

**MINUTES OF THE MEETING APRIL 16, 2012**

PRESIDENT PRO TEM DOUGHERTY: With a quorum being present, the Chair calls the meeting of City Council to order. Roll call please.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

12 COUNCIL MEMBERS PRESENT: (DAVID DOUGHERTY, PATRICK BARTON, JAMES BABCOCK, MARY CIRELLI, JOE COLE, GREG HAWK, THOMAS WEST, JAMES GRIFFIN, CHRIS SMITH, KEVIN FISHER, EDMOND MACK & FRANK MORRIS)

TWELVE COUNCIL MEMBERS PRESENT. (PRESIDENT SCHULMAN ABSENT)

CLERK TIMBERLAKE: All present Mr. President.

**EXCUSING MEMBERS**

PRESIDENT PRO TEM DOUGHERTY: Member Barton, excuse President Schulman tonight please.

MEMBER BARTON: Mr. President I move we excuse President Schulman from tonight's meeting.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to excuse President Schulman from tonight's meeting. Any remarks? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM DOUGHERTY: The motion carries. We will have the invocation given tonight by Member Pat Barton. Please remain standing for our Pledge of Allegiance.

*The regular meeting of Canton City Council was held on April 16, 2012 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 7 Council Member, Pat Barton. The Pledge of Allegiance led by President Pro Tem Dougherty.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT PRO TEM DOUGHERTY: Thank you Member Barton. Agenda Corrections and Changes, Member Barton.

MEMBER BARTON: Mr. President, I move Rule 22A be suspended to add 2<sup>nd</sup> Readings for Ordinances 7 and 8 and then 10 through 15 and Ordinance 9 will be retained in Committee.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to Suspend Rule 22A to add the 2<sup>nd</sup> Reading Ordinances to this Agenda. Any remarks? Roll call.

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NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Ordinances are a legal part of your agenda.

**PUBLIC HEARINGS**

PRESIDENT PRO TEM DOUGHERTY: We have no Public Hearings tonight.

**OLD BUSINESS**

PRESIDENT PRO TEM DOUGHERTY: Old Business, Chief of Staff?

DIRECTOR PRICE: Thank you Mr. President. Two items from last week. Paul Burt was requesting additional lighting on poles in the southeast end of Canton and I think Derek is working with you on that from my office and those should be going up. And then the other speaker, and I referred these to the Sanitation Department for the City owned lot, I referred it to the appropriate individual about cleaning those....those areas up. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you.

**PUBLIC SPEAKS**

PRESIDENT PRO TEM DOUGHERTY: We're now under Public Speaks. We have seven signed up tonight. They'll have three minutes to speak. Please give your name and your address when you arrive here please. First speaker, James Parker. Good evening.

JAMES PARKER: Good evening everyone. Welcome back Mayor, I didn't get to welcome you back last week, (*inaudible*)...or whatever. Which really means I'm a jelly donut. But National Recreation and Arc Association, checking their website, the Dirty Dozen, top 12 playground hazards in the time it takes to listen to me tonight, a child will be severely injured or admitted to an emergency room as a result of a playground related accident. Each year over 200,000 such injuries occur, 15 children will die from playground related injuries. You should identify any of these following hazards in your children's playground, notify the owner/operator about the condition of the play area so they may take steps to eliminate this hazard. I'm here to tell you about a very deadly hazard that's sitting all around your City on every corner that's this so called animal art. Every kid climbs on them all the time. My kids climb on them, it's fun, I get it, it's adventurous. Adventure requires a certain amount of danger. But children are innocent, they don't know that there's a demand for at least six feet and there's a certain height factor how far it has to go around the perimeter of these objects. If a child were to fall, an unacceptable surface is concrete or blacktop, which is around these gorilla improvements. The problem is now, the City owns them and the beauty of ownership is, you can do with it what you want. I suggest you make them safe or get creative with them. Like dust off an old plan from '07 where you have an art park. Perhaps take your Mother Goose Land area or another area and lump them together and make a land aquarium and put some landscape that befits it and a mural in the back and pow, you got something, instead of some cluttered rustic urban sheik thing like a blue whale that's all rusty. I don't get it, kids play on them, they get cut, there's a tetanus, I just don't get it. And so, with that in mind, I think if you refer to your downtown development plan, you'll see that the Tuscarawas Corridor character area, page 11 and 12 serves as a key entryway to downtown as such should be improved to create a positive image. There are

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many areas for when you get off the expressway that now have some potential green spaces that feed creative place making. Creative place making and vibrancy, equals the quality of a place so powerful that it changes the trajectory of community and ultimately results in increase in per capita income and improved economic integration. This is part of the equation, I suggest you look on the National Parks and Recreation Association website and if you need creative financing, art place. Art place is a collaboration of 11 nations top foundations, 8 federal agencies and 6 of the nation's largest banks, included in there is the Kresge Foundation, the Knight Foundation, etc, etc, etc. Billions of dollars at your fingertips. I've never come here asking for a penny. I've always showed how you can finance my ideas. These ideas deserve to be considered, especially from a legal perspective. I'd like to have Safety Director Ream's and Law Director Martuccio consider the negligence side, you know there are many different terms of negligence and I don't need to go into that as you went to college for that kind of stuff. I think you know the kind of lawsuit that's going to smack you in the face if a kid gets died or paralyzed from falling off one of these objects. Last week in the park, a kid destroyed a \$30,000.00 fountain, obviously you're not going to climb on a fountain but they do it anyway. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Richard Drake. Good evening.

RICHARD DRAKE: Good evening everyone. My name is Richard Drake, I live at 3020 Sycamore Avenue, SE, Canton Township. I'm going to pass some pictures here around, ones of the fountain, ones of the will be 432 year old cucumber magnolia tree we have in North Canton, which is good tourist attraction. Ones of what I call a keebler tree, it's one of our hazard trees in town, settin over a storm basin and there's another one someone loves trees so well, they built a house around it, which I don't know how they got homeowner's insurance. What I want to talk about was our aquifers. We need a moratorium around our sensitive aquifers, like Sugar Creek, a 5 mile limit around that aquifer to protect it from drilling. As I said earlier, if you guys read all those papers, drilling is fine, it's safe, it's the chemicals that's not. So, (*inaudible*) are going to go out 2 miles so we need to protect those aquifers. We can go to all these other Countries, we can go to the Governor and he can impose a moratorium to stop drilling around our aquifers. Remember we have to protect our children and their children and chemicals do contaminate, that's all that paperwork was about. And it doesn't show up for 8 to 10 years. So, by that time all the companies that drilled, they're all out of business or changed ownership, you can't sue them and the company that owns it all is overseas. All this gas and oil is going over there, we're not seeing no benefits for this. And them people aren't aware of this but your property depreciates, you might have \$100,000.00 loan on your house or 300 but it's only worth a third of that when you go to the bank to sell it after fracking. So, a lot of people don't know that, so I wanted to let that in there. Then getting back to our trees around town, City trees, private trees, whatever, I've been called a lot since this Ordinance hit the paper and people are concerned with their trees because AEP is on a rampage, their really getting busy now. They're just chopping them away. So what I'm finding really good healthy trees and I've showed the Mayor and other people, I've got this tree appraisal book and it starts out at a value of the trees. And just as an example, a 12 inch diameter tree is worth...worth through \$3,200.00 and goes up to \$34,000.00 for these bigger trees. That's how much value they have. But that's like anything, you start out with an estimated cost and value but then you got to depreciate it by looking at the site location, the species, the health and condition of these trees. So, I just wanted everyone to be aware of that. You do have rights against these power company coming through and we need to get regulated so they know when they come through and do these trees that have adequate personnel trained that know how to treat and cut these trees. And then you go to our Ordinance, the same thing, are we going to have to issue permits for people that can cut trees down? Anybody can cut a tree down but you're going to have to make sure they're fully trained and be knowledgeable on pruning and planting trees. So, I recommend that, you know, you take this in consideration

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and give some thought to these poor trees that are actually living things and they have feelings and they get hurt and you need someone that knows how to take care of them. And that's basically all I have to say tonight. Thank you for your time.

PRESIDENT PRO TEM DOUGHERTY: Thank you. Patricia Kirk. Good evening.

PATRICIA KIRK: Hi, good evening everyone. Patricia Kirk, I live at 131 5<sup>th</sup> Street NE. I'm President of Downtown Central Neighborhood Association and Shake-A-Leaf. And how many of you already know that Arbor Day in Ohio is the 4<sup>th</sup> Friday, that's the 27<sup>th</sup>? I do know of 3 neighborhood associations that will hold Arbor Days for their kids in different ways. GAIN Neighborhood Association, that's around Gibbs School. CANDO has a children's program. Downtown Central has St. Peter's Elementary. They are going to have different Arbor Day celebrations, it's up to them what they are going to do. I would like to encourage you, if your children are close to these areas, if they go to these schools, encourage them to take part in the activities. And by the way, the Tree Ordinance and the Tree Commission will be only as good as people make it. Do not let it become useless. The most important thing is to educate people in the proper tree care, then they'll know when their trees are being abused or planted in the wrong way. Why should we celebrate Arbor Day? To emphasize the positive aspects of trees and how we depend on them, we would die without them, they are just not pretty things to look at. You can tell how a City takes care of its citizens by how they take care of their trees. Thank you very much.

PRESIDENT PRO TEM DOUGHERTY: Thank you. Eric Mathias. Good evening.

ERIC MATHIAS: My name is Eric Mathias, I live at 1515 West Valentine Circle, NW. I'm here on a couple issues that's going on in my community. First off, I don't even know if I'm in the right place. I've contacted so many people, I'm tired of talking to people. First off is the McKinley baseball field. I've talked to Mr. Waffler, the Administrator for the school, 7 years I've lived there, balls are still flying over the fence breaking my windows, hitting my kid in the head, hitting my dog, knocked dents in my car, nobody seems to care. Also, is on the street that we live on is right at Helen Street NW and Viola. This street is being used as a drag strip. Even the SARTA busses are coming down through here at a high rate of speed. A buddy of mine has a baseball gun that you time it with, I've timed a SARTA bus coming down Helen Street at 67mph. If a kid runs out from the ballfield, have fun explaining it while he's underneath of a bus. Nobody cares, you call the police, if you're lucky they'll show up, if you're lucky and then again nobody knows who to call because we call, "Well you gotta call the Sheriff's Department." So you call the Sheriff's Department, they say "It's not our jurisdiction, you gotta call the Canton Police Department." Then if you're lucky, they might show up, if you're lucky. We had a gentleman come down our road here a couple weeks ago and lost control and took out a whole wall of an apartment, the Highway Patrol showed up. I suggest that we put some speed strips in on Viola or Helen that runs right along the baseball field and something needs to be done about the fence because I don't know who to call. If I'm at the wrong place, please tell me who to get a hold of because I have contacted the Mayor's office about people parking up against our garages, I was told to contact the City Ordinance, nobody even came out. So we went and purchased no parking signs on our own, contacted Canton Towing, they came out and put signs up. We were told we're not allowed to have a vehicle towed unless a cop is present, a cop comes out, "Just move your car." What's the purpose? There's...there's all kinds of kids at the baseball field, everyday, football, baseball, people who just go over and run track, the cross country runs through our streets, the marching band of McKinley comes through our streets and people are coming down

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that street faster than what's on Interstate 77 and I just think it's a shame that we don't care. I have children of my own and I care. I live there, my kids have only known that place and I think we need to do something about the situation before somebody has to answer to a bigger situation and it's coming real fast. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Robert Ledger. Along with his name and address, he didn't sign up for what he wanted to talk about.

ROBERT LEDGER: *(Interpreter speaking on Robert Ledger's behalf)* I'm Robert Ledger, I live at 1540 Glendale Place NE. I have a complaint about my neighbors, there are several houses. I have called the police and they came out and I tried to explain to them and they didn't understand sign language so I tried communicating with them about it. And that's all.

PRESIDENT PRO TEM DOUGHERTY: And also....

ROBERT LEDGER: *(Interpreter speaking on Robert Ledger's behalf)* Thank you.

PRESIDENT PRO TEM DOUGHERTY: And also with the gentleman that spoke before, after the meeting, you can come up and talk to Safety Director and stuff about the speeding situation. So..so if you'll just hang on for a few minutes until after the meeting. Thank you.

ROBERT LEDGER: *(Interpreter speaking on Robert Ledger's behalf)* Thank you very much. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Byron Dillon.

FROM AUDIENCE: He already spoke with a Councilman.

PRESIDENT PRO TEM DOUGHERTY: Okay very good. Richard Manson. Good evening.

RICHARD MANSON: My name is Richard Manson, I'm presently secretary of the Southwest Associated Neighbors. I live at 601 High Avenue, SW. There's 2 things I'd like to mention. The first thing I'd like to propose is at least a consideration of the redevelopment of the SWAN area only because of...it makes a lot of sense. Why does it make sense? What I noticed down in that area, especially during Hall of Fame week is there's an awful lot of traffic that drives through that area. Now when people come to Canton from out of town, they don't generally drive through the northeast area or the southeast area, maybe the northwest area through Fulton Drive. But a lot of them, parade day since the parade starts 2 blocks away, they drive through my intersection. I've seen cars with license plates from Michigan, Pennsylvania, Kentucky and as far away as Texas. Now, is this Canton putting its best foot forward when we have people from out of town coming through a rundown neighborhood that has drug dealers that we can't keep in jail, prostitutes and a housing stock that really doesn't make sense for the owners to fix up because you can sink way more than what their worth in there. You could put \$80,000.00 into some of these houses that really need complete remodeling. So, it makes a lot of sense to target an area like this that a lot of people are coming in from out of town and looking at. It doesn't really look good for Canton for out of towners to be seeing that. Another thing I wanted to mention was a situation I have personally been in. One of the...our best notification method for the Building Department to alert homeowners to fix up their house is through the mail. Sending the notification

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to the last tax address, one of the loop holes is if you're an owner like me that went to Florida for two years and your last...your tax mailing address is your mother's house and she doesn't let you know, well you get..you get lost in the shuffle. So, we're in the, what the 21<sup>st</sup> century, there should be a way to put an email address and have that on your...your tax id or something in the Auditor's Department so they can send it to an email site as well because this whole thing started a whole slew of issues and problems with me. I had talked to Mr. Ream, he mentioned work with Angela Cavanaugh, she'll work with you. Well I talked to Angela and she said "Well if you don't put a roof on that house, we're going to tear your house down." She didn't really work with me. Well I was forced to put a roof on by myself, I tore off three layers of shingles and slate and put a roof on last summer when we had rain every four days, didn't get it covered up when the rain was coming one day, now I have a mold issue in one of my walls because I was forced to put a roof on a house that didn't have a leaking roof yet. It was an old roof but it wasn't leaking. So, the City had created an additional problem for me personally and I think I've kind of gotten the run around, Mr. Ream says talk to the Building Department, they said talk to Fonda and City Council and then Fonda sends me back to, you know, somebody else. It's been a run around thing and, you know, there's also...there's very simple ways to fix these issues so that...I'm sure I'm the only one that has experienced them and...and, you know, they can be handled better. I guess my time is up.

PRESIDENT PRO TEM DOUGHERTY: Thank you very much.

**INFORMAL RESOLUTIONS**

PRESIDENT PRO TEM DOUGHERTY: Under Informal Resolutions. Please read Resolution 32 by title.

#32. PERSONNEL COMMITTEE: REQ CONFIRMATION OF RE-APPT ROBERT FAY TO INCOME TAX REVIEW BOARD FROM 3/1/12 - 2/28/16. - ADOPTED

PRESIDENT PRO TEM DOUGHERTY: Member Barton.

MEMBER BARTON: Mr. President, I move we adopt Informal Resolution 32.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: There is a motion to adopt Resolution 32. Are there any remarks? Voice vote, all those in favor signify by saying aye, those opposed.

NO REMARKS

RESOLUTION #32 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM DOUGHERTY: The Resolution has been adopted. Resolution 33 please.

#33. PERSONNEL COMMITTEE: REQ CONFIRMATION OF RE-APPT OF RE-APPT OF WILLIAM SHERER, II TO INCOME TAX REVIEW BOARD FROM 3/1/12 - 2/28/16. - ADOPTED

PRESIDENT PRO TEM DOUGHERTY: Member Barton.

MEMBER BARTON: Mr. President, I move we adopt Informal Resolution 33.

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MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: Motion to adopt Resolution 33. Are there any remarks? All those in favor signify by saying aye. Those opposed.

NO REMARKS

RESOLUTION #33 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM DOUGHERTY: The Resolution has been adopted.

**COMMUNICATIONS**

PRESIDENT PRO TEM DOUGHERTY: Communications, let the journal show that all Communications are received as read.

***NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED APRIL 16, 2012.***

165. ANNEXATION CHAIRMAN HAWK: REQ COMMUNICATION #157 BE WITHDRAWN. - RECEIVED & FILED
166. AUDITOR MALLONN: REQ FOR ADDITIONAL AMENDED CERT DATE 4/5/12. - RECEIVED & FILED
167. COMM DEV DIRECTOR MILLER: AUTHORIZE MAYOR TO SUBMIT/FILE WITH HUD A SUBSTANTIAL AMENDMENT TO THE 2011 AND 2012 CITY OF CANTON CONSOLIDATED PLAN, ONE YR ACTION PLAN FOR CITY OF CANTON'S HOMELESS EMERGENCY SOLUTIONS GRANT (HESG) PROGRAM; REVISE OR AMEND THE CONSOLIDATED PLAN, ONE YR ACTION PLAN & HESG BUDGET FOR FY 2011 PHASE II AND FY 2012 TO COMPLY WITH REQUIREMENTS OF 24CFR PART 91, AS AMENDED BY INTERIM RULE; PERMIT CONTRACTS TO BE AWARDED TO SUCCESSFUL NON-PROFIT AGENCIES WHO RESPOND TO REQ FOR PROPOSAL (RFP) & MEET HESG REQUIREMENTS. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
168. COMM DEV DIRECTOR MILLER: AUTHORIZE MAYOR AND/OR SERV DIR TO ESTABLISH A HOUSING REHAB PROG UTILIZING HOME PROG FUNDS IN AMT NOT TO EXCEED \$240,000.00; TO ADOPT HOME PROG POLICY MANUAL & RESIDENTIAL REHAB STANDARDS APPROVED BY HUD; AUTHORIZE MAYOR AND/OR SERV DIR TO REVISE AND/OR AMEND CANTON'S HOME PROG TO CONFORM TO ANY CHANGES ADOPTED BY HUD IN THE FUTURE; REQ PERMIT CONTRACTS BE AWARDED TO LOW AND MODERATE INCOME APPLICANTS WHO MEET REQUIREMENTS OF MAXIMUM AMT OF \$27,000.00 FOR HOMEOWNERS ONLY OVER NINE YR PERIOD. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
169. LIQUOR CONTROL DIVISION (OHIO): REQ STOCK TRANSFER OF D2 D2X D3 AND D3A

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LICENSE FOR THREE DOORS LTD DBA THE CLOSET DOOR @ 520 4<sup>TH</sup> ST NE BSMT ONLY. - RECEIVED & FILED

170. MAYOR HEALY: REQ APPRVL OF APPT OF KYLE QUILLEN TO SYSTEMS PLANNING BOARD FOR RETRO TERM OF 4/1/12 - 3/31/14. - PERSONNEL COMMITTEE
171. MAYOR HEALY: ADVISING OF RE-APPT OF DONALD R SINGER TO AREA AGENCY ON AGING AREAWIDE ADVISORY COUNCIL FOR RETRO TERM OF 1/1/12 - 12/31/14. - RECEIVED & FILED
172. MAYOR HEALY: ADVISING OF RE-APPT OF MERLE GRIFF TO AREA AGENCY ON AGING AREAWIDE ADVISORY COUNCIL FOR RETRO TERM OF 1/1/12 - 12/31/14. - RECEIVED & FILED
173. PLANNING COMMISSION: RECOMMENDING APPROVAL OF ZONE CHANGE ON BEDFORD AVE SW (PARTS OF LOTS 14364 & 14365, LOTS 14366 - 14377, PARTS OF LOTS 14378 & 14379, LOTS 42971 - 42975; 25 PARCELS TOTAL) FROM R-1A (SINGLE FAMILY RESIDENTIAL) TO PCS (PLANNED COMMUNITY SERVICE) TO CONSTRUCT A BLDG TO HOUSE EMERGENCY GENERATORS VITAL TO HOSPITAL OPERATIONS IN WARD 3 (AULTMAN HOSPITAL). - JUDICIARY COMMITTEE
174. PLANNING COMMISSION: RECOMMENDING APPROVAL OF REPLAT OF LOTS 3052 - 3059, 39670, 40166 - 40176, 40207 - 40211, 6519 - 6521 AND PART OF OL 82 & 83 (NW CORNER OF 5<sup>TH</sup> ST SW & CECIL CT) (PARCEL NOS. 244441 & 244346) FOR FUTURE DEVELOPMENT & GROWTH OF EXISTING BUSINESS. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
175. SAFETY DIRECTOR REAM: DECLARE 7 BLDGS UNSAFE AND HAZARDOUS FOR WHICH DEMOLITION IS REQUIRED. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
176. SERVICE DIRECTOR PRICE: AUTHORIZE AMERICAN DEMOLITION, INC TO REMOVE THE RAIL, TIES & BALLAST AGGREGATE AT NO CHG TO THE CITY FROM THE WATER RECLAMATION FACILITY. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
177. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS AS OF 3/31/12. - RECEIVED & FILED
178. TREASURER SCHIRACK: RPT OF BANK RECONCILIATIONS AND CITY'S OUTSTANDING INVESTMENTS AS OF 3/31/12. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT PRO TEM DOUGHERTY: We're now under Ordinances and Resolutions for the First Reading. Let the Journal show that all Ordinances are being given their Reading as required by state law. Madame Clerk.



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***NOTE: PRESIDENT PRO TEM DOUGHERTY CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #6 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE ESTABLISHING A CANTON MERCHANDISING AND PROMOTIONAL PROGRAM; AUTHORIZING THE DIRECTOR OR PUBLIC SERVICE TO ENTER INTO CONTRACTS FOR THE RETAIL SALE OF MERCHANDISE; AUTHORIZING THE AUDITOR TO ESTABLISH THE 2460 CANTON MERCHANDISING/PROMO FUND; AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE EXTENSION OF THE CITY OF CANTON ECONOMIC GROWTH INITIATIVE; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
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- #3. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 29/2012; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Judiciary Committee
- #4. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A TWO YEAR CONTRACT WITH CAPITAL RECOVERY SYSTEMS INTO A TWO YEAR CONTRACT WITH CAPITAL RECOVERY SYSTEMS FOR THE PURPOSES OF COLLECTING OUTSTANDING CITY DEBTS; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #5. (1<sup>ST</sup> RDG) TO PROVIDE FOR THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,600,000 FOR THE PURPOSE OF REFUNDING BOND ANTICIPATION NOTES PREVIOUSLY ISSUED FOR THE PURPOSE OF PROVIDING FUNDS TO PAY A COURT-APPROVED SETTLEMENT OF A CLAIM AGAINST THE CITY (PIROLOZZI)  
Referred to Finance Committee
- (COUNCIL RECESSED AT 7:55 P.M. FOR THE COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE TO DISCUSS ORDINANCE #6; RECONVENED AT 7:56 P.M.)***
- #6. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 58/2012** AN ORDINANCE DECLARING 7 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

**MINUTES OF THE MEETING APRIL 16, 2012****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**

PRESIDENT PRO TEM DOUGHERTY: We will take an in house recess for the Community & Economic Development Committee to....in regards to Ordinance 6.

PRESIDENT PRO TEM DOUGHERTY: Council is reconvening after recess. Member Barton

MEMBER BARTON: Mr. President, I move to suspend Rule 22A and place Ordinance #6 back on this evening's agenda.

MEMBER BABCOCK: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Ordinance 6 is a legal part of your agenda. Member Barton.

MEMBER BARTON: Mr. President, I move we suspend the Statutory Rules on Ordinance 6.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: You okay? *(Laughter)* There's a move to suspend the Statutory Rules on Ordinance 6. Is there any remarks? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: You've heard the three readings.

MEMBER BARTON: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

MEMBER BARTON: I move we adopt Ordinance 6.

MEMBER BABCOCK: Seconded.

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PRESIDENT PRO TEM DOUGHERTY: That's much better. (*Laughter*) Moved and seconded to adopt Ordinance 6. Are there any remarks under this Ordinance? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#6 ADOPTED AS ORDINANCE NO. 58/2012**

PRESIDENT PRO TEM DOUGHERTY: Ordinance 6 has been adopted.

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT PRO TEM DOUGHERTY: Now under Ordinances for Second Readings. Madame Clerk.

***NOTE: PRESIDENT PRO TEM DOUGHERTY CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #7, #8, #10, #11, #12, #13, #14 AND #15 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (ORDINANCE #9 RETAINED IN COMMITTEE):***

- #7. (2<sup>ND</sup> RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET 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 (SHARON BENDER, PARCEL #02-29786 ON LOUISIANA AVENUE NW)
- #8. (2<sup>ND</sup> RDG) AN ORDINANCE ESTABLISHING THE FAIR MARKET 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 (LATONYA WALKER, PARCEL #02-85789 ON OBY PLACE NW)
- #9. (2<sup>ND</sup> RDG) ***RETAINED IN COMMITTEE A RESOLUTION ACCEPTING THE TAX INCENTIVE REVIEW COUNCIL'S RECOMMENDATIONS REGARDING ENTERPRISE ZONE TAX ABATEMENT AGREEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY***
- #10. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DISCHARGE OF THE DEMOLITION LIEN, ASSESSMENT, PENALTY AND INTEREST ON THE PROPERTY LOCATED AT 712 HOOVER PLACE N.W.; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #02-24742)
- #11. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING AND CONSENTING TO THE REPAIRING AND UPGRADING OF LIGHT TOWERS, UNDERPASS LIGHTING AND CONTROL CENTER ON I-77 UNDER SUPERVISION OF THE DIRECTOR TRANSPORTATION

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OF THE STATE OF OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

- #12. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL ENGINEERING AGREEMENT WITH BURGESS & NIPLE IN AN AMOUNT NOT TO EXCEED \$171,700.00 FOR THE PURPOSE OF PREPARING PLANS AND SPECIFICATIONS FOR A CITY OF CANTON WATER, SEWER AND STREET IMPROVEMENT PROJECT ON 37<sup>TH</sup> STREET N.W.; AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY
- #13. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 100/2011, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (POSITION GROUP 20WT, ADMIN ASST III - WATER DEPT)
- #14. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY (AUDITOR - ADMINISTRATION - PERSONNEL \$100,000.00)
- #15. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 59/2012** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH SQUIRE, SANDERS (US) LLP FOR THE PROVISION OF LEGAL SERVICES ASSOCIATED WITH BOND ISSUANCE AND BOND FINANCING ALTERNATIVES RELATED TO ECONOMIC DEVELOPMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Barton.

MEMBER BARTON: Mr. President, I move we suspend the Statutory Rules for Ordinance 15.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: There's been a move to suspend the Statutory Rules for Ordinance 15. Are there any remarks? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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PRESIDENT PRO TEM DOUGHERTY: You've heard the three readings Member Barton.

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

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 15. Any questions, any remarks? Roll call vote.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#15 ADOPTED AS ORDINANCE NO. 59/2012**

PRESIDENT PRO TEM DOUGHERTY: Ordinance 15 is adopted.

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

PRESIDENT PRO TEM DOUGHERTY: We're now to Ordinances for their Third and Final Reading. Ordinance 16.

#16. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 60/2012** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR ONE (1) 2012 OR NEWER HEAVY DUTY CREW TRUCK CAB AND CHASSIS IN AN AMOUNT NOT TO EXCEED \$42,000.00 FOR THE WATER DEPARTMENT; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO VARIOUS CONTRACTS FOR THE PURCHASE OF VEHICLES PURSUANT TO O.R.C. SECTIONS 125.04 AND 5513.01; AMENDING APPROPRIATION ORDINANCE NO. 220/2011; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Barton.

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

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 16. Any remarks? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas Mr. President.

**#16 ADOPTED AS ORDINANCE NO. 60/2012**

PRESIDENT PRO TEM DOUGHERTY: Ordinance #16 has been adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT PRO TEM DOUGHERTY: Announcement of Committee meetings.

MEMBER COLE: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Cole.

MEMBER COLE: Finance will meet at 6:00 on the April 23<sup>rd</sup>.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member West.

MEMBER WEST: Judiciary will meet same time, same place.

MEMBER SMITH: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Smith.

MEMBER SMITH: Community Development will also meet at the same time.

CLERK TIMBERLAKE: Member Barton.

MEMBER BARTON: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Barton.

MEMBER BARTON: Personnel will meet at the same time, same place.

PRESIDENT PRO TEM DOUGHERTY: Okay. They start at 6:00. We will also have a presentation at 6:30 by ASAP for our one Ordinance about the merchandise.

**MISCELLANEOUS BUSINESS**

PRESIDENT PRO TEM DOUGHERTY: We're now under Miscellaneous Business.

MEMBER FISHER: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Fisher.

MEMBER FISHER: Thank you. I just wanted to point out on Saturday night the All City Dance and Hall of

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Fame Induction was held over at the Moonlight Ballroom for the Babe Stearn, Canton Police Boy's Club. As usual, it was a great event. Among those honored was formal Ward 9 Councilman, Assistant Majority Leader, Joe Carbenia. Every year these guys do just a tremendous job over there, Dave Miday and Tim Haverstock, I hate to give away their age but these guys have been...were down there trying to keep me inline, although it's easier said than done back when I was 8, 9 years old and they're still there doing a great job running the place today. You know, at one point they received \$150,000.00 a year from the City covering their staff. It was staffed by the Police Department. The budget that recently passed, which is an improvement and I really have to thank Director Fonda Williams, you know, we were kind of working on the CD end of it, has appropriated \$15,000.00 to the Babe Stearn Center which is quite a drop off from back where they were in 1989. Among others, I really think that although it's beyond what this Council can do, the Rec Board essentially is putting nothing into any of these community centers monetary wise and obviously that's their budget, it's not ours but we've really...we've seen a lot of community centers across this City one by one falling by the wayside and here's a great Canton based organization that's been there for over 60 years and I'd hate to see them be another victim of that. So, you know, over the....over the coming months and beyond that, I really think it's important that we try to find a way to preserve obviously the Southeast Community Center along with the Babe Stearn Center and try to...to really provide...continue to provide the recreation that we do and expand it beyond that. I also just want to point out also, Member Babcock, James Ergon, along with the Plumber's Hall, really they....they stepped up in a major way and have tried to help them cover some of their...their capital..their infrastructure problems over there which is really...it was an amazing thing they did so I wanted to point...to single out Mr. Babcock and Mr. Ergon for that as well. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Any other Miscellaneous Business?

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Cirelli.

MEMBER CIRELLI: Couple questions to the Law Director. One would be on the fountain that was destroyed by that person...that young...young man and they said that knew who it was. Is it a possibility and I....I don't know what their finances were or anything like that but would there...if they had homeowner's insurance, is there a possibility that their insurance would cover something like that and at least look in that avenue?

LAW DIRECTOR MARTUCCIO: Mr. President, Member Cirelli. If requested by the Park Commission, who obviously have jurisdiction over that, we would look into it. It's doubtful to answer your question that a rider would be that extensive but we could certainly look into to see if there were something recoverable by that damage.

MEMBER WEST: Mr. President. I was at the Park Board Meeting.....

PRESIDENT PRO TEM DOUGHERTY: Member West.

MEMBER WEST: I was at the Park Board Meeting this past week and they were talking about researching the homeowner's insurance and the other avenues of the and the family actually did come forward and let them know that they broke it. So, it wasn't something malicious, they didn't run from it. So, basically they are looking into those...those different avenues.

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MEMBER CIRELLI: Mr. President, I want to thank Member West for that input and hopefully, you know, they could look into it cause we all saw the photographs and I would be hoping that, that probably could be repairable if nothing else, you know, the Park Board would maybe have some monies that they could repair it because I've had some very old concrete vase that a person was able to repair for me. So, I'd hate to see that just go to waste cause it looks like a beautiful fountain, they only time I've seen it is a picture.

MEMBER WEST: Member Cirelli.

MEMBER CIRELLI: The second thing is, I had a gentleman call me and he said that there was a neighbor...a man walking through all the neighborhood from IGS, this has to do with the electric aggregation and was trying to offer them, I believe our...we signed with the City at 6.3, I think is what he told me, I'm not sure I'd have to look again on mine but they...he was saying that the man told him something about the City had locked him in at 7 and he could do 6.65 and that would be giving him a 10% savings. So, this fella was so upset that he called First Energy, whom we have and they told him something about there's a potential that people are out there doing what is called slamming. So, that's all I know about that but could you look into that and see if there is something that can be done sir.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes.

LAW DIRECTOR MARTUCCIO: Member Cirelli, a parting comment about that fountain, I remember Mr. Drake saying that it was an Italian fountain and if that's true, the Italian's don't build them like the used to. *(Laughter)* Because they've got stuff that's 3,000 and 2,000 years old still standing in Italy. With regard to the electrical aggregation, when Council said let's put it on the ballot and our voters voted, we went out and as you know got a broker and the broker did his due diligence and several companies, including First Energy *(inaudible)* an AEP sister organization and IGS all bid. And of course First Energy had the best bid. The price we have, just so you all remember and know for your constituents, the price we have is 10% off the rate to compare. On the AEP bill, there is a section that's called rate...or price to compare. We get a guaranteed 10% off the price to compare through First Energy Solutions because we had an opt-out program that included a lot of homes and it was mass purchasing. This person from IGS, I suspect, maybe not an IGS employee but someone maybe on a commission probably trying to undermine the contracts that we have, maybe looking for people who opted-out or were with another company. I'll look into it, thank you for providing the information to me. I...I would caution anybody who is approached by people who come to your client's doors...your constituent's doors to tell them to read the fine print and to ask more questions because there is a penalt....because the electric aggregation is so new, there is a penalty for leaving it, it's higher than the penalty for gas. Gas went, I think down to 25, maybe even 0 dollars in some cases to...to change but there's still a significant penalty to leave the electric company and everyone is already has already received their letters and if they haven't opted-out yet, they're probably going to have to pay a price to leave. So again, thanks for passing that on. I would urge your constituents to ask those questions and not leave unless they knew for sure that there was a penalty that would offset any gain.

MEMBER CIRELLI: Thank...

MEMBER SMITH: Mr. President.



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MEMBER CIRELLI: ....you. (*Inaudible*) .....and this would be for Safety Director Thomas Ream. I've had a lot of people contact me about the animals that the Humane Society said they are going to seize to take any cats from the Animal Control Officer that we have on April 30<sup>th</sup>. So, they're concerned what's going to happen to the animals and also at least I've never really known what he does with the other wild animals as well as some other Members of Council. So, can you address that sir. What...what...is there any plans for the action of if he traps cats what they're going to do with them?

SERVICE DIRECTOR REAM: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

SERVICE DIRECTOR REAM: Yes, the first step is going to be finding another Animal Control Officer because Mr. Sedlacko declined to extend his contract as Council wished. So, he will be done the end of the month. I've made some phone calls, I've contacted some people. I don't have a definitive person in place yet so that will be the first step. When that step is completed, we will then we will visit what we are going to do with the feral cat situation.

MEMBER CIRELLI: Mr. President. I suggest to Safety Director Ream, when I was a County Commissioner we had...because we had people that had chickens and what have you and I wasn't aware till then if I had a farm and an animal, a stray animal, a fox or whatever came in and got into my chickens and that the County actually pays for them, you know reimburses the people for that. So, we had trappers that were available. So, I would imagine we can maybe contact and maybe we ought to readdress then since you say he's not going to take his contract, maybe we need to readdress what the contract is about. Like maybe it would only be for wild animals or something sir. I appreciate. Thank you sir.

MEMBER SMITH: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Smith.

MEMBER SMITH: Yes, on a more sadder note. I understand that the young man that was killed yesterday, it was former Council Member Craig Massey's grandson and if we could keep the family in prayer. And I certainly hope that the safety forces get this crime on crime together because it's so sad every week hearing about a young man getting killed. Thank you.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member West.

MEMBER WEST: Just to follow up on the Law Director's question about the Italian...at the Park Board Meeti....the Italian fountain. They did find a replacement and from what I understand, it's in the 100 thousands of dollars and they do actually have the exact same fountain and from what I understand I don't think there is a piece to it according to Doug Perry. It sounds like they have to purchase the whole thing. So, it's going to be very interesting to see how that plays out.

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Hawk.

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MEMBER HAWK: Thank you sir very much, I appreciate it. For Safety Director Ream, send our compliments to our Fire Department and their Paramedics who did an outstanding job last Wednesday evening transporting a young gentleman who on a BMX bike tried a stunt he couldn't quite make and knocked himself out but I watched them happen to take care of it and they were out...they did a very professional job and they should be complimented on their outstanding work.

PRESIDENT PRO TEM DOUGHERTY: Any more remarks? Member Barton.

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

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded that we adjourn. Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM DOUGHERTY: *(Gavel falls)*

ADJOURNMENT TIME: 8:16 P.M.

ATTEST: APRIL 18, 2012  
CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

APPROVED: APRIL 18, 2012  
DAVID R. DOUGHERTY  
PRESIDENT PRO TEM