

**MINUTES OF THE MEETING FEBRUARY 26, 2018**

PRESIDENT SCHULMAN: Good evening ladies and gentlemen. Welcome to Canton City Council. It's a pleasure to have you here. With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call vote, please.

*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 yeas, Mr. President.

PRESIDENT SCHULMAN: Good, we've got everybody here. It's good to have everybody here. We've had a lot of illness, vacation, and now a full compliment. So, it's good to have all of you here. Now, with the invocation tonight, is going to be give... is going to be given by my good friend, Nate Chester. If you'll stand and remain standing for the Pledge of Allegiance.

*The regular meeting of Canton City Council was held on February 26, 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 Ward 2 Council Member, Nathaniel Chester. The Pledge of Allegiance was led by President Schulman.*

PRESIDENT SCHULMAN: Thank you, Member Chester, for your remarks. Appreciate it.

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: Uh, We are now under Agenda Corrections and Changes. Leader.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER SMITH: I move Rule 22A be suspended to add 2<sup>nd</sup> Reading Ordinances #9 through #20 to this evening's agenda.

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that, uh...Ordinances #9 through 20, this evening's agenda, be...something...suspended. 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 and the Ordinances, uh...9 through 20, are a legal part of your agenda.

**MINUTES OF THE MEETING FEBRUARY 26, 2018****PUBLIC HEARINGS**

PRESIDENT SCHULMAN: We now turn to Public Hearings. Uh, we have no Public Hearings this evening.

CLERK DOUGHERTY: Excuse me sir...

PRESIDENT SCHULMAN: I'm sorry...

CLERK DOUGHERTY: We do have one.

PRESIDENT SCHULMAN: Excuse me?

CLERK DOUGHERTY: We do...we do have one.

PRESIDENT SCHULMAN: I'm sorry.

CLERK DOUGHERTY: AN ORD...AN ORDINANCE AMENDING O#55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; PLANNING COMMISSION RECOMMENDED APPROVAL. (3501 & 3533 LESH ST NE, PARCELS 380288 & 304826 FROM B-1 (OFFICE BUSINESS) TO PB-4 (PLANNED SPECIAL BUSINESS) (ROBERT SMITH FOR LESH PROPERTIES, LLC). Mr. President.

PRESIDENT SCHULMAN: Is there anyone in the audience wishing to speak for or against this Change? Hearing none, one more time. Is there is anyone in the audience wishing to speak for or against this Zone Change? Hearing none, this will conclude the end of this session and the Ordinance will be presented later.

**OLD BUSINESS**

PRESIDENT SCHULMAN: We have no Old Business. We have no Old Business.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: We have a number of new businesses, er...new business, under speakers. And we have 6 speakers. (*Inaudible*). The first is my friend, Pete DiGiacomo. Mr. DiGiacomo, as always, welcome. If you'll step forward and give us your name and your residential address, please. And, welcome to Canton City Council.

PETE DIGIACOMO: Ok, uh, Pete DiGiacomo and I live at 600 Dent Pl. SW, Canton, Ohio. What I want to speak about, I don't know if how many people are aware of it, I know a lot...some know about it, I think quite a few don't...uh...the city of Canton has a working relation with Constellation for their gas, natural gas, uh...to get a better uh...thank you...aggregation plan to uh...get a cheaper rate. The one I just in the mail today, this is the cheaper, cheapest rate from uh, Constellation, \$3.24 metric cubic foot. Right now, the uh, through Constellation, I'm paying \$2.89 metric cubic foot. Over the weekend I was away, I get another thing in the mail for \$2.65 metric cubic foot. So, usually the city has a less...a better plan, I'll put it that way, and according to the one letter that I got from them, this isn't a really good rate. Joe, or whoever. Okay, since I've got more time, I'll use more time. Got a problem about the shopping carts. And uh...I didn't hear anything mentioned about scrappers that use the shopping carts. I don't have a problem with people transporting groceries back and forth, but when you have scrappers, that's a completely different animal. As to...they use the carts, not for what they were intended, for their convenience, and then they leave them wherever through the city. Um, I don't

**MINUTES OF THE MEETING FEBRUARY 26, 2018**

know if you have a plan for that or not. Uh, if the police see some shop...somebody pushing a shopping cart full of scrap metal, maybe you should stop 'em, ask 'em...you know...I know they're really, they're busy, but you can still do something on that end. And, potholes. It is what it is. If there's water in them, don't put nothing in to fix the hole. It's not going to last. I drove down Dueber Avenue, I watched them. Water in the holes they were patching. The next day, guess where the patch was at? Thank you.

PRESIDENT SCHULMAN: Thank you very much, as always, Mr. DiGiacomo. Our next speaker is Jim Adams. Mr. Adams, good to see you, as always. If you'll step forward and give us your name and your residential address, please.

JIM ADAMS: Thank you, Mr. President. My name is Jim Adams, I'm the Health Commissioner for the Canton Health Department. I live at 1250 Longshadow NE in North Canton. Just want to remind Council that the Ohio EPA, along with our Department, is hosting a informal public information meeting on Wednesday, March 7<sup>th</sup> at 6:00 p.m. at the William Hunter Head Start Building, to talk about air pollution issues around Republic Steel. Uh, Members of Council are invited as well as the public. Uh, we've attempted to provide a pretty wide notice to the community. We're also mailing out some 620 postcards to residents that we have identified in that vicinity also, so, through the administration, we'll be making a direct mailing for that also. So, I just want to remind Council of that. I do have some flyers that I will leave some copies with the Clerk and for anybody in the audience that would like a flyer, I'll be glad to provide them with a notice of the meeting. Thank you.

PRESIDENT SCHULMAN: Thank you very much for your hard work, and we do appreciate it. Thank you. Our next speaker is John Alge. Mr. Alge, good...good evening. Welcome. Give us you name, as always, and your residential address please.

JOHN ALGE: Good evening Members of Council. My name is John Alge. I reside at 1600 27<sup>th</sup> St. NW, here in Canton. Uh, first off I want to give praise and continued prayers to Member Scaglione. I managed to give him a hug before Council began. Of course, you are now aware, he's been ill for quite a while with the flu and uh, we're happy he's back in the horseshoe where he belongs, kicking butt for the city of Canton. And I'm sure everybody in the horseshoe and everybody in the audience will continue to pray for my good friend, Jason. He's one of the good ones here in Canton...so...yes.

PRESIDENT SCHULMAN: We all do. Thank you.

JOHN ALGE: Now, uh, potholes. *(Laughs)*.

PRESIDENT SCHULMAN: Okay, that'll be the end of that! *(Laughter)*.

JOHN ALGE: Um, first of all, Service Director Highman, thank you for the briefing, um, and also with the Superintendent Trzcinski. Um, both my Councilman, Member Mariol and Member Fisher, are aware of my plight and what has happened, so I'll let everybody know. Uh, last week, I can't tell you which one because it kind of took a while for the problem to develop. Uh, to make a long story short, I was having problems with my new ride and uh, I broke two of my rims. So, it's going to cost me about...with the rental...about \$2000.00 to repair. So, luckily insurance is going to cover most of it but none-the-less, my take is, if we want the city income tax to pass in May, on May 8<sup>th</sup>, in my view...door to door, at the end of the day isn't really going to matter. It's what we do and I know everybody in here in the horseshoe and all the cabinet, I know you're doing

**MINUTES OF THE MEETING FEBRUARY 26, 2018**

your best. I know that. But still, like Andre Agassi said, image is everything, and if we can't get these potholes...stay on top of these potholes, get 'em patched and keep 'em patched, uh, good luck with a tax increase. That's just my opinion on that. So, once again, I have love for each and every one of you guys. Keep up the great work. God bless, thank you, have a good night.

PRESIDENT SCHULMAN: Thank you very much. Er...our...let's switch people here for one second. Sherri McKinney-Frantz. Good evening, welcome. If you'll give us your name and your residential address, please.

SHERRI MCKINNEY-FRANTZ: Good evening. My name is Sherri McKinney-Frantz. I live at 310 19<sup>th</sup> St. NW, in Canton, and I have been...I was raised in Stark County, but have never been to downtown because it was too dangerous. And so, I went to the University of Cincinnati. I planned to never return to Stark County. I had bigger plans, but I ended up back here and for the first time in my life, after I graduated from college...I was 23, and I came downtown for the very first time. Um, since that time I've worked downtown for almost 30 years. Four years ago, my husband and I left Jackson Township and moved to Ridgewood. Two years ago, my friend Kerry and I decided we were going to open a small business and the only place we considered was the Arts District. So, I love Canton and I'm all in. On February 14<sup>th</sup>, Kerry was at our shop and about 1:30 in the afternoon, a gentleman walked in, spent about 10 minutes talking with Kerry, looking around, before he showed her a gun and robbed us. This was the second robbery in two days, in the Arts District and all the businesses closed or locked their doors, which forced customers to knock, which, as you know, is not a good way to build a vibrant downtown or Arts District. I have to say that Canton P.D. was phenomenal. The Chamber, the Mayor, everyone was really supportive and by the next morning, the suspect was in custody. I understand that budgets are tight and that resources and staffing is thin. I believe there is a correlation between this happening and us not having our day beat cop, which was eliminated recently, and so, on behalf of the Arts District, specifically the Essential Alternatives, Cantonology, Avenue Arts, Grapes in a Glass, Linda Tuttle and Diane Williams Mosaic, I respectfully ask that this city considers reinstating that day beat cop. Um, the city is not going to grow and the District is not going to flourish and generate revenue for the city if we don't feel safe and our customers don't feel safe. Thank you.

PRESIDENT SCHULMAN: Thank you very much. (*Applause*). Our next speaker is uh, is it Vicki Boatright? There you are. Good evening, welcome. If you'll give us your...oh, I know who you are...

VICKI BOATRIGHT: You didn't say I was your friend.

PRESIDENT SCHULMAN: I know, I know.

VICKI BOATRIGHT: You say...everybody else...my friend!

PRESIDENT SCHULMAN: My head...you know..

VICKI BOATRIGHT: I think you're my friend. You're my Facebook friend! (*Laughs*).

PRESIDENT SCHULMAN: (*Laughs*). ...I am. If you'll give us your name and your residential address.

VICKI BOATRIGHT: My name is Vicki Boatright. I live at 1516 Loddy Avenue in Canton. Um, on February 12<sup>th</sup>, I was in my Art Studio at Avenue Arts, when Cultured Coffee across the street, was robbed at gunpoint.

**MINUTES OF THE MEETING FEBRUARY 26, 2018**

My building wasn't open and I wasn't aware of the robbery until after (*Inaudible*), after the fact, but I was there and it was unnerving that such a brazen act of violence, and I consider even a threat, a brazen act of violence, occurred so close to me, when I was alone. The robberies at Essential Alternatives and other downtown businesses were also too close for my comfort. I am very grateful, as Sherri said, for the law enforcement officers who worked to apprehend the perpetrator, and who offered us extra protection before he was caught. Um, the fact that these robberies occurred during the day; however, highlights our need for the daytime police officer, dedicated to downtown. We need that position to be restored immediately. As important as the Arts District is to the city's progress, we can't be left so vulnerable. Since 2007, I have been active as an artist and as a community advocate in the development of the Canton Arts District. I'm proud to say that it has grown to be a showcase for this city, and it's featured in every story about Canton's successes. For most of us in the District, it has been, and continues to be a labor of love. We don't do it to get rich, 'cause we're not. We do it because we care about making a special place in Canton where people can enjoy art, music and culture, and have a place of pride in the city. Despite what some people believe about downtown, I've always felt that Canton...the Arts District, is one of the safest places in the city. I want to continue to feel that way. We need security for the District to grow and prosper. I know that some people chose to carry a weapon of their own to make them feel safe. I, however, don't believe that I should have to do this. This is 2018, in Canton, Ohio. It's not the OK Corral. Do we all have to be toting guns to feel safe? Because, if we do, I don't think people are going to be coming downtown for all the great things that we're doing there. We need daytime police protection like we had in the past. Please consider returning that officer to the daytime, downtown beat. I appreciate your consideration. Thank you. (*Applause*).

PRESIDENT SCHULMAN: Thank you and you now, we're...everybody hears you, trust me. And it's more...you know...you hear people, you should do something. We're trying, believe me. Um, our next...last speaker is uh, Roger Zachary. Mr. Zachary, as always, welcome to Canton City Council. If you'll come and give us your name and your residential address, please.

ROGER ZACHARY: Good afternoon. My name is Roger Zachary. I live at 2621 Wood Owl St. NE, in Canton, Ohio. To the Council, Council President, Honorable Mayor, I'm here to uh...uh...to reply to something that, uh...chip and seal, I heard during Caucus. First of all, I'd like to invite the Service Director to come out. I'll walk the whole street with him. Uh, my...my street was chipped and seal, and I'll walk the whole street with him. I know where every hole is, all the water is standing, standing water, and I'll show it to him all. But I want to thank Mr. Williams, Mr. Bernabei, for sending the street sweepers out to sweep my street. It looked like a jungle. It looked like one of the streets that I saw in Chicago, Illinois, when the...the...the...the streets that's uh, six lanes wide, stop signs, and all the garbage on the side. That's what my street looked like. And you don't have to take my word for it, ask my...ask my neighbors. Start at the first door. All the gravel that we have in our garage that we tracked in the house. All the gravel that we have in our driveways. All the gravel that's in...in...in the devil strip. This is junk. I tell you, it's junk, and my street is junk. I want to know when you're going to pave my street? When are you going to honor the features that I built my house on? That's what I want to know. This junk in my house, everyday. The kids bring it in under the sneakers, and you're going to tell me. Come on our. I invite you out. The whole neighborhood. Bring the Mayor with you. Bring Mr. Williams with you. We want to...we'd like to show you. Thank you.

PRESIDENT SCHULMAN: Thank you very much, as always. (*Applause*). We want to thank all of our speakers tonight. I know some are happy, some are not. Deservedly so. These are very difficult questions, tough to respond to, always, uh, in a perfect fashion. We're listening. We're trying to help. We're trying to do

**MINUTES OF THE MEETING FEBRUARY 26, 2018**

it. All these people are doing the utmost that they can. But they do listen. We appreciate you coming in. We need to hear from you, over and over again.

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: With that, we're now under Informal Resolutions. We have one this evening. Mr. Clerk.

#17. PERSONNEL COMMITTEE: CONFIRM APPT OF ANGELINE MOODY TO FAIR HOUSING COMMISSION COMMENCING 2/26/18 - 12/31/18. - ADOPTED

PRESIDENT SCHULMAN: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It's been moved to adopt Informal Resolution #17. Any remarks? Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #17 PASSED UNANIMOUSLY BY VOICE VOTE

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

**COMMUNICATIONS**

PRESIDENT SCHULMAN: 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 26, 2018.***

81. ABCD, INC. & BYWATER DEVELOPMENT GROUP: ADVISE OF PLANS FOR DEVELOPMENT AND FUNDING FOR N MARKET GARDENS LOCATED @ 1544 AND 2114-2116 MARKET AVE N. AND RIGHT TO SUBMIT COMMENTS REGARDING PROPOSED PROJ. - RECEIVED & FILED
82. ANNEXATION CHAIRMAN MARIOL: REQ LEGISLATION FOR STATEMENT OF SERVICES FOR 44<sup>TH</sup> ST NE ANNEX LOCATED IN PLAIN TWP. - ANNEXATION COMMITTEE
83. AUDITOR MALLONN: REQ LEGISLATION FOR RE-ISSUANCE AND SALE OF ECONOMIC DEVELOPMENT REVENUE BOND ANTICIPATION NOTE IN MAX AGGREGATE PRINCIPAL AMT NOT TO EXCEED \$4,750,000.00 TO PAY OFF CURRENT BOND. - FINANCE COMMITTEE
84. AUDITOR MALLONN: REQ LEGISLATION FOR RE-ISSUANCE AND SALE OF GENERAL OBLIGATION BLDG IMPROVEMENT BOND ANTICIPATION NOTE IN MAX AGGREGATE PRINCIPAL AMT NOT TO EXCEED \$3,500,000.00 TO PAY OFF CURRENT BOND. - FINANCE

**MINUTES OF THE MEETING FEBRUARY 26, 2018**

## COMMITTEE

85. AUDITOR MALLONN: REQ LEGISLATION FOR RE-ISSUANCE AND SALE OF GENERAL OBLIGATION JUDGMENT BOND ANTICIPATION NOTE IN MAX AGGREGATE PRINCIPAL AMT NOT TO EXCEED \$1,000,000.00 TO PAY OFF CURRENT BOND. - FINANCE COMMITTEE
86. AUDITOR MALLONN: REQ LEGISLATION FOR RE-ISSUANCE AND SALE OF REVITALIZATION ANTICIPATORY NOTE IN MAX AGGREGATE PRINCIPAL AMT NOT TO EXCEED \$1,050,000.00 FOR DEMO OF DETERIORATING STRUCTURES AND IMPROVEMENT OF THOSE SITES. - FINANCE COMMITTEE
87. CHIEF DEPUTY CLERK GONZALEZ: AUTHORIZE AUDITOR TO PAY OBLIGATION TO HUNTINGTON BANK IN AMT NOT TO EXCEED \$6,373.94 FOR 2017 BANK FEES. - FINANCE COMMITTEE
88. COURT ADMIN KOCHERA: REQ \$5,672.94 APPROP TRF FR PERSONNEL - PROBATION INCENTIVE & IMPROVEMENT GRANT FUND #2765-701001 TO OTHER - PROBATION INCENTIVE & IMPROVEMENT GRANT FUND #2765-701001 TO REIMBURSE MUNICIPAL PROBATION SERVICES FUND #2766 FOR UNALLOWABLE PERSONNEL EXPENSES IN 2017. - FINANCE COMMITTEE
89. FINANCE DIRECTOR CROUSE: REQ ADOPTION OF GENERAL FUND BUDGET FOR 2018. - FINANCE COMMITTEE
90. LIQUOR CONTROL DIV (OHIO): REQ NEW C1 LIQUOR PERMIT TO THAPABROTHERS LLC, 2211 TUSCARAWAS RD (WARD 5). - RECEIVED & FILED
91. MAYOR BERNABEI: REQ AUTHORIZATION TO APPT WILLIAM JONES TO FAIR EMPLOYMENT PRACTICES BOARD FOR 3 YR TERM COMMENCING 1/1/18 TO 12/31/20. - PERSONNEL COMMITTEE
92. NATIONAL CHURCH RESIDENCES: ADVISE OF PLANS FOR DEVELOPMENT AND FUNDING FOR JRC SENIOR HOUSING LOCATED @ 1732 MARKET AVE N AND RIGHT TO SUBMIT COMMENTS REGARDING PROPOSED PROJ. - RECEIVED & FILED
93. PLANNING COMMISSION: REQ TEXT CHANGES TO CANTON CODIFIED ORDINANCES BY ADDING SEC 1123.462 AND AMENDING SEC 1141.03. - JUDICIARY COMMITTEE
94. PLANNING COMMISSION: REQ REPLAT OF OUT LOTS 1165, 1166 & 1388 (PARCELS 10003827, 8300072 & 8300071), 2304-2320 FAIRCREST ST SW IN WARD 4 FOR SHAWNEE DEV AND PILOT TRAVEL CTRS. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
95. PLANNING COMMISSION: REQ REPLAT OF PART OF CITY LOT 37074 AND PART OF CITY OUT LOTS 545, 850 AND 851 (PARCELS 306322, 303556 AND 237733), 3112 CLEVELAND AVE

**MINUTES OF THE MEETING FEBRUARY 26, 2018**

NW IN WARD 7 FOR DEVILLE DEV. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

96. PLANNING COMMISSION: AUTHORIZE VACATION OF PORTION OF AUBURN PL NW FR WEST RIGHT-OF-WAY LINE OF CLEVELAND AVE NW TO EAST RIGHT-OF-WAY LINE OF DAWN CIR NW AND REPLAT OF ALL OF LOTS 13165 - 13174, 39834 - 39837 AND VACATED PORTION OF AUBURN PL NW (PARCELS 242784, 232732, 232513, 213090 & 209273), WARDS 2 & 9. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
97. RODRIGUEZ ASSOCIATES, INC.: ADVISE OF AMR LEHMAN, INC.'S PLANS FOR DEVELOPMENT AND FUNDING FOR FORMER LEHMAN HIGH SCHOOL LOCATION @ 1120 15<sup>TH</sup> ST NW, AND RIGHT TO SUBMIT COMMENTS REGARDING PROPOSED PROJ. - RECEIVED & FILED
98. SERVICE DIRECTOR HIGHMAN: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CHANGE ORDER #1 AND FINAL IN AMT OF \$35,857.52 WITH CENTRAL ALLIED ENTERPRISES, INC. FOR ROADWAY BASE STABILIZATION PROJ, GP 1265; RETROACTIVELY AUTHORIZE ANY ACTIONS TAKEN PRIOR TO FINALIZATION OF SAID CHANGE ORDER NEEDED TO FACILITATE ONGOING PROJ AND AUTHORIZE AUDITOR TO PAY ANY AND ALL MORAL OBS RELATED TO SAME; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE AND PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES
99. SERVICE DIRECTOR HIGHMAN: RECOMMEND POSTPONING ANY AND ALL SEWER AND SANITATION RATE INCREASES UNTIL CURRENT RATE/DEPARTMENTAL STUDIES ARE COMPLETED (PER CANTON CODIFIED ORDINANCES 947.06 AND 975.08). - RECEIVED & FILED
100. SERVICE DIRECTOR HIGHMAN: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CHANGE ORDER #1 IN AMT OF \$14,307.00 WITH SCHINDLER ELEVATOR CORP FOR CORNERSTONE PARKING DECK ELEVATOR REPAIR; RETROACTIVELY AUTHORIZE ANY ACTIONS TAKEN PRIOR TO FINALIZATION OF SAID CHANGE ORDER NEEDED TO FACILITATE ONGOING PROJ AND AUTHORIZE AUDITOR TO PAY ANY AND ALL MORAL OBS RELATED TO SAME; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT AND FINANCE COMMITTEES
101. SERVICE DIRECTOR HIGHMAN: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CHANGE ORDER #5 IN AMT OF \$69,230.00 WITH ARCADIS US, INC. FOR CONSTRUCTION ENGINEERING RELATED TO PID 90671 - 12<sup>TH</sup> ST NW BRIDGE REPLACEMENT AND STREETScape PROJ - GP 1160; RETROACTIVELY AUTHORIZE ANY ACTIONS TAKEN PRIOR TO FINALIZATION OF SAID CHANGE ORDER NEEDED TO FACILITATE ONGOING PROJ AND AUTHORIZE AUDITOR TO PAY ANY AND ALL MORAL OBS RELATED TO SAME; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT AND FINANCE COMMITTEES

**MINUTES OF THE MEETING FEBRUARY 26, 2018**

102. SERVICE DIRECTOR HIGHMAN: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CHANGE ORDER #6 IN AMT OF \$154,549.83 WITH BEAVER EXCAVATING CO FOR PID 90671 - 12<sup>TH</sup> ST NW BRIDGE REPLACEMENT AND STREETScape PROJ - GP 1160; RETROACTIVELY AUTHORIZE ANY ACTIONS TAKEN PRIOR TO FINALIZATION OF SAID CHANGE ORDER NEEDED TO FACILITATE ONGOING PROJ AND AUTHORIZE AUDITOR TO PAY ANY AND ALL MORAL OBS RELATED TO SAME; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT AND FINANCE COMMITTEES
103. SERVICE DIRECTOR HIGHMAN: AUTHORIZE MAYOR AND/OR SERV DIR TO NEGOTIATE AND ENTER INTO EASEMENT AGMT WITH DOMINION EAST OHIO (DEO) AUTHORIZING PLACEMENT OF 12" HIGH PRESSURE GAS LINE ACROSS REIFSNYDER PARK PROPERTY; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
104. TREASURER PEREZ: RPT OF DEPOSITS AND PAY-INS FOR AMBULANCE LOCK BOX FOR JANUARY 2018. - RECEIVED & FILED
105. TREASURER PEREZ: RPT OF PARKING METER REVENUE FOR JANUARY 2018. - RECEIVED & FILED
106. TREASURER PEREZ: REQ LEGISLATION AMENDING SEC 182 OF CANTON CODIFIED ORDINANCES AS MANDATED BY GENERAL ASSEMBLY IN HB49. - JUDICIARY COMMITTEE

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: We're now under First Reading Ordinances and Informal Resolutions for their First Reading. Mr. Clerk, Ordinance #1, please.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK DOUGHERTY TO READ ORDINANCES #1 THROUGH #8 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO ENTER INTO A SETTLEMENT AGREEMENT WITH ARCADIS U.S., INC.; AND DECLARING THE SAME TO BE AN EMERGENCY (12<sup>TH</sup> ST BRIDGE REPLACEMENT AND STREETScape PROJ)  
Referred to Finance Committee
- #2. (1<sup>ST</sup> RDG) AN ORDINANCE VACATING A PORTION OF AUBURN PLACE N.W.; APPROVING AND ACCEPTING THE REPLAT AND RENUMBERING PLAT OF ALL OF LOTS 13165 - 13174, 39834 - 39837 AND THE VACATED PORTION OF AUBURN PLACE N.W.; AND DECLARING THE SAME TO BE AN EMERGENCY (FR EAST RIGHT OF WAY OF DAWN CIR TO CLEVELAND AVE NW FOR

**MINUTES OF THE MEETING FEBRUARY 26, 2018**

FOXY FEW LLC, WARD 2)

**PUB HRG WAIVED**Referred to Public Safety & Thoroughfares Committee

- #3. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY TWO MORAL OBLIGATIONS IN AN AMOUNT NOT TO EXCEED \$20,929.21 TO ACCUMED GROUP; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #4. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO ANY AND ALL PROFESSIONAL SERVICES CONTRACTS NEEDED FOR THE DESIGN OF THE RENOVATION OF THE SEARS BUILDING; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance and Public Property Capital Improvement Committees
- #5. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO: ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO ANY AND ALL CONTRACTS NECESSARY FOR THE PURCHASE OF APPROXIMATELY SIXTEEN NETWORK SWITCHES; OR TO ALTERNATIVELY PURCHASE SAID ITEMS PURSUANT TO ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; ENTER INTO ANY AND ALL PROFESSIONAL SERVICES CONTRACTS NEEDED FOR THE INSTALLATION OF SAID SWITCHES AND OTHER NETWORK REPAIRS; AND TO ENTER INTO A COOPERATIVE AGREEMENT WITH STARK COUNTY FOR THE INSTALLATION OF SAID SWITCHES AND OTHER NETWORK REPAIRS; AMENDING APPROPRIATION ORDINANCE NO. 277/2017; AND DECLARING THE SAME TO BE AN EMERGENCY (\$50,000.00 SUPP APPROP FR UNAPPROP BAL OF 4501 CAPITAL PROJECTS FUNDS TO 4501 504010 INFORMATION TECHNOLOGY MANAGER - OTHER)  
Referred to Public Property Capital Improvement Committee
- #6. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO A CONSTRUCTION CONTRACT FOR THE GLENWOOD INTERMEDIATE SCHOOL DETENTION BASIN NO. 2 PROJECT - G.P. 1271 AND TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE PLAIN LOCAL BOARD OF EDUCATION FOR THE DESIGN, CONSTRUCTION, AND LONG-TERM MAINTENANCE OF THE BASIN; AMENDING APPROPRIATION ORDINANCE NO. 277/2017; AND DECLARING THE SAME TO BE AN EMERGENCY (\$130,000.00 SUPP APPROP FR UNAPPROP BAL OF 4501 CAPITAL PROJECTS FUND TO 4501 202050 GLENWOOD INTERMEDIATE SCHOOL DETENTION BASIN NO. 2 PROJECT - G.P. 1271 - OTHER)  
Referred to Public Property Capital Improvement Committee
- #7. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING AND CONSENTING TO THE REPLACEMENT

**MINUTES OF THE MEETING FEBRUARY 26, 2018**

OF SIGNS AND SUPPORTS ON US 30 FROM SR 43 TO TRUMP AVENUE  
WITHIN THE CORPORATE LIMITS OF THE CITY; AND DECLARING THE  
SAME TO BE AN EMERGENCY

Referred to Public Safety & Thoroughfares Committee

- #8. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 37/2018** AN ORDINANCE AMENDING THE  
CITY INCOME TAX CODE, CHAPTER 182 OF THE CODIFIED ORDINANCES,  
AND ADOPTING AND INCORPORATING SECTIONS 718.80 THROUGH 718.94  
OF THE OHIO REVISED CODE; AND DECLARING THE SAME TO BE AN  
EMERGENCY

Referred to Judiciary Committee

PRESIDENT SCHULMAN: And at this time, the Chair would declare an in house recess for the Judiciary  
Committee to meet in regard to Ordinance #8 on your Agenda this evening. You're now in recess.

***(COUNCIL RECESSED AT 7:27 PM FOR THE JUDICIARY COMMITTEE TO DISCUSS ORDINANCE  
#8; RECONVENED AT 7:51 PM)***

PRESIDENT SCHULMAN: Council will reconvene after the recess. Reader....Leader.

MEMBER SMITH: Mr. President, I move Rule 22A be suspended to place Ordinance #8 back on this evening's  
agenda.

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to place Ordinance 8 back on  
this evening's agenda. 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. Ordinance 8 is now a legal part of your agenda. Leader.

MEMBER SMITH: Mr. President I move we suspend the Statutory Rules on Ordinance #8.

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rule on Ordinance #8.  
Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

**MINUTES OF THE MEETING FEBRUARY 26, 2018**

PRESIDENT SCHULMAN: Thank you. Leader, you've heard the three readings.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #8.

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #8. Any remarks? Hearing none...any remarks? Roll call vote.

NO REMARKS

ROLL CALL 11 YEAS, 1 NAY  
(MEMBER HAWK VOTED NAY)

CLERK DOUGHERTY: Eleven yeas, one nay, Mr. President

**#8 ADOPTED AS ORDINANCE NO. 37/2018**

PRESIDENT SCHULMAN: Thank you, Motion carries. Ordinance 8 is adopted. I sure hope we've got something planned.

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: Um...on the Second Readings. We're now under Ordinances and Formal Resolutions for their Third...er...Second vote. Mr. Clerk, roll call vote, please, er, I'm sorry. Please begin with Ordinance 19...9. I'm so angry, sorry.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK DOUGHERTY TO READ ORDINANCES #9 THRU #20 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (ORDINANCE #16 ADOPTED; ORDINANCE #17 ADOPTED AS AMENDED; ORDINANCES #18 - #20 ADOPTED):***

#9. (2<sup>ND</sup> RDG) AMEND TITLE SEVEN - BUSINESS REGULATION CODE OF CODIFIED ORDINANCES OF CITY OF CANTON BY ADDITION OF CHAPTER 779, RETAIL SHOPPING CART REGULATIONS (JUD)

#10. (2<sup>ND</sup> 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(617 MCKINLEY AVE SW, PARCEL #280007, #280082, AND #280083 FR R-1A (SINGLE FAMILY RESIDENTIAL) TO PR-4 (PLANNED MULTI-FAMILY RESIDENTIAL) (SMHA) (JUD)

**PUB HRG HELD 2/12/18 @ 7:00 PM**

#11. 2<sup>ND</sup> RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNERS IN THE HOF VILLAGE #5 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

MINUTES OF THE MEETING FEBRUARY 26, 2018

DECLARING THE SAME TO BE AN EMERGENCY (ANNEX)

- #12. (2<sup>ND</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 AIDS PREVENTION FUND - 700 - OTHER) (FIN)
- #13. (2<sup>ND</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 (FIN)
- #14. (2<sup>ND</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) (FIN & PPCI)
- #15. (2<sup>ND</sup> RDG) AN ORDINANCE VACATING A PORTION OF BLAKE AVENUE N.W.; APPROVING AND ACCEPTING THE REPLAT OF OUT LOT 1397 AND THE VACATED PORTION OF BLAKE AVENUE N.W. AND OUT LOT 1397; AND DECLARING THE SAME TO BE AN EMERGENCY (PS&T)
- #16. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 38/2018** AN ORDINANCE AUTHORIZING AND CONSENTING TO THE TRAFFIC SIGNAL UPGRADE AT STA-US 62 AND HARMONT AVENUE; AND DECLARING THE SAME TO BE AN EMERGENCY (PPCI)
- #17. (2<sup>ND</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 39/2018** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH FRANKLIN INFORMATION SYSTEMS FOR SOFTWARE, TRAINING, AND IMPLEMENTATION FOR THE BUILDING CODE DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY (FIN)
- #18. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 40/2018** AN ORDINANCE APPROVING

**MINUTES OF THE MEETING FEBRUARY 26, 2018**

CONTRACT AMENDMENTS TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANTON AND AFL-CIO AFSCME LOCAL 2937 AND OHIO COUNCIL 8; AND DECLARING THE SAME TO BE AN EMERGENCY (PERS)

#19. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 41/2018** AN ORDINANCE APPROVING CONTRACT AMENDMENTS TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANTON AND THE CANTON POLICE PATROLMEN’S ASSOCIATION; AND DECLARING THE SAME TO BE AN EMERGENCY (PERS)

#20. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 42/2018** AN ORDINANCE APPROVING CONTRACT AMENDMENTS TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANTON AND THE FRATERNAL ORDER OF POLICE/OHIO LABOR COUNCIL; AND DECLARING THE SAME TO BE AN EMERGENCY (PERS)

PRESIDENT SCHULMAN: Leader.

MEMBER SMITH: Mr. President, I move we suspend the Statutory Rules for Ordinances 16, 17, 18, 19 and 20.

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It’s been moved and seconded to suspend the Statutory Rules for Ordinances 16, 17, 18, 19 and 20 on your agenda. 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. You’ve heard the three readings, Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It’s been moved and seconded to 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. 38/2018**

**MINUTES OF THE MEETING FEBRUARY 26, 2018**

PRESIDENT SCHULMAN: Thank you. 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 seconded that you adopt Ordinance 17. Any remarks? Hearing none, roll call vote please.

CLERK DOUGHERTY: Hold on, hold on, please. We have an amendment, sir.

PRESIDENT SCHULMAN: There's an amendment, sorry.

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

CLERK DOUGHERTY: You need to make a motion to amend Ordinance 17, please.

MEMBER SMITH: Mr. President I'd like to make the motion to amend Ordinance #17.

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: ...To amend Ordinance 17. Any remarks? Hearing none, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. Leader.

MEMBER SMITH: Mr. President, I'd like to make a motion to amend Ordinance 17, per copy that...

CLERK DOUGHERTY: Member Smith...

MEMBER SMITH: Yes.

CLERK DOUGHERTY: Majority Leader, um, adopt as amended...motion please.

MEMBER SMITH: Okay. Mr. President, I'd like to move we adopt Ordinance #17...

CLERK DOUGHERTY: As amended.

MEMBER SMITH: As amended?

PRESIDENT SCHULMAN: As amended.

MEMBER BABCOCK: Second.

**MINUTES OF THE MEETING FEBRUARY 26, 2018****Amendment:**

*Pursuant to Rule 36, I move to amend Item No. 17 by the substitution of the attached amended Ordinance for the original pending Ordinance..*

PRESIDENT SCHULMAN: Gees! It's been moved and seconded...sorry...that we amend Ordinance uh...17, as adopted...as amended. 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 AMENDED AS ORDINANCE NO. 39/2018**

PRESIDENT SCHULMAN: Thank you. Motion 17 as amended, is adopted. 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 as...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. 40/2018**

PRESIDENT SCHULMAN: Motion carries. Ordinance 18 is adopted. Ordinance 19.

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? 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. 41/2018**

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

**MINUTES OF THE MEETING FEBRUARY 26, 2018**

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 under Ordinance 20? 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. 42/2018**

PRESIDENT SCHULMAN: Thank you. It’s adopted.

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

PRESIDENT SCHULMAN: We now move to Third Reading Ordinances and Formal Resolutions for their Third and Final Reading and Vote. Mr. Clerk, would you please begin with Ordinance 21.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK DOUGHERTY TO READ THE FOLLOWING ORDINANCES #21 THROUGH #22 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

#21. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 43/2018** 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 (3501 & 3533 LESH ST NE, PARCELS 380288 & 304826 FROM B-1 (OFFICE BUSINESS) TO PB-4 (PLANNED SPECIAL BUSINESS) (ROBERT SMITH FOR LESH PROPERTIES, LLC)

PRESIDENT SCHULMAN: Leader.

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

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. 43/2018**

**MINUTES OF THE MEETING FEBRUARY 26, 2018**

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

#22. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 44/2018** 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

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?

DEPUTY MAYOR WILLIAMS: Mr. President.

PRESIDENT SCHULMAN: Yes.

DEPUTY MAYOR WILLIAMS: On behalf of the company, JIT Packaging, uh, they did agree to hire students from Canton City Schools, and also provide internship opportunities, so I thank Council for their support. Thank you.

PRESIDENT SCHULMAN: Thank you very much. Any other 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. 44/2018**

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

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SCHULMAN: We now turn to Announcement of Committee Meetings. My friends? Anyone?

MEMBER BABCOCK: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER BABCOCK: Personnel at 6...6:00...6:30, I'm sorry.

PRESIDENT SCHULMAN: 6:30?

MEMBER BABCOCK: Yep.

**MINUTES OF THE MEETING FEBRUARY 26, 2018**

PRESIDENT SCHULMAN: 6:30 it is.

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER HAWK: Public Safety & Thoroughfares, 6:30.

PRESIDENT SCHULMAN: Thank you.

MEMBER MORRIS: Mr. President, Finance, same time.

PRESIDENT SCHULMAN: Fine. Thank you. Anyone else?

MEMBER SCAGLIONE: Mr. President,, Pubic...Public Property Capital Improvement, same time.

PRESIDENT SCHULMAN: Thank you.

MEMBER FISHER: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER FISHER: Environmental & Public Utilities, same time. *(Inaudible)*.

CLERK DOUGHERTY: And we'll let the public know that is March 5<sup>th</sup>.

PRESIDENT SCHULMAN: Anyone else? Great.

**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: We now turn to Miscellaneous Business. Is there any?

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Yes.

LAW DIRECTOR MARTUCCIO: Mr. President and Members of Council. Uh, I think, uh, some information to you and to your constituents, and to answer Mr. DiGiacomo about our Gas Aggregation Program. Um, many of you are, haven't been around long enough to remember the origins of this. When...when natural gas was deregulated some 15 years ago or so, it led to a free for all. Rates were really, really, really high, and one of the solutions that came along for local governments to help bring rates down, was to do "opt-in" programs for a year or two, followed by "opt-out" programs. Everybody was collected in a big hat and had better bargaining power. That has resulted in a lot of savings most years, uh, in gas, and then later, when electricity became expensive, we did the same thing. Political subdivisions, Counties, Cities, Townships got together, had better bargaining power. Constellation, as Mr. DiGiacomo pointed out, is our current provider for gas. The timing of it determines everything. Like so many things in life, we as a city, in conjunction with other cities that we sort of partner with, through our broker, have a strike date, a deadline date that we have to strike our prices by, on the market. And, uh, often, we've done really, really, really well, with the collective bargaining prices, not

**MINUTES OF THE MEETING FEBRUARY 26, 2018**

every time (*Inaudible*). There is, on our website at the city, a frequently asked questions area for national gas aggregation and Constellation, that spells out a lot of the frequently asked questions about what price we have. Now, the one thing that our broker did for us over the years, was to negotiate a provision saying that, "If you chose to leave our program, if you chose not to be a part of our collective bargaining power, you could do so without a penalty or fee. I would just caution people that if you move from one to another, on your own, there are hidden fees sometimes, especially if you decide to jump those later, because of some other thing that comes in the mail. So, again, I would be reprieve to our frequently asked...asked questions. Same thing is coming on electricity and the aggregation (*Inaudible*). Um, and I also wanted to mention, very briefly, it was asked, I think Pete, you also asked about, um, under the shopping cart ordinance, would those people who are outright thieves and just rolling these things away to scrap these carts...uh, that's a crime and, in every (*Inaudible*) it's a crime, even under our current ordinance, as revised, and obviously, if it's a crime in progress and a police officer would happen to catch that person in progress, it becomes a theft offense. So, that still exists, as does the uh, provision for getting written consent from those people who a store wants to let people borrow carts to take their groceries to and from. And I also want to mention one other thing, if you'll indulge me just another second. This Council, or at least the previous Council, with most of you on it, passed a Resolution a couple of years ago, um, to let us become friends with the Court, in a brief that made it's way all the way to the United States Supreme Court on collective bargaining and fair share fees in the public sector. Uh, that case made it's way to the Supreme Court a term ago and it deadlocked at four-four because Justice Scalia had passed away just before this decision was made. What the decision that was argued again today is about, is being framed in different ways. It's being framed as a First Amendment issue, the right to associate...but what it is, is as you know, we've got five public sector collective bargaining unions in the city, and lots of other political subdivisions around the country have public sector collective bargaining unions. They can collectively bargain with management over wages, in terms of conditions of employment and so on. That ability was challenged when it first became an ability, you know, when public sectors had the right to not unionize in the 70's. Also in the 70's, a case called "Abood", A-b-o-o-d, was decided by the Supreme Court. It was a nice compromise. It said, okay, we hear you, those of you who are members of public sector unions, who don't want their money, their dues to go to political issues, so what we're going to do is, we'll let unions get dues from all of the members of the public sector unions, because all of the members benefit from collective bargaining. All of the members get the same higher wages, if that's the case, or different and better benefits, but..but you don't have to contribute as many union dues, if you don't want your money to go for political activities. So that was the compromise the United States public sector unions have lived under for the last 40 years. Up again today, for argument in front of a nine member Supreme Court now, the argument was raised again. Uh, those people who are from so called right to work states, saying, yeah, we shouldn't have to contribute any union dues to public sector collective bargaining unions. None, because that violates my right to free speech. And of course, the folks on the collective bargaining side of the issue are saying, no, it's not about that, it's about you wanting a free ride. You'll get the benefits of all the work that goes into collective bargaining, but you won't have to pay any dues. So, you may want to watch your internet tonight or your newspapers tomorrow to get a better idea of what's going on and it's really, really a close vote. This could go against public sector unions and fair share fees. I just wanted to update you on that. Thank you.

PRESIDENT SCHULMAN: Thank you very much.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER SMUCKLER: Um, Law Director, is the gas rate for just a short period of time, or is it a long period

**MINUTES OF THE MEETING FEBRUARY 26, 2018**

of time, or what was it negotiated for this time?

LAW DIRECTOR MARTUCCIO: Uh, thank you. Mr. President, Member Smuckler, I believe it was a 3-year rate.

MEMBER SMUCKLER: So this is guarant...

LAW DIRECTOR MARTUCCIO: ...Service Director, if you could...correct me if I'm wrong on that?

SERVICE DIRECTOR HIGHMAN: Member Smuckler, um...how it works when it was negotiated this last time, um, the bid was done where the rate is based upon the is moving nimex gas price and then we lock it in for a set period of time whenever the broker advises us to strike. For this particular rate, and the current...the new rate is uh...3.247 per mcf. That will begin with the...in April 2018 and end in March 2019. This is the first of a 2-year bid. So what will happen is, at some point in time next winter, depending on where the rates are, we will strike for a new rate. So, it's one of those things where it's a, it's a 1-year term right now, we always advise people it is possible to see a lower one, it is possible to see a higher one. So, basically, what will happen is, in about a year from now, we'll know where the second year will be and it will be based upon that moving target, so, generally speaking, we usually do pretty good with this and the way (*Inaudible*) the process, but from time to time there are other offers that do come in that are lower. So we (*Inaudible*) one year term.

MEMBER SMUCKLER: Service Director. We...I have a broker too, in my business, and we signed up for long term for these rates through 2020, but we also have the option of leaving and going on to another broker who has a long term, better rate. Do we have that option too?

SERVICE DIRECTOR HIGHMAN: At this point with this agreement, no. There's no longer term, this really is a 2-year...this is the first of those 2 years and then after that...we could in the future when we go out to bid and do the contracts, we could adjust the rates and take a different look at that, and those are all considerations that our broker does look at, and that's something that I can explore further with him and ask him about.

MEMBER SMUCKLER: But sometime during the contract, you have the right to break it and go out for another bid if you would see something else that might be extremely low.

LAW DIRECTOR MARTUCCIO: Yes, Member Smuckler, we did. That's something that was negotiated in subsequent agreements, as time went on. And I want to thank Member Smuckler. He's the one that really got the ball rolling many years ago, after people were coming to Council really sad and hurt, deeply hurt over how much they were having to pay for their utilities. He's the one that said, you know, "Let's go see what's out there, let's find some options." So we did and, and, to get back to what Mr. Pete DiGiacomo (*Inaudible*), because political subdivisions got into the business of collective bargaining and strength in numbers, they did bring the rates down, but that's when the other companies got wise and thought, well, we need some of this action too. So they applied...everybody organizing and collective bargaining so to speak, it made the other energy providers come alive and say, well, we need some of this too, so they put...then sharpened their pencils and offered better rates and tried to take people away from us. So, one thing led to another.

PRESIDENT SCHULMAN: Anyone else?

MEMBER MINOR SMITH: Mr. President, Madame Majority Leader. I just have two announcements. Last week each Member received a complimentary ticket to the Coming Together Stark County's play, "American

**MINUTES OF THE MEETING FEBRUARY 26, 2018**

Woman - Our History, Our Song,” scheduled for March 17<sup>th</sup>. That play is now postponed, so I just encourage everyone to listen out for the new date once they establish it. The second announcement is in regards to Meals on Wheels. Each person, each Member also received an invitation to the ribbon cutting for the location Canton. The Meals on Wheels is looking for volunteers, so anyone interested in volunteering, they can call 330-832-7220, or go to the website, but they’re looking for volunteers in March, for a specific time frame. So, if you are willing and able, please contact Meals on Wheels. Thank you.

PRESIDENT SCHULMAN: Thank you. Anyone else? Uh, I just want to say one last thing, very quickly. I am so sick of us getting the short end of the stick every single time. This thing with uh, the state, what they did to us, what they’re doing to us, it’s just outrageous. And the thing that is so irritating to me, and this is why I’m saying it, is, I’d like you to all call everyone of these people. What’s irritating is the people who represent us in Columbus don’t do one thing to protect us. Not a thing. Aren’t we getting sick of that. Can’t we do something. And I would just encourage every one of you, call your elected officials and tell them, “What are you doing? Why do we always get screwed”? It is outrageous, it’s just not fair. And now we’re going to put more money in the...you know, you’re going to go back to the people and ask for them to give us their money and they should, it should be done, but it’s just...so frustrating. And I’m on the last leg, you know guys, but I would just like to see us strap it on and beat these people with a ball bat. *(Laughter)*. I’m just tired of it. I’m just tired of it. Okay.

MEMBER HAWK: Mr. President. One minute please. Thank you, Dave. Why don’t we extend an invitation to the gentlemen and ladies who represent us in Columbus, to come up here and explain to us why they feel it’s necessary to...where are they? Let them...let them tell us why they won’t come if we extend and invitation and they don’t. One of the other, we have...they should answer to us.

PRESIDENT SCHULMAN: Let’s do that, if you don’t mind, Mr. Clerk. Let’s invite them again. This is about the hundredth time we’ve done it.

MEMBER MORRIS: Can I make a suggestion on inviting them.

PRESIDENT SCHULMAN: Yes.

MEMBER MORRIS: Instead of sending them a letter inviting them to come here to address some of the concerns, send the arrogant asses an invitation saying that we are going to recognize them for their great work. Their ego will bring them in here...*(Laughter, applause)* and we can lie to them like they lie to us. *(Applause)*.

PRESIDENT SCHULMAN: Thank you Mr. Morris. Anyone else want to comment? Okay.

CLERK DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes sir.

CLERK DOUGHERTY: Just to lighten it up a little bit. *(Laughter)*. As we close out Black History Month, “*If you want to lift yourself up, lift up someone else.*” - Booker T. Washington. And...and we also should remember that our “*Laundry is the only thing that should be separated by Color.*” - Unknown.

PRESIDENT SCHULMAN: Are we ready?

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

**MINUTES OF THE MEETING FEBRUARY 26, 2018**

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adjourn. Mr. Clerk, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Motion carries. Meeting is adjourned. Thank you everyone.

ADJOURNMENT TIME: 8:20 P.M.

ATTEST: 2-28-18  
DAVID R. DOUGHERTY  
CLERK OF COUNCIL

APPROVED:  
ALLEN SCHULMAN  
PRESIDENT