

MINUTES OF THE MEETING OCTOBER 18, 2010

PRESIDENT PRO TEM DOUGHERTY: Good evening everyone. With a quorum being present the Chair calls this meeting of Canton City Council to order. Roll call.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

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

ELEVEN COUNCIL MEMBERS PRESENT. ONE ABSENT (JIM GRIFFIN AND PRESIDENT ALLEN SCHULMAN ABSENT)

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

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. Pres...

PRESIDENT PRO TEM DOUGHERTY: Go ahead.

MEMBER PRATER: Mr. President, I move we excuse President Schulman and Member Griffin from tonight's meeting.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to excuse President Schulman and Member Griffin from this evening's meeting. Are there any remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Thank you the motion carries. Thank you. We'll have the invocation given by Ward 4 Council Person, Chris Smith. Please remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on October 18, 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 4 Council Member, Chris Smith. The Pledge of Allegiance led by President Pro Tem Dougherty.

AGENDA CORRECTIONS & CHANGES

PRESIDENT PRO TEM DOUGHERTY: We're now under Agenda Corrections. You're going to be asked to suspend Rule 22A, Member Prater.

MEMBER PRATER: Mr. President, I move Rule 22A be suspended to add 2nd Readings of Ordinance #7

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through and including #8.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to suspend Rule 22A. Are there any comments? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Rule 22A is suspended. And the Ordinances are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT PRO TEM DOUGHERTY: We're under Public Hearings. We have no Public Hearings this evening.

OLD BUSINESS

PRESIDENT PRO TEM DOUGHERTY: Old Business. Mayor or Chief of Staff, would you like to review any of the Old Business?

MAYOR HEALY: (*Inaudible*)

PRESIDENT PRO TEM DOUGHERTY: Thank you.

PUBLIC SPEAKS

PRESIDENT PRO TEM DOUGHERTY: We are now under Public Speaks. We have three signed up tonight. First is Nancy Markland. Good evening, I just need your name and address please.

NANCY MARKLAND: Good evening. Good evening Council People and Mr. Mayor and the President. Thank you for this honor. My name is Nancy Markland and I live in the southeast section of Canton, which has deteriorated year after year. But I've lived in that neighborhood since 1928. I live right next door to Allen School and Allen School has always been special to me because I've helped watch the school, I've helped the children there, I've given them many cookies and been a blessing to a lot of those teachers and everything...helped them. Allen School is very important to me and this is directed to Chris Smith too, she is our Council Lady. She's done a lot for the southeast section. She is doing her best to try to bring it up to par but my worry is that I live in a house that I love and I don't know what they are going to do to the school next door. I am very concerned and very upset because I don't want to move. But I know if it's the best thing for all of us, I will be willing to do my part. But I have very many memories in the southeast where all the Italian people grew up and we consider our self rich because we had dedicated parents and we had everything that we needed, even though we didn't have a whole lot, we were well educated and made sure that we were good citizens. I am a loyal voter and I consider Canton my special place. I do a lot of things in this City. I pray for people, I go help people and now I'm asking for help in my situation. I am asking that they will tell me what they plan to do next door. It's a giant big building and I love that building but when it comes crashing

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down, my little house next door will not be able to take it. So, I am wondering what's going to happen, what part of the building they are homeless people and I thank Chris for considering the homeless and the disabled and all that but I'm 80 years old and I need help myself. So, I'm not being selfish but I'm just telling you my heart. I heard this news last night, I did not hear it on the radio, I did not read the paper, I did not get Sunday's paper. Last night about 9:30 my sister read me the article and I have been shaking ever since because if you live in a house for 28 years, you have many, many things in that house to clean out and I am at an age where it's going to be difficult to decide what to do or how to do it and I am...there was a word balance tonight. I need to know what's the best way to go, what way to say anything or give you my heart but I have been a good citizen and I ask consideration for our property down there. And for Chris Smith, I would like to ask something about Allen School, is it going to be the whole building, is it going to be the section on 11th Street or is it going to be all renewed or redeveloped. And also the second question I'd like to know, is some of the people that are coming in there are homeless people that are on drugs and people that are disabled. Now, I live right there, my southeast section, it's really safe. I will not trade my little house for another section because Canton in my area has been so safe, it's been so peaceful back there. And I...

PRESIDENT PRO TEM DOUGHERTY: Yes ma'am, if you could bring your remarks to a close please.

NANCY MARKLAND: Okay, so, this is my second question. Are they going to have security around the area for those that are left there. I mean, we are willing to work with them and negotiate whatever needs to be done. But I just wanted to give you my heart tonight. Thank you very much.

PRESIDENT PRO TEM DOUGHERTY: Thank you very much ma'am. The second speaker is C. David Morgan. Good evening.

C. DAVID MORGAN: Thank you Mr. President Pro Tem. I'm back as you have learned to expect.

PRESIDENT PRO TEM DOUGHERTY: I'm going to start this counter. *(Laughter)*

C. DAVID MORGAN: You're worse then some of my parishioners sir. *(Laughter)* The difference is of course that if they endure it, they put some money in the pot, we'll see about that. *(Laughter)*

PRESIDENT PRO TEM DOUGHERTY: Good evening.

C. DAVID MORGAN: Good evening. It is a discussion initiated this time by a Republican and the discussion was begun prior to any large number of citizen complaints or concerns regarding the status quo. It is a conversation in which there has been little concern expressed that all segments of the affected population have adequate input. The concept has been discussed by folks who could not possibly understand all the intricacies or potential costs before they began talking. To consider it is a diversion from the very real issues of economic challenge and public safety that Canton is facing. A tentative plan has been developed by folks who may not even live in Canton and besides all this, it was something that Canton settled by its own actions some forty plus years ago. That pretty well sums up the arguments against any official discussion by the folks who will make the decision on the idea of evaluating and considering possible changes in the structure of Canton's Government. Which is what talk about Charter Government really is all about. Ironically however, that process in those arguments almost exactly mirror the process in arguments that could be made to preclude any discussion about evaluation and possible changes, not to the structure of Government but to

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the structure which is City Hall. I'm not here tonight to object to the process or to the proposed plan for City Hall renovation that was outlined in the Repository a few weeks ago. I trust that you who are Elected Officials have considered all those arguments and perhaps even questioned the process by which you have come to your decision regarding changes in the structure of City Hall. I do not object to our Elected Officials making the decisions that are by law theirs to make. Now, I am no legal scholar but it seems to me that the Ohio Constitution makes it abundantly clear that discussions and decisions about the structure of City Government are left to the people. In fact, Elected Officials are barred from serving on the Charter Commission, should the people decide to have one. You Elected Officials want the respect of the people and support for the decisions that are yours to make. I ask only that you give the same measure of respect and support to the people for the decisions that are by law ours to make. I fully expect that one or more will tell me "This is different Pastor, there's a difference between a City Hall and a City Charter." There is a difference, the big difference is who by law gets to make the decisions. You Elected Officials have made yours in regard to the structure of City Hall. Let the people make ours in regard to the structure of City Government....

PRESIDENT PRO TEM DOUGHERTY: Thank you.

C. DAVID MORGAN: Let the people vote. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Chet Warren please. Name and address please, welcome.

CHET WARREN: Chet Warren, 2522 Georgetown Road, Canton, Ohio. (*Inaudible*)...my Councilperson, Mrs. Chris Smith. But I'm here today to address...I'd like humbly thank all the Council People that and Mr. West, the Councilman for believing in the Canton Negro Oldtimers. You gave us a second chance and one of the things, we will not let you down. I know it was a hard decision. I'd like to thank the Administration that helped us, they did a good job and I think the Council did a good job in believing in us. And our obligation is to take care of the people, that's what we going to do, even though we have a bar, the bar is a business, that's not the Canton Negro Oldtimers, we've been in business for over 50 years and our purpose is to take care of community, help the seniors, help the kids and be a role model for all people to see what we can do. And with your help, and I really appreciate the Council, I know it was a hard decision for some of you to make but I think that was the right decision for giving a small business a second chance. Even though we did owe the City money and we guarantee we will pay that back. We over extended our self before but this time we on the right track and even Wall Street, they messed up and they got back on the right track and they had help. So, I mean, these are some of the things that I think you got to consider when people owe people, you got to consider helping people out, that's what Government is for. Government is not to just try to hold people down, they supposed to help them, even though sometimes they might be behind on they bills, there's got to be a reason for that and there ain't no use in being all stranger then trying to be all hard and everything because our job as the Canton Oldtimers is to get our community safe so we can get business into this community and get our schools safe. And that's what I'm here for, we could have wrote a speech and all that but I wanted to do it from the bottom of my heart that I really appreciate the Council and what you did for us and I'd like to extend...for the Mayor and his staff, they did a super job for us to and I really appreciate from the bottom of my heart and anything we can do to help you, all you have to do is just call us and we will respond. Thank you.

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PRESIDENT PRO TEM DOUGHERTY: Thank you.

INFORMAL RESOLUTIONS

PRESIDENT PRO TEM DOUGHERTY: Okay, we'll move on to Informal Resolutions. Madame Clerk will you please read Resolution 48.

#48. DOUGHERTY, D., MJR LDR & SMUCKLER, B., CNL AT LRG: AUTHORIZE ADMINISTRATION TO ALLOCATED UP TO \$33,000.00 FOR CHOICE NEIGHBORHOOD PLANNING GRANT. - ADOPTED

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President, I move we adopt Ordinance #.....

PRESIDENT PRO TEM DOUGHERTY: Resolution 48.

MEMBER PRATER: Informal Resolution #48.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Resolution 48. Any comments? Roll call.

CLERK TIMBERLAKE: Voice vote.

PRESIDENT PRO TEM DOUGHERTY: Oh....voice vote. All those in favor. Opposed.

NO REMARKS RESOLUTION #48 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM DOUGHERTY: Thank you.

COMMUNICATIONS

PRESIDENT PRO TEM DOUGHERTY: We're now under Communications. Let the journal show that all Communications are received as read.

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED OCTOBER 18, 2010.

386. APPLICANT, FAIRBANKS BLDG CO. LLC: REQ ZONE CHANGE @ 2699 ROBERTS AVE NW FROM PB-4 (PLANNED SPECIAL BUSINESS) TO PB-4 (PLANNED SPECIAL BUSINESS). - PLANNING COMMISSION

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387. COMMUNITY DEV DIR WILLIAMS: ESTABLISH FAIR REUSE VALUE OF REAL PROPERTY & AUTHORIZE DISPOSITION OF SAID PROPERTY (MILAN DOLANSKI - PARCEL 02-33562 ON 15TH ST NW). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
388. COMMUNITY DEV DIR WILLIAMS: ESTABLISH FAIR REUSE VALUE OF REAL PROPERTY & AUTHORIZE DISPOSITION OF SAID PROPERTY (DAVID & BEVERLY BROOKSHIRE - PARCEL 02-01291 ON LAWRENCE RD NE). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
389. COMMUNITY DEV DIR WILLIAMS: ESTABLISH FAIR REUSE VALUE OF REAL PROPERTY & AUTHORIZE DISPOSITION OF SAID PROPERTY (LEMMEL & MARY DOTSON - PARCEL 02-35106 ON ROWLAND AVE NE). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
390. COMPLIANCE DIR MINOR SMITH: RECEIPT OF PERFORMANCE ASSESSMENT OF CANTON FAIR HOUSING COMMISSION FOR REVIEW PERIOD OF 7/1/09 - 6/30/10. - RECEIVED & FILED
391. DEPARTMENT OF COMMERCE: NOTIFICATION OF CORRECTION OF ADDRESS CHANGE FOR REQ FOR NEW D1 D3 D6 LIQUOR PERMIT FOR CHIPOTLE MEXICAN GRILL @ 4130 TUSCARAWAS ST W (ORIGINALLY PROVIDED AS 4332 TUSCARAWAS ST W). - RECEIVED & FILED
392. HEALTH ADMIN MCBRIDE: SEPT 2010, MNTHLY COMPARATIVE RPT, INSURANCE CLAIMS. - RECEIVED & FILED
393. HEALTH COMMISSIONER ADAMS: REQ APPROP OF \$117,000.00 FROM UNAPPROP FUNDS OF 2328 PHEP FUND TO 2328 PHEP FUND. - FINANCE COMMITTEE
394. MAYOR WILLIAM HEALY: REQ AUTHORIZATION OF RE-APPT OF DEBORAH ROHRBACH AND ROBERT THOMPSON TO FAIR EMPLOYMENT PRACTICES BOARD FOR 3 YR RETRO TERM FROM 2/28/10 TO 2/28/13. - PERSONNEL COMMITTEE
395. MAYOR WILLIAM HEALY: REQ AUTHORIZATION OF RE-APPT OF ANGENITA DANIELS TO FAIR HOUSING COMMISSION FOR 5 YR RETRO TERM FROM 8/31/10 TO 8/30/15. - PERSONNEL COMMITTEE
396. MAYOR WILLIAM HEALY: REQ AUTHORIZATION OF RE-APPT OF SUE ROSS TO CITY'S BOARD OF ZONING APPEALS FOR 3 YR TERM COMMENCING 1/1/11 TO 12/31/13. - PERSONNEL COMMITTEE
397. MAYOR WILLIAM HEALY: REQ PYMT OF MORAL OB IN AMT OF \$140.83 TO PAY INVOICES INCURRED IN AUGUST 2010; REQ PROF SVCS CONTRACT BE AUTHORIZED IN AMT OF \$30,000.00 TO FULFILL PYMT OBLIGATIONS FOR REMAINDER OF 2010 AND

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2011 TO BLACK, MCCUSKEY, SOUERS AND ARBAUGH LPA FOR WRKS COMP REPRESENTATION. - FINANCE COMMITTEE

398. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED ALLEY VACATION OF 19TH ST NW WEST FROM FULTON RD APPROXIMATELY 130' (WARD 7 - JEFF FEDORKO). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
399. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED REPLAT OF OUT LOT 576, PART OF LOT 27553 AND LOTS 27551 & 27552 (WARD 6 - STARK COUNTY COMM ACTION AGENCY). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
400. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED REPLAT OF OUT LOTS 1294 & 1295 ON BELDEN AVE SE (WARD 4 - BRUENNING SHEPLER & ASSOC). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
401. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED ALLEY VACATION OF HAZLETT AVE NW NORTH FROM 7TH ST NW APPROXIMATELY 440' TO HISTORICAL SOCIETY PROPERTY (WARD 1 - STARK COUNTY HISTORICAL SOCIETY). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
402. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED ZONE CHANGE @ 3751 BURRSHIRE DR NW FROM PB-4 (PLANNED SPECIAL BUSINESS) TO PB-1 (PLANNED OFFICE DISTRICT) (WARD 8 - MERGING HEARTS HOLISTIC CENTER). - JUDICIARY COMMITTEE
403. SAFETY DIRECTOR REAM: REQ PAYMENT OF \$26,404.52 TO MOTOROLA FOR 4TH QTR 2010 MAINTENANCE AGMT ON 800MHZ COMMUNICATION EQUIPMENT FOR CITY & COUNTY SAFETY FORCES. - FINANCE COMMITTEE
404. SERVICE DIRECTOR PRICE: NOTIFICATION OF ROBERT TORRES APPOINTMENT TO POSITION OF DIRECTOR OF ECONOMIC DEVELOPMENT. - RECEIVED & FILED
405. SERVICE DIRECTOR PRICE: NOTIFICATION OF FONDA WILLIAMS APPOINTMENT TO POSITION OF DIRECTOR OF COMMUNITY DEVELOPMENT AND PLANNING. - RECEIVED & FILED
406. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS FILED AS OF 9/30/10. - RECEIVED & FILED
407. TREASURER SCHIRACK: BANK RECONCILIATIONS AND OUTSTANDING INVESTMENTS AS OF 9/30/10. - RECEIVED & FILED
408. TREASURER SCHIRACK: PARKING METER REVENUE FOR SEPTEMBER 2010. - RECEIVED & FILED
409. TREASURER SCHIRACK: AMBULANCE LOCK BOX ACCOUNT FOR SEPTEMBER 2010. -

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RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT PRO TEM DOUGHERTY: First Reading Ordinances. Let the Journal show that all Ordinances are being given their reading as required by State Law. Madame Clerk please read the first Ordinances.

NOTE: PRESIDENT PRO TEM DOUGHERTY CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH AND INCLUDING #6 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE AMENDING CHAPTER 1130, SIGNS, OF THE CODIFIED ORDINANCES
PUB HRG: 11/1/10 @ 7:30 P.M.
Referred to Judiciary Committee
- #2. (1ST RDG) AN ORDINANCE VACATING A PORTION OF QUEEN COURT N.W.; AND DECLARING THE SAME TO BE AN EMERGENCY
PUB HRG: 11/1/10 @ 7:31 P.M.
Referred to Public Safety & Thoroughfares Committee
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- #3. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO FILE WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT A 2011 CONSOLIDATED ACTION PLAN FOR THE 2011 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, 2011 HOME INVESTMENT PARTNERSHIP PROGRAM AND 2011 EMERGENCY SHELTER GRANT PROGRAM; RATIFYING SUBMISSION AND FILING OF SAID PLAN; AUTHORIZING THE MAYOR TO EXECUTE GRANT AGREEMENTS WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND TO ACCEPT FUNDING FOR THE THREE PROGRAMS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- #4. (1ST 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 (\$24,415.00 - 2328 PHEP - HEALTH DEPARTMENT)
Referred to Finance Committee
- #5. (1ST RDG) AN ORDINANCE AUTHORIZING AND CONSENTING TO THE REPLACEMENT OF THE CITY OF CANTON'S WATER MAIN ON THE S.R. 172 STRUCTURE OVER THE WHEELING & LAKE ERIE RAILROAD AS PART OF THE OHIO DEPARTMENT OF TRANSPORTATION PROJECT STA. 172-17.28; AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance & Public Safety & Thoroughfares Committees

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- #6. (1ST RDG) RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT PRO TEM DOUGHERTY: We're now under Ordinances for their Second Reading. Madame Clerk.

NOTE: PRESIDENT PRO TEM DOUGHERTY CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #7 THROUGH AND INCLUDING #8 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS):

- #7. (2ND RDG) AN ORDINANCE AMENDING SECTION 105.07, GRANT AND LOAN APPLICANT REQUIREMENTS OF THE CODIFIED ORDINANCES OF THE CITY CANTON
- #8. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ACCEPT AND EXECUTE THE 2011 RECYCLING MAKES SENSE GRANT FROM THE STARK-TUSCARAWAS-WAYNE JOINT SOLID WASTE MANAGEMENT DISTRICT; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT PRO TEM DOUGHERTY: We're now under Ordinances for the Third and final Reading. Madame Clerk , Ordinance 9.

NOTE: PRESIDENT PRO TEM DOUGHERTY CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #9 THROUGH AND INCLUDING #15 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS :

- #9. (3RD RDG) **ADOPTED AS ORDINANCE NO. 192/2010** AN ORDINANCE AMENDING APPROPRIATION NO. 1/2010, AS AMENDED, BY MAKING THE APPROPRIATION TRANSFER HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (CIVIL SERVICE - TRAVEL \$200.00)

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President I move we adopt Ordinance #9.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 9. Any questions? Roll call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#9 ADOPTED AS ORDINANCE NO. 192/2010

PRESIDENT PRO TEM DOUGHERTY: Ordinance 9 has been adopted. Ordinance 10.

#10. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 193/2010** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS AND APPROPRIATION TRANSFERS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President I move we amend Ordinance #10 per the copy that all Council Members have in front of them.

PRESIDENT PRO TEM DOUGHERTY: Hold on a second, move to adopt first.

MEMBER PRATER: I move we adopt Ordinance #10.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 10. Any...go ahead and amend it now.

MEMBER PRATER: Mr. President, I move we amend Ordinance #10 per the copy that all Council Members have in front of them.

MEMBER CIRELLI: Seconded.

AMENDMENT

Pursuant to Rule 36, I move to amend Agenda Item No. 10 by replacing the original Exhibit A attached to the ordinance currently pending before Council with the attached amended Exhibit A.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to amend Ordinance 10. Any questions? Roll call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Okay, the amendment has passed, Member Prater.

MEMBER PRATER: Mr. President, I move we adopt Ordinance #10.

PRESIDENT PRO TEM DOUGHERTY: As amended.

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MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 10 as amended. Any questions? Roll call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#10 ADOPTED AS AMENDED AS ORDINANCE NO. 193/2010

PRESIDENT PRO TEM DOUGHERTY: Ordinance 10 has been adopted. Ordinance 11.

#11. (3RD RDG) **ADOPTED AS ORDINANCE NO. 194/2010** 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 (OLLIE FLOYD - PARCEL #02-13144 ON 3RD ST NE)

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President I move we adopt Ordinance #11.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 11. Any discussion? Roll call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#11 ADOPTED AS ORDINANCE NO. 194/2010

PRESIDENT PRO TEM DOUGHERTY: Ordinance 11 has been adopted. Ordinance 12.

#12. (3RD RDG) **ADOPTED AS ORDINANCE NO. 195/2010** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF ALL OF OUTLOT 889 AND LOT 34931; AND DECLARING THE SAME TO BE AN EMERGENCY (NEAR SW CORNER OF HARMONT AVE NE & 34TH ST NE)

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President I move we adopt Ordinance #12.

MEMBER CIRELLI: Seconded.

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PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 12. Any discussion? Roll call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#12 ADOPTED AS ORDINANCE NO. 195/2010

PRESIDENT PRO TEM DOUGHERTY: Ordinance 11 has been adopted....I mean Ordinance...what was it?

CLERK TIMBERLAKE: 12.

PRESIDENT PRO TEM DOUGHERTY:12 has been adopted. Ordinance 13.

#13. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 196/2010** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A ONE-YEAR PROFESSIONAL SERVICES CONTRACT WITH OHIO BILLING, INC. FOR THE BILLING AND COLLECTION OF USER FEES FOR EMERGENCY AMBULANCE SERVICES AND PUBLIC SAFETY SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President I move we adopt Ordinance #13.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 13. Any discussion

MEMBER PRATER: Mr. President I move we amend Ordinance #13 per the copy that all Council Members have in front of them.

MEMBER CIRELLI: Seconded.

AMENDMENT

Pursuant to Rule 36, I move to amend Section 1 of Agenda Item No. 13 by adding the words "retroactive to" before the words "October 1, 2010".

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to amend Ordinance 13. Any discussion? Roll call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

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PRESIDENT PRO TEM DOUGHERTY: Member Prater.

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

PRESIDENT PRO TEM DOUGHERTY: As amended.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 13 as amended. Any questions? Roll call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#13 ADOPTED AS AMENDED AS ORDINANCE NO. 196/2010

PRESIDENT PRO TEM DOUGHERTY: Number 13 as amended has been adopted. Number 14.

#14. (3RD RDG) **ADOPTED AS ORDINANCE NO. 197/2010** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO A CONSTRUCTION CONTRACT FOR THE CONSTRUCTION OF THE BRIDGE IN MARTINDALE PARK; AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (WEST SIDE PARKS TRAIL & BRIDGE PROJECT GP 1093 \$109,994.00)

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President I move we adopt Ordinance #14.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 14. Any questions? Roll call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#14 ADOPTED AS ORDINANCE NO. 197/2010

PRESIDENT PRO TEM DOUGHERTY: Okay, Ordinance 14 has been adopted. Ordinance 15.

#15. (3RD RDG) **ADOPTED AS ORDINANCE NO. 198/2010** AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR WATER AND/OR SEWER SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President I move we adopt Ordinance #15.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: Moved and seconded to adopt Ordinance 15. Any remarks? Roll call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#15 ADOPTED AS ORDINANCE NO. 198/2010

PRESIDENT PRO TEM DOUGHERTY: Ordinance 15 has been adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM DOUGHERTY: Announcement of Committee Meetings please.

MEMBER SMUCKLER: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Smuckler.

MEMBER SMUCKLER: I have a question first so we can schedule this time wise. Question, Mr. President if you could ask the Community and Economic Development Director on Ordinance #3, I'd like to know if this is the budget for 2011.

ECONOMIC DEVELOPMENT DIRECTOR TORRES: In reference to Ordinance #3, you received a communication on that. It is to make application for the 2011 year. So, there is an amendment that was submitted after you received that communication because it is a request for the 2011 year.

PRESIDENT PRO TEM DOUGHERTY: How much time are you going to need?

ECONOMIC DEVELOPMENT DIRECTOR TORRES: This...this...this...this...this is an...this is an...an annual request that we have. We always make application to HUD and that's based on a formula.

PRESIDENT PRO TEM DOUGHERTY: Member Smuckler you want to know how long he's going to...how much time are you going to need in Committee Meetings? He doesn't know, we're scheduling Committee Meetings, how much time do you think you'll need?

ECONOMIC DEVELOPMENT DIRECTOR TORRES: I would say no more then five minutes.

MEMBER SMUCKLER: Um...

ECONOMIC DEVELOPMENT DIRECTOR TORRES: This is...uh...Chairman....

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MEMBER SMUCKLER: We'll be shocked if there isn't questions down here in regards to this more then there have been in the past, especially and I just want to make sure there is enough time.

ECONOMIC DEVELOPMENT DIRECTOR TORRES: Again, this is a...this is a request...this is just like a planning grant where you make a request to make application.....

MEMBER SMUCKLER: How much money are we talking about? A request for how much money?

ECONOMIC DEVELOPMENT DIRECTOR TORRES: I don't have the...the numbers before me but it's...it's the annual request....

MEMBER SMUCKLER: So it's about three million plus?

ECONOMIC DEVELOPMENT DIRECTOR TORRES: Yes, sir.

MEMBER SMUCKLER: I think we'll take a little longer then five minutes Member Dougherty.

PRESIDENT PRO TEM DOUGHERTY: Well figure it out.

MEMBER SMUCKLER: I know that I would like somewhere about a half hour for this. So, I'll call my meeting for 6:30 on Monday, next week and I would ask the other Committee people on their meetings to back up before that if at all possible.

SERVICE DIRECTOR PRICE: Mr. President, if I may.

PRESIDENT PRO TEM DOUGHERTY: Okay.

SERVICE DIRECTOR PRICE: I want to make sure we're talking about the same thing. Councilman Smuckler, asked you if this is the budget. Is it the budget? I mean this is a request to HUD for....

ECONOMIC DEVELOPMENT DIRECTOR TORRES: This is a request to make an application to HUD...

SERVICE DIRECTOR PRICE: For our funds...

ECONOMIC DEVELOPMENT DIRECTOR TORRES: For the 2011 year. They determine their funding based on a formula. So, this is simply to make application.

MEMBER SMUCKLER: So, this is not what we would get back then that we would budget?

ECONOMIC DEVELOPMENT DIRECTOR TORRES: No...no once we receive that then we're going to come to you to actually accept it.

MEMBER SMUCKLER: Okay, different story then.

ECONOMIC DEVELOPMENT DIRECTOR TORRES: Yes...yes, this is the annual request.

SERVICE DIRECTOR PRICE: If that was the budget, then I was going to have a panic attack...(Laughter)...so okay, I understood that this is the application to HUD....

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MEMBER SMUCKLER: Five minutes was my panic attack right there. *(Laughter)* Okay, we'll go back at this then and we'll make 6:30 and we should be able to get them all in at least I would guess somewhere in that point in time for all those.

PRESIDENT PRO TEM DOUGHERTY: Okay, Committee Meetings.

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Hawk.

MEMBER HAWK: Finance Committee Meeting, I'm going to ask that the Budget be reviewed for the third quarter of this year as we did at the end of the second quarter. I would like to call that meeting *(inaudible)*...Auditor Mallonn *(inaudible)*....6:00 next Monday *(inaudible)*.

PRESIDENT PRO TEM DOUGHERTY: Thank you.

MEMBER SMITH: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Smith.

MEMBER SMITH: Public Safety and Thoroughfares...6:45.

PRESIDENT PRO TEM DOUGHERTY: Next.

MEMBER WEST: Judiciary, 6:32.

MEMBER PRATER: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes Member Prater.

MEMBER PRATER: Personnel will meet on October 25th at 6:30.

PRESIDENT PRO TEM DOUGHERTY: Okay.

MEMBER PRATER: Thank you.

PRESIDENT PRO TEM DOUGHERTY: Any other meetings?

MISCELLANEOUS BUSINESS

PRESIDENT PRO TEM DOUGHERTY: Miscellaneous Business. Any Miscellaneous Business please?

MEMBER SMITH: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Smith.

MEMBER SMITH: I would like to address this to Ms. Markle. I really appreciate you coming down and sharing your heartfelt thoughts. I know we've had this discussion before. But if you could wait till after

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Council Meeting, I'd like to just discuss some things with you so that we can go to the right person to answer those questions for you. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Any other Miscellaneous Business?

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes.

SERVICE DIRECTOR PRICE: Do you want me to cover Old Business?

PRESIDENT PRO TEM DOUGHERTY: Yes.

SERVICE DIRECTOR PRICE: As for Old Business follow up from the October 4, 2010 meeting....number of issues, we were asked by residents where the smoke alarm and fire extinguishers...I'm sorry, were those smoke alarms and extinguishers from the grant purchased and distributed from the Ordinance that was passed earlier in the year. The smoke alarms and fire extinguishers have been purchased to the degree that the Board of Control acted fairly recently for that purchase, so they should be distributed in the pipeline soon. So...but the Board of Control did act to purchase those fire extinguishers and smoke alarms. We were asked about David Boelhke's recommendations and whether those would be put into affect. David Boelhke is a consultant that was assisting the City with a comprehensive neighborhood plan. Mr. Boelhke is a nationally renowned consultant who I came to certainly respect during his time here. He promulgated a report or workbook that kind of gives us a roadmap to...you know, to future development in our...our...the future of our neighborhoods in Canton. Very important document, the question as to whether those recommendations are going to go into affect, we certainly hope that hope that many of those would be put into affect. To do that is going to require...that's not...that's not just something that I'm going to be able to do or the Administration or Council alone. That's going to take a real cooperative effort by the Administration, the Mayor's Office, this Council and of course our neighborhood organizations and the community at large. The plan is...I think a...certainly a good work product...it's...there's a lot to talk about. Mr. Boelhke was very direct in the process, he likes to kind of call City Officials out, myself included, which is fine because basically, you know, his challenge is, you know, where...where do we want to go, are we on the right path. You know, he's...he likes to remind us that, you know, our planning practices and dreams of the '60s and 70's are not necessarily those that are going to lead us in the right direction today. But there is a meeting scheduled next Tuesday, I guess the Mayor's invited the neighborhood organizations to meet. Certainly those workbooks we'll make available to you and to the neighborhood organizations but again, I just want to reiterate implementing those recommendations will require a cooperative effort by Council, the Administration and the neighborhood organizations (*inaudible*). It's..and that neighborhood meeting is 5:30 at the Canton Memorial Civic Center in the McKinley Room, that is open to the public, Council is welcome to attend. Next issue was the sidewalk Ordinance and will something be done with that Ordinance to keep sidewalks safe for children walking to school and clean from snow. You know, we have a matching grant program where the City picks up half the bill for sidewalk improvements, we have a lot of folks taking advantage of that. I sign off on those probably multiple times per week, conditions of the sidewalks are of course an issue, you...you'll hear complaints about, you know, why do the kids today walk in the middle of the street, well you know half the time it's because you can't walk on the sidewalks and so there's certainly issues. It's a matter of, you know, money and resources. Enforcement, we have Ordinances on the books that require the sidewalks to be clear of snow by noon, now are those actively enforced, well not really. I mean we...we can enforce them on a complaint basis, we have probably done that. And in the downtown area, City crews do attempt, although we're not obligated to, we do attempt for safety reasons and just out of practical...for

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practical reasons there's just only so much...so many places the snow can go downtown, so we haul that away. But I just...I guess I'd say that's an ongoing effort, it's a matter of money and resources available to us, we do what we can but I do want to remind residents that, that matching program is available and we have had a lot of people take advantage of it with good results. I just actually got a rare thank you note from a resident, I'll share it with you, to the whole City basically for running the program and you know, how pleased he was about the...having the opportunity to get a sidewalk replaced where with the matching funds he was able to do it and without those he probably wouldn't have been. Another resident asked about the cameras that are supposed to rotate from neighborhood to neighborhood and will neighborhood associations get grants or be told what type of equipment to purchase for the purpose. We've had the cameras in operation, we've had some technical issues and growing pains with those that we're working through. Safety Director, anything you want to add to that statement?

SAFETY DIRECTOR REAM: Well, I've followed this with the Chief and yes there's some technical issues that they had not anticipated. We collectively have decided that...to take a step back and do a little simpler system as we're working on the main components to rule out. And so we're going to get a closed system up and running here shortly, this has drug on a little longer then what we would have liked and we will have a couple cameras ready to go here in the very near future.

SERVICE DIRECTOR PRICE: Okay, the final one was what will be done with all the land now vacant from the homes that were demolished. Those will be incorporated into our...our maintenance program, our mowing program but that program, you know, by many accounts is probably inadequate as it runs now. There is...there is no shortage of vacant lots that need mowed in the City and there is a shortage of personnel to do that, where the Street Department, you know, even ten years ago had probably 60 personnel, we're down to 30 some and...but we...we'll be exploring programs like tho...some of those that we've...we've already instituted where, you know, we're incorporating some CD dollars and trying to use, you know, whatever help we can through grant programs. We're also going to cover that at the...we'd like to talk about that in more depth at the neighborhood meeting on Tuesday. So, those were the issues as I...oh one more item that wasn't under Old Business but it is an older, I mean it's something that's been pending, we have....in your boxes for Council Members, we have the consulting team from Successional Cities that was hired in 2007 to put a roadmap to sustainability together. We have that report back and we've enclosed for you the outline of that and we have talked about in that report, some of the things that have been done in those areas but we certainly welcome your review of that, your input as to that roadmap of sustainability. Thank you.

MEMBER HAWK: Mr. President.

MEMBER WEST: Mr.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

MEMBER HAWK: Thank you sir. Mr. Price, I appreciate your (*inaudible*) the vacant lots are getting more and more numerous. I've been working with Mr. Williams from Community and Economic Development Department (*inaudible*) and willingness to revitalizing land I will volunteer my time and energy to help in making this program a success...(*inaudible*).....

MEMBER WEST: Mr....Mr. Chairman.

PRESIDENT PRO TEM DOUGHERTY: Mr. West.

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MEMBER WEST: Yes, this is to the Safety Director in reference to the safety cameras. The Gibbs area neighborhood was one of the groups that was looking for those cameras to go up in that area and we're having some flare ups again. If we're putting that on the back burner could we contact the people that have asked for those cameras to let them know what's going on with the program so that their not constantly waiting for those cameras to be put up?

SAFETY DIRECTOR REAM: I'll speak with the Chief about that, yes.

MEMBER WEST: Thank you.

PRESIDENT PRO TEM DOUGHERTY: Anymore Miscellaneous Business? Member Prater.

MEMBER PRATER: Mr. President I move we adjourn.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: Moved and seconded to adjourn. Roll call.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT PRO TEM DOUGHERTY: *(Gavel falls)*

ADJOURNMENT TIME: 8:17 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

DAVID DOUGHERTY
PRESIDENT PRO TEM