

MINUTES OF THE MEETING JANUARY 11, 2016

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. I have a few things to say first. I'd like to welcome the Central Catholic Government class to City Council this evening. Welcome. (*Applause*). Happy New Year. I hope you have a great school year and it's a pleasure having you here. On a very, very sad and tragic note, I do want to reiterate what the Mayor said...you know, all of us who have pets understand that they are part of our family. When we lose our pet, it's losing, literally, a part of your family. Well, the Canton Police Department lost a part of its family over the weekend, in that canine hero, Jethro died. The Leader came up to me and said, you know, he had tears in his eyes, and I think actually he has tears in his eyes right now, as I think we all did. It was such a tragedy and so unnecessary, but in any case, there is going to be, as the Mayor indicated, a commemoration of Jethro, our canine hero, on Thursday at the Civic Center at noon. We would obviously like everyone to be here. This not only made local news, it made national news because of the very sad nature of it. And it saved a Police Officer's life, to boot. I'd also like to say there was an internet fund-raising effort in Jethro's memory, which has raised over \$20,000.00, which will go to the Canton Police Department and its Canine Division. So, um, we want to thank those who contributed locally and those who contributed nationally. And with that, if we could have a moment of silence, please. Thank you very much. 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, TOM HARMON, WILLIAM SMUCKLER, GREG HAWK, THOMAS WEST, JASON SCAGLIONE, KEVIN FISHER, DAVID DOUGHERTY & JOHN MARIOL)

ELEVEN COUNCIL MEMBERS PRESENT. (MEMBER MACK ABSENT)

CLERK TIMBERLAKE: Eleven present, Mr. President.

EXCUSING MEMBERS

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Leader.

MEMBER MORRIS: Mr. President I move we excuse Member Mack from this evening's meeting.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to excuse Member Mack from this evening's meeting. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries and Member Mack is excused from this evening's meeting. I know he's on a well deserved vacation tonight, and that's the reason he's not here. Our invocation will be given tonight by my good friend and Assistant Majority Leader, and present on City Council tonight as she was the last time, Member Chris Smith. If you would all stand and you already are, and we're going to give the Pledge of Allegiance after our invocation.

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The regular meeting of Canton City Council was held on January 11, 2016 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 Chris Smith, Ward 4 Council Member. The Pledge of Allegiance was led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you very much, Assistant Majority Leader. We're now under Agenda Corrections and Changes, we have none this evening.

PUBLIC HEARINGS

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

OLD BUSINESS

PRESIDENT SCHULMAN: Under Old Business. We have no Old Business this evening.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: Turning to Public Speaks. We do have three speakers tonight. Our first is Henry Preston. Mr. Preston, good evening as always. Happy New Year to you and your family. If you'll give us your name and your residential address please.

HENRY PRESTON: Good evening. My name is Henry Preston. I live at 326 31st St. NW, Canton. Back in 2012...in the fall of 2012...I had two disrespecting dog walkers. One was walking the dog and I challenged the disrespecting dog walker to get off my property. I didn't know that her husband, who was also a disrespecting dog walker, saw me scolding his wife, and so he called the police. The police responded and told me that I had no jurisdiction, no right to protect my tree. I have a letter here that I've...I've talked with the Law Department. The Law Department said that's my property. Okay, yeah, that's my property. I have a letter from an attorney that says it's City property. So, why am I here tonight? I went to a Tree Commission meeting on Tuesday and the same conversation came up. Whose property is it between the sidewalk and the curb? Who takes care of it? I'd like the Law Director, if he would at his convenience, to bring some clarity to the question because in our meeting Tuesday night there were several scenarios of who owns it. So, I would thank the Law Director, at his leisure, to bring some clarity. Thank you.

PRESIDENT SCHULMAN: Thank you, Mr. Preston. Our next speaker is Richard Manson. Mr. Manson, good evening. As always, welcome to Canton City Council. Happy New Year to you and your family. If you'll give us your name and your residential address, please.

RICHARD MANSON: Thank you. Richard Manson. The address is 601 High Ave. SW, is that what you asked for?

PRESIDENT SCHULMAN: Would you take your hat off please.

RICHARD MANSON: Yes.

PRESIDENT SCHULMAN: Thank you sir.

RICHARD MANSON: What I was going to speak about tonight is bike lanes. I had spoken to City Council before about counterflow bike lanes a few months ago. The reasoning of it, at the time, Mayor Healy suggested

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I speak to the Engineer, which I think just happens to be here tonight. I managed to, after the meeting was over, I caught up to him at his vehicle and after probably standing there for the better part of a minute, got him to roll his window down, his wife rolled the window down. His defense for the counterflow bike lanes at that time was that the law allowed for it. So, in other words, according to him, the law allows to put them in, that's all the reason we need to have...to install a counterflow bike lane. In my opinion, that's not a good reason. Our country...across the country and in every municipality, there's all kinds of laws, both city, state, and federal laws that some of which don't make sense. There are some laws that don't make sense. A counterflow bike lane, as I did some research one, which I'm going to bring this research to the Council's attention later, found out that some other major cities, Philadelphia, Chicago, and some other major and medium cities, are against counterflow bike lanes. The city officials and engineers in those cities say that reasons, such as they don't make common sense, they're counter intuitive, they're a safety hazard. Probably a good majority of the cities I've looked up were not in favor of counterflow bike lanes for those reasons. More than 50% of them. When I talked to the Engineer, he didn't seem to bat an eyelash at the fact that I was almost killed last summer as I told all of you, on a counterflow bike lane going North. I don't know if that makes...I don't know if that's a concern of everybody, it should be. I guarantee you that someone is going to be killed on a counterflow bike lane. The reason why it hasn't happened it is most likely because we don't have the number of cyclists that other major cities have, like Chicago, New York and Philadelphia. It's bound to happen sooner or later, I can guarantee you that. Motorists don't look the opposite direction on one way streets, they just don't. They're not trained to do that. You can't teach them to do that and no amount of signage is going to educate them enough to do that. So, it's never going to happen. The counterflow bike lane should have been put on Cleveland Avenue. I don't know why everything had to be put on Walnut. It makes sense to put a Northbound bike lane on a Northbound street like Cleveland Avenue. I'm going to stay on this subject only because I think it's going to save at least one person's life or several people's lives. Thank you.

PRESIDENT SCHULMAN: Thank you Mr. Manson, very much. (*Applause*). Our next speaker is James Parker. Mr. Parker, as always, welcome to Canton City Council. If you'll give us your name though and your residential address and Happy New Year to you and your family, sir.

JAMES PARKER: That's so kind of you, President Schulman. Thank you so kindly for welcoming me to Council. My name is James Parker. I reside at 630 Penny St. SE, in the city of North Canton. I believe the subject said recent press relations with Council. What is the 4th Estate? The 4th Estate is the term that positions the press, newspapers is the 4th branch of government and one that is more important than they all, according to Carlisle, who quoted Burke in 1787. In 2011, Ladar Levison wrote, "*If the public knew what the government was doing, they wouldn't be allowed to do it any more.*" Politics cannot be allowed to stay in its own water tight compartment. The study of politics and politicians and freedom of the press must go hand in hand greatly to the mutual benefit of both. So, as Editor Rick Desrosiers, our new Editor...Publisher...at the Repository, Editor actually. As he pours the new wine of his vital spirit into the 200 year old bottles of tradition at the Canton Repository, I'd like to say that his findings of Councilmen's performance depend no on the findings themselves, but the changes produced by the findings. Like a gallery of portraits, each Councilman delineate themselves into different types. There seems to exist the pretentious type that portray the worst case scenario to be encountered while yet most controversial matters seem to be sideswiped, or worse, sidestepped, rather. No more than the study of meteorology can be divided into the science of good weather and bad weather. The evaluation and the examination of your performances won't be broken down to good Councilmen and bad Councilman. To me, the good are half bad and the bad are half good, but there seems to be many leaners for every lifter. In the 2015 book, *One Nation*, what we all can do to save America's future by Dr. Ben Carson M.D., a Republican Presidential candidate, Carson identifies and discusses problems including the recent decline of unencumbered freedom of expression. Freely chosen ignorance, especially in history, and dirty fights

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in politics. This book is enriched with discussions of things rarely recognized or discussed such as the critical difference between knowledge and wisdom. Carson illustrates this by observing that the furor over offending people is misplaced. Since taking offense is a choice and the offended feign their sense of offense in order to shift discussion away from the matter at hand. I look forward to Rich Desrosiers' sharing of descriptions to grateful readers. His simplicity appeals to me. And I will likely find that I don't always agree but I always approve. I hope he has the intestinal fortitude to do the poetic justice of not caving in to the coercion du jour. Thank you very much.

PRESIDENT SCHULMAN: Thank you very much. (*Applause*). I want to thank our public speakers.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We are now turning to Informal Resolutions and we have one Informal Resolution this evening. Madame Clerk, will you please read Informal Resolution #5.

#5. COUNCIL-AS-A-WHOLE: COMMENDING FIRE CHIEF STEPHEN J. RICH ON HIS RETIREMENT. - ADOPTED

PRESIDENT SCHULMAN: Leader.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Informal Resolution #5. Any remarks? By voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION 5 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries. Leader. Member Smuckler. I think the Chief...Madame Clerk, would you mind reading the Resolution before Member Smuckler presents the honor.

CLERK TIMBERLAKE: **Whereas**, Stephen J. Rich has served and protected the citizens of Canton, Ohio for 33 years as a firefighter, Captain, Battalion Chief, Division Chief, and the past nine years as Fire Chief; and **Whereas**, Chief Stephen J. Rich is a native Cantonian and a graduate of Canton Timken Senior High School, and an undergraduate of Walsh College; and **Whereas**, Stephen J. Rich has been supported by his wife Barb, sons Anthony, Aaron, Adam and daughter Amanda, throughout his 33 years of service with the Canton City Fire Department; and **Whereas**, The commitment to service, safety, and education of Chief Stephen J. Rich during his tenure with the Fire Department has improved the quality of lives of the people of the City of Canton, including Fire Department retirees whom Chief Rich honors with an annual breakfast; and **Whereas**, The City of Canton and the Canton City Fire Department will benefit from his strong vision and expertly trained staff for years to come; and **Whereas**, The Canton City Council, the City of Canton, and residents throughout the city will be forever grateful and indebted to Chief Stephen J. Rich for his unyielding commitment to his hometown. **Now, Therefore, Be It Resolved:** That we, the Members of the Council of the City of Canton, Ohio, do hereby commend and honor **Chief Steven J. Rich** for his invaluable contributions as a champion of public safety and education in Canton, Ohio, with the sincerest appreciation for his work and in anticipated celebration of his future successes and achievements. Good job Chief. (*Applause*).

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MEMBER SMUCKLER: The Majority Leader came up to me and said would I be interested in presenting this and I said absolutely. See, the Rich family lives in my neighborhood. The Rich family's kids grew up with my kids at the Jewish Center. Then they grew up together at Plain Local Schools and Chief Rich first came on the Fire Department in 1982 and I announced to run for City Council the first time in 1982. He's retiring, I'm still here. But the one said thing about retirements, is losing good people. I think we all agree that the Fire Department today is losing something upon Chief Rich's retirement. He's been an asset to this community. His family cares about this community and they've been a strong part of this community. I know like you do, we congratulate you on your retirement and your years of service. *(Applause)*.

CHIEF RICH: Thank you very much. It's greatly appreciated. It was an honor and a privilege for me to be Fire Fighter for this city for 33 ½ years. The last 9 years as Chief. I appreciated all the hard work Council and the Administration has done along with me. I think we've improved the safety of our citizens, which is our number one goal. Also, before I walk back there, I'd like to thank my wife Barb and my family because they've been big supporters of me and it's not always been easy, but we got the job done. Thank you very much. *(Applause)*.

PRESIDENT SCHULMAN: Thank you Chief. Congratulations Chief, and to the Chief's family. Thank you very much for your service. We have another person that thought the world of you also. *(Laughter)*.

COMMUNICATIONS

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

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED JANUARY 11, 2016.

8. AUDITOR MALLONN: REQ FOR ADDT'L AMENDED CERTIFICATE DATED 12/31/15. - RECEIVED & FILED.
9. LAW DIRECTOR MARTUCCIO: AUTHORIZE LEGISLATION TO ENTER INTO CONTRACTS FOR PROSECUTORIAL SERV WITH CITIES OF LOUISVILLE AND NORTH CANTON AND VILLAGES OF EAST CANTON, EAST SPARTA, HARTVILLE, MAGNOLIA AND WAYNESBURG FOR 2 YR PERIOD FR 2016 THRU 2017. - FINANCE COMMITTEE
10. MAYOR BERNABEI: RE-APPT OF ROBERT FAY TO INCOME TAX REVIEW BD COMMENCING 1/4/16 TO SERVE AT-WILL IN PERPETUITY FOR THE TERM OF THIS MAYOR. - RECEIVED & FILED
11. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO ONE OR MORE PROF SERV CONTRACTS FOR ARCHITECTURAL, ENGINEERING, CONSTRUCTION OVERSIGHT, AND ALL OTHER PROF SERV NECESSARY FOR MARKET SQUARE ENHANCEMENT PROJ FOR TOTAL AMT NOT TO EXCEED \$200,000.00; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE COMMITTEE

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ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: Turning now to First Reading Ordinances and Formal Resolutions for the First Reading, Madame Clerk, will you please begin with Ordinance 1.

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

#1. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTORS OF PUBLIC SERVICE AND SAFETY TO: ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO VARIOUS CONTRACTS FOR SUPPLY EQUIPMENT, ITEMS, MATERIALS, SUPPLIES, AND SERVICES PURSUANT TO CODIFIED ORDINANCE SECTION 105.09; ENTER INTO PROFESSIONAL SERVICES CONTRACTS PURSUANT TO CODIFIED ORDINANCE SECTION 105.10; ENTER INTO AND UTILIZE COOPERATIVE PURCHASING AGREEMENTS PURSUANT TO CODIFIED ORDINANCE SECTION 105.11; ENTER INTO CONTRACTS PURSUANT TO O.R.C. SECTION 735.05 AND 737.03 WITH QUALIFIED NONPROFIT AGENCIES DURING THE 2016 CALENDER YEAR; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

#2. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH CT CONSULTANTS FOR DESIGN OF THE AVONDALE AREA WATER MAIN REPLACEMENT PROJECT (PHASE II); AMENDING APPROPRIATION ORDINANCE NO. 259/2015; AND DECLARING THE SAME TO BE AN EMERGENCY (\$84,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207040 AVONDALE AREA WATER MAIN REPLACEMENT PROJ PHASE II - OTHER)

Referred to Finance Committee

#3. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE AND/OR DIRECTOR OF PUBLIC SAFETY TO COMPLETE THE CONTRACTING PROCESS FOR VARIOUS CONTRACTS PREVIOUSLY AUTHORIZED BUT NOT COMPLETED BY JANUARY 1, 2016; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

COUNCIL RECESSED AT 7:50 PM FOR THE FINANCE AND PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES TO DISCUSS ORDINANCES #4 AND 5; RECONVENED AT 7:58 PM)

#4. (1ST RDG) **ADOPTED AS ORDINANCE NO. 2/2016** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT EXTENSIONS FOR HEALTHCARE BENEFITS ADMINISTRATION AND A PROFESSIONAL SERVICES CONTRACT FOR STOP-LOSS INSURANCE FOR CITY EMPLOYEES AND THEIR DEPENDENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

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Referred to Finance Committee

- #5. (1ST RDG) **ADOPTED AS ORDINANCE NO. 3/2016** A FINAL RESOLUTION ADOPTING PLANS, AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO COOPERATE WITH AND REQUEST THE DIRECTOR OF TRANSPORTATION TO PROCEED WITH THE WIDENING OF MARKET AVENUE FROM 55TH STREET NORTH TO APPLGROVE STREET TO 4/5 LANES, INCLUDING PEDESTRIAN/BIKE TUNNEL AND NEW SIDEWALKS; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Property Capital Improvement Committee

PRESIDENT SCHULMAN: At this time the chair will declare an in house recess for the Finance Committee and Public Property Capital Improvement Committee to meet regarding Ordinances 4 and 5 on your agenda this evening. You're now in recess. Is it Chairman Hawk? Oh, Chairman Mariol.

PRESIDENT SCHULMAN: Thank you. Council is reconvening after it's recess. Leader.

MEMBER MORRIS: Mr. President, I move we suspend Rule 22A to place Ordinances #4 and #5 back on this evening's agenda.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to place Ordinances 4 and 5 back on this evening's agenda. Are there any remarks? Hearing none, Madame Clerk, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries. Leader.

MEMBER MORRIS: Mr. President, I move we suspend the Statutory Rules for Ordinance #4.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Statutory Rules on Ordinance #4. Are there any remarks? Hearing none, Madame Clerk, roll call please.

NO REMARKS

ROLL CALL 11YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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

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

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MEMBER SMITH: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#4 ADOPTED AS ORDINANCE NO. 2/2016

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries. Ordinance #4 has been adopted. Leader.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Statutory Rules on Ordinance #5. Are there any remarks? Roll call vote, please, Madame Clerk.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #5. Any remarks? Again, hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#5 ADOPTED AS ORDINANCE NO. 3/2016

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries. Ordinance #5 has been adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We're now move to Second Reading Ordinances. We have none this evening.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Moving on to Ordinances for the Third Reading. We have none this evening.

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PRESIDENT SCHULMAN: We are now under Announcements of Committees.

MEMBER MARIOL: Mr. President.

PRESIDENT SCHULMAN: Chairman Mariol.

MEMBER MARIOL: Finance will meet January 25th at 6:45 p.m.

PRESIDENT SCHULMAN: Thank you. That's it?

MEMBER MORRIS: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Let's add another 15 minutes onto Committee for our next meeting to allow for a presentation from Tyler Converse, please. So, Committee, if it's okay with Chairman Mariol, will be at 6:30.

PRESIDENT SCHULMAN: That's fine. 6:30 it is. So that will not be next week, as we are not...that's Martin Luther King's Birthday/Holiday. Any other remarks?

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: We are now under Miscellaneous Business. Is there any?

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Thank you, good sir. I have a question for the Law Director. Would you please help and clarify the sanctity of Executive Committee and a little explanation of that and how it works.

PRESIDENT SCHULMAN: Law Director.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member Hawk, Executive Committee, Executive Session, Executive in general. Sanctity was a good word. Executive Committees are chosen to do the work of full membership boards by votes and authorization. That carries with it a duty of trust, fiduciary duty of obligation to do what's in the best interest of the entire group and an Executive Committee. Executive Session is, again, sanctity is a good word. In the secular law, public records are probably considered one of the most sacred areas. Generally speaking, when a government entity cannot conduct city business. It's considered to be in the open, open meetings are public record. There are exceptions. The General Assembly has carved out in this state and other states to allow a body to go into secret, or confidential session, known as an executive session. They spell out the specific reasons to be able to do that and they are sanctified, if you will. Oftentimes this group goes into Executive Session to discuss matters of personnel, compensation, promotions, hirings, firings, etcetera. Those are very delicate area that could involve litigation. It could involve information that should be discussed in private. Action can not be taken of course, in Executive Session. Votes can not be taken, but opinions can be expressed to guide the person who's made the motion to go into Executive Session

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with further action. Particularly, your legal council. Sometimes we go into Executive Session to discuss pending litigation or if litigation that is threatened, called Imminent Litigation. Of course it's extremely important that it be kept confidential. One of the important things that I, as your legal advisor, can pass on to you that is upon exiting Executive Session, that you don't discuss what was discussed in Executive Session. The reason for the Executive Session is to have, presuming of course, it's done for a legal reason, under roll call votes, but you have to discuss those things confidentially and privately. If one comes out of those meetings and discusses what was discussed in those meetings, or leaks it, if you will, it could compromise the action that was being discussed. The hiring, the compensation, the discipline, the litigation and so on. So, again, we have to very carefully follow the Ohio Revised Code Exceptions when doing so. Have I answered your question Member Hawk?

MEMBER HAWK: Yes you have sir. Thank you very much.

LAW DIRECTOR MARTUCCIO: You're welcome.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Yes, I wanted to invite everybody, the Community, as well as all the Council Members...this Thursday the Martin Luther King Breakfast is occurring. It will be held at St. Hiram-bolos...did I say that right? (*Inaudible*). Say it louder. (*Inaudible*). There you go. It will be held at 8:00 in the morning. Our new Mayor will be there to give the welcome. Dave Baker will be speaking. You're all definitely welcome to come out to that event. Also, on Monday, Martin Luther King Day, Stephanie Patrick, who holds the longest standing Martin Luther King Celebration, is at the Southeast Community Center. You're all welcome to attend. Thank you.

PRESIDENT SCHULMAN: Thank you Member West. Is there any other Miscellaneous Business. Mayor Bernabei.

MAYOR BERNABEI: Thank you.

PRESIDENT SCHULMAN: You're welcome.

MAYOR BERNABEI: In conjunction with Chief Rich's proclamation that you provided him tonight, I want to also invite everyone to his retirement party, which is scheduled for Saturday, January 23, 6:00 p.m. at the Onesto Hotel. It will also be proclaimed and roasted at that particular retirement party. In conjunction with his retirement, I had the pleasure today of giving the Oath of Office to our new Chief of Fire, Thomas K. Garra, as well as a new Battalion Chief and Captain. I would like the opportunity to bring Chief Garra, who was here earlier unfortunately and left, before Council just to introduce him. I think he will be a great leader in the Department and follow the footsteps of Chief Rich.

PRESIDENT SCHULMAN: Actually, I think there was some emergency that they all left, so that's the reason he wasn't here. Was there any other Miscellaneous Business? Member Scaglione.

MEMBER SCAGLIONE: Yes sir. I just wanted to touch on what spoke about earlier, with our Office Jethro. I know the family well. There was a Go Fund Me account set up. I want to make sure it's clear that it's for any

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uncovered medical expenses or needs and to provide better, more current, bulletproof vests for our animals. That account actually has \$25,670 in it to date.

PRESIDENT SCHULMAN: That's terrific.

MEMBER SCAGLIONE. I can tell you that the family was very comforted by the support that was shown and I just ask that we all keep them and all of our safety forces in our thoughts and prayers. They're here doing a heck of a job protecting us and putting their lives on the line for us everyday. I believe they deserve that kind of support and we should support them all the time, that way. Thank you. (*Applause*).

PRESIDENT SCHULMAN: Great review. Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Members of Council. I just wanted to briefly speak to a few issues that were raised. I'll do so in more detail privately with the different parties. Regarding Mr. Preston's questions about the Tree lawn and who owns it or who controls it. This comes up a lot in questions from Council Members. Especially our constituents who wonder who's responsibility...can I protect it? Generally speaking, the city has an easement, a legal right of entry into the tree lawn or the devil strip. It's a license of permit to use it when we have to go in there to fix things like our utilities. Utility companies have easements in the devil strip or the tree lawn. However, when property is sold, that goes with the property that's sold. We also put a duty on people to take care of their tree lawns. We ask them to cut the grass on their tree lawns, and to trim the trees on their tree lawn. We threaten to bill them if they don't...to do it ourselves and bill them if they don't, so it makes sense that if we're asking them to take care of it, we also help them protect it. That's not surely legal, but that's our approach. On another matter, with the counterflow bike lanes, Mr. Manson. You're a very articulate spokesperson to show your fears and concerns of counterflow bike lanes. When the issue first came up, and it was proposed, we did briefly research and talk with the Ohio Department of Transportation and some folks at the Federal agencies. While it is legal, it was debated as to whether or not it was, as you put it, common sense. It was legal and I guess time will tell as to how well they are tolerated by public. I'm sorry about your near accident. With regards to Chief Rich, I wanted to say just a couple short things. There is no better example of the strong silent type than Chief Rich. He demonstrated to you, unlike me, he is a man of few words and exemplary. This man just did his job. Young folks, he is someone to emulate. He worked hard, he earned everything he got and when his children grew, he was an exemplary person to them as well. I believe two of his sons are also firefighters. We have the privilege of employing one of his sons as an Assistant Prosecutor, Anthony Rich, who was a great go-getter of a prosecutor. I must say to his credit, Chief Rich never mentioned that he was related to this young man, never asked for any consideration, influence, or favors in any way, shape or form. I know some of you are like that and I applaud Chief Rich for his virtues and thank you very much for your service. As I thank our officers, we all think we should try to show gratitude on a daily basis. I'm really grateful our office is (*Inaudible*), I'm saddened that Jethro was killed, but extremely grateful that Jethro's selfless act prevented the lives of so many others from being taken, including the person who was the burglar. It's many people's belief that there is a soul or consciousness in animals, if that's true, this animal was loved. And to quote another person who died recently, an artist named David Bowie, "*May God's love be with you*". (*Applause*).

PRESIDENT SCHULMAN: Thank you. Leader.

MEMBER MORRIS: Move we adjourn.

MEMBER SMITH: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President. Go Alabama! *(Laughter)*.

PRESIDENT SCHULMAN: *(Gavel falls)* Meeting adjourned. Drive safely everybody. Thanks for coming down.

ADJOURNMENT TIME: 8:12 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT
