

**MINUTES OF THE MEETING FEBRUARY 1, 2010**

PRESIDENT PRO TEM SMUCKLER: Let's bring this meeting of Canton City Council to order. Roll call vote.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

12 COUNCIL MEMBERS PRESENT: (DAVID DOUGHERTY, TERRY PRATER, MARY CIRELLI, JOE COLE, BILL SMUCKLER, GREG HAWK, THOMAS WEST, JAMES GRIFFIN, CHRIS SMITH, PATRICK BARTON, MARK BUTTERWORTH & BRIAN HORNER)

TWELVE COUNCIL MEMBERS PRESENT.

CLERK TIMBERLAKE: All present, Mr. President.

**EXCUSE MEMBERS**

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Mr. Dougherty.

MEMBER DOUGHERTY: Yes, I'd like for us to excuse President Schulman from this evening's meeting.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: There's a motion and seconded....that's been seconded to excuse Member....Council President Schulman this evening. Is there any discussion? Roll Call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Schulman is excused this evening. We'll now please all rise for the invocation lead by Member Cole. And please remain standing for the Pledge of Allegiance.

*The regular meeting of Canton City Council was held on Monday, February 1, 2010 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Council-at-Large Member, Joe Cole. The Pledge of Allegiance led by President Pro Tem Smuckler.*

**AGENDA CORRECTIONS & CHANGES**

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: I'd like to suspend Rule 22A to add 2<sup>nd</sup> Reading Ordinances 12 through 17 to tonight's agenda.

MEMBER PRATER: Seconded.

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PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to add Ordinances #12 through 17 to the agenda. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: Ordinances 12 through 17 are now a legal part of the agenda.

**PUBLIC HEARINGS**

PRESIDENT PRO TEM SMUCKLER: Public Hearings this evening, there are none scheduled.

**PUBLIC SPEAKS**

PRESIDENT PRO TEM SMUCKLER: Public Speaks, we have two people signed up for public speaks. The first speaker, Patricia Kirk.

PATRICIA KIRK: Hello, my name is Patricia Kirk, I live at 131 5<sup>th</sup> St NE and I am President of Shake A Leaf an environmental club. Also, I want to tell you something, an Urban Forester from another City called me to tell me there is a free webinar, Thursday at 1:00 for Cities and you can find information at [www.Americainbloom.org](http://www.Americainbloom.org) for registration. Now Canton is far from competition but as the Urban Forester on Akron's Engineering Department said "It would be good to see other Cities." I have a copy of that if you want. And I also noticed the article on the noise reduction walls going in along the highway, it reminded me of a tour of another City that an Urban Forester took me on, where he showed me....he actually went up to the door of a house, these houses were along a freeway and he knocked for quite sometime and the homeowner had a hard time hearing this because instead of putting up a sound wall, they put up three layers of I think service berry trees, which is sort of a medium size tree and it really reduced the noise from the freeway. I understand where walls are necessary but walls do not absorb pollution, give off oxygen and control flooding and filter water. I also want to say that I am very aware that we did not pass the new tree Ordinance and you say what we have is sufficient but there's absolutely nothing in it to actually protect trees. I wanted to make you aware that a New Jersey Supreme Court upheld a tree Ordinance when a construction company tried to sue. The idea is not to water something down and make it acceptable so that someone who does not understand what they're voting will vote for it. But to have the standards up here and to bring the understanding out so that people realize how important this is. Thank you very much. Oh and Mr. Martuccio, I made a copy of that for you. Okay, thank you.

PRESIDENT PRO TEM SMUCKLER: Thank you Ms. Kirk. Next speaker Dan Fonte.

DAN FONTE: Good evening, my name is Dan Fonte, I reside at 4415 Dawnridge Cir, NW, here in Canton. I come here to speak about this International Property Maintenance Code that's going to be before Council here down the road. And as I sat here at a Committee Meeting a couple of weeks back, maybe a month ago in this Chambers here, it was deja vu all over again. How many of you Council People were here in 1993? Raise your hand. I know Smuckler was here, Dave. I don't think you was here Mary. Well, you know, I sat here and went through the same scenario with another group by the name of P.I.G.S. Remember P.I.G.S? Yeah, that's who said "We got a problem in this City and we're here to save you. All you have to do is take the restrictions off of the Building Codes, let us do what we're going to do and we're going to turn this City

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around and we're gonna show you what we're gonna do." At that time, I think you were in the 40% bracket of rental homes. As we got up to explain what was gonna happen, pretty much did what happened, what we told ya in '93, you're gonna just skyrocket the rental properties in this area and ya did I heard at that Committee Meeting, we were over 60%, if I heard right. Now, that is one of the biggest problems that's created in this City is when you have a majority of your housing stock as rentals. Owner occupied takes pride in the neighborhood, yeah there are some problems there but that's some pride. So now we come along, we had a Chief Official at that time that believed in National Codes, International Codes, all these Code authorities and ya got another one. And as I read this, when I got back from out of State, I was totally....and I was disappointed that night in this Meeting and I told some people I would...if I would have been an Elected Official of the City of Canton and have those people tell me how bad our City was, I would have told them to get the hell out of this Chambers. That's what my feeling was and I got up and stated how proud I was to be a resident of Canton at that Meeting. And low and behold an Editorial comes out by our Chief Building Official and I'm going to quote from the Repository ".....raised a long-standing issue that the City does have control over a nit-picky, overly restrictive building code that can make repairs unreasonably expensive. I guarantee my own house wouldn't pass this code." She told the Rep. Now I'll tell ya what, when I read that I thought, ya know what, this person is an employee of the City of Canton, when are we going to tell these people you got hired to take care of the City of Canton and our residents, don't worry about what the Code is, the Ordinance is there, enforce it. If you don't want to enforce it, don't take the job. And when I sit and hear this stuff, cause it's all over again, they're gonna come up and I ask you, are we better off in 2010 then we were in 1993? No we're not, drive around the City is all you got to do. Now it wasn't totally that, the economy had something to do with it, but I'm telling ya, we got problems. They want to do away with a lot of stuff. I don't know if it's right or wrong but all I'm telling ya is, you don't want to make anything less restrictive, the Code isn't restrictive at all. There's people that do it everyday and when your Chief Building Official tells you that, I got a problem with that when she's getting paid by taxpayers' money. Now, I think it's time that when we hire some people, we say hey look, you're working for the City of Canton, you take care of the City of Canton number one, that's what you need to take care of. So all I'm going to caution you is, you're getting sold a bill of goods here. It didn't work in '93, we told you that in '93 and it isn't going to work right now, believe me what I'm telling you. And I would hope that you would not take the restrictions off of the Codes cause there ain't...Codes ain't nothing, it's billed everyday. So, that's not the issue, the issue is they want to make more money. When they sit here and cry about...I told the one guy outside, he says...they said "We can't make no money, we can't do this and that...." I says let me tell ya something "I ain't the smartest guy in the world but I know one thing, if I'm losing the kind of money you're telling me you're losing, I'm getting out of business." They're making money and they're going to make more money over this foreclosure crisis. And there is one other person that was here, she's a reporter in here, she used to work for the Rep., she don't work for the Rep., I think she works for the Beacon Journal, that was the other person that was here. Thank you.

PRESIDENT PRO TEM SMUCKLER: Thank you Mr. Fonte.

**INFORMAL RESOLUTIONS**

PRESIDENT PRO TEM SMUCKLER: We are now under Informal Resolutions.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

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MEMBER DOUGHERTY: I move we adopt Resolution #6.

PRESIDENT PRO TEM SMUCKLER: Oh, we never got that far, go ahead and read the title.

#6. DOUGHERTY, D., WARD 6 CNCLMBR & SMUCKLER, B., CNCL-AT-LARGE: SUPPORTING ASSISTANCE FROM SARTA FOR IMPROVEMENTS ON THE MAHONING RD CORRIDOR PROJ. - ADOPTED

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: I already said let's adopt it. I move we adopt #6.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded that we adopt Ordinance...I'm sorry, Resolution #6. Any discussion? By voice vote, all those in favor signify by saying aye. All those opposed.

NO REMARKS

RESOLUTION #6 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM SMUCKLER: The ayes have it. Resolution #6 is adopted. Resolution #7.

#7. PERSONNEL COMMITTEE: AUTHORIZE OF APPT OF NICHOLAS RAMPHOS TO BOARD OF BUILDING APPEALS FOR TERM 1/1/09 - 12/31/11. - ADOPTED

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Resolution #7.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded that we adopt Resolution #7. Is there any discussion? By voice vote, all those in favor signify by saying aye. All those opposed.

NO REMARKS

RESOLUTION #7 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM SMUCKLER: The ayes have it. Resolution #7 is adopted. Resolution #8.

#8. PERSONNEL COMMITTEE: AUTHORIZE OF RE-APPT OF JOHN PICARD TO BOARD OF BUILDING APPEALS FOR TERM 1/1/10 - 12/31/12. - ADOPTED

MEMBER DOUGHERTY: Mr. President.

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PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Resolution #8.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded that we adopt Resolution #8. Is there any discussion? By voice vote, all those in favor signify by saying aye. All those opposed.

NO REMARKS

RESOLUTION #8 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM SMUCKLER: Resolution #8 is adopted. Resolution #9.

#9. PERSONNEL COMMITTEE: AUTHORIZE OF APPT OF DAWN DEVINE TO INVESTMENT BOARD FOR TERM 1/1/10 - 12/31/11. - ADOPTED

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Resolution #9 please.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Resolution #9. Is there any discussion? By voice vote, all those in favor signify by saying aye. All those opposed, no.

NO REMARKS

RESOLUTION #9 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM SMUCKLER: Resolution #9 is adopted. Resolution #10.

#10. PERSONNEL COMMITTEE: AUTHORIZE OF APPTS OF 3 MEMBERS TO FAIR EMPLOYMENT PRACTICES BOARD - LORI ADKINS RETRO TERM OF 11/22/09 - 11/21/12; AMY WEISBROD & BRYAN CROMWELL RETRO TERM OF 1/1/10 - 12/31/12. - ADOPTED

PRESIDENT PRO TEM SMUCKLER: Member Dougherty

MEMBER DOUGHERTY: Mr. President, I move we adopt Resolution 10.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Resolution #10. Is there any discussion? By voice vote, all those in favor signify by saying aye. All those opposed.

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NO REMARKS

RESOLUTION #10 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM SMUCKLER: Resolution #10 is adopted.

COMMUNICATIONS

PRESIDENT PRO TEM SMUCKLER: We are now under Communications. Let the journal show that all communications are received as read.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: Make sure we understood #67 has been withdrawn.

CLERK TIMBERLAKE: Communication #67 has been withdrawn.

PRESIDENT PRO TEM SMUCKLER: Resolution #67 will be withdrawn from the agenda. Thank you Mr. Majority Leader (*President Pro Tem Smuckler meant to say Communication #67*)

***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 FEBRUARY 1, 2010.***

57. CHIEF MCKIMM: 2009 RPT OF LAW ENFORCEMENT TRUST FUND & LAW ENFORCEMENT EDUCATION FUND. - RECEIVED & FILED
58. DEVELOPMENT DIRECTOR TORRES: REQ \$556,340.11 REDUCTION IN 2220 506009 HOMELESS PREVENTION & RAPID REHOUSING FUND. - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES
59. DEVELOPMENT DIRECTOR TORRES: REQ APPROP TRANSFER OF \$111,227.11 FR: 2212 506009 NEIGHBORHOOD STABILIZATION FUND - PERSONNEL TO: NEIGHBORHOOD STABILIZATION FUND - OTHER; REQ SUPP APPROP OF \$111,284.00 FR: 2233 506001 UNAPPROP FED PROJ FUND TO: FED PROJ FUND - OTHER & OF \$849.23 FR: 2656 UNAPPROP YOUTH DEV DONATION FUND TO: 2656 YOUTH DEV FUND OTHER. - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES
60. DEVELOPMENT DIRECTOR TORRES: REQ AUTHORIZATION FOR MAYOR &/OR SERV DIR TO COMPLETE CONTRACT PROCESS FOR CONTRACT PREVIOUSLY AUTHORIZED BUT NOT COMPLETED BY 12/31/09 FOR O#143/2009 W/US DEPT OF HOUSING & URBAN DEV FOR HOME CHDO FUNDS OF \$250,000.00 & FREED HOUSING CORP IN AMT NOT TO EXCEED \$500,000.00 FOR GREEN HOMES PROG. - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES

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61. SAFETY DIRECTOR REAM: REQ AUTHORIZATION OF MORAL OB PAYMENT TO SMITH ADVISORY GROUP OF \$5,000.00 FOR APPRAISALS OF PROP AT CLEVELAND AVE NW & 25<sup>TH</sup> ST NW AND WARNER RD NE. - FINANCE COMMITTEE
62. SAFETY DIRECTOR REAM: REQ AUTHORIZATION OF SAF DIR TO REC & APPROP GRANTS OF \$182,300.00 FOR UNIFORM SUPPLIES & \$18,000.00 FOR MAJOR EQUIPMENT; THE FED SHARE IS 80% AND CITY SHARE IS 20% OF THE AID TO FIREFIGHTERS GRANT. - FINANCE COMMITTEE
63. SCHULMAN, A., COUNCIL PRESIDENT: ADVISE OF APPT OF WARD 9 COUNCIL MEMBER, BRIAN HORNER TO CANTON CONSTRUCTION BOARD. - RECEIVED & FILED
64. SERVICE DIRECTOR PRICE: REQ AUTHORIZATION FOR SERV DIR TO APPLY FOR, ACCEPT & EXECUTE GRANTS FROM STARK-TUSC-WAYNE JOINT SOLID WASTE MGMT DIST UNDER 2010 RECYCLING MAKES SENSE GRANT PROG & 2010 COMPOSTING MAKES SENSE GRANT PROG. - FINANCE COMMITTEE
65. SERVICE DIRECTOR PRICE: REQ AUTHORIZATION FOR SERV DIR TO DONATE USED CELL PHONES & BLACKBERRIES NO LONGER NECESSARY FOR MUNICIPAL PURPOSES TO THE DOMESTIC VIOLENCE SHELTER FOR SAFETY & EMERGENCY USE TO CLIENTS. - FINANCE COMMITTEE
66. SERVICE DIRECTOR PRICE AND COMPLIANCE DIR MINOR SMITH: REQ AUTHORIZATION FOR SERV DIR AND/OR COMPLIANCE DIR TO ENTER INTO PASS THROUGH AGMT W/OHIO DEPT OF NATURAL RESOURCES TO RECV GRANT IN AMT OF \$495,000.00 FOR CONSTRUCTION OF A WATER PARK FACILITY AT THE EDWARD "PEEL" COLEMAN CENTER. - FINANCE COMMITTEE
67. SLIMAN, S., AGENT FOR PETITIONER: ADVISE OF ESTABLISHMENT OF PUB HRG DOCUMENT FILED W/CNTY COMMISSIONERS IN ZBUKA ANNEXATION. - WITHDRAWN
68. SLIMAN, S., AGENT FOR PETITIONER: ADVISE OF ESTABLISHMENT OF PUB HRG DOCUMENT FILED W/CNTY COMMISSIONERS IN DELONG ANNEXATION. - RECEIVED & FILED
69. WRF SUPERINTENDENT MILLS & SERVICE DIRECTOR PRICE: 2009 ANNUAL RPT OF OPERATION FROM WATER RECLAMATION FACILITY. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT PRO TEM SMUCKLER: Ordinances for First Reading.

***NOTE: PRESIDENT PRO TEM SMUCKLER CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #11 FOR THEIR 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 SERVICE TO PURCHASE REAL PROPERTY IN CONJUNCTION WITH THE NEIGHBORHOOD STABILIZATION PROGRAM; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE DEMOLITION OF THE BUILDING LOCATED ON THE PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY (902 CHERRY AVE NE)  
Referred to Community & Economic Development Committee
- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE LEASE OF TWO ROOMS AT THE EDWARD L. "PEEL" COLEMAN COMMUNITY CENTER; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #3. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO REQUEST AND RECEIVE BIDS FOR THE DESIGN AND CONSTRUCTION OF AN INDOOR WATER FACILITY AT 1400 SHERRICK ROAD S.E.; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #4. (1<sup>ST</sup> RDG) AN ORDINANCE NAMING AN UNNAMED ALLEY IN THE CITY OF CANTON, LINDESMITH COURT S.W.  
Referred to Public Safety and Thoroughfares Committee
- #5. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO ENTER INTO CONTRACT WITH THE BELOW-NAMED CITIES AND VILLAGES TO PROVIDE LEGAL REPRESENTATION CONCERNING THE PROSECUTION OF CRIMINAL CASES AND RELATED MATTERS BY THE CITY PROSECUTOR'S OFFICE; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #6. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING VARIOUS SECTIONS IN PART THREE - TRAFFIC CODE AND PART FIVE - GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Judiciary Committee
- #7. (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 1669 AND 1670; PART OF A 15.25 FOOT VACATED ALLEY AND PART OF LOT 1671; AND DECLARING THE SAME TO BE AN EMERGENCY (BTWN 6<sup>TH</sup> ST NE & SANDALS NE - HABITAT FOR HUMANITY)  
Referred to Public Safety and Thoroughfares Committee
- #8. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING TITLE SEVEN, HOUSING STANDARDS, OF PART THIRTEEN - BUILDING CODE OF THE CODIFIED ORDINANCES (IPMC)  
Referred to Judiciary Committee



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- #9. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE WITH THE CAMPBELL OIL COMPANY A STORM SEWER EASEMENT AND VACATION AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Environmental and Public Utilities Committee
- #10. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING AND CONSENTING TO THE REPLACEMENT OF THE CITY OF CANTON'S WATER MAIN ON THE SR 172 STRUCTURE OVER THE WHEELING & LAKE ERIE RAILROAD AS PART OF PROJECT STA. 172-17.28; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety and Thoroughfares Committee
- #11. (1<sup>ST</sup> RDG) AN ORDINANCE RATIFYING AND EXTENDING THE TERMS AND CONDITIONS OF THE ORIGINAL AGREEMENT WITH SMG ON A MONTH-TO-MONTH BASIS RETROACTIVE TO JANUARY 1, 2010; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT PRO TEM SMUCKLER: Ordinances for Second Reading.

***NOTE: PRESIDENT PRO TEM SMUCKLER CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #12 THROUGH #17 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.***

- #12. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACTS WITH FREED HOUSING TO PROVIDE GRANTS IN A TOTAL AMOUNT NOT TO EXCEED \$535,000.00 TO ADMINISTER AND IMPLEMENT THE CITY OF CANTON'S HOUSING PROGRAMS TO BENEFIT LOW AND MODERATE INCOME FAMILIES; AND DECLARING THE SAME TO BE AN EMERGENCY
- #13. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT WITH ABCD INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$75,000.00 TO ADMINISTER AND IMPLEMENT THE CITY OF CANTON HOME OWNERSHIP PROGRAM TO BENEFIT LOW AND MODERATE INCOME FAMILIES; AND DECLARING THE SAME TO BE AN EMERGENCY
- #14. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO COMPLETE THE CONTRACTING PROCESS FOR VARIOUS CONTRACTS PREVIOUSLY AUTHORIZED BUT NOT COMPLETED BY JANUARY 1, 2010; AND DECLARING THE SAME TO BE AN EMERGENCY (NEW HORIZON PARK & WORK CAMPS)
- #15. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 7/2010** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH MEDLINE INDUSTRIES, INC. TO PROVIDE A REAL PROPERTY TAX EXEMPTION;

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AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON LOCAL BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82 (C) AND (D) OF THE REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: I move we suspend the Statutory Rules for Ordinance 15 please.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to dispense with the three readings of Ordinance #15. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

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

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #15. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#15 ADOPTED AS ORDINANCE NO. 7/2010**

PRESIDENT PRO TEM SMUCKLER: Ordinance #15 is adopted. Ordinance #16.

#16. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY MORAL OBLIGATIONS IN AMOUNTS NOT TO EXCEED \$8,911.82 TO THE CANTON REPOSITORY; \$4,600.00 TO JOHN IONNO AND \$1,785.00 TO AMERICAN TITLE; AND DECLARING THE SAME TO BE AN EMERGENCY

#17. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 8/2010** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A COOPERATIVE DEVELOPMENT AGREEMENT WITH ASTORIA SNF, INC. AND JILLTIN OF MEYERS LAKE LLC FOR THE DEVELOPMENT OF 3537 - 12<sup>TH</sup> STREET N.W.; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Requirements on Ordinance 17.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to dispense with the three readings of Ordinance #17. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: You've heard the three readings, Member Dougherty.

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

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #17. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#17 ADOPTED AS ORDINANCE NO. 8/2010

PRESIDENT PRO TEM SMUCKLER: Ordinance #17 is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT PRO TEM SMUCKLER: We're now under Ordinances for their third and final reading. Ordinance #18.

#18. (3<sup>RD</sup> RDG) ADOPTED AS ORDINANCE NO. 9/2010 AN ORDINANCE AUTHORIZING PARTICIPATION BY THE CITY OF CANTON IN THE STATE OF OHIO COOPERATIVE PURCHASING PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

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

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #18. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#18 ADOPTED AS ORDINANCE NO. 9/2010**

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PRESIDENT PRO TEM SMUCKLER: Ordinance #18 is adopted. Ordinance #19.

#19. (3<sup>RD</sup> RDG)     **ADOPTED AS ORDINANCE NO. 10/2010** AN ORDINANCE AUTHORIZING THE AUDITOR TO ESTABLISH THE 2784 2009 BYRNE MEMORIAL CANTON JUSTICE ASSISTANCE GRANT; AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (\$157,112.00)

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance 19.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #19. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#19 ADOPTED AS ORDINANCE NO. 10/2010**

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PRESIDENT PRO TEM SMUCKLER: Ordinance #19 is adopted. Ordinance #20.

#20. (3<sup>RD</sup> RDG)     **ADOPTED AS ORDINANCE NO. 11/2010** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO LEASE AGREEMENTS WITH THE STARK COUNTY COMMISSIONERS AND THE CANTON REGIONAL CHAMBER OF COMMERCE FOR THE PURPOSE OF UTILIZING CITY OWNED PARKING SPACE; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance 20.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #20. Is there any discussion?

MEMBER CIRELLI: Mr. President.

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PRESIDENT PRO TEM SMUCKLER: Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. Mr. President, I cannot support this Ordinance. I have spoke with Safety Director, Thomas Ream and I understand he inherited different pieces of legislation. However, whenever I dug into the Ordinance, we are charging the Courts, or Government, which is the people, \$50.00 per space in the Millennium Building and we are charging the Chamber of Commerce 45. I...except for one space, they pay 50. I have a hard time charging the taxpayer more money then I do a private agency. So I cannot support it sir. Thank you.

PRESIDENT PRO TEM SMUCKLER: Anyone else? Roll call.

NO REMARKS

ROLL CALL: 10 YEAS, 2 NAYS  
(Member Cirelli and Member Butterworth voted nay)

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

**#20 ADOPTED AS ORDINANCE NO. 11/2010**

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PRESIDENT PRO TEM SMUCKLER: Ordinance #20 is adopted. Ordinance #21.

#21. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 12/2010** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH PHILIP SEDLACKO FOR ANIMAL CONTROL SERVICES FOR THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance 21.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #21. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#21 ADOPTED AS ORDINANCE NO. 12/2010**

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PRESIDENT PRO TEM SMUCKLER: Ordinance #21 is adopted. Ordinance #22.

#22. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 13/2010** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH ANGELA CAVANAUGH TO SERVE AS THE CITY'S CHIEF

**MINUTES OF THE MEETING FEBRUARY 1, 2010****BUILDING OFFICIAL IN AN AMOUNT NOT TO EXCEED \$97,000.00; AND  
DECLARING THE SAME TO BE AN EMERGENCY**

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance 22.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #22. Is there any discussion?

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. Again, this is an Ordinance that I cannot find it within myself to approve. I know some people say we're saving money. I would prefer that Ms. Cavanaugh, to my understanding received her position after John Labriola resigned and was moved into that slot. I would have preferred that it would have been put out for advertisement and what have you and since then the economy is even...sunk even deeper and I'm reading where they were having all kinds of people that are qualified architects, engineers, what have you for potentially positions such as this. So, I cannot justify paying a person \$97,000.00 for it's a 10 or \$11,000.00 contact, even though there are no benefits and I understand that. I would like to see some fact that possibly we could have done some advertisement for this to see if...if there could be other people available, especially after, and I was affronted also, the comments that were in the paper. I felt it was a direct slap in the face to the homeowners and to this honorable body because I know we all want to see more owner occupied homes and are trying to do everything we can to help them, not lean towards the, what I call professional landlords, which Law Director Martuccio is quite familiar in 2007 as I tried to get a professional landlord license passed. Thank you sir.

PRESIDENT PRO TEM SMUCKLER: Any further discussion?

MEMBER WEST: Yes Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member West.

MEMBER WEST: Mary maybe you could help me with this. This is just a contract, which means that if we decide to have a full time employee at that point in time it would go out for bid, or for advertisement, is that correct? Can anybody help me with that?

PRESIDENT PRO TEM SMUCKLER: Safety Director Ream.

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SAFETY DIRECTOR REAM: Well this is a professional service contract that runs through the remainder of 2010. If you would want to visit making it a full time City position at the expiration of this contract then this Body, I'm certain has the right to...to do that. This gets us through 2010 with this professional services contract.

PRESIDENT PRO TEM SMUCKLER: Any further questions? Roll call.

NO REMARKS

ROLL CALL: 11 YEAS, 1 NAYS  
(Member Cirelli voted nay)

CLERK TIMBERLAKE: Eleven yeas, one nays, Mr. President.

**#22 ADOPTED AS ORDINANCE NO. 13/2010**

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PRESIDENT PRO TEM SMUCKLER: The Ordinance has been adopted. Ordinance #23.

#23. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 14/2010** AN ORDINANCE AUTHORIZING PARTICIPATION BY THE CITY OF CANTON IN STATE CONTRACTS PURSUANT TO OHIO REVISED CODE SECTION 5513.01; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance 23.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #23. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#23 ADOPTED AS ORDINANCE NO. 14/2010**

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PRESIDENT PRO TEM SMUCKLER: Ordinance has been adopted. Ordinance #24.

#24. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 15/2010** AN ORDINANCE AUTHORIZING PARTICIPATION BY THE CITY OF CANTON IN THE U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

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MEMBER DOUGHERTY: I move we adopt Ordinance 24.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #24. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#24 ADOPTED AS ORDINANCE NO. 15/2010**

PRESIDENT PRO TEM SMUCKLER: Ordinance #24 is adopted. Ordinance #25.

#25. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 16/2010** AN ORDINANCE AUTHORIZING THE DIRECTORS OF PUBLIC SERVICE AND SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR SUPPLY ITEMS, MATERIALS AND PROFESSIONAL SERVICES FOR THE CITY OF CANTON'S OPERATIONS DURING THE 2010 CALENDAR YEAR; AUTHORIZING ALTERNATIVELY THE PURCHASE OF SAID ITEMS PURSUANT TO THE STATE COOPERATIVE PURCHASING AGREEMENT AND/OR ODOT PURCHASING AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance 25.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #25. Is there any discussion? Roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#25 ADOPTED AS ORDINANCE NO. 16/2010**

PRESIDENT PRO TEM SMUCKLER: Ordinance #25 is adopted. Ordinance #26.

26. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 17/2010** AN ORDINANCE AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE AND/OR DIRECTOR OF PUBLIC SAFETY TO COMPLETE THE CONTRACTING PROCESS FOR VARIOUS CONTRACTS PREVIOUSLY AUTHORIZED BUT NOT COMPLETED BY JANUARY 1, 2010; AND DECLARING THE SAME TO BE AN EMERGENCY



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MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance 26.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #26. Is there any discussion?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: I move we amend Ordinance 26 per copy that all Council Members received this evening.

MEMBER PRATER: seconded.

AMENDMENT

*Pursuant to Rule 36, I move to amend Agenda Item No. 26 by the addition of a new Section 3 to read as follows:*

*Section 3. The Law Director, in conjunction with the appropriate appointing authority, is authorized to make any ministerial changes, such as correction of dates, to the foregoing reenacted contracts provided the changes or amendments do not involve additional costs or results in substantive changes.*

*Existing Sections 3 and 4 are renumbered 4 and 5, respectively.*

PRESIDENT PRO TEM SMUCKLER: There is an amendment, everybody has a copy of it before them by voice vote, all those signify by saying aye. All those opposed.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM SMUCKLER: The ayes have it. Member Dougherty, you've heard the Ordinance as amended.

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

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #26 as amended. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#26 ADOPTED AS AMENDED AS ORDINANCE NO. 17/2010**

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PRESIDENT PRO TEM SMUCKLER: Ordinance #26 is adopted as amended.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT PRO TEM SMUCKLER: Announcement of Committee Meetings.

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Hawk.

MEMBER HAWK: Finance Committee will meet at 6:15 Monday, February 8, 2010.

MEMBER WEST: Mr. President.

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member West.

MEMBER WEST: Judiciary will meet February 8<sup>th</sup> at...what time did we say 6?.....same time same place.

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Excuse me one minute. Is this on this Code?

MEMBER WEST: Yes.

PRESIDENT PRO TEM SMUCKLER: I'm going to say if you....if we think we're going to pack this all down especially for that Code, we might want to discuss this because I don't think we're going to get this done in an hour on a Monday night with everything here.

MEMBER WEST: Committee just for Council Members only to speak.

PRESIDENT PRO TEM SMUCKLER: Committee Meetings are open to the public.

MEMBER WEST: Yeah but...*(inaudible)*

PRESIDENT PRO TEM SMUCKLER: Okay, I guess according to the Law Director he can limit this just to Council Members.

MEMBER WEST: No they can come, I mean just not speak.

PRESIDENT PRO TEM SMUCKLER: To speak....yes. Okay.

CLERK TIMBERLAKE: What time.

PRESIDENT PRO TEM SMUCKLER: It will be at 6:00 on Monday.

MEMBER SMITH: Mr. President.

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PRESIDENT PRO TEM SMUCKLER: Member Smith.

MEMBER SMITH: Public Safety and Thoroughfares will be at the same time.

MEMBER BARTON: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Barton.

MEMBER BARTON: Annexation will meet on February 6<sup>th</sup> at 6:00 for a special topic that Member Prater and Member Smuckler may want to cover.

CLERK TIMBERLAKE: Repeat that again please.

MEMBER BARTON: Annexation Committee will meet....

PRESIDENT PRO TEM SMUCKLER: That will be February 9<sup>th</sup>.

MEMBER BARTON: My mistake, Annexation Committee will meet February 9<sup>th</sup>.

PRESIDENT PRO TEM SMUCKLER: At 6:00?

MEMBER BARTON: At 6:00, yes.

CLERK TIMBERLAKE: In the Chamber?

PRESIDENT PRO TEM SMUCKLER: And under Miscellaneous Business, Member Prater....

MEMBER CIRELLI: Mr. President, excuse me, you didn't acknowledge me whenever Mr...I wanted the floor to say that Environmental and Public Utilities will meet....

PRESIDENT PRO TEM SMUCKLER: We're not there yet.

MEMBER CIRELLI: *(Inaudible)*

PRESIDENT PRO TEM SMUCKLER: I know but we're not there yet, let me just explain this first Member Cirelli, we're not there at Committee Meetings...or I'm not done with...with going through these yet. Member Prater will explain under Miscellaneous Business why we're meeting on Tuesday for Annexation. Now Member Cirelli.

MEMBER CIRELLI: Thank you Mr. Chairman, Monday, February 8<sup>th</sup> at 6:00, Environmental and Public Utilities.

PRESIDENT PRO TEM SMUCKLER: Anyone else? Community Development will meet at 6:00 on Monday, February 8<sup>th</sup>.

**MISCELLANEOUS BUSINESS**

PRESIDENT PRO TEM SMUCKLER: Miscellaneous Business, Member Prater.

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MEMBER PRATER: Yes thank you Mr. President. Annexation Committee is calling a special meeting, I'm going to try and make this brief. There is an Annexation proposal from the 11<sup>th</sup> Street Church of God that has spanned three Administrations. Needless to say, nobody in this room was probably involved in this originally. It did...it has spanned three Administrations and numerous Service Directors, numerous Safety Directors and numerous Annexation Directors. The Church is currently in Member Griffin's Ward, they've purchased property in Ward 5, I've been down to see them, I've drug Member Smuckler down, I've drug the Mayor, Warren Price, I'm sure Thomas Ream is involved with this, I've even drug Greg Hawk down there for a brief meeting. Long story short, they want to come in, they want to bring a group of individuals and explain what they expect. Then we're going to look to the Administration to tell us what we can or cannot do and whether there is Council action required. And then we're going to vote on it, we're going to try and give these folks some closure. Even though I can't define what closure means, that's what we're attempting to do. Member Smuckler, did I do that justice?

PRESIDENT PRO TEM SMUCKLER: It was very good but a few of us were here, 2002 this dates back to and this dates back to some promises that were made through the legislation for 11<sup>th</sup> Street Church of God, they want closure, one way or another. And you did an excellent of doing that...so....and this meeting will take a while and that's why we're not going to do this on a Monday evening. Anyone else under Miscellaneous Business?

MEMBER SMITH: Yes, Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Smith.

MEMBER SMITH: I would like for the City to keep a family in prayer today. We had a deadly fire over in the 4<sup>th</sup> Ward on Monroe, SE. Victoria Vance family, most of you may be familiar with Smith's Nursing Home, she was the granddaughter of the Smith Nursing Home. Okay, on a not so sad note, on Monday, I know we'll be in Council Meeting but down at the Southeast Community Center, Stark State is having open house, we're going to be housing classes down at Stark State and we'd like for all of you to come out to the open house. We do have cards with the information on the back, Corey Minor-Smith has those for your information and we would like for you all to send out students to support that. So, keep that in mind also. Thank you.

PRESIDENT PRO TEM SMUCKLER: I would also like to stress that Stark State is instrumental in what we're doing in trying to work out an agreement with Jackson Township for future development also in going green and dealing with Rolls Royce out there. So, I think it's very important that we do support Stark State.

MEMBER SMITH: Also, Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Smith.

MEMBER SMITH: Okay, I have Carmen can help this. I know we talked about, last week, making sure that these houses that have been sitting vacant for going on three years now...it's quite a bit of them over in the 4<sup>th</sup> Ward and probably throughout the City, is there any way...and let me express myself about this because I know that banks are not even lending people with excellent credit any money. And I know that some of our Council Members are against lease option but I would rather see us work with residents to get in those homes rather them to stay vacant for another three or four years. Is there anything that we can do or anything that we can help residents and to get into those homes with lease option. And let me say this, those homes down at Gateway, those residents right now are in a status to own their homes. If we do not help residents to get in them, they are just going to continue to stay vacant and we gonna continue to have a problem with people going in, taking copper pipes, they even taking the utilities. Could...is there anything that we could do to help residents to become homeowners with the lease option program.

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DEPUTY DIRECTOR WEST: Absolutely, it would take authorization from this Honorable Body to allow us to do that. H.U.D. has no restrictions in regards to the methods that we require home ownership. Because Council is not in favor of a land contract or lease option, we have not pursued that option. It is available to us if this Honorable Body would allow us to do so. You're absolutely correct in regards to A.B.C.D. in the next four years, we should have about 138 homeowners from that project. So it was very successful. I do agree with what you're saying, I think that the market is very tough right now, having been in the industry for twelve years, your exactly right. Lending mechanisms are not available, we have the opportunity to utilize lease option as a tool but it would take authorization from this Council to do so.

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Hawk.

MEMBER HAWK: I think there is a fine and legal process that we could go through to support some of these options. Most importantly is registered legal land contract. Not those kind that most people get duped into, that's where they're truly taken advantage of with some of these other questionable lease option agreements. I think in a legal...when a land contract (*inaudible*) an acceptable legal way of financing housing, there are very specific rules and regulations that guide it and I don't think this Council would be opposed to something along those lines. However, if you chose to open the door to lease options and other things, we're only jeopardizing the well being and fiscal lives our people who will fall into and fall victim and prey to some of these unscrupulous people that offer lease options. That was one of the problems we've had in the past, I think we can solve it in an intelligent way to provide good solid housing for people with those legal land contracts.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member West.

MEMBER WEST: I'm glad to hear you say that Member Hawk, because I know that in some cases, and maybe I'm wrong but I think I heard this, in reference to the Government even giving people tax credits for lease purchase but it has to be registered with the County Recorder's Office and in that type of situation, they do get the tax credit. You know, Member Chris, I do agree with you, you know, when I talk to people like Steve Coon who, you know, was having a hard time getting a loan and several other people...and even in my business it's hard getting a loan. And looking across and saying we want to build up our housing stock, we want people to move into the City, we want people to have home ownership. I think we have to come up with some creative ways to finance them and get them to own their own home. Thank you.

PRESIDENT PRO TEM SMUCKLER: Ms. West, if you could just remain up here for one minute because this sort of leads into the letter that was sent to my parents address last week with my name on it. H.U.D. Lender ID 2378900019, First Notice, Intercontinental Capital Group, my status - the Federal Housing Authority has temporarily adjusted lending policies to soften the crisis for mortgage holders and to promote economic recovery. How this benefits me - you've been selected by the F.H.A. Lending Division, you're now eligible to apply for lower fixed rates, mortgage, payment reductions, debt consolidation and outright cash out. For the details and benefits of the available funds, call this number below.

DEPUTY DIRECTOR WEST: Is it my home number?

PRESIDENT PRO TEM SMUCKLER: No Ms. West, but they told me that if I just gave them my social security number over the phone and my bank account number....Mr. Fonte, I know you too well (*laughter*) But this is

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what's going on in too and this is why people are afraid. Member Cirelli, you called me today about the paperwork and to promote this but this is why people are afraid to do this.

DEPUTY DIRECTOR WEST: Can I see that letter.

PRESIDENT PRO TEM SMUCKLER: You are more than happy to take it and I hope you get with the Law Director and you guys work something out with the State of New York.

DEPUTY DIRECTOR WEST: *(Inaudible)*

PRESIDENT PRO TEM SMUCKLER: It is not legal when they're asking for my social security number and my bank account over the phone.

*(INAUDIBLE)*

PRESIDENT PRO TEM SMUCKLER: That's fine but I don't care, then somebody that's there does not know how to talk to people who are calling in.

DEPUTY DIRECTOR WEST: Very good.

MEMBER HAWK: Mr. President, *(inaudible)*....ask Ms. West when we were talking about home programs if we do work toward an educational process *(inaudible)* .....Habitat for Humanity probably has one of the strongest processes *(inaudible)*...and it's recognized by the success and the low amount of foreclosures that they have. The only time a Habitat person really runs into trouble pretty much is when they are taken advantage of by one of these operations and they promise them some extra cash and told they can do anything they want with it and they fall victim to one of these mortgages where they...where the 0% *(inaudible)*....*(laughter)* where all at once they're finding the mortgage escalates on them and then they end up losing their home. That's why I've always advocated that education be part of our housing program and legal land contracts if done properly are another way of financing *(inaudible)*. But again to make sure folks do not fall victim to some of these other letters out there and some *(inaudible)*....like Mr. Smuckler has pointed out. That's all I have to say. Thank you.

PRESIDENT PRO TEM SMUCKLER: Anyone else under Miscellaneous Business?

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Cirelli.

MEMBER CIRELLI: I read in the paper and then I spoke to our Majority Leader and it was concerning the television stations, channels 11 and 15 *(inaudible)* which are down at....done at the Timken High School, but it said in the paper is this Council in the past, from the last Majority Leader stated that we were not interested in that. I don't know about you Mr. President but I was never asked by the last Majority Leader if we were interested in trying to assist that television station to remain alive and functioning. And if anybody....any other Council Members here can tell me if they were ever approached and asked that question because I was really affronted whenever I seen that because I know this Majority Leader is interested and I, you know, want the general public to understand that yeah we care about it. I don't know how someone can go and say and speak for us, I know Honorable Member Dave would never go and say something like that if it was not true, Dougherty, excuse me....Mr. Dave Dougherty. But when you read something like that and there's a lot of Council Members here, if any of you were approached by the last Majority Leader, I'd like to know that because I don't think any

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of you were. And I really resent somebody speaking for me whenever it's speaking the wrong way. Just wanted to mention that sir.

PRESIDENT PRO TEM SMUCKLER: I can tell you that during the last term Mr. Herman approached me, I told him to see the Majority Leader. I stood there while the Majority Leader said what he had to say and he was not in favor of this but again, there is a new Majority Leader and this is a new Council and Mr. Herman will...can get with this Majority Leader and have a discussion about it. Anyone else?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty...your Honorable Dave.

MEMBER DOUGHERTY: I've had...I've had conversations with the Administration on this, received several calls about it. We'll be putting together a Committee to take a look at this.

PRESIDENT PRO TEM SMUCKLER: Anyone else?

MEMBER DOUGHERTY: I move we adjourn.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adjourn Canton City Council. Roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: Canton City Council is adjourned. *(Gavel falls)*

ADJOURNMENT TIME: 8:26 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

BILL SMUCKLER  
PRESIDENT PRO TEM