

MINUTES OF THE MEETING AUGUST 9, 2010

PRESIDENT PRO TEM DOUGHERTY: With a quorum being present the Chair calls this meeting of City Council to order. Thank you. Roll call vote.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

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

ELEVEN COUNCIL MEMBERS PRESENT. ONE ABSENT (BILL SMUCKLER)

CLERK TIMBERLAKE: Nine yeas and yeas.....Nine and two, Mr. President. *(Member Hawk and Member Horner were not present for roll call)*

EXCUSING MEMBERS

PRESIDENT PRO TEM DOUGHERTY: Member Prater, I will recognize a motion to excuse Members.

MEMBER PRATER: Mr. President, I move we excuse President Schulman and Member Smuckler from tonight's meeting.

MEMBER CIRELLI: Seconded.

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

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

PRESIDENT PRO TEM DOUGHERTY: The motion carries. President Schulman and Member Smuckler are excused from this evening's meeting. Let the record also indicate that Members Horner and Hawk are in attendance. We have the invocation given by Council Member at Large Mary Cirelli. Please remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on August 9, 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 Member at Large, Mary Cirelli. The Pledge of Allegiance led by President Pro Tem Dougherty.

AGENDA CORRECTIONS & CHANGES

PRESIDENT PRO TEM DOUGHERTY: We're now under Agenda Corrections....Changes.

MEMBER PRATER: Mr. President.

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PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: I move Rule 22A be suspended to add 2nd Readings of Ordinances #12 through and including #22.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to suspend Rule 22A to add the 2nd Readings to this evening's agenda. Are there any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Rule 22A is suspended and the Ordinances are a legal part of this evening's agenda.

PUBLIC HEARINGS

PRESIDENT PRO TEM DOUGHERTY: We're now under Public Hearings. We have two. The first for **7:30 pm** tonight. It's AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE RM INVESTMENTS/METRO RTA ANNEXATION AREA CONTAINING APPROXIMATELY 22.377 ACRES; ASSIGNING SAID TERRITORY TO WARD 8 OF THE CITY; ZONING SAID TERRITORY AS OS (OPEN SPACE) AND B-4 (SPECIAL BUSINESS); AND DECLARING THE SAME TO BE AN EMERGENCY; PLANNING COMMISSION IS RECOMMENDING APPROVAL OF THE SAME. Is there anyone in the audience wishing to speak for or against this annexation, please come forward. Is there anyone in the audience

AMANDA PARR: Good evening, my name is Amanda Parr, I'm from Tzangas, Plakas, Mannos & Raies and I represent Dan Fosnought, a land owner, who has property adjacent to the railroad that is going to be rezoned as open space. And it's our position that we are against this vote. We respectfully request that instead of zoning it open space, it is zoned I-1. All of the land adjacent to the Fosnought property is zoned I-1. We think that it's important that it be consistent with the adjacent land. Open space is intended under the zoning laws to be intended as a park or green space and it's our belief that the railroad does not serve open space purpose. And instead it would be a better designation to zone it as I-1, which would be consistent as is the purpose of the zoning laws with the adjacent land surrounding it. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you. Is there anyone else wishing to speak for or against this. Sir, come to the microphone, we can bring it to....can we bring a microphone to him?

CLERK TIMBERLAKE: It should reach, well why don't we just give him yours.

PRESIDENT PRO TEM DOUGHERTY: Just use mine....just use mine.

MR. PROACH: My name is Proach and I've been up there for, I don't know, 78 years believe it or not. Anyway, I don't know what you people....I don't know all the details but I don't know what....the way it's

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zoned now, is it prevents you, or Jackson Township continue the way it is. Now where the train is running, it's...it's zoned properly for...well every since 19...well back in the 1950's, so I don't know what the change is for. What are you people after...(inaudible)...change. Would there be any change in what it is if you left zoning the same way? I don't have all the details of what's...what you people are driving at.

PRESIDENT PRO TEM DOUGHERTY: Thank you. Is there anyone else wishing to speak for or against this...this evening, please come forward. The Chair declares the public hearing over. This matter now rests in the hands of Council. The Ordinance will follow later this evening. The next scheduled hearing is 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; LOCATED AT 3145 WEST TUSC FOR ORSO ENTERPRISES FROM B-3 (GENERAL BUSINESS) TO PB-4 (PLANNED SPECIAL BUSINESS); PLANNING COMMISSION RECOMMENDS APPROVAL OF SAME. Is there anyone in the audience wishing to speak for or against this, please come forward.

ANN O'TOOLE: Good evening, my name is Ann O'Toole. I am one of the partners of Spike's Shine Shop, which will be entering into the building owned by Orso Enterprises. We're looking for the zoning change so that we will have the ability to detail motorcycles within the building rather than outside the building. Under the Spike Shine Shop LLC, we will have three businesses. We have a retail motorcycle and accessory sales, vintage motorcycle restoration, as well as the coffee and chrome café, which features beverages as well as decadent deserts. We're looking to be a part of the community to provide, not only a place for community members and residents to have a different place to hang out but also to support motorcycle enthusiasts in a manner that does not include alcohol and promotes safe motorcycling activities. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Anyone else wishing to speak for or against this, please come forward. Is there anyone else wishing to speak for or against this issue, please come forward. Okay, this public hearing is over in regard to this matter. And it rests with Council later this evening.

OLD BUSINESS

PRESIDENT PRO TEM DOUGHERTY: We're under Old Business. This is...as we get into the Informal Resolutions, this is a review in pending issues from previous public speaks meetings. And there was several speakers last week that came and I'd like to turn it over to the Chief of Staff.

CHIEF OF STAFF PRICE: Thank you Mr. President. The Majority Leader came to me and asked for our cooperation in following up on old business matters, matters where the public comes to Council and has graciously given us the opportunity to update you on those matters. And to that end, what's going to happen is that the Administration will begin actively tracking all Public Speaks and any of those matters that deal with either the offices of Public Safety or Service, basically under our control. We will investigate, follow up with you and report progress on those. To that end, we have identified the 27 Public Speaks issues that occurred between June and July. And we're following up on those, I just got that list today. It didn't look like there was much in terms of follow up needed from us but anything there is, we will. As to the last meeting, Wayne Jamerson had raised some concerns about catch basins and block grant funding and certain homes on 14th St NE. Those I have referred to the appropriate departments and have...there's been no action necessarily taken but those matters are under...those are being researched. Leon Cote should get credit for, I think requesting this of Council, that the Old Business that we update you on the Old Business and Kris Krisanda had talked about crime in the Newton Zone. The Safety Director is out of town but I have referred

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that matter to him and will report back to you on that as well. Thank you.

PRESIDENT PRO TEM DOUGHERTY: As far as the first item, I got a call in and the catch basins were cleaned. Also, the houses that he referred to, there's two on 14th Street and one is due to be demo'd within 45 days and the other one also sometime in September. So, those things just to complete that for you.

PUBLIC SPEAKS

PRESIDENT PRO TEM DOUGHERTY: We're now under Public Speaks. And we have...it looks like 8 or 9 signed up for Public Speaks. You have 3 minutes to come forward and talk about the issues you may have this evening. Please give us your name and address please when you come forward. Eric Resnick.

ERIC RESNICK: Thank you Majority Leader Dougherty and Members of Council, Administration. I am Eric Resnick, I live at 1828 Grace Ave NE and I'm here tonight with my colleagues from the Canton City Schools Board of Education. I served as the liaison and I'd like to recognize here this evening Members Rich Milligan and Jennifer Keaton and the Board President, Nadine McIlwain and where did he go, our newest member, Pastor Wilbur Allen and Superintendent, Michelle Evans is here, where is she, oh there she is and there are other Canton City School Officials here including the Principal of McGregor School, whom you will be recognizing soon, Greg Johnson. I'd like to recognize him as well. And thank you for recognizing McGregor School this evening. I wanted to address you this evening for one other reason because I bring some good news. Back in May, Canton City Council did a Resolution in favor of some legislation, some Federal legislation that could bring some money back into the Canton City School District and that legislation was called "Keep our Educators Working Act of 2010." Last week the US Senate passed that legislation, as they folded it into the jobs Bill that will be passed by the House of Representatives tomorrow and sent to the President. And while I don't think that either of our Resolutions were totally convincing to all of the Senators, it is gratifying to know that when the community comes together and asks for something that is as important as education funding that sometimes adding it to critical mass, gets results. So, I bring that good news this evening. And also thanks to all of you for that unanimous vote. And that's it. So, thank you for having us this evening, it's our pleasure to be here and thank you again for recognizing McGregor School.

PRESIDENT PRO TEM DOUGHERTY: Thank you very much. Could I ask that if anybody has their cell phones on to please turn them off, I've heard 3 of them already. Thank you. Mike Verbus. Welcome.

MIKE VERBUS: Good evening, Majority Leader, Council Members, Mayor, Mayor's Staff, ladies and gentlemen. My name is Mike Verbus, I live at 2010 6th St SW here in Canton. I'm an Executive Board Member for AFSCME Local 2937 and Ohio Council 8. I'm here in front of you tonight to oppose Ordinances 20, 21 and 22. Point 1, work is added to our Union Employees without extra pay. Many retired employees have not been replaced. Employees in those departments are being asked to do more work for the same money due to no contract raise. Union Member job descriptions are adapted by the use of "other related duties" and Union Employees are not compensated accordingly. Employees demonstrate exceptional skill and ability daily and not granted raises based on exceptional work. Mr. Bodenschatz should not be getting paid for additional duties until every other City Employee receives a pay raise. Point #2, the Water Department Assistant Superintendent Position has only been filled since 2004 for training purposes only. Prior to 2004, it was a vacant position for 20 years. Mr. Doug Harris has a Professional Engineer Certification, why can't he perform the duties of P.E. for the Water Department instead of hiring a P.E. that

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would not be needed on a daily basis. Therefore, the 2,080 hours quoted by Mr. Converse is an exaggeration. Mr. Harris can be transferred to Water Reclamation to be available. Mr. Converse needs a P.E., the City of Canton provides both of these individuals with a car for City Business. One or the other can drive to meet with the City P.E. Point #3, even other Non-Bargaining Employees in the City of Canton have not...have had wage freezes and mandatory furloughs. How can two people benefit when all of these other Managers have conceded? AFSCME Local 2937 Members have a wage re-opener this fall and if and when Union Members and other Non-Bargaining Employees receive a pay increase, then by all mean, promote Mr. Harris and Mr. Bodenschatz. Point #4, two new Managers equal \$200,000.00 in additional wages and benefits as quoted by Mr. Converse. Plus the additional monies given to Mr. Harris and Mr. Bodenschatz. Why is this money available now? AFSCME Local 2937 Members are a small part of the General Fund. These Enterprise Fund Managers can receive a pay raise and our Members and all other Enterprise Fund Non-Bargaining Personnel should receive a raise also. Thank you for your time and I appreciate being able to speak this evening.

PRESIDENT PRO TEM DOUGHERTY: Thank you very much. Norm Druckenbrod, welcome.

NORM DRUCKENBROD: I want to thank Council, the Mayor and Dougherty for letting me speak tonight. And the reason I'm here is, I went to the parade....

PRESIDENT PRO TEM DOUGHERTY: Give your name and address please.

NORM DRUCKENBROD: 5321 Johnnycake Ridge NE.

PRESIDENT PRO TEM DOUGHERTY: Thank you.

NORM DRUCKENBROD: I went to the parade Saturday morning, left the parade probably approximately 9:15. They had Cleveland Avenue all blocked off, I proceed to go down Fulton Road, up Harrison Avenue to 31st St. I turned on 31st Street, right to go up to 30th Street to go left there at the light to home where I live out there. As I proceeded to turn left, there was no signs stating that 30th Street was closed. It was on the other side of the road, almost by the freeway where they had signs telling me Cleveland Avenue was closed. As I proceeded to go left, there was an officer in the middle of the street and there was an officer on the other side. When I made my turn, the one officer started screaming at me, asked me what the hell I was doing, take my car and go up there and turn it the hell around now. I said "Okay, I'm..." I proceeded to do that, to turn around. I was too far to go where there was a place I could have pulled in at Burger King, I proceeded to go. As I was going up to turn around, I didn't want to make a U-turn because I'd probably get a ticket for that. So I went, started going up there, before I knew it, there was an officer in a cruiser flying after me, I thought what happened. He gets out of his cruiser, he said "You didn't listen to what the officer said." I said, "I'm only doing what he told me to do, to turn around, that's...that's all I was doing." He goes "I don't want to hear nothing from you anyhow." He said "If you got something to say, tell the Judge, I don't want to hear it." I said "Well don't I have any Constitutional Rights?" He said "No, I don't want to hear it." He proceeded to go back to his cruiser, sat in his cruiser, probably ran my license, ran the plate, which there's nothing on it. I never had a ticket, never been given a ticket by the City Police and I'm 62 years old. He come back to the car, he gives me a ticket, told me to sign it. I said "I don't want to sign it." He said "If you don't sign it, get out of the car, you're going to be under arrest if you don't sign this ticket." I signed the ticket, he stopped

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traffic coming down to Cleveland Avenue so I could make a U-turn in the middle of the street, when I could have done what they told me to do. I was going there to do that and I felt that the way them two officers treated me was disrespect for me when I don't disrespect them. I know they have a tough job, I know they're out there to do their job, the problem with them in my eyes, they've been there too long, too many hours. When I made the turn, they got frustrated and I was the only person there to attack. And what's said, and most of all, was a citizen of Stark County, after that was over, stopped me and said "That was terrible the way that officer acted with you." There was nothing to tell me that road was closed. He issued me a ticket, which I have to go to Court on the 17th for, I think it's wrong, I think I shouldn't have gotten a ticket. There was nothing to tell me that road was closed. Because if that road was closed, I would have never done that because I don't do stuff like that.....

PRESIDENT PRO TEM DOUGHERTY: Alright sir....

NORM DRUCKENBROD: And Mayor, I called your office at 8:15 this morning and at this time I haven't received a call from your office, I was going to let you know about this. Chief McKimm called me and I give the officer credit for calling my home and I talked with him about this. But I was sorta surprised when you put it in the newspapers all the time "Call my office anytime" and I couldn't even get a courtesy call.

PRESIDENT PRO TEM DOUGHERTY: Thank you Mr. Druckenbrod.

NORM DRUCKENBROD: Thank you.

PRESIDENT PRO TEM DOUGHERTY: I think it's Mr. Hall in the audience. Name and address please, welcome.

JOHN HALL: Yes sir, thank you. My name is John Hall, I'm here to speak on behalf of the water park issue. I wanted to say I'm thankful for this opportunity to be able to speak to you guys once again. I invited other people to come on behalf of this issue but as you can see, not many showed up at all. And that's one of the negligence that we have in our community. We can talk loud and cry about a lot of things but we're not quite effective as long as we sit in our homes and our beds. And I just wanted to say to you guys, I came out here and I spoke a lot about a lot of positive issues that could benefit this water park being around. I just wanted to...now I'm going to talk about the...the negative side. If we don't allow this water park to be at the center, it will deteriorate what's....what's already in the (*inaudible*) right now concerning with the economy and things that are taken under account concerning our kids lives and our future...and their future. They're not going to...you guys know that you've been trying to shut down that center for quite sometime. Some of you, those of you that's been voting to get that place shut down. Right now I want share with you guys that the center is \$20.00 a year for membership. You hardly have any members. That place has...bills need to be paid there. I don't want that place to be looked at as a further waste of taxpayers money. Because I just want to share with you, if you allow the swimming pool to be there, it will compliment a business. It maybe an attraction for other businesses coming in as well, where the Northeast...the Northeast Center has been shut down, downtown the pool...the Y has been shut down, it would attract those businesses where people were paying their moneys to maybe come in on the Southeast side. And it will....it will...it...it may compliment, you know, what you guys maybe looking forward to placing in there with that pool. They already complimented with the basketball teams and people paying for their kids to be on the basketball teams around there. You're

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just giving them one more reason to come into the neighborhood and like I shared with you before, it's not only blacks there, it's whites there now. We can all get along at this place on the Southeast Community side and....and you don't have to look at it as a place for criminals, you know what I mean? Because at that center if you we don't compliment this situation, you know, as far as this center needing help and help benefit this thing, we will...if that center gets shut down we're breeding criminals, we're breeding drug dealers, we're breeding...it's mo...it's gonna cause more problem then anything because we're talking about the project vicinity. And now, like I share with you furthermore, with those people coming in, those people on the northeast side and as well as the downtown area, with them coming in and having more reason to come in because, you know, kids kinda rule these days when they want their way, parents go out of their way to...to...to furthermore have them to have more of a beautiful life. And I just wanted to share with you, at that place, we need to...we need to fight for the future and the future is with those kids, you know. And....and...and I just should hope that a lot of you would take those that have on blinders would take off your blinders and realize that this thing with the President being there, it's kind of like erasing people who are kind of racist...

PRESIDENT PRO TEM DOUGHERTY: Mr. Hall...

JOHN HALL: ...you know what I mean, it's...it's....

PRESIDENT PRO TEM DOUGHERTY: Mr. Hall.

JOHN HALL: I'm sorry.....

PRESIDENT PRO TEM DOUGHERTY: That's alright just...

JOHN HALL: ...I just wanted to say we need all of you guys' help and I'm done and God bless you and I appreciate you guys voting on this issue or having this water pool on the southeast side.

PRESIDENT PRO TEM DOUGHERTY: Thank you very much. Dick Deitrick, welcome.

DICK DEITICK: You didn't call me Dickie did you?

(LAUGHTER)

DICK DEITRICK: I'm Richard Deitrick, I live on 144 Park SW, Canton. And I agree with what he says and don't get me started about my beloved Y. People in North Canton, they're making decisions what we should do with our Y, tear the building down and what have you. I wish somebody would have the, let's use a nice word, courage to go up there and straighten somebody out with that Y and put our Y back together and not only for the kids, what about us old people, we need to stay in shape so we can handle these rough neighborhoods. Anyway, what I came to talk about is the 77, the police presence on 77 and the speed traps. I'm just here to whine about it because I think it's...people get on 77 to...because they're in a hurry to go someplace. I don't think 77 is...anything that happens on 77 is like a deterrent to the City if somebody goes a little fast on 77. I know the laws are the laws but I live right close to the Tusc entrance and if you try to go 55 and enter 77 and there's no speed traps, you're taking your life in your hands, I'm telling you that and I know that and anybody here knows that. But if they know that there is a speed trap, you know, their not going to go 70...and cops, no offense, I like the cops, the Police Department, but they've got way more

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important things to do then worry about the traffic on 77. I don't think that's a deterrent to the City, I know that people go too fast and...and the average speed is probably about 80 when the police aren't around, 70, 75, whatever. And I'm just saying that because I'm being honest and people think that I'm not telling the truth, just try getting on 77 on Tusc and go 55 once and you won't be happy with yourself. And also, I had something else but I don't keep notes, so that's good enough. Thank you very much. God bless you.

PRESIDENT PRO TEM DOUGHERTY: Thank you. Ray Sprankle please. Good evening.

RAY SPRANKLE: Good evening sir, thank you. My name is Ray Sprankle, I live at 2121 Demington NW, Canton, Ohio. Forty-three years ago, I came home from Nam and bought my home there. And I've been in the concrete business and construction business for over 40 years. And now I'm retiring from the concrete business and after pouring half the sidewalks in this City and curbs, now I'm in the trucking business. In the last couple years on 77 and 30, there's been a lot of traffic stops for the trucks, the big dump trucks. And none of us have ever been caught speeding, I don't think, but what we've been getting stopped for is overload, debris falling from our trucks, short mud flaps, tail lights out, you know, something like that. But it's...it's...in the last couple months, it's really picked up as far as the stops. Approximately 3 weeks ago, I was stopped on 77 over here. The officer followed me from National Limestone to West Tusc, he pulled me over and I says "Could I ask what I'm getting pulled over for?" He said "Yeah, you're dropping stones...limestone, gravel all over the highway and it's hitting my car, hitting other cars." I said "Really?" I said "You mean the size of a quarter and a nickle?" He says "Yeah, the big stuff." I says "Really?" I says "Would you like to get up on there and see what I'm hauling?" He says "What are you hauling?" I said "I'm hauling sand." He said "Oh." He walked back to his cruiser to come back up 10 minutes later, he said "You can go." That day, he stopped 3 of our trucks from Northstar and all 3 of the drivers come to me and said "What did he get you for?" I said "He didn't get me." We were all hauling sand that day. Last week I was pulled over, 2 or 3 other trucks was pulled over, they said "You're losing gravel all over the highway." I says "What size?" "Well I don't know, you're losing gravel." I says "Well I'm hauling #8s and 10s." #8s and 10s gravel, limestone gravel, is about the size of a pencil eraser or smaller. He said "You're dropping it all over the highway and hitting cars." I said "I don't think so." I says "Look at my tailgate." I said "I have it...there's a seal on my tailgate. You cannot stick a business card or a margin trowel in between my tailgate in the bed." But he wouldn't listen so he called ODOT, the Ohio Department of Transportation, they took me down to stadium park. The ODOT inspector said "There is nothing wrong with this truck." I had one bad tire. He said "You got to get that tire fixed." I said "Fine, we'll get it fixed." The same day, other trucks from the company were stopped for some of the same reasons. You know, if we were in...

PRESIDENT PRO TEM DOUGHERTY: Sir, go ahead and bring your remarks to a close, you're 3 minutes are up, okay?

RAY SPRANKLE: Okay, what I'm saying...there are trucks out there that...that drop gravel but at our company, we are inspected weekly by the supervisors and who we haul for because we got a big contract for the airport that we're hauling for. Our trucks has to be inspected weekly. What I'm saying is I...I don't like to use the word harassment but it's close. And that's all I have to say. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Okay, thank you very much sir. Kathryn Ramsey, good evening.

KATHRYN RAMSEY: The Hall of Fame is over....

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PRESIDENT PRO TEM DOUGHERTY: Name and address please.

KATHRYN RAMSEY: My name is Kathryn Ramsey, I live at 2322 16th St NE. Like I said, the Hall of Fame is over, it's back to business of cleaning up the City. First of all, I'd like to say thank you to whomever was responsible for boarding up the vacant houses on my block. In light of all the arson going on in Canton, it's much appreciated. We cannot leave these buildings stand vacant. However, now my problem is, there is a very useable garage on the property adjoining my lot. I have tried unsuccessfully for years, ever since there was a huge drug bust there and the house was demolished practically. We've tried to buy it to fix it up and we've been unsuccessful. This past week, I've been calling the City for months to find out what can be done about it and they just now got back to me this past week and they told me that the house has been bid for demolition and the City will not save the garage. I remember during other Administrations when houses were sold for \$1.00, I am not asking anyone to give me this property but I do not need another vacant lot to upkeep and pay taxes on. For ages now, another neighbor, myself and my grandson have been keeping these vacant lots clean. We cannot complain on the City to do it. I am told that the back taxes, the cost of demolition will total more then the property is worth. No one is paying taxes on these properties now. The Mahoning Road Corridor Project is scheduled to begin in 2012. Ironically, this is also a major election year. Strange now we can say "See we're doing so much for Northeast Canton" but the wall that you will have to build on either side of this project to hide the blight that is Northeast Canton will make the Mexican Border wall look small. Why will the City not attempt gain ownership of these vacant properties and sell them to adjoining neighbors who are interested in helping keep the neighborhood vibrant and alive instead of a mess of vacant unkept weed filled lots. Hopefully my words will help future generations who cannot afford to move and live in Jackson Township. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you. David Poole.

DAVID POOLE: My name is David Poole. I live at 1411 41st St NW. I'm here concerning an incident at the Blues Festival on June 18th. I was at a City Council Meeting, I believe it was the City Council Meeting before last. I left after I presented my complaint and I was told someone would get back to me, no one did. I did call and talk with Chief McKimm and I do want to thank him for putting out information on service dogs and the American's with Disabilities Act. I also talked with an officer in Internal Affairs and I've not heard anything back from him as far as the progress of the complaint that I filed. I've left several voice messages for this gentleman and I've not heard anything. The issue that I have remaining, rather then discuss the details with everybody, I'd rather discuss them with the appropriate officers then in public. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you. Barb Gaskell, welcome.

BARB GASKELL: Thank you. My name is Barb Gaskell, I live at 4815 Echosprings. I'm the General Manager of Living Bread Radio and St. Raphael Center. Eighty-seven years ago, Rita Rizzo was born in the southeast end of Canton, Ohio. Overcoming poverty, abandonment and illness, young Rita entered the convent and became Sister Mary Angelica. Sister Angelica spent many years in Canton at the Sancta Clara Monastery on North Market. In 1961, Sister Angelica began a new monastery in Burmingham, Alabama. Twenty years later, she went on to found the Eternal Word Television Network. The largest religious network in the world. EWTN reaches over 700 million homes in 110 Countries and offers 24 hour programing on cable television on AM and FM radio, satellite radio, worldwide shortwave radio, internet broadcasting and it has a publishing arm. In 2003, Mother Angelica was given the Cable Television Pioneer Award from the National Cable Telecommunications Association. On October 9th and 10th of this year,

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EWTN will hold its family celebration at the Canton Civic Center. The theme for the event is “In the Beginning Celebrating the Life and Legacy of Mother Angelica”. The network will be broadcasting a live radio feed across its affiliate network of 165 stations in the United States and on Cerius Satellite Radio. The event will be filmed and rebroadcast the following weekend around the world on the EWTN global cable network. The day before on Friday, October 8th, we at Living Bread Radio and St. Raphael Bookstore are sponsoring a Mother Angelica motor coach tour. A special Friday tour to see important places in the life of Mother Angelica, the Church where she was baptized, the Rhoda Wise Home where she was healed, Sancta Clara Monastery and more. I appear here before you tonight, first to inform you of this upcoming event and to enlist your aid in publicizing the event Citywide in anyway possible. By the way, this is a free event and we have been receiving reservations for tour from all over the United States and Canada. Secondly, I request that Rita Rizzo also known as Mother Angelica be listed on the Canton City Website under Canton Greats. Third, we would like to erect signs at the Canton City limits that say “Hometown of Mother Angelica” and would like your advise on how to proceed with that. Thank you for your attention and we would appreciate any advice you have.

PRESIDENT PRO TEM DOUGHERTY: Thank you. This will conclude Public Speaks. Items will be reviewed and brought to Old Business at the following meeting.

INFORMAL RESOLUTIONS

PRESIDENT PRO TEM DOUGHERTY: We’re now under Informal Resolutions. Madame Clerk please read Resolution 44 by title.

#44. COUNCIL-AS-A-WHOLE: COMMENDING THE EDUCATORS AND STUDENTS OF MCGREGOR ELEMENTARY SCHOOL. - ADOPTED

PRESIDENT PRO TEM DOUGHERTY: We’ll recognize a motion.

MEMBER PRATER: Mr. President, I’d like to have the Resolution read please.

CLERK TIMBERLAKE: **WHEREAS**, The Thomas B. Fordham Institute is a Washington D.C. based think tank set out to learn lessons from high performing urban schools; and **WHEREAS**, In its new report “Needles in a Haystack,” McGregor Elementary School was found to be one of eight schools in the State of Ohio featured for consistently delivering academic results although serving an area that has been hit hard by Ohio’s industrial decline; and **WHEREAS**, Despite the fact that ninety percent of the 372 students McGregor teachers educate are considered economically disadvantaged, the students there continue to perform as well as more affluent schools on the State’s annual report cards, making strides in academic growth; and **WHEREAS**, McGregor Elementary School was rated “effective,” the State’s third highest designation, on the annual report cards last year. McGregor has exceeded the academic growth the State expected its students to make over a two-year period. And the school met the State’s yearly progress standards for all of its student subgroups, including low income, disabled and minority students. **NOW THEREFORE BE IT RESOLVED**: that we, the Members of Canton City Council, do hereby go on public record commending **The Educators and Students of McGregor Elementary School** for their hard work, commitment and dedication in consistently delivering academic results.

(APPLAUSE)

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PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President, I move we adopt Resolution #44.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Resolution 44. Any remarks? By voice vote, all those in favor signify by saying aye. Those opposed.

NO REMARKS

RESOLUTION #44 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM DOUGHERTY: The ayes have it. Would you like to present that Member Prater.

MEMBER PRATER: Yes Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Okay, thank you.

MEMBER PRATER: Today we get to do something fun. As a former Canton City School Student, as are many of us. We've known for a long time that you can get a quality education in the City of Canton. Our NAVE neighbors for our neighborhood groups often tell us "You don't have to move to live in a better neighborhood." Well tonight, I can proudly stand up here and say you don't have to move to give your kids a quality education. McGregor Grade School has been consistently performing, it's one of eight school to be recognized by the Fordham Institute. It gives me great pleasure, McGregor is in my Ward. I've helped out or gotten in the way at many Halloween parties (*laughter*)...I'm not going to ask Mr. Johnson for that answer. So with great pleasure and we also know that it's not just Mr. Johnson, we know it takes a dedicated staff, the help of the School Board, parents and of course the students that do the work and we're going to ask Mr. Johnson, though we can't individually name everybody to at least acknowledge those groups that have provided such help. With that being said, it is my pleasure on behalf of Canton City Council, the City of Canton and all the residents to honor you with this plaque and say fantastic job.

(*APPLAUSE*)

VIC JOHNSON: Thank you Council, thank you your Honor (*laughter*) everybody up here, hey I...this...we have just a tremendous group of people that work with our youth cause we know in just a few short years of what's at stake for them and we owe them. Whether, hey we have a school of 90% poverty, we still owe them, not still owe them, we owe them to be able to take on the world. And with McGregor staff or Superintendent or Board and everybody else that's here that's part of this, please stand up at this time.

(*APPLAUSE*)

VIC JOHNSON: And I'll conclude with one, how many people that would be here and two how many people I'd know that would be here, including my lovely wife in the back. But a lot of pressure is on us now and we will do our best and we will get it done and continue the accolades that we've been given this year and in the future. Thank you.

(*APPLAUSE*)

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FINANCE COMMITTEE

323. DEVELOPMENT DIRECTOR TORRES: REQ SUPP APPROP OF \$8,234.59 FROM UNAPPROP 2233 506001 CANTON FEDERAL CAMPUS PROJ FUND TO 2233 506001 CANTON FEDERAL CAMPUS PROJ FUND. - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES
324. DEVELOPMENT DIRECTOR TORRES: REQ SUPP APPROP OF \$402,780.70 FROM UNAPPROP 2211 506001 COMMUNITY DEVELOPMENT FUND TO 2211 506001 COMMUNITY DEVELOPMENT - OTHER. - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES
325. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR TO ENTER INTO CONTRACT W/CCIC TO ADMINISTER FUNDS; AUTHORIZE AUDITOR TO ESTABLISH 2816 629 ODOB FORD ROAD GRANT FUND, TO DEPOSIT FUNDS AND MAKE EXPENDITURES; REQ APPROP OF \$500,000.00 FROM UNAPPROP 2816 629 ODOB FORD ROAD GRANT FUND TO 2816 629 ODOB FORD ROAD GRANT FUND. - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES
326. HEALTH COMMISSIONER ADAMS: REQ APPROP TRANSFER OF \$45,000.00 FROM 2312 STD CONTROL - OTHER TO 2312 STD CONTROL - PERSONNEL. - FINANCE COMMITTEE
327. LAW DIRECTOR MARTUCCIO: REQ APPRVL OF LEGISLATION TO APPROP TRANSFERS TO EFFECTUATE PMT OF SETTLEMENT OF PENDING LITIGATION FOR A TOTAL SUM OF \$30,000.00 FOR THREE PLAINTIFFS. - FINANCE COMMITTEE
328. SAFETY DIRECTOR REAM: RECOMMENDING NO CHANGES TO THE DOWNTOWN DIAGONAL PARKING AT THIS TIME. - RECEIVED & FILED
329. SENATOR GEORGE VOINOVICH: PROVIDING HIS CONCERNS & OUTLOOKS FROM THE OIL SPILL AND CLEANUP PROCESS IN THE GULF OF MEXICO. - RECEIVED & FILED
330. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR &/OR SERV DIR TO MODIFY EXISTING CONTRACT W/ME COMPANIES FOR 12TH ST PROJ TO COMPLETE DESIGN/ENVIRONMENTAL/RIGHT-OF-WAY/CONSTRUCTION COORDINATION PORTION OF PROJ; RECV FEDERAL TRANSPORTATION FUND IN AMT OF \$743,852.00 FOR PROJ; MAKE SUPP APPROP OF \$743,852.00 FROM UNAPPROP BAL 4563 THE 12TH ST N CORRIDOR PROJ, G.P. 1098 TO 4563-202077 THE 12TH ST N CORRIDOR PROJ, G.P. 1098; APPROP TRANSFER OF \$631,741.00 OF CITY'S SHARE FROM 4506-201001 INFRASTRUCTURE BOND FUND - SERV DIR ADMIN TO 4506-202077 THE 12TH ST N CORRIDOR PROJ, G.P. 1098; AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE AND PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES
331. SERVICE DIRECTOR PRICE: REQ TO AMEND O#23/2010 FOR TERM OF LEASE AGMT W/STARK STATE COLLEGE FROM 1 YR WITH OPTION OF RENEW FOR ADDT'L 1 YR TO

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3 YRS WITH OPTION TO RENEW FOR ADDT'L 3 YRS. - JUDICIARY AND FINANCE COMMITTEES

332. SERVICE DIRECTOR PRICE: AUTHORIZE ODOT TO REPAIR RAFF RD BRIDGE OVER US RT 30 IN CANTON CITY LIMITS WITH NO COST TO THE CITY. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
333. TREASURER SCHIRACK: RPT OF DEPOSITS AND PAY INS TO AMBULANCE LOCK BOX ACCTS FOR JULY 2010. - RECEIVED & FILED
334. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR JULY 2010. - RECEIVED & FILED
335. TREASURER SCHIRACK: RPT OF BANK RECONCILIATIONS AND OUTSTANDING INVESTMENTS AS OF 7/30/10. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT PRO TEM DOUGHERTY: We're now under First Reading Ordinances and Formal Resolutions for the... Let the journal show that all Ordinances are being given their Reading as required by State law. Madame Clerk would please read the First Reading Ordinances by title.

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

- #1. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #02-12064 REX AVE NE)
Referred to Community & Economic Development Committee
- #2. (1ST RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE DELONG ANNEXATION AREA CONTAINING APPROXIMATELY 0.192 ACRES; ASSIGNING SAID TERRITORY TO WARD 3 OF THE CITY; ZONING SAID TERRITORY AS R-1A (SINGLE FAMILY RESIDENTIAL); AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Annexation Committee **PUB HRG: 9/13/10 @ 7:30 PM**
- #3. (1ST RDG) AN ORDINANCE AMENDING VARIOUS CHAPTERS OF PART ELEVEN, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
Referred to Judiciary Committee **PUB HRG: 9/13/10 @ 7:31 PM**
- #4. (1ST RDG) AN ORDINANCE AUTHORIZING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF CANTON, OHIO; AND DECLARING THE SAME

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TO BE AN EMERGENCY

Referred to Judiciary Committee

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- #5. (1ST RDG) A RESOLUTION AUTHORIZING THE LAW DIRECTOR TO DISTRIBUTE FREE OF CHARGE TO PUBLIC OFFICIALS AND PUBLIC INSTITUTIONS COPIES OF THE 2010 SUPPLEMENT TO THE CANTON CODIFIED ORDINANCES; TO AFFIX PRICE FOR THE SALE OF SAME; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Judiciary Committee
-
- #6. (1ST RDG) **ADOPTED AS ORDINANCE NO. 141/2010** AN ORDINANCE DECLARING 8 BUILDINGS TO BE PUBLIC NUISANCES; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE DEMOLITION OF SAID BUILDINGS; AUTHORIZING THE CLERK OF CANTON CITY COUNCIL TO CERTIFY THE COSTS OF DEMOLITION TO THE STARK COUNTY AUDITOR; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- #7. (1ST RDG) **ADOPTED AS ORDINANCE NO. 142/2010** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH TAC COMPUTER, INC IN AN AMOUNT NOT TO EXCEED \$59,875.00 FOR THE PURCHASE OF A CAD/RMS/JMS/MDT/FBR SYSTEM AND TO PURCHASE RELATED ADDITIONAL HARDWARE, LICENSES AND TRAINING IN AN AMOUNT NOT TO EXCEED \$90,125.00; AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #8. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A FIRE DEPARTMENT TRAINING AND EQUIPMENT GRANT IN AN AMOUNT NOT TO EXCEED \$3,950.00; AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #9. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO EXECUTE THE OPERATIONAL AGREEMENT WITH STARK COUNTY FOR THE 800 MHZ MIXED MODE TRUNKED SIMULCAST SMARTZONE RADIO SYSTEM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #10. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CHANGE ORDER WITH ENVIRONMENTAL MANAGEMENT SERVICES IN AN AMOUNT NOT TO EXCEED \$370,675.00 FOR ADDITIONAL COSTS RELATED TO THE BISON REMEDIATION PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

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- #11. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010, AS AMENDED; AND DECLARING THE SAME TO BE AN EMERGENCY (5410 SEWER OPERATING \$5,000.00)

Referred to Finance Committee

PRESIDENT PRO TEM DOUGHERTY: At this time the Chair would declare an in house recess for the Committees to meet on Ordinance 6 and 7 on your Agenda. We are now in recess.

(COUNCIL RECESSED AT 8:27 P.M. FOR THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE TO DISCUSS ORDINANCE #6 & THE FINANCE COMMITTEE TO DISCUSS ORDINANCE #7; RECONVENED AT 8:33 P.M.)

PRESIDENT PRO TEM DOUGHERTY: Council is reconvening here after recess. Member Prater.

MEMBER PRATER: Mr. President, I move we suspend Rule 22A to place Ordinances #6 and 7 back on this evening's agenda.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to suspend Rule 22A to place these back on the Agenda. Any remarks? Roll call vote.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: The Ordinance 6 is a legal part of the Agenda. Member Prater.

MEMBER PRATER: Mr. President, I move we suspend the Statutory Rules on Ordinance 6.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved to suspend Rules on Ordinance 6. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: You've heard the three readings. Member Prater.

MEMBER PRATER: Mr. President, I move we adopt Ordinance #6.

MEMBER CIRELLI: Seconded.

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PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded that you adopt Ordinance 6. Are there any remarks under this? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#6 ADOPTED AS ORDINANCE NO. 141/2010

PRESIDENT PRO TEM DOUGHERTY: Ordinance 6 has been adopted. Member Prater.

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

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved suspend Statutory Rules on Ordinance 7. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: You've heard the three readings. Member Prater.

MEMBER PRATER: Mr. President, I move we adopt Ordinance #7.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded that you adopt Ordinance 7. Are there any remarks? If not, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#7 ADOPTED AS ORDINANCE NO. 142/2010

PRESIDENT PRO TEM DOUGHERTY: Ordinance 7 has been adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT PRO TEM DOUGHERTY: Okay, we're now under Ordinances for their Second Reading. Madame Clerk will you please read Ordinance 12.

NOTE: PRESIDENT PRO TEM DOUGHERTY CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #12 THROUGH #17 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS :

#12. (2ND RDG) **ADOPTED AS ORDINANCE NO. 143/2010** AN ORDINANCE ADOPTING THE CITY OF CANTON'S ALTERNATIVE TAX BUDGET FOR THE FISCAL YEAR

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ENDING DECEMBER 31, 2011; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER PRATER: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: I move we suspend Statutory Rule for Ordinance #12.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved to suspend the Statutory Rule on Ordinance 12. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: You've heard the three readings. Member Prater.

MEMBER PRATER: Mr. President, I move we adopt Ordinance #12.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded that you adopt Ordinance 12. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#12 ADOPTED AS ORDINANCE NO. 143/2010

PRESIDENT PRO TEM DOUGHERTY: Okay, let's see here, which one are we on.

CLERK TIMBERLAKE: Ordinance 13.

#13. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (COURT CAPITAL PROJECT FUND AND PRISONER HOUSING FUND - \$14,558.00 & \$28,364.00)

#14. (2ND RDG) **ADOPTED AS ORDINANCE NO. 144/2010** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON NEGRO OLDTIMERS, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$19,910.00; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President, I move we suspend Statutory Rule for Ordinance #14.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved to suspend the Statutory Rules for #14. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: You've heard the three readings.

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

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: Did we get a second? Alright, it's been moved and seconded that you adopt Ordinance 14. Any remarks?

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Cirelli.

MEMBER CIRELLI: Thank you. Question to the Mayor. After Mr. Torres explained to us that this is an outright grant of \$19,910.00, why is it that you didn't use the purview that you have extending to them \$14,999.00 and having them to come with an outright grant to come to Council for \$5,910.00?

MAYOR HEALY: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Mayor.

MAYOR HEALY: Yes, Member Cirelli, the proposal or the rules that we live under that says that everything 15,000.00 or under is at the discretion of the Administration and above that Council requests that to bring...requests the Administration to bring that to Council. The total amount would be over 15, so we did what Council requests, is have us bring that to them. Splitting it up, if there were two different actions, where the first one was under 15 and then the second action would put it over then we might have done it that way. But it is one action and it is over 15,000. And based on the rules that are given to us by Council, we were to give that to Council for approval.

MEMBER CIRELLI: Question, Mr. President, question to the Law Director. Could it have been done the way I suggested sir or not?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

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LAW DIRECTOR MARTUCCIO: Possibly, but I would have discouraged it. I think as you recall, in our contract, in our Codified Ordinances regarding projects and contracts, awhile back the previous Administration was scolded for bringing...for splitting it up into pieces and parts and an Ordinance was passed by a previous Council saying anything interrelated in time, scope, nature, etc. etc. is to be considered as one project. So the answer is it possibly could have but I would have preferred to have come this way.

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Cirelli.

MEMBER CIRELLI: Thank you for indulging me. I will not be supporting this for the simple reason there was an unsecured loan given at, I believe it was like 93,000 or something by several Administrations in the past and there's an outstanding balance of \$62,000 of unsecured loans and what I heard them speak, Mr. Torres is saying when we give a grant that this grant will help them go about their business and fix their building up and they will pay that unsecured loan back. I think there should have been legislation that ruled the 62,000 into the 19,910 as a blanket straight across and been not a grant but a loan. I would even feel better to have the Oldtimers taken the space down at the Southeast Community Center that the library moved out of because a lot of their functions that I remember in the past, we were down there passing out turkeys, toys and what have you and to do their things down there would have been a nice thing for them and as he said, he wants to set a good example for the children and that's where the children are at and it seems to me, it would have been consistent to....cause that's the only building the City owns and I hope people understand that. And with the financial times that we're having right now, all these organizations are in a lot of trouble. So, I wish them good luck but I cannot support this sir. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Any other remarks?

MEMBER SMITH: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Smith.

MEMBER SMITH: I would just like to say that the Oldtimers have been a very vital organization in the community. And I think that they deserves this chance to get back on their feet and I think that the solution that they come up with, with the lien being put on and that they could have the opportunity to pay the loan back that they previous had would be a great opportunity. And I would hope that Council support the Oldtimers. Thank you.

MAYOR HEALY: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Mayor.

MAYOR HEALY: Thank you Mr. President. Just to follow up, Councilwoman Cirelli, you're right, the original loan from awhile back, past generations, was an unsecured loan. By taking action today, it would turn that loan that's currently out there that's unpayable right now because of the organizations not functioning, it would turn that into a secured loan and allow the operation to get back in business. So, it would do what we maybe should have done the first time around and had a secured loan in the process. But it will convert it to that in the process. Thank you.

MEMBER WEST: Mr. President.

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MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes Member West.

MEMBER WEST: Yes, the building that they're referring to and giving this money to the Oldtimers is in my Ward. The building has been vacant and has been almost stripped of a lot of copper and things of that nature and we know what happens when we leave buildings empty. The Oldtimers have done significant things in our community and it's unfortunate what happened to them in the past with the financial foreclosure and all but you know, I gotta say, they earned their building outright. They were willing to put their building up for this secured grant and I would support it and I would appreciate everybody else's support. Thank you,

PRESIDENT PRO TEM DOUGHERTY: Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President.

PRESIDENT PRO TEM DOUGHERTY: A question to Mr. Martuccio and the Law Director. Is what the Mayor said, we are now going to hold a \$62,000.00, now I understand the 19,000...I got to put my glasses here...\$19,910.00 is like a gift and they have, I would...I think I heard them say some monies of their own invested in the building already that would act as collateral against that 62,000 that I'm now hearing is going to be a secured loan. Is that correct and is that written into the legislation sir?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Law Director.

LAW DIRECTOR MARTUCCIO: Member Cirelli, it is not written into the legislation, I wasn't a direct party to the agreements that were made to secure the loan. As you know, I delegate a lot of that to the Assistant Law Director who works with Community and Economic Development so I would yield those kinds of answers to them. I trust that answers your question, it's not in the Ordinance itself.

MEMBER CIRELLI: Mr. President. You're saying it is not considered a....a secured loan?

LAW DIRECTOR MARTUCCIO: I don't believe so.

MEMBER CIRELLI: Okay, so then it's still an unsecured loan. Thank you.

MEMBER WEST: Mr. President, point of clarity.

PRESIDENT PRO TEM DOUGHERTY: Go ahead Mr. West.

MEMBER WEST: Okay, go ahead Robert.

DEVELOPMENT DIRECTOR TORRES: Mr. President, Members of Council, I will restate what I shared earlier and that is that what you had before you was an unsecured loan, we all understood that. There was a \$91,000.00 loan that was made that was unsecured. If the organization wished to walk away from that, they certainly could have. What they did instead is Chet and the membership came up and they said look, we want to make good on this loan. And so, what we're doing is, we're going to secure that loan. We're going to allocate or award a \$19,000 grant for them to be able to perform on that loan. The reason why they

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couldn't go into the Southeast Community Center is because you wouldn't ask the VFW or any other fraternal organization that carries a liquor license to go to a child community center. And so in this case because they have that, they have two assets, one is the facility at 68,000 and they also have the liquor license. So they are actually able to take the maximum benefit of both of those assets that they have to move forward. That is why we're asking for this to be supported.

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Cirelli.

MEMBER CIRELLI: Thank you Mr. Torres for your explanation. However, I'm putting this in the context of myself now going to a bank and telling them that they had loaned me 90 some thousand dollars and I have paid them \$32,000.00 back but now I want them to give me a gift of \$19,910.00 to assure them that I will be able to pay them in the future the 62,000. Sir, if you can find me a bank or a credit union or anywhere in town that would do that, please let me know.

DEVELOPMENT DIRECTOR TORRES: I could tell you Madame Councilwoman, that if we do not support the Oldtimers this evening then there is 61,000 there that will remain in the books unpaid. That is a certainty. We ask for your support.

PRESIDENT PRO TEM DOUGHERTY: Any more remarks? Roll call.

NO REMARKS

ROLL CALL 10 YEAS, 1 NAYS
(MEMBER CIRELLI VOTED NAY)

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

#14 ADOPTED AS ORDINANCE NO. 144/2010

PRESIDENT PRO TEM DOUGHERTY: Ordinance 14 has been adopted.

#15. (2ND RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 145/2010** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010, AS AMENDED, BY MAKING THE APPROPRIATION REDUCTION, SUPPLEMENTAL APPROPRIATIONS AND APPROPRIATION TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (FOR CITY'S CONTINUING OPERATION)

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President, I move we suspend the Statutory Rules for Ordinance 15.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: There's been a move to suspend the Statutory Rule for Ordinance 15. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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PRESIDENT PRO TEM DOUGHERTY: You've heard the three readings. Member Prater.

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

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 15. Any remarks? Member Prater, we have an amendment on this one.

MEMBER PRATER: Mr. President, I move we amend Ordinance #15 by the copy in front of everyone.

MEMBER CIRELLI: Seconded.

AMENDMENT

Pursuant to Rule 36, I move to amend Agenda Item No. 15 by replacing the original Exhibit A attached to the ordinance currently pending before Council with the attached amended Exhibit A.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to amend Ordinance #15 per the copy. Any remarks? Roll call. Voice vote, I'm sorry. All those in favor, signify by saying aye. Those opposed.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

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

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved to adopt Ordinance 15 as amended. Any remarks? Roll call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#15 ADOPTED AS AMENDED AS ORDINANCE NO. 145/2010

PRESIDENT PRO TEM DOUGHERTY: Ordinance 15 is adopted. Ordinance 16 please.

#16. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (PREVENTIVE HEALTH - \$15,000.00)

#17. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (HEALTHY START - \$50,500.00)

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#18. (2ND RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO ESTABLISH THE 2422 THURMAN MUNSON MEMORIAL STADIUM DONATION FUND; AND DECLARING THE SAME TO BE AN EMERGENCY

#19. (2ND RDG) **ADOPTED AS ORDINANCE NO. 146/2010** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A ONE-YEAR SUPPORT CONTRACT WITH THE JAMES GROUP IN AN AMOUNT NOT TO EXCEED \$37,747.35 FOR ONGOING SUPPORT AND MAINTENANCE OF THE CITY'S ORACLE SOFTWARE LICENSES PURSUANT TO O.R.C. SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President I move we suspend the Statutory Rule for Ordinance #19.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to suspend the Rules, the Statutory Rules on Ordinance #19. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: You've heard the three readings.

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

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance #19. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#19 ADOPTED AS ORDINANCE NO. 146/2010

PRESIDENT PRO TEM DOUGHERTY: Okay, Ordinance 19 has adopted.

#20. (2ND RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (GIS COORDINATOR)

#21. (2ND RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS

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AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (FACILITIES ENGINEER - WATER RECLAMATION)

- #22. (2ND RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (FACILITIES ENGINEER - WATER CONSTRUCTION, REPAIR, MAINTENANCE, SUPPLY TREATMENT DIVISION)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT PRO TEM DOUGHERTY: Thank you. We're now under Ordinances for their Third and final Reading. Madame Clerk please read Ordinance 23.

- #23. (3RD RDG) **RECONSIDERED AND AMENDED ORDINANCE NO. 135/2010** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO SUPPLEMENTAL AGREEMENTS WITH STARK COUNTY AND THE CITY OF NORTH CANTON FOR THE WATER RECLAMATION FACILITY (WRF) PHOSPHORUS/TOTAL NITROGEN PROJECT; TO ENTER INTO CONTRACT WITH CT CONSULTANTS INC IN AN AMOUNT NOT TO EXCEED \$4,216,000.00 FOR VARIOUS ENGINEERING AND CONSTRUCTION OVERSIGHT SERVICES; TO FILE AN APPLICATION AND ENTER INTO CONTRACT WITH OEPA FOR LOW-INTEREST DESIGN LOAN IN AN AMOUNT NOT TO EXCEED \$2,802,000.00; AUTHORIZING THE AUDITOR TO ESTABLISH THE 5442 WRF PHOSPHORUS/TOTAL NITROGEN PROJECT FUND; AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President, I move we reconsider Ordinance #135/2010 adopted on July 26, 2010.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to reconsider Ordinance #135/2010 adopted July 26. Are there any remarks.

MEMBER CIRELLI: (*Inaudible*)...we are...oh, I'm sorry, I didn't have my hand on there. In this contract, we are contracting with consultants for over \$4,000,000.00. We're going to need \$4,000,000.00 worth of consultants besides training our own people for this project?

SERVICE DIRECTOR PRICE: Yes Mr. Chairman, addressing Member Cirelli's question.

PRESIDENT PRO TEM DOUGHERTY: Go ahead.

SERVICE DIRECTOR PRICE: Yes, the \$4.2 million dollar contract is for the design of the facility, you

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know and the engineering required for the construction of the facility.

MEMBER CIRELLI: Mr. President. Mr. Price, and this \$4,000,000.00 is only for the design?

SERVICE DIRECTOR PRICE: Yes, it's a \$72,000,000.00 project. Design, you know, design would generally run, you could expect it to run up to 10%. So this is you know, less then, less then we'd even generally assume.

MEMBER CIRELLI: Mr. President, CT Consultants was the last ones that were there when we had this building done in the past, were they not sir?

SERVICE DIRECTOR PRICE: I'm sorry?

MEMBER CIRELLI: I'm sorry, CT Consultants.

SERVICE DIRECTOR PRICE: Yes.

MEMBER CIRELLI: They were the ones that did the design in the past for this...for the building down there if my memory....

SERVICE DIRECTOR PRICE: They have done work for us before, they did the study that assisted the City with resolving the phosphorus and nitrogen removal issue, yes. We've worked with CT in the past regularly.

MEMBER CIRELLI: Mr. President, but we've been contracting on and off at least, you can't go back that cause you can't recall, you weren't here so it's not your fault. But if I can recall, and I think I am correct, the CT Consultants were always on track with that facility and as far as you know, was there any other consultants? Maybe that would be the better question, any other consultants ever involved with that?

SERVICE DIRECTOR PRICE: We've used other consultants for other purposes but I mean if the point is, you know have we used CT? We've used CT a lot on this. So, yes.

MEMBER CIRELLI: Okay, thank you Mr. Service Director...Mr. Price and thank you Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Any other remarks? Roll call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President, I move we amend Ordinance #135/2010 per the copy that is in front of all Council Members have in front of them.

CIRELLI: Seconded.

AMENDMENT

Pursuant to Rules 41 and 36, I move to reconsider and amend Ordinance No. 135/2010 by amending the

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FROM and TO language in Section 5 to read as follows:

FROM: Unappropriated Balance of 5410 Sewer Operating Fund \$500,000.00

TO: 5410 206044 WRF Phosphorus/Total Nitrogen Project
- Other \$500,000.00

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to amend Ordinance 135/2010 per the copy in front of everyone. Any remarks?

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

SERVICE DIRECTOR PRICE: I'm sorry, I just...I should clarify. The contract, I failed to state this contract includes the construction oversight through the construction process. That's...I just wanted to add that.

PRESIDENT PRO TEM DOUGHERTY: Okay. All those in favor, signify by saying aye. Those opposed.

NO REMARKS AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President I move we adopt Ordinance 135/2010 as amended.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 135 as amended. Are there any remarks? Hearing none, roll call.

NO REMARKS ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#23 RECONSIDERED AND AMENDED AS ORDINANCE NO. 135/2010

PRESIDENT PRO TEM DOUGHERTY: Ordinance #135/2010 as amended has been adopted.

#24. (3RD RDG) **ADOPTED AS ORDINANCE NO. 147/2010** AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #02-04459, LENA BENNETT ON LOUISIANA AVE NW)

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

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MEMBER PRATER: Mr. President I move we adopt Ordinance 24.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 24. Are there any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#24 ADOPTED AS ORDINANCE NO. 147/2010

PRESIDENT PRO TEM DOUGHERTY: Ordinance 24 has been adopted. Ordinance 25.

#25. (3RD RDG) **ADOPTED AS ORDINANCE NO. 148/2010** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH ECIVIS, INC IN AN AMOUNT NOT TO EXCEED \$19,132.00 FOR THE PURCHASE OF A MASTER LICENSE AND SERVICE AGREEMENT TO ESTABLISH A GRANTS RESEARCH AND MANAGEMENT SOLUTIONS SERVICE FOR LOCAL NON-PROFIT ORGANIZATIONS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President I move we adopt Ordinance #25.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 25. Are there any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#25 ADOPTED AS ORDINANCE NO. 148/2010

PRESIDENT PRO TEM DOUGHERTY: Ordinance 25 has been adopted. Ordinance 26.

#26. (3RD RDG) **ADOPTED AS ORDINANCE NO. 149/2010** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (SUMMER YOUTH TANF GRANT FUND AND YOUTH DEVELOPMENT SUMMER EMPLOYMENT - \$113,409.12 & \$31,810.29)

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

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MEMBER PRATER: Mr. President I move we adopt Ordinance 26.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 26. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#26 ADOPTED AS ORDINANCE NO. 149/2010

PRESIDENT PRO TEM DOUGHERTY: Ordinance 26 is adopted. 27.

#27. (3RD RDG) **ADOPTED AS ORDINANCE NO. 150/2010** AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #02-40455, CHRISTINA LONG ON 5TH ST NW)

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President I move we adopt Ordinance #27.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 27. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#27 ADOPTED AS ORDINANCE NO. 150/2010

PRESIDENT PRO TEM DOUGHERTY: Ordinance 27 has been adopted. 28.

#28. (3RD RDG) **ADOPTED AS ORDINANCE NO. 151/2010** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE STARK COUNTY BOARD OF COMMISSIONS FOR STREET VIEW IMAGERY SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President I move we adopt Ordinance #28.

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MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 28. Any remarks?

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Cirelli.

MEMBER CIRELLI: Where did Mr. Price go?

PRESIDENT PRO TEM DOUGHERTY: I don't know. Where we at? Member Cirelli, we're in session.

MEMBER CIRELLI: Mr. Price, you're on the hot seat again. On this street view imagery service, can you please state to me what our...what the City...cause whenever Auditor Perez was here and I asked him the question why they came to the City of Canton and he said cause we had the money. So, I want to know what we're going to get for our money. I know we're going to have the capacity to do what with it? I need you to explain that to me.

SERVICE DIRECTOR PRICE: The street view imagery is part of our, it could be linked to GIS, basically on demolitions and for various other purposes in the City, we have to send our personnel out to photograph properties to send documentation to the State of Ohio for instance. The street view imagery allows us to...that's done basically for us and that enables us to see. There are examples...well the County actually has this now as part of their GIS, it's the feature that enables you to not only see the ariel view but when you click on a parcel, on some cases you're able to see the actual street view imagery. And that's what this enables us to do.

MEMBER CIRELLI: Mr. President. Building Department, what departments do you foresee of the City that will be using the street view imagery sir?

SERVICE DIRECTOR PRICE: I think that the potential....well certainly Building Department will use it and certainly Planning Department will use it. But I think their potential use is for not only that but the public at large, Building, Zoning, Health, Streets, there are a lot of departments as well as the public would use this.

MEMBER CIRELLI: Okay, I just wanted to....thank you Mr. President for indulging me. I wanted to just have that on record to....because I questioned whether City Council could have use of it. And that was whenever I was speaking to, I don't know which one of our people here and they said we'd have to have it brought into Council, is that correct too Mr. Price?

SERVICE DIRECTOR PRICE: Yes Mr. President, that would be, yeah, that would be available to Council and the public.

MEMBER CIRELLI: Okay, thank you sir. Thank you Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Any more remarks? Roll call.

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NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#28 ADOPTED AS ORDINANCE NO. 151/2010

PRESIDENT PRO TEM DOUGHERTY: Ordinance 28 has passed. 29.

#29. (3RD RDG) **ADOPTED AS ORDINANCE NO. 152/2010** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH OLD DOMINION FREIGHT LINE, 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

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President I move we adopt Ordinance 29.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 29. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#29 ADOPTED AS ORDINANCE NO. 152/2010

PRESIDENT PRO TEM DOUGHERTY: Ordinance 29 is adopted. Ordinance 30.

#30. (3RD RDG) **ADOPTED AS ORDINANCE NO. 153/2010** 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 (3145 W TUSC, ORSO ENTERPRISES) **PUB HRG 8/9/10 @ 7:31 P.M.**

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President I move we adopt Ordinance 30.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 30. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#30 ADOPTED AS ORDINANCE NO. 153/2010

PRESIDENT PRO TEM DOUGHERTY: Ordinance 30 has been adopted. 31.

#31. (3RD RDG) **ADOPTED AS ORDINANCE NO. 154/2010** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A GRANT FROM THE 2010 LOCAL SOLICITATION BYRNE GRANT IN AN AMOUNT NOT TO EXCEED \$64,946.00 FOR THE POLICE DEPARTMENT AND TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE STARK COUNTY COMMISSIONERS REGARDING THE DISTRIBUTION OF GRANT FUNDS; AUTHORIZING THE AUDITOR TO ESTABLISH THE 2785 2010 LOCAL SOLICITATION BYRNE GRANT FUND; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President I move we adopt Ordinance 31.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 31. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#31 ADOPTED AS ORDINANCE NO. 154/2010

PRESIDENT PRO TEM DOUGHERTY: Ordinance 31 has been adopted. 32.

#32. (3RD RDG) **ADOPTED AS ORDINANCE NO. 155/2010** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO APPLY FOR, ENTER INTO AGREEMENT AND ACCEPT FUNDS FOR THE 2011 PROGRAM YEAR FROM THE OHIO PUBLIC WORKS COMMISSION; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President I move we adopt Ordinance 32.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 32. Any remarks? Roll call.

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NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#32 ADOPTED AS ORDINANCE NO. 155/2010

PRESIDENT PRO TEM DOUGHERTY: Ordinance 32 has been adopted. 33.

#33. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 156/2010** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE ECONOMIC DEVELOPMENT AGREEMENT WITH JACKSON TOWNSHIP ON PROPERTY LOCATED IN THE RM INVESTMENTS/METRO RTA ANNEXATION AREA; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President, I move we amend Ordinance #33.

PRESIDENT PRO TEM DOUGHERTY: We need to adopt first right? Please move to adopt.

MEMBER PRATER: Mr. President I move we adopt Ordinance #33.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 33. Are there any remarks?

MEMBER PRATER: Mr. President I move we amend Ordinance #33.

MEMBER CIRELLI: Seconded.

AMENDMENT

Pursuant to Rule 36, I move to amend Agenda Item No. 33 by substituting the attached revised CEDA Agreement for the originally proposed CEDA Agreement.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to amend Ordinance #33 by the copy all of you have. Any remarks? By voice vote, all those in favor, signify by saying aye. Those opposed.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President, I move we adopt Ordinance #33 as amended.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 33 as amended.

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Any comments? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#33 ADOPTED AS AMENDED AS ORDINANCE NO. 156/2010

PRESIDENT PRO TEM DOUGHERTY: Ordinance 33 as amended has been adopted. 34.

#34. (3RD RDG) **ADOPTED AS ORDINANCE NO. 157/2010** AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE RM INVESTMENTS/METRO RTA ANNEXATION AREA CONTAINING APPROXIMATELY 22.377 ACRES, ASSIGNING SAID TERRITORY TO WARD 8 OF THE CITY; ZONING SAID TERRITORY AS OS (OPEN SPACE) AND B-4 (SPECIAL BUSINESS); AND DECLARING THE SAME TO BE AN EMERGENCY
PUB HRG 8/9/10 @ 7:30 P.M.

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President I move we adopt Ordinance 34.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 34. Any remarks?

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Cirelli.

MEMBER CIRELLI: Excuse me.

PRESIDENT PRO TEM DOUGHERTY: Sure.

MEMBER CIRELLI: And I don't know who to direct this to but we had two people come here tonight that have abutting properties and spoke against it but we didn't have anybody to come and speak for it. So, maybe the Law Director, he's grabbing his mic. Maybe you can explain why we're doing open space and special business as opposed to being consistent and zoning it the way that the people are asking sir.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Law Director.

LAW DIRECTOR MARTUCCIO: Thank you. Member Cirelli, according to our Codified Ordinances, well according to State law, when a City annexes territory, they're supposed to try to match the annexed territory as closely with their own zoning as they can with the preexisting use when it was in the Township. This

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matter came before the Canton Planning Commission on February 10, 2009. If you recall, this was a two fold matter. This Council has already acted on the CEDA, the Cooperative Economic Development Agreement, thank you by the way, it was passed by the Jackson Township Trustees this evening. This is hand in hand, this is the actual acceptance of the railroad and the approximately one acre vacant parcel. Our zoning, at least the Planning Commission at the time when they did their due diligence and took evidence and so on in February of '09, believed that the railroad would best fit our open space designation. A law passed in 1978, which includes, and I'm going to edit here, Public.....uses, actually it says "Public and quasi public uses." I understand there's a concern that this is primarily the designation given to recreational areas. However, it does cover public uses. With regard to the vacant parcel, the Planning Commission recommended B-4 and that is close to Industrial, that is for businesses that require special criteria such as more distant setbacks because of more intense usage, heavy truck traffic noise or other nuisances. So, it allows for intense businesses. The reason I am asking that Council consider passing this as is tonight, is time of the essence. The clock stopped running when North Canton and the other folks caused the appeal to go to the Fifth District Appeal, in which we prevailed and when it was appealed again to the Supreme Court, in which we prevailed, the clock is running again. And I would very much appreciate having this passed before the clock goes out. Now, the Mayor I know and I had spoken with one of the family members and an Attorney, a very capable Attorney and there is a chance that should this be passed as is tonight a Council Member could ask the Planning Commission to revisit the issue. One of the concerns is the proposed park usage and a possible recreational trail near the abutting property. However, the clear final answer I want to give you is, the property in concern is in Jackson Township and they had their public meeting tonight and I understand this matter was brought up at their public meeting and they heard it and they've passed the CEDA as is. But in the future, this could be brought again through....a Council Member back to the public....back to the Planning Commission and they could in theory have the result to revisit it, do its due diligence again and look at it.

MEMBER CIRELLI: Thank you Mr. President and thank you Mr. Law Director.

PRESIDENT PRO TEM DOUGHERTY: Any other remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#34 ADOPTED AS ORDINANCE NO. 157/2010

PRESIDENT PRO TEM DOUGHERTY: Ordinance 34 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM DOUGHERTY: Announcement of Committee Meetings.

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Mr. Hawk.

MEMBER HAWK: Finance Committee will meet Monday, August 23rd at 6:30 P.M. right here in the Council Chamber.

MEMBER WEST: Mr. President.

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PRESIDENT PRO TEM DOUGHERTY: Member West.

MEMBER WEST: Judiciary and Community and Economic Development will meet at the same time, same place.

PRESIDENT PRO TEM DOUGHERTY: Pat?

CLERK TIMBERLAKE: Annexation?

MEMBER BARTON: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Barton.

MEMBER BARTON: Annexation will meet same time, same place.

PRESIDENT PRO TEM DOUGHERTY: And what time would that be, 6 or 6:30?

(LAUGHTER)

MEMBER BARTON: Whatever time they said.

(LAUGHTER)

PRESIDENT PRO TEM DOUGHERTY: Member Hawk that was 6:30?

MEMBER HAWK: Correct sir.

PRESIDENT PRO TEM DOUGHERTY: Thank you. Anyone else?

MISCELLANEOUS BUSINESS

PRESIDENT PRO TEM DOUGHERTY: We're now under Miscellaneous Business. Is there any Miscellaneous Business? If not, we need to make a motion to go into Executive Session. If the Chief of Staff would let us know what that would be referring to.

CHIEF OF STAFF PRICE: Okay, I'm asking for a motion to go into Executive Session under Revised Code 121.22, paragraph g1 for the purpose of discussing personnel matters. In that Executive Session I would request that Council consider including the Mayor, Council, Council President, the Law Director, the Director of Public Service, Doug Harris, Tracy Mills, Tyler Converse, Rick Bodenschatz, Dan Moeglin, did I miss anybody? Okay. And the purpose of this under the statute would be to consider the appointment and/or compensation of employees

PRESIDENT PRO TEM DOUGHERTY: So moved.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM DOUGHERTY: Roll call.

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NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas.

PRESIDENT PRO TEM DOUGHERTY: Thank you. Everyone come back here, we have to adjourn out here, okay.

PRESIDENT PRO TEM DOUGHERTY: Member Prater, I will accept a motion to come out of Executive Session.

MEMBER PRATER: Mr. President, I move we come out of Executive Session.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to come out of Executive Session. Any remarks? Roll Call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Any Miscellaneous Business?

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

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adjourn. Roll call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Goodnight.

ADJOURNMENT TIME: 9:30 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

DAVID DOUGHERTY
PRESIDENT PRO TEM