

MINUTES OF THE MEETING OF AUGUST 3, 2009

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. We appreciate you being present tonight. For those of you who were in our Caucus room, you heard the sobering economic figures that our City is facing. And while the numbers are depressing to say the least, it obviously translates into people's jobs and that is even more of concern to us. I just want to share before we begin the meeting something that came in the AP Wire today, it said, the headline is "Biggest Revenue Drop Since 1932." And just briefly, the article says "Tax receipts are on pace to drop 18% this year, the biggest single year decline since the great depression." Other figures in the Associated Press Analysis are "Individual income tax receipts are down 22% from a year ago." "Corporate income taxes are down 57%." "Social Security tax receipts could drop for only the second time since 1940." And "Medicare taxes are on pace to drop for only the third time ever." The last time the Government's revenues were this big, and we're talking about the Federal Government, the year was 1932 in the midst of the Great Depression. So, if misery loves company, we have unfortunately plenty of it in all our urban areas, all our states and nationally. I want to compliment the Treasurer and I wish, I don't see Gary Young as usual and R.A. Mallonn for crunching the figures and showing us exactly where we are. We cannot forget, and I don't think we ever will and it was said over and over again in Caucus that these effect real lives, real people, our neighbors and our friends and their hurting and we've got to help them. So, I think with Chairman Hawk's leadership and the Mayor's leadership, and I know the Mayor and his Administration have done everything possible to avoid laying off people and of course that is one of the major problems, while we may put people to work on a recovery package, we're taking them from the public sector and it's eventually just going to balance itself out so we're running in place. But I want to commend City Council for its diligence, I know you're all working hard and we will continue to work hard to meet these pressing issues. And I think by and large, we should approach it with an optimistic faith in the future. This Country has always fought through these types of events. We're no different now than we were in 1932, our people are strong and there is great optimism and hope that we're going to put this behind us. It's going to be tough, but as Chairman Hawk said, we've met this challenge before and we'll meet it again. So with 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. Tonight our invocation will be given by Council Member Thomas West. And if you will all please remain standing for the pledge of allegiance. And Member West, we need a really good prayer tonight.

The regular meeting of Canton City Council was held on Monday, August 3, 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 Ward 2 Council Member, Thomas West, the Pledge of Allegiance led by President Schulman.

MINUTES OF THE MEETING OF AUGUST 3, 2009**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: Member West, you did good, thank you very much. 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 8 through 18, #7 will be retained in committee. Leader Casar.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and add Ordinance 8 through and including 18 to this evening's agenda.

MEMBER CIRELLI: Seconded.

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

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We are now on Public Hearings. And we've got a lot of public hearings tonight. We have four, so the first is scheduled at 7:30 and it's AN ORDINANCE CREATING CHAPTER 1128, WINDMILLS & WIND TURBINES, OF PART ELEVEN - PLANNING & ZONING CODE; PLANNING COMMISSION RECOMMENDS APPROVAL. Is there anyone in the audience wishing to speak for or against this text change, please come forward. I have to ask this one more time, is there anyone in the audience wishing to speak for or against this text change, please come forward. Seeing no one stepping forward, the Chair declares the public meeting over in regard to this matter. And the matter now rests in the hands of Council and the Ordinance will follow later this evening. The second hearing is AN ORDINANCE AMENDING SECTION 1123.30, FAMILY, OF CODIFIED ORDINANCES; PLANNING COMMISSION RECOMMENDS APPROVAL. Is there anyone in the audience wishing to speak for or against this text change, please come forward. Is there anyone in the audience wishing to speak for or against this text change, please come forward. Seeing no one step forward, the Chair declares this public hearing over in regard to this matter. And it will now rest with the wisdom of Council and the Ordinance will follow later this evening. The third is AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; PARTS OF LOTS NOS. 2028 & 2029 @ 622 7TH ST NE - HABITAT FOR HUMANITY; PLANNING COMMISSION RECOMMENDS APPROVAL; IT IS ASSIGNED TO WARD 4; ZONING FROM I-1 (LIGHT INDUSTRIAL) & R-2 (ONE & TWO FAMILY RESIDENTIAL) TO PR-1a (SINGLE FAMILY RESIDENTIAL); AND DECLARING THE SAME TO BE AN EMERGENCY. With respect to this Ordinance, is there anyone in the audience wishing to speak for or against this zone change, please come forward. Is there anyone in the audience wishing to speak for or against this zone change, please come forward. The Chair recognizes no one coming forward, so the public hearing is over and the matter rests in the hands of the Council and the Ordinance will follow this evening. Finally, it is a Ordinance AMENDING ORDINANCE NO. 55/77, AS AMENDED KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; (PARTS OF LOTS NOS. 827, 828, 829 @

MINUTES OF THE MEETING OF AUGUST 3, 2009

1372 MARKET AVE S - EDWARD RAYNOR); THE PLANNING COMMISSION HAS RECOMMENDED APPROVAL; IT IS ASSIGNED AGAIN TO WARD 4; ZONING FROM B-3 (GENERAL BUSINESS) TO PB-4 (PLANNED SPECIAL BUSINESS); AND DECLARING THE SAME TO BE AN EMERGENCY. And it's at times like this I have so much admiration for our Clerk. Is there anyone in the audience wishing to speak for or against this zone change, please come forward. Is there anyone in the audience wishing to speak for or against this zone change, please come forward. Yes sir. Thank you. If you'll step forward sir and give us your name and your residential address.

PAUL BURT: My name is Paul Burt and I live at 1458 Housel Avenue S.E., Canton, Ohio.

PRESIDENT SCHULMAN: Good evening.

PAUL BURT: Good evening, committee. And I'm here against the zoning for the fact that I'm here to speak for....

PRESIDENT SCHULMAN: Go ahead, I'm sorry.

PAUL BURT: I'm here to speak for part of the families that couldn't be here because they was at work today. And it took away their in and out to get in to their backyard and it took away the alley. I mean, I've lived there 19 years and the party that's trying to zone it, they've been there but they never was worried about that part of the section now. And being that people stay there now, they can't get in to their backyard, one of the guys putting the fence up got real rude with one of the neighbors in the backyard, than whenever the building caught of fire it burnt down, it destroyed the yard behind them, they had no respect to come talk to the family to tell them they was sorry about their yard. When they asked them about it, they just shook them off and told them that since they lost their insurance on their building, all they had enough money is to do is to get one built. And they build the building, the neighbor asked him again, "What happened." He says, "Well they told me to call my insurance company." Their insurance company wanted to charge them \$500.00 deductible to fix their yard at which they didn't destroy. And this part, now taking the alley away from the neighbors I think is wrong. You know, it's wrong.

PRESIDENT SCHULMAN: How many people do you represent Mr. Burt? Approximately?

PAUL BURT: About four, cause that's it's, it's about, you know I mean, them is a....well three houses, one is a empty. But the three houses, they use to get in to their back...they use that to get in to they backyard. And than the one neighbor on the end, she can't even cut her grass now cause it's so close to her property.

PRESIDENT SCHULMAN: Alright, do you have anything else to say?

PAUL BURT: No.

PRESIDENT SCHULMAN: This will be on the agenda later this evening and I think City Council has heard you loud and clear. Do you have anything else you wish to add?

PAUL BURT: No.

MINUTES OF THE MEETING OF AUGUST 3, 2009

PRESIDENT SCHULMAN: Great, thank you very much sir for coming. Is there anyone else in the audience wishing to speak for or against this zone change? Okay, would you...one of you at least, tell us your name, or give us your name and residential address please.

ED RAYNOR: I'm Ed Raynor, I'm the one that owns the property at Market Avenue.

PRESIDENT SCHULMAN: Okay Mr. Raynor, do you want to address this to Council. And you're, one of you.....

JAMES SERAN: Can we both address a little bit?

PRESIDENT SCHULMAN: Sure, that's fine. Would you give us name and your residential address.

JAMES SERAN: James Seran, 915 High Avenue, N.W., here in Canton.

PRESIDENT SCHULMAN: Okay, thank you sir, go ahead.

JAMES SERAN: Ah, basically the last name that was up here had indicated that that was an alley. That alley was never an alley. It was a private sewer line that was put in back in the 1920's by Mr. Housel, who is no longer living. And we had to try to chase any of his dependants down so that we could purchase this piece of property. However, that wasn't...we couldn't find any dependants so we hired Mr. John Virola, who is an attorney. And basically, the property after we couldn't find any owners, was basically free for us to claim, which we did.

ED RAYNOR: Well let me say this, I don't know what that piece of alley has to do with the zoning for the piece of property that I'm talking about anyways. So the right away for the sewer has nothing to do with the zoning change for the property, which is setting on 1372.

PRESIDENT SCHULMAN: Okay, anything else you want to add? By the way, I apologize, I believe this is going to be retained in committee in any event, but we appreciate your coming forward. Anything else sir? Either one?

ED RAYNOR: No, thank you.

PRESIDENT SCHULMAN: Okay, thank you Mr. Raynor, thank you sir for coming. Okay is there anyone else wishing to speak for or against this zone change? The Chair sees no one approach, so I will declare this public hearing over. The matter now rests in the hands of Council. Did anyone else want to speak? Okay.

MEMBER SMITH: Also Mr. President, I'd like to say something after he speak.

PRESIDENT SCHULMAN: Absolutely Member Smith.

RICK ZENGLER: My name is Rick Zengler, I work with the Planning Division of the Department of Development. To clarify some of these points, the property question is separate from the zone change request. During the course of the zone change application, this property line came up, there was an action

MINUTES OF THE MEETING OF AUGUST 3, 2009

whether they should have it or not, the development itself does not bare weight on the property acquisition. The development could take place, the development can be arranged so that that goes forward. There were questions about why there is already a part of a building there, after the fire, there was a building erected. That was to allow the original car sales operation, which would be a B-3 (General Business). It was a legal, non conforming use for many years, when he wanted to expand on his development, add to the building that he already was allowed to build, he wanted it for car repair. That takes a zone change, B-4 (Special Business) because it's a sole applicant, it's a planned zone change, which means he is in a contract with the City. What he offers to do, if it's agreed to by Council, he is locked into per the Ordinance. The land in question, at first was thought to be an alley, it was private property. June 9th of the year, they went to Court, Judge Brown decreed that he could have the land as a purchase. John Steiner, heirs unknown, widows, etc., all of that, were in the Court proceedings, that's why the purchase of the land came to bare. They wanted it apparently for more of a buffer from his development for the adjoining properties to the east.

PRESIDENT SCHULMAN: Okay, thank you very much Mr. Zengler. Member Smith, oh I'm sorry, Member Kraus, do you have a question?

MEMBER KRAUS: Yes, the piece of property that their talking about, is it a private sewer or is it a City sewer?

RICK ZENGLER: That I am not sure. It's private property, if there is an easement under it, the City holds the easement forever more.

PRESIDENT SCHULMAN: Mr. Burt said that there was some concern about, I believe, emergency vehicles, ingress and egress, did your board look at that issue?

RICK ZENGLER: The board looks at it as a site plan review committee, none of that issue was brought up. You being the attorney, whether it would be latches or adverse possession issues come into play.

PRESIDENT SCHULMAN: I did not do well on property. *(Laughter)* So that's why I don't know what your even talking about frankly. Member Smith. Thank you Mr. Zengler.

MEMBER SMITH: Yes, just to clarify some things, I think Mr. Burt said about the property, I think where the problem lies is the way that it was acquired in the beginning. I think that the residents should have been informed that the property was going to be acquired and after that and after going over and looking at the property, I have been over to Mr. Raynor's and tried to get some understanding with him and the residents. And I think at this point in time, it still needs to be held in committee until some of the questions are answered and that the residents are satisfied with what's really going on with the property.

PRESIDENT SCHULMAN: Okay, very good. Thank you Member Smith, and I believe it is being held in Committee. Okay but thank you folks for coming down and is there anyone else wishing to speak for or against, who has not already spoken? Seeing none, than the Chair will declare the public hearing over, the matter now rests in the hands of Council. The Ordinance will not follow later this evening, as it is retained in committee.

PUBLIC SPEAKS

MINUTES OF THE MEETING OF AUGUST 3, 2009

PRESIDENT SCHULMAN: Okay, we're now under Public Hearings, there are....Public Speaks on Ordinances and Resolutions. 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 we excuse Member Carbenia 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: The motion carries and Member Carbenia is excused from this evening's meeting. Thank you Madame Clerk.

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 AUGUST 3, 2009.

328. COMMUNICATIONS DIRECTOR HERMAN: REQ AMEND COMM #270 FOR PRICE REDUCTION OF ORACLE SOFTWARE LICENSE OF \$707.65. - FINANCE COMMITTEE
329. COUNCIL-AT-LRG SMUCKLER: REQ LAW DEPT TO RESEARCH POSSIBLE LEGISLATION OF BANKS FORECLOSURE TITLE PROCESSING. - JUDICIARY COMMITTEE
330. DEVELOPMENT DIRECTOR TORRES: REQ TO WITHDRAW COMM #300 FOR MORAL OB TO CANTON SPORTS OFFICIALS. - RECEIVED & FILED
331. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/YWCA OF CANTON IN AMT NOT TO EXCEED \$100,000.00 PER YR FOR 3 YRS FOR FIRST PHASE OF GATEWAY HOUSE II PROJECT, HOME DOLLARS WILL FUND SITE PREP & CONSTRUCTION COSTS. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
332. FINANCE CHAIRMAN HAWK: REQ ORDINANCE SUSPENDING ALL TRAVEL UNLESS

MINUTES OF THE MEETING OF AUGUST 3, 2009

RELATED TO CERTIFICATION & LICENSING EFFECTIVE IMMEDIATELY THROUGH 12/31/10. - FINANCE COMMITTEE

333. FINANCE DIRECTOR ALGER: REQ SUPP FUNDS FROM UNAPPROP BAL 6017 HEALTH & LIFE INS FUNDS TO COVER MEDICAL & PRESCRIPTION CLAIMS FROM JAN - JUN 2009. - FINANCE COMMITTEE
334. FINANCE DIRECTOR ALGER: REQ APPROP ADJ OF GENERAL FUND REDUCTIONS BASED ON AUDITOR'S CERTIFIED FUNDS AMT. - FINANCE COMMITTEE
335. HEALTH ADMIN MCBRIDE: JUNE 2009, MONTHLY COMPARATIVE RPT INS CLAIMS. - RECEIVED & FILED
336. HEALTH COMMISSIONER ADAMS: REQ APPROP TRANSFER OF \$1,050.00 IN FUND 2313 PREVENTIVE HEALTH & \$520.00 IN FUND 2314 CHILD & FAMILY HEALTH. - FINANCE COMMITTEE
337. LIQUOR CONTROL DIVISION (OHIO): ADVISE OF DENIAL 2009-2010 D5 6 LIQ PERMIT FOR PLW 2006, LLC DBA HOB NOB TAVERN @ 1604 HARRISBURG RD NE, 1ST FL & PATIO. - RECEIVED & FILED
338. LIQUOR CONTROL DIVISION (OHIO): ADVISE OF DENIAL OF TRANSFER OF D5 6 LIQ PERMIT FROM PLW 2006, LLC DBA HOB NOB TAVERN @ 1604 HARRISBURG RD NE, 1ST FL & PATIO TO MIMI HMEIDAN DBA HOB NOB TAVERN @ 1604 HARRISBURG RD NE. - RECEIVED & FILED
339. MAYOR WILLIAM HEALY: REQ LAW DEPT REVIEW OF HIRING FREEZE ORDINANCE & REQ RESOLUTION TO IMPOSE FREEZE. - PERSONNEL COMMITTEE
340. SAFETY DIRECTOR NESBITT: DEMO LIST OF 11 PROPERTIES DETERMINED UNSAFE & HAZARDOUS IN VARIOUS WARDS. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
341. SAFETY DIRECTOR NESBITT: RECEIPT OF JUNE 2009 RPT OF INMATES INCARCERATED UNDER CITY ORDINANCE PROVIDED BY STARK CNTY SHERIFF. - RECEIVED & FILED
342. SERVICE DIRECTOR PRICE: REQ AUTHORIZATION FOR SERV DIR TO ENTER INTO CHANGE ORDER #1 W/NL CONSTRUCTION CORP., INC. FOR NEW COLLECTION SYSTEMS SERV CTR & ADMIN BLDG; REQ SUPP APPROP OF \$127,302.20 FROM 5406 2006 SEWER COLLECTION BLDG BOND FUND TO 5406 206006 OTHER. - FINANCE COMMITTEE
343. SERVICE DIRECTOR PRICE: REQ SUPP APPROP FROM 4501 CAPITAL IMPROVEMENT FUND TO SERV DIR ADMIN OTHER, STREET ADMIN OTHER, BLDG MAINT ADMIN OTHER & PARK ADMIN OTHER. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
344. TREASURER SCHIRACK: APRIL 2009, COMPARATIVE RPT OF CASH RECEIPTS. - RECEIVED

MINUTES OF THE MEETING OF AUGUST 3, 2009

& FILED

345. TREASURER SCHIRACK: MAY 2009, COMPARATIVE RPT OF CASH RECEIPTS. - 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 #6 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

#1. (1ST RDG) **ADOPTED AS ORDINANCE NO. 126/2009** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH ORACLE USA, INC. IN AN AMOUNT NOT TO EXCEED \$34,902.77 FOR A ONE YEAR SUPPORT CONTRACT FOR THE CITY'S ORACLE SOFTWARE LICENSES; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

COUNCIL RECESSED @ 7:55 PM FOR FINANCE COMMITTEE TO DISCUSS THE ADOPTION OF ORDINANCE #1; RECONVENED @ 7:57 PM)

PRESIDENT SCHULMAN: Council will therefore reconvene after the recess. Leader Casar. Yes, Leader Casar, suspend Rule 22A.

MEMBER CASAR: Mr. President, I move we suspend Rule 22A and place Ordinance #1 back on this evening's agenda.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to place Ordinance 1 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: The motion carries. Ordinance 1 is a legal part of your agenda. Leader Casar.

MEMBER CASAR: Mr. President, I move suspend the Statutory Rules on Ordinance #1.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance #1.

MINUTES OF THE MEETING OF AUGUST 3, 2009

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. You've heard the three readings. Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #1.

PRESIDENT SCHULMAN: Member Cirelli, second?

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: Thank you. Alright, it's been moved and seconded that you adopt Ordinance #1. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#1 ADOPTED AS ORDINANCE NO. 126/2009

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #1 is adopted. Going back on the Ordinances and Formal Resolutions for the first reading. Ordinance 2 please.

#2. (1ST RDG) AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH RICHARD REINBOLD; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

#3. (1ST RDG) AN ORDINANCE AUTHORIZING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Judiciary Committee

#4. (1ST RDG) A RESOLUTION AUTHORIZING THE LAW DIRECTOR TO DISTRIBUTE FREE OF CHARGE TO PUBLIC OFFICIALS AND PUBLIC INSTITUTIONS COPIES OF THE 2008 SUPPLEMENT TO THE CANTON CODIFIED ORDINANCES, TO AFFIX PRICE FOR THE SALE OF SAME; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Judiciary Committee

#5. (1ST RDG) AN ORDINANCE APPROVING AND ADOPTING AN ALTERNATIVE METHOD FOR APPORTIONING THE STARK COUNTY UNDIVIDED LOCAL GOVERNMENT FUND FOR 2010 THROUGH 2019; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

MINUTES OF THE MEETING OF AUGUST 3, 2009

Referred to Finance Committee

- #6. (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 (OUTLOTS 1318 & 1319 ON COLUMBUS RD NE - CENTRAL ALLIED) **PUB HRG 8/31/09 @ 7:30 P.M.**
Referred to Judiciary Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We are now under Ordinances for their second reading. Would you please begin with Ordinance #7. *(President Schulman meant to say Ordinance #8)*

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #8 THROUGH #18; ORDINANCE #7 RETAINED IN COMMITTEE, FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #7. (2ND RDG) **RETAINED IN COMMITTEE** 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) **PUB HRG: 8/3/09 @ 7:33 P.M.**
- #8. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 36333, 36328 AND 36329; AND DECLARING THE SAME TO BE AN EMERGENCY (WEST OF HARRISON NE ON 34TH ST NW)
- #9. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PARTS OF OUT LOTS 306, 307, 308, AND 309; AND DECLARING THE SAME TO BE AN EMERGENCY (GATEWAY BLVD SE)
- #10. (2ND RDG) AN ORDINANCE AMENDING SECTION 105.10, PROFESSIONAL OR PERSONAL SERVICES CONTRACTS, OF THE CODIFIED ORDINANCES
- #11. (2ND RDG) AN ORDINANCE AMENDING SECTION 353.03, TIME LIMIT METERED ZONES; NOTICE; HOURS OF OPERATION OF PART THREE - TRAFFIC CODE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
- #12. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (LEAD ASSESSMENT FUND/HEALTH DEPT)
-
- #13. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (WORKERS' COMP RETRO FUND)
-

MINUTES OF THE MEETING OF AUGUST 3, 2009

#14. (2ND RDG) **ADOPTED AS ORDINANCE NO. 127/2009** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT WITH THE CITY OF NORTH CANTON TO REVISE THE COST SHARING PERCENTAGE FOR THE OPERATION, MAINTENANCE AND REPLACEMENT COSTS AT THE WATER RECLAMATION FACILITY; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move Statutory Rules be suspended on Ordinance #14.

MEMBER CIRELLI: Seconded

PRESIDENT SCHULMAN: It has been moved and seconded to suspend the Statutory Rule for Ordinance #14. 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 #14.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded to adopt Ordinance #14. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#14 ADOPTED AS ORDINANCE NO. 127/2009

PRESIDENT SCHULMAN: Ordinance #14 is adopted. Ordinance 15 please.

#15. (2ND RDG). AN ORDINANCE ADOPTING THE CITY OF CANTON'S ALTERNATIVE TAX BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2010; AND DECLARING THE SAME TO BE AN EMERGENCY

#16. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE LEASE OF SPACE LOCATED AT 215 WEST TUSCARAWAS STREET; AND DECLARING THE SAME TO BE EMERGENCY

#17. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO

MINUTES OF THE MEETING OF AUGUST 3, 2009

ENTER INTO CONTRACT WITH JACK DOHENY SUPPLIES OHIO, INC./VACTOR MANUFACTURING IN AN AMOUNT NOT TO EXCEED \$299,464.29 FOR THE PURCHASE OF ONE VACTOR MANUFACTURING MODEL 2110 COMBINATION SEWER CLEANING TRUCK PURSUANT TO O.R.C. SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY

#18. (2ND RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 128/2009** 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

PRESIDENT SCHULMAN: Leader Casar.

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

PRESIDENT SCHULMAN: Suspend the Statutory Rules.

MEMBER CASAR: Mr. President, I move to suspend the Statutory Rules on Ordinance #18.

MEMBER CIRELLI: Seconded

PRESIDENT SCHULMAN: It has been moved and seconded to suspend the Statutory Rule for Ordinance 18. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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

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

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded to adopt Ordinance #18. Leader Casar.

MEMBER CASAR: Mr. President, I move we amend Ordinance 18 per the three, no per the...pursuant to Ordinance #18, we all received a copy this evening and the new pages were inserted, 4, 5 and 6, is that correct? Or 3, 4, and 5?

CLERK TIMBERLAKE: 3, 4 and 6.

MEMBER CASAR: 3, 4 and 6?

CLERK TIMBERLAKE: Yes.

MINUTES OF THE MEETING OF AUGUST 3, 2009

PRESIDENT SCHULMAN: Law Director Martuccio.

MEMBER CASAR: If you would clarify that I would appreciate it.

LAW DIRECTOR MARTUCCIO: Yes, thank you Majority Leader. Thank you Mr. President. Upon further inspection and further discussion, in order to make the amendment as clean as possible for the Clerk of Council and the record, which will become the Ordinance, here's what I am recommending. You all have a packet marked pursuant to Rule 36, I move to amend agenda Item blank which is 18, by replacing the original CEDA Agreement currently pending before Council with the revised attached CEDA. That package is fine, except for, here is what I would like us to do for the record. The pages 3, 4 and 6 that we gave you, please just tear up pages 3 and 4 in the separate three page package, I'm sorry, but this will make it clean.

MEMBER CASAR: Mr. President, point of information. That's why I suggested in Caucus that we not do this. this evening. Thank you.

LAW DIRECTOR MARTUCCIO: And I appreciate that Member Casar. We worked very hard behind the scenes in the last few minutes to make it happen. Please....

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Hold on Member Cirelli one second. Go ahead Law Director.

LAW DIRECTOR MARTUCCIO: You were each given a three page packet that had pages 3, 4 and 6 in addition to this. Please tear up page 3 and 4, the page 6 will substitute the page 6 that you have in your amendment package.

MEMBER CIRELLI: Mr. President, my question to the Law Director is on page 3...

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Where...

PRESIDENT SCHULMAN: I believe page 3 and 4 have been deleted.

MEMBER CIRELLI: I know but the one paragraph that comes from page 2, should that be torn up also? That's what I am trying to correct.

LAW DIRECTOR MARTUCCIO: It makes it onto page 3. And the only other change that we should make to make it accurate is on page 3 of the packet that you were all given, in paragraph B, please change the word may, the second line of paragraph B, please change the work may to shall. On page 3....on page 3 letter B, line 2, please change the word may to shall, may to shall. We are now in compliance with my understanding. Yes I will deliver an official copy to the Clerk. Member Casar, I appreciate your tolerance, I apologize but these were things that we discovered are crucial in the timing of making this happen.

MEMBER WEST: Mine says shall.

MINUTES OF THE MEETING OF AUGUST 3, 2009

LAW DIRECTOR MARTUCCIO: If your's says shall, leave it shall. 3B shall read shall. Now any other administerial changes I'm authorized to make by the passage of this Ordinance, pursuant to the paragraph already contained in the Ordinance and I will take care of those. Thank you for your patience Members.

PRESIDENT SCHULMAN: Thank you Law Director Martuccio.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Yes, Leader Casar.

MEMBER CASAR: I guess I'll move to whatever Martuccio just said (*Laughter*) You got me, I don't know.

PRESIDENT SCHULMAN: Is there a second?

MEMBER CIRELLI: Seconded.

AMENDMENT:

Pursuant to Rule 36, I move to amend Agenda Item No. 18 by replacing the original CEDA attached to the Ordinance currently pending before Council with the revised attached CEDA.

PRESIDENT SCHULMAN: I'm not quite sure that's exactly what we want. I'll interpret it as moved and seconded to amend the Ordinance per the representation of the Law Director incorporating the language that he just addressed to Council. Any questions about that? By voice vote to amend Ordinance 18, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED WITH UNANIMOUS VOTE

PRESIDENT SCHULMAN: The motion carries. Leader Casar.

MEMBER CASAR: I move we adopt Ordinance 18 as amended.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 18 as amended. Are there any remarks under this Ordinance? I would just like to publically compliment not only the Trustees of Jackson Township and Mr. Gonzalez, its Clerk and Treasurer but also I want to commend all the hard work by the leader, Member Smuckler, the other Members of City Council and most specifically I'd like to publically commend the Mayor. I think his stubbornness, some may interpret, turned a Ordinance that perhaps wasn't as good as it should have been into a much better Ordinance. And I think you and your administration should be commended and congratulated for all the hard work. And as we have said over and over again, this will be required in the 21st Century. We are no longer a parochial, we must expand our borders, we must cooperate with our neighbors and this is a perfect opportunity to demonstrate that commitment to the, to this new century and how Government will take place. So are there any other remarks? Yes, Member Kraus.

MEMBER KRAUS: Mr. President, yes, thank you. As Ward 8 Council Member, I want to thank everybody

MINUTES OF THE MEETING OF AUGUST 3, 2009

involved. I've said it for many years, we represent the people. We have to help the people, make sure that the people we take care of are the people that pay our wages. We serve them and whether it's in Ward 8 now, it will be in Ward 8 in many years to come with expansion and it's something that we have to look at in these economic times as working together. You may not have to win a battle to lose a fight or lose a battle to win a fight, what you have to do is compromise to make sure that the citizens that we represent are getting what they are paying for. Thank you.

PRESIDENT SCHULMAN: Thank you Member Kraus. Any other comments.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes, Member West.

MEMBER WEST: Yeah, I just wanted to say, as I said in Caucus, I think it did take a lot of work and seen a lot of battling back and forth. But I'd like to commend the Mayor and his administration. I'd like to commend Member Smuckler for his fortitude and everyone involved. I think this is a very good thing, a very good day for a spirit of collaboration and cooperation and it also will bring more revenues into the City, which we direly need. But also, I wanted to say, I'm really confused at this point in time right now because we took out the amendment, which also argued the fifty year....we didn't? That's what I wanted to know.

PRESIDENT SCHULMAN: So you have a point of order?

MEMBER WEST: Yes.

PRESIDENT SCHULMAN: It's not taken out.

MEMBER WEST: Alright, thank you.

PRESIDENT SCHULMAN: Okay, your welcome. Any other remarks? Hearing none and reminding you that you are going to be asked to vote upon Ordinance 18 as amended. It's been moved and seconded. No other remarks. Mayor Healy.

MAYOR HEALY: Thank you Mr. President. I also just like to echo that this was a lot of work and a long time coming. This has been hashed out, many different versions. I know it's been confusing to Council. I apologize, as we were trying to make sure that we have the final correct version. I appreciate Council's willingness to delay the process a little bit so we could try to improve this for the City and for the residents. Again, I thank Member Smuckler for all the hard work he did and all the Members of Council on this and the Township. This is a very... very significant piece of legislation that's going to change the way that we do business and our relations with Jackson Township forever. And so, we wanted to make sure we got it right and we had the best agreeable package on the table. So thank you all for your patience and even today as we work our way through this.

PRESIDENT SCHULMAN: Very good, any other remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#18 ADOPTED AS AMENDED AS ORDINANCE NO. 128/2009

MINUTES OF THE MEETING OF AUGUST 3, 2009

PRESIDENT SCHULMAN: Ordinance #18 as amended is adopted.

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 19.

#19. (3RD RDG) ***POSTPONED UNTIL 8/17/09*** 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

PRESIDENT SCHULMAN: 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. Any remarks?

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member Casar.

MEMBER CASAR: I'd like to ask the Law Director a question if I may please.

PRESIDENT SCHULMAN: Law Director Martuccio.

MEMBER CASAR: Law Director Martuccio if we adopt this legislation this evening does this lock in the area where this is going to be executed, I mean as far as the homes are concerned? Do you know that answer?

LAW DIRECTOR MARTUCCIO: Member Casar, If I could look at that Ordinance.....

MEMBER CASAR: Maybe Carmen West may have that answer. Carmen, would you have that answer? Would you please come forward? I'd appreciate it.

PRESIDENT SCHULMAN: Ms. West, if you'd step up. Leader Casar.

MEMBER CASAR: Ms. West, I got in front of me a map from 9th to 11th and Walnut to Cherry. Is that the basic area we are talking about for these homes and how many homes are anticipated to be put in this area?

CARMEN WEST: Yes, that is the area that's designated by the competition and there will be six homes put into that area.

MEMBER CASAR: Okay, I have a question in regards to some are delinquent taxes, some are delinquent taxes

MINUTES OF THE MEETING OF AUGUST 3, 2009

on the City list, and a couple of them are City owned properties, I think 1, 2, 3, 4 maybe 5, I guess is a couple small parcels that are City owned. I have a concern of this and I was approached by one of the property owners at 1021 Cherry Avenue last week and I went down there and I looked at the property, which they've maintained for the last five years and according to the Frames, they indicated they wanted to acquire this property and they were turned down. And I was always under the impression that that was the idea of when we did demolish homes, we would always grant the wishes of the neighbor an opportunity you know to purchase a property. And I was only told by Mr. and Mrs. Frame that they approached the City five years ago and they didn't get any response and than three or four times since than. Could you elaborate on that? Is that fact or what's the situation on this.

CARMEN WEST: Absolutely, I'd love to share some light on that O.R.C. 5722 gives the Municipality to acquire lots under the land retilation program. The City adopted an Ordinance with the qualifications for that program. From my understanding, the homeowner did contact the previous Mayor and was denied the property. When we came into office, there was an application that was submitted, I believe it was August 11th, an inquiry was made on the property and it was shared with the homeowner that two reasons why she was not eligible. One, is because we do have the authority to not provide lots to contiguous homeowners if we're going to use them for development. Secondly, they cannot be build able and this lot is actually a little over 6,000 square feet, which makes it ineligible. We entered into a competition for a environmentally friendly project and we did a lot of research. We used the area that had the best ability to be developed. As you see on your map, there are a lot of empty lots there, so this area seemed like a prime area for redevelopment, so it was selected. So unfortunately, that lot isn't available under....available or eligible, under the land retilization program.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Are you done Member Casar?

MEMBER CASAR: No, I'm not.

PRESIDENT SCHULMAN: One second Member West.

MEMBER CASAR: Also, there are three or four properties on Rex Avenue that should be...that's been boarded up for quite a few years. Why would we not be looking at taking care of those particular buildings? I hope to God you have the answer because I drove up and down Rex Avenue and there's...there's three or four that's been boarded for quite a few years. What's the status on those if we wanted to...if we want to put new homes in there, I would think we'd want to clean up the area before we do that.

CARMEN WEST: You are absolutely correct. That's exactly what we're doing. We're going through, as you see on your map that I've created for you, that we've already started acquisition of these properties last year, a little over a year and a half ago. A lot of the other lots, where we've identified houses, we know which ones are boarded up and those also will be acquired. So this entire block will be redeveloped. We will do it in phases as more dollars are obtained and are available, you'll see that block look totally different. So yes, you are correct, there's actually a couple houses right there behind the subject property that you're referencing, that are actually boarded up, which I am attempting to acquire those as well. And those will be demolished.

MEMBER CASAR: So you're saying that the property south of 1021 does not comply to...so the neighbors... adjacent to.... acquire that property?

CARMEN WEST: It doesn't. But, however, I've I had conversations with Ms. Frame and I did share with her that we are going to vacate some of those alleys and that we will give her a large portion of that land because of

MINUTES OF THE MEETING OF AUGUST 3, 2009

where we're going to sit the houses on the street. So, she'll be able to get a portion of that if it's available because we want the properties to have some access. One of the requirements in the grant is to provide access, especially for handicapped individuals. So, there'll be some yard available, she just won't be able to obtain the entire lot through the method that she's attempting to attempt.

MEMBER CASAR: My problem is, you know, we want to develop and put new homes in and we're not taking care of the dilapidated structures that are already there. And if this particular person was willing and has for the last five years maintained it, they had playground equipment, they had a volleyball court and so forth for the children to play and now you're taking an area away from them. And I think it's much more valuable in my opinion that land should stay vacant and it could be used as a neighborhood and also as...for the Frame's to...and they have been, they've been keeping it up for five years. I can't see why it wouldn't comply or if it didn't comply with the Federal Regulations, it could comply, we the City could do something.

CARMEN WEST: Well, we were there last week and there were not playground equipment, there were no volleyball nets, the land was actually free and clear. Now, as for the five years they've been maintaining it, I wasn't here five years ago so I don't know that. Unfortunately, we have selected this property and we cannot change it. It's part of the grant, it's what we received. Unfortunately, there's nothing we can do at this time.

MEMBER CASAR: Ms. West, I not only spoke to the Frame's, I spoke to three other neighbors, they had flowers and flower beds in the rear of the property, you could see where they dug up after I guess you made a visit and told them, they took down the volleyball nets and so forth because it was said that it was City property and they have to clear it up.

CARMEN WEST: Sir, with all due respect, that's not true....

MEMBER CASAR: And I guess I want to ask you one question, if I vote for this particular legislation tonight does this rule out any opportunity for the Frame's to acquire this property?

CARMEN WEST: I'm sorry would you repeat your question.

MEMBER CASAR: If I vote for this legislation this evening, Ordinance #19, does this make null and void all opportunities for the Frame's to acquire this property south of their home?

CARMEN WEST: It makes it null and void because we've accepted or we're going to accept \$250,000.00 to develop that land.

MEMBER CASAR: Ok, than I can't support it. Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Thank you Leader Casar. Member West.

MEMBER WEST: This is an area that is in my Ward, and if you don't mind, let me give you a little bit more history. Six years ago when I came in the office, this was one of the primary projects that we started. It actually started with the gentleman who developed Georgeview Estates....

PRESIDENT SCHULMAN: Ms. West.

MINUTES OF THE MEETING OF AUGUST 3, 2009

MEMBER WEST: And what was unique about it was he, and if you seen Georgeview Estates, it started off pretty small and than just grew phenomenally and is a beautiful area. We wanted to do the same thing on Cherry. And Ron Ponder and I can't remember the guys name who developed Georgeview Estates. However, those two individuals went to the Mayor at the time, which was Janet Creighton and we had monies available to build 15 houses in that area. Mike Boylan at the time was the person who was pushing it and going out and getting a lot of signatures for those lots. It also came from Bruce, from our Community and Economic Development, that he is the one that located the area. And it was a viable plan that could have been done and we had the monies towards it to bring low to moderate income housing there and we were committing dollars to that and they said that they were going to do market rate housing. Turned out that the market rate housing didn't occur and ever since than, I've been trying push for housing in that area because we have a lot of crime in that area. There were several houses that we were trying to tear down in that area and we have aggressively have done some of that. But, Carmen West, I know I gave you a sketch of my housing and I've talked about this on Council floor. I've also spoken with Ms. Frame about five years ago and at that time, the Mayor also was looking at this area in development, so I do understand, what we are looking at is giving her a big portion of the land that will be adjacent to her home to...and I think she already has a large portion of land also. So I think that at this point these houses, me and Carmen West took a trip up to Dayton, Ohio where we seen these green houses. These houses were really unique because they would reduce utility bills by 50%....reduce utility bills for 50%. These will be the first green houses that we built in the City of Canton. This is going to make the...that...their whole neighborhood drastically improve. Their housing and everything around it will drastically increase in terms of their land value and their property value. That's a good thing and I think that that's what we're trying to do in Ward 2 because remember when I came on, there was no development in Ward 2, none. So that's what we're trying to do and we need the support to build these houses in this area. This is \$250,000.00, I think you said?

CARMEN WEST: Correct.

MEMBER WEST: And this is just the start. We're trying to build more houses in that area and that's what I've been talking about for six years in that area. I mean, when I say six years, even when Ms. Frame came, and I appreciate all her efforts because she has done a lot in their area, she has cleaned up some of the area and we're trying to get her something out of nothing. And I think that's what we've been trying to do. So, I'm asking each and every one of you to support this cause it's building our community, which brings tax dollars to our community which also helps build that inner city neighborhood. Thank you.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Point of information. Mr. and Mrs. Frame, their here this evening, they signed up under Miscellaneous Business, they signed the wrong sheet, they should have signed the one for business pending this evening.

PRESIDENT SCHULMAN: If someone wants to make a motion.

MEMBER CASAR: I'd like to make a motion at this time you allow them to have three minutes to speak please.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to allow Mrs. Frame to address Council. Any remarks, all those in favor....

MINUTES OF THE MEETING OF AUGUST 3, 2009

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Member Casar, could we also include her husband to speak for three minutes please? I'm sorry.

PRESIDENT SCHULMAN: Sure, I'm sorry, Mr. and Mrs. Frame, I didn't mean to insult Mr. Frame. Any other remarks? All those in favor, signify by saying aye. Those opposed no.

NO REMARKS

MOTION PASSED WITH UNANIMOUS VOTE

PRESIDENT SCHULMAN: Before the Frame's address this, Member Smuckler did you have something you wanted to say?

MEMBER SMUCKLER: I just have two questions for Carmen before you sit down Carmen. One, how much is this per home that we're spending?

CARMEN WEST: Well, per home, probably construction will probably be about \$125,000.00, per home, per unit, construction costs.

MEMBER SMUCKLER: We're putting \$125,000.00 into each home built down there?

CARMEN WEST: Correct, there is a total of six homes. The grant requires a \$250,000.00 match, so we'll put in a total of 500....up to 500,000.00 and than the total and the private developer will match us at the 500,000.00. So phase one will be six homes and the goal is to redo that entire block.

MEMBER SMUCKLER: Okay and that will be \$125,000.00 per home, half will come from the CHDO Grant and half will come from the private developer?

CARMEN WEST: Correct.

MEMBER SMUCKLER: Number two, can we adjust or move this site in anyway shape or form?

CARMEN WEST: Um...we would have to go back through H.U.D. and have them make the change and that could mean that we could lose the 250,000.00. What happens with this grant, as it was a competition, you had to submit a location and a design plan. And as Congressman Boccieri had announced that we, the City of Canton won, based upon our location, which was the availability to build. So that was one of the areas that we were scored upon, because there was so much free land, in addition to our project design. So, if we don't accept it, we'll lose the 250.

MEMBER SMUCKLER: Last question.

CARMEN WEST: Sure.

MEMBER SMUCKLER: Did...how much of the lot will the Frame's be getting and will be going towards the alley?

MINUTES OF THE MEETING OF AUGUST 3, 2009

CARMEN WEST: Right now, I really don't have a definitive answer for that because we need to vacate the alley but it's my assumption that she'd get almost as much as she was using for her flower garden. There were no, no volleyball nets or playground there. But where she had the flowers, she will get at least that much. So, the key is to have, not only environmentally friendly but to have some space because it is a main thoroughfare. So, she'll get...she'll get a large portion.

MEMBER CIRELLI: Mr. President..

MEMBER CASAR: Mr. President.

MEMBER CIRELLI: Some questions I have for Ms. West.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Thank you. Carmen, I was also out at that property and I can say this young lady called me many many months back and I can honestly say she had flowers all over the place, she had a brick sidewalk through there, she had flagstone laid out and as Mr. Casar said, they had a playground there for the kids and what have you. It was well maintained and the woman has taken out the bricks and the flagstone because she was so frustrated because to my understanding, and she can speak for herself, you showed up at her door unannounced and told her that regardless of what she did, she would only get a partial portion of that lot. Also, what I think Council needs to be aware of, is the alley, and I don't know the name of the alley, perhaps you know the name of the alley....

CARMEN WEST: I do, the alley is Garnet Place NE.

MEMBER CIRELLI: Alright, Garnet Place NE is south of the property that you want to take a put that, a house on that, but besides, next to that, you're going to tell me you're going to put in \$125,000.00 homes because the next lot south of that is a business.

CARMEN WEST: Correct.

MEMBER CIRELLI: Now there's no way I would purchase a home for \$125,000.00 with a business right there and I just can't believe the general communities out there...we've got a glut of housing as it is right now. And some people say you're gonna take a chance of losing \$250,000.00, well that's \$250,000.00 that we don't have. But if it's the wrong thing to do, I guess than we should take into consideration what is the right thing to do. And this home that the Frame's have been living in is a historic home. Now she also said that you told her that she should put siding on it. They want to put that home back to the historic nature of it all and I am a strong person when it comes to preserving historic homes. And that home will not have siding on it. So, I think we need to hear from them. I'm not supportive of this legislation at all because I mean, it's \$125,000.00 in that area, no way.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: I've always been an advocate of owner occupied housing and I will always continue to be an advocate for owner occupied housing. And I sympathize with the Frame's and would like to find out how to help them out and include them in this process rather than exclude them from the process. I think that they are homeowners and their a part of our community and they should be applauded for staying down there and

MINUTES OF THE MEETING OF AUGUST 3, 2009

developing the house and staying with it. I asked the question, if we go north of here, and apparently it's Alexander Place N.E. I see directly across Alexander there is another vacant lot, can we work something out to include that process into this and help these folks and can we find them some help and assistance for staying down there and get them something and applaud them for being homeowners in our City and do something to help them and make them part of this project and package? I think that's the ultimate thing to do and help them out, get them something.

CARMEN WEST: Councilman.....

PRESIDENT SCHULMAN: Member West, or Ms. West.

CARMEN WEST: I'm sorry. Councilman, that's exactly what we do and Ms. Frame used to be the neighborhood association leader for that area and actually, I wasn't showing up at her house, I was actually looking at the land. What we do is often times, we look at development long term. It's a long...it's a lot of research, it's a lot of analyzing. I went out there to actually look at the lot, her door was open so I spoke to her and basically shared with her, because she is the neighborhood association leader for that area, what we were doing. And, you know, again, Director Torres also accompanied me on the second visit. The goal, is what we want to do is we want to make our community better. That's what we want to do, we want to work with our constituents, we're not trying to cause any ill do or any harm to Ms. Frame. Again, we shared with her that we will definitely provide her some of the lot...um...

PRESIDENT SCHULMAN: Ms. West, may I interrupt one second. I don't think that was the question that was asked. With all due respect, what can we do for the Frame's now to satisfy Member West, to satisfy the concerns that Council has expressed? I'm sure we're going to hear from the Frame's. Could you just give us an idea of how do we...how can we resolve this where everyone comes away happy as opposed to being told "We'll get to you later, I've already made up my mind, I'm not going to talk about it tonight."

CARMEN WEST: No, she will get a portion of the lot. She will get...her concern was extending her lot, extending her yard for that additional space and that's something that we can work into the design of the plan.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Member...Leader Casar.

MEMBER CASAR: One quick question before the Frame's come forward. You said the home will be approximately \$125,000.00?

CARMEN WEST: Correct.

MEMBER CASAR: What's the average price of the homes in that two block area?

CARMEN WEST: The average price of the homes in that area is about 44,000.00. The 125,000.00 is the cost of development. All of the homes because they are....because it's a home project, there'll be a development subsidy to bring the cost of the project down. So, when the homeowners purchase these properties, they'll get automatic equity. So we will probably sell the properties for about 79,000.00, which would be the market rate in that area.

PRESIDENT SCHULMAN: Member Barton. Member Barton, did you have something?

MINUTES OF THE MEETING OF AUGUST 3, 2009

MEMBER BARTON: Yes, I had a few questions for Member West. When you first came up to speak, you talked about.....

MEMBER WEST: Member West, me or her?

MEMBER BARTON: I'm sorry, I'm talking to Carmen West, I'm sorry. Anyway, when you...there's so much talking going on....but when you came up, you first talked about the lot that they were using as not being big enough, or build able so it wasn't....it didn't qualify for...can you kinda repeat that? I was kinda....

CARMEN WEST: Sure, It is build able. It's 6,100 square feet, I believe, which makes it build able. Our land reutilization program, which is the program that she applied for last year, indicates that the lots cannot be build able. So, that lot is technically build able. So, that's why I shared with her, once we vacate the alley, she can actually get a large portion of that back because there'll be enough space in between.

MEMBER BARTON: So, it doesn't qualify because it is build able.

CARMEN WEST: It doesn't qualify for the land reutilization program.

MEMBER BARTON: My second question is, if we support this, than what happens? Nothing? Because I would rather have something happen than nothing happen down there.

CARMEN WEST: If you don't support it, unfortunately we will have to give the \$250,000.00 back. So, we would lose a million dollar development project.

MEMBER BARTON: And she wouldn't get the lot anyway because it's....

CARMEN WEST: And she wouldn't get the lot anyway. Unless she purchased it....

MEMBER BARTON: Okay.

CARMEN WEST: Which, it would be fair market value and I believe it's about \$1,400.00.

PRESIDENT SCHULMAN: Well before we hear the Frame's, just...Ms. West, who is Freed Housing? A local contractor?

CARMEN WEST: Freed Housing, yes is a local contractor, as a requirement of the (*inaudible*) that was released, you have to use a community housing development organization, which is a non-profit that is local and provides development and/or redevelopment in housing.

PRESIDENT SCHULMAN: How many people will be put to work in this project?

CARMEN WEST: We will probably put to work about 60 local people on these...on this project. So...

PRESIDENT SCHULMAN: And this is not volunteer this is.....

CARMEN WEST: This is not volunteer....

PRESIDENT SCHULMAN:actually people getting paid.

MINUTES OF THE MEETING OF AUGUST 3, 2009

CARMEN WEST: This is actually people getting paid.

PRESIDENT SCHULMAN: Prevailing wage.

CARMEN WEST: I can't say that but yes they'll be getting paid.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Well wait a minute....

CARMEN WEST: I don't know about prevailing....I don't...I can't say that they'll be paid prevailing wage....

PRESIDENT SCHULMAN: Okay, alright.

CARMEN WEST: But yes they will be paid.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Yes, Ms. West, did I hear you say correctly, and I want to be very clear on this, did you offer the Frame's something to fix their home up? Is that what you said? Is that what somebody said?

CARMEN WEST: Absolutely, that's exactly what I did, when I met with Ms. Frame, she was very frustrated, she was very upset. I did have another City employee accompanying me from the City Street Department to overhear our conversation. I offered her a grant of \$25,000.00 to rehab her home and we would not put any restrictions on that. She shared with us that her income was over...that exceeds the limit. I shared with her that only 51% has to meet that income guidelines and we would definitely work with her to make sure that her house fits in alignment with the project. She refused and she just basically more...was more concerned about the type of people that would be living next to her. And I shared with her that she would have a very strong, you know, good homeowner living next to her, not a rental, not a section 8 house, these would actually be homeowners and that just wasn't good enough.

MEMBER WEST: The house that's north...the land that is north of her home, there is an alley there and than there is a lot that's before, I think Hawk indicated something, is that Standard Printing's lot?

CARMEN WEST: Um...no, I don't think so.

MEMBER WEST: Is that a vacant lot?

CARMEN WEST: There's a vacant lot. Which one are you referencing? The one on Cherry?

MEMBER WEST: The one north of her...wait a minute, am I...

CARMEN WEST: There's...there's....there's two homes on the next block of Pensor, do you have the map?

MEMBER WEST: I'm looking at the shaded one.

CARMEN WEST: Okay.

MINUTES OF THE MEETING OF AUGUST 3, 2009

MEMBER WEST: This would be north of her house. Based on what I'm seeing here.

CARMEN WEST: No...no, I don't think that's owned by Standard Printing.

MEMBER WEST: Is that a vacant lot?

CARMEN WEST: The one that's on the map?

MEMBER WEST: Yeah.

CARMEN WEST: Yeah, the corner of um...yes, that's a vacant lot.

MEMBER WEST: Who owns...I mean, if we look at that lot and try to help her acquire that and vacate that alley, do you think that would be...it would give her more yard of course and they would probably settle this issue.

CARMEN WEST: Possibly, I mean if it abuts her property, we just have to make sure that we have ingress and egress for the other owners to enter and exit their homes. So as long as if we're not disturbing that, I think that would be something that would be allowable.

MEMBER WEST: And one last question and than I'll shut up. The...and from my understanding, when you have a build able lot, we cannot give a build able lot to anybody.

CARMEN WEST: Correct. They'd have to purchase it.

PRESIDENT SCHULMAN: Okay, do we want to hear from the Frame's now. Ms. West, do you want to step aside just for a moment and let the Frame's come up. Mrs. Frame, come on up. I know you're biting at the bit here, so to speak. That's alright, just give us your name and your residential address for the record. And we can pass those down while your addressing us, that's not a problem.

DEBRA FRAME: *(Inaudible)*

PRESIDENT SCHULMAN: Just give us your name and your residential address.

DEBRA FRAME: My name is Debra Frame, I live at 1021 Cherry....

PRESIDENT SCHULMAN: And you're going to have to speak up if you would.

DEBRA FRAME: My name is Debra Frame, I live at 1021 Cherry Ave, NE, Canton. I had a nice speech wrote out but I wanted to clarify just a couple things about the conversation. Number one, even if you closed Garnet, it is not very large, so I mean, I don't know how they would break this lot up but I personally believe that families need yards. And no, we do not always have our equipment up, we take the volleyball net down because a storm will break it. So, but we play baseball and different things and we use the yard for playing and I just feel that, you know, families need yards, they need yards to play baseball, they need yards to plant vegetables. And I, you know, basically, you know, we don't need to be packed in like sardines. We need to have yards and I think that it would look better. And I don't think we need to have cookie cutter houses and you know, we have a lot of historic homes in Canton and we need to, you know, take care of them.....

PRESIDENT SCHULMAN: But let me just interrupt if I might. What would, and we've heard Leader Casar I

MINUTES OF THE MEETING OF AUGUST 3, 2009

know has talked to you and Member Cirelli and obviously Ms. West, what is it that you would want to see accomplished here, recognizing that this is a grant, we're going to put people to work, you have no idea...you know, you know how important that is.

DEBRA FRAME: Well absolutely.

PRESIDENT SCHULMAN: But what is it that you want to see done? Is there a lot here that you would like to incorporate into your yard?

DEBRA FRAME: Okay, my biggest thing is, I don't want it to look Summit, where we can all look into each other's houses, we have no yard.

PRESIDENT SCHULMAN: Okay, we got that. But what is it that you're, we're trying to figure out what would satisfy you with regard to expanding your residential lot?

DEBRA FRAME: Well, I would like the lot that I have been trying to acquire for five year. I mean, I suppose the one on the other side, if you close the alley, but if you close Garnet and you close Alexander, how am I going to get out? You know what I mean? You know.

MATTHEW FRAME: And those two are well traveled.

DEBRA FRAME: Yeah, both Alexander and Garnet

MATTHEW FRAME: Garnet not as much but Alexander gets a lot.

DEBRA FRAME: Right, my husband made a great map here to show you the area, very clear and to show you what the City owns. There are several properties that are right in here that are like 20,000.00 behind in taxes, so you could definitely try to get those.

MATTHEW FRAME: I'm looking at the map that you're looking at and I see one of the houses, which you're planning on putting up is here on property owned by (*inaudible*)

DEBRA FRAME: Yeah, they own all of that.

MATTHEW FRAME: And we've spoken to the owners and they are not aware of any development going on. They actually own the lot.

DEBRA FRAME: Yeah.

MATTHEW FRAME: So, I don't know how far along the plans are but...

DEBRA FRAME: This is on the Auditor's Website, this is exactly it.

MATTHEW FRAME: I went on the Auditor....after Ms. West showed up at your house unannounced, twice...

DEBRA FRAME: Yeah, unannounced twice.

MATTHEW FRAME: And told us that the City had the lot, she said we own everything from here down on

MINUTES OF THE MEETING OF AUGUST 3, 2009

Cherry. I went on the Auditor's Website and in fact the City does not own those, all they own is the lot north to us, this little patch behind apartments. They own two patches beside a residence here, a little patch down here and all the way down at 9th Street. That's what....according to the Auditor's website, those are the only properties that the City actually owns. These are all privately owned and so....

PRESIDENT SCHULMAN: Okay, alright. Are there any questions by any Members for the Frame's? I'm not cutting...I'm not cutting you off, just...

MEMBER WEST: Just one quick question.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: I have a letter here in front of me that it seems like you guys received, it says "Dear Mr. and Mrs. Frame, thank you for inquiring about the above mentioned property, which is located next to your property. Unfortunately, this lot isn't available for land disposition program. We appreciate your interest and should it become available, we will contact you. If you have any questions, please feel free to contact me." This is from Carmen West. Did you receive that letter?

DEBRA FRAME: Yeah.

MEMBER WEST: Okay.

MEMBER HAWK: Mr. President.

DEBRA FRAME: Yeah, in 2008 and see that's like a big beef too....

PRESIDENT SCHULMAN: Alright, one second.

MEMBER WEST: This was in 2008, I was just...

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: One quick question. I think we need to set this aside, take a couple weeks to look at it, figure out what we're going to do with it and what I'd really like to see is a site plan for these new houses. I mean, we need dimensions, we need lengths, we need distances.

DEBRA FRAME: Exactly.

PRESIDENT SCHULMAN: Okay.

MEMBER HAWK: And I think that would.....I that

PRESIDENT SCHULMAN: Okay.

MATTHEW FRAME: We need to be informed about what's going on.

PRESIDENT SCHULMAN: Okay. Okay.

MINUTES OF THE MEETING OF AUGUST 3, 2009

MEMBER HAWK: And I think if we do it in a business like fashion and look at a site plan and know what we're going to do a maybe get some renderings of the houses, we'll get the neighbors on board. And that's what we need to do in order to develop and redevelop our community.

PRESIDENT SCHULMAN: Well is there....

MEMBER WEST: Mr. President.

MEMBER CASAR: Mr. President, would you let the Frame's finish speaking and than...

PRESIDENT SCHULMAN: Yeah, do you have anything else to say?

DEBRA FRAME: Um...yes. One of the main things that I've noticed since I've lived in this neighborhood, is we have like number one, I can't use your school system. I sent my son, and I feel this is a very valid point because why are people, decent people gonna move into a neighborhood where there's prostitution, people dealing crack and you can't use the school system. I sent my second grader to Gibbs School, he was told he was weak because he was white, he was harassed everyday. One student brought bullets to school, another of his fellow classmates threatened to kill him in second grade. I tried Hartford, with my older boy, he came with this bruise on his stomach like this because threatening him to join his gangs. Now you can build all the houses you want but if you can't change that, what decent folks are going to move in here and take care of these properties. And that is a real big concern for me, I struggle to be here at times myself because of everything that's been going on. I've been threatened, I was injured for three weeks because people let their pit bulls go in my yard after my dog. We have gone through a lot, I mean, I want to stay here, it's affordable and I love the downtown activities but I am just like done. All I wanted was my yard because I love to garden. You know, I don't want someone right on top of me.

PRESIDENT SCHULMAN: Okay.

DEBRA FRAME: What are they going to be like.

PRESIDENT SCHULMAN: I understand. Alright, thank you. Leader Casar do you have anything else to say? You folks can sit down, thank you very much. And thank you for remaining in the City and working with the problems that you've had. We do appreciate it.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I would....I would move to postpone this piece of legislation until August 17th and maybe we can get something resolved that will be mutually agreeable to the Frame's and also to the City of Canton so we can proceed with this.

MEMBER WEST: Mr. President before you do....or Mr. Chairman, if you don't mind

MEMBER CASAR: Mr. President, waiting to see if we hear a second.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: Wait...wait.

MINUTES OF THE MEETING OF AUGUST 3, 2009

MEMBER WEST: No you can't, we're still under discussion.

PRESIDENT SCHULMAN: Okay, wait one second, it's been...

MEMBER CASAR: I made a motion, she seconded it.

PRESIDENT SCHULMAN: It's moved and seconded now, I'm gonna...debate. Member West, It's been moved and seconded to postpone Ordinance 19 until our next meeting. Member West.

MEMBER WEST: Yes, I'd like to ask Carmen one more quick question. Carmen, is there time constraints on this grant of the \$250,000.00 coming to Ward 2?

CARMEN WEST: Absolutely, we have twenty four months. Again, this is stimulus dollars, we don't have a lot of time. Site plans won't be available until we get cash, we have to use money to do that. So, right now we're working on a gratis, trying to put the project together. We've identified the site, I would love to sit down with Ms. Frame and include her in the process step by step. We're very much open to that, as well as if she has any questions, she can call me on my cell phone, I'm available 24 hours a day to try to work this out.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Ms.....ahwait one second Member Cirelli. Member West.

MEMBER WEST: Yes, Carmen, is...and let me understand this, so your saying that if...so, we need to move forward right now to receive the funds in order...before anybody gets any plans, is that correct?

CARMEN WEST: That's correct. We submitted this, I believe two months ago, is when we initially submitted it to Council along with the NOFA and all the rules and regulations. We talked about it again that it was stimulus money when it came, we have twenty four months to use it so we provided all of that documentation for the project.

PRESIDENT SCHULMAN: I'm sorry, if I could interrupt....

MEMBER WEST: I just wanted to say one last thing.....

PRESIDENT SCHULMAN: Just a point of clarification. You said twenty four months we have to spend this money, so if we waited two weeks, I just want to make sure the record is clear....

CARMEN WEST: Sure.

PRESIDENT SCHULMAN: Waiting two more weeks is not going to affect the twenty four month time frame. Is that right?

CARMEN WEST: No, it just deletes two weeks from it, no that's fine....

PRESIDENT SCHULMAN: Wait, no..no, I understand but I think....

CARMEN WEST: That's okay....sure.

MINUTES OF THE MEETING OF AUGUST 3, 2009

PRESIDENT SCHULMAN: The Members' concern is that if we don't act tonight do we lose the grant. And you're saying no, we don't.

CARMEN WEST: Correct.

PRESIDENT SCHULMAN: Okay, go ahead Mr. West, I'm sorry, Member West, anything else? I'm sorry.

MEMBER WEST: And I'm not certain what two weeks is going to do because when you look at it in the endo spectrum, we still can't sell the lot. I mean, the bottom line comes down to, it's not eligible for the program in which than we can't move forward with that. However, I will say this, Ms. Frame has...she's correct, we have had a lot of drug dealing going on, we had a lot of prostitution going on, in that very area. And I don't know, you guys remember, Rex, anywhere I go around this City, the County, I mention Rex and everyone talks about prostitutes. Right? Hey, Rex is Rex, the reality is at the end of the day, it's a bad area and that we need to improve on a bad area, okay. And we need to move forward. This has been six years coming. Six years, okay, and you want to talk about plans, I've had plans, we've had several plans. The reality is that we need to build and I think we've talked about that earlier today that we need people in the City bringing jobs to the City and we need to bring an income tax base. It only happens when you have people move into the neighborhoods. You only clean up neighborhoods when you have people outside the neighborhoods. When you have vacant lots, you have prostitutes and you have drugs. I live in Ward 2. I live right up the street and I know better. And I am asking Council not to hold this to keep moving forward.

PRESIDENT SCHULMAN: Well, I think that...

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: I'm sorry Member Cirelli, I think that what we basically have is a clash between expansion, green homes, jobs and the neighbors who live there and are concerned about it and you're going to have to make up your minds as to whether a two week postponement will jeopardize the possibility and only a possibility of resolving all the problems for both the neighbors that are there and obviously our City's desire to put people to work, take money from the government and put in green housing, which is something we all care about. So, are there any other remarks?

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: There is a motion to postpone. Member Kraus.

MEMBER KRAUS: Just one question because I followed it all the way up until Tom asked the last question. The lot is buy able at \$1,400.00. The lot wasn't acquire able under the land acquisition land.

CARMEN WEST: Correct.

MEMBER KRAUS: There's a difference.

CARMEN WEST: All of the lots were actually currently under acquisition. So now that we've made this public, often times, we keep developments silent because it gives us an advantage to purchase these lots. I had bids on these lots for \$2,000.00....

PRESIDENT SCHULMAN: Okay...

MINUTES OF THE MEETING OF AUGUST 3, 2009

CARMEN WEST: Now it's going to go up and it's going to jeopardize our development. So, you know, the key is to make sure that we're empowering our City with options, jobs, green housing and working with our neighborhoods.

PRESIDENT SCHULMAN: Okay, any other re....

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Thank you very much sir. Here's one of my big concerns. I spoke with Robert Torres...called me today. He told me that it was a done deal, that the Frame's were going to purchase it for \$586.00. Now, I am really confused because now I am hearing another figure thrown around here and they work...I thought she worked for Mr. Torres and I have a real problem with this whole thing.

PRESIDENT SCHULMAN: Okay, unless you feel compelled to....

MEMBER CASAR: I move to question Mr. President.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: The question has been moved, it's been moved and seconded to move the question. All those in favor of moving the question, say aye. Those opposed no.

NO REMARKS

MOTION PASSED BY VOICE VOTE

PRESIDENT SCHULMAN: The motion carries. Now we are on the motion to postpone Ordinance 19. Are there any other remarks? I'm not going to cut people off. Any other remarks? Hearing none,

MEMBER WEST: *(Inaudible)*

PRESIDENT SCHULMAN: Pardon? I'm sorry? No I have any remarks. Roll call vote please Madame Clerk on the motion to postpone.

NO REMARKS

ROLL CALL: 8 YEAS, 3 NAYS
(MEMBERS WEST, SMITH AND BARTON VOTED NAY)

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

PRESIDENT SCHULMAN: The motion carries and Ordinance 19 is postponed for two weeks and I'd strongly recommend that all the parties get together. This is only, by the way a reprieve, so let's move on to Ordinance 20 please.

#20. (3RD RDG) **ADOPTED AS ORDINANCE NO. 129/2009** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND APPROPRIATION TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (FORFEITURE FUND, CITY PARKING DECK, COMM DEV)

MINUTES OF THE MEETING OF AUGUST 3, 2009

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #20.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 20. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#20 ADOPTED AS ORDINANCE NO. 129/2009

PRESIDENT SCHULMAN: Ordinance #20 is adopted. Ordinance 21 please.

#21. (3RD RDG) **ADOPTED AS ORDINANCE NO. 130/2009** 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)

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #21.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 21. Any remarks? Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#21 ADOPTED AS ORDINANCE NO. 130/2009

PRESIDENT SCHULMAN: Ordinance #21 is adopted. Ordinance #22 please.

#22. (3RD RDG) **ADOPTED AS ORDINANCE NO. 131/2009** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE A LICENSE AGREEMENT AND EASEMENT AGREEMENT ON CITY-OWNED LAND IN PIKE TOWNSHIP; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER CIRELLI: Seconded.

MINUTES OF THE MEETING OF AUGUST 3, 2009

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 22. 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.

#22 ADOPTED AS ORDINANCE NO. 131/2009

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

#23. (3RD RDG) **POSTPONED UNTIL 8/17/09 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**
PUB HRG: 8/3/09 @ 7:30 P.M.

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #23. Are there any remarks? Leader Casar.

MEMBER CASAR: Mr. President, I move we amend Ordinance #23....per the amendment that all Council Persons have in front of them. But first I would like to ask Law Director Martuccio, please explain it to us, please.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President and Member Casar, thank you for your question. The amendment changes one of the sections very slightly. It essentially says, and continues to say wind turbines have to be pretty...they have to be as unobtrusive as they can be. And the towers have to be a monopole. But where it gets a little more specific is about color. Now it more clearly says, because the punctuation is different, it's broken up into different sentences. With respect to color, turbines and towers shall be white, off white or unpainted metal of a color or a color required by the other Federal or State Regulations. Where the amendment is different Mr. Casar, is it breaks it into a separate new thought, saying any other color beyond those required by the Federal or State Laws, any other color shall be approved by the site plan review committee. It's pretty close to the original.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: I have a problem, if it's spelled out, you know a way to off white or unpainted metal, why would we want to even put that clause in there just to open doors like later?

LAW DIRECTOR MARTUCCIO: Mr. President, Member Casar.

MINUTES OF THE MEETING OF AUGUST 3, 2009

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: I'm not sur....I don't really have anything in the packet at a defining why this request for the amendment was made. I suspect it's because if the Federal or State Regulations are silent that the site plan review committee might find that another color is appropriate giving the surrounding circumstances or the pre.....

MEMBER CASAR: Well my answer to that is what's more appropriate than white or off white or you know, my problem is you know, in the future, some Council down the road, if we ever built turbines in the City of Canton, which I doubt but we would just have to have you know, zoning and so forth, etc., more legislation with that one sentence in there if it were not in there, we wouldn't have to worry about that.

LAW DIRECTOR MARTUCCIO: If there is someone here from the Planning Commission....

MEMBER CASAR: Sponsoring this amendment.

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT SCHULMAN: Mr. Zengler, ah....Director.

SERVICE DIRECTOR PRICE: I think Mr. Zengler is willing to address that.

PRESIDENT SCHULMAN: Yeah, good, thank you. You're a busy man tonight Mr. Zengler.

RICK ZENGLER: Once in awhile. The original draft of the Ordinance pretty much mirrored what Councilman Casar is indicating. During the Planning Commission meeting, Commission Members decided they wanted to try and provide some flexibility to allow something besides white, off white or a color that's approved by the FAA or required by the FAA. The original draft, which mirrored what Mr. Casar was saying, what we were trying to do is so that someone doesn't go out and decide that they can put day-glow orange on a pole in the middle of a neighborhood, that's why if they want to have flexibility, it would still have to go through the site plan review committee. All the windmills, wind turbines have to go to the site plan review anyhow. The color would be approved at their discretion.

PRESIDENT SCHULMAN: Okay, Leader Casar.

MEMBER CASAR: No, you missed my point, you had those colors in there and that would eliminate anyone even have an opportunity to put a bright orange or green or whatever.

RICK ZENGLER: Planning Commission Members desired to let them have that flexibility. It's now up to Council whether they want to....

MEMBER CASAR: I desire, I'd like to...personally I'd like to strike that, I don't know if uh...I would like to see, I would like to see this Ordinance also postponed for a week....two weeks.

PRESIDENT SCHULMAN: Well, just so we're clear, and I think it is, but what you're saying Leader Casar is you don't want the site planning committee to have any discretion, they are to adopt what the Federal Government says and there is under no circumstance could somebody put a bright pink wind turbine in the City of Canton? Not that there is anything wrong with pink.

MINUTES OF THE MEETING OF AUGUST 3, 2009

MEMBER CASAR: Exactly, I think that eliminates all possibilities of having to worry about it down the road if you know, every time someone wants to put a turbine up in the year 2060, okay, whatever.

RICK ZENGLER: Your back to white, off white or a color that's required by the State or Federal agency.

PRESIDENT SCHULMAN: Right. Right.

RICK ZENGLER: So that would eliminate pink or day-glow orange.

PRESIDENT SCHULMAN: Right. Um...the motion...is there a motion to postpone this.

MEMBER CASAR: I would like to postpone this with Council's approval until the 17th and perhaps that could be looked at a little closer.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: Any remarks?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes, Member West.

MEMBER WEST: You know, I just want to say, I also want to add to this. I think one thing that we have to do and I'm learning even being a business owner myself, you know, sometimes we have to as Government, we have to get out of the way of business and let business develop and I think sometimes we put stipulations on things that create businesses to get more frustrated. So we have to be very cognizance of that and I will support postponing it for two weeks.

PRESIDENT SCHULMAN: Okay. Any other remarks? All those in favor of the motion signify by saying aye. Those opposed no.

NO REMARKS

MOTION PASSED WITH UNANIMOUS VOTE

PRESIDENT SCHULMAN: The ayes have it, they motion carries and Ordinance 23 is postponed and rescheduled for our next regularly scheduled meeting. Ordinance 24 please Madame Clerk.

#24. (3RD RDG) **ADOPTED AS ORDINANCE NO. 132/2009** AN ORDINANCE AMENDING SECTION 1123.30, FAMILY, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
PUB HRG: 8/3/09 @ 7:31 P.M.

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #24.

MEMBER CIRELLI: Seconded.

MINUTES OF THE MEETING OF AUGUST 3, 2009

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

#24 ADOPTED AS ORDINANCE NO. 132/2009

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

#25. (3RD RDG) **ADOPTED AS ORDINANCE NO. 133/2009** 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 (PARTS OF LOTS NOS. 2028 & 2029 @ 622 7TH ST NE)

PUB HRG: 8/3/09 @ 7:32 P.M.

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #25.

MEMBER CIRELLI: Seconded.

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

#25 ADOPTED AS ORDINANCE NO. 133/2009

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

#26. (3RD RDG) **ADOPTED AS ORDINANCE NO. 134/2009** 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

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #26.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 26. Any remarks? Hearing none, 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 AUGUST 3, 2009**#26 ADOPTED AS ORDINANCE NO. 134/2009**

PRESIDENT SCHULMAN: Ordinance #26 is adopted. Ordinance 27 please.

#27. (3RD RDG) **ADOPTED AS ORDINANCE NO. 135/2009** 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)

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 to adopt Ordinance 27. Any remarks? Member Kraus.

MEMBER KRAUS: Mayor, I notice Warren and everybody is gone, is that....did we determine how that's going to be sold?

PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: Yeah Mr. President.

PRESIDENT SCHULMAN: Yes, Mayor Healy.

MAYOR HEALY: I know that property at one time had some value to it but it was damaged and ransacked and I think the....

MEMBER KRAUS: Yeah totally destroyed.

MAYOR HEALY: Yeah, the value of it is....is...far less than what the bank owes on it, so it's kind of a trap we're in right now trying to figure out how to get it out of the banks hands.

MEMBER KRAUS: If you can have Director Price let me know about it.

MAYOR HEALY: I will have him contact you on it. Thank you.

PRESIDENT SCHULMAN: Okay, any other questions? Hearing none, Madame Clerk, roll call vote on Ordinance 27.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#27 ADOPTED AS ORDINANCE NO. 135/2009

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

MINUTES OF THE MEETING OF AUGUST 3, 2009

#28. (3RD RDG) **ADOPTED AS ORDINANCE NO. 136/2009** 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

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#28 ADOPTED AS ORDINANCE NO. 136/2009

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

#29. (3RD RDG) **ADOPTED AS ORDINANCE NO. 137/2009** 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

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? Hearing none, 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. 137/2009

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

#30. (3RD RDG) **ADOPTED AS ORDINANCE NO. 138/2009** 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

MINUTES OF THE MEETING OF AUGUST 3, 2009

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#30 ADOPTED AS ORDINANCE NO. 138/2009

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

#31. (3RD RDG) **ADOPTED AS ORDINANCE NO. 139/2009** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED; AND DECLARING THE SAME TO BE AN EMERGENCY (JUDGES ADMIN, CLERK OF COURTS)

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 to adopt Ordinance 31. Any remarks? Hearing none, 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. 139/2009

PRESIDENT SCHULMAN: Ordinance #31 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: And we're now under Announcement of Committee meetings. Are there any announcements?

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Thank you sir. Finance Committee will meet Monday, August 17th at 6:30 P.M.

PRESIDENT SCHULMAN: Thank you. Member West.

MINUTES OF THE MEETING OF AUGUST 3, 2009

MEMBER WEST: Mr. President, Judiciary will meet the same time, same place.

PRESIDENT SCHULMAN: Thank you. That's it?

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: We are now under Public Speaks, Open Forum. We have I believe two speakers signed up. Oh we only have one. Ms. Kirk. This maybe testing Council's patience tonight Ms. Kirk. *(Laughter)*

PATRICIA KIRK: I know...I know.

(LAUGHTER)

PRESIDENT SCHULMAN: I was almost going to recommend that if it is something important that you wait until next meeting but go ahead, I know you have a meeting to announce.

PATRICIA KIRK: Ok, sixty seconds. First I want to say, it sounds like you have a win win situation going on here at Council. I mean, if you have green space and it's been turned into a playground and you have homeowners that care right next to it. Downtown we're trying to keep things green and I know for a fact with working with Ohio Department of Natural Resources that green space is the one thing that keeps down crime. I live close to Rex, I live in Ward 2. Oh yes, I'm Patricia Kirk, 131 5th Street NE *(Laughter)* but anyway....

PRESIDENT SCHULMAN: I think I may have you come up and do my job.

PATRICIA KIRK: But anyway, I hope you can work that problem. On August 27th, the 4th. Thursday in August at 6:30 at Church of the Savior. Melia Watkins from the Stark County Commissioner is going to speak on polluting our drinking water. Only one percent of our water is drinkable and we're polluting it. And also, there will be information about rain gardens a method of surface water drainage which is vastly superior to the flood water retention ponds that we keep building. Thank you very much for your patience.

PRESIDENT SCHULMAN: Thank you and as always, we really appreciate your dedication to our City and I truly mean that. That takes care of public speaks.

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: Now under Miscellaneous Business. Is there any Miscellaneous any? Member West.

MEMBER WEST: Yes, Mr. President, actually I want to applaud the Mayor and his administration for having an event at the Ohio Department of Development on Tuesday. It was very insightful. I had an opportunity to speak to several of the agencies up there at the State level and it sounds like there is opportunities for the City of Canton to bring some resources home. Specifically with some of our brown buildings in the 2nd Ward and 4th Ward I know we have a lot of manufacturing buildings that are closed down and some of them are reaping with chemicals and things of that nature but it sounds like there is dollars available at the State level that we've learned to go after some of those dollars to help us rid our community of those blighted and unpleasant conditions. But I also wanted to thank Carmen West for inviting me to Cincinnati to see the green homes. And I have to say this, it was really enlightening, although I didn't like the outside design, I loved the concept in that you actually had green space on top of buildings. And the levels of these homes were just amazing and the efficiency of those homes were amazing. So, I want to applaud her as well and I'd like to see her continue to look toward that green process in building homes. Thank you.

MINUTES OF THE MEETING OF AUGUST 3, 2009

PRESIDENT SCHULMAN: Thank you. Any other remarks? I just want to say one thing. Tomorrow is a historic day, Tom Ream is going to be sworn in as Safety Director. We wish him the very best. (*applaud*) I know we all go back a long way with Tom and I know he's going to do a spectacular job for you Mayor and your administration and we look forward to working with him very closely. And it's a privilege to have you as a member of the Administration. Best of....good luck to you. Leader Casar.

MEMBER CASAR: Mr. President, before I move to adjourn, I'd just like to make a statement. Cindy Timberlake is the Clerk of Council and she is a Department Head and I don't think she was invited to the meeting today, was that miss....I mean, what's the reason? Council is a part of this City. Why was she not invited to the department head meeting today Mayor?

PRESIDENT SCHULMAN: Mayor Healy.

MAYOR HEALY: Thank you. I'm not sure, the order was to invite all the department heads out for an emergency meeting and I'll check and see why her name wasn't on the list.

MEMBER CASAR: I think it's not a good point, especially, you know, Council, we cooperate with the administration as much as we possibly can and our Clerk, the leader of our office was not invited to this emergency meeting and I think it's very important that she should have been there.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Just a follow up of what Member Casar said to the Mayor. Could you see that Ms. Timberlake has all the information that was at the meeting sir, if that's possible. Thank you.

MAYOR HEALY: Actually it was the information that the Auditor covered with Council tonight.

MEMBER CIRELLI: Oh, it was all covered. Okay, thank you.

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

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: Moved and seconded to adjourn. Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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

ADJOURNMENT TIME: 9:13 P.M.

MINUTES OF THE MEETING OF AUGUST 3, 2009

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT