

MINUTES OF THE MEETING MAY 5, 2014

PRESIDENT SCHULMAN: Good evening ladies and gentlemen. Welcome to Canton City Council. I think that, before we begin tonight's meeting...I know we heard from our Engineer, Dan Moeglin. Dan don't go anywhere Dan and Mike Rorar and Nick Loukas. I just want, and I think we all are in agreement here. I just want to say thank you for all your hard work. This has been really a tough job for the three of you and we appreciate it and I think despite what the citizens feel and understandably so, they're upset about the quality of the roads. I know you're working as hard as you possibly can, we do appreciate it. Thank you very much.

MEMBER FISHER: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER FISHER: Before Dan leaves also, he left all his books up here. I thought he might want to get those.

MEMBER DOUGHERTY: Yea, we don't want these books.

PRESIDENT SCHULMAN: That's because Member Fisher is in the process of changing this minimal standards.

MEMBER GRIFFIN: He's got them memorized.

MEMBER BABCOCK: Amen.

PRESIDENT SCHULMAN: And secondly and equally important we are really blessed to have I think, one of the best Clerk's of Council this body has ever seen and today is Cindy's birthday, so....(APPLAUSE)

CLERK TIMBERLAKE: Thanks.

PRESIDENT SCHULMAN: So Happy Birthday and many, healthy and happy ones.

CLERK TIMBERLAKE: Thank you all.

PRESIDENT SCHULMAN: And finally before we begin, I called Leader Morris last week and I left a message with him and I said if I call him Leader Dougherty, who I have the most of respect for, one more time or anytime, it's \$10.00 in the jar. So...

MEMBER MORRIS: Correct. And Mr. President after consulting with my attorney Edmond Mack, that will be \$100.00. (LAUGHTER)

PRESIDENT SCHULMAN: And with a quorum present the Chair does call this meeting of Canton City Council to Order. Roll call vote please Madame Clerk.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

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

**MINUTES OF THE MEETING MAY 5, 2014**

TWELVE COUNCIL MEMBERS PRESENT.

CLERK TIMBERLAKE: All present Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. And I'm glad we have our full compliment of Council Members tonight. Member Griffin is back from Rome.

MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: Yes Member Griffin.

MEMBER GRIFFIN: I didn't see a pothole for 9 days. *(LAUGHTER & APPLAUSE)*

PRESIDENT SCHULMAN: I tell you, those Italians really know how to fill those potholes. I wonder if they fill those them meatballs.

MEMBER GRIFFIN: I didn't have salad either. It was...

PRESIDENT SCHULMAN: Tonight's invocation is going to be given my good friend Council Member at-Large James Babcock. Will you all stand and remain standing for our Pledge of Allegiance.

*The regular meeting of Canton City Council was held on May 5, 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 At-Large Council Member, James Babcock. The Pledge of Allegiance led by President Schulman.*

PRESIDENT SCHULMAN: And I have to stay after last Monday's meeting when Member Smuckler was raising all these Points of Order, this week Member Smuckler brought his mother in the audience. So we welcome you. And Member Smuckler said, there's not going to be any trouble tonight. I can tell you that.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Yes Member Smuckler.

MEMBER SMUCKLER: Cindy took away my Rule Book too. *(LAUGHTER)*

---

**AGENDA CORRECTIONS & CHANGES**

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

MEMBER MORRIS: Mr. President, I move Rule 22A be suspended to add 2<sup>nd</sup> Readings Ordinances #6 through and include #10.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to Suspend Rule 22A to add the 2<sup>nd</sup> Reading Ordinances 6 through and including #10 to this evening's agenda. Any remarks? Hearing none,

**MINUTES OF THE MEETING MAY 5, 2014**

Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

**PUBLIC HEARINGS**

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

**OLD BUSINESS**

PRESIDENT SCHULMAN: We're now under Old Business and I will turn this over to the Mayor's Chief of Staff, Fonda Williams. Chief.

CHIEF OF STAFF WILLIAMS: Thank you Mr. President. At the April 28<sup>th</sup> meeting we had several speakers and the first was Mr. Scaglione. He had a marriot of questions and I'll do my best to answer them. It was kind of rapid fire but I'll, I'll do my best. OK, and I'll be here afterwards if I miss anything so, one question was in regards to when will the Hercules project be complete. We had another delay with the Hercules project in regards to IRS tax issue in regards to how tax credits are applied to projects. As soon as that is resolved through the IRS that project should be back on track but it is delayed at the present time. There was a question about how many items from the last plan have been completed. That's a difficult question. I think the last official plan was from 1960 unless you're talking about the Neighborhood Workbook plan. There was several items throughout the Workbook plan that has been addressed such as empowering neighborhoods, giving out grants to neighborhoods, demolitions in neighborhoods, things of that nature, so, I'll try to do a better job after the meeting to further answer that question. How many vacant houses on the demo list? As you are aware the demo list is complaint driven so that's a moving number. Let's just say as of today it's well over 330 houses on the list. In regards to your next question, how many are funded for tear down? The majority of the properties are being funded either through our bond program or through the Moving Ohio Forward program. Specifically what I mean is that every time we tear one down we can get reimbursed from the State of Ohio up until May 31<sup>st</sup>. Now, what that means is, houses that are submitted even after the 31<sup>st</sup> if they were on a purchase order we can still get reimbursed but the true cutoff is May 31<sup>st</sup>. I don't know if that was a sign for me to speed up or not but, you also asked do we have funding for all road repairs this winter. No. I don't believe we have funding for all road repairs because that's ongoing as well. You also asked about funds donated to turn Mother Gooseland back into a park. I'm not certain but I do believe there were some funds donated for that. I'll try to find out the exact number for you. Also Mr. Porter had asked about one of our demo contractors being behind on the number of demos. That is accurate. There's approximately three problem children that we have that we have asked them to put together a plan of action to assure we get these, the rest of the remaining properties down. So, there's three that we're actually working with that are severely behind in their efforts. Mr. Lee Cote had inquired about priority being given to boarded up houses that are in close proximity to school buildings. Mr. Cote we are going to address that immediately. Well I should say that actually has been addressed already so thank you for bringing that to our attention. Also Mr. DiGiacomo you inquired about cadets. Both police and fire, how quickly they would be on the streets. It's not a 3 to 6 month process but I will tell you that on the police side, out of the 18 candidates approximately already had their OPADA training certificate. So, those individuals will be on the streets the 2<sup>nd</sup> week of this month so

**MINUTES OF THE MEETING MAY 5, 2014**

basically next week. The remaining 4 have to go to almost like another academy starting June 1<sup>st</sup> and I believe that training is about 14 weeks and then they will be on the streets. And then with our, very similar with our fire cadets. There's less than have that had the EMS training certificates that they needed so they'll be able also the 3<sup>rd</sup> week of this month to be, you know on the streets if you will and the rest will have to continue the internal training. I believe that concludes it and again Mr. Scaglione I'll be happy to talk to you afterwards if I missed any of your questions. If I did it was only by accident not by purpose. Thank you.

PRESIDENT SCHULMAN: Thank you Mr. Williams very much.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: Now turning to Public Speaks. We have 3 speakers this evening. Our first is Bill Dieffenbaugher. Mr. Dieffenbaugher if you'll step forward and give us your name and your residential address. As always, welcome to Canton City Council.

BILL DIEFFENBAUGHER: Good evening Council Members, Mr. President. My name is Bill Dieffenbaugher. I live at 1611 Haag Avenue SW in Massillon, Ohio 44646 but I work for the city of Canton. My roots are the city of Canton and I represent the AFSCME workers of the city of Canton. I'm here to give you an update on what I gave three weeks ago on how hard we have been working. I told you as of January to April 14<sup>th</sup> we put down over 2,000,000 tons of asphalt. We worked 2,099 hours of overtime so far and it's not just the Street Department. We have people coming from Collections to help us, Water Department, Water Reclamation, Sign & Paint. They're all stepping up to the plate to come and work this overtime to try to get a hand on these potholes which seems like a never ending battle to all of us. But since I was here on the 14<sup>th</sup>, I just want to give you an update. Since then we've put down 600 more tons of asphalt and we've worked 877 ½ overtime hours in less than three weeks, because 2 of those days we got rained out. Two other days the plant broke down. So, basically in 2 weeks that's the kind of material we put down and the hours we've worked. Our average age in the Street Department is 50 years old. We've got 5 guys that had shoulder surgery, 2 that had knee surgery and probably half a dozen, including me as 1 that have back problems. But they keep stepping up to the plate day after day after day and working these 10 hour shifts and working Saturdays. We've had one Saturday off in the last 6 weeks and that's because it was the day after Good Friday which, they gave up their Good Friday, their holiday off to come in and work and Mike said, you guys need a couple days off so we didn't work that Saturday. So I don't want you get the idea, and the citizens I understand, us employees are as upset with these streets as they are. We just can't get a grip on them. It just seems like we're fighting a losing battle. We're maxed out on equipment. We're maxed out on manpower. We're doing the best we can do and I think the citizens need to understand that and Council needs to understand that. I just want to make that very clear. Thanks for your time.

PRESIDENT SCHULMAN: Thank you. And thank you to your union members for all the work they do. We do appreciate it. (*APPLAUSE*) Our next speaker is Jason Scaglione. Mr. Scaglione, always welcome to Canton City Council. If you'll give us your name and your residential address please.

JASON SCAGLIONE: Good evening. Jason Scaglione. 3027 Glen Place NW. A couple things here tonight. Speaking on demolitions, we've got a house on Wertz and 2<sup>nd</sup> Street that was torn down a week ago and it's still there. Why a demolition contractor was allowed to leave a house in a pile with nails sticking out...caution tape was up for a day until it blew down, wires hanging over top of the sidewalk, kids can swing off these wires, mess with these wires. Good thing they're cable wires but, I just don't see how this is happening. I

**MINUTES OF THE MEETING MAY 5, 2014**

know Jim's looked into it. Jim Griffin called the Building Department and was advised it was too wet to get this done and if that was the case it should have never been started. I do know today from a city resident that there has been another demolition that was done today and this house is still here so I can't buy the it's too wet deal. I want to see this taken care of and I want to make sure that we're getting what we're paying for in these demolitions and stuff isn't just being left in a mess. Second of all, I spoke on this before and it never went anywhere but, all these in home daycare workers and God bless them for what they do for our children, have had a fee put on them for a fire inspection that is mandated that they do for their state license. Now, I, I got to witness an inspection and nothing against the Fire Department. I think they do a wonderful job and I know a lot of the people that do work in that department. It takes them 5 to 10 minutes tops to do that inspection. Now, \$50.00 for 5 to 10 minutes for them to do an inspection, I can't see it. First of all, we're paying taxes for this service and now we're going to charge an audience that, a captive audience that has no, no condition but to pay this, a fee. Numerous people that do this that aren't state licensed. These people have stepped up and hold a state license for daycare. Why are we charging these people these fees and you know, the one thing that really bothers me is, I wouldn't even sign the check because this was in my home, the inspection that I witnessed. The check gets made out to the City of Canton. Pretty vague if you ask me. I'd like to know where these monies are going, what they're being used for? If they're being charged for a fire inspection, I would certainly hope that they're being used for fire personnel, fire equipment, what not in which I still don't understand because we're paying taxes for this. I'd like to see someone look at this, see why this fee is what it is and do something with it. Thank you.

PRESIDENT SCHULMAN: Thank you Mr. Scaglione we appreciate it. Our last speaker tonight is Bruce Nordman who's not been with us for a while. Mr. Nordman as always welcome. It's good to see you. If you'll give us your name and your residential address please.

BRUCE NORDMAN: Good evening. I'm Bruce Nordman. I reside at 1623 Logan Avenue NW, Canton, Ohio. I haven't been here for a few weeks. A friend who I was taking care of developed dementia and I had to seek guardianship and to put her in a nursing home so I'm asking for all of you to pray for her recovery and as I'm deeply saddened by this. But tonight I want to thank the Mayor, the administration, the City Council for your diligence in adding new Firemen and Policemen which we badly need and it's one of the essential tools in terms of the recovery of this city. I've got a couple of questions if you could get back next week with some answers. We know where we are today with the staffing levels but so we can know where we are going forward in the upcoming year, we'd like to know, Group 175 would like to know and I know the citizens would like to know, how many retirements are planned for the police and fire and what kind of staffing levels are going to be determined in terms of maintaining the safety for both departments. Second of all, in terms of Moving Ohio Forward, I'd like you to check and see if we're going to lose any money because of not fulfilling the May 31<sup>st</sup> deadline for the State of Ohio and you can get back on that also next week. But I'd like for you to check in and let us know. And then finally, on First Friday, I'm sure those of you who were around had the opportunity to go through the Onesto Hotel and there's an awful lot of work to be done there and I know that this is one of the important tools besides the Hercules project bringing people to downtown and having downtown residents is one of the key ingredients to reviving the city. I would ask that you examine your pocketbooks, I'm talking about city pocketbooks, to see what we can do to help Steve Coons who has done so much for this city and has reached very deeply into his pockets to do an awful lot of wonderful projects that have been very instrumental towards the revitalization of this city. I thank you very much and I'll look forward to your answers next week.

**MINUTES OF THE MEETING MAY 5, 2014**

PRESIDENT SCHULMAN: Thank you Mr. Nordman. I appreciate it. That concludes Public Speaks. As always we appreciate our speakers coming down this evening.

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: Turning now to Informal Resolutions. Madame Clerk would you please read Informal Resolution 24.

#24. CNCL AS A WHOLE: REQ ADMIN CONTRACT WITH GRANT WRITER. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Informal Resolution #24.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Informal Resolution 24. Any remarks under this Informal Resolution? OK, hearing none, all those in favor, signify by saying aye. Those opposed no.

RESOLUTION #24 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries. Informal Resolution 24 is adopted.

**COMMUNICATIONS**

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

***NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED MAY 5, 2014.***

195. APPLICANT, ADAM LEVITT: REQ ZONE CHG OF 1133 WALNUT AVE NE, LOT NO. 17616, FOR FAMILY DOLLAR STORE. - PLANNING COMMISSION
196. APPLICANT, ADAM LEVITT: REQ ZONE CHG OF WALNUT AVE. NE & AMERMAN PL NE, LOT NO 17617, FOR FAMILY DOLLAR STORE. - PLANNING COMMISSION
197. APPLICANT, ADAM LEVITT: REQ ZONE CHG OF PIEDMONT AVE NE & AMERMAN PL NE, LOT NO. 17604, FOR FAMILY DOLLAR STORE. - PLANNING COMMISSION
198. AUDITOR MALLONN: REQ FOR ADDITIONAL AMENDED CERT DATED 4/28/14. - RECEIVED & FILED
199. AUDITOR MALLONN: MNTHLY RPT BY FUND 4/1/14 - 4/30/14. - RECEIVED & FILED
200. AUDITOR MALLONN: YRLY RPT BY FUND 1/1/14 - 4/30/14. - RECEIVED & FILED

**MINUTES OF THE MEETING MAY 5, 2014**

201. CHIEF OF STAFF WILLIAMS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO AGMT WITH CCIC TO ACCEPT DONATION OF 10 PROP HELD BY CCIC. - COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE
202. CHIEF OF STAFF WILLIAMS: AUTHORIZE MAYOR AND/OR SERV DIR TO CONVEY 21 CITY OWNED PROP NO LONGER NEEDED FOR MUNI PURPOSES TO CCIC FOR ECONOMIC DEV PURPOSES. - COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE
203. CHIEF OF STAFF WILLIAMS: AUTHORIZE SERV DIR TO ENTER INTO JEDD WITH PLAIN TWP AND ENTER INTO MUTUAL ECONOMIC DEV AGMT. - COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE
204. LAW DIRECTOR MARTUCCIO: AUTHORIZE TO ENTER INTO CONTRACT WITH WALTER H. DRANE CO TO ASSIST IN RE-CODIFICATION OF ORD OF CITY OF CANTON IN AMT NOT TO EXCEED \$22,750.00. - FINANCE COMMITTEE
205. LIQUOR CONTROL DIV (OHIO): REQ STOCK TRAN OF D5 D6 PERMIT FOR SPORTS PAGE GROUP LLC DBA JERZEES SPORTS GRILLE & PATIO @ 2531 FULTON RD NW. - RECEIVED & FILED
206. LIQUOR CONTROL DIV (OHIO): REQ TRAN OF C1 C2 PERMIT FROM SHREE SHIVAM INC TO OM KARTHIKEYA LLC @ 2211 W TUSC RD. - RECEIVED & FILED
207. MAYOR HEALY: INFORM COUNCIL THAT CITY WILL NOT ENTER PLA FOR WATERLINE REPLACEMENT AND ROADWAY REHAB PROJ FOR 37<sup>TH</sup> STREET N.W. - RECEIVED & FILED
208. MAYOR HEALY: RE-APPT OF MS. NIKI DICOLA TO THE INCOME TAX REVIEW BOARD FOR RETRO TERM OF 4/26/14 - 2/28/18. - PERSONNEL COMMITTEE
209. SERVICE DIRECTOR BARTOS & SAFETY DIRECTOR PERRY: AUTHORIZE PURCHASE OF 12 VEHICLES FOR FIRE, STREET, HEALTH, CODE AND IT; AUTHORIZE SERV AND/OR SAF DIR TO ENTER INTO CONTRACT FOR PURCHASE OF VEHICLES WITH ORC SECTION 125.04 OR ORC 5513.01; MAKE SUPP APPROP OF \$836,769.00 AND \$31,231.00; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
210. SERVICE DIRECTOR BARTOS: AMEND O#66/2014 TO STRIKE SEC 1 LETTER C; REVISE SEC 1 LETTER D TO READ "TWO CARGO VANS"; RE-LETTER ITEMS IN SECTION 1 ACCORDINGLY. - JUDICIARY COMMITTEE

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: We now turn to First Reading Ordinances and Formal Resolutions for the First Reading. Madame Clerk would you please begin with Ordinance #1.

**MINUTES OF THE MEETING MAY 5, 2014**

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #5 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$31,000.00 TO RELATED PARTIES FOR WORK PERFORMED AS PART OF THE GOODWILL PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$50,000.00 FROM UNAPPROP BAL 2766 MUNICIPAL PROBATION SERVICES FUND TO 2766 701001 MUNICIPAL PROBATION SERVICES - OTHER.  
Referred to Finance Committee
- 
- #3. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH A SALVAGE CONTRACTOR TO RE-EXCAVATE, SORT, CLEAN AND PALLETIZE SALVAGEABLE PAVING BRICKS; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- 
- #4. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO TAKE POSSESSION OF AN ARMORED MINE RESISTANT AMBUSH PROTECTED VEHICLE FOR THE CANTON POLICE DEPARTMENT AND CANTON REGIONAL SPECIAL WEAPONS AND TACTICS COOPERATIVE TEAM IN AN AMOUNT NOT TO EXCEED \$6,000.00 FOR SHIPPING; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Property Capital Improvement Committee
- 
- #5. (1<sup>ST</sup> RDG) AN ORDINANCE ACCEPTING THE RECOMMENDATIONS OF SANITATION SUPERINTENDENT MARK ADAMS FOR ADJUSTING THE CITY'S SANITATION RATES; AMENDING SECTION 975.08, OF THE CANTON CODIFIED ORDINANCES; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Judiciary Committee
- 

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: We turn now to Ordinances and Formal Resolutions for their Second Reading. If you'll please begin Madame Clerk with Ordinance 6.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #6 THROUGH #10 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***



MINUTES OF THE MEETING MAY 5, 2014

- #6. (2<sup>ND</sup> RDG) AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,400,000.00 FOR THE PURPOSE OF REFUNDING BOND ANTICIPATION NOTES PREVIOUSLY ISSUED FOR THE PURPOSE OF PROVIDING FUNDS TO PAY A COURT-APPROVED SETTLEMENT OF A CLAIM AGAINST THE CITY (PIROLOZZI)
- #7. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO RENAME THE 2320 HEPATITIS GRANT FUND TO 2320 NURSING CLINIC ACTIVITY FUND; AND DECLARING THE SAME TO BE AN EMERGENCY
- #8. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH MOTOROLA, INC. IN AN AMOUNT NOT TO EXCEED \$89,819.50 FOR THE PURCHASE OF TWENTY-FIVE PORTABLE RADIOS AND RELATED EQUIPMENT FOR THE FIRE DEPARTMENT; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$89,819.50 FROM UNAPPROP BAL MOTOR VEHICLE PURCHASE FUND TO 4502 103001 FIRE ADMIN - OTHER)
- #9. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY AN AMOUNT NOT TO EXCEED \$64,526.00 TO CENTRAL ALLIED ENTERPRISES, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY (PAVING 2<sup>ND</sup>, 3<sup>RD</sup> & 15<sup>TH</sup> STREETS SW)
- #10. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO EXECUTE AN AERIAL EASEMENT/LICENSE AGREEMENT WITH NORTH MARK DOWNTOWN, LLC FOR PROPERTY LOCATED ABOVE COURT AVENUE NW.; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Thank you Madame Clerk. Now we turn to Ordinances and Formal Resolutions for Third, Final Reading and Vote. Would you please begin with Ordinance #11.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #11 THROUGH #14 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.***

- #11. (3<sup>RD</sup> RDG) **RECONSIDERED & AMENDED AS ORDINANCE NO. 91/2014** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$43,383.50 FROM UNAPPROP BAL 4502 MOTOR VEHICLE PURCHASE FUND TO 4502 101001 POLICE ADMINISTRATION - OTHER)

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we reconsider Ordinance #91/2014 adopted on April 28, 2014.

**MINUTES OF THE MEETING MAY 5, 2014**

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you reconsider Ordinance 91/2014 which was adopted on April 28, 2014. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries. Leader.

MEMBER MORRIS: Mr. President, I move we amend Ordinance #91/2014 per the copy before each Council Member.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance #91/2014 by virtue of the copy before each Member of Council. Any remarks?

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Quickly and to the point. May we have the differences in what we're amending and why?

PRESIDENT SCHULMAN: Yes.

SAFETY DIRECTOR PERRY: Mr. President.

PRESIDENT SCHULMAN: Safety Director.

SAFETY DIRECTOR PERRY: To the Council Member. We are amending this because I was remiss in indicating the, I appropriated the money but I didn't indicate who we were going into contract with and that is Motorola. So, it is my error and that's why we needed to reconsider. I'm sorry.

MEMBER HAWK: Thank you. I was looking to, that's not what I was, I was just wondering if it was money. I'm more concerned about the money. A little mistake happens all the time but I wanted to make sure the dollars were still correct.

SAFETY DIRECTOR PERRY: The dollars are correct.

MEMBER HAWK: Thank you very much.

SAFETY DIRECTOR PERRY: The contract person need to be there as well as the proper fund.

MEMBER HAWK: Thank you.

**MINUTES OF THE MEETING MAY 5, 2014**

PRESIDENT SCHULMAN: Thank you Safety Director. Thank you Member Hawk. Any other remarks? Hearing none then, by voice vote, all those in favor signify by saying aye. Those opposed no

NO REMARKS RECONSIDERATION PASSED UNANIMOUSLY BY VOICE VOTE

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

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #91/2014 as amended.

MEMBER SMITH: Seconded.

**AMENDMENT**

*Pursuant to Rule 41 and 36, I move to reconsider and amend Ordinance No. 91/2014 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, I'm sorry, Ordinance #91/2014 as amended. Any there any remarks on this Ordinance as amended? Again hearing none, Madame Clerk roll call vote please.

NO REMARKS ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#11 RECONSIDERED & AMENDED AS ORDINANCE NO. 91/2014**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #91/2014 as amended has been adopted. Turning to Ordinance 12 please.

#12. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 94/2014** RESOLUTION ACCEPTING THE TAX INCENTIVE REVIEW COUNCIL'S RECENT RECOMMENDATIONS REGARDING ENTERPRISE ZONE AND COMMUNITY REINVESTMENT AREA TAX ABATEMENT AGREEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #12.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 12. Any remarks? Again hearing none, Madame Clerk roll call vote please.

NO REMARKS ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

MINUTES OF THE MEETING MAY 5, 2014#12 ADOPTED AS ORDINANCE NO. 94/2014

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #12 is adopted. Ordinance #13 please.

#13. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 95/2014** AN ORDINANCE AMENDING CHAPTER 105, CONTRACTS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 13. Are there any remarks? Leader.

MEMBER MORRIS: Mr. President, I move we amend Ordinance #13 per the copy that all Council Members have in front of them.

MEMBER SMITH: Seconded.

PRESIDENT: It's been moved and seconded that you amend Ordinance 13 by virtue of the copy before each Member of Council. Any remarks? Does anyone want that summarized? Alright, all those in favor of the amendment signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

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

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #13 as amended.

MEMBER SMITH: Seconded.

AMENDMENT

*Pursuant to Rule 36, I move to amend Agenda Item No. 13 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 13 as amended. Any remarks on this Ordinance as amended? Yes, Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President, Members of Council. I wanted to briefly thank Service Director Bartos and the members of the Purchasing Department for the amount of work they put into this along with other folks they consulted with. And all of you for recognizing it was time to make some needed improvements. So, thank you all very much.

SERVICE DIRECTOR BARTOS: Mr. President.

**MINUTES OF THE MEETING MAY 5, 2014**

PRESIDENT SCHULMAN: Director.

SERVICE DIRECTOR BARTOS: I'd just like to thank the folks in Purchasing and in Joe's department cause they helped us work along with this as well as Member Mariol, Member Morris and Member Hawk who we met with throughout the process to come up with the new language. I think we have a nice balance there that recognizes that we need to buy local on the same time recognizes we also want to have competitive bidding that will enable us, enables us to get the best products and the best prices so thank you all for your efforts.

PRESIDENT SCHULMAN: Thank you Director Bartos. Yea and I think, I would just comment that despite the fact that people don't think things get done here and we can cooperate, this is a demonstration of that cooperation. Moving the city forward using smart legislation to, to bring all of our local businesses and more importantly our local workers in on these. So, congratulations to all of you. Any other remarks? Hearing none then, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

---

**#13 ADOPTED AS AMENDED AS ORDINANCE NO. 95/2014**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 13 as amended has been adopted. Ordinance 14 please.

#14. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 96/2014** A FINAL RESOLUTION ADOPTING PLANS, AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO COOPERATE WITH AND REQUEST THE DIRECTOR OF TRANSPORTATION TO PROCEED WITH THE UPGRADE/REPLACEMENT OF ELEVEN TRAFFIC SIGNALS ON THE SIGNAL SYSTEM IDENTIFIED AS THE "NAVARRE ROAD SIGNAL SYSTEM"; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$20,000.00 FROM UNAPPROP BAL 2113 MUNICIPAL ROAD FUND TO 2113 202001 ENGINEERING ADMINISTRATION - OTHER)

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #14.

MEMBER SMITH: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**MINUTES OF THE MEETING MAY 5, 2014**

**#14 ADOPTED AS ORDINANCE NO. 96/2014**

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SCHULMAN: Now we turn to Announcement of Committee Meetings.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Chairman Hawk.

MEMBER HAWK: Thank you good sir. The Finance Committee will meet Monday, May 12<sup>th</sup> at 6:45 p.m. right here in this very Chamber.

PRESIDENT SCHULMAN: Thank you.

MEMBER MARIOL: Mr. President.

PRESIDENT SCHULMAN: Chairman Mariol.

MEMBER MARIOL: Public Property Capital Improvement will meet same time, same place.

PRESIDENT SCHULMAN: Thank you.

MEMBER MACK: Mr. President.

PRESIDENT SCHULMAN: Chairman Mack.

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

PRESIDENT SCHULMAN: Thank you very much. I think that concludes Announcements of Committee meetings.

CLERK TIMBERLAKE: Personnel.

PRESIDENT SCHULMAN: I'm sorry.

CLERK TIMBERLAKE: Personnel please.

PRESIDENT SCHULMAN: Personnel.

CLERK TIMBERLAKE: Thank you.

MEMBER HART: Personnel will meet at the same time.

PRESIDENT SCHULMAN: Thank you Chairman Hart. Any other? That's why we have the best Clerk in the business. I'm telling you.

SERVICE DIRECTOR BARTOS: Mr. President.

**MINUTES OF THE MEETING MAY 5, 2014**

PRESIDENT SCHULMAN: Yes, Director Bartos.

SERVICE DIRECTOR BARTOS: While, we're here I'll make my request. We have an Ordinance pending on the sanitation rates. Perhaps if we could have a half hour to give a presentation on the updated study for the sanitation rates and the state of Sanitation Department.

PRESIDENT SCHULMAN: 6:15?

SERVICE DIRECTOR BARTOS: If we could do 6:15.

PRESIDENT SCHULMAN: Is that alright with all the Committee Chairs? Leader, is that alright? Alright so we'll meet at 6:15. Very good. Thank you Director.

**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: Turning to Miscellaneous Business. Chairman Hart.

MEMBER HART: I just wanted to thank all those people that donated to the, in memory of my mother-in-law to the food bank. The money will be used, you know, again to buy food and when you do donate \$1.00 normally that's going to generate about 7 pounds of food and you know, unfortunately in this community those of you that are familiar with food banks, I know Member Smuckler's donated probably tons of food to Calvary Mission and President Schulman. It's unfortunately needed in this community. A lot of needy people but again, thank you very much.

PRESIDENT SCHULMAN: Thank you Member Hart.

MEMBER MARIOL: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Mariol.

MEMBER MARIOL: Yes I would, I would like to ask Mike Rorar our Street Superintendent to come up here. Mike, myself and President Schulman have been working on outside the box thinking on how we can speed up the filling of the potholes so I'm going to let him kinda explain a little bit about this, this new idea.

MICHAEL RORAR: Good evening.

PRESIDENT SCHULMAN: Director.

MICHAEL RORAR: As everybody knows about the pothole situation and we've looked into some scenarios and we've tried to beef up the in house support from the different departments and we've been doing that now for three weeks and we've been putting the staff out on Saturday with 10 crews working the overtime and putting down the amount and we don't seem to be catching up and then we've talked about subcontracting out some of this help and I think it's about time that we look for that and probably start bringing in two crews from an outside contractor to help us fill these potholes. And we've talked it over with the union, talked it over with Mr. Bartos and I think it's time we do that, give that a try for about a week or maybe a two week period and see if we can catch anything here because believe it or not, the mowing season is upon us and we have some other priorities we have to get to other than these potholes. So, I think we probably are in that short window now that we probably need to get some help.

**MINUTES OF THE MEETING MAY 5, 2014**

PRESIDENT SCHULMAN: Any questions for the Superintendent? OK, thank you and again thank your crews and you know all the city employees for all the hard work they're putting in. We really do appreciate it.

SERVICE DIRECTOR BARTOS: Mr. President.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes, Director Bartos.

SERVICE DIRECTOR BARTOS: I'd just like to echo that thanks to Mike and Bill for all they been doing. This is an idea that the Mayor tossed around quite a few weeks ago and then the Members Mariol and then President Schulman and other Members have come to me and asked is it time to you know, contract this out. We had looked at some more emergency mill and fill like we've done on some of other streets but the cost benefit analysis we've decided, hey it's time maybe to contract it out. So thanks to Bill and his folks for recognizing that this is an emergency situation where under the collective bargaining agreement we can't contract it out and they're going to continue to work with us and so it's really a team effort here. We've got Tyler Converse in Water is lending his resources and folks for the overtime. Jimmy DiMarzio from CSD is actually going to have his guys during the day working on some specific areas that their talents will be applicable to. Tracy Mills has lent people from WRF during the week. Those are folks that he is actually, you know they're on, you know, the clock on regular time at his, his plant. He's letting them come over and work in Street Department. Obviously we have to pay them out of the General Fund. We can't pay them with Enterprise Funds but, he's allowing us to borrow those folks and send them over to Street Department realizing that the needs in the Street are greater than the needs in WRF right now so, it's all around great effort in the city so thank you.

PRESIDENT SCHULMAN: Thank you Director and again thank you Superintendent.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes Member West.

MEMBER WEST: Yea, I'd like to thank the Park Department and also the Tree Commission along with Rice's Nursery, CTCC and many other volunteers that came out to B-Earth Day and Arbor Day in Nimisilla Park this past weekend. It was successful. We planted a lot of flowers and we got a lot of work to go but we got a good start last Saturday. Thank you.

PRESIDENT SCHULMAN: Thank you member West. Any other remarks? Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member of Council I wanted to commend you and members of the administration and folks in Engineering, the union, various people for the involvement, the attention, the energy you're putting into resolving what has become, what someone described last week as sort of a slow motion disaster. You really all have come together in wonderful ways. I know there are tough questions. I know there are tough answers. I know it's animated but it's really good that everybody's working so hard to try and resolve these issues. As Mike Molnar puts it before the next wave of issues rears their ugly head so I really wanted to commend everybody for working together so well on this common problem.

PRESIDENT SCHULMAN: Thank you Law Director. Before we adjourn, I mentioned to the Service Director and I certainly mentioned it to the Safety Director or I'm going to, the National Transportation Safety Board, the



**MINUTES OF THE MEETING MAY 5, 2014**

federal agency which is independent charged with investigating accidents in movement of freight among other things, air crash disasters, they put out an emergency report last, about 4 weeks ago concerning the movement of crude oil by rail throughout the United States. There has been at least 50 explosions. In Canada there was one which literally obliterated a city and caused the deaths of untold number of people. I think it was at least in the 100's and I mentioned it to the Service Director that I think we should know what is being transported by rail through our city. You cannot put these fires out. Maybe Member Dougherty has some idea because he works with hazardous materials all the time but if a rail car exploded in the city, we could not put it out. It's just impossible. So, I'm going, I wanted publically to say that, you know we have enough to worry about but this is a concern because rail does move through our cities and we're in a, now we're in a oil and gas bonanza which is going to probably lend itself to having more railcars and Canada as a matter of fact just decided to outlaw the type of railcars that are used in the United States so, if we could have the Service Director and the Safety Director get together. I know you're busy. If you could check into that for us, we'd very much appreciate it. Anything else? Leader Morris.

MEMBER MORRIS: This is for you Cindy. Motion to adjourn.

CLERK TIMBERLAKE: Yeah.

MEMBER SMITH: Seconded.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Happy Birthday. Be careful everybody. See you next week. *(Gavel falls)*

ADJOURNMENT TIME: 8:08 P.M.

ATTEST: MAY 8, 2014  
CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

APPROVED: MAY 8, 2014  
ALLEN SCHULMAN  
PRESIDENT