

MINUTES OF THE MEETING DECEMBER 2, 2013

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

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

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

ELEVEN COUNCIL MEMBERS PRESENT. (MEMBER MACK & PRESIDENT SCHULMAN ABSENT)

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

EXCUSING MEMBERS

PRESIDENT PRO TEM DOUGHERTY: Member Griffin.

MEMBER GRIFFIN: Mr. President I make a motion that we excuse President Schulman from tonight's meeting.

CLERK TIMBERLAKE: And Member Mack.

MEMBER GRIFFIN: And Member Mack.

MEMBER BABCOCK: Seconded

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to excuse President Schulman and Member Mack from tonight's meeting. Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Motion carries and President Schulman and Member Mack are excused from tonight's meeting. Invocation tonight given by Council Member-at-Large Mary Cirelli. Please remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on December 2, 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 Council at Large Member Mary Cirelli. The Pledge of Allegiance led by President Pro Tem Dougherty.

AGENDA CORRECTIONS & CHANGES

PRESIDENT PRO TEM DOUGHERTY: Agenda Corrections.

MEMBER GRIFFIN: Mr. President, I move that Rules 22B be suspended and to add 2nd Reading Ordinances 7, 8, 10 through and including 20. And Ordinances 6 and 9 will be Retained in Committee.

MEMBER BABCOCK: Seconded.

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PRESIDENT PRO TEM DOUGHERTY: Member Griffin it's Rule 22A. I think you might have made a mistake, you said 22B.

MEMBER GRIFFIN: 22A, I'm sorry.

PRESIDENT PRO TEM DOUGHERTY: And 2nd Reading Ordinances, did you mention #9 is Retained in Committee.

MEMBER GRIFFIN: I don't have that one sir. Oh yea, I'm sorry, 6 and 9 will be Retained in Committee.

PRESIDENT PRO TEM DOUGHERTY: Yea, 6 and 9 Retained in Committee. Second again.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: Alright, it's been moved and seconded for the Rule changes of the Agenda. Any comment? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Rule 22A is suspended and the Ordinances are a legal part of the Agenda.

PUBLIC HEARINGS

PRESIDENT PRO TEM DOUGHERTY: Now under Public Hearings. We have two Public Hearings tonight. The first is scheduled for **7:30 PM** and it's AN ORDINANCE VACATING A PORTION OF GROVE PLACE SW; AND DECLARING THE SAME TO BE AN EMERGENCY. THE PLANNING COMMISSION HAS RECOMMENDED APPROVAL OF THE SAME FOR AULTMAN HEALTH FOUNDATION. Is there anyone in the audience wishing to speak for or against this Vacation, please come forward. Is there anybody in the audience wishing to speak for, against or for this Vacation, please come forward. The Chair declares the public hearing over in regards to this matter. The matter now rests in the hands of Council. The second is scheduled for **7:31 PM** and it's AN ORDINANCE AMENDING ORDINANCE NO. 55/75, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY; THE PLANNING COMMISSION HAS RECOMMENDED APPROVAL OF THE SAME AT 1809 22ND STREET NE FOR ROBERT TABOR FROM R2 (TWO FAMILY RESIDENTIAL) TO PB-4 (PLANNED SPECIAL BUSINESS) IN WARD 9. Is there anyone in the audience wishing to speak for or against this, please come forward. Yes Ma'am. Please come forward to the mic.

GLENDIA GRIMSLEY: My name's Glenda Grimsley and I live in 2216 Dover Avenue NE. My husband and I, we have lived for 73 years. Mr. Tabor has made 2208 Dover and he also has the 1809 22nd Street into a dump and a junk yard, selling appliances. Mr. Morris and Mr. Cole and Brian Horner, they have all been down. They've seen what a mess it is so, we would be really happy if you would turn down any zoning permit for him because it is a mess down there and I don't think he's complied with anything that the city has asked him to do. We appreciate all the hard work they've done and come down when we've had our issues. We have a Neighborhood Association that was granted some money and we cleaned up the fields and everything but, you know we can clean

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up all the fields we want and put flowers or put anything pretty down there but his corner lot is the first lot you see when you come down 22nd Street from Maple Avenue on Dover and it's like, washers and dryers and freezers and they're out there in the front yard, the back yard, the back lot down on 1809. The garages are full, the garage doors are broken. The fences are broken. It's just a mess down there and it's residential and we do not want him to have a permit to conduct business because for the last 5 years, we've seen what he has done without a permit. And it's been a mess so, we appreciate if that is voted down. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you. Anyone else wishing to speak for or against this, please come forward. Anyone else wishing to speak for or against this please come forward.

(Inaudible comment from the audience)

PRESIDENT PRO TEM DOUGHERTY: Yes sir, please come forward. That's what I'm asking, if anyone wants to speak. Give us your name and address sir.

ROBERT TABOR: My name is Robert Tabor. I live at 8, 2208 Dover Avenue. That's my house residence. That's my residential address, yes.

PRESIDENT PRO TEM DOUGHERTY: Alright sir, go ahead.

ROBERT TABOR: Sorry, I'm a little bit late, had a little bit of car trouble. I met Mr. Morris here, we had some problems and the neighbors talking about cleaning up the place and I did not do it in the fashionably order which he was demanding me to do it in. I had gotten involved with, it started out with Kiko's Auctioneer when I bought the property. It was sold to me as a business zoned property. I could not get insurance for the house because it was zoned commercial for the building. I could not get the insurance for the building cause the house was considered residential. I could not get a loan for the property which I had spent every dime I had to get this loan but it was sold to me as a place I could have a business. But unbeknownst to myself, I end up having to sign the deal because this was in 2007 right when all the banking issues started and not one person would give me a loan, so I had to make a deal with Kiko's to pay them \$1,500.00 a month for this, for a payment on this property or I had paid down every bit of the life savings that I had which was \$25,000.00 to buy a place that I could run, operate a business out of. Now when this all started happening, I was doing, I was buying a lot of stuff from a, a, it was called Cargo Largo. I'd go up there and buy stuff, get the good stuff out, sell it and then all it did....I had cleaned the place up. When I got there, before I moved in, this had been a business prior for 30+ years. When I got the property, there was bricks, there was piles of bricks over 7 feet tall that I didn't even know where there. I hauled off, I did clean the place up when I first got it, which was in 2007. The water lines were all, all the water lines were broken. I had electrical problems and it took again, everything I had. The fence was torn down. I did replace the front part of the fence and I did this all myself and that was \$3,500.00 just to where I got to and being that I was tapped out of money then this deal with them wanting me to get it cleaned up. I'm 52 years old and I have hauled a lot of stuff onto the property and the neighbors started complaining but, it got to the point it was just....they have been to my house over 40 times, just every little possible thing that they could, can say right down to my garage doors had two holes cut in them. I have a dog. I wasn't allowed to have a hole in my garage door for my dog to go in. Then it turned into the city came out to my house 4 times in one day of this year....

PRESIDENT PRO TEM DOUGHERTY: Sir excuse me but your three minutes are up, so.

ROBERT TABOR: I didn't know that I just had 3 minutes. I wanted to tell what's really going on there.

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PRESIDENT PRO TEM DOUGHERTY: That's all there is for Public Hearings so thank you very much. Anyone else want to speak for or against this please come forward. Good evening.

WILLIARD GRIMSLEY: My name's Willard Grimsley. I am Mr. Tabor's neighbor and this place has turned into the Canton City dump and junkyard. I got to look out everyday. He's got all kind of appliances down there and junk, 4 or 5 cars disabled, no license on them and there's a lot, 3 lots next door, right across the street. I mowed that yards for 12 years, kept it nice for that, that nice corner to come around to my house. And he's parking vehicles in there. He parks his trailer in there with all of his stuff on it and he'll take off, wherever he goes, comes back down through the yard. Not down 22nd and go around like you're supposed to, he got a big mud hole there in the spring and it's just a complete mess. I've lived for 73 years and that's the worst I've ever seen this building and I'm getting tired of it. Everybody comes to my house says, "who's this guy". I said that's Mr. Tabor, he's a junk dealer. He's a complete junk dealer. That's all he handles and it's making my property go down and looking really bad. I keep my property up as much as I can and it looks good and I gotta look at his place next door. So...

PRESIDENT PRO TEM DOUGHERTY: Thank you sir.

WILLIARD GRIMSLEY: I hope the Councilmen realizes. Some of them's been down there to see what it looks like. I hope they reject it, what he's looking for. Thanks.

PRESIDENT PRO TEM DOUGHERTY: Anyone else want to come forward to talk about this issue? Anyone else in the audience speaking for or against this issue, please come forward. Apparently not, the Chair declares the public hearing over. Oh, I'm sorry sir, come forward.

JONATHAN BAILEY: Jonathan Bailey. I live at 405 3rd Street. I'm just speaking as a witness to this, what I've just heard here. From somebody who's actually lived on a park bench being homeless, it sounds like this man's in a situation where he's going to wind up being homeless if he doesn't get something done. But I also understand you guys position too. There needs to be some more cooperation between the neighbors and this man to where he can keep his home and keep this thing looking nice for you guys too.

(Inaudible comments from the audience)

CLERK TIMBERLAKE: Dave, they're back and forth debating.

PRESIDENT PRO TEM DOUGHERTY: No, that's it. Have a seat sir OK. The Public Hearing is over and in regards to this matter. The matter now rests in the hands of Council. Member Morris do you want to just go to that now and let's get that done. One way, both of them and we'll just do the Public Hearings. So if you'll move to the Agenda, the Public Hearings.

CLERK TIMBERLAKE: 23.

PRESIDENT PRO TEM DOUGHERTY: Well both of them. Let's just do both of them. We've got people here.

CLERK TIMBERLAKE: OK, 22.

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PRESIDENT PRO TEM DOUGHERTY: So, 22. We'll do #22 first please.

CLERK TIMBERLAKE: Well, wait a minute. I've got to read it.

#22. (3RD RDG) **ADOPTED AS ORDINANCE NO. 226/2013** AN ORDINANCE VACATING A PORTION OF GROVE PLACE SW; AND DECLARING THE SAME TO BE AN EMERGENCY (WEST LINE OF LOT 16058 TO EAST LINE OF LOTS 16059 AND 10270 FOR AULTMAN HEALTH FOUNDATION) **PUB HRG 12/2/13 @ 7:30 P.M.**

PRESIDENT PRO TEM DOUGHERTY: Member Griffin.

MEMBER GRIFFIN: Mr. President, may I make a motion to amend, to adopt Ordinance #22.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 22. Any, and questions? Roll call.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS, 1 ABSTAIN

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

#22 ADOPTED AS ORDINANCE NO. 226/2013

PRESIDENT PRO TEM DOUGHERTY: Ordinance 22 has passed. Ordinance 23.

#23. (3RD RDG) **DEFEATED** 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 (PARCEL #234939 AT 1809 22ND ST NE FOR ROBERT TABOR) **PUB HRG 12/2/13 @ 7:31 P.M.**

PRESIDENT PRO TEM DOUGHERTY: Member Griffin.

MEMBER GRIFFIN: Mr. President I make a motion we adopt Ordinance #23.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 23. Any remarks?

MEMBER MORRIS: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Morris.

MEMBER MORRIS: Thank you sir. As I stated in Committee last week regarding this Ordinance coming through Council, Mr. Tabor took absolutely no action on this until, until we prosecuted through, Zoning took it too court

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and this situation is a perfect example of how slow the wheels of government sometimes can turn. Councilman started working on this on his last year in office and I have just finished two years in office. This has been a three year process of Code violations, Health issues and we've gotten nowhere until I convincing Zoning to prosecute, OK. It's a shame that we have to prosecute somebody to be a good neighbor. So I am going to side with the Grimsley's on this one and I will be voting against this and I ask for your support. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Law Director.

LAW DIRECTOR MARTUCCIO: Mr. President. For the, those in Council who've asked the question or will ask this question, it comes up. When a Planning Commission makes a recommendation as they did in this case, they did recommend approval, I'll read from the salient relevant Ordinance here 1165.09. When you, the City Council may deny the recommendation of the Planning Commission and when, in the event that Council denies or modifies the recommendation, it must do so by a vote of not less than 3/4 of the full membership of Council, 3/4's of the full membership of Council so that's, it would take 9 votes to defeat this particular Ordinance. Thank you. That means no, if you choose to defeat it.

MEMBER COLE: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes, Member Cole.

MEMBER COLE: Just very quickly and I'll iterate what I said in last week's meeting as well. This is a junk yard. I mean this is a family that works very hard to keep up their home. It looks fantastic and to have this as an eyesore and what has continue to occur is that it will get cleaned up for a little bit and then the same situation will happen. More junk will get brought into the house, into the yard. The fence is falling down. I'll be voting no on this as well.

PRESIDENT PRO TEM DOUGHERTY: Any other remarks? Roll call.

NO REMARKS

ROLL CALL 0 YEAS, 11 NAYS

CLERK TIMBERLAKE: Eleven nays Mr. President.

#23 DEFEATED

PRESIDENT PRO TEM DOUGHERTY: The Ordinance has been defeated.

OLD BUSINESS

PRESIDENT PRO TEM DOUGHERTY: We're now under Old Business. Administration, do you have any. Mayor do you have any Old Business at all.

SAFETY DIRECTOR PERRY: Mr. President, Chief of Staff Williams asked me to handle Old Business for him today. The only item we had was relative to Mr. Bailey, relative to the bicycle thefts and I got an opportunity to talk to Mr. Bailey after the meeting, gave him some cards relative to individuals that had issues regarding bike thefts and as I indicated to him, the Police Department is aware of it and they are looking into it. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you.

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PRESIDENT PRO TEM DOUGHERTY: Now on to Public Speaks. We have 5. The first one's Jonathan Bailey. Please come forward. Good evening.

JONATHAN BAILEY: Yea, Jonathan Bailey. I live at 405 3rd Street, Canton, Ohio 44702. I thank you for those cards. I've talked to some people who's come up and hasn't been too many people lately coming up about their bikes being stolen which is refreshing but, they feel it's just a waste of their time to even bother to report their bikes stolen because they've had this situation before where they've reported their bikes stolen and the Police told them that they pretty much weren't going to do nothing about it. So they think I'm actually wasting my time by even being here and bringing this issue up. I'm hopefully, I think they're wrong and I hopefully think I am right about that. There's other things that could be done too. We have the meter maids going around checking the meters. They could have as a possibility, a list of bicycles that are stolen and serial numbers. If they see anything, they could check that while they're out doing meters. There's colleges going to come down here, Stark State over here on 3rd Street south. Are they going to have some of their own campus security? They could also keep their eye on that too. That's another issue. They're bringing this business to downtown. They're bringing their campus here. Students draw thieves. Sorry, and they're going to have their bikes stolen. We have to do something if we really want to make this city into something nicer. I mean there's third world nations out there, that a huge percentage of the population rides bicycles and bicycle theft is virtually unheard of in some of these places and we're supposed to be the most advanced country in the world. Surely we can irreplicate that without some of the joconian measures that some of these other places have done. It's, it just seems to me this is something that can be done and it doesn't seem unreasonable to me to insist that something be done. To have a different attitude than the Police when they're saying it's a low priority or they don't have the time, money and resources to look for stolen bikes. If that's true, why stop at 175. Let's have 200. Let's give them the time, money and resources cause this is hurting the community. The poor community. The ones that are actually trying to get ahead in a lawful manner, who are trying to get jobs, who can't keep their jobs because people are stealing their transportation. Let's make it 200. Change that to 200. Do whatever it takes.

PRESIDENT PRO TEM DOUGHERTY: Thank you sir.

JONATHAN BAILEY: You guys have brains, you have ideas. I know you can think of something, you know. There's bicycle baiting. I don't know what you're doing with the trap, cause you won't tell me. I don't blame ya...with the scrap metal places but, it's unreal. They're stealing the water, water main traps for your shut offs. Those are getting turned in too you know, for scrap metal. Upon occasion, manhole covers too.

PRESIDENT PRO TEM DOUGHERTY: Thank you sir. Bruce Nordman. Good evening.

BRUCE NORDMAN: Good evening. Bruce Nordman. I reside at 1623 Logan Avenue NW. Mr. Mayor, Majority Leader, Members of the City Council. Last week I gave all of you this plus the other attachments. On these figures, which we got from the Auditor's office to hit the mission of Group 175 which is 175 Police Officers and 175 Firemen, which we are dedicated with a lot of support from those inside of both the Police and Fire Department to get to those numbers. Now, based on the numbers that I gave to you last week, we're going to be 9 short of hitting 175 fire and police officers. We would ask that you look at this carefully. Group 175 is more than willing to meet with any group on the City Council that wants to sit down and talk to us about this. We're on the brink of a great turnaround in this city and the real foundation for this is public safety. You all passed an Informal Resolution a couple of months ago to support this issue. We got the Park Levy passed. We got the Mayor's promise. We got two federal grants and that's enough to hire 51 new

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Police and Fire personnel out of a possible 60 to get us to 175 and 175. We would urge you to give this all of your efforts and as I mentioned before, we are willing to meet with any groups, anywhere, anytime to discuss this issue to get this going forward. Now another issue that I have been discussing besides the fact that next year we are going to be pushing very hard to have the McKinley Beat Massillon parade along with additional banners. We're raising funds for another 5 banners and another 51 flags. I've talked to several of the Council people here and what we're going to start to do is to initiate another grand parade and we're proposing that we look forward to this on the Saturday before Easter to have a grand Easter parade. I just returned two weeks ago from Massillon where they had the 59th Annual Christmas parade. It is a joining activity and we're looking besides fighting crime to get all elements of the city to focus on the city and we're asking for all your support. I've already talked to several Members of Council. We're going to be appearing before all of the churches to ask for their support so that we can get out and get this to be another great event and I thank you for your support in the past. I thank you all. It's a wonderful opportunity to be here and talk to this issue. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you. *(APPLAUSE)* Leroy Lynch. Mr. Hawk. Welcome.

LEROY LYNCH: Hello, good evening. President of Council, my name is Leroy Lynch. I live at 3911 Highview Avenue SW. *(Inaudible)*

PRESIDENT PRO TEM DOUGHERTY: Talk into the mic. Thank you.

LEROY LYNCH: I'm sorry. We're deaf here you understand. Sorry. Again, you got his name and all that or does he have to do that again. OK. The reason why he's come here is because he read in the paper that yesterday and that today, they're talking about minority hires and I don't think it's really fair to the deaf community because he's worked for the deaf community and worked for the city for many, many times until just, he worked for season so he's now wanting to know, to have more support to have some more full time people. He's been asking and asking but he says he's sort of willing to sit down and they'll have this sort of discussion in public and we'll see what happens to see if we can't solve this. But he's looking forward to some sort of resolution about full time employment. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you. *(APPLAUSE)* That will be the conclusion of Public Speaks for this evening.

JACK HAWK: Oh, wait, wait, wait.

PRESIDENT PRO TEM DOUGHERTY: Oh, I'm sorry.

JACK HAWK: Is not my name on there?

PRESIDENT PRO TEM DOUGHERTY: Yes sir. I didn't know if you were just coming for him tonight but you have something else.

JACK HAWK: Oh no, I've got something else there.

PRESIDENT PRO TEM DOUGHERTY: No problem sir.

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JACK HAWK: OK, my name is Jack Hawk. I live at 217 16th Street NW. I am the Director for Triad Deaf Services which has been successful for the last year thanks to your support in trying to get that kept in this community and we are basically serving well over 400 deaf people in this community, hearing impaired. I'm here to sort of advocate for some of that. There are no deaf employees in city government or in Stark County government yet there are over 2,000 deaf and hearing impaired people and they are not minority. They are not disabled and they are not, and they are yet minority and sometime much aligned, misaligned when I talk to people and they sort of said, well they can't do these things. I asked a year ago about the Civil Service exam. If not, if it has not been tailored to American Sign language to allow hearing impaired people to be able to take that exam because right now it is not conducive to a deaf person's language. OK, and yet it is the English language we talk. Moving on, there was also a, I need to talk to a Mr. Johnson in the Fire Prevention Bureau, Department. I wanted to get smoke detectors for deaf people, which are specialized smoke detectors. There is a great need for that and Mr. Johnson said he would get back to me and I've heard nothing about that. So, if we can figure out how to work that out, I would be grateful. My friend, Mr. Lynch, this Friday is going to be the deaf Santa. We have, we have over 200 people coming to a Christmas party for kids, deaf kids and he's the deaf Santa and so, you are welcome to come to North Canton, Hoover High School where we serve Tuscarawas, Carroll and Stark County. Last but not least, I also have another role wearing another hat, as I am a professor at Kent State University, the College of Architecture and Environmental Design. I invite you all Friday to come to the Canton Club at 1:30. I've got 14 very talented seniors that are coming down bringing their ideas and dreams for the Hercules Plant as to what can happen and what you can do to dream big. From breweries to disaster centers to urban farms and all that with farmers markets and all so, Canton Club 1:30. You are all invited to come and also be a part of a jury. So, I invite you and thank you for your time.

PRESIDENT PRO TEM DOUGHERTY: Thank you sir. (*APPLAUSE*) Now I think that completes Public Speaks.

INFORMAL RESOLUTIONS

PRESIDENT PRO TEM DOUGHERTY: Informal Resolutions. #59 please.

#59. PERSONNEL COMMITTEE: **RETAINED IN COMMITTEE ON 11/25/13** REQ APPRVL OF APPT OF DEBORAH SHAMLIN TO FAIR EMPLOYMENT PRACTICES BOARD FOR TERM OF 1/1/14 - 12/31/16. - ADOPTED

PRESIDENT PRO TEM DOUGHERTY: Member Griffin.

MEMBER GRIFFIN: Mr. President, I move that we adopt Informal Resolution #59.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Informal Resolution 59. Any comments? Yes, by voice vote all those in favor of signify by saying aye. Those opposed.

NO REMARKS

RESOLUTION #59 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM DOUGHERTY: Resolution 59 has passed. Resolution 60 please.

#60. PERSONNEL COMMITTEE: REQ APPROVAL TO RE-APPT OF THOMAS LAROCHELLE TO

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FAIR HOUSING COMMISSION FOR RETRO TERM OF 9/1/13 - 8/31/18. - ADOPTED

PRESIDENT PRO TEM DOUGHERTY: Member Griffin.

MEMBER GRIFFIN: Mr. President, I move that we adopt Informal Resolution #60.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded that you adopt Resolution #60. Any remarks? By voice vote all those in favor of signify by saying aye. Those opposed.

NO REMARKS

RESOLUTION #60 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM DOUGHERTY: Resolution 60 has been adopted.

COMMUNICATIONS

PRESIDENT PRO TEM DOUGHERTY: Now under Communications. Show the Journal 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 DECEMBER 2, 2013.

- 469. ANNEXATION CHAIR HAWK: REQ TO INITIATE STATEMENT OF SVCS FOR TASOS ELECTRIC ANNEXATION IN PLAIN TWP. - ANNEXATION COMMITTEE
- 470. COURT ADMINISTRATOR KOCHERA: RECEIPT OF MUNICIPAL COURT'S ANNUAL PROBATION SERVICES FUND REPORT FOR 2013. - RECEIVED & FILED
- 471. LIQUOR CONTROL DIVISION: REQ NEW D5 LIQ PERMIT FOR DST HALO LLC DBA TAPAS 218 @ 218 COURT AV. - RECEIVED & FILED
- 472. LIQUOR CONTROL DIVISION: REQ NEW C1 C2 LIQ PERMIT STOCK TRANSFER FOR ABU JASIM LLC DBA MAGGORIES DRIVE THRU 23 @ 3060 W TUSCARAWAS. - RECEIVED & FILED
- 473. MAYOR HEALY: REQ APPRVL OF APPT OF DR. AMY LAKRITZ TO CANTON CITY BOARD OF HEALTH RETRO FROM 10/9/13 - 5/2/15. - PERSONNEL COMMITTEE
- 474. MAYOR HEALY: ADVISING OF APPT OF PASTOR MICHAEL LAMONT MILES I TO MAYOR'S COMMUNITY RELATIONS COMMISSION FROM 11/26/13 - 6/30/15. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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PRESIDENT PRO TEM DOUGHERTY: Ordinances for First Reading please. Ordinance 1.

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

- #1. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$0.03 FROM 4501 801001 AUDITOR - OTHER TO 4501 201004 2006 CONSTRUCT/RECONSTRUCT BOND - OTHER; \$20,000.00 FROM 1001 702001 CLERK OF COURTS - PERSONNEL TO 1001 802001 AUDITOR - CLERK OF COURTS ATM - OTHER)
Referred to Public Property Capital Improvement Committee
- #2. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ACCEPT FUNDS IN AN AMOUNT NOT TO EXCEED \$349,500.00 FROM THE 2013 FAIR HOUSING AGENCY PARTNERSHIP GRANT; AUTHORIZING THE AUDITOR TO ESTABLISH AND CREATE THE 2216 FHAP FY13 PARTNERSHIP PROJECT GRANT FUND; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance and Personnel Committees
- #3. (1ST RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO RENAME THE 2530 PARK SPECIAL REVENUE/PROJECT FUND TO 2530 PARK OPERATIONS AND SPECIAL REVENUE/PROJECT FUND; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #4. (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$20,740.00 TO TRUCK SALES & SERVICE, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY (REPAIR OF 4700 MODEL FIRE ENGINE)
Referred to Finance Committee
- #5. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE AND/OR PARK COMMISSION TO APPLY FOR, ENTER INTO AGREEMENT FOR, AND RECEIVE FUNDS FROM MULTIPLE POTENTIAL FUNDING SOURCES DURING 2014 FOR VARIOUS CAPITAL IMPROVEMENT PROJECTS; 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: Now under Ordinances for Second Reading. Ordinance 7 please.

NOTE: PRESIDENT PRO TEM DOUGHERTY CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #7, #8 AND O#10 THROUGH #20 FOR THE SECOND READING BY TITLE AS

MINUTES OF THE MEETING DECEMBER 2, 2013***REQUIRED BY STATE LAW, AS FOLLOWS (ORDINANCES #6 AND #9 ARE RETAINED IN COMMITTEE):***

- #6. (2ND RDG) ***RETAINED IN COMMITTEE AN ORDINANCE AMENDING CHAPTER 917, TREES, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON***
- #7. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION AND INTERFUND ADVANCE AND INTERFUND ADVANCE REPAYMENT HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (\$35,616.00 BYRNE GRANT FUNDS)
- #8. (2ND RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #02-08490 DANIEL C & ELIZABETH SUMMERS ON 11TH ST SE)
- #9. (2ND RDG) ***RETAINED IN COMMITTEE AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012 BY MAKING THE INTERFUND TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (\$145.14 FROM 1001 301001 - OTHER TO 2312 301001 - OTHER - HEALTH DEPT)***
- #10. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE STARK COUNTY PUBLIC DEFENDER COMMISSION FOR THE PROVISION OF LEGAL SERVICES TO INDIGENTS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11. (2ND RDG) AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE JACKSON-CANTON JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT; AND DECLARING THE SAME TO BE AN EMERGENCY
- #12. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOT 35853 AND PART OF LOT 35852; AND DECLARING THE SAME TO BE AN EMERGENCY (MR. & MRS. THOMAS FORBES @ 369 47TH ST NW)
- #13. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PART OF LOT NUMBERS 30740, 38867, 38868, ALSO BEING PART OF PARCEL NUMBERS 209862, 209861 AND 202512; AND DECLARING THE SAME TO BE AN EMERGENCY (REED FUNERAL HOME @ 3737 GREENWOOD PL SW)
- #14. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE DEDICATION PLAT OF RIGHT-OF-WAY ALONG THE WEST SIDE OF RAFF ROAD S.W.; APPROVING AND ACCEPTING THE REPLATTING OF PART OF LOT 31008 AND PART OF

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LOT 31009; AND DECLARING THE SAME TO BE AN EMERGENCY (955 RAFF RD SW)

- #15. (2ND RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$11,000.00 TO DESANTIS ENTERPRISES; AND DECLARING THE SAME TO BE AN EMERGENCY
- #16. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A FEMA FIRE PREVENTION GRANT IN AN AMOUNT NOT TO EXCEED \$80,010.00 TO PURCHASE SMOKE DETECTORS; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$64,008.00 FROM UNAPPROP BAL 2813 FIREFIGHTERS ASSIST GRANT TO 2813 103001 FIRE - OTHER)
- #17. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT WITH THE CANTON CITY BOARD OF HEALTH TO ESTABLISH RATES FOR INDIGENT BURIALS; AMENDING CHAPTER 979, CEMETERIES, OF THE CODIFIED ORDINANCES OF CANTON
- #18. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO VARIOUS CONTRACTS AND AGREEMENTS FOR THE WATER METER AND METER TRANSMITTING UNIT REPLACEMENT PROGRAM; AUTHORIZING THE AUDITOR TO RECEIVE ALL LOAN AND REVENUE PROCEEDS AND TRACK EXPENDITURES; AND DECLARING THE SAME TO BE AN EMERGENCY
- #19. (2ND RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (ADD CLASSIFICATIONS PIPEFITTER 3 AND CONSTRUCTION SUPERVISOR TO SERV DIR PUBLIC WORKS COLLECTION SYSTEMS DEPT)
- #20. (2ND RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 224/2013** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY MORAL OBLIGATIONS IN AMOUNTS NOT TO EXCEED \$7,845.21 AND \$4,867.90 TO AT&T AND \$3,080.68 TO VERIZON; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Griffin.

MEMBER GRIFFIN: Mr. President, I move we suspend the Statutory Rule #20.

MEMBER BABCOCK: Seconded.

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PRESIDENT PRO TEM DOUGHERTY: There is a motion to suspend Statutory Rules for Ordinance 20. Are there any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: You've heard the three readings Member Griffin.

MEMBER GRIFFIN: Mr. President, I move we adopt Ordinance #20.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded that you adopt Ordinance 20. Are there any remarks? Do we have an amendment?

MEMBER GRIFFIN: Mr. President, I move we amend Ordinance #20 per the copies all Council Members have in front of them.

MEMBER BABCOCK: Seconded.

Amendment

Pursuant to Rule 36, I move to amend Agenda Item No. 20 by the substitution of the attached revised ordinance for the originally proposed ordinance.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to amend Ordinance 20. Any remarks?

MEMBER GRIFFIN: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes.

MEMBER GRIFFIN: Can we have the amendment summarized.

PRESIDENT PRO TEM DOUGHERTY: Law Department.

FINANCE DIRECTOR DIRUZZA: Yes, we're amending this with one invoice from AT&T. It's approximately \$12,374.29. It is also a telephone bill and covers the city's centrax units.

PRESIDENT PRO TEM DOUGHERTY: Any other remarks? Roll call on the amendment.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: The amendment passes. Member Griffin.

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MEMBER GRIFFIN: Mr. President, I move that we adopt Ordinance #20 as amended.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt the Ordinance 20 as amended. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#20 ADOPTED AS AMENDED AS ORDINANCE NO. 224/2013

PRESIDENT PRO TEM DOUGHERTY: Ordinance 20 is adopted as amended.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT PRO TEM DOUGHERTY: Now under 3rd Readings, Ordinances. Ordinance 21.

NOTE: PRESIDENT PRO TEM DOUGHERTY CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #21 THROUGH #27 FOR THE THIRD TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

#21. (3RD RDG) **ADOPTED AS ORDINANCE NO. 225/2013** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A JOINT ECONOMIC DEVELOPMENT DISTRICT AGREEMENT IN SPECIFIC AREAS IN PARTNERSHIP WITH JACKSON TOWNSHIP, THE CITY OF NORTH CANTON AND PLAIN TOWNSHIP; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Griffin.

MEMBER GRIFFIN: Mr. President I make a motion we adopt Ordinance 20...

PRESIDENT PRO TEM DOUGHERTY: 21.

MEMBER GRIFFIN: Sorry 21.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 21. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Eleven yeas Mr. President.

#21 ADOPTED AS ORDINANCE NO. 225/2013

PRESIDENT PRO TEM DOUGHERTY: Ordinance 21 is adopted.

#24. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 227/2013** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH TRIMBLE IN AN AMOUNT NOT TO EXCEED \$24,662.31 FOR THE PURCHASE OF A "TOTAL STATION" PURSUANT TO O.R.C. SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Griffin.

MEMBER GRIFFIN: Mr. President, I move we adopt Ordinance #20, 24.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: Hang in there. It's been moved and seconded to adopt Ordinance 24. Any remarks? Mr. Griffin.

MEMBER GRIFFIN: Mr. President, I move we amend Ordinance #24 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. 24 by substituting the words "Precision Laser & Instruments, Inc." for "Trimble" in the caption and Section 1.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to amend Ordinance 24. Any comments?

MEMBER GRIFFIN: Mr. President, may we have the amendment summarized?

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President, Member Griffin. This Ordinance is the one that you recall that will authorize the Safety Director to purchase equipment that will assist traffic accident investigation. It's a piece of equipment like surveyors use. The amendment simply changes the name of who we pay the bill too. It was listed as Trimble. Trimble is sort of the name of the product. It's sort of a brand name but the company that actually gets the check for it is called Precision Laser and Instrument, Inc. so we're substituting the word Trimble by the phrase Precision Laser and Instrument, Incorporated. Thank you.

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PRESIDENT PRO TEM DOUGHERTY: Any other remarks? Voting now on the amendment. Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Mr. Griffin.

MEMBER GRIFFIN: Mr. President, I move that we adopt Ordinance #24 as amended.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 24 as amended. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#24 ADOPTED AS AMENDED AS ORDINANCE NO. 227/2013

PRESIDENT PRO TEM DOUGHERTY: Ordinance 24 is adopted. Ordinance 25.

#25. (3RD RDG) **ADOPTED AS ORDINANCE NO. 228/2013** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO: NEGOTIATE AND ENTER INTO EASEMENT AGREEMENTS WITH AMERICAN ELECTRIC POWER (AEP) AUTHORIZING THE PLACEMENT OF TRANSMISSION POLES AND/OR LINES ON OR OVER CITY PROPERTY; NEGOTIATE THE FAIR MARKET VALUE OF OR DONATE TO AEP THE EASEMENTS AUTHORIZING SAID PLACEMENT; MAKE TYPOGRAPHICAL CORRECTIONS OR EASEMENT DELINEATION ADJUSTMENTS BASED UPON NEGOTIATIONS AND TRANSMISSION LINE PLACEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Griffin.

MEMBER GRIFFIN: Mr. President I make a motion we adopt Ordinance #25.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 25. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Eleven yeas Mr. President.

#25 ADOPTED AS ORDINANCE NO. 228/2013

PRESIDENT PRO TEM DOUGHERTY: Ordinance 25 is adopted. Ordinance 26.

#26. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 229/2013** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$63,530.25 TO STARK STATE COLLEGE; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Griffin.

MEMBER GRIFFIN: Mr. President, I move that we adopt Ordinance #26.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 26. Any remarks?

MEMBER GRIFFIN: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Go ahead.

MEMBER GRIFFIN: I move that we adopt Ordinance #26 per the copy all Members have in front of them.

PRESIDENT PRO TEM DOUGHERTY: You move to amend, you move to amend.

MEMBER GRIFFIN: OK, I move to amend Ordinance #26 per the copy all Members have in front of them.

MEMBER BABCOCK: Seconded.

Amendment

Pursuant to Rule 36, I move to amend Agenda Item No. 26 by substitution of the attached revised ordinance for the originally proposed ordinance.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to amend Ordinance 26. Any remarks?

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Cirelli.

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MEMBER CIRELLI: Thank you sir. Could someone explain Section 1. I'm a little confused where it says future rent, you know, the Auditor on behalf of the City of Canton is authorized and directed to pay a moral ob. I understand all that but where it goes for reimbursement of an overpayment of rent. Future rent payments shall be paid into the General Fund until an equivalent amount is offset. What does that equivalent amount offset in regards to?

SERVICE DIRECTOR BARTOS: Mr. Majority Leader.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

SERVICE DIRECTOR BARTOS: Member Cirelli, as we discussed before, the folks at Stark State had chose not to exercise their options to renew their lease for three years and instead had asked that they go month to month. At the, I spoke with the Law Department they said it was indeed legal for us to continue on, on a month to month basis with them, therefore the plan is for them to continue paying us rent. That rent that they pay us on a month to month basis will then be forwarded or shall be paid into the General Fund until the equivalent amount, the \$60,530.25 is paid into the General Fund.

MEMBER CIRELLI: Thank you sir.

MEMBER HAWK: Question please. Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Hawk.

MEMBER HAWK: Thank you. What happens if they pull out before they give us the \$60,500.00 back?

SERVICE DIRECTOR BARTOS: Mr. Majority Leader. Member Hawk this is what we discussed with Chief of Staff Williams. If that does indeed happen, I believe that Development is seeking to insurance that, that is stilled paid back through CD. It's just at this time, it is not an approved expense and that is why we're paying them back in as timely a fashion as we can. As you see this is for, this goes all the way back to I believe 2010 so we're paying them back now out of the General Fund with the anticipation that we'll either get the money back in rent into the General Fund or we'll have, we'll refund the General Fund through CD once it becomes an approved expense.

PRESIDENT PRO TEM DOUGHERTY: Anyone else? OK. We're on the amendment. Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

MEMBER GRIFFIN: Mr. President, I move that we adopt Ordinance #26 as amended.

MEMBER BABCOCK: Seconded.

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PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 26 as amended. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#26 ADOPTED AS AMENDED AS ORDINANCE NO. 229/2013

PRESIDENT PRO TEM DOUGHERTY: Ordinance 26 is adopted as amended. Ordinance 27.

MEMBER GRIFFIN: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Griffin.

MEMBER GRIFFIN: I move that we Reconsider Ordinance 218/2013 adopted on the 25th of 2013.

MEMBER BABCOCK: Seconded.

AMENDMENT

Pursuant to Rules 41 and 36, I move to reconsider and amend Ordinance #218/2013 by the substitution of the attached revised Exhibit A for the originally proposed Exhibit A.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to Reconsider Ordinance 27. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Griffin we're under Reconsideration.

MEMBER GRIFFIN: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

MEMBER GRIFFIN: I move we amend Ordinance 218/2012 per the copy all Council Members have in front of them.

MEMBER BABCOCK: Seconded.

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

MEMBER GRIFFIN: Mr. President could we have it summarized please?

PRESIDENT PRO TEM DOUGHERTY: Yes.

SERVICE DIRECTOR BARTOS: Mr. Majority Leader. I apologize, I was unaware that this would Reconsidered. It appears that the attachment was amended or corrected and so this is related to the Mahoning Road project, quite similar to the 12th Street project when we've been coming down for different right-of-way acquisitions. Now we're in the process of doing that for the first phase of Mahoning Road and I believe that this, the amendment, excuse me, the Exhibit had to be corrected and that is why we are Reconsidering....

CLERK TIMBERLAKE: It added dollar values Bill.

SERVICE DIRECTOR BARTOS: Yes that's, and that's what I thought. I actually called and mentioned that to them, that they didn't have any dollar values on this so they must have had to add those so....

MEMBER GRIFFIN: Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you.

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes, Member Cirelli.

MEMBER CIRELLI: (*Inaudible*) ...water, sewer, any outstanding bills.

SERVICE DIRECTOR BARTOS: We can certainly check that and make sure that we check that before they're paid. I don't know what the legal standing is on that but....

MEMBER CIRELLI: So Mr. President, if I might. Then, Mr. Bartos we pass this tonight and you will have somebody check all those for us. It's with that understanding, is that clear sir. I just want to make sure I understand.

SERVICE DIRECTOR BARTOS: Yes.

MEMBER CIRELLI: OK, thank you. Thank you Mr. President.

PRESIDENT PRO TEM DOUGHERTY: What you have before you is the amendment. Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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

MEMBER GRIFFIN: Mr. President I move that we adopt Ordinance 218/2013 as amended.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded on Ordinance 27 Reconsideration to adopt it. Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#27 RECONSIDERED, AMENDED AND ADOPTED AS ORDINANCE NO. 218/2013

PRESIDENT PRO TEM DOUGHERTY: Yea, Reconsideration 27 has been passed as amended.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM DOUGHERTY: Announcement of Committee Meetings.

MEMBER COLE: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Cole.

MEMBER COLE: Finance will meet at 6:30 on December 9th.

PRESIDENT PRO TEM DOUGHERTY: Public Property Capital Improvement will also meet that evening. What was the time again please? 6:30 thank you.

MEMBER WEST: Mr. President. Should I mention Judiciary again since we have to read that...yes I probably should. Judiciary will meet same time, same place.

PRESIDENT PRO TEM DOUGHERTY: OK, thank you.

MISCELLANEOUS BUSINESS

PRESIDENT PRO TEM DOUGHERTY: Now under Miscellaneous Business. Is there any? Member Cirelli.

MEMBER CIRELLI: I'd like to direct this to the Safety Director. Mrs., Miss Perry with the purchase of the smoke alarms that we're doing, is it possible that you could speak with the gentleman in charge of that and see if it's possible that we could in fact look at some to take care of our, as it was brought to our attention tonight, our deaf community. There are, and I know that they have them. There's a flasher that goes off, you know, to inform them but that was brought to our attention and it's very...I'm glad he did speak on that behalf so I think it's our responsibility to look at that, so I would appreciate that ma'am if you do that. If you'll speak to that.

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SAFETY DIRECTOR PERRY: Mr. President, to the Councilwoman. I did speak with Mr. Hawk and let him know that I would get back with him and yes I will check on that for you.

MEMBER CIRELLI: Thank you.

PRESIDENT PRO TEM DOUGHERTY: Any other Miscellaneous Business?

SAFETY DIRECTOR PERRY: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Safety Director.

SAFETY DIRECTOR PERRY: I would like to, everyone to wish our Service Director, Bill Bartos, a Happy Birthday today. He's 21 again. *(APPLAUSE)*

SERVICE DIRECTOR BARTOS: Yes, I have no friends so I had better place to than here with you tonight. So, thank you very much.

CLERK TIMBERLAKE: I'd like to welcome Bill or Mike McEnaney here in representing Mr. Kim Perez as Treasurer. So welcome to the horseshoe. Would you like to say anything?

MEMBER WEST: Mr. President, just, just if we could next week do something with the air, some of us ain't got no hair up here and I got the air coming directly down on us and it's like Alaska over here so...

SERVICE DIRECTOR BARTOS: I can work on that.

PRESIDENT PRO TEM DOUGHERTY: I could approve a hat for you.

MEMBER WEST: I will be wearing my winter coat as well.

PRESIDENT PRO TEM DOUGHERTY: I got one special for you. Any other Miscellaneous Business?

MEMBER GRIFFIN: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Griffin.

MEMBER GRIFFIN: I move we adjourn.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adjourn. Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT PRO TEM DOUGHERTY: We're adjourned. *(Gavel falls)*

ADJOURNMENT TIME: 8:24 PM

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ATTEST: DECEMBER 5, 2013
CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

APPROVED: DECEMBER 5, 2013
DAVID R. DOUGHERTY
PRESIDENT PRO TEM