

**MINUTES OF THE MEETING MAY 12, 2014**

PRESIDENT SCHULMAN: Good evening ladies and gentlemen. Welcome to Canton City Council. We appreciate all of you being here tonight. And with a quorum present the Chair calls this meeting of Canton City Council to Order. Roll call vote please Madame Clerk.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

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

ELEVEN COUNCIL MEMBERS PRESENT. (MEMBER BABCOCK ABSENT)

CLERK TIMBERLAKE: Eleven present Mr. President.

**EXCUSING MEMBERS**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Leader.

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

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to excuse Member Babcock from this evening's meeting. Any remarks? I will say Member Babcock had a death in his wife's family so, our thoughts and prayers go out to...his brother-in-law's family and our thoughts and prayers...

CLERK TIMBERLAKE: Babby don't have no wife. *(LAUGHTER)*

PRESIDENT SCHULMAN: ...go out to the family. In any case, there was a very sad death in Member Babcock's family so, that's why he's not here. Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries. Tonight's invocation will be given by my friend and Council Member at Large Richard Hart. Would you all please stand and remain standing for our Pledge of Allegiance.

*The regular meeting of Canton City Council was held on May 12, 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 Council at Large Member, Richard Hart. The Pledge of Allegiance led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: Thank you very much Member Hart. Leader.

MEMBER MORRIS: Mr. President, I move Rule 22A be suspended to add 2<sup>nd</sup> Readings Ordinances #7 through and include #11.

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MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to Suspend Rule 22A to add the 2<sup>nd</sup> Reading Ordinances 7 through and including 11 to this evening's agenda. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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

**PUBLIC HEARINGS**

PRESIDENT SCHULMAN: We turn now to Public Hearings. We have no Public Hearings this evening.

**OLD BUSINESS**

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

CHIEF OF STAFF WILLIAMS: Mr. President thank you. During the May 5<sup>th</sup> meeting heard from two different individuals. One was Mr. Jason Scaglione. He asked several questions in regards to demolition contractors and home inspection fees from our Fire Department and Jason and I did discuss several of these issues after the last meeting and also before tonight's meeting. I owe Jason some additional information which I hope to get to him during this week. So, I hope that at least satisfied your additional concerns. Also, Mr. Bruce Nordman had several questions in regards to demolition and police staffing levels and I know he met with Director Perry and hopefully she satisfied you Mr. Nordman on those. If not, I can meet with you after tonight's meeting. That concludes Old Business.

PRESIDENT SCHULMAN: Thank you Chief. Appreciate it.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: Turn now to Public Speaks. We have 4 speakers this evening. Our first is Jim Adams. Mr. Adams, welcome as always. If you'll give us your name and your residential address please.

JIM ADAMS: Thank you. My name is Jim Adams. I live at 3518 Crown Point Street NW in Massillon, Ohio and I'm the Health Commissioner for the Canton City Health Department. Thank you Mr. President and Members of Council and the administration for allowing me to break, make a few brief comments regarding Correspondence #213 on your agenda regarding the state of the Health Department facilities known as the Sears Building. I'm here on behalf of our Board of Health to express our concern about the condition of the building. We also have two of our Board Members here to help support that effort. Dr. Hickman and Miss Snell is also in the room this evening. You may not know but the Health Department has occupied it's current location since first moving from City Hall in 1993 to it's current location. We were the first occupants to the building occupying the 1<sup>st</sup> floor. There were plans at that time to expand part of the facilities of the Health Department on to the 2<sup>nd</sup> floor and those plans were never completed. The floor remains vacant today except for the junk and trash that collects from unused furniture, files and the detritus of office work. Before we go

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much further, one of the reasons that I believe that 2<sup>nd</sup> floor is still empty deals with the proposed combination of the County Health Department with the City Health Department. And let me just kinda get that out on the table right now. We have had at least 3 studies since 1993 about the combination of our 2 departments. The last one as you recall, many of the Members of Council were here in 2013 once that was completed and they recommended that no combination be made. And so I just want to state that I don't think there will be a combination of our departments. I want to take that off the table. I think that the continued discussion about the possible combination of a department that is not going to happen really exacerbates the already poor condition of this building and we ought to move on from that. So let me just mention a couple of the things that is the issues with our building for some examples. In just one example, our WIC clinic alone in 2013 had over 12,000 people walk through their clinic doors. We have staff increased to meet that change in client need. At least one dietician's office that we have was a former storage closet. It's barely large enough for a desk and let alone to let in some moms and children for the work that they have to do. We've got a poor maintenance history of the building including leaking windows, public entrances, and service entrances. One of the big things is our inadequate heating and ventilation system. Right now the system is unable to properly heat in the winter, unable to properly cool in the summer. We have high levels of moisture and humidity that results in molds and odors for staff and the visitors to the department. We also have access issues including questionable ADA accessibility, restrooms security and privacy for the clients. The exterior of the building is in poor repair. We've had some facade pieces fall from the building onto the sidewalk. We have a confusing entrance with signage and we have leaking windows that are causing damage to the underlying structures in the building. Don't take my word for it. I invite you to an open house that I'm going to host on Thursday, May 15<sup>th</sup>, this Thursday at 9:00 for a brief tour of the facilities. Right now we're located at the core of the SID district and this location is likely to be a key component of downtown development so we are currently working with the administration to identify our needs and resources that are available. Council has authorized a contract for the design and construction of our remodeling, what we need, and we've selected our architect. We're looking for the funding to get that project moving and I ask for your support in order for us to provide quality services for our community now and in the future. Thank you.

PRESIDENT SCHULMAN: Thank you very much Commissioner Adams. We appreciate it. *(APPLAUSE)* Our next speaker is Pete DiGiacomo. Mr. DiGiacomo good evening. Welcome as always. Again if you'll give us your name and your residential address please.

PETE DIGIACOMO: My name is Pete DiGiacomo. I live at 600 Dent Place SW, Canton, Ohio. There was a arson fire in our neighborhood on 6<sup>th</sup> and Marion, a vacant building that had been a church at one time burnt pretty much to the ground. The only, one thing I wanted to say was and I'm not exactly why it was stated in the Repository that it was a hate crime. I kinda live in that neighborhood and when you start saying hate crime, it doesn't, one it doesn't sound good and it kinda personally rubs me the wrong way. The building was abandoned, abandoned beyond repair. The windows were busted, the heating system, they used a boiler. It would have cost more to redo the boiler to have heat in the building than the entire property was worth so, and I had also been up to the city Building Department about getting that building torn down and they told me back in February or March it was not on their list but, now it's going to come down. On a lighter note, I know a few of the Council folks here have tried kayaking. I think you all should try it. Mr. Bartos I know you'd really like it. But, I also offered to Councilman West about bicycling but he never took me up on it. Come on down, out. City Parks, Derek Gordon is doing kayaking. I've, it's a long story. I've gotten involved in it. I don't know what, you know, but come on out and try the kayaking. It's fun. You're going to be surprised where you get to go in a kayak that you cannot get in a canoe or something like that. Worst thing will be is you'll fall over and get wet. You'll get over it. Everybody will laugh and then hopefully they'll help you get

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back in your kayak. OK, thank you.

PRESIDENT SCHULMAN: Thank you Mr. DiGiacomo very much. (*APPLAUSE*) Our next speaker is Bruce Nordman. Mr. Nordman always welcome to you. If you'll give us though your name and your residential address please.

BRUCE NORDMAN: Thank you. I'm Bruce Nordman. I reside at 1623 Logan Avenue NW. As you know the mission of Group 175 is to get the staffing levels both for the Police Department and Fire Department to 175. We had some discussion last week where I asked the question as to what the anticipation retirements are for police officers and firemen. Safety Director has given me preliminary information going on the HR report of 6 firemen and 3 policemen. She has promised that next week that she would speak to the Chiefs of both departments because they're in direct contact with the personnel who serve under them to give a more accurate number and the reason for this is that we seem to go through the snapping of the whip between being understaffed and then having exam to fill in where we list, where we have several months where we're understaffed. And we need to know to the best of our ability, and I know this is not a hard, hard fact. I commanded a calvary troop with 165 enlisted men and 5 officers and I was always looking at the retirements so I knew how many people I had to get down to basic training to replace them. And so, this is important information for us to know so that we can properly staff and anticipate our loses. I also asked her to look into what a city of this size with our history should have as minimum staffing levels for the police and fire department and I don't want this to be tied in with we got X million dollars and so this is what we can afford. We should have what is required for the city. Now, if we don't have the funds for that, that's a whole different matter but for the safety of the city and the safety of the citizens, it's really important that we lock in a number that we feel is sufficient for the protection of our citizens. Next, as far as Moving Ohio Forward the Safety Director is going to email me how we're doing relative to monies that the state has provided or will provide for us and I know this is a complicated thing and I guess I'm going to have to get my PhD in it before next week but, I'll study that and hope to understand it by the end of next week. I thank you very much for your time and I look forward to being here again next week. Thank you.

PRESIDENT SCHULMAN: Thank you Mr. Nordman. As always. (*APPLAUSE*) Our last speaker this evening is Bob Knight. Mr. Knight good evening. Welcome. If you'll give us your name and your residential address sir.

BOB KNIGHT: Name's Bob Knight. 928 Richard Place NW. Subject of my topic tonight is pitbulls and dog bites. I got bitten last August by 2 of the neighbors pitbulls and what I'd like you to do is look at Section 505.18. Since I was bitten, none of those things that's in that Ordinance have come to fruition so maybe if we're not going to enforce this and there's no way to enforce it, then strike it from the Ordinances. And, that's what I have to say about it. Thank you.

PRESIDENT SCHULMAN: Thank you Mr. Knight very much. We appreciate it. That concludes our Public Speaks. I want to thank all the speaker for coming.

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: And we turn now to Informal Resolutions. Madame Clerk would you please begin with Informal Resolution 25.

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#25. CNCL AS A WHOLE: COMMEND PHILOMATHEON SOCIETY OF THE BLIND FOR THEIR 90<sup>TH</sup> ANNIVERSARY. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Informal Resolution #25.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Informal Resolution 25. Any remarks?

MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: Member Griffin.

MEMBER GRIFFIN: May we have it read please.

PRESIDENT SCHULMAN: Sure. Madame Clerk would you mind reading Resolution 25.

CLERK TIMBERLAKE: Not at all. The Philomatheon Society of the Blind was founded in 1924. It's purpose has been to promote the welfare of the blind to help them fulfill their roles as productive citizens of our community; and *WHEREAS*, The first home for the blind was opened on December 7, 1941 at Cleveland Avenue and 7<sup>th</sup> Street SW and remained there until 1952, when the Hartung House was donated to the Society as a home for the blind. The home was then moved and restored by the Preservation Society. The Philomatheon Society, with the help of Aultman Hospital, relocated at 2701 Tuscarawas Street West, where they still continue to thrive; and *WHEREAS*, It's important to note the Society receives no funds from taxes or federal, state or local agencies; and *WHEREAS*, The keystone at its continued growth is the generous support of the community and continuing commitment of the blind to remain active community members. *NOW, THEREFORE, BE IT RESOLVED THAT:* We, the Members of Canton City Council hereby commend and congratulate *The Philomatheon Society of the Blind for their 90<sup>th</sup> Anniversary.*

PRESIDENT SCHULMAN: Thank you Madame Clerk. Thank you Member Griffin. Any other remarks? Hearing none, all those in favor, signify by saying aye. Those opposed no.

RESOLUTION #25 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The Informal Resolution carries. If you begin again with Informal Resolution 26 please.

#26. CNCL AS A WHOLE: COMMEND GTR STARK & CARROLL CTY HABITAT FOR HUMANITY ON THEIR 25<sup>TH</sup> ANNIVERSARY. - ADOPTED

PRESIDENT SCHULMAN: Leader.

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MEMBER MORRIS: Mr. President, I move we adopt Informal Resolution #26.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Informal Resolution 26. Any remarks?

MEMBER GRIFFIN: Mr. President could we have that Resolution read?

PRESIDENT SCHULMAN: Sure Member Griffin. Madame Clerk would you please read that one too.

CLERK TIMBERLAKE: *WHEREAS*, On May 15, 2014, The Greater Stark and Carroll County Habitat for Humanity will celebrate their 25<sup>th</sup> anniversary with a dedication ceremony at their new campus at 1400 Raff Road SW; and *WHEREAS*, The organization was born in 1988 through a small, dedicated group of volunteers concerned about the housing needs of the city's working poor. They have empowered families and transformed neighborhoods and lives for over 2,000 people with the 425 homes now built; and *WHEREAS*, Habitat for Humanity is an independent, non-profit housing ministry working to meet the long term housing needs by providing hard working families and individuals the opportunity to purchase their own affordable home; and *WHEREAS*, On the 10<sup>th</sup> anniversary Canton's Habitat for Humanity completed its 100<sup>th</sup> home in the community and in 2005 the ReStore opened at 2800 Leemont Avenue NW to serve as a fundraising division of the company, and as a way to keep useable items from being thrown in a landfill; and *WHEREAS*, There are two things that have remained constant through the years and that is their unrelenting determination to end poverty housing through the "hand up not a hand out" program and the ongoing commitment to maintaining their identity as a Christian ministry. *NOW, THEREFORE, BE IT RESOLVED THAT:* We, the Members of Canton City Council hereby commend and congratulate *THE GREATER STARK AND CARROLL COUNTY HABITAT FOR HUMANITY* on their 25<sup>th</sup> Anniversary and new all in one campus

PRESIDENT SCHULMAN: Thank you Madame Clerk. Thank you again Member Griffin. Any other comments?

MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER GRIFFIN: OK, I'd like to thank the office for preparing those 2 Resolutions and they will be distributed this week at, Habitat's having an open house on the 15<sup>th</sup>...

CLERK TIMBERLAKE: Thursday.

MEMBER GRIFFIN: On what?

CLERK TIMBERLAKE: Thursday.

MEMBER GRIFFIN: Yea, Thursday the 15<sup>th</sup> and I'll present it there and the other one on the 17<sup>th</sup>. The Philomatheon Society is having a dinner.

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PRESIDENT SCHULMAN: OK, great. Thank you again Member Griffin. We really appreciate it. Any other remarks?

MEMBER HART: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Hart.

MEMBER HART: Just, when the ReStore went up on Leemont, that was up in Ward 7 and now they're you know, further up on 46<sup>th</sup> Street and if anyone here is looking for a great place to find bargains, it's a great place to go and you can always be sure that you know, the money is going to go to good use. Also, it's interesting that we had a resident that just passed away, Bill Clark, who was a, actually a founding member of Habitat for Humanity International and you know, it's again, for most people in this country we tend to take housing for granted but you know, worldwide it's not the same and they've done an excellent job worldwide in promoting affordable housing for those people that really can't afford it and it means the greatest to them.

PRESIDENT SCHULMAN: Thank you Member Hart. Any other comments, remarks? Hearing none, by voice vote, all those in favor of Informal Resolution 26, signify by saying aye. Those opposed no.

**RESOLUTION #26 PASSED UNANIMOUSLY BY VOICE VOTE**

PRESIDENT SCHULMAN: The ayes have it. The motion carries. Resolution is adopted. Turning now to Informal Resolution 27 Madame Clerk.

#27. PERSONNEL COMMITTEE: REQ RE-APPT OF NIKI DICOLA TO INCOME TAX REVIEW BOARD FROM 4/26/14 TO 2/28/18. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Informal Resolution #27.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Informal Resolution 27. Any remarks under this Resolution? Hearing none, by voice vote again all those in favor signify by saying aye. Those opposed no.

**RESOLUTION #27 PASSED UNANIMOUSLY BY VOICE VOTE**

PRESIDENT SCHULMAN: The ayes have it. Informal Resolution 27 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 12, 2014.***

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211. AUDITOR MALLONN: CORRECTION OF REQ FOR ADDITIONAL AMENDED CERT DATED 3/31/14. - RECEIVED & FILED
212. CNCL AT LRG HART: REQ \$5,000.00 DONATION TO PURCHASE IDA MCKINLEY'S TIARA. - FINANCE COMMITTEE
213. HEALTH COMMISSIONER ADAMS: CANTON BOARD OF HEALTH EXPRESSING DEEP CONCERNS FOR CONDITION OF THEIR FACILITIES @ "SEARS BLDG" AND AUTHORIZE FUNDING TO CORRECT DEFICIENCIES. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
214. PARKS & REC CHAIRMAN GRIFFIN: REQ AMENDMENT TO CODIFIED ORDINANCE 539.03. (ADMISSION CHARGES @ KURTZ FIELD). - JUDICIARY COMMITTEE
215. SAFETY DIRECTOR PERRY: AUTHORIZE SAF DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR ITEMS THAT REQUIRE COMPETITIVE BIDDING DUE TO THEIR COST; AUTHORIZE SAF DIR TO ENTER INTO CONTRACT FOR PURCHASE OF ITEMS IN ACCORDANCE WITH ORC 125.04 OR ORC 5513.01; MAKE A \$323,000.00 SUPP APPROP FROM UNAPPROP BAL OF 4501 - CAPITAL PROJECTS FUND TO 4501 103001 FIRE ADMIN - OTHER AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
216. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO PURCH/MAINT CONTRACT WITH DELL/MCPC FOR THE DATA CENTER VIRTUALIZATION PROJ IN THE AMT OF \$140,000.00 PURSUANT TO ORC 125.04; AUTHORIZE A \$86,100.00 SUPP APPROP FROM UNAPPROP BAL OF 4501 CAPITAL PROJ FUND TO 4501 504010 INFORMATION TECHNOLOGY ADMIN - OTHER AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
217. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO A 1 YR CONTRACT (WITH THE OPTION OF TWO (2) ONE (1) YR EXTENSIONS IF MUTUALLY AGREED UPON) WITH SMHA FOR MONETARY COMPENSATION TO BE PAID TO THE CITY IN EXCHANGE FOR VEHICLE MAINT AND FUEL SERVICE FOR SMHA VEHICLES AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE COMMITTEE
218. TREASURER PEREZ: RPT OF PARKING METER REV FOR APRIL 2014. - RECEIVED AND FILED
219. TREASURER PEREZ: RPT OF DEPOSITS AND PAY INS FOR AMBULANCE LOCK BOX FOR APRIL 2014. - RECEIVED AND FILED
220. TREASURER PEREZ: RPT OF BANK RECONCILIATIONS AND OUTSTANDING



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INVESTMENTS AS OF APRIL 30, 2014. - RECEIVED AND FILED

**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.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #6 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING SECTION 181.05, RETURN AND PAYMENT OF TAX; REFUND, AND SECTION 181.15, CREDIT FOR TAX PAID TO OTHER MUNICIPALITY AND JOINT ECONOMIC DEVELOPMENT DISTRICT, OF THE CODIFIED ORDINANCES  
Referred to Judiciary Committee
- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY OF CANTON TO ACCEPT THE DONATION OF REAL PROPERTY FROM THE CANTON COMMUNITY IMPROVEMENT CORPORATION  
Referred to Community & Economic Development Committee
- #3. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTIES, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- #4. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MUTUAL ECONOMIC DEVELOPMENT AGREEMENT WITH PLAIN TOWNSHIP; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- #5. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO ENTER INTO CONTRACT WITH THE WALTER H DRANE COMPANY IN AN AMOUNT NOT TO EXCEED \$22,750.00 TO ASSIST IN THE RE-CODIFICATION OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #6. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING ORDINANCE NO. 66/2014; AND DECLARING THE SAME TO BE AN EMERGENCY (5 VEHICLES)  
Referred to Judiciary Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: Thank you Madame Clerk.

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We now turn to Second Reading Ordinances. Would you please begin with Ordinance #7.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #7 THROUGH #11 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #7. (2<sup>ND</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
- #8. (2<sup>ND</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.)
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- #9. (2<sup>ND</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
- 
- #10. (2<sup>ND</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
- #11. (2<sup>ND</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

**ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Now we're under Ordinances and Formal Resolutions for Third, Final Reading and Vote. Madame Clerk would you please begin with Ordinance 12.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #12 THROUGH #16 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.***

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- #12. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 97/2014** 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

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FOR THE PURPOSE OF PROVIDING FUNDS TO PAY A COURT-APPROVED  
SETTLEMENT OF A CLAIM AGAINST THE CITY (PIROLOZZI)

PRESIDENT SCHULMAN: Leader.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

**#12 ADOPTED AS ORDINANCE NO. 97/2014**

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

#13. (3<sup>RD</sup> RDG)     **ADOPTED AS ORDINANCE NO. 98/2014** 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

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

**#13 ADOPTED AS ORDINANCE NO. 98/2014**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 13 is adopted. Ordinance 14 please.

#14. (3<sup>RD</sup> RDG)     **ADOPTED AS ORDINANCE NO. 99/2014** 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

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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)

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 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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**#14 ADOPTED AS ORDINANCE NO. 99/2014**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 14 is adopted. Ordinance 15 please.

#15. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 100/2014** 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)

PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Seconded.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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**#15 ADOPTED AS ORDINANCE NO. 100/2014**

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

#16. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 101/2014** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO EXECUTE AN AERIAL

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EASEMENT/LICENSE AGREEMENT WITH NORTH MARK DOWNTOWN, LLC  
FOR PROPERTY LOCATED ABOVE COURT AVENUE NW.; AND DECLARING  
THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Seconded.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

**#16 ADOPTED AS ORDINANCE NO. 101/2014**

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

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SCHULMAN: We now 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 19<sup>th</sup> at 6:15 p.m.

PRESIDENT SCHULMAN: Thank you.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Chairman Smith.

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

PRESIDENT SCHULMAN: Thank you.

MEMBER MACK: Mr. President.

PRESIDENT SCHULMAN: Chairman Mack.

MEMBER MACK: Judiciary will meet same time and the same place.

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PRESIDENT SCHULMAN: Thank you. Any other announcements?

**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: OK we turn to Miscellaneous Business. Is there any tonight?

CLERK TIMBERLAKE: Yes. 30 additional minutes for a paving.

MEMBER MORRIS: Yes. Director Bartos had requested that we give an additional 30 minutes for paving but we only have 6 things in Committee so I think if we start by 6:00 PM we should be fine.

SERVICE DIRECTOR BARTOS: That's fine.

PRESIDENT SCHULMAN: Director.

SERVICE DIRECTOR BARTOS: I mean Chairman Mariol and I had a discussion today with Superintendent Rorar on some of the preventative maintenance ideas that we started to discuss last week and we wanted to roll that out in more further detail so, that's what that discussion will be but 6 should be fine.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Under Miscellaneous Business sir.

PRESIDENT SCHULMAN: Yes.

MEMBER HAWK: I've been to Mr. Knight's house on several occasions. Those pitbulls in his backyard are, don't comply with anything. It's a rental piece of property. There are 2 of them. The gentleman permits them to run out and they've escaped the fence. It's not of adequate height. He never chains them like you are supposed to. I think this speaks to the need of the name, need for an Animal Control Officer back in the city to protect our citizens.

PRESIDENT SCHULMAN: Thank you Member Hawk.

MEMBER MORRIS: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: In regards to that same topic, Law Director correct me if I'm wrong but the State of Ohio did, didn't they remove pitbulls from the vicious animal list? And if so, what does that do with our actual city Ordinance?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Thank you for the question Majority Leader. It's a good one. Yes, the state changed the law. As many of you recall over the last couple of decades, the laws have changed. There was a time when the State of Ohio, through their Code, through their Revised Code, found that pitbulls should be separated out and labeled as vicious dogs per se. We always had a vicious dog law in the

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state and in the city meaning typically the dog was known to bite other dogs or human beings. Once they had that bite, they were known as a vicious dog. That could lead to them being cited criminally and it was more effective in helping the people sue the people who failed to control their dogs in private lawsuits. The lobby for such animals persuaded the General Assembly a year or two ago that pitbulls shouldn't be on that list anymore, that they were not vicious in and of themselves per se. They should be accountable like any other dogs and entitled to a presumption of innocence if you will, until they made a bite. So, yes the state changed the law. We in the city have to reflect that we can't enforce it because again, they trump us. We don't have home rule over that particular issue. As you heard earlier Mr. Knight and Members of Council, there'll be a discussion in front of Council about changing our Codified Ordinances with the help of our Codifier and we intend to go through all of our Codified Ordinances and through out the stuff that is outdated, inconsistent, illegal and that will be one of the things that we change at the top of our list. It does not mean that you cannot pursue this privately. My mother before she turned 80 a few years ago, was vicious bitten by an animal, not a pitbull but required many, many, many stitches. It's a terrible thing so this doesn't mean you can't pursue anything privately particularly if those dogs were at large and the owners knew that they were at large. There's a culpability or a responsibility there.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Thank you Law Director. Member West.

MEMBER WEST: Last year I think we put forth a Communication requesting some funding be put in the budget to address the animal nuisance. Last, I think it was last week or the week before last, I had a constituent call and we had a racoon that was starring her in the face and wouldn't move. She couldn't leave her house and luckily, I called on Phil Sedlacko. Phil our Animal Nuisance guy that was in the past. He went out there and took care of it progratis. That's the second time he did that. He's always been outstanding, outstanding for you know, helping individuals out in our community so, I would, again I'm going to put a plea out here for our Council Members and the administration to restore our Animal Nuisance Officer or to get one because it's not just the racoons, the dogs, everything else. We need the tools to be able to solve these problems in the community. When people call on us, I want to have an answer and it's no longer that we can just say OK, well go take money out of your own pocket and go buy an Animal Nuisance. You know, that's something that we've, people have grown accustomed to have and I'd like to see us get that back. Thank you.

PRESIDENT SCHULMAN: Thank you. Director Perry.

SAFETY DIRECTOR PERRY: Thank you Mr. President. I just wanted to take the opportunity to thank Councilman Mariol. He was one of the Chairman for the Stark County Partnership for a Safer Community. They had a seminar/conference you may say on last Thursday and he was very instrumental on bringing key members in the community to talk about the violence in the community and not just to talk about the violence in the community but to also talk about ways that we could address the violence in the community. We had an author there, David Kennedy that was excellent. I also want to thank Councilwoman Smith, Councilman Thomas West and the Mayor because they were also present. Anyone else that I missed, that may have been present at the event. It was a very good event. A lot of good synergy around just not talking about the violence but coming up with some plans and manners in which to address it.

PRESIDENT SCHULMAN: Thank you Director. Any other...Law Director Martuccio.

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LAW DIRECTOR MARTUCCIO: Just to echo that. That was a historic occasion. We had nearly 300 people there from all across the criminal justice system. It was an amazing, huge, awesome experience. Certainly not everyone there would agree with what was said or how it was said but, it was awesome and it had precedence and it does work in other places. I just want to throw out one other thing. The Supreme Court of Ohio, I'm sorry the Supreme Court of the United States recently ruled in a 5-4 decision that Council meetings can begin with prayers. The particular occasion that came before them, they were Christian prayers and hardly ever anything else. It was a 5-4 split. In the sense that if we had our way, we wouldn't ban prayers but we'd recommend that they be inclusive. You know religion disrespect another or there would be not crossing, so I'm just here to say in the Nationalization Ceremony we do for the Bar Association, we have the list of speakers so we can all listen and way balance different religions. The list of speakers from lesser known religions and other spiritual paths, not to include Satanism because that's one that has been requested in other Council as a result of that decision, should anyone desire a speaker or prayer from some other path. Thank you.

PRESIDENT SCHULMAN: Thank you Law Director Martuccio. Member Mariol.

MEMBER MARIOL: Yes, I wanted to thank Safety Director Perry, Councilman Tom West and Councilwoman Smith and actually Councilwoman Smith was very active in helping to put this together so I really appreciate that. David Kennedy is the founder of a program called CIRV and the Boston Miracle where crime was reduced drastically in Boston was associated with the CIRV program. Pastor Moss is the new Director of CIRV and Stark County is bringing that program back. The year that and Director Perry might be able to give better numbers but, the year that we had CIRV in Canton, Ohio our murders fell from I believe from, 10 down to 2. Is that...16 down to 2. So, it's a proven program and it's something that we as a city and we as a Council need to get behind Pastor Moss and support him as much as we can. Thank you.

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

MEMBER HART: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Hart.

MEMBER HART: On Thursday I was down by the old Gregory Galvanizing and you know, the guys were out patching the street and again, you know I just stopped beside the road and watched and you know, they're out there and there was a ton of holes there. But again, I watch them put the asphalt in, nobody's rolling it, just kind of leave it by the side. And I called the staff and I, you know and I said can you call the Street Department and they did and when I got back, you know I was told that their reply from the Street Department was that not all the trucks are equipped with rollers. And I hope that, that can be looked into cause it doesn't do any good to put this down and then it's not really rolled out. Second things was that the cars can pack it down and the third one, the guys may be too tired to after stomping it, which I'm not even witnessing. And I guess I heard today that \$361,000.00 has been spent patching so far and you know it's taxpayer money and again, I look at this and if it's not done right the first time, it probably shouldn't even be done at all because it's just going to be costing us more and more money. And you know, if you talk to somebody that is in that profession you know, putting down some type of adhesive or you know, black tar, filling it with asphalt, rolling it out you know, were going to get 5 times the life out of just letting cars go over it cause every time a car goes over a pothole that's been patched and it hasn't been rolled out and compacted, they just take it up again. And it's just money and wasting time. And again I hear everybody's gotten calls and I know guys are out there cause I've seen the guys out there rolling and they take the time but my observation is other guys aren't taking the time. And you know if there's a policy then we should have a policy and everybody should be doing it right, putting it down and rolling it out not just taking squeegees and you know, putting it over the hole and then going on. So....



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

MEMBER MARIOL: Mr. President. One more thing...

PRESIDENT SCHULMAN: Yes, Member Mariol.

MEMBER MARIOL: ...regarding CIRV. Pastor Moss is having a meeting to discuss this with the public to answer any questions the public might have. That is Thursday, May 15<sup>th</sup> at 6:00 PM. The location is the Mt. Pleasant Baptist Church at 821 O'Jay's Parkway NE in Canton.

PRESIDENT SCHULMAN: Thank you Member Mariol. Any other Miscellaneous Business? Leader.

MEMBER MORRIS: Thank you Mr. President. Before we leave I would like to wish my good friend Kevin Fisher a Happy Birthday tomorrow. He's really getting up there at 37. (*APPLAUSE*) Now a motion to adjourn.

MEMBER SMITH: Seconded.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Have a great week everybody. Be careful. (*Gavel falls*) Meetings adjourned.

ADJOURNMENT TIME: 8:08 PM

ATTEST: MAY 16, 2014  
CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

APPROVED: MAY 16, 2014  
ALLEN SCHULMAN  
PRESIDENT