

MINUTES OF THE MEETING AUGUST 22, 2011

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. This is a very rowdy crowd tonight, I can see this is going to be one of those evenings. We're going to...and it's all coming from up here by the way, the audience is very respectful. Before we begin tonight's meeting, our community lost a treasured leader, a great public servant, a wonderful mother and a real treasure to this community for many, many, many, many years. I'd like to have a moment of silence for the passing of Mary Babcock.

MOMENT OF SILENCE FOR MARY BABCOCK

PRESIDENT SCHULMAN: Thank you. 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. We'll have the invocation given tonight by Ward 2 Council Member Thomas West. Would you please remain standing for our Pledge of Allegiance.

The regular meeting of Canton City Council was held on August 22, 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 2 Council Member Thomas West. The Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you Member West for those words. We're now under Agenda Corrections and Changes, Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to add 2nd Reading Ordinances 7 through 20 and Communication 289 is being withdrawn by the author.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add 2nd Reading of Ordinances 7 through 20 to this evening's Agenda, Resolution 289 is withdrawn. Are there any remarks? If not, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

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

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We're now under Public Hearings. We have no Public Hearings this evening.

OLD BUSINESS

PRESIDENT SCHULMAN: Turning to Old Business I will now ask the Mayor's Chief of Staff and Service Director, Mr. Price if there is any Old Business.

SERVICE DIRECTOR PRICE: Thank you, yes there is Mr. President. The first item would be from Jason Scaglione, there were a number of issues that he asked us to look into. I had scheduled an appointment with Mr. Scaglione and was trying to get him in before this meeting and I had to cancel that. We are scheduled to meet this week and I thought it would be more expeditious to just go through the neighborhood with him and go over some of those issues and see if we can't get some of these addressed. You know, there were a number of them, Building Code issues on Fawcett, high grass on Hursh Place, you know, there were notices by the Building Department, street sweeping at Wertz to Floral, those sorts of things. So, while I did pass those along to Department Heads, I did want to have the opportunity to...to go take a look at some of these things, so I'll be doing that. Patricia Kirk reiterated her concerns regarding 9-1-1 and locating folks in the building for emergency assistance which I passed along to the Safety Director, which if he has anything to add he can of course. The...one other thing that was not the subject of Public Speaks last time we met but that I did want to address because I did not had the opportunity to respond in writing, I got some inquires from the Majority Leader and Council Woman Cirelli and some others regarding collection on our lot mowing. Mary was kind enough to provide me with a list she had obtained from the Auditor, which I do by the way Mary, have for you to give you back, she had let me borrow that to take a look and spent quit a bit of time going over with me that list and she had identified some property owners that she had concerns about. Majority Leader Dougherty kind of joined the chorus and has for sometime in talking about how we might be able to step up our collection efforts. We've looked at number of options and I've talked with, you know, some collection firms, I've talked with our Utility Billing Department. What I'd like to do is to set up a meeting with the Majority Leader, Mary, other interested parties to discuss what we may be able to do and what I found out from some of these collection firms to keep that moving and I apologize for not responding to your emails but I do want to do that. And we'll schedule that shortly just to let you know that we're...I was not ignoring your concerns about it and you know, the bulk of the properties, while the majority of those may not be collectable, certainly going over it with Mary, who spent a lot of time looking at that list. You know, there are some out there that I'm convinced, you know, could be collectable and we'll involve the Law Department in that discussion in the meeting and we'll...we'll, you know, figure out path to...if there is one and I think there is, to step up our collection efforts and work on these, you know, collecting some of this debt. Thank you.

PRESIDENT SCHULMAN: Thank you.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We're now under Public Speaks. We have five speakers speaking this evening. I'd like to start with Dick Drake. Mr. Drake, good evening, if you'll step forward and give us your name, your residential address and Mr. Drake is going to address on the Tree Ordinance.

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DICK DRAKE: Good evening, my name is Richard Drake, I live at 3020 Sycamore Ave SE in Canton Township. I'm a Certified Arborist and I subcontract here in the City of Canton and I'm a tree lover not a hugger. What I want to read here is "What is an Urban Forest" it pertains to your Ordinance you're running. "An urban forest is simply trees and vegetation in and around the town or City environment." And like the City of Canton, "The only part of the forest managed by public agencies is that which grows on public land such as along the streets and highways, parks and along around public buildings. Like a natural forest, an urban forest is entire eco system which include trees on both public and private property. However, unlike a natural forest, an urban forest usually needs help from people to survive." Now we're going to our Ordinance now, we need to educate our public first about the trees and the Tree Ordinance and with today's economy and the way the lifestyles are, money is tight, you're going to put a burden on the citizens with this Tree Ordinance and there's a lot of flaws in it. It needs to be ironed out. The one major one is you're letting the power companies have free reign, in other words, they're coming in and mutilating all of our trees and leaving hazards and liabilities and future possible hazards and targets for our citizens. So this needs to be changed and it needs to be worked out among the people here who work on this Ordinance. (*Inaudible*)...for one but they come in and they're going to mutilate a tree, they should be made to cut them down. When we put new trees back in their place, right tree, right site, right location. And, I could go on and on, there's lots of things in there, I finally got a copy of the Ordinance and I read it (*inaudible*)... There's some major changes that need to be made. One is, I'm one of the few that whenever I work in the City of Canton I call the Police Department, let them know where I'm at and when I'm finished, that way they know, fire and safety knows I'm there working on that street. You got it in this ordinance your pushing, a days notice, a day ahead, you can't do that. I'm liable to get called right out there right now, one's falling on the street, I can't say "Well I'll do it tomorrow because I've got to give a days notice." It doesn't work that way, if you want to get this right, let's do it right. And there's a lot of other issues here, I don't want to get involved, I've only got three minutes here. But I'm looking out for the City of Canton, I'm looking out for the residents and especially the trees. Another issue is, you're going to have a liability tree so the City is not going to do it, you're going to notify the homeowner, the homeowner has ten days to either get this straight or you're going to do it add the cost and put it on their taxes. Well whose the homeowner going to hire? You're going to have registered tree trimmers but you don't know who they are or what they can do, they'll a worse job then the power company does. Then you got another liability. So, my proposal is, the burden is on the person that has the tree which is a liability, it's on the City because people is after them to cut it down, make a list of these trees, if you do the inventory, fine but it's like the Auditor's Office, you have to continue to keep this up to know your bad trees, good trees, what's planted, what's cut down and so forth back and forth, one storm and the inventory is null and void. We had a tree inspector years ago, he found them bad (*inaudible*)...but back to what I'm starting to say is a lot of tree trimmers can't afford maybe buying these fees and it should be annually. I buy this permit to cut trees in the City of Canton in December, I got to buy it again in January, it runs for the whole year, that's the way it should be. I get a certain permit if I'm only capable of cutting trees down, I get a red permit, I get a green permit if I know how to prune and to prove how you can do this, it's the bad trees and we know where they're all at, every year have the tree people come in and cut them down for nothing to prove they got the ability to do this and issue them a permit. It's a win, win situation all the way around. You know who you are, who the qualifications are plus they turn in their insurances right there on the spot.

PRESIDENT SCHULMAN: Thank...Mr. Drake, we..you've sort of exceeded your three minutes. We appreciate it.

DICK DRAKE: Alright.

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PRESIDENT SCHULMAN: Let me just...but before you sit down, and just so the audience knows, the Ordinance that you're referring to is under a First Reading tonight. It's not the final Ordinance and I can assure you that everyone will appreciate your input, I think you started giving it initially and we would like to hear from you again obviously, you've raised some very good points but I just want you to feel secure that it is what you have seen is not necessarily the end product, that's the legislative process. So, just feel secure in that and also we would certainly appreciate your views and your input, alright?

DICK DRAKE: I talked to the Department of Ohio Natural Resources and this one fella said him and his assistant will come in and help.

PRESIDENT SCHULMAN: Well good.

DICK DRAKE: But I thought it was cut and dry and I said "Man this can't be, you know it's just not right."

PRESIDENT SCHULMAN: Well it's not...it's not cut and dry so don't worry about it and it's going to be referred to the Judiciary Committee and it has an excellent Chair and I can assure you that things...and a great Committee and things will be taken care of, alright?

DICK DRAKE: I'll be more than happy to come in assist.

PRESIDENT SCHULMAN: Great, we'd love that. Thanks Mr. Drake. Our next speaker is Sally Batsch. Ms. Batsch, good evening, if you'll step forward and give us your name and your residential address please and it you would....if you can keep your remarks to three minutes, we'd appreciate it. Thank you.

SALLY BATSCH: Well I'll try, I rehearsed this, I've got 47 seconds left.

PRESIDENT SCHULMAN: Well you can take your time.

SALLY BATSCH: My name is Sally Batsch, I live at 2508 8th St NW and I'm here concerning the property next door to me at 2512 8th St. I've kept a log since July 22nd of this year. When I called the Mayor's office for help, I left a voice mail in the general mail...voice mail, no one ever called me back. I don't really think the City officials here are doing their job, I'm sick and tired of the buck being passed from one to the next and everything else. And the slum lords and the tenants should both have stiffer laws put on them in order to rent or to buy property and keep it up. The house next door to me, I brought pictures tonight, I would meet with any of you individually or collectively to show you what I have to put up with. The house has been a problem for three years. The slum lord that owns it should be put out of the property business. I called on the 22nd like I said, I have called the Health Department numerous times. The mow...the yard hasn't been mowed for months, the last tenants have been out of there for two and a half weeks. If the man that owns the property was concerned about his property he should have been out there checking on it. He should have seen what the condition was and maybe evicted them a whole lot sooner. But they were already gone. They have..there's bugs everywhere and I am sick...there's garbage outside, inside, everywhere. Like I said, I have pictures. I can't even go out and sit on my porch and I am sick of it. I think too, Section 8 should be tougher with the tenants saying if you don't rent and do some nice things while you're there and not tear up the place, we aren't going to subsidize you. The man across the street, he's on Section 8...he was on Section 8, he OD'd, if he's

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got money for drugs, he's got money to pay his rent. I am sick and tired of the Council having lax laws for both slum lords and tenants. Now this property has got...something has got to be done and I mean quick because it is not only just a health hazard, there's Code Enforcement problems and City...the Health Department was working with me and was...and I thought they were really going to help me out and then all of the sudden they did an about face, the land...the person that owns the land was back...got stuck with some rent issues and then he had to pay \$200.00 for an...I don't care, he should have been fined on top of it and he should be made to clean up this place and get some of the security for that house that is needed. The garage should be torn down. Like I said, I have pictures people, you want to see it, I'm here to tell you.

PRESIDENT SCHULMAN: How long have you lived in the City of Canton?

SALLY BATSCH: All my life and I'm 70 years old.

PRESIDENT SCHULMAN: Okay. Well we appreciate you coming down. As we tell everyone, the Mayor, his Administration, City Council Members will be here after the meeting, will be happy to discuss this with you, maybe some Department Heads also.

SALLY BATSCH: Well if it keeps up, I'm going to get some of the Cleveland news stations down here with cameras.

PRESIDENT SCHULMAN: Okay well...

SALLY BATSCH: And ask why this stuff can't be handled with the City Officials instead of all of this.

PRESIDENT SCHULMAN: Well Ms. Batsch, we hope that you don't have to do that, that's why...

SALLY BATSCH: Well I'm mad as hell and I'll tell that.....

PRESIDENT SCHULMAN: I can tell that...

SALLY BATSCH:Anytime anywhere and ask Greg Hawk, he knows, I had him out there. He called the place a shit hole.

PRESIDENT SCHULMAN: We'll be...we'll be here after the meeting and thank you.

SALLY BATSCH: Good, come and see me. And another issue is the Police, we've asked for a patrol...I'm hurrying.

PRESIDENT SCHULMAN: Okay.

SALLY BATSCH: We've asked for a patrol maybe once a week because of the gangs and that, that start after 9:00. We've already had two shootings in that neighborhood, one man is dead. Now, the police say "Is there any knives or any guns?" And then "Well we can't send a patrol out once a week." That's tough shit.

PRESIDENT SCHULMAN: Okay, alright. Thank you. And as I say Ms. Batsch, I hope you stay until the end

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of the meeting, we'll be happy to just talk to you.

SALLY BATSCHE: *(Inaudible from the audience)*

PRESIDENT SCHULMAN: That's...that's...okay, alright, we heard ya. Our third speaker tonight is Cindy Knight. Ms. Knight, good evening if you'll step forward and give us your name and your residential address please.

CINDY KNIGHT: My name is Cindy Knight, I live at 711 Columbus Avenue NW....

PRESIDENT SCHULMAN: Good evening.

CINDY KNIGHT: Sally lives right behind me. I have a 7 year old daughter and I am concerned about that house at 2512 and the fact that my daughter is going to end up in the hospital because of the trash and the bugs, mosquitos, West Nile Virus, I cannot let my daughter out of our house. Since the shooting on 11th Street we have now put slide locks on my screen door, I can't even open up my doors. The noise after 9:00, the kids my daughter's age to teenagers after 9:00 as soon as it gets dark running the streets carrying on, loud music. I got cars coming up and down the street with their..their music playing so loud my house shakes, I'm afraid something's going to fall off my wall and break. I've lived in my house since 1997 when my son was little. When my son was little, who's now 23, I could let him run, I could let him play. I want out of the City of Canton so bad because I can't let my daughter have friends and play. This is wrong, I pay taxes to you people and I gotta live next to a house that's nothing but trash. Now I'm being told that, that trash is going to be picked up tomorrow with the regular trash, I'll guarantee that it's still going to be there, do you know why? Because it's not on the curb, it's on the side of the house. If the trash men were going to take it, they would have taken it two weeks ago. So, I have to live until it gets actually moved out the curb, I've got to be worried about my animals getting bit and West Nile Virus, my daughter, myself, my husband. I take care of my property, I mow my grass, I keep...the kids in the neighborhood dump trash everywhere, they don't care where it goes, do you know who picks it up? I do. Before the shootings have happened, my daughter and I used to walk the neighborhood and you know what she wanted to do? She wanted to pick up the trash and she did, we can't do that anymore, we don't feel safe enough to go out during the day and walk. Is this the kind of neighborhood that we need to live in? I cannot get the police department to respond to my calls, "Oh we'll get there when we can." A nonchalant, I don't care attitude, yes it's noise, it's basically noise. I can't open up my windows and watch my T.V. I can't hear it, I gotta close up and run my air conditioner so I can hear. It's not fair, these people that have moved in under these rental properties now have taken over the area. They've taken over, they don't care about anybody else but themselves and I'm tired of it. You want me to stay in the City of Canton, then I suggest we make some changes in this area and get these people that don't care about the community out of here and find whatever it takes.....

PRESIDENT SCHULMAN: Who is the...your time is up and I don't mean to cut you off as I say Ms. Knight, everyone will be here to listen to you afterwards and I can assure you something will be done. But who is the owner of this house?

CINDY KNIGHT: I have no idea who owns 2512.

PRESIDENT SCHULMAN: Alright, well we'll find out. Thank you very much, thank you. Our next speaker is Timothy Gissiner. Mr. Gissiner good evening if you'll step forward and give us your name and residential

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address please. Good evening sir.

TIMOTHY GISSINER: My name is Timothy Jack Gissiner, I live at 3600 Arnold Avenue NW, Canton, Ohio. I'm here to continue on the Weed and Seed documentation for group number 2. Apparently I witnessed a SARTA driver littering on Cromer Avenue on Tuesday, August 2, 2011 after the 9:05 AM stop, I witnessed a SARTA bus driver smoking a cigarette near the north bound bus which was located on Cromer Avenue NW. I called out to the driver "Don't put it out on my account." Unfortunately he stepped on the remains of the cigarette and left the litter behind. I later informed the SARTA maintenance people of their new problem. The stopped bus and this driver were located just north of the shuttle location on Cromer Avenue just in front of the Giant Eagle. And I explained to several residents that I could have walked around the front of that bus, walked into it and drove it off without his knowledge.

PRESIDENT SCHULMAN: I don't mean to interrupt but...and I'm not trying to tell you to move on but SARTA is not under this Council or this Administration's jurisdiction at all sir, I'm sorry.

TIMOTHY GISSINER: No, it's part of the neighborhood group that I belong to.

PRESIDENT SCHULMAN: Okay, alright.

TIMOTHY GISSINER: That's why I'm saying it...

PRESIDENT SCHULMAN: Okay.

TIMOTHY GISSINER: It's a safety issue, it's not a SARTA issue.

PRESIDENT SCHULMAN: Okay, fine.

TIMOTHY GISSINER: Also, I would like to reiterate to Mr. Butterworth, I'm receiving additional damages from 3524 Arnold Avenue NW from Beaver's Landscaping. Apparently Steve Columbo and his mowing crew keep running into the side of my house onto the window well when they mow with their Toro, zero clearance mowers. I had to explain to them that I witnessed it and the man swore and said I need to eat more. Apparently he thought I was too thin and couldn't see straight but I had to explain to his partner to take off his sunglasses and take a look. He was a bald headed white man. 3603, loud music after midnight, we're all done talking now it's time to get a gun and the door slammed shut so I don't know what happened over there, that's across the street. 3523, profanity upon identifying their child hitting its head on the concrete sidewalk. 3529, father of son wants to knock me out after crying child next door was shown to have been hurt and a police officer, S.J. (*Inaudible*)said to man up similar to Maxwell in the morning on 98.5 FM. I questioned his grammar and verified his reprimand upon his departure. And that's all I have to say.

PRESIDENT SCHULMAN: Thank you very much we appreciate it and again everyone will be here if you have any other concerns. Thank you. Our last speaker is Jim Adams. Mr. Adams if you'll step forward and give us your name and your residential address and welcome as always. Thank you Mr. Gissiner.

JIM ADAMS: Thank you Mr. President. My name is Jim Adams, my address is 3518 Crown Point Street NW, Massillon, Ohio and I'm the Health Commissioner for the City of Canton. First of all I'd like to thank you for the time to be able to express my gratitude for your support for public health programming in Canton.

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I'm always appreciative of the support you give our department. I wanted to call your attention to an article in the Canton Repository on Sunday, August 14th, the title of the article is called "Merge" and in that article, which incidently I think was a very good article and I'd like to compliment the author of the article and the paper for publishing it. It did make reference to the four health jurisdictions within Stark County, which Canton City is one of them. Part of that in one of the tables they had an estimate of the cost per capita spent for the various health department for public health services and they estimated that it was about \$93.63 in the City of Canton as opposed to the amount shown for the other three health districts. My feeling is that number is an error and my revised estimate is about \$40.68 spent per capita in 2010 so why the difference. The four public health departments in Stark County have a long history of cross....what we call cross jurisdictional collaboration, which is really a code word for trying to get together and do the best kind of job we can for the community that we serve. Canton City manages seven large grant programs that really address the needs of all of Stark County and I had reviewed that with article's author, it is a bit confusing to try to tease out that information. We also handle the vast majority of vital statistics transactions for death records for the City of Canton because the two largest medical facilities are located in the City. So, it's my feeling the per capita estimate that was provided in the paper failed to account for this underlying service population for these particular programs. I provided Council a copy of my estimates that I used to get to that \$40.00 amount for your reference. So what should all this mean, well first of all I think this article should spur a discussion about ritualizing public health services in Stark County. It should thoughtfully consider the true cost to providing services in our community and ask the question "Are we being as efficient as possible in providing these services." And lastly, how can we best apportion these costs for providing these needed public health services among the various communities that are served, all very worthy goals to do. We have made a start to do this as I've reported before, we completed a public health assessment of the public health system in Stark County measuring it against national performance standards. We are now currently working on a plan to gather that information along with the community status indicators that we've done to really develop a community health improvement plan....multi years teaching plan on how to improve health in Stark County. So where do we go from here? As you know, this Council has the...has the both legal and moral obligation to make sure that adequate public health services are provided for the community. So the question is, how do we best organize those services to fit the needs of the community and I think together we can find an answer to that question. Thank you very much.

PRESIDENT SCHULMAN: Thank you. Thank you to all our speakers tonight. Thanks to all our speakers tonight and we'll try to do the best we can to answer your concerns.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We're now under Informal Resolutions. Excuse me. We have none this tonight.

COMMUNICATIONS

PRESIDENT SCHULMAN: We're now under getting a new voice. We are now turning 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 AUGUST 22, 2011.

288. CANTON FIRE DEPARTMENT: REVISED 2010 ANNUAL REPORT. - RECEIVED & FILED

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289. COURT ADMIN KOCHERA: REQ LEGISLATION FOR MUNI COURT TO ENTER INTO PROF SVC CONTRACT W/PROTECH SECURITY SYSTEMS FOR PURCHASE, INSTALLATION, INTEGRATION & TRAINING ON EXPANDED CLOSED-CIRCUIT TV SYSTEM IN AMT NOT TO EXCEED \$33,572.55. - WITHDRAWN
290. LIQUOR CONTROL DIVISION (OHIO): REQ NEW D1 PERMIT FOR DIPIETRO ENTERPRISES NO 1 INC DBA PIZZA OVEN @ 3153 W TUSCARAWAS ST. - RECEIVED & FILED
291. LIQUOR CONTROL DIVISION (OHIO): REQ NEW D1 PERMIT FOR CANTON WOMANS CLUB INC 1ST & 2ND FLS & BSMT @ 822 MARKET AVE NORTH. - RECEIVED & FILED
292. MAYOR WILLIAM HEALY: REQ AUTHORIZATION FOR MAYOR AND/OR SAF DIR TO ENTER INTO AGMT FOR LEASE OF PARKING PLACES AT THE CITY'S CORNERSTONE PARKING DECK W/AREF CANTON LP. - FINANCE COMMITTEE
293. SERVICE DIRECTOR PRICE: REQ LEGISLATION TO AUTHORIZE THE MAYOR AND/OR SERV DIR TO CONVEY PARCEL OF LAND, WITHOUT COMPETITIVE BIDDING FOR URBAN REDEVELOPMENT OR URBAN RENEWAL TO STARK COUNTY COMMISSIONERS (25' STRIP UNDER FRANK T BOW BLDG). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
294. SERVICE DIRECTOR PRICE: SUBMIT LIST OF DELINQUENT WATER AND SEWER CHARGES FOR CERTIFICATION TO STARK COUNTY AUDITOR ON PROP TAX ASSESSMENTS. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
295. SERVICE DIRECTOR PRICE: REQ LEGISLATION TO AUTHORIZE THE MAYOR AND/OR SERV DIR TO ENTER INTO A MUTUAL AGMT W/BOARD OF COUNTY COMMISSIONERS OF STARK COUNTY FOR APPLICATION TO OPWC AS JOINT SPONSOR & ALSO COMPLETION OF THE 55TH ST WATER WORK PROJ. - FINANCE COMMITTEE
296. SERVICE DIRECTOR PRICE: REQ AUTHORIZATION FOR MAYOR AND/OR SERV DIR TO ENTER INTO CONSULTANT CONTRACT W/HAMMONTREE & ASSOC FOR ALLENFORD EMERGENCY SANITARY SEWER STABILIZATION PROJ, G.P. 1114; AUTHORIZE MAYOR AND/OR SERV DIR TO SOLICIT QUOTES FROM CONTRACTORS TO PROCEED WITH WORK AS SOON AS PLANS ARE AVAILABLE & ENTER INTO CONTRACT FOR SUCH WORK; AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO COOP AGMT W/COUNTY AND NORTH CANTON TO REIMBURSE CANTON FOR PORTION OF WORK ATTRIBUTABLE TO THESE ENTITIES; AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO AGMT W/USACE AND/OR OHIO PUBLIC WORKS COMMISSION FOR BOTH TECHNICAL & FINANCIAL ASSISTANCE AS REQUIRED; AUTHORIZE AUDITOR TO DRAW WARRANTS AND MAKE PAYMENTS UPON RECEIPT OF VOUCHERS. - FINANCE COMMITTEE
297. SERVICE DIRECTOR PRICE: REQ LEGISLATION FOR MAYOR AND/OR SERV DIR TO APPLY FOR, ENTER INTO CONTRACT FOR & RECV FUNDS FOR OHIO PUBLIC WORKS COMMISSION 2012 PROG YR. - FINANCE COMMITTEE

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298. SERVICE DIRECTOR PRICE: NOTIFICATION THAT THE CITY WILL NOT BE ENTERING INTO A PLA FOR THE 2011 CITY PAVING PROG, G.P. 1152. - RECEIVED & FILED
299. SERVICE DIRECTOR PRICE: REQ LEGISLATION ALLOWING CITY TO REIMBURSE PLAIN TOWNSHIP \$60,500.03 FOR 25TH ST NE STORM SEWER PROJ GP 1090 COMPLETED IN 2010 & MAKE SUPP APPROP OF SAME AMOUNT. - FINANCE COMMITTEE
300. SERVICE DIRECTOR PRICE: REQ LEGISLATION TO ENTER INTO LOCAL PUBLIC AGENCY (LPA) AGMTS W/OHIO DEPT OF TRANSPORTATION FOR VARIOUS TRANSPORTATION INFRASTRUCTURE PROJECTS ALLOWING THE CITY TO RECV STATE & FEDERAL TRANSPORTATION FUND FOR DESIGN & CONSTRUCTION OF MAHONING RD BUS RAPID TRANSIT CORRIDOR PROJ, GP'S 1098, 1103 & 1153; 12TH ST NW BRIDGE REPLACEMENT & STREETScape PROJ, GP 1160; 11TH ST SE STREETScape & ROADWAY ALIGNMENT PROJ, GP 1144; 3RD ST SE BRIDGE REHABILITATION PROJ, GP 1167. - PUBLIC PROPERTY CAPITAL IMPROVEMENT AND PUBLIC SAFETY & THOROUGHFARES COMMITTEES
301. SERVICE DIRECTOR PRICE: REQ LEGISLATION TO AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONSULTANT CONTRACT BETWEEN CITY AND COOPER & ASSOC FOR HAMILTON AVE SEWER PROJ, GP 1168; MAKE \$45,000.00 APPROP TRANSFER FROM 2211-506001 COMM DEV ADMIN TO 2211-202089 COMM DEV - HAMILTON AVE STORM SEWER PROJ GP 1168; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE COMMITTEE
302. SUMMA HEALTH SYSTEM: SUBMIT HEALTHCARE REFORM POLICY POSITION STATEMENTS. - RECEIVED & FILED
303. WEST, THOMAS, WARD 2 CNCL MBR: REQ LEGISLATION TO ESTABLISH FUND FOR NIMISILLA PARK REVENUES. - FINANCE COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: 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 would you please read the First Reading Ordinances by title.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #6 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE AMENDING CHAPTER 917, TREES, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
Referred to the Judiciary Committee
- #2. (1ST RDG) AN ORDINANCE AMENDING CHAPTER 749, ITINERANT RETAILERS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
Referred to Judiciary Committee

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- #3. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND APPROPRIATION TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (EXHIBIT A - VARIOUS FUNDS)
Referred to Finance Committee
- #4. (1ST RDG) AN ORDINANCE AMENDING SECTION 947.20, RATES FOR OUTSIDE CITY USERS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
Referred to Judiciary Committee
- #5. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH BOBCAT COMPANY IN AN AMOUNT NOT TO EXCEED \$57,978.92 FOR THE PURCHASE OF ONE (1) COMPACT EXCAVATOR, MODEL E80 PURSUANT TO O.R.C. SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance & Public Property Capital Improvement Committees
- #6. (1ST RDG) AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR WATER AND/OR SEWER SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Environmental & Public Utilities Committee

PRESIDENT SCHULMAN: Thank you Madame Clerk.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We're now under Ordinances and Formal Resolutions for their Second Reading. Would you please begin Madame Clerk with Ordinance #7.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #7 THROUGH #20 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #7. (2ND RDG) **ADOPTED AS ORDINANCE NO. 135/2011** AN ORDINANCE AMENDING ORDINANCE NO. 72/2011; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rule for Ordinance 7.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rule for Ordinance 7. Are there any remarks? Hearing none, Madame Clerk roll call vote please.

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NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries. Leader you've heard the three readings.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #7. Any remarks?
Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#7 ADOPTED AS ORDINANCE NO. 135/2011PRESIDENT SCHULMAN: Thank you Madame Clerk, the Motion carries and Ordinance #7 is adopted.
Ordinance #8 please.

#8. (2ND RDG)___ AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE ARMORY ANNEXATION AREA CONTAINING APPROXIMATELY 1.368 ACRES; ASSIGNING SAID TERRITORY TO WARD 1 OF THE CITY; ZONING SAID TERRITORY AS PB-1 (PLANNED OFFICE BUSINESS); AND DECLARING THE SAME TO BE AN EMERGENCY

PUB HRG 9/12/11 @ 7:30 PM

#9. (2ND RDG) AN ORDINANCE AMENDING CHAPTER 1132, FLOOD HAZARD (FH) DISTRICT OF THE CODIFIED ORDINANCES; AND DECLARING THE SAME TO BE AN EMERGENCY

PUB HRG 9/12/11 @ 7:31 PM

#10. (2ND RDG)___ AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A FIVE YEAR CONTRACT WITH GREENER CORNERS LLC FOR THE PURPOSE OF INSTALLING RECYCLING RECEPTACLES ON CITY OWNED PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY

#11. (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 (\$870,000.00 POLICE & FIRE)

#12. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON REGIONAL CHAMBER OF COMMERCE TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$175,000.00 FOR A COMPREHENSIVE ECONOMIC AND

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DOWNTOWN DEVELOPMENT PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

#13. (2ND RDG) ADOPTED AS ORDINANCE NO. 136/2011 AN ORDINANCE CHANGING THE FUND TITLE 2323 RYAN WHITE GRANT FUND; AMENDING APPROPRIATION ORDINANCE NO. 245/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (\$158,000.00 PERSONAL RESPONSIBILITY EDUCATION PROGRAM)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 13.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rule for Ordinance #13. 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: Thank you Madame Clerk, the Motion carries. You've heard the three readings Leader.

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 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.

#13 ADOPTED AS ORDINANCE NO. 136/2011

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

#14. (2ND RDG) ADOPTED AS ORDINANCE NO. 137/2011 AN ORDINANCE AMENDING ORDINANCE NO. 100/2011, THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (MAYOR'S CABINET/POLICE & FIRE CHIEFS)

PRESIDENT SCHULMAN: Leader Dougherty.

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MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rule on Ordinance 14.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rule for Ordinance 14. Are there any remarks under this motion? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 2 NAYS
(MEMBERS CIRELLI AND SMUCKLER VOTED NAY)

CLERK TIMBERLAKE: Ten yeas, two nays Mr. President.

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

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. Now, are there any remarks under this Ordinance?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. In the Committee Meetings we discussed and one of the Members asked if the money was there and they were told yes but when I look at this and...excuse me sir....and I look at what the fact that we did have this money that came into the City which was a good thing, I have a problem with the fact that I do not believe raising these people up into a high bracket is going to be sustainable for now or into the future. Thank you.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Member Smuckler.

MEMBER SMUCKLER: Mr. President my issue here isn't who's deserving there probably isn't a person in the bunch that on a 1990's decade would be great and deserving. The problem here is that at the beginning of this term, this Council took a 10% benefit and pay cut. Ten percent, we weren't deserving of that but you took it because it was a necessity. We gave every employee in this City a 3% pay increase and then every Monday night I sit here, I hear people coming down here wanting police protection, wanting ambulance service, wanting fire stations open and they're being told there is no money. Now I'm at a loss, there certainly is money, according to what I heard in Committee Meetings for in some cases, almost double digit pay raises. But there is no money as we go thru attrition in the Police Department to replace Police Officers, to keep fire stations open, to have ambulance service. I said this would happen a few weeks ago. It isn't the 3%, yes Mayor you could walk out and hire someone else based on the Ordinances but is that the responsible thing to do or is the responsible thing to do to not hear this every Monday night, to take a look around us of what we need for day to day public services to think about when we took the benefit cut and the pay cut in the name of

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day to day public services for our citizens. I can't support this any way shape or form that you package it, you color coat it, there's people out here that are demanding service in this community and we're not providing it for them.

PRESIDENT SCHULMAN: Are there any other remarks? Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. It takes courage to speak against pay raises for people that you depend on, on a daily basis, leaders like this, it does and I understand the pain and the frustration not only of the folks in the audience and in the community as though the City Officials aren't coming through with their duties but those of you who feel the frustration of trying to make too little money stretch too far, these are hard times and they were brought about in large part by Wall Street and I wish some of those folks were here tonight to hear what some of you had to say. But be that as it may, we're talking about positions in this Ordinance, eight classi...eight positions covering nine people, all of whom you know, all of whom respond to you and the raises they are getting are in some cases not even going to be enough so that the people they supervise will still make more than them. Some of these people supervise hundreds of people and with a little bit of overtime those hundreds of people will make more than these nine people even with the raises should they go through tonight. As I mentioned earlier, I think the last time we had this debate perhaps no one should have gotten a raise, perhaps none of the 900 plus employees in the City of Canton should have gotten raises in the City over the last couple of years, you didn't. But when the unions came with their ability to collectively bargain and said "We've been without raises and fringe benefits for a long time and there is some money now, let's share some of that." We did, this Council said okay, we'll vote and reinstate some step increases, we're going to reinstate some raises and in some cases like the FOP, the raises were fairly generous in recognition of the advanced work they'll have to do, additional work in cutting of positions. Again, my point is here these nine people, most of them supervise hundreds of people and I know some of them like the man sitting to my left and your right have been courted and wooed by other Governmental entities for a significantly more money. All of them are experienced or have incurred a great deal of experience in a short time and all of them are expected to answer the frustrations that you all out there are feeling. This is a hard time to be in service because there's less money, there's more pain, there's more poverty, there's more need, there's more disability, there's more blight and it's a difficult time to serve. So, again for what it's worth, I respectfully request that you consider these.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: I have to counteract what the Law Director stated that these people are receptive to us. Two weeks ago when we had Council, after I got home from Council I found out from my neighbors that Sunday, which would have been two weeks yesterday, my neighbor was waiting for her daughter to come home and she was sitting in the dining room with the computer and at 11:45 a drunken lady broke into her house and she of course screamed and her husband came down and they got her out of the house and they called 9-1-1 and they got the cruisers there. Now I live almost on the corner of 19th and Frazer, my neighbor walked down to 18th and Frazer where they were cuffing her and tried to tell the police what the issue was all about and they didn't want...they didn't want to hear him, they weren't concerned, they could have cared less is exactly what he told me. So he asked me to find out if she in fact was booked and what became of that. I sent an email to the Safety Director and the Chief and I still have not gotten any responses to whether the lady was booked. And I also asked for her name because I was going to look on CJIS to see if she's had a record

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because another person said they believed it was the same woman that broke into another person's house on 18th Street. So that's not being receptive to us as Elected Officials and Mr. Martuccio I asked you in 2007 about licensing slum landlords or as I didn't say it that way, I didn't put it exactly like that, I still have the Ordinance and I'd be glad to show anybody. The professional landlords is what I was calling them. And we're hearing tonight the repercussions of us not being aware or not listening to what the people are saying. So, yeah there's some people I really believe don't deserve these raises and I would be remiss if I didn't open my mouth about it and to this lady, I'll be glad to look on CJIS and tell the rest of the people that don't want to be bothered to look on the real es...excuse me not CJIS, on the real estate of whom owns that property and I bet you any money it's going to be a slum lord and we're not going to do anything about it. Well sure we'll send the Health Department and them out now but other than that they will just continue on and on and Canton will continue going in this downhill because as I said before, maybe these people don't know what community development area is but at the rate we're going, the whole damn City is going to end up being a community development and I don't want that to happen to my City.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Any other remarks?

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT SCHULMAN: Yes.

SERVICE DIRECTOR PRICE: That property is owned by Equity Trust Company Custodian FBO c/o Thomas R. Anderson, IRA. Thank you.

PRESIDENT SCHULMAN: Thank you. I just want to...I'm listening to Member Smuckler and I'm listening to Member Cirelli and Law Director Martuccio and I just have one comment. I've..I think I've been up here long enough to have been in some good times, unfortunately not very long and some bad times and some horrible times. I think in the good times we hear the same complaints as we hear in the bad times. Are they worse today. I don't know if you can necessarily say that, clearly there are problems in neighborhoods, we recognize that, we understand that. We live, by the way we all live in the City, we understand there are problems in this community. We're all members of neighborhoods, I live in a neighborhood in the City so there are problems. But I think the public on this issue should understand that when we asked our union employees to sacrifice, they did, they stepped to the plate and they sacrificed for the benefit and the welfare of this community and this City. When the Mayor asked for sacrifice on the part of management, those managers sacrificed, they took less wages, they took furloughs and they tried to make the money stretch as far as it could possibly go under limited circumstances. We have finally, I hope for good, although I have great concern, we finally are at least recovering somewhat from this great catastrophe that was brought on us not by City union employees or City employees or labor unions but by Wall Street and greed and no regulation. And so now that we have a little bit, we're saying to those who sacrificed "We recognize your sacrifice and we're willing to give you a modest increase in wages." I frankly wish we could give everyone in our community a 30% raise. I would like to see more money spent in this community. I despair of the layoffs that are occurring federally and state and locally. It's horrible for the economy, it's the worse thing you can do when you have no demand in the consumer market but nevertheless, people far beyond us think otherwise and I think, think wrongly. But these people deserve their raises, they've worked hard, they have sacrificed more than...not, I'm not saying the private sector, they've certainly sacrificed more than the big shots that got us in this position who have sacrificed absolutely nothing and they deserve their raises and they deserve them now. Thank you. Any other comments.

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MEMBER WEST: Mr. Chairman...Mr. President.

PRESIDENT SCHULMAN: Yes, Member West.

MEMBER WEST: Yeah, I just want to be very clear and I want this..the City to know that this Council also did put money for to keep fire stations open and to hire additional police for the streets and that's in this Ordinance tonight right...next...two weeks. So, that is on its way so we're not just going blindly, we're putting services out where it's needed and we have not laid anybody off. So, I mean, our services are still intact. Now the question then comes is are those services getting to the people that need it and that's where our Councilmen, each and everyone of us comes into play, you call us and then we will address those issues. I think that's where most of it comes up. Thanks.

PRESIDENT SCHULMAN: Thanks. Any other remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 2 NAYS
(MEMBERS CIRELLI AND SMUCKLER VOTED NAY)

CLERK TIMBERLAKE: Ten yeas, two nays Mr. President.

#14 ADOPTED AS ORDINANCE NO. 137/2011

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

- #15. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A GRANT FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY IN AN AMOUNT NOT TO EXCEED \$3,000.00; AMENDING APPROPRIATION ORDINANCE NO. 245/2010; AND DECLARING THE SAME TO BE AN EMERGENCY
- #16. (2ND RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY; ESTABLISHING THE PURCHASE PRICE OF THE PARCEL INCLUDING MINERAL RIGHTS OF \$11,300.00; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT FOR THE PURCHASE OF SAID PARCEL; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO APPLY FOR, ENTER INTO AGREEMENT AND RECEIVE FUNDS IN THE AMOUNT OF \$12,062.00 FROM THE CLEAN OHIO CONSERVATION FUND; RESERVE THE PROPERTY FOR PURPOSES OF THE PRESERVATION OF WATER, FORESTRY AND OTHER NATURAL RESOURCES; AND DECLARING THE SAME TO BE AN EMERGENCY (MALLONN PARK)_____
- #17. (2ND RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF EASEMENTS IN REAL PROPERTY; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ACQUIRE EASEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #18. (2ND RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY MORAL OBLIGATIONS IN AMOUNTS NOT TO EXCEED \$94,594.50 TO STANLEY MILLER CONSTRUCTION AND \$34,000.00 TO BURGESS & NIPLE; AND DECLARING THE SAME TO BE AN EMERGENCY

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- #19. (2ND RDG)___ AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO PLAIN TOWNSHIP; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE EXTENSION OF SAID WATER MAIN; AND DECLARING THE SAME TO BE AN EMERGENCY
- #20. (2ND RDG)___ AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AMENDED CONTRACT WITH M-E COMPANIES FOR AN ADDITIONAL AMOUNT NOT TO EXCEED \$95,560.00 FOR EASEMENT WORK; AMENDING APPROPRIATION ORDINANCE NO. 245/2010; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Thank you Madame Clerk.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: We're now under Ordinances for their Third and Final Reading and vote. Would you please begin with Ordinance 21.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #21 THROUGH #24 FOR THE THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #21. (3RD RDG) **ADOPTED AS ORDINANCE NO. 138/2011** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH YOUNG MEN'S CHRISTIAN ASSOCIATION (YMCA) TO PROVIDE A GRANT UTILIZING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN AN AMOUNT NOT TO EXCEED \$40,000.00 FOR THE OVERALL MANAGEMENT AND SUPERVISION OF THE FACILITY AND PROGRAM AT THE EDWARD "PEEL" COLEMAN CENTER; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 21.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 21. 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.

#21 ADOPTED AS ORDINANCE NO. 138/2011

PRESIDENT SCHULMAN: Motion carries and Ordinance 21 is adopted. Ordinance 22 please.

- #22. (2ND RDG) **ADOPTED AS ORDINANCE NO. 139/2011** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010; AND DECLARING THE SAME

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TO BE AN EMERGENCY (\$50,000.00 COMMUNITY DEVELOPMENT -
DEMOLITION - OTHER, BOARD UPS, TITLE SEARCHES, ETC.)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 22.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 22. Any remarks under that Ordinance? Hearing none Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#22 ADOPTED AS ORDINANCE NO. 139/2011

PRESIDENT SCHULMAN: Ordinance 23 is adopted. Ordinance 24 is adopted please.

CLERK TIMBERLAKE: No, we're on Ordinance 23 please, excuse me.

#23. (2ND RDG) **ADOPTED AS ORDINANCE NO. 140/2011** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (\$30,000.00 COMMUNITY DEVELOPMENT - PERSONNEL)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 23.

PRESIDENT SCHULMAN: Ordinance 22 was adopted.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: Ordinance 22 was adopted. Are there any remarks under the Motion for Ordinance 23? Hearing none Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#23 ADOPTED AS ORDINANCE NO. 140/2011

PRESIDENT SCHULMAN: Ordinance 23 is adopted. Ordinance 24 please.

#24. (2ND RDG) **ADOPTED AS ORDINANCE NO. 141/2011** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (\$406,000.00 WATER FUND; \$9,100.00 SEWER FUND; \$10,600.00 SANITATION FUND)

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PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 24.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 24. Any remarks under that Ordinance? Hearing none Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#24 ADOPTED AS ORDINANCE NO. 141/2011

PRESIDENT SCHULMAN: Ordinance 24 was adopted. Thank you Madame Clerk, it was a long night of Ordinances.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: We're now under Announcement of Committee Meetings.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Thank you good sir. After consulting with my esteemed colleague and head of the Judiciary Committee, Mr. Thomas West, the Finance Committee will meet Monday, September 12th at 6:00 PM.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

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

PRESIDENT SCHULMAN: Thank you.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Environment and Public Utilities will meet at the same time.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Anyone else?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader Dougherty.

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MEMBER DOUGHERTY: Public Property Capital Improvement will also meet on the 12th at 6:00.

PRESIDENT SCHULMAN: Thank you, any other announcements?

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: We're now under Miscellaneous Business. Is there any? Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. Mr. Price, I have here an issue..to okay to prepare legislation having to do with sewer and water bills sir. So, before I approve this I would like to discuss it with you because I'm not sure how this many pages became this few pages. So, if we could have a discussion and then I will sign it sir, I would appreciate that very much. Thank you.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Do you understand the request, I think?

SERVICE DIRECTOR PRICE: Yes and we are under First...Second Reading is what next week...or next meeting?

MEMBER CIRELLI: Yes sir and then I...

SERVICE DIRECTOR PRICE: We still have to...okay...okay.

MEMBER CIRELLI: Mr. President, the reason I brought it up is I thought maybe if you were going to have that meeting with Majority Leader Dougherty and myself of the grass then we could also discuss this. I didn't know if we were going to be able to do that.

SERVICE DIRECTOR PRICE: No...yeah, we'll meet...we can meet definitely before the next meeting.

MEMBER CIRELLI: Okay? Yeah, thank you.

SERVICE DIRECTOR PRICE: Thank you.

PRESIDENT SCHULMAN: Thank you Member Cirelli, Member Smuckler.

MEMBER SMUCKLER: Several weeks ago Councilwoman Cirelli asked this question and I'm going to follow up on with it again. How many people have been actually cited for high grass in this community?

PRESIDENT SCHULMAN: Law Director, if you know.

LAW DIRECTOR MARTUCCIO: Mr. President, Mr. Smuckler, I'm sorry to say I don't but when it first was mentioned on the floor, I asked Mr. Reese and he believed there were. So, I'm going to ask to have it followed...I'm going to check with the Clerk of Courts and see. What I think was accurate was no one was cited on a repeat offense that meant jail but I think we had some citations under the Minor Misdemeanor, which included fines. We'll check it out.

MEMBER SMUCKLER: We also asked you the question several meetings ago and you asked us to hold off and ...although you..the Service Director didn't hold off tonight about the names of these people who own conglomerates of these properties that can or won't cut their grass. Mr. Law Director, can we publish these names or not? I know the Repository has made a request.

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LAW DIRECTOR MARTUCCIO: Mr....

PRESIDENT SCHULMAN: Yes Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Yes, absolutely. As I mentioned before, those are matters of public record, I believe I've stated that here in Council before, those names are a matter of public record. Not unlike people who have been cited for other violations. The only caution I would have that if we're going to do it on a website, City website for example or the Canton Quarterly, I believe the Majority Leader or one of the Council Members suggested, that we make sure that they still are...haven't paid and that we have accurately named the person that owes that much money.

MEMBER SMUCKLER: I would appreciate making that list available and not only to the media but this has gotten to point where it's way out of control. We shouldn't have to use our resources for this, this is just unbelievable.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Yes Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: I agree Mr. Smuckler and we could...the other thing, in an email I believe that I shared with Member Cirelli and I'm not sure who else, in an email I suggested that we use some rational basis for who we name. We shouldn't cherry pick names, we should chose the top ten offenders or the most repeat offenders. But other than that it's fine, it's a public record and I would recommend that you use those means if you have them but again keeping it under some sort of system that's objective.

PRESIDENT SCHULMAN: Anything else Member Smuckler?

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Thank you for the opportunity. I'm going to address the problem at 2512 8th Street NW, I was out there. My description of the property as Sally explained was more than kind. This property has a manager...a property manager and maintenance person, this property has a lawyer who called me. I've heard quite a litany of excuses but the fact is simple we do have an Ordinance in this book that this Council passed in 2008 that permits us to cite this man to Court or the owner of this property to Court for this high grass and weeds I think would an excellent example. Along the same lines and I thank the Street Department for doing an outstanding job of mowing of lots that had over four feet tall on the corner of 12th and Oak Street NW, now that we've cleaned it and done such a nice job, there is a sign on it that says For Sale by Owner. So, we can simply dial the number and find the owner quite efficiently and quite effectively and maybe he should thank us for cleaning up the property to make this a saleable lot. Thank you very much.

PRESIDENT SCHULMAN: Thank you Member Hawk.

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT SCHULMAN: Anybody over here?

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SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT SCHULMAN: Yes.

SERVICE DIRECTOR PRICE: On 2512 8th Street NW and no doubt there will be additional response I'm sure but the Building Department did cite the property.....

PRESIDENT SCHULMAN: Wait...If you'll give...wait one second. Ms. Batsch, Ms. Batsch, Mr. Price is trying to answer the ques...some of the questions you raised, I know you're having a discussion, I'm not trying to interrupt but it might be hel.....

(INAUDIBLE FROM THE AUDIENCE)

PRESIDENT SCHULMAN: I actually...I'm sorry ma'am I really wasn't, I thought you were interested in hearing what the Service Direc....and this is not a dialogue here. I apologize for interrupting you but the Service Director was attempting to provide you and other members of the public information that might be helpful to you. So, if you want to listen that's fine...I'm just...and that's why I said that....

(INAUDIBLE FROM THE AUDIENCE)

PRESIDENT SCHULMAN:and I don't...ma'am, I do not need a remark from you, alright. Go ahead Service Director.

SERVICE DIRECTOR PRICE: Okay, I just...I just wanted to make Council aware and the public that the Building Department did respond on August 9, 2011, ordered an exterior clean up, our inspector...and I'm just looking at this email, I'll just share it with all of you because this is the first time I've...I've seen this. They rechecked the property on August 15th the inspector noted that there was an eviction actually in process and the Court had ordered the owner off of the property until the eviction was complete. Those are the notes of our inspector and then I received...I see here a copy of an email from our Chief Building Official that's today because what the property owner had said on 8/15 was that he would get it this Monday when he returned from out of State. The Chief Building Official reports that it is cleaned up from junk but does need boarded up and that one of our personnel will be out Wednesday to do the board up. So, I'm not editorializing on it, I just wanted to share with you that procedural information. Thank you.

PRESIDENT SCHULMAN: Thank you very much. Mayor.

MAYOR HEALY: Thank you Mr. President. For Ms. Batsch, Ms. Knight, I would like to just thank you for coming out tonight and sharing with us your concerns and obviously frustration and you too sir, I didn't want to leave you out to...I couldn't pronounce your last name Tim...I didn't hear it when you came up to the mic but anyway I do appreciate...

(INAUDIBLE FROM THE AUDIENCE)

MAYOR HEALY: Thank you...anyway, I just wanted to that you guys for coming out, you know, in...in most cases when we have concerns about a property, there's procedures that go through...many times it goes through the Council, they will talk to Building Department or Health Department and start the process. If that process is not working, it could be something that's brought here to the body of Council or it could end up making it to the Safety or Service Director or to my desk. I just checked with both the Safety and Service

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Director and myself and this is really the first that this has been brought to this level of our attention. Although it may have been in the system somewhere unless it's kicked up both channels was not aware of it. But obviously it is not acceptable, obviously it is beyond just a little minor nuisance. This is something that is significantly creating a problem in your neighborhood and I'll personally let you know that we're going to look into it from my level on down and see what we can do and expedite this as quickly as possible. So...

(INAUDIBLE FROM THE AUDIENCE)

MAYOR HEALY: Yeah...

PRESIDENT SCHULMAN: Just if you'll...this is I...I...

(INAUDIBLE FROM THE AUDIENCE)

PRESIDENT SCHULMAN: Ma'am, ma'am, ma'am, ma'am I understa...we're...just let us do our business for just the next five minutes then you can come....

(INAUDIBLE FROM THE AUDIENCE)

PRESIDENT SCHULMAN: ...ma'am then you can come up and we'll be happy to listen to you. I apologize, it's just a formal meeting. Thank you. Mayor anything else? Mr. Gissiner you can come up to...just...if you'll just hold it, I mean...

(INAUDIBLE FROM THE AUDIENCE)

PRESIDENT SCHULMAN: Okay, thank you. Mayor anything else?

MAYOR HEALY: No thank you sir, I appreciate your time for the floor.

PRESIDENT SCHULMAN: Okay, any other Miscellaneous Business? Leader Dougherty.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that we adjourn.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: *(Gavel falls)* Meeting is adjourned. Thank you very much ladies and gentlemen. Safe trip home.

ADJOURNMENT TIME: 8:37 P.M.

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ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT