

MINUTES OF THE MEETING APRIL 19, 2010

PRESIDENT PRO TEM SMUCKLER: I'd like to call this meeting of Canton City Council to order. Roll call.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

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

ELEVEN COUNCIL MEMBERS PRESENT. (MARY CIRELLI AND PRESIDENT SCHULMAN ABSENT)

CLERK TIMBERLAKE: Eleven present, one absent Mr. President.

PRESIDENT PRO TEM SMUCKLER: We have a quorum present.

EXCUSING MEMBERS

PRESIDENT PRO TEM SMUCKLER: Member Dougherty, I'll recognize a motion to excuse President Schulman and Member Cirelli this evening.

MEMBER DOUGHERTY: Yeah Mr. President, I'd like to make a motion to excuse President Schulman and Member Cirelli.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to excuse President Schulman and Member Cirelli. Any discussion? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: The motion carries and President Schulman and Member Cirelli are excused from this evening's meeting. I will be giving the Invocation tonight followed by the Pledge of Allegiance. I just heard something already, I will ask you all, there is a Council Rule, please shut off your cell phones. Please rise for the prayer.

The regular meeting of Canton City Council was held on Monday, April 19, 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, Bill Smuckler. The Pledge of Allegiance led by President Pro Tem Smuckler.

AGENDA CORRECTIONS & CHANGES

PRESIDENT PRO TEM SMUCKLER: Agenda corrections and changes.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: I move we suspend Rule 22A to add 2nd Reading of Ordinances 6 through 8.

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MEMBER PRATER: Seconded.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: I would ask that Communication 176 be withdrawn.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to withdraw Communication #176. It is...that will be done at the discretion of the Chair. Rule 22A that all the Ordinances, 9 through 12 are a legal part of the Agenda and Ordinance...I'm sorry, Communication 176 has been withdrawn.

PUBLIC HEARINGS

PRESIDENT PRO TEM SMUCKLER: We are now under Public Hearings. There are no Public Hearing this evening.

PUBLIC SPEAKS

PRESIDENT PRO TEM SMUCKLER: We are now under Public Speaks, we have a few people that signed up for Public Speaks. First speaker, Rose Ward.

MEMBER SMITH: She's been taken care of thank you, she's not gonna speak tonight.

PRESIDENT PRO TEM SMUCKLER: Thank you. Patricia Kirk.

PATRICIA KIRK: Yes, hello good evening. My name is Patricia Kirk, I live at 131 5th St NE and this is something that I did not know. How many of you knew this? I learned this from PBS but 40 years ago when Earth Day was first established, it was for the purpose of doing away with ugliness, ghettos, war, hunger and discrimination. Did everybody know this besides me? I did not know this. It sounds to me like Canton can use a lot more of this right now. This Thursday, the 22nd at 6:30 in the library of Church of the Savior, downtown, Shake A Leaf will be celebrating Earth Day. Our meetings are always open to the public and we will be there to answer all of your questions, now more then ever we need to celebrate Canton and it's environment and what we can do. I hope you come to enjoy our display and our demonstrations. Thank you very much.

PRESIDENT PRO TEM SMUCKLER: Thank you. Next speaker, John Stone.

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JOHN STONE: Good evening, my name is John Stone, I live...reside at 2906 12th Street and I like what she said, you know, that it's really time to be aware of what we have to celebrate here in Canton. And also, you know, I'd just like to talk to about community. If you actually look at the word, you see the word, you capitalize the "U" the work unity is in community and I look up there and it says "Today We Count". And so, you know, we are having this day called B-Earth Day, she was referencing Earth Day and Nimisilla Park and of course, you know, I've talked about Nimisilla Park being the heart of the Heartland. And what that really means, I heard during the prayer even, you know, thinking of those outside of our Country even that are having a hard time and one of the things in Nimisilla Park is raising awareness for other causes outside of Canton. You know, Canton is initiating some sister City connections and everything. So again, I just want to invite everyone to be a part of B-Earth Day and come and participate in the planting of flowers and beautification of our City and you know, I've heard some people say that we want downtown to be the heart but downtown is the head and you know, when the heart is healthy, the whole body is healthy. And so, again, that's just, you know, what I want to say because we have a...we're riding a great wave of opportunity here in Canton and it's not...not something that can be tamed, it just needs to be ridden as it swells to get the most out of the wave. And again, if you look at opportunity, you capitalize that "U", unity is there again and that's just what I want to say and ask everyone again to join us on April 24th in Nimisilla Park. Thank you.

PRESIDENT PRO TEM SMUCKLER: Mr. Stone, what are we doing if it's inclement weather?

JOHN STONE: That's...that's a good question okay, because that did come up, the weather did come up. So, if in that case, we will have a rain day of the following Saturday, which is I believe what, the 31st is that correct? I don't have a Calendar but, is it the 1st...okay, May 1st then. In case of inclement weather. Thank you.

PRESIDENT PRO TEM SMUCKLER: And that is from 10 to 3?

JOHN STONE: 10 to 8:00 PM, we will be there all day long.

PRESIDENT PRO TEM SMUCKLER: You will be there all day long, so if it's not this weekend, it will be the following weekend. Edythe Stinson.

EDYTHE STINSON: Good evening, most of you already know me but I'll introduce myself, it's Edythe Elaine Stinson, I reside at..... in Canton, Ohio. And I'm here for Communications #183 on your Agenda for tonight. I would like to piggyback off of what he said in regards, I'm a part time employee, I retired from the Stark County Commissioner's office and I'm a part time employee at Antioch Baptist Church, which is located at 1844 Ira Turpin Way. I am not happy with the thoughts of ex-sexual predators or ex-felons two doors over by my employment. My church on Easter had an Easter egg hunt in Cook's Park, to think that we have a youth ministry of young children, girls and boys, we had Girl Scouts in summer at the church and to have these individuals in the neighborhood, me being a parent and a grandparent, I come tonight just asking for your support to deny the rezoning of this area. Thank you.

PRESIDENT PRO TEM SMUCKLER: Thank you Mrs. Stinson.

INFORMAL RESOLUTIONS

PRESIDENT PRO TEM SMUCKLER: We are now under Informal Resolutions, which there are none this

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evening.

PUBLIC SPEAKS

MEMBER SMITH: Excuse me Mr. President. *(Inaudible)*...Ms. Brogdon, she didn't sign up.

(FROM THE AUDIENCE: Ruby Brogdon: I did.)

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Mr. Service Director.

SERVICE DIRECTOR PRICE: The, I think the citizen filled out a constituent call back form, handed that to me, which I wrote down her number to follow up and also gave it to your Council Staff but it sounds like she may have intended to sign up for Public Speaks.

PRESIDENT PRO TEM SMUCKLER: I'm sure that wouldn't be a problem Mrs. Brogdon. Why don't you please step up to the microphone, give your name and address, since you did attempt to sign up and we'll here what you have to this evening.

RUBY BROGDON: My name is Ruby Brogdon and I live at 1617 3rd Street NE. I am a member of Antioch Baptist Church, I'm very upset with someone wanting to put sex offenders next to our church. I don't think anyone would want that in the place where they worship. And I'm asking that when this comes up to a vote that you vote against this. For me, I don't want it any place in the 4th Ward, everything that someone don't want, they try to put it off on the 4th Ward. If anyone want it, they welcome, but we don't want it and I don't want it under the place where I worship. Thank you.

PRESIDENT PRO TEM SMUCKLER: Thank you Mrs. Brogdon.

COMMUNICATIONS

PRESIDENT PRO TEM SMUCKLER: Okay...now we're under Communications, let the journal show that all Communications are received as read.

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED APRIL 19, 2010.

175. COURT ADMIN KOCHERA: CANTON MUNICIPAL COURT 2009 ANNUAL REPORT. - RECEIVED & FILED

176. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO RETRO CONTRACT W/CANTON REGIONAL CHAMBER OF COMMERCE TO PROVIDE GRANT UTILIZING CDBG FUNDS IN AMT NOT TO EXCEED \$175,000.00 FOR COMPREHENSIVE ECONOMIC & DOWNTOWN DEVELOPMENT PROGRAM FOR 1/1/10 - 12/31/10. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE **WITHDRAWN**

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177. DEVELOPMENT DIRECTOR TORRES: AMEND O#42/2009 TO AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/HAMMER & NAILS, INC. TO PROVIDE CDBG GRANT NOT TO EXCEED \$50,000.00 FOR EXPENSES IN CONJUNCTION W/GROUP WORKS CAMP FOUNDATION TO ACCOMPLISH SAME GOALS OF HOUSE PAINTING & MINOR REPAIRS. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
178. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/eCIVIS, INC. TO PROVIDE GRANT UTILIZING CDBG FUNDS IN AMT NOT TO EXCEED \$19,132.00 BY ESTABLISHING A GRANTS RESEARCH & MGMT SOLUTIONS SERV FOR LOCAL NON-PROFIT ORGANIZATIONS THRU 12/31/10. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
179. DEVELOPMENT DIRECTOR TORRES: AMEND O#174/2008 TO AUTHORIZE SERV DIR TO ENTER INTO LEASE AGMT BTWN CITY OF CANTON & LOUIS SHAHEEN DBA MIDTOWN CAFÉ @ 204 WALNUT AVE SE IN CORNERSTONE PARKING DECK TO ADJUST RENT FROM \$800.00 PER MONTH TO \$500.00 PER MONTH BASED ON REQUIRED ANNUAL REVIEW OF UTILITY COSTS. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
180. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR TO SUBMIT APPLICATION TO OHIO DEPT OF DEV, MINORITY BUSINESS ENTERPRISE DIV (MBED), EXECUTE AGMT W/OHIO DEPT OF DEV & ACCEPT FUNDS ESTIMATED BTWN \$150,000.00 & \$200,000.00 IF AWARDED; LOCAL FUNDING SUPP PROVIDED BY DEPT OF DEV FOR ONE YR TO ESTABLISH MCBAP CTR IN CANTON TO ASSIST IN CREATION, GROWTH & DEVELOPMENT OF MINORITY BUSINESS ENTERPRISES. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
181. LIQUOR CONTROL DIVISION (OHIO): REQ NEW D5I LICENSE FOR ST HARALAMBOS GREEK ORTHODOX CHURCH DBA ALEX D KRASSAS EVENT CTR @ 251 25TH ST NW. - RECEIVED & FILED
182. MAYOR WILLIAM HEALY: REQ AUTHORIZATION APPT OF MRS. NIKI DICOLA TO INCOME TAX REVIEW BOARD FOR TERM COMMENCING UPON COUNCIL APPROVAL FOR 4 YRS. - PERSONNEL COMMITTEE
183. PLANNING COMMISSION: RECOMMEND APPROVAL OF PROPOSED ZONE CHG OF LOT NOS. 8302 & 8303 @ 1750 IRA TURPIN WAY NE FROM I-1 (LIGHT INDUSTRIAL) TO PR-4 (PLANNED MULTI-FAMILY RESIDENTIAL) TO HOUSE EX-CONVICTS REQUESTED, BY JABEZ M.C.E. & RKL PROPERTIES. - JUDICIARY COMMITTEE
184. PLANNING COMMISSION: RECOMMEND APPROVAL OF PROPOSED REPLAT OF LOTS 28946 AND 41987 @ 1443 COTTAGE PL NW REQUESTED BY DENNIS HOFFNER. - PUBLIC SAFETY & THOROUGHFARE COMMITTEE

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185. PRATER, T., WARD 5 CNCL MBR: REQ LAW DEPT TO RESEARCH & ENACT LEGISLATION FOR JOINT USAGE AGMT OR EASEMENT FOR PROP @ ARLINGTON AVE SW & SMITH AVE SW AND 12TH ST SW & 13TH ST SW ALSO STATING THAT NO PERMANENT STRUCTURE CAN BE ERECTED. - PUBLIC SAFETY & THOROUGHFARE COMMITTEE
186. SAFETY DIRECTOR REAM: REQ APPROVAL OF DEMO OF VARIOUS PROPERTIES ON BEHALF OF CANTON BLDG DEPT. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
187. SMUCKLER, B., CNCL-AT-LRG, HAWK, G., WARD 1 CNCL MBR, CIRELLI, M., CNCL-AT-LRG: REQ TO AUTHORIZE SUPP APPROP FOR MORE POLICING & POLICE RESPONSES WITHIN NEIGHBORHOODS. - FINANCE COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT PRO TEM SMUCKLER: First Reading of Ordinances.

NOTE: PRESIDENT PRO TEM SMUCKLER CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #5 FOR THEIR FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:

- #1. (1ST RDG) A RESOLUTION ACCEPTING THE TAX INCENTIVE REVIEW COUNCIL'S RECOMMENDATIONS REGARDING ENTERPRISE ZONE TAX ABATEMENT AGREEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community and Economic Development Committee
- #2. (1ST RDG) **ADOPTED AS ORDINANCE NO. 76/2010** AN ORDINANCE AMENDING ORDINANCE NO. 118/2009 AS REAUTHORIZED BY ORDINANCE NO. 17/2010; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community and Economic Development and Finance Committees
- #3. (1ST RDG) **ADOPTED AS ORDINANCE NO. 77/2010** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A FUNDING AGREEMENT WITH STARK COUNTY OUT OF POVERTY PARTNERSHIP, INC. TO PROVIDE CDBG FUNDS IN THE AMOUNT OF \$50,000.00 AND NSP FUNDS IN THE AMOUNT OF \$30,000.00 FOR THE ADMINISTRATION OF THE CITY'S HOUSING PROGRAMS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community and Economic Development Committee
- #4. (1ST RDG) _____ AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFER AND INTERFUND AND TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (POLICE & MOTOR VEHICLE DEPT)
Referred to Finance Committee

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#5. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH TAYLOR CHEVROLET FOR THE PURCHASE OF SIX IMPALA SEDANS IN AN AMOUNT NOT TO EXCEED \$160,926.00 AND TO PURCHASE ADDITIONAL SAFETY ACCESSORIES AND/OR EQUIPMENT FOR THESE VEHICLES IN AN AMOUNT NOT TO EXCEED \$40,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee

(COUNCIL RECESSED AT 7:48 P.M. FOR COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES TO DISCUSS ORDINANCES #2 AND #3; RECONVENED AT 7:52 P.M.)

PRESIDENT PRO TEM SMUCKLER: Member Dougherty, how about if we dispose of Ordinances 2 and 3.

MEMBER DOUGHERTY: Mr. President I move we suspend Rule 22A to place Ordinances 2 and 3 back on this agenda.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been seconded to place Ordinances 2 and 3 back on the agenda. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 2 and 3.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been....for Ordinances #2 to....

MEMBER DOUGHERTY: Yeah, we'll do #2 first.

PRESIDENT PRO TEM SMUCKLER: I'm sorry....

MEMBER DOUGHERTY: We'll just do 2 first.

PRESIDENT PRO TEM SMUCKLER: 2 to adopt tonight, any discussion? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: Ordinance #2 is passed. Ordinance #3.

CLERK TIMBERLAKE: We adopt, now we adopt Ordinance #2.

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PRESIDENT PRO TEM SMUCKLER: I'm sorry, that was to adopt Ordinance #2, this is for adoption.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance #3.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded for Ordinance #3. Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas.

PRESIDENT PRO TEM SMUCKLER: Mr. Dougherty, you've heard the suspension.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 3.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #3. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas.

#3 ADOPTED AS ORDINANCE 77/2010

PRESIDENT PRO TEM SMUCKLER: Did I miss one?

CLERK TIMBERLAKE: We haven't adopted #2, you went on to the other ones.

PRESIDENT PRO TEM SMUCKLER: We suspended rules on #2. We need to adopt Ordinance #2, it's my fault. Any discussion? Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance 2.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #2, is there any discussion? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

#2 ADOPTED AS ORDINANCE 76/2010

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

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PRESIDENT PRO TEM SMUCKLER: Ordinances for Second Reading.

NOTE: PRESIDENT PRO TEM SMUCKLER CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #6 THROUGH #8 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #6. (2ND 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 (OL 449 @ 305 WERTZ AVE NW - STARK COUNTY FAIRBOARD) **PUB HRG 4/26/10 @ 7:30 P.M.**
- #7. (2ND RDG) AN ORDINANCE VACATING A PORTION OF LLOYD COURT NE ; APPROVING AND ACCEPTING THE REPLATTING OF LOTS 2699, 2700, 2701, 2702 AND 2703 AND THE VACATED PORTION OF LLOYD COURT N.E.; AND DECLARING THE SAME TO BE AN EMERGENCY **PUB HRG 4/26/10 @ 7:31 P.M.**
- #8. (2ND RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY \$106,894.78 TO MOTOROLA, INC. FOR THE 2010 SERVICE AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT PRO TEM SMUCKLER: Ordinances for Third Reading. Ordinance #9.

- #9. (3RD RDG) **ADOPTED AS ORDINANCE NO. 78/2010** AN ORDINANCE AMENDING SECTION 150.02, POWERS AND DUTIES OF CHAPTER 150, SYSTEMS PLANNING BOARD

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 9.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #9. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#9 ADOPTED AS ORDINANCE NO. 78/2010

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

- #10. (3RD RDG) **ADOPTED AS ORDINANCE NO. 79/2010** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO

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CONTRACT WITH TRINITY GOSPEL TEMPLE TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$25,000.00; 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 10.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: Is there any discussion? Roll call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#10 ADOPTED AS ORDINANCE NO. 79/2010

PRESIDENT PRO TEM SMUCKLER: Ordinance #10 is adopted. Ordinance #11.

#11. (3RD RDG) **ADOPTED AS ORDINANCE NO. 80/2010** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACTS IN AN AMOUNT NOT TO EXCEED \$38,000.00 FOR THE PURCHASE OF ONE (1) 2011 HEAVY DUTY CREW TRUCK CHASSIS AND IN AN AMOUNT NOT TO EXCEED \$43,000.00 FOR THE PURCHASE OF ONE (1) 2011 HEAVY DUTY DUMP TRUCK FOR THE WATER DEPARTMENT; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH GERMAIN FORD IN A TOTAL AMOUNT NOT TO EXCEED \$32,921.58 FOR THE PURCHASE OF TWO (2) 2010 SERVICE VANS PURSUANT TO O.R.C. SECTION 125.04; AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 12...11, sorry..

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #11. Is there any discussion?

MEMBER BUTTERWORTH: Mr. Chairman.

PRESIDENT PRO TEM SMUCKLER: Member Butterworth.

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MEMBER BUTTERWORTH: Is there (*inaudible*)...local vendors a chance to bid on this? (*Inaudible*)...as long as they beat the (*inaudible*)...a local vendor would be able to supply that?

LAW DIRECTOR MARTUCCIO: Member Butterworth, under Ohio law, you are correct, the easiest way to purchase supplies, such as these and vehicles is to go through the State Cooperative Purchasing Agreement where they have been pre-screened. However, State law also allows that alternatively, Appointing Authorities can advertise, receive bids and enter into contracts if it's lower and to answer directly your question, there is a subsection in that same law that says "If the Director finds it locally at a lesser price, they can purchase it for a lesser price that can be had on this State list, provided they document that in their file."

PRESIDENT PRO TEM SMUCKLER: Any other discussion? Roll call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#11 ADOPTED AS ORDINANCE NO. 80/2010

PRESIDENT PRO TEM SMUCKLER: Ordinance #11 is adopted. Ordinance #12.

#12. (3RD RDG) **ADOPTED AS ORDINANCE NO. 81/2010** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO A CONSTRUCTION CONTRACT FOR THE CLEVELAND AVENUE N.W. RESURFACING PROJECT, G.P. 1109; EXECUTE A PROFESSIONAL SERVICES CONTRACT FOR CONSTRUCTION ENGINEERING SERVICES WITH OMNI PRO SERVICES LLC; RECEIVE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDS IN THE AMOUNT OF \$102,345.00 FOR THIS PROJECT THROUGH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT); RECEIVE FEDERAL TRANSPORTATION FUNDS IN THE AMOUNT OF \$1,728,000.00 TO FUND THE COST OF BOTH THE CONSTRUCTION AND CONSTRUCTION ENGINEERING CONTRACTS; AMENDING APPROPRIATION ORDINANCE NO. 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 12.

MEMBER PRATER: Seconded.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #12. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#12 ADOPTED AS ORDINANCE NO. 81/2010

PRESIDENT PRO TEM SMUCKLER: Ordinance #12 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM SMUCKLER: Announcement of Committee Meetings.

MEMBER HAWK: Mr. President Pro Tem.

PRESIDENT PRO TEM SMUCKLER: Member Hawk.

MEMBER HAWK: Thank you, Finance Committee will meet Monday, April 26th at 7 P.M. Thank you.

CLERK TIMBERLAKE: 7?

PRESIDENT PRO TEM SMUCKLER: Did I hear that correctly, 7:00?

MEMBER HAWK: I don't see anything difficult on this process. Unless somebody has....unless one of the other gentlemen would like to make it earlier if there is something else, but I'm looking at the only process we have here is fairly simple.

MEMBER DOUGHERTY: How about 6:45.

MEMBER HAWK: Fine, Finance Committee will meet Monday, April 26th at 6:45 PM.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: Public Property Capital Improvement will meet at 6:45, same night.

MEMBER PRATER: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Prater.

MEMBER PRATER: Personnel will meet at 6:45, Monday the 26th.

PRESIDENT PRO TEM SMUCKLER: And Community Development will also meet at the same time, same place. Any other discussion on Committee Meetings?

MEMBER SMITH: Public Safety and Thoroughfare.

PRESIDENT PRO TEM SMUCKLER: Member Smith, Public Safety and Thoroughfare Committee will....

CLERK TIMBERLAKE: No, no we don't have that.

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PRESIDENT PRO TEM SMUCKLER: Okay, Public Safety will not meet next Monday.

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: This is...question would be to the Service Director. How many employees do we have currently in the...or excuse me, Chief of Staff, how many employees do we have in the City of Canton.

SERVICE DIRECTOR PRICE: I'm not sure the exact number, I think we have, last count 962.

MEMBER WEST: That's a good number. The...and I asked that question because last year we got the playground equipment for Nimisilla Park and they built the playground down at the Recreation Center, it's built but it's not in place because they don't have enough staff. So my question is, can we have some of those 962 people that we have employed with the City of Canton somehow get the playground equipment from the Recreation Center and placed in the park and built? I mean, I don't know how we can do that but, is there a way that we can get some people from some other departments to help the Rec Department get this playground up?

SERVICE DIRECTOR PRICE: Mr. President, I can certainly try to make that happen.

MEMBER WEST: (*Inaudible*)...that you can borrow people to do.

SERVICE DIRECTOR PRICE: The...I can tell you that the Parks Department staffing is lower then its every been. But I can also tell you that staffing in all of the Service Departments is....well I shouldn't say "ever been" but in recent history. I have been able to....there are things that we've been able to pull other employees from other Departments to assist with. I would have find...I'll first find out if that...if that is possible or would be helpful and I can...I can follow up with you on that. But we've done that sort of thing before, in this case I guess I need to find out if that is really the problem and whether we can do something about it, I will.

MEMBER WEST: Well I appreciate that. And then lastly, you know, we had Zutali with C.C.A.V. had a nice event with all the churches, you know, I wanted to thank you for your participation in trying to clean up our City and getting people back on the united front. A lot of people at this conference came with a lot of positive ideas to help the City in addressing some of the issues and violence issues. So, you know, I commend you for what you did the other day. But one of the things that was spoken there was we definitely got to get more positive activities for these kids so that they don't engage in gang activity and those things. So I was very, very happy, very pleased to attend your event Zutali. Thank you.

MEMBER SMITH: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Smith.

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MEMBER SMITH: Okay, first of all, I'd just like to thank the Administration, Council, Building and Code for a lot of the houses that are getting...that are being demoed and especially some of those buildings, like the building on Tusc, Borden's. The community really appreciates that. Also, one other thing, I notice in our mailbox there was a Communication from the Mayor to Finance Chair, Hawk regarding the Capital Funds for the Canton Water Parks and I'd just like to know where we are on that and what's going on with it. Cause I would really hate to see this money go back. I do understand that there were some other things that came up with the building but I just haven't heard anything else regarding it.

MEMBER HAWK: Member Smith, I kept you aware this, you are very much aware. There is currently a study being conducted on the Southeast Community Center, it's being paid for by the YMCA, it's involving architects and complete review of the building. That has been delayed because they could not get in some of the rooms down there to inspect them to find out how much work needs to be done. When that report comes back, we will review that report and make a decision at that time.

MEMBER SMITH: Thank you.

MEMBER WEST: Mr. President, if I could piggyback on that, Mayor...Mayor, in this letter, what is the time date that...what is the time frame that we need to know before we send that back?

MAYOR HEALY: Thank you, Mr. President. This is...the clock is ticking on that, they wanted us to have this money appropriated by the first of the year. We asked them to give us an extension, we were hoping that we would have an answer, you know, within the cycle of Council, which is typically a 4 to 5 week cycle once it goes through First Reading, Second Reading, Third Reading. We do know that they want this money, the intent was to have this money spent by July. They already know that we we're not going to beat that time line. Right now, we're kind of in a gray area trying to finalize our decision and if we're going to use it, call them and let them know that it's under contract and get the extension. If it's not going to be approved then we need to contact them and ask them what offers we have in reference to, is there a way that we can keep this money in the community. But my biggest concern is, if we do not take action, we could end up giving back half a million dollars to the State, money that can be used for our community and I certainly don't want to see that happen. Thank you.

MEMBER WEST: Okay, and I know that the Y has been working on an assessment of the Southeast Community Center to try to get this...to get us numbers and see what it's going to take to build it. We're going to have to do this pretty quickly so that we don't lose these monies. So, I don't know. Hey Member Hawk, you haven't had any communication with Tim in the last week or so have you?

MEMBER HAWK: Not in the last week or so but he called me recently to say because they could not get into the rooms down there, they went down to inspect that they would continue. It would take longer then expected, the building appears to be in worse shape then they even anticipated. Now, as far as the money, there is...Member Cirelli had gotten an email from the State, that money can in fact be extended. And Mayor, you and I had a conversation with this in the Health Department and you and I both know that this money can in fact be used for other processes. So, to put us under a deadline like that is not proper for you to do to this City Council when you know the facts, miss...speaking in a fashion way, you're claiming it must be done by that time, we both know. And you were a Member of the Statehouse so you understand this that this can be converted to something else if we so choose to, such as remodeling the Southeast Community Center, which would be a very appropriate use for these dollars, or in lieu of that....and it requires....it done not require

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Councilmanic action, it requires simply action by the City of Canton, it does not require Council's vote on this process, it can in fact be extended.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Dougherty.

MEMBER DOUGHERTY: Can somebody answer me why they're going down there and can't get in rooms? I don't understand that, it's open Monday through Friday, correct? And there's employees that work down there and can someone explain this to me?

PRESIDENT PRO TEM SMUCKLER: I think Member Smith went down there and couldn't get into some rooms, is that correct Member Smith?

MEMBER SMITH: Yes and that was a couple of months ago but since then, I am quite sure that they have found the keys. The problem was certain areas and certain rooms, such as the steam room, they couldn't find a key that particular day and they couldn't get in, since then all the doors are open and they can come down and do whatever assessment they would like.

MEMBER WEST: But Mr. President. Member Hawk, you just touched on something that...and I just need some further clarification. Did you just say that it doesn't require Council action to move forward with this 500,000 or maybe I'm mistaken that.

MEMBER HAWK: No sir, I did not say that, what I said is that the plan can be submitted to the State without Council action. So, if we request more time on this process, it does not require a plan Council passes in order to ask for and gain an extension of this grant.

MAYOR HEALY: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Mayor Healy.

MAYOR HEALY: Thank you. And if you look at the letter and I believe the letter was copied to all Council Members, it does not set a time line or put any time constraints on this, it just asks that Council would consider the fact that the clock is ticking and you would please move one way or the other so that we can notify Columbus in which direction we're going at your earliest convenience here but we're just letting you know that the clock is ticking. So, it doesn't have a time constraint on it. But thank you.

MEMBER WEST: Mr. President, I just have one other thing to say. In reference to this, Julie Sparks with the Recreation Department had conversations with Steve Slesnick in reference to applying for recreation dollars in the sum of about \$100,000.00 to do some more activities at Nimisilla Park and I would hate for the State to see that we are asking for \$100,000.00 when we haven't spent \$500,000.00. So, I think that it's really prudent that we spend these \$500,000.00 towards recreation so then in the future people say well you know, well we gave you \$500,000.00 and you didn't use it. And all these other people are applying for grants we want to make certain that we use these so that we can get more dollars in the future. Thank you.

PRESIDENT PRO TEM SMUCKLER: Anyone else?

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MEMBER HAWK: Mr. President, on another point, I'd like to thank the Chief and Chief thank some of your officers. Last Friday evening at about 7:30 I saw two of our cruisers working their way down Fulton Road and stopping at 6th Street where a young man was standing right on the corner of 6th and Fulton, when they approached him, the young man took off, he was very fast, I mean I thought they're never going to catch him and then they opened up the back door on one of our K-9 units. He stopped dead in his tracks and that dog did a marvelous job. Chief, please congratulate those three officers because I believe the K-9 is an officer too if I'm not mistaken. Thank all three of those officers for their outstanding job out in patrolling the neighborhoods and removing...asking questions and stopping people on the street. Thank you very much for what they've done, I truly appreciate that.

PRESIDENT PRO TEM SMUCKLER: Any one else? For the last 15 plus years, I have been...it's been my pleasure to be a part of Celebrity Cuisine. Tomorrow, those of you that would like to participate and I know there is tickets at the door for \$25.00 at the Civic Center and what I talked about in the prayer was people who have and for those people that don't have that are hungry. There is also a wonderful amount of restaurants that donate their time, donate their food and for \$25.00 you walk in and you eat your way around the whole place. And there is usually approximately 1,000 people, there are also a number of local celebrities that participate at the various booths and it is probably one of the most worth while things that I have ever been involved with in Canton. And so if you get an opportunity, that is tomorrow night and Mayor, I think you're at a booth too aren't you tomorrow night? Yep, so there are a number of people that are already participating here and it's like I said, probably one of the most worth while things that we do. Also, I see that you finally must have had an impact. I see our Service Director is finally growing something here. Chief, maybe you ought to see what it is (*laughter*). Sometimes like I said, it's better not to say anything right. (*Laughter*) Member Dougherty.

MEMBER DOUGHERTY: Mr. President, 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: 11 YEAS, 0 NAY

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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

ADJOURNMENT TIME: 8:13 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

BILL SMUCKLER
PRESIDENT PRO TEM