

MINUTES OF THE MEETING JANUARY 27, 2014

PRESIDENT PRO TEM MORRIS: With a quorum being present, the Chair calls the meeting of Canton City Council to order. Roll call please.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

12 COUNCIL MEMBERS PRESENT: (FRANK MORRIS, CHRIS SMITH, JAMES BABCOCK, RICHARD HART, BILL SMUCKLER, GREG HAWK, THOMAS WEST, JIM GRIFFIN, KEVIN FISHER, DAVID DOUGHERTY, JOHN MARIOL & EDMOND MACK)

TWELVE COUNCIL MEMBERS PRESENT.

CLERK TIMBERLAKE: All present, Mr. President.

PRESIDENT PRO TEM MORRIS: Thank you.

EXCUSING MEMBERS

PRESIDENT PRO TEM MORRIS: Member Smith, I recognize a motion to excuse President Schulman from tonight's meeting.

MEMBER SMITH: Mr. President. I'll make that motion to excuse President Schulman from tonight's meeting.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to excuse President Schulman from tonight's meeting. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM MORRIS: Motion carries. President Schulman is excused from tonight's meeting. Tonight's invocation will be given by our Ward 7 Councilman John Mariol. Please stand for the Pledge of Allegiance following.

The regular meeting of Canton City Council was held on January 27, 2014 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Ward 7 Council Member John Mariol. The Pledge of Allegiance led by President Pro Tem Morris.

AGENDA CORRECTIONS & CHANGES

PRESIDENT PRO TEM MORRIS: OK, we are now under Agenda Corrections and Changes and there are none this evening.

PUBLIC HEARINGS

PRESIDENT PRO TEM MORRIS: OK, we are now under Public Speaks.

CLERK TIMBERLAKE: Hearings. Public Hearings.

PRESIDENT PRO TEM MORRIS: Public Hearings. Oh, I'm sorry Cindy.

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CLERK TIMBERLAKE: You're alright.

PRESIDENT PRO TEM MORRIS: Bear with me please. OK and there are no Public Hearings this evening.

OLD BUSINESS

PRESIDENT PRO TEM MORRIS: Old Business and I have been informed by our Chief of Staff, Fonda Williams there is no Old Business this evening.

PUBLIC SPEAKS

PRESIDENT PRO TEM MORRIS: And we have 3 Public Speakers. Oh, I'm sorry 4 signed up this evening. First will be Mr. Henry Preston.

HENRY PRESTON: Good evening. My name is Henry Preston. I live at 326 31st NW in Canton. This evening I'm hear to talk about the effective use of police decoy cars. About 10 days ago, a city employee parked a car at 31st Street at Harvard Avenue NW and it sat there for over 5 days. In the meantime it snowed and the decoy police car was covered with snow which was undisturbed and untouched. In the mean...when the police decoy car is sitting covered with snow, it then loses any effectiveness of putting it there. Last week the car was moved to Logan Avenue and 31st Street NW. This morning again, it's covered with snow. Sunday morning a trespasser walked across my front yard, near my front living room window and walking through 9 inches of deep snow. This does not make me feel I have a secure neighborhood with a police car covered with snow. What's the point? Having observed the footprints across my neighbor's back yard and then across my front yard does not, it's just another observation that, what are we spending our money for. This is equipment that...and manpower and funds that for what? A show and it just shows the people that know how to steal that the city is clueless. Why would leave a police car out there covered in snow? In my opinion the use of police decoy cars is a total waste of city funds, manpower and equipment. Also the current location of the car impedes the snow removal with this deep snow. Thank you.

PRESIDENT PRO TEM MORRIS: Thank you Mr. Preston. Next we have Mary Cirelli.

MARY CIRELLI: Good evening Mr. President, Honorable Council Members, the Council Staff and everybody that's here tonight. I have I think the biggest regret is that I'm on this side of the horseshoe is that my name's not going to be on the accommodation for Kevin Monroe. I cannot speak highly of this gentleman and I mean, I just, he's the most wonderful Department Head I have ever known. There was never a call that I put to Kevin, be it on a Saturday, a Sunday, a holiday, maybe 2:00 AM in the morning but if he didn't answer, his machine answered, that he did not get back to me. And I have the utmost, humblest from my heart to tell him how grateful I am that I had, that we had him in our Street Department for so many years. I mean I'm very proud to have known him and I'm humbled by what he has done for this community. He just, to be a part of knowing this gentleman, I can't speak, say enough kindness about him. I think everybody, some other people I see shaking their heads. But he is just a topnotch gentleman and to lose him, the city is losing an awful lot. I told his, the gentleman that's going to take his spot, you've got some big shoes to fill and I just would...I feeling really bad that my name's not going to be on that accommodation so that's why I had to make Public Speaks so he knows I'm speaking from my heart. God bless him. We're losing a lot. Thank you very much. (APPLAUSE)

PRESIDENT PRO TEM MORRIS: OK, next up Mr. James Parker.

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JAMES PARKER: Good evening James Parker. 630 Penny Street SE, city of North Canton. Thank you for the moment of silence over the Holocaust. Let it be noted that no social, those were the National Democratic Socialist Party, the Nazi Party that, no Socialist Party has existed successfully and all have led to a genocide or holocaust so as our country leans and as we hear the President's address tomorrow, let us ever be vigilant not to trade our Capitalistic society for a Socialistic one. I'm hear to speak tonight on the tactic emergency casualty care overview. This is a committee for tactic emergency care. As we seen this week, a shooter went into a mall armed with a bunch of crude explosives. If those bombs were to go off inside a building, there's a blast that echos, reverberates and causes it's own trauma, let alone the ballistics from the blast and the heat, etc. Hemorrhage control is vastly important as we saw in Boston, most of the police did not have tourniquets and weren't familiar with how to use them and in the ensuing chaos it was up to citizens to do hemorrhage control so if someone's bleeding out, you can simply take your necktie, tie it in a knot and use a ballpoint pen. You need to get it around, above where they're bleeding to death from and get that rapidly controlled within a minute because someone can bleed to death within 90 seconds. As our society devolves into this type of situation, we need to keep in mind that our first responders could be also targeted with turciary devices and that our police probably do not have the tourniquets that seems to me that most of the first aid kits in their police cruisers are like you have in your office, you know, some band aids, some gauze, flexible gauze is good if you have a puncture wound and you need to seal it with a hemostatic agent with they also need. There's new generations of hemostatic agents that are imbedded in the gauze that you can push into the wound, anything from black pepper will control a hemorrhage. Any substance will start clotting so need to push something deep into the wound and then seal it but if it's bleeding from the leg or arm, you need to cut that radial or femoral pulse off. You need a tourniquet such as I'm doing now (*using his necktie as a tourniquet*) that will completely occlude that artery. This is not present in most of our police cars. Our SWAT is apparently familiar with them and I'm not sure of the status of the Fire Department but we need to be prepared because teamwork, preparation and execution are what it takes to win a Superbowl and a World Series. So with that, I thank you for your time. I do have some comments here that tourniquets are the most effective rapid intervention available and that uncontrolled external extremity hemorrhage was the leading cause of preventable death in Vietnam, 9% total casualties. After a country that's been to war for 10 years and has learned a few things. As these scenes change into civilian population, geriatric, pediatric and other people that are not in the age of 19 to 25 in the combat field need to be addressed. So, I hope that, you know that I've forwarded these reports to our Safety Director, that this is taken seriously and that combat gauze such as ChitoGauze and Celox gauze would be the type of things that could easily save somebody's life and that God forbid, something like that would happen but as our society is devolving we need to be prepared. So, thank you for your time and your consideration. Good night.

PRESIDENT PRO TEM MORRIS: Thank you Mr. Parker. Mr. Vince Watts.

VINCE WATTS: Good evening. My name is Vince Watts. I live at 148 Linwood Avenue NW in Canton in the 3rd Ward represented by Member Griffin. Since moving to Canton in 1966, I've lived and owned property in Ward 1, Ward 2, Ward 4, Ward 7, so I've lived all over the city of Canton. To that end please allow me to apologize to Council as a whole and the Mayor's administration and those in attendance at the Council meeting on January 9th. I'm generally not given the voughts of emotion and thus am extremely ashamed to have walked out of Council following the comments by Council President Schulman. He of course has the right to express his opinion on the diversity of the city and it's implication on discussions made by Council. My decision to leave Council following his invoking my name in his comments was inappropriate. And while we all have the right to our opinion, the saying goes, we don't have a right to our own facts. The fact is that I do not agree with President Schulman's declaration that the city is not racially segregated. More importantly is the economic segregation the city is under. Using current census data of the 15 census tracks in the city, 5 of them have racial demographics above 75%, one

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race or another in the city that is about 30% minority. And though more than 1 in every 4 residents of the city of Canton lives in poverty, only three of those tracts have poverty above 50%. So not only are we racially segregated, but we're also economically segregated according to the facts. And it seems as though only those with the ability to enact change are blind to those facts. In 2006 the Chamber of Commerce commissioned a consultant, Rebecca Ryan to review the issue of brain drain in the county. Her number 1 issue with Canton and Stark County was the lack of diversity. Forbes Magazine ranked 146 metropolitan areas on a number of measures including diversity. 146 metropolitan areas ranked, Canton/Massillon metropolitan area ranked 145th on diversity. I could continue with study after study that report that a large part of what's holding us back is a lack of diversity. So to the point of President Schulman, Canton has an anvil around it's neck. That anvil is the lack of appreciable interaction and input by large segments of our community and how race enters into the issue that was at hand, the issue of Council Majority Leader, the fact that President Schulman was addressing comments made in Public Speaks not by me but by someone he admits to being his friend, says that maybe declaring the issue not to be relevant is denying the elephant in the room. Maybe we should embrace the issue and work to make it better. That's my opinion but those are the facts. Thank you. (*APPLAUSE*)

PRESIDENT PRO TEM MORRIS: Thank you Mr. Watts.

INFORMAL RESOLUTIONS

PRESIDENT PRO TEM MORRIS: OK, we are now under Informal Resolutions. Will you please read Resolution #8 by title please.

#8. COUNCIL MEMBER DOUGHERTY: AUTHORIZING THE CITY TO FILE AN APPLICATION TO THE STATE OF OHIO TO PARTICIPATE IN THE CLEAN OHIO ASSISTANCE FUND. - ADOPTED

MEMBER SMITH: Mr. President, I move we adopt Informal Resolution #8.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM MORRIS: All in favor, oh, roll call please.

CLERK TIMBERLAKE: Voice vote.

PRESIDENT PRO TEM MORRIS: Oh, voice vote, I'm sorry. All those in favor say aye. Those opposed.

NO REMARKS

RESOLUTION #8 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM MORRIS: OK. Resolution 8 is now adopted. I'll get the hang of this.

#9. COUNCIL AS A WHOLE: SUPPORTING THE ABCD INC ELDERLY HOUSING DEVELOPMENT ON MAHONING RD NE. - ADOPTED

MEMBER SMITH: Mr. President, I move that we adopt Informal Resolution #9.

MEMBER BABCOCK: Seconded.

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PRESIDENT PRO TEM MORRIS: OK, adopt...there's a motion to adopt Resolution #9. Are there any remarks? If not by voice vote, all those in favor signify by saying yea. Those opposed.

NO REMARKS

RESOLUTION #9 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM MORRIS: The ayes have it. Informal Resolution 9 has been adopted. Resolution #10 Madame Clerk.

#10. COUNCIL AS A WHOLE: COMMENDING AND CONGRATULATING KEVIN MONROE ON HIS RETIREMENT. - ADOPTED

MEMBER SMITH: Mr. President, I move we adopt Informal Resolution #10 and could it be read in it's entirety please.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM MORRIS: Member Smith could we vote first and then read it.

MEMBER SMITH: OK.

PRESIDENT PRO TEM MORRIS: Thank you. There's a motion to adopt Resolution #10. Is there any remarks?

MEMBER SMITH: Now Mr. President, can it be read in it's entirety?

PRESIDENT PRO TEM MORRIS: Yes.

CLERK TIMBERLAKE: We didn't say aye. You got to take a voice vote.

PRESIDENT PRO TEM MORRIS: Now she wants to go now.

MEMBER SMITH: We'll get this together Frank.

CLERK TIMBERLAKE: All those in favor signify by saying aye.

NO REMARKS

RESOLUTION #10 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM MORRIS: Those opposed.

CLERK TIMBERLAKE: Let me read. *Whereas*, Over Kevin Monroe's 30 year career with the city, he has served in many capacities such as Auditor I with the Income Tax Department, Staff Member of Mayor Purses, Deputy Personnel Director, Interim Director of Sanitation and retiring as Superintendent of Public Works; and *Whereas*, Many of us know him as our "go to guy". You can always count on Kevin. If he doesn't know the answer or can't help you, he will find a way or someone who can help you; and *Whereas*, We cannot begin to count the endless miles of Canton's roads that Kevin was responsible for cleaning, plowing, the numerous

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potholes he has filled and the too many to count phone calls he received from Council Members; and *Whereas*, Kevin implemented the BAN litter program which stands for Beautify a Neighborhood. Mr. Monroe introduced the program to the National League of Cities and received an award for such. Our local Neighborhood Groups love this program. They enjoy working with the Street Department employees to beautify their neighborhoods; and *Whereas*, Kevin's best interests are always with the city. He has served with dignity, integrity and worked many hard hours. He truly cares about the City of Canton and its citizens. *NOW, THEREFORE, BE IT RESOLVED*: that we, the Members of Council of the City of Canton do hereby go on record congratulating and commending **KEVIN MONROE** for his hard work and dedication to the City of Canton. We wish you all the best in your retirement. (*STANDING OVATION*) Kevin will you please come up front please and your family's more than welcome to join us up front. And bring that baby girl with you Kevin. And pictures are more than welcome for anybody who would like to come up front.

MEMBER WEST: Look at that glide. (*LAUGHTER*)

CLERK TIMBERLAKE: Oh, the rest of you can come on. Come on Francine, girls, come on.

PRESIDENT PRO TEM MORRIS: On behalf of Canton City Council and the entire city, I'd like to congratulate you. I think I was about that size, her size, the first time I ever met you down at the city garage. All those years have passed and I sure hope your retirement goes a lot smoother than the last 30 minutes for me. I wish you only the best and hope you enjoy, you live long and prosper. (*APPLAUSE*)

KEVIN MONROE: You should never invite me to stand in front of a podium. I'm Baptist but I have truly, truly enjoyed my experience as Public Works Superintendent for this city. I do not regret one moment of my decision to take this position. I love the city, always will, always have and I just wanted to thank you from the bottom of my heart for this recognition. There have been a number of events that, that have been held in honor of this retirement and I told my wife again and again that I would not cry and was able to do that until tonight but again, thank you so much. I do appreciate this from the bottom of my heart. Thank you.

MEMBER DOUGHERTY: No, no, don't go no where. (*APPLAUSE*)

MEMBER WEST: Just stay.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Dougherty.

MEMBER DOUGHERTY: Kevin, Kevin, Kevin. You gonna start sleeping well at night aren't you? Cause I sure gave you fits over the years. And you still like me. But I really appreciate everything you've done. You took care of my stuff in Ward 6 that's for sure and you used to always say to me, Dave, I got to get in these other Wards and I said, oh no, not yet. But you did. You took care of the whole city and you know I may, may take the argument from someone that there's other people in the city that are as dedicated and professional as you but, there's no one more dedicated and professional. Congratulations. (*APPLAUSE*)

MEMBER SMITH: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Smith.

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MEMBER SMITH: Yes, Kevin. I'd just like to thank you for all that you have done not just for the 4th Ward but for the city and I'd like to thank your wife too because there have been times when I've even called the house or called the personal phone number that you know, it was no problem with another woman on the other line. So, I'd just like to personally thank her also and thank you because you know what, you've been a great asset to the city and especially to me. You know, I came in this morning and I said, you know I did not get a lot of complaints about the roads although it was in the paper about the salt and so forth, but I'd like to commend you and your staff because you still kept us moving, you know, and I'd just to thank you for all that you have done for the city. Enjoy your retirement. Sometime I still might gonna call. You can do like you did before, just guide me to the right person because it's probably will be just a habit of calling you.

KEVIN MONROE: I'm there.

MEMBER SMITH: But thank you so very much for all you've done. Enjoy your retirement.

KEVIN MONROE: Thank you very much.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Hawk.

MEMBER HAWK: Thank you. Kevin, over here sir. Thank you so much. I can remember when I first came on Council and the help you gave me and the education you provided for me and I'll always remember that and treasure it. You did a fine job. I commend you on your Beautify a Neighborhood Program that you worked so hard on and were so diligent. Our city is a better place since you worked here and I'm very sorry that you retire. Can't we keep you around a little please. Thank you sir.

MEMBER HART: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Hart.

MEMBER HART: If I can repeat what Member Hawk said. He was one of the first people that I met when I first got on to Council and I guess the quality of person that Kevin is...*(inaudible)*...and I called him and he met a constituent by the name of Mr. Karascowsky and I put on this act about my problem that I'm having and Kevin being at death's door, Mr. Karascowsky don't worry about it, I'll take care of your problem. And this just goes to show you the compassion that he had, the quality of a person he was for going, his aches and pains to take care of a problem of the fictitious citizen and again, you will be missed sir. You will be missed and again, thank you for all you've done.

KEVIN MONROE: Thank you very much Member Hart.

PRESIDENT PRO TEM MORRIS: OK, I was watching the left side of me and our Clerk caught the right side so the order will be Mr. Fisher.

MEMBER FISHER: Kevin, you know obviously rather than being one of the old guys sitting around here, I've not had the opportunity to bother you nearly as much as I would have liked to but, now I'm hearing all these stories though about calls at 2:00 in the morning. I realized why you seem to, to like the fact that I would

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email all my requests and rather than, I didn't know apparently this guys home phone number was available to call at 3:00 in the morning. So, I'll make up for that but, I want to thank you again for, you know, everything that you've done. Obviously one of the first things I did was I asked you to come in and speak at a Town Hall over in my Ward and you did a great job with that, ever request I had but, I keep remembering over the past couple years, we've heard the words retire/rehire, retire and Kevin you know, apparently that's something you can do so, I move now, I'm just kidding Frank. So anyways, thanks Kevin, I appreciate it. *(LAUGHTER)*

PRESIDENT PRO TEM MORRIS: Member West.

MEMBER WEST: Yes Kevin. Ten years ago coming on Council, Bill Smuckler said you know, you got to get to know the Directors. Get to know the Street Department and that would be one of your best allies and I've learned that you was a Mt. Union grad. So, I had a big smile right off the back because we got a brother in there. Turned out that you have been a big, big component. I mean you've really helped me out tremendously over the 10 years with the O'Jays, the Joyfest, all the potholes on 12th Street, don't hold it against me but, yea, you filled them and any time I've called, you answered. So, I do appreciate all that you've done and all that you're going to do in the future. I know that you're not done. Something's going to, I know you're going to be on one of these roads or you're going to be able to give us some input from somewhere. So, I appreciate all that you've done and I wish you well in your retirement.

PRESIDENT PRO TEM MORRIS: Member Griffin.

MEMBER GRIFFIN: Kevin, I want to take this time to thank you for what you've done in Ward 3 and for the city of Canton. Thank you.

LAW DIRECTOR MARTUCCIO: Mr. President. Don't go yet Kevin.

PRESIDENT PRO TEM MORRIS: Law Director.

LAW DIRECTOR MARTUCCIO: First I want to address my remarks to your lovely family. Thank you for loaning him to us day and night, month after month, year after year and he's always been such a zen, calm kind of guy. I wonder if maybe he didn't take it out on you. *(LAUGHTER)* So thank you. Kevin, I wanted to say a few things. We go back a long way. You were one of the first people I met too and it's been a real pleasure. A lot of people are happy to talk about and criticize what's wrong with government, but you're what's right with government. People who preceded us have used the phrase, for the public good, the common good, the higher good. That's what you are about. You took your education. You took your savvy. You took your calm demeanor and you ran with it in a very stressful series of situations in various departments and you did a wonderful job. You are a role model and I hope people who look to government for what's good about it will look to you. Thank you.

KEVIN MONROE: Thank you. *(APPLAUSE)*

CLERK TIMBERLAKE: Mr. Monroe thank you so much for all the many, many calls you took from all of us girls for all the Council Members. You were so professional. You were "Johnny on the Spot" and took care of everything. But I just want to touch on what Joe said. If there's, you know, I'm very proud and honored to be the Council Clerk but I could only hope that I, I learned a lot from you Kevin and I hope that I, when I retire some day, that they can say the same things about me because you're an excellent employee but, most of

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all you were a good friend Kevin. You really steered me in the right direction. You were always there when we needed, we needed anything and you can't ask anything more of anybody. You know to be a good friend and you never...one of the things I learned from you Kevin, we're here because of the taxpayers and you truly, truly do care about the city of Canton and I just hope that I can learn from you. So, thank you very much for your friendship and the going back and forth so thank you Kevin.

PRESIDENT PRO TEM MORRIS: Mayor Healy.

MAYOR HEALY: Thank you. First of all Kevin, wait a minute Chris. Please stop calling my house in the middle of the night, my wife is not so appreciative of that. *(LAUGHTER)* Kevin, first of all I was going to talk about how dedicated you were but here we are in the middle of a snow crisis as we speak and yet you're here instead of out there working and I just want to know why you're on the clock still aren't you? You're here till Friday, right? *(LAUGHTER)* Listen, you know you've served many Mayors in your time, a lot of Mayors. You been here a long time, long, long time. And I just want to say though that when I came on board you were part of the team that I inherited and you've been with me you know, ever since. And I just want to say what an honor it has been for me personally to have you as part of my team. Thank you for all that you've done since I've been here.

PRESIDENT PRO TEM MORRIS: Service Director.

SERVICE DIRECTOR BARTOS: Kevin, I've been here a short time, a lot shorter than you've been here but, it doesn't take long for somebody to figure out that you're an excellent public servant and you really do care about the citizens of the city and the other employees and it's been a pleasure and I'm gonna miss you. I think the person that will miss you the most though is Don cause he's not going to have anybody to go to lunch with. *(LAUGHTER)* And then when I pick on the oldest guy at the Department Head meetings, it's going to be him now, it's not going to be you anymore. So, but, the torch has been passed but no, thank you Kevin for all you've done and you know, to his credit you know, we had this incredible snow storm this past weekend and you know, he's what, a couple days from retirement. It would be easy to just phone it in and you know, burn out the clock, you know run the clock out but, Kevin was there every time I texted him or called him and was on top of everything. So that's a testament to your character and I appreciate your help over this past storm and the many other storms that you helped the city with. So thank you. I'll miss you.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Dougherty.

MEMBER DOUGHERTY: How many administrations, 4?

KEVIN MONROE: 4.

MEMBER DOUGHERTY: 4 administrations.

PRESIDENT PRO TEM MORRIS: Chief of Staff.

CHIEF OF STAFF WILLIAMS: Mr. President. Kevin, I had the pleasure of meeting you many moons ago when I was a City Councilman and had the honor of sitting in the horseshoe. I do wish you well in your

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retirement. You've been a shining light for the City of Canton. One question though I do have for you, it just puzzles me how you got the nickname "Sexual Chocolate" but we can talk about it later. *(LAUGHTER)*

MEMBER DOUGHERTY: Now that stays in the minutes forever.

KEVIN MONROE: I think the actual term was "Hot Chocolate". *(APPLAUSE AND LAUGHTER)*

PRESIDENT PRO TEM MORRIS: Well Mr. Monroe, we thank you for coming down here. The gentleman taking your position should be very, very, very nervous because I would be scared to death after hearing all the praise from all these wonderful people and I, once again we'd like to congratulate you and we wish you well. Thank you.

KEVIN MONROE: Thank you all very much. *(STANDING OVATION)* If I could take one moment, just one moment. Michael Rorar is my successor and if you want to stand. This will be the person that you beat on from here on. *(APPLAUSE)*

MEMBER DOUGHERTY: He's a little bigger than you.

MEMBER WEST: Mr. President, what's his home number.

CLERK TIMBERLAKE: I was going to say cell phone number. We need that cell phone number.

PRESIDENT PRO TEM MORRIS: That would be personal cell phone number.

CLERK TIMBERLAKE: That was good Frank.

COMMUNICATIONS

PRESIDENT PRO TEM MORRIS: Alright, we are now under Communications. Let the journal show that all Communications are received and 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 JANUARY 27, 2014.

23. ABCD INC: ADVISING OF PLANS TO BE THE GENERAL PARTNER OF A RESIDENTIAL RENTAL DEVELOPMENT LOCATED IN OR WITHIN A ONE-HALF MILE RADIUS OF THE CITY & SUBMITTED AN APP TO UTILIZE THE MULTIFAMILY FUNDING PROGRAMS OF OHFA FOR THE DEVELOPMENT OF THIS PROPERTY. - RECEIVED & FILED
24. CHIEF OF STAFF WILLIAMS: REQ TO PAY MORAL \$5,000.00 OB TO COHHIO FOR PROVIDING COMMUNITY TRAININGS ON FAIR HOUSING & LANDLORD TENANT RULES. - FINANCE COMMITTEE
25. CNCL AT LG MBRS HART & SMUCKLER & WARD CNCL MBRS HAWK, MARIOL & MACK: REQ LEGISLATION TO PUT FORTH QUESTION AS TO WHETHER OR NOT TO FORM A CHARTER GOVT ON THE BALLOT. - JUDICIARY COMMITTEE

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26. COUNCIL MEMBER WEST: REQ A WAIVER AMENDMENT TO THE CURRENT NON-OWNER OR VACANT PROPERTY ORDINANCE. - JUDICIARY COMMITTEE
27. CNCL MBRS WEST, SMITH, FISHER, DOUGHERTY & MORRIS: REQ LANDLORD/TENANT LEGISLATION. - JUDICIARY COMMITTEE
28. CNCL MBRS MARIOL & MACK: REQ TO ESTABLISH A FIRST-TIME HOMEOWNER DOWN PAYMENT ASSISTANCE PROGRAM. - JUDICIARY COMMITTEE
29. FINANCE DIRECTOR DIRUZZA: REQ TO AMEND APPROP O#264/2013 WITH \$1,090,000.00 SUPP APPROP FROM GENERAL FUND TO 1001 506001 COMMUNITY DEV ADMIN & VARIOUS APPROP TRANSFERS. - FINANCE COMMITTEE
30. HEALTH BENEFITS ADMIN MCBRIDE: DEC 2013 MONTHLY COMPARATIVE REPORT-INSURANCE CLAIMS. - RECEIVED & FILED
31. LIQUOR CONTROL DIVISION: REQ C1 C2 LIQ PERMIT TRANSFER FROM LILO OIL INC TO AVAMINA LLC DBA CANTON BP @ 1200 N MARKET AVE. - RECEIVED & FILED
32. LIQUOR CONTROL DIVISION: REQ NEW C1 LIQ PERMIT FOR MORELLOS PIZZA LLC DBA MORELLOS PIZZA AND PASTA TO GO @ 2226 CLEVELAND AVE NW. - RECEIVED & FILED
33. MAYOR HEALY: REQ APPROVAL OF REAPPT OF STEVE COON TO ARCHITECTURAL REV BD FROM 1/1/14 - 12/31/17. - PERSONNEL COMMITTEE
34. MAYOR HEALY: REQ APPROVAL OF APPT OF CATHY WYATT TO ARCHITECTURAL REV BD FROM 1/1/14 - 12/31/16. - PERSONNEL COMMITTEE
35. MAYOR HEALY: ADVISING OF REAPPT OF DONALD PETERSON TO CANTON COMM IMPROVEMENT CORP FROM 1/1/14 - 12/31/14. - RECEIVED & FILED
36. SAFETY DIRECTOR PERRY: REQ AUTHORIZATION TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT(S) FOR LEASING OF 4 UNMARKED POLICE VEHICLES IN AMT NOT TO EXCEED \$106,000.00 FOR POLICE DEPT. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
37. SAFETY DIRECTOR PERRY: REQ LEGISLATION TO CAUSE THE DEMOLITION LIENS, ASSESSMENTS, PENALTIES & INTEREST TO BE DISCHARGED FOR 1461 9TH ST NE, REAR. - FINANCE COMMITTEE
38. SERVICE DIRECTOR BARTOS: REQ TO CERTIFY LIST OF PROPERTIES TO STARK COUNTY AUDITOR THAT WERE MAINTAINED BY STREET DEPT DURING 2013 FOR A TOTAL AMT OF \$180,988.60 FOR ASSESSMENT TO BE PLACED ON REAL ESTATE TAXES. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE

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39. SERVICE DIRECTOR BARTOS: REQ AUTHORIZATION TO APPROP PROP WITHIN ITS CORPORATE LIMITS PURSUANT TO ORC CHAPTER 719 FOR PURPOSE OF ACQUIRING WARRANTY DEEDS, STANDARD HIGHWAY EASEMENTS, UTILITY EASEMENTS &/OR TEMP EASEMENTS NECESSARY FOR CONSTRUCTION OF MAHONING RD NE CORRIDOR PROJ IN ACCORDANCE W/PLANS ON FILE @ CITY ENGINEER'S OFFICE; REQ AUTHORIZATION TO MAKE MINISTERIAL CHANGES TO CORRECT PROP OWNER NAMES, PARCEL NUMBERS & OTHER NUMERICAL DESCRIPTIVE OR TYPOGRAPHICAL ERRORS SHOULD THEY OCCUR. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
40. SERVICE DIRECTOR BARTOS: REQ RESOLUTION DECLARING NECESSITY & INTENT OF CITY TO APPROP PROP WITHIN ITS CORP LIMITS PURSUANT TO ORC CHAPTER 719 FOR PURPOSE OF ACQUIRING WARRANTY DEEDS, STANDARD HIGHWAY EASEMENTS &/OR TEMP EASEMENTS NECESSARY FOR CONSTRUCTION OF MAHONING RD NE CORRIDOR PROJ, PHASE 1, GP 1103 IN ACCORDANCE W/PLANS ON FILE @ CITY ENGINEER'S OFFICE; REQ AUTHORIZATION TO MAKE MINISTERIAL CHANGES TO CORRECT PROP OWNER NAMES, PARCEL NUMBERS & OTHER NUMERICAL DESCRIPTIVE OR TYPOGRAPHICAL ERRORS SHOULD THEY OCCUR. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
41. SERVICE DIRECTOR BARTOS: REQ TO AMEND CHAPTER 105 OF THE CODIFIED ORDINANCES ADDING ADDT'L SECTION PURSUANT TO ORC 9.48 (COOP PURCHASING PROGS). - JUDICIARY COMMITTEE
42. SERVICE DIRECTOR BARTOS: REQ \$338,699.42 SUPP APPROP FROM UNAPPROP BAL OF 2113 (MUNICIPAL ROAD FUNDS) TO 2113-202001 (MUNICIPAL ROAD FUND - ENGINEERING ADMINISTRATION) PARTLY TO FUND A PORTION OF THE RIGHT OF WAY ACQUISITION FOR THE 12TH ST PROJ. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
43. SERVICE DIRECTOR BARTOS: REQ APPROVAL OF REVISED EXHIBIT A TO O#250/2013 TO INCLUDE ADDT'L PROP APPRAISALS AS HIGHLIGHTED IN EXHIBIT A, REVISION 1. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
44. TREASURER PEREZ: REQ TO AMEND SECTIONS 181.09(a)(5) & 181.10(f) OF THE CODIFIED ORDINANCES. - JUDICIARY COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT PRO TEM MORRIS: OK we're under, now under First Readings on Ordinances and Formal Resolutions for First Reading. Madame Clerk will you please begin with Ordinance #1.

CLERK TIMBERLAKE: Alright Frank you need to announce each Committee after I read the Ordinance.

PRESIDENT PRO TEM MORRIS: Oh, OK. Got it.

#1. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR, DIRECTOR OR PUBLIC

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SERVICE AND/OR DIRECTOR OF PUBLIC SAFETY TO COMPLETE THE CONTRACTING PROCESS FOR VARIOUS CONTRACTS PREVIOUSLY AUTHORIZED BUT NOT COMPLETED BY JANUARY 1, 2014; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

- #2. (1ST RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$44,846.24 TO THE TREASURER OF THE STATE OF OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #3. (1ST RDG) AN ORDINANCE AUTHORIZING THE CANTON CITY BOARD OF HEALTH AND/OR HEALTH COMMISSIONER TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT(S) FOR THE PURCHASE OF ONE VEHICLE FOR THE HEALTH DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee
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- #4. (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$1,200.00 TO COTTRILL WRECKING COMPANY; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #5. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH LEBANON FORD FOR THE PURCHASE OF ONE 4-WHEEL DRIVE TRUCK WITH A SNOW PLOW PACKAGE IN AN AMOUNT NOT TO EXCEED \$27,595.50 AND WITH BOB ROSS BUICK FOR THE PURCHASE OF THREE STANDARD SIZE TRUCKS (GMC SIERRA 1500) IN AN TOTAL AMOUNT NOT TO EXCEED \$59,977.50 PURSUANT TO O.R.C. SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee
- #6. (1ST RDG) AN ORDINANCE AMENDING EXHIBIT A OF ORDINANCE NO. 218/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (MAHONING RD CORRIDOR PROJ)
Referred to Public Property Capital Improvement Committee
- #7. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE OF VARIOUS VEHICLES FOR THE SANITATION DEPARTMENT; AUTHORIZING THE DIRECTOR TO ALTERNATIVELY PURCHASE SAID VEHICLES PURSUANT TO THE STATE COOPERATIVE PURCHASING AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee

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- #8. (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 120/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (12TH ST N CORRIDOR PROJ)
Referred to Public Property Capital Improvement Committee
- #9. (1ST RDG) AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO APPROPRIATE REAL PROPERTY IN CONJUNCTION WITH THE 12TH STREET N. CORRIDOR PROJECT, GP 1098; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee
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(COUNCIL RECESSED AT 8:08 P.M. FOR THE PUBLIC PROPERTIES CAPITAL IMPROVEMENT COMMITTEE TO DISCUSS ORDINANCE #10; RECONVENED AT 8:13 P.M.)

- #10. (1ST RDG) **ADOPTED AS ORDINANCE NO. 1/2014** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH PENN CARE MEDICAL IN AN AMOUNT NOT TO EXCEED \$476,602.00 FOR THE PURCHASE OF TWO MEDIUM DUTY MEDIC UNITS FOR THE FIRE DEPARTMENT PURSUANT TO O.R.C. SECTION 125.04; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$476,602.00 FROM UNAPPROP BAL 4502 MOTOR VEHICLE PURCH FUND TO 4502 103001 FIRE ADMIN - OTHER)
Referred to Public Property Capital Improvement Committee
-

PRESIDENT PRO TEM MORRIS: At this time the Chair...

CLERK TIMBERLAKE: No.

PRESIDENT PRO TEM MORRIS: No.

CLERK TIMBERLAKE: I need to read #11.

PRESIDENT PRO TEM MORRIS: OK, I gotcha.

(COUNCIL RECESSED AT 8:14 P.M. FOR THE FINANCE COMMITTEE TO DISCUSS ORDINANCE #11; RECONVENED AT 8:15 P.M.)

- #11. (1ST RDG) **ADOPTED AS ORDINANCE NO. 2/2014** AN ORDINANCE AUTHORIZING THE DIRECTORS OF PUBLIC SERVICE AND SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR SUPPLY ITEMS, MATERIALS AND PROFESSIONAL SERVICES FOR THE CITY OF CANTON'S OPERATIONS DURING THE 2014 CALENDAR YEAR; AUTHORIZING ALTERNATELY THE PURCHASE OF SAID ITEMS PURSUANT TO THE STATE COOPERATIVE PURCHASING AGREEMENT; OHIO REVISED CODE SECTION 735.05, NONPROFIT AGENCIES AND/OR ODOT PURCHASING AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

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PRESIDENT PRO TEM MORRIS: At this time the Chair would like to declare an in house recess for Public Property Capital Improvement to meet regarding Ordinance #10.

PRESIDENT PRO TEM MORRIS: OK, Council is reconvening after recess.

MEMBER SMITH: Mr. President, I move we suspend Rule 22A to place Ordinances #10 and 11 back on this evening's agenda.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to suspend Rule 22A. Are there any remarks? If not, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM MORRIS: Thank you. Ordinances 10 and 11 are a legal part of your Agenda. Member Smith.

MEMBER SMITH : Mr. President, I move that we suspend the Statutory Rules on Ordinance 10.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM MORRIS: There's a move to suspend the Statutory Rules on #10. Any remarks? If not, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

MEMBER DOUGHERTY: Mr. President. Could we finish Committee meetings before we do this. I don't....wandering around in the audience. People just, I mean we've got to vote. We have to be seated to vote.

(Inaudible comments from the audience)

PRESIDENT PRO TEM MORRIS: OK, You've heard the three Readings Member Smith.

MEMBER SMITH: Mr. President, I move that we adopt Ordinance #10.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded that you adopt rule, Ordinance #10. Are there any remarks under this Ordinance? If not, roll call please.

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NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#10 ADOPTED AS ORDINANCE NO. 1/2014

PRESIDENT PRO TEM MORRIS: Thank you. Ordinance #10 has been adopted.

MEMBER SMITH: Mr. President, I move we suspend the Statutory Rules on Ordinance #11.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM MORRIS: There's a move to suspend Statutory Rules on Ordinance #11. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM MORRIS: You've heard the three Readings Member Smith.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #11.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM MORRIS: A move and seconded to adopt Ordinance #11. Are there any remarks under this Ordinance? If not, roll call Madame Clerk.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#11 ADOPTED AS ORDINANCE NO. 2/2014

PRESIDENT PRO TEM MORRIS: Ordinance #11 has been adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT PRO TEM MORRIS: Ordinances and Informal Resolutions for Second Reading. There are none.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT PRO TEM MORRIS: Ordinances and Formal Resolutions for Third Reading and Final Reading. There are none.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM MORRIS: Announcements of Committee.

MEMBER MARIOL: Mr. President. Public Property Capital Improvement will meet on February 3rd at 6:15.

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MEMBER HAWK: Mr. President Pro Tem.

PRESIDENT PRO TEM MORRIS: Yes Mr. Hawk.

MEMBER HAWK: Thank you good sir. Finance Committee will meet the same time at 6:15. Thank you.

CLERK TIMBERLAKE: Personnel.

(Inaudible comments with laughter)

MEMBER DOUGHERTY: Personnel will meet the same place, same time, same day. Thank you.

MEMBER GRIFFIN: We'll have maintenance class same time, same place. *(LAUGHTER)*

MISCELLANEOUS BUSINESS

PRESIDENT PRO TEM MORRIS: We're now under Miscellaneous Business.

MEMBER WEST: Mr. President. Mr. President.

PRESIDENT PRO TEM MORRIS: Member West.

MEMBER WEST: Just, now that all the business at hand is done, I'd like to raise a Point of Order specifically and to address the recent election of Vice President of Council. I raise this Point of Order to address the issues of the failed elections of the Majority Leader of Vice President of Council. The fact that the ORC which is Ohio Revised Code requires at least a majority of the Members present at the meeting where an action was taken, which in this case was 12 Members and 12 Members is 7. My Point of Order is based on Ohio Revised Code 731.17B. I raise this issue based on state law or the Ohio Revised Code and it's under Passage of Ordinances and Resolutions and under that B says, action by a legislative authority not required by law to be by Ordinance or Resolution may be taken by a motion approved by at least the majority vote of Members present at the meeting when the action was taken and that was effective date 11/19/1975. During that time, Member, I mean during this, that last meeting Member Hart's abstention means only one thing, that he was present. Therefore 12 Members were present at the meeting where the action was taken and therefore, neither candidate was elected because by 731.17 a majority vote of Members present at the meeting, as opposed to the term present and voting, was not achieved. In the Ohio Revised Code which say, present and voting, then Member Hart's abstention would be meaningless and there would be no issue. Morris got 6 of the 11 which is a majority but Hart was present and so 7, this number is needed to win the election. The President of Council raised an issue that because I did not appeal the decision when the fraction occurred then I failed in my attempt to challenge or correct the violation of the rules and the law however, under Robert's Rules of Order newly revised 10th Edition, page 244 it states that the only time a Point in Order can be raised after the time of infraction is when a violation of applicable procedural rules prescribed by local, state and federal rule continues to exist. And in this case the Rule 731.17B of the Ohio Revised Code is valid which supercedes or preempts our local law and our local Rule 24C is also in violation. And Member Morris has continued to serve in the capacity of Majority Leader, it would be a continuing breach of our rules. As no Majority Leader was elected by the majority of Members of Council present at the time the vote was taken which is clearly 7 votes. Robert's Rules of Order newly revised 10th Edition, page 22 in the rule it states under C, any action has been taken in violation and applicable to procedural rules prescribed by federal, state law so therefore, I could raise the issue or appeal at any given time based on Robert's Rules of Order and based on the Revised Code 731.17B. It seems to me that this approach is a breach of continuing nature. The office of Majority Leader not having the elected compliance of Revised

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Code 731.17B which requires at least a majority of the Members present which in this case is 7. So, I'm asking you and I'm bringing this forward once again because there was no, no person myself nor Morris elected to this body by 7. That means we currently do not have a Majority Leader and this is not an attempt to win over this election even when winning this argument for lack of a better term, I still won't have 7 votes. This body needs to elect 7, a person that has 7 votes. If we allow this to continue, what will happen I believe that we'll have grave concerns later. I believe they're going to have repercussions as a result of us not doing the right thing. So, I believe that we need to hold an Executive Session or not even Executive Session. I believe that we have a special session that is separate from our regular Council business and let's go and let's work this out together. I think as 12 Members, I spoke with Member Morris and I think we can do this collectively with the 12 of us. Just sit down. The 12 of us to sit down and work this out in a separate meeting outside the Council meeting. So with that being said, Member Morris, the Point of Order still stands as I wanted it on record.

PRESIDENT PRO TEM MORRIS: OK. Thank you Member West. Under direction of the Law Department I can either approve or deny your Point of Order which naturally I will deny it based on the fact that the Law Department is currently doing the research and continuing to look into this matter. On a more personal note, yes I agree. I think that it would behoove us to sit down and have these conversations to get this issue behind us and so we can all move forward. So, as the Chair, I will deny the request on the Point of Order.

MEMBER WEST: Mr. President. I'd like to appeal the decision of the Chair.

LAW DIRECTOR MARTUCCIO: Member West you are I assume making that appeal of the decision of the Chair under Rule 42 and under that rule, it reads, an appeal may be made from any decision but it must be made immediately after the ruling, which you are doing, and be it requires a second. If it is seconded, then the Presiding Officer shall clearly state the question and he make or may not state their, his or her reasons for the decisions. The question being shall the decision of the Chair be sustained. So, if there is a second then the Chair is required to either state the reason or not and if there is a second then there's a vote, and it takes a majority vote of those present to sustain the Chair.

MEMBER DOUGHERTY: I second.

PRESIDENT PRO TEM MORRIS: OK, Member West explanation. As my grandfather said, silence cannot be misquoted. So therefore, I will not give you an explanation, just denied by the Chair.

LAW DIRECTOR MARTUCCIO: At this point then, the question before the body, the question before the body is, shall the decision of the Chair be sustained. That is the, that is what you're about to vote on under Rule 42B, second paragraph. The question is, shall the decision of the Chair be sustained? This question is voted upon to determine whether the decision of the Chair shall be sustained. A majority vote of those present is required to sustain the Chair. The President of Council may vote to break a tie vote. The President's not here tonight so if there's a tie, the motion fails.

MEMBER MACK: And if I could ask a point of clarification. Is the Point of Order that was raised by Member West to remove Frank as Majority Leader of this body?

MEMBER WEST: The Point of Order is to, at this current point in time we do not have a Majority, we do not have a Majority Leader based on the Ohio Revised Code 731.17B.

MEMBER MACK: So what's the Point of Order?

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MEMBER WEST: That we currently do not have a Chair, or President, a Majority Leader and therefore it's not removing him. It's just that there's not currently one and recognizing that fact.

MEMBER MACK: I'm not sure if I'm mistaken but, I'm not sure that's a Point of Order Law Director Martuccio. Am I wrong about that?

LAW DIRECTOR MARTUCCIO: Actually Mr. President, Member Mack, I'm looking at Rule 50 called "Violation of Council Rules". I'm looking at A. If a Member by virtue of his or her conduct or speech violates any rules, the Presiding Officer shall call the Member to order. Another Member may raise a Point of Order for the purpose of challenging the conduct of the speech of the Member and call upon the Presiding Officer for a ruling and an enforcement of the rules. So it goes to conduct. When it's raised it doesn't require a second. There is no debate. The Presiding Officer did listen to the explanation as is required by part C, paragraph C, he, the Presiding Officer had the choice to either go in favor of it or against it. So at this point, I, I share your concerns Member Mack. I think Member West, if you are alleging in your Point of Order that the conduct of the Presiding Officer is inappropriate because again, you don't feel...

MEMBER WEST: No. I, let me restate that. The Point of Order is in reference to the violation that continues to, to exist week after week and that's a violation, a violation of our applicable procedural rules prescribed by local, state and federal rules and therefore, based on the Ohio, Robert's Rules of Order and the Ohio Revised Code, it appears that because that action has taken, I can appeal the decision and I can do a Point of Order and correct the problem. And the problem currently is that we did not elect a Majority Leader by the vote, by the Ohio Revised Code 731.17B.

LAW DIRECTOR MARTUCCIO: Member West, Mr. President, Member Mack, if I can.

PRESIDENT PRO TEM MORRIS: Yes sir.

LAW DIRECTOR MARTUCCIO: I think, I think and please help me Member West. I think the issue you're alleging is, is that there is a continuing violation of our local Rules of Council. Is that...

MEMBER WEST: And our, and the Ohio Revised Code.

LAW DIRECTOR MARTUCCIO: In terms of the Revised Code, I would ask you all to yield to the research that we're conducting right now. Again, as I've mentioned before I believe that the Presiding Officer on the meeting of January 6th, President of Council, was within his ability to make some rulings on how the meeting should proceed. Your Point of Order now though is that you believe there's a continuing violation despite that ruling and you are saying that, that is the conduct you are appealing as a Point of Order. Is that correct?

MEMBER WEST: Yes.

LAW DIRECTOR MARTUCCIO: So, the question before you as a Council is, is there a violation, is there an ongoing violation of Council's Rules of Procedure? Is there an ongoing violation of Council's Rules of Procedure which has resulted in misconduct? The Chair has heard it, has considered it and stated that the Chair believes that there was not, denied that rule. There was a motion to second so, as I understand it, the issue before you then based on the allegation of a Point of Order is now back under Rule 42, "Appealing a Decision of the Chair". So, I believe the vote in front of you is shall the decision of the Chair, that is Mr. Morris's decision be sustained? If you vote yes, you're saying you agree with Mr. Morris's decision to deny the Point of Order for his earlier stated reasons, that it's being researched, I believe you stated on the record and it's part of

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the ongoing question, correct?

MEMBER MACK: Mr. President. I think for the record, I'm going to raise a Point of Order as to the use of the Point of Order rule in this fashion. And a clear....

MEMBER WEST: Mr. President.

MEMBER MACK: ...and it clearly doesn't apply in this circumstance. If I could make a suggestion. The night is getting late. I think Mr. West has made it's point and I think we have other city business to move forward with.

MEMBER DOUGHERTY: Mr. President there is a motion and a second on the floor.

MEMBER WEST: Yes.

PRESIDENT PRO TEM MORRIS: Yes there is.

MEMBER WEST: Thank you.

MEMBER SMITH: Mr. President could you just repeat once again the yea and the nay vote.

PRESIDENT PRO TEM MORRIS: Repeat the yea...

MEMBER SMITH: Yea, the Law Director Martuccio.

PRESIDENT PRO TEM MORRIS: Yes.

LAW DIRECTOR MARTUCCIO: Mr. President, Members of Council. What I believe the question before you is, we have to take these Points of Order one at a time I think under Robert's Rules of Order. The initial question is this. Shall the decision of the Chair be sustained? In other words, shall Member Morris's decision that he just rendered be sustained? If you agree, if you agree that Member Morris was correct in denying the Point of Order that Member West raised. If you agree it was correct to deny it, for his stated reasons, again being that it's something that's subject to legal questions that have been posed and are being researched and you don't think it's an ongoing violation, then your vote is yes. If you agree with Member Morris then I believe your vote....

CLERK TIMBERLAKE: Member West.

LAW DIRECTOR MARTUCCIO: I'm sorry with Member West....

MEMBER SMITH: Yea, OK. Yes that's why I wanted you to explain it again.

LAW DIRECTOR MARTUCCIO: If you think there's an ongoing violation then your vote is no. And I guess we'll cross that bridge when we come to it and address the next Point of Order. Again, this is uncharted territory folks. I've never had a Point of Order go this far in the 20 years I've attended these meetings as Legal Counsel and not had two in the same evening so bear with me as we work this through.

PRESIDENT PRO TEM MORRIS: OK. We have a motion on the floor and a second.

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CLERK TIMBERLAKE: Morris. Am I doing roll call?

LAW DIRECTOR MARTUCCIO: Let me explain the vote one more time. The vote is, shall you sustain the Chair, the decision of the Chair, in other words will you back up the decision that the Chairperson made. That would be a yes. If you agree with Member West's point that the rules are being violated I believe on an ongoing basis, then you vote no.

PRESIDENT PRO TEM MORRIS: Roll call Madame Clerk.

NO REMARKS

ROLL CALL 8 YEAS, 4 NAYS

(MEMBERS SMITH, BABCOCK, WEST & DOUGHERTY VOTED NAY)

CLERK TIMBERLAKE: Eight yeas, four nays Mr. President.

LAW DIRECTOR MARTUCCIO: The decision of the Chair is sustained. It stands. Do you want to withdraw your Point of Order Mr. Mack?

MEMBER MACK: Yes sir.

PRESIDENT PRO TEM MORRIS: Thank you Mr. Mack. Anybody else under...

MEMBER SMITH: Mr. President.

SAFETY DIRECTOR PERRY: Mr. President.

PRESIDENT PRO TEM MORRIS: Oh.

MEMBER SMITH: I'm sorry.

SAFETY DIRECTOR PERRY: I just wanted to say that we're happy to announce that the list for the hiring of the minimum of 12 Police Officers as well as a minimum of 12 Firefighters will be certified tomorrow allowing us to get closer to our goal of getting boots on the street and once that is complete, the administration is committed to revisiting the possibility of reinstating at least one Captain with the approval of this Council and as we look at that and get the new hires in place we will look and see if there's an issue as to whether or not we may or may not need additional.

PRESIDENT PRO TEM MORRIS: Thank you. Member Hart.

MEMBER HART: Yea Mr. President on Friday I had breakfast with Joe Carbenia's wife and she volunteer's at the Salvation Army and she indicated to me that, and we've all seen this with this weather. There are just, unfortunately to say 1,000's of people that are in need of hats, scarves, gloves, boots and this would involve men, women, children and I'm just asking everybody here, go through your closets. You know, bring in whatever you can. Any organizations that you may, you know be involved with, you know, churches. You know, put the word out. You know she said there was a woman in the, you know bitter cold, came in with slippers on. She had, you know, nothing more than that on her feet and if you can bring them into the City Council office, you know, they will call me and I will, you know take them over or feel free if you have a load from a church or whatever, any organizations, take them over there. Also the email was sent out, a second one. My son at the Police Department was getting inundated with calls for Rich Hart to come and pick up and it was

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the wrong Rich Hart so, please send it to City Council office you know, and I'll see that they get there. Also for Member Mariol, in my den I have something written by Reverend Neal Muller and he was killed you know, in Germany and it's very poignant when he says, they came for the Jews and I did not speak out because I was not a Jew. They came for the Trade Unionists and I did speak out because I was not a Unionist and it goes on and on and on and he never spoke out. And then it says, and then they came for me and there was no one left to speak out and you know, in 2014 I look at this world and you know, people are afraid to speak out against all the injustices and we can see it whether it was in Europe, eastern Europe, in African, a lot of things are going on and unfortunately a lot of people in positions just turn their back. And this is why Holocaust happen.

MEMBER SMITH: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Smith.

MEMBER SMITH: I have a spaghetti dinner fundraiser that I would like to read. Most of you know him as Sarge. His name is Robert Easley. His family is having some hard times, some help issues and on Saturday, February 1, 2014 that would be a spaghetti fundraiser. It's going to be held at the Southeast Community Center. The tickets are \$10.00 and I just want to read a little something to you for you to just put it on your hearts to donate and this says, the family of one of our own SCD and Canton community leader is facing serious health issues at this time. His wife, Harriet Easley has battled with multiple sclerosis for many years. His daughter Brittany has lupus. Sarge has recently fought cancer himself and now his son Jamar has been diagnosed with a brain tumor. The Stark County Urban League, the Stark County Peace Coalition and the Leila Green Alliance of Black School Educators are sponsoring this event. The tickets are available at the Southeast Community Center, Mr. Dave Dougherty or myself. A monetary donation can also be sent to CSE Federal Credit Union care of Robert "Sarge" Easley. If you would like to support, please notify myself, Stephanie Patrick, Zutali or Dave Dougherty. Thank you so very much.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Dougherty.

MEMBER DOUGHERTY: Yea, I'll have the tickets in the office if and if, you know if you can't go I personally can't, you know I have to be at my grandson's birthday party so, but I'm going to be purchasing some tickets so that someone else could go and maybe a child could go have a meal too. So, in making sure that these tickets will get to good people to use so, if you want to give \$10.00, give it to the office so we can forward these. He's going to come pick up any sold tickets by Friday.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM MORRIS: Mr. West.

MEMBER WEST: Sarge, Sarge is a extremely great guy. I mean he stood down in Nimisilla Park all summer long watching over the kids, not getting paid. He does it voluntarily. When we had violence in the community, he drove his bike throughout the community and watched over our neighborhood. When he came down to struggling, I mean he's a really rough man, he would sit down and pray with them so Sarge is really been there for the city of Canton and our community as a whole. Now he's taking on, down at the YMCA and at Hartford Middle School. He's just always around kids, giving of himself so, anybody that, just not only talking about Council Members but the community as a whole. We really should get behind him and help him and his family. Thank you.

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PRESIDENT PRO TEM MORRIS: Mayor Healy.

MEMBER DOUGHERTY: Mr. President.

MAYOR HEALY: Thank you Mr. President. First of all I'd like to thank Vince Watts. Vince I just want to thank you for coming down and sharing your words with us and I agree that we have much work to do when it comes to the issues at hand and we're doing everything we can from our end but I appreciate your comments and you know, awareness is, you know is the first step so. I also wanted to bring a gift to Council on a brighter note. Margaret Reeves from Turnaround Community Outreach brought to me two bibles. One for the 8th Floor and one for Council. (*Inaudible*)...patriot's bible and it's a very nice bible and I know that we have on occasion where we need a bible down here for a swearing in or a ceremony or sometimes I'm doing wedding ceremonies, what have you. But we always need bibles down here for events and this one, it's a really, really beautiful bible and she had it inscribed, it says I promise to serve with integrity and honor and this is to present to City Council as a whole, to leave here for the Council Chambers for the needs, when needed for Council, so.

CLERK TIMBERLAKE: Thank you.

MAYOR HEALY: I'll leave that with you Mr. President and if you'd like to pass it around and take a look at it, it's a really beautiful bible. Thank you.

PRESIDENT PRO TEM MORRIS: Thank you.

MEMBER DOUGHERTY: Yea on these tickets, I'll just challenge any Council Member. I'll make your ticket for this spaghetti dinner so for every Council Member that buys a ticket, I'll match it.

MEMBER WEST: Amen.

PRESIDENT PRO TEM MORRIS: Thank you Member Dougherty. I just bought two hundred of them right now. (*LAUGHTER*) But if you....

MEMBER DOUGHERTY: There will be a limit put on this.

PRESIDENT PRO TEM MORRIS: But if you can get \$20.00 out of me, you've done something, so. Director Bartos.

SERVICE DIRECTOR BARTOS: Mr. Leader Morris. Just a couple quick points. No decision yet has been made on Sanitation services. As you know we're having another polar vortex come through and it's going to be pretty cold the next couple days. I should know at about 6:00 tomorrow whether or not we'll have Sanitation service on time. If it does get pushed back, we'll make sure, release a Press Release as soon as we can. Kevin did point to his successor. His name is Mike Rorar. You may have seen the Press Release that we send out last week but Mike comes from, comes to us from Bath Township where he spent a significant amount of time both as their Park Director since, from 1998 to 2008 I believe it was he was Park Director. And then from 2008 until last week he was both the Park Director and the Assistant Service Director. So, many of you know that the Superintendent of Public Works, a lot of what he does involves dealing with vegetation and grass issues as they're charged with taking care of the vacant lots so, I think he's excellently prepared to handle the duties of Public Works with both the background in the streets as well as the background in the Parks. Thank you for passing the supply Ordinance and on the next week is the re-authorization Ordinance will be on 2nd Reading. I will get down and beg on my knees if I have to, to get that passed as soon as we can. There's many important

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items on that. I know that Chief Deputy Auditor Young has already had to turn a couple things back because we haven't had them re-authorized yet so if I can get that on 2nd Reading, I would really appreciate it and finally I'd like to recognize two unsung heroes of the city here from Purchasing. Our Director, Randy Dublikar and our Assistant Director John Highman. I don't know if any of you had a chance to meet them yet but, they are my right and left hand men so if it wasn't for them I'd, you know, I'd have no arms. But they were here today to answer questions on the supply Ordinance. They'll be back next week to answer questions on the re-authorization and they've really gotten a lot of things moving in our Purchasing Department so I just wanted to say publically, I really appreciate all their hard work.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Dougherty.

MEMBER DOUGHERTY: Will they have to get on their knees next week? Or just him. *(LAUGHTER)*

SERVICE DIRECTOR BARTOS: I can order them to if I have to.

MEMBER DOUGHERTY: Watching you will be fun enough.

PRESIDENT PRO TEM MORRIS: I think we're going to gauge that on how many tickets they buy for the spaghetti dinner.

MEMBER DOUGHERTY: That's just Council Members.

PRESIDENT PRO TEM MORRIS: We can extort the audience. Cindy.

CLERK TIMBERLAKE: I just want to make a brief comment. One of our regulars has become ill so I just ask that you keep John Swartz in your prayers cause he's gonna need them and John's been a very good friend to all of us in Council. He's been a good man. He's a good person and John is fighting tough times right now so I just ask that you pray for John and keep him in your thoughts. So, thank you very much.

PRESIDENT PRO TEM MORRIS: Thank you Cindy. Member Smith.

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

MEMBER BABCOCK: Seconded.

CLERK TIMBERLAKE: Amen.

PRESIDENT PRO TEM MORRIS: A motion and a second. Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM MORRIS: Meeting is adjourned. *(Gavel falls)*

ADJOURNMENT TIME: 8:47 PM

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ATTEST: JANUARY 31, 2014
CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

APPROVED: JANUARY 31, 2014
FRANK MORRIS
PRESIDENT PRO TEM