

MINUTES OF THE MEETING MAY 9, 2011

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. We're were just commenting on what that orange ball was outside today. I...do you know Member Butterworth? It's big, it's in the sky, it creates warmth, light. Anyway, with a quorum being present the Chair calls this meeting of Canton City Council to order. Roll call vote please Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

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

TWELVE COUNCIL MEMBERS PRESENT.

CLERK TIMBERLAKE: All present, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk and tonight's invocation will be given by Ward 8 Council Member Mark Butterworth. If you'll all please stand and remain standing for our pledge of allegiance.

The regular meeting of Canton City Council was held on May 9, 2011 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Ward 8 Council Member Mark Butterworth. The Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you Member Butterworth. We're now under Corrections, Agendas and Changes. Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move Rule 22A be suspended to add 2nd Readings of Ordinances #5 through and including #8.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded....is it 5 through 8 or 5 through 9 leader? You think it's 9?

CLERK TIMBERLAKE: Yeah.

MEMBER DOUGHERTY: Yes, I'm sorry.

PRESIDENT SCHULMAN: That's alright.

PRESIDENT SCHULMAN: That's alright.

MEMBER DOUGHERTY: 5 through 9.

MEMBER PRATER: Seconded.

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PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add the 2nd Reading of Ordinances 5 through 9 to this evening's Agenda. Are there any remarks? I actually...you know, actually read my script well, so. If not, roll call vote please Madame Clerk.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk, Rule 22A is suspended and the Ordinances are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: Moving now to Public Hearings. We have no Public Hearings this tonight.

OLD BUSINESS

PRESIDENT SCHULMAN: We're now under Old Business and I will turn this over to the Mayor's Chief of Staff and our Service Director, Warren Price. Mr. Director.

CHIEF OF STAFF PRICE: Thank you Mr. President, we really don't have any Old Business.

PRESIDENT SCHULMAN: Good.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: That moves us on then to Public Speaks. We have four speakers signed up this evening. Our first is John McGrew. And I would just again caution all the speakers that we try to limit the remarks to three minutes if you'll try to confine your remarks to within that time period, we would be most appreciative. So, Mr. McGrew, good evening. If you'll give us your name and your residential address sir.

JOHN MCGREW: Good evening, John McGrew and I reside at 1133 8th St NW here in Canton. And the reason I'm here is this past week on 8th Street from Fulton to Brown, we've had five shootings in the past week. Now, these shootings are taking place, the majority are happening during a time frame that people have figured out Canton City has three officers due to shift change on duty. That means we can't get a response time, we can't catch these guys. The other shoot...a couple of the shootings have taken place between 1 and 3 in the morning. Now, you guys need to keep in mind, 8th Street from Fulton to Gilmore has 45 different kids on that section 12 years of age and under. There are a couple women that are pregnant and about to give birth. There are infants. I have three daughters, 5, 7 and 9, right now my girls think that my dinning room is a camping area and that it's a game because I can't have them sleep in their bedrooms because we've got idiots blowing off guns. Canton City PD is doing everything they can. Our understanding was that the City of Canton, when the Police Officers fell below 150, would hire more officers. We were at 187, we're at 149 now. We have no new officers, the shift change with three officers on the job is making it so that the criminals can do whatever they want. Everybody thinks that crime is down but I'm going to be straight forward with you, I deal with numbers, I've dealt with numbers for 15 years of my life. You can make numbers say anything you want. If you have 200 cops on the street and you drop 50 of them off, you will have a reduction in crime simply because the number of crimes reported, you don't have as many cops to report them. We need the officers back. Now, as long as it's not schools or fire, cut whatever you got to cut. We

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don't care if you cut the roads, nobody plows them. Cut the parks, whatever. This neighborhood is filled with beautiful homes, these are homeowners, there are a few renters in there but you guys want us to clean up Newton Zone, we're trying to do it but we need the cops to do it. We can't do it...I'm going to be straight forward with you, last night, there were about forty of us out there after the shooting at...between 9 and 10, we armed ourselves and we were out there with our own weapons until 4:00 in the morning. We're fed up, last night was almost a riot. So, we'd like to know what you guys are going to do about this.

PRESIDENT SCHULMAN: Okay, thank you very much sir. And as I tell all the speakers, Mr. McGrew, everyone will be here after Council and it's not going to be a particular long meeting I don't believe. So, if you want to talk to us, talk to the Mayor, the Administration, they're always here, Council is here and we'll listen to you further. But thank you for those remarks, we appreciate it and we hear you by the way. Our next speaker is Pete DiGiacomo, if you'll come forward, give us your name and your residential address please and good evening sir.

PETE DIGIACOMO: My name is Pete DiGiacomo, I live at 600 Dent Place SW, Canton, Ohio. What I'm here to...I'm not sure which department this would go to...9th and Schroyer SW, south of 9th Street, Schroyer continues on, there's some ball fields down there. There's also a sanitation sewer dumping place. It's been there at least 15 years or longer and what it...I believe what it was originally intended for was people that have a trailer that have been camping for the weekend, they can come in and they dump their waste lawn. Well, it's went from people with their campers to the big 30 to 40 foot motor homes. Saturday evening, I watched three commercial buses pull in there and that's what all three of them did. How many gallons of that waste water they...each one hauls, I don't know but I don't think that's what the City had in mind when they opened it up. There's no..you know...you...you just..you dump there, no fee, no nothing and the City of Canton and residents are paying for it. I guess it's one thing if somebody comes in with a camper, a travel trailer, they may hold 20 to 30 gallons in their holding tanks, then the big motor homes come in, they've got even more and now, like I said the commercial buses...I...I...there was no name on them because tried to see what the name was and none of them had a name on but there was three of them back to back. That's all.

PRESIDENT SCHULMAN: Thank you very much sir, we appreciate it and we appreciate your keeping an eye out and bringing that to our attention. Our next speaker is Jan Urban. Ms. Urban, good evening, welcome, you brought us plants, we all like that.

JAN URBAN: My name is Jan Urban, I live at 1604 27th St NW.

PRESIDENT SCHULMAN: Good evening.

JAN URBAN: No, I'm fighting with City Hall, Engineering Department again, I've been a homeowner since 2000 up on 27th and I've been devoting my money to fixing the house up. That's (*inaudible*)....Well Dominion came in last year, thank God and replaced our main gas line. I had a beautiful lawn okay, which is part of right of way for utility and I was promised by the Supervisor that my lawn would be put back into place. Even for the fact that they were going to bowl it out. Okay, well the mull machine was broken, they have five of them and they were broken on the day that they had to dig out my lawn. But three houses down, they had made an exception and guess what, the muller was down there because they have a sprinkler system. So, needless to say, they're lawn wasn't dug up. Okay, now Grass Master just came by the week before they did this, which we had no knowledge until the week that they were doing this on our properties and gave me an

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A+ for my lawn, they wondered how I had such a good lawn. Well, I went to school for this and I worked in the industry for 50 years and the subcontractor that you allowed to come into this town thought I was an idiot, that I had no knowledge of what I was talking about but I went to school and I continued my education through our Federal dollars, State and my own personal money to get certified in grass. I can even put in a lawn, the grass at the putting fields, at the..over at a main golf course because I know how to do it. So, all they did was give me a line of b-s and put grass seed that was approved by the State of Ohio, Department of Transportation. Now, do I live on a highway? I live in a residential area, I don't need this thick blade grass in my yard. This is not grass, this is not a lawn, this is grass...this is weed grass that you mow along the side of the highway. This is turf grass which I had in my lawn. So, they kept telling me, they were going to take care of me, they were going to take care of me. I worked with Rick up in Engineering and they go "Oh come on Jan, it's just grass seed, ya know. Well I don't agree with that, I worked hard to put that lawn in when I moved in there because there was 12 inches of limestone and all this other crap out in the front yard. I dug it all out by hand, moved five yards of top soil in and planted the grass the proper way and maintained it every year and it's easy to take care of. It's a lot harder to put in...repair a lawn then it is to put a brand new and I'm only talking four hundred square foot. So, why couldn't Dominion do what I asked them to do?

PRESIDENT SCHULMAN: You've got about 10 seconds.

JAN URBAN: I'm just saying, it just made me sick. Now if you drive past my house, it looks terrible because I tried to fix it myself with a yard of topsoil and a yard of compost, myself, but then all this stuff came up through it because I raked it all out what they put in it. I even offered to buy my own grass seed, no. Do we allow contractors to come in there and destroy people's property? You want us to maintain our properties but then you let a big Dominion with lots and lots of money that can't afford to fix my yard right.

PRESIDENT SCHULMAN: Thank you very much ma'am, we appreciate it. And thank you Ms. Urban, thanks. And our last speaker is Timothy Gissner...Gissiner, sorry. If you'll step forward and give us your name. Good evening sir and your residential address.

TIMOTHY GISSINER: My name is Timothy J. Gissiner, I live at 3600 Arnold Avenue NW in Canton.

PRESIDENT SCHULMAN: Good evening sir.

