

MINUTES OF THE MEETING OCTOBER 7, 2019

PRESIDENT SHERER: With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call please, Mr. Clerk.

ROLL CALL TAKEN BY CLERK DOUGHERTY:

11 COUNCIL MEMBERS PRESENT: (CHRIS SMITH, JAMES BABCOCK, CHRISTINE SCHULMAN, BILL SMUCKLER, BRENDA KIMBROUGH, JASON SCAGLIONE, ROBERT FISHER, KEVIN HALL, JOHN MARIOL, PETER FERGUSON & FRANK MORRIS)

ELEVEN COUNCIL MEMBERS PRESENT.

CLERK DOUGHERTY: Eleven present, one absent, Mr. President.

EXCUSING MEMBERS

PRESIDENT SHERER: Leader Smith.

MEMBER SMITH: Mr. President, I move we excuse Member Hawk from tonight's meeting and we pray that he'll be feeling better soon.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to excuse Member Hawk from this evening's meeting. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Member Hawk is excused from this evening's meeting. Tonight's invocation will be given by Ward 8 Council Member, Peter Ferguson. If you would all please stand and remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on October 7, 2019 at 7:00 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council, David R. Dougherty. The invocation was given by Peter Ferguson, Ward 8 Council Member. The Pledge of Allegiance was led by President Sherer.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SHERER: Thank you, Member Ferguson. We are now unda... under Agenda Corrections and Changes, Leader.

MEMBER SMITH: Mr. President, I move Rule 22A be suspended to add 2nd Reading Ordinances 5 through 10 to this evening's agenda.

MEMBER BABCOCK: Second.

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PRESIDENT SHERER: It's been moved and seconded to suspend Rule 22A to add the 2nd Readings of Ordinances 5 through 10 to this evening's agenda. Are there any remarks? ... Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinances 5 through 10 are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT SHERER: We are now under Public Hearings and we have no Public Hearings for this evening.

OLD BUSINESS

PRESIDENT SHERER: We are now under Old Business and there is no Old Business for this evening.

PUBLIC SPEAKS

PRESIDENT SHERER: We are now under Public Speaks and we have six speakers for tonight. Our first speaker is Kimberly Bell. Kim, could you please step forward and give us your name and residential address, please.

KIMBERLY BELL: Uh, yes, my name is Kimberly Bell. I live in the City of Canton.

PRESIDENT SHERER: Can I have your address, please.

KIMBERLY BELL: 135 17th Street.

PRESIDENT SHERER: Thank you.

KIMBERLY BELL: Okay. Last week we... I took this home, this ordinance paper. Like I said, last week was my... last time I was... you guys had this, that was my first time. I took this home and I added it up, how much money was on this piece of paper, and it was another three point some million dollars on this paper. Tonight I'm gonna go home and add this money up, and again I see something on here about the Centennial Plaza, a waste of money. And, are you guys not allowed to respond to anything I say?

PRESIDENT SHERER: Not during Public Speaks.

KIMBERLY BELL: Oh, okay.

PRESIDENT SHERER: But if you would like to stick around after the meeting, I'm sure some of the Council Members would be happy to...

KIMBERLY BELL: I don't think they would want to speak to me. They probably mad, I don't care. But, anyway...

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PRESIDENT SHERER: How about I... I will.

KIMBERLY BELL: Oh, you will? Okay, thank you, Mr. Sherer. We spoke...

PRESIDENT SHERER: So continue.

KIMBERLY BELL: We spoke for a minute. But anyway, back to what I was saying. I... I asked the Mayor... I passed around to all the Members, the City Council Members, a little thing I typed up, a layout of where some of that three point... two... twelve point three million dollars could have been used for these young adults to get... go to trade school, which we spoke about, and gets... get 'em off the streets. They roam the streets day and night. They live from couch to couch to couch from friends, family. They have no sense of direction, and we need to address this, and I'll go to the hood, I'm... I'm from the hood. I... I mean, I... I have some convictions on my record, so I'm not scared to go to whoever's holding the gun and tell them put it down. We got to do something about these young people killing theirself. I mean, it's... it's black on black crime. It's ridiculous. And you guys sit here and talk about city drains. Not one time have I heard anything about the killings or anything like that. They're here to get money for checkers and rallies. I want money for a program. Can you give me some money? Who holds the checkbook? Don't everybody speak at once. Who holds the checkbook? Just raise your hand. Oh, see, Financial Director, oh, okay. You hold it, and who else? The Finance Director, you hold it? (*Inaudible voice*) You don't hold the checkbook? Okay. Well, whoever holds the checkbook, get my phone number from the Mayor. Now let's get a program started for these people, for these young... these young adults. If they got something coming, checkers and rallies, I know my check is in the mail.

PRESIDENT SHERER: Thank you, Miss Bell. Our next speaker is Jeff Wohead (*pronounced "Wo-heed"*)?

JEFF WOHEAD: Wohead (*pronounced "Wo-head"*), yes. Thank... thank you.

PRESIDENT SHERER: Oh, sorry about that.

JEFF WOHEAD: That's alright. I've been called worse.

PRESIDENT SHERER: Please give us your name and residential address, please.

JEFF WOHEAD: My name is Jeff Wohead. I live at 161 Old Windmill Drive in Bastrop, Texas. I'm here just to speak... well, actually not ask for money, but to speak on the... make sure I got that right side up. Uh, on the potential project for Rally's Hamburgers, and my lovely assistant has some pass outs for you to show you our... uh, our building and what we're proposing. This would actually be the second location for us in Canton, and it's... the first one is one Tuscarawas. We just got the permit recently for that one. So thank you for that. Uh, we'll start construction on that one with... within just a couple of weeks. So I'm looking forward to... to having that one completed and... and being here. One of the things I wanted to... to talk about, first of all, at each location we'll hire forty plus people, approximately forty people at each location. Obviously, all local labor. Um, one of the things you'll notice on here, it's the Bob Evans is right behind our project. There was an easement going through our... through this property and we've worked out the details with Bob Evans so there's no issues there. Um, and it actually extended the... are extending the easement so that Bob Evans has full access out of their property in... onto Harmont Avenue. Um, so there's... so we... we've worked out all the details on this. We're looking forward to the opportunity, as you can see, the

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building you have in front of you is our... our new modular building. That's one of the... we're one of the few companies that are actually... most of our projects are the modular buildings. So you could drive by the... the site in the morning and see a foundation, and when you come back home in the evening you'll see a completed building ready for... uh, to accept equipment and utilities. So it's... uh, and you may think of a modular building as... uh, as a not well constructed building, however ours are heavily... heavily detailed. It's all steel construction. It weighs approximately... if you think of a mobile home, it weighs approximately five times per square foot what a mobile home does because of the structural construction that we have. It's all steel, concrete floors. Uh, concrete and tile floors, and we set it on a crawl space foundation and... and tie everything into the utilities. It's something we're pretty proud of, and as you can see, the site plan is very similar to the one you have here, along with the existing location, and we're... uh, we're ready to go. We're looking forward to having our second location in Canton and very excited about it. Obviously, we're excited about the first one as well to... to introduce, or bring Rally's to... to... as you can see, it says Checkers on there, but Checkers and Rally's is the same company, and this is a Rally's territory, so we got really strong corporate operations in this area. We got quite a few restaurants in... in Cleveland, so it's not a stretch for our operations team. So thank you very much for the opportunity and look forward to being here.

PRESIDENT SHERER: Thank you very much. Our next speaker is Sammeh (*pronounced "Sammy"*) Alihassan.

SAMMEH ALIHASSAN: Oh, my name is Sammeh Alihassan. Uh, my address is 2152 Belleflower Drive, Alliance, Ohio 44601. Um, I'm a member of the Alihassan Land Company, and we're bringing this development to this area and we appreciate the time and consideration of the Council and... uh, and the City on this project. And there's a lot of things been brought up in the previous meeting and obviously from this young lady. Uh, you know, bringing in development is important. You know, some areas in every community naturally grow, others don't. But Rally's is a good partner for this area and it'll fit right in with everything else in that area. So, thank you.

PRESIDENT SHERER: Thank you. Our next speaker is Justin Maddocks. Justin, can you please step forward and give us your name and residential address, please.

JUSTICE MADDOCKS: (*Clears his throat*) Excuse me. Uh, Justin Maddocks of 6029 Chermont Street, Canton, Ohio. First, I want to thank you for your time. Uh, my... I've had some issues with a dispute going back to 2016 with the Building Department, and... uh, after I graduated from Mount Union in 2011, I started buying some houses in Alliance, and then in 2015 I started buying some houses in Canton, and currently I own six houses in Canton. And in Alliance there's not a rental registration fee, and in Canton I found out that there was one, which I agree with because I believe that those funds are needed to tear down blighted buildings and to enforce the... uh, and violations and what not. Um, but... uh, so in 2016 I... uh, in 2015 I... I didn't pay this registration fee. In 2016 I didn't pay cause I didn't know about it until I was given a letter in June of 2016, a year and a half after I made my first violation. Uh, at that point I was surprised cause I didn't know about it and I was repara... I was told I was I had to pay \$500.00 for the... the standard registration... registration fee, which I was glad to do. I went down there immediately and paid that, but then I also had to pay a \$1,000.00 late fee. Um, and every year since then, 2017, 2018 and 2019, I've always paid my full amount four... at least four months in advance, and I've throughout the years been trying to go through the chain of events. Um, e-mailing the ex-chief... um, um, sorry, David Molnar, and never had a response from him. Uh, even e-mailed the Council Member of my previous address on Widmer Court which is about a block away from Walther's Café, which I lived there. It's one of my rentals now. Um, but out of my six

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houses, four of the... four of the families I support in Canton are single mothers. Um... uh, and one, you know, one's a same sex couple and one... the other one is a person who's on disability cause of mental... uh, a mental handicap. So I don't discriminate against my tenants. I care about the families that are in my house... houses, and I care about... I... I think the Building Department is going a great job. Um, I just think at the beginning they got off in a wrong... you know, a rough start, and I believe that there should have been that notification. All my petitions... the Board of Building Appeals says they don't have the authority to waive these fees. Um, the Chiefs... uh, Nolan said they don't have the... he doesn't have the ability to waive these fees, so I come to you and ask if there's any consideration for that.

PRESIDENT SHERER: Thank you.

JUSTIN MADDOCKS: (*Inaudible*)

PRESIDENT SHERER: Our next speaker is Ron Jevcak (*pronounced "Jev-a-sec"*)? Did I get it right?

RON JEVCAC: You did. Uh, congratulations.

PRESIDENT SHERER: Ron, could you please step forward and give us your name and residential address, please.

RON JEVCAC: My name is Ron Jevcak. I live at 256 Harter Avenue NW here in Canton. Uh, ladies and gentlemen of Council, this past Thursday, October 3rd, would have been my 25th anniversary as a... an employee of the City of Canton as a firefighter/paramedic on the Canton Fire Department. My exit from the department was nowhere near what I had envisioned though, even just a few years prior. Things were going well. I had been promoted to Captain in June of 2017, but not quite a year later my actions at a fire call brought about a disciplinary hearing which led to my being placed on administrative leave, and then I had a hearing in front of the Safety Director. The Safety Director, with I believe some advice from the Division Chief, demoted me back down to firefighter and told me to report back to work two days later. I had been... I had continue... I had been and continued to see a psychologist during the time I was one leave. During these sessions it was clear that I had PTSD as a result of my service as a firefighter and paramedic. As required, I submitted a request for extended sick leave with a letter from my psychologist explaining the situation and the diagnosis. Did I get a phone call, e-mail, letter from anyone in management to see if I was doing alright? To see if I was getting the help I need? Nah. I got a letter telling me that I was banned from being on any city property. Ladies and gentlemen of Council, the U.S. Fire Administration recently published an article that in 2017, the latest that there was information, there were 103 reported firefighter suicides in the United States as opposed to 93 actual line of duty deaths. As of June 19th of this year, there have been 97 law enforcement suicides verified by Blue Help. An additional 46 fire and EMS suicides have been verified by the Firefighter Behavioral Health Alliance. I have a permit to carry a firearm, and had my wife not been the person that she is and the strong woman that she is, I would have been one of those statistics. Luckily for me, I applied for and was awarded a disability pension from the Ohio Police and Fire Pension Board. In the normal professional and business world, when an employee who has been with an organization for over 20 years retires under any circumstance, let alone a disability pension for a mental illness, someone sends them something...

PRESIDENT SHERER: Mr. Jevcak, could you please bring your comments to a close, please.

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RON JEVCAK: This is what I got from the Fire Chief. (*Makes sputtering noise, like giving the “raspberry”*).

PRESIDENT SHERER: Just to be fair with other people that have to speak tonight. So...

RON JEVCAK: And I am... Council President, that is the end of my remarks. Thank you.

PRESIDENT SHERER: Thank you. Thank you very much. Our next speaker is Leigh Love. Leigh, could you please step forward and give us your name and residential address, please.

LEIGH LOVE: Uh, my name is Leigh Love and I live at 409 16th Street NW here in Canton, Ohio. I am here today to talk to the Council about two landlords that I have presently been dealing with. At 409 that I live here right now, I rent from Peachtree Properties that deal with HPM Properties. I have been telling them about the... the rats infestation that I have in my home and they’re not dealing with it and I have kids there. So I was trying to get out of that place and move into another place, and a lady named Lori Campbell owned a place on 501 High Avenue SW. So when I looked at the property, it had blood and feces on the walls and it was infested with fleas. So I asked her to deal with it, but she did not. So I asked her to get out of the lease and she said okay, but I told her that I need my deposit back and she told me no. So I went down the chain of command and I’m not hearing from anyone. So this is why I’m here with all of you to see what I need to do and what you guys can do for me about what is going on here about slum lords. Thank you.

PRESIDENT SHERER: Thank you. And I would encourage you to stay after the meeting if you can.

INFORMAL RESOLUTIONS

PRESIDENT SHERER: We are now under Informal Resolutions and we have two for this evening. Mr. Clerk, would you please begin and read Resolution #28 by title.

#28. COUNCIL-AS-A-WHOLE: CONGRATULATING STARK COUNTY METROPOLITAN HOUSING AUTHORITY ON CELEBRATING 80 YEARS OF SERVICE TO STARK COUNTY. - ADOPTED

PRESIDENT SHERER: Leader.

MEMBER SMITH: Mr. President, I move we adopt Informal Resolution #28.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It’s been moved and seconded to adopt Informal Resolution #28. Are there any remarks? ...Hearing none, by voice vote all those in favor signify by saying aye. Those opposed, no.

NO REMARKS

RESOLUTION #28 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it, the motion carries and Resolution #28 is adopted. Resolution #29, please.

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#29. COUNCIL-AS-A-WHOLE: RECOGNIZING OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH. - ADOPTED

PRESIDENT SHERER: Leader.

MEMBER SMITH: Mr. President, I move we adopt Informal Resolution #29.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Informal Resolution #29. Are there any remarks? ...Hearing none, by voice vote all those in favor signify by saying aye. Those opposed, no.

NO REMARKS

RESOLUTION #29 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it, the motion carries and Resolution #29 is adopted.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SHERER: Member Smuckler.

MEMBER SMUCKLER: I'd like to present that tonight. We have the Director of the Battered Women's Shelter here tonight.

PRESIDENT SHERER: Okay.

MEMBER SMUCKLER: For Domestic... for the Domestic Violence Project. *(Brief pause)* This is sort of a repeat, but I think it's important. We did this October 1st exactly, but the importance of this is, and I said that that night... um, you're walking through the streets and you don't know that you're passing people that have come in contact with the domestic violence problem that's in our community. Um, State of Ohio, tremendous amount of problems in Stark County. This year there was already thirteen hundred problems. And I said this that day, and it's important to me because at one point in time a babysitter that we had used had to go through the court system and get a restraining order, and touched our lives that we didn't think that type of thing happened in our world. Well, in our world, my wife's job when the domestic violence project was at 16th Street, she started there, working there, and as I pointed out that day she is now on the Board with Cheli Curran. Um, and this is important to me that we recognize October as Domestic Violence Month because of the people that you are walking by that have a stake in life that have, let's just say at this point in time, been tripped by someone they thought they loved and it really didn't work out. So, with this Resolution, what I'd like to point out is that October is Domestic Violence Month, and please be aware of it and keep it in your hearts all year.

CHELI CURRAN: I just wanted to thank... *(Applause)*. I want to thank all of you. I think I know each and every one of you in some way, and you have been instrumental in this work and recognizing this month as Domestic Violence Awareness Month is... is a really big deal to us and I appreciate it. So, wear your purple proud. I see you got it on today. That's our color for the month, and Bill, thank you so much for this Proclamation, and Randi, thank you for being on our Board, and you have all been so supportive and I thank

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you from the bottom of my heart. (*Applause*)

PRESIDENT SHERER: Thank you.

COMMUNICATIONS

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

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED OCTOBER 7, 2019.

336. AUDITOR MALLONN: MTHLY RPT BY FUND FOR 9/1/19 THRU 9/30/19. - RECEIVED & FILED
337. AUDITOR MALLONN: REQ FOR ADDT'L AMENDED CERTIFICATE DATED 9/30/19. - RECEIVED & FILED
338. MAYOR BERNABEI: AMEND O#68/2019, CLASSIFICATION PLAN FOR MGT AND NON-BARGAINING UNIT PERSONNEL, PER AMENDMENTS MARKED AS EXHIBIT "A" AND "B"; EMERGENCY. - PERSONNEL COMMITTEE
339. SAFETY DIRECTOR PERRY: NOTICE OF CHANGES IN TRAFFIC CONTROL (COD ORD 305.01). - RECEIVED & FILED
340. SAFETY DIRECTOR PERRY: AUTH MAYOR AND/OR SAF DIR TO ENTER INTO AGMT FOR AND ACCEPT \$31,000.00 IN GRANT FUNDS FR OHIO OFFICE OF CRIMINAL JUSTICE SERVICES FOR 2018 PROJ SAFE NEIGHBORHOOD GRANT; ALTERNATIVELY AUTH MAYOR AND/OR SAF DIR TO ENTER INTO CONTRACT FOR PURCH IN ACCORD WITH ORC AND/OR CANTON COD ORD; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; AMEND APPROP O#50/2019 (\$31,000.00 SUPP APPROP FR UNAPPROP BAL OF FUND 1001 GENERAL FUND TO 1001 102001 - POLICE ADMINISTRATIVE - OTHER); EMERGENCY. - FINANCE COMMITTEE
341. SERVICE DIRECTOR HIGHMAN: AUTH MAYOR AND/OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACTS NECESSARY FOR PURCH OF ONE (1) COMBINATION SEWER CLEANER, ONE (1) TRUCK CAB AND CHASSIS, ONE (1) TRACK-MOUNTED SEWER CLEANER, AND ONE (1) TRACK LOADER FOR COLLECTION SYSTEMS DEPT; ALTERNATIVELY AUTH MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACTS NECESSARY FOR ITEMS UTILIZING ANY PROCUREMENT PROCESS AUTH BY LAW; AUTH MAYOR AND/OR SERV DIR TO TRADE IN (1) S300 BOBCAT SKID LOADER AND (1) BOBCAT 24-IN WHEEL SAW TOWARDS PURCH OF EQUIPMENT WHETHER OR NOT PROCUREMENT IS MADE VIA BID OR ANOTHER AUTH PROCUREMENT METHOD; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY (SANITARY SEWER FUNDS). - FINANCE & PUBLIC PROPERTY

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CAPITAL IMPROVEMENT COMMITTEES

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their First Reading. Mr. Clerk, please begin with Ordinance #1.

NOTE: PRESIDENT SHERER CALLED UPON CLERK DOUGHERTY TO READ ORDINANCES #1 THROUGH #4 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE TAMSAL & JEL LAUNDRY - FULTON DR/BLAKE AVE NW ANNEXATION AREA CONTAINING APPROXIMATELY 1.832 ACRES, MORE OR LESS; ASSIGNING SAID TERRITORY AS B-3 GENERAL BUSINESS; AND DECLARING THE SAME TO BE AN EMERGENCY **PUB HRG 10/28/19 @ 7:00 PM**
Referred to Annexation Committee
- #2. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR THE PURCHASE OF TABLETS AND RELATED WARRANTIES AND ACCESSORIES FOR THE POLICE DEPARTMENT; OR TO ALTERNATIVELY PURCHASE SAID ITEMS PURSUANT TO ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; AUTHORIZING THE AUDITOR TO RENAME THE 2771 FY 2012 LOCAL SOLICITATION BYRNE GRANT FUND TO 2771 FY 2019 EDWARD BYRNE MEMORIAL GRANT FUND; AMENDING APPROPRIATION ORDINANCE NO. 50/2019; AND DECLARING THE SAME TO BE AN EMERGENCY (\$37,826.50 SUPP APPROP FR UNAPPROP BAL OF 2771 FY 2019 EDWARD BYRNE MEMORIAL GRANT FUND TO 2771 102001 POLICE ADMIN - OTHER)
Referred to Finance Committee
- #3. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AGREEMENT FOR AND ACCEPT \$12,639.61 IN GRANT FUNDS FROM THE OFFICE OF JUSTICE PROGRAM, BUREAU OF JUSTICE ASSISTANCE; AUTHORIZING THE AUDITOR TO RENAME THE 2780 BYRNE MEMORIAL 2009 RECOVERY STIMULUS ACT GRANT FUND TO 2780 FY 2019 BULLETPROOF VEST PARTNERSHIP FUND; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR THE PURCHASE OF NATIONAL INSTITUTE OF JUSTICE COMPLIANT ARMORED VESTS FOR THE POLICE DEPARTMENT; OR TO ALTERNATIVELY PURCHASE SAID ITEMS IN ACCORDANCE WITH OHIO REVISED CODE OR THE CANTON CODIFIED ORDINANCES; AMENDING

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APPROPRIATION ORDINANCE NO. 50/2019; AND DECLARING THE SAME TO BE AN EMERGENCY (\$12,639.61 SUPP APPROP FR UNAPPROP BAL OF 2780 FY 2019 BULLETPROOF VEST FUND TO 2780 102001 POLICE ADMINISTRATIVE - OTHER; \$12,639.61 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 102001 POLICE ADMINISTRATIVE - OTHER; \$12,639.61 INTER-FUND TRF FR 1001 102001 POLICE ADMINISTRATIVE - TRF OUT TO 2780 102001 POLICE ADMINISTRATIVE - TRF IN)

Referred to Finance Committee

- #4. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO: ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONSTRUCTION CONTRACT; ENTER INTO AGREEMENT(S) FOR AND RECEIVE GRANT FUNDS IN THE AMOUNT OF \$753,329.00 AND LOAN FUNDS IN THE AMOUNT OF \$322,855.00 FOR THE 49TH ST NW STORM SEWER REHAB PROJECT, GP 1289; AUTHORIZING THE AUDITOR TO ESTABLISH THE 4589 49TH ST NW STORM SEWER REHAB PROJECT, GP 1289 FUND; AMENDING APPROPRIATION ORDINANCE NO. 50/2019; AND DECLARING THE SAME TO BE AN EMERGENCY (\$1,076,184.00 SUPP APPROP FR UNAPPROP BAL OF 4589 49TH ST. NW STORM SEWER PROJECT, GP 1289 FUND TO 4589 202055 49TH ST. NW STORM SEWER REHAB PROJECT, GP 1289 - OTHER)

Referred to Finance and Public Property Capital Improvement Committees

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their Second Reading. Mr. Clerk, please begin with Ordinance #5.

NOTE: PRESIDENT SHERER CALLED UPON CLERK DOUGHERTY TO READ ORDINANCES #5 THROUGH #10; FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #5. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO A LEASE AGREEMENT FOR THE TENANCY AND OPERATION OF THE CAFÉ STRUCTURE AT CENTENNIAL PLAZA; AND DECLARING THE SAME TO BE AN EMERGENCY
- #6. (2ND RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS NECESSARY IN ORDER TO PAY BACK THE WATER AND SEWER FUNDS FROM THE CAPITAL PROJECTS FUND FOR PAYMENTS MADE IN REGARDS TO CHANGE ORDER #5 OF THE 38TH ST. NW WATER MAIN REPLACEMENT AND ROADWAY RECONSTRUCTION PROJECT; AMENDING APPROPRIATION

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ORDINANCE NO. 50/2019; AND DECLARING THE SAME TO BE AN EMERGENCY (\$62,056.79 SUPP APPROP FR UNAPPROP BAL OF 4501 CAPITAL PROJECTS FUND TO 4501 207037 38TH ST NW IMPROV PROJ-OTHER)

- #7. (2ND RDG) AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR WATER AND/OR SEWER SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY
- #8. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 50/2019; AND DECLARING THE SAME TO BE AN EMERGENCY (\$43,574.66 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 103501 CENTRAL COMMUNICATION ADMIN - OTHER)
- #9. (2ND RDG) **ADOPTED AS ORDINANCE NO. 188/2019** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 50/2019; AND DECLARING THE SAME TO BE AN EMERGENCY (\$9,000.00 APPROP TRF FR 1001 702001 - 611 - PERSONNEL TO 1001 702001 - 706 - OTHER)
- #10. (2ND RDG) **ADOPTED AS ORDINANCE NO. 189/2019** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO ALL CONTRACTS NECESSARY FOR THE TIMELY EXPENDITURE OF COMMUNITY DEVELOPMENT BLOCK GRANT, EMERGENCY SOLUTIONS GRANT, AND HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS; AND DECLARING THE SAME TO BE AN EMERGENCY (HUD ANNUAL ACTION PLAN)

PRESIDENT SHERER: Leader.

LEADER SMITH: Mr. President, I move we suspend the Statutory Rules on Ordinances 9 and 10.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend the Statutory Rules on Ordinances 9 and 10. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

PRESIDENT SHERER: You've heard the three readings, Leader.

LEADER SMITH: Mr. President, I move we adopt Ordinance #9.

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MEMBER BABCOCK: Second.

PRESIDENT SHERER: It’s been moved and seconded that you adopt Ordinance #9. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

#9 ADOPTED AS ORDINANCE NO. 188/2019

PRESIDENT SHERER: Motion carries and Ordinance #9 is adopted. Leader.

LEADER SMITH: Mr. President, I move we adopt Ordinance #10.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It’s been moved and seconded that you adopt Ordinance #10. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

#10 ADOPTED AS ORDINANCE NO. 189/2019

PRESIDENT SHERER: Motion carries and Ordinance #10 is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their Third/Final Reading and Vote. Mr. Clerk, please begin with Ordinance #11.

NOTE: PRESIDENT SHERER CALLED UPON CLERK DOUGHERTY TO READ THE FOLLOWING ORDINANCES #11 THROUGH #20 FOR THEIR THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

#11. (3RD RDG) **ADOPTED AS ORDINANCE NO. 190/2019** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 50/2019; AND DECLARING THE SAME TO BE AN EMERGENCY (\$85,000.00 SUPP APPROP FR UNAPPROP BAL OF 2818 FEMA SAFER GRANT 2017 FUND TO 2818 103001 FIRE ADMIN - OTHER)

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

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PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #11. Are there any remarks?
...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

#11 ADOPTED AS ORDINANCE NO. 190/2019

PRESIDENT SHERER: Motion carries and Ordinance #11 is adopted. Ordinance #12, please.

#12. (3RD RDG) **ADOPTED AS ORDINANCE NO. 191/2019** AN ORDINANCE
AMENDING APPROPRIATION ORDINANCE NO. 50/2019; AND
DECLARING THE SAME TO BE AN EMERGENCY (\$76,000.00 SUPP
APPROP FR UNAPPROP BAL OF 2774 2016 COPS HIRING PROG GRANT
FUND TO 2774 102001 POLICE ADMIN - OTHER)

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #12. Are there any remarks?
...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

#12 ADOPTED AS ORDINANCE NO. 191/2019

PRESIDENT SHERER: Motion carries and Ordinance #12 is adopted. Ordinance #13, please.

#13. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 192/2019** AN
ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 50/2019;
AND DECLARING THE SAME TO BE AN EMERGENCY (APPROP TRFS
IN AMT OF \$405,800.00 AND SUPP APPROPS IN AMT OF \$481,798.74
FOR VARIOUS ADJUSTMENTS TO ACCTS THAT ARE OUT OF
BALANCE OF SHORT OF FUNDS)

PRESIDENT SHERER: Leader Smith.

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

MEMBER BABCOCK: Second.

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PRESIDENT SHERER: It’s been moved and seconded to adopt Ordinance #13. Are there any remarks? Leader Smith.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #13 per the copy that all Council Members have before them.

MEMBER BABCOCK: Second

PRESIDENT SHERER: It’s been moved and seconded to amend... it should be amend, I believe. Amend 13?

MEMBER SMITH: I move we amend Ordinance #13 per the copy that each Member have before them.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It’s been moved and seconded to amend Ordinance #13 per the copy before each of you. Are there 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 SHERER: The ayes have it. The motion carries. Leader Smith.

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

MEMBER BABCOCK: Second.

AMENDMENT

Pursuant to Rule 36, I move to amend Agenda Item No. 13 by the substitution of the attached amended exhibits for the original pending exhibits.

PRESIDENT SHERER: It’s been moved and seconded to adopt Ordinance #13, as amended. Are there any remarks under this Ordinance, as amended? ...Hearing none, roll call vote please.

NO REMARKS ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

#13 ADOPTED AS AMENDED AS ORDINANCE NO. 192/2019

PRESIDENT SHERER: Ordinance #13, as amended, is adopted. Ordinance #14, please.

#14. (3RD RDG) **ADOPTED AS ORDINANCE NO. 193/2019** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT WITH WSP USA, INC IN AN AMOUNT NOT

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TO EXCEED \$125,000 FOR COMPLETION OF A COMPREHENSIVE PLANNING STUDY FOR THE SHORB CORRIDOR AREA; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It’s been moved and seconded to adopt Ordinance... Ordinance #14. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 1 NAY
(MEMBER MORRIS VOTED NO)

CLERK DOUGHERTY: Ten yeas, one nay, Mr. President.

#14 ADOPTED AS ORDINANCE NO. 193/2019

PRESIDENT SHERER: Motion carries and Ordinance #14 is adopted. Ordinance #15, please.

#15. (3RD RDG) **ADOPTED AS ORDINANCE NO. 194/2019** AN ORDINANCE VACATING THE UNIMPROVED PORTION OF FRAZER AVENUE NW; APPROVING AND ACCEPTING THE REPLAT OF LOT 42479 PLUS THE VACATED PORTION OF FRAZER AVENUE NW; AND DECLARING THE SAME TO BE AN EMERGENCY (603 HANNAH CIR NW FOR FRANK KEMP, WARD 8)

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It’s been moved and seconded to adopt Ordinance #15. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

#15 ADOPTED AS ORDINANCE NO. 194/2019

PRESIDENT SHERER: Motion carries and Ordinance #15 is adopted. Ordinance #16, please.

#16. (3RD RDG) **ADOPTED AS ORDINANCE NO. 195/2019** AN ORDINANCE

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APPROVING AND ACCEPTING THE REPLAT OF LOTS 3604 AND 3605; AND DECLARING THE SAME TO BE AN EMERGENCY (200 BLOCK OF TYLER AVE SE FOR HABITAT FOR HUMANITY, PARCELS 242348 & 211273, WARD 4)

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It’s been moved and seconded to adopt Ordinance #16. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

#16 ADOPTED AS ORDINANCE NO. 195/2019

PRESIDENT SHERER: Motion carries and Ordinance #16 is adopted. Ordinance #17, please.

#17. (3RD RDG) **ADOPTED AS ORDINANCE NO. 196/2019** AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF ALL OF LOTS 25259, 25278, 25279 AND OUT LOT 564 AND DEDICATION OF ADDITIONAL ROADWAY AT MAPLE AVENUE NE; AND DECLARING THE SAME TO BE AN EMERGENCY (2200 BLOCK OF MAPLE AVE NE FOR HABITAT FOR HUMANITY, PARCEL 280019, WARD 9)

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It’s been moved and seconded to adopt Ordinance #17. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

#17 ADOPTED AS ORDINANCE NO. 196/2019

PRESIDENT SHERER: Motion carries and Ordinance #17 is adopted. Ordinance #18, please.

#18. (3RD RDG) **ADOPTED AS ORDINANCE NO. 197/2019** AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF ALL OF LOTS 16513 AND 16514; AND DECLARING THE SAME TO BE AN EMERGENCY

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(1717 BEDFORD AVE SW FOR LESLIE MILLER, PARCELS 223127 & 223128, WARD 5)

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It’s been moved and seconded to adopt Ordinance #18. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

#18 ADOPTED AS ORDINANCE NO. 197/2019

PRESIDENT SHERER: Motion carries and Ordinance #18 is adopted. Ordinance #19, please.

#19. (3RD RDG) **ADOPTED AS ORDINANCE NO. 198/2019** AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF LOT 36888 AND PART OF OUT LOT 769; AND DECLARING THE SAME TO BE AN EMERGENCY (600 BLOCK OF 44TH ST NW AND 4200 BLOCK OF NAN BET CIR NW FOR WAYNE ARNOLD AND BETTY SPALDING, PARCELS 302987, 305013 AND 305009, WARD 8)

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It’s been moved and seconded to adopt Ordinance #19. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

#19 ADOPTED AS ORDINANCE NO. 198/2019

PRESIDENT SHERER: Motion carries and Ordinance #19 is adopted. Ordinance #20, please.

#20. (3RD RDG) **ADOPTED AS ORDINANCE NO. 199/2019** AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$16,049.50 TO BLACK-MCCUSKEY-SOUERS & ARBAUGH LPA; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #20. Are there any remarks?
...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

#20 ADOPTED AS ORDINANCE NO. 199/2019

PRESIDENT SHERER: Motion carries and Ordinance #20 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SHERER: We are now under announcement of Committee Meetings.

MEMBER MORRIS: Mr. President.

PRESIDENT SHERER: Member Morris.

MEMBER MORRIS: Finance will meet October 21st at 6:30 P.M.

MEMBER SCAGLIONE: Mr. President.

PRESIDENT SHERER: Member Scaglione.

MEMBER SCAGLIONE: Public Property Capital Improvement will meet same time, same place.

MEMBER MARIOL: Mr. President.

PRESIDENT SHERER: Member Mariol.

MEMBER MARIOL: Annexation will meet the same time, same place.

PRESIDENT SHERER: Thank you.

MEMBER MORRIS: Member Hall will be there at 6:45, the rest of us will be there at 6:30. *(Laughter)*

PRESIDENT SHERER: Duly noted.

MISCELLANEOUS BUSINESS

PRESIDENT SHERER: We are now under Miscellaneous Business. Is there any Miscellaneous Business for this evening?

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MEMBER SCAGLIONE: Mr. President.

PRESIDENT SHERER: Member Scaglione.

MEMBER SCAGLIONE: Several of us did something that we really enjoy doing a couple times a year this last week. We... we took an afternoon and served lunch to some of our seniors in a senior building that's actually in my ward. And those people really enjoy seeing us. They really enjoy us doing that for them, and they called me the day after and asked me that I thank all of you for coming and... and doing that for... for them, so I just wanted to relay those remarks to everyone.

PRESIDENT SHERER: Did they thank the cook?

MEMBER SCAGLIONE: They said the cook did outstanding. *(Laughter)*

PRESIDENT SHERER: Thank you, Member Scaglione. Is there any additional Miscellaneous Business for this evening? ...Hearing none, Clerk Dougherty, our quote for the week, please.

CLERK DOUGHERTY: From Clarence Darrow, *"When I was a boy I was told that anybody could become President. I'm beginning to believe it."* *(Laughter)*

PRESIDENT SHERER: Leader Smith.

MEMBER SMITH: Mr. President, uh, meeting adjourned.

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

PRESIDENT SHERER: This meeting is adjourned. I would like to thank everybody for coming tonight. *(Gavel falls)*.

ADJOURNMENT TIME: 7:40 PM

ATTEST: 10/9/19

APPROVED:

DAVID R. DOUGHERTY
CLERK OF COUNCIL

WILLIAM SHERER, II
PRESIDENT