

**MINUTES OF THE MEETING NOVEMBER 30, 2015**

PRESIDENT SCHULMAN: Good evening, ladies and gentlemen. Welcome to Canton City Council. Before we begin tonight's meeting, it gives me great pleasure to introduce our newly elected Mayor for the City of Canton, Mayor-Elect, Tom Bernabei. Mayor-Elect Bernabei asked for five minutes to address Council this evening. Of course, being the generous person I am, I said absolutely. And moreover, he is always willing, and I am always willing to allow him any time he wants. So, Mayor-elect Bernabei, would you step forward. Welcome. *(Applause)*.

MAYOR-ELECT BERNABEI: Thank you Mr. President and thank you Members of Council and elected officials, and members of the public who are here. It is my honor and it is my pleasure tonight to introduce to City Council and members of the public, my four proposed appointees to the four primary cabinet positions in my administration. They are very familiar faces to me and they will be very familiar face to you. Without further ado, they are Mr. Fonda Williams, Director of Economic Development and Community Development and Planning. *(Applause)*. Mr. Bill Bartos, Director of Public Service. *(Applause)*. Ms. Andrea Perry, Director of Public Safety. *(Applause)*. Mr. Joe DiRuzza, Director of Finance. *(Applause)*. I offered them the jobs earlier or rather late last week and discussed it with them earlier today, have you changed your minds yet? *(Laughter)*. These are not new faces. The Repository has editorialized on several occasions as to their relative youth, their diversity, their professionalism, and their capabilities. And I fully agree. I am fortunate to have known all four of them in their previous jobs, except maybe Andrea, and I have worked with them in their current jobs. Their experience and competence will enable us to hit the road running on January 1 and to provide much needed continuity to Canton City Government. They have established excellent rapport and respect with City Council, other elected officials, their department heads, labor unions, and our community representatives outside of government. Their knowledge of their respective areas of government and their comradery in working together will enable me to better focus on the larger set of problems and opportunities facing and awaiting Council. I, we...all look forward to January 1, 2016. While I am here, if I have one more minute, I also wish to advise City Council that today we spent our first work session together on the 2016 Temporary General Fund Budget. Council Members Mariol and Hawk attended and participated fully with the Cabinet Members. As a communication was sent down to you last week, from the four Cabinet Members, we are facing in 2016, an approximate 3.5 million to 4 million dollar shortfall in the General Fund. This will require a very deep and difficult cuts across the board. We intend to continue to meet weekly and as often as necessary until we are able to develop a temporary budget for you to adopt, prior to December 31, and we would hope to be briefing all of you within the next 2 to 3 weeks on the status of both the Temporary Budget and the proposed 2016 Permanent Budget. Again, I warn everyone, there are very deep and very, very difficult cuts and very difficult choices for members of Council to make. Again, I look forward to working with each and every one of you. I've worked with Councils in the past and I anticipate that we will have a great relationship in 2016 and into the future. Thank you.

PRESIDENT SCHULMAN: Thank you, very much. *(Applause)*. Thank you Mayor-Elect Bernabei. And I think, for the record, I would venture to say that you truly could not have picked four better people to continue to serve our city and its citizens than the four that you've named. *(Applause)*. So, with that and with a quorum being present, the Chair does call this meeting of Canton City Council to order. Roll call vote please, Madame Clerk.

***ROLL CALL TAKEN BY CLERK TIMBERLAKE:***

12 COUNCIL MEMBERS PRESENT: (FRANK MORRIS, CHRIS SMITH, JAMES BABCOCK, RICHARD HART, WILLIAM SMUCKLER, GREG HAWK, THOMAS WEST, JAMES GRIFFIN, KEVIN FISHER, DAVID DOUGHERTY, JOHN MARIOL & EDMOND MACK)

TWELVE COUNCIL MEMBERS PRESENT.

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CLERK TIMBERLAKE: All present, Mr. President.

PRESIDENT SCHULMAN: Thank you very much, Madame Clerk. Tonight's invocation is going to be given by my good friend and Council-at-Large Member, Bill Smuckler. If you'll all stand, please, and remain standing for our Pledge of Allegiance.

*The regular meeting of Canton City Council was held on November 30, 2015 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 William Smuckler, At Large Council Member. The Pledge of Allegiance was led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: Thank you Member Smuckler. That was short, sweet, and to the point. We appreciate it. We're now under Agenda Corrections and Changes. Leader.

MEMBER MORRIS: Mr. President, I move Rule 22A be suspended to add 2<sup>nd</sup> Reading Ordinance #3 through #8.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to Suspend Rule 22A to add the 2<sup>nd</sup> Reading Ordinances 3 through 8 to this evening's agenda. Any remarks? Hearing none, Madame Clerk, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Motion carries. Rule 22A is suspended and those Ordinances are a legal part of your agenda.

**PUBLIC HEARINGS**

PRESIDENT SCHULMAN: Turning now to Public Hearings. We actually have a Public Hearing this evening and it's scheduled for **7:30 PM** and it's AN ORDINANCE AMENDING ORDINANCE #55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY. THIS IS LOCATED AT 2835 W TUSCARAWAS ST, FROM B-3 (GENERAL BUSINESS) AND R-1 (SINGLE FAMILY RESIDENTIAL) TO PB-3 (PLANNED GENERAL BUSINESS) FOR FETTMAN PROPERTY MANAGEMENT; ASSIGNING SAID TERRITORY TO WARD 3 OF THE CITY; PLANNING COMMISSION RECOMMENDED APPROVAL. Is there anyone in the audience wishing to speak for or against this zone change, will you please step forward. Mr. DiGiacomo. Good evening. Welcome. Give us your name and your residential address, please. Good evening.

PETE DIGIACOMO: Good evening. My name is Pete DiGiacomo. I live at 600 Dent Place SW, Canton, Ohio. The Fettman family, I've known them for more than 40 years. I started working at Davies Pharmacy for uh...I'll just say, the 2<sup>nd</sup> head of the family. Gloria was the first. Dave Fettman tried to set the bar really, really high. He respected everybody. He gave everybody his full attention, and everything like that. His sons follow in his

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footsteps. Anything that they're going to do in that neighborhood, it's going to be a first rate operation. It's not going to be half done, anything like that. I would really hope that they're supported. Thank you.

PRESIDENT SCHULMAN: Thank you very much, Mr. DiGiacomo. Is there is anyone in the audience wishing to speak for or against this zone change, will you please step forward. Seeing no one step forward to the dais, the Chair declares the public hearing over in regard to this matter. The matter now rests in the hands of Council. The Ordinance will follow later this evening.

**OLD BUSINESS**

PRESIDENT SCHULMAN: We now turn to Old Business. The Deputy Mayor has indicated there is no Old Business this evening.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: Turning now to Public Speaks. We do have four and our first speaker is Patricia Kirk...If I can get it out of my mouth here...Ms. Kirk, if you'll step forward and give us your name and your residential address. And as always, welcome.

PATRICIA KIRK: Hello. Thank you very much. My name is Patricia Kirk. I live at 131 5<sup>th</sup> St. NE and I'm here...I'm not certain who this goes to. There is a problem and it addresses public transportation and it affects a lot of people and it affects business. I don't know if you're aware of it or not, but there are a lot of riders on the Sarta Bus System. One of those...two of those buses are the 117 and the 106. Both of them used to go out to Myers Lake Plaza. A lot of people would take it and do their business out there. Well, I have found out from the owners of some of the businesses at Myers Lake Plaza, their business has gone down, they've lost a lot of it from like a half down because the owner of the Myers Lake lot did not want Sarta buses to pull in from Whipple Avenue and drive all the way down and out again because it tore up the lot. The people that own the business there called him to say that their business are going down. Not only that, but the people that work there. There are no sidewalks. They have to cross Whipple Avenue. There's no place for them to sit and the buses get them there late and they have to sit there in all kinds of weather. I tried to find out about it. I tried twice to get there through another bus. 117 told me to take the 106. I tried both of them, I got lost. It whizzed by, there was no place to get off. So, finally one time I did get off and I'll never do it again. You get off on Whipple by the Put-Put, or the Pro-Put. You walk all the way down, you get to the actual stores, you do your thing in the stores, you come out. You have to walk all the way down to Whipple. You have to walk all the way to the corner of Whipple, you have to cross Whipple, then you have to walk down to the CSE Bank, stand there on the grass for who knows how long because it's just a sign on a telephone pole there. That's all you've got. There are no buses that service this. But one of the owners called the owner of the Myers Lake Plaza, told them the loss of the business and how it's affecting the businesses. The owner was willing to make a compromise with Sarta. Called Sarta and said we will allow you to pull in the parking lot, stay at that end, the end where Big Lots is. Sarta said no, we've already made our changes. I think they changed three bus...I could be mistaken, but I think they changed three bus routes, not all of them. I don't know who this goes to, but a lot of people are angry and upset and don't know what to do about it. When you call the bus office, you get absolutely no response. Thank you very much.

PRESIDENT SCHULMAN: Thank you very much, as always. (*Applause*). Our next speaker is Commissioner Jim Adam. Commissioner, if you'll step forward sir, and give us your name and your residential address, and as always, welcome to Canton City Council.

COMMISSIONER ADAMS: Thank you Mr. President and Members of Council. My name is Jim Adams. I

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live at 3518 Crownpoint Street NW, in Massillon, Ohio. I'm the Health Commission for the Canton City Health Department. I want to share some numbers with you this evening. 7.3, 4.5, 45, and 1.88. 7.3 is our Infant Mortality Rate for Ohio, which means that 7.3 infants die before their first birthday for every thousand live births. 4.5 is the goal that Ohio has set for Infant Mortality Rate for 2020. 45 is where Ohio ranks nationally in overall Infant Mortality Rates of the 50 states. 1.88...for every white infant that dies, almost 2 black infants dies in Stark County. These numbers are unacceptable and I've talked to this Council before about the efforts that we are doing to try to address the infant mortality problem in Stark County. Since 2013, we have been involved with a collaborative with eight other Ohio communities, including some national partners, to try to understand this problem and get a handle on it. Through this partnership, we've created some very powerful partnerships in our own local community and we've started to implement really two major interventions to try to address our infant mortality problem. Two part goal. One is we want all children to survive to their first birthday, but more importantly, we want to eliminate the disparity we see in birth outcomes. There's no reason that our black infants are dying. There should be no reason that our black infants are dying at a higher rate than our white children. The two...briefly, the two interventions that we have are safe sleep interventions so that we know that we have a healthy child that's born. We want it to be in a safe environment so that it can sleep. The second one is a new evidence based program we're working on called Centering Pregnancy, which is a model of delivering prenatal care in a group setting that has a lot of strong evidence that really supports the mother throughout their pregnancy and has much better birth outcomes, particularly in the African American community. Through this effort, we're also targeting at-risk communities for the case manager to really recruit these moms and get them into appropriate care. But, these are really just the beginning of projects that we're working on. This is the last year that three year collaborative called the Ohio Equity Institute, our own local project, only to continue on for a number of years to really have a lasting impact. This Tuesday has been designated as "Giving Tuesday". A time where we can step back in our community and look for ways that we can give back to our community and help support those in our community around us. We've partnered with United Way since one of their health goals is a focus on infant mortality. They've designated funds that are collected for Giving Tuesday for United Way will be directed to that focus group in their United Way Giving Campaign. They've specially directed these funds that you would donate on Tuesday to help support infant mortality reduction efforts in our county. So, I encourage you to look at the United Way website. Text...the information is in the paper about Giving Tuesday, and help support our efforts to decrease infant mortality in Stark County. Thank you.

PRESIDENT SCHULMAN: Commissioner, before you leave, you said the National Infant Mortality Rate was what?

COMMISSIONER ADAMS: 7...the national one?

PRESIDENT SCHULMAN: Yes.

COMMISSIONER ADAMS: The national one is about 7...you're going to ask me specific questions...

PRESIDENT SCHULMAN: I'm sorry.

COMMISSIONER ADAMS: No, don't. Please don't. The national rate is 5.96.

PRESIDENT SCHULMAN: And Stark County's rate is?

COMMISSIONER ADAMS: Stark County's rate is about 9.3.

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PRESIDENT SCHULMAN: So, almost double the national rate?

COMMISSIONER ADAM: Yes.

PRESIDENT SCHULMAN: Thank you very much Commissioner. Appreciate it. Best of good luck to you on this.

COMMISSIONER ADAMS: Thank you. (*Applause*).

PRESIDENT SCHULMAN: Our next speaker is Pete DiGiacomo. Mr. DiGiacomo, again welcome. If you'll step forward sir, and give us your name and your residential address.

PETE DIGIACOMO: Again, my name is Pete DiGiacomo. 600 Dent Place SW, Canton, Ohio. One thing I wanted to speak on was the Park Levy. Before Council here, they were asking why did it fail? Why don't you think they're asking...I don't see Derek...no, he's not here. I think, myself, and I'm just an average citizen, first of all, we need parks. We definitely need parks. The thing is, that the taxpayers, the average taxpayer here in the City of Canton, they're getting tired of being the burden of, who has to pay for the levies? It just gets old and...it just gets old. The other thing that...I believe it was last Tuesday...the Repository helped, I think, a lot. The front page put down how the Park Department planted cherry trees on Maryland Avenue because they thought it would be nice for, like it was back in the 50s and 60s. That's the old days. We can't go back there. It would be nice, the neighborhood is not what you had in the 50s and the 60s. The other thing they said was that the trees that they planted are not salt tolerant. We drove...I drove...my wife and me, we drove down one side and came back on the other. The trees are probably within ten to twelve feet of the street. I don't work for the Street Department, but when the plows come through after they've salted in the winter, they're going to get sprayed with salt. So, if we have a deficit already, and I know that these trees are not a major thing, but they spent some money to plant the trees, now you have to maintain the trees and by the way, they may die. Think wisely how the people spend the money, that's all. Thank you.

PRESIDENT SCHULMAN: Thank you very much, Mr. DiGiacomo. Our last speaker tonight is Elaine Schaffran. Ms. Schaffran, good evening. Welcome to Canton City Council. If you'll step forward please and give us your name and your residential address.

ELAINE SCHAFFRAN: Yes, my name is Elaine Schaffran. I live at 314 Briar Ave. NE, North Canton, Ohio 44720. I'm here to speak on behalf of my significant other, Bryan Ball, who lives at 1130 Clarendon Avenue SW. I've spoken with Mr. Griffin, who is the Councilperson for that Ward. I have a concern for the residents of the City that the City Council's not doing enough to enforce rules and/or Ordinances concerning the number of pets allowed in a single residence. Renters at the residence are breeding two pit bulls and the last litter had six puppies which were sold, except for one. I'm concerned about where these puppies are going. The renters have a combined total of seven citations for failure to control and confine a dog. These renters have active warrants and were not picked up by the Canton City Police Department. The renter is an undocumented rental property as confirmed by the Stark County Auditor's Office. The landlord of this residence is knowingly allowing the renters and the dogs to remain in the residence after the dog trespassed, attacked, maimed another pet and lunged at Bryan Ball. When he...oh...and finally, how the Stark County Prosecutor has decided not to dismiss this case until after the Thanksgiving Holiday and is worried that the case again resident, Bryan Ball, who's been a resident of the City of Canton for fifty years in that neighborhood, is afraid that he is going to sue the City of Canton and refused to take a plea of Disorderly Conduct for shooting the said attacking dog and

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wounding it after he feared for his life and that of his nine year old dog, in his own fenced-in yard, when his dog was on a cable in a fenced in yard. The reason Bryan Ball is not here is because he works. He works hard and he works full time. He's lost a lot of sleep over this and now that the Prosecutor wants to extend this dismissal, he also has to lose work, a day of work. He has to pay an extra \$100.00 to push back a course that he wanted to take for a new employment opportunity. He's ruined his holiday and I have like...I've got like ten major questions but a lot of it I will forward to Mr. Griffin and it's basically asking about the laws and the ordinances that you have in regards to having multiple pit bulls in a house, with a child under the age of 10 that they are very, very... I'm sorry...

PRESIDENT SCHULMAN: You've got about ten seconds.

ELAINE SCHAFFRAN: Okay. That is very dangerous for that child and is very dangerous for the neighbors, with the breeding. I will forward the questions to Mr. Griffin.

PRESIDENT SCHULMAN: Thank you very much. (*Applause*). Thank you to all our speakers and Ms. Schaffran, thank you very much. That was well done. You certainly laid out the issues and I'm sure we'll be able to take a look at them, alright? With that being said, that concludes Public Speaks.

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: We have an Informal Resolution and it is a Reconsideration. Leader Morris.

#38. **RECONSIDERED & AMENDED AS RESOLUTION #38** COUNCIL-AS-A-WHOLE: REQUEST RENEWAL 5-YR, 4-MILL TAX LEVY FOR PARKS & RECREATIONAL PURPOSES. - ADOPTED AS AMENDED

MEMBER MORRIS: Mr. President, I move we reconsider Informal Resolution #38, adopted November 23, 2015.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to reconsider Informal Resolution 38, adopted on November 23, 2015. Are there any remarks? Does everybody know what this Resolution is? Anybody have a questions? Okay. Leader Morris. Roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

AMENDMENT PASSED UNANIMOUSLY BY ROLL CALL VOTE

PRESIDENT SCHULMAN: Okay, that motion carries. Should have been a voice vote, sorry, but Leader, you have a motion?

MEMBER MORRIS: Mr. President, I move we amend Informal Resolution #38 per the copy before each Council Members.

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MEMBER SMITH: Second.

**Amendment**

*Pursuant to Rules 41 and 36, I move to reconsider and amend Informal Resolution No. 38 per the attached amended resolution which adds a phrase per the request of the County Auditor's office.*

PRESIDENT SCHULMAN: It's been moved and seconded that you amend the Informal Resolution by virtue of the copy before each Member of Council. Any remarks? Hearing none, by voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

PRESIDENT SCHULMAN: The ayes have it. Leader.

MEMBER MORRIS: Mr. President, I move we adopt Informal Resolution #38, as amended.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Informal Resolution 38, as amended. Any remarks? Again hearing none, by voice vote...*(Inaudible)*. Okay, roll call vote please, Madame Clerk.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**RECONSIDERED & AMENDED AS INFORMAL RESOLUTION NO. 38**

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Informal Resolution 38 as amended has been reconsidered and adopted as amended.

**COMMUNICATIONS**

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

***NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED NOVEMBER 30, 2015.***

409. AUDITOR MALLONN: REQ \$2,024,930.56 SUPP APPROP FR UNAPPROP BAL OF 1153 HISTORIC ONESTO PROJ LOAN FUND TO 1153 501001 OTHER FOR PAYMENT OF CURRENT REVENUE BOND ANTICIPATION NOTE. - FINANCE COMMITTEE
410. CLERK OF COUNCIL TIMBERLAKE: (3) OBJECTIONS TO 2016 LIQUOR PERMIT RENEWALS. - JUDICIARY COMMITTEE
411. COUNCIL MEMBERS FRANK MORRIS (WARD 9), KEVIN FISHER (WARD 5), JOHN MARIOL (WARD 7), EDMOND MACK (WARD 8): REQ LEGISLATION FREEZING PAY INCREASES FOR

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MGMT AND NON-BARGAINING UNIT EMPLOYEES & COUNCIL MEMBERS. -  
PERSONNEL & FINANCE COMMITTEES

412. DEPUTY MAYOR WILLIAMS, FINANCE DIRECTOR DIRUZZA, SAFETY DIRECTOR PERRY, SERVICE DIRECTOR BARTOS: 2016 BUDGET UPDATE. - RECEIVED & FILED
413. SAFETY DIRECTOR PERRY: REQ ALLOCATION OF ADDITIONAL FUNDING FOR SCOG IN AMT OF \$100,000 FR DRUG FEE FUND #2412 FOR PURCH OF DRUG & ALCOHOL ANALYSIS EQUIP FOR STARK COUNTY CRIME LAB. - FINANCE COMMITTEE
414. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO EXECUTE CHANGE ORDER #2 FOR WRF PHOSPHORUS/TOTAL NITROGEN PROJ - CONTRACT #26 WITH SHOOK CONSTRUCTION, INC. IN AMT OF \$766,518.00; REQ \$766,518.00 SUPP APPROP FR UNAPPROP BAL OF 5442 WRF PHOSPHORUS PROJ (MEMBRANE) FUND TO 5442 206054 WRF PHOSPHORUS (CONSTRUCTION) - OTHER; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE COMMITTEE

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: Turning now to our Ordinances and Formal Resolutions for their First Readings. Madame Clerk, would you please begin with Ordinance #1.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #2 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY AN AMOUNT NOT TO EXCEED \$3,195.00 TO HOWLAND COMPANY; AND DECLARING THE SAME TO BE AN EMERGENCY (ASBESTOS ABATEMENT FOR 1542 OLIVE PL NE)  
Referred to Finance Committee
- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO RECLASSIFY THE CODE AND BUILDING DEPARTMENT FUNDING FROM THE GENERAL FUND TO AN ENTERPRISE FUND; AUTHORIZING THE AUDITOR TO WORK IN CONJUNCTION WITH THE LAW DEPARTMENT AND THE BUILDING DEPARTMENT TO MAKE SAID CHANGES EFFECTIVE JANUARY 1, 2016 AND TO ADVANCE ANY INTERFUND MONIES NECESSARY TO COVER EXPENSES UNTIL SAID FUNDS ARE REPAID BY THE COLLECTION OF FEES; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: Thank you, Madame Clerk. We now turn to Ordinances and Formal Resolutions for the Second Reading. Madame Clerk, would you please begin with Ordinance #3.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #3 THROUGH ORDINANCE #8 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE***



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**LAW, AS FOLLOWS (ORDINANCE #3 ADOPTED AS AMENDED ON 2<sup>ND</sup> RDG; O#7 ADOPTED ON 2<sup>ND</sup> RDG):**

#3. (2<sup>ND</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 226/2015** AN ORDINANCE DECLARING THE WEEK OF DECEMBER 7 - DECEMBER 11, 2015, TO BE AMNESTY WEEK FOR ANY PERSON WITH UNPAID PARKING TICKETS AND UNPAID RENTAL REGISTRATION FEES; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Mr. President, I move we suspend the Statutory Rule for Ordinance #3.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rule for Ordinance 3. Any remarks? Hearing none, again Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: The motion carries. Leader, you've heard the three readings.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 3. Any remarks? Leader.

MEMBER MORRIS: Mr. President I move we amend Ordinance #3 and I'm almost positive that none of us have a copy of this in front of us, so I would ask for a clarification.

MEMBER SMITH: Second.

**AMENDMENT**

*Pursuant to Rule 36, I move to amend Agenda Ordinance No. 3 by the addition of a new final sentence to Section 1 that reads as follows:*

*This Amnesty Week procedure shall not apply to any participating debtors who are currently involved in civil or criminal contested procedures or litigation over the tickets and fees.*

CLERK TIMBERLAKE: No you don't. No copies in front of anybody.

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PRESIDENT SCHULMAN : Law Director. Would you like to explain the Amendment to Ordinance #3.

LAW DIRECTOR MARTUCCIO: Yes, thank you Mr. President. Majority Leader and Members of Council, during the Committee Meetings, the 2<sup>nd</sup> Reading of this Ordinance, it was announced that it would be passed and Member West, one of the sponsors, asked for an amendment. The amendment is to say that the Amnesty Week procedures will only apply...er...will not apply to those people who are currently in any sort of litigation or any sort of civil procedure contesting their parking tickets or challenging their fees in any way. So the Ordinance, as I recall, reads that it does not apply to anyone who's involved in civil or criminal contested procedures and litigation.

PRESIDENT SCHULMAN: So, there is a motion and a second to amend Ordinance #3 Hearing no other remarks, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. Leader

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #3 as amended.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 3 as amended. Any remarks under this Ordinance as amended? Hearing none, Madame Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#3 ADOPTED AS AMENDED AS ORDINANCE NO. 226/2015**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #3 as amended is adopted. Ordinance #4, please.

- #4. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 266/2014; AND DECLARING THE SAME TO BE AN EMERGENCY (\$47,500.00 SUPP APPROP FR UNAPPROP BAL OF 2762 INDIGENT DRIVER ALCOHOL TREATMENT FUND TO 2762 701001 INDIGENT DRIVER ALCOHOL TREATMENT - OTHER)
- #5. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 266/2014; AND DECLARING THE SAME TO BE AN EMERGENCY (\$13,767.17 SUPP APPROP FR UNAPPROP BAL OF 2767 701001 JAIL DIVERSION GRANT FUND - PERSONNEL TO 2767 701001 JAIL DIVERSION GRANT FUND - OTHER)

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- #6. (2<sup>ND</sup> RDG) AN ORDINANCE ACCEPTING A \$100,000.00 DONATION FROM THE ROTARY CLUB OF CANTON; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE ROTARY TO ACCEPT SAID DONATION; AUTHORIZING AND DIRECTING THE CITY AUDITOR TO RE-ESTABLISH THE 2461 MARKET SQUARE DONATION FUND FOR THE PURPOSE OF ACCEPTING AND TRACKING SAID DONATION AND EXPENDITURES AND ANY RELATED DONATIONS MADE TO THE MARKET SQUARE PROJECT FROM COMMUNITY ORGANIZATIONS AND NON-PROFITS; AND DECLARING THE SAME TO BE EMERGENCY
- #7. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 227/2015** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 266/2014; AND DECLARING THE SAME TO BE AN EMERGENCY (\$55,636.00 SUPP APPROP FR UNAPPROP BAL OF 4509 2006 RECREATIONAL BOND FUND TO 4509 506001 COMMUNITY DEVELOPMENT - ADMIN- OTHER)

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we suspend the Statutory Rule for Ordinance #7.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rule for Ordinance #7. Any remarks under this Ordinance? Er...on this motion? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. You've heard the three readings, Leader Morris.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #7. Any remarks? Again, hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #7 is adopted. Ordinance #8, please.

**MINUTES OF THE MEETING NOVEMBER 30, 2015****#7 ADOPTED AS ORDINANCE NO. 227/2015**

- #8. (2<sup>ND</sup> RDG) A RESOLUTION TO SUBMIT BEFORE THE ELECTORATE OF THE CITY OF CANTON A RENEWAL OF THE 4.0 MILL LEVY OUTSIDE THE 10 MILL LIMITATION FOR THE CANTON PARK SYSTEM FOR A PERIOD NOT TO EXCEED FIVE YEARS

**ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING**

PRESIDENT SCHULMAN: Thank you. I must have had too much tryptophan from the turkey on Thanksgiving. I just want to make sure Communications...let the Journal show that all Communications are received as read. Turning now to Ordinances and Formal Resolutions for the Third Final Reading and Vote. Madame Clerk, would you please read Ordinance 9.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCE #9 THROUGH ORDINANCE #20 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #9. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 228/2015** 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 (2835 W TUSC ST FOR FETTMAN PROP MGMT FR B-3 GENERAL BUSINESS & R-1 SINGLE FAMILY RESIDENTIAL TO PB-3 PLANNED GENERAL BUSINESS WARD 3) **PUB HRG 11/30/15 @ 7:30 PM**

PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Second.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#9 ADOPTED AS ORDINANCE NO. 228/2015**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #9 is adopted. Ordinance #10, please.

- #10. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 229/2015** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE ALLIANCE FOR CHILDREN & FAMILIES TO PROVIDE A GRANT UTILIZING HOME FUNDS IN AN AMOUNT NOT TO EXCEED \$325,000.00 FOR THE CONSTRUCTION OF A 10-UNIT APARTMENT COMPLEX WITH A 30-BED CAPACITY FOR HOMELESS FAMILIES WITHIN THE CITY; AND DECLARING

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THE SAME TO BE AN EMERGENCY (500 BLOCK OF LINWOOD SW)

PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Second.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#10 ADOPTED AS ORDINANCE NO. 229/2015**

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Ordinance #10 is adopted. Ordinance #11, please.

#11. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 230/2015** AN ORDINANCE APPROVING THE DEPARTMENT OF DEVELOPMENT'S AMENDED CITIZEN PARTICIPATION PLAN; AND DECLARING THE SAME TO BE AN EMERGENCY (HUD POLICIES)

PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #11. Any remarks under this Ordinance? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#11 ADOPTED AS ORDINANCE NO. 230/2015**

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Ordinance #11 is adopted. Ordinance #12, please.

#12. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 231/2015** AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES FOR THE RECEIPT OF THE FY 2016 SPECIALIZED DOCKET SUBSIDY GRANT IN THE AMOUNT OF \$42,700.70; AMENDING APPROPRIATION ORDINANCE NO. 266/2014; AND DECLARING THE SAME TO BE AN EMERGENCY (\$42,700.70 FR UNAPPROP BAL OF 2797 SPECIALIZED DOCKET GRANT FUND TO 2797 701001 SPECIALIZED DOCKET GRANT - PERSONNEL)

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PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #12. Any remarks under this Ordinance? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#12 ADOPTED AS ORDINANCE NO. 2312015**

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Ordinance #12 is adopted. Ordinance #13, please.

#13. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 232/2015** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 266/2014; AND DECLARING THE SAME TO BE AN EMERGENCY (\$48,850.00 SUPP APPROP FR UNAPPROP BAL OF GUARDRAIL/ATTENUATOR REPLACEMENT FD TO 2415 202210 STREET MAINT; APPROP TRFS FOR STREET MAINT, BLDG MAINT, PIROLOZZI, CENTRAL COMM, TRAFFIC, HUMAN RESOURCES, CIVIL SERV, URBAN FORESTRY PER EXHIBIT A)

PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 13. Any remarks? Leader.

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

MEMBER SMITH: Second.

**AMENDMENT**

*Pursuant to Rule 36, I move to amend Agenda Item No. 13 by the substitution of the attached revised exhibit for the originally proposed exhibit.*

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance 13 by virtue of the copy before each Member of Council. Any remarks under this Amendment? Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

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

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #13 as amended. Any remarks under Ordinance? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#13 ADOPTED AS AMENDED AS ORDINANCE NO. 232/2015**

PRESIDENT SCHULMAN: Thank you Madame Clerk.. Ordinance 13 as amended is adopted. Ordinance 14 please.

#14. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 233/2015** AN ORDINANCE APPROVING THE EXERCISE OF A ONE-YEAR OPTION OF THE FUEL CREDIT CARD PROGRAM WITH SPEEDWAY, LLC; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 14. Any remarks under this Ordinance? Again, hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#14 ADOPTED AS ORDINANCE NO. 233/2015**

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Ordinance 14 is adopted. Ordinance 15, please.

#15. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 234/2015** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE STARK COUNTY PUBLIC DEFENDER COMMISSION FOR THE PROVISION OF LEGAL SERVICES TO INDIGENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Morris.

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

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MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 15. Any remarks under this Ordinance? Again, hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#15 ADOPTED AS ORDINANCE NO. 234/2015**

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Ordinance 15 is adopted. Ordinance 16, please.

#16. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 235/2015** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A 36 MONTH EXTENSION OF THE CITY'S CURRENT CONTRACT WITH AT&T CORPORATION FOR DS1, DS3 AND ISDN SERVICES AND TO NEGOTIATE AND ENTER INTO CONTRACT WITH AT&T CORPORATION FOR AN IP FLEXIBLE SOLUTION TO REPLACE THE CITY'S CURRENT PHONE CARRIER SERVICES AND LONG DISTANCE SERVICES CONTRACTS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #16.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 16. Any remarks under this Ordinance? Again, hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#16 ADOPTED AS ORDINANCE NO. 235/2015**

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Ordinance 16 is adopted. Ordinance 17, please.

#17. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 236/2015** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES AND/OR COOPERATIVE PURCHASING CONTRACT PURSUANT TO CANTON CODIFIED ORDINANCE SECTION 105.10 AND/OR SECTION 105.11 WITH PRO ONCALL TECHNOLOGIES, LLC, IN AN AMOUNT NOT TO EXCEED \$44,000.00 TO UPGRADE THE CURRENT TOSHIBA PHONE SYSTEM, REPLACE THE EXISTING VOICEMAIL SERVICE AND PROVIDE A FIVE YEAR TOSHIBA SOFTWARE SUPPORT AND UPGRADE SERVICE; AND DECLARING THE SAME TO BE AN EMERGENCY



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PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 17. Any remarks under this Ordinance? Again, hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#17 ADOPTED AS ORDINANCE NO. 236/2015**

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Ordinance 17 is adopted. Ordinance 18, please.

#18. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 237/2015** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO PROFESSIONAL SERVICES CONTRACTS WITH PROFESSIONAL SERVICE INDUSTRIES, INC. FOR DESIGN, ENGINEERING, CONTRACT ADMINISTRATION AND OTHER PROFESSIONAL SERVICES FOR THE CITY HALL & CIRELLI BUILDING ROOF REPAIR/REPLACEMENT PROJECTS AND TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONSTRUCTION CONTRACTS FOR SAID PROJECTS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 18. Any remarks under this Ordinance? Again, hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#18 ADOPTED AS ORDINANCE NO. 237/2015**

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Ordinance 18 is adopted. Ordinance 19, please.

#19. (3<sup>RD</sup> RDG) **POSTPONED UNTIL 12/7/2015** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 266/2014; AND DECLARING THE SAME TO BE AN EMERGENCY (\$3,000.00 APPROP TRF FR 1001 852001 TREASURER - OTHER TO 1001 852001 TREASURER - PERSONAL SERVICES; \$51,014.21 APPROP TRF FR 2120 852101

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*INCOME TAX - OTHER AND \$15,000.00 APPROP TRF FR 2120 852101 INCOME TAX  
- INCOME TAX REFUND TO 2120 852101 TREASURER - PERSONAL SERVICES IN  
AMT OF \$66,014.21)*

PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 19. Any remarks under this Ordinance?

MEMBER MORRIS: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Question to Member Mariol. Where you able to obtain the itemized list of the Personal Services in the amount of \$66,000.00?

PRESIDENT SCHULMAN: Member Mariol.

MEMBER MARIOL: Yes, I spoke to Treasurer Perez. He actually indicated that this was going to pay for Personnel. I wanted to double check and make sure that I heard him currently. Is that accurate? Okay.

PRESIDENT SCHULMAN: Any other questions, Leader?

MEMBER MORRIS: Yes, Mr. President. For our Deputy Treasurer over there. Explain why you're moving \$66,000.00 for Personal Services and using that as Personnel. I'm kind of confused as to your play on words here of transferring money from one line item to another, all for Personnel. It looks like somebody missed their budget somewhere.

PRESIDENT SCHULMAN: Deputy Treasurer.

DEPUTY TREASURER MCENANEY: Mr. President. Member Morris. I'm not aware of how the Ordinance was written. It was intended...the supplemental, er, the transfer within the income tax budget was for to cover salaries and wages.

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Okay. The Ordinance here clearly states Personal Services in the amount of \$66,000.00. Now based on the information given to me by Member Mariol, and his conversation with the Treasurer, he says that's for Personnel. Well, Personal Services and Personnel, in my mind, don't sound like the same.

PRESIDENT SCHULMAN: Deputy Treasurer.

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DEPUTY TREASURER MCENANEY: Mr. President, Member Morris. I agree. I'm afraid I can't comment on how the Ordinance was written, I can only tell you that the transfer is within the budget, the department's budget, to cover salaries and wages.

MEMBER MORRIS: Mr. President.

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: I'd like to move that we hold this until we can get a clarification.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: If I could just give the point of information on this.

PRESIDENT SCHULMAN: Sure.

MEMBER SMUCKLER: I talked to the Treasurer. This is coming out of Personal Services and moving into the Salary line. There was money in the Personal Services and it's an in-house transfer.

PRESIDENT SCHULMAN: Does that help, Leader?

MEMBER MORRIS: The way I'm reading it, it's from and to. To the Personal Services. So, we're moving this from two different lines items, which would be Income Tax and Other. The Other one would be Income Tax and Tax Refund for a total of \$66,014.00 and it's being transferred to the Treasurer's Personal Services. Now, Personal Services to me doesn't sound like a payroll account. So, once again, I'd like to make a motion to hold this.

MEMBER FISHER: Mr. President, I'll second that.

PRESIDENT SCHULMAN: It's been moved and seconded to hold Ordinance #19 until what time, Leader?

MEMBER MORRIS: Until we can get a clarification from the Treasurer exactly what Personal Services is and it appears it's a transfer from one line item to another, but we're calling it payroll but he's got it under Personal Services, which just doesn't jive.

PRESIDENT SCHULMAN: Do you think, Deputy Treasurer, a week would be alright?

DEPUTY TREASURER MCENANEY: Mr. President, Member Morris. I can clarify it now. It is for salaries and wages in order to cover payroll through the end of the year. It's an inter-departmental transfer within budget.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Member West.

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MEMBER WEST: Isn't it...I think the issue is that we're passing an Ordinance that doesn't state what's is actually intended. That's why we're trying to hold to hold it for a week. So, Law Director, can we do an amendment to the current document?

PRESIDENT SCHULMAN: Law Director, have you had a chance to look at the Ordinance?

LAW DIRECTOR MARTUCCIO: Mr. President. Member West. Members of Council. The Communication that we received was from the Treasurer and it says "*with the year...end of the year upon us, we respectfully ask the below appropriations be made and we request the following transfers*". That's how it reads. It's from a Treasurer - Other account to a Treasurer - Treasurer account for Personal Services (*Inaudible*). It's from an Income Tax account marked "Other" to two Income Tax split funds, Revenue Income Tax Fee Fund and Personal Services. It was prepared that way, it was audited by the City Auditor's Office and officially approved by them as to form. When it came to our office, we approved it as to form, so, to answer the question directly, I'm not sure how to amend it without the personal input of the Treasurer, describing it in more detail. Because it seems to be, what you're asking is, what exactly does that mean, what exactly is this going for? That is not in the Communication. That would be something that would have to come from the author of the letter.

PRESIDENT SCHULMAN: Are there any...there is a motion and a second to hold Ordinance 19. I'd like to ask the Deputy Treasurer...is there a concern at all that Personnel and the Treasurer's Office will not be paid?

DEPUTY TREASURER MCENANEY: Mr. President. I would suggest that there is not...there are not sufficient funds in the Treasurer's budget to make payroll through the end of the year.

PRESIDENT SCHULMAN: If we held this for one week...we have a meeting next Monday...if we held that for one week, is there any risk of not paying your employees?

DEPUTY TREASURER MCENANEY: Mr. President, no. If we held it for one week.

PRESIDENT SCHULMAN: Leader, would you agree to hold this for one week? I do think...and I've...kind of had a conversation up here with our Deputy Mayor and our Service Director. I think the...I don't think it's Personal Services, I think it's supposed to be Personnel, but it's not written that way. So, I think eventually this will have to be amended in all probability, but you are correct Leader, it is not apparently properly written. So, again Leader, do you have a problem holding this until a week from today, which would be December 7<sup>th</sup>?

MEMBER MORRIS: No sir.

PRESIDENT SCHULMAN: Okay, so, do we have a motion for that? You had a motion indefinitely, can you make it more specific and withdraw your previous motion?

MEMBER MORRIS: I withdraw my previous motion and I make a motion that we hold this until December 7<sup>th</sup>, for clarification on what exactly Personal Services are.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded, I think you mean to postpone until December 7, 2015 on Ordinance 19. There is a motion and a second. Any remarks to postpone this until next Monday?

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Hearing none, Madame Clerk, role call vote on this, please. *(Inaudible)*. That's fine.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

POSTPONEMENT PASSED UNANIMOUSLY BY ROLL CALL VOTE

PRESIDENT SCHULMAN: Thank you, Madame Clerk. The motion carries and Ordinance 19 is postponed until December 7, 2015. Thank you Madame Clerk. Ordinance 20, please.

#20. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 238/2015** AN ORDINANCE AMENDING TITLE NINE, TAXATION OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON BY THE ADDITION OF CHAPTER 182, MUNICIPAL INCOME TAX (EFFECTIVE JANUARY 1, 2016)

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #20.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 20. Any remarks? Leader.

MEMBER MORRIS: Mr. President I move we amend Ordinance #20 per the copy that all Council Members have in front of them.

MEMBER SMITH: Second.

**AMENDMENT**

*Pursuant to Rule 36, I move to amend Agenda Item No. 20 by the substitution of the attached revised ordinance for the originally proposed Ordinance.*

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance 20 by virtue of the copy before each Member of Council. Any remarks? Hearing none, by voice vote on the Amendment, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #20 as amended.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #20 as amended. Are

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there any remarks under Ordinance? I would just comment from the Chair, that once again the State of Ohio is stripping the cities of desperately needed revenue and this is a continuation of what this State House has done for the last six years. And frankly, it's deplorable. They should be ashamed. I don't know why they don't do it, and moreover, I cannot believe that the citizens except this, but nevertheless, it is, as they say, what it is. Any other remarks? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

**#20 ADOPTED AS AMENDED AS ORDINANCE NO. 238/2015**

PRESIDENT SCHULMAN: Thank you Madame Clerk. Ordinance #20 as amended, is adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SCHULMAN: We now turn to announcements of Committee Meetings.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Chairman Hawk.

MEMBER HAWK: Thank you, good sir. The Finance Committee will meet Monday, December 7th, at 6:30 P.M. December 7<sup>th</sup> is also Pearl Harbor Day, so we'll commemorate (*Inaudible*).

PRESIDENT SCHULMAN: Which is very appropriate. Any other meetings?

**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: Miscellaneous Business. Is there any?

MEMBER MACK: I'm sorry, I, uh...

PRESIDENT SCHULMAN: Chairman Mack.

MEMBER MACK: I'll wait, never mind, I was looking at Communications. We're good.

PRESIDENT SCHULMAN: That's okay. No other...Member Griffin, on Miscellaneous Business.

MEMBER GRIFFIN: Mr. President, I'd like to announce again that we're having a special meeting with the Park Board and the Rec Board, Wednesday evening at 5:30, here in the Council Chambers. Please try to attend. Thank you.

PRESIDENT SCHULMAN: Thank you. Any other remarks? Hearing none, Leader.

MEMBER MORRIS: Move to adjourn.

MEMBER SMITH: Second.

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PRESIDENT SCHULMAN: It's been moved and seconded to adjourn. Madame Clerk, roll call vote please, and thank you for tonight. That was a lot of work to do.

CLERK TIMBERLAKE: Our pleasure.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: (*Gavel falls*) Thank you, Madame Clerk. Meeting's adjourned. Be careful going home everybody. Have a wonderful week.

ADJOURNMENT TIME: 8:25 P.M.

ATTEST:  
CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

APPROVED:  
ALLEN SCHULMAN  
PRESIDENT