

MINUTES OF THE MEETING FEBRUARY 14, 2011

PRESIDENT PRO TEM DOUGHERTY: Good evening everyone. 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, JOE COLE, BILL SMUCKLER, GREG HAWK, THOMAS WEST, JIM GRIFFIN, CHRIS SMITH, PATRICK BARTON, MARK BUTTERWORTH & BRIAN HORNER)

TWELVE COUNCIL MEMBERS PRESENT.

CLERK TIMBERLAKE: Twelve yeas Mr. President.

EXCUSING MEMBERS

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

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 meeting this evening. Are there any remarks? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Thank you. We will have the invocation given by me. If you could all stand. We will have the Pledge of Allegiance thereafter.

The regular meeting of Canton City Council was held on February 14, 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 6th Ward Council Member and Majority Leader David Dougherty. The Pledge of Allegiance led by President Pro Tem David Dougherty.

AGENDA CORRECTIONS & CHANGES

PRESIDENT PRO TEM DOUGHERTY: Agenda Corrections, Member Prater.

MEMBER PRATER: Mr. President, I move Rule 22A be suspended to add 2nd Readings of Ordinances #4 through and including #7 and Rule 24B to add Informal Resolution #5.

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to suspend Rule 22A and 24B to add the 2nd Readings Ordinances 4 through 7 and Informal Resolution #5 to this Agenda. Any remarks? 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 and Resolution are a legal part of our Agenda.

PUBLIC HEARINGS

PRESIDENT PRO TEM DOUGHERTY: We're now under Public Hearings. We have one this evening scheduled for 7:30 PM and it's AN ORDINANCE VACATING A PORTION OF 19th STREET NW; AND DECLARING THE SAME TO BE AN EMERGENCY; PLANNING COMMISSION IS RECOMMENDING APPROVAL OF THE SAME IN WARD 7. Anyone 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. Apparently not, the Chair declares this public hearing over and this matter now rests in the hands of Council.

OLD BUSINESS

PRESIDENT PRO TEM DOUGHERTY: We're now under Old Business, I will turn this over to the Chief of Staff, Mr. Price.

CHIEF OF STAFF PRICE: Thank you Mr. President. We only have one item, Alice Sarver had asked for a breakdown on the funds received and how those funds are appropriated, the basic breakdown of the FEMA grant, part of which was used to obtain smoke detectors. I just spoke with Safety Director Ream, that will come down in the form of a Council Communication and will provide that breakdown. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you.

PUBLIC SPEAKS

PRESIDENT PRO TEM DOUGHERTY: We're now under Public Speaks. We have two speakers signed up. The first is Rosario Carcione. Please come forward. Good evening, can you give your name and address.

ROSARIO CARCIONE: My name is Rosario Salvatore Carcione, President of the Canton Professional Firefighters Association, I reside at 5205 Giacomo Court NW in Canton. And I'm here tonight to speak against Senate Bill 5. State Senator Shannon Jones of Springboro has introduced the Bill to eliminate collective bargaining from State workers and eliminate binding arbitration for local Police and Firefighters. Collective bargaining was enacted in 1983, we have not seen Police Officers or Firefighters on strike in over 27 years. Collective bargaining is a process that's fair and allows for a nurtural third party to resolve the contract dispute between the City and its Police or Firefighters. Elimination of binding arbitration will also eliminate the City's reason for bargaining in good faith. Tens of thousands of hard working Ohioans will see their pay and benefits slashed while employers will ignore safe working conditions bargained for over the last 27 years. An example of how employees will be treated and be witnessed during the next two Council Meetings. Already the Mayor has introduced legislation to reduce the starting salary of Firefighters by 20%. Now quality employees will be forced to look for job opportunities elsewhere and the residents of Canton will again suffer from a poor management decision. Canton Firefighters are among the lowest paid Firefighters in the State and I've witnessed many of our best workers accept positions with other Fire Departments. The legislation that's up for 2nd Reading tonight will have Firefighters earning a salary of \$26,000.00. The

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Ordinance, as written, was successful. The changes that you made to increase the salaries gave us some the best candidates this City has seen in a longtime. Our last recruiting class had most Paramedics in it and what amazes me is that tonight during the Committee Meeting, Council spent more time talking about travel expenses than you did questioning the consequences of reducing the starting salary by 20% for Firefighters. The City will end up paying for that on the back end, as you will not receive the quality candidates that are already trained at the Paramedic level. The City will pay to train this people to become Paramedics, you'll pay for the overtime that it costs to train them and you'll lose every dime that you intend to save. A report published on February 10, 2011 by the Economic Policy Institute, the EPI, showed that Ohio public workers earn 6% less in wages than comparable private sector employees. Members of Council, if you pass the Ordinance handed down by the Mayor to slash Firefighter salaries, you will help contribute to that wage gap. The Canton Professional Firefighter's Association does not support cutting salaries of the men and women that protect our City and I would ask each of your to reject that Ordinance. Also, I would encourage Members of Council to pass a Resolution against Senate Bill 5 and forward it to Senator Oelslager to help protect the rights of our Ohio workers. Standing together, we can protect our State from moving back into a time when strikes ran rapid and employees could not have a voice in the workplace. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Thank you. The second speaker is Patricia Kirk. Good evening.

PATRICIA KIRK: Good evening, Patricia Kirk, President of Shake A Leaf Downtown Central Neighborhood Association. I live at 131 5th Street NE, Apartment 508 44702. I want to draw your attention to a wonderful article that was in the that was in the Akron Beacon Journal on the 10th and it was a column by Bob Dyer and yes, it has to do about trees. I don't know if you remember this or not but about two or three years ago Bill Hahn, the City Arborist of Akron, Ohio gave a seminar at Shake A Leaf. Well, he was interviewed at the end of this article. It was very, very good. I encourage all of you to read this if you haven't already. But at the very end of it, he goes on to explain the reasons for a survey and you just don't count trees but you...you have to take note of their danger, you have to take note of their particular variety, how high they are growing. You have to track disease. Also, he said...now please, do not get upset when you read this article and you see all those thousands of dollars in costs, that is not us, that is a City that is depending on computers, hardware and software. They also would have other companies hired to do this since 1938. Canton is way below that and we would be a paper City and that is the way we were trained from the ground on up at Tree Commission Academy, which you will be hosting in 2012. I want to draw your attention to the end of the program and it says "Any City..." and this is a quote, "...that's worth its salt has a tree survey. If you build a million dollar house and you don't maintain it, it's not going to be worth much and it's not going to look like much. To see what happens when a City ignores its trees...." he says "...we need only look to the south in Canton, they don't even have a Tree Ordinance and they have trees falling down literally around them. You just need to have an inventory of your tree population if you're going to manage it well." I thought that was an excellent article, very well done. And also, I would like to reinforce that it doesn't cost anything to put a Tree Ordinance on the books. You're not running yourself into the ground, you are taking a first step, a very important first step. And did I mention that trees lower crime and as I find out in the Tree Commission Academy, they have....they can lower crime up to 50%, I thought I was hearing it wrong and it must be 15, no, 50%. Thank you very much.

PRESIDENT PRO TEM DOUGHERTY: Thank you.

INFORMAL RESOLUTIONS

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PRESIDENT PRO TEM DOUGHERTY: We are now under Informal Resolutions. Madame Clerk please read Resolution 5 by title.

#5. COUNCIL AS A WHOLE: CANTON CITY COUNCIL PUBLICLY GOES ON RECORD ENDORSING AND SUPPORTING SARTA'S SALES TAX RENEWAL LEVY FOR THE MAY 3, 2011 ELECTION. - ADOPTED

PRESIDENT PRO TEM DOUGHERTY: The Chair will recognize a motion.

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

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: It's been moved and seconded to adopt Resolution 5. Any comments, remarks? I'd like to have that read please.

CLERK TIMBERLAKE: The Stark County Regional Transit Authority has provided public transportation services to all of Stark County since 1997. Within the City of Canton, public transit has been provided by Canton Regional Transit Authority since 1971; and WHEREAS, Nearly 8,000 people ride SARTA everyday and over 2.1 million rides were provided last year. These residents of Stark County are going to school, work, and the doctor. About 2,500 jobs are supported by SARTA and 1,000 students ride to school or university on fixed route buses; and WHEREAS, SARTA's Proline Service provides over 141,000 trips for individuals not able to ride regular service. This curb-to-curb service picks a person up at their home and transports them to work, school, or the doctor; and WHEREAS, SARTA has lived within its budget by cutting 24 employees, reducing service by 12%, and raising fares by 25%. All holiday and Sunday Service has been eliminated; and WHEREAS, The local sales tax provides 74% of SARTA'S operating budget. If this issue is not renewed before July 2012, all public transportation services within Stark County and the City of Canton will terminate by September 2012. NOW THEREFORE BE IT RESOLVED: that we, the Members of Canton City Council, do hereby go on public record endorsing and supporting SARTA's sales tax renewal levy for the May 3, 2011 election.

PRESIDENT PRO TEM DOUGHERTY: Are there any remarks? By voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #5 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM DOUGHERTY: Resolution has been adopted. I do want to introduce some guests we have here tonight from Troop 127, they're here for their citizenship in the community. Can I have you all stand please.

(APPLAUSE)

PRESIDENT PRO TEM DOUGHERTY: Thank you for coming down. We also made sure that they have those Canton City flag pins, so we passed those out, thank you Cindy.

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MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes.

MEMBER HAWK: *(Inaudible)*...used to serve on City Council back in the '60s.

PRESIDENT PRO TEM DOUGHERTY: Wow, that's great. Thank you Member Hawk.

MEMBER WEST: Member Hawk, what was his name?

MEMBER HAWK: Last name is Kasper came out of the Northeast end, Crystal Park area...

PRESIDENT PRO TEM DOUGHERTY: That would be my Ward. *(Laughter)*

MEMBER WEST: I think he said Ward 2, I think. *(Laughter)*

MEMBER HAWK: *(Inaudible)*

PRESIDENT PRO TEM DOUGHERTY: Thank you for mentioning that.

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 FEBRUARY 14, 2011.

49. AUDITOR MALLONN: REQ FOR ADDITIONAL AMENDED CERTIFICATE DATED 2/10/11. - RECEIVED & FILED
50. COMMUNITY DEV DIRECTOR WILLIAMS: AUTHORIZE MAYOR TO SUBMIT A SUBSTANTIAL AMENDMENT TO HUD TO REC \$1,200,000.00 FOR NSP 3 PROG, DEADLINE FOR SUBMITTAL OF APPLICATION IS 3/1/11. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
51. COMPLIANCE DIRECTOR SMITH & COMMUNITY DEV DIRECTOR WILLIAMS: NOTIFICATION OF ONSITE VISIT FOR FAIR HOUSING & EQUAL OPPORTUNITY MONITORING REVIEW FR: JULY 15 & 16, 2010. - RECEIVED & FILED
52. HEALTH BENEFITS ADMIN MCBRIDE: JAN 2011 MONTHLY COMPARATIVE RPT FOR INSURANCE CLAIMS & JAN - DEC 2011 TOTAL PAID CLAIMS ACTIVITY. - RECEIVED & FILED

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53. POLICE CHIEF MCKIMM: RPT OF 2010 LAW ENFORCEMENT TRUST FUND, ALCOHOL INTERVENTION/EDUCATION FUND & LAW ENFORCEMENT EDUCATION FUND. - RECEIVED & FILED
54. SAFETY DIRECTOR REAM: REQ LEGISLATION CONCERNING A CONTRACT WAGE REOPENER FOR 2011 & AGREED TO ARTICLE AMENDMENTS WITH CPPA; REQ FORMALIZING 1 YR CONTRACT W/SAME BARGAINING UNIT TO RUN 1/2012 - 12/2012. - PERSONNEL & FINANCE COMMITTEES
55. SERVICE DIRECTOR PRICE: AUTHORIZE SERV DIR TO ENTER INTO AGMT W/GATEHOUSE OHIO MEDIA, INC. FOR PROF SVC TO MANAGE LAYOUT, AD SALES, PRODUCTION & PHYSICAL DISTRIBUTION OF CITY'S QTRLY NEWS PUBLICATION. - FINANCE COMMITTEE
56. SERVICE DIRECTOR PRICE: 2010 ANNUAL RPT OF OPERATIONS FOR WATER RECLAMATION FACILITY. - RECEIVED & FILED
57. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS AS OF 1/31/11. - RECEIVED & FILED
58. TREASURER SCHIRACK: RPT OF BANK RECONCILIATIONS AND CITY'S OUTSTANDING INVESTMENTS AS OF 1/31/11. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

- #1. (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (1700 55TH ST NE, GERVASI VINEYARD)
Referred to Judiciary Committee **PUB HRG: 3/7/11 @ 7:30 PM**
- #2. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH TRINITY GOSPEL TEMPLE TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$25,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development and Finance Committees
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- #3. (1ST RDG) AN ORDINANCE AUTHORIZING THE LEASING OF AVAILABLE SUBFLEETS OF THE CITY'S 800 MEGAHERTZ COMMUNICATION SYSTEM; 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 SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #4 THROUGH #7 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #4. (2ND RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY \$171,403.78 TO MOTOROLA SOLUTIONS, INC. AND \$46,223.10 TO B&C COMMUNICATIONS, INC. FOR THE CITY'S SHARE FOR THE MAINTENANCE OF THE DISPATCH CENTER EQUIPMENT AND PORTABLE RADIOS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #5. (2ND RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (CADET FIREFIGHTER/PARAMEDIC & PROBATIONARY POLICE OFFICERS)
- #6. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT FOR STOP-LOSS INSURANCE FOR CITY EMPLOYEES AND THEIR DEPENDENTS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #7. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO DONATE AN INDUCTIVELY COUPLED PLASMA-OPTICAL EMISSION SPECTROMETER TO THE CITY OF ASHTABULA WASTEWATER FACILITY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

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

NOTE: PRESIDENT PRO TEM DOUGHERTY CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #8 THROUGH #16 FOR ITS THIRD AND FINAL READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #8. (3RD RDG) **ADOPTED AS ORDINANCE NO. 21/2011** AN ORDINANCE VACATING A PORTION OF 19TH STREET NW; AND DECLARING THE SAME TO BE AN EMERGENCY (JEFF FEDORKO - WEST FROM FULTON RD)

PUBLIC HEARING 2/14/11 @ 7:30 PM

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PRESIDENT PRO TEM DOUGHERTY: Member Prater.

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. Are there any remarks? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#8 ADOPTED AS ORDINANCE NO. 21/2011

PRESIDENT PRO TEM DOUGHERTY: Ordinance 8 has been adopted, 9.

CLERK TIMBERLAKE: That Spectrometer got me Councilman Horner, excuse me. *(Referring to the mispronunciation of his name during roll call.)*

#9. (3RD RDG) **ADOPTED AS ORDINANCE NO. 22/2011** AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #02-00706, PAUL SLENTZ ON KENNET CT NW)

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. 22/2011

PRESIDENT PRO TEM DOUGHERTY: Ordinance 9 has been adopted. Mr. Prater, Ordinance 10.

#10. (3RD RDG) **DEFEATED** AN ORDINANCE SUSPENDING ALL TRAVEL UNLESS RELATED TO GRANTS, MANDATORY CERTIFICATION, LICENSING OR TRAINING, OR LEGAL PROCEEDINGS; AND DECLARING THE SAME TO BE AN EMERGENCY

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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?

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Cirelli.

MEMBER CIRELLI: Thank you Mr. President. A question to the Finance Chairman sir. Member Hawk, is this Ordinance very similar to the ones that passed with other Administrations whenever the City was in a financial bind sir?

MEMBER HAWK: (*Inaudible*)....Excuse me...yes it is.

MEMBER CIRELLI: Okay, thank you sir.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member West.

MEMBER WEST: Although I can understand the cost cutting measures that was implemented with respect to this Ordinance and can appreciate the timing of it. I can't support it because I don't believe in tying the hands of the Administration in trying to go out and do Economic Development measures. You know, I didn't do that when Janet was in office. Last year when this came out I didn't support it and this year I can't either. Because my understanding is, we're not abusing travel and I believe travel has been used for good purposes and we will continue to watch it and make certain that it is being used for training for the major things that needs to be done and for economic development. So, I will be voting this down tonight but I do understand why Member Hawk has put it forth. Thank you.

MEMBER COLE: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Cole.

MEMBER COLE: Point of clarification. Council Member Cirelli and Council Member Hawk made comments regarding that they, in past times when the financial situation was difficult, that they went and they went and they paid for their own....just some clarification on that. I just, I guess I didn't understand it earlier.

MEMBER CIRELLI: Mr. President, if I might.

PRESIDENT PRO TEM DOUGHERTY: Member Cirelli.

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MEMBER CIRELLI: Thank you. Member Cole, what I was referring to was whenever I was a County Commissioner sir and any travel that I did because the County were in...it were in financial, you know, confines like they are now, they don't have any money. So anything I did, I paid for everything. The County paid for absolutely nothing and I just felt it was the right thing to do. I wanted to learn what I could do to help the County and get information and I'm just that type of person, I'm a public servant, I'm not a Politician and I don't mind taking out of my pocket to educate myself and to help my community when I'm elected, that's what I think some of my money is for. That's my own purgative. Thank you sir.

MEMBER COLE: Thank you.

MEMBER HAWK: I too, when we were applying for the Weed and Seed grant through the Department of Justice to help put Policeman in the streets, a travel freeze was on at that point in time through City Council, it was one that we voted for and passed at that point in time. I took money out of my own pocket and went to Washington, DC, lobbied for it and then received that grant. It also benefitted the second Weed and Seed site because they thought that Canton, Ohio was so dedicated and showed so much promise and we used our dollars so well that they thought that we deserved another site, it was very beneficial to everybody. I also took many trips to Cleveland, Ohio to work with the Department of Justice and then US Attorney Gregory White who also delivered to us a \$323,000.00 check right here in this very auditorium for Project Safe Neighborhoods. Gregory White could have spent those dollars anywhere he wanted to in Northeastern Ohio but he was so impressed by the folks in Canton, Ohio and their dedication and obvious ability to perform the service that we got it all and that was for gang intervention.

MEMBER COLE: Thank you. Although I feel that, that is quite noble of both of you, I do feel that we are a large organization that shouldn't rely on volunteers of..of our people's time and money. Mr. President, I will vote against this piece of legislation and I would encourage my colleagues to do the same. Council rightfully voted this down a year and a half ago. There's already a mechanism of accountability in place. We receive a monthly spreadsheet detailing the trainings and costs. There has never been any evidence of irregularities. In fact, the opposite has occurred, over the last two years we have seen a decrease in these expenditures and significant reduction in travel and travel related expenses. Council has already approved the budget for travel. We've done our job, it's now the Administration's responsibility to manage the travel budget in a responsible manner within the parameters set by Council. I believe, if passed, this legislation would inhibit the City's ability to do business at a time when we need to be nimble and quick when opportunities arise. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Any other remarks? Roll call.

NO REMARKS

ROLL CALL 3 YEAS, 9 NAYS
(MEMBERS CIRELLI, HAWK AND SMUCKLER VOTED YEA)

CLERK TIMBERLAKE: Three yeas, nine nays Mr. President.

#10 DEFEATED

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

#11. (3RD RDG) **ADOPTED AS ORDINANCE NO. 23/2011** AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED

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BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (POLICE DEPT)

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. 23/2011

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

#12. (3RD RDG) **ADOPTED AS ORDINANCE NO. 24/2011** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ACCEPT A PROJECT SAFE NEIGHBORHOOD GRANT IN AN AMOUNT NOT TO EXCEED \$10,000.00; 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 questions?

MEMBER CIRELLI: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Cirelli.

MEMBER CIRELLI: Thank you sir. Question to the Service...Safety Director. Safety Director Ream, how will this money be targeted sir?

SAFETY DIRECTOR REAM: It's specified to be used for specialized and directed patrol. It's a overtime reimbursement grant.

MEMBER CIRELLI: Mr. President and Safety Director Ream. When you say special patrols, is that like into the neighborhoods sir is where we're going with these special patrols I hope.

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SAFETY DIRECTOR REAM: Yes, depending on the operational needs as determined by the Chief and the commanders of the Police Department, they will make the calls to exactly what the use as long as it's within the parameters of the Federal Grant.

MEMBER CIRELLI: Okay Mr. President and Safety Director Ream. Would you have them inform this General Body where the monies go to sir when they choose. Thank you.

SAFETY DIRECTOR REAM: Yes ma'am.

PRESIDENT PRO TEM DOUGHERTY: Any other remarks? Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#12 ADOPTED AS ORDINANCE NO. 24/2011

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

#13. (3RD RDG) **ADOPTED AS ORDINANCE NO. 25/2011** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AMOUNT NOT TO EXCEED \$212,100.00 TO PREMIER TRUCK SALES; AMENDING APPROPRIATION ORDINANCE NO. 245/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATION HEREIN DESCRIBED; 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. 25/2011

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

#14. (3RD RDG) **ADOPTED AS ORDINANCE NO. 26/2011** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS AND ENTER INTO CONTRACT FOR THE PURCHASE/LEASE AND/OR UPGRADE OF VARIOUS NEW AND/OR USED VEHICLES; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ALTERNATIVELY PURCHASE/LEASE SAID

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VEHICLES PURSUANT TO THE STATE COOPERATIVE PURCHASING AGREEMENT; AMENDING APPROPRIATION ORDINANCE NO. 245/2010; AND DECLARING THE SAME TO BE AN EMERGENCY (\$700,000.00)

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. 26/2011

PRESIDENT PRO TEM DOUGHERTY: Ordinance 14 has been adopted. Ordinance 15.

#15. (3RD RDG) **ADOPTED AS ORDINANCE NO. 27/2011** AN ORDINANCE AMENDING CHAPTER 1311, HOME IMPROVEMENT, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON (EPA'S LEAD RENOVATION, REPAIR & PAINTING RULE)

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. 27/2011

PRESIDENT PRO TEM DOUGHERTY: Ordinance 15 has been adopted. Ordinance 16.

#16. (3RD RDG) **ADOPTED AS ORDINANCE NO. 28/2011** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 245/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPRIATIONS HEREIN DESCRIBED; AND DECLARING THE SAME TO BE AN EMERGENCY (12TH ST N CORRIDOR PROJ, GP1098, \$735,139.20/\$620,362.80)

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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. 28/2011

PRESIDENT PRO TEM DOUGHERTY: Thank you.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM DOUGHERTY: Announcement of Committee Meetings please.

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes sir.

MEMBER HAWK: Finance Committee will meet Monday, February 28th at 6:45 PM right here in Council Chambers. Thank you sir.

PRESIDENT PRO TEM DOUGHERTY: Any other Committees?

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member West.

MEMBER WEST: Judiciary will meet the 28th at, what time did we say?

(Unknown speaker): 6:45.

MEMBER WEST: 6:45...same time, same place.

PRESIDENT PRO TEM DOUGHERTY: Anyone else?

MEMBER SMUCKLER: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Smuckler.

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

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PRESIDENT PRO TEM DOUGHERTY: Thank you.

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: I guess...yeah, Safety Director Ream is there, I had a constituent email me and then she called me or I called her, I can't recall. When we had our snow storm, which I think everybody handled it really as best as we could, but her husband had to come to the Courts to file some kind of a paper against somebody that had not repair work on his property and then he stopped at Auto Zone and had to get some kind of fluid to put in his vehicle. And then when he turned around and I guess went to throw it away, he slipped and fell, bottom line, they ended up having to call an ambulance. He couldn't feel his leg and she said they checked him out and then they asked him if he could drive himself to the hospital and she was really upset because I guess he had to talk them into taking him to the hospital and he ended up with a total hip replacement of titanium in his hip, so it was on his right leg. Maybe I can give you her name and you could talk with her over that issue of the seriousness of, I guess the gentleman said that he couldn't feel anything in his leg and instead of having to debate the issue while he was there in pain and Auto Zone is not too far from the hospital, I can appreciate why they said maybe they didn't, you know, realize he had a broken hip. But...

SAFETY DIRECTOR REAM: *(Inaudible)*

MEMBER CIRELLI: ...Okay sir, I just wanted to inform you on that. Okay but I think other than that, I think that's the only complaint and I think we can live with that other than a lot of trees down and electric downs. Thank you.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member West.

MEMBER WEST: Yes, this is for Service Director or the Mayor, whoever wants to answer. Last week I believe or the week before last there were several letters going out to all the homeowners that own prop...or excuse me not homeowners, the property owners that have rentals and they were told that they had to have...register their property by March 1st or they have to pay fines and fees and things of that nature on top of it. And I believe they just got that notification in the last couple weeks, this is with regards to the IPMC. Many of the questions were like, "We just got our Certificate of Occupancy and I have it dated to 2014, why should I have to register my property." So, I'm asking these questions for a reason, should there have been a little bit more time for individuals to pay that 20, 30, \$40.00 fee and did we ever address the issue with regards to if somebody just got their property license, would there be some type of reimbursement. So, if somebody could explain that, because I know there is somebody here tonight that's also interested in this topic.

SAFETY DIRECTOR REAM: Yes, that was all part of the Ordinance that was passed, for those that had a Certificate of Occupancy that was awarded in the previous year, it was good for one year. If there was time

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after that, the inspection took old and the new inspection would be required. We're fielding quite a few calls with our Building Department and Ms. Cavanaugh is answering the questions as they come. Some people don't like it, other people understand it and that's the way the Ordinance reads and that's how we'll be explaining it to the citizens.

MEMBER WEST: So then March 1st is the deadline, it's not a grace period after that since this just got started and people just got notified?

SAFETY DIRECTOR REAM: That is correct.

PRESIDENT PRO TEM DOUGHERTY: Any other Miscellaneous Business?

MEMBER BUTTERWORTH: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Member Butterworth.

MEMBER BUTTERWORTH: I have two questions for the Chief of Staff. The first is for point of clarification Mr. President. Under Old Business, the question asked by Ms. Shaver last week, I'm just curious why that wasn't prepared and ready for tonight.

SAFETY DIRECTOR REAM: Sure, I was out of town several days last week. It was Friday before we found the letter that was sent to me by the Fire Department back in, it was November, December and I just haven't had a chance to put a cover letter to get it down to Council.

MEMBER BUTTERWORTH: Could you email that to me.

SAFETY DIRECTOR REAM: When we finish up what we're going to present because I'd like the entire Council to see it, we'll send it down to Council Office.

MEMBER BUTTERWORTH: Sure. Alright, it should be down by Thursday then? Or we're not meeting next week so, yeah....

SAFETY DIRECTOR REAM: Yes.

MEMBER BUTTERWORTH: Okay. My second question is, from my understanding, did we have two stations close last Friday? Two Fire Stations close last Friday?

SAFETY DIRECTOR REAM: Yes we did.

MEMBER BUTTERWORTH: You did. And those two stations that were closed...um..from what...we didn't do paramedic runs obviously?

SAFETY DIRECTOR REAM: No, the Chief contacted me and let me know we had an inordinate number of sick call offs that day and he felt it necessary to close those stations at that time.

MEMBER BUTTERWORTH: So the Chief made the decision to close two of our fire stations in the City?

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SAFETY DIRECTOR REAM: That is correct.

MEMBER BUTTERWORTH: Okay, from what I understand also, we missed out on 29 ambulance runs that day, is that...are we aware of that?

SAFETY DIRECTOR REAM: That's ah...sounds like a reasonable number.

MEMBER BUTTERWORTH: A reasonable number...just by historical data is that something that we typically, if that's something we typically have, is that something for reason that we could have kept those stations open and had the manpower for.....

SAFETY DIRECTOR REAM: No not with the available manpower without paying overtime.

MEMBER BUTTERWORTH: Without paying overtime?

SAFETY DIRECTOR REAM: Yes.

MEMBER BUTTERWORTH: Even with the overtime it wouldn't have been...it was cost privative?

SAFETY DIRECTOR REAM: That is correct.

MEMBER BUTTERWORTH: Thank you.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: You again?

MEMBER WEST: Me again.

PRESIDENT PRO TEM DOUGHERTY: Okay. *(Laughter)*

MEMBER WEST: Just another...to the Safety Director. Could it be possible that we put something in the paper letting people know that March 1st is the deadline and that beyond that people will be assessed fees or penalties if they don't bring that in? That way everybody is aware that that's the case. Even though they got letters, I just think it should be the case. Thank you

SAFETY DIRECTOR REAM: I'll speak with the CBO about that but yes, we sent letters to everybody that affected. We felt that would be the best way of notification. I'll speak with her about it though.

PRESIDENT PRO TEM DOUGHERTY: Any other Miscellaneous Business?

MAYOR HEALY: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Mayor.

MAYOR HEALY: Thank you. I also wanted to make an announcement tonight. I spoke with before the neighborhood groups had their monthly meeting and I made an announcement at that...at that organization at about 5:30 today and just want to share with Council as well. I have a press release here with me and also

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information, the actual Executive Order I am forwarding and signing as of today...an Executive Order for the Mayor's Neighborhood Commission, this is what we have been talking about for the past few months about bringing together the Neighborhood Association Leadership Team with the Administration and Council. The details are in here, it's like other Commissions that we have organized in the past. There are two seats for Members of Council and I will be happy to meet with the Majority Leader, Dave to discuss which Members of Council we would put on that Neighborhood Commission. The information is here to follow but I did want to announce that as of next month we hope to have the first meeting and then monthly meetings thereafter to...to create a format for the Neighborhood Association Leadership and the Administration and Council to all get together and talk about planning our future for every neighborhood in our City, both short term and long term. So the details are here to follow, these memos will go around and if the press has any questions, I'll be glad to answer them after Council. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Any other Miscellaneous Business?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Law Director.

LAW DIRECTOR MARTUCCIO: Thank you. Two sets of comments in response to points that were raised earlier. One having to do with webinars and the other having to do with trees. Regarding webinars, Member Cirelli, at one point both Finance Chairman Hawk and the Majority Leader called upon Elected Officials to see what we could do to cut expenses in several areas, including travel. We lawyers have to accumulate 24 hours of continuing legal education every two years to be licenced. We've begun to do that by webinars or internet seminars. I also have our folks walking a block away to the Stark County Bar Association to do them. There are occasions when we do have to travel and we try to eliminate it to Cleveland if possible, Akron, Youngstown at the most and when we do go to Federal Court we have no choice accept to go to Akron, Cleveland or Youngstown because that's where our Federal Court is. So we are taking those efforts to try and cut ours. And everything we Elected Officials do in terms of travel is submitted in writing to the Mayor and the Finance Director with detailed expenses as to mileage and the cost of the seminar and so on and so on. But we are taking *(inaudible)*. Thank you all for keeping a lid on us.

(INAUDIBLE)

LAW DIRECTOR MARTUCCIO: I'm sorry? And after the Mayor, it goes back to Council. With regard to trees, I know who Bill Hahn is, he's a certified Arborist for the City of Akron. I have a lot of respect for him, I heard him speak at that particular meeting. But he is wrong and I must defend our fair City when he said that in Canton "They don't even have a tree Ordinance and they have trees falling down literally around them." Well, in ice storms we do have trees falling down but we do have an Ordinance, in fact it's a whole chapter devoted to trees, it's been on the books for nearly thirty years and there are several sections in it, including these two, one that says "Homeowners or the agent responsible for a property is responsible for insuring that dead trees and dead branches that could pose a threat to the sidewalk, the alley and the streets, must be taken down if they are a nuisance or a hazard." We the City have the right to point that out to them if we had sufficient people to go...to be able to do that, to assess them and let them know that. If they don't, for example, if they have a limb that can be a hazard or nuisance and fall on a sidewalk or a street or an alley and we put them on notice and they don't, we as a City have the right to cut those down, to cut the nuisance and hazard trees and branches down and assess it as a lien which we can then forward to the County Auditor. The homeowner of course has the right to appeal the lien if they so chose but these steps are already on the books. Including measures that say that tree branches should be at least eleven feet above the sidewalk. Again, we all

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know that we have lots of trees and branches in violation in our City, it's a matter of having the enforcement capabilities, even with this 27 year old Ordinance. Now what we'll bring down, what we've been working on, and again, this is a fairly new Council in part is...is a holistic next step that takes us to the new...the new generation. Which is an attempt to get a Tree Commission on the books, to get grants to count the time and the money that we've already spent in an effort to try and get some money to help inventory and cut these trees. But I do take issue with this columnist, whose probably a good columnist from what I understand and relying on Mr. Hahn, it is not true, the City of Canton does have Tree Ordinances on the books with some teeth in them. Thank you.

PRESIDENT PRO TEM DOUGHERTY: Any more Miscellaneous Business?

MEMBER CIRELLI: Mr...ah President.

PRESIDENT PRO TEM DOUGHERTY: Yes.

MEMBER CIRELLI: Um, well the Mayor was there also and myself and a couple other Council people, there was a meeting Saturday and I was...this is probably to the Law Director because a gentleman came there at the end of the meeting and he was quite upset because he bought a bill for a hundred and some dollars that he claims that a tree came down in the street, I guess it was ah....he was living at his mother's home and a tree came down in the street and then I don't....maybe the Mayor can help on this, I don't know whether it was the Police or Fire that came out and put a couple horses there and then left and then sent the bill to him, even though the house is in his mother's name, for a hundred and some dollars. And everybody...I thought probably by now you've...you probably have heard from him. Is this in fact...what is the usual procedure because I've never heard of that before sir.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT PRO TEM DOUGHERTY: Yes.

LAW DIRECTOR MARTUCCIO: Member Cirelli, I'm not aware of it, I have no knowledge of this yet, it may reach us I'm sure soon. Again, the only Tree Ordinances that allow for that potential are the mention...the two that I mentioned. This may have been something that came under some emergency power to clear the street. Why it went to him I'm not sure but if we get it, we will look at it.

MEMBER CIRELLI: Okay thank you and thank you Mr. President.

MEMBER WEST: Mr. President, let me just piggyback for one second.

PRESIDENT PRO TEM DOUGHERTY: Member West.

MEMBER WEST: I was talking to Ken Huot this week and...with AEP and he said because of their aggressive take on cutting the tree branches away from the wires, we would have had more homes without power had they not taken that approach and he said, you know, they did a really good aggressive job over the last few years. And I just reminded him that he could have did a little bit better decorating when they cut...when they cut the branches (*laughter*) but nonetheless, I appreciate their involvement in cutting trees....ah branches. And then also on that note, not only taking down trees, it's time to start planting some trees like in Nimisilla Park so that we do have trees for the next generation. Thank you.

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

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

MEMBER CIRELLI: Seconded.

PRESIDENT PRO TEM DOUGHERTY: Roll call.

NO REMARKS

ROLL CALL: 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM DOUGHERTY: *(Gavel falls)*

ADJOURNMENT TIME: 8:18 P.M.

ATTEST:

APPROVED:

CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

DAVID DOUGHERTY
PRESIDENT PRO TEM