

MINUTES OF THE MEETING DECEMBER 21, 2015

PRESIDENT SCHULMAN: Good evening, ladies and gentlemen and welcome to Canton City Council. Uh, before we begin tonight's meeting I want to wish everyone a very merry and joyous Christmas, and obviously a healthy, happy and prosperous New Year. Um, this is Member Griffin's last invocation, although are you switching it to someone else?

MEMBER GRIFFIN: *(Inaudible)*

PRESIDENT SCHULMAN: You are? *(Inaudible voices)*

CLERK TIMBERLAKE: No.

PRESIDENT SCHULMAN: Alright, good. Um, I won't be here for the next couple weeks, so I just want to say, Member Griffin, it has been a privilege working with you. You are an outstanding public servant. I really mean that. Thank you so much for all your effort. *(Applause)* And, Member Hart, you are too by the way. *(Laughter)* But you wear very peculiar ties, so that's why I referred all my nice remarks to Member Griffin. But thank you too, Richard. You...

MEMBER HART: It... it's always been a pleasure, sir, and I think my fondest memory, and I'll say this now since I won't be able to tell you, I look at, you know, the Stark County Hunger Task Force, and all... how many years have you been on Canton City Council as President? Ten years?

CLERK TIMBERLAKE: Yes.

PRESIDENT SCHULMAN: *(Chuckles)* Thank you.

MEMBER HART: And I look at...

PRESIDENT SCHULMAN: Seems like only a hundred.

MEMBER HART: I know, but...

CLERK TIMBERLAKE: Not nine and a half, ten.

MEMBER HART: I'm looking at one dollar buying four meals, and I look at the money you donated to the Stark County Hunger Task Force, sir. And that's probably darn near close to a half a million meals you've provided for the hungry. *(Applause)*

PRESIDENT SCHULMAN: Thank you very much. Anyone else care to say any... *(Laughs)*. Alright. What?

CLERK TIMBERLAKE: It's not ten and a half, it's nine and a half.

PRESIDENT SCHULMAN: *(Chuckles)* 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

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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. And as I said, tonight's invocation will be given by my good friend, Ward 3 Council Member, Jim Griffin. 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 21, 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 James Griffin, Ward 3 Council Member. The Pledge of Allegiance was led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you, Jim, very much. We're now under Agenda Corrections and Changes. Leader Morris.

MEMBER MORRIS: Mr. President, I move Rule 22A be suspended to add 2nd Reading Ordinances #3 through and include #5.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to Suspend Rule 22A to add the 2nd Reading Ordinances 3 through 5 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. The motion carries. Rule 22A is suspended and the Ordinances are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We turn now to Public Hearings. We have no public hearings this evening.

OLD BUSINESS

PRESIDENT SCHULMAN: Under Old Business, the Deputy Mayor has told us we have no Old Business.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: Under Public Speaks, we have no public speakers this evening.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: So we move right into Informal Resolutions, and we have no Informal Resolutions.

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CLERK TIMBERLAKE: I'm sorry (*Inaudible*).

PRESIDENT SCHULMAN: But there is apparently one note of interest, tomorrow is Member Babcock's birthday.

MEMBER HART: Old business. (*Applause and Laughter*)

PRESIDENT SCHULMAN: It's been adopted. (*Laughter*)

COMMUNICATIONS

PRESIDENT SCHULMAN: Turning now to Communications. Let the journal show that all Communications are received as read. Happy birthday and many healthy and happy ones, Jim.

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 21, 2015.

428. AGENT FOR PETITIONER, SLIMAN: COPY OF ANNEXATION PETITION DOCS FILED WITH STARK CO. COMMISSIONERS FOR THE FIRST TEE OF CANTON #2 ANNEXATION. - RECEIVED & FILED
429. COURT ADMIN KOCHERA: REQ \$41,700.00 SUPP APPROP FR UNENCUMBERED BAL #2767-701001 JAIL DIVERSION GRANT FUND TO PERSONNEL #2767-701001 JAIL DIVERSION GRANT FUND. - FINANCE COMMITTEE
430. LAW DIRECTOR MARTUCCIO: REQ AUTHORIZATION TO PREPARE ORD APPROVING EDITING AND INCLUSION OF CERTAIN ORD ADOPTED FR 1/5/15 - 12/7/15, TO BE INCORPORATED INTO COD ORD; REQ AUTHORIZATION TO SUBMIT RESOLUTION AUTHORIZING LAW DIR TO DISTRIBUTE, FREE OF CHARGE, TO PUBLIC OFFICIALS AND PUBLIC INSTITUTIONS, COPIES OF 2015 SUPP TO CITY CODE AND AFFIX PRICE OF \$7.20 FOR SALE OF 2015 SUPP TO HOLDERS OF CITY CODE. - JUDICIARY COMMITTEE
431. PLANNING COMMISSION: RECOMMEND APPROVAL OF REPLAT OF LOTS 11800, 11801, 14497, 14498, 14625 AND 14626, LOCATED AT 2835 TUSCARAWAS ST. W. (RICK ALTMAN FOR 2835 TUSC ST. WEST MOB, LLC, WARD 3). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
432. PLANNING COMMISSION: RECOMMEND APPROVAL OF REPLAT OF LOT 24146 AND LOT 24147 LOCATED AT 2116 23RD ST. NE (HABITAT FOR HUMANITY, WARD 6). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
433. PLANNING COMMISSION: RECOMMEND APPROVAL OF REPLAT OF LOT 23472 AND LOT 23471 LOCATED IN THE 2000 BLOCK OF 24TH ST NE, JUST EAST OF HARRISBURG RD NE AT THE CORNER OF 24TH ST NE AND BERNICE CT NE (HABITAT FOR HUMANITY, WARD 9). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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PRESIDENT SCHULMAN: We're now under Ordinances and Formal Resolutions for their First Reading. Madame Clerk, would you please begin with Ordinance 1.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #2 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 266/2014; AND DECLARING THE SAME TO BE AN EMERGENCY (\$67,530.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 103501 CENTRAL COMMUNICATION ADMIN - PERSONNEL)
Referred to Finance Committee
- #2. (1ST RDG) AN ORDINANCE ADOPTING TEMPORARY APPROPRIATIONS FOR THE OPERATING AND CAPITAL EXPENDITURES OF THE CITY OF CANTON, OHIO, FOR FISCAL YEAR 2016; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: Moving now to Ordinances and Formal Resolutions for their Second Reading. Madame Clerk, would you please begin with Ordinance 3.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #3 THROUGH ORDINANCE #5 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #3. (2ND 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)
- #4. (2ND 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)
- #5. (2ND RDG) AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC

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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 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

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Thank you, Madame Clerk. We now move to Ordinances and Formal Resolutions for the Third Final Reading and Vote. Would you please begin, Madame Clerk, with Ordinance 6.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCE #6 THROUGH ORDINANCE #9 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #6. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 248/2015** 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; 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: Thank you, Madame Clerk. Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #6.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded you adopt Ordinance #6. Any remarks? Leader.

MEMBER MORRIS: Mr. President, I move we amend Ordinance #6 per a copy all Council Members have in front of them.

MEMBER SMITH: Second.

AMENDMENT

Pursuant to Council Rule 36, I move to amend Section 2 of Agenda Item No. 6 by the modification of the current last sentence to read as follows:

The acceptance of additional donations shall be subject to a memorandum of understanding between the

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donor and the city of Canton through the Director of Public Service. Said donations shall be specifically committed to the development of Market Square. Donations greater than \$25,000 must be accepted and approved through formal ordinances or resolutions.

PRESIDENT SCHULMAN: It's been moved and seconded to amend Ordinance #6 by virtue of the copy before each member of Council. Any remarks under the amendment? 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 #6 as amended.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #6 as amended. Are there any remarks under Ordinance 6 as amended? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#6 ADOPTED AS AMENDED AS ORDINANCE NO. 248/2015

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Ordinance 6 as amended has been adopted. Ordinance #7, please?

#7. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 249/2015** 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)

PRESIDENT SCHULMAN: Again, 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. Are there any remarks? Again, Leader.

MEMBER MORRIS: Mr. President, I move we amend Ordinance #7 per a copy all Council Members have in front of them.

MEMBER SMITH: Second.

MINUTES OF THE MEETING DECEMBER 21, 2015**AMENDMENT**

Pursuant to Rule 36, I move to amend Agenda Item No. 7 as follows:

- 1) Substitute the word "two" for "three" in the caption; and*
- 2) Amend Section 1 by deleting the second permit entirely, and renumbering the current third permit as No. "2".*

PRESIDENT SCHULMAN: It's been moved and seconded to amend Ordinance #7 by virtue of the copy before each member of Council. Any remarks under the amendment? 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 Morris.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #7 as amended. Any remarks under this Ordinance as amended? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

#7 ADOPTED AS AMENDED AS ORDINANCE NO. 249/2015

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Ordinance 7 as amended has been adopted. Ordinance #8, please.

#8. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 250/2015** 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

PRESIDENT SCHULMAN: Leader.

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? Again, Leader.

MEMBER MORRIS: Mr. President, I move we amend Ordinance #8 per a copy that all Council Members have in front of them.

MEMBER SMITH: Second.

MINUTES OF THE MEETING DECEMBER 21, 2015**AMENDMENT**

Pursuant to Rule 36, I move to amend Section 2 of Agenda Item No. 8 as follows:

Section 2. Section 1 shall not apply to duly authorized promotions, provided the resulting new starting salary shall not exceed the parting salary of the previous retiring or terminating employee held within a two-year calendar period in advance of said promotion. If the vacated position occurred more than two calendar years before the 2016 promotion, the current ordinance prescribing the promotion shall apply. Effective January 1, 2016, said promoted employee shall not be eligible for any subsequent wage increases pursuant to Section 1.

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance #8 by virtue of the copy before each member of Council. Any remarks on that amendment? Hearing none, by voice vote, again 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 #8 as amended.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #8 as amended. Any remarks?

LEADER MORRIS: Mr. President.

PRESIDENT SCHULMAN: Leader.

LEADER MORRIS: Uh, I would like to thank the Law Director and the other elected officials for joining Council in sponsoring this piece of legislation.

PRESIDENT SCHULMAN: Thank you, Leader. Any other remarks? 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 AMENDED AS ORDINANCE NO. 250/2015

PRESIDENT SCHULMAN: Ordinance #8 as amended has adopted. Ordinance #9, please.

#9. (3RD RDG) **ADOPTED AS ORDINANCE NO. 251/2015** 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;

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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)

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 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.

#9 ADOPTED AS ORDINANCE NO. 251/2015

PRESIDENT SCHULMAN: Ordinance #9 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

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

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Chairman Hawk.

MEMBER HAWK: Thank you, good sir. The Finance Committee will meet Monday, December 28th, at 6:45 P.M. We will be discussing Ordinance... or excuse me, Item No. 1 on the agenda. Item 2 I will be invoking rule 44(C) which permits... which permits the chairman of the committee to call a com... of the committee to call a committee meeting at a later date. I'm asking that the only thing delaying this will be the... I will be then asking for amendments to come down that were requested in regards, and the one is Communication 424. If those amendments come down and are in Council's hands, I will then call a committee meeting and we will discuss that whole budget and... and amendments.

PRESIDENT SCHULMAN: Thank you, Chairman Hawk.

MEMBER HAWK: That should give us adequate time. Thank you, sir.

PRESIDENT SCHULMAN: Thank you.

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: We're now under Miscellaneous Business. Is there any? Member West.

MEMBER WEST: Mr. President, I'd just like to thank Mr. DiGiacomo for the pizzelles and the rum cake in the back. We really appreciate that. Thank you.

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PETE DIGIACOMO: Thank my wife.

MEMBER WEST: Well, thank her too. Merry Christmas.

PRESIDENT SCHULMAN: Thank you, Member West. Any other Miscellaneous Business? Leader.

MEMBER MORRIS: Yes. Pete, thank you very much for the coal. (*Laughter*) And I'm not buying that just like Richard's not buying a new tie. So, motion to adjourn.

MEMBER SMITH: Second.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas. Merry Christmas, everyone.

PRESIDENT SCHULMAN: Thank you, Madame Clerk. Merry Christmas, everyone. Have a safe holiday and a joyous one. (*Gavel falls*) Meeting is adjourned.

ADJOURNMENT TIME: 7:43 P.M.

ATTEST:
CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

APPROVED:
ALLEN SCHULMAN
PRESIDENT