

**MINUTES OF THE MEETING MARCH 28, 2016**

PRESIDENT SCHULMAN: Good evening... good evening, ladies and gentlemen. Welcome to Canton City Council. With a quorum being present, the Chair calls this meeting of Canton City Council to Order. Roll call vote please, Mister Clerk.

*ROLL CALL TAKEN BY CLERK SHOWES:*

11 COUNCIL MEMBERS PRESENT: (FRANK MORRIS, CHRIS SMITH, JAMES BABCOCK, TOM HARMON, GREG HAWK, THOMAS WEST, JASON SCAGLIONE, KEVIN FISHER, DAVID DOUGHERTY, JOHN MARIOL & EDMOND MACK)

ELEVEN COUNCIL MEMBERS PRESENT. (MEMBER SMUCKLER ABSENT)

CLERK SHOWES: We have eleven present, sir, and one absent.

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**EXCUSING MEMBERS**

PRESIDENT SCHULMAN: Thank you. Leader, we have eleven present tonight.

MEMBER MORRIS: Mr. President, I move we excuse Member Smuckler from tonight's meeting.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to excuse Member Smuckler from this evening's meeting. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, sir.

PRESIDENT SCHULMAN: Motion carries and Member Smuckler is excused from this evening's meeting. I know he's a little under the weather, or in the weather, one of those two. (*Laughter*) We'll have our invocation tonight given by Ward 7 Council Member, John Mariol. Will you all please stand and remain standing, please, for our Pledge of Allegiance.

*The regular meeting of Canton City Council was held on March 28, 2016 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council, Kellen Showes. The invocation was given by Ward 7 Council Member, John Mariol. The Pledge of Allegiance was led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: We're now under Agenda Corrections and Changes, Leader.

MEMBER MORRIS: Mr. President, I move Rule 22A be suspended to add 2<sup>nd</sup> Readings Ordinances #4 through and include #10.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to Suspend Rule 22A to add 2<sup>nd</sup> Reading

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Ordinances 4 through 10 to this evening's agenda. Any remarks? Hearing none, Madame Clerk... I'm sorry, Mister Clerk, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, sir.

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

**PUBLIC HEARINGS**

PRESIDENT SCHULMAN: Turning now to Public Hearings, we have none this evening.

**OLD BUSINESS**

PRESIDENT SCHULMAN: Turning to Old Business, we have no old business this evening.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: We're now under Public Speaks. We have three speakers this evening. Our first speaker is... our first speaker is Nick, I apologize, Mussulin? Mr. Mussulin, good evening, apologize for misspeaking your name. If you'll step forward though, sir, and give us your name and your residential address, please.

NICK MUSSULIN: Yes, good evening. My name is Nick Mussulin. I reside at 4120 Logan Ave NW in Canton.

PRESIDENT SCHULMAN: Welcome.

NICK MUSSULIN: Thank you.

PRESIDENT SCHULMAN: Proceed, please.

NICK MUSSULIN: Mr. Mayor, Members of Council, Canton Officials, I appreciate the opportunity to address this distinguished panel. I am, however, concerned about what may be a rumor only at this time. During the past several weeks much has been written and discussed about an impending issue that will permit the consumption of alcohol in designated areas downtown, which I fully support. However, I recently learned about a condition attached to this issue that disturbs me greatly. As I understand it, one of the conditions will require restaurant and bar owners to purchase from the Canton Chamber of Commerce specially designed plastic containers to be used for consumption of all alcoholic beverages to be consumed outdoors. Each establishment will be required to pick up these containers prior to First Friday, for example, then will also be required to charge a one dollar fee for the use of these containers per beverage served. One beer, add a dollar to the price of the beer. One vodka tonic, add a dollar to the drink. Then each business will be required to pay the Chamber, I assume, one dollar for each container used (*inaudible*) which will be desig... which will be deposited in a certain designated city fund. Because another condition of the issue prohibits a customer from bringing alcohol into any establishment, a specially designed container may not be brought into any business and must then be discarded. A bit wasteful and not really a positive (*inaudible*). I completely understand why would not... why one would not be permitted to bring a beverage from one business to another, however forcing an establishment to require a drinking fee, for lack of a better word, for each beverage simply... served simply lacks any form of

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good business acumen. In my opinion this condition is redolent of small town, narrow minded governmental mentality and contrary to ordinary business practice. It appears to be so disingenuous for whatever rationale you could think about, and would most certainly insult a significant number of downtown visitors who probably will, one, purchase fewer beverages or, two, think twice before coming downtown to a Canton sponsored event. That's not the worst part. Consider the following, Joe Sixpack realized he could pay three bucks for his beer, and now he's gonna pay four bucks for it. Nancy Nighttime just paid four fifty for a scotch and tonic or scotch and water, now she has to pay five fifty. But these people are pretty smart. Joe Sixpack will go to his truck, fill his container with beer, (*inaudible*) losing money. Nancy Nighttime will take a flask out of her purse, put a little gin in her glass, continue on her way. Gentlemen, ladies, nobody wants, nobody wins except for Joe and Nancy. Why would you want to penalize customers? Why would you want to take business away from businesses downtown that are already having trouble keeping their cash registers ringing? Why would you want to nickel and dime people? Why would you even consider such an anti-business police? And please don't talk about the cost of cleanup. At a buck a cup you're not gonna sell very many of them. Um, there's times... I know my time is running out here. It's time someone begins to think of Canton as a business, not just a government agency. You are a business and you have lots of competition. Look at Akron. Hell, even look at Massillon. Both downtowns are livelier than Canton. If Canton is to prosper you better not put all your eggs in the Hall of Fame basket. You should be thinking about outside the box, more like a business and less like a government body. My name is running out and I thank you for yours. (*Applause*)

PRESIDENT SCHULMAN: Thank you very much, sir. Appreciate it. Thank you. Our next speaker is Eugene Fete. Mr. Fete. (*Brief pause*) Did I mispronounce his... another name? I hope not. Uh, Henry Preston then. Mr. Preston. Can you hear my out there?

HENRY PRESTON: It's hard. (*Laughter*)

PRESIDENT SCHULMAN: (*Raises his voice*) Henry Preston!

HENRY PRESTON: Thank you. That sounds much better.

PRESIDENT SCHULMAN: Good evening, Mr. Preston. As always, welcome to Canton City Council. Did Eugene Fete hear my name? Or hear his name? Okay. Go ahead. Thank you, sir.

HENRY PRESTON: Yes, my name is Henry Preston. I live at 326 31<sup>st</sup> St. NW, Canton. This evening I'm here to talk about what I consider some foolish spending on the part of this Council that was here last year. And... and that's... you new guys aren't exempt. A lot was talked about spending over a million dollars on the Kresge lot, and I think that's a bit foolish. I thought it was at the time it was brought up. I know it's still in the plan to spend lots of money down there. But we still have a crime problem in Canton. A lot of people don't want to recognize that. Over there on Harmont a lady got beat up pretty bad, that's not downtown. I used to live on Market Avenue up in the 1700 hundred block. I used to walk downtown all the time. I know what went on downtown back 2004, 2009, and so I went to the police department and got some service reports on just one business, that's that Rite Aid store at 227 Market Avenue North, and I asked for the police service calls for the last eight years. There were 95 that were generated from 2007 to 2014. In looking through this I found it was kind of interesting, the last two years, 2015-2014, 2015 had sixteen service requests, 2014 had seventeen service requests. Well that's back kinda like when the old mayor took over. 2007 there was thirteen service requests. 2008 there was twelve requests. And then it went down significantly. 2011 went to ten, 2012 at seven, and 2013 is four. Now it jumped up. Now the point of the conversation is if the city can't get their act together to keep it safe downtown, and I say act together because I have seen... I know a lot of things that go on there that's

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never reported, and I think the city needs to concentrate on making that area safe before you spend any... any kind of money at all. Thank you. (*Applause*)

PRESIDENT SCHULMAN: Thank you. As always, thank you very much, sir, for coming down. And that concludes Public Speaks.

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: We're now under Informal Resolutions, we have one this evening. Mister Clerk, would you please begin with Resolution #36.

#36. COUNCIL-AS-A-WHOLE: RECOGNIZING SAM SLIMAN, JOHN RINALDI, JR. AND DEREK GORDON FOR THEIR EFFORTS IN LEADING THE PASSAGE OF ISSUE 5, THE PARKS AND RECREATION LEVY. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Informal Resolution #36.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Informal Resolution 36. Any remarks?

MEMBER MORRIS: Mr. President, can we have that read please.

PRESIDENT SCHULMAN: Yes, please.

CLERK SHOWES: **Whereas**, on March 15, 2016 Canton voters overwhelming approve Issue 5, the five mill, five year Parks and Recreation Levy which will fund the continued operations of the Parks and Recreation Departments and permit their future merger; and **Whereas**, the passage of Issue 5 was nothing short of miraculous in the scope and size of the victory, turning a 1026 vote defeat in November 2015 into a 4887 vote victory in March, 2016; and **Whereas**, the Levy campaign was a community wide effort which harnessed business and labor partnerships, media, social media, recreational and park advocates and organizations into one cohesive voice and effort; and **Whereas**, special credit goes to the leadership roles of Samuel J. Sliman, John R. Rinaldi, Jr. And Derek Gordon in fundraising, voter education, and the running of a superlative campaign, without which Issue 5 would not have passed; and **Whereas**, the passage of Issue 5 was critical to Canton City Government and our General Fund, as well as the quality of life of our citizens and youth; and **Whereas**, Canton City Council, the Mayor, and all residents of our city owe a debt of gratitude to all those who supported this effort, and especially Sam Sliman, John Rinaldi, Jr. and Derek Gordon for their leadership and unending support of Issue 5. **Now, Therefore, Be It Resolved That:** We, the Members of Council of the City Canton do hereby go on record commending **Samuel J. Sliman, John R. Rinaldi, Jr. and Derek Gordon** for their efforts in leading the passage of Issue 5, the Parks and Recreation Levy.

PRESIDENT SCHULMAN: Motion and second. Is that correct? Any remarks? (*Inaudible voice*) Sure, let's do that. All those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #36 PASSED UNANIMOUSLY BY VOICE VOTE

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PRESIDENT SCHULMAN: The ayes have it. The motion carries. Leader.

MEMBER MORRIS: Alright, gentlemen, up front. *(Applause)* Guys, I know it isn't much, but we really wanted to publicly recognize you for all your hard work for bailing out our community. Derek, J.R., I've known that this has been your passion for years. We had these conversations before I was even on City Council, to somehow bring the community together, merge our Parks and Rec, and with the help of Sam and your hard work you guys have made that a reality. Things are only going to be better for Parks and Recreation and our children and our youth baseball program. But, we really take our hats off to you guys. I mean, you did an outstanding job. We're so proud of you, and I know that J.R., you say it over and over and over again, it's the community, but every time the community goes in the right direction we always have to have somebody leading. You guys did that, and we appreciate it, and thank you.

SAM SLIMAN: Thank you, Leader. *(Applause)*

MEMBER MORRIS: One of you guys gotta say something.

SAM SLIMAN: I'd just like to briefly thank the Administration, specifically the Mayor and all City Council for their wonderful support. All of you contributed in one way or the other, and it was a systematic effort that... that we were... that we won this levy and that it won by such a large margin. I also would like to thank someone who's here tonight, not for this, but for I think the Comprehensive Plan, but the Chamber of Commerce and Denny Saunier who was the first person I called outside the city to ask for his help, and he was the first person who gave us help. So, Denny, thank you very much. You're very kind and we'll always remember you for that. Thank you all. *(Applause)*.

PRESIDENT SCHULMAN: Thank you very much, gentlemen, for your hard work. It certainly was appreciated and the community certainly appreciates it.

**COMMUNICATIONS**

PRESIDENT SCHULMAN: We now... We return to Communications. Let the journal show that all Communications have been 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 MARCH 28, 2016.***

133. CANTON WATER WORKS: ANNUAL REPORT FOR 2015. - RECEIVED & FILED
134. COUNCIL MEMBER DOUGHERTY: REQ WITHDRAWAL OF COMM #128 FROM 3/14/16 AGENDA. - RECEIVED & FILED
135. LIQUOR CONTROL DIVISION (OHIO): REQ TRAN OF D1 PERMIT FROM HAMLIN COFFEE CO LLC DBA HAMLIN COFFEE TO BUZZBEAN LLC DBA BUZZBEAN @ 309 CLEVELAND AVE NW 1<sup>ST</sup> FLR ONLY. - RECEIVED & FILED
136. MAYOR BERNABEI: ADVISING OF APPT OF MARK CROUSE TO CABINET POSITION OF FINANCE DIRECTOR. - RECEIVED & FILED

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137. SAFETY DIRECTOR PERRY: AUTHORIZE SAF DIR TO APPROPRIATE UNAPPROP BAL OF \$50,472.16 INTO POLICE DONATION FUND #2776 ON BEHALF OF CPD REC'D AS DONATIONS IN MEMORY OF K-9 JETHRO. - FINANCE COMMITTEE

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: Turning now to First Reading Ordinances We are now under First Reading Ordinances and Formal Resolutions for their First Reading. Mister Clerk, would you please begin with Ordinance #1.

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

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO PLAIN TOWNSHIP; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENTS(S) FOR THE EXTENSION OF SAID WATER MAIN; AND DECLARING THE SAME TO BE AN EMERGENCY (LOT #103 WOODCREST AVE NE)  
Referred to Environmental & Public Utilities Committee

***(COUNCIL RECESSED AT 7:47 P.M. FOR THE COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES TO DISCUSS ORDINANCES NO. 2 AND 3; RECONVENED AT 7:51 P.M.)***

- #2. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 49/2016** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADOPT THE CITY'S TWO NEIGHBORHOOD REVITALIZATION STRATEGY AREAS (NRSA) AS BLIGHTED AREAS; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- #3. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 50/2016** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$19,250.00 TO ALBORN EXCAVATING LLC; AND DECLARING THE SAME TO BE AN EMERGENCY (RETAINING WALL @ FENTON AVE NE AND 4<sup>TH</sup> ST NE)  
Referred to Finance Committee

PRESIDENT SCHULMAN: Right. You're now in recess.

PRESIDENT SCHULMAN: Thank you, Chairman. Council will then reconvene after its recess. Leader. (*Brief pause*) We're suspending Rule 22A, are we not?

MEMBER MORRIS: I'm sorry.

PRESIDENT SCHULMAN: That's alright.

MEMBER MORRIS: Mr. President, I move we suspend Rule 22A to place Ordinances #2 and 3 back on this evening's agenda.

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MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's a miracle when I'm somewhat ahead of you. Believe me. So, it's been moved and seconded to suspend Rule 22A to place Ordinances 2 and 3 back on this evening's agenda. Any remarks? If not, hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, sir.

PRESIDENT SCHULMAN: Thank you. Motion carries. Ordinances 2 and 3 are a legal part of your Agenda. Leader Morris.

MEMBER MORRIS: Mr. President, I move we suspend the Statutory Rule for Ordinance #2.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rule for Ordinance 2. Any remarks? Hearing none again, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, sir.

PRESIDENT SCHULMAN: You've heard the three readings.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #2.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #2. Any remarks? Again, hearing none, Madame... Mister Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, sir.

**#2 ADOPTED AS ORDINANCE NO. 49/2016**

PRESIDENT SCHULMAN: Ordinance 2 then is adopted. We now move to Ordinance 3, yes.

MEMBER MORRIS: Mr. President.

PRESIDENT SCHULMAN: Ordinance #3. I'm sorry, before we begin, can you people hear me in the audience at all? Okay. I apologize, I keep getting... I don't know what I can do to make this any louder (*taps on microphone*).

CLERK SHOWES: Try holding the button down.

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PRESIDENT SCHULMAN: Pardon? Well, I'm looking for it, but I don't see it. But I've only done this for twelve years, so...

CLERK SHOWES: This right... hold it... hold it down.

PRESIDENT SCHULMAN: That's better. We're now under Ordinance #3.

MEMBER MORRIS: Mr. President, I move we suspend the Statutory Rule on Ordinance #3, please.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rule for Ordinance #3. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, sir.

PRESIDENT SCHULMAN: Thank you. Motion carries. Leader, you've heard the three readings.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #3.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #3. Any remarks under this Ordinance? Again hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, sir.

**#3 ADOPTED AS ORDINANCE NO. 50/2016**

PRESIDENT SCHULMAN: Thank you. Ordinance #3 is adopted.

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: Moving now to Ordinances for the Second Reading. Please begin with the next Ordinance, please.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK SHOWES TO READ ORDINANCE #4 THROUGH ORDINANCE #10 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (O#10 ADOPTED ON 2<sup>ND</sup> READING):***

- |     |                       |   |
|-----|-----------------------|---|
| #4. | (2 <sup>ND</sup> RDG) | AN ORDINANCE AMENDING AND UPDATING CHAPTER 539 OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON (PARKS)             |
| #5. | (2 <sup>ND</sup> RDG) | A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE PILOT ANNEXATION AREA, |

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THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE TO RECONCILE INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

- #6. (2<sup>ND</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 23336-23341; AND DECLARING THE SAME TO BE AN EMERGENCY (2400 BLOCK 25<sup>TH</sup> ST NE, HABITAT FOR HUMANITY, WARD 9)
- #7. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO: ENTER INTO A COOPERATIVE AGREEMENT WITH THE COUNTY OF STARK, OHIO AND THE STARK COUNTY SHERIFF TO SHARE THE COSTS; MAINTENANCE, AND USAGE OF THE 800 MEGAHERTZ MIXED MODE TRUNK SIMULCAST SMARTZONE RADIO SYSTEM; ENTER INTO VARIOUS AGREEMENTS WITH VARIOUS OUTSIDE AGENCIES, PUBLIC ENTITIES, ETC., THE COUNTY OF STARK, OHIO, AND/OR THE STARK COUNTY SHERIFF TO LEASE SPACE ON THE SHARED RADIO SYSTEM; AND TO ENTER INTO VARIOUS AGREEMENTS WITH THE COUNTY OF STARK, OHIO AND/OR THIRD PARTIES FOR THE MAINTENANCE AND UPKEEP OF THE SHARED RADIO SYSTEM; AND DECLARING THE SAME TO BE AN EMERGENCY
- #8. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CHANGE ORDERS NO. 4 THROUGH NO. 9 IN THE AMOUNT OF \$93,355.27 WITH CENTRAL-ALLIED ENTERPRISES, INC. FOR THE 12<sup>TH</sup> STREET NORTH CORRIDOR PROJECT, PID 85299, GP 1098; AND DECLARING THE SAME TO BE AN EMERGENCY
- #9. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 259/2015; AND DECLARING THE SAME TO BE AN EMERGENCY (\$69,709.00 FR UNAPPROP BAL OF 2770 2015 BYRNE MEMORIAL GRANT FUND TO 2770 2015 BYRNE MEMORIAL GRANT-OTHER)
- #10. (2<sup>ND</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 51/2016** AN ORDINANCE AMENDING ORDINANCE NO. 9/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$1,798,815.33 SUPP APPROP FR UNAPPROP 7509 CASH BALANCE TO 7509 101501 CODE ENFORCEMENT ADMIN - OTHER; \$30,000.00 APPROP TRF FR 2160 202210 - OTHER, \$41,493.00 FR 2160 505010 - PERSONNEL, \$4,300.00 FR 2160 505010 - OTHER TO 2160 101501 - OTHER - \$75,793.00)

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we suspend the Statutory Rule for Ordinance #10.

MEMBER SMITH: Second.

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PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rule for Ordinance #10. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, sir.

PRESIDENT SCHULMAN: Thank you. Motion carries. You've heard the three readings, 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 MORRIS: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER MORRIS: I move we amend Ordinance #10 per a copy all Council Members have in front of them.

MEMBER SMITH: Second.

Amendment

*Pursuant to Rule 36, I move to amend the new proposed "Section 2" under pending Section 1 of Agenda Item No. 10 by changing the appropriation Ordinance No. From "259/2015" to "44/2016."*

PRESIDENT SCHULMAN: It's been moved and seconded that you amend Ordinance 10 by virtue of the copy before each Member of Council. Any remarks? 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. Leader.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #10, as amended. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, sir.

**#10 ADOPTED AS AMENDED AS ORDINANCE NO. 51/2016**

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PRESIDENT SCHULMAN: Thank you. Ordinance #10, as amended then, has been adopted.

**ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING**

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

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK SHOWES TO READ ORDINANCE #11 THROUGH ORDINANCE #17 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

#11. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 52/2016** AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,500,000 FOR THE PURPOSE OF PAYING THE COST OF ACQUIRING, CONSTRUCTING, RECONSTRUCTING AND IMPROVING CITY BUILDINGS, INCLUDING, WITHOUT LIMITATION, THE REPLACEMENT OF THE CITY HALL ROOF, THE CIVIC CENTER ROOF AND IMPROVEMENTS TO OTHER CITY FACILITIES

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #11.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #11. Any remarks? Hearing none...

MEMBER MACK: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER MACK: Thank you.

PRESIDENT SCHULMAN: Member Mack.

MEMBER MACK: I.. I did just for the benefit of the record want to ensure some of my comments are included on the record on this issue and those comments are these. We all care in this city about hiring local firms, local businesses, local suppliers, and I think we do a good job in doing that. And, for whatever reason in the city's... since I've been on City Council we've not had the same focus on ensuring that we use city businesses when we hire our legal counsel to do our bond work. And I.. I know as this body knows, which is for the benefit of those who may not follow this as closely as I do, you know, obviously we have a fantastic law department, but when it comes to the issuance of municipal bonds or city debts that is something that is very, very complicated, and it takes a specialist to serve as our attorneys, this horseshoe's lawyers, to make sure we follow the procedures and do it appropriately when we pass an ordinance such as Ordinances 11 through 15. The first no vote I had every cast on Canton City Council was on February 6, 2012, and that was because we'd not looked at local firms in performing these legal services for us. That was the first no vote I've ever cast here. And today as we sit here over four years later we've still not evaluated as part of our due diligence whether this work can be performed

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locally. Now, in conversations I've had with the Mayor, and we have a new Administration now, and, you know, there's... there's a different commitment within our Administration to perform this analysis and I appreciate that very much from our Mayor. We have to pass these tonight because if we don't we can have some serious repercussions, but I've said this privately to the Administration and to many others, I will never vote for a municipal bond issue again unless I'm satisfied that we are doing our job and doing the due diligence necessary that local firms can perform this work. So with that, Mr. President, thank you.

PRESIDENT SCHULMAN: Thank you very much, Member Mack. Any other remarks? Hearing note, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 1 NAY  
(MEMBER MACK VOTED NAY)

CLERK SHOWES: We have ten yeas, sir, and one nay.

**#11 ADOPTED AS ORDINANCE NO. 52/2016**

PRESIDENT SCHULMAN: Ordinance #11 is adopted. Ordinance #12 please.

#12. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 53/2016** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 259/2015; AND DECLARING THE SAME TO BE AN EMERGENCY (\$3,500,000.00 SUPP APPROP FR UNAPPROP BAL OF 4504 2015 CONSTRUC/RECONSTRUC NOTE FUND TO 4504 201001 - OTHER) (CITY HALL AND CIVIC CENTER ROOF BOND)

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #12.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #12. Any remarks? Leader.

MEMBER MORRIS: Mr. President, I move we amend Ordinance #12 per a copy all Council Members have in front of them.

MEMBER SMITH: Second.

Amendment

*Pursuant to Rule 36, I move to amend the caption and Section 1 of Agenda Item No. 12 to change the Appropriation Ordinance No. from "259/2015" to "44/2016."*

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt #12 by virtue of the amendment before each Member of Council. Any remarks? 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.

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MEMBER MORRIS: Mr. President, I move we adopt Ordinance #12, as amended.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #12, as amended. Any remarks under this as amended? Hearing none...

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, sir.

**#12 ADOPTED AS AMENDED AS ORDINANCE NO. 53/2016**

PRESIDENT SCHULMAN: Ordinance #12, as amended, is adopted. Ordinance #13, please.

#13. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 54/2016** AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF REVENUE BOND ANTICIPATION NOTES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$5,000,000 TO PROVIDE FUNDS TO PAY A PORTION OF THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING, FURNISHING OR EQUIPPING AN ECONOMIC DEVELOPMENT PROJECT IN THE CITY; AUTHORIZING RELATED MATTERS; AND DECLARING THE SAME TO BE AN EMERGENCY (HALL OF FAME VILLAGE)

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #13.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #13. Any remarks? Hearing none...

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, sir.

**#13 ADOPTED AS ORDINANCE NO. 54/2016**

PRESIDENT SCHULMAN: Ordinance 13 is adopted. Ordinance 14, please.

#14. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 55/2016** AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,200,000 FOR THE PURPOSE OF PROVIDING FUNDS TO PAY A COURT-APPROVED SETTLEMENT OF A CLAIM AGAINST THE CITY

PRESIDENT SCHULMAN: Leader.

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MEMBER MORRIS: Mr. President, I move we adopt Ordinance #15.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been... 14.

MEMBER MORRIS: Sorry, I'm one ahead of you. It was 14.

PRESIDENT SCHULMAN: That's alright. I'm smarter than I thought I was. It's been moved and seconded to adopt Ordinance 14. Any remarks? Hearing none...

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, sir.

**#14 ADOPTED AS ORDINANCE NO. 55/2016**

PRESIDENT SCHULMAN: Ordinance 14 is adopted. Ordinance 15, please.

#15. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 56/2016** AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,515,000 FOR THE PURPOSE OF PAYING THE COSTS OF REVITALIZATION WITHIN THE CITY AND ADDRESSING PROPERTY CONDITIONS THAT ARE DELETERIOUS TO THE PUBLIC HEALTH AND SAFETY THROUGH THE DEMOLITION OF DETERIORATING STRUCTURES AND THE IMPROVEMENT OF THOSE SITES, THEREBY ENABLING THE USE OR REUSE OF LANDS WITHIN THE CITY

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #15.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #15. Any remarks under this Ordinance? Again, hearing none, roll call vote.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, sir.

**#15 ADOPTED AS ORDINANCE NO. 56/2016**

PRESIDENT SCHULMAN: Ordinance 15 is adopted. Ordinance 16, please.

#16. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 57/2016** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 259/2015; AND DECLARING THE SAME TO BE AN EMERGENCY (\$1,515,000.00 SUPP APPROP FR

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UNAPPROP BAL OF 1151 LAND REUTILIZATION & NOTE FUND TO 1151  
801001 - OTHER)

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #16.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #16. Any remarks?  
Leader.

MEMBER MORRIS: Mr. President, I move we amend Ordinance #16 per a copy all Council Members have in front of them.

MEMBER SMITH: Second.

**Amendment**

*Pursuant to Rule 36, I move to amend the caption and Section 1 of Agenda Item No. 16 to change the Appropriation Ordinance No. from "259/2015" to "44/2016."*

PRESIDENT SCHULMAN: It's been moved and seconded to amend Ordinance 16 by virtue of the copy before each Member of Council. Any remarks? 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. Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #16, as amended.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 16, as amended. Any remarks? Hearing none, again voice... or roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, sir.

**#16 ADOPTED AS AMENDED AS ORDINANCE NO. 57/2016**

PRESIDENT SCHULMAN: Thank you. Ordinance 16, as amended, is adopted. Ordinance 17, please.

#17. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 58/2016** AN ORDINANCE AUTHORIZING THE ADOPTION OF THE COMPREHENSIVE PLAN FOR THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #17.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #17. Any remarks?

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER SMITH: I'd just like to say that I (*inaudible*). At first I wasn't after (*inaudible*) simply because I felt that (*inaudible*)... our city. (*Inaudible*)... therefore, I will vote for the Comprehensive Plan. (*Applause*)

PRESIDENT SCHULMAN: Thank you. Thank you.

MEMBER FISHER: Mr. President.

PRESIDENT SCHULMAN: Yes, Member Fisher.

MEMBER FISHER: I just wanted to take a minute to... uh, to thank our Economic Development Director, Fonda Williams, for the enormous amount of work that he's put in to... to getting this passed. This is, in my opinion, the single most important vote that I'll cast while I'm here, and that we will as a body, and all of us as elected officials, will succeed or will fail by virtue of the adoption, the funding and implementation of this plan, and... and I want to thank you and then, of course, you know, Emil Alecusan and Beth Lechner and everybody else that went to get... uh, to get it drawn up for us to adopt it. Thank you.

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

MEMBER MACK: Mr. President.

PRESIDENT SCHULMAN: Member Mack.

MEMBER MACK: Just very briefly, I thought I'd share a provision from the Plan itself that really was kinda striking for me. It reads "The Canton City Council explicitly requested both an implementable plan and one that would make Canton strong." That's what this document is, and we have this document because of our work. And now it's time to pass it, and then it's time to own, and then it's time to implement it. And I couldn't be more proud to be a part of this body.

PRESIDENT SCHULMAN: Thank you. Any other remarks? And by the way the hard work is ahead of us. Let's not kid ourselves. We've done a magnificent job to date. Everyone is invested in this, but the real hard work, I think everyone of us would agree, lies ahead. And it probably will lie ahead far beyond the people who are sitting here tonight. This will go on long into the future, and it's going to make or break this city in my judgment. But, any other remarks? Hearing none, roll call vote, please.

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NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, sir.

**#17 ADOPTED AS ORDINANCE NO. 58/2016**PRESIDENT SCHULMAN: Congratulations. Ordinance 17 is adopted. (*Applause*)**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SCHULMAN: We now turn to Announcement of Committee Meetings. I hope.

MEMBER HARMON: Uh, Mr. President...

PRESIDENT SCHULMAN: Did I miss something?

MEMBER HARMON: The Environmental &amp; Public Utilities Committee, I think we're actually the only committee that has a meeting for next week. Unless we have objections, since that's the only committee meeting I think we can meet at 7:00.

PRESIDENT SCHULMAN: Great. So we'll meet at 7:00 o'clock next... next week.

MEMBER HARMON: Next week. Next Monday whatever that date is.

PRESIDENT SCHULMAN: Whatever that date may be.

CLERK SHOWES: That's the 4<sup>th</sup>.**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: So that concludes that. Any remarks? Any other remarks?

MEMBER MACK: Mr. President.

PRESIDENT SCHULMAN: Member Mack.

MEMBER MACK: I did just want to address some of the comments that we're made by Mr. Mussulin during his remarks. The... the outdoor refreshment area that's going to be before this... or is before this body, we've been working not with the Chamber of Commerce on that project, and the way this DORA as what they're actually referred to under state law is going to operate with the cups. Our partnership and the implementation of the DORA isn't with the Chamber, it is with the Special Improvement District. The Special Improvement District is a 501(C)(3) that was specifically created by this City Council through Ordinance. This isn't a... any sort of plan or program that's going to result in any profit, and that's why it was important for us that any partnership we have is actually with a tax exempt non profit entity. The cost for the cups, should any establishment choose to participate in this area, which will all be voluntary, won't be assessed to every drink that the establishment sells, but it will only be on those cups that someone, should they want to take those cups outside. That will entirely be up to the permit holder. And when we... the actual amount of that was specifically calibrated in terms of a, you know, business loss profit analysis because the SID will actually be paying for two off duty Canton police officers to specifically patrol that area. That will be where the money from the cup

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revenues go. So we'll certainly talk more about this issue when it's in committee through Chairman West's Downtown Committee and my Judiciary Committee, but I did just want to put that on the record. Thank you.

PRESIDENT SCHULMAN: Thank you, Member Mack. Any other...

MEMBER HAWK: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER HAWK: Over here, sir.

PRESIDENT SCHULMAN: Thank you.

MEMBER HAWK: Very quickly. I think one of the things that Member Mack has pointed out is act... is very beneficial in helping understand what we're going to do. There's one other very important thing. When the Special Improvement District was established the property owners in the Special Improvement District agreed to tax themselves at a higher rate in order to fund the Special Improvement District. I think that's very important in showing you what we're trying to do in downtown Canton. Thank you.

PRESIDENT SCHULMAN: Thank you, Member Hawk.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes, Member West.

MEMBER WEST: Yeah, I'd like to... Mr. Preston, if you'd like to meet with me afterwards to discuss your issues with downtown, and specifically property that you was referring to. I'd like to meet with you afterwards. Thank you.

PRESIDENT SCHULMAN: Any other remarks? Leader.

MEMBER MORRIS: Move to adjourn.

MEMBER SMITH: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, sir.

PRESIDENT SCHULMAN: *(Gavel falls)* Meeting's adjourned. Take care, everybody. Drive safely on the way home.

ADJOURNMENT TIME: 8:18 P.M.

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ATTEST:  
KELLEN SHOWES  
CLERK OF COUNCIL

APPROVED:  
ALLEN SCHULMAN  
PRESIDENT

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