

**FINAL  
A G E N D A  
7:30 PM**

CANTON CITY COUNCIL

DECEMBER 19, 2016

**ROLL CALL:** Twelve Members Present

**MOTION TO EXCUSE MEMBERS:** Not Necessary

**INVOCATION:** Pastor David Morgan

**PLEDGE OF ALLEGIANCE:** President Schulman

**AGENDA CORRECTIONS & CHANGES:** (Suspended Rule 22A to add 1<sup>st</sup> Rdg O#1 - O#4; add 2<sup>nd</sup> Rdg O#5 - O#10; O#1 - O#4 Adopted on 1<sup>st</sup> Rdg; O#8 & O#9 Adopted as Amended on 2<sup>nd</sup> Rdg; O#10 Adopted on 2<sup>nd</sup> Rdg; O#11 Adopted as Amended)

**PUBLIC HEARINGS:**

7:30 P.M. AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; (300 BLOCK OF KASPER ST. NE, FROM R 1-A (SINGLE FAMILY RESIDENTIAL) TO R-3 (GARDEN & TOWNHOUSE APARTMENT DISTRICT) IN WARD 6; 9<sup>TH</sup> ST SW AND CAMDEN AVE SW FROM I-1 (LIGHT INDUSTRIAL DISTRICT) TO R-4 (MULTI-FAMILY RESIDENTIAL DISTRICT) IN WARD 5; 600 BLOCK OF LINWOOD AVE SW FROM R-1A (SINGLE FAMILY RESIDENTIAL) AND B-3 (GENERAL BUSINESS DISTRICT) TO R-4 (MULTI-FAMILY RESIDENTIAL) IN WARD 3 PLANNING COMMISSION RECOMMENDING APPROVAL) (NO SPEAKERS) \_\_\_\_\_ **O#261/2016**

**OLD BUSINESS (PUBLIC SPEAKS):** Reviewed Pending Issues from Public Speaks

**PUBLIC SPEAKS (CITY BUSINESS):** David Baker, President/Executive Director of the Hall of Fame, wanted to thank Council for their support. He said he moved to Canton three years ago and brought with him pictures that showed what they wanted to do with the HOF. Today they've raised about \$200 million for HOF Village, which will now be called Johnson Controls HOF Village and it will create jobs and opportunity. He spoke about the intellectual capital, which he believes will make this the first smart sports and entertainment city in the world. He assured Council and the administration that he and his team are not only committed to the project, but also to making the connection between downtown Canton and the HOF Village. John Stone commended Mr. Baker for thinking big and believing in the dream. He appreciated the idea of a smart city and think we should believe in connections beyond our awareness and that we need to come together and hear each other. He supplied Council with a brief summary of his vision for Nimisilla Park. He believes the park is in a state of transition and thinks we should make a commitment to it. He also expressed his appreciation for Member West and wished him well in his new position with the State as Representative of the 49<sup>th</sup> District. Aimee Schlernitzaver also wanted to congratulate her mentor, Thomas West, on his thirteen years of service to Ward 2. She mentioned that during her time as a Field Representative on Member West's campaign she learned a great deal about the city of Canton. Jody Bragg (Spurrier) wanted to thank all of Council and the administration for what they do on a daily basis. She also wanted to specifically thank Member West for his service. She was a part of "Team West" and believes their team had a lot of passion which helped to get Member West elected. She said that Member West always said that you cannot surround yourself with negativity and expect positive results and believes that this speaks to his heart, on a daily basis. Leonard Stevens, President of the Stark County Minority Business Association, spoke on behalf of the 50 business members in thanking Member West for his help in establishing the Stark County Minority Business Assistance Center, located at the Southeast Community Center. He also thanked Member West for his help with the Greater Stark County Martin Luther King, Jr. Commission and helping them to make an impact in Stark County.

**INFORMAL RESOLUTIONS:**

- |     |                      |                                                                                                                                              |
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| 69. | COUNCIL-AS-A-WHOLE:  | CONGRATULATING BAKER'S CAFÉ '33 ON THEIR SUCCESSFUL RE-OPENING OF A CANTON LANDMARK. - ADOPTED                                               |
| 70. | COUNCIL-AS-A-WHOLE:  | SUPPORTING THE EHDCC CANTON APARTMENTS CHARITABLE CORPORATION'S HOUSING TAX CREDIT APPLICATION TO THE OHIO HOUSING FINANCE AGENCY. - ADOPTED |
| 71. | PERSONNEL COMMITTEE: | RECOMMENDATION OF APPOINTMENT OF DAVID R. DOUGHERTY AS CLERK OF COUNCIL. - ADOPTED                                                           |

**COMMUNICATIONS:**

- |      |                              |                                                                                                                                                                                            |
|------|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 463. | COURT ADMINISTRATOR KOCHERA: | COURT CAPITAL/SPECIAL PROJECTS FUND REPORT FOR 2017. - RECEIVED & FILED                                                                                                                    |
| 464. | COURT ADMINISTRATOR KOCHERA: | MUNICIPAL PROBATION SERVICES FUND REPORT FOR 2017. - RECEIVED & FILED                                                                                                                      |
| 465. | DEPUTY MAYOR WILLIAMS:       | AUTHORIZE MR. ROLLIN SEWARD TO RECEIVE TEN (10) DAYS OF VACATION PER YEAR BEGINNING 2017, UNTIL CITY ACCRUED TIME CORRELATES WITH APPLICABLE CITY VACATION SCHEDULE. - PERSONNEL COMMITTEE |
| 466. | MAYOR BERNABEI:              | REQ AUTHORIZATION TO RE-APPT MS. MAUREEN AUSTIN TO TREE COMMISSION COMMENCING 3/1/17 - 12/31/18. - PERSONNEL COMMITTEE                                                                     |
| 467. | MAYOR BERNABEI:              | REQ AUTHORIZATION TO RE-APPT MS. LOIS ELLIS TO TREE COMMISSION COMMENCING 3/1/17 - 12/31/18. - PERSONNEL COMMITTEE                                                                         |
| 468. | MAYOR BERNABEI:              | REQ AUTHORIZATION TO RE-APPT MS. PATRICIA KIRK TO TREE COMMISSION COMMENCING 3/1/17 - 12/31/18. - PERSONNEL COMMITTEE                                                                      |

**COMMUNICATIONS CONTINUED:**

469. PARK DIRECTOR GORDON: AUTHORIZE CANTON PARK COMM TO MAKE NECESSARY PURCH IN AMT NOT TO EXCEED \$70,000.00 TO COMPLETE BATHROOM REPLACEMENT PROJ IN STADIUM PARK; AUTHORIZE PARKS & REC DIR TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO CONTRACT FOR PURCH OF ONE (1) RESTROOM UNIT; AUTHORIZE PARKS & REC DIR TO ENTER INTO CONTRACT FOR PURCH DESCRIBED VIA ANY COOP PURCH AGMT AUTHORIZED BY LAW; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. - PARKS & RECREATION AND PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES
470. PARK COMMISSIONER SLIMAN: AUTHORIZE CANTON PARK COMM TO ENTER INTO AGMT WITH J. BABE STERN COMMUNITY CENTER (JBSC) TO PROVIDE FUNDING FOR REC SERVICES AT JBSC; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. - FINANCE AND PARKS & RECREATION COMMITTEES
471. PARK COMMISSIONER SLIMAN: AUTHORIZE CANTON PARK COMM TO ENTER INTO PROF SERVS AGMT FOR MGT OF EDWARD "PEEL" COLEMAN COMMUNITY CENTER WITH YMCA OF CENTRAL STARK CO; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. - FINANCE AND PARKS & RECREATION COMMITTEES
472. PLANNING COMMISSION: REQ CITY WIDE ZONE CHANGE OF APPROX 5.7 ACRES ON HARVARD AVE NW - AT ROUTE 62 - PARCELS 284873, 280680, AND 280678 - CS TO R-4 IN WARD 7; APPROX .12 ACRES AT 1525 HENRY AVE SW - PARCEL 201012 - R-1 TO R-1A IN WARD 5; APPROX .42 ACRES ON 4<sup>TH</sup> ST NE AND WARNER RD NE - PARCELS 211607, 211608, 284909, 284918, 284910, 284911, & 284912 - R-1A TO OS INI WARD 4; APPROX .85 ACRES ON BELLFLOWER AVE SW AND WEST TUSCARAWAS ST. - PARCELS 202509, 234681, 244892, & 214105 - PB-3 & R-4 TO B-3 IN WARD 3. - JUDICIARY COMMITTEE
473. SAFETY DIRECTOR PERRY: AUTHORIZE AUDITOR, ON BEHALF OF CITY OF CANTON, TO RENAME FUND 2770 TO THE 2016 LOCAL SOLICITATION BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT; MAKE \$36,572.50 SUPP APPROP FR UNAPPROPRIATED BAL 2770 - 2016 LOCAL SOLICITATION BYRNE GRANT TO 2770 102001 POLICE ADMIN - OTHER. - FINANCE COMMITTEE
474. SERVICE DIR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO CONTRACT FOR PURCH OF THREE (3) SMALL SPORT UTILITY VEHICLES AND ONE (1) PASSENGER VAN FOR WATER RECLAMATION FACILITY; ALTERNATIVELY AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT FOR PURCH DESCRIBED VIA ANY COOP PURCH AGMT AUTHORIZED BY LAW; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE COMMITTEE
475. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CHANGE ORDER NO. 1 WITH PROFESSIONAL SERVICE INDUSTRIES, INC. IN AMT OF \$7,490.00 FOR DESIGN, ENGINEERING, CONTRACT ADMIN, AND OTHER PROF SERVS FOR THE SERVICE CENTER BUILDING C ROOF REPAIR/REPLACEMENT PROJECT; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE COMMITTEE
476. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO ALL CONTRACTS, AGMTS, ETC. WITH ENERVEST OPERATING, LLC, AS CONTRACT OPERATOR AND AGENT FOR CGAS PROPERTIES, L.P., OR ANY OTHER NECESSARY ENTITIES IN ORDER TO CHANGE THE CITY'S INTEREST IN TEN (10) OIL AND GAS WELLS FR A "WORKING INTEREST" TO A "ROYALTY INTEREST"; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE COMMITTEE

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:**

**(COUNCIL RECESSED AT 7:57 P.M. FOR THE COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE TO DISCUSS O#1; RECONVENED AT 8:00 P.M.)**

- 253/2016** 1. AUTHORIZE MAYOR TO ENTER INTO COLLABORATION AGMT WITH BOARD OF STARK CO COMM, CITY OF ALLIANCE, CITY OF MASSILLON, AND STARK METRO HOUSING AUTHORITY FOR FY 2019-2023 ASSESSMENT OF FAIR HOUSING; EMERGENCY  
Referred to Community & Economic Development Committee

**(COUNCIL RECESSED AT 8:00 P.M. FOR THE FINANCE COMMITTEE TO DISCUSS O#2; RECONVENED AT 8:06 P.M.)**

- 254/2016** 2. SUSPEND AUTOMATIC WAGE INCREASES FOR ALL CITY MGT AND NON-BARGAINING UNIT PERSONNEL AND ELECTED OFFICIALS FOR 2017; EMERGENCY  
Referred to Finance Committee

**(COUNCIL RECESSED AT 8:06 P.M. FOR THE PUBLIC PROPERTY CAPITAL IMPROVEMENT AND FINANCE COMMITTEE TO DISCUSS O#3 AND O#4; RECONVENED AT 8:10 P.M.)**

- 258/2016** 3. AUTHORIZE MAYOR OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO CONSTRUCTION CONTRACT FOR 38<sup>TH</sup> ST NW WATER MAIN REPLACEMENT AND ROADWAY RECONSTRUCTION PROJ, GP 1240; AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO PROF SERVS CONTRACT FOR CONSTRUCTION ENGINEERING SERVS, ENTER INTO AGMT(S) WITH CANAAN PROP, LLC, FOR PURCH OF TWO EASEMENTS AND ENTER INTO AGMT(S) FOR AND RECEIVE GRANT FUNDS IN AMT OF \$900,000.00 AND ZERO PERCENT INT LOAN FUNDS IN AMT OF \$600,000.00 FR OHIO PUBLIC WORKS COMM; AUTHORIZE AUDITOR TO ESTABLISH 4582 38<sup>TH</sup> ST NW WATER MAIN REPLACEMENT AND ROADWAY RECONSTRUCTION PROJ, GP 1240 FUND; AMEND ORDINANCE ADOPTING TEMP APPROP FOR OPERATING AND CAPITAL EXPENDITURES OF CITY OF CANTON FOR FISCAL YEAR 2017; EMERGENCY  
Referred to Public Property Capital Improvement and Finance Committees

- 255/2016** 4. AMEND EXHIBIT A OF O#168/2016; EMERGENCY (MAHONING RD NE CORRIDOR PROJ, PHASE 2, G.P. 1103, PID 90365, RIGHT-OF-WAY ACQUISITION AUTH)  
Referred to Public Property Capital Improvement Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**

**(SUSPENDED RULE 22A TO ADD 2<sup>ND</sup> RDG O#5 - O#10; O#8 & O#9 ADOPTED AS AMENDED; O#10 ADOPTED)**

- 2<sup>ND</sup> RDG** 5. AUTHORIZE CANTON TO ANNEX TERRITORY KNOWN AS PILOT ANNEXATION AREA CONTAINING APPROX 17.5163 ACRES; ASSIGN SAID TERRITORY TO WARD 4; ZONING SAID TERRITORY AS B-4 (SPECIAL BUSINESS); EMERGENCY **PUB HRG 1/9/17 @ 7:30 P.M.**  
(ANNEX)

- 2<sup>ND</sup> RDG** 6. AUTHORIZE CANTON TO ANNEX TERRITORY KNOWN AS TRUMP SCHOOL ANNEXATION AREA CONTAINING 10.726 ACRES; ASSIGN SAID TERRITORY TO WARD 4; ZONING SAID TERRITORY AS I-1 (LIGHT INDUSTRIAL); EMERGENCY **PUB HRG 1/9/17 @ 7:31 P.M.**  
(ANNEX)

- 2<sup>ND</sup> RDG** 7. CONSIDER & APPROVE PETITION FOR RENEWAL OF OPERATING ASSESSMENT OF DOWNTOWN CANTON SPECIAL IMPROVEMENT DISTRICT; EMERGENCY (SID) \_\_\_\_\_ (DTWN DEV & FIN)

**AMENDED AS**

- 256/2016** 8. AMEND APPROP O#44/2016; EMERGENCY (\$18,285.00 SUPP APPROP FR UNAPPROP BAL OF 3011 GENERAL OBLIGATION DEBT FUND TO 3011 801001 GENERAL OBLIGATION DEBT - OTHER) (FIN)

**AMENDED AS**

- 257/2016** 9. ADOPT TEMP APPROPS FOR OPERATING & CAPITAL EXPENDITURES OF CITY OF CANTON FOR FISCAL YR 2017; EMERGENCY \_\_\_\_\_ (FIN)

- 259/2016** 10. AUTHORIZE MAYOR OR SERV DIR, OR THEIR DESIGNEES, TO ENGAGE IN ALL OFFICIAL ACTIONS NECESSARY TO APPROP ESTATES AND/OR INTERESTS IN PROPERTIES DESCRIBED IN EXHIBIT A FOR PURPOSES DESCRIBED THEREIN, IN FURTHERANCE OF CONSTRUCTION OF MAHONING RD NE CORRIDOR PROJ, PHASE 2, GP 1103; EMERGENCY (FIN & PPCI)

**ORDINANCES & FORMAL RESOLUTIONS FOR THIRD/FINAL READING & VOTE:****AMENDED AS**

- 260/2016** 11. DECLARE DESIGNATED AREA OF CITY OF CANTON AS TOURISM DEVELOPMENT DISTRICT FOR PURPOSE OF FOSTERING AND DEVELOPING TOURISM IN THAT DISTRICT; PURSUANT TO ORC SEC 715.014; EMERGENCY \_\_\_\_\_ **PUB HRG 10/31/16 @ 7:32 P.M. & 11/7/16 @ 7:30 P.M.**

- 261/2016** 12. AMEND O#55/77, AS AMENDED, KNOWN AS CITY OF CANTON ZONING ORDINANCE; EMERGENCY (CITYWIDE: 3000 BLOCK OF KASPER ST NE - WARD 6 - PARCEL NO. 306265 FR R-1A (SINGLE FAMILY RESIDENTIAL) TO R-3 (GARDEN & TOWNHOUSE APARTMENT DISTRICT); 9<sup>TH</sup> ST. SW & CAMDEN AVE SW - WARD 5 - PARCEL NOS. 205703, 244602, 208263, 214865, 204900, 205706, AND 205699 FR I-1 (LIGHT INDUSTRIAL DISTRICT) TO R-4 (MULTI-FAMILY RESIDENTIAL DISTRICT); 600 BLOCK OF LINWOOD AVE. SW, WARD 3 - PARCEL NOS. 214110, 214111, 214112, 214113, 214114, 241785, 218240, AND 218241 FR R-1A (SINGLE FAMILY RESIDENTIAL) AND B-3 (GENERAL BUSINESS DISTRICT) TO R-4 (MULTI-FAMILY RESIDENTIAL DISTRICT) **PUB HRG 12/19/16 @ 7:30 P.M.**

**ORDINANCES & FORMAL RESOLUTIONS FOR THIRD/FINAL READING & VOTE CONTINUED:**

- 262/2016** 13. PROVIDE FOR ISSUANCE OF NOTE BY CITY OF CANTON IN ANTICIPATION OF COLLECTION AND PAYMENT OF INCOME TAXES, GENERAL PROP TAXES, AND MISC OTHER SOURCES TO THE CITY OF CANTON; DECLARING NECESSITY OF ISSUANCE NOTE PROCEEDS WHICH WILL BE USED FOR PAYMENT OF CURRENT EXPENDITURES AND OPER EXPENSES; EMERGENCY
- 263/2016** 14. AUTHORIZE MAYOR, AS CEO OF CITY OF CANTON, TO SUBMIT APP TO U.S. DEPT OF HOUSING & URBAN DEV AND TO RECEIVE FUNDS FR THE 2016 ENHANCED ED & OUTREACH PARTNERSHIP GRANT FOR FAIR HOUSING; AUTHORIZE AUDITOR TO CREATE 2217 2016 PARTNERSHIP GRANT FUND; EMERGENCY

**ANNOUNCEMENT OF COMMITTEE MEETINGS:** None

**MONDAY, January 9, 2016 in Council Caucus Room at 6:30 PM**  
**WATER DEPARTMENT PRESENTATION - TYLER CONVERSE**

**MISCELLANEOUS BUSINESS:** Member Hawk wanted to recognize Dave Motz, who spent his entire career with the Hall of Fame and is soon retiring. Member Dougherty stated that he would be sending his letter of resignation from City Council to City Council and other departments in the next two days, effective at the end of the year. Member Mariol thanked Kellen Showes for his service as Clerk of Council and commended him for the technology changes that he made to the office. Member Dougherty also stated that he would miss Kellen and thanked him for his service as Clerk of Council. Law Director Martuccio commended the administration, the private sector, and Council for their efforts and vision with regards to the HOF Village. He also thanked Karen and Pete DiGiacomo for their gift of pizzelles to the administration and Council. He thanked Kellen Showes for his diligence and fresh eyes as the Clerk of Council. He thanked Dave Motz and wished him the best. He also thanked Member West for bringing his enthusiasm, smile, energy, and devotion to Council and congratulated him on his win as the 49<sup>th</sup> District State Representative. President Schulman announced that on January 9<sup>th</sup> there will be a Water Department presentation which would take approximately a half hour. Member Morris spoke to Member West and Member Dougherty regarding their last night serving as Councilman. He congratulated Member West and said it was a pleasure working with him. He said he would watch over Nimisilla Park until they figure out who his replacement is. He informed Member Dougherty that he was now his boss! He also wished Kellen Showes the best of luck and told him to make us proud in Columbus. Member Smith congratulated Member West and told him to always keep the lines of communication open. She also wished Kellen Showes the best of luck and told him that she always enjoyed talking to him. Member Smuckler asked Member West to introduce his family and spoke about their first meeting. He believes Member West will do a wonderful job in Columbus. He thanked Kellen Showes and told Councilman Dougherty that he would reserve his remarks for him until the first of the year when they talk about his leaving. Member West thanked all members of Council and the administration individually, mentioning various memories that they've shared regarding legislation and other things.

**ADJOURNMENT:** 8:51 P.M.

**NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, JANUARY 9, 2017 @ 7:30 PM**