

**MINUTES OF THE MEETING OCTOBER 7, 2013**

PRESIDENT PRO TEM DOUGHERTY: With a quorum present, the Chair calls this meeting of Canton City Council to order. Roll call.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

11 COUNCIL MEMBERS PRESENT: (DAVID DOUGHERTY, JAMES GRIFFIN, JAMES BABCOCK, JOSEPH COLE, GREG HAWK, THOMAS WEST, CHRIS SMITH, KEVIN FISHER, JOHN MARIOL, EDMOND MACK & FRANK MORRIS)

ELEVEN COUNCIL MEMBERS PRESENT. (MEMBER CIRELLI ABSENT)

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Thank you.

**EXCUSING MEMBERS**

PRESIDENT PRO TEM DOUGHERTY: Thank you. Member Griffin, excusing Members.

MEMBER GRIFFIN: Mr. President I move that we excuse Member Cirelli and President Schulman from tonight's meeting.

MEMBER BABCOCK: Seconded

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded that we excuse Members Cirelli and Schulman from tonight's meeting. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT PRO TEM DOUGHERTY: The motion carries, two Members are excused from tonight's meeting. Invocation will now be given by Ward 8 Council Member Edmond Mack. Please remain standing for our Pledge of Allegiance.

*The regular meeting of Canton City Council was held on October 7, 2013 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 Edmond Mack. The Pledge of Allegiance led by President Pro Tem Dougherty.*

PRESIDENT PRO TEM DOUGHERTY: Thank you Member Mack.

**AGENDA CORRECTIONS & CHANGES**

MEMBER GRIFFIN: Mr. President, I move we suspend Rule 22A to add 2<sup>nd</sup> Reading Ordinances 6 through and including 12.

MEMBER BABCOCK: Seconded.

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PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to have your Agenda Corrections and Changes. 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 your Agenda. As a correction, we went into Executive Session with the vote of all Council. When we came out, we only voted with the people in it. So we need to do a full Council vote on coming out of Executive Session this evening.

LAW DIRECTOR MARTUCCIO: Mr. Majority Leader, I move we exit Executive Session formally in and officially for the record from the Claims Committee Meeting.

PRESIDENT PRO TEM DOUGHERTY: Seconded.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President, thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you.

**PUBLIC HEARINGS**

PRESIDENT PRO TEM DOUGHERTY: We don't have any Public Hearings tonight. \_\_\_\_\_

**OLD BUSINESS**

PRESIDENT PRO TEM DOUGHERTY: Under Old Business, I'll turn it over to the Chief of Staff.

CHIEF OF STAFF WILLIAMS: Mr. President, at the September 30<sup>th</sup> meeting, Mr. Pete DiGiocomo did ask if Director Patrick Barton had a way to determine the lowest priced gas station in the City each morning and get the fuel from there for all City vehicles. We did touch base with Mr. DiGiocomo with Pat Barton and there is a way to do that through a site called gasbuddy.com. So, Director Barton will have a link to that site on the City's website and he's also looking into a email disbursement, if you will that can go out each morning. So, that concludes. Thank you.

**PUBLIC SPEAKS**

PRESIDENT PRO TEM DOUGHERTY: We now turn under Public Speaks. We have 5 signed up this evening. When you come up please, if you haven't been here before. You will have 3 minutes to speak. Please give your name and address before you speak. Thank you. Jonathan Bailey. Good evening, right over here to the podium sir with the microphone. Yes sir. Good evening.

JONATHAN BAILEY: Good evening. Just go ahead and start?

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

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JONATHAN BAILEY: Yeah, I signed up because of the....

PRESIDENT PRO TEM DOUGHERTY: Just give your name and address sir please.

JONATHAN BAILEY: Oh yeah, that's right I forgot. Jonathan Bailey, I'm living at 405...40...wait a second, that's my new address. Currently I'm at 3...103 17<sup>th</sup> Street, Apartment 16, 44703 NW.

PRESIDENT PRO TEM DOUGHERTY: Alright, thank you.

JONATHAN BAILEY: Yes, the number of bikes that's being stolen lately is ridiculous, it's hurting the community, it's hurting the poor people and they're scrapping them and they're only getting like \$4.00. Like maximum, my bike is chrome and alloy steel, that's good high dollar steel so you only get 4 bucks. Most bikes that are getting scrapped are only worth a dollar, just ordinary tubular steel. So, they need to get I.D.s at these scrap places for every bike that goes in there because most of these are getting stolen and disappearing into scrap. And I'll come back with more facts. I was supposed to get some facts downstairs but they told me to come back next week. And that's my timer up there, 3 minutes, huh?

CLERK TIMBERLAKE: Yes sir.

JONATHAN BAILEY: Alright, see now I know. I'm going to back....

PRESIDENT PRO TEM DOUGHERTY: Okay.

JONATHAN BAILEY: ...next week with more facts about how many bikes are getting stolen. It's really hurting the community, it's hurting the poor people and that's how it feels these coppers is poor people. *(Inaudible)* So, it needs to stop. It's getting out of control. I don't know if there's any chop shops, I heard a rumor going, I went to check it out, I couldn't find it. So, they have to be scrapping them. In the meantime I checked the law on that. The only time you can use...they check your I.D.s when you're scrapping bikes is if it's over \$100.00. They're only getting \$1.00 a bike, that's 100 bikes. Ain't nobody bringing...they're bringing like 4 or 5 at a time, sometimes they're bringing in 4 or 5 one time a day for a week, 4 out of 5 of the week. It's...it's pathetic. I've seen...I've lived in Canton my whole life. I've seen crime, I've seen the recycle of bicycles. An acquaintance of mine got knocked in the head in East Canton so they could take his bike out from under him and it was a nice bike. So, they probably got \$15.00 for aluminum. You get in the head if you ride and it was his transportation, that's what I got. I can't afford a scooter, I don't qualify for one yet. But that's what I...a slow impact, I can't walk. I came from Refuge of Hope, I couldn't walk that. I can still ride, it's my one skill. I can't get in a Ford. So, we need to do something about saving these bikes. They're disappearing, people...people are needing these to get to work. They are important for your taxes. It's important that they people that have work shouldn't be stealing from the poor people, it's ridiculous *(inaudible)*. I will come back with facts next month I guess and I will sign up again.

PRESIDENT PRO TEM DOUGHERTY: Thank you sir.

JONATHAN BAILEY: Thanks for hearing me.

PRESIDENT PRO TEM DOUGHERTY: Tim Porter.

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TIM PORTER: Hi, my name is Tim Porter, I live at 1107 10<sup>th</sup> Street NW. I just wanted to come back today. I've been out for a few weeks here but I wanted to follow up with my complaint three weeks ago about the grant money. I just wanted to thank Fonda Williams publically, he addressed that issue for us and that issue has been resolved as of today. So, I thank you Fonda. And the issue I think we need to address is panhandling. That's becoming a big issue in the City and just as a suggestion, I work in the City of Fairlawn and they've managed to cover that because it was a big issue outside there, outside all of our businesses there and they obliterated it. They don't have panhandling anymore in Fairlawn. So, maybe call them and see how they did it and get some suggestions from them. We had a panhandler that was at the exit ramp there on 13<sup>th</sup> Street off of 77, that's the guy that got arrested in the raid they did on 10<sup>th</sup> Street and Monument here a couple months back. So, it's not just homeless people that are panhandling, these are drug dealers. So, that's my suggestion, contact them and see how they managed to do it. Thank you .

PRESIDENT PRO TEM DOUGHERTY: Thank you. Bruce Nordman. Good evening.

BRUCE NORDMAN: Good evening. I'm Bruce Nordman, I live at 1623 Logan Avenue NW. Good evening Mr. Mayor, Members of City Council. Sorry I missed the last couple of meetings. One of them I was help running a job fair for the Police and Fire at the American Legion two weeks ago and unfortunately my girlfriend had to go in the hospital this past week and we've got her in a nursing home. So, that's distracted me a little bit from these matters. But I want to thank everyone for their support in the job fair. We're holding an after action report. After the great success we had with getting 70 candidates for the Sheriff, we fell far short in terms of our goal for the Canton Fire and Police job fair. We're going to make corrective actions on those so that the next time we run this that we get the sterling results that we had with the Sheriff. We're working very, very hard to get veterans to be members of the incoming classes for the Fire and Policemen because they make great candidates because of their military background. They know how to give and follow orders and they make great additions to the department amongst many other sources that we have. Just want to bring you up to date with things that are not quite final. But three weeks ago I addressed the City Council about the Massillon, McKinley weekend, specifically the night before. I have met twice with the booster club and twice with the Mayor's staff, Stephanie and Derek Gordon and although everything is not finalized at this point, we are going to have an event and it's going to be on First Friday and I'm going to tell you the potentials, okay. So, this is not yet finalized but we expect that it's going to fall into place. Here's our proposals that the McKinley Marching Band with two supporting junior high school teams, the football teams, the cheerleaders and as many graduates of McKinley Football team as we can get together are going to march from the old McKinley High School starting at 4:30 down Market Avenue, heading south and we're going to have a big rally. We already have the okay subject to the final approval on paper but we got it verbally. We're going to put banners up. I already...we're going to put banners on 10<sup>th</sup> Street and 3<sup>rd</sup> Street, South, McKinley beat Massillon. We're going to start living up to the greatest game in the Country in this City. This is a jewel and we got many jewels in this City and I want to see this City on the top 50 list of the greatest Cities to move into because we got plenty of vacancies that are happening. Oh boy, do I wish I had more time.

PRESIDENT PRO TEM DOUGHERTY: Thank you. Lois DiGiacomo-Jacobson. Good evening.

LOIS DIGIACOMO-JACOBSON: Lois DiGiacomo-Jacobson, 1969 Kings Cone Circle NE in North Canton, Ohio. I'm here tonight to provide information about a Stark County organization that is the only one of its kind in Stark County and to invite you to come and help us celebrate our 15<sup>th</sup> Anniversary. It was in 1998 when Ron Ponder joined Rabbi Spitzer at the Temple for a Sabbath service and afterwards they decided that an

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organization such as this was needed. The mission of the organization is to promote inclusion, diversity and dignity for all the people of Stark County. Our purpose is to strive to make Stark County the very best place in the Country for all people to live. The original committee was raised...was made up of 11 people and 5 of us still serve on that committee. We are going to...I'd like to now tell you some of the things that we have been doing in these 15 years. Diversity training on diversity equity and tolerance, also training for CEU credits, the criminal justice reform committee was reformed out of this organization has just had a big victory on what they have been working for, civil discourse discussions and we've also worked with the Triad Deaf Services. And these are just a few of our accomplishments over these last 15 years. We're going to be celebrating October 17<sup>th</sup> at the Canton Club Center and you all have received invitations to it. There will be awards given that night also. Ron Ponder will get an award called the Rabbi John Spitzer Leadership Award for his show on WHBC radio and all that he has done for this community and County. Allen Schulman will be given the public service award. Mercy Medical Center will be given a legacy award for all that they have meant to this community. Renee Powell from Clearview Golf Course for her program for women veterans will receive the Diversity Initiative Award. We've also been able to reach so many people in this area about subjects that have not been covered in any other way. We are the only organization that works exclusively for diversity and inclusion. We have attempted to have every township in the County include diversity on their agenda and we've just about got 100% of that happening. Thank you for this opportunity.

PRESIDENT PRO TEM DOUGHERTY: Thank you. Henry Preston.

HENRY PRESTON: My name is Henry Preston. I live at 326 31<sup>st</sup> NW, Canton. Some dog walkers have become very bold, rude and disrespectful of property owners' property by freely allowing their dogs that are walking to urinate, defecate on property owners' property. The disrespecting dog walkers walk dogs in neighborhoods and dog walkers incorrectly assume that any grassy area, tree, shrubs, flowers, tires and fences are for the dog walkers dog's pleasure to use as they choose, the fact is they are not. When dog walkers walk dogs in residential neighborhoods they should not assume property owners have given them the right for the dog they are walking to sprinkle and plop as the dog chooses. Property owners may choose to grant the dog walkers the privilege of letting the dog just sprinkle and plop...plop on the property owners' property. Dog walkers need to know it is the property owners' right to grant the privilege that allows the dog walker the privilege to use the property owners' property as a dog restroom. When disrespecting dog walkers are confronted about letting their dog dispel bodily waste on private property, some become confrontational or come up with a lame question, well what am I supposed to do. First of all where a dog walker's dog dispel bodily waste is the dog walker's responsibility and not the property owners'. Dogs can be trained to take care of their bodily needs where the dog owner desires. This is accomplished either by home schooling or dog obedient schooling. I, myself have been able to home school dogs as to where they are allowed to take care of its bodily needs. Ignorance is no excuse on the part of dog owners and dog walkers to ignore the common courtesy of respecting dog...of respecting property owners' private property. Responsible dog walkers walk their dogs on a short lease...leash. This let's the dog know that walking is the activity, not squirting and plopping as they squish and whim while walking through the neighborhoods. Leptospirosis from dog urine can be transmitted to other dogs and humans. If leptospirosis is left unchecked on a dog, it can lead to liver or kidney damage. The most common ways humans contact leptospirosis from dogs are from the primary and secondary exposure from the infected dog's urine when it is still wet. This time of year, even on a sunny day the grass is still wet till 12 PM. Some property owners maintain their front yards, the City this...this...that activity. Some parents and grandparents like to walk their very young children in the neighborhoods. These very young children sometimes fall down onto grass along the sidewalk. The dog walkers do not have the

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right to potentially contaminate private property which can expose property owners and their visitors to the possibility of contracting leptospirosis on their property. (*Inaudible*) organization spent a lot of time spending Canton's children the meaning and value of respect. It might be beneficial if Council Members during their visits to the constituent's neighborhood association meetings to talk and discuss the benefits of the dog walkers respecting property owners' property. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you.

**INFORMAL RESOLUTIONS**

PRESIDENT PRO TEM DOUGHERTY: Now under Informal Resolutions. Please read Resolution 47.

#47. COUNCIL MEMBER MACK: AUTHORIZE SAF DIR TO IMPOSE TEMPORARY MORATORIUM FOR PERIOD OF 180 DAYS ON PROCESSING & ISSUANCE OF PERMITS AND LICENSING FOR AN AMUSEMENT ARCADE WHERE MORE THAN 5 SKILL BASED AMUSEMENT AND/OR COMPUTERIZED SWEEPSTAKES DEVICES ARE PRESENT. - ADOPTED

PRESIDENT PRO TEM DOUGHERTY: Member Griffin.

MEMBER GRIFFIN: Mr. President, I move we adopt Informal Resolution #47.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: There's a motion to adopt Resolution 47. Any remarks? By voice vote all those in favor signify by saying aye. Those opposed.

NO REMARKS

RESOLUTION #47 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM DOUGHERTY: The ayes have it. Resolution 47 has been adopted.

**COMMUNICATIONS**

PRESIDENT PRO TEM DOUGHERTY: We now turn to Communications. Let the journal show that all Communications are received as read.

***NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED OCTOBER 7, 2013.***

386. AUDITOR MALLONN: ADDITIONAL AMENDED CERT DATED 9/30/13. - RECEIVED & FILED

387. AUDITOR MALLONN: MNTHLY RPT BY FUND FOR 9/1/13 - 9/30/13. - RECEIVED & FILED

388. AUDITOR MALLONN: YRLY RPT BY FUND FOR 1/1/13 - 9/30/13. - RECEIVED & FILED

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389. HEALTH COMMISSIONER ADAMS: AMEND O#209/2012; (\$300,000.00 SUPP APPROP FROM UNAPPROP BAL 2316 WIC TO 2316 WIC GRANT FUND - \$230,000.00 & 2316 WIC GRANT FUND - PERSONNEL - \$70,000.00). - FINANCE COMMITTEE
390. HEALTH COMMISSIONER ADAMS: AMEND O#209/2012; (\$1,459.54 INTERFUND TRANSFER FROM 2323 301001 OTHER TO 2323 301001 PERSONNEL). - FINANCE COMMITTEE
391. LIQUOR CONTROL DIVISION (OHIO): REQ D2 D2X D3 D3A TRANSFER OF LIQUOR PERMIT FROM SELJR INC DBA WHITE CROWN CAFÉ @ 2528 9<sup>TH</sup> ST SW 1<sup>ST</sup> FL TO SHELL DS LLC DBA WHITE CROWN CAFÉ @ 2528 9<sup>TH</sup> ST SW 1<sup>ST</sup> FL. - RECEIVED & FILED
392. SAFETY DIRECTOR PERRY: AUTHORIZE SAF DIR TO REFURBISH SWAT ARMORED VEHICLE AT A COST NOT TO EXCEED \$79,623.50. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
393. SAFETY DIRECTOR PERRY: AUTHORIZE SAF DIR TO REC & APPROP 2012 COPS HIRING PROG GRANT IN AMT NOT TO EXCEED \$821,489.00. - FINANCE COMMITTEE
394. SAFETY DIRECTOR PERRY: AUTHORIZE SAF DIR TO REC & APPROP 2013 COPS HIRING PROG GRANT IN AMT NOT TO EXCEED \$851,949.00. - FINANCE COMMITTEE
395. SERVICE DIRECTOR BARTOS: AUTHORIZE SERV DIR TO ENTER INTO AN AMENDMENT OF PROF SERV AGMT WITH CT CONSULTANTS, INC., IN AMT NOT TO EXCEED \$756,200.00; AUTHORIZE SERV DIR TO FILE APPLICATION & ENTER INTO AGMT WITH OHIO EPA FOR SUPP LOW INTEREST LOAN FROM WATER POLLUTION CONTROL LOAN FUND TO FINANCE ADDT'L ENGINEERING COSTS IN AMT NOT TO EXCEED \$756,200.00; AUTHORIZE AUDITOR TO AMEND 5410 WRF PHOSPHORUS/TOTAL NITROGEN PROJ FUND FOR RECEIPT & DISBURSEMENT OF FUNDS & DRAW WARRANTS UPON RECEIPT OF VOUCHERS; AUTHORIZE \$756,200.00 SUPP APPROP FROM UNAPPROP BAL 5410 SEWER FUND TO 5410 206044 WRF PHOSPHORUS/TOTAL NITROGEN PROJ - OTHER. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
396. SERVICE DIRECTOR BARTOS: REQ CONSENT LEGISLATION FOR ODOT TO CONDUCT MAINTENANCE OPERATIONS/CONTRACTS ON I-77 WITHIN CANTON CORP LIMITS. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
397. SERVICE DIRECTOR BARTOS: REQ CONSENT LEGISLATION WITH ODOT TO REHABILITATE BRIDGE ON FAIRCREST SW. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
398. SERVICE DIRECTOR BARTOS: REQ CONSENT LEGISLATION WITH ODOT TO CONSTRUCT GUARDRAIL REPAIRS ON VARIOUS STATE ROUTES WITHIN CANTON CORP LIMITS. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
399. SERVICE DIRECTOR BARTOS: REQ CONSENT LEGISLATION WITH ODOT TO REALIGN &

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RECONFIGURE US 62, MIDDLEBRANCH AVE & HARRISBURG AVE. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

400. TREASURER SCHIRACK: RPT OF BANK RECONCILIATIONS AND CITY'S OUTSTANDING INVESTMENTS AS OF 9/30/13. - RECEIVED & FILED
401. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS AS OF 9/30/13. - RECEIVED & FILED
402. TREASURER SCHIRACK: RPT OF DEPOSITS & PAY-INS FOR SEPT 2013 TO AMBULANCE LOCK BOX ACCT. - RECEIVED & FILED
403. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR SEPT 2013. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT PRO TEM DOUGHERTY: First Reading Ordinances. Let the Journal show that all Ordinances are being given their reading as required by State Law. Madame Clerk.

***NOTE: PRESIDENT PRO TEM DOUGHERTY CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #5 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE HOF ANNEXATION AREA CONTAINING APPROXIMATELY 5.776 ACRES; ASSIGNING SAID TERRITORY TO WARD 7 OF THE CITY; ZONING SAID TERRITORY AS CS (COMMUNITY SERVICE); AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Annexation Committee **PUB HRG 10/28/13 @ 7:30 PM**
- #2. (1<sup>ST</sup> RDG) AN ORDINANCE PROCEEDING WITH THE IMPLEMENTATION OF THE PUBLIC SERVICE PLAN ADOPTED BY THE DOWNTOWN CANTON SPECIAL IMPROVEMENT DISTRICT; ADOPTING THE ESTIMATED ASSESSMENT PREPARED AND FILED WITH THE RESOLUTION OF NECESSITY; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Judiciary Committee
- #3. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$295,081.00 FROM UNAPPROP BAL 5442 WRF PHOSPHORUS/NITROGEN PROJ TO 5442 206044 WRF PHOSPHORUS/NITROGEN PROJ - OTHER)  
Referred to Public Property Capital Improvement Committee

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- #4. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$12,152.84 TO CENTRAL ALLIED ENTERPRISES; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #5. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$23,195.00 TO LAKE ERIE CONSTRUCTION COMPANY; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT PRO TEM DOUGHERTY: We're now under Second Readings Ordinances, #6.

***NOTE: PRESIDENT PRO TEM DOUGHERTY CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #6 THROUGH #12 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #6. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO ENTER INTO A THREE YEAR PROFESSIONAL SERVICES AGREEMENT WITH JULIAN & GRUBE, INC. IN AN AMOUNT NOT TO EXCEED \$24,900.00 ANNUALLY; AND DECLARING THE SAME TO BE AN EMERGENCY
- #7. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$180,000.00 FROM UNAPPROP BAL 6041 MOTOR VEHICLES DEPT, DMV FUND TO 6041 208010 SERVICE & REPAIR - OTHER)
- #8. (2<sup>ND</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING AND RENUMBERING OF OUTLOT 1150; AND DECLARING THE SAME TO BE AN EMERGENCY (MARET AVE NE)
- #9. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING ORDINANCE NO. 145/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$31,268.05 FROM UNAPPROP BAL 4502 MOTOR VEHICLE PURCHASE FUND TO 4502 102000 POLICE - OTHER)
- #10. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT REIMBURSEMENT GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$31,988.28 FROM THE STATE FOR A TRAFFIC ENFORCEMENT PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY \$8,067.84 TO KIMBLE CLAY & LIMESTONE; AND DECLARING THE SAME TO BE AN EMERGENCY

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- #12. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO AMEND THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT WITH THE FEDERAL GOVERNMENT TO EXTEND THE GRANT PERIOD AND ACCOUNT FOR AEP ENERGY EFFICIENCY GRIDSMART GRANT FUNDS; AMENDING ORDINANCE NO. 248/2009; AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$19,480.73 FROM UNAPPROP BAL OF 2236 ENERGY EFFICIENCY & CONSERVATION GRANT FUND TO 2236 202030 CANTON SUSTAINABILITY PROJ GP 1134 - OTHER)

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

PRESIDENT PRO TEM DOUGHERTY: Now under Ordinances for their Third and Final Reading. Madame Clerk, Ordinance 13.

***NOTE: PRESIDENT PRO TEM DOUGHERTY CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #13 THROUGH #18 FOR THE THIRD TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.***

- #13. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 183/2013** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE STARK COUNTY REGIONAL PLANNING COMMISSION IN AN AMOUNT NOT TO EXCEED \$20,000.00 FOR THE ADMINISTRATION OF THE CITY'S EMERGENCY SOLUTIONS GRANT PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Griffin.

MEMBER GRIFFIN: Mr. President I make a motion we adopt Ordinance #13.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 13. Any remark? Roll Call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

**#13 ADOPTED AS ORDINANCE NO. 183/2013**

PRESIDENT PRO TEM DOUGHERTY: Ordinance 13 has been adopted. Ordinance 14.

- #14. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 184/2013** AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AND FILE WITH THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AMENDMENTS TO THE 2013 ANNUAL ACTION

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PLAN, NSP 1 SUBSTANTIAL AMENDMENT AND NSP 3 SUBSTANTIAL AMENDMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Griffin.

MEMBER GRIFFIN: Mr. President I make a motion we adopt Ordinance #14.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 14. Any remarks? Roll Call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

**#14 ADOPTED AS ORDINANCE NO. 184/2013**

PRESIDENT PRO TEM DOUGHERTY: Ordinance 14 has been adopted. Ordinance 15.

#15. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 185/2013** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AND ENTER INTO CONTRACTS FOR THE REMOVAL OF ASBESTOS FROM AND DEMOLITION OF TWO COMMERCIAL STRUCTURES LOCATED AT 2408 13<sup>TH</sup> STREET NE AND 1446 WEST TUSCARAWAS STREET; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Griffin.

MEMBER GRIFFIN: Mr. President I make a motion we adopt Ordinance #15.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: Moved and seconded to adopt Ordinance 15. Any remarks? Roll Call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

**#15 ADOPTED AS ORDINANCE NO. 185/2013**

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

#16. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 186/2013** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO: ACCEPT TWO (2) HOUSES FROM DDK PROPERTY GROUP LLC AND ELEVEN (11) HOUSES FROM FREED HOUSING CORPORATION; ENTER INTO CONTRACT (S) FOR

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THE REHABILITATION AND OTHER HOUSING EXPENSES OF EACH PROPERTY IN A TOTAL AMOUNT NOT TO EXCEED \$500,000.00; SELL SAID PROPERTIES ONCE THEY ARE COMPLETED; AND AUTHORIZE AN EXPANSION OF THE HOUSING REHAB PROGRAM TO UTILIZE UP TO \$500,000.00 IN CDBG FUNDS TO ENTER INTO CONTRACT FOR THE ACQUISITION, REHAB AND RESALE OF HOMEOWNER OCCUPIED UNITS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Griffin.

MEMBER GRIFFIN: Mr. President I make a motion we adopt Ordinance #16.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 16. Any remarks?

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Hawk.

MEMBER HAWK: Thank you sir. Mr. Morris, I'll follow you sir.

MEMBER MORRIS: Thank you. First I'd like to thank Lisa Miller and Fonda Williams for going way out of their way to educate me on this. I was really reluctant to vote in favor of this and I really had some issues with it and I got a lot better of an understanding of it. I'm really not completely clear on it and I will be spending time with Mr. Williams getting educated even further. The first half of this program really worked out well. Mr. Hawk and myself both went out and visually looked at these properties. They are the better properties in the neighborhood and I hope that the rest of the program is...as...easy for me to say...I hope everything goes smooth. Thank you.

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes.

MEMBER HAWK: Thank you for recognizing me again, I appreciate it. I will concur and add on to Mr...Councilman Morris' opinion. I think in light of the problems that happened with SMHA and Freed Corporation, as the housing arm of SMHA, we need to exercise great care in remodeling or redoing these houses. I mean, when you look...and my Ward was the recipient of the \$290,000.00 house on Fulton Road that has one garage and no yard and then when you look to see the that SMHA spends sometimes over \$60,000.00 remodeling houses in the neighborhood that wouldn't be worth it. The houses I did go and inspect in my neighborhood, they are nice homes, they are well worth what we're doing with them. I think we need to make sure we emphasis care and caution and make this program a success. I have complete faith in Lisa Miller and her department, Community & Economic Development that we will do the right thing on this but let's be careful please. Thank you.

PRESIDENT SCHULMAN: Any other remarks?

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CHIEF OF STAFF WILLIAMS: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Chief of Staff Williams.

CHIEF OF STAFF WILLIAMS: Thank you, thank you for those comments Member Morris and Member Hawk. And in regards to the invitation to the Development Department to fully understand the complexities of the programs we manage, let us go on record tonight to invite all Members of Council or any Members of Council or the public, you know, we'll make the time to educate each and every one of you. You know, managing these Federal dollars is extremely difficult, it's extremely difficult and as Member Hawk pointed out, some of the issues that occurred at SMHA happened 10, 12, 15 years ago and now are coming back to haunt SMHA. So, it's very important that we put various sets of eyes on all of these documents and the rules and regulations so that each of us feel comfortable that we're moving the City of Canton in the right direction. And my last parting comment will be that the HOME program is the most complex program we deal with. I know a lot of times we come down with legislation about CDBG funds not as difficult to manage but I assure you, the HOME program is extremely difficult and so I welcome the opportunity for any Members of Council that would like to be educated, the...the doors are open. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you Mr. Williams. Any more remarks? Roll Call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

**#16 ADOPTED AS ORDINANCE NO. 186/2013**

PRESIDENT PRO TEM DOUGHERTY: Ordinance 16 has been adopted. Ordinance 17.

#17. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 187/2013** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$80,000.00 FROM UNAPPROP BAL 2323 PREP FUND TO 2323 PREP GRANT - OTHER & 2323 PREP GRANT - PERSONNEL)

PRESIDENT PRO TEM DOUGHERTY: Member Griffin.

MEMBER GRIFFIN: Mr. President I make a motion we adopt Ordinance #17.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: Moved and seconded to adopt Ordinance 17. Any remarks? Roll Call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

**#17 ADOPTED AS ORDINANCE NO. 187/2013**

PRESIDENT PRO TEM DOUGHERTY: Ordinance 17 is adopted. Ordinance 18.

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- #18. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 188/2013** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 209/2012; AND DECLARING THE SAME TO BE AN EMERGENCY (\$97,600.00 FROM UNAPPROP BAL 5201 WATER FUND TO 5201 207003 WATER BILLING - OTHER AND 5201 207012 PUMPING MAINTENANCE - OTHER; \$6,600.00 FROM UNAPPROP BAL 5410 SEWER FUND TO 5410 207003 SEWER BILLING - OTHER; \$6,600.00 FROM UNAPPROP BAL 5601 SANITATION FUND TO 5601 207003 SANITATION BILLING - OTHER AND \$1,220.00 UNAPPROP BAL 5227 WATER METER/MTU REPLACEMENT FUND TO 5227 207030 WATER METER/MTU REPLACEMENT - OTHER)

PRESIDENT PRO TEM DOUGHERTY: Member Griffin

MEMBER GRIFFIN: Mr. President, I make a motion we adopt Ordinance #18.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance #18. Member Griffin.

MEMBER GRIFFIN: Mr. President, I move we amend Ordinance #18 per copy that all Council Members find in front of them.

MEMBER BABCOCK: Seconded.

Amendment

*Pursuant to Rule 36, I move to amend Agenda Item No. 18 by amending the third supplemental appropriation listed in Section 1 to read as follows:*

<i>FROM:</i>	<i>Unappropriated Balance of the 5601 Sanitation Fund</i>	<i>\$3,300.00</i>
	<i>Sanitation Fund</i>	
<i>TO:</i>	<i>5601 207003 Sanitation Billing</i>	<i>\$3,300.00</i>
	<i>- Other</i>	

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to Amend Ordinance 18. Any remarks?

MEMBER GRIFFIN: Could we have the Amendment summarized please?

PRESIDENT PRO TEM DOUGHERTY: Service Director.

SERVICE DIRECTOR BARTOS: Mr. Leader, just real quickly, there was several appropriations being made and this was I believe the 3<sup>rd</sup> of the...of the 4<sup>th</sup> Communication and what simply happened was the...the numbers from the 2<sup>nd</sup> appropriation were used for the 3<sup>rd</sup> one...for the 3<sup>rd</sup> appropriation and it should have been \$3,300.00 but instead it was \$6,600.00. That was because that was what the 2<sup>nd</sup> appropriation was. The numbers just got kind of mixed up there. So, we're just correcting it, bringing it down actually to \$3,300.00.

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PRESIDENT SCHULMAN: Thank you. Any more remarks? By voice vote all those in favor of the Amendment, say aye. Anybody opposed?

NO REMARKS

AMENDMENT PASSED BY VOICE VOTE

PRESIDENT PRO TEM DOUGHERTY: The Amendments been passed. Member Griffin.

MEMBER GRIFFIN: Mr. President, I move that we adopt Ordinance 18....

PRESIDENT PRO TEM DOUGHERTY: As Amended.

MEMBER GRIFFIN: ...as Amended.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 18 as Amended. Any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

**#18 ADOPTED AS AMENDED AS ORDINANCE NO. 188/2013**

PRESIDENT PRO TEM DOUGHERTY Thank you Madame Clerk. The motion carries. Ordinance 18 has been adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT PRO TEM DOUGHERTY: Announcement of Committee Meetings.

MEMBER COLE: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Cole.

MEMBER COLE: Finance will meet October 21<sup>st</sup> at 6:45 PM.

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes sir, Mr. Hawk.

MEMBER HAWK: Thank you good sir. Annexation Committee will meet Monday at the same time. Thank you very much.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member West.

MEMBER WEST: Judiciary will meet same time, same place.

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PRESIDENT PRO TEM DOUGHERTY: Also Public Property Capital Improvement will meet the 21<sup>st</sup> at 6:45.

**MISCELLANEOUS BUSINESS**

PRESIDENT PRO TEM DOUGHERTY: Under Miscellaneous Business. Law Director.

LAW DIRECTOR MARTUCCIO: Thank you. Mr. Majority Leader, Members of Council and to the member of public who spoke and asked about panhandling, a couple of quick remarks. Our Codified Ordinances in the City of Canton do address begging, panhandling, soliciting. Under the First Amendment, in the Bill of Rights of the US Constitution, begging is a protected form of speech. Let me repeat that, begging is a protected form of speech. However, we at the City level can regulate parts of it. A Captain on the Police Department recently called and said that people were being panhandled and wondered what we could do about it. We have in place an Ordinance that prohibits aggressive panhandling. If someone comes too physically close, if they menace, if they lash out with a string of obscenities and place you in fear, if they come into a door way of public business, you are certainly welcome to have your constituents or yourself call the Police, if they are menacing or putting you in a position of physical danger but for someone who peaceably asks from a distance if you have any spare change, that is protected speech. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Anyone else? Mayor.

MAYOR HEALY: Thank you Mr. President. I have two things but the first one I'm going to discuss is you know, as Council and the Administration for the City of Canton we spend a lot of our time having to deal with a lot of problems and issues that arise and we work extremely hard to...to try to make things happen to make Canton better and it seems like we kind of get bogged down in all the negative stuff. And so I want to thank the Repository and...and our...our wonderful reporter here for the story he did over the weekend in reference to investing in downtown. And just to piggyback on that story because we do have a lot of people who believe in Canton and who promote Canton and are actually helping to improve the image. Which, if we want to turn around Canton we need to get on the positive train of...of talking about the great things of our City. And so, I want to thank him for writing that. I want thank some of those people that are involved in the last 3, 4, 5 years particularly and investing in our City, Tim Belden, Steve Coon, The Canton Chamber, REM Commercial, Mike King and King Properties, Bob Timken, Marsh Belden, to name a few that were referenced in the article, VXI who invested a lot of money and brought jobs downtown, and so many more. There's a lot of newer companies who have also invested in our City, not just downtown but in Canton and it's nice to talk about some of these jewels of our City. You know, the Quarry is...is about 5 or 6 years old now and that's a great addition to our City, a beautiful place for people to visit. It's something we can brag about. Mills Industrial Park and those companies that...I know Chris, this is all Ward 4<sup>th</sup> stuff...but the Mills Industrial Park with Medline and old Dominion and GE Energy and I<sup>2</sup>R Power is a new addition down there, having a first class industrial park and having people want to invest in our City. Gervasi, I mean, you talk about a jewel of the City, this place is unbelievable if you haven't been there lately, you need to check out the newest Crush House that they've added and what's going on there. And all the new businesses that are tied to the oil and gas industry that have brought new jobs to our community because they're investing in our City. In addition to that, we have a number of...of existing companies that are big staples of our community that have spent millions of dollars, in some case 10's of millions or even 100's of millions of dollars on expansions and new projects like the Timken Company and Aultman, Mercy, the Pro Football Hall of Fame and their expansion, Malone University and Ashland Oil. The staple companies that are really expanding and investing in our area. And you know, you throw in what's going on at the airport and that expansion to promote our area at Stark State and Kent State. These...these companies that I've listed and these people that have invested account for over a billion dollars of investment in Canton and the Canton area in the last 3 to 5 years. That's an amazing amount of trust and belief in what's happening here in our community and I think it's great that we get to recognize them and that the newspaper did a story on them

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and...and as...as Council and Administration, you know, we need to spend a little bit more of our time bragging about how great things are here and all the positives that we have because it seems like we get sidetracked on all the other things. So, I just wanted to share that with everybody in here. Thank you for letting bring that to your attention.

PRESIDENT PRO TEM DOUGHERTY: Okay anyone else for Miscellaneous business? Do you have something else there?

MAYOR HEALY: (*Inaudible*) covered it but I did want to address it in a public forum. I did something a little bit different. We've all given out Proclamations in recognition of individuals but on this particular one I went one step further and I'll share it with this Body. This is recognizing Pastor George Dunwoody and designating October 7<sup>th</sup>, today as George Dunwoody Day. So, I think if you didn't see that story I, you know I wouldn't mind if I could read this, is that okay Mr. President?

PRESIDENT PRO TEM DOUGHERTY: Sure.

MAYOR HEALY: Thank you. Whereas: Canton, Ohio has long been characterized as a deeply religious community and has taken to its heart, those who have served the religious needs of our community by performing God's work in a spirit of Christian fellowship, charity and love, which was truly Christ's message to the world; and Whereas: Today we find an individual who best typifies this proposition in the person of Pastor George Dunwoody who was born on October 7, 1959 and has been married to his loving wife for over 25 years, Robin Hightower Dunwoody who have both committed their life's work to the true sense of Christianity for the love and glory of God; and Whereas: Life Ministries had its first service on July 29, 2007 at the barn in Monticello and came to its current location on Market Avenue in December of 2010. Whereas: Pastor George has faithfully committed to the mission and vision of Life Ministries as Pastor and organizer of the Church which grew from roughly 70 members to well over 650; and Whereas: Pastor George has committed over 30 years to Canton City Schools, has touched the lives of many individuals and has been recognized tremendously over the years by the community he servers. Therefore Be It Resolved: That I, William J. Healy II by virtue of the authority vested in me as the Mayor of the great City of Canton, Ohio do hereby commend Pastor George Dunwoody for his admirable service and officially declare October 7, 2013, George Dunwoody Day and urge all citizens, family and friends to join me in publically acknowledging him with respect, honor and admiration he truly deserves. Thank you Mr. President.

(*APPLAUSE*)

PRESIDENT PRO TEM DOUGHERTY: Thank you Mayor. Member Griffin.

MEMBER GRIFFIN: Mr. President, I move that we adjourn.

MEMBER BABCOCK: 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: We're adjourned. (*Gavel falls*)

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ADJOURNMENT TIME: 8:09 PM

ATTEST: OCTOBER 10, 2013  
CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

APPROVED: OCTOBER 10, 2013  
DAVID R. DOUGHERTY  
PRESIDENT PRO TEM