

MINUTES OF THE MEETING MARCH 23, 2015

PRESIDENT SCHULMAN: Good evening ladies and gentleman. Welcome to Canton City Council. I thought if I stayed away long enough, Spring would actually arrive, but unfortunately, I was wrong. Welcome everyone and with a quorum being present, the Chair calls the meeting of Canton City Council to order. Roll call vote, please, Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

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

ELEVEN COUNCIL MEMBERS PRESENT. (MEMBER MACK ABSENT)

CLERK TIMBERLAKE: Eleven present, Mr. President.

EXCUSING MEMBERS

PRESIDENT SCHULMAN: Thank you. Leader.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you excuse Member Mack from this evening's meeting. Any remarks? I'd like the record to show that Member Mack is working on a legal matter tonight and is unable to attend, so that is the reason. Any other remarks? Hearing none, Madame clerk, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Motion carries and Member Mack is excused from this evening's meeting. Tonight we are going to have our invocation given by my good friend, Ward 4 Councilwoman, Chris Smith. Would you all please stand and remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on March 23, 2015 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 Chris Smith, Ward 4 Council Member. The Pledge of Allegiance was led by President Schulman.

AGENDA CORRECTIONS & CHANGES

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

MEMBER MORRIS: Mr. President, I move Rule 22A be suspended to add 2nd Reading Ordinances #10 through and including #15.

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MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to Suspend Rule 22A to add 2nd Reading Ordinances 10 through 15 to this evening's agenda. Any remarks? If not, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Rule 22A is suspended. The Ordinances are now a legal part of your Agenda.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We are now under Public Hearings. We have none scheduled for this evening.

OLD BUSINESS

PRESIDENT SCHULMAN: We're now under Old Business and Deputy Mayor Williams has told me that there is no Old Business.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We're going to...thank you Madame Clerk. We're going to take the Resolution first, before we call our speakers tonight. So, Madame Clerk will you please read Informal Resolution #14, by title.

14. COUNCIL AS A WHOLE: COMMENDING DETECTIVE ROBERT REDLESKI ON HIS EXCHANGE CLUB OF CANTON RECOGNITION AS 2015 CANTON CITY POLICE OFFICER OF THE YEAR. - ADOPTED

PRESIDENT SCHULMAN: Leader.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution #14. Madame Clerk, would you please read that for our guests and our Council Members?

CLERK TIMBERLAKE: It would be my pleasure. **Whereas**, Detective Robert Redleski has served with the Canton City Police Department since 1997, following in his father, Lt. Charles Redleski's footsteps, who retired after thirty two years of service in the Canton Police Force; and **Whereas**, During his tenure with the Canton City Police Department Detective Redleski has successfully served his community in the patrol division, traffic bureau and detective bureau. His outstanding work as a patrol officer resulted in numerous commendations, including recognition for taking lifesaving measures on several occasions to protect the residents of our community; and **Whereas**, Detective Redleski is currently assigned to the Canton Police Department's Special Investigative Unit where in a single year he investigated 92 cases, including six homicides, five of which resulted in successful apprehensions; and **Whereas**, Detective Redleski has been married to Linda Redleski for thirteen wonderful years, he is the father of one child and stepfather of two children, and **Whereas**, Through his outstanding performance as an invaluable member of the Canton Police Force, he has not only gained the

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respect of seasoned detectives and supervisors in the unit, but also the respect and admiration of this City Council. **Now, Therefore, Be It Resolved:** That we, the Members of the Council of the City of Canton, Ohio, do hereby recognize, give special tribute to and commend **DETECTIVE ROBERT REDLESKI** on his Exchange Club of Canton recognition as 2015 Canton City Police Officer of the Year, a title of which you are well deserving. (*Applause*).

MEMBER MORRIS: (*Inaudible*). Member Morris commended officer Redleski for being named Officer of the Year.

OFFICER REDLESKI: Thank you.

PRESIDENT SCHULMAN: Officer Redleski must have known we didn't really adopt that yet, so all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #14 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries. Officer, congratulations to you and your beautiful wife, Linda, and your proud father. Officer Redleski, thank you very much, for your public service. We really do appreciate it. (*Applause*). And I know you've probably heard these Council meetings in the past and you do not have to stay.

OFFICER REDLESKI: (*Inaudible*).

PRESIDENT SCHULMAN: Alright! (*Laughter*).

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We are now under Public Speaks. Our first speaker is Robert Knight. Mr. Knight, good evening, I know you're here. I met you earlier. Welcome again, to Canton City Council. If you'll give us your name sir, and your residential address, please.

ROBERT KNIGHT. Thank you. The name's Robert Knight, 928 Richard Place NW, Canton, Ohio. That's a pretty tough act to follow, right there. Okay, January 14, 6:55 a.m. I heard a loud bang. I woke up and got out of bed, turned on my lights. They were very dim, and then very bright. I ran downstairs because I heard sizzling from electricity in the walls, turned off my main breaker. Come to find out it was caused by a sanitation truck hitting the wire and I filed a claim with the City of Canton. They don't seem to figure that my house could have caught on fire, I could have lost my life, along with my wife's life. They seemed more like they want to portray me like a gold digger, from my opinion. From the fact that I want a \$1,000.00 to pay my deductible for homeowner's insurance. I've been a citizen here 45 years. I had every belief the City would take care of this. An investigation was recently completed and indicated that although the City truck did strike a low hanging wire, there is simply no evidence to indicate that the truck driver was in anyway negligent. Your claim is denied. I think maybe it's time for the Law Department of this City to look at some of their policies towards denying claims and maybe only deny those that seem frivolous, rather than just adopting a policy of "no, no", and "you can't afford a lawyer, so we're going to win". Matter of fact, one gentleman sitting up there, advised me to take it to Small Claims Court. Well, why is there more justice on the main floor of this building, than on the 7th floor? I've called a lot of people in this building in the last two months, I've got a lot of shoulders to cry on, a lot of pity, and a lot of empty promises, that's about all I've gotten. Legally, the Law Department wins, but what about morally and ethically? Do they win on that perspective? I don't think so. Maybe it's time for

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the City to think more about attracting citizens than driving us citizens away because of their, what I think is unjust policies. Thank you for your time and have a good evening.

PRESIDENT SCHULMAN: Thank you sir, very much, appreciate it. (*Applause*). Our next speaker is Byron Dillon. Mr. Dillon.

BYRON DILLON: (*Mr. Dillon spoke through an Interpreter*). My name is Byron. Last name is Dillon, D-I-I-I-o-n. I live on 1220 - 18th St. NW, Canton, Ohio 44703. He has some pictures here, and he has a car that ran into a major pothole at 18th St., near Cleveland Ave. that's 4" deep. He has photos here to prove it. It broke his motor mount. That happened last Friday. So, he says it's an awful lot to fix his motor mounts on his car. They're all broken and he has pictures here to show how deep this pothole is at 18th & Cleveland Ave. On 18th St. His wife was driving her car. Do you have anything else to tell them? He just wants to know, he says, this is quite an expense. How much is it worth? He hasn't gotten an estimate yet. Can you drive the car right now? No. It's not...it's still left...he had it brought to the garage and left it there. He says he doesn't know what it's worth. He says it might be a couple hundred to several hundred dollars. He just doesn't know what to do. This is the first time this has happened to you, so. Just bringing it to your attention.

PRESIDENT SCHULMAN: Thank you. I'm going to allow Law Director Martuccio to respond briefly. Thank you, Mr. President, Members of Council, and our guests. Anytime anyone has a claim again the City, it begins with filing a claim and that happens by calling the phone number on the card that I will give you. We will mail you claim form, and we will ask you for all the information. The who, what, when, where, how much. Either by way of a repair estimate or repair receipt and we need a copy of your driver's license and your driver's insurance, because by law, we're only allowed to pay the deductible if the claim is approved. The claim, of course, may not be approved, depending on the surrounding circumstances. But I will give you the card with the phone numbers circled, to call. I assume you can use the service to do that, sir?

INTERPRETER: He can't call anyone, he's deaf.

LAW DIRECTOR MARTUCCIO: We can call him, then? If you give me the number.

INTERPRETER: Okay, he'll give you a service that you can call, okay?

PRESIDENT SCHULMAN: Great. Thank you very much, sir. Appreciate it.

INTERPRETER: Do you want these photographs, or should he just put it with the claim?

PRESIDENT SCHULMAN: Well, I think he should keep them and then he can submit them with the claim. And, our next speaker is Leroy Lynch. So, you're still up. Thank you, Mr. Dillon. Mr. Lynch, welcome as always to Canton City Council. If you'll give us your name and your residential address, please.

LEROY LYNCH: My name is Leroy Lynch. I live at 3911 Highview Ave. Honorable President and Members of Council, and Mayor. I went last Wednesday to the State of the City and the Mayor was there giving his speech, but it seems like the deaf were excluded because there no interpreters there, so he felt like he was sort of discriminated against. He said a lot of people went in there, but there were no interpreter, so he didn't know anything, so he left because he didn't feel comfortable without any interpreter. Because I'm a voter, I've supported you all, why couldn't I have access to communication? He says I think I have the right, just as the

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Federal Government, just like the White House, President, they all have...but in the City of Canton...in the paper it says "We have residents of the City, have a voice". He says well, I'm a resident. I got in there, but no interpreter. Plus, like also...I have another issue. I have some job tests I took with Civil Service. I passed the test, I passed the health test, I passed everything. Last time I remember that Warren Price and the Mayor said that if you pass all those tests, you'll automatically be brought in, now he's been waiting for six months and that test was good for one year, so he just got a letter saying...about two weeks ago...he wants to know which date is it? Is the date he got six months ago, or is it the most recent date. He's just very confused and he's been waiting after he's passed all the exams that have been asked of him. He says there are no disabilities in the City of Canton right now, people working under disability. So he's sort of surprised and he's a little bit concerned about this, so can somebody do something about this...he says he seems to be getting the run around. He says because he's been with the BVR of the Stark of Ohio for almost 4 years, and he's looking...he got an ODOT CDL truck license. He got that from the Department of Transportation, but he doesn't have the job. He says BVR has paid him lots of money to be able to have opportunities for the job. So, please deal with me. Thank you.

