

MINUTES OF THE MEETING MAY 14, 2018

(Recording begins as follows):

PRESIDENT PRO TEM SMITH: ...turn the mic on. Let's try again. Good evening.

AUDIENCE: Good evening.

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

ROLL CALL TAKEN BY CLERK DOUGHERTY:

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

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

CLERK DOUGHERTY: Eleven present, one absent.

EXCUSING MEMBERS

PRESIDENT PRO TEM SMITH: Thank you. Leader. *(Laughter)* That's you. That's you, Babby.

MEMBER BABCOCK: I just put my... I was putting something in my pocket, sorry. Madam President, I move that we excuse President Schulman and Member Chester from tonight's meeting.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Madam President.

PRESIDENT PRO TEM SMITH: The motion carries and President Schulman and Member Chester is excused from tonight's meeting. We... we will have the invocation tonight, he said by my good friend, which was Nate Chester, he's not here, so the invocation will be done again from another good friend, Mr. Jason Scaglione. Please remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on May 14, 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 3 Council Member, Jason Scaglione. The Pledge of Allegiance was led by President Pro Tem Smith.

AGENDA CORRECTIONS & CHANGES

PRESIDENT PRO TEM SMITH: We're under Agenda Corrections and Changes. Leader.

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MEMBER BABCOCK: Madam President, I move Rule 22A be suspended to add 2nd Reading Ordinances 5 through 10 to this evening's agenda.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to suspend Rule 22A to add 2nd Reading Ordinances 5 through 10 to this evening's agenda. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Madam President.

PRESIDENT PRO TEM SMITH: Thank you. The motion carries and Ordinance 5 through 10 are a legal part of your agenda for this evening.

PUBLIC HEARINGS

PRESIDENT PRO TEM SMITH: We're now under Public Hearings. We have no Public Hearings.

OLD BUSINESS

PRESIDENT PRO TEM SMITH: We're under Old Business. Is there any Old Business? There is none. Thank you.

PUBLIC SPEAKS

PRESIDENT PRO TEM SMITH: We're under Public Speaks. We have one speaker for this evening, Pete (*pronounces it*) Carpillo. Please state your name and address.

PETE CARPICO: Good evening. My name's Pete Carpico. I... I live on Whitetail Trail, 391 Whitetail Trail NE. Um, last week I was here and I asked each of you to step up and make something happen, and get ahead of the building that is going on in Georgeview Estates, and I was... I... I wanted to come back this week and... and say a hearty thank you. I was glad to see that we did something last week. We had a meeting with the Deputy Mayor. Uh, I know Council... Councilwoman Smith set that up and I appreciate... I appreciate that. Uh, it is definitely a positive. Uh, I... I hope that that continues and we continue that discussion with not only the members of the neighborhood, but also the builder as... as we are planning to do. Uh, so I wanted to thank this committee, this Council, for... for stepping up like I asked last week. I have one other thing that I'd like to bring up this week, and that's just our continued concerns over Republic Steel. Uh, last week a neighbor of mine took some pictures and shared them with me and I shared them with the Health Department. Uh, I don't know if you can see, but I'll be glad to walk around and show Members of the Council, but when Mr. Adams tells me in the EPA meeting and before here at Council Chambers that he's breathing the same air that I'm breathing out at Georgeview Estates, I... uh, I don't believe him. Uh, when I see a yellow cloud overtop of my neighborhood and overtop of the land across from our neighborhood, that is... that is a concern for me, and I... and I want to make sure Council is still aware that this is a continued battle that Georgeview Estates residents, and any resident associated and near Republic Steel. I mean, it just depends on which way the winds blowing, which neighborhood of Canton is getting affected by a yellow cloud of stuff. Uh, they were open burning something out behind Republic Steel, I have no idea what it was. Like I said, I did notify the Health Department, but I think Council also needs to see what's going on. So I'll be glad to share this. I'll stick around if anybody would like to see, I have like fifteen, twenty pictures on my iPad that I'll be glad to share.

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Thank you. (*Applause*)

PRESIDENT PRO TEM SMITH: Thank you so much.

INFORMAL RESOLUTIONS

PRESIDENT PRO TEM SMITH: We're now under Informal Resolutions, and we have no Informal Resolutions this evening.

COMMUNICATIONS

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

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED MAY 14, 2018.

205. AUDITOR MALLONN: LTR FROM JULIAN & GRUBE, INC DETAILING FINANCIAL AUDIT SERVS TO BE PROVIDED TO CITY OF CANTON. - RECEIVED & FILED
206. AUDITOR MALLONN: REQ RE-ISSUANCE AND SALE OF A REVITALIZATION ANTICIPATORY NOTE IN MAX AGGREGATE PRINCIPAL AMT NOT TO EXCEED \$500,000.00 (TO PAY OFF CURRENT REVITALIZATION ANTICIPATORY NOTE - FUND 1152). - FINANCE COMMITTEE
207. AUDITOR MALLONN: REQ RE-ISSUANCE OF ANTICIPATORY NOTE IN AMT NOT TO EXCEED \$2,000,000.00 TO ALLOW PAYOFF OF A PREVIOUSLY EXISTING NOTE. - FINANCE COMMITTEE
208. COURT ADMIN. KOCHERA: REQ \$5,000.00 APPROP TRF FR PERSONNEL - JUSTICE REINVESTMENT PRETRIAL GRANT FUND #2799-701001 TO OTHER - JUSTICE REINVESTMENT PRETRIAL GRANT FUND #2799-701001, FOR PROPER OPERATION OF COURT. - FINANCE COMMITTEE
209. DEPUTY MAYOR WILLIAMS: REQ DISSOLUTION OF ROAD RESERVATION AND AUTHORIZE MAYOR OR SERV DIR TO TRF PROP TO CCIC FOR SUBSEQUENT TRF TO REFUGE OF HOPE MINISTRIES (PARCELS 280871, 280872, 280873 AND 284986). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
210. DEPUTY MAYOR WILLIAMS: AUTHORIZE MAYOR OR SERV DIR TO NEGOTIATE AND EXECUTE AN EASEMENT OVER PARCEL #280840 LOCATED ON 22ND ST NE, WARD 9, TO STINGRAY VENTURES LLC. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
211. COMM DEV DIRECTOR SEWARD: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT AMENDMENTS WITH SCCAA FOR \$50,000.00 FOR ENRICHMENT & ACADEMIC MENTORING AND \$30,000.00 FOR EMPLOYMENT READINESS TRAINING;

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AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS;
EMERGENCY. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

212. HEALTH COMMISSIONER ADAMS: 2017 ANNUAL REPORT FOR CANTON CITY HEALTH DEPT. - RECEIVED & FILED
213. LAW DIRECTOR AYLWARD: REQ TO REORGANIZE LAW DEPT'S CRIMINAL DIVISION. - PERSONNEL COMMITTEE
214. LIQUOR CONTROL DIVISION (OHIO): REQ NEW C2 PERMIT FOR DOLGEN MIDWEST, LLC @ 210 12TH ST NE. - RECEIVED & FILED
215. PLANNING COMMISSION: ADOPT COMPREHENSIVE CHANGES TO CITY OF CANTON ZONING CODE (AMENDED PART ELEVEN - PLANNING AND ZONING CODE). - JUDICIARY COMMITTEE
216. PLANNING COMMISSION: APPROVE WARD ASSIGNMENT AND ZONING CLASSIFICATION FOR HOF #5 ANNEXATION (HOFV - HALL OF FAME VILLAGE DISTRICT, WARD 7). - ANNEXATION COMMITTEE
217. PLANNING COMMISSION: APPROVE WARD ASSIGNMENT AND ZONING CLASSIFICATION FOR ONE RICHMOND AVE ANNEXATION (R-1A - SINGLE FAMILY RESIDENTIAL, WARD 6). - ANNEXATION COMMITTEE
218. SERVICE DIRECTOR HIGHMAN: NO PROJECT LABOR AGMT RPT - SHILOH SIDEWALK STREETScape, GP 1280. - RECEIVED & FILED
219. SERVICE DIRECTOR HIGHMAN: AUTHORIZE SALARY OF \$88,888.00; AUTHORIZE TEN (10) DAYS VACATION IN 2018 AND FIFTEEN (15) DAYS VACATION EACH YR THEREAFTER UNTIL CITY ACCRUED TIME CORRELATES WITH APPLICABLE CITY VACATION SCHEDULE (JAMES BENEKOS, NEW WATER DEPT FACILITIES ENGINEER). - PERSONNEL COMMITTEE
220. SERVICE DIRECTOR HIGHMAN: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE CONSTRUCTION CONTRACT; AUTHORIZE CITY TO ENTER INTO AGMT(S) FOR AND TO RECEIVE GRANT FUNDS IN AMT OF \$890,064.00 (\$352,002.00 FOR G.P. 1241; \$538,062.00 FOR G.P. 1198) AND LOAN FUNDS IN AMT OF \$509,566.00 (\$150,858.00 FOR G.P. 1241; \$358,708.00 FOR G.P. 1198) FROM OHIO PUBLIC WORKS COMMISSION TO CONSTRUCT PROJ; AUTHORIZE AUDITOR TO ESTABLISH AND CREATE 4585 FUND (47TH ST NW/PACKARD AVE NW 78-IN STORM SEWER REPAIR PROJECT, G.P. 1198) AND 4586 FUND (47TH ST NW STORM SEWER REPAIR PROJECT, G.P. 1241) FOR PURPOSE OF TRACKING PROJ REVENUES AND EXPENDITURES; (\$896,770.00 SUPP APPROP FR UNAPPROP BAL OF 4585 (47TH ST NW/PACKARD AVE NW 78-IN STORM SEWER REPAIR PROJECT, G.P. 1198 FUND TO 4585-202052 (47TH ST NW/PACKARD AVE NW 78-IN STORM SEWER REPAIR PROJECT, G.P. 1198 FUND - OTHER; \$502,860.00 SUPP

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APPROP FR UNAPPROP BAL OF 4586 (47TH ST NW STORM SEWER REPAIR PROJECT, G.P. 1241 FUND TO 4586-202053 (47TH ST NW/PACKARD AVE NW 78-IN STORM SEWER REPAIR PROJECT, G.P. 1241 FUND - OTHER); AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

221. SERVICE DIRECTOR HIGHMAN: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO AGMT WITH EAST OHIO GAS CO DBA DOMINION ENERGY OHIO (DEO) FOR RELOCATION OF LINES; MAKE \$380,771.00 SUPP APPROP FR UNAPPROP BAL OF 4566 MAHONING RD. CORRIDOR PROJECT, GP 1103 FUND TO 4566 202079 MAHONING RD. CORRIDOR PROJECT, GP 1103 FUND - OTHER; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. - ENVIRONMENTAL & PUBLIC UTILITIES AND PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES
222. SERVICE DIRECTOR HIGHMAN: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO CONTRACT FOR SALE OF 1957 STEAM LOCOMOTIVE AND TENDER WHICH IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES; EMERGENCY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
223. TREASURER PEREZ: RPT OF PARKING METER REVENUE FOR APRIL 2018. - RECEIVED & FILED
224. TREASURER PEREZ: RPT OF AMBULANCE LOCK BOX ACCT FOR APRIL 2018. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT PRO TEM SMITH: We are now under Ordinances and Formal Resolutions for their First Reading Ordinances, Mr. Clerk, would you please begin with Ordinance #1.

NOTE: PRESIDENT PRO TEM SMITH CALLED UPON CLERK DOUGHERTY TO READ ORDINANCES #1 THROUGH #4 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE AUTHORIZING THE DISCHARGE OF THE DEMOLITION LIENS, ASSESSMENTS, PENALTIES, AND INTEREST ON THE PROPERTY KNOWN AS PARCEL NO. 226346; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- #2. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH THE THRASHER GROUP FOR DESIGN OF THE SITE MASTER PLAN FOR THE CANTON WATER DEPARTMENT'S DISTRIBUTION SHOP; AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$49,920.00 SUPP

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APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207022
WATER DISTRIBUTION - OTHER)

Referred to Finance Committee

- #3. (1ST RDG) **ADOPTED AS ORDINANCE NO. 112/2018** A RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT WINTER CONTRACT 018-19; AND DECLARING THE SAME TO BE AN EMERGENCY (ROAD SALT)

Referred to Finance Committee

- #4. (1ST RDG) **ADOPTED AS ORDINANCE NO. 113/2018** 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 LAW DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Personnel Committee

PRESIDENT PRO TEM SMITH: At this time, the Chair would declare an in-house recess for the Finance and Personnel Committee to meet in regards to Ordinance #3 and 4 on your agenda. You are now in recess.

***(COUNCIL RECESSED AT 7:08 PM FOR THE FINANCE COMMITTEE TO DISCUSS O#3;
RECONVENED AT 7:10 PM)***

***(COUNCIL RECESSED AT 7:10 PM FOR THE PERSONNEL COMMITTEE TO DISCUSS O#4;
RECONVENED AT 7:13 PM)***

PRESIDENT PRO TEM SMITH: Council is convened after the recess. Leader.

MEMBER BABCOCK: Madam... Madam President, I move that we suspend the Statutory Rules on Ordinances 3 and 4.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to suspend Rule 22A to place Ordinances 3 and 4 back on this evening's agenda. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Madam President.

PRESIDENT PRO TEM SMITH: Motion carries. Ordinances 3 and 4 are a legal part of your agenda. Leader.

MEMBER BABCOCK: Madam President I move we adopt Ordinance #3.

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MEMBER MINOR SMITH: Second.

CLERK DOUGHERTY: Hold... hold... excuse me. Statutory rules, please.

MEMBER BABCOCK: Statutory rule?

CLERK DOUGHERTY: Suspend statutory rules.

MEMBER BABCOCK: Oh, we did...

CLERK DOUGHERTY: We just put it back on the agenda.

MEMBER BABCOCK: Oh, okay.

MEMBER SMUCKLER: Now you need to suspend the rules.

MEMBER BABCOCK: We want to suspend Rules 22A and Statutory Rules.

PRESIDENT PRO TEM SMITH: He said the Ordinances. Okay. It's been moved and seconded to suspend the Statutory Rules on Ordinances 3 and 4. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Madam President.

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

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #3.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded that you adopt Ordinance #3. Any remarks under this Ordinance? Hearing none, roll call vote please, Mr. Clerk.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Madam President.

#3 ADOPTED AS ORDINANCE NO. 112/2018

PRESIDENT PRO TEM SMITH: It's been properly moved that Ordinance #3 is adopted. Leader.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #4.

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MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded that we adopt Ordinance #4. Are there any remarks under this Ordinance? Hearing none, roll call vote please, Mr. Clerk.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Madam President.

#4 ADOPTED AS ORDINANCE NO. 113/2018

PRESIDENT PRO TEM SMITH: Motion carries. Ordinance #4 is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT PRO TEM SMITH: We are now under Ordinances and Formal Resolutions for their Second Reading. Mr. Clerk, would you please begin with Ordinance #5.

NOTE: PRESIDENT PRO TEM SMITH CALLED UPON CLERK DOUGHERTY TO READ ORDINANCES #5 THRU #10 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #5. (2ND 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 (CITY WIDE ZONE CHANGE, HARVARD AVE NW @ RT 62, 1700 BLOCKS OF IRA TURPIN WAY NE, BLECKER PL NE, 10TH ST NE, IRWIN PL NE, BERGER PL NE, PETRO PL NE, 9TH ST NE) **PUB HRG 5/21/18 @ 7:00 P.M.**
- #6. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$210,000.00 APPROP TRF FR 7508 852101 INCOME TAX - ADMIN - OTHER TO 7508 852003 DISTRICT TWR JEDD - OTHER FOR \$5,000.00, TO 7508 852004 DISTRICT SM JEDD - OTHER FOR \$190,000.00 AND TO 7508 852005 DISTRICT FP JEDD - OTHER FOR \$15,000.00; \$180,000.00 SUPP APPROP FR UNAPPROP BAL OF 7508 JACKSON-CANTON JEDD CLEARING FUND TO 7508 852004 DISTRICT SM JEDD - OTHER)
- #7. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$93,000.00 APPROP TRF FR 5701 101501 CODE ENFORCEMENT ADMIN - PERSONNEL TO 5701 307001 ENVIRONMENTAL HEALTH ADMIN - PERSONNEL)
- #8. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$100,000.00 SUPP

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APPROP FR UNAPPROP BAL OF 2314 FAMILY HEALTH FUND TO 2314 301001 FAMILY HEALTH - 700 - OTHER)

- #9. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO: ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONSTRUCTION CONTRACT; EXECUTE A PROFESSIONAL SERVICES CONTRACT FOR CONSTRUCTION OVERSIGHT SERVICES; RECEIVE GRANT FUNDS IN THE AMOUNT OF \$528,313.00 AND A ZERO PERCENT INTEREST LOAN IN THE AMOUNT OF \$549,876.00 FOR THE RIDGEWOOD EAST PHASE 1 PART 1 WATER MAIN REPLACEMENT PROJECT AND RIDGEWOOD EAST PHASE 1, PART 2 (22ND/24TH ST. NE) ROADWAY RECONSTRUCTION PROJECT, GP 1123; RECEIVE GRANT FUNDS IN THE AMOUNT OF \$150,000.00 AND A LOAN IN THE AMOUNT OF \$482,625.00 FOR THE ROADWAY PROJECT; AUTHORIZING THE AUDITOR TO ESTABLISH THE 5237 RIDGEWOOD EAST PHASE 1 PART 1 WATER MAIN REPLACEMENT PROJECT FUND AND THE 4584 RIDGEWOOD EAST PHASE 1 PART 2 (22ND/24TH ST. NE) ROADWAY RECONSTRUCTION PROJECT, GP 1123 FUND; AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$1,078,189.00 SUPP APPROP FR UNAPPROP BAL OF 5237 RIDGEWOOD EAST PHASE I PART I WATER MAIN REPLACEMENT PROJ FUND TO 5237 207043 RIDGEWOOD EAST PHASE I PART I WATER MAIN REPLACE PROJ - OTHER; \$632,625.00 SUPP APPROP FR UNAPPROP BAL OF 4584 RIDGEWOOD EAST PHASE I PART 2 (22ND/24TH ST NE) ROADWAY RECONSTRUCTION PROJ, GP 1123 FUND TO 4584 202051 RIDGEWOOD EAST PHASE I PART 2 (22ND/24TH ST NE) ROADWAY RECONSTRUCTION PROJ, GP 1123 - OTHER)
- #10. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$2,308,261.43 SUPP APPROP FR UNAPPROP BAL OF 5235 CANTON SOUTH-CLEVELAND AVE (REGIONALIZATION) WATERLINE EXTENSION PROJ FUND TO 5235 207053 CANTON SOUTH-CLEVELAND AVE (REGIONALIZATION) WATERLINE EXTENSION PROJ - OTHER)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT PRO TEM SMITH: Thank you, Mr. Clerk. We are now under Ordinances and Formal Resolutions for their Third Final Reading and vote. Mr. Clerk, would you please begin with Ordinance #11.

NOTE: PRESIDENT PRO TEM SMITH CALLED UPON CLERK DOUGHERTY TO READ THE FOLLOWING ORDINANCES #11 THROUGH #12 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #11. (3RD RDG) ADOPTED AS ORDINANCE NO. 114/2018 AN ORDINANCE AUTHORIZING THE AUDITOR TO EXECUTE A PROFESSIONAL

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SERVICES CONTRACT WITH BURGESS & NIPLE FOR DESIGN OF THE 33RD STREET NW AREA WATER MAIN REPLACEMENT PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$102,900.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207052 33RD ST NW AREA WATER MAIN REPLACEMENT PROJ - OTHER)

PRESIDENT PRO TEM SMITH: Leader.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #11.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded that you adopt Ordinance #11. Are there any remarks? Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Madam President.

#11 ADOPTED AS ORDINANCE NO. 114/2018

PRESIDENT PRO TEM SMITH: Motion carries. Ordinance #11 is adopted. Ordinance #12, please.

#12. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 115/2018** AN ORDINANCE AMENDING SECTIONS 105.01, 105.09, AND 105.10 OF PART ONE, ADMINISTRATIVE CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON (DEFINITIONS OF CONTRACTS)

PRESIDENT PRO TEM SMITH: Leader.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #12.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded that you adopt Ordinance #12. Are there any remarks?

MEMBER BABCOCK: Madam President, I move we amend Ordinance #12 per copy that all Council Members have in front of them.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to amend Ordinance #12 per the copy before each of you. Any remarks?

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MEMBER BABCOCK: Madam President.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER BABCOCK: Uh, could we have that summarized, please.

LAW DIRECTOR BATES-AYLWARD: Um, yes, I will summarize that for you, and also obviously the Service Director is here as well. As we all know, the Service Director put forth a very good idea to simplify, streamline and.. and speed us up, make us a little more nimble here at the City. The State for a long time has recognized that the bid limits be set at \$50,000.00. We were much lower than that, and that's a very time consuming process. So, the initial proposal was simply the \$50,000.00, and I'm looking obviously at Councilman Morris. And there were some concerns about that, so I thought a very good compromise was struck, and so the summary is this. The bid limit under this amendment will go to \$50,000.00. That means we don't have that very time consuming and expensive process of bidding for contracts up to that \$50,000.00 threshold. However, so that Council can remain abreast and in control and kinda keep the reigns so to speak, any of these contracts between \$25,000.00 and \$49,999.00 will be subject to a vote of Council through an informal resolution process. So it will still come before you, but again it's nimbler and it's quicker because it'll come down, you'll see it and you will vote on it, but we will not have the required, you know, three readings and all of the other things. In addition, the other change will be under professional services which were never bid, as you know. Those are not a bid item. Those would also change just to match that \$25,000.00 threshold. So it will go up a little bit, but as you know, services don't cost what they used to, and it's not an unreasonable limit for things such as lawyers and engineers and experts and things of that nature. So those... that limit will be raised. So that's just a little summary, and I certainly can take questions, and I'm sure the Service Director as well. And by the way, I thought it was really very interesting to watch everyone work that out last week and the great ideas that came out of it. I was really... really pleased.

PRESIDENT PRO TEM SMITH: Thank you. You've heard the remarks. By voice vote, all those in favor signify by saying aye. Opposed.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

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

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #12.

MEMBER MINOR SMITH: Second.

CLERK DOUGHERTY: As amended, please.

MEMBER BABCOCK: As amended.

MINUTES OF THE MEETING MAY 14, 2018**AMENDMENT**

Pursuant to Rule 36, I move to amend Agenda Item No. 12 by the substitution of the attached amended Ordinance for the original pending Ordinance.

PRESIDENT PRO TEM SMITH: It's been moved and seconded that you adopt Ordinance #12 as amended. Are there any remarks under this Ordinance as amended? Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Madam President.

#12 ADOPTED AS AMENDED AS ORDINANCE NO. 115/2018

PRESIDENT PRO TEM SMITH: Thank you. Motion carries, and Ordinance #12, as amended, is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM SMITH: At this time we have Announcements of Committee Meetings.

MEMBER MORRIS: Madam President.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER MORRIS: Finance will meet May 21st at 6:30 P.M., and we will also have a finance presentation.

CLERK DOUGHERTY: We would... Member Morris, could we maybe go for 6:15 if we have a presentation.

MEMBER MORRIS: We... Mr. Clerk, we have two ordinances, none of which are heated, and according to the Finance Director, we should only need about fifteen minutes.

CLERK DOUGHERTY: That's why we need 6:15, please.

MEMBER MORRIS: Okay, Mr. Clerk.

PRESIDENT PRO TEM SMITH: 6:15, Member Morris.

CLERK DOUGHERTY: Thank you.

MEMBER MORRIS: You're welcome.

MEMBER MINOR SMITH: Madam President.

PRESIDENT PRO TEM SMITH: Yes.

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MEMBER MINOR SMITH: Community & Economic Development will meet on May 21st at 6:30 P.M.

PRESIDENT PRO TEM SMITH: 6:15.

CLERK DOUGHERTY: No, same time.

MEMBER MINOR SMITH: Very well, 6:15, same place. Thank you.

PRESIDENT PRO TEM SMITH: Thank you.

MEMBER MACK: Madam President.

PRESIDENT PRO TEM SMITH: Are there any other announcements of committee meetings?

MEMBER MACK: Madam President, Judiciary, same time, same place.

MISCELLANEOUS BUSINESS

PRESIDENT PRO TEM SMITH: We are now under Miscellaneous Business. Is there any?

MEMBER HAWK: Madam Chair.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER HAWK: It's that time of year again! Grass cutting season. We spend probably between \$180,000.00 and \$225,000.00 a year mowing grass, high weeds and grass in vacant lots, and sometimes in occupied houses and things. Uh, I'd like to get a jump start on it this year. Law Director, is there something we can do to help this, expedite this along?

LAW DIRECTOR BATES-AYLWARD: Ah, grass season. Um, Councilman Hawk as well as many other Councilmen have been addressing this with our office lately. We're trying to brain storm, and I'm kind of looking at it like we approached Building and Code as a collaborative effort some years ago to try to add some teeth. And in looking at it... first of all I want to commend the Administration. Our mowing and our liens and everything are going along as well as they can be. There's only so much you can do, but we are getting those liens placed and we're doing all of that very effectively. So I think that part of our procedure is working as well as it can. The thing that I've talked about with some Councilmen is there is a criminal component to our high grass and weeds, and it certainly has not been utilized a lot and there's a lot of reasons for that, obviously. We have to allocate our resources, as limited as they are, and once we start talking about criminal penalties, we start talking about utilizing our police force and in their limited time. But, I have taken a good look at that, and it is possible, just so you know, the criminal component of weeds and grass for the first offense is a minor misdemeanor. A minor misdemeanor is punishable by up to a \$150.00 fine. The second offense is a misdemeanor of the fourth degree that is punishable by a \$250.00 fine... well, up to a \$250.00 fine and up to thirty days in jail. So those things are real. The reality, however, is, Councilman Hawk, corporate defendants, out of state defendants, it is just not realistic to try to prosecute for a misdemeanor. It's just not going to happen. It's not gonna work. But, we certainly have some local people who it could work. So, my thoughts are why don't we start looking at this again like we did Building and Code. I'll dedicate some staff to brainstorming it, and let's take a look around your wards and tell me if there are any people that really are contributing to, you know, a standard of life

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issue in your ward by repeated failures that are not of... you know, that are not their fault. You know, we do have some elderly citizens, we have some handicapped citizens that I think we should be reaching out and helping them. Um, but we also have other people that have the wherewith all to keep their, you know, property in... in repair and... and they are not doing it. So, I'd be more than welcome to take a look at some of these folks and start looking just, again, just like we built with Building and Code. If you bring me convincing cases that I can get to law enforcement that they can sink their teeth into, then I think we can proceed. So...

MEMBER HAWK: Thank you very much, Law Director.

LAW DIRECTOR BATES-AYLWARD: You are welcome.

PRESIDENT PRO TEM SMITH: Are there anymore Miscellaneous? Mr. Clerk, could you give us our thought for the week.

CLERK DOUGHERTY: Thank you. *"Life doesn't require that we be the best, only that we try our best. If you're doing your best, you won't have any time to worry about failure."* - H. Jackson Brown, Jr.

PRESIDENT PRO TEM SMITH: Hmm, thank you, Mr. Clerk. Leader.

MEMBER BABCOCK: Madam President, I move we adjourn.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to adjourn. Roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Madam President.

PRESIDENT PRO TEM SMITH: Thank you so much. Meeting is adjourned.

ADJOURNMENT TIME: 7:30 P.M.

ATTEST: May 16, 2018

APPROVED:

DAVID R. DOUGHERTY
CLERK OF COUNCIL

CHRIS SMITH
PRESIDENT PRO TEM