

**MINUTES OF THE MEETING SEPTEMBER 12, 2011**

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. Boy this is a rowdy crowd tonight. Before we begin tonight's meeting, I have a special guest in the audience. I know it's going to disturb her that I would introduce her but I would like to introduce my daughter, Alexis is here tonight from Boston. (APPLAUSE) She's the apple of her father's eye and she's going to come and sing a song just for me at Public Speaks and maybe I won't be yelled at by some people since my daughter is here. With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call 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're going to have our invocation given tonight by Ward 3 Council Member Jim Griffin. If you'll all stand and please remain standing for our Pledge of Allegiance. Thanks.

*The regular meeting of Canton City Council was held on September 12, 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 3 Council Member Jim Griffin. The Pledge of Allegiance led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

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

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to add 2<sup>nd</sup> Reading Ordinances 12 through 16 with 11 Retained in Committee.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add 2<sup>nd</sup> Reading of Ordinances 12 through 16. Ordinance #11 will be Retained in Committee. 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. Rule 22A is suspended and the Ordinances are a legal part of your agenda.

**PUBLIC HEARINGS**

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PRESIDENT SCHULMAN: We do have two Public Hearings this evening which I will read. The first is scheduled for **7:30 PM** and it's 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. Is there anyone in the audience wishing to speak for or against this particular Annexation, would you please step forward. And as you know I have to repeat it. Is there anyone in the audience wishing to speak for or against this Annexation, would you please step forward. I see no one come to the dias, the matter now rests in the hands of Council and the Public Meeting in this regard is over. The next Public Hearing is scheduled following the first. It's AN ORDINANCE AMENDING CHAPTER 1132, FLOOD HAZARD (FH) DISTRICT OF THE CODIFIED ORDINANCES; AND DECLARING THE SAME TO BE AN EMERGENCY, PLANNING COMMISSION RECOMMENDED APPROVAL OF THE SAME. Is there anyone in the audience wishing to speak for or against this Amendment, would you please step forward. Once again, is there anyone in the audience wishing to speak for or against this Amendment, please step forward. Having seen no one rise, the Chair declares the public hearing over in regard to this matter and this matter also now rests in the hands of City Council and it will be heard later this evening.

**OLD BUSINESS**

PRESIDENT SCHULMAN: We are now under Old Business and I will turn this matter over to the Mayor's Chief of Staff my friend, Warren Price.

SERVICE DIRECTOR PRICE: Thank you Mr. President. Under Old Business I'm going to start out with one that has been kind of ongoing and those are the ongoing concerns that have been outlined by Jason Scaglione in his area near the Stark County Fair Board, grounds. We went ahead and had a full contingent of Department Heads go out there and I learned that the storm water issues that he's talking about are certainly legitimate. Those have been long term but require basically the replacement of numerous storm lines in that area. The frank fact of the matter is that the 24" lines that we currently have just don't meet the capacity of the 25+ acres that drain into that area. It's you know, to some degree an example of this kind of storm water issues that we face throughout the city of Canton that Canton has been trying to tackle on an ongoing basis over the last say two decades and we've made a lot of headway. We've made a lot of improvements in terms of the flooding that the city experiences. While there is still some of that, a lot of those issues have been addressed but this is you know, this is a concern and it's a problem in this area. We were able to identify some potential sanitary sewer discharge into the storm sewer. In other words a connection that should not be there that was so Mr. Scaglione was correct about that. I was pretty quickly able to ascertain he wasn't a layman just smelling what was coming out of the storm grates that we had a problem, so we're working on that. He has mentioned a couple of building concerns, Code concerns in that area. From what I saw I think he has some legitimate beefs and the Building Department continues to look at the issues in that area as well but, he has a number of problems going on and none of them are certainly illegitimate. They're all legitimate issues and we're working on those but clearly the most expensive fix is the storm water issue. I will say that the city has initiated in the past few years, a more scientific approach to ranking our storm water problems. The system in the past, essentially the squeaky wheel gets the grease, whereas we're trying to be more proactive, list those, prioritize them based on engineering principles and this one should be a high priority so I, he's not here but I think that the concerns he's raised are legitimate and we are trying to work on those. Dick Drake spoke at the last meeting regarding the concerns with the Tree Ordinance. You know we talked about the Tree Ordinance in Committee. It sounds as though they'll be some tweaking of that and looking at it as

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we go forward. The problem at 2512 8<sup>th</sup> Street NW the numerous issues with that property. That was brought to our attention at the August 22<sup>nd</sup> Council meeting. I do know for the part, on the part of the Office of Public Service, we were able to get the trash on the property itself, not necessarily inside the garage. We were able to get that out of there within I think 24 hours. I know that the Building Department continues it's enforcement action on the property and so we're certainly aware of it and taking what action we can as a city. The final issue was a loud music complaint at 3603 Arnold which was passed along to the Police Department. Thank you.

PRESIDENT SCHULMAN: Thank you Director. We appreciate that.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: We're now move to Public Speaks. We have three speakers signed up this evening. Our first is Mr. Charles Killens. Mr. Killens good evening. Welcome. I know you've done this before. If you'll give us though your name and your residential address please.

CHARLES KILLENS: My name is Charles Killens. I live at 1223 Market Avenue North. I think that's in Mr. West's ward. I've been in your Ward in relations to what I said in relations to the property so filled up with trash just behind Monroe and it hasn't been done and I don't know. Mr. Smuckler said if the people don't cut the grass, the city ought to start doing it first cutting their grass up and then people might follow them. Take 9<sup>th</sup> and Rex. Take a walk up there and you see how much grass has grown on the city's property. If you take an initiative, the city, I think the people will follow you and cut their grass too. In addition to that, I have here the papers from the field office of the railroad. They're going to send a copy to pass out to the citizens of Canton file necessary reports in relation to a situation that is dangerous to traffic, railroads and other things. Also I think that if you would take the initiative to do these things in the Law Department and enforce some of the laws you claim are on the books when these people, this thing would take place and other than that I don't have too much more to say than the election is coming up and I hope many of you don't have an opponent or those of you who do have an opponent, you better watch out cause next election I'm going to try to be on the ballot.

PRESIDENT SCHULMAN: Thank you sir very much. Thank you Mr. Killens. It's always nice to see and hear from you. Our next speaker is Kathryn Ramsey. Ms. Ramsey if you'll step forward and give us your name and your residential address please. Similarly I know you're not a stranger here. We appreciate you coming down. Thank you and good evening.

KATHRYN RAMSEY: My name is Kathryn Ramsey and I live at 2322 16<sup>th</sup> Street NE in Canton. Although lately I'm beginning to feel like I live in the wild, wild west but there's a lot of cowgirl left in me, believe me. We've had shootings on Ohio, shootings on Harrisburg Road, shootings on Superior and Win, Indiana Way. The other day Mary and I were out passing out flyers for our neighborhood meeting and a lady came out and said the guy was out there at 2:00 in the morning with a coat on a gun under his coat and said he was going to shoot the guy up the street because he owed him drug money. We walked this area in July with the Mayor and right down below my house at 16<sup>th</sup> and Ohio it was in the paper that last night or the night before a guy was shot. We try to walk our dogs. We're getting scared to walk the dogs in this area so, there's an old saying "If you're not part of the solution, you're part of the problem." I'm beginning to think that the problem is we don't have enough policemen in the city of Canton to patrol these areas where the shots are being fired. Now if all the neighbors know there's shooting, my next door neighbor said she was awakened a couple nights ago

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with shooting. Everybody hears them so whole neighborhoods can hear the gunshots. So that's one of my complaints. Now, I don't know if this person knows what this was, this was published in the Repository. I read it and I thought, this is ridiculous. I do thank the Mayor for tearing down the vacant houses. It's been a blessing to get rid of the drug houses and the vacant houses but as the gentleman before me said, now we have all these vacant lots. There's a group of us who are attempting to keep the lots clean but in the paper this says, "Vacant Massillon land may get new owners" and I know that there's people all over the city of Canton trying to get vacant lots because they're taking care of them. I'd like to plant a couple of apple trees and a couple peach trees on the one next to me but I'm wondering, I worked in Massillon for almost 40 years and the last I heard, Massillon was still in Stark County. I keep getting this excuse that it's the county. The county is holding this up because it's taxes this and it's all kinds of problems that the county is responsible for but Massillon is in Stark County so it says here, "the aim of the program Community Development Director Ann Evy said is to make the best use of the all the city's space." We have tax money, there's one that the Repository did a full page, 50 some thousand dollars in back taxes due on two pathetic lots across the street from me. Nobody's going to pay that and I just wish that the city could help the adjacent homeowners acquire these lots as it says the city of Massillon is doing. Thank you. (APPLAUSE)

PRESIDENT SCHULMAN: Thank you very much. Thank you Ms. Ramsey and if you obviously, as you know if you say around for the end of the meeting, you'll be able to talk to the Mayor and his administration and any Council Members too about that. Our last speaker is Patricia Kirk who was not here for the Tree Ordinance. We're kind of upset with you but if you'll come forward and give us your name and your residential address please and welcome as always. We're getting closer.

PATRICIA KIRK: Hello my name is Patricia Kirk. I live at 131 5<sup>th</sup> Street NE and yes I am here about the Tree Ordinance and I want to say Canton's not stupid which is a positive statement. OK, how many people remember on the Council or in the audience that Canton will be hosting the Tree Commission Academy in 2012. It is coming. I mean you are hosting it. You actually earn a Bachelor's Degree after this. It is actually meant for the people on the Tree Commission Academy. It's actually meant for the people on the Council, the Mayor, for people on the Tree Commission Academy or in the audience is a Ohio Department of Natural Resources School. People from other cities attend it and you receive a Bachelor Degree. Other Tree Commissions make it a requirement in their Tree Ordinance. It's the right thing to do. Why can't Canton do this? It is not easy. Not all people graduate from it but there's hope. If I can do it, everybody else can too. Why is it needed, well last Sunday's newspaper, in the ad section, there were 6 ads for like tree companies. Who they are is not important. Three of them advertised tree topping, sometimes called tree tipping, tree shaping, tree hat racking. One even brags that they'll remove 25% of the tree for you. Topping is actually outlawed or not wanted or not allowed in other cities. It is in Canton because Canton doesn't realize that it causes the death, eventual death of trees. When you cut off the head of a human, the human dies right away. It takes about one or two years for the tree to die but it will eventually kill the tree and what happens is that you end up with more of a hazard than what you started with. Now the really sad thing is Canton doesn't know this but if you took a course like the Tree Commission Academy, you might know and we need that. We can make that a requirement for our Tree Commission Academy and I really think we should. And also about the vacant lots, it's not a waste to the city to vacate a lot with trees. Trees give back to the city for free by controlling flooding, by cleaning the air, by controlling pollution, by filtering the water. Other Engineering Departments in other cities use it. Think about this. OK, thank you very much.

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PRESIDENT SCHULMAN: Thank you very much. (*APPLAUSE*) And again thank you Patricia for all your hard work. We're going to get this passed I'm pretty sure soon. Sooner rather than later.

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: OK, we're now under Informal Resolutions. Madame Clerk, would you please read Resolution 24 by title.

#24. COUNCIL-AS-A-WHOLE: RECOGNIZING MELISSA JOHNSTON FOR HER EFFORTS IN THE APPREHENSION OF STEPHEN KELLY.- ADOPTED

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution 24. Are there any remarks?

MEMBER SMUCKLER: Mr. President

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: Could we have this Resolution read?

PRESIDENT SCHULMAN: Sure, Madame Clerk would you please read the Resolution.

CLERK TIMBERLAKE: *Whereas*, Melissa Johnston is a resident of Canton and employed by Canton Calvary Mission as a housekeeping and kitchen supervisor; and *Whereas*, Melissa was working the night of August 4, 2011 at Canton Calvary Mission City of Hope Church Vacation Bible School; and *Whereas*, Melissa stepped outside for a break and saw Stephen Kelly, who had been armed, climb up on the roof of the nearby shed; and *Whereas*, Canton City Police had been tracking Stephen Kelly through several neighborhoods for his alleged connection in the shooting of 8 year old Shaun Wallace and 18 year old Teon Lipkins; and *Whereas*, With the help of a quick acting Melissa Johnston, who contacted the Canton Police Department, Stephen Kelly was apprehended and arrested. *Now Therefore Be It Resolved*, that we, the Members of Canton City Council do hereby go on public record recognizing *Melissa Johnston* for her efforts in the apprehension of Stephen Kelly and further recognize her citizen involvement which can make our neighborhoods safer.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Member Smuckler anything else? Any other remarks? Hearing none all those in favor of this Resolution, signify by saying aye, those opposed no.

NO REMARKS

RESOLUTION #24 PASSED UNANIMOUSLY BY VOICE VOTE

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PRESIDENT SCHULMAN: The ayes have it, the motion carries and the Resolution is adopted. Member Smuckler.

MEMBER SMUCKLER: The reason you have to come up here is that probably I've been doing this for into my 24<sup>th</sup> year now and out of the 24 years I've been doing this and going to crime watch meetings and preaching for people to get involved in the neighborhoods, this has got to be the absolute first, first where someone called and someone was immediately arrested afterward. Melissa I've got to tell you something. I know that unfortunately when you're talking about someone who's older and gets shot, it's probably not as heartwrenching as when you're talking about an 8 year old who got shot. And this is even more special for the extra call you did and made that call to the Police Department. Mary Cirelli showed me a letter today, another one of our anonymous letters about a complaint of the city, and unfortunately that's a-typical in the community. You actually stood up, looked someone in the eye and said I'm going to get involved and that's what's important today and we thank you. (*STANDING OVATION*)

MELISSA JOHNSTON: Thank you.

PRESIDENT SCHULMAN: Would you like to say anything?

MELISSA JOHNSTON: Thank you.

PRESIDENT SCHULMAN: You're welcome.

CHRISTINE PETERSON: I'm Christine Peterson and I live at 1319 14<sup>th</sup> Street and I do head the Neighborhood Association, Gibbs Are Involved Neighbors where she lives and where the Mission is and I just want to say my appreciation to you for the safety of our neighborhood and for not being fearful and identifying herself and being there to do the right thing. And I also want to thank the Safety Director and for the quick action of our Police Department, for the officers who took the sensitivity of the situation with a group of young children in the sanctuary of a church during vacation bible school to be considerate of that fear factor in calming them down, so thank you so much.

PRESIDENT SCHULMAN: Thank you. (*APPLAUSE*) Thank you very much Melissa.

**COMMUNICATIONS**

PRESIDENT SCHULMAN: We're now under 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 SEPTEMBER 12, 2011.***

304. AUDITOR MALLONN: REQ FOR ADDT'L AMENDED CERT DATED 8/31/11. - RECEIVED & FILED

305. AUDITOR MALLONN: MONTHLY RPT BY FUND 8/1/11 - 8/31/11. - RECEIVED & FILED

306. AUDITOR MALLONN: YRLY PRT BY FUND 1/1/11 - 8/31/11. - RECEIVED & FILED

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307. BARTON, P, ANNEXATION CHAIRMAN: REQ TO INITIATE LEGISLATION TO AMEND GEORGETOWN RD CEDA BETWEEN CITY & CANTON TOWNSHIP TO INCLUDE .0179 PARCEL OF PROP INCLUDED IN BROAD AVE ANNEX. - ANNEXATION COMMITTEE
308. FINANCE DIRECTOR DIRUZZA: AMEND APPROP O#245/2010 BY MAKING VARIOUS SUPP APPROPS & APPROP TRANSFERS WHICH ARE NECESSARY TO CONTINUE TO OPERATE CITY EFFICIENTLY. - FINANCE COMMITTEE
309. HEALTH COMMISSIONER ADAMS: REQ VARIOUS APPROPS. - FINANCE COMMITTEE
310. LIQUOR CONTROL DIVISION: REQ TRANSFER OF D5 LIQ PERMIT FROM LARRY G LOVELESS DBA STUDIO 704 TO JOHN L JONES @ 704 4<sup>TH</sup> ST SW. - RECEIVED & FILED
311. LIQUOR CONTROL DIVISION: REQ NEW C1 C2 LIQ PERMIT FOR DOLGEN MIDWEST LLC DBA DOLLAR GENERAL STORE 7215 @ 3250 CLEVELAND AVE NW. - RECEIVED & FILED
312. THE MARTIN CENTER LLC, APPLICANT: PROPOSED ZONE CHANGE FOR 1253 THIRD ST SE FROM R-2 TO PCS TO PROVIDE YOUTH FOCUSED COMMUNITY PROGRAMS INCLUDING GED COURSE STUDY, RECREATION, HEALTH & WELLNESS & COMPUTER TRAINING. - PLANNING COMMISSION
313. MAYOR HEALY: AUTHORIZE APPT OF RICK GECKLER TO CANTON RECREATION BOARD UNTIL 12/31/11. - PERSONNEL COMMITTEE
314. PLANNING COMMISSION: ON 5/10/11 RECOMMENDED DENIAL OF PROPOSED ZONE CHANGE FOR 3625 W TUSCARAWAS ST. APPLICANT DID NOT SUBMIT AN ADEQUATE LISTING OF PROP OWNERS, THEREFORE THE ZONE CHANGE WAS WITHDRAWN. - RECEIVED & FILED
315. PRATER, T, WARD 5 CNCLMBR & HAWK, G, WARD 1 CNCLMBR: REQ TO CONSIDER CREATING A NEW ACCT FUND FOR \$10,000.00 FOR CITY DESIGNATED STREET VACATIONS. - FINANCE & JUDICIARY COMMITTEES
316. SAFETY DIRECTOR REAM: RECEIPT OF RE-OFFENDER LIST FROM STARK COUNTY JAIL. - RECEIVED & FILED
317. SERVICE DIRECTOR PRICE: REQ FOR MAYOR &/OR SERV DIR TO ENTER INTO COOP AGMT W/AKRON METRO FOR CONSTRUCTION OF WEST SIDE PARKS TRAIL PROJ GP 1093 (38<sup>TH</sup> ST NW RR CROSSING) - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
318. SERVICE DIRECTOR PRICE: REQ FOR MAYOR &/OR SERV DIR TO ENTER INTO COOP AGMT W/AKRON METRO FOR CONSTRUCTION OF WEST SIDE INTERCEPTOR SANITARY SEWER REHAB PROJ GP1138. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
319. SERVICE DIRECTOR PRICE: REQ PARTICIPATORY COOP LEGISLATION W/ODOT THAT WILL ALLOW ODOT TO CONSTRUCT A PROJ THAT WILL UPGRADE/REPLACE 11

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TRAFFIC SIGNALS ON THE SIGNAL SYSTEM IDENTIFIED AS THE "NAVARRE RD SIGNAL SYSTEM". - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

320. SERVICE DIRECTOR PRICE: REQ PARTICIPATORY COOP LEGISLATION W/ODOT THAT WILL ALLOW ODOT TO CONSTRUCT A BRIDGE REHABILITATION LOCATED ON THE OFF RAMP FROM EASTBOUND US62 TO NORTHBOUND I77 OVER I77. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
321. SERVICE DIRECTOR PRICE: REQ NEW PARTICIPATORY COOP LEGISLATION W/ODOT THAT WILL ALLOW ODOT TO CONDUCT AN URBAN PAVING PROJ ON US-30. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
322. SERVICE DIRECTOR PRICE: REQ AUTHORIZATION TO MAKE \$36,950.00 MORAL OB TO BELL EQUIPMENT CO FOR SHIPMENT OF 60 VARIOUS SIZED DUMPSTERS. - FINANCE COMMITTEE
323. SERVICE DIRECTOR PRICE: REQ TO ENTER INTO CONTRACT W/OHIO POWER COMPANY TO PROVIDE ELECTRIC ENERGY TO WATER TREATMENT PLANT. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
324. SERVICE DIRECTOR PRICE: REQ TO APPROPRIATE CAPITAL MONIES WITHIN THE 4501 & 4502 CAPITAL IMPROVEMENT FUNDS TO FUND MUCH NEEDED IMPROVEMENTS & MAINTENANCE TO CITY PARKS, STREETS, BLDGS, ROOFS, VEHICLES, HEAVY EQUIPMENT & INFRASTRUCTURE. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
325. TREASURER SCHIRACK: RPT OF DEPOSITS & PAY INS FOR AUGUST 2011 TO AMBULANCE LOCK BOX. - RECEIVED & FILED
326. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR MONTH OF AUGUST 2011. - RECEIVED & FILED
327. TREASURER SCHIRACK: BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF 8/31/11. - RECEIVED & FILED
328. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIVED AS OF 8/31/11. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: Moving to First Reading Ordinances and Formal Resolutions for their 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 #10 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:***

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- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A LEASE AGREEMENT WITH AREF CANTON LP FOR THE PURPOSE OF UTILIZING CITY OWNED PARKING SPACE; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO CONVEY A 25 FOOT STRIP OF LAND TO THE BOARD OF STARK COUNTY COMMISSIONERS; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- #3. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MUTUAL AGREEMENT(S) WITH THE STARK COUNTY BOARD OF COMMISSIONERS NECESSARY FOR THE APPLICATION TO OPWC AS A JOINT SPONSOR AND FOR THE COMPLETION OF THE 55<sup>TH</sup> STREET WATER WORK PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #4. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONSULTANT CONTRACT WITH HAMMONTREE AND ASSOCIATES FOR THE ALLENFORD EMERGENCY SANITARY SEWER STABILIZATION AND REHABILITATION PROJECT, TO SOLICIT QUOTES FROM CONTRACTORS, TO EXPEDITIOUSLY AUTHORIZE THE WORK, TO ENTER INTO COOPERATIVE AGREEMENTS WITH STARK COUNTY AND THE CITY OF NORTH CANTON TO REIMBURSE CANTON FOR A PORTION OF THE WORK, TO ENTER INTO AGREEMENTS WITH THE USACE AND/OR THE OHIO PUBLIC WORKS COMMISSION FOR BOTH TECHNICAL AND FINANCIAL ASSISTANCE; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #5. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO APPLY FOR, ENTER INTO AGREEMENTS AND ACCEPT FUNDS FOR THE 2012 PROGRAM YEAR FROM THE OHIO PUBLIC WORKS COMMISSION; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #6. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO REIMBURSE PLAIN TOWNSHIP \$60,500.03; AMENDING APPROPRIATION ORDINANCE NO. 245/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (25<sup>TH</sup> STREET NE STORM SEWER PROJ)  
Referred to Finance Committee

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- #7. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO LOCAL PUBLIC AGENCY AGREEMENTS WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR LOCAL TRANSPORTATION INFRASTRUCTURE PROJECTS; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Property Capital Improvement and Public Safety & Thoroughfares Committees
- #8. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONSULTANT CONTRACT WITH COOPER AND ASSOCIATES FOR THE HAMILTON AVENUE STORM SEWER PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 245/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (\$45,000.00)  
Referred to Finance Committee
- #9. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO ESTABLISH THE 2531 NIMISILLA PARK FUND  
Referred to Finance Committee
- #10. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 142/2011** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (CAPITAL PROJECTS FUND & MOTOR VEHICLE PURCHASE FUND)  
Referred to Public Property Capital Improvement Committee

PRESIDENT SCHULMAN: We're now under Ordinances, oh I'm sorry. Ordinance 10, I apologize. At this time the Chair would declare an in house recess for the Public Property Capital Improvement Committee to meet in regard to Ordinance 10 on your agenda. You are now in recess.

PRESIDENT SCHULMAN: Council will reconvene after the recess. Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to place Ordinance 10 back on the agenda.

MEMBER PRATER: Seconded

PRESIDENT SCHULMAN: It's been moved and seconded to place Ordinance 10 back on this evening's agenda and Suspend Rule 22A. 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 Ordinance 10 is now a legal part of your agenda. Leader Dougherty.

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MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 10.

MEMBER PRATER: Seconded

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance 10. 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 10.

MEMBER CIRELLI: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#10 ADOPTED AS ORDINANCE NO. 142/2011**

PRESIDENT SCHULMAN: Ordinance 10 is adopted.

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: We're now moving then to Ordinances and Formal Resolutions for their Second Reading. Madame Clerk would you please begin with Ordinance #12.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #12 THROUGH #16 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (ORDINANCE #11 RETAINED IN COMMITTEE):***

- #11. (2<sup>ND</sup> RDG) ***RETAINED IN COMMITTEE*** AN ORDINANCE AMENDING CHAPTER 917, TREES, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
- #12. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING CHAPTER 749, ITINERANT RETAILERS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
- #13. (2<sup>ND</sup> 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 16 FUNDS)

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- #14. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING SECTION 947.20, RATES FOR OUTSIDE CITY USERS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
- #15. (2<sup>ND</sup> 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
- #16. (2<sup>ND</sup> 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

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

PRESIDENT SCHULMAN: Thank you Madame Clerk. We're now under Ordinances and Formal Resolutions for their Third and Final Reading and vote. Would you please begin with Ordinance 17.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #17 THROUGH #27 FOR THE THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #17. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 143/2011** 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**

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 17.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 17. 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.

**#17 ADOPTED AS ORDINANCE NO. 143/2011**

PRESIDENT SCHULMAN: Ordinance 17 is adopted. Ordinance 18 please.

- #18. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 144/2011** AN ORDINANCE AMENDING

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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**

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 18. 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.

**#18 ADOPTED AS ORDINANCE NO. 144/2011**

PRESIDENT SCHULMAN: Ordinance 18 is adopted. Ordinance #19 please.

#19. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 145/2011** 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

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 19.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 19. Any remarks under this Ordinance?

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Thank you sir. I will be voting against this Ordinance. I have two reasons. The first of which is anybody who's been on Council long enough to remember the great bench advertising bench fiasco. We ended up in court to settle because we had advertising benches out along our sidewalks and what a problem it was to get rid of those and that form of visual pollution and I believe this Ordinance just provides us with another form of visual pollution and the fact that we will be receiving 3% per year with an escalating each year by 3 more percent to a total of 15% but this will not even cover the costs of dumping the trash that's going to be deposited in these. It's hard enough right now to get the standard ones emptied in our city because

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I've been told a lot of times that they don't have time or the opportunity to do it. I think this is going to add to a form of visual pollution and cost our city dollars. I think we should find another way to find money other than this.

PRESIDENT SCHULMAN: Thank you Member Hawk. Member Smuckler.

MEMBER SMUCKLER: Mr. President, may I ask the Service Director a question please?

PRESIDENT SCHULMAN: Sure.

MEMBER SMUCKLER: Mr. Service Director, I think part of the problem with the current standards of us trying to empty is the flexibility of emptying those. Do these have any more flexibility of getting these emptied and can you reassure us that they will be emptied?

PRESIDENT SCHULMAN: Director.

SERVICE DIRECTOR PRICE: Yes the containers are going to be emptied. They'll be on the recycling route. The fact is that we don't have any recycling downtown and so we're paying a tipping fee for every bit of garbage and recyclable material that was thrown away or put in those containers. Through the recycling container program that we, if you'd allow me to enter into this contract, containers are going to be provided. There's a potential for some income stream to come to the city through the advertising and instead of paying a tipping fee we're going to receive a per ton amount back from the Joint Solid Waste District which is part of our recycling grant. The you know, complaints that the garbage doesn't get picked up downtown, if it's on the route and it's one of our containers, I mean it should get picked up and if it doesn't in a particular case then that complaint would be rectified right away. In terms of special events, now there are times when trash doesn't get picked up perhaps right away in the case of a special event but that's not always under our control necessarily. I mean, I, these containers would be on our recycling routes and I certainly can guarantee they should be picked up or would be picked up as part of our normal recycling.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: So, just so I'm understanding you. They'll all be thrown in the same truck as the recycling truck. Do I have this correct?

PRESIDENT SCHULMAN: Director.

SERVICE DIRECTOR PRICE: Yes. These, it's not necessarily going to be a recycling truck. I want to make that clarification because we do use packers to pick up recycling in certain cases but yes this would be picked up as part of the recycling.

MEMBER SMUCKLER: And when we pick this up, this will be, will we be removing the ones that we have already and replacing these with the current, newer models.

SERVICE DIRECTOR PRICE: We don't have any recycling containers.....

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MEMBER SMUCKLER: No, no, no, the trash bins.

SERVICE DIRECTOR PRICE: The existing trash bins will remain.

MEMBER SMUCKLER: So we'll have these plus the trash bins.

SERVICE DIRECTOR PRICE: This is an enhanced service.

MEMBER SMUCKLER: And we'll pick up both then at one time.

SERVICE DIRECTOR PRICE: No. The trash route is, the trash route is separate from the recycle route. In other words, we don't have the means to pick up trash and recycling on one truck.

MEMBER SMUCKLER: I'm just, I'm a little lost by this and by the way, I'm leaning to vote for this so I'm just...I'm not trying to be Devil's advocate, I'm just trying to figure out, so we're going to send a second crew. If I'm understanding this, we're going to send a second crew and how do you know there's all recyclables in this new one.

SERVICE DIRECTOR PRICE: We don't know that they'll be all recyclables in these new containers any more than we know that every resident's going to have only recyclables in the existing container. For instance the, your milk jug is recyclable but the cap is not, OK. And I tend to think there's plenty of people that put the cap out there too. You will find, you're going to find some people put garbage in this....

MEMBER SMUCKLER: Mr. Service Director, guilty as charged.

SERVICE DIRECTOR PRICE: We'll make a note of that. Sound the alarm and send them out to come get you.

MEMBER SMUCKLER: I've already heard the alarm go off on the 8<sup>th</sup> floor. You know, I just, and I understand this is a little bit of a problem and I think that you would obviously and I know one place has already told me, if they gave them a blue bin, they would put recyclable bottles in it downtown here. So I, I'm just, logistically wise I'm not sure that this is....you're going to have, you're going to have a headache with this too.

SERVICE DIRECTOR PRICE: With the recycling we have roughly, well are garbage routes have roughly 22,000 customers to put it in prospective. We're going to be adding, I don't know, 16 recycling containers initially to an existing route. This won't be, this won't be a major burden or logistical problem for the recycling route. It will be added to the normal route. The key, the problem will be if the containers fill up more quickly and that's going to then have to, we'll have to figure that out but we will. The Special Improvement District Master Plan Committee was for this but I'm sure that they quickly would be against it if we're not cleaning out the containers and so we'll make every effort to make sure that gets done. And again it should be a no-brainer since instead of paying a substantial tipping fee per ton at least we're going to be recouping some money back from the downtown area and the citizens who are pedestrians there and like to eat outside and frequent those businesses during the summer will have somewhere to recycle where now they don't.

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MEMBER SMUCKLER: Thank you.

PRESIDENT SCHULMAN: Thank you Member Smuckler.

MEMBER CIRELLI: Mr. Service.....

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. Mr. Price what, how much are we recouping right now from tipping fees?

SERVICE DIRECTOR PRICE: Off hand I don't know what we get paid under the grant. I'm sorry.

MEMBER CIRELLI: Second question. Do we use the oversize truck that we bought that was too big to use and where's it at?

SERVICE DIRECTOR PRICE: Well there, through a grant from the Joint Solid Waste District, there are two recycling trucks. They're the prettiest trucks in our fleet. You see them around town. They look great. The problem is they cannot traverse because of the lengthy wheelbase many areas of the city because of the city because of the dense, the narrow streets or alleys in densely populated areas. We use those but there have been efforts to get rid of them. There have been efforts to convert them to packer bodies because really in most of the older areas of the city, what we've done is we'll just take a packer and use that. Those recycling trucks, they do not pack. In other words they do not compress the waste so they fill up quickly. There not, I mean I think everybody...they were well intentioned, they're not a, they're not the ideal vehicle.

MEMBER CIRELLI: And Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Excuse me, Mr. Price. I have some concerns because I looked up the city that this companies coming from in New Jersey and they don't even use their service there and I was told the only one is in Colorado Springs which Colorado Springs and Canton, Ohio are different as night and day.

SERVICE DIRECTOR PRICE: This company has, that's not their only contract. They have about a half dozen contracts throughout the United States and they've just entered into contract with a couple of other communities in Ohio but they are new and they're the only ones in this business and it is, it would be new so we'd be one of the first free communities in Ohio to have them.

PRESIDENT SCHULMAN: Anything else Member Cirelli?

MEMBER CIRELLI: Thank you Mr. President.

MEMBER WEST: Mr. President I want to say something.

PRESIDENT SCHULMAN: OK, Member West.

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MEMBER WEST: Quick question. Is any of the going in 12<sup>th</sup> Street or any of the trash cans that are downtown now currently being used going on 12<sup>th</sup> Street.

SERVICE DIRECTOR PRICE: I don't know.

MEMBER WEST: Well just for the record, 12<sup>th</sup> Street has a lot of businesses and a lot of pedestrians who drop trash right on the streets. It would make sense if we'd some of those trash cans on 12<sup>th</sup> Street. As you've noticed a lot of those empty buildings are now full of businesses and I would like to see something on 12<sup>th</sup> Street that collects the trash. Thanks.

SERVICE DIRECTOR PRICE: OK.

PRESIDENT SCHULMAN: Any other remarks on Ordinance 19? Hearing none Madame Clerk, roll call vote please.

NO REMARKS

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

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

**#19 ADOPTED AS ORDINANCE NO. 145/2011**

PRESIDENT SCHULMAN: Motion carries and Ordinance 19 is adopted. Ordinance 20 please.

#20. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 146/2011** 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)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 20.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 20. Any remarks under that Ordinance?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: To, I don't know whether to direct this at the Safety Director or our Financial Director but where will the money be spent please and how soon?

PRESIDENT SCHULMAN: Director.

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FINANCE DIRECTOR DIRUZZA: The \$750,000.00 of that goes to Personnel Services to make the Police Department whole. \$60,000.00 extra is personal services in the Police Department and \$60,000.00 to the Fire Department personal services.

MEMBER CIRELLI: Mr. President, Mr. DiRuzza if you don't mind, you say the \$750,000.00 will go to the Police Department to make the department whole am I correct?

FINANCE DIRECTOR DIRUZZA: Yes that was their original request.

MEMBER CIRELLI: And Mr. President and maybe Mr. DiRuzza or the Safety Director, so then with Council can feel confident that the rest of the year we're going to have a whatever and can you explain what whole means to us in the Police Department.

PRESIDENT SCHULMAN: Director.

FINANCE DIRECTOR DIRUZZA: Their original budget request was, when we finished the budget last year it was approximately \$750,000.00 short and now this extra appropriation makes them whole.

MEMBER CIRELLI: And Mr. President and then Mr. Safety Director Ream, does that mean they will have adequate police and police added with these monies sir for the rest of the year.

SAFETY DIRECTOR REAM: No. We, due to our financial condition we shorted the Fire Department last year and as the monies became available, as we saw how the year played out, we then at one point made them whole. We did the same with the Police Department this year, we short funded them. As the money has become available now we're making them whole to cover the salary and payroll that we have to get us through the rest of the year. That's what this \$750,000.00 will be used for.

MEMBER CIRELLI: OK and this, Mr. President, then to my understanding the Police Department numbers will remain exactly what they are sir and probably the same with the Fire and all the way through. I still be getting the emails that say Fire Department closed down, Medic unit is closed down. Is that correct sir?

SAFETY DIRECTOR REAM: Well not necessarily. What we have done is, I have authorized the hiring of 5 firefighters which we've done 4. One of the candidates washed out two days before he was to be sworn in and we're plugging in the 5<sup>th</sup> at this time. And we ran an eligibility list for police hiring. We're completing that process and it appears right now that we're going to be hiring an initial 10 people off of that. We don't know that we'll get that done by years end but certainly the first part of next year and that will maintain the staffing levels that we've been talking about with both Chiefs for the past year in both departments.

MEMBER CIRELLI: Thank you. Thank you Mr. President.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Any other remarks on Ordinance 20? Hearing none Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#20 ADOPTED AS ORDINANCE NO. 146/2011**

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PRESIDENT SCHULMAN: Thank you Madame Clerk Ordinance 20 is adopted. Ordinance 21 please.

#21. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 147/2011** 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 DOWNTOWN DEVELOPMENT PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

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

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Thank you sir. I guess I'll put this to Service Director Price. We've been doing this for a number of years now and I get those confidential things from the Chamber of Commerce of all the different things that are being done and I make sure they're confidential but can you tell me what economic development that I can look at, that I have seen within the past year to make me feel good about giving this money again.

SERVICE DIRECTOR PRICE: Mills Industrial Park which would include Medline, Old Dominion Trucking. The Chamber was instrumental in developing, well the industrial park itself as well as the more recent tenants in that park. Essentially the \$175,000.00 is a Community Development Block Grant Fund grant to the Chamber of Commerce and you know part of that you could look at as they're engaging in their own independent activities but they're under a sub-recipient agreement with the City of Canton which is the CDBG grantee and that sub-recipient agreement you know certainly conforms to HUD and a large part of what they're doing under the national objections for Department of Housing and Urban Development is job creation and growth and what I can tell you is that the Special Improvement District for instance under Mike Gill. We worked very closely with the Special Improvement District on the economic development front and often Mike's the first contact on the front lines in terms of a potential business that might go downtown and I'm, I can tell you I'm working on one right now with the Special Improvement District that could come to fruition fairly quickly. Now is it 500 jobs, no. It's, I think more in the neighborhood of 6 to 12 but it's a tech business. It's an exciting opportunity and that was brought to us and we're serving kind of an assistance role. On the other hand, sometimes they call us and sometimes it's something that comes to city government first but 9 times out of 10 I end up calling upon Denny Saunier or Steve Katz or Mike Gill and beyond that although we're not talking about funding them the Stark Development Board or other entities that assist us with economic development and in most cities if not all, there's some level of public/private partnership on the economic development front. In Alliance it works different. They have a development foundation that's made up of government and private business leaders and everybody pays into it to have a seat on the board. For private business it gives them a stake in the game. For the city of Alliance it gives them the same but they have to contribute financially as well. My own assessment is and I don't, I won't pretend to tell you it's

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always necessarily....we get a lot of bang for our buck I think. For the \$175,000.00 that goes to the Chamber, that augments or assists their operation. I think it's probably a very small piece of the overall money that they spend but you see it in these downtown events and First Fridays and the Mills Industrial Park, in what's happening downtown and trust me, any of these major economic development deals that come to us or if we're pitching to a Diebold for instance for their world headquarters, I'll tell you what, we get in a pinch or we need representation by the business community we need that extra boost to sell the city of Canton, I call on them as well as Robert I'm sure does and Fonda. I mean we all do and so I think overall it's a good relationship like any financial arrangement, like any private/public partnership. There are tensions on both sides. Now they are gentlemen enough and professional enough that they're not going to go out and talk about it but I'm sure there are times that they've shaken their heads and thought you know, why on earth does the city function this way and can't we get this done. You know on the other hand maybe I find on occasion one of their ways mysterious. I'm not going to get into that but it's a good relationship and I think that anybody in the room that deals with them on the city side and I think the Chamber and the Special Improvement District, it's just a good give and take relationship that we have and I do think that we've seen quite a bit of success as a result of that relationship. It is an extension of what we do on the economic development front and to lose the private end to that public/private partnership, I don't think we'd be as successful.

MEMBER CIRELLI: Thank you.

PRESIDENT SCHULMAN: Mayor Healy.

MEMBER CIRELLI: Thank you Mr. President.

PRESIDENT SCHULMAN: I think Mayor Healy wanted to make a comment.

MAYOR HEALY: Thank you Mr. President. I'm going to follow up on this as well because I spend a tremendous amount of my time as Mayor of the city working on economic development and I can tell you first hand that it would be incredibly difficult for the city of Canton and our economic development team to function without the Chamber of Commerce. Virtually every project that we do, we are partnered with them in some way shape or form. Sometimes were getting information brought to us, we work on it and bring them in to the fold. Many times in fact and more times than not, they're getting the lead and bringing it to us. The way that the new states economic development process is going to work through Jobs Ohio, that process is now going to go through the NEO, Northeast Ohio. They will be filtering it through the Stark Development Board who's immediately going to be contacting the Chamber and you're going to have this flow through that quite frankly we're not going to be able to function without the Chamber of Commerce and I will give you a couple of examples of areas that we work very, very well together on. As a matter of fact, we work together every week and many times multiple times through the week we're working on projects together and I know Robert Torres and his team are doing the same thing. In fact the Council President and I today were working on a project that we met with the last week. Him and I did a follow up today and then we were contacting them on, in that same project that we wouldn't be doing without them being involved. So VXI, our call center that's bringing a thousand jobs to the city. That lead came from Steve Katz as they got wind of the information and filtered it back to us. That wouldn't have happened had they not been in the picture. And I can also tell you that they have stepped up and supported us and helped us particularly when we've had issues with funding events and activities and things we do. They've stepped up and made sure that Zing in the City happens during the 4<sup>th</sup> of July week so we can have a 4<sup>th</sup> of July celebration here in town and the list goes on and on. So we can debate this issue one way or the other but I can tell you as the Mayor of the city, we cannot function in an economic development roll without the Chamber of Commerce.

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MEMBER CIRELLI: Thank you Mayor and thank you Mr. President.

PRESIDENT SCHULMAN: Thank you Member Cirelli. And I'd just like to add we have Denny Saunier and Steve Katz and Mike Gill in the back of the room here tonight and just to echo the Mayor and Director Price, I'm preaching to the choir here although, Mary you always vote no on this but I'm hoping you might vote yes tonight, they are an amazing, incredible resource. They, maybe you don't do that, I'm, I don't know. It's been a long day. The Chamber's an amazing, incredible resource. The people that run the Chamber and do work with us are similarly just outstanding people to deal with and have the city of Canton's interest at heart and lastly Member Smuckler always talks about, and I think rightly so, that we have to care about our local business and our local business we have to take care of and keep jobs in our community locally and not have people leave the community. It's great to bring people in, it's just as important to keep them. They have such strong connections with our local employers and to lose the Chamber's effort would be a blow to the city of Canton and more importantly to the citizens of Canton and the job prospects that the citizens have. So I just want to commend and I'm sure I speak for the Mayor and all of us here, I want to thank Denny Saunier and Steve Katz and Mike Gill and your entire organization. You do an incredible job and we're very thankful that you work with us. (APPLAUSE) And with that statement, 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.

**#21 ADOPTED AS ORDINANCE NO. 147/2011**

PRESIDENT SCHULMAN: Thank you Madame Clerk and I apologize to Member Cirelli. I was actually just wrong so which happens, very infrequently. Motion carries and Ordinance 21 is adopted and Mr. Saunier and Mr. Katz and Mr. Gill you can leave now if you like because you are done. Ordinance #22 please.

#22. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 148/2011** 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

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 to this 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. 148/2011**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 22 is adopted. Ordinance 23 please.

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#23. (3<sup>RD</sup> RDG) ADOPTED AS ORDINANCE NO. 149/2011 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)

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PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: Ordinance 23 was adopted. Are there any remarks under this Ordinance?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: I have spoke on this before and I just want it on the record. This is the one that we purchased, they want to purchase for \$11,300.00 and I find that the realtor's actual site was \$1,500.00 and I have a problem with that because, and even though our Engineer was here and said it could be commercial property, it's a wetland and it's 3 acres. Now anybody that knows anything about wetlands, if you remove them you have to replace 2 acres I believe it is for every one acre that you remove so I don't see how this could ever be commercial property and it's just adding to the other property we paid an outlandish amount for. So I'm voting no.

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

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes Member West.

MEMBER WEST: Law Director that's a grant correct? Not coming out of direct funds, that's a grant correct?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Member West, yes.

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

NO REMARKS

ROLL CALL 8 YEAS, 4 NAYS  
(MEMBERS CIRELLI, SMUCKLER, HAWK AND BUTTERWORTH VOTED NAY)

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CLERK TIMBERLAKE: Eight yeas, four nays Mr. President.

**#23 ADOPTED AS ORDINANCE NO. 149/2011**

PRESIDENT SCHULMAN: Motion carries and Ordinance 23 is adopted. Ordinance 24 please.

#24. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 150/2011** 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 (NAVARRE RD SIGNAL SYSTEM PROJ)

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. Are there any remarks? Leader Dougherty.

MEMBER DOUGHERTY: Mr. President. I move we amend Ordinance 24 per the copy in front of all Council Members. Could we have that summarized please.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: Yes, Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: The amendment consists of a chart that is corrected to represent the correct owner's name, property addresses, lot numbers and fair market values. There are five of them including the Wheeling and Lake Erie Railroad.

Amendment

*Pursuant to Rule 36, I move to amend Agenda Item No. 24 by substituting the attached revised Exhibit A for the originally proposed Exhibit A.*

PRESIDENT SCHULMAN: It's been moved and seconded to amend Ordinance 24 per the copy before each of you. Are there any remarks on that motion to amend? Hearing none by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries. Leader Dougherty.

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

MEMBER PRATER: Seconded.

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PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 24 as amended. Are there any remarks under Ordinance 24 as amended? 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 AMENDED AS ORDINANCE NO. 150/2011**

PRESIDENT SCHULMAN: Thank you Madame Clerk Ordinance 24 is adopted. Ordinance 25 please.

#25. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 151/2011** 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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PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 25.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 25. 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.

**#25 ADOPTED AS ORDINANCE NO. 151/2011**

PRESIDENT SCHULMAN: Ordinance 25 is adopted. Ordinance 26 please.

#26. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 152/2011** 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

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 26.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 26. Any remarks under this Ordinance? 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.

**#26 ADOPTED AS ORDINANCE NO. 152/2011**

PRESIDENT SCHULMAN: Ordinance 26 is adopted. Ordinance 27 please.

#27. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 153/2011** 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: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 27.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that your adopt Ordinance 27. 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.

**#27 ADOPTED AS ORDINANCE NO. 153/2011**

PRESIDENT SCHULMAN: Ordinance 27 is adopted and I want to thank our Clerk tonight. We've had a majorly big agenda and she's done a great job. Thank you so much.

**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. It's been a long time. The Finance Committee will meet Monday, September 19<sup>th</sup> at 6:15 PM right here in our Council Chambers.

PRESIDENT SCHULMAN: And we are back to weekly meetings.

MEMBER HAWK: Yes sir we are. Hopefully a smaller agenda to make things go well for us. Thank you.

PRESIDENT SCHULMAN: Thank you. Any other....

MEMBER SMUCKLER: Mr. President.

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PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: Community and Economic Development will all see, also meet Monday same time, same place.

PRESIDENT SCHULMAN: Thank you.

MEMBER PRATER: Mr. President.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel Committee will meet Monday, September 19<sup>th</sup> at 6:15.

PRESIDENT SCHULMAN: Thank you. Any other Committee meetings?

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Smith.

MEMBER SMITH: Public Safety and Thoroughfare will meet at the same time, same place, same station.

PRESIDENT SCHULMAN: Thank you, Leader.

MEMBER DOUGHERTY: Mr. President, Public Property Capital Improvement will meet the 19<sup>th</sup> at 6:15.

PRESIDENT SCHULMAN: Thank you very much.

**MISCELLANEOUS BUSINESS**

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

MEMBER CIRELLI: Mr. President, question to Mr. Price. The property at 2512 8<sup>th</sup> Street NW sir, that pedestrian door is wide open which I have some real concerns about. The whole, about 1/3 of the back of the garage is loaded with tree branches and what have you. They're very dry. The garage itself is very dry. It would go up like a tinderbox if someone would drop a match there and it is loaded with bags of garbage. There's no door there at all and I just have real concerns with that being open and accessible to anybody in the neighborhood that could do some harm to somebody or what have you. Could we see that, that is somehow secured by the owner or what have you and all the garbage taken out because I was out there and believe me the interior of the house you can see from the windows, on the inside there's flies on the inside that are trying to get out. I mean it's a horrible mess. They are, they're trying to get out.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

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MEMBER HAWK: Thank you. I'd like to comment on it too. This is a landlord who has an attorney, who has a property manager and used an excuse that because he evicted the former tenants that they couldn't get in there until after September 1<sup>st</sup> or something like that. That day's come and gone. It's time to make this guy make this property right. Excuses are just, that was just an excuse. He's used it. We let him go. It's time to make, it's time to use it to our advantage and make him do something with this property.

PRESIDENT SCHULMAN: Director Ream.

SAFETY DIRECTOR REAM: Yes I know that our Building Department is following through on everything that they can do to reference this property and under the time constraints they have by law to get things done and they're aware of it and actively keeping track of all this, trying to get it under way.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: I think it's totally unconscionable for that door to be permitted to be open. If somebody takes a child in there and assaults them, we're all going to feel like hell in plain English. I mean I think it really needs to be addressed. Whether our Building Department thinks that it's fine. I don't think that's fine. I think we have a real problem there and it's something waiting to happen and the property if you seen it, Mr. Ream, it is right next to another garage. If that goes, the other garage is going to go if somebody should go in there and throw a match in the thing or what have you and I just think it's a monster waiting to occur. So I would appreciate it if you would go out yourself and look at it. If you would promise me that much I would really appreciate that sir.

PRESIDENT SCHULMAN: Director Ream:

SAFETY DIRECTOR REAM: Yes.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes Member West.

MEMBER WEST: Many of you guys heard about the gentleman who got shot on 13<sup>th</sup> and Cleveland about a week ago. They set up a Kenny Lawrence Memorial Fund for the two children Nicki and Gabby Lawrence and you can go to any Key Bank throughout the city and donate and if anybody's interested, I'll put this with the Clerk. They have the lady's phone number but if anything that you can do, by all means, send your donations to Kenny, to their children on any Key Bank. I wanted to make that statement. Tonight they did a public walk up to the house and of course that whole community's really struggling with this as well are struggling with all the shootings that are occurring throughout the community. Guns firing and from what I'm understanding in the Gibbs area, we got teenagers getting off the bus with guns so this is definitely a problem that, a systemic problem that we're going to have to deal with. People shooting in the air all hours of the night and you know, I don't know all the answers but I know one thing we will have to do is to start looking to more, of course more police patrol but at the same time we're all going to have to step up our games and watch out for each other in our neighborhoods and see who's doing these shootings and report who's doing these shootings so that we can stop this. On a more lighter note, I wanted to congratulate Brenda from the

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CanDo Neighborhood. If you'd please stand Brenda please, just one second. She did an amazing thing here just recently. For two years she wanted to eliminate some blight in her neighborhood and they had some gang graffiti up on a wall. She painted over it and put the Love Train and they had many companies come down and paint this down on this building and it's a beautiful sight to see in addition to her garden. But yes, she did an excellent job and I wanted to congratulate her for that. (*APPLAUSE*) And then the last thing and this would be to the Service Director. The, is there money still available for demo's?

PRESIDENT SCHULMAN: Director Price.

SERVICE DIRECTOR PRICE: No.

MEMBER WEST: (*LAUGHTER*) That was not supposed to be that clear either. I'll tell ya. Is that just for this year or will there be other monies available?

SERVICE DIRECTOR PRICE: We've exhausted what we'd budgeted for demo's for this year. There in part of the budgeting process for next year, we would look to probably continue to spend some level of CDBG or whatever federal program is available for demo.

MEMBER WEST: Alright, thank you.

PRESIDENT SCHULMAN: Anything else Member West? Any other...yes, Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. I would echo Mr. West's praise for Brenda Kimbrough. Her art work is amazing. I've seen what she's done with kids and projects and she's a gifted artist and she uses it for the benefit of the community. Alexis, your father as you can see, is always articular, sometimes funny, sometimes calming and always a good President. Mrs. Ramsey. Mrs. Ramsey when I saw the article that you had cut out, I thought like Member Horner who called me that we'd been scooped by Massillon. How can this be? We can't be scooped on land re-utilization programs but actually I believe our Assistant Law Director who works with Community and Economic Development spoke with their Law Director in Massillon, Mr. Sturgis, they borrowed part of what they did from ours. Now I know the results may seen a little different and I know the newspaper made it sound optimistic but my understanding is that Mr. Williams or Mr. Williams, and correct me if I'm wrong, but these properties often have large taxes still due on them and once they go through auction, if they meet certain criteria a certain board at the county level can waive the taxes that are due on them but the person who comes to get them or the entity like Habitat for Humanity or the city of Alliance, city of Massillon, city of Canton can pick them up but they have to pay for the costs that are necessary by law of having advertised them and I believe they're about a \$1,000.00 on average. Again I could be wrong but I'd be happy to find out more through people who work with that program and let you know. And one more comment if I can. I know we have a lot that can go wrong in our community and I know that sometimes we officials or our departments let people down. I understand that but, I have to tell you, I want to commend the Mayor and the Safety Director, Police Chief and the Fire Chief and many of our fire forces and many of our police officers. They clean up really well and they looked great last night. They, Captain Day has to be commended for a wonderful memorial service that was presented at the McKinley Memorial yesterday. I know some of you were there. I know I saw Member Cirelli and some of you. It was amazing. It was almost a 100 days, almost a 100 years to the day after President McKinley died but at the sight of his tomb an amazing assembly took place. Coming Together brought together Americans of every race, religion and background to make speeches. Red Cross, survivors of New York City, the Salvation

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Army, wonderful remarks by incredible people. Wonderful music selections and again it was so touching and so inspiring and so poignant when they did those remembrances and explained the use of the bells and the bagpipes and the 7 gun, 21 shot salute and Amazing Grace. It was an amazing evening and it was, I am just sorry that more people couldn't attend. I know there were a lot of events that were put on all over Stark County to commemorate September 11<sup>th</sup> including churches and other cities, drama organizations. It was an amazing recollection and if we could Mr. President, I know you're often fond of using a moment of silence. Could we remember the over 300 first responders and nearly 3,000 civilians, military at the Pentagon, civilians at Shanksville, Pennsylvania and of course the towers.

PRESIDENT SCHULMAN: Let's take a moment of silence.

*(MOMENT OF SILENCE)*

PRESIDENT SCHULMAN: Thank you. Director Price, did you have....

SERVICE DIRECTOR PRICE: I did, yea, on 2512 8<sup>th</sup> Street NW and I did this once before so I want to, I do want to update Council because I pulled up the email from Angela Cavanaugh, so I do feel compelled to let you know what has been done because what we keep hearing is what hasn't been done. So I will tell you what action the city has taken. The complaint was received on the house on 8/4/2011 for high grass. On 8/5 our inspector found more than high grass. He took pictures, posted the property and sent it for the repair and clean order to Equity Trust LLC in care of Tom Anderson in Louisville, Ohio. That letter was sent the following business day on 8/8. That gave a 10 day notice to clean up which is our, what we do. That's the due process that we have to give the guy. One of our inspectors spoke to the landlord on the phone. I am going to redact what that conversation was regarding because it dealt with the conduct of the tenants. He indicated though that there was an eviction, that he was required to leave the occupants belongs on the lawn and could not enter without the bailiff. He would clean up by the 16<sup>th</sup> when he returned from out of town. We conducted an inspection on 8/19. The grass had been cut but many weeds and hedges were still there and no edging had been done. The larger trash elements and all trash off the porch was removed but not all trash was removed from the side yard. There were 6 bags of trash. Let me just say, this is where the Office of Public Service and Sanitation Department then got involved and so because of the, the and I'm telling you how it is and what we do when we get these calls from Council or we have somebody in the community that is the squeaky wheel, well we have 40,000 parcels of property in the city of Canton. On this one because of these issues and because of the complaints, I ordered our Sanitation Department to enter upon private property and remove all of those bags of trash which they did, OK. Now what I won't do is have our city employees and our folks without an administrative warrant or some other sort of authority go into the garage and pull out the trash using our personnel ok. That I'm not going to do. When there's a private owner who's under orders by the Building Department to be honest, I shouldn't have had my guys go on the property and take the trash around the yard but I do that and we've done it in special circumstances where it's stinking up the neighborhood and we have Council people who let us know that and because we do want these problems taken care of. You know we're not looking to leave these as problems and eyesores and make problems for these neighborhoods, so we did do that part and mind you, that was likely a call back and while we'll do it, that was subsidized by all the rate payers in the city of Canton to do that job, OK so, basement window and front door, so now we're in to the middle to end of August, alright when the initial complaint was received on 8/4. She writes basement window and front door window that were opened are now boarded, garage man door had been recently broken into. We viewed from the right of way that bagged trash was in the garage. Garage was missed eaves and needed roof repair. Lattice work was not repaired at front of house, weeds around in an hedges were not taken

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care of. Some litter under porch. Posted property, sent letter of penalty of non-compliance the following day the 22<sup>nd</sup>. Penalty was filed for the 1<sup>st</sup> offense of \$100.00. Reinspection date of 9/9 per again what our standard procedure is and the number of days that goes by and we're already fining them. If it's not done by 9/9, \$250.00 fine. OK we went out to see progress 8/30, no further progress made, house and structural elements are in good condition, yard and garage are not. The overhead door was closed on every inspection that our department conducted. They have a picture of the garage door down on 8/19 however the recommendation of the Chief Building Official is that if the garage is not repaired by the next inspection on 9/9 she would urge us to put it on, put the garage on the demolition list. Now, Mr. West, you just asked me a question as to how much money is left in demolitions. The answer is none. Thank you.

PRESIDENT SCHULMAN: Thank you.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: I guess this goes back to prior meetings where I've hammered the Prosecutor's office and I'm going to ask this question again. Where does the Law Department get involved already? My hat's off to the Service Department for getting involved on a very timely manner and doing what it should do but you know I heard through this whole, what do we call this, the Building, what do we call the Law

CLERK TIMBERLAKE: IPMC.

MEMBER CIRELLI: I didn't vote for it.

MEMBER SMUCKLER: I didn't either. International Property Maintenance Code. I heard that we're going to run with the Prosecutor's downstairs to the Judges. Now, this has been going on. 4,000 lots, all these homes. You know, I took the opportunity, Joe, I went to that thing last night and I parked over on Hazlett Avenue. If you every get an opportunity I'll take you down Hazlett Avenue too, a few homes that your Prosecutors out to run to that I pointed out to my wife as we walked down the street. Have we prosecuted anything along these lines?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, Mr. Smuckler. We have. I don't have that with me. This is obviously a new question. We have had in the past....let me explain something in response to your question. We are the Prosecutor's office. At least half of our office and we prosecute. We prosecute what's brought to us by people that enforce the law. Our folks are not allowed to go out and inspect a site because that would be a conflict of interest. Our prosecutors can't go kicking in doors contrary to how it works on television. Code enforcement officers, police officers bring us cases. Now sometimes, big Jason Reese who can be very intimidating will bring in some of these folks. Some of these landlords, some of these tenants and he will use his best efforts to get them to correct things before it goes to court, where it gets lost some times for a while. Most of these begin as minor misdemeanors meaning they're not jailable. they're only fineable. They have to start that way because it's progressive law. It's part of the due process that is so important to our Constitution. Once they get into the jailable phase then our prosecutors can get involved. We don't prosecute minor misdemeanors but once they get to be a jailable offense we can get involved and we can bring evidence and

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present a case to the Judges and prosecute people. Obviously as you all know, the court or the jail is severely understaffed and they're not jailing people for misdemeanors right now unfortunately, even most felonies aren't being jailed right now which is a side pluck for the sales tax for the moment. But again we can prosecute when we have the material brought to us with which to prosecute. We can be more aggressive sometimes with kind of the middle of the road thing we do called Prosecutor's Hearings where something is brought to us that appears to be a crime, maybe, maybe not we can bring in the parties and try to intimidate them or send them Prosecutor's letters but that's the extent of our range until it's brought to us. Much like a Police Officer brings us a case they've investigated or cited or issued a warrant for or arrested someone for.

MEMBER SMUCKLER: I understand that you've got big Jason Reese up there but, I want you to further understand that nobody's looking necessarily for jail time. I remember Judge Clyde doing something out of the ordinary and made a few people live in these, their own homes. Let's do something. (APPLAUSE)

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Yea, Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: That happened with, in recent years again with our Municipal Court when a landlord who had a place on 6<sup>th</sup> Street NW, Tom....

CLERK TIMBERLAKE: Bonascue.

LAW DIRECTOR MARTUCCIO: Yes, was jailed at our request. I believe Jason handled that case but again it had to be, it had to have reached a level of jailable offense before he could be jailed for that. I hear your pain. When we can get involved, we do but they have to be brought to us so we don't have a conflict of interest and ruin our own cases. They have to be brought to us by Enforcement Officers.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Just briefly. Service Director I want to applaud you for your advocacy and your services. Could you do the same type of report for me in reference to the railroad ties that we asked to get removed along the side the railroad tracks. There was a lot of railroad ties and Brian Horner the same issue in his area but I know we gave them a date at the end of August, August 30<sup>th</sup> I believe that to be true. And I believe they came and got a couple of them and of course Miss Kimbrough used a few more around her garden and I thought that was a very creative way of turning lemons into lemonade but there are so many along the side of the railroad tracks that it's really blighted in our community and I'd like to see us follow up on that. If you can report back to us next week, I'd appreciate it. Thanks,

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT SCHULMAN: Yes.

SERVICE DIRECTOR PRICE: I will I'll follow up on that.

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PRESIDENT SCHULMAN: Thank you Director.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Hawk.

MEMBER HAWK: I know this meetings run very long. I'd like to take one more minute to correct an oversight on my part. Mr. Price you did an outstanding job on getting the 8<sup>th</sup> Street property worked on and I was out there on that Friday afternoon when the Sanitation Department was out there and they made a special trip to do that and I got to congratulate them and thank them. I neglected to thank you and I apologize for that but thank you sir very much for your effort.

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT SCHULMAN: Yes Director.

SERVICE DIRECTOR PRICE: And I don't, I'm by not means the hero. I picked up the phone and got on them to go do it. They did it and we really do try, trust me. I mean I, when people bring this to my attention. I live in the city of Canton. It's a constant battle and you don't want anybody to have to deal with this in their neighborhood and I feel for you, I do. And everybody else who's come here and brought these matters to our attention. And you know, we do what we can and again while that may not be in the normal course of their work or that might not technically verbatim follow the rules, we do what we can and especially when you've got garbage sitting out and it's posing a hazard to the neighborhood but I, I mean, you know I understand and I wouldn't want it next to me and again within the processes we have available to us, I think on all fronts, the Health Departments been involved and I don't even, the summary of what they've done I don't have in front of me. But, I appreciate the remarks. I'll pass it along to Sanitation if they don't read about it in the paper and they do a good job. You know I picked up the phone and I guess if I deserve credit for anything it's understanding or at least empathizing as to what it would be like to have something like that next door as I think we all do. So, it's frustrating to all of us. Thank you.

PRESIDENT SCHULMAN: Leader Dougherty asked me tonight not to say anything that was inflammatory or that would get in trouble, particularly when the news man was here with his video and I said I won't and I'm not, except I will say this about Patricia Kirk. I was, you know we've all been brought up believing that one person can actually make a difference. One person can make a difference in our community's live and I really want to congratulate you. I've said it before. When I started you'd get up, eyes would roll, people would look and go, "She's back again, she's back again, she's back again. God is this woman every going to stop coming here." But the fact of the matter is, your persistence as one person in this community has paid off and we're close to getting the Tree Ordinance that you wanted and this community deserves *(APPLAUSE)* and I was, without mentioning names, I was a little bit concerned at some of the remarks about our Tree Ordinance tonight. All I can say to all Members of Council and I know you're aware of it, we live in a world now where our jobs are coming from the high tech sector where our jobs are going to be a little more sophisticated even in Canton, Ohio and we've talked to, we've talked to employers. I know the Mayor knows this. I know all of you know this. They bring people into this community and we're in competition with other communities throughout the United States. One of the things that is striking about where someone is going to raise their family and live and work is the aesthetics of the neighborhood. How beautiful is your neighborhood? I don't know about you but I don't want to live in a neighborhood without trees, I don't. I love trees. I am a tree

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lover. I am a tree hugger and I'm so, I just going to ask you to really consider this. This is an important Ordinance. It brings us imparity. It brings us in balance with all these other organizations, all these other communities throughout the United States would want the people not to come here but to their neighborhoods. It makes a difference and I want to complement the Director, the Service Director too lastly because I know Patricia's concerned about this. AEP and, they're a good employer in the area and they're a good business and I'm not singling them out but they came into our neighborhood and just destroyed the trees and cut down the trees and it was an abomination. It was, you, when I drove off and I live in the city, when I drove out of the drive way it was like something had changed in our neighborhood. It was as beautiful. It just wasn't. It was barren. They cut the trees so badly it looked horrible and so I called Director Price and he immediately called AEP and I talked to Law Director Martuccio who is always, always receptive and always responsive and we're going to incorporate something into this Tree Ordinance that's going to prevent that. We need our trees. Believe me, for many more reasons but one of the biggest reasons is it increases the value of our community. The property in our community. If you have a choice between a good shade tree and a barren piece of property, if you can get the tree you're going to buy the tree and it increases the property value so for all those reasons I just caution everyone, please let's not pick this thing to death. Let's get it passed because Patricia Kirk deserves it and the citizens of this community deserve it. With that anything else? Leader Dougherty.

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

MEMBER PRATER: Seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Meeting is adjourned. Thank you. Drive careful ladies and gentlemen. (*Gavel falls*)

ADJOURNMENT TIME: 9:20 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

ALLEN SCHULMAN  
PRESIDENT