

**MINUTES OF THE MEETING JULY 14, 2014**

PRESIDENT SCHULMAN: Good evening ladies and gentlemen. Welcome to Canton City Council. We appreciate all of you being here tonight. I know we have a number of speakers and I look over the speaking list tonight and we have a number of true public servants who are going to talk to us and we always appreciate you being here. With a quorum being present the Chair does call this meeting of Canton City Council to Order. Roll call vote please Madame Clerk.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

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)

TWELVE COUNCIL MEMBERS PRESENT.

CLERK TIMBERLAKE: All present, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Tonight's invocation will be given by my good friend, Council Member Kevin Fisher. If you will all stand and remain standing please for our Pledge of Allegiance. *(Inaudible)*.

*The regular meeting of Canton City Council was held on July 14, 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 Member Kevin Fisher. The Pledge of Allegiance led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: Thank you as always Member Fisher. 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 #18 through and include #24.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: Thank you. It's been moved and seconded to Suspend Rule 22A to add the 2<sup>nd</sup> Reading Ordinances 18 through 24 to this evening's agenda. Are there 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: Thank you Madame Clerk. The Motion carries and Rule 22A is suspended and the Ordinances are a legal part of your agenda.

**PUBLIC HEARINGS**

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

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PRESIDENT SCHULMAN: Turning now to Old Business. I'm happy to introduce a new designation for our good friend Fonda Williams and a true public servant, the Deputy Mayor of the City of Canton. Deputy Mayor Williams, what do we have under Old Business please.

DEPUTY MAYOR WILLIAMS: Thank you Mr. President. At the June 30<sup>th</sup> meeting there was a couple of pieces of Old Business. Mrs. Patricia Kirk asked the body, does Canton have a Communication Specialist or Director that goes between the Boards and the public. We do not Mrs. Kirk but any issues of that nature feel free to call my office or Director Bartos or Director Perry will be happy to assist you in any of those matters. Secondly Mrs. Alyssa Boyce asked do we have a plan to tear down Lehman School and if so how are we going to do it and where are going to get the money. Currently we do not have a plan but Council Member John Mariol and I have been working diligently to try to find the funding to tear it down. We're closer than we've ever been before. It's probably going to constitute a couple of more meetings and then we will have a plan at that point. Mr. President that concludes Old Business.

PRESIDENT SCHULMAN: Thank you very much Deputy Mayor.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: We now turn to Public Speaks. We do have 13 speakers tonight. I know a number of you have spoken before but if for those of you who haven't if you'll just abide by the Council's Rule. We allow 3 minutes and there'll be a timer behind the Clerk and we'd ask that you stay and confine your remarks please within that 3 minutes. If there's anything more you wish to add all Members of Council, the Mayor, the Deputy Mayor, his administration, the Law Director will be here after the meeting. So with that said, our first speaker is a past public servant, Robert Capestrain. Mr. Capestrain always welcome to you sir. If you'll step forward and give us your name though and your residential, residential address please for our record.

ROBERT CAPESTRAIN: My name is Robert Capestrain. I live at 320 Lakecrest Street NW, the 8<sup>th</sup> Ward, Canton, Ohio. Mr. President, Members of Council, Public Officials and those in the audience. I'm here tonight not to tell you how you should vote on this issue of Charter government. I'm here to be a little philosophical. It was approximately 30 years ago that I left this Chamber after serving 19 years very proudly and very humbly representing the 1<sup>st</sup> Ward and Council-at-Large. Since that time I have never come back to Council. I haven't written any letters to the editor. Tonight I feel I want to share with you my feelings about how you will reflect on your decisions tonight based on what is good for the public and for your constituents and for yourself but we're not talking about what's good today, next week, next month. We're talking about what's good for a generation from now. Many generations from now and I myself have done that many of times as I have left government. You have an opportunity to change the form of government that we have here in Canton. You have an opportunity to present to the voters their direct democracy format to deciding what happens in their city. In our city and I would suggest to you that those constituents that hopefully were bright enough to elect all of us when we were elected are bright enough to decide on various issues of city government. It's like planting a tree. You don't plant a tree for yourself or your children, you plant a tree for the next generation and the generation after that. It's the same thing with this decision tonight on what you're deciding on the Charter government. It's not for us tonight or for another month or year, this is for future generations and I'm suggesting that you will look back fondly on the things you were proud of as you get aged as I am now and I'm happy to be here. I haven't been here in 30 years approximately and it was some 40 years ago that a young Councilman in this Chamber suggested to City Council by Resolution form that we adopt a

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Public Speaks format. That young Councilman was Bob Capetrain. Those are one of the things that you look back fondly on and I suggest to you that if you vote for placing before the voters, the issue of Charter government that you will look back fondly on that particular decision that you make tonight.

PRESIDENT SCHULMAN: Thank you very much. (*APPLAUSE*) Our next speaker is C. David Morgan. Good evening Pastor Morgan. If you'll step forward and as always, welcome. If you'll give us your name though and your residential address for our record.

C. DAVID MORGAN: I don't have a record. David Morgan. I live at 922 27<sup>th</sup> Street in the city of Canton. So folks, we've finally come to the night when Council votes on whether or not to put the question of Charter government on the ballot for the people to decide. Along the road to this place, there have been so many scary, phantom scenarios and red herrings thrown out that you'd think this Council was preparing a fish fry for the zombie apocalypse. Well, the zombie's have been well fed but, it's time to tell them to go home and let's get back to reality cause the realities are clear. Just as clear as some of you who made it abundantly clear that you're opposed to Charter government for Canton. But your vote tonight is not about Charter for Canton. It's not even about the idea of Charter government for Canton. It's not about how a Commission is established or formed. State law gives that right and responsibility to the people because this bedrock democracy has as it's foundation that the people ordained and established government. Government doesn't establish itself. The question before you tonight is simply whether or not you'll allow the people of Canton to vote. You as Council cannot decide if Canton should have a Charter. You as Canton cannot, as Canton Council cannot write a Charter. You can't decide how that writing process happens. The only vote you have is whether or not you will let the people vote. And if you as individuals are opposed to Charter, you'll get a chance as part of the Canton electoric to vote against it. You'll get a chance to vote against establishing a Commission to propose it but you vote tonight is not about that. It's not about any of that process, Charter or the idea. It's not about the scariest scenario you can dream up. It's about the most fundamental right that citizens have. The right to vote and I would hate to think that there is even one among you that would use your opportunity to vote tonight to deny the people their right to vote on November 4<sup>th</sup>. (*APPLAUSE*)

PRESIDENT SCHULMAN: Thank you very much Pastor Morgan. Our next speaker is Rick Gatién. Mr. Gatién as always, welcome sir. If you'll give us your name and your residential address not as a record but for our record please.

RICK GATIEN: Thank you Mr. President. Mr. President, Members of Council my name is Rick Gatién. I reside at 1211 Buena Vista Street NE, Canton, Ohio. I'm here tonight to speak about Ordinance #26 which concerns Charter government in Canton. My purpose in speaking this evening is to urge you to support this legislation. Canton Charter government offers more local control and flexibility than state laws which may account for why 182 cities in Ohio have Charters including 3 in Stark County. Charter government offers a more effective and responsive structure for government. A structure that will allow us to change as the future brings change to us. Canton voters should have the opportunity to lead Canton rather than Columbus. Tonight you will decide whether or not the issue of Charter government goes on the November ballot. You will not be deciding who the members of the Charter Commission will be. You will not be deciding whether a proposed Charter or particular articles are acceptable. Tonight you will decide whether or not you trust your constituents. Tonight you will decide whether or not you trust the democratic process. Tonight Members of Council pass this Ordinance. Let Canton decide. Thank you. (*APPLAUSE*)

PRESIDENT SCHULMAN: Thank you Mr. Gatién. Our next speaker is Manuel Halkias. Mr. Halkias good

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evening. Welcome to Canton City Council. If you'll give us your name and residential address please sir for our record.

MANUEL HALKIAS: My name is Manuel Halkias and I reside at 1512 36<sup>th</sup> Street NW. Have you ever stopped to ponder the amount of blood spilt, the volume of tears shed, the degree of pain and anguish endured, the number of noble men and women lost in battle so that we as individuals might have a say in governing our country. Honor their lives. The lives spent for our right to vote. These were words spoken by Rachel Goodrich, writer, wife, mother of 2 small children when asked about the importance of the vote. I stand before you as an educator of Canton's young people requesting that each of you cast a vote which will enable our citizens to decide whether a Charter government is a right fit for the city of Canton. I stand before you as an educator in the Canton City Schools. I teach young people of every background and every economic status. I teach young people that they have valued voices and the right to have an active voice in important matters. Each Member of you, this Council, is also an educator. As our citizens learn from each of you that they are valued and that their voice is respected. To tell our children, our young people, that an opportunity that is offered to the people of Cleveland, Akron, Columbus, Cincinnati, Youngstown and Dayton is one that they are not even able to accept or regret by their own voice, is teaching our children a lesson as well. The city of Canton needs to fortify in itself more pride and a greater sense of pride and pride has its origins in Genesis in trust. We have earned that trust. We have placed you in office. A Council which includes at-Large Members from a variety of Wards coming together as directed by the people of Canton. Join me in continuing the education of the people of Canton in that they are valued. That they have the right to vote, to live if they should wish as citizens of other major cities in Ohio. President Lyndon Johnson in discussing voting said, there is no reason which can excuse denial of that right. There is no duty which is greater than our duty than our duty to preserve that right. I urge you to consider to preserve this right as you vote on the 26<sup>th</sup> order of business this evening.

PRESIDENT SCHULMAN: Thank you sir very much. *(APPLAUSE)* I'm going to go a little out of order because I'd like to keep the comments on the Charter together and then the other comments later. Our next speaker is Stephanie Sweaney. Stephanie Sweaney if you'll step forward. My facebook friend and give us your name and your residential address and as always welcome to Canton City Council.

STEPHANIE SWEANEY: I'm Stephanie Sweaney. My address is 4725 Cleveland Avenue NW. I'm here to speak in favor of Charter government. For me Charter government is about 2 things, opportunity and empowerment. With 4 years of local government cutting budgets coming down from the State House, the city has faced tough decisions, tough decisions that we shouldn't have to be in the position to make. Being a Charter, this gives the city of Canton the opportunity to break free of state dictation and how our state is structured and how we spend our money. A Charter gives us an opportunity to consolidate services and free money up that can be used directly to serve the citizens of Canton to hire more police and fire, to ensure public safety. We can allot more money, we can allot more money to do such things as fix roads and infrastructure. I know I'm not the only person that got whiplash this winter from all the potholes. So, that would be fantastic. I'm sure that, I'm sorry, a Charter government provides this city an opportunity to make more efficient and practical decisions with their money. Then there are the intangibles that would come along with a Charter government. What a fantastic opportunity to empower citizens and their community, not just the folks who serve on the Committee but the families, friends and co-workers that the Committee Members would seek input and advice from. A Charter would facilitate a real movement in this city that encourages average, everyday citizens to become more active in their government creating potential future community

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leaders along the way. And I'd like to speak briefly about this argument that the city, people in different parts of the city won't be fairly represented. We've never had such a vote in this city so we don't have any precedence to predict that and aside from that I just find that argument to be deeply troubling. You can reside in one part of the city and be committed to serving the whole city and I think that argument actually impedes a sense of community and presumes that Canton citizens will be biased. I'll use myself as an example. I live in Ward 8. I used to live in Ward 9 and took care of my grandma in Ward 9. My dad grew up in Ward 5. My mom grew up in Ward 6 and I work in Ward 6. The children I serve mostly live in Wards 1, 2, 3 and 4. There are pieces and parts of our lives that reside in all parts of the city cause we're not the northwest end. We're not the southwest end. We're one Canton. We're one city. We're one community and tonight I just want Council to give the citizens of Canton the opportunity to empower themselves.

PRESIDENT SCHULMAN: Thank you very much. (*APPLAUSE*) Our next speaker is the Honorable Harry Klide. Judge Klide if you'll step forward and give us your name and your residential address and welcome to Canton City Council.

HARRY KLIDE: My name's Harry Klide. I reside at 4541 Beverly Avenue NE, Canton, Ohio. Mr. President, Members of Council, Mr. Law Director, Mr. Mayor and other city officials, I have been away from city government now for 29 years so I don't really know what is pressing and going on other than what I read in the newspaper such as potholes and high grass in many city properties but I do know that the citizens of this Canton overwhelmingly voted against a Charter form of government on three specific occasions. I think that was because of the dramatic changes in the post Charters and I also know that the Ohio that has 250 cities of which by 2001, 182 had adopted a Charter form of government and Canton probably is the largest, one of the largest cities that does not have a form of Charter. My gut feeling and belief is that you should tonight vote by 2/3's vote of the majority in favor of creating a Charter Commission so that it may be composed of such members of the Mayor, the Law Director, the President of City Council, the Auditor, the Treasurer and other members of this city but not Council Members, that would create a Charter with minuscule changes of their present form of government. I know some of you may be concerned with the cost involved but I suggest to you that the benefits that will improve to this city in the years ahead with our ability to control our destiny by creating a government that meets our unique needs than having 99 members in the House and 33 Senators in Columbus tell us how to govern ourselves far exceeds our concerns about the cost factor or any other concerns that we may have. I thank you very, very much.

PRESIDENT SCHULMAN: Thank you Judge, appreciate it. (*APPLAUSE*) Our next speaker is Leon Cote. Mr. Cote good evening. Welcome as always to Canton City Council. If you'll step forward and give us your name and your residential address please.

LEON COTE: Members of City Council my name is Leon M. Cote. I live at 1225 41<sup>st</sup> Street NW, Canton, Ohio. The other day I was stopped at a traffic light and the car in front of me had a bumper sticker on it that said, if you can read this, thank a teacher and if you can read this in English, thank a vet. I was sitting thinking about this, this past Thursday. 57 years ago this past Thursday, I was sworn in to the United States Air Force. Most of you weren't even born. Of course there were a few exceptions around the room but I, being sworn in I swore to uphold the Constitution and fight the enemies of our country both foreign and domestic. And part of that was I felt at, in swearing to protect the Constitution was freedom of speech, freedom of religion and the right to vote. I spent 4 years of my life in the military. The first duty station that I went to after basic training was an isolated radar sight with about 200 men. There were tunnels that connected all the buildings because

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the snow got up to the 2<sup>nd</sup> floor of the barracks. And the temperature got down to 60 below zero. To say it was a hell hole is a modest statement but many of our military serve all over like that. I'm just asking you, last year there was the issue of the Park levy which I was opposed to but you let the voters vote on it. They accepted the Park levy and voted in favor of it and I can live with that. Tonight's vote is very simple. You're not voting for a Charter. You're not voting for 15 people that will serve on a Charter Commission and you don't know where these people are going to come from. All I'm asking you is, thousands of men and women have given their life to protect your right to vote. Don't take it away from the people of Canton. Twelve people should not be able to deprive 45,000 voters in the city of Canton and I don't care what excuse you have, I think it's criminal. Thank you.

PRESIDENT SCHULMAN: Thank you Mr. Cote. (*APPLAUSE*) Our last speaker I believe on the issue of Charter is Judge Richard Reinbold. Your honor good evening. Welcome as always to Canton City Council. If you'll give us your name and your residential address please.

RICHARD REINBOLD: My name is Dick Reinbold and I live at 4633 Kings Row. It's my third house since I've lived in the city of Canton and the only rule I ever had was that I would live in the city of Canton. So, it wasn't whether I'm going to move to Jackson or Plain, it was where in the city am I going to move and every time I got to the point that I could afford a better house, that was the decision was, where in the city am I going to move. And so I feel honored to be a resident of this particular city. I'm going to give 2 insights that I think might come at it from a different angle. I was the Judge that wrote the opinion on the manufactured home case and the manufactured home case was presented as to whether or not the city of Canton had a right to decision what type of housing was going to be allowed in the city. I ruled the city of Canton had the right to make that decision. I got reversed by the 5<sup>th</sup> District Court of Appeals but I was upheld by the Supreme Court. But what I found as I followed this case throughout, the legislators in Columbus weren't really voting whether or not manufactured housing should be in the city of Canton. What they were voting for are the lobbyist's from the manufactured homes who gave them money to vote to put these homes in cities so that the manufactured people who build them can make money. It wasn't concern about housing in the cities. It was concern about selling the manufactured homes. You've got to look at the motive for the people in Columbus who are passing laws that bind you to act on their will to make their life easier not your life. I had the pleasure of working with Mayor Creighton a couple of years ago and the Chief of Police and her came to loggerheads as to how a city should be run in regards to the Police Department. Now I've been in law enforcement for it seems to me 100 years and there is so much literature out there as to how to attack crime in the city. It's not arrest everybody and throw 'em in jail. You've got to enlightened views. There's other ways to attack a problem. We know just for drug use as an example but if the Chief of Police decides he doesn't want to do it, there's nothing the Mayor can make him do. So here we have an elected official arguing with an appointed, a civil service official over how our city should run in the criminal justice system. Whether you want to give the Mayor that much power or not, we deserve to have a right to talk about it. We deserve the right from all of you to sit down and try and form a Commission. We deserve that and all of the folks behind me have said to you nothing more than, we deserve that. You have a duty to vote to let us argue this out and make decisions and as you know, you'll have the final say as everybody's brought out. So, I strongly urge all of you here tonight to support this, vote for it and let us, the people of the city of Canton make that final decision. (*APPLAUSE*)

PRESIDENT SCHULMAN: Thank you, your honor. Our next speaker is Patricia Kirk. Miss Kirk as always, welcome. Good evening. If you'll step forward and give us your name and your residential address please.

