

MINUTES OF THE MEETING JANUARY 4, 2010

THE FOLLOWING ARE THE TITLES AND NAMES OF COUNCIL MEMBERS SWORN INTO OFFICE AT 7:30 P.M. ON MONDAY, JANUARY 4, 2010 BY LAW DIRECTOR JOSEPH MARTUCCIO IN THE CANTON CITY COUNCIL CHAMBER, CITY HALL, CANTON, OHIO. COPIES OF NOTARIZED OATHS OF OFFICE ARE ON FILE IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED JANUARY 4, 2010.

TITLE & NAME:

Joseph Cole, Council At Large

Mark Butterworth, Ward 8 Council Member

All other Members previously sworn in on December 28, 2009

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. I want to wish all of you a healthy, happy and productive and prosperous New Year for yourselves and your families and of course our city. It's kind of a changing of the guards here so I may have to get somewhat used to new faces and new places but in any case, I want to congratulate Member Cole. Welcome finally. You've sat patiently in the back of the room for many months watching what we've tried to do and we welcome you to Council and wish you the very best. And Member Butterworth, congratulations to you and best wishes to you. I don't look at you and see Richard Hart I can tell you that. And we have agreed, I think the Majority Leader has agreed, that you will not have to leave the room when we caucus. In any case ladies and gentlemen, 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, JAMES GRIFFIN, CHRIS SMITH, PATRICK BARTON, MARK BUTTERWORTH & BRIAN HORNER)

TWELVE COUNCIL MEMBERS PRESENT.

CLERK TIMBERLAKE: All present, Mr. President.

PRESIDENT SCHULMAN: All present and accounted for. I do, before we give the prayer and the pledge of allegiance I do want to recommend to people who are new here and old faces also, the leadership and our Clerk and the great staff we have, have put together a table in the back room. All the business cards of all Members of Council, the Mayor, the Directors of Safety and Service, all those business cards are back there so as a result if you need to contact any of us please feel free to pick up a card. Secondly you'll note that there is a constituent call back sheet and this will be in Council every Monday and this allows constituent to if they have a complaint or a recommendation or you want particularly someone on Council to call you back, all you have to do is fill out one of these forms. Lastly if you would all just make sure your cell phones are either off or on vibrate. It's somewhat distracting when the cell phones go off and I was remiss in congratulating Member Cole. I know his wife and mom have stayed in the audience and we want to congratulate you Leslie and Bonnie. Congratulations. You have a great husband and he's going to do a great job, so welcome. Thank you for being here. We'll have our invocation given Ward 6 Council Member and our Leader David Dougherty. And would you all please remain standing for the pledge of allegiance.

MINUTES OF THE MEETING JANUARY 4, 2010

The regular meeting of Canton City Council was held on Monday, January 4, 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 Ward 6 Council Member, David Dougherty. The Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you Leader Dougherty. We're now under agenda correction and changes. There are no corrections or changes this evening.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We're now under Public Speaks. There are no Public Hearings this evening.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We are now under Public Speaks regarding City Business. Does this go here now?

CLERK TIMBERLAKE: Yes we're changing that to the beginning now.

PRESIDENT SCHULMAN: I am so confused in the New Year. We are now under Public Speaks regarding City Business. We have one speaker signed up this evening and that is Mr. Dick Deitrick. Mr. Deitrick if you'd come forward and give us your name and your residential address and welcome and wish you a healthy, happy, prosperous New Year.

DICK DEITRICK: Happy New Year everybody. I'm Dick Deitrick. I from Park Avenue SW. 144 Park and just wanted to address ya the first of the year cause I know I annoy people sometimes with what I say but that's why I say it. Anyway the YMCA has been a stickler to me. I understand that it's too much to keep the building open. There's too many free grants but I understand that a lot of the community centers and places for kids to go, their on the verge of shutting down right now anyway. I just wanted to address it. I wish that somebody, someway could say something, do something to stop them from tearing that building down cause we got a world class pool there and it's been a fabulous place to go for such a long time and I wanted to mention something about I know the fireman issue been a tough thing but I had a couple dealings with fires. I lived in Canton. I grew up in Canton and when I got married I moved to Sherman Church south of Foul Road and I raised horses for quite a few years and my next door neighbor his house caught on fire and the firemen came and they done more damage to that place than the fire ever could have. And I'm not criticizing cause the same guys had to come and rescue me when I got in an accident in my own pasture once, so they helped me but they, their just not professional firefighters and I also had a property in the southwest end of Canton and the people that I was renting to, the guy was started a fire to make it short and the Canton firefighters came and put out that fire in a matter of like 45 minutes or something the whole thing was gone. It was totally under, in flames and they did a fabulous job and I just wanted to say how great they were and I'm not saying that because I have friends there or whatever they just did a terrific job and they did it in nothing flat and they are professional firefighters and there's only three guys there that did all this great job. I just wanted to say that about the firefighters and I know we can't afford to, we got to lay people off and things are tough and money's tough but I just wanted to, let me see some of the things I wanted to say here...

PRESIDENT SCHULMAN: Well you have about 30 seconds.

MINUTES OF THE MEETING JANUARY 4, 2010

DICK DEITRICK: 30 seconds, OK, Happy New Year everybody. Good to see ya, take care and thank you very much.

PRESIDENT SCHULMAN: Thank you. (*APPLAUSE*). Well thanks why we have Public Speaks. I have to publicly take exception to what Mr. Deitrick said about our professional firefighters and I know that first hand because my house almost burnt to the ground and if wasn't for the Canton firefighters it would have, so we all have our opinions and we certainly respect yours. OK, that ends our Public Speaks, Open Forum tonight.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We are now going to go to Informal Resolutions and Madame Clerk, will you please read Resolution #1 by title only.

#1. COUNCIL-AS-A-WHOLE: APPROVING & ADOPTING THE RULES OF PROCEDURE FOR CANTON CITY COUNCIL EFFECTIVE JANUARY 4, 2010. - ADOPTED

PRESIDENT SCHULMAN: Leader Dougherty

MEMBER DOUGHERTY: Mr. President, I move we adopt Resolution #1.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #1. Are there any remarks under this Resolution? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: And that Resolution is adopted. Would you please Madame Clerk read Resolution 2 by title.

#2. COUNCIL-AS-A-WHOLE: ELECTIONS OF COUNCIL VICE-PRESIDENT AND FIRST VICE-PRESIDENT. - ADOPTED

PRESIDENT SCHULMAN: Leader Dougherty

MEMBER DOUGHERTY: I move we adopt Resolution #2.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #2. Are there any remarks under this Resolution? Hearing none, Madame Clerk roll call vote please on Resolution 2.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

MINUTES OF THE MEETING JANUARY 4, 2010

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Resolution 2 has been adopted. Resolution #3 please.

#3. ELECTIONS OF CLERK OF COUNCIL & OFFICE STAFF; CLERK OF COUNCIL: CYNTHIA TIMBERLAKE; ADMINISTRATIVE ASSISTANT V: MICHELLE SENTER; ADMINISTRATIVE ASSISTANT V: PATRICIA DOROSKY. - ADOPTED

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader Dougherty

MEMBER DOUGHERTY: Yea, I move we adopt Resolution #3.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #3. Are there any remarks under this Resolution? I would to say we have one great staff and we should be very proud of all the work that they do.

CLERK TIMBERLAKE: Thank you.

PRESIDENT SCHULMAN: Your welcome. It's my right hand person over here. Any other remarks? Hearing none Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

(Member Horner hesitated before voting on Clerk and Staff)

PRESIDENT SCHULMAN: Boy were you going to be in trouble. *(LAUGHTER)* Resolution #3 has been adopted. Resolution #4 please Madame Clerk.

#4. COUNCIL-AS-A-WHOLE: AUTHORITY TO ADVERTISE ORDINANCES, RESOLUTIONS & NOTICES. - ADOPTED

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Yea, Mr. President I move we adopt Resolution #4.

MEMBER PRATER: Seconded.

MINUTES OF THE MEETING JANUARY 4, 2010

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution #4. Are there any remarks under this Resolution? Hearing none Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Resolution #4 has been adopted and that concludes Resolutions.

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 JANUARY 4, 2010.

1. AUDITOR MALLONN: CERTIFICATE OF TOTAL AMT FROM ALL SOURCES FOR 2009. - RECEIVED & FILED
2. FINANCE DIRECTOR ALGER: LETTER TO COUNCIL RE: 2010 TEMPORARY BUDGET. - FINANCE COMMITTEE
3. LAW DIRECTOR MARTUCCIO: AUTHORIZE PREPARATION OF 3 ORDINANCES TO AUTHORIZE DESIGNEES OF CITY TO PURCHASE EQUIPMENT, SUPPLIES & SERVICES FROM & THRU STATE OF OH, DIV OF ADMINISTRATIVE SERVICES UNDER O.R.C. SEC 125.04. - FINANCE COMMITTEE
4. LIQUOR CONTROL DIVISION (OHIO): REQ NEW D5 LIQ PERMIT FOR SUSAN ANN BURTON DBA CONESTOGA @ 217 2ND ST NW. - RECEIVED & FILED
5. SAFETY DIRECTOR REAM: REQ APPROVAL OF CREATION OF 2784 - 102001 2009 BYRNE MEM JUSTICE ASST GRANT FUND TO ACCEPT FUNDS FOR THE 2009 MEM CANTON JUSTICE ASST GRANT. - FINANCE COMMITTEE
6. SAFETY DIRECTOR REAM: REQ TO ENTER INTO LEASE AGMTS W/STARK CNTY COMMISSIONERS FOR UTILIZING CITY OWNED PARKING SPACES. - FINANCE COMMITTEE
7. SAFETY DIRECTOR REAM: REQ TO ENTER INTO LEASE AGMTS W/CANTON REG CHAMBER OF COMMERCE FOR UTILIZING CITY OWNED PARKING SPACES. - FINANCE COMMITTEE

MINUTES OF THE MEETING JANUARY 4, 2010

8. SAFETY DIRECTOR REAM: AUTHORIZE SAF DIR TO ENTER INTO PROF SVCS CONTRACT W/PHILIP SEDLOCKO FOR ANIMAL CONTROL SVCS IN AMT NOT TO EXCEED \$26,400.00 FROM 2/1/10 - 12/31/10. - FINANCE COMMITTEE
9. SAFETY DIRECTOR REAM: AUTHORIZE SAF DIR TO ENTER INTO PROF SVCS AGMT W/ANGELA CAVANAUGH IN AMT NOT TO EXCEED \$97,000.00 TO SERVE AS CITY'S CHIEF BLDG OFFICIAL FROM 2/1/10 - 12/31/10 &/OR UPON TOTAL EXPENDITURES OF \$97,000.00. - FINANCE COMMITTEE
10. SERVICE DIRECTOR PRICE & SAFETY DIRECTOR REAM: AUTHORIZE SERV &/OR SAF DIRECTORS TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR SUPPLY ITEMS, MATERIALS & PROF SVCS FOR THE CITY'S OPERATION DURING 2010; AUTHORIZE TO ALTERNATIVELY TO ENTER INTO CONTRACT FOR THE PURCHASE OF SAID ITEMS IN ACCORDANCE W/O.R.C. SEC 125.04, O.R.C., SEC 5513.01 & O.R.C. SEC 735.05. - FINANCE COMMITTEE
11. SERVICE DIRECTOR PRICE & SAFETY DIRECTOR REAM: AUTHORIZE MAYOR &/OR SERV &/OR SAF DIRECTORS TO COMPLETE VARIOUS CONTRACT ORDINANCES WHICH WERE NOT COMPLETED IN 2009 PURSUANT TO O.R.C. SEC 731.48. - FINANCE COMMITTEE
12. SERVICE DIRECTOR PRICE: AUTHORIZE ISSUANCE OF \$2,000,000.00 ANTICIPATORY NOTE IN ORDER TO PROVIDE THE CASH LIQUIDITY NECESSARY TO MEET DAILY EXPENDITURE & BI-WKLY PAYROLL OBLIGATIONS FOR 2010 IN THE 1001 GENERAL FUND. - FINANCE COMMITTEE
13. SERVICE DIRECTOR PRICE: RPT INFORMING COUNCIL THAT THE CITY WILL NOT BE ENTERING INTO A PLA FOR SHERRICK RD STAB PROJ. - RECEIVED & FILED
14. SERVICE DIRECTOR PRICE: AUTHORIZE SERV DIR TO ENTER INTO VARIOUS AGMTS W/RESPECT TO THE ADMIN OF THE CITY'S HEALTH BENEFIT PLAN EFFECTIVE 2/1/10. - FINANCE & PERSONNEL COMMITTEE
15. YWCA, APPLICANT: APPLICATION FOR PROPOSED VACATION OF A PORTION OF MENTZER PL NE BETWEEN WALNUT AVE NE & REX AVE NE. - PLANNING COMMISSION

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

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

MINUTES OF THE MEETING JANUARY 4, 2010

- #1. (1ST RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 1/2010** AN ORDINANCE ADOPTING TEMPORARY APPROPRIATIONS FOR THE OPERATING AND CAPITAL EXPENDITURES OF THE CITY OF CANTON, OHIO, FOR FISCAL YEAR 2010; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

PRESIDENT SCHULMAN: And would you read Ordinance 2 please also.

CLERK TIMBERLAKE: Referred to the Finance Committee.

- #2. (1ST RDG) **ADOPTED AS ORDINANCE NO. 2/2010** AN ORDINANCE PROVIDING FOR THE ISSUANCE OF A NOTE BY THE CITY OF CANTON IN ANTICIPATION OF THE COLLECTION AND PAYMENT OF CITY INCOME TAXES, GENERAL PROPERTY TAXES, AND MISCELLANEOUS OTHER SOURCES TO THE CITY OF CANTON; DECLARING THE NECESSITY OF THE ISSUANCE OF SAID NOTE; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

(COUNCIL RECESSED AT 7:47 P.M. FOR FINANCE COMMITTEE TO DISCUSS THE ADOPTION OF ORDINANCE #1 AND #2; RECONVENED AT 7:48 P.M.)

PRESIDENT SCHULMAN: Thank you Member Hawk. So Council will reconvene after the recess of the Finance Committee. Leader Dougherty.

MEMBER DOUGHERTY: Yea, Mr. President I move that we suspend Rule 22A to add Ordinances 1 and 2 back on the agenda.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add Ordinances 1 and 2 back on this evening's agenda. Are there any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries. Ordinances 1 and 2 are a legal part of your agenda. Leader Dougherty.

MEMBER DOUGHERTY: Mr. President. I'd like to move we suspend Statutory Rules on Ordinance 1.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: There's been a move to suspend the Statutory Rules on Ordinance 1. Are there any remarks? Hearing none Madame Clerk roll call vote please.

MINUTES OF THE MEETING JANUARY 4, 2010

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

MEMBER DOUGHERTY: Yea I'd like to move to adopt Ordinance 1 please.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 1. Are there any remarks under this Ordinance? Hearing none Madame Clerk roll call vote please. Oh, I'm sorry, excuse me there is an amendment.

MEMBER DOUGHERTY: Yea, Mr. President.

PRESIDENT SCHULMAN: Yes Leader Dougherty.

MEMBER DOUGHERTY: I'd like to amend Ordinance 1 with the amendment that was passed out to all Council Members.

MEMBER PRATER: Seconded.

AMENDMENT:

Pursuant to Rule 36, I move to amend Agenda Item No. 1 by the addition of a second paragraph to Section 1 to read as follows:

City Council requires that the complete and final permanent annual appropriation measures ordinance for Fiscal Year 2010 be filed with Council by the administration by March 1, 2010 in order to conduct three full readings.

PRESIDENT SCHULMAN: It's been moved and seconded to amend Ordinance #1 per the copy before each of you. Are there any remarks? Hearing none all those.....

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Yes Member Cirelli.

MEMBER CIRELLI: Could we have the amendment sir, just for the record?

PRESIDENT SCHULMAN: Sure.

CLERK TIMBERLAKE: Pursuant to Rule 36, I move to amend Agenda Item No. 1 by the addition of a second paragraph to Section 1 to read as follows: City Council requires that the complete and final permanent annual appropriation measures ordinance for Fiscal Year 2010 be filed with Council by the administration by

MINUTES OF THE MEETING JANUARY 4, 2010

March 1, 2010 in order to conduct three full readings.

MEMBER CIRELLI: Thank you.

PRESIDENT SCHULMAN: Your welcome Member Cirelli. Any other remarks? OK, what you're voting on is a motion and a second to amend Ordinance #1 per the copy before each of you. All those in favor signify by saying aye, those opposed no.

NO REMARKS

UNANIMOUS VOTE ON AMENDMENT FOR ORDINANCE #1

PRESIDENT SCHULMAN: The motion carries. Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 1 as amended.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 1 as amended. Are there any remarks? Hearing none Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#1 ADOPTED AS AMENDED AS ORDINANCE NO. 1/2010

PRESIDENT SCHULMAN: Ordinance #1 has been adopted as amended. Ordinance #2 Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we suspend Statutory Rules on Ordinance 2 please.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance #2. Are there any remarks? Hearing none Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: The motion carries.

MEMBER DOUGHERTY: Mr. President

PRESIDENT SCHULMAN: Yes.

MEMBER DOUGHERTY: Can we adopt Ordinance 2?

MEMBER PRATER: Seconded.

MINUTES OF THE MEETING JANUARY 4, 2010

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #2. Are there any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#2 ADOPTED AS ORDINANCE NO. 2/2010

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #2 is adopted. And that concludes our Ordinances and Resolutions one, two, and three.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: Were now under Announcement of Committee Meetings. Is there an announcement? There are no announcement of Committee Meetings.

MISCELLANEOUS BUSINESS

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

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes Leader Dougherty.

MEMBER DOUGHERTY: I move we adjourn.

MEMBER PRATER: Seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The meeting is adjourned. Happy New Year everyone. *(Gavel falls)*

ADJOURNMENT TIME: 7:53 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT