

**MINUTES OF THE MEETING JULY 26, 2010**

PRESIDENT SCHULMAN: Good evening ladies and gentlemen. Welcome to Canton City Council. We appreciate you being here tonight. We have a, an enormous agenda tonight and we have a number of speakers and for those who have not had the opportunity to speak before City Council, we do have a three minute rule which because of the agenda tonight and because people may stay late, I am going to enforce. I just want you to understand, it's not meant disrespectfully, it's not meant to cut you off. In fact if you have a question or you have an issue and you wish to talk to the Mayor or the Mayor's administration or any Member of Council, we all stick around after the meeting to listen to you and to try to answer your questions or to converse with you if you have any issues. So with that being said, again welcome and with a quorum being present the Chair calls this meeting of Canton City Council to order. Roll call vote please Madame Clerk.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

12 COUNCIL MEMBERS PRESENT: (DAVID DOUGHERTY, TERRY PRATER, MARY CIRELLI, JOSEPH 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.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Tonight's invocation will be given by 5<sup>th</sup> Ward Council Member Terry Prater and our Assistant Majority Leader. Would you all please remain standing for our Pledge of Allegiance.

*The regular meeting of Canton City Council was held on July 26, 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 5 Council Member, Terry Prater. The Pledge of Allegiance led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: Thank you Member Prater. We're now under Agenda Corrections and Changes and Members of Council you're going to be asked to suspend Rule 22A to add the 2<sup>nd</sup> Reading of Ordinances 18 through 1,643,000.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: 18 through 32. Leader Dougherty.

MEMBER DOUGHERTY: Yes, I move to suspend Rule 22A, add 2<sup>nd</sup> Readings Ordinances 18 through 32.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add the 2<sup>nd</sup> Readings 18 through 32 Ordinances to this evening's agenda. Are there any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries. Rule 22A is suspended. The Ordinances are a legal part of your agenda this evening.

**PUBLIC HEARINGS**

PRESIDENT SCHULMAN: We're now under Public Hearings. We have no Public Hearings this evening.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: We're now under Public Speaks. And we have 10 speakers that wish to speak to City Council and the administration. Our first speaker is Wayne Jamerson. Mr. Jamerson we appreciate you being here and you'll get that microphone in minute. Maybe we could move the podium a little bit.

WAYNE JAMERSON: That's alright.

PRESIDENT SCHULMAN: You could move in front of it.

WAYNE JAMERSON: I could go around it like this.

PRESIDENT SCHULMAN: That's great. Thank you Mr. Jamerson. If you'll give us your name sir and your residential address when you get organized.

WAYNE JAMERSON: To the Mayor, to the Council President, to all Council Members and to members of the community. My name is Wayne Jamerson. I reside at 2410 14<sup>th</sup> St NE Canton, Ohio 44705-1930.

PRESIDENT SCHULMAN: Thank you. Good evening.

WAYNE JAMERSON: But what I want to talk about, and I want to know about if the area of 14<sup>th</sup> St, do you all still have block grants? And I want to know how do you go about getting a block grant to get sidewalks and curves and the sewers looked at cause our sewers got debris, leaves, dirt and everything else in it and they need to be taken off and cleaned out.

PRESIDENT SCHULMAN: OK, we will, as I said we'll be here afterwards. What's your next question?

WAYNE JAMERSON: And then I want to know about tree cutting, uprooting, pavement of the street. We have two houses to be torn down and I'd like to see us keep, get a junior Council so they could go around and see how ya'll do ya all various jobs because they going to be the leaders that going to take over, take ya all's places someday and then I'd also like to see ya all use Malone, Mount Union, Kent Stark, Stark State and Walsh University students. If ya all had jobs when they got out of school that they can get the jobs if they stay around here for 3 to 4 more years it might knock some of they tuition off. And that's all I have to say.

PRESIDENT SCHULMAN: Great, thank you very much sir. Thank you Member Horner. Thank you Mr. Jamerson. Our next speaker is Ray Stauffer. Stauffer, Stauffer, I know. I just wanted to make sure you were paying attention.

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RAY STAUFFER: You know I don't need this.

PRESIDENT SCHULMAN: Good evening, welcome. Give us your name and your residential address please.

RAY STAUFFER: Mr. President, Members of Council, ladies and gentlemen. My name is Ray Stauffer. I live at 211 48<sup>th</sup> St SW. I also represent the service workers for the City of Canton. AFSCME Local 2937, Ohio Council 8. I stand in front of you this evening and oppose Ordinance 9, 10 and 11. As you know we recently concluded contract negotiations about 5 months ago with my Local 2937 and my sister Local 3449. I believed at the time that we negotiated in good faith. I also believed that the City of Canton negotiated in good faith. As you know, both AFSCME 2937 and 3449 took concessions to help the City of Canton in their financial crisis. We took concessions to help keep people employed in the city. We took concessions because we want the City of Canton to continue to grow. These concessions included a wage freeze for 2010, a wage re-opener for 2011 and we also contributed to our health care. I'm a little upset about this, I really am. As you are aware, it is not the first time the city has come to AFSCME unions, the Police unions and the Fire Department union and asked for concessions and I'm sure that it may not be the last. On each time that they have come to us, we have always stepped up to the plate and tried to do the right thing. I've been told, it's been told to me over and over again, our Members need to step up and do more for less. Mr. President, Members of Council, it is my view that if you approve Ordinance numbers 9, 10 and 11 that you have failed to negotiate in good faith. These two wage increases and one new position is hard to take, especially shortly after our 0% raise. I know that some will say that these three positions will not effect the General Fund. That may be true but how do I tell my Members that and make them believe that the city negotiated in good faith. Mr. President, Members of Council, I ask you that you will oppose these Ordinances until the City of Canton stabilizes it's General Fund crisis. With no disrespect, I feel the last thing the City of Canton needs is more managers and chiefs when this city was built by local workers. Mr. President, Members of Council, ladies and gentlemen, thank you for your time. *(APPLAUSE)*

PRESIDENT SCHULMAN: Thank you very, very much and we're not going to hear that tonight so you have some more time to talk to Members of Council which I'm sure you will.

RAY STAUFFER: Thanks for your time.

PRESIDENT SCHULMAN: You're welcome, thank you. Our next speaker is Charles Killens. Mr. Killens good evening. If you'll give us your name and your residential address please.

CHARLES: KILLENS: My name is Charles Killens. I live at 1222 Market Avenue. I was here a couple of weeks ago in regarding Mr. West and Mr. Martuccio in relating to legal matters that the city should and should have taken place when they took my house and tore it down. Mr. Martuccio you said you was going to send me to the man who could give me some answers and all I've gotten was the run around from him and you and Mr. West. I have an article here in relating to the paper where in Jefferson County where they're being taken to court and I want to give it to you because I hope to see you with a cop this year in the same type of court, in Federal Court. Thank you.

PRESIDENT SCHULMAN: Is that it, Mr. Killens? Thank you. Here I'll give it to him. Thank you sir. Mr. Killens, is that all?

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CHARLES KILLENS: Unless there's something you want to ask me. Have you done anything about it?

PRESIDENT SCHULMAN: OK, well I just wanted to know if you had anything else you wanted to say. I wanted to know if you had anything else you wish to say.

CHARLES KILLENS: *Inaudible from audience.*

PRESIDENT SCHULMAN: No, no that's not appropriate for, for your speech. OK thank you Mr. Killens very much. Our next speaker is Lee Cote. Mr. Cote would you come forward. You're a regular here. We know you. You'll give us your name and address please.

LEON COTE: Good evening my name is Leon M. Cote. I live at 1225 41<sup>st</sup> Street NW in Canton. I'm here to talk about accountability. That seems to be the buzz word around the country now days. First of all Mr. Mayor Healy, President Schulman, Majority Leader Dougherty, Members of the Council and members of the Mayor's staff. I'm here to talk about accountability. We have seen the buzz word for the national, state, county and local and I'm here to congratulate our new Majority Leader on some of the provisions which he has instituted since he's taken office and I don't want to embarrass him because at his age he still blushes, so I don't want to put any pressure on him, but all you have to do is look around at the caucus and see the number of people in this room that want to hear what's going on in our city. They are truly interested in what's going on and when you have the caucus in here and not in the back room, your don't have a situation like Bell, California with the City Councilors earning a salary of \$8,000.00 a year and a monthly allowance of \$8,000.00 a month and the people never knew about it. So congratulations on moving everything out here so the people can hear what's going on. I have one suggestion I would like you to consider and I'm directing this to the Majority Leader because I think he will have to implement this if he wants to. I would recommend that you move old business right after Public Speak so that having, coming down here for the past 10 to 12 years, I have heard people stand up at this podium over and over and over speaking about problems that they are having that are never resolved and I feel if next week somebody had to address lets say my problem, then maybe it's not going to be just pushed aside any longer, it's going to be addressed. I think that poor Ruby here, for two years she tried to get people to come down and take a look at the property in back of her house and what have you. Well if you move the old business to right after Public Speak, somebody would have been on the spot to have gone down to see what her problem was and at the next meeting, offer a solution. If they had been there, they looked at it and they're offering a solution and that's all I'm asking. Your doing a great job. Keep up the good work and I hope you consider that Mr. Dougherty.

PRESIDENT SCHULMAN: Thank you Lee very much. Our next speaker is Patricia Kirk. Miss Kirk, good evening. Welcome as always. If you'll give us your name for the record and your residential address please.

PATRICIA KIRK: Patricia Kirk. I live at 131 5<sup>th</sup> Street NE and I'm President of Shake-a-Leaf and Downtown Central. I am pleased to announce that Canton may choose to host the Tree Commission Academy in 2012. This is a great honor and doesn't cost the host city anything except the loan of the proper building and surroundings. The Tree Commission Academy is taught by Ohio Department of Natural Resources and has existed since 2009 and received recognition of excellence from Arbor Day. Many cities are making it a requirement for members of their tree committees. A Bachelor Degree is received after completion of the freshman, sophomore, junior and senior classes. Mr. Martuccio, Mr. Winberry and myself

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have attended the freshman class in Alliance at the Brembaugh Houston Center. I want to say something to Canton. "Never stop learning." An easy way to start is to take in the Northeast Urban Forestry conference August 13<sup>th</sup> at Mount Union College. You'll meet people from other cities. You'll meet teachers and experts in their fields. It will open up a whole new world to you. I have an application with me tonight. Other cities are light years ahead of us. It's time we catch up. Thank you very much.

PRESIDENT SCHULMAN: Thank you Patricia very much. Our next speaker is Kris Krisanda. I hope I pronounced that right. Mr. Krisanda good evening. If you'll step up to the microphone and give us your name and your residential address please.

KRIS KRISANDA: My name is Kris Krisanda. I live at 1020 5<sup>th</sup> Street NW, Canton, Ohio 44703, Apartment 3.

PRESIDENT SCHULMAN: Thank you and good evening.

KRIS KRISANDA: My subject tonight is basically crime and Police. I have quite a list of things. Some people that have spoken, have spoken about this. Homeless, city cleanup, but the main thing tonight is the Newton Zone, which I newly found out that it is actually advertised on the internet as such. Tells you all about what goes on down there. Everybody here probably knows what I'm speaking about so I'm a continue. Things pertaining to this neighborhood are happening in broad daylight. Cops drive by minutes after it happens. I'm gonna, I don't know what terms everybody likes to hear but I'm gonna put it like it is. Crack heads plain and simple. They smoke it on steps right on the street. Two minutes later a cop will drive by. I've seen it with my own eyes. I've had a gentleman park in front of my house, smoke it in his car then get out while I'm sitting on this step and with his whatever out and urinate in my front yard. Now if this was to happen in a ritzy neighborhood, in my opinion, who's ever home it was at, would, they would want the cops there, to be there immediately, OK one, during this situation that happened, I called the Police at 2:06. The Police did not respond or even drive by my house until after 3:00. That is uncalled for. Every cop in this city knows that this is where this stuff goes on and in my opinion we are turning in to Amsterdam. If you keep it in this area, we won't ride you so hard. That's what I see. I understand that your jobs are very difficult, you have very many complaints but this is something that is here now. You're going to end up just like Akron. I've only spoke here once before and I'm going to say it again today, I moved from Akron, Ohio to get away from that amsmosphere, atmosphere, excuse me. I moved to, down here, very unique from what I'm used to but, I did live in Akron and I can say that I feel that I live in Akron right now, alright and the city cops, let me tell you a little about them. We need cops in this town that actually take pride in being a cop alright. Laziness is what I see. My bike got stolen. It was attached to my stairs, to my apartment with a 1/2 inch steel cable and a lock the size of my hand, didn't even know about it until the next morning. OK, bikes get stolen every day. Petty. May not be petty to me, I'm on a fixed income. I don't have the money to spend on a bike every other week. It's pretty much self explanatory. The response time needs to improve and we need cops that actually care what goes on in the city. I've had them called to my building which has six apartments in it. They've been there several times. I've dealt with them a couple times myself. Their attitude is less paperwork I got to do. I don't want to get this guy for a petty crimes, we'll just worry about the murderers.

PRESIDENT SCHULMAN: OK.

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KRIS KRISANDA: I'm pretty much done. You know what has to be done. It's here now. Take action not talk.

PRESIDENT SCHULMAN: Thank you very much Mr. Krisanda.

KRIS KRISANDA: Thank you for your time.

PRESIDENT SCHULMAN: Our next speaker is Frederick Meacham. Mr. Meacham, good evening. Welcome. If you'll give us your name and your residential address please sir.

FREDERICK MEACHAM: Good evening ladies and gentlemen. My name is Frederick Langston Meacham. I live at 342 Henrietta Avenue NE, Canton, Ohio. My topic is County Treasurer Zeigler and why he is correct in not resigning. I've chosen to address this august body and not the County Commissioners because there are more of you along with other prominent citizens including the Repository calling for the scalp of Mr. Zeigler. I know all of you have quoted reasons because of the Ohio State Law which states that a County Treasurer is legally responsible for the criminal action of workers in that office. Only these are the same wise acers who gave us the qualifications of a job County Treasurer who's only job is working with money and bankers who so thoughtfully put forth the one and only qualifications for that job of County Treasurer is to be a resident of the County. That's like the Ohio State Board of Education qualifying a math teacher in our high schools as long as they are over the age of 21. Which in fact means you don't have to have attended a school of higher learning. Oh no you think this is out of line for Columbus to do. Not so long ago we had a man from Cleveland, Ohio voted into the State House and was there for the full term and he couldn't speak more than a dozen words in English and he couldn't read or write English. The money stolen from the Treasurers' office was taken in cash or by checks cashed at the bank. Money taken this way is not recorded in the books nor is the failure of the banks negligent transactions with the crooks depositing it at the bank. Since a Treasurer cannot, nor the Auditor, or Police see the crooks taking cash out of the office or the poor handling of the checks by the bank with the crooks. Mr. Zeigler is right. He has not broken any law and he has every reason to remain in office for the fine job he and his staff, minus the crooks, have done throughout the past years. I suggest you people and other citizens direct your effort toward Columbus to rectify their asinine laws of qualifications. Thank you.

PRESIDENT SCHULMAN: Thank you sir. Our last three speakers are all relating to CCAV. I'd be happy to have each of you speak individually unless the three of you would like to come up and maybe split your time, but however you want to do it. Our next speaker is Chandra Williams. Miss Williams good evening.

CHANDRA WILLIAMS: Good evening. My name is Chandra Williams and I'd like to introduce the Community Coalition Against Violence to the City Hall. The CCAV was established do to a murder of a postal worker and a double homicide in the year 2006. Over the last 10 years Canton has averaged about 8 murders a year. That number in 2006 spiked to 12 murders. The deaths range from domestic violence, drug deals gone bad, robberies, to random senseless killings. The CCAV believes that in order to reduce the violent crime in Canton, that we need to start by reducing anger in the home. Parents need to be role models by not displaying physical and emotional abuse and kids imitate in life by what they see at home so we definitely need to start in the home. We started out in the community doing marches in crime infested neighborhoods. This year we had our fourth annual OATOGT prep rally. The fourth annual town hall

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meeting on gang prevention and we will be doing our fourth annual urban performing arts festival later this year and we also have going on the cease fire command task force networking with local organizations and talent management and music promotion and promoting peace by the media, music videos, radio, newspapers and we've also got our billboard going up later this week. We appreciate the city's report and we do have about close to 50 members as of now and some of them are here. Could you please stand? (*APPLAUSE*)

PRESIDENT SCHULMAN: If you'll give us your name and residential address sir.

WUYANBU ZATALI: Good evening. I am Wuyanbu Zatali. I reside at 16, at 1215 16<sup>th</sup> Street NW in Canton. I am the founder and President of Community Coalition Against Violence. We come to City Council tonight to thank you for your continued support from the Mayor's office right on down to the Street Department. We especially thank you, those of you who have attended our events and activities even when called upon at the last minute. The CCAV is not a political or religious organization but we recognize the role each one has in the city. The CCAV is a neighborhood type organization accept we come from all parts of the city and some of us live outside the city but our common goal is to work with young people from 8 to 25 years of age to help them live positive lives free of gangs and criminal activities. We want to help break the cycle of generational criminals. Our focus is Canton but we all know what, that violence happens in other cities and the county that spills over into Canton and vice versa. Our city is experiencing a period of zero homicides from January to the present. We could not have gotten this far without aggressive or professional policing from our Police Department and the great work being done by the medical staffs at Aultman and Mercy Hospitals. We want to thank you all once again for supporting our efforts and God bless you all.

PRESIDENT SCHULMAN: Thank you sir and thanks for the work you do. (*APPLAUSE*) And Mr. Kevin Bass.

KEVIN BASS: Yes sir.

PRESIDENT SCHULMAN: Good evening. Would you give us your name and residential address please.

KEVIN BASS: My name is Kevin Bass. 1710 Regent Ave. I'm a co-chair on the Law Enforcement Department. Just wanted to address two topics tonight. Basically homicides. We've been blessed so far this year to not have any homicides. At the top of the list is our Northeast area. We feel this is a high crime activity area. Northwest is normally second and we've set up on a chart according to each area. It points out that particular neighborhood. It shows not only the homicides but the addresses of the homicides and when they occurred. The Southwest is third. In the Southeast we have zero homicides. Our second topic is the top five streets of concern for the CCAV as an organization. Number one the Rowland, Gibbs area. Number two the Shorb area. Number three the Allen Page Drive. Number four the 9<sup>th</sup> and McKinley area on the Southwest end. Excuse me that's number four and number five Maple Street. Feel free to look at the chart and we thank you.

PRESIDENT SCHULMAN: Thank you very much. That concludes our Public Speaks this evening. We want to thank all the speakers for coming down, especially the CCAV. You're doing outstanding work for our community and we certainly appreciate your civic mindedness.

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: We're now under Informal Resolutions. Madame Clerk would you please read

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Resolution 43 by title.

#43. COUNCIL-AS-A-WHOLE: COMMENDING ALL INVOLVED IN THE CALL CANTON HOME PROJECT. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President, I move we adopt Resolution 43.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Resolution 43. Are there any remarks? Member Griffin.

MEMBER GRIFFIN: Can we have the Resolution read?

PRESIDENT SCHULMAN: Sure. Madame Clerk.

CLERK TIMBERLAKE: *Whereas*, A collaboration between the City of Canton, Hammer and Nails, Inc. And GroupWorkCamps Foundation to work on owner occupied homes within the City of Canton; and *Whereas*, There are 13 states and 17 congregations involved in this effort to host 400 teenagers and their adult leaders; and *Whereas*, There were 45 homes around Aultman Hospital, Struble Ave N.E. and other areas of the city receiving interior and exterior painting, drywall repair and replacement, porch, step and railing repair, as well as other minor repairs; and *Whereas*, The Call Canton Home Project is to help and improve the neighborhoods in multiple Wards throughout Canton and is extremely appreciated. *Now Therefore Be It Resolved*: that we, Members of Canton City Council, do hereby go on public record as commending all those involved in The Call Canton Home Project for all their hard work and fellowship to assist residents of Canton in repairing and beautifying their homes and neighborhoods.

PRESIDENT SCHULMAN: Thank you. (APPLAUSE) Are there any other remarks regarding Resolution 43? Hearing none, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #43 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The motion carries. Resolution 43 is adopted.

MEMBER GRIFFIN: Mr. President. May I present the....

PRESIDENT SCHULMAN: Oh sure, I'm very sorry Member Griffin. I didn't realize there was going to be a plaque. I apologize.

MEMBER GRIFFIN: Darlene it gives me great pleasure to present this Resolution to you. I hope a lot of you know what happened last week. Like this says, we had 400 children come in to town, all over eastern United States. There were 22 kids from Iowa. I met kids from Philadelphia, D.C., down in the Carolinas, Boston and I had fun with them and they had fun doing the work. But I met a Counselor that has been in Canton for three times now, three years in a row so that shows what Hammer and Nails does for the people, that they



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want to come back to Canton. I want to commend Darlene and Fonda Williams and Robert, your staff for this project. It was a team effort. These children, they raised the money to come into to Canton, \$395.00 each to do this work for us and if you're affiliated with any church, youth group, any Philanthropic organization and you're looking for a project for the city, look up Hammer and Nails, OK. (APPLAUSE)

DARLENE LEGHART: Thank you. On behalf of Hammer and Nails, our staff and our 2400 local volunteers, I thank you for the opportunity for us to serve this community. Thank you. (APPLAUSE)

MAYOR HEALY: Mr. President.

PRESIDENT HEALY: Yes, Mayor. Oh, I apologize Mayor, I could hear you but I didn't see you.

MAYOR HEALY: I just wanted to make a comment on this as well. I had the fortunate opportunity to be out at a few of those sites and it was an amazing sight to see and the families that were being helped. It was fabulous, but I just want to take a moment also to thank Hammer and Nails and Darlene particularly. She worked extremely hard and you know by the end of the week, you know her, she was flushed and tired and winded and barely able to stand, trying to keep up with those kids and keep that project rolling so I just personally want to say thank you for that and honestly the City of Canton would not have been able to pull that off without you and Hammer and Nails. And I just want to make sure that everyone understands how important you guys were in this role. Thank you so much for that. (APPLAUSE)

PRESIDENT SCHULMAN: Thank you Mayor. Any other remarks?

**COMMUNICATIONS**

PRESIDENT SCHULMAN: 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 JULY 26, 2010.***

300. COMMUNITY DEV DIRECTOR WILLIAMS: AUTHORIZE MAYOR &/OR SERV DIR TO CONVEY CITY OWNED REAL PROP TO CCIC FOR ECONOMIC DEV PURPOSES (PARCEL 02-12064 @ REX AVE NE). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
301. COMMUNITY DEV DIRECTOR WILLIAMS: ESTABLISH THE FAIR REUSE VALUE OF REAL PROPERTY & AUTHORIZE THE DISPOSITION OF SAID PROPERTY (HABITAT FOR HUMANITY OF GREATER STARK & CARROLL COUNTIES - PARCEL 02-15042 ON SPRING AVE NE). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
302. COMMUNITY DEV DIRECTOR WILLIAMS: ESTABLISH THE FAIR REUSE VALUE OF REAL PROPERTY & AUTHORIZE THE DISPOSITION OF SAID PROPERTY (HABITAT FOR HUMANITY OF GREATER STARK & CARROLL COUNTIES - PARCEL 02-24832 ON SPRING AVE NE). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
303. PLANNING COMMISSION: NOTICE OF APPLICATION FOR CERTIFICATE OF

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APPROPRIATENESS HEARING SCHEDULED ON TUESDAY, AUGUST 10, 2010 @ 4:00 PM  
IN COUNCIL CHAMBERS. - RECEIVED & FILED

304. PLANNING COMMISSION: RECOMMENDING THE PROPOSED DELONG ANNEXATION BE CLASSIFIED AS R-1a (SINGLE FAMILY RESIDENTIAL & ASSIGNED TO WARD 3.) - ANNEXATION COMMITTEE
305. PLANNING COMMISSION: RECOMMENDING APPROVAL OF VARIOUS TEXT CHANGES TO THE CITY'S ZONING ORDINANCE. - JUDICIARY COMMITTEE
306. HEALTH BENEFITS ADMIN MCBRIDE: JUNE 2010 MONTHLY COMPARATIVE RPT - INS CLAIMS. - RECEIVED & FILED
307. LAW DIRECTOR MARTUCCIO: REQ AUTHORITY TO PREP ORDINANCE APPROVING EDITING & INCLUSION OF CERTAIN ORDINANCES ADOPTED FROM 6-30-09 TO 6-30-10 TO BE INCORPORATED INTO THE CITY'S CODIFIED ORDINANCES; REQ AUTHORITY TO SUBMIT RESOLUTION AUTHORIZING TO DISTRIBUTE, FREE OF CHARGE, TO PUBLIC OFFICIALS & PUBLIC INSTITUTES, COPIES OF 2010 SUPPLEMENT TO CITY CODE & AFFIX PRICE OF \$11.10 FOR SALE OF 2010 SUPPLEMENT TO THOSE HOLDERS OF CITY CODE. - JUDICIARY COMMITTEE
308. LIQUOR CONTROL DIVISION (OHIO): REQ TRANSFER OF D2 D2X D3 D3A D6 LIQ PERMIT FOR CANTON NEGRO OLD TIMERS ATHLETIC ASSN DBA OLD TIMERS ACTIVITY CENTER TO 1016 12<sup>TH</sup> ST NE. - RECEIVED & FILED
309. SAFETY DIRECTOR REAM: DECLARE 8 BLDGS UNSAFE & HAZARDOUS FOR WHICH DEMOLITION IS REQUIRED. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
310. SAFETY DIRECTOR REAM: AUTHORIZE TO ENTER INTO PROF SVCS CONTRACT W/TAC COMPUTER INC IN AMT NOT TO EXCEED \$59,875.00 FOR PURCHASE OF A CAD/RMS/JMS/MDT/FBR SYSTEM; AUTHORIZE PURCHASE OF ADDT'L HARDWARE, LICENSES & TRAINING ASSOCIATED W/THIS SYSTEM IN AMT NOT TO EXCEED \$90,125.00; REQ \$112,500.00 & \$37,500.00 SUPP APPROPS FOR SAME. - FINANCE COMMITTEE
311. SAFETY DIRECTOR REAM: AUTHORIZE TO ACCEPT & APPROP FIRE DEPT TRAINING & EQUIPMENT GRANT FROM OHIO EMS BOARD IN AMT OF \$3,950.00. - FINANCE COMMITTEE
312. SAFETY DIRECTOR REAM: REQ SUPPORT & AUTHORITY TO EXECUTE THE OPERATIONAL AGMT FOR THE 800 MHz MIXED MODE TRUNKED SIMULCAST SMARTZONE RADIO SYSTEM W/STARK COUNTY. - FINANCE COMMITTEE
313. SAFETY DIRECTOR REAM: PROVIDING INFORMATION REGARDING PAYMENT OF PREVAILING WAGES @ THE MEDLINE INDUSTRIES PROJ SITE. - RECEIVED & FILED

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314. SERVICE DIRECTOR PRICE: REQ CHANGE ORDER TO AMEND CONTRACT THE CITY HAS W/ENVIRONMENTAL MGMT SVCS FOR BISON PROJ BY ADDING AN ADDT'L \$370,675.00 TO THE CONTRACT FROM THE CLEAN OH REVITALIZATION FUND GRANT RECEIVED FOR THIS PROJ DUE TO DISCOVERY OF ADDT'L CONTAMINATED DEBRIS, CHANGES TO THE CONSTRUCTION OF THE AIR SPARGE/SOIL VAPOR EXTRACTION SYSTEM & THE REMOVAL OF CONSTRUCTION DEBRIS DISCOVERED WHEN PROJ STARTUP WAS INITIATED. - FINANCE COMMITTEE
315. SERVICE DIRECTOR PRICE: AUTHORIZE \$5,000.00 SUPP APPROP FOR TRAVEL, LODGING, PARKING, MEALS & EXHIBITION REGISTRATION FOR 3 INDIVIDUALS TO ATTEND WEFTEC 2010 (WRF MANDATE). - FINANCE COMMITTEE
316. SLIMAN, SAMUEL, AGENT FOR PETITIONER: COPIES OF PERTINENT DOCUMENTS FOR THE ARMY NAVY ANNEXATION. - RECEIVED & FILED
317. STARK COUNTY BOARD OF ELECTIONS: MEMORANDUM ADVISING OF AMENDED SUBSTITUTE HOUSE BILL NO. 48 PORTIONS OF WHICH IMPACT LAWS RELATING TO ELECTIONS ADMINISTRATION & BECAME EFFECTIVE 7-2-10 (FILING DEADLINES). - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: We're now under Ordinances and Formal Resolutions for the First Reading. Let the journal show that all Ordinances are being given their Reading as required by State law. Madame Clerk would please read the First Reading Ordinances by title.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #17 FOR THEIR FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:***

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE ADOPTING THE CITY OF CANTON'S ALTERNATIVE TAX BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2011; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (COURT CAPITAL PROJECT FUND AND PRISONER HOUSING FUND)  
Referred to Finance Committee
- 
- #3. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON NEGRO OLDTIMERS, INC. TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$19,910.00; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development and Finance Committees

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- #4. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010, AS AMENDED, BY MAKING THE APPROPRIATION REDUCTION, SUPPLEMENTAL APPROPRIATIONS AND APPROPRIATION TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #5. (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 (PREVENTIVE HEALTH - \$15,000.00)  
Referred to Finance Committee
- #6. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (HEALTHY START - \$50,500.00)  
Referred to Finance Committee
- #7. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO ESTABLISH THE 2422 THURMAN MUNSON MEMORIAL STADIUM DONATION FUND; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- 
- #8. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A ONE-YEAR SUPPORT CONTRACT WITH THE JAMES GROUP IN AN AMOUNT NOT TO EXCEED \$37,747.35 FOR ONGOING SUPPORT AND MAINTENANCE OF THE CITY'S ORACLE SOFTWARE LICENSES PURSUANT TO O.R.C. SECTION 125.04; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #9. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (GIS COORDINATOR)  
Referred to Personnel and Finance Committees
- #10. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (FACILITIES ENGINEER - WATER RECLAMATION)  
Referred to Personnel and Finance Committees
- #11. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 164/2001, AS

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AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR ALL MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (FACILITIES ENGINEER - WATER CONSTRUCTION, REPAIR, MAINTENANCE, SUPPLY TREATMENT DIVISION)

Referred to Personnel and Finance Committees

- #12. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 128/2010** 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 (NEIGHBORHOOD STABILIZATION PROGRAM - \$446,457.75)  
Referred to Community & Economic Development and Finance Committees
- #13. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 129/2010** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACTS WITH DESANTIS EXCAVATING, COTTRILL TRUCKING COMPANY, ESLICH WRECKING COMPANY AND C.R.S. GENERAL CONTRACTING CO. FOR THE DEMOLITION OF STRUCTURES AND/OR HOUSES; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- #14. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 130/2010** AN ORDINANCE AMENDING ORDINANCE NO. 87/2010; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- #15. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 131/2010** AN ORDINANCE DECLARING 78 BUILDINGS TO BE PUBLIC NUISANCES; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE DEMOLITION OF SAID BUILDINGS; AUTHORIZING THE CLERK OF CANTON CITY COUNCIL TO CERTIFY THE COSTS OF DEMOLITION TO THE STARK COUNTY AUDITOR; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- #16. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 132/2010** AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (HABITAT FOR HUMANITY, PARCEL #02-15042, PART OF LOT #1516, SPRING AVE)  
Referred to Community & Economic Development Committee
- #17. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 133/2010** AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY

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PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM;  
AND DECLARING THE SAME TO BE AN EMERGENCY (HABITAT FOR  
HUMANITY, PARCEL #02-24832, PART OF LOT #1516, SPRING AVE)  
Referred to Community & Economic Development Committee

PRESIDENT SCHULMAN: Thank you Madame Clerk. At this time the Chair would declare an in house recess for the Community and Economic Development and Finance Committees to meet in regard to Ordinance 12 on your agenda this evening and Community and Economic Development Committee in regarding Ordinances 13, 14, 15, 16 and 17 and you are now in recess.

***(COUNCIL RECESSED AT 8:13 P.M. FOR THE COMMUNITY AND ECONOMIC DEVELOPMENT & FINANCE COMMITTEES TO DISCUSS ORDINANCE #12 THROUGH #17; RECONVENED AT 8:26 P.M.)***

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

MEMBER DOUGHERTY: Mr. President, I move we suspend Rule 22A to place Ordinances 12 through and including 17 back on the agenda.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to place Ordinances 12 through 17 back on this evening's agenda. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries. The Ordinances are placed back on your legal agenda. Member, Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 12.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Statutory Rules on Ordinance 12. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS, 1 ABSTAIN

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

PRESIDENT SCHULMAN: Motion carries, Leader you've heard the three readings.

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

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MEMBER PRATER: Seconded.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS, 1 ABSTAIN

CLERK TIMBERLAKE: Eleven yeas, one abstain.

**#12 ADOPTED AS ORDINANCE NO. 128/2010**

PRESIDENT SCHULMAN: Ordinance 12 has been adopted. Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 13.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Statutory Rules on Ordinance 13. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries, you've heard the three readings, Leader.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 13. Any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#13 ADOPTED AS ORDINANCE NO. 129/2010**

PRESIDENT SCHULMAN: Ordinance 13 has been adopted. Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 14.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Statutory Rules on Ordinance 14. Any remarks? Hearing none, Madame Clerk roll call vote please.

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NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries, Leader you've heard the three readings.

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

MEMBER PRATER: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#14 ADOPTED AS ORDINANCE NO. 130/2010**

PRESIDENT SCHULMAN: Ordinance 14 is adopted.

MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on Ordinance 15.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Statutory Rules on Ordinance 15. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries, you've heard the three readings, Leader.

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

MEMBER PRATER: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#15 ADOPTED AS ORDINANCE NO. 131/2010**

PRESIDENT SCHULMAN: Ordinance 15 has been adopted.



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MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Rules on #16.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Statutory Rules on Ordinance 16. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries, you've heard the three readings, Leader.

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

MEMBER PRATER: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#16 ADOPTED AS ORDINANCE NO. 132/2010**

PRESIDENT SCHULMAN: Ordinance 16 is adopted. Leader.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Statutory Rules on Ordinance 17. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: You've heard the three readings, Leader.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 17. Any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#17 ADOPTED AS ORDINANCE NO. 133/2010**

PRESIDENT SCHULMAN: Ordinance 17 is adopted. Thank you Madame Clerk.

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: We're now under Ordinances for their Second Reading. Madame Clerk would please read Ordinance 33.

CLERK TIMBERLAKE: 18.

PRESIDENT SCHULMAN: 18, well I was close.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #18 THROUGH #32 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS :***

- #18. (2<sup>ND</sup> RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #02-04459, LENA BENNETT ON LOUISIANA AVE NW)
- #19. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH ECIVIS, INC IN AN AMOUNT NOT TO EXCEED \$19,132.00 FOR THE PURCHASE OF A MASTER LICENSE AND SERVICE AGREEMENT TO ESTABLISH A GRANTS RESEARCH AND MANAGEMENT SOLUTIONS SERVICE FOR LOCAL NON-PROFIT ORGANIZATIONS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #20. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (SUMMER YOUTH TANF GRANT FUND AND YOUTH DEVELOPMENT SUMMER EMPLOYMENT - \$113,409.12 & \$31,810.29))
- #21. (2<sup>ND</sup> RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #02-40455, CHRISTINA LONG ON 5<sup>TH</sup> ST NW)
- #22. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH THE STARK COUNTY BOARD OF COMMISSIONS FOR STREET VIEW IMAGERY SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY
- #23. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN

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ENTERPRISE ZONE AGREEMENT WITH OLD DOMINION FREIGHT LINE, INC TO PROVIDE A REAL PROPERTY TAX EXEMPTION; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON LOCAL BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82 (C) AND (D) OF THE REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY

#24. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING ORDINANCE NO. 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 (3145 W TUSC, ORSO ENTERPRISES) **PUB HRG 8/9/10 @ 7:31 P.M.**

#25. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 134/2010** AN ORDINANCE AMENDING ORDINANCE NO. 102/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (LITHIUM SMOKE DETECTORS & FIRE EXTINGUISHERS)

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: I move we suspend Statutory Rules for Ordinance 25.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rule for Ordinance 25. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries. Leader, you've heard the three readings.

MEMBER DOUGHERTY: I move we adopt Ordinance 25.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 25. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#25 ADOPTED AS ORDINANCE NO. 134/2010**

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

#26. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO

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ACCEPT A GRANT FROM THE 2010 LOCAL SOLICITATION BYRNE GRANT IN AN AMOUNT NOT TO EXCEED \$64,946.00 FOR THE POLICE DEPARTMENT AND TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE STARK COUNTY COMMISSIONERS REGARDING THE DISTRIBUTION OF GRANT FUNDS; AUTHORIZING THE AUDITOR TO ESTABLISH THE 2785 2010 LOCAL SOLICITATION BYRNE GRANT FUND; AND DECLARING THE SAME TO BE AN EMERGENCY

#27. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO APPLY FOR, ENTER INTO AGREEMENT AND ACCEPT FUNDS FOR THE 2011 PROGRAM YEAR FROM THE OHIO PUBLIC WORKS COMMISSION; AND DECLARING THE SAME TO BE AN EMERGENCY

#28. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO 135/2010** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO SUPPLEMENTAL AGREEMENTS WITH STARK COUNTY AND THE CITY OF NORTH CANTON FOR THE WATER RECLAMATION FACILITY (WRF) PHOSPHORUS/TOTAL NITROGEN PROJECT; TO ENTER INTO CONTRACT WITH CT CONSULTANTS INC IN AN AMOUNT NOT TO EXCEED \$4,216,000.00 FOR VARIOUS ENGINEERING AND CONSTRUCTION OVERSIGHT SERVICES; TO FILE AN APPLICATION AND ENTER INTO CONTRACT WITH OEPA FOR LOW-INTEREST DESIGN LOAN IN AN AMOUNT NOT TO EXCEED \$2,802,000.00; AUTHORIZING THE AUDITOR TO ESTABLISH THE 5442 WRF PHOSPHORUS/TOTAL NITROGEN PROJECT FUND; AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend Statutory Rule for Ordinance 28.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rule for Ordinance 28. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries. Thank you Madame Clerk. Leader you've heard the three readings.

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 28.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 28. Any remarks under this

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Ordinance?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: This Ordinance is a very expensive Ordinance and this honorable body is more or less placed in a position that we're darned if we do and we're darned if we don't because we are mandated by the EPA. Unfortunately there's no way we can fight big government on this one without losing because we had all that explained to us and I appreciate our gentleman that came from the department to tell us what happened. Some of the cities that did do this turned around and got a law suit of \$129,000,000.00 I believe it was, on top of having to do it anyway. But this is where we as Council people get very frustrated because we're doing something that big government says you have to do whether you like it or not. Also a lot of other entities have caused this problem but we're incurring all the cost and I have a problem with that also, but I mean I will support this because it's long range and that's what we're looking at is long range for the betterment. We're going to have, to my understanding and Mr. Price can address this, a whole new water treatment plant that will be the top of the line and should hold us for, and I'll let him say the number of years, cause he's more in tune with that than I am, and so I'd appreciate if you would just address that and the reassurance of why we're doing tonight what maybe we don't really want to have to but have to do. Thank you.

PRESIDENT SCHULMAN: Thank you, Member Cirelli. Member or Director Price.

SERVICE DIRECTOR PRICE: Thank you Mr. President, Member Cirelli. As Councilperson Cirelli accurately pointed out, we are under EPA mandate by way of our permit to comply with the new phosphorous requirements within a 92 month window. The nitrogen requirements are at my understanding will making process before the EPA right now. Phosphorous and nitrogen essentially, long story short, are nutrients that go in the water from a sewer processing facility such as ours. Those extra nutrients in the water reek havoc on the environment. That's why the regulations came down. Those are unfunded mandates however, they are permit compliance issues that we have to comply with. The new plant and I think that's accurate to put it that way, two-thirds of the existing plant and it's systems will be gone. This is a new technology. We will be the largest sewer treatment plant on earth with that technology if this goes as planned. It also happens, lucky for us that it is not only new technology, but it's the cheapest technology to chemically treat phosphorous and nitrogen at the levels we'll need to discharge into the Nimishillen would cost us probably well over \$100,000,000.00 using any other method than the method that CT Consultants has initially recommended to us. It is a tough pill to swallow but it will solve our physical removal of particulate matter from the sewage that we're discharging into the Nimishillen as water for the foreseeable future. I don't want to predict an exact number of years but in terms of nutrients that we have to pull from the water, membrane technology will enable us to meet any, anything that comes down the pike, where other communities that have not used that technology may be in trouble when some other nutrient has to be removed. The one exception I'll give you is the pharmaceutical requirement that is probably likely to come down the road. That's in rule making with EPA now because no one knows how to remove them, so those things we can't foresee but what we can foresee we will be dealing with into the foreseeable future. That plant, I would predict will be in operation using that technology probably well after I've retired so I think we're going into the right direction although, it is a tough pill to swallow. I do acknowledge that. Thank you.

PRESIDENT SCHULMAN: Well I think one more thing needs to be said that was said earlier by the

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administration and all of us, is that this is a Project Labor Agreement. It's going to put local people to work. That's the whole idea of infrastructure. They can't out source this job to China, so at least we keep it here in our community. So saying that, I believe there's a motion, a second, any other remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#28 ADOPTED AS ORDINANCE NO. 135/2010**

PRESIDENT SCHULMAN: Ordinance 28 is adopted. Ordinance 29 please Madame Clerk.

#29. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 136/2010** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO: ADVERTISE, RECEIVE BIDS AND ENTER INTO A CONSTRUCTION CONTRACT FOR THE GUILFORD BRIDGE REPLACEMENT PROJECT , G.P. 1075; RECEIVE OHIO PUBLIC WORKS COMMISSION (OPWC) FUNDS IN THE AMOUNT OF \$386,380.00 FOR THIS PROJECT; AUTHORIZING THE AUDITOR TO ESTABLISH THE 4562 GUILFORD BRIDGE REPLACEMENT PROJECT FUND; AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President, I move we suspend Statutory Rules for Ordinance 29.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rules for Ordinance 29. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries. Leader, you've heard the three readings.

MEMBER DOUGHERTY: I move we adopt Ordinance 29.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 29. Any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#29 ADOPTED AS ORDINANCE NO. 136/2010**

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PRESIDENT SCHULMAN: Ordinance 29 is adopted. Ordinance 30 please.

#30. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 137/2010** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO: ADVERTISE, RECEIVE BIDS AND ENTER INTO A CONSTRUCTION CONTRACT FOR THE WAYNESBURG ROAD SE SANITARY SEWER REHABILITATION PROJECT, G.P. 1137; AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we suspend Statutory Rule for Ordinance 30.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rule for Ordinance 30. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries. Leader you've heard the three readings.

MEMBER DOUGHERTY: I move we adopt Ordinance 30.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 30. Any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#30 ADOPTED AS ORDINANCE NO. 137/2010**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 30 is adopted. Ordinance 31 please.

#31. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COOPERATIVE ECONOMIC DEVELOPMENT AGREEMENT WITH JACKSON TOWNSHIP ON PROPERTY LOCATED IN THE RM INVESTMENTS/METRO RTA ANNEXATION AREA; AND DECLARING THE SAME TO BE AN EMERGENCY

#32. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE RM INVESTMENTS/METRO RTA ANNEXATION AREA CONTAINING APPROXIMATELY 22.377 ACRES, ASSIGNING SAID TERRITORY TO WARD 8 OF THE CITY; ZONING SAID TERRITORY AS OS

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(OPEN SPACE) AND B-4 (SPECIAL BUSINESS); AND DECLARING THE SAME  
TO BE AN EMERGENCY **PUB HRG 8/9/10 @ 7:30 P.M.**

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

PRESIDENT SCHULMAN: Thank you Madame Clerk. We're now under Ordinances and Formal Resolutions for their Third and final Reading and vote. Madame Clerk would you please begin with Ordinance 33?

#33. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 138/2010** A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE ARMY NAVY ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY.

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 33.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 33. Any remarks? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#33 ADOPTED AS ORDINANCE NO. 138/2010**

PRESIDENT SCHULMAN: Ordinance 33 is adopted. Ordinance 34 please Madame Clerk.

#34. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 139/2010** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENTS WITH STARK METROPOLITAN HOUSING AUTHORITY (SMHA) TO PROVIDE THE SERVICES OF A SECTION 504 COORDINATOR AND CONDUCT NEEDS ASSESSMENTS FOR SMHA TENANTS WITHIN THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 34.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 34. Any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS



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CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#34 ADOPTED AS ORDINANCE NO. 139/2010**

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PRESIDENT SCHULMAN: Ordinance 34 is adopted. Ordinance 35 please.

#35. (3<sup>RD</sup> RDG)      **ADOPTED AS ORDINANCE NO. 140/2010** AN ORDINANCE APPROVING CANCELLATION OF INDEBTEDNESS OWED BY THE NORTHEAST COMMUNITY CENTER, INC. (NECC) IN THE PRINCIPAL AMOUNT OF \$25,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance 35.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 35. Any remarks under this Ordinance?

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: I will be voting no on this Ordinance this evening because I believe if you enter into an agreement you must honor it. This is a process where by they did not live up to their end of the agreement. We should have had a second, we should have been able to get some of this equipment back. If I'm correct it was for equipment in the kitchen. It was a grant. We're now forgiving the \$25,000.00. I think it's wrong. This city is always going the extra mile to make sure that when we give our word we live up to it. I believe that the people who accept our money should live up to their end of it. I will be voting no on that basis.

PRESIDENT SCHULMAN: Member Cirelli. Thank you Member Hawk.

MEMBER CIRELLI: Mr. President my question was going to be to the Law Director that if this Ordinance was defeated exactly what would occur.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member Cirelli it would be difficult to enforce the collection of the debt. They have liquidated. The, there were two loans. There was a secured loan for \$35,000.00 which had been paid back out of the proceeds of the sale. This was an unsecured loan for \$25,000.00 which was deferred, meaning a portion of it would be forgiven each year they were in operation. They operated for most of their 10 years but fell short and that's correct it was used to purchase kitchen equipment and so on. It's, to answer your question directly, I'm not sure we could collect it if it were defeated but we would look into it depending on what the outcome of the vote is. We did have Assistant Law Director Burns work with the trustees of the organization as they dissolved and we believe we did the best we could under the circumstances. But I understand, using your phrase, it's a tough pill to swallow when times are so tough.

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PRESIDENT SCHULMAN: Any other remarks?

MEMBER BARTON: Mr. Chairman.

PRESIDENT SCHULMAN: Yes, Member Barton.

MEMBER BARTON: So if the issue is defeated, this I guess goes to the Law Director. Hypothetically we could spend more resources trying to collect through our Law Department, is that correct in saying so?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, Member Barton. In terms of time, it would take us away from other projects. As you know our folks are salaried and I'm not sure. We wouldn't have to bring in experts or anything like that but there could be some court costs involved certainly.

PRESIDENT SCHULMAN: Any other remarks?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. Torres, we got the \$35,000.00 back that was a secured loan once the building was sold correct?

DEVELOPMENT DIRECTOR TORRES: That's correct.

MEMBER DOUGHERTY: This other part was a grant in other word.

DEVELOPMENT DIRECTOR TORRES: This other one was a five year, it's a five year grant so a deferred loan so every year they were in existence, \$5,000.00 was take off it. They did perform 6 out of the 10 years so we're looking really at, out of the \$25,000.00 we're looking at a smaller amount of money that they owe. The organization has since dissolved. I believe that was as of last month and Mr. Mahoning is here from, he's one of the co-chairs of the Northeast Community Center, former and he's here to ask for your support. So again it's not the total \$25,000.00 that was owed. They had performed 6 out of the 10 years.

PRESIDENT SCHULMAN: OK, any other remarks?

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: I'm not exactly sure and I met with Mr. Mahoning and Mr. Dougherty several times while this whole rapid decline was taking place but, I'm not understanding, I'm not sure who we would go after. I mean there's, there was a volunteer board so where, who would we go after?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President. Member Smuckler you pose a very good question. I, in

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my opinion this is uncollectible.

MEMBER SMUCKLER: Unfortunately being part of the business world with a number of uncollectibles over the years, I feel the pain but I also understand that in my eyes the secured loan was taken care of. The unsecured loan was in the form of a grant anyway and I think that we all know that this is an act of doing business and I can't believe that we would start with a volunteer board, holding them responsible because it's hard enough to find volunteers in this community that we're going to be dissuading a whole bunch of other people from getting involved in this.

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

NO REMARKS

ROLL CALL 9 YEAS, 3 NAYS

(Members Cirelli, Hawk and Butterworth voted Nay)

CLERK TIMBERLAKE: Nine yeas, three nays Mr. President.

**#35 ADOPTED AS ORDINANCE NO. 140/2010**

PRESIDENT SCHULMAN: Ordinance 35 is adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SCHULMAN: We're now under Announcement of Committee Meetings.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Thank you sir. Finance Committee will meet Monday, August 9<sup>th</sup> at 6:15 P.M. right here in this very room.

PRESIDENT SCHULMAN: Thank you sir.

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Member Prater.

MEMBER PRATER: Personnel Committee will meet Monday, August 9<sup>th</sup> at 6:15.

PRESIDENT SCHULMAN: Any other announcements?

MEMBER BARTON: Mr. President.

PRESIDENT SCHULMAN: Member Barton.

MEMBER BARTON: Annexation Committee will meet same time, same place.

MEMBER WEST: Mr. President.

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PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Community and Economic Development will meet same time, same place.

PRESIDENT SCHULMAN: Any other announcements.

MEMBER BUTTERWORTH: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Butterworth.

MEMBER BUTTERWORTH: There will be an informational session at 5:45 in Council Chambers regarding the Charter government process. Same time, or 5:45, same place.

PRESIDENT SCHULMAN: So that will be August 9<sup>th</sup>, 5:45 here informational meeting on the Charter government.

MEMBER BUTTERWORTH: 5:45.

PRESIDENT SCHULMAN: Very good, thank you very much.

MEMBER WEST: Community is welcome right?

MEMBER BUTTERWORTH: Community is welcome as always.

PRESIDENT SCHULMAN: And the community is welcome. Anything else? Any other announcements? OK.

**MISCELLANEOUS BUSINESS**

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

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT SCHULMAN: Director.

SERVICE DIRECTOR PRICE: Thank you. Members of Council, Mary Smitch of the Chicago Tribune wrote back in 1998 one of my favorite editorials, it's called The Sun Screen Speech. The real troubles in your life are apt to be things that never crossed your worried mind. The kind that blind side you at 4 PM on some idle Tuesday or in this case at about 7:45 PM on a Council night when your union President walks in somewhat agitated about three Ordinances that you've proposed. I think it's clear that I did not anticipate that reaction from our local union leaders. I think it's also clear though to the folks that I've talked about these Ordinances with that I wouldn't bring them to you. I'm not going to ask you to spend a dime that I don't think is absolutely necessary and I think there's a real need for what we're proposing. I think though at this point there's also a real need for me to sit down with the Personnel Chair of Council and there's a real need for me to sit down with Ray, who I think he knows and our rank and file know, and you do that I have the utmost respect for, I've said it to many of you and I'll say it publically, Alice Sarver picks up the phone as the President of her Neighborhood Organization and asks me for help in her neighborhood. I just pick up the

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phone. I don't do it, Ray Stauffer and his people do it, and so I don't think any of us or you know, certainly the Service Director have anything but the highest level of respect. Initially, yea I thought maybe Ray should have picked up the phone but or course Ray may be thinking, maybe I should have picked up the phone as well. So, I will meet with the union. I don't know that that's going to change the rank and files opinion of this matter but I do want to give them the information and share with them what we're trying to do and it is complicated. In the mean time I would encourage Council to read, if you haven't, the Communication regarding this matter. I made it as thorough as possible to try to explain what we are doing but again, I will be meeting with union leadership to try to give them some more information. I'm going to ask the Personnel Chair to meet with me to discuss this and you read the Communication. You're encouraged to call my office or talk to any of the Department heads that were involved this decision so you can gather information. Let's, you know, give it a fair shake and we've got some time before this will be at second reading, not asking that this be done on emergency basis so we'll continue to talk about that issue but I wanted to address it given that Ray seems a little fired up. Thank you.

PRESIDENT SCHULMAN: Thank you Director.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Member Smith.

MEMBER SMITH: Yes Mr. President, I believe I'm going to address this to Mr. Martuccio. You know I've been sort of reading over our Council Rules and Regulations and I always get stuck on this Rule #28 with removal from Committee. I do understand that last week we could have used that spray park, swimming pool, anything with some water and I would like to see us move on with this but I know that they're probably thinking that I'm marrying to this fact of this spray park. My main concern right now is to keep that building together for another 25 years and I believe that if we could move on further with that \$495,000.00 I would like to see what we can do to move forward with that if possible. And I understand the removal from Committee, if you could explain that further to me.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Yes thank you Mr. President. Member Smith the Rule 28 in my opinion, has to do with the removal from Committee once a Resolution or Ordinance or Communication has been referred there by the President. If it hasn't come out within three regular meetings of having been referred there, in my opinion this did come out when it was discussed in Committee or I'm sorry, when it was discussed at 2<sup>nd</sup> Reading. It didn't get enough signatures. As you know we have five member Committees, and three is a quorum. It didn't get the requisite three signatures to come out to head for a vote. I know on it's surface it looks like, if no action is taking, taken in three meetings that it could come out under this particular Rule but I read this Rule in conjunction or in tandem with a couple of others and I think it has to stay in Committee until such time as it gets the requisite number of signatures which is three or under this term of Council expires whichever comes first. In an earlier discussion though, it occurred to us when we were talking that if this is divisible, if this Ordinance can be divided and if the monies can simply by accepted without determining how they're to be spent, we could entertain either having it signed out and dividing the question or introducing a new Ordinance or Resolution that would simply accept the money understanding the terms of the donor, the people that are giving us the money in this case, namely the state. If they have strings attached and we understand what those strings are and we have to accept this money within a certain amount

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of time, we ought to do that. We have to accept the money, if we can live within the strings that are attached to it. You said earlier, I believe you're not attached or married to the fact that it has to be a spray park so if there are other things I know you've thought about that this money could be used for to help our youth on a more permanent basis then perhaps we could either divide the question or introduce a new Ordinance or Resolution to resurrect the thought perhaps along with the Committee that was put together to talk about how to spend the funds. I know your major concern is not losing it, you know. Use it or lose it and I know from having talk to you that you want to accept this grant and I think as long as the terms that come with the grant provide us to look at other ways to use the money that might be more acceptable to a majority of Council, that's probably a good thing to do, sooner rather than later. But, I'm sorry it's a long way of answering your question that I don't think Rule 28 can get it back out on the floor in that way.

MEMBER SMITH: Thank you.

PRESIDENT SCHULMAN: Thank you Member Smith. Member West.

MEMBER WEST: Mr. President. Just about necessary to put this on the record, I wasn't really clear with Charles Killens was saying. However I will share with you the discussions we've had was regarding a property that was tore down years ago, I think when Charles Ede was here in Ward 4. And wanting to address that now, I don't know how to deal with such a situation so if anybody can give me some idea of how to address that situation, you know, I can't deal with that cause it's been too many years ago about tearing down his house so I just wanted to put that on record.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Law Director.

LAW DIRECTOR MARTUCCIO: Member West Mr. Killens has been a very long time resident and a very regular speaker here at Council and intermittently. As I understand it, his, the home he had lived in once upon a time was taken down under orders from the Health Department and perhaps the Building and other departments as well. Mr. Killens has resurrected concerns about the form of the notice and the posting and the advertising in the paper. He had other relatives I believe, he co-owned the house with or lived in the house with and the posting and the advertising and the noticing were done in another name. I believe this did result in some actions some years ago in Federal Court before I even became Law Director that were dismissed. He obviously is concerned or feels that he was not given due process of law but from our research it appears that it was dismissed.

PRESIDENT SCHULMAN: Thank you Member West. Any other remarks? Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. And I'm not sure who to direct this question to. It would probably be perhaps the Service Director because we were talking about the so many properties being demolished, I believe this body bought a property with the intent of the, and I'm talking about the old McDonald's on Cherry Avenue and the owner was to tear it down. Was there a certain time in there that, that was supposed to be torn down because it's still sitting there. I didn't support the Ordinance but it's still sitting there and like there's no movement going on.

MEMBER WEST: Mr. President.

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PRESIDENT SCHULMAN: Member West.

MEMBER WEST: I have had communication with Ed DeVille and with Robert and Robert if you would like to share some light on that, I would appreciate it.

PRESIDENT SCHULMAN: Mr. Torres.

DEVELOPMENT DIRECTOR TORRES: Yes Members of Council, the property itself before it is to be torn down needs to execute an agreement and so it was just last week that we received the agreement. The Mayor's signature went on the agreement and so I suspect it's going to be within 30 days.

MEMBER CIRELLI: Mr. President and Mr. Torres, I appreciate that. May I ask Mr. Torres another question.

PRESIDENT SCHULMAN: Sure Member Cirelli.

MEMBER CIRELLI: Mr. Torres I think when we have

PRESIDENT SCHULMAN: Cause that means Service Director Price doesn't have to answer anything.

MEMBER CIRELLI: Yea that why I asked and since he brought Mr. Torres up there, and he's at the hot seat so or the hot stand, whatever you want to call it...

DEVELOPMENT DIRECTOR TORRES: Well then feel free to jump in anytime.

MEMBER CIRELLI: I think you heard some concern from some of these members of the board about unsecured grants or loans so I would hope that you would take that to heart and think about that and possibly, to my understanding some of these were done into prior administrations so I'd hope that, that maybe would not ever come, happen again that other future Council's would have to face the same dilemma.

DEVELOPMENT DIRECTOR TORRES: Yes ma'am.

MEMBER CIRELLI: Thank you sir. Cause with taxpayers money no matter whether it comes from the federal government or what have you, it is still taxpayers money. Thank you.

DEVELOPMENT DIRECTOR TORRES: You're correct.

PRESIDENT SCHULMAN: I just want to, before we adjourn I just want to thank our Clerk. She does a magnificent job. Tonight was a tough night (*APPLAUSE*) And if you think I'm going to sit up here and mention Cindy and not mention Michelle, you guys are crazy. Michelle also does a fantastic job because I have a whole script here and last but not least, I really do want to say again to Linda Barnes. Spectacular job, thank you. It's hard work, that guy loved you. Great job, thank you. (*APPLAUSE*) Alright Leader.

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

MEMBER PRATER: Seconded.

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PRESIDENT SCHULMAN: Madame Clerk roll call vote please.

MEMBER BUTTERWORTH: Chris, you vote no, I vote no. You vote no, I vote no.

NO REMARKS

ROLL CALL: 11 YEAS, 1 NAYS  
(Member Butterworth voted Nay)

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

PRESIDENT SCHULMAN: What did Mark Butterworth do.

CLERK TIMBERLAKE: No.

PRESIDENT SCHULMAN: *(Gavel falls)* Meeting adjourned.

ADJOURNMENT TIME: 9:11 PM

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

ALLEN SCHULMAN  
PRESIDENT