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PATRICIA KIRK: Hi. I'm Patricia Kirk and I live at 131 5<sup>th</sup> Street NE and I am President of Downtown Central Neighborhood Association because I'm concerned about people. My question is about last Council meetings zoning change from Multi-Family to General Business on Walnut in Ward 2 and calling it progress. This store leaves out a large population that should be served. Just 2 buildings in a two block area have over 250 people not counting children that live and work there but they don't have any general or food store within walking distance. We know we need more people to be in Canton so we remove dwellings. We put stores where the population is less dense. Downtown has vacant buildings but they can't be used for a store? More hard surface creates more flooding, a real problem that we have. How do we call this progress? We can have a Charter government but should we have a Charter government if we don't know what we need? Thank you very much.

PRESIDENT SCHULMAN: Thank you Miss Kirk. Our next speaker is Jason Scaglione. Good evening, welcome. If you'll give us your name and your residential address.

JASON SCAGLIONE: Good evening. Jason Scaglione. 3027 Glen Place NW. Here tonight on a couple topics. One we've heard in some past Council meetings about paving in the winter. I think it's foolish that we wait until just before frost to pave a road because the state says it's OK. I also think it's foolish that we sit here tonight and have to go through all these speakers to make you people realize that the citizens have the right to vote and there should be for no reason any one of you chose in your minds to take that right away from us. I want you to think about this when you vote tonight. I hope all your members of your Wards remember how you voted tonight. Thank you.

PRESIDENT SCHULMAN: Thank you sir. Our next speaker is Mr. Charles Killens. Mr. Killens, good evening. Welcome to Canton City Council as always. If you'll give us your name and your residential address please.

CHARLES KILLENS: My name is Charles Killens of 1223 Market Avenue. Mr. Martuccio, I left some papers in your office, some pictures. Mr. Smuckler also. Under federal law when you attempt to help him, you're violating the Constitution. He's a request for a form that I'm going to leave with you and ask you both to fill out to help me in regarding where the city has destroyed records and also committed atrocities in relation to Civil Rights. This picture in the newspaper states and I didn't state it all by myself, a whole page where the Mayor and West agree on the law, federal law lays down what should and what shouldn't be. If you don't understand this here Mr. Smuckler, the Law Director you should ask him to help you with this here. And he should take the time and provide you a few things like this here where you are violating the law. Still the Constitution, I don't have all the records but I typically write the federal Judges and see if they can directly write to you and communicate. Thank you.

PRESIDENT SCHULMAN: Thank you sir. Our next speaker is Ida Webb. Miss Webb good evening. Are you here? Oh, there you are. Good evening. Welcome again to Canton City Council. If you'll give us your name and your residential address please.

IDA WEBB: My name is Ida Webb. My resident 947 Sherrick Road SE. I'm complaining about the lot next to my property. A lot of weeds, vines, trees. The area is really dark at night. A week ago someone tried to break into my home. It was around 2:00 in the morning. My, I have a dog and he kept barking. Well they was at the bedroom window and I couldn't see them. Then they moved to the living room window and I turned my light off and they run then. On the left hand side there's a lot of grass and trees. It's dark. I talked to someone tonight and they said they was going to try to clean it out and I hope they do because it is really bad.

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I am elderly and I am there by myself. Anyone could come in there and run through those trees and that grass and you would never see them. In the afternoon in my back yard, it's groundhogs, skunks. A week ago I was standing in my back yard and a baby deer come running through the yard. I think if these trees and grass and everything was out of there, they wouldn't be there. And I talked to someone tonight and I am so happy that he said he would take care of it. And thank you.

PRESIDENT SCHULMAN: Thank you Miss Webb. (*APPLAUSE*) Our next speaker is Pete DiGiacomo. Good evening Mr. DiGiacomo. If you'll step forward, give us your name and your residential address please and as always welcome.

PETE DIGIACOMO: Thank you. My name is Pete DiGiacomo. I live at 600 Dent Place SW, Canton, Ohio. The item that I'm going to talk about was in the newspaper today about the high weeds which is going on and on and on and it doesn't get any better. Two, three, four years ago I know it was brought up by certain people in Council. Enough is enough. The people that owned the property about taking them to court. It hasn't happened. It can't, if you can prosecute somebody for a speeding ticket, littering on the highway, you sure as heck could prosecute somebody for not cutting the grass. (*APPLAUSE*) Thank you. The other thing is, you add that on to the tax record which, I'm assuming they don't pay their taxes either so, a good thing to do is to bring these people to court, fine em, whatever, if it has to be like a \$500.00 fine, \$1,000.00 fine and now you do jail time. Do jail time. I see them all the time out with orange uniforms picking up trash on the highway. Could be a damn good lesson for them but just to sit and talk about it doesn't get nothing done. I know you can't say anything now but there's got to be something to be done as opposed to just talking about it, sticking another \$50.00 on their tax doesn't mean nothing to them but the people like the lady speaking here, it means a hell of a lot to her because she can't get no action. She can't get no satisfaction but you got to do something. Talking doesn't get it done, action gets it done. Take whoever owns the lot to court. Prosecute them to the fullest extent of the law. (*APPLAUSE*)

PRESIDENT SCHULMAN: Thank you Mr. DiGiacomo. Our last speaker is Bill Dieffenbaugher. Mr. Dieffenebaugher good evening. Welcome. If you'll step forward and give us your name and your residential address please.

BILL DIEFFENBAUGHER: My name is Bill Dieffenbaugher. I live at 1611 Haag Avenue, Massillon, Ohio and I'm a proud employee of Canton City Street Department and I represent everyone that falls under the AFSCME local in Canton City. I'm here of course about what else? The articles in the newspaper. Why's everybody got to put the blame on somebody else? Slam, slam, slam. How many people have lived in Ohio most of their live. Can I see your hands? Almost all of us. We know what the weathers like in Ohio, right? We had one of the worst winters we've had in 30 years probably, 25, 30 years which put us behind on the potholes. Never seen the streets in the city of Canton this bad ever in my life. I'm 64 years old. I've been around Canton a long time. I've never seen them that bad. And as I was here before and told ya, employees of the Street Department with help from employees from the Water Department, the Park Department, any place that was willing to come and help working 10 hours a day, 6 days a week to try to catch up on these potholes. We had a late winter and consequently we were still working on the potholes and the grass got out of hand. It's not anybody's fault in this room and I understand the citizen's complaining about it but if you're going to blame somebody, you got to blame God. It's his weather. He controls it. But I get sick and tired of looking in the paper and seeing the employees of the Street Department basically getting slammed for not doing nothing and I'm telling ya, we're working our butts off and we still don't have enough people, which they're doing a good job. Bill I commend you and keep up the good work. Get us a few more bodies. We'll

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try to do our best. But I just get sick and tired of seeing you guys fight with your constituents and fight with your, our Department Heads and I got one of the best Department Heads that anyone could ask for. You just got to leave him alone and give him some time to turn this around. You know he got thrown into a fireball. I mean it's, I mean the neglect that's been going on in this city for how many years, 20 years, the last 20 years, 25 years? I don't know how many roads you've paved, major roads but there's been a lot of neglect and the infrastructures falling apart. You've got to give my boss a chance to get his hands wrapped around things and turn things around. So, I don't appreciate anybody slamming him or slamming my employees. Thank you.

PRESIDENT SCHULMAN: Thank you. (*APPLAUSE*) I want to thank all our Public Speakers tonight for coming down. It's important to share your views with us. We listen and we do appreciate it. Thank you.

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: Turning now to Informal Resolutions. We have one tonight. Madame Clerk would you please read Informal Resolution 32 by title.

#32. PERSONNEL COMMITTEE: RE-APPT OF KYLE QUILLEN TO THE SYSTEMS PLANNING BOARD, COMMENCING RETROACTIVELY ON APRIL 1, 2014 AND EXPIRING MARCH 31, 2016. - ADOPTED

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Mr. President, I move we adopt Informal Resolution #32.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Informal Resolution #32. Any remarks other than, I know that we're going to get some information about why these are coming in retroactively. I think we potentially may have a legal problem if it persists but, so I hope we get that resolved. Any other remarks? By voice vote all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #32 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it and Resolution and the motion carries.

**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 JULY 14, 2014.***

296. AUDITOR MALLONN: MNTHLY RPT BY FUND 6/1/14 - 6/30/14. - RECEIVED & FILED

297. AUDITOR MALLONN: YRLY RPT BY FUND 1/1/14 - 6/30/14. - RECEIVED & FILED

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298. AUDITOR MALLONN: REQ FOR ADDITIONAL AMENDED CERT DATED 7/9/14. - RECEIVED & FILED
299. COMM DEV DIRECTOR MILLER: ESTABLISH FAIR REUSE VALUE OF PARCEL(S) OF REAL PROP AND AUTH DISPO OF SAID PROP (PARCEL: 02-32362 AND 02-32363; LOT#29428 AND LOT#29429 (COMBINED) - \$543.60 TO JAMES HOSENBACKEZ. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
300. COMM DEV DIRECTOR MILLER: ESTABLISH FAIR REUSE VALUE OF PARCEL(S) OF REAL PROP AND AUTH DISPO OF SAID PROP (PARCEL: 02-21072 AND LOT #10820 - \$589.92 TO JRC (FORMERLY JR COLEMAN)) - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
301. COUNCIL AS A WHOLE: REQ TRANSFER OF \$175,000.00 FROM UNAPPROP BAL OF 1001 - GENERAL FUND TO 1001 601001 COUNCIL ADMIN - OTHER. - FINANCE COMMITTEE
302. LIQUOR CONTROL DIV (OHIO): REQ C1 C2 NEW PERMIT FOR OHIO CVS STORES LLC DBA CVS/PHARMACY 10372 @ 2210 TUSCARAWAS ST W. - RECEIVED & FILED
303. PARK DIRECTOR GORDON: CANTON PARKS ANNUAL REPORT 2012 - 2013. - RECEIVED & FILED
304. SAFETY DIRECTOR PERRY: AUTHORIZE SAF DIR TO ACCEPT EQUIPMENT (18 PIECES) AWARDED TO CPD THROUGH GRANT FROM LAW ENFORCEMENT STATE HOMELAND SECURITY TO BE PERMANENTLY INSTALLED IN MARKED CRUISERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
305. SAFETY DIRECTOR PERRY: AUTHORIZE SAF DIR TO PAY MORAL OB TO AULTWORKS FOR NEW PO FOR OCCUPATIONAL INJURIES AND DRUG SCREENS. - FINANCE COMMITTEE
306. SAFETY DIRECTOR PERRY: CITY'S RESPONSIBILITY FOR MAINTENANCE FEES FOR THE CAD SYSTEM. - FINANCE COMMITTEE
307. SAFETY DIRECTOR PERRY: WITHDRAWAL OF COMMUNICATION #263 (BYRNE GRANT). - RECEIVED & FILED
308. SERVICE DIRECTOR BARTOS: AUTHORIZE AUDITOR TO PAY A REFUND TO TIMKEN STEEL CORP IN THE AMOUNT OF \$121,257.49, FROM UNAPPROP BAL OF THE 5410 SEWER FUND TO 5410 207003 74711 - UTILITY BILLING - OTHER & AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE COMMITTEE
309. SERVICE DIRECTOR BARTOS: AMEND SECTION 947.22, BACKWATER RESPONSE INITIATIVE PROGRAM, OF THE CITY OF CANTON COD ORD BY INCREASING TIME LIMIT

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FOUND IN 947.22(c)(1) FROM FIVE (5) YEARS TO FIFTEEN (15) YEARS - JUDICIARY COMMITTEE

310. SISTERS OF CHARITY FOUNDATION: ANNUAL REPORT TO THE COMMUNITY 2013. - RECEIVED & FILED
311. TREASURER PEREZ: MNTHLY RPT PARKING METER REVENUE FOR JUNE 2014. - RECEIVED & FILED
312. TREASURER PEREZ: MNTHLY RPT OF DEPOSITS AND PAY-INS FOR AMBULANCE LOCK BOX ACCT FOR MONTH OF JUNE 2014. - RECEIVED & FILED
313. TREASURER PEREZ: COMPARATIVE RPT OF CASH RECEIPTS FILED AS OF APRIL 30, 2014. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: We're now under 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 #17 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING CHAPTER 105, CONTRACTS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON  
Referred to Finance Committee
- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING O#264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$6,800.00 FROM UNAPPROP BAL 2219 EMERGENCY SHELTER GRANT FUND TO 2219 506001 EMERGENCY SHELTER GRANT - OTHER)  
Referred to Community & Economic Development Committee
- #3. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO: ACCEPT UP TO TWENTY-ONE (21) NEIGHBORHOOD STABILIZATION PROGRAM (NSP) HOUSES AND ONE (1) HOME HOUSE; AUTHORIZING THE SALE OF THE PROPERTIES; TO ADVERTISE AND ENTER INTO CONTRACTS FOR THE MANAGEMENT OF ANY REMAINING RENTAL UNITS; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- #4. (1<sup>ST</sup> RDG) AN ORDINANCE ADOPTING THE CITY OF CANTON'S ALTERNATIVE TAX BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2015; AND DECLARING THE SAME TO BE AN EMERGENCY

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Referred to Finance Committee

- #5. (1<sup>st</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (3 SUPP APPROP - STREET, VEHICLE SELF INS, IT); (3 APPROP TRFS - STREET, HARMONT SANITARY SEWER, CODE ENF)

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Referred to Finance Committee

- #6. (1<sup>st</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT FROM THE STARK COUNTY SHERIFF'S OFFICE THE 2014 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT IN AN AMOUNT NOT TO EXCEED \$38,805.00; RATIFYING ANY AGREEMENT ENTERED INTO WITH THE STARK COUNTY COMMISSIONERS REGARDING THE DISTRIBUTION OF GRANT FUNDS; AUTHORIZING THE AUDITOR TO RENAME FUND 2787 TO THE 2014 BYRNE GRANT FUND; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$38,805.00 FROM UNAPPROP BAL 2787 2014 EDWARD BYRNE GRANT FUND TO 2787 102001 POLICE ADMIN - OTHER)

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Referred to Finance Committee

- #7. (1<sup>st</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A ONE-YEAR PROFESSIONAL SERVICES CONTRACT WITH MD STEPHENS, LLC IN AN AMOUNT NOT TO EXCEED \$25,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY

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Referred to Finance Committee

***(COUNCIL RECESSED AT 8:15 PM FOR THE FINANCE & PERSONNEL COMMITTEES TO DISCUSS ORDINANCE #8; RECONVENED AT 8:16 PM)***

- #8. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 135/2014** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A ONE-YEAR PROFESSIONAL SERVICES CONTRACT WITH BRADLEY B. BUSBY; AND DECLARING THE SAME TO BE AN EMERGENCY

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Referred to Finance & Personnel Committees

PRESIDENT SCHULMAN: And at this time, the Chair would declare an in house recess for the recess for those two Committees to meet in regard to Ordinance #8 on your Agenda this evening. You're now in recess. Chairman Hawk.

PRESIDENT SCHULMAN: Thank you Chairman Hawk. Council will reconvene after the recess. Leader Morris.

MEMBER MORRIS: Mr. President, I move we suspend Rule 22A to place Ordinance #8 back on this evening's agenda.

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MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to place Ordinances 8 back on this evening's agenda. 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. Thank you Madame Clerk. Ordinance 8 is a legal part of your agenda. Leader Morris.

MEMBER MORRIS: Mr. President I move we suspend Statutory Rules on Ordinance #8.

MEMBER SMITH: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAY

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

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

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #8. Any remarks under this Ordinance? Hearing none again, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

PRESIDENT SCHULMAN: Twelve yeas, Mr. President

**#8 ADOPTED AS ORDINANCE NO. 135/2014**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 8 has been adopted. Returning now to Ordinance 9.

#9. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING AND CONSENTING TO MINOR REHABILITATION AND MISCELLANEOUS BRIDGE WORK ON SR 30; AND DECLARING THE SAME TO BE AN EMERGENCY

**MINUTES OF THE MEETING JULY 14, 2014**Referred to Public Safety & Thoroughfares Committee

- #10. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONSTRUCTION CONTRACT FOR THE FAIRCREST SANITARY SEWER PROJECT, GP 1142 AND TO NEGOTIATE AND SECURE THE SANITARY SEWER EASEMENTS/PROPERTY OWNERSHIP ON BEHALF OF THE CITY; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY

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Referred to Finance Committee

- #11. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH CT CONSULTANTS IN AN AMOUNT NOT TO EXCEED \$114,900.00; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$114,900.00 FROM UNAPPROP BAL 5201 WATER FUND TO 5201 207022 DISTRIBUTION MAINTENANCE - OTHER)

Referred to Finance Committee

- #12. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO: APPLY FOR AND ACCEPT OWNERSHIP OF 2426 - 30<sup>TH</sup> ST NE THROUGH THE STARK COUNTY LAND REUTILIZATION'S SIDE LOT DISPOSITION PROGRAM; ENTER INTO AGREEMENT FOR AND SECURE CITY OWNERSHIP OF 2560 30<sup>TH</sup> ST NE; ESTABLISH THE FAIR MARKET VALUE OF REAL PROPERTY; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; RESTRICTING THE EXPLOITATION OF MINERAL RIGHTS ON THE PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY (\$144,000.00 FROM UNAPPROP BAL 5601 REFUSE OPERATING FUND TO 5601 202010 ENGINEER DAILY OPERATIONS - OTHERS & \$16,000.00 FROM UNAPPROP BAL 5410 SEWER OPERATING FUND TO 5410 202010 ENGINEER DAILY OPERATIONS - OTHER)

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Referred to Finance and Environmental & Public Utilities Committees

- #13. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO: ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONSTRUCTION CONTRACT FOR THE EAST SIDE INTERCEPTOR SANITARY SEWER REPLACEMENT PROJECT (FRESHMARK), G.P. 1113; TO APPLY FOR, ENTER INTO AGREEMENT WITH AND RECEIVE FUNDS FROM JOBS OHIO; AMEND EXISTING AND/OR ENTER INTO NEW AGREEMENTS WITH STARK COUNTY AND FRESHMARK FOR THE CONSTRUCTION OF THE PROJECT; AND ENTER INTO AGREEMENTS WITH FRESHMARK FOR THE RECEIPT OF PERMANENT SANITARY SEWER EASEMENTS AND TO VACATE EXISTING EASEMENTS; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$2,200,000.00 FROM UNAPPROP BAL 5410 SANITARY SEWER FUND TO 5410 206314 EAST SIDE INTERCEPTOR SANITARY SEWER REPLACEMENT PROJ, GP 1138 - OTHER)

