

MINUTES OF THE MEETING SEPTEMBER 22, 2014

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. We appreciate all you being out with us tonight. Before we begin, I'd like to announce that it is my good friend Edmond Mack's birthday today. (*APPLAUSE*) I told him I have belts older than he is among clothing which I won't get into since this is a public meeting and with a quorum being present, Happy Birthday and many healthy and happy ones Edmond. With a quorum being present the Chair calls 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 other good friend, James Babcock an at-Large Council Member. If you will all stand and remain standing please for our Pledge of Allegiance.

The regular meeting of Canton City Council was held on September 22, 2014 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Council-at-Large Member James Babcock. The Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you Member Babcock. We're now under Agenda Corrections and Changes. Leader Morris.

MEMBER MORRIS: Mr. President, I move Rule 22A be suspended to add 2nd Readings Ordinances #7 through 12 and include #14 and 13. Oh no, I'm sorry. I apologize. 13 and 14 will be held in Committee.

MEMBER SMITH: Seconded.

CLERK TIMBERLAKE: Whoa. 13 is the only one held in Committee. 14 is, we're voting on in 2nd Reading and it has an amendment.

MEMBER MORRIS: That's why we pay her the big bucks. Thank you.

PRESIDENT SCHULMAN: OK, so it's been moved and seconded to Suspend Rule 22A to add the 2nd Reading Ordinances 7 through 12 and Ordinance 14 to this evening's agenda. Ordinance 13 will be Retained in Committee. I trust we have that right. 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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PRESIDENT SCHULMAN: Thank you Madame Clerk. Rule 22A is suspended and the Ordinances are a legal part of your agenda.

PUBLIC HEARINGS

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

OLD BUSINESS

PRESIDENT SCHULMAN: We are now under Old Business and I will turn this Old Business section over to our Deputy Mayor, Fonda Williams. Mr. Williams.

DEPUTY MAYOR WILLIAMS: Thank you Mr. President. At the September 15th meeting, Mr. Henry Preston had addressed Council in regards to expanding the Noise Ordinance to cover lawnmowers, jackhammers, power saws and other types of loud equipment. I know Mr. Preston had an initial conversation with Law Director Martuccio and Assistant Law Director Nicodemo is looking into the request by Mr. Preston and will report back to this Council. Thank you.

PRESIDENT SCHULMAN: Thank you Deputy Mayor. Appreciate it.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We're now under to Public Speaks. We have 4 speakers this evenings, this evening. Our first is Laurence Cheek. Mr. Cheek good evening. Welcome to Canton City Council. If you'll step forward sir to the podium and give us your name and your residential address.

LAURENCE CHEEK: My name is Laurence Cheek. My address is 861 Young Avenue NE, Canton, Ohio.

PRESIDENT SCHULMAN: Good evening sir.

LAURENCE CHEEK: Good evening. My complaint is the residence next door to me, 865 Young Avenue. It's a, was a drug house. It's been raided about 3 times. The owner of the house is deceased, Bradley Jackson. People are still going in and out there, sneaking in an out at night and I got pictures here that you can pass around and take a look at.

PRESIDENT SCHULMAN: Thank you.

LAURENCE CHEEK: And it's pretty deplorable there so I'd like for the Council to do something. I've called people a couple of times about it. I'm either on a waiting list or their going to get back to me but nothing's being done so you can take a look at the pictures and tell me what you think about it.

PRESIDENT SCHULMAN: How long have you been a resident in our city sir?

LAURENCE CHEEK: How long?

PRESIDENT SCHULMAN: Yes sir.

LAURENCE CHEEK: 50 some years or better.

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PRESIDENT SCHULMAN: Thank you. That's all we have to hear. That you very much. That you ma'am. I take it that's your wife?

LAURENCE CHEEK: That's my daughter.

PRESIDENT SCHULMAN: Daughter. I'm sorry. *(LAUGHTER)* You know this meeting was going really well until I said that. You look so young sir that's why I said that.

LAURENCE CHEEK: Oh boy.

PRESIDENT SCHULMAN: And you look even younger. Sometimes you ought to keep your mouth shut.

MEMBER SMITH: That's right.

PRESIDENT SCHULMAN: Now I'm in big trouble. That you Mr. Cheek very much. Our next speaker is Betty Bradley. Miss Bradley good evening. I hope you don't come up with anyone. *(LAUGHTER)* It's going to scare me. Don't bring the Pastor. That's going to make it even worse. Good evening ma'am. If you'll give us your name and your residential address please.

BETTY BRADLEY: My name is Betty Bradley. My address is 1438 9th Street NE. My age is 70 + 3 months. Now, the reason I'm telling you this is for one reason only. Well, I talked to Mr. West here about that traffic light at 9th and Mahoning. He assured me that, he re-assured me that they're taking a study. I want it there. I don't want it out. I've lived there for over 55 years. OK, the next thing is about changing, I'm in the 2nd Ward, about changing Gibbs to, to Reverend Henderson, putting Reverend Henderson's name. I think it's a wonderful idea. Not only do I think it's a wonderful idea, I think they should clean up that whole neighborhood. There was 2 killings there in the last 2 years. I'm quite sure you remember when that mail lady got killed then another girl got killed last year. Now if you change that name to Reverend Henderson, please promise me that you can clean it up and get them drug houses out. Now, if the city can give money to the Onesto Hotel, but we need it worse than Onesto in that area. Don't you think we do? We been down, I been in that area for over 55 years and I know when it was down there at 7th and Gibbs it was very nice, very nice neighborhood. There wasn't a whole lot of money but it was a very nice, nice people, good people lived there you know. So, next week I'll be talking about the traffic light so everybody can be prepared and ya'll know me so but that's what I'm asking for today. If you change it, clean up the neighborhood.

PRESIDENT SCHULMAN: We hear you.

BETTY BRADLEY: Thank you.

PRESIDENT SCHULMAN: Thank you very much ma'am. We appreciate it. *(APPLAUSE)* Our next speaker is Johnny Glenn. Mr. Glenn good evening. Welcome to Canton City Council. If you'll step forward sir and give us your name and your residential address please.

JOHNNY GLENN: Yes sir. My name is Johnny Glenn and I live at 615 Meadowridge Avenue NW.

PRESIDENT SCHULMAN: Good evening sir.

JOHNNY GLENN: I'm here on behalf of the street changing name from Gibbs Avenue to Reverend W. C.

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Henderson. I came to Canton back in '69, '68 and became aware of and met with Reverend Henderson through the church he was pastoring. For over 30 years except for the time I went to, was drafted to the service. I've known that man to be outstanding. A man of integrity. A man who was a stature in that community who would help bring people together, especially young people. I think it's admirable and would be a tremendous boost not just to the black community but to the city of Canton. This man have given his life to promote non-violence. The education of people and especially the helping of the young people and to give or to name a street after him would be an admirable thing. I think that you will do a great job of doing that to show that he did stand for something. You know, sometime you don't know what a person, how much they've done until after they've gone or they've passed away. This man had effected and impacted a lot of peoples lives, my life in particular and I would just encourage you as Council and ladies to adopt that and to change the name from Gibbs to Reverend W. C. Henderson. Thank you.

PRESIDENT SCHULMAN: Thank you sir very much. Appreciate it. (*APPLAUSE*) Our last speaker this evening is Henry Preston. Mr. Preston as always, welcome to Canton City Council. If you'll give us your name and your residential address please.

HENRY PRESTON: Good evening. My name is Henry Preston. I live at 326 31st Street NW, Canton. I'd like to commend all those Council Members who were part of the lively discussion last week about the condition of the streets in Canton during the last Council meeting. In my opinion, all Council Members need to be involved in the ongoing discussions about keeping Canton city in satisfactory condition, on the streets. I believe that there are several factors that have led to Canton's

UNKNOWN SPEAKER: We can't hear you.

PRESIDENT SCHULMAN: You're going to have to speak a little closer to the mic...there you go.

HENRY PRESTON: I believe there are several factors that have led to Canton's current and unsatisfactory maintenance of the roads. Yes, weather was one of the several factors contributing to Canton's unsatisfactory maintenance of the roads. I believe all of the time spent promoting and building bike paths was....

PRESIDENT SCHULMAN: Mr. Preston, I'm sorry could you, you're just not getting...the mic's not picking up your voice.

HENRY PRESTON: 1, 2, 3, 4. Is that better?

PRESIDENT SCHULMAN: A little louder.

HENRY PRESTON: 1, 2, 3, 4.

PRESIDENT SCHULMAN: That's great. That's great. I'll give you a little more time, promise. I'm sorry.

HENRY PRESTON: I believe all the time spent promoting and building bike paths was another major factor that took away the focus of maintaining the city streets in the past two years. In my opinion the quality of resurfacing and rebuilding the streets of Canton has been sub-par the past year. The resurfacing of 34th Street NW between Cleveland Avenue and Cromer Avenue did not even last 6 months before potholes appeared and that was before winter began. Within the first year, that section of 34th Street was full of cracks. Two

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Sundays ago I rode up and down Walnut Avenue between 5th and Tucarawas on my bike and observed that section of Walnut was also full of cracks. 34th Street located between Logan and Harvard Avenue is the only street that I have observed that has, that has been resurfaced over the past year now and still does not have any potholes or cracks. The city of Canton has major problems maintaining city streets. Don't believe it, just look around. I believe everyone on City Council has a responsibility to pay attention as to how the city goes about it's business of maintaining city streets. Last week Councilman Mariol told us about a trip he took to Chicago and what he learned about, why Chicago created nightlife in the city. I asked Councilman Mariol if he had ever attended an asphalt expo in any city and if not, why not. I asked any Member of Council if they have attended an asphalt expo on the city and if not, why not. In March of this year there was one in Columbus which included a trade show, an expo and educational sessions. Since it is evident that the City Engineering Department is not providing the needs and oversight to the satisfaction, to satisfactory maintain Canton city streets, I believe all Members of Council should be engaged in the self-education of the building, resurfacing and maintenance of Canton city streets. This way you will be empowered to ask the hard questions when you're asked to fund new projects. Also Council Members should be watching the work in progress in their Wards to ensure the timely and satisfactory completion of the projects. If you don't do it, who will. Thank you.

PRESIDENT SCHULMAN: Thank you very much sir. Appreciate it. (*APPLAUSE*) That concludes our Public Speaks. I want to thank all the speakers this evening for coming down and we've listened carefully to what you had to say and you know we'll take some action.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We're now under Informal Resolutions. Madame Clerk will you please read Informal Resolution 37.

#37. PERSONNEL COMMITTEE: APPT CHRISTY SHONK TO FAIR HOUSING COMM FR 10/1/14 - 9/30/19. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Informal Resolution #37.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Informal Resolution 37. Any remarks under this Informal Resolution? Hearing none, by voice vote all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #37 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries and Miss Shonk is appointed. Congratulations, I think you might still be here. Madame Clerk would you read 38 please.

#38. PERSONNEL & JUDICIARY COMMITTEES: CHANGE IN RESIDENCY REQUIREMENTS FOR TAX REVIEW BOARD (ROBERT FAY). - ADOPTED

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PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Informal Resolution #38.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Informal Resolution 38. Any remarks?

MEMBER MORRIS: Mr. President.

PRESIDENT SCHULMAN: Yes, Leader. It was brought to my attention by one of my constituents in the audience that Mr. Fay in fact moved out of the city limits of Canton and purchased his house in Hills and Dales on 5/3 of 2013. This kind of caught me off guard so I just, and I actually got the date from the Auditor's website. This kind of catches me off guard because we want to change the residency requirement for the Tax Review Board for this individual. Why did it take so long for us to find out that Mr. Fay actually doesn't live in the city of Canton any longer. That's a year and a half ago.

PRESIDENT SCHULMAN: Any body care to answer that from the administration. Deputy, Deputy Mayor.

DEPUTY MAYOR WILLIAMS: Mr. President, Leader Morris. This request came to us from the Auditor's office approximately July of this 2014 and so we're not aware that the, Mr. Fay moved in 2013.

PRESIDENT SCHULMAN: OK, thank you. Any other remarks?

MEMBER MORRIS: Mr. President.

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Can we have that on a voice vote please?

CLERK TIMBERLAKE: Do you mean a roll call?

PRESIDENT SCHULMAN: Roll call vote then. Sure. Any other remarks?

NO REMARKS

ROLL CALL 9 YEAS, 3 NAYS
(MEMBERS MORRIS, HAWK & MACK VOTED NAY)

CLERK TIMBERLAKE: 9 yeas, 3 nays, Mr. President.

PRESIDENT SCHULMAN: Motion carries and Informal Resolution 38 is adopted..

COMMUNICATIONS

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

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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 SEPTEMBER 22, 2014.

412. APPLICANT RICHARD CARPENTER: REQ AUTH FOR VACATION OF A PORTION OF 19TH ST SW, BEING WEST OF THE WEST RIGHT-OF-WAY LINE OF GARFIELD AVE SW TO THE EAST RIGHT-OF-WAY LINE OF DUEBER AVE SW, NORTH OF THE NORTH LINE OF OUT LOT 947 AND SOUTH OF THE SOUTH LINE OF OUT LOT 941. (ACCURATE TECHNOLOGIES). - PLANNING COMMISSION
413. APPLICANT RICHARD CARPENTER: REQ AUTH FOR VACATION OF A PORTION OF HAFFER COURT SW, BEING NORTH OF THE NORTH RIGHT-OF-WAY LINE OF 17TH ST SW, EAST OF THE EAST LINES OF PART OF LOTS 7474, 7473 AND OUT LOT 939, WEST OF THE WEST LOT LINE OF LOTS 7451 THROUGH 7443 AND SOUTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 7442. (ACCURATE TECHNOLOGIES). - PLANNING COMMISSION
414. COMM DEV DIR MILLER: REQ AMEND O#156/2014, TO ESTABLISH BUSINESS NAME CHANGE FROM JRC (FORMERLY JR COLEMAN) TO J.R. COLEMAN FAMILY SERVICES CORP FOR PURPOSE OF DISPOSITION OF SAID PROPERTY, PARCEL #02-21072. - JUDICIARY COMMITTEE
415. LIQUOR CONTROL DIVISION: REQ TRANS D5 D6 PERMIT FROM SPORTS PAGE GROUP LLC DBA JERZEES S SPORTS GRILLE & PATIO @ 2531 FULTON RD NW TO FULTON PUB GROUP INC DBA JERZEES SPORTS GRILLE @ 2531 FULTON RD NW. - RECEIVED & FILED
416. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER TO A PROFESSIONAL SERV CONTRACT WITH LEONARD INSURANCE SERVICES AGENCY IN AN AMT NOT TO EXCEED \$175,000.00 FOR 1 YR FIRE, VANDALISM AND MALICIOUS MISCHIEF (PROP) INS POLICY FOR CITY-OWNED BUILDINGS AND CONTENTS; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON REC OF VOUCHERS. - FINANCE COMMITTEE
417. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CHANGE ORDER 2 IN THE AMT OF \$5,319.01 WITH BLACK HORSE BRIDGE COMPANY FOR NAVARRE ROAD SANITARY SEWER AND BRIDGE PROJECT, GP 1159; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS (FUNDING APPROP BY WATER DEPT., SANITARY SEWER OPER FUND; AND CAPITAL IMPROVE). - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
418. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO CONTRACT FOR PURCH OF TWO (2) ASPHALT PATCHERS; ALTERNATIVELY AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT FOR PURCHASE OF ITEMS IN ACCORD WITH ORC SEC 125.04 OR ORC SEC 5513.01 (\$65,000.00 FROM UNAPPROP BAL OF 4502 MOTOR VEHICLE PURCHASE FUND TO 4502 202210 - STREET MAINTENANCE- OTHER); AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL

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IMPROVEMENT COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

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

- #1. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH BROWNFIELD RESTORATION GROUP IN AN AMOUNT NOT TO EXCEED \$200,000.00 FOR WORK TO BE PERFORMED AT THE FORMER OHIO CAST PRODUCTS, INC. UNDER THE CLEAN OHIO ASSISTANCE FUND; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$200,000.00 FROM UNAPPROP BAL 2814 CLEAN OHIO FUND TO 2814 506001 CLEAN OHIO - OTHER)
Referred to Finance Committee
- #2. (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 88/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (STARK STATE PARKING SPACES IN CORNERSTONE DECK)
Referred to Finance & Judiciary Committees
- #3. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE OR DIRECTOR OF PUBLIC SAFETY TO COMPLETE THE CONTRACTING PROCESS FOR THE AULTCARE CORPORATION AND UMR, INC. CONTRACTS PREVIOUSLY AUTHORIZED BUT NOT COMPLETED BY JANUARY 1, 2014; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #4. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR THE SALE OF THE LAND AND STRUCTURE AT 1840 MARKET AVENUE NORTH; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Captial Improvement Committee
- #5. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE STARK COUNTY BOARD OF COMMISSIONERS FOR THE WERNER CHURCH ROAD AND BRIDGE REALIGNMENT JOINT PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee
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- #6. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CHANGE ORDER 2 IN THE AMOUNT OF \$418,635.00 WITH ARCADIS US, INC. FOR THE 12TH ST. NW, BRIDGE REPLACEMENT AND STREETScape PROJECT, PID 90671, GP 1160; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO COOPERATIVE AGREEMENTS WITH OTHER PROJECT STAKEHOLDERS; AND DECLARING THE SAME TO BE AN EMERGENCY
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- Referred to Public Property Capital Improvement Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We turn now to Ordinances and Formal Resolutions for their Second Reading. Would you please begin Madame Clerk with Ordinance #7.

(NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #7 THROUGH #14, FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS; ORDINANCE #13 RETAINED IN COMMITTEE)

- #7. (2ND RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY AN AMOUNT NOT TO EXCEED \$147,618.55 TO BROWNFIELD RESTORATION GROUP (RTI); AND DECLARING THE SAME TO BE AN EMERGENCY
- #8. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO A CONTRACT FOR THE LEASE OF APPROXIMATELY 382 SQUARE FEET OF COMMERCIAL SPACE LOCATED AT 204 WALNUT AVENUE S.E. IN ORDER TO PROVIDE A SNACK BAR/CONCESSION STAND; AND DECLARING THE SAME TO BE AN EMERGENCY
- #9. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$25,000.00 FROM UNAPPROP BAL OF 2323 PREP GRANT TO 2323 PREP GRANT - OTHER)
- #10. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR THE PURCHASE OF TWO TANDEM VIBRATORY ROLLERS AND TWO TRAILERS FOR THE TRANSPORTATION OF SAID ROLLERS; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ALTERNATIVELY PURCHASE SAID EQUIPMENT PURSUANT TO STATE COOPERATIVE PURCHASING AGREEMENTS; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$44,000.00 FROM UNAPPROP BAL OF 4502 MOTOR VEHICLE PURCHASES FUND TO 4502 202210 STREET MAINTENANCE - OTHER)
- #11. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A

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CONSTRUCTION CONTRACT FOR THE ALLENFORD DR. WEST SIDE SANITARY SEWER REPAIR AND STREAM BANK STABILIZATION PROJECT, G.P. 1114 AND TO ENTER INTO COOPERATIVE AGREEMENTS WITH THE STARK COUNTY COMMISSIONERS AND NORTH CANTON; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$2,500,000.00 FROM UNAPPROP BAL 5410 SANITARY SEWER FUND TO 5410 206310 ALLENFORD DR SANITARY SEWER REPAIR, GP 1114 - OTHER)

- #12. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR THE PURCHASE OF AN ALL WHEEL DRIVE SUV OR TO ENTER INTO CONTRACT FOR THE PURCHASE OF SAID VEHICLE IF IT CAN BE PURCHASED FOR LESS THAN THE \$20,000.00 THRESHHOLD WHICH REQUIRES COMPETITIVE BIDDING; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ALTERNATIVELY PURCHASE SAID VEHICLE PURSUANT TO STATE COOPERATIVE PURCHASING AGREEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY (ENGINEERING DEPT)
- #13. (2ND RDG) *RETAINED IN COMMITTEE AN ORDINANCE AMENDING SECTION 181.08, DUTIES OF THE TREASURER AND INCOME TAX DIRECTOR AND SECTION 181.90, INVESTIGATIONS; INFORMATION CONFIDENTIAL; PENALTY FOR DIVULGENCE; RECORDS TO BE KEPT FOR FIVE YEARS OF THE CODIFIED ORDINANCES*
- #14. (2ND RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 184/2014** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO APPLY FOR, ENTER INTO AGREEMENT FOR AND ACCEPT THE 2014 RECYCLING MAKES SENSE GRANT FROM THE STARK-TUSCARAWAS-WAYNE JOINT SOLID WASTE MANAGEMENT DISTRICT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Mr. President, I move we suspend the Statutory Rule for Ordinance #14.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rule for Ordinance 14. Any remarks? Hearing none, again Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas Mr. President.

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

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

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 14. Any remarks? Leader.

MEMBER MORRIS: Mr. President I move we amend Ordinance 14 per a copy that all Council Members have in front of them.

MEMBER SMITH: Seconded.

AMENDMENT

Pursuant to Rule 36, I move to amend the caption and Section 1 of Agenda Item No. 14 by changing the year "2014" to "Fiscal Year 2015."

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance 14 by virtue of the copy before each Member of Council. Any remarks? Hearing none by voice vote, 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. Leader

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

MEMBER SMITH: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#14 ADOPTED AS AMENDED AS ORDINANCE NO. 184/2014

PRESIDENT SCHULMAN: Thank you Madame Clerk.. Ordinance 14 as amended is adopted.

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PRESIDENT SCHULMAN: We now turn to Ordinances and Formal Resolutions for Third, Final Reading and Vote. Member Morris do you have a reconsideration motion or is there a reconsideration motion?

CLERK TIMBERLAKE: Yes.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #15 THROUGH #31 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

(3RD RDG) **OVERRIDDEN AND REINSTATED AS ORDINANCE NO. 108/2014 AN ORDINANCE AMENDING SECTION 181.05, RETURN AND PAYMENT OF TAX; REFUND, AND SECTION 181.15, CREDIT FOR TAX PAID TO OTHER MUNICIPALITY AND JOINT ECONOMIC DEVELOPMENT DISTRICT, OF THE CODIFIED ORDINANCES**

MEMBER MORRIS: Yea, Mr. President I move we reconsider Ordinance 108/2014 voted on June 2, 2014.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to reconsider Ordinance #108/2014 which was vetoed on June 2, 2014. Are there any remarks? Is the proponent of this move Ordinance, it's off the agenda. Would the proponent like to make a statement.

MEMBER SMITH: Somebody need to read...

PRESIDENT SCHULMAN: Do all of you know what you're voting on?

MEMBER MORRIS: ...Yes Mr. President.

PRESIDENT SCHULMAN: I guess that's the key. I'd like to make sure all Members of Council understand what they're voting upon.

MEMBER MORRIS: OK, what we're voting on here this evening is, we're bringing back the tax credit OK, and due to the Revised Code this is the way we have to go about it. Now, Council voted in favor of repealing the tax credit. The vote was 7 to 5. OK, we're bringing this back one more time for another vote and that's basically what we're doing. The reconsideration is what you're voting on right now.

MAYOR HEALY: Mr. President.

PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: Point of order.

PRESIDENT SCHULMAN: Yes.

MAYOR HEALY: The Ordinance was to repeal the tax credit reduction or put the tax credit back up from 85%

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back up to 100%. Could the Law Director let us know when that will go into effect if approved tonight.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Thank you for the question Mr. Mayor. It does deserve some explanation. As pointed out in the motion, this involves an Ordinance that was passed on June 2nd this passed summer, June 2, 2014 on it's 3rd Reading by a majority of Council. The Mayor within the time allowed by him, exercised his right to veto and brought it down in a timely fashion with his written explanation. The Ordinance was meant to the credit back from 1.7% to 2% for people who live in the city and work elsewhere. A couple of years ago this Council had voted in a split vote to reduce that from 2 to 1.7. Split vote and tie broken in favor of reducing the credit to 1.7. So this happens in June. It's vetoed by the Mayor. What's in front of you tonight is that same Ordinance again and if it gets enough votes you'll have to vote on it and it will take 8 of you to override it. What, to answer the Mayor's question directly, what would happen is, it's reconsidering that very Ordinance and that very Ordinance essentially says, the credit will be restored back to 2% effective January 1st of 2015. That will not change the status quo. All the money that's being withheld now, being collected in those 3/10's of a percent for those folks that live in Canton and work elsewhere that will still be collected and paid. Effective January 1, 2015 the credit will cease. It will go back to 2%. Example, your neighbor lives in the city of Canton, works in Akron where they withhold 2 ½% so 2 ½% of their paycheck is kept by Akron for income tax purposes. We in the city of Canton for several years and years said we will give you credit for our 2% cause we only withhold at 2% so you'll get a credit for the 2. The last couple of years with the law being changed, that same person now would have to pay an extra .3% to the city of Canton. If this is reconsidered...if 8 of you vote to reverse the veto, you are bringing it back to 2% from 1.7 effective in January of 2015 so next year the money would cease to be withheld and collected. I'm sorry, I've misspoken. It will still be collected because it's being withheld and paid now and maybe the Assistant, Chief Deputy Treasurer can help me with this but the law, the Ordinance if it's reconsidered and 8 of you override the veto would cease legally requiring the reduction in January of 2015. It can go back to 2%. Am I accurate in that Chief Deputy?

PRESIDENT SCHULMAN: Chief Deputy.

CHIEF DEPUTY TREASURER MCENANEY: Mr. Chairman, Members of Council, you are. The credit would cease to be reduced as of 1/1/15. That is in tax year 2015. The revenue for 2014, for the most part, it's not being withheld at this point. The taxes are being withheld and paid to another city. When the returns are filed next year in 2015, it's at that point that the city will adjust the credit and say we're not giving you the credit for the 2%, it will only be for the 1.7 and we'll be assessing the additional .3% next year in 2015 for 2014 but for tax year 2015, that is beginning 1/1/2015, the credit will be restored to the full 2%.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Yes, Law Director.

LAW DIRECTOR MARTUCCIO: So again, Members of Council, there's a motion to reconsider in front of you. Now, the way this works and in fairness to everyone, there's a Revised Code Section in the State of Ohio and we have a Rule 43 that is exactly the same. The Revised Code Section is 731.27 and it essentially says that after the Mayor has vetoed a piece of legislation, Council has, Council may after 10 days reconsider it and if 2/3 of them essentially override it, then it goes into effect. In this case 2/3 of all the elected Members, which is 8, so if 8 Members of Council reconsider that it will be repassed again by you so to speak and the veto will be overwritten. Now, you may say is there no outside limit. It does say after 10 days, 10 being, 10 days being the

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minimum, there is no outside limit other than your term of Council. You are still in the same term of Council. There was a case a century ago which addressed this issue and that case said you don't necessarily have to address it in the same meeting or at the next meeting which is what usually happens in a reconsideration so, as long as the status quo hasn't changed and new rights haven't vested because this Ordinance is a future Ordinance, I think it can be reconsidered tonight and again, bottom line is if 8 of you choose to override the veto then the Ordinance will go into effect again on January 1, 2015.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Thank you Law Director.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West or Member Smuckler, I'm sorry.

MEMBER SMUCKLER: Two questions. First question, we're voting just to reconsider this? On the first vote and the second vote will be to override the Mayor's veto or is there just one vote.

CLERK TIMBERLAKE: Three.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Yes Law Director.

LAW DIRECTOR MARTUCCIO: Member Smuckler thank you for that question. I would recommend because this is a serious matter that we take all the steps we need. I would recommend the first motion be simply to reconsider and if that passes I would recommend the 2nd motion be to suspend Rule 41 which is your current vote to reconsider cause there's some confusion. That Rule is only designed for actions of Council. You're not acting on a Council matter right now, you're acting on a Mayoral veto. So that's the second motion. If that passes then you get to the meat of it and that's to vote yes or no on overriding the Mayor's veto. So that's the 2nd motion. If that passes then you get to the meat of it and that's to vote yes or no on overriding the Mayor's veto. If 8 of you on that motion, if 8 of you then vote to override the veto, legally you can do it. Thank you.

MEMBER WEST: Mr. Chairman.

PRESIDENT SCHULMAN: Thank you. Member West.

MEMBER WEST: Just real quick. When we voted for that, we had information that the city was in dire straits.

PRESIDENT SCHULMAN: May I ask you respectfully to hold that because we're just on a motion to reconsider at this point. The next step is to suspend Rule 41 of our local Council Rules, then it's to override the veto and reinstate the Ordinance and that's when we'll have discussion on the Ordinance itself. Is that alright?

MEMBER WEST: Yea.

PRESIDENT SCHULMAN: OK, pardon. (*Inaudible comment*) Alright, so there is a motion and a 2nd to reconsider Ordinance #108/2014. Any other remarks on the motion to reconsider? Hearing none, Madame Clerk, roll call vote please.

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NO REMARKS

ROLL CALL 11 YEAS, 1 NAYS
(MEMBER WEST VOTED NAY)

CLERK TIMBERLAKE: Ten yeas, excuse me. Eleven yeas, one nay Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion to reconsider carries. Member Morris, Leader Morris.

MEMBER MORRIS: Mr. President, I move we suspend Rule 41 for Ordinance 108/2014.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend Rule 41 for Ordinance 108/2014. Are there any remarks? Now this is under your local Council Rules of Procedure which allows for reconsideration as the Law Director just said. So any remarks on this motion? Hearing none....

MAYOR HEALY: Mr. President.

PRESIDENT SCHULMAN: Yes, Mayor.

MAYOR HEALY: That last vote was reconsideration.

PRESIDENT SCHULMAN: Law Director, you want to explain the reason why we are doing this twice?

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Mr. Mayor, the first motion was to get a motion to reconsider on the floor. This motion is to suspend our local Rule called Reconsideration because it's not the same as the word reconsideration that's in the State Code.

MAYOR HEALY: So this was statutory and then local.

LAW DIRECTOR MARTUCCIO: Yes sir.

PRESIDENT SCHULMAN: Thank you Mayor. Thank you Law Director. Any other remarks? Hearing none Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 1 NAYS
(MEMBER WEST VOTED NAY)

CLERK TIMBERLAKE: Eleven yeas, one nay Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Rule 41 is suspended. Leader Morris.

MEMBER MORRIS: Mr. President, I move we override the veto and reinstate Ordinance 180/2014.

MEMBER SMITH: Seconded.

MEMBER MORRIS: Excuse me, that is 108/2014. That's a typo on my sheet. I'm sorry.

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PRESIDENT SCHULMAN: It's alright. It's been moved and seconded to override the veto and reinstate Ordinance 108/2014. Now, are there any remarks? Member West.

MEMBER WEST: As I was saying, last time when we brought this forward we had information in hand about our finances and we implemented this measure to bring in more dollars to be able to meet the consumers, or our communities needs and from what I remember, and maybe I'm wrong but, I don't think so. The person that works outside of the city, they are receiving services from that city and they're paying tax in that city. When they come home, they're not paying for police, fire, street, nothing here. So we said instead of charging them 2%, we're just going to charge them .3%, right? 0.3, so now they have skin in the game. And what we're saying today is that we're going to take that away, give them the full tax credit and not allow them to pay into services here but get services here and get services in another city. Have our finances improved to where we don't need this extra income.

PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: Yes, I might be able to answer that. From the Treasurer's office, Deputy Treasurer, do you have the amount or an estimated amount that this will impact our cash flow.

PRESIDENT SCHULMAN: Deputy Director.

CHIEF DEPUTY TREASURER MCENANEY: Mr. President, Members of Council, Mr. Mayor, no the Treasurer's office has not put forward any figure of what there may, what the value of this credit reduction may have been either prior to now or after this Ordinance was introduced. I can say that as of August 31, 2014, our personal revenues which is where this credit adjustment would have shown up, has increased by \$200, roughly \$240,000.00. Now this increase, part of it may be attributable to the credit adjustment. Part of it may be attributable to a number of other variables that the Treasurer's office up to this point has not been able to track and do not track so no, the Treasurer's office hasn't offered a projection.

MAYOR HEALY: Thank you and not too long ago, we just passed an Ordinance that allowed you to acquire some new technology, computer equipment that will allow you to track that in the future. Is that correct?

PRESIDENT SCHULMAN: Deputy Director.

CHIEF DEPUTY TREASURER MCENANEY: Mr. President, Mayor Healy. Yes that is true.

MAYOR HEALY: OK, thank you.

MEMBER WEST: Wait a minute.

MAYOR HEALY: I do have a few other questions before I answer yours. To the City Auditor, one of the things that we need for the 2015 budgeting process is to have a certified numbers from the Auditor's office. Do we have certified numbers that will let us know what our budget's going to be for, Operating Budget for 2015.

PRESIDENT SCHULMAN: Auditor Mallonn.

AUDITOR MALLONN: Will you have them sir?

MAYOR HEALY: Do we have them now?

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AUDITOR MALLONN: No.

MAYOR HEALY: When will we have those numbers?

AUDITOR MALLONN: I would say probably by the end of October or November.

MAYOR HEALY: OK, thank you. And to the Finance Director, Budget Director. Do we have our budget for 2015 ready to go yet?

PRESIDENT SCHULMAN: Director.

FINANCE DIRECTOR DIRUZZA: No we do not.

MAYOR HEALY: When do you think we'll have that ready?

FINANCE DIRECTOR DIRUZZA: When I get the certification we will go through all the budgets that are turned in and come up with a number based on the preliminary certification and what we feel is a, you know, what's the word that I'm looking for...a carry forward that's, you know we have to be very...

MAYOR HEALY: When do you think you'll have those to Council? The budget for 2015.

FINANCE DIRECTOR DIRUZZA: The number, after I get the certification, we'll have the budget done hopefully by the beginning of December.

MAYOR HEALY: OK. The reason that I asked that Mr. West, to answer your question about the numbers, we don't know what the tax credit reduction value is going to be at this point in time or the change in this Ordinance will impact us. We do not know what our certification's going to be in 2015. We do not know what our budget's going to be in 2015 until probably early December. We'll have all that information or most of that information available when presented to Council. With this Ordinance or this Ordinance that you're considering to go into effect for January of 2015, this body can take action in December and still have the exact same impact if they feel it's the right time to stop the tax credit reduction. We all understand when we did that because of our financial conditions, we hoped it would be temporary. It's been for two years now. I'm not sure that this is the right time to do it. In December we may show that it is time, that we can make the budget without these dollars. We may also show that the numbers are still tight and we may need to ask Council to not do it for another year or so until we have the financial numbers in front of us. Anything between now and then is speculative and quite frankly to make a financial decision on something that's going to impact our 2015 budget without any knowledge of the certification, the budget or the impact this is going to have, I believe is premature and I'd ask this Council to not take action on this vote right now and delay it until December and if we feel it's the right time, you know, I'll stand with Council to end this program but, I think it's premature at this time and I'd ask Council to take that into consideration. Your making a vote tonight that's going to impact our finances when we have no information in reference to what the outcomes going to be.

PRESIDENT SCHULMAN: Thank you Mr. Mayor.

MEMBER WEST: Mr. Chairman.

PRESIDENT SCHULMAN: Member West.

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MEMBER WEST: You know, I voted no because I, I was blindsighted by this. Basically I don't have no information to make an informed decision outside of what I had in the past and if somebody can tell me something different, please do today. I'd appreciate that.

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

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Member Dougherty.

MEMBER DOUGHERTY: Yes. When I was the Majority Leader a few years back, we did, put a lot of different things into place to try to get us financially sound. This is, this was a temporary measure. I only voted for it because I asked that it be temporary as Majority Leader and that's what I brought to my Members. Temporary, so who decides temporary. I guess we're not allowed to do that apparently. So, my point is, temporary is up for me. We are going to get the money in 2015 for 2014 so let's remember that. So, it won't effect it. It will be the same. It will only effect after that. That's the first point. The second point is, I voted the other way and I'm changing my vote tonight. I voted the other way OK, and got to thinking about it because it was supposed to be temporary but the biggest thing, reason I'm doing this is that the majority of Council voted for this. OK, so I'm supporting the majority of Council on this. I'm support my peers. You voted as the majority to do this and we're supposed to be a strong Council, weak Mayor and we don't ever do that. So, I'm not trying to make a big deal. I just think this is the right thing to do right now. Thank you.

PRESIDENT SCHULMAN: Thank you Member Dougherty. Any other remarks? Hearing none by voice vote, all those, no roll call vote would be a good idea. By roll call vote, Madame Clerk.

NO REMARKS

ROLL CALL 10 YEAS, 2 NAYS
(MEMBERS SMITH AND WEST VOTED NAY)

CLERK TIMBERLAKE: Ten yeas, two nays Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The Ordinance, 108/2014 has been overridden and reinstated. Turning now to Ordinance #15 on the Agenda.

#15. (3RD RDG) **ADOPTED AS ORDINANCE NO. 185/2014** AN ORDINANCE REPEALING SECTION 133.051; CHARGE FOR PUBLIC SAFETY SERVICES AT SCENES OF MOTOR VEHICLE ACCIDENTS; APPEAL, OF THE CODIFIED ORDINANCES

PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#15 ADOPTED AS ORDINANCE NO. 185/2014

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 15 is adopted. Ordinance 16 please. That's been postponed correct?

CLERK TIMBERLAKE: But we still need a vote.

#16. (3RD RDG) **POSTPONED UNTIL 9/29/14 AN ORDINANCE AMENDING PART ELEVEN, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON (CITY-WIDE ZONING)**

PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 16. Any remarks? Leader.

MEMBER MORRIS: Mr. President, I move we postpone Ordinance 16 til 9/29 of 2014.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that Ordinance 16 be postponed until September 29, 2014. Any remarks? Hearing none, by voice vote all those in favor signify by saying aye. Those opposed no.

NO REMARKS

POSTPONEMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The motion carries. Ordinance 16 is postponed. Ordinance 17 please.

#17. (3RD RDG) **ADOPTED AS ORDINANCE NO. 186/2014 AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF FOUR PARCELS OF CITY OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCELS #225695; #228723; #202030, AND #233228)**

PRESIDENT SCHULMAN: Leader Morris.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#17 ADOPTED AS ORDINANCE NO. 186/2014

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 17 is adopted. Ordinance 18 please.

#18. (3RD RDG) **ADOPTED AS ORDINANCE NO. 187/2014** AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (DEPT 50CD DIV OF COMMUNITY & ECONOMIC DEVELOPMENT & PLANNING MANAGEMENT)

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #18.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 18. Any remarks under this Ordinance? Hearing none again, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#18 ADOPTED AS ORDINANCE NO. 187/2014

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

#19. (3RD RDG) **ADOPTED AS ORDINANCE NO. 188/2014** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$7,035.00 FR 2423 701001 COURT CAPITAL/SPECIAL PROJECTS - OTHER TO 2423 701001 COURT CAPITAL/SPECIAL PROJECTS - PERSONNEL - \$5,950.00; TO 2423 701001 COURT CAPITAL/SPECIAL PROJECTS - \$832.00; TO 2423 701001 COURT CAPITAL/SPECIAL - PERSONNEL - \$165.00; TO 2423 701001 COURT CAPITAL/SPECIAL - PERSONNEL - \$88.00); (\$8,275.00 FR 2766 701001 MUNICIPAL PROBATION SERVICE - OTHER TO 2766 701001 MUNICIPAL PROBATION SERVICE - PERSONNEL - \$7,000.00; TO 2766 701001 MUNICIPAL PROBATION - PERSONNEL - \$980.00; TO 2766 701001 MUNICIPAL PROBATION - PERSONNEL - \$193.00; TO 2766 701001 MUNICIPAL PROBATION - PERSONNEL - \$102.00).

PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Seconded.

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

#19 ADOPTED AS ORDINANCE NO. 188/2014

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

#20. (3RD RDG) **ADOPTED AS ORDINANCE NO. 189/2014** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$250,000.00 FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 852002 TREAS. GROWTH INIT. SETTLEMENT - OTHER)

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #20.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 20. 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.

#20 ADOPTED AS ORDINANCE NO. 189/2014

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 20 is adopted. Ordinance 21 please.

#21. (3RD RDG) **ADOPTED AS ORDINANCE NO. 190/2014** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH AMBAFLEX MANUFACTURING, INC. TO PROVIDE AN ECONOMIC DEVELOPMENT GRANT BASED ON JOB CREATION IN AN AMOUNT NOT TO EXCEED \$125,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #21.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 21. Any remarks under this Ordinance? Again 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.

#21 ADOPTED AS ORDINANCE NO. 190/2014

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

#22. (3RD RDG) **ADOPTED AS ORDINANCE NO. 191/2014** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH I²R POWER COMPANY TO PROVIDE AN ECONOMIC DEVELOPMENT GRANT BASED ON JOB CREATION IN AN AMOUNT NOT TO EXCEED \$125,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #22.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 22. 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.

#22 ADOPTED AS ORDINANCE NO. 191/2014

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

#23. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 192/2014** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013, AS AMENDED, BY MAKING SUPPLEMENTAL APPROPRIATIONS, APPROPRIATION TRANSFER AND INTRAFUND TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (\$2,000.00 FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 201015 ANNEXATION; \$25,000.00 FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 852001 TREASURER - ADMIN; \$40,000.00 FR UNAPPROP BAL OF 6041 DMV FUND TO 6041 103001 FIRE-ADMINISTRATION; \$23,000.00 FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 753001 LAW-ADMINISTRATION; INTRAFUND TRANS OF \$40,000.00 FR 1001 GENERAL FUND TO 1105 POLICE SETTLEMENT FUND; APPROP TRANS OF \$17,000.00 FR 1001 801010 AUDITOR - LEGALLY BINDING EXP TO 1001 753001 LAW-ADMINISTRATION)

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #23.

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MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 23. Any remarks? Leader.

MEMBER MORRIS: Mr. President I move we amend Ordinance #23 per the copy that all Council Members have in front of them.

MEMBER SMITH: Seconded.

AMENDMENT

Pursuant to Rule 36, I move to amend Agenda Item No. 23 by the substitution of the attached revised exhibit for the originally proposed exhibit.

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance 23 by virtue of the copy before each Member of Council. Any remarks on the Amendment? Hearing none, by voice vote, 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 #23 as amended.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #23 as amended. Any remarks under Ordinance as amended? Hearing none, Madame Clerk again, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#23 ADOPTED AS AMENDED AS ORDINANCE NO. 192/2014

PRESIDENT SCHULMAN: Thank you Madame Clerk.. Ordinance 23 as amended has been adopted. Ordinance 24 please.

#24. (3RD RDG) **ADOPTED AS ORDINANCE NO. 193/2014** AN ORDINANCE AUTHORIZING THE CANTON CITY BOARD OF HEALTH AND/OR THE HEALTH COMMISSIONER TO ENTER INTO PROFESSIONAL SERVICE CONTRACT IN AN AMOUNT NOT TO EXCEED \$40,000.00 WITH THE NATIONAL ORGANIZATION OF URBAN MATERNAL AND CHILD HEALTH LEADERS (CITYMATCH), OF THE UNIVERSITY OF NEBRASKA MEDICAL CENTER, FOR PURPOSES OF PROVIDING TRAINING, FACILITATION AND TECHNICAL ASSISTANCE FOR THE STARK COUNTY EQUITY INSTITUTE FOR INFANT MORTALITY; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 24. 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.

#24 ADOPTED AS ORDINANCE NO. 193/2014

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 24 is adopted. Ordinance 25 please.

#25. (3RD RDG) **ADOPTED AS ORDINANCE NO. 194/2014** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$9,000.00 FR UNAPPROP BAL OF 2323 PREP GRANT FUND TO 2323 PREP GRANT - OTHER; \$16,000.00 FR UNAPPROP BAL OF 2313 PREVENTATIVE HEALTH FUND TO 2313 PREVENTATIVE HEALTH - PERSONNEL; \$70,000.00 FR UNAPPROP BAL OF 2314 CHILD & FAMILY HEALTH FUND TO 2314 CHILD & FAMILY HEALTH - OTHER (\$50,000.00); - PERSONNEL (\$20,000.00)

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 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.

#25 ADOPTED AS ORDINANCE NO. 194/2014

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 25 is adopted. Ordinance 26 please.

#26. (3RD RDG) **POSTPONED UNTIL 10/6/14** AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY. (1501 HENRY AVENUE SW., CANTON, OHIO FROM B-2 (NEIGHBORHOOD BUSINESS) TO PB-4 (PLANNED SPECIAL BUSINESS) **PUB HRG 10/6/14 @ 7:30 PM**

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PRESIDENT SCHULMAN: Leader Morris.

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? Leader.

MEMBER MORRIS: Mr. President I move we postpone Ordinance #26 til 10/6 of 2014.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to postpone Ordinance 26 until October 6, 2014. Are there any remarks? Hearing none, by voice vote all those in favor signify by saying aye. Those opposed no.

NO REMARKS

POSTPONEMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries and Ordinance 26 is postponed to that date. Ordinance 27 please.

#27. (3RD RDG) **ADOPTED AS ORDINANCE NO. 195/2014** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$13.92 FR UNAPPROP BAL OF 2769 BYRNE GRANT FUND TO 2769 102001 POLICE ADMIN - OTHER; \$20.39 FR UNAPPROP BAL OF 2771 BYRNE GRANT FUND TO 2771 102001 POLICE ADMIN - OTHER)

PRESIDENT SCHULMAN: Leader Morris.

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? Again hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#27 ADOPTED AS ORDINANCE NO. 195/2014

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

#28. (3RD RDG) **ADOPTED AS ORDINANCE NO. 196/2014** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A THREE YEAR AGREEMENT WITH THE GREENTOWN VOLUNTEER FIRE DEPARTMENT TO LEASE AVAILABLE SPACE ON THE CITY'S COMMUNICATION SYSTEM; AND

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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 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.

#28 ADOPTED AS ORDINANCE NO. 196/2014

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

#29. (3RD RDG) **ADOPTED AS ORDINANCE NO. 197/2014** AN ORDINANCE AMENDING SECTION 1(K) OF ORDINANCE NO. 177/2006; AND DECLARING THE SAME TO BE AN EMERGENCY (PETTY CASH - \$50.00; CHANGE DRAWER - \$3,000.00 - TREASURER'S OFFICE)

PRESIDENT SCHULMAN: Leader.

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 under this Ordinance?

MEMBER MORRIS: Mr. President.

PRESIDENT SCHULMAN: Yes, Leader.

MEMBER MORRIS: I kinda have a problem with one phrase in this Ordinance. The word "petty cash". Now it was my understanding that this money was to be used to buy back checks but anybody with a little bit of knowledge of business and knowing what their cash drawer is, petty cash is basically a slush fund that can be used for just about anything you want. How do we replenish this petty cash?

PRESIDENT SCHULMAN: Deputy Director.

CHIEF DEPUTY TREASURER MCENANEY: Mr. Chairman, Majority Leader Morris. Ordinance #177/2006 provides for a cash drawer in the Income Tax Department of \$200.00 and a Petty Cash Fund of \$50.00. This amendment, this Ordinance provides for a cash drawer of \$3,000.00 rather than \$200.00 and a Petty Cash Fund of \$50.00.

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PRESIDENT SCHULMAN: Any other questions? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#29 ADOPTED AS ORDINANCE NO. 197/2014

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 29 is adopted. Ordinance 30 please.

#30. (3RD RDG) **ADOPTED AS ORDINANCE NO. 198/2014** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE EMERGENCY (\$125,000.00 FR UNAPPROP BAL OF 4501 CAPITAL IMPROVEMENT FUND TO 4501 85-21-01 TREAS - INCOME TAX - OTHER)

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #30.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 30. 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.

#30 ADOPTED AS ORDINANCE NO. 198/2014

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 30 is adopted. Ordinance 31 please.

#31. (3RD RDG) **ADOPTED AS ORDINANCE NO. 199/2014** AN ORDINANCE RENAMING A PORTION OF GIBBS AVENUE N.E. IN THE CITY OF CANTON, W.C. HENDERSON AVENUE N.E. (FROM HIGHLAND AVENUE N.E. TO TUSCARAWAS STREET)

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #31.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 31. Any remarks? Member West.

MEMBER WEST: Mr. President I first want to thank Pastor Kirby Freeman who's not here today. He's in a

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nursing home, who knocked at my door, called me many times to try to get this street renamed after W. C. Henderson. I had the honor and the privilege to meet W. C. Henderson. Awesome guy but I didn't really get to know him until afterwards through my Pastor, Warren P. Chavers who's in the audience today. Through Kirby Freeman, through Miss Carrie, Pastor Carrie Brown and a number of people through the community. Even when I walk into these doors today, Miss Bradley was telling me how she, how he helped get all her jobs, get all the minorities their jobs back in the day when they were facing a recession. We didn't, I didn't know Martin Luther King but I admired him greatly but we had a Martin Luther King here through W. C. Henderson (*APPLAUSE*) and he has done some wonderful things in this community, in this neighborhood. He built his church on the southern part of Gibbs and not only did he build his church, but he built this community through a lot of leaders. Many of your pastors in all the minority churches in this community, W. C. Henderson played a big role in training them up and the way they should go so, and they have not departed. And I must say that when taking on this task, I gave the community the task to do the homework. Pastor Carrie Brown and a number of people went out and knocked on doors and on the Gibbs Street first and then they went on and asked people in the community about this project and they got the vote, they got the signatures and they did their homework. And not only did they do that, I also had received after the fact, I'd received a message from the Gibbs family, from Judy Gibbs and Fred Gibbs through Council Member Mariol. And you know, I gotta tell you, after speaking with the Gibbs family, I have never met anybody that is so selfless, you know, as them. They were just so awesome. I mean for someone to step up and say, "you know what, if this is going to change a neighborhood, then we will not stand in your way." I also received an email back from Judy Gibbs and said, you know she, and I'm gonna read it if you will....Thank you so much for clarifying your response Councilman. Neighborhoods are so important to the city. We want to see good things happen to build the cohesiveness in every neighborhood. It sounds like this may be a good step in the right direction. And you know, when I heard that you know, I was like, this is, this is the right thing to do. Many of you guys don't know, when you hear Gibbs, most of you think of Gibbs School and that area. That's not the area that will be affected. Matter of fact, what we are doing, we're going to be closing off Gibbs hill eventually. This is the hill where a number of our kids died by bicycle accidents so, the goal is to eliminate that hill. Now I will have a division in Gibbs southern part and northern part. The southern part of Gibbs now will finally have it's own identity where before they didn't. Everybody thought of Gibbs, they thought around Gibbs School. Now, they will think of this as W. C. Henderson and it is a step in the right direction. Miss Bradley asked that if you do this, let's clean it up. Over the last, I'd say 3 or 4 years, we've dumped, this Council has dumped 100's of 1,000's of dollars into that area. We cleaned up Sandal. We put new sidewalks in. Community Development has had a focus in that area and trust me and believe that we are on our way to cleaning that up and this is a part of it so I ask my Council Members to support this endeavor and I thank you all for your time.

PRESIDENT SCHULMAN: Thank you Member West. Any other remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President. (*APPLAUSE*)

#31 ADOPTED AS ORDINANCE NO. 199/2014

PRESIDENT SCHULMAN: Motion 30 is adopted. Ordinance 30....

MEMBER WEST: Mr. President.

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PRESIDENT SCHULMAN: Yes, Member West.

MEMBER WEST: Just one more statement if you will. Could we have a copy of that passed on to the son of W. C. Henderson, Al. Al could you please stand up. (*APPLAUSE*)

PRESIDENT SCHULMAN: Thank you Member West and that concludes our Ordinances. Thank you folks for coming down.

ANNOUNCEMENT OF COMMITTEE MEETINGS

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

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Mr. Chairman Hawk.

MEMBER HAWK: Thank you good sir. The Finance Committee will meet Monday, September 29th at 6:30 p.m.

PRESIDENT SCHULMAN: Thank you.

MEMBER MARIOL: Mr. President.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Chairman Mariol.

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

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Chairman West.

MEMBER WEST: Public Safety & Thoroughfares will meet same time, same place. Thank you.

PRESIDENT SCHULMAN: Any other announcements?

MEMBER MORRIS: Mr. President.

PRESIDENT SCHULMAN: Leader Morris:

MEMBER MORRIS: A question real quick to Chairman Hawk. Did you allow for Tyler Converse to come in and speak to us.

MEMBER HAWK: I was not aware of it but I'm looking at the agenda to see, it should be pretty short, should be pretty short and sweet and to the point so how much time does Mr. Converse need.

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MEMBER MORRIS: 30 minutes.

MEMBER HAWK: Well then we can move it to, just back it up to 6:15, I think, if we gave him 30 we'll still be able to get through stuff if he only takes 30.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes, Member West.

MEMBER WEST: And just to mention, Tyler is coming down to address the issues of why they're not putting in water lines on 12th Street.

PRESIDENT SCHULMAN: Thank you Member West.

MEMBER HAWK: Hold on, hold on. Excuse me Mr. President.

PRESIDENT SCHULMAN: That's alright Chairman.

MEMBER HAWK: Thank you. We will then hold Finance Committee meetings at 6:30 with the special meeting of Tyler Converse beginning at 6:00. Is that correct? Thank you.

PRESIDENT SCHULMAN: OK.

MEMBER MACK: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Mack. Birthday boy.

MEMBER MACK: Judiciary is going to meet at 6:30 next Monday.

PRESIDENT SCHULMAN: Thank you Chairman Mack. Any other announcements?

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: Turning to Miscellaneous Business. Do we have any?

MEMBER MARIOL: Mr. President.

PRESIDENT SCHULMAN: Member Mariol.

MEMBER MARIOL: Yea, I just wanted to address Mr. Preston. Last week I might have spoke incorrectly. I was not on city business, I was actually on my honeymoon that's why I was in Chicago. Now, I enjoy roads and would love an asphalt convention, the problem would be my wife would not be too crazy about going to that. But to put your mind at rest, I called our Street Superintendent two times much to my wife's dislike. So, while I was gone in Chicago, I was still thinking about the roads. Thank you.

PRESIDENT SCHULMAN: Thank you Member Mariol. *(LAUGHTER)*

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MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Member Dougherty.

MEMBER DOUGHERTY: Yea I just wanted to give a shout out to everybody that helped out Saturday. It was a huge success. Close to 400 people, I would imagine and that's just kind of a count. It's unfortunately growing every year and just a few thank you and know that if I missed somebody I apologize but a couple people here in the room gave more than their fair share monetarily. Frank Morris. Thank you Leader Morris. President Schulman and the Mayor. Thank you. Mayor brought his family and volunteered so that was really nice. Babby thanks for taking care of, the biggest thing there used to be the hamburgs, now it's that potato salad. So, we need more of it next year so, however you fanaggled that, out of your own pocket or got them to donate it. Thank you cause that was really huge. But, the, Giant Eagle is huge and they want to keep working...we had 3 managers from 3 stores here and they had their volunteers here and that was great. They're real big into this and really like it. But, cooks, Deputy Mayor Fonda Williams gave up golf that day.

CLERK TIMBERLAKE: Thank you Fonda.

MEMBER DOUGHERTY: And R. A. Mallonn. He's always there, you can always count on him. Sam Sliman showed up. I don't know that he ever will again but he didn't know what hit him when he got brought some hamburgs and had to help cook. So, he was mad he didn't get an apron and all that stuff. And then Squeak McGill, Squeaky always comes and helps us out. That's one of Cindy's friends. Gary and John from R. A. Mallonn's office always there ready to pitch in. It's really great. And we had face painting. Northeast Ohio All State Cheerleading squad came and they were doing cheers and everything and just running around. Anything that we needed them to do. It was really, really great. SWAT team was there with their vehicles. Fire Department was there, Bookmobile, and so it was really a nice day. Frank not only paid for most of the bread, but he went and picked it up and brought it to us so that was really great. Fisher Foods is always huge and wants to help us out with this. Thank you to the office staff and especially Jill Wood who called all her friends and they cooked or bought over 700 cookies to give out that day. So, John Mariol sent his mother so, I mean we'll do whatever we got to get volunteers there, OK. I said where's John. He's coming, he's coming and he did. He had to work so he sent his mom so it was good. Canton Charge gave us shirts, coupons. The Judges, they're even doing something different this year. Part of the community service, they had to bring in canned goods and stuff for the function so that was great. Cindy's friends always there, ready to help out. We appreciate it. Tell them all I said thanks and I know I might have forgot somebody but it gets bigger every year so that's the great thing. And we were always allowed to use President Schulman's parking lot if we need it. Appreciate that. Thank you. And got, who am I forgetting here.

CLERK TIMBERLAKE: Kevin Fisher.

MEMBER SMITH: Yes, Kevin.

MEMBER DOUGHERTY: Kevin Fisher came with his family. Even his mother-in-law came. We got these Mother's all the sudden coming so that's a great thing. Appreciate that. I really appreciate everybody's help. The people love it and it's good for the community. It's unfortunate we got to try to do these things but it's important. Making a picnic atmosphere is our goal and thanks to April and Brian who did our DJing. She works at the hospital with me so, appreciate it. So thank you very much.

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MEMBER MORRIS: Mr. President.

MEMBER SMITH: Mr. President. He forgot Chris. I was there helping.

CLERK TIMBERLAKE: Jim Griffin was there too.

MEMBER DOUGHERTY: I said thank you to everybody.

MEMBER SMITH: *(Inaudible)*

PRESIDENT SCHULMAN: And I think....

MEMBER DOUGHERTY: Chris Smith, Chris Smith, Ward 4

CLERK TIMBERLAKE: Jim Griffin.

PRESIDENT SCHULMAN: I think Member Dougherty may be a little modest too. I think he forgot the most important person is Member Dougherty. Thank you. *(APPLAUSE)* Leader.

MEMBER MORRIS: That's what, where I was going to go. I think you know, a great round of applause but Dave, it's hats off to you. You go above and beyond. You have to put up with Cindy from 8:00 in the morning til the evening. She's throwing stuff at your feet....

CLERK TIMBERLAKE: Get my whip out.

MEMBER MORRIS: ...you're out hustling all these corporate sponsors. You're motivating people. Everybody's feeding off your positive energy. God Bless you for doing something that spectacular and pulling it off. You're an amazing man. *(APPLAUSE)*

PRESIDENT SCHULMAN: Any other Miscellaneous Business?

MEMBER FISHER: I just wanted, I wanted to echo Leader Morris. Member Dougherty I think you've done that now for 23 years. I've been unfortunate enough to be down there for the last three. Also in addition to Member Griffin being down there, we had a couple former Members. Member Horner was down there but, as much as this guy deserves all the credit in the world, Cindy's just unstoppable down there and in fact my son came down, we tired to get there to help set up. Got there a little on the late side cause most of the set up was done and I told him, he goes what should I do? I said one rule at this thing, you do whatever Cindy tells you to do. And then so for the rest of the day every time someone would show up and go what do I do, my son would turn to them and say go find Cindy, she'll tell you what to do. I'm like man, this guy learns quick. So, but, you guys really do an awesome job every year and it's, it's a pleasure to be a part of it.

CLERK TIMBERLAKE: Thank you.

MEMBER DOUGHERTY: Thank you.

PRESIDENT SCHULMAN: Thank you Member Fisher.

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MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: This week in the newspaper....

PRESIDENT SCHULMAN: And this is changing subject by the way.

MEMBER SMUCKLER: ...this is changing the subject. This week in the newspaper, North Canton was listed at a \$4.19 MCF for gas this coming winter. Those of us that received our MCF for the city of Canton was at \$4.59 this coming winter. I received two calls, one of them was a very angry call by a former Councilwoman.

PRESIDENT SCHULMAN: Does anybody want to guess who that might be?

MEMBER SMUCKLER: And Mr. Law Director, I called right away and I said, why is there such a difference between North Canton's rate and Canton's rate. And I gave him sufficient time to prepare for this evening. If you could explain to us why we're paying so much more than North Canton is.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Thank you for the question Mr. Smuckler. I would love to give you the one word answer, timing, timing, but I can't leave it at that. This is too important of a subject. Your constituents will no doubt be cornering you. One of my neighbors cornered me outside the other day and she was not very happy either so let me explain what I mean by timing. It's ironic that Member Smuckler's asking me this question tonight because about a dozen years ago the State of Ohio deregulated the cost of utilities, electricity and natural gas and people came to City Council literally crying in Public Speaks saying they couldn't afford to heat their homes and they had to choose between food and gas and prescriptions and Bill looked at me, Member Smuckler looked at me and said, we got to do something about this. So we did. We were one of the first cities if not the first city in Stark County to participate in gas aggregation. What that meant was, we went out and invetted a number of brokers, people who would broker, help us understand how you buy natural gas and then pick one. In the first year we did it as an opt in. People who wanted to come in under our umbrella and get cheaper natural gas to heat their homes did so voluntarily. They opted in. The following year we went to the ballot and we asked the voters of Canton, do you want the city of Canton to hire a broker and be your aggregator to get your natural gas and 70% of the people, Council said let's put it on the ballot, 70% of the people that year said, yes, be our aggregaters. Get a broker and get us some good prices and they have. If fact last year, while North Canton was paying \$4.89 we were paying \$4.58 so they were over .30 higher. And it seesaws. And to get real specific, yes. You will all be getting letters if you haven't already saying that from this coming November's billing cycle through April of '16 OK, two winters, the winter of '15 and the winter of '16, we are locked in at \$4.55 per 1,000 cubic feet of gas. They call it MCF. Locked in through two winters. What happened was, a few later as Member Smuckler points out, the newspaper reports that North Canton, our neighbor, got \$4.19 per MCF and I say hooray for them cause you all have relatives and friends that live in North Canton and that's good for them. Their's was different though. These are sort of different targets. In fact, their's may be the lowest in the state of Ohio, maybe in the country so it's a good goal standard. But, here's what was different. We had the same broker and we had the same gas company, Constellation provide the prices for us and the broker's not making any more or less money between North Canton and Canton. We don't pay them a commission. You get some money through the MCF's, through the

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company, however what was different was, we actually got a better rate on our gas a few weeks ago. The bottom natural on just the gas, we got a better rate. But there's another price on top of that kind of like an added price that the company gets as a fee for doing all of this and taking the risks and guaranteeing that you'll pay a fixed price for the next year or two years or whatever it is. When we negotiate that fee, when our broker did that 16 months ago, it had to be done then and it was at a rate that was a dollar something. When North Canton did theirs more recently, that rate had fallen. So, even though we got a good rate on the natural gas, the adder for North Canton was a little less expensive than ours. And again, it was timing. We're in different cycles. We had to strike sooner than they did and they went longer. They went from this coming December through November of 2016 so they struck for a 2 year price and they included summer months when gas is usually cheaper. So, it's different targets but pretty much the same parts. I guess the bottom line is this, I don't know about you but when I drove to work this morning, I went by several gas stations. One of them was down to \$2.99 at the corner of Market and 12th Street. I haven't seen \$2.99 for many years. \$2.99 in Ward 2. When I drove home for a bite later in the day, it was still at \$2.99 but the two gas stations north of it on Market were at \$3.39, .40 higher in a matter of hours. The stock market is sort of crazy. Commodities are crazy and it's timing. That's what I meant by timing. Same thing as if you want to buy Timken stock. You might get it at one price one day, your neighbor another day. Bottom line, here's the answer for those folks who aren't pleased. If you like the certainty of knowing for the next two winters you're going to pay \$4.55, standard program, you don't have to do anything. If you're a resident that is not otherwise ineligible through percentage income participation or being in the rears, you're automatically in. If you're a small business you're automatically in. If you want out though, the letters are telling everyone and you can let your constituents know if they call you angrily, they can opt out. That, that's what this is called. There's a 21 day window. All they have to do is call Constellation, go to their website, and say I want out. And there's no fee. Our broker negotiated no fee for early termination so long as you do it in those 21 days however, caution them that what will happen is this, if they go to Apples to Apples on PUCO, they're not going to get that kind of rate however, they may get letters in the mail from competing companies that may offer prices close to or maybe even better. Maybe for shorter times, maybe with a higher fee if you leave early so they've got to read the fine print. But the thing I'm happy to say is, because you in Council, Member Smuckler asked us to do that and you in Council took it to the voters, we have made these companies compete against each other. When there was no competition, this wasn't happening and because of the competition, you know, the city's in it, the county, the townships, they're all involved in competing so do these companies. Two other things that led to these lower prices. One, I don't know how you feel about fracking but those supplies have helped lower the prices and two, a cool summer. Most electric companies now are generating electricity by burning natural gas. So they used less natural gas this summer cause it was a cooler summer cause we weren't air conditioning so, thank the stars for a cooler summer. But, again, my one word answer I'll leave ya with is timing. It's all about timing. Thank you.

PRESIDENT SCHULMAN: Thank you Law Director. Great explanation.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member Hart.

MEMBER HART: (*Started inaudible*) ...over the years, I've watched Dave's you know, Member Dougherty's family then grow up at these Feed the Needy so, it's a good thing the hear, you know, Member Fisher's family getting involved and while I've never met Reverend Henderson but from hearing about the people that needed taxes in their lives, I guess you know, he was a fisher of men and the one thing that I can say about community and of the Members, not every Member of City Council is, if there's a need, you know the people will respond

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to it. We can dump all the money we want in all the communities and all the neighborhoods but the money is not going to do it. It's going to be, as each of us as individuals reach out and be that fisher of a man or a woman or a child that makes and impact on their life. You can throw all the money that you want, that's not going to do it. It's going to be their own personal contact. You send somebody a little TLC and again Dave, thank you. You've always done a great job and set a great example for us. Thank you.

PRESIDENT SCHULMAN: Thank you Member Hart. Member West.

MEMBER WEST: Yea just real quick, I wanted to address Mr. Cheeks issue. The Safety Director, Andrea Perry does have that information and she's already responded to that going to Code. So, I wanted to let you know that and if you have any other questions, I'll be here to talk to you afterwards. OK, thank you.

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

MEMBER MORRIS: Motion to adjourn.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you 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 Madame Clerk.

CLERK TIMBERLAKE: Happy Birthday Edmond.

PRESIDENT SCHULMAN: Safe drive everybody. Meeting is adjourned. *(Gavel falls)*

ADJOURNMENT TIME: 8:50 P.M.

ATTEST: SEPTEMBER 26, 2014
CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

APPROVED: SEPTEMBER 26, 2014
ALLEN SCHULMAN
PRESIDENT