

MINUTES OF THE MEETING OF OCTOBER 26, 2009

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. We have a nice group of people tonight. Thank you for coming out on this beautiful Indian summer evening. It's the one great thing as my good friend, Pastor Morgan said about living in Ohio, "we really appreciate days like this in late October." Before we begin the meeting, I'd like to just identify a young man and I believe a friend, I don't know where Terene, here he comes, who took our photograph, and of course he's not going to come in. Terene, I'm giving you a shout out here, so, you know. Terene is with BR Squared, which is an online student newspaper and we welcome him and he took some great photographs of all of us. Let's hope that's really why he's here. *(Laughter)* Welcome, thank you, you can have a seat, I'm just introducing you. Unless you want to say something? Would you like to say something before we begin about BR Squared?

TERENE: About Br Squared?

PRESIDENT SCHULMAN: Yeah.

TERENE: Okay, well, for those of you who don't know, we are BRSQ.org and it's an online news source for youth, by youth. People like me and Hilary that young individual over there. And, you know, thanks for the pictures you guys let me take of you and what not. You have a nice meeting. Sadly enough, I have a dinner I have to go to.

PRESIDENT SCHULMAN: That's fine. That's what we'd all like to say about now. *(Laughter)* Thank you and good luck, and I understand you're starting Kent Stark in January. I wish you the very best and obviously your compatriot over here, wish the very best to you. Thanks Terene for coming down. With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call please, Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

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

TWELVE COUNCIL MEMBERS PRESENT

CLERK TIMBERLAKE: Twelve here, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Tonight, our invocation given by Council Member at Large, Mary Cirelli. If you'll all please stand and remain standing for the pledge of allegiance.

The regular meeting of Canton City Council was held on Monday, October 26, 2009 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Council at Large Member, Mary Cirelli. The Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: And 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 of Ordinances 12, 13, 14, 16 and 17.

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Ordinance 15 will be retained in Committee. Leader Casar, it's nice to have you back tonight.

MEMBER CASAR: Thank you Mr. President, I appreciate that. I move we suspend Rule 22A and add Ordinances #12, 13, 14, 16 and 17 to this evening's agenda.

MEMBER DOUGHERTY: Seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve 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. We have no public hearings this evening.

PUBLIC SPEAKS

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

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We're now under Informal Resolutions. All our Council Members are here and present.

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 26, 2009.

456. ANNEXATION CHAIRMAN SMUCKLER: REQ TO INITIATE STATEMENT OF SVCS FOR ZBUKA ANNEXATION CONSISTING OF APPROX 0.181 ACRES LOCATED IN CANTON TOWNSHIP. - ANNEXATION COMMITTEE

457. ANNEXATION CHAIRMAN SMUCKLER: REQ TO INITIATE STATEMENT OF SVCS FOR DeLONG ANNEXATION CONSISTING OF APPROX 0.192 ACRES LOCATED IN CANTON TOWNSHIP. - ANNEXATION COMMITTEE

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458. AUDITOR MALLONN (CITY): CERTIFICATE OF TOTAL AMT FROM ALL SOURCES FOR 2009. - RECEIVED & FILED
459. DEVELOPMENT DIRECTOR TORRES: REQ VARIOUS APPROP TRANSFERS FR YOUTH DEVELOPMENT SUMMER PROGS TO YOUTH DEVELOPMENT ADMIN - PERSONNEL \$8,000.00 & YOUTH DEVELOPMENT ADMIN - OTHER \$16,351.00. - FINANCE COMMITTEE
460. DEVELOPMENT DIRECTOR TORRES: REQ SUPP APPROP OF \$15,000.00 FROM UNAPPROP 2211 506002 COMM DEV CODE ENFORCEMENT FUND TO APPROP 2211 506002 COMM DEV CODE ENFORCEMENT FUND. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
461. LIQUOR CONTROL DIVISION (OHIO): NOTICE OF CANCELLATION OF HRG ON 10/15/09 FOR KD CLUB MGMT, INC DBA THE SPOT @ 2600 8TH ST NE & PATIO. - RECEIVED & FILED
462. PLANNING COMMISSION: RECOMMEND APPROV OF ZONE CHG @ 2015 E TUSCARAWAS ST FROM R-1a (SINGLE FAMILY RESIDENTIAL TO PR-2 (PLANNED TWO FAMILY) (JOSEPH & DEBORAH LAW). - JUDICIARY COMMITTEE
463. PLANNING COMMISSION: RECOMMEND APPROV OF TEXT CHG OF SECTION 1157.02 OF CITY'S ZONING ORDINANCE (TRUCK TERMINALS). - JUDICIARY COMMITTEE
464. PLANNING COMMISSION: RECOMMEND APPROV OF REPLAT PART OF LOT 1505 IN 900 BLOCK OF 10TH ST NE (ABCD). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
465. PLANNING COMMISSION: RECOMMEND APPROV OF REPLAT PART OF LOT 5339 AND ALL OF LOTS 5340 & 5342 LOCATED ON 6TH ST SW EAST OF COOK AVE (ABCD). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
466. PLANNING COMMISSION: RECOMMEND APPROV OF REPLAT PART OF OUT LOT 391 @ 1325 17TH ST NE (ED DOMER). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
467. PLANNING COMMISSION: RECOMMEND APPROV OF FINAL SUBDIVISION REVIEW OF GLEN HOLLOW DEVELOPMENT, SOUTH OF 44TH ST NW & CLEVELAND AVE NW; STIPULATION OF BOND FOR SIDEWALK CREATION. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #11 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.

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- #1. (1ST RDG) **ADOPTED AS ORDINANCE NO. 207/2009** RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

Referred to Finance Committee

PRESIDENT SCHULMAN: Oh, I think we're going to do something on that aren't we.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Yes, at this time...yes, Leader Casar.

MEMBER CASAR: Mr. President, why don't you go through them all and then those two Finance Committees and two....we'll do them at the end.

PRESIDENT SCHULMAN: Alright, that's fine Leader, thank you.

- #2. (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 183/2009; AND DECLARING THE SAME TO BE AN EMERGENCY (MUNI EXPANSION PROJ)

Referred to Public Property Capital Improvement and Judiciary Committees

- #3. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH STARK COMMUNITY FOUNDATION/COMMUNITY BUILDING PARTNERSHIPS IN AN AMOUNT NOT TO EXCEED \$40,000.00 FOR THE NEIGHBORHOOD STABILIZATION PROGRAMS; AMENDING APPROPRIATION ORDINANCE NO. 193/2008; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community and Economic Development Committee

- #4. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE YWCA OF CANTON TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$30,000.00 TOWARDS THE PURCHASE OF A NEW ELEVATOR; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

- #5. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFERS, SUPPLEMENTAL APPROPRIATIONS, APPROPRIATION REDUCTION AND INTERFUND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

- #6. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFER HEREIN

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DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
(PREVENTIVE HEALTH)

Referred to Finance Committee

- #7. (1ST RDG) **ADOPTED AS ORDINANCE NO. 208/2009** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (PUBLIC HEALTH INFRASTRUCTURE)
Referred to Finance Committee
- #8. (1ST 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 (HEALTH DEPT)
Referred to Finance Committee
- #9. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH INSIGHT PUBLIC SECTOR, INC, IN AN AMOUNT NOT TO EXCEED \$129,405.00 FOR THE PURCHASE OF PANASONIC TOUGHBOOK LAPTOP COMPUTERS, EXTENDED WARRANTY AND RELATED EQUIPMENT PURSUANT TO O.R.C. SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #10. (1ST RDG) **ADOPTED AS ORDINANCE NO. 209/2009** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN EASEMENT AGREEMENT WITH EQUITY TRUST COMPANY CUSTODIAN FBO 19931IRA FOR THE GRANTING OF AN EASEMENT IN A PORTION OF BENSKIN AVENUE SW FOR THE CONTINUED USE OF A GARAGE; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety and Thoroughfares Committee
- #11. (1ST RDG) **ADOPTED AS ORDINANCE NO. 210/2009** AN ORDINANCE APPROVING AND ACCEPTING THE FINAL RECORD PLAT FOR GLEN HOLLOW DEVELOPMENT IN THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety and Thoroughfares Committee

PRESIDENT SCHULMAN: So at this time the Chair, if the Chair understands what's occurring, would declare an in house recess for the Finance Committee and the Public Safety and Thoroughfares Committee to meet. The Finance Committee will have an in house recess for Ordinance 1 and Ordinance 7 and the Public Safety and Thoroughfares Committee will meet in regard to Ordinance 10 and 11 on your agenda. You're in recess.

(COUNCIL RECESSED @ 7:41PM FOR FINANCE COMMITTEE TO DISCUSS THE ADOPTION OF

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ORDINANCES #1 AND #7 AND FOR PUBLIC SAFETY AND THOROUGHFARES TO DISCUSS THE ADOPTION OF ORDINANCES #10 AND #11; RECONVENED @ 7:55 PM)

PRESIDENT SCHULMAN: Council will than reconvene after the recess. Thank you Member Hawk. Leader Casar.

MEMBER CASAR: Mr. President I move we suspend Rule 22A and place Ordinances 1, 7, 10 and 11 back on this evening's agenda.

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rule 22A to place Ordinance 1, 7, 10 and 11 back on this evening's agenda. Are there any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries. And Ordinances 1, 7, 10 and 11 are a legal part of your agenda. Leader Casar in regard to Ordinance 1.

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

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved to suspend the Statutory Rules on Ordinance #1. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL:12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

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

MEMBER DOUGHERTY: Seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#1 ADOPTED AS ORDINANCE NO. 207/2009

PRESIDENT SCHULMAN: Ordinance #1 is adopted. Leader Casar in regard to Ordinance 7.

MEMBER CASAR: Mr. President, I move we suspend the Statutory Rules on Ordinance #7.

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules for Ordinance #7. Are there any remarks under this motion? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL:12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve 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 #7.

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #7. Are there any remarks on this Ordinance? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#7 ADOPTED AS ORDINANCE NO. 208/2009

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #7 is adopted. Ordinance #10 please Leader.

MEMBER CASAR: Mr. President, I move we suspend the Statutory Rules on Ordinance #10.

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance 10. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL:12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Leader Casar you've heard the three readings.

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

MEMBER DOUGHERTY: 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: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#10 ADOPTED AS ORDINANCE NO. 209/2009

PRESIDENT SCHULMAN: Thank you Madame Clerk, the motion carries. You've heard the three readings on Ordinance #11. Leader Casar.

MEMBER CASAR: Mr. President, I move we suspend the Statutory Rules on Ordinance #11.

PRESIDENT SCHULMAN: Oops, sorry.

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance 11. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Now, you've heard the three readings Leader Casar.

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

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 11. Are there any remarks under this Ordinance? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#11 ADOPTED AS ORDINANCE NO. 210/2009

PRESIDENT SCHULMAN: Ordinance #11 is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We're now under Ordinances and Formal Resolutions for their second reading.

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Madame Clerk would you begin reading Ordinance #12.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #12, #13, #14, #16 AND #17 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS: (ORDINANCE #15 WAS RETAINED IN COMMITTEE)

- #12. (2ND 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
- #13. (2ND 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)
- #14. (2ND 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)
- #15. (2ND RDG) ***RETAINED IN COMMITTEE*** 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 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
- #16. (2ND RDG) **ADOPTED AS ORDINANCE NO. 211/2009** 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

MEMBER CASAR: Mr. President, I move we suspend the Statutory Rules on Ordinance #16.

MEMBER DOUGHERTY: Seconded.

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

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Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

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

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 16. Any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#16 ADOPTED AS ORDINANCE NO. 211/2009

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance 16 is adopted. Ordinance #17 please.

#17. (2ND RDG) AN ORDINANCE NAMING AN UNNAMED ALLEY IN THE CITY OF CANTON, SGT N CASEY PLACE

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Thank you. We're now under Ordinances and Formal Resolutions for their third and final reading. Will you please begin Madame Clerk with Ordinance 18?

#18. (3RD RDG) ***POSTPONED UNTIL 11/9/09 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)***

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

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 18. Are there any remarks? Leader Casar.

MEMBER CASAR: Mr. President, I move we postpone Ordinance 18 until 11/9/09.

MEMBER DOUGHERTY: Seconded.

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PRESIDENT SCHULMAN: It's been moved and seconded to postpone Ordinance 18. Are there any remarks? Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

ORDINANCE #18 POSTPONED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The motion carries. Ordinance 18 is postponed. Ordinance 19 please.

#19. (3RD RDG) **ADOPTED AS ORDINANCE NO. 212/2009** AN ORDINANCE AMENDING ORDINANCE NO. 193/2008, AS AMENDED BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (LOAN REPAYMENT FUND)

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER DOUGHERTY: Seconded. _____

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 19. Are there any remarks under this Ordinance? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

19 ADOPTED AS ORDINANCE NO. 212/2009

PRESIDENT SCHULMAN: Ordinance #19 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

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

MEMBER HAWK: Thank you. Finance Committee will meet Monday, November 9th at 6:30 P.M.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Community and Economic Development Committee will also meet at 6:30.

PRESIDENT SCHULMAN: Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Judiciary will meet same time, same place.

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MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Member Dougherty.

MEMBER DOUGHERTY: Public Property and Capital Improvement will also meet that evening at 6:30.

PRESIDENT SCHULMAN: Thank you.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: We're now under Public Speaks, Open Forum. And we have three speakers signed up this evening. Our first speaker is Elaine Walker. Ms. Walker, if you can step up to the microphone. Is Ms. Walker here? Elaine Walker? Okay, our next speaker is Gary Bickel. Would you step forward sir and give us your name and your residential address. And good evening and welcome, thank you for coming.

GARY BICKEL: Thank you very much. My name is Gary Bickel, 1830 Hillcrest Rd NW here in the City of Canton in Ward 7. And I thank you so much for allowing me to speak here briefly. And first of all I want to begin as give you a setting in the situation of why I'm here tonight. I want to basically have you put yourself where I'm at as I discuss this with you quickly. The setting is a rental home, not a section 8 home, not an inner City home, it kinda looks that way, it doesn't look much but it's across from your neighborhood, so picture that in your minds as we speak right now. Situation, you got to pick up blowing trash that comes over in your property, I will get specific like baby used wipes, for one, feminine napkins, how attractive is that. Beer carton, things, that type of nature. Fast food wrappers, you got the point. And if that isn't enough, there is a carton carcass of chicken on the outside of the porch sitting there, a bag torn open from cats and rodents and what ya have on the front porch just overflowing off the front porch along with bicycles and toys and things that are just kinda coming over the porch. If the grandmother and the daughter goes in and out multiple times but doesn't lift a finger. And I see the signs in our great City called Clean Up Canton, Let's Keep Canton Clean but come and visit 1835 block of Hillcrest and all the way down Hillcrest, you'll see bags of trash, remnants of carpet laying across, this is probably not nothing new, like you've never heard before in other places. So I got the equation in my mind sociological mind set, plus tenant slum lord equals laziness. Now that's not in all cases but in the one that I'm in I would say. It's not an economy thing, it's not a financial thing, it's just pure unadulterate laziness. So, what would you do rhetorically? This is what I did, I called, first of all, I called the Zoning Department and he goes, "That's unacceptable, we can't have that but I can't do nothing about that. Oh, I've seen worse." Well not in my neighborhood you're not. You know, that's fine. I called the Sanitation, well let's kinda switch out the garbage cans, look at this, fine. Called the Health Department and I called the Councilman. And I want to publically thank Patrick Barton here, from Ward 7. He's been a tremendous help, his efforts and what he's done for our Ward 7 and keeping my sanity. And the Health Department, I thank them for now their interceding on my behalf and helping me out with this as well. So you say what's your point Gary, why are you up here since you're getting help. While I'm having my Councilman and the Health Department intercede on my behalf, thank to them, is there a way that maybe the City of Canton for example can apply pressure to this individual, this property owner, that doesn't live in Canton City, oh my, but goes to Hartville but he has that property and makes it look that way. That they could apply a little pressure to him and just you know, against the tenants and against themselves. This is just a simple question and than I have a couple more and then I'm done. If the outside of this property looks this way, imagine what the inside would look like. I mean really, if you think about it. And the landlord himself knows about this, how trashy it is, is there a way that could be investigated internally? Thirdly, can the City of

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Canton enforce some Ordinance on landlords to comply to a standard of living where you could meet like weekly and monthly and evaluate that? So, something needs to be done, and I wanted to close here with a quote from Abraham Lincoln "I like to see a man proud of the place in which he lives. I like to see a man live so that his place will be proud of him." My wife and I are not proud of our neighborhood, we're actually embarrassed to have people come over...and we're embarrassed of that, so we just feel, can the City of Canton help us. Thank you.

PRESIDENT SCHULMAN: Thank you. Very much sir. Thank you for coming and we'll all be here afterwards to discuss this with you and we appreciate the way you framed your argument was excellent. Thank you. Our last speaker this evening, last but certainly not least is a favorite of mine, C. David Morgan. Pastor Morgan, if you'd come up and give us your name and your residential address please.

DAVID MORGAN: Thank you Mr. President. My name is David Morgan, I live at 922 27th Street, NE in the City. I'm not here on personal business tonight but I am here on business. It has been said over the years that the faith communities and non profits that inhabit our Cities are the glue that hold us together. I think that's truth in that and so I am here tonight to ask you to imagine for a moment, even before and since September 11th people of different faith traditions uniting in a common song. People who come from different places but who live here now together next to one another neighbor to neighbor to give thanks. Because for over thirty years, that's exactly what's been happening in Canton, Ohio. Christians, Muslims, Jews, the Bahai community, faith traditions that spread the religious gap spread the religious gamut come together on the eve of Thanksgiving to end their respective tongues and traditions give thanks for this Nation and for this City. This year, that service will be held on the 25th of November, which is Wednesday at 7:30 P.M. at St. Paul's Episcopal Church. I am here to invite you all to be part of that which has predated troubles between faith communities, particularly as they are highlighted by our Nation's history and yet is ongoing. It is the tradition of our Country that this particular holiday, this day of Thanksgiving belongs to none of our religious traditions, it belongs to all of us as Americans, as Cantonians, to join us in one of the few Cities that has a tradition of the mixing of faiths and the blending of song in the harmony of Thanksgiving. Thank you Mr. President.

PRESIDENT SCHULMAN: Thank you, very much Pastor.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: What time.

PRESIDENT SCHULMAN: 7:30.

MEMBER SMUCKLER: Thank you.

PRESIDENT SCHULMAN: He actually did say that and I didn't, it went over my head too, so, 7:30. Thank you very much. That's something I think we would all enjoy. Alright, that concludes public speaks.

MISCELLANEOUS BUSINESS

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

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MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: I was sitting here thinking about the statement I made earlier about the sanitizer in the different departments. And I guess I'm going to ask the Mayor, or maybe I'll send a communication up just asking us to put out an executive order that all departments that receive public...that receive the public in, for us to put hand sanitizers down in an effort to reduce the flu virus and...so that we can all remain healthy. Mayor is that something you think we can do or Law Department is that something should...could do?

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: I'd like to ask the Law Director if possibly he could schedule a meeting with the Administration, the Auditor's Office, the Finance Chairman, there was a communication on the agenda at the last meeting of the shortfall in the Health Department and I know we are getting closer as the days go on but we still have not, to my knowledge, finished balancing the budget and I've had discussions with the Mayor, the Finance Chairman has been with me over to see the Health Board and I've had contact with the Auditor and I know we're getting close but they're still short money and if the Law Director could schedule some type of meeting to get the various groups together, it sure would help out a lot.

PRESIDENT SCHULMAN: I...somebody over here had a....

MEMBER BARTON: Mr. President.

PRESIDENT SCHULMAN: Oh Member Barton, thank you very much.

MEMBER BARTON: First I'd like to thank Mr. Bickel and his wife for coming down this evening to speak. Second, I have a question for the Law Director. I was wondering, in cases like this, as a Council, if it would be within our right to introduce legislation to create an Ordinance that would allow us to revoke a certificate of occupancy for nuisance properties when have landlords that are uninvolved with said properties. And I know that's not every landlord, I know that's just a handful but I think if we had the ability to revoke the certificate of occupancy and make it so that they couldn't rent these properties for said amount of time, of course this would all have to be looked into. I think maybe some of these landlords would stand up and take notice that we're not going to tolerate this anymore.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Thank you Member Barton. I would be remiss if I did not mention Member Cirelli's name at this point, who has been riding me for a long time now to come up with some sort of landlord licensing. We're looking at different concepts and certainly we want to make sure that whatever we do is enforceable. I mean, Council can most certainly come up with some creative legislation to put landlords under the gun to keep their places up to code. But the key is enforcing that and we want to make sure that we have the ability to enforce it. That's a good concept, working with the certificate of occupancy because as I understand it, one of our Assistant Law Directors is working with the Administration

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on looking a sort of an international or national code that we can adopt. And instead of using resources to routinely inspect homes that are often in code decent shape, it could be something that turns more toward complaint driven homes such as the one that was brought before us tonight and put our efforts into those that we know are documented to be bad. Because as you all know, you've heard us talk of due process, a license, or certificate of occupancy is something and in order to divest somebody of it, you have to investigate it, you have to have a hearing of some kind and then, you know, take the steps from there to make sure you are fairly divesting them of that right. If it's as bad as it sounds, if it has violations that can be cited, that is something we could pursue. And I can tell you that when this new code is being formulated, that's a concept that I'll integrate along with Member Cirelli and some other Council Members concepts of somehow, somehow making sure that absentee landlords have their homes held with the same accountability as a lot of the owner occupied homes that tend to have pride and tend to be more well cared for.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Thank you.

PRESIDENT SCHULMAN: I'm sorry, Member Barton, were you finished? Thank you.

MEMBER CIRELLI: Thank you Mr. President. Mr. Martuccio, Law Director Martuccio, that's been since the year of 2007 you've been working on that. I think I would like to have a time frame sir that that could be....and for just for the record, I had what was known as, it's still on my computer, licensing of what I call professional landlords. Just like I am a nurse and the State has certain standards they also have CEUs that I have to continue to pay on my own to make sure that I meet those standards to maintain my license. And I think the City of Canton, we need, and I don't want to get the mom and pop ones involved, I want to get the ones that have, yesterday I was on where there was twenty one properties that a person doesn't live inside the City of Canton and he is indeed a slum landlord and we need to set certain standards and a fee that we would charge them could help offset the people checking up and...and making this all work. So, I have that for 2007 and could you please give me a time frame when we could possibly do something in this regard because I've seen Canton at it's finest and what this gentleman got up and spoke tonight, there's many times areas in the City that I'm embarrassed to say that our City looks like it looks. And I really think that we need to grab...ah...take the bull by the horn and really do something as quickly as possible. You don't...you know, there's an old saying "You can be poor but you don't have to be dirty." And unfortunately, we have a lot of areas that the homes and properties are very very dirty and the people need to be brought up to standards and say, we're not going to put up with this any longer. So if you could give me a time frame, I'd appreciate that.

SAFETY DIRECTOR REAM: Mr. President.

PRESIDENT SCHULMAN: Law Director Martuccio. Well, Director Ream.

SAFETY DIRECTOR REAM: Yes, I'd like to inform Council that just within the past two weeks, I met with Jason Reese from the Law Department to finalize, along with Angela Cavanaugh, our Chief Building Official here in the City the International Ordinance to present to Council, concerning the International property maintenance code. I think that code will go along way in solving some of the problems like was described here tonight. I know Jason is working on that diligently. I expect to see that come across my desk here in the very near term and we will move it onto Council as soon as we get possession of that.

PRESIDENT SCHULMAN: Great, thank you Director. Thank you Member Cirelli, thank you Member Barton. Any other Miscellaneous Business? I have, before you do it Don, just...I want to thank the Chief

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publically, wrote me an email last week right after Council when we talked about providing, I understand it's upon request, but providing some concept of crime, which follows up on the Director and his following up on both Member Barton and Member Cirelli. When you have broken windows, when you have decaying homes in your neighborhood, you're neighborhood is going to be a target and a magnet for crime just as sure as I am sitting here. And Member Cirelli, you are to be commended, you've been pushing this for a long time and it really is time to move on this particular subject because I'm not putting myself, as Mr. Bickel said in his situation, it doesn't seem to be doing much good now for you. So, we'd like to help you sooner, rather than later. So....uh...but I want to thank the Chief again for referring that website to me, it's very interesting. I understand there's some cost involved but it would certainly be helpful for our neighbors. I also want to publically thank Adam Herman, he did take my recommendation and suggestion for the Canton Connection the last time it came out and he has included our photographs and identification, Wards and telephone numbers. I would just like to see, and I'm not critical, but I'd like to see maybe a page dedicated to City Council and in addition, I'd just, Cindy had mentioned, our Clerk, had mentioned that all of you are able to write anything that you want for the Canton Connection and I would encourage you to do that. The January issue is coming out, is that right Adam? So, I want to thank you for that. And finally I want thank and express some reservation, I did, we did receive the CCIC funding projects, which listed the amount that was spent and the jobs that were created, which I think is critically important for all of us to know. So, that's the positive. The negative was, all of you by the way received this in your mailboxes, the negative is the next sheet, which I don't quite know where...maybe Mr. Allen did it or someone but, and it may have been just a rush job, but again, this is not acceptable, I don't believe for Council. It's certainly not acceptable to me. You know, it they just list the grants and the money and it doesn't say anything about jobs and jobs are the most important thing in this community today. So, if we could get clarification on that, I would appreciate it. I don't know whose responsibility it is but Mayor, if you could see that somebody does that for us, we'd certainly be appreciative. And if you want to say something, sure.

MAYOR HEALY: Okay Mr. President, thank you. That report, if you remember at the last meeting, I told you that there was a tracking mechanism done. It didn't...it may not have all the information, we could send you that and then you could let us know what other information you'd like to have on that, we could update it. So, that's the current report.

PRESIDENT SCHULMAN: Okay, and I think it would be helpful to have the grants that are coming to the City, the...a short statement of the purpose of the grants, the amount of the grants and whether this money from the Federal Government or State Government is going to create jobs and if so, how many jobs, as best as you can project. So, we have, I think we all agree, a handle on what is coming in, to the City. Right, that would be great. Thank you Mayor, very much. Okay, that's all I have, Member Casar. I'm sorry, Member Cirelli.

MEMBER CIRELLI: Yeah, just on the same issue of what you were speaking about sir, could they I.D. the, when you said grants in totality, but could they break it down as the stimulus, aside from the ordinary grant so we can tell the difference.

PRESIDENT SCHULMAN: I think our Clerk, as a matter of fact, Mary, I think Clerk Timberlake is going to put all that in a letter and get it out, so we'll take care of that too. Any other, would you want anything else...any Members of Council? Anything else on these reports? Okay, Leader Casar.

MEMBER CASAR: Mr. President, before I adjourn, I left a week ago and the headlines in the paper was Easy Street, I came back Sunday, it was Easy Street again, I mean it's pretty sad when that's all they have to report about is Easy Street when everyone is having hard times. But...and the second thing I read in the paper

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yesterday was Council Members want to give back 5, 10, 20 percent of their salary, I know this is bad economical times and so forth and etc. but Council Members work 40 to 60 hours a week and I think it maybe a better thing if starting in 2010, we should give back half of our salary.

PRESIDENT SCHULMAN: Thank you Leader Casar, any other remarks? Did that stimulate anyone's responses?

(LAUGHTER)

CLERK TIMBERLAKE: He's joking.

PRESIDENT SCHULMAN: There were some....there were some stunned faces in the room. And for those of you who...Leader Casar is not going to be here next year. So, it's easy to.....

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: I think we should start looking at people's retirement and....

(LAUGHTER)

PRESIDENT SCHULMAN: Well, you now Leader Casar raises a good point and there is controversy about that and I tried to say to the Repository and Ed Balint, you know, I run a meeting but I know what you all do and you work hard as can be and you take the phone calls all hours of the day and you sacrifice the time to perform public service and you should never be ashamed of taking a wage and a benefit in the United States of America, no matter whether you're a private, the private sector or in the public sector, you deserve to be compensated fully for the work that you do and I know all of you magnificently for the citizens of our community. So, thank you.

MEMBER CASAR: Mr. President, I want to pig tail and piggy back on that a little bit. You know, I've been around 26, 27 years, whatever it is and I know as a Ward Councilman, and of course a Majority Leader, and they work hard and they deserve more money than they're making, I must say that. I feel that sincerely. And to put this in the paper, 5, 10 percent just to appease the Repository, I think is bull. And I think that we should stand up and know how hard you work and know what you do, and you know what you do for the citizens and all the...most of the things you do for the citizens, the garage and the problems, is really not a Councilmanic problems anyhow, we're legislators. But that's some of the things we have to do to secure the vote, to come in here to hopefully do the things that people want us to do as far as legislation and protecting the citizens, they're safety and welfare and also the economics, the funding of different programs and you know, the citizens deserve...they want service and that's what we have to provide for them. And safety, the police and fire, but to bade yourself and say, well I'm going to take a 20 percent pay decrease, it's not right.

PRESIDENT SCHULMAN: Thank you Leader. Any other comments? If not, Leader Casar.

MEMBER CASAR: I move we adjourn.

MEMBER DOUGHERTY: Seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Meeting is adjourned. Thank you ladies and gentlemen for attending. (*Gavel falls*)

ADJOURNMENT TIME: 8:29 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT