

MINUTES OF THE MEETING NOVEMBER 1, 2010

PRESIDENT SCHULMAN: Good evening ladies and gentleman and welcome to Canton City Council. I think we have everyone here but Member West tonight 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:

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

ELEVEN COUNCIL MEMBERS PRESENT. ONE ABSENT (THOMAS WEST ABSENT)

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

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: I'd like to make a motion to excuse Member West from tonight's meeting.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to excuse Council Member West from this evening's meeting. Are there any remarks? And I understand that Member West is under the weather tonight. Hearing no remarks, roll call vote please Madame Clerk.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries and Member West is excused from this evening's meeting. Tonight we're having our invocation given by Ward 8 Council Member, Mark Butterworth. If you'll all please remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on November 1, 2010 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Ward 8 Council Member, Mark Butterworth. The Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you Member Butterworth for those very well chosen words. 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 2nd Reading of Ordinances 3 through 11. Leader.

MEMBER DOUGHERTY: Mr. President, I move Rule 22A be suspended to add 2nd Readings Ordinances 3 through 11.

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MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add the 2nd Reading Ordinances 3 through 11. Any remarks? Hearing none Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Rule 22A is suspended and the Ordinances are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We're under Public Hearings. We actually have two Public Hearings this evening. The first is AN ORDINANCE AMENDING CHAPTER 11.....let's start over....AN ORDINANCE AMENDING CHAPTER 1130, SIGNS, OF THE CODIFIED ORDINANCES. PLANNING COMMITTEE IS RECOMMENDING APPROVAL OF THE SAME. Is there anyone in the audience wishing to speak for or against this Amendment, would you please step forward. Is there anyone in the audience wishing to speak for or against this Amendment, would you please step forward. Seeing no one step forward, the matter now rests in the hands of Council and this Ordinance will follow later this evening. We have a second hearing scheduled at **7:31 PM**. It's AN ORDINANCE VACATING A PORTION OF QUEEN COURT NW; AND DECLARING THE SAME TO BE AN EMERGENCY. THE PLANNING COMMISSION IS RECOMMENDING APPROVAL OF THE VACATION IN WARD 2. Again, is there anyone in the audience wishing to speak for or against this Vacation, would you please step forward. And once again, is there anyone in the audience wishing to speak for or against this Vacation, would you please step forward. Seeing no one stepping forward, this matter now also rests in the hands of Council and it will be decided by you later this evening.

OLD BUSINESS

PRESIDENT SCHULMAN: We are now under Old Business and I will now turn this over to the Mayor's Chief of Staff, Warren Price and it's good to have you back.

CHIEF OF STAFF PRICE: Thank you Mr. President. I've got seven items under Old Business to follow up on. Stark County Auditor Kim Perez reported last week that he was working with Councilman Cole and Horner on legislation on fuel quality testing and we just wanted to state as the Administration, is that we're supportive of any efforts like that and if we can assist you however we can, just let us know. There was an issue brought to our attention by a resident dealing with young men potentially intimidating people around the Canton Calvary Mission. Safety Director Ream has been working with the Police Department on that issue and he is going to continue to monitor that situation. There was a resident who voiced her thanks for the City demolishing properties on her street and expressing interest in obtaining those now vacant lots, Community Development Director Williams is on that and is working with Miss Cox and the start of the land acquisition process. Katherine Ramsey raised ongoing concerns with responsible landlords interested in obtaining a vacant lot next to her. The CD Director will follow up with her on obtaining that vacant lot as well. There was an issue raised regarding a crime in Jennifer Lewis' neighborhood and she was asking for help in keeping her neighborhood safe and strong. Director Ream and the Police Department are aware of

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the issues that she raised in that particular neighborhood and are continuing to keep an eye on that and do what they can. Kevin Fisher appeared expressing constitutional concerns with limitations on political signs and proposed changes to the sign portion of the zoning code. Mr. Martuccio, our Law Director, went over those changes in the amendment with you this evening addressing that issue. Finally, Antoine Hodge announced the creation of a new non profit agency on 3rd Street NE and we welcome that organization to the community and the CD Director has been meeting with him to see if and how we can work together and collaborate. And that concludes my portion of Old Business. Thank you.

PRESIDENT SCHULMAN: Thank you Director and Chief of Staff and all around a very good person.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We are now under Public Speaks. We have two speakers signed up this evening. Our first, both of them need no introduction. Our first is Monique Conner. Miss Conner, good evening....is she, well let's do this, Kevin are you ready? Our next speaker will be Kevin Fisher. Kevin if you'll step forward and give us your name and residential address please and good evening.

KEVIN FISHER: Good evening, Kevin Fisher, 1641 Alden Avenue SW, Canton 44706. I just signed up to thank our esteemed Law Director....Law Director extraordinary, Joe "Super Joe" Martuccio for his...the amendment that he authored on my concerns with the sign Ordinance. And also express thanks to several Councilman that I talked to last week expressing their support for that. And would just urge Council to pass the amendment along with the Ordinance tonight. And beyond that just ah....how about them Bulldogs.
(Laughter)

PRESIDENT SCHULMAN: Thank you Mr. Fisher. Our next speaker is Monique Conner, Ms. Conner good evening, if you'll step forward and although you need not do it, for the record will you give us your name and your residential address.

MONIQUE CONNER: Good evening, I'm Monique Conner at 1022 Struble NE, Canton, Ohio 44705. I did want to come up and talk about the Recreational Center that I had found out was going into the Southeast end. I have talked to the Mayor and we're going to sit down and have a meeting and kind of discuss it more. I had some concerns about the function of it and different things of that nature but he has been trying to explain things and of course we haven't had enough time. But when I first found out about it today, I was highly upset about different things that's going on but there's some issues that I think we may be able to sit down and discuss. Thank you for allowing me to come up for a few seconds.

PRESIDENT SCHULMAN: Oh, thank you very much. Thanks.

MAYOR HEALY: Mr. President.

PRESIDENT SCHULMAN: Yes Mayor.

MAYOR HEALY: Just a quick response. The decision has not been made to put the Recreation Department in the Rec Center. It was a proposal that's being evaluated. So, that will be part of the discussion. Thank you.

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PRESIDENT SCHULMAN: Great, thank you Mayor. Thank you Ms. Conner and again, thank you for all your work in our community.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We're now under Informal Resolutions. Madame Clerk will you please read Resolution 53.

#53. PERSONNEL COMMITTEE: REQ AUTHORIZATION OF GEORGE FAWVER TO BE PLACED IN THE POSITION OF ASST SUPV OF DISTRIBUTION IN WATER DEPT AT GRADE 6, STEP 5 @ \$56,343.00. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President, I move we adopt Resolution 53.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution 53. Are there any remarks? Hearing none, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #53 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries. Resolution 53 is adopted.

COMMUNICATIONS

PRESIDENT SCHULMAN: 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 NOVEMBER 1, 2010.

416. AUDITOR MALLONN: CERTIFICATE OF TOTAL AMT FROM ALL SOURCES FOR 2010. - RECEIVED & FILED
417. COMMUNITY DEV DIR WILLIAMS: REQ AUTHORIZATION TO ACCEPT PARCEL OF LAND AS DONATION LOCATED ON 25TH ST NE (PARCEL #02-12934 - DEBORAH LANAM). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
418. COMMUNITY DEV DIR WILLIAMS: ESTABLISH FAIR REUSE VALUE OF PARCEL OF REAL PROPERTY & AUTHORIZE DISPOSITION OF SAID PROPERTY (GARY PENDLETON - PARCEL 02-06484 ON 4TH ST SE). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

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419. FINANCE DIRECTOR ALGER: REQ AUTHORIZATION FOR SUPP APPROPS & APPROP TRANSFER FOR CITY'S CONTINUING OPERATIONS (POLICE AND FIRE). - FINANCE COMMITTEE
420. LIQUOR CONTROL DIVISION (OHIO): REQ NEW D2 LIQ PERMIT FOR CORK & CANVAS ON 3RD LLC @ 322 3RD ST NW. - RECEIVED & FILED
421. MAYOR WILLIAM HEALY: ADVISING OF APPT OF MARILYN FRAZIER TO FILL THE BALANCE OF CHERRIE TURNER'S TERM ON STARK METROPOLITAN HOUSING AUTHORITY BOARD OF COMMISSIONERS FROM 10/29/10 TO 01/31/12. - RECEIVED & FILED
422. SAFETY DIRECTOR REAM: REQ AUTHORIZATION FOR SAF DIR TO ADVERTISE, REC BIDS AND ENTER INTO CONTRACT FOR PURCHASE OF VEHICLE LIFT FOR FIRE DEPT; REQ AUTHORIZATION FOR ALTERNATE CONTRACT TO PURCHASE VEHICLE LIFT UNDER O.R.C. SECTION 125.04 WHICH EXEMPTS COMPETITIVE BIDDING. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
423. SAFETY DIRECTOR REAM: REQ AUTHORIZATION FOR SAF DIR TO ENTER INTO PROF SVC CONTRACT W/ANGELA CAVANAUGH IN AMT NOT TO EXCEED \$105,818.00 TO SERVE AS CITY'S CHIEF BLDG OFFICIAL FROM 1/1/11 TO 12/31/11 OR UPON TOTAL EXPENDITURES OF SAME AMT. - FINANCE & PERSONNEL COMMITTEES
424. SAFETY DIRECTOR REAM: REQ AUTHORIZATION FOR SAF DIR TO ENTER INTO PROF SVC CONTRACT W/PHIL SEDLACKO IN AMT NOT TO EXCEED \$26,400.00 FOR ANIMAL CONTROL SERVICES FOR CITY OF CANTON. - FINANCE & PERSONNEL COMMITTEES
425. SAFETY DIRECTOR REAM: REQ AUTHORIZATION TO ALLOW LAW DEPT TO REVISE SECTION 129.02 OF CITY'S CODIFIED ORDINANCES REGARDING FEES FOR OFF-DUTY POLICE & CRUISERS. - JUDICIARY & FINANCE COMMITTEES
426. SAFETY DIRECTOR REAM: REQ AUTHORIZATION TO ENTER INTO LEASE AGMTS FOR PARKING SPACES AT MILLENNIUM PARKING GARAGE W/STARK COUNTY COMMISSIONERS AND CANTON REGIONAL CHAMBER OF COMMERCE. - FINANCE COMMITTEE
427. SERVICE DIRECTOR PRICE: REQ LEGISLATION TO PROVIDE CLARIFICATION TO CERTAIN DEFINITIONAL TERMS AND DESIGNATION OF AUTHORITY & RESPONSIBILITY FOR ADMINISTRATION & COMPLIANCE OF PROVISIONS OF PHASE II STORM WATER PROG. - JUDICIARY COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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PRESIDENT SCHULMAN: We are now under Ordinances and Formal Resolutions for the First Reading. Let the Journal show that all Ordinances are given their reading as required by State Law. Madame Clerk would you please read the 1st Reading Ordinances by title this evening.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH AND INCLUDING #2 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:

- #1. (1ST RDG) 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 (FOR CITY'S CONTINUED OPERATION)
Referred to Finance Committee
- #2. (1ST RDG) AN ORDINANCE AUTHORIZING THE SETTLEMENT OF NL CONSTRUCTION CO. V. CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (COMMON PLEAS CASE #2007CV02675)
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We're now under Ordinances and Formal Resolutions for their Second Reading. Madame Clerk will you please read Ordinance #3.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #3 THROUGH AND INCLUDING #11 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #3. (2ND 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 (MILAN DOLANSKI - PARCEL #02-33562 ON 15TH ST NW)
- #4. (2ND RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY, AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY (DAVID & BEVERLY BROOKSHIRE - PARCEL #02-01291 ON LAWRENCE RD NE)
- #5. (2ND RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY, AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY (LEMMEL & MARY DOTSON - PARCEL #02-35106 ON ROWLAND AVE NE)

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- #6. (2ND 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 (\$117,000.00 - 2328 PHEP - HEALTH DEPARTMENT)
- #7. (2ND RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$140.83 TO BLACK, MCCUSKEY, SOUERS & ARBAUGH; AND DECLARING THE SAME TO BE AN EMERGENCY
- #8. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH BLACK, MCCUSKEY, SOUERS & ARBAUGH IN AN AMOUNT NOT TO EXCEED \$30,000.00 TO PROVIDE SPECIALIZED LEGAL ASSISTANCE WITH WORKERS COMPENSATION CASES; AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY
- #9. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF OUTLOT 576, PART OF LOT 27553 AND ALL OF LOTS 27551 AND 27552; AND DECLARING THE SAME TO BE AN EMERGENCY
- #10. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF ALL OF OUTLOTS 1294 AND 1295; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11. (2ND RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY \$26,404.52 TO MOTOROLA FOR THE CITY'S PORTION OF THE MAINTENANCE AGREEMENT FOR THE 800 MHZ COMMUNICATION EQUIPMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Thank you Madame Clerk. I just said to the Law Director "Is that all we do is pay Motorola?" They are on the schedule every single week it seems like.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: But in any case, now we're now under Ordinances and Formal Resolutions for their Third and final Reading and vote. And if we can begin please Madame Clerk with Ordinance 12.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #12 THROUGH #16 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS :

- #12. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 201/2010** AN ORDINANCE AMENDING CHAPTER 1130, SIGNS, OF THE CODIFIED ORDINANCES **PUB HRG: 11/1/10 @ 7:30 P.M.**

PRESIDENT SCHULMAN: Leader.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 12. Are there any remarks, Leader.

MEMBER DOUGHERTY: I move we amend Ordinance #12 per the copy in front of all Council Members.

MEMBER PRATER: Seconded.

AMENDMENT

I move to amend Agenda Item No. 12, pursuant to Rule 36, as follows:

Place a period after the phrase "square feet" in paragraph (d) of Section 1130.07, and delete the rest of the proposed language.

PRESIDENT SCHULMAN: It's been moved and seconded to amend Ordinance #12 per the copy before each of you. Are there any remarks?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER DOUGHERTY: Could we have the Law Department summarize that amendment?

PRESIDENT SCHULMAN: Law Director Martuccio, could you please summarize that amendment?

LAW DIRECTOR MARTUCCIO: Yes Mr. President.

PRESIDENT SCHULMAN: Thank you.

LAW DIRECTOR MARTUCCIO: Majority Leader, the amendment strikes the phrase...the durational phrase for political signs. We have not had a durational phrase for political signs in this City for many years. There was a section added to say political signs had to go up no sooner then 30 days before an election and no later then 5 days after...come down no later then 5 days after the election. We're striking that part because that runs counter to a 2000 Ohio Supreme Court decision that was...that frowned upon durational requirements for political signs. We're leaving in the existing language about they can't be any larger then 32 square feet. That I think is fine. And I want to thank Mr. Fisher for raising that issue last week.

PRESIDENT SCHULMAN: Does that satisfy you Leader? Are there any other remarks? This is the motion and second to amend the Ordinance per the copy. By voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

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PRESIDENT SCHULMAN: The ayes have it. The motion carries. Leader.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to amend...to ah...jeeze....to vote on Ordinance 12 as amended. So that is what you are now voting on. Are there any remarks under the amended Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#12 ADOPTED AS AMENDED AS ORDINANCE 201/2010

PRESIDENT SCHULMAN: Thank you Madame Clerk, Ordinance #12 is adopted. Ordinance #13 please.

#13. (3RD RDG) **POSTPONED INDEFINITELY 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.**

PRESIDENT SCHULMAN: Leader.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 13. Any remarks under this Ordinance?

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: This alley vacation on Queen Court is at the intersection of 12th Street and Queen Court NW. The two buildings that are currently there have long been vacant and are currently in the process apparently of being repaired. I think that we should probably use this as an incitement to complete and finish the renovations and remodeling of these buildings and postpone this piece of legislation until the buildings are adequately finished and completed. I think it's an incentive to get the buildings back into service in the City. 12th Street is one of our main corridors, this could be something that could greatly enhance the area. But I think awarding the property to them prior to the completion to the project when it's not imperative to the completion to the project is something we should consider seriously. It should be a reward for finishing the project and getting it done as opposed to enhancing it and getting it completed. This is my Weed and Seed area which is something that is very near and dear and as you all know, me and vacant buildings just don't get along real well. But I think it's a consideration as we look forward in the City to use land reutilization, to use vacating alleys as an incitement to finish properties, get them done, get them completed

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and make our City a better place in which to live. We should have the burden on them first rather than us giving property away (*inaudible*). I'd ask that it be postponed until we consider that. Or at least a plan drawn and some dates and deadlines that will confirm this situation will be done and the dollars are there to finish the project.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Question to the Law Director, sir. Since this is up for vote tonight, is it appropriate that we can postpone it or should we defeat it and then have it come back, sir? I'm not sure in my...

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member Cirelli, being that it's acceptable other than not having a time line associated with it, I think you can postpone it indefinitely and bring it back when that time line has been presented to the satisfaction of Committee and the Chair of that particular...of Council and the Chair of that particular Committee.

PRESIDENT SCHULMAN: Leader.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that we postpone Ordinance 13 and out of an abundance of caution, I'll call for a roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas.

PRESIDENT SCHULMAN: Ordinance 13 is postponed. Ordinance 14 please.

#14. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 202/2010** 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

PRESIDENT SCHULMAN: Thank you Madame Clerk. Leader.

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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. Are there any remarks, Leader.

MEMBER DOUGHERTY: Mr. President, I'd like to amend Ordinance 14 per the copy in front of all Council Members.

MEMBER PRATER: Seconded.

AMENDMENT

Pursuant to Rule 36, I move to amend Section 6 of Agenda Item No. 14 by changing the HOME Estimated Grant amount from \$261,568.00 to \$743,229.00 and the Total Consolidated Action Plan for Fiscal Year 2011 from \$3,819,271.00 to \$4,301,002.00.

PRESIDENT SCHULMAN: It's been moved and seconded to amend Ordinance 14 by virtue....

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN:of the copy before all Council Members. Yes, Member Cirelli.

MEMBER CIRELLI: I would like to have the Clerk of Courts...of Court...Council, excuse me, read that amendment please.

PRESIDENT SCHULMAN: Do you want it readed...do you want it readed....ha...do want it readed (*Laughter*) do you want it read or would you like Law Director Martuccio to summarize it for you?

MEMBER CIRELLI: I would like to have it read.

PRESIDENT SCHULMAN: Okay.

CLERK TIMBERLAKE: The Amendment pursuant to Rule 36, I move to amend Section 6 of Agenda Item No. 14 by changing the HOME Estimated Grant amount from \$261,568.00 to \$743,229.00 and the Total Consolidated Action Plan for Fiscal Year 2011 from \$3,819,271.00 to \$4,301,002.00.

PRESIDENT SCHULMAN: Is that alright Member Cirelli?

MEMBER CIRELLI: Yes Mr. President.

PRESIDENT SCHULMAN: Okay, any other remarks?

MEMBER CIRELLI: I will support the amendment but I do have some comments on the issue.

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PRESIDENT SCHULMAN: Okay, any other remarks on the Amendment? Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The motion carries. Leader Dougherty.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 14 as amended. Are there any remarks, Member Cirelli?

MEMBER CIRELLI: Thank you Mr. President. Mr. President, I understand this is a...authorizing the Mayor to file with the US Department of Housing and Urban Development for the 2000...the year 2011 Consolidated Action Plan and for also the 2011 Community Development Block Grant that doesn't need to be altered or changed per the Amendment. And the 2011 HOME Investment Partnership Program. Now, in Committee Meetings I asked in the Department Head if we have a Financial Analyst and he affirmed that. And then I got...asked him why such a large amount cause by my calculations, the two that we're amending are close to \$500,000.00 each, which rang a bell, this same department lost \$500,000.00 of funding in the year of 2010. And I believe it may have been under these same conglomeration of programs that we're going for. And we have a full time Financial Analyst there. \$500,000.00 to come down with two...with an amendment of missing two of the three, which would amend...had they not caught that, we could have potentially lost a total...close to \$1,000,000.00. Well I have a real problem with that for the fact of \$500,000.00 that was lost this year. And you know, I'm from the old school, 1, 2 and 3 strikes, you're out. I don't know if the people, because I heard "we" I heard the Financial Analyst found it but I don't know who the "we" were that misplaced it in the first place. And I'm from the mind set that the "we" people should be somewhere noted, written up or what have you and then further explanation. As a matter of fact, I recall and I thought Mr. Price, the Service...Chief of Staff was going to get back to this Honorable Body and tell us what happened and how that did occur that \$500,000.00 was lost and maybe I fell asleep when that occurred but I don't think so. Could he maybe enlighten me on that.

PRESIDENT SCHULMAN: Director, would you like to respond?

SERVICE DIRECTOR PRICE: Certainly, thank you Mr. President. Member Cirelli, I can certainly tell you that, yes we're going to provide you a report, that's going to be through the consultant. I've turned over all of my paperwork to the consultant who has promised me that we should get...we should get a report either at the next Council Meeting or the Council Meeting after that.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Mr. Price, thank you very much. Might we know who this consultant is sir?

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SERVICE DIRECTOR PRICE: Yeah, the...the individual has been embedded by HUD and it's Don Lenz who also provided technical assistance to get us through the NSP process.

MEMBER CIRELLI: Mr. President and Mr. Price, just for clarification, another words they're being furnished by HUD to the City of Canton, am I correct? The consultant is?

SERVICE DIRECTOR PRICE: That was the initial arrangement and because...because it's HUD technical assistance and because Don...I don't authorize...I don't execute any control over him. We thought since he had been working on it anyway, has a good understanding of what happened, that we'd have him do the independent review of the documentation I turned over.

MEMBER CIRELLI: Thank you Mr. Price and Mr. President. Another question for Mr. Price. Are we to assume and you never want to assume anything because then you're always wrong but is HUD eating the cost of the consultant or is the City going to have to reimburse some of this funding for the consultants work because nobody works for free?

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT SCHULMAN: Yes Director.

SERVICE DIRECTOR PRICE: Okay, thank you. Member Cirelli, this cost will be included in the original contract for the technical consultant. So, it is actually HUD paying for the consultant.

MEMBER CIRELLI: Uh...and if you'll bare with me Mr. President.

PRESIDENT SCHULMAN: Sure Member Cirelli.

MEMBER CIRELLI: Thank you. Then Mr. Price, Chief of Staff, HUD is going to pay for it but it's...I'm not real clear with that. Is it monies that'll be taking that we would be getting that'll be...taken...that'll paid out of that? Or is...will that be a separate amount that will come for HUD to pay...to reimburse him for that...or reimburse us, which ever the case would be.

PRESIDENT SCHULMAN: Director.

SERVICE DIRECTOR PRICE: Mr. President. Member Cirelli, the...Don Lenz is with a consulting firm that is...they're providing technical assistance through HUD as part as the....as part of the originally the NSP program. The initial purchase order that was open, using those HUD dollars that were available specifically for technical assistance, Don had not expended all of the available funds in that P.O. and so we're going to be able to utilize that P.O. for any...for whatever hours he has in it. So, it already has been allocated, it was for technical assistance. It's considered part of that technical assistance and so those are not City dollars that are being spent.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Mr. President. I appreciate that...your explanation very much sir. And there might be some other Members of Council that have some questions but I'm really quite concerned that we had to have

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an amendment coming down for two of the programs at close to \$500,000.00. That just boggles my mind. I'm beginning to wonder if we have calculators up there or if people that are doing the calculating aren't comprehending what they're looking at because that is a huge faux pas. Thank you.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Director, do you want to add? Okay. Any other remarks? Where are we here. The question you are now voting on then is the Ordinance #14 as amended. So hearing no other remarks, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#14 ADOPTED AS AMENDED AS ORDINANCE 202/2010

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance 14 as amended has been adopted. Ordinance 15 please.

#15. (3RD RDG) **ADOPTED AS ORDINANCE NO. 203/2010** 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)

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#15 ADOPTED AS ORDINANCE NO. 203/2010

PRESIDENT SCHULMAN: Ordinance 15 has been adopted. Ordinance #16 please.

#16. (3RD RDG) **ADOPTED AS ORDINANCE NO. 204/2010** 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

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

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

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

#16 ADOPTED AS ORDINANCE NO. 204/2010

PRESIDENT SCHULMAN: Ordinance 16 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 good sir. Finance Committee will meet Monday, November 8th at 6:45 P.M. here in Council Chambers.

PRESIDENT SCHULMAN: Thank you. That's it? That's it. Alright.

MISCELLANEOUS BUSINESS

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

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Oh, I'm sorry, the Mayor does...I apologize, the Mayor has some remarks he wishes to give....I'm sorry.

MEMBER DOUGHERTY: Oh okay.

MAYOR HEALY: Thank you Mr. President. I have two issues here to discuss real quick. The first one is, there is an event coming up this Friday that I want to make sure that all of Council is invited to as well as anybody in the audience. There is a program coming up to celebrate a new book that's being released and the author is Ted Gupp, he is a fourth generation Cantonian, he is a former investigative reporter for the Washington Post where he worked under Bob Woodward. He later wrote for Time Magazine but he...and also was a Washington Investigative Correspondent. So, those are his credentials. But he wrote a book called The Secret Gift. Just to give you a quick summary on this and why this is important to us, it was shortly before Christmas in 1933 during the depression in Canton, Ohio. A small newspaper ad from the Canton Repository offered \$10.00, no strings attached, to 75 families in distress. Interested readers were asked to submit letters describing their hardships to the benefactor calling himself Mr. B. Virdot. Nobody knew who Mr. Virdot was all these years, it's a 77 year old mystery and this book is going to tell about who

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wrote the letters, who gave the money, what happen to those families and the real interesting part about this book is it affects families that were here in the City of Canton. And if you read the book, you'll recognize many names in the books, Vignos and DeHoff and others that were involved in this that goes back through the Great Depression. The other part about it is it actually, really, really let you understand the difference between this difficult time that we had financially with the recession compared to the reality check of what a real depression is about. And I think it's an eye opener in reference to us as leaders in our community of the differences and what the reality checks are. But on Friday night, there's going to be an event at the Place Theater and they are going to kick off this event and there's going to be representatives from all the families who wrote these letters, they might be children or grandchildren of those people who wrote the letters, he checked out the decedents and there is still one living member who wrote the letter herself who will be there in attendance to speak. It's going to be a really, really wonderful performance. There's going to be some music and information on the book and it is really something that's going to be....I think it's going to be a number one seller. When I...I did have a chance to read it, I...the book is being published right now and it is...it's just an amazing story, it'll make you cry over and over again because it's so heart...heartfelt and heart warming at many times. So, it is going to be, I believe...Bethany, the time?

BETHANY CHAMBERLAIN: Look at the report.

MAYOR HEALY: Is it 6:00? Hang on a second, I don't have my glasses. 5 P.M. thank you, thank you for asking. It is 5 P.M. at the Palace Theater and it's open to the public and there'll be a book signing and some books available. If you want to find out a little bit about...more about it, I believe there's a website called TheSecretGiftBook.comTheSecretGiftBook.com, you can get more information on this but it is absolutely amazing stories and it is about the City of Canton. He's having it printed in multiple languages, Korean and German and other languages, so it could be...it'll be a world seller. And I think this is a great opportunity for us to stand up and learn more about our past and see about what's happened to those families since then. So, I apologize for taking so long but I just wanted to make sure we're all aware it and....

PRESIDENT SCHULMAN: That's great.

MAYOR HEALY:hopefully as many of us will be there as possible. I do have one other note, if you don't mind. Thank you Mr. President. I have a letter here that I'll pass around for all the Council Members but I did want to make a public announcement, Council has asked us to submit the 2011 budget by the 1st of December, we're assuming that's going to be the first Council Meeting in December, which we are prepared to do. That's roughly a month from now. I'd like to take this opportunity to invite any and all Council Members to have individual....and individual invite to come up and meet with me personally, the Chief of Staff, the Finance Director, any one or all of us or any combination. If you want to have a chance to sit down and hear from us, what our thoughts are on the budget or ideas, you have a chance to review it, make recommendations, suggestions, anything that you want to do in addressing the budget before we get the version that we packet and send to Council. If you could, please make arrangements to meet with us before Thanksgiving, that still gives us another week or so to finalize our document and get it to you. And again, we'll be available and we'll make special arrangements for those of you who can't meet in the daytime, if you want to meet after work someday or whatever. But feel free to contact myself, Warren or Karen and make those arrangements, but I do have it in writing as well. Thank you.

PRESIDENT SCHULMAN: Thank you. Before we adjourn, the Mayor triggered a memory in my head here that I should have mentioned. Friday night is First Friday as you all know and I hope all of you have received from the Arts in Stark a flyer, there...if you've noticed at Timken High School with the crosswalk on McKinley...the crosswalk that goes...well they've been working on it for about 3 or 4 weeks. Friday night

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they're going to unveil the mural that is going to across the crosswalk on McKinley and it was sponsored by Aultcare and I think Steve Coon has been involved and it was designed and made by our local artist, Chuck Close. I've seen the model of it, it is going to be really cool, I mean it is going to blow yours socks off. And it is going to be lit as we probably all will be too on Friday night (*Laughter*) but in any case, I would strongly encourage you when your done with Mr. Gupp's book to come on over to Timken High School. There's going to be an unveiling, I think it's around 6:00 but anyone interested, just call Arts in Stark and they can give you the exact time. But it should be really fun to watch and it's an incredible art piece and more importantly, it's another indication in another sense of how important the arts are to this community, both esthetically and financially. So, I invite all of you on Council and everyone in the audience to attend. It should be a spectacular unveiling. With that any other Miscellaneous remarks? Oh and Law Director Martuccio has handed me a note that says "Vote Tomorrow" and I certainly would encourage all of you to vote tomorrow. Leader.

MEMBER DOUGHERTY: Mr. President I move we adjourn.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that we adjourn. Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT SCHULMAN: (*Gavel falls*) Meeting is adjourned. Thank you ladies and gentlemen, drive carefully home.

ADJOURNMENT TIME: 8:12 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT