

**MINUTES OF THE MEETING OF NOVEMBER 9, 2009**

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council and we appreciate all the people that came out tonight on this Indian summer November. 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:*

12 COUNCIL MEMBERS 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 present, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Tonight, we'll have our invocation given by Council Member at Large, Bill Smuckler and would you all please remain standing for the pledge of allegiance.

*The regular meeting of Canton City Council was held on Monday, November 9, 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, Bill Smuckler. The Pledge of Allegiance led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: Thank you Member Smuckler. 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 2<sup>nd</sup> Reading of Ordinances 10 through and 16. Ordinance 9 will be retained in committee, Leader Casar the Chair will recognize that motion..

MEMBER CASAR: Mr. President. I move we suspend Rule 22A and add Ordinances 10 through and including #16 on this evening's agenda.

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A and add the Ordinances we sited to this evening's agenda. Are there any remarks? If not, 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.

**PUBLIC HEARINGS**

PRESIDENT SCHULMAN: We are now under Public Hearings. There are no public hearings scheduled this evening.

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PRESIDENT SCHULMAN: Similarly there are no Public Speaks on Ordinances and Resolutions for adoption.

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: We're now under Informal Resolutions. We have no Informal Resolutions this evening.

**COMMUNICATIONS**

***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 NOVEMBER 9, 2009.***

- 468. AUDITOR MALLONN: MONTHLY RPT BY FUND 10/1/09 - 10/30/09. - RECEIVED & FILED
- 469. AUDITOR MALLONN: YEARLY RPT BY FUND 1/1/09 - 10/30/09. - RECEIVED & FILED
- 470. AUDITOR MALLONN: CERTIFICATE OF TOTAL AMT FROM ALL SOURCES FOR 2009. - RECEIVED & FILED
- 471. BARTON, P, WARD 7 CNCLMBR & SAFETY DIRECTOR REAM: REQ LEGISLATION TO IMPLEMENT THE INTERNATIONAL PROP MAINTENANCE CODE (IPMC) INTO THE CODIFIED ORDINANCES. - JUDICIARY COMMITTEE
- 472. HEALTH BENEFITS ADMIN, MCBRIDE: OCT 2009 MONTHLY COMPARATIVE RPT-INS CLAIMS. - RECEIVED & FILED
- 473. ICAN HOUSING SOLUTIONS, APPLICANT: APPLICATION FOR PROPOSED ZONE CHANGE ON THE EAST SIDE OF RICHMOND AVE NE FROM R-1A TO PR-3 (APARTMENT DWELLINGS). - PLANNING COMMISSION
- 474. LIQUOR CONTROL DIVISION (OHIO): REQ TRANSFER OF D2, D2X, D3 & D3A LIQ PERMIT FROM STELLSTOUT INC, DBA ATTITUDES BAR & GRILL TO JOHN J JONES LLC, DBA JOHN LS @ 1516 E TUSCARAWAS ST 1<sup>ST</sup> FL & BSMT. - RECEIVED & FILED
- 475. MAJORITY LEADER CASAR: REQ AMENDMENT TO CHAPTER 1357 (CERTIFICATE OF OCCUPANCY) OF THE CODIFIED ORDINANCES (SIDEWALK). - JUDICIARY COMMITTEE
- 476. MAYOR HEALY: REQ AUTHORIZATION OF APPT OF SUSAN NEDDY-SCOPELITE TO STARK COUNTY REGIONAL PLANNING COMMISSION. - PERSONNEL COMMITTEE
- 477. SAFETY DIRECTOR REAM: NOTIFYING OF EMS RATE INCREASE EFFECTIVE 1/1/10. - RECEIVED & FILED

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478. SCOPP, INC: APPRISING OF RESIDENTIAL DEVELOPMENT LOCATED ON WILLOWROW AVE NE AND NOTIFICATION OF COUNCIL'S RIGHT TO SUBMIT WRITTEN COMMENTS TO OHFA WITHIN 30 DAYS OF RECEIPT OF NOTICE. - RECEIVED & FILED
479. TREASURER SCHIRACK: RPT OF DEPOSITS & PAY INS TO AMBULANCE LOCK BOX ACCT FOR OCT 2009. - RECEIVED & FILED
480. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR OCT 2009. - RECEIVED & FILED
481. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS FILED AS OF 10/31/09. - RECEIVED & FILED
482. TREASURER SCHIRACK: RPT OF TREAS OFC BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF 10/30/09. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

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

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #8 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS.***

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFER AND SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #2. (1<sup>ST</sup> RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE ZBUKA ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Annexation Committee
- #3. (1<sup>ST</sup> RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE DELONG ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Annexation Committee

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- #4. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #5. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development and Finance Committees
- #6. (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PART OF OUT LOT 391; AND DECLARING THE SAME TO BE AN EMERGENCY (1325 17<sup>TH</sup> ST NE)  
Referred to Public Safety and Thoroughfares Committee
- #7. (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PART OF LOT 5339 AND ALL OF LOTS 5340, 5341 AND 5342; AND DECLARING THE SAME TO BE AN EMERGENCY (6<sup>TH</sup> ST SW EAST OF COOK AVE)  
Referred to Public Safety and Thoroughfares Committee
- #8. (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PART OF LOT 1505; AND DECLARING THE SAME TO BE AN EMERGENCY (900 BLOCK OF 10<sup>TH</sup> ST NE)  
Referred to Public Safety and Thoroughfares Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: We're now under Ordinances for their second reading. If you'll Madame Clerk read Ordinance #10.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #10 THROUGH AND INCLUDING #16 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS: (ORDINANCE #9 RETAINED IN COMMITTEE)***

- #9. (2<sup>ND</sup> 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
- #10. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 213/2009** AN ORDINANCE AMENDING ORDINANCE NO. 183/2009; AND DECLARING THE SAME TO BE AN

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## EMERGENCY (MUNI EXPANSION PROJ)

PRESIDENT SCHULMAN: We're now under Ordinances for their third and final reading. Would you please read Ordinance #17.

CLERK TIMBERLAKE: We're voting on #10.

PRESIDENT SCHULMAN: I'm sorry, oh 10. I apologize. I didn't hear our leader. Leader Casar.

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 for Ordinance #10. Are there any remarks? If not, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

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

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to 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. 213/2009**

PRESIDENT SCHULMAN: OK, Ordinance #10 is adopted. Ordinance #11.

#11. (2<sup>ND</sup> 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

#12. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE YWCA OF CANTON TO

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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

- #13. (2<sup>ND</sup> 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

MEMBER CASAR: Mr. President, we're not going to...I'm sorry, I'm on the wrong one.

- #14 (2<sup>ND</sup> 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 (PREVENTIVE HEALTH - \$16,100.00)

- #15 (2<sup>ND</sup> 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 - \$7,587.00)

- #16 (2<sup>ND</sup> 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

**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. Madame Clerk would you please begin with Ordinance 17.

- #17. (3<sup>RD</sup> RDG) ***WITHDRAWN*** 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)

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, it's requested that this Ordinance be withdrawn. The administration.

PRESIDENT SCHULMAN: In Ordinance #17 is it?

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CLERK TIMBERLAKE: Withdrawn.

PRESIDENT SCHULMAN: Ordinance #18 please.

#18. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 214/2009** 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

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER DOUGHERTY: Seconded. \_\_\_\_\_

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #18. 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.

**#18 ADOPTED AS ORDINANCE NO. 214/2009**

PRESIDENT SCHULMAN: Ordinance #18 is adopted. Ordinance #19 please.

#19. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 215/2009** 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 25<sup>TH</sup> ST NE - WILLARD BOWLING)

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 to 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.

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PRESIDENT SCHULMAN: Ordinance 19 is adopted. Ordinance 20 please.

#20. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 216/2009** 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 5<sup>TH</sup> ST NE - RUBY HACKWORTH)

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER DOUGHERTY: Seconded. \_\_\_\_\_

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 20. 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.

