

MINUTES OF THE MEETING MAY 24, 2010

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. I was going to say the Werstler School children actually did better than we do most of the time but....with a quorum being present the Chair calls this meeting of Canton City Council to order. Roll call.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

12 COUNCIL MEMBERS PRESENT: (DAVID DOUGHERTY, TERRY PRATER, MARY CIRELLI, JOE COLE, BILL SMUCKLER, GREG HAWK, THOMAS WEST, JAMES GRIFFIN, CHRIS SMITH, PATRICK BARTON, MARK BUTTERWORTH & BRIAN HORNER)

TWELVE COUNCIL MEMBERS PRESENT.

CLERK TIMBERLAKE: All present Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Tonight's Invocation will be given by 7th Ward Council Member, Pat Barton. Will you please remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on Monday, May 24, 2010 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 Ward 7 Council Member, Patrick Barton. The Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you Member Barton. We're now under Agenda Corrections and Changes and Members of Council you're going to be asked to suspend Rule 22A to add the 2nd Reading of Ordinances 9 through 12. Ordinance 13 will be Retained in Committee. Leader.

MEMBER DOUGHERTY: Mr. President, I move to suspend 22A, add 2nd Reading Ordinances 9 through 12.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add 2nd reading Ordinances 9 through 12, 13 being Retained in Committee to this evening's agenda. Are there any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thanks Madame Clerk. The motion carries. Rule 22A is suspended and the Ordinances are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We are now under Public Hearings. We have no Public Hearings this evening.

PUBLIC SPEAKS

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PRESIDENT SCHULMAN: We are now under Public Speaks. We have five speakers scheduled to speak tonight. Our first speaker is Minnie Evans. Miss Evans if you'll step forward and give us your name and your residential address please, and good evening.

MINNIE EVANS: Hello.

PRESIDENT SCHULMAN: Good evening.

MINNIE EVANS: My name is Minnie Evans. I live at 1461 9th St NE, Canton.

PRESIDENT SCHULMAN: Please proceed. Thank you.

MINNIE EVANS: I've lived in, my family has lived in that house for over 40 years. I, my Dad died in 1999. I'm trying my best to keep it up. We've dealt with the flood, we've dealt with the crack heads that live in the neighborhood. We have an understanding, they don't mess with us and we don't mess with them. But we have rental properties in that area and I kid you not, it has been hell ever since. They have, they've fought, gun fights, knives, just disrupting the whole neighborhood. They're throwing balls on people's cars and you ask them to stop, they want to start dramatizing things. It's just been an ongoing thing that we can't do anything about. We call the Police. They done been out there about eight times in the last three weeks. They, we've called the Police. We've went down to the Police Department and tried to, look y'all need to do something about these people. And they're, they have parties all the time, they're instigating more drama. They had, it was like less than about 4 days ago, they had nine car loads of Police that came because there has been a battle between, on Lippert Road and 9th St and they got in the back of a 9th Street property and just had a short out gun fight. And they just, they been doing this all the time. And then in between that, to start up more drama, they'll throw stuff on people's cars or they'll let their pit bull run around the neighborhood growling at people. It needs to stop. I'm trying to live there. I promised my father I would stay there and I've been doing my best to do so. Like I said, my family has lived there for over 40 years. I try to keep my property clean, they'll come and tear up something, which I have to fix. They'll, they've taken down all the private property signs that I've had. They've taken 'em down and not just taken them, they ripped them and put them down in the spot where I had 'em at to make sure I know they got them. They have, they have torn up my fence. They broke my back fence in half, to the point that I had to have my son come and fix it. They've broken my gate that comes into my driveway that my son again comes and fix it. I can't keep calling the Police cause they don't want to come. We have Bobby that lived by, his name was Bobby Campbell. He lived behind my garage. His property was back there. He had a house. His mama stayed there and when she died in 2000, I kid you not, he ripped the house apart. Nine years we dealt with him. Burning in the back yard, piling up trash behind my barn where the city came and knocked on my door, not going back there. I got a fence around my whole property, but they knocked on my door because there was stuff piled up behind my fence, behind my garage. And they got fussy with me and it's like hold up, hold up. And I had to go back there to find out what was going on. When I did, then he was like well, you need to talk to your neighbors. Not my job. The more I talk to them, the more they going to do it anyhow, because nobody else does anything about it. When the Police comes out, come out to the houses, they'll come out there and they'll say, "OK you guys needs to stop that." Don't get me wrong, I know you got rules and regulations you've got to follow but you just shake your finger at them and then the first thing that they do is go do the same thing again. You can go to the Fire Department and the people that live, that worked at the Fire Department on 9th Street, I mean on O'Jays Parkway, ask them. They stopped after three years of him

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burning stuff, they stopped even coming. I don't care how many times you called them. They would not show up cause he would burn and as soon as they come out he'll, they'll put it out and he'll start the fire back over again. Now they burning over there on Lippert. It's just an ongoing thing. You smell stuff all the time, you get sick, you get headaches. You don't know what they burning. And you don't know what they doing and it's, I don't know how to stop it.

PRESIDENT SCHULMAN: OK, well we appreciate that. We have a limit of three minutes.

MINNIE EVANS: I know.

PRESIDENT SCHULMAN: I let you go about four. No, no, no wait, wait, wait. We'll all be here after the meeting. We hear this unfortunately more frequently lately than we want to. The Safety Director will be here. We'll try to figure out something for you and your neighbors.

MINNIE EVANS: I hope you can.

PRESIDENT SCHULMAN: Well we'll be here. Stick around.

MINNIE EVANS: I will.

PRESIDENT SCHULMAN: Thank you, Miss Evans.

MINNIE EVANS: Your welcome. (*APPLAUSE*)

PRESIDENT SCHULMAN: Our next speaker is Betty Bradley. Miss Bradley if you'll step forward please. Good evening, if you would give us your name and your residential address please.

BETTY BRADLEY: My name is Betty Bradley. I live at 1438 9th St NE. Matter of fact, I live at the upper end of where Miss Evans do. Yes, that do goes on. One of my questions was when are we going to get the playground put up in the park. I been living there in that area for over 50 years. It's time we clean up and I don't mean with a whisk broom, I mean clean that area up. When my Mom and Dad bought that property in 1958, 59, you could go all downtown and leave your doors open. I mean your screen door open. Wouldn't nobody come in. Now you got to have two locks and an alarm system on. When are we going clean it up? I'd like to see the playground put in for the children. When one time we had a zoo, some of you probably remember the zoo, Nimisilla Zoo up there. I don't know if any of you guys remember the monkey getting shot up there at the zoo back in the early 60's. The zoo went down, we didn't get that. I'm asking City Council if you can, give us extra police protection and far as that other housing is concerned on Ira Turpin Boulevard, please check it very carefully. We don't need no more problems. I'm not saying these are bad people, but what I'm saying is clean up the mess we got. Clean it up before you get to adding other problems. Now we all know as human beings that have housing, if your toilet's leaking and your kitchen sink's leaking, get 'em fixed. Don't wait til the basement window blow out and say oh well, I think I'll get it. That's the same way in living in a neighborhood. See I been in this neighborhood over 50 years and like I says, there's very few things, I can almost name you every house that's up and down Mahoning on both side and every bar was there. See everything went on up there in Nimisilla Park, I could tell you. Even the Popcorn Man that had, the one had a monkey on here. He sat on the left hand side, one on the right hand

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side. Now we had a swimming pool up there in Cook's Park. Now like I said the older heads know. Now some of these young ones wouldn't know but see, like I say, I'll be 66 in June and I spent over 75% of my life in that neighborhood. Please take it to consideration. I love Canton. I have visited other cities but Canton is my home. Canton is my home. I was born at Mercy Hospital, June the 26th so you guys know I ain't planning on going no place and you know, excuse me for taking so long, but I'm ready now to fight. I'm a old goose but I'm ready to fight. *(LAUGHTER AND APPLAUSE)* So, I'm gonna sit down now. Thank ya for your time.

PRESIDENT SCHULMAN: Thank you Miss Bradley, very much. Our next speaker is Ezzio Pocci. I hope I pronounced your name right sir. I apologize if I didn't and good evening sir and welcome.

EZZIO POCCHI: I come here tonight....

PRESIDENT SCHULMAN: Could you, I'm sorry to interrupt. Could you give us your name and your residential address sir.

EZZIO POCCHI: I'm Ezzio Pocci. I live at 2425 Bollinger Avenue NE, Canton, Ohio 44705.

PRESIDENT SCHULMAN: Thank you sir.

EZZIO POCCHI: I was here exactly four months ago, January 25th and that night I made it, I commended you but I didn't realize it until later because I'm legally blind. You weren't here. But I commend you for your wonderful charity contribution. I think that's wonderful. I wish more people in Canton were that way.

PRESIDENT SCHULMAN: Thank you sir.

EZZIO POCCHI: What I want to do tonight is, I had my attorney, Richard Nicodemo contact Ed Roth, the Chief Executive Officer at Aultman Hospital to make them reconsider if he could put banisters along the sidewalk. Four months ago I bitched because they had no sidewalk, no way for the pedestrian to get, walk up the, I had to walk up the drive way and that's why I fell in the snow and got hurt. Evidently that had some help because they put a long walk there, out there now. But they, they're not going to put, they're not going to put banisters there because they claim it's too gentle of a slope. I want all you guys to pay attention. Right outside on Cleveland Avenue there's a handicap rail, walk and it's got handrails on both sides up and down. And that's all I think, wish they would do there at Aultman Hospital now. My attorney, Richard Nicodemo, contacted his assistant, or Jenny I forgot her last name, to see if he may reconsider. I pray to God he does because so help me God, I hope nobody gets hurt there because there's no handrails and especially during the winter. You know old people like me need, sometime you have to bend, you have to have something to hold when you walking. I go to cardiac rehab at Aultman Hospital and when you go across the lobby there, there's handrails along the hall outside and just mind you, there's no cold winter, your inside a warm building, level floor and then inside the building there's handrails along a lot of the walls inside the cardiac rehab. And another person I'd like to con, commend tonight is attorney Angela Bagotis. She's very trustworthy I found out, she's completely trustworthy. Some matter come up, I found out she's really, really trustworthy and another person I wish some of you Council Members would contact the Director of Transportation. Teresa Thompson, Director of Transportation for SARTA. She's very humble person, very humiliating. I mean

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she's very, very nice to people. She put a bus stop there at Canton at Aultman, West Tusc. therapy for me so a driver'd let me off there. And she does, she's so wonderful, she treats all people with humility, she's wonderful. And I wish somebody, some of you Councilmen maybe contact her and give her a compliment. And I just want to say now that, I guess you guys know, I'm a World II Veteran and you should, I wish you'd go across from the Stables on 12th and 13th there. There's a park. I don't know if many you people know about it. A lot of the Veterans are honored there. I thought, I belong to the American Legion also and I recently found out that, this astounded me, in the state of Ohio right now there's 89, over 89,000 disabled Veterans in the state of Ohio alone. Just imagine how many millions that means for the whole country and I thank you all and good night and bless you all.

PRESIDENT SCHULMAN: Thank you very much sir. (*APPLAUSE*) Thank you sir for your service to our country. Our next speaker is Ida Ross Freeman. Miss Freeman, good evening. If you'll give us your name and your residential address please.

IDA ROSS FREEMAN: Good evening. Ida Ross Freeman, 1129 7th Street NW, Canton, Ohio. You honors, all of you, City Officials. According to the Innocent Project, just so you might know in Ohio, 5 men from death row was released since 1999 and were exonerated of all charges. Victims families, survivors of murder, of the murder would be much better served if the resources wasted on death penalty were used to provide, to provide quality mental health care for the victims and survivors of violence according to Benita Hoop, who happens to have been a victim. Continuing to speak on violence from a community prospective, we have what is supposed to be the Weed and Seed Project sponsored by the Department of Justice. What is this, what it is supposed to do is to weed out the criminals and seed with programming for youth and the community, prevention and intervention. The concept of the Weed and Seed is an excellent project on paper here in Canton, Ohio. When I attend the conference there in Detroit a couple years ago, I found that the project did not match. The Canton project did not match the national project as far as information was received by me. There has been lots of weeding. One thing for sure, we can't lock up everybody. These families need our help. According to our local re-entry court, between September 2006 and March 20, 2010, 180 participants entered into the re-entry program. 65 were revoked, 115 was successful which means that it was a 64% success rate. In Ohio it is said that approximately 2,000 convicts goes to prison or jail annually in Ohio. That includes all of the city, the county, the state and the federal. Also it is said about 2,000 come home statewide annually. These ex-cons have to live somewhere. So of these ex-con's are our families and friends. Some have committed some of the most heinous crimes, not all. And according to the Ohio Department of Rehabilitation, there are three halfway houses, residential houses in the State of Ohio for sexual abuse, abusers, offenders. And Canton is not one of them. They don't place sex abusers with regular offenders in a halfway house setting and no one according to the Ohio Department of Corrections, no one has offended, no one has offered such a setting here in Canton. Halfway houses for ex-offenders without sex charges is a possibility here in Canton.

PRESIDENT SCHULMAN: Miss Freeman, I'm sorry to interrupt, but if you wrap it up. I'm sorry.

IDA ROSS FREEMAN: I'm setting up. Now going to the request for the rezoning on the Ira Turpin Way, I feel it is a good gesture for it can provide at least 15 jobs and the ex-cons will not be sex offenders according to the Ohio Department of Corrections. These people have to live somewhere and I would must rather they live where I can say that there they are, instead of all over the neighborhood and I don't know where they are.

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Thank you.

PRESIDENT SCHULMAN: Thank you very much. Our last speaker, you'll have to forgive me because I cannot read your handwriting. I think the first name's Cassandra. Good evening. If you'll give us your name and your residential address please.

CASSANDRA BAY: My name is Cassandra Bay. I've been a nurse for 26 years and I live at 3221 Allenport Drive SE. I'm the owner of Japenda's Love Yourself Cultural Center African bookstore and things on East Tusc. and Monroe. And I suppose my approach is a little bit different. I had something written out to say but you know, I have the exact same objective of all of you here today. We have this sign up here that says "Growing Canton our Commitment to a Prosperous Economic Future". My heart goes out to these ladies who have to live in these type of neighborhoods, but I believe the problem lies with self help. Now these are our communities and when we come together and come, become conflict resolutionists and pull our labors, our talents and our resources. You know, to confront and address the needs of our children. Most of these children come from dysfunctional families. Now Japenda's means love yourself and we have been in that community for quite some time. I have always had a positive impact over there on 2nd Street and I always had different things to raise the conscientious, the bookstore and whatever. Now one thing, you know, when you want to address the needs of, when somebody have a problem you have to get to the source of the problem. You can't bandaged it up and keep putting our youth, the last thing I want to see is for us to continue to round up these kids and put them in jail, ruin their lives. Now, when I first opened up Japenda's they put this article in the newspaper because I thought knowledge was the key. And knowledge is the key and knowledge is power but knowledge is only power when you have access to knowledge that is going to help you be self determined and become independent. Now to continue to come up here and ask you to address the, and yes we need police protection. We need the police discipline in the community but these are the things that our kids need. Our kids need to have a sense of heritage, culture and history. Economics is a key problem. Yes we can have all the knowledge in the world but if you don't have a job, and I have, you know I'm on a stoop and I don't watch much TV and that those high parts and shows that need the motivation says if you don't have the basic needs well then you don't want an education. I can't tell you about the Lord, Jesus Christ, if you're on the street and you're hungry and you need food to eat. I have to feed you then I can go to the next step. And so I feel like these things - unity, self-determination, a collective work and responsibility, right here a code of conduct. You've got to teach these kids because most of them come from dysfunctional homes. Everybody want to criticize, criticize, criticize, but when is someone going to come up with some solutions. Now I am a zero tolerance for drugs and alcohol. I've been victim of charity for 43 years and I'm 60 years old and I'm probably still now come out of the 20's because of stress and oppression of seeing so many of our youths and their lives destroyed. So I feel like if you going do something, well let's come together and truly come up with some solutions so that no child is left behind.

PRESIDENT SCHULMAN: Great thank you very much. Thank you. (*APPLAUSE*) Thank you very much. And that concludes our Public Speaks this evening.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We are now under Informal Resolutions. Madame Clerk will you please read Resolution 37 by title.

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#37. COUNCIL-AS-A-WHOLE: SUPPORTING THE CERTIFIED CRIME PREVENTION SPECIALIST, JAMES KNIGHT. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President. I move we adopt Resolution 37.

MEMBER PRATER: Seconded.

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

NO REMARKS

RESOLUTION #37 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries. The Resolution is adopted. Resolution 38 please.

#38. SMUCKLER, W., CNCL-AT-LRG: CONFIRMING SUPPORT FOR THE APPLICATION FOR FUNDING UNDER THE OH JOB READY SITE PROG; COMMITTING TO PROVIDE SEWER & WATER SVCS TO THE SITE (FORD PROPERTY). - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President. I move we adopt Resolution 38.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution 38. Any remarks under this Resolution? Hearing none, by voice vote all those in favor of this Resolution, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #38 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries. The Resolution is adopted. Resolution 39 please.

#39. SMUCKLER, W., CNCL-AT-LRG: CONFIRMING SUPPORT FOR THE SUBMITTAL OF AN APPLICATION BY STARK COUNTY PORT AUTHORITY TO THE OHIO DEPARTMENT OF DEVELOPMENT JOB READY SITE PROG FOR FUNDING & COMMIT TO PROVIDE SEWER & WATER SERVICES TO THE KOHLER COATING PROJECT SITE. - ADOPTED

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President. I move we adopt Resolution 39.

MEMBER PRATER: Seconded.

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PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution 39. Any remarks under this Resolution? Hearing none, by voice vote all those in favor of Resolution 39, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #39 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries and Resolution 39 is adopted.

COMMUNICATIONS

PRESIDENT SCHULMAN: We're now under Communications. Let the journal show that all Communications are received as read.

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED MAY 24, 2010.

220. DEVELOPMENT DIRECTOR TORRES: ESTABLISH FAIR REUSE VALUE OF PARCEL OF REAL PROP & AUTHORIZE DISPOSITION OF SAID PROP (TINA FRAZIER - LOT #2938 - PARCEL 02-28074 ON HAWK PL SE). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
221. DEVELOPMENT DIRECTOR TORRES: ESTABLISH FAIR REUSE VALUE OF PARCEL OF REAL PROP & AUTHORIZE DISPOSITION OF SAID PROP (PHILLIP & ROBIN SHOWALTER - PARCEL 02-24997 - LOT #2996 ON PATTERSON AVE SW). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
222. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR TO SUBMIT AN APPLICATION TO THE OH DEPT OF DEV, EXECUTE A GRANT AGMT W/THE ODOD & ACCEPT UP TO \$250,000.00 IN 629 ROADWAY DEV FUNDS FOR MAHONING RD PROJ. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEES
223. HEALTH COMMISSIONER ADAMS: REQ \$72,175.00 APPROP FROM UNAPPROP FUNDS OF 2316 WIC ADMIN TO: 2316 WIC ADMIN. - FINANCE COMMITTEE
224. LIQUOR CONTROL DIVISION (OHIO): REQ NEW D1 D3 LIQ PERMIT FOR CHAMPION LIFE LLC SWEETWATERS @ 218 12TH ST NE. - RECEIVED & FILED
225. SAFETY DIRECTOR REAM: AUTHORIZE SAF DIR TO MAKE PAYMENT, AS A MORAL OB, TO ESLICH WRECKING CO IN AMT NOT TO EXCEED \$21,000.00 FOR REMOVAL OF FIRE DAMAGED DEBRIS @ 516 MCGREGOR NW ON AN EMERGENCY BASIS. - FINANCE COMMITTEE
226. SERVICE DIRECTOR PRICE: REQ APPROVAL OF RESOLUTION REGARDING THE STARK-TUSCARAWAS-WAYNE JOINT SOLID WASTE MANAGEMENT DISTRICT SOLID WASTE PLAN. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE

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227. TREASURER SCHIRACK: RECEIPT OF CORRECTED RPT OF DEPOSITS & PAY INS TO AMBULANCE LOCK BOX ACCT FOR APRIL 2010. - RECEIVED & FILED
228. TREASURER SCHIRACK: REQ ACCEPTANCE OF LIST OF ELIGIBLE DEPOSITORY BANKS; DESIGNATE ACTIVE & INTERIM DEPOSITS. - FINANCE COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: We're now under Ordinances and Formal Resolutions for the First Reading. Let the journal show that all Ordinances are being given their Reading as required by State law and Madame Clerk will you please read the First Reading Ordinance by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #8 FOR THEIR FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF REHABILITATION & CORRECTION FOR RECEIPT OF THE FY 2011 COMMUNITY CORRECTIONS ACT GRANT IN AN AMOUNT NOT TO EXCEED \$170,601.00; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #2. (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (ELSIE MCCARTHAN - PARCEL #02-02091 - LOT #28914 ON WAYNESBURG RD SE)
Referred to Community & Economic Development Committee
- #3. (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF OUT LOTS 1308 AND 1309 IN MILLS INDUSTRIAL PARK NO. 1 AND OUT LOT 1326 IN MILLS INDUSTRIAL PARK NO. 2; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfare Committee
- #4. (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NOS. 97/2007 AND 63/2009; AND DECLARING THE SAME TO BE AN EMERGENCY (PROPOSAL FOR ARCHITECTURAL & ENG - NEW FIRE STATION #4)
Referred to Judiciary Committee
- #5. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT IN AN AMOUNT NOT TO EXCEED \$100,000.00 FOR THE PURCHASE OF AN INDUCTIVELY COUPLED PLASMA-OPTICAL EMISSION SPECTROMETER (ICP); AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee

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- #6. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A THREE-YEAR CONTRACT WITH U.S. HEALTHWORKS MEDICAL GROUP FOR PROFESSIONAL MEDICAL SERVICES FOR CITY OF CANTON JOB APPLICANTS AND EMPLOYEES; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #7. (1ST RDG) **ADOPTED AS ORDINANCE NO. 99/2010** AN ORDINANCE AMENDING ORDINANCE NO. 1/2010, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (HEALTH DEPT.)
Referred to Finance Committee

PRESIDENT SCHULMAN: At this time the Chair would declare an in house recess for the Finance Committee to meet in regard to Ordinance #7. We also, do you want to just...If you would Madame Clerk read Ordinance 8 and then we'll recess for Community and Economic Development Committee to also go into recess.

- #8. (1ST RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 100/2010** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH STARK COUNTY JOB AND FAMILY SERVICES TO PROVIDE A WAGE SUBSIDIZED SUMMER EMPLOYMENT PROGRAM FUNDED THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) EMERGENCY CONTINGENCY FUND; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee

(COUNCIL RECESSED AT 8:06 P.M. FOR THE FINANCE COMMITTEE TO DISCUSS ORDINANCE #7; RECONVENED AT 8:09 PM)

(COUNCIL RECESSED AT 8:09 PM FOR THE COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE TO DISCUSS ORDINANCES #8; RECONVENED AT 8:17 P.M.)

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader Dougherty

MEMBER DOUGHERTY: I move we suspend Rule 22A to place Ordinances 7 and 8 back on the agenda.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: And Council will reconvene after the recess and it's been moved and seconded to suspend Rule 22A to place Ordinances 7 and 8 back on this evening's agenda. Are there any remarks? Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: The motion carries, Leader Dougherty.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Statutory Rule on Ordinance 7. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 7. Are there any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#7 ADOPTED AS ORDINANCE 99/2010

PRESIDENT SCHULMAN: The motion carries, Ordinance #7 has been adopted. Leader Dougherty.

MEMBER DOUGHERTY: I move we suspend the Statutory Rules on Ordinance 8.

MEMBER PRATER: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #8. Are there any remarks under this Ordinance?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Thank you. This thought just came to my mind and I apologize. I don't know who to ask this question of. Since we are creating summer jobs, are these jobs going to be considered jobs counted by the Jobs & Family Service organization as people that are not unemployed or will they just be considered summer jobs. I guess what I'm asking is where would they be counted at?

PRESIDENT SCHULMAN: I don't know if anybody knows the answer to that, Member Cirelli. I would think that they would be counted as actual employed people but I don't know the answer. Wasn't help, wasn't much help, but...Any other remarks, might be able to answer? OK, Madame Clerk roll call vote please.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: I move we amend Ordinance 8 by the amendment in front of everybody.

MEMBER PRATER: Seconded.

AMENDMENT

Pursuant to Rule 36, I move to amend Agenda Item No. 8 by the substitution of the attached, revised ordinance for the pending version.

PRESIDENT SCHULMAN: It's been moved and seconded that Ordinance #8 be amended per the copy that each Council Member has in front of them. Could we have that amendment summarized please?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Mr. Martuccio.

LAW DIRECTOR MARTUCCIO: Majority Leader this amendment was requested by Mr. Torres of the CED Department to include the appropriate language to allow for the Auditor to open the account and take the money from the Unappropriated Balance and put the money of \$200,000.00 into it's counterpart using all the necessary language of the name of the program and the necessary dates.

PRESIDENT SCHULMAN: Thank you Law Director. Any other remarks? Those in favor of the motion to amend the Ordinance per the copy before each of you, signify by saying aye. Those opposed no.

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NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The motion carries. Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 8 as amended.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #8 as amended. So the question you're now voting on is the Ordinance as amended. Are there any remarks? Hearing none....

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Hawk.

MEMBER HAWK: I'm glad that we have this amendment before us but I think it points out the fact that Mr. Smuckler alluded to earlier, that sometimes we need time to look at these Ordinances over a little more carefully and find out what's going on. I'm glad that it's been corrected at this early stage but it puts a lot of pressure on all of us to pass Ordinances in a timely fashion. I think that CD Department is, needs to really look at a calendar knowing this stuff is coming down in advance and sometimes we're always caught short and that's very, very understandable. I can always appreciate that sometimes it just plain happens. But this has been nothing but a parade of these things coming out of one department. I think we need to look at a calendar more carefully as we start bringing these down.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#8 ADOPTED AS AMENDED AS ORDINANCE 100/2010

PRESIDENT SCHULMAN: Ordinance #8 as amended has been adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We're now under Ordinances for their Second Reading. Madame Clerk will you begin with Ordinance #9 please.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #9 THROUGH #12 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS : (ORDINANCE #13 WILL BE RETAINED IN COMMITTEE)

#9. (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (1750 IRA TURPIN WAY)

PUB HRG: 6/7/10 @ 7:30 PM

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- #10. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (ECONOMIC DEVELOPMENT GRANTS \$450,000.00)
- #11. (2ND RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO ENTER INTO PROFESSIONAL SERVICE CONTRACTS FOR ALL CONTRACTUAL COMMITMENTS, INCLUDING BOND LEGAL COUNSEL AND RELATED BANK SERVICES NECESSARY FOR THE CITY OF CANTON TO ISSUE A BOND ANTICIPATION NOTE; AND DECLARING THE SAME TO BE AN EMERGENCY (ESTATE OF SHAWN PIROLOZZI)
- #12. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF DEVELOPMENT (ODOD), EXECUTE A GRANT AGREEMENT WITH THE ODOD AND ACCEPT UP TO \$500,000.00 IN 629 ROADWAY DEVELOPMENT FUNDS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #13 (2ND RDG) ***RETAINED IN CMTE** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A JOBS FOR US INCENTIVE AGREEMENT WITH MEDLINE INDUSTRIES; AND DECLARING THE SAME TO BE AN EMERGENCY*

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Thank you Madame Clerk. We're now under Ordinances and Formal Resolutions for their Third and final Reading and vote. Madame Clerk would you begin with Ordinance 14 please.

- #14. (3RD RDG) **ADOPTED AS ORDINANCE NO. 101/2010** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON REGIONAL CHAMBER OF COMMERCE TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$175,000.00 FOR A COMPREHENSIVE ECONOMIC AND DOWNTOWN DEVELOPMENT PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

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

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Cirelli.

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MEMBER CIRELLI: Thank you, Mr. President. Mr. President I have before me a fact sheet and on here's CDBG budget, Chamber of Commerce, salaries, fringes, \$87,500.00, Downtown Program salaries and fringes \$87,500.00, total CDBG dollars is \$175,000.00. I had spoke with our Law Director to see about how we could possibly use CDBG dollars for Police in our low to moderate income neighborhoods, which qualify as the CDBG area. Somehow that's not been able to be doable. Other than the fact that these two programs are administered with facilities with inside the CDBG area and it's also retroactive to January 1, 2010 so we're paying for apparently things that we've already, that they propose they've already done. I fail to see how this qualifies other than like I said the area, because I haven't been able to see the jobs and I might be very narrow in my scope but I need to see jobs coming. I'm probably sitting here tonight and know two companies that are unfortunately going to go out of business that maybe they're not even aware of. You know there's an old saying, "The sincerest sign of idiocy is to do the same thing over and over again and expect different results". My calculations show that since I've been in and out of Council, we've spent about \$4,000,000.00 in this avenue and I have not really seen \$4,000,000.00 worth of jobs coming out of it so I am a no vote on here and I know I am a one person vote and you all know that stand for what I speak so I just wanted to inform Council. Thank you sir.

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

NO REMARKS

ROLL CALL 11 YEAS, 1 NAYS
(Member Cirelli voted Nay)

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

#14 ADOPTED AS ORDINANCE 101/2010

PRESIDENT SCHULMAN: Motion carries and Ordinance 14 is adopted. Ordinance #15 please Madame Clerk.

#15. (3RD RDG) **ADOPTED AS AMENED AS ORDINANCE NO. 102/2010** AN ORDINANCE
AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A FEMA FIRE
PREVENTION GRANT IN AN AMOUNT NOT TO EXCEED \$116,000.00 TO
PURCHASE 2,000 TEN-YEAR LITHIUM SMOKE DETECTORS AND 1,000 FIRE
EXTINGUISHERS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #15. Are there any remarks Leader?

MEMBER DOUGHERTY: Mr. President, I move we amend Ordinance 15 by the amendment in front of all Council Members.

MEMBER PRATER: Seconded.

MINUTES OF THE MEETING MAY 24, 2010**AMENDMENT**

Pursuant to Rule 36, I move to amend Agenda Item No. 15 by the substitution of the attached, revised ordinance for the pending version.

PRESIDENT SCHULMAN: It's been moved and seconded to amend Ordinance #15 per the copy before each Member of Council. Are there any remarks? Hearing none, by voice vote all those in favor to amend signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries, Leader.

MEMBER DOUGHERTY: Mr. President prior to adoption could Law Director review the amendment for us please?

PRESIDENT SCHULMAN: Sure. Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Mr. Majority Leader. The original Ordinance had a figure in the appropriation amounts of \$116,000.00. That reflected the Federal portion and the matching city portion. After the Auditor reviewed it, the Auditor indicated that the amount in the Section 2 appropriation Ordinance figures should only reflect the \$92,800.00 and not the matching \$23,000.00. Thank you.

PRESIDENT SCHULMAN: Thank you Law Director. Any other remarks, Leader?

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 15 as amended.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 15 as amended. Any remarks under this amended Ordinance, Member Cirelli?

MEMBER CIRELLI: Thank you Mr. President. Safety Director Ream would you please that, and I appreciate when we had our Caucus that you jumped in and said that Captain Rich will be putting together an appropriate program and you said that you will be sharing it with Council, so will you please pass on my congratulations to him because he did go and find a grant to be able to do this and the match monies and I'm very proud that this is going to happen cause if we save one life, it's more than well worth it. Thank you so much sir.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#15 ADOPTED AS AMENDED AS ORDINANCE 102/2010

PRESIDENT SCHULMAN: Ordinance 15 as amended is adopted.

MINUTES OF THE MEETING MAY 24, 2010**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SCHULMAN: We're now under Announcement of Committee Meetings. Are there any?

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Mr. Hawk.

MEMBER HAWK: Thank you good sir. Finance Committee will meet Monday, June 7th at 6:30 PM right here in the Council Chambers.

PRESIDENT SCHULMAN: Thank you sir.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: Public Safety and Thoroughfare will meet the same time....

PRESIDENT SCHULMAN: Same place.

MEMBER SMITH: Same place.

PRESIDENT SCHULMAN: Thank you.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: Community and Economic Development will meet same time, same place.

PRESIDENT SCHULMAN: Thank you, Member West.

MEMBER WEST: Yes, Judiciary will meet same time, same place.

PRESIDENT SCHULMAN: Any other announcements?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes, Leader Dougherty.

MEMBER DOUGHERTY: Public Property Capital Improvement will meet 6:30, June 7th.

PRESIDENT SCHULMAN: Thank you.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

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MEMBER CIRELLI: This coming Wednesday at 3:30 we're having the Television Consortium so I wanted to announce that it would be for Public Utilities and what have you. We'll be having it in the Caucus Room so that's open to the public too.

PRESIDENT SCHULMAN: OK great.

MEMBER CIRELLI: Thank you sir.

PRESIDENT SCHULMAN: Thank you. Any other Committee meetings?

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: We're now under Miscellaneous Business. Any Miscellaneous Business?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Yes, I wanted to remind Council Members as well as public that on the 30th there will be Peace Day at Nimisilla Park so if you guys get a chance, please stop out. I think you'll have a very good time. It's on Sunday the 30th. I also wanted to say to Miss Bradley and Minnie who have been, and believe me they have been through a lot over the years, dating back to the serious flood that occurred. There has been a lot of illegal dumping there in the past and it seemed like we got rid of it for awhile but it's returned and not just there but throughout the community, other places as well, but I wanted to let them know that we're going to continue to fight. And Miss Bradley I'm there to fight with you, so I want you to know that and this Council we will need your support as well as we're continuing to try to build that community up. And I want to mimic what she said about the playground. It's been about a month and a couple weeks now when I asked initially about where's the \$200,000.00 playground and hopefully, I know they were going to contract that out, but it's still not there. Memorial Day weekend is coming up on the 30th and that playground is still not up. And we got the monies last year. I know that's a Park Department thing but, and Recreation but it just seems senseless. It seems like we could a better job than that. And then lastly, I wanted to tell Miss Japenda, you know you've been up on that corner on 2nd Street for quite some time. Keep it up, OK? Keep fighting and keep working with our kids.

PRESIDENT SCHULMAN: Thank you Member West. Member Smith.

MEMBER SMITH: Mr. President. Once again I want to invite everyone for the 25th Anniversary celebration at the Southeast Community Center. Those of you that was not there today, we had the kick-off luncheon for the Urban League and it was very, very nice. On Thursday is the benefit breakfast. Don't forget about the children all day festival which will be Saturday and there are some flyers on the table. If not, I do have some so do come out and support the Southeast Community Center. Thank you.

PRESIDENT SCHULMAN: Thank you, Member Smith. Member Cirelli.

MEMBER CIRELLI: Thank you, Mr. President. This being spring and summer coming, I emailed the address and the phone number with bees, hornets and wasps. Last year I paid \$40.00 to have a wasp's nest removed but Malone College is, has a gentleman that's willing to do it for nothing. So, I think we need to tell all the Council people if somebody calls they can call here in the office and they'll give them the email and/or the phone number and they will come out and take 'em. He's a specialist in this field. First time I've ever seen it and heard of it so I think it's something we should pass on. Another thing....

MINUTES OF THE MEETING MAY 24, 2010

PRESIDENT SCHULMAN: And he doesn't charge anything?

MEMBER CIRELLI: Does not charge. I know, it was in yesterday's paper and that's why I wanted to make sure the community knew this. Not too many things in life are free but that is.

PRESIDENT SCHULMAN: He must like wasps.

MEMBER CIRELLI: In case anybody has noticed, there's been a wonderful television show on the History Channel, America Who We Are and they announced last night when I watched it, that every school within our country they will provide a series of those DVD's to them if the schools will just contact them and I think you can do that over the internet, so I'm going to try and get a hold of some of our school representatives. And I would like to encourage everybody to tell anybody in the schools and I think these people may have left here with the children, but I think that's a real positive thing if we have that in every school because it's really a wonderful series that shows America. Exactly what we're all about and where we been and where we're going. Thank you.

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

MEMBER DOUGHERTY: Mr. President, I move we adjourn.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that we adjourn, Madame Clerk. Roll call vote please, Madame Clerk.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you the meeting is adjourned folks. Everyone have a safe Memorial Day weekend and honor our Veterans. Thank you. *(Gavel falls)*

ADJOURNMENT TIME: 8:36 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT