

MINUTES OF THE MEETING OCTOBER 31, 2016

PRESIDENT SCHULMAN: Good evening ladies and gentlemen. Welcome to Canton City Council. We have a huge agenda tonight. We have no, actually we have no Public Speaks, which is a miracle. Otherwise we might be here for another five to six hours. But with a quorum being present, the Chair calls this meeting of Canton City Council to Order. Roll call vote please, Mr. Clerk.

ROLL CALL TAKEN BY CLERK SHOWES:

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

TWELVE COUNCIL MEMBERS PRESENT.

CLERK SHOWES: We have twelve present, none absent, sir.

PRESIDENT SCHULMAN: Thank you. Tonight we're going to have our invocation given by our Ward 5 Council Member, Robert Fisher. I think this is your first, is it not?

ROBERT FISHER: I think it is.

PRESIDENT SCHULMAN: Okay, if you'll all stand and remain standing for our Pledge of Allegiance.

The regular meeting of Canton City Council was held on October 31, 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 5 Council Member, Robert Fisher. The Pledge of Allegiance was led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you very much for that invocation. We're now under Agenda Corrections and Changes. Leader.

MEMBER MORRIS: Mr. President, I move that Rule 22A be suspended to add 2nd Reading Ordinances 7 through 20 and Ordinance #7 will be retained in Committee.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add 2nd Reading Ordinances 7 through 20 to this evening's agenda. Ordinance #7 will be retained in Committee. Are there any remarks? Hearing none, roll call vote please, Mr. Clerk.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

PRESIDENT SCHULMAN: Motion carries and the Ordinances are a legal part of your Agenda. Will you give me one moment.

MINUTES OF THE MEETING OCTOBER 31, 2016**PUBLIC HEARINGS**

PRESIDENT SCHULMAN: We're now under Public Hearings. We have three public hearings tonight. The first is scheduled for **7:30 PM** and it's AN ORDINANCE AMENDING O#55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY. THIS IS LOCATED AT 1811 - 20TH STREET NE, FROM R-2 (TWO FAMILY RESIDENTIAL) AND B-1 (OFFICE BUSINESS) TO PI-1 (PLANNED LIGHT INDUSTRIAL DISTRICT) FOR SCOTT & CHRISTIE BOSWELL, IN WARD 9, PLANNING COMMISSION RECOMMENDED APPROVAL OF THE SAME. Is there anyone in the audience wishing to speak for or against this Zone Change, will you please step forward? I have to say this one more time...is there anyone in the audience wishing to speak for or against this Zone Change, will you please step forward? I don't see anyone stepping forward so this is now...the Chair declares the public meeting over in regard to this matter. The matter will come before you later this evening. The second hearing is scheduled for **7:31 PM** and it's AN ORDINANCE AMENDING O#55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY. THIS CONSISTS OF 74.2 ACRES WITHIN THE BOUNDARIES OF FULTON RD NW TO THE NORTH, HELEN ST NW TO THE SOUTH, INTERSTATE 77 TO THE EAST, AND THE CITY CORPORATION LINE TO THE WEST, FROM CS (COMMUNITY SERVICE) AND OS (OPEN SPACE) TO HOFV (HALL OF FAME VILLAGE) FOR HALL OF FAME VILLAGE DISTRICT IN WARD 7, PLANNING COMMISSION HAS RECOMMENDED APPROVAL OF THE SAME. Is there anyone in the audience wishing to speak for or against this Zone Change, will you please step forward? I have to repeat, is there anyone in the audience wishing to speak for or against this Zone Change, please step forward? I see no one stepping forward. , this matter now rests in the hands of City Council and that will follow later. The third hearing is scheduled for **7:32 PM** and it's AN ORDINANCE DECLARING A DESIGNATED AREA OF THE CITY OF CANTON AS A TOURISM DEVELOPMENT DISTRICT FOR THE PURPOSE OF FOSTERING AND DEVELOPING TOURISM IN THAT DISTRICT, PURSUANT TO OHIO REVISED CODE SECTION 715.014; AND DECLARING THE SAME TO BE AN EMERGENCY. Is there anyone in the audience wishing to speak for or against this Tourism District, will you please step forward. And once again I have to repeat, is there anyone in the audience wishing to speak for or against this Tourism District? Seeing no one stepping forward, the Chair declares the public hearing over and a second Public Hearing will be held on this matter next Monday, November 7th at 7:30 P.M.

OLD BUSINESS

PRESIDENT SCHULMAN: Now we turn to Old Business. We have Old Business...no Old Business to speak of.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We're now under Public Speaks. We have no public speakers tonight.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We're now under Informal Resolutions. We do have one Informal Resolution this evening. Mr. Clerk will you please read Informal Resolution 63 by title.

#63. COUNCIL-AS-A-WHOLE: STRONGLY OPPOSING THE ACQUISITION OF TIME WARNER CABLE BY AT&T FOR \$85,000,000,000.00 - ADOPTED

PRESIDENT SCHULMAN: Leader

MINUTES OF THE MEETING OCTOBER 31, 2016

MEMBER MORRIS: Mr. President, I move we adopt Informal Resolution #63.

MEMBER SMITH: Second

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Informal Resolution 63. Are there any remarks? I would only say that this is a...just a terrible idea. You can't have anything worse than the consolidation of these massive corporations. You know, we need competition, we don't need it to be consolidated in the hands of one or two people, or two companies particularly. They're scary, and they're a threat, and they're (*Inaudible*) on all of us. So, anyways...any other remarks? Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #63 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it.

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 IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED OCTOBER 31, 2016.

400. COUNCILMAN SMUCKLER: REQ LEGISLATION TO RAISE ADMINISTRATIVE FEES OF MOWING LAWNS ON VACANT PROPERTIES AND LOTS FROM \$100 TO \$200 PER MOW. - FINANCE COMMITTEE
401. DEPUTY MAYOR WILLIAMS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO TIF AGMT WITH BROADVIEW DEVELOPMENT LLC TO PROVIDE REAL ESTATE TAX EXEMPTION AND TO AUTHORIZE THE AUDITOR TO MAKE PAYMENTS TO CANTON CITY SCHOOL DISTRICT AS REQUIRED PURSUANT TO ORC SEC 5709.82(C) (HERCULES). - FINANCE COMMITTEE
402. DEVELOPMENT DIR MILLER: AUTHORIZE ISSUE OF REQUESTS FOR PROPOSALS FOR PROP MGMT OF RENTAL UNITS, ENTER INTO CONTRACT UPON SELECTION OF QUALIFIED ENTITY; AUTHORIZE SALE OF PROP ELIGIBLE TO BE SOLD THRU ORC 721.28 UNDER COUNCIL'S URBAN RENEWAL AND DEVELOPMENT AUTHORITY. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
403. FINANCE DIR CROUSE: AMEND APPROP O#44/2016 (\$72,558.77 APPROP TRF FR 1001 101501 CODE ENFORCEMENT - OTHER-\$70,000, 1001 102080 POLICE TRAFFIC - PERSONNEL-\$2,558.77 TO 1001 501101 HUMAN RESOURCES -PERSONNEL-\$10,000, 1001 852001 TREASURER - PERSONNEL-\$20,000, 1001 102001 POLICE ADMIN - OTHER-\$40,000, 1001 102090 POLICE CRIME LAB - PERSONNEL-\$2,558.77). - FINANCE COMMITTEE

MINUTES OF THE MEETING OCTOBER 31, 2016

404. LIQUOR CONTROL DIV (OHIO): REQ TRF C1, C2 PERMIT FR SUNNYS DRIVE THRU LLC TO SHAKHTRA HAYAKAYED LOCATED @ 1901 HARRISBURG RD NE (WARD 9). - RECEIVED & FILED
405. MAYOR BERNABEI: REQ AUTHORIZATION TO PAY \$6,500.00 STIPEND PER YR TO DIRECTOR OF HUMAN RESOURCES DURING TIME THAT SHE SERVES AS BOTH HEALTHCARE COORDINATOR AND HUMAN RESOURCES DIRECTOR (AMY SLATER). - FINANCE & PERSONNEL COMMITTEES
406. MAYOR BERNABEI: REQ AUTHORIZATION TO RE-APPT SUSAN ROSS TO CITY BD OF ZONING APPEALS COMMENCING 1/1/17 TO 12/31/19. - PERSONNEL COMMITTEE
407. SERVICE DIR BARTOS: AUTHORIZE AUDITOR TO PAY ONE OR MORE MORAL OBS RELATED TO MAHONING RD NE CORRIDOR PROJ, GP 1103 TO WENGER EXCAVATING, INC. FOR AMT NOT TO EXCEED \$280,000; AUTHORIZE AUDITOR TO PAY ONE OR MORE MORAL OBS RELATED TO 12TH ST N CORRIDOR PROJ, GP 1098, TO CENTRAL ALLIED ENTERPRISES, INC FOR AMT NOT TO EXCEED \$215,000; REQ \$115,649 SUPP APPROP FR UNAPPROP BAL OF 2113 MUNICIPAL ROAD FUND TO 2113 MUNICIPAL ROAD FUND - OTHER, \$146,691 SUPP APPROP FR UNAPPROP BAL OF 4506 INFRASTRUCTURE BOND FUND TO 4506 INFRASTRUCTURE BOND FUND - OTHER. - FINANCE AND PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: We now turn to First Reading 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 #6 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF REVENUE BOND ANTICIPATION NOTES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$2,000,000.00 TO PROVIDE FUNDS TO MAKE A LOAN FOR ECONOMIC DEVELOPMENT IN THE CITY; AUTHORIZING RELATED MATTERS; AND DECLARING THE SAME TO BE AN EMERGENCY (HISTORIC HERCULES)
Referred to Finance Committee
- #2. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$20,000.00 SUPP APPROP FR UNAPPROP BAL OF 2316 WIC SUPPLEMENTAL HEALTH FUND TO 2316 301001 WIC SUPPLEMENTAL HEALTH - 700 OTHER)
Referred to Finance Committee

MINUTES OF THE MEETING OCTOBER 31, 2016

#3. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$1,129,322.00 SUPP APPROP FR UNAPPROP BAL OF 2314 FAMILY HEALTH FUND TO 2314 301001 FAMILY HEALTH - 700 OTHER)

Referred to Finance Committee

#4. (1ST RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE H.O.F. VILLAGE #2 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

(COUNCIL RECESSED AT 7:42 P.M. FOR THE FINANCE COMMITTEE TO DISCUSS O#5 AND O#6; RECONVENED AT 7:44 P.M.)

#5. (1ST RDG) **ADOPTED AS ORDINANCE NO. 196/2016** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$33,500.00 APPROP TRF FR 1001 103001 GENERAL FUND - PERSONNEL TO 1001 103001 GENERAL FUND - OTHER)

Referred to Finance Committee

#6. (1ST RDG) **ADOPTED AS ORDINANCE NO. 197/2016** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$26,000.00 SUPP APPROP FR UNAPPROP BAL OF 2328 PUBLIC HEALTH INFRASTRUCTURE FUND TO 2328 301001 PUBLIC HEALTH INFRASTRUCTURE - 700 OTHER)

Referred to Finance Committee

PRESIDENT SCHULMAN: And at this time the Chair would declare an in-house recess for the Finance Committee to meet in regard to Ordinances 5 and 6 on your agenda this evening. You're now in recess.

(RECESS)

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

MEMBER MORRIS: Mr. President, I move we suspend Rule 22A to add Ordinances #5 and 6 back on this evening's agenda.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add Ordinances 5 and 6 back on this evening's agenda. Any remarks? Hearing none...

MINUTES OF THE MEETING OCTOBER 31, 2016

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

PRESIDENT SCHULMAN: Motion carries. Leader.

MEMBER MORRIS: Mr. President, I move we suspend Statutory Rules for Ordinance #5 and 6.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules for Ordinances 5 and 6. Any remarks? Hearing none...

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

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

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #5.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #5. Any remarks? Hearing none, voice vote please....voice vote... roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

#5 ADOPTED AS ORDINANCE NO. 196/2016

PRESIDENT SCHULMAN: Thank you. Ordinance 5 is adopted. Ordinance #6, Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #6.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #6. Any remarks under this Ordinance? Again hearing none...

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

MINUTES OF THE MEETING OCTOBER 31, 2016**#6 ADOPTED AS ORDINANCE NO. 197/2016**

PRESIDENT SCHULMAN: Motion carries. Ordinance 6 is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We now go to Second Reading Ordinances and Formal Resolutions for their...Resolutions for their Second Reading. Mr. Clerk, will you please read Ordinance 7. 7 has been retained in committee. Sorry. Ordinance 8.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK SHOWES TO READ ORDINANCES #8 THROUGH #20 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (ORDINANCE #7 RETAINED IN COMMITTEE; ORDINANCES #18, #19, #20 ADOPTED ON 2ND READING):

- #7. (2ND RDG) ***RETAINED IN COMMITTEE*** AN ORDINANCE DECLARING A DESIGNATED AREA OF THE CITY OF CANTON AS A TOURISM DEVELOPMENT DISTRICT FOR THE PURPOSE OF FOSTERING AND DEVELOPING TOURISM IN THAT DISTRICT, PURSUANT TO OHIO REVISED CODE SECTION 715.014; AND DECLARING THE SAME TO BE AN EMERGENCY
- #8 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACTS WITH HABITAT FOR HUMANITY EAST CENTRAL OHIO IN AN AMOUNT NOT TO EXCEED \$250,000.00 FOR THE CONSTRUCTION OF A MINIMUM OF SIX SINGLE-FAMILY HOMES FOR LOW-TO-MODERATE INCOME FAMILIES FOR THE HOME PROGRAM WITHIN THE CITY; AND DECLARING THE SAME TO BE AN EMERGENCY
- #9 (2ND RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$50,000.00 TO STARKMHAR FOR CENTRALIZED INTAKE AND ASSESSMENT PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
- #10 (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$68.54 SUPP APPROP FR UNAPPROP BAL OF 2778 CANTON AUXILIARY POLICE FUND TO 2778 201001 POLICE ADMIN. - OTHER; \$3,000.00 APPROP TRF FR 1001 101501 - OTHER TO 1001 204010 - OTHER)
- #11 (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$29,000.00 APPROP TRF FR 5410 206005 SEWER FUND - PERSONNEL TO 5410 206001 SEWER FUND - PERSONNEL)
- #12 (2ND RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$1,000.00 TO OHIO PEACE

MINUTES OF THE MEETING OCTOBER 31, 2016

OFFICER TRAINING ACADEMY FOR FIREARMS INSTRUCTOR TRAINING;
AND DECLARING THE SAME TO BE AN EMERGENCY

- #13 (2ND RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$577.89 TO THE OHIO TREASURER OF STATE FOR VARIOUS CLASSES POLICE OFFICERS ATTENDED; AND DECLARING THE SAME TO BE AN EMERGENCY
- #14 (2ND RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO RECEIVE THE 2016 COPS HIRING PROGRAM GRANT IN THE ESTIMATED AMOUNT OF \$1,125,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY
- #15 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO ONE OR MORE PROFESSIONAL SERVICES CONTRACTS FOR DESIGN, ENGINEERING, CONTRACT ADMINISTRATION, AND OTHER PROFESSIONAL SERVICES; AND TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO ONE OR MORE CONTRACTS FOR SUBSEQUENT ROOF REPAIRS FOR VARIOUS BUILDINGS AT THE WATER RECLAMATION FACILITY; AND DECLARING THE SAME TO BE AN EMERGENCY
- #16 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A SOLE SOURCE PURCHASE AGREEMENT WITH CRAUN-LIEBING COMPANY FOR THE PURCHASE OF ONE PUMPING STATION CONTROL PANEL; AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$50,000.00 SUPP APPROP FR UNAPPROP BAL OF 5410 SEWER FUND TO 5410 206006 COLLECTION SYSTEMS DEPARTMENT - OTHER)
- #17 (2ND RDG) AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR A LIST OF UNPAID AND DELINQUENT CHARGES FOR SERVICES PERFORMED BY AND/OR ON BEHALF OF THE CITY OF CANTON ENGINEERING DEPARTMENT, URBAN FORESTRY DIVISION; AND DECLARING THE SAME TO BE AN EMERGENCY
- #18 (2ND RDG) **ADOPTED AS ORDINANCE NO. 198/2016** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LOAN AGREEMENT IN AN AMOUNT NOT TO EXCEED \$2,000,000.00 WITH HISTORIC HERCULES, LLC IN ORDER TO PROVIDE GAP FINANCING TO HISTORIC HERCULES, LLC NKA BROADVIEW DEVELOPMENT FOR PHASE ONE OF THE HERCULES REDEVELOPMENT PROJECT; AUTHORIZING THE AUDITOR TO CREATE THE 1156 HERCULES REDEVELOPMENT PROJECT FUND; AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AMENDING SECTION 182.013(C) AND WAIVING SECTION 1105.03(A) OF THE CODIFIED

MINUTES OF THE MEETING OCTOBER 31, 2016

ORDINANCES; AND DECLARING THE SAME TO BE AN EMERGENCY (\$2,000,000.00 SUPP APPROP FR UNAPPROP BAL OF 1156 HERCULES REDEVELOPMENT PROJECT FUND TO 1156 501001 HERCULES REDEVELOPMENT PROJECT - OTHER)

- #19 (2ND RDG) **ADOPTED AS ORDINANCE NO. 199/2016** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO ALL CONTRACTS NECESSARY TO PURCHASE A SALT TRUCK FOR THE STREET DEPARTMENT; OR TO ALTERNATIVELY PURCHASE SAID VEHICLE PURSUANT TO ANY COOPERATIVE PURCHASING AGREEMENTS AUTHORIZED BY LAW; AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$38,335.00 SUPP APPROP FR UNAPPROP BAL OF 2121 STREET MAINTENANCE FUND TO 2121 202210 STREET MAINTENANCE - OTHER; \$33,750.00 APPROP TRF FR 2121 104010 TRAFFIC SIGN & PAINT - PERSONNEL, \$915.00 FR 2121 104020 TRAFFIC SIGNAL - OTHER, \$87,000.00 FR 2121 202210 STREET MAINTENANCE - PERSONNEL TO 2121 202210 STREET MAINTENANCE - OTHER - \$121,665.00)
- #20 (2ND RDG) **ADOPTED AS ORDINANCE NO. 200/2016** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO: ADVERTISE, RECEIVE BIDS, AWARD, AND EXECUTE A CONSTRUCTION CONTRACT; ENTER INTO A PROFESSIONAL SERVICES CONTRACT FOR CONSTRUCTION ENGINEERING SERVICES; ENTER INTO CONTRACT MODIFICATION NUMBER 4 WITH ARCADIS FOR SHOP DRAWING REVIEW AND OTHER CONSTRUCTION RELATED SERVICES; AND AMEND ANY EXISTING AND/OR ENTER INTO ONE OR MORE NEW AGREEMENTS WITH STARK COUNTY REGARDING THE CONSTRUCTION AND FUTURE MAINTENANCE OF THE 12TH ST NW BRIDGE REPLACEMENT AND STREETScape PROJECT, G.P. 1160; AUTHORIZING THE CITY TO ENTER INTO VARIOUS AGREEMENT(S) WITH STARK COUNTY AREA TRANSPORTATION STUDY, THE OHIO DEPARTMENT OF TRANSPORTATION, AND THE OHIO PUBLIC WORKS COMMISSION FOR AND TO RECEIVE GRANT FUNDS FOR THIS PROJECT; AUTHORIZING THE AUDITOR TO ESTABLISH AND CREATE THE 4581 12TH ST NW BRIDGE REPLACEMENT AND STREETScape PROJECT, G.P. 1160; AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$6,853,850.00 SUPP APPROP FR UNAPPROP BAL OF 4581 12TH ST NW BRIDGE REPLACEMENT AND STREETScape PROJECT, GP 1160 FUND TO 4581 202091 12TH ST NW BRIDGE REPLACEMENT AND STREETScape PROJECT, G.P. 1160 - OTHER; \$1,500,00.00 SUPP APPROP FR UNAPPROP BAL OF 4581 12TH ST NW BRIDGE REPLACEMENT AND STREETScape PROJECT, G.P. 1160 FUND TO 4581 202091 12TH ST NW BRIDGE REPLACEMENT AND STREETScape PROJECT, G.P. 1160 FUND - OTHER; \$273,297.00 SUPP APPROP FR UNAPPROP BAL OF 2123 MUNICIPAL ROAD FUND TO 2123 MUNICIPAL ROAD FUND - OTHER)

MINUTES OF THE MEETING OCTOBER 31, 2016

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we suspend the Statutory Rules for Ordinances 18, 19, and 20.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules for Ordinances 18, 19, and 20. Are there any remarks? Hearing none, roll call vote, please Mr. Clerk.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

PRESIDENT SCHULMAN: The motion carries and the Ordinances are a legal part of your agenda. You've heard the three readings, Leader.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #18. Any remarks?

MEMBER MORRIS: Mr. President, I move we amend Ordinance #18 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 #18 per a 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. Leader Morris.

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

MEMBER SMITH: Second.

AMENDMENT

Pursuant to Rule 36, I move to amend Section 1 of Agenda Item No. 18 by including a new last sentence as follows:

This loan is also specifically contingent upon the pledging of adequate security for the loan, including but

MINUTES OF THE MEETING OCTOBER 31, 2016

not limited to, a mortgage upon the premises and personnel guaranties from the principals in Broadview Development LLC.

PRESIDENT SCHULMAN: It's been moved and seconded to amend Ordinance 18, as amended, are there any remarks? Just to reiterate, we thank you gentleman very much for your faith in the City and our citizens, and we wish you the very best. You know that. And I will reiterate again that we need a vibrant city around you and there are ways to do that and we need your help, believe me. Anything else, Leader. Hearing none...

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

#18 ADOPTED AS AMENDED AS ORDINANCE NO. 198/2016

PRESIDENT SCHULMAN: Motion carries and Ordinance 18 is adopted. And again, best of luck to you. We wish you the very best. Anything we can do, you know we'll be there. Ordinance 19.

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...

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

#19 ADOPTED AS ORDINANCE NO. 199/2016

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

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance #20. Any remarks under this Ordinance? Again, hearing none...

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

#20 ADOPTED AS ORDINANCE NO. 200/2016

MINUTES OF THE MEETING OCTOBER 31, 2016

PRESIDENT SCHULMAN: Ordinance 20 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. Mr. Clerk, would you please begin with Ordinance 21.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK SHOWES TO READ THE FOLLOWING ORDINANCES #21 THROUGH #28 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

#21. (3RD RDG) **ADOPTED AS ORDINANCE NO. 201/2016** 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 (1812 20TH ST NE, BOSWELL)

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #21.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 21. Any remarks?

MEMBER MORRIS: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER MORRIS: If I may, this particular project, I think we all remember...especially myself, Member Dougherty, and Member Smith caused the...there was a fire at this property caused the evacuation of a large area in the Northeast end of Canton and Member Dougherty was passing out blankets, him and Member Smith, and feeding people. And we stayed up all night and Mr. Boswell came in and took an EPA nightmare off the city's hands. Cleaning this lot up and I'm definitely going to support this and I would just hope that the Administration would continue to work with Mr. Boswell so we can hurry up and get this project completed in a nice timely manner. And I'd like, if he were here, I'd congratulate him on what a great job he's done. So, thank you and please support this for me.

PRESIDENT SCHULMAN: Thank you Leader Morris. Any other remarks? Roll call please, Mr. Clerk.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

#21 ADOPTED AS ORDINANCE NO. 201/2016

PRESIDENT SCHULMAN: Ordinance 21 is adopted. Ordinance 22 please.

#22. (3RD RDG) **ADOPTED AS ORDINANCE NO. 202/2016** AN ORDINANCE AMENDING

MINUTES OF THE MEETING OCTOBER 31, 2016

ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (CITY WIDE FOR HOF VILLAGE)

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #22.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 22. Any remarks?

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

#22 ADOPTED AS ORDINANCE NO. 202/2016

PRESIDENT SCHULMAN: Ordinance 22 is adopted. Ordinance 23, please.

#23. (3RD RDG) **ADOPTED AS ORDINANCE NO. 203/2016** A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #23.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 23. Any remarks? Again, hearing none...

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

#23 ADOPTED AS ORDINANCE NO. 203/2016

PRESIDENT SCHULMAN: Ordinance 23 is adopted. Ordinance 24, please.

#24. (3RD RDG) **ADOPTED AS ORDINANCE NO. 204/2016** A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE 77 GULLIVERS - 2414 FAIRCREST ST. SW 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

MINUTES OF THE MEETING OCTOBER 31, 2016

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #24.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 24. Any remarks? Hearing none...

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

#24 ADOPTED AS ORDINANCE NO. 204/2016

PRESIDENT SCHULMAN: Ordinance 24 is adopted. Ordinance 25, Mr. Clerk.

#25. (3RD RDG) **ADOPTED AS ORDINANCE NO. 205/2016** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO NEGOTIATIONS TO FORM A JOINT ECONOMIC DEVELOPMENT DISTRICT AGREEMENT IN SPECIFIC AREAS IN PARTNERSHIP WITH JACKSON TOWNSHIP; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #25.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 25. Any remarks? Hearing none...

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

#25 ADOPTED AS ORDINANCE NO. 205/2016

PRESIDENT SCHULMAN: Ordinance 25 is adopted. Ordinance 26, please.

#26. (3RD RDG) **ADOPTED AS ORDINANCE NO. 206/2016** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO NEGOTIATIONS TO FORM A JOINT ECONOMIC DEVELOPMENT DISTRICT AGREEMENT IN SPECIFIC AREAS IN PARTNERSHIP WITH PERRY TOWNSHIP; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #26.

MINUTES OF THE MEETING OCTOBER 31, 2016

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 26. Any remarks? Hearing none...

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

#26 ADOPTED AS ORDINANCE NO. 206/2016

PRESIDENT SCHULMAN: Ordinance 26 is adopted. Ordinance 27, please.

#27. (3RD RDG) **ADOPTED AS ORDINANCE NO. 207/2016** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH MICHAEL BAKER INTERNATIONAL FOR THE DESIGN AND RELATED ENGINEERING SERVICES FOR THE BURNHAM HILLS SANITARY SEWER REPLACEMENT PROJECT, GP 1220, AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #27.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 27. Any remarks?

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

#27 ADOPTED AS ORDINANCE NO. 207/2016

PRESIDENT SCHULMAN: Ordinance 27 is adopted. Ordinance 28, please.

#28. (3RD RDG) **ADOPTED AS ORDINANCE NO. 208/2016** AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR A LIST OF UNPAID AND DELINQUENT CHARGES FOR SERVICES PERFORMED BY AND/OR ON BEHALF OF THE CANTON STREET DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #28.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 28. Any remarks? Hearing

MINUTES OF THE MEETING OCTOBER 31, 2016

none...

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

#28 ADOPTED AS ORDINANCE NO. 208/2016

PRESIDENT SCHULMAN: Ordinance 28 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

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

MEMBER MARIOL: Mr. President.

PRESIDENT SCHULMAN: Yes, Chairman.

MEMBER MARIOL: Finance Committee will meet November 7th at 6:45.

PRESIDENT SCHULMAN: Thank you.

MEMBER BABCOCK: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER BABCOCK: Personnel, same time, same place.

PRESIDENT SCHULMAN: Thank you.

MEMBER WEST: Mr. President.

PRESIDENT SCHULMAN: Yes, Chairman.

MEMBER WEST: Annexation, same time, same place.

PRESIDENT SCHULMAN: Thank you. Anyone else?

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: We're now under Miscellaneous Business. Is there any Miscellaneous Business?

MEMBER SMUCKLER: Mr. President. Number one, Mr. Law Director, you've seen my communication on there for grass cutting. This is boiler plate language you have to change. When can I expect a first reading of this Ordinance?

PRESIDENT SCHULMAN: Law Director.

LAW DIRECTOR MARTUCCIO: Mr. President, Member Smuckler. That's, as you said, boiler plate. We'll have the Ordinance next week.

MINUTES OF THE MEETING OCTOBER 31, 2016

MEMBER SMUCKLER: Thank you. Number two. Normally I don't get involved in public speaks but I, over the years, have realized that there's a certain point where when someone comes down here often enough or something's kicked around often enough, I at least feel I have to make a statement. In the past I've done it by going out because somebody kept coming down here about the Past Time Inn, the Hob Nob, whatever the case may be. I've showed up out there all sorts of hours of the night. Even though over the years some people have believed at one time or another that I write the newspaper...I don't, but Mr. Preston last week, you came down and you asked some legitimate questions and I want to answer them on my behalf as a voting Councilman. Number one...it was erroneous about a gift to the Chamber of Commerce. That was not a gift to the Chamber of Commerce. That was published in the paper last week. City government is like an octopus and we have a lot of arms and tentacles that we get involved with for safety, for health, for a lot of other issues. Right now we don't have an Economic Development Department other than what Mr. Williams and the Mayor are doing on their own. The Chamber is our Economic Development Department. That's as I see it. We have to fend for some permanent, future revenue. We're cut to the bone. There has been no one more police oriented than myself and some of the other Councilmen like Councilman Dougherty, when we passed for walking beats downtown; when we passed for bicycle patrols, but I'm also a realist to know that any future revenue is going to be done on an economic development basis. The people at the Chamber are hired annually. The problem is sometimes we don't get to vote on them until October, after they've worked the whole rests of the year. Expecting Fonda Williams and the Mayor to do all the economic development in the future...I don't think that's a reality. I think the reality is we're going to have to count on the professionals as I stated these last two weeks, to come down here and give us a helping hand. And that's why I voted for the money. I will continue to support this based on the reports that they're giving us on the people that they are bringing into town and again, I stress to you, this is no gift as reported by the paper. This is for work being done and the first time it's not being done, I will scrutinize it as well as anybody else will, down here and not vote for it any longer. But as we continue to see results for permanent future revenue, I will continue to vote for this. Thank you.

PRESIDENT SCHULMAN: Thank you, Member Smuckler. I'm going to follow up on what Member Smuckler said. You now, I've alluded to this before, we've all talked about it before. I'm so sick of being starved of (*Inaudible*) from the State of Ohio. Two billion dollars they're sitting on. I say this almost every week and, you know, it's not only they're sitting on it but they are giving us the resources that we rightfully deserved ten years ago. So, when people come and say you're squandering your money, you're wasteful, that is such a crock. It's just absolutely not true. The Mayor and his Administration and these City Officials have to gut through every single week to pay our bills and it is an outrage that the city...that the government in Columbus is sitting on two billion dollars. We're literally getting the same amount of money that we got ten years ago. Nobody is able to achieve that. Nobody can grown under that circumstance. Nobody can prosper, which is why I was so highly commending the gentleman from Mr. Timken on down tonight. You know, they're investing in our city. They're putting a lot of money in our city. And what's the State of Ohio doing to help us? Nothing. Not a...not one dime. So, I agree with Member Smuckler and I'm sure I'm speaking probably for everyone sitting here. It's not fair and it's terrible, and it's killing us and there's no reason. You know. When everyone...when we prosper, everyone prospers folks. It's just that simple. So, I just hope that message will be heard. Any other remarks?

MEMBER SMITH: Yes, Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER SMITH: I hate to toot my own horn, but I just want everyone to know (*Laughter*)...I just want everyone to know that I was voted in President of the JJ's Club last week. Thanks you. (*Applause*).

PRESIDENT SCHULMAN: Congratulations Assistant Majority Leader.

MINUTES OF THE MEETING OCTOBER 31, 2016

MEMBER SMITH: Thank you.

PRESIDENT SCHULMAN: Anyone else?

SAFETY DIRECTOR PERRY: Yes, Mr. President.

PRESIDENT SCHULMAN: Yes.

SAFETY DIRECTOR PERRY: I'd like to remind everyone and invite everyone...that on tomorrow we will be having our Downtown Safety Meeting at 10:00 a.m. at the Stark County Foundation meet...building at 401 Market Avenue. So again, that's tomorrow at 10:00 a.m., the Stark County Foundation building, 401 Market, and that's in the Goldsmith Room.

PRESIDENT SCHULMAN: Thank you very much. Anyone else? Leader.

MEMBER MORRIS: Thank God. I'm exhausted. That was one hell of a baseball game last night, and got up real early so...move to adjourn.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: Well, all I want to...oh, I can't say anything, but it is only 8:11. We did a pretty good job tonight but it feels... Ladies and gentlemen, good job and go Tribe, and...

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK SHOWES: Twelve yeas, sir.

PRESIDENT SCHULMAN: Good job, Mr. Clerk. Thank you everyone. Drive carefully. We'll see you next week. *(Gavel falls)*.

ADJOURNMENT TIME: 8:11 P.M.

ATTEST:

APPROVED:

KELLEN SHOWES
CLERK OF COUNCIL

ALLEN SCHULMAN
PRESIDENT