

**MINUTES OF THE MEETING APRIL 15, 2019**

PRESIDENT SHERER: 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:*

9 COUNCIL MEMBERS PRESENT: (CHRIS SMITH, JAMES BABCOCK, BILL SMUCKLER, GREG HAWK, NATHANIEL CHESTER, JASON SCAGLIONE, KEVIN HALL, JOHN MARIOL & PETER FERGUSON)

NINE COUNCIL MEMBERS PRESENT.

CLERK DOUGHERTY: Nine present, two absent.

**EXCUSING MEMBERS**

PRESIDENT SHERER: Leader Smith.

MEMBER SMITH: Mr. President, I move we excuse Members Morris and Fisher from tonight's meeting.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to excuse Members Morris and Fisher from this evening's meeting. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS

CLERK DOUGHERTY: Still nine Present. *(Laughter)*

PRESIDENT SHERER: The mo... the motion carries and Members Morris and Fisher are excused from this evening's meeting. Tonight's invocation will be given by Ward 3 Council Member, Jason Scaglione. If you would all please stand and remain standing for the Pledge of Allegiance.

*The regular meeting of Canton City Council was held on April 15, 2019 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 given by Ward 3 Council Member, Jason Scaglione. The Pledge of Allegiance was led by President Sherer.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SHERER: We are now under Agenda Corrections and Changes, Leader Smith.

MEMBER SMITH: Mr. President, I move Rule 22A be suspended to add 2<sup>nd</sup> Reading Ordinances 6 through 8 to this evening's agenda.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend Rule 22A to add 2<sup>nd</sup> Reading Ordinances 6 through 8 to this evening's agenda. Are there any remarks? ... Hearing none, roll call vote please.

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NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS

CLERK DOUGHERTY: Nine yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinances 6 through 8 are a legal part of your agenda.

**PUBLIC HEARINGS**

PRESIDENT SHERER: We are now under Public Hearings and we have none for this evening.

**OLD BUSINESS**

PRESIDENT SHERER: We are now under Old Business and there is no Old Business for tonight.

**PUBLIC SPEAKS**

PRESIDENT SHERER: We are now under Public Speaks and we have two speakers tonight. Our first speaker is Pete DiGiacomo. Pete, if you could come present and give us your name and your residential address, please.

PETE DIGIACOMO: Pete DiGiacomo, 600 Dent Place SW, Canton, Ohio. Um, they don't put... make this magazine anymore. Some of you will remember it, some of you have no idea what's in here. I would like to hopefully see that this... and I know they're gonna say well, it's on line. I don't use a computer that much. But this magazine has all the phone numbers, even though this magazine's three to four years old. The phone numbers haven't changed. The faces have changed. If you'd like to look at it, I can... but I want it back if you want it to look at. I'm not giving it to you. *(Laughter)* Okay. But I... I really think that the people of the City of Canton would enjoy this magazine. Uh, it also has about this, you know, who's superintendent at the schools and everything like that, what's going on. Um, I've already had a short conversation with the Mayor. He didn't convince me, I didn't convince him. See, he's laughing. I brought some humor into your life, right? Okay, good. As long as you don't say the way I look. But, I just would like to see if by some odd chance, we, the City, could redo this magazine to bring it up to date with the names and... of the Council people and stuff like that. I guess that's... that's all. Thank you.

PRESIDENT SHERER: Thank you, Pete. *(Applause)*PETE DIGIACOMO: Yeah, yeah, yeah. Come on! *(Inaudible voice) (Laughter)*

PRESIDENT SHERER: Our next speaker is Patricia Kirk. Patricia, can you please come up and state your name and your residential address, please.

PATRICIA KIRK: My name is Patricia Kirk. I live at 131 5<sup>th</sup> Street NE in Canton, and I'm President of Downtown Central Neighborhood Association in this area. And I would like to bring up the topic of the Adopt-A-Site Agreement that we have been signing every year. Last year when I was working in the Kresge Lot and pulling up weeds, and I mean we get weeds. *(Chuckles)* And there's these stone trash receptacles around Kresge Lot, if you're familiar with that, with the little round lid that lifts up. Well, when I was pulling weeds, the sanitation truck was coming through and they said, hey, did you know you're not allowed to use these? I said well, we've been using them since 2008. It's a little late. He says yeah, we're not allowed to put anything from the Earth in here. And I said well, eventually everything comes from the Earth and I says there's no way I can carry this. It takes a dump truck. So, the next time the Adopt-A-Site

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Agreement is made up for this year, could that be added in there? That myself and also Brenda Kimbrough, who's President of Can Do Neighborhood Association, can use the trash receptacles from... for trash from Kesge Lot in here so we're not in trouble? Oh, and I hope you continue that magazine because the building I lived in stopped the newsletter we had monthly. Shoo, goes right down hill. So that helps bring the City together. Thank you.

PRESIDENT SHERER: Thank you very much. (*Applause*)

**INFORMAL RESOLUTIONS**

PRESIDENT SHERER: We are now under Informal Resolutions and we have one for this evening. Mr. Clerk, would you please read Informal Resolution #11 by title.

#11. COUNCIL-AS-A-WHOLE: COMMENDING TRACY J. MILLS ON EXEMPLARY PERFORMANCE AS SUPT OF CANTON WATER REC FACILITY. - ADOPTED

PRESIDENT SHERER: Leader Smith.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Informal Resolution #11. Are there any remarks? ...Hearing none, by voice vote all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #11 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it, motion carries, and Resolution #11 is adopted. Leader Smith.

MEMBER SMITH: Mr. President, may we have Resolution #11 read in its entirety, please.

PRESIDENT SHERER: Mr. Clerk, please read Resolution #1\* in its entirety. (*Note: President Sherer inadvertently said Resolution #1, however it is Resolution #11*)

CLERK DOUGHERTY: An Informal Resolution respectfully submitted by Council-as-a-Whole on this 15<sup>st</sup> day of April, 2019. **Whereas**, Tracy J. Mills began his impressive career as Superintendent of the Water Reclamation Facility (then referred to as the Water Pollution Control Center) in April of 1994. From that time until the present, Tracy's hard work and dedication has earned the City of Canton recognition as a leader in the sewage treatment field; and **Whereas**, Graduating from Martinsville High School in 1975, Tracy completed Plant Operations I and II at Indiana Vocational Technical College. He also received training and experience from various workshops and management courses, including U.S. Department of Homeland Security training from the FEMA Emergency Management Institute; and **Whereas**, During his tenure with the City, Tracy has successfully overseen 16 major Water Reclamation Facility projects through to their completion for a total construction cost of nearly \$26 million and has initiated several additional projects which are still in progress; and **Whereas**, Thanks to Tracy's experience and outstanding skills, the Water Reclamation Facility has received distinctive awards for 14 separate years, including a Mayor's Cabinet

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Choice Award in 2015 and several National Association of Clean Water Agencies Peak Performance awards. Those honors included four Silver Awards, eight Gold Awards, and in 2010 the facility received a Platinum Award, the NACWA's highest distinction; and **Whereas**, Tracy also shares his talents with several professional and civic organizations including Water Environment Federation, Association of Ohio Metropolitan Wastewater Agencies, Ohio Water Environment Association, Northeast Section Ohio Water Environment Association and Water Management Association of Ohio; and **Whereas**, Last October, Tracy and his lovely wife, Sandra, celebrated thirty years of marriage. He is the proud father of daughter Andrea Arnold and son-in-law Matt. He also has three grandchildren, twins Lily and Max, and Laney. **Now Therefore Be It Resolved** that we, the Members of Canton City Council, do hereby go on record commending and honoring **Tracy J. Mills** for his exemplary performance as Superintendent of the Canton Water Reclamation Facility. We thank you for sharing your invaluable talents for the benefit of the City of Canton, and wish you continued prosperity, good health and happiness. Thank you.

MEMBER SMITH: Mr. Mills, would you come forward, please. I am honored to present this to you, and thank you for all that you've been to the City and all that you've done.

TRACY MILLS: Thank you very much.

MEMBER SMITH: And congratulations in your new position as a retiree.

TRACY MILLS: Thank you very much. (*Applause*) Thank you. Thank you.

CLERK DOUGHERTY: Come up to get pictures. Come on up here.

MEMBER SMITH: You can take a picture up here, Mrs. Mills.

TRACY MILLS: I was gonna invite her up. (*Chuckles*) Well, I certainly want to express my thanks. Mr. President, I appreciate it very much. Majority Leader Smith. Uh, each of the Council Members, Mayor Bernabei, Director Highman. Uh, my biggest supporter, standing in front of me. (*Brief pause*) I don't usually get choked up, so... Sandra sacrif... sacrificed an awful lot to follow me to Canton. She sacrificed her family, moved two hours away, followed me here, and she's been a tremendous supporter for the entire time that I've been here. I first came here January of 1994. Came as a contract employee after Bob Carter, the previous Superintendent, retired on January 28<sup>th</sup> of '94. And I have to tell you, I wasn't thrilled to be here at all. (*Laughter*) It was a pretty tough winter that year, a lot of ice, it was very cold, I was right in the middle of some major renovations at our home over in Marion, and it just wasn't a very good time for Mr. Carter to retire and the City to not have a Class IV Certified Operator. But I came, and it wasn't very long I got around to the City enough that I liked the City, I liked the facility, I liked the people that I was working with, and I decided that I probably should throw my hat in the ring and... and try for the position of Superintendent. Up against twenty-three other different can... candidates, I brought my wife over and said hey, you know, I'm not gonna do this if I don't have your support. She was willing to walk away from a pretty nice job at Whirlpool Corporation in Marion, and fortunately I ended up with the job and actually went on the payroll April 18<sup>th</sup> of... of 1994. I've worked under four Administrations, four Mayors, I believe seven Service Directors. Uh, I'm very proud of our accomplishments. Uh, as mentioned, the number of capital projects that we've done down at the facility, including the current project that's almost finalized, it's a hundred and thirteen million dollars worth of projects in the last twenty-five years. And that includes the

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largest municipal project ever undertaken by a Stark County municipality, so I'm very proud of that. Ninety-nine point nine percent compliance record, eighteen national awards, several professional awards. Made lots of trips here to Cou... to Council over that period of time. Most of those... uh, some of them were rather contentious, asking for sewer rate increases, capital project authorizations. But I want to thank each and every one of you for all of your support over that period of time. If you know anything about me at all, you know I'm a very passionate person. When I believe in something, I'm gonna fight to the death for it. And I know I've come to Council on several occasions for rate increases, might have come across as being disrespectful because of my passion, and that certainly was not my intent ever. If anybody ever thought I was disrespectful, please accept my apology. But I've always treated the Sewer Fund as if it were my own money. In fact, I've often referred to it as my money, and that's no disrespect either cause I know it's really not my money. *(Chuckles)* But I've always tried to protect it, particularly from Dan Moeglin. *(Laughter)* So... so, I hope my successor is... uh, is also as protective of the Sewer Fund so that we can control rates in the future. So, I would like to thank the current Administration, particularly Mayor Bernabei. Mayor, I've had the opportunity to work with you as Law Director, Councilman, County Commissioner, Service Director, Mayor. Uh, it's been a pleasure. I can only think of one time that... that we had ill words, and that happen... happened to be about a change order that he was in favor of the contract and I was in favor... or contractor, and I was in favor of the City. I lost, so... *(laughs)*. But I was trying to protect our money, so... Director Highman, your lev... your level of enthusiasm is contagious. I mean, it's just... I can't tell you how much I've enjoyed working for... for you in the short time that you've been the Service Director. Uh, Safety Director Perry, probably more so as... as your time as H.R. Director. Uh, you've been a tremendous asset to me and I appreciate it very much. Budget Director Crouse, thanks for the money. *(Laughter)* Appreciate all your help with the appropriations, and when we had to come to Council for appropriations, twenty-five years, I don't think I'll ever understand the way we have to write those Ordinances, so you've... you've kept me out of trouble there. I appreciate that. Finally, I'd like to thank the plant management team, the staff there for the past twenty-five years. I've had the opportunity to work with some amazing people down there. Uh, I believe that you're in good hands with the succession team, the plan that's in place for future years with Mark Morgan and Debbie Houdeshell. I think they're gonna do a fantastic job for you, and I wish them the best. *(Brief pause)* *(Begins to choke up)* But the time has come to put my family first. I haven't always done that. I've always put my career before my family. Huge mistake. Should have never done it. But I have, so the career is no longer the priority. Sandra and I have purchased a home in the Indianapolis area, signed the papers last Friday, close on it this Friday. We look forward to spending much more time with my father, my sister and her family, especially my daughter Andrea's family, including our three grandchildren, Lily, Max... or twins, age seven, and Laney, age four. And in closing, Sandra and I are very grateful for our time here in Canton. It's been my pleasure to serve the citizens of Canton, North Canton and much of Stark County as Superintendent of the City of Canton's Water Reclamation Facility, and I wish each and every one of you good health and much success moving forward, and again I'd like to wish, certainly, success to my succession team, Mark Morgan and Debbie Houdeshell. Thank you. *(Applause)* Thank you.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SHERER: Member Smuckler.

MEMBER SMUCKLER: Tracy.

TRACY MILLS: Yes, sir.

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MEMBER SMUCKLER: Before you bid adieu... um, there were some contentious times down here, and I was probably one of your main thorn-in-the-sides, but I want you to know that on a professional basis, especially those in the public that don't get an opportunity to see this facility, the thing that amazed me the most is this is probably the cleanest, that includes City Hall, John... the cleanest facility in every piece of property that's owned by the City. Bar none.

TRACY MILLS: Thank you.

MEMBER SMUCKLER: And I think that speaks volumes of how you handled your position and the great respect that I have for you, and I'm so glad you're putting your family first in doing what your doing.

TRACY MILLS: Thank you.

MEMBER SMUCKLER: Cause you did a tremendous job for this community and it's your time now. Thank you.

TRACY MILLS: Thank you. Appreciate it very much.

MEMBER HAWK: Mr. President.

MEMBER HALL: Mr. Pres...

PRESIDENT SHERER: Member Hawk.

MEMBER HAWK: Thank you, sir. Tracy, thank you for educating me, teaching me about your wonderful facility. You were instrumental in teaching me about a whole lot of things about our City. I can't thank you enough for that education.

TRACY MILLS: Thank you.

MEMBER HALL: Mr. President.

PRESIDENT SHERER: Member Hall.

MEMBER HALL: I'm gonna speak on something Member Smuckler said about cleanliness. I've been to numerous plants everywhere. Every one of them I go into, I tell them you haven't seen a plant until you see Canton's. And I want to speak on the contingency thing. You know, I've spent the last five years with Tracy, and we've had some heated meetings, but I knew that the level headed person was Tracy I can go talk to. I just pull him to the side, tell a few jokes, and I would understand where he was at and the right answer without even having to ask him. And I tell you thank you because I enjoyed those five years with you.

TRACY MILLS: Thank you. So did I.

SERVICE DIRECTOR HIGHMAN: Mr. President.

PRESIDENT SHERER: Member... Mr. Highman. Not Member Highman, Mr. Highman. *(Chuckles)*

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SERVICE DIRECTOR HIGHMAN: I just want to take a moment and publicly thank Tracy, not just for his time as Water Reclamation Facility Superintendent, but also for his continued mentorship and guidance of not only me, but my... but what were once my fellow Department Heads. When I began with the City, I was an Assistant Department Head and then moved into a Department Head role, and in with that came a ton of questions and a ton of things that one needs to learn and do in order to manage a department and work within the City. Any time I had question, I.. I would be talking to someone or how... how should we do this, how should we do that, the question was always let's ask Tracy. Not only because you'd been here... one of the... you were one of the most tenured people, but we knew if we asked Tracy we would do it right. And everyone speaks to the... the cleanliness of the plant, but I think that is a... just a fantastic example of whenever... whenever Tracy was doing something, he... he always wanted to do it right. So I have always appreciated that and I've appreciated working with you and being able to... to learn, and in my own career, how to... how to do things right. So I just want to thank you for everything you've done for the City, for me, for... for the other Department Heads, for... for everyone involved in working with the plant, so thank you from the bottom of my heart, and I am... I too am glad that you are putting your family first. I.. I think that is fantastic and a job well done.

TRACY MILLS: Thank you very much. Appreciate it.

PRESIDENT SHERER: Mayor Bernabei.

MAYOR BERNABEI: (*Inaudible*), Tracy, as you said, we... we've known each other. We've worked together in many different capacities. I think our relationship has always been a great one. I admire you. You are one of the leading Department Heads. We have a small group of Department Heads that I would put together as a sounding board, both on budgetary, personnel and other matters, and Tracy was always a leader of that group. The professionalism that you bring, of course, to the WRF, the many capital projects, everything speaks for itself. So I just want to thank you very, very much for our relationship, for your years of dedicated, professional, honest service to the City of Canton. And you may be choked up tonight, but you're gonna be laughing tomorrow at lunch. (*Laughter*) We have a Department Head meeting tomorrow where we're going to have lunch and a cake with Tracy, and I'm sure that they'll be some humor associated with it. Thank you.

TRACY MILLS: Should I use one of many sick days I have left? (*Laughter*) Thank you very much. Thank you.

PRESIDENT SHERER: Tracy, even though I'm new to Council, I would like... I'd like to thank you for your service, and I would like to wish you and your wife the best of luck in the future.

TRACY MILLS: Thank you very much.

PRESIDENT SHERER: Absolutely.

TRACY MILLS: Appreciate that.

UNIDENTIFIED VOICE: Professional nod. (*Laughter*) (*Applause*)

TRACY MILLS: Thank you very much.

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PRESIDENT SHERER: Tracy, you... you are more than welcome to stay, but there's no obligation to do that.  
(Laughter)

**COMMUNICATIONS**

PRESIDENT SHERER: 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 APRIL 15, 2019.***

124. DEPT OF NATURAL RESOURCES (OH): LTR ADVISING OF CENTRAL ALLIED ENTERPRISES INC APPLICATION PROPOSING TO EXPAND EXISTING OPERATION (MINING GRAVEL, SAND). - RECEIVED & FILED
125. PLANNING COMMISSION: REQ REPLAT OF PART OF LOT 37672 AND PART OF OUT LOT 1409 (PARCELS 304506, 10010416 & 10010429) @ 3112 CLEVELAND AVE NW FOR DEVILLE DEVELOPMENTS LLC IN WARD 7. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
126. PLANNING COMMISSION: REQ REPLAT OF ALL OF OUT LOT 1283 & PART OF OUT LOT 1284 (PARCELS 223650, 400885 & 10010995) @ 1901 STEINWAY BLVD SE FOR STEINWAY ASSOCIATES, LLC IN WARD 4. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
127. PLANNING COMMISSION: REQ REPLAT OF LOTS 24701 THRU 24709 AND PARTS OF LOTS 24710 AND 24711 (PARCELS 204119, 284418, 284419, 284420, 284421, 284422, 285453, 285454 & 285478) @ 413 CORNELIA AVE NE FOR UNION BAPTIST CHURCH IN WARD 4. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
128. SAFETY DIRECTOR PERRY: AMEND APPROP O#50/2019 (\$25,000.00 APPROP TRF FR 1001 102001 POLICE ADMIN - PERSONNEL TO 1001 102001 POLICE ADMIN - OTHER) (GRANTS ADMIN FOR POLICE DEPT). - FINANCE COMMITTEE
129. SAFETY DIRECTOR PERRY: REQ AMEND TO ORD SEC 339.02, USE OF LOCAL STREETS; LOCAL PERMITS AND CONDITIONS TO GIVE SAF DIR AUTHORITY TO CHARGE \$50.00 INSTEAD OF \$10.00 FOR OVERSIZE AND OVERWEIGHT VEHICLE PERMITS; ALL OTHER SERVS PROVIDED BY CANTON POLICE DEPT FOR ANY AMT OF TIME, SUPERVISION OF MOVEMENT OF VEHICLES SHALL BE PD BY REQ ENTITY UNDER EXTRA DUTY POLICIES OF CANTON POLICE DEPT. - JUDICIARY COMMITTEE
130. TREASURER PEREZ: MNTHLY RPT PARKING METER REVENUE FOR MARCH, 2019. - RECEIVED & FILED
131. TREASURER PEREZ: MNTHLY RPT OF DEPOSITS AND PAY-INS FOR AMBULANCE LOCK BOX ACCT FOR MARCH 2019. - RECEIVED & FILED

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**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

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

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

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING SECTIONS 551.05, PROCEDURE AFTER FAILURE TO COMPLY, OF THE GENERAL OFFENSES CODE AND 947.09, PAYMENT, OF CHAPTER 947 SEWER RATES; AMENDING CHAPTER 975, SOLID WASTE MANAGEMENT SYSTEM  
Referred to Judiciary Committee
- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO ENTER INTO A RENEWAL OF THE MAINTENANCE AND SUPPORT AGREEMENT WITH TYLER TECHNOLOGIES EFFECTIVE APRIL 1, 2019 WITH A TERM EFFECTIVE FOR ONE YEAR WHICH WILL RENEW AUTOMATICALLY FOR ADDITIONAL ONE YEAR TERMS UNLESS TERMINATED BY EITHER PARTY AT A COST OF \$80,000 WITH AN ANNUAL INCREASE OF NO MORE THAN 4% PER YEAR FOR YEARS SIX THROUGH TEN; AUTHORIZING THE AUDITOR TO PAY ANY AND ALL MORAL OBLIGATIONS FOR SAID AGREEMENT RESULTING PRIOR TO THE PASSAGE OF THIS ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #3. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT AMENDMENT NUMBER 2 WITH STEP CG, LLC IN AN APPROXIMATE AMOUNT OF \$11,644.81 FOR THE CITY PHONE UPGRADE; RETROACTIVELY AUTHORIZES ANY AND ALL ACTIONS TAKEN RELATED TO SAID CONTRACT AMENDMENT PRIOR TO THE FINALIZATION OF THE CONTRACT RESULTING FROM THIS ORDINANCE; AMENDING APPROPRIATION ORDINANCE NO. 50/2019; AND DECLARING THE SAME TO BE AN EMERGENCY (\$11,644.81 SUPP APPROP FR UNAPPROP BAL OF 5410 SEWER OPERATING FUND TO 5410 206005 OPERATION AND MAINTENANCE - OTHER)  
Referred to Finance Committee
- #4. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONSTRUCTION CONTRACT FOR THE BUILDING OF A NEW PARKING LOT, NEW ACCESS ROAD, GRADING, STORM SEWER AND WETLAND MITIGATION OF THE CANTON WATER DEPARTMENT'S DISTRIBUTION FACILITY; AMENDING

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APPROPRIATION ORDINANCE NO. 50/2019; AND DECLARING THE SAME TO BE AN EMERGENCY (\$761,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207059 WATER SHOP IMPROVEMENTS - OTHER)

Referred to Finance Committee

- #5. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO ONE OR MORE PROFESSIONAL SERVICES CONTRACTS AND/OR AMENDMENTS WITH BLACK, MCCUSKEY, SOUERS & ARBAUGH LPA FOR LEGAL MATTERS RELATED TO THE 38<sup>TH</sup> STREET NW WATER MAIN REPLACEMENT AND ROADWAY RECONSTRUCTION PROJECT; RETROACTIVELY AUTHORIZES ANY ACTIONS TAKEN RELATED TO SAID LEGAL SERVICES PRIOR TO THE FINALIZATION OF THE CONTRACT RESULTING FROM THIS ORDINANCE; AMENDING APPROPRIATION ORDINANCE NO. 50/2019; AND DECLARING THE SAME TO BE AN EMERGENCY (\$25,000.00 INTRA-FUND APPROP TRF FR 4501 207037 38<sup>TH</sup> ST NW IMPROV PROJ - OTHER TO 4501 202001 ENGINEERING ADMIN - OTHER)
- Referred to Finance and Public Property Capital Improvement Committees

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their Second Reading. Mr. Clerk, please begin with Ordinance #6.

***NOTE: PRESIDENT SHERER CALLED UPON CLERK DOUGHERTY TO READ ORDINANCES #6 THROUGH #8 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #6. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO: ENTER INTO ONE OR MORE CONTRACTS WITH THE BOARD OF STARK COUNTY COMMISSIONERS AND/OR THE STARK COUNTY LAND REUTILIZATION CORP. FOR THE ADMINISTRATION OF THE 50/50 SPLIT PROGRAM; TO ACQUIRE OR ACCEPT BLIGHTED PROPERTIES FOR DEMOLITION OF BLIGHTED PROPERTIES; ACCEPT ANY OUTSIDE FUNDS; ENTER INTO ANY CONTRACTS NECESSARY FOR THE DEMOLITION OF SAID PROPERTIES IN AN AMOUNT NOT TO EXCEED \$50,000.00 TOTAL PER PROPERTY WITHOUT THE UTILIZING THE INFORMAL RESOLUTION PROCESS REQUIRED BY SECTION 105.09 OF THE CANTON CODIFIED ORDINANCES; AND ADVERTISE, RECEIVE BIDS, AWARD OR ENTER INTO CONTRACT FOR THE DEMOLITION OF SAID PROPERTIES IF THE TOTAL ACQUISITION/DEMOLITION EXPENSES ARE ESTIMATED TO BE IN EXCESS OF \$50,000.00 FOR A PARTICULAR PROPERTY; AMENDING APPROPRIATION ORDINANCE NO. 50/2019; AND DECLARING THE SAME TO BE AN EMERGENCY (\$800,000.00 SUPP

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APPROP FR UNAPPROP BAL OF 5701 BUILDING CODE FUND TO 5701 101501 CODE ENFORCEMENT ADMIN - OTHER)

- #7. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT WITH THE BOARD OF STARK COUNTY COMMISSIONERS FOR PURPOSES OF HOUSING PRISONERS; AMENDING APPROPRIATION ORDINANCE NO. 50/2019; AND DECLARING THE SAME TO BE AN EMERGENCY (\$40,000.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 102001 POLICE ADMINISTRATION - OTHER)
- #8. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH ARCADIS FOR DESIGN OF THE EDGEFIELD AVENUE AREA WATER MAIN REPLACEMENT PROJECT PHASE II; AMENDING APPROPRIATION ORDINANCE NO. 50/2019; AND DECLARING THE SAME TO BE AN EMERGENCY (\$148,500.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207061 EDGEFIELD AVENUE AREA WATER MAIN REPLACEMENT PROJECT - PHASE II - OTHER)

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

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their Third/Final Reading and Vote.

- #9. (3<sup>RD</sup> RDG) **RECONSIDERED AND AMENDED AS ORDINANCE NO. 68/2019** AN ORDINANCE AMENDING ORDINANCE NO. 100/2011, SECTION 151.07, AND REPEALING ORDINANCE NO. 94/2013, AS AMENDED, AMENDING THE CLASSIFICATION PLAN FOR NON-BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON (SET ANNUAL SALARY OF INCUMBENT HR DIR AND BLDG MAIN SUPT AT \$70,644.00 RETRO TO 1/1/9; SET ANNUAL SALARY OF TWO (2) INCUMBENT CRIMINALISTS AT \$50,533.00 RETRO TO 1/1/19)

PRESIDENT SHERER: Leader Smith.

MEMBER SMITH: Mr. President.

PRESIDENT SHERER: Yes.

MEMBER SMITH: Shouldn't you (*inaudible*)?

PRESIDENT SHERER: Leader Smith.

MEMBER SMITH: Mr. President, I move we reconsider Ordinance #68/2019 adopted on April 8, 2019.

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MEMBER BABCOCK: Second.

PRESIDENT SHERER: Second. It's been moved and seconded to reconsider Ordinance #68/2019 adopted on April 8<sup>th</sup>, 2019. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS

CLERK DOUGHERTY: Nine yeas, Mr. President.

PRESIDENT SHERER: Leader.

MEMBER SMITH: Mr. President, I move we amend Ordinance #68/2019 per a copy before each Council Member.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to amend Ordinance #68/2019. Are there any remarks?

SERVICE DIRECTOR HIGHMAN: Mr. President.

PRESIDENT SHERER: Service Director Highman.

SERVICE DIRECTOR HIGHMAN: A brief description of what the amendment is. Upon passage of the Classification Plan last week, there were a couple of small issues that need to be corrected. Uh, what they are is with one of the hourly classification codes, when we did the Classification Plan, the capacity to provide the 2% raises was supposed to be built in. There was one classification, the 009HN, that needed to be increased by 2% in order to allow that. Uh, that was missed. Apologize for that. Uh, while we were reviewing that, we also then saw that the Financial Records Administrator, which is an hourly position, had inadvertently been copy pasted from the position below it, so that has been corrected. And then the Superintendent of Collections position incorrectly stated that a Class III Water License was the acceptable (*inaudible*). It's actually a Class II Collections License, so that has since been corrected. Uh, apologize for those mistakes, and that is what is contained in the amendment before you.

PRESIDENT SHERER: Are there any other remarks? ...Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it. Leader.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #68/2019, as amended.

MEMBER BABCOCK: Second.

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**AMENDMENT**

*Pursuant to Rules 41 and 36 respectively, I move to reconsider and amend Ordinance No. 68/2019 by replacing the current Exhibit A with the attached corrected Exhibit A.*

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #68/2019, as amended. Are there any remarks?...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS

CLERK DOUGHERTY: Nine yeas, Mr. President.

**#9 RECONSIDERED & AMENDED AS ORDINANCE NO. 68/2019**

PRESIDENT SHERER: The motion carries and Ordinance #68/2019, as amended, is adopted. Mr. Clerk, would you please read Ordinance #10, please.

***NOTE: PRESIDENT SHERER CALLED UPON CLERK DOUGHERTY TO READ THE FOLLOWING ORDINANCES #10 THROUGH #11 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

#10. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 69/2019** A RESOLUTION ACCEPTING THE TAX INCENTIVE REVIEW COUNCIL'S RECENT RECOMMENDATIONS REGARDING ENTERPRISE ZONE AND COMMUNITY REINVESTMENT AREA TAX ABATEMENT AGREEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader Smith.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #10. Are there any remarks?...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS

CLERK DOUGHERTY: Nine yeas, Mr. President.

**#10 ADOPTED AS ORDINANCE NO. 69/2019**

PRESIDENT SHERER: Motion carries and Ordinance #10 is adopted. Ordinance #11, please.

#11. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 70/2019** AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO BETHLEHEM TOWNSHIP; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT FOR THE EXTENSION OF SAID

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WATER MAIN; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader Smith.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #11. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS

CLERK DOUGHERTY: Nine yeas, Mr. President.

**#11 ADOPTED AS ORDINANCE NO. 70/2019**

PRESIDENT SHERER: Motion carries and Ordinance #11 is adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SHERER: We are now under announcements of Committee Meetings.

MEMBER MARIOL: Mr. President.

PRESIDENT SHERER: Member Mariol.

MEMBER MARIOL: The Finance Committee and the Judiciary Committee will be meeting April 22<sup>nd</sup> at 6:30 here in Council Chambers.

CLERK DOUGHERTY: Mr. President, make that 6:15, please. We have something else coming.

MEMBER MARIOL: I was gonna ask. I thought (*inaudible*).

MEMBER SCAGLIONE: Mr. President.

PRESIDENT SHERER: Member Scaglione.

MEMBER SCAGLIONE: Public Property Capital Improvement will meet at 6:15 that evening.

PRESIDENT SHERER: Thank you, Member Scaglione.

LAW DIRECTOR BATES-AYLWARD: Mr. President.

PRESIDENT SHERER: Law Director.

LAW DIRECTOR BATES-AYLWARD: I'm sorry, it's my fault that it's 6:15. I would ask for an Executive Session in regard to what you'll be considering on 2<sup>nd</sup> reading, #5, because that particular

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process involves a lawsuit that is currently pending, and I need to talk to Council in Executive Session about that.

PRESIDENT SHERER: Thank you, Law Director.

**MISCELLANEOUS BUSINESS**

PRESIDENT SHERER: We are now under Miscellaneous Business. Is there any Miscellaneous Business for this evening?

MEMBER SMUCKLER: Mr. President.

PRESIDENT SHERER: Member Smuckler.

MEMBER SMUCKLER: Um, years before that Canton Magazine began, and I'm a firm believer that every once in awhile you gotta blow your own horn. Maybe not quite as often as we blew our own horn in the last Administration, but I think that every once in awhile it's good to get phone numbers out to the community, who to call, names with faces, who's in charge of what, and I'd like the... uh, go on record urging the Mayor to please consider at least twice a year putting that out and letting know... letting people know what's going on in the community, especially like dates of when there's holidays and garbage needs picked up and moved. And it's very helpful because of the various confusion for some of the people out there of what they're supposed to do and who these people are and the phone numbers, and I think it's extremely helpful. And I would like to see it about twice a year done.

PETE DIGIACOMO: Hear, hear! I second that. *(Laughter)* Whatever that's for.

LAW DIRECTOR BATES-AYLWARD: Mr. President.

PRESIDENT SHERER: Law Director.

LAW DIRECTOR BATES-AYLWARD: Uh, yes. I just want to give a brief update to Council on a case that we've talked about in the past. If you'll recall, the commercial building which collapsed here downtown which cost us a lot of money, I want to commend my associate, Phil Schandel. He's been dogged about that as I told everyone. He's filed a lawsuit against Mr. Matz. He was able to obtain a Confession of Judgment for the entire amount that is owed to us, which as you'll recall was about \$400,000.00. He then went ahead and liened all of Mr. Matz's properties, and one of those is going up for sale this week and will close and we'll be getting from this first sale \$59,000.00. So, it's step one, and we're gonna keep on collecting, but I wanted to give Phil some props and also to let you know that we are collecting on that debt.

PRESIDENT SHERER: Thank you, Law Director. Is there any other Miscellaneous Business for this evening? Hearing none ...Clerk Dougherty, our quote for the week, please.

CLERK DOUGHERTY: *"The things you do for yourself are gone when you are gone, but the things you do for others remain as your legacy."* -Kalu Ndukwe Kalu

PRESIDENT SHERER: Leader Smith.

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS

CLERK DOUGHERTY: Nine yeas, Mr. President.

PRESIDENT SHERER: This meeting is adjourned. (*Gavel falls*).

ADJOURNMENT TIME: 7:40 P.M.

ATTEST: 4/17/19

APPROVED:

DAVID R. DOUGHERTY  
CLERK OF COUNCIL

WILLIAM SHERER II  
PRESIDENT