

MINUTES OF THE MEETING OCTOBER 29, 2018

PRESIDENT PRO TEM SMITH: With a quorum being present, the Chair will call this meeting of Canton City Council to order. Roll call please.

ROLL CALL TAKEN BY CLERK DOUGHERTY:

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

ELEVEN COUNCIL MEMBERS PRESENT. (PRESIDENT SCHULMAN AND MEMBER MINOR SMITH ABSENT)

CLERK DOUGHERTY: Eleven present, one absent, Madam President.

EXCUSING MEMBERS

PRESIDENT PRO TEM SMITH: Okay. After...It's been moved and seconded to excuse President Schulman and Member Minor Smith from this...no, we ain't ready for that yet. Okay. *(Laughter)*. Leader. *(Laughter)*.

MEMBER BABCOCK: Thank you. Madam President, I move we excuse President Schulman and Member Minor Smith from tonight's meeting.

MEMBER SMUCKLER: Second.

PRESIDENT PRO TEM SMITH: Alright. It's been moved and seconded to excuse President Schulman and Member...okay, what's going on over there? *(Laughter)*. Did you say you were excused? Okay. It's been moved and seconded to excuse President Schulman and Member Minor Smith from this evening's meeting. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Madam President.

PRESIDENT PRO TEM SMITH: The motion carries and President Schulman and Member Minor Smith are excused from this evening's meeting. We will have the invocation given tonight by Ward 9 Council Member, my good friend, Frank Morris. Would you all please stand and remain standing for the Pledge of Allegiance.

MEMBER MORRIS: Before I give this evening's invocation, I'd like to ask everybody in the chamber to give a moment of silence for the 11 folks who lost their life over in Pittsburgh on Saturday, with another senseless shooting.

(MOMENT OF SILENCE)

MEMBER MORRIS: Thank you.

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The regular meeting of Canton City Council was held on October 29, 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 9 Council Member, Frank Morris. The Pledge of Allegiance was led by President Pro Tem Smith.

AGENDA CORRECTIONS & CHANGES

PRESIDENT PRO TEM SMITH: We are now under Agenda and Correction Changes. Leader.

MEMBER BABCOCK: Madam President, I move Rule 22A be suspended to add 2nd Reading Ordinances 11 through 23 to this evening's agenda.

PRESIDENT PRO TEM SMITH: Mr. Smuckler.

MEMBER SMUCKLER: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to suspend Rule 22A to add 2nd Reading Ordinances 11 through 23 to this evening's agenda. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Madam President.

PRESIDENT PRO TEM SMITH: The motion carries and Ordinances 11 through 23 are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT PRO TEM SMITH: We are now under Public Hearings and we do have one hearing this evening, Mr. Clerk

CLERK DOUGHERTY: AN ORDINANCE RESTRICTING THE DISTANCE BETWEEN A STORE THAT SELLS PACKAGED OR SINGLE CANS OR BOTTLES OF 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. THIS ORDINANCE SHALL NOT APPLY TO B-5 CENTRAL BUSINESS DISTRICTS, B-6 SHOPPING CENTER DISTRICTS, THE HALL OF FAME VILLAGE DISTRICT OR THE TARGET INVESTMENT ZONES IDENTIFIED IN TITLE XIX, CHAPTER 1176 OF THE PLANNING AND ZONING CODE; THE ADDITION OF THE DEFINITION OF PACKAGED LIQUOR STORES TO TITLE VII, CHAPTER 1131; AMENDING TITLE XIII, CHAPTER 1146, BULK AND AREA REQUIREMENTS-BUSINESS AND INDUSTRIAL ZONING DISTRICTS; PLANNING COMMISSION RECOMMENDED APPROVAL.

PRESIDENT PRO TEM SMITH; Is there anyone in the audience wishing to speak for or against this Jone...Zone Change, please step forward. Is there anyone in the audience wishing to speak for or against this Zone Change, please step forward. Seeing no one step forward, the Chair declares the public hearing, in this regard, over. The matter now rests in the hands of Council and the Ordinance will follow later this evening.

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

PUBLIC SPEAKS

PRESIDENT PRO TEM SMITH: We are now under Public Speaks. We have two speakers tonight for this evening. Once you come to the mic, please state your name and your residential address. Mr. Pete DiGiacomo.

PETE DIGIACOMO: (*Coughing*). Excuse me. My name's Pete DiGiacomo. I live at 600 Dent Pl. SW, Canton, Ohio. There's a couple things I wanted to touch one. Councilman Morris mentioned about the uh...incident over in Pittsburgh. I can be wrong, sometimes I am, lot of times I am. Sometimes I'm right. We've got a President that about two or three months ago, and even before that, all he wants to do is spew out racist types of remarks. It's okay for the White Nationalists to do this, do that. That all leads up to something that's happening now. There was a black man with his wife...black wife...I'm not sure what state it was in. White man goes in with a rifle, on his way in, what was reported on the news, he walked by a white man, says "whites don't kill whites." He went in, he shot and killed the husband and wife together. White Nationalists. I'm 74 years old and I've got a grandson and a granddaughter that go to different events and I'm scared as hell that it can happen to them up here. You can't say it can't because it can. And it's happening more and more and more. And the public's not doing nothing about it. I...I don't have an answer for it. I sure as hell don't want to see...you know...well, we gotta have armed guards or everything like that, and...everywhere you look. Now you're in like a Communist state. But, uh, either the laws gotta get tougher or instead of capturing these people, wounding 'em, you shoot 'em, period. And, uh...we had the uh...moment of silence for the Jewish people at the uh...Synagogue, I think we should also, at some point in time, just have a moment of silence for everybody that's been losing their lives to senseless people...I don't care if they uh, they had enough sense to get a rifle and kill somebody, so don't...I don't want to hear this, "they're mentally disturbed." They're disturbed alright, but it's not...they know what they're doing. Thank you.

PRESIDENT PRO TEM SMITH: Thank you, Mr. DiGiacomo. (*Applause*). Our next speaker is Ms. Roberta Covington.

ROBERTA COVINGTON: Roberta Covington. 1941 E. Tuscarawas St. Canton. I want to commend uh... the city of Canton on the jumpstart and that other 1000, whatever that was, 100 kilowatts, whatever that was. (*Laughs*). That computer stuff. Uh, I was really impressed and...on the progressive...uh...actions that...uh...they are taking downtown to help people want to be here, in the city of Canton and work. I also want to commend Canton on...I drove, um...Mercy Hospital, the whole way through Canton, down to the little turn-about, then I went toward my house. But anyway...uh..beautiful, just beautiful. And I can't til someday, East Tusc will look like that. Uh, many people are talking about it, how gorgeous it looks, the sidewalks are wonderful, the lights are wonderful, it looks healthy and ...a happening place. I also though, I'm waiting for positive comments on 3rd St. SE bridge, which my Councilperson said there's something coming up. So, I'll be glad to hear what happens there on the 3rd St. SE bridge, where children from all towns...all over town go to the geek school, now Hartford has arrived and I don't want anything, including that bridge, to stop the positivity that's coming to our neighborhood. But, there is one sad thing I have to say. On...up the street from my house, I don't know the address, uh...right behind the drive-thru, was a big old building owned by Coons, the guy that saves all the architecturally... Well, I used to always call the Preservation Society and try to keep these older homes and buildings in-tact. Well, I thought it was safe with him. My mailman says, "We missed another one." The house is down. I don't know whose it was, but

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someway, I want to know how can I help or all of us help, to preserve some of the buildings in Canton. What do I do? How do I do it? Was it...to me there should have been a public announcement so maybe we could have gathered together and saved that building. It's gone. It's gone. So, my questions is...what can we do? How can I help save another building? Cause I...I appreciate older building and historically, we should be trying to save some. That's my question for tonight.

PRESIDENT PRO TEM SMITH: Okay, I'll be glad to talk to you after the meeting.

ROBERTA COVINGTON: Okay, thank you.

PRESIDENT PRO TEM SMITH: You're welcome. That concludes our Public Speaks.

INFORMAL RESOLUTIONS

PRESIDENT PRO TEM SMITH: We are now under Informal Resolutions and we have none this evening.

COMMUNICATIONS

PRESIDENT PRO TEM SMITH: 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 OCTOBER 29, 2018.

415. DEPUTY MAYOR WILLIAMS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO ENTERPRISE ZONE AGMT WITH SLESNICK REALTY CO, LLC/S. SLESNICK CO, INC. TO PROVIDE 10 YR 75% REAL PROPERTY TAX EXEMPTION AND AUTHORIZE AUDITOR TO MAKE PAYMENTS TO CANTON CITY SCHOOLS BD OF ED AS REQUIRED BY ORC SEC 5709.82(C) (PARCEL #10009723). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
416. FINANCE DIRECTOR CROUSE: REQ \$44,056.05 SUPP APPROP FR UNAPPROP BAL OF 2185 URBAN TIF FUND TO 2185 501001 MAYOR ADMIN - OTHER FOR PAYMENT TO HISTORIC ONESTO, LLC. - FINANCE COMMITTEE
417. FINANCE DIRECTOR CROUSE: REQ \$164,000.00 SUPP APPROP FR UNAPPROP BAL OF 2815 FEMA SAFER GRANT 2015 FUND TO 2815 103001 FIRE ADMIN - OTHER. - FINANCE COMMITTEE
418. FINANCE DIRECTOR CROUSE: REQ \$120,500.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 753001 LAW ADMIN - PERSONNEL FOR \$80,000.00, TO 1001 901001 CIVIL SERVICE - PERSONNEL FOR \$20,500.00 AND TO 1001 802001 AUDITOR - CLERK OF COURTS ATM - OTHER FOR \$20,000.00; \$8,225.00 SUPP APPROP FR UNAPPROP BAL OF 5701 BUILDING CODE FUND TO 5701 753001 LAW ADMIN - PERSONNEL (YEAR END ADJUSTMENTS). - FINANCE COMMITTEE

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419. SAFETY DIRECTOR PERRY: AUTHORIZE MAYOR AND/OR SAF DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR PURCHASE OF RADIOS AND RELATED WARRANTIES AND ACCESSORIES FOR POLICE DEPT; ALTERNATIVELY AUTHORIZE MAYOR AND/OR SAF DIR TO ENTER INTO CONTRACT FOR PURCHASE OF SAID ITEMS IN ACCORDANCE WITH ANY PROCUREMENT PROCESS AUTHORIZED BY ORC AND/OR CANTON CODIFIED ORDINANCES; AUTHORIZE MAYOR AND/OR SAF DIR TO TRADE IN OLD RADIOS NO LONGER NEEDED FOR MUNICIPAL PURPOSES TOWARDS PURCHASE OF SAID ITEMS; AUTHORIZE MAYOR AND/OR SAF DIR TO DISPOSE OF ANY AND ALL RADIOS NOT TRADED IN AND NO LONGER NEEDED FOR MUNICIPAL PURPOSES THRU ANY PROCESS AUTHORIZED BY ORC AND/OR CANTON CODIFIED ORDINANCES; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; REQ \$200,000.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 102001 POLICE ADMIN - OTHER. - FINANCE COMMITTEE
420. SERVICE DIRECTOR HIGHMAN: CERTIFY AMTS INCLUDED IN LIST OF PROPERTIES TO STARK CTY AUDITOR TO BE ENTERED UPON TAX DUPLICATES AS LIENS FOR UNPAID INVOICES TO STREET DEPT; AUTHORIZE MAYOR AND/OR SERV DIR, IN CONJUNCTION WITH STARK CTY AUDITOR, TO WAIVE CERTIFIED LIEN AMTS ONCE THEY ARE EITHER PAID OR PROP OWNER PROVIDES SUFFICIENT PROOF THAT LIEN AMTS WERE UNJUST OR UNWARRANTED. - FINANCE COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT PRO TEM SMITH: We're under Ordinances and Formal 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 #10 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON REGIONAL CHAMBER OF COMMERCE FOR A GRANT OF CITY FUNDS IN AN AMOUNT NOT TO EXCEED \$175,000.00 FOR ECONOMIC AND CIVIC DEVELOPMENT OF THE COMMUNITY; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development and Finance Committees
- #2. (1ST RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$4,217.00 TO ORIANA HOUSE; AND DECLARING THE SAME TO BE AN EMERGENCY (GPS & ELECTRONIC MONITORING OF DEFENDANTS)
Referred to Finance Committee

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- #3. (1ST RDG) AN ORDINANCE AUTHORIZING DISSOLVING THE RIGHT OF WAY RESERVATIONS OR ROAD RESERVATIONS CURRENTLY ASSIGNED TO PERMANENT PARCEL NUMBERS 281929 AND 283436; AND AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO TRANSFER THE SAME, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION FOR SUBSEQUENT TRANSFER TO TIMKENSTEEL CORP.; RECOMMENDING INCLUDING IN THE DEED TRANSFER(S) EITHER A RESERVATION FOR STREET RIGHT OF WAY PURPOSES OR INCLUDE A REVERSION CLAUSE GRANTING THE LAND BACK TO THE CITY IN THE EVENT TIMKENSTEEL DR. IS NOT PERMANENTLY CLOSED OR VACATED FROM PUBLIC USE; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- #4. (1ST RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$11,117.23 TO VERIZON WIRELESS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #5. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE PURCHASE OF SELF-CONTAINED BREATHING APPARATUS EQUIPMENT, RELATED WARRANTIES, AND ACCESSORIES FOR THE FIRE DEPARTMENT; OR TO ALTERNATIVELY ENTER INTO CONTRACT FOR SAID PURCHASES PURSUANT TO ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; AUTHORIZING THE AUDITOR TO RENAME THE 2811 COURT SECURITY FUNDING GRANT TO FUND 2811 - 2017 ASSISTANCE TO FIREFIGHTERS GRANT; AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$166,000.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 103001 FIRE ADMIN - OTHER; \$166,000.00 SUPP APPROP FR UNAPPROP BAL OF 2811 2017 ASSIST TO FIREFIGHTERS GRANT FUND TO 2811 103001 FIRE ADMIN - OTHER; \$150,910.00 INTER-FUND TRF/ADVANCE FR 1001 103001 FIRE ADMIN - OTHER ADVANCE OUT TO 2811 103001 FIRE ADMIN - OTHER ADVANCE IN; \$15,090.00 TRF/ADVANCE FR 1001 103001 FIRE ADMIN - OTHER TRF OUT TO 2811 103001 FIRE ADMIN - OTHER TRF IN)
Referred to Public Property Capital Improvement and Finance Committees
- #6. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$264,599.64 SUPP APPROP FR UNAPPROP BAL OF 4573 SIB LOAN 12TH ST N. CORR. PRJ FUND TO 4573 202077 GP 1098 12TH ST N. CORR. PRJ -

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OTHER)

Referred to Finance Committee

- #7. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO CONTRACT FOR THE PURCHASE OF ONE (1) CAMERA INSPECTION TRUCK FOR THE COLLECTION SYSTEMS DEPARTMENT; OR TO ALTERNATIVELY ENTER INTO CONTRACT FOR SAID PURCHASE PURSUANT TO ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$235,829.00 APPROP TRF FR 5410 206006 COLLECTION SYSTEM DEPT - PERSONNEL TO 5410 206006 COLLECTION SYSTEM - OTHER)
Referred to Public Property Capital Improvement and Finance Committees

- #8. (1ST RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO CREATE THE 4587 NAVARRE RD. SIGNAL UPGRADE PROJECT FUND; AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$1,086,895.00 SUPP APPROP FR UNAPPROP BAL OF 4587 NAVARRE RD SIGNAL UPGRADE PROJ, PID 76007, GP 1127 FUND TO 4587 202054 NAVARRE RD SIGNAL UPGRADE PROJ, PID 76007, GP 1127 - OTHER)
Referred to Public Safety & Thoroughfares and Finance Committees

- #9. (1ST RDG) **ADOPTED AS ORDINANCE 218/2018** AN ORDINANCE AUTHORIZING THE AMENDMENT OF THE TIMKEN/STARK STATE JOINT ECONOMIC DEVELOPMENT DISTRICT AGREEMENT AND TAX SHARING AGREEMENT WITH JACKSON TOWNSHIP; AND DECLARING THE SAME TO BE AN EMERGENCY (JEDD)
Referred to Community & Economic Development Committee

- #10. (1ST RDG) **ADOPTED AS ORDINANCE 219/2018** AN ORDINANCE AUTHORIZING THE AMENDMENT OF THE FITZPATRICK JOINT ECONOMIC DEVELOPMENT DISTRICT AGREEMENT AND TAX SHARING AGREEMENT WITH JACKSON TOWNSHIP; AND DECLARING THE SAME TO BE AN EMERGENCY (JEDD)
Referred to Community & Economic Development Committee

PRESIDENT PRO TEM SMITH: At this time, the Chair would declare an in-house recess for the Community & Economic Development Committee to meet in regards to Ordinances 9 and 10. You're now in recess. Chairman.

(RECESS)

(COUNCIL RECESSED AT 7:15 PM FOR THE COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE TO DISCUSS ORDINANCES 9 AND 10; RECONVENED AT 7:17 PM)

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MEMBER BABCOCK: Madam President, I move we suspend Rule 22A to place Ordinances 9 and 10 back on this evening's agenda.

MEMBER SMUCKLER: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to suspend Rule 22A to place Ordinances 9 and 10 back on this evening's agenda. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Madam President.

PRESIDENT PRO TEM SMITH: The motion carries and Ordinances #9 and 10 are a legal part of your agenda. Leader.

MEMBER BABCOCK: Madam President, I move we suspend the Statory...Statutory...Statutory Rules on Ordinances 9 and 10.

PRESIDENT PRO TEM SMITH: Mr. Smuckler

MEMBER SMUCKLER: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to suspend the Statutory Rule on Ordinances 9 and 10. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Madam President.

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

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #9.

MEMBER SMUCKLER: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to adopt Ordinance #9. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Madam President.

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PRESIDENT PRO TEM SMITH: The motion carries and Ordinance #9 is adopted. Ordinance #10, please.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #10.

MEMBER SMUCKLER: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to adopt Ordinance #10. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Madam President.

#10 ADOPTED AS ORDINANCE NO. 219/2018

PRESIDENT PRO TEM SMITH: The motion carries and Ordinance #10 is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT PRO TEM SMITH: We are now under Ordinances and Formal Resolutions for their Second Reading. Mr. Clerk, please begin with Ordinance #11.

NOTE: PRESIDENT PRO TEM SMITH CALLED UPON CLERK DOUGHERTY TO READ ORDINANCES #11 THROUGH #23 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (ORDINANCE #23 ADOPTED ON 2ND RDG):

- #11. (2ND RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$14,343.00 TO THE STARK MENTAL HEALTH & ADDICTION RECOVERY BOARD; AND DECLARING THE SAME TO BE AN EMERGENCY (PMT OF MENTAL HEALTH CASE COORDINATOR POSITION FOR REMAINDER OF 2018)
- #12. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ACCEPT THE RECOVERY COURT ATP FUNDS FROM THE OHIO DEPARTMENT OF MENTAL HEALTH & ADDICTION SERVICES ON AN ANNUAL BASIS; AUTHORIZING THE AUDITOR TO CREATE THE 2792 RECOVERY COURT ATP FUND; AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$20,513.00 SUPP APPROP FR UNAPPROP BAL OF 2792 701001 RECOVERY COURT ATP FUND TO 2792 701001 RECOVERY COURT ATP - OTHER)
- #13. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF LOTS

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63, 64 AND 65; AND DECLARING THE SAME TO BE AN EMERGENCY (NKA CANTON CITY LOTS 27018, 27019 AND 27020, PARCEL #10010490 @ 415 GIRARD AVE NE FOR MAURICE TURNER, WARD 4)

- #14. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF PARTS OF LOTS 21811, 21812, AND 21813 AND DEDICATION OF PART OF SHORB AVENUE NW; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PURCHASE AGREEMENT WITH KOSTA PETROVSKI IN AN AMOUNT NOT TO EXCEED \$4,475.00 FOR ACQUISITION OF PUBLIC STREET RIGHT OF WAY; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #240573 @ 2909 CLEVELAND AVE NW, WARD 7)
- #15. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF OUT LOT 1406 AND LOTS 43215 - 43220, 43277 - 43283, 43307 - 43315, 43352 AND 43353; AND DECLARING THE SAME TO BE AN EMERGENCY (2000 BLOCK OF BLAKE AVE. NW FOR HALL OF FAME VILLAGE LLC, WARD 7)
- #16. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF LOTS 22486 - 22489; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL #218333, 218323, 230478, 230477 @ 2100 BLOCK OF 7TH ST NE, BETWEEN BELDEN AVE NE AND GOBEL AVE NE, ON NORTH SIDE OF STREET FOR HABITAT FOR HUMANITY, WARD 4)
- #17. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF OUTLOTS 1381 & 1383; AND DECLARING THE SAME TO BE AN EMERGENCY (FAIRCREST ST SW AT GREENTREE AVE SW FOR NEW DAWN REAL ESTATE LLC, WARD 4)
- #18. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO CONTRACT FOR THE PURCHASE OF TABLETS AND RELATED WARRANTIES AND ACCESSORIES FOR THE POLICE DEPARTMENT; OR TO ALTERNATIVELY MAKE SAID PURCHASE PURSUANT TO ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; AUTHORIZING THE AUDITOR TO CREATE THE 2791 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT 2018-DJ-BX-0177 FUND; AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$37,433.50 SUPP APPROP FR UNAPPROP BAL OF 2791 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT 2018 DJ-BX-0177 TO 2791 102001 POLICE ADMIN - OTHER)
- #19. (2ND RDG) AN ORDINANCE AUTHORIZING THE CONSENTING TO DECK

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REPLACEMENT AND PAINTING OF SFN 7603576 STA-77-9.12 OVER MARKET AVE., CLEVELAND AVE. AND 15TH ST.; REPLACEMENT OF SFN 7603606 STA-77-9.38 OVER WEST BRANCH OF NIMISHILLEN CREEK AND SFN 7603665 STA-30-14.96 CR (US 30 WB RAMP TO 1-77 NB) OVER NIMISHILLEN CREEK; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO DONATE CITY-OWNED PROPERTY FOR PERMANENT LIMITED ACCESS RIGHT-OF-WAY AND TEMPORARY EASEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY (PID 90973)

- #20. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT AMENDMENT IN AN AMOUNT NOT TO EXCEED \$33,176.09 WITH GLAUS, PYLE, SCHOMER, BURNS & DEHAVEN INC. FOR THE MAHONING RD CORRIDOR PHASE 2, G.P. 1103; AND DECLARING THE SAME TO BE AN EMERGENCY (PIDS 90365 & 91594 - MAHONING RD. CORRIDOR, PHASE 2 - GP 1103, PROJECT)
- #21. (2ND RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$20,862.00 TO OMNIPRO SERVICES, LLC; AND DECLARING THE SAME TO BE AN EMERGENCY (CONSTRUCTION ENG SERVS RELATED TO 38TH ST NW WATER MAIN REPLACEMENT AND ROADWAY RECONSTRUCTION PROJ)
- #22. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR SERVICE DIRECTOR TO PURCHASE PARCEL NO. 527159 IN AN AMOUNT NOT TO EXCEED \$220,000.00 AND PARCEL NO. 5211949 IN AN AMOUNT NOT TO EXCEED \$45,000.00; AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$265,000.00 APPROP TRF FR 4501 103001 758.06 FIRE ADMIN - OTHER TO 4501 201001 758.03 SERVICE DIRECTOR ADMINISTRATION - OTHER)
- #23. (2ND RDG) **ADOPTED AS ORDINANCE NO. 220/2018** AN ORDINANCE AUTHORIZING AND CONSENTING TO RESURFACING OF US 62 FROM 1-77 TO JUST EAST OF MAPLE AVE NE TO INCLUDE MINOR BRIDGE WORK TO SFN 7602316 STA-62-22.44R AND SFN 7602286 STA-62-22.49L OVER HARRISON AVE AND MRTA RAILROAD, SFN 7602405 STA-62-23.69R AND SFN 7602375 STA-62-23.69L OVER HARVARD AVE, SFN 7602499 STA-62-24.01R AND SFN 7602464 STA-62-24.01L OVER SR 43 AND SFN 7602340 STA-62-22.94 UNDER CLEVELAND AVE; AND DECLARING THE SAME TO AN EMERGENCY (PID 84654)

PRESIDENT PRO TEM SMITH: Good job, Mr. Clerk! Yes. Leader.

