

MINUTES OF THE MEETING OCTOBER 27, 2014

PRESIDENT PRO TEM MORRIS: Alright, good evening. See I always press that button. That's the wrong move. Good evening. Welcome to Canton City Council. With a quorum being present, the Chair calls this meeting of Canton City Council to Order. Roll call please.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

12 COUNCIL MEMBERS PRESENT: (FRANK MORRIS, CHRIS SMITH, JAMES BABCOCK, RICHARD HART, BILL SMUCKLER, GREG HAWK, THOMAS WEST, JAMES GRIFFIN, KEVIN FISHER, DAVID DOUGHERTY, JOHN MARIOL & EDMOND MACK)

TWELVE COUNCIL MEMBERS PRESENT.

CLERK TIMBERLAKE: All present Mr. President.

EXCUSING MEMBERS

PRESIDENT PRO TEM MORRIS: Thank you. Leader.

MEMBER SMITH: Mr. President I move we excuse President Schulman from tonight's meeting.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM MORRIS: It's been moved to excuse President Schulman from this evening's meeting. Any remarks? If not, roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM MORRIS: Thank you. Motion carries. President Schulman is excused from this evening's meeting. We will have tonight's invocation given by Council Member West. Please stand and remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on October 27, 2014 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Council Member Thomas West. The Pledge of Allegiance led by President Pro Tem Morris.

AGENDA CORRECTIONS & CHANGES

PRESIDENT PRO TEM MORRIS: OK. We are now under Agenda Corrections and Changes, Leader.

MEMBER SMITH: Mr. President, I move that Rule 22A be suspended to add 2nd Readings Ordinances #11 through and including #17 and Ordinance #10 Retained in Committee.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded that Rule 22A, to Suspend Rule 22A to add the 2nd Reading Ordinances 11 through 17 to this evening's agenda and Ordinance #10 by Retained in Committee

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this evening. Are there any questions, any remarks? If not, roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT PRO TEM MORRIS: Rule 22A is suspended and the Ordinances are a legal part of this evening's agenda.

PUBLIC HEARINGS

PRESIDENT PRO TEM MORRIS: We're under Public Hearings. We two scheduled for this evening. OK, we have two Public Hearings this evening. The first is scheduled for **7:30**. AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CANTON CITY COUNCIL ORDINANCE, ZONING ORDINANCE; PLANNING COMMISSION RECOMMENDED APPROVAL (CITY-WIDE ZONING). Is there anyone in the audience who wishes to speak for or against the Zoning Change, please come forward. OK, I'll repeat it. Is there anyone in the audience wishing to speak for or against this Zone Change. Going once, going twice, gone. OK, the second Public Hearing is scheduled for **7:31**. Oh, I'm sorry. Let me back up here. OK, no one steps forward. The Chair declares the Public Hearing over regarding this matter. The matter now rests in the hands of Council and the Ordinance will follow later this evening. Second Public Hearing is scheduled for **7:31**. It's known as the ORDINANCE TO AMEND ORDINANCE WAIT, NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; PLANNING COMMISSION RECOMMENDED APPROVAL (915 WERTZ AVENUE NW FROM B-3 (NEIGHBORHOOD BUSINESS) TO PB-4 (PLANNED SPECIAL BUSINESS) FOR DENNIS R. AND CAROLYN J. COPELAND) IN WARD 3) Is there anyone in the audience wishing to speak for or against the Zone Change. I'll repeat it. Anyone in the audience for or against the Zone Change, please come forward now. Seeing no one stepping forward, the Chair declares the Public Hearing over regarding this matter. The matter now rests in the hands of Council. The Ordinance will follow later this evening.

OLD BUSINESS

PRESIDENT PRO TEM MORRIS: Deputy Mayor, there is no Old Business, correct?

PUBLIC SPEAKS

PRESIDENT PRO TEM MORRIS: We're now under Public Speaks. We have one speaker this evening. Mr. Tim Porter. And for the record, could you please state your name and current address.

TIM PORTER: My name is Tim Porter, 1107 10th Street NW here in Canton. I just wanted to mention something real quick on this Wilson Place lien thing to discharge it. I think we should caution ourselves with this. Just the fact that they didn't know that it was being tore down. Are we going to use that answer for every homeowner that we've torn their house down. If they come up and say, well I didn't know you guys were going to tear it down so why should I pay for the price of tearing it down. I mean here we have an owner that owns, now we know who owns that property, they didn't know it was being tore down but now they know it's gone. I think we should make them pay for it and get some of that money back. Thank you.

PRESIDENT PRO TEM MORRIS: Thank you Mr. Porter.

INFORMAL RESOLUTIONS

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PRESIDENT PRO TEM MORRIS: OK, Informal Resolutions. And we have none this evening.

COMMUNICATIONS

PRESIDENT PRO TEM MORRIS: We're under Communications. Let the journal show that all Communications are received and 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 OCTOBER 27, 2014.

463. AUDITOR MALLONN: REQ FOR ADDT'L AMENDED CERT DATED 10/23/14. - RECEIVED & FILED
464. COMM DEV DIR MILLER: ESTABLISH FAIR REUSE VALUE OF A PARCEL OF REAL PROP & AUTHORIZE THE DISPOSITION OF SAID PROP (PARCEL #02-26890 AND LOTS 1758, 1759, 1760, 1761, 35139, PART OF LOT 2271 LOCATED ON 902 CHERRY AVE NE). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
465. COURT ADMINISTRATOR KOCHERA: AUTHORIZE MAYOR TO ENTER INTO AGMT WITH STATE OF OHIO, DEPT OF MENTAL HEALTH AND ADDICTION SERV FOR RECEIPT OF FY 2015 DRUG COURT FUNDING GRANT IN AMT OF \$41,495.00 FOR PERIOD COMMENCING 1/1/15 - 6/30/15. - FINANCE COMMITTEE
466. DEPUTY MAYOR WILLIAMS: AUTHORIZE SAF DIR TO ENTER INTO CONTRACT WITH CBP OF STARK COUNTY, INC IN AMT NOT TO EXCEED \$15,000.00 (STARK COUNTY LAND BANK SIDE LOT PROGRAM); AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE COMMITTEE
467. HEALTH COMMISSIONER ADAMS: REQ INTRA-FUND TRANSFERS (\$10,000.00 FROM 2318 301001 - PERSONNEL TO 2318 301001 - OTHER; \$3,000.00 FROM 2354 301001 - OTHER TO 2354 301001 - PERSONNEL). - FINANCE COMMITTEE
468. SAFETY DIRECTOR PERRY: AUTHORIZE SAF DIR TO PAY MORAL OB FOR TRAINING AT OHIO PEACE OFFICER TRAINING ACADEMY (\$75.00 - PTL. E. STANBRO). - FINANCE COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT PRO TEM MORRIS: We're now under First Readings and Formal Resolutions for the First Reading. Madame Clerk would you please begin with Ordinance #1.

NOTE: PRESIDENT PRO TEM MORRIS CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #9 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO ESTABLISH AND CREATE

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THE 1153 HISTORIC ONESTO PROJECT LOAN FUND; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$2,000,000.00 FROM UNAPPROP BAL 1153. HISTORIC ONESTO PROJ LOAN FUND TO 1153 501001 MAYOR - OTHER)
Referred to Finance Committee

- #2. ____ (1ST RDG) AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF REVENUE BOND ANTICIPATION NOTES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$2,000,000.00 TO PROVIDE FUNDS TO MAKE A LOAN FOR ECONOMIC DEVELOPMENT IN THE CITY; AUTHORIZING RELATED MATTERS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee (ONESTO HOTEL)
- #3. (1ST RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE LESH-EVERETT ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Annexation Committee
- #4. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$1,275,000.00 FROM 2211 506001 CD ADMIN - OTHER TO 2211 506002 CD DEMOLITION - OTHER AND \$110,805.10 FROM 2211 501601 CD YOUTH DEVELOPMENT - OTHER TO 2211 506001 CD ADMIN - OTHER)
Referred to Community & Economic Development Committee
- #5. (1ST RDG) AN ORDINANCE AMENDING SECTION 1 (a) OF ORDINANCE NO. 177/2006; AND DECLARING THE SAME TO BE AN EMERGENCY (CODE ENFORCEMENT, PETTY CASH \$100.00 AND CHANGE DRAWER \$600.00)
Referred to Judiciary & Finance Committees
- #6. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$272,000.00 FROM UNAPPROP BAL 5201 WATER FUND TO 5201 207003 WATER BILLING - OTHER \$4,000.00, 5201 207010 WATER PUMPING - PERSONNEL \$42,000.00, 5201 207012 WATER MAINTENANCE - OTHER \$51,000.00, 5201 207022 WATER DISTRIBUTION - OTHER \$175,000.00 AND \$4,000.00 FROM UNAPPROP BAL 5410 SEWER FUND TO 5410 207003 SEWER BILLING - OTHER)
Referred to Finance Committee
- #7. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONSTRUCTION CONTRACT CHANGE ORDER IN AN AMOUNT NOT TO EXCEED \$146,909.21 WITH CENTRAL ALLIED

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ENTERPRISES, INC. FOR THE 55TH ST STORM SEWER AND ROADWAY PROJECT, GP 1125; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$11,763.63 FROM UNAPPROP BAL 2181 GERVASI 1700 LLC TIF FUND TO 2181 202001 GERVASI 1700 LLC TIF ENG ADMIN - OTHER)

Referred to Public Property Capital Improvement Committee

- #8. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A ONE YEAR PROFESSIONAL SERVICES CONTRACT WITH ACLARA TECHNOLOGIES IN AN AMOUNT NOT TO EXCEED \$27,596.00 TO PROVIDE COMPATIBLE MAINTENANCE FOR CANTON'S EXISTING AUTOMATED METER READING SYSTEM; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$16,558.00 FROM UNAPPROP BAL 5201 WATER FUND TO 5201 207003 WATER BILLING - OTHER AND \$11,038.00 FROM UNAPPROP BAL 5410 SEWER FUND TO 5410 207003 SEWER BILLING - OTHER)

Referred to Finance Committee

COUNCIL RECESSED AT 7:40 PM FOR THE PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE TO DISCUSS ORDINANCE #9; RECONVENED AT 7:42 PM)

- #9. (1ST RDG) **ADOPTED AS ORDINANCE NO. 219/2014** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR THE CURBING OF BOULEVARDS LOCATED AT AND AROUND THE INTERSECTION OF 19TH STREET NE AND EDWARDS AVENUE NE; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$70,000.00 UNAPPROP BAL 4501 CAPITAL FUND TO 4501 202041 19TH & EDWARDS INTERSECTION IMPROVEMENTS, GP 1106 - OTHER)

Referred to Public Property Capital Improvement Committee

PRESIDENT PRO TEM MORRIS: And at this time the chair would like to declare an in house recess for Public Property and Capital Improvement Committee to meet regarding Ordinance #9 on this evening's agenda. You are now in recess.

(RECESS)

PRESIDENT PRO TEM MORRIS: Council is reconvening after the recess, Leader.

MEMBER SMITH: Mr. President, I move we suspend Rule 22A to place Ordinance #9 back on this evening's agenda.

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MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded that Rule 22A be placed, that we Suspend Rule 22A to place Ordinance #9 back on this evening's agenda. Any remarks? If not, roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM MORRIS: Thank you. Ordinance #9 is a legal part of your agenda this evening. Leader.

MEMBER SMITH: Mr. President, I move we suspend the Statutory Rules on Ordinance #9.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM MORRIS: There's a move to suspend Statutory Rules on Ordinance #9. Are there any remarks? If not, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

PRESIDENT PRO TEM MORRIS: OK, you've heard your three readings, Leader.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #9.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded that you adopt Ordinance #9. Any remarks on this Ordinance? Hearing none, roll call vote please Madame Clerk.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#9 ADOPTED AS ORDINANCE NO. 219/2014

PRESIDENT PRO TEM MORRIS: Ordinance #9 has been adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT PRO TEM MORRIS: K, we're under Ordinances for their Third and Final Reading. Madame Clerk would you please begin with Ordinance #18?

CLERK TIMBERLAKE: We're beginning with Ordinance #11.

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MEMBER DOUGHERTY: Point of Order. Second Reading.

CLERK TIMBERLAKE: Yea.

PRESIDENT PRO TEM MORRIS: Oh, I'm sorry. We got to vote and then I just skipped everything. Thank you.

NOTE: PRESIDENT PRO TEM MORRIS CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #10 THROUGH #17; FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (ORDINANCE #10 RETAINED IN COMMITTEE):

- #10. (2ND RDG) ***RETAINED IN COMMITTEE*** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR THE SALE OF THE LAND AND STRUCTURE AT 1840 MARKET AVENUE NORTH; AND DECLARING THE SAME TO BE AN EMERGENCY (OLD FIRE STATION)
- #11. (2ND RDG) AN ORDINANCE ESTABLISHING THE FAIR REUSE VALUE OF TWO PARCELS OF CITY OWNED PROPERTY; AUTHORIZING THE SALE AND CONVEYANCE OF SAID PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #'S 02-16208 AND 02-16209 ON HARRISBURG AVE NE FOR LENA & JACK PORTER)
- #12. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR THE SALE OF THE LAND AND STRUCTURE AT 2506 CLEVELAND AVENUE S.; AND DECLARING THE SAME TO BE AN EMERGENCY (SERV CENTER)
- #13. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$35,000.00 FROM UNAPPROP BAL 2111 STREET MAINT FUND TO 2111 104020 TRAFFIC SIGNAL - OTHER; \$85,000.00 FROM UNAPPROP BAL 6041 DMV FUND TO 6041 208010 SERVICE & REPAIR - OTHER; \$12,000.00 APPROP TRANSFER FROM 2216 505010 FAIR HOUSING DEPT - PERSONNEL TO 2216 505010 FAIR HOUSING DEPT - OTHER)
- #14. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$3,800.00 SUPP APPROP FROM 2312 301001 - OTHER TO 2312 301001 - PERSONNEL AND \$8,000.00 FROM 2321 301001 - OTHER TO 2321 301001 - PERSONNEL) (HEALTH DEPT)
- #15. (2ND RDG) AN ORDINANCE AUTHORIZING THE DISCHARGE OF THE DEMOLITION LIEN, ASSESSMENTS, PENALTIES AND INTEREST ON THE PROPERTY LOCATED AT 710 WILSON PLACE NW.; AND DECLARING THE SAME TO BE AN EMERGENCY

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- #16. (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO RECEIVE THE 2014 COPS HIRING PROGRAM GRANT IN THE ESTIMATED AMOUNT OF \$1,125,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY
- #17. (2ND RDG) **ADOPTED AS ORDINANCE NO. 220/2014** AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF PART OF OUTLOT 577; AND DECLARING THE SAME TO BE AN EMERGENCY (LOCATED AT AND AROUND MAHONING RD NE AND HARMONT AVE NE FOR DOLLAR GENERAL - WARD 6)

PRESIDENT PRO TEM MORRIS: Leader.

MEMBER SMITH: Mr. President, I move we suspend the Statutory Rule for Ordinance #17.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM MORRIS: There's a move to Suspend the Statutory Rule for Ordinance #17. Any remarks? If not, roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

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

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

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded that you adopt Ordinance #17. Any remarks? If not, roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Mr. President.

#17 ADOPTED AS ORDINANCE NO. 220/2014

PRESIDENT PRO TEM MORRIS: Thank you. Ordinance #17 is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT PRO TEM MORRIS: We're under Ordinance, we are now under Ordinances for their Third and

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Final Reading. Madame Clerk would you begin with Ordinance #18?

NOTE: PRESIDENT PRO TEM MORRIS CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #18 THROUGH #24 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

#18. (3RD RDG) ADOPTED AS ORDINANCE NO. 221/2014 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 ZONING) PUB HRG 10/20/14 @ 7:30 P.M.

PRESIDENT PRO TEM MORRIS: Leader.

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

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Ordinance 18. Any questions? Roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#18 ADOPTED AS ORDINANCE NO. 221/2014

PRESIDENT PRO TEM MORRIS: Thank you. Ordinance 18 is adopted. Ordinance 19.

#19. (3RD RDG) ADOPTED AS ORDINANCE NO. 222/2014 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 (915 WERTZ AVENUE N.W., CANTON, OHIO FRM B-3 (NEIGHBORHOOD BUSINESS) TO PB-4 (PLANNED SPECIAL BUSINESS) DENNIS R. AND CAROLYN J. COPELAND - WARD 3) PUB HRG 10/27/14 @ 7:31 P.M.

PRESIDENT PRO TEM MORRIS: Leader.

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

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded that we adopt Ordinance #19. Any remarks under this Ordinance? If not, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#19 ADOPTED AS ORDINANCE NO. 222/2014

PRESIDENT PRO TEM MORRIS: Ordinance 19 is adopted. Ordinance 20.

#20. (3RD RDG) **ADOPTED AS ORDINANCE NO. 223/2014** AN ORDINANCE AUTHORIZING THE DISCHARGE OF THE DEMOLITION LIEN, ASSESSMENTS, PENALTIES AND INTEREST ON THE PROPERTY LOCATED AT 1417 - 4TH STREET N.E.; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM MORRIS: Leader.

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

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded that we adopt Ordinance #20 Any remarks under this Ordinance? If not, roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#20 ADOPTED AS ORDINANCE NO. 223/2014

PRESIDENT PRO TEM MORRIS: Ordinance 20 is adopted. Ordinance 21 please.

#21. (3RD RDG) **ADOPTED AS ORDINANCE NO. 224/2014** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$40,000.00 SUPP APPROP FROM UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 102001 POLICE ADMIN - OTHER)

PRESIDENT PRO TEM MORRIS: Leader.

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

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Ordinance #21. Any remarks under this Ordinance? If not, roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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PRESIDENT PRO TEM MORRIS: Thank you. Ordinance #21 is adopted. Ordinance #22 please.

#22.____(3RD RDG) **ADOPTED AS ORDINANCE NO. 225/2014** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO PURCHASE ONE VACALL AJV 1015 WITH ACCESSORIES FROM SOUTHEASTERN EQUIPMENT CO. INC., AT AN ESTIMATED COST OF \$332,000.00 THROUGH THE NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT, IN ACCORDANCE WITH OHIO REVISED CODE SECTION 9.48 AND CANTON CODIFIED ORDINANCE SECTION 105.11; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM MORRIS: Leader.

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

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded that we adopt Ordinance 22. Any remarks under this Ordinance? If not, roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#22 ADOPTED AS ORDINANCE NO. 225/2014

PRESIDENT PRO TEM MORRIS: Ordinance 22 is adopted. Ordinance 23 please.

#23. (3RD RDG) **ADOPTED AS ORDINANCE NO. 226/2014** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH GREG MENCER IN AN AMOUNT NOT TO EXCEED \$30,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY (SANITARY SEWER ENGINEER)

PRESIDENT PRO TEM MORRIS: Leader.

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

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded that we adopt Ordinance #23. Any remarks under this Ordinance? If not, roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#23 ADOPTED AS ORDINANCE NO. 226/2014

PRESIDENT PRO TEM MORRIS: Thank you Madame Clerk. Ordinance 23 is adopted. Ordinance 24 please.

CLERK TIMBERLAKE: I don't have it. There's something wrong with it.

PRESIDENT PRO TEM MORRIS: Well, I sure how that was....

INAUDIBLE COMMENT

PRESIDENT PRO TEM MORRIS: ...oh gee, thank you for the curve ball.

#24. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 227/2014** A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

PRESIDENT PRO TEM MORRIS: Leader.

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

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Ordinance #24. Any remarks under this?

LAW DIRECTOR MARTUCCIO: Yes Mr. President.

PRESIDENT PRO TEM MORRIS: Law Director.

LAW DIRECTOR MARTUCCIO: Thank you. It has been brought to my attention by our diligent official that there is a one word mistake on Schedule A and Schedule B of this Ordinance #24. So, I'm going to frame an amendment for someone at Council to say so moved, and a second for your consideration. Under Rule 36, Council can make changes orally without having to put them in writing if it only affects one word or one figure. This only affects one word so I'll read it, someone can say so moved, with a second and you can proceed.

Amendment

Under Rule 36, I move to amend Schedules A and B of Agenda Ordinance #24, by substituting the word "Park" for the word "Recreation" to read Park Fund on both Schedules.

LAW DIRECTOR MARTUCCIO: The reason for this is, as was picked up, the Account erroneously listed the, it erroneously called the Park Fund that was passed a year ago as the Recreation Fund, so we just want to reinstate the name back. So if someone says, so moved and you get a second, you can proceed.

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MEMBER SMITH: So moved.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to amend Ordinance #24. Voice vote? Those all in favor signify by saying yea, those opposed.

NO REMARKS AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM MORRIS: OK, it's amended. Leader.

MEMBER SMITH: Mr. President, I move that we amend the Ordinance and add it the agenda.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to amend Ordinance #24. By voice vote....

MEMBER FISHER: Mr. President.

PRESIDENT PRO TEM MORRIS: Mr. Fisher.

MEMBER FISHER: We just amended that a moment ago. I think we just need to adopt that as amended.

PRESIDENT PRO TEM MORRIS: OK.

MEMBER SMITH: Mr. President, I move to adopt Ordinance #24 as amended.

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded that we adopt Ordinance #24 as amended. Roll call please.

NO REMARKS ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#24 ADOPTED AS AMENDED AS ORDINANCE NO. 227/2014

PRESIDENT PRO TEM MORRIS: Ordinance #24 is adopted as amended.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM MORRIS: Announcements of Committees.

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Hawk.

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MEMBER HAWK: The Finance Committee will meet Monday, November 3rd at 6:30 p.m.

MEMBER SMITH: Mr. President. CD will meet also at the same time.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM MORRIS: Member West.

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

MEMBER MARIOL: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Mariol.

MEMBER MARIOL: Public Property Capital Improvement will meet same time, same place.

PRESIDENT PRO TEM MORRIS: Any other Committees?

MEMBER MACK: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Mack.

MEMBER MACK: Judiciary will meet at the same time and at the same place.

PRESIDENT PRO TEM MORRIS: OK, and mark this one down. Rules will meet at 6:00 PM. Rules Committee.

MISCELLANEOUS BUSINESS

PRESIDENT PRO TEM MORRIS: Alright, we are under Miscellaneous Business. Is there any? Member Hart.

MEMBER HART: Yes, last weekend, there are some Central students here, and I would like to congratulate the Golf Team for winning the State Golf Championship. It, you know, you give a lot back to the community. And I'd also like to thank the consultants Members Babcock, Smuckler and Dougherty for helping out the Central team. According to rumor a DVD was made of the three Council Members golfing and the Central golfers watched the DVD showing them what not to do on the golf course. Again congratulations to those golfers.

MEMBER SMUCKLER: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Smuckler.

MEMBER SMUCKLER: Recently, we've learned that even though not violating any laws, Member Hart is now housing chickens on his personal property. (*LAUGHTER*) The one thing he's missing folks is a rooster. So, I'm taking up a collection for the rooster because I certainly want him to be able to get up early in the morning.

MEMBER MARIOL: Mr. President.

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PRESIDENT PRO TEM MORRIS: Member Mariol.

MEMBER MARIOL: If that rooster is purchased, I will be buying a B-B Gun.

LAW DIRECTOR MARTUCCIO: Which you can't use. *(LAUGHTER)*

PRESIDENT PRO TEM MORRIS: I'm just scared to death that we're going to have these animal activists in here from Kentucky getting on us for Member Mariol wanting to shoot a rooster. Anything else?

MAYOR HEALY: Mr. President.

PRESIDENT PRO TEM MORRIS: Who?

CLERK TIMBERLAKE: Mayor Healy.

PRESIDENT PRO TEM MORRIS: Mayor.

MAYOR HEALY: Thank you Mr. President. President Schulman has been asking for our legislators to come to this Council for quite some time and he's had a few conversations but, we did have a meeting this week with Senator Scott Oelslager and there was a few other, I think yourself, Edmond Mack and Allen Schulman of course. And then we had also, Mayor Kathy Catazaro-Perry. The meeting was scheduled by the Ohio Municipal League through Scott Oelslager and he asked for certain people to be available. In any case, the just of the meeting was to discuss the details of House Bill 5 which the Municipal League has been lobbying for 2 years, almost 2 to address. It did pass through the House last year. It's been in the Senate, it's in Senator Oelslager's Committee he Chairs. He did let us know that some version of that piece of legislation will pass before the end of the year. In it's current state, we are looking at upwards, near, potentially \$1,000,000.00 a year that will be lost in our revenue the way this thing is structured. And so we are working extremely hard on a number of different issues on these piece of legislation but, there are cards, these cards are actually on the front counter there. I think the Council Office may have some and we have some on the 8th floor as well. That shows a number of the items that we didn't agree with and some, our top 6 or 7 items that we significantly disagree with. It's going to be too long to get into detail right now but if you get a chance to read this and have any questions, I'd be happy to speak with any of you individually or you can contact the Municipal League if your talking for a point of information but I think the Auditor and the Treasurer, I think the Treasurer's Office is agreeing with this as well. But, this is just another in the long line of damages that are being done to local communities like the Inheritance Tax, the Local Government Fund, cancelling Personal Property Tax and this just adds to the list. If this passes, it will happen before the end of the year and we are being assured from the Senator that they have the votes to pass it. The only question is, what's the final format going to look like. I can get into more specifics at a later time but, I wanted to make sure you're all aware of this and just, again, another adjustment that we're going to have to make for next year's budget. Thank you.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM MORRIS: Member West.

MEMBER WEST: Mayor is our legislator Scott Oelslager in support of this or is he saying no to this?

MAYOR HEALY: He did not take a formal position. As the Chairman, he has delayed this for over a year in

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his Committee and it's to the point now that the Speaker is insisting that they move this. I'm sorry not the Speaker but the President of the Senate. The President of the Senate actually has an amendment that he wants to include on this thing and his amendment is worse than pretty much everything that's already on here. It will make it even worse if that amendment goes on and the President of Senate wants an amendment it's likely to make it on to this piece of legislation. So, he is doing his best to make sure that each one of these areas of concern that we have are going to be discussed in detail and give us an opportunity to try to persuade enough of the legislators to maybe make some changes. We need between 6 and 7 members of the Senate to switch their position on this in order for us to block some of this stuff. So, it's an uphill battle for sure but, he is giving us the opportunity. I think if we get the 6 votes, he'll potentially be the 7th but he's not going to be the first or the sixth. So, he's going to watch and wait and see and make his decision at the very end.

PRESIDENT PRO TEM MORRIS: Anything else? Cindy would like to read something please.

CLERK TIMBERLAKE: I received a letter into the Council Office today. Dear Friends, we are humbled with your generosity and supporting Team Leo in the 2014 Walk to Defeat ALS. Please accept our most sincere gratitude for your support, kindness and compassion. We face the Walk with heavy hearts. In all honesty, we weren't sure if we had the emotional strength to participate this year. Then the Ice Bucket Challenge began. We asked ourselves, why did this the awareness for ALS have an explosion. Everywhere you turn, you would see or read about another Ice Bucket Challenge. We could not escape thinking about ALS. We believe in our hearts Chris and those who have passed from ALS, helped it along. They would want us to continue our quest for a cure. We are very pleased that ALS is finally getting the coverage and attention it deserves. It has given us great comfort that awareness has been raised across our country. Absolutely amazing is that we feel hopeful. Hopeful that there will be a cure someday. Having lost 5 family members, we have a vested interest in finding a treatment or cure. Hope runs deep for a world without ALS. Team Leo was established 5 years ago by Chris. He would be proud and encouraged by the love and support we have received. Team Leo had 60 walkers and finished in 1st place, raising \$17,558.00. This was a record breaking year for Team Leo all around. These funds will stay local to fund research and help patients currently living with ALS. This would not have been possible without your care and compassion towards a great cause. Over the past five years we have met many who have or are traveling the ALS journey. Those who have experienced the ALS journey are special individuals. In many cases, just one person can leave an impact on your life forever. Here are the words written to me in an email the day after the walk by a very special ALS patient who had a profound effect on Chris and our family. I was deeply saddened by the news of Chris passing. I so look forward to seeing him again yesterday. Although we only had a moment in passing, I thought of him often. I will see him again because there will, there must be a special place for those who fight this terrible fight are rewarded and will have a time to rejoice. Thank you all for continuing the fight as tough as it must be, I'm sure Chris is very, very proud. Hoping to see you next year. Best wishes. God Bless you all. Said by Steven Bracken. That moment in passing referred to a handshake and the words good luck to you brother. Chris was a rare gem and a gentle soul. Throughout his life and even after he was diagnosed with ALS, he kept his sense of humor and a positive outlook. He was a great example to Jack, our family and friends as he faced the ALS journey, he always said, never give up. Chris will always be our hero. In closing, thanks for your kind and generous hearts. Our family is forever grateful. Your love and support throughout this journey and especially over the past 6 months, as we learn to cope, as our lives have never been changed, as our lives have been changed forever. With sincere appreciation and in memory of Chris. Jill, Jack, Jimmy, Paula, Patricia, Shafeek, Roman, Ted, Mary Jane, Val, Jeff, Ann and Levi and they have a quote by Dr. Maya Angelou as their, as the ending. "I've learned that people will forget what you said, people forget what you did but people will never forget how you made them feel." Team Leo family.

PRESIDENT PRO TEM MORRIS: That's nice.

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CLERK TIMBERLAKE: Yes, very nice.

MAYOR HEALY: Mr. President.

PRESIDENT PRO TEM MORRIS: Mayor.

MAYOR HEALY: Thank you. Sorry. Pastor Freeman stopped by my office a few days ago and dropped some things off and asked me if I would bring them down to Council and give them out so that's what I'm doing. This is some sort of trophy or sort for Council Lady Chris Smith, 4th Ward Councilwoman having served 6 years in and it references her birthday. It does have your age on there, which I won't share, but....

MEMBER SMITH: 62.

MAYOR HEALY:and eligible for social security. And we also have one here for Thomas West who has 12 years in Council and so I, his age is on here as well. He is 50.

MEMBER WEST: He had no problem saying that, see that.

PRESIDENT PRO TEM MORRIS: Wow, I look great for 55 then. *(LAUGHTER)* Leader.

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

MEMBER BABCOCK: Seconded.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adjourn.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas.

PRESIDENT PRO TEM MORRIS: *(Gavel falls)* Adjourned. Go home.

ADJOURNMENT TIME: 8:08 P.M.

ATTEST: OCTOBER 30, 2014
CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

APPROVED: OCTOBER 30, 2014
FRANK MORRIS
PRESIDENT PRO TEM