PRESIDENT SCHULMAN: Thank you Mr. Lynch, as always. Thank you. (*Applause*). Mr. Hawk, you wanted to address City Council, also. If you'll give us your name and your residential address.

JACK HAWK: My name is Jack Hawk. I live at 217 16th St. NW, Canton, Ohio. I'm the director of Triad Deaf Services, which you all supported us three years ago, and we are off and flying with great success, and thank you so much. I would ask that the Law Director might inform the Mayor, you at City Council understand the need for an interpreter in these public forums. You've been great at that. The Mayor needs to understand that he's got a public forum. I realize he doesn't bring his handicapped accessible ramps and he doesn't bring his wheelchair accessible bathrooms with him, but they are there under ADA law. So, I think the ADA law should apply to the Mayor and having access to communication. I think this is imperative, I think that a lot of people have the misunderstanding...like Mr. Leroy was sort of saying...the Mayor says, I didn't know you needed an interpreter, but wait a minute, how long did you know I was deaf? The situation is that the Mayor and you people are communicating to the deaf individual. They're not communicating to you. So, therefore, you need the interpreter in order to talk to the deaf community. A lot of the deaf community probably feel excluded because it isn't set publicly that, hey, the deaf community is welcome. I mean, there are over 2000 hearing impaired people in this community and they just feel like, why should we get? Nobody's going to really listen to us, we don't know what's going on up there. We have a couple deaf, blind people, which is an even worse situation. So, I would ask you to, Mr. Martuccio, to sort of make the Mayor understand that when he has these State of the City addresses, he doesn't have to wait to get the deaf people to come, he should have them there just like he has a handicapped ramp accessible to them. Okay? Thank you very much for your time.

PRESIDENT SCHULMAN: Thank you Mr. Hawk, very much. (*Applause*). Our next speaker is Bruce Nordman. Mr. Nordman, welcome as always, to Canton City Council. If you'll step forward and give us your name and your residential address.

BRUCE NORDMAN: My name is Bruce Nordman. I reside at 1623 Logan Ave. NW. I'm here this evening to update you on the Blue Mass which I addressed last week. The Blue Mass is sponsored by the Knights of Columbus, Council 341, and it was at St. John the Baptist Church. The Officers cited there for outstanding performance were a Canton Police Officer Solly, who is the Liaison Patrol Officer assigned to liaison with the neighborhood groups and also is the Clerk for the Chief. Also, Fire Chief Steven Richard was also cited for outstanding performance and the Sheriff's Department was Deputy Sheriff Boltz (sp?). There were over 400

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people at this event. It was very, very striking and it was one heck of a procession. It started with the Sheriff Department's Honor Guard, followed by the Knights of Columbus Honor Guard. I want to particularly cite Jim Griffin for his strong involvement and making sure this event happened. It's an annual event. I would ask each of you to put this on your St. Patrick's Day calendar for next year. It's going to be held at the same location and it shows support for our Emergency Fire and Police officers in the City as well as the County. So, with that, I thank you again Councilman Griffin for your involvement in this and the support that the Knights of Columbus have made for this honored event. One thing, just due to time last week, that I put in my back pocket, related to the Onesto. Because we wanted to cover this public service announcement, was the very first event that was held by Steve Coon at the Onesto, was a fundraiser for the Stark County Library. As you remember, about two days before this event started, the ceiling collapsed due to a water pipe breaking and Steve Coon got it repaired. I'm happy to report that normally they get \$20,000.00 at these typical fundraising activities for the library, this event garnered \$100,000.00 for the Stark County Library, which is a great service to the entire City and to the County. So, I thank you again and once more, Councilman Griffin, you've got an "attaboy" from me. Thank you.

PRESIDENT SCHULMAN: Thank you Mr. Nordman, as always. (*Applause*). Thank you Member Griffin. Our next speaker is...and I hope I'm pronouncing your name Pam...Pam Vogos and Kathy Schaffer. And if I've mispronounced your name, you have a chance to correct it because, will you give us your name and residential address, please.

PAM VOGT: My name is Pam Vogt. 1106 15th St. SW in Massillon. This is Kathy Schaffer.

KATHY SCHAFFER: My address is 3024 Conover St. NW in Massillon.

PRESIDENT SCHULMAN: Thank you.

PAM VOGT: We're here...I'm a Board Member of Prader-Willie Syndrome Ohio. We're...have embarked on a Stark County Initiative to bring awareness of Prader-Willie Syndrome. I'll give you the definition. It's a complex, genetic disorder. It's actually a deletion in chromosome 15, that typically causes low muscle tone, short stature, incomplete sexual development, cognitive disabilities, problem behaviors, and a chronic feeling of hunger that can lead to excessive eating and life threatening obesity. When I say, hunger, they are hungry 24 hours a day, everyday of their life, to where they're starving. So, put yourself in a position where when you think you're starving, you go and maybe you have to grab something and hide it from your wife or your husband or something. But imagine that your desire to get food is so strong that you would do anything to get it, even crawl out of your bedroom window in the middle of the night to get food. Imagine that you want something out of the refrigerator and you ask and they say no, or you get some carrot sticks because there's locks on your refrigerator. Kathy and I are both very passionate about this disease. I am a mother of a 42 year old, Christy, lives in Massillon, lives in a private residence. She has deadbolts on all the doors. She has alarms on her windows. The refrigerator is locked. The cupboards are locked. The water is turned off. The staff go around with the knobs for the water, so when she needs to wash her hands, they turn it on. She has 24/7 care. Eyes on. The staff is never allowed to sleep. Kathy is a grandmother of Jacob. He's only 4 years old. He's in University Heights. His syndrome is so rare, there's only 8,000 people in this country. Five of them reside here in Stark County. We didn't know that Stark County was the 7th largest county in Ohio. We know that there's 375,000 people here, so we have embarked on every organization that we can think of. We just want you to know that if you ever hear this disease, that it's in your backyard. Prader-Willie Ohio is funded only by memberships and donations. We have a blood drive going on at Aultman right now. If anyone is a blood donor, I would

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encourage you to go in on April 7th to give blood for us. It is a terrible disease to live with. You know if you go anywhere, there's food. Our kids...if you take them anywhere, to a community event that has food, I'll guarantee there will be a meltdown. So, we run a camp in Columbus, a food controlled camp, and we do these blood drives. We only have a couple fundraisers in Stark County during the year so that our kids can go to a normal camp where the food isn't readily available. I just want to thank you for listening to this and I know there are 5 kids here.

PRESIDENT SCHULMAN: Thank you very much, ma'am. Thank you. (*Applause*). Obviously we wish you, your children the best, and hope there's a medical breakthrough. I know there's certainly medical science is moving every day on genetic problems. So, we're thinking about you. Thank you very much for coming down. Our next speaker and our last is Henry Preston. Mr. Preston, as always, welcome. If you'll give us your name and your residential address, please.

HENRY PRESTON: Thank you. My name is Henry Preston. I live at 326 31st St. NW, Canton. Last week, during the business meeting before this Council meeting, I heard Mr. Councilman Smuckler make a statement that he didn't think the City needed voice mail, during the discussion about new communications equipment. So, last week I strongly suggested that he call the pothole central and see what their response was. Because I had called pothole central earlier that day and I got a quick response and they took care of it very efficiently. Like I told Mr. Smuckler, I wouldn't ask him to do anything that I wouldn't do. So, I called Tuesday, Wednesday, Thursday, Friday, and Katie, at pothole central, she's right on the ball and Friday I called and three minutes til four, she answered the phone, we were done in 30 seconds. And so, one thing that I wanted to mention is Katie, there at pothole central, she does an extremely good job and I don't think that a person should whitewash the whole city. Mr. er...Councilman Smuckler addressed me personally earlier this evening and I appreciate that. The one thing that I got out of the conversation was that the City, many offices have a big problem of answering their telephones. Well, my opinion is that's no reason to take out the voice mail. That's a problem with the office managers, and in my opinion, that starts with the Mayor and it should go down that way. I think you Council people, there are people here on Council, you can also mention that, you know, when it doesn't work right, the office procedures...hello...you know, somebody answers the telephone, somebody, even though that's not your job, I think you're all interested in the City and how it performs. So, I think you should take the initiative and mention it at the appropriate time. I think that having an insight of what we see and Councilman Smuckler, we've talked about the other offices, and one office that doesn't do very well is Dispatch, at the Police. That's been ongoing for years. That would be the first thing, with out Safety Director, there. Maybe you could look into that for us. Thank you very much.

PRESIDENT SCHULMAN: Thank you, sir, very much. (*Applause*). And again, we appreciate all of our Public Speaks speakers, and again, you do not have to stay. Ladies, I know you're from Massillon, so, you'd not be disrespectful if want to take off, so, not a problem.

COMMUNICATIONS

PRESIDENT SCHULMAN: Now we turn 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 MARCH 23, 2015.

113. COM DEV DIRECTOR MILLER: AUTHORIZE ACCEPTANCE OF WELLS FARGO BANK

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DONATION OF PROP TO BE DEMOLISHED AT 2904 CHRISTIAN PL NW, PARCEL #02-00574, AND \$10,000.00. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

114. COUNCIL-AT-LARGE HART: ESTABLISH POLICY FOR RESTORATION OF BRICK STREETS. - RECEIVED & FILED
115. COUNCIL-AT-LARGE HART: REQ FUNDING FR THE STATE FOR RESTORATION OF BRICK STREETS. - RECEIVED & FILED
116. SAFETY DIRECTOR PERRY: AUTHORIZE \$1,400.00 MORAL OB TO ACY COMMUNICATIONS TO MOVE DATA CABLES AND RELOCATE CCTV IN POLICE DEPT. - FINANCE COMMITTEE
117. SAFETY DIRECTOR PERRY: AUTHORIZE SAF DIR TO PAY \$342.60 MORAL OB TO REMINGTON ARMS CO, INC. FOR WORK PERFORMED IN NOV 2014. - FINANCE COMMITTEE
118. SAFETY DIRECTOR PERRY: REQ \$19,744.22 SUPP APPROP FR UNAPPROP BAL OF 2761 ENFORCEMENT AND EDUCATION FUND TO 2161 ENFORCEMENT AND EDUCATION FUND - OTHER TO CREATE LAW ENFORCEMENT EDUCATION FUND FOR POLICE DEPT. - FINANCE COMMITTEE
119. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE CONSTRUCTION CONTRACT FOR APPLGROVE ST/MIDDLEBRANCH AVE/WERNER CHURCH RD PROJ - CITY ONLY PORTION; AUTHORIZE MAYOR OR SERV DIR TO EXECUTE PROF SRVS CONTRACT FOR CONSTRUCTION OVERSIGHT SRVS FOR THIS PROJ; MAKE \$1,260,000 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207034 APPLGROVE/MIDDLEBRANCH/WERNER CHURCH WATER MAIN PART A - CITY ONLY PORTION - OTHER; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. - FINANCE COMMITTEE
120. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO 2ND SUPP AGMT TO CANTON/HARTVILLE CONTRACT 2002-66; AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO PROF SRVS AGMT FOR CONSTRUCTION OVERSIGHT FOR HARTVILLE PHASE III WATER MAIN EXT PROJ; MAKE \$1,060,497 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207026 HARTVILLE WATER MAIN EX FUND - OTHER AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. - FINANCE COMMITTEE
121. SERVICE DIRECTOR BARTOS: CERTIFY PROP WITH UNPAID MAINTENANCE INVOICES TOTALING \$456,686.00 FOR STREET DEPT SRVS IN 2014 TO STARK COUNTY AUDITOR FOR LIENS (LIST ATTACHED). - FINANCE COMMITTEE
122. TREASURER PEREZ: COMPARATIVE RPT OF CASH RECEIPTS AS OF 2/28/15. - RECEIVED &

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FILED.

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: We're now under Ordinances and Formal Resolutions for their First Reading. Let the journal show that all Ordinances are given their reading as required by law. Madame Clerk, please begin with Ordinance #1.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #9 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (ORDINANCES #7, #8, AND #9 ADOPTED ON 1ST READING):

- #1. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 266/2014; AND DECLARING THE SAME TO BE AN EMERGENCY (\$10,000.00 FR UNAPPROP BAL OF 4501 701001 CAPITAL PROJ FUND TO 4501 701001 75806 CAPITAL PROJ FUND - OTHER)
Referred to Public Property Capital Improvement Committee
- #2. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A ONE (1) YEAR PROFESSIONAL SERVICES CONTRACT WITH COMPMANAGEMENT, INC. IN THE APPROXIMATE AMOUNT OF \$29,000.00 FOR WORKERS' COMPENSATION ADMINISTRATIVE SERVICES RETROACTIVE TO JANUARY 1, 2015; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #3. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH MANNICK & SMITH GROUP, INC. FOR ENGINEERING SERVICES RELATED TO THE TUSCARAWAS STREET WEST CORRIDOR SAFETY PROJECT, PID 92562, GP 1165; AUTHORIZING THE AUDITOR TO ESTABLISH AND CREATE THE 4578 TUSCARAWAS ST. (WEST) CORRIDOR SAFETY PROJECT, PID 92562, GP 1165 FUND; AMENDING APPROPRIATION ORDINANCE NO. 266/2014; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO APPLY FOR GRANTS AND ENTER INTO GRANT FUNDING AGREEMENTS PERTAINING TO THIS PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY (\$250,000.00 FR UNAPPROP BAL OF 4578 TUSC ST (WEST) CORRIDOR SAFETY PROJ, PID 92562, GP 1165 TO 4578 202043 TUSC ST (WEST) CORRIDOR SAFETY PROJ, PID 92562, GP 1165 - OTHER, AND \$44,563.65 FR UNAPPROP BAL OF 4501 CAPITAL FUND TO 4501 202043 TUSC ST (WEST) CORRIDOR SAFETY PROJ, PID 92562, GP 1165 - OTHER)
Referred to Public Property Capital Improvement Committee
- #4. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR THE PURCHASE OF VARIOUS VEHICLES; OR TO ALTERNATIVELY PURCHASE SAID VEHICLES PURSUANT TO STATE

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COOPERATIVE PURCHASING AGREEMENTS; AND TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR A THREE-YEAR LEASE AGREEMENT FOR TWO (2) FORD FUSIONS, OR ALTERNATIVELY TO ENTER INTO CONTRACT FOR THE LEASE OF SAID VEHICLES IF SAID LEASE IS FOR LESS THAN THE \$20,000.00 THRESHOLD WHICH REQUIRES COMPETITIVE BIDDING; AND DECLARING THE SAME TO BE AN EMERGENCY (1 FORD F-150, 1 FORD F-250, 1 FORD F-350, 1 FORD F-450)

Referred to Public Property Capital Improvement Committee

- #5. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH BURGESS & NIPLE FOR DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE 53RD STREET RESERVOIRS REROOFING PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 266/2014; AND DECLARING THE SAME TO BE AN EMERGENCY (\$89,000.00 FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207033 - 53RD ST RESERVOIR ROOF - OTHER)
Referred to Finance Committee
- #6. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO: ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH PROFESSIONAL SERVICES INDUSTRIES, INC. FOR DESIGN, ENGINEERING, CONTRACT ADMINISTRATION AND OTHER PROFESSIONAL SERVICES AND ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO A CONSTRUCTION CONTRACT FOR THE CANTON MEMORIAL CIVIC CENTER ROOF REPAIR/REPLACEMENT PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #7. (1ST RDG) **ADOPTED AS ORDINANCE NO. 57/2015** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 266/2014; AND DECLARING THE SAME TO BE AN EMERGENCY (\$1,000,000.00 FR UNAPPROP BAL OF 1152 NIP ACQ. DEMO DEBT TO 1152 506001 NIP ACQ. DEMO DEBT - OTHER)
Referred to Finance and Community & Economic Development Committees
- #8. (1ST RDG) **ADOPTED AS ORDINANCE NO. 58/2015** PROVIDE FOR ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,000,000.00, FOR THE PURPOSE OF PAYING THE COSTS OF REVITALIZATION WITHIN THE CITY AND ADDRESSING PROPERTY CONDITIONS THAT ARE DELETERIOUS TO THE PUBLIC HEALTH AND SAFETY THROUGH THE DEMOLITION OF DETERIORATING STRICTURES AND THE IMPROVEMENT OF THOSE SITES, THEREBY ENABLING THE USE OR REUSE OF LANDS WITHIN THE CITY (RETIRE OUTSTANDING NOTES MATURING ON 7/10/15; REVITALIZATION NOTES, SERIES 2015B)
Referred to Finance and Community & Economic Development Committees

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- #9. (1ST RDG) **ADOPTED AS ORDINANCE NO. 59/2015** PROVIDE FOR ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,000,000.00, FOR THE PURPOSE OF PAYING THE COSTS OF REVITALIZATION WITHIN THE CITY AND ADDRESSING PROPERTY CONDITIONS THAT ARE DELETERIOUS TO THE PUBLIC HEALTH AND SAFETY THROUGH THE DEMOLITION OF DETERIORATING STRUCTURES AND THE IMPROVEMENT OF THOSE SITES, THEREBY ENABLING THE USE OR REUSE OF LANDS WITHIN THE CITY (REVITALIZATION NOTES, SERIES 2015C)
Referred to Finance and Community & Economic Development Committees

PRESIDENT SCHULMAN: At this time the Chair would like to declare an in-house recess for the Finance Committee and the Community & Economic Development Committee to meet in regard to Ordinances 7, 8, and 9 on your Agenda this evening. You're now in recess. Chairman Hawk.

(RECESS)

PRESIDENT SCHULMAN: Council will reconvene after the recess. Leader.

MEMBER MORRIS: Mr. President, I move we suspend Rule 22A to place Ordinances 7, 8, and 9 back on this evening's agenda.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A and place Ordinances 7, 8, and 9 back on this evening's agenda. Any remarks? Hearing none, madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries and those Ordinances are a legal part of your agenda. Leader.

MEMBER MORRIS: Mr. President, I move we suspend the Statutory Rules on Ordinance #7.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Statutory Rules on Ordinance #7. Any remarks? If not, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #7.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #7. Any remarks under this Ordinance? Again, hearing none, Madame Clerk, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#7 ADOPTED AS ORDINANCE NO. 57/2015

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Ordinance #7 has been adopted. Ordinances #8, Leader.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Statutory Rules on Ordinance #8. Any remarks? If not, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #8. Any remarks under this Ordinance? If not, Madame Clerk, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#8 ADOPTED AS ORDINANCE NO. 58/2015

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Ordinance #8 has been adopted. Ordinance #9, Leader.

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MEMBER MORRIS: Mr. President, I move we suspend the Statutory Rules on Ordinance #9.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Statutory Rules on Ordinance #9. Any remarks? If not, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #9.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #9. Any remarks under this Ordinance? If not, Madame Clerk, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#9 ADOPTED AS ORDINANCE NO. 59/2015

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Ordinance #9 has been adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We are now under Ordinances and Formal Resolutions for their Second Reading. Madame Clerk, please begin with Ordinance #10.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #10 THROUGH #15 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #10. (2ND RDG) AN ORDINANCE RENAMING A PORTION OF TIMKEN PLACE S.W. IN THE CITY OF CANTON, TIMKENSTEEL DRIVE S.W.
- #11. (2ND RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO ESTABLISH THE 2335 EARLY HEAD START FUND; AND DECLARING THE SAME TO BE AN EMERGENCY (\$34,000.00 IN FUND MONEY REC'D FR YWCA TO SUPPORT ONSITE SERV)
- #12. (2ND RDG) AMEND APPROP O#266/2014; EMERGENCY (\$42,200.00 FR UNAPPROP BAL OF

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4501 CAPITAL FUND TO 4501 301001 HEALTH ADMINISTRATION - OTHER;
\$9,000.00 FR UNAPPROP BAL OF 2318 HIV GRANT FUND TO 2318 301001 -
OTHER FOR PURCH EXAM TABLES FOR CLINIC ROOMS AND LAPTOPS FOR
SANITARIANS)

- #13. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 266/2014;
AND DECLARING THE SAME TO BE AN EMERGENCY (\$85,072.28 FR
UNAPPROP BAL OF THE 2763 LAW ENFORCEMENT TRUST FUND TO 2763
102001 POLICE ADMINISTRATION - OTHER TO OFFSET COST ASSOC WITH
PURCH OF TASER CARTRIDGES)
- #14. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC
SERVICE TO ENTER INTO A COOPERATIVE AGREEMENT WITH STARK
COUNTY FOR THE CITY OF CANTON'S SHARE OF STARK COUNTY'S
FAIRHOPE SANITARY SEWER LIFT STATION REHABILITATION PROJECT;
AMENDING APPROPRIATION ORDINANCE NO. 266/2014; AND DECLARING
THE SAME TO BE AN EMERGENCY (\$120,000.00 FR UNAPPROP BAL OF THE
5410 SANITARY SEWER FUND TO 5410 206315 SANITARY SEWER - OTHER)
- #15. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC
SERVICE TO NEGOTIATE AND ACCEPT THE DONATION OF TWO PARCELS
OF LAND VALUED AT A COMBINED TOTAL OF \$5,600.00 FROM PEPPERTREE
FARMS, LLC; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL
NOS. 305205 AND 305206 FOR LAND CONSERVATION AND STORM WATER
DETENTION OR RETENTION)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: We now under Ordinances for their Third and Final Reading. Madame Clerk, could you please begin with Ordinance #16.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #16 THROUGH #21 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

- #16. (3RD RDG) **ADOPTED AS ORDINANCE NO. 60/2015** AN ORDINANCE AUTHORIZING THE
AUDITOR TO PAY AN AMOUNT NOT TO EXCEED \$3,305.95 TO AKRON
VETERINARY REFERRAL & EMERGENCY; AND DECLARING THE SAME TO BE
AN EMERGENCY (VET SRVS FOR POLICE CANINE K-9 LUCO)

PRESIDENT SCHULMAN: Leader.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #16. Are there any remarks on

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this Ordinance? If not, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#16 ADOPTED AS ORDINANCE NO. 60/2015

PRESIDENT SCHULMAN: Ordinance #16 has been adopted. Ordinance #17, please.

#17. (3RD RDG) **ADOPTED AS ORDINANCE NO. 61/2015** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 266/2014; AND DECLARING THE SAME TO BE AN EMERGENCY (\$350,000.00 FROM UNAPPROP BAL OF 4501 CAPITAL FUND TO 4501 103001 FIRE ADM - OTHER FOR \$250,000.00 AND 4501 102001 POLICE ADM - OTHER FOR \$100,000.00)

PRESIDENT SCHULMAN: Leader.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #17. Any remarks under this Ordinance? If not, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#17 ADOPTED AS ORDINANCE NO. 61/2015

PRESIDENT SCHULMAN: Ordinance #17 has been adopted. Ordinance #18, please.

#18. (3RD RDG) **ADOPTED AS ORDINANCE NO. 62/2015** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A SIXTY (60) MONTH LEASE TO OWN PURCHASE/MAINTENANCE CONTRACT WITH COPECO, INC. FOR A COPY, PRINT, SCAN AND FAX MACHINE AT AN ESTIMATED COST OF \$440.00 PER MONTH THROUGH THE NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT IN ACCORDANCE WITH OHIO REVISED CODE SECTION 9.48 AND CODIFIED ORDINANCE SECTION 105.11; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

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

MEMBER SMITH: Second.

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PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #18. Are there any remarks under this Ordinance? If not, by roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#18 ADOPTED AS ORDINANCE NO. 62/2015

PRESIDENT SCHULMAN: Ordinance #18 has been adopted. Ordinance #19, please.

#19. (3RD RDG) **ADOPTED AS ORDINANCE NO. 63/2015** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 266/2014; AND DECLARING THE SAME TO BE AN EMERGENCY (\$165,100.00 FROM UNAPPROP BAL OF 4501 CAPITAL FUND TO 4501 208001 DMV ADM - OTHER FOR \$5,100.00, 4501 504010 INFO TECH MGR - OTHER FOR \$100,000.00 AND 4501 202210 STREET MAINT - OTHER FOR \$60,000.00)

PRESIDENT SCHULMAN: Leader.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #19. Are there any remarks on this Ordinance?

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: Is this the Ordinance with the voice mail in it?

PRESIDENT SCHULMAN: Director Bartos is shaking his head yes, for the record.

MEMBER SMUCKLER: That's what I was afraid of. For the record, this is mumbled up with a bunch of other very important things in the Street Department. I would call your attention to Rule 38, Division of the question, Mr. President. And I would ask you, according to Rule 38(A), that you divide the question and don't make me vote on the street equipment along with that voice mail, and I'll give my reasons why under the appropriate times, if you divide the question.

PRESIDENT SCHULMAN: Is there a motion? (*Inaudible*).

MEMBER SMUCKLER: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to divide the question on Ordinance 19. According to Rule 38(B), Any Member may move to...

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MEMBER SMUCKLER: No, I'm asking you to do it under 38(A).

PRESIDENT SCHULMAN: Yes, I know that. Any Member may request the division of a question or the Presiding Officer may direct the same. The question in either case may be divided at the discretion of the President. Because I like Member Smuckler, I will...*(Laughter)*...exercise my prerogative as chair, and I will divide the question. Now, the question is, how are we dividing it, so, tell me that. *(Laughter)*. Pardon. Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, Members Council, Mr. Smuckler, Director Bartos. Is it the Information Technology Manager portion of the Ordinance for \$100,000.00 that contains the voice mail?

MEMBER SMUCKLER: That's my understanding. Director Bartos?

DIRECTOR BARTOS: Yes.

PRESIDENT SCHULMAN: So, the questions would be divided in two ways? Alright.

LAW DIRECTOR MARTUCCIO: As I understand it, Mr. President, the Ordinance...the motion is to vote on the entire Ordinance, but for the line item 4501 504010, Information Technology Manager - Other, \$100,000.00.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you, Mr. President. If we are dividing the question in that manner, Director Bartos makes a good mathematical point. We would have to amend the "from" line to subtract \$100,000.00 from the "from" line, so it would read, "\$65,000.00...\$65,100.00". So, let me say that again. The Ordinance as it currently is drawn up, currently, without the division, is for \$165,100.00. If we extract the \$100,000.00, the Ordinance now has an Unappropriated Balance being moved of \$65,100.00. And so the amendment would be to the "from" line of Section 1, to reduce it by \$100,000.00.

PRESIDENT SCHULMAN: Member Smuckler, you're smiling, but it's your Motion. Would you like to frame your motion, at least. I've allowed the division, but I'd like to hear how you frame it.

MEMBER SMUCKLER: No, I just want to know which part of this we'll be tackling first.

PRESIDENT SCHULMAN: That's what I think I'd like to know. Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, what's your pleasure. In dividing the question, obviously, you're going to have two parts. It seems to me the easier part would be to take a vote first, to see if the question should be divided, and if so, then we can do the amending and vote on it...

PRESIDENT SCHULMAN: I think I've already decided it's going to be divided. The question is then, Member Morris is going to have to make a motion on the first part, that's why I'm trying to clarify the language of the first part. So...Member Smuckler.

MEMBER SMUCKLER: If we could...we could probably solve this very easily. If we could tackle the first \$100,000.00, I'm pretty sure I know which way the vote's going to go, but I at least want to make my point about this.

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LAW DIRECTOR MARTUCCIO: Perhaps, Mr. President...

PRESIDENT SCHULMAN: Yes, Law Director.

LAW DIRECTOR MARTUCCIO: Maybe an easier way, Mr. Smuckler, might be to amend, to put a motion on the floor to amend the Ordinance by reducing it by \$100,000.00, excising the IT line, that way you'll know...

MEMBER SMUCKLER: So moved.

PRESIDENT SCHULMAN: Alright, it's been moved and second then, to excise from Ordinance, who is that?

MEMBER MORRIS: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Morris.

MEMBER MORRIS: Okay, so, we're going to make a motion to amend 19, the dollar amount, correct? Just so I'm clear.

LAW DIRECTOR MARTUCCIO: Yes, Majority Leader. To excise the line that refers to the Information Technology Manager and to change the total to \$65,100.00 from \$165,100.00.

PRESIDENT SCHULMAN: So, Member Morris, do you want to make that amendment, if you understand it?

MEMBER MORRIS: That's fine.

PRESIDENT SCHULMAN: *(Inaudible)*.

MEMBER SMUCKLER: There's a motion on the floor, Mr. President.

MEMBER MORRIS: There's already a motion and it's already been seconded.

PRESIDENT SCHULMAN: Alright.

MEMBER MORRIS: Thank you.

PRESIDENT SCHULMAN: You're welcome. Does everybody understand the motion and the second? Are there any remarks under the motion to amend Ordinance 19? Member Smuckler.

MEMBER SMUCKLER: Now, this would mean that the first part we'll be voting on, Mr. Law Director, is the technology part, or the Street Department part?

LAW DIRECTOR MARTUCCIO: No. If...I'm sorry. Mr. President, Member Smuckler, if it is successfully amended then that will be taken out of it and the Ordinance then will be voted on as a whole, minus those lines.

MEMBER SMUCKLER: Understand. Mr. President.

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PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: Mr. Preston's correct. You can call any emergency department in this place and you'll probably get someone to answer the phone. I'd be shocked if 911 went to voice mail. But there's too many times that I've had to call down here and say to one of the office staff, find me a breathing body. And I'm not the only one that's had to do that. And it doesn't mean that I've had to have somebody in 60 seconds. In some instances, it's been a week's gone by and I haven't gotten a return phone call. Again, I've stated this time and time again, this should be run like a business. If I ran my business this way, I wouldn't have been in business for as long as I've been. It's essential that the public gets served. I made a blanket statement and I apologize for that. The Council staff is excellent at answering the phones. You don't get voice mail during the day unless it's absolutely out of the ordinary, and then you get called back as soon as possible, but this is not the norm. I believe that the only time voice mail ought to be turned on in this Hall, is at night when no one's here. And I just can't see us continuing the bad habit of what's going on around this Hall. Thank you.

PRESIDENT SCHULMAN: Thank you, Member Smuckler. (*Applause*). Any other remarks? Member Griffin.

MEMBER GRIFFIN: Mr. President. I agree with everything he said.

PRESIDENT SCHULMAN: Thank you, Member Griffin. Any other remarks? Hearing none, now you're on a motion to amend Ordinance 19. Madame Clerk...

CLERK TIMBERLAKE: Okay...

PRESIDENT SCHULMAN: Roll call vote, please. (*Inaudible*)

MEMBER SMUCKLER: Point of Information, Mr. President.

PRESIDENT SCHULMAN: Yes, Member Smuckler.

MEMBER SMUCKLER: I think you'd better point out what a yes vote means and what a no vote means.

PRESIDENT SCHULMAN: It's my understanding that the motion is to excise the \$100,000.00 from Ordinance 19, so a yes vote would be that you are in agreement with excising, meaning taking out of Ordinance 19, the \$100,000.00 from the Ordinance. Is that the gist of your motion? So, does everybody understand that?

MEMBER WEST: No.

PRESIDENT SCHULMAN: Do you want to comment? If you vote no, then that means you disagree that the \$100,000.00 should be taken out of the Ordinance. Does everybody understand?

MEMBER SMITH: No.....

PRESIDENT SCHULMAN: There is a motion to amend Ordinance 19. In its simplest form, if you are voting yes, then you are in agreement that the \$100,000.00 from Ordinance 19, which relates to IT is going to come out of the Ordinance. If you are not in agreement, then a "no" vote would say, no, I want the \$100,000.00 to remain. It will take a majority of Council Members present to agree with the amendment. Does that make sense

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to everybody? So, with that, on the amendment, Madame Clerk, roll call vote, please.

NO REMARKS

ROLL CALL 6 YEAS, 5 NAYS

(MEMBERS SMITH, BABCOCK, FISHER, DOUGHERTY, MARIOL VOTED NAY)

CLERK TIMBERLAKE: Six yeas, five nays, Mr. President.

AMENDMENT PASSED UNANIMOUSLY BY ROLL CALL VOTE

PRESIDENT SCHULMAN: So, the motion to amend Ordinance 19, by virtue of a 6 to 5 vote, which is a majority of all Council Members present, with no abstention, means the amendment is sustained. Meaning it is adopted. So the \$100,000.00 is out of Ordinance 19. Now, we will return to Ordinance 19, without the \$100,000.00.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 19, as amended. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#19 ADOPTED AS AMENDED AS ORDINANCE NO. 63/2015

PRESIDENT SCHULMAN: Ordinance #19, as amended, is adopted. Meaning, the Ordinance does not contain the \$100,000.00 that was the point of the amended motion. Ordinance 20, please, Madame Clerk.

#20. (3RD RDG) **ADOPTED AS ORDINANCE NO. 64/2015** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT(S) FOR THE PURCHASE OF VARIOUS VEHICLES AND/OR EQUIPMENT FOR THE COLLECTION SYSTEMS DEPARTMENT; AUTHORIZING THE MAYOR OR DIRECTOR TO ALTERNATIVELY PURCHASE SAID VEHICLES AND/OR EQUIPMENT PURSUANT TO STATE COOPERATIVE PURCHASING AGREEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY (1 FORD F-350, 1 JOHN DEERE 85G EXCAVATOR, 1 FORD E-450)

PRESIDENT SCHULMAN: Leader.

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

PRESIDENT SCHULMAN: It's been moved and seconded...

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MEMBER SMITH: I didn't second yet...*(Inaudible)*.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Its been moved and seconded that you adopt Ordinance 20. Was there a question?

CLERK TIMBERLAKE: Yeah...

MEMBER WEST: Very much so. I need to go back because my understand was, we were separating it, then we were voting on both sides, a \$100,000.00 and then the split, is what my understanding was.

PRESIDENT SCHULMAN: Well...It didn't...I don't think you would have voted yes or no. You voted no.

MEMBER WEST: I voted no, I thought we were splitting the question, which means now we have two questions.

PRESIDENT SCHULMAN: No, we were not. We were amending the Ordinance to take out the \$100,000.00.

MEMBER FISHER: Mr. President, I think what Thomas, if I'm not mistaken, Member West...

PRESIDENT SCHULMAN: Member Fisher.

MEMBER FISHER: ...I think you intended to vote to keep the \$100,000.00 for voice mail but you inadvertently voted to remove the \$100,000.00 from voice mail.

MEMBER WEST: Well, my understanding was, I thought I split it, and then I was going to vote for the \$100,000.00 but also gonna vote for the...because I thought there was two questions. That's what I thought he had said, he was splitting the question, dividing the question. That was my understanding. So, therefore I'd like to make...I can't make a motion now because we're on another thing, but I'd like to amend...

PRESIDENT SCHULMAN: Well, we can always revisit this with another Ordinance, too. *(Inaudible)*. We're going to take a two minute recess, so I may talk to my lawyer.

(RECESS)

PRESIDENT SCHULMAN: Member West...Okay, we're going to return back to the meeting. Thank you Law Director Martuccio. It's my understanding that you would have voted, if you understood the amendment, you would have voted to keep the \$100,000.00 in the Ordinance?

MEMBER WEST: Yes.

PRESIDENT SCHULMAN: And so, that was defeated. So you did vote no on that. Because that was the amendment, to excise it, and you were saying no, you didn't want to excise it from the Ordinance. But then you thought it was going to be divided and you would have voted if it had been a divided question, to keep the \$100,000.00 in, but there were, in fact, six votes that wanted to take it out. So, whether or not you did you...

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MEMBER WEST: I was one of the six...

MEMBER FISHER: Mr. President, no. Thomas voted yes on the amendment and he thought he was voting to split the question. So, what he is saying is, he meant to vote no on the amendment and he wants to change his vote to no...

PRESIDENT SCHULMAN: So, I understand that you...I didn't understand that, I apologize. I thought you voted no. (*Inaudible*). He voted yes. Okay, now you can make a motion since you were in the prevailing side of that amendment vote, you can make a motion to reconsider...

MEMBER DOUGHERTY: ...After...

PRESIDENT SCHULMAN: Right now...

MEMBER MARIOL...No, no, we have to vote now...we have a motion on the floor. We have to approve Ordinance #20 and then we can reconsider.

PRESIDENT SCHULMAN: Alright. Thank you, Member Mariol. So, we have Ordinance 20, is on the floor, it's been moved and seconded to adopt Ordinance 20. Any remarks? Hearing none on Ordinance 20, Madame Clerk, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#20 ADOPTED AS ORDINANCE NO. 64/2015

PRESIDENT SCHULMAN: Ordinance #20 is adopted. Member West.

MEMBER WEST: Mr. President, I'd like to make a motion to reconsider the previous ordinance. (*Inaudible*). Ordinance #19 as amended.

MEMBER MARIOL: Second.

PRESIDENT SCHULMAN: Okay, we have a motion and a second under Rule 41, to reconsider the vote on Ordinance 19. Ordinance...oh, I'm sorry, the Rules of Procedure for Council on Rule 41 states, "Any member who was absent, abstained from voting, or voted with the prevailing side, which is Mr. West...Member West, may move for reconsideration of any action of Council accepting measurers which have put into immediate effect. Such a motion for reconsideration shall be made not later than the next regular scheduled meeting, no motion to reconsider shall be made more than once on any measure, and such motion shall require a majority of all Members of Council in order to prevail". Now, a majority of all Members of Council, and we've been down this road before, means 7, not 6. Because this is a majority of all Members of Council, it does not say all Members of Council present. So, we have a motion to reconsider, we have a second. Any remarks under the motion to reconsider? Hearing none, Madame Clerk, roll call vote, please.

NO REMARKS

ROLL CALL 7 YEAS, 4 NAYS
(MEMBERS HART, SMUCKLER, HAWK AND GRIFFIN VOTED NAY)

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CLERK TIMBERLAKE: Seven yeas, four nays, Mr. President.

RECONSIDERATION #19 PASSED UNANIMOUSLY BY ROLL CALL VOTE

PRESIDENT SCHULMAN: Alright, the motion then carries because that is a majority of all Members of Council, that being twelve. So we are back to Ordinance #19.

CLERK TIMBERLAKE: Yes...

PRESIDENT SCHULMAN:...And we have a Reconsideration of the Ordinance 19, first as a...I guess...should be...first the amendment of Ordinance 19.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: And the amendment would be to excise, that is to take out the \$100,000.00 for the IT. Does every...*(Inaudible)*. Okay, we are going to reconsider the question that originally is before us. And that first question was to amend Ordinance 19. That was the motion that Member...Leader Morris made, which was seconded by Assistant Majority Leader Smith, and that is to amend Ordinance 19, to take out or excise the \$100,000.00 of IT money. So, that's what you're voting on. To amend, a yes vote, is to take out the \$100,000.00 of the IT.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you. Just so we're extremely clear. In this round, which will be a roll call vote, if I'm understanding the way that we're doing this. In this round, if you vote yes, you are voting to take out the \$100,000.00 for IT. Are we all clear on that? In this round, when you do your roll call, if you vote yes, you're voting to take out the \$100,000.00. No keeps it in.

PRESIDENT SCHULMAN: Are we all clear? Are there any questions? Any comments on the motion to amend? Madame Clerk, roll call vote, please.

NO REMARKS

ROLL CALL 5 YEAS, 6 NAYS

(MEMBERS SMITH, BABCOCK, WEST, FISHER, DOUGHERTY, MARIOL VOTED NAY)

CLERK TIMBERLAKE: Five yeas, six nays, Mr. President.

PRESIDENT SCHULMAN: So, the motion to amend is defeated.

CLERK TIMBERLAKE: Correct.

PRESIDENT SCHULMAN: So, no we are on Ordinance #19, without it's amendment. Leader.

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

MEMBER SMITH: Second.

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

MEMBER MORRIS: As originally presented.

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

NO REMARKS

ROLL CALL 9 YEAS, 2 NAYS
(MEMBERS HART AND HAWK VOTED NAY)

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

#19 ADOPTED AS ORDINANCE NO. 63/2015

PRESIDENT SCHULMAN: Ordinance 19, as it was originally intended, is adopted. Ordinance 21 please.

#21. (3RD RDG) **ADOPTED AS ORDINANCE NO. 65/2015** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH OMNIPRO SERVICES FOR CONSTRUCTION ENGINEERING FOR THE APPLGROVE STREET/MIDDLEBRANCH AVENUE/WERNER CHURCH ROAD PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 266/2014; AND DECLARING THE SAME TO BE AN EMERGENCY (\$627,000.00 FROM UNAPPROP BAL OF 5201 WATER FUND TO 5201 207032 APPLGROVE/MIDDLEBRANCH/WERNER CH WATER MAIN PART B - JOINT PROJ - OTHER)

PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #21. I remember Leader Morris saying this was going to be a very simple meeting. No problems. (*Inaudible*). Are there any remarks under Ordinance 21? (*Inaudible*). Anyone else? Madame Clerk, roll call vote, please.

NO REMARKS

ROLL CALL 10 YEAS, 1 NAYS
(MEMBER MORRIS VOTED NAY)

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

#21 ADOPTED AS ORDINANCE NO. 65/2015

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PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #21 is adopted. That concludes Ordinances and Formal Resolutions for their Third and Final Reading.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: We are now under the Announcements of Committees. Chairman Hawk, announcement of Committee meetings.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Chairman Hawk.

MEMBER HAWK: Thank you, good sir. I move that we will have Committee meetings Monday March 30th at 6:45 p.m.

PRESIDENT SCHULMAN: Thank you.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Chairman Smith.

MEMBER SMITH: C&ED will also meet at the same time.

PRESIDENT SCHULMAN: Thank you.

MEMBER MARIOL: Mr. President.

PRESIDENT SCHULMAN: Chairman Mariol.

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

PRESIDENT SCHULMAN: Thank you. Anyone else? Okay.

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: Now we move to Miscellaneous Business. Do we have any? Member Smith.

MEMBER SMITH: Yes, Mr. President. I (*Inaudible*). As a member of the Public Property Capital Improvement Committee, I would like some questions answered involving the adoption of Ordinance #48. I really want the other Council Members to follow along with me, with this, because (*Inaudible*). If you all would bear with me here because I need some clarity on some questions and some...

PRESIDENT SCHULMAN: Member Smith, hold on. Can everybody in the audience hear Member Smith? Okay, Member Smith, maybe Member Babcock could give you his microphone.

MEMBER SMITH: Okay, can you hear me now?

PRESIDENT SCHULMAN: No, I don't know if your is working.

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MEMBER SMITH: Can you hear me now?

PRESIDENT SCHULMAN: You'll have to...

MEMBER SMITH: Okay, as I stated before, as a member of the Finance and Public Property Capital Improvement Committees, I just got some questions that I would like answered in regards to Ordinance #48, with the amendment. And you'll get those copies in one minute. Now, let me say this, because it might be something that slipped by me, shame on me if it did, but I just want some clarity. And I try to always go back once we do an Ordinance that I'm not really sure on, or read the amendments, and I try to go back through the Minutes, or the Ordinances, and just see what really happened, cause I like to know (*Inaudible*). So, I'm a little confused on this thing. First of all, if you notice in the Ordinance, and that should be the first sheet...you know we discussed on that last (*Inaudible*) transfer...(*Inaudible*).

PRESIDENT SCHULMAN: Yes, Member Smith, why don't you hold off and let's make sure everybody has the documents so we can all follow along.

MEMBER OF AUDIENCE: We can't hear...

PRESIDENT SCHULMAN: And you're going to have to press down on your...

MEMBER SMITH: Would you do that for me...

PRESIDENT SCHULMAN: There you go.

MEMBER SMITH: Okay. Make yourself useful...(*Laughter*). (*Inaudible*). Just bear with us for a minute because I want all Council Members to...uh...understand where I'm going with this because everybody needs to understand...you now...we need to...I'm sort of like Smuckler when it comes to...I'm sorry, Councilman-at-Large Smuckler, when it comes things not being right or even with Council, we need to be more transparent about that things that we do. We need to communicate more. Especially if we're going to be a strong Council like y'all say we are. We ready? ...Okay. And excuse me if I'm flipping through some notes, you know how we do. I have to write things down so I won't forget.

PRESIDENT SCHULMAN: Law Director Martuccio has some Miscellaneous Business while this is happening, so why don't we do that.

MEMBER SMITH: Okay.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Thank you Member Smith. I'll just fill the gap for a bit. Thank you, Member Smuckler, for keeping us on our toes with procedural motions, but the point behind it is well made. I can tell you, speaking as the head of one department, that we do have a human being that answers our phones all day long. But, that human being that answers our phones all day long, transfers it then, to voice mail for attorneys who work there. And I know occasionally, our attorneys, including me perhaps, are at fault for not returning the phone calls immediately. For that I apologize and say, anyone who's got problems getting a call back from us, please let me know first, or our office manager. I do appreciate voice mail

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in the sense that you can leave detailed voice mails for us. Your emotions and your needs, and the details, we appreciate that. On another matter, I did want to get back to the claim issue. I think all of us agree that the Codified Ordinance says that when a claim is under \$15,000.00, the Law Department processes it. If it's over \$15,000.00 it goes somewhere else, if it's over \$50,000.00, it goes to all of Council. So, we have the duty under law, to analyze those claims again the City. Whether they're potholes or caused by garbage trucks or police cars, and we have to follow the rules. If we didn't, it would be arbitrary. You don't want us giving money to people because they're our good friends, or because we feel especially sorry for them. We have to follow the law because it's taxpayer money and we process hundreds and hundreds and hundreds of claims every year, so we have to follow the rule. If, and the law says, that in order for us to pay out a claim, someone has to be more than negligent. It has to be more than an accident. And in the case of potholes, for example, it has to be, as we've talked about before, we just...we have the time and the we have the resources and we just didn't get to the pothole. But again, I just wanted to give a little feedback without getting into specifics of individual cases, but we are charged with following the law. And should someone disagree with a ruling, they have the opportunity to go to Court and contest it. In Municipal Court, in Small Claims or Municipal Court, where someone else hears it and applies the law. And I want to thank Mr. Hawk for helping tonight with some of the issues. We will begin to process one of the claims that was brought to our attention. Thank you.

PRESIDENT SCHULMAN: Thank you, Law Director.

MEMBER SMITH: Alright.

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: Okay, now as I was saying, and everybody should have a copy by now. I want you to follow along with me because if it was something that I slipped, or I just didn't pay no attention to, like I say, shame on me, but I went back last week and looked over some papers and I'm really confused about something. First of all, the first amendment that we had. You know, we had talked about this money coming out of Council's budget, and that first amendment we talked about, it was the one for the \$65,000.00, on that first amendment. It was \$65,137.36, then at the last minute, we get this amendment that came right down before Council, which was the second amendment, and it came down saying \$285,500.00. Now this was plus the \$65,137.36. Now, I remember and I recall when I had asked about an explanation and I looked at the Minutes...and...I'm just a little confused here because you talked about it coming out of the Firefighters...Mr. DiRuzza, do you recall that?

FINANCE DIRECTOR DIRUZZA: *(Inaudible)*.

MEMBER SMITH: Okay. And then when you talked about the other monies coming out, you gave us numbers of the different fund that it was coming out of, but you never said it was coming out of Council's budget. And, I hate to go back to Fulton Rd., but it all boils down to that because that's what brought on the situation. Then when I looked at Council's budget, Council's budget is at a zero. So then, all the money was taken out of Council's budget. Did that deplete Council's budget? ...Yeah? Okay.

MEMBER DOUGHERTY: Mr. President. Yes it did.

MEMBER SMITH: Okay, who brought down the amendment to deplete Council's budget?

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PRESIDENT SCHULMAN: Director.

FINANCE DIRECTOR DIRUZZA: Member Smith, I was handed the amendment and asked to just...you know...this is a second amendment, read it, and that's all there is to it. And being this is coming from, you know, what I would think would be Council, I read the accounts.

MEMBER SMITH: Okay, so, my first question was, who asked for this amendment?

MEMBER MORRIS: Mr. President, may I address this please?

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Okay, when we were discussing the Fulton Rd. Project, one priority that everybody could agree on, was we were going to pave roads. After talking to our Service Director and the Chairman of Capital, Council does not have the authority to spend that money, so therefore we had to move that money over into the paving fund, in order for Council to pave the roads. For myself, as the Majority Leader, to move a half a million dollars over into Council's fund for paving projects, was asinine, irresponsible, and I've already admitted that it was a huge mistake. So, myself and the Chairman of Public Property Capital Improvement, knowing that it is a huge concern to our community to pave roads, it's a huge concern of yours and ours, we had to move this money back into paving. It's the only way you're going to get roads paved. We leave it in there, we can't spend it, we had to move it over. Council Members were given a list of roads, priorities that they wanted done, that list was addressed. There will be additional money for additional roads, and that's where the conversations will take place during Capital. It was brought in an amendment, it was clear, it was put out there, it was there for everybody to read.

MEMBER SMITH: Okay, did everybody understand that? I don't think so, because I don't understand how if you're on a Committee, and you do not know what's going on within that Committee. I just feel that as a Chairman, the rest of the Committee should know what's going on. And, you know...I know we keep talking about Fulton Rd., but...and you're talking about prioritizing streets, Fulton Rd. was not even on the priority list, so I still want to know...so you're saying...you and Mr. Mariol, which was Chairman, you all brought the second amendment down? Is that what you're saying?

MEMBER MORRIS: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: What I said was, myself and the Chairman of Public Property, Mr. Mariol, had conversations with the Service Director. We meet weekly with the Service Director, the Street Department Superintendent, and the City Engineer, addressing the problem with potholes and the road conditions. We cannot spend the money if it's sitting in Council's fund. So, myself and that Chairman and the Service Director put amendment to the Ordinance and brought it down. Council approved that amendment.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Member Dougherty.

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MEMBER DOUGHERTY: I think we're all missing the point here. The point is, it was brought down at the last second and it was handed to everybody and within minutes we're voting on it, when all it was supposed to come out was so much for Fulton Rd. and that was it. I mean, why wasn't there just a simple conversation. We asked for the amendments to be summarized so we can all know what's going on. In the summary, the point that Member Smith is making, is...I've been down here forever...everybody...when you summarize it you say where this money is coming from and that didn't happen and we're questioning why. So it was an oversight by some members, but when I had called and asked how much money was left in the account the next day, it was zero. How can we operate with zero in that account. There are some things throughout the year we have to do, other than paving for the office, so there's a problem. But I still want clarification on why you talked about the Fire thing and for the Council thing it was just kind of like...we'll just throw a number out there and nobody will grab ahold of that, so that's what I'm having a problem with...

PRESIDENT SCHULMAN: Member Mariol...

MEMBER SMITH: ...And that's...Mr. President...

PRESIDENT SCHULMAN: Yes...

MEMBER SMITH: ...And that's what I'm having a double problem with. Because this Majority Leader just told me that he didn't even know that he was pulling all of the money out and I showed him that it's a zero balance. I just feel...he didn't know it was zero.

MEMBER MARIOL: Mr. President.

PRESIDENT SCHULMAN: Member Mariol.

MEMBER SMITH: I wasn't done.

PRESIDENT SCHULMAN: Oh, I'm sorry. Member Smith.

MEMBER SMITH: That's okay. And another thing. I don't have a problem with you doing things, but I just don't think it's fair when 2 of y'all can go wherever you go, whether it's with the Service Director, or whether it's with the Finance. When you've got a Committee, it needs to be transparent what you're doing. Because you see, this all goes back to what one of our constituents said last week, that you've got some Council Members sitting here not doing anything, and see when you've got a person such as myself, and all these other Council Members that have got potholes all over this city, and we don't know where y'all taking money at. We've got nine more months to go with Council's budget that's at zero. Then I was informed tonight about a certain person's money coming out and he didn't even know why I was asking because I'm saying, how can we pay this person and Council's got a zero balance. That shouldn't be.

PRESIDENT SCHULMAN: Anything else, Member Smith?

MEMBER SMITH: No sir.

PRESIDENT SCHULMAN: Okay. Member Mariol.

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MEMBER MARIOL: If..just reading the transcripts here from the minutes. It says, "from the Firefighters Assistance Grant Fund for \$65,137.36 to Account 2813-103001, so the Council money is not unique in the fact that you would use numbers, and just in this amendment and the explanation, numbers were used. There's another paper that is the Amendment with, it appears it's highlighted, and it's wrote that it is out of Council Administration to Street Paving. So, not only was it summarized by words, but also a copy placed in front of every Council Member with it in writing. I apologize to Member Smith if she feels as though she's not being included in this...

MEMBER SMITH: ...It's not just me, though, Mr. Mariol.

PRESIDENT SCHULMAN: Okay, Member Mariol has the floor, please.

MEMBER MARIOL: We have a significant problem in this city, with out streets, so any additional money that we have in Capital, needs to go to paving. Now, from the discussions we had on Fulton, the side note to that was, this money, it seemed as though there was a consensus that we would spend it on paving. Like the Leader said, there is no way to spend this money on paving when it sits in Council's budget. So, if the issue is procedure, that's one thing. Is the issue that we do not want to spend this money on paving? Because if we do, it's there and we can discuss about procedure, and I will do...and we can talk afterwards about fixing the procedure part, but is the issue \$285,000.00 more for paving?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Member Dougherty.

MEMBER DOUGHERTY: We are really getting off track here and we want to try to put a blanket over this, and it's ridiculous because that was the whole idea. Everyone understands that you have to put it in paving. The idea was that this would be divided up with each Council Member so they could decide what they want in their Ward. Okay? That's all. That's why it hasn't been done before, because this stuff happens. Now we just through that in the General Fund, in the pool, who's getting what? Who's going to get...am I getting an extra street like I should? Because it was going to be \$44,000.00 for each Councilman to deal with that. And that's all it was, and then it would...an Ordinance could have come down, you could have transferred the money just like you did here, but we would all be in the same page, and we'd be talking about...these are the streets that we want done with this money. That was the idea and I think Member Morris would agree, at the beginning, that was the idea.

MEMBER MARIOL: Mr. President.

PRESIDENT SCHULMAN: Member Mariol.

MEMBER MARIOL: Director Bartos, as Service Director, you handle a lot of the street paving. Can you summarize the process of how the roads are picked, on the list for street paving?

PRESIDENT SCHULMAN: Director.

SERVICE DIRECTOR BARTOS: Sure. Mr. President. Member Mariol. Each Councilperson has input. There's a base list prepared by Engineering, and based on the input from Council, a rating of the streets, a list is

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formulated. We had a draft list that was sent around to everybody and ultimately it was either approved or amended by the Council people as requested.

PRESIDENT SCHULMAN: Thank you Director. Member Mariol.

MEMBER MARIOL: So, Director Bartos, what you're saying is that Council Members turn in roads to you, historically, in the past, and you work directly with Council to figure out what Ward...er...what roads in their Ward need paved? Is that correct?

SERVICE DIRECTOR BARTOS: Yes.

MEMBER MORRIS: Mr. President.

PRESIDENT SCHULMAN: Yes, Leader.

MEMBER MORRIS: Just for the record. I am not, nor will I, and it'll be a cold day in hell before I ever apologize for attending five or six meetings and also, I'd like to bring to everybody's attention that it would be nice if myself and the Capital Chairman could sit down and have a meeting with Member Smith or Member Dougherty, but we have that little thing called the Sunshine Law, okay, so when we sit down and we have these meetings with the Administration, that is what we are supposed to do. Now, in years past, everybody said, and I put this in an email, everybody's concern was when you take the Majority Leader position, are you going to have ample amount of time to attend these meetings. And now it seems like every time I attend a meeting, it's secret meetings, you're having meetings without keeping everybody in the loop. There's days I can't keep everybody in the loop, I have a full-time job, so I am not apologizing for going to meetings. Should we have communicated the information in Committee, you're right. I'll apologize for that, but I'm not going to apologize for having meetings with the Service Director, the Mayor, the Safety Director, Member Mariol, or any other Chairman.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: If I can chime in here for one second. When we...last week...this issue was a divisive issue amongst Council Members. We all thought that there was a pot of money that we going to use for our Wards. And whether it was in paving or whether it was another Capital Project, we had full rein to exercise \$44 - \$45,000.00, whatever it was, in our Wards. And I think what Member Smith is saying, that all disappeared and it went into a fund of paving, and correct me if I'm wrong, but she's saying that two of you made decisions for all of us, then putting it in paving and saying, "your roads are going to be paved". When maybe...maybe they wanted to do potholes, maybe they wanted to do sidewalks. We don't know. But that didn't come up and I think what, maybe I'm wrong, but what I'm hearing you say is that last week it was just dumped and there was no conversation about that and I think this form here allowed you that opportunity to say, "we're going to take all the money and put it in paving and we can use it later", and I don't know if that happened or not.

PRESIDENT SCHULMAN: Thank you Member West. Any other Miscellaneous Business on this point?

MEMBER SMITH: Mr. President.

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PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: Yes, just to piggyback on what Thomas said, somewhat you're right, Thomas. I don't expect for you to apologize Mr. Morris, but I do expect for you to communicate and be transparent about what's happening, especially when it comes to money and especially when it comes to getting all of our Wards taken care of because that's what all of us are here for. Now, if you see in the Minutes when it was asked to summarize it, it says one supplemental appropriation was from the Firefighters, and it was named. When it came to the appropriation of the other monies, all that was given was account numbers. And I believe, had we known that the money was coming out of Council's budget, it probably would have been some conversation on that. And I just feel that it is unfair that Council Members do what they do and how they do it, and when they do it. And everything in this Council, to me, should be transparent and it should be fair. And now, I just don't think what was done with this money was fair because, see, now you've left a zero balance for the budget of the Council's office. Where do monies come from for there. And I want to ask Member Smuckler, you know you had talked about getting this money from...\$200,000.00 from...where were you getting this money from, Engineering?

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: The \$200,000.00 for the Fulton Rd. Project?

MEMBER SMITH: Okay, so your \$200,000.00 was going...

MEMBER SMUCKLER: Wait a minute, wait a minute, wait a minute. Are you talking about the \$200,000.00 for the Fulton Rd. Project?

MEMBER SMITH: Well, that's what we're trying to get clearance on. Is that where that \$200,000.00 is going?

MEMBER SMUCKLER: The \$200,000.00 on one of the amendments, the \$200,000.00 for the Fulton Rd. Project came from the Streetscape, out of the Engineer's budget, the other \$140,000.00 came out of this account. And I explained that when we were doing this.

MEMBER SMITH: Okay, but then...

MEMBER SMUCKLER: Whatever...

MEMBER SMITH: Okay, so really, all we were supposed to pay was \$114,000.00 out of Council's budget? Yes, no? ...That's what I thought.

MEMBER SMUCKLER: There were several different amendments.

MEMBER SMITH: The last amendment was, we were supposed to take \$114,000.00 out of Council's budget. That's what I got. I don't know whether the rest of y'all got that or not.

MEMBER MARIOL: Mr. President.

PRESIDENT SCHULMAN: Member Mariol.

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MEMBER MARIOL: These are totally different Ordinances. Ordinance #17 is not the Fulton Rd. It is a re-appropriation, so on the Fulton Rd. vote, it was \$114,500.00 from Council to paving, on the Ordinance #17, which is a re-appropriation Ordinance, is the two amendments, one for \$65,000.00, one for the \$285,000.00.

PRESIDENT SCHULMAN: Thank you Member Mariol. Member Hart.

MEMBER HART: Yeah, I just wanted to thank the Service Director and the Service Department for the job that they are doing patching. Ziegler Tire, right there on Market Ave., to me, has the mother of all potholes and it was fixed (*Inaudible*). Two things in terms of paving, look at Fulton Rd. and certainly the other streets. I hope we'll give careful consideration to stripping and looking at what areas are still in excellent shape and using the brick. If we keep doing this year in and year out, patching and patching, grinding it and paving, it's a waste of taxpayer money. Again, with these streets, there comes a time when it's just a cheap burden and grind it instead of patching...you know...I've said this before, we look at what's underneath those potholes and I see brick. And (*Inaudible*) if we don't do this properly, it's a waste of time. That inch and a half of (*Inaudible*) is going to keep coming up as the temperatures keep getting colder and colder and colder, and weather gets to be bad. I mean, whether we want to face it or not, the climate is changing. The taxpayer...we have to make efficient use of taxpayer money and again, we tell the guys and ladies on the crews, you know, thank you for doing an impossible job, fighting the fight so...

PRESIDENT SCHULMAN: Thank you Member Hart. Member Smuckler.

MEMBER SMUCKLER: Mr. President, I have a question and I've been watching this all meeting, and I'm intrigued, and I would like to help in some way, based on public meetings about what Jack Hawk was talking about. Leroy attends a lot of our meetings and he doesn't have an interpreter here. I know today he does, and I'm, excuse me for being ignorant about this, but I'm not sure what Leroy gets out of these meetings when he's here and doesn't have an interpreter. I don't know what the situation is or how we rectify the situation, but as I've been watching this go on all meeting, I think we've fallen down here and we don't make this a pleasant experience for someone who is very concerned. As I've talked to him on several occasions, and I've used the service that they provide by talking to him, that he's had a problem with his job. He had a problem with other issues, and I don't know what happens when Jack's not here.

PRESIDENT SCHULMAN: Thank you.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Dougherty.

MEMBER DOUGHERTY: Not to belabor this, but in the future, when we ask for a summary, could we get a summary? Because this whole stuff is leaving a bad taste in my mouth.

PRESIDENT SCHULMAN: Thank you Member Dougherty. Member West.

MEMBER WEST: I just wanted to address what Mr. Hart said. One thing with the brick streets, I support brick streets, but when they grinded down 12th street, it was a disaster. But Cleveland Ave, it was beautiful. So, I think some streets that could work, and then others, it's just...they would have to replace all of the brick. But I do agree with you, they do last longer. And then secondly, with the potholes, Service Director, could you give

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us an update on the potholes and where we're at, because I know there are some of the main streets still need some work.

PRESIDENT SCHULMAN: Director Bartos.

SERVICE DIRECTOR BARTOS: Sure, Mr. President. I believe all Council Members received an update. We're doing weekly updates for you, on the potholes, so everybody should have gotten a copy of that. If you didn't, I'll make sure you get a copy. Let me pull it up real quickly, here, just so I can...I believe we did somewhere around...it was about 234 tons, yeah, 247.3 tons of cold mix asphalt this past week. Some of the major streets are Cleveland Ave., 34th, 38th, Harrison, 13th, there's a whole list and we'll continue to give you weekly updates. It was sent to the Council Office, I believe. If you want something personally, I can get it to you.

PRESIDENT SCHULMAN: Any other Miscellaneous Business? Member Hart.

MEMBER HART: Speaking on what Member Smuckler said, (*Inaudible*) we can contact Mr. Hawk, maybe we could get an interpreter here and find out how much it costs, and we could appropriate money. As a teacher of handicapped children, you don't know what life's like in a wheelchair until you've spent time in it. It's the little things that give you (*Inaudible*). You realize what barriers are and I know there are times when (*Inaudible*). I wish didn't hear as well as I do (*Laughter*). We would be in trouble. You know, meeting those needs of residents and citizens that do have challenges, would be a lot for this body to overcome for them. Thank you.

PRESIDENT SCHULMAN: Thank you Member Hart. Member West.

MEMBER WEST: Just real quick, Triad Services, which Mr. Hawk works for, they were about to leave town and this Council actually supported them in keeping them here, and our Clerk, Cindy, worked out a plan with them, diligently, so that if anybody that would want to come down to Council and get interpreter services, they could. They just need to call ahead of time; however, since we talked about a little bit, our balance is zero today, I don't know if we'll be able to afford it. But we got to get it in, get money in that pot and replenish it, but I think Jack Hawk's response...er...his statement to us today was, when the Mayor does publish statements, when he's out there making the State of the Union, we should have an interpreter there, and I support that whole heartedly. Thank you.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Smuckler.

MEMBER SMUCKLER: Could I ask the Clerk of Council to please send Mr. Hart's response to that to his wife, please...

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: ...I'm sure she'll hear. Yes, Member Smith.

MEMBER SMITH: I know we got off on another note, and all of that, I'm still back on where I was at after these conversations went on, because I'm still not satisfied with what went on with this money. I really believe

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that it was intentionally done that way, so that it would throw us off as to what was happening, and I certainly hope that this won't continue to happen because not only does it look bad for Council, it looks bad to the community that we are not on the same page with what's going on in this Council, with budget and with monies. I feel that Chairmen should communicate with their other Committee Members to let them know what's going on, and I really feel that it should be reconsidered.

PRESIDENT SCHULMAN: Well, there are certainly steps to do that.

MEMBER SMITH: (*Inaudible*).

PRESIDENT SCHULMAN: Well, you'll have to look at the Rule, I don't know it off the top of my head. Well, in any case, you know, this goes back again to...I don't disagree with what Member Smith is saying about transparency and government, that's very important. Obviously, maybe it's somewhat harsh because I don't believe any member of this body intentionally tries to pull the wool over any other member's eyes, I think we're all adults and I think...

MEMBER SMITH: ...That's my point...

PRESIDENT SCHULMAN: We may agree to disagree, I agree with that. But, intentionally deceiving is not something I believe any member of this Council was trying to set out to do. That's my personal opinion, having sat here for a number of years. I do think it's important that we go on record...I'm going to keep pounding this until the Rep gets it in the newspaper in editorial, and it's on WHBC, and it gets in the media...the State of Ohio is sitting on \$2,500,000,000.00. There will be a resolution next week that will demand that a certain portion of that money be sent to cities for emergency road repair because this is not happening simply in Canton. This is happening state wide. Every single city in the State is suffering this problem, and as a result, these kinds of arguments occur every single Council meeting, almost. And it's all over money, it's all over the money we don't have because Columbus has it, and lastly, the conservatists believe that things can be done locally. But they don't exercise that belief when they legislate. They keep it...they believe everything should be taken from Washington to the States. Well, we believe everything from the State should be taken down locally. We deserve that money. It was a compact made in the depression, and they've welched on it. So, there will be a resolution and I hope all of you will join forces to sign that. Any other remarks? Leader.

MEMBER MORRIS: Motion to adjourn.

PRESIDENT SCHULMAN: Is there a second?

MEMBER MARIOL: Second.

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

CLERK TIMBERLAKE: Member Smith, are you reconsidering that or not, I mean you have to do it at this meeting.

MEMBER MARIOL: No, we have a motion of the floor...

PRESIDENT SCHULMAN: There's a motion, I'm sorry, there's a motion and a second.

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CLERK TIMBERLAKE: Okay.

NO REMARKS

ROLL CALL 9 YEAS, 2 NAYS
(MEMBERS SMITH AND DOUGHERTY VOTED NAY)

CLERK TIMBERLAKE: Ten yeas, one nays...two nays, Chris didn't (*Inaudible*)...

PRESIDENT SCHULMAN: ...Meeting is adjourned. Thank you everybody. Have a safe trip home. (*Gavel falls*).

ADJOURNMENT TIME: 9:23 P.M.

ATTEST:
CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

APPROVED:
ALLEN SCHULMAN
PRESIDENT