

**MINUTES OF THE MEETING JANUARY 13, 2020**

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:*

12 COUNCIL MEMBERS PRESENT: (WILLIAM SMUCKLER, JAMES BABCOCK, CHRISTINE SCHULMAN, GREG HAWK, BRENDA KIMBROUGH, JASON SCAGLIONE, CHRIS SMITH, ROBERT FISHER, KEVIN HALL, JOHN MARIOL, PETER FERGUSON & FRANK MORRIS)

TWELVE COUNCIL MEMBERS PRESENT.

CLERK DOUGHERTY: Twelve present.

---

PRESIDENT SHERER: Tonight's invocation will be given by At-Large Council Member, James Babcock. If you would all please stand and remain standing for the Pledge of Allegiance.

*The regular meeting of Canton City Council was held on January 13, 2020 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 was given by James Babcock, At-Large Council Member. The Pledge of Allegiance was led by President Sherer.*

PRESIDENT SHERER: Thank you, Member Babcock.

**AGENDA CORRECTIONS & CHANGES**

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

MEMBER SMUCKLER: Mr. President, I move Rule 22A be suspended to add 2<sup>nd</sup> Reading of Ordinances 5 through 10, 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 of Ordinances 5 through 10, to this evening's agenda. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinances 5 through 10 are a legal part of your agenda.

**PUBLIC HEARINGS**

PRESIDENT SHERER: We are now under Public Hearings and we have no Public Hearings for this evening.

**MINUTES OF THE MEETING JANUARY 13, 2020**

**OLD BUSINESS**

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

**PUBLIC SPEAKS**

PRESIDENT SHERER: We are now under Public Speaks and we have no speakers for tonight.

**INFORMAL RESOLUTIONS**

PRESIDENT SHERER: We are now under Informal Resolutions and we have two for this evening. Mr. Clerk, would you please read Resolution #8, by title.

#8. MAJORITY LEADER SMUCKLER: AUTHORIZE AND DIRECT SAF DIR TO OPEN ONE OR MORE PURCH ORDERS IN TOTAL AMT NOT TO EXCEED \$30,508.80 FOR PURCH OF 2020 FORD RANGER FR LIBERTY FORD LINCOLN CANTON, LLC FOR BLDG DEPT. - ADOPTED

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #8.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Informal Resolution #8. Are there any remarks? ...Hearing none, by voice vote all those in favor signify by saying aye. Those opposed, no.

NO REMARKS RESOLUTION #8 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it, the motion carries and Resolution #8 is adopted. Informal Resolution #9, please.

#9. PERSONNEL COMMITTEE: CONFIRM MAYOR'S APPT OF JIM GRIFFIN TO TREE COMMISSION COMMENCING 1/13/20 TO 12/31/21 ADOPTED

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #9.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Informal Resolution #9. Are there any remarks? ...Hearing none, by voice vote all those in favor signify by saying aye. Those opposed, no.

NO REMARKS RESOLUTION #9 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it, the motion carries and Resolution #9 is adopted.

**MINUTES OF THE MEETING JANUARY 13, 2020****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 JANUARY 13, 2020.***

20. APPLICANT, WILLIAM LOGAN, JR.: REQ VACATION OF PORTION OF ROSALYN AVE SW FOR RWP LEASING, LLC (WARD 5). - PLANNING COMMISSION
21. DEPT OF COMMERCE (OHIO): DECISION DENYING D-5 LIQUOR PERMIT TRF FOR R BAR & GRILL, LLC, D.B.A. R BAR & GRILL AT 918 CHERRY AVE NE (WARD 2). - RECEIVED & FILED
22. DEPUTY MAYOR WILLIAMS: APPROVE AMENDED AGMT BETWEEN CITY AND CANTON COMMUNITY IMPROVEMENT CORP (CCIC) ORIGINALLY AUTHORIZED IN O#244/88. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
23. DEPUTY MAYOR WILLIAMS: AUTHORIZE CONVEYANCE OF CITY OWNED PROPERTY NO LONGER NEEDED FOR PUBLIC PURPOSES TO CCIC (ARTHUR J. CIRELLI BLDG, 630 30<sup>TH</sup> ST NW). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
24. DEPUTY MAYOR WILLIAMS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO FUNDING AGMT WITH CANTON REGIONAL CHAMBER OF COMMERCE IN AMT OF \$175,000.00 FOR PURPOSES OF ADVANCING, ENCOURAGING AND PROMOTING INDUSTRIAL, ECONOMIC, COMMERCIAL AND CIVIC COMMUNITY DEVELOPMENT. - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES
25. FINANCE DIRECTOR CROUSE: AUTHORIZE AND DIRECT AUDITOR TO PAY ANY AND ALL MORAL OBS FOR DELL MARKETING LP EXPENSES RESULTING PRIOR TO PASSAGE OF ORD; RETRO AUTHORIZE ANY AND ALL ACTIONS TAKEN IN ORDER TO ENSURE THAT SAID MORAL OBS ARE GPD IN TIMELY MANNER; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS (COMPUTERS FOR LAW DEPT & CIVIC CTR). - FINANCE COMMITTEE
26. FINANCE DIRECTOR CROUSE: AUTHORIZE AND DIRECT AUDITOR TO PAY ANY AND ALL MORAL OBS FOR OARNET EXPENSES RESULTING PRIOR TO PASSAGE OF ORD; RETRO AUTHORIZE ANY AND ALL ACTIONS TAKEN IN ORDER TO ENSURE THAT SAID MORAL OBS ARE PD IN TIMELY MANNER; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS (HIGH SPEED INTERNET IN INNOVATION DISTRICT). - FINANCE COMMITTEE
27. FINANCE DIRECTOR CROUSE: REQ \$530,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER WORKS OPERATING FUND TO 5201 207046 44<sup>TH</sup> ST NW WATER MAIN REPL

**MINUTES OF THE MEETING JANUARY 13, 2020**

PROJ - OTHER AND \$100,000.00 SUPP APPROP FR UNAPPROP BAL OF 4501 CAPITAL PROJECTS FUND TO 4501 206006 COLLECTION SYSTEM DEPT - OTHER. - FINANCE AND PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES

28. LAW DIRECTOR BATES AYLWARD: AMEND CHAPTER 110 (PUBLIC RECORDS) OF CANTON CODIFIED ORD. - JUDICIARY COMMITTEE
29. LIQUOR CONTROL DIV (OHIO): REQ TRF OF C1, C2 PERMIT FR SAMMY 636 LLC, D.B.A. B&B DRIVE THRU 2 TO CHRYSAL OTIS, D.B.A. B&B DRIVE THRU 2 AT 636 CHERRY AVE NE (WARD 2). - RECEIVED & FILED
30. MAYOR BERNABEI: AUTHORIZE 2% COST OF LIVING RAISE FOR MGMT AND NON-BARGAINING UNIT EMPLOYEES RETRO TO 1/1/20. - FINANCE COMMITTEE
31. MAYOR BERNABEI: APPROVE CREATION OF DOWNTOWN CANTON COMMUNITY ENTERTAINMENT DISTRICT (CED). - DOWNTOWN DEVELOPMENT AND COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEES
32. SAFETY DIRECTOR PERRY: AUTHORIZE BLDG DEPT TO OPEN PURCH ORDER TO LIBERTY FORD LINCOLN CANTON LLC IN AMT OF \$30,508.80 FOR PURCH OF 2020 FORD RANGER. - PUBLIC PROPERTY CAPITAL IMPROVEMENT AND FINANCE COMMITTEES
33. SERVICE DIRECTOR HIGHMAN: AUTHORIZE MAYOR AND/OR SERV DIR TO EXECUTE PROF SERV CONTRACT WITH ARCADIS TO DEVELOP WATER DISTRIBUTION SYSTEM HYDRAULIC MODEL; REQ \$324,571.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207066 WATER DISTRIBUTION SYSTEM HYDRAULIC MODEL PROJ - OTHER; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE AND ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEES
34. SERVICE DIRECTOR HIGHMAN: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO PROF SERV CONTRACT WITH ENVIRONMENTAL DESIGN GROUP (EDG) FOR DESIGN OF MARKET AVE S STREETScape PROJ, GP 1319 IN AMT OF \$49,279.00; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; RETRO AUTHORIZE ANY AND ALL ACTIONS TAKEN PRIOR TO COMPLETION OF SAID CONTRACT IN ORDER TO ADV PROJ. - FINANCE AND PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES

**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:***

**MINUTES OF THE MEETING JANUARY 13, 2020**

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO ENTER INTO A FOUR YEAR PROFESSIONAL SERVICES AGREEMENT WITH JULIAN & GRUBE, INC. IN AN AMOUNT NOT TO EXCEED \$25,400.00 ANNUALLY; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING CHAPTER 515, FAIR HOUSING OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON  
Referred to Judiciary Committee
- #3. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$34,540.00 TO GOVERNMENTJOBS.COM, INC. DBA NEOGOV; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- #4. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$6,990.00 TO THE OHIO TREASURER OF STATE; AND DECLARING THE SAME TO BE AN EMERGENCY (MARCS SYSTEM)  
Referred to Finance Committee

CLERK DOUGHERTY: Mr. President.

**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 #5.

***NOTE: PRESIDENT SHERER CALLED UPON CLERK DOUGHERTY TO READ ORDINANCES #5 THROUGH #10 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS: (ORDINANCE # 10 ADOPTED)***

- #5. (2<sup>ND</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF LOTS 8817, 8818 AND 8819; AND DECLARING THE SAME TO BE AN EMERGENCY (1317 AND 1309 FULTON RD NW FOR MICHAEL AND MONICA MCAFEE AND ETHEL KING (PARCELS 219739 AND 229148, WARD 1)
- #6. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE CENTRAL ALLIED ENTERPRISES-COLUMBUS ROAD NE ANNEXATION AREA CONTAINING APPROXIMATELY 10.304 ACRES, MORE OR LESS; ASSIGNING SAID TERRITORY AS I-1 LIGHT INDUSTRIAL; AND DECLARING THE SAME TO BE AN EMERGENCY (WARD 6)

MINUTES OF THE MEETING JANUARY 13, 2020

- #7. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AGREEMENT FOR AND ACCEPT \$14,562 IN GRANT FUNDS FROM THE OHIO BUREAU OF WORKERS' COMPENSATION OHIO LAW ENFORCEMENT BODY ARMOR PROGRAM FOR FISCAL YEAR 2020 BULLETPROOF VEST PARTNERSHIP; AND DECLARING THE SAME TO BE AN EMERGENCY
- #8. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE OR DIRECTOR OF PUBLIC SAFETY TO APPLY FOR, ENTER INTO AGREEMENT FOR, AND RECEIVE FUNDS FROM MULTIPLE POTENTIAL FUNDING SOURCES FOR VARIOUS CITY PROJECTS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #9. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE APPROPRIATE APPOINTING AUTHORITY, DURING CALENDAR YEAR 2020, TO SELL CITY OWNED PERSONAL PROPERTY WHICH IS NOT NEEDED FOR PUBLIC USE, OR IS OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED, BY INTERNET AUCTION PURSUANT TO ORC 721.15(D); AND DECLARING THE SAME TO BE AN EMERGENCY
- #10. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 4/2020** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONSTRUCTION CONTRACT FOR THE AULTMAN CANCER CENTER PUBLIC UTILITIES RELOCATION PROJECT; GP 1324; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we suspend the Statutory Rules on Ordinance #10.

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 1 ABSTENTION  
(MEMBER FERGUSON ABSTAINED)

CLERK DOUGHERTY: Eleven yeas, one abstention, Mr. President.

PRESIDENT SHERER: You've heard the three readings, Leader Smuckler.

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

**MINUTES OF THE MEETING JANUARY 13, 2020**

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #10. Are there any remarks under this Ordinance? ...Hearing none, roll call vote please, Mr. Clerk.

NO REMARKS

ROLL CALL 10 YEAS, 2 ABSTENTIONS  
(MEMBERS MARIOL & FERGUSON ABSTAINED)

CLERK DOUGHERTY: Ten yeas, two abstentions, Mr. President.

**#10 ADOPTED AS ORDINANCE NO. 4/2020**

PRESIDENT SHERER: Ordinance #10 has been adopted.

**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 and there are no Third Readings for this evening.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

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

MEMBER MARIOL: Mr. President.

PRESIDENT SHERER: Member Mariol.

MEMBER MARIOL: Finance will meet in Council Chambers January 27<sup>th</sup> at 6:30.

PRESIDENT SHERER: Thank you.

MEMBER SCHULMAN: Mr. President.

PRESIDENT SHERER: Member Schulman.

MEMBER SCHULMAN: Um...Judiciary will meet same time, same place.

PRESIDENT SHERER: Thank you.

MEMBER KIMBROUGH: Mr. President, Public Safety & Thoroughfares

CLERK DOUGHERTY: No...

MEMBER KIMBROUGH: ...will meet at the same time, same place. *(Inaudible)*.

PRESIDENT SHERER: Member Kimbrough, I don't think that there was no need...I don't think there was a need to call that Committee. *(Inaudible)*.

**MINUTES OF THE MEETING JANUARY 13, 2020**

**MISCELLANEOUS BUSINESS**

PRESIDENT SHERER: We are now under Miscellaneous Business. Is there any Miscellaneous Business for this evening? I do have one thing...if everybody tonight...you know...for the last fifteen months that I've been Council President, um...Pete DiGiacomo, which is ...I'm sure Pete's been coming to meetings a lot longer than I've been here, but if everybody could keep Pete in your prayers. Yeah, Pete's having a tough time right now, so...if you could do that, it would be greatly appreciated...so... Is there any other Miscellaneous Business for this evening? Clerk Dougherty, our quote for the week please.

CLERK DOUGHERTY: *"The true measure of a man is not how he behaves in moments of comfort and convenience but how he stands at times of controversy and challenges. - Martin Luther King, Jr.*

PRESIDENT SHERER: Leader Smuckler.

MEMBER SMUCKLER: Mr. President, this may be a record and 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 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

PRESIDENT SHERER: This meeting is adjourned. Thank you for coming this evening. *(Gavel falls)*.

ADJOURNMENT TIME: 7:10 PM

ATTEST:

APPROVED:

DAVID R. DOUGHERTY  
CLERK OF COUNCIL

WILLIAM SHERER, II  
PRESIDENT