

MINUTES OF THE MEETING OF OCTOBER 19, 2009

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call vote please, Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

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

ELEVEN COUNCIL MEMBERS PRESENT: ONE ABSENT, DON CASAR

CLERK TIMBERLAKE: Eleven present, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Tonight, our invocation given by our Assistant Majority Leader, David Dougherty. Will you please stand and remain standing for the pledge of allegiance.

The regular meeting of Canton City Council was held on Monday, October 19, 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 6 Council Member, David Dougherty, the Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you Leader. We are 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 Ordinances 7 and 8 to tonight's agenda. Leader Dougherty the Chair will recognize that motion.

MEMBER DOUGHERTY: Yea Mr. President, I move Rule 22A be suspended to add 2nd Readings Ordinances 7 and 8.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: Thank you. It's been moved and seconded to suspend Rule 22A to add Second Reading Ordinances 7 to 8 to this evening's agenda. 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: Thank you Madame Clerk. The motion carries, Rule 22A is suspended and the Ordinances are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We are now under Public Hearings and we have one Public Hearing this evening.

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Scheduled for **7:30 pm**. It's AN ORDINANCE VACATING LINDESMITH COURT SW & A PORTION OF BORS COURT SW, APPROVING & ACCEPTING THE REPLATTING OF LOTS NOS. 15757, 15759-15766, PART OF LOT NO. 15756 AND THE TWO VACATED PORTIONS; AND DECLARING THE SAME TO BE AN EMERGENCY; THIS IS ASSIGNED TO WARD 3; PLANNING COMMISSION HAS RECOMMENDED APPROVAL OF THIS CHANGE; (AULTMAN) Is there anyone in the audience wishing to speak for or against this vacation, please come forward. Is there anyone in the audience wishing to speak for or against this zone change, please come forward. Seeing no one step to the dais, the Chair declares the meeting, the public meeting over in regards to this matter. The matter now rests in the hands of Council. The Ordinance will follow later this evening.

PUBLIC SPEAKS

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

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We're now under Informal Resolutions and Leader Dougherty I'll recognize a motion to excuse Leader Casar.

MEMBER DOUGHERTY: Yea, Mr. President, I move that we excuse Member Casar from this evening's meeting.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to excuse Majority Leader Casar from this evening's meeting. 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: Thank you Madame Clerk. The motion carries and Majority Leader Casar is excused from tonight's meeting. We also have Resolution 56 which I'm very excited about. Member Dougherty how would you like to handle Resolution 56?

#56. COUNCIL AS A WHOLE: CONGRATULATIONS & COMMENDING 2009 FIREFIGHTER OF THE YEAR JOSEPH CARAFELLI. - ADOPTED

MEMBER DOUGHERTY: I'd like to move to adopt Resolution 26, 56 please.

MEMBER CIRELLI: Seconded

PRESIDENT SCHULMAN: It's been moved and seconded that we adopt Resolution 56. All those, any remarks? All those in favor.....

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MEMBER DOUGHERTY: Could I have that read please.

PRESIDENT SCHULMAN: Sure, Madame Clerk.

CLERK TIMBERLAKE: *Whereas:* Joseph Carafelli began his career with the Canton Fire Department on October 13, 1995 as a Firefighter and Paramedic and transferred to the Fire Prevention Bureau in May of 2001; and *Whereas:* With Joe's expert interrogation skills, modern technology, science & human analysis it has led to many arson suspects being arrested and numerous criminal cases solved, including two suspects for at least 20 fires in the City of Canton; and *Whereas:* Joe continues to pursue additional training to be aware of the most modern technology available and best ways of analysis to obtain results; and *Whereas:* Joseph Carafelli always displays knowledge, dedication, and hard work for every investigation that he is involved in with the Fire Prevention Team; and *Whereas:* Joe resides in Canton with his wife and is the father of four wonderful daughters and loving grandfather of one; *Now Therefore Be It Resolved:* that we, the Members of Canton City Council do hereby congratulate and commend 2009 Canton Firefighter of the Year, Fire Prevention Investigator Joseph Carafelli for his years of service with the City of Canton and his accomplishments and successes while making Canton a safe place to live. (*Applause*)

PRESIDENT SCHULMAN: Let's have the vote and I know Leader Dougherty wants to present the award to Investigator Carafelli. Any remarks on the motion. Yes, Member Kraus.

MEMBER KRAUS: (*Inaudible*)

PRESIDENT SCHULMAN: OK. All those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #56 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The motion carries. Leader Dougherty.

MEMBER DOUGHERTY: Thank you, Mr. President. I went to the breakfast and was really excited to find out that you got this award and it was very nice and me and Joe go back a few years now because of Aultman Hospital and he comes over there and harasses us a lot and tells us what we're doing wrong and what we're doing right. But he's always been very fair and very professional and all of you better understand how lucky you are to have him here in Canton, Ohio, on our Fire Department. On behalf of Canton City Council, I'd like you to have this. Congratulations.

JOSEPH CARAFELLI: Thank you very much.

MEMBER DOUGHERTY: Thank you very much. (*Applause*)

JOSEPH CARAFELLI: Just to thank you very much. I appreciate this as an employee of the City of Canton, I'm very proud to be able to do that job. As a resident of the City of Canton I appreciate all the hard work that everyone on Council does to keep Canton a good place to live. Thank you.

PRESIDENT SCHULMAN: Thank you. (*Applause*) Member Kraus.

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MEMBER KRAUS: Mr. President I also wanted to thank Joe. Joe and I and his father go back many years but every year when you see a Fireman or Policeman stand up here with those kind of honors you know that we're very lucky to have the type of force on the Fire Department that we have. And our Fire Department is very proactive and they're go-getters and I'm very proud for him.

PRESIDENT SCHULMAN: Thank you Member Kraus. Any other remarks? Well we had a fire right next door to our house and the firefighters were incredible. We're lucky, our house was saved and I know Joe investigated that fire and it was a pleasure to meet you. We've met you at that time and have, did a fantastic job and I'll just reflect what everyone feels, we really appreciate your service to this community and your abilities and the fact that you are continuing to educate yourself in this important role. Thank you very much, we really appreciate it. Okay.

JOSEPH CARAFELLI: I have to go home and put my daughter to bed.

PRESIDENT SCHULMAN: Okay. *(Laughter and applause)*

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 OCTOBER 19, 2009.

437. AUDITOR MALLONN: CERTIFICATE OF TOTAL AMT FROM ALL SOURCES FOR 2009. - RECEIVED & FILED
438. COURT ADMINISTRATOR KOCHERA: REQ TO AMEND O#183/2009 TO AUTHORIZE SERV DIR TO ENTER INTO PROF SVCS CONTRACT W/JOHN PATRICK PICARD ARCHITECTS, INC IN AMT NOT TO EXCEED \$186,000.00 FOR ADDT'L ARCHITECTURAL & ENGINEERING SVCS AND FOR REIMBURSEMENT EXPENSES (MUNI CT EXPANSION PROJ). - PUBLIC PROPERTY CAPITAL IMPROVEMENT & JUDICIARY COMMITTEES
439. COURT ADMINISTRATOR KOCHERA: REQ VARIOUS SUPP APPROPS FOR CONTINUITY OF OPERATIONS OF JUDGES ADMINISTRATION OF CANTON MUNI COURT. - FINANCE COMMITTEE
440. DEPUTY DIRECTOR WEST: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/STARK COMM FOUNDATION/COMM BLDG PARTNERSHIPS IN AMT NOT TO EXCEED \$40,000.00 FOR TARGETED COMM DEV WORK PLANS FOR IMPLEMENTATION OF NEIGHBORHOOD STAB PROGS. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
441. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/YWCA OF CANTON TO PROVIDE GRANT UTILIZING EMER SHELTER

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GRANT FUNDS IN AMT NOT TO EXCEED \$30,000.00 TOWARDS THE PURCHASE OF A NEW ELEVATOR FOR NEW BEGINNINGS SHELTER. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

442. FINANCE DIRECTOR ALGER: REQ VARIOUS SUPP APPROPS, APPROP TRANSFERS & APPROP REDUCTION (MOVING EXISTING APPROP FUNDING FROM & WITHIN DEPTS). - FINANCE COMMITTEE
443. HEALTH BENEFITS ADMIN, MCBRIDE: SEPT 2009 MONTHLY COMPARATIVE RPT-INS CLAIMS. - RECEIVED & FILED
444. HEALTH COMMISSIONER ADAMS: REQ \$16,100.00 APPROP TRANSFER FR: OTHER LINE ITEMS IN FUND 2313 PREV HEALTH TO: PERSONAL SVCS IN FUND 2313 PREV HEALTH. - FINANCE COMMITTEE
445. HEALTH COMMISSIONER ADAMS: REQ TO APPROP \$1,379,462.00 FR: UNAPPROP FUNDS OF 2328 PUBLIC HEALTH INFRASTRUCTURE FUND TO: 2328 PUBLIC HEALTH INFRASTRUCTURE FUND (PUB HEALTH EMER RESPONSE GRANT). - FINANCE COMMITTEE
446. HEALTH COMMISSIONER ADAMS: REQ VARIOUS TRANSFERS TO ASSURE THAT SATISFACTORY HEALTH DEPT OPERATIONS WILL REMAIN IN PLACE. - FINANCE COMMITTEE
447. LAW, J & D, APPLICANTS: APPLICATION FOR PROPOSED ZONE CHANGE @ 2015 TUSCARAWAS ST, E FROM R-1a TO PR2 (DUPLEX). - PLANNING COMMISSION
448. MAYOR HEALY: ADVISING OF RE-APPT OF SHAWN WEST TO MAYOR'S COMMUNITY RELATIONS COMMISSION COMMENCING 10/12/09 - 10/11/11. - RECEIVED & FILED
449. OHIO EPA: RECEIPT OF EVALUATION INSPECTION OF WPCC. - RECEIVED & FILED
450. SAFETY DIRECTOR REAM: AUTHORIZE SAF DIR TO ENTER INTO CONTRACT W/INSIGHT PUBLIC SECTOR, INC FOR PURCHASE OF 30 LAPTOP COMPUTERS W/EXTENDED WARRANTY & RELATED EQUIP IN AMT NOT TO EXCEED \$129,405.00. - FINANCE COMMITTEE
451. SERVICE DIRECTOR PRICE: AUTHORIZE SERV DIR TO EXECUTE NECESSARY EASEMENT DOCS PERMITTING A PORTION OF THE GARAGE @ 3736 12TH ST SW TO REMAIN IN THE PUBLIC RIGHT-OF-WAY FOR THE VALUE OF THE EASEMENT AREA; CITY TO REC \$260.00 FROM OWNER OF GARAGE FOR VALUE OF EASEMENT AREA. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
452. TREASURER SCHIRACK: RPT OF DEPOSITS & PAY INS TO AMBULANCE LOCK BOX ACCT FOR SEPT 2009. - RECEIVED & FILED

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453. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR SEPT 2009. - RECEIVED & FILED
454. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS FILED AS OF 9/30/09. - RECEIVED & FILED
455. TREASURER SCHIRACK: RPT OF TREAS OFC BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF 9/30/09. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: We're 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) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE DOMESTIC VIOLENCE PROJECT, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$50,000.00 FOR MISCELLANEOUS SHORT-TERM HOUSING SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #2. (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #02-08872 ON 25TH ST NE - WILLARD BOWLING)
Referred to Community & Economic Development Committee
- #3. (1ST RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #02-03991 ON 5TH ST NE - RUBY HACKWORTH)
Referred to Community & Economic Development Committee
- #4. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO FILE WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT A 2010 CONSOLIDATED PLAN FOR THE 2010 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, 2010 HOME INVESTMENT PARTNERSHIP PROGRAM AND 2010 EMERGENCY SHELTER GRANT PROGRAM; RATIFYING SUBMISSION AND FILING OF SAID PLAN; AUTHORIZING THE MAYOR TO EXECUTE

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GRANT AGREEMENTS WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND TO ACCEPT FUNDING FOR THE THREE PROGRAMS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development & Finance Committees

- #5. (1ST RDG) AN ORDINANCE APPROVING THE REPORT OF THE ASSESSMENT EQUALIZATION BOARD; PROCEEDING WITH THE IMPLEMENTATION OF THE PUBLIC SERVICE PLAN ADOPTED BY THE DOWNTOWN CANTON SPECIAL IMPROVEMENT DISTRICT; ADOPTING THE ESTIMATED ASSESSMENT PREPARED AND FILED WITH THE RESOLUTION OF NECESSITY; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to the Judiciary Committee
- #6. (1ST RDG) AN ORDINANCE NAMING AN UNNAMED ALLEY IN THE CITY OF CANTON, SGT N CASEY PLACE
Referred to Public Safety & Thoroughfares Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We're now under Ordinances and for their second reading. Madame Clerk would you begin with Ordinance 7 by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #7 AND #8; FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #7. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE APPROPRIATION REDUCTION AND APPROPRIATION TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (AUDITOR)
- #8. (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO. 193/2008, AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (LOAN REPAYMENT FUND)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Thank you Madame Clerk. We're now under Ordinances and Formal Resolutions for their third and final reading and vote. Would you begin please with Ordinance 9?

- #9. (3RD RDG) **ADOPTED AS ORDINANCE NO. 202/2009** AN ORDINANCE VACATING LINDESMITH COURT S.W. AND A PORTION OF BORS COURT S.W.; APPROVING AND ACCEPTING THE REPLATTING OF LOTS NOS. 15757, 15759 - 15766, PART OF LOT NO. 15756 AND THE TWO VACATED PORTIONS; AND DECLARING THE SAME TO BE AN EMERGENCY (AULTMAN HOSPITAL)
PUB HRG 10/19/09 @ 7:30 P.M.

PRESIDENT SCHULMAN: Leader Dougherty.

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MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance #9.

MEMBER CIRELLI: Seconded. _____

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 9. Are there any remarks under this Ordinance? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 10 YEAS, 0 NAYS, 1 ABSTAIN
(Member Dougherty Abstained)

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

9 ADOPTED AS ORDINANCE NO. 202/2009

PRESIDENT SCHULMAN: Motion carries and Ordinance #9 is adopted. Ordinance #10 please.

#10. (3RD RDG) **ADOPTED AS ORDINANCE NO. 203/2009** 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 (FEDERAL FORFEITURE FUND)

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER CIRELLI: Seconded. _____

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

10 ADOPTED AS ORDINANCE NO. 203/2009

PRESIDENT SCHULMAN: Ordinance #10 is adopted. Ordinance #11 please.

#11. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 204/2009** AN ORDINANCE AUTHORIZING THE MAYOR TO FILE AN APPLICATION WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA), EXECUTE A COOPERATION AGREEMENT WITH THE EPA AND ACCEPT \$444,004.00 IN BROWNFIELD STIMULUS FUNDS; AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH STARK STATE COLLEGE IN AN AMOUNT NOT TO EXCEED \$375,559.00 AND GOODWILL INDUSTRIES IN AN AMOUNT NOT TO EXCEED \$66,845.00 AS REQUIRED BY THE COOPERATION AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER CIRELLI: Seconded. _____

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 11. Are there any remarks?

MEMBER CIRELLI: Mr. President.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli, sorry Member Cirelli or Leader.....

MEMBER CIRELLI: I'll yield to Member Dougherty first.

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Yea, I'd like, I move to amend Ordinance 11 per the copy in front of all Council People.

MEMBER CIRELLI: Seconded.

AMENDMENT:

Pursuant to Rule 36, I move to amend Agenda Item No. 11 by the substitution of the attached, revised ordinance for the pending version.

PRESIDENT SCHULMAN: It's been moved and seconded to amend Ordinance #11 per the copy before each Member of Council. Are there any remarks? Hearing none, by voice vote all those in favor, signify by saying aye, those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The motion carries, Ordinance 11 is adopted, amended, I'm sorry amended. Excuse me, gosh, I'm sorry. Now we have an amendment and Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. Mr. President, I am supporting this but I want it on the record, the reason I am supporting this is that I'm being led to believe, that this community will have permanent jobs for our residents. They will be receiving the training to go and clean up these Brownfield's that are as we all know are all over throughout our community and that hopefully there's going to be permanent jobs that will come out of this and I'll be watching closely to see that this does occur. Thank you, sir.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Are there any remarks? Hearing none, Leader

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Dougherty.

MEMBER DOUGHERTY: We adopt Ordinance 11 as amended please.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 11 as amended. 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.

#11 ADOPTED AS AMENDED AS ORDINANCE NO. 204/2009

PRESIDENT SCHULMAN: Ordinance 11 as amended is adopted, Ordinance #12 please.

#12. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 205/2009** 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 (HEALTH & LIFE INS FUND)

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER CIRELLI: Seconded. _____

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 12. Are there any remarks? Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we amend Ordinance 12 per the copy in front of all Council.

MEMBER CIRELLI: Seconded.

AMENDMENT:

I move, pursuant to Rule 36, to amend Agenda Item No. 12 by amending a portion of the caption to read "by making the supplemental appropriation herein described;" instead of "by making the appropriation transfer herein described;"

PRESIDENT SCHULMAN: It's been moved and seconded to amend Ordinance #12 by virtue of the copy before each Member of Council. Are there any remarks under that motion? Hearing none, by voice vote all those in favor of the motion to amend Ordinance 12, signify by saying aye, those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

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PRESIDENT SCHULMAN: The ayes have it. Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 12 as amended.

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #12 as amended. Are there any remarks under this Ordinance? Hearing none Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#12 ADOPTED AS AMENDED AS ORDINANCE NO. 205/2009

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #12 is adopted. Ordinance #13 please.

#13. (3RD RDG) **ADOPTED AS ORDINANCE NO. 206/2009** 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

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER CIRELLI: Seconded. _____

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 13. 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.

#13 ADOPTED AS ORDINANCE NO. 206/2009

PRESIDENT SCHULMAN: Motion carries and Ordinance 13 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: We are now under Announcement of Committee meetings. Are there any announcements?

MEMBER HAWK: Mr. President

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Finance Committee will meet Monday the 26th at 6:30 PM.

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PRESIDENT SCHULMAN: Thank you.

MEMBER BARTON: Mr. President.

PRESIDENT SCHULMAN: Member Barton.

MEMBER BARTON: Community & Economic Development Committee will meet same time, same place.

PRESIDENT SCHULMAN: Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Judiciary will meet 6:30 PM, 10/26/09.

PRESIDENT SCHULMAN: Thank you, any other announcements?

MEMBER KRAUS: Mr. President, Public Safety & Thoroughfares will meet 6:30 on 10/26.

PRESIDENT SCHULMAN: Thank you, Member Kraus.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: We're now under Public Speaks, Open Forum. We have one speaker this evening. And it's one of our favorites. Patricia Kirk would you come forward and give us your name and your residential address please and good evening.

PATRICIA KIRK: Good evening everyone. My name is Patricia Kirk, I live at 131 5th St NE. I would like to remind you, many of you may have received an email this past week about the Shake-a-Leaf meeting on November, or October the 22nd. It's at 6:30 not 9:30 like the email said and I do want to remind you that on that very same day, there is going to be a Why Trees Matter forum and Shake-a-Leaf will be representing Canton and we will be coming straight from there to the meeting. We will be covering what they will be saying there at that meeting. It's an all day thing and also we will be covering on a CD what one community has done to address the Emerald Ash war and we will be there to answer all your questions. Again that's this Thursday night 6:30 at Church of the Savior right across the street. And also I have a question for Mr. Martuccio. About Kresge lot, our contract is up in October and Shake-a-Leaf and Downtown Central Neighborhood Association and CanDo we would still like to re-adopt it. I did call Kevin Monroe's office. They said it's sort of an automatic thing that because it's Kresge lot we should check with you, so will there be something done by the 22nd that we could sign? Thank you very much.

PRESIDENT SCHULMAN: Thank you very much. And that concludes our Public Speaks.

MISCELLANEOUS BUSINESS

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

MEMBER CIRELLI: Mr. President.

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PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Several questions to the Law Director sir.

PRESIDENT SCHULMAN: Yes, Law Director Martuccio get ready.

MEMBER CIRELLI: Director Martuccio are we any closer to moving on the tree Ordinance sir?

LAW DIRECTOR MARTUCCIO: Mr. President, Member Cirelli if you mean revising it to take out costs, I'm bringing done a slimmer version of it, not much but if that's the understanding you have that will make it a lot easier.

MEMBER CIRELLI: Second question sir. Is, are you doing negotiations now with the aggregation issue on natural gas for our citizens?

LAW DIRECTOR MARTUCCIO: Mr. President, Member Cirelli, thank you. It's good that you asked so that I can give you an update. The rates that we struck last year are good through March of this year. We struck at a high point in time. Unfortunately those rates will be high, however our professional consultant took bids from several gas providers for the two year period starting in April of 2010 for fixed rates and again the conditions include the ability to leave the program without penalty and the adder, the portion that they add for the handling of the gas by the company is one of the lowest we've had in many years. What we have yet to do is the most important part and that is strike the price of the natural gas. Our consultants advised that we wait til January to do so. Rates are very low right now for natural gas and because of various numbers of factors they believe the rates will be even lower in January, so we don't have that price yet but we will in January most likely. But again things are looking very good. All the economic indicators of storage, and storms, and wolves howling at the moon, and all that stuff is aligned up just the right way so far to get decent prices so keep your fingers crossed.

MEMBER CIRELLI: Mr. President and to the Law Director sir, there are actually people going door to door trying to get people, soliciting people to sign up with their different companies. I didn't know if you were aware of that or not and I signed at \$6.70. I didn't think you could do much better than that.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Member Cirelli. People in our program our free to leave. That was one thing many of you on Council asked that we negotiated with the last contract and it's true however, before you sign for a rate that low, I know you have the acumen and ability to read that but I would recommend that anybody who looks at a contract that is that good, read it to see if it's a fixed price or a variable price. If it's a variable price, it will rise and fall with the market and the market's good right now. That could a good thing, but should something happen to some platforms out at sea or liquid gas ships on the way from Russia to the Alaska, anything can change the price. So again read that closely. Make sure it's fixed and read the fine print to see if there's a penalty for leaving that program before the winter's over.

MEMBER CIRELLI: Mr. Law Director, thank you for that. By the way, I did read all fine print and I'm

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locked in (*Inaudible*).... Can our residents sir come back in if they choose to leave from that?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Member Cirelli that's another good question. That is entirely up to Vectron because the person who originally was a part of the program with Vectron has chosen to leave it so whether they can come back in is entirely up to Vectron. And again the market'll be good I think, competition is intense, prices are down. I suspect that Vectron will let them in but there's no guarantee to that.

MEMBER CIRELLI: Thank you sir. Thank you Mr. President.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Any other Miscellaneous Business? I'd just like to raise one point if I might with the Administration and perhaps it should be directed at Director Torres, just briefly. And I don't know if other Members feel the same way I do but, we keep having every week and you're to be commended Mayor and your administration, these grants, these federal grants that are coming in. We had one tonight with EPA stimulus from various departments, HUD grants. Would it be possible for the administration or the Director to give each Member of Council and myself a spreadsheet that shows what money is coming in, how much it is, where it is being directed, and the number of jobs that are envisioned to be created by virtue of that money coming in? Is that possible? Mayor.

MAYOR HEALY: Mr. President thank you. Great question. We do have a, two things. One the Development Department is tracking stimulus as well as every other investment that they're working on through all the programs. But we also have through Dan Moeglin who's heading up the stimulus package with the help of Scott, they actually keep a track record of all the projects. The project title, the dollar amount, and I believe the jobs are on that list as well but that already exists and it shows not only for city projects but also shows for projects that are coming into the city that are not directly tied to the city like SARTA and it also shows those in the surrounding areas that might affect the city like universities and so on. So we do have a spreadsheet that we've been keeping track of and we will be happy to forward it to you.

PRESIDENT SCHULMAN: Great, you don't have to, you know to save paper and time for the Clerk you could email them to our email addresses if we could get them perhaps, if it's too arduous but it would be great to have them every couple weeks or once a month so all Members of Council and I can keep track of them and I know Dan has an enormous amount of work but if it would be possible to at least, give us some idea following what Member Cirelli said. The jobs that are potentially going to be created by these grants just so we have a handle on it that's what I'd like.

MAYOR HEALY: OK, what I'll do is, Robert if you would have that forwarded to all the Council Members by email and if there's anything that you would like on that report that's not on it, let us know and we'll see if we can amend it to make that happen.

PRESIDENT SCHULMAN: Thank you Mayor, and again I commend the administration on and Director Torres for going out and getting these grants and we have Chief McKimm here tonight and I don't know if other Members of Council are probably more in tune because they represent Wards or At-Large seats but Chief if there are, I attended a Northeast meeting about three weeks ago and the residents had gone down to

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the Police Department and tried to map out the crime in their particular area and it was somewhat astounding and stunning really. And if we, is there any way that Members of Council again by email perhaps, so it saves your time. I mean could we track break-ins, burglaries, that kind of thing or do we. And do we get them, then I'm sorry but do we get them by email or how is it. I've never seen one so. OK can we get it? I'll make a request if you don't mind. I think all of us would like to know for the benefit of representing the people in the community in our Wards what's going on in the individual Wards. So if that's possible. Thank you very much. That's all I have, anything else?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you, Mr. President. Ms. Kirk, I will pull the contract to see what the terms are for renewal and call you. I made a note. Thank you for asking. Thank you for being the conscience of those things that cannot speak for themselves.

PRESIDENT SCHULMAN: Thank you. Member Cirelli.

MEMBER CIRELLI: Thank you, Mr. President. And thank you for bringing up the fact that we would like to have those emailed and I'd like to have them emailed to my home address which, and the problem we have with that if you will deal with the Clerk of Council whenever they send the emails here and then they forward them to me, my computer won't open the formats. I see Mr. West is shaking his head to the same thing, so if Cindy please I'm asking you to contact, be able to contact you and you tell them what to format to save you that extra burden.

CLERK TIMBERLAKE: No problem.

MEMBER CIRELLI: If that can be done I would really appreciate it.

PRESIDENT SCHULMAN: Great, thank you Member Cirelli. Member West you face the same problem.

MEMBER WEST: I promised not to say anything tonight.

PRESIDENT SCHULMAN: Well thanks OK.

MEMBER WEST: But actually, you know it's a blessing and a curse at the same time of having this electronic emailing and things of that nature. I actually prefer those spreadsheets to be in a hard copy and I say that because I, my email box is inundated with emails coming from every which way and I don't know if you guys are experiencing the same thing but I know at my office, we're trying to go green and trying not to print out as much as we can so that just adds an extra burden on our end. But I will appreciate it in hard copy.

PRESIDENT SCHULMAN: Great, OK. Mayor.

MAYOR HEALY: Mr. President what we can do is we can forward it to Cindy and then she can distribute it to Council as each Member wishes.

CLERK TIMBERLAKE: Yep.

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PRESIDENT SCHULMAN: That's fine. Thank you Mayor. That remedies that problem. Any other remarks? Leader Dougherty.

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

MEMBER CIRELLI: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adjourn. Roll call vote please Madame Clerk.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Meeting is adjourned. Thank you ladies and gentlemen. Have a good week.
(Gavel falls)

ADJOURNMENT TIME: 8:03 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT