

**MINUTES OF THE MEETING MARCH 19, 2012**

PRESIDENT PRO TEM DOUGHERTY: Good evening everyone. With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call please.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

12 COUNCIL MEMBERS PRESENT: (DAVID DOUGHERTY, PATRICK BARTON, JAMES BABCOCK, MARY CIRELLI, JOE COLE, GREG HAWK, THOMAS WEST, JAMES GRIFFIN, CHRIS SMITH, KEVIN FISHER, EDMOND MACK & FRANK MORRIS)

TWELVE COUNCIL MEMBERS PRESENT. (PRESIDENT SCHULMAN ABSENT)

CLERK TIMBERLAKE: All present Mr. President.

**EXCUSING MEMBERS**

PRESIDENT PRO TEM DOUGHERTY: Member Barton, motion to excuse President Schulman.

MEMBER BARTON: Mr. President I move we excuse President Schulman from tonight's meeting.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to excuse President Schulman from this evening's meeting. Are there any remarks? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM DOUGHERTY: The motion carries and President Schulman is excused. We'll have the invocation given by....hello....hello....*(There is a problem with the recording system)*

MEMBER FISHER: It's a sign from above.

PRESIDENT PRO TEM DOUGHERTY: I'm talking to myself. *(Laughter)* Okay, the invocation given tonight by Ward 5 Council Member Kevin Fisher. Please remain standing for our Pledge of Allegiance.

*The regular meeting of Canton City Council was held on March 19, 2012 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 5 Council Member, Kevin Fisher. The Pledge of Allegiance led by President Pro Tem Dougherty.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT PRO TEM DOUGHERTY: Thank you Member Fisher. Agenda Corrections and Changes, Member Barton.

MEMBER BARTON: *(Inaudible)*

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CLERK TIMBERLAKE: No, no, no, suspending rules.

MEMBER BARTON: Mr. President, I move Rule 22A be suspended to add 2<sup>nd</sup> Reading Ordinance 4 (*inaudible*).

PRESIDENT PRO TEM DOUGHERTY: What about Ordinance 3?

MEMBER BARTON: Will be retained in Committee.

PRESIDENT PRO TEM DOUGHERTY: Okay, can I get a second.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: Okay, It's been moved and seconded to Suspend Rule 22A to add the 2<sup>nd</sup> Reading Ordinance 3...Ordinance 4 with 3 remaining in Committee. Any remarks? Roll call vote please.

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NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes we....Rule 22A is suspended and they're all a legal part of your agenda. We have some guests here tonight from Jackson High School, the Government class, is that true? Could you stand. (*Applause*) Thank you for coming this evening. You had to come right? (*Laughter*)

**PUBLIC HEARINGS**

PRESIDENT PRO TEM DOUGHERTY: There's no scheduled Public Hearings this evening.

**OLD BUSINESS**

PRESIDENT PRO TEM DOUGHERTY: Old Business, is there any Chief of Staff?

SERVICE DIRECTOR PRICE: Thank you Mr. President. Monique Davis spoke last week regarding minority businesses. I did want to point out and Fonda Williams, if he hasn't already, I'm sure talk to her or Andrea Perry. We do...we do have a minority business program, in fact I sign several a week where corporations verify their compliance with our minority business regulations. As to the interpreter for persons with problems hearing or those sorts of things, I think the Law Department is looking into that and they'll get an answer back to you. And I didn't have anything else from Old Business, thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you.

**PUBLIC SPEAKS**

PRESIDENT PRO TEM DOUGHERTY: We're now under Public Speaks. We have 5 on the Agenda....Oh, I'm sorry, we do want to do one thing before that, we want to go to Informal Resolutions.

**INFORMAL RESOLUTIONS**

PRESIDENT PRO TEM DOUGHERTY: Member Barton, #26 please.

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#26. COUNCIL-AS-A-WHOLE: CONGRATULATING OFFICER TIM MARKS FOR BEING AWARDED CANTON POLICE OFFICER OF THE YEAR - ADOPTED

MEMBER BARTON: I move we adopt Resolution #26.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Informal Resolution 26. Any comments? Roll call.....yes?

MEMBER BARTON: *(Inaudible)*

PRESIDENT PRO TEM DOUGHERTY: We can have it read.

CLERK TIMBERLAKE: *WHEREAS*, The Canton Exchange Club in collaboration with the Canton Police Department, the Stark County Prosecutor's Office and Stark County Sheriff's Department sponsors an annual Crime Prevention Week Award Breakfast. The breakfast recognizes selfless and dedicated services performed by law officers who contributed above and beyond the preserving and protecting of life within our community; and *WHEREAS*, This year's "Canton Police Officer of the Year" is Police Officer Tim Marks. Officer Tim Marks has been with the Canton City Police Department since November of 2007; and *WHEREAS*, Since his time with the Canton Police Department, Officer Marks has accumulated several commendations. The accommodations are for solving burglaries, an armed robbery, an investigation leading to the discovery of a large marijuana grow operation, as well as an incident involving an armed, mentally disturbed suspect threatening suicide; and *WHEREAS*, It was December 3, 2011, a day that changed the life of Police Officer Marks. Officer Marks had just left roll call and started patrolling the City when he came upon a frantic woman who was confronted by an individual who was kicking her car and yelling obscenities; and *WHEREAS*, Officer Marks approached this individual who in turn reacted with a swift blow to Officer Marks' jaw. Officer Marks, still able to maintain his presence of mind, pulled out his taser, fired it and to no avail it had no effect. The assailant landed another blow to Officer Marks' nose. Officer Marks, dazed and confused, realizes that he is in the fight of his life. *WHEREAS*, Fortunately, Tom Bowman, who was doing yard work heard the commotion, realized a Police Officer was in trouble and rushed to his aid. Between Mr. Bowman and Police Officer Marks, the assailant was handcuffed. If not for the quick heroic actions of Tom Bowman that day could have taken a different direction for Officer Marks. *NOW THEREFORE BE IT RESOLVED*: that we, the Members of Canton City Council, do hereby go on public record commending and congratulating *POLICE OFFICER TIM MARKS* for being recognized and awarded the Canton Exchange Club's "Canton Police Officer of the Year." Thank you for your hard work and true dedication serving the Citizens of Canton. You truly are one of Canton's finest Police Officers.

*(STANDING OVATION)*

PRESIDENT PRO TEM DOUGHERTY: By voice vote, all those in favor. Those opposed. Thank you, we have to make sure we do everything right.

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NO REMARKS

RESOLUTION #26 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM DOUGHERTY: Thank you, we have to make sure we do everything right. Mr. Barton.

MEMBER BARTON: *(Inaudible)*

PRESIDENT PRO TEM DOUGHERTY: Go up by the mic please. Thank you.

MEMBER BARTON: I'd like to say on behalf of my family and I can honestly say that probably on behalf of this Council and the residents of this City that it is truly an honor to be able to award this to you. I want to thank you for everything that you do in going out there and keeping us safe and keeping our City safe and we can't thank you enough and again it's an honor to have you on our Department. Thank you sir.

PRESIDENT PRO TEM DOUGHERTY: Is there any other comments anyone would like to make? Go ahead you can talk.

OFFICER MARKS: I thought I was getting away there for a second.

PRESIDENT PRO TEM DOUGHERTY: No, the Mayor got you.

OFFICER MARKS: Mr. Mayor you got me and I don't know how I feel about that, we'll talk about it later. *(Laughter)* Thank you everybody, I really appreciate it, seriously. It's an honor. Tom Bowman is here with me, Mr. Bowman stand up.

*(APPLAUSE)*

OFFICER MARKS: It's been a wild ride, I'm not back to work yet. I'm still receiving treatment from my injuries. Hopefully I'll be back soon though. Seriously, once again thank you very much.

PRESIDENT PRO TEM DOUGHERTY: We need you back so get better.

OFFICER MARKS: It's getting nice outside you know. *(Laughter)*

PRESIDENT PRO TEM DOUGHERTY: I know, it's great to...you look better every day that I see you.

OFFICER MARKS: Give me some time and you'll see me soon.

PRESIDENT PRO TEM DOUGHERTY: Congratulations and we really appreciate you.

OFFICER MARKS: I really appreciate it, thank you very much.

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MEMBER FISHER: Mr. President. Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Fisher.

MEMBER FISHER: At the first meeting of the year when we recognized Mr. Bowman and Mr. Bowman and Mr. Marks left before the end of the meeting when I said anytime they wanted it, the first drink was on me. Now their both here, the first drink is on me. *(Laughter)*

PRESIDENT PRO TEM DOUGHERTY: We won't be offended if you go ahead and leave if you got something else you want to do, that's fine. If you want to stay, that's fine. Thank you.

**PUBLIC SPEAKS**

PRESIDENT PRO TEM DOUGHERTY: Let's go back to Public Speaks. We do have 5. Please come up to the mic, give your name and address, you'll have 3 minutes to speak. For those that do not know, we have it on the screen now because we've been challenged from time to time that we weren't giving enough time, so we want to make sure we do that. Joseph Eldred, Timken Band, please come up. Thank you, welcome.

JOSEPH ELDRED: I'd like to take this opportunity first to....

PRESIDENT PRO TEM DOUGHERTY: Name and address please.

JOSEPH ELDRED: I'm sorry.

PRESIDENT PRO TEM DOUGHERTY: That's okay.

JOSEPH ELDRED: Joseph Eldred, 638 Bellflower Avenue SW. I would like to take a minute to thank the Board for allowing us to speak on such an important note...information or issue as our children, your children. Because when you guys accepted office, you became stepparents as it were to our band members and I can guarantee you, I've taken them home, our band members live in your Ward. For myself, growing up the youngest of 7, my parents made sure that each of us had a new outfit the first day of school. Why was that? Because they wanted us to feel good about ourselves, they wanted us to be able to hold our heads up high and have pride in us, in ourselves. And that's now what we are looking for, for our band members. Currently their uniforms are going on 20 years old, they're worn, torn and tattered. We honest believe that these uniforms will not last another year. We started out wanting 50 uniforms for summer and winter at a cost of \$500.00 a piece, \$25,000.00. Now, if we do a bare minimum, we need approximately 35 uniforms at \$325.00 a piece for a total of just over \$11,000.00. So why do I come to you, because we are not getting the support that all the other schools are getting. Let me explain, when you go to a concession stand for any other school, whether it's football or basketball, when you buy their food you're supporting their band. When you go to the McKinley pavilion at the Stark County Fair, you are supporting their band. In fact, McKinley will be wearing their brand new uniforms this year at the Memorial Day Parade because of this stand at the Stark County Fair. For anybody or any business that tells us if we donate to you, we have to donate to everybody, I say shame on you because you're already supporting their groups. Now, I'm not here to ask you to open up your wallets, of course I'm not going to reject it either. But I'm urging you to help us help our children. Help us help your

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children. Come down to the school and talk to our children, we have some band members here. Listen to them practice, they're there Mondays and Wednesdays from 6 to 8, check out their uniforms. Sorry.

PRESIDENT PRO TEM DOUGHERTY: So am I sir.

JOSEPH ELDRED: Sorry.

PRESIDENT PRO TEM DOUGHERTY: Okay, thank you. Who here graduated from Timken? Maybe everybody who graduated from Timken should donate something tonight. I will. Second one, Steve Silver now please. Good evening.

STEVE SILVER: Steve Silver, 2007 Kirk Court NW. Thank you for allowing me to address City Council tonight. First of all I'd like to thank Councilwoman Cirelli and Councilman Morris for their positions with last...Council last week. The vote for the Animal Control Officer and Councilwoman Cirelli's impassioned plea to Council against this issue last week as well. I am beside myself with how Council handled the vote for the Animal Control Officer last week. There was no emergency that needed this vote to be handled in the way it was, resulting in all three readings last week as well as the vote for this issue. Vicious animals have been handled for how many years in this City without an Animal Control Officer. Countless citizens have spoken against the current policy which causes the senseless deaths of cats and other animals living in the City limits. Countless citizens have spoken out against the person that the City has contracted with for this position for various reasons. Two weeks ago I contacted City Council, all City Council persons by email about this issue. This was the first time I had ever contacted City Council or my Councilman. This is...I did not receive any responses but one and it was not from my Ward Councilman either. This is not how I want the Elected Officials who are supposed to be representing the citizens of Canton, of which I am one, to be representing any of Canton's citizens. We the citizens of Canton deserve better. All of Council was invited last week to a meeting by Alley Cat Allies that shared information about the TNR program. I realized it was something you would have needed to do on your own time but with all of the reaction from people at Council Meetings on this subject recently, I believe it would have been a prudent course of action to attend this meeting and represent Canton's citizens. Three Councilpersons did attend this meeting and I publically would like to thank Councilwoman Cirelli, Councilman Morris and Councilman West for their concern of this issue and for their attendance at this meeting. As this is the 6<sup>th</sup> Council Meeting that I have spoken on this issue, I have still not seen Council form a Committee to research TNR as an alternative to the current animal control policy as Council has said that they are going to do. I can only hope that this will not again fall on deaf ears and this will happen soon. Councilman West last week stated that maybe Council would be able to come up with a policy of how to deal with feral cats. I beg Council to do so. Please do so immediately. No more lives need to be needlessly lost. I understand that Council has said they hired an Animal Control Officer to deal with vicious animals. I also understand that over half of the time and funds for the Animal Control Officer last were expended on trapping and euthanizing cats. Cats are not, as Council knows, vicious animals. Since it seems to be dollars and cents that Council is seeing, one can only wonder why Council would allow their Animal Control Officer to be working over half of the time on the issue of cats and not vicious animals for the position which was instituted for. I ask Council again to follow through with what you said and you would do and establish a dialogue with people about TNR and alternatives to euthanizing all animals that the Animal Control Officer traps as well as develop a policy on how to deal with feral cats that would not include euthanasia. Thank you.

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PRESIDENT PRO TEM DOUGHERTY: Next speaker, Patricia Kirk. Good evening.

PATRICIA KIRK: Good evening. Hi, my name is Patricia Kirk, I live at 131 5<sup>th</sup> Street NE. Bill Hahn, Akron City Arborist took me on a tour of Akron's trees over 6 years ago. Later he spoke at Canton. The first thing he said to me over the phone was "Has it been that long?" He asked me to read this email, he's out of town in Florida right now. "This year Akron will submit an updated Tree Ordinance for passage, it includes a nuisance Tree Ordinance formalized as a Tree Commission, updates language and legitimizes the value of trees, allowing us to largely self fund our program. Trees have real value and can be used to substantially fund a program. We are using the International Society of Arboriculture Formula to appraise trees and collect from auto accidents, vandalism, utility damage or removals, billboard companies who cut trees and contractors who damage trees. Listen up. Our collections have been \$200,000.00 over the past 18 months and continues to grow. We use streetlight funds to clear streetlights, codify the importance of trees and make our community esthetically pleasing. Slow storm water runoff, reduce air pollution, reduce soil erosion, conserve energy by shading and buffering buildings, store carbon, create wildlife habitat and welcome shoppers. Several of us attended the Ohio Department of Natural Resources Tree Commission Academy a few years back and learned more than any seminar attempted to teach in my whole career. It was well worth the modest fee. Bill" I have copies of the Tree Commission Academy application and the dates, which I will give to the Repository for Canton's Tree Commission Academy at Church of the Savior United Methodist. There are 2 other Cities that have this. We have a responsibility to pass a Tree Ordinance that establish a voluntary Tree Commission that helps care for the City's Urban Forest and watches over the safety of the Canton citizens, especially with cutting down trees. Let us concentrate of what we can do, it's been a long time. Let's not concentrate on the nit picking. Thank you very much.

PRESIDENT PRO TEM DOUGHERTY: Thank you. Dana Ray please. Good evening.

DANA RAY: Good evening, I'm Dana Ray, I live at 1891 Nichols Road, Akron, Ohio. I really hadn't planned on speaking tonight but then I started thinking about some of the comments that were made last week and I really got upset about it. But before I start on that, I would like to thank Councilman Morris, Councilman West and Councilwoman Cirelli for attending our meeting. I'm glad that they took time out of their lives to see what we're talking about and how much it means to everybody. Last week, Councilman Cirelli addressed, Mr...well I'm sorry, Safety Director Ream asked him a couple questions. I have never seen a politician sidestep as much as he did on those questions. He like stuttered, he was asked about the van and how much Sedlacko could use the van to drive around and then you finally said it was amended and that way he could use it for his personal use. But what you didn't state was whether he could use it for the use of the Stark County Dog Pound, which in fact he's been seen doing that. And the thing we haven't figured out is whether he's using it for his third job also. And then you were asked about the paperwork that Sedlacko handed into the City. This was after I had stood there the week before and informed you that there was paperwork. The Humane Society has to sign off of it and then hands it back to him. But yet you said that never happened. Did you bother to call Mr. Criswell to check that out? No, you just said well, whatever. I knew the politicians were good at hiding things but when you know all of us have done our work. We've all done the leg work, we've done the history research. How can you omit the truth and expect us to believe it? And one small thing, and I realize it's a small thing, next time you refer a vicious dog, could you just say dog? The poor pit bulls are having a hard enough time without people stereotyping them. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Toby Franks, good evening.

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TOBY FRANKS: Hi, hi everybody. Toby Franks, 401 Ohio Boulevard, Louisville 44641. I'm just here today to thank City Council, thank the Mayor. The last several weeks it's been kind of an experience and it's kind of democracy and thank you for letting us be part of it. I know some of the dialogue has been stressed or strained. It's been adversarial at times and I hope that moving forward we can work together in a more friendly fashion and I think that's the path that we want to be on. It was not our intention to have a confrontational relationship coming into this, I can assure you that. But I do want to thank you all for allowing us to participate in this. I don't want to spoil anything as far as an Informal Resolution goes but I do want to thank Madame Cirelli, Mr. West, Mr. Mack and of course Mr. Morris for bringing this Resolution to the table. I think it's well crafted, I think that we might need to dial in a little bit, focus in a little bit, I know that on the TNR side, we are going to definitely dial in to a couple key people. I'm not sure how County Government is going to be involved in all of this but something to consider. Also obviously the Humane Society is a big factor, it's going to be a major player in this but keep in mind also as we move forward that the clock is ticking just like it is here with the Humane Society's participation in the Canton Animal Control Program. I guess with that said, I just want to thank you again and I look forward to working with all of you. Thank you very much.

PRESIDENT PRO TEM DOUGHERTY: That ends Public Speaks.

**INFORMAL RESOLUTIONS**

PRESIDENT PRO TEM DOUGHERTY: Informal Resolution 27.

MEMBER BARTON: Mr. President, I move we adopt Resolution #27.

MEMBER BABCOCK: Seconded

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Informal Resolution 27. Any remarks?

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Go ahead and read it.

MEMBER WEST: Let...let me, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Hold on.

#27. CNCL MBRS CIRELLI, WEST, MACK AND MORRIS: REQ CANTON CITY COUNCIL CREATE A TEMPORARY COMMITTEE OF VOLUNTEERS TO EXPLORE THE BENEFITS OF A TRAP, NEUTER, RELEASE (TNR) PROGRAM. - ADOPTED

PRESIDENT PRO TEM DOUGHERTY: Any comments?

MEMBER WEST: Yeah, Mr. President, let me just say this to the audience as well as to this Council, you know I know a lot of Members around this table and as I had said to the....to the group, that you know, this was something we found out later that all these cats were being trapped and now we're moving forward to try to



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eradicate that problem. And I know all the Council Members here are not for killing cats. We'd like to see a program that can work for the betterment of the City and I think I say that for all the Council Members here. So, I just want to put that on the record and let you know that although we're the sponsors of this Ordinance, I'm certain the other Council Members are looking for a closure or a more successful outcome of this program. So, this is a start and hopefully it will be a finish soon. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Any other comments?

MEMBER FISHER: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Fisher.

MEMBER FISHER: I just wanted to bring up a point that I had mentioned to Member Morris over this and there's been a lot of talk back and forth about what the cost of what the City is currently doing as opposed to what a trap, neuter, release program will look like. And I know some of the numbers that I've seen on it, I can't seem to make them add up. And so my...you know, with going forward on this Committee, I would like to have the input that it would....it would be nice to see if could get somebody on the financial end that can really put down in black and white numbers of exactly apples to apples approach what we're doing now with the TNR program. That's it, thank you.

PRESIDENT PRO TEM DOUGHERTY: Any other comments? It's been moved and seconded to adopt Resolution 27 by voice vote, all those in favor aye. Opposed.

NO REMARKS

RESOLUTION #27 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM DOUGHERTY: Resolution #27 has been adopted.

**COMMUNICATIONS**

PRESIDENT PRO TEM DOUGHERTY: 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 19, 2012.***

119. AUDITOR MALLONN: REQ FOR ADDTL AMENDED CERT DATED 3/14/12. - RECEIVED & FILED
120. CNCL MBRS-AT-LRG COLE, BABCOCK & CIRELLI; WARD CNCL MBRS, DOUGHERTY, BARTON, HAWK, WEST, GRIFFIN, SMITH, FISHER AND MORRIS: REQ LAW DEPT DRAFT LEGISLATION REQUIRING COUNCIL APPRVL BY FORMAL RESOLUTION FOR HIRING ANY PERSON WHO HAS ALREADY RETIRED THROUGH OHIO PERS OR ANY OTHER PUBLICLY FUNDED STATE EMPLOYEE PENSION PROGRAM. - JUDICIARY COMMITTEE

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121. COUNCIL MBR WEST: REQ CLEVELAND AVE FROM 7<sup>TH</sup> ST SW TO 25<sup>TH</sup> ST NW BE DECLARED "THE PRO FOOTBALL HALL OF FAME CORRIDOR". - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
122. COUNCIL MBR WEST: REQ LEGISLATION TO ADD FIVE STREETS TO LIST OF GATEWAY CORRIDORS. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
123. MAYOR WILLIAM HEALY: REQ APPRVL OF RE-APPT OF DR. STEPHEN HICKMAN TO BOARD OF HEALTH FOR 5 YR TERM FROM 4/1/12 - 3/31/17. - PERSONNEL COMMITTEE
124. SAFETY DIRECTOR REAM: AUTHORIZE SAF DIR TO PAY MORAL OB FOR ANIMAL CONTROL SVCS FROM 12/22/11 TO 2/1/12. - FINANCE COMMITTEE
125. SERVICE DIRECTOR PRICE: AUTHORIZE SERV DIR TO NEGOTIATE, EXECUTE AND GRANT A PERMANENT EASEMENT TO EAST OHIO GAS DBA DOMINION EAST OHIO FOR GAS LINES IN PROPERTIES KNOW AS REIFSNYDER AND MARTINDALE PARKS. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
126. SERVICE DIRECTOR PRICE: REQ PARTICIPATORY CONSENT LEGISLATION WITH ODOT TO PERFORM BRIDGE REHAB OVER US 30 IN 2013. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
127. SERVICE DIRECTOR PRICE: REQ PARTICIPATORY LEGISLATION WITH ODOT TO REHAB EAST TUSC BRIDGE OVER MIDDLE BRANCH IN 2013. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
128. SERVICE DIRECTOR PRICE: REQ PARTICIPATORY LEGISLATION WITH ODOT TO RESURFACE RAFF RD BETWEEN US 30 & WEST TUSC IN 2015. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT PRO TEM DOUGHERTY: We are now under Ordinances and Formal Resolutions for First Reading. Let the Journal show that all Ordinances are being given their Reading as required by state law. Madame Clerk.

***NOTE: PRESIDENT PRO TEM DOUGHERTY CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #2 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$750.00 TO MARK I. LURE INC.; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee

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- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO: ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONSTRUCTION CONTRACT FOR THE STA-SR43-12.64, WALNUT/CHERRY COMPLETE STREETS PROJECT, G.P. 1153; EXECUTE A PROFESSIONAL SERVICES CONTRACT FOR CONSTRUCTION ENGINEERING SERVICES; RECEIVE TRANSPORTATION REVIEW ADVISORY COUNCIL (TRAC) FUNDS IN THE AMOUNT OF \$1,500,000.00; AUTHORIZING THE AUDITOR TO ESTABLISH THE 4567 WALNUT/CHERRY COMPLETE STREETS PROJECT FUND, G.P. 1153; AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Property Capital Improvement Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT PRO TEM DOUGHERTY: We're now under Second Reading Ordinances, Madame Clerk.

***NOTE: PRESIDENT PRO TEM DOUGHERTY CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #4 FOR ITS SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (ORDINANCE #3 IS RETAINED IN COMMITTEE):***

- #3. (2<sup>ND</sup> RDG) **RETAINED IN COMMITTEE** AN ORDINANCE AMENDING CHAPTER 917, TREES, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
- #4. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACTS WITH LOCAL AGENCIES IN A TOTAL AMOUNT NOT TO EXCEED \$390,000.00 IN HOME FUNDS; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT PRO TEM DOUGHERTY: Thank you. We're now under Ordinances for their Third and Final Reading, Madame Clerk.

- #5. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 40/2012** AN ORDINANCE AMENDING APPROPRIATE ORDINANCE NO. 220/2011 TO APPROPRIATE ADDITIONAL MONEYS NEEDED FOR THE OPERATING EXPENSES OF THE CITY OF CANTON FOR THE REMAINDER OF FISCAL YEAR 2012; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER BARTON: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Barton, yes.

MEMBER BARTON: I move we adopt Ordinance 5.

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MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 5. Any remarks?

MEMBER BARTON: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes.

MEMBER BARTON: I move we adopt or amend Ordinance 5 per the copy that all Council Members have in front of them.

MEMBER BABCOCK: Seconded.

AMENDMENT

*Pursuant to Rule 36, I move to amend Agenda Item No. 5 by substituting the Exhibit A attached to this Amendment for the Exhibit A attached to the ordinance currently pending before Council.*

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to amend Ordinance 5. Any remarks?

MEMBER BARTON: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes.

MEMBER BARTON: Can we have the Amendment summarized please.

PRESIDENT PRO TEM DOUGHERTY: Yes.

FINANCE DIRECTOR DIRUZZA: The difference in the original exhibit and the amendment you have before you is there was a reduction in the judge's line item for 120,000 and a reduction in the Courts for 100,000 and those reductions were removed. There was an increase in the safety forces for the corresponding 220,000. That has been...that increase has been removed from the safety forces.

PRESIDENT PRO TEM DOUGHERTY: Any other remarks? Okay we're on the amendment. Roll call vote....oh I'm sorry, voice vote. All those in favor, signify by saying aye. Those opposed. *(Nay votes heard)*  
Roll call.

NO REMARKS

ROLL CALL 9 YEAS, 3 NAYS  
(MEMBERS CIRELLI, HAWK & FISHER VOTED NAY)

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

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PRESIDENT PRO TEM DOUGHERTY: The amendment has passed. Member Barton.

MEMBER BARTON: Mr. President I move we adopt Ordinance 5 as amended.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and.....oh that's right. It passed as amended. What was the count? Nine to three.

CLERK TIMBERLAKE: Nine to three.

MEMBER FISHER: Mr. President, I'm sorry, I...I thought we were....were we not voting on the amendment there? Okay, that...that was the amendment. Thank you.

PRESIDENT PRO TEM DOUGHERTY: We did the voice vote on the amendment and that was the amendment. Now we have to do the Ordinance as amended.

MEMBER FISHER: Thank you sir.

PRESIDENT PRO TEM DOUGHERTY: No, no.

CLERK TIMBERLAKE: Okay.

PRESIDENT PRO TEM DOUGHERTY: No, yeah I asked for the roll call because remember we did...we did a voice vote.

CLERK TIMBERLAKE: Gotcha.

PRESIDENT PRO TEM DOUGHERTY: Got it?

CLERK TIMBERLAKE: Gotcha.

PRESIDENT PRO TEM DOUGHERTY: Okay, now we're on the same page. I was right.

CLERK TIMBERLAKE: Yes you were, I apologize, I was wrong. *(Laughter)*

PRESIDENT PRO TEM DOUGHERTY: Member Barton.

MEMBER BARTON: Mr. President, I move we adopt Ordinance 5 as amended.

MEMBER BABCOCK: Seconded.

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PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 5 as amended.  
Roll call.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS  
(MEMBERS CIRELLI AND HAWK VOTED NAY)

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

**#5 ADOPTED AS AMENDED AS ORDINANCE NO. 40/2012**

PRESIDENT PRO TEM DOUGHERTY: Thank you, Ordinance 5 as amended has been adopted. Ordinance 6.

#6. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 41/2012** AN ORDINANCE AMENDING  
ORDINANCE NO. 22/2004; AND DECLARING THE SAME TO BE AN  
EMERGENCY (CORRECTION OF VACATION PLAT - LAWN SW - DUMONT'S)

PRESIDENT PRO TEM DOUGHERTY: Member Barton.

MEMBER BARTON: Mr. President, I move we adopt Ordinance 6.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance #6. Any remarks?  
Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

**#6 ADOPTED AS ORDINANCE NO. 41/2012**

PRESIDENT PRO TEM DOUGHERTY: Ordinance 6 has been adopted. Ordinance 7.

#7. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 42/2012** AN ORDINANCE AUTHORIZING THE  
LAW DIRECTOR TO ENTER INTO CONTRACT WITH THE BELOW-NAMED  
CITIES AND VILLAGES TO PROVIDE LEGAL REPRESENTATION  
CONCERNING THE PROSECUTION OF CRIMINAL CASES AND RELATED  
MATTERS BY THE CITY PROSECUTOR'S OFFICE; AND DECLARING THE  
SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Barton.

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

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MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 7. Any remarks?  
Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

**#7 ADOPTED AS ORDINANCE NO. 42/2012**

PRESIDENT PRO TEM DOUGHERTY: Ordinance 7 has been adopted. Ordinance 8.

#8. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 43/2012** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH BLACK, MCCUSKEY, SOUERS & ARBAUGH IN AMOUNT NOT TO EXCEED \$30,000.00 TO PROVIDE SPECIALIZED LEGAL ASSISTANCE WITH WORKERS' COMPENSATION CASES; AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Barton.

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

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 8. Any remarks?  
Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

\_\_\_\_\_(MEMBERS CIRELLI, MACK AND MORRIS VOTED NAY)

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

**#8 ADOPTED AS ORDINANCE NO. 43/2012**

PRESIDENT PRO TEM DOUGHERTY: Ordinance 8 has been adopted. Ordinance 9.

#9. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 44/2012** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT WITH WESTERN STATES CONTRACTING ALLIANCE (WSCA) FOR THE PURCHASE OF SPRINT EQUIPMENT AND WIRELESS COMMUNICATION SERVICES FOR THE POLICE DEPARTMENT; RATIFYING ANY ACTIONS TAKEN BY THE DIRECTOR OF PUBLIC SAFETY; AUTHORIZING THE AUDITOR TO PAY A

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**MORAL OBLIGATION TO SPRINTCOM EQUIPMENT CO., LP; AND  
DECLARING THE SAME TO BE AN EMERGENCY**

PRESIDENT PRO TEM DOUGHERTY: Member Barton.

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

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 9. Any remarks?  
Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

**#9 ADOPTED AS ORDINANCE NO. 44/2012**

PRESIDENT PRO TEM DOUGHERTY: Ordinance 9 has been adopted. Ordinance 10.

#10. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 45/2012** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR THE PURCHASE OF A STANDBY GENERATOR INCLUDING ELECTRICAL WIRING AND APPURTENANCES FOR THE COLLECTIONS SYSTEM SERVICE BUILDING; AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY (\$100,000.00)

PRESIDENT PRO TEM DOUGHERTY: Member Barton.

MEMBER BARTON: Mr. President, I move we adopt Ordinance #10.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 10. Any remarks?  
Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

**#10 ADOPTED AS ORDINANCE NO. 45/2012**



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PRESIDENT PRO TEM DOUGHERTY: Ordinance 10 is adopted. Ordinance 11.

#11. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 46/2012** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A TWO-YEAR PROFESSIONAL SERVICES CONTRACT WITH KIKO AUCTIONEERS, INC. TO CONDUCT AUCTIONS AT THE CANTON SERVICE CENTER FOR THE SALE OF JUNK AND SCRAP ITEMS AND IMPOUNDED VEHICLES; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Barton.

MEMBER BARTON: Mr. President, I move we adopt Ordinance #11.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved to adopt Ordinance....and seconded to adopt Ordinance #11. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS, 1 ABSTAIN  
(MEMBER MACK ABSTAINED)

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

**#11 ADOPTED AS ORDINANCE NO. 46/2012**

PRESIDENT PRO TEM DOUGHERTY: Ordinance 11 has been adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT PRO TEM DOUGHERTY: Committee meetings, we'll have a representative giving us a talk on about fair housing report so they need about 20 minutes. Public Property Capital Improvement will also meet, what date is that? The 26<sup>th</sup> at 6:15. Finance.

MEMBER COLE: Finance Committee will meet at 6:30, March 26<sup>th</sup>.

**MISCELLANEOUS BUSINESS**

PRESIDENT PRO TEM DOUGHERTY: Miscellaneous Business.

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Cirelli,

MEMBER CIRELLI: Thank you sir. I, just for the record would like to have my name...my names excluded on Communication 120 sir.

MEMBER FISHER: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes, we'll take care of that. Member Fisher.

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MEMBER FISHER: Two...there's two quick points I wanted to make. On the Resolution 5 tonight, I really wanted to take an opportunity to thank Director DiRuzza, the Mayor, Chairman of Finance Joe Cole and also our former Chairman Greg Hawk, I know I have been a pain to anybody and everybody over these numbers. It was not an easy vote. I was on the phone with Director DiRuzzo today at 5:00 still pushing him on numbers. So, I wanted to thank them for helping me get to a point where I could...I could vote for that. Secondly, there was a young lady that there was going to be down here tonight and I haven't seen her come in but with my eyes, that doesn't mean a whole lot, she could be here. The...I found out on this through facebook over the weekend, we've all heard there was a fire on 4<sup>th</sup> Street, NE recently. The family that was living there, there were four adults, literally lost all their possessions, no clothes, no furniture or anything. This young lady named Ashley Covey took it upon herself to start organizing a volunteer effort to try to get furniture, clothing, whatever the case maybe, household items, for this group and I found out about it. I've...I've offered to donate some...some furniture that we're no longer using and some...and I've put that on my facebook page as well. Her...I have her email address for anyone who would like to do that, is [acovey@neo.rr.com](mailto:acovey@neo.rr.com) and it really is inspiring to see someone take that into their...their own hands to help out somebody in need and I hope if anyone has anything that they would be willing to donate that they would do so, it's a great cause. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you.

MEMBER CIRELLI: Mr. President.

MEMBER WEST: Mr.

PRESIDENT PRO TEM DOUGHERTY: Who else? Mr. West.

MEMBER WEST: Yes, Service Director just a point of clarity. I think Monique, the young lady that came down and spoke before Council last week, I had a chance to speak with her after Council, a number of times actually. But what she found...what she was here advocating for is monies to help minority business start ups in the community. Especially after Charita Goshay's article in the communit...in the Repository about a lot of minority businesses going away on Cherry. But one thing that she...she didn't bring up here that night but she told me afterwards was that Canton was allocated \$100,000.00 for small business startup and she found it on the State website and I'm...I'm concerned about that cause I know that we haven't had such a thing. I know that we gave \$15,000.00 to Stark County Community Action Agency for...for business start ups. What she said she found on there said Canton. So, I'm wondering if its something that is coming regionally through Akron that we might need to check on and see if we should be getting some of those funds. If you can, by all means look into that cause I think that's something that we need to..to look into and explore. Thank you.

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Chief of Staff.

SERVICE DIRECTOR PRICE: Thank you. Mr. Williams will look into that.

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Cirelli.

MEMBER CIRELLI: I might sir..we all have these wonderful little devices and there was also a fire in Canton where an elderly man and his wife were in critical and still are in critical condition. And of course, you know

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me with my smoke detectors, I contacted Chief Rich and asked him if they had smoke detectors and he said "Yes, in fact the smoke detectors were working fine but they could not find their cell phone to call 9-1-1 emergency." So, I just want to make sure everybody is aware to always, you know, with now with all the new phones that everybody's..they're getting rid of the land lines and maybe their cable phones or whatever. But he said it was just imperative that we know that we keep those cellphones if that's our only means of communication that we know where that's at, at all times. Thank you sir.

MEMBER FISHER: And...sorry, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Fisher.

MEMBER FISHER: Speaking of cellphones and fires, mine just buzzed and it was Ashley Covey telling me she parked her car and so anybody who would like to talk to her, I'm sure she'll be in the room by the time we adjourn.

PRESIDENT PRO TEM DOUGHERTY: Thank you. Any other comments?

MEMBER MACK: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes, Member Mack.

MEMBER MACK: I just wanted to touch on the Informal Resolution regarding the TNR program. You know, first I'd like to thank Council for approaching this with an open mind. And I'd also like to say to everyone here, you know, there maybe a perception to the people who come up here and talk to us every month that we're not listening and I think that Informal Resolution should put that to rest because we are listening and I know everyone on this Council. Everyone here is forward thinking and they all have their hearts in the right place. We may not all agree about the personalities and the different aspects of every issue but we will agree that it's the right thing to look into an issue and to see if it can be done pragmatically. Now at the end of the day, as Member Fisher eluded to, the economics may not make sense, it is what it is. But one thing we commit to you is that we'll do our jobs and we'll look into it. So, I just wanted to say that and thanks again.

PRESIDENT PRO TEM DOUGHERTY: Thanks Member Mack. Any other remarks? Member Barton.

MEMBER BARTON: Mr. President, I move we adjourn tonight's meeting.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: Roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM DOUGHERTY: *(Gavel falls)*

ADJOURNMENT TIME: 8:17 PM

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ATTEST: MARCH 22, 2012  
CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

APPROVED: MARCH 22, 2012  
DAVID DOUGHERTY  
PRESIDENT PRO TEM