

MINUTES OF THE MEETING DECEMBER 14, 2015

PRESIDENT SCHULMAN: Good evening, ladies and gentlemen. Welcome to Canton City Council. I want to first say that I was most appreciative of our Assistant Majority Leader, Member Smith, for taking over last week as President of Council. I also found that, kind of unbelievable, that in the history of City Council, there has never been a woman sitting in this chair.

CLERK TIMBERLAKE: Ms. Babcock, did...

MEMBER SMUCKLER: Not true...

PRESIDENT SCHULMAN: (To Member Babcock) Your mom?

MEMBER SMITH: And Mary Cirelli.

PRESIDENT SCHULMAN: Then I don't find it unbelievable at all. *(Laughter)*.

MEMBER WEST: But this is the first African-American woman.

PRESIDENT SCHULMAN: The first African-American woman. Alright.

MEMBER SMUCKLER: There you go! *(Applause)*.

PRESIDENT SCHULMAN: And I am still recovering from the flu, so I'm going to do the best I can tonight. We have no Public Speaks. We're going to move the meeting, we're going to get out of here. So, with a quorum being present, the Chair does call this meeting of Canton City Council to order. Roll call vote please, Madame Clerk.

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

12 COUNCIL MEMBERS PRESENT: (FRANK MORRIS, CHRIS SMITH, JAMES BABCOCK, RICHARD HART, WILLIAM 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.

PRESIDENT SCHULMAN: Thank you Madame Clerk. Tonight's invocation is going to be given by my good friend and Ward 2 Council Member, Thomas West. If you'll all stand, please, and remain standing for our Pledge of Allegiance.

The regular meeting of Canton City Council was held on December 14, 2015 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 Thomas West, Ward 2 Council Member. The Pledge of Allegiance was led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you Member West. Leader. We're now under Agenda Corrections and Changes.

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MEMBER MORRIS: Mr. President, I move Rule 22A be suspended to add 2nd Reading Ordinance #4 through and include #6.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to Suspend Rule 22A to add the 2nd Reading Ordinances 4 through 6 to this evening's agenda. Any remarks? Hearing none, Madame Clerk, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Motion carries. Rule 22A is suspended and those Ordinances are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: Turning now to Public Hearings. We have none tonight.

OLD BUSINESS

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

PUBLIC SPEAKS

PRESIDENT SCHULMAN: Turning now to Public Speaks. We have no speakers.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: Turning to Informal Resolutions and we have none. That's got to be a first. It's actually kind of fun to say.

COMMUNICATIONS

PRESIDENT SCHULMAN: We're now under Communications. Let the journal show that all Communications are received as read.

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED DECEMBER 14, 2015.

422. COUNTY AUDITOR HAROLD: CERTIFICATE OF ESTIMATED PROPERTY TAX REVENUE FOR PARKS & REC BASED ON 4 MILL LEVY OUTSIDE 10 MILL LIMITATION (\$2,909,923). - RECEIVED & FILED
423. COUNTY AUDITOR HAROLD: CERTIFICATE OF ESTIMATED PROPERTY TAX REVENUE FOR PARKS & REC BASED ON 5 MILL LEVY OUTSIDE 10 MILL LIMITATION (\$3,647.161). - RECEIVED & FILED
424. FINANCE CHAIR HAWK: REQ PREP OF ORDINANCE FOR TEMP 2016 BUDGET

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REFLECTING 6 MO APPROP. - RECEIVED & FILED

425. FINANCE DIRECTOR DIRUZZA: REQ TO AMEND APPROP O#266/2014 BY MAKING \$67,530.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 103501 CENTRAL COMMUNICATION ADMIN - PERSONNEL. - FINANCE COMMITTEE
426. FINANCE DIRECTOR DIRUZZA: ADMINISTRATION'S RECOMMENDATIONS FOR 2016 TEMP BUDGET APPROP. - FINANCE COMMITTEE
427. TREASURER PEREZ: CRITERIA FOR APPT & MAINTAINING INCOME TAX BD OF REVIEW IN COMPLIANCE WITH 718.011 ORC & 182.18 OF CODIFIED ORDINANCES OF CANTON, EFFECTIVE 1/1/16. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: Turning now to our Ordinances and Formal Resolutions for their First Readings. Madame Clerk, would you please begin with Ordinance #1.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #3 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE ACCEPTING ANNUAL INCREASED FUNDING FROM THE BOARD OF STARK COUNTY COMMISSIONERS FOR THE PROSECUTION OF OFFENSES IN UNINCORPORATED AREAS; FREEZING THE LAW DIRECTOR'S STIPEND; AND DECLARING THE SAME TO BE AN EMERGENCY (\$3,000.00 RATE)
Referred to Personnel and Finance Committees
- #2. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A COMPENSATION AGREEMENT BY AND AMONG THE CITY OF CANTON, OHIO, THE CANTON CITY SCHOOL DISTRICT, THE PLAIN LOCAL SCHOOL DISTRICT AND HOF VILLAGE, LLC, A DELAWARE LIMITED LIABILITY COMPANY PURSUANT TO OHIO REVISED CODE 5709.40 TO PROVIDE COMPENSATION TO THE CANTON CITY SCHOOL DISTRICT AND THE PLAIN LOCAL SCHOOL DISTRICT FOR THEIR APPROVAL OF EXEMPTION FROM TAXATION OF IMPROVEMENTS TO PARCELS IN THE HALL OF FAME VILLAGE PROJECT SITE; AND DECLARING THE SAME TO BE AN EMERGENCY (TIF AGMT)
Referred to Community & Economic Development Committee
- #3. (1ST RDG) AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC IMPROVEMENTS TO BE MADE TO DIRECTLY BENEFIT SUCH PARCELS, REQUIRING THE OWNERS OF SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, AUTHORIZING ONE OR MORE AGREEMENTS WITH HOF VILLAGE, LLC AND WITH STARK COUNTY PORT AUTHORITY, ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT

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EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, AND RELATED AUTHORIZATIONS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.40, 5709.42 AND 5709.43; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: Thank you, Madame Clerk. We now turn to Ordinances and Formal Resolutions for the Second Reading. Madame Clerk, would you please begin with Ordinance #4.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #4 THROUGH ORDINANCE #6 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #4. (2ND RDG) A RESOLUTION OBJECTING TO THE RENEWAL OF THREE LIQUOR PERMITS LOCATED WITHIN THE CITY; AND DECLARING THE SAME TO BE AN EMERGENCY (PERMIT NO. 3960495, PERMIT NO. 4372684-0015, PERMIT NO. 2118297)
- #5. (2ND RDG) AN ORDINANCE SUSPENDING AUTOMATIC WAGE INCREASES FOR ALL CITY MANAGEMENT AND NON-BARGAINING UNIT PERSONNEL AND ELECTED OFFICIALS FOR 2016; AND DECLARING THE SAME TO BE AN EMERGENCY
- #6. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CHANGE ORDER NO. 2 IN AN AMOUNT NOT TO EXCEED \$766,518.00 WITH SHOOK CONSTRUCTION INC. FOR THE PHOSPHORUS/TOTAL NITROGEN PROJECT - CONTRACT NO. 26; AMENDING APPROPRIATION ORDINANCE NO. 266/2014; AND DECLARING THE SAME TO BE AN EMERGENCY (\$766,518.00 SUPP APPROP FR UNAPPROP BAL OF 5442 WRF PHOSPHORUS PROJ (MEMBRANE) FUND TO 5442 206054 WRF PHOSPHORUS (CONSTRUCTION) - OTHER)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Turning now to Ordinances and Formal Resolutions for the Third Final Reading and Vote. Madame Clerk, would you please begin with Ordinance 7.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCE #7 THROUGH ORDINANCE #9 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #7. (3RD RDG) ***POSTPONED UNTIL 12/21/15 AN ORDINANCE ACCEPTING A \$100,000.00 DONATION FROM THE ROTARY CLUB OF CANTON; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE ROTARY TO ACCEPT SAID DONATION;***

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AUTHORIZING AND DIRECTING THE CITY AUDITOR TO RE-ESTABLISH THE 2461 MARKET SQUARE DONATION FUND FOR THE PURPOSE OF ACCEPTING AND TRACKING SAID DONATION AND EXPENDITURES AND ANY RELATED DONATIONS MADE TO THE MARKET SQUARE PROJECT FROM COMMUNITY ORGANIZATIONS AND NON-PROFITS; AND DECLARING THE SAME TO BE EMERGENCY

PRESIDENT SCHULMAN: Leader Morris.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #7.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 7. Any remarks? Leader.

MEMBER MORRIS: Mr. President, I move we postpone Ordinance #7 for one week, until December 21, 2015.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to postpone Ordinance 7 for one week, until December 21, 2015. Any remarks? Hearing none, by voice vote, all those in favor of the postponement, signify by saying aye. Those opposed no.

NO REMARKS

POSTPONEMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries and the Ordinance is postponed. Ordinance #8, please, Madame Clerk.

#8. (3RD RDG) **ADOPTED AS ORDINANCE NO. 246/2015** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY AN AMOUNT NOT TO EXCEED \$3,195.00 TO HOWLAND COMPANY; AND DECLARING THE SAME TO BE AN EMERGENCY (ASBESTOS ABATEMENT FOR 1542 OLIVE PL NE)

PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #8. Any remarks under this Ordinance? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#8 ADOPTED AS ORDINANCE NO. 246/2015

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PRESIDENT SCHULMAN: Motion carries. Ordinance #8 is adopted. Ordinance #9, please.

#9. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 247/2015** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO RECLASSIFY THE CODE AND BUILDING DEPARTMENT FUNDING FROM THE GENERAL FUND TO AN ENTERPRISE FUND; AUTHORIZING THE AUDITOR TO WORK IN CONJUNCTION WITH THE LAW DEPARTMENT AND THE BUILDING DEPARTMENT TO MAKE SAID CHANGES EFFECTIVE JANUARY 1, 2016 AND TO ADVANCE ANY INTERFUND MONIES NECESSARY TO COVER EXPENSES UNTIL SAID FUNDS ARE REPAID BY THE COLLECTION OF FEES; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader Morris.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #9. Any remarks?
Leader.

MEMBER MORRIS: Mr. President, I move we amend Ordinance #9 per a copy that all Council Members have in front of them.

MEMBER SMITH: Second.

AMENDMENT

Pursuant to Council Rule 36, I move to amend Agenda Item No. 9 by substitution of this amended version for the original, in order to add a specific Fund Number, and clarify enforcement expenditures.

PRESIDENT SCHULMAN: It's been moved and seconded to amend Ordinance 9 by virtue of the copy before each Member of Council. Any remarks on that motion? 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 SCHULMAN: The ayes have it. The motion carries. Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #9, as amended.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 9, as amended. Any remarks?
Hearing none, Madame Clerk, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

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CLERK TIMBERLAKE: Twelve yeas, Ms. President.

#9 ADOPTED AS AMENDED AS ORDINANCE NO. 247/2015

PRESIDENT SCHULMAN: Thank you, Madame Clerk. The motion carries. Ordinance #9 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: We now turn to announcements of Committee Meetings.

MEMBER HART: Mr. President.

PRESIDENT SCHULMAN: Chairman Hart.

MEMBER HART: Yes, Mr. President, we will have a Personnel Meeting on the 21st at 6:45.

PRESIDENT SCHULMAN: Thank you.

MEMBER SMITH: Mr. President, C&ED will also meet at the same time.

PRESIDENT SCHULMAN: Thank you Chairman. Any other announcements?

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Yes, Chairman Hawk.

MEMBER HAWK: Thank you sir. We will have a Budget Committee Meeting or a Budget Hearing on Monday, December 24th at 5:00 p.m. here in Council Chambers. We will be discussing the Temporary Budget for 2016, as outlined by...the 21st, excuse me, on the 21st.

CLERK TIMBERLAKE: On Christmas Eve?

MEMBER HAWK: No, the 21st. I said I'm sorry, the 21st. I'm looking at a lot of numbers here at the same time. Monday the 21st at 5:00.

PRESIDENT SCHULMAN: Monday, December 21st at 5:00. Any other announcements?

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: Any Miscellaneous Business?

MEMBER SMUCKLER: Mr. President.

PRESIDENT SCHULMAN: Member Smuckler.

MEMBER SMUCKLER: Sorry, but I can't leave this go undone.

PRESIDENT SCHULMAN: That's alright.

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MEMBER SMUCKLER: Mr. West and I had a conversation last week. Because it was the same conversation that I had with Mr. Converse about 116 year old water pipes and digging up 12th Street after we had already completed the project. Mr. Converse took it upon himself and did his job by replacing those water pipes; however, last week Dominion came in and ripped up a project on 12th Street that we just spent millions of dollars doing. And, for the record, I want to go on record condemning what they did. Even though they agreed to go out and fix it, because they forgot to do something when the street was being repaired and ripped up. I am just totally aghast that they came in here without the Engineering office knowing, without the Service Director knowing, without the Deputy Mayor knowing. No one knew, and just started ripping our work up. It's not called for. This is what we mean by trying to have communication with everybody and it's totally outrageous. I know Councilman West and I have talked about having...putting in an Ordinance to try to stop this in the future because this can't continue to happen. We don't have that kind of money to waste. Even though they're paying for it with our utility dollars, they shouldn't be allowed to do this.

PRESIDENT SCHULMAN: Thank you Member Smuckler. Any other Miscellaneous Business? Yes...

MEMBER MARIOL: Mr. President...

PRESIDENT SCHULMAN: Service Director Bartos.

SERVICE DIRECTOR BARTOS: My good friend, Finance Director DiRuzza, is too quiet of a guy to brag about himself but I wanted to brag about it for him, so...Heidelberg University star volleyball player, Karlie DiRuzza, daughter of Joe DiRuzza, was just named an Academic All American. *(Applause)*. Just wanted to say congrats to Joe and his family. I think Karlie clearly got her brains from her mother *(Laughter)*, but no, congratulations Joe, that's really awesome.

PRESIDENT SCHULMAN: Great. Any other Miscellaneous Business.

MEMBER SMUCKLER: Yes, one final thought. If you'll have the Clerk check something out, Mr. President. Member Babcock and I noticed that when Councilman Hart walked in, the power must be out at 2405 University Avenue, based on his dress and his shaving...*(Laughter)*.

CLERK TIMBERLAKE: I will do that, Member Smuckler. *(Laughter)*.

PRESIDENT SCHULMAN: Any other Miscellaneous Business? Leader.

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER SMITH: There is a clarification for the meeting on Monday. I think that we need to call the meeting for 6:30 instead of 6:45 since we have that Budget Meeting, so I would like to change that to 6:30 for Monday.

PRESIDENT SCHULMAN: Fine. Any other Miscellaneous Business? Leader.

MEMBER MORRIS: A real quick comment about Member Hart's attire. I knew that he wanted to go to John's tonight and was going to eat with Member Smuckler and Member Hawk, so I did notice that he was standing down on the corner of...I think that's 30th and Market Avenue, with a sign. I think he was soliciting money, but

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I'm just kind of going to throw that out there. I'm going to donate \$1.00 for that attire. He really needs a new tie. Move to adjourn.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded...

MEMBER HART: Mr. President...just...

MEMBER SMUCKLER: Excuse me...Point of Information...

MEMBER MORRIS: You're out of order...*(Laughter)*.

MEMBER HART: I spent a lot of years as an elementary teacher and I...

MEMBER MORRIS: Point of Order. There's a motion on the floor. You can defend your clothes later! *(Laughter)*.

PRESIDENT SCHULMAN: Alright, Madame Clerk, roll call vote please. *(Laughter)*.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: *(Gavel falls)* Meeting is adjourned. Drive carefully everyone.

ADJOURNMENT TIME: 7:48 P.M.

ATTEST:
CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

APPROVED:
ALLEN SCHULMAN
PRESIDENT