

MINUTES OF THE MEETING OF DECEMBER 14, 2009

PRESIDENT SCHULMAN: Good evening ladies and gentlemen. Welcome to Canton City Council. I want to, as soon as Leader Casar sits down, I would like to take the prerogative of the Chair and take Pastor Morgan out of his request to speak at the public speaks and ask him to speak very briefly right now. So it you'll give Pastor Morgan your attention. And you particularly, Leader.

C. DAVID MORGAN: Mr. President, thank you for the opportunity and particularly for doing it up front. Unfortunately this is my busy season and I have another meeting to go to. But I was wanting to come tonight because for the next couple of weeks I'll be tied up. And I was concerned that last week in the Repository, the impression was left that our Majority Leader has been simply interested in only keeping meetings back in the back room, where not everybody could hear it. For twenty-six years that I have been in this town, I think Mr. Casar has been on this Council for that long and he is retiring at the end of this year. And for those years, I have known him to be a person of substance. He has focused like a laser beam on issues that matter, particularly issues of substance, particularly when the substance has been goose poop. *(Laughter)* He is known for his attention to that. And I have told him that on the occasion of his retirement, I would want to come down and celebrate that and Mr. Casar, I am here to present to you a gift. In keeping with your focus. *(Laughter)* I tried very hard to find a place in town that would help me with this but unfortunately they told me that the geese are protected in the park, they're migratory water fowl, although they don't migrate. I suggested we might want to check their green cards because they are after all Canada geese and I'm not sure they're here legally. But I couldn't find anyone who was willing to, you know, put a little plaque on their vehicle that said official business and go and run over one of them. *(Laughter)* So I had to import a goose at great person expense. I do want to assure you that this is one goose that you will never have to worry about anything on the park, no legacy, no nothing. But it is for you on behalf of all the people who appreciate all you have done over the years and on behalf of those us who simply for years have wanted to give you the bird.

(LAUGHTER)

(APPLAUSE)

(C. DAVID MORGAN PRESENTED MAJORITY LEADER CASAR WITH A CHRISTMAS GOOSE)

PRESIDENT SCHULMAN: As I told you Leader. And I'm looking for Ruby, but I don't see Ruby tonight. I understand it was her birthday on Friday, so I wanted to recognize that, but maybe she will stroll in. Congratulations Leader, I knew you would appreciate that, and I'm sure there'll be more of that to follow in the next couple of weeks.

MEMBER CASAR: My two other friends. *(Laughter)*

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

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

11 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)

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ELEVEN COUNCIL MEMBERS PRESENT. (BRIAN HORNER ABSENT)

CLERK TIMBERLAKE: Eleven present, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Tonight our invocation will be given by Council Member, Terry Prater. Will you all please remain standing for the pledge of allegiance.

The regular meeting of Canton City Council was held on Monday, December 14, 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 5 Council Member, Terry Prater. The Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you Member Prater. We're now under agenda corrections and changes. And Members of Council, you're going to be asked to suspend Rule 22A to add the 2nd Reading of Ordinances 7 through 12. Ordinance 6 will be retained in Committee. Member Casar, or Leader Casar, the Chair will recognize that motion.

MEMBER CASAR: Mr. President, I move suspend Rule 22A and add Ordinances 7 through and including #12 on this evening's agenda.

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to 2nd Reading Ordinances 7 through and including 12 to this evening's agenda. Are there any remarks? If not, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you the motion carries and Rule 22A is suspended and those Ordinances are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We're now under Public Hearings. We have no Public Hearings this evening.

PUBLIC SPEAKS

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

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We are now under Informal Resolutions. Leader Casar, I'll recognize a motion to excuse Member Horner tonight.

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MEMBER CASAR: Mr. President, I move that 9th Ward Councilperson, Brian Horner be excused from this evening's meeting.

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to excuse Member Horner from this evening's meeting. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: The motion carries, Member Horner is excused from this evening's meeting, we're now under Informal Resolution 63. Leader Casar. Oh, Informal Resolution 63.

MEMBER CASAR: Mr. President, I move we adopt Resolution #63.

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution 63. Are there any remarks?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Mr. President.

MEMBER CIRELLI: I introduced this Resolution because in the past I've been a Red Cross gray lady many years ago at three hospitals that we had. And they were very grateful to get it. I only had one problem is, I couldn't be there to get it because obviously I was under the weather. So I seen that it was delivered and they were very appreciative of it. So, I appreciate everybody's support.

PRESIDENT SCHULMAN: Great, thank you and thank you Member Cirelli for recognizing her. Are there any other remarks? Hearing none.....would you like it....you want to read the title Madame Clerk.

#63. CIRELLI, M., CNCL-AT-LARGE: COMMENDING SIA POPE FOR RETIREMENT FROM AMERICAN RED CROSS OF STARK COUNTY. - ADOPTED

PRESIDENT SCHULMAN: It's that's been moved and seconded for adoption. All those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #63 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it, the motion carries. The Resolution is adopted. Resolution 64 please Madame Clerk.

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#64. SMUCKLER, B., CNCL-AT-LARGE: CONGRATULATING TRINITY GOSPEL TEMPLE FOR 45 YEARS OF SERVICE TO THE CANTON COMMUNITY. - ADOPTED

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Resolution #64.

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution #64. Are there any remarks? Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #64 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it, the motion carries. Resolution 64 has been adopted.

COMMUNICATIONS

PRESIDENT SCHULMAN: We are now under Communications. And 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 DECEMBER 14, 2009.

515. COUNCIL-AS-A-WHOLE: COMPENSATION DECREASES FOR CITY COUNCIL MEMBERS. - PERSONNEL & FINANCE COMMITTEES
516. HEALTH BENEFITS ADMIN, MCBRIDE: NOV 2009 MONTHLY COMPARATIVE RPT - INS CLAIMS & JAN - NOV 2009 CLAIMS ACTIVITY. - RECEIVED & FILED
517. LAW DIRECTOR MARTUCCIO: REQ LEGISLATION TO EXECUTE EASEMENT FOR BRIDGE REPLACEMENT PROJ @ GUILFORD AVE NW FOR PIPE RELOCATION. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
518. MAYOR WILLIAM HEALY: ADVISE RE-APPT OF DANNY THOMPSON TO CANTON CITY PLANNING COMMISSION FOR SIX YR TERM COMMENCING 1/1/10 TO 12/31/15. - RECEIVED & FILED
519. MAYOR WILLIAM HEALY: AUTHORIZE APPT OF DONALD SINGER TO HARTFORD HOUTS POOR FUND FOR FIVE YR TERM RETRO DATE OF 11/1/09 - 10/31/14. - PERSONNEL COMMITTEE
520. SERVICE DIRECTOR PRICE: REQ PARTICIPATORY COOPERATIVE LEGISLATION W/ODOT FOR URBAN PAVING PROJ ON SR627, FAIRCREST ST. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

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521. WEST, THOMAS, WARD 2 CNCLMBR: REQ LEGISLATION FOR CITY TO PURCHASE PROP @ 902 CHERRY AVE NE. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: We are now under Ordinances and Formal Resolutions for the First Reading. Let the journal show that all Ordinances are being given their reading as required by state law. Madame Clerk would you please read the 1st Reading Ordinances by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #1 THROUGH #5 FOR THEIR FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (ICAN HOUSING SOLUTIONS - OUT LOT #1140, RICHMOND AVE NE) **PUB HRG 12/28/09 @ 7:30 P.M.**
Referred to Judiciary Committee
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- #2. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO PURCHASE REAL PROPERTY IN CONJUNCTION WITH THE NEIGHBORHOOD STABILIZATION PROGRAM; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE DEMOLITION OF THE BUILDING LOCATED ON THE PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- #3. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO JOB CREATION TAX INCENTIVE AND NET PROFITS INCENTIVE AGREEMENTS WITH MEDLINE INDUSTRIES, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- #4. (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF OUT LOTS 1306 AND 1307; AND DECLARING THE SAME TO BE AN EMERGENCY (IN MILLS INDUSTRIAL PARK - GBC DESIGN)
Referred to Public Safety & Thoroughfares Committee
- #5. (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE DEDICATION PLAT OF A PORTION OF HARMONT AVENUE AND SLOPE EASEMENTS; APPROVING AND ACCEPTING THE REPLATTING OF LOT 42587 AND PART OF LOT 37251; AND DECLARING THE SAME TO BE AN EMERGENCY (BAYER BECKER)
Referred to Public Safety & Thoroughfares Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We're now under Ordinances for the Second Reading. Madame Clerk would you

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please read Ordinance 6. (*Laughter*) We were just commenting up here, it sounds like the old Molly Stark up here, everybody is coughing and Joe and I are coughing behind the scenes and..... Alright, so anyway, Ordinance 6 please.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #6 THROUGH #12 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #6. (2ND RDG) ***RETAINED IN COMMITTEE*** AN ORDINANCE AMENDING TITLE SEVEN, HOUSING STANDARDS, OF PART THIRTEEN - BUILDING CODE OF THE CODIFIED ORDINANCES
- #7. (2ND RDG) AN ORDINANCE AMENDING TITLE FIVE - ADDITIONAL PUBLIC SERVICES TO PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE OF THE CODIFIED ORDINANCES BY THE ADDITION OF CHAPTER 972, SPECIAL EVENTS
- #8. (2ND RDG) ***ADOPTED AS ORDINANCE NO. 238/2009*** AN ORDINANCE AUTHORIZING THE SETTLEMENT OF *TROY PIROLOZZI V. ERIC STANBRO, ET AL.*; AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY APPROPRIATING FROM THE UNAPPROPRIATED BALANCE AND ALLOCATING SAME TO ITEM HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move the Statutory Rules be suspended on Ordinance #8.

MEMBER DOUGHERTY: Seconded

PRESIDENT SCHULMAN: It has been moved and seconded to suspend the Statutory Rule for Ordinance #8. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS; 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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

MEMBER CASAR: Mr. President, I move we adopt Ordinance #8.

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded to adopt Ordinance #8. Are there any remarks

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under this Ordinance? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS; 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#8 ADOPTED AS ORDINANCE NO. 238/2009

PRESIDENT SCHULMAN: Ordinance #8 is adopted. Ordinance #9 please.

#9. (2ND RDG) **ADOPTED AS ORDINANCE NO. 239/2009** AN ORDINANCE AUTHORIZING THE AUDITOR TO ENTER INTO AGREEMENTS WITH SQUIRES, SANDERS AND DEMPSEY TO ISSUE A ONE YEAR BOND ANTICIPATION NOTE; AND DECLARING THE SAME TO BE AN EMERGENCY (TROY PIROLOZZI V. ERIC STANBRO, ET AL)_____

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we suspend the Statutory Rules on Ordinance #9.

MEMBER DOUGHERTY: Seconded

PRESIDENT SCHULMAN: It has been moved and seconded to suspend the Statutory Rules for Ordinance #9. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS; 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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

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

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded to adopt Ordinance #9. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS; 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#9 ADOPTED AS ORDINANCE NO. 239/2009

PRESIDENT SCHULMAN: Ordinance #9 is adopted. Ordinance #10 please.

#10. (2ND RDG) **ADOPTED AS ORDINANCE NO. 240/2009** AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED BY MAKING THE SUPPLEMENTAL

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APPROPRIATIONS AND INTERFUND TRANSFER HEREIN DESCRIBED: AND DECLARING THE SAME TO BE AN EMERGENCY (TROY PIROLOZZI V. ERIC STANBRO, ET AL \$1,800,000.00)

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER DOUGHERTY: Seconded

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

NO REMARKS

ROLL CALL: 11 YEAS; 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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

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

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It has been moved and seconded to adopt Ordinance #10. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS; 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#10 ADOPTED AS ORDINANCE NO. 240/2009

PRESIDENT SCHULMAN: Ordinance #10 is adopted. Ordinance #11 please, Madame Clerk.

#11. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO: ADVERTISE, RECEIVE BIDS AND ENTER INTO A CONSTRUCTION CONTRACT FOR THE SHERRICK ROAD IMPROVEMENT PROJECT, G.P. 1121; EXECUTE A PROFESSIONAL SERVICES CONTRACT FOR CONSTRUCTION ENGINEERING SERVICES WITH OMNI PRO SERVICES LLC; AND TO RECEIVE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDS IN THE AMOUNT OF \$1,500,000.00 FOR THIS PROJECT THROUGH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO FUND THE COST OF BOTH THE CONSTRUCTION AND CONSTRUCTION ENGINEERING CONTRACTS; AUTHORIZING THE AUDITOR TO ESTABLISH THE 4559 SHERRICK ROAD IMPROVEMENT FUND, G.P. 1121; AMENDING APPROPRIATION ORDINANCE NO. 193/2008; AND DECLARING THE SAME TO BE AN EMERGENCY

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- #12. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO; ENTER INTO AGREEMENTS FOR GRANTS WITH THE U.S. DEPARTMENT OF ENERGY AND AMERICAN ELECTRIC POWER AND TO RECEIVE THE SUBSEQUENT GRANTS; TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH URS CORP. FOR THE COMPLETION OF A COMPREHENSIVE DETAILED ENERGY AUDIT IN AN AMOUNT NOT TO EXCEED \$75,000.00; TO ADVERTISE, RECEIVE BIDS AND ENTER INTO VARIOUS MATERIALS, SUPPLIES AND CONSTRUCTION CONTRACTS NEEDED TO CONSTRUCT IMPROVEMENT PROJECTS, AND/OR ENTER INTO CONTRACTS FOR THE PURCHASE OF MATERIALS AND SUPPLIES PURSUANT TO REVISED CODE SECTIONS 125.04 AND 5513.01; AUTHORIZING THE AUDITOR TO ESTABLISH THE 2236 ENERGY EFFICIENCY AND CONSERVATION GRANT FUND; AMENDING APPROPRIATION ORDINANCE NO. 193/2008; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Very good Madame Clerk. We're now under Ordinances for their Third and Final reading. Madame Clerk will you please read Ordinance 13 by title.

- #13. (3RD RDG) **ADOPTED AS ORDINANCE NO. 241/2009** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE STARK COUNTY PUBLIC DEFENDER COMMISSION FOR THE PROVISION OF LEGAL SERVICES TO INDIGENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #13. Any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS; 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#13 ADOPTED AS ORDINANCE NO. 241/2009

PRESIDENT SCHULMAN: Ordinance #13 is adopted. Ordinance #14.

- #14. (3RD RDG) **ADOPTED AS ORDINANCE NO. 242/2009** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR SERVICE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE OHIO EPA AND THE OHIO WATER DEVELOPMENT AUTHORITY FOR AMERICAN RECOVERY AND REINVESTMENT ACT FUNDS AND WATER POLLUTION CONTROL LOAN FUNDS IN THE FORM OF A STANDARD LOAN

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WITH PRINCIPAL FORGIVENESS; DESIGNATING THE 4501 CAPITAL IMPROVEMENT FUND AS THE LOAN REPAYMENT SOURCE; AUTHORIZING THE AWARD OF A CONSTRUCTION CONTRACT AND THE MAYOR AND/OR SERVICE DIRECTOR TO EXECUTE SAID CONTRACT; AMENDING APPROPRIATION ORDINANCE NO. 193/2008; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Casar.

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

MEMBER DOUGHERTY: Seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS; 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#14 ADOPTED AS ORDINANCE NO. 242/2009

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

#15. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 243/2009** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE: TO PURCHASE A 12 ACRE TRACT OF LAND INCLUDING MINERAL RIGHTS IN AN AMOUNT NOT TO EXCEED \$186,313.50; ACCEPT DONATION OF REAL PROPERTY IN THE AMOUNT OF \$60,436.50; ENTER INTO AGREEMENT TO PURCHASE SAID PARCEL; RECEIVE FUNDS IN THE AMOUNT OF \$186,313.50 FROM THE CLEAN OHIO CONSERVATION FUND FOR THE PURCHASE OF SAID PARCEL; RESERVE THE PARCELS FOR PRESERVATION PURPOSES AND PASSIVE RECREATIONAL AND EDUCATION ACTIVITIES; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #15.

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #15. Are there any remarks Leader Casar? I think this is going to be amended.....per the copy....

MEMBER CASAR: Yes, amended per the copy that all Councilpersons received in Caucus this evening

MEMBER DOUGHERTY: Seconded.

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Pursuant to Rule 36, I move to amend Agenda Item No. 15 by amending Section 1 to read as follows:

Section 1. The Mayor and/or Director of Public Service, on behalf of the city of Canton, is authorized and directed to purchase an approximate 12 acre tract of land adjacent to the existing Mallonn Park (fka Raff Park), including mineral rights, in order to augment and extend said Park. The purchase price of the parcel is hereby established at the appraised price of \$235,000.00 plus mineral rights (valued at 5% of appraised price) for a total of \$246,750.00. The real property is described as follows:

Known as and being Parcel No. 1400083 containing 12.00 acres in the Township of Canton, Stark County, Ohio.

The entire legal description of the foregoing parcel is attached and marked as Exhibit A.

PRESIDENT SCHULMAN: Thank you. It's been moved and seconded to amend Ordinance 15 per the copy before each Member of Council. Are there any remarks on the motion? Hearing none, by voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED BY VOICE VOTE
(MEMBER CIRELLI VOTED NO)

PRESIDENT SCHULMAN: The Ordinance is amended. Leader Casar.

MEMBER CASAR: Mr. President, I move we adopt Ordinance #15 as amended.

MEMBER DOUGHERTY: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #15 as amended. Are there any remarks? Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. I apologize for my vocal chords in my throat. But I had an awful lot of questions on the purchase of this property. And I still have some questions even though Mr. Moeglin came in and gave a grandocious explanation of it all. But I'm from the old school, first of all, I don't see as this property is an eminent dom....eminent....the value of it is going to be, you know, immediately purchased by somebody else for something. Maybe I attended, when I was growing up, I went to too many auctions and you always try to get the best deal. What we're paying for this, even though it is a Government grant, is eight times what the property is valuated at in the Auditor's Office on his site. It's \$33,000.00, a little bit over that, \$33,400.00 and we're paying 160 some or 70 some thousand dollars. It reminds me of big Government when they buy toilet seats for \$500.00. Now, I could maybe live with this, the property is not even in the City of Canton, it is in the Ci...it's in Canton Township. I think, and I can appreciate your comments Mr. President about the sustainability issue of the fact that for generations to come. But, I do not see that this...we are in any immediate danger of this property being turned into something, then I could maybe support it. But right now, I think it's an outlandish expenditure of taxpayers' dollars and it's still taxpayers' money, whether it's a grant or what have you. And even on a Federal level, where we're facing trillion dollar deficits, we're willing to go ahead and purchase something. And I really cannot in good honestly support this especially whenever it went to Community and Economic Development, I emailed the package to Mr. Torres

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and he asked me who initiated this because he didn't know anything about it. And it was partly, supposed to be Community and Economic Development. So, in all good conscience, I have to vote no against this sir. Thank you.

PRESIDENT SCHULMAN: Any other remarks?

MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: I'd like to state that according to Member Cirelli, yes, we're not in any danger of anyone else purchasing this property now. But the fact is, we have the money now from the State and if the State investigated it and cleared us for the grant, I too am against that price for that land but if we don't use this money, it'll be sent back to the State and the State will give it someone else. So, we may as well...may as well use it and down the road that piece of property maybe good, not only for preservation purposes but also to add to Mallonn Park, which is a great asset to the Northwest end.

PRESIDENT SCHULMAN: Thank you Leader. Any other remarks?

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Member Kraus.

MEMBER KRAUS: Thank you. Mr. President, as you know, I'll be leaving here at the end of the year and I've never walked away or abstained from a vote. But in this case, I'm going to because I'm personal friends, very close with the people that own this. And I'm going to hold my personal feelings...even though I think it's a good project, I don't want to be part of the Councilman coming in to inherit anything on this cost factor. So, as per me knowing the people, I am going to abstain from this vote.

PRESIDENT SCHULMAN: Thank you. Any other remarks? I just want to basically reiterate what I said in Caucus to the public. This is only the second time that I've ever commented on legislation pending before City Council. I am reluctant to ever intrude on your prerogative as legislators. But, as Member Cirelli...and I think Member Cirelli, you have some very strong arguments and you're making them, I know in good faith. However, this is a sustainability issue. We have to become sustainable and the City of Canton is a leader in sustainability in my judgment. A friend of ours, who attends every night gave me the history of the Canton water supply and I had never read it and of course, you know, we're very interested in our water. But in 1956, this Council spent 6.5 million dollars, authorized 6.5 million dollars to build a pipeline to the Sugar Creek water supply. Now, I can probably say that there were Members of Council who said "Are you crazy?" 6.5 million dollars in 1956, but the vision that they had went beyond themselves, it went to other generations coming ahead of them, us. And I think we owe a duty, as I said, and this is no reflection on Member Cirelli, because I hear what she is saying. I think we owe a duty to future generations whenever we have the opportunity to bring into our City a wetlands, something that is so important to not only nature but to our very existence. You know, the wetlands provide a.....they filter our water. And Dan Moeglin, who no one works harder on that issue on sustainability then Dan Moeglin, he says it's a good idea, the State of Ohio has vetted it, it says it's a good idea. And lastly, I wish we could buy property on the Auditor's estimate of what a property is worth. But we know that's not the case, it's always substantially less. I'm sure my home is

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substantially less and I wouldn't want to sell it for the Auditor's amount. So, I'm not sure that, in and of itself should lead you to conclude that this not a fair purchase. But it is important and I'd ask you to all consider the future generations as the City Council in 1956, thought of the future generations to come. So, any other remarks? With that, it's now vote time, Madame Clerk. You're voting on Ordinance 15 as amended. Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 7 YEAS; 3 NAYS; 1 ABSTAIN

(MEMBERS CIRELLI, SMUCKLER & HAWK VOTED NAY; MEMBER KRUEAS ABSTAINED)

CLERK TIMBERLAKE: Seven yeas, one nay, one abstain.

#15 ADOPTED AS AMENDED AS ORDINANCE NO. 243/2009

PRESIDENT SCHULMAN: The motion carries and the Ordinance is adopted. Then that concludes the Resolutions for third and final reading.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: We're now under announcement of Committee Meetings. Member Hawk.

MEMBER HAWK: No this week.

PRESIDENT SCHULMAN: Oh my gosh. Meeting is adjourned. *(Laughter)* Okay.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Judiciary will be meeting Monday, December 21st at 6:30 P.M.

PRESIDENT SCHULMAN: Thank you.

MEMBER KRAUS: Mr. President.

PRESIDENT SCHULMAN: Member Kraus.

MEMBER KRAUS: Public Safety and Thoroughfares will meet 12/21 at 6:30.

PRESIDENT SCHULMAN: Thank you.

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel will meet 12/21 at 6:30.

PRESIDENT SCHULMAN: Thank you.

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MEMBER CASAR: Mr. President.

PRESIDENT SCHULMAN: Leader Casar.

MEMBER CASAR: Community & Economic Development will also meet.

PRESIDENT SCHULMAN: Great, thank you. Anyone else?

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT SCHULMAN: We're now under Public Speaks, Open Forum. We have three speakers this evening. For those of you who have not spoken, we appreciate you being here. We would only ask that you follow our Council Rule and please keep your remarks within three minutes. I try to be somewhat generous but if you'll respect that we would appreciate it. Our speaker is John Swartz. And by the way, John was the one that gave me the history of the Canton water supply, which was a fascinating lead. So, good evening and if you'll introduce yourself and give us your residential address.

JOHN SWARTZ: I'm John Swartz and I live at 239 Perry Drive, NW in Perry Town....it's actually Perry Township. But I'm here because of vision. And I think it's really critical, this came up at the last meeting and I've wanted to do something with these City plats. And this is a key to vision. These are plats, the first one, the first one I have is from 1820. And what it shows you is who owned every property in the City at that time. I'm going to give copies to, I have twenty, so you could pass these around.

PRESIDENT SCHULMAN: Thank you.

JOHN SWARTZ: This is really an example of opportunity. And I have the other one, which is actually, I have these on overheads and I don't know, could I put these on top of your names? Could I try it anyway Cindy? Just to see if it will appear?

PRESIDENT SCHULMAN: Member Hawk, you own an entire neighborhood according to this plat.

MEMBER HAWK: Good, give me \$200,000.00 for it.

(Laughter)

PRESIDENT SCHULMAN: Okay John.

JOHN SWARTZ: You see the prices on those lots don't ya? Actually, I need one.

CLERK TIMBERLAKE: Here.

JOHN SWARTZ: The one on your left, the yellow one, you can see it up there I think. It's the yellow one next to Griffin, next to Jim Griffin. But anyway, that lot was unsold in 1820 and these were all the lots Bazaleel Wells did and these were found in the biography of Bezaleel Wells by E.T. Heal. But it's really fascinating to look at who owned the lots at that time. Now the Bow Building, I bring this up because the last Council Meeting you talked about what's going to happen to the Bow Building and the Mayor mentioned that it goes first to the Federal, then it goes to the State level then the County and then down to us if none of them

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want to do something with it. And I brought this up because I wanted to show you how a vision can change this. And if you look at the orange one, you see the little orange one down there? That is actually where the McKinley Grand Hotel is right now. Somebody saw an opportunity because at one time that was the Saxton block and that was right across from Mrs. McKinley's home, the one...the Saxton Building right now. But there was at that time, it's called a Saxton block, there was a building in the front of it and behind it was The Grand Opera House. And if you look at The Grand Opera House, I should have brought a copy of it, it looks like, honest to God, Lincoln Art Center in New York. It's an older building but it has the three arches, it's a beautiful building. In any case, that burned down with the Saxton block, around the turn of the century. And so what they decided they were going to build a Saxton Hotel, actually it was the turn of the century, it was 1901, they're going to build a Saxton Hotel and nothing was going to be said much about The Grand Opera House, except that before that when the really neat characters here, Louis Shaffer, who started the fire department, libraries, did all kinds of things. He was also offered to be Ambassador to France because he spoke three languages, a real character. In any case, they decided to put the building up as a hotel but decided to name it McKinley because McKinley had been assassinated. Well, behind that, there was nothing going to be built, so eventually when they got, went under fire. So they both burned down at the same time, they put up this (*Inaudible*)...The McKinley Grand with the insight that this was a historic site tied to famous people. And so, what I'm saying is, if you look at that Bow Building, that thing, the first plat is 1820, there's nothing there. If you go to 1870, which I have here, there were two buildings on that lot, actually, in 1855 a young man named William Martin was born, his father had a rope making building right across from City Hall. And he, the kid, invented this rope making machine. Later on he invented a little plane, he got a patent for with a rubber band (*Inaudible*). But he's the one whose work hung in the Smithsonian for years, he invented the model plane. Major person in flight, born on that very site, the Bow Building. If you move a little bit farther on thethe International Order of Odd....what is it...OOOF, Odd Fellas. The Odd Fellas built a building there and that was built by Guy Tilder, the architect who built also the library building, the old Carnegie. But a lot of really great architects from here. So that building was there and on the basement level of that was an auto dealership. Well, that's where they started the NFL in that same building. So, you got a whole history, also the library building was in there before it became over here. So there's all this history in this one building and I think if you start looking at these things you say, well there's opportunity there and somebody did take the opportunity and (*inaudible*)...it was just in the paper this week came up with the idea, why not a Hall of Fame here from one of these things. What I'm saying is, if you have visionary people, they can take history and make it into progress, into vision, that means jobs. So, we're on hold right and everybody talks about we're being on hold because the economy is down in the bottom but we need the visionaries. A lot of times it's people with a lot of money who see a vision and they're willing to support it. So, what I'm suggesting here again is, we have one of the riches histories of any City in the Country, we really do. I don't think any City can claim to have the Hall of Fame, Presidential residence, a museum and a First Ladies Museum in one little City, I mean I'm not talking about little, it's not huge, but there's so many other things here that could be done, okay fine. But anyway, I just wanted to share that with you because I think whenever a vision comes up (*inaudible*) And so, Mary asked me, I told her I love that building and she says "Well see what ya can with it and that's why I'm here. Thank you.

PRESIDENT SCHULMAN: Thank you John. Thank you. Our next speaker is Leon Cote, Leon.

(*Inaudible from the audience*)

PRESIDENT SCHULMAN: Ruby is it....Ruby...Ruby is it you're birthday Friday? Was it your birthday? Happy Birthday.

(*Applause*)

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PRESIDENT SCHULMAN: And many healthy and happy ones.

LEON COTE: My name is Leon M. Cote, I live at 1225 41st St NW in Canton, Ohio. Mr. Mayor, Mr. President, Members of City Council, Members of the Mayor's cabinet, ladies and gentlemen, approximately thirty years ago a City Councilor by the name of Robert Capestrain introduced an Order into this august Body's proceedings. And he asked that the City Council consider putting in a public speak section of the City Council Meeting and that was adopted by people that were with foresight, giving the people of the City of Canton an opportunity to come down here and address this Body. I understand the newly elected Member of the, who will be the Majority Leader, Mr. Dougherty is suggesting that they will start holding the Committee Meetings in the Council's Chambers. I wish to commend Mr. Dougherty for the foresight of taking the Caucus...the Committee Meetings out of the back, smoke filled rooms and putting it out into the light of public because that's actually, as we all know, that's where all the action is. That's where the discussion is on what bills are going to be passed and it should be in a public setting where everyone who wants to see it and hear it can sit down and listen and hear it and see it. And I want to commend you and I know thirty years down the road David, somebody is going to be up here commending David Dougherty for the foresight of instituting this policy. I would ask all of the City Council Members to consider adding something new to the Agenda in the future. Starting with the first of the year, I would ask that under public speak, you put an item of answering the people that came up here, the previous week with a problem, the Department Head to give you an update on what has been done on that, taking care of that problem. I know poor Ruby has talked for like two months in a row and I think if maybe, if you...if you put that on the Agenda, maybe the department head will take care of the problem and you're not going to have to hear it repeated week in and week out. There are times we sit in that audience the same as you do and some of them you want to cry for because of what they are experiencing that they should not have to experience in our beautiful City. So, without being on a soapbox, I would ask you to consider that of putting that on the Agenda. Now, it's putting a little heat on some of the department heads but you know what, that's what gets things done. And last but not least, David, I would offer you the same advise I offer every newly elected office holder, I would like you to remember that the biggest room in the world is the room for improvement. And I wish you the best. Thank you.

PRESIDENT SCHULMAN: Thank you Leon. I know I started this by saying something about three minutes. I don't know, maybe I just, I have no authority, no power apparently. Our next speaker is Joyce Sumlin but thank you Leon and thank you John, I'm just teasing you. Ms. Sumlin, if you'll give us your name and residential address. Happy Holidays and good evening.

JOYCE SUMLIN: Thank you. My name is Joyce Sumlin, I reside at 1627 Gateway SE in the City of Canton. And so I'm standing here today, it's kinda like bittersweet. Congratulations Dave on your new appointment, you deserve it. And then my friend Butch Kraus is leaving, which he's done a wonderful, wonderful job for all of us. And no, Casar, I'm not giving you the bird, but I'm giving you the blessing. And I just want to say thank you to the Administration and everyone because it's been trying times for all of us and we want to thank you for the turkeys and stuff that were distributed to our families from the Administration. And I want to thank the ones that come to The Monroe Center on the weekends when you don't have to do that, when you have your own personal families and your own personal things you have to do. Thank you Director Torres for that. So many times, people do things behind the scenes that no one doesn't know about and they don't want to have no show or glory. But I just want to tell you thank everyone for supporting us. And Joe Martuccio, thank you paisan for all the good that you do to so. I'm going to miss you Casar, blessings not the bird. And of course you know Butch, you always have my support. Thank you.

PRESIDENT SCHULMAN: Thank you Joyce, very much.

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

MEMBER CIRELLI: Thank you Mr. President. This is something I have to bring up, I was going to let it pass but when I heard about visionaries and Government and being sustainable, we all know the trillion dollar debt that our Federal Government is facing. Is anybody aware that the Senate voted today and sent to the President, now keep in mind, they froze Social Security but they gave a 2% increase to all Federal Employees and they sent it to the President to sign. Now, that doesn't seem very sustainable to me sir and it's our own party.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Member West.

MEMBER WEST: Mr. President, I just want to thank the Engineering Department for putting up Christmas lights on short notice. The Nimisilla Park Committee put up Christmas lights on the gazebo in Nimisilla Park and they did it in one day. So, I just wanted to thank them for that. Thank you.

PRESIDENT SCHULMAN: Thank you. 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: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: *(Gavel falls)* The meeting is adjourned. Thank you ladies and gentlemen, safe travel home.

ADJOURNMENT TIME: 8:15 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT