

**MINUTES OF THE MEETING FEBRUARY 5, 2018**

PRESIDENT SCHULMAN: Good evening ladies and gentlemen. Welcome to Canton City Council. We appreciate you all being here tonight. With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call vote, please, Mr. Clerk.

*ROLL CALL TAKEN BY CLERK DOUGHERTY:*

12 COUNCIL MEMBERS PRESENT: (CHRIS SMITH, JAMES BABCOCK, COREY MINOR SMITH, BILL SMUCKLER, GREG HAWK, NATHANIEL CHESTER, JASON SCAGLIONE, ROBERT FISHER, KEVIN HALL, JOHN MARIOL, EDMOND MACK & FRANK MORRIS)

TWELVE COUNCIL MEMBERS PRESENT.

CLERK DOUGHERTY: Twelve present, Mr. President.

PRESIDENT SCHULMAN: Good, we've got a full attendance tonight, so, uh, at this time we'll have our invocation given by my good friend, Council-At-Large Member, Corey Minor Smith, we welcome you as always. If you'll stand and remain standing for the Pledge of Allegiance.

*The regular meeting of Canton City Council was held on February 5, 2018 at 7:00 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council, David R. Dougherty. The invocation was given by At-Large Council Member, Corey Minor Smith. The Pledge of Allegiance was led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: We're 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 7 through 17, Ordinance 6 will be retained in Committee.

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to uh... suspend Rule 20....22A to add Ordinances 5...I'm sorry...7 through...uh...17...

MEMBER SMITH: Yes.

PRESIDENT SCHULMAN: ...to this evening's Ordinances. Any, er...oh, wow. I'm sorry. And Ordinance 6 will be held and retained in Committee. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries and they are a legal part of your agenda.

**PUBLIC HEARINGS**

PRESIDENT SCHULMAN: We're now under Public ...(Inaudible). We're now under Public Hearings and we

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have...uh...four, I believe. Mr. Clerk.

CLERK DOUGHERTY: AN ORDINANCE AMENDING O#55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; PLANNING COMMISSION RECOMMENDS APPROVAL. (1120 15<sup>TH</sup> ST NW FROM R-1A (SINGLE FAMILY RESIDENTIAL) TO PR-4 (PLANNED MULTI-FAMILY RESIDENTIAL) FOR RODRIGUEZ ASSOCIATIONS ON BEHALF OF CANTON COMIS...COMMUNITY IMPROVEMENT CORP). *(Inaudible)*.

PRESIDENT SCHULMAN: Anyone wishing to come forward to speak on this, this evening? Repeat one more time...Anyone wishing to come forth to speak on this, this evening? If not, this will be heard later this evening. Next.

CLERK DOUGHERTY: AN ORDINANCE, um, AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE HALL OF FAME VILLAGE 4, ANNEXATION AREA CONTAINING APPROXIMATELY 8.363 ACRES IN PLAIN TOWNSHIP; PLANNING COMMISSION RECOMMENDS APPROVAL; ASSIGNING SAID TERRITORY TO WARD 7 OF THE CITY; ZONING SAID TERRITORY AS HOFV (HALL OF FAME VILLAGE DISTRICT)

PRESIDENT SCHULMAN: Anyone wishing to speak for or against this please step forward. Again, anyone wishing to speak forward...speak tonight, sorry, please step forward. Hearing none, this will be heard later this evening. Next.

CLERK DOUGHERTY: Public Hearing #3. AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE 4111 LOUISVILLE ST - MAHONING INDUSTRIAL PARK ANNEXATION AREA CONTAINING APPROXIMATELY .637 ACRE IN PLAIN TOWNSHIP; PLANNING COMMISSION RECOMMENDS APPROVAL; ASSIGNING SAID TERRITORY TO WARD 6; ZONING SAID TERY...TERRITORY AS I-1 (LIGHT INDUSTRIAL).

PRESIDENT SCHULMAN: Is there anyone in the audience wishing to speak for or against this, would you please step forward. Hearing no one...anyone wishing to speak forward, speak tonight, I'm sorry, uh...please step forward. Hearing none, this will be heard later this evening.

CLERK DOUGHERTY: Number 4. AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE 4229 4<sup>TH</sup> ST NW ANNEXATION AREA CONTAINING APPROXIMATELY .193 ACRE IN CANTON TOWNSHIP; PLANNING COMMISSION RECOMMENDS APPROVAL; ASSIGNING SAID TERRITORY TO WARD 3, ZONING SAID TERY...TERRITORY AS B-2 (NEIGHBORHOOD BUSINESS).

PRESIDENT SCHULMAN: Is there anyone in the audience wishing to speak for against this zone change, please step forward. Hearing none, seeing no one. Is there anyone wishing, again, to speak for or against this Annexation, will you please step forward. Hearing none, this will be heard later this evening. Mr. Clerk...that takes care of that.

**OLD BUSINESS**

PRESIDENT SCHULMAN: We are under uh...Old Ordinances. *(Note: President Schulman should have said Old Business)*. We have none this evening

**MINUTES OF THE MEETING FEBRUARY 5, 2018****PUBLIC SPEAKS**

PRESIDENT SCHULMAN: We are now under Public Hearings, I'm...Public Speaks. We have four speakers tonight. (*Inaudible*). Pete DiGiacomo, will you step forward please. Sorry, thank you. If you'll give us your name and residential address, please. As always, it's always...welcome to have you here.

PETE DIGIACOMO: My name is Pete DiGiacomo. I live at 600 Dent Place SW, Canton, Ohio. Uh, what I want to speak on are the shopping carts. I've been coming to Council...six - seven years, at least. I've never heard so much debate and talking as what went on last week, over shopping carts. The people that are using them for groceries, I don't have a problem with because I'm going to say, when they take the shopping cart home with the groceries, they will return it at some time. It's not going to be sitting there with about seven or eight other ones. They one I have a problem with, and that's the scrappers. They use the shopping carts when they feel like it. When they're done with it, they leave 'em wherever they get...they leave they scrap, to get their money. Right now, if any of you want to, go down to either Morris Brothers or Jeffco, and you're going to find at least, at least, fifteen shopping carts laying around the...the building. And, when you get done over there, um, over on High Avenue, you can see another three shopping carts. These are your...used for nothing other than to haul scrap around. I realize...you know...okay, there's something, somehow they gotta do...get their scrap from place...one place to the other, but they don't give a damn about what they do with the shopping carts when they're done. "Hey, here's somebody's house, I'll just leave it there." I hope they don't ever do it at my house because I'll be dialing 911 and the cops will be called. That's all, but it's not the people that's going to the grocery store to haul their groceries from the store to the bus stop and go home with it. Thank you.

PRESIDENT SCHULMAN: Thank you. (*Applause*). Our next speaker is Frank Gersten...sell...slager...sorry. Sir. Did I get that right or is it (*Inaudible*). Is he here? Oh, I'm sorry. Good evening, sorry. Sorry for making a mess of your name.

FRANK GERSTENSLAGER: A lot of people do. Don't feel bad.

PRESIDENT SCHULMAN: Apologize.

FRANK GERSTENSLAGER: Ok.

PRESIDENT SCHULMAN: I apologized. If you'll give us your name and address sir.

FRANK GERSTENSLAGER: Um, yeah, My name is Frank Gerstenslager. I live at 2409 19<sup>th</sup> St. NW. My concern is about the roads that have been taken in the city, er...by the Football Hall of Fame. Actually, it is very vague, whose responsibility is whose. There's a lot of repairs that have to be done on the roads...they haven't been. And, I even have a drainage...street drain that has to be repaired. And also, I don't know what the future of these streets are going to be. It's very vague and I'd like to know a lot more about it. So, that's why I did not voice my opinion for annexation for the Football Hall of Fame, or not. Depends on what is going to happen to all these roads, ok. Done.

PRESIDENT SCHULMAN: Great. Thank you. Our next speaker is uh, Brenda Baylor, sorry. Ms. Baylor, as welcome...welcome, as always. Great to see you. If you'll give us your name and your residential address, please.

BRENDA BAYLOR: Brenda Baylor, yes...2722 Wood Owl St. NE. A few weeks back, I spoke on the fact

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that, um, our Neighborhood Association had received some information that was pertinent to um, the filtering syst...well, the monitoring system at Republic Steel and I did...the Health Department did check that. They called me and they said that they had not seen any tampering and that because the way the system is done, they would know if someone was turning it off; however, at our general meeting on Saturday, because we got this information out, someone who was at the general meeting said that the person, whoever it was that had mentioned this, could have been mistaken, that it didn't have to be that, and this person said that it could be the filter system, um, the stack scrubbers. This person also indicated that they have been smelling, I don't know exactly what, but strange things late at night and have seen some smoke. So, I did mention this to the Health Department, so it seems that this is something else that we're gonna have to check. At this point, if this is the case, then they really are being ridiculous because if they're doing this at night and people are smelling smoke and they're actually doing it and turning off the stack scrubbers, that...they don't have to go over to the monitoring system to do, that's another whole area, which consequently would mean that they would have to leave and walk over there, in order to do that. It's my understanding that there's considerable amount of money that would be saved by them, by turning off that system at night, so they would have...it would be beneficial to them to turn it off, it obviously would not be for the people who surround Republic Steel. So, I didn't want to bring that information forward. Thank you.

PRESIDENT SCHULMAN: Thank you as always. Our last speaker is Ken Jones. Mr. Jones, good evening, welcome. If you'll step forward and give us your name and your residential address, please. Thank you for coming.

KEN JONES: My name's Ken Jones. I live at 334 5<sup>th</sup> St. SW, just around the corner. On behalf of myself and other Wells School neighbors, we would like to thank Chris Smith for being responsive to our concerns and for helping us preserve our neighborhood. Without her help, we couldn't have succeeded. Thank you Chris.  
*(Applause).*

MEMBER SMITH: Thank you.

PRESIDENT SCHULMAN: Thank you for all...thank you for all of you coming. We appreciate it.

**INFORMAL RESOLUTIONS**

*(Note: President Schulman does not announce Informal Resolutions)*

**COMMUNICATIONS**

*(Note: President Schulman does not announce Communications)*

**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 5, 2018.**

55. AUDITOR MALLONN: MTHLY RPT BY FUND FOR 1/1/18 THRU 1/31/18. - RECEIVED & FILED
56. AUDITOR MALLONN: YRLY RPT BY FUND FOR 1/1/18 THRU 1/31/18. - RECEIVED & FILED
57. MAYOR BERNABEI: REQ AUTHORIZATION FOR APPT OF PATRICK MCCARTHY TO INVESTMENT BOARD FOR 2 YR TERM COMMENCING 1/1/18 TO 12/31/19. - PERSONNEL

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## COMMITTEE

58. MAYOR BERNABEI: REQ AUTHORIZATION FOR RE-APPT OF DAWN M. DEVINE TO INVESTMENT BOARD FOR 2 YR TERM COMMENCING 1/1/18 TO 12/31/19. - PERSONNEL COMMITTEE
59. MAYOR BERNABEI: REQ AUTHORIZATION FOR RE-APPT OF KATELYN S. REINHART AND INDIA JENKINS TO TAX INCENTIVE REVIEW BOARD COMMENCING 1/1/18 TO 12/31/21. - PERSONNEL COMMITTEE
60. PLANNING COMMISSION: REQ VACATION OF BLAKE AVE NW FROM SOUTH LINE OF LOT 241 OF FULTON HEIGHTS; REPLATTING VACATED STREET AND OUT LOT 1397, WARD 7 (HOFV #4 ANNEXATION). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
61. SAFETY DIRECTOR PERRY: AUTHORIZE MAYOR AND/OR SAF DIR TO ENTER INTO PROFESSIONAL SERVICES CONTRACT WITH FRANKLIN INFORMATION SYSTEMS FOR SOFTWARE, TRAINING AND IMPLEMENTATION FOR BLDG/CODE DEPT; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE COMMITTEE
62. SERVICE DIRECTOR HIGHMAN: REQ CONSENT LEGISLATION WITH ODOT FOR D04 FY2018, US-62/HARMONT SIGNAL IMPROVEMENTS, PID 107440 PROJ. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: We are under Ordinances and Resolutions for the Second Reading.

CLERK DOUGHERTY: Ordinances for First Reading.

PRESIDENT SCHULMAN: First Reading, sorry.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK DOUGHERTY TO READ ORDINANCES #1 THROUGH #5 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMMUNITY REINVESTMENT AREA AGREEMENT WITH JIT PACKAGING CINCINNATI, INC./GOODLAND PROPERTIES CANTON LLC TO PROVIDE REAL PROPERTY TAX EXEMPTIONS FOR 1212 - 7<sup>TH</sup> ST SW; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- #2. (1<sup>ST</sup> RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNERS IN THE HOF VILLAGE #5

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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

- #3. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 277/2017; AND DECLARING THE SAME TO BE AN EMERGENCY (\$4,400.00 APPROP TRF FR 2318 301001 LOCAL AIDS PREVENTION FUND - 600 - PERSONNEL TO 2318 301001 LOCAL IDS PREVENTION FUND - 700 - OTHER)

Referred to Finance Committee

- #4. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH BLACK, MCCUSKEY, SOUERS AND ARBAUGH LPA FOR LEGAL SERVICES RELATED TO WORKERS' COMPENSATION CASES; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

- #5. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO: ADVERTISE, RECEIVE BIDS, AWARD, EXECUTE A CONSTRUCTION CONTRACT AND PROFESSIONAL SERVICES CONTRACT, PURCHASE AND MAKE PAYMENT FOR ANY AND ALL EASEMENTS, AND ENTER INTO AGREEMENT WITH THE OHIO EPA TO RECEIVE A LOAN FOR THE CANTON SOUTH - CLEVELAND AVENUE WATERLINE EXTENSION (REGIONALIZATION); AUTHORIZING THE AUDITOR TO CREATE THE 5235 CANTON SOUTH-CLEVELAND AVENUE WATERLINE EXTENSION PROJECT (REGIONALIZATION) FUND; AMENDING APPROPRIATION ORDINANCE NO. 277/2017; AND DECLARING THE SAME TO BE AN EMERGENCY (\$60,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207048 CANTON SOUTH - CLEVELAND AVE WATERLINE EXTENSION PROJ (REGIONALIZATION) FUND - OTHER)

Referred to Finance and Public Property Capital Improvement Committees

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: Thank you. We are now turn to Ordinances and Formal Resolutions for their Second Reading. Mr. Clerk would you begin with Ordinance #7.

CLERK DOUGHERTY: Yes, #6 was Retained in Committee.

PRESIDENT SCHULMAN: Thank you.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK DOUGHERTY TO READ ORDINANCES #7 THROUGH #17 FOR THEIR SECOND READING BY TITLE AS REQUIRED***

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- #6. (2<sup>ND</sup> RDG) ***RETAINED IN COMMITTEE 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 (617 MCKINLEY AVE SW, PARCEL #280007, #280082, AND #280083 FR R-1A (SINGLE-FAMILY RESIDENTIAL) TO PR-4 (PLANNED MULTI-FAMILY RESIDENTIAL) (SMHA)*** **PUB HRG 2/12/18 @ 7:00 PM**
- #7. (2<sup>ND</sup> RDG) A RESOLUTION APPROVING AND ADOPTING THE CITY OF CANTON POLICY AND PROCEDURES FOR CITY PROVIDED CREDIT CARDS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #8. 2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 277/2017; AND DECLARING THE SAME TO BE AN EMERGENCY (\$27,617.36 SUPP APPROP FR UNAPPROP BAL OF 2769 BYRNE MEM JUSTICE ASSIT GRANT 2016 FUND TO 2769 100201 POLICE ADMIN - OTHER; \$25,226.69 FR UNAPPROP BAL OF 2770 BYRNE MEM JUSTICE ASSIT GRANT 2015 FUND TO 2770 100201 POLICE ADMIN - OTHER; \$20,206.17 SUPP APPROP FR UNAPPROP BAL OF 2787 BYRNE MEM JUSTICE ASSIT GRANT 2014 FUND TO 2787 100201 POLICE ADMIN - OTHER) (MOVE MONIES TO CORRECT FUNDS)
- #9. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 277/2017; AND DECLARING THE SAME TO BE AN EMERGENCY (\$50,000.00 SUPP APPROP FR UNAPPROP BAL OF 2318 LOCAL AIDS PREVENTION FUND TO 2813 301001 LOCAL AIDS PREVENTION - 700 OTHER)
- #10. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO ENTER INTO CONTRACT WITH THE BELOW-NAMED CITIES AND VILLAGES TO PROVIDE LEGAL REPRESENTATION IN THE PROSECUTION OF CRIMINAL CASES AND RELATED MATTERS BY THE CITY PROSECUTOR'S OFFICE; AND DECLARING THE SAME TO BE AN EMERGENCY (E. CANTON, E. SPARTA, HARTVILLE, LOUISVILLE, MAGNOLIA, N. CANTON, WAYNESBURG)
- #11. (2<sup>ND</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF LOTS 22501 - 22509; AND DECLARING THE SAME TO BE AN EMERGENCY (HABITAT FOR HUMANITY)
- #12. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON AND AMENDING EXHIBIT A TO ORDINANCE NO. 100/2011, AS AMENDED, THE CLASSIFICATION PLAN FOR MANAGEMENT AND NON-BARGAINING

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UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (SANITARY SEWER EPA ADMIN ORDER ON CONSENT)

- #13. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH MUNICIPAL & FINANCIAL SERVICES GROUP; AMENDING APPROPRIATION ORDINANCE NO. 277/2017; AND DECLARING THE SAME TO BE AN EMERGENCY (\$68,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207001 WATER ADMINISTRATION - OTHER; \$60,000.00 SUPP APPROP FR UNAPPROP BAL OF 5410 SEWER FUND TO 5410 206005 OPERATIONS AND MAINTENANCE - OTHER) (WATER AND SEWER RATE STUDY)
- #14. (2<sup>ND</sup> RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO THE VILLAGE OF HARTVILLE; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT FOR THE EXTENSION OF SAID WATER MAIN; AND DECLARING THE SAME TO BE AN EMERGENCY (GENTLEBROOK VILLAGE & THE WOODLANDS)
- #15. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH CT CONSULTANTS, INC.; AMENDING APPROPRIATION ORDINANCE NO. 277/2017; AND DECLARING THE SAME TO BE AN EMERGENCY (\$76,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207050 FAIRMOUNT AREA WATER MAIN REPLACEMENT PROJ, PHASE II - OTHER)
- #16. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 9/2018** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 277/2017; AND DECLARING THE SAME TO BE AN EMERGENCY (\$2,931.98 APPROP TRF FR 2767 701001 MISDEMEANANT JAIL DIVERSION GRANT FUND - PERSONNEL TO 2767 701001 MISDEMEANANT JAIL DIVERSION GRANT - OTHER) (RETURN UNSPENT FY 17 GRANT FUNDS TO STATE OF OH)
- #17. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 10/2018** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 277-2017; AND DECLARING THE SAME TO BE AN EMERGENCY (\$57,687.00 SUPP APPROP FR UNAPPROP BAL OF 2789 2012 COPS HIRING PROG GRANT FUND TO 2789 102001 POLICE ADMIN - OTHER) (RETURN OVERDRAWN MONIES AND FINALIZE AUDIT)

PRESIDENT SCHULMAN: (*Inaudible*). Leader, we're now under uh...Statutory Rules, sorry. Leader, 16 and 17.

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MEMBER SMITH: Mr. President, I move we suspend the Statutory Rules for Ordinances 16 and 17.

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules for Ordinances 16 and 17. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you. Motion carries. Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #16 Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

**#16 ADOPTED AS ORDINANCE NO. 9/2018**

PRESIDENT SCHULMAN: Motion carries. Ordinance 16 is adopted. Ordinance 17, please.

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

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It's been moved and seventh...it's been moved and seconded that you suspend rule...I'm sorry...moved and seconded that you suspend, uh...rule on Ordinance, uh...17. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

**#17 ADOPTED AS ORDINANCE NO. 10/2018**

PRESIDENT SCHULMAN: Motion carries. Ordinance 17 is adopted.

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

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PRESIDENT SCHULMAN: We're now under Ordinances and Formal...Informal Resolutions for their Third/Final Reading and Vote. Mr. Clerk, would you please begin with Ordinance 18.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK DOUGHERTY TO READ THE FOLLOWING ORDINANCES #18 THROUGH #35 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

#18. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 11/2018** 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 (PARCEL #280008, 1120 15<sup>TH</sup> ST NW, LEHMAN HIGH SCHOOL)

PRESIDENT SCHULMAN: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 18. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

**#18 ADOPTED AS ORDINANCE NO. 11/2018**

PRESIDENT SCHULMAN: Thank you. Motion carries. Ordinance 18 is adopted. Ordinance 19, please.

#19. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 12/2018** AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE HOF VILLAGE #4 ANNEXATION AREA CONTAINING APPROXIMATELY 8.363 ACRES; ASSIGNING SAID TERRITORY AS HALL OF FAME VILLAGE DISTRICT (HOFV); AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 19. Any remarks?

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Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

**#19 ADOPTED AS ORDINANCE NO. 12/2018**

PRESIDENT SCHULMAN: Motion carries. Ordinance 19 is adopted. Ordinance 20, please.

#20. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 13/2018** AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE 4111 LOUISVILLE ST-MAHONING INDUSTRIAL PARK ANNEXATION AREA CONTAINING APPROXIMATELY .637 ACRE; ASSIGNING SAID TERRITORY AS I-1 (LIGHT INDUSTRIAL DISTRICT); AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 20 Any remarks?  
Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

**#20 ADOPTED AS ORDINANCE NO. 13/2018**

PRESIDENT SCHULMAN: Motion carries. Ordinance 20 is adopted. Ordinance 21, please.

#21. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 14/2018** AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS 4229 4<sup>TH</sup> ST NW ANNEXATION AREA CONTAINING APPROXIMATELY .193 ACRE; ASSIGNING SAID TERRITORY AS B-2 (NEIGHBORHOOD BUSINESS); AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

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

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MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It’s been moved and seconded that you adopt Ordinance 21. Any remarks?  
Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

**#21 ADOPTED AS ORDINANCE NO. 14/2018**

PRESIDENT SCHULMAN: Ordinance 21 is adopted. Ordinance 22, please.

#22. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 15/2018** AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$6,684.00 TO BLACK, MCCUSKEY, SOUERS & ARBAUGH LAW FIRM; AND DECLARING THE SAME TO BE AN EMERGENCY (HERCULES BROADVIEW DEVELOPMENT TIF AGMTS)

PRESIDENT SCHULMAN: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It’s been moved and seconded that you adopt Ordinance 22. Any remarks?  
Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

**#22 ADOPTED AS ORDINANCE NO. 15/2018**

PRESIDENT SCHULMAN: Thank you. Motion carries. Ordinance 22 is adopted. Ordinance 23, please.

#23. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 16/2018** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 277/2017; AND DECLARING THE SAME TO BE AN EMERGENCY (\$350.00 SUPP APPROP FR UNAPPROP BAL OF 2327 LEAD ASSESSMENT FUND TO 2327 301001 HEALTH ADMIN - PERSONNEL; \$185.00 SUPP APPROP FR UNAPPROP BAL OF 2329 SMOKE FREE OHIO FUND TO 2329 301001 HEALTH ADMIN - PERSONNEL; \$150.00 SUPP APPROP FRM UNAPPROP BAL OF 2356 TATTOO PARLORS FUND TO 2356 301001 HEALTH ADMIN -

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PERSONNEL; \$21,175.00 SUPP APPROP FR UNAPPROP BAL OF 2760  
FEDERAL FORFEITURE FUND TO 2760 102001 POLICE ADMIN -  
PERSONNEL; \$375,000.00 SUPP APPROP FR UNAPPROP BAL OF 2784 2017  
COPS HIRING GRANT FUND TO 2784 102001 POLICE ADMIN - OTHER;  
\$88,197.22 SUPP APPROP FR UNAPPROP BAL OF 2795 JUSTICE REINV  
GRANT PROB FUND TO 2795 701001 JUDGES ADMIN - PERSONNEL)

PRESIDENT SCHULMAN: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It’s been moved and seconded that you adopt Ordinance 23. Any remarks under this Ordinance? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

**#23 ADOPTED AS ORDINANCE NO. 16/2018**

PRESIDENT SCHULMAN: Motion carries. Ordinance 23 is adopted. Ordinance 24, please.

#24. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 17/2018** AN ORDINANCE AUTHORIZING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It’s been moved and seconded that you adopt Ordinance 24. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

**#24 ADOPTED AS ORDINANCE NO. 17/2018**

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PRESIDENT SCHULMAN: Motion carries. Ordinance 24 is adopted. Ordinance 25, please.

#25. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 18//2018** A RESOLUTION AUTHORIZING THE LAW DIRECTOR TO DISTRIBUTE FREE OF CHARGE TO PUBLIC OFFICIALS AND PUBLIC INSTITUTIONS COPIES OF THE 2017 SUPPLEMENT TO THE CANTON CODIFIED ORDINANCES; TO AFFIX THE PRICE FOR THE SALE OF SAME; AND DECLARING THE SAME TO BE AN EMERGENCY (\$8.50)

PRESIDENT SCHULMAN: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 25. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

**#25 ADOPTED AS ORDINANCE NO. 18/2018**

PRESIDENT SCHULMAN: Thank you. Motion carries. Ordinance 25 is adopted. Ordinance 26, please.

#26. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 19/2018** AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$183,700.00 TO CENTRAL ALLIED ENTERPRISES, INC.; AMENDED APPROPRIATION ORDINANCE NO. 277/2017; AND DECLARING THE SAME TO BE AN EMERGENCY (\$183,700.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207022 DISTRIBUTION MAINTENANCE - OTHER)

PRESIDENT SCHULMAN: Leader.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #26.

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 26. Any remarks under this Ordinance?

MEMBER MINOR SMITH: Mr. President. *(Inaudible)*. I need to... *(Inaudible)*...the dollar amount changed.

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SERVICE DIRECTOR HIGHMAN: Mr. President. *(Inaudible)* mentioned last week, there would be an amendment to this Ordinance. When it was originally brought down to Council, we...there were some external factor we were not aware of. Essentially, what this Ordinance is, is for us to bore under railroad tracks, repair waterlines... What we did not know at the time is there was a twenty-inch mis-marked gas main needed to be avoided, requiring us to move where we were at in the repair of the water line. It's all in the tearing up of the street and other work that needed to be done. Then there was another abandoned gasline. We made that work, so that held things up, added to some additional costs, so, in a nutshell that is what happened to cause the increased dollar amount.

MEMBER MINOR SMITH: Mr. President.

PRESIDENT SCHULMAN: Yes, I'm sorry.

MEMBER MINOR SMITH: *(Inaudible)*.

SERVICE DIRECTOR HIGHMAN: Yes, so the Amendment...essentially the estimate, the estimate we came down, was \$183,700.00. The Amendment is to amend the Ordinance with the maximum that we can spend to pay this moral obligation for the emergency repair work, is now a maximum of \$250,000.00, and that should cover all of the items that I just named.

MEMBER MINOR SMITH: Thank you.

PRESIDENT SCHULMAN: Is there anything else?

MEMBER SMITH: I move we amend Ordinance #26 per a copy all Council Members have before them.

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to uh, amend Ordinance 26 per copy of the before each Member of Council. Any remarks? Hearing none, by voice vote, all those in favor signify by aye. Those opposed.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries. Leader.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #26 , as amended.

MEMBER BABCOCK: Second.

**AMENDMENT**

*Pursuant to Rule 36, I move to amend Agenda Item No. 26 by changing the dollar amount in the caption, Section 1, and Section 3 from "\$183,700" to \$250,000".*

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 26, as amended.

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Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

**#26 ADOPTED AS AMENDED AS ORDINANCE NO. 19/2018**

PRESIDENT SCHULMAN: The ayes have it. Motion carries. Leader...I'm sorry.

#27. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 20/2018** AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY TWO MORAL OBLIGATIONS IN AN AMOUNT NOT TO EXCEED \$8,354.65 TO STANDARD PLUMBING & HEATING CO.; AND DECLARING THE SAME TO BE AN EMERGENCY (REPAIRS TO CITY HALL CHILLERS)

PRESIDENT SCHULMAN: Leader.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #27.

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 27. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

**#27 ADOPTED AS ORDINANCE NO. 20/2018**

PRESIDENT SCHULMAN: Motion carries. Ordinance is adopted.

#28. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 21/2018** AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS OWED FOR BOTH CONSTRUCTION AND CONSTRUCTION ENGINEERING SERVICES RELATED TO THE 38<sup>TH</sup> STREET IMPROVEMENT PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

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

MEMBER BABCOCK: Second.

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PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 28. Any remarks? Hearing none, roll call vote...yes, I'm sorry.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER HAWK: Thank you. I have to excuse myself here because, I mean, I...the question I'm going to ask is because I was not here last week when this was through Committees. But, it says, this kind of ambiguous, it says, "pay all moral obs owed for both construction and construction engineering services related to 38<sup>th</sup> St. Improvement Project." How much was that?

SERVICE DIRECTOR HIGHMAN: Mr. President, if I may? So, essentially, what this Ordinance does...it's not really a moral obligation per se, in the truest of senses. The...the...the first part of this from the construction engineering standpoint is, the 38<sup>th</sup> St. Project was completed using a variety of funds...Water Funds, and...and Capital Funds. Essentially, what happened is, we have to cancel a portion of the water funds and then pay that out of the Capital component for the construction engineering piece, so it's really a zero dollar change, or a zero dollar moral ob, but because we have to make a funding change, we're required to go through the moral ob process. And then as it pertains to the construction, this was approximate, I believe it was a little over \$5000.00 change order to the uh, to the project. So, in terms of the moral ob, it's more of a...a...a...your standard change order, but in the grand scheme of the project, that \$5000.00 is really the piece that's the moral ob part.

MEMBER HAWK: Thank you very much. I appreciate it.

PRESIDENT SCHULMAN: Any other questions? Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

**#28 ADOPTED AS ORDINANCE NO. 21/2018**

PRESIDENT SCHULMAN: Motion carries. Ordinance 28 is adopted. Ordinance 29, please.

#29. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 22/2018** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO ALL CONTRACTS NECESSARY TO PURCHASE ONE (1) INTERNATIONAL TANDEM DUMP TRUCK, ONE (1) CARGO VAN, AND ONE (1) MINI EXCAVATOR WITH TRAILER; OR TO ALTERNATIVELY PURCHASE SAID VEHICLES PURSUANT TO ANY COOPERATIVE PURCHASING AGREEMENTS AUTHORIZED BY LAW; AND DECLARING THE SAME TO BE AN EMERGENCY (WATER DEPT)

PRESIDENT SCHULMAN: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 29. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

**#29 ADOPTED AS ORDINANCE NO. 22/2018**

PRESIDENT SCHULMAN: Thank you. The motion carries. Ordinance 29 is adopted. Ordinance 30, please.

#30. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 23/2018** AN ORDINANCE AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE OR DIRECTOR OF PUBLIC SAFETY 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

PRESIDENT SCHULMAN: Leader.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #30.

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 30. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

**#30 ADOPTED AS ORDINANCE NO. 23/2018**

PRESIDENT SCHULMAN: Motion carries. Ordinance 30 is adopted. Ordinance 31, please.

#31. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 24/2018** AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 100/2011, AS AMENDED, THE CLASSIFICATION PLAN FOR MANAGEMENT AND NON-BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (WATER,

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ENGINEER II)

PRESIDENT SCHULMAN: Leader.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #31.

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 31. Any remarks?

MEMBER MINOR SMITH: Yes.

PRESIDENT SCHULMAN: Sorry.

MEMBER MINOR SMITH: Yes, this is *(Inaudible)*. I need know *(Inaudible)*.

SERVICE DIRECTOR HIGHMAN: *(Inaudible)* ...um, the classification plan, there was originally submitted, there was a typo for the maximum salary for the Water Department Superintendent. It was listed at the pre-2015 rate and was listed at \$98,409.00; whereas, the actual approved maximum for the Water Department Superintendent is \$100,377.00. The content and meat of the Ordinances that we discussed last week, in terms of the personnel changes, there are no changes to that. It was simply correcting a typo in uh, in...a person, a person whose position was not impacted, it was just pending legislation.

MEMBER MINOR SMITH: Thank you.

PRESIDENT SCHULMAN: Anyone else?

MEMBER SMITH: Mr. President, I move that we amend Ordinance #31 per a copy all Council Members have before them.

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you, uh...amend Rule...

CLERK DOUGHERTY: ...31.

MEMBER SMITH: Amend Ordinance...

PRESIDENT SCHULMAN: Ordinance 31, sorry...uh...in accordance with what's in front of you. Any remarks? By voice vote, all those in favor signify by saying aye. Those opposed.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries. Leader.

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MEMBER SMITH: Mr. President, I move we adopt Ordinance #31, as amended.

MEMBER BABCOCK: Second.

**AMENDMENT**

*Pursuant to Rule 36, I move to amend Agenda Item No. 31 by the substitution of the attached revised Exhibit A for the original proposed Exhibit A.*

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 31...

CLERK DOUGHERTY: As amended.

PRESIDENT SCHULMAN: As amended, yes. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

**#31 ADOPTED AS AMENDED AS ORDINANCE NO. 24/2018**

PRESIDENT SCHULMAN: Motion carries. Ordinance 31, as amended, is adopted. Ordinance 32, please.

#32. (3<sup>RD</sup> RDG) ***POSTPONED UNTIL 2/12/18 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 (LESH PROPERTIES, PARCELS 380288 & 304826, 3501 & 3533 LESH ST NE)***

PRESIDENT SCHULMAN: Leader.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #32.

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 32. Any remarks?

MEMBER MARIOL: Mr. President.

PRESIDENT SCHULMAN: Just a clarification. On the agenda, it says that the Public Hearing is for February 12<sup>th</sup>, is that accurate? (*Inaudible*).

PRESIDENT SCHULMAN: One second, please. (*Inaudible*).

MEMBER SMUCKLER: Mr. President. If...if I could just make a point of information. I've never been



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land, or services, (*Inaudible*), to get the lowest and best bid. There are exceptions to the bidding process. Um, one of those is, if the product or the service has already been pre-approved by the State of Ohio after vetting, they have a program, through which we can purchase things without bid. The Ohio Revised Code also allows for certain other purchasing programs to qualify. As to our Codified Ordinances, often in the past, we indicate, especially when purchasing (*Inaudible*) or...or products that it was a sole source, no one else had it so bidding was obviated...the need to bid was obviated, or that it was on the State list. This is a little more generic in nature. Um, Section 1 allows the Mayor or Director of Public Safety, on behalf of the city, to enter into a contract with this particular company, for the Unlimited Taser Cartridge Program, to supply taser cartridges, using any procurement process allowed by either, the Ohio Revised Code or the Canton Codified Ordinances. You're correct in saying that, "now Council is authorizing the Safety Director to buy those, but they are a part of a State list that's already been pre-approved, so the, the authority you're giving them is the inherent authority to buy from the State approved list. Um, based on the remark you made earlier, and the question you had, I think what we can do is...is in the future, is clarify, perhaps with a recital, or in Communication, specifically that it is from a State list (*Inaudible*). Although I'm legally satisfied with the term, "using any procurement process allowed by either the Ohio Revised Code or the Canton Codified Ordinances." Does that get to the heart of the question?

MEMBER MINOR SMITH: Yes, I appreciate the explanation, and my concern was the lack of information as to how we got to this company. So, if it's sole source, if that's stated, whether it's in the Communication or in the Legislation that will come down, or if it's the State process, but just in some way letting us know how, not by any chance questioning that it did not happen, but just showing us how we got to this company, and then ultimately, I appreciate your explanation so that we know that this was through the State contract process and that we're moving forward with authorizing to enter in, based on that State process. Thank you.

PRESIDENT SCHULMAN: Thank you very much. Very good question, thank you. Uh, any other remarks? We're ready for roll call. Number 30...

CLERK DOUGHERTY: Number 33.

PRESIDENT SCHULMAN: ...33.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

**#33 ADOPTED AS ORDINANCE NO. 25/2018**

PRESIDENT SCHULMAN: Motion carries. Ordinance 33 is adopted. Ordinance 34, please.

#34. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 26/2018** A RESOLUTION DIRECTING THE STARK COUNTY BOARD OF ELECTIONS TO CONDUCT AN ELECTION AT THE PRIMARY ELECTION OF MAY 8, 2018 FOR THE PURPOSE OF PROVIDING THE ELECTORS OF THE CITY OF CANTON, OHIO, WITH THE OPPORTUNITY TO APPROVE OR DISAPPROVE A LEVY PROVIDING FOR A PROPOSED INCREASE IN THE CITY OF CANTON,

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OHIO, INCOME TAX ORDINANCE FROM TWO PERCENT (2%) TO TWO AND ONE HALF PERCENT (2.5%), EFFECTIVE FOR COLLECTING COMMENCING JULY 1, 2018, FOR A CONTINUING PERIOD OF TIME, SUCH INCREASE TO BE USED AND ALLOCATED FOR THE PURPOSES OF PUBLIC SAFETY (POLICE AND FIRE) AND OTHER GENERAL OPERATING EXPENSES, CITY INFRASTRUCTURE, STREETS AND ROADS, NEIGHBORHOOD DEVELOPMENT, INCLUDING DEMOLITIONS, CODE ENFORCEMENT, AND HOUSING PROGRAMS, AND FOR PURPOSES PRIORITIZED IN THE MOST CURRENT COMPREHENSIVE PLAN, AND SUBSEQUENT AMENDMENTS APPROVED BY COUNCIL, INCLUDING ECONOMIC AND DOWNTOWN DEVELOPMENT, JOB CREATION, EXPANSION AND RETENTION; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Thank you. Leader.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #34.

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 34. Any remarks? Leader. Yes, I'm sorry.

MEMBER MINOR SMITH: Yes, I would like to...

CLERK DOUGHERTY: We need to get the amendment out, please.

PRESIDENT SCHULMAN: Wanna get the amendment...

CLERK DOUGHERTY: Get the amendment on please.

PRESIDENT SCHULMAN: Sorry, that was my fault.

CLERK DOUGHERTY: Move to amend, please.

MEMBER SMITH: Mr...Mr. President, I move we amend Ordinance #34 per a copy all Council Members have in front of them.

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt, to uh, amend 34. Any remarks?

MEMBER SMITH: Now Corey.

MEMBER MINOR SMITH: Yes, Mr. President. I have a remark.

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PRESIDENT SCHULMAN: Yes.

MEMBER MINOR SMITH: Uh, I first of all, would like to thank everyone who was involved in drafting this proposed legislation, and all the time taken to make the various revisions. I do want to point out some of the revisions, specifically, *(Inaudible)* a portion of it. *(Inaudible)* in questioning *(Inaudible)* better to include “including, but not limited to.” I know that expands the language and perhaps broadens it, but what I would like *(Inaudible)* is that it does not limit it to the words *(Inaudible)*. Specifically because *(Inaudible)* with this, we didn’t have *(Inaudible)*. *(Inaudible)*, it negatively impacts neighborhoods. And so, with all of that being said, I would like there to be *(Inaudible)*.

PRESIDENT SCHULMAN: Thank you. Law Director.

LAW DIRECTOR MARTUCCIO: Thank you. Mr. President, Member Minor Smith, Members of Council. If you don’t mind, I’ll begin with her answer, and then work backwards through the other revisions. There aren’t many, but I will note them for all of you. What my...Member Minor Smith is referring to is, in the language that appears in the Ordinance, in the Resolution a few times, and will form the basis of what goes to the Board of Elections, on the ballot for our voters, *(Inaudible)*. She had asked if it were appropriate to include the phrase, following the word “including”, “including but not limited to various other purposes.” We considered it and after looking at dictionaries of legal writing and some case law, and talking with our Chief of the Civil Division who reads the dictionary for fun, we concluding that “including” is not limiting. It...it says, in addition to, essentially. Including means not limited to, but including these purposes. The reason for not erring on the side of caution and throwing those in, those additional words, is this is already one of the longest ballots I’ve ever seen, and to...to...we wanted to find ways to economize on phrasing because it, it must begin with the phrase “Shall the Ordinance *(Inaudible)* levy increase, etcetera, etcetera, etcetera *(Inaudible)*. So we know we didn’t to interrupt the flow and continuity, so yes, we believe including does not limit the purposes, um...and therefore um, did not decide to include the phrase, “but not limited to” because we think it’s not a limiting phrase. Also, in that language, I wanted to note for Council, um, two other substantial changes in the sense of what was there in the original Ordinance and what won’t be when it goes to ballot is um, at the very end of it, we inserted the word “area” between downtown and development, so now it reads, “Including economic in downtown area development job creation, expansion and retention, be passed.” And we took out the phrase “code enforcement” because one of the purposes stated in the lower third of the ballot language. The reason being, the phrase “code enforcement” has a term in the revised code and *(Inaudible)* in our Ordinances. As you recall, many of you were involved in converting the Building and Code Department from a General Fund funded department to a Proprietary funded department, meaning it collects its own fees and it’s self sustaining. So Code Enforcement has its own source of funds. We believed that the wording in front of “*(Inaudible)*” also included this purposes and I think housing programs is broad enough. Now, as we mentioned last week in Committee, the allocations are very certain. The percentages in here are very certain as to how much can be spent on these general purposes. Within those purposes, Council will be charged with establishing funds and programs to effect these, these desires and these purposes before the voters on May 8<sup>th</sup>. Should the voters say yes, then it’s up to Council and the Administration to go through those programs. The only other change we made to the language that’s going on the ballot, assuming this passes, is in the very first sentence. Um, we were asked by the secretary...er...the Board of Elections, based on Secretary of State language in the Revised Code Section, I reached further, to use the phrase “half percent levy increase on income” rather than saying “half percent in the income tax.” Those are...that’s a term of our levy, I know it’s confusing. My first thought was, “this is not a Park Levy, this is not a levy for roads, this isn’t...but again, under the Revised Code Section that governs how to put this on

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the ballot, and our Secretary of State manual, that phrase has to be in there. Uh, the phrase “levy increase.” Uh, other than that, we uh, included stronger language directing (*Inaudible*) that the Stark County Board of Elections conduct this election at the Primary on May 8<sup>th</sup>. We wanted to strengthen the language so that it was very clear. This Council directs them to do so, and that again is a suggestion in the manual the Secretary of State publishes. And we all know that add the words and the phrase, “Council finds this necessary” to do all this. Being that this is a Resolution of necessity, we wanted to be clear that the word “necessary” is in there. Um, we cleaned up a little bit of the language in the uh, emergency clauses to make sure that it was clear that we following the standards prescribed by the Ohio Revised Code. We were probably redundant. So those are...beginning with your answer, Minor Smith...Member Minor Smith, those are the changes that we made to this particular Ordinance...Resolution, I’m sorry, this Resolution.

MEMBER MINOR SMITH: Thank you.

PRESIDENT SCHULMAN: Any other questions? All those in favor signify by saying aye. Those opposed.

NO REMARKS AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. Motion carries. Leader.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #34 , as amended.

MEMBER BABCOCK: Second.

**AMENDMENT**

*Pursuant to Rule 36, I move to amend Agenda Item No. 34 by the substitution of the attached revised Resolution for the original pending Resolution.*

PRESIDENT SCHULMAN: It’s been moved and seconded that you uh, adopt Ordinance, uh, 20...34, as adopted, 34 as amended. Any remarks? Hearing none, roll call vote please, sorry.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

**#34 ADOPTED AS AMENDED AS ORDINANCE NO. 26/2018**

PRESIDENT SCHULMAN: Thank you. Motion carries. Ordinance uh, 34 is adopted, as amended. Any remarks...er...sorry. Ordinance 35, please.

#35. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 27/2018** AN ORDINANCE AMENDING SECTIONS 182.012 AND 182.013 OF PART ONE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON (INCOME TAX INCREASE FR 2% TO 2.5%)

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PRESIDENT SCHULMAN: Leader.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #35.

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 35. Any remarks?

CLERK DOUGHERTY: Need an amend.

MEMBER SMITH: Mr. President, I move we amend Ordinance #35 per a copy all Council Members have before them.

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance 35 as adopted...er...as a...as amended. Any remarks?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Yes.

LAW DIRECTOR MARTUCCIO: Members of Council. There is an amendment, there's a light one. Let me explain that this is an Ordinance not a Resolution, although there's not that much of a difference. This particular Ordinance is conditional in the way it was written and the way it remains tonight, without amendment. It's conditional upon the voters passing this tax on May 8<sup>th</sup>. Should they do that, Council then authorizes changes to the Codified Ordinances, specifically to our Income Tax chapter that was specifically defined in our Codified Ordinances, the inclusion of this new tax, percentages as they were laid out on the ballot, and the purposes as they were laid out on the ballot. The only reason that this is being amended is again, after reviewing the Revised Code and the Secretary of State's manual, I suggested we add a phrase to the beginning of Section 1 and a phrase to the beginning of Section 2, which reads, "subject to the approval of the electors of the city of Canton", and then on and on, another group Section in 17 of the Revised Code, and that's all (*Inaudible*). So, I wanted to make it clear uh, for the purposes of posterity, that these Ordinances are being changed in the Codified Ordinances should the vote (*Inaudible*), subject to the approval of the electors of Canton and (*Inaudible*). That's what that amend is. Thank you for a chance to explain.

PRESIDENT SCHULMAN: Thank you. Anyone else? Any other remarks? All those in favor signify by saying aye. Those opposed.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries. Leader.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #35, as amended.

**MINUTES OF THE MEETING FEBRUARY 5, 2018**

MEMBER BABCOCK: Second.

**AMENDMENT**

*Pursuant to Rule 36, I move to amend Agenda Item No. 31 by the substitution of the attached amended Ordinance for the original pending Ordinance.*

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 35, as amended. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

**#35 ADOPTED AS AMENDED AS ORDINANCE NO. 27/2018**

PRESIDENT SCHULMAN: Thank you. The motion carries. Ordinance 35 is amended as adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SCHULMAN: We now turn to Announcement of Committee Meetings.

MEMBER MORRIS: Mr. President.

PRESIDENT SCHULMAN: Yes sir.

MEMBER MORRIS: Finance will meet February 12<sup>th</sup> at 6:30 p.m.

PRESIDENT SCHULMAN: Thank you.

MEMBER BABCOCK: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER BABCOCK: Personnel will meet at the same time, same place.

MEMBER MARIOL: Mr. President.

PRESIDENT SCHULMAN: Yes.

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

PRESIDENT SCHULMAN: Thank you.

MEMBER MINOR SMITH: Mr. President. Community & Economic Development will meet at the same time, and at the same place.

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PRESIDENT SCHULMAN: Anyone else?

MEMBER SCAGLIONE: Mr. President.

PRESIDENT SCHULMAN: Yes.

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

PRESIDENT SCHULMAN: Thank you very much. Anyone else?

**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: We're now under Ordinances...*(Inaudible)*. We're now under Miscellaneous Business. Is there any?

CLERK DOUGHERTY: Mr. President. Thought for the week. *"The third-rate mind is only happy when it is thinking with the Majority. The second-rate mind is only happy when it is thinking with the Minority. The first-rate mind is only happy when it is thinking."* - A. A. Milne

PRESIDENT SCHULMAN: Thank you very much, and I hope you feel better. Thank you for your good work tonight, we really appreciate it.

MEMBER MINOR SMITH: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER MINOR SMITH: May I please say something under Miscellaneous Business? Thank you. I would just like to take this time to acknowledge that February is Black History Month. And I want to acknowledge it specifically for this year, 2018, because there are a lot of instrumental civil rights, uh, law that was put into place in 1968 and significant incidents in our history that have led us to 2018 and the rights that we have as African Americans and as women. So, I wanted to take this time, right now, and the month of February, to acknowledge Black History Month, as well as the 50<sup>th</sup> anniversary of such initiatives as the Poor People's Campaign that addressed poverty issues of individuals; also the incorporation of African Americans in the labor movement, such as AFSCME, when there were two sanitation workers killed February 1<sup>st</sup> of 1968. Um, also, coming up in April, the 50<sup>th</sup> anniversary of Dr. Mr. Luther King, Jr.'s assassination, as well as the significant strides from that have been made from 1968 to the present. So, thank you all for this moment, and acknowledging and celebrating Black History Month. Not just the month, that derived from a week, but all year long. Thank you.

PRESIDENT SCHULMAN: Thank you very much. Thank you for those words. Anyone else? Are we ready?

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

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adjourn. Roll call vote, please.

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NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you. Meeting's adjourned. (*Gavel falls*) Thank you very much, ladies and gentlemen. Be careful on your way home.

ADJOURNMENT TIME: 8:00 P.M.

ATTEST: 2-12-18  
DAVID R. DOUGHERTY  
CLERK OF COUNCIL

APPROVED:  
ALLEN SCHULMAN  
PRESIDENT