

MINUTES OF THE MEETING FEBRUARY 22, 2016

PRESIDENT PRO TEM MORRIS: Good evening and welcome to Canton City Council. Before we start this evening's meeting, we've had a tragedy here with a city employee. Mrs. Tonya Johnson was involved in a domestic incident. She served on our Fire Department and that will be a huge loss to the city. Our condolences go out to her family and her loved ones, as well as our Fire Department. If you could give a moment of silence for her, I'd appreciate it. (*Moment of Silence*). Thank you. With a quorum being present the Chair does call this meeting of Canton City Council to order. Roll call please.

ROLL CALL TAKEN BY CLERK SHOWES:

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

ELEVEN COUNCIL MEMBERS PRESENT. (PRESIDENT SCHULMAN AND MEMBER MARIOL ABSENT).

CLERK SHOWES: Eleven here sir, one missing.

EXCUSING MEMBERS

PRESIDENT PRO TEM MORRIS: Leader.

MEMBER SMITH: Mr. President. I move we excuse President Schulman and Member Mariol from this evening's meeting.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to excuse President Schulman and Member Mariol from this evening's meeting. Any remarks? Member Mack.

MEMBER MACK: Thank you, Majority Leader. Member Mariol's grandfather was just admitted to the hospital today, so hopefully things are going to be okay, but that's why he's not here.

PRESIDENT PRO TEM MORRIS: Thank you. President Schulman had a surgery of sorts today. I'm not really sure what he had done, but he had informed me that he'd be under of narcotics today and would not be able to attend. So he's sitting at home smiling right now. (*Laughter*). Roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

PRESIDENT PRO TEM MORRIS: Okay, motion carries and President Schulman and Member Mariol are excused from this evening's meeting. Tonight's invocation will be given by Ward 1 Councilman, Greg Hawk. After the invocation, please remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on February 22, 2016 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council, Kellen Showes. The invocation was given by Greg Hawk, Ward 1 Council Member. The Pledge of Allegiance was led by President Pro Tem Morris.

MINUTES OF THE MEETING FEBRUARY 22, 2016**AGENDA CORRECTIONS & CHANGES**

PRESIDENT PRO TEM MORRIS: We're now under Agenda Corrections and Changes, Leader.

MEMBER SMITH: Mr. President, I move Rule 22A be suspended to add 2nd Reading Ordinances #6 through and include #16.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to Suspend Rule 22A to add the 2nd Reading Ordinances #6 through 16 to this evening's agenda. Are there any remarks? If not, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, sir.

PRESIDENT PRO TEM MORRIS: Rule 22A is suspended, and the Ordinances are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT PRO TEM MORRIS: We're now under Public Hearings and we have none scheduled this evening.

OLD BUSINESS

PRESIDENT PRO TEM MORRIS: We're now under Old Business and we have none.

PUBLIC SPEAKS

PRESIDENT PRO TEM MORRIS: We're now under public speaks and tonight we have 3 speakers signed up. Please state your name and your address for the record. Our first speaker tonight is Mr. Henry Preston.

HENRY PRESTON: Good evening. My name is Henry Preston. I live at 326 31st Street NW, Canton. I'm here tonight to talk about snowplow drivers last week. I've been back here for two years and the last two winters we've had a lot of snow. Last year we had over 70 inches and I don't remember anybody that's plowed in my snow...I mean my driveway with snow like they did this past week. The first time they plowed it in, I paid somebody to clean my whole driveway out and then guess what? After the road is clear and dry, the snowplow driver comes again and plows my driveway in. For what? I mean, I don't know if they got a new blade or what. I noticed they weren't just picking on me, everybody else got snow built into the drive. Now, what's going on? I mean, the reason...one of the reasons that I'm here is because we don't seem to have much oversight and it's complaint driven so I'm here to complain about the poor snowplow driving on 31st Street and the Market Heights neighborhood. And another thing that was kind of strange, the road is clear. Now the snowplow driver, he comes in and he scrapes snow off the side and scrapes it in the street and leaves it. I don't understand. Thank you.

PRESIDENT PRO TEM MORRIS: Thank you, Mr. Preston. Our next speaker tonight is Dana Vargo. Good evening.

DANA VARGO: Good evening. I'm Dana Vargo. My address is 4596 Suzette Avenue NW, Massillon, Ohio 44647. I'm here tonight on behalf of the Teamsters Local 92 Retirees from Canton. Along with over four hundred thousand Teamsters, both active workers and retirees that are being impacted by a law that was passed

MINUTES OF THE MEETING FEBRUARY 22, 2016

by Congress in December of 2014, which could end up impacting over ten million Americans that are in Multi-employment Pension Plans. Not to mention the businesses, the tax base of the cities and states, the school districts, and the overall impact that it's going to have on the country. I believe that Mr. Fisher has given you some of the overall details of this criminal, un-American act known as the Multiemployer Pension Reform Act, or known as the MPRA. That takes away the promises that are given in the Employee Income Security Act of 1974 or ERISA, to protect pensions that are earned and payed for by millions of Americans. Because of this Bill, certain pension funds that are underfunded can apply to the Treasury to cut these promised pension benefits. In our case, Central States Pension Fund has proposed cuts from 35 to 75 percent against retirees that can't go back to work, either because of health or age or both. These are the guys that built this country and a lot of them served our country and I don't think this is a very good way to repay them. As I mentioned, this Bill is un-Democratic. The voting process counts. In the voting process, if an absentee vote...er...absentee ballot is there, that's considered as a yes, regardless if you maybe didn't even receive it. And then, if the majority vote no, the Treasury still has the right to enforce these drastic cuts. What happened to our right to vote? This is where we are now. The Treasury will decide by May 6th, approve it, reject it, or modify it. If it's approved we would then vote on it within 30 days, but as I already mentioned, the vote isn't really going to count for us anyways. The cuts are going to go into effect July 1st. What can we do and how can you help us? If you can contact your Senators and Representatives, like Congressman Gibbs and Renacci, asking them for support to keep our Pension Promises Act, which is co-sponsored by Sanders, Kaptur, and Tim Ryan. It gives a solution to the problem. The Pension Promises Act, by Rob Portman, it doesn't create a solution but it does give us back our Democratic right to vote. A yes is a yes, a no is a no. If we vote no, then the Treasury, their power is gone. Or you can ask them to work on a bi-partisan plan to get this resolved. We could use a stay right now to give everyone time to stop and think what could be...you know...what could we do for this? What would be solutions. We also need everyone to contact Mr. Feinburg, Kenneth Feinburg, at the Treasury. He's the one that's overseeing the process, and ask him to reject the plan. We only have until February 28th to have that done. Because at the end of the day, the Government passed the law so only the Government can stop these drastic cuts which could affect more than ten million Americans. Thank you for your time.

PRESIDENT PRO TEM MORRIS: Thank you. (*Applause*). Our next speaker is Mr. Greg Van Dress. I think...

GREG VAN DRESS: Mr. Chairman, I request that for my time, Dana Vargo, I don't think that she explained enough of this and I feel that maybe there are members of my teamsters that would like to hear more and understand it better if I could give my time to her. (*Inaudible*).

PRESIDENT PRO TEM MORRIS: Yes, I will go ahead and allow her a couple more minutes if...

GREG VAN DRESS: Thank you. (*Inaudible*).

MEMBER WEST: You have to make a motion.

MEMBER HAWK: I will make a motion to grant Ms. Vargo a few more minutes.

MEMBER SMITH: Second.

PRESIDENT PRO TEM MORRIS: Okay, there's a motion and a second on the floor to allow Mrs. Vargo to continue speaking for an additional three minutes. Is that a voice vote? This caught me by...this was a curve ball for me.

MINUTES OF THE MEETING FEBRUARY 22, 2016

DANA VARGO: Me too.

PRESIDENT PRO TEM MORRIS: All those in favor say aye. Those opposed no. The ayes have it. You're up.

DANA VARGO: Okay. I think there's a couple things that I will add to it then. Central States had been under a consent decree since 1982, where Central States, along with the Department of Labor, the 8th District Court, and special counsel entered into a court enforceable consent decree to make sure that the funds were managed for the purpose of what they should be managed for. David Poor was the Independent Counsel. He's still being paid by Central States to attend the meetings, oversee the fund, do the quarterly reports and yet, so we have this Government oversight but they don't think that they have any dog in the fight. They're not willing to step in and help. The PBGC, the Pension Benefit Guarantee Fund..er...Corporation, they were set up out of ERISA so that they money would be insured so that in the event the funds couldn't pay the claims, that they would be there to pay for it. Now they're saying that they're underfunded. So, even though by this MyPBA law, it doubled the premium that Central States, or us, is paying to PBGC. They're saying that if Central States go under, they can't help us. So, everyone, you know, all the government agencies are in this saying, "Well, you know, we'll keep collecting the money". The Central States executives and the investment firms, in fact the Executive Director gave himself a \$32,000.00 raise while all of this was going on. I think that's the majority of what I would want to tell you. It's just that, you know, in the beginning when the law was passed, it was seriously in the dead of night. There hadn't been any discussion or meetings. A lot of the Congressmen and the Senators that we've talked to had no idea that any of this...they signed the law, they voted on it, but no one that we've asked has actually read it because it was stuck into an omnibus spending bill and they didn't have time to read it. They figured, Central States was there lobbying for the Bill. They spent \$6.2 million dollars of our money to pass this law against us. So, Congress thought, "Well, the fund is here, it must be a good thing for the participants". But, it wasn't. So, I'm under my minutes. Thank you.

PRESIDENT PRO TEM MORRIS: Thank you. (*Applause*). Okay, that concludes Public Speaks.

INFORMAL RESOLUTIONS

PRESIDENT PRO TEM MORRIS: We are now under Informal Resolutions. Mister Clerk, start with #14, please.

#14. COUNCIL-AS-A-WHOLE: APPROVING AND ADOPTING RULES OF PROCEDURE FOR CANTON CITY COUNCIL EFFECTIVE 2/22/16. - ADOPTED

PRESIDENT PRO TEM MORRIS: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Informal Resolution #14. Is there any comments? If not, by voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #14 PASSED UNANIMOUSLY BY VOICE VOTE

MINUTES OF THE MEETING FEBRUARY 22, 2016

PRESIDENT PRO TEM MORRIS: The ayes have it. Informal Resolution #14 has been adopted. Number 15, please

#15. COUNCIL-AS-A-WHOLE: URGING TRUSTEES NOT TO REDUCE THE PENSIONS OF RETIREES AFFECTED BY THE MULTIEMPLOYER PENSION REFORM ACT OF 2014. - ADOPTED

PRESIDENT PRO TEM MORRIS: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Informal Resolution 15. Is there any comments under this?

MEMBER FISHER: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Fisher.

MEMBER FISHER: I want to thank everybody for joining me in this and doing this as Council-As-A-Whole. I would ask everybody's support in passing this. This affects a lot of our citizens. I believe the number was...there were several thousand affected persons in Stark County. Obviously many of them live in Canton. In fact, one of our regulars here at City Council, (*Inaudible*) is affected in this as well, and Mr. Scaglione. I know that might give you a reason to vote no, but in spite of that, I would ask you to please lend our voice to the City, to urge Mr. Feinberg in the Treasury and the Trustees not to take these draconian cuts against these workers who worked many, many years and difficult jobs to earn their pensions. Thank you.

PRESIDENT PRO TEM MORRIS: Thank you.

MEMBER WEST: Majority Leader.

PRESIDENT PRO TEM MORRIS: Member West.

MEMBER WEST: Yes, when we pass this, will this go directly to also our Legislators Bob Gibbs and Renacci?

PRESIDENT PRO TEM MORRIS: We can forward a copy to them, sure.

MEMBER WEST: I appreciate that.

MEMBER HARMON: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Harmon.

MEMBER HARMON: You know, I want to thank Member Fisher for bringing us...bringing the Resolution to this body. Just by coincidence, about ten days ago I had a visit from a friend, actually a fellow a few years older than me that grew up in house next door to me in Southwest Canton. This individual worked 30 years as a

MINUTES OF THE MEETING FEBRUARY 22, 2016

driver for the local Budweiser distributor and was a Teamster. He worked very hard for those 30 years and as you can imagine, there was lot of physical labor involved in that. Up and down steps, cold weather, hot weather, and he was able to retire after 30 years of service. In our visit, it was obvious to me that he was very depressed and very despondent. This has always been a very upbeat person, enjoying his retirement. He told me that under this plan, under the Pension Reduction proposal, that he will lose \$800 a month, at least. And the affect on his quality of life, and this is a hardworking man that I've known my entire life. I guess when I add that little personal touch, it'll be a pleasure to support this and do anything else I can. Thank you.

PRESIDENT PRO TEM MORRIS: Thank you. Any more comments? Member Fisher, nice job. All those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #15 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM MORRIS: The ayes have it. Informal Resolution #15 has been adopted. (*Applause*). Amen Pete. I feel you, brother. You're speaking my lingo. Alright, if we don't have any objections, I would like to bundle Informal Resolutions 16, 17, 18, 19, 20, 21, and 22 with a singular vote. Any comments? Concerns? Alright, so I will have the Clerk go through, read each one, and then we will just vote one time on all these re-appointments.

#16. PERSONNEL COMMITTEE: CONFIRMING RE-APPT OF R. CLINT ZOLLINGER TO FAIR EMPLOYMENT PRACTICES BOARD COMMENCING 2/22/16 - 12/31/18 - ADOPTED

#17. PERSONNEL COMMITTEE: CONFIRMING RE-APPT OF AMY WEISBROD TO FAIR EMPLOYMENT PRACTICES BOARD COMMENCING 2/22/16 - 12/31/18 - ADOPTED

#18. PERSONNEL COMMITTEE: CONFIRMING RE-APPT OF VALERIE J. WATSON TO FAIR EMPLOYMENT PRACTICES BOARD COMMENCING 2/22/16 - 12/31/18 - ADOPTED

#19. PERSONNEL COMMITTEE: CONFIRMING RE-APPT OF DAWN M. DEVINE TO THE INVESTMENT BOARD COMMENCING 2/22/16 - 12/31/17 - ADOPTED

#20. PERSONNEL COMMITTEE: CONFIRMING RE-APPT OF PATRICK G. WYATT TO THE BOARD OF HEALTH COMMENCING 4/1/16 - 3/31/21 - ADOPTED

#21. PERSONNEL COMMITTEE: CONFIRMING RE-APPT OF JACK I. BOLENDER TO THE INVESTMENT BOARD COMMENCING 2/22/16 - 12/31/17 - ADOPTED

#22. PERSONNEL COMMITTEE: CONFIRMING RE-APPT OF WILLIAM SHERER, II TO THE INCOME TAX REVIEW BOARD COMMENCING 3/1/16 through 2/28/20 - ADOPTED (1/1/16 - 12/31/17 - INFORMAL RESOLUTION 22 REFLECTS THE CORRECT DATE)

CLERK SHOWES:...I believe the Amendment on that is going to be a two-year term....for...

PRESIDENT PRO TEM MORRIS: Yeah, it'll ex...it is for 3/1/16 through 2/28 of 18. Do we have to? (1/1/16 - 12/31/17 - INFORMAL RESOLUTION 22 REFLECTS THE CORRECT DATE)

LAW DIRECTOR MARTUCCIO: The Amendment can be an oral motion made from the floor, it doesn't have

MINUTES OF THE MEETING FEBRUARY 22, 2016

to be in writing because it's substituting a figure for another figure. Thank you.

PRESIDENT PRO TEM MORRIS: Should we vote on that one separately then? Alright, well, what we'll do is, we'll vote on #22 separately so we can move to amend it. So, Leader.

MEMBER SMITH: Mr. President, I move we adopt Informal Resolutions #16, 17, 18, 19, 20, and 21.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Informal Resolutions #16, 17, 18, 19, 20, and 21. Any remarks? Hearing none, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTIONS #16, #17, #18, #19, #20, AND #21 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM MORRIS: The ayes have it. Informal Resolutions #16, 17, 18, 19, 20, and 21 have been adopted. Leader.

MEMBER SMITH: Mr. President. I move we adopt Ordinance #22.

MEMBER BABCOCK; Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Informal Resolution #22.

MEMBER BABCOCK: Well...

PRESIDENT PRO TEM MORRIS: Leader.

MEMBER SMITH: Point of Order. Should that have been read prior?

PRESIDENT PRO TEM MORRIS: It has already been read. (*Inaudible*).

MEMBER BABCOCK: Yes, we're going to amend Resolution #22 from 4 years to 2 years, 3/1/16 to 2/28/18. (1/1/16 - 12/31/17 - INFORMAL RESOLUTION 22 REFLECTS THE CORRECT DATE).

MEMBER SMITH: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to to amend Informal Resolution #22. Any comments, remarks? All those in favor, signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

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

MEMBER SMITH: Mr. President, I move we adopt Ordinance #22 as amended.

MINUTES OF THE MEETING FEBRUARY 22, 2016

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Informal Resolution #22 as amended. Any remarks? Hearing none, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS RESOLUTION #22 AS AMENDED PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM MORRIS: The ayes have it. Informal Resolution #22 has been adopted as amended.

COMMUNICATIONS

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

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED FEBRUARY 22, 2016.

70. FINANCE DIRECTOR DIRUZZA: AUTHORIZE AUDITOR TO PAY MORAL OBS TOTALING \$4,231.18 ON PO'S CLOSED AT END OF 2015 (MORROW CONTROL \$786.37; SA COMUNALE \$903.60; B&C COMMUNICATIONS \$863.21; ARROW INTERNAT'L \$1,568.00; MARTINEZ \$110.00). - FINANCE COMMITTEE
71. HEALTH COMMISSIONER ADAMS: AMEND O#177/2006 (INCREASE CHANGE DRAWER FUNDS FR \$100.00 TO \$200.00). - FINANCE COMMITTEE
72. LAW DIRECTOR MARTUCCIO: REQ AUTHORIZATION TO MOVE \$27,600.00 ANNUAL SETTLEMENT PAYMENT FR GENERAL FUND TO POLICE SETTLEMENT FUND NO. 1105. - FINANCE COMMITTEE
73. LIQUOR CONTROL DIV: REQ C1, C2 LIQUOR PERMIT TRF FR WAYNE EDWARD MARION, DBA MAGGIORES DRIVE THRU TO DUEBER DRIVE THRU LLC, DBA MAGGIORES DRIVE THRU @ 1037 DUEBER AVE SW (WARD 5). - RECEIVED & FILED
74. LIQUOR CONTROL DIV: NOTICE OF HRG FOR NEW C1 PERMIT FOR SHA B, INC., DBA B & B DRIVE THRU #3 @ 1225 RAFF RD SW TO BE HELD 3/15/16 @ 9:00 AM AT STARK CTY JOB & FAMILY SRVS (WARD 3). - RECEIVED & FILED
75. MAYOR BERNABEI: ADVISING OF APP'T OF DAVID C. KAMINSKI TO PLANNING COMMISSION COMMENCING 1/1/16 THRU 12/31/21. - RECEIVED & FILED
76. MAYOR BERNABEI: ADVISING OF APP'T OF BRENDA G. TURNER TO PLANNING COMMISSION COMMENCING 4/1/12 THRU 12/31/17. - RECEIVED & FILED
77. MAYOR BERNABEI: ADVISING OF APP'T OF MICHAEL E. HANKE TO CANTON PARK COMMISSION FOR 3 YR TERM COMMENCING 1/1/16 THRU 12/31/18. - RECEIVED & FILED
78. MAYOR BERNABEI: REQ AUTHORIZATION FOR APP'T OF RONALD LEMMO TO CANTON

MINUTES OF THE MEETING FEBRUARY 22, 2016

RECREATION BOARD FOR 5 YR TERM COMMENCING 1/1/16 THRU 12/31/20. - PERSONNEL COMMITTEE

79. PERSONNEL COMMITTEE, MEMBER FISHER (WARD 5) : REQ AUTHORIZATION FOR APP'T OF JOHN GIUA TO INCOME TAX REVIEW BOARD FOR 2 YR TERM RETROACTIVE TO 1/1/16 THRU 12/31/17. - PERSONNEL COMMITTEE
80. PLANNING COMMISSION: REQ REPLAT & RENUMBERING PLAT BEING PART OF OUTLOT 487 & PART OF LOT 13145 (DALE JONES FOR PIN OAK TREE, 2702 CLEVELAND AVE SW, WARD 4). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
81. PLANNING COMMISSION: REQ REPLAT OF LOTS 36904 & 36905 AND PART OF LOT 36930 (MICHAEL & ANNA DRAKE AND DAVID & LUCINDA ASHLEY, CORNER OF 44TH ST NW & NORMAN AVE NW, WARD 8). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
82. PLANNING COMMISSION: REQ ZONE CHANGE FR PB-4, PLANNED SPECIAL BUSINESS, AND R-1A, SINGLE FAMILY RESIDENTIAL, TO PB-4, PLANNED SPECIAL BUSINESS FOR 907 - 11TH ST NW (PARCELS 230614, 213860, 247996 & 230355 FOR DARLENE LEGHART OF HAMMER & NAILS, WARD 1). - JUDICIARY COMMITTEE
83. PLANNING COMMISSION: REQ WITHDRAWAL OF COM #25 FR 1/25/16 AGENDA (HAMMER & NAILS REZONE). - RECEIVED & FILED
84. SAFETY DIRECTOR PERRY: REQ AUTHORIZATION TO PAY \$1,005.25 MORAL OB TO HARRISON PAINT CO FOR TRAFFIC SIGN & PAINT DEPT REPAIRS TO GRECO PAINTING MACHINE. - FINANCE COMMITTEE
85. SAFETY DIRECTOR PERRY: AUTHORIZE MAYOR AND/OR SAF DIR TO RECEIVE AND APPROP COMMUNITY GRANT IN AMT OF \$2,400.00 FR WALMART FOR FIRE DEPT TO PURCHASE GAS DETECTORS AND MONITORS; AUTHORIZE AUDITOR TO CREATE FUND IN WHICH TO PLACE GRANT MONEY UPON RECEIPT. - FINANCE COMMITTEE
86. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO EXTEND WATER MAIN TO LEXINGTON FARMS NORTH NO. 1; AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO ANY AGMTS NECESSARY FOR SAID WATER MAIN EXTENSION. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
87. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO EXECUTE PROF SRVS CONTRACT WITH BURGESS & NIPLE FOR DESIGN AND CONSTRUCTION OVERSIGHT FOR SUGARCREEK WATER TREATMENT PLANT BACKWASH WATER SLUDGE LAGOON PROJ; REQ \$325,000 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207042 SUGARCREEK WATER TREATMENT PLANT BACKWASH WATER SLUDGE LAGOON PROJ - OTHER. - FINANCE COMMITTEE
88. TREASURER PEREZ: REPORT OF JANUARY 2016 BANK RECONCILIATIONS AND OUTSTANDING INVESTMENTS AS OF 1/31/16. - RECEIVED & FILED

MINUTES OF THE MEETING FEBRUARY 22, 2016**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT PRO TEM MORRIS: Turning now to First Reading Ordinances and Formal Resolutions for the First Reading, Mister Clerk, will you begin with Ordinance #1.

NOTE: PRESIDENT PRO TEM MORRIS CALLED UPON CLERK SHOWES TO READ ORDINANCE #1 THROUGH ORDINANCE #5 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE AND/OR PARK COMMISSION TO APPLY FOR, ENTER INTO AGREEMENT FOR, AND RECEIVE FUNDS FROM MULTIPLE POTENTIAL FUNDING SOURCES FOR VARIOUS CITY PROJECTS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #2. (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (907 - 11TH ST NW FOR DARLENE LEGHART, HAMMER & NAILS FR PB-4 PLANNED SPECIAL BUSINESS AND R-1A SINGLE-FAMILY RESIDENTIAL TO PB-4 PLANNED SPECIAL BUSINESS)
Referred to Judiciary Committee **PUB HRG 3/7/16 @ 7:30 PM**
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- #3. (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 38/2004; AND DECLARING THE SAME TO BE AN EMERGENCY (REDUCE THE PREMIUM RATE FOR COMPENSATED ABSENCES FROM 125% TO 105% FOR ALL PAYROLLS IN 2016)
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 FOR THE 41ST STREET AND 49TH STREET AREA WATER IMPROVEMENT PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 259/2015; AND DECLARING THE SAME TO BE AN EMERGENCY (\$143,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207041 41ST ST AND 49TH ST AREA WATER IMPROVEMENT PROJ - OTHER)
Referred to Finance Committee
- #5. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND EXECUTE A CONSTRUCTION CONTRACT AND TO EXECUTE A PROFESSIONAL SERVICES CONTRACT FOR CONSTRUCTION OVERSIGHT FOR THE MONUMENT ROAD WATER MAIN REPLACEMENT PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 259/2015; AND DECLARING THE SAME TO BE AN EMERGENCY (\$1,200,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207039 MONUMENT ROAD WATER MAIN REPLACEMENT PROJ - OTHER)
Referred to Finance Committee

MINUTES OF THE MEETING FEBRUARY 22, 2016**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT PRO TEM MORRIS: We now turn to Ordinances and Formal Resolutions for the Second Reading. Would you please begin with #6.

NOTE: PRESIDENT PRO TEM MORRIS CALLED UPON CLERK SHOWES TO READ ORDINANCE #6 THROUGH ORDINANCE #16 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (ORDINANCE #6 ADOPTED ON 2ND RDG):

#6. (2ND RDG) **ADOPTED AS ORDINANCE NO. 12/2016** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 259/2015; AND DECLARING THE SAME TO BE AN EMERGENCY (\$22,629.64 SUPP APPROP FR UNAPPROP BAL OF 4502 MOTOR VEHICLE PURCHASE FUND TO 4502 104020 TRAFFIC SIGNAL - PERSONNEL - \$11,649.61; TO 4502 104040 TRAFFIC ENGINEERING - PERSONNEL - \$4,980.03; TO 4502 202210 STREET MAINTENANCE - OTHER - \$6,000.00)

PRESIDENT PRO TEM MORRIS: Leader Smith.

MEMBER SMITH: Mr. President, I move we suspend the Statutory Rule for Ordinance #6.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to Suspend the Statutory Rule for Ordinance #6. Any remarks? If not, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, Sir.

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

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded that you adopt Ordinance #6. Any remarks? If not, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, Sir.

#6 ADOPTED AS ORDINANCE NO. 12/2016

MINUTES OF THE MEETING FEBRUARY 22, 2016

PRESIDENT PRO TEM MORRIS: Ordinance #6 is adopted. Ordinance #7, please.

- #7. (2ND RDG) AN ORDINANCE PROVIDING FOR THE ISSUANCE OF A NOTE BY THE CITY OF CANTON IN ANTICIPATION OF THE COLLECTION AND PAYMENT OF CITY INCOME TAXES, GENERAL PROPERTY TAXES, AND OTHER REVENUE SOURCES TO THE CITY OF CANTON; DECLARING THE NECESSITY OF THE ISSUANCE OF SAID NOTE; PROVIDING FOR RE-AUTHORIZATION, AMENDING ORDINANCE NO. 259/2015; AND DECLARING THE SAME TO BE AN EMERGENCY (\$4000.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 801001 AUDITOR ADMIN - OTHER; \$600,000.00 SUPP APPROP FR UNAPPROP BAL OF 2120 INCOME TAX FUND TO 2120 852101 INCOME TAX ADMIN - OTHER)
- #8. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$2,400.00 TO KENT STATE UNIVERSITY; AND DECLARING THE SAME TO BE AN EMERGENCY (EXCEL TRAINING)
- #9. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH FROST BROWN TODD LLC FOR LEGAL SERVICES RELATED TO THE OHIO ENVIRONMENTAL PROTECTION AGENCY'S REGULATION OF THE CITY OF CANTON WATER RECLAMATION FACILITY; AND DECLARING THE SAME TO BE AN EMERGENCY
- #10. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 259/2015; AND DECLARING THE SAME TO BE AN EMERGENCY (\$725,340.00 SUPP APPROP FR UNAPPROP BAL OF THE 5231 53RD ST RESERVOIR ROOF REPLACEMENT PROJECT FUND TO 5231 207033 53RD ST RESERVOIR ROOF REPLACEMENT PROJECT - OTHER)
- #11. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO CONTRACT FOR THE PURCHASE OF ONE (1) INTERNATIONAL TANDEM AXLE CAB/CHASSIS; OR TO ALTERNATIVELY PURCHASE SAID VEHICLE PURSUANT TO STATE COOPERATIVE PURCHASING AGREEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY (WATER DEPT)
- #12. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO EXECUTE CHANGE ORDER NO. 2 IN AN AMOUNT NOT TO EXCEED \$37,291.10 WITH LOCKHART CONCRETE COMPANY FOR THE ALLENFORD SE SANITARY SEWER PROTECTION PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY
- #13. (2ND RDG) AN ORDINANCE AUTHORIZING AND CONSENTING TO FINE GRADED

MINUTES OF THE MEETING FEBRUARY 22, 2016

POLYMER AC OVERLAY TO STA US 30 FROM 16.46 TO 18.35; AND DECLARING THE SAME TO BE AN EMERGENCY (PID NO. 100958)

- #14. (2ND RDG) AN ORDINANCE AUTHORIZING AND CONSENTING TO REALIGNING AND RECONFIGURING THE INTERSECTIONS US-62, MIDDLEBRANCH, HARRISBURG, AND 30TH STREET IN PLAIN TOWNSHIP, STARK COUNTY, OHIO WITH THE CONSTRUCTION OF A ROUNDABOUT AT HARRISBURG AND 30TH STREET; AND DECLARING THE SAME TO BE AN EMERGENCY (PID 96346)
- #15. (2ND RDG) AN ORDINANCE AUTHORIZING AND CONSENTING TO RESURFACING FROM 22.19 TO 24.06 AND BRIDGES, MISCELLANEOUS BRIDGE WORK TO NINE (9) STRUCTURES WITHIN CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (STA-US62-22.19, PID 84654)
- #16. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH BROWNFIELD RESTORATION GROUP IN AN AMOUNT NOT TO EXCEED \$148,215.00 FOR PHASE 2 ENVIRONMENTAL ASSESSMENT WORK PERFORMED AT THE FORMER WEBER DENTAL FACILITY; AMENDING APPROPRIATION ORDINANCE NO. 259/2015; AND DECLARING THE SAME TO BE AN EMERGENCY (\$148,215.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 506001 COMM. DEV. ADMIN. - OTHER; \$148,215.00 SUPP APPROP FR UNAPPROP BAL OF 2817 JOBS OHIO FUND TO 2817 506001 COMM. DEV. ADMIN. - OTHER; \$148,215.00 INTERFUND ADVANCE/ADVANCE REPAYMENT FR 1001 506001 COMM. DEV. ADMIN. - ADV. OUT TO 2817 506001 COMM. DEV ADMIN.-ADV. IN; \$148,215.00 INTERFUND ADVANCE/ADVANCE REPAYMENT FR 2817 506001 COMM. DEV. ADMIN. - ADV. OUT TO 1001 506001 COMM. DEV. ADMIN. - ADV. IN)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT PRO TEM MORRIS: Thank you Mister Clerk. We now turn to Ordinances and Formal Resolutions for Third, Final Reading and Vote. Number 17, please.

NOTE: PRESIDENT PRO TEM MORRIS CALLED UPON CLERK SHOWES TO READ ORDINANCE #17 THROUGH ORDINANCE #25 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #17. (3RD RDG) **RECONSIDERED & AMENDED AS ORDINANCE NO. 9/2016** AN ORDINANCE AMENDING ORDINANCE NO. 260/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (CODIFIED ORDINANCE CHAPTER 1353 "FORECLOSED PROPERTIES AND BUILDINGS")

PRESIDENT PRO TEM MORRIS: Leader.

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

MINUTES OF THE MEETING FEBRUARY 22, 2016

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It has been moved and seconded that you reconsider Ordinance #17, adopted as Ordinance 9/2016 on February 8, 2016. Are there any remarks? Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, Sir..

PRESIDENT PRO TEM MORRIS: Thank you. The motion carries. Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: Haven't amended it yet.

MEMBER SMITH: Can we have an explanation why the Ordinance (*Inaudible*).

PRESIDENT PRO TEM MORRIS: Director Bartos.

SERVICE DIRECTOR BARTOS: Mr. Majority Leader, Members of Council. Last week when this was passed, it was discussed and as you're aware, this is a pot of money that we have from registration fees for the Foreclosure Bond Ordinance. It was discussed last week that this money was going to now be used for different expenses, not particular to properties listed in the Foreclosure Registry. One of the topics discussed was mowing. That we would be able to use this money for our mowing program, our summer mowing program and to use it...to put it towards properties that are not listed in the Foreclosure Registry. I noticed that the language, as written, only spoke to debris and...trash and debris, did not specifically list terms of art in Chapter 551 of our Canton Codified Ordinances that speaks towards our mowing program, the mowing of noxious weeds and grasses of rank growth. Nor did it speak to the trimming or removal of nuisance and the hazard trees, something that we also do quite frequently in the summer. That's why I spoke with Law Director Martuccio and our Chief Deputy Council Chris Bates. They agreed with my assessment and so we came up with this language to amend the ordinance to allow for what the late Justice Scalia would refer to at the legislative intent to meet the language of the Ordinance. That's basically it. I don't know if the Law Director has anything to add. (*Laughter*).

PRESIDENT PRO TEM MORRIS. He said no. Leader. (*Inaudible*).

MEMBER SMITH: I move we adopt Ordinance number...

PRESIDENT PRO TEM MORRIS: No, I need to amend it. I need a motion to amend.

MEMBER SMITH: Mr. President, I move that amend Ordinance No. #17 by the copy that's in front of you.

MEMBER BABCOCK: Second.

MINUTES OF THE MEETING FEBRUARY 22, 2016**AMENDMENT**

Pursuant to Rule 41 and 36, I move to reconsider and amend Ordinance No. 9/2016 by the substitution of Section 1 below in place of the previous language.

Section 1. Expenditures from this fund shall be made for the purpose of enforcing the laws regarding foreclosed and or vacant properties as defined and regulated in Chapter 1353, to cover the costs of additional personnel, board ups, cutting or mowing noxious weeds and grasses of rank, growth, trimming or removing nuisance and hazard trees, removal of litter, trash, and debris and the demolition of structures within the city, not limited to those properties listed in the Foreclosure Registry, to help ensure the overall safety, health, and welfare of the citizens of Canton.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to amend Ordinance #17. 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 PRO TEM MORRIS: The ayes have it. Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: As amended.

MEMBER SMITH: As amended.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Ordinance #17 as amended. Are there any remarks? Hearing none, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, Sir.

#17 RECONSIDERED AND AMENDED AS ORDINANCE #9/2016

PRESIDENT PRO TEM MORRIS: Ordinance number...we keep calling it 17 but actually it is 9/2016, has been Reconsidered and Amended. Ordinance #8, please.

#18. (3RD RDG) **ADOPTED AS ORDINANCE NO. 13/2016** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ACCEPT REIMBURSEMENT GRANT FUNDS FROM JOBS OHIO IN THE AMOUNT OF \$148,215.00 FOR EXPENSES ASSOCIATED WITH THE PHASE 2 ENVIRONMENTAL ASSESSMENT OF THE FORMER WEBER DENTAL FACILITY; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM MORRIS: Leader.

MINUTES OF THE MEETING FEBRUARY 22, 2016

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded that you adopt Ordinance 18. Any remarks under this? Hearing none, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, Sir.

#18 ADOPTED AS ORDINANCE NO. 13/2016

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

MEMBER WEST: Majority Leader.

PRESIDENT PRO TEM MORRIS: Member West.

MEMBER WEST: Did you say 8 or 18?

PRESIDENT PRO TEM MORRIS: I just said 18. *(Inaudible)*. Oh. *(Inaudible)*. Sorry, you're right. You got me. But I corrected it later. I got a mulligan on it, it's all good. 19.

#19. (3RD RDG) **ADOPTED AS ORDINANCE NO. 14/2016** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 259/2015; AND DECLARING THE SAME TO BE AN EMERGENCY (\$2,638,999.64 FR UNAPPROP BAL OF 4504 2015 CONSTR/RECONSTRUCTION NOTE FUND TO 4504 201001 SERVICE DIRECTOR ADMIN - OTHER; \$73,334.00 FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207003 BILLING AND RECORDS - OTHER; \$73,334.00 FR UNAPPROPRIATED BALANCE OF 5410 SEWER FUND TO 5410 207003 BILLING AND RECORDS - OTHER; \$73,332.00 FR UNAPPROP BAL OF 5601 REFUSE FUND TO 5601 207003 BILLING AND RECORDS - OTHER)

PRESIDENT PRO TEM MORRIS: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded that you adopt Ordinance #19. Any remarks under this? Hearing none, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

MINUTES OF THE MEETING FEBRUARY 22, 2016

CLERK SHOWES: Eleven yeas, Sir.

#19 ADOPTED AS ORDINANCE NO. 14/2016

PRESIDENT PRO TEM MORRIS: Ordinance 19 is adopted. Ordinance #20 please.

#20. (3RD RDG) **ADOPTED AS ORDINANCE NO. 15/2016** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO RENEW THE CITY’S CONTRACT WITH HYLANT ADMINISTRATIVE SERVICES, LLC IN AN AMOUNT NOT TO EXCEED \$164,769.00 FOR GENERAL LIABILITY, AUTOMOTIVE LIABILITY, PUBLIC OFFICIALS LIABILITY, LAW ENFORCEMENT LIABILITY, EMPLOYER’S LIABILITY, EMPLOYEE BENEFITS LIABILITY, AND CYBER LIABILITY INSURANCE AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM MORRIS: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It’s been moved and seconded that you adopt Ordinance 20. Any remarks? Hearing none, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, Sir.

#20 ADOPTED AS ORDINANCE NO. 15/2016

PRESIDENT PRO TEM MORRIS: Ordinance 20 is adopted. Ordinance #21 please.

#21. (3RD RDG) **ADOPTED AS ORDINANCE NO. 16/2016** AN ORDINANCE APPROVING AND ACCEPTING THE RECORD PLAT OF NEW DAWN DEVELOPMENT NO. 2, REPLATTING ALL OF OUTLOT 1071 AND PART OF OUTLOT 1072 AND DEDICATION OF A PUBLIC STREET; AND DECLARING THE SAME TO BE AN EMERGENCY (GREENTREE AVE SW, WARD 4)

PRESIDENT PRO TEM MORRIS: Leader Smith.

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It’s been moved and seconded that you adopt Ordinance 21. Any remarks under this? Hearing none, roll call please.

MINUTES OF THE MEETING FEBRUARY 22, 2016

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, Sir.

#21 ADOPTED AS ORDINANCE NO. 16/2016

PRESIDENT PRO TEM MORRIS: Ordinance 21 is adopted. Ordinance 22 please.

#22. (3RD RDG) **ADOPTED AS ORDINANCE NO. 17/2016** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO PROFESSIONAL SERVICES CONTRACTS WITH PROFESSIONAL SERVICE INDUSTRIES, INC. FOR DESIGN, ENGINEERING, CONTRACT ADMINISTRATION, AND OTHER PROFESSIONAL SERVICES FOR THE SERVICE CENTER BUILDINGS B & C ROOF REPAIR/REPLACEMENT PROJECTS AND TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO CONSTRUCTION CONTRACTS FOR SAID PROJECTS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM MORRIS: Leader.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #22.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded that you adopt Ordinance 22. Any remarks under this? Hearing none, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, Sir.

#22 ADOPTED AS ORDINANCE NO. 17/2016

PRESIDENT PRO TEM MORRIS: Ordinance 22 is adopted. Ordinance 23 please.

#23. (3RD RDG) **ADOPTED AS ORDINANCE NO. 18/2016** A FINAL RESOLUTION ADOPTING PLANS, AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO COOPERATE WITH AND REQUEST THE DIRECTOR OF TRANSPORTATION TO PROCEED WITH THE MINOR REHABILITATION ON US 30 FROM CANTON'S WEST CORPORATE LINE TO SR 43 (WAYNESBURG DRIVE); AMENDING APPROPRIATION ORDINANCE NO. 259/2015; AND DECLARING THE SAME TO BE AN EMERGENCY (\$60, 000.00 FR UNAPPROPRIATED BAL OF 4501 CAPITAL FUND TO 4501 202001 ENGINEERING ADMINISTRATION - OTHER)

PRESIDENT PRO TEM MORRIS: Leader.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #23.

MINUTES OF THE MEETING FEBRUARY 22, 2016

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded that you adopt Ordinance 23. Any remarks under this? Hearing none, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, Sir.

#23 ADOPTED AS ORDINANCE NO. 18/2016

PRESIDENT PRO TEM MORRIS: Ordinance 23 is adopted. Ordinance 24 please.

#24. (3RD RDG) **ADOPTED AS ORDINANCE NO. 19/2016** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 259/2015; AND DECLARING THE SAME TO BE AN EMERGENCY (\$185,168.06 SUPP APPROP FR UNAPPROP BAL OF 7501 AUDITOR/TREASURER TRANSFER FUND TO 7501 852101 INCOME TAX ADMIN REFUNDS; \$1,000,000.00 FR UNAPPROP BAL OF 2120 INCOME TAX FUND TO 2120 852101 INCOME TAX ADMIN REFUNDS)

PRESIDENT PRO TEM MORRIS: Leader.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #24.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded that you adopt Ordinance 24. Any remarks under this Ordinance? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, Sir.

#24 ADOPTED AS ORDINANCE NO. 19/2016

PRESIDENT PRO TEM MORRIS: Ordinance 24 is adopted. Ordinance 25 please.

#25. (3RD RDG) **ADOPTED AS ORDINANCE NO. 20/2016** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 259/2015; AND DECLARING THE SAME TO BE AN EMERGENCY (\$2,723.54 APPROP TRF FROM 2767 701001 JAIL DIVERSION GRANT FUND - PERSONNEL TO 2767 701001 JAIL DIVERSION GRANT FUND - OTHER)

PRESIDENT PRO TEM MORRIS: Leader.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #25.

MINUTES OF THE MEETING FEBRUARY 22, 2016

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded that you adopt Ordinance 25. Any remarks under this Ordinance? Hearing none, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, Sir.

#25 ADOPTED AS ORDINANCE NO. 20/2016

PRESIDENT PRO TEM MORRIS: Ordinance 25 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM MORRIS: We are now under Announcement of Committee Meetings.

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Hawk.

MEMBER HAWK: Thank you good sir. In the absence of our good friend, Mr. John Mariol, the Finance Committee will meet Monday, February 29th, that is the Leap Year date folks, so we'll be here an extra day, at 6:30 p.m.

PRESIDENT PRO TEM MORRIS: Member Mack.

MEMBER MACK: Thank you, Majority Leader. Judiciary will meet at the same and at the same place.

PRESIDENT PRO TEM MORRIS: Any other announcements?

MISCELLANEOUS BUSINESS

PRESIDENT PRO TEM MORRIS: Alright, we are now under Miscellaneous Business.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM MORRIS: Member West.

MEMBER WEST: Yes, this is for the Service Director. Do you know when the 12th Street Project will resume? Is there a date? There's no activity going on. I was wondering if they're taking a break, or are they delayed? ...er...and you can get back with me if you don't have the answer.

SERVICE DIRECTOR BARTOS: Mr. Majority Leader. Yeah, I'll get...I'll let you know. I don't know if there's a date certain that we're going to be given. I'm sure...the weather's been kind of mild so if that continues, I'm sure they're going to kick it back up into full gear soon, but I'll get you a date, sir, or at least a time line.

MINUTES OF THE MEETING FEBRUARY 22, 2016

MEMBER WEST: Thank you.

PRESIDENT PRO TEM MORRIS: Member Dougherty.

MEMBER DOUGHERTY: Yes. On that same note, just curious, with the weather being so good, why aren't we working? I mean, I golfed in shorts. *(Laughter)*

SERVICE DIRECTOR BARTOS: Mr. Majority Leader.

PRESIDENT PRO TEM MORRIS: Service Director. *(Laughter)*.

SERVICE DIRECTOR BARTOS: To the Council...

MEMBER DOUGHERTY: I told...I've been told there's better legs on a pool table, okay. *(Laughter)*.

PRESIDENT PRO TEM MORRIS: I'm going to agree with that.

SERVICE DIRECTOR BARTOS: To the Member's questions. I can't say for certain, there might be a set down time in the contracts for the projects, but I'll see exactly what's going on and get you guys an update. I'll call you two, individually, on those.

MEMBER DOUGHERTY: It would just be interesting. In the future, for those contracts, why do you have a set down time and you should have a weather permitting time where we can get moving. They're working at the Hall of Fame. They work there on Sundays.

SERVICE DIRECTOR BARTOS: And I could be wrong about that point, but that was just one...I'm just speculating there but I'll give each of you a call.

PRESIDENT PRO TEM MORRIS: Anyone else?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT PRO TEM MORRIS: Law Director.

LAW DIRECTOR MARTUCCIO: I just wanted to point out...we're working through what is probably a series of transcription errors on the agenda. Council correctly voted for amending the appropriation ordinance for the Jail Diversion Grant Fund under number 25; however, it goes on to say...#19Authorizing the Mayor or Service Director to enter into a professional service contract with Professional Services Industries, Inc. for design, engineering, contract administration and other professional services for the Service Center Building. Obviously Council correctly voted on number 26 on the Agenda for the Jail Diversion Grant Program. What I'm trying to determine is if you've already voted on the roof contract or if that was simply a repetitive series of...okay. Yes, we've already voted on it as number 22. So, obviously it appears it's a typographical error that can be stricken on a motion, I suppose, from this agenda, but it does not interfere with the proper vote taken of the Jail Diversion Grant Program. Simply a motion to strike the last...under agenda item number 25, strike the figure 19 and the four lines that appear beneath it, should suffice to correct your agenda. So again, it's to strike the figure 19 and the four lines appearing below it where it says item number 25.

MINUTES OF THE MEETING FEBRUARY 22, 2016

PRESIDENT PRO TEM MORRIS: I just need a motion to strike.

LAW DIRECTOR MARTUCCIO: So again, Members of Council, it's simply that appeared typographically as a repetitive series of lines that won't...will not interfere with your passage of Ordinance 25. However, again to frame the motion, it is under item...agenda item 25 to strike the figure 19 from the second line and the 4 typed written lines that follow.

PRESIDENT PRO TEM MORRIS: Leader.

MEMBER SMITH: Mr. President I move that item number 25, that we're going to strike the number 19 and the four lines below that.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to strike 19 and the paragraph following on Ordinance #25. All those in favor signify by saying aye. Those opposed no.

NO REMARKS

MOTION TO STRIKE PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM MORRIS: The ayes have it. Anything else? That was a terrible meeting. Leader.

MEMBER SMITH: Mr. President, I move we adjourn.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas.

PRESIDENT PRO TEM MORRIS: *(Gavel falls)* Meeting adjourned.

ADJOURNMENT TIME: 8:19 P.M.

ATTEST:
KELLEN SHOWES
CLERK OF COUNCIL

APPROVED:
FRANK MORRIS
PRESIDENT PRO TEM MORRIS