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Referred to Finance Committee

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- #14. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING SECTION 181.05, RETURN AND PAYMENT OF TAX; REFUND, OF THE CODIFIED ORDINANCES  
Referred to Judiciary Committee

***(COUNCIL RECESSED AT 8:23 PM FOR THE PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE TO DISCUSS ORDINANCES #15 & #17; RECONVENED AT 8:35 PM; COUNCIL RECESSED AT 8:36 PM FOR THE PUBLIC SAFETY AND THOROUGHFARES COMMITTEE TO DISCUSS ORDINANCE #16; RECONVENED AT 8:37 PM)***

- #15. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 136/2014** 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 MINOR REHABILITATION OF SR297; AND DECLARING THE SAME TO BE AN EMERGENCY (RAFF RD)  
Referred to Public Property Capital Improvement Committee

- #16 (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 137/2014** AN ORDINANCE AUTHORIZING AND CONSENTING TO THE BRIDGE REPAIR ON STRUCTURE ON CLEVELAND AVENUE OVER US 62; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety & Thoroughfares Committee

- #17. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 138/2014** AN ORDINANCE AUTHORIZING THE TREASURER: TO ENTER INTO CONTRACT WITH INNOVATIVE SOFTWARE SERVICES, INC. FOR THE PURPOSE OF ACQUISITION, TRAINING, CONFIGURATION, INSTALLATION AND IMPLEMENTATION OF ITS CITY TAX COMPUTER SOFTWARE APPLICATION AND TO ENTER INTO A FIVE-YEAR LEASE AGREEMENT WITH A LOCAL BANK; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Property Capital Improvement Committee

PRESIDENT SCHULMAN: And at this time, again the Chair would declare an in house recess for the recess for the Public Property Capital Improvement Committee and Public Safety & Thoroughfares Committee to meet in regard to Ordinance 15 through 17 on your agenda. You're now in recess. Chairman.

PRESIDENT SCHULMAN: Council will reconvene after the recess. I am sure that Bob Capestrain is looking at this saying, Oh, I wish I was back in City Council. Leader.

MEMBER MORRIS: Mr. President, I move we suspend Rule 22A to place Ordinance 15 through 17 back on the agenda.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend Rule 22A to place Ordinances 15 through 17 back on this evening's agenda. Any remarks? Hearing none, Madame Clerk roll call vote please.

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NO REMARKS

ROLL CALL 12 YEAS 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries. Ordinances 15 through 17 are a legal part of your agenda. Leader Morris.

MEMBER MORRIS: Mr. President I move we suspend Statutory Rules on Ordinance #15.

MEMBER SMITH: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAY

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

PRESIDENT SCHULMAN: Twelve yeas, Mr. President

**#15 ADOPTED AS ORDINANCE NO. 136/2014**

PRESIDENT SCHULMAN: Motion carries. Ordinance 15 has been adopted. Leader.

MEMBER MORRIS: Mr. President, I move we suspend Statutory Rules on Ordinance #16.

MEMBER SMITH: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

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

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 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#16 ADOPTED AS ORDINANCE NO. 137/2014**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 16 has been adopted. Leader.

#17. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 138/2014** AN ORDINANCE AUTHORIZING THE TREASURER: TO ENTER INTO CONTRACT WITH INNOVATIVE SOFTWARE SERVICES, INC. FOR THE PURPOSE OF ACQUISITION, TRAINING, CONFIGURATION, INSTALLATION AND IMPLEMENTATION OF ITS CITY TAX COMPUTER SOFTWARE APPLICATION AND TO ENTER INTO A FIVE-YEAR LEASE AGREEMENT WITH A LOCAL BANK; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Property Capital Improvement Committee

MEMBER MORRIS: Mr. President I move we suspend Statutory Rules on Ordinance #17.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: Again it's been moved and seconded that you suspend the Statutory Rules on Ordinance 17. 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 you've heard the three readings.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #17.

MEMBER SMITH: Seconded.

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

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NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#17 ADOPTED AS ORDINANCE NO. 138/2014**

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

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: Now we turn to Ordinances and Formal Resolutions for their Second Reading. Would you please begin with Ordinance 18.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #18 THROUGH #24 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS)***

- #18. (2<sup>ND</sup> RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE GEORGE HALAS DRIVE ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY
- #19. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH BROWNFIELD RESTORATION GROUP IN AN AMOUNT NOT TO EXCEED \$200,000.00 FOR WORK TO BE PERFORMED AT THE FORMER RTI FACILITY UNDER THE CLEAN OHIO ASSISTANCE FUND; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY
- #20. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A JOB CREATION TAX INCENTIVE AGREEMENT WITH UNITED WAY OF STARK COUNTY PURSUANT TO THE CITY'S INCENTIVE PROGRAMS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #21. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON REGIONAL CHAMBER OF COMMERCE TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$175,000.00 FOR ECONOMIC AND CIVIC DEVELOPMENT OF THE CITY; AND DECLARING THE SAME TO BE AN EMERGENCY
- #22. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$338,795.55 FR 2214 UNAPPROP BAL OF HOME FUND TO 2214 506001 HOME - OTHER)
- #23. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013;

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AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE AND/OR CANTON PARK COMMISSION TO ENTER INTO A COOPERATIVE AGREEMENT WITH GERVASI VINEYARDS FOR THE OPERATION, UTILIZATION AND MAINTENANCE OF THE TRAILHEAD; AND DECLARING THE SAME TO BE AN EMERGENCY (\$8,731.62 FR UNAPPROP BAL 2181 GERVASI 1700 LLC TIF FUND TO 2181 202001 GERVASI 1700 LLC TIF - OTHER)

- #24. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SAFETY AND/OR DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO CONTRACT WITH RUNCANTON, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT SCHULMAN: Thank you very much Madame Clerk. We now turn to Ordinances and Formal Resolutions for Third, Final Reading and Vote. Leader we're going to start with Ordinance 25. I understand it's going to be postponed once again. Alright, Madame Clerk.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #25 THROUGH #29 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.***

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- #25. (3<sup>RD</sup> RDG) ***POSTPONED UNTIL 7/28/2014 AN ORDINANCE VACATING A PORTION OF AMERMAN PLACE N.E.; APPROVING AND ACCEPTING THE REPLAT OF THE VACATED STREET AND LOTS 4162, 4163, 4164, 4165, 4166, 17604, 17616 AND 17617; AND DECLARING THE SAME TO BE AN EMERGENCY (FROM EAST LINE OF PIEDMONT AVE NE TO WEST LINE OF WALNUT AVE NE FOR HUTTON GROWTH ONE, LLC)***

PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 25. Any remarks, Leader?

MEMBER MORRIS: Mr. President, I move we postpone Ordinance #25.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to postpone Ordinance 25 to any particular date?

MEMBER MORRIS: 7/28/2014.

PRESIDENT SCHULMAN: 7/28/2014. Any remarks? Hearing none, by voice vote on the postponement all in favor signify by saying aye. Those oppose no.

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NO REMARKS

#9 POSTPONED UNTIL JULY 28, 2014

PRESIDENT SCHULMAN: The ayes have it. The motion carries and Ordinance 25 is postponed. Ordinance 26 please.

#26. (3<sup>RD</sup> RDG) **DEFEATED** AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF CANTON THE QUESTION, "SHALL A COMMISSION BE CHOSEN TO FRAME A CHARTER?" AND FOR THE ELECTION OF MEMBERS OF THE CHARTER COMMISSION; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

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

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 26. Any remarks? Member Mack.

MEMBER MACK: Thank you Mr. President. You know I was looking at my notes from the last time we talked about the Charter issue and from when we first started talking about it. (*Adjusted the microphone*) Is this better? July 22, 2013 we've been talking about this issue and discussing this issue, discussing it with our constituents and now tonight is the time. We have a choice whether our constituents should have a say on this important issue. I have planned many of my remarks to take on kind of the talking points that we keep on hearing over and over about why this isn't such a great idea. Those talking points have really died out because I think the public is starting to realize, the people are starting to realize, as we've heard it tonight, that we can do so much good, so much good with this process and the benefits just simply out way any risk there could possibly be. One of the first things that we started to do when we started looking at this issue is we dove into the case law. We made sure this isn't going to affect our friends in labor. We've got all the cases. We can't hurt prevailing wage, can't hurt collective bargaining, can't hurt civil service. All of that's intact no matter what. We've talked about, you know with these discussions that have been had over the past year, minorities. That's important. It's absolutely important that this Commission is a fair representative of our demographic. We've analyzed it and analyzed it. And we now have as we sit here today, persons who have committed to serve on this Commission that are guaranteed to be of those top 15 voters. Corey-Minor Smith's one of them. An excellent attorney who would be hugely valuable on this Commission. And we've taken on that issue. We've taken on the issue of Ward representation. Is it possible that Wards could be eliminated? We know it's just, if history's any guide, it's so incredibly unlikely given what happened in 1960. And when, even with the further research that we've done, we've identified that cities that have had Council Persons-at-large are going back to Ward Council. They're actually putting them back in place because they shouldn't have been gotten rid of in the first place. And Monroe Falls is actually the city that I'm talking about specifically. And we talked about, you know, what about the issue of not having persons from the Wards. We want to have every Ward represented. You know we've gone through and we've identified who we can, or I will approach rather, if I haven't already to make sure that the city is represented as a whole. When you look at Ward 5, Terry Prater one of our fellow colleagues. When you look at Ward 3 certainly, R.A. Mallonn would be an excellent candidate. When you look at Ward 6, Rhoderick Simpson, a huge understanding of city government. He would be a great choice to be on the Charter Commission and so we have laid all this groundwork to where we have really eliminated the fear of the unknown and we have Judge Reinbold addressing us, this body. He would be an excellent person to be on this Commission. I believe he would be. And we have Allen Schulman on this

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Commission. We have Joe Martuccio. How anyone can still believe that this Charter is going to be a product that fairly and accurately and efficiently and effectively move this city forward. I just can't see it. And the evidence to me is just completely overwhelming. There've been some new points that have kind of been brought up in recent days. One is cost. Just like we've approached every issue methodically, we know exactly how much this is going to cost us. There's two sources of cost on this issue. The first is with the Stark County Board of Elections. There's an additional cost for advertising, putting it on the ballot... (*inaudible*)...we have to remember, we're putting in on the ballot when statewide issues are on the ballot. When she said to me in terms of costs "this is the election year to put this on the ballot." Putting it on the ballot right now saves us the most money possible. We cannot do it any cheaper because the costs are paid by the state. The other cost which is somewhat daunting at first is the notion of, if this Commission's formed, they have to send out a draft of this. The actual Commission, the actual Charter document to every registered voter in the city of Canton. If you think about that, gosh, it's 47,000 people. 47,000 people have to receive a piece of mail. That's going to be \$100,000.00. Well, again we went through it methodically. That's going to be \$15,000.00. We have a quote here from Sliman's Printery. Still waiting on one from PPI. Not only that but just to kind of stress how important this is, to make sure there are no lingering fears, that entire \$15,000.00 is going to be donated. Twenty-five percent of the donations are already raised from the people sitting in this room. This will literally be the first time in municipal government that I am aware of where a Charter is put before the voters at almost no cost to a municipality. You know we've heard a lot of people say, if it's not broke, why fix it? Canton's perfect. There's nothing we can do better. I don't prescribe to that. Certainly I love my city like we all do but there are such dramatic things coming down the pike. You know one of the things I did today, as you know, continuing to look at this issue. I called the Law Director for the city of Newark and they just recently adopted a Charter in 1997 which I know everyone here knows by now it's a Charter that I'm very, very much in favor of because they don't make dramatic changes to their city government. And I talked to him and his name is Douglas Sassa. I said what was the sense in Newark when this document was passed. He said it was very freeing for the Council Members. They've done all kinds of things that they've never been able to do before. The two things he was most proud of, they have a state of the art vicious dog Ordinance. Now they have a Charter that can do things that we cannot. And they also have modified the restrictions on where sexual predators can live. Again we can't really go that route but they can. They've kept everything in place and now they are able to do these sorts of things. And there's something big coming down the pike from this prospective that we all know about with this NIP program. We were provided a list from Director Miller. 4.2 million dollars. We're going to be demolishing these houses but unlike any other program that we've had before, the city has to take ownership of those lots. We have to mow those lots. We have to hopefully get rid of those lots. As we all know here today, how does a Statutory get ride of public property? It's pretty cumbersome, outrageous process. The cost for advertising and to receive bids are going to be more than the lots are worth. Of course you know where I'm going with this, with a Charter you can fix that. And I fear that if we don't, we're going to have a problem. Unavoidably with this process, the time lines are crammed and I will be the first person to admit that. Now, let me take a step back. We've been working on this for a year. We've been talking about this for a year. This was actually a Communication that you have all received on January 22<sup>nd</sup> of this year so, you've had it for 6 months and you've thought about it for 6 months, you've talked with your constituents about it for 6 months but the timeframes to get the signatures to serve on the Commission is only 23 days. 23. There's nothing we can do to change that. We can't make it any longer because that's what the Ohio Constitution says. It's 120 days or 60 days before the election and it has to be in that window. It's not possible, the cost would be exorbitant if we were to try to do this in the spring from the Board of Elections. So there's, if we could do it next year, the timeframes are going to be just as tight. And we have a 50 signature requirement which that was a requirement that we've put on this issue because that's consistent with statewide candidates or citywide candidates rather. And we can change that tonight. If there's someone that thinks 50 signatures are too much, it wasn't brought up in Committee but now's the time. We can amend this on the floor. Make it 15, make it 20. Whatever is most fair and most appropriate to make sure that the voters are going to be heard

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because if we think about this issue, and let me frame the issue. This is purely about letting the voters decide. You are only voting on whether the voters get, to have their voice heard on this issue. We trust the voters all the time, right? They pass our levies, they elect our President, they elect us and it would seem like we should be able to trust them to make this decision. There's this quote and when I was looking back during Committee meetings at JFK on our wall and there's a lot of you guys know that I'm on my phone a lot during Council meetings. I'm actually doing work when I'm doing that. I was looking at quotes of JFK and JFK actually had a quote that I think was, was just immistakably on point. "A nation that is afraid to let it's people judge the good and the bad, the truth and the falsehood in an open market is a nation afraid of it's people." This night, tonight, could be historic. To make history, you have to have courage. There was courage when the Civil Rights Act of 1964 was passed. There was courage when the Affordable Care Act was passed. Certainly this, I'm not saying Charter is just as significant as those issues but, to the city of Canton it is. And so I would ask you, let your know be remembered forever for changing this city for the better. Have courage. Do not be afraid. Have faith in your voters and let the voters decide.

PRESIDENT SCHULMAN: Thank you Member Mack. Member Mariol.

MEMBER MARIOL: Thank you Mr. President. The 12 of us up here have a near impossible task at each Council meeting. We cast votes at each meeting with the expectation that we are carrying out what the majority of our Ward residents and for the at-Large Councilmen, what the city as a whole wants. It's impossible for us to talk to thousands of people a week and poll how they feel about an array of issues. We all take steps to feel how our Wards and see where they're at on different issues. We use social media, Neighborhood meetings and sometimes we get it right, sometimes we get it wrong, except for votes like tonight. Tonight we can all get it right. A yes vote on this issue is the only true way we can represent the sentiments of our Wards and our city. Because a yes vote empowers the voter, gives them the ability to decide on Charter themselves. I'll be voting yes on this issue tonight, not just because I believe it's the right thing for our city but because I can't confidently say I know what the majority of my Ward wants. By voting yes on this, I allow them to speak for themselves. Now if you can confidently say that you have talked to each and every one of your constituents and the majority have told you to vote no, then by all means, vote no. But if you can't, then I urge you to join me tonight and vote yes on this issue. Thank you.

PRESIDENT SCHULMAN: Thank you Member Mariol.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: When I first began here Harry Klide was Law Director, Bob Capestrain was the first one I ever voted for, for Majority Leader and they taught me a lot about what government should look like. We have an opportunity tonight to do what I didn't do back in the 1990's. See I got sucked in to this whole thing in the 2000's. I got sucked into well, what's a Charter going look like and can the Police Chief be elected or, and how can we guarantee who's going to serve on the Commission and, but a young Councilman taught me something tonight. Councilman Edmond Mack taught me that this isn't the issue. The issue isn't who's going to be Police Chief. The issue isn't whether the Law Director's going to be appointed or elected and the issue isn't by us, who's going to serve on there. The issues up to the people of this community. Talking to the people in this circle as Democrats with one exception, we've been fighting the Secretary of State for years of the other party who's been trying to quash votes. We keep trying to make the process easier and they keep trying to bring it closer to stop the people from voting and I'm asking you tonight, be consistent. Try to give everybody an opportunity to vote, not just the 12 of us here. An older gentleman by the name of Babe Stearn used to have this

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saying, "You trusted me with your kids." Well the saying tonight should just be very simple, you, the public, trusted us up here. You voted for us. Let's give you another opportunity to vote. Thank you.

PRESIDENT SCHULMAN: Thank you Member Smuckler. Member Hart.

MEMBER HART: Yea, I'd like to thank Member Mack. It's nice to see someone with passion when it comes to an issue and that's what he's shown me more than anything else is his passion for this. You know it's been said before, you know, the residents were intelligent enough to elect us and you know, trust us to make those right decisions and you know, we have to trust them that they will do the right thing. When I look at the ability, the whole key to this is who's going to be running, who's going to be elected and the passion that they show for making a positive change for the city of Canton government. In years past, the voters were given the chance to vote and they defeated it. No Charter but times are changing and people are looking for a positive change. I have heard everyone say in most communities, well we didn't make a large change. We didn't do anything you know, that is going to scare people but, I think that the thing we have to look at, they will have that ability to change things later as things change in this community. And again, as it's said, you know I have faith, Law Director Martuccio once told me I tend to look at things through rose colored glasses and I think that people will do the right thing and when it comes to writing this and giving them the chance they will vote for a Charter government this time. Thank you.

PRESIDENT SCHULMAN: Thank you Member Hart. Member Morris.

MEMBER MORRIS: Thank you Mr. President. I guess if I'm going to take lumps for my vote tonight, I'm going to come out swinging. Everybody's quoting Presidents. Here's a quote from Harry S. Truman, "I never gave anyone hell. I told them the truth and they thought they were in hell." Here's what we got, 25% of the money raised for the Charter Commission is coming right out of this room. Everybody that we've named is a who's who in politics but let's vote for the people. Give the people the right to vote. Are we really giving the right to vote or are we stacking a deal with the who's who in politics. Is this a true representation of our city. Is it when elected officials are all on the Charter Commission? Do you really have a voice on this Committee? I get that we need a Charter government. I see it. Do I think this is contaminated? Yes. Do I think that the general public has enough time to prepare to launch a campaign with 23 days to file when 25% of all the money that is already needed is in this room. The deck is stacked against the average working class citizen who wants to be involved. I cannot support this. This is not going to be the route that we take to straighten Canton out. You have to call it like you see it. I've been leaned on. I've been lobbied. I've been beat up more on this one vote from colleagues and other elected officials but on my facebook page we wanted to put that out of 33 people, 30 or 91% said that they supported. That is 33 people out of 865 people that belong to the page. That is less than 5% of the Ward actively participating on the facebook page saying, Frank vote for this. There has to be a better route to get to where we're going. Rushing it through, giving you folks 23 days to come up with 50 signatures and go against an all star line up of politicians, we will not have true representation of our Wards. Thank you.

PRESIDENT SCHULMAN: Thank you Leader. Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President, Members of Council and the audience at hand. I must say this is one of the largest, most attentive audiences I've seen this late for a long time. Thank you for your patience including those of you on Council. This is an important issue. A few comments. There's a lot of momentum here tonight. There's a very compelling issue at stake. Mr. Capetrain I want to thank you for inventing Public Speaks or at least authoring it all those many years ago. (APPLAUSE) And while my neighbor may have left 30 years ago, he still looks a lot younger than I do, Mr. Capetrain. Mr. Halkias, these public

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speaks as you've said earlier are educational. There's a lot of eloquence here tonight. People have wondered where eloquence has gone. Why people speaking in articulate ways has disappeared. It hasn't. Everyone who spoke tonight on every topic had passion and in their own way was eloquent. So, we are teachers Mr. Halkias. Mr. Reinbold, Judge Reinbold spoke of that case about Home Rule. That's something that I wanted to put on the record. Before Judge Klide became Law Director, the city of Canton went and fought at the state level about fluoride in our water. They said the state did not have the right to tell us to put fluoride in our water, but we lost. But it set up an important pattern. Canton has been to the Ohio Supreme Court 3 times to fight on Home Rule and Judge Reinbold ruled our way as the Supreme Court of Ohio backed him up shortly thereafter. Please understand though, just so we're not overselling this, this is not a magic bullet. 112, 102 years ago, the Ohio Constitution had a, had a Constitution convention and they enacted Home Rule. It says every city in Ohio has the right to Home Rule provided it does not conflict with general laws. If there are general laws past that are of statewide importance and have to be uniformly applied, we cannot supercede them. We cannot prohibit what the state permits nor can we visa versa prohibit, permit what the state prohibits. So, but I do want to say this, John Gotherman, who we've all read, who many of us have looked to in framing our research for this, the Dean of Ohio Law has said that in close cases when Home Rule is an issue, a city that has a Charter will likely prevail over a city that doesn't. So, looking toward the future which many of you are trying to do tonight, if we do have an issue in the future that we feel needs tweaked that is not addressed by the state, we can tweak it and in a message to those 15 people, I suspect many of whom are sitting in this room tonight, who've shown a great deal of interest and a great deal of passion, the most recent city in Stark County to convert to a Charter was Canal Fulton. Canal Fulton went from a village to a city and in order to get a Charter passed, they made their Charter identical to what the city, to what the village had so there was not change. The people who voted on it were very familiar with it, very comfortable with it. That is what John Gotherman recommends. That is what Edmond Mack is recommending. That's what I would recommend. If those 15 people learn from the past and not do anything too drastic but set up Charter review periodically to fix those things that everybody agrees needs tweaked. That is the way to gradually get us to where we need to be. I thank you for your time and again, I appreciate very much the passion and the eloquence that you've heard tonight, whichever way this goes I'm willing to help.

PRESIDENT SCHULMAN: Thank you Law Director. Member West.

MEMBER WEST: Mr. President. You know one thing that was said earlier that we all represent our Wards. We all represent a constituency within our own boundaries and tonight you know, we've seen good representation from Ward 8 to represent Charter government. We didn't see Ward 2, Ward 1, 2, 3, 4, 5, 6, that's the big concern. Charter government was stated for months now. I would think that the whole city would be up here talking about, we want to support Charter government. I would think that and when I look at Ward 2, in 23 days or to get this Committee on the ballot, my concern once again is Ward 2 won't be represented and I say that by, based on our history. Our history when it comes down to minorities alone being on the Commission or any public position, the only office that we've been able to hold have been Wards 2 and 4. We have not voted beyond, another minority beyond Wards 2 and Ward 4 for at least 30 some years. I think the only person was the Judge. Judge Ira Turpin. I think that's a major concern and we're talking about electing an African American at-large for this Commission. That's a concern to me. Having minority representation. Having Ward representation. Ward 2 I do know that this next election, this is a low turnout and Ward 2 is one of the lowest turnouts when it comes down to state elections so therefore the people being represented from Ward 8, I'm sure they're going to represent Ward 8 versus Ward 2 cause we see that tonight. I see it also when I look at, even when we talk about our Directors, our administration, there's nobody in Ward 2 that runs any department here, that runs the, that's on the Mayor's staff. At the end of the day, Ward 2 again is not represented. Why would I think that they would be represented on the Charter government. Oh yea, I agree that there's some good things about Charter government but there's some good things about Statutory government too, like protection from

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ourselves. And I say that because that means that now the people right now hold the power. The people of the city of Canton currently holds the power. They represent through each one of us. They have the power. It's a strong Council, weak Mayor form of government which means that the people hold the power today in my mind. Yea the Mayor's weak. And I think that right now as we talk about moving it forward and changing that power, it can shift. It can, and yes fear, trust all of those issues yes, I have all those issues because at the end of the day my, the history shows us, history has shown us time and time again that we, we vote the same way. We vote for the people we know. And that's why their putting this list of Committee together because they know that these are the people that will win the election. I'm going to ask a question to the audience. How many of you will run for this Commission? Stand up. *(Some members of the audience stood)* Thank you. How many of you guys know Charter government? Stand up. *(A couple members of the audience stood)* Thank you.

PRESIDENT SCHULMAN: Thank you Member West, I'm sorry. Member Dougherty did you want to say something? OK. Member Smith? Alright if I may just comment briefly and I promise it will be brief. One of the enjoyable things about being the President of Council is I get to hear from both sides and I know Member Dougherty sometimes gets irritated by the fact that things may go on a little bit longer but bear with me for one moment. I think both sides have presented very, very valid concerns. Leader Morris.....

MEMBER DOUGHERTY: Mr. President, what was that for?

PRESIDENT SCHULMAN: I'm sorry, I just think that sometimes you appear to be impatient. That's all. But I think both sides have presented valid concerns. I think the Leader has made some very strong points. I want to commend Member Mack. I think he's done an excellent job of marshaling the facts. Ultimately I view this for whatever it's worth to you as the city being held hostage to the state government and Columbus is not our friend. And what happens in Columbus has been at least over the last number of years clearly in anafmta to city government and urban areas. They would love nothing better than to just, I think basically just destroy the urban concept and I think they've done a pretty good and remarkable job of doing it so far. So, I don't appreciate being held hostage by any form of government that is not local. Finally, this is the 50 anniversary as many of you know of Freedom Summer and that summer was designed to register blacks in Mississippi to vote and after the passage of the Civil Rights Bill 50 years ago, over a 10 week period 35 churches were burned and bombed, 4 civil rights workers were murdered, many were killed, beaten, arrested and the reason was for the right to vote. That's what motivated the civil rights workers 50 years ago. I think ultimately this vote comes down to do we, and it's been said tonight, do we have the trust in our citizenry to vote. That's all you're, that's all you're allowing is do your citizens have a right to vote on this issue or do we think we know more than the people we represent. If it comes back no, then there is no loss. The people have registered their vote. If however the citizens decide that a Charter is worth pursuing, then the Commission will prepare the Charter and it will be submitted to the voter again. And if the voters don't agree with the what the Commission has decided then it will be struck down by the voters. But the people will be heard. The people's vote will be registered. I think that's important but I never the less do not ascribe ill motives to anyone in this room who would vote against this. You have your duty to represent your Wards and I've heard a lot of very strong arguments against this but my only point ultimately it should be the voter of Canton that makes that decision. So, are there any other remarks? Member Hart.

MEMBER HART: Mr. President I've heard people's worrying about representation and I guess I'm looking at when many times people wanting to get petitions signed and hear 50 they find that an insurmountable task thinking that they could get 50 people to sign a petition. I don't know if I can get an amendment on this but you know, everybody, I mean this is a democracy. Whether you live in Ward 8, Ward 9, Ward 1 you know, they, I feel they have that right to sign their name or have people sign their petition to run and I don't know whether I could get a second but could we amend the Ordinance to say 15 signatures on that? You know it's, people need

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to be heard and you know, make a positive change and this is going to be, I feel would be a positive change for the community. If not, you know, so be it. Don't second it.

PRESIDENT SCHULMAN: Is that a motion?

MEMBER HART: Yea. I would like....

PRESIDENT SCHULMAN: There is an amendment on the floor, is there and the amendment is, as I understand it, to amend the proposed Ordinance to reduce the number of signatures....

MEMBER HART: Signatures.

PRESIDENT SCHULMAN: ...on the petitions for the Commission Members from 50 signatures to 15 signatures. Is that correct Member Hart?

MEMBER HART: That's correct Mr. President.

PRESIDENT SCHULMAN: Do I hear a second?

MEMBER HAWK: Second.

PRESIDENT SCHULMAN: It's been moved and seconded. Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President to help speed this up and make it, under Rule 36B, I've looked at the Ordinance and we don't need a written amendment. Because we're only changing one number in the entire Ordinance and nothing else, nothing in the caption, nothing anywhere in the Ordinance except in one place is changing, under Rule 36, somebody can parrot this, under Rule 36B, they move to amend Section 3 by substituting the figure 15 for the figure 50.

MEMBER HART: Yes.

LAW DIRECTOR MARTUCCIO: And if there is a second to that it can be done orally and it doesn't have to be done in writing under Rule 36B.

PRESIDENT SCHULMAN: It's been moved and seconded to do so. All those in favor of the amendment, signify by saying aye. Those opposed no.

NO REMARKS

**BOTH AYES AND NAYS SPOKEN**

PRESIDENT SCHULMAN: Alright we'll have to take a vote. Madame Clerk roll call vote please.

CLERK TIMBERLAKE: One moment.

PRESIDENT SCHULMAN: Now this was on the amendment just so all Members are clear. I'm sorry. Mr. Capestrain, I'm sorry. It's late and we're getting, some of us, you know, we're all getting a little antsy. We've been here a while but let's remember why we're here and what we're voting on. We're voting on the amendment so Madame Clerk roll call vote please on the amendment.

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NO REMARKS ROLL CALL 5 YEAS, 7 NAYS  
 (MEMBERS MORRIS, SMITH, BABCOCK, WEST, GRIFFIN, FISHER & DOUGHERTY VOTED NAY)

CLERK TIMBERLAKE: 5 yeas, 7 nays Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The amendment is defeated. Are there any other amendments. It's been moved and seconded then to adopt Ordinance 26. Roll call vote please Madame Clerk.

NO REMARKS ROLL CALL 5 YEAS, 7 NAYS  
 (MEMBERS MORRIS, SMITH, BABCOCK, WEST, GRIFFIN, FISHER & DOUGHERTY VOTED NAY)

CLERK TIMBERLAKE: 5 yeas, 7 nays Mr. President.

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**#26 DEFEATED**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 26 is not adopted. Ordinance 27 please.

#27. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 139/2014** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE STATE OF OHIO....

PRESIDENT SCHULMAN: Wait a second, wait a second. Any of you, for the people here for the Charter if you're going to leave, I'd just ask that you leave a little quietly please. OK, thank you. Madame Clerk.

#27. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 139/2014** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF REHABILITATION & CORRECTION FOR RECEIPT OF THE FY 2015 COMMUNITY CORRECTIONS ACT GRANT IN AN AMOUNT NOT TO EXCEED \$170,601.00; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

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

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 27. Any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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**#27 ADOPTED AS ORDINANCE NO. 139/2014**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 27 is adopted. Ordinance 28 please.

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#28. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 140/2014** AN ORDINANCE AUTHORIZING THE CANTON PARK COMMISSION TO ENTER INTO AGREEMENT WITH THE CANTON JOINT RECREATION DISTRICT AND THE J. BABE STEARN COMMUNITY CENTER (JBSC) TO PROVIDE FUNDING FOR RECREATIONAL SERVICES AT THE JBSC; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #28.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 28. Any remarks? Leader.

MEMBER FISHER: Mr. President. Do we have an amendment?

MEMBER MORRIS: Mr. President, I move we amend Ordinance 28 per copy that all Council Members have in front of them.

PRESIDENT SCHULMAN: Second?

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved & seconded that you amend Ordinance 28 by virtue of the copy before Members of Council. Any remarks? Hearing none by voice vote again, all those in favor 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 #28 as amended.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 28 as amended. Any remarks? Member Fisher.

MEMBER FISHER: Thank you Mr. President. I just wanted to take a moment to publically thank Derek Gordon, Andy Black and the Parks Commission and the Directors at the Babe Stearn Center along with their Board. This has been one of the, this is the most, the longest ongoing process in order to do what is essentially a pretty simple contract. But they have all shown immense patience getting this done and I, I just could not be more thrilled to see this going forward tonight so thank you.

MEMBER HAWK: Mr. President.

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PRESIDENT SCHULMAN: Yes, Member Hawk.

MEMBER HAWK: Thank you. I'm very glad to see this going forward as we've talked to them and mentioned the Babe Stearn Center that they would be part of this when they voted for and supported the levy. I'm also very, more grateful the fact that the Rec Board has been taken out, through this amendment. The Rec Board stood in the way of this process. I could never figure out why the Rec Board was spending Park Commission money. I also found that kind of difficult to handle, why they had a hand in spending the Park Commission's money. The Rec Board is sitting on about \$800,000.00 of excess cash and they seem to spend \$30,000.00 of it plus on lawyer's fees, not speaking to or addressing the needs of the constituents. This is a very important piece of legislation. I'm glad to see that the Park, that it's in the hands of the Park Commission and I'm, can't wait to support it. Thank you.

PRESIDENT SCHULMAN: Thank you Member Hawk. Any other remarks? Hearing none, Madame Clerk roll call vote please on 28 as amended.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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**#28 ADOPTED AS AMENDED AS ORDINANCE NO. 140/2014**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 28 as amended is adopted. Ordinance 29 please.

#29. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 141/2014** AN ORDINANCE APPROVING AN AMENDMENT TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANTON AND CANTON PROFESSIONAL FIREFIGHTERS' ASSOCIATION LOCAL 249; AND DECLARING THE SAME TO BE AN EMERGENCY (ARTICLE 72 PHYSICAL FITNESS INCENTIVE)

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #29.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 29. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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**#29 ADOPTED AS ORDINANCE NO. 141/2014**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 29 is adopted.

**MINUTES OF THE MEETING JULY 14, 2014****ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SCHULMAN: We now turn to Announcement of Committee Meetings. Is there any?

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk. Chairman Hawk.

MEMBER HAWK: Thank you good sir. The Finance Committee will meet Monday July 18<sup>th</sup>, excuse me, Monday July 28<sup>th</sup> at 6:15 p.m. Thank you very much..

PRESIDENT SCHULMAN: Thank you.

MEMBER BABCOCK: Mr. President.

PRESIDENT SCHULMAN: Chairman Babcock.

MEMBER BABCOCK: Environmental and Public Utilities. Same time, same place.

PRESIDENT SCHULMAN: Thank you.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Chairman Smith.

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

PRESIDENT SCHULMAN: Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Chairman West.

MEMBER WEST: Public Safety and Thoroughfares will meet same time, same place.

PRESIDENT SCHULMAN: Thank you. Chairman Mack.

MEMBER MACK: Judiciary will meet at the same time in the same place.

PRESIDENT SCHULMAN: Any other announcements?

CLERK TIMBERLAKE: Personnel.

PRESIDENT SCHULMAN: Personnel. Member Hart. Chairman Hart.

MEMBER HART: Yea, we'll meet at the same meeting.

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PRESIDENT SCHULMAN: That concludes Announcement of Committee meetings..

**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: Miscellaneous Business. Is there any Miscellaneous Business?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: One thing I neglected to say and I want to give Chairman Mack you know, his credit or his honor where honor was do. He did do a good job. A thorough job of, in researching Charter government and putting forth a case that I think he does deserve some applause for that. Thank you.

PRESIDENT SCHULMAN: Thank you Member West. Any other remarks? Leader.

MEMBER MORRIS: Motion to adjourn.

MEMBER SMITH: Second.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Thank you everyone. Meeting is adjourned. *(Gavel falls)* Be careful on your way home.

ADJOURNMENT TIME: 9:30 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

ALLEN SCHULMAN  
PRESIDENT