

MINUTES OF THE MEETING OF NOVEMBER 16, 2009

PRESIDENT PRO TEM CASAR: With a quorum being present, I call this Canton City Council meeting to order. Roll please.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

11 COUNCIL MEMBERS PRESENT: (DON CASAR, DAVID DOUGHERTY, MARY CIRELLI, BILL SMUCKLER, GREG HAWK, THOMAS WEST, JAMES GRIFFIN, CHRIS SMITH, TERRY PRATER, PATRICK BARTON & BRIAN HORNER)

ELEVEN COUNCIL MEMBERS PRESENT. ONE ABSENT (MEMBER KRAUS) (PRESIDENT SCHULMAN ALSO ABSENT)

CLERK TIMBERLAKE: Eleven present Mr. President.

PRESIDENT PRO TEM CASAR: We'll have the invocation given by 1st Ward Councilman, Greg Hawk this evening. Please remain standing for the pledge of allegiance.

The regular meeting of Canton City Council was held on Monday, November 16, 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 1 Council Member, Greg Hawk. The Pledge of Allegiance led by President Pro Tem Casar.

AGENDA CORRECTIONS & CHANGES

PRESIDENT PRO TEM CASAR: Thank you Member Hawk. We are now under agenda corrections and changes and Members of Council, you will be asked to suspend Rule 22A to add the 2nd Reading of Ordinances 2, 3, 5, 6, 7, 8 and 9 and 10; # 4 will be retained in Committee. Member Dougherty.

MEMBER DOUGHERTY: Mr. President. I move Rule 22A be suspended to add 2nd Reading Ordinances 2 through 10, except for 4, which will be retained in Committee.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: Moved to suspend Rule 22A. Any questions remarks? If not, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM CASAR: Rule 22A has been suspended and the Ordinances are now part of the agenda.

PUBLIC HEARINGS

PRESIDENT PRO TEM CASAR: We have no public hearings scheduled for this evening.

PUBLIC SPEAKS

MINUTES OF THE MEETING OF NOVEMBER 16, 2009

PRESIDENT PRO TEM CASAR: We have no one signed up to speak under Public Speaks.

INFORMAL RESOLUTIONS

PRESIDENT PRO TEM CASAR: We're now under Informal Resolutions. Member Dougherty, would you please excuse Members of Council.

MEMBER DOUGHERTY: Yes, Mr. President. I move we excuse President Schulman and Member Kraus from this tonight's meeting.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to excuse Member Kraus and President Schulman from this evening's meeting. Are there any remarks? If not roll call, please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT PRO TEM CASAR: Madame Clerk would you please read Resolution #57 by title only.

#57. PERSONNEL COMMITTEE: REQ CONFIRMATION OF APPT OF SUSAN NEDDY-SCOPELITE TO STARK REGIONAL PLANNING COMMISSION FOR 3 YR TERM. - ADOPTED

PRESIDENT PRO TEM CASAR: Is there a motion to adopt Resolution #57?

MEMBER DOUGHERTY: Yeah, Mr. President, I move we adopt Resolution 57.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Resolution #57. Are there any remarks? By voice vote, all those.....

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM CASAR: Yes Member Cirelli.

MEMBER CIRELLI: Just for the record I'd like to state that we all were introduced to the lady and the fact that she lives in the City of Canton for quite a number of years is a real plus to have her coming on board. Thank you sir.

PRESIDENT PRO TEM CASAR: Are there any further remarks? If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #57 PASSED UNANIMOUSLY BY VOICE VOTE

MINUTES OF THE MEETING OF NOVEMBER 16, 2009

PRESIDENT PRO TEM CASAR: Resolution #57 has been adopted.

COMMUNICATIONS

PRESIDENT PRO TEM CASAR: 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 NOVEMBER 16, 2009.

483. APPLICANT, MUNIR RASDAN: APPLICATION FOR PROPOSED ZONE CHANGE @ 1639 MAPLE AVE NE FROM R-1A (SINGLE FAMILY RESIDENTIAL) TO PB-3 (COMMERCIAL). - PLANNING COMMISSION
484. LAW DIRECTOR MARTUCCIO: REQ PAYMENT OF \$12,000.00 MORAL OB TO SQUIRE, SANDERS & DEMPSEY FOR TECHNICAL CONSULTING SERV & REPRESENTATION PROCESS WITH OHIO EPA. - FINANCE COMMITTEE
485. PLANNING COMMISSION: RECOMMEND DENIAL OF ZONE CHG FOR ICAN HOUSING ON RICHMOND AVE NE. - JUDICIARY COMMITTEE
486. SAFETY DIRECTOR REAM: REQ LEGISLATION TO CREATE A SPECIAL EVENT ORDINANCE W/GUIDELINES FOR EVENTS HELD ON CITY PROPERTY. - JUDICIARY COMMITTEE
487. SERVICE DIRECTOR PRICE: REQ LAW DEPT TO ASSIST IN NEGOTIATIONS FOR PROJ LABOR AGMT (PLA) W/EAST CENTRAL OHIO BLDG & CONST TRADES COUNCIL FOR NEW FIRE STATION #4. - RECEIVED & FILED
488. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO COOP AGMT W/ODOT &/OR OHIO RAIL DEVELOPMENT COMMISSION (ORDC) FOR CONSTRUCTION OF VARIOUS RAILROAD CROSSING & SIGNAL PROJECTS. - FINANCE COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT PRO TEM CASAR: We are now under Ordinances 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 Ordinance #1 by title.

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

- #1. (1ST RDG) AN ORDINANCE AMENDING TITLE SEVEN, HOUSING STANDARDS, OF PART THIRTEEN - BUILDING CODE OF THE CODIFIED ORDINANCES
Referred to Judiciary Committee

MINUTES OF THE MEETING OF NOVEMBER 16, 2009**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT PRO TEM CASAR: We're now under Ordinances for their Second Reading. Madame Clerk could you please read Ordinance #2.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #2, #3, #5, #6, #7, #8, #9 AND #10 (ORDINANCE #4 RETAINED IN COMMITTEE) FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

#2. (2ND RDG) **ADOPTED AS ORDINANCE NO. 218/2009** 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

PRESIDENT PRO TEM CASAR: Member Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 2.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to suspend the Statutory Rules on Ordinance 2. Are there any remarks? If not roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM CASAR: The Statutory Rules have been suspended, is there a move to adopt?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM CASAR: Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance 2 please.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #2. Are there any remarks? If not, roll call please.

MINUTES OF THE MEETING OF NOVEMBER 16, 2009

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#2 ADOPTED AS ORDINANCE NO. 218/2009

PRESIDENT PRO TEM CASAR: Ordinance #2 is adopted. Ordinance #3.

- #3. (2ND 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 (CODE ENFORCEMENT ADMIN - \$15,000.00)
- #4. (2ND RDG) ***RETAINED IN COMMITTEE** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFERS & SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (JUDGES)*
- #5. (2ND 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
- #6. (2ND 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
- #7. (2ND 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 (YOUTH DEVELOPMENT)
- #8. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PART OF OUT LOT 391; AND DECLARING THE SAME TO BE AN EMERGENCY (1325 17TH ST NE)
- #9. (2ND 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 (6TH ST SW EAST OF COOK AVE)
- #10. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PART OF LOT 1505; AND DECLARING THE SAME TO BE AN EMERGENCY (900

MINUTES OF THE MEETING OF NOVEMBER 16, 2009BLOCK OF 10TH ST NE)**ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING**

PRESIDENT PRO TEM CASAR: 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 11.

#11. (3RD RDG) **ADOPTED AS ORDINANCE NO. 219/2009** 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

PRESIDENT PRO TEM CASAR: Member Dougherty.

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

MEMBER CIRELLI: Seconded. _____

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #11. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#11 ADOPTED AS ORDINANCE NO. 219/2009

PRESIDENT PRO TEM CASAR: Ordinance #11 has been adopted. Madame Clerk, will you please read Ordinance #12.

#12. (3RD RDG) **ADOPTED AS ORDINANCE NO. 220/2009** 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

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM CASAR: Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance #12.

MEMBER CIRELLI: Seconded. _____

MINUTES OF THE MEETING OF NOVEMBER 16, 2009

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #12. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#12 ADOPTED AS ORDINANCE NO. 220/2009

PRESIDENT PRO TEM CASAR: Ordinance #12 has been adopted. Ordinance #13 Madame Clerk.

#13. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 221/2009** 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

PRESIDENT PRO TEM CASAR: Member Dougherty.

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

MEMBER CIRELLI: Seconded. _____

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #13. Are there any remarks?

MEMBER DOUGHERTY: Mr. President, I'd like to amend Ordinance 13 per the copy that was given to all Members this evening.

MEMBER CIRELLI: Seconded.

AMENDMENT

Pursuant to Rule 36, I move to amend Agenda Item No. 13 by replacing Exhibit A and B attached to the ordinance currently pending before Council with the attached Exhibit A and B.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to amend Ordinance #13 as the copy that all Councilpersons received last week in Committee. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President

PRESIDENT PRO TEM CASAR: Member Dougherty.

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

MINUTES OF THE MEETING OF NOVEMBER 16, 2009

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #13 as amended. Are there any remarks. If not, roll call please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#13 ADOPTED AS AMENDED AS ORDINANCE NO. 221/2009

PRESIDENT PRO TEM CASAR: Ordinance #13 as amended has been adopted. Ordinance #14 please Madame Clerk.

#14 (3RD RDG) **ADOPTED AS ORDINANCE NO. 222/2009** 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 (PREVENTIVE HEALTH - \$16,100.00)

PRESIDENT PRO TEM CASAR: Member Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 14.

MEMBER CIRELLI: Seconded. _____

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #14. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#14 ADOPTED AS ORDINANCE NO. 222/2009

PRESIDENT PRO TEM CASAR: Ordinance #14 is adopted. Ordinance #15 Madame Clerk

#15 (3RD RDG) **ADOPTED AS ORDINANCE NO. 223/2009** 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 DEPT - \$7,587.00)

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM CASAR: Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance 15.

MEMBER CIRELLI: Seconded. _____

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #15. Are there any

MINUTES OF THE MEETING OF NOVEMBER 16, 2009

remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#15 ADOPTED AS ORDINANCE NO. 223/2009

PRESIDENT PRO TEM CASAR: Ordinance #15 has been adopted. Ordinance #16 Madame Clerk.

#16 (3RD RDG) **ADOPTED AS ORDINANCE NO. 224/2009** 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

PRESIDENT PRO TEM CASAR: Member Dougherty.

MEMBER DOUGHERTY: Yes Mr. President, I move we adopt Ordinance 16.

MEMBER CIRELLI: Seconded. _____

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #16. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#16 ADOPTED AS ORDINANCE NO. 224/2009

PRESIDENT PRO TEM CASAR: Ordinance #16 has been adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM CASAR: We are now under Announcement of Committee meetings.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM CASAR: Member West

MEMBER WEST: Judiciary will meet on November 23, 2009 at 6:30.

PRESIDENT PRO TEM CASAR: Member Hawk.

MEMBER HAWK: Finance Committee will meet Monday, November 23rd at 6:30.

PRESIDENT PRO TEM CASAR: Very good, thank you.

MINUTES OF THE MEETING OF NOVEMBER 16, 2009

MEMBER SMITH: Mr. President, Public Safety and Thoroughfares Committee will meet November 23rd, same time.

CLERK TIMBERLAKE: For what?

PRESIDENT PRO TEM CASAR: For what? I don't think we have any first reading.

CLERK TIMBERLAKE: No, no.

PRESIDENT PRO TEM CASAR: No.

MEMBER SMITH: Okay.

PRESIDENT PRO TEM CASAR: But we know how anxious you are to do your job but....*(Laughter)*

MEMBER SMITH: Okay, well ah...we will not be meeting at that time then. *(Laughter)*

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT PRO TEM CASAR: We are now under Public Speaks, Open Forum. We have six people signed up to speak tonight and the first speaker we have is Brenda Baylor. Baylor, I'm sorry, Brenda Baylor. Would you please give your name and your address.

BRENDA BAYLOR: My name is Brenda Baylor, I live at 2722 Wood Owl Street, NE, Canton, Ohio. And I am here tonight because I oppose the opening of the Ambassador Hotel to be used for parolees. There are many reasons why I do not want this. And in the audience tonight, you will find that there are people from Canton and Canton Township, if they would stand, I would appreciate it to let you know that we are serious about our opposition to having this. Thank you very much. Also, I have in my hands right now petitions that are not complete because some people are still getting them, some people were not able to make it tonight, but as I stand here now, I have 575 names of people who do not want this.

PRESIDENT PRO TEM CASAR: Okay, Brenda.....

BRENDA BAYLOR: I also would like to thank the Canton Repository because this is how we found out. No one knew anything about this until we saw it in the paper. It was at that point that we reacted within three days, we went to the Township Meeting and many, many people were there and many people spoke. I'm going to pass out a map because I find it very interesting that the Zoning Commission from Canton Township....please pass it on...made the decision that affects so many people in Canton Township as well as Canton, when in essence, if you look at the map, okay, I'm going to show it to everybody, you will see that many residents in Canton are surrounded by Canton Township. So, if three or four people can go in an area without telling anyone what to do and then expect to be arrogant about it and say "Wait, you should have talked about that before." That was impossible because we did not know this and that is why we are here tonight because we are coming to Canton, we have already, as I said before, been to Canton Township. There are many reasons that we do not want that there. First of all, the children in Canton, out in Georgeview Estates especially, and all of the children who live in Canton Township in that area, ride buses from school because they attend Canton Township Schools. They stand out on Marietta early in the morning and in many cases, they are out there by themselves. The second thing of importance, and I will pass this one around too,

MINUTES OF THE MEETING OF NOVEMBER 16, 2009

and I probably should have left it opened, there are little green dots and I'd like to apologize, that's all I can muster up, but those are all wooded areas. Which means at any given time a child could be drug back into those areas. In Georgeview, they're all new homes and we have many empty lots and I can't imagine if I would buy a house and somebody said "Well why don't you build one out there?" that I would want to do it. When one of the three exits that I have to use to leave that area and then I had to go past the place where there were anywhere from ten to sixteen parolees who could come and go as they please, no jobs, I'm not sure how they're gonna any because many of us don't have jobs. Okay, but none the less, that is where they are. We have children who regularly go to Zavarelli's, we have children who regularly go to the Dollar Store by themselves and approximately a hundred children attend the clinic on a daily basis. Also in that area are two nursery's, one of which is, that's where my (*inaudible*) The Dragonfly, the other one is a smaller one that I think is run by a Ms. Curtis. So, we have children that are coming and going. I do not understand the zoning in Canton Township, I didn't think I had to but I do not want to have this happen. We all know what happened in Cleveland and we know that we're talking anywhere from 11th up Bennett and I don't think anybody here would dispute that it took more then one person to do this.

PRESIDENT PRO TEM CASAR: Brenda, you've...I've given you an extra minute and a half so far so would you please bring your remarks to a close.

BRENDA BAYLOR: Okay, I will try to shorten it. Also to let you know, two thirds of prisoners end up going back to jail. I do believe they should be rehabilitated but we're talking about an area that affects Canton and an area that affects Canton Township and we are all furious. Had we have had the opportunity to have a say so in this or vote on this, we, if it's been accepted than we would all have to go with that. But no one even knew and there is an unfairness in this and injustice. That was I'm here to speak on, we do not want it. Thank you.

PRESIDENT PRO TEM CASAR: Okay, thank you. The second speaker this evening is Jennifer Zachary. Would you please give your name and address.

JENNIFER ZACHARY: Good afternoon everyone, my name is Jennifer Zachary, I live at 2633 Wood Owl Street. I also am affected by this Ambassador being in that area because I have children. My girls are of college age but none the less they are my children. My son is one of those children who stands out at the bus stop at Marietta waiting for the bus to come and like she said, there is times they're standing out there, a lot of times in the morning in the dark because of the time change. I don't always have time to take my child to the bus stop as well as many of the other parents who live there, who have jobs. (*Inaudible*) It is dangerous, like she said to have children standing outside waiting for the bus and have convicts come and go as they please with all of the wooded areas that surround our neighborhood. A lot of us have taken our savings to be able to build homes nice enough for our children to be able to live and enjoy life. And as far as I know we have (*inaudible*) We have children that we want to protect like I'm sure many of you do. And if you ask yourself if you would like to have this in your neighborhood, I would hope that your answer would be no. We all understand that these people have a right to live and have a right to life, they have a right to live somewhere but we do not want them in our neighborhoods. There are many buildings that are vacant that they could place this building at. There are neighborhoods who already have places like this available for the people that's coming out of prison and even going back into prison. Because some of them will be going back. We do not want to take the chance that we could run into someone who does not care whether or not they go back to prison. Or they will run into one of our children and (*inaudible*) make sure they do go back to prison. I love my children, I love my neighborhood and we do not want to see anything in the neighborhood which would

MINUTES OF THE MEETING OF NOVEMBER 16, 2009

further cause our homes to become less of value than they already are. We have a factory there already but we knew that when we built. We cannot sign on to have *(inaudible)* right in our neighborhood make more *(inaudible)*... These people are not welcome in our neighborhood, we did not invite them into our neighborhood and we would like to keep them out of our neighborhood and we would like someone to step up to the plate and *(inaudible)*...

PRESIDENT PRO TEM CASAR: The next speaker is Linda Stevens.

LINDA STEVENS: *(inaudible)*

PRESIDENT PRO TEM CASAR: Would you speak up a little bit Linda? Thank you.

LINDA STEVENS: Can you hear? Okay...my name is Linda Stevens, I live 206 Cole, SE in Canton Township. I had a letter to the Editor, I wanted to go over with some points that I had with everybody to see. Um...it's regarding the former inmates who are coming to the Ambassador Hotel, it's right in a residential area. Why did the Reverend have to pick this neighborhood? Why didn't he do his? I believe I am speaking for all the residents of this area. First of all there is a school eight tenths of a mile from the motel. I thought convicted sexual predators can't be around children within less than a mile. The staff will work with inmates a few hours a day then most will go home and lay their heads to rest while we have to live in fear of our children and grandchildren being abducted or killed, vandalism and robbery. Where do the inmates get the money to go out? There is a pizza shop next door, how many times will it get robbed? There are bars down the road, I hope they enjoy their neighborhood because we won't. Why are the inmates being chosen and not the victims or homeless people, even the members of the military who need help to cope from fighting in the war. Why try to help the felons who chose to commit crimes? People can't tell me they want to get a job and straighten out their lives, they chose to do the crime. Many will do it again, how can felons get a job when there aren't any jobs for innocent people? This won't be the last, that the Reverend and the Canton Township Board of Zoning Appeals will hear from us. In my opinion, all he cares about is a paycheck while we are sacrificing our lives. Once they turn out the street lights, are we going to have extra patrol? We would need extra patrol 24/7. So come on Canton Township, let's fight. Thank you.

PRESIDENT PRO TEM CASAR: The next speaker we have this evening is Bruce Schorter. Did I pronounce that correctly Bruce?

BRUCE SCHORSTEN: Schorsten.

PRESIDENT PRO TEM CASAR: Schorsten? Okay. would you please give your name and address. Thank you.

BRUCE SCHORSTEN: My name is...boy this thing is tough *(referring to the microphone)* My name is Bruce Schorsten, I live at 1045 Stone Crossing, Canton, Ohio. I come to you as a landlord in the City of Canton, and I come to you as a realtor. I was the past president of the Stark County Association of Realtors and I'm very concerned that the Ordinance that we are considering under a first reading is going to have a negative impact on the values of property within the City. I own about thirty five properties in the City of Canton. I try keep them maintained. I was an ardent supporter of City of code because I felt City code would at least assure that rental properties were safe. And they have done a terrific job in doing that over the years that I have been a realtor. But now comes a new tax assessment, charge, whatever you want to call it, it's to raise money for the

MINUTES OF THE MEETING OF NOVEMBER 16, 2009

City and it's not going to help the quality of housing, it's just going to raise the fees and the taxes that assessed upon good landlords and what will happen....as you can see, there's many landlords in the audience here, I think they should all stand up. Thank you. I think all of these landlords share a common....common bond with myself and that running rental properties is not easy. It is a very difficult job. And to add another layer of bureaucracy, potential fines on top of what we already do pay to City code, is all that does is ruffle the feathers and make many landlords, including myself say "Well I don't have to own property in the City of Canton to be a landlord, I can go to North Canton, I can go to Jackson Township, I can go to places that aren't going to assess me additional fees just because I own a property." If you make it difficult on the landlord, believe me, they will start selling and once more and more sell, the lower and lower the values will go. And if your interested in protecting your neighborhoods, you don't want to run the landlords out because they're keeping the properties up in many many instances because City code makes them do that. What I'm trying to do is eliminate Council making it so difficult on landlords that they run us out of the City and then you have a lot of vacant homes, you have a lot of blight...you'll have neighborhoods that are full of empty boarded up, and I don't think you need anymore of that. So please, consider that option when you're considering your amendment, or your Ordinance. Thank you.

PRESIDENT PRO TEM CASAR: Thank you. The next speaker we have this evening is Mike Rukavina. Would you please give your name and address.

MIKE RUKAVINA: Good evening, is that on? Good evening, my name is Mike Rukavina, I live at 1706 Neimans Ave SE, in Osburg Township and I'm here to speak tonight in opposition to the amendment to Title Seven, Housing Standards, as it is currently written. Mr. President and Members of Council, I'm a former Vietnam Marine, a retired Canton City Police Officer and a 25 year veteran professional housing provider. I would like to say that though I believe the proposed legislation has many positive aspects to it, I and many of my colleagues believe that it also has more then thirty items of concern or interest to us as it is currently written. As well as the fact that it appears to be in conflict with O.R.C. 5323.02. Details are severely lacking and much of the language is unclear, contradictory, subject to ambiguity or misinterpretation, grammatically incorrect or incomplete in thought process. Most importantly, with the exception of one brief meeting with Ms. Cavanaugh back in September, we are extremely concerned that in this Democratic society and throughout this legislative process, we the three thousand business people that collectively own fifty five percent of the City's housing stock, some seventeen thousand dwelling units worth seven hundred million dollars and housing some thirty five thousand of the City's residents, we're not so much as given a phone call to ask for our input on something so significant as this complete overhaul to the current housing code. That is absolutely incredulous to me and I think that is a tragedy and I'm appalled. Love us or hate us, the cold hard fact is that Canton is primarily a town of renters, not homeowners and that situation will not change until we bring jobs back to this City. Currently, home prices and interest rates are at all time historic lows and yet homeowners are not buying these homes, so investors are. Once the foreclosure fallout finally comes to an end, which won't be for another three years or so, you will likely realize that sixty five percent rental properties in the City of Canton. I would encourage you to embrace the professional housing providers in this community, take advantage of our housing industry experience and expertise. And I would urge you and employ you to table this legislation until it can be sent back for complete and thorough revision. And I would truly hope that you would extend an invitation to us to participate in this most important legislative process so that we might work together in anticipation of crafting legislation that will be mutually acceptable to various concerned parties and hopefully result in a greatly improved housing stock in the City of Canton, We look forward to and welcome such an opportunity. Thank you for allowing this time to present my views.

MINUTES OF THE MEETING OF NOVEMBER 16, 2009

PRESIDENT PRO TEM CASAR: Thank you Mike. I understand the Mayor informed me that your organization does have a meeting with him this week.

MIKE RUKAVINA: Yes and as a result of a meeting with the Mayor this morning, he did indicate that there was an oversight that we had not been previously invited and we look forward to meeting the Administrative staff.

PRESIDENT PRO TEM CASAR: Well, it's a start in the right direction then. Thank you. The final speaker we have this evening is Bill Malloy. Would you please give your name and address please.

BILL MALLOY: My name is Bill Malloy, I live at 649 Knoll St SE in North Canton. I am a Ohio registered Architect and a former Chief Building Inspector for Stark County. However, my current occupation is a small businessman in the City of Canton. My business is providing quality housing for residents of the City. I currently provide housing for over a hundred citizens of Canton. I've been...I've had rental properties in Canton for more than twenty eight years and all of the rental properties that I own are within the City limits. Therefore, I have a very strong interest in this proposed legislation. I also met with Mike Rukavina and Angela Cavanaugh, the Canton's Chief Building Inspector back in September to review this proposed Ordinance. She was, at that time, she was very receptive to our comments and she has included some of our suggestions in this current draft of the legislation. Overall, I think that the proposed changes that Angela discussed with us at that time are very positive, they'd be very positive for the City, for the residents and the landlords. I think it's going to....I think this legislation has a potential to be a win, win, win for everybody. Unfortunately, many of the issues that we discussed at that time are not included in the Ordinance. You know, I want to, you know, compliment the Councilman Barton and Cirelli for proposing the legislation because I think it will be ultimately a good thing for the City. The new code they're proposing, the International Building Code is a much clearer, better written standard for landlords and inspectors to follow but unfortunately, the Ordinance that's adopting that particular code, has a lot of holes in it and flaws in it that really need to be addressed before it's adopted. I don't want to try to bore Council with all the details, you know, of the things that need to be changed but there's just many important issues that we think that we need to address before Council really even seriously considers the legislation. I personally would be glad to meet with whoever is involved with writing the legislation, I'll donate whatever time it takes. You know, I think this could be done in a week if people put the time to it and bring a clean Ordinance to Council next week that the landlords will all be here supporting, as opposed to what we have here now, all the landlords opposing. Because I think if the legislation is passed in its current form, everybody is going to be suffering with it for a long time, not just the landlords but the Building Department staff trying to enforce it because it's just not a clear well written piece of legislation. I think if we can....

PRESIDENT PRO TEM CASAR: Mr. Malloy, you've exceeded your three minutes will you please bring your remarks to a close.

BILL MALLOY: Yep. I think if we can get together and make some modifications, we'll have a nice long term workable solution to help Canton maintain a quality housing stock. Thank you.

PRESIDENT PRO TEM CASAR: Thank you.

MISCELLANEOUS BUSINESS

PRESIDENT PRO TEM CASAR: We're now under Miscellaneous Business. Is there any Miscellaneous

MINUTES OF THE MEETING OF NOVEMBER 16, 2009

Business, Member West.

MEMBER WEST: Mr. Mr.

PRESIDENT PRO TEM CASAR: It's automatic. *(Laughter)*

MEMBER WEST: Just real quick. Because we have this committee meeting next week for those landlords that said they had some drafts that they would like us to see, if you could get me a copy of that so that I could look at that before next week, before we have our committee meetings so that I could weigh both sides of those...both sides of the coin if you will. Okay. Thank you.

PRESIDENT PRO TEM CASAR: Member Smuckler.

MEMBER SMUCKLER: Mr. President, I also, sitting on Judiciary, I'd like a copy in writing of some of the changes that you folks are proposing for this. Number two, question to the Assistant Law Director, what if anything can we do about something that's going on in Canton Township and not in the City of Canton?

ASSISTANT LAW DIRECTOR BATES: Legally speaking, no, there is no action this Council can take that would affect territory within Canton Township. Whether you want to use your awesome powers of politicking and persuasion, but as far as a legal Ordinance that you could pass or something, you cannot affect territory in another political subdivision, as they cannot affect it here in our territories either.

PRESIDENT PRO TEM CASAR: Is there any other further Miscellaneous Business? Member Dougherty.

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

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded that we adjourn. Roll call please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM CASAR: *(Gavel falls)* Madame Clerk. *(Laughter)*

ADJOURNMENT TIME: 8:12 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

DON CASAR
PRESIDENT PRO TEM