

**MINUTES OF THE MEETING APRIL 25, 2016**

PRESIDENT PRO TEM MORRIS: Let's go. New sheriff in town. Good evening and welcome to Canton City Council. With a quorum being present, the Chair now calls this meeting of Canton City Council to Order. Roll call please.

*ROLL CALL TAKEN BY CLERK SHOWES:*

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

TWELVE COUNCIL MEMBERS PRESENT. (PRESIDENT SCHULMAN ABSENT)

CLERK SHOWES: Twelve yeas.

---

**EXCUSING MEMBERS**

PRESIDENT PRO TEM MORRIS: Leader Smith.

MEMBER SMITH: Mr. President, I move we excuse President Schulman from tonight's meeting.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to excuse President Schulman from tonight's meeting. Any remarks under this? President Schulman did contact me. He was tied up in Youngstown, and I did confirm that that was not literally tied up, that he was tied up in a deposition which I'd have to confer with Member Mack if that's a good thing or a bad thing, but nevertheless he will not be here this evening. Roll call please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas.

PRESIDENT PRO TEM MORRIS: Motion carries and President Schulman is excused from this evening's meeting. Tonight's invocation will be given by our Council Member At Large, Member Babcock. After that please remain standing for the Pledge of Allegiance.

MEMBER BABCOCK: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Babcock.

MEMBER BABCOCK: Reverend Harrington...

MEMBER SMITH: Arrington.

MEMBER BABCOCK: Arrington is gonna take my place tonight.

PRESIDENT PRO TEM MORRIS: Alright.

**MINUTES OF THE MEETING APRIL 25, 2016**

*The regular meeting of Canton City Council was held on April 25, 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 Reverend Walter J. Arrington. The Pledge of Allegiance was led by President Pro Tem Morris.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT PRO TEM MORRIS: Okay. We are now under Agenda Corrections and Changes. Leader Smith.

MEMBER SMITH: Mr. President, I move Rule 22A be suspended to add 2<sup>nd</sup> Reading Ordinances #6 through and including #11, and O#5 will be retained in committee.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to Suspend Rule 22A to add Second Reading Ordinances #6 through 11 to this evening's agenda. Ordinance #5 will be retained in committee. Are there any remarks under this? Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

PRESIDENT PRO TEM MORRIS: Rule 22A is suspended and the Ordinances are a legal part of your agenda.

**PUBLIC HEARINGS**

PRESIDENT PRO TEM MORRIS: Okay We are now under Public Hearings. This evening we have four. Our first scheduled hearing is for **7:30 PM**. It is AN ORDINANCE AUTHORIZING THE CITY OF CANTON TO CREATE A DESIGNATED OUTDOOR REFRESHMENT AREA AND ESTABLISH REQUIREMENTS TO ENSURE THE PUBLIC HEALTH AND SAFETY WITHIN SUCH AN AREA. Is there anyone in the audience wishes to speak for or against this Ordinance, please come forward. And I notice that there was quite a few folks that signed up under Public Speaks, so if any of you would like to opt now to speak since it is a public hearing, feel free. Please announce your name and your address for the record, please.

MICHAEL GILL: Sure. Michael P. Gill. Uh, 222 Market Ave North, Canton, Ohio 44702. Thank you for the opportunity to be in front of Council. And I am the President of the Downtown Special Improvement District for Canton, and I'm here tonight to recommend that Council pass the DORA legislation. Uh, the DORA was created really as a partnership between the Downtown Canton Special Improvement District and the City of Canton, and both of the partners feel that the DORA will enhance the entertainment appeal of our downtown. The partnership has worked hard together to address all aspects of the legislation, which would be the official cups, the signage, the security mandates, and of course the sanitation plan. We feel that the legislation also, the way it is written, offers one very important thing. It mandates us to take a periodic every thirty day look at all these different rules to see how it's going in case we have to recalibrate anything. For all these reasons we feel that we can recommend it very wholeheartedly to the Canton City Council. Thank you. (*Applause*)

PRESIDENT PRO TEM MORRIS: Thank you. Anyone else?

KEVIN COMPTON: My name's Kevin Compton, 1818 Sunset Lane, New Philadelphia, Ohio. The reason I'm here tonight, we're the owners of the Island Palm Winery. We're right now looking to relocate it on 4<sup>th</sup> Street N.W. We're in the process of remodeling right now. One of the major considerations of placing the

**MINUTES OF THE MEETING APRIL 25, 2016**

winery in Canton was the passing of the outdoor refreshment area. So I want to let you know that I believe in the future you can get a lot more downtown business if this were to pass. Thank you. (*Applause*)

PRESIDENT PRO TEM MORRIS: Thank you. Anyone else?

ERIC SMER: Good evening. I'm Eric Smer, 919 Spangler Road N.E., Canton, Ohio 44714. I work with Mike at the Chamber. I oversee our work force Community Development, Education, and our Ystark Young Professionals. I believe that everything we do in Ystark is to attract and retain our talented and youthful work force. One of those ways is through complimentary community development and quality of life opportunities such as the DORA. By introducing the outdoor refreshment district I think we elevate Canton to a new level of urban night life and excitement creating a more welcoming place for young adults to not just play, but also want to live in our growing downtown sector. So I thank Councilman Mack and Law Director Martuccio for putting North Canton... or Canton above northeast Ohio's young professional and downtown scenes. (*Applause*)

PRESIDENT PRO TEM MORRIS: Thank you, and welcome to Canton.

MIKE KING: I am Mike King, 512 5<sup>th</sup> Street N.W., Canton, Ohio. I'm the President of King Properties and the Chairman of the Downtown Canton Special Improvement District. I also would like to ask that you vote in favor of the DORA. I have about... I have 18 store fronts and 73 housing units in or within walking distance of the DORA, and overwhelmingly every one of them want this to pass. So it's... it's something that we believe will create vitality downtown, it'll help... very much help the restaurants, the night life. It'll actually create traffic for the galleries and the nit shops, so I'll be asking you to vote in favor. (*Applause*)

PRESIDENT PRO TEM MORRIS: Thank you. Next.

STEPHANIE SWEANY: I'm Stephanie Sweany, 817 5<sup>th</sup> Street N.W., Apt 2, Canton, Ohio 44703. I am speaking today as a resident of downtown and as a youngish professional, and I am strongly encouraging City Council to support the DORA legislation. I love downtown. I looked for five years for an apartment that would allow me to bring my animals to live downtown and I cannot tell you how excited I am to be living in this fantastic heartbeat of the City. When I go to First Fridays, when I go to these special events, I see this vibrancy and this life that the City has and I feel that this legislation could push us even further in that direction. I strongly recommend that we pass this today. I think that it not only provides a great space for young professionals to... to play but to live as well. And I think it also gives the opportunity, and a unique opportunity to see... to far be above... above the rest. I mean we live in northeast Ohio. We sometimes get drowned out by the Clevelands and the Akrons of the world. Like we have a chance to pass something that can make us be the example for the rest of the communities. Thank you. (*Applause*)

PRESIDENT PRO TEM MORRIS: Thank you.

JOHN ALGE: Hello, my name is John Alge. I live at 1600 27<sup>th</sup> Street N.W., Canton, Ohio 44709, and it is my first time speaking in front of this esteemed body. And I am also honored and humbled to know many of you on Council personally and I thank all of you for your service to our community and to make it a better place. Um, I concur with all the speakers before me that we need to support the DORA legislation to do great... even greater things for our community. However, there is one thing that you should all take under advisement, and Coun... Member Smuckler brought that up last week in committee. And that is the proper disposal of the containers. We need to make sure we get this right, and we don't want to mess it up or we... we can lose this. And that would be a bad thing for our community. So I'm glad that we have every thirty days that you have to... we have

**MINUTES OF THE MEETING APRIL 25, 2016**

to review things, but that's one thing we need to make sure we get right. So, once again I support DORA strongly, I thank all of you for your service to our community, and also the leaders behind me that I do know, I thank them for their service as well. Thank you much. (*Applause*)

PRESIDENT PRO TEM MORRIS: Thank you. Anyone else? Boy, I did a great job of avoiding public speaks tonight, didn't I? (*Laughter*)

CHELI CURRAN: My name is Cheli Curran. I am a resident of Ward 2. Thank you, Councilman West. My address is 210 ½ 6<sup>th</sup> Street N.W. Um, I am in full support as a resident for the past four years of downtown of the DORA. I believe when I read this proposal that I really believe the question that we need to ask is how can we instead of how can't we. So as this is right now, as it stands, it's perfect and it's a way for us to branch out and be a leader in the community and say how can we make this work, how can we make this happen, instead of, I apologize, but nitpicking and saying this won't work. I want to make this work. I think everybody here for the most part wants it to work, and I believe that we can if we work together. Thank you. (*Applause*)

PRESIDENT PRO TEM MORRIS: Thank you. Anyone else? Alright. This is working out. Oop.

CHARLES KILLENS: Good afternoon.

PRESIDENT PRO TEM MORRIS: Good afternoon.

CHARLES KILLENS: My name is Charles Killens. I live at 1223 Market Ave. North. The City and I have been in conflict with housing that should be torn down.

PRESIDENT PRO TEM MORRIS: Alright, um...

CHARLES KILLENS: We have a thing...

PRESIDENT PRO TEM MORRIS: Mister... this is regarding the DORA. It's a public hearing and it's about out... outdoor refreshments. That's the only thing you can speak on at this time.

CHARLES KILLENS: Well, I didn't want to speak about that. (*Laughter*)

PRESIDENT PRO TEM MORRIS: What?

CHARLES KILLENS: But I wasn't gonna say... I don't have to worry about you tearing down the house. The fire burned it down, and the Mayor don't have to worry about inspecting whether they're good or bad. Mother nature's done all this for me. As you go up there...

PRESIDENT PRO TEM MORRIS: Sir... Sir, this is a public hearing regarding outdoor refreshments, okay?

CHARLES KILLENS: Outdoor refreshments?

PRESIDENT PRO TEM MORRIS: Right. It's the only thing you can talk about during this segment of Council. In order to talk about housing issues or any other concerns that you have, you had to sign up...

MINUTES OF THE MEETING APRIL 25, 2016

CHARLES KILLENS: Well, I'll wait till next week.

PRESIDENT PRO TEM MORRIS: Okay. Thank you, and I'm sorry. Alright. So, is there anyone else who would like to speak in regards to the DORA?

NICK MUSSULIN: My name is Nick Mussulin. I live at 4120 Logan Ave. N.W. in Canton. I'm for DORA. I'm opposed to the dollar per cup charge. As I mentioned before two weeks ago, I think it's very anti-business. I don't know what city or cities we patterned this after. I understand we've looked at Toledo, we've looked at Middletown within Ohio. Those are the only two cities that I'm aware of that have an outdoor drinking area. Have you talked to those people? Yes? No? I did. I went to Toledo. I talked to the owners. I talked to customers, bartenders, managers on Eddie Street. Eddie Street is in the area in Toledo, in uptown Toledo, that is gonna have a designated area for... for containers. Not one of those establishments is gonna charge anything extra for a plastic cup. I then talked with people in Middletown. I can give you names, I can give you contact numbers, phone numbers. They asked me to call them back if I have any more questions. Nobody in those two cities is charging anyone extra for that. It will bring undue consequences, undue pressure, undue costs for the restab... for the establishments. If you've been to a First Friday then you've seen the bartenders right now trying to get drinks in and out. Now you gotta control inventory for plastic cups. Now you've gotta charge an extra dollar, put another price slip up on the cash register, sort that out, go back to the Chamber or Development Board, figure out how much that's gonna cost. It's not worth it. If you get such an influx of people that you need to do that, you need to raise money, that's a different story. I also think the area's too large right now. Sixty-nine acres? Forty is sufficient. Most of the business right now in downtown Canton is between Tusc and 6<sup>th</sup> Street, between Market and Cleveland Avenue. Easier to control, easier to maintain. Typically people aren't gonna walk for the drink from Basil down to the Grand Hotel. They're gonna go out and congregate. You're adding cost, you're adding more patrol, you're thinning out the area. I thought public hearings were you heard responses too from the members. Apparently I was wrong on that.

PRESIDENT PRO TEM MORRIS: No. I mean if somebody has a response they'd like to give you. Uh...

NICK MUSSULIN: No, nobody has.

PRESIDENT PRO TEM MORRIS: Well...

NICK MUSSULIN: Okay.

PRESIDENT PRO TEM MORRIS: I'm sorry.

NICK MUSSULIN: *(Inaudible)*

PRESIDENT PRO TEM MORRIS: I... I will save my opinion on the DORA until we actually vote.

NICK MUSSULIN: Okay.

PRESIDENT PRO TEM MORRIS: And I'm sure other Council Members will hold their opinions until we vote.

NICK MUSSULIN: Okay. Thank you all for your time.

**MINUTES OF THE MEETING APRIL 25, 2016**

PRESIDENT PRO TEM MORRIS: Alright. Thank you very much. (*Applause*) Is there anyone else speaking for or against?

MIKE NASVADI: I'm Mike Nasvadi, 4686 Preserve Drive N.W. I'm here to pledge my support for the DORA. First thing I want to talk about is the dollar surcharge. As businesses you don't have to charge that dollar. It's been cleared already. I'm... I mean that's just... it is what it is. You can char... the cups cost us a dollar, but you don't have to put that onto the... on the consumer. Um, I pre... I prepared a little statement, so... Downtown Canton is built around service industry, unique food, fine dining, live music and art is what defines us as a downtown. This whole refreshment district idea was not created by Canton. The Ohio Division of Liquor Control created these things for cities who need them. Why? To make their lives more difficult? No. Absolutely not. They created them because they immediately boost economic development in the city. I've been grinding away for six years in downtown and trust me, Canton can use all the help it can get. Ultimately, there's a plan to create a little extra revenue from alcohol sales and in turn create... uh, create a greater police presence and regular sanitation. What's that mean? The DORA creates a cleaner safer city. Councilman Mack along with SID and downtown business owners created this thing together. We're all on board unanimously. We've got a plan, a backup plan to that plan, and it's time to put it in action. (*Applause*)

PRESIDENT PRO TEM MORRIS: Thank you. Is there anyone else in the audience who would like to speak for or against the DORA? Okay. Seeing no one step forward, the Chair now declares this public hearing over regarding this matter and the matter now rests in the hands of Council. The Ordinance will follow later this evening. Our next public hearing is at **7:48 P.M.** AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE FIRST TEE OF CANTON #2 ANNEXATION AREA CONTAINING APPROXIMATELY 0.099 ACRES; ASSIGNING SAID TERRITORY TO WARD 6. Is there anyone who would like to speak for or against the rezoning? Once again, I have to repeat. Is there anyone who would like to speak for or against? Okay. Seeing no one step forward, the Chair declares this public hearing over in regards to this matter. The matter now rests in the hands of Council and the Ordinance will follow later this evening. Next public hearing is **7:49 P.M.** It's AN ORDINANCE AMENDING O#55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING IT AN EMERGENCY. THIS IS FROM RESIDENTIAL 2 TO PB-1 WHICH IS PLANNED OFFICE BUSINESS. THIS IS FOR P.A.L. MISSION IN WARD 4. THE PLANNING COMMISSION HAS RECOMMENDED THIS. Is there anyone who would like to speak for or against this zone change? I have to repeat, anyone would like to speak for or against? Okay. No one stepping forward, the Chair declares this public hearing over in regards to this... to this matter. The matter now rests in the hands of Council and the Ordinance will follow later this evening. Next public hearing, **7:50 P.M.** Okay. ORDINANCE AMENDING O#55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; DECLARING IT AN EMERGENCY. THIS IS FROM R-1A (SINGLE FAMILY) TO PB-4 (PLANNED SPECIAL BUSINESS) FOR HAMMER & NAILS IN WARD 1. THE PLANNING COMMISSION HAS ALSO RECOMMENDED THE APPROVAL OF THIS. Is there anyone speaking bef... ah, in favor or against this zone change? Once again, is there anyone speaking on behalf or against? Hearing none, no one stepping forward, the Chair declares the public hearing over in regards to this matter. The matter now rests in the hands of Council and the Ordinance will follow later this evening.

**OLD BUSINESS**

PRESIDENT PRO TEM MORRIS: Now we are under Old Business. We have none.

**PUBLIC SPEAKS**

PRESIDENT PRO TEM MORRIS: Public Speaks. Since everybody spoke under the public hearing, I take it that we have no public speaks this evening.

MINUTES OF THE MEETING APRIL 25, 2016INFORMAL RESOLUTIONS

PRESIDENT PRO TEM MORRIS: So we are now onto Informal Resolutions. Yeah, I want to hear the Informal Resolution (*inaudible*). Member Smith.

MEMBER SMITH: Mr. President, I move we adopt Informal Resolution #37.

MEMBER BABCOCK: Second.

CLERK SHOWES: We've gotta read it first.

PRESIDENT PRO TEM MORRIS: Yes, read it by title first.

MEMBER SMITH: (*Inaudible*) Informal Resolution #37.

PRESIDENT PRO TEM MORRIS: We're under Informal Resolutions. He has to read it. I'm sorry. I screwed up. There's a lot of pressure up here. (*Laughter*) Everybody thinks this job's easy.

#37. COUNCIL MEMBERS: WARD 4 COUNCIL MEMBER SMITH, COUNCIL AT LARGE SMUCKLER: RECOGNIZE AND COMMEND REV. DR. WALTER J. ARRINGTON FOR 30 YRS OF SERVICE AS PASTOR OF PEOPLES BAPTIST CHURCH OF CANTON, OHIO. - ADOPTED

PRESIDENT PRO TEM MORRIS: Member Smith.

MEMBER SMITH: Mr. President, I move that we adopt Informal Resolution #37.

MEMBER BABOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Informal Resolution #37. Are there any remarks under this? Hearing none, all those in favor signify by saying...

MEMBER DOUGHERTY: Mr. President, yo.

PRESIDENT PRO TEM MORRIS: Oh, I'm sorry. Member Dougherty.

MEMBER DOUGHERTY: Could we have that read please.

PRESIDENT PRO TEM MORRIS: Sure.

CLERK SHOWES: **Whereas**, Walter J. Arrington is the son of the late Reverend Eddie Arrington, Sr. and Mrs. Annie M. Arrington of Massillon, Ohio. He is married to Eileen and they have three children: Michael, DeAngelo and Ericka. Pastor Arrington has served as Pastor of the Peoples Baptist Church of Canton, Ohio for 30 years and is currently in his 34<sup>th</sup> year of preaching; and **Whereas**, Pastor Arrington was educated in the Massillon, Ohio public school system, Miami University of Oxford, Ohio, the Stephen F. Olford Institute for Biblical Preaching in Memphis, Tennessee, and the WHW Expository Preaching and Teaching Ministries of Los Angeles, California. He received a Masters Degree in Theological Studies and a Doctor of Ministry Degree from Faith Evangelical Seminary in Tacoma, Washington; and **Whereas**, Pastor Arrington served as President of the Interstate Believers Association, teacher in the National Baptist Congress of Christian Education, regional coordinator for WHW Ministries, former Vice-Moderator of the Northern Ohio Baptist District Association,

MINUTES OF THE MEETING APRIL 25, 2016

former President of the Northern Ohio Baptist District Association Congress of Christian Education and former First Vice-President of the Ohio Baptist General Convention; and **Whereas**, Pastor Arrington is involved with his community by serving as a Trustee of the Canton Community Clinic, and as Chairman of the Greater Canton Martin Luther King Jr. Commission. He also received a special award of the sword for his expository teaching at the Biblical Exposition Conference in April, 2012; and **Whereas**, As a preacher called by God to share the good news of Jesus Christ, Pastor Arrington is dedicated to rightly dividing the Word of Truth (II Tim 2:15) and is committed to Paul's exhortation to Timothy to preach the Word, be instant in season and out of season! (II Tim 4:2). **Now, Therefore, Be It Resolved:** That we, the Members of the Council of the City of Canton, Ohio, do hereby recognize and commend **REV. DR. WALTER J. ARRINGTON** for his 30 years of devoted service as the Pastor of Peoples Baptist Church of Canton, Ohio and to the citizens of the City of Canton.

PRESIDENT PRO TEM MORRIS: Thank you. (*Applause*) All those in favor, signify by saying aye. Nays?

NO REMARKS

RESOLUTION #37 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM MORRIS: Ayes have it. And Informal Resolution #37 has been adopted. Member Smith.

MEMBER SMITH: Come on down (*inaudible*). (*Laughter*) You're gonna see the real us tonight. You know what, to the Council and our audience that is here, I always say that the Fourth Ward may not have a lot of the necessities that we need in the Fourth Ward. But there's one thing for sure, we have churches on every corner, in the alley, on the main streets, and the side streets. And we have those historical churches, such as The Peoples Baptist Church which is located in that great Fourth Ward, and has been all his life. And we have a shepherd, and when I say a shepherd of the Peoples Baptist Church that is just what he is because he leads souls to Christ. And the Peoples Baptist Church is one of those churches that has staying power, and we're so grateful for that. And on this day myself, Mr. Smuckler, we delight to give this to you as being a part of that historical Fourth Ward, none other than Rev. Dr. Walter J. Arrington. (*Applause*)

MEMBER SMUCKLER: I don't say this about many people in the community. There's leaders in different facets of the community and there's leaders in Canton, Ohio. And Rev. Arrington is someone I respect, I look up to, and is a leader of Canton, Ohio. And I would hope that you continue to share at least another thirty years with us because he brings to what every good thing of Canton, Ohio is. Thank you. (*Applause*)

REV. DR. ARRINGTON: Thank you so kindly, Ms. Chris and Mr. Smuckler, Council, for this tremendous honor. I feel really privileged to be able to receive it particularly since I do something that I'm called to do, I live to do, and I love to do. I live to preach and I preach to live. And... and to receive an honor is just kinda icing on the cake, and there is no place else that I would rather be serving than at the Peoples Baptist Church because the Lord has blessed my life tremendously with that. And one other thing, it's especially sweet because here the Canton City Council is honoring a Massillonian. (*Laughter*) And I.. and I indeed... I indeed am a Massillonian now. I have worn red and black and blue and gold, but if you cut me I will bleed orange and black. (*Laughter*) Thank you so very much. God bless all of you. (*Applause*)

PRESIDENT PRO TEM MORRIS: I hope he hangs it in the church and not in Massillon. (*Laughter*)

COMMUNICATIONS

PRESIDENT PRO TEM MORRIS: Okay. We are now onto Communications. Let the journal show that all Communications have been received as read.

**MINUTES OF THE MEETING APRIL 25, 2016**

***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 APRIL 25, 2016.***

165. AGENT, STEPHEN W. FUNK: REQ ZONE CHG OF SOUTH OF S.R. 30 AND NORTH OF 21<sup>ST</sup> ST. FR BROOKS AVE. TO R.R., APPROX 17,582 ACRES OF LAND, FOR MARATHON PETROLEUM COMPANY LP. - PLANNING COMMISSION
166. AGENT FOR PETITIONER, SLIMAN: COPY OF ANNEXATION PETITION DOCUMENTS FILED WITH STARK COUNTY COMMISSIONERS FOR THE PILOT ANNEXATION. - RECEIVED & FILED
167. COUNCIL MEMBER WEST: REQ LEGISLATION TO HONORARILY NAME NUMBERED STREETS FR 24<sup>TH</sup> ST NORTH TO 9<sup>TH</sup> ST SOUTH TO REFLECT 32 NFL TEAMS, LOGOS & CURRENT STREET NAMES. - DOWNTOWN DEVELOPMENT COMMITTEE
168. COUNCIL MEMBER WEST: REQ LEGISLATION CREATING SPECIAL SIDEWALK DISTRICT FOR FOOTBALL WALK OF FAME PROGRAM WITHIN DOWNTOWN DISTRICT. - DOWNTOWN DEVELOPMENT COMMITTEE
169. COUNCIL MEMBERS: WARD 5 COUNCIL MEMBER FISHER, WARD 9 COUNCIL MEMBER MORRIS: REQ APPROP TRF FR COMMUNITY DEVELOPMENT TO POLICE ADMIN & POLICE RECORDS ROOM TO RESTORE OPERATIONS AND PROVIDE BETTER SERV & SAF TO CITIZENS (\$67,000.00 APPROP TRF FR COMMUNITY DEV TO 1001 102001 POLICE ADMIN - OTHER (\$22,500.00), 1001 102010 POLICE RECORDS ROOM - PERSONNEL (\$44,500.00). - PERSONNEL AND FINANCE COMMITTEES
170. DEPUTY MAYOR WILLIAMS: REQ MAYOR AND/OR SERV DIR BE AUTHORIZED TO AMEND ENTERPRISE ZONE AGMT #038-08-01, DATED 5/5/08 BETWEEN CITY OF CANTON AND HYDRODEC N.A, E.Z. AGMT FOR REMAINDER OF AGMT TERM. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
171. MAYOR BERNABEI: AUTHORIZE MAYOR TO ENTER INTO AGMT WITH CANTON COMMUNITY IMPROVEMENT CORPORATION (CCIC) TO PROVIDE GRANT UTILIZING GENERAL FUND DOLLARS IN AMT NOT TO EXCEED \$50,000.00. - FINANCE COMMITTEE
172. SAFETY DIRECTOR PERRY: AUTHORIZE SAF DIR TO APPROP UNAPPROP BAL OF \$69,709.00 FR 2015 EDWARD BYRNE GRANT (2015-DJ-BX-0032) INTO FUND 2769 CPD. - FINANCE COMMITTEE
173. SAFETY DIRECTOR PERRY: APPROVE DEMO OF 3 PROP WHICH CONSTITUTE PUBLIC NUISANCE ON BEHALF OF CANTON BLDG. DEPT. (1029 9<sup>TH</sup> ST NW - PARCEL #215199; 3919 MAHONING RD NE - PARCEL #204692; 434 LAWN AVE NW - PARCEL #215617). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
174. SAFETY DIRECTOR PERRY: AUTHORIZE SAF DIR TO APPROP UNAPPROP REMAINING BAL OF \$39.84 FR 2013 EDWARD BYRNE GRANT (2013-DJ-BX-0097) TO PLACE INTO FUND 2772

**MINUTES OF THE MEETING APRIL 25, 2016**

ON BEHALF OF CPD. - FINANCE COMMITTEE

175. TREASURER PEREZ: RPT OF BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF 3/31/16. - RECEIVED & FILED
176. SAFETY DIRECTOR PERRY: AUTHORIZE SAF DIR ON BEHALF OF CPD, TO APPROP \$49,000.00 INTO FUND 4501 FOR PURCH OF BODY ARMOR PER COLLECTIVE BARGAINING AGMTS. - FINANCE COMMITTEE

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

PRESIDENT PRO TEM MORRIS: And, at this time it's... according to the Law Director I can do this. I can exercise my authority up here, and we are going to skip immediately to Ordinance #12 which is for the DORA so all these fine folks do not have to sit and listen to me talk for another 40 minutes. Hopefully we can get out of here sooner than that. So, Clerk if you could read Ordinance #12, and then once we pass this we will go back to the agenda.

- #12. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 69/2016** AN ORDINANCE CREATING A DESIGNATED OUTDOOR REFRESHMENT AREA AND ESTABLISHING REQUIREMENTS TO ENSURE PUBLIC HEALTH AND SAFETY WITHIN SUCH AREA; AND DECLARING THE SAME TO BE AN EMERGENCY (DOWNTOWN CANTON SPECIAL IMPROVEMENT DISTRICT) **PUB HRG 4/25/16 @ 7:30 PM**

PRESIDENT PRO TEM MORRIS: Leader Smith.

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Ordinance #12. Are there any remarks under this? Law Director.

LAW DIRECTOR MARTUCCIO: Yes, thank you. Mr. President, Members of Council, a short time ago Eric from the Y gave me a thank you along with Edmond Mack, the Chairman of the Judiciary Committee. I will deflect my thank you because I want to say on the record what has been said in various committee meetings, and that is that I'm simply the scribe. I got some ordinances, crossed the T's, dotted some I's, forwarded them to Mr. Mack, and he worked very hard and did a lot of research and due diligence along with Mike King and Mike Gill and a number of owners of restaurants and taverns, and I want to thank Mayor Bernabei, Council, the department heads sitting back there who put so much time into this, Street, Sanitation, Police, Safety Director Perry. A number of department heads put an incredible amount of time into thinking this through so it would be safe and it would be fun to the extent possible. All the security aspects were... were looked at in great detail, and again I can't thank Chairman Mack and members of the Administration and Council enough, especially the SID, for making this as insightful and foresightful as it can be. With that being said, some questions arose last week at the interim about when the effective date of this is. It was not actually... we weren't able to discern or predict the exact effective date because there's another step that has to take place. All the steps have been take... all the steps have taken place according to the Revised Code. The Application was phenomenal, again thanks to your Chair. As you all know, if this passes this evening it will be passed as an emergency, presuming it gets the

**MINUTES OF THE MEETING APRIL 25, 2016**

requisite number of votes and the Mayor's signature. It will be effective here, but the Ordinance contains a provision that says it has to go from here, two copies, and I will work with Clerk Showes to make sure that two copies are delivered to the appropriate addresses first thing tomorrow. One being the Department... Division of Liquor Control and the other being the Investigative Department of the Department of Public Safety in Columbus. Those folks I... through our contact this morning I spoke with our prosecutor and his contact and we learned from... from the folks in Columbus that this will be only their fourth in the state, so they're kinda new at the procedure of reviewing the permits and issuing the appropriate new designations to the existing permit holders. They said they're getting faster and more efficient at it. I explained that the Application was very thorough. The... the maps, the descriptions are awesome. So it being as well presented as it will be they are optimistic that they can do their due diligence at the Department of Liquor Control and the Department of Public Safety and have permits issued within two to three to four weeks at the most, but they were optimistic they could do it in two to three which again would make this effective before the unofficial start of the holiday with Memorial and First Friday in June. So I wanted to let you know that. Also want to let you know for those of you who have concerns that this is something that can be revisited by Council at any time according to state law. And it has to mandatorily be reviewed by Council every five years. I know that memories fade, people... clients come and go, but this will be reviewed by law every five years if... if not sooner. And again it seems to me thanks to all the people that... that are here and anxious to see the outcome that as many steps could be taken were taken to ensure that it has a good kickoff. And again, I want to thank Chairman Mack especially for taking you through some new waters successfully.

PRESIDENT PRO TEM MORRIS: Thank you, Law Director. Anyone else?

MEMBER FISHER: Mr. President.

PRESIDENT PRO TEM MORRIS: Just briefly I wanted to commend Member West and Chairman Mack for their work on this, and I know that it means quite a bit to both of them. So I want to congratulate you on your work.

MEMBER MARIOL: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Mariol.

MEMBER MARIOL: I wanted to piggyback a little bit onto what Director Martuccio and Member Fisher said. We wouldn't even be here if Member West and Member Mack didn't go down to Columbus and lobby for this. So not only did they do a wonderful job putting this together, amazing attention to detail, but the lobbying effort to get this passed at the state, to put this in front of us, I really commend you guys for... for your work.  
(Applause)

PRESIDENT PRO TEM MORRIS: Member Mack.

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Hawk.

MEMBER HAWK: As a former business owner in downtown Canton... the business is now owned by my daughter as we've been down there 18 years, I see this as a real step forward, something very positive. 18 years ago when I first came in to open a business down here people told me I was out of my mind. The town

**MINUTES OF THE MEETING APRIL 25, 2016**

physically smelled bad. And when you look at it today and you see how far it's come and all the wonderful things that are happening, I think this is just something that's a positive addition to downtown as we continue to prosper and grow. Thank you.

MEMBER WEST: Mr. Chair... go ahead.

PRESIDENT PRO TEM MORRIS: Member Mack.

MEMBER MACK: Thank you. Thank you for... for everyone's comments and... and support throughout this process because this has been a, you know, an effort by so many people and there are four people that I want to make sure that I specifically mention. The first is Chairman Tom West. I mean him and I... I mean I can't tell you how many phone calls we've had on this issue together, every step of the way working together. Even went and spoke before the Senate Committee in Columbus, and I appreciate very much your leadership on this. Also Representatives Kirk Schuring and Senator Scott Oelslager and Representative Stephen Slesnick. A lot of people don't realize they fought on our behalf. When this legislation in the State House was originally discussed the population cap was at 100,000, and if it weren't for those gentlemen in Columbus working for us, especially Kirk Schuring who's not even our designated representative, we're so indebted to them. Uh, Mike King and Mike Gill, I mean you've been an incredible partner, both of you, throughout this process. And Mayor Bernabei, you know, it was through your leadership and direction and the late night phone calls and working through the... I think I counted eight different drafts of this that we had circulated. This wouldn't have been possible without your leadership. And so I just thank everyone for the part that you played.

MEMBER WEST: Mr. Chairman.

PRESIDENT PRO TEM MORRIS: Member West.

MEMBER WEST: You know, he gives me too much, too much credit because I can tell you Member Mack really put the nuts and bolts to this Application. Detail by detail he broke it down, he explained it at every meeting that we went to. But I'm... I'm just happy to be a part of it. It's another economic development tool for downtown. Uh, and... and trust and believe if something would go wrong with this, this would happen in my ward as well as Member Smith's ward, and we would be on top of it like no tomorrow. So let... trust and believe that we're gonna do everything to make sure that this thing works for the City of Canton. And we also gotta realize that we got some responsible people too downtown. Every business that invests in downtown is going to be watching this and making sure that it's successful because their business is relying on people coming downtown. Downtown Canton has one thing that nobody else has in Stark County. We can go outside, be responsible with a cup of beer or wine or whatever. And that's what this brings. So right now we have an edge up on every other vendor throughout the county. That's what this brings, it's a tool about economic development, so people will come down... downtown. And it's not the only thing that will bring people downtown. We have a lot more things to come to also compliment it. So again, thank you, Member Mack, for all your work and... hard work in drafting this legislation. The Law Department, the Mayor, and all the people involved, the Chamber of Commerce, we appreciate you. Thank you.

PRESIDENT PRO TEM MORRIS: Anyone else? Okay. Well, I'm gonna say something. Member Mack called me a year ago? About this? I told him he was nuts. That's exactly what I said. I said seriously, people walking around in downtown drinking, and you think that's a great idea? I said go for it, buddy, if you guys think you can get it done. Hats off, you guys did it. I've never seen so many people come up and stand here and support people walking around with open containers and possibly being publicly intoxicated in my life. Eleven thirty

**MINUTES OF THE MEETING APRIL 25, 2016**

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday or Sunday, walk down 19<sup>th</sup> Street. We already have a DORA. (*Laughter*) Everybody walks around. (*Applause*) Hats off to you, Member Mack. I still think it's a crazy idea, but it seems pretty popular. I do not like the dollar surcharge on the cups. I... I think that's taxation. It's a hidden loop hole. One of the gentlemen come up and said well, we don't have to pass that onto our customers, each individual bar can eat that. No, each individual bar can take that dollar cup and sell it to you for a buck and a half making the drinks a little too pricey. And the money goes back into the SID. So as Member West said, that if there is any trouble him and Member Smith will be on top of it, and I hope when you jump on top of it you're using the money that the SID collected off of these cups and it doesn't reach into our coffers any deeper. I have to say, you know, I compliment you guys. It's a great job. Still think it's out there, but congratulations anyhow. Roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

**#12 ADOPTED AS ORDINANCE NO. 69/2016**

PRESIDENT PRO TEM MORRIS: Ordinance #12 has been adopted.

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT PRO TEM MORRIS: We are now under Ordinances and Formal Resolutions for their First Reading. Ordinance #1, Mister Clerk.

***NOTE: PRESIDENT PRO TEM MORRIS CALLED UPON CLERK SHOWES TO READ ORDINANCE #1 THROUGH ORDINANCE #4 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #1. (1<sup>ST</sup> RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE 1400 GRACE AVE. ANNEXATION AREA, 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  
Referred to Annexation Committee
- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE ADOPTION OF THE PROPOSED CANTON PARKS MASTER PLAN AS A SUBORDINATE PLAN TO THE COMPREHENSIVE PLAN FOR THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Parks & Recreation Committee

***(COUNCIL RECESSED AT 8:14 P.M. FOR THE COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE TO DISCUSS ORDINANCE NO. 3; RECONVENED AT 8:15 P.M.)***

- #3. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 67/2016** AN ORDINANCE DECLARING THE 5 BUILDINGS LISTED ON EXHIBIT A TO BE PUBLIC NUISANCES; AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE DEMOLITION OF SAID BUILDINGS; AUTHORIZING THE CLERK OF CANTON

**MINUTES OF THE MEETING APRIL 25, 2016****CITY COUNCIL TO CERTIFY THE COSTS OF DEMOLITION TO THE STARK COUNTY AUDITOR; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee**

PRESIDENT PRO TEM MORRIS: And at this time the chair will declare an in house recess for the Community & Economic Development Committee to meet in regards to Ordinance #3 on your agenda. You're now in recess.

PRESIDENT PRO TEM MORRIS: Council is reconvening after the recess. Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to suspend Rule 22A to place Ordinance #3 back on this evening's agenda. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

PRESIDENT PRO TEM MORRIS: Ordinance #3 is a legal part of your agenda. Leader.

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

PRESIDENT PRO TEM MORRIS: H-mmm. We have to suspend Statutory Rule...

MEMBER SMITH: Oh, okay. Mr. President, I move we suspend the Statutory Rules on Ordinance #3.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to suspend the Statutory Rules on Ordinance #3. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

PRESIDENT PRO TEM MORRIS: You've heard your three readings, Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Ordinance #3. Are there any remarks? Hearing none, roll call vote please, Mr. Clerk.

MINUTES OF THE MEETING APRIL 25, 2016

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

PRESIDENT PRO TEM MORRIS: Ordinance #3 has been adopted. Ordinance #4.

- #4. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR LISTS OF UNPAID AND DELINQUENT CHARGES FOR ALL COSTS ASSOCIATED WITH SERVICES PERFORMED BY AND/OR ON BEHALF OF THE CANTON STREET DEPARTMENT AND URBAN FORESTRY DIVISION OF THE ENGINEERING DEPARTMENT IN 2015  
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT PRO TEM MORRIS: We are now under Formal... Ordinances and Formal Resolutions for their Second Readings. Begin with Ordinance #5, please.

CLERK SHOWES: We'll be starting with #6.

PRESIDENT PRO TEM MORRIS: Oh, that's right. I'm sorry, I apologize.

***NOTE: PRESIDENT PRO TEM MORRIS CALLED UPON CLERK SHOWES TO READ ORDINANCES #6 THROUGH #11 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (ORDINANCE #5 WAS RETAINED IN COMMITTEE):***

- #5. (2<sup>ND</sup> RDG) ***RETAINED IN COMMITTEE*** AN ORDINANCE ADDING CHAPTER 1352, VACANT COMMERCIAL PROPERTY MAINTENANCE AND STANDARDS, TO THE BUILDING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
- #6. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO FILE WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) A 2016 ANNUAL ACTION PLAN FOR THE 2016 COMMUNITY DEVELOPMENT BLOCK GRANT, 2016 HOME INVESTMENT PARTNERSHIP, AND 2016 EMERGENCY SOLUTIONS GRANT PROGRAMS; RATIFYING SUBMISSION AND FILING OF SAID PLAN; AUTHORIZING THE MAYOR TO EXECUTE GRANT AGREEMENTS WITH HUD AND TO ACCEPT FUNDING FOR THE THREE PROGRAMS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #7. (2<sup>ND</sup> RDG) A RESOLUTION ACCEPTING THE TAX INCENTIVE REVIEW COUNCIL'S RECENT RECOMMENDATIONS REGARDING ENTERPRISE ZONE AND COMMUNITY REINVESTMENT AREA TAX ABATEMENT AGREEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #8. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE PARK DIRECTOR/PARK COMMISSION TO ENTER INTO CONTRACT FOR THE PURCHASE OF ONE (1) 2016 FORD F250 SRW 4X4 REGULAR CAB FROM DOWNTOWN FORD IN AN AMOUNT NOT TO

**MINUTES OF THE MEETING APRIL 25, 2016**

EXCEED \$26,312.42; AND DECLARING THE SAME TO BE AN EMERGENCY

- #9. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A ONE-YEAR PROFESSIONAL SERVICES CONTRACT RENEWAL WITH SHOTSPOTTER FLEX IN AN AMOUNT NOT TO EXCEED \$135,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY
- #10. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH ME/IBI GROUP FOR DESIGN OF THE RIDGEWOOD EAST WATER MAIN REPLACEMENT AND ROADWAY RECONSTRUCTION PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 68/2016** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A THREE YEAR PROFESSIONAL SERVICES CONTRACT WITH PHYSIO-CONTROL, INC. IN AN AMOUNT NOT TO EXCEED \$61,882.80 FOR CARDIAC MONITOR MAINTENANCE; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM MORRIS: Leader Smith.

MEMBER SMITH: Mr. President, I move we suspend the Statutory Rule for Ordinance #11.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to suspend the Statutory Rule for Ordinance #11. Are there any remarks? If not, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

PRESIDENT PRO TEM MORRIS: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Ordinance #11. Are there any remarks? If not, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

**#11 ADOPTED AS ORDINANCE NO. 68/2016**

MINUTES OF THE MEETING APRIL 25, 2016

PRESIDENT PRO TEM MORRIS: Ordinance #11 has been adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT PRO TEM MORRIS: We are now under Ordinances and Formal Resolutions for their Third and Final Reading. Begin with Ordinance #13.

***NOTE: PRESIDENT PRO TEM MORRIS CALLED UPON CLERK SHOWES TO READ ORDINANCES #13 THROUGH ORDINANCE #18 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

#13. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 70/2016** AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (P.A.L. MISSION) **PUB HRG 4/25/16 @ 7:32 PM**

PRESIDENT PRO TEM MORRIS: Leader .

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Ordinance #13. Are there any remarks under this? Hearing none, Mr. Clerk, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, Sir.

**#13 ADOPTED AS ORDINANCE NO. 70/2016**

PRESIDENT PRO TEM MORRIS: Ordinance #13 has been adopted. Ordinance #14 please.  
 (\*\* Note: *This Ordinance was read and adopted out of sequence. The correction will follow*)

#14. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 71/2016** AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (HAMMER & NAILS) **PUB HRG 4/25/16 @ 7:33 PM**

PRESIDENT PRO TEM MORRIS: Leader .

MEMBER SMITH: Mr. President, I move we adopt Ordinance #14.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Ordinance #14. Are there any remarks under this Ordinance? Hearing none, roll call vote please.

MINUTES OF THE MEETING APRIL 25, 2016

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

#14 ADOPTED AS ORDINANCE NO. 71/2016

PRESIDENT PRO TEM MORRIS: Ordinance #14 is adopted. Ordinance #15 please.

(\*\* Note: This Ordinance was read and adopted out of sequence. The correction will follow)

#15. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 72/2016** AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE FIRST TEE OF CANTON NO. 2 ANNEXATION AREA CONTAINING APPROXIMATELY 0.099 ACRES; ASSIGNING SAID TERRITORY TO WARD 6 OF THE CITY; ZONING SAID TERRITORY AS OS (OPEN SPACE); AND DECLARING THE SAME TO BE AN EMERGENCY **PUB HRG 4/25/16 @ 7:31 PM**

PRESIDENT PRO TEM MORRIS: Leader .

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

PRESIDENT PRO TEM MORRIS: 15.

CLERK SHOWES: Hold on. There's a mistake that was made.

PRESIDENT PRO TEM MORRIS: Point of order. 13 was in Ward 6, which was the First Tee. 14 was...

CLERK SHOWES: My mistake.

PRESIDENT PRO TEM MORRIS: ...the Fourth Ward, and now we're on 15 which is Ordinance #55/77, Ordinance known as City of Canton Ordinance. This is for Hammer &amp; Nails in Ward 1.

CLERK SHOWES: (*Inaudible*)... start them over.

PRESIDENT PRO TEM MORRIS: You need to start them over? Or did you go back?

CLERK SHOWES: No, we started with the wrong one. 13 should have been the annexation for First Tee. I... I read it out of order.

PRESIDENT PRO TEM MORRIS: Okay. Which order did you go? You went back (*inaudible*). Alright. Let's go back to 13. We read them out of order, so we are going to start with 13 and work our way back to 15 again. So...

CLERK SHOWES: Sorry about that.

PRESIDENT PRO TEM MORRIS: It's a clerical error. We're good.

**NOTE: PRESIDENT PRO TEM MORRIS CALLED UPON CLERK SHOWES TO READ ORDINANCES**

**MINUTES OF THE MEETING APRIL 25, 2016*****#13 THROUGH ORDINANCE #18 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

#13. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 70/2016** AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE FIRST TEE OF CANTON NO. 2 ANNEXATION AREA CONTAINING APPROXIMATELY 0.099 ACRES; ASSIGNING SAID TERRITORY TO WARD 6 OF THE CITY; ZONING SAID TERRITORY AS OS (OPEN SPACE); AND DECLARING THE SAME TO BE AN EMERGENCY **PUB HRG 4/25/16 @ 7:31 PM**

PRESIDENT PRO TEM MORRIS: Leader Smith.

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Ordinance #13. Any remarks under this? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

**#13 ADOPTED AS ORDINANCE NO. 70/2016**

PRESIDENT PRO TEM MORRIS: Ordinance #13 is adopted again. Ordinance #14.

#14 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 71/2016** AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (P.A.L. MISSION) **PUB HRG 4/25/16 @ 7:32 PM**

PRESIDENT PRO TEM MORRIS: Leader.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #14.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Ordinance #14. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

**#14 ADOPTED AS ORDINANCE NO. 71/2016**

PRESIDENT PRO TEM MORRIS: Ordinance #14 is adopted for the second time. And actually we really

**MINUTES OF THE MEETING APRIL 25, 2016**

didn't have to vote for 14 again cause anyway you invert the order it still fell in the middle. Ordinance #15.

#15 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 72/2016** AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (HAMMER & NAILS) **PUB HRG 4/25/16 @ 7:33 PM**

PRESIDENT PRO TEM MORRIS: Leader

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Ordinance #15. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

**#15 ADOPTED AS ORDINANCE NO. 72/2016**

PRESIDENT PRO TEM MORRIS: Ordinance #15 has been adopted. Ordinance #16 please.

CLERK SHOWES: And this will be the correct #16 this time.

PRESIDENT PRO TEM MORRIS: Yes.

#16. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 73/2016** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$11,649.61 APPROP TRF FR 4502 104020 TRAFFIC SIGNAL - PERSONNEL TO 4502 104020 TRAFFIC SIGNAL - OTHER; \$4,980.03 APPROP TRF FR 4502 104040 TRAFFIC ENG/PARKING METER - PERSONNEL TO 4502 104040 TRAFFIC ENG/PARKING METER - OTHER)

PRESIDENT PRO TEM MORRIS: Leader .

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Ordinance #16. Are there any remarks under this? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

**MINUTES OF THE MEETING APRIL 25, 2016****#16 ADOPTED AS ORDINANCE NO. 73/2016**

PRESIDENT PRO TEM MORRIS: Ordinance #16 has been adopted. Ordinance #17 please.

#17. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 74/2016** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CHANGE ORDER #1 AND FINAL WITH ACLARA TECHNOLOGIES, LLC, IN AN AMOUNT NOT TO EXCEED \$142,539.04 FOR THE WATER METER AND METER TRANSMITTING UNIT REPLACEMENT PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Ordinance #17. Are there any remarks under this? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

**#17 ADOPTED AS ORDINANCE NO. 74/2016**

PRESIDENT PRO TEM MORRIS: Ordinance #17 has been adopted. Ordinance #18.

#18. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 75/2016** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO: ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO A CONSTRUCTION CONTRACT AND ALSO EXECUTE A PROFESSIONAL SERVICES CONTRACT FOR CONSTRUCTION OVERSIGHT SERVICES FOR THE AVONDALE AREA PHASE I WATER MAIN REPLACEMENT PROJECT; RECEIVE GRANT FUNDS IN THE AMOUNT OF \$475,000 AND A ZERO PERCENT INTEREST LOAN IN THE AMOUNT OF \$475,000; AUTHORIZING THE AUDITOR TO ESTABLISH THE 5232 AVONDALE AREA PHASE I WATER MAIN REPLACEMENT PROJECT FUND; AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$950,000.00 SUPP APPROP FR UNAPPROP BAL OF 5232 AVONDALE PHASE I WATER MAIN REPLACEMENT PROJ FUND TO 5232 207035 AVONDALE PHASE I WATER MAIN REPLACEMENT - OTHER; \$1,345,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207035 AVONDALE PHASE I WATER MAIN REPLACEMENT - OTHER)

PRESIDENT PRO TEM MORRIS: Leader .

MEMBER SMITH: Mr. President, I move we adopt Ordinance #18.

MEMBER BABCOCK: Second.

**MINUTES OF THE MEETING APRIL 25, 2016**

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Ordinance #18. Are there any remarks under this Ordinance? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

**#18 ADOPTED AS ORDINANCE NO. 75/2016**

PRESIDENT PRO TEM MORRIS: Ordinance #18 has been adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT PRO TEM MORRIS: We are now under Announcements of Committees. Member Mack.

MEMBER MACK: Judiciary's gonna meet... I've never gone first before. What time do you guys want to meet? (*Laughter*) Judiciary's gonna meet...

PRESIDENT PRO TEM MORRIS: How long do you think you'll need?

MEMBER MACK: ...next Monday, a week from today, at 6:30.

PRESIDENT PRO TEM MORRIS: 6:30?

MEMBER MARIOL: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Mariol.

MEMBER MARIOL: Finance will meet same time, same place.

MEMBER WEST: Mr. President, Annexation will meet same time, same place.

PRESIDENT PRO TEM MORRIS: Alright. Anybody else?

MEMBER SMITH: Community & Economic Development will meet same time, same place.

PRESIDENT PRO TEM MORRIS: Okay. Anybody else?

**MISCELLANEOUS BUSINESS**

PRESIDENT PRO TEM MORRIS: We're now under Miscellaneous Business.

MEMBER WEST: Mr. President.

PRESIDENT PRO TEM MORRIS: Member West.

MEMBER WEST: I have some very good news to let you know about today. This afternoon we had a Market Square Committee meeting, and the Rotary Club came in and gave... presented the Mayor with a \$50,000.00 check. As you guys recall we had... they gave us the first \$50,000.00 and they said well, we want to see you

**MINUTES OF THE MEETING APRIL 25, 2016**

guys progress, and they were confident today and gave us the other \$50.00... \$50,000.00 check. And they presented that to Mayor Bernabei. So that brings our total up to \$175,000.00 for the soft costs of Market Square. (*Applause*)

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Dougherty.

MEMBER DOUGHERTY: Yeah, can we go back and make sure we got all the committees right.

PRESIDENT PRO TEM MORRIS: Yeah, I missed mine, didn't I? Parks and Rec will meet at the same time, same place.

MEMBER DOUGHERTY: Is there a reason why CD is meeting? We'd already voted on it.

PRESIDENT PRO TEM MORRIS: Yeah, we already voted. She meant Parks & Rec. She was covering for me.

MEMBER SMITH: Right.

PRESIDENT PRO TEM MORRIS: Thank, Chris. Got my back. Alright.

MEMBER SMUCKLER: Mr. President.

PRESIDENT PRO TEM MORRIS: Mr. Smuckler.

MEMBER SMUCKLER: Just briefly, and I touched upon this with the Law Director earlier today. And I don't mean to blind side him, but the grass is growing, and I'm sure that administratively we will take care of the grass, but I'm more concerned about legally dealing with the people that don't care in this community. And I know I preach this every year, and it seems like every year this comes and we don't do enough about it legally to take care of the situation. And I'm saying to you, Joe, in April I hope this isn't going to take till July 4<sup>th</sup> to deal with this whole situation.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Dougherty.

MEMBER DOUGHERTY: Yeah, we got an e-mail that the grass is starting to be cut May 9<sup>th</sup>, if I remember off the top of my head. Why did we... why did we wait so long? You know, I don't know how the contracts are set up, but a lot of people have mowed their grass several times already and we gotta wait till May 9<sup>th</sup>.

DEPUTY MAYOR WILLIAMS: Member Dougherty, Members of Council, let me look into that and report back to everyone. You'll have an answer by morning.

LAW DIRECTOR MARTUCCIO: Mr. President.

MINUTES OF THE MEETING APRIL 25, 2016

PRESIDENT PRO TEM MORRIS: Law Director.

LAW DIRECTOR MARTUCCIO: Thank you. Member Smuckler and Members of Council, I can tell you that I am a fan of winter, always have been, and I dread spring, and one of the reasons I dread spring is lots of sunshine and earlier rains because they lead to high dense growth. But to your question we... there have been a series of meetings going on. The Administration's been working very hard with their Street Superintendent and Service Director to get the mowings coordinated, and also with us in the Law Department. As we mentioned before your step in increasing the registration fees will lead to more code enforcement inspectors. They in turn can serve as our witnesses as they have recently in a couple of convictions, where they can come to court. You know, interns come and go, sometimes it's hard to get them back. We can get them in court assuming we can label an owner. We talked about some of the difficulties in finding owners earlier in committee. But if can find an owner occupied or a residential that's a rental, we can gather the evidence, we get the photographs, we have the person come into court and we score a prosecution, or a plea in advance of no contest certainly if we have enough evidence. There have been those discussions, and we're getting more help now. Recently we did score a couple of convictions. So, I hear you and again I wish I had a deep resonant sonorous voice of a Rev. Arrington or a Pastor Morgan so I could make this sound better, but it's... it's a pursuit. And the other thing that's going on is the Administration, Mayor, Service Director, our office are meeting to talk about more aggressive collections to... to not let some of the folks slip by who have in the past. There are state of the art ways of achieving hunts now, people can be hunted down through social media in clever ways and other ways, so we're gonna try our best to do that. And I have talked with the prosecutor staff despite the fact that they're also furlough... furloughing, and we're down two full time prosecutors now. I have said that these cases are important. They're important to the neighborhoods. They're important to you all. And we won't push them aside just because we have murders and other cases pending. We understand what you're saying. Thank you.

MEMBER SMUCKLER: I understand, Law Director, that you are strapped and you are very busy up there, but again this is not an issue that we haven't discussed fifty thousand times ad nauseum in the last ten years, and I would just... I also know that at one meeting I sat in here the prosecutor's staff was not thrilled with doing this either, and I know they work for you and I know that you ultimately are responsible for this, and besides the collections I'd prefer not being in the lawn mowing business period. I don't think that it's... we're making any money doing this and I certainly know we're not covering our costs. So I would prefer that if legally you can find out who owns this property to take care of themselves rather than for us to be involved in doing it, it would be a gold mine for all of us. Thank you.

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Hawk.

MEMBER HAWK: Thank you, sir. I'd like to thank our police department, our fire department, two of our street department workers, Kirt Fach and Joel Souliere, and a gentleman from the Local Ironworkes 550 who rescued a woman from a house that was on fire. She was totally unaware, but our fire department was quick response, got the fire knocked down and under control quickly, and I thank them for their prompt service and all the work they did.

PRESIDENT PRO TEM MORRIS: Thank you. Anyone else? Leader.

MINUTES OF THE MEETING APRIL 25, 2016

MEMBER SMITH: Mr. President, I move we adjourn.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: Roll call.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

MEMBER WEST: Mr. President, we forgot to wish Andrea Perry happy birthday, happy 50<sup>th</sup> birthday.

PRESIDENT PRO TEM MORRIS: Well, the meeting's adjourned and now that everybody can drink downtown in the streets, party on. *(Gavel falls)*

ADJOURNMENT TIME: 8:37 P.M.

ATTEST:

KELLEN SHOWES  
CLERK OF COUNCIL

APPROVED:

FRANK MORRIS  
PRESIDENT PRO TEM