

MINUTES OF THE MEETING SEPTEMBER 9, 2013

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and we welcome to Canton City Council. It's good to see everyone here tonight. 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, GREG HAWK, THOMAS WEST, CHRIS SMITH, KEVIN FISHER, JOHN MARIOL & EDMOND MACK)

ELEVEN COUNCIL MEMBERS PRESENT. (MEMBER MORRIS ABSENT)

CLERK TIMBERLAKE: Eleven yeas, one absent Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk.

EXCUSING MEMBERS

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to excuse Member Morris from this evening's meeting. Any remarks? I will say for the record that Frank is sick tonight and he obviously wishes that he was here rather than being sick. But he's not here for that reason. 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. Member Morris is excused from this evening's meeting. Tonight's invocation will be given by my friend and a great public servant, Ward 4 Council Member Chris Smith. Will you all please stand and remain standing for our Pledge of Allegiance.

MEMBER SMITH: Mr. President, I would like to pass the invocation to Elder Carlos Morris, which is present tonight and he is the present Pastor of Bethel Apostolic Church.

PRESIDENT SCHULMAN: Welcome Pastor. Good evening.

ELDER MORRIS: Thank you. Good evening.

The regular meeting of Canton City Council was held on September 9, 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 Elder Carlos Morris of Bethel Apostolic Church. The Pledge of Allegiance led by

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President Schulman.

PRESIDENT SCHULMAN: Thank you Pastor very much. I was going to say you were much better than Member Smith but I don't think you could hold a candle frankly.

MEMBER SMITH: Excuse me. *(Laughter)*

PRESIDENT SCHULMAN: Yes, Member Smith.

AGENDA CORRECTIONS & CHANGES

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

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to add 2nd Reading Ordinances 9 through 17.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you Suspend Rule 22A to add the 2nd Reading Ordinances 9 through 17 to this evening's Agenda. Are there any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The Motion carries. Rule 22A is suspended and the Ordinances are a legal part of your Agenda.

PUBLIC HEARINGS

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

OLD BUSINESS

PRESIDENT SCHULMAN: Turning to Old Business, rather than turning it over to the Mayor's Chief of Staff...his new Chief of Staff I might add. I'm going to let Mayor Healy address Council and the public in regard to a couple of very important things. Mayor Healy.

MAYOR HEALY: First of all, as you know Warren Price who was my Chief of Staff and Service and Safety Director has moved on and he did a wonderful job for the City of Canton, did a great job as my right hand for...for many years and he's going to be missed. But I want to thank him and we...we did earlier thank him for his efforts. But because of those changes, we were able to do a little restructuring in our Administration and we did some press releases over the last week and as you know notice there's some new faces up here in the horseshoe. I have with us, of course Joe DiRuzza as our Finance Director and Bill Bartos is the Service Director. The Safety Director is Andrea Perry, she's on that side of the horseshoe, she'll be joining us from this point forward and also the new Chief of Staff for this Administration. Let me rephrase that, the new Chief of Staff for this Administration is Fonda P. Williams II. *(Laughter)* And he'll be joining us from this point

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forward as well. So, we did shuffle some things around. It does spread out the responsibilities. We're very excited about this new team. We've got a great working relationship and they've all been working with us for sometime. So, I think you're all familiar with them. But the new roles bring us new opportunity to move Canton forward and we're excited about that. (*Applause*) I also would like to just touch base for a moment on the safety concerns and obviously we've had a rash of homicides over the last few weeks that is not normal for our community. We...we get an occasional homicide but what we've experienced over the last three weeks was certainly not anything that we...we certainly want to go through again. As we were experiencing that, we were looking to..to see how we could address those...those concerns that we have as citizens and how we can, you know, stop this from happening. And I met with the Police Chief and...and the teams that we have down in our Police Department to...to discuss what was going on, all the different things we were working on, many of which we were talking about like ShotSpotter, US Marshals and so on. But I also reached out and contacted the Department of Justice, had a conversation over an hour long with the Director in Washington explaining what our concerns were and asking for support and help, invited them to our community, which they're looking at potentially coming out and joining us. And also they're looking for best practices for other communities who've experienced things that we're experiencing to see if there's resources or tools or ideas out there. We also contacted the Council Members that represent those Wards that seem to have the most activity and we had a brainstorm session in reference to safety. We had a great meeting, it was the first one. I think we're going to have follow up meetings on that. But a lot of good ideas exchanged between Council and Administration, not just talking about what we're doing but...but new ideas and things that we want to work on together to try to help improve and make...make our streets safer. And...and I also contacted the State's Attorney General and some of you may have heard him on the radio today in Canton and spoke with General DeWine for sometime last week again, invited him to come out because I want to make sure that the State knows and...and as well as the Federal Government that...that we need help. We need resources, we've had less funds, we have less funds that we've had for a long time and we're trying to...to address these issues with less resources. Mike DeWine, Attorney General DeWine agreed to come out here, he was here today. We brought together a cross section of leaders from Council, from the Courts, from our Police Department, the County Sheriff, Prosecutors, etc. And we literally, in this..in this Chamber here, we met for almost two hours in reference to what our concerns were, issues, ideas and also what the State can help us with in reference to programs, again best practices or resources that maybe available. And so we're talking that information and we're going to try to use that bring new ideas and new opportunities to help, again, collectively make our streets safer. I do want the public to know that we're doing everything in our power, both at the local level as well as reaching out to the State and Federal Government to help us with that and we expect that there'll be more information and ideas that will come. But obviously this issue with the shootings and particularly the homicides is not acceptable to anybody and we're going to continue doing everything possible to...to bring those down to zero and...and make our community the safest place in Ohio. So, I just wanted to share that with you before we move forward. Thank you very much for your time.

PRESIDENT SCHULMAN: Thank you Mayor and congratulations to all the new leaders in the Mayor's Administration, I know you're all going to do a spectacular job. We're looking forward and I think I can speak for all of us, in working with you, advancing the interests of our citizens and our community. So, thank you for your dedication. We really appreciate. Thank you Mayor again.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: And now we move to Public Speaks. We have 9 speakers this evening. Before I introduce the speakers, we do have Mr. Preston, you're back again talking about Council Member attitude. I said last week we all have pretty thick skin as we should if we serve the public and we like to listen to people

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pro and con, good and bad but I...I will caution you tonight, I really do expect something positive to be said. I expect a more respectful attitude. I do have the authority as President of Council to call a member of the public out of order if they are insulting or rude and I will do that tonight as I would do it with any of our speakers. But I...and I'm not citing you sir, necessarily just picking on you but we heard you last week, I gave you the podium and the speech and you addressed it, you addressed your concerns to us but tonight I hope I'll hear something positive. So, with that said, our first speaker is Chief Rich of our Fire Department. Chief if you'll step forward and give us your name and your residential address please and always welcome and thank you for your public service.

FIRE CHIEF RICH: My name is Stephen Rich, my address is 5200 Loma Linda Lane NE.

PRESIDENT SCHULMAN: Go ahead Chief, I'm sorry.

FIRE CHIEF RICH: Good evening Honorable Mayor, Members of the Cabinet, Council and citizens of Canton. I'm here tonight as the Fire Chief of the City of Canton to address the public safety. Individually and collectively you have all expressed legitimate concerns with regard to the level of service your constituents expect and are entitled to. You have also expressed your support for the Fire Department and we appreciate that. I have been receiving multiple inquiries from citizens and Council Members regarding staffing, station closings and ability to respond. Over the last few years, I've discussed Fire Department issues with most of you and we all know that in recent years the manpower of the Fire Department has gone from barely adequate to dangerous. I want to make sure this message is clear to the Council as a whole and even more importantly to the public so they're aware of my concerns. Even with the judicious use of overtime, I'm unable to keep every station open. I'm here as part of my sworn duty and my moral obligation to the firefighters and the citizens of the City of Canton. The community's safety is at risk when the firefighters' safety is at risk. We currently do not have enough staff or budgeted money to keep all stations and apparatus opened. This compounds the already dangerous situations we respond to daily with the chance of significant delays in response times. Recently six Captain's positions were taken away from the Fire Department. I'm here to tell you that the Fire Department needs three Captain's positions back as safety EMS Officers, one on each shift. These positions are very important and were needed at the time they were taken away. They're currently needed and will be needed in the future. These positions provide critical safety and support for EMS and fire operations. Obviously we need personnel. In the last 10 years we've had staffing reductions of 30% and increase in run volume of 40%. This has resulted in multiple fire station closings, chronic firefighter fatigue and injuries. We now have an entry level test scheduled and I'm sure we're going to be hiring as soon as possible. Proper staffing is the answer and not overtime. We have the ability to correct this crisis. My staff and I are available at anytime to address any questions you might have. The Fire Department and the citizens of Canton thank you for your support.

PRESIDENT SCHULMAN: Thank you Chief, very much. Our next speaker is Pete DiGiacomo. Mr. DiGiacomo, as always welcome to Canton City Council. If you'll give us your name and your residential address please.

PETE DIGIACOMO: My name is Pete DiGiacomo, 600 Dent Place SW, Canton, Ohio. Last time you're going to hear me speak on this issue. I went to the ribbon cutting ceremony for the new bike lanes downtown. Very nice presentation, I believe everything went pretty well, nobody got hit. Mayor Healy was leading but as they come back I don't know where everybody else went to, he was all by himself. But he made it back,

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everybody made it back. Again, I'm still gonna stand by the northbound bike lane as being unsafe from the things that I've read and I looked up on the State website there that it is against the law to ride against traffic. They even have a study where a bicyclist, it's...is 3 times more likely to be injured riding against traffic because they cannot get out of the way as opposed to riding with the flow of traffic. My concern is, like I say, first of all for the person and I hope it doesn't happen because right now Canton is not a bike friendly City. We've been to bike friendly Cities, it's where the bike lanes have been there established for quite sometime, the motorists are used to them, the bicyclists are used to the motorists, it's going to take time. Hopefully in that amount of time we have no injuries. But like I say, it's like I'm beating a drum but I'm not a real crazy activist or nothing like that. So, don't get that idea. I just don't want to see somebody get hurt, they take it to Court and our City ends up with a lawsuit. That's my two things there. Thank you very much.

PRESIDENT SCHULMAN: Thank you Mr. DiGiacomo as always. Our next speaker is Tim Porter. Mr. Porter, welcome to Canton City Council. If you'll step forward and give us your name and your residential address sir.

TIM PORTER: Thank you, my name is Tim Porter, I live at 1107 10th Street NW. I've come to Council tonight to ask for some help in problem we're having, I'm representing the Summit United Neighbors tonight. I'm the Vice President of that association. And we were awarded a \$15,000.00 grant from the City that they're now trying to take from us stating...I've included the packets there for each of you, that there was some issues with it. We believe this was done wrong in the back, that there was meetings that went on with people that were not part of our board and it was based on those meetings that this was taken away from us. In a letter that was sent from Miss Miller, she said that we had to direct all contacts to Mr. Burns in the Law Department. We've sent requests to him and no response. Our accountant has sent requests to him, who was set up to do the payroll and again she has received no response. I was told that I would be set up with a meeting with Miss Miller and Mr. Burns and that was three weeks ago, that still has not occurred. So, I'm asking the Council Members to help us look into this to find out why this has been taken. I kept it short tonight. What..what you have there is a...a part of the package. I didn't want to see Mr. Dougherty's head spin with the whole package. So, I just gave you the short copy of it. Basically it contains the grants and all the letters that we have received from the City thus far, taking that. Thank you.

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

BRUCE NORDMAN: Good evening. I'm Bruce Nordman, I live at 1623 Logan Avenue NW. Good evening Mr. Mayor, new members of staff, Mr. President and City Council Members. As you know the mission of Group 175 is to bring the Police strength to 175 Officers, currently at 150, we need another 25. The Fire Department is at an all time low figure since 1982 at 140 Fireman, we would also like to see that up to 175. And we would ask since we've been here weekly since the end of March talking about public safety, that where there are meetings involving public safety, that we get invited. We have some input to make, we are most certainly concerned citizens. We were out this past weekend knocking on 300 new doors. Citizens are very, very concerned about safety in this City. And we'd like to be invited to these meeting so that we could have a chance to make some input also because we feel that we are representing grass root citizens who have great concerns and we have a lot to contribute. We also, now I'm going to take my hat off for group 175 and put on my Vassar Park Neighborhood Association hat. Starting with 2011, we had 2 meetings with the Mayor involving Ridgewood Castle and our concern about all of the crime activities that are going on there. Now we

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understand that there have been meetings conducted by the City with Ridgewood Castle to bring them in to line. Again, we started expressing this a long time ago, we'd also like to get the same invitations so that we can participate to express the concerns of Vassar Park as it pertains to this very, very difficult facility in terms of high crime. So, please....I'm speaking to the Administration, please extend us those invitations. We would like to participate with you. We're interested in safety and these are most certainly 2 issues. Now I'm going to put another hat on here tonight and that's as a McKinley Bulldog fan. As you know, this is the greatest game in Country and if you go through Massillon two weeks before the game, it looks like Halloween with all of the Massillon beat McKinley signs all over the place and if you drive through the City of Canton, you're not even aware that the game exists. So, I would suggest that we all put our heads together here and get Canton cheering for our hometown team and get some banners up on the streets and let's make it look like it's really something that we're proud of. So, again all 3 hats, thank you so much for your time and we'll see you again soon. Thank you.

PRESIDENT SCHULMAN: Thank you Mr. Nordman. Our next speaker is Patricia Kirk. Ms. Kirk, good evening, welcome as always to Canton City Council. If you'll give us your name and your residential address please.

PATRICIA KIRK: Yes, hi, good evening. My name is Patricia Kirk, I live at 131 5th Street NE. And I'm here at 3 different levels. DC and A, the Tree Commission and a concerned citizen. First I want to say thank you for removing the broken picnic table at Kresge Lot (*referring to Market Square*) it really is used. Second, I would ask that the big rectangular metal trash receptacle or recycling receptacle bin is right ins....inside of the Kresge Lot (*referring to Market Square*) area right in front of like the retaining wall off Market Avenue. Could that please be moved to the curb like all the other ones that are on Market Avenue. And also at a Neighborhood Leadership Council meeting, I was informed that tonight there was another accident on Walnut Avenue but this one is one block down from 6th Street, it would be more like 4th and Walnut Avenue but I don't know if you're aware of how unsafe the streets with the bike lanes are. And Mr. West, I got your letter and how you consulted with the Engineering Department and I'm wondering why, I would think someone more involved with accidents would be but I was almost hit yesterday as a pedestrian. Pedestrians don't have a good time either. One woman was running across the street, looking either way...she....there was no marked cross walk, I thought I was crossing going north but the only thing I saw was the light for the bicycle and the little green bicycle was lit up. I thought it was okay for me, it wasn't, truck almost hit me. We both stopped, looked at each other....he waved me on. Also, we not only have bicycle lanes going both ways and I have 2013, I have 2009 motor vehicle laws of Ohio. Both of them are identical, both of them say bicyclists must ride with, not against other vehicular traffic. Only when walking a bicycle is a bicyclist permitted to travel facing traffic. So, now we have bicyclists that will be walking. My time is almost up and I also want to remind you that our next Tree Commission Meeting is the 17th at 6:00 and also opened green space and trees have been proven to reduce violent crime. Thank you very much.

PRESIDENT SCHULMAN: Thank you Ms. Kirk. Our next speaker...thank you Ms. Kirk...is Karen Byrd. Good evening, welcome and if you'll give us your name and your residential address please.

KAREN BYRD: My name is Karen Byrd. I'm from 1950 33rd Street SW, Canton South. I just wanted to thank you in advance as you vote on the street, Seich as Ralph M. Byrd Boulevard. It is an honor to be Ralph M. Byrd's daughter and with all the crime and everything that has been going on in this City, at one point we had the same thing going on at one point and my dad was on the front page of the paper. He did not mince his words, he did say anything cruel but he made it very clear, he didn't water down his words, his religion,

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his...his however he felt about it and basically his words were “We have to do what he have to do to stop doing what is going on.” This is the man that I had the pleasure of living with. I would have never moved away from home had I not got married. I stayed at home as long as I could because this was the type of man that I got to see. What you seen on the street is what I lived with. It is just an honor to be able to look up and for you all to want to have a sign that will solidify my father for the...for the rest of...however this...this earth lasts, this name will be up there forever. I am just so honored...this is...I mean this is just right up there with being President of the United States but it won’t just be there for four or eight years, for the rest of his life. To Mr. Allen Schulman, this is one of my dad’s friends, wasn’t just his attorney but his friend. I’m very honored. Kevin Fisher, I am so blown over the moon, I just thank you for what you did just introducing that. That was just so kind, I just really appreciate...Chris you know, you know my father but this man was an awesome man and his legacy still lives on, I thank God for my Pastor because he truly is continuing the tradition. Greater Bethel is not just a church, it’s a home and we are the church in the City of...you know in the heart of the City with the City in our hearts and everything that’s going on in this City, we are going to do our parts to help make it stop. We’re going to let them know that, you know, God is within us and it’s just more than a religious and a dance and all that but that we...we have a legacy to continue and all. And when we look up as we come out of church, that sign “Ralph M. Byrd” it means a whole lot. So, we thank you. And the song that my dad used to sing “He’s everything to me.” And thank you, thank you, thank you. (*Applause*)

PRESIDENT SCHULMAN: That’s what we like to hear. Our next speaker...thank you Karen, very much. Your father was a remarkable man. Next speaker is Carlos Morris. Mr. Morris, Pastor Morris thank you again for the invocation tonight. Thank you Madame Clerk.

PASTOR CARLOS MORRIS: Thank you.

PRESIDENT SCHULMAN: If you’ll give us your name and your residential address.

PASTOR CARLOS MORRIS: Carlos Morris and I’m going with 2335 15th Street SW here in Canton, 44706. I am grateful tonight to be here. It has opened my eyes, I think I’m going to join you in the next Council Meeting. Amen, I like the atmosphere and I like what I’m hearing and I like what I’m seeing, how the leaders are here and truly have a heart for the City. Even now I am grateful for the honor that is being bestowed upon our Pastor...the late Ralph M. Byrd, truly pastored this...in this City for some 40 years and I am 3rd generation believer in Pastor Byrd, the Lord told me some years ago, “Go home and help your Pastor.” Never knowing that I would become the next Pastor of Greater Bethel but we look to be a part of whatever is happening in this City to make this City all the much better to carry on not only the legacy of our Pastor but to carry on the legacy of Jesus Christ himself who comes with (*inaudible*) ministry, spiritual, mentally, physically and emotionally. So we look to help and work with you. Thank you again Councilman Fisher. And we look forward to working with the Council Members again soon. God bless you. Thank you.

PRESIDENT SCHULMAN: Thank you Pastor. Our next speaker is David Fiser, my Fiser. I hope I’m pronouncing your name properly. Great, that’s unusual for me. If you’ll give us your name and your residential address please sir.

DAVID FISER: David Fiser, 5916 Shakertown Dr NW. Good evening Mr. President, Council Members, I’m actually here to fill you in on a little cause that I am trying to start here in Canton, Ohio. A little back story, I used to live down in Nashville, Tennessee last year and they have a non-profit down there. It’s a homeless street paper called the Contributor and it’s very successful. Well, I came back here, started going to some Council Meetings and I heard some of the concerns about the poverty level, the crime rates and I always

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wanted to start my own non-profit. So, I got together with some of the people I graduated with. I'm a Mount Union Alumni and we started working on this over the past couple months. We have a business plan together, we have officers. Basically what we want to start is the homeless newspaper here in Canton but then extend off of that and create some type of counseling services, even some rehabilitation for criminals that are getting out because obviously rather than throwing them right back in the streets, we figure it would be beneficial to maybe find them some type of career when they get out. So...so we're quite far along in the process, we're prepared to file with the State. However, we have one hurdle that recently came up. I was speaking with the Prosecuting Attorney's Office, I was emailing them and Nashville actually has, I guess exception for vendor's license, you don't have to have one to be...to work for this homeless newspaper. Well here, it's in the Special Improvement District \$150.00 a month to do something like that and I wanted to see maybe we could find some way to modify that Ordinance or if there's another way around it. I figured Mr. Mart...Martuccio, is that how you pronounce it? You might be able to answer my question a little bit better. But what we're thinking is with...if we can change it to where it is outside of that Special Improvement District where it's 150 a month, I think that with the grant funding we receive, we could...basically we could call it scholarship or a grant to the homeless individuals, hire them as the vendors and then basically maybe after a year or so, then once they've made enough income they can start to purchase that vendor license on their own. So, I wasn't sure if maybe you guys could help with that issue.

PRESIDENT SCHULMAN: If you'll stick around, Law Director Martuccio will be here and he is very accessible when he's working, believe it or not. So, he'll be around and he'll be happy to talk to you.

DAVID FISER: Alrighty, well I appreciate your time. Thank you.

PRESIDENT SCHULMAN: And best of good luck on your venture.

DAVID FISER: I appreciate it.

PRESIDENT SCHULMAN: Thank you. Okay, our last speaker is Henry Preston. Mr. Preston good evening and I do genuinely mean it, as always welcome to Canton City Council. If you'll...

HENRY PRESTON: Thank you Mr. President.

PRESIDENT SCHULMAN:if you'll give us your name and your residential address.

HENRY PRESTON: My name is Henry Preston. I live at 326 31st Street NW, Canton. Prior to hearing the Mayor, I want to commend the Mayor for doing exactly what I think you should do. I think he gets five stars, that's what we needed to do, we needed to do that a long time ago and I think we're finally on the right track of getting the crime under control. Last week Kevin Fisher was reported the Repository that we could do better and I agree with him and I appreciate Mr. Fisher's attitude that we can do better. We saw that we did better during the Hall of Fame Parade and when people's...have the right mind set wonderful things can happen. And Mr. Morris is not here and I...he is a adamant pursuer of fighting crime and until he came to the 9th Ward Mary Cirelli was our go to person because she was there and she did a lot of behind the scenes, a lot of things that people had no idea. She took a lot of time and so she's another person that we appreciate that, you know, has the right attitude we can do better. On that note one of the things that...I saw Patrick Barton here and the other part that I was going to mention was that I think we should have a video recording system here so people can do the work that their Councilman do when they're no...they're not around and I think this

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was if we're going to be a forward City, I think that's what we need to do and so I encourage the dialogue of all Council Members to participate at...Kevin Fisher...was name came up when I talked to Patrick Barton and he said that he's ready to go when Council gives him the go. So, it's in place if Council chooses to do that. So, I wish Council would have that dialogue amongst themselves and look at it and see the positive results we can have. Thank you.

PRESIDENT SCHULMAN: Thank you Mr. Preston very much. Thank you sir and thank all our Public Speakers. And again to the Byrd family, we're so thrilled for you and congratulations. You're a wonderful family and what a great tribute to the City.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: Turning now to Informal Resolutions. Would you please Madame Clerk read Informal Resolution #45.

#45. COUNCIL-AS-A-WHOLE: APPROVING THE MANAGEMENT AGREEMENT FOR THE STARK COUNTY CRIME LAB BETWEEN SCOG AND THE CITY OF CANTON. - ADOPTED

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move that we approve Informal Resolution 45.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution 45. Are there any remarks to this Resolution? Hearing none, by voice vote all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #45 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The Motion carries and Informal Resolution 45 is adopted.

COMMUNICATIONS

PRESIDENT SCHULMAN: We now turn 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 SEPTEMBER 9, 2013.

348. APPLICANT, JAMES MILLER: REQ TO VACATE A PORTION OF GROVE PL SW FROM BEDFORD AVE TO ARLINGTON AVE AND MOSLEY CT FROM GROVE PL SOUTH APPROX 38' FOR AULTMAN HEALTH FOUNDATION. - PLANNING COMMISSION

349. APPLICANT, JAMES MILLER: REQ TO VACATE A PORTION OF GROVE PL SW FROM WEST APPROX 95' EAST OF EXETER AVE TO EAST END OF DEDICATED ROADWAY FOR AULTMAN HEALTH FOUNDATION. - PLANNING COMMISSION

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350. AUDITOR MALLONN: REQ FOR ADDTL AMENDED CERT DATED 8/20/13. - RECEIVED & FILED
351. AUDITOR MALLONN: REQ FOR ADDTL AMENDED CERT DATED 8/29/13. - RECEIVED & FILED
352. AUDITOR MALLONN: MNTHLY RPT BY FUND FOR 8/1/13 - 8/30/13. - RECEIVED & FILED
353. AUDITOR MALLONN: YRLY RPT BY FUND FOR 1/1/13 - 8/30/13. - RECEIVED & FILED
354. COUNCIL MEMBER WEST: REQ TO AMEND O#1/2005, CHAP 1107.04, MEMBERSHIP OF THE ARCHITECTURAL REVIEW BOARD. - JUDICIARY COMMITTEE
355. DEVELOPMENT DIRECTOR WILLIAMS: AUTHORIZE MAYOR TO SUBMIT & FILE W/HUD THE ATTACHED AMENDMENTS TO THE 2013 ANNUAL ACTION PLAN, NSP 1 SUBSTANTIAL AMENDMENT & NSP 3 SUBSTANTIAL AMENDMENT; AUTHORIZE MAYOR AND/OR SERV DIR TO ACCEPT FROM DDK 2 HOUSES & FROM FREED HOUSING 11 HOUSES; AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACTS FOR REHABILITATION & OTHER HOUSING EXPENSES OF EACH PROP, IN AMT NOT TO EXCEED \$500,000.00 BASED ON RFP'S AND/OR BIDS; AUTHORIZE SALE OF THESE PROP ONCE COMPLETED; AUTHORIZE AN EXPANSION OF THE HOUSING REHAB PROJ TO UTILIZE UP TO \$500,000.00 IN CDBG FUNDS TO ENTER INTO CONTRACT FOR ACQUISITION, REHAB AND RESALE OF HOMEOWNER OCCUPIED UNITS NOT TO \$50,000.00 EACH; AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT WITH STARK COUNTY REGIONAL PLANNING COMMISSION IN AMT NOT TO EXCEED \$20,000.00 FOR ADMINISTRATION OF CITY'S EMERGENCY SOLUTIONS GRANT PROG; AND AUTHORIZE FOR MAYOR AND/OR SERV DIR ADVERTISE, REC BIDS AND ENTER INTO CONTRACTS FOR REMOVAL OF ASBESTOS FROM & DEMOLITION OF 2 COMMERCIAL STRUCTURES LOCATED AT 2408 13TH ST NE & 1446 W TUSCARAWAS. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
356. HEALTH COMMISSIONER ADAMS: REQ \$80,000.00 FROM UNAPPROP BAL 2323 PREP TO 2323 PREP GRANT FUND, \$60,000.00 AND 2323 PREP GRANT FUND - PERSONNEL, \$20,000.00. - FINANCE COMMITTEE
357. LIQUOR CONTROL DIVISION (OHIO): REQ NEW D3 PERMIT FOR MICHAEL NASVADI DBA BUZZBIN @ 337-339 CLEVELAND AVE NW. - RECEIVED & FILED
358. MAYOR HEALY: REQ LEGISLATION ACCEPTING MATCHING FUNDS FOR DEMOLITIONS IN CANTON AWARDED BY STARK COUNTY LAND REUTILIZATIONS CORP IN AMT OF \$353,107.00. - FINANCE COMMITTEE
359. MAYOR HEALY: AUTHORIZE MAYOR AND/OR SAF DIR TO ENTER INTO A MGMT AGMT WITH CHAIRMAN OF STARK COUNCIL OF GOVERNMENT (SCOG) FOR THE OVERSIGHT OF THE CRIME LAB. - RECEIVED & FILED

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360. SAFETY DIRECTOR PERRY: AUTHORIZE SAF DIR TO PURCHASE SIXTY (60) TASER X2 MODELS FOR A COST OF \$65,490.00 WITH FEDERAL FORFEITURE FUNDS; ENTER INTO A FIVE YR REPLACEMENT AGMT AT A COST OF \$11,900.00 PER YR WITH TASER INTERNATIONAL. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
361. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO EASEMENT AGMT WITH ABLL REAL ESTATE, LLC TO GRANT EASEMENT IN CITY OF RIGHT-OF-WAY FOR PROP AT 309 COURT AVE NW. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
362. SERVICE DIRECTOR BARTOS: REQ SUPP APPROPS FROM WATER DEPT FOR WATER, SEWER & SANITATION BILLING AND WATER METER/MTU REPLACEMENT. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
363. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR AUGUST 2013. - RECEIVED & FILED
364. TREASURER SCHIRACK: RPT DEPOSITS AND PAY-INS TO AMBULANCE LOCK BOX FOR AUGUST 2013. - RECEIVED & FILED
365. TREASURER SCHIRACK: RPT OF BANK RECONCILIATIONS AND CITY'S OUTSTANDING INVESTMENTS AS OF 8/30/13. - RECEIVED & FILED
366. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS FILED AS OF 8/31/13. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: We now turn to First Reading Ordinances and...Ordinances and Formal Resolutions for the First Reading. Let the Journal show that all Ordinances are being given their reading as required by State Law. Madame Clerk would you please begin the First Reading Ordinances with Ordinance #1.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #8 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE AMENDING CHAPTER 1353, FORECLOSED PROPERTIES AND BUILDINGS OF THE CODIFIED ORDINANCES OF CANTON
Referred to Judiciary Committee
- #2. (1ST 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 (PARCEL #02-08850 - ON 4TH ST SE - JESSE JONES)

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- #3. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR SERVICE TO ENTER INTO A JOB CREATION TAX INCENTIVE AGREEMENT WITH CASE FARMS PROCESSING, INC. AND CASE FARMS, LLC PURSUANT TO THE CITY'S INCENTIVE PROGRAMS; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

- #4. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$80,000.00- 2328 301001 PHEP GRANT - HEALTH)

Referred to Finance Committee

- #5. (1ST RDG) AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 177/2006; AND DECLARING THE SAME TO BE AN EMERGENCY (IMPOUND - CHANGE DRAWER \$50.00)

Referred to Judiciary Committee

- #6. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH BRICKER & ECKLER, LLP IN AN AMOUNT NOT TO EXCEED \$29,800.00 RELATED TO THE WATER RECLAMATION FACILITY UPGRADE; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

- #7. (1ST RDG) AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR WATER AND/OR SEWER SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Environmental & Public Utilities Committee

(COUNCIL RECESSED AT 8.07 P.M. FOR THE FINANCE COMMITTEE TO DISCUSS ORDINANCE #8; RECONVENED AT 8:09 P.M.)

- #8. (1ST RDG) **ADOPTED AS ORDINANCE NO. 154/2013** AN ORDINANCE ACCEPTING ADDITIONAL MATCHING FUNDS FOR DEMOLITIONS FROM THE STARK COUNTY LAND REUTILIZATION CORPORATION (SCLRC); AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO SUBMIT AN APPLICATION AND/OR ANY OTHER NECESSARY DOCUMENTATION FOR THE ADDITIONAL GRANT FUNDS AND TO ENTER INTO A SUBRECIPIENT AGREEMENT WITH THE SCLRC IN ORDER TO EFFECT THE DEMOLITION OF NUISANCE RESIDENTIAL STRUCTURES WITHIN CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

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PRESIDENT SCHULMAN: And at this time the Chair would declare an in house recess for the Finance Committee to meet in regard to Ordinance #8 on your Agenda this evening. You're now in recess.

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

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you Suspend Rule 22A to place Ordinance 8 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: Thank you Madame Clerk. Motion carries. Ordinance 8 is a legal part of your Agenda. Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance 8. Any remarks on that Motion? Hearing none, Madame Clerk again, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 8. Any remarks under this Ordinance? Hearing none, again 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. 154/2013

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PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries and Ordinance #8 is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: Turning now to Second Reading Ordinances. Madame Clerk, will you please begin with Ordinance 9.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #9 THROUGH #17 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #9. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE AND RECEIVE BIDS FOR THE CANTON MUNICIPAL COURT AUDIO/VISUAL REHABILITATION PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY
- #10. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$8,574.00 FROM 2767 701001 COMM SANCTIONS GRANT - PERSONNEL SERV TO 2767 701001 COMM SANCTIONS GRANT - OTHER)
- #11. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO AMEND THE EXISTING CITY OF CANTON/CANTON TOWNSHIP 1-77 COOPERATIVE ECONOMIC DEVELOPMENT AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
- #12. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A ONE-YEAR SUPPORT CONTRACT WITH DLT SOLUTIONS IN AN AMOUNT NOT TO EXCEED \$40,270.00 FOR ONGOING SUPPORT AND MAINTENANCE OF THE CITY'S ORACLE SOFTWARE LICENSES PURSUANT TO O.R.C. SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY
- #13. (2ND RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$60,393.85 TO CENTRAL ALLIED ENTERPRISES; AMENDING APPROPRIATION ORDINANCE NO. 209/2012, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (FROM UNAPPROP BAL OF 5201 WATER FUND TO 5201 207022 - OTHER)
- #14. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONTRACT FOR THE USE OF FUEL CARDS FOR FUELING ALL CITY VEHICLES; AND DECLARING THE SAME TO BE AN EMERGENCY

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- #15. (2ND RDG) **ADOPTED AS ORDINANCE NO. 155/2013** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONSTRUCTION CONTRACT FOR THE HARRISBURG ROAD RESURFACING PROJECT, G.P. 1139, ENTER INTO A COOPERATIVE AGREEMENT WITH THE BOARD OF STARK COUNTY COMMISSIONERS TO REIMBURSE CANTON FOR A PORTION OF THE WORK AND RECEIVE GRANT FUNDS; RECEIVE OHIO PUBLIC WORKS COMMISSION GRANT FUNDS IN AN AMOUNT OF \$150,000.00; AUTHORIZING THE AUDITOR TO ESTABLISH THE 4571 PROJECT FUND; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 15.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rules for Ordinance 15. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The Motion carries. Leader you've heard the three readings.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 15. Any remarks under this Ordinance? Hearing none, again Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#15 ADOPTED AS ORDINANCE NO. 155/2013

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

- #16. (2ND RDG) **ADOPTED AS ORDINANCE NO. 156/2013** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONSTRUCTION CONTRACT FOR

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THE 55TH ST NE STORM SEWER AND ROADWAY IMPROVEMENT PROJECT, G.P. 1125; RECEIVE OHIO PUBLIC WORKS COMMISSION GRANT/LOAN FUNDS FOR THIS PROJECT; RECEIVE GRANT FUNDS FROM THE BOARD OF STARK COUNTY COMMISSIONERS; AUTHORIZING THE AUDITOR TO ESTABLISH THE 4565 PROJECT FUND; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 16.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rules for Ordinance 16. Any remarks? Hearing none, Madame Clerk, again roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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

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

MEMBER GRIFFIN: Seconded.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#16 ADOPTED AS ORDINANCE NO. 156/2013

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

#17. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PURCHASE AGREEMENT IN AN AMOUNT NOT TO EXCEED \$21,000.00 WITH NORMAN AND BARBARA LORD FOR THE PURCHASE OF PARCEL #304459 AND TO ENTER INTO COOPERATIVE AGREEMENTS WITH GERVASI VINEYARDS AND/OR OTHER PROJECT STAKEHOLDERS FOR THE DEVELOPMENT AND MAINTENANCE OF A TRAILHEAD; AUTHORIZING THE ENGINEERING AND PARKS DEPARTMENTS TO GENERAL CONTRACT AS NEEDED TO DEVELOP THE TRAILHEAD

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THROUGH THE USE OF CITY FORCES AND/OR LOCAL CONTRACTORS AND SUPPLIERS; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Thank you Madame Clerk.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: And now we turn 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 #26 FOR THE THIRD TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

#18. (3RD RDG) **ADOPTED AS ORDINANCE NO. 157/2013** AN ORDINANCE RENAMING A PORTION OF SEICH COURT SW IN THE CITY OF CANTON, RALPH BYRD COURT SW

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

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

MEMBER FISHER: Mr. President.

PRESIDENT SCHULMAN: Mr. Fisher.

MEMBER FISHER: Thank you sir. I wanted to thank Ms. Karen Byrd and Pastor Morris for their kind words when they came up here. We....and as I indicated to them, thanks to Cindy who has prepared a nice plaque with the...to commemorate the street re-naming. We're actually going to do that this Sunday at...over at the Greater Bethel Apostolic Church so the congregation can kind of enjoy this. And also Member Smith and West who...who actually know the Byrd family and obviously President Schulman as well, this may be in my Ward but this is obviously something that means quite a bit to...to you guys and I wanted to thank you for that. But I just wanted to say...just real funny just how something that is...something like this comes about, a couple months ago a gentleman knocked on my front door and it turns out some knucklehead had piled so much garbage out in Seich Court that you couldn't get your car through. Now, I'm rather skeptical, I thought maybe well maybe he's driving a tank or something. So, I jumped in my car and I drove about a block away and low and behold, you could not get your car through and I'm over there trying to move the garbage out of the way and we see Reverend Byrd's daughter-in-law, Miss Twila Byrd who I had used to play basketball with her son years ago, we used to do the white men can jump hustle but it turns out that white men really can't jump so we just....we didn't really get anywhere with that. *(Laughter)* But...so we started talking and along comes Karen and we started talking and this is really...was her idea more than anything else and I offered to...to try to help out and move it along and I...I think it's a great thing particularly when you looked at this that Ralph Byrd Court will go from the...from an elementary school to his church where he did such great work with youth and did

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such great work at his church that it's fitting that Ralph Byrd Court will go from one end right to the other. So, thank you.

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

MEMBER FISHER: Mr. President, I'm sorry, I had asked Cindy before hand. Would you mind reading the Communication on that?

PRESIDENT SCHULMAN: Sure, Madame Clerk.

CLERK TIMBERLAKE: This is just a little descriptive we received on Mr. Byrd. Ralph Byrd, a Malone College graduate and United States Army veteran became Pastor of Bethel Apostolic Church in July of 1966. Under his leadership Greater Bethel became one of the largest African-American Churches in Canton. In 1992 Ralph Byrd was promoted to position of District Elder providing leadership to 11 churches. Elder Byrd believed deeply in service to community, serving on numerous faith and community boards and organizations. In the 1990's Elder Byrd started an organization which provided school shoes to low income families which is still serving our community, having provided more than 10,000 shoes to date to area families. Bishop Byrd received many community awards and honors, including inducted into the Christian Hall of Faith. In 2005 he was elevated to the position Bishop. Bishop Byrd passed away just short of celebrating 40 years as leader of Greater Bethel Apostolic Church and remains a giant in the City of Canton, in the southwest end and the African-American community.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Just one word I'd like to say. I considered Ralph Byrd to be my friend, he is certainly greatly missed in our community and that goes without saying. I want to thank Member Fisher for this recognition of his career and what he did...he was not simply a religious leader, he was a leader and we desperately need people like him in today's community, particularly with the violence that we see unfortunately day in and day out. We miss him, I miss him. He was a good friend. So, congratulations and now 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. 157/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk. The Motion carries and Ordinance 18 is adopted. Congratulations again. Turning now to Ordinance 19.

#19. (3RD RDG) **ADOPTED AS ORDINANCE NO. 158/2013** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$385.27 TO AIRGAS USA, LLC; 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.

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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. 158/2013

PRESIDENT SCHULMAN: Ordinance 19 is adopted and I'm sure Airgas was on pins and needles about that particular vote. *(Laughter)* Ordinance 20 please.

#20. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 159/2013** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH MORNING PRIDE MANUFACTURING, INC. IN AN AMOUNT NOT TO EXCEED \$35,000.00 FOR THE PURCHASE OF TURNOUT GEAR PURSUANT TO O.R.C. 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 20. Any remarks? Leader.

MEMBER DOUGHERTY: Mr. President, I move we amend Ordinance 20 per the Amendment in front of all Members of Council.

MEMBER GRIFFIN: Seconded.

Amendment

Pursuant to Rule 36, I move to amend the Caption and Section 1 of Agenda Item No. 20 to change the name "Morning Pride Manufacturing, Inc." to "Warren Fire Equipment".

PRESIDENT SCHULMAN: It's been moved and seconded that you Amend the Ordinance 20 by virtue of the copy before each you. Are there any remarks? Hearing none again, by voice vote all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The Motion carries. Leader.

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

MEMBER GRIFFIN: Seconded.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#20 ADOPTED AS AMENDED AS ORDINANCE NO. 159/2013

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

#21. (3RD RDG) **ADOPTED AS ORDINANCE NO. 160/2013** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A REIMBURSEMENT GRANT FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY IN AN AMOUNT NOT TO EXCEED \$2,500.00; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (UNAPPROP BAL 2812 FIRE DEPT EMS GRANT FUND TO 2812 103001 FIRE DEPT EMS GRANT - OTHER)

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? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#21 ADOPTED AS ORDINANCE NO. 160/2013

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

#22. (3RD RDG) **ADOPTED AS ORDINANCE NO. 161/2013** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$200,000.00 FROM UNAPPROP BAL 2760 FEDERAL FORFEITURE FUND TO 2760 102001 FEDERAL FORFEITURE - OTHER)

PRESIDENT SCHULMAN: Leader Dougherty.

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

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NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#22 ADOPTED AS ORDINANCE NO. 161/2013

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

#23. (3RD RDG) **ADOPTED AS ORDINANCE NO. 162/2013** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH THE FIRST TEE OF CANTON FOR THE LEASE OF CITY-OWNED PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY

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 under this Ordinance? Again, hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS, 1 ABSTAIN
(MEMBER DOUGHERTY ABSTAINED)

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

#23 ADOPTED AS ORDINANCE NO. 162/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 23 is adopted. Ordinance 24 please.

#24. (3RD RDG) **ADOPTED AS ORDINANCE NO. 163/2013** AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 100/2011, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (REORGANIZE PURCHASING DEPT)

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

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

MEMBER HAWK: Mr. President.

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PRESIDENT SCHULMAN: Yes, Member Hawk.

MEMBER HAWK: I will be voting no on Ordinance #24. I'm not going to vote for the creation of another management position or directorship. I will not no longer support raises or increases for management until we have at least 165 Firemen and 165 Policemen. Thank you.

PRESIDENT SCHULMAN: Thank you Member Hawk. Any other remarks? Member Cirelli.

MEMBER CIRELLI: I too will be voting no. I have before me two ads that were in the paper this Sunday, one was for the City of Canton hiring Police Officers and the other was for Safety Firefighters. And I'm hard pressed whenever the starting salary for these jobs are \$34,000.00, that's with Ohio Peace Officer certification, without it, it's \$31,000.00 for Police Officers. And also they have to pay \$20.00 for a filing fee. And then the Fire Department starting salary is 31,000 - 35,200. These gentlemen and ladies work very hard for the safety of this community and they are short staffed and I'm pleased at least the articles...the ads were in the paper that we are intending on hiring them. But I also have a problem with the fact that we allowed (*inaudible*) was 12 Firefighters that...it just was ignored and fell off and we'd had \$600,000.00 to pay them and then none of them were ever hired. So, I will be voting no on this sir. Thank you.

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

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Just real quickly. If the Mayor or Finance Department, is there...can you tell me...I think this is Randy's Department correct? So, we're talking they have 3 staff up there correct?

UNKNOWN SPEAKER: (Inaudible)

MEMBER WEST: Four? One Director and 3 staff and they take care of all the contracts and all the bid processes, all that throughout the whole City. Is that correct.

UNKNOWN SPEAKER: (Inaudible)

MEMBER WEST: Cause I met...the reason I said that is because I met with them last week when they were doing Nimisilla Park bidding and he was saying how he was overwhelmed in terms of staff, not having enough staff and needing more and this would help him get to get stuff done more efficiently, is that correct?

SERVICE DIRECTOR BARTOS: Mr. President.

PRESIDENT SCHULMAN: Service Director Bartos.

SERVICE DIRECTOR BARTOS: Under the current format there are 2 Purchasing Officers, an Admin III and then the Director. What we're trying to do is add a second management level position, it will be a Civil Service position. So it would have Civil Service protections but it will allow Randy to have a second in command if you will to take on more management level functions then we...then currently exist.

MEMBER WEST: Could you tell me, without this position how would that leave that department?

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PRESIDENT SCHULMAN: Director.

SERVICE DIRECTOR BARTOS: Mr. President, wh...when Randy came to us and said he needed help, it was clear that the old system just wouldn't work. We had great people in there before but when they left nobody knew what they're system was. So, to ca..to catch up and actually to move the department forward Randy is proposing a number of things that will move us into the 20th....21st century, whether it be paperless P.O.s. He's also found us a way to save money on uniforms. He's...he's worked with Pat and Joe on saving us money through fuel which you heard about today. This will free up Randy and also give him a second in command that he can entrust the department with when he's out or also to give him, you know, more management level assignments.

PRESIDENT SCHULMAN: Anything else Member West? Any other remarks?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: I find it rather interesting that a new person comes on board and comes and says he needs some help and practically at the very next Council Meeting we're looking at adjusting the wages and considering helping when we've had repeatedly, even tonight our Chief Police...our Fire Chief came and told us how badly and he said, if I remember he broke down, it was considered dangerous but yet we just don't seem to go there do we. Thank you.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Mayor Healy.

MAYOR HEALY: Thank you Mr. President. To...to the Chairman, prior to the PERS fiasco that we went through, there were 4 people in the Purchasing Department. Their job descriptions were from 1970's. They do not match the work that they were being done with. The salary range didn't match what they were being paid. Our prior Director, Dave Novelli was making about \$15,000.00 more than the salary range. We came to Council in 2008 and....and made those adjustments. The current the Director, what we're trying to do is we're trying to write the job descriptions that match the actual jobs that they're doing. The current Director came in, he was in the Purchasing Department in the City of Columbus. He came here, he's bringing modern technologies to our department. But when he came he was only the third person in that department, a department that had always been 4. He did not have an Assistant. We brought the Assistant in and what we're trying to do is change the job descriptions of both the Director and the Assistant Director to match what the responsibilities and their job experiences need to be to take those jobs. They're currently there. They're currently making about the same as what the old staff made within \$1,000.00 or \$2,000.00 from the full...actually making less than what the old department made. We're not asking to give them a raise. What we're asking to do with this Ordinance is to be able to redefine the job description so that if and when these people leave when can then backfill them with somebody that's similarly qualified to the people we have now as well as change a job description so that what's in their description is what they're actually doing because their current the job descriptions don't match the needs of that department nor does it match the requirements that's needed for the people in that department. These 2 people that are running the department right now both come in with masters levels degrees and they're doing a fantastic job. We're just trying to clean up the paperwork to get the job descriptions and the salary ranges to match the current employees and their ranges which by the way is less than what it was 2 years ago when the old team left because of the PERS mess. So, this is just cleaning up the structure. That's all we're asking you to do. Thank you.

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

NO REMARKS

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

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

#24 ADOPTED AS ORDINANCE NO. 163/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 24 is adopted. Ordinance 25 please.

#25. (3RD RDG) **ADOPTED AS ORDINANCE NO. 164/2013** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND EXECUTE A CONSTRUCTION CONTRACT FOR THE TRINITY PLACE AND CAPRICE AVENUE NW SANITARY MANHOLE REHABILITATION PROJECT, GP 1174; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$130,000.00 UNAPPROP BAL 5410 SANITARY SEWER FUND TO 5410 206313 SANITARY SEWER - TRINITY PL & CAPRICE AVE NW SANITARY MANHOLE REHAB GP 1174 - OTHER)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Yes, 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 under this Ordinance? 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. 164/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 25 is adopted. Ordinance 26 please.

#26. (3RD RDG) **ADOPTED AS ORDINANCE NO. 165/2013** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO APPLY FOR, ENTER INTO AGMT FOR AND RECEIVE OHIO PUBLIC WORKS COMMISSION FUNDS FOR THE 2014 PROGRAM YEAR FOR VARIOUS CITY PROJECTS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

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PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 26. Any remarks under this Ordinance? Hearing none, again 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. 165/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 26 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: Announcement of Committee Meetings please.

MEMBER COLE: Mr. President.

PRESIDENT SCHULMAN: Member Cole.

MEMBER COLE: Yes, Finance will meet Monday, September 16th at 6:30 PM.

PRESIDENT SCHULMAN: Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

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

PRESIDENT SCHULMAN: Thank you.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: CD will at the meet same time.

PRESIDENT SCHULMAN: Thank you.

MEMBER BABCOCK: Mr. President.

PRESIDENT SCHULMAN: Member Babcock.

MEMBER BABCOCK: Environmental & Public Utilities, same time, same place.

PRESIDENT SCHULMAN: Thank you.

MISCELLANEOUS BUSINESS

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

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MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Question to Martuccio, our Law Director. Apprise us, have you locked in the gas rates and are the people in Canton permitted to sign with the County instead of with the City of Canton in the aggregation programs or either or?

PRESIDENT SCHULMAN: Law Director.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member Cirelli, the City of Canton authorized its broker to strike a price last week for gas for the aggregated price of natural gas for the remainder of the season. Please bare in mind, it's just the winter season when it's the hardest to lock in prices and the most expensive. Because it's not being averaged out over an entire year or two. It's just under \$5.00, it's I believe 4.98...4.98 ½ cents I think...4.97 ½ cents per MCF. And again given all the surrounding circumstances we believe that's a fair price, a good price. That's the answer to your first question. To your second question, technically the only people who are supposed to be eligible for that price are people who reside in or have small businesses under the threshold in the City of Canton. The Stark County program was negotiated by probably the same broker for those unincorporated areas, townships that are...that don't have their own programs. So, while there may be some people who because of their mailing addresses are able to slip through the cracks and...and sign up with the County, no technically the City residents are not supposed to do that. Now, if they're willing to leave our program they can. There are circulars, mailers that are sent to all our residents saying "We can do better." And I urge them to look very carefully and read all the fine print about exit fees and so on before they do. If...if one of our folks wants to leave the program, our program, and the County program...and I shouldn't say the County program, the provider that the County has contracted with, it's not the County of Stark of the City of Canton signing up people for gas, it's gas providers. If the provider is willing to welcome them in after they've left our program I suppose they can. But again, I would caution you and your constituents who ask you to read the fine print to see when they can leave without a penalty.

PRESIDENT SCHULMAN: Thank you Law Director. Member Cirelli.

MEMBER CIRELLI: If I might.

PRESIDENT SCHULMAN: Sure.

MEMBER CIRELLI: Do we have any...if they do leave our program, there's no cost to them to leave is there sir? Because there are some residents that have signed with the County and the County did do a better negotiating rate and unfortunately we've got...but I do have several people that have called me about it and I...I was confused because I thought everybody in Canton was with Canton aggregation and I didn't know they could go...and I know it's with the companies, not the County as such nor the City as such, it's the people selling the programs. And so, I was just wondering do we have a fee that they have to pay to get out or back in if the need to?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, Member Cirelli. I don't believe there's an exit fee. I know our broker took pains upon the request of Council Members to ensure there was a window in which people could leave without being penalized. So, they have to follow that window.

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PRESIDENT SCHULMAN: Any...Mayor Healy?

MAYOR HEALY: Thank you Mr. President, just a couple of quick comments and as I mentioned at the beginning of Council the Attorney General was here. The meeting that was set up with the Attorney General when we invited him was upon the Attorney General's request not to be a public meeting. He wanted to meet with the Elected Officials, the Prosecutor, the Sheriff, the Police Chief, he had a very specific list of who he wanted in that room. So, as I appreciate the fact that we do have opportunities for the public to join us at many meetings, this was a much work session with the State's Attorney General and upon his request we were really kind of limited as to who was invited to that. So, I just wanted to share that, that was not something we structured but certainly we were happy to have him here and we had an opportunity to share with him our concerns and exchange many ideas and as well as let him know the impact that Columbus through the Governor and the Legislature, this is the results of them reducing funding to Cities like ours by the millions of dollars and those dollars were paying for Policeman and Fireman that we no longer have. And so, this is what we're all faced with and we all know...we've been talking about it over and over again. Allen Schulman, you've eloquently stated the issue many times. But you know, we...we....we can't forget the fact that the money is not there as we're dealing with the loss of millions of dollars and 50, 60, 70 Police and Fireman along the way. Second, as the Mayor of this City I've had the opportunity to meet with and visit nearly 400 businesses in our City over the past several years. We go out, talk to them, share with them ideas, concerns, you know, many times it's very positive. Sometimes we deal with business owners where there's some issues at hand. In the particular meeting that's now been referenced twice at public Council Meetings, I personally as the Mayor of this City met with the owner of that apartment complex. That was a meeting that I made the decision that I wanted to go talk to the gentleman. It was not a public meeting, nobody else was invited and I do have the opportunity and the privilege and the responsibility to have those meetings from time to time. Again, there will be opportunities for public meetings and meetings where we bring Council Members and others in but this particular meeting was a meeting that I personally sought out to sit down with the gentleman to have a one on one to express my concerns. And, you know, the fact that the information has been floating around is fine but I want to make sure that's my prerogative as Mayor to do so and I think it's my responsibility as well. There will be more opportunities to...to have meetings with Council Members and public at those conversations. So, I just wanted to share that with...with you because it has been brought up at meetings and thank you for your time.

PRESIDENT SCHULMAN: Thank you Mayor Healy. Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. I wanted to address a couple of issues that came up during the meeting fairly quickly because I know they're on the minds of some of Council and the Administration. First, Mr. Fiser thank you for your well placed attentions to help people, that's laudable. Our..our chapter on itinerant retailers is Chapter 749 of the Canton Codified Ordinances. This is the chapter that's been debated quite a bit over the last few years because it includes the Downtown Special Improvement District that includes all vendors who sell anything in the City and Mr. Fiser is correct, if one wants to sell something in the SID, in the Special Improvement District downtown, as you all recall that price is \$150.00 a month or \$1,000.00 a year for a license. Outside the SID, it's \$150 a year flat and that applies to all vendors. Now there are some exceptions as there usually are and for limited events, for example if the Girl Scouts who are a non-profit want to sell cookies downtown, the Safety Director has the authority to grant permission for the use of public property for special events that are sponsored by community service organizations and non-profit corporations. So, a foot in the door I suppose as the first step is a special event for a non-profit. Now, the Safety Director in conjunction with the license issuing technician has the authority to make sure it's a legitimate organization, it's a non-profit and so on and so on. A footnote to that, if anyone on Council is interested in

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sponsoring an amendment to make the exception for non-profits wider, we can discuss that in the Law Department. On the bicycle issue, Member Cirelli has asked me on the floor and in repeated emails about the bicycle issue and Mr. DiGiacomo I appreciate both of your well place concerns. All of us were taught from the time we were children you will ride on the right with traffic and you will walk against it. And you're right both Ohio Revised Code and local Canton Codified Ordinances say you are to ride on the right side of the road when you're a bicycle unless it's impractical or unreasonable. We also have a provision in our Codified Ordinances that recognizes a thing called a bicycle lane, now it's not...it's not ripe with details but it does recognize the bicycle lane. The Ohio Department of Transportation goes further, prescribes regulations and they work arm and arm with the Federal Highway Commission or what they call the...let me get this name right...Federal Highway Administration. Both work with something called the manual on uniform traffic control devices, MUTCD. Those regulations do allow for contraflow bike lanes if they're done properly, meaning properly signed, properly painted, properly noticed in conjunction with local authority unless countermanded by City Council to have safety and control of the public streets and Safety Director did sign a provision saying that this contraflow bicycle lane could be done on that street. Now, we in the Law Department have just gotten into it at your request trusting the engineering side of this to the Engineers who speak engineering speak and bicycle speak and...and manual of uniform traffic control speak. All of those things, all of those entities were contacted according to the records we've seen, the State, the Feds and they approved and partially funded the project. I will be turning out more information but this is the preliminary that I wanted to address because I know a number of you out there, a number of people on Council had said "Is this legal?" "Is it safe?" Now on the liability issue, two points, one, we the City have the right to a certain amount of (*inaudible*) on Police, what they call health, safety, welfare powers, we have the right to make sure that people are safe when they're using our infrastructure and we have discretion in doing that because we're a Government. As long as we don't totally go outside of our scope of our authority or act in bad faith or recklessly, we have immunity. We can say that we are entitled to immunity against lawsuits. The second aspect of that is when we provide recreation to the community, when we provide user, our citizens, our guests, when we provide recreational opportunities for them free of charge, open to the general public, we have a great deal of immunity when we provide recreational use for people again subject to what you would consider cautions that we're not stepping outside the law. So, again my preliminary opinion is the steps were taken, this will have to be advertised like an Ordinance, this change in the roadway. And I can issue a decision later that I will share with all of you. Thank you.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: It's the case like what came first the chicken or the egg. Now, our Safety Director did sign, because I received one of the papers as all the Council Members had one in our mailboxes and I don't know when it was placed in the but they...she just became the Safety Director quite a bit of time after the project was already in the flow. I mean in other words, they didn't ask the Safety Director's opinion prior to...the Engineer did not, he took it upon himself to just go and design this long before our Safety Director was sworn in as Safety Director. That's what I have a problem because we had a meeting the other night about some other things the Engineer has done...or, you know, he says "you can't break the law." And I threw back at him "but you can break a half a law." And so, it's all in words because I know the last Safety Director I believe did not sign for that. Thank you sir.

PRESIDENT SCHULMAN: Thank you Member Cirelli.

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MEMBER WEST: Mr...Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Just real quick, as you guys note a lot of this is in Ward 2 and I had concerns, not just Pat Kirk who had said...came to Council and talked about it but we had several other people that was concerned about some of the traffic issues down on 6th Street and Walnut and the crashes that occur. As you guys know, I've been talking about traffic on Walnut for years, that's why I brought up the cameras because we had so many issues going down on Walnut Avenue in terms of people's driving, reckless driving, let me put it that way. But also when I talked...reached out to Dan Moeglin and his department several months ago in reference to all these different issues that are coming up, you know, Dan had told me that he was working directly with the State of Ohio Transportation. So, they approve everything, everything that goes through the State of Ohio had to approve. And so when we're talking about the bike lanes, when we're talking about the signals and all that kind of stuff, the State of Ohio approved all that and sometimes, you know, I'm not used to everything either, the changes down there and I'm a little bit baffled still by parking backwards and I know some of you guys are because I've seen you park. But the reality is change is inevitable and as Dan said, give it sometime and you guys will see it will work and he's trying to make our City a more liveable City. So, give him sometime and let him...let him try his...his thing out and I think...I'm sure it's going to work out well. Thank you.

PRESIDENT SCHULMAN: Thank you Member West. Before we adjourn I want to comment on what the Mayor said about today's meeting with Attorney General DeWine. I wanted to be there, I could not attend because I was in a deposition but when I heard that the press was not allowed to be in the room, that was infuriating and it was wrong. And Attorney General DeWine should be ashamed of himself for not permitting the press to be there or the public, nothing that was discussed in that meeting was so super sensitive that the press should have been prohibited or that the citizens of Canton should have been prohibited from being there. When you're talking about homicides, the murder rate in our City, crime in our City to eliminate the public and the press was wrong and I appreciate the Mayor saying those words that it was not his doing. He is a guest in our City, we have to respect what he say, I don't have to agree with it and I don't. Secondly, for Safety Director Perry, every morning I drive from my home down Cleveland Avenue and Member Mariol and I have been talking about this, there is a home...two homes that look like they have been bombed out at the end of World War II. Now, we have a lot of really crappy, dangerous, ugly buildings in the City which we are going to demolish I presume, this happens to be the corridor...one of the corridors into our City on Cleveland Avenue and I directed my comments on that home, it's Cleveland and 20th, it's two homes, the glass is broken. It's right next to where that automobile place burned down. And I directed my comments to Ms. Cavanagh, who on many occasions really is irritating. And I said to her "Why didn't you, when you took that....." by the way that lasted for sometime but at least they took that building down and made it safe for the children in the neighborhood. I said "for Pete's sakes why didn't you just take that house down, those two homes, they're standing right there, you're demolishing one building, take both of them down." "Oh we can't do that, we'll be sued." I said, "I would represent the City for free and just all you have to do is take pictures." I said, "Were you inside?" She said, "I can't go inside." I said, "Angela, you can walk through the windows, you don't have to use the door, all you do is walk through the broken windows." So, if you would do me a big favor, they actually have these two homes on the market which is really incredible. I don't know who is going to buy it but I want...next...next meeting I'm going to find out who owns it and we're going to embarrass them. They should be absolutely ashamed. They don't live in the City, I think they live in Minerva, it's a couple and they should be ashamed and it's outrageous and it's a danger and a hazard. And I think that should go at least pretty much to the top of our demolition list if you don't mind. If you'll...if you'll take a look at it, I know you have a few

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things to do but if you could do that, I would be very...John and I would both be very much appreciative. John do you have anything you want to add?

MEMBER MARIOL: *(Inaudible)*

PRESIDENT SCHULMAN: Great. Leader.

MEMBER DOUGHERTY: First of all, I want to thank the Members for voting on the First Tee project. That has really grown over the 10 plus years it's been there and it's..it's great for our kids and we're going to try to get into the schools with the program. So, things are going great there. So, I appreciate your support. Don't forget next Saturday is our Feed the Needy picnic out on the street and it's...been doing this for 20...City Council has been doing this for 20 plus years. So, it's growing every year and we're going to add a few more things this year to it too. And Mr. President, thanks for offering your lot up to us as we expand. Appreciate that.

PRESIDENT SCHULMAN: That's my pleasure.

MEMBER DOUGHERTY: And so, with that 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. *(Gavel falls)* Drive careful everybody and thank you for coming.

ADJOURNMENT TIME: 8:54 PM

ATTEST: SEPTEMBER 13, 2013
CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

APPROVED: SEPTEMBER 13, 2013
ALLEN SCHULMAN
PRESIDENT