**#20 ADOPTED AS ORDINANCE NO. 216/2009**

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

#21. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 217/2009** AN ORDINANCE NAMING AN UNNAMED ALLEY IN THE CITY OF CANTON, SGT N CASEY PLACE

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER DOUGHERTY: Seconded. \_\_\_\_\_

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 21. Are there any remarks?

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: Last week I was gone all week and I happened to be in Texas and the tragedy of war was brought no closer to home than most of you saw what happened at Fort Hood, Texas last week. For approximately eight weeks now, I've been working on not bringing somebody back but at least, letting

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someone's memory linger a little bit longer in this world and to honor the people that are serving this country because sometimes it's not easy. It's not easy that in Fort Hood you know who you were, who was the enemy and who wasn't the enemy. But I know that the Casey family is out here today. Could you please stand? *(Applause)* I do want to let you know that we are planning on having, and all of City Council will be invited, the Mayor, I would hope that you would be in attendance and I know we want the veteran's there that when the plaque goes up, for the street naming that we would like you all to be there and we would like to have a very full fledged ceremony for this and thank you very much for coming this evening.

PRESIDENT SCHULMAN: I believe it was moved and seconded. Are there any remarks, any further remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#21 ADOPTED AS ORDINANCE NO. 217/2009**

PRESIDENT SCHULMAN: Thank you Madame Clerk. *(Applause)* Thank you folks for coming down also and you're more than welcome to depart if you wish. You don't have to stick around for the rest of the hearing. We'd love to have you and we appreciate you being here. Obviously Sgt. Casey's service goes without saying. We want to revisit, at a request of the Law Director....

MEMBER CASAR: Mr. President, I move we refer back to Ordinance #9. Is that where you wanted to go to?

PRESIDENT SCHULMAN: No, we wanted to go back to Ordinance #17 and I know it's been withdrawn but if there's, are there any remarks for the withdraw and if there not, on a voice vote, all those in favor signify by saying yea, those opposed no.

NO REMARKS

ORDINANCE #17 UNANIMOUSLY WITHDRAWN BY VOICE VOTE

PRESIDENT SCHULMAN: The Ordinance is withdrawn.

MEMBER CASAR: Mr. President, I knew that he meant 17 but I said 9 by mistake.

PRESIDENT SCHULMAN: Leader you're having a lot of trouble tonight.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SCHULMAN: Alright, we're now under Announcement of Committee meetings.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Thank you sir. The Finance Committee will meet Monday, November 16<sup>th</sup> at 6:30 PM.

PRESIDENT SCHULMAN: Thank you.

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MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Leader Casar.

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

PRESIDENT SCHULMAN: Thank you.

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel will meet Monday at 6:30.

PRESIDENT SCHULMAN: Thank you.

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Member Kraus.

MEMBER KRAUS: Public Safety & Thoroughfare will meet at 6:30 on the 16<sup>th</sup>.

PRESIDENT SCHULMAN: Thank you. Annexation?

MEMBER SMUCKLER: Same time, same place.

PRESIDENT SCHULMAN: Thank you Member Smuckler. Any other announcements?

**PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)**

PRESIDENT SCHULMAN: We're now under Public Speaks and our Open Forum. We have two speakers signed up this evening. Our first is Daniel Coen. Good evening sir. We appreciate you being here. If you would, if you could give us your name and your residential address and I would ask, if you don't mind, pursuant to Council rules, if you could try to keep your remarks to three minutes or under. Thank you, welcome.

DANIEL COEN: My name is Daniel Coen. I reside at 3105 Cresentview Dr in Massillon, Ohio. I am a property owner in the City of Canton. I own and manage with my partners over 100 properties, single family homes in the City of Canton. In the last three weeks, I have had eight properties broken into and the copper, water meters, kitchen sinks have been broken or stolen out of them. I approached a couple of scrap yards down on Maple Ave because I suspected that my materials were ending up there and I looked in the brass bin and found a water meter, and that water meter belongs to the City of Canton but I get billed for that. Ok because even though it's not my property, I get billed cause it's in my house. I'm not happy about that but I accept that but my problem is that the scrap dealers were taking these items. I notified the Police. The Police came down and they took the item as evidence and I also have been taking preventative measures by painting the copper in my homes. I don't have too much copper left in any of my homes but I do have some and I have been painting it yellow. Today I got a call from the detective that said that they believe they may have a lead.

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An individual brought two more water meters to the scrap yard on Maple Ave. They were not my meters. One belonged to Stark Metropolitan Housing, one belonged to another property owner in the City of Canton. I also reported to that detective that the other scrap yard I witnessed another water meter in their bin. They were kind enough to let me look in their brass bin. I told the detective, he told me that there was yellow copper that was brought in and the individual attempted to scrape it off. So, I knew it was my copper. The detective told me that there's probably no way they can prove that, that was my copper. I beg to differ and I know that the Chief of Police is here. This is what's left of the copper in my house. One of my houses, alright, the ends are broken off and I told the detective you can't get, can't you just match up the ends of this copper to see. You'd be able to match it up and he said that would be a waste of time and he suggested that I spend my efforts on preventative measures which I have been doing all along by screwing windows shut, screwing doors shut, painting my copper, painting the water meters to try and identify em, and I didn't appreciate that type of tone from the detective and that effort that I got. I think that this should be submitted and they should take the time and match up that. He indicated that he thought maybe the individual would only get 6 months in jail, was it really worth it? And I indicated, yes it was worth it to me. Again 8 houses over \$20,000.00 in damages, OK. I own a lot of properties but that all comes out of my pocket. I can't turn that into insurance. I have a \$1,000.00 deductible so that's all out of my pocket. I would like the detectives or the you know...I know we're stretched thin, you can't patrol, the Police can't patrol because they're on calls all the time but when you have something like this, I think it ought to be followed up with an individual whose probably robbed more than just my houses, but other houses in the City of Canton. I am going to over the next couple of weeks provide all Council Members with some suggestions on changing the Ordinance in the City of Canton. We have a state law that was changed a couple years ago on scrap metal, to try and deal with the scrap metal. Pardon me.

*Inaudible comment*

DANIEL COEN: They tried to address that. It has helped. There's better record keeping but it doesn't go far enough. A lot of individual municipalities and townships and so forth cities have had to enact their own legislation to combat their own local crime issues. OK, and I think that we need to address that in the City of Canton. We have criminals running the streets and they're stealing from everyone, not just me as a landlord but from individuals. They're stealing it while the people are living in the houses and I don't think that the state law has enough teeth to it to fight the problem. I think you as Council can address this and make a change. I will make some suggestions that maybe you can review and maybe will bring up at another meeting. I'm not sure how that works but I just wanted to speak tonight to let everyone know what's going on. You read it in the paper and I'll be honest with you, I have not reported all the thefts because when they come out, there's not much they can do. There's hardly, there's never any prints and it doesn't do me any good cause I don't turn it into insurance, but I have been turning, painting and calling these in and when I do that try to take these measures, and I don't get any cooperation from the Detective Department I'm a little dishearted. So, I thank you for your time.

PRESIDENT SCHULMAN: Thank you very much sir. (*Applause*) And Mr. Coen one of the reasons we allow three minutes is after the meeting, all the Members of Council will stick around, our Safety Director will be here. I would encourage you to talk to Director Ream. The Mayor will be here. You've brought up some discouraging news obviously, and not obviously not good news for you and we'll address that, believe me. And we're interested very much in your ideas. Our next speaker is Delores Kutz. Delores, good evening. How are you? Good. If you'd step up and give us your name and your residential address and good evening again.

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DELORES KUTZ: My name is Delores Kutz. I live at 200 High Ave SW, Apt 407 in Canton. And I want to thank Bill Smuckler for everything he's done for the Casey family and I want to thank Council for passing this. Thank you so much.

PRESIDENT SCHULMAN: Thank you very much. (*Applause*) And that concludes our Public Speaks tonight.

**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: We're now under Miscellaneous Business.

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President I'd like to ask the Service Director a question if I may. Service Director, we just received a schedule for milling and paving and it goes through October, I mean November 10<sup>th</sup>. Was there not a deadline of October 31<sup>st</sup> on our paving this year or am I wrong?

PRESIDENT SCHULMAN: Director.

SERVICE DIRECTOR PRICE: To be honest Majority Leader, I don't know.

MEMBER CASAR: I think we put that in because the last couple of years they were paving when it was snowing and we tried to put a stop to that and they're supposed to be fined so much every day after the 31<sup>st</sup> of October. I'm pretty sure that's the day. I'd like to pull that Ordinance and see what we did put in there but I'm pretty sure it was the 31<sup>st</sup> of October.

SERVICE DIRECTOR PRICE: OK, thank you, no we'll do that.

MEMBER CASAR: Appreciate it because if that is the case they should be fined every day after the 31<sup>st</sup> of October.

SERVICE DIRECTOR PRICE: OK, thank you.

MEMBER WEST: Mr. President.

MEMBER SMITH: Mr. President

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: I got a couple of things. One I wanted to announce that the Gibbs Area Involved Neighbors is having a meeting tomorrow at 6:00 I believe. I've had a lot of problems over in that area. The Chief of Police will be there tomorrow so if anybody'd like to attend that it will be held at the Canton Calvary Mission so that's that. And then the second thing is I wanted to address the issue about the City of Canton's Ordinance around scrap metal. We have made tougher laws here in the City of Canton and several things that you mentioned really upset me and I'll say that because I think one of the things that we said in that Ordinance

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was that we were going to advise people to spray their copper so that we could match it to some of these places that are taking it in. And then second so that they would know, wait a minute, so that they would know that they was not to take that copper because it was painted. And then the second thing was they was not allowed to take in meters so I'd really like to know who is those individuals that had those meters because that's something that they was not even supposed to have in their bins if you will. So we definitely got to get a little tougher on this scrap metal. This is a problem in the City of Canton as well as nationwide and I would entertain any other solutions that you would have sir. Thank you.

PRESIDENT SCHULMAN: Thank you Member West. Member Smith.

MEMBER SMITH: Yes, Mr. President. I know that Dan Moeglin is not here but maybe the Mayor or the Service Director can answer this. You know we have been discussing Sherrick Road ever since we received this stimulus money. Did we receive it? I know that it's not going to get done this year. Do you have any idea or any answers that I can give the residents that's asking me about it, so that I can relay it to them? I would appreciate it.

PRESIDENT SCHULMAN: Director or Mayor, whomever? Mayor.

MAYOR HEALY: Thank you Mr. President and Councilwoman for updating or asking the update on this. I did speak with Mr. Moeglin the engineer, who schedules these. We did get the stimulus money, roughly 1.4 million dollars to dig up that road and correct the problems underneath it and then re-pave it. The bids are going to be going out from what I understand in December and it will be awarded shortly after and it's expected that the project will break ground or start in the spring, probably March, late February or early March is what I'm being told but we do expect that to be started in the spring and be done by the end of the year. Thank you.

PRESIDENT SCHULMAN: Thank you Mayor. Any other Miscellaneous Business?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Yes Member Cirelli.

MEMBER CIRELLI: I have a question to the Law Director concerning the, a Lexus/Nexus system that we are compatible with and I know our Chief Building Official wants to do some using of that system so she can do some collecting of fines and fees and what have you. My question also sir to you is, is that also compatible so that we could possibly use that on outstanding tickets that are through the Police Department and also for the delinquent water and sewer bills. Could that be another tool to assist us cause it's one of those I think, if I'm not mistaken, I think the water and sewer is over a quarter million dollars and we need all the money we can get. So is that a possibility that that could be done sir?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, Member Cirelli, Lexus/Nexus refers to a software program that's a legal search engine that is proprietary and is exclusively owned by the company called Lexus/Nexus. We in the Law Department have access to it to do legal research through their legal search engine and we're licensed. Each computer has to have a license. If other departments want to take advantage of Lexus they can

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enter into contracts with Lexus/Nexus or Weslaw which is a similar program. I think what you are referring to, I think what Miss Cavanaugh is referring to is a component of the search engine that can search public records. It's not quite the same thing as what law enforcement has in leads and it's different than CJIS which is public and is put on by our local officials but it is a good tool and I think they can contract directly with those companies to get licenses. Perhaps just to do the searches for people's names and addresses. They of course, would have to pay that out of their own fees. I'm not sure that's something the Law Department has the right to do. I think that's a direct contract between Lexus/Nexus and each department. To answer your question though, I think it could be a good source to find some names and addresses that might not otherwise be easy to find and then each of those departments could use their own protocol whatever their policy is to track those folks down and access fines and get them sited and brought into court, and if obviously if the prosecutors help is necessary, then we would do that. Did I answer all your questions? I'm not sure.

MEMBER CIRELLI: Yea I, I know what you're talking about and all and I appreciate that very much. At least maybe you brought it to the forefront so that we can talk to some and maybe the administration talk to some of the departments in moving in that direction. So that might be a big help since we've got to get every penny we can when we can for this community and for the city. Thank you sir.

PRESIDENT SCHULMAN: I want to thank Member Smuckler for working so diligently and having that street named after Sgt Casey. That was sad but certainly I think looking at the family was meaningful for them and you're to be congratulated. Thanks Bill. I also want to thank the Chief. He's followed up on what we talked about as far as statistics and getting the citizens more involved and as Mr. Coen said tonight, the Police can not be everywhere at one time. We understand that and if neighbors keep an eye out, that sometimes is having another force of law enforcement people so I appreciate what your doing Chief, thank you. Lastly I just want to say something about the discouraging really unbelievable deficit that we're going to run into in 2010 and I want to reiterate the request I made in that it's obvious that either you, we do two things. We create more jobs in order to increase the revenue side of the balance sheet or you expense. You take, you have to cut the expenditures this city has to make in order to balance it. I really do want this spreadsheet on jobs that are created. Mayor or somebody in the administration. I want to see where the stimulus money is going. I want to see, and I think when I say we, or I, I mean I think City Council would agree. I want to see how many jobs are created, what kind of pay they are, is there something more that we should be doing to create on the revenue side more jobs for the citizens of this city. I mean that is critical. So that's one thing. As far as cutting expenses, and maybe I've dropped the ball on this one. When I started here, I said there's found money in sustainable government. We waste and I'm, I look around here. I guarantee the lights on, the lights on in the Caucus room. I guarantee you there's a light on in our bathroom. You know, who said, I think it was the Auditor tonight, Gary said you've got to save money anywhere you can. Well, let's start doing the simple things. Let's turn off the lights. I'd mentioned to Director - thank you, in fact that's not a bad idea. I mentioned to, you know that was funny but the fact of the matter is, every kilowatt costs us money. Every single kilowatt costs us money that we could use to save jobs. That's number one. Number two, we're, I look around the city and I love our city employees but they drive and they park their trucks or their cars and they let them run and run and that's inexcusable so I'd like to get some reports. You know, I know Dan has got his plate full, Moeglin, but lets get a report on what we're doing to cut expenses that are clearly able to be cut from the utility standpoint, from a gas standpoint, from an electrical standpoint. There's no excuse for just wasting money when jobs are at stake because let's face it, if we do not save money, people will lose their jobs and that is not a funny situation. There's nothing funny about Police or Fire or our other public citizen's losing their jobs so with that Leader Casar, or I'm sorry, Joe.

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LAW DIRECTOR MARTUCCIO: Thank you Mr. President. I wanted to duck tail on Mr. Coen's remarks and Mr. West's remarks. Mr. West is correct in saying that this city got the jump on a lot of other cities around Ohio and the State of Ohio and we, this Council passed a stronger anti-theft to scrap Ordinance which included thumb printing folks who come in to these scrap dealers under certain circumstances. Stringent, more stringent identification procedures and identification of scrap in the bins. You have been more diligent than most. That's part of what was behind this was to identify scrap metal that's been marked and brought in. There are, it's like one of those TV programs start with. There are different components in the criminal justice system. The detectives who are headed by the Chief are the ones who are supposed to investigate and detect crimes and then present that evidence to the prosecutors and the prosecutors in turn to the judges if they think there's probable cause and then to a jury and so on. If the detectives find that there is indeed a causal connection and there is some reason to believe that there is probable cause to believe that a person committed these crimes, then we can certainly help prosecute it. With regard to the suggestions of beefing it up or changing it, I would welcome that. Just so you all know, recently the website that the Law Department uses to search Ordinances, our search engine is a different one. We think it's better. We think it's more sophisticated. We think it's more, I think it's much easier to locate things. Our entire Ordinances is available on that website and certainly your free to read it. We can produce it for you. If there are changes, please share them with Mr. West and I. He's Chairman of the Judiciary Committee and the Chief and if there are things we can incorporate, we'll bring them back to Council but I must say home run has taken a beating in Ohio, meaning cities sometimes cannot trounce the state laws. So if we can trounce the state laws and make it better, we will through amending it in this Council. If we can't, I certainly let you know that but, I'll give you my card before you leave. Thank you.

PRESIDENT SCHULMAN: Thank you Law Director Martuccio. Any other remarks? Mayor.

MAYOR HEALY: Thank you Mr. President. Just to follow up on the scrap metal. When I was in legislature before I became Mayor, I actually introduced legislation, a co-introducer that I believe legislation that your referring to that passed the House. It was designed to be a little stronger than what it ended up finally getting passed but the issue itself is something that I'm very familiar with and spent a lot of time in committee meetings and researching. One of the concerns that we had when I was in Columbus was the fact that cities like Canton had put together Ordinances and multiple cities had different Ordinances and the city could say, you know, we're not allowed to receive those meters at a city recycle center but that person could then cross city's boundaries and go to the neighboring town and deliver them there and so trying to monitor this is difficult, especially when even the locations within the city are violating that Ordinance anyway. But I can tell you that I would very much like to talk to you. Sit down and hear what your items are. I can share with you what my background is in reference to what we know from the state level and what we believe we can do locally, because we can make stronger Ordinances here in the City of Canton than the state has on this particular issue and would love to hear what your ideas are. Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Law Director can't we get these scrap metal dealers for receiving stolen property if it's city property?

PRESIDENT SCHULMAN: Law Director.

LAW DIRECTOR MARTUCCIO: Mr. President, Mr. West, yes.

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MEMBER WEST: How would we pursue that?

LAW DIRECTOR MARTUCCIO: You like it when I give you short answers, I thought. Mr. Casar likes it when I give short answers. Mr. President, Mr. West again it's a matter of investigation and detection. Our Ordinances prohibit the receiving of stolen property and if it can be shown that they received stolen property, not just negligently but with full knowledge then they can be brought to charge, they can be brought to justice, charges can be filed, but it's a matter of proving, detecting it and proving it and then prosecuting it.

PRESIDENT SCHULMAN: Any other remarks?

SAFETY DIRECTOR REAM: Mr. President.

PRESIDENT SCHULMAN: Safety Director.

SAFETY DIRECTOR REAM: Mr. Coen thank you for coming over this evening. The Chief and I have a meeting tomorrow morning on a couple of issues and we will add your issue to that meeting and we will be asking the detective bureau to revisit your situation. Okay.

PRESIDENT SCHULMAN: OK, any other Miscellaneous Business? Leader Casar.

MEMBER CASAR: I move we adjourn.

MEMBER DOUGHERTY: Seconded.

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: Thank you Madame Clerk. Meeting adjourned. *(Gavel falls)*

ADJOURNMENT TIME: 8:15 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

ALLEN SCHULMAN  
PRESIDENT