

MINUTES OF THE MEETING JULY 25, 2016

PRESIDENT SCHULMAN: Good evening ladies and gentlemen. Welcome to Canton City Council. It's good to have all of you here tonight. We appreciate you coming down. With a quorum being present, the Chair calls this meeting of Canton City Council to Order. Roll call vote please.

ROLL CALL TAKEN BY CLERK SHOWES:

12 COUNCIL MEMBERS PRESENT: (FRANK MORRIS, CHRIS SMITH, JAMES BABCOCK, TOM HARMON, BILL SMUCKLER, GREG HAWK, THOMAS WEST, JASON SCAGLIONE, KEVIN FISHER, DAVID DOUGHERTY, JOHN MARIOL & EDMOND MACK)

TWELVE COUNCIL MEMBERS PRESENT.

CLERK SHOWES: Twelve yeas, sir.

PRESIDENT SCHULMAN: Very good. Tonight's invocation will be given by my good friend and Ward Council Member, John Mariol... 7, Council Member mariol. If you'll all...

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER WEST: Before we start the meeting, this past... this past week we lost one of our big entrepreneurs downtown, Phillip DeChellis, who is the owner of Napoli's Pizza. Uh, today he was laid to rest. So if we could have a moment of silence for Phil and his family.

PRESIDENT SCHULMAN: Sure. Thank you, Member West. *(brief pause)* thank you very much, folks. Member Mariol will do the invocation, and will you all stand and remain standing for our Pledge of Allegiance.

The regular meeting of Canton City Council was held on July 25, 2016 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council, Kellen Showes. The invocation was given by Ward 7 Council Member, John Mariol. The Pledge of Allegiance was led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you very much. *(Noise from the sound system)* Thank you very much. Anything else we have to wait for? *(Chuckles)* We're now under Corrections and Changes. Leader.

MEMBER MORRIS: Mr. President, I move Rule 22A be suspended to add 2nd Readings Ordinances #7 through and include #13.

MEMBER SMITH: Second.

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PRESIDENT SCHULMAN: It's been moved and seconded to Suspend Rule 22A to add 2nd Reading Ordinances 7 through 13 to tonight's agenda. Any remarks? Hearing none...

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

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

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We turn now to Public Hearings, and we have no Public Hearings this evening.

OLD BUSINESS

PRESIDENT SCHULMAN: Turning to Old Business. We have no Old Business tonight.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: Turning now to Public Speaks. We have I believe two speakers rather than three. Our first is Linda Campbell. Ms. Campbell, if you'll step forward and give us your name and your residential address. Linda Campbell. (*Inaudible voices*) Oh, alright.

LINDA CAMPBELL: Called my name?

PRESIDENT SCHULMAN: Yes.

LINDA CAMPBELL: Okay.

PRESIDENT SCHULMAN: Take your time. If you'll step forward, ma'am, and give us your name and your residential address, please, and welcome to Canton City Council.

LINDA CAMPBELL: Okay. My name is Linda Campbell. My address is 1016 Struble Avenue N.E., Canton, Ohio 44705. I have some concerns, some safety concerns. Uh, there's some issues about poles in the area where I stay at. Um, I have one pole on Struble Avenue N.E. The number of that pole is 796A 4-37. It...they claim it comes on late at night. When I was walking my dog it was off. And the people that stay up in that area, and they claim well, this light comes on maybe around midnight and it flickers. The other poles, they're located on Sylvan Court N.E., and that pole number is 796A 4-4, and that's like...1030, that's like the lot that's in back of my home. Well, that light, they didn't put a new pole up because the pole was put up maybe about a year before they started putting new poles up, but I had called about that light and for some reason it's still not burning. I know it's a vacant home right across from, I believe the home is like 1014. I'm not sure of the address, and it's been boarded up. But even though people been breaking in there and, you know, staying in that place, you know... you know, there still should be a light up there. You know, there's no reason why it still shouldn't be burning. Then the other issue is a light... is a pole on Sylvan Court that I noticed that was off, and that... the number is 796A 4-46, and that... on that pole is 929. Well, the person that stays in this yard, the light goes all the way back to Sylvan Court. He stay... his house face Struble. He claim he pays for the light. Well, they do have a light up there. It's like a box type light and it's facing over in his yard and he's paying for that. I'm wondering how come there's not a light going towards Sylvan Court. You know, even if

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they... if he's paying for one, well then they should have a pole I feel... I... I don't know how it is. I know that in one of the yards where a lot is at, they do have a pole in that yard. This particular place, instead of the street light where it goes towards the alley, it's completely dark back there. You know, in the...where... where it should have been a light going towards the alley. They have it going towards his home, a little box type, and he claim he pays for that. So, I was wondering how come that is because it's completely dark back there. You know, if you drive through there it's completely dark. The other issues I have is there's a water line break and it's in between a hoome, like the address of that home is one thou...

PRESIDENT SCHULMAN: You only have about ten seconds. Sorry.

LINDA CAMPBELL: Oh, okay. I'll talk with that blu, bla...well, anyway. *(Chuckles)* It's a water line break. That needs concern. It's been going on for like four... four weeks. Complete stream. And then the vacant homes, what they're gonna do about the lots, 1016 Gibbs, it's been up... *(buzzer sounds)* It's on demolition.

PRESIDENT SCHULMAN: That's it.

LINDA CAMPBELL: Okay. But, there are some of the issues. Thank you for your time.

PRESIDENT SCHULMAN: Did you give us the address on the water leak?

LINDA CAMPBELL: that was 1000 Gibbs.

PRESIDENT SCHULMAN: Okay. Thank you very much, ma'am. Appreciate it, and...

LINDA CAMPBELL: Alright.

PRESIDENT SCHULMAN: ...thank you for coming down.

LINDA CAMPBELL: Thank you. *(Applause)*

PRESIDENT SCHULMAN: Our next, and I guess our only speaker left is Dan Phillip. Dan Phillip. Mr. Phillip, good evening. Welcome. If you'll step forward and give us your name and your residential address, sir.

DAN PHILLIP: Yes, good evening. My name is Dan Phillip. I'm not a Canton resident. I'm from Ashland, Ohio, but I'm running for the United States House of Representatives as the independent candidate for 7th Congressional District. So I just wanted to take a few...a minute or two just to introduce myself. My roots are here in Canton. Uh, my mom grew up on 3rd and Young. Uh, my dad was in an area that no longer exists. I think State Route 30 went through there. I lived on Maxine Avenue when I was a little kid and had spent some time here. So I just... uh, my relatives are from Canton, Massillon, this area. So I just wanted to come in and introduce... I own a business. I've owned it for 17 years. My speciality is really working with manufacturers on work force development. I do that in three different states, Kentucky, Indiana and Ohio. And that's one of the reasons I've decided to run. There's a lot that needs done there, and manufacturing's vitally important to our...our...um, our nation. So that's a brief history about myself. So thank you very much for the time.

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PRESIDENT SCHULMAN: Thank you for your public service, and we wish you the very best. Thank you. And that concludes our public speaks tonight. Thank you for our speakers, uh for coming down.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: Now we turn to Resolutions by title. Resolution #52, please.

#52. COUNCIL-AS-A-WHOLE: CONFIRMING APPT OF BRENDA TURNER TO FAIR HOUSING COMMISSION FOR 5-YR TERM COMMENCING 7/25/16 TO 6/30/21. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Informal Resolution #52.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Informal Resolution 52. Any remarks under this Resolution? Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed, no.

NO REMARKS

RESOLUTION #52 PASSED UNANIMOUSLY BY VOICE VOTE

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

#53. COUNCIL-AS-A-WHOLE: CONFIRMING APPT OF JOHN J. LUCAS, JR. TO ZONING BOARD OF APPEALS FOR UNEXPIRED TERM COMMENCING 1/1/16 TO 12/31/18. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Informal Resolution #53.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Informal Resolution 53. Any remarks under this Informal Resolution? Again hearing none, by voice vote all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #53 PASSED UNANIMOUSLY BY VOICE VOTE

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

COMMUNICATIONS

PRESIDENT SCHULMAN: We now turn to Communications. Let the journal show that all Communications have been 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 JULY

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267. AGENT, BRYAN ASHMAN: REQ ZONE CHANGE UNADDRESSED VACANT PROPERTY - 1600 BLK OF CLEVELAND AVE NW, COMMENCING APPROX. 94 FT N OF AUBURN PL NW AND GOING 220 FT. N, AND FR THE WESTERN RIGHT OF WAY OF CLEVELAND AVE NW TO THE EASTERN RIGHT OF WAY OF SHORB AVE NW FOR AUTO DEALERSHIP BODY SHOP FOR KEMPTHORN AUTO (WARD 9). - PLANNING COMMISSION
268. AGENT, BRIAN ZIMMERMAN: REQ ZONE CHANGE OF 1811 - 20TH ST NE, CANTON, OHIO 44714, APPROX 375 FT X 449 FT (PARCEL 245571) FOR BASE OF OPER FOR CONCRETE, EXCAVATING & DEMOLITION CO (WARD 9). - PLANNING COMMISSION
269. COMM DEV DIRECTOR MILLER: WITHDRAWAL OF COMMUNICATION #255. - RECEIVED & FILED
270. COURT ADMIN KOCHERA: AUTHORIZE MAYOR TO ENTER INTO AGMT WITH STATE OF OHIO, DEPT. OF MENTAL HEALTH & ADDICTION SERVS (ODMHAS) FOR RECEIPT OF FY2017 SPECIALIZED DOCKET SUBSIDY GRANT IN AMT OF \$42,700.70 FOR PERIOD COMMENCING 10/1/16 THRU 6/30/17 (\$42,700.70 SUPP APPROP FR SPECIALIZED DOCKET GRANT FUND #2797 UNAPPROP BAL TO SPECIALIZED DOCKET GRANT FUND #2797 PERSONNEL). - FINANCE COMMITTEE
271. FINANCE DIRECTOR CROUSE: AMEND APPROP O#44/2016 FOR VARIOUS DEPTS TO MEET 2016 BUDGET REQUIREMENTS, PAYROLL AND OTHER OBLIGATIONS FOR REMAINDER OF YR (\$144,400.00 SUPP APPROP FR UNAPPROP BAL OF 5701 BLDG CODE FUND TO 5701 101501 CODE ENFORCEMENT - PERSONNEL - \$93,900.00, TO 5701 307001 ENVIRONMENTAL HEALTH - PERSONNEL - \$20,000.00, TO 5701 101501 CODE ENFORCEMENT - OTHER - \$30,500.00; \$10,000.00 SUPP APPROP FR UNAPPROP BAL OF 4501 CAPITAL PROJECTS FUND TO 4501 501101 HUMAN RESOURCES - OTHER; \$163,000.00 APPROP TRF FROM 1001 101501 CODE ENFORCEMENT - OTHER - \$150,000.00, FR 1001 201201 PURCHASING ADMIN - PERSONNEL - \$13,000.00 TO 1001 102001 POLICE DEPT - OTHER - \$25,000.00, TO 1001 753020 LAW-NON-OPERATIONAL - OTHER - \$125,000.00, TO 1001 201201 PURCHASING ADMIN - \$13,000.00. - FINANCE AND PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES
272. LIQUOR CONTROL DIV (OHIO): ADVISE OF HRG SCHEDULED FOR 7/25/16 REGARDING MARK A. MILLS DBA MILLS TAVERN HAS BEEN CONT'D; ALL PARTIES WILL BE NOTIFIED OF NEW DATE, TIME AND LOCATION WHEN RESCHEDULED (WARD 5). - RECEIVED & FILED
273. MAYOR BERNABEI: ADVICE OF HIRING OF JOHN M. RINALDI, EFFECTIVE MONDAY, 7/18/16 TO EXECUTIVE SPECIALIST, FIDUCIARY APPT. TO MAYOR AT SALARY OF \$69,259.70; ASSIGNED TO BUILDING & CODE ENFORCEMENT DIRECTLY UNDER CHIEF BUILDING OFFICIAL (CBO), DAVID MOLNAR. - RECEIVED & FILED

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274. MAYOR BERNABEI: AUTHORIZE RE-APPT OF MS. AMY SHRIVER TO STARK REG PLANNING COMM FOR 3-YR TERM COMMENCING 8/8/16 TO 7/31/19. - PERSONNEL COMMITTEE
275. PARKS AND REC DIR GORDON: AUTHORIZE SERV DIR AND/OR PARKS & REC DIR TO INITIATE PUBLIC BID FOR LEASE OF 1,872 SQ FT OF SPACE IN EDWARD "PEEL" COLEMAN COMMUNITY CENTER; REQ TO BID PARCEL TO SEEK NON-PROFIT ORG INTERESTED IN PROVIDING EDUCATIONAL SERVS IN CITY. - PARKS & RECREATION COMMITTEE
276. SAFETY DIRECTOR PERRY: REQ RECEIPT OF 2016-2017 EMS GRANT FOR TRAINING AND EQUIP IN AMT OF \$2,750.00 FR OHIO DEPT. OF PUBLIC SAFETY, DIVISION OF EMS; AMEND APPROP O#44/2016 (\$2,750.00 SUPP APPROP FR UNAPPROP BAL OF FUND #2812 EMS TRAINING AND EQUIP GRANT TO 2812.103001.734.17 FIRE DEPARTMENT - SUPPLIES EQUIPMENT). - FINANCE COMMITTEE
277. SAFETY DIRECTOR PERRY: AMEND O#44/2016 (\$200,000.00 SUPP APPROP FR UNAPPROP BAL OF FUND #2773 2015 COPS HIRING GRANT TO 2773.102001 POLICE DEPARTMENT - OTHER) (PAYROLL AND OTHER OBLIGATIONS FOR REMAINDER OF YR). - FINANCE COMMITTEE
278. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO CONTRACT FOR PURCH OF ONE (1) EXTENDED BED PICKUP TRUCK FOR SANITATION DEPT; ALTERNATIVELY AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT FOR PURCH DESCRIBED IN #1, VIA ANY COOP PURCH AGMT AUTHORIZED BY LAW; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
279. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO TRANSFER USE OF UNIT #5507, A USED PICKUP TRUCK NO LONGER NEEDED BY SANITATION DEPT TO CITY HEALTH DEPT; AUTHORIZE CANTON HEALTH DEPT TO REIMBURSE SANITATION DEPT FOR USE OF UNIT #5507 BY PAYING AMT NOT TO EXCEED \$20,062.87 TO 5601 REFUSE FUND FR 4501 301001 HEALTH ADMIN - OTHER; AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
280. TREASURER, PEREZ: RPT OF PARKING METER REVENUE FOR MAY 2016. - RECEIVED & FILED
281. TREASURER, PEREZ: RPT OF DEPOSITS AND PAY INS FOR AMBULANCE LOCK BOX FOR MAY 2016. - RECEIVED & FILED
282. TREASURER PEREZ: RPT OF PARKING METER REVENUE FOR JUNE 2016. - RECEIVED & FILED

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283. TREASURER PEREZ: RPT OF DEPOSITS AND PAY INS FOR AMBULANCE LOCK BOX FOR JUNE 2016. - RECEIVED & FILED
284. TREASURER PEREZ: RPT OF BANK RECONCILIATIONS AND OUTSTANDING INVESTMENTS AS OF JULY 15, 2016. - RECEIVED & FILED
285. TREASURER PEREZ: RPT OF BANK RECONCILIATIONS AND OUTSTANDING INVESTMENTS AS OF JULY 15, 2016 INCLUDING PORTFOLIO INVENTORY FOR CUSTODY ACCT MANAGED BY UACC. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: And now we turn to First Reading Ordinances. We are now under First Reading Ordinances and Formal Resolutions for the First Reading. Mr. Clerk, would you please begin with Ordinance #1.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK SHOWES TO READ ORDINANCES #1 THROUGH #6 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS: (O#5 AND O#6 ADOPTED ON 1ST RDG)

- #1. (1ST RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR THE BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (DEPT 10WT - SERVICE DIRECTOR'S PUBLIC WORKS - WATER, CONSTR, REPAIR, MAINT, SUPPLY & TREATMENT DIVISION; ALLOW UP TO FOUR (4) TOTAL EMPLOYEES IN ANY COMBINATION - ENG. TECH 4, ENG. TECH 1, ENG. AIDE 3; REMOVE CLASSIFICATION OF DRAFTSPERSON)
Referred to Personnel Committee
- #2. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$17,200,000.00 SUPP APPROP FR UNAPPROP BAL OF 7502 PAYROLL CLEARING FUND TO 7502 801001 PAYROLL CLEARING FUND - OTHER)
Referred to Finance and Personnel Committees
- #3. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$900,000.00 SUPP APPROP FR UNAPPROP BAL OF 1152 NIP ACQUISITION DEMO DEBT FUND TO 1152 506001 - OTHER)
Referred to Community & Economic Development and Finance Committees
- *NOTE: President Schulman stated that O#3 was referred to Community & Economic Development Committee. However, O#3 was referred to Community & Economic Development and Finance Committees.*
- #4. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE OR DIRECTOR OF PARKS AND RECREATION TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONSTRUCTION CONTRACT FOR

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THE JOHN BARKER SPRING HOUSE-REDEVELOPMENT PROJECT; AND
DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance and Parks & Recreation Committees

(COUNCIL RECESSED AT 7:45 P.M. FOR THE COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE TO DISCUSS ORDINANCE NO. 5; RECONVENED AT 8:04 P.M.)

- #5. (1ST RDG) **ADOPTED AS ORDINANCE NO. 126/2016** AN ORDINANCE ALLOWING EXPENDITURES OF FEDERAL FUNDS UP TO \$70,000.00 TO BE SPENT ON THE HOME REHAB PROJECT AT 1222 MARYLAND AVENUE S.W. AND \$71,500.00 TO BE SPENT ON THE HOME REHAB PROJECT AT 1312 COTTAGE PLACE N.W.; AUTHORIZING THE CITY AUDITOR TO PAY MORAL OBLIGATIONS IN A TOTAL AMOUNT NOT TO EXCEED \$11,500.00 TO D & H WAY CONSTRUCTION; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development and Finance Committees

(COUNCIL RECESSED AT 8:04 P.M. FOR THE FINANCE COMMITTEE TO DISCUSS ORDINANCE NO. 6; RECONVENED AT 8:07 P.M.)

- #6. (1ST RDG) **ADOPTED AS ORDINANCE NO. 127/2016** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$45,000.00 TO CENTRAL ALLIED ENTERPRISES, INC.; AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$45,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207022 DISTRIBUTION MAINTENANCE - OTHER)
Referred to Finance Committee

PRESIDENT SCHULMAN: And at this time the Chair will declare an in-house recess for the Community & Economic Development Committee and the Finance Committees to meet in regard to Ordinances 5 and 6 on your agenda. You're now in recess. Chair. Chairman Smith.

(RECESS)

PRESIDENT SCHULMAN: Council will reconvene after its recess. Leader.

MEMBER MORRIS: Mr. President, we're on...

PRESIDENT SCHULMAN: We're gonna suspend 22A to add the Second Reading Ordinances.

MEMBER MORRIS: I move we suspend Rule 22A to add Ordinances 5 and 6 back on this evening's agenda.

MEMBER SMITH. Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add the First Reading

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Ordinances 5 and 6 back on this evening's agenda. Any remarks? Hearing none, again voice vote... or, not voice vote, regular vote. Roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

PRESIDENT SCHULMAN: Thank you. Motion carries. Ordinances 5 and 6 are a legal part of your agenda. Leader.

MEMBER MORRIS: Mr. President, I move we suspend Statutory Rules for Ordinance #5 and 6.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules for Ordinances 5 and 6. Any remarks? Hearing none...

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

PRESIDENT SCHULMAN: Motion carries. Leader.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #5. Any remarks under this Ordinance? Again, hearing none...

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

#5 ADOPTED AS ORDINANCE NO. 126/2016

PRESIDENT SCHULMAN: Ordinance 5 is adopted. Ordinance 6, please.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #6. Any remarks under this Ordinance? Again, hearing none, Mr. Clerk...

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NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

#6 ADOPTED AS ORDINANCE NO. 127/2016

PRESIDENT SCHULMAN: Ordinance 6 has been adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READINGPRESIDENT SCHULMAN: We now turn to Second Reading Ordinances, and Second Reading Ordinances for their second reading. (*Chuckles*) Mr. Clerk, would you please begin with Ordinance 7.***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK SHOWES TO READ ORDINANCES #7 THROUGH #13 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #7. (2ND RDG) AN ORDINANCE AMENDING PART THREE, TRAFFIC CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON BY THE AMENDMENT OF CHAPTER 361, PARKING INFRACTIONS
- #8. (2ND RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE TAMSAL-FULTON BLAKE ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE TO RECONCILE INCOMPATIBLE ZONING USED UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY
- #9. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF REHABILITATION & CORRECTION FOR RECEIPT OF THE FY 2017 COMMUNITY CORRECTIONS ACT GRANT IN AN AMOUNT NOT TO EXCEED \$170,601.00; AND DECLARING THE SAME TO BE AN EMERGENCY
- #10. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$11,525.00 APPROP TRF FR 2767 701001 JAIL DIVERSION/MISDEMEANANT GRANT FUND - PERSONNEL TO 2767 701001 JAIL DIVERSION/MISDEMEANANT GRANT FUND - OTHER)
- #11. (2ND RDG) AN ORDINANCE ADOPTING THE CITY OF CANTON'S ALTERNATIVE TAX BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2017; AND DECLARING THE SAME TO BE AN EMERGENCY
- #12. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$100,000.00 SUPP APPROP FR UNAPPROP BAL OF 2412 CANTON DRUG FREE FUND TO 2412 102090 DRUG FREE FUND - OTHER)

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- #13. (2ND RDG) AN ORDINANCE AMENDING PART ELEVEN, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY BY THE ADOPTION OF A NEW CHAPTER 1158, HALL OF FAME VILLAGE DISTRICT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Thank you very much, Mr. Clerk.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: We now turn to Ordinances for their Third Reading. We're now under Ordinances... uh, #14.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK SHOWES TO READ THE FOLLOWING ORDINANCES #14 THROUGH #19 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #14. (3RD RDG) ***POSTPONED INDEFINITEY*** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE PURCHASE OF REAL PROPERTY FROM STARK READY MIX & SUPPLY IN AN AMOUNT NOT TO EXCEED \$182,500.00; AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$182,500.00 APPROP TRF FR 4501 202042 FULTON ROAD RESURFACING PROJ, GP1184 - OTHER TO 4501 202045 PIONEER TRAIL PROJ, GP1204 - OTHER)

PRESIDENT SCHULMAN: Leader.

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? Leader.

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

PRESIDENT SCHULMAN: It's been moved and seconded to postpone Ordinance 14 indefinitely. Any remarks? Hearing none, by voice vote all those in favor signify by saying aye. Those opposed no.

NO REMARKS

POSTPONEMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. Motion carries. Ordinance 14 is postponed indefinitely. Ordinance 15, please.

- #15. (3RD RDG) ***ADOPTED AS ORDINANCE NO. 128/2016*** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO AMEND THE GEORGETOWN ROAD COOPERATIVE ECONOMIC DEVELOPMENT AGREEMENT TO INCLUDE THE 1400 GRACE AVE. ANNEXATION AREA; AND

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DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #15. Any remarks? Hearing none...

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

#15 ADOPTED AS ORDINANCE NO. 128/2016

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

#16. (3RD RDG) **ADOPTED AS ORDINANCE NO. 129/2016** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO AMEND THE GEORGETOWN ROAD COOPERATIVE ECONOMIC DEVELOPMENT AGREEMENT TO INCLUDE THE TRUMP SCHOOL ANNEXATION AREA; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been properly moved and seconded to adopt Ordinance 16. Any remarks under this Ordinance? Again, hearing none...

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

#16 ADOPTED AS ORDINANCE NO. 129/2016

PRESIDENT SCHULMAN: Ordinance 16 is adopted. Ordinance 17, please.

#17. (3RD RDG) **ADOPTED AS ORDINANCE NO. 130/2016** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO AMEND THE I-77 FAIRCREST COOPERATIVE ECONOMIC DEVELOPMENT AGREEMENT TO INCLUDE THE PILOT ANNEXATION AREA; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 17. Any remarks? Again, hearing none, Leader. Or, I'm sorry.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

#17 ADOPTED AS ORDINANCE NO. 130/2016

PRESIDENT SCHULMAN: Ordinance 17 is adopted. Ordinance 18, please.

#18 (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 131/2016** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO AMEND PREVIOUS AND/OR ENTER INTO NEW AGREEMENTS(S) WITH AND SECURE RIGHT-OF-WAY FROM MRTA RELATED TO ENCROACHMENTS ONTO MRTA PROPERTY BY THE WEST BRANCH TRAIL AND THE UPCOMING 12TH STREET NW BRIDGE REPLACEMENT AND STREETSCAPE PROJECT, GP 1160; AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$2,918.76 TO MRTA; AND DECLARING THE SAME TO BE AN EMERGENCY (AKRON METRO)

PRESIDENT SCHULMAN: Leader.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #18. Any remarks? Leader.

MEMBER MORRIS: Mr. President, I move we amend Ordinance #18 per a copy that all Council Members have in front of them.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to amend Ordinance 18 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

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

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

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

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MEMBER SMITH: Second.

Amendment

Pursuant to Rule 36, I move to amend Agenda Item No. 18 by amending the caption and Section 2 to change the amount "\$2,918.76" to "\$2,954.37".

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #18 as amended. Any remarks? Hearing none...

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

#18 ADOPTED AS AMENDED AS ORDINANCE NO. 131/2016

PRESIDENT SCHULMAN: Ordinance 18 is adopted as been agreed to. Ordinance 19, please.

#19 (3RD RDG) **ADOPTED AS ORDINANCE NO. 132/2016** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO CONTRACT FOR THE PURCHASE OF ONE (1) FORD F-250 PICKUP TRUCK AND ONE (1) GMC SAVANA CARGO VAN; OR TO ALTERNATIVELY PURCHASE SAID VEHICLES PURSUANT TO STATE COOPERATIVE PURCHASING AGREEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

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? Hearing none, again...

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

#19 ADOPTED AS ORDINANCE NO. 132/2016

PRESIDENT SCHULMAN: Ordinance 19 has been adopted. Thank you very much, Mr. Clerk.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: We're now under Announcement of Committee Meetings.

MEMBER MARIOL: Mr. President.

PRESIDENT SCHULMAN: Leader... yes. Chairman Mariol.

MEMBER MARIOL: Finance will meet August 8th at 6:30.

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PRESIDENT SCHULMAN: 6:30. Thank you.

MEMBER BABCOCK: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER BABCOCK: Personnel will meet the same time, same place.

PRESIDENT SCHULMAN: Oh, sorry. Thank you.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Yeah.

MEMBER SMITH: C.D. will also meet at the same time.

PRESIDENT SCHULMAN: Great. Thank you. Any other remarks?

BY UNIDENTIFIED VOICE: Parks and Rec.

PRESIDENT SCHULMAN: Turning now to...

BY UNIDENTIFIED VOICES: Parks and Rec.

PRESIDENT SCHULMAN: Pardon?

ADMIN ASST WOOD: Parks and Recreation.

PRESIDENT SCHULMAN: Parks and Rec.

MEMBER MORRIS: Oh, yeah. Same place, same time.

PRESIDENT SCHULMAN: Thank you.

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: Turning now to Miscellaneous Business. Is there any?

SAFETY DIRECTOR PERRY: Mr. President.

PRESIDENT SCHULMAN: Yes.

SAFETY DIRECTOR PERRY: We would like to announce that we will be having a forum on community and police relations on July 28th at the... uh, from 6:00 to 8:00 at the Canton Civil Center in the McKinley Room. We'd like to extend an invitation to all members of Council, the audience and the community. Some of the topics that we'll be discussing will be community policing, training of the police department, canine training, body cameras, use of force, community relations and community interactions, our internal affairs department, the Mayor's Community Relations Commission. Um, we'll even have our City of Canton Law Department. Pastor Moss from the Community Initiative to Reduce Violence will also be there. And we'll also have Bruce

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Allison, retired captain from the Canton Police Department. So we'd like all of you to attend that are available, and we look forward to seeing you on Thursday, July 28th at 6:00 P.M., Canton Civic Center, McKinley Room. Thank you.

PRESIDENT SCHULMAN: Thank you, Safety Director. Appreciate it.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER WEST: I'd like to thank Linda Campbell for coming down and sharing some of her concerns in her neighborhood. Um, Service Director, could you look into the water main break, or water break, that's on 1000, I think she said...

UNIDENTIFIED VOICE: Gibbs.

MEMBER WEST: Gibbs. Uh, she said it's been going on for four weeks now, and I just came... I just learned of this today, so if you could look into that I'd appreciate it. Thank you.

MEMBER FISHER: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER FISHER: Uh, I just want to give you an update. We were gonna do this two weeks ago, but I took one look at my neighbor up here, Member Dougherty, and we had about ten o'clock, and I'm pretty sure I wouldn't survive giving the update. Uh, but a few weeks ago we gave... a few of us, Member Mack... Chairman Mack from Judiciary, Member Hawk, myself, Director Miller, Director Perry, as well as Tim Cugini who's... uh, has left the city to move to another job. We met via phone with the EPA in regards to the asbestos remediation which were continued to be required to carry out on residential demolitions. This is... uh, for years I've been contending as well as others that the Federal Registry... uh, Registrar does not require that the EPA regulation in 40 CFR 61, Part M, specifically says that an entire city should not be considered a job site. A neighborhood within a city should not be a job site. Well, this time around we heard the term, uh, well, because it's an urban renewal project. Uh, when we asked for a definition of an urban renewal contract, we were given the answer that it is a term of art, there isn't really a definition for it. Um, basically the idea being because we actually plan ahead before we tear down a house, then somehow the residential exemption doesn't apply to us. Two million dollars at least since I've been on this Council, and much more before that, has been spent following this regulation that I can't find in Federal Code, and neither can our Congressman's office or our Senator's office. So, we have asked the EPA to send the letter to the Federal EPA asking for guidance to define what an urban renewal project is, and I continue to contend that we're spending this money... Although I agree, Director Miller and... and... Safety Director and the Law Department, that we're following the guidelines from HUD, but I believe that... that us, as well as other cities, are continuing to be forced to spend money following a regulation that is not on the books. And I do want to thank the Chairman and the members of the Administration, everybody that... and Member Hawk for sitting in and... and helping out greatly in this meeting, and hopefully we will get to a point where we can get this either identified so we can try to get our Congressman to get that removed from Federal Code, or we can have it cleared up that it was never there in the first place. Thank you.

PRESIDENT SCHULMAN: Thank you. Any other remarks?

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SERVICE DIRECTOR BARTOS: Mr. President.

PRESIDENT SHULMAN: Yes.

SERVICE DIRECTOR BARTOS: I didn't get the address, Member West, but I had already sent that to Superintendent Converse after I sat back down. I was dealing with another issue, but Finance Director Crouse let me know about the location. And any... anybody in the crowd or anybody in general who might... might get this message. You know, if you see a main break or something that doesn't look right, our water department is very proactive, but we... we might not, you know, catch everything, so we have a 24 hour service line, 330-489-3315. That's 330-489-3315. So we are very proactive, but don't assume that we know about everything, and don't feel like you have to wait till a Council meeting to come down and let us know about it. Um, we do have somebody who's at... on the phone 24-7. And you can also call our... our dispatch office as well. They... uh, they dispatch for the water department at night. Thank you.

PRESIDENT SCHULMAN: Safety Director.

SAFETY DIRECTOR PERRY: Mr. President, I was remiss in announcing our sponsors of our event, or our co-sponsors, I'm sorry. We have the NAACP, the Canton Interdenominational Ministerial Association, Stark and Vicinity, Coming Together Stark County, News Talk WHBC, the Canton Stark Urban League, and the Repository. So there are some of the co-sponsors of the event and will be on Wednesday. Thank you.

PRESIDENT SCHULMAN: Wonderful job in addition. *(Inaudible voices)* Thursday.

SAFETY DIRECTOR PERRY: Sorry, Thursday. I'm sorry, Thursday.

PRESIDENT SCHULMAN: Other than the date, wonderful job. Anything else? Leader.

MEMBER MORRIS: Move to... uh, move to adjourn.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adjourn. Roll call vote please, Mr. Clerk.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

PRESIDENT SCHULMAN: Meeting is adjourned. *(Gavel falls)* Thank you, everybody. Drive carefully. Have a wonderful week. We'll see you in a couple weeks.

ADJOURNMENT TIME: 8:21 P.M.

ATTEST:
KELLEN SHOWES
CLERK OF COUNCIL

APPROVED:
ALLEN SCHULMAN
PRESIDENT