

MINUTES OF THE MEETING SEPTEMBER 27, 2010

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. With a quorum being present the Chair calls this meeting of the Canton City Council to order. Roll call please Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

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

ELEVEN COUNCIL MEMBERS PRESENT. ONE ABSENT (MARK BUTTERWORTH ABSENT)

CLERK TIMBERLAKE: Eleven present, one absent, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Leader, I'll recognize a Motion to excuse Member Butterworth from this evening's meeting.

MEMBER DOUGHERTY: Yes Mr. President, I move we excuse Member Butterworth from tonight's meeting.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to excuse Council Member Butterworth from this evening's meeting. 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: The Motion carries and Member Butterworth is excused from this evening's meeting. Tonight we're going to have our invocation given by Ward 2 Council Member Thomas West. Will you all please remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on September 27, 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 2 Council Member, Thomas West. The Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you Member West. 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Rule 22A to add the Second Reading of Ordinances 9, 10, 11, 12, 13, 15. 8 will be Retained in Committee and 14 has been withdrawn by its maker, Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to add Ordinances 9 through 13 and 15 with 8 being Retained and 14 Withdrawn.

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MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A. 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.

PRESIDENT SCHULMAN: Thank you Madame Clerk, the Motion carries. Rule 22A is suspended.

PUBLIC HEARINGS

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

OLD BUSINESS

PRESIDENT SCHULMAN: We are now under Old Business and I understand the Mayor, neither the Mayor any Administrative Officials have anything to comment on this evening.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: So that brings us to Public Speaks. We have four speakers signed up this evening. Our first speaker is Alice Sarver. If you'll step forward and give us your name and your residential address, although we know who you are. And good evening.

ALICE SARVER: My name is Alice Sarver, I reside at 1225 41st Street NW, Canton. All of the Council People and most of the Administration have a packet of papers with a cover letter bearing my signature. When the May minutes were read at the Leadership Council Meeting in June, I quite innocently asked, "Shouldn't we be sharing these remarks with those who are in charge? The rhetoric will go on forever and ever with no answers and just more frustration if we don't." There was total agreement. Before I had time to take another breath, I had been voted the person to write the cover letter, thus my signature. It is important for you to know that the original draft was read at the August Meeting of Leadership, agreed to, corrected and unanimously approved by the Neighborhood Council. These thoughts transcend politics and Ward lines and Ward competition. These Citywide problems are just that. I do want to point out that this was written before the disclosure that nearly \$500,000.00 had been lost for revitalization as I am sure the tone of that message would have and could have been stronger. Please circle October 4, 2010 in the next to the last paragraph on your packet. Neighborhood representatives will be here and I wanted to let you know Cindy so that you could have extra Agendas printed.

CLERK TIMBERLAKE: Thank you Alice.

ALICE SARVER: You who received this packet have the assignment for this week. See once you're a teacher, you're always a teacher and give assignments. You...we would like to have you answer the questions posed in the letter during the Miscellaneous section of next week's meeting. I'll wait around after the meeting if you have any other questions and I'll thank you for your time and attention now. Thank you.

PRESIDENT SCHULMAN: Thank you Alice, good job, great job as always. So that's October 4th, our next

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meeting.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes, Leader.

MEMBER DOUGHERTY: Going back for a second to Old Business, there was a couple speakers and I just wanted to make sure that it was followed up on with those individuals and maybe that was....

PRESIDENT SCHULMAN: Sure, that's fine.

MEMBER DOUGHERTY: Mr. Mayor, do you know...Monique Conner had some questions and so did Minnie Evans.

MAYOR HEALY: Yes, Monique Conner's questions are the same as Council's. That report is...is...will be addressed to Council when we have it completed. Minnie Evans, I believe she was discuss...had a one on one conversation with her issue. But again, as far as I know that's been addressed.

MEMBER DOUGHERTY: Thank you.

PRESIDENT SCHULMAN: Thank you Leader. And that brings us to the next speaker, who I'll take out of some order because her name was just mentioned. Would you step forward and give us your name and your residential address please. And good evening again.

MINNIE EVANS: Hello to everyone, my name is Minnie Evans, I live at 1461 9th Street NE, Canton, Ohio 44705. Again I say hello. Before I say anything, what issue did you correct?

MAYOR HEALY: I was under the impression that Fonda Williams spoke with you after Council last week.

MINNIE EVANS: Yeah that was...No, say it again....He did meet with me after the meeting, yes.

PRESIDENT SCHULMAN: Ms. Evans can you pull that microphone either up or a little bit closer, I'm having a little trouble....it's because I can't hear very well either.

MINNIE EVANS: You are having trouble hearing me? *(Laughter)*

PRESIDENT SCHULMAN: Well I'm surprised tonight but yes, you're being very soft spoken.

MINNIE EVANS: I'm so sorry, is that better?

PRESIDENT SCHULMAN: Okay, there ya go, that's the woman I know. Thank you. *(Laughter)*

MINNIE EVANS: There ya go. Okay, what I talked to him about, yes I talked to him. But there are ongoing situations. I talked to Tom West about a Bobby Campbell, he's back in the neighborhood. Been seein' him for the last three days. He is one of the ones that kinda started the crew to stripping houses in the

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neighborhood. But, it's....it's hard to deal with them because you call the police, they wont come. When Mayor Creighton was here, she actually told me "Well he's homeless." For ten years we had to deal with Bobby Campbell, ten straight years. And the Fire Department, after three stopped coming out there because he would burn on the ground, in the barbeque pit, where ever he...in a can, where ever he wanted to. They wouldn't...they wouldn't do anything about it, he would go around 10th Street projects, go through the dumpsters, he burnt a mattress out there and we called the Fire Department, they wouldn't come out and it just smoked up the whole neighborhood. He did that for ten years until the actual crack heads ran him out of the neighborhood because they...he was stripping their stuff. So...but he's back and I don't know what else to do, we have to deal with all of the little...the trash every where...the...they throw it in my yard, they throw it in everybody's yard that actually lives down there, not visiting. They...you have to fight with them, I mean, they're not my kids, I can't bring out a switch, I can't shoot them, I can't bury them in the backyard. So, I mean, what else you want me to do? You can't tell them anything because it's like you gotta say it 18,000 times and I talk to them more then I talk to my kids. After three, your strikes is out, okay. I don't know what else to do about this. They won't cut their grass and I got to deal with their poison ivy coming through my fence then I have to go buy stuff to kill the poison ivy to get rid of the stuff that's coming through my fence. They won't trim their trees, so it's about to come on my new roof, which you know, you may as well forget it, it ain't going to the next County, they will be in the backyard, I just got that roof. I don't...I don't know how to fight this. This is why I come down here, went to Sherrick Road, loved it, it was beautiful. I'm sorry I missed your parade but I'm gonna give you a little history. My dad moved here in 1941, he was not, if not the first but one of the first black owned, black operated cleaners, F. D. Bryant Cleaners, 911 Lafayette. The City made them move from there because they built the new 30 Route and the Detroit Diesel and all that over there. Made my whole family plus everybody else that we grew up around move. We moved to this neighborhood, why do we have to move again to be safe? To be...to keep our yard clean, to not fight with the neighborhood, to not do any....cause nobody else is doing anything about it.

PRESIDENT SCHULMAN: Well as I said....

MINNIE EVANS: I know, I talked to him but you know, I'm adding more to it cause there is more to add.

PRESIDENT SCHULMAN: Well no, I'm glad you are and what I'm going to enjoy the most is when you're not here speaking about these problems.

MINNIE EVANS: I know you is...*(Laughter)*

PRESIDENT SCHULMAN: And I mean that, when your problems are taken care of and these neighborhoods are revitalized and their safe for people like you who dedicated your life to the City.

MINNIE EVANS: Don't try to sugarcoat it, you know you want me to shut up.

PRESIDENT SCHULMAN: No I'm not sugarcoating it but your three minutes are up so now we need the next speaker. *(Laughter)* Thank you Ms. Evans as always. Our next speaker is Demetruis Truitt. Mr. Truitt, good evening, if you'll step forward and give us your name and your residential address. Good evening sir.

DEMETRUIS TRUITT: Good evening. My name is Demetruis Truitt, Im from 2150 3rd Street NE, Canton,

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Ohio by the Belden School area. Right now, I wanted to come to talk to everybody. I have designed a program for the youth, which is called straight from scratch, it's an entrepreneurship that teach the youth how to begin and start they own business Straight from Scratch. I started with a young child for \$5.00 and started this business in the same concept that I use, I have down here at the Edward P. Coleman Center. This program is free, no matter how you look at it, it's free. It's starting this business was looked upon just like the United States was started, we started with pilgrims sticking together and working together. I am the answer, unfortunately that lady left, I am the answer to her problems through the kids. With the kids, we have mentors, the mentors are the mothers and fathers and a supporting community that's around us inside our neighborhood. And what we try to do is attack different things just like environmental beautification for protecting our neighborhoods and our lands from the urban areas on out. Anywhere, as many children that we have that's part of it straight from scratch, they learn this process, they also learn it a way that a child should learn, hands on experience. This gives them a ground breaking chance to actually learn how to use tools, the mentors, which would have come in, also this would be free for them and also recognition to give them time to actually deal with the children and just have a bond. At the same time, through the education that I'm giving them or the training on sharpening they skills, at the end of the month or end of the week or end of every two weeks, whatever we decide it might be, here go they test. Have that fundraiser, if it's arts and crafts, we going to show it because in the Canton City Schools, I was learn...I learned and I taught, I was very well educated and I feel when we have fundraisers like car washes, book sales or even cake sales, them is all businesses. I about to show these youth exactly how to do it and put it out there. They gonna learn how to make brochures, they gonna have a chance to get with Canton City Schools, hopefully we don't cut no one out like London Chocolate Factory and M and M's, that's cool, fine and dandy but that's what business is. So, if we can put it out there and these kids can make their own mom (*inaudible*) and a franchise is formed. It's free, it's going right to...it's going right there and the only thing it is, is a vendor's license, a bank account and an ID. How hard is that, I'm giving this out there, I'm hoping I can work a little bit stronger with everybody. Just like I said, the problems that she have, we come in with our land maintenance, we manicure the land, we stake our claims, maintain straight from scratch and it's over with. Now, if we have anymore problems, or there is any problems, we open up a ma and pa store cause one of our children, or one of our members is going to be in that neighborhood. I don't care if it's from here to Jackson. We gonna have...we gonna have our program push all the way through 100% if I can be around for it or if I can't be around for it, any kind of reason, it's gonna get out there. And I will hope...I'm gonna just ask for the support when ya'll here straight from scratch just like mom's biscuits, straight from scratch, it's homemade, ain't no (*inaudible*) to it.

PRESIDENT SCHULMAN: Great, thank you.

DEMETRUIS TRUITT: Yes...oh okay.

PRESIDENT SCHULMAN: And I hope you'll stick around and speak to the Council Members and the Mayor's Administration and you're doing a great job. Thank you very much sir. Our last speaker tonight is Melissa Pearce. Ms. Pearce, good evening. If you'll step forward and give us your name and your residential address and welcome again, thanks.

MELISSA PEARCE: I'm Melissa Pearce and I represent the Domestic Violence Project at 720 19th Street NE. Thank you for this opportunity to speak about Domestic Violence Project's Canton Emergency Shelter

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and it's important in keeping Canton families safe. Last week, the County was impacted by the third incident of triple domestic violence death within 16 months. As both the number of violent occurrences and level of abuse escalating our community, DVPI response to its comprehensive services. Last year, the Canton Emergency Shelter Census rose 53% and for the first time in at least five years the number of children residing in shelters are past the number of adult women. That was 105 women and 107 children for a total of 5,560 nights in the Canton Emergency Shelter. Emergency Shelter is a critical community asset when protection local families from domestic violence. The Emergency Shelter grant is important to the operation of our Canton Emergency Shelter. Between both the Canton and Massillon shelters, 280 women were served within the average of 10 to 15 % of those women pregnant. Pregnant women are more likely to be victims of homicide than to die by any other cause. DVPI's 24 hour crisis hotline is also housed in the Canton Emergency Shelter. Last year calls to the hotline increased by 20% for 3,810 calls. For 32 years, DVPI has worked to meet the needs of these families through a continuum of care designed to help them achieve success. Safety, planning and access to community resources are incorporated into all of our direct service programs. While in our emergency shelter, families have access to Counseling services, legal advocacy, transportation, child care, parenting classes and many other educational services and community resources. As they work to rebuild their lives and escape abusive. At this point, I'd like to share a story from one of the mothers who resided in our Canton Shelter recently. She writes "When my two toddler children and I arrived at the shelter, we had nothing except high hopes for the future. We walked in with our heads down fearing to upset others, scared to talk and express our minds. I had to be in my children's sight or they panicked. By the time we left, the staff helped me to find a home and make sure we had everything to start our new life. I walked out of there with my head held high, knowing I'm a marvelous mom to my children. My children left trusting others, giving hugs and were able to know its okay to play fun...to play and have fun. I can't thank everyone at the shelter enough for their love, support, education, help and patience. The Domestic Violence Project was a heaven sent for us. At DVPI, we know that when people emerge from crisis, amazing things happen, families become more stable, businesses run smoother, classrooms are calmer and communities are safer. Our work is about creating more hopeful futures. We appreciate the partnership of the City of Canton through the Emergency Shelter Grant in keeping our families safe and giving them the opportunity from our hopeful futures and we ask for your support. Thank you.

PRESIDENT SCHULMAN: Thank you and thank you for your great work in the community, we truly appreciate it. And again it would be nice maybe sometime to have statistics go down instead of up, particularly bad statistics. But thanks again for your public service. We're now through with Public Speaks.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: And we are on under Informal Resolutions. There are no Informal Resolutions tonight.

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 SEPTEMBER 27, 2010.

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376. APPLICANT, MERGING HEARTS HOLISTIC CENTER, INC.: REQ ZONE CHANGE @ 3751 BURRSHIRE DR NW FROM PB-4 (SPECIAL BUSINESS) TO PB-1 (OFFICE BUSINESS). - PLANNING COMMISSION
377. APPLICANT, STARK CNTY HISTORICAL SOCIETY: REQ STREET VACATION OF HAZLETT AVE NW FROM NORTH LINE OF 7TH ST NW NORTHERLY TO OUT LOT #218. - PLANNING COMMISSION
378. LIQUOR CONTROL DIVISION (OHIO): REQ NEW C2 LIQ PERMIT FOR RED DOOR WINE HOUSE DBA B SIDE WINES @ 2701 CLEVELAND AVE NW. - RECEIVED & FILED
379. SERVICE DIRECTOR PRICE: REQ AUTHORIZATION FOR SERV DIR TO MAKE APPLICATION FOR, ACCEPT & EXECUTE GRANT FROM STARK-TUSC-WAYNE JOINT SOLID WASTE MGMT DISTRICT UNDER 2011 RECYCLING MAKES SENSE GRANT PROG. - FINANCE COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: We're under First Reading Ordinances. Let the Journal show again that all Ordinances are being given their reading as required by State Law. Madame Clerk would please read the First Reading Ordinance by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #7 FOR THEIR FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION NO. 1/2010, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (CIVIL SERVICE - TRAVEL \$200.00)
Referred to Finance Committee
- #2. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND APPROPRIATION TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (FOR CITY'S CONTINUING OPERATIONS)
Referred to Finance Committee
- #3. (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 (OLLIE FLOYD - PARCEL #02-13144 ON 3RD ST NE)
Referred to Community & Economic Development Committee

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- #4. (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF ALL OF OUTLOT 889 AND LOT 34931; AND DECLARING THE SAME TO BE AN EMERGENCY (NEAR SW CORNER OF HARMONT AVE NE & 34TH ST NE)
Referred to Public Safety & Thoroughfares Committee
- #5. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A ONE-YEAR PROFESSIONAL SERVICES CONTRACT WITH OHIO BILLING, INC. FOR THE BILLING AND COLLECTION OF USER FEES FOR EMERGENCY AMBULANCE SERVICES AND PUBLIC SAFETY SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #6. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO A CONSTRUCTION CONTRACT FOR THE CONSTRUCTION OF THE BRIDGE IN MARTINDALE PARK; AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (WEST SIDE PARKS TRAIL & BRIDGE PROJECT GP 1093 \$109,994.00)
Referred Public Property Capital Improvement Committee
- #7. (1ST RDG) AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR WATER AND/OR SEWER SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Environmental & Public Utilities Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We're now under Ordinances and Formal Resolutions for the Second Reading. Madame Clerk will you please begin with Ordinance #8.

CLERK TIMBERLAKE: Ordinance #9.

PRESIDENT SCHULMAN: I'm sorry Ordinance #9.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #8 THROUGH AND INCLUDING #15 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (ORDINANCE #8 WAS RETAINED IN COMMITTEE AND ORDINANCE #14 WAS WITHDRAWN):

- #8. (2ND RDG) **RETAINED IN COMMITTEE** AN ORDINANCE AMENDING SECTION 105.07, GRANT AND LOAN APPLICANT REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY CANTON
- #9. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (IAP GRANT FUND - \$50,000.00)

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- #10. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT THE FEMA SAFER GRANT IN AN AMOUNT NOT TO EXCEED \$3,440,134.00; AUTHORIZING THE AUDITOR TO ESTABLISH THE 2815 FEMA SAFER GRANT FUND; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE DOMESTIC VIOLENCE PROJECT, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$50,000.00 FOR MISCELLANEOUS SHORT-TERM HOUSING SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY
- #12. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (PHI \$455.46)
- #13. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (FEDERAL FORFEITURE \$40,125.00)
- #14. (2ND RDG) ***WITHDRAWN** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO SELL A 1989 CHEVROLET SUBURBAN TO CONCERNED CITIZENS OF THE FOURTH WARD FOR THE ESTABLISHED FAIR MARKET VALUE; AND DECLARING THE SAME TO BE AN EMERGENCY*
- #15. (2ND RDG) AN ORDINANCE AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO A LOAN WITH THE CANTON NEGRO OLDTIMER'S IN AN AMOUNT NOT TO EXCEED \$61,156.00; 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. Would you please read Ordinance 16.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #16 FOR ITS THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS :

- #16. (3RD RDG) **ADOPTED AS ORDINANCE NO. 185/2010** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (BOND RETIREMENT FUND - \$5,346.00, POLICE SETTLEMENT FUND - \$1,844,120.00 & GENERAL FUND - \$2,010,000.00)

PRESIDENT SCHULMAN: Leader.

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MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 16.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 16. Any remarks under this Ordinance? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#16 ADOPTED AS ORDINANCE NO. 185/2010

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

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: We are now under Announcement of Committee Meetings.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Finance Committee will meet Monday, October 4th at 6:30 right here in the Council Chambers.

PRESIDENT SCHULMAN: Thank you Member Hawk.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member Smith.

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

PRESIDENT SCHULMAN: Thank you. Anyone else. We're now under Miscellaneous....

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Yes, Public Property Capital Improvement will also meet that night at the same time.

PRESIDENT SCHULMAN: And Member Smuckler, I think you have one according to our brilliant Clerk.

CLERK TIMBERLAKE: Number 3.

MEMBER SMUCKLER: Mr. President, Community Development will meet same time, same place.

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PRESIDENT SCHULMAN: Thank you very much.

CLERK TIMBERLAKE: Council Member Cirelli, Environmental & Public Utilities.

MEMBER CIRELLI: Environmental...Mr. President, Environmental & Public Utilities will meet at the same time. Thank you.

PRESIDENT SCHULMAN: You're welcome, thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Question for Law Department.

PRESIDENT SCHULMAN: Yes.

MEMBER WEST: In reference to the Committee. Number 8 on the agenda was held, Retained in Committee because we're waiting for an amendment. Do you think you'll have that by next week for us to bring it out or should we wait another week?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, Member West, I think it would probably be fine to bring it out for a discussion as you'll learn, it's a good concept but has some difficulty. We did some research this week. There are some things that can be done fairly easily on a local level. On a non-local level not quite so easily. So, it certainly would be good to discuss what's going on with those amendments next week if they're not finished, and they may be. Again our Income Tax Ordinance allows a limited, limited review of that information for purposes of CD and Economic Planning. That's in our Codified Ordinances. With regard to other political subdivisions, that information is often private and confidential unless it becomes subject to a lawsuit which we could research on CJIS. There are some other issues that have come up. So, I guess to answer your question, it could be, it probably would be worth discussing it anyway because of the procedural concerns.

MEMBER WEST: Mr...

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: And Member Cirelli if you could probably get with the Law Department and work out the language and then let me know by maybe Tuesday, I can call it into Cindy and get it on the Agenda if it's ready, okay?

PRESIDENT SCHULMAN: Member Cirelli.

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MEMBER CIRELLI: Thank you Councilman West. I had it under Miscellaneous. I was going to ask the Law Director when this could happen. When will you be available? I will be in the building tomorrow. Are you going to be around approximately, do you know your schedule?

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: Well I think we're out of Announcement of Committee Meetings so, let's go under Miscellaneous Business and hear from the Law Director. Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: I may have some time in the next two days. My one and only child is getting married this Saturday.

PRESIDENT SCHULMAN: Well congratulations. (*APPLAUSE*)

LAW DIRECTOR MARTUCCIO: So I will be a little distracted at week's end but, I can assign someone to work with this as well.

MEMBER CIRELLI: I would appreciate that. And then Mr. President and Law Director, I spoke with a gentleman that...who sat in earlier for you. When I had emailed about the collections, could you speak on that please to Council as a Body.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Ohio Billing Collections?

MEMBER CIRELLI: Yes and I was asking the possibility of the other utilities that we have outstanding, go after them. And he said it was possibly doable so maybe speak on that.

LAW DIRECTOR MARTUCCIO: It's unfortunate Dave and I play tag team. He had begun some research into Chapter 743 of our Ohio Revised Code. There are, there's some possibilities. Obviously, as you all know, it's staggering the amount of uncollected water and sewer fees there are. I mean literally, staggering in number to try and take any significant number of them into court would be, we'd be held in contempt if we filed that many cases in our courts. But I asked our staff about choosing those that are the most abreuse and going after those. Particularly those accounts that have multiple properties, that seem to be flouting the law. At issue here is the fact is that you as a Council have the absolute right under law to certify unpaid water bills, delinquent water and sanitation bills to the County to have those go on the land as a lien. So when the land is sold, the bill has to be paid before it transfer ownership. That's as you know, you've done that dozens if not hundreds of times with various kinds of bills that are owed to the City. There are literally thousands of those, so I asked my staff to look into the possibility of choosing those that would be large or have multiple....multiple properties. In part to collect that money that's due and owing to you and in part to set an example for those people who think they can simply let it go into a lien and it will be years before anybody worries about it. But I can have Dave call you with more specifics. Thank you.

PRESIDENT SCHULMAN: Anything else, Member Cirelli.

MEMBER CIRELLI: No unless there's some other Council Member wants to speak on that same issue.

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PRESIDENT SCHULMAN: Okay. Any other Miscellaneous Business?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Yes, Mr. President. I want to thank the gentleman from "Straight from Scratch" who spoke today. I talked to him a little bit before Council and he had a whole note full of things that he was writing about, that he was going to talk about and when he stood up there, didn't look at his notepad one time but he's passionate about what he's doing and I appreciate your efforts and trying to help children to understand entrepreneurship and I think that's something that we need to continue to do, not just for young people but also with a lot of our adults in this community. Sometimes we have to stand on our own two feet and start our own business when we can't find work. And then also I wanted to thank, apologize to Member...Miss Smith...Chris Smith for not attending the dedication. I heard she did a awesome job. I had to work at the restaurant and I apologize dearly for not making it but I want to congratulate you on a job well done. I think we should commend her.

PRESIDENT SCHULMAN: Great. (*Applause*)

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Smith.

MEMBER SMITH: I also would like to thank the Council Members that came out. I'd like to thank Dave for his support and especially Bill and Mary. Mary didn't get a chance to dance. She came late but we'll make sure she make up for it. And I'd also like to publicly thank the committee that did an awesome job also. Viola Fisher is here and Beverly Gainer. Joyce Sumlin and also Fonda that came out and helped cook the hot dogs.

PRESIDENT SCHULMAN: Well if you'll stand up, we'll give you a nice round of applause. (*Applause*) Great job.

MEMBER SMITH: And I don't want to forget the Mayor because he kept his promise. He promised that we would dance and that's exactly what we did. Thank you Mayor.

PRESIDENT SCHULMAN: Thank you Member Smith and congratulations again. Any other Miscellaneous Business?

SAFETY DIRECTOR REAM: Mr. President.

PRESIDENT SCHULMAN: Yes, Service Director or Safety Director.

SAFETY DIRECTOR REAM: On behalf of the Mayor and the Administration and also our Fire Chief, I would like to personally invite Council Members and the general public to a ground breaking ceremony at 3:30 PM this Wednesday at 25th and Cleveland for the ground breaking of the new Fire Station. (*Applause*) Thank you. As most of you know this is a project that's been in the works for approximately five years and

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it's an exciting start for us in public safety that will allow us to, to carry out, it's the first step in carrying out a long range strategic plan on how we will effectively and efficiently deliver fire services in this community. The Chiefs are excited, I'm excited and this is a great, great first step in going down that road for us. So, I'd like to invite everybody again.

PRESIDENT SCHULMAN: Great. Congratulations. *(Applause)* Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. To follow up on your question Member Cirelli, the other angle that we're looking at is whether or not we can turn those kinds of accounts over to a collection agency as we do Ohio Billing with ambulance runs. At first glance, the law seems to say it either has to be done as a lien or in an action at law in court. But if action at law includes us subcontracting it to a collection agency to do it for a percentage of what they collect, we'll do that. We'll recommend that if we can to the Administration and Council.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Thank you. Member Cirelli.

MEMBER CIRELLI: Law Director....*(Inaudible)*

LAW DIRECTOR MARTUCCIO: It doesn't necessarily have to go out for bid. It is a professional service. It is always prudent to ask for requests for proposals from multiple professional service providers to see who can give the best bang for the buck, as it were. How soon depends on how we conclude our research and what we find about collections under that particular Chapter because they are utilities. They are a little different than those things that might be considered non-governmental services so we'll see.

PRESIDENT SCHULMAN: Anything else....anything else? I want to make one comment and I'd asked the Mayor. I know the Mayor's on top of this but if we could get a report in the next two weeks. It was announced today that Southwest Airlines has purchased Airtran for \$1,400,000,000.00. Airtran accounts for the vast majority of air traffic business at the Akron/Canton airport. It is a critical, as the Mayor knows and all of you know. In the 21st century, it is a critical link to bring businesses to a community. If you don't have an airport, you can just pack it up, roll it in because business is not coming. So I would ask that the Mayor or the Economic Development staff or someone in the Administration address that with, if you haven't already, with the Akron/Canton airport managers. Also the Mayor of Akron because obviously it's the Akron/Canton airport and if somebody could report back to this Council in two weeks, we'd be most appreciative. I, we, I'm personally very worried about that. Southwest has a active traffic in Cleveland. What I've read today is that if Airtran is taken over and success....and the merger is not completed yet obviously, but if Airtran is bought out by Southwest, business may either move to Cleveland or the cost of airfare in our community will be substantially higher. So if we could ask you Mayor Healy to report back in a couple weeks on that, we'd be, I would be appreciative and I'm sure Council would also.

MAYOR HEALY: Thank you, Mr. President. We actually have a meeting. The Chamber has been working on a business to business meeting agenda in which the President of Airtran is the scheduled speaker. Obviously that is going to be coming up in the next couple of weeks but I, we will be looking into that very closely. But thank you for bringing it to our attention.

PRESIDENT SCHULMAN: Thank you. Very good. Anything else?

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MAYOR HEALY: Mr. President.

PRESIDENT SCHULMAN: Yes. Mayor Healy.

MAYOR HEALY: One other announcement. There was a nice article in the paper this weekend announcing that the City is going to be celebrating the 50th anniversary of this building, City Hall. And a little bit of research went into that. I think there was a notice to Council Members in your box or there should have been something sent down to you inviting you all but this is going to be on October 1st which is this Friday, lunchtime. I think it's 12:00 or 1:00, we have to verify that by the letter. Warren sent the letter so I'm not sure.

CLERK TIMBERLAKE: It said 4:30.

MAYOR HEALY: 4:30. Okay, 4:30, thank you on the time. But it is on the 1st and the one thing that's really interesting about this is besides the building being 50 years old and we're celebrating the anniversary, there is a time capsule that we're going to be opening. That was installed when the building was constructed. We're doing that for a couple reasons. One because 50 years seems like long enough but two we're going to be working on, starting a construction project here on City Hall and we'll be relocating that cornerstone with the new project and we're going to reinstall a new time capsule with the original contents as well as some new stuff. But it gives us an opportunity to look back 50 years and see what was going on and at the time Mayor Babcock was the Mayor who put that in there. So, hopefully some members of the Babcock family will be there as well. So, just wanted to let people know if you want to come out and see something interesting, there'll be cake and some celebration and hopefully a lot of fun. Thank you.

PRESIDENT SCHULMAN: Great, thank you. 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.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Meeting is adjourned. Thank you ladies and gentlemen. Drive safely on the way home. *(Gavel falls)*

ADJOURNMENT TIME: 8:14 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT