

**MINUTES OF THE MEETING MAY 9, 2016**

PRESIDENT PRO TEM MORRIS: Alright. 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:*

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

TWELVE COUNCIL MEMBERS PRESENT. (PRESIDENT SCHULMAN ABSENT)

CLERK SHOWES: Twelve yeas, sir.

PRESIDENT PRO TEM MORRIS: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to excuse President Schulman from this evening's meeting. Any remarks? Uh, President Schulman did call me back and informed me that he had to take his sister-in-law up to Cleveland for some tests so he won't be here tonight. With that being said, roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

PRESIDENT PRO TEM MORRIS: And, Member... uh, President Schulman is excused from this evening's meeting. Tonight's invocation will be given by our At-large Council Member, Bill Smuckler. Please remain standing afterwards for the Pledge of Allegiance.

*The regular meeting of Canton City Council was held on May 9, 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 Council Member At-large, Bill Smuckler. The Pledge of Allegiance was led by President Pro Tem Morris.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT PRO TEM MORRIS: We are now under Agenda Corrections and Changes. Leader.

MEMBER SMITH: Mr. President, I move Rule 22A be suspended to add 2<sup>nd</sup> Reading Ordinances #6 through #9 to this evening's agenda.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to Suspend Rule 22A... It's been moved and seconded to suspend Rule 22A to add Second Reading Ordinances 6 through #9 to this evening's agenda. Any remarks? Hearing none, roll call please.

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NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve 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 are now under Public Hearings, and we have no public hearings this evening.

**OLD BUSINESS**

PRESIDENT PRO TEM MORRIS: We are now under Old Business. No Old Business this evening.

**PUBLIC SPEAKS**

PRESIDENT PRO TEM MORRIS: And we are now under Public Speaks. Two speakers signed up. So when I call your name, please state your name and your address for the record. And our first speaker is Mr. Pete DiGiacomo.

PETE DIGIACOMO: Thank you very much. My name's Pete DiGiacomo. I reside at 600 Dent Place SW, Canton, Ohio. Uh, I got Sunday's paper and I started looking through it, see what was interesting, what was going on. I wa... I wish Todd Porter was here. Uh, Traffic Bureau helping bridge Canton's financial gap. So that sounds interesting, let me read it. First page here, as I'm reading my blood pressure started going up. I'll turn it to the best of it, if I'd have had a cuff on my arm the... the... it would have blew up. I've been up here for two and a half years (*knocks on podium*) exact same thing that I mentioned to the last Administration, how can you make some money. It's right in front of your face. It sits up on '77 24-7. Was completely ignored. Okay. I got that out. From July of 2014 to February of 2015, Canton Police issued just over 2100 citations for a total of \$464,000 plus. During the same period Ohio Highway Patrol issued just over 4200 tickets, and they brought in just over \$887,000. Suspense grows. (*Papers crackling*) I gotta hurry. Okay. Back here we have the trend continued from March 15th to November 15th. Ohio Highway Patrol collected \$468,000, no more than the City did. Surprise. Okay. From November until April Canton Police issued \$700,000 worth of traffic citations or \$37,000 more than the Ohio Highway Patrol. So finally the City of Canton, hey, you're doing the... what you're doing is good. Do it more, a lot more. You get up in the morning... because what I was told before we don't want to be known as a speed trap. I said you want to be known as the NASCAR track? The person that was sitting in Mayor Bernabei's seat didn't like it. Tough. The other thing is, like I say, you get up in the morning and you get on '77 you better start watching where you're at, who's coming after you, everything else, because if you're going 60 to 65 you will get run over. Then guess what? In the evening it all starts all over again. Here they came again, NASCAR. Safety Director, Chief of Police, buy some... get some more cruisers, get a few, you know... this speaks for itself. You don't have to cut any police. This will pay for a whole lot of jobs when you start figuring up all the dollars and cents that it brings in. Thank you. (*Applause*)

PRESIDENT PRO TEM MORRIS: Thank you. Next speaker is Mr. James Parker.

JAMES PARKER: Thank you. James Parker, 630 Penny St SE, North Canton, Ohio. I'm not sure we want to know... be known as the Brecksvew or Broadview Heights or whatever it is up there by the... uh, by the Veterans Hospital where you always have to make sure you don't get caught in the... in the Barney Fife thing.

PETE DIGIACOMO: Do the crime, you do the time.

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JAMES PARKER: Of course. Baretta, I saw that. Tony Blake. Considering the moniker of Utica Capital that former Mayor Healy bestowed upon us, now that Chesapeake Energy who's declaring bankruptcy, built in Louisville, isn't that so? And the CEO Aubrey McClendon has committed suicide as the Utica play is played. Nobody saw it coming, but for the time being I believe there's zero wells producing in Stark County, maybe three in the State of Ohio. Feel free to correct me if you know. They're published in the Canton Repository monthly. I'm suggesting that we consider a motto I thought of before we got stuck with Utica Capital that Mayor Healy bestowed upon us in his infinite wisdom. How about Canton Rushing for Yards. Yes, we're the Hall of Fame City. The way this got started I came up here, I said we're the Hall of Fame City, but Massillon's Tiger Town. They're still the city of champions. You can put a tag line, a moniker, what have you. He spun out Utica Capital the next week. Nix that. I'm asking you to consider and please place before you an Informal Resolution that Rushing for Yards is... is considered a good idea. I went to the Akron Canton Airport at the time, I told them a better way to go, a little wordy, a little dated, the shelf life. How about Touch Down? Plane touches down, touch down. Now that I've lived to see the ideology change before my very eyes, you can believe me or you can believe your own eyes looking out upon '77 west of us where it all stayed in a bottle like a genie until you rubbed it a few times. Now that we're here and it's before you and that many are called, but few are chosen, a banquet has been prepared before you. Why not play on the cradle area teams. The Canton Bulldogs were #1 among over 50 other teams. With the Massillon Tigers that had Knute Rockne. We had the native Americans, Jim Thorpe and company, Bill Gardner, Pete Calac whose name is now festooned over the Police Department entrance. Thank you. It's about time these gentlemen were honored. Some of them went on to become an untouchable, the G-men under Eliot Ness, ran a campground, they went on and had lives. Became a policeman, had the third generation still here as the Chief's secretary. Okay. They're why the Hall of Fame is here, and if you don't celebrate that our own self image, the Genesis era, what we call the genuine organic homegrown, what we are... look at all your mission statements about how you're supposed to promote the town with your self image and your own identity. Not 33 other towns. They got their own identity. Let's keep ours. And please remember that. And the true folk heroes of Canton. Finally, just as Carthage must be destroyed, Google that. That playground in Allen Page Avenue must be replaced. Thank you. (*Applause*)

PRESIDENT PRO TEM MORRIS: Alright. That concludes Public Speaks.

**INFORMAL RESOLUTIONS**

PRESIDENT PRO TEM MORRIS: And we're now under Informal Resolutions. We do not have any this evening.

**COMMUNICATIONS**

PRESIDENT PRO TEM MORRIS: We are now... okay. 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 MAY 9, 2016.***

188. AUDITOR MALLONN: REQ FOR ADDT'L AMENDED CERTIFICATE DATED 4/29/16. - RECEIVED & FILED

189. AUDITOR MALLONN: MTHLY REPORT BY FUND FOR 4/1/16 THRU 4/29/16. - RECEIVED & FILED

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190. AUDITOR MALLONN: YRLY REPORT BY FUND FOR 1/1/16 THRU 4/29/16. - RECEIVED & FILED
191. COMM DEV DIR MILLER: AUTHORIZE MAYOR TO ENTER INTO CONTRACTS FOR 2016 PROGRAM YEAR FOR AMTS FOR PROJECTS BASED ON REQUEST FOR PROPOSAL (RFP) CONDUCTED IN APRIL 2016 (\$391,000.00 CDBG FUNDS FOR SPECIAL REHAB PROJS, \$607,250.00 CDBG FUNDS FOR COMMUNITY BASED DEV ORG (CBDO), \$231,450.00 FOR PUBLIC SERV PROJS, \$212,400.00 ESG FUNDS FOR ELIGIBLE PROJECTS). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
192. COUNCIL MEMBERS: KEVIN FISHER (WARD 5), FRANK MORRIS (WARD 9): REQ LEGISLATION RAISING ADMIN PROCESSING FEE FOR IMPOUNDING AND STORING MOTOR VEHICLES FR \$30.00 TO \$50.00 PER VEHICLE; INCORPORATE CHANGES INTO CHAPTER 303 OF CODIFIED ORD OR WHERE MOST FUNCTIONAL. - FINANCE & JUDICIARY COMMITTEES
193. LIQUOR CONTROL DIV (OHIO): AMENDED ORDER RECEIVED FOR HILL MINI MART, LLC REVERSING DIVISION OF LIQUOR CONTROL'S ORDER - RECEIVED & FILED
194. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO STATE COOP PURCH/PROF SERVS CONTRACT WITH FEDERAL SIGNAL FOR PURCHASE AND INSTALLATION OF ONE (1) WARNING SIREN IN ACCORDANCE WITH ORC SECTION 125.04; AUTHORIZE MAYOR AND/OR SERV DIR TO ACT AS GENERAL CONTRACTOR AND CONTRACT FOR ALL GOODS AND SERVS RELATED TO PURCHASE, INSTALLATION, AND OPERATION OF WARNING SIREN; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE COMMITTEE
195. SERVICE DIRECTOR BARTOS: REQ LEGISLATION TO INCLUDE EXACT LANGUAGE CONTAINED IN DRAFT RESOLUTION/ORDINANCE REQUESTING 9,000 TONS OF ROAD SALT (ODOT WINTER ROAD SALT CONTRACT). - FINANCE COMMITTEE
196. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD, AND EXECUTE A CONSTRUCTION CONTRACT FOR PROJ; AUTHORIZING CITY TO ENTER INTO AGMT FOR AND RECEIVE GRANT FUNDS IN AMT OF \$735,000.00 AND A LOAN IN AMT OF \$765,000.00 FR OHIO PUBLIC WORKS COMMISSION; AUTHORIZE AUDITOR TO ESTABLISH AND CREATE 4579 30<sup>TH</sup> ST NW RESURFACING PROJECT, G.P. 1238, FUND FOR PURPOSE OF TRACKING PROJ REVENUES AND EXPENDITURES; \$1,500,000.00 SUPP APPROP FR UNAPPROP BAL OF 4579 30<sup>TH</sup> ST. NW RESURFACING PROJECT, G.P. 1238, FUND TO 4579 202044 30<sup>TH</sup> ST NW RESURFACING PROJECT, G.P. 1238 - OTHER; \$84,000.00 APPROP TRF FR 4501 202260 STREET PAVING TO 4501 202044 30<sup>TH</sup> ST NW RESURFACING PROJECT, G.P. 1238 - OTHER; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE COMMITTEES
197. TREASURER PEREZ: RPT OF PARKING METER REV FOR APRIL 2016. - RECEIVED & FILED

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198. TREASURER PEREZ: RPT OF DEPOSITS AND PAY INS FOR AMBULANCE LOCK BOX FOR APRIL 2016. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT PRO TEM MORRIS: We're now under Ordinances and Formal Resolutions for their First Reading. Begin with #1, please.

***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 (ORDINANCE #2 RETAINED IN COMMITTEE):***

- #1. (1<sup>ST</sup> RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE TRUMP SCHOOL ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE TO RECONCILE INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Annexation Committee
- #2. (1<sup>ST</sup> RDG) ***RETAINED IN COMMITTEE AN ORDINANCE WAIVING THE PROPOSED ANNUAL ADJUSTMENT TO THE BASE SEWER RATE PURSUANT TO SECTION 947.06 OF THE CODIFIED ORDINANCES; AND DECLARING THE SAME TO BE AN EMERGENCY***  
Referred to Environmental & Public Utilities Committee
- #3. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$32,562.79 SUPP APPROP FR UNAPPROP BAL OF 2787 2014 BYRNE MEMORIAL GRANT FUND TO 2787 2014 BYRNE MEMORIAL GRANT - OTHER)  
Referred to Finance Committee
- #4. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE HIRING OF ROBERT B. SOBNOSKY, P.E., AS FACILITIES ENGINEER OF THE WATER DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Personnel Committee
- #5. (1<sup>ST</sup> 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 THE HARRISON AVENUE/44TH STREET N.W. WATER MAIN REPLACEMENT PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$950,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207036 HARRISON AVENUE/44TH ST WATER MAIN REPLACEMENT PROJ - OTHER)  
Referred to Finance Committee

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PRESIDENT PRO TEM MORRIS: And at this time the Chair would like to declare an in house recess for the Environmental & Public Utilities Committee to meet regarding Ordinance #2 on your agenda this evening. You're now in recess.

***(COUNCIL RECESSED AT 7:44 PM FOR THE ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE TO DISCUSS ORDINANCE #2; RECONVENED AT 7:44 PM WITH A REFUSAL BY THE CHAIRMAN TO HOLD A COMMITTEE MEETING ON THE ORDINANCE)***

PRESIDENT PRO TEM MORRIS: Alright. Council is reconvening.

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT PRO TEM MORRIS: And now we are on to Ordinances and Resolution for the Second Reading. Begin with #6, please.

***NOTE: PRESIDENT PRO TEM MORRIS CALLED UPON CLERK SHOWES TO READ ORDINANCES #6 THROUGH #9 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #6. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR SERVICE DIRECTOR TO ENTER INTO AN AMENDED ENTERPRISE ZONE AGREEMENT WITH HYDRODEC N.A., INC.; AND DECLARING THE SAME TO BE AN EMERGENCY
- #7. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE CANTON COMMUNITY IMPROVEMENT CORPORATION TO PROVIDE A GRANT UTILIZING GENERAL FUND DOLLARS IN AN AMOUNT NOT TO EXCEED \$50,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY
- #8. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$69,709.00 SUPP APPROP FR UNAPPROP BAL OF 2769 2015 BYRNE MEMORIAL GRANT FUND TO 2769 2015 BYRNE MEMORIAL GRANT - OTHER)
- #9. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$39.84 SUPP APPROP FR UNAPPROP BAL OF 2772 2013 EDWARD BYRNE GRANT FUND TO 2772 2013 EDWARD BYRNE GRANT - OTHER)

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

PRESIDENT PRO TEM MORRIS: Thank you. We are now on to Ordinances and Formal Resolutions for their Third and Final Reading. Please begin with... oh, wait. Right, #10 can you read that.

***NOTE: PRESIDENT PRO TEM MORRIS CALLED UPON CLERK SHOWES TO READ ORDINANCES #10 THROUGH ORDINANCE #13 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #10. (3<sup>RD</sup> RDG) **POSTPONED UNTIL 5/16/16** AN ORDINANCE ADDING CHAPTER 1352,

**MINUTES OF THE MEETING MAY 9, 2016**VACANT COMMERCIAL PROPERTY MAINTENANCE AND STANDARDS, TO  
THE BUILDING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF  
CANTON

PRESIDENT PRO TEM MORRIS: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Ordinance #10. Are there any remarks? Leader.

MEMBER SMITH: Mr. President, I move we postpone Ordinance #10 till 5-16-2016.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to postpone Ordinance #10 to 5-16-2016. Any remarks under this? Hearing none, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

POSTPONEMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM MORRIS: The ayes have it. Motion carries, and Ordinance #10 is postponed to 5-16 of 2016. Ordinance #11, please.

#11. (3<sup>RD</sup> RDG) **POSTPONED UNTIL 5/16/16** A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE 1400 GRACE AVE. ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE TO RECONCILE INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM MORRIS: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Ordinance #11. Are there any remarks under this?

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM MORRIS: Member West.

MEMBER WEST: Yes, I have spoken with the Mayor and he indicated that they would like to hold this to 5-16-2016 to get the right template for services.

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PRESIDENT PRO TEM MORRIS: Okay.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT PRO TEM MORRIS: Law Director.

LAW DIRECTOR MARTUCCIO: The City has recently changed some of the language and some of the provisions that have to do with the service we annex out. Um, we incorporated one of those changes but not the other, so I will have those amendments in hand next week and ready for passage.

PRESIDENT PRO TEM MORRIS: Okay. Leader.

MEMBER SMITH: Mr. President, I move we postpone Ordinance #11 till 5-16-2016.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to postpone Ordinance #11 until 5-16-2016. Are there any remarks under this? Hearing none, by voice vote all those in favor signify by saying aye. Those opposed no.

NO REMARKS

POSTPONEMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM MORRIS: The ayes have it, and Ordinance #11 has been postponed until 5-16 of 2016. Ordinance #12.

#12. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 83/2016** AN ORDINANCE AUTHORIZING THE ADOPTION OF THE PROPOSED CANTON PARKS MASTER PLAN AS A SUBORDINATE PLAN TO THE COMPREHENSIVE PLAN FOR THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM MORRIS: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Ordinance #12. Is there any remarks under this? Hearing none, roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas.

**#12 ADOPTED AS ORDINANCE NO. 83/2016**

PRESIDENT SCHULMAN: Ordinance #12 has been adopted. Ordinance #13, please.

#13. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 84/2016** AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR LISTS OF

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UNPAID AND DELINQUENT CHARGES FOR ALL COSTS ASSOCIATED WITH SERVICES PERFORMED BY AND/OR ON BEHALF OF THE CANTON STREET DEPARTMENT AND URBAN FORESTRY DIVISION OF THE ENGINEERING DEPARTMENT IN 2015

PRESIDENT PRO TEM MORRIS: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Ordinance #13. Is there any remarks under this Ordinance? Hearing none, roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

**#13 ADOPTED AS ORDINANCE NO. 84/2016**

PRESIDENT PRO TEM MORRIS: Ordinance #13 has been adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT PRO TEM MORRIS: You're now under Announcements of Committee Meetings.

MEMBER MARIOL: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Mariol.

MEMBER MARIOL: Finance will be having a meeting May 16<sup>th</sup> at 6:30. We'll also be taking a little bit of time to have a budget presentation during that committee meeting.

PRESIDENT PRO TEM MORRIS: Thank you.

MEMBER BABCOCK: Mr. President, Personnel, same time, same place.

PRESIDENT PRO TEM MORRIS: Alright.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM MORRIS: Member West.

MEMBER WEST: Annexation will meet same time, same place.

MEMBER HARMON: Mr. President, I... I can call and schedule a committee meeting if you want, but I believe it...

PRESIDENT PRO TEM MORRIS: I'm going to gamble and say that it's either Sunday or Monday, and I'm

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hoping that Monday would be the deadline and I will pass that on second reading if I have to, so let's...

MEMBER HARMON: I will follow proper procedure and schedule a meeting of the Environmental & Public Utilities Committee on Monday at 6:30.

PRESIDENT PRO TEM MORRIS: I would appreciate that. Thank you.

MEMBER HARMON: Thank you.

**MISCELLANEOUS BUSINESS**

PRESIDENT PRO TEM MORRIS: We're now under Miscellaneous Business.

MEMBER WEST: Mr. President, just a question...

PRESIDENT PRO TEM MORRIS: Member West.

MEMBER WEST: Just a question for the Law Department. Of those dollars that come in from the state troopers and our local tickets, how much of that comes back to the General Fund to the City specifically?

LAW DIRECTOR MARTUCCIO: Mr. President. Member West, I'm not sure precisely. But I know as a rule of hand when the State writes the tickets the money goes to the State. Now there's some fees I think that the local court clerk and the local court can retain for processing that case, but I think the fine money goes back to the State. Uh, with local ordinance violations written by Canton City Police Officers it's... it... the fine money comes back to the City. That's my understanding. I would yield to someone who's got more knowledge with the Clerk of Courts or how that particularly works, but that's my understanding.

MEMBER WEST: No, I asked because some time ago I looked into that and we're saying that the City gets very few dollars and a lot of it goes to the Court when you fine somebody for a speeding ticket per se.

LAW DIRECTOR MARTUCCIO: Again, depending on the nature of the origin. If it's the Ohio Revised Code it's a state based case. If it's a local ordinance it's a city based charge. And at this point I'm gonna exercise invocation Member Smuckler gave earlier and the Creator's telling me to be silent.

MEMBER FISHER: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Fisher.

MEMBER FISHER: Thank you, sir. Uh, a few weeks back this Council passed an Informal Resolution urging the United States Treasury to reject a proposed cut to some retired part timers and Teamsters at the request and allocation of the Central States Pension Fund. And I'm happy to announce that the Treasury did reject the proposed cuts proposed by Central States. This is not the final answer to this, but it... it does prevent the immediate reduction of 35 to 75% of those pensions. And then also I'd just like to point out that it was four years ago today that Member Mariol was appointed by the Democratic Central Committee, so... Four... four years, you ready to give up on it already? *(Chuckles)* Thank you.

PRESIDENT PRO TEM MORRIS: Anyone else? Miscellaneous.

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MEMBER HARMON: Mr. President, everybody here deserves to know why I didn't call the Public Utilities and Environment... will you please put yourself (*inaudible*). Sure. I just... the City's... City Administration's presentation was five weeks ago, and a very detailed lengthy presentation of why (*inaudible*) increase should take place. We have 45 days to essentially refute. I... I'm not sure why the sponsors decided to wait this long. I believe today is the last (*inaudible*) day that we can repeal it. Uh, I just didn't like the idea (*inaudible*). There's a lot here to consider and deliberate on, and I know maybe some of you younger members have better memories than myself, but I (*inaudible*) five weeks ago. I also take notice that the sewer (*inaudible*) and the (*inaudible*) were not present. We couldn't even really ask questions of them to deliberate this, but my reason for not holding this meeting is we have (*inaudible*). They didn't come forward in a timely (*inaudible*) ...come forward on the 11<sup>th</sup> hour is not something (*inaudible*).

PRESIDENT PRO TEM MORRIS: What answer? What's the question.

MEMBER HARMON: (*Inaudible*) I think that's the (*Inaudible*)... asked the question...

MEMBER WEST: Yeah, Highway Patrol and also the... uh, our offices, when they administer a speeding ticket how much of that comes back to the General Fund versus going to... and I guess the Courts is in the General Fund, but you...

MEMBER HARMON: Only the court costs.

MEMBER WEST: Say that again?

MEMBER HARMON: Only the court costs. Unless things have changed since I was Clerk of Court, ten years ago. The County gets 45%, the State gets 45%, 10% goes to the Stark County Law Library, so the only thing... the only... the City gives (*inaudible*) fine money, it can only get court costs.

MEMBER WEST: So, court costs, so...

MEMBER HARMON: Which was (*inaudible*).

MEMBER WEST: So if it's a City officer that pulls somebody over for a speeding ticket then 100% goes into the City?

MEMBER HARMON: Yeah, not necessarily to the General Fund. The Court has some specialized funds, but... but 100% (*inaudible*) under City Ordinance for violations 100% of the fund goes to the City. Not all (*inaudible*) General Fund. (*Inaudible*)

MEMBER WEST: Do you know the percentage that goes to the General Fund?

MEMBER HARMON: H-mmm?

MEMBER WEST: Do you know the percentage that goes to the General Fund?

MEMBER HARMON: Depends on violations (*inaudible*).

MEMBER WEST: I mean percentage wise.

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MEMBER HARMON: Are you talking about \$150.00 a day, how much goes to the General Fund?

MEMBER WEST: Percent.

MEMBER HARMON: I'm no longer the Clerk of Court, but I would estimate probably thirty (*inaudible*).

MEMBER WEST: Okay. Thank you.

PRESIDENT PRO TEM MORRIS: Okay. Anybody else? Okay. Regarding what the Chairman had said regarding the piece of legislation. The sponsors did not sit on this legislation. Actually, to be very honest with you, just had our Clerk pull it up. The very first Communication to the Law Department was on April 19<sup>th</sup> regarding this legislation. Okay? The Law Director then sent a lengthy e-mail on April 20<sup>th</sup>. I responded to his e-mail, yes, I want legislation prepared. So, and... and here in government it's really hard to cover your butt without sounding like your throwing somebody under a bus, but we did not drag our feet on that. It's been over two weeks to get this down, and I just now got it down for its first reading. So, I don't feel that... I feel that over 400 and some days in the Sewer Department's reserve fund is plenty of money. I feel that our residents are taxed hard enough. We had no say in an 8% water increase, but the sewer rate for some reason... according to the Ohio Revised Code, we actually can push that to a vote. Correct, Law Director? But the water we could not.

LAW DIRECTOR MARTUCCIO: Correct.

PRESIDENT PRO TEM MORRIS: Okay. So, based on my math as of right now that is an 11% increase on our residents' public utilities, water, sewer, so forth and so on. That is why myself and Member Fisher brought that down because it's actually something that we can put before a vote. The tax payers in Canton got stuck with an 8% water increase. I was not going to let another 3% go on their utility bill without actually having my voice heard. I respect what you did. I'm shocked that it took this long to come down, and it is not uncommon for myself as the majority leader to allow people to let things get passed on the first reading, but I will use discretion in that from now on. Use caution. Maybe we do need to talk things over a little more often. So, with that being said, any...

MEMBER HARMON: (*Inaudible - Notes summarized from Agenda*) Member Harmon stated that he is also a resident, and although he doesn't like anybody's bill going up, including his, he also doesn't like having to vote on something on the last possible day. Thank you.

PRESIDENT PRO TEM MORRIS: Like I said, I just did not want you to think that it... we drug our feet, and all of a sudden in the 11<sup>th</sup> hour we come down with this. I did have the Clerk pull it up and then that was sent up there on April 20<sup>th</sup>, which was in all honestly two weeks after the presentation. Or a week and a half. Leader.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT PRO TEM MORRIS: Oh, Law Director.

LAW DIRECTOR MARTUCCIO: Thank you. In the invocation we're supposed to ask when to be silent, when to be quiet. I can't be entirely quiet on this. And the Creator knows I have been slow to act on some things, especially those things...

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MEMBER SMUCKLER: Mr. President, is this where I ask for interpretation on my prayer? (*Laughter*)

PRESIDENT PRO TEM MORRIS: I think a point... yeah.

MEMBER SMUCKLER: Good point of order?

PRESIDENT PRO TEM MORRIS: Yeah, you might want a point of order and have this clarified where the Law Director's going with this cause I seen a lot of head drop when he said that he wasn't going to remain silent, but go ahead, Law Director.

LAW DIRECTOR MARTUCCIO: There are incidents where probably each of you can say I was slow to get something back to you, especially if it was something new and complex. Um, but in this particular case it was pointed out the day after I got my inquiry I did return a fairly lengthy e-mail explaining how this works, that there is an automatic 45 day period within which this would go into effect, unless it were blocked, amended, or modified by Council. And I went on to explain that in the past it's been done by way of an Informal Resolution. The committee chair would hold a meeting and that particular committee would take its temperature so to speak. They would through an Informal Resolution say yes, no, prepare... prepare an Ordinance because the Ordinance we're talking about that has to do with the sewer rate table says it's got to be modified by an Ordinance. So I explained there were two ways to do this. One was by Communication, one was by Informal Resolution, and left that up to the sponsors. And even suggested a bit of a format on what to include in the Communication, and I believe that was done fairly quickly too. So while I ordinarily don't like to do this in public, there are sometimes when I apologize and... and mean it because I have been too slow on something, but I'm not sure if this is... is one of those times. At any rate what we saw tonight were how two things can happen, one is an amendment to the Codified Ordinances could take place pursuant to the Chairman's suggestion if Council wants that... that automatic clause to be amended, and the other is again, there were a variety of way to approach this and this one was taken in the way it was and it was handled very civilly I thought. Thank you.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM MORRIS: Member West.

MEMBER WEST: Since we're talking about this, what's the affect of the 3% increase or... or lack thereof? What would be the outcome?

PRESIDENT PRO TEM MORRIS: 3% increase.

MEMBER MORRIS: Or if you... if we would pass this or we would... yeah, pass this it would be a 3% increase, right?

PRESIDENT PRO TEM MORRIS: Correct.

MEMBER WEST: Okay. So if we held this then they wouldn't get the 3%, right?

PRESIDENT PRO TEM MORRIS: Total opposite.

MEMBER WEST: Again, what's the outcome?

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PRESIDENT PRO TEM MORRIS: The outcome? The 3% will most likely go into effect because if I'm not mistaken the 45 days ends on Sunday. Therefore, coming up a day short, so Council will not be able to take action on it. Any other questions or concerns? Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

PRESIDENT PRO TEM MORRIS: *(Gavel falls)* We're out of here.

ADJOURNMENT TIME: 8:10 P.M.

ATTEST:  
KELLEN SHOWES  
CLERK OF COUNCIL

APPROVED:  
FRANK MORRIS  
PRESIDENT PRO TEM