

MINUTES OF THE MEETING JULY 30, 2018

PRESIDENT PRO TEM SMITH: Good evening and welcome to Canton City Council. At this time, this meeting will start. 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, NATHANIEL CHESTER, JASON SCAGLIONE, ROBERT FISHER, KEVIN HALL, JOHN MARIOL & FRANK MORRIS)

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

CLERK DOUGHERTY: Eleven present, one absent, Madam.

EXCUSING MEMBERS

PRESIDENT PRO TEM SMITH: Uh, Mr. President... excuse me, I'm the President tonight. You can tell that I'm so used to being over there, but with a quorum being present, I would like to also excuse President Schulman from this... tonight's meeting. Also, Doc Ferguson had to leave. He has death in the family in the loss of his sister-in-law and one of our former Mayor's sisters. That's the... Purses' sister.

MEMBER BABCOCK: Do you want me to second it or do you want me to continue? (*Chuckles*)

PRESIDENT PRO TEM SMITH: (*Laughs*) Hey, we done all forgot what we doing, huh? Okay. I think it's on you.

MEMBER BABCOCK: I make a motion we excuse President Schulman and Member Ferguson from tonight's meeting.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to excuse President Schulman and Member Ferguson from tonight's meeting. 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: The motion carries and President Schulman and Councilman Ferguson are excused from this evening's meeting. We would have invocation at this time done by myself, Ward 4 Council Member and Majority Leader. Also, before we go into prayer, could we have a moment of silence for Doc Ferguson's family. (*Brief pause*) Thank you so very much and remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on July 30, 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 4 Council Member, Chris Smith. The Pledge of Allegiance was led by President Pro Tem Smith.

AGENDA CORRECTIONS & CHANGES

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

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MEMBER BABCOCK: Mr. President, I move we... Rule 22A be suspended to add 2nd Reading Ordinances 5 through 11 to this evening's agenda. (*Note: Member Babcock inadvertently said "Mr." President, instead of "Madam" President*)

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 11 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: The motion carries and Ordinance 5 through 11 are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT PRO TEM SMITH: At this time we're under Public Hearings, and we do have two this evening. Mr. Clerk.

CLERK DOUGHERTY: AN ORDINANCE AUTHORIZING CANTON TO ANNEX TERRITORY KNOWN AS THE 44TH ST. NE ANNEXATION AREA CONTAINING APPROX 1.896 ACRES, ASSIGNING SAID TERRITORY TO WARD 8, ZONING SAID TERRITORY AS R-1C (SINGLE FAMILY RESIDENTIAL).

PRESIDENT PRO TEM SMITH: Is there anyone in the audience wishing to speak for or against this Annexation, please step forward. Once again, is there anyone in the audience wishing to speak for or against this Annexation, please step forward. The Chair declares this Public Hearing over in regards to this matter. The matter now rests in the hands of Council. The Ordinance will follow later this evening.

CLERK DOUGHERTY: AN ORDINANCE AUTHORIZING CANTON TO ANNEX TERRITORY KNOWN AS THE I-77 GULLIVERS – 2414 FAIRCREST ST SW ANNEXATION AREA CONTAINING APPROX 3.3642 ACRES, ASSIGNING SAID TERRITORY TO WARD 4, ZONING SAID TERRITORY AS B-4 (SPECIAL BUSINESS).

PRESIDENT PRO TEM SMITH: Is there anyone in the audience wishing to speak for or against this Ordinance? Is there anyone in the audience wishing to speak for or against this Ordinance? Seeing none, the Chair declares this Public Hearing over in regards to this matter. This matter now rests also in the hands of Council. The Ordinance will follow later this evening.

OLD BUSINESS

PRESIDENT PRO TEM SMITH: Is there any Old Business?

DEPUTY MAYOR WILLIAMS: Yes, Madam President, Members of Council. At our last meeting, I think was July 16th, Mrs. Christine Gault addressed Council with regards to brick repairs that were needed on 18th Street NW. I'm proud to report that brick repair was completed on Saturday, and there was extensive patch work on the asphalt portion of 18th Street as well. That was performed on Saturday. Thank you.

MINUTES OF THE MEETING JULY 30, 2018**INFORMAL RESOLUTIONS**

PRESIDENT PRO TEM SMITH: We are now under Informal Resolutions, and we have no Informal Resolutions this evening. We are now under Communications. Let the journal show...

CLERK DOUGHERTY: (*Inaudible*)... Public Speaks.

PRESIDENT PRO TEM SMITH: Oh, I skipped over the Public Speaks, huh?

PUBLIC SPEAKS

PRESIDENT PRO TEM SMITH: We are now under Public Speaks. Our first speaker is Roberta Covington.

ROBERTA COVINGTON: I am here again to show my...

PRESIDENT PRO TEM SMITH: Miss Roberta.

ROBERTA COVINGTON: Yes.

PRESIDENT PRO TEM SMITH: I know I know you, but some of them in here do not.

ROBERTA COVINGTON: Okay. Oh, I'm sorry.

PRESIDENT PRO TEM SMITH: Could we please have your correct name, address.

ROBERTA COVINGTON: Okay, thank you.

PRESIDENT PRO TEM SMITH: You're welcome.

ROBERTA COVINGTON: Roberta Covington, 1941 Tuscarawas Street East, Canton, Ohio 44707. I was here the last session, and I was discussing the... the potential removal of 3rd Street SE Bridge. Uh, with the decision... will the decision of the 3rd Street SE Bridge be one more negative complaint about our community? Many people feel nothing's being done in our community. Recently I voted to pass the tax for Canton. Will any of that money be used in our community? The 3rd Street Bridge should be repaired. We need continual traffic for the safety of our children and pedestrians. What message does this send to the businesses in our area? Removing this bridge would be a negative comment. Limiting... limiting the route to route... the traffic to Route 30 would not be positive in my mind. We do not need more traffic on East Tusc. Will you be part of the progress for our community? Save continual pra... traffic over 3rd Street SE for the safety of our children and the pedestrians in our community. It's the right decision. Thank you. (*Applause*)

PRESIDENT PRO TEM SMITH: Thank you also, Miss Covington. And then that that is in my ward, I can't answer you right now, but you'll stay around after Council meeting, I would like to talk to you about that.

ROBERTA COVINGTON: Okay.

PRESIDENT PRO TEM SMITH: Thank you.

ROBERTA COVINGTON: Thank you.

PRESIDENT PRO TEM SMITH: Our next speaker is Pete DiGiacomo.

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PETE DEGIACOMO: Pete DiGiacomo, 600 Dent Place SW, Canton, Ohio. I know this is gonna sound like I'm beating a dead horse, which I am. The powers to be have already decided what's gonna go on at the Kresge lot. I really wish they would reconsider a few items. Um, that's a lot of money that we're gonna be spending, and I don't believe, I hope I'm wrong on this one, that it's gonna be put to the full extent that it could be. Um, I don't know if anybody on Council has heard the saying, "I'm not going downtown to Canton, you're gonna get robbed, it's dangerous down there." That's from Jackson, that's from North Canton. They don't want to come to downtown Canton. I'm... myself, I'm sick of hearing that. We, being my wife and myself, last year attended quite a few of the Blues that they had downtown. Mayor Bernabei, we actually had a beer down there together. He was down there. Um, and it was pretty simple. Could have been fancier, but still it was a nice evening. Spending the amount of money in the items that you're gonna be putting in there, that's just... it's too much in my own eyes. You have to live within your budget, your means. Uh, a mist... misting park, all the trees you're gonna put in there, things like that, that's beyond our... the City of Canton's budget. You could be using some of that money on much better projects. That's all. Thank you again.

PRESIDENT PRO TEM SMITH: Thank you so very much too. (*Applause*) Sue March.

SUE MARCH: Good evening. I'm Sue March from... I live at 2735 Orchard Park Street NW, but I'm here representing the Canton Garden Center and the Children's Garden. You know, visitors young and old, you... you talk about your plans for downtown. Come to the Canton Garden Center and the Children's Garden, and I'm here this evening to invite you to a ribbon cutting for a very special time in the garden. We've worked on... worked with the... um, we have an... let me finish. We have an exciting idea that has become reality through a partnership, the Canton Garden Center, the Children's Garden, of which I'm Chair, and Walsh University. So it was an idea that's come into reality and it is called an interactive experience. In our garden we have many theme gardens and we have picked twelve for this interactive experience, where you can pause and have an... have... um, let me explain what it will look like. It's... it's pretty 21st Century. All you need is download a QR Reader onto your Smartphone. The signage at each of these twelve gardens will have the name of the garden, the number of the garden, a graphic and a QR code, which I have to tell you a year ago I didn't know what it was, but now I do. When a person stops at that garden and uses their Smartphone with their QR Reader on that QR code, they will have a song or a story read to them. And it is really very exciting. So, this in a... in a... interactive experience is something that we think is totally unique. We know it's totally unique here to Canton, Ohio and to our Children's Garden, and we're very very excited about it. So I have invitations for you to come to the ribbon cutting which is two weeks from tomorrow, Tuesday, August 14th at noon, and there are refreshments, so of course you have to come, right? And we will have people in the garden at that time who will be able to show you what this is. If you've been to the Garden Center lately or the Children's Garden, it is a public place and people come every day. It's the back yard for the City of Canton. It really is. So, I don't know how I can do this. If... if I'm allowed to approach.

PRESIDENT PRO TEM SMITH: Just pass it to Member Morris.

SUE MARCH: Okay. (*Inaudible*)

PRESIDENT PRO TEM SMITH: You can just give it all to him and he'll... he'll pass it around. Thank you.

SUE MARCH: Okay. And anybody that (*inaudible*). Thank you.

PRESIDENT PRO TEM SMITH: Thank you. (*Applause*) Our next speaker, Bruce Schorsten (*pronounced Shore-stein*). Did I pronounce that right? Schorsten?

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BRUCE SCHORSTEN: Ten... ten, Schorsten (*pronounced Shore-sten*).

PRESIDENT PRO TEM SMITH: Schorsten, alright.

BRUCE SCHORSTEN: Uh, my name is Bruce Schorsten, and I live at 1045 Stone Crossing NW. I... um, I'm here to speak on behalf of landlords. I'm a landlord in the City of Canton, and I heard about the pending legislation to charge landlords \$100.00 to remove items that had been set out, and I think you're all familiar with that type of an ordinance. Um, my only concern, and it... it comes from personal experience, is that you're already charging landlords, depending on the number of units that they own, a premium on sanitation services. A single family home in the city is charged \$35.70 every two months for sanitation services. If that particular property happens to be a duplex, that fee is doubled. If that particular apar... property is an apartment house and has a dumpster, that fee goes up to over \$100.00 a month. And so landlords are already being charged either double, triple or quadruple the amount of sanitation charges on a... that a normal single family house would be charged. And I think it is unfortunate when someone is set out. It is unfortunate when we have to come to the Court and tell somebody that someone is not paying and that they are then granted a writ and a bailiff comes out and then things are set out on the... on the sidewalk. I... uh, I can't tell you that it's an easy process to go through, and it's a very expensive process because usually you know you're two, three months down the line in non-rent, you're usually having to pay the utility charges, and now you want them to pay for the set out fee, which they do, and now you want them to pay for an additional sanitation charge. And I think it's getting to the point that landlords will not buy in the City of Canton, and if landlords will not buy in the City of Canton then the property values go down. And if the property values go down, they hurt the single family residents in the city. So it's like a... like a... uh, rolling ball of hay. It gets bigger and bigger, and one of these days it's gonna be very difficult to get landlords interested in buying in the City of Canton. Thank you.

PRESIDENT PRO TEM SMITH: Thank you. Our last speaker, James Riehl (*pronounced Rye-ell*).

JAMES RIEHL: Riehl (*pronounced Real*).

PRESIDENT PRO TEM SMITH: Riehl. Okay.

JAMES RIEHL: Hi, I'm James Riehl. I live at 1440 St. Elmo Avenue NE, Canton, Ohio. Yes, I already spoke to my Councilman, Chester over there. My... my concern is, which I already spoke to him, there was a fire in May. May! A garage fire, and the remnants is still there, and as you speak, nothing against you, the landlord... the stuff's still there and kids playing among there. The remnants is still there. That's my concern, not for you or... for the kids. You know what I'm saying? It... it... it's a safety issue. I'm sorry, you know, it is what it is. I mean, it's still sitting there and the kids are playing in it, so who... whose get hurt? No, they're not gonna blame the landlord, they're not gonna blame the renter, they're not gonna blame the parents. Kids are gonna play. Kids are kids. You know, it... it is what it is. They're gonna play. We... we live right there on Rowland Park on Rowland, you know, they have a park, but still it is a nuisance, and I... and I... if you'd like to download the pictures which Chester has, and really it is a mess. Really it is. If anyone would like to see it, you could download it right now. If you'd like to see it, you would be disgusted how it looks right now. That's all I got to say, and it is disgusting. Thank you.

PRESIDENT PRO TEM SMITH: Thank you so very much, sir. (*Applause*) And I'm quite sure your Council Member will take care of things for you. We appreciate you.

INFORMAL RESOLUTIONS

PRESIDENT PRO TEM SMITH: Alright. Just for clarity, and go back to the records where I screwed up

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earlier, Informal Resolutions. We are now under Informal Resolutions. We have no Informal Resolutions.

COMMUNICATIONS

PRESIDENT PRO TEM SMITH: We are 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 JULY 30, 2018.

292. COUNCIL MEMBER HAWK, WARD 1: AUTHORIZE LEGISLATION TO FORMULATE REGULATIONS TO RESTRICT LOCATION OF STORES THAT SELL PACKAGED AND SINGLE CANS/BOTTLES OF BEER, WINE, OR LIQUOR; EMERGENCY. – JUDICIARY COMMITTEE
293. DEPT OF COMMERCE (OHIO): RENEWAL PERMIT APP #7576907, CLASS D-2-2X-3-3A FOR RUBY MANAGEMENT, LLC DBA RUBY SALOON @ 2548 WINFIELD WAY NE DENIED AND REJECTED. – RECEIVED & FILED
294. DEPUTY MAYOR WILLIAMS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO JOINT ECONOMIC DEVELOPMENT DISTRICT AGMT (JEDD) WITH JACKSON TOWNSHIP AND COMDOC/GLOBAL IMAGING SOLUTIONS, INC (NEW OFFICE AND DISTRIBUTION CENTER FOR 250 EMPLOYEES FOR COMDOC). – COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
295. DEPUTY MAYOR WILLIAMS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO JOB CREATION AGMT WITH COMDOC/GLOBAL IMAGING SOLUTIONS, INC. – COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
296. FINANCE DIRECTOR CROUSE: AMEND APPROP O#64/2018; EMERGENCY (\$15,000.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 901001 CIVIL SERVICE – OTHER) (ADVERTISING & TESTING FOR POSITIONS IN STREET, POLICE, AND FIRE DEPTS). – FINANCE COMMITTEE
297. FINANCE DIRECTOR CROUSE: AMEND APPROP O#64/2018; EMERGENCY (\$2,316,085.30 APPROP TRF FR 5410 206057 OWDA WRF PHOSP PROJ MEMB (6556) – OTHER TO 5410 206058 OWDA WRF PHOSP PROJ (CONSTR) – OTHER (DEBT PAYMENTS TO WRF). – FINANCE COMMITTEE
298. FINANCE DIRECTOR CROUSE: AMEND APPROP O#64/2018; EMERGENCY (\$250,000.00 SUPP APPROP FR UNAPPROP BAL OF 2815 FEMA SAFER GRANT 2015 FUND TO 2815 103001 FIRE ADMIN – OTHER (FEMA GRANT FOR SALARIES & BENFITS OF 8 FIREFIGHTERS). – FINANCE COMMITTEE
299. LIQUOR CONTROL DIV (OHIO): REQ NEW C2 PERMIT FOR DOLGEN MIDWEST LLC DBA DOLLAR GENERAL STORE 17922 @ 915 TUSCARAWAS ST. W. – RECEIVED & FILED

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300. LIQUOR CONTROL DIV (OHIO): REQ TRAN OF D2 D2X D3 D3A PERMIT FROM FREEWAY TAVERN INC TO FLANAGANS PUB OF CANTON LLC @ 1316 NAVARRE RD SW. - RECEIVED & FILED
301. MAYOR BERNABEI: AUTHORIZE APPT OF JOHN C. RUSS TO CANTON BD OF BLDG APPEALS COMMENCING 8/13/18 – 12/31/19. – PERSONNEL COMMITTEE
302. MAYOR BERNABEI, MAJORITY LEADER SMITH, ASST. MAJ. LEADER BABCOCK: AUTHORIZE MAYOR AND/OR SERV DIR TO UTILIZE APPROX \$250,000.00 OF NEIGHBORHOOD FUNDS FOR PURPOSE OF ADDING ADDT'L RESIDENTIAL STREETS TO PHASE III OF 2018 PAVING PROG BID; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. – PUBLIC SAFETY & THOROUGHFARES AND FINANCE COMMITTEES
303. MAYOR BERNABEI: LTR ADVISING COUNCIL OF PROPOSAL TO RELOCATE CANTON DISPATCH CENTER FROM CIRELLI BLDG TO POLICE DEPT FLOOR IN CITY HALL; ADVISING OF REQUESTED FUNDS FR COMMISSIONERS FR AVAILABLE 911 FUNDS FOR RENOVATIONS AND RELOCATION OF EQUIPMENT AND TECHNOLOGY. – RECEIVED & FILED
304. PLANNING COMMISSION: REQ ZONE CHG OF FAIRCREST STREET (PARCEL #8300025 AND PARCEL #8300004), WARD 4 FROM B-3 GENERAL BUSINESS TO PI-1 LIGHT INDUSTRIAL (OHIO POWER CO). – PLANNING COMMISSION
305. SAFETY DIRECTOR PERRY: AUTHORIZE MAYOR AND/OR SAF DIR TO ENTER INTO CONTRACT FOR PURCH OF TWO ADDT'L (2) HEART MONITORS UTILIZING ANY PROCUREMENT PROCESS ALLOWED BY EITHER ORC OR CANTON COD ORD; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. – FINANCE COMMITTEE
306. SERVICE DIRECTOR HIGHMAN: AUTHORIZE MAYOR AND/OR SERV DIR TO EXTEND WATER MAIN TO LEXINGTON FARMS NORTH, LTD NO. 4, NO. 5 AND ANY UNNAMED PHASES LOCATED IN PLAIN TOWNSHIP; AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO ANY AND ALL AGMTS INCLUDING EASEMENT AGMTS NECESSARY FOR WATER MAIN EXTENSION; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. – ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
307. SERVICE DIRECTOR HIGHMAN: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO FINAL AGMT/SETTLEMENT FOR PARCEL 40-WD, U, T WITH ARCHLAND PROPERTY I, LLC IN AMT OF \$109,367.00; RETROACTIVELY AUTHORIZE ANY ACTIONS TAKEN PRIOR TO FINALIZATION OF SETTLEMENT TO FACILITATE PROJ AND AUTHORIZE AUDITOR TO PAY ANY AND ALL MORAL OBS; MAKE \$73,532.78 SUPP APPROP FR UNAPPROP BAL OF 4566 MAHONING RD CORRIDOR PROJ GP 1103 FUND TO 4566 202079 MAHONING ROAD CORRIDOR PROJECT; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. – PUBLIC PROPERTY CAPITAL IMPROVEMENT AND FINANCE COMMITTEES

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308. SERVICE DIRECTOR HIGHMAN: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CHANGE ORDER #1 AND FINAL WITH AT&T FOR PROJ IN AMT OF \$59,693.03; RETROACTIVELY AUTHORIZE ANY ACTIONS TAKEN PRIOR TO FINALIZATION OF CHANGE ORDER TO FACILITATE PROJ AND AUTHORIZE AUDITOR TO PAY ANY AND ALL MORAL OBS; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. – FINANCE COMMITTEE
309. SERVICE DIRECTOR HIGHMAN: ACKNOWLEDGE RECEIPT AND APPROVE STARK-TUSC-WAYNE JOINT SOLID WASTE MGMT DISTRICT SOLID WASTE MGT PLAN; EMERGENCY. – ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
310. TREASURER PEREZ: RPT OF BANK RECONCILIATIONS AND CITY’S OUTSTANDING INVESTMENTS AS OF JUNE 29, 2018. - RECEIVED & FILED
311. TREASURER PEREZ: RPT OF AMBULANCE LOCK BOX ACCT FOR JUNE, 2018. – RECEIVED & FILED
312. TREASURER PEREZ: RPT OF PARKING METER REVENUE FOR JUNE, 2018. – RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT PRO TEM SMITH: We’re now under Ordinances and Formal Resolutions for First Reading. 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 AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$14,478.00 SUPP APPROP FR UNAPPROP BAL OF 1152 NIP ACQUISITION DEMO DEBT FUND TO 1152 101501 CODE ENFORCEMENT – OTHER)
Referred to Community & Economic Development Committee
- #2. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH GOVERNMENTJOBS.COM, INC. DBA NEOGOV; AND DECLARING THE SAME TO BE AN EMERGENCY (COMPREHENSIVE HUMAN RESOURCES MGMT SYSTEM AND SUPPORT)
Referred to Finance Committee
- #3. (1ST RDG) **ADOPTED AS ORDINANCE NO. 156/2018** AN ORDINANCE ADOPTING AND IMPLEMENTING CHAPTER 962 SMALL CELL FACILITIES AND WIRELESS SUPPORT STRUCTURES AND DECLARING THE SAME TO BE AN EMERGENCY (HOUSE BILL 478, EFFECTIVE 8/1/18)
Referred to Judiciary Committee
- #4. (1ST RDG) **ADOPTED AS ORDINANCE NO. 157/2018** AN ORDINANCE AUTHORIZING

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THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO UTILIZE APPROXIMATELY \$250,000 OF THE 2018 NEIGHBORHOOD FUNDS FOR THE PURPOSES OF ADDING ADDITIONAL RESIDENTIAL STREETS TO PHASE III OF THE 2018 PAVING PROGRAM BID; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Safety & Thoroughfares and Finance Committees

PRESIDENT PRO TEM SMITH: At this time, the Chair will declare an in-house recess for the Judiciary, Public Safety Thoroughfares and Finance Committees to meet in regards to Ordinance #3 and 4 on your agenda. You are now in recess.

(COUNCIL RECESSED AT 7:23 PM FOR THE JUDICIARY COMMITTEE TO DISCUSS O#3; RECONVENED AT 7:27 PM)

(COUNCIL RECESSED AT 7:27 PM FOR THE PUBLIC SAFETY & THOROUGHFARES AND FINANCE COMMITTEES TO DISCUSS O#4; RECONVENED AT 7:28 PM)

PRESIDENT PRO TEM SMITH: Okay, Council is reconvened...

MEMBER HAWK: Madam Chair, the floor is yours.

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

MEMBER BABCOCK: Madam President, I move we suspend Rule 22A to place Ordinances 3 and 4 back on this evening's agenda.

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. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Madam Chair... President.

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

MEMBER BABCOCK: Madam President, I move 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 the Statutory Rules on Ordinance 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.

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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. 156/2018

PRESIDENT PRO TEM SMITH: That motion carries. Ordinance #3 is adopted. Leader.

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

MEMBER MINOR SMITH: Aye... I mean (*laughter*). That was for you all to make sure you all are up. Everybody up? Okay. Second.

PRESIDENT PRO TEM SMITH: It's okay, your turn. It's been moved and seconded that you adopt Ordinance #4. 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. 157/2018

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

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT PRO TEM SMITH: We're now under Ordinances and Informal Resolutions for the Second Reading. Would you please begin with Ordinance #5, Mr. Clerk. (*Note: President Pro Tem Smith inadvertently said "Informal" Resolutions instead of "Formal" Resolutions*).

NOTE: PRESIDENT PRO TEM SMITH CALLED UPON CLERK DOUGHERTY TO READ ORDINANCES #5 THROUGH #11 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #5. (2ND RDG) AN ORDINANCE ADOPTING AMENDMENTS TO THE ECONOMIC GROWTH INITIATIVE REGULATIONS AND DECLARING THE SAME TO BE AN EMERGENCY
- #6. (2ND RDG) AN ORDINANCE ADOPTING THE CITY OF CANTON'S ALTERNATIVE TAX BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019; AND DECLARING THE SAME TO BE AN EMERGENCY

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- #7. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$1,500,000.00 SUPP APPROP FR UNAPPROP BAL OF 6017 HEALTH & LIFE INSURANCE FUND TO 6017 201001 SERVICE DIRECTOR ADMIN – PERSONNEL)
- #8. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$400,000.00 SUPP APPROP FR UNAPPROP BAL OF 2190 HOFV FUND TO 2190 861101 HOFV – TOURISM DEVELOP DISTRICT – OTHER)
- #9. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO CONTRACT FOR THE PURCHASE OF TABLETS AND RELATED WARRANTIES AND ACCESSORIES FOR THE POLICE DEPARTMENT; OR TO ALTERNATIVELY ENTER INTO CONTRACT FOR SAID PURCHASE PURSUANT TO ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; AUTHORIZING THE AUDITOR TO CREATE THE 2790 2017-DJ-BX-0135 EDWARD BYRNE MEMORIAL GRANT FUND; AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$37,296.00 SUPP APPROP FR UNAPPROP BAL OF 2790 2017-DJ-BX-0135 EDWARD BYRNE MEMORIAL GRANT FUND TO 2790 102001 POLICE ADMIN – OTHER)
- #10. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO CONTRACT FOR THE PURCHASE OF ONE (1) COMBINATION SEWER CLEANER; OR TO ALTERNATIVELY PURCHASE SAID EQUIPMENT PURSUANT TO ANY COOPERATIVE PURCHASING AGREEMENTS AUTHORIZED BY LAW; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11. (2ND RDG) **ADOPTED AS ORDINANCE NO. 158/2018** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO: ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO ANY AND ALL CONSTRUCTION CONTRACTS AND ANY AND ALL PROFESSIONAL SERVICES CONTRACTS NEEDED FOR THE COMPLETION OF PHASES I AND II OF THE MARKET SQUARE PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM SMITH: Leader.

MEMBER BABCOCK: Madam President, I move we suspend the Statutory Rule on Ordinance #11.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to suspend the Statutory Rule for Ordinance #11. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

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CLERK DOUGHERTY: Eleven yeas, Madam President.

PRESIDENT PRO TEM SMITH: You've heard the readings, 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 to suspend the Statutory Rule for 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.

PRESIDENT PRO TEM SMITH: It's been moved and seconded that you adopt Ordinance #11. Okay. That motion carries and Ordinance #11 is adopted.

MEMBER MARIOL: Uh....

MEMBER MORRIS: Point of order.

MEMBER BABCOCK: No.

PRESIDENT PRO TEM SMITH: Okay. Let's go back here. Okay, it's been... Okay, it's been moved... (*inaudible*).

MEMBER BABOCK: Madam...

CLERK DOUGHERTY: Go ahead.

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?

MEMBER MORRIS: Madam President.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER MORRIS: First, I... uh, it's pretty obvious nobody is gonna second guess where I'm at on this subject. I have a few remarks. First and foremost though, I would really, and I sincerely mean this, I'd like to

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congratulate John Mariol on Market Square. Okay. He's attended 100 meetings, he's worked his butt off to get this project. He... it... it's been his passion for years. I congratulate you. You've done a great job. From the first point that John had told me about Market Square, I thought he was out of his mind. When he told me about the \$2,000,000.00 that we were gonna put up in 2015, I reluctantly supported that. So, eh, I was hesitant, but that was 2015, you know. Due to extensive cirv... uh, circumstances in the '80's, I don't remember what I did back in 2015, but anyhow the price tag on this one particular lot of 40,000 square feet at a price tag of \$5.5 million to me, although the Planning Director may say that this is a bargain, I think that this community needs far too many other things done. I know that Market Square is called out in the Comprehensive Plan, however, in Ward 9 I can almost assure you from the feedback that I got from my constituents regarding Issue 13, they voted for exactly what they got in their mailbox, safety forces, neighborhood improvements, improved roads, economic growth and jobs and a stronger Canton. Every piece of literature that hit their mailbox preached the same things, safer, stronger Canton. I personally do not see the value of \$5.5 million on one city block as making Canton, Ohio any safer, stronger or being the economic hub that we need to create jobs. Thank you.

PRESIDENT PRO TEM SMITH: Are there any other comments? Roll call vote, please.

NO REMARKS

ROLL CALL 10 YEAS, 1 NAY
(MEMBER MORRIS VOTED NO)

CLERK DOUGHERTY: Ten yeas, one nay, Madam President.

#11 ADOPTED AS ORDINANCE NO. 158/2018

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

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT PRO TEM SMITH: We're now under Ordinances and Formal Resolutions for Third Reading.

NOTE: PRESIDENT PRO TEM SMITH CALLED UPON CLERK DOUGHERTY TO READ THE FOLLOWING ORDINANCES #12 THROUGH #19 FOR THEIR THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

#12. (3RD RDG) **ADOPTED AS ORDINANCE NO. 159/2018** AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF ALL OF LOTS 4911, 4912, 4913, AND PART OF LOT 4914; AND DECLARING THE SAME TO BE AN EMERGENCY (HABITAT FOR HUMANITY)

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 to adopt Ordinance #12. Roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

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CLERK DOUGHERTY: Eleven yeas, Madam President.

#12 ADOPTED AS ORDINANCE NO. 159/2018

PRESIDENT PRO TEM SMITH: Ordinance #12 is adopted. Ordinance #13, please.

#13. (3RD RDG) **ADOPTED AS ORDINANCE NO. 160/2018** AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF ALL OF LOTS 298, 299, AND 300 AND DEDICATION OF PARTS OF SPRING AVENUE NE AND ORCHARD AVENUE NE; AND DECLARING THE SAME TO BE AN EMERGENCY (REFUGE OF HOPE)

PRESIDENT PRO TEM SMITH: Leader.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #13.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded that you adopt Ordinance #13. Are there any remarks under this Ordinance? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Madam President.

#13 ADOPTED AS ORDINANCE NO. 160/2018

PRESIDENT PRO TEM SMITH: Motion carries and Ordinance #13 is adopted. Leader.

CLERK DOUGHERTY: Ordinance 14.

#14. (3RD RDG) **ADOPTED AS ORDINANCE NO. 161/2018** AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE 44TH ST NE ANNEXATION AREA CONTAINING APPROXIMATELY 1.896 ACRES, MORE OR LESS, ASSIGNING SAID TERRITORY TO WARD 8 OF THE CITY; ZONING SAID TERRITORY AS R-1C (SINGLE FAMILY RESIDENTIAL); AND DECLARING THE SAME TO BE AN EMERGENCY **PUB HRG 7/30/18 @ 7:00 PM**

PRESIDENT PRO TEM SMITH: Leader.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #14.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded that you adopt Ordinance #14. Any remarks under this Ordinance? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

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CLERK DOUGHERTY: Eleven yeas, Madam President.

#14 ADOPTED AS ORDINANCE NO. 161/2018

PRESIDENT PRO TEM SMITH: That motion carries and Ordinance #14 is adopted. Ordinance #15.

#15. (3RD RDG) **ADOPTED AS ORDINANCE NO. 162/2018** AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE 77 GILLVERS – 2414 FAIRCREST ST SW ANNEXATION AREA CONTAINING APPROXIMATELY 3.3642 ACRES, MORE OR LESS; ASSIGNING SAID TERRITORY TO WARD 4 OF THE CITY; ZONING SAID TERRITORY AS B-4 (SPECIAL BUSINESS); AND DECLARING THE SAME TO BE AN EMERGENCY

PUB HRG 7/30/18 @ 7:01 PM

PRESIDENT PRO TEM SMITH: Leader.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #15.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It’s been moved and seconded that you adopt Ordinance #15. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Madam President.

#15 ADOPTED AS ORDINANCE NO. 162/2018

PRESIDENT PRO TEM SMITH: That motion carries and Ordinance #15 is adopted. Ordinance #16, please.

#16. (3RD RDG) **ADOPTED AS ORDINANCE NO. 163/2018** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO: ADVERTISE, RECEIVE BIDS, AWARD, AND EXECUTE A CONSTRUCTIN CONTRACT AND EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH MOTTER & MEADOWS ARCHITECTS IN AN AMOUNT NOT TO EXCEED \$38,800 FOR DESIGN AND CONSTRUCTION OVERSIGHT SERVICES FOR THE RENOVATION TO THE CORNERSTONE PARKING FACILITY FOR THE RELOCATION OF THE CITY’S UTILITY BILLING AND COLLECTIONS DEPARTMENT; AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$251,611.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207003 WATER BILLING – OTHER; \$171,553.00 SUPP APPROP FR UNAPPROP BAL OF 5410 SEWER FUND TO 5410 207003 SEWER BILLING – OTHER; \$148,679.00 APPROP TRF FR 5601 205001 REFUSE ADMIN – OTHER TO 5601 207003 SANITATION BILLING FUND – OTHER)

PRESIDENT PRO TEM SMITH: Leader.

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MEMBER BABCOCK: Madam President, I move we adopt Ordinance #17.

MEMBER MINOR SMITH: Second.

MEMBER BABCOCK: Or, I'm sorry, 16.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded that you adopt Ordinance #16. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Madam President.

#16 ADOPTED AS ORDINANCE NO. 163/2018

PRESIDENT PRO TEM SMITH: That motion carries and Ordinance #16 is adopted. Ordinance #17, please.

#17. (3RD RDG) **ADOPTED AS ORDINANCE NO. 164/2018** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT AMENDMENT WITH BLACK MCCUSKEY SOUERS & ARBAUGH, LPA IN AN AMOUNT NOT TO EXCEED \$50,000 FOR LEGAL SERVICES RELATED TO HALL OF FAME VILLAGE; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM SMITH: Leader.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #17.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded that you adopt Ordinance #17. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Madam President.

#17 ADOPTED AS ORDINANCE NO. 164/2018

PRESIDENT PRO TEM SMITH: That motion carries and Ordinance #17 is adopted. Ordinance #18, please.

#18. (3RD RDG) **ADOPTED AS ORDINANCE NO. 165/2018** AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 917, TREES, OF PART NINE, TITLE ONE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

PRESIDENT PRO TEM SMITH: Leader.

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MEMBER BABCOCK: Madam President, I move we adopt Ordinance #18.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded that you adopt Ordinance #18. Are there any remarks? Hearing none...

SERVICE DIRECTOR HIGHMAN: Madam President.

PRESIDENT PRO TEM SMITH: Yes.

SERVICE DIRECTOR HIGHMAN: Real quick I wanted to clarify one thing, that... uh, wrong ordinance, I apologize, I'm ahead. We're on 17.

PRESIDENT PRO TEM SMITH: Okay. Thank you so very much for that.

SERVICE DIRECTOR HIGHMAN: Oh, sorry about that. I am on the right... we're on trees, right?

PRESIDENT PRO TEM SMITH: Right. (*Laughter*)

SERVICE DIRECTOR HIGHMAN: Okay. Yeah, that's... we're on trees. I still have a comment. One wrong ordinance, I apologize.

PRESIDENT PRO TEM SMITH: It's alright. It's just your turn, that's all. (*Laughter*) Okay. We back to Council now? (*Laughter*) It's been moved and seconded that you adopt Ordinance #18. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 9 YEAS, 2 NAYS
(MEMBER SMUCKLER AND MEMBER MORRIS VOTED NO)

CLERK DOUGHERTY: Nine yeas, two nays, Madam President.

#18 ADOPTED AS ORDINANCE NO. 165/2018

PRESIDENT PRO TEM SMITH: That motion carries and Ordinance #18 is adopted. Ordinance #19, please.

#19. (3RD RDG) **ADOPTED AS ORDINANCE NO. 166/2018** AN ORDINANCE AMENDING SECTION 975.07, LOCATION OF WASTE FOR PICKUP AND SECTION 975.99, PENALTY OF CHAPTER 975, SOLID WASTE MANAGEMENT SYSTEM, OF PART NINE, TITLE FIVE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON

PRESIDENT PRO TEM SMITH: Leader.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #19.

MEMBER MINOR SMITH: Second.

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PRESIDENT PRO TEM SMITH: It's been moved and seconded that you adopt Ordinance #19. Any remarks?

MEMBER SMUCKLER: Madam President.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER SMUCKLER: Mr. Service Director, could you please spell out the change that's made for when garbage can be set out before pickup day?

SERVICE DIRECTOR HIGHMAN: Madam President, first I apologize for having the two ordinances reversed in my mind as to where they're at on the agenda, so I apologize for the mix up. To respond to Member Smuckler's question, currently the... the rule is that trash is not permitted to be placed out prior to 6:00 P.M. the day prior to pick up. This ordinance, in light of the fact that many times during the year it is dark prior to that point, people may be working different shifts, and a whole host of things, adjusts that so that the new deadline is... uh, is noon. So it makes it easier to comply with... similarly, the following day, the way the ordinance is currently written, it is supposed to be... uh, the waste receptacles are supposed to be removed by 6:00 A.M. the day following pick up. This extends the time to 8:00 A.M.

MEMBER SMUCKLER: Madam President.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER SMUCKLER: So this is noon the day before pick up it can be set out. I had a few seniors call me that were very concerned about, especially in the winter time, going out after dark and having to set out trash. But, as I explained to them, I visited the AirBnB on 31st Street at one point in time. When the person was setting out his garbage on Sunday for, is it Wednesday pick up, Frank? Wednesday pick up and said fine me, I don't care. That was all I could stand at that point in time. We have to do something about people setting out stuff, not the day before, but days before, and the attitude of fine me, I don't care. I hope we do now. Thank you.

MEMBER MORRIS: Madam President.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER MORRIS: Service Director, when the landlord came in and spoke to Council this evening and he... of course, he's left, the \$200.00 is not addition to, it's for these set outs that they're not cleaning up after themselves, so we're charging you up to \$200.00, correct?

SERVICE DIRECTOR HIGHMAN: Madam President.

PRESIDENT PRO TEM SMITH: Yes.

SERVICE DIRECTOR HIGHMAN: Uh, essentially yes. The way this works... the only thing I would say that's \$200.00 is, is the minimum. And it's for the change of possession outside the realm of normal pick up. The property owner is responsible for cleaning up the change of possession. Two prong test, first is it containerized? That's defined. Uh, if it is not containerized we can immediately retrieve it, charge the \$200.00. Number two, if it is containerized it's the property owner's responsibility to have it removed within 48 hours. If

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it is not, we will remove it and charge the \$200.00 minimum.

MEMBER MORRIS: Madam President.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER MORRIS: If I may. But this... is this just limited... this is not just limited to landlords on their set outs, for example, with the AirBnB. We can charge them as well? Correct me if I'm wrong.

LAW DIRECTOR BATES-AYLWARD: If I may. Change of possession is how this is defined, so we're only looking at change or possession for the \$200.00 charge. However, anybody who sets out their trash early, be it AirBnB, you, me or a tenant, it's the \$25.00 fine for each offense. Because as I said, if AirBnB, if they set out one can two days early, it's not a change of possession. They would simply be fined.

MEMBER MORRIS: Madam President, if I may.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER MORRIS: I... I liked the legislation as is, but I think maybe we might want to go back and revisit that \$25.00 fine for saying go ahead, fine me, I don't care. Uh, for \$25.00 I'll put my garbage out there and I'll pay the 25 bucks and I'll go down the road, go back to wherever I came from and let you clean it up for 25 bucks a day. So, we might want to look at that one, but... uh, thank you.

PRESIDENT PRO TEM SMITH: Are there any more remarks? Roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS, 1 ABSTENTION
(MEMBER MINOR SMITH ABSTAINED)

CLERK DOUGHERTY: Ten yeas, one abstention, Madam President.

#19 ADOPTED AS ORDINANCE NO. 166/2018

PRESIDENT PRO TEM SMITH: That motion carries and Ordinance 19 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM SMITH: We're now under Committee Meetings Announcements.

MEMBER MINOR SMITH: Madam Majority Leader.

PRESIDENT PRO TEM SMITH: You got one, Corey?

MEMBER MINOR SMITH: Yes. Community & Economic Development will meet at 6:00 P.M. during the next Council session. What date is that?

UNIDENTIFIED VOICE: August 13th.

MEMBER MINOR SMITH: August 13th, 6:00 P.M.

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

PRESIDENT PRO TEM SMITH: Okay.

MEMBER MORRIS: Madam President, Finance, same time, same place.

PRESIDENT PRO TEM SMITH: Okay, excuse me. One minute. (*Brief pause*) Okay, we had a little discussion up here. Could we set those meetings for 6:15?

MEMBER MINOR SMITH: Okay.

PRESIDENT PRO TEM SMITH: Okay.

MEMBER MINOR SMITH: I would like to amend my announcement.

PRESIDENT PRO TEM SMITH: Alright.

MEMBER MINOR SMITH: Community & Economic Development's Committee will meet at 6:15 on August 13, 2018. Thank you.

PRESIDENT PRO TEM SMITH: Thank you, Member Corey Minor Smith.

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

MEMBER MORRIS: Finance will be there at 6:15.

PRESIDENT PRO TEM SMITH: Just somewhere, just get here, okay? Okay, are there any more committee announcements?

MISCELLANEOUS BUSINESS

PRESIDENT PRO TEM SMITH: We're now under Miscellaneous Business. Is there any? Okay, I would like to first say happy belated birthday to John Mariol. He even looks older. He's letting his beard grow. So we see that he's aging. (*Inaudible*)... since yesterday.

MEMBER MARIOL: (*Inaudible*).

PRESIDENT PRO TEM SMITH: Oh, okay. (*Laughter*) Well, you look well for your age. Happy belated birthday. Is there anymore Miscellaneous Business.

CLERK DOUGHERTY: Mr. President.

PRESIDENT PRO TEM SMITH: Yes.

CLERK DOUGHERTY: Madam President. I'd like the quote for the week, please.

PRESIDENT PRO TEM SMITH: Yes.

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CLERK DOUGHERTY: There's a lot of talk about plans. You have... Councilmen have plans, the City has plans. It's important to have plans. But Groucho Marx thinks so too. *"There's only two things you can start without a plan, that's a riot and a family. For everything else you need a plan."* Thank you.

PRESIDENT PRO TEM SMITH: Thank you, Mr. Clerk. Leader.

MEMBER BABCOCK: Madam President, I move we adjourn.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: Before we adjourn, I'd like for everyone to enjoy the Hall of Fame weekend. So, see you all somewhere in the place.

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: *(Gavel falls)* Yes, this meeting is adjourned. Be safe.

ADJOURNMENT TIME: 7:55 PM

ATTEST: 8/7/18

APPROVED:

DAVID R. DOUGHERTY
CLERK OF COUNCIL

CHRIS SMITH
PRESIDENT PRO TEM