

MINUTES OF THE MEETING OF JUNE 22, 2009

PRESIDENT SCHULMAN: Ladies and gentlemen, good evening. Welcome to Canton City Council. Before we begin, I just want to recognize a young man who lives in Member Griffin's Ward, Ward 3. He's here, he is a senior at Dayton University. He's interning for Mayor Healy and I'd like Ben Wills, can you stand up and we'll give you a big round of applause. (*APPLAUSE*) Ben came up, he looked very serious, it's good to smile though every now and then. Welcome, congratulations on your schooling and with that and a quorum being present the Chair calls the meeting of Canton City Council to order. Roll call vote please Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

11 COUNCILMEMBERS PRESENT: (DON CASAR, MARY CIRELLI, BILL SMUCKLER, GREG HAWK, THOMAS WEST, JAMES GRIFFIN, CHRIS SMITH, TERRY PRATER, DAVID DOUGHERTY, PATRICK BARTON, & KARL "BUTCH" KRAUS)

ELEVEN COUNCIL MEMBERS PRESENT: (JOE CARBENIA ABSENT)

CLERK TIMBERLAKE: Eleven present, one absent, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. We'll have our invocation tonight given by Council Member, Mary Cirelli. Will you all please remain standing for the pledge of allegiance.

The regular meeting of Canton City Council was held on Monday, June 22, 2009 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Council-at-Large, Mary Cirelli, the Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: We're now under agenda corrections and changes and Members of Council you're going to be asked to suspend Rule 22A to add the 2nd Reading of Ordinances 21 through 26 and Communication 293. Leader Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinances 21 through and including 26 and Communication #293 to this evening's agenda.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: Thank you. It's been moved and seconded to suspend Rule 22A to add the second reading Ordinances 21 through 26 and Communication 293 to this evening's agenda. Are there any remarks? If not, 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. Rule 22A is suspended and the Ordinances and Communication are a legal part of your agenda.

MINUTES OF THE MEETING OF JUNE 22, 2009**PUBLIC HEARINGS**

PRESIDENT SCHULMAN: We are now under Public Hearings and we do have a Public Hearing scheduled tonight for 7:30. It's AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY; IT IS ASSIGNED TO WARD 1; THE PLANNING COMMISSION RECOMMENDED APPROVAL OF THIS ZONE CHANGE. THIS IS IN REGARD TO WESTBROOK PARK UNITED METHODIST CHURCH @ 2521 12TH ST NW. Is there anyone in the audience wishing to speak for or against this zoning change, would you please step forward, and I believe we do have a speaker this evening and it's Reverend Johnathan Reese. And good evening Reverend. If you'll step up and give us your name please and your residential address and we welcome you, thank you.

REVEREND JOHNATHAN REESE: Good evening President, Mr. President and Council Members. My name is Johnathan Reese. I am actually a resident of Jackson Township but I'm the Pastor at Westbrook Park United Methodist Church here in Canton and

PRESIDENT SCHULMAN: That's not a good way to begin, by the way....Just kidding.

REVEREND JOHNATHAN REESE: I'm sorry I had no, I live in a parsonage and I have no choice about where I live technically.

PRESIDENT SCHULMAN: Well that's a good excuse.

REVEREND JOHNATHAN REESE: Westbrook Park United Methodist Church has a history dating in Canton back to 1869 when our church was organized and we have been in Canton since that time and at our present location on 12th St for just over 50 years. Our commitment is to be and to remain a viable and vital religious organization and service organization in the City of Canton and specifically in the neighborhood where the church is located. One of our challenges of course, is to get the word out about opportunities and services that we offer for our neighbors and our community. Our goal to this end is to help our neighbors know that we are there to help them and to help them become aware of programs, services, special events, and ministries that might appeal and be of service to them and their lives. For example this week we have a blood drive going on at our church and this summer we have a reading readiness workshop for elementary age students that we receive referrals from the schools in the area about students that may need some help and we contact those families and ask them if they don't want to send their children to us to have them work one on one with individuals from our congregation to improve their reading skills. Recent changes in I-77 and the traffic patterns around the church have resulted in the need becoming apparent for us for a sign on the 13th Street side of our property. We have a sign on the Harrison Street side but the traffic has changed in recent years with the changes in the traffic patterns and so we feel that the need for a sign on the 13th Street side of our property is pretty clear. And the design we selected to do this, we contracted with Akers Signs of Canton and it's what's called a monument sign with a limited size electronic message component and this will be located central, approximately central to our property on the 13th Street side and it's a considerable distance from any homes near our property and this would help us accomplish the goal of communicating what's going on at the church for those in our community, in an effective, attractive and controllable manner. An efficient manner for us and we do have the support of the Westburg Veteran's Memorial Park Neighborhood Association in seeking the change that we've asked you folks to consider and we're asking

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that our church be allowed to use on a much smaller and limited basis the same type of sign technology being used by other organizations and businesses in our community, and this sign would be a permanent sign that would replace the temporary signs that honestly are not the most attractive some times that we put out on the 13th Street side of our property to get the word out about it, activities at our church, so our request is to be able to do this to have the zoning changed that would allow us to put this permanent sign in place for the churches use.

PRESIDENT SCHULMAN: Reverend, thank you very much and thank you for your public service and the ministries you provide to our local families and I can say I know that Member Hawk is your Council Member. He's a staunch advocate for this change and I think you're in good hands. Thank you sir.

REVEREND JOHNATHAN REESE: Thank you for your help.

PRESIDENT SCHULMAN: Thank you, sir. (*APPLAUSE*)

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We are now under Informal, no we're now under Public Speaks on Ordinances and Resolutions for Adoption. We have no speakers signed up to speak this evening.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We are now under Informal Resolutions. Leader Casar I will recognize a motion to excuse Member Carbenia from this evening's meeting..

MEMBER CASAR: Mr. President, I move that Member Carbenia be excused from this evening's meeting.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to excuse Member Carbenia from this evening's meeting. Are there any remarks? If not 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 Carbenia is excused from this evening's meeting.

COMMUNICATIONS

PRESIDENT SCHULMAN: We are 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 JUNE 22, 2009.

