

MINUTES OF THE MEETING OF JULY 6, 2009

PRESIDENT SCHULMAN: Good evening ladies and gentlemen. Welcome to Canton City Council. First, for our neighbors who have come down to hear Canton City Council tonight, I apologize for the delay, when we have meetings every two weeks things, Ordinances build up and so we had a very long Caucus session tonight, so on behalf of the Mayor and Council and myself, we apologize for the delay. I also would like to just make a comment that a couple of weeks ago, we attended the building trades luncheon and Member Griffin and I were present and I know a lot of you wanted to make it but it was at a difficult time. And they presented us with a plaque thanking us for our support of the Project Labor Agreement, which the plaque is now in City Council and they wanted Jim and I to extend each and every, to each and every one of you the trades appreciation for the hard work in passing that labor agreement, which is so important to putting our families back to work. So with that and with a quorum being present the Chair calls the meeting of Canton City Council to order. Madame Clerk, roll call vote please.

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, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Tonight we're gonna have our invocation given by a member of our community, who is active and well known to all of us and we always appreciate his support and his work. We're gonna have our invocation given by Pastor Morgan, so if you will all stand and please remain standing for the pledge of allegiance.

The regular meeting of Canton City Council was held on Monday, July 6, 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 Pastor Morgan, 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 19 through 34. Leader Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinance 19 through 34 to this evening's agenda and also Resolution #41.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add the second reading Ordinances 19 through 34 and Resolution 41 to this evening's agenda. 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.

PRESIDENT SCHULMAN: The motion carries. Rule 22A is suspended and the Ordinances are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We are now under Public Hearings. And we have two public hearings this evening. The first is 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 7; THE PLANNING COMMISSION RECOMMENDED APPROVAL. AND IT INVOLVES DUMONT SEED CO, one of my favorite stores in the City of Canton. Is there anyone in the audience wishing to speak for or against this zone change, please come forward. And I have to repeat, is there anyone in the audience wishing to speak for or against this zone change, please come forward. Having seen no one step forward to the speakers place, the Chair declares the public hearing over in regards to this matter. The matter now rests in the hands of Council and the Ordinance will follow later this evening. Or second Ordinance is 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. Once again, I would ask, is there anyone in the audience wishing to speak for or against this annexation, would please step forward. Is there anyone in the audience wishing to speak for or against this annexation would you please step forward. Apparently not, seeing no one stepping forward, the Chair declares the public hearing over regard to this matter. That Ordinance will also follow later this evening. And rest in the hands of Council.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: If President privilege, would you consider passing Ordinances #36 and 38 at the present time? There are people here than they won't have to wait for the whole agenda.

PRESIDENT SCHULMAN: I'm glad you said that Leader because that was going to be my preference but I didn't have a chance to talk to you earlier. Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #36, oh no, third reading.

PRESIDENT SCHULMAN: Pardon? Oh, I'm sorry, Madame Clerk would you read Ordinance #36 please.

#36. (3RD RDG) **ADOPTED AS ORDINANCE NO. 108/2009** 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

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(LOT NOS. 42976 & 42978 & PART OF OUT LOT 1317 - DUMONT'S SEED CO)

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

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #36.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #36. 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.

#36 ADOPTED AS ORDINANCE NO. 108/2009

PRESIDENT SCHULMAN: The motion carries and Ordinance 36 is adopted and congratulations to Dumont Seed, they do a great job and they're, it's wonderful to see any business expanding in our City. Ordinance #37....38, 38 please.

#38. (3RD RDG) **ADOPTED AS ORDINANCE NO. 110/2009** 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.

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #38.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #38. 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.

#38 ADOPTED AS ORDINANCE NO. 110/2009

PRESIDENT SCHULMAN: The motion carries and Ordinance #38 is adopted.

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PRESIDENT SCHULMAN: And now we are back to your regular agenda. 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 Council 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: The motion carries and Member Carbenia is excused from this evening's meeting. We're now under Informal Resolution #41.

MEMBER CASAR: Mr. President, I move adopt Resolution #41.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution #41.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER CASAR: I request that the Clerk read this Resolution please.

PRESIDENT SCHULMAN: If you'll read it Madame Clerk.

CLERK TIMBERLAKE: **WHEREAS:** Canton City Council has received notification of the resignation of Public Safety Director Tom Nesbitt, a hard working and dedicated individual whose presence will be sorely missed in the City of Canton; and **WHEREAS:** Upon Safety Director Nesbitt's arrival he opened up his heart and quickly became familiar with the City of Canton and its residents. Safety Director Nesbitt has been an advocate for the citizens of Canton, maintaining consistent attention to the safety and welfare of all. With his caring personality he would unselfishly provide help to area residents outside his scope of employment and provide assistance to non-profit organizations; leaving no one out who was asking for his help; and **WHEREAS:** During his tenure Safety Director Nesbitt was instrumental in the successful negotiation of the labor agreements for FOP & CPPA, became involved with the community by helping to educate and lead citizens on ways to combat crime, worked with various agencies to utilize "no cost" manpower to team with our safety forces, was pivotal in the hiring of an Animal Control Officer for animal nuisances, initiated a tracking system to keep an

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up to date and thorough account of inventory collected from forfeitures and auctions and worked with Canton Police Department and the Gang Task Force to develop various initiatives to decrease crime in the neighborhoods; and **WHEREAS:** In the short time that Safety Director Nesbitt has been with the City of Canton he has earned the respect of his fellow Police Officers, Firefighters, Canton City Council and the citizens of our community. He is man of high integrity, dignity, character and compassion; and **NOW THEREFORE BE IT RESOLVED:** that we, the Members of Canton City Council do hereby go on record recognizing and commending most highly **PUBLIC SAFETY DIRECTOR TOM NESBITT** for his hard work, dedication, outstanding contributions & desire to make Canton a better place to live. Thank you for serving Canton City Council & the Citizens of Canton Ohio!

(STANDING OVATION)

PRESIDENT SCHULMAN: Leader Casar, should we pass the Resolution? In regard to Resolution 41, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #41 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The Resolution passes unanimously. Leader Casar, Director Nesbitt.

MEMBER CASAR: First of all, I want to thank our Clerk for doing this very quietly, the Director did not know a thing about it.

CLERK TIMBERLAKE: Nobody did. *(Laughter)*

MEMBER CASAR: I just want to say Tom, with regards of Canton City Council, I know that you've been here for a short length of time. But I've had the privilege in some cases or maybe the opportunity to serve with seven or eight Service Director, I mean Safety Directors in my time with City Council. And I have to admit that you're probably the top of my in being most efficient. If we had a problem, you were very active with the Council Members, myself included. And you have done a lot for the City of Canton in your short period here. All I can say on behalf of Council, we wish you the best and we wish you could stay. You know I personally do, I became a personal friend of yours, you're a lot better golfer than I am. *(Laughter)* Well he's a lot younger also. *(Laughter)* I want to thank you very much. I consider you a friend and my travels start next year and it ought to be interesting to see what there is to do in Nebraska. *(Laughter)* But Tom, thank you so much. Would you like to say a few words.

SERVICE DIRECTOR NESBITT: This is a very large surprise, when you said 41, I thought well where is that at. *(Laughter)* I appreciate this very much, it means a great deal to me. Canton is a very nice City and I like it. And I am sorry that things did not work out as well as I anticipated. When I came here I anticipated to be here four years and maybe eight but things did not work out as I thought they would. I appreciate the Council and I truly mean that, everyone of you have been a pleasure to work with since I've been here, you all have been about governance and I appreciate that. As you know when I came here, I told you that I would I was about governance and not politics, that that is what I was here for and I tried to fulfill that. And to the citizens that are here, you are great people and I appreciate everything that you've done in supporting this City. And the Police Department and Fire Department, I appreciate very much. I've worked close with Chief McKimm and Chief Rich, the Departments that I'm in charge of, as well as Angela from Building Code. It's

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been a pleasure and I will miss Canton. I went back home on July 4th to spend with my wife and daughter. My son was supposed to come back from the Marines from Camp Pendleton but they rescinded his leave time two days before he was supposed to show up, so we didn't get to see him. So, that's the way it works. But anyway, thank you very much. I am very honored and it's been an honor and privilege.

(STANDING OVATION)

PRESIDENT SCHULMAN: Thank you Madame Clerk for keeping that under seal. I don't think any of us knew that. Congratulations again Director and we wish you the best and your family.

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 JULY 6, 2009.

294. AUDITOR MALLONN (CITY): CERTIFICATE OF AMT FROM ALL SOURCES FOR 2009. - RECEIVED & FILED
295. AUDITOR MALLONN (CITY): MONTHLY RPT BY FUND 6/1/09 - 6/30/09. - RECEIVED & FILED
296. AUDITOR MALLONN (CITY): YEARLY RPT BY FUND 1/1/09 - 6/30/09. - RECEIVED & FILED
297. CIRELLI, MARY, CNL-AT-LARGE: REQ LAW DEPT TO AMEND SECTION 105.10, PROFESSIONAL OR PERSONAL SERVICE CONTRACTS. - JUDICIARY COMMITTEE
298. CIRELLI, MARY, CNL-AT-LARGE: REQ ORDINANCE AMEND FOR SKIN EXPOSURE. - JUDICIARY COMMITTEE
299. CIRELLI, MARY, CNL-AT-LARGE: REQ AN INFORMAL RESOLUTION REQUIRING ALL ELECTED OFFICIALS TO FILE THEIR ETHICS & CAMPAIGN ELECTION RPTS W/CLERK OF COUNCIL. - JUDICIARY COMMITTEE
300. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE AUDITOR TO PAY MORAL OB IN AMT NOT TO EXCEED \$5,600.00 TO CANTON SPORTS OFFICIALS FOR SUMMER HIGH SCHOOL BASKETBALL LEAGUE. - FINANCE COMMITTEE
301. HAWK, GREG, WARD 1 CNL MBR & KRAUS, KARL, WARD 8 CNL MBR: REQ AMENDMENT TO SECTION OF PART THREE - TRAFFIC CODE. - JUDICIARY COMMITTEE
302. HEALTH COMMISSIONER, ADAMS: CANTON CITY HEALTH DEPT 2008 ANNUAL RPT. - RECEIVED & FILED

