

MINUTES OF THE MEETING OF DECEMBER 28, 2009

THE FOLLOWING ARE THE TITLES AND NAMES OF COUNCIL MEMBERS SWORN INTO OFFICE AT 7:30 P.M. ON MONDAY, DECEMBER 28, 2009 BY LAW DIRECTOR JOSEPH MARTUCCIO IN THE CANTON CITY COUNCIL CHAMBER, CITY HALL, CANTON, OHIO. COPIES OF NOTARIZED OATHS OF OFFICE ARE ON FILE IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED DECEMBER 28, 2009.

TITLE & NAME:

Joseph Cole, Council At Large
Bill Smuckler, Council At Large
Gregory Hawk, Ward 1 Council Member
Thomas West, Ward 2 Council Member
James Griffin, Ward 3 Council Member
Chris Smith, Ward 4 Council Member
Terry Prater, Ward 5 Council Member
Patrick Barton, Ward 7 Council Member
Mark Butterworth, Ward 8 Council Member
Brian Horner, Ward 9 Council Member

Allen Schumlan, Council President (Previously sworn in)

Mary Cirelli, Council At Large (Previously sworn in)

David Dougherty, Ward 6 Council Member (Previously sworn in)

PRESIDENT PRO TEM CASAR: With a quorum being present, Canton City Council is now called to order. Roll call vote please.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

12 COUNCIL MEMBERS PRESENT: (DON CASAR, DAVID DOUGHERTY, MARY CIRELLI, BILL SMUCKLER, GREG HAWK, THOMAS WEST, JAMES GRIFFIN, CHRIS SMITH, TERRY PRATER, PATRICK BARTON, KARL "BUTCH" KRAUS & BRIAN HORNER)

TWELVE COUNCIL MEMBERS PRESENT.

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM CASAR: We'll have the invocation given this evening by 8th Ward Council Person, Karl "Butch" Kraus. And please remain standing for the pledge of allegiance.

The regular meeting of Canton City Council was held on Monday, December 28, 2009 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Ward 8 Council Member, Karl "Butch" Kraus. The Pledge of Allegiance led by President Pro Tem Casar.

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(MOMENT OF SILENCE FOR THE THORTON FAMILY - THE CASAR'S EXTENDED FAMILY)

AGENDA CORRECTIONS & CHANGES

PRESIDENT PRO TEM CASAR: We're now under agenda corrections, Member Dougherty, I'll entertain a motion to suspend Rule 22A to add Ordinances 2 and 3 on this evening's agenda.

MEMBER DOUGHERTY: Thank you Mr. President, I move Rule 22A be suspended to add 2nd Reading Ordinances 2 and 3.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to suspend Rule 22A. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM CASAR: Rule 22A has been suspended and Ordinances 2 and 3 are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT PRO TEM CASAR: We're now under Public Hearings. Tonight we have one public hearing scheduled for 7:30. 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; THE PLANNING COMMISSION RECOMMENDED DENIAL OF THE REZONE R-1a (Single Family) to PR-3 (Planned Multi-Family); IN WARD 6; ICAN HOUSING SOLUTIONS, ITS ON RICHMOND AVENUE, NE. Is there anyone in the audience wishing to speak for or against this zone change, please come forward. Please state your name and address.

MARY ELLEN CAMERON: Yes, I'm Mary Ellen Cameron from (*inaudible*) Glendavin St NW in Massillon and I am the Executive Director of ICAN Housing Solutions. The Ordinance that's being proposed to you tonight is to approve the rezoning as stated by yourself, Council Casar to rezone approximately 4.8 acres that is now vacant land, located off of Richmond, actually between Richmond and Cliffmont in Ward 4 and it is to provide permanent support of housing. We're going to build new construction to provide permanent support of housing for people who are homeless and who are disabled by mental illness. This is going to include some set aside units for members referred to us from the Veteran's Administration, they are providing support for this project and it's the beginning of us trying to work with them as people are returning from their service overseas, many of whom will be receiving mental health services. Can I answer any questions about the project?

PRESIDENT PRO TEM CASAR: Thank you.

MEMBER KRAUS: Mr. President, just for the record, Dave, you want that to show Ward 6 instead of Ward

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4?

MEMBER SMITH: Yeah, that's what I was getting ready to say.

MARY ELLEN CAMERON: Oh I'm sorry.

PRESIDENT PRO TEM CASAR: Did I say Ward 4?

MEMBER SMITH: She said Ward 4.

PRESIDENT PRO TEM CASAR: Oh, okay. I thought I said Ward 6. Thank you very much. Is there anyone else in the audience wishing to speak for or against this zone change. Is there anyone else in the audience wishing to speak for or against this zone change? Thank you the public hearing is over and we'll now refer back to the original place on the Agenda.

PUBLIC SPEAKS

PRESIDENT PRO TEM CASAR: We are now under Public Speaks on Ordinances and Resolutions pertaining to tonight's Agenda. There are no speakers signed up for this part of the Agenda.

INFORMAL RESOLUTIONS

PRESIDENT PRO TEM CASAR: We are now under Informal Resolutions. Member Dougherty....Madame Clerk would you please read....I'm sorry, we must excuse Allen Schulman, the President of Council. I'll entertain a motion to excuse the President.

MEMBER DOUGHERTY: Yeah, I make a motion that we excuse President Allen Schulman from tonight's meeting.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to excuse Allen Schulman from this evening's meeting. Are there any remarks? If not, roll call vote.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM CASAR: President Schulman is duly excused from this evening's meeting. We are now under Resolutions, Informal Resolutions, Madame Clerk, would you please read Resolution #69 by title only.

#69. COUNCIL-AS-A-WHOLE: ELECTIONS OF CLERK OF COUNCIL & OFFICE STAFF; CLERK OF COUNCIL: CYNTHIA TIMBERLAKE; ADMINISTRATIVE ASSISTANT V: MICHELLE SENTER; ADMINISTRATIVE ASSISTANT V: PATRICIA DOROSKY. - ADOPTED

MEMBER DOUGHERTY: Mr. President,

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PRESIDENT PRO TEM CASAR: Member Dougherty

MEMBER DOUGHERTY: I move we adopt Resolution #69.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Resolution #69. Are there any remarks? If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #69 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM CASAR: The ayes have it, Resolution #69 has been adopted. Resolution #70.

#70. COUNCIL-AS-A-WHOLE: THANKING & COMMENDING WARD 8 COUNCIL MEMBER KARL "BUTCH" KRAUS FOR HIS DEDICATION & SERVICE TO THE RESIDENTS OF WARD 8. - ADOPTED

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM CASAR: Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Resolution 70.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Resolution #70. Are there any remarks?

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM CASAR: Member Dougherty.

MEMBER DOUGHERTY: Could I have that read please.

CLERK TIMBERLAKE: **WHEREAS:** On December 31, 2009, we say farewell to hard-working and dedicated Ward 8 Council Member, Karl "Butch" Kraus; and **WHEREAS:** Butch Kraus has been a vocal advocate for the residents of Ward 8, maintaining consistent attention to their welfare and interests; and **WHEREAS:** Butch's dedicated work as a City employee for 33 years and his knowledge of infrastructures was invaluable in his tenure as Ward 8 Council Member; and **WHEREAS:** In the four years that Butch has served as Ward 8 Council Member, he has accomplished the completion of the 44th Street NW road improvement project, closed open ditches, installed a storm drain and catch basins on Vernon Avenue NW to help alleviate drainage problems and to make the roadway safe for children walking and for the safety of drivers. Butch was instrumental in the installation of storm drains, curbs and sidewalks on 38th St NW. He was also proactive in working with the Police Department to deter speeders in neighborhoods; and **WHEREAS:** Butch was very active in the Neighborhood Association Leadership Council and is very

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passionate about the Canton Ex-Newsboys. There was never a phone call or email that he did not return. Butch was honest and worked hard to help anyone in need. **NOW THEREFORE BE IT RESOLVED:** that we, the Members of Canton City Council do hereby go on record commending and thanking **KARL "BUTCH" KRAUS** for serving the citizens of Ward 8 with commitment, determination and dedication. We, together with his family and friends thank him for his efforts in making Ward 8 a better place to live. Thank you Butch for a job well done!

(STANDING OVATION)

PRESIDENT PRO TEM CASAR: Butch it is with great pleasure to present this Resolution to from Canton City Council. As I said many times to your face, you did a heck of a job up there in the 8th Ward. You represented the people, you gained respect, and you worked very hard. I know as Council at Large how hard you did work and what you accomplished up there. And I want to thank you as a Member of Council and as Majority Leader for what you've done in this Council. You assured your residents and you supported them. I as one know that you did the job and it's only sorry that the citizens of the 8th Ward didn't recognize that. And I certainly appreciate all you've done.

(APPLAUSE)

MEMBER KRAUS: To everybody that comes here every week and those of you who are members tonight, I'm not a politician, never claimed to be. I just did what I always thought was right for my citizens of the Ward I represented and the City of Canton. And it's not an easy job up here but you know, you have to take the good with the bad. And though I'm not a politician, I'm not sad that I'm leaving because I felt that what I've done was a good accomplishment for everybody that I represented, including myself, it was an experience. But to say that this is an easy job, you have to be there to understand that the Repository is gonna beat ya up, the peoples gonna beat ya up and nobody is gonna pat ya on the back when you do do a good job. As long as it's in your heart that you served the people that you represent, you're always gonna be on the winning side and I feel that I'm a winner. Thank you everybody.

(APPLAUSE)

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM CASAR: Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Resolution 70 please.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to Resolution #70. Are there any further remarks? If you'd like to, maybe if you have any remarks hold them to Miscellaneous Business. That would be appreciated. So all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #70 PASSED UNANIMOUSLY BY VOICE VOTE

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PRESIDENT PRO TEM CASAR: The ayes have it and Resolution #70 has adopted. Resolution #71 Madame Clerk.

#71. COUNCIL-AS-A-WHOLE: CONGRATULATING MAJORITY LEADER DONALD CASAR ON HIS RETIREMENT. - ADOPTED

(APPLAUSE)

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM CASAR: Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Resolution 71.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved to adopt Resolution #71. Are there any remarks. If not, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #71 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM CASAR: The ayes have it. Thank you.

MEMBER DOUGHERTY: Member Casar, could you come forward please.

CLERK TIMBERLAKE: Can I read it.

MEMBER DOUGHERTY: Come on old man .

(LAUGHTER)

MEMBER WEST: Dougherty, is he gonna read it?

MEMBER KRAUS: He got two new knees and a new shoulder, you can't call him old now.

(LAUGHTER)

CLERK TIMBERLAKE: **WHEREAS:** Donald E. "Don" Casar began his political career January 1, 1970 when he was elected Ward 9 Council Member. Don has earned the respect and admiration from Council Members, Elected Officials, Union Members and the citizens of Canton; and **WHEREAS:** Don has served on all major committees of Canton City Council. As Chairman of the Parks and Recreation Committee, Don has been relentless with his passion for various parks and recreation projects, such as a new surface for the running/walking track at Stadium Park and a new running/walking track at Harmont Park, repaired all shelters in the parks and provided new playground equipment; and **WHEREAS:** Over the years of Don's tenure as Council Member and Majority Leader, he has pledged fiscal responsibility, scrutinizing all issues and

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expenditures that came before City Council. Don has submitted legislation opposing Warner Cable's annual rate increases and limited programming. He also introduced legislation with Council's support using community development funds to help renovate deteriorating homes. Don has been a board member of the Canton Community Improvement Corporation and has worked with local and new businesses to create new jobs in the City of Canton. Don initiated a sidewalk and curb replacement program for the neighborhoods. The program has been very successful and the results are visible throughout the City; and **WHEREAS:** Throughout Don's political career, he has been fully supported by his loving wife Rita, son Donald, daughter Denise and son-in-law Mike. Don is most proud of being a grandfather to grandkids, Kellie, Jack, Luke and Lisa. As Don embarks on his retirement journey, we, the Members of Canton City Council wish him all the best that life has to offer and thank him for his years of dedicated public service. **NOW THEREFORE BE IT RESOLVED:** that we, the Members of Canton City Council do hereby go on public record giving thanks and special tribute to **DONALD E. CASAR** for his invaluable contributions and dedication to the City of Canton. We wish you the very best in your retirement Don!

(STANDING OVATION)

MEMBER DOUGHERTY: It's a pleasure having this opportunity Don, to come up here and present you with this. Now, it says something to be on Council that long and like Butch says, your clothes hide your wounds sometimes, of course you got this on, so I don't know where that came from. But no, it really says something to have Citizens vote you in, term after term. I think as you grow older and live longer, you'll appreciate that even more.

PRESIDENT PRO TEM CASAR: I'll visit Aultman Hospital.

MEMBER DOUGHERTY: Yeah, yeah come see me. And you know, I think you probably don't notice that as much now but I think later as you drive through the City you'll see things you did and they're there and they'll be there forever. I let you in Ward 6 a couple of times *(Laughter)* I told you, you know, you were Parks and Recreation Chairman, I said you know, at Stadium Park I want to put a walking track in the park we're trying to build and you grabbed it, ran with it and got it done. I really appreciate that. You know, we didn't always agree on things together, but one thing I respected, I always knew where you were coming from and that's all...know where you're coming from, you never changed up on me and I appreciate that. *(Laughter and Applause)* I really appreciate that. And you know, I really wish you the best for you and your family. Don't drive Rita crazy. *(Laughter)* Rita, Rita, don't call me and tell me to take him back. *(Laughter)* But no, seriously, you know, you've been very dedicated, we're gonna miss you and the citizens are going to miss everything you've done. Thank you very much.

(APPLAUSE)

PRESIDENT PRO TEM CASAR: I just want to thank Dave for his kind remarks and Dave is going to be the new Majority Leader and I wish him all the best and I'm sure he'll do a great job as Majority Leader. I just want to take a minute if I might to introduce my wife Rita, if you would stand up I'd appreciate it. *(Applause)* my son Don, he's with the camera there, *(Applause)* my daughter Denise, *(Applause)* my son-in-law behind her Mike *(Applause)* and my grandkids, Kellie, stand up honey *(Applause)* she's 9, Jack *(Applause)* he's 7 and Luke and Lisa, they're twins and they're 5 *(Applause)*. And everybody is asking me you know, Don what are you going to do, you know, you're leaving Council, you're retiring from your other position and I say well I have four beautiful grandkids that I hope to spend more time with, if that's possible. And I just want to thank

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Rita personally for all her dedication and her support of me over these....since I first got elected in 1969 and it's been a long time, back then we didn't have cell phones and we didn't have answering machines and so forth and every time we get a call, you know, she used to write it down because obviously I was working during the day and we've come along way since the '60s and early '70s. I want to thank the Members of this Council that I have served with these last two years, it's been a good Council, they worked hard in the dire times with the economic situation we're in but I think that they got the handle on it and I think we'll come out of it once the economy turns around and the City of Canton will move forward. I feel very confident that the new Council coming in will continue to do the work that this previous Council has done. And I just want to thank the Administration, and Joe Martuccio, Law Director and especially Auditor Mallonn and Gary Young for the job that they've done to keep this ship as close to being as right as possible because believe me ladies and gentlemen, it's been a tough job and they've come through and done a yeomen's job and I just want to, the last thing I want to say is, thanks to the citizens of Canton that afforded me the opportunity to serve these Chambers for as long as I did. I've enjoyed it for the most part. It had it's ups and downs like anything else but I think overall, I've enjoyed serving the people, the citizens of Canton. I feel very serious about what I've done and I always wasn't the fair haired person of the Repository or the news media because I felt, what I did was what I felt was right and I always used to say, well, I can't be wrong all the time so. (*Laughter*) I just want to make that statement and I wish the Members of Council would continue to be their self, you know, vote their conscience and don't necessarily follow the leader. My last six years as Majority Leader, I don't think I've ever asked, maybe on one or two occasions, asked them how to vote and I think they should make up their own mind how they want to vote, how their constituency wants them to vote. And as I told Member Kraus, when he came on four years ago, and he done a bang up job for the 8th Ward and in my opinion, he should have been reelected because that's the type of a job that he...things he accomplished up there that were never accomplished for...before he became Council Person. So, I'll be quite now, I don't want to say anything else. I think the less you say is better. But again, I want to take this opportunity to thank everybody and if I miss anybody please forgive me. I have had the pleasure to serve under five different Mayor's and five different Administrations and there was some good ones, some bad ones but overall, I think the Administrations have been pretty good to work with and I think that Council has had the right direction in regards to working with the Administration. We communicated and we cooperated and that's why I think that the City of Canton, once again when the economy turns around, will be on its way to better things then we're in right now. Especially with downtown under leadership of the Chamber of Commerce, Denny Saunier and the group down there, their doing a bang up job also. Our Economic Development Department is working very diligently on what they do and those are the things that most people don't realize what's happening behind the scene but that's where all the things start and then it comes down here to be finalized. But it's the things that takes place before it gets to Council Chambers here. And I know all these Council People, they work hard and they should be commended for going out and getting elected and serving the citizens to the best of their ability and I want to thank you all. Thank you.

(STANDING OVATION)

MEMBER DOUGHERTY: Come on up here Cindy.

CLERK TIMBERLAKE: Don, on behalf of Canton City Council, we know you're going to be busy and on the road so we would like to present you with a gift certificate for AirTran on behalf of all the Council Members.

PRESIDENT PRO TEM CASAR: Thank you.

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MEMBER DOUGHERTY: They wanted to get you a one-way ticket, I said no. *(Laughter)*

PRESIDENT PRO TEM CASAR: Thanks everybody, I appreciate it. Like I said, it was a pleasure working with all of you and I'm sure I'll see you again, maybe not here but...*(Laughter)* This is the third time I'm leaving Council and the last time. *(Laughter)*

(APPLAUSE)

CLERK TIMBERLAKE: Meeting adjourned. *(Laughter)*

PRESIDENT PRO TEM CASAR: Is there a move to adopt?

MEMBER SMUCKLER: No *(Laughter)*

PRESIDENT PRO TEM CASAR: We did it? I told you we did it. *(Laughter)* We voted on it?

CLERK TIMBERLAKE: Yes.

PRESIDENT PRO TEM CASAR: Okay, Resolution #72 Madame Clerk.

#72. PERSONNEL COMMITTEE: REQ AUTHORIZATION OF RE-APPT OF STEVE COON TO ARCHITECTURAL REVIEW BD COMMENCING 1/1/10 - 12/31/13. - ADOPTED

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM CASAR: Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Resolution 72.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Resolution #72. Are there any remarks? If not, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #72 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM CASAR: The ayes have it. Resolution #72 has been adopted. Resolution #73 Madame Clerk.

#73. PERSONNEL COMMITTEE: REQ AUTHORIZATION OF RE-APPT OF CLINT ZOLLINGER TO FAIR EMPLOYMENT PRACTICES BOARD FOR A THREE YEAR TERM COMMENCING 1/1/10 - 12/31/12. - ADOPTED

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM CASAR: Member Dougherty.

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MEMBER DOUGHERTY: I move we adopt Resolution 73 please.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Resolution #73. Are there any remarks? If not, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #73 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM CASAR: Resolution #73 has been adopted. Resolution #74 Madame Clerk.

#74. PERSONNEL COMMITTEE: REQ AUTHORIZATION OF APPT OF KARL "BUTCH" KRAUS TO BD OF ZONING APPEALS FOR THREE YR TERM COMMENCING 1/1/10 - 12/31/12. - ADOPTED

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM CASAR: Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Resolution 74.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Resolution #74. Are there any remarks?

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM CASAR: Member Cirelli.

MEMBER CIRELLI: Mr. President and all of Council, I think this is the first time I've ever seen a person get two Resolutions in the same night. Even though one was cause your gone Butch, you're still staying. And that's the type of person you are. No, I'm sure you're going to do a good job on the Zoning Commission just as you do as you're moving up the ladder on the Ex-Newsies. But this is the first time in all honesty that I think that I've served on Council that I've seen two Resolutions for the same person in the same night. I think that's setting a precedence, congratulations.

MEMBER KRAUS: Mr. President, I'm gonna abstain on that vote. *(Laughter)*

PRESIDENT PRO TEM CASAR: I would vote, you might only have one vote. *(Laughter)*

MEMBER KRAUS: If it comes down to that, I know how you're going to vote. *(Laughter)*

PRESIDENT PRO TEM CASAR: All those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #74 PASSED UNANIMOUSLY BY VOICE VOTE

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PRESIDENT PRO TEM CASAR: The ayes have it, Resolution #74 has been adopted.

COMMUNICATIONS

PRESIDENT PRO TEM CASAR: We are 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 DECEMBER 28, 2009.

534. SERVICE DIRECTOR PRICE: INFORMING COUNCIL THAT IN COMPLIANCE WITH O#86/2009 THE CITY WILL NOT ENTER INTO PLA FOR THE HARMONT SANITARY SEWER EXTENSION, GP 1071. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT PRO TEM CASAR: We are now under Ordinances for the First Reading. Let the journal show that all Ordinances are being given their reading as required by state law. Madame Clerk would you please read the 1st Ordinances by title only.

NOTE: PRESIDENT PRO TEM CASAR CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #1 FOR ITS FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:

#1. (1ST RDG) **ADOPTED AS ORDINANCE NO. 249/2009** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 193/2008, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS, APPROPRIATION TRANSFERS AND/OR APPROPRIATION REDUCTIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

(COUNCIL RECESSED AT 8:05 P.M. FOR FINANCE COMMITTEE TO DISCUSS THE ADOPTION OF ORDINANCE #1; RECONVENED AT 8:06 P.M.)

PRESIDENT PRO TEM CASAR: We are out of recess. And I will entertain a motion to suspend Rule 22A to add Ordinance #1 back on this evening's agenda.

MEMBER DOUGHERTY: Yes, Mr. President, I move that we suspend Rule 22A to add Ordinance #1 back on the agenda please.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: Are there any remarks? If not, all those in favor, by roll call please, aye, no, whatever.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM CASAR: Rule 22A has been suspended and Ordinance #1 is now a legal part of your agenda.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM CASAR: Member Dougherty.

MEMBER DOUGHERTY: Yeah, I move we suspend Statutory Rules on Ordinance #1 please.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: There's been a move to suspend the Statutory Rules on Ordinance #1. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM CASAR: Statutory Rules have been suspended is there a move to adopt? Member Dougherty.

MEMBER DOUGHERTY: Yes Mr. President, I move we adopt Ordinance #1.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #1. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#1 ADOPTED AS ORDINANCE NO. 249/2009

PRESIDENT PRO TEM CASAR: Ordinance #1 has been adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT PRO TEM CASAR: We are now under Ordinances for the Second Reading. Madame Clerk would you please read Ordinance 2 by title only.

NOTE: PRESIDENT PRO TEM CASAR CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #2 AND #3 FOR THEIR SECOND TIME BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

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#2 (2ND RDG) **ADOPTED AS ORDINANCE NO. 250/2009** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE AND DELIVER TO DOMINION EAST OHIO GAS COMPANY AN EASEMENT ON PROPERTY OWNED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM CASAR: Member Dougherty.

MEMBER DOUGHERTY: I move we suspend the Statutory Rules on Ordinance #2.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to suspend the Statutory Rules on Ordinance #2. Are there any remarks? If not roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM CASAR: Statutory Rules have been suspended is there a move to adopt?

MEMBER DOUGHERTY: Yes Mr. President, I move we adopt Ordinance #2.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: Ordinance #2 has been moved and seconded. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#2 ADOPTED AS ORDINANCE NO. 250/2009

PRESIDENT PRO TEM CASAR: Ordinance #2 has been adopted. Ordinance #3 Madame Clerk.

(2ND RDG) **ADOPTED AS ORDINANCE NO. 251/2009** AN ORDINANCE AUTHORIZING AND CONSENTING TO ODOT QUALIFIED CONTRACTING FOR MINOR REHABILITATION AND RESURFACING OF STATE ROUTE 627, FAIRCREST STREET; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee

PRESIDENT PRO TEM CASAR: Member Dougherty.

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MEMBER DOUGHERTY: Mr. President, I move we suspend the Statutory Requirements on Ordinance #3 please.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to suspend the Statutory Rules on Ordinance #3. Are there any remarks? If not roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM CASAR: Member Dougherty?

MEMBER DOUGHERTY: Yes I move we adopt Ordinance #3.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #3. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#3 ADOPTED AS ORDINANCE NO. 251/2009

PRESIDENT PRO TEM CASAR: Ordinance #3 has been adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT PRO TEM CASAR: We are now under Ordinances for their third and final reading. Ordinance #4, Madame Clerk, would you please read it by title only.

#4. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 252/2009** 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 (ICAN HOUSING SOLUTIONS - OUT LOT #1140, RICHMOND AVE NE) **PUB HRG 12/28/09 @ 7:30 P.M.**

PRESIDENT PRO TEM CASAR: Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance #4.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #4. Are there any remarks?

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MEMBER DOUGHERTY: Mr. President, I'd like to amend Ordinance 4 per the copy in front of all Council Members.

MEMBER CIRELLI: Seconded.

AMENDMENT:

Pursuant to Rule 36, I move to amend Agenda Item No. 4 by adding an additional sentence to Section 2 to read as follows:

For good cause shown, Council approves of the requested parking variance to reduce the required 48 parking spaces to 24 parking spaces, i.e., a 50 percent reduction of the zoning code requirement.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to amend Ordinance 4 per the copy that all Council Persons have in front of them. Are there any remarks? If not, roll call please. Voice vote, I'm sorry. All those in favor, signify by saying aye. Those opposed nay.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM CASAR: Ayes have it, Ordinance #4...the amendment has passed. Member Dougherty.

MEMBER DOUGHERTY: Mr. President I move we adopt Ordinance #4 as amended.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #4 as amended. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 11 YEAS, 0 NAYS, 1 ABSTAIN
(MEMBER DOUGHERTY ABSTAINED)

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

#4 ADOPTED AS AMENDED AS ORDINANCE NO. 252/2009

PRESIDENT PRO TEM CASAR: Ordinance #4 as amended has been adopted. Ordinance #5 Madame Clerk.

#5. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 253/2009** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO PURCHASE REAL PROPERTY IN CONJUNCTION WITH THE NEIGHBORHOOD STABILIZATION PROGRAM; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE DEMOLITION OF THE BUILDING LOCATED ON THE PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance #5.

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MEMBER CIRELLI: Seconded.

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

MEMBER DOUGHERTY: Mr. President, I'd like to amend Ordinance 5 per the copy in front of all Council Members please.

MEMBER CIRELLI: Seconded.

AMENDMENT:

Pursuant to Rule 36, I move to amend Agenda Item No. 5 by the substitution of the pending ordinance with the attached amended ordinance.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to amend Ordinance #5. Are there any remarks? If not, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM CASAR: The ayes have it. The amendment has been adopted. Member Dougherty.

MEMBER DOUGHERTY: I move we adopt Ordinance 5 as amended.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance 5 as amended. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#5 ADOPTED AS AMENDED AS ORDINANCE NO. 253/2009

PRESIDENT PRO TEM CASAR: Ordinance #5 as amended has been adopted. Ordinance #6 Madame Clerk please.

#6. (3RD RDG) **ADOPTED AS ORDINANCE NO. 254/2009** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO JOB CREATION TAX INCENTIVE AND NET PROFITS INCENTIVE AGREEMENTS WITH MEDLINE INDUSTRIES, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM CASAR: Member Dougherty.

MEMBER DOUGHERTY: Mr. President, I move we adopt Ordinance #6.

MEMBER CIRELLI: Seconded.

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PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance 6. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#6 ADOPTED AS ORDINANCE NO. 254/2009

PRESIDENT PRO TEM CASAR: Ordinance #6 has been adopted. Ordinance #7 Madame Clerk please.

#7. (3RD RDG) **ADOPTED AS ORDINANCE NO. 255/2009** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF OUT LOTS 1306 AND 1307; AND DECLARING THE SAME TO BE AN EMERGENCY (IN MILLS INDUSTRIAL PARK - GBC DESIGN)

PRESIDENT PRO TEM CASAR: Member Dougherty.

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

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance #7. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#7 ADOPTED AS ORDINANCE NO. 255/2009

PRESIDENT PRO TEM CASAR: Ordinance #7 has been adopted. Ordinance #8 Madame Clerk.

#8. (3RD RDG) **ADOPTED AS ORDINANCE NO. 256/2009** AN ORDINANCE APPROVING AND ACCEPTING THE DEDICATION PLAT OF A PORTION OF HARMONT AVENUE AND SLOPE EASEMENTS; APPROVING AND ACCEPTING THE REPLATTING OF LOT 42587 AND PART OF LOT 37251; AND DECLARING THE SAME TO BE AN EMERGENCY (BAYER BECKER)

PRESIDENT PRO TEM CASAR: Member Dougherty.

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

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adopt Ordinance 8. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#8 ADOPTED AS ORDINANCE NO. 256/2009

PRESIDENT PRO TEM CASAR: Ordinance #8 has been adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM CASAR: Member Hawk.

MEMBER HAWK: Thank you, the Finance Committee will meet Monday, January 4th at 6:30 P.M. here in the Council Chambers.

PRESIDENT PRO TEM CASAR: Thank you Member Hawk.

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY)

PRESIDENT PRO TEM CASAR: We are now under Public Speaks, Open Forum. We have three speakers, the speaker is Dennis Saunier. Please come forward and give your name and address.

DENNIS SAUNIER: Dennis Saunier, 3460 Overhill Rd NW and that's 44718. Representing myself tonight as the President and CEO of The Canton Regional Chamber of Commerce. And thank you for giving me a moment to address this Council. Majority Leader Casar, first of all my condolences on the loss of your family member, Rita, my condolences and to all of your family. I just wanted to take a moment to say thank you. I want to say thank you to a couple Members of Council, but then also thank you to all of Council. You know, this is the time of the year that we reflect on many things and Butch is going off Council. I've worked with Butch personally for the past four years and I think he has done an outstanding job, not only representing the constituents of Ward 8 but all of the citizens of Canton. We've worked with Butch on a number of community and economic development issues and I just want to say thank you for your dedication and your willingness to work with the business community. Also, as we reflect at year's end, I want to just mention that the Chamber wants to remember Joe Carbenia. We lost a good friend with Joe this past year who was Assistant Majority Leader. There were a lot of people who didn't that Joe and the Chamber could really work together. We did, we did very well, as a matter of fact Joe became a Member, a seated Member on our Economic Development Committee and rarely, rarely missed a meeting. But tonight I also really want to be here to say thank you to Don. I've worked with Don for the past ten years since I became CEO of the Chamber. I think we had built a great work relationship, one of trust, one in which the citizens and the business community of the City of Canton benefit from. We all know that if Don gets something in his mind, it's not too easily changed. *(Laughter)* And I'm not claiming I ever changed a thing but we were able to sit down and talk about many issues. And I think Don at the end of the day, again, the businesses and the citizenry of Canton really came out ahead on it and I want to say thank you very, very much for that opportunity. I also want to congratulate our newest Leaders, David and Terry. We look forward and we commit to working with you going forward. And also the new Council Members, Joe and Mark who are being sworn in tonight. And all of Council, thank you for what you do. It's not an easy job and I'd like to pat you on the back. Thank you very much. Happy New Year.

PRESIDENT PRO TEM CASAR: Thank you. Our next speaker is Justin Watson. Please give your name and address.

JUSTIN WATSON: My name is Justin Watson, I live at 1254 Shorb Ave NW, Canton, Ohio. I wanted to start off tonight by giving my condolences to the family of my Shawn Powers who we lost in the fire in the Southwest end on Christmas Eve. That's proof and example of everything that I've been talking about. He

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lost his life in a fire when that section of the City was fully staffed. I think that's proof of what can happen even when we're fully staffed. I think that goes to back up and support that we need to stay fully staffed and that the layoffs are just unacceptable. By going into a scene like that under staffed, you know, there could have been loss of lives of the firefighters as well. Or in another situation, loss of lives, depending on, you know, the circumstances of the fire. So, I think that goes to back that up. I also wanted to state that I'm still in support of the safety forces, I think that something can be reached between the City and the Unions. I think everyone just needs to try a little harder and remember to keep the best interests of the citizens of this City in mind. Don't work about dollar signs when you need to, I mean, all of you guys have families when you need to pony up and find money, you always find it don't you. So, I think the City can do that, I think if they have to transfer some funds from other areas or cut other areas. I think no matter what the safety forces should be backed up. Like I said last week, I'm going to continue my picketing of City Hall Monday through Friday until all the men and women are back to work. Thank you for your time.

PRESIDENT PRO TEM CASAR: The final speaker we have this evening is Martha Stockdale.

MARTHA STOCKDALE: Good evening, my name is Martha Stockdale, I live at 721 Colonial Blvd NE. You may remember me from last week when I rose to speak about the \$7,800.00 that the City forfeited to private ambulance services in just the first 48 hours that the Fire Department ranks were decimated by the layoff of 28 firefighters. I also noted that at that rate, the City would forfeit 1.4 million dollars in the course of the year. Council Woman Cirelli then commented to the affect that that was a significant amount of money to be passing up and Mayor Healy responded that although that is a significant amount of money, it takes more than 1.4 million to run EMS for the year. Well the Mayor was 100% correct about that. Unfortunately, public speaks forum does not give a person a chance for rebuttal or clarification or I would have informed everyone that while the City passed up \$7,800.00 in that 48 hour period, it also brought in over \$10,000.00 in that period with the ambulance and combo companies that were in service. That combined figure of \$17,800.00 more correctly reflects the revenue available to the City by providing adequate emergency medical services. That is more than enough to cover the cost of EMS and results in a net gain over the year of more than a half million, actually even more than three quarters of a million dollars. Since the last Council Meeting, the City has forfeited an additional \$22,800.00 in EMS revenue. This hurts the City financially. You have also paid over \$5,000.00 in overtime to cover the gapping hole in safety forces since the layoffs. This also hurts the City financially. In addition, I can cite incidences of delayed private ambulance response times to true medical emergencies. A geriatric emergency that took 17 minutes to respond to. A severe laceration that took 14 minutes to respond to. A female assault victim that took 24 minutes to respond to. And a server post childbirth hemorrhage that took 36 minutes to respond to. This hurts the individual citizens of Canton and their families. I cannot fathom a reason why Mayor Healy's Administration would reduce the number of medic units available to the City when there is proof that 3 medic units, at least, or more, on duty daily, actually brings in surplus revenue over and above the cost of providing this necessary service. Unless it is the Mayor's intention to do away with public EMS services all together, which I believe would be a grave mistake, no pun intended. As long as the 28 Fire Medics are laid off, reducing the number of CFD medic units available to the citizens of Canton, I will be here every Monday night to tell you how much more money you are giving up and how it is effecting the citizens of Canton. And I would like to hear tonight from each Council Member individually, if they are prepared to do away with public EMS services because that certainly seems to be the direction that Mayor Healy's Administration is taking. I put it to each of you, are you in favor of privatizing EMS?

MISCELLANEOUS BUSINESS

PRESIDENT PRO TEM CASAR: We are now under Miscellaneous Business. Is there any Miscellaneous Business?

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MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM CASAR: Member Cirelli.

MEMBER CIRELLI: I guess the question would go to Safety Director Ream. I had a call just before I came to Council about the fact that there have been 2 police cruisers, one at the WalMart on Route 62 and the WalMart at Canton Centre. And they were there from 9 P.M., they overlapped, but all through the night right away and with the Police Officer in it and the cars were running. And they were from 9 P.M. till daylight and the person checked, the persons checked them and wanted to know if we were paying for that, because right away I thought it was, you know, I said "I know some of our officers contract with different businesses." So assume that's what it was but they claim that they were sitting in the cruisers and that then they were relieved by another cruiser and a person. So, I didn't know who was paying for it so I wanted to ask that question sir for them.

SAFETY DIRECTOR REAM: Yes that expense is being picked up by WalMart, they close over the holiday and wanted additional security during that time and contracted through the Chief's office for that additional security.

MEMBER CIRELLI: Okay, and Mr. Chairman, if you'll, or Mr. President, if you'll indulge me. So they also are paying not only for the officers but for the vehicles and for the gasoline for the....because the motors were running all the time I guess.

SAFETY DIRECTOR REAM: Yes, we have a charge that's assessed for the vehicle also.

MEMBER CIRELLI: Okay, I appreciate that. And Mr. President, the last thing, if you'll indulge me. I would like to give to Mr. Ream because he gave one to each Council Member tonight, a emergency medical service cost analysis for the year of 2010, showing that we can in fact make a net gain of over \$800,000.00. So, I will present that to you and if you will share that with the Administration to see if that's doable because I know personally, myself, I do not want to see that particular EMS be privatized. So, I will give you that to give to the Mayor. Thank you so much.

PRESIDENT PRO TEM CASAR: Any other Miscellaneous Business?

SAFETY DIRECTOR REAM: Mr. President.

PRESIDENT PRO TEM CASAR: Safety Director.

SAFETY DIRECTOR REAM: My response to that is that I've been involved in no conversations in reference to privatizing EMS in the City of Canton and taking it out of the responsibility of the Fire Department.

MEMBER CIRELLI: Thank you sir. And thank you Mr. President.

PRESIDENT PRO TEM CASAR: Law Director Martuccio.

LAW DIRECTOR MARTUCCIO: Thank you Mr. President. On a matter of business and then two sets of comments. We'll all have to work closely together, as I speak for Auditor Mallonn I believe and his staff, with the upcoming budget to make sure that we make anything retroactive back to January 1st when necessary. But in regard to the comments, I wanted to say something briefly about Mr. Kraus and about Mr. Casar. Mr.

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Kraus, you were my Ward Councilman, thank you for your service on a personal level. On a professional level, it's been a pleasure working with you and as we'll continue to work together, but it's been a pleasure all those years in labor relations. Butch had a great depth of knowledge about labor relations, he was the President of the City's largest Union for a very long time, we appreciated working with you closely on those issues in the Law Department. Pun intended, Butch also had a depth of knowledge about the City's streets and sewers (*Laughter*) like no one else. He knew the nooks and crannies and some of the crooks and nannies too I dare say. (*Laughter*) And we, again, we appreciated the depth and experience of your knowledge and I will miss your style and your flamboyant clothing to boot. (*Laughter*) With regard to Mr. Casar, those of you who know Donald, he has often said to me "Can't you say the things you need to say quicker sometimes?" (*Laughter*) So here is my tribute....(*Laughter and Applause*) Actually it's this short. I wanted to make it very short for your, in your honor Mr. Casar. We go back twenty years by the way, at least and then some, in a Court case I first met Donald in. So, knowing him as well as I do, knowing that he's been an early supporter of mine when I sought the appointment, knowing that we didn't always agree but we always found ways to remain friends. Here is my tribute to English literature for Mr. Casar: A manly man, a jocular jock and a passionate promoter of Canton's causes, with the courage of his convictions, he leaves behind a fine legacy of legends and laws. I wish him well with his new knees and a rewarding retirement with his wonderful wife and fine family. With affection and appreciation, Godspeed Mr. Casar.

(*APPLAUSE*)

PRESIDENT PRO TEM CASAR: Thank you. Is there any other Miscellaneous Business?

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM CASAR: Member Cirelli.

MEMBER CIRELLI: I too would like to say a couple things to Member Kraus. I know you're not gonna go away Butch because I'll be seeing you at the Ex-Newsies all the time, so we'll still be together. And I only have one complaint I want to have with you Mr. President, or Majority Leader Casar. When you designed that path through the parks, for some reason I can't figure out why you whirled it all around exactly the way...all the...in the place where all the geese are hatching at. (*Laughter*)

PRESIDENT PRO TEM CASAR: But Member Cirelli, look at it this way, there's one less, it's in my freezer.

(*LAUGHTER*)

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM CASAR: Thomas.

MEMBER WEST: I thought that was the Grey Goose by the way. (*Laughter*)

PRESIDENT PRO TEM CASAR: That also. (*Laughter*)

MEMBER WEST: I'd like to say a few things. First of all, Butch, it's been a pleasure working with you. You know, all the things that people are saying is absolutely correct. You know, we relied a lot on you when it come down to streets and paving and drainage. You came from Ward 2 area, you said that for years you grew up down by Nimisilla Park and I'm looking forward to your support and your help in years to come. You

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know, once you get a taste of working in this City, it's hard to stop. So, I mean as you leave today, I don't see ya leaving too far away. I'm certain that we'll all be calling you and I just appreciate your friendship and your support throughout the years. Don, how you doing man....

PRESIDENT PRO TEM CASAR: Good. *(Laughter)*

MEMBER WEST: We haven't always agreed but I gotta tell you, I respect you immensely. Coming on Council as a young person, at that time, as you guys can see the gray hair and balding, this is what this job does to you. But I have to say, one of the things that I loved about you is your historical knowledge. Everything, that I mean, when it comes down to Council, we all think we know what's going on here. But a lot of things happened before we came on and Don supplied a lot of that and he may not have known, I didn't give him the credit of letting him know that until now. But I do appreciate all the knowledge you had and all the wisdom and all that you have tried to do. And they're right, when you make up your mind, it's that way and I respect that about you. So I appreciate that. Thank you.

PRESIDENT PRO TEM CASAR: Thank you Thomas. Any other remarks?

MEMBER GRIFFIN: Mr. President.

PRESIDENT PRO TEM CASAR: Jim.

MEMBER GRIFFIN: Butch, on behalf of Council, thank you for being here. You were always a help for me and I'm gonna miss ya babe. My Leader, hey Don, I want to thank you for helping me when I started out here and you came and you called. So, good luck to you and Rita and the family. And I wish everybody well.

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM CASAR: Member Hawk.

MEMBER HAWK: Thank you sir. Mr. Kraus, I thank you very much for all your service to this City. The 32 years you had in prior to coming in Council and in the 4 more years you dedicated to this City. You've truly made this your life's work and we thank you for all of that. And tell your sister I said thank you too because she's the one who put me in this direction. Butch's sister was my 7th grade teacher folks. Mr. Casar, thank you for all the faith and confidence you had in me, it made me a better person and I appreciate what you've done for me personally. Thank you sir.

MEMBER KRAUS: Mr. President.

PRESIDENT PRO TEM CASAR: Member Kraus.

MEMBER KRAUS: I'd like to thank everybody on this Council and the Administration. We've never always agreed but we did agree to not agree to make things better for what we needed to do. And that's the way it's got to be. You know, when I, Don and I has been good friends for years and the first vote that I took on my first day in office wasn't a good one but we managed to get through it and moved this Council forward. And to Don, thank you for everything you've done for me and I know you and I is gonna play golf this year. I'm getting my knee done, now you've got two so I should get a few strokes, right? *(Laughter)*

PRESIDENT PRO TEM CASAR: I think so. Okay, that's it? Oh okay, Auditor Mallonn, I'm sorry R.A.

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AUDITOR MALLONN: Member Kraus it's been a pleasure working with you for the past four years. We became great friends over the past four or five years. And I would personally like to thank you for all your hard work and dedication you provided the constituents in Ward 8 and I think you're leaving Ward 8 a better place. And certainly, you should be commended for all fine things that you've done and for being an outstanding Council Member. I wish you nothing but the best of luck in the future and I'm looking forward to seeing you. To Mr.....

MEMBER PRATER: Mr. President.

AUDITOR MALLONN: I'm sorry, I gotta say something about my buddy Sasar. *(Laughter)*

PRESIDENT PRO TEM CASAR: Malone..... *(Laughter)*

AUDITOR MALLONN: Mr. Casar, what can I say except for thank you. Thank you for being there for R.A. Mallonn over the years. Thank you to you and Mrs. Casar for being there for the Mallonn family in good times and in bad times. Thank you for being my mentor. Thank you for being a father figure when my father and your dear friend passed away. Thank you for being there to make sure that I've done what a young father should do. And most of all, thank you for being one of my best friends. Thank you.

MEMBER PRATER: Mr. President.

PRESIDENT PRO TEM CASAR: Member Prater.

MEMBER PRATER: Yes, I briefly would like to thank Member Kraus for all of his dedication and service. Butch, it's been a pleasure to work with you. I've got to know you and Beth quite well and I wish you the best of luck moving forward. And to Member Casar, I sincerely hope that you don't drive Rita crazy. But I appreciate all your help. It's been a joy to work with you and good luck with the grandkids and your family. Thank you.

MEMBER SMITH: Mr. President, on no, you're not the President, let's see, who are you now? The ex-Majority Leader...

PRESIDENT PRO TEM CASAR: Just call me Ralph Norman. *(Laughter)*

MEMBER SMITH: Okay, first of all I'd like to thank you Butch for the short time that we were on Council together, I appreciate it and I'll always remember your wedding because we had a dancing good time. And I know that we will share some other times together like that. And to Mr. Don Casar, I'm...you know, I don't want to...people to think that we really did like each other *(Laughter)* although...

PRESIDENT PRO TEM CASAR: You can tell the truth now.

MEMBER SMITH: But I think that Rita, for your sake, I'm gonna go on and tell the truth cause I really used to tell you little things, I really didn't mean them, you know, but on the real side Don, I really do appreciate you. You know, I might not show it sometimes and you might not show it a lot of times *(Laughter)* but...but I do appreciate when I came in the way you told me to just sit there Chris, listen and vote your conscience. And I really do appreciate that. I thank you for the time that you took me out and sat personally and talked to me about Council. I learned a lot from you. One day I really hope to be like you but not in, you know certain

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ways. *(Laughter)* But I do appreciate you. Oh, I couldn't wait to get that in ya'll, I couldn't wait for this day to come.

PRESIDENT PRO TEM CASAR: You mean you'd like to learn to dance like me, you mean? *(Laughter)*

MEMBER SMITH: Yeah...uh huh. But thank you so much for being you.

PRESIDENT PRO TEM CASAR: Thank you. Cindy, would you like to say something?

CLERK TIMBERLAKE: Yes, I'd like to say something. Butch, we started on the same day coming in on January 1, 2006 and Butchy and I felt that we came in together and we worked very hard and I appreciate everything that you've done for me Butch, you did a great job. We never had one of your constituents call and say "Butch never called back." "Butch never did this for me." You handled every call that came into you Butch and in the Council Office, we really appreciated the hard work that you did because you made it a lot easier for us. Don, I want to thank you for the opportunity you gave me in the Council Office, I started as the Assistant, grew to become the Clerk and it's been a wonderful experience for me. I think most people know that I can truly say that I do love my job. You gave me the freedom to manage that office. You trusted in me and I thank you for that because there's not too many people, you know, that would let most people manage at their own free will. But you gave me that opportunity and the staff and I just want to say Thank you and we've really enjoyed working with you. So thank you Don and good luck to you and your family.

PRESIDENT PRO TEM CASAR: Is there a motion to...

MEMBER BARTON: Mr. President.

PRESIDENT PRO TEM CASAR: Oh, Member Barton.

MEMBER BARTON: First I'd like to say thank you to Member Kraus. He's given me a lot of advice here in my first term. And I think the one thing I'm going to miss is the...on some of these long nights is that strong smell of coffee that he brought every Monday night. *(Laughter)* So to get me through, in your honor I will be bringing that cup of coffee from now on every Monday night. Member Casar, you have my utmost respect. I appreciate all the advice you've given me and I just want to say from my family to your family, best wishes and enjoy your grandchildren and your family as much as you can. Thank you.

MEMBER SMUCKLER: Mr. President. *(Laughter)*

PRESIDENT PRO TEM CASAR: I was hoping that moment didn't come. *(Laughter)*

MEMBER SMUCKLER: Don't worry, I'm saving mine for the party afterwards. On a positive note, Butch, years ago I went down to the Repository when I was Majority Leader and met with at the time the editor, Dave Kaminski and Mike Hanke who was the publisher at the time and I gotta tell ya, I said to them that every Councilman brings something different here and that's the truth. If you look around this room and you see what's brought here, there's a different walk of life, there's a different perspective on everything and we all learn from each other. I want to thank you Butch for being my Councilman. You've done a wonderful job and I know Mark's going to have big shoes to fill when it comes to projects out there. Councilman Casar, there's been many of nights, you can ask my wife, she's in the audience, where I've gone home and uttered your name several times. *(Laughter)*

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PRESIDENT PRO TEM CASAR: But we always got over it.

MEMBER SMUCKLER: But I have to tell you...we always got over it. You know, you meet someone in life where whatever happens, it's like running your nails across a chalkboard and I know that every time I grab a microphone, I'm running my nails right over Don's chalkboard. *(Laughter)* But I gotta tell you this, I had the opportunity and the pleasure to get to know Don a little bit better in The National League of Cities and my wife and I spent a good deal of time with the Casar's and you have a wonderful family, a wonderful family that I know you're very proud of. And as many bad times as sometimes we've created for each other, I always felt that we were working towards that best interest to this City. And I want to thank you for doing the job you've done. I know that all of us based on the phone calls, based on the comment section, based on newspapers, based on poking, we all know what it's like to try to do the best job. And I can honestly say that that was done here in every Council I've ever served in. And you've put a strong personality but a personality that's going in the right direction. My only regret that in 1984, I came in as the youngest Councilman, I am now done to the oldest Councilman. *(Laughter)* Maybe not in age but in tenure here now. And that's the legacy you've left me. Thank you Don.

(APPLAUSE)

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM CASAR: Member Dougherty.

MEMBER DOUGHERTY: Yes, Butch, good luck to you buddy. We go way back, me and Butch actually played softball together on the same team. Yes Butch played softball, was pretty good at it so. We played side by side on the infield. So, I will always remember those days. Butch, you always supported me back when you were in the Street Department, not too many people do, a lot of times because I'm kind of demanding sometimes. *(Laughter)* And you always supported me 100% when you came here you did the same thing and I'll never forget that. Also Member Casar, thanks for helping me over here getting started. The transition has been very smooth and uneventful and that's a good thing and I'm ready to get going and it's because of your help. Thank you.

PRESIDENT PRO TEM CASAR: Good luck to you.

MEMBER DOUGHERTY: Thank you. I also have the new Committees assigned, you can pick them up as you leave. Please just leave, don't look at them until you get home. *(Laughter)* Okay? You can reach me tomorrow. But I did take a lot of time at this, I talked to Member Prater about it, we did the best we can with them. I hope your satisfied, it's going to be hard to make 11 of you happy all the way through. I was very serious about it and so I hope you appreciate that. If you have any questions, please let me know. I am not in favor of privatizing at all. Thank you. I move we adjourn.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM CASAR: It's been moved and seconded to adjourned. Roll call please.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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PRESIDENT PRO TEM CASAR: *(Gavel falls)* Oh, thank you.

ADJOURNMENT TIME: 8:48 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

DON CASAR
PRESIDENT PRO TEM CASAR