

MINUTES OF THE MEETING APRIL 14, 2014

PRESIDENT PRO TEM DOUGHERTY: With a quorum present the Chair calls City Council to Order. Roll call.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

11 COUNCIL MEMBERS PRESENT: (FRANK MORRIS, CHRIS SMITH, JAMES BABCOCK, RICHARD HART, GREG HAWK, THOMAS WEST, JIM GRIFFIN, KEVIN FISHER, DAVID DOUGHERTY, JOHN MARIOL, & EDMOND MACK)

ELEVEN COUNCIL MEMBERS PRESENT. (MEMBER SMUCKLER AND PRESIDENT SCHULMAN ABSENT)

CLERK TIMBERLAKE: Eleven present Mr. President.

EXCUSING MEMBERS

PRESIDENT PRO TEM DOUGHERTY: Leader.

MEMBER MORRIS: Mr. President, I move we excuse President Schulman and Member Smuckler from tonight's meeting.

MEMBER SMITH: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to excuse our Members tonight. Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Motion carries. President Schulman and Member Smuckler are excused from tonight's meeting. We'll have the invocation given tonight by Member John Mariol. Please remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on April 14, 2014 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 Isaah Bingham, Student Member of MDS Career Club. The Pledge of Allegiance led by President Pro Tem Dougherty.

AGENDA CORRECTIONS & CHANGES

PRESIDENT PRO TEM DOUGHERTY: Now under Agenda Corrections and Changes. Leader.

MEMBER MORRIS: Mr. President, I move, Rule 22A be suspended to add 2nd Readings Ordinances #5 through and include #15.

MEMBER SMITH: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to Suspend Rule 22A adding the

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Ordinances 5 through 15. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: And the Ordinances are a legal part of the agenda.

PUBLIC HEARINGS

PRESIDENT PRO TEM DOUGHERTY: None scheduled. No Public Hearings scheduled tonight.

OLD BUSINESS

PRESIDENT PRO TEM DOUGHERTY: Old Business. We don't have any Old Business to discuss.

PUBLIC SPEAKS

PRESIDENT PRO TEM DOUGHERTY: Under Public Speaks. Please when you come up, I need your name and address please. You'll be given 3 minutes. Terrence Jones please. Good evening.

TERRENCE JONES: Councilman Dougherty, would it be possible to let the young lady go before me that is signed in as number 2?

PRESIDENT PRO TEM DOUGHERTY: Kristin Robbins.

TERRENCE JONES: Please.

PRESIDENT PRO TEM DOUGHERTY: Sure. No problem. Welcome.

KRISTIN ROBBINS: Hi, my name is Kristin Robbins. My address is 2812 Fletcher Avenue NE. I am a senior at McKinley High School. Mr. Terrence has invited me to talk on behalf of MDS because he believes in the community based non-profit organization committed to providing supportive programs and services to under served youth in order to empower them to become self sufficient. On behalf of the hundreds of youth MDS serves, we are a small fraction of high school students in Career Club. The program is to prepare us for occupational success through a job or an advance program. No one has gave us this job. We definitely had to earn it. Mayor Healy, we'd like to thank him for supporting us, for supporting MDS. Councilman Hawk, your support does not go unnoticed and we are sure to see you around in the summer. We thank everyone for their ongoing support. As I take my seat, we came here today to witness how local government works. We thank you and we will see you in September once the program is over with our overview of accomplishments. Once again thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you. *(APPLAUSE)* Terrence Jones.

TERRENCE JONES: *(RECORDING DIFFICULTY)* ...As I always say, there's no difference between city kids and other kids except trained and untrained and so these young people are young people who will go for, I call it an unannounced drug test, and also they have to have satisfactory grades as well as attendance. We understand that City Council, Community Development has put together a plan today with CDBG funds to approve for summer employment for these young people. On behalf of all of us at MDS and our Board, we

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want to thank each of every one of you for your support. Councilman Hawk, thank you. He's our Ward Councilman. Councilman West as well and Councilman Smith who always calls with things that need done and makes sure that their kids are a part of the program. Chief of Staff, Fonda Williams would you be so kind to let the Mayor know that we're appreciative of his ongoing support and I would be remiss to not acknowledge Lisa Miller, as well as Mr. Freeman because it's a thing where people look at you know, the actual outcomes and the numbers and not look at the kids who we serve. So when they did that you know, we were one of the ones that were rated high and so we just come out today to learn early about civic engagement and to publically say, thank you. So on behalf of us, we say thank you. *(APPLAUSE)*

PRESIDENT PRO TEM DOUGHERTY: Thank you Mr. Jones. Bill Dieffenbaugher. Evening sir.

BILL DIEFFENBAUGHER: Good evening Council Members, citizens. I'm here to talk about a bad subject, potholes.

PRESIDENT PRO TEM DOUGHERTY: Give us your name and address please.

BILL DIEFFENBAUGHER: Oh, Bill Dieffenbaugher....

PRESIDENT PRO TEM DOUGHERTY: Thank you.

BILL DIEFFENBAUGHER: 1611 Haag Avenue, Massillon, Ohio but I do work for the city of Canton. I just want to give people an example since there's rumors flying that we're not getting anything done and it's like a slap in the face to us. These guys in the Street Department have worked overtime for, beginning when we were still on afternoon shift, coming in 4 hours early for the last two weeks of March. We've worked a couple Saturdays, 10, 12 hours on Saturday. We've put down over 2,000,000 pounds of asphalt since January. There's only 29 of us in the department. We're 10 short from 2006. We can only do so much with what we have, with the employees we have and the equipment we have. In addition to that, over the winter, this...everyone knows it's been a horrible winter, probably the worst winter I've ever seen. I was born and raised in this city, all my life. My dad was a civil servant. He was a 30 year firefighter. I've never, ever seen these roads and so many roads in as bad a shape as they are right now. We have a slip of to do's that we keep getting from citizens, Councilman. We can't even get to those slips because right now the big concern is the marathon route. That's one of the big concerns and it's a mess and every time we try to get to a slip, either a citizen or the Councilman call either Bill Bartos or the Mayor and he calls my new Superintendent and says, oh no you can't do those. You got to go do this right away. This has got to be done. The Mayor says this got to be done. Bill Bartos says this got to be done. We'll never get to those slips if that keeps happening. And prior to that, this winter was a bad winter as I was saying. Just to give you an example, we worked 2099 overtime hours pushing snow. That's a hell of a lot of overtime hours. And now they're stepping up to the plate and working overtime to do the patching and now they even stood up, Mike asked them to go ahead, would you guys work Good Friday? And they said sure, if we need to work, we'll work. That's the caliber of people you got in the Street Department. You got some good employees with a lot of experience. Give us some people. Give us some equipment and give us some time and we'll get it fixed.

PRESIDENT PRO TEM DOUGHERTY: Thank you. *(APPLAUSE)* Tim Porter.

TIM PORTER: Good evening.

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PRESIDENT PRO TEM DOUGHERTY: Good evening.

TIM PORTER: My name's Tim Porter. 1107 10th Street NW. I come to you guys with a plea. One of my neighbor's house got broke into a couple weeks ago. The funny part of it was, was instead of dialing 9-1-1 he called me, you know, I don't know why but he did. Fortunately it worked out because there's a thank you involved with this. I decided to go out and try to find the people that broke into his house. You know they left right away when they were startled by him. I went out and happened to find them walking down Shorb. OK. The thank you is to the police because instead of going to the house, they listened to where I said these 3 individuals were and they went there and they actually got them. The bad part of it is, the oldest one was 14 years old. OK. I can promise you if that would have been one block over at my house and somebody come through a window, I'd be telling you about 3 dead kids. The police need to enforce our curfews. This was after midnight. These kids should not have been outside and it's a bad thing. I mean, I know there's no glory in enforcing a curfew, but that could have been a deadly situation because they obviously didn't care that somebody was home. So, I'm just asking for that to be enforced. You know, we need to push that curfew law. It's already there. We got it on the books, we just need the police to enforce it. And then the other thing is with the Street Department and those potholes, I tell you what. If you guys haven't seen them out on the road, you're crazy. I've seen them everywhere they go. So, I don't know who's saying they're not doing anything but, if you're saying that, grab a shovel and help them. So, thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you sir. *(APPLAUSE)* Pete DiGiacomo please. Good evening. Good evening sir.

PETE DIGIACOMO: *(Computer was shut down because of recording difficulties)* Mr. DiGiacomo discussed houses being on the demolition list for over a year and also problems with Asplund and leaving large pieces and piles of branches at locations where they are trimming trees for AEP.

MARCIA ZAWACKY: *(In progress because of computer shutdown)* ...a group that they actually tear houses down physically. OK, they don't have big demolition companies come in. This is, they actually get citizens. They get people that need to come out and learn job skills and stuff like that to tear houses down. And I thought, since we seem to be dealing with not enough resources, what a great idea this would be. Marty and I have actually in our lifetime, taken down 3 houses and these people do it the way we did it. You take all the inside out, you take the walls down and then you bring the roof down on the foundation. You can get a permit from the city of Canton to do that which we did. So, I know it's possible. I want to bring that to all of your minds. Maybe we can come up with, like I said, some additional kinds of resources. Maybe some of the groups, Neighborhood Groups can get some of the money that's coming in here for demolition. The other thing I want to speak to you about is, I have in my hand, it's a house in our neighborhood and there's more than one, OK, that this guy died 8 years ago. OK, the house is sitting there deteriorating. Apparently there is anybody, any family or anyone who's going to follow up on this. It, meanwhile, it's collecting money, taxes on the real estate, OK. Has anybody thought about when you see people's names on a list of going into the death and seeing if they're dead or not. Maybe that would get some stuff done faster, OK, than it's being done right now. So, anyway, the other thing I really want to do is, we did, we had a vicious winter, really vicious winter. I want to thank all of the resources the city of Canton has. The Street Department, the garbage guys come out and collected garbage. I can only imagine what it would be like if they hadn't come out and done that, alright. We are so thankful that we have such good employees in the city of Canton. If you guys don't give them some kind of bonus or a party or something, you are sadly, sadly remiss. These guys are

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phenomenal and I am thankful for them. So....(APPLAUSE)

PRESIDENT PRO TEM DOUGHERTY: Thank you. Ida Webb. Good evening.

IDA WEBB: Good evening. I come here to complain.

PRESIDENT PRO TEM DOUGHERTY: Could I have your name and address please ma'am?

IDA WEBB: 947 Sherrick Road SE.

PRESIDENT PRO TEM DOUGHERTY: Thank you.

IDA WEBB: Canton, Ohio. I have a lot next to my property. Very bad. I done complained about it a couple times. Nothing has been did. The limbs had broken, fell on the ground next to my fence. Now someone is dumping trash and tires and just making my property look bad. And I think something should be done about it. Is it that I'm in the wrong side of the city, in the ghettos, southeast end and nobody cares. And one more thing I would like to complain about. The Community Center, they was doing my lawn. That was a year ago. I got a letter one day saying they couldn't do my lawn anymore because they were short on the staff and they was giving me time to look for someone else. Now, I am a retired senior citizen. I retired after 35 years. I was a taxpayer. I want to know why. I called and talked to someone in the office and they said wasn't nothing they could do because they were short. I don't believe that. I think they just, they don't want to mow my lawn and thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you ma'am. (APPLAUSE) Betty Bradley. Betty Bradley. Do you sign up?

BETTY BRADLEY: Yes.

PRESIDENT PRO TEM DOUGHERTY: Welcome.

BETTY BRADLEY: Good evening. I'm Betty Bradley and I'm another one come to complain and what I'm complaining about, I live at 1438 9th Street NE, Canton, 44705. OK, I live in the flood zone. Mr. West is my Ward, is the Councilman. What I'm complaining about is how come there's money coming into the city of Canton but it's not being used in this flood zone. We all know that there is, we been getting a lot of rain here in the last few weeks and before then, we had a big snow. Can people that live in the flood zone, can we take another flood like we had in 2003. Water was up to my knees. I had to pay out a lot of money out of my pocket. They're supposed to be moving us out. How much more of the soil got to go into Nimisilla Creek. That's all I want to know. They tore down Washington School. I don't know who done it but they tore it down. I live on the other side of O'Jay. It just not enough being done with the amount of money that's coming in. OK, another thing I want to bring to your attention. The people out in North Canton, which is a part of Stark County, is getting money to be relocated. Where's our money coming from? Did they stop? Could anyone please give me any idea, even how to look it up on the computer, on the internet. And I'd like to thank you very much for your time.

PRESIDENT PRO TEM DOUGHERTY: Thank you.

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BETTY BRADLEY: But you will be hearing from me. (*APPLAUSE*)

PRESIDENT PRO TEM DOUGHERTY: Leroy Lynch. Good evening.

LEROY LYNCH: Good evening. My name's Leroy Lynch. I live at 3911 Highview Avenue SW. I came here about potholes. Thank you for bringing that up. So, he made a complaint for the, since January 13th. He hit potholes and he just got a letter from the Law Department saying they gave his notice, he got his letter but they can't pay him for his damages because he did not report it to the Street Department first. So he called the Street Department and they said well you can't....on the 13th day you missed the date line. So he said he's deaf and he can't make the phone. Yes he hit the pothole but he didn't know what your website said, did not explain it clearly of where he should report, that he needed to do that to the Law or the Street Department or to the Law Department. The damage belongs to the city. So, he calls the Law Department and says well you need to go to the Street Department. Now the Street Department goes back and forth and back and forth he says so I don't know what to do. So he called Joe and says he'll help find out how we can get through that process. Now I don't what to do. He called his insurance company and says if he files a complaint, it will probably close his case and might increase his insurance so he says it's really the city's responsibility in damage and so he's...OK so he called again to the Law Department and now he doesn't know what to do. So, please do something cause wasting other people's time plus the deaf community cannot make phone calls to the Street Department cause they do not have the phones of the abilities to understand what to do with this. Many deaf people do not understand it. Yes we can text it. Will a Street Department tech receive a text. He says he's worked for the city and sees that no one can get a text. He says please, please do something to change something for the deaf community. Will you please do that? Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you. (*APPLAUSE*) Christopher Leach. Good evening.

CHRISTOPHER LEACH: Good evening. Christopher Leach, 1368 Scoville Avenue SW. I'm the Chairman of SWIFT. What I'd like to bring to attention is the newest, what do I want to say, perhaps not newest but the panhandling that's going on. The strong arming of individuals. What I want to know is do we actually have something on the books that you're not permitted to panhandle in the city? Yes, no, does anyone know? There is, OK. Same with you can't get off the freeway now without seeing someone with a sign. Have kids, no diapers, blah, blah blah. Apparently on 20/20 they just had a show that said some of these people are actually making 6 figures. We're talking serious money. OK, if that's the case, how do we start getting some of the tax money from the free give away. You know what I mean. As a taxpayer, I feel I should be able to go eat without having to have somebody confront me as I'm leaving and telling me when I tell them I don't want to hear the story and they become irate with me, that I was lost and now you're being rude, blah, blah, blah. No you're not. I know what you're doing cause I see it everyday. Doesn't matter if you're at the store, you're at the restaurant. Our co-chair was at the car wash when someone came up. All I want to know is, is there something we can do before somebody gets hurt. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you. (*APPLAUSE*) Patricia Howard.

PATRICIA HOWARD: Good evening.

PRESIDENT PRO TEM DOUGHERTY: Good evening.

PATRICIA HOWARD: Patricia Howard. 1109 Melchoir Place SW, Canton, Ohio. On behalf of Marilyn

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Thomas Jones and the Association of Neighbors, I would like to extend to the Honorable Mayor, James Healy, Chairperson Dougherty and distinguished Council Members, a heartfelt thank you for all that you do to insure that the city of Canton is a safe environment and functioning at its highest possible capacity. We are here tonight to thank you, measure you and inform you of how we feel the neighborhoods are being, issues are being addressed. So you can observe just how strong our voice are I would like to ask our Neighborhood representatives to please stand and be recognized. *(APPLAUSE)* I would also like to remind everyone that early voting has begun and the most effective way to make your voices heard is to vote. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you ma'am. *(APPLAUSE)* Jack Hawk. Good evening again.

JACK HAWK: My name is Jack Hawk, 217 16th Street NW, Canton, Ohio. Members of Council thank you for having me be able to speak to you. I'm here again as an advocate of the deaf community, as Director of Triad Deaf Services, representing all the deaf in Stark, Tusc and Carroll county. I asked about 3 months ago regarding Civil Service and President Clinton's Executive Order as to a waiver to a Civil Rights law when it comes to giving Civil Service exams. We've been before the Civil Service Commission and like all political wheels, they said, we're going to look into it and cited some examples of some other cities and I'm scratching my head because, I know we're a statutory city and the ones they were talking about are charter cities. So, I don't understand how this works so, I really think that it's time that we give the deaf community, not only the deaf community but the disabled because in this City Council, in this whole city administration, I don't think there's one disabled person that works in the city. The Council, the Civil Service Commissioner, one of the Commissioners, not the Commissioner himself said, I said to him, I said why can't we give disabled people the same kind of extra points that we give to veterans and he says no, no, no, no. We'll always support veterans. I says sir, if a deaf person could hear, they would have gone to service and they would have become a veteran. So I just think that there needs to be some looking into this matter and I believe that you as city leaders should take the initiative to find out how we can get more deaf people employed within the city cause there's not one disabled person, I believe, currently working in the city. Thank you for your time.

PRESIDENT PRO TEM DOUGHERTY: Thank you. *(APPLAUSE)* Gwen Corbett. Good evening.

GWEN CORBETT: Hi. My name is Gwen Corbett and I'm the President of the East Lincoln Highway Neighborhood Association and I'm here to thank you. Number one to thank you for the wonderful job that the city has done over the winter with the snow and I think they did an excellent job but now we have a problem on 2nd Street, 3rd Street, 4th Street, 5th Street, 6th Street, 7th Street, 8th Street and no, no 9th, between Madison and Belden. Out, you know, when I moved, I made a choice to move to the southeast side cause I love that side of town but we have potholes that's...they're no longer potholes, they're craters and I want to ask you, and I recognize that you've done a lot of asphalt for everyone but nothing has come to our side, to East Lincoln Highway side. Even if I saw one hole patched up and I think Mr. Kenmore has done a great job in the Street Department but can you please considered us because we keep our neighborhood nice. We mow our lawns, we clean, we plant flowers so, I'm asking you to please send someone over that could fill some of 4th Street, you know one of those streets and I just want to let you know that we're here and we are on the move and we want to be treated like everyone else. Thank you and make yourself a great evening.

PRESIDENT PRO TEM DOUGHERTY: Thank you. *(APPLAUSE)*

INFORMAL RESOLUTIONS

PRESIDENT PRO TEM DOUGHERTY: Now under Informal Resolutions. Will you read Resolution 21 please.

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165. SAFETY DIR PERRY: AMEND ORDINANCE 24/2014 AUTHORIZING MAYOR AND/OR SAFETY DIR TO ADV, REC BIDS, & ENTER INTO CONTRACT FOR LEASING OF FOUR (4) UNMARKED POLICE VEHICLES NOT TO EXCEED \$120,000.00 FOR POLICE DEPT. LEASE WILL BE ANNUAL PYMT FOR (4) YRS - FIRST PYMT MADE W/FED FORFEITURE FUNDS & BEGIN 2015 PYMTS MADE FROM FUND 4502. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
166. SAFETY DIR PERRY: REQ LEGISLATION AUTH DIR OF PUBLIC SAFETY TO PAY MORAL OB FOR EMERGENCY DEMO OF 720 HARRIET NW IN AMT OF \$9,800.00. - FINANCE COMMITTEE
167. SERV DIR BARTOS: PROVIDE FOR ISSUANCE OF NOTE IN AN AGGREGATE PRINCIPAL AMT NOT TO EXCEED \$1,400,000.00 FOR PURPOSE OF REFUNDING BOND ANTICIPATION NOTES PREVIOUSLY ISSUED FOR PURPOSE PROVIDING FUNDS TO PAY COURT APPROVED SETTLEMENT OF CLAIM AGAINST CITY (PIROLOZZI). - FINANCE COMMITTEE
168. SERV DIR BARTOS: REQ AMENDMENT FOR CHPT 105, CONTRACTS, OF THE CITY OF CANTON CODIFIED ORDINANCES WHICH INCLUDE A REPEAL OF SECTION 105.08(B), (C), (D), AND (E); AMENDMENTS TO SECTION 105.12 (a), (b), (c), (d). - JUDICIARY COMMITTEE
169. SERV DIR BARTOS: REQ PARTICIPATORY COOP LEGISLATION WITH ODOT THAT WILL ALLOW STA-NAVARRE RD SIGNALS PID 76007, GP 1127 TO MOVE FORWARD SUPP APPROP OF \$20,000.00 FROM: UNAPPROP BAL OF 2113 MUNICIPAL ROAD FUND TO: 2113-202001 ENGINEERING ADMINISTRATION - OTHER; AUTH AUDITOR TO DRAW WARRANTS UPON RCPT OF VOUCHERS DULY APPROVED BY PROPER DEPT AUTH.; EMERGENCY. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
170. SERV DIR BARTOS: AUTH FOR MAYOR AND/OR SERV DIR TO ENTER INTO AN AGMT WITH THE PUCO & AKRON METRO REGIONAL TRANSIT AUTH TO RCV THE \$95,000.00 GRANT FROM PUCO.; SUPP APPROP OF \$95,000.00 FROM: UNAPPROP BAL OF 4563 12TH ST N. CORR PROJ TO: 4563-202077 12TH ST. N. CORR PROJ, G.P. 1098 - OTHER; SUPP APPROP OF \$50,000.00 FROM: UNAPPROP BAL OF 5201 WATER WORKS OPERATING TO: 5201-202077 12TH ST. N. CORR PROJ, G.P. 1098 - OTHER; AUTH FOR AUDITOR TO ESTABLISH & CREATE THE 4573 (SIB LOAN, 12TH ST. N. CORR PROJ GP 1098) FUND FOR PURPOSES OF TRACKING PROJ REV & EXPEND; MAKE SUPP APPROP OF \$2,308,000.00 FROM: UNAPPROP BAL OF 4573 (SIB LOAN, 12TH ST. N CORR PROJ GP 1098) TO: 4573-202077 12TH ST. N CORR PROJ G.P. 1098 - OTHER; AUTH AUDITOR TO DRAW WARRANTS UPON RECPT OF VOUCHERS DULY APPROVED BY PROPER DEPT AUTH.; EMERGENCY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
171. TREASURER PEREZ: RPT OF PARKING METER REVENUE FOR MARCH 2014. - RECEIVED & FILED
172. TREASURER PEREZ: RPT OF AMBULANCE LOCK BOX ACCT FOR MARCH 2014. - RECEIVED & FILED

MINUTES OF THE MEETING APRIL 14, 2014**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT PRO TEM DOUGHERTY: First Reading Ordinances and Formal Resolutions. Madame Clerk.

NOTE: PRESIDENT PRO TEM DOUGHERTY 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 MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH CZBLLC IN AN AMOUNT NOT TO EXCEED \$350,000.00 TO DEVELOP A COMPREHENSIVE PLAN FOR THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- #2. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$43,383.50 FROM UNAPPROP BAL 4502 MOTOR VEHICLE PURCHASE FUND TO 4502 101001 POLICE ADMINISTRATION - OTHER)
Referred to Public Property Capital Improvement Committee
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- #3. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY. (\$10,513,168.28 FROM UNAPPROP BAL 5227 WATER METER/MTU REPLACEMENT FUND TO 5227 207030 WATER METER/MTU REPLACEMENT - OTHER)
Referred to Finance Committee
-
- #4 (1ST RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE TASOS ELECTRIC ANNEXATION AREA CONTAINING APPROXIMATELY 2.3921 ACRES; ASSIGNING SAID TERRITORY TO WARD 9 OF THE CITY; ZONING SAID TERRITORY AS I-1 (LIGHT INDUSTRY); AND DECLARING THE SAME TO BE AN EMERGENCY **PUB HRG 4/2814 @ 7:30 PM**
Referred to Annexation Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT PRO TEM DOUGHERTY: We're now under Ordinances for their Second Reading. Madame Clerk, Ordinance 5.

NOTE: PRESIDENT PRO TEM DOUGHERTY CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #5 THROUGH #15 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #5. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY. (\$1,774.70 FROM UNAPPROP BAL 2525 MOTHER GOOSELAND FUND TO 2525 401060 MOTHER

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GOOSELAND - OTHER)

- #6. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO: ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONSTRUCTION CONTRACT FOR THE STADIUM PARK - HERBERT FISHER WALKING TRACK REPLACEMENT PROJECT AND TO RECEIVE GRANT FUNDS FOR THIS PROJECT FROM THE TIMKEN FOUNDATION; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$200,000.00 FROM UNAPPROP BAL 2530 SPECIAL PARK REVENUE FUND TO 2530 401090 PARK REDEVELOPMENT - OTHER)
- #7. (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO. 186/2013; AND DECLARING THE SAME TO BE AN EMERGENCY. (PROJ AMTS FROM \$50,000.00 TO \$65,000.00 FOR HOME, ESG & CDBG FUNDS)
- #8. (2ND RDG) **ADOPTED AS ORDINANCE NO. 71/2014** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO VARIOUS CONTRACTS UTILIZING CDBG, HOME AND ESG FUNDS; AND DECLARING THE SAME TO BE AN EMERGENCY (9 CONTRACTS)

PRESIDENT PRO TEM DOUGHERTY: Leader.

MEMBER MORRIS: Mr. President, I move we suspend Statutory Rule for Ordinance 8.

MEMBER SMITH: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded that you suspend the Statutory Rule for Ordinance 8. Any comment? Roll call.

NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS, 2 ABSTAINS
(MEMBERS DOUGHERTY AND WEST ABSTAINED)

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

PRESIDENT PRO TEM DOUGHERTY: Leader.

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

MEMBER SMITH: Seconded.

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

LAW DIRECTOR MARTUCCIO: Mr. President.

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PRESIDENT PRO TEM DOUGHERTY: Yes sir.

LAW DIRECTOR MARTUCCIO: Mr. President, Members of Council for the benefit of the audience since we have a very large audience tonight. When a Member of Council abstains, it doesn't mean they don't want to deal with the topic, it means there's probably a reason they cannot discuss it, yield, vote, influence it in any way. Often times it's because they might have an interest or familiar interest in it so, please don't look at the abstention other than a good ethical way to avoid something they shouldn't be a part of. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Any more comments, remarks? Roll call.

NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS, 2 ABSTAINS
(MEMBERS DOUGHERTY AND WEST ABSTAINED)

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

#8 ADOPTED AS ORDINANCE NO. 71/2014

PRESIDENT PRO TEM DOUGHERTY: Ordinance 8 has been adopted.

- #9. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO FILE WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) A 2014-2018 CONSOLIDATED PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, HOME INVESTMENT PARTNERSHIP PROGRAM AND EMERGENCY SHELTER GRANT PROGRAM; AUTHORIZING THE MAYOR TO EXECUTE GRANT AGREEMENTS WITH HUD AND TO ACCEPT FUNDING FOR THE CONSOLIDATED ONE YEAR ACTION PLAN FOR FISCAL YEAR 2014 FOR THE THREE PROGRAMS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #10. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$200,000.00 FROM UNAPPROP BAL 2331 AIR POLLUTION CONTROL (APC) FUND TO 2331 APC - OTHER)
- #11. (2^N RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 100/2011, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (ASST. DIR. OF PURCHASING TO EXEMPT)
- #12. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE IN CONJUNCTION WITH THE CANTON PARK COMMISSION TO ENTER INTO A COOPERATIVE AGREEMENT WITH STARK PARKS FOR THE PLANNING, DESIGN, CONSTRUCTION, OPERATION, MAINTENANCE AND SECURITY OF CANTON'S HIKE AND BIKE TRAILS/ROUTE SYSTEM WITH THE

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CITY; AND DECLARING THE SAME TO BE AN EMERGENCY

- #13. (2ND RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$46,957.31 TO BEAVER EXCAVATING; AND DECLARING THE SAME TO BE AN EMERGENCY
- #14. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO: ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONSTRUCTION CONTRACT FOR THE EXTERIOR SURFACE PREPARATION, PRIMING AND PAINTING OF THE BRENTWOOD WATER TOWER AND TO EXECUTE A PROFESSIONAL SERVICES CONTRACT FOR CONSTRUCTION OVERSIGHT SERVICES FOR THIS PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$309,600.00 FROM UNAPPROP BAL 5201 WATER FUND TO 5201 207022 WATER DISTRIBUTION - OTHER)
- #15. (2ND RDG) **ADOPTED AS ORDINANCE NO. 72/2014** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH JACK DOHENY COMPANIES IN AN AMOUNT NOT TO EXCEED \$41,000.00 TO REPAIR THE VACUUM SYSTEM AND REPLACE THE ENGINE ON A SEWER COMBINATION VEHICLE (VACTOR); AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Leader.

MEMBER MORRIS: Mr. President, I move we suspend Statutory Rule for Ordinance #15.

MEMBER SMITH: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved to suspend Statutory Rules on Ordinance 15. Are there any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #15.

MEMBER SMITH: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 15. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Eleven yeas Mr. President.

#15 ADOPTED AS ORDINANCE NO. 72/2014

PRESIDENT PRO TEM DOUGHERTY: Ordinance 15 is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT PRO TEM DOUGHERTY: Now under Ordinances for Third and Final Reading. Ordinance 16.

NOTE: PRESIDENT PRO TEM DOUGHERTY CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #16 THROUGH #18 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

#16. (3RD RDG) **ADOPTED AS ORDINANCE NO. 73/2014** AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 100/2011, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (FAIR HOUSING INVESTIGATOR & EDUCATION/INTAKE SPECIALIST)

PRESIDENT PRO TEM DOUGHERTY: Leader.

MEMBER MORRIS: Mr. President I move we adopt Ordinance #16.

MEMBER SMITH: Seconded.

PRESIDENT PRO TEM DOUGHERTY: Moved and seconded to adopt Ordinance 16. Any comments?

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Hawk.

MEMBER HAWK: Thank you sir. I will be voting no for this Ordinance. We are creating 2 more positions that will be handled by a grant and I, again, it was explained to us in Committee meetings that they probably would not be eligible for unemployment at the end of the grant. That was one of my first concerns but the second concern I've always had in regards to this is the fact that currently we are using General Fund monies to help pay salaries in Community and Economic Development Department. I think that this money we, the money that we are receiving would be better spent by offsetting the expenses from Community, from the General Fund and using these funds as opposed to hiring someone new and assigning those, that work to people already existing in our Community and Economic Development Department. That would save us the health care benefits and the Public Retirement System benefits also. And then it would not put us on the obligation or on the possibility of being obligated to pay unemployment when the grant runs out. In the past we've worked very hard to reduce the number of employees in the city of Canton and sometimes it was a detriment and sometimes it was a help. But I can remember going back to 2000, 2001 when we first came into Council where we did a lot to reduce the number of people employed by the city and I continue to see it grow and I'm afraid we're spending ourselves into a position that we'll soon be regretting. Thank you.

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CHIEF OF STAFF WILLIAMS: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Chief of Staff Williams.

CHIEF OF STAFF WILLIAMS: I'd just like to remind Members of Council that this grant was written by Mr. Kyle Stone our Fair Housing Manager and all of the grant dollars covers all of the benefits including salaries associated with this grant. Thank you.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member West.

MEMBER WEST: Yes. Chief of Staff it was my understanding that Community Development currently are understaffed as it is and would not be able to take this on in addition to what they're doing with the demolition and so on and so forth. Do you know how many staff they have at their discretion?

CHIEF OF STAFF WILLIAMS: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

CHIEF OF STAFF WILLIAMS: CD Department has approximately 15 employees. As Members of Council have been informed, Fair Housing in particular, Kyle Stone is located at the Building Department. If this legislation is passed these two new people will be also housed at the Building Department to assist with not only Fair Housing but also the Foreclosure Ordinance that we all know Kyle Stone has done a great job administering.

PRESIDENT PRO TEM DOUGHERTY: Chief of Staff the grant that was written was for a specific purpose correct?

CHIEF OF STAFF WILLIAMS: Yes. The city of Canton...Mr. President, the city of Canton is very fortunate to be considered a FHAP, Fair Housing Assistance Provider and the particular grant that Kyle Stone wrote was specifically to assist our Fair Housing efforts throughout the city of Canton and we were one of very few cities that were awarded additional dollars for that.

PRESIDENT PRO TEM DOUGHERTY: So my point is, you didn't write the grant to pay your current employees and it couldn't have been written for that.

CHIEF OF STAFF WILLIAMS: That's correct.

PRESIDENT PRO TEM DOUGHERTY: OK, I just wanted that clarification. Any other remarks? Roll call.

NO REMARKS

ROLL CALL 10 YEAS, 1 NAYS
(MEMBER HAWK VOTED NAY)

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

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PRESIDENT PRO TEM DOUGHERTY: Ordinance 16 is adopted. Ordinance 17.

#17. (3RD RDG) **ADOPTED AS ORDINANCE NO. 74/2014** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$950.00 TO ASHWORTH HOME BUILDERS; AND DECLARING THE SAME TO BE AN EMERGENCY (NSP 3 PROG)

PRESIDENT PRO TEM DOUGHERTY: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #17.

MEMBER SMITH: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 17. Any remarks?
Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#17 ADOPTED AS ORDINANCE NO. 74/2014

PRESIDENT PRO TEM DOUGHERTY: Ordinance 17 has been adopted. Ordinance 18.

#18. (3RD RDG) **ADOPTED AS ORDINANCE NO. 75/2014** AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 100/2011, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (SALARY INCREASE FOR CASUAL/SEASONAL INSPECTORS)

PRESIDENT PRO TEM DOUGHERTY: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #18.

MEMBER SMITH: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 18. Any remarks?

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Hawk.

MEMBER HAWK: Thank you. This increase represents a 41.666% increase in the wages for these people and personnel. I think it's excessive. It far exceeds the 2% we've granted to everybody else. The fact it, they didn't catch up before is not something we should be, at this point in time be concerned about the grant a raise of almost 42% to any individuals in the city of Canton.

MEMBER BABCOCK: Mr. President.

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PRESIDENT PRO TEM DOUGHERTY: Any further remarks? Member Babcock.

MEMBER BABCOCK: This doesn't include benefits or anything does it?

PRESIDENT PRO TEM DOUGHERTY: Chief of Staff.

CHIEF OF STAFF WILLIAMS: Mr. President. These 5 individuals have never received a raise. Member Smuckler last week asked me to report back to Council. They have never, I'll repeat that, never received a raise. There's one individual who's the oldest individual in that department that was hired in 2008 and no it does not include any benefits. Again this is to try to catch up with the surrounding counties and communities that also utilize our Building Code inspectors. Thank you.

MEMBER BABCOCK: Thank you.

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

MEMBER MORRIS: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Morris.

MEMBER MORRIS: Chief of Staff these are basically just subcontracted labor correct? I mean we pay their taxes of course, but...

CHIEF OF STAFF WILLIAMS: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

CHIEF OF STAFF WILLIAMS: Leader, that's correct.

PRESIDENT PRO TEM DOUGHERTY: Any other remarks? Roll call. I'm sorry, Member Hart.

MEMBER HART: Yea, it again, we understand this, these are just as needed. If we don't have the inspectors and we have a job that needs inspected for a project to go on, if it's not OK because we lacked inspectors, other jobs can be delayed. And I don't think most builders, construction companies would appreciate any delays cause it's going to be far more costly that what any of the raises would be to them.

CHIEF OF STAFF WILLIAMS: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

CHIEF OF STAFF WILLIAMS: Member Hart you're correct.

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

NO REMARKS

ROLL CALL 8 YEAS, 3 NAYS
(MEMBER HAWK, MARIOL AND MACK VOTED NAY)

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

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PRESIDENT PRO TEM DOUGHERTY: Ordinance 18 has been adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM DOUGHERTY: Announcement of Committee Meetings.

MEMBER SMITH: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Smith.

MEMBER SMITH: CD will meet at 6:15 on April 21st.

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes, Member Hawk.

MEMBER HAWK: Thank you sir. Finance Committee will meet Monday, April 21st at 6:15 PM.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member West.

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

MEMBER MARIOL: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Mariol.

MEMBER MARIOL: Public Property Capital Improvement will meet same time, same place.

PRESIDENT PRO TEM DOUGHERTY: Any other Committees?

MISCELLANEOUS BUSINESS

PRESIDENT PRO TEM DOUGHERTY: Any Miscellaneous Business?

MEMBER FISHER: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes, Member Fisher.

MEMBER FISHER: Thank you sir. With regards to Chris, Chris Leach from Ward 5 who has a question about panhandling, I'd ask in a moment the Law Director if you could explain because it actually is kind of a yes and no. There is, you're not allowed to aggressively panhandle in the city but there are some caveats to that but while he's here and he blends in so well with the camouflage shirt over there, I wanted to take the opportunity to invite anybody out along with his Neighborhood Association which Chris is the Chairman of, our next Town Hall we're going to have for Ward 5 is going to be on April 30th at 6:00 PM at the church, True Vine I think is the name of the church over on Navarre Road and Scoville SW. It is oppor...the guest will be Mayor Healy who will be joining us down there and the topic will be on planning which is actually a complete accident that

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worked out fabulously because that will be just days after we vote on the Comprehensive Plan for the city. So, the timing worked out fabulously on that. But, I wanted to invite anybody out for the that. It will be 6:00 PM on April 30th and then to the Law Director. Could you please touch on his question with panhandling?

LAW DIRECTOR MARTUCCIO: Mr. President, Member Fisher.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

LAW DIRECTOR MARTUCCIO: Thank you for the question sir. Member Fisher remembers accurately. We do have an Ordinance on the books that makes it an offense to aggressively panhandle. As you know, we have the Constitution and the Bill of Rights and the First Amendment allows for Freedom of Speech and Freedom of Associations, so panhandling is permitted as an expression of speech under the First Amendment. However, we live in a society where people don't want to be hurt and we should protect people who don't want to be hurt. So, our Ordinance sort of strikes a balance legally saying they cannot touch you. They cannot insight violence but they can panhandle as long as they don't cross that line. If they do, and I just had a conversation recently with one of our police captains. There is an Ordinance on the books that allows the police to come and discourage that and if it persists to, to actually cite that person for what's commonly known as aggressive or dangerous panhandling. But again, panhandling if it's done quietly and courteously is absolutely allowed free speech including those people who stand with signs as you get off of a turnpike or highway exit and they look at you so sadly and you feel like should I or shouldn't I, should I or shouldn't I, that's permitted as well as long as they don't interfere with pedestrian or wheelchair or vehicular traffic. Again as First Amendment free speech. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you.

MEMBER WEST: Mr. President.

MEMBER BABCOCK: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member West.

MEMBER WEST: Yes I wanted to thank the Street Department for their work this past Saturday on 12th Street. Many people know that affects not just my Ward but the whole city. Most people travel 12th Street but they followed through with what they said they would do. They said they would level as much as they could and they did that this Saturday and then also they swept 12th Street to get rid of all the dust, as much dust as possible. They did that today so, they followed through and I wanted to thank the Street Department for doing that. Although there's a number of potholes on a number of streets out there that still need to be done, but again, just keep calling, calling it into the Street Department. They will log it and believe me, they are on their job doing their work each and every day. So I want to thank them for that. I also wanted to just touch on this, Betty's comment in reference to the flood zone. If you want to talk to me afterwards I can give you more information on that. The Engineer's...

(Inaudible comment from audience)

MEMBER WEST: I'm sorry. Did she leave?

(Unknown speaker: Yes she's gone.)

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MEMBER WEST: Oh OK. Well then thank you. That's all I have.

PRESIDENT PRO TEM DOUGHERTY: Member Babcock.

MEMBER BABCOCK: Yea, I just wanted to let everybody know our former Safety/Service Director, Warren Price's father passed away Friday night and I'd just like to have a Moment of Silence if we could please.

(MOMENT OF SILENCE OBSERVED)

PRESIDENT PRO TEM DOUGHERTY: Thank you.

MEMBER BABCOCK: Thank you.

MEMBER HART: Mr. President.

SERVICE DIRECTOR BARTOS: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Hart.

MEMBER HART: OK, just a couple quick comments. I've been off City Council for quite a while and at the State of the City address it was stated that I think this general area has received about it said \$20,000,000,000.00 from the fracking and I just wondered if we have any way to see how much of that's come down directly to the city of Canton in terms of you know, income taxes or anything else. The second thing is and could be for Chief of Staff Williams. My question is, what Enterprise Funds and to what amounts have been used, you know to fund the Administrative positions on the 8th floor? Just a question. The third one I guess goes to the Service Director. On 12th Street between Market and Cleveland, I was under the impression that will be paved in asphalt? OK, when those bricks are removed, will those be kept, stacked and possibly recycled for doing brick repairs in other areas where those streets could be rather than just you know, taking them to a landfill somewhere? If we could look into that...

SERVICE DIRECTOR BARTOS: Mr. President. I don't see why not. I don't see why we wouldn't. In fact we have a rather large stack right now that we're looking at. The Law Director and I just talked about this today so this is very timely but we have a rather large stack right now so I don't see why we wouldn't do something with those bricks.

MEMBER HART: Cause I just, cause I know on other jobs they tend to, have ended up on a truck and then dumped. And then my last thing. I want to thank Member Hawk for helping me locate a lost personal item and I also want to inform Member Hawk that he's considered the most feared angler among the musky at Leesville Lake and again just, thank you.

MEMBER SMITH: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Smith.

MEMBER SMITH: Yes. I would just like to thank the Neighborhood Associations for all that you do for our community. For all the hard work and the beautification that you put into your neighborhoods and that's for all of you. And we are much appreciative of all that you do. And I'd like to thank Marilyn Thomas Jones for all that she do too for our Neighborhood Associations. *(APPLAUSE)*

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MEMBER MACK: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes, Member Mack.

MEMBER MACK: President Schulman personally asked me to apologize for his absence on his behalf. He is in Cincinnati on a deposition marathon and that's a, Director Bartos knows what that's like and so do I but I'm sure he would, would rather be here tonight with us. So...

PRESIDENT PRO TEM DOUGHERTY: Thank you. I will be billing him.

SERVICE DIRECTOR BARTOS: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes Director.

SERVICE DIRECTOR BARTOS: He's been waiting patiently but I had Superintendent Rorar come to discuss with you if you mind, he wants to step up to the mic for a few minutes. We have some emergency repairs that we wanted to make you aware of similar to what we did with 25th and 12th Street. There's a couple other streets that we'll be doing some emergency milling and repaving of. He's gonna just update you on those efforts real quickly. They'll be a Communication coming down that will be a moral ob when we know the eventual number. Actually, we have the number now, right, right. Well about.

SUPERINTENDENT RORAR: Just about.

SERVICE DIRECTOR BARTOS: Things could change, so.

SUPERINTENDENT RORAR: Good evening. I appreciate this opportunity. We're going to to some mill and filling on 2nd and 3rd Streets between Cleveland and DeWalt as well as 15th Street and that's off of, that's from Dueber to Cathy and that's, what it is, is those areas are so, it's almost a roto-tilled look. Those areas are almost impossible to patch correctly and we'd be wasting resources in doing so. So, that's why it's an emergency repair. It's the best time to do it right now. The paving company's are not that busy and it's a great time to do it. Any questions on that?

SERVICE DIRECTOR BARTOS: Do you want to give an update just on the general status of our Street Department as well.

SUPERINTENDENT RORAR: Sure. I'm sure everybody knows about the potholes and I got to be honest, someone asks what's the problem? How come we're not catching up? I believe there was some emails sent and what it is, it's logistics. They outnumber us. Plain and simple. There's more of them than us. We are doing our best everyday to attack those things. I mean we're spending Saturdays here. We're working overtime and I believe Bill said that, would he say, 2,000,000 pounds has been shoveled out the back of trucks. I mean that's crazy when you think about it. So it's not like we're just sitting around waiting for something to do. We are trying to address the problem but keep in mind, that's just addressing the problem. The real issue is, is what do you do in the future? We're talking about the potholes now. I'm worried about next year. We have another winter like we had this, this year, it's going to pale in comparison to pothole season. So what do you do to be more proactive because right now we're certainly not proactive on our streets. We're reactive and I think everybody can see that. We're scrambling around trying to fix these potholes in everybody's Ward and obviously not succeeding at that. So, I'd like to propose more of a proactive plan and that would be some crack sealant, some berm work, some alternatives to asphalt, chip and seal, sort of stuff like that. I've been working

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with the Engineering Department right now to try to stretch those resources and what those will do is that will lengthen the life of the road. Instead of getting ready to blow up next year, maybe we can stretch that into 3 or 4 years before we can get to actually mill and filling it properly. So those are some of the things we probably really need to address.

MEMBER WEST: Director. Director can you remind everybody how long you've been here.

SUPERINTENDENT RORAR: Three months.

MEMBER MORRIS: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Morris.

MEMBER MORRIS: Well I'd like to thank you for coming down here to you know, address Council but I'd like you to give us some kind of idea of what a response time is. Now you've only been here for 3 months and maybe some of us were spoiled. Maybe this winter was just the worst we've even seen but some of us have turned in some of these complaints and we've looking at 30, 45 days and our constituents never take into consideration that you only have 29 guys and you guys are buried. Sometimes the perception is that we as Council Members have dropped the ball and we're doing our due diligence and I know that you guys are doing it as well. But is there any kind of time line that you can give us to where we can tell our constituents, listen it might be two weeks. It may be three.

SUPERINTENDENT RORAR: I'm going to go with a month.

MEMBER MORRIS: 30 days.

SUPERINTENDENT RORAR: Yep.

SERVICE DIRECTOR BARTOS: And Mike most are getting turned over much quicker than that.

SUPERINTENDENT RORAR: Right now we're averaging within 16 days but there are some that are out there and a lot of those complaints if you go out and take a look, some of them believe it or not, are not deep enough at this time of year to put asphalt in. Some of them, you know, I know those large craters, those are the better potholes to find cause they actually will work. Those ones that are just skim coat, we're not even in the right asphalt time of year. There's cold mix, hot mix. They're not even putting out hot mix yet and the thinner the asphalt you need that hot mix and you gotta get it right. And the temperature of the street plays into that role as well. I mean the surface temperatures not quite up to par yet. So, you want the stuff to apply and stick so, we're not quite there.

SERVICE DIRECTOR BARTOS: And Mike you mentioned hot mix. You actually contacted Central Allied and asked them to make us some hot mix for Saturday. Looking ahead and knowing we were calling in some folks for overtime, they did that. They actually opened on Saturday.

SUPERINTENDENT RORAR: Yes they did.

SERVICE DIRECTOR BARTOS: They went above and beyond again. We sent a joint letter thanking them for that. But tell them a little bit about that, what we did on Saturday.

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SUPERINTENDENT RORAR: On Saturday we had 4 crews out and we tried to address some of the slips and the more we looked at the traffic on 12th Street because of the, traffic was very low on Saturday morning, we pulled three of crews over to 12th Street and by the end of the day I think we put down 54 tons. We had one crew out addressing the work orders and then the 3 crews were on 12th Street to address that issue.

MEMBER MACK: Director Rorar I just wanted to you know, thank you for the work that you've done so far and you know, we're all kind of living this pothole issue. It's not isolated to southwest or southeast, certainly the far northwest and northeast we have it too. I had one experience with Director Rorar where this was this constituent who's just, the front of her house was completely destroyed. I mean absolute craters. You couldn't hardly get her car in and out of the driveway and I'd talked to her. I'd take the call. There's not much I could say. We don't have hot mix. I want to fix it. I mean, short of me going out there with a shovel and digging up her front yard and putting the dirt in this big hole, Director Rorar was absolutely fantastic. He not only spoke with her on the phone 3 times, went to her house twice to try to, you know and this is up by Frazer School. This isn't just somewhere that's right outside of where he's working, to try to get us through to where we get all these potholes filled and I think that's when we look for something in a Director, even if you can't give the solution, at least keep communicating with residents, communicating with the Councilmen and helping, making it easier for us to do our job. You've really done a great job in your 3 months on that. So, I really want to thank you for that.

MEMBER MARIOL: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

MEMBER MARIOL: Director and we spoke about this a couple times. The 4 ton hopper versus the, I believe it's a ton dump truck with laying the asphalt. If you could explain a little bit about the logistics and why that is a, somewhat of an obstacle to overcome when you're doing potholes.

SUPERINTENDENT RORAR: Sure. Traditional ways of fixing potholes in Canton if you have a 1 ton dump truck. Legally you can only carry a ton and a half of material. Legally, I mean cause if they get in an accident and it's overfilled that's their fault so we're trying to stay within that ton and a half range. So you can imagine trying to drive down, going to the plant, getting a ton and a half, driving out to the road, unloading that ton and a half, going back to the plant. I mean it's just not, it just doesn't work. So, what ended up happening was we have on loan a 4 ton hopper that keeps the material hot and carries 4 tons. You load it up and we're running out. We're putting down 17, between 12 and 17 tons with 4 guys compared to them putting down 5 tons the traditional way of getting a 1 ton dump truck and going and transporting the stuff around. It just, we need more of those. I was surprised we didn't have them. Probably in winters past or years past, doing it with a 1 ton truck probably made sense because there probably wasn't that many potholes. But doing it this year with a one ton truck and a, and just getting rid of one ton at a time, I mean that's just killing us. I mean it just doesn't make a lot of sense. You know it's just not efficient, not at all.

PRESIDENT PRO TEM DOUGHERTY: So you were taking, how many do you have on the truck, how many people?

SUPERINTENDENT RORAR: Four.

PRESIDENT PRO TEM DOUGHERTY: So when you unload the blacktop, the truck and the 4 people go back to the, and get the....

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SUPERINTENDENT RORAR: No.

PRESIDENT PRO TEM DOUGHERTY: OK.

SUPERINTENDENT RORAR: One would go back. The rest of them are rolling, prepping up the sites and cleaning out the potholes cause you have to have the backup truck for safety reasons. You got to have the guy driving the truck and then you have two shovelers. That's why there's 4 guys.

PRESIDENT PRO TEM DOUGHERTY: But you don't have one just rotating trucks in for the blacktop.

SUPERINTENDENT RORAR: Well...

PRESIDENT PRO TEM DOUGHERTY: See what I'm saying.

SUPERINTENDENT RORAR: Yep and we're trying that method right now as we speak because obviously the method we're doing is not fulfilling these needs so we're doing this rotation right now. We just started it today as a matter of fact, of having one guy at the plant. He's waiting so that when the phone call comes that they're almost out, they're bringing in a second truck. So we're actually doing it in a tandem mode right now and seeing how it works. We never done it before.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Quickly.

LAW DIRECTOR MARTUCCIO: I think it's time to add a statistic and a little legal analysis to help all of you Council Members and all the Neighborhood Groups out here. Since we've turned this into a Town Hall on potholes, there's some things you need to know. First of all, Matt Rink of the Repository has been asking us some very specific questions and we've been trying to give very specific answers. This is, this is the most and this pun is, it's a bad pun but it's the most explosive amount of claims we've had in a long time. In the first 3 months of 2014, just in the first quarter of 2014 we had more potholes claims and total claims than we've had in all of 4 of the previous 6 years. We're on pace to have the most record setting pothole claims of all time against the city and now that you know that and you know what kind of resources we have and we're trying to stretch them, I can use Mr. Leroy Lynch as an example of what the law says about it. Mr. Lynch did not do anything wrong. His claim was denied after having been considered two times. His claim was denied not because of anything Mr. Lynch did or didn't do but because the law says that when you have a government, you have a limited amount of resources and you have to determine how to use those resources, safety, service, etc., etc. We need notification as a city of those potholes and as you all know, there are thousands if not tens of thousands of them on hundreds of miles of road. We as a city need notice of them or we have to have actual or even constructive notice. And then we have to have the time to get the resources to either patch them or put horses in front of them or cones in front of them so, it's almost a herculean task to try to patch and cover every pothole in this city with the resources we have. So, the law says that we as a city can protect our treasury. If we paid out \$500.00 to \$1,000.00, \$2,000.00 for every claim of every vehicle that went in a pothole, we'd be bankrupt before long. So the law says we have the right to deny some of those claims provided we try to get to them as we can with our resources and our human staff. The law also says we have to be more than just careless. We

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have to be reckless so I don't want to go into all that but, just so you all know that, that it's a tough task. So when you're, and statistically probably less than 20% of the claims that are filed are allowed. Most of them are denied. Many of them are denied because the people can't get back to us with the materials they need, insurance papers, photographs, estimates, damage repair. But, many are denied so please, when you talk to your constituents let them understand that.

PRESIDENT PRO TEM DOUGHERTY: Thank you.

SERVICE DIRECTOR BARTOS: Mr. President just one quick thing. Actually a bit of good news. First I'd like to thank Mike for his efforts and Bill and all the guys for coming out on overtime but, tomorrow at the Board of Control we actually have the mowing contract. Many of you remember we're going to be having contractors mowing the vacant and deserted lots and Mr. Rorar has made a recommendation to the Board of Control. I remember we were opening the bids and the bid specs were, were crafted by Superintendent Rorar, Director Dublikar and Assistant Director Highway in Purchasing and Superintendent Rorar said to me, I'd like to see \$45.00 per lot be the bids. Do you want to just let them know the two winning...I think you're looking a two bidders and what those bids actually are and then what that means for how many lots we'll be able to mow.

SUPERINTENDENT RORAR: Sure. Catch me off guard. Lawn, what's the name of the company, Lawn...

SERVICE DIRECTOR BARTOS: You don't have to say the names but just give the two numbers.

SUPERINTENDENT RORAR: \$15.00 per lot and then \$12.00 per lot.

SERVICE DIRECTOR BARTOS: And that will mean how many times we're able, how many times we'd be able to mow the vacant lots in the city.

SUPERINTENDENT RORAR: If we get complaints about them, you can at least get them mowed twice.

SERVICE DIRECTOR BARTOS: So positive news. When we were looking before at \$45.00 per lot, the bids were, and you evaluated both companies. They were credible companies and took a look at their operations. So we went from \$45.00 and being hopeful to \$12.00 to \$15.00 which means multiple mows for those vacant lots when we thought we'd probably only be able to do once. So that is good news going into mowing season. Thank you, I'm done.

PRESIDENT PRO TEM DOUGHERTY: Alright. Yes, Member Hart.

MEMBER HART: Just one question and I guess my frustration. When I look at streets that were paved last year. They were stripped down. You know there's potholes on those and is the quality that bad or I guess, why should we be having to pay twice to have, you know asphalt replaced when it, you know, I feel that if it was done right, it would still be there no matter how bad the winter is and you know, there's a huge area right in between 15th and 16th on Harrisburg Road and that was just done I think in October. And I don't, that's what I don't under, you know understand. We've got to go back out and do we go back on the contractor that put it down and charge them. I mean if it was falling apart with probably 120, 150 days.

SUPERINTENDENT RORAR: The biggest problem you got right now with these roads, I know I've only been here for 3 months but as I drive around and that is the nice thing about all these pothole complaints is I've seen probably every street in the city, so I have seen most of them. But the thing with most of these streets is the drainage is not addressed on these streets and drainage that isn't addressed causes those problems. So you can

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pave a road and within a year if that draining isn't being taken care of properly, you're going to have problems.

MEMBER WEST: Director. Excuse me Director or Mr. Chairman. Are you saying though that the company is not responsible then if they just laid it in October. Because wouldn't they have to do, do the paving correctly to where it drains.

SUPERINTENDENT RORAR: Well what was in the spec. Is it a mill and fill or are you addressing the drainage.

MEMBER WEST: Well I think Harrisburg, what he's talking about, that was, that was redone. That was a total redone.

SUPERINTENDENT RORAR: That was just a base course I think that was laid. There is still a topper course that has to go on top of that. That's not finished yet, I don't think. Harrisburg? Is that the road you're talking about?

MEMBER WEST: That was a grant. I believe it was. A grant program, project.

SUPERINTENDENT RORAR: They only have the base ports of asphalt down so that damage you saw was in the base course, should have been, has to be taken care of with part of that project but then there's a top course of asphalt that has to be put down on top of that. That's not a finished project yet.

PRESIDENT PRO TEM DOUGHERTY: Alright. Member Babcock.

MEMBER BABCOCK: Easy Mr. President. You're temporary anyhow. *(LAUGHTER)* Aren't there different grades in asphalt.

SUPERINTENDENT RORAR: Yes.

MEMBER BABCOCK: Don't they get the grades from our Engineering Department.

SUPERINTENDENT RORAR: Yes.

MEMBER BABCOCK: Thank you.

PRESIDENT PRO TEM DOUGHERTY: Member Morris.

MEMBER MORRIS: Motion to adjourn Mr. President.

MEMBER SMITH: Seconded.

SUPERINTENDENT RORAR: Thank you.

PRESIDENT PRO TEM DOUGHERTY: Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas.

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PRESIDENT PRO TEM DOUGHERTY: (*Gavel falls*)

ADJOURNMENT TIME: 8:47 PM

ATTEST: APRIL 17, 2014
CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

APPROVED: APRIL 17, 2014
DAVID R. DOUGHERTY
PRESIDENT PRO TEM