

**MINUTES OF THE MEETING OCTOBER 3, 2016**

PRESIDENT SCHULMAN: Wonderful man, Judge, a father and humanitarian, and a person that worked tirelessly for our community passed away. He will surely be missed. Our heartfelt sympathies go out to Sophie and the family. He was a tremendous person. It's really very much of a crushing blow. And I know our Mayor wanted to say a few words also too.

MAYOR BERNABEI: Mr. President, I was fortunate that Harry gave me my first job in city government in approximately 1981 as an assistant city law director. That's why I've known him very well and very, very closely ever since. He was, for those of you who don't know, he was a President of City Council. He was then the Law Director for approximately ten years. He was a Canton Municipal Court Judge. He then was of course a judge of the Common Pleas Court General Division. And even after he retired from that he continued to do many, many things in our community to include most recently, as recently as within the last year, working with Coming Together Stark County, working on their Criminal Justice Reform Committee. He was very active in the issue regarding felons and ban the box. Very active in alternative sentencing and things of that nature. But most importantly he was responsible for hiring and inspiring a whole generation of lawyers who eventually entered into public service. Among them Bob Horowitz who was his partner in his office and became a city prosecutor, county prosecutor and probate judge, Scot Gwin, our Court of Appeals Judge, Dick Reinbold who was a Canton Municipal Court Judge and a Common Pleas Court Judge, Bill Hoffman, and others. So Harry did that, he loved people. He loved people first, and he put people first, and all of the things that he considered, he loved his family. He loved his family first, people second, his church, and he did so many, many things for the Canton and Stark County community, and we will truly miss him. Thank you.

PRESIDENT SCHULMAN: Thank you. With a quorum being present, the Chair calls this meeting of Canton City Council to Order. Roll call vote, please.

***ROLL CALL TAKEN BY CLERK SHOWES:***

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

TEN COUNCIL MEMBERS PRESENT. (MEMBER SMUCKLER AND MEMBER WEST ABSENT)

CLERK SHOWES: Twelve yeas, sir. (*"Twelve" yeas was said, but only "ten" were present*)

*(Note: Member West appeared at approximately 8:09 P.M.)*

**EXCUSING MEMBERS**

PRESIDENT SCHULMAN: Thank you. Leader.

MEMBER MORRIS: Mr. President, I move we excuse Member Smuckler and Member West from this evening's meeting.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to excuse Members Smuckler and West from this evening's meeting. I know Member Smuckler is not here tonight for religious reasons, and Member West I know had business outside of the office here, so yeah. Any other remarks? Roll call vote, please.

**MINUTES OF THE MEETING OCTOBER 3, 2016**

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK SHOWES: Ten yeas, sir.

PRESIDENT SCHULMAN: Thank you. Members Smuckler and West are excused from this evening's meeting. So the motion carries. We'll now have our invocation tonight given by my friend and Ward 1 Council Member, Greg Hawk. If you'll all stand and remain standing please, for the Pledge of Allegiance.

*The regular meeting of Canton City Council was held on October 3, 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 1 Council Member, Greg Hawk. The Pledge of Allegiance was led by President Schulman.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SCHULMAN: Thank you very much, Member Hawk. 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 #11.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add 2<sup>nd</sup> Reading Ordinances 4 through 11 to this evening's agenda. Any remarks? Hearing none...

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK SHOWES: Ten yeas, sir.

PRESIDENT SCHULMAN: Motion carries and Rule 22A is suspended.

**PUBLIC HEARINGS**

PRESIDENT SCHULMAN: We now turn to Public Hearings. We do have one hearing this evening, and it is scheduled for 7:30. It is AN ORDINANCE AMENDING ORDINANCE 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE, AND DECLARING THE SAME TO BE AN EMERGENCY. This is located at an unaddressed vacant property in the 1600 block of Cleveland Avenue NW commencing approximately 94 feet north of Auburn Place NW and going approximately 220 feet north, and from the western right of way of Cleveland Avenue NW to the eastern right of way of Shorb Avenue NW, from R-1A (Single Family Residential) and B-3 (General Business) to PB-4 (Planned Special Business District) for Kempthorn in Ward 9. Planning Commission has recommended the approval of the same. I will not reread that again, but is there anyone in the audience wishing to speak for or against this zone change, will you please step forward. I have to repeat it one more time. Is there anybody in the audience wishing to speak for or against this zone change, will you please step forward. Yes, sir, good evening. Welcome. If you'll give us your name, sir, and your residential address, and welcome.

JEFF BARBER: My name's Jeff Barber of 1730 Glenmar Oval S.E., North Canton 44709. I'm the architect

**MINUTES OF THE MEETING OCTOBER 3, 2016**

for Kempthorn Motors and I'm here to answer any questions if any public had a question, so... And obviously in favor...

PRESIDENT SCHULMAN: Any questions for the architect?

JEFF BARBER: The zoning change is so they can consolidate their body shop into one new facility on that empty lot.

PRESIDENT SCHULMAN: Great. Thank you very much, sir. Appreciate you coming down. So that will be the only other speaker I believe, and the matter now rests in the hands of Council and the Ordinance will follow later this evening.

**OLD BUSINESS**

PRESIDENT SCHULMAN: We now turn to Old Business. I don't believe there is any Old Business.

**PUBLIC SPEAKS**

PRESIDENT SCHULMAN: We now turn to Public Speaks. We have two speakers this evening. Our first speaker is oh, Pete DiGiacomo. Mr. DiGiacomo, welcome as always. If you'll give us your name, sir, and your residential address, please.

PETE DIGIACOMO: Thank you. My name is Pete DiGiacomo. I live at 600 Dent Place SW, Canton, Ohio. This is gon... might sound kinda silly. Uh, years ago people used to complain about junk cars sitting out in front of somebody's house, sitting in the lawn. Well, the junk cars have been replaced with shopping carts. And I know in some wards you don't have the problem. Other wards we got Fishers, Aldi's, Giant Eagle shopping carts. The people scr... or the scrappers use them to haul their merchandise from one spot to the other spot. When they get done with it, they just leave it sit. I've contacted... uh, I've only got two responses from... I think one was from Giant Eagle and the other one was from Save-A-Lot, that if you... in other words if the citizen calls they will try to get somebody to come out and pick up their carts. But I didn't know if the City, anything that they could do. I mean, there's... where I live, what I hope happens is somebody else, a scrapper, needs a cart and they haul it away. But there's a lot of shopping carts sitting I know in parts of the southwest end. I'm sure the southeast has it, northeast has it. But it's, you know, it doesn't look that good when you drive down the road or, you know, here's four or five shopping carts like they're all, you know, a gang of them hanging out together. Okay. That's all. Thank you.

PRESIDENT SCHULMAN: Thank you very much. We appreciate it. Thanks, Mr. DiGiacomo. Our next speaker and last speaker is Henry Preston. Mr. Preston, good evening as always. If you'll step forward and give us your name and your residential address, please.

HENRY PRESTON: Good evening. My name is Henry Preston. I live at 326 31<sup>st</sup> Street NW, also known as Market Heights, also known as part of Frank Morris' ninth ward. This evening my topic's gonna be about peeping Mary, and (*inaudible*) Frank Morris, here's a picture. Peeping Mary was a person, white female, with a dark skinned male child that was peeping in my window. My motion camera picked up on that. So that's a screen shot from the... uh, from the camera. It's my opinion that peeping Mary is a result of... of failed response from Frank Morris, Market Heights Association, the chief of police, because three years ago I brought to the attention of Frank Morris the dogs urinating on my property. And Frank Morris chose not to recognize that as a problem. That's okay. So then the police department came and I con... I communicated

**MINUTES OF THE MEETING OCTOBER 3, 2016**

with her, there's two officers came, and they think that's not my property. They don't understand that that's my property. I addressed the Mayor while he was campaigning. I addressed him about that. He's got bigger things to worry about. But, you know, he was speaking to the Muslims last week and he said that he wanted everybody, no regards to religion, no regards to race, we need to honor and respect one another. Well I guess I'm not one another. I've addressed the Chief of Police, and Mr. Bartos was with me when I addressed him about this. And I didn't know Mr. Bartos was in law enforcement, but he asked Mr. Bartos if, you know, the tree lawn was part of property owner's property. And Mr. Bartos, we don't expect him to know that, but Mr. Martuccio was here, he could have asked him, but he chose not to. So I thought again he doesn't think that's important. Mr. Martuccio is the only one that has helped me in any way at all. He was very effective. He got two disrespecting dog walkers to stop. I thought Mr. Jason Reese was gonna be helpful, and he was not helpful and what it wound up with that more dog walkers were trying to show me that they... that that wasn't my property. Anyway the long and short of it is I think the community policing is kinda lame, and my question to the Safety Director is after I identify who peeping Mary is, who is it that I go to next since I have already filed a police report. I will... I suspect I will be the only one who will identify peeping Mary. Thank you.

PRESIDENT SCHULMAN: Thank you very much. Appreciate it. (*Applause*) Thanks to both our speakers tonight.

**INFORMAL RESOLUTIONS**

PRESIDENT SCHULMAN: We're now under Informal Resolutions and we have one this evening. Mr. Clerk, would you please read Informal Resolution #59 by title.

#59. COUNCIL-AS-A-WHOLE: CONFIRMING APPT OF TOM HARMON TO JACKSON-CANTON JEDD BOARD OF DIRECTORS. - ADOPT

PRESIDENT SCHULMAN: Leader, this is very controversial, I know, but go ahead.

MEMBER MORRIS: Yes, with a heavy heart, I move that we adopt Informal Resolution 59.

MEMBER BABCOCK: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Informal Resolution 59. Are there any remarks? (*Chuckles*) Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #59 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes actually have it. (*Laughter*) Congratulations. Congratulations, and the Resolution has been adopted.

**COMMUNICATIONS**

PRESIDENT SCHULMAN: We now turn to Communications. Let the journal show that all Communications are received as read.

***NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE***

**MINUTES OF THE MEETING OCTOBER 3, 2016*****IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED OCTOBER 3, 2016.***

358. ASST. LAW DIR. REESE: REQ LEGISLATION FOR JOINT ECONOMIC DEVELOPMENT (JEDD) AGMT IN SPECIFIC PROPOSED AREAS IN PARTNERSHIP WITH JACKSON TWP (DISTRICT FP NORTH OF PORTAGE AVE NW TO APPLGROVE ST NW). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
359. ASST. LAW DIR. REESE: REQ LEGISLATION FOR JOINT ECONOMIC DEVELOPMENT (JEDD) AGMT IN SPECIFIC PROPOSED AREAS IN PARTNERSHIP WITH PERRY TOWNSHIP (FORMER DOCTORS HOSPITAL). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
360. DEPUTY MAYOR WILLIAMS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO LOAN AGMT IN AMT NOT TO EXCEED \$2,000,000.00 WITH HISTORIC HERCULES, LLC TO PROVIDE GAP FINANCING FOR HERCULES REDEVELOPMENT PROJ; AUTHORIZE ISSUANCE OF ONE OR MORE BOND ANTICIPATION NOTES IN TOTAL AMT OF \$2,000,000.00 FOR PURPOSE OF FUNDING LOAN; AUTHORIZE AUDITOR TO ESTABLISH AND CREATE PROPER FUND(S) FOR TRACKING, DISTRIBUTING, AND RECEIVING LOAN PAYMENTS AND REPAYMENTS; MAKE \$2,000,000.00 SUPP APPROP IN NEW FUND(S) ALLOWING FOR DISTRIBUTION OF PROCEEDS OF THE NOTE ISSUANCE AND MAKING OF THE LOAN; AMEND SEC 181.14(C) AND/OR 182.013(C) OF COD ORD TO ALLOW CAPITAL IMPROVEMENT FUNDS TO BE USED FOR REPAYMENT OF REVENUE BOND ANTICIPATION NOTES ISSUED FOR GAP FINANCING FOR HERCULES REDEVELOPMENT PROJECT AND FOR PAYMENT OF ANY AND ALL COSTS ASSOCIATED WITH NOTES; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. - FINANCE COMMITTEE
361. LAW DIRECTOR MARTUCCIO: REQ COUNCIL TO ADOPT ORDINANCES DESIGNATING TOURISM DEVELOPMENT DISTRICT (TDD) & ALLOWING FOR COLLECTION OF TAXES WITHIN DISTRICT TO SUPPORT DEVELOPMENT; REQ BLANKET AUTHORIZATION TO PREPARE ORDINANCES IN SEQUENCE FOR HALL OF FAME VILLAGE DISTRICT. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
362. LIQUOR CONTROL DIV (OHIO): REQ TRF D5 PERMIT FR BAR GUYS LLC @ 1153 MCKINLEY AVE SW TO FRONIMO LLC DBA FRONIMOS DOWNTOWN @ 315 CLEVELAND AVE NW. - RECEIVED & FILED
363. LIQUOR CONTROL DIV (OHIO): REQ TRF C1 C2 PERMIT FR HILL MINI MART LLC DBA SHORB DRIVE THRU TO EYAD LLC DBA SHORB DRIVE THRU @ 829 12<sup>TH</sup> ST NW. - RECEIVED & FILED
364. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CHANGE ORDER NO. 2 WITH PROFESSIONAL SERVICE INDUSTRIES, INC. (PSI) IN AMT

**MINUTES OF THE MEETING OCTOBER 3, 2016**

OF \$5,200.00 FOR DESIGN, ENGINEERING, CONTRACT ADMIN, AND OTHER PROF SERVS FOR CITY HALL ROOF REPAIR/REPLACEMENT PROJ; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. - FINANCE COMMITTEE

365. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO EXECUTE PROF SERVS CONTRACT WITH MICHAEL BAKER INTERNAT'L FOR DESIGN AND RELATED ENGINEERING SERVS FOR BURNHAM HILLS SANITARY SEWER REPLACEMENT PROJ, GP 1220; \$30,029.00 SUPP APPROP FR UNAPROP BAL OF 5410 SANITARY SEWER FUND TO 5410 206318 BURNHAM HILLS SANITARY SEWER REPLACEMENT PROJECT, GP 1220 - OTHER; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. - FINANCE COMMITTEE
366. SERVICE DIRECTOR BARTOS: REQ LEGISLATION CERTIFYING AMTS TO COUNTY AUDITOR FOR LIENS DUE TO UNPAID INVOICES FOR STREET DEPT SERVS; AUTHORIZE MAYOR AND/OR SERV DIR, IN CONJUNCTION WITH STARK CO. AUDITOR TO WAIVE CERTIFIED LIEN AMTS ONCE THEY ARE PAID OR THE OWNER OF PROP PROVIDES SUFFICIENT PROOF THAT LIEN AMTS WERE UNJUST OR UNWARRANTED; EMERGENCY. - FINANCE COMMITTEE

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SCHULMAN: We now turn to First Reading Ordinances... Ordinances and Formal Resolutions for the first reading. Mr. Clerk, would you please begin with Ordinance #1.

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

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND EXECUTE A CONSTRUCTION CONTRACT FOR THE GEORGEVIEW ESTATES NO. 3 SIDEWALKS AND ADA CURB RAMPS PROJECT, G.P. 1253; AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$39,225.00 SUPP APPROP FR UNAPPROP BAL OF 4506 INFRASTRUCTURE BOND FUND TO 4506 202001 ENGINEERING ADMINISTRATION - OTHER)  
Referred to Public Property Capital Improvement Committee

***(COUNCIL RECESSED AT 7:46 P.M. FOR THE FINANCE COMMITTEE TO DISCUSS O#2 AND O#3; RECONVENED AT 7:48 P.M.)***

- #2. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 172/2016** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ACCEPT THE 2017 IMPAIRED DRIVING ENFORCEMENT PROGRAM GRANT FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY IN AN AMOUNT NOT TO EXCEED \$26,049.00; AND DECLARING THE SAME TO BE AN EMERGENCY

**MINUTES OF THE MEETING OCTOBER 3, 2016**Referred to Finance Committee

- #3. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 173/2016** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ACCEPT THE 2017 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY IN AN AMOUNT NOT TO EXCEED \$17,366.00; AN DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee

PRESIDENT SCHULMAN: At this time the Chair would declare an in-house recess for the Finance Committee to meet in regard to Ordinances 2 and 3 on your agenda. You're now in recess.

(RECESS)

PRESIDENT SCHULMAN: Council will reconvene after its recess. Leader.

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

MEMBER SMITH. Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add second... to add Ordinances 2 and 3 back on this evening's agenda. Any remarks? Hearing none, roll call vote.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK SHOWES: Ten yeas, sir.

PRESIDENT SCHULMAN: Thank you. Motion carries and the Ordinances are a legal part of your agenda. Leader.

MEMBER MORRIS: Mr. President, I move we suspend Statutory Rules for Ordinances #2 and 3.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rules for Ordinances 2 and 3. Any remarks? Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK SHOWES: Ten yeas, sir.

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

**MINUTES OF THE MEETING OCTOBER 3, 2016**

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 under this Ordinance? Hearing none, voice vote... or, I'm sorry.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK SHOWES: Ten yeas, sir.

**#2 ADOPTED AS ORDINANCE NO. 172/2016**

PRESIDENT SCHULMAN: Ordinance 2 is adopted. Ordinance 3.

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 10 YEAS, 0 NAYS

CLERK SHOWES: Ten yeas, sir.

**#3 ADOPTED AS ORDINANCE NO. 173/2016**

PRESIDENT SCHULMAN: Thank you, Mr. Clerk. Ordinance 3 is adopted.

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SCHULMAN: We now turn to Second Readings Ordinances and Formal Resolutions for their Second Reading. Mr. Clerk, would you please begin with Ordinance #4.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK SHOWES TO READ ORDINANCES #4 THROUGH #11 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (ORDINANCE #11 ADOPTED ON 2<sup>ND</sup> READING):***

- #4. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO CONVEY THE CITY-OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATIONS; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCELS 280872, 280873, 284986, 280871, 285060 TO REFUGE OF HOPE)

**MINUTES OF THE MEETING OCTOBER 3, 2016**

- #5. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$29,607.53 SUPP APPROP FR UNAPPROP BAL OF 2766 MUNICIPAL PROBATION SERVICES FUND TO 2766 701001 MUNICIPAL PROBATION SERVICES - PERSONNEL)
- #6. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON REGIONAL CHAMBER OF COMMERCE TO PROVIDE A GRANT IN AN AMOUNT NOT TO EXCEED \$175,000.00 FOR ECONOMIC AND CIVIC DEVELOPMENT OF THE CITY; AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$175,000.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 506001 COMMUNITY DEVELOPMENT ADMIN - OTHER)
- #7. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$19,000.00 SUPP APPROP FR UNAPPROP BAL OF 2155 CITY PARKING DECK/LOT FUND TO 2155 104040 - PERSONNEL)
- #8. (2<sup>ND</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING AND RENUMBERING OF PART OF OUTLOTS 132 AND 133, PART OF LOTS 6203, 6204, 6205, 6206, AND 6207, 33172 AND 39866 AND ALL OF LOTS 17600, 17601, 17602, 17603, 39867, AND 39868; AND DECLARING THE SAME TO BE AN EMERGENCY (NEILSON PROPERTY LTD, 1100 BLOCK MARKET AVE N)
- #9. (2<sup>ND</sup> RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO PLAIN TOWNSHIP; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT(S) FOR THE EXTENSION OF SAID WATER MAIN; AND DECLARING THE SAME TO BE AN EMERGENCY (LEXINGTON FARMS NORTH NUMBER 2 & 3)
- #10. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO CONTRACT FOR THE PURCHASE OF ONE (1) COMBINATION SEWER CLEANER, ONE (1) TANDEM AXLE CAB/CHASSIS, AND ONE (1) DUMP BODY; OR TO ALTERNATIVELY PURCHASE SAID VEHICLES PURSUANT TO ANY COOPERATIVE PURCHASING AGREEMENTS AUTHORIZED BY LAW; AND DECLARING THE SAME TO BE AN EMERGENCY (COLLECTION SYSTEMS DEPT)
- #11. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 174/2016** AN ORDINANCE ESTABLISHING THE FAIR MARKET VALUE OF REAL PROPERTY; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE, OR THEIR DESIGNEE, TO ENTER INTO AGREEMENTS FOR PURCHASE/ACQUISITION OF PARCELS FOR FEE SIMPLE TAKES, PERMANENT EASEMENTS, AND TEMPORARY EASEMENTS FOR THE 12<sup>TH</sup> ST. NW BRIDGE REPLACEMENT AND

**MINUTES OF THE MEETING OCTOBER 3, 2016****STREETSCAPE PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY**

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we suspend Statutory Rules for Ordinance #11.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules for Ordinance #11. Any remarks? Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK SHOWES: Ten yeas.

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

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #11. Any remarks?

MEMBER MORRIS: Mr. President, I move we amend Ordinance #11 per a copy that all Council Members have in front of them.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to amend Ordinance #11 before... as a result of the copy before each Member of Council. Any remarks? Hearing none, 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.

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

MEMBER SMITH: Second.

**AMENDMENT**

*Pursuant to Rule 36, I move to amend Agenda Item No. 11 by the substitution of the attached Exhibit for the pending current version.*

**MINUTES OF THE MEETING OCTOBER 3, 2016**

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #11, as amended. Any remarks under this Ordinance as amended? Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK SHOWES: Ten yeas, sir.

**#11 ADOPTED AS AMENDED AS ORDINANCE NO. 174/2016**

PRESIDENT SCHULMAN: Thank you. Ordinance #11 is adopted.

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

PRESIDENT SCHULMAN: We now turn to Third Reading Ordinances and Formal Resolutions for their Third/Final Reading and Vote. If you'll start, please, Mr. Clerk, with Ordinance #12.

***NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK SHOWES TO READ THE FOLLOWING ORDINANCES #12 THROUGH #20 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

#12. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 175/2016** AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE AND DECLARING THE SAME TO BE EMERGENCY (KEMPTHORN) **PUB HRG 10/3/16 @ 7:30 PM**

PRESIDENT SCHULMAN: Leader.

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?

DEPUTY MAYOR WILLIAMS: Mr. President.

PRESIDENT SCHULMAN: Yes, I'm sorry.

DEPUTY MAYOR WILLIAMS: Mr. President, this particular Ordinance, some Members of Council had asked me about the LLC that was associated with this Ordinance which was called Foxy Few. Mr. Barber, the architect for the Kempthorns, notified me that that was the name of the fighting group that Dick Kempthorn was a part of when he was in Korea. So that's where the name came from. So Member Morris, I know you wanted that information so I thought I'd get it to you. You're welcome. Thank you.

MEMBER MORRIS: Mr. President.

PRESIDENT SCHULMAN: Yes, Leader.

**MINUTES OF THE MEETING OCTOBER 3, 2016**

MEMBER MORRIS: I appreciate that, Deputy Mayor, cause it did not sound that masculine when it first came to me in multiple telephone calls. But I'm glad to see that we're actually doing something up there, and my constituents in the area were really happy to find out that it was actually Kempthorns, and Foxy Few was nothing to be concerned with. So I appreciate that. Thank you.

PRESIDENT SCHULMAN: Any other remarks? Hearing none...

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK SHOWES: Ten yeas, sir.

**#12 ADOPTED AS ORDINANCE NO. 175/2016**

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

#13. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 176/2016** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO AMEND THE I-77/FAIRCREST COOPERATIVE ECONOMIC DEVELOPMENT AGREEMENT TO INCLUDE THE 77 GULLIVERS - 2414 FAIRCREST ST SW ANNEXATION AREA; AND DECLARING THE SAME TO BE AN EMERGENCY

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 under this Ordinance? Again hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK SHOWES: Ten yeas, sir.

**#13 ADOPTED AS ORDINANCE NO. 176/2016**

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

#14. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 177/2016** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$3,000.00 SUPP APPROP FR UNAPPROP BAL 7506 BUILDING DEPARTMENT STATE ASSESSMENT FUND TO 7506 101501 - OTHER)

PRESIDENT SCHULMAN: Leader.

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

MEMBER SMITH: Second.

**MINUTES OF THE MEETING OCTOBER 3, 2016**

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 14. Any remarks under this Ordinance? Again hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK SHOWES: Ten yeas, sir.

**#14 ADOPTED AS ORDINANCE NO. 177/2016**

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

#15 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 178/2016** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$5,000.00 SUPP APPROP FR UNAPPROP BAL 2812 EMS TRAINING AND EQUIPMENT FUND TO 2812 103001 SUPPLIES - OTHER)

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? Hearing none...

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK SHOWES: Ten yeas, Sir.

**#15 ADOPTED AS ORDINANCE NO. 178/2016**

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

#16 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 179/2016** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PURCHASE OPTION AGREEMENT WITH GROFFRE INVESTMENTS, LTD. FOR THE SALE AND PURCHASE OR PARCELS OF REAL PROPERTY OWNED BY THE CITY OF CANTON AND ESTABLISHING THE FAIR MARKET VALUE OF SAID PROPERTY PURSUANT TO THE CITY'S LAND REUTILIZATION PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

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 under this Ordinance? Again hearing none, roll call vote, please.

**MINUTES OF THE MEETING OCTOBER 3, 2016**

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK SHOWES: Ten yeas, sir.

**#16 ADOPTED AS ORDINANCE NO. 179/2016**

PRESIDENT SCHULMAN: Ordinance 16 is adopted. And before we turn to Ordinance 17, I just want the record to show that Member West has arrived. I know you were on some business out of Council so we appreciate you coming. So thank you very much. And now we turn to Ordinance 17.

#17 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 180/2016** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO RECEIVE AND APPROPRIATE THE FIREFIGHTERS SUPPORT FOUNDATION EQUIPMENT GRANT IN THE AMOUNT OF \$4,000.00 TO PURCHASE WATER RESCUE EQUIPMENT OR RELATED EQUIPMENT FOR THE FIRE DEPARTMENT; AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$4,000.00 SUPP APPROP FR UNAPPROP BAL OF 2783 FIRE DONATION FUND TO 2783 103001 SUPPLIES - OTHER)

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 under this Ordinance? Again hearing none, roll call vote, please.

*(After Member Dougherty's name is called):*

MEMBER DOUGHERTY: Point of order, could we get a vote from Member West, please.

PRESIDENT SCHULMAN: So, Member West.

MEMBER WEST: Aye.

CLERK SHOWES: Sorry.

PRESIDENT SCHULMAN: That's okay.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: We have eleven yeas then, sir.

**#17 ADOPTED AS ORDINANCE NO. 180/2016**

PRESIDENT SCHULMAN: Good. Ordinance 17 is adopted. Ordinance 18, please.

#18 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 181/2016** AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$5,658.70 TO VIEVU, LLC; AND DECLARING THE SAME TO BE AN

**MINUTES OF THE MEETING OCTOBER 3, 2016**

## EMERGENCY

PRESIDENT SCHULMAN: Leader.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #18. Any remarks under this Ordinance? Hearing none...

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, sir.

**#18 ADOPTED AS ORDINANCE NO. 181/2016**

PRESIDENT SCHULMAN: Ordinance 18 is adopted. Ordinance 19, please.

#19 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 182/2016** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$295,000.00 SUPP APPROP FR UNAPPROP BAL 5201 WATER FUND TO 5201 207001 WATER ADMINISTRATION - OTHER - \$10,000.00, TO 5201 207022 WATER DISTRIBUTION - OTHER - \$285,000.00)

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #19.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 19. Any remarks under this Ordinance? Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, sir.

**#19 ADOPTED AS ORDINANCE NO. 182/2016**

PRESIDENT SCHULMAN: Thank you. Ordinance 19 is adopted. Ordinance 20, please.

#20 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 183/2016** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CHANGE ORDER NO. 1 FOR THE EAST SIDE INTERCEPTOR SANITARY SEWER RELOCATION PROJECT, GP 1113, CONSTRUCTION ENGINEERING SERVICES, CONTRACT NO. 2015-75, WITH MICHAEL BAKER JR., INC. IN THE AMOUNT OF \$34,462.71; AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATIONS IN AN AMOUNT NOT TO EXCEED \$34,462.71 TO MICHAEL BAKER JR., INC.; AND DECLARING THE SAME TO BE AN EMERGENCY

**MINUTES OF THE MEETING OCTOBER 3, 2016**

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #20.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #20. Any remarks under that Ordinance? Hearing none, roll call vote please, Mr. Clerk.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, sir.

**#20 ADOPTED AS ORDINANCE NO. 183/2016**

PRESIDENT SCHULMAN: Ordinance 20 is adopted. And before we go to Announcement of Committee Meetings, I just want to recognize our young people from Central Catholic. Welcome. Thank you for being here tonight. I'm sure it's been a very scintillating evening for all of you, but we do appreciate you coming here, and best of luck in your education.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SCHULMAN: So, with that, Announcement of Committee Meetings, please.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER DOUGHERTY: Public Property Capital Improvement will meet October 17<sup>th</sup> at 7:00 P.M.

PRESIDENT SCHULMAN: Thank you, Mr. Chairman. That it? Okay.

**MISCELLANEOUS BUSINESS**

PRESIDENT SCHULMAN: Miscellaneous Business? Any Miscellaneous Business? Leader.

MEMBER MORRIS: Motion to adjourn.

MEMBER SMITH: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, sir.

PRESIDENT SCHULMAN: (*Gavel falls*) Thank you, ladies and gentlemen. Meeting is adjourned. Safe journey home.

ADJOURNMENT TIME: 8:04 P.M.

**MINUTES OF THE MEETING OCTOBER 3, 2016**

ATTEST:

APPROVED:

KELLEN SHOWES  
CLERK OF COUNCIL

ALLEN SCHULMAN  
PRESIDENT