

MINUTES OF THE MEETING DECEMBER 11, 2017

PRESIDENT SCHULMAN: Good evening, Ladies and Gentlemen. Welcome to Canton City Council. It's good to see all of you here. This'll be, I think, a relatively brief meeting, but with a quorum being present, Chair calls this meeting of Canton City to order. Roll call vote please, Mr. Clerk.

ROLL CALL TAKEN BY CLERK DOUGHERTY:

12 COUNCIL MEMBERS PRESENT: (FRANK MORRIS, CHRIS SMITH, JAMES BABCOCK, TOM HARMON, BILL SMUCKLER, GREG HAWK, NATHANIEL CHESTER, JASON SCAGLIONE, ROBERT FISHER, KEVIN HALL, JOHN MARIOL & EDMOND MACK)

TWELVE COUNCIL MEMBERS PRESENT

CLERK DOUGHERTY: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you. Uh, tonight's invocation will be given by our good friend and my good friend, and... uh, Tom Harmon. This is his... uh, one of his last meetings. So we're gonna miss you a lot, a great deal. So with that if you'll all stand and remain standing for our Pledge of Allegiance.

The regular meeting of Canton City Council was held on December 11, 2017 at 7:00 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council David Dougherty. The invocation was given by At-Large-Council Member, Tom Harmon. The Pledge of Allegiance was led by President Schulman.

PRESIDENT SCHULMAN: Thank you again, Member Harmon. We're gonna miss you, I can tell you that.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Um, we're under... uh, we're now under Agendas and Corrections and Changes. Leader. Leader. Leader, we're now under Agggggg... Agenda Corrections and Changes.

MEMBER MORRIS: Sorry, Mr. President. Mr. President, I move Rule 22A be suspended to add 2nd Readings Ordinances #4 through 8.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add Second Reading, Ordinances 4 through 8 to this evening's agenda. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Thank you. Rule 22A is suspended and the Ordinances 4 through 8 are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: Turning now to Public Hearings. We have no Public Hearings this evening.

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PRESIDENT SCHULMAN: We turn to Old Business. We have no Old Business this evening.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: Turning to Public Speaks. We have no... it's sort of amazing, no Public Speaks.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: Turning to Informal Resolutions. We have no Informal Resolutions.

COMMUNICATIONS

PRESIDENT SCHULMAN: Turning to Communications. 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 DECEMBER 11, 2017.

454. AUDITOR MALLONN: REQ FOR ADDT'L AMENDED CERTIFICATE DATED 11/30/17. - RECEIVED & FILED
455. AUDITOR MALLONN: MTHLY RPT BY FUND FOR 11/1/17 THRU 11/30/17. - RECEIVED & FILED
456. AUDITOR MALLONN: YRLY RPT BY FUND FOR 1/1/17 THRU 11/30/17. - RECEIVED & FILED
457. CLERK DOUGHERTY: (2) OBJECTIONS TO 2018 LIQUOR PERMIT RENEWALS. - JUDICIARY COMMITTEE
458. COUNCIL-AT-LARGE BABCOCK: REQ LEGISLATION TO AMEND CHAPTER 1312, GENERAL CONSTRUCTION, OF THE COD ORD. - JUDICIARY COMMITTEE
459. COURT ADMIN. KOCHERA: REQ CREATION OF #2799 JUSTICE REINVESTMENT GRANT-PRETRIAL SERVS WITHIN JUDGES ADMINISTRATION ORGANIZATION 701001 AND ACCEPTANCE OF INITIAL APPROP OF \$285,301.00 (\$285,301.00 INITIAL APPROP FR UNAPPROP BALANCE #2799 - 701001 JUSTICE REINVESTMENT GRANT-PRETRIAL SERVICES TO PERSONNEL #2799 - 701001 JUSTICE REINVESTMENT GRANT-PRETRIAL SERVICES). - FINANCE COMMITTEE
460. DEPUTY MAYOR WILLIAMS: REQ MAYOR AND/OR SERV DIR BE GRANTED PERMISSION TO ENTER INTO ECONOMIC GROWTH INITIATIVE PROG WITH STOLLE MACHINERY PURSUANT TO O#248/2014; AUTHORIZE AND DIRECT AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
461. FINANCE DIRECTOR CROUSE: AMEND APPROP O#41/2017 (\$59,474.70 SUPP APPROP FR

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UNAPPROP BAL OF 2789 2012 COPS HIRING PROG GRANT FUND TO 2789 102001 POLICE ADMIN - OTHER; \$59,474.70 FR UNAPPROP BAL OF 1001 GENERAL OPERATING FUND TO 1001 102001 POLICE ADMIN - OTHER; \$59,474.70 INTER-FUND TRF FR 1001 102001 POLICE ADMIN - TRANSFER OUT TO 2789 102001 POLICE ADMIN - TRANSFER IN); EMERGENCY. - FINANCE COMMITTEE

462. FINANCE DIRECTOR CROUSE: AMEND APPROP O#41/2017 (\$24,237.68 APPROP TRF FR 1001 101001 SAFETY DIRECTOR ADMIN - PERSONNEL, \$68,097.33 APPROP TRF FR 1001 102001 POLICE - ADMIN - PERSONNEL, \$13,000.00 APPROP TRF FR 1001 102040 POLICE - VICE - PERSONNEL, \$59,145.73 APPROP TRF FR 1001 102050 POLICE - PATROL- PERSONNEL, \$3,532.32 APPROP TRF FR 1001 102070 POLICE TRAINING - PERSONNEL, \$15,867.40 APPROP TRF FR 1001 102080 POLICE - TRAFFIC - PERSONNEL, \$15,000.00 APPROP TRF FR 1001 102501 SCHOOL POLICE ADMIN - PERSONNEL, \$80,119.54 APPROP TRF FR 1001 103501 CENTRAL COMMUNICATION ADMIN - PERSONNEL TO 1001 103001 FIRE ADMIN - PERSONNEL - \$279,000.00; \$100.00 APPROP TRF FR 5410 201001 SERVICE DIRECTOR ADMIN - PERSONNEL TO 5410 202020 URBAN FORESTRY - PERSONNEL; \$676.50 ADDT'L APPROP FR UNAPPROP BAL OF FUND 2353 SWIMMING POOL TO 2353 301001 HEALTH - ADMIN - PERSONNEL; \$25,000.00 APPROP REDUCTION FR 1153 501001 MAYOR - ADMIN - OTHER TO UNAPPROP BAL OF FUND 1153 HISTORIC ONESTO PROJ LOAN FUND; \$47,406,130.64 APPROP REDUCTION FR 5442 206054 WRF PHOSPHORUS (CONSTRUCTION) - OTHER TO UNAPPROP BAL OF FUND 5442 WRF PHOSPHORUS PROJ FUND; \$809,689.62 APPROP REDUCTION FR 7502 801001 AUDITOR - ADMIN - OTHER TO UNAPPROP BAL OF FUND 7502 PAYROLL CLEARING FUND) . - FINANCE COMMITTEE
463. MAYOR BERNABEI: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO AGMT WITH CANTON COMMUNITY IMPROVEMENT CORPORATION (CCIC) TO ACCEPT DONATION OF PROPERTIES CURRENTLY HELD BY CCIC (FORD PROPERTY). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
464. SERVICE DIRECTOR BARTOS: LTR ADVISING COUNCIL OF CITY'S EMERGENCY CONTRACTUAL PROCEDURES REGARDING WATER MAIN BREAK ON PERRY DRIVE SW IN PERRY TOWNSHIP. - RECEIVED & FILED
465. TREASURER PEREZ: RPT OF PARKING METER REV FOR NOV 2017. - RECEIVED AND FILED
466. TREASURER PEREZ: RPT OF DEPOSITS AND PAY INS FOR AMBULANCE LOCK BOX FOR NOVEMBER 2017. - RECEIVED AND FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING.

PRESIDENT SCHULMAN: Turning now to First Reading Ordinances and Ordinances for their First Reading. Mr. Clerk, would you please begin with #1.

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

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- #1. (1ST RDG) AN ORDINANCE ADOPTING TEMPORARY APPROPRIATIONS FOR THE OPERATING AND CAPITAL EXPENDITURES OF THE CITY OF CANTON, OHIO, FOR FISCAL YEAR 2018; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #2. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE STARK COUNTY PUBLIC DEFENDER COMMISSION FOR THE PROVISION OF LEGAL SERVICES TO INDIGENTS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #3. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO RECEIVE THE 2017 COPS HIRING PROGRAM GRANT IN THE ESTIMATED AMOUNT OF \$1,000,000; AUTHORIZING THE AUDITOR TO CREATE THE 2784 2017 COPS HIRING GRANT FUND; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We are now under Ordinances and Formal Resolutions for their Second Reading. Mr. Clerk, would you please begin with (*coughs*)... excuse me, Ordinance 4.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK DOUGHERTY TO READ ORDINANCES #4 THROUGH #8 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #4. (2ND RDG) AN ORDINANCE PROVIDING FOR THE ISSUANCE OF A NOTE BY THE CITY OF CANTON IN ANTICIPATION OF THE COLLECTION AND PAYMENT OF INCOME TAXES, GENERAL PROPERTY TAXES, AND MISCELLANEOUS OTHER SOURCES TO THE CITY OF CANTON; DECLARING THE NECESSITY OF THE ISSUANCE OF SAID NOTE PROCEEDS WHICH WILL BE USED FOR THE PAYMENT OF CURRENT EXPENDITURE AND OPERATION EXPENSES; AMENDING APPROPRIATION ORDINANCE NO. 41/2017; AND DECLARING THE SAME TO BE AN EMERGENCY (\$2,000,000.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 801001 ANTICIPATORY NOTE - OTHER)
- #5 (2ND RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$4,160.00 TO HABITAT FOR HUMANITY EAST CENTRAL OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY (DEMO OF GARAGE @ 2241 16TH ST NE)
- #6 (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 41/2017;

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AND DECLARING THE SAME TO BE AN EMERGENCY (\$500,000.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL OPERATING FUND TO 1001 801001 AUDITOR - ADMIN - OTHER; \$500,000.00 INTER FUND TRF FR 1001 801001 AUDITOR - OTHER TO 6017 201001 SERVICE DIRECTOR - OTHER)

#7 (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 41/2017; AND DECLARING THE SAME TO BE AN EMERGENCY (\$30,000.00 SUPP APPROP FR UNAPPROP BAL OF 6023 COMPENSATED ABSENCE CLAIM FUND TO 6023 801001 AUDITOR - ADMIN - PERSONNEL)

#8 (2ND RDG) AN ORDINANCE SUSPENDING AUTOMATIC WAGE INCREASES FOR ALL CITY MANAGEMENT AND NON-BARGAINING UNIT PERSONNEL AND ELECTED OFFICIALS FOR 2018; AND DECLARING THE SAME TO BE AN EMERGENCY (*Note: Clerk Dougherty reads "2017" instead of "2018"*)

MEMBER MORRIS: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER MORRIS: Clerk misread that. That was 2018.

CLERK DOUGHERTY: 2018; declaring the same to be an emergency, on Ordinance 8. Thank you.

PRESIDENT SCHULMAN: Thank you. Any other comments?

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Turning now to Ordinances and Formal Resolutions for their Third and Final Reading and Vote. Mr. Clerk, would you begin please with Ordinance #9.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK DOUGHERTY TO READ THE FOLLOWING ORDINANCES #9 THROUGH #10 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

#9. (3RD RDG) ***POSTPONED UNTIL 12/18/17 AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO EXECUTE A DEVELOPMENT AGREEMENT, AN OPERATIONS & MAINTENANCE AGREEMENT, AND ALL OTHER NECESSARY AGREEMENTS RELATED TO THE JOHNSON CONTROLS HALL OF FAME VILLAGE; AND DECLARING THE SAME TO BE AN EMERGENCY***

PRESIDENT SCHULMAN: Leader.

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

MEMBER SMITH: Second.

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

MEMBER MORRIS: Mr. President, I move we postpone Ordinance 9 until 12/18/2017.

PRESIDENT SCHULMAN: Its' been move... (*Inaudible voices*)

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to postpone Ordinance #9 till the 18th. Is that correct?

MEMBER SMITH: Yes.

PRESIDENT SCHULMAN: Any remarks? Hearing none, by voice vote all those in favor signify by saying aye. Those opposed no.

NO REMARKS

POSTPONEMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. Motion carries. (*Coughs*)... excuse me. Turning now to 19. Or, I'm sorry, 9.

CLERK DOUGHERTY: 10. Ordinance #10.

MEMBER SMITH: 10.

PRESIDENT SCHULMAN: Ordinance #10.

#10. (3RD RDG) **ADOPTED AS ORDINANCE NO. 269/2017** AN ORDINANCE AMENDING SECTION 509.04 OF PART FIVE - GENERAL OFFENSES CODE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (NOISE ORDINANCE)

PRESIDENT SCHULMAN: I was doing so well too. Leader.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #10. Any remarks?

MEMBER MACK: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER MACK: Uh, just for purposes of the record, as I indicated during our Committee Meeting. Um,

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I've been involved with some neighborhood meetings that impacted and actually provided part of the... the Genesis of this Ordinance. Um, however, as... and as I have indicated during Committee Meetings, and this was assigned to the Judiciary Committee, there is a client of my law firm that may im... be impacted by this. While I do not perform any work on behalf of this client, and therefore wouldn't legally require my abstention from this vote, just out of an abundance of caution I will be abstaining from this vote. Thank you.

PRESIDENT SCHULMAN: Thank you very much. Any other remarks? Leader. Did we... I thought we did it.

LEADER MORRIS: Yeah, all we... he's got to roll call. I'm waiting on him.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS, 1 ABSTENTION
(MEMBER MACK ABSTAINED)

CLERK DOUGHERTY: Eleven yeas, one abstention.

#10 ADOPTED AS ORDINANCE NO. 269/2017

PRESIDENT SCHULMAN: Motion carries. Ordinance #10 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: Turning now to Announcements of Committee Meetings.

MEMBER MARIOL: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER MARIOL: Finance Committee will be meeting Monday, December 18th. We're gonna meet at 6:00. We're gonna have a Finance Presentation along with that. Thank you.

PRESIDENT SCHULMAN: Alright, thank you. Any other remarks?

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER SMITH: Uh, CD will meet Wednesday, December the 13th, at 5:30. CD will also meet on the 18th... are you sure 6:00 will allow us enough time? So why don't we say 5:30. CD will meet at 5:30 on the 18th.

PRESIDENT SCHULMAN: Thank you, Leader. Any other remarks?

CLERK DOUGHERTY: Member Morris, Claim Committee.

MEMBER MORRIS: Uh, Claims Committee has not been determined.

LAW DIRECTOR MARTUCCIO: Mr. Majority Leader.

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MEMBER MORRIS: Law Director.

LAW DIRECTOR MARTUCCIO: If we could tentatively announce one. Um, again, because it should be done before the end of the year. I'm just not sure if it meets the threshold yet. But if it does, we'll... we'll have the notice we need for you and the Mayor and the... and the Finance Chair and the Law Director to meet along with a member or two of the Law Department on a... uh, pending litigation. If we determine that it doesn't meet the threshold and it doesn't have to come with the Claims... Claims Committee, I will contact each of the Members and the Clerk to let you know that we won't need the Claims Committee. But, again, in an effort not to have to call a special meeting, get it done before the end of the year. It's an abundance of caution. Thank you.

MEMBER MORRIS: Okay. Claims Committee will meet at 4:45 on the 18th. Or 5... wait, you called 5:30, right?

MEMBER SMITH: 5:30.

MEMBER MORRIS: You called 5:30. 5:15.

PRESIDENT SCHULMAN: You want to just reiterate that one more time.

MEMBER MORRIS: Claims Committee will meet at 5:15 on 12/18/2017.

PRESIDENT SCHULMAN: Thank you very much.

MEMBER MORRIS: Back in that back room.

PRESIDENT SCHULMAN: Any other remarks?

MISCELLANEOUS BUSINESS

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

CLERK DOUGHERTY: Yes, Mr. President.

PRESIDENT SCHULMAN: Yes. Wait.

LAW DIRECTOR MARTUCCIO: Thank you, thank you. I'm sorry to interrupt. Mr. President, Members of Council, I just wanted to go on the record saying what I said earlier off the record, and that is thank you all very much, Members of Council, Clerk, Staff, some of the members out there like Mr. DiGiacomo, for... for all your kindness, your good wishes, your lovely floral arrangement, your great cards and messages. It meant a lot. Um, you know, I didn't have to undergo something as dangerous or as risky as... as Member Smuckler and some of the rest of you have, but it wasn't exactly a walk in the park. So it really meant a lot, and... and I wanted to say thank you, thank you, thank you so much for that. I do appreciate it. And I wasn't here last week to officially say good bye to Service Director Bartos, but I wanted to echo some of the remarks that I know some of you made, including the Mayor and I know Majority Leader, Clerk Dougherty, Member Mack, some of you. I echo all those things. He was a joy to work with, incredibly hard working and bright. He showed great leadership and coordination and lent his many, many talents to the City, and he will be missed.

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So, thank you.

PRESIDENT SCHULMAN: Thank you. Any other remarks?

QUOTE FOR THE WEEK

CLERK DOUGHERTY: This is... uh, Mr. President.

PRESIDENT SCHULMAN: Yes.

CLERK DOUGHERTY: This is a Christmas quote for you.

PRESIDENT SCHULMAN: Christmas quote.

CLERK DOUGHERTY: By Leslie "Less" Dawson, Jr., *"My mother-in-law has come round to our house at Christmas seven years running. This year we're having a change. We're going to let her in."* (Laughter)
Thank you, Mr. President.

PRESIDENT SCHULMAN: You're welcome. Leader, that was a tough... a tough act to follow, but if anybody can follow it, you can.

MEMBER MORRIS: Yeah, it actually sounded like I came up with that. So, I don't know who that lady was or the person that quoted it, but obviously knew my mother-in-law, both of them, the first one and the second one. Move to adjourn.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: Motion to adjourn. Leader. Or, it's not Leader. You are a Leader. You're my... our Leader.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

PRESIDENT SCHULMAN: Meeting's adjourned. Be careful, everyone. Have a wonderful week. (*Gavel falls*).

ADJOURNMENT TIME: 7:15 P.M.

ATTEST: December 12, 2017

APPROVED:

DAVID R. DOUGHERTY
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT