

MINUTES OF THE MEETING JANUARY 28, 2013

PRESIDENT SCHULMAN: Good evening ladies and gentlemen. Welcome to Canton City Council. It's always a pleasure to see you. If I sound a little peculiar tonight, it's because I'm under the weather, I feel lousy. Nobody is going over 3 minutes of Public Speaks is all I can tell you. I am getting out of here. In any case, welcome. With a roll call being present, the Chair calls this meeting to Canton City Council. 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: All present Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Tonight's invocation will be given by my friend, Ward 2 Council Member Thomas West. Will you all please stand and remain standing for our Pledge of Allegiance.

The regular meeting of Canton City Council was held on January 28, 2013 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. Leader. Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I'd like to suspend Rule 22A to add 2nd Reading Ordinances #5 through #10.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add 2nd Reading Ordinances #5 through #10 to this evening's agenda. Any remarks? Hearing none Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries. Rule 22A is suspended and the Ordinance is a legal part of your agenda.

PUBLIC HEARINGS

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

OLD BUSINESS

PRESIDENT SCHULMAN: Under Old Business, the Mayor's Chief of Staff, Warren Price informs me he has

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no Old Business this evening.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We have five speakers lined up to speak at Public Speaks. Our first is Leroy Lynch. Mr. Lynch, if you'll step forward. Good evening as always. Give us your name and your residential address please and if the..Mr. Lynch's translator would introduce herself we'd appreciate it and thank you for coming.

TIFFANY HAMILTON: Hi there, I'm Tiffany Hamilton. I'll go ahead and interpret.

LEROY LYNCH: My name is Leroy Lynch, I live at 3911 Highview SW. I came tonight because on the corner of 12th and Market, about 2 weeks ago I was here at this meeting and I left a little early and as I was leaving, I had the green light and I went ahead into the intersection and I was...someone coming from the east ran the red light and I admit that I have not been in support of the traffic cameras up until now but after that experience, I have changed my mind and I do think that it's in everyone's best interest to save everybody's lives. So, I do support those traffic cameras because we can't have cops at every single corner but we can have the cameras. We need the cops out there solving, you know, crimes and preventing criminal activities. So, I support the...the traffic cameras. So, that's what I wanted to say tonight. Thank you.

PRESIDENT SCHULMAN: Thank you Mr. Lynch. Thank you very much. Our next speaker is Marcia Zawocky...Zawacky, I'll get it. You know, I'm so nervous about your first name that I've ruin the second one. Good evening, if you'll step forward and give us your residential address and as always, welcome. Ms. Zawacky.

MARCIA ZAWACKY: Good evening. I don't think I've ever intimidated somebody like that before.

PRESIDENT SCHULMAN: You've intimidated me ever since you came is all I can tell ya.

MARCIA ZAWACKY: Oh. Marcia Zawacky, I'm 2831 Harrison Avenue NW. I'm Harrison Hills president. I'm here tonight though to remind people about some things about Mother Gooseland, okay. We loved Mother Gooseland, I took my kids there and one of the things that people I don't think remember about it, is it's in a flood plain and it used to flood, okay. The other thing they don't remember is...and I think it was a swan, okay....but the...the...somebody killed one of the animals down there...was...I think was a swan, okay. The other thing is, I...a couple years ago had talked to Bob Fonte because Stark Parks has done a lot of trail development and you know the north and south trail, okay that's coming up...it's come up through there and it goes by Willy the Whale, okay. And I asked Bob if we couldn't maybe move Willy and we...where you come into the Monument, what...you're turning in and you're gonna go up to the Monument on the left side, there's like an indentation in the land there, I thought that would be a really cool place to bring Mother Gooseland to and reprise Mother Gooseland. And that was when I was told that Willy is in a very big base that would be very, very difficult to move him. But I'm guessing that if we had some people that really cared and do some work, get some grants and some of our community like Selinsky or someone like that, I'm guessing that we could probably get Mother Gooseland up in a safe area and we could use the Humpty Dumpty and those guys to teach basic life lessons, you know Humpty Dumpty and all the King's Men couldn't put the thing back together again, once it got broke. Does anyone remember that one? I'd bet that if we talked to Joyce Utz, whose over there at the Historical Museum right there at the base of the Monument, you know and said, you know what, we're willing to actually work on this. We might be able to really do something cool, but I don't