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303. HEALTH COMMISSIONER, ADAMS: REQ APPROP TRANSFER OF \$45,000.00 FR: 2327 LEAD ASSESSMENT FUND TO: 2327 LEAD ASSESSMENT FUND. - FINANCE COMMITTEE
304. HEALTH COMMISSIONER, ADAMS: BRD OF HEALTH GEN REVENUE FUND MID-TERM ESTIMATES. - RECEIVED & FILED
305. LIQUOR CONTROL DIVISION (OHIO): ADVISING OF DENIAL OF 2009-2010 RENEWAL OF D5 LICENSE FOR MARK & FRANCES MILLS DBA FRIENDLY KORNER TAVERN @ 1503 HARRISON AVE SW, 1ST FL. - RECEIVED & FILED
306. LIQUOR CONTROL DIVISION (OHIO): REQ TRANS OF D5 LIQ PERMIT FROM CFA INC. DBA LUCIAS RESTAURANT TO CANTONIAN LLC DBA CANTONIAN @ 1076 MAHONING RD NE. - RECEIVED & FILED
307. LIQUOR CONTROL DIVISION (OHIO): REQ TRANS OF D5 D6 LIQ PERMIT FROM AVANT GARDE, CREATIVE CULINARY CONCEPTS LLC DBA PETER SHEARS & PATIO TO LITTLE CHICAGO LTD DBA PETER SHEARS & PATIO @ 427 E TUSCARAWAS ST. - RECEIVED & FILED
308. LIQUOR CONTROL DIVISION (OHIO): REQ TRANS OF C1 C2 LIQ PERMIT FROM GIANT OHIO LLC TO MARKET STREET STATION @ 1200 N MARKET ST & GAS PUMPS. - RECEIVED & FILED
309. MAYOR WILLIAM HEALY: REQ AUTHORIZATION FOR RE-APPT OF SHARON JOHNSON, JOHANNES KICKEN, & TIMOTHY MILLER TO MAYOR'S COMMUNITY RELATIONS COMMISSION, 2 YR TERM FROM 7/1/09 - 6/30/11. - PERSONNEL COMMITTEE
310. MAYOR WILLIAM HEALY: REQ SUPP APPROP TO ESTABLISH FUNDS FOR INDEPENDENT MEDICAL EXAMS. - FINANCE COMMITTEE
311. SERVICE DIRECTOR PRICE: AUTHORIZE SERV DIR TO ENTER INTO AGMT W/CITY OF NORTH CANTON TO REVISE COST SHARING PERCENT FOR OPERATION, MAINTENANCE & REPLACEMENT COSTS AT WATER RECLAMATION FACILITY. - FINANCE COMMITTEE
312. SERVICE DIRECTOR PRICE: REQ COUNCIL TO ADOPT ALTERNATIVE TAX BUDGET FOR YR END 12/31/10. - FINANCE COMMITTEE
313. SERVICE DIRECTOR PRICE: AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS, & ENTER INTO CONTRACT FOR LEASE OF APPROX 282 SQ FT OF COMMERCIAL SPACE @ 215 W TUSCARAWAS ST. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE COMMITTEES
314. SERVICE DIRECTOR PRICE: AUTHORIZE SERV DIR TO ENTER INTO CONTRACT FOR PURCHASE OF 1 COMBO SEWER CLEANING TRUCK. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

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315. SLIMAN, SAM, AGENT FOR PETITIONER: ANNEXATION PETITION DOCUMENTS FOR AREA TO BE KNOWN AS "THE S & S ENTERPRISES ANNEXATION". - RECEIVED & FILED
316. TREASURER SCHIRACK: RPT OF TREAS OFC BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF 4/30/09. - RECEIVED & FILED
317. TREASURER SCHIRACK: RPT OF TREAS OFC BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS 5/29/09. - RECEIVED & FILED

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 #18 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

