

MINUTES OF THE MEETING JANUARY 3, 2011

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

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

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

TWELVE COUNCIL MEMBERS PRESENT.

CLERK TIMBERLAKE: All present Mr. President.

EXCUSING MEMBERS

PRESIDENT PRO TEM DOUGHERTY: 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 this evening's meeting. Any remarks? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Well have the invocation....The motion carries and President Schulman is excused. We'll have the invocation given by, Ward 3 Council Member Jim Griffin. Please remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on January 3, 2011 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Ward 3 Council Member Jim Griffin. The Pledge of Allegiance led by President Pro Tem Dougherty.

PRESIDENT PRO TEM DOUGHERTY: Thank you Member Griffin. Just a quick welcome back, Lee in the back. *(Applause)* Welcome back. I got kind of tired of seeing you there at the hospital, so next time you just come to visit, okay. *(Laughter)* Oh yeah, let us know what you think about the speakers, we got them fixed.

AGENDA CORRECTIONS & CHANGES

PRESIDENT PRO TEM DOUGHERTY: We're now under Agenda Corrections, Member Prater.

MEMBER PRATER: Mr. President, I move Rule 22A be suspended to add 2nd Readings of Ordinances #5 through and including #8.

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MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to suspend Rule 22A to add the 2nd Readings to the Agenda. Any remarks? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Rule 22A has been suspended and the Ordinances are a legal part of our Agenda.

PUBLIC HEARINGS

PRESIDENT PRO TEM DOUGHERTY: Public Hearings, we have one this evening. It's 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; LOCATED AT 2699 ROBERTS AVE NW FOR THE FAIRBANKS BUILDING COMPANY FROM PB-4 (PLANNED SPECIAL BUSINESS) TO PB-4 (PLANNED SPECIAL BUSINESS); PLANNING COMMISSION RECOMMENDED APPROVAL OF THE SAME. THIS IS IN WARD 7. Is there anyone in the audience wishing to speak for or against this zone change, please come forward. Sir, come up here to the mic. Yes sir. Welcome.

MICHAEL PETROS: My name is Michael Petros, P-e-t-r-o-s and I have a property there on Roberts Avenue, I submitted the application and asked for the zone change. So if there is anyone objecting, or has any questions, I'd be glad to answer.

PRESIDENT PRO TEM DOUGHERTY: Very good, thank you very much. Is there anyone in the audience wishing to speak for or against this zone change, please come forward. Is there anyone in the audience wishing to speak for or against this zone change, please come forward. The Chair declares the public hearing over in regards to this matter. The matter now rests in the hands of Council this evening. Thank you.

OLD BUSINESS

PRESIDENT PRO TEM DOUGHERTY: Under Old Business, there is no Old Business to discuss this evening.

PUBLIC SPEAKS

PRESIDENT PRO TEM DOUGHERTY: We are now under Public Speaks. We have one speaker signed up this evening, James R. Robinson. James R. Robinson, name and address and you have three minutes sir.

JAMES R. ROBINSON: James R. Robinson, I'm a Code Officer with the City of Canton Building Code Department. I live at 1100 44th Street NE. I wanted to say some positive things about my City. For one, I've been wanting to say this for three years, Jim Griffin, not only does he do my job (*laughter*) but I appreciate that and he is very kind and I wish I could more for him, I really wish I could. Protocols change, rules change, Code Official...or uh City Building Officials change. This guy is like me, or I feel like him, the same mind set, I used to be, when I first started I was overzealous then I became zealous, now I'm...sometimes I

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feel indifferent, I don't like that but I wish I could do more for him because he does so much for his...I'm not in his Ward anymore or we all go around different, you know, different Wards but that guy in my memory is the best Councilman that I've ever seen. So, thank you very much. The Mayor, I'm a conservative, I didn't vote for you but (*Laughter*) you came to my office and you talked to us, so did your previous Mayor and I love her to death too. You talked to us and that's what I like and thank you for that. But uh...and Joe Martuccio, I just wanted to say I've kind of met you here and there and you've always been a kind person and I think you're very honest but I just wanted to spread that. Thank you. And I wanted to say one thing about landlords, landlords, a lot of them have a lot of misgivings but in the last three years the people that occupy their properties that become so...they're terrible, not all...I'm just saying in the last...things have degraded so much in the last three years. So, please give an understanding to landlords, that's what we have to do to be a fair....a lot of...a lot of stuff that we do, we have to be, you know, (*inaudible*) You see even with great landlords make, you know, make their houses so nice, they trash...um...so we have to use our discretion so please give them discretion too. I think that's fair, so, but...thank you very much and I like to be positive so, you're a great bunch of people. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you very much for coming down this evening.

INFORMAL RESOLUTIONS

PRESIDENT PRO TEM DOUGHERTY: We are now under Informal Resolutions. Madame Clerk will you please read Resolution 1.

- #1. CIRELLI, M., SMUCKLER B., CNL-AT-LRG, BARTON, P. WARD 7 CNCL MBR & HORNER, B. WARD 9 CNCL MBR: URGING GOVERNOR & OHIO GENERAL ASSEMBLY TO PLACE A MORATORIUM ON FUTURE USE OF HYDRAULIC FRACTURING. - ADOPTED

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President, I move we adopt Informal Resolution #1.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Resolution 1. Any discussion? Roll call...sorry voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #1 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM DOUGHERTY: Informal Resolution 1 has 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 JANUARY 3, 2011.

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1. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED ALLEY VACATION OF 19TH ST NW FROM FULTON RD APPROXIMATELY 130' IN WARD 7 (JEFF FEDORKO). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

2. SAFETY DIRECTOR REAM & SERVICE DIRECTOR PRICE: REQ SAF &/OR SERV DIR TO ADVERTISE, REC BIDS AND ENTER INTO CONTRACTS FOR SUPPLY ITEMS, MATERIALS AND PROF SVCS FOR CITY'S OPERATION DURING 2011 CALENDAR YR; AUTHORIZE SAF &/OR SERV DIR TO ALTERNATELY ENTER INTO CONTRACTS FOR PURCHASE OF ITEMS IN ACCORDANCE WITH O.R.C. SECTION 125.04 STATE COOPERATIVE PURCHASING AGMT, O.R.C. SECTION 5513.01 OHIO DEPT OF TRANSPORTATION PURCHASING AGMT, & O.R.C. SECTION 735.05 NONPROFIT AGENCIES WHICH PROG EXEMPT SAID PURCHASES FROM REQUIREMENTS OF COMPETITIVE BIDDING. - FINANCE COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT PRO TEM DOUGHERTY: First Readings, we are now under Ordinances and Formal Resolutions for the First Reading. Let the Journal show that all Ordinances are being given their reading as required by State Law. Madame Clerk please read the Ordinances for their First Reading.

NOTE: PRESIDENT PRO TEM DOUGHERTY CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #4 FOR THE FIRST TIME BY TITLE & ANNOUNCED THE COMMITTEE REFERRAL, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE INTERDENOMINATIONAL MINISTRIES ASSOCIATION OF STARK COUNTY & VICINITY TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$12,500.00; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee

(COUNCIL RECESSED AT 7:48 PM FOR THE JUDICIARY COMMITTEE TO DISCUSS ORDINANCE #2; RECONVENED AT 7:57 PM)

- #2. (1ST RDG) AN ORDINANCE AMENDING TITLE SEVEN, HOUSING STANDARDS, OF PART THIRTEEN - BUILDING CODE OF THE CODIFIED ORDINANCES (IPMC)
Referred to Judiciary Committee

(COUNCIL RECESSED AT 7:57 PM FOR THE FINANCE AND PERSONNEL COMMITTEES TO DISCUSS ORDINANCE #3; RECONVENED AT 8:42 PM)

- #3. (1ST RDG) **ADOPTED AS ORDINANCE NO. 1/2011** AN ORDINANCE APPROVING A MEMORANDUM OF UNDERSTANDING TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANTON AND THE FRATERNAL ORDER OF POLICE; APPROVING A THREE-YEAR CONTRACT BETWEEN THE CITY OF CANTON AND THE FRATERNAL ORDER OF POLICE; AND

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DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance & Personnel Committees

(COUNCIL RECESSED AT 8:42 PM FOR THE FINANCE AND PERSONNEL COMMITTEES TO DISCUSS ORDINANCE #4; RECONVENED AT 8:45 PM)

#4. (1ST RDG) **ADOPTED AS ORDINANCE NO. 2/2011** AN ORDINANCE PROVIDING FOR THE ISSUANCE OF A NOTE BY THE CITY OF CANTON IN ANTICIPATION OF THE COLLECTION AND PAYMENT OF CITY INCOME TAXES, GENERAL PROPERTY TAXES, AND MISCELLANEOUS OTHER SOURCES TO THE CITY OF CANTON; DECLARING THE NECESSITY OF THE ISSUANCE OF SAID NOTE; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

PRESIDENT PRO TEM DOUGHERTY: At this time the Chair would like to declare and in house recess to have Committee Meetings set on Ordinances 2, 3 and 4. You are in recess.

PRESIDENT PRO TEM DOUGHERTY: Council is reconvening after recess. Ordinance 2 will be...just have its 1st Reading and signed out for 2nd Reading next week. Ordinance 3, Member Prater.

MEMBER PRATER: Mr. President, I move we suspend Rule 22A to place Ordinance #3 back on this evening's Agenda.

MEMBER CIRELLI: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Prater, Ordinance 3 is a legal part of your Agenda.

MEMBER PRATER: Mr. President, I move we suspend the Statutory Rules on Ordinance #3.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to suspend the Statutory Rules of Ordinance #3. Are there any remarks? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

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

MEMBER PRATER: Mr. President, I move we adopt Ordinance #3.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance #3. Are there any remarks? Roll call.

NO REMARKS

ROLL CALL 10 YEAS, 2 NAYS
(MEMBERS CIRELLI AND BUTTERWORTH VOTED NAY)

CLERK TIMBERLAKE: Ten yeas, two nays Mr. President.

#3 ADOPTED AS ORDINANCE NO. 1/2011

PRESIDENT PRO TEM DOUGHERTY: Ordinance 4 has been adopted.

CLERK TIMBERLAKE: 3.

PRESIDENT PRO TEM DOUGHERTY: I'm sorry, Ordinance 3. We are out of recess for Ordinance 4, Member Prater.

MEMBER PRATER: Mr. President, I move we suspend Rule 22A to place Ordinance #4 back on this evening's Agenda.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to suspend Rule 22A for Ordinance 4. Is there any remarks? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Prater, Ordinance 4 is a legal part of your Agenda.

MEMBER PRATER: Mr. President, I move we suspend the Statutory Rules on Ordinance #4.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to suspend the Statutory Rules on Ordinance 4. Are there any remarks? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: Mr. President, I move we adopt Ordinance #4.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Ordinance 4. Any remarks? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#4 ADOPTED AS ORDINANCE NO. 2/2011

PRESIDENT PRO TEM DOUGHERTY: Ordinance 4 has been adopted.

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 ORDINANCE #5 THROUGH #8 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #5. (2ND 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
- #6. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 37154 THRU 37156, 37150 AND 37151; AND DECLARING THE SAME TO BE AN EMERGENCY (3000 BLOCK OF DALEFORD & FLETCHER AVE NE - HABITAT FOR HUMANITY)
- #7. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 9563, 9564 AND 9565; AND DECLARING THE SAME TO BE AN EMERGENCY (13TH ST NE BETWEEN GIBBS & STRUBLE AVE NE - HABITAT FOR HUMANITY)
- #8. (2ND RDG) AN ORDINANCE CONSENTING TO AND APPROVING THE PERMANENT CLOSURE TO ALL TRAFFIC AT THE RAILROAD CROSSING OF ELM COURT SE; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT PRO TEM DOUGHERTY: We're under Ordinances for Third and final Reading. Madame Clerk Ordinance 9.

NOTE: PRESIDENT PRO TEM DOUGHERTY CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #9 THROUGH #14 FOR THEIR THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS :

#9. (3RD RDG) ADOPTED AS ORDINANCE NO. 3/2011 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 (2699 ROBERTS AVE NW - FAIRBANKS BLDG. CO.)

PUB HRG 1/3/11 @ 7:30 PM

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

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

MEMBER CIRELLI: Seconded.

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. 3/2011

PRESIDENT PRO TEM DOUGHERTY: Thank you, Ordinance 9 has been adopted.

#10. (3RD RDG) ADOPTED AS ORDINANCE NO. 4/2011 AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY, AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #02-20767 LABORER'S INTERNATIONAL UNION OF NORTH AMERICA ON 2ND ST NW)

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

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CLERK TIMBERLAKE: Twelve yeas Mr. President.

#10 ADOPTED AS ORDINANCE NO. 4/2011

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

#11. (3RD RDG) **ADOPTED AS ORDINANCE NO. 5/2011** AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCELOF CITY-OWNED PROPERTY, AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #02-14421 LABORER’S INTERNATIONAL UNION OF NORTH AMERICA ON 2ND ST 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.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#11 ADOPTED AS ORDINANCE NO. 5/2011

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

#12. (3RD RDG) **ADOPTED AS ORDINANCE NO. 6/2011** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH GOODWILL INDUSTRIES OF GREATER CLEVELAND AND EAST CENTRAL OHIO INC TO PROVIDE AN ECONOMIC DEVELOPMENT GRANT IN AN AMOUNT NOT TO EXCEED \$50,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY

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 comments? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

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

#13. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 7/2011** AN ORDINANCE AMENDING SECTION 943.01, DEFINITIONS, OF CHAPTER 943, SEWER REGULATIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

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 12. Is there any remarks?

MEMBER PRATER: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

MEMBER PRATER: I move we amend Ordinance #13 per copy that all Council Members have in front of them.

MEMBER CIRELLI: Seconded

Amendment

Pursuant to Rule 36, I move to amend subsection (b) of Section 2 of Agenda Item No. 13 by adding an "s" to the end of the work "oil" in the last sentence.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to amend Ordinance 13. Any comments?

MEMBER PRATER: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes.

MEMBER PRATER: Could we have the Amendment summarized please.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

LAW DIRECTOR MARTUCCIO: This adds...this adds a letter "s" to the letter oil in section 2, paragraph B to make oil plural to read "oils". Thank you.

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PRESIDENT PRO TEM DOUGHERTY: Oh, thank you. *(Laughter)* Member Prater.

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

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: Moved and seconded to amend Ordinance 13. Roll call vote.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM DOUGHERTY: The amendment has passed. Member Prater.

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

MEMBER CIRELLI: Seconded.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

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

PRESIDENT PRO TEM DOUGHERTY: Ordinance 13 is adopted as amended. Ordinance 14.

#14. (3RD RDG) **ADOPTED AS ORDINANCE NO. 8/2011** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AMENDMENT NO. 2 TO THE COOPERATION AGREEMENT WITH J.R. COLEMAN COMMUNITY RENOVATION CORPORATION FOR THE MAHONING ROAD CORRIDOR ECONOMIC DEVELOPMENT PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 1/2010; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM DOUGHERTY: Member Prater.

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

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: Moved and seconded to adopt Ordinance #14. Any remarks? Roll call.

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NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#14 ADOPTED AS ORDINANCE NO. 8/2011

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

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM DOUGHERTY: Announcement of Committee Meetings.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes.

MEMBER WEST: Judiciary will meet on January 10th at 6:30...I mean at 6:45, let's do it that way.

PRESIDENT PRO TEM DOUGHERTY: Anyone else?

MEMBER SMUCKLER: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes Member Smuckler.

MEMBER SMUCKLER: Community Development will meet 6:45 also, same time, same place.

MISCELLANEOUS BUSINESS

PRESIDENT PRO TEM DOUGHERTY: We're now under Miscellaneous Business. Is there any Miscellaneous Business?

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Cirelli.

MEMBER CIRELLI: Thank you sir. Mr. Price, could you tell me the water and the sewer bills, do they...are they, our Codified....well maybe Mr. Martuccio could answer, I'm not sure, are they sent to the property owner as such or are there any contracts that have where possibly a, we don't have any condos but like perhaps maybe at the Quarry, does the Quarry pay for it and then the people pay them or every individual that lives at the Quarry considered a property owner and they pay the same, just like to my understanding for years the City has always done that to every property owner?

SERVICE DIRECTOR PRICE: Mr. President, If the Quarry for instance, those property owners that live within the subdivision, they..their water is metered at the home, they get their own bill. The...the...the property owner is ultimately responsible if the bill is not paid because we...it ends up being a lien on the property taxes. So, I...does that answer your question...we...we there are situations, our bill is generally going to go out to the property owner. Now there are situations where by lease arrangement, you know, the tenant for instance might be responsible for the water bill by contract between landlord and the tenant but ultimately from the City's standpoint we don't play that, we...we are going to hold the property owner ultimately responsible for that.

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MEMBER CIRELLI: Okay, Mr. President and Chief of Staff, then every individual property owner is billed for their own personal property including those at the Quarry?

SERVICE DIRECTOR PRICE: Yes.

MEMBER CIRELLI: Thank you.

SERVICE DIRECTOR PRICE: You're welcome.

PRESIDENT PRO TEM DOUGHERTY: Any other Miscellaneous Business? Member Smith, do you have any Miscellaneous Business?

MEMBER SMITH: *(Inaudible)*

PRESIDENT PRO TEM DOUGHERTY: Oh, okay.

MEMBER BUTTERWORTH: Mr. President, Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

MEMBER BUTTERWORTH: For the Clerk, for Ordinance #2, when was that received at the Council Office? Last Wednesday?

CLERK TIMBERLAKE: Let me look.

MEMBER BUTTERWORTH: And then while you're looking, was that also emailed to all Council Members today, this morning?

CLERK TIMBERLAKE: One moment please....

MEMBER BUTTERWORTH: It met the deadline correct?

CLERK TIMBERLAKE: Of course, yeah it wouldn't go on the Agenda if it was not on the deadline.

MEMBER BUTTERWORTH: Okay, which was, since it was a holiday week, on Wednesday, 4:30, yes?

CLERK TIMBERLAKE: Correct.

MEMBER BUTTERWORTH: Okay, thank you.

PRESIDENT PRO TEM DOUGHERTY: Any other Miscellaneous Business? Member Prater.

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

MEMBER CIRELLI: Seconded.

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PRESIDENT PRO TEM DOUGHERTY: 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: This meeting is adjourned. *(Gavel falls)*

ADJOURNMENT TIME: 9:00 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

DAVID DOUGHERTY
PRESIDENT PRO TEM