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think reprising Mother Gooseland where it was is a good idea because they're still going to have the same problems. It's still a flood plain down there, okay. So, I just thought I'd come tonight and remind people who forgot some of the other things about Mother Gooseland from years ago. And I'm betting that probably Jim Hilibish or someone could remind us with a newspaper article or something about...or Charita, about that particular area down there. So, thank you for me being able to get up and speak and I hope maybe we can get something done about it because I think it's a cool idea. Thank you.

PRESIDENT SCHULMAN: Thank you as always. Thank you very much. Our next speaker is Tara Nelson. Ms. Nelson, it's always a pleasure to have you here. If you'll give us your name and your residential address.

TARA NELSON: Yes sir. Tara Nelson, 1226 St. Elmo. I just have a question and my own opinions but how many times do the Redflex cams have to...have to come through our own City Council before it's finally put on a ballot for our Canton citizens to vote on? I strongly believe that this an issue that should not be decided by the Members of City Council but I would like to urge you guys to do the right thing and put it on ballots for our constituents to decide. Thank you.

PRESIDENT SCHULMAN: Thank you Ms. Nelson, very much. Our next speaker is Peter DiGiacomo. Good evening, welcome as always. If you'll give us your name and your residential address please.

PETE DIGIACOMO: Good evening. My name is Pete DiGiacomo, 600 Dent Place, SW, Canton, Ohio. I was going talk about 2 things. One is about Mother Gooseland. Part of what Marci was talking about, I kind of agree with, the other part, you know, to reinvest in Mother Gooseland is throwing good money after the bad. Couple of things, the City of Canton did a land swap with the Company that's next door to it which has been out of business for I don't know how long. But Canton gave them Mother Gooseland, they were supposed to give Canton some kind of land someplace, I think the other....and so, that's one problem you gotta tackle there. The other tackling point is, like she said, the river floods and the one time it did flood for Mother Gooseland, some of the animals drowned, of course the ducks were fine, they could swim. The other ones, no they didn't swim too well, they drowned. And just, you know, they said there was \$1,600.00 sitting in a fund somewhere for how long and if they could use that, it's just...you're throwing money...it's...it's just not a...a good thing. And I think that's all I wanted to say....

PRESIDENT SCHULMAN: Great, thank....

PETE DIGIACOMO:...sa...sa....save your money for something more important like, you know, crime, police officers, whatever.

PRESIDENT SCHULMAN: Thank you Mr. DiGiacomo. Our next speaker is James Parker. Mr. Parker, as always, again welcome to Canton City Council. If you'll give us your name and your residential address please.

JAMES PARKER: Thank you. James Parker, 630 Penny Street, SE, North Canton, Ohio. I do wish you all the best of health Council President Schulman...

PRESIDENT SCHULMAN: Thank you very much.

JAMES PARKER: ...and a speedy recovery. If it would the Council President, could language be introduced

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into the leachate pipeline agreement that guarantees that greater than 90% of materials are made in the USA, especially the pipes themselves, nuts and bolts. We don't want to be sold a pig and a poke for some Chinese pipes and out of state labor workers put this thing together soddily. In addition, we are sure that the plumber's and pipefitter union workers would agree that they should be the assemblers. It would be a disaster to find shoddy welds and workmanship. Dan Scuiry asked me to go give you something about that, I hope that he appreciates that. The traffic cameras in 25 words or less, the merchants are against it. That's all. We have enough trouble getting commerce downtown. Mr. West, I talked to him, thinks there's not trouble turning them on and off at funeral processions, etc. I was in a funeral procession the other day, I can hardly envision they'd have to go through in the event of a dispute, he thinks we can easily call them and settle it like it's no problem that we had emergency or something. He's unaware of the common...of the cameras already positioned throughout the worst intersections of Stark County, including, to the best of my knowledge, 12th and Market Avenue. Someone correct me if I'm wrong, there's already surveillance cameras in place there...is unaware of this. Concerning the bare flag poles in Central Plaza, the climate change should not be an excuse to not celebrate the fact that Canton is still and always will be the birth place of the NFL, especially in the Hall of Fame's 50th anniversary year. Canton had the first Super Bowl here in 1905, it was chronicle the last year's Super Bowl. The Baltimore Ravens, San Francisco 49er flags along with Hall of Fame flags should be waving now. Parenthetically, as the playoffs were ensuing, team flags could have been eliminated weekly, flying only current contenders. Many people have noticed the difference before and after these flags were put up and taken down. Can we do better then nothing? This Sunday, the future class of Enshrinees will be announced, we'll hear about Canton, Ohio as the home of the Pro Football Hall of Fame. I'd like to see a newscaster come down from our Central Plaza and see no indication that we're the Hall of Fame City. This is like the emperor's new clothing. Do I have to go into the master plan that they said they're going to look at again after 10 years? It's 5 different pointers about enhancing the corridor to its historic past, establish a strong identity along its major entry corridors, provide trail connections, including to Mother Gooseland. Unattractive entry experience, etc. Establish a heritage tourist and marketing plan. With Mother Gooseland, I know that a local group of volunteers help renovate it, giving back a sense of ownership. Keep in mind that a land aquarium was my idea since it is in a flood plain and many of Patrick Bookers art...aqua art that are around town already would compliment this motif. Adding a landscaping and murals could mimic Bikini Bottom. This would allow many spaces to open up in town, adding more spaces for football related art. Ask Mr. Booker, he thinks it's a good idea, he's welcome to have it down there. Thank you very much for your consideration. I do hope you feel better. Thank you.

PRESIDENT SCHULMAN: Thank you very much Mr. Parker.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We're now to Informal Resolutions. Madame Clerk would you please read Informal Resolution 7 by title.

#7. COUNCIL AS A WHOLE: OPPOSING THE CLOSING OF THE STARK COUNTY JOB AND FAMILY SERVICES OFFICE IN CANTON, OHIO. - ADOPTED

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: I move that we adopt Informal Resolution 7.

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MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Informal Resolution 7. Any remarks? Hearing none, by voice vote all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #7 PASSED BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries and Resolution 7 is adopted.

COMMUNICATIONS

PRESIDENT SCHULMAN: Turning now to Communications and 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 JANUARY 28, 2013.

36. AUDITOR MALLONN: CERT OF TOTAL AMT FROM ALL SOURCES FOR 2013. - RECEIVED & FILED
37. COMPLIANCE DIR PERRY: AUTHORIZE COMPLIANCE DIR TO PAY MORAL OB IN AMT OF \$1,762.00 TO BLACK, MCCUSKEY, SOUERS & ARBAUGH FOR LEGAL SERV RENDERED FOR WORKERS' COMP CASES. - FINANCE COMMITTEE
38. COMPLIANCE DIR PERRY: AUTHORIZE COMPLIANCE DIR TO PAY MORAL OB IN AMT OF \$2,700.00 TO US HEALTH EVALUATIONS, INC FOR COMPREHENSIVE MEDICAL FILE REVIEW. - FINANCE COMMITTEE
39. COMPLIANCE DIR PERRY: AUTHORIZE COMPLIANCE DIR TO PAY MORAL OB IN AMT OF \$167.00 TO PREMIER COURT REPORTING FOR SERV RENDERED FOR WORKERS' COMP HEARING. - FINANCE COMMITTEE
40. COUNCIL MEMBER WEST: REQ LEGISLATION TO MAKE A CLEAR & CONSISTENT PROCESS FOR ERECTING & REMOVING ROADSIDE MEMORIALS. - JUDICIARY COMMITTEE
41. DEPT OF COMMERCE: NOTIFICATION OF HEARING FOR D5 LIQ RENEWAL APPLICATION FOR JOHN L JONES @ 704 4TH ST SW BEING HELD 2/19/13 AT 1:00 PM AT STARK CTY DEPT OF JOB AND FAMILY SERVICES, 221 3RD ST SE. - RECEIVED & FILED
42. DEPT OF COMMERCE: NOTIFICATION OF HEARING FOR D2, 2X & 3 LIQ RENEWAL APPLICATION FOR DG HOLDING & MGMT CO., INC. DBA THE SPOT @ 2600 8TH ST NE & PATIO BEING HELD 2/19/13 AT 2:30 PM AT STARK CTY DEPT OF JOB AND FAMILY SERVICES, 221 3RD ST SE. - RECEIVED & FILED

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43. DEVELOPMENT DIR WILLIAMS: AUTHORIZE REPLAT AT 1138 CAMDEN AVE SW SUBMITTED BY SIMON WARSTLER (LOTS 5213 THRU 5221, 30051, PART OF LOT 30052, AND PART OF OUT LOTS 351 AND 72). - PUBLIC SAFETY AND THOROUGHFARES COMMITTEE
44. DEVELOPMENT DIR WILLIAMS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT WITH YMCA IN AMT NOT TO EXCEED \$50,000.00 FOR OVERALL MGMT & SUPERVISION OF FACILITY AND PROGRAMMING AT EDWARD "PEEL" COLEMAN COMMUNITY CENTER, RETROACTIVE 1/1/13 - 12/31/13. - FINANCE AND COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEES
45. FINANCE DIRECTOR DIRUZZA: AMEND APPROP O#209/2012 WITH SUPP APPROP OF 6 GRANTS WITH FUNDS GREATER THAN THE ORIGINAL BUDGET AMTS (NSP, NSP3, HOME AND BYRNE). - FINANCE COMMITTEE
46. HEALTH COMMISSIONERS ADAMS: AMEND APPROP O#209/2012 WITH \$20,000.00 SUPP APPROP FROM UNAPPROP BAL OF 2327 - LEAD ASSESSMENT FUND TO 2327 301001 OTHER. - FINANCE COMMITTEE
47. MAYOR HEALY: AUTHORIZE RE-APPT OF CLINT ZOLLINGER TO FAIR EMPLOYMENT PRACTICES BOARD FOR 3 YR RETRO TERM OF 1/1/13 - 12/31/15. - PERSONNEL COMMITTEE
48. MAYOR HEALY: AUTHORIZE RE-APPT OF AMY WEISBROD TO FAIR EMPLOYMENT PRACTICES BOARD FOR 3 YR RETRO TERM OF 1/1/13 - 12/31/15. - PERSONNEL COMMITTEE
49. MAYOR HEALY: AUTHORIZE RE-APPT OF VALERIE WATSON TO FAIR EMPLOYMENT PRACTICES BOARD FOR 3 YR RETRO TERM OF 11/22/12 - 12/31/15. - PERSONNEL COMMITTEE
50. MAYOR HEALY: AUTHORIZE RE-APPT OF JOHN PICARD TO BOARD OF BLDG APPEALS FOR 3 YR RETRO TERM OF 1/1/13 - 12/31/15. - PERSONNEL COMMITTEE
51. MAYOR HEALY: AUTHORIZE MAYOR TO ENTER INTO PROF SERV CONTRACT WITH BLACK, MCCUSKEY, SOUERS AND ARBAUGH LPA IN THE AMT OF \$45,000.00 FOR 2012 AND 2013 WORKERS' COMP REPRESENTATION. - FINANCE COMMITTEE
52. MAYOR HEALY: AUTHORIZE MAYOR AND/OR SERV DIR TO NEGOTIATE AND ENTER INTO AGMT FOR PURCHASE OF 44.452 ACRE PARCEL; AUTHORIZE MAYOR AND/OR SERV DIR TO NEGOTIATE AND ENTER INTO "FIRST-RIGHT-OF-REFUSAL" AGMT FOR PURCHASE OF 4.132 ACRE PARCEL IN FUTURE; ESTABLISH FAIR MKT VALUE OF \$11,000.00 PER ACRE OR \$459,998.00; ESTABLISH PURCHASE PRICE OF \$436,998.10; ACKNOWLEDGE DONATION OF \$22,999.90 IN PROP VALUE BY DIANO REALTY CORP TO THE CITY; MAKE SUPP APPROP OF \$262,198.86 FROM UNAPPROP BAL OF 5201 (WATER

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WORKS OPERATING FUND) TO 5201-207001 WATER WORKS OPERATING FUND - WATER ADMIN); MAKE SUPP APPROP OF \$174,799.24 FROM UNAPPROP BAL OF 5410 (SANITARY SEWER FUND) TO 5410-202010 (SANITARY SEWER FUND - ENGINEER DAILY OPERATIONS); AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS AND SECURE A COUNCILMATIC RESTRICTION ON EXPLOITATION OF ANY MINERAL RIGHTS ON PROP BY ORDINANCE FOR AS LONG AS THE NE CANTON WATER WELL FIELD IS IN PRODUCTION TO PROTECT & PRESERVE THIS AQUIFER. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

53. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD & EXECUTE CONSTRUCTION CONTRACT; AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO COOP AGMT WITH COUNTY, IF NEEDED, TO REIMBURSE THE CANTON PORTION OF WORK; MAKE A SUPP APPROP OF \$350,000.00 FROM UNAPPROP BAL 5410 (SANITARY SEWER FUND) TO 5410-206311 (SANITARY FUND - MILL ST SE, GP 1188) AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
54. SERVICE DIRECTOR PRICE: AUTHORIZE PAY MORAL OB IN AMT OF \$1,585.44 TO BEAVER EXCAVATING, INC. FOR ADDTL WORK ON MILL ST BRIDGE REPLACEMENT PROJ, GP 1116 AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE COMMITTEE
55. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD & EXECUTE A CONSTRUCTION CONTRACT; AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO COOP AGMT WITH COUNTY & NORTH CANTON TO REIMBURSE THE CANTON PORTION OF WORK; MAKE SUPP APPROP OF \$220,000.00 FROM UNAPPROP BAL 5410 (SANITARY SEWER FUND) TO 5410-206310 (SANITARY FUND - ALLENFORD DR, GP 1113) AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
56. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT WITH ODOT FOR CONSTRUCTION OF E TUSC BRIDGE AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE AND PUBLIC SAFETY & THOROUGHFARES COMMITTEE
57. SERVICE DIRECTOR PRICE: AMEND CODIFIED ORDINANCES OF CITY OF CANTON TO PERMIT USE OF CAPITAL IMPROVEMENT FUNDS FOR PURPOSE OF DEMOLISHING RESIDENTIAL STRUCTURES PURSUANT TO DEMO GRANT PROG; ORDINANCE AUTHORIZING ISSUANCE OF UP TO \$2,000,000.00 IN MANUSCRIPT DEBT TO FUND DEMO PROG; AND AUTHORIZE & DIRECT SAFE DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT TO COMPLETE THE ACTUAL DEMOS, ONCE THE ENABLING FINANCIAL RELATED LEGISLATION HAS BEEN EXECUTED. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: Turning now to First Reading Ordinances and Formal Resolution for the First

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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 #4 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO ESTABLISH TWO FUNDS FOR RECEIPT AND DISBURSEMENT OF REVENUES COLLECTED IN CONJUNCTION WITH THE AUTOMATED TRAFFIC ENFORCEMENT PROGRAM
Referred to Judiciary Committee
- #2. (1ST RDG) A FINAL RESOLUTION ADOPTING PLANS, AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO COOPERATE WITH AND REQUEST THE DIRECTOR OF TRANSPORTATION TO PROCEED WITH THE RESURFACING OF U.S. ROUTE 30, FROM STATE ROUTE 43 TO TRUMP AVENUE AND ENTER INTO CONTRACT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- #3. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$285,000.00 FROM UNAPP BAL 5410 SEWER OPERATING FUND TO 5410 202010 ENGINEER - DAILY OPERATIONS - PERSONNEL)
Referred to Finance Committee

(COUNCIL RECESSED AT 7:43 P.M. FOR THE FINANCE AND PERSONNEL COMMITTEES TO DISCUSS ORDINANCE #4; RECONVENED AT 7:53 P.M.)

- #4. (1ST RDG) **ADOPTED AS ORDINANCE NO. 9/2013** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO PROFESSIONAL SERVICES CONTRACTS FOR HEALTH CARE BENEFITS ADMINISTRATION AND STOP-LOSS INSURANCE FOR CITY EMPLOYEES AND THEIR DEPENDENTS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance & Personnel Committee

PRESIDENT SCHULMAN: And at this time the Chair will declare an in house recess for the Finance and Personnel Committees to meet in regard to Ordinance #4 on your Agenda this evening. You're now in recess.

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

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to place Ordinance 4 back on this agenda.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to place Ordinance 4 back on this

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evening's agenda. Any remarks? Hearing none Madame Clerk roll call vote please.

NO REMARKS

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

CLERK TIMBERLAKE: Eleven yeas, one abstain....I'm sorry? Eleven yeas, one abstain.

PRESIDENT SCHULMAN: Motion passes, Ordinance 4 is a legal part of your Agenda. Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 4.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rules on Ordinance 4. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS, 2 ABSTAINS
(MEMBERS DOUGHERTY AND MACK ABSTAINED)

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

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

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 4.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #4. Any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS, 2 ABSTAIN
(MEMBERS DOUGHERTY & MACK ABSTAINED)

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

#4 ADOPTED AS ORDINANCE NO. 9/2013

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 4 is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: Turning now to Ordinances for their Second Reading. Will you please begin with Ordinance 5.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #5

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- #5. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH SMITH AND NEJEDLIK, INC. TO COMPLETE APPRAISAL REVIEW WORK FOR THE 12TH STREET N. CORRIDOR PROJECT, GP 1098, PID 85299; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$194,500.00 4501 202077 CAPITAL FUND - 12TH ST N CORRIDOR PROJ GP 1098)
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- #6. (2ND RDG) AN ORDINANCE RATIFYING THE AUTHORITY GRANTED IN ORDINANCE NO. 194/2012; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$247,920.00 AND \$61,980.00 4501 202095 11TH ST SE INTERSECTION & ROADWAY IMPROVEMENT PROJ GP 1144)
- #7. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE OHIO POWER COMPANY, AKA AMERICAN ELECTRIC POWER (AEP), IN AN AMOUNT NOT TO EXCEED \$53,031.00 FOR THE USE OF EXISTING AEP CONDUITS AND THE INSTALLATION/REMOVAL OF CITY OWNED ELECTRICAL CONDUCTORS IN SAID CONDUITS TO FACILITATE THE WALNUT/CHERRY COMPLETE STREETS PROJECT, PID 91592, GP 1153; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO RECEIVE TRANSPORTATION REVIEW ADVISORY COUNCIL FUNDS THROUGH THE OHIO DEPARTMENT OF TRANSPORTATION; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY
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- #8. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CHANGE ORDER #1 WITH CTI ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED \$37,600.00 FOR THE 55TH ST NE STORM SEWER PROJECT, GP 1125; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$37,600.00 4501 202087 CAPITAL FUND - 55TH ST NE STORM SEWER PROJ GP 1125 - OTHER)
- #9. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE FOR AND RECEIVE PROFESSIONAL QUALIFICATIONS FOR PROJECT MANAGEMENT CONSULTING SERVICES FOR THE MAHONING ROAD CORRIDOR ECONOMIC DEVELOPMENT PROJECT AND TO ENTER INTO CONTRACT IN AN AMOUNT NOT TO EXCEED \$50,000.00 PER YEAR FOR TWO YEARS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #10. (2ND RDG) **ADOPTED AS ORDINANCE NO. 10/2013** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$16,450.00 TO OHIO BILLING, INC; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 10.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rule for Ordinance 10. 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. The motion carries. Leader, you've heard the three readings.

MEMBER DOUGHERTY: Mr. President, I move 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? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#10 ADOPTED AS ORDINANCE NO. 10/2013

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

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Turning now to Ordinance and Formal Resolutions for the Third, final Reading and vote. Would you please begin with Ordinance #11.

#11. (3RD RDG) ***POSTPONED UNTIL 2/11/13 A RESOLUTION TO SUBMIT BEFORE THE ELECTORATE OF THE CITY OF CANTON A 4.0 MILL LEVY OUTSIDE THE 10 MILL LIMITATION FOR THE CANTON PARK SYSTEM FOR A PERIOD NOT TO EXCEED THREE YEARS***

PRESIDENT SCHULMAN: Leader Dougherty.

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

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MEMBER GRIFFIN: Seconded.

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

MEMBER DOUGHERTY: Mr. President I move we postpone Ordinance 11 for two weeks until February 11, 2013.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you postpone Ordinance 11 for two weeks, that is until February 11, 2013. Any remarks? Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

POSTPONEMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries. And the Ordinance is postponed for two weeks. Ordinance #12 please.

#12. (3RD RDG) **ADOPTED AS ORDINANCE NO. 11/2013** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN ENGINEERING CONSULTANT CONTRACT WITH RICHLAND ENGINEERING LIMITED FOR THE 3RD STREET SE, BRIDGE REHABILITATION PROJECT, PID 91972, GP 1167; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; 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 (\$118,217.00)

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? 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. 11/2013

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

MINUTES OF THE MEETING JANUARY 28, 2013**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SCHULMAN: Turning to Announcement of Committee Meetings.

MEMBER COLE: Mr. President.

PRESIDENT SCHULMAN: Chairman Cole.

MEMBER COLE: Yes, Finance will meet 6:45 PM on February 4th.

PRESIDENT SCHULMAN: Thank you.

MEMBER CIRELLI: Mr. President.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Public Safety & Thoroughfares will meet at the same time.

PRESIDENT SCHULMAN: Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Chairman West.

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

PRESIDENT SCHULMAN: Thank you. Leader, do you have one? Okay, is that it?

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: Turning to Miscellaneous Business. Is there any?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: I'm just ecstatic that we, on this Agenda, we have \$1,000,000.00 coming to Ward 2, the 12th Street project and Walnut and Cherry and I'm just ecstatic over it, just filled with joy, trying to clean up a lot of our areas. But I did want to just mention, we had a meeting here last week in reference to Ward 2 and the traffic cameras. We had...about 40 people came out from the Ward, about 25 people came out for the cameras. I was really saddened because I thought that there was so much negative vibe in reference to the cameras that I expected people to come out and really get educated on the cameras. But I did want to say this, I also presented this document that I got from the Police Department and it really astounded me that all the crimes that happened in Ward 4, the number 1 area of all the call...the most calls that they got was on 12th and Market, the number 1. Number 2 was in the same vicinity at 12th and I think Cleveland. The third one was at Market and 13th but in that same vicinity. Then last week I was at the...I got called by the Chamber about some meeting they had on 12th Street,

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a lot of the vendors, a lot of the businesses that are on 12th Street had a meeting on their own and were trying to address some of the crimes on their own trying to figure out what they can do collectively. And I found out a lot of the businesses on 12th and Market have been hit several times with guns involved. So, I'm going to see if I can set up a meeting with you Safety Director to go up on 12th and try to address some of the immediate needs but I think not only did we know this by basically what the gentleman said earlier about the traffic and the crime that has on for 12th Street but now I have data to back it. I have data that shows Ward 2, most of our problematic behaviors is happening right at that corner, right on that street. And I thought it would have been, you know, my Shorb or Gibbs area, that was down on the list. And anybody is welcome to that document. It's just...it was a good report that Jack Angelo put together. So, I want to thank them for putting that together but also thank all of those people that did come out and support the Ward meeting. Thank you.

PRESIDENT SCHULMAN: Thank you Member West. Any...Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. As an aside for a moment, Mr. Lynch, about 25 years ago I was headed north on Cleveland Avenue and I was t-boned by a little elderly woman in a large new car and it was not a pleasant experience. But what I wanted to say to Council was, some of you have asked me to explain what's happened with the Civil Service Commission, Ban the Box. I'll tell you what has not changed. What has not changed is the several hundred jobs that the City potentially has that come through the Civil Service, misdemeanants, people with misdemeanor convictions, could almost always come and test, that has not changed unless it's a misdemeanor that precludes them from a job. For example, if one has a domestic violence conviction, they cannot carry a weapon. If you cannot carry a weapon, you cannot carr.....you cannot be a Police Officer. So, people with Domestic Violence cannot be a Police Officer. What has changed is up till now, anyone with a felony conviction could never apply for a job with Canton. They were automatically banned. That automatic ban is no longer automatic. There are some jobs that are precluded by people who have felony convictions, they still will be. But we have to tell that up front in the job announcement so they're not wasting their time, we're not wasting our time. For those jobs that do not automatically get precluded by a felony conviction, the people can test. We won't ask them up front if they have convictions. We'll wait till they take the test unless of course it's something they are automatically not allowed to take, we'll tell them up front. But otherwise they can take the test. If they pass it and if they score highly enough to be on the eligibility list, if those things all happen, then they get interviewed. At the interview, they have to tell us honestly, completely of any convictions in their past and they'll sign a release saying that we can check any database...any database....database that we want to check to make sure they're not lying about their past. During the interview, they can explain their past when we say how long ago was this and we can look at how long ago it was, how severe it was, any evidence of rehabilitation or redemption. So, that's what's happening. What preceded it was the fact that Cleveland and Cincinnati, a number of Cities around the Country, a couple of States and even some private contractors have begun to Ban the Box, eliminate the initial question until they get to know someone. The Federal EEOC, The Equal Employment Opportunity Commission began to weigh in this past year as well and they said that if we have a pattern of precluding people who constitute a minority and that results in a despaired impact, it call into question how we do our hiring. So, this is kind of a proactive policy a number of people are were responsible for bringing to our attention and in a summary, that's what's happened. Thank you for the time.

PRESIDENT SCHULMAN: Thank you Law Director. Member Cirell.

MEMBER CIRELLI: I have a question I guess I would...thank you Mr. President...address it to maybe Mr....the Chief of Staff. Are we hiring an Assistant Sanitary Engineer? Because there's been...and I can show the ad sir. And the reason I'm asking that is unfortunately whoever put it in has a post office box and somebody contacted me and said "Is this the City of Canton?" And I said "I don't know because we always say City of Canton." And they

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said "Well this, you know, is...could be a illegal ad because it does not state what community it is." But it is a public, not a private, public agency. So, I just ask that question, that way I can feel free to say no it's not our City.

SERVICE DIRECTOR PRICE: Mr. President.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER CIRELLI: I was going to say, if it would make it easier on you, I could give you the...one of the ads, you can check it out.

SERVICE DIRECTOR PRICE: Yeah, Mr. President, Council...Councilwoman Cirelli, we are not...we don't have a position of Assistant Sanitary Engineer. So...I'd like to look at the ad but I'm almost 100% sure that's not ours.

MEMBER CIRELLI: Okay. Mr. President, I appreciate that. Because when you read through it, it's...really has a lot to do with water or wastewater treatments. So, I'll give you one of the ads sir. Thank you. Thank you Mr. President.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Leader.

MEMBER DOUGHERTY: I move we adjourn.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you 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. Be safe everyone. See you next week. *(Gavel falls)*

ADJOURNMENT TIME: 8:10 P.M.

ATTEST: JANUARY 31, 2013
CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

APPROVED: JANUARY 31, 2013
ALLEN SCHULMAN
PRESIDENT