

MINUTES OF THE MEETING OCTOBER 22, 2012

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. We're going to try to move the Agenda along tonight as quickly as we can since the debate is scheduled for 9:00. 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:

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

ELEVEN COUNCIL MEMBERS PRESENT. MEMBER MACK ABSENT

CLERK TIMBERLAKE: Eleven present, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk.

EXCUSING MEMBERS

PRESIDENT SCHULMAN: Member Mack, Edmond Mack is not here tonight, he's in the middle of very significant trial in the Court of Common Pleas so he is not attending tonight's meeting. Leader, I'll recognize a motion to excuse Member Mack.

MEMBER DOUGHERTY: Mr. President, I move we excuse Member Mack from tonight's meeting.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you excuse Member Mack from this evening's meeting. Are there remarks? Hearing none Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Motion carries and Member Mack is excused from tonight's meeting due to his trial. We're going to have our invocation given by a self described nerd, Ward 5 Council Member, Kevin Fisher. Would you all please stand and remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on October 22, 2012 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 5 Council Member Kevin Fisher. The Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you Member Fisher. Do you remember though that Canton McKinley is in Canton, Ohio. Leader, Agenda Corrections and Changes.

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MEMBER DOUGHERTY: Mr. President I move we suspend Rule 22A to add 2nd Reading Ordinances 6 through 11.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add the 2nd Reading Ordinances 6 through 11. Any remarks? Hearing none Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Motion carries. Rule 22A is suspended and the Ordinances are part of your legal agenda.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We're now under Public Hearings. We have none tonight.

OLD BUSINESS

PRESIDENT SCHULMAN: Turning Old Business to the Chief of Staff. The Chief of Staff Warren Price is a little under the weather tonight (*inaudible*)....so there's no Old Business.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We're now under Public Speaks. We have four speakers this evening. For those of you who have not addressed the City Council, you will note that you have a three minute time limit. It's not that we don't want to hear what you have to say but we will all be here after the meeting (*inaudible*)...kickoff for the debate. But in any case, we are all available (*inaudible*). Our first speaker is Neal Libster. Mr. Libster, if you'll step forward. Welcome, good to see you again. If you'll step forward and give us your name and your residential address please.

NEAL LIBSTER: My name is Neal Libster. I live at 420 44th Street NW, Ward 8. For the past 60 years, I've been a housing provider for the City of Canton. Basically for low income and moderate and (*inaudible*) people. During these 60 years, I really felt that Canton was a community that welcomed investors and builders and people who wanted to provide housing for people who needed it. Along comes a new proposal that's really floored me. When I first looked at, I says "What are they talking about, are you talking about a tax on people who provide the basic needs to our community." And when I'm talking about a tax, I'm paying twen....I have a property here at 609 South Cleveland, meets all City codes. I've had it for 45 years and I enjoy my relationship with the Code Department because we work together to make it sanitary and safe to the people that move into it. It costs me now \$40.00 a year times 17. The new proposal is going to cost me \$120.00 a year for 17 units. Now where is this 500% increase coming from? Will it come from our pockets? I don't think so, what we'll probably do is try to talk to our tenants and tell them what the problems is. They're not going to be happy. Now, if you some of you think that us housing providers are really rolling in the honey, you're mistaken. And I am willing to meet with you as a body or singly and bring you my books for 45 years to show you all the funds we have made from that and I'm willing to do it. Just call me, give me a call and I'll meet at your convenience, bring your accountant along, the City Auditor, understands figures. But I'm telling you, this is the wrong way to go to encourage people to come to Canton to invest and to

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provide housing for those that need it. I thank you.

PRESIDENT SCHULMAN: Mr. Libster.

NEAL LIBSTER: Yes.

PRESIDENT SCHULMAN: Can I ask you a question.

NEAL LIBSTER: Sure.

PRESIDENT SCHULMAN: How do you know, who knows how many rental properties are in the City of Canton that are sold to *(inaudible)*.....

NEAL LIBSTER: I believe there's an article in the paper but I think that it's like...I couldn't even believe how many, they were talking like 35% were rental property. And maybe some of the other speakers...I'll look that up. A lot of them have that figure on mind but I'm thinking about 45%.

PRESIDENT SCHULMAN: Very well, thank you so much.

NEAL LIBSTER: Okay, your welcome. Thank you.

PRESIDENT SCHULMAN: Our next speaker is Dan Coen. *(Inaudible)* give us your name and residential address and welcome to Canton City Council. Thank you.

DAN COEN: Thank you. My name is Dan Coen. I reside at 2105 Cresentview Dr SW, Massillon, Ohio. I am a business owner in the City of Canton here. I am a partner in DDK Property Group. We have invested over \$6 million in the City of Canton in the last 11 years, that's through acquisition and rehab of distressed properties that we provided to people who need a good quality home and that's what we provided. I spoke to this body a couple years ago in opposition of the increase of 100% of the registration fees and other costs involved in doing business with the Code Department in the City of Canton. I lost that argument for several reasons but I endured that. One of the results of that argument was that I stopped acquiring properties in the City of Canton and I maintain the properties that I have but I stopped acquiring properties because I felt that it was going to get worse. Now, it may seem like \$100.00 a year isn't that much money or \$20.00 per property isn't that much money but if you knew, like this gentlemen just...who spoke, what the profit margins are on properties when you take into account the properties that are being trashed by tenants and the capital improvements that we'll need to make, you'd realize that this is not a very profitable business. I personally wish I had never gotten in this business but I'm stuck in it right now because I have a significant investment. And I emailed all of you and told you what my oppositions were to this legislation that you're proposing the increase. I'm opposed to any increase whatsoever. A dollar increase I'm opposed to and I want to give you a quick spiel. My family has invested in this City for..since the late '30s. My grandfather brought the Coen Oil Company here from Washington, Pennsylvania. *(Inaudible)* It's a \$70 million company. My grandfather was *(inaudible)* who invested a lot of money in this community and helped a lot of businesses get started, put a lot of people through school but helped businesses get started. He even donated part of *(inaudible)* for the YMCA expansion which is now being torn down. But he invested his time, his effort, his money in the City of Canton. I've done the same thing for the last 11 years, I chose Canton, I didn't chose Massillon, I didn't chose Canal Fulton or Alliance or any other place where I could have rental properties, I chose Canton and it

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breaks my heart that any increase in fee, another Government regulation on my business could force me out of the City of Canton. That is what brought down the coal and oil company, a \$70 million company. It was Government regulation, there was new standards when the gas and oil business had to upgrade tanks, piping, gas pumps and so forth. We simply couldn't afford it. The folks who came up with those regulations never thought about the impact of the smaller businesses out there and what it would do to them and the employees and the community. They didn't care because they thought the bigger companies, the BPs and the Shells could handle it on their own but this little guy couldn't take it. It breaks my heart to tell you this but if this passes, any increase passes I will have to go out of the City of Canton and it breaks my heart to say that, it really does but I cannot afford any more increase. I'm taking a beating in this business. Please do your research and look into the matter, know what you're talking about before you pass an increase onto a small business. Thank you for your time.

PRESIDENT SCHULMAN: Our next speaker is Mike King. Mr. King, good evening, as always welcome to Canton City Council.

MIKE KING: Good evening.

PRESIDENT SCHULMAN: Name and residential...

MIKE KING: Michael King, 5434 Peninsula Dr NW. I'm the owner of King Properties. I have about 200 units in the City of Canton. I have rehabbed or restored hundreds, literally hundreds more than that in the City over these last 35 years. I have an office downtown, (*inaudible*)...like to tell ya a little about me. I have been on numerous City boards and committees over the years. Chaired the Canton Construction Board for 10 years, been on the Housing Advisory Board, the Community Reinvestment Area Housing Council, the Canton Fair Housing Board. I've...was a...a...an initial officer in the Downtown Canton Special Improvement District and still a Trustee during my Chairmanship. We started the Canton Farmer's Market, we started the Color Downtown Program, Flying Banner Program and the Architectural Review Board. I'm founding Member and first full term President of the Stark County Real Estate Investor Association, I'm proud of that. And I live buying vacant, nuisance...nuisance properties and fixing them up and making assets to the neighborhood. I've done it repeatedly, I'd like to pass around some photos (*inaudible*) project. I did...about 6 years ago, I did a building called Studio Five on 4th Street, what's credited with being the first in the Canton Arts District. I hope you have been there on First Friday. Some community leaders came to me and asked me to (*inaudible*) and in that building we now have the first upscale market gold loft apartments in downtown Canton. I continue to do projects in downtown. I've worked in the northwest quadrant, I've done where my office is at 510 5th Street, 3 storefronts to the Market (*inaudible*) Apartments. I spearheaded the...the Wilson Pointe Project. I did the building where Thatsa Wrapp is, 3 storefronts to the Market (*inaudible*) Apartments above that. (*Inaudible*) a 9 unit just down the street from that. I believe that area has the potential to be the first neighborhood revitalization success story that Canton has ever had. If you pass this, I'll probably stop. I'd love doing more projects but if that's not enough, there's dozens of people that I can be doing these rehabs in the City that they buy vacant nuisance properties, fix them up and turn them up to assets to the area. I'd like for all the property owners to stand up. We literally have dozens of good property owners that are doing good work. They're going to be deterred from doing their work. We going to have more...each of you are going to have more vacant, nuisance properties in your Ward if you pass this legislation because these people (*inaudible*) doing it. If that's not bad enough, the worse thing in my opinion is, that these expenses, these excessive expenses will end up being a burden to the renters in Canton because that's where they'll end up,

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paying hundreds of thousands of dollars will be paid by the renters in Canton eventually to pay these fees that you're considering passing. So, that's it thank you.

PRESIDENT SCHULMAN: Thank you Mr. King. Our next speaker is David DeChiara. Mr. DeChiara, good evening. I hope I pronounced your name right. If you'll step forward and give us your name and your residential address please.

DAVID DECHIARA: That was close, close enough. I'm David DeChiara, I live at 233 Bellflower Ave NW, Canton. I'm here before Council tonight to assure Council that I work Monday through Friday, 8, 10, 12 hours a day and sometimes more. Half day on Saturday because I can't get everything done Monday through Friday. Some Members of Canton City Council and my parents have one thing in common, they think the landlord is rich. I work for a living and hard. Just because I'm a landlord does not mean I'm sitting in some luxury condo smoking cigars and just collecting rents. I'm on roofs, under sinks, fixing toilets, cutting grass, replacing broken windows and this is all just regular maintenance, not what the tenants do to the buildings. I have no staff, it is just me. I'm not rich, I do not own the buildings, the bank does. I'm just middle man working like everybody else. Our fees went up two years ago to funding Code to concentrate of problem properties and problem landlords while leaving the rest of us who followed the rules alone. I (*inaudible*) ...worse. (*Inaudible*) increase in fees (*inaudible*) where is that money? We now have the same dilapidated houses still standing like someone claimed were not going to appear to us. The last time I spoke up here, I mentioned every direction of downtown is surrounded by slum neighborhoods. I had a former Councilman chew my butt out for that statement. However, that statement is true. Shortly after I said that, an article was on the front page of the Canton Repository after a study was done on Canton neighborhoods, stating each direction from downtown have less than desirable housing. A study was not needed to see the obvious. Rental rates are going down while my expenses keep going up. Water, sewer, garbage, (*inaudible*) insurance and especially taxes. On 7.9 million for every tax levy to fund the schools has made tax increases significant. (*Inaudible*) the Ohio Supreme Court has ruled many times it's unconstitutional (*inaudible*) property owners for the tax to fund the schools. This increase is ridiculous and unfair and all about bringing in more money. (*Inaudible*)this increase is not about (*inaudible*) housing, safety or anything of that sort. It's about a desperate cash strapped City. If I could sell all my business tomorrow, I would. I would get out of Canton altogether and invest in Perry Township where unfortunately, I only have one rental. But amazingly, they have no fees, no inspections, no nothing (*inaudible*) Code gets along just fine. What Council is proposing only discourages investment into the City and makes a hard job harder if not for the investors (*inaudible*) already are. I realize I signed up to be a landlord. However, I did not sign up to be ripped off (*inaudible*)....by the City as well. My elderly parents worry about my safety when I go on vacation to big Cities but if they only knew what I face everyday in the City of Canton (*inaudible*), I'm safer on vacation. Just this week I was screamed at and called derogatory names, threatened and had harassing phone calls on my voice mail all because of an eviction. Oh yeah, I'm the bad guy in the situation (*inaudible*) of course. (*Inaudible*)..... after all is said and done if I'm lucky I will only lose about \$1,000.00 with this single judgement which I'll never collect on. Everybody here is welcome to walk in my shoes.

PRESIDENT SCHULMAN: Thank you very much. I want to thank all the speakers for coming down as always, we appreciate it. (*Inaudible*).....

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We're now turning to Informal Resolutions. Madame Clerk, will you please read

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Resolution 57.

#57. WARD 8 CNCL MBR MACK: EXTENDING TEMPORARY MORATORIUM SET FORTH IN INFORMAL RESOLUTION #37 (SKILL GAMES). - ADOPTED

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Informal Resolution 57.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Informal Resolution 57. Any remarks? Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #57 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The Motion carries. Resolution 57 is adopted.

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 OCTOBER 22, 2012.

378. DEVELOPMENT DIRECTOR WILLIAMS: REQUEST CANCELLATION OF COMMUNICATIONS #364 AND #365 FROM 10/15/12 AGENDA. - RECEIVED & FILED

379. DEVELOPMENT DIRECTOR WILLIAMS: AUTHORIZE MAYOR TO SUBMIT & FILE W/HUD FISCAL YR 2013 ANNUAL ACTION PLAN; AUTHORIZE MAYOR TO REVISE &/OR AMEND THE CONSOLIDATED PLAN & BUDGETS FOR CDBG, HOME & ESG PER CITIZEN'S PARTICIPATION PLAN. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

380. MAJORITY LEADER DOUGHERTY: AMEND CHAPTER 105, CONTRACTS, OF ADMIN CODE OF CODIFIED ORDINANCES. - JUDICIARY COMMITTEE

381. SERVICE DIRECTOR PRICE: AMEND LANGUAGE OF CODIFIED ORDINANCE 975.08 (f) TO ADD OR CLARIFY THAT "VACANCY" BE ESTABLISHED BY REQUISITE AFFIDAVIT OR OTHER ACCEPTED PROOF. - JUDICIARY COMMITTEE

382. SERVICE DIRECTOR PRICE: NOTIFICATION THAT THE CITY WILL NOT ENTER INTO A PLA FOR THE WATER DEPT VALUE MAINT PROG AND GIS MAPPING PROG PROJECTS. - RECEIVED & FILED

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383. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO ENGINEERING CONSULTANT CONTRACT W/URS CORP FOR 11TH ST SE, INTERSECTION & ROADWAY IMPROVEMENT PROJ, PID 90465, GP 1144; AUTHORIZE AUDITOR TO ESTABLISH & CREATE THE 4568 FUND (11TH ST SE, INTERSECTION & ROADWAY IMPROVEMENT PROJ, GP 1144) TO TRACK PROJ REVENUE & EXPENDITURES; MAKE SUPP APPROP OF \$247,920.00 FROM 4568 UNAPPROP BAL TO 4568-202095 (11TH ST SE, INTERSECTION & ROADWAY IMPROVEMENT PROJ, GP 1144); MAKE SUPP APPROP OF \$61,980.00 FROM 4501 (CAPITAL FUND) UNAPPROP BAL TO 4501-202095 (CAPITAL - 11TH ST SE, INTERSECTION & ROADWAY IMPROVEMENT PROJ, GP 1144); AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO COOPERATIVE AGMTS WITH OTHER PROJ STAKEHOLDERS; AUTHORIZE AUDITORS TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: Turning now to First Ordinances and Formal Resolutions. 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 #5 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO MAKE APPLICATION AND RECEIVE MONIES FROM CLEAN OHIO ASSISTANCE FUND FOR THE ASSESSMENT OF PROPERTY KNOWN AS THE JEFFERIES FORMER REPUBLIC STEEL MILL PROJECT AND TO ENTER INTO CONTRACTS AND/OR AGREEMENTS FOR ANY NECESSARY ARRANGEMENTS ASSOCIATED WITH THE ASSESSMENT WORK; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- #2. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 220/2011, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (\$424,519.00 FROM UNAPPROP BAL 1001 GENERAL FUND TO FIRE ADMIN - OTHER \$45,000.00, CENTRAL COM ADMIN - PERSONNEL \$250,000.00, CENTRAL COM ADMIN - OTHER \$89,019.00, GEN GOVT SUPPORT ADMIN - OTHER \$35,000.00, CIV SERV ADMIN - OTHER \$5,500.00)
Referred to Finance Committee
- #3. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MANAGEMENT SERVICES CONTRACT WITH THE CANTON CITY HEALTH DISTRICT BOARD OF HEALTH TO PROVIDE MANAGEMENT OVERSIGHT OF THE CANTON CITY SANITATION DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$60,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Personnel & Finance Committees

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- #4. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT WITH HRM ENTERPRISES, INC. TO SELL CANTON CITY WATER TO BUSINESSES OWNED BY HRM; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Environmental & Public Utilities Committee

(COUNCIL RECESSED AT 7:51 P.M. FOR THE PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE TO DISCUSS ORDINANCE #5; RECONVENED AT 7:54 P.M.)

- #5. (1ST RDG) **ADOPTED AS ORDINANCE NO. 173/2012** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CHANGE ORDER #1 WITH CENTRAL ALLIED ENTERPRISES IN AN AMOUNT NOT TO EXCEED \$250,000.00 FOR THE 2012 CITY PAVING CONTRACT, GP 1181; AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Property Capital Improvement Committee

PRESIDENT SCHULMAN: And at this time the Chair will declare an in house recess for the Public Property Capital Improvement Committee to meet in regard to Ordinance #5. You are in recess.

PRESIDENT SCHULMAN: Council will reconvene its recess. Leader.

MEMBER DOUGHERTY: Yes, Mr. President, I move we suspend Rule 22A to place Ordinance 5 back on the agenda.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to place Ordinance 5 back on this evening's Agenda. Any remarks? Hearing none Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The Motion carries. Ordinance 5 is a legal part of your Agenda. Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 5.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance 5. Any remarks? Hearing none, Madame Clerk roll call vote again please.

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NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas 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 5.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #5. Any remarks under this Ordinance? Hearing none, Madame Clerk again roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#5 ADOPTED AS ORDINANCE NO. 173/2012

PRESIDENT SCHULMAN: Thank you Madame Clerk. Motion carries. Ordinance 5 is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: Turning now to Ordinances and Formal Resolutions for the Second Reading. Would you please begin with Ordinance #6.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #6 THROUGH #11 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #6. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY (\$154,054.00 FROM UNAPPROP BAL OF 2331 APC FUND TO 2331 APC FUNDS - OTHER - HEALTH DEPT)
- #7. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY (\$53,000.00 FROM UNAPPROP BAL OF 1105 POLICE SETTLEMENT FUND TO 1105 753001 LAW DEPT - OTHER)
- #8. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY (\$15,096.00 TRANSFER FROM 4502 103501 CENTRAL COMM - OTHER TO 4502 103001 FIRE ADMIN)
- #9. (2ND RDG) AN ORDINANCE AMENDING CHAPTER 955, WATER, OF THE CODIFIED ORDINANCES (WATER COMMISSION)

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- #10. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT MODIFICATION #2 WITH ME COMPANIES IN AN AMOUNT NOT TO EXCEED \$686,323.00 TO COMPLETE THE BALANCE OF THE DETAILED DESIGN, ENVIRONMENTAL DOCUMENTATION AND RIGHT-OF-WAY WORK FOR THE 12TH STREET N. CORRIDOR PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY (\$39,536.56 FROM UNAPPROP BAL OF 4563 12TH ST CORRIDOR PROJ GP 1098 TO 4563 202077 12TH ST CORRIDOR PROJ GP 1098 - OTHER)
- #11. (2ND RDG) RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Thank you Madame Clerk. Now turning to Ordinances and Formal Resolutions for their Third and Final Reading. Would you please begin with Ordinance 12.

- #12. (3RD RDG) **ADOPTED AS ORDINANCE NO. 174/2012** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 220/2011, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION AND APPROPRIATION TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (\$24,050.64 & \$27,030.88 - COMMUNITY SANCTIONS GRANT FUND)

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#12 ADOPTED AS ORDINANCE NO. 174/2012

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

- #13. (3RD RDG) **ADOPTED AS ORDINANCE NO. 175/2012** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 220/2011, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (\$25,000.00 2318 HIV PREVENTION FUND - HEALTH DEPT)

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PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: 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 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#13 ADOPTED AS ORDINANCE NO. 175/2012

PRESIDENT SCHULMAN: Ordinance 13 is adopted. Ordinance 14 please.

#14. (3RD RDG) **ADOPTED AS ORDINANCE NO. 176/2012** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY (\$600,000.00 - 2316 WIC FUND - HEALTH DEPT)

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#14 ADOPTED AS ORDINANCE NO. 176/2012

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

#15. (3RD RDG) **ADOPTED AS ORDINANCE NO. 177/2012** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 220/2011, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (\$675.00 - 2784 2009 BYRNE MEMORIAL CANTON JUSTICE ASST GRANT FUND)

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PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 15. Any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#15 ADOPTED AS ORDINANCE NO. 177/2012

PRESIDENT SCHULMAN: Ordinance 15 is adopted. Ordinance 16 please.

#16. (3RD RDG) **ADOPTED AS ORDINANCE NO. 178/2012** AN ORDINANCE AUTHORIZING AND CONSENTING TO MISCELLANEOUS BRIDGE REPAIR AND MAINTENANCE ON THE STRUCTURE AT 1R77-9.08R OVER THE NORTHBOUND RAMP ON IR77; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move that we adopt Ordinance 16.

MEMBER GRIFFIN: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 16. Any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#16 ADOPTED AS ORDINANCE NO. 178/2012

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance 16 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: Turning now to Announcement of Committee meetings.

MEMBER COLE: Mr. President.

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PRESIDENT SCHULMAN: Member Cole.

MEMBER COLE: Yes, Finance will meet October 29th at 6:45 PM. Thank you.

PRESIDENT SCHULMAN: Thank you.

MEMBER BABCOCK: Mr. President.

PRESIDENT SCHULMAN: Member Babcock.

MEMBER BABCOCK: Environmental & Public Utilities will meet at the same time.

PRESIDENT SCHULMAN: Thank you.

MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: Member Griffin.

MEMBER GRIFFIN: Personnel will meet on October 29th at 6:45.

PRESIDENT SCHULMAN: Thank you. Any other announcements?

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Smith.

MEMBER SMITH: Community & Economic Development will meet also that evening.

PRESIDENT SCHULMAN: Thank you very.

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: Turning now to Miscellaneous Business, is there any?

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: You know what I want to address this the Council Members. I...I think that we need to consider when we send down Communications, I know that anyone of us can send one down, I just think that it needs to be discussed among us before going on the Agenda. And I refer to the landlords because there are quite a few rentals in the 4th Ward. I have gotten quite a few phone calls regarding it. I realize that there are some Wards that are a lot richer than others. So they possibly think it might not effect them the way it would effect other Wards. (*Inaudible*) that we should consider when we're sending down Communications, discuss it because we're supposed to be Members and not just pick and chose who you would want to cosponsor or sponsor these Communications that you be sending down. I got no problem with you legislating or anything because you really don't know how another Ward will be effected by some of these Communications that you send down. So, I just would like us to

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have a little more passion and respect for other Wards. Thank you.

PRESIDENT SCHULMAN: Thank you Member Smith.

MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER GRIFFIN: I agree.

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

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes, Member West.

MEMBER WEST: I think we first have to remember this landlord issue. One landlord indicated that he was going to talk to his tenants. He made reference to living in Ward 8. He was going to talk his tenants about why City Council would want and.....many of the tenants that he's talking about live in my Ward and some other Wards, Chris' Ward. But we also know that we just went through the worse recession in a few years and a lot of people lost their homes. So right now, we are relying on these landlords to house our...our families. And many of them have some federal dollars to keep...to bring back or to pay some of these landlords for the money (*inaudible*) for lack of income. Many families that I know, I'm a social worker and you know I know a lot of families who tell me (*inaudible*).. many of months...many months since they got paid. And if it had not been for the HPRP Programs, the Housing Prevention and Rapid Rehousing Program that we got money for, City Council got money for. Some of these landlords would have never gotten paid their rents that were due them. And one I know is that one the families out there in this community were saved as a result of that and they did not get evicted because of that. So we're going to have to be sensitive to that. And I know Augie Villella talked to me a little bit about his situation. He had a tenant who ended up losing their job and he had to decrease their rent by \$100.00 for a whole year until she was able to get back on her feet. And then now, she is making it up in small segments. So, I think we should just be more cognizant of the fact that we're all going through some tough times. Not just individually but also businesses and landlords and right now we need as a safety net. Because no bank is giving out loans for people to purchase houses. Which means that now we have to rely on some landlords. I would just say let's be sensitive to that. Now, I don't know if I agree with, you know...I think any Council Person should be able to bring down legislation, I do agree with that. But if effects other people's Wards, then we should talk to those individuals and make certain that it's not going to effect them. Because ultimately, as that gentleman said who lives in Ward 8, he's was going to tell his tenants and obviously his tenants are going to look at me and I don't agree with this legislation we have now. Thank you.

PRESIDENT SCHULMAN: Thank you Member West. Member Mariol.

MEMBER MARIOL: Mr. President. Yes, one thing you need to keep in mind I know that we did an increase two years ago. The idea behind the increase from my understanding, what the landlords told me and also I gathered from research is that getting away from the yearly inspections, our Code Enforcement Office was supposed (*inaudible*) that just clearly has not happened. And the budget, our Code Enforcement is the same in 2004 as it was in 2009. So the savings is just not there. You also need to keep in mind that the Code Enforcement dollars come

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out of the general fund and the general fund pays for not only the demo of homes, which we...everyone's talking about but to hire police officers, hire firefighters. So essentially what we were doing is we are subsidizing the rental industry. It's....the laws that we have in this City are very clearly falling and if we didn't have to spend so much money on Code Enforcement we could do some of the other things in this City that we need to do that we have to do. And if our Code Enforcement needs drops, then we should definitely revisit this. But if housing right now with the current payment of 7,000.00 landlords payed us \$20.00 fee, that's \$140,000. We're talking about a \$860,000.00 deficit in our Code Enforcement that comes from....which should be spent of Police, which should be spent of paving roads, which should be spent on demoing homes. So, number 1, we're not going to be in a good position, homeowners and landlords' property values will go up until we address the issues. And it's something we need to talk about and opposing views is fine but it's we need to have a conversation on this because there is something wrong with this equation and I know in my Ward and I can speak for other people's ward also, homeowners are...are not happy with this setup and people want police, people want roads paved, people want these homes demoed and consistently through money at the Code Enforcement and don't address the fact that the landlords are not paying their...the amount of that Code Enforcement, we're going to have a lot of problems from this City.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: I thought that the revenues were up in the Code Department...in Code Enforcement to cover the cost of (*inaudible*)...is that not true?

PRESIDENT SCHULMAN: Director.

FINANCE DIRECTOR DIRUZZA: The increase in revenue, they are in fact up but the costs are still up.

MEMBER WEST: Is the current revenue...is it taking care of costs (*inaudible*)

FINANCE DIRECTOR DIRUZZA: I would have to look at that. I have seen....without looking at the numbers (*inaudible*).....

MEMBER WEST: Could you give us breakdown? Something else I'd like to mention three weeks ago I made a challenge Milan Chovan on Massillon City Council when I...at that time McKinley was doing good , McKinley Bulldogs. So we made a Councilman challenge and the challenge was if Massillon....if McKinley beats Massillon, and they will, he will have to wear a McKinley Bulldog jersey at his Council Meeting. And I don't want to have wear a Massillon jersey at this Council Meeting. So McKinley has to beat Massillon. (*Inaudible*) Whoever did the decorations all around City Hall and City Council really shows the spirit and I'm excited about that...we should all be excited about that and pumping up the City.

PRESIDENT SCHULMAN: That was our Clerk's Office (*inaudible*) Any other remarks?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Yeah Mr. President, just a couple comments. If we're going to debate this or whatever,

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talk about this landlord thing, let's make sure we're talking....we don't...we don't take paving money out of the general fund. Okay, that's capital. So, let's not mix this. Okay, and if we have a problem, we should talk about it more then just want to come down and throw an Ordinance down here because you're throwing this whole problem on the backs of people that can't afford it. It's that simple. And if you think these people up here talking are just trying to threaten, they're going to pull up and go out of Canton, you're wrong, they will. Okay, and you'll be sitting here with more boarded up houses then you got now. Okay, and that's just a fact of life folks. Okay, that's me talking from looking at this problem for 22 years. Okay, so be very careful because listen it makes Councilman and it makes me upset. Because you're bringing an Ordinance down that is messing or screwing with my constituents. That's the way I look at it and I don't like it. I move we adjourn.

MEMBER GRIFFIN: Seconded.

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

NO REMARKS

ROLL CALL 10 YEAS, 1 NAYS
(MEMBER CIRELLI VOTED NAY)

CLERK TIMBERLAKE: Ten yeas and one nay, Mr. President.

PRESIDENT SCHULMAN: The meeting is adjourned. Thank you very much ladies and gentlemen. Be safe on your way home. *(Gavel falls)*

ADJOURNMENT TIME: 8:11 P.M.

ATTEST: OCTOBER 25, 2012
CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

APPROVED: OCTOBER 25, 2012
ALLEN SCHULMAN
PRESIDENT