

**MINUTES OF THE MEETING NOVEMBER 10, 2014**

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. Sorry for the slight delay in starting our meeting tonight. This is like a very rowdy group. Quiet. 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 is going to be given by my good friend and Ward 5 Council Member, Kevin Fisher. If you'll all stand and remain standing for our Pledge of Allegiance please.

*The regular meeting of Canton City Council was held on November 10, 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 Member Fisher. Leader, we're now under Agenda Corrections and Changes.

MEMBER MORRIS: Mr. President, I move Rule 22A be suspended to add 2<sup>nd</sup> Readings Ordinances #6 through and including 12 and Ordinance #8 from the 8/3/2014 Agenda will be Retained in Committee and Postponed Indefinitely.

PRESIDENT SCHULMAN: I think you meant 11/3. Is that right?

MEMBER MORRIS: Yeah.

PRESIDENT SCHULMAN: K.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: OK, it's been moved and seconded to Suspend Rule 22A to add the 2<sup>nd</sup> Reading Ordinances 6 through 12 to this evening's agenda. We're going to Postpone from November 3, 2014 agenda Ordinance #8 which will be Retained in Committee indefinitely. Are there any remarks? Hearing none, Madame Clerk, roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**MINUTES OF THE MEETING NOVEMBER 10, 2014**

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

**PUBLIC HEARINGS**

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

**OLD BUSINESS**

PRESIDENT SCHULMAN: Turning now to Old Business. I would ask and turn over to Deputy Mayor Williams the Old Business please.

DEPUTY MAYOR WILLIAMS: Mr. President, Members of Council, Mr. Pete DiGiacomo at the November 3<sup>rd</sup> meeting asked if PMI was the company that's going out to repl, to do the replacement of water meters, will actually shut your water off. The intent is to send as many notices as possible so that there is no shut off of water. Those attempts Mr. DiGiacomo will be many, 6, 7, 8, 9. However many times it takes in order for us to try and notify the owners but, there's no real intent to shut off water and to my knowledge that has not happened to date. Thank you.

PRESIDENT SCHULMAN: Thank you Deputy Mayor.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: Turning now to Public Speaks. We have 5 speakers this evening. Our first is Pete DiGiacomo. Mr. DiGiacomo if you'll step forward and give us your name, your residential address and as always, welcome sir.

PETE DIGIACOMO: It's Pete DiGiacomo. I live at 600 Dent Place SW, Canton, Ohio. Deputy Mayor Williams, thank you for the explanation. What I wanted to speak about today, this was in the Repository. "Parolee arrested on gun charge after firing a rounds". The individual's a felon with a firearm that he fired. The police arrested him. Did what they were supposed to do and it says right here, he was later released after posted 10% of a \$250.00 bond. In other words, \$25.00 he can go out and intimidated somebody, do whatever he wanted to do and it cost him \$25.00. Here's the rest of all of his history, all this here. He's been arrested numerous times, it, you know, I'm not a Police Officer, if I would be, I would be upset that you know, I do what I'm supposed to do. We arrest the bad guy and then for \$25.00, that's, a parking ticket's more than that isn't it? You don't have to answer, I can just tell but, like I say, something's wrong with this picture. Where it happened and who did it, I'm not sure but, when I seen this in the paper, excuse my language but, it pissed me off. Thank you.

PRESIDENT SCHULMAN: Thank you very much, Mr. DiGiacomo. (*APPLAUSE*) Our next speaker is Dan Moeglin our Engineer. Mr. Moeglin if you'll step forward, welcome as always. If you'll give us your name and your residential address please.

DAN MOEGLIN: Dan Moeglin, 1320 Buena Vista. Before I get started on what I wanted to talk about, I do want to apologize for this issue with 55<sup>th</sup>. I want to apologize to the Service Director, Deputy Mayor Williams and Mayor Healy, as well as all of Council. Certainly I was caught off guard by the extent of these change orders and we will do our best to insure that it never happens again and certainly to improve communication with you folks as we're building these construction projects. My apologizes. Secondly, I like, just received today from American Electric Power a letter address to Dan Moeglin, City of Canton, enclosed is a certificate

**MINUTES OF THE MEETING NOVEMBER 10, 2014**

of recognition from AEP for your Energy Efficiency Project. The application was completed in 2003. Many customers, employees look to business operations for leadership and environmental awareness and sustainability. Please consider displaying the certificate and general recognition as an early adopter of energy efficiency and environmentalism to your customers. Here's the certificate we received. AEP recognizes the city of Canton for their commitment to energy efficiency and environment and taking part in AEP's Ohio Savings Initiative Programs for 2013. As a result of their leadership, they will save roughly 148,000 kilowatt hours or the equivalent of 114 tons of CO<sup>2</sup> annually which is the equivalent of 22 cars off the road for a year, which is the equivalent of annual CO<sup>2</sup> generation of 9 ½ family homes or roughly 2,670 tree seedlings growing for 10 years. Ohio AEP thanks you for being an energy efficiency leader and participating in our programs for business.

PRESIDENT SCHULMAN: Great. Thank you very much. *(APPLAUSE)* Appreciate it. Thank you. Our next speaker is Leon Cote. Mr. Cote as always, welcome. My friend and my Facebook friend. If you'll step forward and give us your name and your residential address please.

LEON COTE: Good evening, my name is Leon M. Cote. I live at 1225 41<sup>st</sup> Street NW, Canton, Ohio 44709. Mr. Mayor, President Schulman, Majority Leader Morris, Members of the Council and members of the Mayor's staff. Allen, there was no problem and nobody got out of line before you became a Republican. *(LAUGHTER)* There was order in this Chamber. You may want to rethink....

PRESIDENT SCHULMAN: You have to follow that, you'll get, I'll explain it later to my friends.

LEON COTE: Do I get an extra 10 minutes?

PRESIDENT SCHULMAN: I don't want to start a rumor here. *(LAUGHTER)*

LEON COTE: For the past, for the last dozen years, I have attended the weekly Canton City Council meetings. Every year I hear the Councilors with the same complaint about the city streets not being paved until late October or November. Their objection is that when the streets are paved this late and in cold weather, the paved streets seemed to start crumbling within a year or so. What I am looking for is accountability. Who is dropping the ball? Maybe if we answer these questions, we can start to solve the problem. One, when is the money allocated for street paving? Two, when are bids requested? Three, is there a starting time for these streets to be paved? Four, is there a penalty in the bid specs for not starting to pave on a specific date? If not, why not? Five, what is the hold up for not starting sooner? Six, is the City Engineer responsible for not making these companies start earlier? Is it that the City Engineer does not have to face election so he just disregards the Councilors wishes? This past Saturday, a crew from Central Allied paved Field Avenue NW right in back of my house. It was 38 degrees outside. It had been scrapped down for over 2 weeks. Four men from Central Allied were out there again on Sunday. Quite frankly with no curbs or gutters, the paving job does not look good. Should we start, should we install blacktop curbs when paving a road that has no curbs? There are many streets that have been stripped down and have not yet been paved. Why? Do the bids take into account or consideration for all of the overtime involved in weekend paving? We cannot solve this problem until we can identify where the holdup is. Good luck and I've got a copy for the Mayor, all his staff and all of the city Councilors, and of course Cindy. Can't forget her. *(Inaudible - moved away from microphone)*.

PRESIDENT SCHULMAN: Thank you Mr. Cote very much. Appreciate it. *(APPLAUSE)* Our next speaker is James Parker. Mr. Parker if you'll step forward. Welcome as always. If you'll give us your name and your

**MINUTES OF THE MEETING NOVEMBER 10, 2014**

residential address.

JAMES PARKER: James Parker, 630 Penny Street SE, city of North Canton. Last week Canton celebrated 125 years of the Canton McKinley/Massillon Tiger rivalry known nationally since our rivalry is professional footballs first dynasty. Dynasty during the Genesis chapter of pro football. The city of Massillon had banners, color posters, portraits of players and civic pride which hung in festoons along every street, especially downtown like a Democratic National Convention. What was one of our distinguished Council's doing to help promote Canton's self image and history and a winning attitude? I don't know, maybe he was a Lehman cake eater. He tried contacting the Canton Repository and Fox 8 news in order to taddletail on the Honorable Mayor Healy and get him publicly humiliated while he was publicly representing Canton and Massillon at Rotary. All I can say is take your potshots, everybody else does. Had the sitting Councilman gotten this titillated during the 6 months span that his fellow Councilman-at-Large parked in the red lettered no parking anytime area, here at City Hall thereby impeding entry and exit to handicap spots, I wouldn't be up here. A click it or ticket is what it took to fix that I'm told to cease and desist. This is example of, a snapshot of how adversarial a mind set exists here among you. This is the same mind set that poo-poo's and adjusts an Alan Page project, a Marion Motley field, the list goes on, just ask, you know. Like a circuit breaker. When systems get overloaded they get inertia. They need a reset. They need some power supply shared. I know how hard Mayor Healy is working to keep Canton on the cutting edge. At the same time, he has answered every request from me with professional courtesy and a genuine concern which is a far cry from the silent manner of political philosophies that I have encountered here at City Council. Why our Honorable Mayor has had time to reflect and delegated more authority to others, what can City Council claim? Why not read the CZB report you paid 100 and some thousand dollars for? In it you will see the Buki's strong suggestion to give people a thank you for visiting Canton and a friendly reminder to feed the meter while visiting our downtown, instead of the draconian fees and usury interest rates. You'd think if you want to sell more, I don't know, let's say coney, that the ingress and egress of your patrons should be smooth transaction experiences, but downtown mind set is that they're going to juice your pockets on parking fines. Do you know how many people still put money in the meter after 5:00 and on weekends while they're parking here for this meeting? Why not publicize that, that's not necessary? Invite people in. Make them feel welcome. Akron has eliminated metered parking, I'm told. I guess there a couple of steps ahead and their Akron Mayor has more influence over Council. Thank you very much.

PRESIDENT SCHULMAN: Thank you Mr. Parker very much. Our next speaker is Henry Preston. Mr. Preston as always, welcome sir. If you'll give us your name and your residential address please.

HENRY PRESTON: Yes, good evening. My name is Henry Preston. I live at 326 31<sup>st</sup> Street NW, Canton. Several weeks ago we heard that the city of Canton received some new grant money to fund new proposed bike trails that starts at Cleveland Avenue, parallels between 62 and Malone University and travels across Harvard Avenue and continues east. During recent years many of the bike lane constructions that have occurred between Tuscarawas and 44<sup>th</sup> Street are of poor design and many sections have been of poor construction. Some examples are the Walnut Avenue northbound contra lane is unsafe for several reasons. All lanes north of 6<sup>th</sup> Street which causes vehicle lane traffic to weave in and out of the marked lanes and then either to the northbound bike lane or the right vehicle lane. Traveling south on Walnut Avenue from 7<sup>th</sup> Street gravel, grass, nails, thumbtacks and other debris collect on the northbound bike lane because the grating of the road and the traffic location flow of Walnut Avenue directs more water and debris to that side of the road and is infrequently cleaned. Therefore, the northbound bike line becomes a collection center of the debris deposit on the road surface. The National Association of Transportation official website states that contra flow bike

**MINUTES OF THE MEETING NOVEMBER 10, 2014**

lanes work best for low speed, low volume streets. And last, there is a buffer separation or physical protection between the bike lanes and traffic lanes which is not there on Walnut. Weekends, weekdays between 7:30 and 6 pm, 7:30 am and 6:00 pm is not low volume. Since the Walnut Avenue project completion, I have observed the bicycle traffic on the sidewalks along Walnut Avenue has increased. My observation of the bike traffic through downtown has increased however, cyclists seem not to care about using the poorly designed bike lanes in downtown Canton. My observation of cyclists riding northbound on Cherry Avenue has not decreased since the unprotected bike lanes were painted on Walnut Avenue. Prudent planning of the contra flow bike lane on Walnut Avenue could have resulted in protected or proper bike lanes. Community meetings about the proposed contra flow bike lanes were conducted before the project commenced. The voices from reason and common sense against it unprotected or unbuffered contra flow bike lines on Walnut Avenue were ignored. The 4<sup>th</sup> Street westbound bike lane is also a poor design because of the angled parking on one side and parallel parking on the other side, cyclists are squeezed when both sides of the parking spaces are filled and the bus or big traffic comes. They have very little room if the driver of the big vehicle makes a mistake, there goes the bike and the cyclist. I would like to ask Councilman Morris and Mariol that they become fully engaged with the common sense planning of the bicycle path construction that starts at Cleveland Avenue and travels east, which will traverse both of their Wards, otherwise we will continue to see more streets clouded together with white paint to make new bike lanes. Thank you.

PRESIDENT SCHULMAN: Thank you Mr. Preston very much. That concludes Public Speaks. I want to thank all our public speakers this evening.

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: And now we are under Informal Resolutions. We have none this evening.

**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 NOVEMBER 10, 2014.***

- 475. AUDITOR MALLONN: MTHLY REPORT BY FUND FOR 10/01/14 THRU 10/31/14. - RECEIVED & FILED
- 476. AUDITOR MALLONN: YRLY REPORT BY FUND FOR 01/01/14 THRU 10/31/14. - RECEIVED & FILED
- 477. CNCL-AT-LRG HART: LTR TO LAW DIR MARTUCCIO REG ADOPT A BRICK STREET BY LOCAL RESIDENTS. - RECEIVED & FILED
- 478. CNCL-AT-LRG SMUCKLER: REQ LEGISLATION FOR STREET PAVING AND STREET REPAIRS TO BE COMPLETED DURING 5/1 THRU 10/1. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

**MINUTES OF THE MEETING NOVEMBER 10, 2014**

479. COURT ADMIN KOCHERA: REQ SUPP APPROP TO JUDGES ADMIN, INDIGENT DRIVER ALCOHOL TREATMENT FUND 2762 (\$40,000.00 FROM UNENCUMBERED BAL 2762-701001 INDIGENT DRIVER ALCOHOL TREATMENT FUND TO OTHER 2762-701001 INDIGENT DRIVER ALCOHOL TREATMENT FUND). - FINANCE COMMITTEE
480. COURT ADMIN KOCHERA: REQ SUPP APPROP TO JUDGES ADMIN, JAIL DIVERSION GRANT FUND 2767 (\$68,000.00 FROM UNENCUMBERED BAL 2767-701001 JAIL DIVERSION GRANT FUND TO OTHER 2767-701001 JAIL DIVERSION GRANT FUND -\$18,000.00; PERSONNEL 2767-701001 JAIL DIVERSION GRANT FUND - \$50,000.00). - FINANCE COMMITTEE
481. FINANCE DIR DIRUZZA: REQ CITY OF CANTON EXERCISE OPTIONAL ONE-YEAR EXTENSION OF FUEL CARD PROGRAM WHICH IS SET TO EXPIRE ON 12/31/14 (SPEEDWAY, LLC). - FINANCE COMMITTEE
482. FINANCE DIR DIRUZZA: AUTHORIZE AUDITOR TO PAY MORAL OB TO HOME TEAM COMMUNICATIONS IN AMT NOT TO EXCEED \$55,000.00 FOR TELECOMMUNICATIONS AUDIT. - FINANCE COMMITTEE
483. LIQUOR CONTROL DIVISION: REQ C1 C2 NEW PERMIT FOR SHA B INC DBA B 2 B DRIVE THRU 2 @ 636 CHERRY AV NE. - RECEIVED & FILED
484. MAYOR HEALY: ADVISE OF RE-APPT OF DONALD PETERSON TO CANTON COMMUNITY IMPROVEMENT CORPORATION FOR 1 YR TERM COMMENCING 1/1/15 - 12/31/15. - RECEIVED & FILED
485. SERV DIR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD, AND ENTER INTO CONTRACT(S) FOR MOWING OF DESERTED/VACANT LOTS THROUGHOUT CITY AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE COMMITTEE

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: Turning now to First Readings 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 #5 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013, AS AMENDED BY MAKING APPROPRIATION TRANSFERS; AND DECLARING THE SAME TO BE AN EMERGENCY (\$0.05 FROM 4501 801001 AUDITOR - OTHER TO 4501 201004 2006 CONSTRUCT/RECONSTRUCT BOND - OTHER AND \$25,000.00 FROM 1001 702001 CLERK OF COURTS ADMIN - PERSONNEL TO 1001 802001 AUDITOR - CLERK COURTS ATM - OTHER)

**MINUTES OF THE MEETING NOVEMBER 10, 2014**Referred to Public Property Capital Improvement & Finance Committees

- #2. \_\_\_\_ (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY AN AMOUNT NOT TO EXCEED \$21,907.20 TO RELATED PARTIES FOR WORK PERFORMED AS PART OF THE NEIGHBORHOOD INITIATIVE PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (MOORE TITLE AGENCY \$6,000.00, HERITAGE UNION TITLE AGENCY \$3,000.00, PHILLIP D. SCHANDEL \$1,200.00, AMERICAN TITLE AGENCY \$8,400.00, THE PRESS NEWS \$3,307.20)

Referred to Finance Committee

- #3. (1<sup>ST</sup> RDG) AN ORDINANCE ADOPTING AMENDMENTS TO THE ECONOMIC GROWTH INITIATIVE REGULATIONS; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

- #4. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH THE CITY OF NORTH CANTON FOR THE OPERATION, MAINTENANCE AND REPLACEMENT COST SHARING AGREEMENT FOR THE WATER RECLAMATION FACILITY; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

- #5. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO PURCHASE EASEMENTS IN CONJUNCTION WITH THE FAIRCREST WATER MAIN EXTENSION PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (JAMES REED ENTERPRISES LLC \$8,850.00, ROBERT D. MARRACCINI \$5,434.00, ZOLDAN FAMILY OHIO LIMITED PARTNERSHIP \$6,075.00, DGS DEVELOPMENT CO., LTD. \$6,075.00, SYSTEM CAPITAL REAL PROPERTY CORP. \$1,988.00)

Referred to Environmental & Public Utilities and Finance Committees

PRESIDENT SCHULMAN: And that concludes Ordinances for their First Reading.

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: Turning now to Ordinances and Formal Resolutions for the Second Reading. Would you please begin with Ordinance #8?

CLERK TIMBERLAKE: Ordinance #6.

PRESIDENT SCHULMAN: Ordinance #6.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES***

**MINUTES OF THE MEETING NOVEMBER 10, 2014****#6 THROUGH #12; FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:**

- #6. (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 STOLLE MACHINERY INC. PURSUANT TO THE CITY'S INCENTIVE PROGRAMS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #7. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A JOINT ECONOMIC DEVELOPMENT DISTRICT AGREEMENT WITH JACKSON TOWNSHIP; AND DECLARING THE SAME TO BE AN EMERGENCY (STOLLE MACHINERY INC)
- #8. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #02-26890 @ 902 CHERRY AVE NE)
- #9. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES FOR THE RECEIPT OF THE FY 2015 DRUG COURT FUNDING GRANT IN THE AMOUNT OF \$41,495.00; AND DECLARING THE SAME TO BE AN EMERGENCY
- #10. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH COMMUNITY BUILDING PARTNERSHIP OF STARK COUNTY, INC. IN AN AMOUNT NOT TO EXCEED \$15,000.00 FOR WORK TO BE PERFORMED AND COMPLETED AS PART OF THE STARK COUNTY LAND BANK SIDE LOT PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$10,000.00 APPROP TRANSFER FROM 2318 301001 - PERSONNEL TO 2318 301001 - OTHER, \$3,000.00 FROM 2354 301001 - OTHER TO 2354 301001 - PERSONNEL AND \$7,000.00 FROM 2323 301001 - OTHER TO 2323 301001 - PERSONNEL; EMERGENCY (HEALTH DEPT)
- #12. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY AN AMOUNT NOT TO EXCEED \$75.00 TO THE OHIO PEACE OFFICER TRAINING ACADEMY; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT SCHULMAN: Thank you Madame Clerk. We now turn to Ordinances and Formal Resolutions



**MINUTES OF THE MEETING NOVEMBER 10, 2014**

for their Third, Final Reading and Vote. Madame Clerk would you please begin with Ordinance 13?

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #13 THROUGH #18 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

#13. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 236/2014** A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE LESH-EVERETT 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

PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 13. 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.

**#13 ADOPTED AS ORDINANCE NO. 236/2014**

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

#14. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 237/2014** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$1,275,000.00 FROM 2211 506001 CD ADMIN - OTHER TO 2211 506002 CD DEMOLITION - OTHER AND \$110,805.10 FROM 2211 501601 CD YOUTH DEVELOPMENT - OTHER TO 2211 506001 CD ADMIN - OTHER)

PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Seconded.

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

**MINUTES OF THE MEETING NOVEMBER 10, 2014**

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#14 ADOPTED AS ORDINANCE NO. 237/2014**

PRESIDENT SCHULMAN: Ordinance 14 is adopted. Ordinance 15 please.

#15. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 238/2014** AN ORDINANCE AMENDING SECTION 1 (a) OF ORDINANCE NO. 177/2006; AND DECLARING THE SAME TO BE AN EMERGENCY (CODE ENFORCEMENT, PETTY CASH \$100.00 AND CHANGE DRAWER \$600.00)

PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#15 ADOPTED AS ORDINANCE NO. 238/2014**

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

#16. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 239/2014** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$272,000.00 FROM UNAPPROP BAL 5201 WATER FUND TO 5201 207003 WATER BILLING - OTHER \$4,000.00, 5201 207010 WATER PUMPING - PERSONNEL \$42,000.00, 5201 207012 WATER MAINTENANCE - OTHER \$51,000.00, 5201 207022 WATER DISTRIBUTION - OTHER \$175,000.00 AND \$4,000.00 FROM UNAPPROP BAL 5410 SEWER FUND TO 5410 207003 SEWER BILLING - OTHER)

PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Seconded.

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

**MINUTES OF THE MEETING NOVEMBER 10, 2014**

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. 239/2014**

PRESIDENT SCHULMAN: Ordinance 16 is adopted. Ordinance 17 please.

#17. \_\_\_(3<sup>RD</sup> RDG) ***POSTPONED UNTIL 11/17/14 AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONSTRUCTION CONTRACT CHANGE ORDER IN AN AMOUNT NOT TO EXCEED \$146,909.21 WITH CENTRAL ALLIED ENTERPRISES, INC. FOR THE 55<sup>TH</sup> ST STORM SEWER AND ROADWAY PROJECT, GP 1125; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$11,763.63 FROM UNAPPROP BAL 2181 GERVASI 1700 LLC TIF FUND TO 2181 202001 GERVASI 1700 LLC TIF ENG ADMIN - OTHER)***

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? Leader.

MEMBER MORRIS: Mr. President, I'm failing to see the need to postpone this but, however, it does lead me to a question regarding a comment that was made in Committee by our Engineer. He had indicated that this project, due to the variance of the bid was based on a unit price because it was based, bid under something with the highway and if Mr. Moeglin could clarify the bid process because if I'm not mistaken...

PRESIDENT SCHULMAN: Engineer if you'd like to step forward for one moment.

MEMBER MORRIS: ...the Water Plant, the Treatment Plant would bid under the same type of contract.

PRESIDENT SCHULMAN: Engineer. I'm sorry.

DAN MOEGLIN: The Water Treatment Plant, I wasn't involved with that bid process. The, however, what I understand is the prevailing wage rates are heavy highway wage rates which refers to the prevailing wage aspects of the contract. This, that's where a lot of the similarities end. When I made the comment referring to heavy highway, this is governed typically through Ohio Department of Transportation's bid process.

MEMBER MORRIS: OK, thank you. I was just, for my own personal knowledge because I was aware back when we were talking about the union issues at the Water Treatment Plant, they had made the statement that

**MINUTES OF THE MEETING NOVEMBER 10, 2014**

they had bid it under heavy highway and the engineer indicated that they heavy highway bids allowed for variance and unit prices and since that was over a \$100,000,000.00 I was hoping we weren't going to get hit with like a \$5,000,000.00 change order on that based on the unit price.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Member Dougherty.

MEMBER DOUGHERTY: I was under the understanding that this was being postponed. It's not now?

MEMBER MORRIS: Mr. President.

PRESIDENT SCHULMAN: Yes, Leader.

MEMBER MORRIS: Member Dougherty I don't know if there's anything more we can say to change where we're standing on this. I know myself personally, I can't support it based on the way that the bid was put together. If other Council Members feel a need to postpone, I'm more than glad to go along with that.

MEMBER DOUGHERTY: Well I can't support this today.

*(Inaudible comment from unknown speaker)*

PRESIDENT SCHULMAN: Member Mack.

MEMBER MACK: Mr. President, you know as City Councilpersons, you know we have to balance policies. Yea this is a change order that a lot of people weren't expecting but we do have a fiduciary obligation to the city and if we don't approve this, there is a 100% chance that we will be in litigation in the middle of paving season when we're all scrambling to get these roads done with the same company. I don't see how that would hold well for what we're trying to get done here. I would say either let's postpone it if that's what the idea is and think about it more and get more information but I think the consequences and not just because it's my Ward, this stuff's in the ground. It's the, the project's completed but for the overall welfare of the city, I have real concerns about what would happen with this thing didn't go through, particularly now.

PRESIDENT SCHULMAN: Thank you Member Mack.

MEMBER MORRIS: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: I going to move that we postpone Ordinance #17 in light of Members comments.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you postpone Ordinance #17 to what date Leader?

MEMBER MORRIS: That would be 11/17 of 2014.

**MINUTES OF THE MEETING NOVEMBER 10, 2014**

PRESIDENT SCHULMAN: And that's seconded too, isn't it? So you have a motion to postpone Ordinance 17 until November 17, 2014. Are there any remarks under the motion? Hearing...

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes, Member West.

MEMBER WEST: Just real quick to the Service Director. Would that be a, pose a problem with the project at all?

PRESIDENT SCHULMAN: Service Director.

MEMBER WEST: The project's done but I mean would that pose any problem if we postpone this?

PRESIDENT SCHULMAN: Director.

SERVICE DIRECTOR BARTOS: Mr. President. A week's not going to hurt. So...but I would ask that if anybody has any questions or want to run over the numbers again, please let me know. I'm always available and the Engineer will be available as well. So, anything we can do to better inform you, we'll do it.

PRESIDENT SCHULMAN: Thank you. Any other remarks under the postponement? Leader, may I ask you one question because I was listening to you earlier tonight and I know that the, and maybe the Service Director can help me too. The bid price on this project was \$1,300,000.00 approximately. There is a \$142,000.00 charge that has been added to that. Is that correct?

MEMBER MORRIS: The actual, Mr. President, the actual bid contract amount was \$1,372,053.00.

PRESIDENT SCHULMAN: Right.

MEMBER MORRIS: There was a an additional change order that was submitted for \$146,909.21.

PRESIDENT SCHULMAN: And I, maybe I misunderstood but I thought you said that of the \$146,000.00, you correct me if I'm wrong, that you believed \$114,000.00 of that was legitimate.

MEMBER MORRIS: Out of, yes.

PRESIDENT SCHULMAN: OK.

MEMBER MORRIS: To clarify, \$114,237.00 of the change order was justified on a bid breakdown for the trail head. Additional items adjacent to the trail head and project extras. The discrepancy that I have a problem swallowing, although I do have a problem swallowing the \$114,000.00 change order that wasn't brought before Council. I have a problem with the bid difference of \$32,672.00 which was in under, they under cut their bid by that amount and our Engineer stated that, that is based on unit prices.

PRESIDENT SCHULMAN: Right.

MEMBER MORRIS: Now my problem with that is if you actually, physically go out and look at a job, you

MINUTES OF THE MEETING NOVEMBER 10, 2014

should be a lot closer than \$103,000.00 in overages.

PRESIDENT SCHULMAN: OK but I guess the, excepting just for arguments sake, that \$114,000.00 appears to be legitimate, the beef with Central Allow, Allied at this point is the \$32,000.00 overage. Is that right?

*(Inaudible comment from unknown speaker)*

PRESIDENT SCHULMAN: OK. And the next highest bidder...did you get that information?

MEMBER MORRIS: Yes and the next highest bidder was \$120,000.00 above Central Allied which would have still put them about \$26,000.00 under Central Allied at this point, barring no change orders were submitted by them.

PRESIDENT SCHULMAN: OK. Thank you very much. Any other remarks? It's been moved and seconded to postpone Ordinance 17. 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 and the motion carries and Ordinance 17 is postponed until November 17, 2014. Madame Clerk Ordinance 18.

#18. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 240/2014** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A ONE YEAR PROFESSIONAL SERVICES CONTRACT WITH ACLARA TECHNOLOGIES IN AN AMOUNT NOT TO EXCEED \$27,596.00 TO PROVIDE COMPATIBLE MAINTENANCE FOR CANTON'S EXISTING AUTOMATED METER READING SYSTEM; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$16,558.00 FROM UNAPPROP BAL 5201 WATER FUND TO 5201 207003 WATER BILLING - OTHER AND \$11,038.00 FROM UNAPPROP BAL 5410 SEWER FUND TO 5410 207003 SEWER BILLING - OTHER)

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? Again hearing none, 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. 240/2014**

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

**MINUTES OF THE MEETING NOVEMBER 10, 2014****ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SCHULMAN: We now move to Announcements of Committee meetings. Chairman Hawk.

MEMBER HAWK: The Finance Committee will meet Monday, November 17<sup>th</sup> at 6:30 p.m.

PRESIDENT SCHULMAN: Thank you. Chairman Smith.

MEMBER SMITH: CD will meet same time, same place.

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. Any other announcements?

MEMBER MARIOL: Mr. President.

PRESIDENT SCHULMAN: Yes, Chairman Mariol.

MEMBER MARIOL: Public Property Capital Improvement will meet this Wednesday at 5:30. This Wednesday, 5:30.

PRESIDENT SCHULMAN: Do you want to explain for the Members of Council who aren't.

MEMBER MARIOL: We will meet to discuss this postponement on the vote tonight.

PRESIDENT SCHULMAN: Very good. Any other, Leader.

MEMBER MORRIS: Please allow an additional 15 minutes on 11/17, the Ohio EPA is coming in and they need about 15 minutes to do a presentation.

PRESIDENT SCHULMAN: OK, great. Thank you.

MEMBER MARIOL: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Mariol.

MEMBER MARIOL: I also want to call a Committee Meeting for Monday the same time, same place.

PRESIDENT SCHULMAN: 6:30 seem to be appropriate if we have a 15 minute presentation from EPA? OK, good.

**MISCELLANEOUS BUSINESS**

**MINUTES OF THE MEETING NOVEMBER 10, 2014**

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

MEMBER DOUGHERTY: Mr. President.

MEMBER HART: Yea, I just, one of the first meetings the President of City Council made a comment on the car I was driving and I was totally shocked to see the Council President driving an all electric Tesla. Again, thank you for the great looking car and very environmentally conscious. So, thank you.

PRESIDENT SCHULMAN: Thank you. I will never make fun of your car again. Next up....

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: ...Mayor Healy.

MAYOR HEALY: Thank you Mr. President. This is just a follow up to Pete DiGiacomo's comments in reference to our Police Department making arrests and you know for \$25.00 these people are back on the streets in a very short period of time. You know, this is a real issue here and people think, they perceive that the safety or crime issue is 100% falls on the backs of the Police Department and the fact of the matter is, our Police Department is doing an outstanding job right now. We've got incredibly talented folks that do an amazing job both in prevention as well as addressing issues after the fact. I'm just going to give you a couple examples of some issues that have happened in the last couple of months that we're all aware of. One is the incident with Marathon gas station and what had happened there. A couple of those individuals that were involved in that, two of them that were killed, at the crime scene, one of them was recently released I think within a few weeks or within a month or so from serving time and he served less than 2 years for his involvement in a prior homicide. A prior homicide. He was out of jail in 2 years. You know the other one was recently released as well and they're back on the streets committing these, these violent crimes in our community. We had another issue a couple of years ago at the 19<sup>th</sup> and Maple intersection and we had a follow up incident a couple of months at this same location and in that case, the first time around an individual who was a known involvement with gang activity and crime and a huge record of prior offenses was arrested by our Police Department just prior to that. He went to court and in this particular case, the jury let him off and within a day of him being released from the jury conviction, the gang activity continued and there was an assault on him at that location. We then went in and made arrests. We went through that process. We again, the Police did their job, they put them in the court system and this incident that happened over the last month or so, two of the three individuals that were involved in these shootings, one of them was released the day before and the other one was like three days before and they immediately went right back out there after the same people and so what we have here is, we've got a serious issue that involves not just the Police Department who continue to arrest these bad folks and send them to jail but, we have an issue with the courts, the prosecutors, with the Judges, with the jail space and even the jurors in reference to the whole entire process. I'm not trying to point fingers at who's responsible but I am saying that we have a safety system that is not working for us. In any given case it could be because there wasn't jail space and so these guys are released or because we didn't have enough evidence to get the conviction or because a Judge to a different position on it or even when they were convicted and they are sentenced to a certain amount of time, they're released early and when you release somebody for 2 years or less for their involvement in a homicide, I'm guessing they didn't learn a who lot of lessons there and there's no deterrent whatsoever for these folks to come back out there and continue those actions. And our police officers have been arresting people and sometimes, you know twice in the same week. Sometimes we've had them in the same day where we've booked them and then later that evening they're back out there, we arrest them a second time. This is a serious problem. I'm glad you brought that to our attention



**MINUTES OF THE MEETING NOVEMBER 10, 2014**

because we have to, as a society, look at every facet of this safety system in reference to dealing with these criminals and it is not solely on the backs of the Police Department yet, they're the ones on the front line and typically get blamed when crime happens. So, thank you for bringing it to our attention. We are aware of it. I am glad that we're bringing it to aware to many more people. We're going to work on these things but, you know from our point of view, some of these things are outside of Council or the administration's point of view. We can only pass along that information but publically talking about it makes a big difference. Thank you.

PRESIDENT SCHULMAN: Thank you Mayor. Member Dougherty.

MEMBER DOUGHERTY: Yes, I just wanted to mention about an event we had Saturday, a Veteran's event in Ward 6 where we had a new sign put up in our Memorial Garden there in the park along Mahoning Road. I just want to thank the Police and Fire for their donation to that and also for their presence there that day. The Neighborhood Group really appreciated it. Thanks for the Mayor showing up and Member Babcock and our Clerk of Council was there so I appreciate that. With that being said, wish all the veteran's a nice day tomorrow. Can I see any hands of any veteran's here tonight? Got a couple. Happy Veteran's Day.

*(APPLAUSE)*

PRESIDENT SCHULMAN: Thank you Member Dougherty. Any other....Member Hawk.

MEMBER HAWK: Thank you. It's obvious that Mr. Parker's comments were aimed directly at me but he should spend as much time getting his facts correct as he does on his vocabulary and it would be a better world. He left and we'll let it go at that. But in honor of our veterans, I will say that I had a very fine uncle who was a POW in World War II and was wounded, severely wounded and was eligible for a 100% disability but he refused to take it because he thought he was never 100% disabled. He also firmly rejected a handicap parking placard for years because he thought somebody else might need it more. So, Mr. Parker should get his facts a little bit straight in life and more of us might listen and pay a little more attention.

PRESIDENT SCHULMAN: Thank you Member Hawk. Any other Miscellaneous Business? Before we adjourn, obviously wishing the veterans the best and we thank you for your service to our country. Bad news, on the bad news front, I think the Mayor indicated to you and we mentioned about House Bill #5 which was in Chairman Oelslager's Finance Committee. Since the election on Tuesday, that has been removed from Oelslager's Committee and assigned to the Ways and Means Committee where it is a sure thing to pass. So, just to give you a taste of this, as an individual working in Canton, having a law office, I could probably manufacture losses in a certain year and be able to carry forward those losses for 5 years into the future, potentially never paying another dime to the city of Canton in taxes. So this not only talks, it not only talks to corporations who get the same benefits, who could create losses, significant losses in one year to carry if forward 5 years and then never pay a dime of taxes. If you work out of town, realistically you never, you may never have to pay another dime to the city that you live in. So, this bill's draconian, it follows simply this philosophy which is almost unintelligible from the legislator and the Republic party of starving cities, choking them, killing them, for whatever reason, I don't know. Apparently the reason that they claim is they're trying to make it so punitive for citizens living in cities that they will be forced to join forces with surrounding areas. So you eliminate surrounding fire, you eliminate surrounding police, you consolidate all those, you lay all those firefighters and police officers off and then you have a lean, mean machine according to their thinking. But the fact of the matter is, this is going to have a devastating effect on every city in Ohio including Canton so, once again the legislator sends it's message which is a middle finger in my judgment. Leader.

MEMBER MORRIS: Mr. President I move to adjourn.

**MINUTES OF THE MEETING NOVEMBER 10, 2014**

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. Meeting is adjourned. Everybody drive carefully. Have a wonderful Veteran's Day. *(Gavel falls)*

ADJOURNMENT TIME: 8:18 P.M.

ATTEST: NOVEMBER 14, 2014  
CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

APPROVED: NOVEMBER 14, 2014  
ALLEN SCHULMAN  
PRESIDENT