TIMOTHY GISSINER: Good evening. I...I can understand her concern about Dominion, I've had trouble with them, I did file a complaint with their legal department, if you need any help I can give you some more information. Anyway, I have a complaint regarding a neighbor where I live, I've complained before that's one of the complaints, they had a natural gas leak at their home located at 3524 Arnold Avenue NW. And now my basement has been flooding steadily and I've got water and mold damage throughout my home. And I just wanted to direct to the Councilman that's in my jurisdiction that I would like to know how can I direct my complaint to the proper authorities and find out how I can get this thing repaired because I had the Water Department out even on Sunday to verify that water was bubbling out of the ground. Now my home is basically unlivable and I'm trying to put some money into it and again the address is 3524 Arnold Avenue NW. There was previous work done there by Dominion, I've filed a legal complaint with them regarding a past residential issue that I had in North Canton, Ohio. And also, I had to alert the children the other day to a homeowner located at...whose located at 1128 37th Avenue NW in Canton, Ohio regarding blocking a public

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sidewalk with his Honda minivan. Again, I wanted to direct that at my Council Member that I would like to know why people are parking on the public sidewalks, blocking public access and ruining infrastructure.

PRESIDENT SCHULMAN: This is your opportunity sir just to tell us, and I know you're looking at a particular Member of Council but he can't answer you during this session.

TIMOTHY GISSINER: Okay, I understand that. This has been a reoccurring problem, I've complained to my neighbor. Basically we've had, I think we're on the second tenant here. The first tenants, the neighbors noticed the same thing I did, open alcohol use, blatant disrespect for the neighborhood and now I've got a new neighbor there that doesn't seem to think it...that what they're doing over there is causing damage to my home because I explained to him that as a tenant, he is still responsible for the grounds and the upkeep of the property whether he believes so or not. Now again my home is mold infested, water damage on the interior and it's a little hard to put anymore money into it because I am complaining to the City because obviously if the Water Department comes out on a Sunday, they must have noticed the problem also.

PRESIDENT SCHULMAN: Okay, thank you very much sir. Again, we'll all be here after Council.

TIMOTHY GISSINER: I would like to add one more thing.

PRESIDENT SCHULMAN: Sure.

TIMOTHY GISSINER: I am the Documentation Manager for Group #2 with Weed and Seed Program that was accepted by the Federal Government and I've got updated notes and material here regarding alcohol abuse, bigotry and blatant disrespect for Canton Park System if anybody would like to know, I have the information right here.

PRESIDENT SCHULMAN: Okay, we'll be here afterwards thank you very much sir.

TIMOTHY GISSINER: Thank you.

PRESIDENT SCHULMAN: I'd like to thank all our speakers for coming down and telling us your concerns and we'll try to respond to them accordingly.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We're now under Informal Resolutions, we have none this evening.

COMMUNICATIONS

PRESIDENT SCHULMAN: We are now under Communications. Let the journal show that all Communications have been 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 MAY 9, 2011.

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154. APPLICANT, WILLIAM F JEFFRIES: REQ FOR ZONE CHG @ 2213 CLEVELAND AVE NW FROM B3 (GENERAL BUSINESS) TO PB-4 (PLANNED SPECIAL BUSINESS) FOR GROFFRE INVESTMENTS. - PLANNING COMMISSION
155. AUDITOR MALLONN: MNTHLY RPT BY FUND 4/1/11 - 4/29/11. - RECEIVED & FILED
156. AUDITOR MALLONN: YRLY RPT BY FUND 1/1/11 - 4/29/11. - RECEIVED & FILED
157. CANTON MUNI COURT CLERK GIAVASIS: AUTHORIZE LAW DIRECTOR TO DRAFT LEGISLATION PERMITTING CLERK OF COURTS TO ENTER INTO A PROF SVC CONTRACT W/EXTRACT SYSTEMS IN AMT NOT TO EXCEED \$31,990.00 FOR PURCHASE OF REDACTION SOFTWARE. - FINANCE COMMITTEE
158. COMMUNITY DEV DIRECTOR WILLIAMS: REQ \$50,000.00 APPROP TRANSFER FROM 2212 506009 NEIGHBORHOOD STABILIZATION FUND - OTHER TO 2212 506009 NEIGHBORHOOD STABILIZATION FUND - PERSONNEL. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
159. COMMUNITY DEV DIRECTOR WILLIAMS: REQ \$50,000.00 APPROP TRANSFER FROM 2213 506001 NEIGHBORHOOD STABILIZATION 3 FUND - OTHER TO 2213 206001 NEIGHBORHOOD STABILIZATION 3 FUND - PERSONNEL. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
160. DEPT OF COMMERCE: NOTIFIED THAT ORIGINAL NEW D1 D2 D3 D3A PERMIT REQ FOR LUCCA RESTAURANT @ 284 4TH ST NW CONTAINED WRONG ADDRESS, CORRECT ADDRESS SHOULD BE 228 4TH ST NW. - RECEIVED & FILED
161. ECONOMIC DEV DIRECTOR TORRES: REQ AUTHORIZATION OF RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COMMITTEE. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
162. ECONOMIC DEV DIRECTOR TORRES: REQ \$229,696.00 SUPP APPROP FROM UNAPPROP 2211 506001 COMM DEV FUND TO 2211 506001 COMM DEV FUND - OTHER. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
163. LAW DIRECTOR MARTUCCIO: REQ AUTHORITY TO PREP ORDINANCE APPROVING THE EDITING & INCLUSION OF CERTAIN ORDINANCES ADOPTED FROM 6-30-10 TO 2-28-11 TO BE INCORPORATED INTO THE CITY'S CODIFIED ORDINANCES; REQ AUTHORITY TO SUBMIT RESOLUTION AUTHORIZING TO DISTRIBUTE, FREE OF CHARGE, TO PUBLIC OFFICIALS & PUBLIC INSTITUTIONS, COPIES OF 2011 SUPPLEMENT TO CITY CODE & AFFIX PRICE OF \$24.60 FOR SALE OF 2011 SUPPLEMENT TO THOSE HOLDERS OF CITY CODE. - JUDICIARY COMMITTEE
164. LIQUOR CONTROL DIVISION (OHIO): REQ NEW D1 D2 D3 D3A LIQ PERMIT FOR LUCCA

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RESTAURANT LLC DBA LUCCA @ 228 4TH ST NW. - RECEIVED & FILED

165. LIQUOR CONTROL DIVISION (OHIO): REQ TRANSFER OF D1 D2 D3 D3A LIQ PERMIT FROM FRAMES TAVERN INC DBA FRAMES TAVERN INC @ 1600 BRYAN AVE SW 1ST FL & BSMT TO FRAMES TAVERN I LLC @ 1600 BRYAN AV SW 1ST FL & BSMT. - RECEIVED & FILED
166. LIQUOR CONTROL DIVISION (OHIO): REQ TRANSFER OF C1 C2 LIQ PERMIT FROM SUPERAMERICA BEVERAGE LLC DBA SPEEDWAY 9758 @ 3131 W TUSCARAWAS AV TO SPEEDWAY LLC DBA SPEEDWAY 9758 DBA SPEEDWAY 9758 @ 3131 W TUSCARAWAS AV. - RECEIVED & FILED
167. LIQUOR CONTROL DIVISION (OHIO): REQ TRANSFER OF C1 LIQ PERMIT FROM SUPERAMERICA BEVERAGE LLC DBA SPEEDWAY 9399 @ 2122 NAVARRE RD SW TO SPEEDWAY LLC DBA SPEEDWAY 9399 @ 2122 NAVARRE RD SW. - RECEIVED & FILED
168. LIQUOR CONTROL DIVISION (OHIO): REQ TRANSFER OF C2 C2X LIQ PERMIT FROM SUPERAMERICA BEVERAGE LLC DBA SPEEDWAY 9319 & BEER CAVE @ 2619 CLEVELAND AVE SW TO SPEEDWAY LLC DBA SPEEDWAY 9319 & BEER CAVE @ 2619 CLEVELAND AVE SW. - RECEIVED & FILED
169. LIQUOR CONTROL DIVISION (OHIO): REQ TRANSFER OF D2 D2X D3 LIQ PERMIT FROM MARK & FRANCES MILLS DBA MILL INN @ 1537 HARRISON AVE SW TO BUCKEYE CLUB 11 DBA BUCKEYE CLUB 11 @ 1537 HARRISON AVE SW. - RECEIVED & FILED
170. MAYOR WILLIAM HEALY: ADVISE OF APPT OF MR. SAMMY MILLER TO MAYOR'S COMMUNITY RELATIONS COMMISSION FOR TWO YR TERM FROM 5/1/11 - 4/30/13. - RECEIVED & FILED
171. SAFETY DIRECTOR REAM: AUTHORIZE SAF DIR TO ENTER INTO CONTRACT WITH THE OHIO DESK CO FOR TOTAL AMT OF \$79,027.74 FOR PURCHASE OF FURNITURE FOR NO. 4 FIRE STATION; REQ \$125,000.00 SUPP APPROP FROM 4501 CAPITAL IMPROVEMENT FUND TO 4501 103001 FIRE DEPARTMENT FOR PURCHASE & INSTALLATION OF VEHICLE LIFT AT FIRE ADMIN BLDG. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
172. SAFETY DIRECTOR REAM: REQ SAF DIR AND FIRE DEPT TO LEASE A MEDIC UNIT WHILE REPAIRS ARE MADE TO AN EXISTING UNIT. - RECEIVED & FILED
173. SERVICE DIRECTOR PRICE: REQ SERV DIR TO ENTER INTO CONTRACT W/OHIO POWER COMPANY TO PROVIDE ELECTRIC ENERGY SERV TO WATER RECLAMATION FACILITY @ 3650 CENTRAL AVE SE EFFECTIVE 6/2/11. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
174. TREASURER SCHIRACK: RPT OF AMBULANCE LOCK BOX ACCT FOR APRIL 2011. - RECEIVED & FILED

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175. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR APRIL 2011. - RECEIVED & FILED
176. TREASURER SCHIRACK: RPT OF BANK RECONCILIATIONS AND OUTSTANDING INVESTMENTS AS OF 4/29/11. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: Moving to First Readings Ordinances. We're now under Ordinances and Formal Resolutions for the First Reading. Let the Journal show that all Ordinances are being given their reading as required by State Law. Madame Clerk will you please read the First Reading Ordinances by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #4 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE AMENDING EXHIBIT A AND CREATING AN EXHIBIT D TO ORDINANCE 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; REPEALING SECTION 151.22, PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS) PICKUP, OF THE CODIFIED ORDINANCES; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Personnel & Finance Committees
- #2. (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 22369 THRU 22377, 22379 THRU 22386, 39979 THRU 39983, 41278 THRU 41281, 37575 THRU 37579, 37581 THRU 37585 AND 41273 THRU 41277; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety and Thoroughfares Committee
- PRESIDENT SCHULMAN: I missed that, would you do that one more time please. *(Laughter)*
- #3. (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$675.00 TO MERCY MEDICAL CENTER; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #4. (1ST RDG) AN ORDINANCE AMENDING EXHIBIT B OF ORDINANCE NO. 34/2006 THAT DESIGNATED COMMERCIAL IMPROVEMENTS OF PROPERTY AT THE LESH ROAD/30TH STREET REDEVELOPMENT AREA SUBJECT TO TAX INCREMENT FINANCING; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Judiciary Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

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

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please read and begin, Ordinance 5.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #5 THROUGH #9 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #5. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010, AS AMENDED, BY MAKE THE APPROPRIATION TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (COMMUNITY DEVELOPMENT YOUTH DEVELOPMENT ADMINISTRATION - OTHER \$50,000.00)
- #6. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (2214 HOME FUND \$700,000.00)
- #7. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF REHABILITATION & CORRECTION FOR RECEIPT OF THE FY 2012 COMMUNITY CORRECTIONS ACT GRANT IN AN AMOUNT NOT TO EXCEED \$170,601.00; AND DECLARING THE SAME TO BE AN EMERGENCY
- #8. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A COOPERATIVE ECONOMIC DEVELOPMENT AGREEMENT (JOBS4US) WITH AMERIDIAL, INC; AND DECLARING THE SAME TO BE AN EMERGENCY
- #9. (2ND RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO ENTER INTO PROFESSIONAL SERVICE CONTRACTS FOR ALL CONTRACTUAL COMMITMENTS, INCLUDING BOND LEGAL COUNSEL AND RELATED BANK SERVICES NECESSARY FOR THE CITY OF CANTON TO ISSUE A BOND ANTICIPATION NOTE; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Thank you Madame Clerk, we're now under Ordinances for their Third and Final Reading and vote. Would you please begin with Ordinance 10.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #10 AND #15 FOR THE THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #10. (3RD RDG) **ADOPTED AS ORDINANCE NO. 68/2011** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH EO2GO, LLC IN AN AMOUNT NOT TO EXCEED \$38,124.00 FOR THE PURCHASE OF EOC2GO EMBOHX PRO; AND DECLARING THE SAME TO BE

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AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #10. Any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#10 ADOPTED AS ORDINANCE NO. 68/2011

PRESIDENT SCHULMAN: Ordinance #10 is adopted. Ordinance #11 please.

#11. (3RD RDG) **ADOPTED AS ORDINANCE NO. 69/2011** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (WIC - HEALTH \$6,250.00)

PRESIDENT SCHULMAN: Leader.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #11. Any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#11 ADOPTED AS ORDINANCE NO. 69/2011

PRESIDENT SCHULMAN: Ordinance #11 is adopted. Ordinance #12 please.

#12. (3RD RDG) **ADOPTED AS ORDINANCE NO. 70/2011** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE YWCA OF CANTON, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$100,000.00 FOR THE TRANSITIONAL HOUSING PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #12. Any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#12 ADOPTED AS ORDINANCE NO. 70/2011

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #12 is adopted. Ordinance #13 please.

#13. (3RD RDG) **ADOPTED AS ORDINANCE NO. 71/2011** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH STARK COUNTY OUT OF POVERTY PARTNERSHIP, INC. TO PROVIDE A GRANT UTILIZING HOME FUNDS IN AN AMOUNT NOT TO EXCEED \$500,000.00 FOR HOUSING PROJECTS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 13. Any remarks.....

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Yes Member Cirelli.

MEMBER CIRELLI: Thank you sir. The only question I have on this one is I'm comparing this with Ordinance 14, yet to come, which states on it to benefit the 14 low and moderate income families, 13 does not say that. But does it not in fact do the same thing, I wasn't sure.

PRESIDENT SCHULMAN: Director Williams.

COMMUNITY DEVELOPMENT DIRECTOR WILLIAMS: Yes, these funds will benefit low to moderate income individuals.

MEMBER CIRELLI: And Mr. President.

PRESIDENT SCHULMAN: Yes Member Cirelli.

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MEMBER CIRELLI: Mr. Williams, generally they have that on there, was there a specific reason why that wasn't...uh....

COMMUNITY DEVELOPMENT DIRECTOR WILLIAMS: I'm sure it's probably written into the Ordinance I'm not sure why it wasn't written on the Agenda this way.

MEMBER CIRELLI: On the Agenda...okay, thank you Mr. Williams, thank you Mr. President.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Any other remarks? Hearing none, Madame Clerk on Ordinance 13, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#13 ADOPTED AS ORDINANCE NO. 71/2011

PRESIDENT SCHULMAN: Ordinance #13 is adopted. Thank you Madame Clerk, Ordinance #14 please.

#14. (3RD RDG) **ADOPTED AS ORDINANCE NO. 72/2011** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH FREED HOUSING TO PROVIDE A GRANT IN A TOTAL AMOUNT NOT TO EXCEED \$500,000.00 FOR HOUSING PROJECTS TO BENEFIT LOW AND MODERATE INCOME FAMILIES; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #14. Any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#14 ADOPTED AS ORDINANCE NO. 72/2011

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #14 is adopted. Ordinance #15 please.

#15. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 73/2011** AN ORDINANCE APPROVING CONTRACT AMENDMENTS TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANTON AND LOCAL 3449 AND OHIO COUNCIL 8; AND DECLARING THE SAME TO BE AN EMERGENCY _____

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PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #15. Any remarks under this Ordinance?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: I move we amend Ordinance 15 per the copy in front of all Council Members.

MEMBER PRATER: Seconded.

AMENDMENT

Pursuant to Rule 36, I move to amend Agenda Item No. 15 by amending paragraph A. on Exhibit A to read as follows:

a. New hires shall proceed through the Step schedule (2010 wage schedule) as follows:

- 1. Step 1 - Start date to 12 months*
- 2. Step 2 - After 12 months to 36 months*
- 3. Step 3 - After 36 months to 60 months*
- 4. Step 4 - After 60 months to 84 months*
- 5. Step 5 (+3.239%) - After 84 months*

PRESIDENT SCHULMAN: It's been moved and seconded that Ordinance 15 be amended per the copy before each Council Member. Any remarks under that Motion?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Could we have it summarized real quick please.

PRESIDENT SCHULMAN: Yes, Mayor.

MAYOR HEALY: Thank you Mr. President. This amendment was a technical error, we had agreed to the same basic terms for this union as 29...as the other union. The freeze 2010 wage schedule was missing and that had to be inserted and the 3.239% increase on step 5 was missing. So, we had to add those back in to make it match...the unions match each other.

PRESIDENT SCHULMAN: Any other remarks? Alright, there is a motion and a second to amend the

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Ordinance by virtue of the copy before each one of you. All those in favor of that motion, signify by saying aye. Signify by raising your aye...(Laughter) If not, no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it, the motion carries. Leader.

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 15 as amended.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 15 as amended. Any remarks? So the question you're now voting on is 15 as amended. Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#15 ADOPTED AS AMENDED AS ORDINANCE NO. 73/2011

PRESIDENT SCHULMAN: Ordinance #15 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: We now turn to the Announcement of Committee Meetings.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk

MEMBER HAWK: Thank you sir. The Finance Committee will meet Monday, May 16, 2011 at 6:15 PM.

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

MEMBER PRATER: Mr. President.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel Committee will meet Monday, May 16th at 6:15.

PRESIDENT SCHULMAN: Thank you. Member Smith.

MEMBER SMITH: Mr. President, Public Safety and Thoroughfare will meet the same time, same day.

PRESIDENT SCHULMAN: Thank you.

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MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Judiciary will meet May 16th at 6:15. In addition to that, there will be an educational sessional on the 911 Emergency System on Wednesday, May 18, 2011 at 6:00 PM. All Council Members got a copy of that.

PRESIDENT SCHULMAN: And do you want to explain, there's an invitation to the Chamber of Commerce, so do you want to explain that?

MEMBER WEST: Oh yes, the Chamber of Commerce meets I think earlier that night and I talked this over with Joe Martuccio or yeah...the Law Director, following that meeting you just come directly over here and we'll discuss this 911 system.

PRESIDENT SCHULMAN: Very good, thank you Member West. Any other Announcements?

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: We are now under Miscellaneous Business. Is there any?

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT SCHULMAN: Yes, Director Price.

SERVICE DIRECTOR PRICE: I wanted to address two issues Mr. President to Council, number one is this, I think I can handle pretty quickly is the issue that Pete DiGiacomo had raised regarding that dump station. That is an official City dump station for recreational vehicles and there's never been any charge for that, I mean to put it in perspective, you're typical RV at the most is probably going to have, I mean, maximum, a 60 to 80 gallon holding tank. A commercial motor coach is probably going to have a 100 gallon holding tank, max. However, it's accurate, I mean we really didn't intend this to be used by commercial enterprises. So, the natural question will be, well why don't we charge for the service. The problem is, this is a remotely located station, it's used by, literally the department head has called pretty much everyone who uses it, we have a list of people. We are in the process...we're going to secure the facility and issue keys to folks who do use...do use it. The alternative would be to simply get rid of it, there is some use of it by Canton residents, they've used it for years and years. It just..there's...since it's in a remote location, it would cost more to staff it then we would ever make income wise off of it. And the alternative would be to have these recreational vehicles come to the Water Reclamation Facility. Well, given the post 911 world and legislation passed in 2002, we have to background check everyone that runs through that facility, all the commercial haulers, it just..it wouldn't...it's really not helpful to operation to have these RVs and campers in and out of the Water Reclamation Facility but we are making efforts to secure it, it's been out there for years and years. But we were becoming aware of the commercial use of it. The other issue is, you know, we don't want unauthorized or different types of use of that. So, that will be fenced in or we'll be issuing keys to that. I wanted to address also, our plan for lot mowing this year. We mowed about 4,000 total lots in the City last year, those, when I'm talking about lot mowing for Councilman Griffin, you got an unoccupied parcel that's handled by the Street Department. If you have an occupied home that you have high grass and a complaint is filed, that goes through Code Enforcement under the Building Department. So, unoccupied, the Street Department will mow

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it. So we had 4,000 total lots last year which was a fairly dramatic increase from the prior year, we were in the 3,000 and some range. There's...it's difficult to project how many we'll have this year, and I will tell you, we're already receiving calls from residents complaining about the grass height for lots that are not on our list from last year. So, those are new vacancies or new foreclosures or homes that have been recently demolished. We're estimating, and this is an estimate, approximately 4,500 this year, so maybe an increase of 500 or so. So, we don't think it's going to go up exponentially from last year but it is more. The Street Department's goal, and we will accomplish that goal, is to mow every lot on the list at least once. Now, we get calls from our..our Council Members and the public, we have mowed lots more than once. We've experimented with growth retardants that have largely been unsuccessful. The cost is, we did a little patch, a triangular patch and tested it, a product that costed us...it was a cheaper product, it was \$300.00 for that little patch, you multiply that times 4 or 5,000, we just...we just don't have the funds to apply the retardant which has not been really successful so far. The Street Department, we're looking at, we had 13 seasonals last year, like I said in Committee, we are looking at bringing in, hopefully more around the number 20. We've had 5 crews out in the past mowing everyday, we used to years ago just start and sweep out across the City going from you know, just a natural progression. We've changed that system a number of years ago, probably before I was here. We work in one ward per day to try to spread it around so that everybody gets serviced. It was more efficient to do it the other way, the problem is that the last Ward obviously isn't going to be happy so we do...we do move around the City. We'd have 5 crews out, we might be able to get 6 or 7 out at max. You got to keep in mind though, on these vacant lots a lot of them need cleaned up, the grass is generally about a foot high. We've even considered, first we'd have to negotiate this with our bargaining unit, we've considered trying to contract parts of this out or employ contractors. Most of your landscaping contractors don't want their \$20,000.00 Steiner mowers out on these parcels because generally we have to do heavy cleanup as well. So...so, that's where the seasonals will probably help us out, most is...is in the cleaning up the lots in advance to get those things cleaned up. So, with the additional seasonals we hope to add at least one more full time mowing crew. Again, it is a big problem in the City, we're aware of it but there are a lot of impediments to...it's not just as easy as adding 50 people, that would certainly help, the more people the better but the equipment we use on these lots because of the condition of those lots are generally tractors, brush hogs, those sorts of things, and not just anybody can be operating those but we have taken steps. The other thing that we're looking at that I do want to let you know is, and I know Councilman Smuckler is familiar with this because he had brought this issue, I guess it's fair to say, to our attention, I mean we we're looking at things but Smuck...Councilman Smuckler talked to us about the potential for land banking or creating a data base of properties. What we're trying to do is when we identify these vacant parcels, we're also GIS mapping those parcels, trying to identify groups of those parcels that either could be put to some productive use, maybe a different sort of use or in the alternative, where there are groups of parcels that are large enough might only have, you know another home or two on that block, it's also maybe the time to consider, you know, looking in the direction where if we have large groupings of vacant parcels, you know, to sort of take those off the grid so to speak. So, that may not satisfy you completely but we are hiring more people. We are going to try to get at least one more crew out there and we are trying to map them to be more proactive about finding productive uses for these parcels or in the alternative to find areas where there are a group of them and handle all of them all at once and maybe remove some of the sidewalks and what have you in those area to make them easier to mow.

PRESIDENT SCHULMAN: Thank you Director. Mayor Healy.

MAYOR HEALY: Yeah, just a follow up on that. One of the programs that Community Development initiated, I think two years ago, they did it last year, is in partnership with neighborhood associations for any neighborhood association who is interested or any neighborhood in general, if you've got volunteers, they

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have mowers and weed eaters and other equipment that they can loan out. I know they've done it multiple times in the past. So, if the neighborhood associations or the neighbors want to take over and try to address vacant lots in their own neighborhood, call the Community Development Department and they maybe able to help supply some of the equipment that is needed for those projects as well. Thank you.

PRESIDENT SCHULMAN: Thank you Mayor.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: While we're on this issue, I would suggest that maybe the Administration would consider looking into the Stark County Auditor's site and the real estate search and look how much money is owed to the City for grass that has not...that's been cut and not been collected. We could probably hire several officers if we got that money back into the general fund. If we went after the LLCs, the property owners and what have you. There's a horrendous amount of money there that we're just turning our back on and not even working at getting it in here and it should be coming into the general fund.

SERVICE DIRECTOR PRICE: Mr. President.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Did you want to add to...

MEMBER WEST: I just want a question for the Chief of Staff.

PRESIDENT SCHULMAN: Well I know the Chief of Staff wanted to respond to Member Cirelli, can you hold on one second? Chief.

SERVICE DIRECTOR PRICE: We collected approximately \$10,000.00 last year for lot mowing. Now, our wage costs alone are about a quarter of a million dollars. These aren't collectable property owners.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Yes, you had mentioned something about taking it off the grid, what did you mean by that? I don't...I didn't understand that.

SERVICE DIRECTOR PRICE: I mean if you have...if...if we have a block and we haven't done this but if you have a block...

MEMBER WEST: Like Lawrence Road.

SERVICE DIRECTOR PRICE: Well, I...a hypothetical block in the City and there are a dozen parcels on that block and 11 of them are vacant and a burden on the City, Canton maybe...it...it may start becoming cheaper to buy the last occupied parcel and...and you know, mow them as a block or...or you know, just fence them off.

MEMBER HAWK: Mr. President.

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PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: I have some concerns addressed earlier by Public Speaks. 8th Street that they are talking about is in my ward. It's adjacent to the 800 block of Shorb Avenue where the girl was shot. There's gunfire down there on a nightly basis, this is getting out of control, the weather is getting nicer, it will not go away. Winter weather kept it down. I've been out in those neighborhoods before and I've been there at night watching some of this, seeing people armed in the streets. This is no way to run the City, we better get some Policemen down there and get this taken care of before someone else loses their life. Thank you.

PRESIDENT SCHULMAN: Thank you Member Hawk. Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. A couple of brief remarks. Member Cirelli, you asked about whether or not the language concerning low and moderate persons was in the Ordinance, it didn't have it in the caption, it is in that Ordinance as Member...or I'm sorry as Director Williams indicated. Secondly, two weeks ago when we last met, as you recall several speakers spoke in a very intense and passionate way about their opposition to water extensions for fear that will result in fracking and hydro fracturing. As you recall some questions were asked of me, I responded about things like Home Rule and conservation and some of my remarks apparently were deemed condescending by some of the folks who were here listening and they spoke to me afterwards and I regretted that, I didn't intend for those remarks to be condescending in the very intense topic, in that very intense discussion. So, if any of them are here, I regret that and I had apologized to them for the way those in artfully came across. And lastly, segwaying into that, along the lines of Home Rule, I have furnished each of you with a civilian version of my Municipal League paper on Home Rule, showing how in my unscholarly opinion, we have been diminished as Cities and Townships and Villages. Our ability to rule our own homes is being diminished in my opinion. I made that paper available to others as they requested as well. In an effort to understand where we are should we get back to discussing a ban or any sort of legal action against some of these processes. Thank you.

PRESIDENT SCHULMAN: Thank you Law Director.

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT SCHULMAN: I'm sorry, Law Director.

SERVICE DIRECTOR PRICE: Yes, I'm sorry too.

PRESIDENT SCHULMAN: No, that's okay. *(Laughter)*

SERVICE DIRECTOR PRICE: One more thing that the Mayor asked me to remind Council and the public that there is a Budget Meeting tomorrow at the Civic Center at 5:30. I'm sorry, Wednesday at 5:30 PM.

PRESIDENT SCHULMAN: Leader.

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

MEMBER PRATER: Seconded.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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PRESIDENT SCHULMAN: It's been moved and seconded that we adjourn. Madame Clerk, roll call vote please.

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Meeting is adjourned. Everyone drive carefully, thank you for coming, hope to see you next week. *(Gavel falls)*

ADJOURNMENT TIME: 8:13 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT