

**MINUTES OF THE MEETING FEBRUARY 22, 2010**

PRESIDENT PRO TEM SMUCKLER: Ladies and Gentlemen with a quorum being present, the Chair calls this meeting of Canton City Council to order.

MEMBER DOUGHERTY: Mr. President point of order.

PRESIDENT PRO TEM SMUCKLER: Mr. Dougherty.

MEMBER DOUGHERTY: Yeah, I'd like to make a motion to come out of Executive Session.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to come out of Executive Session. Roll Call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: We are now out of Executive Session. With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call.

*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**

PRESIDENT PRO TEM SMUCKLER: We will now have the....

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: ....motion to excuse, Member...Council President Schulman.

MEMBER DOUGHERTY: Yeah, I make that motion to excuse President Schulman from this evening's meeting.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: Any discussion? Roll Call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS, 1 ABSTAIN

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(MEMBER CIRELLI ABSTAINED)

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

PRESIDENT PRO TEM SMUCKLER: Council President Schulman is excused this evening. Before we have the invocation given this evening given by Ward 2 Councilman West, we have a large crowd this evening and I know this has happened on several occasions that I've acted as Council President. We have a rule now that cell phones please be silenced and I would like you please to make sure that the cell phones are silenced this evening. Councilman West has prayer this evening. Will you all please rise and stay standing for the Pledge of Allegiance.

*The regular meeting of Canton City Council was held on Monday, February 22, 2010 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Ward 2 Council Member, Thomas West. The Pledge of Allegiance led by President Pro Tem Smuckler.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT PRO TEM SMUCKLER: We are now under agenda corrections and changes. Members of Council you've been....Member Dougherty.

MEMBER DOUGHERTY: Yeah, Mr. President I'd like to suspend Rule 22A to add 2<sup>nd</sup> Reading Ordinances 13 through 18.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: Ordinances 13 through 18, there's a motion to add to the Agenda and they've been seconded. Any discussion? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: Rule 22A is suspended and the Ordinances are a legal part of your Agenda.

**PUBLIC HEARINGS**

PRESIDENT PRO TEM SMUCKLER: We have any Public Hearings, there are not this evening.

**PUBLIC SPEAKS**

PRESIDENT PRO TEM SMUCKLER: We now have Public Speaks. We have quite a lengthy list. Before we do that, we may make one exception here this evening, we'd like to skip down to Informal Resolutions, it's the prerogative of the Chair.

**INFORMAL RESOLUTIONS**

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

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MEMBER DOUGHERTY: Thank you Mr. President. I'd like to adopt Resolution 15.

MEMBER PRATER: Seconded.

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

MEMBER DOUGHERTY: Mr. President, could I have that read please.

CLERK TIMBERLAKE: **WHEREAS:** The Canton Exchange Club in collaboration with the Canton Police Department, the Stark County Prosecutor's Office and Stark County Sheriff's Department sponsors an annual Crime Prevention Week Award Breakfast. The breakfast recognizes selfless and dedicated services performed by law officers who contributed above and beyond the preserving and protecting of life within our community; and **WHEREAS:** This year's "Canton Police Officer of the Year" is Sergeant Victor "Vic" George. Vic was hired by the Canton Police Department on March 6, 1990. Vic has served in many capacities within the Police Department, such as Patrol Division, Community Policing, Vice Bureau and Detective Bureau. Vic was promoted to Sergeant on March 26, 2001; and **WHEREAS:** There are many highlights of Vic's illustrious career within the Police Department such as being awarded the Medal of Valor in 1996 for saving numerous lives in an apartment building fire. Vic played an integral part in an investigation that resulted in 28 arrests and the biggest drug seizure in the history of the Canton Police Department and he led many successful investigations of multiple homicides that occurred in 2009; and **WHEREAS:** Sergeant George continually gives back to the community serving as Police Advisor for the Canton Police Youth Corps, organizer for the annual Cleveland Brown vs. Police basketball game where approximately 600 disadvantaged youth attend dinner and the game. Vic's interactions with the local security departments in our area hospitals come with high accolades of professionalism, hard work and true dedication. **NOW THEREFORE BE IT RESOLVED:** that we, the Members of Canton City Council do hereby go on record commending and congratulating **SERGEANT VICTOR "VIC" GEORGE** for being recognized and awarded the Canton Exchange Club's "Canton Police Officer of the Year." Thank you for serving Canton City Council and the citizens of Canton, Ohio.

MEMBER DOUGHERTY: Mr. President.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt this Resolution. By voice vote, all those in favor signify by saying aye. All those opposed no.

NO REMARKS

RESOLUTION #15 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM SMUCKLER: The ayes have it.

*(APPLAUSE)*

MEMBER DOUGHERTY: It's a pleasure to be up here tonight to give this award to a very intimidating man. *(Laughter)* I think of myself as intimidating sometimes but I'm humbled at this point. *(Laughter)* I really

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appreciate what you've always done. I went to the breakfast, it was very nice. I was impressed with your acceptance speech. It made mention in here about the hospitals, you know I worked with the Sergeant here for...on several occasions, whether it was in the City, in my Ward or you know, most recently at the hospital and he is always very professional, very dedicated and you have a sense that things are going to be okay. And I've always appreciated that. I wish you well, we are very fortunate to have you. Thank you.

*(STANDING OVATION)*

SERGEANT VICTOR GEORGE: I'm humbled by this. I want to thank City Council, the Mayor, the Safety Director, Mr. Martuccio. It's an honor to accept this. I truly appreciate it. It's been a pleasure serving the City of Canton for the past 20 years, you're stuck with me for a minimum of 5 more. *(Laughter)* But it's probably going to be more like 13. I work with a bunch of fellow officers, male and female, I would be remiss if not recognizing them. One person I see it, doesn't make up a Police Department. But as whole, together we do a fine job, all of us. Again, I try to work hard for everybody, I think I do. I look at everybody in the City here as my family. I've had opportunities to leave but I was born and raised here. My father served 30 years on this Police Department, he served another 12 years at Jackson Township and then he decided to work another 8 years for their dispatch. So, we're rooted in here. The comment that I recently heard, or in the paper about Forbes rating us the 9<sup>th</sup> worst City or miserable City to live in, I don't believe in. *(Applause)* We have a lot to offer our residents and our guests in our City. There are trouble with all Cities throughout this great Nation, not just Canton, Ohio. And all it's going to take is some open minds, one good idea and you watch how things will turn around and we'll be the 9<sup>th</sup> or higher, best City to live in someday and someday soon. *(Applause)* Thank you very much.

PRESIDENT PRO TEM SMUCKLER: Mr. George, don't walk away Mr. George. It's not that simple, first of all, if you would point out to Council who the hard working Policeman is...former Policeman, in the back of the room, your father.

SERGEANT VICTOR GEORGE: Okay, I'll introduce my family that's here. Standing is my father, David George, he is a retired Lieutenant from here. *(Applause)* That's my mother, RoseMarie who supported him all those years. *(Laughter and Applause)* Seated, or who was taking the photographs of me, that's my sister, she's been working for City Council for the last 26...I'm sorry The Clerk's Office for the last 26 years. *(Applause)* So....

PRESIDENT PRO TEM SMUCKLER: I want to take the opportunity...and I'll let you introduce the last party here in one second.....

SERGEANT VICTOR GEORGE: Okay, I better or I'll get in trouble.

PRESIDENT PRO TEM SMUCKLER: So you don't get in trouble. *(Laughter)* But especially from this group, I want to say that most all of us in this room that have had the opportunity to be down here for any more than three days have had to call on someone in the George family for advice. And I think that that's a testament to this whole family.

SERGEANT VICTOR GEORGE: Thank you. Last is my girlfriend, Rebecca Reed. *(Applause)*

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PRESIDENT PRO TEM SMUCKLER: And one last thing and this was the most impressive thing in that speech that I heard on the night that...or the morning that Member Dougherty and myself were there, that Member Dougherty and I were the original Council People that brought the bike patrol program here. I want you to look at this man because this is one of the original bike patrol people. *(Laughter)*

SERGEANT VICTOR GEORGE: I still...I don't know if it's a record or an honor but...*(Laughter)* in 1994 we started our bike patrol here, I was in it for 2 years, I left in '96 and whenever I would break that bike and take it in there, the man would shake his head and say "No but in the world ever broke that part on that bike." *(Laughter)* And I tried to tell him, I am your economy size police officer. *(Laughter)* If it can break, I will break it. *(Laughter)*

PRESIDENT PRO TEM SMUCKLER: Thank you, anyone else from Council? Thank you Mr. George, congratulations.

SERGEANT VICTOR GEORGE: Thank you.

*(STANDING OVATION)*

PRESIDENT PRO TEM SMUCKLER: Thank you for your patience.

**PUBLIC SPEAKS**

PRESIDENT PRO TEM SMUCKLER: We will go back to the part of the Agenda for Public Speaks. We have a large group signed up tonight, I will remind everybody....and since we have such a large group, I will tell you that I will do my best to enforce the 3 minute rule that City Council has. And Denishe Mays, did I say that correctly? And if so, I apologize.

DENISHE MAYS: *(Inaudible)*

PRESIDENT PRO TEM SMUCKLER: Okay, please come to the front. Welcome and if you please give your name and address, remarks will be on zoning.

DENISHE MAYS: Good evening Council, my name is Denishe Mays and I currently reside at 231 6<sup>th</sup> Street, which is the YWCA. I intend to speak on behalf of the homeless, the disabled and our children in the YWCA. In honor of black history month, I have currently been on religious crusade to show our children that no matter what obstacles stand in your way, it's a essential to stay positive. To the 2<sup>nd</sup> Ward Council Woman, Chris Smith and to the 4<sup>th</sup> Ward Councilman, Mr. Thomas....not to offend any of you Council, I would like to commend you on your service and publicly commemorate your leadership as African Americans in our community. I have walked on both sides of the streets and came up with the same conclusion about our community is that we need more education. Tonight I'm asking you Council Members to meet with your area mortgage advisers in the community so that we can possibly have people come into our building to help out our mothers and our homeless. I know that in this particular section of town, Governmental housing is the only plan, I'm proposing to start opening up other options for our homeless. Education is the key, many of us don't want it but many such as myself do. Protecting morality in our community is my vision and as a future citizen and politician of Northeastern Ohio, I'm proposing to Council

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to start doing a little footwork out here as well. In conclusion, to our Honorable Mayor Healy and Director Torres, I would like to thank you for visiting our building, it showed you care. A lot of our residents are hopeless and many are satisfied about their living situations but my vision is to work with you to educate our community and I'm a walking testimony on overcoming. My vision for Northeastern Ohio is expansion and to promote racial and economic adversity, adequate health care and I observed our different zones...or Wards from the outskirts and I'm willing to do what I can to help. Thank you.

PRESIDENT PRO TEM SMUCKLER: Thank you. Next speaker, Christine Peterson.

CHRISTINE PETERSON: Good evening, my name is Christine Peterson and I live at 1319 14<sup>th</sup> Street, NE in Canton. Mr. President, Members of Council, Mayor, Administration and Council Clerks, my purpose here tonight, as it was approximately 1 year ago, is to again, place into the hands of each Council Member, the Council President, the Council Clerks, the Mayor and his Administration, a resource that offers a true way of guidance in application to the everyday operations of Canton. With true guidance and wisdom, this Council and Administration can ensure the citizens and constituents of this City that they are about the application of wise governance, not politics. Wise governance seeks truth and truth offers wisdom to those who ask. Truth through prayer provides you freedom to govern. Seek City....Seek God for the City, 2010, which is a compliment from the House of Prayer Restoration House Ministries International in Canton, is a tool to be used daily to focus and guide each of you to pray for specific groups and/or individuals in different situations in our City and also in of our Nation and our World. I as a citizen of Canton and living in this community, firmly believe it is a valuable tool. I hope and pray that all of you will use this tool daily during the lenten season, February 17<sup>th</sup> to March 28<sup>th</sup> to seek God for our City, Canton, Ohio. Thank you and God Bless each of you.

PRESIDENT PRO TEM SMUCKLER: Thank you very much. Next speaker, Jason Scaglione.

JASON SCAGLIONE: Good evening, my name is Jason Scaglione, I reside at 3027 Glen Place NW. I just wanted to take a minute to ask for all your help, for everyone here in the City of Canton. You have some very wonderful neighborhood associations here and I think sometimes our residents don't know of them. That's why I know that all of you folks speak with a lot of people everyday and if you could just get that word to them that they do have an association and maybe help them understand where that is. If we can get our communication there and get these people out, I think we can all help each other much better. I seen some people in my organization in this last snow storm, a lady had to be taken out by ambulance, there was neighbors there shoveling out a pathway for them to get that...that hospital bed up to her door. Just an example of what we can do, what we need to do and we need to grow it, if it's, you know, the people that volunteer, I want to thank everyone of them. I think we can all volunteer and offer somehow. I just...again, we gotta get these people together and if you guys will please help me get the word out, you do have an association, you do belong somewhere, make yourself known, if you have a special needs, they may be able to help you. If you're elderly and your driveway is blocking that snow storm, one of those people can probably help you out. I just had one other thing, I'm hearing a lot about how the crime is down in Canton, it's reported calls. I'd like to know to, doesn't that correspond with a decrease in residency too? Thank you.

PRESIDENT PRO TEM SMUCKLER: Thank you Mr. Scaglione. Next speaker Urie Hershberger.

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URIE HERSHBERGER: Good evening Council. Urie Hershberger, I live at 1365 Yale Avenue NW here in Canton. I'm a landlord, I'm a landlord who lives in the City. I understand there is some frustration about landlords who don't live in the City but I live here. And I'm the owner of a 9 unit apartment house at 1002 Walnut Avenue NE here in Canton. Some of you maybe familiar with the site, it used to be the site of the downtown drugstore where you could pick up almost anything that you wanted to. And the site that had caused some grief to the Administration of the City. And we bought the place, we cleaned it up, we vacated the alley between it and the property beside it, which we also take care of. We put new siding, new windows in it and upgraded it and kicked out the tenants that lived there that were not good for the neighborhood. And I got my life threatened a few times in the process but prevailed. We fenced it off, we caused it to become a private campus like setting. And in the process, we've been able to bring some change to the entire neighborhood. The County rewarded us by raising our property taxes. Canton City just rewarded us by raising our sanitation fees. We were under contract with the City, we were paying \$86.65 a month and those rates raised in August to \$107.90 a month, a 24% increase. When I went to a private hauler and got rates of \$65.00 a month, which is 40% less than what the City is charging me, come to find out, I don't have the freedom to get a private dumpster because of an Ordinance that was passed back in 1990 that says I have to do business with the City for a dumpster for a multi-family residential property. I'm asking City Council to correct this injustice, to amend that Ordinance so that I can go to a private company or for the City to be willing to meet the rate of a private company at a site where I'm already having to subsidize out of my personal income every month because I don't have it fully occupied with the quality of tenants that I'd to keep there. Thank you for your time.

PRESIDENT PRO TEM SMUCKLER: Thank you Mr. Hershberger. Next speaker, Daniel Coen.

DANIEL COEN: Good evening Council, my name is Dan Coen, it's not Cone, it's Coen...C-O-E-N.

PRESIDENT PRO TEM SMUCKLER: My apologies.

DANIEL COEN: That's okay sir. I live at 3105 Crescentview Dr in Perry Township, Ohio. I'm here tonight to talk about the International Property Maintenance Code and encouraging your passage of that as it was written in the first of January, when we first were talking about this. Without all the amendments that have been discussed recently. And this is why, I do not live in the City of Canton but I have over 100 homes in the City of Canton. I've got a lot of skin in the game here, I've spent over 3 million dollars purchasing and renovating homes over the last 8 years. I spend about \$70,000.00 a year in property taxes. I spend about \$50,000.00 a year for Canton City Utilities, so I've got some skin in the game here. I'm in support of the International Property Maintenance Code but not of the additions that have been made. And the reason why is, when I started in business 8 years ago, I wanted to buy houses just like they do on T.V. I wanted to fix them up and I wanted to sell them to homeowners but because of many factors, the economy, banking situations, the sub prime market, which I chose not to participate in, I was unable to sell any of my homes. So I became a landlord by default and I would have never thought that 8 years ago, I'd be sitting here today saying that I'm a landlord and have 100 properties, I did not want to do that but I had to survive. I made a leap in faith and what I wanted to do in life and my business partners and I decided that if we're going to be landlords, we're going to be the best landlords that we can be. And many of you know who I am, you've met, some of you have seen my rental properties, you know that I'm a good landlord. And I'm in all support of the International Property Maintenance Code but by continuing to add amendments to it to where we're getting back to what we had before, I think it's unfair to landlords. Right now, most of the homes in the City of Canton would not pass the City Code. The homes that are not coded right now, my homes are coded.

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Everyone of the homes that I bought, was an owner occupied home, it was a foreclosed property. So, I know that by the time when I bought it and it didn't pass code that it can't be that just the 100 homes that I bought, it has to be most of the homes in the City. And it's not to say that the other people don't live safe homes, it's just that the burden on repairing those comes to the landlords and not to the homeowners. So, to have an extra light on the outside of the house, on the side door or back door, maybe some of the Council Members don't have that because you're not required to. Is it really a safety issue? It's only if you're a landlord. I'm just asking that you pass the International Property Maintenance Code because it's...if you're going to do it and if it's a safety issue and it's a cosmetic issue, that you make it fair for everyone, homeowners involved too, not just the landlords. Because it seems like the burden all falls on us where incur all the cost. So if you're going to do it, do it for everybody but I would encourage you to pass just the International Property Maintenance Code as it stands simply because it effects the cosmetics of the outside. Thank you sir.

PRESIDENT PRO TEM SMUCKLER: Thank you. Next speaker, Brigid Brockway.

BRIGID BROCKWAY: My name is Brigid Brockway of 5916 Shakertown NW in Canton. I am here on behalf of the Unitarian Universalist Congregation of Greater Canton. Unitarian Universalist Congregation of Greater Canton presents you with these valentines as a part of Unitarian Universalist National Standing on the Side of Love Campaign. The mission of Standing on the Side of Love is to harness love's power to stop oppression. As standing on the side of love puts it, "No One Should be Dehumanized Through Acts of Exclusion, Oppression or Violence Because of Their Identities." We ask that you support your constituents who are gay, lesbian, bisexual and trans-gendered and their alias. These people are fathers, mothers, friends, sons, daughters, children and voters. They live work and love all around us and deserve to be loved and respected just as they are. We, the Unitarian Universalist Congregation of Greater Canton do not demand that you agree with us or...but for the moment, we simply ask that you remember that people who are gay, lesbian, bisexual and trans-gendered should not incur exclusion and discrimination based on the way they were born. We do hope that someday you'll laws that provide protection for this group that is currently not afforded basic human rights.

PRESIDENT PRO TEM SMUCKLER: Thank you. Next speaker, Dave Kirven.

DAVE KIRVEN: Dave Kirven, 926 Wise Avenue SE, North Canton, Ohio. I represent the Plumbers' and Pipefitters' Local 94 located on 13<sup>th</sup> Street in Canton. I'm going to speak about the IPMC, International Property Maintenance Code. I keep reading in the newspaper and hearing at recent Canton City Council Meetings how Canton's restrictive housing code is going to keep investors from buying property in Canton. If this is true, why do rental properties go from 40% of your housing in the early '90s to soon to be 65%. If you read the real estate property transfers, properties are being bought weekly for pennies on the dollar. Does having stricter then State or International minimum codes mean they're wrong? Isn't that what's breaking down our society and economy by going to minimum codes and regulations? We've watched our banks fail from minimum regulations and our manufacturing jobs shipped overseas to Countries to little or no codes and regulations. Codes are written to protect people as the Canton Housing Code was written to protect the safety of the residents of Canton. City Council should be applauded...City Council should be applauded for keeping the safety of their citizens at the forefront of this process. The local trades are not against the International Property Maintenance Code, we simply feel that a potential...with a potential 65% of your residents being tenants, some form of mandatory interior inspection should be performed to ensure the integrity of your plumbing, heating and electrical systems. With less then 10% of our work being done in the residential market, the majority of this work created by these inspections will be performed by contractors not



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affiliated with union building trades, which can be verified through public records of building permits. This is not an issue or a matter of keeping your Building Department from being decertified as rental property owners are trying to mislead the public into thinking. It's a matter of providing safe and liveable housing for the residents of Canton. Thank you for your time.

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

DAN FONTE: Mr. Chairman, Members of Council, Administration, I'm here to also speak on the International Property Maintenance Code and as I've been kinda sitting around listening to.....

PRESIDENT PRO TEM SMUCKLER: Mr. Fonte, I know you're a regular but I still need your name and address.

DAN FONTE: Oh, I'm sorry. Dan Fonte, 4415 Dawnridge Circle, NW in Canton. As I was starting to say is I've been listening to these back and forth on this International Property Maintenance Code, every time I come to a meeting, there's more questions and more questions and more questions and all I hear is "We gotta get this adopted." "We gotta get this adopted." "We gotta get this adopted." Well let me tell you something that an old timer told me a long time ago, "If you can't get it right, don't adopt it. Don't come back in a year and change it, take your time, go through all the issues, dot your i's, cross your t's and make sure you're comfortable with it because you're going to live with it." So, what's the hurry, what is the hurry? Sit down, do your due diligence, research it. Ya know, once you adopt an International Code, which all these CBO's want you to do, it's a money maker, the code writers make money, they change every 2 years, are they going to be better...worse? Once you sign on, you sign on to it. You're going to take out a bunch of Ordinances over the years that Councils did for problems before. And I don't think there's a one shoe that fits all. Now, you gotta sit and look at your housing stock here, you're in a different situation, do it right. Every Council Member has had questions that I heard, nothing gets addressed. Well just adopt it as it is...just adopt it as it is. Well, I think if I was a Council Member, let me tell you something, I'm going to get my say in the pie and I want you to adopt what I want to adopt. Now, if the vote goes down, it goes down but I'm going to put my 2 cents in if I'm a Council Member because I'm recommending the citizens, their health and safety and everybody has to follow rules and laws. I don't like to sit and wait at a traffic light for...well however long it is, I want to just stop and go through it, can I do it? Until I get caught, you know. So the point of it is, we all live by laws and rules be sure what you do, you're going to be happy with. Because that's the old adage, once you do it and then you're going to get hit right here and say "Oh, why didn't I think of it?" There is no urgency, the world ain't gonna fall apart. Take your time, get it right and answer all your questions and then you'll have something you can be proud of, don't rush into nothing. And the one size don't fit all with these National Codes because all you do is send your Chief Building Official to these seminars and you pay for them to go there and they talk it and then they're going to have a new Code and this and that and that's what it's all about. You got Ordinances here, live with them here, thank you very much.

PRESIDENT PRO TEM SMUCKLER: Thank you Mr. Fonte. Last speaker is Ida Ross-Freeman.

IDA ROSS-FREEMAN: Good evening, Mayor and Council People. My name is Ida Ross-Freeman, I live at 1129 7<sup>th</sup> Street NW. And I have something I want to read. After my near death experience here in my community, I began to reflect on things I've seen change in the 40 plus years I've lived here. Believe me, there has been changes for us as minorities here in my community. One thing I have not seen much change in is minority employment. One of us in every office is not enough. Yes, we do apply for employment here and

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yes we all qualify. Yes, I would like to someday ride through my community and be able to point out to my grandchildren someone building on something road, whatever that reflects me. These I pray will happen before my demise. I guess you might say, I too have dreams. My dreams are equal...my dreams are equal and fair treatment and employment for my children and my grandchildren. Thank you so very much.

PRESIDENT PRO TEM SMUCKLER: Thank you. This concludes Public Speaks.

**COMMUNICATIONS**

PRESIDENT PRO TEM SMUCKLER: We are now under...oh we already did Informal Resolutions cause we skipped ahead. We are now under that....Communications...Let the journal show that all Communications are received as filed.

***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 22, 2010.***

84. AUDITOR MALLONN: CERT OF TOTAL AMT FROM ALL RESOURCES FOR EXPENDITURE & BALANCES. - RECEIVED & FILED
85. COMMUNICATION DIRECTOR HERMAN: AUTHORIZE SERV DIR TO ACCEPT DONATIONS IN AMT OF \$2,500.00 EACH FROM ARTSINSTARK, CANTON REG CHAMBER OF COMMERCE & STARK-TUSC-WAYNE JOINT SOLID WASTE MGMT DISTRICT TO FUND PORTIONS OF CANTON CONNECTION FOR 2010; REQ \$7,500.00 SUPP APPROP FR: UNAPPROP 1001 GENERAL FUND TO: 1001 200501 GENERAL GOVT SUPPORT ADMIN - OTHER. - FINANCE COMMITTEE
86. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR &/OR SERV DIR TO COMPLETE CONTRACTING PROCESS FOR HOME CHDO GREEN HOUSING PROJ, AMEND TO INCLUDE RE-AUTHORIZATION OF O#204/2009 APPL W/US EPA & ACCEPT \$444,004.00 IN BROWNFIELD STIMULUS FUNDS; AUTHORIZE MAYOR TO ENTER INTO CONTRACT W/STARK STATE COLLEGE IN AMT NOT TO EXCEED \$375,559.00 & GOODWILL INDUSTRIES IN AMT NOT TO EXCEED \$66,845.00; AUTHORIZE AUDITOR TO ESTABLISH 2235 BROWNFIELD JOB TRAINING GRANT FUND; AMEND O#193/2008. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
87. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO ECONOMIC GROWTH INITIATIVE AGMT W/AMERIDIAL INC TO PROVIDE JOB CREATION TAX INCENTIVE FOR LOCATING IN CANTON RESULTING IN 170 NEW JOBS. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
88. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/CANTON COMMUNITY IMPROVEMENT CORP TO PROVIDE A GRANT UTILIZING CDBG FUNDS IN AMT NOT TO EXCEED \$500,000.00 FOR GRANTS, LOANS, & ADMIN COSTS. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES

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89. DEVELOPMENT DIRECTOR TORRES: REQ \$152,265.00 SUPP APPROP FR: UNAPPROP 2211 506001 COMM DEV FUND TO: 2211 506001 COMM DEV - OTHER; HUD HAS APPRVD REIMBURSEMENT OF ELIGIBLE NSP COSTS PAID FROM CDBG FUNDS IN 2009. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
90. DEVELOPMENT DIRECTOR TORRES: ESTABLISH FAIR REUSE VALUE OF PARCEL OF REAL PROP & AUTHORIZE DISPOSITION OF SAID PROP, PARCEL # 02-22031, RICHARD T. MALLET ON LAWRENCE RD NE. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
91. FINANCE DIRECTOR ALGER: AUTHORIZE APPROP REDUCTIONS, APPROP TRANSFERS, SUPP APPROP & INTERFUND TRANSFERS TO CONTINUE CITY'S OPERATIONS. - FINANCE COMMITTEE
92. HEALTH BENEFITS ADMIN MCBRIDE: JAN 2010, MONTHLY COMPARATIVE RPT - INS CLAIMS & JAN - DEC 2010 TOTAL PAID CLAIMS ACTIVITY. - RECEIVED & FILED
93. LAW DIRECTOR MARTUCCIO AND SAFETY DIRECTOR REAM: AUTHORIZE LAW DIRECTOR TO PREPARE INFORMAL RESOLUTION OF SUPPORT FOR CONSIDERATION OF THE EMERGENCY DISPATCHING OPERATIONS WITHIN STARK COUNTY BASED ON MEMORANDUM OF UNDERSTANDING. - JUDICIARY COMMITTEE
94. MAYOR WILLIAM HEALY: REQ AUTHORIZE APPT OF DANIEL R COEN TO CITY'S HOUSING ADVISORY BOARD FOR TERM 3/3/10 - 2/28/12. - PERSONNEL COMMITTEE
95. MAYOR WILLIAM HEALY: REQ AUTHORIZE RE-APPT OF BRENDA TURNER TO CITY'S HOUSING ADVISORY BOARD FOR TERM 3/1/10 - 2/28/12 - PERSONNEL COMMITTEE
96. MAYOR WILLIAM HEALY: ADVISE RE-APPT OF JIM GRIFFIN TO CANTON COMMUNITY IMPROVEMENT CORP FOR TERM 1/1/10 - 8/31/10. - RECEIVED & FILED
97. MAYOR WILLIAM HEALY: ADVISE APPT OF TOM WEST TO CANTON COMMUNITY IMPROVEMENT CORP FOR RETRO TERM 1/1/10 - 8/31/10. - RECEIVED & FILED
98. MAYOR WILLIAM HEALY: ADVISE APPT OF JOE COLE AS ALTERNATE TO CANTON COMMUNITY IMPROVEMENT CORP FOR RETRO TERM 1/1/10 - 8/31/10. - RECEIVED & FILED
99. MAYOR WILLIAM HEALY: ADVISE APPT OF DAVE DOUGHERTY AS 2<sup>ND</sup> ALTERNATE TO CANTON COMMUNITY IMPROVEMENT CORP FOR RETRO TERM 1/1/10 - 8/31/10. - RECEIVED & FILED
100. SAFETY DIRECTOR REAM: REQ LEGISLATION TO AUTHORIZE SAF DIR TO ENTER INTO CONTACT W/SARTA TO LEASE AVAILABLE SUBFLEETS ON CITY'S 800 MHz COMMUNICATION SYSTEM. - FINANCE COMMITTEE

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101. SAFETY DIRECTOR REAM: AMEND CLASSIFICATION PLAN FOR MGMT & NON-BARGAINING UNIT EMPLOYEES TO ADD NEW POSITIONS OF QUALITY MGR AND DNA TECHNICAL LEADER TO CRIME LAB, UTILIZING EXISTING PERSONNEL THUS NOT INCREASE TOTAL NUMBER OF AUTHORIZED POSITIONS AT CRIME LAB. - PERSONNEL COMMITTEE
102. SERVICE DIRECTOR PRICE: REQ \$15,000,000.00 SUPP APPROP FR: 5223 207025 UNAPPROP WATER INFRASTRUCTURE CAPITAL IMPROVEMENT FUND TO: 5223 207025 APPROP WATER INFRASTRUCTURE CAPITAL IMPROVEMENT FUND; AUTHORIZE TO APPLY & ACCEPT POTENTIAL GRANT FUNDING THROUGH AMERICAN RECOVERY & REINVESTMENT ACT (ARRA). - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
103. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR &/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD & EXECUTE CONSTRUCTION CONTRACT; AUTHORIZE MAYOR &/OR SERV DIR TO EXECUTE PROF SERV CONTRACT FOR CONSTRUCTION ENGINEERING SERV W/OMNI PRO SERV LLC; AUTHORIZE ARRA FUNDS IN AMT OF \$1,200,000.00 FOR PROJ THROUGH ODOT TO FUND COST OF BOTH CONSTRUCTION & CONSTRUCTION ENGINEERING CONTRACTS; MAKE 1,200,000.00 SUPP APPROP FROM UNAPPROP BAL OF 4549 FULTON RD/PARK DR INTERSECTION IMPROVEMENT FUND, GP 1077 TO: 4549 202033 FULTON RD/PARK DR INTERSECTION IMPROVEMENT ARRA FUND GP 1077; AUTHORIZE RECEIPT OF OHIO PUBLIC WORKS COMM FUNDS IN AMT OF \$549,080.00; MAKE \$549,080.00 SUPP APPROP FR: UNAPPROP BAL OF 4549 FULTON RD/PARK DR INTERSECTION IMPROVEMENT FUND, GP 1077 TO: 4549 202080 FULTON RD/PARK DR INTERSECTION IMPROVEMENT FUND, GP 1077; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE COMMITTEE
104. SERVICE DIRECTOR PRICE: INFORMING COUNCIL THAT A PLA WILL NOT BE USED IN THE FULTON RD/PARK DR INTERSECTION IMPROVEMENT PROJ, GP 1077 BECAUSE PROJ IS FUNDED WITH ARRA FUNDS DISTRIBUTED THROUGH FHWA TO ODOT. - RECEIVED & FILED
105. SERVICE DIRECTOR PRICE: REQ LEGISLATION TO FORM A JOINT COMMITTEE W/CITY OF ALLIANCE TO STUDY POSSIBILITY OF WATER SERV AGMT BETWEEN THE TWO CITIES. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
106. TREASURER SCHIRACK: RPT OF DEPOSITS & PAY INS TO AMBULANCE LOCK BOX ACCT FOR JAN 2010. - RECEIVED & FILED
107. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR JAN 2010. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT PRO TEM SMUCKLER: First Readings of Ordinances. Let the journal show that all Ordinances are being given their first reading as required by State law. Madame Clerk.

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***NOTE: PRESIDENT PRO TEM SMUCKLER CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #12 FOR THEIR FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:***

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE VACATING A PORTION OF MENTZER PLACE NE; AND DECLARING THE SAME TO BE AN EMERGENCY **PUB HRG: 3/8/10 @ 7:30 PM**  
Referred to Public Safety & Thoroughfares Committee
- 
- # 2. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (1639 MAPLE AVE NE - MUNIR RASDAN)  
Referred to Judiciary Committee **PUB HRG: 3/8/10 @ 7:31 PM**
- #3. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (1658 SUPERIOR AVE NE - FAMILY CHRISTIAN CENTER)  
**PUB HRG: 3/8/10 @ 7:32 PM**  
Referred to Judiciary Committee
- 
- #4. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A GRANT FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY IN AN AMOUNT NOT TO EXCEED \$4,500.00; AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (FIRE DEPARTMENT)  
Referred to Finance Committee
- #5. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT A GRANT FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR) IN AN AMOUNT NOT TO EXCEED \$495,000.00 FOR THE CONSTRUCTION OF AN INDOOR WATER PARK FACILITY AT THE EDWARD "PEEL" COLEMAN CENTER; AND ENTER INTO A PASS THROUGH AGREEMENT WITH THE ODNR IN AN AMOUNT NOT TO EXCEED \$495,000.00; AUTHORIZING THE AUDITOR IS AUTHORIZED TO ESTABLISH THE 2237 WATER PARK FACILITY GRANT FUND; AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #6. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (\$53,091.00 POLICE DEPARTMENT)  
Referred to Finance Committee
- #7. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING SECTION 133.051, CHARGES FOR PUBLIC SAFETY SERVICES AT SCENES OF MOTOR VEHICLE ACCIDENTS, AND SECTION 705.07,

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CODIFIED ORDINANCES OF THE CITY OF CANTONReferred to Judiciary Committee

#8. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AN AGREEMENT WITH THE CREDIT BUREAU OF STARK COUNTY FOR COLLECTION SERVICES REGARDING AMBULANCE BILLING COLLECTIONS AND NON-FIRE RELATED FIRE DEPARTMENT SERVICES FOR MOTOR VEHICLE ACCIDENTS; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee

#9. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH STANDARD INSURANCE COMPANY FOR GROUP TERM LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE COVERAGE FOR ELIGIBLE CITY EMPLOYEES; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee

#10. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AMENDMENT NO. 1 TO THE COOPERATION AGREEMENT WITH J.R. COLEMAN COMMUNITY RENOVATION CORPORATION FOR THE MAHONING ROAD CORRIDOR ECONOMIC DEVELOPMENT PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (\$440,000.00)  
Referred to Public Property Capital Improvement Committee

#11. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING SECTION 551.01, DEFINITIONS, AND SECTION 551.03, NOTICE TO REMOVE; ACTION UPON NONCOMPLIANCE, PROCEDURE FOR COLLECTING EXPENSES; APPEALS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON  
Referred to Judiciary Committee

#12. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING SECTION 917.04, NOTICE TO TRIM; CITY MAY TRIM, UNPAID COSTS A LIEN, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON  
Referred to Judiciary Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

CLERK TIMBERLAKE: We are now under Ordinances for their Second Reading.

***NOTE: CLERK TIMBERLAKE READ ORDINANCES 13 THROUGH 18 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

#13. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010, AS AMENDED, BY MAKING THE APPROPRIATION REDUCTION HEREIN

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DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY  
(\$556,340.11 - HOMELESS PREV & RAPID REHOUSING)

- #14. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AS AMENDED, BY MAKING THE APPROPRIATION TRANSFER AND SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (NEIGHBORHOOD STABILIZATION FUND - \$111,227.11, FED PROJ FUND & YOUTH DEV DONATION FUND)
- #15. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO COMPLETE THE CONTRACTING PROCESS FOR CONTRACTS PREVIOUSLY AUTHORIZED BUT NOT COMPLETED BY JANUARY 1, 2010; AND DECLARING THE SAME TO BE AN EMERGENCY
- #16. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$5,000.00 TO SMITH ADVISORY GROUP; AND DECLARING THE SAME TO BE AN EMERGENCY
- #17. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT AND EXECUTE GRANTS FROM THE STARK-TUSCARAWAS-WAYNE JOINT SOLID WASTE MANAGEMENT DISTRICT; AND DECLARING THE SAME TO BE AN EMERGENCY (2010 RECYCLING MAKES SENSE & 2010 COMPOSITE PGM)
- #18. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO DONATE USED CELL PHONES AND BLACKBERRIES TO THE NON-PROFIT DOMESTIC VIOLENCE SHELTER

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

CLERK TIMBERLAKE: We're now under Ordinances for their third and final reading.

- #19. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 22/2010** 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)

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance 19.

MEMBER PRATER: Seconded.

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PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded that we adopt Ordinance 19. Is there any discussion?

MEMBER CIRELLI: Mr. Chairman.

PRESIDENT PRO TEM SMUCKLER: Well, hang on a minute. We've got an amendment on this one.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: I move we amend Ordinance 19 per the amendment in front of all Council.

MEMBER PRATER: Seconded.

**AMENDMENT**

*Pursuant to Rule 36, I move to amend Section 1 of Agenda Item No. 19 by substituting the following language for the current last sentence.*

*Said amount shall not include payment for the demolition of the existing structure upon the property. The demolition costs shall be borne and paid for by the owner.*

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt the amendment on Ordinance #19. Any discussion on the amendment?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: Could we have a brief explanation of the amendment.

PRESIDENT PRO TEM SMUCKLER: Law Director, you're on.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President, Member Dougherty. This amendment reflects questions that were presented to me by some Council Members last week during Committee Meetings. This amendment authorizes an expenditure....this Ordinance authorizes an expenditure not to exceed \$60,000.00 out of the Neighborhood Stabilization Program to purchase real property located at 902 Cherry Avenue NE. It was asked of me to clarify that that purchase price shall not include the demolition of the property...the existing structure on the property. The amendment reads that amount, being \$60,000.00 shall not include payment for the demolition of the existing structure upon the property. And it goes on to clearly say the demolition costs shall be borne and paid for by the owner. Thank you.

PRESIDENT PRO TEM SMUCKLER: Any further discussion of the amendment? By voice vote, all those in favor, signify by saying aye. All those opposed.

NO REMARKS

AMENDMENT PASSED BY VOICE VOTE



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(MEMBER CIRELLI VOTED NO)

PRESIDENT PRO TEM SMUCKLER: The ayes have it. The amendment is now part of the Ordinance. Member Cirelli.

MEMBER CIRELLI: Thank you Mr. Chairman. Mr. Chairman, this is a property, the old McDonalds as it's been referred to and on discussing this, it was...someone brought this paper to me and said "Well here, the stated value is \$200,000.00. What they didn't look at that was a recent sale information, the transfer date on that was 10/19/2001, I do my homework too. I have here before me the market value summary, in 2006 the total value, the land value is 39,400, building value, \$141,400.00, the total value is \$180,800.00. In the year of 2008, the market value, the land value was 13,000, the building value at 13,000 and the total value together was 26. Now this not the tax value. The tax value for the year of 2008, the land value for taxing purposes was 4,550, the building was also 4,550, being together a total of \$9,100.00 that it was taxed on. I think that we are paying far too much for this piece of property. I...we had some discussions, also Mr. Martuccio and maybe you weren't privy of that but Mr. Torres was as Member Smuckler and myself as of late last Friday about including the property across the street, which is a Kentucky Fried property. Because someone wants to take...the one I say someone, in our Community and Economic Development Department wants to make a housing unit there. With that all standing there and even taking that out of the picture, I have to cast my vote with the fact that would I want to purchase a property there, a new home or whatever. And after doing my due diligence that I feel, I have to vote no on this. So, I just wanted to put my two cents in there sir. Thank you.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member West.

MEMBER WEST: Member Cirelli, as well as other Council Members, this historic site actually...or this site, blighted site if you will, has been a thorn in Ward 2 for many years. Some months ago, we tried to build a green project across the street and several Council Members, including Mary Cirelli, chose to not support that project to build housing in Downtown Canton. Across the street we're looking at building townhouses, tearing this old dilapidated McDonalds down and improving that neighborhood. The tax values your talking about, I think is 35% according to the Auditor's records. That's 35%, so it actually is worth tearing this blighted structure down and improving our Ward. So people would want to move and live in that area. Urie Hershberger just mentioned, it's not too far from that area. He improved his 8 unit building...it's 8 unit? 9 unit building, a structure that we wanted to tear down. This structure had a lot of prostitutes and drug addicts in it and he is correct, I was adamant about tearing it down and he met with me and he cleaned that whole area up. And this is what we've been trying to do in Ward 2 for the 6 years that I've been here, is to clean up the inner City. And we can only do that by tearing some of these structures down and building some new ones up. So I'd appreciate your support on this.

PRESIDENT PRO TEM SMUCKLER: Any one else? Roll call.

MEMBER DOUGHERTY: Mr. President, are we sure we made the right motion? I'd like to adopt Ordinance 19 as amended.

MEMBER PRATER: Seconded.

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PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #19 as amended. Any further discussion? Roll call.

NO REMARKS

ROLL CALL: 11 YEAS, 1 NAY  
(MEMBER CIRELL VOTED NO)

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

**#19 ADOPTED AS AMENDED AS ORDINANCE NO. 22/2010**

PRESIDENT PRO TEM SMUCKLER: The Ordinance is adopted as amended. Ordinance #20.

#20. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 23/2010** 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

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: Mr. President, 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? Roll Call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

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

#21. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 24/2010** AN ORDINANCE NAMING AN UNNAMED ALLEY IN THE CITY OF CANTON, LINDESMITH COURT S.W.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

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

MEMBER PRATER: Seconded.

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

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

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MEMBER DOUGHERTY: Yeah, I just want to take this opportunity to thank Member Griffin for getting this accomplished. There was a...because of some development, this alley was originally named after Lindesmith individual and unfortunately the alley got vacated. Since then, it gave the notification to the Planning Commission that in the future that should be one of the things that is considered on a vacation, why is that alley named the way it is, there's a history there of something and that needs to be investigated prior to their decision to come to Council and we should remember to also ask that question prior to us voting on that vacation. Thanks Mr. President.

PRESIDENT PRO TEM SMUCKLER: Any further discussion? Roll Call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

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

#22. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 25/2010** 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

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 that we adopt Ordinance #22. Is there any discussion? Roll Call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

PRESIDENT PRO TEM SMUCKLER: Ordinance is adopted. Ordinance #23.

#23. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 26/2010** 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

MEMBER DOUGHERTY: Mr. President.

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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? Hearing none, roll Call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#23 ADOPTED AS ORDINANCE NO. 26/2010**

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

#24. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 27/2010** 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)

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

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. 27/2010**

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

#25. (3<sup>RD</sup> RDG) **POSTPONED UNTIL 3/1/10** AN ORDINANCE AMENDING TITLE SEVEN, HOUSING STANDARDS, OF PART THIRTEEN - BUILDING CODE OF THE CODIFIED ORDINANCES (IPMC)

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

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

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #25. Member Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we postpone Ordinance #25 until March 1<sup>st</sup>.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to postpone Ordinance #25 until March 1<sup>st</sup>. All those in favor, signify by saying aye. All those opposed.

NO REMARKS #25 POSTPONED UNTIL 3/1/10 UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM SMUCKLER: The ayes have it. It will be postponed until 3/1/10. Ordinance #26.

#26. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 28/2010** 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

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance 26 please.

MEMBER PRATER: Seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#26 ADOPTED AS ORDINANCE NO. 28/2010**

PRESIDENT PRO TEM SMUCKLER: Ordinance is adopted. Ordinance #27.

#27. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 29/2010** 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

MEMBER DOUGHERTY: Mr. President.

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PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance 27.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #27. Is there any discussion? Roll Call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#27 ADOPTED AS ORDINANCE NO. 29/2010**

PRESIDENT PRO TEM SMUCKLER: Ordinance #27 is adopted. Ordinance #28.

#28. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 30/2010** 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

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance 28.

MEMBER PRATER: Seconded.

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Cirelli.

MEMBER CIRELLI: Question to the Law Director. Help refresh my memory on this, I know we're doing retroactive on this Ordinance to 1/1/10 but there is no end date. Is that correct sir? Whether we're binded to.

LAW DIRECTOR MARTUCCIO: That's correct Member Cirelli.

MEMBER CIRELLI: Thank you very much.

PRESIDENT PRO TEM SMUCKLER: Service Director, when do bids hope to go out for this?

SERVICE DIRECTOR PRICE: That depends on where we're at in the Union negotiations.

PRESIDENT PRO TEM SMUCKLER: Oh, okay, good point. Any further discussion? Roll Call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

**MINUTES OF THE MEETING FEBRUARY 22, 2010**

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#28 ADOPTED AS ORDINANCE NO. 30/2010**

PRESIDENT PRO TEM SMUCKLER: Ordinance is adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT PRO TEM SMUCKLER: We are under Announcement of Committee Meetings.

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Hawk.

MEMBER HAWK: Thank you. Finance Committee will meet on Monday, March 1<sup>st</sup> at 5:30 PM.

MEMBER PRATER: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Prater.

MEMBER PRATER: Personnel Committee will meet Monday at 5:30.

PRESIDENT PRO TEM SMUCKLER: Member West.

MEMBER WEST: Mr. President, same time, same place, Judiciary Committee will meet.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: Public Property Capital Improvement will also meet 5:30. In addition, we will have little presentation by Tracy Mills over the Sewer Rate Study, that will take approximately 30 minutes.

PRESIDENT PRO TEM SMUCKLER: Whose got Public Safety?

CLERK TIMBERLAKE: Chris.

PRESIDENT PRO TEM SMUCKLER: Member Smith.

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

PRESIDENT PRO TEM SMUCKLER: Thank you. Council Woman Cirelli, I need a call for tomorrow's meeting please.

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Cirelli.

**MINUTES OF THE MEETING FEBRUARY 22, 2010**

MEMBER CIRELLI: The Public Utilities and Environmental meeting will meet tomorrow and this will be concerning the T.V. Consortium. So, at 6:00. *(Member Cirelli meant to say The Environmental and Public Utilities Committee)*

PRESIDENT PRO TEM SMUCKLER: Here?

MEMBER CIRELLI: Yeah, here in the Caucus Room...right in this room. *(Member Cirelli meant to say the Chamber)*

PRESIDENT PRO TEM SMUCKLER: Thank you.

**MISCELLANEOUS BUSINESS**

PRESIDENT PRO TEM SMUCKLER: We are now under Miscellaneous Business. Is there any Miscellaneous Business?

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member West.

MEMBER WEST: Question for the Service Director. Several weeks ago, I brought up the issue about the water fees for 4 units and you said you was going to meet with a committee or something. Has anything worked out...what was the resolution of that?

SERVICE DIRECTOR PRICE: I have another meeting scheduled with the Water and Sanita...the Water and Sewer Superintendents this week, so we're still working on trying to develop a solution for that.

MEMBER WEST: Okay, as soon as you get that, if you could, you know, just let me know what's going on and maybe let the community know because I'm still getting calls as a result of that.

SERVICE DIRECTOR PRICE: Yes.

MEMBER WEST: The second thing I wanted to announce, Gibbs Area Involved Neighborhood, they're having another neighborhood meeting. The last one was excellent and Christine you're doing an excellent job. This is a neighborhood group who have actually came up with their own strategies to address some crime in the area and to address some gang interventions. And they are going to talk about the gang interventions program on February 25<sup>th</sup> at 6:30 PM at Canton Calvary Mission. So anybody whose interested, please see Christine after the meeting. Thank you.

MEMBER CIRELLI: Mr. Pres.....

PRESIDENT PRO TEM SMUCKLER: Safety Director Ream.

SAFETY DIRECTOR REAM: Yes, sir thank you. I'd just like to inform Council that early last week a senior tenured firefighter stepped forward and took the early buyout and at the end of this week we will have the other 3 firefighters back to work. We will have no further firefighters on layoff.

*(APPLAUSE)*



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PRESIDENT PRO TEM SMUCKLER: Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President.

MEMBER CIRELLI: In lieu of Brenda Kimbrough, I guess whose not here, I was asked by Patricia Kirk, this was stuck in my mailbox, that...to announce a Shake A Leaf Meeting that she says is very important on Thursday, February 25<sup>th</sup> at 6:30 at The Church of the Savior in the library room on the first floor. The topic is "Putting Content Into Sustainability" and there will be a guest speaker named Ryan Lewis there. He is an ISA, International Society of Arbiculture Arborist and Municipal Specialist currently working with the City of Shaker Heights. So, I just wanted to announce that.

PRESIDENT PRO TEM SMUCKLER: Mayor Healy.

MAYOR HEALY: Thank you Mr. President. I just wanted to make an announcement and also follow up to a comment that was made earlier in reference to the crime in the City of Canton. We were very fortunate and proud to announce that we had a decrease in 2009 of nearly 20% in violent crimes. That follows a 14% decrease from the year prior, which combined is a two year decrease of just over 30%. That's a significant drop and I want to compliment the Chief and the Service Director and everybody...or Safety Director and everybody involved with the Canton Police Department, the men and women that go out there everyday and do that. But I also, just in a quick response, we would like to believe that there is a direct correlation between a declining population and a declining crime. Unfortunately, the City of Canton has had a declining population for nearly 40 years and our crime has risen, virtually every year along the way up until the past 2 years. So I'm sure there was a few years in there where we had ups and downs but we had a dramatic drop in the last two years that does not correlate to any population shift. And we'll take it, I'm not going to complain about that one bit. So, that was a big issue 2 years ago. Make no mistakes about it, crime is still way too high in our City and we're going to keep fighting to bring it down. But we'll take a 30% drop in 2 years. With that, we are having a Town Hall Meeting, "Crime in our Community" is the topic, I will be hosting and that will be Wednesday evening the 24<sup>th</sup>, Wednesday the 24<sup>th</sup>, which is this week at 6:30 PM at the Canton Police Patrolmen's Association Union Hall, which is at 430 Walnut Avenue NE. Any questions or comments or discussion you'd like to have in reference to helping make our community even safer, please come out, we'd be glad to answer any questions, the Safety Director and I believe Police Chief will be there as well. So, we look forward to seeing you all then. Thank you.

MEMBER BUTTERWORTH: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Anyone else? Member Butterworth.

MEMBER BUTTERWORTH: There will be a public meeting here in Council Chambers Wednesday at 7 P.M. regarding the placement of an electronic billboard up at Guilford off of 38<sup>th</sup> Street. Thank you.

PRESIDENT PRO TEM SMUCKLER: Anyone else?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: Yes, I'd just like to make a comment, not that I'm talking about Member Griffin all night like I did earlier but you know, we....everybody blames me for just taking care of Ward 6 but you

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know, over in Ward 5 over the weekend, we caught 2 people breaking in cars, so, you know, I just was talking about, you know, Sergeant George earlier and working with him and with the Chief here and the Safety Director and the Mayor here, you know, we called the police right away of course and they respond very quickly. It's 3 in the morning and one of my officers at Aultman Hospital saw a 13 year old out and backtrack around and caught him going through a vehicle on the property. So, he was arrested. The very next night on the other side, it was on Arlington Avenue, an employee, and we always encourage them to be our eyes and ears since we cannot be around the 1.3 million square feet, right away got to a van with security and notified him and we tracked this person down who just broke in the vehicle and stole a stereo. So, although you say Mayor that the Police are doing all this....no I'm just kidding (*Laughter*) we're happy to help. (*Applause*) Mr. President I move we adjourn.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adjourn. Any discussion? Roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President. Meeting is adjourned.

ADJOURNMENT TIME: 8:36 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

BILL SMUCKLER  
PRESIDENT PRO TEM