

**MINUTES OF THE MEETING JANUARY 25, 2010**

PRESIDENT PRO TEM SMUCKLER: I'd like to call this meeting of Canton City Council to order. Roll call.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

12 COUNCIL MEMBERS PRESENT: (DAVID DOUGHERTY, TERRY PRATER, MARY CIRELLI, JOE COLE, BILL SMUCKLER, GREG HAWK, THOMAS WEST, JAMES GRIFFIN, CHRIS SMITH, PATRICK BARTON, MARK BUTTERWORTH & BRIAN HORNER)

TWELVE COUNCIL MEMBERS PRESENT. (PRESIDENT SCHULMAN ABSENT)

CLERK TIMBERLAKE: All present, Mr. President.

**EXCUSE MEMBERS**

PRESIDENT PRO TEM SMUCKLER: OK, I'd like to have a motion from the Majority Leader to excuse Members.

MEMBER DOUGHERTY: Mr. President I move we excuse Member, President Allen Schulman.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to excuse Council President Allen Schulman. Roll Call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: Council Member Allen Schulman is excused. We are now going to have the invocation given by Member Cirelli. Will you all please rise, followed up by the Pledge of Allegiance.

*The regular meeting of Canton City Council was held on Monday, January 25, 2010 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Council-at-Large Member, Mary Cirelli. The Pledge of Allegiance led by President Pro Tem Smuckler.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT PRO TEM SMUCKLER: We're now under agenda correction and changes.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: I'd like to suspend Rule 22A to add 2<sup>nd</sup> Reading Ordinances 10 through 19.

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MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to add Ordinances 10 through 19 to the agenda. Any discussion? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: The motion has passed.

**PUBLIC HEARINGS**

PRESIDENT PRO TEM SMUCKLER: There are no Public Hearings this evening.

**PUBLIC SPEAKS**

PRESIDENT PRO TEM SMUCKLER: We are now down to Public Speaks. There are two people signed up for Public Speaks. First person signed up, I'm gonna butcher this name and I apologize ahead of time. Ezzio Pocci.

MEMBER DOUGHERTY: Pocci.

EZZIO POCCHI: I'm Ezzio Pocci. 2425 Bollinger Ave NE, Canton. First off I'd like to commend, I hope I pronounce your name properly, Schulman. It's a wonderful thing you did for charity. More people should follow you, your example. I'm here on because what happened to me January 8<sup>th</sup> on a Friday. I go to, I went to physical therapy on West Tusc. Aultman physical therapy, 2615 West Tusc and I had to climb. They had no sidewalks to get up this bank, no handrails and I'm walking in the snow. When I got near the top, had my boots on, the snow under the snow was all ice and I fell and injured my shoulder and hip. My daughter took my to Aultman North for X-rays. The point I'm trying to make - Why isn't there any steps, that's a public institution I guess. There's a lot of old people that go there and another thing I'd like to recommend. I don't know if you people ever heard of Teresa Thompson. She's the Director of SARTA transportation and she's wonderful. She's helped me a lot. She's given me special cards to get off special places. Help me cause of my it's hard for me to see and I'm physically handicap. I guess it's, I don't know if I said enough but no, one other thing I'd like to know. I try to get, today I tried to get an accident report from the manager there at the Aultman physical therapy and she said I'm not allowed to have any and I have to hire an attorney to get a subpoena to get it. I can't believe it. I thank you very much.

PRESIDENT PRO TEM SMUCKLER: Thank you sir. Appreciate you coming tonight. First of all, Mr. Schulman is not present tonight and I know that he did a wonderful thing for charity and Mr. Dougherty I'm sure can talk to you about, more about Aultman after the meeting and what you can take care of with them. Next person signed up to speak is Kristi Ackerman.

KRISTI ACKERMAN: Good evening. Basically the reason I am here is more of a thank you than anything else. Exactly, almost exactly I came....Oh, I'm sorry, Kristi Ackerman 1637 Monter Avenue, I apologize. A year ago I came to City Council. I became the manager of the Downtown branch of First Merit. I basically, I don't want to say pleaded but I asked for the support and help from City Council, for the fact that we have a company that was doing very, very well. It's rated in the top banks in the nation for being a small bank and

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the fact that the Downtown branch was the one that was actually struggling more than any of them to the fact that the bank was actually considering closing the doors. In one years time, at the end, in December 2008 the branch was at a negative 11.3 in net revenue. Exactly one year later, we are at a positive 11.9 in net revenue so we grew a tremendous amount in one years time. A lot of it is just to the hard work of my branch staff, myself, I'm even going to say that because I worked a lot of hours and the support of the city and the county. I do appreciate that and I want to thank all of you for the fact that you guys have continued to support the businesses downtown especially First Merit. I also, because the branch is doing so well for the first time in eight years, First Merit is allowing that branch to actually house a full time manager rather than myself who was splitting my time between two different branches. The branch is doing well enough to be able to support the salary of a full time manager so I brought with me tonight Tyler Hudson who's in the back. Tyler will be the new manager at the Downtown office and I ask, please, that you all continue to support him and show him the same amount of respect that you did with myself. I will still be around though, I manage the East 62 office so don't forget about me out there as well. And that's all I want to say. Thank you very much.

PRESIDENT PRO TEM SMUCKLER: Thank you Kristi. *(APPLAUSE)* Some positive economic news in Canton.

**INFORMAL RESOLUTIONS**

PRESIDENT PRO TEM SMUCKLER: We have no Resolutions for this evening's agenda.

**COMMUNICATIONS**

PRESIDENT PRO TEM SMUCKLER: 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 JANUARY 25, 2010.***

34. COMPLIANCE DIR MINOR SMITH: AUTHORIZE MAYOR OR SERV DIR TO ISSUE REQ FOR PROPOSALS & REC & REVIEW PROPOSALS FOR FUTURE USE OF SPACE @ EDWARD "PEEL" COLEMAN CENTER VACATED BY THE STARK CNTY LIBRARY. - FINANCE COMMITTEE
35. COMPLIANCE DIR MINOR SMITH: AUTHORIZE MAYOR OR SERV DIR TO REQ & RECEIVE BIDS FOR THE DESIGN & CONSTRUCTION OF AN INDOOR WATER FACILITY @ THE EDWARD "PEEL" COLEMAN CENTER, 1400 SHERRICK RD SE USING \$500,000.00 RECEIVED FOR SAME. - FINANCE COMMITTEE
36. GRIFFIN, J., WARD 3 CNCLMBR: NAMING AN UNNAMED ALLEY LINDESMITH COURT SW WHICH IS LOCATED BETWEEN WERTZ SW & EXETER AVE SW AND ONE ALLEY SOUTH OF GROVE PL SW REPLACING LINDESMITH WHICH WAS PREVIOUSLY VACATED. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
37. HABITAT FOR HUMANITY, APPLICANT: APPLICATION TO VACATE LLOYD CT NE

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RUNNING FROM SANDAL PL NE A DISTANCE OF 85'. - PLANNING COMMISSION

38. LAW DIRECTOR MARTUCCIO: AUTHORIZE EXECUTION OF CONTRACTS W/VARIOUS CITIES FOR NEXT 2 YRS RE: PROSECUTORIAL DUTIES IN CANTON MUNICIPAL COURT. - FINANCE COMMITTEE
39. LAW DIRECTOR MARTUCCIO: AUTHORIZE PREPARATION OF LEGISLATION TO ALLOW LAW DEPT TO REFLECT RECENT CHANGES TO TRAFFIC CODE SOONER RATHER THAN LATER. - JUDICIARY COMMITTEE
40. MAYOR HEALY: AUTHORIZE APPT OF NICHOLAS RAMPHOS TO BD OF BLDG APPEALS FROM 1/1/09 TO 12/31/11. - PERSONNEL COMMITTEE
41. MAYOR HEALY: AUTHORIZE RE-APPT OF JOHN PICARD TO BD OF BLDG APPEALS FROM 1/1/10 TO 12/31/12. - PERSONNEL COMMITTEE
42. MAYOR HEALY: APPROVAL OF APPT OF MICHAEL RUKAVINA TO CANTON CONSTRUCTION BD FROM 1/1/10 TO 12/31/12. - PERSONNEL COMMITTEE
43. MAYOR HEALY: APPROVAL OF APPT OF DAWN DEVINE TO INVESTMENT BD FROM 1/1/10 TO 12/31/11. - PERSONNEL COMMITTEE
44. MAYOR HEALY: AUTHORIZE APPT TO THE FAIR EMP PRACTICES BD OF LORI ADKINS, RETRO 11/22/09 TO 11/21/12, AMY WEISBROD, RETRO 1/1/10 TO 12/31/12 & BRYAN CROMWELL RETRO 1/1/10 TO 12/31/12. - PERSONNEL COMMITTEE
45. PLANNING COMMISSION: RECOMMENDS APPROVAL OF PROPOSED REPLAT OF LOTS 1669 & 1670 PART OF LOT 1671 & PART OF A 15.25 FOOT VACATED ALLEY; WARD 2 (HABITAT FOR HUMANITY). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
46. PLANNING COMMISSION: RECOMMENDS APPROVAL OF PROPOSED VACATION OF MENTZER PL NE BETWEEN WALNUT & REX AVE NE; WARD 2 (YWCA - DEVELOPMENT OF HOUSING UNIT FOR WOMEN). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
47. PLANNING COMMISSION: RECOMMENDS DENIAL OF PROPOSED ZONE CHANGE @ 1639 MAPLE AVE NE, LOT #9126 FROM R-1a (SINGLE FAMILY RES) TO PB-3 (PLANNED GENERAL BUSINESS); WARD 9 (MUNIR RASDAN). - JUDICIARY COMMITTEE
48. PLANNING COMMISSION: RECOMMENDS APPROVAL FOR PROPOSED ZONE CHANGE @ 1658 SUPERIOR AVE NE, LOT #10475 - 10477 FROM R-1a (SINGLE FAMILY RES) TO PR-2 (PLANNED TWO FAMILY RES); WARD 6 (FAMILY CHRISTIAN CENTER - FOR TRANSITIONAL HSNNG SPACE FOR WOMEN). - JUDICIARY COMMITTEE

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49. SAFETY DIRECTOR REAM: AUTHORIZE SAF DIR TO REC & APPROP \$4,500.00 OHIO EMS GRANT. - FINANCE COMMITTEE
50. SAFETY DIRECTOR REAM: REQ LEGISLATION TO IMPLEMENT THE INTERNATIONAL PROP MAINTENANCE CODE INTO CODIFIED ORDINANCES. - JUDICIARY COMMITTEE
51. SERVICE DIRECTOR PRICE: AUTHORIZE SERV DIR TO EXECUTE NECESSARY STORM SEWER EASEMENT & VACATION AGMT W/CAMPBELL OIL COMPANY. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
52. SERVICE DIRECTOR PRICE: REQ PARTICIPATORY COOPERATIVE LEGISLATION W/ODOT TO ALLOW BRIDGE REPLACEMENT PROJ ON SR172 FOR CITY'S WATER LINE RELOCATION ON NEW BRIDGE. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
53. SERVICE DIRECTOR PRICE: AUTHORIZE SERV DIR TO RATIFY ALL TERMS & CONDITIONS OUTLINED IN ORIGINAL AGMT W/SMG FOR THE MGMT OF CIVIC CENTER ON A MONTH TO MONTH BASIS RETRO 1/1/10; AUTHORIZE AUDITOR TO DRAW HIS WARRANTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY THE PROPER DEPT AUTHORITY. - FINANCE COMMITTEE
54. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR &/OR SERV DIR TO MAKE APPLICATION, EXECUTE GRANT AGMTS, & ACCEPT FUNDS FOR VARIOUS GRANT PROGS FROM OHIO DEPT OF NATURAL RESOURCES TO DESIGN & CONSTRUCT REVITALIZATION OF BUP REARICK PARK @ 3500 ELLIS AVE NE. - FINANCE COMMITTEE
55. SLIMAN, S., AGENT FOR PETITIONER: ANNEXATION PETITION DOCUMENTS FOR 0.181 ACRES, AREA TO BE KNOWN AS ZBUKA ANNEXATION AREA IN CANTON TOWNSHIP. - RECEIVED & FILED
56. SLIMAN, S., AGENT FOR PETITIONER: ANNEXATION PETITION DOCUMENTS FOR 0.192 ACRES, AREA TO BE KNOWN AS DELONG ANNEXATION AREA IN CANTON TOWNSHIP. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT PRO TEM SMUCKLER: First Reading of Ordinances. Let the journal show that all 1<sup>st</sup> Readings are being given their first reading by state law. Madame Clerk please read the 1<sup>st</sup> Reading Ordinances by title only.

***NOTE: PRESIDENT PRO TEM SMUCKLER CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #9 FOR THEIR FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:***

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACTS WITH FREED HOUSING TO PROVIDE GRANTS IN A TOTAL AMOUNT NOT TO EXCEED \$535,000.00 TO ADMINISTER AND IMPLEMENT THE CITY OF

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CANTON'S HOUSING PROGRAMS TO BENEFIT LOW AND MODERATE INCOME FAMILIES; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Committee

- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH ABCD INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$75,000.00 TO ADMINISTER AND IMPLEMENT THE CITY OF CANTON HOME OWNERSHIP PROGRAM TO BENEFIT LOW AND MODERATE INCOME FAMILIES; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- #3. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 3/2010** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH JR COLEMAN COMMUNITY RENOVATION CORPORATION TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$350,000.00 TO ACQUIRE, REHABILITATE AND RESELL PROPERTIES TO BENEFIT LOW AND MODERATE INCOME FAMILIES; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- #4. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 4/2010** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH DDK PROPERTIES TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$350,000.00 TO ACQUIRE, REHABILITATE AND RESELL PROPERTIES TO BENEFIT LOW AND MODERATE INCOME FAMILIES; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- #5. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO COMPLETE THE CONTRACTING PROCESS FOR VARIOUS CONTRACTS PREVIOUSLY AUTHORIZED BUT NOT COMPLETED BY JANUARY 1, 2010; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development and Finance Committees
- #6. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH MEDLINE INDUSTRIES, INC. TO PROVIDE A REAL PROPERTY TAX EXEMPTION; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON LOCAL BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82 (C) AND (D) OF THE REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- #7. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY MORAL OBLIGATIONS IN AMOUNTS NOT TO EXCEED \$8,911.82 TO THE CANTON REPOSITORY; \$4,600.00 TO JOHN IONNO AND \$1,785.00 TO AMERICAN TITLE; AND DECLARING THE SAME TO BE AN EMERGENCY

MINUTES OF THE MEETING JANUARY 25, 2010Referred to Finance Committee

- #8. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A COOPERATIVE DEVELOPMENT AGREEMENT WITH ASTORIA SNF, INC. AND JILLTIN OF MEYERS LAKE LLC FOR THE DEVELOPMENT OF 3537 - 12<sup>TH</sup> STREET N.W.; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

- #9. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 5/2010** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO MAKE APPLICATION, EXECUTE GRANT AGREEMENTS AND ACCEPT FUNDS FOR VARIOUS GRANT PROGRAMS FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

*(COUNCIL RECESSED AT 7:50 P.M. FOR COMMUNITY & ECONOMIC AND FINANCE COMMITTEES TO DISCUSS THE ADOPTION OF ORDINANCE #3, #4 AND #9; RECONVENED AT 8:05 P.M.)*

PRESIDENT PRO TEM SMUCKLER: Councilman Dougherty we are going to place some Ordinances back on the agenda.

MEMBER DOUGHERTY: Yea, Mr. President, I move that we suspend Rule 22A to place Ordinance 3, 4 and 9 back on this evening's agenda.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to place Ordinances 3, 4 and 9 back on the agenda. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: Ordinances 3, 4 and 9 are back on the agenda. Member Dougherty.

MEMBER DOUGHERTY: Yea, Mr. President I move we suspend the Statutory Rules on Ordinance 3.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to suspend the three readings of Ordinance #3. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: Yes I move we adopt Ordinance #3.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: Moved and seconded to adopt Ordinance #3. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS, 1 ABSTAIN  
(Member Cole Abstained)

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

**#3 ADOPTED AS ORDINANCE NO. 3/2010**

PRESIDENT PRO TEM SMUCKLER: Ordinance #3 is adopted. Member Dougherty Ordinance #4.

MEMBER DOUGHERTY: Yes, Mr. President I move we suspend the Statutory Rules on Ordinance 4.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to suspend the three readings of Ordinance 4. Any discussion? Roll call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS, 1 ABSTAIN  
(Member Cole Abstained)

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

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 4.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: Been moved and seconded to adopt Ordinance #4. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS, 1 ABSTAIN  
(Member Cole Abstained)

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

**#4 ADOPTED AS ORDINANCE NO. 4/2010**

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

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MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 4.

PRESIDENT PRO TEM SMUCKLER: We just adopted.....

MEMBER DOUGHERTY: I'm sorry. I move we suspend Statutory Rules on Ordinance #9.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to suspense with the three readings of Ordinance #9. Any discussion? Roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance 9.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: Been moved and seconded to adopt Ordinance #9. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#9 ADOPTED AS ORDINANCE NO. 5/2010**

PRESIDENT PRO TEM SMUCKLER: #9's adopted.

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT PRO TEM SMUCKLER: Ordinances for Second Reading.

#10. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING PARTICIPATION BY THE CITY OF CANTON IN THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

#11. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO ESTABLISH THE 2784 2009 BYRNE MEMORIAL CANTON JUSTICE ASSISTANCE GRANT; AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (\$157,112.00)

#12. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO LEASE AGREEMENTS WITH THE STARK COUNTY COMMISSIONERS AND THE CANTON REGIONAL CHAMBER OF COMMERCE FOR THE PURPOSE OF

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UTILIZING CITY OWNED PARKING SPACE; AND DECLARING THE SAME TO BE AN EMERGENCY

- #13. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH PHILIP SEDLACKO FOR ANIMAL CONTROL SERVICES FOR THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
- #14. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH ANGELA CAVANAUGH TO SERVE AS THE CITY'S CHIEF BUILDING OFFICIAL IN AN AMOUNT NOT TO EXCEED \$97,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY
- #15. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING PARTICIPATION BY THE CITY OF CANTON IN STATE CONTRACTS PURSUANT TO OHIO REVISED CODE SECTION 5513.01; AND DECLARING THE SAME TO BE AN EMERGENCY
- #16. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING PARTICIPATION BY THE CITY OF CANTON IN THE U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE; AND DECLARING THE SAME TO BE AN EMERGENCY
- #17. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTORS OF PUBLIC SERVICE AND SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR SUPPLY ITEMS, MATERIALS AND PROFESSIONAL SERVICES FOR THE CITY OF CANTON'S OPERATIONS DURING THE 2010 CALENDAR YEAR; AUTHORIZING ALTERNATIVELY THE PURCHASE OF SAID ITEMS PURSUANT TO THE STATE COOPERATIVE PURCHASING AGREEMENT AND/OR ODOT PURCHASING AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
- #18. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE AND/OR DIRECTOR OF PUBLIC SAFETY TO COMPLETE THE CONTRACTING PROCESS FOR VARIOUS CONTRACTS PREVIOUSLY AUTHORIZED BUT NOT COMPLETED BY JANUARY 1, 2010; AND DECLARING THE SAME TO BE AN EMERGENCY
- #19. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 6/2010** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO PROFESSIONAL SERVICES CONTRACTS FOR HEALTH CARE BENEFITS ADMINISTRATION AND STOP-LOSS INSURANCE FOR CITY EMPLOYEES AND THEIR DEPENDENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: Mr. President I move we suspend Statutory Rules for Ordinance 19.

MEMBER PRATER: Seconded.

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PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to dispense with the three readings of Ordinance #19. Is there any discussion?

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: You've heard the three readings, Member Dougherty.

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

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #19. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL: 11 YEAS, 1 NAYS  
(Member Butterworth voted Nay)

CLERK TIMBERLAKE: Eleven yeas, one nay Mr. President.

**#19 ADOPTED AS ORDINANCE NO. 6/2010**

PRESIDENT PRO TEM SMUCKLER: Ordinance #19 is adopted.

**ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING**

PRESIDENT PRO TEM SMUCKLER: There are no third readings

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT PRO TEM SMUCKLER: We're now under Announcement of Committee Meetings. We have February 1 at 6:30 Community and Economic Development will meet.

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Hawk.

MEMBER HAWK: Finance Committee will meet Monday, February 1<sup>st</sup> at 6:30.

MEMBER PRATER: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Prater.

MEMBER PRATER: Personnel will meet Monday, February 1<sup>st</sup> at 6:30.

PRESIDENT PRO TEM SMUCKLER: Anyone else?

**MISCELLANEOUS BUSINESS**

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PRESIDENT SMUCKLER: Okay, we are now under Miscellaneous Business. Is there any Miscellaneous Business?

MEMBER SMITH: Yes Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Smith.

MEMBER SMITH: Yes Mr. President. As Public Safety and Thoroughfares Chairman I have a issue of concern and a question. I understand that some of our roads was done by a private contractor and that the city is patching up that work now. I understand that we took out a contract to an Angelo Vengetti Incorporated out of Bedford, Ohio and the name search reads as 12<sup>th</sup> Street that was done and it's still in horrible shape and my concern is why did we go back to the person that did it, that we paid to have it done and why is the city doing the patch work? Can somebody answer that for me please?

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Mr. Service Director.

SERVICE DIRECTOR PRICE: I'll have to follow up. This is the first it's been brought to my personal attention so I will find out. I don't know.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM SMUCKLER: When you follow up on the Mr. Service Director, you might want to find out when these roads were paved that they're having a problem with.

MEMBER SMITH: You mean what year?

PRESIDENT PRO TEM SMUCKLER: No I mean like the time of the year. Whether it was July, August, September, two days before the snow flew. You know that type of stuff.

MEMBER SMITH: OK but it really shouldn't matter as to when it was done but if there is patch work that needs to be done shouldn't they have been called to come back and do it again?

SERVICE DIRECTOR PRICE: Mr. President, again this is the first it's been brought, I can't, I don't know. I'll have to get back to you.

MEMBER WEST: I can shed a little bit of light on that. It actually wasn't done it was done but it was what they took up the old stuff and put the same stuff back on. It was recycled and they have a plan for 12<sup>th</sup> Street in 2011, I believe it is, 2010, 11 and Dan Moeglin and I we were talking about this very thing. It didn't just happen a year later, it happened almost a month after they did it. We started having pot holes and I talked to Kevin Monroe about this and he agreed that it was just a really poor job but there was no recourse at the time.

PRESIDENT PRO TEM SMUCKLER: Let the Service Director get into that. That's what I was referring to about timing Member Smith. Member Cirelli.

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MEMBER CIRELLI: Just before I left on my recorder Mrs. Kirk called and said she couldn't be here tonight would we just announce that they're having a Shake-a-Leaf meeting this Thursday at the Church of the Savior at 6:30 in case anybody was interested, so I told her I would do that. I mean I let, I didn't really tell her, it was my recorder so I was reiterating what she asked me to do.

PRESIDENT PRO TEM SMUCKLER: Understood. Anyone else?

MEMBER WEST: Mr. Chairman. Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member West.

MEMBER WEST: Yes it's come to my attention by a couple of my constituents and both of these individuals own businesses in the city, that in our Water Department they have changed the nature of how they bill people. Instead of billing bi-monthly now they're billing monthly and both the individuals that I've gotten calls from had indicated that they have a rate increase within the monthly billing cycle to where it almost increases their water bill by \$400.00. Service Director is there something we can do to look into this, cause I guess, from what I understood it was no notification on this and they were very surprised about it so?

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Service Director.

SERVICE DIRECTOR PRICE: Thank you Councilman West. There is a meeting scheduled for this week between the Water Superintendent, myself and Sharon Whaley out at Utility Billing. As you're certainly aware, water rates are statutorily controlled by the Director of the Office of Public Service and so the first thing I want to say in response to the question to make your constituents and the community aware is that Council played no role in the decision to change the billing. What we had is a case where you probably also know that we have approximately 40,000 customers that we service water for and those are divided into three categories. The first residential, obviously, the other industrial and the other commercial and those are all billed differently. Commercial accounts, there were two changes that were made. First, the first change that was made was regarding the definition of what is commercial and the what we considered commercial within our water billing system did not comply with the State Building Code, did not comply with the, it was not consistent with any definition in any other law any other treatment of the word commercial and so most of your complaints are likely to come from the owners of four unit dwellings because those have now brought, been brought within the commercial billing category and that conforms with what other cities do. It also conforms with what the state code says is a commercial property. If you pull a building permit we treat it as commercial yet we billed it as residential in our water billing system so that impacted approximately 238 customers and they are probably upset because they are the most impacted. Now the other thing we did was of the, we have approximately 3900 commercial customers. Now we and some of this detail by the way, I will acknowledge to you was flushed out after my office had also received you know, numerous complaints regarding what we'd done. So we've got about 4,000 commercial customers, some of them have historically been billed bi-monthly, some of them have been billed monthly. And there is no rhyme or reason for why that's happened and that's a problem so we want consistency. Well when I was approached by the Water Superintendent to make the decision statutorily as to how we'll be consistent, it was explained to me that monthly billing requires additional postage, however he informed me that the betterment to the water system would because of the changes in the monthly billing would make up for the postage costs so I said, pray tell how is that? Then he explained to me that there is a minimum amount

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charged to commercial customers and that by billing that amount monthly there would likely be a nominal increase to the customer but it would benefit the water fund and we're always interested in benefitting the water fund without passing on a percentage rate increase to all of our users which blah, blah, blah. So the problem is that the increase to these particular, in particular the four unit dwellings but also other multi-family dwellings that are within the city of Canton. When I actually sat down with some property owners and went over those numbers, some of the increases I have to acknowledge were surprising and significant. In the context of what they were paying before. Keep in mind, you know, this minimum bill is pretty nominal in compared to what other communities pay, we have the lowest water rates anywhere but it's, if I'd known the impact and the Water Superintendent had known the impact, we did put it on the bills. We advised people that there was going to be that change but had we known the impact at a minimum some other notice should have been required but we, not required but we would have let people know or let Council know. We are meeting this week to review that change and to see how we can mitigate those who are particularly hit primarily the four unit dwellings and some other residential but commercially classified dwellings and because of that I certainly welcome Council's input on it since you've obviously received complaints but that's not just to say that we're going to meet on it and not do anything. We're going to meet on it and I know the Water Superintendent has some alternatives where we can make the billing consistent but hit any one particular group so hard and basically do a rate increase without doing a rate increase, so we are going to try to fix it.

MEMBER WEST: I mean currently the Water Department's pretty decent. They're not negative or in a deficient financially correct?

SERVICE DIRECTOR PRICE: Our water fund is healthy although we over the past two years have gone, have undergone about \$30,000,000.00 in improvements and are about to begin the Northeast Water Treatment Plant so it's healthy but we've got at least one plant that's still using 1970's technology, so we've got some capital needs.

MEMBER WEST: Cause it, I was looking at October. In October we increased it in 8% and I think if we're becoming a surplus, to me I think for some reason we should be giving some of that money back to the people.

SERVICE DIRECTOR PRICE: We're, Mr. President. We are not in any, we are certainly not in a surplus situation in the water fund. Now we maintain reserves as recommended by the State Auditor because as I've discussed with this body before, we have to maintain a reserve because in the water and/or sewer business an item that goes down costs thousands and sometimes hundreds of thousands of dollar rather than hundreds, so we do maintain a reserve but we have excess money.

MEMBER WEST: OK and the second thing that I wanted to announce is the Gibbs Area Involved Neighborhood will be meeting on January 26<sup>th</sup> at 6:30 PM at the Canton Calvary Mission. All who's willing and want to attend by all means show up. They'll be discussing SARTA routes, a discussion of potential buyers of the 30/30 Club and discussion updates of crime watch and gang activity.

PRESIDENT PRO TEM SMUCKLER: Anyone else?

MEMBER BUTTERWORTH: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Butterworth.

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MEMBER BUTTERWORTH: I have a question for the Treasurer. Since December of 2005 there's been an increase in uncollected income tax. It is about 1.2 million and this past December it's about \$2,000,000.00. In a declining revenue base for the city are we changing our collection process or what's being done to collect those outstanding funds.

TREASURER SCHIRACK: No we're not. We're still collecting the delinquents on schedule. We are at a 3.4 million less in 2010 than we were in 2009 so we're \$3,400,000.00 down but we do collect our delinquents, it's just because people aren't working primarily that's the main thing.

PRESIDENT PRO TEM SMUCKLER: Anyone else?

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

MEMBER PRATER: Seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: Canton City Council's adjourned. *(Gavel falls)*

ADJOURNMENT TIME: 8:25 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

BILL SMUCKLER  
PRESIDENT PRO TEM