- #1. (1ST RDG) A RESOLUTION DETERMINING THE NECESSITY TO PROCEED WITH THE IMPLEMENTATION OF THE PUBLIC SERVICE PLAN ADOPTED BY THE DOWNTOWN CANTON SPECIAL IMPROVEMENT DISTRICT; DECLARING THE NECESSITY TO PROCEED WITH A SPECIAL ASSESSMENT FOR THE FUNDING OF SAID PLAN FOR THE PERIOD OF FOUR YEARS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Judiciary Committee
- #2. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO FILE AN APPLICATION WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR HOME CHDO FUNDS, TO EXECUTE GRANT AGREEMENTS AND TO ACCEPT \$250,000.00 IN HOME CHDO FUNDS TO EXPAND THE SUPPLY OF ENERGY EFFICIENT AND ENVIRONMENTALLY FRIENDLY (GREEN) HOUSING; AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH FREED HOUSING CORPORATION IN AMOUNT NOT TO EXCEED \$500,000.00 TO IMPLEMENT THE GREEN HOMES PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- #3. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON REGIONAL CHAMBER OF COMMERCE TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$175,000.00 FOR A COMPREHENSIVE ECONOMIC AND DOWNTOWN DEVELOPMENT PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee

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- #4. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND APPROPRIATION TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
(FORFEITURE FUND, CITY PARKING DECK, COMM DEV)
Referred to Finance Committee
- #5. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
(MINORITY HEALTH)
Referred to Finance Committee
- #6. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE EXECUTE A LICENSE AGREEMENT AND EASEMENT AGREEMENT ON CITY-OWNED LAND IN PIKE TOWNSHIP; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- #7. (1ST RDG) AN ORDINANCE CREATING CHAPTER 1128, WINDMILLS AND WIND TURBINES, OF PART ELEVEN - PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
Referred to Judiciary Committee **PUB HRG: 8/3/09 @ 7:30 P.M.**
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- #8. (1ST RDG) AN ORDINANCE AMENDING SECTION 1123.30, FAMILY, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
Referred to Judiciary Committee **PUB HRG: 8/3/09 @ 7:31 P.M.**
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- #9. (1ST 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 (PARTS OF LOTS NOS. 2028 & 2029 @ 622 7TH ST NE)
Referred to Judiciary Committee **PUB HRG: 8/3/09 @ 7:32 P.M.**
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- #10. (1ST 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 (PARTS OF LOTS NOS 827, 828, 829 @ 1372 MARKET AVE S)
Referred to Judiciary Committee **PUB HRG: 8/3/09 @ 7:33 P.M.**
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- #11. (1ST RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY \$106,894.78 TO MOTOROLA, INC. FOR THE 2009 SERVICE AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

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#12. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS AND SELL A PROPERTY OWNED BY THE CITY OF CANTON PURSUANT TO O.R.C. SECTION 721.03; AND DECLARING THE SAME TO BE AN EMERGENCY (1251 GRENADA DR NE)
Referred to Finance Committee

#13. (1ST RDG) **ADOPTED AS ORDINANCE NO. 101/2009** AN ORDINANCE DECLARING 9 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

COUNCIL RECESSED @ 8:15 PM FOR COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE TO DISCUSS THE ADOPTION OF ORDINANCE #13; RECONVENED @ 8:18 PM)

PRESIDENT SCHULMAN: And Council will reconvene after the recess. Leader Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and return Ordinance 13 back on this evening's agenda.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to put Ordinance 13 back on this evening's 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: Thank you Madame Clerk, motion carries. Ordinance 13 is a legal part of your agenda. Member...Leader Casar.

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. 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 #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. 101/2009

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries and Ordinance 13 is adopted. Ordinance #14 please.

- #14. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO A SUPPLEMENTAL SEWER AGREEMENT WITH STARK COUNTY; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Environmental & Public Utilities & Finance Committees
- #15. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO APPLY FOR ENTER INTO AGREEMENT AND ACCEPT FUNDS FOR THE 2010 PROGRAM YEAR FROM THE OHIO PUBLIC WORKS COMMISSION; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #16. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO APPLY FOR, ENTER INTO AGREEMENT AND ACCEPT FUNDS FOR THE 2010 PROGRAM YEAR FROM THE CLEAN OHIO CONSERVATION FUND; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #17. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO SUPPLEMENTAL AGREEMENTS WITH THE CITY OF NORTH CANTON AND STARK COUNTY FOR CAPITAL IMPROVEMENTS ASSOCIATED WITH THE WEST SIDE INTERCEPTOR; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement & Environmental & Public Utilities Committees
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- # 18. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED; AND DECLARING THE SAME TO BE AN EMERGENCY (JUDGES ADMIN, CLERK OF COURTS)
Referred to Finance Committee

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ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We are now under Ordinances for their second reading. Madame Clerk, would you please read Ordinance #19 by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #19 THROUGH #34 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #19. (2ND RDG) AN ORDINANCE AMENDING VARIOUS SECTIONS IN PART THIRTEEN - BUILDING CODE OF THE CODIFIED ORDINANCES
- #20. (2ND RDG) AN ORDINANCE AUTHORIZING A HIRING FREEZE FOR MANAGEMENT AND NON-BARGAINING UNIT POSITIONS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #21. (2ND 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
- #22. (2ND RDG) **ADOPTED AS ORDINANCE NO. 102/2009** 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

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move Statutory Rules be suspended on Ordinance #22.

MEMBER CIRELLI: Seconded

PRESIDENT SCHULMAN: It has been moved and seconded to suspend the Statutory Rule for Ordinance #22. Are there any remarks? If not Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 9 YEAS, 2 NAYS
(HAWK AND KRAUS VOTED NAY)

CLERK TIMBERLAKE: Nine yeas, two nays.

PRESIDENT SCHULMAN: The motion carries and the Statutory Rule for Ordinance 22 is suspended. Leader Casar, you've heard the three readings.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #22.

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MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded to adopt Ordinance #22. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 8 YEAS, 3 NAYS
(SMUCKLER, HAWK AND KRAUS VOTED NAY)

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

#22 ADOPTED AS ORDINANCE NO. 102/2009

PRESIDENT SCHULMAN: Ordinance #22 is adopted. Ordinance #23 please.

#23. (2ND RDG) **ADOPTED AS ORDINANCE NO. 103/2009** 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 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

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move Statutory Rules be suspended on Ordinance #23.

MEMBER CIRELLI: Seconded

PRESIDENT SCHULMAN: It has been moved and seconded that you suspend the Statutory Rule on Ordinance #23. Are there any remarks? Hearing none, roll call vote please, Madame Clerk.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #23.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded to adopt Ordinance #23. Are there any remarks under this Ordinance? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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PRESIDENT SCHULMAN: The motion carries. Ordinance #23 is adopted. Ordinance #24 please.

#24. (2ND RDG) **ADOPTED AS ORDINANCE NO. 104/2009** 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 (AUDITOR, STREET, TRAFFIC ENG/SIGNAL)

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Leader Casar, I'm sorry.

MEMBER CASAR: Mr. President, I move Statutory Rules be suspended on Ordinance #24.

MEMBER CIRELLI: Seconded

PRESIDENT SCHULMAN: It has been moved and seconded to suspend the Statutory Rule on Ordinance #24. 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 #24.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded to adopt Ordinance #24. Are there any remarks? I'll just make one remark, it seems to me that the last three have dealt with the severe economic crisis that we're in and I know we've talked about the Niagra River. My judgment would be, and I think all of our judgments should be that we're now hearing the river. So, these are going to be trying times as the Auditor told us, as the Auditor's second in command told us tonight. I think we're really gonna have to bear down, study the budget, figure out where the City is headed. And it's not by the way, I just want to make one final remark, it's not that this City is singly in trouble in the United States, every City is in trouble in the United States, every State is in a financial crisis, the Country is in a financial crisis. So for us to bemoan our plight, it doesn't take us very far, we're all together in this and we have to pull forward in a meaningful way. So, with that, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

MINUTES OF THE MEETING OF JULY 6, 2009**#24 ADOPTED AS ORDINANCE NO. 104/2009**

PRESIDENT SCHULMAN: Ordinance #24 is adopted. Ordinance #25 please.

#25. (2ND RDG) **ADOPTED AS ORDINANCE NO. 105/2009** AN 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

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move Statutory Rules be suspended on Ordinance #25.

MEMBER CIRELLI: Seconded

PRESIDENT SCHULMAN: It has been moved and seconded to suspend the Statutory Rule on Ordinance #25. 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 #25.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded to adopt Ordinance #25. Any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#25 ADOPTED AS ORDINANCE NO. 105/2009

PRESIDENT SCHULMAN: Ordinance #25 is adopted. Ordinance #26 please.

#26. (2ND 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

#27. (2ND 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

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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

- #28. (2ND 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
- #29. (2ND 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
- #30. (2ND 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 (THE QUARRY)
- #31. (2ND RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (POLICE DEPT. REDUCTION)
- #32. (2ND 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
- #33. (2ND 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 NO. 193/2008, AS AMENDED; AND DECLARING THE SAME TO BE AN EMERGENCY

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MEMBER CASAR: Mr. President, I move Statutory Rules be suspended on Ordinance #33.

MEMBER CIRELLI: Seconded

PRESIDENT SCHULMAN: It has been moved and seconded to suspend the Statutory Rule on Ordinance #33. Are there any remarks? If not Madame Clerk, roll call vote please. Sorry, Director.

SERVICE DIRECTOR PRICE: I just wanted to say sometimes that yours truly is certainly diligent about discussing Statutory Rules, suspension rules suspension with the Leadership on Council, on an occasional case, not so diligent about discussing it with your Council staff, who I just want to say to Cindy, Pattie and Michelle are excellent and always help me navigate this process with a smile and I appreciate them quietly asking for the rules suspension this evening and I just want to point out that they've done that and have been very cooperative and I appreciate that. So, I thought this might be a nice time to share that with all of you.

CLERK TIMBERLAKE: Thank you.

PRESIDENT SCHULMAN: You and I must have ESP because I was gonna say the very same thing because my agenda is always together, I wouldn't know where I am without the Clerk's Office, so.

SERVICE DIRECTOR PRICE: And the agenda was together.

PRESIDENT SCHULMAN: Yes, we agree, as we all do, thank you by the way, very much for your hard work.

(APPLAUSE)

CLERK TIMBERLAKE: Thank you.

PRESIDENT SCHULMAN: Alright, on that note, I forgot totally where we were, I think it's the vote right? It's been moved and seconded to suspend the Statutory Rules for 33. Any remarks? If not, Madame Clerk, roll call vote please. Oh, I'm sorry, Member Kraus.

MEMBER KRAUS: Just one question for Councilman Dougherty. Dave, how long has this project been in the books?

MEMBER DOUGHERTY: Oh, about four years.

MEMBER KRAUS: Okay.

PRESIDENT SCHULMAN: Any other 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: Ok, that motion carries. Leader Casar, you've heard the three readings.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #33.

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MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded to adopt Ordinance #33. Are there any remarks under this Ordinance? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#33 ADOPTED AS ORDINANCE NO. 106/2009

PRESIDENT SCHULMAN: Ordinance #33 is adopted. Ordinance #34 please.

#34. (2ND RDG) ***POSTPONED UNTIL 8/3/09 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***

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: We are now under Ordinances and Formal Resolutions for the third and final reading and vote. Madame Clerk, would you please read Ordinance 35 by title.

#35. (3RD RDG) **ADOPTED AS ORDINANCE NO. 107/2009** 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

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #35.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #35. Any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS, 1 ABSTAIN
(WEST ABSTAINED)

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

#35 ADOPTED AS ORDINANCE NO. 107/2009

PRESIDENT SCHULMAN: Ordinance #35 is adopted. Ordinance #36, please. Sorry, 37.

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#37. (3RD RDG) **ADOPTED AS ORDINANCE NO. 109/2009** 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)

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #37.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 37. 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.

#37 ADOPTED AS ORDINANCE NO. 109/2009

PRESIDENT SCHULMAN: Ordinance #37 is adopted. Ordinance #39, please.

#39. (3RD RDG) **ADOPTED AS ORDINANCE NO. 111/2009** 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 SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #39.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 39. Are there any remarks under this Ordinance? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#39 ADOPTED AS ORDINANCE NO. 111/2009

PRESIDENT SCHULMAN: Ordinance #39 is adopted. Ordinance #40.

#40. (3RD RDG) **ADOPTED AS ORDINANCE NO. 112/2009** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ANNEXATION AGREEMENT WITH PLAIN TOWNSHIP ON PROPERTY LOCATED IN THE PARK FARMS ANNEXATION AREA

PRESIDENT SCHULMAN: Leader Casar.

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MEMBER CASAR: Mr. President, I move we adopt Ordinance #40.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #40. 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.

#40 ADOPTED AS ORDINANCE NO. 112/2009

PRESIDENT SCHULMAN: Ordinance #40 is adopted if I don't die before it's adoption. *(Laughter)*

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: Announcement of Committee meetings.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Judiciary will meet July 13th, or no excuse me, July 20th at 6 P.M.

PRESIDENT SCHULMAN: Thank you.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Thank you sir. The Finance Committee will meet, Monday, July 20th at 6 P.M.

PRESIDENT SCHULMAN: Thank you.

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel Committee will meet July 20th at 6 P.M.

PRESIDENT SCHULMAN: Thank you.

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Member Kraus.

MEMBER KRAUS: Public Safety and Thoroughfare will meet 7/20 at 6 P.M.

PRESIDENT SCHULMAN: Thank you.

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MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: Member Griffin.

MEMBER GRIFFIN: Environmental and Public Utilities will meet July 20th at 6:00.

PRESIDENT SCHULMAN: Thank you.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Member Dougherty.

MEMBER DOUGHERTY: Public Property Capital Improvement will also meet that evening at 6 P.M.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: Community Development will meet at the same time.

PRESIDENT SCHULMAN: Okay, I think that takes care of it. Thank you very much.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: We are now under Public Speaks. I'm glad to have somebody else speaking. Our first speaker is Director Adams. Good evening Director, or I'm sorry, Commissioner. If you'll give us your name and your residential address.

JIM ADAMS: My name is Jim Adams and I live at 3518 Crown Point St NW and I'm the Health Commissioner for the Canton City Health Department. Mr. President, Members of Council, Members of the Administration and guests here tonight, I thank you for the time that I could take just a couple minutes and express my appreciation for the support that this body has given to the Health District over the years. Each year we ask that...the District asks City Council to assist in the support of our mission to prevent the spread of disease, promote healthy practices and protect the health and well being of all of the citizens of Canton, Your support provides critical funding for many public, key public health programs in our community. Programs like vaccination programs for dozens of vaccine preventable diseases for young children and young adults, saving untold dollars in later healthcare medical expenses. Programs like supplemental nutrition programming in the form of our WIC Program providing a solid nutritional foundation for our young people, to help them build a strong and health life. Programs that allow for vigorous and active follow up reports of infectious disease to prevent the spread of contagion in our community. Programs that protect the food that we eat, the air that we breath and the water that we drink. And your support improves the quality of life in our neighborhoods. Hardly any aspect of our daily life goes untouched by programming provided by the Health Department. As you can see from the Annual Report that I provided to you today we can count many numbers of activities that we do in the community but don't let these numbers fool you, behind each one of these numbers is a real person. A person that has a concern, a person that has a need that we try to fill for that person to help them live a healthier and better productive life in our community. If we did our job well than we don't get noticed. How do you measure a disease outbreak that doesn't occur? How do you place a price tag on air that is clean or water that is safe or food that is safe or neighborhoods that are desirable and healthy? We only really notice our public health programming when things go wrong and now we do notice our programming and the reason why is because there are some serious problems with the public health system in Ohio. Ohio ranks 47th in the rank, National ranking in the support for local public health

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programming. Less than 27% per capita is provided by the State to support these key public health programs in our community. So it falls upon this community and communities like us to fund the type of public health system that makes a real difference in the lives of our citizens. It takes a lot of courage to be able to provide this in these uncertain economic times. You already know the general fund support the provider department only funds less than half of the programming that we provide for the community. The remainder of that is made up through grants, fees and contracts for other services. This makes for some pretty complicated funding strategies as you well know. I want you to know that I appreciate the sacrifice that you make to continue to support our public health programming as we strive to make Canton a healthy place to live, work and raise our families. Thank you very much.

PRESIDENT SCHULMAN: Thank you Commissioner very much for your hard work. Our next speaker is Willie Thompson. Mr. Thompson, good evening sir. If you'll come up and give us your name and your residential address and good evening.

WILLIE THOMPSON: Willie Thompson, 1328 2nd St NE. Thank you President of Council, Council Members and visiting guests. My agenda is with the City property damage. Here, last year, on 5th Street was open, 6th Street was closed off because the railroad put in a new crossing there. So what happened was they routed the traffic off of 6th Street down Riverside, south....Riverside to 4th Street and than 4th Street, they routed it back west to Young Avenue. And from Young Avenue they routed it north to 6th Street and than west on 6th Street. So, I own a property on the corner of 4th and Young. Those big semi-trucks making a turn there on Young, Young is not that wide of a street so they go up my sidewalk and they busted about four or five slabs there. I've called different ones of the City about it. No one came out to make any effort to see the amount of damage that was done. Now before this, the Building Code had me take a tree out of there because the root of the tree was raising the sidewalk up. I paid \$600.00 to remove the tree to level the sidewalk. Now, I can't get anybody to come out and see the amount of damage that was done to the sidewalk, whoever the City, whoever rerouted the traffic from 6th Street around to that area, it tore up my sidewalk and I feel that somebody should be responsible for that sidewalk, not me having to replace it because I took the tree out and spent money to fix the sidewalk. And than another thing is Young Avenue haven't been any chuck holes filled from 6th Street to 2nd Street this year. I got potholes six inches deep right on the corner of 2nd and Young and between 4th and 5th Street there are pot holes. I see them filling potholes in other places but they haven't been on Young, not from 5th Street down to 2nd Street. And you know, in front of my garage there on 4th and Young, pot holes this deep. I got to go around them potholes to keep from tearing up my front end in order to back into my garage. So, is there anyone here that can tell me that I can get some service on that street?

PRESIDENT SCHULMAN: Well Mr. Thompson, if you'll wait until after the meeting is over, we'll make sure, if you'll come up, we'll make sure the party that's responsible, or responsible to help you, will help you. Alright?

WILLIE THOMPSON: And I got another problem but I am gonna talk to Council West about it.

PRESIDENT SCHULMAN: Okay, very good.

WILLIE THOMPSON: Thank you.

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PRESIDENT SCHULMAN: Thank you sir, very much. Thank you for coming. And our last speaker needs no introduction, Patricia Kirk would you come up and give us your name and your street address please, your residential address. And good evening.

PATRICIA KIRK: Good evening. I'm just going to pass these out, they both say the same thing, just take one and pass it out. If there's anything left over, pass it to the audience. As you know, the Arcadia Grill, behind the Kresge Lot is having Christmas in July the whole month of July. This Sunday coming up on the 12th from 9:00 until 2:00, Maria Byington at Arcadia Grill is having Christmas in July and 50% of the proceeds are going to help Downtown Central Neighborhood Association in Ward 2.

PRESIDENT SCHULMAN: This must be Thomas West's night tonight, you know, it's all Ward 2 this, Ward 2 that, we're getting a little sick of it frankly.

PATRICIA KIRK: Right, right. But we need help, so I encourage all of you to take advantage of this and my address is 131 5th Street NE. Thank you very much.

PRESIDENT SCHULMAN: Thank you very much. Thank you for coming. It's always good to hear from you.

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: Okay, we're now under Miscellaneous Business. Is there any Miscellaneous Business? Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. Mr. President, tonight this Honorable Body voted to demolish 169 homes, 1 garage and 1 apparently a commercial building and I could be wrong but I think this is the first time that I've ever seen....pardon me?

(INAUDIBLE)

PRESIDENT SCHULMAN: That's alright.

MEMBER CIRELLI: They said it's only nine? Okay, alright, why does my list say 169?

(INAUDIBLE)

MEMBER CIRELLI: Okay, well I still have some concerns over this, everything that's been done is 169 homes in the City of Canton and I want to see us putting 180 good homes that are single family owned homes to replace the ones that we're taking down. So I'd ask the Administration to have his Community Development and Economic Development move quickly in that direction of the neighborhoods and trying to improve our neighborhoods because that's an awful lot of homes and I know there's more to come yet. Thank you sir.

PRESIDENT SCHULMAN: Thank you Member Cirelli.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

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MEMBER HAWK: I see the Chief out there and I want to congratulate him and his force. On Sunday, the, I believe it was the 28th of June, one of my constituents had a very serious problem occur. I commend the police and their rapid....and I can't go into it because the gentleman, we have to respect the rights of the suspect. The police rapid response was just impressive. I can't say enough good things about how quickly they got out there in this situation where somebody was threatened. They did an excellent job, they were exceptionally professional, they apprehended a suspect and arrested him. Again, a job well done. Please pass that on. But now I want to tell you the other interesting part of this process. This happened on Sunday afternoon, a beautiful sunny day when somebody was having a picnic and a cookout. In a neighborhood that we're working very hard to regenerate and bring things back into, the unfortunate part is, during that Sunday afternoon, while this was going on, there was a prostitute out there working. (*Laughter*) This is true. Now, the police did a wonderful job, they got the bad criminal off the street. The prostitute got picked up while the police were out running up and down the street and by the time the police did their great job and got everybody apprehended, she was dropped back off on the same corner. Before I got an opportunity to go out there and scream at her, which I often do, she was picked up again. So, just to show you what goes on, I was...by the way, I was there at the cookout (*Laughter*) alright, I was there, I was a guest at this cookout when I saw...and I'm going to tell you something, I did not make the call, the citizens made the call and the citizens got that response, so I want everybody to understand one thing, that that response came because of a citizen's complaint and our police force deserves to be commended for the excellent job they did.

(*APPLAUSE*)

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Every Council Member got a copy of this in their box, it's an Ordinance request for the trash containers for evictions. We talked about this, brought this up several months ago. The Law Department sent down a draft and this is to address all that trash in our neighborhoods that blow around. This is requiring people to use containers but I want you to take a look at this and see if there is something we need to change in it before we bring it down for a vote. Also I want to commend the Police Department as well, you know, we've been through some really tough months, specifically with all the deaths that has happened in the City of Canton. But I want to say that every...from every situation the police have been on it and has captured the individuals that perpetrated the crime. So I think they deserve a hand as well as, you know, just picking up prostitutes.

PRESIDENT SCHULMAN: Anything else Member West? Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Mr. Willie Thompson, I have your name and address and I will make sure that the Law Department sends you a claim form. The Service Director also has your name and address with regard to some of the damage that may have been done to City property. If indeed there was some problem in rerouting the trucks or if they were involving City vehicles for example that might have crushed your sidewalk, we have a sidewalk replacement program and typically the homeowners oblige to pay a part of that. When you send your claim form in, we can do an investigation and perhaps see about reimbursing your, depending on the outcome of that investigation. So, I will send a claim form to you in your mail at the address you left.

WILLIE THOMPSON: I don't have any idea who rerouted them but I know that (*inaudible*)

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LAW DIRECTOR MARTUCCIO: We'll investigate it. On another note, I wanted to add my commendation and good wishes to outgoing Safety Director Thomas Nesbitt as well. I and our staff have come to appreciate his sincerity, his integrity and his work ethic and his conscientiousness. And we've developed a friendship with him in a very short time. I wish he and his wife daughter and son the best in each of their pursuits.

PRESIDENT SCHULMAN: Any other Miscellaneous Business?

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: To Mr. Thompson, as far your potholes and so forth, I will get with you and the necessary persons to get in touch with to have those filled for you.

WILLIE THOMPSON: Thank you.

MEMBER SMITH: Your welcome. Also, Mr. Nesbitt, I want you to really listen to me. I know when you first came in, you said that I was your number one pest. But I...but you know what, I'm glad because you took care 100% of anything that I have every called you for. And I really appreciate and I know the residents of the 4th Ward and the City of Canton appreciate all that you've done. And I really mean that when I say, I'm going to miss you because I hope that that next person won't consider me as a pest but will do the things that you've done to make the 4th Ward a better place to live. Thank you.

(APPLAUSE)

PRESIDENT SCHULMAN: Any other Miscellaneous Business? 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: Meeting is adjourned. *(Gavel falls)*

ADJOURNMENT TIME: 8:54 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT