

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

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. Sorry about that. Before we begin tonight's meeting, I want to wish all my fellow Council Members and the Mayor and his administration and the employees and the members of our audience a very, very Happy Thanksgiving. We have many things to be thankful for.

CLERK TIMBERLAKE: Yes we do.

PRESIDENT SCHULMAN: Not the least of which is the election of President Obama. And with a quorum being present, the Chair does call this meeting of Canton City Council to order. Roll call vote please Madame Clerk.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

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

TWELVE COUNCIL MEMBERS PRESENT.

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Tonight's invocation believe it or not, will be given by Ward 9 Council Member Frank Morris. Would you all please stand and remain standing for our Pledge of Allegiance.

*The regular meeting of Canton City Council was held on November 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 9 Council Member Frank Morris. The Pledge of Allegiance led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: Thank you Member Morris. Leader.

MEMBER DOUGHERTY: Mr. President, I move to suspend Rule 22A to add 2<sup>nd</sup> Reading Ordinances 6 through 8.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add the 2<sup>nd</sup> Reading Ordinances 6 through 8. 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: Thank you Madame Clerk. Rule 22A is suspended. The Ordinances are a legal

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part of your agenda.

**PUBLIC HEARINGS**

PRESIDENT SCHULMAN: Turning now to Public Hearings. We have none this evening.

**OLD BUSINESS**

PRESIDENT SCHULMAN: Under Old Business. The Service Director isn't, the Chief of Staff for the Mayor, Warren Price is not here tonight so we have no Old Business.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: Turning Public Speaks, we do have three speakers this evening. Our first speaker is Mr. Doyle Walker. Mr. Walker, if you'll step forward and give us your name and your residential address and welcome to Canton City Council.

DOYLE WALKER: Thank you. My name's Doyle Walker. My address is 1427 Housel Avenue SE. I've come before this Council to speak on an issue that's very important to me and I'm sure to the constituency of each of your respective Wards. A position of "Ban the Box". The copy that some of you received will have my face scratched out and I did that because the issue was not about me personally, it's about the larger and broader community results and effect. It's also dated January, I think 2012 but talks with myself and the Citizens of Crime Committee, of which I'm also a part of, all really began in earnest in 2010 when we addressed this issue of the ex-offenders being allowed to sit for the Civil Service examination. As of now, they're not even to be able to sit for the examination, examination, let alone to have an interview which might put them in that position, something that's not important for what they thinking of in this position. Be that as it may, again a lot of you should understand that this has becoming a Ward issue, a neighborhood issue, a community issue and a societal issue because many of your own constituents again in your prospective Wards are affected by this prohibition therefore, the city is affected by it. There has been movement in, toward "Banning the Box". It has been successful in Cleveland, Cincinnati and Toledo. We are moving forward but yet again at some point, we are met with delay, red herrings, obstruction and misinformation on this issue. I think that a lot of the municipalities surrounding this county is looking to the city of Canton for leadership to see where they will go with their own Ban of Boxing issues. I know this is not an issue that the City Council will actually vote on in earnest but as a representative of those affected individuals of the Ward, I would ask Mr. President Schulman if you could do a cursory poll of the Members of City Council and if they respond yea or nay asking if they can support "Ban of Boxing" issues in the city of Canton. Thank you.

PRESIDENT SCHULMAN: Thank you sir, very much and we'll ask the Members privately as to whether they're interested in....

DOYLE WALKER: *(Inaudible from audience)*

PRESIDENT SCHULMAN: No, no. I'm not suggesting that. I just don't think Public Speaks is an appropriate time to ask the Members to address this issue, at this point. I'm not arguing with you sir, I'm just saying I think we will obviously visit this very major concern and I agree, it is....

DOYLE WALKER: Well as an individual in the privacy, may I poll them myself?

PRESIDENT SCHULMAN: Pardon me.

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DOYLE WALKER: May I poll myself?

PRESIDENT SCHULMAN: Not in, sir, I'm sorry not in Public Speaks. Public Speaks allows a citizen to come forward and address issues that concern individual citizens and we listen and we've heard you, believe me. I think what you're doing is an extraordinarily important thing and I would be more, I'd be very supportive of it but, that's Public Speaks. That's what you have a right to do and then we'll discuss that later.

DOYLE WALKER: And the response...How would I be notified of the response or what the poll was?

PRESIDENT SCHULMAN: I will actually get back to you sir, I promise you that. Alright? Thank you very much. Thank you. Our next speaker is Pastor David Morgan. Good evening. Welcome, as always. If you'll give us your name and your residential address please.

C. DAVID MORGAN: C. David Morgan. I live at 922 27<sup>th</sup> Street NE in the city. Frank you did a good job and I'm proud of you. You should pray more. (*LAUGHTER*) But that's not why I'm here tonight. I'm here to again speak to you about the Redflex cameras. I see they're back on the agenda going into Committee. Four years ago, I spoke against it. Five months ago I spoke against it. Twice before you've put it down and now it's come up again. It's like that story which some of you have heard about the guy who's out of town and a little lonely and goes into a bar and says to the attractive young lady, "Would you spend the night with me for \$10,000.00?" And she said, "Sure." He said, "Well, would you spend the night with me for \$100.00?" She said, "What kind of girl do you think I am?" He said "We've already established that, we're just negotiating the price." And it seems to me, that's what we're doing with these cameras. I told you four years ago to tell these people, Canton's not that kind of girl. You did. But evidently some of you didn't get the message, so let me give you a clearer message. Quit trying to pimp out the people of Canton. That's the bottom line. Don't do it. It's stupid. It's immoral. It's not right and it won't bring the kind of money you think it will. You're being sold a bill of goods and don't do it on the backs of the people of this city. Thank you.

PRESIDENT SCHULMAN: Thank you Pastor Morgan. (*APPLAUSE*) Our last speaker tonight is Mr. Tom Porter. Mr. Porter.

TOM PORTER: I pass on speaking.

PRESIDENT SCHULMAN: But, OK. Thank you. I'm sorry. OK, that concludes Public Speaks.

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: We're now under Informal Resolutions. We have no Informal Resolutions this evening.

**COMMUNICATIONS**

PRESIDENT SCHULMAN: Turning to Communications. Let the journal show that all Communications are received as read.

***NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED NOVEMBER 19, 2012.***

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397. AUDITOR MALLONN: REQ ADDT'L AMENDED CERTIFICATE DATED 11/7/12. - RECEIVED & FILED
398. FINANCE DIRECTOR DIRUZZA: REQ TO AMEND O#220/2011 W/VARIOUS SUPP APPROPS & APPROP TRANSFERS WHICH ARE NEEDED TO MAKE PAYROLL OBLIGATIONS, CLOSE OUT SPECIAL FUNDS OR TO COVER OTHER PAYMENTS FOR VARIOUS CITY RESPONSIBILITIES. - FINANCE COMMITTEE
399. MAYOR HEALY: AUTHORIZE APPT OF RHODERICK SIMPSON TO STARK COUNTY REGIONAL PLANNING COMMISSION COMMENCING 11/16/12 - 11/15/15. - PERSONNEL COMMITTEE
400. SAFETY DIRECTOR REAM: AUTHORIZE TO ENTER INTO AGMT W/STARK COUNTY EMERGENCY MGMT AGENCY FOR PURPOSES OF INTEROPERABLE EMERGENCY COMMUNICATIONS GRANT PROG; REQ \$90,000.00 SUPP APPROP FROM UNAPPROP BAL OF 4502 DMV TO 4502 103501 CENTRAL COMM ADMIN - OTHER. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
401. SERVICE DIRECTOR PRICE: REQ TO RATIFY ACTIONS OF SERV DIR FOR REPAIRS OF STREET PAVEMENT & SURROUNDING AREA AT INTERSECTION OF MCKINLEY AVE & W TUSC ST DUE TO AN 8" WATER MAIN BREAK. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
402. SERVICE DIRECTOR PRICE: REQ LEGISLATION FOR MAYOR &/OR SERV DIR TO APPLY FOR, ENTER INTO CONTRACT FOR, & RECEIVE FUNDS FROM MUSKINGUM WATERSHED CONSERVANCY DISTRICT THROUGH THEIR LOCAL GRANT PROG. - FINANCE COMMITTEE
403. SERVICE DIRECTOR PRICE: REQ AUTHORIZATION TO ENTER INTO LONG TERM AGMT W/AMERICAN LANDFILL INC WHICH ESTABLISHES A FEE SCHEDULE FOR LANDFILL LEACHATE DISPOSAL @ WRF; A FEE SCHEDULE FOR WRF SLUDGE DISPOSAL @ AMERICAN LANDFILL INC; MISCELLANEOUS TERMS & CONDITIONS AS AGREED BY BOTH PARTIES; AUTHORIZE SERV DIR & LAW DIR TO NEGOTIATE & FINALIZE ALL MINISTERIAL MODIFICATIONS. - FINANCE COMMITTEE
404. TREASURER SCHIRACK: RPT OF DEPOSITS AND PAY INS FOR AMBULANCE LOCK BOX ACCT FOR OCTOBER 2012. - RECEIVED & FILED
405. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR OCTOBER 2012. - RECEIVED & FILED
406. TREASURER SCHIRACK: RPT OF BANK RECONCILIATIONS AND CITY'S OUTSTANDING INVESTMENTS AS OF 10/31/12. - RECEIVED & FILED

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407. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS AS OF 10/31/12. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: We're now under First Reading 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. Madame Clerk would you please read the First Reading Ordinances by title.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #5 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH AMBAFLEX MANUFACTURING, INC. TO PROVIDE A REAL PROPERTY TAX EXEMPTION; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON LOCAL BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82 (C) OF THE REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A COMMUNITY DEVELOPMENT BLOCK GRANT ECONOMIC DEVELOPMENT GRANT WITH AMBAFLEX MANUFACTURING INC.; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- PRESIDENT SCHULMAN: We now turn to Ordinances and Formal Resolutions...oh, I'm sorry. I thought that was Second Reading.
- #3. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT THE PRICE QUOTE AND TO PURCHASE A NATURAL GAS ENGINE FOR THE CITY OF CANTON'S 2412 - 13<sup>TH</sup> STREET NW LIFT STATION; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Property Capital Improvement Committee
- #4. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A ONE-YEAR COMPREHENSIVE NETWORK SERVICE AGREEMENT WITH ACLARA RF SYSTEMS INC. IN AN AMOUNT NOT TO EXCEED \$28,000.00 TO PROVIDE SYSTEM AND SOFTWARE MAINTENANCE FOR CANTON'S EXISTING AUTOMATED METER READING SYSTEM; AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY (FR: UNAPPROP BAL 5201 WATER FUND TO: 5201 207003 WATER BILLING - OTHER \$16,848.00; FR: UNAPPROP BAL 5410 SEWER FUND TO: 5410 207003 SEWER BILLING - OTHER \$11,232.00)  
Referred to Finance Committee

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- #5. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH REDFLEX TRAFFIC SYSTEMS, INC. FOR THE IMPLEMENTATION OF AN AUTOMATED PHOTO TRAFFIC ENFORCEMENT PILOT PROGRAM IN LIMITED AREAS OF THE CITY  
Referred to Judiciary Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: Now, turning to Ordinances and Formal Resolutions for their Second Reading. Would you please begin with Ordinance 6.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #6 THROUGH #8 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #6. (2<sup>ND</sup> 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 (2610 HARRISON AVE NW FOR FULTON LUMBER CO FROM PI-1 (PLANNED LIGHT INDUSTRIAL) TO PB-4 (PLANNED SPECIAL BUSINESS)  
**PUB HRG 11/26/12 @ 7:30 PM**
- #7. (2<sup>ND</sup> 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 (1130 WERTZ AVE SW FOR VICKIE KNAPFEL LUNSFORD FROM R1-A (SINGLE FAMILY RESIDENTIAL) TO PR-2 (PLANNED TWO FAMILY RESIDENTIAL)  
**PUB HRG 11/26/12 @ 7:31 PM**
- #8. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY (\$15,000.00 FROM UNAPPROP BAL 2767 COMM SANCTIONS GRANT FUND TO 2767 701001 COMM SANCTIONS GRANT - PERSONNEL)

**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 begin with Ordinance 9.

- #9. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 189/2012** AN ORDINANCE AUTHORIZING THE CONTINUATION OF THE HOUSING REHABILITATION PROGRAM UTILIZING HOME FUNDS IN A TOTAL AMOUNT NOT TO EXCEED \$474,000.00; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACTS WITH LOW AND MODERATE INCOME APPLICANTS WHO APPLY FOR REHAB ASSISTANCE AND MEET THE STRICT REQUIREMENTS OF THE HOME PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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MEMBER DOUGHERTY: Mr. President, I move that we adopt Ordinance 9.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 9. 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.

**#9 ADOPTED AS ORDINANCE NO. 189/2012**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 9 is adopted. Ordinance 10 please.

#10. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 190/2012** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO VARIOUS CONTRACTS FOR THE CDBG AND HOME PROGRAMS AND PROJECTS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move that we adopt Ordinance 10.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 10. Any remarks under this Ordinance? Leader.

MEMBER DOUGHERTY: Mr. President I move we amend Ordinance 10 per the copy in front of all Council Members.

MEMBER GRIFFIN: Seconded.

**AMENDMENT**

*Pursuant to Rule 36, I move to amend Agenda Item No. 10 by substituting the ordinance attached to this Amendment for the ordinance currently pending before Council.*

PRESIDENT SCHULMAN: It's been moved and seconded to amend Ordinance 10 per the copy before each Member of Council. Are there any remarks under this motion? Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

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PRESIDENT SCHULMAN: The ayes have it. Motion carries. Leader.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 10 as amended.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 10 as amended. Any remarks on this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

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**#10 ADOPTED AS AMENDED AS ORDINANCE NO. 190/2012**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 10 is adopted. Ordinance 11 please.

#11. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 191/2012** AN ORDINANCE AUTHORIZING THE MAYOR TO FILE WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) A 2013 ANNUAL CONSOLIDATED ACTION PLAN FOR THE 2013 COMMUNITY DEVELOPMENT BLOCK GRANT, 2013 HOME INVESTMENT PARTNERSHIP, AND 2013 EMERGENCY SHELTER GRANT PROGRAMS; RATIFYING SUBMISSION AND FILING OF SAID PLAN; AUTHORIZING THE MAYOR TO EXECUTE GRANT AGREEMENTS WITH HUD AND TO ACCEPT FUNDING FOR THE THREE PROGRAMS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 11. 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.

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**#11 ADOPTED AS ORDINANCE NO. 191/2012**



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PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 11 is adopted. Ordinance #12 please.

#12. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 192/2012** AN ORDINANCE AMENDING CHAPTER 105, CONTRACTS, OF THE CODIFIED ORDINANCES

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 12.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 12. 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.

**#12 ADOPTED AS ORDINANCE NO. 192/2012**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 12 is adopted. Ordinance 13 please.

#13. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 193/2012** AN ORDINANCE AMENDING SUBSECTIONS (f) (1), (2) AND (3) OF SECTION 975.08, RATES; RESPONSIBILITY OF PUBLIC SERVICE DIRECTOR, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

PRESIDENT SCHULMAN: Leader. Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 13. Any remarks under this Ordinance?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Cirelli.

MEMBER CIRELLI: Could the Law Director bring me up to date on this, exactly....

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PRESIDENT SCHULMAN: Law Director Martuccio.

MEMBER CIRELLI: ...what he is stating..

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member Cirelli this was an Ordinance that was requested by it's sponsor, the Director of Public Service. He said the Utility Billing Department had recently encountered situations where customers were challenging the process for allow the reduced charge where it can be satisfactorily established that no service was rendered until, because there was a period of vacancy. The original intent was to allow for adjustments for units that are vacant but individuals were claiming that because occupants were disposing of solid waste by other methods and not using city service that had to be fixed. So, in order to go back to the original intent, this language is being proposed to you to require that vacancy be established by an affidavit or other acceptable proof.

MEMBER CIRELLI: Mr. President. I just want to thank Law Director Martuccio for that explanation. Thank you sir.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Are there any other remarks? Hearing none, Madame Clerk roll call vote please on Ordinance 13.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#13 ADOPTED AS ORDINANCE NO. 193/2012**

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

#14. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 194/2012** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN ENGINEERING CONSULTANT CONTRACT WITH URS, CORPORATION FOR THE 11<sup>TH</sup> STREET SE, INTERSECTION AND ROADWAY IMPROVEMENT PROJECT, PID 90465, GP 1144; AUTHORIZING THE AUDITOR TO ESTABLISH THE 4568 11<sup>TH</sup> STREET SE INTERSECTION AND ROADWAY IMPROVEMENT PROJECT, GP 1144 FUND; AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO COOPERATIVE AGREEMENTS WITH OTHER PROJECT STAKEHOLDERS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#14 ADOPTED AS ORDINANCE NO. 194/2012**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 14 is adopted. That concludes Third and Final Reading and vote.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SCHULMAN: We're now under Announcement of Committee meetings.

MEMBER COLE: Mr. President.

PRESIDENT SCHULMAN: Member Cole.

MEMBER COLE: Finance Committee will meet November 26<sup>th</sup> at 6:45 P.M.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: Community and Economic Development Committee will meet also that day at the same time.

PRESIDENT SCHULMAN: Thank you.

MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: Member Griffin.

MEMBER GRIFFIN: Personnel will meet same time, same day.

PRESIDENT SCHULMAN: Thank you.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Public Property Capital Improvement, the 26<sup>th</sup> at 6:45.

PRESIDENT SCHULMAN: Thank you. Any other...yes, Member West.

MEMBER WEST: Judiciary will meet at 6:30. I think we'll need more time because of Redflex.

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PRESIDENT SCHULMAN: 6:30 very good. Thank you. Any other Committee Announcements?

**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: Hearing none, turning to Miscellaneous Business. Is there any?

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Thank you sir. Number 12 this evening is an Ordinance that starts a process that we should take a real serious look at and that's getting better control of our budget and how our money's spent. This is just a start and I hope it continues to go forward in looking at line items and figuring out to hold this budget and get ourselves some safety forces hired back and increase the number of police we have on the street. And in a lighter note, the very dapper President of City Council, did an outstanding job last Saturday night raising funds for the Palace Theater and I think we should require him to wear that bow tie and that tuxedo in Council one evening for us.

PRESIDENT SCHULMAN: Thank you. (*APPLAUSE*) The worst experience of my life. Thank you very much.

MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: Yes Member Griffin.

MEMBER GRIFFIN: I think it's due that we congratulate Councilman-at-Large, Member Babcock here. He won a turkey at St. Joseph's youth...(LAUGHTER) Hey he said, he shipped out and his ship came back.

PRESIDENT SCHULMAN: Congratulations Member Babcock.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes Member West.

MEMBER WEST: Did he say he won a turkey or he was a turkey?

PRESIDENT SCHULMAN: Law Director Martuccio.

MEMBER WEST: Wait a minute. Yes, I'm...

PRESIDENT SCHULMAN: Oh, I'm sorry.

MEMBER WEST: That's OK. But I wanted to just briefly...I sent a letter out to every Council Member in reference to crime and negative behaviors that have increased in our community and we can no longer count on police officers alone to eradicate that problem. So I came on record as officially coming out and saying, we're drawing a line in the sand and we're not taking no more of the problematic behaviors in Ward 2 and in the downtown area and throughout my Ward. And I came up with several series of programs to address and eradicate those problems, specifically drugs, traffic abusers, panhandlers, gun intimidation and repeated nuisances. And I gave each Council Member a copy of the different programs that will be moving forward and that will include the Stop the Violence

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programs, CIRV program, gun violence program which is asking the Cradle to Grave project which is a national program to address violence, neighborhood nuisance disturbances, we're going to increase that, that Ordinance, second chance job program for felons. I think that's what one of the speakers was talking about. Yes, I also talked about traffic enforcement because in my Ward and in the city of Canton we have problems in traffic enforcement and apparently we do not have any traffic officers to address or eradicate those problems. Also we're looking at downtown security and a program that address panhandlers. So this will be coming forward one by one down to Council and ask for your consideration. If anybody has any questions or would like to talk to me about it or have any input, by all means let me know. Thank you.

PRESIDENT SCHULMAN: Thank you Member West.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: I'm not sure who I want to direct this to, it's concerning the, everybody saw that the skate park was closing up and that they had been given some money from the CCIC. How does the rest of all Council know how much money has been expended by the CCIC and who would have a record of that cause I asked Gary Young and he doesn't seem to have it and so I'm not sure so, I think we need to know this, you know what we have, programs we've fed to and what results we've got out of that. I guess the Mayor's going to answer that.

PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: Yea, thank you. This was, the skate park, the original owner of the skate park received money from the city 7, 8 years ago and he was delinquent on that and lost it and there's a different owner that has the property now so the CIC actually gave money to one gentleman and he'd lost that business and the CIC on collecting the money from him. In the meantime, somebody else reopened that park so that particular owner I don't believe has any bearing on the city's CIC funds. It's the previous business owner that was delinquent from the city. But that information is available from the CIC Board or the CIC meetings. You have two Members of Council that serve on that. They can follow up with you or contact the administration and ask for that information specifically. So, I don't have the details in front of me but I don't believe that the current owner was one that borrowed money for the CIC. It was the prior owner from prior administration. It was long ago.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Cirelli.

MEMBER CIRELLI: Yes, that was my understanding, Mr. O'Brian and then I think he sold the business or some...it's a business not the building. Am I correct, that we were funding. So he borrowed the money and...

MAYOR HEALY: Actually the person that you talk to is Tom Burns from the Law Department. He handles the legal side and the collection side so I would contact Tom Burns and he can get you the information specifically to the prior owner and the current.

MEMBER CIRELLI: OK. I would appreciate that. Mr. President and I want to say Mr. Martuccio. Tell Mr. Burns I'm going to ask him those questions. He kind of gets his back up a lot about things like that and he's free to

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answer them, cause it is public information. I would really appreciate that sir. Thank you very much.

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

MEMBER FISHER: Mr. President.

PRESIDENT SCHULMAN: Member Fisher.

MEMBER FISHER: I just wanted to, excuse me, I just wanted to pass along, I had the opportunity to speak to an old friend and Council Member to many of us, Don Casar this week down in Columbus and he wished to pass along his greetings to everybody and he's hoping to be back up here to visit in the near future and look forward to seeing everybody and to pass along his greetings. So I wanted to pass along that him and Rita are doing well down there and seeing their grandkids everyday, so everything's going quite well for him. I also wanted to recognize, we have a member of the audience tonight that my, I believe is going to try to set a Guinness Book of World Records, record tonight and that would be my brother. He was out here trying to set the world's record for cheapest date night ever at Canton City Council with his girlfriend. The lovely Maria. And I believe this has got to qualify as the cheapest date ever. So I look forward to seeing ya in the new Guinness Book of Work Records Nate. Thanks.

PRESIDENT SCHULMAN: I think it's not only the cheapest date, it's probably the most boring date you've ever been on.

*(Inaudible comment from audience)*

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. I wanted to touch on a few things that were brought up earlier this evening, especially since you may be polled about an issue that was raised. First, Mr. Fisher, Member Fisher has an Ordinance that the Law Department is, is working on asking for more accountability on a website for contracts and amounts that are outstanding loans and so on and so on. With regard to the panhandling portion of the proposals that are coming before you, we do have an Ordinance in the city of Canton that is compliant with the First Amendment. The 1<sup>st</sup> Amendment says you can have freedom to assemble and freedom to speak. Begging is freedom of speech. Our Ordinance goes about as far as it can. It sort of outlaws aggressive panhandling, touching, coming within 3 feet of someone and outlaws it in certain spaces. Recently, maybe with your prodding, the Police Department has asked us to make sure, we can tweak it perhaps a little bit. Again it is a protected form of speech. Mr. Doyle Walker handed you something from the Canton Rep and it was a very passionate, articulate, advocate for people who have been redeemed. He is asking the President to poll you and made mention of the fact that you as a Council would not asked to vote on Banning the Box. What that means is, there's a movement that's succeeded in several states, many cities around the country, saying that if someone has a past record, felonies, misdemeanors and they've redeemed themselves, and that's to be defined by each jurisdiction. So many years without a problem, getting a degree, getting a good job, it's good for them to get productive jobs just like anyone else to support their children and get them a job. They have approached, they being Mr. Walker, Judge Klide has been a strong one, Jane Vignos and Judge Reinbold among others about and Mary Cirelli, Member Cirelli about "Banning the Box", asking the Civil Service Commission who's job it is to do the competitive testing for about 8 to 900 of our employees, to not ask about previous felonies or misdemeanors. Ohio has recently relaxed it's laws a little bit to make expunging records easier and they've made something called a certificate quality exemptions, CFQ or something like that available so that folks can get an easier time getting hired when they've been rehabilitated and redeemed. We're appearing in front of the Civil Service Commission on November 30<sup>th</sup> to go over some of the

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things that Toledo and Cleveland did. Their's were pretty extensive. Toledo, I'm sorry, in Cincinnati they actually broke their jobs down into 77 classifications. It took them a couple of years so we are working with the Civil Service Commission who is receptive to easing up restrictions and letting appropriate people come in, test, have an interview and then look at the record. The other hitch possibly is, once a person is hired into those 800 or so jobs that are classified as civil service, they often, they most always are in a union and once their in the union, they attain a certain level of seniority and then they can bid and the question now is how do we make sure that the position that they bid into is not an unintended consequence to something. For example if they had a fiscal crime with money, handling money, so were working on that angle and that's what Mr. Doyle Walker was talking about and asked that you get polled about. Again that a vote for the Civil Service Commission. A couple final remarks. I too witnessed the fancy footwork of our every so calm and poised dancer Mr. Allen Schulman. As you all know, Mayor, the Mayor of Massillon danced. They were all grace under pressure and together they raised \$20,000.00 for the Palace Theater and again I congratulate him (*APPLAUSE*) on his fancy footwork and his elegance and his ease. And finally thank you all in this being the week of Thanksgiving. I want to make it a point to thank all of you in Council and the administration for being so patient and cooperative with the Law Department on the many projects that we talk about and work with you on. We do thank you and I thank the folks in the audience and the city as well for all of their support. Thank you.

PRESIDENT SCHULMAN: Let me follow up....

MEMBER MORRIS: Mr. President.

PRESIDENT SCHULMAN: I'm sorry. Go ahead Member Morris.

MEMBER MORRIS: I just wanted to hurry up and chime in real quick. Thank you. This is kinda directed to Reverend Morgan. Thank you for the compliment but I don't know if you read the Repository but there's a lot of praying going on in Ward 9 these days so, and in regards to the cameras definitely may want to consider them in Ward 9. Those people are driving a lot faster to get out of my neighborhood these days so at least we could make a buck that direction. A little update for Council and the administration. We have made progress up at Ridgewood Castle. The Vassar Park Neighborhood Association and myself have put enough pressure on Mr. Ippolito to at least fence in that property so we don't have so much foot traffic going through onto 18<sup>th</sup> into the neighborhood of Ridgewood but of course, according to the Repository there was still a shooting up there so, but at least it's fenced in now so, it's progressing forward. Thank you.

PRESIDENT SCHULMAN: Thank you Member Morris. Member Cirelli.

MEMBER CIRELLI: I just wanted to thank Mr. Martuccio because if I'm not mistaken I believe last year he was up on that dance floor so he kinda knew what he was watching whenever he was there and all the pressure that you felt so, you're both to be commended for the Palace. It's something we need to keep that building there. We have too many, we've lost too many historical buildings in our community and we got to do everything we can to save that Palace and the rest of them. The buildings that we have.

PRESIDENT SCHULMAN: I want to thank you Member Cirelli and Member Hawk and Law Director Martuccio for those kind words. The Palace Theater is a treasure in this community. We sold out the show, 1,500 people downtown. They had meals in downtown restaurants. They spent money in our downtown urban area and the Palace Theater also for, and I did not know this, has an enormous capital improvement plan. They're going to redo the heating and air conditioning so they don't get stuck with all these incredibly high utility bills but it is a treasurer. And I didn't mean to be flippant. It was an incredibly enjoyable experience. I commend all of you to think about it.

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Maybe the younger people as opposed to people our age, it's a little harder. I'm just glad I had a foxtrot and not a cha-cha but, in any case it was really fun and actually I was thinking that maybe we want to put a Resolution together, bring in the professional dancers who contributed their time. My dance partner had the patience of a saint, which she needed considering my footwork and she donated eight hours of her time. We spent eight hours together preparing for that 2 minute and 15 second dance. We should probably commend them because without them, trust me, it would have been a really bad show. But they, they're wonderful. They have dance studios in our community and dancing is actually a lot of fun and my wife and I are going to now take it up but it was to a worthy cause and follow up lastly one what Law Director Martuccio said, actually by the time all the net receipts were counted, they will have made over \$40,000.00. So it was an incredible evening. So, the community is also to be commended. Anything else?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yep.

MEMBER WEST: I almost forgot. CCAV, Community Coalition Against Violence will have their holiday Peace Rally tomorrow. They're asking people to bring young adults out to Timken High School about 6:00 is the event. I'll be there speaking but were, and there's a number of events going on. There's a lot of fine food and stuff like that so if you get a chance just stop out. Please stop out.

PRESIDENT SCHULMAN: Thanks Member West. Leader.

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

MEMBER GRIFFIN: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Happy Thanksgiving everyone. Enjoy your families. Meeting is adjourned. *(Gavel falls)*

ADJOURNMENT TIME: 8:05 PM

ATTEST: NOVEMBER 21, 2012  
CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

APPROVED: NOVEMBER 21, 2012  
ALLEN SCHULMAN  
PRESIDENT