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268. AUDITOR MALLONN (CITY): CERTIFICATE OF AMT FROM ALL SOURCES FOR 2009. - RECEIVED & FILED
269. CANTON PARK COMMISSION: RECEIPT OF LETTER TO STATE REP STEPHEN SLESNICK ADVISING THAT THE BOARD VOTED UNANIMOUSLY TO OPPOSE H.B. 195. - RECEIVED & FILED
270. COMMUNICATIONS DIR, HERMAN: AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO 1YR SUPPORT CONTRACT W/MYTHICS IN AMT OF \$35,610.42 FOR ONGOING SVC & MAINTENANCE OF CITY'S ORACLE SOFTWARE LICENSES. - FINANCE COMMITTEE
271. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/CANTON REGIONAL CHAMBER OF COMMERCE TO PROVIDE A GRANT UTILIZING COMMUNITY DEV BLOCK GRANT FUNDS IN AMT NOT TO EXCEED \$175,000.00 FOR A COMPREHENSIVE ECONOMIC & DOWNTOWN DEV PROG. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
272. FINANCE DIRECTOR ALGER: AUTHORIZE SUPP APPROP & APPROP TRANSFERS. - FINANCE COMMITTEE
273. HEALTH BENEFITS ADMIN., MCBRIDE: MAY 2009, MONTHLY COMPARATIVE RPT. - RECEIVED & FILED
274. HEALTH COMMISSIONER ADAMS: REQ \$20,000.00 APPROP FR: UNAPPROP FUNDS OF THE 2317 MINORITY HEALTH FUND TO: 2317 MINORITY HEALTH FUND. - FINANCE COMMITTEE
275. KRAUS, K, WARD 8 CNCLMBR: REQ ORDINANCE EXPLORING ANY STREET PATCHING &/OR SMALL PAVING JOBS WITHIN CITY. - JUDICIARY & PUBLIC SAFETY & THOROUGHFARES COMMITTEE
276. KRAUS, K, WARD 8 CNCLMBR: REQ ORDINANCE BE DRAFTED TO ADDRESS CITY PERSONNEL THAT ARE PERMITTED TO DRIVE THEIR CITY VEHICLES TO & FROM WORK. - JUDICIARY COMMITTEE
277. LAW DIRECTOR MARTUCCIO & ASSISTANT LAW DIRECTOR CHESSLER: AUTHORIZE SERV DIR TO EXECUTE BOTH A LICENSE AGMT & EASEMENT AGMT ON CITY-OWNED LAND IN PIKE TWNP (FLORENCE MALOTT - ACCESS TO EAST SPARTA AVE SE). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
278. LIQUOR CONTROL DIVISION (OHIO): REQ NEW D1 D3 D6 LIQ PERMIT FOR LA PARRILLA INC @ 300 W TUSCARAWAS ST. - RECEIVED & FILED
279. PLANNING COMMISSION: RECOMMENDS APPROVAL OF PROPOSED REPLAT OF LOTS 36333, 36328 & 36329 (WEST OF HARRISON AVE NW ON 34TH ST NW - BUCKEYE SURVEYING FOR MARGARET MAGEE & DAREN & JODI FURNO). - PUBLIC SAFETY & THOROUGHFARES

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COMMITTEE

280. PLANNING COMMISSION: RECOMMENDS APPROVAL OF PROPOSED REPLAT OF PARTS OF OUT LOTS 306 - 309 (GATEWAY BLVD SE - GATEWAY ESTATES LLC). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
281. PLANNING COMMISSION: RECOMMENDS APPROVAL OF TEXT CHANGE TO CODIFIED ORDINANCES BY THE CREATION OF A SECTION REGULATING WINDMILLS OR WIND TURBINES. - JUDICIARY COMMITTEE
282. PLANNING COMMISSION: RECOMMENDS APPROVAL OF TEXT CHANGE TO SECTION 1123.30 OF THE CODIFIED ORDINANCES BY DEFINING "FAMILY". - JUDICIARY COMMITTEE
283. PLANNING COMMISSION: RECOMMENDS APPROVAL OF PROPOSED ZONE CHANGE OF PART OF LOTS 2028 & 2029 @ 622 7TH ST NE FROM I-1, LIGHT INDUSTRIAL & R-2 ONE & TWO FAMILY RESIDENTIAL TO PR-1a, SINGLE FAMILY RESIDENTIAL TO CONSTRUCT A SINGLE FAMILY HOME (HABITAT FOR HUMANITY). - JUDICIARY COMMITTEE
284. PLANNING COMMISSION: RECOMMENDS APPROVAL W/A CAVEAT OF PROPOSED ZONE CHANGE @ 1372 MARKET AVE S FROM B-3, GENERAL BUSINESS TO PB-4, PLANNED SPECIAL BUSINESS TO ALLOW FOR MOTOR VEHICLE REPAIR WORK (EDWARD RAYNOR). - JUDICIARY COMMITTEE
285. SAFETY DIRECTOR NESBITT: AUTHORIZE TO MAKE PAYMENT IN AMT OF \$106,894.78 TO MOTOROLA, INC FOR 2009 SERVICE AGMT. - FINANCE COMMITTEE
286. SAFETY DIRECTOR NESBITT: RECEIPT OF MAY 2009 RPT OF INMATES INCARCERATED UNDER CITY ORDINANCE PROVIDED BY STARK CNTY SHERIFF. - RECEIVED & FILED
287. SAFETY DIRECTOR NESBITT: AUTHORIZE TO ADVERTISE, TAKE BIDS & SELL PROP OWNED BY CITY KNOWN AS 1251 GRENADA DR NE WHICH WAS FORFEITED AS A RESULT OF A DRUG INVESTIGATION & PROSECUTION. - FINANCE COMMITTEE
288. SAFETY DIRECTOR NESBITT: DEMO LIST OF 13 PROPERTIES DETERMINED UNSAFE & HAZARDOUS IN VARIOUS WARDS. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
289. SERVICE DIRECTOR PRICE: AUTHORIZE TO NEGOTIATE & ENTER INTO SUPP AGMT NO. 17 (CANTON/STARK CNTY SEWER AGMT). - ENVIRONMENTAL & PUBLIC UTILITIES & FINANCES COMMITTEES
290. SERVICE DIRECTOR PRICE: REQ TO MAKE APPLICATION, ENTER INTO CONTRACT FOR & REC FUNDS FOR OHIO PUB WORKS COMMISSION 2010 PROG YR. - FINANCE COMMITTEE
291. SERVICE DIRECTOR PRICE: REQ TO MAKE APPLICATION, ENTER INTO CONTRACT FOR &

