioned previously, this is a concern of ours that the children is gonna possibly get hit by a car by crossing the road. And when one of these establishments is built, such as the drive thru, the value of the neighborhood goes down and the crime and the safety issues then escalate. Then we've also been told of the issue, that there may be an issue to rezone the residential property that joins with the drive thru property and in the neighborhood we don't want the residential to change to commercial zoning for this drive thru. And once again, we have been not...we haven't been informed of this issue also and we vote you people in for the help of our community, not to destroy it.

PRESIDENT SCHULMAN: Thank you very much ma'am. Appreciate you coming down. Our next speaker is Roger Kintz. Mr. Kintz I hope I've pronounced your name correctly. Good. If you'll step forward sir and

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give us your name and your residential address please and welcome to Canton City Council.

ROGER KINTZ: My name's Roger Kintz. I live at 1226 Raff Road. I'm here on the drive thru also. I've been in the neighborhood about 10 years now. I moved from down at the southwest end a little where it's kinda bad down there, the neighborhood is. I really don't think the drive thru would be good for the neighborhood either. The same thing, you know. They're kinda talking about the kids in the neighborhood. You know, I played baseball in the park over there they was talking about, you know and I'm thinking of the different kind of traffic that will come through there. You know, you don't know what's going on in the other stores that they have, that the same owner has is, you know they're not really up to par. You know they're kinda all boarded up and all the people that are hanging out outside. I usually don't go to any of the stores around there in the neighborhood cause you know, they're asking me for money or you know, you're trying to hide everything you bought or something cause you don't know if they're going to rob you or what they're going to do. You know, it's kinda crazy but you know, like I said, you know, I'm not really for it myself, you know. The neighborhood's too nice to destroy it like that. So, thanks,

PRESIDENT SCHULMAN: Thank you very much Mr. Kintz. Our next speaker is April Kintz. Mrs. Kintz if you'll step forward and give us your name and your residential address and welcome to Canton City Council.

APRIL KINTZ: Thank you. I'm April Kintz. I reside at 1226 Raff Road with my husband. We've been there 10 years, very nice neighborhood. I need to know how do we stop this from taking place. We don't need it in our community. I'm sure you wouldn't want it in your community so, how do we stop it? What do we have to do? That's my question. Tell me. What do we do to stop this?

PRESIDENT SCHULMAN: In this Public Speaks, the public has a right to speak and then at the end of the meeting, Members of Council, the Administration, the Mayor, the Law Director may answer your question so...

APRIL KINTZ: *(Inaudible)*

PRESIDENT SCHULMAN: ...you probably, and I have a feeling someone will respond to the number of people who have come down so.

APRIL KINTZ: Yea. We need to know what we have to do as a community to stop this.

PRESIDENT SCHULMAN: Yea.

APRIL KINTZ: I'm sure none of you wouldn't want it in your neighborhood and we don't want it in ours.

PRESIDENT SCHULMAN: Thank you very much Mrs. Kintz. Our next speaker is Shirley Dougherty. I hope I pronounced your name correctly. Good. If you'll step forward ma'am and give us your name and your residential address and welcome to Canton City Council.

SHIRLEY DOUGHERTY: Shirley Dougherty of 1207 Raff Road SW and I'm here concerning the drive thru also. There is so much traffic on Raff Road and where we live at is real close to the red light at 13<sup>th</sup> Street and our driveway is elevated up so we have to be careful getting out of our driveway onto Raff Road and then 12<sup>th</sup>

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Street is right there. And the drive thru's going to create probably a lot of congestion. I counted before I come here in 10 minutes, 67 cars between 4:30 and like 20 till 5 or something like that. We have a lot of traffic and during the school year there's like 3, 4 school buses stopped between 12<sup>th</sup> Street and in that block stopping letting off children or picking up children. So we don't need a drive thru for that and it's going to, the red light is right there real close. Also whenever they have funerals at Reed Funeral home which is right down the road and the cars come up through there, how's the people going to get out of their driveways. Is people going to get impatient and try to just burst right out into the road. So that's a concern of mine and it's funny because we, my husband and I have been married 58 years and we decided we'd go and by a home in an ideal location close to everything. Our children, everybody could stop by and before we know it now we have this disappointing thing that we have to think about. People loitering around that the park situation. The park is beautiful and so many groups come there and play softball, teams come. And I just can't see a drive thru there. I just cannot see it. It's not going to be good for the neighborhood and I think it's going to cause loitering perhaps, passing of who knows, drugs. I hate to say that but there's so much of that, that goes on anymore and I just don't know what else to say other than to think that Raff Road is one of the main streets into the city of Canton. People come from Route 77, they come from Route 30, Raff Road should present a nice reception for people as they're coming in. Oh, this is a nice city. Some towns, you probably have all have driven into towns where you come into that town and you woohoo but, so why do we need a drive thru. Have you ever seen a pretty drive thru, nice brick, fabulous building with shrubs. No you don't. They're not pretty at all. I've not seen one anywhere I've been around so, we don't need that on Raff Road. Put it somewhere else. I'm sorry, my time's running out. I don't want to get carried away.

PRESIDENT SCHULMAN: Thank you very much. (*APPLAUSE*) I think Mrs. Dougherty, Member Mack and I were both thinking that you would have made a great trial lawyer. And we wish you another 58 healthy and happy years with your husband. I'm going to move now to stay on this topic and then I'll swing back to the next speaker. Mike Postlewaite. Mr. Postlewaite, good evening. If you'll step forward sir and give us your name and your residential address and welcome to Canton City Council.

MIKE POSTLEWAITE: Hi, my name is Mike Postlewaite. I reside at 3726 12<sup>th</sup> Street SW which is just off of Raff. My backyard would butt into the corner of the opposed drive thru, the back end of it. Amongst everything that my neighbors and I have, are pointing out to you as far as traffic, loitering, people crossing over, maybe drinking at the park. Amongst all those things, one of the major things that I wanted to point out to you is how many alcohol establishments there are within 1 mile of this lot. I am going to read you a short list. There's WalMart, Fishers, Holland Oil drive thru, Get Go, Giant Eagle, SuperAmerica, Maggories drive thru, SK Mart, Speedway and Rite Aid. Most of these are right on Raff or right off of Raff. You could almost throw a stone from one beer joint to the next. Then we could move on from there to the, from retail to bars and restaurants that also sell beer and wine which would be the Irish Exchange, Mike's Again, Pizza Oven, El Rincon and White Crown. All within one mile of this lot. How, at what point is it detrimental to our community to have one more alcohol establishment on that side.

PRESIDENT SCHULMAN: Thank you very much sir. (*APPLAUSE*) I think our last speaker on this subject is Mr. Postlewaite's wife Beth. Beth Postlewaite if you'll step forward. Good evening. If you'll give us your name and your residential address please and welcome to Canton City Council.

BETH POSTLEWAITE: Thank you. My name is Beth Postlewaite. I reside at 3726 12<sup>th</sup> Street as well and I wanted to back up what my husband was saying about alcohol density outlets. I'm a statistics instructor so I

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go straight to the meat of the information. I have empirical studies that show higher crime related to higher alcohol density. Neighborhood level spacial analysis concludes that a significant positive relationship between alcohol outlet density and violent crime exists. Most cities are going to a reduction in alcohol density and we're going to go to an increase in alcohol density. It does not make sense for our city. So what is alcohol outlet density mean. The term alcohol outlet density mean basically means the number of places that sell alcohol in a geographical area. My husband listed 15 places within 1 mile of our home. Violent crime, low income neighborhoods are most adversely effected by over concentration. We all know this. Across the United States higher alcohol outlet density has been consistently found to be associated with higher rates of violent crimes such as homicide, aggravated assault, rape, robbery and burglary. Studies have found that the density of stores selling alcohol for offsite consumption, which is what we're talking about, is associated with even higher levels of violence. This is in our backyard. We have two young children that play in the back yard and we have many young children that literally backs up to this drive thru lot. We do not need people loitering in our park, public urination and spending time buying even more alcohol than people in this city already got, obviously. So, thank you very much for our time. We appreciate it. We really hope that you consider what we've said and like I said, I would be happy to provide you with several studies that show the impact of neighborhoods related to property values. Related to crime and anything else that we can do to help you, help us get this taken off the, the issue. Thank you.

PRESIDENT SCHULMAN: Thank you very much Mrs. Postlewaite. (*APPLAUSE*) Due to the fact that there's so many people here regarding this one issue tonight, I wanted to, I asked the Law Director whether he would be willing to respond in some fashion to what you've said so Law Director Martuccio's going to do that. I don't want you to have to sit through the entire meeting. It's going to be somewhat lengthy tonight and then wait to the end so after Law Director Martuccio's done, you're more than welcome to stay and talk to us after the meeting or you can leave. So, Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. There are a couple of aspects to what you are here talking about. It is a business and it is a legal business. So when it comes to changing locations or adding a new location, the Planning Commission or the Zoning Commission look to whether or not the area is appropriately zoned for that kind of business and they're allowed to look at things like adverse effects on traffic, statistics, danger to health, safety and welfare, so there's that side of it. The side of the business itself and what terrible effects or adverse effects it might have on the neighboring community. Then there's the liquor side of it and if it's a new permit it has one approach by the liquor department which is a state run agency not city. If it's a transfer of a license then it's a slightly different approach but it is a state agent that makes the decision as to whether or not a new license can be issued or a license that's existing can be transferred. That can take the place of an evidentiary hearing, like a trial and city officials are allowed to go to that and testify. Sometimes Ward Council persons are known to go to those hearings. Sometimes depending on the amount of danger, other city officials like Police Officers might go to let the State Hearing Officer who is supposed to be neutral determine whether or not that license should be allowed to be issued new or whether it should be transferred. I don't know the specifics of this location but I'll try to find out what I can. Generally speaking those are the two steps involved in the process and one of you asked what can you do, well you've already done one of those things. You can let us know what your concerns are and these are all on the record. The other is, you can have one of your spokesperson talk to the Ward Council person and they can convey your concerns to me and I will share it with our prosecutors and also to the administration in the event that they have anyone that's planning to go to one of those different hearings about the business side or the liquor side. That's kind of a nutshell version of what goes on. Thank you.

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PRESIDENT SCHULMAN: Thank you. Mayor Healy.

MAYOR HEALY: Thank you Mr. President and I appreciate you all coming down tonight and you know, it's really wonderful quite frankly to see people who are happy where they live, who are standing up for the neighborhood and trying to continue to make it a great place. We applaud you for that. Thank you. I'll just carry on where the Law Director finished. If this is a zone change that needs to take place in order for them to do the business, and I'm not sure cause this is the first it's come to my attention, but if it has to go to the Planning Commission, I would find out when that's going to be hearing at the Planning Commission and make sure you come down in force like this so the Planning Commission Board can hear your objections as well and your Councilman will probably be there with you because they typically will follow up with the Planning Commission. Your Councilman, whatever decision the Planning Commission makes, they will recommend to Council thumbs up or thumbs down. Whatever they recommend then is just a recommendation to this body and then this body will vote to approve the recommendations of the Planning Commissions or to oppose it and your Council Ward Member typically will take a position on it and they will ask Council to support them on their Ward and then Council will vote based on the opinion of the Council Member that it's the opinion of the Planning Commission and of course, most importantly the opinion of the people who are going to be directly effected. So this is exactly what you need to do but you need to do it with the Planning Commission, your Ward Council Member and when it goes up for vote with Planning and Council make sure your presence is felt. We can make sure that those dates are available to you so you know when and where to be. That's the best thing you can do but thank you and good luck

PRESIDENT SCHULMAN: Thank you Mayor. Yes Member Griffin.

MEMBER GRIFFIN: May I speak.

PRESIDENT SCHULMAN: Yes, Member Griffin. Sure, absolutely.

MEMBER GRIFFIN: OK, thank you. I want to thank you guys for coming down also as the Mayor said and Joe cause I feel if you don't complain, you don't care. You do care. In regards to the location, there's two lots involved, parcels. One is zoned B-3, that's no problem but the other one is zoned R-1. Now they can't have the, it would be very small to the drive thru on one lot. They're going to need the R-1 and the plans are, they've been up at Darla's office since last fall and they have not picked them up. They have not, they have laid there waiting for them and they have not picked the plans up since last fall so I think that they've changed their minds. I don't see property there, enough room to have a drive thru and as far as stopping it, the B-3 from getting a liquor license, I tried that at, you may not know it but, the gas station in front of WalMart. It was USA. They applied for a beer license and I opposed it because I did the same thing. I told them from Fisher Foods down to Maryland Avenue, I named all the places where you can buy beer and restaurants, etc. and the liquor people, they through my request out because they said that was not going to stop it. Well in the mean time, they didn't sell enough beer so they don't have beer there anymore. They just had a small case, I think it was all Budweiser items. Michelob, Bud, Busch, that type of thing but, they didn't sell enough so they have pop in there now. But anyway, I don't know what's so funny, (*LAUGHTER*) this is serious. But I really don't see you know, having it in there and like the other lady said, we can stop the R-1 but the B-3's already there but the R-1, we can stop that, OK. (*APPLAUSE*)

PRESIDENT SCHULMAN: You have a very, very effective Council Member, I can tell you that in Jim Griffin. He's terrific and he'll go to bat for you and he'll fight and our Clerk of Council wanted me to tell you folks that we have received your petition and if you have any other questions, the Mayor is always available,

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the Law Director, your Councilman certainly is always available to his constituents. We know that for a fact and anyone else on Council. We'll do everything we can for you folks. We appreciate you coming down. Our next speaker is Pastor C. David Morgan. Pastor Morgan welcome, as always. If you'll step forward and give us your name and your residential address please.

C. DAVID MORGAN: David Morgan. I live at 922 27<sup>th</sup> Street NE in Canton. I understand there's a problem with the language and the intent of the Parks Levy. There will be some amendments offered tonight in hopes that we can keep that on the ballot. I'm going to suggest to you that after six months of being told what would be included in the Parks Levy but not will not be, it may be premature to put this on the ballot in November. We only have three months to tell people what's exactly going to be there and to be specific about it and even if you change that language, I'm still not sure that the amendment or the ballot language is specific enough. What is to be defined as "in the Canton Parks System"? Is that a geographic definition or is that a programmatic definition? What's being funded with this money? There's the question. What are parks? Who defines what are parks in this city? I mean we assume for ages that the boulevards are parks until of course, a business wants a cut through in one and then all of a sudden it's no longer a park, it's a street right-of-way. Who makes those definitions? If you want public support for this levy, specificity is needed and the confusion that is brought by these recent changes in terms, definitions and allowable things for a levy is not going to help you pass it particularly in the face of a 12 ½% rollback on property taxes that we're getting courtesy of the Republicans at the state. This is not a time when you can be anything other than extremely accurate and very specific about what you want to fund, how you're going to fund it and when it's going to be funded. This is a terrible time to be confused and put confusion before the voters and ask them to support it.

PRESIDENT SCHULMAN: Thank you Pastor Morgan very much. (*APPLAUSE*) Our next speaker is James Parker. Mr. Parker welcome, as always. If you'll step forward and give us your name and your residential address.

JAMES PARKER: Thank you kindly Council President Schulman. Always a sincere delight to present before you. James Parker, 630 Penny Street SE, North Canton, Ohio. While I'm pleased that the Football Hall of Fame flags are, the team flags in addition are flying at the Central Plaza, I noticed there are no Cowboys flags. I hope the Dallas people don't mind that. You'll know the people from Texas by their big jewelry and I don't think they're going to miss it. A note, a thank you note was printed in today's Repository by Jim King. I hope you all had a chance to read it. We're very grateful for that. This thing with the final third and vote of Councilman Dougherty's vote number 20, Canton Merchandising Program. I believe Dan Scuiry came up here, while I applaud Mr. Dougherty in trying to market our city and it's you know, image, at the same time I was turned down when I approached him about birthplace of American football or cradle of professional football. If you read yesterday's article on the paper, the author goes all over the country, mentions Canton, Ohio, they mention football. You got to know where to stick the shovel if you want to make some money. There's acres of diamonds out there but if you don't put the shovel in the right place, you might be shoveling something wrong like horse manure. I don't think these T-shirts are making any money. Matter of fact there not making any money so much so that the money that was supposed to go into for the Police is going to be voted out and initially and in his documents he quoted the Urban League and the Junior Achievement would sell them. I'd like to see those plans and know who he contacted, if you could ask him and get back to me cause the Urban League hasn't heard a thing about it and I didn't have time today to talk to the Junior Achievement. I don't know who he thinks is going to peddle these tchotchokes that say Canton 190...1805 or something but you know, they've been commented on. They're not the prettiest thing in the world. We have two choices. That's hardly a diverse set of choices. So I think if you look at the language he's using and

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compare it against the facts of the matter, you'll see that they might be two different languages altogether. I don't know that for a fact but I'd like it to be looked into and I would consider you to refrain from this vote, to maybe put it off so that further information can be found out. I don't think it's a good program. They could be made locally. They could have logos that have to do with things that people want to wear that don't work at City Hall. You're not going to make your money back on \$25,000.00 selling things that say City of Canton. It's too bland and if it was working, it would be working by now a year later. I mentioned last week or last meeting about the squeaky wheel gets the grease. Sometimes a squeaky wheel just gets replaced and I think that's what this program needs. It needs revamped, replaced, re-looked at and I think that if he would put his personal money up to vouch for this program, I would be in favor of voting tonight. People have so easy of a time spending other people's money, I wish he'd put his own money where his mouth is. Thank you very much.

PRESIDENT SCHULMAN: Thank you, Mr. Parker. Our next speaker is Dave Miday. Mr. Miday good evening. Welcome to Canton City Council. If you'll give us your name and your residential address sir.

DAVE MIDAY: My name is Dave Miday, 2628 13<sup>th</sup> Street SW. I'm the Director of the Canton Police Boys Club, actually the J. Babe Stearn Community Center and I just wanted to take a moment this evening because I know there's going to be an important vote on the Park Levy. I just wanted to have an opportunity in the 64 year history of the Babe Stearn Center, Mr. Morgan spoke but I want to speak on another behalf. I want to speak thanking your Park Board President, Andy Black. Mayor Healy, Joe Martuccio, especially Derek Gordon to all of you individuals that have put in a lot of time and effort to see through this levy and that know the positive outcome that could come with this passing. So, on behalf of the Stearn Center, the Southeast Community Center I wanted to say thank you and to the gentlemen put all the hard work into it. Thanks.

PRESIDENT SCHULMAN: Thank you sir very much. (*APPLAUSE*) And thank you for your service. Our last speaker is James Adams. Director if you'll step forward and give us your name and your residential address and as always, welcome to Canton City Council.

JAMES ADAMS: Thank you Mr. President. My name's Jim Adams. I live at 3518 Crown Point Street NW and that's in Perry Township. I am the Health Commissioner for the Canton City Health Department. So Mr. President, Members of Council, thanks for the time that you're giving me to talk about a new initiative that the Health Department wants to put, start to address a growing concern and a tragic concern that's in our community. And that concern is the death of our babies before they reach their 1<sup>st</sup> birthday. The infant mortality rate in Ohio right now is on the way down and it is vying for last place in Ohio. It currently ranks 47<sup>th</sup> out of the 50 states in infant mortality. I could go an list the statistics for infant mortality for Ohio, Stark County and the US but what I want to focus on is this relative rank. Right now Ohio ranks 47<sup>th</sup>, in 2010. That's the last year for published data, unpublished data shows us as getting worse. We're in, we're on a trajectory for being the worst in the nation for infant mortality. The story is even worse when you considered the comparative rates of infant mortality between white babies and black babies. Currently Ohio is 38<sup>th</sup> in white child infant mortality however, it's 49<sup>th</sup> for black infant mortality. When you put it in another way that makes it a little more real. Right now for every 5 white babies that die before their 1<sup>st</sup> birthday in Stark County, 13 black babies die. 5 white children to 13 black children. That is not acceptable. Right now in 2010, this represents 143 children that did not see their 1<sup>st</sup> birthday in Stark County so the gap is getting worse rather than better so we have to do something different. The reasons for this are multifaceted and very complex. One of the things that we have that we have not adequately looked at is the role that race and racism plays in those infant mortality death rates and we intend to really look at that and try to figure out what we can

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do in our community to make those numbers better. We know that place matters. Where a child is born matters, their birth, it matters in their birth outcome. So what we're doing is we're forming a collaborative project in conjunction with many local leaders from our Canton community, the Ohio Department of Health and 8 large urban centers in Ohio along with a National organization called CityMatch and our goal is to reduce infant mortality rate in Stark County and Ohio but most importantly it's to reduce the disparities between white birth outcomes and black birth outcomes. This will be a three year project. By the end of the project I hope I can stand up here in front of Council and talk about the success of these continued efforts but this project will address health disparity and health equity in our community and the continued improvement for health for all. Our first organizational meeting is tomorrow and we hope to kick it off with a big bang and be able to work on this project for three years and show positive outcomes for our community. Thank you very much.

PRESIDENT SCHULMAN: Thank you Commissioner. (*APPLAUSE*) Commissioner, Commissioner before you leave, 88 counties in Ohio. Where does Stark rate?

JAMES ADAMS: I don't know exactly. I believe it's probably last. Of the 9 larger centers in Ohio, Stark County and Canton has the highest disparity between white and black birth outcomes. The highest disparity in all of Ohio.

PRESIDENT SCHULMAN: Thank you very much Commissioner. Thank concludes our Public Speaks. We appreciate all of you coming down. As I said, if you'd like to leave, the speakers, you could, are more than welcome to do so if you could just leave quietly because we're going to continue on now with Informal Resolutions.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We're going to defer Informal Resolution 37 and turn to Resolution 38 Madame Clerk.

#37. *CNCL AT LG MBRS BABCOCK & COLE & WARD CNCL MBRS HAWK, WEST, GRIFFIN, DOUGHERTY, MARIOL & MORRIS: REQ COUNTY AUDITOR TO CERTIFY TO CITY OF CANTON THE TOTAL CURRENT TAX VALUATION OF THE CITY & INCLUDE THE CALCULATION OF THE AVERAGE ANNUAL TAX RATE, EXPRESSED IN DOLLARS & CENTS FOR EACH ONE HUNDRED DOLLARS OF VALUATION AS WELL AS IN MILLS FOR EACH ONE DOLLAR OF TAX VALUATION & THE DOLLAR AMT OF REVENUE THAT WOULD BE GENERATED BY 3 MILLS. - TO BE WITHDRAWN*

#38. COUNCIL MEMBER WEST, WARD 2: HONORING PASTOR REVEREND DR. ERIC C. JOHNSON. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President, I move that we adopt Informal Resolution 38.

MEMBER GRIFFIN: Seconded.

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PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Informal Resolution 38. Any remarks? Member West.

MEMBER WEST: Yes, we're going to present this at the church but if you could read it for me Cindy, I'd appreciate it.

PRESIDENT SCHULMAN: Sure, Madame Clerk.

CLERK TIMBERLAKE: Certainly. **Whereas**, On Sunday, August 18, 2013, Mt. Calvary Second Missionary Baptist Church in Canton, Ohio will be celebrating the 10<sup>th</sup> Silver Pastoral Anniversary Celebration honoring their pastor, Reverend Dr. Eric C. Johnson; and **Whereas**, On August 17, 2003, Pastor Johnson under the director of the Holy Spirit accept the call as pastor of the Mr. Calvary Second Missionary Baptist Church. He is referred to as a 'people' person and a man of God who is energetic and zealous about the gospel. He has the ability to make everyone feel special and at ease in his presence; and **Whereas**, At this celebration the Church will give pause, honor and praise to Pastor Johnson for 10 years of faithful dedicated service to the Church and the community. He has built up the body of Christ through his preaching and teaching and has given so unselfishly during these years to help the Church grown and thrive. The Church has grown greatly under his guidance and leadership; and **Whereas**, Pastor Eric Johnson's passion is wholeness for all human beings. He has a heart full of compassion for the hurting and lost. He engages himself in the service of caring for others. The Church and community have benefitted from the many facets of his outreach and assistance. Pastor Johnson is a great inspiration to so many people; and **Whereas**, Pastor Johnson refers to himself as simply a servant of the Lord who has been sent, not to be served but to serve God's people; and **Now, Therefore, be it Resolved That:** that we had Members of Council of the City of Canton do hereby go on record honoring **Pastor Dr. Eric C. Johnson** for his service to the community and Mt. Calvary Second Missionary Baptist Church.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Anything else Member West? Any other comments? Hearing none, in regard to Informal Resolution 38 all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #38 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it, the motion carries. Madame Clerk Resolution 39.

#39. PERSONNEL COMMITTEE: RE-APPT MARCIA ZAWACKY TO FAIR HOUSING COMMISSION FROM 1/1/13 - 12/31/17. - ADOPTED

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move that we adopt Resolution 39.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution 39. Any comments?

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Hearing none, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #39 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it, the motion carries. Resolution 40 please.

#40. PERSONNEL COMMITTEE: RE-APPT CLASSIE GROCE TO FAIR HOUSING COMMISSION FROM 9/1/12 - 8/31/17. ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President, I move that we adopt Resolution 40.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution 40. Any remarks on this Resolution? Hearing none, by voice vote all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #40 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it, the motion carries. Resolution 41 please Madame Clerk.

#41. PERSONNEL COMMITTEE: RE-APPT NEIL LIBSTER TO FAIR HOUSING COMMISSION FROM 7/1/12 - 6/30/17. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President, I move that we adopt Resolution 41.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution 41. Any remarks under this Ordinance? Hearing none, again by voice vote all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #41 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it, the motion carries. Ordinance or Resolution 42 please.

#42. WARD CNCL MBRS WEST, SMITH, FISHER & MACK: OPPOSING HOUSE BILL 203 & JOINING THE OHIO BLACK CAUCUS IN HOPES OF PREVENTING ANY LEGISLATIVE ACTION. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President, I move that we adopt Resolution 42.

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MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution 42. Any remarks? Member West.

MEMBER WEST: Yes. I'm going to ask the Clerk if she could read that Resolution now.

PRESIDENT SCHULMAN: Madame Clerk.

MEMBER WEST: I like your voice Cindy, that's what it is.

CLERK TIMBERLAKE: Oh, thank you Thomas. It's my pleasure. **Whereas**, House Bill 203 was introduced by 16 Representatives in the 130<sup>th</sup> Ohio General Assembly as Ohio's version of the "Stand Your Ground" law; and **Whereas**, This Bill will authorize the automatic validity in Ohio of a concealed handgun license issued by another state if the other state automatically recognizes as valid in that state an Ohio concealed handgun license without the need for any reciprocity agreement between the states; and **Whereas**, HB 203 will eliminate some of the requirements of former military members who apply for concealed carry license and change the training required to obtain a competency certification; and **Whereas**, A person living in any state could apply for a concealed handgun license or temporary concealed handgun license in Ohio and military members or their spouses could renew concealed handgun license by mail if they are outside of the state; and **Whereas**, If passed, this Bill will expand the circumstances under which a person has no duty to retreat before using lethal force in self-defense; and **Whereas**, Ohio already has reasonable self-defense laws in place. **Now Therefore be it Resolved That:** that we Members West, Smith, Fisher and Mack of Council of the City of Canton do hereby go on record opposing **House Bill 203** and joining the Ohio Black Caucus in hopes of preventing any legislation action on this measure.

MEMBER WEST: Yes.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Thank you so much Mr. President. Mr. President this legislation is almost like a carbon to the Florida "Stand Your Ground" law and they're bringing it here to Ohio and all across the nation to try to put this, this piece of legislation in place. The Ohio Black Caucus is taking the lead on trying to stop this action as everybody knows, we already currently have a reasonable self-defense laws in Ohio and in place. So, this legislation, we're asking for it to be defeated. We're going to stand with the state in trying to get this law defeated. Ohio as Member, as Cindy had indicated, that this is reciprocity agreements between state to state so people can come from other states and just come right over our border and use their gun license. We need to stop that in the tracks. Ohio's better than that. We can create our own laws. We don't need to mimic Florida and I'm asking this Council to support this legislation, support the Ohio Black Caucus in trying to defeat this.

PRESIDENT SCHULMAN: Thank you Member West. I think what's interesting is, people who support this "Stand Your Ground" don't realize that drug dealers and gang members have actually used this in Florida successfully and have been acquitted by virtue of saying that they were in fear of their life and had to shoot back. So it has unintended consequences beyond simply what Member West and the rest of the Members have expressed and it's a horrible bill. So with that, any further remarks? Hearing none by voice vote, all those in favor of Resolution 42 signify by saying aye. Those opposed no.

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NO REMARKS

RESOLUTION #42 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it, the motion carries. Resolution 42 is adopted. (APPLAUSE)

COMMUNICATIONS

PRESIDENT SCHULMAN: Turning 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 JULY 29, 2013.***

296. CNCL AT LG MBR CIRELLI & WARD CNCL MBRS FISHER & MORRIS: REQ FOR INFORMATION FROM CCIC (FINANCES, EXPENDITURES, SALARIES, AGENDAS & MINUTES). - RECEIVED & FILED
297. COUNCIL MEMBER FISHER, WARD 5: REQ STREET NAME CHANGE FROM SEICH COURT SW TO RALPH BYRD COURT. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
298. COUNCIL MEMBER MORRIS, WARD 9: REQ LAW DEPT RESEARCH & PREPARE INFORMAL RESOLUTION STATING THAT IN THE EVENT THAT THE PARK LEVY PASSES COUNCIL SUPPORTS USING SAVINGS TO INCREASE SAFETY FORCES. - RECEIVED & FILED
299. LIQUOR CONTROL DIVISION (OHIO): REQ NEW C1 C2 LIQ PERMIT FOR WIRELESS OUTLET LLC DBA RED CIRCLE WIRELESS @ 125 12<sup>TH</sup> ST NE. - RECEIVED & FILED
300. MAYOR HEALY: REQ RE-APPT OF ERMA SMITH TO INCOME TAX REVIEW BOARD FROM 3/1/13 - 2/28/17. - PERSONNEL COMMITTEE
301. MAYOR HEALY: ADVISING OF RE-APPT OF SHARON JOHNSON TO MAYOR'S COMMUNITY RELATIONS COMMISSION FROM 7/1/13 - 6/30/15. - RECEIVED & FILED
302. MAYOR HEALY: ADVISING OF RE-APPT OF SAMMY MILLER TO MAYOR'S COMMUNITY RELATIONS COMMISSION FROM 7/1/13 - 6/30/15. - RECEIVED & FILED
303. MAYOR HEALY: ADVISING OF RE-APPT OF TIMOTHY MILLER TO MAYOR'S COMMUNITY RELATIONS COMMISSION FROM 7/1/13 - 6/30/15. - RECEIVED & FILED
304. MAYOR HEALY: ADVISING OF APPT OF SEAN WHITED TO MAYOR'S COMMUNITY RELATIONS COMMISSION FROM 7/1/13 - 6/30/15. - RECEIVED & FILED
305. MAYOR HEALY: ADVISING OF APPT OF EMIL ALECUSAN TO MAYOR'S

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NEIGHBORHOOD COMMISSION FROM 6/1/13 - 5/31/14. - RECEIVED & FILED

306. SAFETY DIRECTOR PRICE: REQ PAYMENT BE MADE FOR \$385.27 MORAL OB TO TO AIRGAS USA LLC FOR INVOICES FROM 2012 FOR SVCS & CYLINDER RENTALS THAT WERE OVERLOOKED FOR PAYMENT (TRAFFIC SIGN & PAVEMENT DIVISION OF ENGINEERING). - FINANCE COMMITTEE
307. SAFETY DIRECTOR PRICE: DECLARE VARIOUS BLDGS UNSAFE AND HAZARDOUS FOR WHICH DEMOLITION IS REQUIRED. - FINANCE COMMITTEE
308. SAFETY DIRECTOR PRICE: REQ TO ENTER INTO CONTRACT W/MORNING PRIDE MANUFACTURING INC FOR PURCHASE OF 15 SETS OF TURNOUT GEARS FOR FIRE DEPT AT COST NOT TO EXCEED \$35,000.00. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
309. SAFETY DIRECTOR PRICE: REQ TO RECEIVE & APPROP \$2,500.00 EMS GRANT TO BE PLACED IN FIRE DEPT EMS GRANT FUND 2812-103001-73417. - FINANCE COMMITTEE
310. SAFETY DIRECTOR PRICE: REQ INCREASE UP TO THE RATE CPI-U OR A MAXIMUM OF 3%, WHICHEVER IS LESSER FOR ANGELA CAVANAUGH, CHIEF BUILDING OFFICIAL. - PERSONNEL COMMITTEE
311. SAFETY DIRECTOR PRICE: REQ \$200,000.00 SUPP APPROP TO BE PLACED IN FUND 2760 FEDERAL FORFEITURE FUND IN POLICE DEPT. - FINANCE COMMITTEE
312. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR &/OR SERV DIR TO NEG & ENTER INTO AGMT W/THE FIRST TEE OF CANTON FOR THE LEASE OF ADJACENT PROPERTY; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY PROPER DEPT AUTHORITY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
313. SERVICE DIRECTOR BARTOS: AUTHORIZE THE ESTABLISHMENT OF POSITIONS OF DIR OF PURCHASING & ASST DIR OF PURCHASING; ELIMINATE POSITIONS OF OPERATIONS ANALYST & ADMIN ASST III BOTH WHICH CURRENTLY EXIST IN PURCHASING; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY THE PROP DEPT AUTHORITY. - PERSONNEL COMMITTEE
314. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR &/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD & EXECUTE A CONSTRUCTION CONTRACT FOR TRINITY PLACE & CAPRICE AVE NW SANITARY MANHOLE REHAB PROJ; MAKE \$130,000.00 APPROP TRANSFER FROM UNAPP BAL OF 5410 (SANITARY SEWER FUND) TO 5410-206313 (SANITARY SEWER FUND - TRINITY PL & CAPRICE AVE NW SANITARY MANHOLE REHAB, GP 1174); AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY PROPER DEPT AUTHORITY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

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315. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR &/OR SERV DIR APPLY FOR, ENTER INTO AGMT FOR & REC OPWC FUNDS (BOTH GRANT & LOAN) FOR 2014 PROGRAM YR FOR VARIOUS CITY PROJECTS. - FINANCE COMMITTEE
316. SERVICE DIRECTOR BARTOS: REQ TO AMEND EXHIBIT A OF O#120/2013 (12<sup>TH</sup> ST N. CORRIDOR PROJECT, GP 1098, PID 85299 RIGHT-OF-WAY ACQUISITION AUTHORIZATIONS) TO INCLUDE ADDT'L PROPERTY APPRAISALS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
317. STARK COUNTY COMMISSIONERS: RECEIPT OF PERTINENT DOCUMENTS IN REGARD TO HOF ANNEXATION. - PLANNING COMMISSION

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: Turning now to 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 #9 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (\$10,762.02 FROM 2313 301001 - OTHER TO 2313 301001 - PERSONNEL)  
Referred to Finance Committee
- 
- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE HEALTH COMMISSIONER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT IN THE AMOUNT OF \$20,000.00 WITH THE NATIONAL ORGANIZATION OF URBAN MATERNAL AND CHILD HEALTH LEADERS FOR THE PURPOSES OF PROVIDING TRAINING, FACILITATION, AND TECHNICAL ASSISTANCE FOR THE STARK COUNTY EQUITY INSTITUTE FOR INFANT MORTALITY; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #3. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$81.32 UNAPPROP BAL 2785 2010 BYRNE MEMORIAL GRANT FUND TO 2785 BYRNE MEMORIAL GRANT - OTHER)  
Referred to Finance Committee

***(COUNCIL RECESSED AT 8:20 P.M. FOR THE FINANCE COMMITTEE TO DISCUSS ORDINANCE #4; RECONVENED AT 8:25 P.M.)***

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- #4. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$1,000,000.00 UNAPPROP BAL 1151 LAND REUTILIZATION & NOTE FUND TO 1151 101501 CODE ENFORCEMENT - OTHER)  
Referred to Finance Committee

PRESIDENT SCHULMAN: Leader what you would prefer is to read all the 1<sup>st</sup> Reading Ordinances and then come back. OK. Sorry Madame Clerk.

CLERK TIMBERLAKE: That's alright.

- #5. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT WITH THE WHEELING AND LAKE ERIE RAILWAY AND/OR THE OHIO RAIL DEVELOPMENT CORPORATION TO UPGRADE CERTAIN RAILROAD CROSSINGS IN CANTON; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO RECEIVE GRANTS AND UTILIZE FUNDING MADE AVAILABLE FOR THE PROJECT THROUGH AGREEMENTS WITH WHEELING AND LAKE ERIE RAILWAY AND/OR THE ORDC; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONSTRUCTION CONTRACT AND TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A MATERIALS PURCHASE CONTRACT OR TO PURCHASE SAID MATERIALS VIA THE STATE COOPERATIVE PURCHASING AGREEMENT; AUTHORIZING THE AUDITOR TO ESTABLISH AND CREATE THE 4570 RAILROAD CROSSING/TRAFFIC SIGNAL UPGRADE PROJECT, GP 1149 FUND; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Property Capital Improvement Committee

PRESIDENT SCHULMAN: Thank you Madame Clerk.

- #6. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$3,736.84 UNAPPROP BAL 4501 CAPITAL FUND TO 4501 202032 HARMONT AVE SANITARY SEWER EXTENSION PROJ - OTHER)  
Referred to Public Property Capital Improvement Committee
- #7. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$6,000.00 TO HAYMAKER TREE AND LAW; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee

***(COUNCIL RECESSED AT 8:26 P.M. FOR THE PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE TO DISCUSS ORDINANCE #8; RECONVENED AT 8:29 P.M.)***

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- #8. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND EXECUTE A CONSTRUCTION CONTRACT FOR THE 41<sup>ST</sup> ST NW ROADWAY RECONSTRUCTION PROJECT, GP 1126; ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENTS FOR PURCHASE OF SAID PARCELS FOR THE PROJECT; AUTHORIZING THE AUDITOR TO ESTABLISH THE 4569 PROJECT FUND; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Property Capital Improvement Committee

***(COUNCIL RECESSED AT 8:20 P.M. FOR THE FINANCE COMMITTEE TO DISCUSS ORDINANCE #9; RECONVENED AT 8:25 P.M.)***

- #9. (1<sup>ST</sup> RDG) AN ORDINANCE DECLARING THE 32 BUILDINGS LISTED ON EXHIBIT A TO BE PUBLIC NUISANCES; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE DEMOLITION OF SAID BUILDINGS; AUTHORIZING THE CLERK OF CANTON CITY COUNCIL TO CERTIFY THE COSTS OF DEMOLITION TO THE STARK COUNTY AUDITOR; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee

PRESIDENT SCHULMAN: At this time the Chair would declare an in house recess for Finance, Public Property Capital Improvement Committees to meet in regard to Ordinances 4, 8 and 9 on this evening's agenda. You're now in recess.

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

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to place Ordinances 4, 8 and 9 back on the agenda.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to Suspend Rule 22A to place Ordinances 4, 8 and 9 back on this evening's agenda. 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: Motion carries and Ordinances 4, 8 and 9 are a legal part of your agenda.. Leader Dougherty.

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

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MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance 4. Any remarks? Hearing none Madame Clerk...

MEMBER CIRELLI: Mr. President.

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

MEMBER CIRELLI: Thank you sir. I heard the Mayor's explanation but matched dollars to me means matched dollars. So,

PRESIDENT SCHULMAN: Member Cirelli may I interrupt. This is just to put it, Suspend the Statutory Rules.

MEMBER CIRELLI: Oh, I'm sorry.

PRESIDENT SCHULMAN: That's alright. And then I'll get ya when we get back to the Ordinance itself. I think it will track better in the record. Any other 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: Motion carries. Leader, you've heard the three readings.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 4. Any remarks? Member Cirelli and trust me, I have to have a script to keep up with this, so I understand your problem.

MEMBER CIRELLI: Well yea, pardon me on that. I'm ready to shoot the gun I guess, you know. But when I heard the Mayor say, and to my understanding this whole project was all matched monies. So I thought whatever we put up was going to be matched by the state and in my mind it was going to be \$2,000,000.00 or, and the whole program would have cost \$4,000,000.00. Now is it only going to be a \$2,000,000.00 program and we only put \$1,000,000.00 up and they do \$1,000,000.00.

PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: Thank you Mr. President. When the county received their money, they received \$2,300,000.00. They put it out to bid to all the communities in Stark County. We asked for the full \$2,300,000.00 because we realized many of the communities around the county didn't have resources to match. They awarded us \$1,000,000.00. They awarded out a few \$100,000.00 to some others and as far as I know, they're still sitting on about a \$1,000,000.00 or a little over a \$1,000,000.00 that they have not awarded. We are

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prepared for another additional \$1,000,000.00 which has never come but we do have the money for the first \$1,000,000.00 that we awarded. We can only spend what we were awarded and we're doing that. If in the future, the county releases more money, whether it's tomorrow, next week or next year, we'll be in a position to match those dollars and keep moving forward. But, the reason we're doing this is because we want these houses down and we want them down now and we're moving on it because we know the money's going to be reimbursed and we have the money available to us and the only other option is to stop everything right now in it's tracks and wait for monies to come through the county. From what we're hearing, it might not be until the end of the year or some time in the next year so we've taken the position that we want to move forward and keep moving on this project.

MEMBER CIRELLI: Mr. President then Mayor Healy. What I hear you saying is that they've got the money but they still are not getting it to us even from to match our first \$1,000,000.00 that we had spent.

PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: I don't know. I know that they may be a pass through or they may have received the money waiting to redistribute it. That's at the county level. What I do know is, we've been awarded the grant and we're submitting our documents and we're waiting for the funds to be, to be reimbursed. Until then, we're going to keep moving down the paths to get these houses taken down.

MEMBER CIRELLI: Mayor Healy, I mean Mr. President.

PRESIDENT SCHULMAN: Yes, Member Cirelli.

MEMBER CIRELLI: Thank you Mayor Healy. I appreciate that. Thank you.

PRESIDENT SCHULMAN: And Member Cirelli there's another back story involved in the General Assembly once again on this. Again putting it to the urban areas but we can talk about that later. Any other remarks? Hearing none, Madame Clerk again, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

**#4 ADOPTED AS ORDINANCE NO. 124/2013**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Motion carries. Ordinance 4 is adopted. Is that correct?

CLERK TIMBERLAKE: Yes. We're on Ordinance 8 now.

PRESIDENT SCHULMAN: Where we are? See Madame or Member Cirelli, I have to...I have a script and I still can't follow it. Leader, Ordinance 8.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 8.

MEMBER GRIFFIN: Seconded.

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PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rule on Ordinance 8. Any other, any remarks? If not Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 8.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 8. Any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

**#8 ADOPTED AS ORDINANCE NO. 125/2013**

PRESIDENT SCHULMAN: Ordinance 8 is adopted. Ordinance 9. Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 9.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rule on Ordinance 9. 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: Motion carries and Ordinance 9 is adopted.

CLERK TIMBERLAKE: No we need to adopt it. Yes, we're adopting now. That was the Statutory.

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: It will be alright Mr. President. Mr. President, I move we adopt Ordinance 9.

MEMBER GRIFFIN: Seconded.

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PRESIDENT SCHULMAN: It's been moved and seconded that you do something. (*LAUGHTER*) That you adopt Ordinance 9. Any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

**#9 ADOPTED AS ORDINANCE NO. 126/2013**

PRESIDENT SCHULMAN: Ordinance 9 is adopted and it's a good thing most of the voters left tonight.

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: We're now under Ordinances for the Second Reading. Madame Clerk will you please read Ordinance 10, beginning with Ordinance 10.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #10 THROUGH #17 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #10. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING SECTION 749.02, PERMIT REQUIRED, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
- #11. (2<sup>ND</sup> RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (TOMMIE L. BREWER - PARCEL #02-22450, LOT #310 ON 911 3<sup>RD</sup> ST NE)
- #12. (2<sup>ND</sup> RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (JOYCE ANN POST - PARCEL #02-33013, PART OF LOT #962 ON 710 5<sup>TH</sup> ST SW)
- #13. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF REHABILITATION & CORRECTIONS ACT GRANT IN AN AMOUNT NOT TO EXCEED \$170,601.00; AND DECLARING THE SAME TO BE AN EMERGENCY
- #14. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$12.86 FROM UNAPPROP BAL 2774 BYRNE MEMORIAL JUSTICE GRANT 09 FUND TO 2774 102009 POLICE - STIMULUS - OTHER)

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- #15. (2<sup>ND</sup> RDG) AN ORDINANCE ADOPTING THE CITY OF CANTON'S ALTERNATIVE TAX BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2014; AND DECLARING THE SAME TO BE AN EMERGENCY
- #16. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$2,400.00 TO SOUTH CITY HEATING AND COOLING; AND DECLARING THE SAME TO BE AN EMERGENCY
- #17. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$31,268.05 FROM UNAPPROP BAL 4502 MOTOR VEHICLE FUND TO 4502 MOTOR VEHICLE PURCHASE - OTHER

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Thank you Madame Clerk. Turning now to Ordinances and Formal Resolutions for their Third, Final Reading and vote. Would you please begin with Ordinance 18.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #18 THROUGH #28 FOR THE THIRD TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.***

- #18. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 127/2013** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SAFETY AND SERVICE TO NEGOTIATE AND ENTER INTO A CONTRACT WITH HALL OF FAME CITY CHALLENGE, LLC FOR SERVICES TO BE RENDERED BY THE CITY OF CANTON IN SUPPORT OF THE HALL OF FAME CHALLENGE RACES; 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? 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. 127/2013**

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

- #19. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 128/2013** AN ORDINANCE AMENDING SECTIONS 723.01, 723.05 AND 723.15 OF CHAPTER 723, AMUSEMENT AND

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MUSICAL DEVICES, OF THE CODIFIED ORDINANCES OF THE CITY OF  
CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 19. 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.

**#19 ADOPTED AS ORDINANCE NO. 128/2013**

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

#20. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 129/2013** AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 61/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (CANTON MERCHANDISING/PROMO PROGRAM)

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?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: I too was under the understanding when we did bring this some months back that it was going to have the involvement of the Urban League and Junior Achievement. Has any of that ever went into play?

MEMBER COLE: I don't understand this Urban League. I've never heard this before.

CLERK TIMBERLAKE: We've never mentioned the Urban League during this whole program.

MEMBER COLE: We've never mentioned Urban League in the entire time of this program.

CLERK TIMBERLAKE: Right.

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MEMBER COLE: But I will state to you that the names that were used was Kawanis and Junior Achievement.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Cirelli.

MEMBER CIRELLI: Thank you Member Cole. I said Urban League cause I knew there was two and Mr. Parker mentioned Urban League. It was the Kawanis. Was, were they and the Junior Achievement have any involvement in this since it was sold to this Council?

PRESIDENT SCHULMAN: Member Cole.

MEMBER COLE: Yes.

MEMBER CIRELLI: Mr. President and Mr. Cole could you tell me what input they had or what involvement they had sir.

PRESIDENT SCHULMAN: Member Cole.

MEMBER COLE: Yes. I'll go through and state this again for you Member Cirelli. What occurred is that the formation of the products, that's one aspect of this, OK. And I know we can talk a lot about involvement of Kawanis and Junior Achievement, it's one aspect of this program but nevertheless we'll go ahead and answer that question. If you had the opportunity to come to Canton City Schools to see the young people working in conjunction with Kawanis collaborators in determining the course of action they would take and building some pride, I think that you would have had a different appreciation of the project. That was the aspect that I was involved in and it was a wonderful collaborative.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Thank you Member Cole. You said that was a Kawanis with the Canton City Schools sir.

MEMBER COLE: Once again, yes.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, Members of Council. I just want to remind Council at this point, that this Ordinance is sponsored by R.A. Mallonn as the City Auditor. It simply makes a change in the way the monies are directed at the suggestion of the Auditor of the State of Ohio as follows: the Auditor is hereby directed to deposit all proceeds from the Canton Merchandising Promo Program into the 2460 Canton Merchandising/Promo Fund where all proceeds are to be used for the sole purpose of continuing the program. Again it's at the request of the State Auditor. Thank you.

PRESIDENT SCHULMAN: Thank you Law Director.

MEMBER DOUGHERTY: Thank you.

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PRESIDENT SCHULMAN: Any other remarks? Hearing none, Madame Clerk, roll call vote please on Ordinance 20.

NO REMARKS

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

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

**#20 ADOPTED AS ORDINANCE NO. 129/2013**

PRESIDENT SCHULMAN: Ordinance 20 is adopted. Ordinance 21 please.

#21. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 130/2013** A RESOLUTION DETERMINING THE NECESSITY TO PROCEED WITH THE IMPLEMENTATION OF THE PUBLIC SERVICE PLAN ADOPTED BY THE DOWNTOWN CANTON SPECIAL IMPROVEMENT DISTRICT; DECLARING THE NECESSITY TO PROCEED WITH A SPECIAL ASSESSMENT FOR THE FUNDING OF SAID PLAN FOR THE PERIOD OF FOUR YEARS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 21.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 21. 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.

**#21 ADOPTED AS ORDINANCE NO. 130/2013**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 21 is adopted. Ordinance 22 please.

#22. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 131/2013** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$12,500.00 1105 POLICE SETTLEMENT FUND TO 1105 753001 LAW DEPT - OTHER)

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 22.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 22. Any remarks, Leader?

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MEMBER DOUGHERTY: Mr. President, I move we amend Ordinance 22 per the amendment in all, in front of all Council Members

MEMBER GRIFFIN: Seconded.

AMENDMENT

*Pursuant to Rule 36, I move to amend Agenda Item No. 22 by increasing the amount of the supplemental appropriation from \$12,500.00 to \$15,500.00.*

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance 22 by virtue of the copy of the amendment before each Member of Council. Are there any remarks under that motion? Hearing none, by voice vote, 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 22 as amended.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 22 as amended. Any remarks under the Ordinance as amended. Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

**#22 ADOPTED AS AMENDED AS ORDINANCE NO. 131/2013**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 22 is adopted. Ordinance 23 please.

#23. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 132/2013** A RESOLUTION AMENDING RESOLUTION NO. 21/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (PARK LEVY - CHANGES FOR BALLOT)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 23.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 23. Any remarks, Leader?

MEMBER DOUGHERTY: Yes, Mr. President, I move we amend Ordinance 23 per the amendment in front of all Council Members

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MEMBER GRIFFIN: Seconded.

AMENDMENT

*Pursuant to Rule 36, I move to amend Agenda Item No. 23 by substituting the resolution attached to this amendment for the resolution currently pending before Council.*

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance 23 by virtue of the copy of the amendment before each Member of Council. Are there any remarks?

MEMBER DOUGHERTY: Mr. President, could I have the Law Department kinda go over this.

PRESIDENT SCHULMAN: Yes, Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Members of Council before you vote on the amendment, or amendments please let me allow a moment to explain if you'll indulge me. This is a very important Ordinance and a very important matter and I would like to help everyone try to understand the sequence and what's before you. This has to do with an Ordinance that was passed in February asking the voters of the City of Canton to consider a 4 mil levy for park levy purposes for our Park System. Prior to that a number of meetings were held for a number of years. As you know, our Canton Board of Park Commissioners is a statutory creature created by the voters. They have, I think, very successfully managed the Park System on General Fund money as allocated by this Council for decades. This is an opportunity to give them another source of money if the voters decide to levy themselves with the millage. This would also allow the opportunity to redirect General Fund money that had been going to the parks to other places. I know one of you, several of you have talked specific, specifically to me about whether it could be directed to safety forces or police. That's another matter for an upcoming meeting. Those meetings were put together by the Mayor, Derek Gordon, President Andy Black, let me see, Donnie Peterson, Dave Miday, a number of people put a lot of time over many months into trying to figure out how to make our Parks System, which is a really good one, even better and to serve more children and more communities in more Wards. Toward that end, they met along with the Joint Recreation District and the other stakeholders in our Recreation System. And they asked me to come to some of those meetings and draw up an Ordinance and I did. The first step involved the Informal Resolution that was passed in January when this Council said to the County Auditor, will you please tell us what a mil represents in terms of house value and 4 mils means. How much it will generate. Auditor Harold did so and got that back to us in time to append it. To stick it to the Ordinance that you passed in February as an Exhibit saying how much money 4 mils would generate. As I wrote that Ordinance back in February, I included it in the interest of being fully transparent which is an overused words these days and honest to operational expenses and maintenance expenses and recreational purposes and Community Centers with the hopes that it would clearly put before the voters exactly what they were voting for. That Ordinance back in February had the informal approval of some officials at the Board of Elections and their legal counsel and it seemed to be OK. We passed it in February because another State Code Section seemed to say these had to be done in General Elections and not in Primaries. We all thought good, this means that we can have plenty of time to get it in front of the legal counsel for the Board of Elections and the Secretary of State to see if anything needs repaired. This was the first one I drafted and it's been a long time since anything like this was before the voters of the City of Canton. Well the Ordinance did not get sent to, officially sent to the Secretary of State who has the last word until after the Primary Election. We didn't get word back from the Secretary of State about our language until a few weeks ago while this was pending. What's pending in front of you is an amendment to the Ordinance to have the suggestions incorporated by the legal counsel to the Board of Elections. It removed three words "the tax years"

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and it added a reference to the Revised Code. However the Secretary of State looked a little more closely at it and said, we would recommend that this be amended further to in so many words, shorten it. To simply say park and recreational purposes and if you want to continue to say Community Centers, you need to say that separately. Instead of presenting one ballot to the voters, one piece of language for or against, you need two. One for Park and Recreational purposes and one for Community Centers. My assumption was is since they came from the same Ohio Revised Code Section and they were both having to do with our Park System, that it would be appropriate to combine them. The Secretary of State informally disagrees. Can I challenge that? Perhaps. I'm the ultimate legal advisor to the city however, I'd rather not. After a closer look with some of my colleagues, we've determined that it might be subject to having indeed two separate questions so, what is in front of you is amendment #1 first. Let me explain what that does. Amendment #1 and you're going to have a couple of choices here. Amendment #1 keeps it at 4 mils which is how it was passed in February, cleans it up to the exactly match the language legal counsel for the county and the Secretary of State simply saying Park and Recreational purposes. You may say to me, well what does that mean? Park and Recreational purposes is a phrase that comes right out of the Revised Code, word for word and this Park Commission has been elected and is empowered by the Ohio Revised Code to do this. The Board of Park Commissioners shall have the control and management for parks, park entrances, park ways, boulevards, connecting viaducts, subways, children's playgrounds and public baths at stations of public comfort located in such parks. Of all improvements thereon and the acquisition, construction, repair and maintenance thereof. It goes on to say that this Board shall have exclusively all the powers and perform all the duties in regard to such property vested in and opposed upon the Director of Public Service. That's a quote exactly from Chapter 755 of the Ohio Revised Code which establishes the Board of Park Commissioners. Separate Sections later in the Chapter provide for a Joint Recreation District who again was also a stakeholder and a player in all these discussions. Another Section goes on similarly saying the same thing. The Board of Park Commissioners can establish and extend all of those thing. Establish and extend park ways, etc., etc., etc. So clearly if you vote tonight to place this on the ballot it has to be filed by August 7<sup>th</sup> and it will take no further action from the County Auditor because it's the 4 mils that have already been established, certified and appended to the Ordinance. Those 4 mils can be used for any and all of those purposes in the Revised Code Section I read to you, 755.05. That's one option. If you want to do that, if you want to go ahead with the 4 mils tonight, you'll have to pass amendment #1 by at least 8 votes and not pass the Informal Resolution asking the Auditor to look at the 3 mil equation. Simply not pass the Informal Resolution. I'll come back to you in two weeks with another Ordinance that asks the Board of Elections to withdraw the previously ballot language we sent in February. I'll come back in two weeks. That's option 1, if you want to keep it at 4 mils. There was some talk in the Informal Resolution of considering 3 mils because of the removal of Community Centers. We've done some preliminary research and park and recreational purposes can include monies to be used for recreational purposes within the Park System. Within the Park System. I know our Public Speaker called for specificity and I know President Black and Derek Gordon and the others has said all along, when we talk to the voters, when we approach the voters and ask them to vote for this, we would like to know precisely what it is we can tell them we're going to use this money for. We've offered to help them do that through the course of research, factual and legal, and other park systems. If you want to consider the second option here and look at 3 mils, here's what we do. I'm just gonna, I'm not going to go into great detail on this just give you the option. Pass the Resolution, the Informal Resolution asking the Auditor, the County Auditor to certify the amount, pass that tonight. That will go to Auditor Harold. I'm sure they could turn it around within the next week and tell you what 3 mils represents. We cannot vote on the Ordinance itself tonight because we don't have the 3 mil certification to attach to it. So, we'd have to call a special meeting perhaps a week from tonight or whenever Council desired within enough time to get the money back, certification of 3 mils back and get it to the Board of Elections before August 7<sup>th</sup>. So you would pass the Informal Resolution asking the Auditor to determine what 3 mils is but you couldn't pass the Ordinance until

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you had a special meeting. At that meeting, if we had that special meeting, we would also ask you to pass an Ordinance withdrawing the former language that went to them in February. The third option if you decide as a collective body you don't want to put this on the levy at this time, if you don't want to put the levy on the general ballot at the General Election rather, it would take a year cause again our research shows that you can't do it in a Primary Election in May we have to wait until November. If you decide not to put it on, then don't do anything tonight and we'll come back to you in two weeks with that same Ordinance and ask the Board of Elections to withdraw the language we sent them in February. The reason being, if we don't withdraw it, it will go to the ballot whether we want it to or not. I hope that's somewhat clear about where we were, what we did in January and February, what's happened since then, why I've been asked to change this and why it's in front of you. I'm so sorry to all of those people who put so many months and years into this. So many hours here in this room and in Council that it's come to this. I fully anticipated we'd have more than a few weeks to make these changes but if we hope to get this on the ballot in November, time's running out. So, I'd be happy to state those options again but only if you want me to.

PRESIDENT SCHULMAN: Law Director, I'm sorry. Just one question. You say option #3 is to do nothing. You say do nothing. What exactly does that mean.

LAW DIRECTOR MARTUCCIO: Mr. President. It means pass nothing tonight. If you don't pass the Informal Resolution asking the Auditor for a 3 mil certification. If you don't pass an Ordinance at a special meeting, we'll wait two weeks, I'll bring you back the special Resolution to withdraw the language from February and nothing goes on the ballot in November.

PRESIDENT SCHULMAN: Are you saying the Members would vote and vote no.

LAW DIRECTOR MARTUCCIO: No, I'm saying they would simply not vote at all. There'd be no amendments, there'd be no vote, except for the Informal Resolution asking to figure out how much 3 mils is.

PRESIDENT SCHULMAN: Alright.

MEMBER FISHER: Mr. President.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Fisher. I think Member Fisher had the floor, Member Cirelli.

MEMBER FISHER: Thank you sir. Director Martuccio just to, I know that was a long calendar to go back through but just on the, on the issue itself. The Secretary of State advised that we cannot use the terms Community Centers as it stands because of their separate issues and the original language that this body passed of course, was based upon those meetings that you speak of to fund the Parks District and to fund the Community Centers. The 4 mil option with is simply changing those terms you said, not touching millage, that replaces some terms Recreational purposes. Obviously as you said, the Ohio Revised Code then gives us the, gives the Parks Board the ability to fund recreational purposes within their district. And we are leaving the funding in place for them with the 4 mil, the funding that we had planned previously. Is it the language that, that we anticipated known but I think that you, would you agree that the intent basically stays the same with the exception that we cannot specifically fund the brick and mortar buildings to say we can't cover you know, capital expenses or we can't cover this expense but the recreational purposes at those buildings can be funded if

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they're recreational purposes as defined within the Ohio Revised Code if they're funded through those programs through Babe Stearn, through the Southeast Community Center and so forth if it's found to, obviously fit within those guidelines.

LAW DIRECTOR MARTUCCIO: Mr. President. Member Fisher, well said. It's not about bricks and mortar anymore. That's well said. It's about recreational purposes within the Park District. Now that being said, there are ways, Canton is also a member of a Joint Recreational District. This legislative body long ago agreed to combine the City of Canton and the City Schools into a Recreational District. They're a slightly different group, slightly different part of the same Chapter of the Revised Code but slightly different purposes. But, they've been working together. Now, through those kinds of contracts, those kinds of contracts being with the Joint Recreation Board and those Centers, I believe that recreational purposes can be incorporated provided they fall within Chapter 755 and the duties of the Canton Park Commission. So again, if asked, our office will work with all parties to do the research to determine which recreational purposes are appropriate and at which points so that when this issue is put before the voters there can be some understanding and some specificity.

PRESIDENT SCHULMAN: Member Fisher.

MEMBER FISHER: Thank you sir. I'd like to thank the Law Director Martuccio on that and just from my point of view on this and I'll say that I, I've been quite interested in this issue from the beginning working with many of the people on that Committee, obviously I do not sit on it myself but I tried to stay very active in that from the beginning. The purpose of going down this road, if you recall from the beginning is, we wanted to try to, try to start to bring these different services that our spread all over different agencies, non-profits, Community Centers that are owned by the city and Community Centers that are not, the Parks District, the Rec District and start the process to bring all these agencies together into what's essentially, until we can get it to a one stop shop. And I think that if anybody doesn't realize sometimes how maddening that can be, it's because you don't have kids that are age where they play little league or they play softball. It's maddening to try to figure you know, where you go to do this program as opposed to that program. It's insane sometimes. So for what it's worth in my opinion, on the amendment, I would ask my colleagues to move forward with the amendment 1 which keeps the funding in place, keeps the intent obviously to be able to provide funding for recreational purposes within the Park District and we can continue to move down the road as that Committee has done until we can get this, everybody brought together under one umbrella or close it so, thank you.

PRESIDENT SCHULMAN: Thank you Member Fisher. Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. Mr. Martuccio when I heard Mr. Miday speak, I felt he was thanking us on behalf of the J. Babe Stearn Center was going to be included. Now to my understanding, neither the J. Babe Stearn Center building nor the Southeast Community Center are going to be funded through this because they are not in the Park District. The only building that we have that's bricks and mortar is the Canton Garden Center. Am I correct on that? So they will not, and therefore with them not being in the Park District, even if they're having recreation there, because we have a recreation levy, how can the parks levy use the dollars in those facilities.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Member Cirelli you're correct. As we said earlier this money should, should the voters approve this millage, will not be used for the bricks and mortar of those buildings unless those

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buildings come to be owned by the Park System, Park Commission at some point. We, as you know we have many parks outside the city limits. It's an extensive system but no, no bricks and mortar, no utility costs, nothing like that can be used by this money. However, there seemed to be some options the law allows through joint contracts to possibly fund the recreational activities that Canton youth partake in. This is all fairly new. I do that we can use the money for recreational activities. I do know that we have to limit it to our system so, the answer to your question is, can't pay for those buildings or the expenses involved in it or their staffing but there may be perfectly legitimate legal ways to help provide recreation programs in conjunction with those centers.

MEMBER DOUGHERTY: Mr., Mr. President.

PRESIDENT SCHULMAN: Yes, Leader Dougherty.

MEMBER DOUGHERTY: This one with the 4 mil was meant to be for the buildings also and the problem I'm concerned about is being able to get this passed by the voters by not backing it up to 3 though cause you're not going to put, you know, the first one coming out was bricks and mortar. It was taking care of a lot of stuff and those no guarantee that any of that's going to happen now. I mean there's nothing set in stone that tells them, hey I gotta Park Board. I gotta do this and this to these buildings and have these programs in them or anything. None of that is set in stone. What was set in stone before was that, was that this was going to go to the buildings. That's why we made it 4 mil and the voters have been paying attention to this and understand that and they're not going to pass it.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Let me say this. I think, and I've been on the, on the Committee since it started, the inception. The beginning of this it was all about combining our recreation and trying to get some kind of sense on what recreation is in the city of Canton. You have a 10 year old who walks into our, just moved into the city and they want to sign up for football, where do you go? Nobody knows. If you don't know R.C. Hill and you don't know Ricky, you don't know these people, you're kid ain't in recreation. You're kid ain't playing football. We wanted to bring all these services together and let's bring recreation to the city of Canton. That was the number one goal. It didn't matter if the building collapsed tomorrow like Nimisilla Park's building collapsed because of a twister we still can provide recreation in the city of Canton. This is important going forward. I don't, I also go to remind my colleagues, next year CDBG funds are not going to be able to be used for recreation, right? That's what I heard, that CDBG is not going to be able to fund the Southeast Community Center next year. We gotta have funding for these kids because if we don't these kids are going to be going in a different direction. The 4 mil levy 1 mil from my understanding will go towards recreation. This is no different than if the J. Babe Stearn Center or the Southeast Community Center got a grant from Parks and Recreation. As a matter of fact, both of those centers sit in our plan from what I understand. So therefore, this is not going be difficult. I don't think we need to make this difficult. Only thing that changes in this whole piece is three words and the words are, recreational purposes versus community centers. Two words excuse me. We change those two. We still move forward with 4 mil. Our mission is still the same. It's combining all of these centers and providing recreation for kids and families, pulling all that together and giving the family options. Giving families in this community options and that's my understanding. And also to take care of our parks. Nimisilla Park has been collapsed. We lost 20 trees. We lost the shelter you know, and matter of fact all of our parks need updated. And from what I remember in that Committee is that the 4 mil levy was not even going to repair

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all of the parks the first time out. It's going to take several years. We can wait another year and next year we won't have funding for kids. So, we got, we gotta move forward and I believe the 4 mil levy is the right way to go and I will support that.

MAYOR HEALY: Mr. President.

PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: Just a point of order from the Law Director. If they move forward with the first option and use the recreational services or whatever the wording is, and then this Council then comes back next session, next meeting and they decide that they want to take the city property of the Southeast Community Center and donate it over to the parks and the Babe Stearn Center donates their's to the parks, then the Park would have ownership of that. Would that allow them to then fund those items.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, Mayor, under your hypothetical, if those buildings were donated to the Park Commission and accepted by the Park Commission they would fall within the Park System. And the recreational purposes contained in those buildings would be an appropriate expenditure from this levy.

MAYOR HEALY: OK so that would, if the money was to fund those facilities. If the Park owned them and had the funding for them then it would move forward as we hoped it would move forward. Just a thought. Thank you.

PRESIDENT SCHULMAN: Any other remarks? Member Morris.

MEMBER MORRIS: Yes, thank you. I'd kinda like to chime in on that. Director Martuccio correct me if I'm wrong but if we go under Section 755, now we could ultimately turn these centers over to our Park Commission, giving them the buildings and the property and all, but then wouldn't the activities inside these buildings fall back under that same Chapter to the Rec Department. For example, tennis courts at Willig Field. They belong to the Parks System but they are controlled and schedule through the Recreation Department. Are we splitting a lot of hairs here? I mean because I don't know how we got this all put together without actually sitting down and reading Section 755 which was the first thing I read when I was on the Park Commission.

PRESIDENT SCHULMAN: Law Director.

LAW DIRECTOR MARTUCCIO: Mr. President, Member Morris. If in that hypothetical the buildings were to come under the control of the Park Commission, they again have the ability to manage, make improvements, maintain, repair the buildings under their control. In terms of the Rec Board, customs and practices have evolved over a decades in terms of how they divide up their duties. 755.05 which you're correct, kinda sends out the blueprint for you as a former Park Commissioner does cover playgrounds, as well as improvements on those grounds so there would be still some, there still would be some things that are appropriate for the Rec Board and we'd have to help sift through those as we go down this path of bricks and mortar. Bricks and mortar would be...the reason that Community Centers would have presented a separate vote, would have been more for the bricks and mortar. Thank you.

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MEMBER WEST: Mr. President. Just one last comment.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: One last comment. This would also then, I, I see this as actually freeing us up a little bit more in that we can fund J. Babe Stearn Center, Southeast Community Center, not so much their Centers but their locations. And then also, if there was other areas of the city that needed recreational services, then we could provide that correct? As long as it's in park land.

PRESIDENT SCHULMAN: Law Director.

LAW DIRECTOR MARTUCCIO: Mr. President, Member West. Yes. Right now the big difference between the language that was and the language that should be is that currently as we speak the Community Center is not included because it's not within the Park or the Park Commissioners control. It's not within their management per the law.

PRESIDENT SCHULMAN: May I give the....

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: I'm sorry Member Cirelli. May I give the Law Director a thought experiment for a moment. We pass, you pass this Ordinance with amendment 1. 4 mils goes on the ballot. The voters approve the millage. Money then flows into the Park Department. Who monitors or who audits where that money ultimately is spent or how that money is ultimately spent. Law Director.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Good question. Two Sections of the Ohio Revised Code answer that. Section 755.10 is called "The Park Fund". All monies received by the city from taxation or otherwise for the purpose of acquiring, constructing, equipping and maintaining parks, park entrances, park ways, boulevards, connecting viaducts, subways, children's playgrounds and public baths in stations of public comfort located in such parks, shall be deposited in the city treasury and transferred by warrants to the City Auditor to the credit of the Board of Park Commissioners in a fund designated as "The Park Fund". All expenditures incurred by such Board shall be by warrant of the City Auditor draw in pursuance to regularly authorized voucher of the Board.

PRESIDENT SCHULMAN: So it's a local oversight.

LAW DIRECTOR MARTUCCIO: Yes sir.

PRESIDENT SCHULMAN: OK.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes, Leader Dougherty.

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MEMBER DOUGHERTY: Back on, I'm a little confused cause back on Informal Resolution 37, you have people that are sponsoring that, Members Babcock, Cole, Hawk, West, Griffin, Dougherty, Mariol and Morris. What's that?

*(Inaudible comment)*

MEMBER DOUGHERTY: Well yea, that's because it took the Community Centers off so that's why this is there but, my point is Member West, you're, you're begging us all to vote for this and your name's on this, the 3 mil.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Yes this actually, it came to my attention late last night and Fisher did a lot of work this weekend and you know, I didn't, I was not aware of the language when it came down to recreational purposes and then when I heard that last night, that's when I, I also called Fish and I started making some calls this morning to get more clarity and that's why I'm supporting the new amendment and this other one as you recall, we've talked about putting that, delaying that so if the first one didn't pass, we'd go with the 2<sup>nd</sup> one.

PRESIDENT SCHULMAN: Leader do you have anything else?

MEMBER SMITH: Mr. President.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: I've sit here and listened...

PRESIDENT SCHULMAN: I'm sorry Member Cirelli...

MEMBER CIRELLI: Thank you sir. I asked for the floor earlier.

MEMBER SMITH: I'm sorry about that.

PRESIDENT SCHULMAN: I mean you did, you've had an opportunity and I'll get back to you in a minute. I just, I thought you've had an opportunity on this but, would you defer to me please.

MEMBER SMITH: No, she can go ahead, Mr. President.

PRESIDENT SCHULMAN: No, go ahead.

MEMBER SMITH: Oh OK. Thank you. But Mr. President I've also sat hear and listened at the conversation. On Friday, that's why I opted to take my name off because I was under the impression that this would cover the Southeast Community Center and the Babe Stearn. I am still a bit confused as to really what's going on. I would suggest that we have a meeting because I don't, I'm not comfortable with voting tonight on anything because if this...and I do understand about the money may not be there to fund the Center. The vote might not

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even pass. The residents might not even pass it so we still in the same boat. But, I just do not have a clear understanding as to what is going to happen when we vote tonight the amendment that's before us. But if this money or if the residents do not pass it, then the Center is still in trouble. So, I'm just not comfortable with voting tonight. So....

PRESIDENT SCHULMAN: Thank you Member Smith. Anything else? Member Cirelli.

MEMBER CIRELLI: Thank you and I'm glad I deferred to Member Smith because first of all, do we own both of those buildings? I don't think we do. Mr. Martuccio can you tell us that? Does the city own them free and clear?

PRESIDENT SCHULMAN: Law Director.

LAW DIRECTOR MARTUCCIO: Mr. President, Member Cirelli, I don't know.

MEMBER CIRELLI: So how are we, and I have to agree with Member Dougherty. When it was at 4 mil, it was the fact that they were going to fund the buildings. So to keep activities inside of the buildings and the buildings maintenance of the buildings. And it reminds me of that old saying, right isn't whoever says it is. I mean it, as we've talking more and more, we're getting confused. Lord what are we going to do when we're going to try this to the voters. They're going to be at a total lose because we are here tonight are.

MAYOR HEALY: Mr. President.

PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: Thank you. The Southeast Community Center is owned by the City of Canton. The Babe Stearn Center from what my understanding is the facilities owned by the city but there's a lease, like a 99 year lease with the Babe Stearn Board that operates the facility. It's a kinda a hybrid where we own it but it's leased out for them. We could double check on that but I'm, I'm pretty sure that's the operational set up. Also, Member Smith I understand you want more clarity on this and I sort of appreciate that. One of the things that we need to do to get that clarity is to bring all the Council Members together, the Law Director, the Park Board and the Rec Board Members and oh, by the way, they're all here tonight so maybe we can have that discussion while we have everybody in the room. Thank you.

MEMBER SMITH: Well my first question...

PRESIDENT SCHULMAN: Member Smith. That's alright.

MEMBER SMITH: Well, my first question would be going back to when we did, when someone brought the fact up, what if the Park Board would obtain those Centers. And then that they're here, I'm quite sure they been sitting back there listening, so what is they thought on that? Mr. Black. I mean I'm...

PRESIDENT SCHULMAN: Right, do you want, Mr. Black do you want to step forward. Could you identify yourself for the record. And you've been asked a specific question by Member Smith.

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ANDY BLACK: My name is Andy Black. I live at 3913 Market Avenue North. I'm the current President of the City of Canton's Park Commission. Thank you for the question. I can only speak for myself. I can't speak with, for the other two Board Members who aren't here tonight but, would we be willing to accept those. Absolutely would. If we have the proper funding to go forward with those two Centers, I think it is a step towards the right direction to bring this city's recreational needs under one roof and I would look forward to working with the Joint Recreational District that in three years from today, we're all back at this Council talking about collapsing us into one entity so there is no confusion amongst the voters, amongst this Council or amongst any of our residents. We will try to make one specific Parks and Recreational facility. And I think that would include these two Centers. Just like it would include all our parks. Just like it would include any other facilities that we could fund through these, this levy.

MEMBER SMITH: Thank you.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: So you're, you're saying you want the 4 mil, if you had your choice.

ANDY BLACK: If I had my choice, as it was always from day one, we'd want the 4 mils as a stepping stone to make this one entity to come together. Absolutely. The only confusion that came through here is just, is whether or not we could fund the brick and mortar as we've talked about here tonight. Up until that time, we always thought we wouldn't. If there is a legal way through memorandums of understanding, through other appoint agreements between us, the Community Centers or the Joint Recreational District, that's what we're going to explore and try to accomplish.

MEMBER DOUGHERTY: Yes sir but, we've been told that bricks and mortar isn't part of this and that can't be used for any of that.

PRESIDENT SCHULMAN: Well that...I'm sorry Leader. Let me, if I might, let me ask Mr. Black a question. If the Park Board accepted the properties, you would certainly have a right to maintain them.

ANDY BLACK: That is my understanding.

PRESIDENT SCHULMAN: Law Director is that true in your judgement.

LAW DIRECTOR MARTUCCIO: Mr. President under Chapter 755, the Board of Park Commissioners has the control and management of the parks and all of those things I named previously within the parks and it goes on to say, acquisition, construction, repair and maintenance thereof.

PRESIDENT SCHULMAN: So actually Mr. Black, we are just simply changing some words to, according to Member West and according to what's actually being done and that's it.

ANDY BLACK: And it would be my understanding that this body would then also have to work with transferring the, say the Southeast Community Center as an entity under the Park Commission to make that happen.

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PRESIDENT SCHULMAN: Alright. Any other questions for Mr. Black? Any other comments?

MEMBER MORRIS: Mr. President.

PRESIDENT SCHULMAN: Member Morris. Thank you. Did you want to say anything to Mr. Black or can he sit down?

MEMBER MORRIS: No I just spent enough time talking to Andy over the years.

PRESIDENT SCHULMAN: Thank you sir very much.

MEMBER MORRIS: As a park guy and a guy with a background in recreation, I'm gonna support whatever levy the Council gets behind. I did sponsor 37 because I do see this Informal Resolution 37 because I really do see this gray area of bricks and mortar. I'm going to support if Council-as-a-Whole decides to go for 4, I'm gonna support it. If you guys decide to go for three, that would make me feel a lot better but I'm telling ya, there's going to be a lot of people that are going to be heartbroken if things just don't go the way they want by trying to make promises and I gotta go along with Member Smith. We may need a meeting with the Law Department and sitting down would be a great idea because and oh, by the way, I can read 755, it doesn't say anything about bricks and mortar. So, let's trend carefully here before we make a huge mistake because if this levy fails, if we do not come out of this united and put on the united front and this levy fails, we will never gain the trust of our constituents back if we come back with another levy at a later date. So we can't lose their confidence. I just, this thing is a mess.

MEMBER WEST: Mr. President.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Let me also remind this Council that we put this also in the hands of the Joint Recreation Commission that is working diligently on a monthly basis, on a weekly basis in some cases with different Committees that are working on different parts of this levy. There's also a campaign that is working diligently to educate the community on what's going on. They've been waiting patiently from, on the Secretary of State's information to come back and that's what just came back. A lot of people here are not clear on what's going on because you're probably not at those meetings. The meetings are open to the public. You're welcome to come there and a lot is being done behind, not out of this office but, at the Park or the Rec building. You're all welcome to come and Andy and Derek I'm sure could tell you when those meetings are but, there's a good that's working diligently on this trust me. And when I say, when they get their, when everything comes out, there will be a good campaign. Everybody will be clear what they're voting on and what will come out of this and I think that's the key.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Thank you. Member Smith.

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MEMBER SMITH: I understand what Member West is saying but that's just Mr. Black talking and I appreciate that but we have two other Commissioners on that Park Board. We need to hear what they have to say too because it takes three to pass anything that Park Commission. Like I suggested, again, we need to have a meeting with everybody involved there.

MEMBER WEST: Mr. President, just one last comment.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: There is a timing issue here. If this does not go on the 7<sup>th</sup> then we have to wait a year. Is that correct, Law Director?

LAW DIRECTOR MARTUCCIO: Mr. President, Member West, thanks correct.

MEMBER WEST: So then therefore, if we don't have a meeting today, then the next meeting we meet is two weeks, that's too late.

MEMBER SMITH: We've always called, called meetings and emergency meetings....

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: I'm sorry Mr. President. And I'm quite sure that, that can be done and this is, this is an emergency. And I've been going out telling residents to support this simply because it is good for the Southeast Community Center and when you're putting one thing out there and then tonight we voting on something else. And if it don't say nothing about that Southeast Community Center, see I want to be correct when I go out an telling them what they, what I would like for them to vote on. And if I understand what you're saying about the program or purposes or whatever but see I need to understand and make them understand what program purposes and within the Southeast Community Center because see, like I said, everybody need to sit down. We've had emergency meetings before so, I don't see where it's going to make a difference as long as we get that meeting in there before the 7<sup>th</sup> Mr. Martuccio, it can be done right?

LAW DIRECTOR MARTUCCIO: Member Smith.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Member Smith. I was thinking along those same lines. Let me float something out there and see what you all think. If you are willing and at least 8 of you can attend a special meeting, probably no later than next Monday because we'd need some time on Tuesday to gather these documents, we can do this. I think we can still go ahead if you want to, pass Informal Resolution 37. We can ask Alan Harold's County Auditors office to tell us what 3 mils would translate to. I've talked to Mr. Doug Thorn. He said it's...

MEMBER DOUGHERTY: Point of order. Point of order Mr. President. That's not what we're talking about here OK. We're not going to pass this Resolution. We have a, a amendment on the floor and we need to vote. So, I would suggest that's exactly what we do.

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PRESIDENT SCHULMAN: Are there any other comments? I, I'm not sure for Member Smith...Member Smith, I'm not sure even if it is clarified for you, it's going to substantially make a difference with the voters. I mean, I don't, I think that's a part of the Parks but it may not be what Member West is saying, it's like the dessert. It's not the main meal if I'm understanding what Member West said. But, obviously you have to represent your constituents and vote your own conscience. But the 1<sup>st</sup> amendment which is before you, if there are no other remarks, the first amendment should be amendment #1. All of you are aware that, that's what you are going to vote on now. To my understanding, it's the 4 mil. That means if it gets 8 votes, we do not pass and you will not be asked to, you will not pass Informal Resolution 37. You still will have to come back and vote on the Ordinance, is that correct? No, you will not have to come back and vote on the Ordinance but this has to be submitted by August 7<sup>th</sup> to the Board of Elections, so...

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Do we really stop and realize the burden that 4 mils, that's .40 per every \$100.00 of valuation or property and if you look at our constituents, they're having, some of them are having hard enough time as is. They're losing their homes because they can't even pay the taxes now. And then what's coming from the General Assembly. I mean...

MAYOR HEALY: Mr. President.

MEMBER CIRELLI: ...that's way too much.

PRESIDENT SCHULMAN: Member, Mayor Healy.

MAYOR HEALY: Thank you. I'd just like to remind you this Council that when we talked about the millage. All this Council would be doing here is putting it on the ballot to let the people decide and then the Park Board would offer a campaign to get the information out there. So Council you're not raising taxes, you're allowing the people to decide if they want to invest in our parks. And that's what this votes all about. Thank you.

PRESIDENT SCHULMAN: OK. Since there are no other remarks, I think we should do this not by voice vote. I think Madame Clerk if you would, what's this for...

MEMBER DOUGHERTY: This is for the amendment, Mr. President.

PRESIDENT SCHULMAN: This is yea, just so your clear, for amendment #1 which is 4 mils.

MEMBER WEST: I got one burning question.

MEMBER DOUGHERTY: No, Mr. President that's, we're on the, please, let's move...

MEMBER WEST: This is regarding the vote. If we vote this down, can this be brought back up within a week.

PRESIDENT SCHULMAN: Law Director.

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LAW DIRECTOR MARTUCCIO: Mr. President. In theory it could but there's a second amendment in front of you that offers 3 mils. If both fail, then it's up to this Council to either not continue to act or call another special meeting but you have two amendments before you. The first one being 4, the second one being 3. If you, let's take them one at a time if that's your desire.

PRESIDENT SCHULMAN: Alright, I'm going to call the question here. What you're voting on is Ordinance 23 as amended by amendment one. Roll call vote please Madame Clerk.

NO REMARKS

ROLL CALL 9 YEAS, 2 NAYS  
(MEMBERS CIRELLI AND MACK VOTED NAY)

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

PRESIDENT SCHULMAN: OK, Ordinance 23's amendment, as amended has been adopted..

MEMBER DOUGHERTY: No sir. We just voted on the amendment. Mr. President, I move we, correct?

PRESIDENT SCHULMAN: Oh yea, I'm sorry. Alright the question you're now voting on is Ordinance 23 as amended.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 23 as amended.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 23 as amended by amendment #1. Any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 9 YEAS, 2 NAYS  
(MEMBERS CIRELLI AND MACK VOTED NAY)

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

**#23 ADOPTED AS AMENDED AS ORDINANCE NO. 132/2013**

PRESIDENT SCHULMAN: Ordinance 23 as amended is adopted and you know legislation is hard. Good job folks. OK, let's go to 24 please, Madame Clerk.

#24. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 133/2013** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A GRANT FROM THE 2013 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT IN AN AMOUNT NOT TO EXCEED \$35,616.00 FOR THE POLICE DEPARTMENT; TO RATIFY ANY AGREEMENT ENTERED INTO WITH THE STARK COUNTY COMMISSIONERS REGARDING THE DISTRIBUTION OF GRANT FUNDS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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MEMBER DOUGHERTY: I move we adopt Ordinance 24.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 24. Any remarks, Leader?

MEMBER DOUGHERTY: Mr. President, I move we amend Ordinance 24 per the amendment in front of everyone else.

MEMBER GRIFFIN: Seconded.

AMENDMENT

*Pursuant to Rule 36, I move to amend Agenda Item No. 24 by substituting the Ordinance attached to this amendment for the Ordinance currently pending before Council.*

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance 24 by virtue of the amendment before each of you. Are there any remarks? Hearing none, by voice vote, 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. Leader.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 24 as amended.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 24 as amended. Are there 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.

**#24 ADOPTED AS AMENDED AS ORDINANCE NO. 133/2013**

PRESIDENT SCHULMAN: Ordinance 24 is adopted. Ordinance 25 please.

#25. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 134/2013** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT AMENDMENT WITH HZW ENVIRONMENTAL CONSULTANTS LLC TO INCREASE THE MAXIMUM CONTRACT AMOUNT FOR CERTIFIED PROFESSIONAL SERVICES FOR THE BISON REMEDIATION PROJECT; 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 25.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 25. 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.

**#25 ADOPTED AS ORDINANCE NO. 134/2013**

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PRESIDENT SCHULMAN: Ordinance 25 is adopted. Ordinance 26 please.

#26. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 135/2013** AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 70/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (CHANGE DOLLAR AMT TO \$28,820,200.00)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 26.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 26. 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.

**#26 ADOPTED AS ORDINANCE NO. 135/2013**

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PRESIDENT SCHULMAN: Ordinance 26 is adopted. Ordinance 27 please.

#27. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 136/2013** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONTRACT IN AN AMOUNT NOT TO EXCEED \$60,000.00 FOR THE PURCHASE AND INSTALLATION OF THE BATHROOM FACILITY AT BUP REARICK PARK; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 27.

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MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 27. 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.

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**#27 ADOPTED AS ORDINANCE NO. 136/2013**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 27 is adopted. Ordinance 28 please.

#28. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 137/2013** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CHANGE ORDERS WITH HOBBS ROOFING IN A TOTAL AMOUNT NOT TO EXCEED \$32,350.00 FOR THE SEARS BUILDING ROOF REPLACEMENT PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 28.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 28. 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.

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**#28 ADOPTED AS ORDINANCE NO. 137/2013**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 28 is adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SCHULMAN: Turning now to Announcement of Committee Meetings.

MEMBER COLE: Mr. President.

PRESIDENT SCHULMAN: Member Cole.

MEMBER BABCOCK: Finance will meet the August 12<sup>th</sup> at 6:30 PM

PRESIDENT SCHULMAN: Thank you.

**MINUTES OF THE MEETING JULY 29, 2013**

MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: Member Griffin.

MEMBER GRIFFIN: Personnel will meet August 12<sup>th</sup> at 6 PM or whatever he said..

PRESIDENT SCHULMAN: OK. Thank you. Any other announcements?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes, Leader Dougherty.

MEMBER DOUGHERTY: Public Property Capital Improvement will meet August 12<sup>th</sup> at 6:30.

PRESIDENT SCHULMAN: Thank you. Any other?

**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: Turning to Miscellaneous Business. Is there any? 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 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Meeting is adjourned. Drive carefully everybody. Thank you for coming. Great job tonight Members. *(Gavel falls)*

ADJOURNMENT TIME: 9:38 PM

ATTEST: AUGUST 5, 2013  
CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

APPROVED: AUGUST 5, 2013  
ALLEN SCHULMAN  
PRESIDENT