

**MINUTES OF THE MEETING MARCH 10, 2014**

PRESIDENT PRO TEM MORRIS: With the quorum being present the Chair calls this meeting of Canton City Council to order. Roll call please Madame Clerk.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

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

TWELVE COUNCIL MEMBERS PRESENT. (PRESIDENT SCHULMAN ABSENT)

CLERK TIMBERLAKE: All present Mr. President.

**EXCUSING MEMBERS**

PRESIDENT PRO TEM MORRIS: Member Smith.

MEMBER SMITH: Mr. President. I move we excuse President Schulman from tonight's meeting.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to excuse President Schulman from tonight's meeting. Any remarks? Roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President

PRESIDENT PRO TEM MORRIS: Thank you. Motion carries. President Schulman is excused from tonight's meeting. We will have tonight's invocation by my good buddy Mr. Greg Hawk. Please remain standing for the Pledge of Allegiance.

*The regular meeting of Canton City Council was held on March 10, 2014 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Council Member Greg Hawk. The Pledge of Allegiance led by President Pro-Tem Morris.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT PRO TEM MORRIS: Okay, we are now under Agenda Corrections and Changes. Leader. No, uh huh that's you Chris.

CLERK TIMBERLAKE: Agenda Corrections, I move.

MEMBER SMITH: Okay.

CLERK TIMBERLAKE: I make a motion to suspend Rules 22A to, to add 2<sup>nd</sup> Readings Ordinances #10 through #14.

MEMBER SMITH: Okay. *(Inaudible)*

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MEMBER TIMBERLAKE: Say that.

MEMBER SMITH: Okay. Could you repeat that (*Inaudible*)

CLERK TIMBERLAKE: I make a motion to add 2<sup>nd</sup> Reading Ordinances. Is it on the script?

MEMBER SMITH: Okay. Uh I make a motion to add the uh to the uh (*Inaudible*)... to uh Ordinance #10, Ordinance #14. Excuse me but I (*Inaudible*)

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM MORRIS: Okay. Moved and seconded to Suspend Rule 22A and add 2<sup>nd</sup> Reading Ordinances #10 through #14 to tonight's agenda. Ordinance 19 will be postponed. Okay Rule 22A is suspended and Ordinances are now part of your legal agenda. Public Hearings?

CLERK TIMBERLAKE: We need to vote on that.

PRESIDENT PRO TEM MORRIS: Oh, we need to vote on that.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President. I'd be happy to read all of that for you.

PRESIDENT PRO TEM MORRIS: You know what Cindy, that would be huge. Okay. Rule 22A is suspended and the Ordinances are a legal part of your Agenda. We're now under Public Hearings. And there are none scheduled for this evening. And now Old Business and according to the Chief of Staff we do not have any Old Business this evening.

**PUBLIC HEARINGS**

PRESIDENT PRO TEM MORRIS: We're now under Public Hearings. And there are none scheduled for this evening.

**OLD BUSINESS**

PRESIDENT PRO TEM MORRIS: And now Old Business and according to the Chief of Staff we do not have any Old Business this evening.

**PUBLIC SPEAKS**

PRESIDENT PRO TEM MORRIS: So, we are now under Public Speaks and we have one speaker signed up. Miss Patricia Kirk.

CLERK TIMBERLAKE: Come on down.

PATRICIA KIRK: Hello. My name is Patricia Kirk. I live at 131 5<sup>th</sup> St. NE. I'm President of Downtown Central Neighborhood Association and Chairperson of Canton Trees Commission. I'm proud of our Canton Tree Commission. How many in the audience know that Canton has a Tree Commission? (*Inaudible from audience*) (*Laughter*). Congratulations. Not very many know. I wanted to let you know, I wanted to let you

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know our meeting date has changed. It's not the third Tuesday anymore, it's the first Tuesday six o'clock at the Canton Stadium Park at the Canton Garden Center. Our general meetings started in June. We're just getting established but I wanted you to know that we've been doing a lot. And one of the last things we're doing, is we are going to vote on our Standards and Specifications. Canton's never had this before. It can be done through the Tree Commission. It does not have to go through City Council and it can be changed. The big news is Canton is going to celebrate it's very first Arbor Day. And it's going to be April 26<sup>th</sup> which is a Saturday from 10 to one o'clock at the Garden Center. And thank you Council for donating some of the food. There will be displays and information there and anyone from the public, it is open to the public. I hope to see you there. I wanted to ask Mayor Healy, I had given a couple of calls but if he had received my email of a letter of recommendation for the Tree Commission and there is no one here to answer that (*laughter*) so that was my question for this evening.

PRESIDENT PRO TEM MORRIS: Thank you. Miss Kirk, you didn't tell us what time it started.

PATRICIA KIRK: Oh, six.

PRESIDENT PRO TEM MORRIS: Thank you.

PATRICIA KIRK: Sorry about that.

PRESIDENT PRO TEM MORRIS: That's quite okay.

PATRICIA KIRK: Okay thank you.

PRESIDENT PRO TEM MORRIS: Thank you.

**INFORMAL RESOLUTIONS**

PRESIDENT PRO TEM MORRIS: Okay we are now under Informal Resolutions. Madame Clerk could you, would you please read Informal Resolution #16 by title please.

#16 REQ APPT OF TIM PORTER TO TAX INCENTIVE REVIEW BOARD FOR RETRO TERM OF  
1/1/14 - 12/31/15 - ADOPTED

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: There's a motion to adopt Rule #16. Are there any remarks?

CLERK TIMBERLAKE: Resolution 16.

PRESIDENT PRO TEM MORRIS: Oh, reso, oh my bad. It's all good. Any remarks? If not by voice vote, all those in favor signify by saying aye. Those opposed.

NO REMARKS

AYES AND NAYS CALLED

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CLERK TIMBERLAKE: Roll call. We'll do a roll call.

PRESIDENT PRO TEM MORRIS: Roll call Madame Clerk please.

ROLL CALL 7 YEAS, 5 NAYS  
(MEMBERS HART, SMUCKLER, HAWK, MARIOL, AND MACK VOTED NAY)

CLERK TIMBERLAKE: Seven ayes, five nays Mr. President.

PRESIDENT PRO TEM MORRIS: The ayes have it. Okay, Leader.

MEMBER SMITH: Mr. President, I move that we uh (*Inaudible*).

MEMBER TIMBERLAKE: We're on number sixteen.

PRESIDENT PRO TEM MORRIS: Seventeen.

CLERK TIMBERLAKE: Seventeen.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: There's a motion to adopt Resolution 17. Any remarks?

MEMBER DOUGHERTY: Is 17 read?

CLERK TIMBERLAKE: That's what I just said.

#17 REQ RE-APPT OF JOANNE PAULINO TO TAX INCENTIVE REVIEW BOARD FOR RETRO  
TERM OF 1/1/14 - 12/31/15 - ADOPTED

CLERK TIMBERLAKE: Now we'll vote.

PRESIDENT PRO TEM MORRIS: Okay, there's a motion (*Inaudible*). Okay there's a motion to adopt Resolution 17. Are there any remarks? If not, by voice vote, all those in favor signify by saying aye. Those opposed.

NO REMARKS

RESOLUTION #17 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM MORRIS: The ayes have it. Resolution #17 has been adopted.

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COMMUNICATIONS

PRESIDENT PRO TEM MORRIS: Okay, we are now under Communications. Let the journal show that all Communications are received as, 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***

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104. AUDITOR MALLONN: MONTHLY RPT BY FUND 2/1/14 - 2/28/14. - RECEIVED & FILED
105. AUDITOR MALLONN: YRLY RPT BY FUND 1/1/14 - 2/28/14. - RECEIVED & FILED
106. AUDITOR MALLONN, MAYOR HEALY, MIS DIRECTOR BARTON, & FINANCE DIRECTOR DIRUZZA: AUTHORIZE AUDITOR AND/OR MAYOR TO ENTER INTO CONTRACT WITH NEW WORLD SYSTEMS FOR PURPOSE OF ACQUISITION, TRAINING, CONFIGURATION, INSTALLATION, & IMPLEMENTATION OF COMPUTER SOFTWARE APPLICATIONS COVERING THE CITY'S FINANCE, FIXED ASSET, CONTRACT TRACKING, PAYROLL, CODE ENFORCEMENT, AND THE WATER, SEWER, & REFUSE UTILITY BILLING SYSTEMS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
107. FINANCE DIRECTOR DIRUZZA: AMEND APPROP O#264/2013 (EXHIBIT A 9 SUPP APPROP & EXHIBIT B 17 APPROP REDUCTIONS). - FINANCE COMMITTEE
108. SAFETY DIRECTOR PERRY: AUTHORIZE SAF DIR TO PAY \$1,156.00 MORAL OB FOR EMERGENCY DEMO AT 2125, 2129, AND 2133 5<sup>TH</sup> ST. NE. - FINANCE COMMITTEE
109. SAFETY DIRECTOR PERRY: AMEND O#177/2006 TO AUTHORIZE AUDITOR TO ESTABLISH AND/OR MAINTAIN TITLE TRANSFER FUND FOR POLICE DEPT. - FINANCE COMMITTEE
110. SERVICE DIRECTOR BARTOS: AUTHORIZE AUDITOR TO PAY \$510.35 MORAL OB TO HOME DEPOT & AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE COMMITTEE
111. SERVICE DIRECTOR BARTOS: AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS, AWARD & ENTER INTO CONTRACT FOR PURCHASE OF ONE 2015 INTERNATIONAL 7500 TANDEM AXLE DUMP CHASSIS, ONE CASE 590SN BACKHOE, ONE FULL SIZE 7,000 LB CARGO VAN, ONE FULL SIZE 8,600 LB CARGO VAN, & ONE TORO GROUNDMASTER 5900 MOWER; AUTHORIZE SERV DIR TO ENTER INTO CONTRACT FOR PURCHASE OF SAID ITEMS IN ACCORDANCE WITH ORC 125.04 OR ORC SECTION 5513.01 AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT
112. TREASURER PEREZ: RPT OF AMBULANCE LOCK BOX ACCT FOR FEBRUARY 2014. - RECEIVED & FILED
113. TREASURER PEREZ: RPT OF PARKING METER REVENUE FOR FEBRUARY 2014. - RECEIVED & FILED
114. TREASURER PEREZ: RPT OF BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF 2/28/14. - RECEIVED & FILED

**MINUTES OF THE MEETING MARCH 10, 2014****ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT PRO TEM MORRIS: Okay we're now under Ordinances and Formal Resolutions for their First Reading. Madame Clerk begin with Ordinance #1.

***NOTE: PRESIDENT PRO TEM MORRIS CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #9 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #1. (1<sup>ST</sup> RDG) AUTHORIZE LAW DIRECTOR TO ENTER INTO CONTRACT WITH BELOW NAMED CITIES & VILLAGES TO PROVIDE LEGAL REPRESENTATION CONCERNING THE PROSECUTION OF CRIMINAL CASES & RELATED MATTERS BY CITY PROSECUTORS'S OFFICE; EMERGENCY (EAST CANTON, EAST SPARTA, HARTVILLE, LOUISVILLE, MAGNOLIA, NORTH CANTON, & WAYNESBURG)  
Referred to Finance Committee
- #2. (1<sup>ST</sup> RDG) AUTHORIZE THE MAYOR AND/OR SERV DIR TO ENTER INTO PROF SERV CONTRACT WITH M-E COMPANIES; AMEND APPROP O#264/2013; EMERGENCY (\$62,811.00 FROM UNAPPROP BAL 5201 WATER FUND TO 5201 207026 HARTVILLE WATER MAIN EXTENSION - OTHER)  
Referred to Environmental & Public Utilities Committee
- #3. (1<sup>ST</sup> RDG) AMEND APPROP O#264/2013; EMERGENCY (\$10,419.05 UNAPPROP BAL 5205 PHASE I WATER IMPROVEMENT FUND TO 5205 207022 PHASE I WATER IMPROVEMENT. - OTHER)  
Referred to Finance Committee
- #4. (1<sup>ST</sup> RDG) AUTHORIZE & CONSENT TO BRIDGE INSPECTION PROG SERV OF CANTON'S BRIDGES; EMERGENCY  
Referred to Public Safety & Thoroughfares Committee
- #5. (1<sup>ST</sup> RDG) AUTHORIZE ESTABLISHMENT OF ANNUAL STIPENDS IN THE WATER RECLAMATION FACILITY; AUTHORIZE AUDITOR TO PAY STIPENDS; EMERGENCY  
Referred to Personnel & Finance Committees
- #6. (1<sup>ST</sup> RDG) AUTHORIZE MERIT-BASED PAY INCREASES FOR SUPERINTENDENT OF COLLECTIONS SYSTEMS DEPT. ASST. CITY ENGINEER & FAIR HOUSING MGR; EMERGENCY (JAMES DIMARZIO, NICHOLAS LOUKAS, & KYLE STONE)  
Referred to Personnel & Finance Committees
- #7 (1<sup>ST</sup> RDG) AUTHORIZE AUDITOR TO PAY \$86,544.60 TO CENTRAL ALLIED ENTERPRISES, INC; EMERGENCY

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- #8 (1<sup>st</sup> RDG) Referred to Public Property Capital Improvement Committee  
 AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD & EXECUTE A CONSTRUCTION CONTRACT FOR THE 37<sup>TH</sup> ST NW WATERLINE REPLACEMENT & ROADWAY REHABILITATION PROJ; EXECUTE A PROF SERV CONTRACT FOR CONSTRUCTION ENG SERV; REC GRANT FUNDS IN AMT OF \$750,000.00 AND ZERO PERCENT LOAN FUNDS IN AMT OF \$750,000.00 FROM OPWC; AUTHORIZE THE AUDITOR TO ESTABLISH THREE FUNDS FOR PROJ AND AMEND APPROP O#264/2013; EMERGENCY  
Referred to Public Property Capital Improvement and Environmental & Public Utilities Committees
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- #9 (1<sup>st</sup> RDG) ADOPTED AS ORDINANCE NO. 38/2014 AMEND APPROP O#264/2013; EMERGENCY (\$10,400.00 FROM UNAPPROP BAL 4502 MOTOR VEHICLE PURCHASES FUND TO 4502 202210 STREET MAINT - OTHER)  
Referred to Public Property Capital Improvement Committee

***(COUNCIL RECESSED AT 7:42P.M. FOR THE FINANCE COMMITTEE TO DISCUSS ORDINANCE #9; RECONVENED AT 7:44P.M.)***

PRESIDENT PRO TEM MORRIS: Council is reconvening after the recess. Leader.

MEMBER SMITH: Mr. President, I move we suspend Rule 22A and place Ordinance #9 back on this evening's agenda.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It has been moved and second to suspend Rule 22A for Ordinance #9. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM MORRIS: Ordinance #9 is a legal part of your Agenda.

MEMBER SMITH: Mr. President, I move we suspend the Statutory Rules on Ordinance #9.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: There is a move to suspend Statutory Rules on Ordinance #9. Any remarks? If not, roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

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PRESIDENT PRO TEM MORRIS: You've heard your three leading, uh readings Member Smith.

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: Moved and second that you adopt Ordinance #9. Any remarks? Hearing none, roll call Madame Clerk.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

**#9 ADOPTED AS ORDINANCE NO. 38/2014**

PRESIDENT PRO TEM MORRIS: Ordinance #9 has been adopted.

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT PRO TEM MORRIS: We're now under Ordinances and Informal or Formal Resolutions for Second Readings.

CLERK TIMBERLAKE: Ordinance #10.

***NOTE: PRESIDENT PRO TEM MORRIS CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #10 THROUGH #14 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS: (ORDINANCES #13 AND #14 ADOPTED)***

10. (2<sup>nd</sup> RDG) AN ORDINANCE AUTHORIZING A WAGE INCREASE FOR MANAGEMENT AND NON-BARGAINING UNIT PERSONNEL; AMENDING EXHIBIT A TO ORDINANCE NO. 100/2011, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
11. (2<sup>ND</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOT NUMBERS 9744, 9745, 9774, 9775, 43032, 43033, 43034, 43035, 43036, 43037, 43038 AND 43039 AND PART OF LOT NUMBERS 9743, 9746 AND 9747; AND DECLARING THE SAME TO BE AN EMERGENCY
12. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO: ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONSTRUCTION CONTRACT FOR THE NAVARRE ROAD SANITARY AND BRIDGE PROJECT, GP 1159 AND TO ENTER INTO AN AGREEMENT WITH DOMINION EAST OHIO GAS FOR THE REQUIRED GAS LINE RELOCATION

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WORK; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$135,000.00 FROM UNAPPROP BAL 4501 CAPITAL FUND TO 4501-206012 (NAVARRE RD BRIDGE & SANITARY SEWER REHAB PROJ, GP 1159) - OTHER AND \$120,000.00 FROM 5410 202010 SANITARY SEWER FUND - OTHER TO 5410 206012 NAVARRE RD BRIDGE & SANITARY SEWER REHAB PROJ, GP 1159 - OTHER)

13. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 39/2014** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONSTRUCTION CONTRACT FOR THE 12<sup>TH</sup> ST N CORRIDOR PROJECT, GP 1098; EXECUTE A PROFESSIONAL SERVICES CONTRACT FOR CONSTRUCTION ENGINEERING SERVICES; RECEIVE VARIOUS GRANTS FROM THE STARK COUNTY AREA TRANSPORTATION STUDY AND OHIO DEPARTMENT OF TRANSPORTATION; RECEIVE A GRANT FROM THE OHIO PUBLIC WORKS COMMISSION IN THE AMOUNT OF \$1,500,000.00; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$13,039,611.52 FROM UNAPPROP BAL 4563 12<sup>TH</sup> ST N CORR PROJ, GP 1098 FUND TO 4563 202077 12<sup>TH</sup> ST N CORR PROJ, GP 1098 - OTHER; \$1,500,000.00 FROM UNAPPROP BAL 4563 12<sup>TH</sup> ST N CORR PROJ, GP 1098 FUND TO 4563 202077 12<sup>TH</sup> ST N CORR PROJ; \$210,020.55 FROM UNAPPROP BAL 2113 MUNI RD FUND TO 2113 202001 MUNI RD - OTHER; \$450,635.16 FROM UNAPPROP BAL 4506 INFRASTRUCTURE BOND FUND TO 4506 202001 INFRASTRUCTURE BOND - OTHER)

PRESIDENT PRO TEM MORRIS: Member Smith.

MEMBER SMITH: Mr. President, I move we suspend the Statutory Rule for Ordinance #13.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: There's a move to suspend Statutory Rule on Ordinance #13. Any remarks? If not, roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM MORRIS: Ordinance #13 is adopted.

**#13 ADOPTED AS ORDINANCE NO. 39/2014**

14. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 40/2014** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONSTRUCTION CONTRACT FOR THE

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MAHONING RD. CORRIDOR, STA-SR153-1.70, GP 1103; EXECUTE A PROFESSIONAL SERVICES CONTRACT FOR CONSTRUCTION ENGINEERING SERVICES; RECEIVE VARIOUS GRANTS FROM THE STARK COUNTY AREA TRANSPORTATION STUDY AND OHIO DEPARTMENT OF TRANSPORTATION; RECEIVE A GRANT FROM THE OHIO PUBLIC WORKS COMMISSION IN THE AMOUNT OF \$600,000.00 AND A LOAN OF UP TO \$900,000.00; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$7,000,000.00 FROM UNAPROP BAL 4566 MAHONING RD CORR PROJ, GP 1103 FUND TO 4566 202079 MAHONING RD CORR PROJ, GP 1103 - OTHER AND \$1,500,000.00 FROM UNAPPROP BAL 4566 MAHONING RD CORR PROJ, GP 1103 FUND TO 4566 202079 MAHONING RD CORR PROJ, GP 1103 - OTHER

\_\_\_\_\_  
PRESIDENT PRO TEM MORRIS: Member Smith.

MEMBER SMITH: Mr. President, I move that we suspend the Statutory Rules for Ordinance #14.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: There's a move to suspend Statutory Rules for Ordinance #14. Any remarks? If not, roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM MORRIS: You've heard the three readings, Member Smith.

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: Move and second that you adopt Ordinance #14. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

**#14 ADOPTED AS ORDINANCE NO. 40/2014**

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PRESIDENT PRO TEM MORRIS: Ordinance #14 is adopted.

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

PRESIDENT PRO TEM MORRIS: We're now under Ordinances and Formal Resolutions for their Third

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Reading. Madame Clerk can you read #15?

***NOTE: PRESIDENT PRO TEM MORRIS CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #15 THROUGH #21 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.***

#15. (3<sup>rd</sup> RDG) **ADOPTED AS ORDINANCE NO. 41/2014** AUTHORIZE SERV DIR TO PURCHASE NEW PM2.5 AIR MONITORING EQUIP FOR AIR POLLUTION CONTROL DEPT; EMERGENCY

PRESIDENT PRO TEM MORRIS: Member Smith.

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: Okay, it has been moved and second to adopt Ordinance #15. Any remarks? Hearing none, roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

**#15 ADOPTED AS ORDINANCE NO. 41/2014**

PRESIDENT PRO TEM MORRIS: Commence #16.

#16. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 42/2014** AUTHORIZING THE SERV DIR TO ENTER INTO A TWO-YEAR PROF SERVICES CONTRACT WITH RUSS KIKO ASSOCIATES, INC. FOR AUCTION SERVICES FOR THE SALE OF PROPERTY NO LONGER NEEDED FOR MUNICIPAL PURPOSES & IMPOUNDED VEHICLES; EMERGENCY

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: Moved and second to adopt Ordinance #16. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

**#16 ADOPTED AS ORDINANCE NO. 42/2014**

CLERK TIMBERLAKE: Ordinance 16 is adopted. Ordinance #17.

#17. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 43/2014** AUTHORIZE SERV DIR TO

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ADVERTISE, REC BIDS, & ENTER INTO CONTRACT IN AN AMT NOT TO EXCEED \$350,000.00 FOR THE EVALUATION OF APPROX 1,720 WATER DISTRIBUTION VALVES; AMENDING APPROP ORDINANCE NO. 264/2013; EMERGENCY

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: Moved and second that we adopt Ordinance #17. Are there any remarks under this Ordinance? If not, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

**#17 ADOPTED AS ORDINANCE NO. 43/2014**

PRESIDENT PRO TEM MORRIS: Ordinance #17 is adopted.

#18. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 44/2014** AMENDING EXHIBIT A TO ORDINANCE NO. 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; EMERGENCY (WATER DEPT. UTILITY OPR. 3, LABORER 2)

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's moved and second that you adopt Ordinance #18. Are there any remarks under this Ordinance?

MEMBER SMUCKLER: Mr. President.

PRESIDENT PRO TEM MORRIS: Member. Smuckler.

MEMBER SMUCKLER: Service Director. Is this outlined in the union contract?

DIRECTOR BARTOS: Mr. Lead, Mr. Leader, to Member Smuckler's question. How do you mean outline? I mean, these positions exist in the bargaining unit.

MEMBER SMUCKLER: Changing these positions is this outlined to be done based on the bargaining that was done with (*Inaudible*).

DIRECTOR BARTOS: This wasn't a part of the negotiations with 2937, which I believe all four of these positions fall under. But this is a reorganization that falls under management rights. Tyler Converse, our Superintendent has determined that we are using some folks kind of out of classification so he needs these other classifications in place in the Water Department for that purpose.

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MEMBER SMUCKLER: Is this going to cost us anymore?

DIRECTOR BARTOS: Member Smuckler, no we're not increasing the number of employees. We're just going to be transferring folks over. We would have come down with a, with a, an Ordinance that eliminated some positions but the problem is there's people sitting in those positions right now so we can't eliminate until we move folks. So, that's why you don't see a, a total you know zero, you know some gain if you will as far as the increase in number of employees. Thank you.

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Hawk.

MEMBER HAWK: Following up on that and I'm a little confused at this point. I understand we're creating new two new positions and that's a, that's a positive thing. And you're saying that these people who'd moved up from different positions into these new positions. This is, this is actually a creation of new positions not done in the bargaining contract but done by management. Okay. Now and Mr. Smuckler asked the question, would we eliminate the positions, when these positions are vacated because I take it that we're going to move two people from current positions into these positions correct?

DIRECTOR BARTOS: Yea but we have a total of to Member Hawk's question, we have a total of ten employees that are currently serving as skilled utility workers and there's only fourteen skilled utility worker positions available in the Personnel Ordinance under Water so you see how we couldn't eliminate ten positions before we moved the folks over.

MEMBER HAWK: Yes, yes I agree then I'll finish.

DIRECTOR BARTOS: And eliminate the number of, we're not eliminating positions, so it's just in other departments but we may be able to eliminate the number of the of employees in that position or eligible to be in that position under the Water Department classification plan.

MEMBER HAWK: I don't think I made myself clear. We're creating two new positions correct?

DIRECTOR BARTOS: No, no we're not creating two new positions. They currently exist, they're in the Collective Bargaining Agreement. What we're doing is we're adding these two positions to the Classification Ordinance for, for the Water Department. These two positions currently exist in other departments but not in the Water Department.

MEMBER HAWK: Well see I, I then must have misunderstood the explanation I got for it last week because during Committee Meetings, because I and again, it could be my misinterpretation. If it is I certainly apologize. That we were told that people were bidding out of this department because they couldn't seek the higher position therefore; an increase in salary which I believe they deserve it. I'm supportive of. If they're doing a job they certainly deserve it. And so that's how it was explained but now what I'm asking is are we going to eliminate the positions that they move out of or is that a contractual obligation. In other words, we are technically changing the contract by creating these two positions right?

DIRECTOR BARTOS: No, no

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MEMBER HAWK: They're not the personnel

DIRECTOR BARTOS: No they exist in the in the classification plan that's included in the Bargaining Agreement. All we're doing is we're saying, we're going to the Classification Plan that then exists in Ordinance form that allows us to hire so many people in each spot.

MEMBER HAWK: Okay, alright okay.

DIRECTOR BARTOS: Under the Water Department.

MEMBER HAWK: Thank you, now I understand you clearly. Thank you.

MEMBER WEST: And Mr. President, so you're not filling the, the old positions that they're moving from?

DIRECTOR BARTOS: Right, we have, we have tons, I don't want to put a number to but we have tons of positions that aren't filled that exist in the Classification Plan. These, these people will be moved and those positions then become open because they're move will not be filled.

MEMBER WEST: Correct. Okay.

PRESIDENT PRO TEM MORRIS: Any more questions? If not roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

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**#18 ADOPTED AS ORDINANCE NO. 44/2014**

PRESIDENT PRO TEM MORRIS: And Ordinance #18 has been adopted. Number 19.

#19. (3<sup>RD</sup> RDG) ***POSTPONED UNTIL 3/17/14 AMENDING ORDINANCE NO. 120/2013;  
EMERGENCY (12<sup>TH</sup> ST RIGHT-OF-WAY ACQUISITIONS)***

CLERK TIMBERLAKE: I'm sorry we've got to do a postponement vote. I'm sorry. I'm ahead of it.

PRESIDENT PRO TEM MORRIS: It's contagious isn't it?

CLERK TIMBERLAKE: Yea, we've got to voice vote to postpone Ordinance 19.

PRESIDENT PRO TEM MORRIS: Yes.

PRESIDENT PRO TEM MORRIS: Okay, Member Smith.

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

MEMBER BABCOCK: Second.

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PRESIDENT PRO TEM MORRIS: It's been moved and second to adopt Ordinance 19. Any questions? Member Smith? Any remarks?

MEMBER SMITH: Mr. President, I move we postpone Ordinance #19 until March 17, 2014.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and second that Ordinance #19 to postpone Ordinance 19 to March 17, 2014. Any remarks? By voice vote, those in favor signify by saying aye. Those opposed. Motion carries. Ordinance 19 is postponed til March 17, 2014.

NO REMARKS

**POSTPONEMENT PASSED UNANIMOUSLY BY VOICE VOTE**

#20. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 45/2014** AMENDING CH. 155, DEPOSITORY & INVESTMENT PRACTICES, OF CODIFIED ORDINANCES

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: Moved and second that you adopt Ordinance #20. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

**#20 ADOPTED AS ORDINANCE NO. 45/2014**

PRESIDENT PRO TEM MORRIS:: Ordinance #20 is adopted.

#21. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 46/2014** AUTHORIZE TREASURER TO ENTER INTO A PROF SERVICES AGREEMENT WITH UNITED AMERICAN CAPITAL CORP. FOR INVESTMENT ADVISORY SERVICES; EMERGENCY

MEMBER SMITH: Mr. President, I move we adopt Ordinance #21.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's moved and second that you adopt Ordinance #21. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

**#21 ADOPTED AS ORDINANCE NO. 46/2014**

PRESIDENT PRO TEM MORRIS: Ordinance #21 is adopted. \_\_\_\_\_

**MINUTES OF THE MEETING MARCH 10, 2014****ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT PRO TEM MORRIS: Announcement of Committees.

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM: Yes, Member Hawk.

MEMBER HAWK: Thank you good sir. The Finance Committee will meet Monday, March 17<sup>th</sup> at 6:30 PM. Thank you good sir.

PRESIDENT PRO TEM MORRIS: You're welcome.

MEMBER BABCOCK: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Mariol, oh I'm sorry Member Babcock.

MEMBER BABCOCK: It's okay I can go first. That's alright. Environmental Public Utilities same time same place.

MEMBER MARIOL: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Mariol.

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

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM MORRIS: Member West.

MEMBER WEST: Public Safety & Thoroughfares Committee will meet same time same place.

MEMBER DOUGHERTY: Personnel will meet also the 17<sup>th</sup> at 6:30.

PRESIDENT PRO TEM MORRIS: Thank you.

**MISCELLANEOUS BUSINESS**

PRESIDENT PRO TEM MORRIS: Miscellaneous Business.

MEMBER GRIFFIN: Mr. President. Yo.

PRESIDENT PRO TEM MORRIS: Oh, I'm sorry Member Griffin.

MEMBER GRIFFIN: Okay, I'd like to report that recently at the American Amateur Softball Association meeting held in Oklahoma City, Canton Joint Recreation Board received the James Farrell Award for Excellence. This is the second time that they've received it. It's an award honoring them for their American Softball, Amateur Softball Association Service, their excellence in hosting National Championship Tournaments. Because of their hard work in the past, they were chosen to host the girls' sixteen to eighteen year old Class B Eastern National Amateur Softball Association Fast-Pitch Tourna Tournament in July of 2013.

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This was Canton's second hosting of the event. Canton has been chosen to host a 2014 Mens's Eastern Class C National Fast-Pitch Championship to be played in late August 2014. Plus the girls' 2015 Class B 14 and under Eastern National Amateur Softball Association Fast-Pitch Championship. So, Willig Field is going to be used quite extensively.

PRESIDENT PRO TEM MORRIS: Thank you.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM MORRIS: Member West.

MEMBER WEST: Just a couple of things, I know that I don't know if we had a chance to acknowledge Jackson High School Students, Government Students that came down tonight. Would you guys all stand and be recognized? (*APPLAUSE*)

MEMBER WEST: They beat, they beat our Timken Trojans so I'm still a little salty but still love you guys. That's good you guys played a great game. Also, I just wanted to maybe ask the Service Director, are they going to put out, I know I asked for an assessment of the streets and the potholes throughout the street, throughout the city so that we can have some gauge on it and some plan going forward. Is that coming come down here in a relatively soon or?

DIRECTOR BARTOS: Member West, yea they're, they're going to be looking at all the roads now after the weather calms down a bit and re-evaluating so that should be coming soon.

MEMBER SMUCKLER: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Smuckler.

MEMBER SMUCKLER: If I could ask the Law Department to please get an Ordinance together so we can properly discuss the sewer rates. There was a half hour there this evening that we didn't even get done. And I think it would be appropriate to have a Committee Meeting on this and for it to go through the proper channels so those of us that want to discuss this, can continue to discuss it. I just think that, that's what we ought to do. And I think that if you need a letter, I'll get you a letter. If you can just get it down here, then get down here. Whatever the case may be but I just like have a discussion on it.

PRESIDENT PRO TEM MORRIS: I agree with you Member Smuckler. Anyone else?

MEMBER WEST: Mr. President, one more thing.

PRESIDENT PRO TEM MORRIS: Member West.

MEMBER WEST: Yes, I just want to let all of you know who have went or attended Washington Elementary School. Next couple of days if you want to get your brick, you better get it now because that school is gone in the next few days. So for those of you who had attended Washington Elementary it will be down, everything will be finished probably in the next few days so you got to go down and get your brick.

PRESIDENT PRO TEM MORRIS: Anybody else? Member Smith

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MEMBER SMITH: Mr. President I move we adjourn.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: Motion to adjourn.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM MORRIS: Bye. You know, I did so much better my first time, this was terrible.  
*(Gavel falls)*

ADJOURNMENT TIME: 8:06 PM

ATTEST: MARCH 12, 2014  
CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

APPROVED: MARCH 12, 2014  
FRANK MORRIS  
PRESIDENT PRO TEM