

MINUTES OF THE MEETING NOVEMBER 29, 2010

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

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 PRO TEM DOUGHERTY: Thank you, Member Prater I'll recognize a motion to excuse President Schulman.

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

MEMBER CIRELLI: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: The motion carries, President Schulman is excused from tonight's meeting. We'll have invocation given by Council Member at Large Mary Cirelli. Please remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on November 29, 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, Mary Cirelli. The Pledge of Allegiance led by President Pro Tem Dougherty.

AGENDA CORRECTIONS & CHANGES

PRESIDENT PRO TEM DOUGHERTY: We have some Agenda Corrections and Changes, Member Prater.

MEMBER PRATER: Mr. President, I move Rule 22A be suspended to add 2nd Readings Ordinances #4 through and including #7.

MEMBER CIRELLI: Seconded.

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

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NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

PUBLIC HEARINGS

PRESIDENT PRO TEM DOUGHERTY: We are now under Public Hearings. We have two Public Hearings tonight. The first is scheduled for **7:31 PM**. It's AN ORDINANCE VACATING A PORTION OF HAZLETT AVENUE; AND DECLARING THE SAME TO BE AN EMERGENCY; PLANNING COMMISSION RECOMMENDS APPROVAL OF THE SAME FOR THE HISTORICAL SOCIETY IN WARD 1. Is there anyone in the audience wishing to speak for or against this Vacation, please come forward. Is there anyone in the audience wishing to speak for or against this Vacation, please come forward. Again, is there anyone in the audience wishing to speak for or against this, please come forward. Okay, Apparently not, this will be closed, the public hearing is closed. We have an Ordinance on the second public hearing. AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY. PLANNING COMMISSION RECOMMENDS APPROVAL OF THE ZONE CHANGE AT 3751 BURRSHIRE DR NW FROM PB-4 (PLANNED SPECIAL BUSINESS) TO PB-1 (PLANNED OFFICE DISTRICT) IN WARD 8. Is there anyone in the audience wishing to speak for or against this, please come forward. Anyone in the audience wishing to speak for or against this, please come forward. Apparently not, the Chair declares this hearing over in regard to this matter and it rests in the hands of Council.

OLD BUSINESS

PRESIDENT PRO TEM DOUGHERTY: We're now under Old Business. Is there anything for tonight, Administration? No?

CHIEF OF STAFF PRICE: No, Mr. President, thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you.

PUBLIC SPEAKS

PRESIDENT PRO TEM DOUGHERTY: We're under Public Speaks. We have two signed up. Daniel Coen, please come forward. You have three minutes. We need your name and address please. Welcome.

DANIEL COEN: Good evening Council and everyone. My name is Dan Coen, I live at 3105 Crescentview Drive SW, Massillon, Ohio. I am a partner in DDK Property Group in Canton, Ohio. I own or manage over 100 properties in the City. I was a little shocked tonight to see Amendment B. I am in support of the International Property Maintenance Code, I know that it's very difficult for the City based on past history with landlords, primarily bad landlords, I'm not one of them that the landlords get picked on in the City because of the majority of the households in the City are rentals. I do not believe this is fair, this is going to cost me...this is a 200% increase in fees...200%, okay? Mr. West was correct, Councilman West in stating that everyone is hurting. Just because I own a lot of properties doesn't mean that it's not affecting me. People are hurting, people aren't paying their rent, okay, it affects me. People haven't been able to pay their property taxes because people don't pay their rent, okay, we're trying to work with those people. We're

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working within the system but this 200% increase in fees is going to cost me over \$2,000.00 a year and I cannot support that and I would suggest that Council reconsider Amendment B and not vote for it because I will fight it, I do believe that there is wording in this Amendment that still is in violation of the Ohio Revised Code and I cannot support it. So, I appreciate your time. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you very much. Barbara Gaskell, please come forward. Good evening, please give your name and address, welcome.

BARBARA GASKELL: Good evening, my name is Barbara Gaskell, I'm the President of St. Raphael Center and Living Bread Radio AM 1060. My address is 4815 Echosprings NW. Several months ago, I addressed this Council with information about the EWTN Family Celebration at the Canton Civic Center the first weekend in October. I gave you information on Mother Angelica, the former Rita Rizzo and her tremendous contribution to the United States and the World in the religious realm. Tonight I came back to say thank you. I'd like to say Thank you to the City Council As A Whole for the Resolution that you adopted, recognizing her accomplishments. I'd like to say a special thank you to Councilman Jim Griffin for his help and his guidance with the Resolution and his willingness to take the time to make the formal presentation during the event on international television. Also, I'd like to thank City Engineer, Dan Moeglin for his work on the Mother Angelica Corridor and his help in making the presentation also. Thanks to Mayor Healy for his help and presence at the event and also thanks to Mr. John Swartz for his work on the Canton Greats web page. I have to tell you that the October weekend was a big success, over 3,000 people attended the weekend at the Civic Center. We took eight motor coach tours of the City with over 400 people participating. Many people came from outside of Ohio and it was a great weekend for Canton to shine. We had comments from many participants who told us that they were impressed with what Canton had to offer. Not only the Hall of Fame but the arts, symphony and the Players' Guild. Since then, we've had several inquiries as to when we will have another motor coach tour and so I think we laid some wonderful groundwork to bring folks from around the Country to the City of Canton. So, I just wanted to come back and say a heartfelt thank you to all of you.

PRESIDENT PRO TEM DOUGHERTY: Thank you very much for stopping.

MAYOR HEALY: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Mayor.

MAYOR HEALY: Thank you. I also would just like to thank you and your organization for what you have done and brought that to us. For those of you who aren't aware of this, you know, during Hall of Fame time, we have a lot of volunteers that will come out and plant flowers downtown and do a lot of landscaping and help us spruce up the City. They actually brought a number of volunteers down to the Civic Center area, cleaned some of the areas, planted flowers and just did the same types of things we do during Hall of Fame to make that building even look more attractive and they did that as volunteers and I just want to thank you and your organization for your efforts in bringing that group and doing the work you did. So, congratulations and thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you. And Member Griffin, thank you for your efforts too.

INFORMAL RESOLUTIONS

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PRESIDENT PRO TEM DOUGHERTY: Okay, we're now under Informal Resolutions, Madame Clerk.

#58. COUNCIL-AS-A-WHOLE: ODOT "FREEWAY SPEED ZONE EVALUATION" COMPLETED FOR I-77 WITHIN CITY. - ADOPTED

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President, I move we adopt Informal Resolution 58.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Resolution 58. By voice vote, all those in favor, signify by saying aye. Those opposed.

NO REMARKS

RESOLUTION #58 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM DOUGHERTY: Thank you, it's been adopted.

COMMUNICATIONS

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

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED NOVEMBER 29, 2010.

463. FINANCE CHAIRMAN HAWK: THIRD REQ FOR INFORMATION REGARDING THE 75 PEOPLE NO LONGER EMPLOYED BY THE CITY IN 2010. - RECEIVED & FILED

464. MAYOR WILLIAM HEALY: REQ AUTHORIZATION TO APPT VALERIE J. WATSON TO FAIR EMPLOYMENT PRACTICES BOARD COMMENCING UPON COUNCIL APPRVL TO EXPIRE 11/21/12. - PERSONNEL COMMITTEE

465. SERVICE DIRECTOR PRICE: REQ SERV DIR TO ENTER INTO CONTRACT WITH AT & T FOR 60 MONTHS TO PROVIDE PHONE CARRIER SVC TO CITY OF CANTON. - FINANCE & ENVIRONMENTAL AND PUBLIC UTILITIES COMMITTEES

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT PRO TEM DOUGHERTY: First Reading Ordinances and Formal Resolutions. Please...for the First Readings, let the Journal show that all Ordinances are being given their readings as required by State Law. Madame Clerk.

NOTE: PRESIDENT PRO TEM DOUGHERTY CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH AND INCLUDING #3 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:

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- #1. (1ST 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)
Referred to Finance Committee
- #2. (1ST RDG) 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
Referred to Finance Committee
- #3. (1ST 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
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

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

NOTE: PRESIDENT PRO TEM DOUGHERTY CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #4 THROUGH AND INCLUDING #7 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #4. (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 (\$608,000.00 TO 2214 506001 COMM DEV FUND - OTHER)
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- #5. (2ND RDG) **ADOPTED AS ORDINANCE NO. 226/2010** AN ORDINANCE AMENDING SECTION 181.14, ALLOCATION OF FUNDS, OF THE CODIFIED ORDINANCES; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President, I move we suspend the Statutory Rule for Ordinance #5.

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MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to suspend the Statutory Rule for Ordinance #5. Any comments? Roll Call.

NO REMARKS

ROLL CALL 11 YEAS, 1 NAYS
(MEMBER BUTTERWORTH VOTED NAY)

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

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

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

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance #5. Are there any remarks under this Ordinance?

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Cirelli.

MEMBER CIRELLI: I would ask the Law Director, I believe it is to explain, for the record why that we are passing this on second reading tonight.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. Member Cirelli, time is of the essence. This is being asked to follow up the Ordinance that was passed last week to appropriate hundreds of thousands into the Police and Fire budgets. This changes the Codified Ordinance Section, the Income Tax Chapter that temporarily changes the allocation formula and allows capital improvement monies to be spent for these purposes. It's just for this year and it is an exemption #15 in that Section of the Code that will be on the books. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Any more comments?

MEMBER CIRELLI: Mr. President, I just want to thank the Law Director and the reason I had him do this is we have had several findings from the Audi...State Auditor when they come in because we pass things under second readings and what have you. So, thank you very much sir.

PRESIDENT PRO TEM DOUGHERTY: Trust me Member Cirelli, we're watching that very closely. Any

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other remarks? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 1 NAYS
(MEMBER BUTTERWORTH VOTED NAY)

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

PRESIDENT PRO TEM DOUGHERTY: Ordinance 5 is adopted.

#5 ADOPTED AS ORDINANCE NO. 226/2010

- #6. (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO. 170/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (THURMAN MUNSON MEMORIAL STADIUM)
- #7. (2ND RDG) 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

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT PRO TEM DOUGHERTY: Good job, thank you Madame Clerk very much. We're now under Ordinances and Formal Resolutions for their Third and final Reading and vote. Let's begin with Ordinance 8.

NOTE: PRESIDENT PRO TEM DOUGHERTY CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #8 THROUGH AND INCLUDING #19 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS :

- #8. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 227/2010** AN ORDINANCE AMENDING TITLE SEVEN, HOUSING STANDARDS, OF PART THIRTEEN - BUILDING CODE OF THE CODIFIED ORDINANCES (IPMC)

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President, I move we amend Ordinance #8 by Amendment A....

PRESIDENT PRO TEM DOUGHERTY: Excuse me, you need to move to adopt first.

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

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 8. Any remarks?

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MEMBER PRATER: Mr. President, I move we amend Ordinance #8 per the copy that all Council Members have in front of them marked Amendment A.

MEMBER CIRELLI: Seconded for discussion.

Amendment A

Pursuant to Rule 36, I move to amend Section 3 to Agenda Item No. 8 as follows:

Add the following new last sentence to proposed Section 1351.02, Purpose, on page 2:

Nothing in this Chapter 1351 shall be deemed to invalidate or repeal any provisions in Chapters 1313, 1315 or 1317 of the Codified Ordinances of the City of Canton, Ohio.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to amend Ordinance 8. Any comments?

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes.

MEMBER CIRELLI: Due to the fact...excuse me, that when we had our Committee Meetings, I like to study my issues and read these and these Amendments came to us at a last minute. Now, nothing is...if you read before...I want to do comparable so I can't in good conscience support either of these Amendments because they came at us when we didn't know they were coming, even the Judiciary Member was not informed that it was going to happen and I think that was not a good decision on the fact that these came to us tonight in a hurry. So, I have to vote no.

PRESIDENT PRO TEM DOUGHERTY: Any other comments?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes.

LAW DIRECTOR MARTUCCIO: Member Cirelli, I understand your concerns about surprises but the one sentence that Amendment A adds was discussed last week, at least a few times. This was the referring back to and saying that plumbing, electrical and HVAC would remain the same. They would not be repealed, nothing in the new IMPC will change plumbing, HVAC and electrical. That was discussed at Committee a couple of times in the past and again last week. Just to update you on that particular portion.

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes

MEMBER CIRELLI: And Mr. Law Director, did you tell us an Amendment was going to be coming on that sir?

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Amendment B. Any remarks?

MEMBER PRATER: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

MEMBER PRATER: Yeah, I'd like to go on the record saying that I talked with Member Hawk last week and I was in favor of this Amendment and I was going out of town and he took the ball and ran with it. So, I don't want to see him hang from the tree by himself. *(Laughter)* I had something to do with this. And for the landlords out there tonight, for me this is not about raising fees and gouging you. It was never about the fees, it was always about inspections. We heard the Administration tonight tell us they're not necessarily opposed of inspections if we can fund them. So, I don't know what other choice we have but to increase the fees. It may very well be that these fees need reviewed. But for me personally, the issue is inspections and always has been.

MEMBER SMUCKLER: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Smuckler.

MEMBER SMUCKLER: Mr. West.

MEMBER WEST: Yes.

MEMBER SMUCKLER: Do you pay at the restaurant a Health Department fee, an inspection fee?

MEMBER WEST: Say that again.

MEMBER SMUCKLER: Do you pay a health inspection fee at the restaurant, a licensing fee?

MEMBER WEST: Yes, that's expensive too.

MEMBER SMUCKLER: That's expensive too. I know too because I pay a lot of fees of my business also. Again, I'm in the same boat. Mr. Martuccio, is this in conflict with State Law if we pass this Amendment?

LAW DIRECTOR MARTUCCIO: Mr. President, Member Smuckler, difficult question to answer. I believe not, however, I believe nearly anything we pass can be challenged. A part of it has...the part of the IPMC that's before you tonight is already the subject of some litigation in nearby Common Pleas Court, the portion that has to do with installment sales. Even in the letter that the administrative agency, the Ohio Board sent back through its secretary, one of their footnotes indicated that the City is free to do inspections and you know, what it charges for inspections is its business but it has to have a rational basis. So, I guess the basis could be challenged to answer your question.

MEMBER SMUCKLER: But the footnote was there?

LAW DIRECTOR MARTUCCIO: Yes, I'm paraphrasing it but it essentially said there are some matters that are still home rule in a home rule City and we are, even though we're not Charter, we're still a home rule

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City.

MEMBER SMUCKLER: I understand. You know, I said this three or four months ago when this came up and Member Hawk called me the day after the meeting and asked if I could support this too and I told him I could. I also took the opportunity and the time to meet with Mr. Rukavina over this. And I understand their perspective of the whole thing. I understand as a business man, we all have different fees we pay and that's a cost of doing business in this community. I'd like it that there were no fees. But that's not reality, you know, reality is, is that when you're dealing with someone's safety and it's not their own safety because it's not their home. I had a problem with this months ago, I still have the same problem. I got a phone call about it today asking me to look real hard at someone who was living in some place where they didn't think it was a very good situation for them to be in. I talked to Mr. Rukavina about some of the landlords that are not a part of this group out here that have over the years been sentenced to live in their own property and to me, that's a problem. There's a recent article in the Cleveland Plain Dealer on the millions of dollars that are being fined up there, by the way that are mostly going unpaid. And we're in a similar situation where this is one of the few things that we have that we've instituted instead of the cost of a housing (*inaudible*). If it's complaint driven, I don't know what we're going to end up saving because in some instances we're going to be getting phone calls and sending people out and we're going to be getting phone calls and sending people out and they're going to be fees attached to it either way. But I don't see how I can turn my back on the people that are most needed by this Ordinance right now. Thank you.

MEMBER HAWK: Mr. President.

MEMBER CIRELLI: Mr....

PRESIDENT PRO TEM DOUGHERTY: Member Hawk.

MEMBER HAWK: Comment. I did some quick math and at \$150.00 for an inspection for five years comes to .8 cents a day. For each additional unit is 1.6 cents per day, not a large fee folks, .8 cents a day, and they tell you they can't afford it. I'm supporting this and I thank the other Council Members who contacted me in regards to it, I'd appreciate your support on it. Thank you.

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Cirelli.

MEMBER CIRELLI: Thank you sir. I also had spoke with Mr. Hawk, Council Member Hawk, about the inspections but I don't feel that this interior inspection shall be performed with a written complaint is registered with the Chief Building Official. Now, I go back a few years and I've seen some even rougher times then what we're going through right now. My parents owned property right down on 7th and Court and bought the house next door to us to get rid of the roaches and the rats and mice living in it per fumigation and what have you. At that time, the City had a rental inspector, before my parents could send a...could...even...when they put in an advertisement and they were going to move somebody in, and these were furnished apartments, the Rental Inspector came to our home and they checked the facility, not only did they check the facility, they...inside, outside, what have you, they also told my parents how much rent they could pay, that was called rent control. My parents, we just barely eked out a living but we kept a clean premises for the people. Now Canton has now 60% plus and growing of rental properties. When they talk

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about fees, the cost of doing business, and we all know when you have something like this, it's a tax deduction for you anyhow, so I don't know why that's a big deal with anybody. But this whole issue of cost driven, there's a lot of safety things that cannot be seen if you don't go into the place. And I can speak of one with a garage, and Mr. Price you were there with me and that garage is now being rented out again and there's a possibility with the electricity so close to the water...the tub there, somebody could be electrocuted and the light still doesn't work on the outside, it is a fake light. I think we don't inspect these places enough and I get calls from the people that live in them and we're supposed to be looking out for them, not the landlords, we're supposed to be looking out for their safety and their livelihood because sometimes they can't do that for themselves. And with that in mind, I feel we need to inspect these places continually all the time and by darn, I'm probably going to be the one that has the most complaint driven complaints though it will come to the department and that's too bad because they better go out and I want a written form and I want it to come back because there is safety involved here so I think that's what we have to look at. Thank you sir.

PRESIDENT PRO TEM DOUGHERTY: Thank you. I think that one thing...I'm just speaking for myself and my Ward. My people don't...my constituents don't have a problem calling me in a minute and you for...to say that some people are going to sit in a house that's not safe and not report it, well shame on them. Because, you know, I'll get calls on this all the time and I send them up there and they go out and inspect them and that's a complaint driven process. Any other remarks?

MEMBER GRIFFIN: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

MEMBER GRIFFIN: I also contacted Councilman Hawk in regards to this. My issue is, I'm in favor of the...the...I'm sorry, the transfer, you know, the inspection at the time of the transfer of sale. That is when I feel they should be done. I go along with the five years and the fees simply because, you know, it's just a part I'm not in favor of but I'll go along with that. But I want it to be, you know, inspection driven at the time of the sale.

PRESIDENT PRO TEM DOUGHERTY: Any other remarks?

MEMBER BARTON: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes.

MEMBER BARTON: I tried to look at this objectively and you know, as a supporter of the IPMC and I think that, that's necessary to be more efficient. However, hearing from the Administration that they wouldn't rule out mandatory inspections, I've tried to look at this from a different perspective and I guess what I'm saying is, is if we don't pass Amendment B, where's the incentive to bring this Council and the Administration back to the table to look at fees that would cover these costs. I don't think there are any incentives for that. Where as if Amendment B passes and we want to look at these numbers further to make sure that, that they're on...on target, then I think, not only is the Administration have incentive because they're trying to be efficient and cut costs but Members of this Council and landlords in the audience, I think there's more incentive there to bring people back to the table and I think it would be bringing people back to the table quicker if Amendment B passed and we needed to look at these fees again.

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MEMBER WEST: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member West.

MEMBER WEST: As I said, I think sometimes we've been too punitive and we are at hard economic times right now, it's really hard out there and I'm not in favor of the fees but at the same time, I remember last week, we passed a salary of \$109,000.00 for our CBO. And I have to agree with Mary Cirelli in that we probably could have gotten it cheaper and that was a cost cutting measure. And today, we're saying let's increase the fees for inspections to cover costs. What costs are we talking about, is the question I have. And then the second question I have is, if we are looking for the mandatory inspections, okay let's do that but why do we have to have the cost go up....what's the reason...what's the rationale for costs going up? I haven't heard that, it didn't come to my Committee and I'm not supporting this.

PRESIDENT PRO TEM DOUGHERTY: Any other remarks?

MAYOR HEALY: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Mayor.

MAYOR HEALY: Thank you Mr. President. I'd like to just touch on a couple comments that were made in Committee for clarification purposes. You know, we're talking about an increase in fees here and...and I don't have the exact numbers because again, this just came up today but according to some of the comments from the audience, it could be more than a doubling or a 200% increase, you know, and then comments were made by Members...a Member of Council saying "Hey we've raised fees, all sorts of other fees in the past, you know, why should this be any different?" Well I'll tell ya the reason that I think this is quite different is because in every case that the Administration has come down with a fee increase, we have had some sort of rate study or financial analysis that backed it up to justify what the costs were in the...and the profit and loss statements were in reference to those fees. You guys are now arbitrarily looking to double or triple the cost of these fees with no financial data or backing to justify it. And I think that's a very slippery slope that you're putting yourselves in. I understand the concern that we all have about what inspections should be done and when they should be done and what they should cost. And I think that is a very controversial issue in reference to the IPMC issue since it started, that's been the most controversial part of this whole thing. I think that this issue on fees and inspections is an entire debate within itself and research that needs to be put on the table so that we're all making the best choice possible. And make no mistake about it, we are not only supporting and representing the....the...the renters of those properties but we also represent the property owners as well. And so, I think that we...we need to take that into consideration. I would encourage you to support the IPMC with Amendment A and look to address Amendment B as a separate issue. Thank you for your time.

PRESIDENT PRO TEM DOUGHERTY: Any other remarks? Okay, the question before you is Amendment B to Ordinance 8. Roll Call.

NO REMARKS

ROLL CALL 6 YEAS, 6 NAYS

(MEMBERS DOUGHERTY, CIRELLI, COLE, WEST, SMITH AND BUTTERWORTH VOTED NAY)

CLERK TIMBERLAKE: Six yeas, six nays.

AMENDMENT B DEFEATED

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PRESIDENT PRO TEM DOUGHERTY: I get a second vote then, the President of Council gets to...

CLERK TIMBERLAKE: Break the tie....

PRESIDENT PRO TEM DOUGHERTY: Could I get a ruling on that *(Laughter)*.

CLERK TIMBERLAKE: Allen gets to vote and he's not even here. *(Laughter)*.

PRESIDENT PRO TEM DOUGHERTY: We're deadlocked here.

LAW DIRECTOR MARTUCCIO: Mr. President Pro Tem.

PRESIDENT PRO TEM DOUGHERTY: Yes.

LAW DIRECTOR MARTUCCIO: This issue has never come up before, my recollection is that you don't get a second bite at the apple but if you want to hold your decision in abeyance, I could try to look at some footnotes. My guess is because it is 6, 6 and you're only serving as a Pro Tem and not the actual President of Council, you don't get a second vote and it's deadlocked so it fails.

PRESIDENT PRO TEM DOUGHERTY: Fails, okay. So, Ordinance...Amendment B to Ordinance 8 has failed. Member Prater.

MEMBER PRATER: Mr. President, I move we adopt Ordinance #8 as amended with Amendment A only.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 8 as amended with Amendment A. Roll call.

NO REMARKS

ROLL CALL 9 YEAS, 3 NAYS
(MEMBERS PRATER, CIRELLI, AND SMUCKLER VOTED NAY)

CLERK TIMBERLAKE: Nine yeas, three nays Mr. President.

#8 ADOPTED AS AMENDED AS ORDINANCE NO. 227/2010

PRESIDENT PRO TEM DOUGHERTY: Ordinance 8 has been adopted as amended.

#9. (3RD RDG) **ADOPTED AS ORDINANCE NO. 228/2010** AN ORDINANCE VACATING A PORTION OF HAZLETT AVENUE N.W.; AND DECLARING THE SAME TO BE AN EMERGENCY (HISTORICAL SOCIETY) **PUB HRG 11/29/10 @ 7:31 P.M.**

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

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

MEMBER CIRELLI: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#9 ADOPTED AS ORDINANCE NO. 228/2010

PRESIDENT PRO TEM DOUGHERTY: Ordinance 9 has been adopted.

#10. (3RD RDG) **ADOPTED AS ORDINANCE NO. 229/2010** 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 (3751 BURRSHIRE DR NW) **PUB HRG 11/29/10 @ 7:32 P.M.**

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

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

MEMBER CIRELLI: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#10 ADOPTED AS ORDINANCE NO. 229/2010

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

#11. (3RD RDG) **ADOPTED AS ORDINANCE NO. 230/2010** AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AND EMERGENCY (ALBERT & FRANCES SIMIA - PARCEL #02-14244 ON KENNET CT NW)

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

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

MEMBER CIRELLI: Seconded.

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

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NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#11 ADOPTED AS ORDINANCE NO. 230/2010

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

#12. (3RD RDG) **ADOPTED AS ORDINANCE NO. 231/2010** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH STARK COMMUNITY FOUNDATION TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$50,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY (NEIGHBORHOOD GROUPS)

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

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

MEMBER CIRELLI: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#12 ADOPTED AS ORDINANCE NO. 231/2010

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

#13. (3RD RDG) **ADOPTED AS ORDINANCE NO. 232/2010** AN ORDINANCE AUTHORIZING AND CONSENTING TO RESURFACING OF US 30 FROM STATE ROUTE 43 TO THE EASTERN CORPORATION LINE AND CONCRETE OVERLAY ON THE BRIDGE AT BELDEN AVENUE OVER US 30; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

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

MEMBER CIRELLI: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#13 ADOPTED AS ORDINANCE NO. 232/2010

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PRESIDENT PRO TEM DOUGHERTY: Ordinance 13 has been adopted. Ordinance 14.

#14. (3RD RDG) **ADOPTED AS ORDINANCE NO. 233/2010** AN ORDINANCE AUTHORIZING AND CONSENTING TO REHABILITATION AND RESURFACING OF 1-77 FROM THE CITY SOUTHERN LIMITS TO JUST NORTH OF SR 800 WITHIN THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

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

MEMBER CIRELLI: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#14 ADOPTED AS ORDINANCE NO. 233/2010

PRESIDENT PRO TEM DOUGHERTY: Ordinance 14 is adopted. Ordinance 15.

#15. (3RD RDG) **ADOPTED AS ORDINANCE NO. 234/2010** AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO PLAIN TOWNSHIP; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE EXTENSION OF SAID WATER MAIN; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

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

MEMBER CIRELLI: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#15 ADOPTED AS ORDINANCE NO. 234/2010

PRESIDENT PRO TEM DOUGHERTY: Ordinance 15 is adopted. Ordinance 16.

#16. (3RD RDG) **ADOPTED AS ORDINANCE NO. 235/2010** AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY; ESTABLISHING THE

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PURCHASE PRICE OF THE PARCEL INCLUDING MINERAL RIGHTS OF \$92,500.00; AUTHORIZED THE CITY OF CANTON TO ACCEPT DONATION OF \$27,500.00 IN VALUE OF REAL PROPERTY; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT FOR THE PURCHASE OF SAID PARCELS; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO APPLY FOR, ENTER INTO AGREEMENT AND RECEIVE FUNDS IN THE AMOUNT OF \$92,500.00 FROM THE CLEAN OHIO CONSERVATION FUND; RESERVE THE PROPERTY FOR PURPOSES OF THE PRESERVATION OF WATER, FORESTRY AND OTHER NATURAL RESOURCES; AUTHORIZING THE CITY ENGINEER TO GENERAL CONTRACT THE DEVELOPMENT OF TRAILS, PARKING AREAS AND PARK FACILITIES THROUGH THE USE OF CITY FORCES AND/OR LOCAL CONTRACTORS AND SUPPLIERS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

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

MEMBER CIRELLI: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#16 ADOPTED AS ORDINANCE NO. 235/2010

PRESIDENT PRO TEM DOUGHERTY: Ordinance 16 has been adopted. Ordinance 17.

#17. (3RD RDG) **ADOPTED AS ORDINANCE NO. 236/2010** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT FOR FULL MANAGEMENT OF THURMAN MUNSON MEMORIAL STADIUM WITH THE NON-PROFIT OHIOMSBL MANAGEMENT GROUP LLC; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President, I move we adopt Ordinance 17.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 17. Any remarks? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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#17 ADOPTED AS ORDINANCE NO. 236/2010

PRESIDENT PRO TEM DOUGHERTY: Thank you, Ordinance 17 is adopted. Ordinance 18.

#18. (3RD RDG) **ADOPTED AS ORDINANCE NO. 237/2010** AN ORDINANCE AMENDING SECTION 357.04, STREETS ON WHICH PARKING IS PROHIBITED DURING SNOW EMERGENCY OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President, I move we adopt Ordinance #18.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 18. Any remarks? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#18 ADOPTED AS ORDINANCE NO. 237/2010

PRESIDENT PRO TEM DOUGHERTY: Ordinance 18 is adopted. Ordinance 19.

#19. (3RD RDG) **ADOPTED AS ORDINANCE NO. 238/2010** AN ORDINANCE AMENDING SECTION 181.08, DUTIES OF TREASURER AND INCOME TAX DIRECTOR, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President, I move we adopt Ordinance #19.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 19. Any remarks? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#19 ADOPTED AS ORDINANCE NO. 238/2010

PRESIDENT PRO TEM DOUGHERTY: Ordinance 19 has been adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM DOUGHERTY: Announcement of Committee Meetings?

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MEMBER HAWK: Mr. President Pro Tem.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

MEMBER HAWK: Thank you good sir. There are three Finance Committee for next Monday evening, December 6th, we will start Committee Meetings at 6:30, thank you sir.

MEMBER PRATER: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Personnel Committee will meet next Monday at 6:30.

PRESIDENT PRO TEM DOUGHERTY: Thank you. Any other announcements?

MISCELLANEOUS BUSINESS

PRESIDENT PRO TEM DOUGHERTY: Miscellaneous Business. Is there any Miscellaneous Business?

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Cirelli.

MEMBER CIRELLI: As most people know here, I read the paper an awful lot and last weekend Mr. West brought up about the almost \$109,000.00 job that was passed here. I found it rather interesting, the City of Louisville had an ad in the paper for a position for a full time service department operator and it's the first time I've ever seen this cause I read all the ads, they are actually charging \$20.00 for each participant just to take the exam, you have to pay \$20.00. So, as I said then, it's an employer's market. And as might note that North Canton is also in a hiring mode, I will call them to see how many people put in applications because I still think and I stand by my vote of last week that, that would have been the right thing to do, for us to advertise and get people, and I'm sure we could find people in the City of Canton and/or Stark County who qualify for the position that was filled by somebody from Summit County that claims she would never own nor live in the City of Canton. And I just don't know what direction this Honorable Body was going in when we did that. Thank you sir.

PRESIDENT PRO TEM DOUGHERTY: Any other Miscellaneous Business?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

LAW DIRECTOR MARTUCCIO: In the event that you're all on the edge of your seats wondering about that 6, 6 vote. I believe the...our instincts were correct. There's a 1962 Ohio Attorney General Opinion, #3203, which in essence says "that the President Pro Tem may preside in the absence of the President", which of course he is, "and is entitled to vote once when there is a roll call on a question" and it goes on to say "may not vote to create a tie vote and then vote to decide the tie." So, our recollections were fairly adequate. Your ruling stands....

PRESIDENT PRO TEM DOUGHERTY: That's disappointing. *(Laughter)*

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SAFETY DIRECTOR REAM: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

SAFETY DIRECTOR REAM: I'd just like to take the opportunity to thank Council, not necessarily for your vote tonight but for the deliberations and concerns and participation in the process of this past year in bringing the IPMC up to a successful vote tonight. We certainly, meaning myself and the Administration and our CBO understand your concern. We will do our best to administrate this in a fair and impartial manner as we move forward. And I'd be remiss if I wouldn't take the time to thank our Law Department for the tremendous number of hours they put in with the work on the Ordinance, the research they did, the meetings they attended, the re-writes that they did time and time again to get us to the product that we voted on this evening...that you folks voted on this evening. So, Mr. Martuccio, thank you, thank your staff please for the time they put in and it's one thing to think it's their job to do that but in my eyes, they went above and beyond with the amount of work that they put in this one piece of legislation and hopefully we'll have a better community going forward than what we had with the old codes that we put to rest here tonight. Thank you very much.

PRESIDENT PRO TEM DOUGHERTY: Thank you.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

LAW DIRECTOR MARTUCCIO: Director Ream, thank you I'll pass that along to the Members of the Law Department. But I would also like to thank this Council for being as patient as it has been for as long as it has been and putting the work in that you did. The Administration, Mr. Ream particularly, the Chief Building Official put in a lot of time as well, all of them on the 8th floor and their assistance. But I also want to thank Dave Kirven in particular and his colleagues in the trades for bringing some issues to our attention that deserved a second and third look. And Mr. Rukavina and his colleagues for bringing matters to our attention which deserved second and third looks. We didn't always agree and may not now that this is about to become law, thirty days hence. However, as you all knew and understood it was imperative to get this code passed because some of the code provisions that we've had on our books for awhile are in conflict and I intend to write a letter to the secretary of the board that spent that spent their time here in a hearing with all of the people mentioned before and thank them for their attending and spending a day in Ohio, in Canton here rather and for their subsequent review, follow up and study because they were instrumental in helping us as at least as an Administrative (*inaudible*) determine what their advise was and we appreciate that. So, thank all of you as well.

PRESIDENT PRO TEM DOUGHERTY: Thank you. I got a card in the mail today it was from Family Time Entertainment, Benny and Spike, they're the people that when we have our picnic outside, they are the entertainment and they donate their time and energy every year to that. And we do send them a little gift card for appreciation for what they do. And...."Dear Dave, just wanted to let you know how much we appreciate being a part of the City Council Member's picnic for the needy. It was very nice but not necessary to receive this generous gift card. Each year we are so impressed with how graciously the event is presented when I speak with Cindy the week before on the phone she is always cheerful and positive. In all these years, we've never been taken for granted and that means a lot. It's admirable and important to note that although this event caters to some the most unfortunate folks in Canton, on this day they are treated as normal neighbors. Spike and I hope you continue to have go health. Don't get stressed out by the knuckleheads. We look forward to seeing you next year or anytime around town. Thank you." Anymore?

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MEMBER WEST: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes.

MEMBER WEST: Just briefly, I also want to thank everybody for the IPMC discussion. I mean, I think it goes to show that not all of us have the same mind set when it come to Council. I think that a lot of people think that we just rubberstamp around here but we all have different ideas, thoughts and beliefs and I think tonight we've shown that and I think this was good Government, a good debate, the IPMC showed that and hopefully it will bring forth good fruit to the City of Canton. Thank you.

MAYOR HEALY: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

MAYOR HEALY: Thank you. I'd also like to thank Council and the Administration, the Law Department, everybody that was involved, the different interested groups that were putting their voices forward. To me, this was truly the Canton Government at its finest. As Councilman West said, there was a lot of different opinions on this and we worked through it and it came to a majority decision to make something happen. And it sounds like it's not the end of it, we'll have further tweaks and adjustments as we go and I think that shows you why we need the many voices to put our heads together and discuss these things. So, thank you all for that. I do want to mention too, we have two Members of the Cabinet that are not here this evening, Fonda Williams and Karen Alger, Fonda Williams' wife had some major surgery this past weekend and I'd like for you to, you know, to...to have her in your...in your thoughts and prayers, she is recovering and hopefully doing well. And also Karen just found out today that her mother in law is very, very ill and she left town to...to go be with her and we're not quite sure when she'll return at this point. But again, if you'll put your thoughts and prayers in for their family members. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you. Any more Miscellaneous Business? Member Prater.

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

MEMBER CIRELLI: Seconded.

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

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: *(Gavel falls)*

ADJOURNMENT TIME: 8:29 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

DAVID DOUGHERTY
PRESIDENT PRO TEM