

**FINAL
A G E N D A
7:00 PM**

CANTON CITY COUNCIL

JANUARY 8, 2018

PRO TEM OFFICE APPOINTMENT: David Dougherty, Clerk Pro Tem, Jill Wood & Elizabeth Wensel, Council Staff

SWEARING IN CEREMONY FOR INCOMING 2018-2019 COUNCIL: Joseph Martuccio, Law Director

ROLL CALL: All Members Present

MOTION TO EXCUSE MEMBERS: Not Necessary

INVOCATION: Frank Morris, Ward 9 Council Member

PLEDGE OF ALLEGIANCE: President Allen Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 1st Rdgs O#5 - O#8; O#5 - O#8 Adopted on 1st Rdg; O#1, O#2, and O#9 Reconsidered and Amended)

PUBLIC HEARINGS: None

OLD BUSINESS (PUBLIC SPEAKS): None

PUBLIC SPEAKS (CITY BUSINESS): Brenda Baylor spoke to a person from the EPA regarding the Republic Steel issue. She asked about lead levels and was told that they're very confusing and that they can vary from place to place. They are currently looking into holding an open meeting with all homeowners surrounding Republic Steel. Ms. Baylor was informed that someone affiliated with Republic Steel has been going over to the new Air Monitoring System at 2:00 - 3:00 in the morning and turning the system off. She passed this information on to Health Commissioner, Jim Adams, who said his Dept. will investigate. Lisa Gissendaner spoke about the closing of the two Fisher Foods grocery stores, on Harrison Ave. SW and Cherry Ave. NE. Both stores are in areas considered under-served populations. She said there are food deserts within the city, specifically the S.E. and N.E. quadrants which have no access to fresh produce, fresh vegetables, fresh fruits, or meats. Instead, those areas have the "Dollar" themed stores (Dollar General, Dollar Tree and Family Dollar). Although those stores sell nothing but processed, sugar filled, expired foods, and foods that have empty calories and nutrients which contributes to the health disparities, they are deemed grocery stores by the state only because they sell bread and milk. She asked what can be done to try to get Fisher Foods to reconsider, redevelop and upgrade their services for those most in need, and if not, she would like to know what Council's plan is for the city. Joe Shaheen spoke about the lack of a speed limit sign and adequate lighting at McKinley Avenue, south of 12th St. He believes first appearances are very crucial and that the road isn't very attractive. He would like to see flashing lights as well as a "Welcome to Downtown Canton" sign to extend over the top of the road at the entrance of McKinley Avenue. He believes it would bring positivity in the revitalization of this great city.

NOMINATIONS FOR COUNCIL VICE-PRESIDENT AND FIRST VICE-PRESIDENT:

VICE PRESIDENT: CHRIS SMITH

FIRST VICE-PRESIDENT: JAMES BABCOCK

INFORMAL RESOLUTIONS:

1. COUNCIL-AS-A-WHOLE: ELECTION OF COUNCIL VICE-PRESIDENT, CHRIS SMITH. - ADOPTED
2. COUNCIL-AS-A-WHOLE: ELECTION OF COUNCIL FIRST VICE-PRESIDENT, JAMES BABCOCK. - ADOPTED
3. COUNCIL-AS-A-WHOLE: ELECTIONS OF CLERK OF COUNCIL & OFFICE STAFF;
CLERK OF COUNCIL: DAVID R. DOUGHERTY;
ADMINISTRATIVE ASSISTANT V: JILL WOOD;
ADMINISTRATIVE ASSISTANT V: ELIZABETH WENSEL. - ADOPTED
4. COUNCIL-AS-A-WHOLE: APPROVING & ADOPTING THE RULES OF PROCEDURE FOR CANTON CITY COUNCIL EFFECTIVE JANUARY 8, 2018. - ADOPTED
5. COUNCIL-AS-A-WHOLE: AUTHORITY TO ADVERTISE ORDINANCES, RESOLUTIONS & NOTICES. - ADOPTED

AWARDED TO: The Repository/Beacon Journal as alternate

COMMUNICATIONS:

1. AUDITOR MALLONN: REQ FOR ADDT'L AMENDED CERTIFICATE DATED 12/29/17. - RECEIVED & FILED
2. AUDITOR MALLONN: MTHLY REPORT BY FUND FOR 12/1/17 THRU 12/29/17. - RECEIVED & FILED
3. AUDITOR MALLONN: YRLY REPORT BY FUND FOR 12/1/17 THRU 12/29/17. - RECEIVED & FILED.
4. COUNCIL MBR SCAGLIONE, WARD 3: REQ LEGISLATION AMENDING PART SEVEN - BUSINESS REGULATION CODE OF COD ORD BY CREATION AND ADDITION OF NEW CHAPTER PRESCRIBING SHOPPING CART REGULATIONS. - JUDICIARY COMMITTEE
5. DEPUTY MAYOR WILLIAMS: AUTHORIZE AUDITOR TO PAY MORAL OB IN AMT OF \$6,684.00 TO BLACK, MCCUSKEY, SOUERS & ARBAUGH LAW FIRM FOR LEGAL SERVICES RENDERED FOR HERCULES/BROADVIEW DEVELOPMENT TIF AGMTS. - FINANCE COMMITTEE

COMMUNICATIONS CONTINUED:

6. FINANCE DIRECTOR CROUSE: AMEND APPROP O#277/2017 (\$350.00 SUPP APPROP FR UNAPPROP BAL OF 2327 LEAD ASSESSMENT FUND TO 2327 301001 HEALTH ADMIN - PERSONNEL; \$185.00 SUPP APPROP FR UNAPPROP BAL OF 2329 SMOKE FREE OHIO FUND TO 2329 301001 HEALTH ADMIN - PERSONNEL; \$150.00 SUPP APPROP FR UNAPPROP BAL OF 2356 TATTOO PARLORS FUND TO 2356 301001 HEALTH ADMIN - PERSONNEL; \$21,175.00 SUPP APPROP FR UNAPPROP BAL OF 2760 FEDERAL FORFEITURE FUND TO 2760 102001 POLICE ADMIN - PERSONNEL; \$375,000.00 SUPP APPROP FR UNAPPROP BAL OF 2784 2017 COPS HIRING GRANT FUND TO 2784 102001 POLICE ADMIN - OTHER; \$88,192.77 SUPP APPROP FR UNAPPROP BAL OF 2795 JUSTICE REINV GRANT PROB FUND TO 2795 701001 JUDGES ADMIN - PERSONNEL; EMERGENCY. - FINANCE COMMITTEE
7. LAW DIRECTOR MARTUCCIO: CERTIFY OPINION THAT OBJECTIONS FILED BY CITY COUNCIL AGAINST LIQUOR PERMIT PREMISES ARE BASED ON SUBSTANTIAL LEGAL GROUNDS. - RECEIVED & FILED
8. LAW DIRECTOR MARTUCCIO: REQ AUTHORIZATION TO PREPARE ORD APPROVING EDITING AND INCLUSION OF CERTAIN ORD ADOPTED FR 8/22/16 TO 12/18/17, TO BE INCORPORATED INTO COD ORD; REQ AUTHORIZATION TO SUBMIT RESOLUTION AUTHORIZING LAW DIR TO DISTRIBUTE, FREE OF CHARGE, TO PUBLIC OFFICIALS AND PUBLIC INSTITUTIONS, COPIES OF 2016-2017 SUPP TO CITY CODE AND TO AFFIX PRICE OF \$8.50 FOR SALE OF 2016-2017 SUPP TO HOLDERS OF CITY CODE - JUDICIARY COMMITTEE
9. LIQUOR CONTROL DIV (OHIO): REQ TRF OF D5 PERMIT FR GINGEE LLC TO CSMERCADO LLC @ 218 COURT AVE NW, 1ST FL BSMT & PATIO. - RECEIVED & FILED
10. LIQUOR CONTROL DIV (OHIO): REQ TRF OF D5 PERMIT FR GREG AND TINAS PLACE LLS TO R BAR AND GRILL LLC @ 1117 WERTZ AVE NW. - RECEIVED & FILED
11. LIQUOR CONTROL DIV (OHIO): REQ TRF OF D2 D2X D3 D6 PERMIT FR SP LLQ LLC DBA SKYLAND PINES BANQUET CENTER TO SKYLAND PINES INC @ 3550 COLUMBUS RD SE. - RECEIVED & FILED
12. MAYOR BERNABEI: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD, AND EXECUTE A CONSTRUCTION CONTRACT FOR PROJ; AUTHORIZE MAYOR AND/OR SERVICE DIRECTOR TO ADVERTISE, RECEIVE QUALIFICATIONS, AWARD, AND EXECUTE A PROF SERVICES CONTRACT FOR CONSTRUCTION, ENGINEERING SERVS FOR PROJ; AUTHORIZE TO RECEIVE AND ENTER INTO AGMTS FOR GRANTS/LOANS FROM ODOT AND OPWC; AUTHORIZE TO ENTER INTO AGMTS WITH UTILITY COMPANIES AS NEEDED TO CONSTRUCT PROJ; AUTHORIZE AUDITOR TO ESTABLISH AND CREATE 4583 FUND (TRAFFIC SIGNAL COMMUNICATIONS UPGRADE PROJ, G.P. 1185, PID 99897 FUND); AMEND APPROP O#277/2017 (\$1,159,035.00 SUPP APPROP FR UNAPPROP BAL OF FUND 4583 TRAFFIC SIGNAL COMMUNICATIONS UPGRADE PROJ FUND TO 4583.202049 TRAFFIC SIGNAL COMMUNICATIONS UPGRADE PROJ, G.P. 1185 - OTHER); AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. - FINANCE COMMITTEE
13. MAYOR BERNABEI: RATIFY ALL ACTIONS TAKEN PRIOR TO PASSAGE OF THIS ORDINANCE PURSUANT TO SEC 105.04 OF COD ORD OF CITY OF CANTON; AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO CONTRACT FOR PURCH OF TWO SALT TRUCKS UTILIZING ANY PROCUREMENT PROCESS AUTHORIZED BY ORC OR CANTON COD ORD, INCLUDING EMERGENCY CONTRACTUAL PROVISIONS OF CANTON COD ORD 105.04; AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO ANY AND ALL CONTRACTS NECESSARY TO RESTORE SERVICE CENTER BLDG C TO ITS PRE-DECEMBER 23, 2017 STATUS UTILIZING ANY PROCUREMENT PROCESS AUTHORIZED BY ORC OR CANTON COD ORD 105.04; AUTHORIZE AND DIRECT AUDITOR TO PAY ANY AND ALL MORAL OBS NEEDED TO PURCHASE SALT TRUCKS AND RESTORE SERVICE CENTER BUILDING C TO ITS PRE-DECEMBER 23, 2017 STATUS; EMERGENCY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT AND FINANCE COMMITTEES

COMMUNICATIONS CONTINUED:

14. MAYOR BERNABEI: RATIFY ACTIONS TAKEN PURSUANT TO SEC 105.04 OF COD ORD OF CITY OF CANTON; AMEND APPROP O#277/2017 (\$183,700.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207022 DISTRIBUTION MAINTENANCE - OTHER); AUTHORIZE AUDITOR TO PAY MORAL OB TO CENTRAL ALLIED ENTERPRISES, INC. IN AMT NOT TO EXCEED \$183,700.00; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY (WATER MAIN REPAIR AT PERRY DRIVE SW). - FINANCE COMMITTEE
15. MAYOR BERNABEI: AUTHORIZE AND DIRECT AUDITOR TO PAY TWO MORAL OBS TO STANDARD PLUMBING & HEATING CO. TOTALING AN AMOUNT NOT TO EXCEED \$8,354.65; EMERGENCY. - FINANCE COMMITTEE
16. MAYOR BERNABEI: AUTHORIZE AND DIRECT AUDITOR TO PAY ALL MORAL OBS OWED TO BOTH CONSTRUCTION AND CONSTRUCTION ENGINEERING SERVS RELATED TO 38TH STREET IMPROVEMENT PROJ; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. - FINANCE COMMITTEE
17. MAYOR BERNABEI: LTR ADVISING OF RE-APPT OF SCOTT WARNER TO CIVIL SERVICE COMMISSION FOR 6-YR TERM COMMENCING 1/1/18 - 12/31/23. - RECEIVED & FILED
18. MAYOR BERNABEI: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO ANY AND ALL CONTRACTS NECESSARY FOR PURCH OF ONE (1) INTERNATIONAL TANDEM DUMP TRUCK, ONE (1) CARGO VAN, AND ONE (1) MINI EXCAVATOR WITH TRAILER; ALTERNATIVELY AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO ANY AND ALL CONTRACTS NECESSARY FOR PURCH OF ITEMS IN ACCORDANCE WITH ANY PROCUREMENT PROCESS AUTHORIZED BY EITHER THE ORC OR CANTON COD ORD; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT AND FINANCE COMMITTEES
19. MAYOR BERNABEI: AUTHORIZE THE MAYOR, SERV DIR, AND/OR SAF DIR TO APPLY FOR, ENTER INTO AGMT FOR, AND RECEIVE FUNDS FROM ANY AND ALL POTENTIAL FUNDING SOURCES; EMERGENCY. - FINANCE COMMITTEE
20. MAYOR BERNABEI: AMEND CLASSIFICATION PLAN FOR MGT NON-BARGAINING UNIT PERSONNEL TO INCLUDE ENGINEER II CLASSIFICATION, FUND 20-70-01, GRADE 6, FLSA CODE E, TO SERVICE DIRECTOR'S PUBLIC WORKS - WATER CONSTRUCTION, REPAIR, MAINTENANCE, SUPPLY & TREATMENT DIVISION; AMEND CLASSIFICATION PLAN FOR MGT NON-BARGAINING UNIT PERSONNEL TO ALLOW FOR UP TO THREE (3) TOTAL EMPLOYEES IN ANY COMBINATION OF CLASSIFICATIONS LISTED (FACILITY ENGINEER (WATER), ENGINEER II), ALL OF WHICH ARE FOUND IN SERVICE DIRECTOR'S PUBLIC WORKS - WATER CONSTRUCTION, REPAIR, MAINTENANCE, SUPPLY & TREATMENT DIVISION; EMERGENCY. - PERSONNEL COMMITTEE
21. MAYOR BERNABEI: REQ AUTHORIZATION FOR APPT OF KATHY TATARSKY TO ZONING BOARD OF APPEALS FOR TERM COMMENCING 1/1/18 - 12/31/20. - PERSONNEL COMMITTEE
22. MAYOR BERNABEI: REQ AUTHORIZATION FOR RE-APPT OF DON TARVER AND WILLIAM EUSTATHIOS TO BOARD OF BUILDING APPEALS FOR 3 YR TERM COMMENCING 1/1/18 - 12/31/20. - PERSONNEL COMMITTEE
23. MAYOR BERNABEI: REQ AUTHORIZATION FOR FOUR (4) APPTS TO BOARD OF BUILDING APPEALS: JACK HAWK AND SHAWN STEINER FOR 1-YR TERMS COMMENCING 1/1/18 - 12/31/18; MIKE ABBOTT AND JOE MIDDLETON FOR 2-YR TERMS COMMENCING 1/1/18 - 12/31/19. - PERSONNEL COMMITTEE
24. PLANNING COMMISSION: REQ ZONE CHG OF 3501 & 3533 LESH ST NE, PARCEL NOS. 380288, 304826, WARD 6, FR B-1 OFFICE BUSINESS TO PB4 PLANNED SPECIAL BUSINESS (LESH PROPERTIES, LLC). - JUDICIARY COMMITTEE

COMMUNICATIONS CONTINUED:

25. SAFETY DIRECTOR PERRY: AUTHORIZE MAYOR AND/OR SAF DIR TO ENTER INTO CONTRACT FOR SUPPLY OF TASER CARTRIDGES UTILIZING ANY PROCUREMENT PROCESS ALLOWED BY EITHER THE ORC OR CANTON COD ORD; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. - FINANCE COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:**RECONSIDERED AND AMENDED**

- 271/2017 1. AMEND TITLE THREE - LICENSING CONTRACTORS OF PART THIRTEEN, BUILDING CODE OF CODIFIED ORDINANCES OF CITY OF CANTON BY ADDITION OF CHAPTER 1312, GENERAL CONSTRUCTION
Referred to Judiciary Committee

RECONSIDERED AND AMENDED

- 274/2017 2. AMEND APPROP O#41/2017; EMERGENCY (\$59,474.70 SUPP APPROP FR UNAPPROP BAL OF 2789 2012 COPS HIRING PROG GRANT FUND TO 2789 102001 POLICE ADMIN - OTHER; \$59,474.70 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL OPERATING FUND TO 1001 102001 POLICE ADMIN - OTHER; \$59,474.70 INTER-FUND TRF FR 1001 102001 POLICE ADMIN - TRF OUT TO 2789 102001 POLICE ADMIN - TRF IN)
Referred to Finance Committee

- 1ST RDG 3. APPROVE AND ACCEPT REPLAT OF LOTS 16752, 16753, AND 16754; EMERGENCY (1200 BLOCK OF 11TH ST NW, ATTY. WILLIAM DEMSKEY FOR MARA DONNERSBACH PARRA AND MARIE O'BRIEN, WARD 1)
Referred to Public Safety & Thoroughfares Committee

- 1ST RDG 4. APPROVE AND ACCEPT REPLAT OF LOTS 35611, 35612, AND 35613; EMERGENCY (2900 BLOCK OF SAHARA AVE NE, FOR ROY BROWN AND STEVE CAMACHO, WARD 6)
Referred to Public Safety & Thoroughfares Committee

(COUNCIL RECESSED AT 7:33 PM FOR THE PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE TO DISCUSS O#5 AND O#8; RECONVENED AT 7:41 PM)

- 1/2018 5. FINAL RESOLUTION ADOPTING PLANS, AUTHORIZING MAYOR OR SERV DIR TO COOPERATE WITH AND REQ TRANS DIR TO PROCEED WITH RESURFACING AND WIDENING SOUTHBOUND AND NORTHBOUND IR-77 RAMPS AT SR 687, WITHIN CITY OF CANTON; AMEND APPROP O#277/2017; EMERGENCY (\$120,000.00 SUPP APPROP FR UNAPPROP BAL OF 4501 CAPITAL FUND TO 4501 202048 CAPITAL FUND STA-I77.11.50, PID 100290, GP1268 - OTHER)
Referred to Public Property Capital Improvement and Finance Committee

(COUNCIL RECESSED AT 7:27 PM FOR THE FINANCE COMMITTEE TO DISCUSS O#6 AND O#7; RECONVENED AT 7:32 PM)

- 2/2018 6. AUTHORIZE MAYOR AND/OR SERV DIR AND SAF DIR TO: ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO VARIOUS CONTRACTS FOR SUPPLY EQUIP, ITEMS, MATERIALS, SUPPLIES, AND SERVS PURSUANT TO COD ORD SEC 105.09; ENTER INTO PROF SERVS CONTRACTS PURSUANT TO COD ORD SEC 105.10; ENTER INTO CONTRACTS PURSUANT TO O.R.C. SEC 735.05 WITH QUALIFIED NONPROFIT AGENCIES; ENTER INTO CONTRACT FOR PURCH OF SUPPLY EQUIP, ITEMS, MATERIALS, SUPPLIES, AND SERVS UTILIZING ANY PURCH PROCESS AUTHORIZED BY EITHER O.R.C. OR CANTON COD ORD; ENTER INTO CHANGE ORDER AND/OR CONTRACT AMENDMENTS FOR PURCH DURING 2018 CALENDAR YR; EMERGENCY
Referred to Finance Committee

- 3/2018 7. AUTHORIZE MAYOR, SERV DIR AND/OR SAF DIR TO COMPLETE CONTRACTING PROCESS FOR VARIOUS CONTRACTS PREVIOUSLY AUTHORIZED BUT NO COMPLETED BY 1/1/18; EMERGENCY
Referred to Finance Committee

- 4/2018 8. AUTHORIZE MAYOR OR SERV DIR TO: ENTER INTO CONTRACT FOR PURCH OF TWO SALT TRUCKS AND ENTER INTO ANY AND ALL CONTRACTS NECESSARY TO RESTORE SERVICE CENTER BUILDING C TO ITS PRE-DECEMBER 23, 2017 STATUS UTILIZING ANY PROCUREMENT PROCESS AUTHORIZED BY ORC OR CANTON COD ORD; DIRECT AUDITOR TO PAY ANY AND ALL MORAL OBS NEEDED TO PURCHASE SALT TRUCKS AND RESTORE SERVICE CENTER BUILDING C; EMERGENCY
Referred to Public Property Capital Improvement and Finance Committees

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**RECONSIDERED AND AMENDED**

- 279/2017 9. AUTHORIZE SAF DIR TO RECEIVE THE 2017 COPS HIRING PROG GRANT IN ESTIMATED AMT OF \$1,000,000.00; AUTHORIZE AUDITOR TO CREATE THE 2784 2017 COPS HIRING GRANT FUND; EMERGENCY (FIN)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD/FINAL READING & VOTE: (None)

ANNOUNCEMENT OF COMMITTEE MEETINGS:**MONDAY, JANUARY 22, 2018 in Council Caucus Room at 6:30 PM**

- 1) Personnel Committee
- 2) Public Safety & Thoroughfares Committee

MISCELLANEOUS BUSINESS: Member Smuckler announced a few events for the week. On January 11, 2018, the Martin Luther King (MLK) Breakfast at the McKinley Grand Hotel at 8:00 a.m.; Temple Israel will hold a MLK service for the community on Friday at 7:15 p.m.; and on January 15th, at noon, there will be an event at the Peel Coleman Southeast Community Center. He also read his thoughts for the next term of Council, stated his expectations for the Office and himself, and offered his support to the Majority Leader. Mayor Bernabei, on behalf of the Administration, offered his support to Majority Leader Smith, Assistant Majority Leader Babcock, and all of Council. Majority Leader Smith thanked God, fellow Council Members, her family and friends for their support. She asked that they all work together to moving the city of Canton forward. She thanked the staff and former Majority Leader Morris for all of the help she's received, and invited everyone to join her at Marque's Restaurant for a celebration after the meeting.

QUOTE OF THE WEEK: *"If I cannot do great things, I can do small things in a great way."* - Martin Luther King, Jr.

ADJOURNMENT: 7:58 PM

NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, JANUARY 22, 2018 @ 7:00 PM