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REC FUNDS FOR CLEAN OH CONSERVATION FUND 2010 PROG YR THRU OHIO PUB WORKS COMMISSION. - FINANCE COMMITTEE

292. SERVICE DIRECTOR PRICE: REQ TO ENTER INTO SUPP AGMT NO. 18 W/STARK CNTY METROPOLITAN SEWER DIST & NORTH CANTON FOR REHAB OF WEST SIDE INTERCEPTOR. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEES
293. CLERK OF COURTS GIAVASIS: REQ \$175,000.00 APPROP REDUCTION. - FINANCE COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: We are now under Ordinances & Formal Resolutions for the first reading. Let the journal show that all Ordinances are being given their reading as required by State law. Madame Clerk, would you please read the first reading Ordinances by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #20 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1. (1ST RDG) AN ORDINANCE AMENDING VARIOUS SECTIONS IN PART THIRTEEN - BUILDING CODE OF THE CODIFIED ORDINANCES
Referred to Judiciary Committee
- #2. (1ST RDG) AN ORDINANCE AUTHORIZING A HIRING FREEZE FOR MANAGEMENT AND NON-BARGAINING UNIT POSITIONS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Personnel Committee
- #3. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH HABITAT FOR HUMANITY OF GREATER STARK AND CARROLL COUNTIES, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$480,000.00 FOR DEVELOPMENT AND CONSTRUCTION OF HOUSING UNDER THE NEIGHBORHOOD STABILIZATION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- #4. (1ST RDG) AN ORDINANCE AMENDING COMPENSATED ABSENCE PREMIUM RATES ESTABLISHED IN ORDINANCE NO. 38/2004; AMENDING APPROPRIATION NO. 193/2008; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #5. (1ST RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO ENTER INTO PROFESSIONAL SERVICES CONTRACTS WITH AN INVESTMENT BANKING FIRM OR FIRMS, BOND LEGAL COUNSEL AND RELATED SERVICES FOR

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ADVANCE REFUNDING OF THE CITY'S PENSION REFUNDING BOND AND 1999 CAPITAL PROJECT BOND INDEBTEDNESS; AMENDING APPROPRIATION ORDINANCE NO. 193/2008; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

- #6. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE APPROPRIATION REDUCTIONS, SUPPLEMENTAL APPROPRIATIONS AND APPROPRIATION TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

- #7. (1ST RDG) A ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF REHABILITATION & CORRECTION FOR RECEIPT OF THE FY 2010 COMMUNITY CORRECTIONS ACT GRANT IN AN AMOUNT NOT TO EXCEED \$81,465.00; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

- #8. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A FUNDING AGREEMENT WITH STARK COUNTY OUT OF POVERTY PARTNERSHIP, INC. TO PROVIDE HOME FUNDS IN THE AMOUNT OF \$35,000.00 FOR THE ADMINISTRATION OF THE CITY'S HOUSING PROGRAMS; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

- #9. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON COMMUNITY IMPROVEMENT CORPORATION TO PROVIDE A GRANT UTILIZING COMMUNITY DEVELOPMENT BLOCK GRANT AMERICAN RECOVERY ACT FUNDS IN AN AMOUNT NOT TO EXCEED \$421,783.00 FOR GRANTS, LOANS AND ADMINISTRATIVE COSTS; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

- #10 (1ST RDG) **ADOPTED AS ORDINANCE NO. 91/2009** AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO RECEIVE FUNDS FROM THE NEIGHBORHOOD STABILIZATION PROGRAM 2 UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009; AUTHORIZING THE MAYOR TO ISSUE REQUEST FOR PROPOSALS, ACCEPT AND EVALUATE PROPOSALS, SELECT AND ENTER INTO CONTRACT WITH AGENCIES QUALIFIED TO PROVIDE THE NECESSARY OVERSIGHT AND SERVICES REQUIRED TO PERFORM AND ACHIEVE THE GOALS OF THE RECOVERY ACT; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community and Economic Development Committee

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PRESIDENT SCHULMAN: At this time the Chair would declare and in house recess for the Community

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Yes, Leader.

MEMBER CASAR: Point of information. Since we have Ordinance 10, 13 and 16

CLERK TIMBERLAKE: 16 and 19.

MEMBER CASAR: 17 no it will be under same committee, would it not be advisable just to do all those at one time?

PRESIDENT SCHULMAN: I think that's a great idea, Leader. Why don't we jump to 13 and then 16 and 19 and then I'll declare the in house recess. Is that correct?

CLERK TIMBERLAKE:

#13. (1ST RDG) **ADOPTED AS ORDINANCE NO. 92/2009** AN ORDINANCE DECLARING 12 BUILDINGS TO BE PUBLIC NUISANCES; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE DEMOLITION OF SAID BUILDINGS; AUTHORIZING THE CLERK OF CANTON CITY COUNCIL TO CERTIFY THE COSTS OF DEMOLITION TO THE STARK COUNTY AUDITOR; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee

PRESIDENT SCHULMAN: So 16 and 19.

CLERK TIMBERLAKE:

#16 (1ST RDG) **ADOPTED AS ORDINANCE NO. 93/2009** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND/OR DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT (S) FOR THE PURCHASE AND/OR LEASE OF VARIOUS MOTOR VEHICLES AND/OR EQUIPMENT FOR VARIOUS CITY DEPARTMENTS; AUTHORIZING SAID DIRECTORS TO ALTERNATIVELY PURCHASE AND/OR LEASE SAID VEHICLES AND EQUIPMENT PURSUANT TO REVISED CODE SECTIONS 125.04 AND 5513.01; AMENDING APPROPRIATION ORDINANCE NO. 293/2008; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee

#19. (1ST RDG) **ADOPTED AS ORDINANCE NO. 94/2009** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON SYMPHONY ORCHESTRA ASSOCIATION IN AN AMOUNT NOT TO EXCEED \$31,100.00 FOR THE 2009 CONCERT IN THE PARK; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT SCHULMAN: Thank you, Madame Clerk. So at this time, the Chair would declare an in house recess in regard to Ordinance 10 and Ordinance 13 for the Community & Economic Development Committee, similarly and in house recess for Ordinance 16 to the Public Property Capital Improvement Committee, and finally Ordinance 19 an in house recess for the Finance Committee to meet. You are in recess.

(COUNCIL RECESSED @ 7:45 PM FOR COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE TO DISCUSS THE ADOPTION OF ORDINANCE #10 & ORDINANCE #13; RECONVENED @ 7:51 PM)

(COUNCIL RECESSED @ 7:51 PM FOR PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE TO DISCUSS THE ADOPTION OF ORDINANCE #16; RECONVENED @ 7:53 PM)

(COUNCIL RECESSED @ 7:53 PM FOR FINANCE COMMITTEE TO DISCUSS THE ADOPTION OF ORDINANCE #19; RECONVENED @ 7:56 PM)

PRESIDENT SCHULMAN: Council is reconvening after the recess, and Leader Casar I'll entertain a motion to suspend Rule 22A to place Ordinances 13, I'm sorry, 10, 13, 16, 19 back on this evening's agenda.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and place Ordinances 10, 13, 16, and 18 back on this evening's agenda.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rule 22A to place Ordinances 10, 13, 16, 19 back on to the agenda. Any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries. Ordinances 10, 13, 16, and 19 are a legal part of your agenda. Member Casar on Ordinance 10.

MEMBER CASAR: Mr. President, I move Statutory Rules be suspended on Ordinance #10.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance #10. Any remarks? If not, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: The motion carries. Leader you've heard the three readings.

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

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #10. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#10 ADOPTED AS ORDINANCE NO. 91/2009

PRESIDENT SCHULMAN: Ordinance #10 is adopted. Ordinance #13, Leader.

MEMBER CASAR: Mr. President, I move Statutory Rules be suspended on Ordinance #13.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance 13. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: The motion carries. Leader Casar you've heard the three readings.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #13.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #13. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#13 ADOPTED AS ORDINANCE NO. 92/2009

PRESIDENT SCHULMAN: Ordinance #13 is adopted. Ordinance #16, Leader Casar..

MEMBER CASAR: Mr. President, I move Statutory Rules be suspended on Ordinance #16.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance 16. Are

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there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries. Leader Casar you've heard the three readings.

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

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #16. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#16 ADOPTED AS ORDINANCE NO. 93/2009

PRESIDENT SCHULMAN: Ordinance #16 is adopted. Ordinance #19, Leader Casar..

MEMBER CASAR: Mr. President, I move Statutory Rules be suspended on Ordinance #19.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance 19. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries. You've heard the three readings, Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #19.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #19. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#19 ADOPTED AS ORDINANCE NO. 94/2009

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PRESIDENT SCHULMAN: Ordinance #19 is adopted. And we're back on Ordinances and Formal Resolutions for the 1st Reading to be continued. Ordinance #11, please.

- #11. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BLACK, MCCUSKEY, SOUERS & ARBAUGH IN AN AMOUNT NOT TO EXCEED \$25,000.00 TO PROVIDE SPECIALIZED LEGAL ASSISTANCE WITH WORKERS' COMPENSATION CASES; AMENDING APPROPRIATION ORDINANCE NO. 193/2008; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #12. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A COOPERATIVE AGREEMENT BETWEEN THE CITY OF CANTON AND THE STARK METROPOLITAN HOUSING AUTHORITY (SMHA) IN AN AMOUNT NOT TO EXCEED \$40,000.00 FOR THE PURCHASE AND INSTALLATION OF SECURITY CAMERAS AT REFURBISHED SMHA SITES THROUGHOUT THE CITY; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #14. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH FEDERAL SIGNAL CORPORATION FOR THE PURCHASE AND INSTALLATION OF ONE WARNING SIREN PURSUANT TO O.R.C. SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #15 (1ST RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (POLICE DEPT. REDUCTION)
Referred to Personnel & Finance Committees
- #17. (1ST RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO PLAIN 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
Referred to Environmental & Public Utilities Committee
- #18. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO A CONSTRUCTION CONTRACT FOR A RETENTION BASIN ASSOCIATED WITH THE 30TH STREET N.E./FAIRHOPE NATURE PRESERVE PROJECT, GP 1083; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT A GRANT FROM AND ENTER INTO A COOPERATIVE AGREEMENT WITH THE MUSKINGUM WATERSHED CONSERVANCY DISTRICT FOR THE CONSTRUCTION OF THE RETENTION BASIN AND ASSOCIATED WORK; AMENDING APPROPRIATION ORDINANCE

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NO. 193/2008, AS AMENDED; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Safety and Thoroughfares Committee

- #20. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE ECONOMIC DEVELOPMENT AGREEMENT WITH JACKSON TOWNSHIP ON PROPERTY LOCATED IN THE RM INVESTMENT/METRO RTA ANNEXATION AREA; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Annexation Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: Thank you, Madame Clerk, good job. We are now under Ordinances and Formal Resolutions for their second reading. Would you please start with Ordinance 21.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #21 THROUGH #26 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #21. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE, IN COLLABORATION WITH STARK COUNTY REGIONAL PLANNING, TO ISSUE A JOINT REQUEST FOR PROPOSAL, ACCEPT AND EVALUATE PROPOSALS, AND SELECT AND ENTER INTO CONTRACT WITH LOCAL AGENCIES QUALIFIED TO PROVIDE THE NECESSARY OVERSIGHT AND SERVICES REQUIRED TO PERFORM AND ACHIEVE THE GOALS OF THE HOMELESS PREVENTION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
- #22. (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (LOT NOS. 42976 & 42978 & PART OF OUT LOT 1317 - DUMONT'S SEED CO) **PUB HRG: 7/6/09 @ 7:30 P.M.**
- #23. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PARTS OF OUT LOTS NOS. 397 AND 398; AND DECLARING THE SAME TO BE AN EMERGENCY (13TH ST NE)
- #24. (2ND RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE CENTRAL ALLIED ANNEXATION AREA CONTAINING APPROXIMATELY 19.075 ACRES; ASSIGNING SAID TERRITORY TO WARD 6 OF THE CITY; ZONING SAID TERRITORY AS I-1 (LIGHT INDUSTRIAL) AND R-1A (SINGLE FAMILY RESIDENTIAL); AND DECLARING THE SAME TO BE AN EMERGENCY **PUB HRG: 7/6/09 @ 7:31 P.M.**
- #25. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A COOPERATION AGREEMENT WITH THE BOARD OF STARK COUNTY COMMISSIONERS FOR THE REPLACEMENT OF THE MILL STREET BRIDGE IN AN AMOUNT NOT TO EXCEED \$200,000.00; AND DECLARING THE

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SAME TO BE AN EMERGENCY

- #26. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ANNEXATION AGREEMENT WITH PLAIN TOWNSHIP ON PROPERTY LOCATED IN THE PARK FARMS ANNEXATION AREA

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Thank you, Madame Clerk. I feel like I should just take my time and let you catch your breath, so I think I'll do that. We are now under Ordinances and Formal Resolutions for the third and final reading and vote. Madame Clerk, would you please read Ordinance 27.

- #27. (3RD RDG) **ADOPTED AS ORDINANCE NO. 95/2009** AN ORDINANCE AMENDING CHAPTER 150, SYSTEMS PLANNING BOARD, OF THE CODIFIED ORDINANCES

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #27.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 27. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#27 ADOPTED AS ORDINANCE NO. 95/2009

PRESIDENT SCHULMAN: Ordinance #27 is adopted. Ordinance #28, please.

- #28. (3RD RDG) **ADOPTED AS ORDINANCE NO. 96/2009** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS, ADVANCE AND ADVANCE REPAYMENT HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (COMMUNITY SERVICE)

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #28.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 28. Are there any remarks? If not, Madame Clerk, roll call vote please.

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NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#28 ADOPTED AS ORDINANCE NO. 96/2009

PRESIDENT SCHULMAN: Ordinance #28 is adopted. Ordinance #29, please.

#29. (3RD RDG) **ADOPTED AS ORDINANCE NO. 97/2009** AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #02-01928, SIXTH ST SW, LINDA WILLIAMS)

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #29.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #29. Any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#29 ADOPTED AS ORDINANCE NO. 97/2009

PRESIDENT SCHULMAN: Ordinance #29 is adopted. Ordinance #30, please.

#30. (3RD RDG) **ADOPTED AS ORDINANCE NO. 98/2009** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE STARK COUNTY BOARD OF COMMISSIONERS FOR VISRE STREET LEVEL IMAGERY SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #30.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #30. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#30 ADOPTED AS ORDINANCE NO. 98/2009

PRESIDENT SCHULMAN: Ordinance #30 is adopted. Ordinance #31, please.

#31. (3RD RDG) **ADOPTED AS ORDINANCE NO. 99/2009** AN ORDINANCE AMENDING ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #31.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #31. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#31 ADOPTED AS ORDINANCE NO. 99/2009

PRESIDENT SCHULMAN: Ordinance #31 is adopted. And everything comes to he who waits, so the last one would be Ordinance #32. Madame Clerk.

#32. (3RD RDG) **ADOPTED AS ORDINANCE NO. 100/2009** AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (WESTBROOK PK CHURCH-2521 12TH ST NW)

PUB HRG. 6/22/09 @ 7:30 P.M.

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #32.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #32. Are there any remarks? Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 9 YEAS, 2 NAYS
(Members Casar and Cirelli voted Nay)

CLERK TIMBERLAKE: Nine yeas, two, I'm sorry. Nine yeas, two nays. Thank you.

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PRESIDENT SCHULMAN: Thank you, Madame Clerk. The Ordinance carries and Ordinance #32 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: We're now under Announcement of Committee meetings. Member Hawk.

MEMBER HAWK: Finance Committee will meet Monday, July 6, 2009 at 6:00 P.M.

PRESIDENT SCHULMAN: Thank you.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

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

PRESIDENT SCHULMAN: Thank you. Member West.

MEMBER WEST: Mr. President, July 6th at 6 PM Judiciary will meet.

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel Committee will meet July 6th at 6 PM.

PRESIDENT SCHULMAN: Thank you.

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Member Kraus.

MEMBER KRAUS: Public Safety & Thoroughfare same time.

PRESIDENT SCHULMAN: Thank you.

MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Griffin.

MEMBER GRIFFIN: Environmental will meet at 6:00, same date.

PRESIDENT SCHULMAN: Thank you, very much. Anyone else? I think that pretty much covers everyone. Community & Economic Development?

MEMBER SMUCKLER: It's going be that day same time, same place.

CLERK TIMBERLAKE: Thank you, Bill.

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PRESIDENT SCHULMAN: Are you the same person that just did the last ...

MEMBER SMUCKLER: I'm used to worrying about Annexation not CD and I would rather Joe be here to worry about CD.

PRESIDENT SCHULMAN: I understand and we wish Joe were here too.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: We are now under Public Speaks open forum. We have a few speakers signed up this evening. I think I know most of you so, just caution please, try to keep your remarks to three minutes or Leader Casar will become upset with me. Our first speaker is, I feel like I am announcing the Academy Awards here, Ida Ross-Freeman. Good evening, Miss Freeman. If you could come up and give us your name and your residential address, please and welcome.

IDA ROSS-FREEMAN: Thank you. My name is Ida Ross-Freeman. I live at 1129 7th St NW, in Canton, Ohio. The, I have several things I want to talk about. The first, the first of the month warning system. I was thinking about this. We can't hear it. We can barely hear it where I live at and the last one they had like a tornado warning. I never heard it. You know, I could have been dead or something, so maybe somebody need to check that system. It's not getting, it's not loud enough and this has been going on for some years. I don't know what happened there. And when will we get some cameras in this place so we can view all of you on TV when we can't be down here? That's a thought. Also, I wanted to talk, it takes one family to destroy a community. The South Side gang members moved into our neighborhood. These folks live at 1130 8th St NW. Have caused nothing but problems since they moved in. The first thing they did was tag their gang signs or their turf. Now last night they stole a vehicle and destroyed 8 cars, I'm told and destroyed property. We call all of the city officials that we could find, including the Weed & Seed person. Speaking of the Weed & Seed, maybe if we had something for these kids to do in the neighborhood as the seed, maybe they wouldn't be out creating their own thing. That's just a thought. We try, we tried several times to contact the juvenile division to no avail. We need them gone. The bottom line. Thank you.

(APPLAUSE)

PRESIDENT SCHULMAN: Thank you, very much. Our next speaker is Ruby Brogdon. Good evening Miss Brogdon, if you would give your name and your residential address, please.

RUBY BROGDON: My name is Ruby Brogdon. I live at 1617 3rd St NE. I'm back here tonight to talk about promise and no action. I was told that we had some neighborhood, clean up the neighborhoods. But my neighborhood is not getting cleaned up, it's getting worse. We have groundhogs, we have skunks, we have weeds. You can't see nothing but 3rd Street on the side, the trees are so tall we can't see the houses across the street. In front of me the houses grewed up on the side of me, it's disturbed. Now, I'm going to talk about who is over this program, I don't care who's over it. I'm talking about whoever's fit, if the shoe fits, I want you to wear it cause whoever you are you aren't doing anything. And I'm tired of all these promises. If you're going do anything, do it, if your not going to do it, say your not going to do it. Would you wanna, I'll tell you what, I want somebody to come down and look and see would you like to live the way it looks down there. The only person that Council-at-Large, only person you can talk to is Mrs. Cirelli. Now you knew it would happen. There's someone over this program, but you're not doing your job. What, I wanna hear someone tell me what about these clean up the neighborhoods. Who's over that program? Well, someone is getting paid for not doing anything. I am a taxpayer and have been for a long time. I have been voting ever since I was 18. When some of you that's running for

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office, you can find me. But when I want a simple thing as cleaning up, I can't even get a grunt. Thank you.

(APPLAUSE)

PRESIDENT SCHULMAN: Thank you, very much. Our next speaker is Bettie Bell. Ms. Bell, good evening. If you'd step up and give us your name and your residential address and welcome.

BETTIE BELL: Good afternoon. My name is Bettie Bell. I live at 1613 2nd St NE, Canton, Ohio and I think Miss Brogdon almost said it all, but next door to me is where those houses were tore down last year and it's nothing but weeds, or tree stumps, brushes and everything. And we really pay our taxes down there and we really would like to have something done. It's terrible, you can't sit on your porch. Also, the sidewalk between 2nd St and 3rd St, you can't walk on the sidewalk. Up 2nd Street it's nothing but limbs and tree, bushes and everything. In fact it's a disgrace to live there. And we would like to see something done, we really would. And that's about it for tonight. So thank you so very much.

PRESIDENT SCHULMAN: Thank you very much. *(APPLAUSE)* Our last speakers are known to all of us. First is Phil Giavasis, our Clerk of Courts, and Michael Kochera, if Mike wants to come up. Our Director of the Court System. Good evening if you'll give us your name Mr. Clerk and your residential address.

PHIL GIAVASIS: Thank you, Mr. President. My name is Phil Giavasis. I live at 4736 Market Ave N., Canton, Ohio, and first I would like to begin by thanking your staff for putting my communication on your agenda. I am here at the Public Speaks portion of your meeting in response to Mayor Healy's emergency budget meeting, and Auditor Mallonn's letter to this body in request for a possible decertification of funds. Based on that, I'm here in tandem with Mike Kochera from, Court Administrator, from the Canton Municipal Court and we have both looked at our budgets and have analyzed them and due to several issues and I have outlined it in my communication to you, I don't think there's any need to elaborate on it, but we are prepared to ask for a budget reduction in the Clerk of Courts office of \$115,000.00 for the 2009 budget. Partially due to a buy out that was instituted by my predecessor, Mr. Harmon, where we are experiencing a significant savings and through attrition in the Clerk's office, we have decided not to replace those individuals that were bought out. We replaced a full-time Chief Deputy's position with a part-time position. We decided not to replace our other key administrative position and another assistant supervisory position, so we are actually tightening our belts, trying to do more with less in response to the City's budget crisis. And I'd like to call Mr. Kochera up to join me if you don't mind.

PRESIDENT SCHULMAN: Great, no not at all. Mr. Kochera, good evening. If you could give us your name and your residential address please.

MICHAEL KOCHERA: Yes, Mr. President. Michael Kochera, I'm the Court Administrator of Canton Municipal Court. My residential address is 1316 14th St NW, Canton, Ohio. Mr. President, Honorable Members, I thank you for the opportunity to address City Council this evening. The Judges Administration of the Canton Municipal Court have long been gracious tenants of the City of Canton, Canton City Hall and we recognize the Executive and Legislative Branches of Canton City government as valued and trusted partners and colleagues. To that end, in anticipation of the deteriorating fiscal outlook for 2009, the judges increased court costs in the 4th quarter of 2008 in order to generate additional revenue for the City of Canton's General Revenue Fund. In addition, upon the request of the Administration, in February of 2009 the Judges Administration offered a 4% budget reduction in the amount of \$90,241.00. I am pleased to come before you this evening and offer a further ray of hope in this otherwise gloomy fiscal climate that we're all involved in. Upon careful review of our 2009 operating budget, the Judges Administration is pleased to be able to return an additional \$60,000.00 to the General Revenue Fund. The Judges Administration is able to accomplish this through a redistribution of expenditures from the General

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Revenue Fund to our Court Capital and Court Special Projects Fund. Upon this redistribution of expenditures the Judges Administration will have diverted a total of \$952,000.00 in expenditures, operating expenditures and personnel expense in 2009. Based upon that redistribution, along with the Clerk of Courts, return of \$115,000.00 the entire Judicial Branch of the City of Canton government operates at less than 2% of the entire City of Canton, General Revenue Fund. However, it must be said that the Courts Discretionary Funds will not be able to absorb these types of diversionary spending in coming years, so a plan must be in place where funding will be returned or at least increased over the next several years. These funds are not able to sustain that type of diversionary spending nor are they intended to serve that purpose. The Judges are proud to boast the lowest per capita spending and the lowest per employee spending of all municipals courts in the State of Ohio, according to Supreme Courts annual courts summary, and we're committed to running a fiscally responsible and fiscally accountable operation for the City of Canton and for the constituents of central Stark County. I appreciate your time this evening and be happy to answer any questions for you.

PRESIDENT SCHULMAN: I would like you to make one comment. I don't mean to put you on the spot. I should have probably said this, if I am let me know, I should have told you before. You know when the public, and I hope the newspaper and the press pick up what your doing because it's so valuable to the City, but the public reads it and goes, "See they had all this bloated staffs and bloated offices and they're just giving back what they could have cut a long time ago". Would you, could you help the public understand exactly why your doing this. How your able to do it and really in the short term the public benefits, we all benefit, but in the long term, the public may suffer because services are not being provided, so if you don't mind, I don't mean to put you on the spot.

MICHAEL KOCHERA: It is not putting me on the spot, Mr. President. The revenue streams that I am talking about diverting costs from, or diverting costs into the Discretionary Funds are based upon revenue of court costs. We are able to project what those court costs are going to be collected at, however that unknown of the collection rate just because the cost is out there, doesn't mean it's always collectable. What we did, we re-evaluated that sort of margin we have built in there and we've completely pushed the threshold of our safe spending between now and the end of the year, in order to return this additional \$60,000.00. For better for worse, perhaps a social commentary our cases are up. Everything is up. And despite the economy, our court cost, our collections are up, so if it had not been for those few factors, we wouldn't be in this position where we could return this type of money.

PRESIDENT SCHULMAN: OK, thank you. Clerk.

PHIL GIAVASIS: And additionally, Mr. President.

PRESIDENT SCHULMAN: Mr. Clerk.

PHIL GIAVASIS: I mentioned the employee buy-out program that was instituted by Mr. Harmon and several employees have chosen to except that program and retire, and we have chose, and to maximize the savings, is to not to replace them at this time. It's harder to make up through lay-offs what you can save through attrition because you'd have to lay-off more people because of unemployment, so due to that fact and we've consolidated positions. I mean we're actually doing more with less. It's going to be busy, but given the situation and the financially outlook for the City and I'd like to thank Auditor Mallonn and Gary Young for their assistance in this preparation as well.

PRESIDENT SCHULMAN: Mayor, did you, I'm sorry I heard the Mayor first, Member Smuckler, I apologize.

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MAYOR HEALY: Thank you, Mr. President, and I would like to address this to these two gentlemen there, and I just want to say thank you. All of us here in the City and all of the departments are going through the same exact exercise right now and everybody is participating as best they can, and trying to still function. The level that the citizen's of our City expect and deserve and I certainly appreciate your support and cooperation in helping us get through these trying times.

PHIL GIAVASIS & MICHAEL KOCHERA: Thank you.

PRESIDENT SCHULMAN: Thank you, Mayor, Member Smuckler.

MEMBER SMUCKLER: Yea, I just wanted to say this, I know that especially to Mike Kochera, I know a few months ago we had a little rough sailing between Council and the Courts and I know that we have worked very closely especially through trying to do something with the water problem out here and the add on of the building which will not be done with General Fund money, I want to stress that. Which will not be done with General Fund money cause there's that rumor going around and you folks have cooperated wonderfully since then and I just can't thank you enough on the way you've cooperated on trying to, you're doing more with less keeps more policemen on the street, keeps fire stations open, and it really provides a lot more in day to day services. Thank you.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Mr. President, thank you sir. Gentlemen, I'd like to thank you. I've worked with you in the past and you guys get it. You understand it. You know that as you trim your staff you can't replace if you ever hope to get, help our budget. Replacing a full-time worker with a part-time worker I congratulate you. I know what you've gone through cause we were all here in 2002 when the budget was tighter than this and working together is how we pulled that budget out and put it in a positive position and had a carry over. I thank you guys for all your hard work in the past. I understand what your doing now and again I congratulate you. Thank you.

PRESIDENT SCHULMAN: Anyone else. Gentlemen, thank you very much. We appreciate it. *(APPLAUSE)*
And that concludes Public Speaks.

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: And now we're on to Miscellaneous Business. Member Cirelli.

MEMBER CIRELLI: Thank you, Mr. President. Mr. President this question is to Mr., Law Director Martuccio. On behalf of the fact that I am the Chairperson of the Sidewalk Committee and Member Barton has submitted hopefully and Ordinance to come out. I've had a lot of people approaching me with the weather being good and what have you, believe it or not there are some people that want to fix their sidewalks. So can you give us a time line on that Ordinance perhaps sir so we can have some people maybe can get their selves a new sidewalks before the weather gets bad.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, Member Cirelli, thank you. As we speak Assistant Law Director Chessler has presented Mr. Barton with a draft. We'll make sure that he's satisfied with it. He can add any suggestions or edits he likes. We'll make sure it's in compliance with the wishes and the abilities of the Service Department and the Engineering Department, so probably within a meeting or two, when everybody's given it their inpromoto or stamp of approval, we'll have it before you.

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PRESIDENT SCHULMAN: Thank you, Member Cirelli. Member West.

MEMBER WEST: Mr. President, I want to go on record saying this to Carmen West and Community Development Department. When I first came on Council, there was a project on Cherry, we were looking a building houses on Cherry Avenue and that year I thought it was going to be done in a year and man, I was just excited and I was telling Janet all about the project and how this was going to be done, and now five, six years later, when Carmen West comes in office, I showed her the project and she went out and got grant dollars or the Community Development went out and got grant dollars and made this thing happen. And that's the project I was talking about on Cherry Avenue, so I wanted to congratulate her for all the work that she's doing on trying to improve the housing situation in Ward 2 because obviously we didn't have a lot of new housing development going on in Ward 2, so I wanted to thank her publicly for that and her department. *(APPLAUSE)*

PRESIDENT SCHULMAN: Thank you, Member West. Member Smith.

MEMBER SMITH: Yes, Mr. President just, I gonna address this to Ms. Brogdon, and Ms. Bell. We have been working trying to get that area cleaned up. In fact I just talked to Mr. Nesbitt concerning it and just on a laughing note, Ms. Brogdon, I do talk to her everyday and since she talked about Mary Cirelli, Mary could you take her out to dinner tonight and take her home? *(LAUGHTER)*

RUBY BROGDON: I don't think she'd wanna take me home.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Yes, I would also like to elaborate on that cause I think although, it's funny but it's true. What's going on in a community and I've talked to the Service Director, the Mayor, or about this. In reference to, you know, I think a lot of our complaints are happening because of the high grass, the high weeds, and I think I brought you something last time, last week. And some of my constituents who are calling about those weeds and then I may call in and or have the clerks call in and find out what's going on with the grass being cut and then someone calls a second time over. They may not think that some of our Council Members are not responding to their concerns, and yet they would call an At-Large Member and say well Thomas couldn't get it done, then maybe they could, so I mean, I think that's something that we're experiencing so, I hoping, I know that some of this has to do with getting summer, getting some of our summer kids out there cutting grass as well as, possibly being more houses and more yards that we have to take care of. I mean these are some real issues that's happening in the City but we need the Council Members or this community needs to know what's going on so that their thinking that, they know that we're doing our job as well. So I think that's one of the issues that we're faced with and Ms. Brogdon I do appreciate you bringing those up each and every time, cause that helps us out as well. Thank you.

RUBY BROGDON: I'm just tired of promises and no action. If you all not going to do anything, don't say you are. If you say you gonna do it, you do it.

PRESIDENT SCHULMAN: Well every time you speak, you scare me. I feel like I'm in a classroom. *(LAUGHTER)* When you said now what's the name of that person and you looked right at me, and I don't know who it is. So, don't look at me, look at Don, look at Leader Casar next time. OK, Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Ms. Brogdon, I have learned and I try not to make any promises in this body because they remind me regularly of all the ones I have failed to keep. I wanted to

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congratulate our brothers in the Judicial branch of government and thank them very much. I want to mention that our prosecutors work very closely with both of them and their staffs and have wonderful working relationships. I wish I could say that I could see their \$150,000.00 and their \$60,000.00 and raise it, but I can't. What we are prepared to do in the Law Department though following their example by request of the Mayor, after having read Auditor Mallonn's letter is, our office manager and I have scoured our accounts and through some attrition we can return \$50,000.00 as this point. So, we're trying to cooperate as well. *(APPLAUSE)*

PRESIDENT SCHULMAN: Terrific, very good.

LAW DIRECTOR MARTUCCIO: One other point. I know that actors don't rate much on the list here in Stark County like sports figures do, but I wanted to let you know, that there are a number of actors working in conjunction with Second April. The men who own Second April have allowed their facility to be used, their new theater all summer and Frank Motz, Attorney/Mediator, Frank Motz has persuaded several of his acting colleagues to help him and we have recruited, this is all voluntary, we have recruited between 20 and 35 students for the first half of the summer and hopefully that many for the second half of the summer from all parts of Stark County including Canton City including middle school and high school to take part in some Shakespeare. Their, believe it or not, their having fun with it. We've managed to get some costumes. They'll be performing at First Friday's, at the Farmer's Market, and other functions and I think you'll be proud of what these kids have found to do on Saturday mornings, many afternoons, and many evenings under the control of adults for free. *(APPLAUSE)*

PRESIDENT SCHULMAN: Do you have anything, Director. I thought you did.

SERVICE DIRECTOR PRICE: Thank you Mr. President. I'd, I feel compelled to share with you too another factor here in our weed removal and our grass removal program this summer because I think it's my obligation to share with these facts with Council and the community, cause it's something that's probably on your minds but has not been mentioned yet. Talked to Kevin Monroe today about our environmental control budget within the Street Department and sourcing for those funds come from a number of locations but it's the couple of statistics that really surprise me and I think that show kinda what we're facing out there. We've averaged this year, and increase of 150 lots per month that have been added to the weed control and grass removal list. In addition to that, so those are new vacant lots, and that's not saying there aren't structures on those lots, in all cases, that's saying that they're not being mowed and their not occupied. And so the Street Department's dealing with that and at the same time, with the increase in the number of vacant lots, we've seen an increase in the amount of trash that's been dumped on those lots and regarding this particular situation that's been mentioned Ms. Brogdon and Ms. Freedman in their respective locations, that may be definitely be a long term issue, however, due to that, we have to take that debris to the Kimble Transfer Center and the Street Department folks do that but as a result, where we budgeted \$73,000.00 for environmental control, and that was sufficient last year, this year that was actually increased because of the need and we're on pase to probably spend that entire amount before another quarter, so the Street Department and all of our departments that deal with those sorts of issues, I mean their facing less resources this year, I mean we have more financial, we added \$20,000.00 to the budget but they, we're not replacing folks but yet their being asked to do more and more and the fact is their getting more and more vacant lots and these issues are going to continue to be a problem and in defense of that department, I want to say that I am in communication with Mr. Monroe everyday and I know their out there and working hard and doing the best they can, so I wanted to point that out and share.

PRESIDENT SCHULMAN: Thank you, Director.

MEMBER HAWK: Mr. President.

MINUTES OF THE MEETING OF JUNE 22, 2009

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Thank you. Last year this body passed one of the toughest high grass and weed Ordinances in the country, in fact we made national news. We have the ability to site them. Every minute of every day, someone owns that property and someone is responsible for that property. It is certainly not the City of Canton who's responsible for mowing those yards. Site them, pull them into court, help boost the revenues of the courts. Find somebody that's in charge and issue the citation, I guarantee you, they'll start mowing their grass.

PRESIDENT SCHULMAN: Director.

SERVICE DIRECTOR PRICE: And Councilman Hawk that's timely as well because, and you've been vocal about that but we've, Kevin and I were talking about that as well today so the enforcement mechanism is important and we need to focus on that as well but I did what to share those stats with you to show you that they are out there and it's been taking longer that we hoped but their out there.

PRESIDENT SCHULMAN: Thank you, anyone else? Leader Casar.

MEMBER CASAR: Mr. President, I move we adjourn.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that we adjourn. 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. Great job, Madame Clerk. Meeting is adjourned. (*Gavel falls*)

ADJOURNMENT TIME: 8:35 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT