

MINUTES OF THE MEETING JANUARY 10, 2011

PRESIDENT SCHULMAN: Good evening ladies and gentleman and welcome to Canton City Council. We have a new speaker system in the room, it's very sensitive, I kept asking for it and now I probably regret ever doing so. I want to begin the meeting by taking a moment of silence to remember and send our heartfelt prayers to the victims and their families of the tragic Arizona shooting which occurred on Saturday. You know, we as political leaders have a...and public servants have a responsibility to not use themes of violence and violent language with those whom we disagree. And the natural consequence of using that kind of inflammatory language in political debate, is in my judgement what we saw over the weekend. It's unnecessary, we should have, we should have robust debate in our Country but we should always be respectful and civil of the disagreements we might have. So, if we would, let's take a moment of silence for those victims and their families and our Country.

(MOMENT OF SILENCE)

PRESIDENT SCHULMAN: Thank you. With a quorum present the Chair calls this meeting of Canton City Council to order. Roll call vote please Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

12 COUNCIL MEMBERS PRESENT: (DAVID DOUGHERTY, TERRY PRATER, JOE COLE, BILL SMUCKLER, MARY CIRELLI, 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, our invocation will be given by, Ward 4 Council Member Chris Smith. Will you all please remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on January 10, 2011 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Ward 4 Council Member Chris Smith. The Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you Member Smith, we're now under Agenda corrections and changes and Members of Council, you're going to be asked to suspend Rule 22A to add the 2nd Reading of Ordinances 3 and 5, Leader.....and Ordinance 4, excuse me, has been withdrawn.

MEMBER DOUGHERTY: Mr. President, I move Rule 22A...suspend Rule 22A to add 2nd Reading of Ordinances 3, 5 and Withdraw 4.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add the 2nd Reading Ordinances 3, 5....4 is Withdrawn. Are there any remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

MINUTES OF THE MEETING JANUARY 10, 2011

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Rule 22A is suspended and the Ordinances are a legal part of our Agenda.

PUBLIC HEARINGS

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

OLD BUSINESS

PRESIDENT SCHULMAN: We're now under Old Business, Chief of Staff, Director Price, there is no Old Business.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We are now under Public Speaks. We have one person signed up this evening. Mary Bennett would you step forward and give us your name and your residential address please.

MARY BENNETT: Yes, my name is Mary Bennett, we live at 205 19th St NE, Canton, Ohio 44714.

PRESIDENT SCHULMAN: Ms. Bennett, I have some understanding as to the topic you're going to discuss tonight. Let me just preface it, I'm not going to cut you off but Public Speaks, at least in City Council is designed to discuss City Council business and I do understand that this maybe related to a County matter or some other Governmental Agency. As I say, I do not intend to cut you off from your telling us what your problem is but just understand, I'd like to keep it within the 3 minute time period if that's alright.

MARY BENNETT: Even though I'm the only one speaking?

PRESIDENT SCHULMAN: Yes, well every...each speaker has a right to address City Council for three minutes and I, you know, I tell every speaker that comes before us that after the meeting is over all Members of Council will be here, the Mayor, his Administration will be here, the Law Director will be here, I'll be here, will be happy to talk to you further about any issue that you may have.

MARY BENNETT: Thank you.

PRESIDENT SCHULMAN: You're welcome.

MARY BENNETT: The Book of Revelations says that "The kingdoms of this world have become the kingdoms of our God and of our Christ and he will reign forever." In front of me here...and I'd like to take a moment of silence please also for every foster child, every adopted child and every mother and father that have had their children yanked from them by either the police or a Court. And if they are like me, did not lay eyes on their children for six long years. But in front of me, I have Children's Rights, 51012535. Number 5 says "The right to be free from physical abuse and inhuman treatment." Number 6, "The right to be protected from all forms of sexual exploitation" I didn't write this, okay, this came from Job and Family Services from the State Law. People wonder why I keep coming down here. Because I'm bringing awareness, I'm bringing awareness to this City. Everybody 2020 in the paper where Mr. Gauger says we're all bad parents and won't write about what's happening. Well, I'm here to tell you that my daughter, Gabrielle, who is 16 years old is missing. Now, the fire...she was in a fire the day after Christmas, the Fire Department covered it up, it was never printed into the

MINUTES OF THE MEETING JANUARY 10, 2011

paper. Once again, they cover up for Job and Family Services. When my daughter entered that foster home, the father was hidden behind a door because he's got a criminal record but they took my children from me. Then he took the hinges off of her bedroom door. And every time she changed, she had to put the door back up against...took the hinges the door off, why? Had to watch pornography from the mother and father by mistake. Now my daughter was in a fire the day after Christmas but thank God she escaped okay and got everybody out of the house but it was never printed in the paper. Then she was missing, they never...my daughter went from Honor Roll to special classes because of mental breakdowns in this foster care system, okay? She's on mental health medication and because of the fire, they were put into a hotel at the Belden Village. She lives with two other 18 year old girls and the foster mother knew there was problems. But Friday, she got beat and nobody knows where she's at. I don't know where my daughter is at and they wont tell my 18 year old, who just graduated from Jackson. And all praises be the Jesus on December 15th, my 15 year old son was threatened by his 30 year old foster brother and told him "I'm going to get you in you're sleep tonight." But all praises be...

PRESIDENT SCHULMAN: Okay, Ms....Ms. Bennett....

MARY BENNETT: Yeah I know, I know that's my three minutes...yeah.

PRESIDENT SCHULMAN: I'm sorry, I'm sorry, that is your three minutes. We appreciate and again we'll be here after the meeting to discuss any other problems.

MARY BENNETT: And Mr. Torres, the last time I was here you promised a phone call. You had all this education in mental health, I'm still waiting on your phone call. Somebody better find my daughter, somebody better let me know where my.....

PRESIDENT SCHULMAN: Okay...okay.....

MARY BENNETT: precious 16 year old daughter is.

PRESIDENT SCHULMAN: Thank you very much ma'am.

MARY BENNETT: *(Inaudible from the audience)*

PRESIDENT SCHULMAN: And that concludes Public Speaks.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We're now under Informal Resolutions. We have no Informal Resolutions this evening.

COMMUNICATIONS

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

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED JANUARY 10, 2011.

MINUTES OF THE MEETING JANUARY 10, 2011

3. AUDITOR MALLONN: CERTIFICATE OF TOTAL AMT FROM ALL SOURCES FOR 2010. - RECEIVED & FILED
4. AUDITOR MALLONN: CERTIFICATE OF TOTAL AMT FROM ALL SOURCES FOR 2011. - RECEIVED & FILED
5. AUDITOR MALLONN: MONTHLY RPT BY FUND FOR 12/1/10 - 12/30/10. - RECEIVED & FILED
6. AUDITOR MALLONN: YEARLY RPT BY FUND FOR 01/01/10 - 12/30/10. - RECEIVED & FILED
7. FINANCE DIRECTOR ALGER: REQ AMENDING O#245/2010 FOR APPROP REDUCTIONS & SUPP APPROPS NECESSARY TO OPERATE THE CITY EFFICIENTLY. - FINANCE COMMITTEE
8. HORNER, B. WARD 9 CNCL MBR: AUTHORIZE LAW DEPT TO RESEARCH & DEVELOP ORDINANCE TO ASSIST ADJOINING LAND & HOME OWNER'S TO ACQUIRE PROPERTIES FOR DEMOLITION. - JUDICIARY AND COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEES
9. LAW DIRECTOR MARTUCCIO & DEPUTY CHIEF COUNSEL BATES-AYLWARD: REQ AUTHORIZATION FOR LAW DEPT TO ENCUMBER FUNDS & PAY A BILL FOR COURT COSTS, LITIGATION EXPENSES & INSURANCE RELATED LEGAL AND EXPERT FEES IN MAYFIELD VS CITY OF CANTON 2006CV04657. - FINANCE COMMITTEE
10. LIQUOR CONTROL DIVISION (OHIO): REQ TRANSFER OF D5 PERMIT FROM SYLVESTER S PREMIER DBA SYLVESTERS SOUTH END @ 216 4TH ST NW TO WESMAC LLC DBA PRIMOS @ 216 4TH ST NW. - RECEIVED & FILED
11. MAYOR WILLIAM HEALY: ADVISE OF RE-APPT OF STEVE KATZ TO CANTON COMMUNITY IMPROVEMENT CORP FOR 1 YR TERM OF 1/1/11 - 12/31/11. - RECEIVED & FILED
12. MAYOR WILLIAM HEALY: ADVISE OF RE-APPT OF ROBERT THOMPSON TO CANTON COMMUNITY IMPROVEMENT CORP FOR 1 YR TERM OF 1/1/11 - 12/31/11. - RECEIVED & FILED
13. MAYOR WILLIAM HEALY: ADVISE OF RE-APPT OF DR. THOMAS YOUNG TO CANTON CITY PLANNING COMMISSION FOR 6 YR TERM OF 1/1/11 - 12/31/16. - RECEIVED & FILED
14. MAYOR WILLIAM HEALY: ADVISE OF RE-APPT OF DIANE WISSUCHEK AND JOYCE SUMLIN TO MAYOR'S COMMUNITY RELATIONS COMM FOR 2 YR RETRO TERMS OF 7/1/10 - 6/30/12. - RECEIVED & FILED
15. MAYOR WILLIAM HEALY: REQ AUTHORIZATION OF RE-APPT OF JOSEPH FRIEDMAN,

MINUTES OF THE MEETING JANUARY 10, 2011

DAVE GRABOWSKI AND DAVID KIRVEN TO CANTON CONSTRUCTION BOARD FOR 3 YR TERM OF 1/1/11 - 12/31/13. - PERSONNEL COMMITTEE

16. MAYOR WILLIAM HEALY: REQ AUTHORIZATION OF APPT OF RAYMOND STRAIN TO CANTON RECREATION BOARD FOR 5 YR TERM OF 1/1/11 - 12/31/15. - PERSONNEL COMMITTEE
17. TREASURER SCHIRACK: RPT OF DEPOSITS & PAY-INS FOR AMBULANCE LOCK BOX ACCT FOR DECEMBER 2010. - RECEIVED & FILED
18. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR DECEMBER 2010. - RECEIVED & FILED
19. TREASURER SCHIRACK: RPTS OF BANK RECONCILIATIONS AND CITY'S OUTSTANDING INVESTMENTS AS OF 12/31/10. - RECEIVED & FILED
20. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS AS OF 12/31/10. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: We're now under Ordinances and Formal Resolutions for the First Reading. Let the Journal show that all Ordinances are being given their reading as required by State Law. Madame Clerk 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) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (2600 25TH ST NE - FORMER NE COMM CNTR - HOF REAL ESTATE)

Referred to Judiciary Committee **PUB HRG: 1/31/11 @ 7:30 PM**
- #2. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTORS OF PUBLIC SERVICE AND SAFETY TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR SUPPLY ITEMS, MATERIALS AND PROFESSIONAL SERVICES FOR THE CITY OF CANTON'S OPERATIONS DURING THE 2011 CALENDAR YEAR; AUTHORIZING ALTERNATIVELY THE PURCHASE OF SAID ITEMS PURSUANT TO THE STATE COOPERATIVE PURCHASING AGREEMENT AND/OR ODOT PURCHASING AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

MINUTES OF THE MEETING JANUARY 10, 2011

PRESIDENT SCHULMAN: We're now under Ordinances for their Second Reading. Madame Clerk, will you please begin with Ordinance #3.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #3 AND #5 (ORDINANCE #4 WAS WITHDRAWN) FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #3. (2ND RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #02-22031 LAWRENCE RD NE, RICHARD T. MALLETT)
- #4. (2ND RDG) ***WITHDRAWN*** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE INTERDENOMINATIONAL MINISTRIES ASSOCIATION OF STARK COUNTY & VICINITY TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$12,500.00; AND DECLARING THE SAME TO BE AN EMERGENCY
- #5. (2ND RDG) **ADOPTED AS ORDINANCE NO. 9/2011** AN ORDINANCE AMENDING TITLE SEVEN, HOUSING STANDARDS, OF PART THIRTEEN - BUILDING CODE OF THE CODIFIED ORDINANCES (IPMC)

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes, Leader Dougherty.

MEMBER DOUGHERTY: I move we suspend the Statutory Rules on Ordinance 5.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules on Ordinance #5. Are there any remarks under that Ordinance? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: The motion carries and the Statutory Rules are suspended. Leader.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 5.

MEMBER PRATER: Seconded.

MINUTES OF THE MEETING JANUARY 10, 2011

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #5. Are there any remarks under this Ordinance, Member Smuckler.

MEMBER SMUCKLER: Mr. President, the International Property Maintenance Code we all believe is needed in our community, legally, professionally and to create uniformity makes the International Property Maintenance Code a vital part of neighborhood development. Every inspection has a cost whether it's mandatory or complaint driven. It is all a cost of doing business and trying to maintain the safest neighborhoods we can. I have tried to compromise and I certainly have tried to work this out. I thought Councilman Horner came up with a wonderful suggestion, let the landlords pass two consecutive inspections and they would be granted complaint driven inspections in the future. To no avail, the Mayor could not support this compromise. I've been to talk the Mayor and his staff a number of times. The Mayor can produce the cost for complaint driven inspection but says it's impossible to put a number to a well thought out scheduled mandatory inspection, I don't buy it. We asked that mandatory inspections have been done at this point of transfer in the sale of property, the Mayor said no it was too cumbersome and the landlords would just use land contract sales, I don't buy it. The landlords have come before this Council and said mandatory inspections have not helped over the last 20 years, in fact one landlord came to City Council very recently and eluded to the whole City being a slum, again, I don't buy it. This Administration sited the cost of doing mandatory inspections was anti-business. Well, I site the most anti-business user fee we use in this City is a \$600.00 mandatory inspection fee for restaurants annually. It's a proven fact that the highest rate of business foreclosure annually are restaurants, again, I don't buy it. Don't tell me I don't know about intrusive inspections, it is a way of life in my business, I have an inspector, not annually, not monthly and not weekly but daily. I pay more than the \$150.00 or more than the \$600.00 but thousands of dollars annually, it's a cost of doing business to have a safe environment. Over the last several weeks, I've attended many events, I've been asked to continue to hold the neighborhood line by owner occupied property owners as well as renters. So, I will be voting no again on this International Property Maintenance Code as it is written. I'm offering a compromised solution. I can support the International Property Maintenance Code with these three changes: 1) Pass the Horner amendment, two clean inspections and your complaint driven. 2) Pass the cost of doing a mandatory inspection, and only that cost on the landlords. 3) Inspections should be done at the time of transfer. I can meet you part way Mayor, this is workable, help the Council People who want to put...to want to pass the IMPC. The City's cost in protecting our neighborhoods should not be borne buy the taxpayers of this community. We should not sacrifice the health, safety and welfare of our neighborhoods. It is my opinion and my opinion only that we are not protecting our neighborhoods if we go the solely complaint driven inspections. Thank you.

PRESIDENT SCHULMAN: Thank you Member Smuckler. Any other remarks? Member Hawk.

MEMBER HAWK: I will not be voting for this Property Maintenance Code as it has been proposed to Council. This City Council passed a Property Maintenance Code and the Mayor vetoed it. We're now coming back again for a second time. Mandatory inspections are something that should happen to keep our neighborhoods safe and the well being of all our people in mind. Without those, I think we're wasting our time and energy. We're asking now that this be, that any fines be done as a civil fine and be attached to the properties if they don't pay them as a lien. Well, if you look through the Auditor's delinquent taxes, you'll find that one particular property owner in the City of Canton, and he is a landlord, on 23 separate properties has not paid his property taxes. The non-payment of property taxes affects everything in our County, our Sheriff's Department in particular, it affects our schools in the City of Canton and it also affects the City of Canton's budget. I can not support this based on this new proposal. I will be voting no against it because it does not protect the citizens of Canton, Ohio.

MINUTES OF THE MEETING JANUARY 10, 2011

PRESIDENT SCHULMAN: Thank you Member Hawk. Any other remarks?

MEMBER CIRELLI: Mr. President.

PRESIDENT SCHULMAN: Member Cirelli.

MEMBER CIRELLI: This past weekend, I had an interesting call from a tenant's aunt and she told me that a young lady lived in this apartment and she had an exterior...an interior hallway that's supposed to have lighting. So the young girl would put those energy conservation bulbs in and the landlord would take them out and it was for safety issues, she also has a child. And our rules say your supposed to have that and God bless the Councilman of that Ward because he was contact...Mr. Griffin, he's sitting right over there. And he went over there and saw to it that, that was...he called our Code Inspector and they went there and they probably had a little altercation there with the landlord. But fortunately they brought up the fact that there was also no smoke detectors in that building. I wonder how many more buildings we have that are like that and how many people are afraid...it wasn't the young lady that called, her aunt did it because she was afraid for her safety. And we have to have these inspections, that's all there is to it because some of these places, it's sinful how these people are living and it can't just necessary be complaint driven, except Mr. Barton had an idea...well excuse me, Mr. Horner and I thought it was Pat Barton...it was in combination of that but when I spoke to Jane Carman about this Ordinance when it came down, I said "Was the Council Member's..."excuse me.... "...amendments added to it?" She said "No, this...this Property Code Maintenance came down exactly the way the Mayor wanted, there was nothing sent down from any of the Council Members. So, will not support it either. Thank you.

PRESIDENT SCHULMAN: Thank you Member Cirelli. Member Griffin.

MEMBER GRIFFIN: Mr. President, ah...just a slight correction on that Ms. Cirelli, it was a fire extinguisher they did not have. I don't... the subject of the smoke detector did not come up. But the um...they were asked if there was a fire extinguisher there and the young lady said no and um...the man, you know, he's got a light there now but I don't know about the fire extinguisher yet.

PRESIDENT SCHULMAN: Thank you Member Griffin. Any other remarks? Member Barton.

MEMBER BARTON: Mr. President, I think we could probably look over this IPMC over and over and over again and we will probably never get it to the point where it appeases every single person and party involved. However, I do believe based on the conversation that I had with the Mayor and the latest IPMC and I feel that this current version is probably the closest thing we have to meeting the interest to all parties involved. I'm not going to sit up here and say that it meets everybody's interest but I think it's the closest thing we have and for that reason, I will support the IPMC this time around. Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Thank you Member Barton. Member West.

MEMBER WEST: Being the Chairman of the Judiciary, I'm one very thankful and pleased that it has actually come to a vote. I happen to agree with Bill...Member Smuckler when it comes down to that \$600.00 fee the Health Department and everybody else launches. Believe me, being a restaurant owner, everybody got their hand out. And fees, fees, fees, interest, interest, interest and everything else goes along with it. And that's why a lot

MINUTES OF THE MEETING JANUARY 10, 2011

of times you'll hear me up here saying "How much is the fees?" Cause I want to stop it right in its tracks because during these hard economic times, this is definitely not the time to be launching fees. But I say that with the IPMC in that working through this whole process, this thing has been changed many times over. And I've said before that we have to get something on...something in the system, we got to get something going. Currently we don't have anything. I just recently heard of the Horner proposal but hopefully that's something that we can look at in the future. We need to get something on the books, right now we have nothing from what I understand. So, I'm in support of this, I'm not in support of fees, I will say that. But I am definitely in support of getting something on the books to move forward so that we can address our housing situation and hopefully clean up. Thank you.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Thank you Member West. Member Hawk.

MEMBER HAWK: I'll gladly pay my restaurant licensing fees because I know that, that helps protect the safety a welfare of the citizens of Canton, Ohio and I do it with a smile on my face when I write that check for my licensing every year.

MAYOR HEALY: Mr. President.

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

MAYOR HEALY: Thank you Mr. President. Just in response to some of the comments made. The version that you have in front of you is not the original version that we sent down two months ago. This was an amended version and Mary, the amendments were made before we sent it to Council so they had the final version with the ideas that were put in there. One of the ideas, in fact there was several that Brian Horner went over with us and one of the ideas was to go back in, if somebody had an issue or failed an inspection or whatever, to have to mandatorily go back in a year later and inspect and if they have an issue on that one, we keep going back. In fact, if you fail an inspection, you're guaranteed that you're going to have another inspection like twelve months from now and you will continue to have one every year until you get it right. And so from the property owners, if they have cleared the inspection and they have no issues then we don't go back in there, and that was a clause that we created based on the recommendation of Brian. He had a two year deal in there but they're gonna have the first one that they fail and then they'll have one the second year anyway and we're going to come back a third, fourth, fifth year if they don't get it right. It's one of those deals where you get your property right and it's going to go off the list and that really was the concept that was on one of the ideas Brian had mentioned. Many of the things we had semi included. Some we didn't think we could do from a cost standpoint or function standpoint but the version that you have, is the version that was adjusted based on the recommendations from the Member of Council that sat with us and we went over it with several Members that spoke on this issue. Again, I'll follow up with what Pat Barton said, this particular version is not perfect. We understand that. We also know that the current version that we have is illegal, in part, OK we've got to be careful about the wording of that from my Law Director, so it's not necessarily correct. How about that? In any case, we know that we've got to get something on the books that is going to meet the needs and work with the state codes. This will do that. We believe this will do that based on language that we have in front of us. It will also impact our bottom line in a positive manner by making these changes and we need to implement that as quickly as possible and I encourage Council to watch us very closely, to evaluate it. Come back in 3, 6, 9 months, a year from now and let's discuss the issues that weren't resolved in this particular issue. We can always readdress those as an individual item, but this gets

MINUTES OF THE MEETING JANUARY 10, 2011

the 95% of this thing that works and has to happen, it's there for us and there is input from Council in this particular version. So, thank you for your time.

PRESIDENT SCHULMAN: Thank you Mayor. Any other remarks. Hearing none Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 7 YEAS, 5 NAYS

(MEMBERS CIRELLI, SMUCKLER, HAWK, GRIFFIN & HORNER VOTED NAY)

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

#5 ADOPTED AS ORDINANCE NO. 9/2011

PRESIDENT SCHULMAN: Ordinance #5 is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: We're now under Ordinances and Formal Resolutions for the Third and final Reading and vote. Madame Clerk would you begin with Ordinance #6 please.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #6 THROUGH #10 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS :

#6. (3RD RDG) **RECONSIDERED AND ADOPTED AS AMENDED AS ORDINANCE NO. 8/2011**
AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AMENDMENT NO. 2 TO THE COOPERATION AGREEMENT WITH J.R. COLEMAN COMMUNITY RENOVATION CORPORATION FOR THE MAHONING ROAD CORRIDOR ECONOMIC DEVELOPMENT PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (\$34,085.00)

PRESIDENT SCHULMAN: Leader Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we reconsider Ordinance 8/2011.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you reconsider Ordinance 8/2011 adopted on January 3, 2011. Are there any remarks?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes Leader.

MEMBER DOUGHERTY: We amend Ordinance 8/2011 as with the amendment in front of all Council people and could we have that summarized?

MINUTES OF THE MEETING JANUARY 10, 2011

PRESIDENT SCHULMAN: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Mr. Majority Leader it was brought to our attention in the Law Department by the Auditor's office that this particular Ordinance was fine but for the fact that since it was passed after the new year, it's reliance on Ordinance 1/2011 was a week too late. It could be easily cured by substituting O#245/2010 in place of O#1/2010 so we are substituting a newer Ordinance for the older Ordinance and everything will go through as it was passed last week. Thank you.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: OK, well before we second the motion to amend, there was a motion and second to reconsider the Ordinance and I believe that that requires a roll call vote. So, just so Council Members understand, what you're voting on now is a motion to reconsider. Any remarks under that motion? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. The motion carries. Leader.

MEMBER DOUGHERTY: Mr. President I move we amend Ordinance 8/2011.

MEMBER PRATER: Seconded.

AMENDMENT

Pursuant to Rule 41 and 36, I move to reconsider and amend Ordinance No, 8/2011 by substituting ordinance number 245/2010 in place of 1/2010 in the caption and Section 2.

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance 8/2011 by virtue of the copy that is before each Member of Council and that has been summarized by our Law Director Martuccio. Are there any other remarks? Hearing none, Madame, oh 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. Leader.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance 8/2011 as amended.

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 8/2011 as amended. Are there any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

MINUTES OF THE MEETING JANUARY 10, 2011

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#6 RECONSIDERED AND ADOPTED AS AMENDED AS ORDINANCE NO. 8/2011

PRESIDENT SCHULMAN: The Ordinance is adopted. Next Ordinance please Madame Clerk.

#7. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 10/2011** 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

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #7. Are there any remarks? Leader.

MEMBER DOUGHERTY: Mr. President, I move we amend Ordinance 7 per the copy in front of all Members.

MEMBER PRATER: Seconded.

Amendment

Pursuant to Rule 36, I move to amend Agenda Item No. 7 by changing the "amount not to exceed" from \$410,574.59 to \$532,075.88 in the caption and Section 1.

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance #7 by virtue of the copy before each of you. Any remarks under that motion? Hearing none, by voice vote, all those in favor of the motion signify by saying aye, those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

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

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 7 as amended. Are there any remarks under this Ordinance? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAY

MINUTES OF THE MEETING JANUARY 10, 2011

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#7 ADOPTED AS AMENDED AS ORDINANCE NO. 10/2011

PRESIDENT SCHULMAN: Ordinance 7 is adopted. Ordinance #8 please.

#8. (3RD RDG) **ADOPTED AS ORDINANCE NO. 11/2011** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 37154 THRU 37156, 37150 AND 37151; AND DECLARING THE SAME TO BE AN EMERGENCY (3000 BLOCK OF DALEFORD & FLETCHER AVE NE - HABITAT FOR HUMANITY)

PRESIDENT SCHULMAN: Leader 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 please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#8 ADOPTED AS ORDINANCE NO. 11/2011

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

#9. (3RD RDG) **ADOPTED AS ORDINANCE NO. 12/2011** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 9563, 9564 AND 9565; AND DECLARING THE SAME TO BE AN EMERGENCY (13TH ST NE BETWEEN GIBBS & STRUBLE AVE NE - HABITAT FOR HUMANITY)

PRESIDENT SCHULMAN: Leader Dougherty.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #9. Any remarks under this Ordinance? Hearing none, Madame Clerk, roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#9 ADOPTED AS ORDINANCE NO. 12/2011

PRESIDENT SCHULMAN: Ordinance #9 is adopted. Ordinance #10 please.

MINUTES OF THE MEETING JANUARY 10, 2011

#10. (3RD RDG) **ADOPTED AS ORDINANCE NO. 13/2011** AN ORDINANCE CONSENTING TO AND APPROVING THE PERMANENT CLOSURE TO ALL TRAFFIC AT THE RAILROAD CROSSING OF ELM COURT SE; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 10. Any remarks under this Ordinance? Hearing none, Madame Clerk, roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#10 ADOPTED AS ORDINANCE NO. 13/2011

PRESIDENT SCHULMAN: Ordinance #10 is been adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

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

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Member Hawk.

MEMBER HAWK: These new speakers are absolutely wonderful. I'll stay away from them. The Finance Committee will meet Monday, January 24 right here in Council Chambers at 6:45 P.M.

PRESIDENT SCHULMAN: Thank you Chairman.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes.

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

PRESIDENT SCHULMAN: Thank you, I think that concludes.....

MEMBER PRATER: Mr. President.

PRESIDENT SCHULMAN: Oh, I'm sorry. Member Prater.

MEMBER PRATER: Personnel will meet Monday, January 24th at 6:45.

MINUTES OF THE MEETING JANUARY 10, 2011

PRESIDENT SCHULMAN: Thank you very much. Anybody else? OK.

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: We're now under Miscellaneous Business.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: I would just remind you that the BCS Championship starts in a half hour and I would encourage all of you to move it along. *(LAUGHTER)* Member West.

MEMBER WEST: OK. Mr. President this is for the Service Director. Mr. Service Director, we've tried to get the railroad to get rid of the ugly railroad ties that are along the side of the railroad throughout the city. I've made some calls and to no avail. They haven't called me back. Pattie's made some calls, couple constituents in our Ward made some calls and we don't seem to be able to get those ties, railroad ties moved. It's a blight and we'd like to see them moved. There down there by Nimisilla Park and there throughout the railroad, throughout the city. So if there's something you can do, I know I'd seen the closing on #10. Maybe if we're dealing with them on closing that railroad station, maybe they could clean up some of those ugly railroad ties. I would appreciate it.

PRESIDENT SCHULMAN: Director.

SERVICE DIRECTOR PRICE: Mr. President, thank you. Yes, I'll have this, we'll follow up with this tomorrow and I'll contact the railroad. Now we don't obviously control what they do in the railway but I certainly draft a letter and contact the appropriate person at the railroad and let them know that it's a problem. Thank you.

PRESIDENT SCHULMAN: Thank you, Director. Any other Miscellaneous Business?

SAFETY DIRECTOR REAM: Mr. President.

PRESIDENT SCHULMAN: Yes, Director, I'm sorry.

SAFETY DIRECTOR REAM: I'd just like to inform Council, it is a new system. We have reached a tentative agreement with a new contract for the Firefighters Association. They will be entertaining a vote later on this week and if it passes their membership, I'll be presenting it to Council in the near future here. So I just wanted to give you a heads up with that.

PRESIDENT SCHULMAN: Thank you very much, Director. Any other Miscellaneous Business? Leader.

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

MEMBER PRATER: Seconded.

PRESIDENT SCHULMAN: It's been moved and seconded that Council adjourn. Any, no there are no remarks. Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL: 11 YEAS, 1 NAYS

MINUTES OF THE MEETING JANUARY 10, 2011

(MEMBER BUTTERWORTH VOTED NAY)

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

PRESIDENT SCHULMAN: Meeting is adjourned. Thank you ladies and gentleman. (*Gavel falls*)

ADJOURNMENT TIME: 8:09 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT