

**MINUTES OF THE MEETING AUGUST 27, 2018**

PRESIDENT PRO TEM SMITH: Good evening. 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 DOUGHERTY:*

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

TWELVE COUNCIL MEMBERS PRESENT. (PRESIDENT SCHULMAN ABSENT)

CLERK DOUGHERTY: Twelve present, Madam Chair.

**EXCUSING MEMBERS**

PRESIDENT PRO TEM SMITH: Leader.

MEMBER BABCOCK: Madam President, I move we excuse President Schulman from tonight's meeting.

MEMBER MINOR SMITH: Second.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Madam President.

PRESIDENT PRO TEM SMITH: The motion carries and President Schulman is excused from this evening's meeting. We will have the invocation done by Corey Minor Smith, Council-at-Large Member. And before that, could we please have a moment of silence for Senator John McCain. (*Brief pause*) Thank you so very much. Afterwards would you please remain standing for the Pledge of Allegiance.

*The regular meeting of Canton City Council was held on August 27, 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 At-Large Council Member, Corey Minor Smith. The Pledge of Allegiance was led by President Pro Tem Smith.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT PRO TEM SMITH: We are now 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 and 6 through 14 to... to this evening's agenda. Ordinance #5 will be retained in committee.

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

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Ordinances 4 and 6 through 14 to this evening's agenda. Ordinance #5 will be retained in committee. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Madam President.

PRESIDENT PRO TEM SMITH: The motion carries and Ordinance 4 and 6 through 14 are a legal part of your agenda. And Ordinance #5 will be retained in committee.

**PUBLIC HEARINGS**

PRESIDENT PRO TEM SMITH: We're now under Public Hearings. Are there any Public Hearings this evening?

**OLD BUSINESS**

PRESIDENT PRO TEM SMITH: We're now under Old Business. Is there any Old Business, Deputy Mayor?

DEPUTY MAYOR WILLIAMS: Madam Chair, Members of Council, at our August 13<sup>th</sup> meeting Mrs. Kirk brought to our attention a sink hole that existed on 5<sup>th</sup> Street. Uh, we are looking into it. It appears that it's on private property, but we are gonna look into it and work with the owner. Thank you.

PRESIDENT PRO TEM SMITH: Thank you so very much.

**PUBLIC SPEAKS**

PRESIDENT PRO TEM SMITH: We are now under Public Speaks, and we have one speaker signed up this evening, Miss Renee Pilone.

RENEE PILONE: U-mmm.

PRESIDENT PRO TEM SMITH: Oh, I pronounced that right?

RENEE PILONE: You did. Thank you.

PRESIDENT PRO TEM SMITH: Would you please state your name and address.

RENEE PILONE: My name is Renee Pilone, and I own 1224 19<sup>th</sup> Street NE. I appreciate the opportunity today to speak about AirBnB. I'm sure you're thinking to yourselves, that AirBnB issue has been solved for months. But it has not. I'm here to tell you that there is still a lack of clarity around the issue. I received a cease and desist letter in the mail despite the fact that my property doesn't meet the definition of limited lodging. When I called the Law Department, I was told that the minimum rental period was 30 days despite the fact that Law Director Bates Aylward had said during the June 4<sup>th</sup> Council meeting that that was not the case, and despite the fact that no such 30 days provision exists in the zoning code. So what is the rule? How is anyone supposed to abide by the law when even within the same department there's a lack of consensus? This lack of clarity around regulations in this city makes it difficult for people to want to invest in property within the City of Canton. And the decision to limit AirBnB's to the business district makes it more difficult for people to visit and stay in Canton. There are a number of AirBnB's just outside of the city limits that are highly successful

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and still bringing people to the area, just not to the tax benefit of Canton. I understand the desire of residents to control what happens within their own neighborhoods, and as we heard during the public hearing, residents of two neighborhoods in particular are very concerned about the affects of rental properties on their homes. But not all neighborhoods are the same. The vast majority of homes in my neighborhood are already rental properties. Two of my next door neighbors have passed away within the last year. Both of their homes were auctioned off, and one of them is already being renovated for use as another rental property. The decision made by this Council are limiting rentals within the entire city, not just the neighborhoods that complain. Why not allow each neighborhood to have a say in what happens to the future of their homes? Why not allow responsible homeowners to rent out their homes using AirBnB? Allowing AirBnB's through a conditional use permit process could change all of that. The conditional use permit process in this city involves a public hearing, and any neighbors opposed could speak out against the permit for your individual property being used as an AirBnB. A house will not succeed as an AirBnB unless it's attractive and well maintained. That's in the best interest of this city. And AirBnB's generate additional income for residents, income tax and lodging tax for the city, and revenue for the rest... restaurants and shops that our renters use. Thank you.

PRESIDENT PRO TEM SMITH: Thank you.

**INFORMAL RESOLUTIONS**

PRESIDENT PRO TEM SMITH: At this time we are now under Informal Resolutions. Before it is read, I would like to apologize for last meeting. The library, we had did a Resolution for them. Is there anyone here to represent the library this evening? Thank you so very much. We are now under Informal Resolutions and we have one this evening. Mr. Clerk, would you please read Informal Resolution #50 by title.

#50. MAJORITY LEADER SMITH: AUTHORIZE AND DIRECT SERVICE DIRECTOR TO ENTER INTO PURCHASE ORDER IN AMOUNT OF \$49,999.99 FOR AS NEEDED REPAIR FOR CANTON'S BRICK STREETS AT DIRECTION OF ENGINEERING DEPARTMENT. - ADOPTED

PRESIDENT PRO TEM SMITH: We are now under Communications.

CLERK DOUGHERTY: We gotta vote on it.

PRESIDENT PRO TEM SMITH: I'm sorry. Leader.

MEMBER BABCOCK: Madam President, I move we adopt Informal Resolution #50.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been properly moved and seconded to adopt Informal Resolution #50. By... all those in favor. Aye.

MEMBER SMUCKLER: Madam President.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER SMUCKLER: Question. Is this in order to expend money?

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PRESIDENT PRO TEM SMITH: Speaking on it, Mr...

SERVICE DIRECTOR HIGHMAN: Madam President, yes, this is per the updated procurement ordinances that were passed a couple of months back. Um, anything over... any purchase orders over \$25,000.00 less than 50 approved by informal resolution by Council. This is essentially so we can do the brick repair throughout the city. Uh, the vendor is gonna be RMI Cement, local DBE who has success in the area vetted by the Engineering Department. Yes, this is for expenditure of money and that it what this is for.

MEMBER SMUCKLER: Madam President.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER SMUCKLER: To the Law Director. Um, this does not need to be in order... in ordinance form since we're expending money?

LAW DIRECTOR BATES AYLWARD: You'll recall when you...

MEMBER SMUCKLER: I recall it, but I just want to get this on the record.

LAW DIRECTOR BATES AYLWARD: Right. If you'll recall, when we amended the ordinance, State law allows expenditures up to 50,000 without coming to the legislative authority. This Council has typically wanted a little more authority, and it was decided to loosen the reins somewhat so that the Administration could spend up to the statutorily allowed \$50,000.00, but would still need to come to Council between 25 and 50 to let you know what it was that they were intending to spend that money on. Again, in many cities it's... it's done as a matter of routine under State law. However, this Council was always a little more conservative about that and, you know, that's fine, and so this still gives Council the authority to take a closer look at how the money, you know, and what it's being spent on within those parameters. And now before, as you know, used to be just the 25,000 could be spent without coming here.

MEMBER SMUCKLER: I understand. I believe this is the first one to come before us. Uh, it could have been second one. Okay. I just want it to be on the record. I don't know if I was here for the first one or not.

LAW DIRECTOR BATES AYLWARD: Yeah, you may not have been. I'm not sure.

MEMBER HAWK: Madam President. Thank you. Where's the money coming from?

SERVICE DIRECTOR HIGHMAN: Madam President, this will come out of the Capital Street Repair budget. This is when we did the review of the street budget earlier this year and did the capital request. Uh, \$50,000.00 was set aside for the purposes of brick repair, and now we're doing the P.O.

MEMBER MORRIS: Madam President.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER MORRIS: Is all this spelled out in the Informal Resolution?

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CLERK DOUGHERTY: Yes.

MEMBER MORRIS: Could we have that read on the record, please.

CLERK DOUGHERTY: Informal Resolution #50 submitted by Majority Leader Smith. WHEREAS, pursuant to Canton City Codified Ordinance Section 105.09, Council may authorize, through Informal Resolution, the Director of Public Service to enter into a purchase order in the amount of \$49,999.99 for as needed repair to Canton's brick streets at the direction of the Engineering Department; and NOW, THEREFORE, BE IT RESOLVED THAT: The Director of Public Service, on behalf of the city of Canton, is authorized and directed to enter into a purchase order in the amount of \$49,999.99 for as needed repair to Canton's brick streets at the direction of the Engineering Department.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER MORRIS: Madam President.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER MORRIS: Question to our Service Director. You named a contractor. Uh, the Informal Resolution doesn't name a contractor. I know that this increase to \$50,000.00 was a half baked compromise because I didn't agree with releasing the reins as... so to speak by our Law Director, but it was the best compromise I could get based on the climate of Council. But this is my big fear. You already got the guy picked. You already know who's doing the work. You already have a dollar amount set. But we leave all that out of the Informal Resolution, and I think that maybe in the future if our Informal Resolutions could give a little more detail on exactly what we're spending the money on for maybe a little more transparency, I'd appreciate it.

SERVICE DIRECTOR HIGHMAN: Madam President.

PRESIDENT PRO TEM SMITH: Yes.

SERVICE DIRECTOR HIGHMAN: For the record I do want to state that I did include all that information in my Communication. I did not prepare the Informal Resolution, but did prepare the Communication. And just so everyone knows, I... I did provide that.

CLERK DOUGHERTY: That is accurate. That is accurate.

MEMBER MARIOL: Madam President.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER MARIOL: I just want to point out also, when we discussed this, brick roads have been heavily neglected in the city for decades. They are, in my opinion, probably the most cost efficient road that we have. Um, one of the advantages from a Councilman who has a lot of brick roads in his ward, with this new idea passing is it allows the process of filling brick roads to happen much faster. And, you know, when we talk about filling these brick road potholes, it is slow, it is expensive, but these roads are causing true damage to vehicles. So I want to thank everybody for... for doing this, and this is a very, very important thing to pass

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quickly so we can get some relief to some people. Thank you.

PRESIDENT PRO TEM SMITH: Thank you. Are there any more remarks? After hearing remarks, it was moved and seconded. All those in favor, signify by saying aye. Opposes?

NO REMARKS

RESOLUTION #50 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM SMITH: Informal Resolution is passed.

**COMMUNICATIONS**

PRESIDENT PRO TEM SMITH: Now we're 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 AUGUST 27, 2018.***

326. APPLICANT, DELANO MEANS: REQ VAC OF PORTION OF FOLMER PL NE (50' LONG, 15' WIDE PORTION OF FOLMER PL NE DIRECTLY ABUTTING LOT #22841), WARD 4. - PLANNING COMMISSION
327. COURT ADMINISTRATOR KOCHERA: REQ SUPP APPROP FOR INDIGENT TREATMENT FUND #2762 (\$35,000.00 SUPP APPROP FR UNAPPROP BAL OF #2762-701001 INDIGENT TREATMENT FUND #2762 TO OTHER - #2762-701001 INDIGENT TREATMENT FUND #2762). - FINANCE COMMITTEE
328. DEPARTMENT OF COMMERCE (OHIO): NOTICE OF COUNCIL'S WITHDRAWAL OF OBJECTION TO NEW PERMIT APPLICATION #2234815-2720, C-1, LOCATED WITHIN CITY (DOLGEN MIDWEST, LLC DBA DOLLAR GENERAL STORE 17922 @ 915 TUSC. ST W). - RECEIVED & FILED
329. DEVELOPMENT DIRECTOR ROLLINS: AMEND APPROP O#64/2018 (\$2,528,200.00 SUPP APPROP FR UNAPPROP BAL OF 2211 COMMUNITY DEVELOPMENT FUND TO 2211 506001 COMMUNITY DEVELOPMENT ADMIN - OTHER; \$601,505.00 SUPP APPROP FR UNAPPROP BAL OF 2214 HOME FUND TO 2214 506001 COMMUNITY DEVELOPMENT ADMIN - OTHER; \$81,006.00 SUPP APPROP FR UNAPPROP BAL OF 2219 EMERGENCY SHELTER GRANT FUND TO 2219 506001 COMMUNITY DEVELOPMENT ADMIN - OTHER) (2018 ANNUAL ACTION PLAN - HUD); EMERGENCY. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
330. FINANCE DIRECTOR CROUSE: AMEND APPROP O#64/2018 (\$59,000.00 SUPP APPROP FR UNAPPROP BAL OF 2415 GUARDRAIL/ATTENUATOR REPLACEMENT FUND TO 2415 202210 MAINTENANCE - OTHER - \$15,000.00, TO 2415 753001 LAW - OTHER - \$44,000.00); EMERGENCY (GUARDRAIL, STREET LIGHT REPLACEMENT). - FINANCE COMMITTEE

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331. PARKS & REC DIRECTOR FOLTZ: AUTHORIZE AUDITOR TO PAY MORAL OBS TO CENTURY EQUIPMENT INC IN AMT NOT TO EXCEED \$74,000.00; TO CANTON BALLET IN AMT NOT TO EXCEED \$8,000.00 FOR PURCH ORDERS NOT OPENED UNTIL INVOICES WERE RECEIVED. - FINANCE COMMITTEE
332. PLANNING COMMISSION: REQ REPLAT OF PART OF CITY LOTS 8847 & 8848 (PARCELS 219258, 10005096 & 10005094), 1003 12<sup>TH</sup> St. NW, WARD 1 (FOR JEFF BARBER). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
333. PLANNING COMMISSION: REQ REPLAT LOT 25235 AND PART OF OUT LOT 524 (PARCELS 204308 & 240651), 1215 HOMEDALE AVE NW, WARD 1 (FOR MICHAEL GAMBONE). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
334. PLANNING COMMISSION: REQ VACATION OF PART OF OLIVE PL NE AND TWO UNNAMED 10' ALLEYS, WARD 9 (RON SPENCER FOR FERROUS PROCESSING & TRADING CO.). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
335. PLANNING COMMISSION: REQ VACATION OF PART OF 12' WIDE GEORGE PL SW AND REPLATTING SAID VACATED GEORGE PL SW AND PART OF LOT 2992 AND PART OF LOT 2993 AND ALL OF LOTS 2990 & 2991 (PARCELS 207485, 236501 & 245232), WARD 4 (FOR WALTER & JULI HENSCH). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
336. PLANNING COMMISSION: REQ VACATION OF 15' BY 50' OF FOLMER PL NE AND REPLAT OF CANTON CITY LOTS 22839, 22840, AND 22841 (PARCEL 206602), WARD 4 (FOR DELANO MEANS). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
337. PLANNING COMMISSION: REQ ZONE CHG AT ROUTE 62 AND KIRBY AVE NE (PARCELS 305295, 380336, 380337, 304736, 304674, 301700, 304728, 301585, 301476, 302122 & 10002002), WARD 6 (FOR FUTURE DEVELOPMENT FOR CITY). - JUDICIARY COMMITTEE
338. PLANNING COMMISSION: REQ ZONE CHG AT 2528 FAIRCREST ST SW (PARCELS 8300025 & 8300004), WARD 5 (FOR OHIO POWER COMPANY). - JUDICIARY COMMITTEE
339. SAFETY DIRECTOR PERRY: AUTHORIZE CITY TO ACCEPT GRANT NO. EMW-2017 FH 00176 IN AMT OF \$1,036,353.00 UNDER THE FY 2017 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT; RENAME FUND 2815 FIRE FEMA SAFER GRANT 2015 TO 2818 FIRE FEMA SAFER GRANT 2017; AMEND O#64/2018 (\$160,000.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 103001 GENERAL FUND - PAYROLL - \$100,000.00, TO 1001 103001 GENERAL FUND - PAYROLL FRINGES - \$60,000.00; \$160,000.00 SUPP APPROP FR UNAPPROP BAL 2815 SAFER GRANT 2017 TO 2815 103001 SAFER GRANT 2017 - OTHER; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. - FINANCE COMMITTEE
340. SERVICE DIRECTOR HIGHMAN: REQ INFORMAL RESOLUTION APPROVING PURCH ORDER IN AMT OF \$49,999.99 FOR CITY WIDE BRICK REPAIR WORK FR 2018 CAPITAL

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## PROJECTS FUND (RMI CEMENT LLC (RMI). - RECEIVED &amp; FILED

341. SERVICE DIRECTOR HIGHMAN: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE AND RECEIVE BIDS FOR CONSTRUCTION CONTRACT FOR CANTON SOUTH WATERLINE EXTENSION - PHASE 1 (HUMAN HEALTH) PROJ; AUTHORIZE MAYOR AND/OR SERV DIR TO AWARD AND EXECUTE CONSTRUCTION CONTRACT AND PROF SERVS CONTRACT FOR CONSTRUCTION ENGINEERING SERVS FOR PROJ CONTINGENT UPON RECEIVING FUNDING; AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO AGMT WITH OHIO ENVIRONMENTAL PROTECTION AGENCY, THRU OHIO WATER DEVELOP AUTHORITY, TO RECEIVE FR WATER SUPPLY REVOLVING LOAN ACCT, PRINCIPAL FORGIVENESS AND 0% INTEREST LOAN TO BE AMORTIZED OVER 15-YR PERIOD FOR CANTON SOUTH WATERLINE EXTENSION - PHASE 1 (HUMAN HEALTH) PROJ; AUTHORIZE AUDITOR TO ESTABLISH AND CREATE FUND 5238 CANTON SOUTH WATERLINE EXTENSION - PHASE 1 (HUMAN HEALTH) PROJ FUND TO RECEIVE ALL LOAN AND REVENUE PROCEEDS AND TRACK PROJ EXPENDITURES; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
342. TREASURER PEREZ: COMPARATIVE RPT OF CASH RECEIPTS FOR 1/1/18 THRU 7/31/18. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT PRO TEM SMITH: We're now under Ordinances and Formal Resolutions for First Reading. Would you please start with Ordinance #1, Mr. Clerk.

***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) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ACCEPT A DONATION OF LAND FROM LMP PROPERTIES LLC; AND DECLARING THE SAME TO BE AN EMERGENCY (9<sup>TH</sup> & MCKINLEY NW, PARCEL #239055, FOR FUTURE DEVELOPMENT)  
Referred to Community & Economic Development Committee
- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$140,000.00 SUPP APPROP FR UNAPPROP BAL OF 6041 MOTOR VEHICLE DEPT FUND TO 6041 208010 SERVICE AND REPAIR - OTHER)  
Referred to Finance Committee
- #3. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE HIRING OF MR. BROCK MCCROSKEY AT A SALARY OF \$60,000 ANNUALLY WITH TEN DAYS OF VACATION IN 2019 AND RETURNING TO THE APPLICABLE CITY VACATION SCHEDULE IN 2020; AND DECLARING THE SAME TO BE AN

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EMERGENCY (COLLECTION SYSTEM ENGINEER 2)  
Referred to Personnel Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

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

***NOTE: PRESIDENT PRO TEM SMITH CALLED UPON CLERK DOUGHERTY TO READ ORDINANCE #4 AND ORDINANCES #6 THROUGH #14 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (ORDINANCE #5 RETAINED IN COMMITTEE; ORDINANCES #11 THROUGH #14 ADOPTED):***

- #4. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH GOVERNMENT JOBS.COM, INC. DBA NEOGOV; AND DECLARING THE SAME TO BE AN EMERGENCY (COMPREHENSIVE HUMAN RESOURCES MGMT SYSTEM AND SUPPORT)
- #5. (2<sup>ND</sup> RDG) ***RETAINED IN COMMITTEE*** AN ORDINANCE RESTRICTING THE DISTANCE BETWEEN A STORE THAT SELLS PACKAGED, OR SINGLE CANS OR BOTTLES, OR BEER, WINE, OR LIQUOR, AND THE FOLLOWING LOCATIONS: ANOTHER SUCH STORE; A SEXUALLY ORIENTED BUSINESS; ALL CHURCHES, TEMPLES OR OTHER PLACES OF WORSHIP; ALL CHILD CARE FACILITIES; SCHOOLS; PUBLIC PARKS; HOSPITALS; AND HISTORIC LANDMARKS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #6. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$2,316,085.30 APPROP TRF FR 5410 206057 OWDA WRF PHOSP PROJ MEMB (6556) - OTHER TO 5410 206058 OWDA WRF PHOSP PROJ (CONST) - OTHER)
- #7. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$250,000.00 SUPP APPROP FR UNAPPROP BAL OF 2815 FEMA SAFER GRANT 2015 FUND TO 2815 103001 FIRE ADMIN - OTHER)
- #8. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A CONTRACT WITH PHYSIO CONTROL, INC. FOR THE PURCHASE OF TWO ADDITIONAL HEART MONITORS UTILIZING ANY PROCUREMENT PROCESS ALLOWED BY EITHER THE ORC OR CANTON CODIFIED ORDINANCES; AND DECLARING THE SAME TO BE AN EMERGENCY (FIRE DEPT FOR AMBULANCES)
- #9. (2<sup>ND</sup> RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO LEXINGTON FARMS NORTH, LTD NO. 4, NO. 5 AND ANY

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UNNAMED PHASES; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO ANY AGREEMENTS, NECESSARY FOR THE EXTENSION OF SAID WATER MAIN; AND DECLARING THE SAME TO BE AN EMERGENCY

- #10. (2<sup>ND</sup> RDG) AN ORDINANCE ACKNOWLEDGING RECEIPT AND APPROVAL OF THE STARK-TUSCARAWAS-WAYNE JOINT SOLID WASTE MANAGEMENT DISTRICT SOLID WASTE MANAGEMENT PLAN; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 173/2018** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ACCEPT AND ENTER INTO THE COMDOC/GLOBAL IMAGING SOLUTIONS, INC. JOINT ECONOMIC DEVELOPMENT DISTRICT AGREEMENT AREA IN JACKSON TOWNSHIP; AND DECLARING THE SAME TO BE AN EMERGENCY (NEW OFFICE & DISTRIBUTION CTR FOR 250 EMPLOYEES)
- #12. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 174/2018** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A JOB CREATION TAX INCENTIVE AGREEMENT WITH COMDOC/GLOBAL IMAGING SOLUTIONS, INC. PURSUANT TO THE CITY'S INCENTIVE PROGRAMS; AND DECLARING THE SAME TO BE AN EMERGENCY
- #13. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 175/2018** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A FINAL AGREEMENT/SETTLEMENT FOR PARCEL 40-WD, U, T WITH ARCHLAND PROPERTY I, LLC IN AN AMOUNT NOT TO EXCEED \$109,367.00 FOR THE MAHONING RD CORRIDOR PHASE I, G.P. 1103; AND DECLARING THE SAME TO BE AN EMERGENCY
- #14. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 176/2018** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CHANGE ORDER #1 AND FINAL IN AN AMOUNT NOT TO EXCEED \$59,693.03 WITH AT&T FOR THE MAHONING RD CORRIDOR PHASE I, G.P. 1103; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM SMITH: Leader.

MEMBER BABCOCK: Madam President, I move we suspend the Statutory Rule on Ordinances 11 through 14.

MEMBER MINOR SMITH: Second.

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PRESIDENT PRO TEM SMITH: It's been moved and seconded to suspend the Statutory Rule for Ordinances 11 through 14. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Madam President.

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

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #11.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to adopt Ordinance #11. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Madam President.

**#11 ADOPTED AS ORDINANCE NO. 173/2018**

PRESIDENT PRO TEM SMITH: Motion carries. Ordinance #11 is adopted. Leader.

CLERK DOUGHERTY: Twelve... twelve yeas, Madam President. Sorry.

PRESIDENT PRO TEM SMITH: Twelve. 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. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Madam President.

**#12 ADOPTED AS ORDINANCE NO. 174/2018**

PRESIDENT PRO TEM SMITH: Motion carries and Ordinance #12 is adopted. Leader.

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

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MEMBER MINOR SMITH: Second.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Madam President.

**#13 ADOPTED AS ORDINANCE NO. 175/2018**

PRESIDENT PRO TEM SMITH: That motion carries and Ordinance #13 is adopted. Leader.

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. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Madam President.

**#14 ADOPTED AS ORDINANCE NO. 176/2018**

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

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

PRESIDENT PRO TEM SMITH: We are now under Ordinances and Formal Resolutions for their Third and Final Reading and Vote. Leader.

#15. (3<sup>RD</sup> RDG) **RECONSIDERED AND AMENDED AS ORDINANCE NO. 170/2018** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$1,500,000.00 SUPP APPROP FR UNAPPROP BAL OF 6017 HEALTH & LIFE INSURANCE FUND TO 6017 201001 SERVICE DIRECTOR ADMIN - PERSONNEL)

MEMBER BABCOCK: Madam President, I move we reconsider Ordinance #170/2018 adopted on August 13, 2018.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to reconsider Ordinance #170/2018 adopted on August the 13<sup>th</sup>, 2018. Are there any remarks?

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FINANCE DIRECTOR CROUSE: Madam Chairman.

PRESIDENT PRO TEM SMITH: Yes.

FINANCE DIRECTOR CROUSE: This is my mistake on this Ordinance. I looked at it many times and didn't notice that it says Personnel when it should say Other in this Ordinance. So we just need to change it to Other instead of Personnel.

PRESIDENT PRO TEM SMITH: Okay. Roll call vote?

CLERK DOUGHERTY: Yep.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Madam President.

PRESIDENT PRO TEM SMITH: The motion carries to reconsider. Leader.

MEMBER BABCOCK: Madam President, I move we amend Ordinance #170/2018 per copy before each Council Member.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to amend Ordinance #170/2018. Are there any remarks? Hearing none, all those in favor signify by saying aye. Those opposed.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM SMITH: The ayes have it. Leader.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance slash... 170/2018 as amended.

MEMBER MINOR SMITH: Second.

Reconsideration and Amendment:

*Pursuant to Rules 41 and 36 respectively, I move to reconsider and amend Ordinance No. 170/2018 by changing the word "Personnel" to "Other" in Section 1.*

PRESIDENT PRO TEM SMITH: It's been moved and seconded to adopt Ordinance #170/2018 as amended. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Madam President.

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PRESIDENT PRO TEM SMITH: Ordinance #170/2018 as amended has been adopted. Mr. Clerk, Ordinance #16, please.

***NOTE: PRESIDENT PRO TEM SMITH CALLED UPON CLERK DOUGHERTY TO READ THE FOLLOWING ORDINANCES #16 THROUGH #17 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

#16. (3<sup>RD</sup> RDG) ***POSTPONED UNTIL 9/10/18 AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$400,000.00 SUPP APPROP FR UNAPPROP BAL OF 2190 HOFV FUND TO 2190 861101 HOFV - TOURISM DEVELOP DISTRICT - OTHER)***

PRESIDENT PRO TEM SMITH: Leader.

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

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: Okay. That Ordinance... (*Inaudible voices*) No, cause it's going to be... it's got to be... okay.

MEMBER BABCOCK: What are we on, 17?

PRESIDENT PRO TEM SMITH: Did they finish... she seconded it. Okay. It's been properly moved and seconded to adopt Ordinance #16. Are there any remarks?

CLERK DOUGHERTY: #17.

PRESIDENT PRO TEM SMITH: I'm sorry, 17. No, we on 16. We on 16, Mr. Clerk. We postponed that.

CLERK DOUGHERTY: (*Inaudible*)

PRESIDENT PRO TEM SMITH: Excuse me, we just having a little difficulty up here, but we alright. Let's go back. Mr. Clerk was wrong. We're on 16. 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 to adopt Ordinance #16. Are there any remarks? Now we can postpone it.

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MEMBER BABCOCK: Madam President, I move we postpone Ordinance #16 to September 10, 2018.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It's been properly moved and seconded to postpone Ordinance #16 to September the 10<sup>th</sup>. Are there any remarks? All those in favor signify by saying aye. Opposed?

NO REMARKS POSTPONEMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM SMITH: Then the motion carries, and Ordinance 16 is postponed to September the 10<sup>th</sup>. Seventeen...

#17. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 177/2018** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$14,478.00 SUPP APPROP FR UNAPPROP BAL OF 1152 NIP ACQUISITION DEMO DEBT FUND TO 1152 101501 CODE ENFORCEMENT - 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 properly moved and seconded that you adopt Ordinance #17. Are there any remarks under this Ordinance? Hearing none, roll call vote, please.

NO REMARKS ROLL CALL 11 YEAS, 0 NAYS, 1 ABSTENTION  
(MEMBER MINOR SMITH ABSTAINED)

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

**#17 ADOPTED AS ORDINANCE NO. 177/2018**

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

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT PRO TEM SMITH: We are under Announcements of Committee Meetings.

MEMBER BABCOCK: Madam President.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER BABCOCK: Personnel will meet... what time you want... what time... 6:15, 6:30?

UNIDENTIFIED VOICE: We got three Ordinances.

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PRESIDENT PRO TEM SMITH: 6:15.

MEMBER BABCOCK: 6:15.

CLERK DOUGHERTY: 6:30.

PRESIDENT PRO TEM SMITH: 6:30.

MEMBER BABCOCK: 6:30.

PRESIDENT PRO TEM SMITH: Okay. CD.

MEMBER MINOR SMITH: Madam President, the Community & Economic Development Committee will meet on September 10, 2018 at 6:30.

PRESIDENT PRO TEM SMITH: Finance.

MEMBER MORRIS: Madam President.

PRESIDENT PRO TEM SMITH: Yes.

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

**MISCELLANEOUS BUSINESS**

PRESIDENT PRO TEM SMITH: Okay. We are now under Miscellaneous Business. Is there any?

MEMBER MINOR SMITH: Madam President.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER MINOR SMITH: Thank you. I would like to thank each and every Council Member and Member of the Administration for attending the Meet and Greet that was coordinated with the Canton Regional Chamber of Commerce as well as the Community & Economic Development Committee. It was an opportunity for us to thank those who have invested in the community as far as the business owners and those who have invested in staying in the City of Canton, as well as the opportunity to meet each of the City Council Members that attended. So I do appreciate those who took the time to come out, and I look forward to other opportunities for us to work with the Chamber. We each have our individual focus. You know, some may be more economic, some more community development, but overall we have to work for the totality of the City of Canton, and I think it's important for us to look at the Chamber as an investment rather than giving money whenever it is time for such to be requested from the City of Canton because there are investments being made by all to move the City of Canton forward. Thank you.

PRESIDENT PRO TEM SMITH: Are there any more Miscellaneous Business? If not, I would like to invite everyone to...

UNIDENTIFIED VOICE: Uh, uh, uh...

PRESIDENT PRO TEM SMITH: (*Chuckles*) I would like to invite everyone on Monday to the Wayne

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Douglas... Douglas Jamerson End of the Season Spray Park Festival. I'd like to also thank Canton Restaurant for the hot dogs that they're gonna provide, and Babby for the buns, and all of you that's participating, and Doc Ferguson and everyone. Come out, bring your kids and have an end of the season good time. Mr. Morris.

MEMBER MORRIS: Madam President, Service Director, Deputy Mayor, Mayor, in the past, and I... I had to bounce this off a few of my colleagues. We've had a complete overhaul in our Parks Department with the merge of Parks and Rec. Historically, since we've passed that park levy, each ward Council Member has received \$10,000.00 in capital money. I don't know, I... and as a former Park Commissioner, I know we have no jurisdiction over them, all we can do is ask, but if the Administration could join me in asking that we retain our \$10,000.00 per ward capital improvement money. I caught our new Parks Director completely off guard with it, and I know that we do not have any of the former Park Commissioners still active on the Board, and I do believe it was a gentlemen's agreement. Uh, Member... well, former Member Dougherty, Leader Smith, myself, I'm sure Kevin Fisher who's no longer here, and Mr. Hawk is aware of it, but never took the money. But we would like to utilize some of that in Ward 9, so if you could reach out with an olive branch and ask them if they ever want us to support a levy again, they'll kindly give us our money. Thank you.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER HALL: (*Inaudible*)

PRESIDENT PRO TEM SMITH: Member... Nate. Oh, one minute.

MEMBER HALL: Just a comment.

PRESIDENT PRO TEM SMITH: Oh, go ahead.

MEMBER HALL: Uh, when I was at the last meeting, they are aware of that.

MEMBER MORRIS: Okay.

MEMBER HALL: So I think it would be easily retained.

PRESIDENT PRO TEM SMITH: Okay. Yes, Nate.

MEMBER CHESTER: Yeah, also I would like to invite any and everyone out to this event, a community cookout tomorrow from 4:00 to 6:00 at 1365 Cherry, the old Fisher's building, to meet up with Akron Food Bank. Just to talk and discuss on their vision on a hunger free community with our free hot dogs and welcoming all the neighbors out. So if you're free from 4:00 to 6:00, come on and enjoy a hot dog and communication.

PRESIDENT PRO TEM SMITH: Are there any more Miscellaneous Business?

CLERK DOUGHERTY: Madam President.

PRESIDENT PRO TEM SMITH: Yes.

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CLERK DOUGHERTY: Quote for the week. “When you’re in jail,” Fonda... *(Laughter)*... When... “When you’re in jail, a good friend will be trying to bail you out. A best friend will be in the cell next to you saying, dang, we had a good time.” *(Laughter)*

PRESIDENT PRO TEM SMITH: Wonder why he said Fonda. *(Laughter)*

UNIDENTIFIED VOICE: He’s been in jail with Fonda. *(Laughter)*

PRESIDENT PRO TEM SMITH: Okay, Leader.

MEMBER BABCOCK: Madam President, I move we adjourn.

MEMBER MINOR SMITH: Second.

PRESIDENT PRO TEM SMITH: It’s been properly moved and seconded to adjourn. Everyone have a great, safe holiday. All those in favor signify by saying...

CLERK DOUGHERTY: Roll call.

PRESIDENT PRO TEM SMITH: I was gonna do voice vote. Oh, roll call, right.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Madam President.

PRESIDENT PRO TEM SMITH: This meeting is adjourned.

ADJOURNMENT TIME: 7:30 PM

ATTEST: 8/29/18

APPROVED:

DAVID R. DOUGHERTY  
CLERK OF COUNCIL

CHRIS SMITH  
PRESIDENT PRO TEM