

MINUTES OF THE MEETING AUGUST 24, 2015

PRESIDENT SCHULMAN: Again, ladies and gentlemen, welcome to Canton City Council. It's always good to have a packed house, this evening. We appreciate you coming down on this beautiful, almost fall, evening. And with a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call vote please, Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

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

TWELVE COUNCIL MEMBERS PRESENT.

CLERK TIMBERLAKE: Twelve present, Mr. President.

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Tonight's invocation will be given by my friend, Ward 2 Council Member, Thomas West. He tells me he is going to pass that assignment off to someone who is better suited to give our invocation. Member West.

MEMBER WEST: That's correct. Mr. President, City Council, and Community, today I have Living Hope Christian Fellowship here to give prayer and I think it's suited, especially in the time where this city definitely needs peace. So, I bring forward Carol Thompson and the Prayer Group. This group actually goes around to all the different events throughout the community and offers prayer for people in the city of Canton.

PRESIDENT SCHULMAN: If you'll all stand please, and remain standing for our Pledge of Allegiance. Invocation first.

The regular meeting of Canton City Council was held on August 24, 2015 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 Carol Thompson and the Prayer Group. The Pledge of Allegiance led by President Schulman.

PRESIDENT SCHULMAN: Thank you very much for coming down and giving us that terrific invocation.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: We are now under Agenda Corrections and Changes. Leader Morris.

MEMBER MORRIS: Mr. President, I move Rule 22A be suspended to add 2nd Reading Ordinances #5 through and including #10 and withdrawal of Ordinance #13.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to Suspend Rule 22A to add 2nd Reading Ordinances 5 through 10 to this evening's agenda and withdrawing number...Ordinance #13. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you, Madame Clerk. The motion carries. The reading Ordinances are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: There are no Public Hearings this evening.

OLD BUSINESS

PRESIDENT SCHULMAN: We're under Old Business and the Chief of Staff tells me, and the Deputy Mayor tells me that there is no Old Business.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We're going to skip over for the moment, the Public Speaks, and move to Informal Resolution #30.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: Madame Clerk, will you please read Resolution #30 by title.

#30. COUNCIL-AS-A-WHOLE: COMMENDING FAMILY COURT, WORK CONNECTIONS AND SEVERAL YOUTH MEMBERS FOR THEIR BEAUTIFICATION OF WALKWAYS ALONG FULTON RD. - ADOPT

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Informal Resolution #30.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: There is a motion to adopt Resolution #30. Are there any remarks? Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION 30 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. Chairman Hawk, I understand you have a presentation related to this Ordinance...or this Resolution.

MEMBER HAWK: Yes we do. Clerk, would you read this in summary, please?

CLERK TIMBERLAKE: **Whereas**, During the months of June, July and August of 2015, as Canton Street and Engineer's crews rebuilt the sidewalk curbs and resurfaced Fulton Road NW, from Tuscarawas Street W. to the northern reaches of the city, youth members of Work Connections, a summer job-readiness program of the Stark County Family Court, removed, reworked and replaced unkempt tree lawns along the route; and **Whereas**, The work of the youth beautified and/or made safer the pedestrian walkways along the improved Fulton Road; and **Whereas**, The work performed by the youth not only sharpened their work skills and sense of responsibility but also heightened their appreciation for volunteer service to the community and their own ability to make a difference; and **Whereas**, The community value of the work performed by the youth was frequently affirmed by

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passersby, residents (a fair number of whom, sufficiently inspired, tended to their own properties) and a front-page centerpiece article by Charita Goshay of The Repository; and **Now, Therefore, Be It Resolved That:** that we, the Members of Canton City Council, do hereby go on public record to recognize and congratulate the Family Court, Work Connections and the following youth for their contribution to the community: Butch Bailey, Camri Cantwell, Jason Cawthon, Anthony Carlone, Bryce Daniels, Joshua Dolph, Matt Gibbs, Cameron Grooms, Kobie Mitchell, Eric Pridgen, Jermaine Scott, Carlin Suggs, and Michael Williams. Please join Member Hawk at the podium, please. *(Applause)*. Rick...

MEMBER HAWK: I'd like to take this opportunity to thank everybody who participated. Rick, come on up here, please. You were the founder of this thing. You were the overseer of it all, and I want to compliment you on the fine job you all did on repairing Fulton Road. Fulton Road runs through both Ward 1 and Ward 7. That's why Councilman John Mariol is here with us today, to help present this to you. We thank you very much for your dedicated service. You did a great job and you made a heck of a difference and that whole area looked just wonderful as the Hall of Fame came about. Thank you guys for your service, we appreciate it very much. *(Applause)*. Rick, do you want to accept this plaque on behalf of your people? Thank you sir, very much. Thank you for all the hard work you did. Thank you *(Inaudible)*.

RICK SENFTEN: I want to thank all of you for the opportunity to do this work and also for the nice phone call I got this morning wishing me a happy week. Thank you, Clerk of Council. *(Applause)*.

PRESIDENT SCHULMAN: Thank you all, very much. We really appreciate it. Thank you, Member Hawk and Member Mariol.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We now turn to Public Speaks. We have, I believe, 8 speakers this evening. Our first is Mike Rukavina. Mr. Rukavina, if you'll step forward and give us your name, sir, and your residential address please.

MIKE RUKAVINA: My name is Mike Rukavina. I live at 1706 Neimans Ave. SE, Osnaburg Township, and I am here to speak to you tonight in opposition to the proposed Ordinance amending Section 1351.03 of the Building Code. I am a Vietnam Era Marine, retired Canton City Police Officer, and I've been a professional real estate investor and housing provider since 1985, with impeccable credentials. Mr. President, contrary to a recent Repository column that indicates that City Council erred in 2010 when, in the name of expediency, it adopted the IPMC. I know differently because I served on that Committee that met for the better part of 18 months of meetings which culminated in the crafting of the language to adopt the IPMC, to bring Canton into compliance with state law, and to arrive at reasonable, workable, and acceptable registration fees for all parties. The IPMC was going to be good for the city and landlords alike, as it would allow the Code Department to minimize redundant inspections on historically good properties and good landlords, while they could otherwise focus their time and resources and problematic properties and landlord. Calculations were made and spreadsheets prepared to demonstrate the financial viability of that process, and it was working as predicted, until funds were diverted to other areas and the Code Department staffing was gutted. Enforcement became an issue, so now you've come to us once again, to replenish the coffers. In 2010, our fees were raised 100%, today you are suggesting that it be raised 500%. It has been said that we should quit whining about a measly \$100.00 fee. Contrary to popular belief, the vast majority of landlords do not own their properties free and clear. Most operate on a 25% to 30% gross margin, which means that on a \$600.00 rent, \$400.00 - \$450.00 goes to PITI, leaving \$150.00 - \$200.00 to cover maintenance, vacancies, management, capital improvements escrows, and leaving a true net profit of \$15.00 per month. Not only is this suggested increase unconscionable, but any

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increase whatsoever is unnecessary, as well as punitive to both landlords and our tenants, who will be forced to absorb these increased fees and who already are allotting an unhealthy percentage of their income to housing, so even more people will end up being evicted. This comes at a time when the CBO just announced that 2015 registrations are up 4 fold over 2014, to about 6000 units. We all know that there are about 15,000 rental units in Canton, so before proposing any increase whatsoever, I would suggest that you focus on registering the other 9,000 units, which are easy enough to find. Remove the exemption status for SMHA, one of, if not the largest landlord in the city, who suffers no more or less hardship than I do with registration fees. Put the IMPC back to work as it was intended and enforce the laws that are already on the books. Additionally, impose fines on the negligent homeowners and commercial properties as was also guaranteed under the 2010 revision. I'm always available with any of you, for further discussion. Thank you.

PRESIDENT SCHULMAN: Thank you, sir, very much. (*Applause*). Our next speaker is John Laughlin. Mr. Laughlin, good evening and welcome. If you'll step forward sir, and give us your name and your residential address, please.

JOHN LAUGHLIN: Good evening. I'm John Laughlin, Jr. and I reside at 1743 Market Ave. North, in Canton. I appreciate Council taking the time to listen to me once again. It's a busy night of consideration for Council tonight. Councilman Mack has done an outstanding job of bringing the Charter Government issue in front of Council and I believe Council should send it right along to the citizens of Canton to decide for themselves what they would like to do with it. On a different track though, Council would consider raising fees for rentals to allow yearly inspections of rental properties, and... we'll see how much I can squeeze into a few minutes here. Even if the landlords would pass on the costs to tenants, the most it would cost a tenant in a single unit would be approximately \$8.33 a month. Buildings with more units, you just divide the cost by the number of units to get the amount it would actually cost each month if they passed that cost along. It's hardly a debilitating cost to pass along for a shot at living in decent housing. In the meantime, with only 1 Code Enforcement Officer for this entire city, I believe the less desirable landlords are just laughing at the city's inability to enforcement much of anything right now. For example, Mr. Burns, my favorite fellow of the moment, won't mow properly. He's cut down the grass, but left foot-high grass and weeds all around his property at 1749 Market North. He's not met the requirements of the Ordinance, but I don't believe he's even gotten a letter to comply yet, and I started that complaint August 11th. Mr. Burns is also back to his old tricks of putting out larger items by the dumpster more than 24 hours in advance of pickup. His workers did that this past Saturday. Trying a new procedure that Mr. Martuccio has asked us to follow, I called and left a message for Sanitation to send a supervisor to observe, document, and send him a warning for the first offense. I'll have to call and confirm that they did that later on tomorrow. Maybe Mr. Burns hasn't been given enough jail time and fines to make him understand the seriousness of his actions yet. We've never wanted to put him in jail for any of this, but he makes it very difficult not to want that for him. Jail time is just another excuse for him, why he can't do whatever it is that is asked of him. So tonight, I'd like to ask Council to get this legislation going now. I'd also like to ask Council to give serious consideration to dual certifying inspectors and placing them in the Health Department. Now is the time, with only 1 Inspector that would be affected. Beginning negotiations are much, much easier with only 1 person affected. I appreciate your time tonight.

PRESIDENT SCHULMAN: Thank you very much, sir, we appreciate your comments. (*Applause*). Our next speaker is Pete DiGiacomo. Mr. DiGiacomo, as always, welcome to Canton City Council. If you'll give us your name and your residential address, please.

PETE DIGIACOMO: My name is Pete DiGiacomo. I live at 600 Dent Pl. SW, Canton, Ohio. I wanted to

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commend the Law Department, Council, and Administration for, how can I say, for the last person spoke on Mr. Burns. It's been a long time since we've seen...I'm not calling him a landlord, but a slumlord...being prosecuted. Now, you need to go after...if he's the number 1, get number 2, number 3, move on. Send a message, a good strong message. Also, the same thing with the cutting of the high grass. Find these people, do the same process. Thank you very much.

PRESIDENT SCHULMAN: Thank you, Mr. DiGiacomo, as always. Our next speaker is Ed Devaul. Mr. Devaul, good evening. Welcome to Canton City Council. If you'll step forward to the microphone sir, and give us your name and your residential address, please.

ED DEVAUL: My name is Ed Devaul. I live at 502 Lawn Ave. NW. We got some work on Lawn Ave., between 4th and 7th. They took the blacktop off, and supposedly the brick, we heard. I talked to all the neighbors and we want it blacktopped again because all the brick is tore up. They fixed a section one week here, come back about 3 weeks later and fix another section. I just got back from North Carolina and they did a spot 2 feet long, and I was gone 2 weeks. So it's taking them all summer to do this project. Mr. Hawk's been at my house, we've talked. Now, I've got the best house on the street. I've bought the two lots beside me, trying to keep the neighborhood fixed up. There's a house next to me, between the alley. It's on Bechtel. The corner of Bechtel and Lawn. It's been vacant for 7 years, the grass is up to my knees. I go over and mow it, my neighbor, the other neighbor mows it. The city don't come out and mow it. The thing is...these people getting these houses, they go burn them down. The one beside me is boarded up for now. I just want to let you know, and see how long it's going to take for the road to get done. Thanks.

PRESIDENT SCHULMAN: Thank you sir, very much. (*Applause*). Our next speaker is David DeChiara. If you'll step forward sir, and give us your name and your residential address, please, and welcome.

DAVID DECHIARA: Thank you. My name is David DiChiara. I live at 233 Bellflower Ave. NW, in Canton. I have 50 rental units, and let me be clear to some of you who may be confused. I stated I have 50 rental units. I do not own 50 rental units. For the next 20 years or so, the bank owns these units. I am under water on many properties. The proposal to raise landlord fees to \$100.00 per unit, per year, is insanity. That would cost a landlord, such as myself, \$5000.00 a year. \$5000.00 a year, just for the pleasure of owning property in Canton City. The neighborhoods are a mess, there's no doubt. I stated that right here in this very room years ago, saying our beautiful downtown is surrounded in not one direction, but every direction, by slum housing. Last time I made that statement, I got my butt chewed out by a long-term Councilman for saying that, but it is true. You spent nearly half a million dollars on two studies to find this out. My Perry High School diploma and common sense told me this. The bulk of the blame for the state of the neighborhoods lies right here in front of me. Starting with the Mayor on down to the Councilmen. The Mayor for not approving the hiring of inspectors to beef up code enforcement, the Councilmen for not putting pressure on the Mayor and the Safety Director, about the state of the neighborhoods, and being mostly only interested in the neighborhoods at election time, and the Mayor and Council for not spending the funds that they did collect for code enforcement. Landlord fees were raised significantly years ago. I was in favor of this increase to go after bad landlords. This money was not used for code enforcement as it should have been. This is not the fault of the landlords. There has to be accountability from the city leaders. Where has all this money gone since the fees were increased last time? Now you threaten to raise hell on the landlords because the neighborhoods are a bigger mess than before. Again, whose fault is this for not having any enforcement for years? Us good landlords are not going to be the scapegoat for you people not doing your jobs. You work for us, the taxpayers. Since the money from the last fee increase was not used for what it should have been, what is to say this huge increase in money will be used

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for code enforcement? It seems like you can use the landlord fees for anything but what they were intended for. Before any fee increase, Council and the Mayor need to take responsibility first for the condition of the neighborhoods. There are some bad landlords. Do your job and go after them. But there are certainly many more bad tenants who reek havoc in the buildings in the buildings and the neighborhoods and walk away scott free. There are many good landlords, who have not, for the good landlords investing their hard money and work, this city would be a total dump, instead of just half of a dump. To fix our neighborhoods, to put the current fees collected where they belong, to code enforcement, and that will start to solve the problem. Enforce the current laws that are on the books, to deal with the bad landlords, and enact new laws to hold tenants more responsible. It's not that hard.

PRESIDENT SCHULMAN: Thank you sir. (*Applause*). Our next speaker is Jennifer Herring. Ms. Herring, welcome. If you'll step forward and give us your name and your residential address, please.

JENNIFER HERNING: My name is Jennifer Herring. I live at 1731 3rd St. NE. I've been in the system since 2013, November 3. I do not stand here as the biggest lawsuit in the state of Ohio, that keeps persisting because of the laws that have been put in place. I stand here as a mom, and a mom only. As seeing our system, and knowing our system, cause I've been in that system for so long. Rising above it, knowing the law. Knowing the very foundation that is from the system. It is from our resources, it is from our people, from our judicial system, down to federal government granting and federal judgments. And the state makes a judgment, even in welfare. When you are on welfare, you collect food stamps...one system makes a judgment, another one, and it doesn't always align. It stays disconnected, but is connected by the State. The Federal does not oversee State. So, therefore, there needs to be new levies for new resource to put in place. I hear these landlords. I know the landlords. I have a landlord that lives next door to me. My landlord fixes things. I had an old landlord that was out for revenge because I (*Inaudible*). But the simple fact of the matter is, yes, I am not, you guys may look at me as a threat but I am not. I am here simply as a mother trying to make the system better. I know how people go to these churches, and you people have bug problems, Canton, Ohio, but it's in the churches as well. They look through it but they can't find everything. It's in every place. There needs to be new laws, set in order. New levies, set in order. I'm not standing here as a Federal Law, I'm standing here as a mother, knowing that one day I will have the rights to my kids and knowing that I will make a difference for our community. There's so many people with (*Inaudible*), that don't get hurt. There's a guy, knowing that a car could be a tax right-off by the federal government, he's still has not gotten his business going. There is so many things that can be done by resources. I found the one resource in our judicial system that I...(*Inaudible*), cause I didn't know everything, and true knowledge comes from not knowing that you do not know nothing. For example, 2913.70, evidence that victim lacks capacity to give consent. How many times do we see somebody walking down the street? Our city is not getting better. I know these people in our city. I have problems but I still walk with them everyday. Even if I had a problem with them and they put their hands on me, and I got wrongfully charged...or anything, I know for a fact there is a heart in there and that they want a better system, but they are only...they have their own impediments, just like everybody in this room...

PRESIDENT SCHULMAN: Okay, thank you very much, ma'am. Appreciate you coming down. Thank you. (*Applause*). Our next speaker is Henry Preston. Mr. Preston, as always, welcome to Canton City Council. If you'll give us your name and your residential address.

HENRY PRESTON: My name is Henry Preston. I live at 326 31st St. NW, Canton. This evening I'm here to speak about disrespecting dog walkers who are committing random acts of vandalism by allowing their dogs to urinate on other properties, trees, grass, and to ask Council to come up with some kind of legislation where law

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enforcement and the Law Department can address this issue of random vandalism. This is the picture of my tree that has a ring and I'm going to explain this a little bit more. This ring is caused by dog urine. What it is, it's bleached...the dog urine bleaches the bark. *(Inaudible)*. If I could have these lined up with Mr. West because Mr. West has informed me that he's going to have a lot of city treescaping, and this is...the Mayor said a couple week ago said, Council needs to come up with ideas to save money. Well, if we pass legislation, guess what, we can go after these people and curb this dog damage...vandalism, to the city trees. Okay, anyway...here's a picture of my neighbor's *(Inaudible)*, many, many times. I don't know what else is wrong with this. This has an example of dog urine also, but it's probably got some other things involved in the destruction of the tree bark around the tree. I'm going to read this article, a little bit from this article here, I guess dog pee does kill trees. *"How urine kills trees. Urine is highly acidic. Simply put, dog's urine burns the trees bark to the point that the tree becomes susceptible to disease, pests, dehydration, and nutrient loss. The bark is the tree's protective barrier. Repeated hits with urine basically causes an open wound right at the base of the tree. Since the bombardment of pee is semi-consistent in urban environments, the trees never have a chance to heal or come back."* Down here, later on, it says, *"Others are literally bleached from white urine"*. Okay, that's what my tree has. It's got a white ring. Gonna pass this around, like I said, *(Inaudible)*, and the Safety Director too, because one of the things is, I have tried to get the...I was challenged by the Police and I was not allowed to protect my tree from dog walkers urinating on my tree. I was the perpetrator because I'm trying to protect my tree. I think that law enforcement, they should realize that this is an act of vandalism. Okay, here's the Parks Department looking for those who *(Inaudible)*, what they did is they went around and peeled the bark off the tree. Well, that kills the tree and that was a \$15,000.00 fine, if they caught them.

PRESIDENT SCHULMAN: Well, thank you Mr. Preston, as always, we appreciate it.

HENRY PRESTON: Well, I'll just pass around the rest of this and...*(Inaudible)*.

PRESIDENT SCHULMAN: Okay. And I'm sure that Members of Council also hope that this falls in the lap of Member West, *(Laughter)*, so, with that being said *(Laughter)*, the next speaker...our next speaker is Daniel Fonte. Mr. Fonte, good evening, welcome as always. If you'll step forward, sir, and give us your name and your residential address.

DANIEL FONTE: My name is Dan Fonte and I reside at 4415 Dawnridge Cir. NW, in Canton. I'm here to talk about a multitude of things, but some of the stuff that went on, I'm going to talk about that too. Back in the early 90's, we had a situation in Canton here, where the rental landlords wanted to have their own maintenance people do the work. We come down, as our trade group and our contractor organization, as a joint labor management committee, and opposed it and said all you're going to do with letting them hire their own people...they say they're going to take their permits out, I don't know if they did or if they didn't, it all boils down to enforcement, but when it was all over, we lost the fight. It was some Council people who are still here that voted for it and pushed it. We told you then, and this was in the early 90's, which is over 20 years ago, you are going to make Canton the biggest rental property ownership ever. And it's come true. Now you've got the problems you've got now, and I don't know if you can ever close that door, but you created it, and we tried to tell you that, and you wouldn't listen. The next thing I want to talk to you about is the Comprehensive Plan. I went to the one meeting in my Ward, that Councilman Mack had, and the first thing that I said when I heard it, it all sounds good, we all need a plan. A plan don't mean nothing if you don't have any jobs that pay anything. And that's what we don't have, we don't have any jobs that pay anything. But what I started hearing a guy on the radio talk about, and he must be some guy that's involved in this Comprehensive Plan, that it's gonna cost each resident a dollar and change a day, which he says that's not even a cup of coffee. Well, you know what, for a guy that advocates for seniors, that can mean a cup of coffee for them that month. So, what you're going to

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charge a senior is over \$30.00 a month, which is almost \$400.00 a year. I have seniors that I work with that are only making \$1300.00 a month. Now, \$30.00 a month don't sound much to a lot of people, but it's a lot to them. So, I think you guys need to think about this a little bit because the seniors are getting...we're getting harassed here, okay. Our sewer bills went up 4 ½% four years in a row, our water bills keep going up. I'm not complaining, I know this stuff gotta be done, but somewhere down the line, you gotta think of the people who are on a fixed income. The third thing I want to talk about, which is really something, I almost ran for Council on, this curb and gutter policy that it's part of the sidewalk. Somebody tell me, and I've worked in construction over 40 years, where the curb and gutter plate is part of the sidewalk? It's a part of the street. And you know what tears the curb and gutter up? The snow plows. But, we have to replace it. Now, we get reimbursed 50%, which it isn't 50%, but I would like Council, that one of your things, the many you gotta do, is take the curb and gutter plate out of the sidewalk, and say that's the City's responsibility because the City plows are tearing it up, but we gotta replace it. So, I think, to me, that's something you ought to do. The other thing I want to talk about, Frazer Avenue. I was stunned. I just got back into town about a week and a half ago and I'm going down 44th Street, or my wife was, stones flying all over. She's telling me about it and I say I don't know. I happened to go up and I'm gonna...just wait a minute Allen...this is important...

PRESIDENT SCHULMAN: Wrap it up, Dan.

DANIEL FONTE: But here they chip and seal Frazer Avenue, from 37th St. to 49th St. You got a school there, you've got tons of traffic, and I'm thinking, you may as well do this out in the country...

PRESIDENT SCHULMAN: Okay, thank you...

DANIEL FONTE: It's crazy...

PRESIDENT SCHULMAN: Thank you, Dan, very much.

DANIEL FONTE: You guys gotta come up with something.

PRESIDENT SCHULMAN: Alright, thank you. *(Applause)*.

DANIEL FONTE: *(Inaudible)*.

PRESIDENT SCHULMAN: Thank you Dan, very much, and I want to thank all the speakers and I know there's probably going to be some comments at the end of the meeting about the landlord/tenant matter before us, so if the landlords and tenants would like to stay, maybe you'll hear a different side of the story. In any case, that concludes our Public Speaks. We do want to thank all our speakers for coming down. It's important that we hear from you.

COMMUNICATIONS

PRESIDENT SCHULMAN: We're now under Communications. Let the journal show that all Communications are received as read.

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED AUGUST 24, 2015.

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295. COM DEV DIR MILLER: REQ SUPP APPROP TO O#266/2014, AS AMENDED, WITH REGARD TO O#19/2015 WHICH AUTHORIZED MAYOR TO FILE 2015 ANNUAL ACTION PLAN WITH HUD AS FOLLOWS: \$2,359,472.00 FR UNAPPROP 2211 506001 COMMUNITY DEVELOPMENT FUND TO 2211 506001 COMMUNITY DEVELOPMENT FUND - OTHER, \$432,020.00 FR UNAPPROP 2214 506001 HOME FUND TO 2214 506001 HOME FUND - OTHER, AND \$214,860.00 FR UNAPPROP 2219 506001 EMERGENCY SHELTER GRANT FUND TO 2219 506001 EMERGENCY SHELTER GRANT FUND. - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES
296. COUNCIL MBR SMITH, WARD 4: REQ HONORARY NAME CHANGE ON 2ND ST SE FR HARTFORD AVE SE TO WARNER RD SE TO MR. G'S AVE SE IN HONOR OF GEORGE SMITH, OWNER OF MR. G'S RESTAURANT. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
297. COUNCIL MBR SMITH, WARD 4: REQ HONORARY NAME CHANGE ON 3RD ST SE TO END OF HARTFORD AVE TO GEORGE DUNWOODY AVE SE IN HONOR OF PASTOR GEORGE DUNWOODY OF LIFE CHURCH. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
298. COUNCIL MBR MARIOL, WARD 7: REQ LEGISLATION AMENDING ORDINANCE NO. 917.05 TO CHANGE DISTANCE TREE BRANCHES MAY OVERHANG ONTO STREETS, SIDEWALKS & ALLEYS. - JUDICIARY COMMITTEE
299. COUNCIL MBR MARIOL, WARD 7: REQ LEGISLATION PROHIBITING BASKETBALL HOOPS FR OVERHANGING ONTO ROADWAY OR RIGHT-OF-WAY. - JUDICIARY COMMITTEE
300. COUNCIL MEMBERS THOMAS WEST, WARD 2, JOHN MARIOL, WARD 7, FRANK MORRIS, WARD 9: REQ LEGISLATION HOLDING PROP OWNERS ACCOUNTABLE FOR REPEAT OFFENSES OR VIOLATIONS AT THEIR PROPERTIES. - JUDICIARY COMMITTEE
301. DEPUTY MAYOR WILLIAMS: REQ TO WITHDRAW COM #284 FROM 8/10/15 AGENDA. - RECEIVED & FILED
302. DEPUTY MAYOR WILLIAMS: REQ TO WITHDRAW COM #285 FROM 8/10/15 AGENDA. - RECEIVED & FILED
303. DEPUTY MAYOR WILLIAMS: AUTHORIZE SAF DIR TO ENTER INTO REVISED PARKING LEASE AGMT WITH DAY KETTERER LAW FIRM TO LEASE PARKING SPACES IN MILLENIUM PARKING GARAGE @ RATE OF \$30.00. - FINANCE COMMITTEE
304. DEPUTY MAYOR WILLIAMS: AUTHORIZE MAYOR AND/OR SERV DIR TO GRANT DAY KETTERER LAW FIRM JOB RETENTION TAX INCENTIVE PURSUANT TO ECONOMIC GROWTH INITIATIVE REGULATIONS ADOPTED BY CANTON CITY COUNCIL THRU O#2/2006 AND CONTINUED THRU O#59/2013. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

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305. DEPUTY MAYOR WILLIAMS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO ENTERPRISE ZONE AGMT WITH BALL METAL FOOD CONTAINER LLC TO PROVIDE REAL PROP TAX EXEMPTION AND AUTHORIZE AUDITOR TO MAKE PAYMENTS TO CANTON CITY SCHOOLS BD OF ED AS REQUIRED PURSUANT TO SEC 5709.92(c) OF REVISED CODE. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
306. DEPUTY MAYOR WILLIAMS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO COMMUNITY REINVESTMENT AREA AGMT WITH HISTORIC BLISS LLC TO PROVIDE REAL PROP TAX EXEMPTION AND AUTHORIZE AUDITOR TO MAKE PAYMENTS TO CANTON CITY SCHOOLS BD OF ED AS REQUIRED PURSUANT TO SEC 5709.82(c) OF REVISED CODE. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
307. DEPUTY MAYOR WILLIAMS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO ENTERPRISE ZONE AGMT WITH LAKEBROOK PROPERTIES LLC TO PROVIDE REAL PROP TAX EXEMPTION AND AUTHORIZE AUDITOR TO MAKE PAYMENTS TO CANTON CITY SCHOOLS BD OF ED AS REQUIRED PURSUANT TO SEC 5709.82(c) OF REVISED CODE. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
308. DEPUTY MAYOR WILLIAMS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO JOB CREATION TAX CREDIT AGMT WITH PHOENIX RISING BHR, INC. AS INCENTIVE TO RELOCATE 66 EMPLOYEES FROM JACKSON TWP TO 624 MARKET AVE N. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
309. DEPUTY MAYOR WILLIAMS: AUTHORIZE AND DIRECT CITY OF CANTON TO ENTER INTO GRANT AGMT WITH CANTON REGIONAL CHAMBER OF COMMERCE IN AMT OF \$175,000.00 TO ADVANCE, ENCOURAGE AND PROMOTE INDUSTRIAL, ECONOMIC, COMMERCIAL AND CIVIC DEVELOPMENT; MAKE \$175,000.00 APPROP TRANSFER FR 1001 506601 CIC EXPENSES - OTHER TO 1001 506001 COMMUNITY DEVELOPMENT ADMIN - OTHER. - FINANCE COMMITTEE
310. FINANCE DIR DIRUZZA: REQ LEGISLATION TO AMEND O#266/2014 WITH SUPP APPROP, APPROP REDUCTION AND APPROP TRANSFERS NECESSARY FOR RESPECTIVE DEPTS TO CONTINUE TO MEET 2015 BUDGET REQUIREMENTS (HEALTH FUND, FORECLOSURE FUND, PARKING LOT FUND). - FINANCE COMMITTEE
311. LAW DIRECTOR MARTUCCIO: APPROVE LEGISLATION AMENDING AND UPDATING EXISTING CODIFIED ORDINANCES IN CHAPTER 539 THAT APPLY TO PARKS AND PLAYGROUNDS. - JUDICIARY AND PARKS & RECREATION COMMITTEE
312. PLANNING COMMISSION: REQ TO WITHDRAW APP FOR ZONE CHANGE LOCATED AT 1224 FULTON RD NW, WARD 1 (AZURE STUDIO & ART GALLERY). - RECEIVED & FILED
313. PLANNING COMMISSION: RECOMMEND APPROVAL OF VACATION OF PORTION OF FARWICK PL NW FR NORTHERN RIGHT-OF-WAY LINE OF 11TH ST NW TO SOUTHERN RIGHT-OF-WAY LINE OF RICHARD PL NW, WARD 1 (ROBERT KNIGHT). - PUBLIC SAFETY

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314. PLANNING COMMISSION: RECOMMEND APPROVAL OF REPLAT OF LOTS 13830 AND 13831 LOCATED AT 1701 EDWARDS AVE NE, WARD 6 (JOHN & TRACY CROSBY). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
315. PLANNING COMMISSION: RECOMMEND APPROVAL OF ZONE CHANGE FOR 3660 GREENTREE AVE SW FR B-3 - GENERAL BUSINESS TO PCS - PLANNED COMMUNITY SERVICE (DAN HERSHBERGER OF NEW DAWN DEV, LTD). - JUDICIARY COMMITTEE
316. SAFETY DIR PERRY: REQ TO WITHDRAW O#13 AUTHORIZING AUDITOR TO PAY \$9,844.25 MORAL OB TO US POSTAL SERV. - RECEIVED & FILED
317. SAFETY DIR PERRY: REQ TO WITHDRAW COM #280 FROM 7/27/15 AGENDA. - RECEIVED & FILED
318. SAFETY DIR PERRY: APPROVE DEMO OF BLDGS LOCATED AT 1924 3RD ST NE, 1635 BANK PL SW, 1714 BANK PL SW, 2943 KIRBY AVE NE, 3928 MAHONING RD NE, 616 PARK AVE SW, & 1435 PEARL PL SW ON BEHALF OF BLDG DEPT. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
319. SERV DIR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO 4 YR PROF SERV CONTRACT WITH ACLARA TECHNOLOGIES FOR MAINTENANCE OF AUTOMATED METER READING SYSTEM; MAKE \$17,353.80 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207003 - WATER BILLING - OTHER, AND \$11,569.20 SUPP APPROP FR UNAPPROP BAL OF 5410 SEWER FUND TO 5410 207003 - SEWER BILLING - OTHER. - FINANCE COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: We now turn to First Reading Ordinances and Formal Resolutions for their First Reading. Madame Clerk, will you please begin with Ordinance #1.

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

- #1. (1ST RDG) AN ORDINANCE AMENDING SECTION 1351.03 OF PART THIRTEEN, BUILDING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON (REGISTRATION FEES)
Referred to Judiciary Committee
- #2. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH GENTLEBROOK, INC. FOR A WATER MAIN EXTENTION WITHIN THE VILLAGE OF HARTVILLE; AND

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DECLARING THE SAME TO BE AN EMERGENCY
Referred to Environmental & Public Utilities Committee

- #3. (1ST RDG) AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR WATER AND/OR SEWER SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Environmental & Public Utilities Committee

(COUNCIL RECESSED AT 8:05 PM FOR THE PERSONNEL COMMITTEE TO DISCUSS ORDINANCE #4; RECONVENED AT 8:07 PM)

- #4. (1ST RDG) **ADOPTED AS ORDINANCE NO. 161/2015** AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 100/2011, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (DEPT OF COMM DEV & FAIR HOUSING)
Referred to Personnel Committee

PRESIDENT SCHULMAN: And at this time, again the Chair would declare an in house recess for the Personnel Committee to meet in regards to Ordinance #4. You're now in recess. Mr. Chairman.

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

MEMBER MORRIS: Mr. President, I move we suspend Rule 22A to place Ordinance #4 back on this evening's agenda.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend Rule 22A to place Ordinance #4 back on this evening's agenda. Any remarks? Hearing none, Madame Clerk roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries. Ordinance #4 is a legal part of your agenda. Leader Morris.

MEMBER MORRIS: Mr. President I move we suspend Statutory Rules on Ordinance #4.

MEMBER SMITH: Second.

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

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NO REMARKS

ROLL CALL 12 YEAS, 0 NAY

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

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

MEMBER SMITH: Second.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President

#4 ADOPTED AS ORDINANCE NO. 161/2015

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

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We now turn to Ordinances and Formal Resolutions for their Second Reading. We begin with Ordinance #5.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #5 THROUGH ORDINANCE #10 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (ORDINANCE #5 ADOPTED AS AMENDED ON 2ND READING; ORDINANCE #10 ADOPTED ON 2ND READING):

#5. (2ND RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 162/2015** AN ORDINANCE SUBMITTING, PURSUANT TO AN INITIATIVE PETITION, TO THE ELECTORS OF THE CITY OF CANTON THE QUESTION, "SHALL A COMMISSION BE CHOSEN TO FRAME A CHARTER?" AND FOR THE ELECTION OF MEMBERS OF THE CHARTER COMMISSION; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Mr. President, I move we suspend Statutory Rules for Ordinance #5.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: There's a motion to suspend the Statutory Rules for adopt Ordinance #5. Are there

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any remarks? Hearing none, again, Madame Clerk, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAY

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #5.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #5. Any remarks under this Ordinance?

MEMBER MORRIS: Mr. President...

PRESIDENT SCHULMAN: Yes, Leader.

MEMBER MORRIS: I move we amend Ordinance #5 per a copy that all Members have in front of them.

MEMBER SMITH: Second.

Amendment

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

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance #5 by virtue of the copy before each Member of Council. Are there any remarks? Chairman Mack.

MEMBER MACK: We have 2 copies of Amendments in front of us.

PRESIDENT SCHULMAN: Law Director.

LAW DIRECTOR MARTUCCIO: Mr. President. Yes, I would for ease of discussion, I would recommend this first one be adopted and that the subsequent amended Amendment be offered before it's completely voted upon by third reading. In other words, what this Amendment does is it cleans up the original. Chairman Mack worked with the Law Department and the Board of Elections, and several lawyers to clean it up in terms of adding the things that Council can add to it. The filing deadline, the amount of signatures, the filing fee, some other language that was recommended. For example, it will read: "Vote for no more than 25"...I'm sorry..."Vote for no more than 15 members" will be added. So, this version that you're looking at right now, to vote on, is what I'll call the "clean-up" of the original. I understand there's a second Amendment to be offered which then would look at changing one of the sentences in the first Amendment. So, it might be easier to adopt the first one, and then talk about whether to adopt the second one, before it all goes to a final vote, is my

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recommendation.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: I'm sorry, Member West.

MEMBER WEST: Can the Law Director summarize it for the audience, please? Just summarize it.

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

LAW DIRECTOR MARTUCCIO: Yes, I think...

MEMBER WEST: Summarize it's changes, that is.

LAW DIRECTOR MARTUCCIO: The changes. Again this...we're talking the Ordinance that would send the issue of a Charter Commission to the Board of Elections. It has started out that way and it's still basically the same thing. An Ordinance sending the issue of whether or not to frame a Charter to the Board of Elections. The Ordinance that's in front of them now, known as Amendment #1, or the First Amendment, has just a few changes to it. It clarifies some things Council can do. For example, a filing fee of \$30.00, a filing deadline of September 1, it instructs the Board of Elections to tell the voters they are to vote for no more than 15 Commission Members, how many signatures to get. It currently reads 25. Those kinds of things are clarified. It's not a wholesale, brand new Ordinance. It's simply cleaning up the Ordinance in the ways the Board of Elections and their legal Council has recommended that we do.

PRESIDENT SCHULMAN: Any other remarks? So, we are now under a motion and a 2nd to amend Ordinance #5 by virtue of the copy of the Amendment, which I will describe as Amendment #1, for clarity purposes. And then I strongly encourage us to follow our Law Director's advice, if there's another Amendment, where you want to vote no, obviously, you still have that right. So, with a motion and a second, by voice vote, all those in favor signify by saying aye to the Amendment. Thank you. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

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

MEMBER MORRIS: I move we amend Ordinance #5 per a copy that all Council Members have in front of them.

MEMBER SMITH: Second.

Amendment

Pursuant to Rule 36, I further move to amend Section 3 of Agenda Item No. 5 by deleting the phrase "signed by not less than 25 qualified electors who are eligible to vote at the next regular municipal election;" and substituting it with the following phrase:

"...signed by at least 10% of all city electors who cast votes in the last gubernatorial election, whose

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signatures shall be certified by the Board of Elections in order to be seated on said Commission..."

PRESIDENT SCHULMAN: Leader, I think we already did that. I think the next thing we do is to adopt Ordinance 5 as amended.

MEMBER MORRIS: Okay. Sorry about that. I skipped a line...

MEMBER FISHER: Mr. President. No, the Law Director's recommendation was to adopt Amendment 1 and then consider Amendment 2 before the third vote.

PRESIDENT SCHULMAN: Then I'm wrong. Okay. I stand corrected. I apologize. So we have a motion and a second to amend Ordinance 5 with Amendment, for simplicity purposes we'll call 2, number 2. Are there any remarks?

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: Is Mr. Mack, is you or someone...who's the maker of the second Amendment?

MEMBER MACK: No.

MEMBER FISHER: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER FISHER: There were several of us that discussed this Amendment. Basically, a little back story for everybody here, just to fill you in. This Board, this Council voted 7 - 5 against Charter Government. That was then taken out, wonderful job by Councilman Mack, gathered the signatures, that was then...the signatures were then thrown off by the Board of Elections drawing petitions, that's fine. Then there was a motion filed, that's fine. Common Please Court Judge Forchione rules that those petitions are valid, Council now, we are told, must pass this. There were no shortage of conversations, emails back and forth, that should Council not pass this, we could be sent to jail for voting in the interest that we have, as our constituents, for our constituents that we have voted for on many occasions. At that point, of course there was were...nobody here is interested in going to jail, although I've seen many movies, it looks like a blast (*Laughter*). An Amendment was drafted which would then change the number of signatures that were required to put it on, so which is within Council's authority under the law to set that number. It would amend that number drastically upward, drastically upward to 10% of the total number of electors voting in the previous gubernatorial election. The purpose of this, in my opinion, and several others is...we do not appreciate being threatened with jail for voting our conscience, and so we're going to do our, what has been described by our attorney, as our constitutional obligation to pass this. We are going to offer an Amendment that basically is going to make it extremely difficult for anyone to say that we voted for Charter Government, which we have not. And I tell people, every door I knocked on when I ran for this seat, I promised them that I was never going to vote for Charter Government, and I believe that's a large reason why I'm sitting here. And I'm about to make liar out of myself in a few minutes on final passage. So, I'm going to offer what, an Amendment that will change that number from, I believe the previous was 25 signatures, up to

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10% of the electorate voting in the previous Governor's election. If Members wish to vote that way, that is fine, I'm going to vote yes on that Amendment and then I'm going to do my constitutional obligation and vote yes on final passage. Thank you.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Thank you, Member Fisher...

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Right, Member Smuckler, hold on.

MEMBER SMUCKLER: Where did I lose the floor?

PRESIDENT SCHULMAN: You haven't lost the floor...

MEMBER SMUCKLER: I asked the question who sponsored and I got a 10 minute dissertation.

PRESIDENT SCHULMAN: Well, we'll get you back on the floor in one second, I apologize. Member Fisher, you say this Amendment, to summarize it, requires 10% of the number of votes in the last gubernatorial election in order to sign the petition for the Commission Members?

MEMBER FISHER: Correct, sir.

PRESIDENT SCHULMAN: And that would be how many?

MEMBER FISHER: I did not poll that number from the Board of Elections today; however, it would be substantial.

PRESIDENT SCHULMAN: Well over 100?

MEMBER FISHER: Well, over...I'd have to image that more 1000 people voted in the last Governor's election, yes.

PRESIDENT SCHULMAN: So, it would be 1000 signatures within a period of ...

MEMBER FISHER: It would be whatever that number of the last Governor's election, which is available in the Board of Elections returns, 10% of that number.

PRESIDENT SCHULMAN: Okay, thank you. Member Smuckler, your floor.

MEMBER SMUCKLER: I got threatened with jail down here one time, it was because of fluoride in the water. That's when a Judge actually told us that. I don't know any Judge that's ever said that you put it on the ballot or you're going to jail here. I don't know, it's the same thing here. I mean I actually got threatened with it. I got

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threatened by a Federal Judge here, to tell people how to vote one way on an adult bookstore on Cleveland Avenue, and I stood up to the Federal Judge and I said, I can't tell anybody how to vote down here at all. But what I do know is I've been trying to do this for years. Councilman West said, "If you don't like how the votes go down here, go out and get an initiative petition and put it on yourself". Yeah, I'll look up the quotes for you. So, we did it. And to everybody's shock and horror, we're actually going to let the people vote. How nasty is that? I mean, they vote for us. So, now we're going to let them vote on an issue that effects them too, only now we're going to start where we're going to make it very difficult on 'em. Do you remember recently they did that in North Canton, over health insurance? I mean this is plain and simple folks. You're giving people an opportunity, to vote...who voted for you, a chance to decide their own form of government. And if they don't like what the Commission brings back, then they exit. But now we're going to start this. It's unbelievable.

MEMBER MORRIS: Correct. Thank you Mr. President. We're going to give the people the opportunity to vote on a process that I sat up here and told you was contaminated from day one. With backdoor, political agendas. I got a phone call from our Law Department stating, plain and simple, that "If I vote no, and the majority of Council votes no, we could be put in jail. The Judge will do it, we will be fined, and our Law Department, would not under no circumstances, be able to represent us. And any fines or penalties, us as individuals would have to pay these fines", for voting my conscience. For doing what my constituents elected me to do, vote my conscience, so if somebody feels a need that they can strong-arm me, in a country where this...the government is based on three independent sections of government. If a Judge tells me that I'm going to jail for voting for this, that's where I have to draw the line. I compliment Member Fisher for coming up with a great idea. We're not going to vote no, we're going to put it on...we're going to give you the right to vote on it. And to comment on Member Smuckler's remark that we're going to make it hard, no, we're going to make it downright damn impossible. That's exactly what I'm going to do because if you threaten me with jail and you try to take away my livelihood on my right to vote, thank God I'm sitting here on a Monday night because I have a lot of choice words and I wasn't real happy. And I did not appreciate the fact of being threatened of being incarcerated, being fined, and finding out that a city that I love and I fight for, that our own Law Department wouldn't represent me. So, we will pass this tonight, but I will be voting in favor of the Amendment.

PRESIDENT SCHULMAN: Okay...

MEMBER FISHER: Mr. President. Mr. President. Can I just real quick...

PRESIDENT SCHULMAN: One second. Just one second. Let's be clear what we're discussing. We're discussing your Amendment. Number two, that's all we're discussing. We haven't gotten to the merits of Charter Government, whether we should endorse or not, all we're discussing is your Amendment. So, before, if you want to discuss that, let's do that. Because, otherwise when we swing back to the Ordinance, as amended twice, if necessary, we're going to be back saying the same thing.

MEMBER FISHER: I understand. I just...because to clarify with Member Smuckler's questions, Law Director, would you answer, were Council Members advised that we could face jail time for voting no if this does not pass?

PRESIDENT SCHULMAN: Well, let me, again...

MEMBER FISHER: And bear in mind, that is the justification, that is where this Amendment came from. I

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didn't want to introduce this Amendment, I had no interest in introducing this Amendment. I even wanted to vote no...and vote my conscience, and vote the way my Ward has asked me and told me to vote since the day I first ran for office and since I'm being threatened with jail time with 2 kids, I introduced this Amendment so I could fulfill my constitutional duty as advised by my attorney.

PRESIDENT SCHULMAN: And I appreciate that and I appreciate Leader Morris, but we are discussing your Amendment. Let's stick to that. Are there any remarks on the Amendment #2?

MEMBER MACK: Mr. President.

PRESIDENT SCHULMAN: Member Mack.

MEMBER MACK: Just for purposes of the record, and the audience may be a little unclear as to what this Amendment even is or does. This Amendment would change the number of signatures that you would have to gather on your petitions in order to serve on the Commission. And so right now, as it stands, that number is 25. So if you want to be a candidate for the Commission, you've got to get 25 signatures. This Amendment would change that number from 25, if you want to be candidate, to 1265, and that's because there were 12,644 people who voted in the last Gubernatorial election. So, you would have a week to gather those signatures, if this Amendment were to pass, and that would essentially be a, it'd be a poison pill. It wouldn't be possible to get any candidate on the Commission to actually go through this process. Right in candidates would also not be a legal possibility because the deadline to file your declaration of a right-in candidacy was 72 days before the election, which was yesterday. So, if I stated this correctly, and I know Law Director Martuccio has some comments to add, and I'll go ahead and defer to the Law Director.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you, Mr. President. Member Mack, yes those signatures would have to be gathered within a week if this Ordinance passes tonight, by September 1st. Please let me take a moment to render my legal opinion for you, with the understanding that I have a lot of respect for your people's conscience and their regards and their principles. There's a lot of intelligence and experience in this room, but you pay me a good salary to be your legal advisor, so please let me do that for a few minutes. I'm about to give you what I will call your Miranda warnings, and I know that sounds a little ironic, but you'll understand in a moment. These are unchartered waters that we're in. In my 28 years with the Law Department, I have never seen an initiative come here, nor a referendum, so, and this is a very unique initiative because this is Constitution driven, specifically. So, these are unchartered waters, so I'm going to walk us through it and give you my opinion as to why I think you should vote for the first Amendment...the first Ordinance as Amended, and not the second Amendment. I'll give you those reasons. I know I'm always easy going and smiling but I got to tell you what I'm about to say is as serious as a state of Washington wildfire. This is intense stuff, this is hot. I took an oath, as did all of you, to swear to bear to obey the Constitution of the United States, the Constitution of Ohio, and the Ordinances of the City of Canton. I also took another oath as an Officer of the Court, I have to abide by the Court decisions, as I understand them. The Supreme Court particularly, and the Supreme Court of Ohio. This is frustrating, I know. If you do vote for the first Ordinance, without the Amendment to go up to...which is a creative endeavor under your parameters, to take it up higher, if you simply vote for this Ordinance, it'll be a pass through for the voters. A yes vote is not a vote for the Charter Government, it's simply a vote to get this to the taxpayers. And I must tell you that the reason I mentioned, to answer to your question directly, yes, some

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legislators asked me are there consequences to a no vote. I clearly said there are. If this Ordinance is defeated, and I'm about to tell you why, this could be brought by Mandamus, in front of a Judge, who could say, not passing this Ordinance is contempt of Court. And if a Judge finds someone in contempt of Court, they can jail them, they can fine them, they can do both. The fines can be per day. It's not inconceivable that someone could be fined \$100.00 or more dollars per day, if they're in contempt of Court. What I mentioned to Majority Leader Morris was, if someone is found...ordinarily I'm there for you. We have an obligation to represent our Elected Officials and our department heads, but if one of them is found in contempt, that is outside the scope of their employment, and they would have to get their own attorney and at their own fees, their own expense. If they are found...fines against them, the City probably won't be able to reimburse those fines because again, a Judge is saying, "You acted outside the law". Now, there would be a hearing. None of this is done like an execution chamber. There would be a hearing and each side would have its say in front of a Judge. There's due process. This is not a summary direct contempt, this is due process, hearing, evidence. But if a Judge found that he or she wanted to fine someone, that fine again, would be something the City probably couldn't reimburse. Now, let me tell you why a Judge or Court might go that way. First of all, Article 18, Section 8 of the Ohio Constitution, which is one of the highest sources of law in our land, specifically says you, as a Council, have a choice, you may vote to send to the voters a Charter Commission. You have a choice; however, that choice disappears if upon 10% of the electors submitting valid signatures to you, it says, this is a quote, "*...and upon petition of ten percentum of the electors shall forthwith provide, by Ordinance, for the submission to the electors of the question, "Shall a Commission be chosen to frame a Charter?"*" And it has to be done at the next regular municipal election, or in this case, the next general election. To go on, that is supplemented by some Ohio Supreme Court cases that have looked at that Constitution Section when there have been similar fights in other municipalities around Ohio, villages and cities where Council has effectively said, "No, no, no, we should be the ones to determine if those petitions are valid, we should be looking at the signatures, we should be doing the procedural stuff, so we're going to hold it off, we're going to continue it, etc." In those situations, the Ohio Supreme Court has said, in no uncertain terms, you can't do that. They have, in several case notes, said things that are particularly on point about how you have a mandatory duty to send this on to the Board of Elections, and if you don't, a Mandamus will lie. Mandamus is a fancy word for "you have a mandatory duty to do an obligation that the law gives you". If you're legally obligated to do something and you don't, the Courts say you can be mandated to do it. That's why they call it Mandamus. That's what the Board of Elections faces recently. As you know, the signatures were gathered and the Board of Elections initially said some of these aren't valid. They voted a couple different times and a couple different ways. But in the end, the case went before a Common Pleas Judge here in Stark County, Judge Forchione. And Judge Forchione said, in an opinion that I think many of you have had access to, he believes the signatures were indeed valid, so the petitions should be sent on to the Board of Elections and for a vote to the public. He quoted some language about democracy and how to err on the side of democracy, and there were many intense quotes in Judge Forchione's opinion about that, essentially letting the voters decide. The Board of Elections's results sent a letter that's marked as Exhibit A to our Auditor, saying we, according to this Court decision now find these signatures are valid. So, they are valid. I think the Constitutional duty kicks in and I have to say at this point, I do represent you, but I also represent the City of Canton as a Municipal Corporation, and I also represent the voters who signed those petitions. So, I'm wearing a few different hats here and there's nothing wrong with you expressing your 1st Amendment Rights, when the vote comes. There's nothing wrong with anyone from Council saying, under this 1st Amendment Rights, "I'm only voting yes because the Law Director and the Courts and the Supreme Courts, and the Constitution say I have to". "I don't want to vote yes, but I feel like I have to." "This hurts my conscience, I think Charter cities are not a magic bullet", and by the way, I happen to feel that way too. I wrote a (*Inaudible*) paper for the Ohio Municipal Attorneys on Home Rule and Charter Governments are not a magic bullet. Sometimes cities around us, like Cleveland, Akron, and Youngstown have issues that Charters don't

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magically solve. Member Smuckler brought up one in nearby North Canton. However, I believe that I have a duty to tell you that we should let the voters decide that, based on the Constitution, the Ohio Supreme Court case law, and the opinions of our local Court and Board of Elections. Again, if you find, if this Ordinance is defeated tonight, or if it goes down, if it doesn't pass, then I, as a Law Director, have the ability to bring a Mandamus. I don't know that I want to because you may be a divided group of clients and that would be very awkward. We'd have to analyze whether I have a conflict and that's why I was saying, if it goes to contempt, it would probably get there by either a Mandamus from our office, or a lawsuit by the taxpayers. Under the law in Ohio, if I don't bring a Mandamus, taxpayers are allowed to. And then the taxpayers can submit the bill for their lawyers to the City of Canton, to have the City of Canton pay it, or perhaps, out of Council funds, depending on how creative the lawyering gets with case law. So, please understand, I guess what I'm trying to say in a long-winded speech, because this is so important, it's in my opinion, if you go rogue and you don't vote for Ordinance #1, you're on your own time and your own fine, in terms of what might happen with a Judge. You might go to jail, I'm not saying you would. You might have daily fines. Those are things I have to tell you about because that could happen. Even if you vote to abstain, if the Ordinance fails to pass and a lawsuit is brought, and it's in front of a Judge, a Judge might inquire as to the abstention, and they may say they abstention was as good as a no, you prevented this Ordinance from passing when you knew you had a clear, legal duty to pass this Ordinance under the Constitution. So, I just need to say a no, or even an abstention could certainly be a basis for a contempt if the Ordinance fails. If the Ordinance passes and there are a few no's, in theory the few no's could be viewed as a contempt, but I don't know that anyone will bring a lawsuit if the Ordinance passes. If the Ordinance passes, it goes to the Board of Elections and the voters decide. Now, I want to say no is at your peril. That's as clear as I can say it. Now, on the Amendment...and I don't want to have to say this all again, Mr. President, that's why I'm saying this now, I don't want to repeat it all because it's a long speech.

PRESIDENT SCHULMAN: That's fine.

LAW DIRECTOR MARTUCCIO: On the Amendment itself, Council Members are right who say, "don't we have the authority to say how many signatures?" Yes. "Don't we have the authority to say when they should be filed?" Yes. "Don't we have the authority to say a number of things?" Yes; however, a week to go from 25 signatures to 1200, I think is an insurmountable barrier. I, as a city-wide officer, only have to get 50 signatures, 50 good ones. Judges who run for the whole of Stark County, I think only need 5200. So, I see Council's obligation as one to try to be fair and transparent, and you have been. You've explained it very clearly, but I think this might create an insurmountable barrier to the electorate that goes contrary to the democratic procedure. Now, let me close with a quote, so I will tell you what the Supreme Court says about this. Why I'm warning that if you vote on the second Amendment, you could be...even if you pass the Ordinance...let's say you pass the second Amendment and you go from 250 signatures to 1200 signatures in a week, let's say you pass that. (*Inaudible*). Oh, I'm sorry, 25. If you go from 25 signatures to 1200 and all of you decide to pass it that way, you can say, "Hey, we've passed the Ordinance, we've done our duty". I don't think you have and I'm going to beg respectfully to differ with that and advise against that. Here's why. This is a quote from the Ohio Supreme Court in a case they decided in 1960 that's been upheld a number of times. Quote from the Ohio Supreme Court in a case similar to this where there was a dispute over an initiative and some ballot issues, "*Unwarranted, illegal, or obstructive tactics are not to be tolerated. And in a clear cut case where the facts are presented in adequate manner and where it is made to appear that the legislative authority is deliberately and wrongfully attempted to thwart the Constitution and the Electorate, an action in Mandamus brought before a Court of competent Jurisdiction, is a recognizable and proper remedy to afford relief*". That's kind of a long-winded way of saying if someone chooses to bring that Amendment as passed in front of a Court, they'll probably be able to do it, in the form of a Mandamus. That's when, as I mentioned, the Court would look at the

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case and the facts, what we're saying, what we're doing, to determine whether or not there was a contempt of the Constitution, an illegal attempt to not pass an Ordinance that the Supreme Court of Ohio and the Constitution seem to say you have a clear, legal duty to do once you have a valid number of signatures. Now, I've come full circle, so again I'm to summarize and close by saying, you have a valid number of signatures gathered in front of you. The Board of Elections said so, a Court of Common Pleas here in Stark County said so. I honestly think, and it is my opinion, that if you adopt the Ordinance with the 2nd Amendment, or you don't put the 2nd Amendment on it, and you fail to adopt the 1st Amendment, I do think we will see a Mandamus or a taxpayer's lawsuit very soon. And again, there will be due process but I think Council will be requested to testify in front of a Court, as to why they did what they did, and why they shouldn't be held in contempt. I'll welcome any questions but I hope I did a sequential job of explaining how I got there.

MEMBER FISHER: Mr. President.

PRESIDENT SCHULMAN: Excuse me, Law Director, I have one question...*(Applause)*...this is a question, not a statement. If Amendment number two goes to a vote, and it is 6 - 6, under that circumstance, will the Chair break the tie?

LAW DIRECTOR MARTUCCIO: Mr. President and Members of Council. I believe you could, under Council's rules. Now, I know there was questions earlier about your having been a relator in this case, but some Members of Council are as well. I do think that the...that you...under case law in Ohio, it's been clearly established, the President of Council has the right to break a tie vote if he or she wants to. You don't have to. But, if it's a tie vote, I believe you can and I believe that would send it on forward.

PRESIDENT SCHULMAN: Well, that's my next question. Similarly, if Amendment #2, hypothetically, would be defeated and we would go to the issue of Ordinance #5, as amended, and there was a 6 - 6 tie on that vote and the Chair cast the deciding vote in favor of the Charter, would that relieve the Members who voted no from a probable contempt action down the road if a lawsuit is indeed filed?

LAW DIRECTOR MARTUCCIO: Mr. President, you have an articulate way of framing your question. Under the scenario you discussed, as amended #1, as amended without the additional signatures, you broke a tie and sent it on to the Board of Elections. Again, being we're in unchartered waters, I think it's unlikely that a Mandamus would lie or a taxpayer's lawsuit because it passed and it was going to the Board of Elections and people would only have to get 25 signatures in a week.

PRESIDENT SCHULMAN: So again, hypothetically under those circumstances, it's your opinion, and understanding that you're in unchartered waters, that Members of Council can maintain their conscience, can stand up for their beliefs, can prove that their statements to the public in running for office were true and not false. They can do all of that and in all probability...whose phone is that? Sorry. And in all probability then...whose phone is that? *(Inaudible)*. Thank you. Then in all probability, those Members can vote their conscience and not face any sanctions down the road.

LAW DIRECTOR MARTUCCIO: Mr. President and Members of Council, I cannot guarantee that a Court will not hold people in contempt if they vote no and it goes to a tie that you break. I cannot guarantee that it would not end up in a lawsuit and they might not give this contempt. I think it's less likely because it passed. In Latin, I think there are...you know how we've studied those remedies in law school that were Latin phrases? I think

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one of them was like, no harm, no foul, but I'm not positive about that so I have to leave you with a warning that even if it's a tie, 6 - 6, I doubt that a lawsuit would proceed because it won and it would go to the voters, but if it did, there's that risk.

PRESIDENT SCHULMAN: Member Hart, and Member Fisher, I'll get next.

MEMBER HART: You know, when I hear 25 votes versus...er...25 registered voters versus 1200, I really think democracy is in danger. You know, to do that for whatever reason. I think it was back in 1964, there was a lot of people who fought and died for the right to vote and the right to...and if we do this to make it impossible for somebody to run and serve their community, boy, you're setting a very dangerous precedent and I still remember seeing, down south, somebody holding a jar of jelly beans and guess how many is in it, and if you guess, then you're *(Inaudible)*. Well then, maybe....*(Inaudible)*. Well, I find it I *(Inaudible)* that we would try to rob somebody of the opportunity to serve *(Inaudible)*.

PRESIDENT SCHULMAN: Thank you, Member Hart. *(Applause)*.

MEMBER FISHER: Mr. President.

PRESIDENT SCHULMAN: Member Fisher.

MEMBER FISHER: Member Hart, I agree. I absolutely agree. I also think that the idea that a Court is going to come in and mandate a legislative authority how they should behave, is also unconscionable. But I did want to get back to the question then, directed...with the Law Director. Okay, so, it is your legal opinion that we could still face contempt with the number set at whatever Member Mack gave us, 1200 and change, but 25 we would not? What's the number? As my legal council, what's the number I can set it at? I mean, is 26 too high? Is 27? Is it 1100? What's the number? And again, this is not an amendment I wanted to bring. This amendment didn't exist until 4:30 today when we were discussing exactly how it is we're going to continue and how we'll even vote from the other side of a jail cell, so I'd like to know as my legal council, what's the number that we need to change in that amendment, in order to do our constitutional duty and yet vote our consciences in our Wards.

LAW DIRECTOR MARTUCCIO: Mr. President. Thank you Mr. Fisher. Not being someone who has prepared many ballots, I don't know that I've ever seen more than, on a local level, a local race, I don't know that I've ever seen 50...more than 50, maybe 100. I would not go over those numbers. I think those would be...50...again, I'm a city-wide officer as is the President of Council, the Mayor, Council-at-Large. We only need 50 valid signatures. I think, a Court, a Judge running for the Court of Common Pleas candidate, I think they only need 50, maybe 100. That's county-wide. So, I think the Court's would look to those kinds of proportions in determining whether this was an unfair barrier. I want to add one more thing. I do respect the right of all of you to speak your conscience. If in the end you vote yes, but you don't like it, you're allowed to say, under the 1st Amendment, I don't think Charter cities are a good idea, in fact, I'm going to campaign against Charter cities. I'm going to educate the voters the best I can as to why a Charter city is not a good idea. You have the right to say that and you have the right to do that. What I am saying again is, please don't go over 50 signatures, maybe 100.

MEMBER DOUGHERTY: Mr. President.

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PRESIDENT SCHULMAN: Member Dougherty.

MEMBER DOUGHERTY: I have nothing against Charter Government. I'm against the processes and Charter Government is going to affect City Council. Everybody else in this city can run for this panel of 15 but City Council Members. So, you're giving us all this legal advice but you're going to turn in a position to be on this panel, perhaps. From what I understand. President of Council, who votes in ties and has voted many a times over the last several terms, can take out a petition and do this. He votes on Council things. I have a problem with that. Judge Forchione can take out a petition and go do this, after he tells us he's going to throw us in jail if we vote this certain way. I don't get it. I thought he was supposed to weigh in the petition and whether or not they were good or not and then send that opinion in. Well, on top of that, I'm going to stamp it and say, you're going to jail if you don't vote the way I'm telling you to vote. I've been here a long time and I ain't never heard of such a thing. (*Applause*). This is horrible.

PRESIDENT SCHULMAN: Thank you Member Dougherty.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes, Member West. Now, this is on the amendment.

MEMBER WEST: This is on the amendment.

PRESIDENT SCHULMAN: Just on the amendment, please.

MEMBER WEST: What I don't understand is amendment 1 is okay, amendment 2 is not okay. From the very beginning I have seen the signatures. As a matter of fact I reviewed them all today, on the 700 and something signatures, 10 residents from Ward 2 were there. Exactly what I said was going to happen. Ward 2 is not going to be represented. Guess what, it wasn't. When it comes down to this whole process, I see this vote come short 11 votes and then through a lot of legal maneuvering, and I think Joe, you said it best, a lot of legalese occurred. A lot of lawyers got involved. We've got some brilliant lawyers in this city, and now it's (*Inaudible*). And this is what's going to happen with Charter Government. There's a lot of lawyers and we're going to be down here on a lot of different topics. A lot of different topics. And you know what? We may have 10 people sign in from Ward 2. And I said this was going to happen. You can look at your sheet and see that Ward 2 is probably the least represented on your petitions. So, when I say...

PRESIDENT SCHULMAN: On the amendment Member West...

MEMBER WEST: I'm going to the amendment right now.

PRESIDENT SCHULMAN: Okay, thank you.

MEMBER WEST: You know, this afternoon I received all of these documents at lunchtime. I had a chance to look over Judge Forchione's ruling. I didn't see City Council's name on there anywhere. I've seen the Board of Elections. Did I see City Council's on there? I don't think so.

LAW DIRECTOR MARTUCCIO: Mr. President. Member West, you're correct. That decision was only about

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the Board of Elections. I don't mean to mislead you.

MEMBER WEST: So, he hasn't mandated us...

LAW DIRECTOR MARTUCCIO: If a Mandamus is brought, it could end up in front of him as a companion case and he made some feelings known about cities and voting. Again, due process has to happen. Nobody can threaten anybody with anything until the case is in front of them, but the Ohio Supreme Court has made it pretty clear that if you, as a Council, fail to send this when you have enough valid signatures, you're...a Mandamus will lie against you. Under a Mandamus, a Judge is allowed to look at contempt. I'm sorry that's a long answer but I want to clear that up. Thank you.

PRESIDENT SCHULMAN: Any other remarks?

MEMBER MORRIS: Mr. President.

PRESIDENT SCHULMAN: Yes, Leader.

MEMBER MORRIS: I really...

PRESIDENT SCHULMAN: On the amendment.

MEMBER MORRIS: On the amendment. I really need to get my boots out here because it's really getting deep. Today on the telephone it was quote, unquote, "Judge Forchione will have you put in jail". Now, it's, "Okay, maybe it would be before him". I mean, I'm not getting the whole story here and it's...as we're progressing it's getting a little convoluted. So, if ...

MEMBER WEST: So, wait a minute, just...Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: So, if we vote for #2, if we vote for #1 or #2, will we be sued?

PRESIDENT SCHULMAN: If you what?

MEMBER WEST: Vote for Issue 1 or Issue 2, whatever you call it, Amendment 1 or Amendment 2, will we be sued or do we have vote on the statement that Judge Forchione sent over?

PRESIDENT SCHULMAN: Law Director.

LAW DIRECTOR MARTUCCIO. Mr. President. Member West. Right now in front of you is what we'll call Amendment #1. In my opinion, if you pass that...

PRESIDENT SCHULMAN: No, Amendment #2.

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LAW DIRECTOR MARTUCCIO: Oh, okay.

PRESIDENT SCHULMAN: Yeah, that's alright. Member Smuckler, let...

LAW DIRECTOR MARTUCCIO: You amended it, but you have to vote on it yet. My advise would be to either vote down Amendment 2, or reduce the number to maybe 50 because that's what city-wide officers have. And that, I think would, if you pass it that way, I don't believe you would be looking at a Mandamus...

PRESIDENT SCHULMAN: Member Mariol.

MEMBER MARIOL: I guess to simplify what Joe is trying to say, if Amendment 2 passes, there's probably going to be a lawsuit, I would imagine. *(Laughter)*.

PRESIDENT SCHULMAN: Is there a thought, Member Fisher, of moderating the number of signatures on the petition?

MEMBER FISHER: And again, I'm not the only person behind this. I happen to be the one that they called, Law Director Martuccio, today to ensure that we had this down...er...we had seven people who voted against Charter when it came up. And here's my point, the number is 50, okay. Well, how's that not anymore arbitrary of a number than what we were doing before? I mean, look, Council Members can vote their conscience...

PRESIDENT SCHULMAN: It's just...the only thing I asked...

MEMBER FISHER: ...that's my point. If someone wants to change that number, they can propose it.

PRESIDENT SCHULMAN: Ok. Well, as...I'm sorry, who is it?

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Hawk.

MEMBER HAWK: I've got one question. Where did the number 25 come from? Did that come from the Board of Elections or how was that number arrived at?

PRESIDENT SCHULMAN: Law Director.

LAW DIRECTOR MARTUCCIO: Mr. Mack.

MEMBER MACK: That's the number Ward Councilpersons have to gather. They have a week to gather these signatures, guys. These are due September 1st.

PRESIDENT SCHULMAN: Any other questions? Alright, now you're voting, and I'm going to keep it on voice vote unless you think it's necessary to do it formally.

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MEMBER SMUCKLER: I definitely disagree.

PRESIDENT SCHULMAN: Then just...Member Smuckler, all you have to do is request a voice vote. That's all you have to do.

MEMBER SMUCKLER: Then I'm sorry, I'm requesting a voice vote.

PRESIDENT SCHULMAN: Thank you. Let's keep some decorum here, please.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: May we take a bathroom break?

PRESIDENT SCHULMAN: We may. You're in recess. *(Gavel Falls)*

(COUNCIL RECESSED FOR A BATHROOM BREAK)

PRESIDENT SCHULMAN: I'd like to compliment Member West. That was an excellent break. Everyone is now happy and I am going to reconvene our meeting. Just to bring you up to date, we have Ordinance 5 as amended by Amendment 1. You are now going to vote, unless there are any other remarks. *(Inaudible)*. You may, but, I hope not. On the Amendment #2, there's been a motion or request made by Member Smuckler that this be a roll call vote, so we will do it by roll call vote. Madame Clerk, would you please take a roll call vote on Ordinance #5, as amended by Amendment 1, and we are now voting on Amendment 2, to Ordinance 5. Roll call vote, please.

NO REMARKS

ROLL CALL 5 YEAS, 7 NAYS

CLERK TIMBERLAKE: Five yeas, seven nays, Mr. President.

PRESIDENT SCHULMAN: Thank you. Then that Amendment #2 is defeated. So now we move to Ordinance #5, as amended, and now we are discussing probably the core arguments of Charter Government. Does anyone have any other remarks to make? Alright, let me just say one thing very quickly. Both sides in this debate are right. Both sides are right and both share conviction and passion for this issue; however, this is a constitutional provision in the Ohio Constitution and it has been followed. City Council voted no, there was a process granted by the Ohio Constitution to allow our citizens to sound and to chime in on whether that was acceptable to our citizens. It was not acceptable, at least to the number required to place it on the ballot. So the process was completed. That is our law under Ohio, and so, if there is are no other remarks, Leader.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Member Dougherty.

MEMBER DOUGHERTY: Yes, I'm one of the ones that changed...at the end of the day, I always, and over the

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years, have said openly that at the end of the day, people need to decide about something and that's what needs to happen. Again, I don't like the process, I don't like the rules, I'm gonna take my ball and go home, but I just want it to be on record that I'm not happy with this whole process, but I will not stop... and please, I want the community, I want to make it on record, please educate about this whole process, please. It's going to be very important that you do that. I was talking with individuals here during the break. There was one time I went and voted and I didn't do my due process on an issue and so I didn't vote on that issue. I kicked myself because I didn't do my homework. You know how those issues can be confusing and stuff, so I didn't vote. It's like At-Large races. You can go in and vote for one person, you don't have to vote for three. So, I want people to please get educated on what the process is and hopefully these things turn out okay. Thank you.

PRESIDENT SCHULMAN: Thank you, Member Dougherty. Leader, did you want to say something.

MEMBER MORRIS: Yes, thank you, Mr. President. I'd like to compliment Member Dougherty. That was well said. I'm not going to be bullied, I'm not going to be threatened. I am voting no. I did not agree with this process. I felt it's been contaminated from day one. Today, with the conversations back and forth with attorneys, lawyers...it's still a contaminated process. I think Member Dougherty gave the City of Canton the best advice. Get educated or get screwed. And that's the truth of it. If you have the ability to get on these committees, get out there, hustle, get involved, because when we have to put guns to people's heads and tell them you're going to do jail time or we're going to sue you if you don't vote the way a Judge tells you to vote, it's just un-American. We talk about we threaten democracy. Democracy...the choice of individual thinking by being told what to do and Charter Government is the answer to all? If Charter Government was so great, then why am I being forced by a Judge to vote in favor of it?

PRESIDENT SCHULMAN: Thank you, Leader. Any other remarks?

MEMBER FISHER: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Fisher.

MEMBER FISHER: Well, I guess one good news out of Amendment 2 going down is I am not going to be a liar tonight. I am going to vote no as I promised I was going to do when I started running for this seat, I'm going to vote no now, and I agree with Leader Morris on this. I'm...I will be damned if I'm going to have another branch of government tell this branch of government how we're supposed to do our jobs. That's just not the way this works. We do have separation of powers and that's not right, but it is what it is and we're going to have a campaign this fall. But I will be voting no on passage.

PRESIDENT SCHULMAN: Thank you, Member Fisher. Any other remarks? Hearing none, Madame Clerk, roll call vote, please on Ordinance #...

MEMBER WEST: This...

PRESIDENT SCHULMAN: Yes, Member West.

MEMBER WEST: This is on the Amendment?

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PRESIDENT SCHULMAN: No. This is on the Ordinance #5, as amended.

CLERK TIMBERLAKE: Original.

PRESIDENT SCHULMAN: Originally amended by Amendment #1, #2 was defeated. So, roll call vote please, on Ordinance #5, as amended by Amendment #1.

NO REMARKS

ROLL CALL 7 YEAS, 5 NAYS

CLERK TIMBERLAKE: Seven yeas, five nays, Mr. President.

#5 ADOPTED AS AMENDED AS ORDINANCE NO. 162/2015

PRESIDENT SCHULMAN: Ordinance #5, as amended by Amendment #1, is adopted. (*Applause*). Ordinance 6.

- #6. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 42991 & 42992; AND DECLARING THE SAME TO BE AN EMERGENCY (ED DOMER FOR CLIFF JUMPERS, LLC @ 1325 17TH ST NE)
- #7. (2ND RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY AN AMOUNT NOT TO EXCEED \$12,800.00 TO DELL MARKETING L.P.; AND DECLARING THE SAME TO BE AN EMERGENCY (POLICE DEPT)
- #8. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A REIMBURSEMENT GRANT FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY IN AN AMOUNT NOT TO EXCEED \$3,500.00; AMENDING APPROPRIATION ORDINANCE NO. 266/2014; AND DECLARING THE SAME TO BE AN EMERGENCY (\$3,500.00 SUPP APPROP FR UNAPPROP BAL OF 2812 FIRE DEPARTMENT EMS GRANT FUND TO 2812 103001 FIRE DEPARTMENT EMS GRANT - OTHER)
- #9. (2ND RDG) AN ORDINANCE AUTHORIZING AND CONSENTING TO FINE GRADED POLYMER AC OVERLAY TO STA US 30 FROM 9.58 TO 13.10 MINOR BRIDGE WORK; AND DECLARING THE SAME TO BE AN EMERGENCY (PROJ - PID NO. 84627)
- #10. (2ND RDG) **ADOPTED AS ORDINANCE NO. 163/2015** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 184, 185 & 186; AND DECLARING THE SAME TO BE AN EMERGENCY (STANDARD HEATING & PLUMBING AND CANTON REP @ WALNUT AVE SE BTWN 4TH & 5TH SE)

PRESIDENT SCHULMAN: Leader Morris.

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MEMBER MORRIS: Mr. President, I move we suspend Statutory Rules for Ordinance #10.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: There's a move to suspend the Statutory Rules for Ordinance #10. Are there any remarks? Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you. Motion passes. Leader, you've heard your three readings.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #10. Are there any remarks under this ordinance? Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#10 ADOPTED AS ORDINANCE NO. 163/2015

PRESIDENT SCHULMAN: Thank you Madame Clerk, Motion #10 is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: We turn now to Ordinances and Formal Resolutions for their Third and Final Reading. Madame Clerk, would you please begin with Ordinance #11.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCE #11 THROUGH ORDINANCE #18 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

#11. (3RD RDG) **ADOPTED AS ORDINANCE NO. 164/2015** A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE FIRST TEE #2 ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE TO RECONCILE INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #11. Any remarks? Hearing none, Madame Clerk, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#11 ADOPTED AS ORDINANCE NO. 164/2015

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Ordinance #11 has been adopted. Ordinance #12, please.

#12. (3RD RDG) **ADOPTED AS ORDINANCE NO. 165/2015** AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 100/2011, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (CHANGE REPORTING STRUCTURE OF PREVAILING WAGE COORDINATOR TO SERV DIR DEPT OF PROCUREMENT)

PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #12. Any remarks under this Ordinance? Hearing none, Madame Clerk, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#12 ADOPTED AS ORDINANCE NO. 165/2015

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Ordinance #12 has been adopted. Ordinance #13 has been withdrawn, so we turn to Ordinance 14, please.

#13. (3RD RDG) **WITHDRAWN** AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY AN AMOUNT NOT TO EXCEED \$9,844.25 TO U.S. POSTAL SERVICE; AND DECLARING THE SAME TO BE AN EMERGENCY (MORAL OB FOR INVOICES FOR PARKING GARAGE ATTENDANTS)

#14. (3RD RDG) **ADOPTED AS ORDINANCE NO. 166/2015** AN ORDINANCE AUTHORIZING THE

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AUDITOR TO PAY AN AMOUNT NOT TO EXCEED \$8,101.33 TO AMERICAN ELECTRIC POWER; AND DECLARING THE SAME TO BE AN EMERGENCY (MORAL OB FOR TRAFFIC SIGNAL ELECTRIC BILL)

PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 14. Is there any remarks? Hearing none, roll call, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#14 ADOPTED AS ORDINANCE NO. 166/2015

PRESIDENT SCHULMAN: Thank you. Ordinance #14 has been adopted. Ordinance #15, please.

#15. (3RD RDG) **ADOPTED AS ORDINANCE NO. 167/2015** AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY AN AMOUNT NOT TO EXCEED \$125,142.41 TO CARGILL, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY (MORAL OB FOR MINIMUM SALT PURCH FOR STREET DEPT)

PRESIDENT SCHULMAN: Leader.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #15. Any remarks? Hearing none, Madame Clerk, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 1 NAY
(MEMBER HAWK VOTED NAY)

CLERK TIMBERLAKE: Eleven yeas, 1 nay, Mr. President.

#15 ADOPTED AS ORDINANCE NO. 167/2015

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Ordinance #15 has been adopted. Ordinance #16, please.

#16. (3RD RDG) **ADOPTED AS ORDINANCE NO. 168/2015** AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY AN AMOUNT NOT TO EXCEED \$19,950.00 TO HD SUPPLY WATERWORKS, LTD.; AND DECLARING THE SAME TO BE AN EMERGENCY

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(MORAL OB FOR PIPE FITTINGS FOR WATER DEPT)

PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #16. Any remarks under this Ordinance? Again hearing none, Madame Clerk, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#16 ADOPTED AS ORDINANCE NO. 168/2015

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Ordinance #16 is adopted. Ordinance #17, please.

#17. (3RD RDG) **ADOPTED AS ORDINANCE NO. 169/2015** AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO PERRY TOWNSHIP; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE EXTENSION OF SAID WATER MAIN; AND DECLARING THE SAME TO BE AN EMERGENCY (KOLP MGMT CORP TO SERV PROP AT NW CORNER OF NAVARRE RD & WHIPPLE AVE SW)

PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #17. Any remarks under this Ordinance? Again hearing none, Madame Clerk, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#17 ADOPTED AS ORDINANCE NO. 169/2015

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Ordinance #17 is adopted. Ordinance #18, please.

#18. (3RD RDG) **ADOPTED AS ORDINANCE NO. 170/2015** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A COOPERATIVE AGREEMENT WITH STARK COUNTY FOR THE CITY OF CANTON'S SHARE OF

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STARK COUNTY'S MAPLEWOOD (NEW DAWN SUBDIVISION) SANITARY SEWER PROJECT, GP 1236; AMENDING APPROPRIATION ORDINANCE NO. 266/2014; AND DECLARING THE SAME TO BE AN EMERGENCY (\$305,000.00 SUPP APPROP FR UNAPPROP BAL OF 5410 SANITARY SEWER FUND TO 5410 206317 MAPLEWOOD (NEW DAWN) PROJ, GP 1236 - OTHER)

PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #18. Is there any remarks? If not, roll call, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#18 ADOPTED AS ORDINANCE NO. 170/2015

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Ordinance #18 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: Now to turn to announcement of Committee Meetings. No Finance.

MEMBER BABCOCK: Mr. President.

PRESIDENT SCHULMAN: Chairman Babcock.

MEMBER BABCOCK: Environmental and Public Utilities will meet at 6:45.

PRESIDENT SCHULMAN: And that meeting is scheduled for...September 14th, I believe. Thank you.

MEMBER MACK: Mr. President.

PRESIDENT SCHULMAN: Chairman Mack.

MEMBER MACK: I understand Judiciary has a meeting as well, at the same time and the same place.

PRESIDENT SCHULMAN: Thank you. Any other announcements? Hearing...what?

CLERK TIMBERLAKE: No. Public Safety & Thoroughfares.

PRESIDENT SCHULMAN: Public Safety & Thoroughfares?

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CLERK TIMBERLAKE: Yes sir. The 2 name changes, honorary name changes go to your Committee, Member West, on Communications...yes, they're becoming Informal Resolutions because they're honorary names changes and that goes through the...

PRESIDENT SCHULMAN: Chairman West.

CLERK TIMBERLAKE: Yes. Public Safety and Thoroughfares...

MEMBER WEST: Yes, Public Safety & Thoroughfares will meet, same time, same place.

PRESIDENT SCHULMAN: Great. Thank you. Alright, that concludes Announcement of Committee Meetings.

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: Miscellaneous Business. Is there any?

CLERK TIMBERLAKE: No. *(Laughter)*.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Dougherty.

MEMBER DOUGHERTY: I don't mean to further debate this; however, I'll...one of the other things. Since the Judge was going through you, Law Director, and I understand, it would be nice to know the exact words he did have to say because if I heard what he did say, I don't appreciate it. Maybe he could have found it in his heart to come down here tonight, during Committee Meetings or Council Meetings, and explain why he was threatening us with this, and maybe that would have been a lot better than just saying it from his bench. But apparently, we're a little low on the totem pole. Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Go ahead, Member West.

MEMBER WEST: Mr. President, although I'm very um...I've been fighting Charter Government from the very beginning and once I said my Ward, and I don't believe that anybody from Ward 2 has ever won At-Large, and I hope I'm wrong. I've got some people that I know I've asked, Edmond Mack has sent some of my names to...and helping those individuals get petitions. I hope I'm wrong. I'm hoping some people from Ward 2 actually is able to serve on that Commission and that other Wards are there to support them because at the end of the day I have not seen an African American win At-Large, and I'm hoping I can see that happen through Charter Commission. I haven't seen Ward 2, anybody in Ward 2 win At-Large. I'm hoping I'm wrong, but we will see in November, if that comes true.

PRESIDENT SCHULMAN: Thank you Member West.

MEMBER BABCOCK: Mr. President.

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PRESIDENT SCHULMAN: Member Babcock.

MEMBER BABCOCK: I just want to say in the last 60 years, there's only been 4 people won south of 12th Street, in the last 60 years, city-wide. So, that's all I have to say.

PRESIDENT SCHULMAN: Thank you Member Babcock. Member Hart.

MEMBER HART: I just wanted to congratulate 2 people tonight. The first is Brenda Turner and she's going to be opening a new store for women beside That's a Wrap. It's good to see again, people take the initiative and wanting to open up a new business. I also wanted to congratulate Member Smuckler on 32 years of marriage to his wife, Randi. (*Applause*). I think that Member Smuckler put it best when he said that Randi is the luckiest woman in the world. In terms of representation and for Member West and anybody in Ward 2 and in any Ward, I ran as an Independent-At-Large and I won. We have a President that I think noone ever thought would make it because of skin color, but he got involved and he ran and he won. If you work hard enough, it's out there. I just encourage anybody to get involved.

PRESIDENT SCHULMAN: Thank you, Member Hart.

MEMBER FISHER: Mr. President.

PRESIDENT SCHULMAN: Member Fisher.

MEMBER FISHER: What is it with your skin color that was going to keep you from getting elected? (*Laughter*). He said the President's skin color. I said I didn't notice anything about your skin color that was going to keep you from getting elected.

PRESIDENT SCHULMAN: Well, you never know.

MEMBER HART: I'm just saying when people look at skin, they never thought that a person of color would ever make it because of that. Low and behold the voters responded because they wanted a change.

PRESIDENT SCHULMAN: Okay, Member Mack.

MEMBER MACK: Yes, thank you, Mr. President. I wouldn't say this has been contaminated by lawyers, Member Morris. God, with friends like you guys, geez. (*Laughter*).

LAW DIRECTOR MARTUCCIO: Unbelievable.

MEMBER MACK: This is... now we start another chapter. We start another chapter right now and you know, there were a lot of people who worked hard to get where we are now, to start this new chapter. Carol Krider-Vaughn. I've probably written her name about 5000 times in different letters and different legal pleadings, but Carol and people just like her, she's here tonight, is a big reason why we're here. Now we go into this new chapter and we have...I have an obligation, all of us have an obligation to do what we can, I think we do at least, to make sure this Commission represents our city. We need to have people from the Southwest end, we need to have people from Ward 2 and all over. We aren't going to have another meeting before the date that these petitions are due, and just so the public knows, these petitions can be turned in tomorrow until the 1st. Until if

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there's...I know everyone on this horseshoe will do anything to help you, and I will too. I have petitions here, dozens of copies of them, and if there are any questions that come up, we all want the same thing. We all want this Commission to represent the city, and you're the city. That's important to me and I know it's important to everybody else. I'll leave petitions with Cindy, if it's okay with her. So, should anyone come to Council Office asking for...

CLERK TIMBERLAKE: No, I'm sorry, that's a conflict for me to have the petitions in the office. The last I was told, I'm not to have petitions in the office.

MEMBER MACK: Nevermind, okay. We'll get them to you some other way. It is important for everyone to take part in this process. Thank you, everyone for your vote tonight and deciding to start a second chapter.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes, Member West.

MEMBER WEST: I just want to say, Edmond, you've done a great job advocating for this. I do applaud your efforts even though I'm on the opposite end of the spectrum, I do applaud your efforts for working to get this done.

PRESIDENT SCHULMAN: Thank you, Member West. Any other remarks?

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Smith.

MEMBER SMITH: I would just like to say (*Inaudible*). I just hope (*Inaudible*). ...really what this Charter is all about. And I just hope that my Ward (*Inaudible*). Because I know (*Inaudible*), like that Spray Park. We're still working on that. And I hope that whoever is on the Charter, please don't forget about the 4th Ward. And I hope that it will work.

PRESIDENT SCHULMAN: Thank you, Member Smith.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: Number 1, I took a petition tonight around and got it signed here in a matter of minutes. Anybody that needs help with petitions, I am more than willing to help you get signatures. That's number 1. Number 2, obviously this was a historic night, no matter what the outcome of the event...the vote is. Whether it passes or doesn't pass, it's very important that we gave the people the opportunity to vote on it. I think that's the most important thing that happened here this evening. Number three, and finally, not to ignore Mr. Rukavina and the other landlords that are here tonight. I want you to understand that I will meet with you at a mutual time as a sponsor on that and try to have a discussion, not a screaming match, but a discussion on...cause I just had a discussion with the Mayor and the Mayor claims that we've been subsidizing that department. So, I would like to have a discussion on this at a mutually agreed time and place that we can work

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that out. If you don't have my phone number, it's...should be on the card in the back, even though you told me that was the last one, but I'm sure they're hanging on a dart board somewhere right now. So, please get in touch with me. Thank you.

PRESIDENT SCHULMAN: Thank you, Member Smuckler. Mayor Healy.

MAYOR HEALY: Thank you, Mr. President. Addressing the landlord's issues, there were several comments tonight by different speakers referencing the fact that there was plenty of money in that department and we were sending it elsewhere and not paying for employees in that department. Just for clarification, back in 2010 when we made that original change, the department was not generating enough funds to basically cover it's own operation and so it was being subsidized by the General Fund. When we made that change, the goal was to make that department self-sufficient and we got pretty close to that, but it also...because we were in the middle of the recession, it also identified the fact that we were going to reduce the number of inspections because of the landlords, or 70 - 80% of the landlords had actually had passed with flying colors every year when we sent one out for the inspections. We didn't need to inspect them every year. The ones that were failing, we were going to make sure that we came down on and watched. So, the simple answer is, even since that legislation passed in 2010, that department has not generated excess funds that are going outside of that department. Every dollar that is generated through those department fees and funds and fines, are in that department. The second thing that I keep hearing that is not accurate is I keep hearing we only have 1 inspector. That's not true either. We have 4 different inspectors in that department. Two Building Code and two Property Maintenance Inspectors. We have one inspector that retired, Andrea was the 21st his last day? The 21st of August was his last day. We cannot backfill that position until it's actually gone. What's the date today? 24th. We're hearing we have one inspector. Well, this guy has been gone for 3 days. We do have an interim inspector who has backfilled that position and we will have 2 people on the Property Maintenance side until we permanently fill that position. I keep hearing we only have 1 inspector, we're using that money for other things, what have you. The Repository had posted this in one of their articles...I'm not sure who wrote the story, but I will make it very clear that is not the case. The question in reference to the additional revenue that Council has been debating and has legislation to discuss, is to potentially bring in revenue that would apply to bringing more inspectors. That's the debate we have is, if there's going to be more inspectors, how do you pay for 'em and if you could use this source. So, the debate on the increased revenue and the debate on where that money goes...I don't think anybody in this horseshoe here has ever indicated that a single penny of those dollars would go outside the Building Code Department. Is that correct? So, that's just for the record because I keep hearing a lot of false information. So, as this debate unfolds, we'll get more clarity to it, but I want to make sure those points were identified. Mr. Rukavina, thank you for your testimony. I think you did a great job identifying the facts of what happened back in 2009 - 2010 and up to now, with the exception of the money being diverted out of the department, everything you said was very, very accurate, so thank you for your testimony.

PRESIDENT SCHULMAN: Thank you, Mayor. I know we want to adjourn, I just want to say three things which I think are somewhat important. First of all, one of our speakers this evening, in regard to the landlord/tenant matter, hasn't even paid the \$20.00 on a number of units, and still owes the City about \$1000.00. I think it's rich that some landlords come down and woe is me for \$20.00 a unit. Are you kidding me? So, we want our people to live in decent homes, decent residences. The speaker was correct that perhaps Council went awry by adopting, as we deed, a reporting system recognizing that the landlord would be the first defense to clean up their properties. That didn't work out so well. And so, I personally am tired of hearing about, "oh, \$100.00, it's so onerous". You know, if you can't be in the business, then get out, and leave our city because if you're going to make a pigsty out of it, we don't want you here. We do want landlords that care for

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their properties and actually care for their tenants. And there is a recognition on the other side, that certainly, you have problem with tenants. We're taking care of that, but don't come down and poor mouth. Can't afford the business, go with some place else. Don't ruin our city. Finally, I want to respond to Member Dougherty. I am not running for the Commission, and I'm not presupposing you said I was. I'm not going to run for the Commission. I think it's time we have some young blood, if there is this Charter. Those people should run. I was on the legal pleadings with Mr. Mack. I was a Plaintiff, which I don't like to be necessarily, but I was also the lawyer, and it's always a privilege and an honor to work with Edmond. That was more aligned with the right of a person to vote and to get a petition. I mean the idea that you say, "omit, omit", and that's enough. I mean give me a break. So, let's not be hyper-technical and Judge Forchione did a great job on the decision. Finally, he needs no defense, but as a lawyer, Joe Martuccio does an outstanding job for this city. We think we're going to be here forever, we're not. We are not. I've been privileged to serve here for I think, almost 10 years, and I've seen Members leave, I've seen them defeated, and I've seen them die. So, we are not going to be here forever. The Institution is what's important. The Institution of Council, the Institution of the Administration, and the Institution of Law, as Joe Martuccio struggles with every day to give us good advice about. I know that in the heat of the moment there were some things said, in my opinion about Law Director Martuccio that were not fair and a little mean spirited. I hope those who might have said it will recognize it and perhaps make a private apology. Joe does a great job and the advice, since I am a lawyer I can say, given to you tonight was superb. He did what he was supposed to do. He did what the people elect him to do and he upheld the Constitution of the United States, the Constitution of the State of Ohio, and the local Statutes and Ordinances. *(Applause)*. With that, Leader Morris.

MEMBER MORRIS: Mr. President, motion to adjourn.

MEMBER SMITH: Second.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: *(Gavel falls)* Meeting is adjourned.

ADJOURNMENT TIME: 9:42 P.M.

ATTEST:
CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

APPROVED:
ALLEN SCHULMAN
PRESIDENT