

**MINUTES OF THE MEETING JUNE 18, 2018**

PRESIDENT PRO TEM SMITH: Good evening and welcome to Canton City Council. With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call vote, please.

*ROLL CALL TAKEN BY CLERK DOUGHERTY:*

10 COUNCIL MEMBERS PRESENT: (CHRIS SMITH, JAMES BABCOCK, COREY MINOR SMITH, BILL SMUCKLER, GREG HAWK, NATHANIEL CHESTER, JASON SCAGLIONE, ROBERT FISHER, KEVIN HALL & JOHN MARIOL)

TEN COUNCIL MEMBERS PRESENT (PRESIDENT SCHULMAN, MEMBERS FERGUSON AND MORRIS ABSENT)

CLERK DOUGHERTY: Ten here, two absent, Mr. President. (*Error: Clerk Dougherty should have said Madam President*).

**EXCUSING MEMBERS**

PRESIDENT PRO TEM SMITH: Leader.

MEMBER BABCOCK: Madam President. I move we excuse Members Ferguson and Morris from tonight's meeting.

MEMBER MINOR SMITH: Second.

CLERK DOUGHERTY: Also President Schulman, please.

MEMBER BABCOCK: Oh, I'm sorry...and President Schulman.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to excuse Members Ferguson, Morris and Schulman from this evening's meeting. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Madam President.

PRESIDENT PRO TEM SMITH: The motion carries and Members Ferguson, Morris and Schulman are excused from this evening's meeting. We will have the invocation given tonight by my good friend and Ward 7 Council Member, John Mariol. If you'll all please stand and remain standing for the Pledge of Allegiance.

*The regular meeting of Canton City Council was held on June 18, 2018 at 7:00 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council, David R. Dougherty. The invocation was given by Ward 7 Council Member, John Mariol. The Pledge of Allegiance was led by President Pro Tem Smith.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT PRO TEM SMITH: At this time, we're under Agenda Corrections and Changes. Leader.

MEMBER BABCOCK: Madam President, I move Rule 22A be suspended to add 2<sup>nd</sup> Reading Ordinances 4

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through 14 to this evening's agenda.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to suspend Rule 22A to add 2<sup>nd</sup> Reading Ordinances 4 through 14 to this evening's agenda. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Madam President.

PRESIDENT PRO TEM SMITH: The Motion carries and Ordinances 4 through 14 are a legal part of your agenda.

**PUBLIC HEARINGS**

PRESIDENT PRO TEM SMITH: We're now under Public Hearings. Do we have any this evening? There are no Public Hearings.

**OLD BUSINESS**

PRESIDENT PRO TEM SMITH: Is there any Old Business? We have no Old Business.

**PUBLIC SPEAKS**

PRESIDENT PRO TEM SMITH: We did have one speaker, Ms. Campbell, were you satisfied?

MS. CAMPBELL: I decline at this time. I decline.

PRESIDENT PRO TEM SMITH: Thank you so very much.

**INFORMAL RESOLUTIONS**

PRESIDENT PRO TEM SMITH: We're now under Informal Resolutions, and we do have one this evening. Mr. Clerk, would you please read Informal Resolution #43, by title, please.

43. MAJORITY LEADER SMITH: AUTHORIZE AND DIRECT SERV DIR TO PURCHASE FORD EXPLORER FROM LIBERTY FORD LINCOLN CANTON, LLC AT ESTIMATED COST OF \$27,772.40 FOR COLLECTION SYSTEMS DEPT. - ADOPTED

PRESIDENT PRO TEM SMITH: Leader.

MEMBER BABCOCK: Madam President, I move we adopt Informal Resolution #43.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to adopt Informal Resolution #43. Are there any remarks? Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed none.

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NO REMARKS

RESOLUTION #43 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The Resolution #43 is adopted.

**COMMUNICATIONS**

PRESIDENT PRO TEM SMITH: Uh...Communications. We are now under 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 JUNE 18, 2018.***

244. AUDITOR MALLONN: MTHLY RPT BY FUND FOR 5/1/18 THRU 5/31/18. – RECEIVED & FILED
245. AUDITOR MALLONN: YRLY RPT BY FUND FOR 1/1/18 THRU 5/31/18. – RECEIVED & FILED
246. AUDITOR MALLONN: REQ FOR ADDT'L AMENDED CERT DATED 5/31/18. – RECEIVED & FILED
247. FINANCE DIRECTOR CROUSE: ESTABLISH FUND 2170 NEIGHBORHOOD DEVELOPMENT AND FUND 2175 COMPREHENSIVE PLAN IMPLEMENTATION (ISSUE 13). – FINANCE COMMITTEE
248. DEPUTY MAYOR WILLIAMS: APPROVE AND EXTEND ECONOMIC GROWTH INITIATIVE (EGI) LEGISLATION TO 2023, INCLUDING AMENDMENTS. – COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
249. LAW DIRECTOR BATES AYLWARD: AUTHORIZE ATTY VIVIANNE WHALEN DUFFRIN TO RECEIVE 5 WKS VACATION PER YR, FIRST YR TO BE PRORATED AT 2 ½ WKS. – PERSONNEL COMMITTEE
250. MAYOR BERNEBEL, MAJORITY LEADER SMITH, ASST MAJORITY LEADER BABCOCK: AMEND CLASSIFICATION PLAN FOR MANAGEMENT NON-BARGAINING UNIT PERSONNEL TO INCLUDE PUBLIC WORKS ASST SUPERINTENDENT, FUND 20-22-10, GRADE 3, FLSA CODE E, WITHIN PUBLIC WORKS DIVISION AS SHOWN IN EXH A; AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR PURCHASE OF (1) ROLLER AND (1) ASPHALT HEATER/HOTBOX; ALTERNATIVELY AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO ANY AND ALL CONTRACTS NECESSARY FOR PURCHASE OF SAID ITEMS IN ACCORDANCE WITH ANY PROCUREMENT PROCESS AUTHORIZED BY ORC OR CANTON CODIFIED ORDINANCES AND EXEMPTING SAID PURCHASES FROM INFORMAL RESOLUTION REQUIREMENT OF CANTON CODIFIED ORDINANCE 105.09 SHOULD PURCHASE PRICE FALL WITHIN REQUIRED THRESHOLD (ISSUE 13). – PERSONNEL AND FINANCE COMMITTEES

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251. PARK DIRECTOR FOLTZ: AUTHORIZE MAYOR OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO ANY AND ALL CONTRACTS NECESSARY FOR PURCHASE OF (2) TORO GROUNDSMASTER MOWERS; ALTERNATIVELY AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO ANY AND ALL CONTRACTS NECESSARY FOR PURCHASE OF SAID ITEMS IN ACCORDANCE WITH ANY PROCUREMENT PROCESS AUTHORIZED BY EITHER ORC OR CANTON CODIFIED ORDINANCES; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; REQ \$110,000.00 SUPP APPROP FR UNAPPROP BAL OF 2530 PARKS OPERATING FUND TO 2530 401060 SPECIAL PARKS FUNDS – OTHER. – FINANCE COMMITTEE
252. PLANNING COMMISSION: REQ REPLAT OF LOTS 4911, 4912, 4913 AND PART OF LOT 4914 (PARCELS 233220 & 10010129), 632 DUEBER AVE SW IN WARD 5 FOR HABITAT FOR HUMANITY. – PUBLIC SAFETY & THOROUGHFARES COMMITTEE
253. PLANNING COMMISSION: REQ REPLAT OF LOTS 298, 299 AND 300 AND DEDICATION OF PARTS OF SPRING AVE NE AND ORCHARD AVE NE BETWEEN 2<sup>ND</sup> ST & 3<sup>RD</sup> ST NE (PARCELS 219902, 221961, 219897, 207107, 231123, 223670, 221340, 219898, 238715, 231122, 219422, 238716, 240072, 280871, 280872, 280873, 284986 & 240093), 700 BLOCK OF 2<sup>ND</sup> ST NE IN WARD 2 FOR REFUGE OF HOPE. – PUBLIC SAFETY & THOROUGHFARES COMMITTEE
254. PLANNING COMMISSION: APPROVE WARD ASSIGNMENT AND ZONING CLASSIFICATION FOR 44<sup>TH</sup> ST NE ANNEX (R-1C, SINGLE FAMILY RESIDENTIAL, WARD 8). – ANNEXATION COMMITTEE
255. PLANNING COMMISSION: APPROVE WARD ASSIGNMENT AND ZONING CLASSIFICATION FOR 77 GULLIVERS - 2414 FAIRCREST ST SW ANNEX (B-4, SPECIAL BUSINESS, WARD 4). – ANNEXATION COMMITTEE
256. SAFETY DIRECTOR PERRY: RATIFY ALL ACTIONS TAKEN PRIOR TO PASSAGE OF ORDINANCE PURSUANT TO SEC 105.04 OF CANTON CODIFIED ORDINANCES ; AUTHORIZE MAYOR AND/OR SAF DIR TO ENTER INTO ANY AND ALL CONTRACTS NECESSARY TO RESPOND TO EMERGENCY DEMO AT 2006 7<sup>TH</sup> ST NE; AUTHORIZE AND DIRECT AUDITOR TO PAY ANY AND ALL MORAL OBS RESULTING FROM SAID EMERGENCY. – FINANCE COMMITTEE
257. SERVICE DIRECTOR HIGHMAN: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE CONSTRUCTION CONTRACT FOR CORNERSTONE PARKING FACILITY PROJ; AUTHORIZE MAYOR AND/OR SERV DIR TO EXECUTE PROFESSIONAL SERVICES CONTRACT WITH MOTTER & MEADOWS ARCHITECTS FOR DESIGN AND CONSTRUCTION OVERSIGHT SERVICES IN AMT OF \$38,800.00; REQ \$251,611.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207003 WATER BILLING FUND – OTHER; \$171,553.00 SUPP APPROP FR UNAPPROP BAL OF 5410 SEWER FUND TO 5410 207003 SEWER BILLING FUND – OTHER; \$148,679.00 APPROP TRF FR 5601 205001 REFUSE ADMIN – OTHER TO 5601 207003 SANITATION BILLING FUND – OTHER; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS

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(RELOCATION OF UTILITY BILLING & COLLECTIONS DEPT). – PUBLIC PROPERTY CAPITAL IMPROVEMENT AND FINANCE COMMITTEES

258. SERVICE DIRECTOR HIGHMAN: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT AMENDMENT WITH BLACK MCCUSKEY SOUERS & ARBAUGH, LPA FOR LEGAL SERVICES RELATED TO HOFV IN AMT NOT TO EXCEED \$50,000.00; AUTHORIZE AND DIRECTOR AUDITOR TO PAY ANY ALL MORAL OBS RELATED TO SAID CONTRACT PRIOR TO FINALIZATION; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. – FINANCE COMMITTEE
259. SERVICE DIRECTOR HIGHMAN: AMEND CANTON CODIFIED ORDINANCE CHAPTER 917 – TREES. – JUDICIARY COMMITTEE
260. SERVICE DIRECTOR HIGHMAN: REQ INFORMAL RESOLUTION APPROVING PURCHASE OF FORD EXPLORER FR LIBERTY FORD FOR ESTIMATED COST OF \$27,772.40 TO REPLACE EXISTING 2006 FORD EXPLORER FOR COLLECTION SYSTEMS DEPT. – RECEIVED & FILED
261. SERVICE DIRECTOR HIGHMAN, COUNCILMAN FISHER (WARD 5): AMEND CANTON CODIFIED ORDINANCE CHAPTER 975, SOLID WASTE MANAGEMENT SYSTEM TO ADDRESS ISSUES RELATING TO LOCATION OF WASTE FOR PICKUP. – JUDICIARY COMMITTEE

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT PRO TEM SMITH: We're now under Informal Resolutions for their First Reading. Mr. Clerk, please begin with Ordinance #1.

***NOTE: PRESIDENT PRO TEM SMITH CALLED UPON CLERK DOUGHERTY 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) A RESOLUTION WITHDRAWING CANTON'S OBJECTION TO THE TRANSFER OF A LIQUOR PERMIT LOCATED WITHIN THE CITY; AND DECLARING THE SAME TO BE AN EMERGENCY (DOLGEN MIDWEST LLC, DBA DOLLAR GENERAL STORE 17922, 915 TUSC ST W, C-1 PERMIT)  
Referred to Judiciary Committee
- #2. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 126/2018** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$992,634.00 SUPP APPROP FR UNAPPROP BAL OF 2314 FAMILY HEALTH FUND TO 2314 301001 FAMILY HEALTH – 700 – OTHER; \$22,000.00 SUPP APPROP FR UNAPPROP BAL OF 2320 303002 NURSING CLINIC ACTIVITY – 600 - PERSONNEL)  
Referred to Finance Committee

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- #3. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 127/2018** AN ORDINANCE AUTHORIZING THE HIRING OF MS. VIVIANNE WHALEN DUFFRIN WITH 2 ½ WEEKS OF VACATION IN 2018 AND 5 WEEKS OF VACATION FOR EACH YEAR THEREAFTER, UNTIL HER CITY ACCRUED TIME CORRELATES WITH THE APPLICABLE CITY VACATION SCHEDULE; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Personnel Committee

PRESIDENT PRO TEM SMITH: At this time, the Chair would declare an in-house recess for the Finance and Personnel Committees to meet in regards to Ordinance #2 and 3 on your agenda. You are now in recess.

***(COUNCIL RECESSED AT 7:22 PM FOR THE FINANCE COMMITTEE TO DISCUSS O#2;  
RECONVENED AT 7:23 PM)***

***(COUNCIL RECESSED AT 7:24 PM FOR THE PERSONNEL COMMITTEE TO DISCUSS O#3;  
RECONVENED AT 7:27 PM)***

PRESIDENT PRO TEM SMITH: Council is convening after the recess. Leader.

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

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to suspend Rule 22A to place Ordinances 2 and 3 back on this evening's agenda. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS 0 NAYS

CLERK DOUGHERTY: Ten yeas, Madam President.

PRESIDENT PRO TEM SMITH: Motion carries and Ordinances 2 and 3 are a legal part of your agenda. Leader.

MEMBER BABCOCK: Madam President, I move we suspend the Statutory Rules on Ordinances 2 and 3.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to suspend the Statutory Rules on Ordinances 2 and 3. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Madam President.

PRESIDENT PRO TEM SMITH: You've heard the three readings, Leader.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #2.

MEMBER MINOR SMITH: Second.

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PRESIDENT PRO TEM SMITH: It's been moved and seconded that you adopt Ordinance #2. Any remarks under this Ordinance? Hearing none, roll call vote please, Mr. Clerk.

NO REMARKS

ROLL CALL 9 YEAS, 1 ABSTENTION  
(MEMBER MINOR SMITH ABSTAINED)

CLERK DOUGHERTY: Nine yeas, one abstention, Madam President.

**#2 ADOPTED AS ORDINANCE NO. 126/2018**

PRESIDENT PRO TEM SMITH: Motion carries and Ordinance #2 is adopted. Leader.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #3.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded that you adopt Ordinance #3. Any remarks under this Ordinance? Hearing none, roll call vote please, Mr. Clerk.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Madam President.

**#3 ADOPTED AS ORDINANCE NO. 127/2018**

PRESIDENT PRO TEM SMITH: Motion carries and Ordinance #3 is adopted.

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT PRO TEM SMITH: We're now under Ordinances and Formal Resolutions for their Second Reading. Mr. Clerk, would you please begin with Ordinance #4.

***NOTE: PRESIDENT PRO TEM SMITH CALLED UPON CLERK DOUGHERTY TO READ ORDINANCES #4 THRU #14 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS: (O#12 - O#14 ADOPTED ON 2<sup>ND</sup> READING)***

- #4. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE HOF VILLAGE #5 ANNEXATION AREA CONTAINING APPROXIMATELY 8.041 ACRES, MORE OR LESS; ASSIGNING SAID TERRITORY TO WARD 7 OF THE CITY; ZONING SAID TERRITORY AS HALL OF FAME VILLAGE DISTRICT (HOFV); AND DECLARING THE SAME TO BE AN EMERGENCY **PUB HRG 7/2/18 @ 7:00 PM**
- #5. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE ONE RICHMOND AVE ANNEXATION AREA CONTAINING APPROXIMATELY 1.979 ACRES, MORE OR LESS; ASSIGNING SAID TERRITORY

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TO WARD 6 OF THE CITY; ZONING SAID TERRITORY AS SINGLE FAMILY RESIDENTIAL DISTRICT (R-1A); AND DECLARING THE SAME TO BE AN EMERGENCY

**PUB HRG 7/2/18 @ 7:01 PM**

- #6. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING PART ELEVEN, PLANNING AND ZONING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON
- PUB HRG 7/2/18 @ 7:02 PM**
- #7. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$349,722.22 INTERFUND TRF FR 1001 GENERAL FUND TO 1154 HOF VILLAGE PROJECT FUND; \$31,162.22 SUPP APPROP FR UNAPPROP BAL OF 1154 HOF VILLAGE PROJECT FUND TO 1154 201001 SERVICE DIRECTOR ADMIN - OTHER) (HALL OF FAME VILLAGE PROJ)
- #8. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$183,025.00 SUPP APPROP FR UNAPPROP BAL OF 2530 PARK OPERATING AND SPEC REV FUND TO 2530 401052 PARKS REC PROGRAMS - OTHER - \$69,000.00, TO 2530 401060 SPECIAL PARKS FUNDS - OTHER - \$29,025.00, TO 2530 401090 PARK REDEVELOPMENT - OTHER - \$85,000.00) (CANTON PARKS & REC DEPT RECEIPT OF FUNDS FR DISSOLVING CANTON JOINT REC DIST)
- #9. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CHANGE ORDER/CONTRACT AMENDMENT NO. 2 IN AN AMOUNT NOT TO EXCEED \$21,168.00 WITH RT FOX LLC DBA CONNECTING POINT FOR 378 MICROSOFT HOSTED EXCHANGE AND GFI ARCHIVER LICENSES AND ALL APPLICABLE SUPPORT; AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$21,168.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL OPERATING FUND TO 1001 504010 INFORMATION TECHNOLOGY MANAGER - OTHER)
- #10. (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 FOR THE EXTENSION OF SAID WATER MAIN; AND DECLARING THE SAME TO BE AN EMERGENCY (WICKER CREEK HOLDING, LLC)
- #11. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$26,472.00 TO HANNON ELECTRIC COMPANY; AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$26,472.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207012 PUMPING MAINTENANCE - OTHER)

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- #12. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 128/2018** AN ORDINANCE AMENDING CHAPTER 182, MUNICIPAL INCOME TAX, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE EMERGENCY (\$15,000.00 SUPP APPROP FR UNAPPROP BAL OF 2120 INCOME TAX FUND TO 2120 852101 INCOME TAX - ADMIN - OTHER; \$190,000.00 SUPP APPROP FR UNAPPROP BAL OF 2190 HOFV FUND TO 2190 861101 HOFV - TOURISM DEVELOP DISTRICT - OTHER)
- #13. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 129/2018** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO ALL CONTRACTS NECESSARY FOR THE TIMELY EXPENDITURE OF COMMUNITY DEVELOPMENT BLOCK GRANT, EMERGENCY SOLUTIONS GRANT, AND HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #14. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 130/2018** AN ORDINANCE AUTHORIZING THE MAYOR TO FILE WITH HUD A 2018 ANNUAL ACTION PLAN FOR THE 2018 COMMUNITY DEVELOPMENT BLOCK GRANT, 2018 HOME INVESTMENT PARTNERSHIP, AND 2018 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

PRESIDENT PRO TEM SMITH: Leader.

MEMBER BABCOCK: Madam President, I move we suspend the Statutory Rules on Ordinances #12, 13 and 14.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to suspend the Statutory Rules on Ordinances 12, 13 and 14. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Mr. President...Madam President.

PRESIDENT PRO TEM SMITH: You've...you've heard the three readings, Leader.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #12.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded that you adopt Ordinance #12. Any remarks? Hearing none, roll call vote please.

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NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Madam President.

**#12 ADOPTED AS ORDINANCE NO. 128/2018**

PRESIDENT PRO TEM SMITH: Motion carries and Ordinance 12 is adopted. Ordinance 13, please.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #13.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded that you adopt Ordinance #13. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Madam President.

**#13 ADOPTED AS ORDINANCE NO. 129/2018**

PRESIDENT PRO TEM SMITH: Motion carries and Ordinance 13 is adopted. Ordinance #14, please.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #14.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded that you adopt Ordinance #14. Any remarks under this Ordinance? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Madam President.

**#14 ADOPTED AS ORDINANCE NO. 130/2018**

PRESIDENT PRO TEM SMITH: Motion carries and Ordinance 14 is adopted.

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

PRESIDENT PRO TEM SMITH: We are now under Third Reading Ordinances. A third time, and final reading and vote. Mr. Clerk, would you please begin with Ordinance #15.

***NOTE: PRESIDENT PRO TEM SMITH CALLED UPON CLERK DOUGHERTY TO READ THE FOLLOWING ORDINANCES #15 THROUGH #24 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

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#15. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 131/2018** AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$500,000.00 FOR THE PURPOSE OF PAYING THE COSTS OF REVITALIZATION WITHIN THE CITY AND ADDRESSING PROPERTY CONDITIONS THAT ARE DELETERIOUS TO THE PUBLIC HEALTH AND SAFETY THROUGH THE DEMOLITION OF DETERIORATING STRUCTURES AND THE IMPROVEMENT OF THOSE SITES, THEREBY ENABLING THE USE OR REUSE OF LANDS WITHIN THE CITY

PRESIDENT PRO TEM SMITH: Leader.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #15.

MEMBER MINOR SMITH: Second.

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

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Madam President.

**#15 ADOPTED AS ORDINANCE NO. 131/2018**

PRESIDENT PRO TEM SMITH: That motion carries. Ordinance 15 is adopted. Ordinance 16, please.

#16. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 132/2018** AN ORDINANCE PROVIDING FOR THE ISSUANCE OF A NOTE BY THE CITY OF CANTON IN ANTICIPATION OF THE COLLECTION AND PAYMENT OF INCOME TAXES, GENERAL PROPERTY TAXES, AND MISCELLANEOUS OTHER SOURCES TO THE CITY OF CANTON IN AN AMOUNT OF ISSUANCE NOT TO EXCEED \$2,000,000.00; DECLARING THE NECESSITY OF THE ISSUANCE OF SAID NOTE PROCEEDS WHICH WILL BE USED FOR THE PAYOFF OF A PREVIOUSLY EXISTING NOTE; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM SMITH: Leader.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #16.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded that you adopt Ordinance #16. Any remarks under this Ordinance? Hearing none, roll call vote please.

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NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Madam President.

**#16 ADOPTED AS ORDINANCE NO. 132/2018**

PRESIDENT PRO TEM SMITH: That motion carries and Ordinance 16 is adopted. Ordinance #17, please.

#17. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 133/2018** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$5,000.00 APPROP TRF FR 2799 701001 JUSTICE REINVESTMENT PRETRIAL GRANT FUND - PERSONNEL TO 2799 701001 JUSTICE REINVESTMENT PRETRIAL GRANT FUND - OTHER)

PRESIDENT PRO TEM SMITH: Leader.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #17.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded that you adopt Ordinance #17. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Madam President.

**#17 ADOPTED AS ORDINANCE NO. 133/2018**

PRESIDENT PRO TEM SMITH: That motion carries and Ordinance #17 is adopted. Ordinance #18, please.

#18. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 134/2018** AN ORDINANCE AUTHORIZING DISSOLVING THE ROAD RESERVATIONS CURRENTLY PLACED ON TAX PARCELS 280871, 280872, 280873, AND 284986; AND AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICES TO TRANSFER THE SAME, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION FOR SUBSEQUENT TRANSFER TO THE REFUGE OF HOPE MINISTRIES; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM SMITH: Leader.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #18.

MEMBER MINOR SMITH: Second.

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PRESIDENT PRO TEM SMITH: It’s been moved and seconded that you adopt Ordinance #18. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Madam President.

**#18 ADOPTED AS ORDINANCE NO. 134/2018**

PRESIDENT PRO TEM SMITH: Motion carries. Ordinance 18 is adopted. Ordinance #19, please.

#19. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 135/2018** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND EXECUTE AN EASEMENT OVER TAX PARCEL 280840 TO STINGRAY VENTURES LLC THAT WILL HAVE NO FORCE AND EFFECT UNLESS THE SURROUNDING PROPERTIES ARE EFFECTIVELY ACQUIRED BY STINGRAY VENTURES, LLC; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM SMITH: Leader.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #19.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It’s been moved and seconded that you adopt Ordinance #19. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Madam President.

**#19 ADOPTED AS ORDINANCE NO. 135/2018**

PRESIDENT PRO TEM SMITH: Motion carries and Ordinance #19 is adopted. Ordinance #20.

#20. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 136/2018** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT AMENDMENTS WITH STARK COUNTY COMMUNITY ACTION AGENCY FOR \$50,000.00 FOR ENRICHMENT & ACADEMIC MENTORING AND \$30,000.00 FOR EMPLOYMENT READINESS TRAINING; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM SMITH: Leader.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #20.

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MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded that you adopt Ordinance #20. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Madam President.

**#20 ADOPTED AS ORDINANCE NO. 136/2018**

PRESIDENT PRO TEM SMITH: Motion carries and Ordinance #20 is adopted. Ordinance #21, please.

#21. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 137/2018** AN ORDINANCE AUTHORIZING THE HIRING OF MR. JAMES BENEKOS AT A SALARY OF \$88,888 ANNUALLY WITH TEN DAYS OF VACATION IN 2018 AND FIFTEEN DAYS VACATION FOR EACH YEAR THEREAFTER, UNTIL HIS CITY ACCRUED TIME CORRELATES WITH THE APPLICABLE CITY VACATION SCHEDULE; AND DECLARING THE SAME TO BE AN EMERGENCY (WATER DEPT FACILITIES ENGINEER)

PRESIDENT PRO TEM SMITH: Leader.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #21.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded that you adopt Ordinance #21. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Madam President.

**#21 ADOPTED AS ORDINANCE NO. 137/2018**

PRESIDENT PRO TEM SMITH: Motion carries and Ordinance #21 is adopted. Ordinance #22, please.

#22. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 138/2018** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO: ADVERTISE, RECEIVE BIDS, AWARD, EXECUTE A CONSTRUCTION CONTRACT AND ENTER INTO AGREEMENT(S) FOR AND TO RECEIVE GRANT FUNDS IN THE AMOUNT OF \$890,064.00 AND LOAN FUNDS IN THE AMOUNT OF \$509,566.00 FROM THE OHIO PUBLIC WORKS COMMISSION FOR THE 47<sup>TH</sup> ST. NW STORM SEWER REPAIR PROJECTS, GP 1241 & GP 1198; AUTHORIZING THE AUDITOR TO

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CREATE THE 4585 47<sup>TH</sup> ST. NW/PACKARD AVE. NW 78-IN STORM SEWER REPAIR PROJECT, G.P. 1198 AND 4586 47<sup>TH</sup> ST. NW STORM SEWER REPAIR PROJECT, GP 1241 FUNDS; AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$896,770.00 SUPP APPROP FR UNAPPROP BAL OF 4585 47<sup>TH</sup> ST NW/PACKARD AVE NW 78-IN STORM SEWER REPAIR PROJ, GP 1198 FUND TO 4585 202052 47<sup>TH</sup> ST NW/PACKARD AVE NW 78-IN STORM SEWER REPAIR PROJ, GP 1198 - OTHER; \$502,860.00 SUPP APPROP FR UNAPPROP BAL OF 4586 47<sup>TH</sup> ST NW STORM SEWER REPAIR PROJ, GP 1241 FUND TO 4586 202053 47<sup>TH</sup> ST NW STORM SEWER REPAIR PROJ, GP 1241 - OTHER)

PRESIDENT PRO TEM SMITH: Leader.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #22.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded that you adopt Ordinance #22. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Madam President.

**#22 ADOPTED AS ORDINANCE NO. 138/2018**

PRESIDENT PRO TEM SMITH: Motion carries. Ordinance #22 is adopted. Ordinance #23, please.

#23. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 139/2018** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE EAST OHIO GAS COMPANY D/B/A DOMINION ENERGY OHIO FOR THE RELOCATION OF EXISTING LINES; AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$380,771.00 SUPP APPROP FR UNAPPROP BAL OF 4566 MAHONING RD CORRIDOR PROJ, GP 1103 FUND TO 4566 202079 MAHONING RD CORRIDOR PROJ, GP 1103 - OTHER)

PRESIDENT PRO TEM SMITH: Leader.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #23.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded that you adopt Ordinance #23. Any remarks?

MEMBER BABCOCK: Madam President, I move that we amend Ordinance #23, per copy that all Council

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Members have in front of them.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to amend Ordinance #23, per the copy before each you. Any remarks?

MEMBER MINOR SMITH: Yes. Madam Chair and President. May we have a brief explanation of...?

SERVICE DIRECTOR HIGHMAN: Madam President.

PRESIDENT PRO TEM SMITH: Yes.

SERVICE DIRECTOR HIGHMAN: This is the amendment I...uh...uh...mentioned two weeks ago, during Committee Meetings. Essentially, what this is, is an order for the Mahoning Rd. Project to continue down the critical path. Dominion had to begin the work prior to the passage of the Ordinance, so...um...creating a moral obligation. (*Inaudible*) thus moral ob language is added. Any work that took place prior to the passage of this Ordinance and the finalization of the contract, it's authorization that portion of payment.

MEMBER MINOR SMITH: Thank you very much, Mr. Highman. So, I understand that you did present two weeks ago, so there aren't any other changes outside of just what you presented today, the moral obligation language, or are there other changes?

SERVICE DIRECTOR HIGHMAN: Madam President.

PRESIDENT PRO TEM SMITH: Yes.

SERVICE DIRECTOR HIGHMAN: That is the only change that I requested, was the addition of the moral obligation language.

MEMBER MINOR SMITH: Thank you very much.

PRESIDENT PRO TEM SMITH: After hearing the remarks and explanation, by voice vote, all those in favor signify by saying aye. Those opposed.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. Leader.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #23.

MEMBER MINOR SMITH: Second.

CLERK DOUGHERTY: As amended (*Inaudible*).

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MEMBER BABCOCK: As amended.

MEMBER MINOR SMITH: Second, as amended.

PRESIDENT PRO TEM SMITH: It's been moved and seconded that you adopt Ordinance #23, as amended. Are there any remarks under this Ordinance, as amended? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Madam President.

**#23 ADOPTED AS AMENDED AS ORDINANCE NO. 139/2018**

PRESIDENT PRO TEM SMITH: Motion carries and Ordinance #23, as amended, is adopted. Ordinance #24, please.

#24. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 140/2018** AN ORDINANCE DECLARING CERTAIN PROPERTY NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING ITS BID FOR SALE; AND DECLARING THE SAME TO BE AN EMERGENCY (STEAM LOCOMOTIVE AND TENDER)

PRESIDENT PRO TEM SMITH: Leader.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #24.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to adopt Ordinance #24. Any remarks? Hearing none...

MEMBER MINOR SMITH: Yes, Madam Chair...

PRESIDENT PRO TEM SMITH: Yes.

MEMBER MINOR SMITH: I just wanted to thank, uh, Mr. Highman for his extended explanation. Um, this was a very long project, it seems, and...that we've had this, and other entities have had this in its possession, so thank you very much for explaining the process and it seemed difficult, but thank you for staying with it and getting us through it. Thank you.

PRESIDENT PRO TEM SMITH: After hearing those remarks, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Madam President.

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**#24 ADOPTED AS ORDINANCE NO. 140/2018**

PRESIDENT PRO TEM SMITH: Motion carries and Ordinance #24 is adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT PRO TEM SMITH: We're now under Announcements of Committee Meetings.

MEMBER MARIOL: Madam President.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER MARIOL: Judiciary will meet July 2<sup>nd</sup> at 6:30, here in Council Chambers.

PRESIDENT PRO TEM SMITH: Okay, thank you. Any other Committee Meetings?

(UNKNOWN VOICE): That's it.

PRESIDENT PRO TEM SMITH: Oh, that's it. Okay.

**MISCELLANEOUS BUSINESS**

PRESIDENT PRO TEM SMITH: We are now under Miscellaneous Business. Is there any? Mr. Clerk, could you give us our thought for this week, please.

CLERK DOUGHERTY: Thank you Madam President. *"As Always, remember that you are absolutely unique. Just like everybody else."* – Margaret Mead.

PRESIDENT PRO TEM SMITH: Ok. (Laughs). Thank you so much for that thought of the week. I'll keep that in mind. (Laughs). Leader.

MEMBER BABCOCK: Madam President, I move to adjourn.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to adjourn. Roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Madam President.

PRESIDENT PRO TEM SMITH: This meeting is adjourned. Be safe.

ADJOURNMENT TIME: 7:45 PM

ATTEST: JUNE 20, 2018  
DAVID R. DOUGHERTY  
CLERK OF COUNCIL

APPROVED:  
CHRIS SMITH  
PRESIDENT PRO TEM