

MINUTES OF THE MEETING DECEMBER 6, 2010

PRESIDENT SCHULMAN: Good evening ladies and gentleman and welcome to Canton City Council. I want to take a moment before the meeting begins to take a moment of silence for Director Adams wife Sharon who tragically passed away after an extraordinarily brief illness and in those situations, I can't image anything more difficult to cope with. So if we could just take a moment of silence for Director Adams and his family. Thank you very much. With a quorum present the Chair calls this meeting of Canton City Council to order. Roll call vote please, roll call please Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

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

TWELVE COUNCIL MEMBERS PRESENT.

CLERK TIMBERLAKE: All present, Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Tonight's invocation will be given by Council Member at Large Joe Cole. Will you all please remain standing for our Pledge of Allegiance.

The regular meeting of Canton City Council was held on December 6, 2010 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Council Member at Large Member, Joe Cole. The Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: We are 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 Ordinances 3 and 5 and Communication #477. Ordinance #4 will be retained in Committee. Leader.

MEMBER DOUGHERTY: Mr. President, I move Rule 22A be suspended to add 2nd Readings Ordinances 3 through 5.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add the 2nd Reading Ordinances to this evening's agenda. Are there any remarks? Hearing none, Madame clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: Thank you Madame Clerk. We're now under Public Hearings and we have no Public Hearings this evening.

MINUTES OF THE MEETING DECEMBER 6, 2010**OLD BUSINESS**

PRESIDENT SCHULMAN: We are now under Old Business. Chief of Staff Price do you have any Old Business you'd like to bring to our attention?

CHIEF OF STAFF PRICE: I don't have any Old Business following the Public Speaks from the previous meetings. I did want to let Council know that as a result of the weather this weekend, we did, the Street Department was in 24/7 mode. We did not fully staff all 13 districts but my own inspection of the city along with the Street Superintendent, I think we looked pretty good. The problem we faced was the as soon as the snow would stop it would start again in a couple of hours and at night time we're getting the streets clear but then at night they'd ice up again but just to let you know, we do have about 2,500 tons of salt for the remainder of this month left in storage. We certainly hope that will be enough but if you noticed any problems from this weekend, you know let me know personally and we'll try to resolve those but I think overall we did a pretty nice job so, that was it but then we certainly welcome any feedback from Members of Council cause you're obviously the eyes and ears so let us know. Thank you.

PRESIDENT SCHULMAN: Thank you Director and your Street Department does just an outstanding job.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We're now under Public Speaks. We have three speakers this evening. Our first is a old friend, Patricia Kirk. Miss Kirk would you step forward and give us your name and your residential address please.

PATRICIA KIRK: Good evening, my name is Patricia Kirk. I live at 131 5th Street NE and I want to thank those who attended the Tree Commission Academy taught by the Division of Forestry of ODNR on December the 3rd, that would be Mr. Joe Martuccio and his work on Canton's Tree Ordinance, Mr. Bill Smuckler and his offer to reintroduce the Tree Ordinance to Council, Mr. Dan Moeglin and his interest in the Silda Cell Construction, Mr. Derek Gordon and his presentation of the Mayor's Proclamation, Dr. Maureen Austin an Agricultural and Resource educator of the OSU extension who got in there and found out more about TCA. I also want to thank the Department of Development in their help with the GIS maps and their forward thinking. I also want to thank the Church of the Savior and their help with satellite imaging maps. We were told that about one half of the TCA classes graduate with a bachelors. Not everybody makes it. There are 140 graduates in the state of Ohio and we were told that this class had this graduation ratio and some of the best questions. Canton will host TCA in 2012. This is a very great honor. It goes to a different city every year. It's open to Tree Commission members and members of administration or citizens approved by ODNR. Trees are not political. Neither is education. The people in TCA are genuine and they care about doing the right thing. I know Canton will do itself proud. I liked the statement by fellow student and she is over other sites but her hometown is Beloit. She said, "A Tree Ordinance is not change. It simply makes what already exists better." Thank you very much.

PRESIDENT SCHULMAN: Thank you. As always we appreciate your public activity. Our next speaker is Patricia Howard. Miss Howard good evening. If you'll step forward and give us your name and your residential address please and welcome. It's good to see you.

PATRICIA HOWARD: Thank you Mr. Schulman. My name is Patricia Howard and I live at 1109 Melchoir Place SW, Canton, Ohio. I'm here about West Park. Some of you may already be aware that the Board of

MINUTES OF THE MEETING DECEMBER 6, 2010

Park Commissioners is considering whether it will permit Clear Channel outdoor to erect a billboard at West Park. There will be further discussion on this on December 8th at 4:00 at the Garden Center. West Park has been in our neighborhood for six decades. Some of us can recall spending entire days at the park as college students, working as supervisors or art teachers and as children playing tennis, tetherball, soccer, softball, checkers and swimming. Much of that has changed but on any given day you can see children and adults tracking to the park to push their toddlers on the swings, to play on the monkey bars, to skateboard, play tennis, basketball and for softball games or just to walk or bike or go sledding in the winter. The fact that we have such a beautiful green space still in existence is in part due to the continuous successful passing of Issue 7. The hard work of Park Recreation Department and the fact that we neighbors take pride in our park and pick up trash and cans when we see them scattered about. We do not want or need an unsightly sign in the middle of our parks softball field. There was no consideration of past suggestions for solar lights or for a scoreboard yet some would consider defacing our green space for a billboard sign which Timken High School no longer wants, to be a considerable thing to do. Regardless of what they want to advertise, the place for this is not in the middle of a park. The Southwest has already been blighted with unsightly factories going up and homes being torn down and although we can see the necessity of business for jobs sake, advertising signs we don't know where that's coming from. There are already three billboard signs clustered in the same area on the west side of highway 77. They may be useful to those traveling down the highway but to those of us who do not have noise barriers they only add to our frustration with noise, pollution and signs obscuring our beautiful view. We ask that you consider this sign for a more practical and less glaring area. Thank you.

PRESIDENT SCHULMAN: Thank you very much. *(APPLAUSE)* Thank you. Our last speaker tonight is Dan Coen. Mr. Coen if you'll step forward and give us your name and your residential address and welcome.

DAN COEN: Thank you. My name is Dan Coen. I live at 3105 Crescentview Drive SW in Massillon, Ohio. I spoke last week regarding the International Property Maintenance Code in reference to Part 13. I believe it was Amendment B that was defeated last week. I understand that it's going to be voted on again tonight. I've already heard what the results of that's going to be and that is a sad case for the City of Canton. It was voted on last week. I hope that I am wrong. I hope you prove me wrong tonight but it was voted down last week. This is a tax on landlords in the City of Canton. It's a 200% increase, Amendment B. I'm not talking about the other part of it which I supported fully. I have a problem with the inspection part and with the increase in fees. After a year of this Council working with landlords and working with other people in the community to resolve this, to come back and say that something was wrong in the paperwork is a disgrace to this Council. I hope that you don't pass what you defeated last week. Thank you.

PRESIDENT SCHULMAN: Thank you Mr. Coen very much. OK that concludes Public Speaks. What?

FROM THE AUDIENCE - THERE WAS NO SHEET TO SIGN UP WHEN WE ARRIVED BUT THERE ARE ONE OR TWO MORE OF US THAT WOULD LIKE TO SPEAK.

CLERK TIMBERLAKE: It closes at 7:15.

PRESIDENT SCHULMAN: I'm sorry, it closes at 7:15 Eric, I apologize. That's our, I'm sorry.

MEMBER DOUGHERTY: Mr. President.

MINUTES OF THE MEETING DECEMBER 6, 2010

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER DOUGHERTY: I'd like to make a motion to give them an opportunity to speak please.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to allow those people who missed the sign up time to speak tonight. Are there any comments? Hearing none, by voice vote all those in favor signify by saying aye, those opposed no.

NO REMARKS

MOTION PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. Motion carries. If you'll step forward and give us your name and your residential address.

ERIC WOHLWEND: My name is Eric Wohlwend. I live at 5844 Dueber Avenue in South Canton. I'd like to thank you very much for giving me this opportunity. I also want to thank you for passing the IPMC. I represent Clear Sky Realty, both realtors and investors. We manage 100's of properties in and around Canton and this really simplifies. I think it will be a very good thing to pass it again this time through. As for the second Amendment. One of the things that the inspections added on are the point of sale inspections. As a realtor, this makes it very difficult. It's already hard enough to get a closing to go through just because we have the banks to deal with. If we add point of sale inspections to that, it will definitely decrease even if it is only a couple of sales per year. That's something that we can't really afford to do in Canton, Ohio right now. We need to sell every home we can to a homeowner and it's going to make it much more difficult. I was talking to President Schulman this morning and I told him that I really like to buy properties, fix them up and put a good tenant in there that can buy the house eventually. That's my end goal. The five year inspections make it much more difficult. We don't know if the land contracts, there's just a lot of extra red tape and while some landlords might ask a tenant to leave if they call for an inspection, most of the big, professional management companies like my own, would never consider that. It doesn't even go through the same department so if we have complaints and this particular landlord decides to ask a tenant to leave, maybe you don't want that landlord working in your city anyways. And I think that us professionals, while there might be fewer of us than there are of the small landlords with one or two properties, we control many, many more rental units than the smaller landlords. So if you do stuff our life easier, we can make our tenants and future home buyers life easier. I think that's what's best for the city. I'd also like to say look at the city inspections they have in Alliance which are based on a one to five scale of the next year inspection. If the exterior looks bad the interior probably is too. If however the exterior looks good, the odds are most of the stuff inside is also OK. And if my neighbors exterior looks good, it makes my house worth more. So if we did an exterior inspection only, it costs the Building Department much less money. You could still charge fees for that and not have to bother going inside unless it fell into one of the two bottom tiers. This is based directly on what Alliance has been doing since the 90's and it's worked out very well in that city. But I would very much like to help you write an Ordinance like that to keep the standards of the Building Code up. Thank you very much for your time.

MINUTES OF THE MEETING DECEMBER 6, 2010

PRESIDENT SCHULMAN: Thank you very much sir. *(APPLAUSE)* Do we have any other speakers who missed the sign up, other than the gentleman that raised his hand? I'm kidding. Come on up and give us your name and your residential address please. And we do have a three minute limitation sir.

JOHN NADER: No problem.

PRESIDENT SCHULMAN: Thank you.

JOHN NADER: This is not a speech by the way.

PRESIDENT SCHULMAN: But if you, when I saw it looked like that. If you could give us your name and your residential address.

JOHN NADER: Sure, it's John Nader. Baldwin Realty, Caldwell Banker Hunter. I live at 629 22nd Street in Brian's Ward.

PRESIDENT SCHULMAN: And welcome.

JOHN NADER: Thank you and thank you for allowing me to have a couple of minutes to speak. You know one of the things that as the Board of Realtors, I've been the Chairman for the Property Investment and Management Committee for nine years now and one of the things that I have watched are investors stop coming to the City of Canton and while I understand that there's an attitude that landlords are all slum lords and they don't take care of their properties and their the bulk of the reasons for the problems. It's really not an actual truth, OK, the board ups on homes, the foreclosures, most of those do not involve landlords. They involve people that got loans from predatory lending. They were put into houses that they could not afford. The landlords overall do take good care of their property and I do commend you on the change to the zoning, or to the code enforcement. That is a standard code. That is the best thing that could happen to this city. Adding something in like a point of sale inspection is the kiss of death for Canton city. What your going to have is something similar to the Maple Heights point of sale inspection. I currently have a house listed on Rockside Road, a nice property that should be listed at about \$40,000.00 instead I've got a contract on it for \$16,000.00 because of a point of sale that has made it impossible for the average person to buy this house. It has to be somebody with cash and it has to be somebody that can put \$25,000.00 in escrow to take care of this point of sale. This makes selling properties almost impossible. As a realtor that's sold over 200 properties in the last 12 months, I know what it takes to sell these properties and putting a point of sale is not the way to do it. In addition by raising the fees to, that's really something that should be put in for a later date and a later vote. It should not be included in this vote....

PRESIDENT SCHULMAN: May I interrupt you one moment because I think all Members of Council are sensitive and very interested in this issue but I'm not sure I understood what you just said and if you could clarify it for me.

JIM NADER: Sure.

PRESIDENT SCHULMAN: You said you have a home on Rockside that's worth \$40,000.00 and you're

MINUTES OF THE MEETING DECEMBER 6, 2010

selling it for \$16,000.00 because of a point of sale and I'm not....

JIM NADER: A point of sale inspection.

PRESIDENT SCHULMAN: Alright can you explain to me why a residence would diminish by \$24,000.00 if you have an inspector come in from the city to make sure that it's safe. That's all I'm trying, or up to code.

JIM NADER: Well, it's not so much of an issue of up to code. It's what the city comes in and says this is what's required. Now whether or not that property, you know even something as simple as the garage interior walls need to be painted. You know this is something that only an investor can go in and buy this property. A regular person going in trying to get a loan cannot do this. The 203(k) program through FHA allows between \$5,000.00 and \$35,000.00 for improvements. This house needs about \$15,000.00 worth of work but, when you start making it be required to have specific contractors do the work, you do a point of sale and you pick things that are not necessary to make the house safe. It changes the value. Now in the case of Maple Heights, they require an escrow amount and it's got to be 150% of what your contract or bids our. So now all of a sudden that \$15,000.00 becomes \$22,500.00 and they've got to have that money in escrow.

PRESIDENT SCHULMAN: OK.

JIM NADER: Not everybody can afford that.

PRESIDENT SCHULMAN: Alright.

JIM NADER: You know it's going to kill Canton. I live just outside of Ridgewood. I know and I looked up all of your addresses today to see where you lived and you know, this is effecting everybody. It really is. It's going to effect Allen and it's going to effect Mary, and it's going to effect Brian. Believe it or not when you go into a point of sale it gets carried away.

PRESIDENT SCHULMAN: Alright.

JIM NADER: OK. So I do that you for considering it. Please consider putting the amendment on to another vote at another time and just passing the regular code changes. Thank you.

PRESIDENT SCHULMAN: Thank you very much sir. Thank you. Is there anyone else that missed the sign up that wants to address this specific point? OK, good. That end Public Speaks. We appreciate you all for coming down and giving us your opinion and believe me, I'm sure we all listened attentively. I know I did.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We're now under Informal Resolutions, Madame Clerk would you please read Resolution 59 by title.

#59. PERSONNEL COMMITTEE: REQ CONFIRMATION OF APPT OF VALERIE J. WATSON TO THE FAIR EMPLOYMENT PRACTICES BOARD COMMENCING UPON COUNCIL'S APPROVAL & EXPIRING 11/21/12. - ADOPTED

MINUTES OF THE MEETING DECEMBER 6, 2010

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Mr. President, I move we adopt Resolution 59.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Resolution 59. Any remarks? Hearing none by voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #59 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries and Resolution 59 is adopted.

COMMUNICATIONS

PRESIDENT SCHULMAN: We're now under Communications. Let the journal show that all Communications have been 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 DECEMBER 6, 2010.

466. AUDITOR MALLONN: MONTHLY RPT BY FUND 11/1/10 - 11/30/10. - RECEIVED & FILED
467. AUDITOR MALLONN: YEARLY RPT BY FUND 1/1/10 - 11/30/10. - RECEIVED & FILED
468. COLE, J, CNCL AT LG: REQ AUTHORIZATION FOR LAW DEPT TO RESEARCH & DRAFT LEGISLATION THAT WOULD INSTITUTE A FUEL QUALITY TESTING PROG IN THE CITY. - JUDICIARY COMMITTEE
469. DEVELOPMENT DIRECTOR TORRES: REQ AUTHORIZATION FOR AUDITOR TO PAY VARIOUS MORAL OBLIGATIONS FOR DEMOS & DEMO RELATED EXPENSES. - FINANCE & COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEES
470. FINANCE DIRECTOR ALGER: REQ AUTHORIZATION FOR SUPP APPROPS, APPROP TRANSFERS &/OR APPROP REDUCTIONS NEEDED TO POSITION THE CITY TO MEET FINAL 2010 PAYROLL OBLIGATIONS IN A TIMELY MANNER. - FINANCE COMMITTEE
471. LIQUOR CONTROL DIVISION (OHIO): REQ C1 C2 LIQ PERMIT STOCK TRANSFER FOR AHN INC DBA STORE @ 1105 W TUSC. - RECEIVED & FILED
472. SAFETY DIRECTOR REAM: REQ TO COMMIT \$171,403.78 APPROP & \$46,223.04 APPROP FOR MAINTENANCE AGMTS FOR CANCOM SYSTEM WITHIN 2011 BUDGET. - FINANCE COMMITTEE
473. SAFETY DIRECTOR REAM: REQ THAT COUNCIL RECESS TO EXECUTIVE SESSION ON 12/6/10 TO DISCUSS FACT-FINDER'S RECOMMENDATION FOR THE COLLECTIVE BARG

MINUTES OF THE MEETING DECEMBER 6, 2010

AGMT BETWEEN CPFFA & CITY. - FINANCE & PERSONNEL COMMITTEES

474. SERVICE DIRECTOR PRICE: AUTHORIZE & DIRECT SERV DIR, IN COOP W/THE PARKS BD & DIRECTOR OF CANTON CITY PARKS DOUG PERRY, TO MAKE APPLICATION FOR, EXEC GRANT AGMTS & ACCEPT FUNDS FROM THE NATURE WORKS, LAND & WATER CONSERVATION FUND, CLEAN OH TRAILS FUND & OTHER POTENTIAL FUNDING SOURCES FOR PURPOSE OF DESIGNING & CONSTRUCTION OF MCKINLEY PARK REHABILITATION & SITE IMPROVEMENT PROJ. - FINANCE & PARKS & RECREATION COMMITTEES
475. TREASURER SCHIRACK: RPT OF DEPOSITS & PAY INS FOR AMBULANCE LOCK BOX ACCT FOR NOVEMBER 2010. - RECEIVED & FILED
476. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR NOVEMBER 2010. - RECEIVED & FILED _____
477. SERVICE DIRECTOR PRICE: REQ LEGISLATION THAT WILL ALLOW PASSAGE OF THE FINAL 2011 BUDGET PRIOR TO END OF YEAR. - FINANCE COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: We are now under Ordinances for their First Readings. Let the Journal show that all Ordinances are being given their readings as required by State Law. Madame Clerk will you please read the First Reading Ordinances by title..

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

- #1. (1ST RDG) A RESOLUTION APPROVING THE RECOMMENDATIONS OF THE FACT-FINDER'S REPORT, DATED DECEMBER 1, 2010, CONCERNING SETTLEMENT OF CONTRACTUAL DISPUTES BETWEEN THE CITY OF CANTON AND THE CPFFA LOCAL 279
Referred to Finance and Personnel Committees
- #2. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH AT&T CORPORATION FOR A SIXTY (60) MONTH PERIOD TO PROVIDE PHONE CARRIER SERVICES TO THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance and Environmental & Public Utilities Committees

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: And we are now under Ordinances and Formal Resolutions for their Second Reading, Madame Clerk would you please begin with Ordinance #3 .

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #3 THROUGH #5 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS

MINUTES OF THE MEETING DECEMBER 6, 2010***FOLLOWS (ORDINANCE #4 WAS RETAINED IN COMMITTEE):***

- #3. (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 (\$174,952.78 - NEW HORIZONS PARK FUND)
- #4. (2ND RDG) **RETAINED IN COMMITTEE** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CHANGE ORDER WITH ENVIRONMENTAL MANAGEMENT SERVICES IN AN AMOUNT NOT TO EXCEED \$410,574.59 FOR ADDITIONAL COSTS RELATED TO THE BISON REMEDIATION PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY
- #5. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO EXECUTE AGREEMENTS WITH STARK AREA REGIONAL TRANSIT AUTHORITY (SARTA), THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) AND THE FEDERAL TRANSIT ADMINISTRATION (FTA); TO SEEK CONSULTING AND ENGINEERING CONTRACTS AS NEEDED FOR SARTA'S "MAHONING ROAD ROUTE" IMPLEMENTATION IMPROVEMENTS; TO APPLY FOR, ENTER INTO AGREEMENT FOR AND RECEIVE VARIOUS OTHER GRANTS; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Thank you Madame Clerk. We're now under Ordinances and Formal Resolutions for their Third and final Reading and vote and what I'd like to do is to go out of order and come back to 6 because I think 6 is going to be something that we really want to discuss and talk about having heard what happened last week and Mary I had a very good vacation thank you. But let's start with Ordinance #7 Madame Clerk.

NOTE: PRESIDENT PRO TEM DOUGHERTY CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #6 THROUGH AND INCLUDING #9 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS :

- #7. (3RD RDG) **ADOPTED AS ORDINANCE NO. 239/2010** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (\$608,000.00 TO 2214 506001 COMM DEV FUND - OTHER)

PRESIDENT SCHULMAN: ~~Leader.~~

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 7.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #7. Any remarks? Hearing

MINUTES OF THE MEETING DECEMBER 6, 2010

none Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#7 ADOPTED AS ORDINANCE NO. 239/2010

PRESIDENT SCHULMAN: Ordinance 7 is adopted and our Madame Clerk feels like she's been blind sided from all angles tonight. I apologize.

CLERK TIMBERLAKE: No problem at all.

PRESIDENT SCHULMAN: Ordinance #8 please.

#8. (3RD RDG) **ADOPTED AS ORDINANCE NO. 240/2010** AN ORDINANCE AMENDING ORDINANCE NO. 170/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (THURMAN MUNSON MEMORIAL STADIUM)

PRESIDENT SCHULMAN: Member Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance #8.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #8. Any remarks under this Ordinance? Hearing none Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#8 ADOPTED AS ORDINANCE NO. 240/2010

PRESIDENT SCHULMAN: Ordinance #8 is adopted. Ordinance #9 please.

#9. (3RD RDG) **ADOPTED AS ORDINANCE NO. 241/2010** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH SMG - WORLDWIDE ENTERTAINMENT AND CONVENTION VENUE MANAGEMENT FOR OPERATION OF THE CANTON MEMORIAL CIVIC CENTER; AUTHORIZING THE AUDITOR TO ESTABLISH THE 2435 CIVIC CENTER - SMG PROJECT FUND; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

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

MEMBER PRATER: Seconded.

MINUTES OF THE MEETING DECEMBER 6, 2010

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #9. Any remarks under this Ordinance?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: I would just like to ask the Service Director, we have a contract with them for, what is it three years? Help me out with that sir and then a renewal.

DIRECTOR PRICE: As proposed or current?

MEMBER CIRELLI: As proposed sir.

DIRECTOR PRICE: OK, as proposed that's a five year contract, yes.

MEMBER CIRELLI: And Mr. President and Mr. Price, is there renewals after that as well? I thought there was.

DIRECTOR PRICE: There is a renewal yes.

MEMBER CIRELLI: For a year sir, to do every year or every five years.

DIRECTOR PRICE: Yes, I'm sorry Mary that's what I thought but I wanted to make sure. It's five years with a mutual option to renew the contract for an additional five.

PRESIDENT SCHULMAN: Thank you any other remarks? Member Cirelli, anything else? OK thank you. Hearing none Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#9 ADOPTED AS ORDINANCE NO. 241/2010

PRESIDENT SCHULMAN: Ordinance 9 is been adopted. Now we'll swing back to Ordinance #6 Madame Clerk.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: I move we reconsider Ordinance 227/2010, adopted November 29, 2010.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: OK, it's been moved and seconded that Council reconsider Ordinance

MINUTES OF THE MEETING DECEMBER 6, 2010

#227/2010 adopted on November 29, 2010. Are there any remarks?

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: For the record and for the audience if Joe Martuccio could explain why we're doing this again please briefly. Thank you.

PRESIDENT SCHULMAN: Sure, Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President. Thank you Member West that's a good question. Ladies and gentleman I've spoken to most of the Members of Council and the administration either in person or on the telephone during the last week. Here's the story. On Tuesday morning it was discovered that the version of the International Property Maintenance Code that was adopted by Council was the original version with the date of January 2010 in the upper left hand corner. It's the version that originated this process. It's the version that sat in the Committee file. As you all recall a few weeks ago we sent down a corrected, updated version with a November date on it. It contained the corrections and the recommendations of the State Board. There weren't many. All in all, they add up to several lines, maybe four lines. They were left out last week because the version that was technically voted on was the January version as opposed to the one that you thought, we all thought we were voting on last week that was brought down here. I neglected to put an amendment on it which is something I supposed that if we had noticed the date last week we could have done on the fly saying we according to Rule 36 amend the previous version, the original version, by a substitution of a corrected version and that's what the next phase of this will be assuming your vote, assuming you vote to reconsider this, I'll explain what those changes are. Member Cirelli has asked me to do that and there aren't very many. So again to summarize what you're doing by reconsidering is substituting the updated November version for the January version. In the shuffle of all the versions and all the amendments, I'm sorry for the confusion.

PRESIDENT SCHULMAN: And actually Law Director Martuccio and I were discussing the fact that we probably eventually, this kind of on the side quickly, changed the Rules of Council because this is really not a reconsideration. It shouldn't be a reconsideration. It was a mistake which should be corrected. There should be some Rule in our Rules that permit that. In the court area it's called a nunc pro tunc entry which means just goes back to where it was originally and should have been. But we don't have that in our Rules so you're voting on a motion that's been moved and seconded to reconsider Ordinance 227/2010. Any other remarks on the motion to reconsider? Hearing none Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries and Ordinance 227/2010 is going to be reconsidered. Member Dougherty.

MEMBER DOUGHERTY: Mr. President, I move amend Ordinance 227/2010 per the copy in front of all Council Members.

MINUTES OF THE MEETING DECEMBER 6, 2010

MEMBER PRATER: Seconded.

Amendment

Pursuant to Rules 41 and 36, I move to reconsider and amend Ordinance No. 227/2010 by substituting the attached updated, revised Ordinance for the original Ordinance that was passed on November 29, 2010.

PRESIDENT SCHULMAN: It's been moved and seconded to amend Ordinance 227/2010 by virtue of the copy of that, of those amendments before each Members of Council. Are there any remarks?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Law Department give a briefing on this.

PRESIDENT SCHULMAN: Thank you Mr. President. Yes, Majority Leader. I will read the Amendments because they are very few and very short. On Page 2 under purpose this amendment includes what we called Amendment A last week. Amendment A was the inclusion of the reference to plumbing, HVAC and electrical. It's one sentence. It was put in last week. This should reflect that. On Page 3 there is a sentence in the fees section that says that the fees section doesn't apply to vacant properties because those are registered under another Chapter. Chapter 1307. That's a clarification that should have been in last week's Ordinance that was in the November version but not in the January version. On Page 5 we add the words Canton Codified in front the word Ordinances to make sure we're referring to Canton Codified Ordinances. In our right of entry language, if you recall when the State Board under the Department of Commerce reviewed our Ordinance for us to determine conflicts they suggested we clean up our right of entry language to meet proper legal standards from their point of view. We did so. That's in here. And then on Page 9 when we're talking about wood burning appliances we added some corrective language and a correct Section reference 1355.02. The right of entry language that I explained. The only other remaining change was to permit fees. This Ordinance under Section 7 as voted on, as we thought we voted on last week with the corrected version, came with the suggestion that the, anyone that had four or more years remaining on an existing Canton city issued Codified, issued certificate of occupancy wouldn't have to pay the first years fee. So that was a change and we were asked by the State Board to not refer to a certificate of occupancy as a certificate of occupancy anymore because they have their own term of art for that, so we're removing the title Certificate of Occupancy. Those are the changes that are in the version in front of you that were in the November version that we thought we were discussing and voting on that were not included. So this is a matter of correcting with an updated version the January version.

PRESIDENT SCHULMAN: Thank you Law Director Martuccio. Any other remarks? OK now what you're voting on is a motion and second to amend the Ordinance by virtue of what Law Director Martuccio explained to you is before each of you. So 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 ayes have it. The motion carries. Are there any other amendments?

MINUTES OF THE MEETING DECEMBER 6, 2010

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: I move we adopt Amendment B which everybody has in front of them.

MEMBER DOUGHERTY: I don't have anything in front of me.

CLERK TIMBERLAKE: Didn't you make copies for everybody?

MEMBER HAWK: What happened? Where did they get to?

MEMBER SMUCKLER: Seconded.

Amendment B

Pursuant to Rule 36, I move to amend Section 3 to Agenda Item No. 6 as follows:

Paragraph (k) (contained on pages 3 and 4) of proposed Codified Ordinance Section 1351.03 is amended as follows:

*(k) Section 104.3, Inspections, is amended to read: The Chief Building Official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible individual. The Chief building Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority. Interior inspections **shall be performed when** a written complaint is registered with the Chief Building Official or there is probable cause to believe that a serious hazard exists. The interior inspection shall be limited to the unit for which the complaint was filed.*

In addition to inspections based upon complaints, mandatory interior inspections shall be conducted upon the sale or transfer of ownership of the property, and every five years. The fees for the mandatory interior inspections shall be as follows:

<i>3 units or less</i>	<i>\$150.00 per unit</i>
<i>4 units or more</i>	<i>\$30.00 per unit</i>

Failure to appear for the mandatory inspection or to cancel the inspection within 24 hours of the scheduled inspection will result in a fee of \$75.00 being assessed.

MINUTES OF THE MEETING DECEMBER 6, 2010

PRESIDENT SCHULMAN: If you'll just give me a moment here.

MEMBER DOUGHERTY: Mr. President. We have a motion on the floor.

PRESIDENT SCHULMAN: Yes I know. We are just trying to determine which way we're going to move Leader. OK, it's been moved and seconded to amend Ordinance 227/2010 per the copy before each Member of Council which to the Chair's understanding is Amendment B. Now first, is everyone have Amendment B? Does anybody not have Amendment B?

MEMBER WEST: Is this Amendment B with the written #6? The one that didn't come to our Committee?

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Yes.

PRESIDENT SCHULMAN: OK. Alright, by voice, are there any remarks?

MEMBER DOUGHERTY: Yea, could someone explain this? I mean this looks like the one, I mean the numbers aren't right on it, are they?

PRESIDENT SCHULMAN: OK well let's have the, the question is does the proponent of the amendment...

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: ...does the owner or the second wish to describe what the amendment is?

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: This is the same Amendment that was before City Council last Monday night. Hasn't changed at all. I went over it with the Law Director. This is the same exact amendment.

MEMBER WEST: The amendment that was defeated.

PRESIDENT SCHULMAN: OK let's at least go in order Member West. Let's through the Chair please. No, go ahead please. If you can go through the Chair.

MEMBER WEST: The amendment that was defeated last week is before us today and is there any changes to it?

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: There are exactly no changes to it. This is the same exact amendment as last week.

PRESIDENT SCHULMAN: Any other remarks?

MINUTES OF THE MEETING DECEMBER 6, 2010

MAYOR HEALY: Mr. President.

PRESIDENT SCHULMAN: Yes, Mayor Healy.

MAYOR HEALY: I'm going to just repeat my comments from last week. The, first was the comments made by the Chief of Staff in reference to cooperation and working together with the administration and Council. We were not notified that this amendment was coming back up until just today, at least I was not, and I had mentioned to Council last week that we were.... You were aware of it? OK, thank you. The, we mentioned to Council that we were willing to work with Council. Sit down with the administration and legislative bodies, the Building Department. What I requested was that we had a chance to do a financial analysis, essentially reviewed the numbers to make sure that what is being put down here is actually going to be appropriate for the cost of doing business. If this project, if this comes through as amended, if this amendment goes through, we could be in a position where we are spending more money than the fees are generating which would be an unfunded mandate by this Council to the administration. Those are General Fund dollars of this Council challenges the administration when we ask you to use Capital dollars for General Fund purposes, you challenge us when we come to you and tell you that we need to address the budget and deal with the issues that are in front of us. This is a budgetary issue as much as anything. I understand the concern about wanting to inspect and I think that it's more appropriate because of the controversy and the details that are not done with this. This is being done in amendment process. It's not being done through normal Council channels where the Council body and the public have a chance to sit down and debate this issue and the details and I really, really strongly encourage this Council to consider setting this aside, addressing the inspection process independently from this IPMC that we're dealing with and let us have a chance to sit down and talk about the numbers because we do not know that these numbers are appropriate to cover the costs that are going to be required by these inspections. I got some reports from Angela in reference to some cost structures but what we need to do is we need to break it down to determine exactly how many of these fees are going to be at \$150.00, how many of them are going to be at \$30.00, what is the total cost generated in reference to revenues compared to the costs of operating it. We have to look at the inspections based off point of sale. Factor that in. Look at and estimate the number of point of sales. If the point of sales, if sales change last year we had roughly 700 sales for the year that we can estimate a cost to. But if those numbers go up or down, our cost of operating for an inspector doesn't change but divide in that by the number of inspections will. And so we need to have some studies done on this thing. It doesn't take long. We could do this within a couple of weeks. But I strongly encourage that this thing is done independently, addressed on it's own merits and addressed with the cooperation of Council and the administration not done through amendment process at the last minute. Thank you.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: OK, Mr. President. This whole International Property Maintenance Code that we've been working on for almost a year now. I can't believe that the administration somewhere did not get that cost analysis done within that time and that the CBO who we pay an exorbitant amount of money, doesn't have all those figures and submitted all those figures to this honorable body as a package. She should know what the cost of doing business with every inspection and what have you, for what we're paying her. I think that if this passes tonight without this amendment it will probably be a long time coming back and this amendment will bring in more money the way I read it and maybe my figures are wrong but I think you've had almost a year to had that all prepared and done for us and there's no excuse why it wasn't here.

MINUTES OF THE MEETING DECEMBER 6, 2010

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: This isn't an administrative amendment. This is a Council amendment so the work should have been done in Council. In our Committee structure that wasn't done properly so don't blame the administration for not having these figures, they didn't want them. So they're not bringing this down here, we are. Well, I shouldn't say we but, you know the Committee Chairman wasn't notified again, I wasn't notified again and I don't appreciate it.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: The numbers included were simply provided by calling Angela Cavanaugh. If we do point of sale inspections, and the cost is one inspector and one city vehicle and the benefits, salary and benefits come out to \$116,907.00 per year. If you divide that by the 720 estimated point of sales, it comes out to \$162.00 per inspection. By the way \$150.00 does not cover. If you take 700 inspections it comes to \$167.01 per inspection. Now your going to have to keep these, this person, this inspector on because we're going to do complaint driven inspections. We don't know how much those are going to cost and we don't know how many we will be asked to do, but were still going to have to have the resources. This is an opportunity to help relieve us and have funds to cover some of the expenses we incur. The numbers divided (*inaudible*).....

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

MEMBER WEST: Last week I talked a lot about, in terms of the economy and how hard it is right now and I walk in today and DDK, the owner of DDK Properties was telling me how he had his tenants are back on \$30,000.00 of rent that he hasn't been paid. I'm going to employ, I going to bring out the social work part of my profession and take it back down to, everybody talked about they want to look out for the tenants. Well this fee that we're passing on to the landlords, is ultimately going right back down to the tenants. The 60% of households that we have currently are going to be charged this extra money. When we charge the landlords, it's going back to the tenant. It always happens. Right now if you go challenge each and every one of you to go across the courtyard, go into the Eviction Court and see the number of people being evicted because they didn't pay their rent the first month, not three months, the first month. They're behind the first month and they're being evicted. They're being evicted because they only paid partial rent and right now that's what's happening in our community. If you guys are in the hustle and bustle of your neighborhoods, you would see that. I'm telling you, right now I think we just passed Amendment A and it has fees in that as well. I think you just said that. Am I right, Member, Law Director?

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Mr. President, Member West. We, are you asking about the portion that we're having corrected?

MEMBER WEST: Yea the portion we're having corrected. You say that if the person, if the person has a certificate of occupancy...

LAW DIRECTOR MARTUCCIO: If they have a violations, there's a fee structure for penalties, yes.

MINUTES OF THE MEETING DECEMBER 6, 2010

MEMBER WEST: So, and didn't we increase the fees on that.

LAW DIRECTOR MARTUCCIO: Yes.

MEMBER WEST: So there is already an increase in the Building, in this new Ordinance, right?

LAW DIRECTOR MARTUCCIO: For violations, yes that's correct.

MEMBER WEST: And then this is on top of it. Another fee. This is not the time for fees and that's where I stand. I am not going to support this. If we want to go back to the table and figure out mandatory inspections, I'm fine with it but let's stop the fees.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. I just wanted to remind everyone that if you have pause about this, I mean because of something you've heard tonight with regard to point of sale or analysis or whatever, we probably, we in the Law Department probably are going to have to come back to Council at some point to seek an amendment depending on the outcome of the litigation that's currently in the Stark County Common Pleas Court over land installment contracts and what that means and how that works and so on. So again if some of you believe that mandatory inspections or point of sale are worth pursuing but you have some reservations about doing it today, we can incorporate that in the amendment we bring back. I just wanted to let you know that.

PRESIDENT SCHULMAN: Any other remarks?

MEMBER DOUGHERTY: Just, Mr. President just that....

PRESIDENT SCHULMAN: Leader.

MEMBER DOUGHERTY: Have it as a roll call please?

PRESIDENT SCHULMAN: Before we do that, are you calling the vote? Well before we do that, for the proponent of the amendment which is Member Hawk I believe, my friend Member Hawk, could you explain to me because I do have some sense that this was a tie vote last week and I anticipate, I hope it does not come to pass but it may be a tie vote again which would require my vote so I'd like to educate myself a little bit. Would you explain to me why this was not brought through the Committee channels?

MEMBER HAWK: OK. I brought it out as an amendment when it didn't come down with the original piece of legislation. It was done by some other Councilman talking to me and asking that it be brought forward in this fashion. While I've got to say one thing, I think the whole process on this IPMC was definitely and unusual one to be quite honest about it. The input from Council. We did have some. It was done haphazardly on all parts and fashions, everybody. We could have done this a little better. I think the whole thing was done, should have been done better and should have been done differently. That's the process along that which I'm basing this amendment. We are saying that right now we have a complaint driven Ordinance before us. We have always, always had complaint driven inspections. This is nothing new to the city.

MINUTES OF THE MEETING DECEMBER 6, 2010

MEMBER DOUGHERTY: Point of order.

MEMBER HAWK: Yea.

PRESIDENT SCHULMAN: Member, Leader Dougherty.

MEMBER DOUGHERTY: Your question was why he didn't get a hold of the Chairman? We're off, we're off somewhere else.

MEMBER HAWK: OK. Often times amendments, if you look at our history are brought down in just this fashion. We've even had hand written amendments brought to us the minute before we're doing it. I fell in, I use that exact process as my pattern for bringing this amendment down.

PRESIDENT SCHULMAN: OK, and I do agree there is a provision in our, in your Council Rules that provides for amendments to be brought this way. I was just curious at to....

MEMBER HAWK: Yes that's why.

PRESIDENT SCHULMAN:why it was brought in this fashion. Alright, any other remarks? And did I understand that there was a request that this be a roll call vote or a voice vote Leader. OK, all those in favor signify by saying aye....

MEMBER DOUGHERTY: Roll call please.

PRESIDENT SCHULMAN: Did you say roll call?

MEMBER DOUGHERTY: Yes.

CLERK TIMBERLAKE: Roll call for which?

PRESIDENT SCHULMAN: The amendment. OK this is a roll call vote for Amendment B. Sorry I thought you said you wanted a voice vote. No, just so it's clear, there is a motion on the floor with a second. We've completed a discussion. We are now voting on the motion and the second for Amendment B. This has nothing to do with Amendment A and it has nothing to do with the totality of the Ordinance. So I hope that clarifies it for everyone. With that, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 7 YEAS, 5 NAYS
(MEMBERS DOUGHERTY, COLE, WEST, SMITH & BUTTERWORTH VOTED NAY)

CLERK TIMBERLAKE: Seven yeas, five nays, Mr. President.

PRESIDENT SCHULMAN: So the motion carries. Leader.

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance 227/2010 as amended .

MEMBER PRATER: Seconded.

MINUTES OF THE MEETING DECEMBER 6, 2010

PRESIDENT SCHULMAN: It's been moved and seconded that you vote on Ordinance 227/2010 as amended. Are there any remarks on this Ordinance as it has been amended? And this would be the Ordinance, A and B amendments. Ordinance, your voting on, I thought this was clear, but let me explain it. Your voting on Ordinance 227/2010 as amended. A passed, A amendment passed. B amendment passed so now you're voting on Ordinance 227/2010 as amendment. Any questions.

MEMBER WEST: Maybe I'm confused. I'm sorry.

PRESIDENT SCHULMAN: That's alright.

MEMBER WEST: The IPMC as amended with part, with Amendment A and B included in that. Is that correct?

PRESIDENT SCHULMAN: Yes, that's correct. That's right. Point of order, Member Butterworth.

MEMBER BUTTERWORTH: I just wanted to make sure before we vote for our second time, we do have the right correct paperwork for all three portions?

PRESIDENT SCHULMAN: Law Director Martuccio.

MEMBER BUTTERWORTH: For the record please.

LAW DIRECTOR MARTUCCIO: Yes we do. As I understand, Mr. President, Member Butterworth, as I understand it what you're about to vote on is the corrected version of that is being substituted, the one that I went through and explained the changes that modernized it from November and not January plus the amendment B that you just discuss and voted on.

MEMBER WEST: Is...

MEMBER BUTTERWORTH: Mr. President.

PRESIDENT SCHULMAN: Member Butterworth.

MEMBER BUTTERWORTH: To make sure we're clear, so we vote. We have the original IPMC that has been amended, we have Amendment A which was voted on last week and we have Amendment B which was voted on last week and we're voting on all three again. To make sure I understand that clearly.

LAW DIRECTOR MARTUCCIO: Mr. President

PRESIDENT SCHULMAN: Yes, Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Amendment A.....

MEMBER BUTTERWORTH: And this week they are all together.

LAW DIRECTOR MARTUCCIO: Yes. The Amendment A from last week making reference to plumbing, HVAC and electrical has already been included in the November 30th version that is attached as a substitute Ordinance. What was new tonight was also adding last week's B to the mix.

MINUTES OF THE MEETING DECEMBER 6, 2010

MEMBER BUTTERWORTH: Have we received, is there, Mr. President for the Clerk have we received the amended, updated IPMC that should have been submitted last week?

PRESIDENT SCHULMAN: Madame Clerk have we received the updated, amended IPMC.

CLERK TIMBERLAKE: Yes I have.

PRESIDENT SCHULMAN: Yes.

CLERK TIMBERLAKE: It is dated 11/30 and it's 1207D instead of 1207C.

PRESIDENT SCHULMAN: Any other questions? Any other remarks, Member Butterworth?

MEMBER BUTTERWORTH: I have plenty of questions and remarks and I will not ask anymore or say anymore at this time. Thank you.

PRESIDENT SCHULMAN: OK, thank you. Any other remarks? Roll call vote please Madame Clerk.

NO REMARKS

ROLL CALL 7 YEAS, 5 NAYS

(MEMBERS DOUGHERTY, COLE, WEST, SMITH & BUTTERWORTH VOTED NAY)

CLERK TIMBERLAKE: Seven yeas, five nays, Mr. President.

#6 RECONSIDERED AND ADOPTED AS AMENDED AS ORDINANCE NO. 227/2010

PRESIDENT SCHULMAN: OK, Ordinance 227/2010 as amended has been adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: We are now under Announcement of Committee Meetings. Are there any?

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: Thank you good sir. There is only one Committee meeting next week on Ordinance #2 and that will be at 6:45 P.M. here Council Chambers.

PRESIDENT SCHULMAN: Great. Thank you Member Hawk.

MEMBER HAWK: That is December 13th. Got to add that in.

PRESIDENT SCHULMAN: Thank you.

CLERK TIMBERLAKE: Mary's got to call one.

PRESIDENT SCHULMAN: I think Member Cirelli you have one. I believe.

CLERK TIMBERLAKE: Ordinance #2.

MINUTES OF THE MEETING DECEMBER 6, 2010

PRESIDENT SCHULMAN: Ordinance #2.

MEMBER CIRELLI: We will meet, Environmental and Finance and yea, Finance, well Environmental and Public Utilities will meet at 6:45.

PRESIDENT SCHULMAN: Great, thank you Member Cirelli.

MISCELLANEOUS BUSINESS

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

MEMBER GRIFFIN: Mr. President.

PRESIDENT SCHULMAN: Member Griffin.

MEMBER GRIFFIN: I'd like to remind Council and the Members here, people here, Friday, December the 10th the Ex-News Boys will be out on the corners. At your various banks, Post Offices and the street corners selling their tabloid to raise money so that no child shall miss school for the lack of clothing. We've, I tell you, we're going to spend almost \$200,000.00 this year. We spent \$180,000.00 last year and it's going up so we could appreciate all the help you can give us. Thank you.

PRESIDENT SCHULMAN: Thank you Member Griffin. Thank you. (*APPLAUSE*) Any other Miscellaneous remarks?

LAW DIRECTOR MARTUCCIO: Mr. President.

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: Mr. Price, I don't want you, I guess I need you to open your book and look again because when I asked you about the contract, I had down here that it was a 5 year with 2 one year renewals. That was from last, last week that I asked you and I just wanted to get that straight in my mind whether that was or not sir.

SERVICE DIRECTOR PRICE: Councilwoman if that's in your notes that I spoke that, that's an error.

MEMBER CIRELLI: OK.

SERVICE DIRECTOR PRICE: Civic Center. Yea.

MEMBER CIRELLI: Yea the Civic Center one.

SERVICE DIRECTOR PRICE: I miss spoke. It's 5 years with a 5 year renewal. I may have been referring to Thurman Munson. I'm not sure. I know it's 5 and 5.

MEMBER CIRELLI: OK, thank you very much.

MINUTES OF THE MEETING DECEMBER 6, 2010

PRESIDENT SCHULMAN: Any other remarks? Any other Miscellaneous Business? Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. With regard to what was Ordinance #1 this evening, approving the recommendations of the fact-finders report, I've been asked to explain that the reason it wasn't voted upon tonight even though it appears as a vote on your agenda, is this. When fact-finders send their recommendations back to a political subdivision, if both sides intent to accept it, they have to vote to accept it. So it had to be done with 7, within 7 days, it had to be on the agenda. Before you could get to a vote tonight, the fact, the Firefighters rejected, overwhelming rejected the fact-finders report so there is no need to vote on it. There is no need to vote on it. The point is moot and it won't have to come out of Committee for a vote next week.

PRESIDENT SCHULMAN: Thank you Law Director. Any other remarks Mayor Healy?

MAYOR HEALY: Thank you Mr. President. I am sitting here tonight with a check in my hand for \$100.00 to the Canton McKinley Boosters Club and it is written from Mayor Cichellini from Massillon. I just wanted to let the public know that he did pay up. This is our annual bet the we have in reference to the Massillon/McKinley game. McKinley won for the second year in a row and I was more than happy to receive the check. *(APPLAUSE)* So for the record it is here. Go Pups.

PRESIDENT SCHULMAN: Thank you Mayor Healy. Any other Miscellaneous remarks?

SERVICE DIRECTOR PRICE: Mr. President.

PRESIDENT SCHULMAN: Service Director Price.

SERVICE DIRECTOR PRICE: Hate to labor this meeting any more than possible, but this is positive.

PRESIDENT SCHULMAN: You're not.

SERVICE DIRECTOR PRICE: This is positive. I

PRESIDENT SCHULMAN: The amendment you're now voting on.....

SERVICE DIRECTOR PRICE: Yea, now wait, did we pass Amendment B? No, I just wanted to thank Derek Gordon with my office as well as members of AFSCME 2937, the Council, all those that played a role in not only negotiating but developing the contracts for the Canton Memorial Civic Center and Thurman Munson Stadium. When I arrived here in January of '09, the kind of doomsday contingency notes on ways to save money, basically talked about closure of those two facilities and I think that especially true with Thurman Munson, Derek's commitment to that as well as Members of this Council who are sitting here who participated in that and folks here on this Council who assisted with the Civic Center contract. I just can't say enough about what was involved to make those two things happen. I like you, I think and pray that it's successful but it just involved an awful lot. AFSCME, their willingness to work us, the Law Department took on the herculian task and what they may have considered the ridiculous idea of me proposing to the Union that we go to a full management contract so, thank you for passing it and thank you to all those that were involved. I really do think that we're moved, moving in the right direction on both of those facilities so thank you.

PRESIDENT SCHULMAN: Thank you Director. Any other Miscellaneous remarks? Leader.

MINUTES OF THE MEETING DECEMBER 6, 2010

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: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Meeting is adjourned. (*Gavel falls*) Thank you ladies and gentlemen. Drive carefully on the way home.

ADJOURNMENT TIME: 8:39 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT