

MINUTES OF THE MEETING NOVEMBER 18, 2013

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. After our hiatus of two weeks, with a quorum present, the Chair calls this meeting of Canton City Council to order. Roll call vote please Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

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

ELEVEN COUNCIL MEMBERS PRESENT. (MEMBER COLE ABSENT)

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Leader Dougherty.

EXCUSING MEMBERS

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

MEMBER GRIFFIN: Seconded

PRESIDENT SCHULMAN: It's been moved and seconded to excuse Member Cole from this evening's meeting. Any remarks? For the record, I do understand that Member Cole is under the weather tonight and that's the reason he can't be here. 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 Cole is excused from this evening's meeting. Tonight's invocation will be given by my friend Ward 3 Council Member and Minority Leader James Griffin. Would you all please remain standing for our Pledge of Allegiance.

The regular meeting of Canton City Council was held on November 18, 2013 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Ward 3 Council Member James Griffin. The Pledge of Allegiance led by President Schulman.

PRESIDENT SCHULMAN: Thank you Member Griffin.

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 10 through 15.

MEMBER GRIFFIN: Seconded.

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PRESIDENT SCHULMAN: It's been moved and seconded that you suspend Rule 22A to the 2nd Reading Ordinances 10 through 15 to this evening's Agenda. Are there 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: 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: We now turn to Old Business and I'll ask that the Mayor's Chief of Staff, Fonda Williams take over at this point.

CHIEF OF STAFF WILLIAMS: Mr. President there was one order of Old Business from Mr. Greg Sanford. Mr. Sanford eloquently addressed Council about the underpass at Henry and 15th Street SW needed attention. That was turned over to the Street Department and I will follow up to see if it met his satisfaction.

PRESIDENT SCHULMAN: Thank you very much.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We are now under Public Speaks. We have 4 speakers this evening. Our first speaker is Jonathan Bailey. Mr. Bailey good evening. As always, welcome to Canton City Council. If you'll give us your name sir and your residential address.

JONATHAN BAILEY: Jonathan Bailey. 405 3rd Street, northeast end, 44702.

PRESIDENT SCHULMAN: Thank you.

JONATHAN BAILEY: I'm here today cause I heard that there's been some movement toward what I've been talking about the scrap metal places taking stolen bicycles and that is applaudable. Thank you very much for making those efforts and also I want to bring it to attention that some investigation and enforcement of these new laws and the old laws need to be done. As a friend of mine, he wouldn't let me use his name today, an acquaintance I have known for years, he had just bought himself just last year a \$1,274.00 bicycle with hydraulic disc brakes, aluminum frame. Six months ago it was stolen. Probably scrapped now. The police told him that they're not going to bother to look for that. It was registered. This is pretty much tied it out to legalized bicycle theft. We need something. We need more law enforcement. We need more investigators. We need to set up a sting if you have to. There's ways of putting low jack in these bikes. I've looked at that. I've went to Filcap Electronics to see what it would take to put a low jack in my bike cause that's how bad it is. It can be done. Get a few nice bikes from the impound that no ones, put some low jacks on them and set up a sting. Set these guys down. They're out of control. Everyday I'm hearing about somebody who's got

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their bike stolen and the cars the same way. There's people cars getting stolen and the only way there getting found is if the guy who stole it runs a red light and a cop happens to see it. This is legalized theft. This is hurting the community. The poor community in particular, badly. It brings the whole neighborhood down. It's got to end. I've never seen it like this before and I've lived in Canton my whole life and I've had way too many bikes stolen over the years and now you can get hit in the head. There's certain neighborhoods I don't want to go near cause you can get hit in the head and they'll take the bike out from under you. And what you're going to get is "Oh, sorry about your luck. If we just happen to run the guy over and he's on your bike we'll arrest him." Something else needs to be done and I'm going to keep coming until I see some serious changes. Until I stop hearing friends and colleagues and acquaintances coming up to me every day and telling me their bikes are being stolen. I'm not done. Any questions.

PRESIDENT SCHULMAN: No, I think we've heard you and we'll I know do our very best sir. Thank you very much Mr. Bailey. And I think you're right sir, keep coming down.

JONATHAN BAILEY: I will. Thank you.

PRESIDENT SCHULMAN: You're welcome. Our next speaker is Patricia Kirk. Miss Kirk if you'll step forward and give us your name. Always welcome to Canton City Council and your address please.

PATRICIA KIRK: Hi, my name is Patricia Kirk. 131 5th Street NE and tonight I'm speaking to you as Chairperson of our city's new Tree Commission and my timing might be a little bit off. I thought tonight would be a second reading but I want to talk to you about the difference between a license and certification. Just like you would want a family member to be operated on a person that's qualified to do the operation. You want a tree to be diagnosed, treated and worked on by a certified person. Here's the problem that we're running into, the city is offering a license and then a permit. I'm finding out that the word license means different things to different people. I have talked to tree workers in the past and they said, "Oh yea right, a license. I can get that. I'll just check a couple of boxes." And when I say no, it's professional. It requires schooling and training, they're like, hum? Certification is a word that cannot be argued with. It's given by a professional agency that's educational. It is signed. It is dated. It must be kept up with CEU's and it basically says this person is certified in the tree working area. Nothing else. That certification can be checked. Can be checked to see if it's updated. This is what we need because we're not working with inanimate objects. We're working with trees that give back to the city and can die if they are not treated right but you may need to know this for the future. I just wanted to bring this to your attention. Thank you.

PRESIDENT SCHULMAN: Thank you very much. Appreciate it. Our next speaker is Bruce Nordman. Mr. Nordman as always, welcome to Canton City Council. If you'll give us your name though and your residential address for the record.

BRUCE NORDMAN: Well good evening. Bruce Nordman. I reside at 1623 Logan Avenue NW. Good evening Mayor, Mr. President, Members of City Council. First of all if we would pass down the, the pictures I want to thank the Mayor. I want to thank the City Council, Stephanie Gallagher, Derek Gordon, Ed Rehfus from the schools and Greg Malone and the Bulldog 100's for supporting this initiative to restart a renewal of a tradition in terms of Canton McKinley beat Massillon. Unfortunately the football team I don't think, read the signs. OK, that's the fun part of it. Now the second thing is, I want to restate the mission of Group 175. The mission of Group 175 is to bring the Police and the Fire Department to 175 police officers and 175 firemen. That's our goal and we are right on the cusp of getting this accomplished. Before you tonight to be voted

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upon are two grants, two federal grants which will field 10 ½ officers if approved. The Mayor has already said that he is going to give us 12 more policemen, 12 more firemen. One of the caveats of the Park Levy was if the Park Levy passed, with the good support of the City Council, with an Informal Resolution, that the monies that are going to be saved which are to be about \$1,100,000.00 are to be devoted to public safety. And when you add all that together, according to my arithmetic, darned close to getting 175 and 175. Now I went down to both of the exams, the Police exam and the Fire exam. There was 270 individuals that showed up for the Police exam, 230, 231 for the Firemen. If you take the average of about 15% which is, by the time you get through the written exam and the drug test and the physical test, it means that we're going to get about 14 or 15 people for both departments, 14 Firemen, 14 Policemen. That means we're going to have to have another exam. I would like the administration next week to present to the City Council and to Group 175 what their plan is in terms of meeting these numbers. Now we're coming into a new year here. We got a lot of, we got a Park Levy passed. We've got federal, we got federal funding for additional Police officers and we've got the promise for 12 firemen and 12 policemen by the Mayor. So I'd like to ask the administration next week to present that to the City Council and to Group 175 and the audience here who are members of the city what that is. Thank you very much.

PRESIDENT SCHULMAN: Thank you Mr. Nordman very much. Appreciate it. Our last speaker I'm pleased to introduce is Pastor Michael Miles. Pastor Miles if you'll step forward sir. Welcome to Canton City Council. If you'll give us your name and your residential address please sir.

MICHAEL MILES: My name is Michael Lamont Miles. I reside at 3835 Linda Street, North Canton, Ohio 44720. I'd like to first of all thank our honored or rather the presence of the Mayor, Councilman Schulman and to all of you who are assembled here. I want to thank all of you for entertaining a motion to rename a portion of Feller Street in the southeast quadrant of the city after a man named Floyd Summers. Floyd Summers was the founder of the Mount Olive Baptist Church in 1967 and he has done, he had done tremendous work in increasing the quality of life for people in that community and all over the city. I believe in giving honor to whom honor is due and I hope that you all will assist me in making this vision a reality. This Sunday we celebrate 47 years in ministry and we invite all of you to come and celebrate with us. Our Mayor's going to be with us. We're going to cut a ribbon and celebrate preferably with your vote the street renaming Floyd Summers Court and with that, thank you Mr. President.

PRESIDENT SCHULMAN: Thank you Pastor very much. We really appreciate it. (APPLAUSE) And I think in light of Pastor Miles statement and the importance of this what I'm going to do is just, let's vote on this right now. So let's turn to #15 on your Agenda this evening. Madame Clerk would you read that for us.

#15. (2ND RDG) ADOPTED AS RESOLUTION NO. 206/2013 AN ORDINANCE RENAMING A PORTION OF FELLER COURT S.E. IN THE CITY OF CANTON, FLOYD SUMMERS COURT S.E.

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: The vote's before that Mr. President.

PRESIDENT SCHULMAN: I'm sorry.

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MEMBER DOUGHERTY: We have some rules to go over first on that before we just vote on it cause it's a Second Reading.

CLERK TIMBERLAKE: That's correct.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: Thank you. It's been moved and seconded to suspend the Statutory Rule 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. You've heard the three readings Leader.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#15 ADOPTED AS ORDINANCE NO. 206/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 15 is adopted. Thank you Pastor very much for coming down. We certainly appreciate it. (*APPLAUSE*) And thank you Leader for allowing us to do that out of order.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We're now under Informal Resolutions. We have none this evening.

COMMUNICATIONS

PRESIDENT SCHULMAN: Turn now to Communications. Let the journal show that all Communications are received as read.

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE

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424. AUDITOR MALLONN: REQ FOR ADDT'L AMENDED CERTIFICATE DATED 10/29/13. - RECEIVED & FILED
425. AUDITOR MALLONN: MONTHLY RPT BY FUND FROM 10/01/13 - 10/31/13. - RECEIVED & FILED
426. AUDITOR MALLONN: YRLY RPT BY FUND FROM 1/1/13 - 10/31/13. - RECEIVED & FILED
427. AUDITOR MALLONN: REQ \$35,616.00 SUPP APPROP FROM UNAPPROP BAL OF 2772 2013 BYRNE GRANT FUND TO 2772 2013 BYRNE GRANT FUND - OTHER; \$35,616.00 INTER-FUND ADVANCE/REPAYMENT FROM 1001 GENERAL FUND - OTHER TO 2772 2013 BYRNE GRANT FUND AND \$35,616.00 FROM 2772 2013 BYRNE GRANT FUND - OTHER TO 1001 GENERAL FUND - OTHER. - FINANCE COMMITTEE
428. COMM DEV DIRECTOR MILLER: ESTABLISH FAIR REUSE VALUE OF REAL PROP AND AUTHORIZE DISPOSITION OF SAID PROP LOCATED ON 11TH ST SE FOR DANIEL C & ELIZABETH A SUMMERS (PARCEL #0208490, LOT #14210). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
429. COUNCIL MEMBER WEST: REQ ORDINANCE OR INFORMAL RESOLUTION ADDRESSING DIVERSITY INCLUSION WITHIN OUR DEPTS BY ADOPTING & ADAPTING A VERSION OF THE "ROONEY RULE" FROM THE NFL. - RECEIVED & FILED
430. DEPARTMENT OF COMMERCE: NOTIFICATION OF EXPIRATION OF ALL LIQ PERMITS 2/1/14; MUST RCV OBJECTIONS BY 1/2/14. - RECEIVED & FILED
431. DEPARTMENT OF COMMERCE: ADVISING OF CANCELLATION OF HEARING SCHEDULED FOR 11/13/13 REGARDING NEW LIQ PERMIT APPLICATION FOR DOLLAR & MORE OF CANTON LLC. - RECEIVED & FILED
432. FINANCE DIRECTOR DIRUZZA: AUTHORIZE AUDITOR TO PAY \$7,845.21 & \$4,867.90 MORAL OB TO AT&T & \$3,080.68 MORAL OB TO VERIZON FOR CITY'S MAIN LINE & CELL PHONE SVS. - FINANCE COMMITTEE
433. HEALTH COMMISSIONER ADAMS: REQ \$145.14 INTRA-FUND TRANSFER FROM 1001 301001 TO 2312 301001. - FINANCE COMMITTEE
434. LAW DIRECTOR MARTUCCIO: AUTHORIZE SERV DIR TO ENTER INTO CONTRACT W/STARK COUNTY PUBLIC DEFENDER COMMISSION FOR LEGAL SVS FOR INDIGENTS CHARGED W/VIOLATIONS IN CANTON MUNI COURT. FROM 1/1/14 - 12/31/14 WITH OPTION TO RENEW FOR ADDT'L 1 YR PERIOD. - FINANCE COMMITTEE

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435. LAW DIRECTOR MARTUCCIO: AUTHORIZE SERV DIR TO ENTER INTO MASTER SVCS AGREEMENT W/CONSTELLATION ENERGY GAS CHOICE INC FOR 2 YRS COMMENCING ON OR ABOUT 4/1/14 FOR NATURAL GAS AGGREGATION. - ENVIRONMENT & PUBLIC UTILITIES COMMITTEE
436. LAW DIRECTOR MARTUCCIO: AUTHORIZE AN AMENDMENT TO JACKSON-CANTON JOINT ECONOMIC DEV DISTRICT CONTRACT ENTERED INTO ON 8/23/11. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
437. LIQUOR CONTROL DIVISION: REQ C1 C2 LIQ PERMIT TRANSFER FROM SUNKIN INC DBA S & K MINI MART TO SIYAMAN INC DBA S & K MINI MART @ 2502 11TH ST SW 1ST FLOOR. - RECEIVED & FILED
438. LIQUOR CONTROL DIVISION: REQ D5 LIQ PERMIT TRANSFER FROM PENGUIN REST & COCKTAIL LOUNGE INC DBA PENGUIN COCKTAIL LOUNGE TO THAHGMA LLC DBA PASSION BLUES DINING CLUB @ 1212 WALNUT AV NE. - RECEIVED & FILED
439. MAYOR HEALY: REQ APPROVAL OF REAPPT OF JACK BOLENDER TO CANTON INVESTMENT BD FROM 1/1/14 - 12/31/15. - PERSONNEL COMMITTEE
440. MAYOR HEALY: REQ APPROVAL OF REAPPT OF DAWN DEVINE TO CANTON INVESTMENT BD FROM 1/1/14 - 12/31/15. - PERSONNEL COMMITTEE
441. MAYOR HEALY: REQ APPROVAL OF REAPPT OF DAVE KIRVEN AS PLUMBING JOURNEYMAN TO CANTON CONSTRUCTION BD FROM 1/1/14 - 12/31/16. - PERSONNEL COMMITTEE
442. MAYOR HEALY: REQ APPROVAL OF REAPPT OF JOSEPH FRIEDMAN AS HVAC CONTRACTOR TO CANTON CONSTRUCTION BD FROM 1/1/14 - 12/31/16. - PERSONNEL COMMITTEE
443. MAYOR HEALY: REQ APPROVAL OF REAPPT OF DAVE GRABOWSKI AS HVAC CONTRACTOR TO CANTON CONSTRUCTION BD FROM 1/1/14 - 12/31/16. - PERSONNEL COMMITTEE
444. MAYOR HEALY: REQ APPROVAL OF REAPPT OF KENNETH SANDER TO BD OF BLDG APPEALS AS GENERAL CONTRACTOR RETRO FROM 7/12/13 - 7/11/16. - PERSONNEL COMMITTEE
445. MAYOR HEALY: REQ APPROVAL OF REAPPT OF SUE ROSS TO BD OF ZONING APPEALS FROM 1/1/14 - 12/31/16. - PERSONNEL COMMITTEE
446. MAYOR HEALY: REQ APPROVAL OF APPT OF DEBORAH SHAMLIN TO FAIR EMPLOYMENT PRACTICES BD FROM 1/1/14 - 12/31/16. - PERSONNEL COMMITTEE

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447. PLANNING COMMISSION: RECOMMENDING REPLAT OF LOT 35853 & PART OF LOT 35852, PARCEL #302067 & #10004106 LOCATED AT & ABUTTING 369 47TH ST NW (MR & MRS THOMAS FORBES). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
448. PLANNING COMMISSION: RECOMMENDING REPLAT OF LOTS 30740, 38867 & 38868, PARCEL #209862, #209861 & #202512 LOCATED AT AND AROUND 3737 GREENWOOD PL SW (REED FUNERAL HOME). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
449. PLANNING COMMISSION: RECOMMENDING REPLAT & DEDICATION OF PART OF LOT 31008 & PART OF LOT 31009, PARCEL #210680 & #210681 LOCATED AT & ABUTTING 955 RAFF RD SW. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
450. SAFETY DIRECTOR PERRY: AUTHORIZE TO PAY \$11,000.00 MORAL OB FROM EMERGENCY DEMO & CLEARANCE OF 604 HAZLETT AVE NW DUE TO A FIRE. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
451. SAFETY DIRECTOR PERRY: AUTHORIZE TO ACCEPT & APPROP A \$16,002.00 FIRE PREVENTION & SAF GRANT FROM FEMA THAT HAS BEEN AWARDED TO FIRE DEPT TO PURCHASE SMOKE DETECTORS FOR THE PUBLIC. - FINANCE COMMITTEE
452. SERVICE DIRECTOR BARTOS: REQ TO GRANT AUTHORITY TO SERV DIR TO ENTER INTO RELATIONSHIP WITH STARK COUNTY FOR INDIGENT BURIALS. - FINANCE COMMITTEE
453. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO AGMT W/ACLARA FOR PURCHASE OF METER TRANSMITTING UNITS & TECH SVCS TO PROVIDER OF EQUIPMENT FOR CANTON'S EXISTING AUTOMATED METER READING SYSTEM; AUTHORIZE MAYOR &/OR SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR PURCHASE OF WATER METERS; AUTHORIZE MAYOR &/OR SERV DIR TO REC BIDS & ENTER INTO CONTRACT W/PROF INSTALLATION FIRM TO SCHEDULE APPOINTMENTS, REPLACE METERS & MTUs BEFORE RECEIVING SAID BIDS & ENTER INTO SAID CONTRACT A REQ FOR QUALIFICATIONS WILL FIRST BE ADVERTIZED; AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO PROF SVCS CONTRACT W/BURGESS & NIPLE FOR PROJ OVERSIGHT SVCS DURING REPLACEMENT PERIOD FOR AMT NOT TO EXCEED \$324,000.00; AUTHORIZE MAYOR &/OR SERV DIR TO APPLY FOR & ENTER INTO CONTRACT W/OHIO ENVIRONMENTAL PROTECTION AGENCY THRU OWDA FOR A LOW INTEREST WATER SUPPLY REVOLVING LOAD ACCT FOR AN AMT NOT TO EXCEED \$15,000,000.00 TO BE AMORTIZED OVER A 20 YR PERIOD. \$14,676,000.00 WILL BE DESIGNATED FOR PURCHASE OF METERS & MTUs INSTALLATION SVCS, CONTINGENCIES, LOAN FEES & REPAYMENT OF THE PLANNING LOAN. \$324,000.00 WILL BE DESIGNATED FOR PROJ OVERSIGHT SVCS TO BE PERFORMED BY BURGESS & NIPLE AUTHORIZE AUDITOR TO REC ALL LOANS & REVENUE PROCEEDS & TRACK EXPENDITURES RELATED TO THE PROJ IN THE 5227 207030 WATER METER/MTU REPLACEMENT FUND; MAKE \$15,000,000.00 SUPP APPROP FROM UNAPPROP BAL OF 5227 207030 WATER METER/MTU REPLACEMENT FUND TO APPROP BAL OF 5227 207030 WATER METER/MTU REPLACEMENT FUND - OTHER; AUTHORIZE AUDITOR TO DRAW

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WARRANTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY PROPER DEPARTMENTAL AUTHORITY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

454. SERVICE DIRECTOR BARTOS: REQ TO AMEND CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL BY ADDING THE CLASSIFICATIONS OF PIPEFITTER 3 & CONSTRUCTION SUPERVISOR TO COLLECTION SYSTEMS DEPARTMENT & INCLUDING THESE NEW CLASSIFICATIONS W/THOSE CLASSIFICATIONS ALREADY IN CSD THAT ARE LIMITED TO A COMBINED TOTAL OF 22 EMPLOYEES; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY THE PROPER DEPARTMENTAL AUTHORITY. - PERSONNEL COMMITTEE
455. TREASURER SCHIRACK: RPT OF BANK RECONCILIATIONS AND CITY'S OUTSTANDING INVESTMENTS AS OF 10/31/13. - RECEIVED & FILED
456. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS AS OF 10/31/13. - RECEIVED & FILED
457. TREASURER SCHIRACK: RPT OF DEPOSITS & PAY-INS FOR OCT 2013 TO AMBULANCE LOCK BOX ACCT. - RECEIVED & FILED
458. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR OCT 2013. - RECEIVED & FILED

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 Ordinances are being given their reading as required by State Law. Madame Clerk would you please read the First Reading Ordinances 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. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A JOINT ECONOMIC DEVELOPMENT DISTRICT AGREEMENT IN SPECIFIC AREAS IN PARTNERSHIP WITH JACKSON TOWNSHIP, THE CITY OF NORTH CANTON AND PLAIN TOWNSHIP; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- #2. (1ST RDG) AN ORDINANCE VACATING A PORTION OF GROVE PLACE SW; AND DECLARING THE SAME TO BE AN EMERGENCY (WEST LINE OF LOT 16058 TO EAST LINE OF LOTS 16059 AND 10270 FOR AULTMAN HEALTH FOUNDATION)
PUB HRG 12/2/13 @ 7:30 P.M.
Referred to Public Safety & Thoroughfares Committee

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- #3. (1ST RDG) _____ AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #234939 AT 1809 22ND ST NE FOR ROBERT TABOR) **PUB HRG 12/2/13 @ 7:31 P.M.**
Referred to Judiciary Committee
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- #4. (1ST RDG) _____ AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH TRIMBLE IN AN AMOUNT NOT TO EXCEED \$24,662.31 FOR THE PURCHASE OF A "TOTAL STATION" PURSUANT TO O.R.C. SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee
- #5. (1ST RDG) _____ AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO A FIVE-YEAR CONTRACT WITH THE WORKSHOPS, INC. FOR THE OPERATION, MANAGEMENT AND SUPERVISION OF THE SNACK BAR LOCATED ON THE FIRST FLOOR OF CITY HALL; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #6. (1ST RDG) _____ AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO: NEGOTIATE AND ENTER INTO EASEMENT AGREEMENTS WITH AMERICAN ELECTRIC POWER (AEP) AUTHORIZING THE PLACEMENT OF TRANSMISSION POLES AND/OR LINES ON OR OVER CITY PROPERTY; NEGOTIATE THE FAIR MARKET VALUE OF OR DONATE TO AEP THE EASEMENTS AUTHORIZING SAID PLACEMENT; MAKE TYPOGRAPHICAL CORRECTIONS OR EASEMENT DELINEATION ADJUSTMENTS BASED UPON NEGOTIATIONS AND TRANSMISSION LINE PLACEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Environmental & Public Utilities Committee
- PRESIDENT SCHULMAN: Thank you Madame Clerk.
- #7. (1ST RDG) _____ AN ORDINANCE DECLARING THE CITY AUDITOR TO PAY \$63,530.25 TO STARK STATE COLLEGE; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #8. (1ST RDG) _____ AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE, OR THEIR DESIGNEE, TO ENTER INTO AGREEMENTS FOR PURCHASE/ACQUISITION OF PARCELS AND TEMPORARY CONSTRUCTION EASEMENTS FOR THE MAHONING ROAD CORRIDOR PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee

MINUTES OF THE MEETING NOVEMBER 18, 2013***COUNCIL RECESSED AT 7:50 P.M. FOR THE ENVIRONMENTAL AND PUBLIC UTILITIES COMMITTEE TO DISCUSS ORDINANCE #9; RECONVENED AT 7:52 P.M.)***

- #9. (1ST RDG) ADOPTED AS ORDINANCE NO. 207/2013 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH CONSTELLATION ENERGY GAS CHOICE, INC. FOR THE PROVISION OF DISCOUNTED NATURAL GAS TO ELIGIBLE RESIDENTS AND SMALL BUSINESSES IN THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
- Referred to Environmental & Public Utilities Committee

PRESIDENT SCHULMAN: And at this time the chair would declare a recess for the Environmental & Public Utilities Committee to meet in regard to Ordinance #9 on your Agenda. You're now in recess.

PRESIDENT SCHULMAN: Council will now reconvene after its recess. Chairman Babcock you run a streamline Committee.

MEMBER BABCOCK: Thank you.

PRESIDENT SCHULMAN: You're welcome. Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to put Ordinance 9 back on the Agenda.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to Suspend Rule 22A to put Ordinance 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. 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 Rules on Ordinance 9. Any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries Leader.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 9.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 9. 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.

#9 ADOPTED AS ORDINANCE NO. 207/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 9 has been adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: Now we turn to Ordinance and Formal Resolutions for their Second Reading. Would you please begin Madame Clerk with Ordinance 10.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #10 THROUGH #15 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #10. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (4 APPROP TRANSFERS AND 2 SUPP APPROPS - PURCHASING, ENGINEERING, MAINTENANCE, PARKS)
- #11. (2ND RDG) AN ORDINANCE REPEALING SECTION 549.11, PERMIT FOR CONCEALABLE FIREARMS, OF THE CODIFIED ORDINANCES
- #12. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT AN ADVANCE FUNDING GRANT FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY IN AN AMOUNT NOT TO EXCEED \$1,500.00; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (FROM UNAPPROP BAL 2786 POLICE EMS GRANT FUND TO 2786 102001 POLICE ADMIN - OTHER)
- #13. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH MURPHY TRACTOR & EQUIPMENT COMPANY, INC. FOR THE PURCHASE OF ONE JOHN DEERE 650K BULLDOZER WITH ACCESSORIES IN AN AMOUNT NOT TO EXCEED

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\$150,000.00 PURSUANT TO O.R.C. SECTION 125.04; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$75,000.00 FROM UNAPPROP BAL 5201 WATER FUND TO 5201 207022 WATER DISTRIBUTION FUND - OTHER)

- #14. (2ND RDG) _____ AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT WITH H-P PRODUCTS (H-P) TO ACCEPT THE DONATION OF A 3.81 ACRES, MORE OR LESS, TRACT OF LAND; CANTON ACCEPTS THE DONATION OF \$80,000.00 IN VALUE OF REAL PROPERTY FROM H-P; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Thank you Madame Clerk.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Turning now to Ordinances and Formal Resolutions for their Third, Final Reading and Vote. Would you please begin Madame Clerk with Ordinance 16.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #16 THROUGH #24 FOR THE THIRD TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

- #16. (3RD RDG) **ADOPTED AS ORDINANCE NO. 208/2013** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$300,000.00 FROM UNAPPROP BAL OF 2316 WIC GRANT FUND TO \$230,000.00 2316 WIC GRANT FUND - OTHER AND \$70,000.00 2316 WIC GRANT FUND - PERSONNEL)

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 16. Any remarks under this Ordinance? Hearing none again, 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. 208/2013

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

- #17. (3RD RDG) **ADOPTED AS ORDINANCE NO. 209/2013** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO

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BE AN EMERGENCY (\$1,459.54 FROM 2323 301001 - OTHER TO 2323 301001 - PERSONNEL)

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#17 ADOPTED AS ORDINANCE NO. 209/2013

PRESIDENT SCHULMAN: Ordinance 17 is adopted. Ordinance 18 please.

#18. (3RD RDG) **ADOPTED AS ORDINANCE NO. 210/2013** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH LENCO ARMORED VEHICLES IN AN AMOUNT NOT TO EXCEED \$79,623.50 TO REFURBISH THE SWAT ARMORED VEHICLE; 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 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.

#18 ADOPTED AS ORDINANCE NO. 210/2013

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

#19. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 211/2013** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO RECEIVE THE 2012 COPS HIRING PROGRAM GRANT IN AN AMOUNT NOT TO EXCEED \$821,489.00; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

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

MEMBER DOUGHERTY: Mr. President, I move we amend Ordinance 19 per the amendment in front of all Council Members.

MEMBER GRIFFIN: Seconded.

Amendment

Pursuant to Rule 36, I move to amend Agenda Item No. 19 by the substitution of the attached revised ordinance for the originally proposed ordinance.

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance 19 by virtue of the copy before each Member of Council. Are there any remarks under that motion?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Yes Madame Clerk, or I'm sorry, Member Cirelli.

MEMBER CIRELLI: Thank you. I know Ordinance 19 and 20 are very similar but as I read this over, this one says to establish the 2078, 2789 212 that's the year. Excuse me, 212 we're accepting a grant. Why didn't we do this last year? Where has it been all this time? Or is there something I'm reading wrong.

SAFETY DIRECTOR PERRY: Mr. President. To the Councilwoman.

PRESIDENT SCHULMAN: Safety Director.

SAFETY DIRECTOR PERRY: I'm not certain as to why that was not approved previously but when it was brought to my attention, I did what was needed to get that grant accepted for us.

MEMBER CIRELLI: Mr. President. I appreciate that but being as how this has really been an issue, the safety and I would have asked this in Committee meeting but it didn't dawn on me.

PRESIDENT SCHULMAN: I don't mean to interrupt but I think the Mayor has more.

MEMBER CIRELLI: Oh, OK, thank you.

MAYOR HEALY: Thank you. When the COPS grant came in it was specifically earmarked for veterans. There was no veterans available on the list. We had 1 veteran that we were able to hire during the last list cycle so, we were not able to receive the money because we couldn't hire anybody until we expired that list and started a new one. Now we have a new list coming through. We're in the process of finalizing that and hiring. We anticipate there'll be veterans that we'll be able to use it. So, it's not that the money was sitting there and was wasted. By Civil Service law, we had no ability to hire somebody that wasn't part of that list until it expired. The list was good for 2 years so we had wait out that time.

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PRESIDENT SCHULMAN: Does that satisfy you Member Cirelli? Or at least answer your question?

MEMBER CIRELLI: It answers the question I guess. Thank you.

PRESIDENT SCHULMAN: Any other remarks? We're really under a motion to amend. Any other remarks under the motion to amend? Hearing none then by voice vote on the motion to amend 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. The Ordinance is amended. Now, Leader.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 19 as amended. Any remarks under the Ordinance as amended? Hearing again nothing, Madame Clerk again, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#19 ADOPTED AS AMENDED AS ORDINANCE NO. 211/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 19 is adopted. Ordinance 20 please.

#20. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 212/2013** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO RECEIVE THE 2013 COPS HIRING PROGRAM GRANT IN AN AMOUNT NOT TO EXCEED \$851,949.00; 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 Council Members.

MEMBER GRIFFIN: Seconded.

Amendment

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Pursuant to Rule 36, I move to amend Agenda Item No. 20 by the substitution of the attached revised ordinance for the originally proposed ordinance.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 20 by virtue of the copy that is before each Member of Council. Any remarks on that motion? Again hearing none by voice vote all those in favor of the amendment 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 that we adopt Ordinance 20 as amended.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 20 as amended. Any remarks under the Ordinance as amended? Hearing none again 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. 212/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 20 as amended has been adopted. Ordinance 21 please.

#21. (3RD RDG) **ADOPTED AS ORDINANCE NO. 213/2013** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE ABILITY TO CONDUCT MAINTENANCE OPERATIONS/CONTRACTS ON I-77 WITHIN THE CANTON CORPORATE LIMITS; 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 to adopt Ordinance 21. 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.

#21 ADOPTED AS ORDINANCE NO. 213/2013

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

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- #22. (3RD RDG) **ADOPTED AS ORDINANCE NO. 214/2013** AN ORDINANCE AUTHORIZING AND CONSENTING TO THE REPAIR OF STRUCTURE #7606516 (FAIRCREST BRIDGE) ON SR 627 OVER THE STREAM AT SECTION 4.32; AND DECLARING THE SAME TO BE AN EMERGENCY

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, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#22 ADOPTED AS ORDINANCE NO. 214/2013

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

- #23. (3RD RDG) **ADOPTED AS ORDINANCE NO. 215/2013** AN ORDINANCE AUTHORIZING AND CONSENTING TO GUARDRAIL UPGRADES ON SR 43, SR 687, SR 800, US 30 AND US 62; 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? I was just saying it's amazing to me sometimes what we have to pass here or what you have to pass on guardrails, streams and but, you do. Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#23 ADOPTED AS ORDINANCE NO. 215/2013

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

- #24. (3RD RDG) **ADOPTED AS ORDINANCE NO. 216/2013** AN ORDINANCE AUTHORIZING AND CONSENTING TO MISCELLANEOUS WORK ON 30TH STREET; AND DECLARING THE SAME TO BE AN EMERGENCY

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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 on miscellaneous work on Route 30 or street 30 or 30th Street? Hearing none again, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#24 ADOPTED AS ORDINANCE NO. 216/2013

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

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: We now turn to Announcement of Committee Meetings.

MEMBER BABCOCK: Mr. President.

PRESIDENT SCHULMAN: Chairman Babcock.

MEMBER BABCOCK: Finance will meet on the 25th at 6:30 and Environmental and Public Utilities will meet at the same time.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Cirelli.

MEMBER CIRELLI: Public Safety and Thoroughfares will also meet then.

PRESIDENT SCHULMAN: Thank you.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Smith.

MEMBER SMITH: CD will also meet at the same time.

PRESIDENT SCHULMAN: Thank you.

MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: Member Griffin.

MEMBER GRIFFIN: Personnel will meet at 6:30 on the 25th.

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PRESIDENT SCHULMAN: Thank you very much.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

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

PRESIDENT SCHULMAN: Thank you.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Public Property Capital Improvement at 6:30 on the 25th.

PRESIDENT SCHULMAN: A lot of Committees. Thank you. Any other Announcement of Committee Meetings?

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: We now turn to Miscellaneous Business. Is there any? I would like, maybe all start here. I mentioned this to the Mayor earlier. There's another Bill working it's way through the Ohio General Assembly to once again basically screw urban areas out of much needed money and so I wanted...I have read this, I have tried to read it. I don't know, I think a lot of you have received emails from the Municipal League. I frankly have a very difficult time understanding exactly how they're going to screw the urban areas but I do know that they always do so, I thought I would ask the Mayor if he could to explain what this Bill is, what it means to urban areas, more particularly what it means to the City of Canton and its citizens, so Mayor Healy I don't mean to put you on the spot but the Mayor is going to be I believe the next President of the Ohio Municipal League in January. By the way, congratulations so, if you'll give us some update on this legislation.

MAYOR HEALY: Thank you Mr. President. Essentially the legislator in Columbus is taking action and therefore, we're being screwed. (*LAUGHTER*) Actually what's going on here is House Bill 5, you've all are familiar with this, this City Council, this Body has passed a Resolution in opposition of this along with about 175 other cities throughout Ohio. House Bill 5 was voted on last week by the House and it's moving over to the Senate. This, this Bill is in reference to what their claiming to be uniformity among local government taxes. They're saying that you know, each community does it a little bit differently and it's hard for businesses that cross over lines and certainly can understand that to some degree but that is home rule in Ohio where we get to choose how we want to do things. By them taking action on this it kinda overrules home rule in a number of areas. One of those, the most significant areas is what you call the net operating loss for corporations. If a corporation has a loss on their taxes for this year, they obviously don't pay taxes cause they lost money. And some cities have extended a look back or a roll forward period that allows businesses to use those losses against future gains and in, here in Canton we have a 3 year roll forward process so if somebody losses money this year and they make a little money next year, they can write off some of their debt off of this years losses to next years gains and then they can do that for 3 years. Some cities have 0, some have 3, some have 5. A five year forward period is a, is a pretty liberal policy for corporations to avoid paying taxes on one years loss for up to 5 years. The law that they've, the Bill that they drafted extends it to 5 years for all communities forcing the City of Canton who's only approved 3 years to extend it to 5 and that could cost us significant amounts of revenue for businesses extending their debts. Another area that they have is in reference to when you have transient workers

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that will come into a community and work for a period of time, maybe they're construction workers or accountants or oil and gas folks for example. They're going to come in and work on a, on a site for a period of time. The current law and the way it's written across Ohio, it's already uniform so there wasn't a need to change this when they claim it's about uniformity but the current law says that you can work 12 days in a city and you don't have to file taxes. If you come in, you're here for a week or two, you don't necessarily need to file taxes for that short stint. But once you've hit, once you've passed 12 days, you're then required to file taxes in that community. So somebody that's here for 3 or 4 weeks, they would be responsible to file taxes based off their earnings for that 3 or 4 week period of time from day 1 and then they would file and we would collect those taxes. The law change takes it from 12 days for everybody to 20 days for everybody so they can work in your community for up to 20 days. But the other change that it did, it says that if you work here for 21 or more days, you only start paying taxes on that 21st day which means you don't pay any taxes on the first 20. So imagine all those people that are coming into your community and working for 2 or 3 or even 4 weeks you know, 20 days is 4 weeks, and they can then say yea, we're not paying. Or if they happen to work that 21st day, they pay taxes on one day even though they been here for over a month. So again, that takes a significant amount of revenue away from local communities. The third area that I'm going to point out on this particular one is in reference to small businesses. Small businesses now have with this, the way that this is written would only pay income taxes or local income taxes where they're located. So, even if they're doing business in the city of Canton, if their location is in Jackson Township, they would no longer have to pay taxes for that no matter how many days they worked in the city of Canton and you think about this, this particular cause is really damaging because it not only eliminates the ability to collect taxes on businesses that are working in your city but not necessarily located there. In my view this is an incentive for small businesses to move outside of the incorporated areas and then come back in the city and do the work. And it's, what this is, it's a tax reduction Bill for special interests. That's all it is and it's tax reductions on local income taxes so just like the cuts that they made with the Local Government Fund, just like the Estate Tax elimination, just like the cuts on the Tangible Personal Property Taxes like they did in Columbus. Those were all a tax on local government revenue and your legislators in Columbus stand up and say, "Hey we've cut your taxes, aren't we grand." But they didn't have to cut taxes that they were operating off of, they were cutting somebody else's funding and our government was structured based off the tax codes that we had and the revenue that we need based off of Council and legislative policy that we've had here and the state is overriding our ability to decide how we go to constituents and in many cases the people voted on our structure. So this particular Bill, and it has many other clauses, we're estimating that this could cost the city of Canton several hundred thousand dollars a year, maybe as much as \$500,000.00 or more. There's a lot of fuzzy things in here until you actually be able to actually see it in effect, you don't know the exact dollar amount but it's a very disappointing piece of legislation that's going to take another hit on local governments. And of course, they're going to follow this up in Columbus with trying to band the traffic cameras which a number of cities use right now for safety as well as revenue, again at the local level and they're trying to go after that and I'll also point out that we were told by the folks in Columbus with this big marketing campaign about allowing us to support casinos that cities like Canton would receive a big chunk of money that would help offset some of these cuts. If you remember, we were told specifically that the city of Canton would bring in somewhere between 6 and \$8,000,000.00 a year on the casino revenue and that was our promise and that was supposed to be additional dollars above and beyond what we already had. So not only did they cut us, but the casino money now is coming out to somewhere a little over \$2,000,000.00 a year for our community. So again, more broken promises from Columbus and it's very frustrating so I applaud this Council for taking a stand with the Resolution. I appreciate that. We're fighting the fight everyday but we need to keep getting the conversation out there and put pressure on the legislator. It went through the House. It's now going through the Senate so we need to talk to our State Senators to make sure that they understand that we are absolutely opposed to this and that they have to realize that they cannot continue to attack local governments and taking revenue away from us and Bruce in reference to your comment about the 175 and the fact that we have got some new revenue streams, it wasn't even a week that the Park Levy passed that they passed this

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legislation taking money back away from us. So, we're continuing to fight this fight everyday about keeping our revenue where we need to be in order to provide the services that you expect and deserve and we're going to continue fighting that fight. Thank you.

PRESIDENT SCHULMAN: Thank you very much Mayor. I really appreciate that. Any other comments? Member, Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President, Mr. Mayor, Members of Council. I wanted to piggyback on that for a moment and make another comment. A good example of how the state has prospered and we have not is the crime lab. You know that our Mayor and Safety Director are working closely with former Law Director and former Council Member Bernabei to help restore and keep the crime lab alive and well inside the city as a structure however, because the state has prospered and have enriched the crime lab and grown it so much they have seduced, courted and wooed away some of our criminalists cause they could afford to offer them so much more. We've lost at least 2 maybe 3 criminalists from the city crime lab to the state crime lab. That's an example of what the Mayor's talking about. But, I'm happy to say that a lot of folks are working together to try and keep most of it intact. We appreciate that. Again on the aggregation, please understand this is no small thing. You, between the administration and several Councils going back to Member elect Smuckler who was a big push, push behind this aggregation. Millions of dollars have been saved by your constituents, by your residents that they now have had a discretionary income in the last dozen years. So I want to thank Mr. Bartos and Randy Dublikar as well for helping. Thank you all.

PRESIDENT SCHULMAN: Thank you Law Director. Member Cirelli.

MEMBER CIRELLI: Thank you Mr. Chairman, Mr. President. I have two. I'm very concerned with what Mr. Bailey said about the bike issue. As a matter of fact, if I, in today's paper a gentleman was beat up or something on 11th and Walnut NE. That's our bike path, you know we're putting a bike path in and then we read something like that in the paper, that's a deterrent to even want people to use the bike path. So, if there's some way that we, we do have laws on the book but we've got to look at some way, unique ways of enforcing them and one is we have it so the scrappers are supposed to you know, work with us. But that doesn't seem to be happening much. Then the second thing I have and it's just, I'll give it Mr., to the Law Director, Joe Martuccio. This I've got not one but two of those letters and I really wish that for the record you would do something cause I don't want anybody else coming in taking my seat and having to go through this. So, thank you very much and one I didn't even bother to open. I recognized the handwriting. Thank you sir.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Any other remarks? Member West, anyone. Let me just add one final thing and then we'll adjourn I presume. Today on the internet which went viral and I think a lot of you may have seen it, some of you may have missed it. At one of the Canton, Ohio WalMart's they had boxes out instructing or requesting that employees who worked at WalMart give donations for Thanksgiving by way of food. It was not food for the needy, it was food for other WalMart employees who couldn't afford to buy food for Thanksgiving and this story went viral on the internet and was picked up all over. It was reported I believe first in the Cleveland Plain Dealer and it follows up on some of the themes that we've heard tonight about crime and jobs and the importance of good paying jobs. For a store like WalMart to ask it's employees to donate food so that their fellow employees can have a decent Thanksgiving is, it seems to me an obscenity and is pathetic. In the 21st century to have a corporation like WalMart which makes billions upon billions of dollars not paying it's employees a living, decent wage is outrageous and so I would just suggest that maybe we ought to revisit some of the potential legislation that we had discussed with Law Director Martuccio about minimum wage in the city. Maybe we should look at the minimum wage. If a billion dollar corporation is not going to give a decent, living wage to it's employees, maybe it's time that local governments force them too and maybe

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we should consider that. So, that's, that. Secondly I just want to compliment our Clerk of Council. You know Cindy's Dad's sick. She's upset and she worked hard tonight and we appreciate it. She does a remarkable job every single week. We're so fortunate and blessed to have her as our Clerk. I know it's hard for her to sit here tonight. She has a heavy heart and I just would ask that all of us keep her and her Dad in our thoughts and prayers. So with that Leader.

MAYOR HEALY: Mr. President.

PRESIDENT SCHULMAN: Yes, Mayor Healy.

MAYOR HEALY: Thank you Mr. President. I asked, I did get to Cindy and I asked her to pass out to the Councilmen a list of the Boards and Commission of where we had openings that will take affect as of January 1st. There's a number of different positions that we're asking Council again. We come by 2 or 3 times a year and ask you to help us find interested parties. We've talked to Neighborhood Groups and the Council and others but, please check that out. It's posted on our website but all the help that you can give us to find people that will help us on these Boards and Commissions we appreciate it. Thank you.

PRESIDENT SCHULMAN: Thank you Mayor. Leader.

MEMBER DOUGHERTY: Mr. President, I move we adjourn.

MEMBER GRIFFIN: Seconded.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. *(Gavel falls)* The meeting is adjourned. Be safe everybody. Drive careful.

ADJOURNMENT TIME: 8:19 PM

ATTEST: NOVEMBER 21, 2013
CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

APPROVED: NOVEMBER 21, 2013
ALLEN SCHULMAN
PRESIDENT