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MEMBER BABCOCK: Madam President, I move we suspend the Statutory Rules for Ordinance #23.

MEMBER SMUCKLER: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to suspend the Statutory Rule on Ordinance #23. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Madam President.

PRESIDENT PRO TEM SMITH: The motion carries and Leader, you've heard the three readings.

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

MEMBER SMUCKLER: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Madam President.

#23 ADOPTED AS ORDINANCE NO. 220/2018

PRESIDENT PRO TEM SMITH: The motion carries and Ordinance #23 is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT PRO TEM SMITH: We're now under Ordinances for Third Reading. Would you please begin with Ordinance #24.

NOTE: PRESIDENT PRO TEM SMITH CALLED UPON CLERK DOUGHERTY TO READ THE FOLLOWING ORDINANCES #24 THROUGH #27 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #24. (3RD RDG) **DEFEATED** AN ORDINANCE RESTRICTING THE DISTANCE BETWEEN A STORE THAT SELLS PACKAGED, OR SINGLE CANS OR BOTTLES, OF 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. THIS ORDINANCE SHALL NOT APPLY TO B-5 CENTRAL BUSINESS DISTRICTS, B-6 SHOPPING CENTER DISTRICTS, THE HALL OF FAME VILLAGE DISTRICT, OR THE TARGET INVESTMENT ZONES IDENTIFIED IN TITLE XIX, CHAPTER 1176 OF

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THE PLANNING AND ZONING CODE; THE ADDITION OF THE DEFINITION OF PACKAGED LIQUOR STORES TO TITLE VII, CHAPTER 1131; AMENDING TITLE XIII, CHAPTER 1146, BULK AND AREA REQUIREMENTS - BUSINESS AND INDUSTRIAL ZONING DISTRICTS; AND DECLARING THE SAME TO BE AN EMERGENCY

PUB HRG 10/29/18 @ 7:00 PM

PRESIDENT PRO TEM SMITH: Leader.

MEMBER BABCOCK: Where we at? #24, huh? Madam President, I move we adopt Ordinance #24.

MEMBER SMUCKLER: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to adopt Ordinance #24. Are there any remarks? Hearing none, roll call vote, please.

NO REMARKS ROLL CALL 5 YEAS, 6 NAYS
(MEMBERS SMITH, BABCOCK, SCAGLIONE, FISHER, HALL, FERGUSON VOTED NAY)

CLERK DOUGHERTY: Five yeas, six nays, Madam President.

#24 DEFEATED

PRESIDENT PRO TEM SMITH: Ordinance #24 has been defeated. Ordinance #25, please.

#25. (3RD RDG) **ADOPTED AS ORDINANCE NO. 221/2018** AN ORDINANCE AUTHORIZING DISSOLVING THE ROAD RESERVATIONS CURRENTLY PLACED ON TAX PARCELS 285060 AND 285061; 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 FIRST CHURCH OF THE RESURRECTION; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM SMITH: Leader.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #25.

MEMBER SMUCKLER: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to adopt Ordinance #25. Are there any remarks?

MEMBER BABCOCK: Madam President, I move we amend Ordinance #25 per the copy that all

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Council Members have in front of them.

MEMBER SMUCKLER: Second.

PRESIDENT PRO TEM SMITH: It's been moved & seconded to amend Ordinance #25 per the copy before each Council Member. Are there any remarks? Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed.

NO REMARKS AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM SMITH: Then the ayes have it. The motion carries. Leader.

MEMBER BABCOCK: Madam President...Madam President, I move we adopt Ordinance #25, as amended.

MEMBER SMUCKLER: Second.

AMENDMENT

Pursuant to Rule 36, I move to amend Agenda Item No. 25 by amending the caption and Section 2 to change the words "First Church of the Resurrection" to "Rivertree Christian Church".

PRESIDENT PRO TEM SMITH: It's been moved and seconded to adopt Ordinance #25 as amended. Are there any remarks under this Ordinance, as amended? Hearing none, roll call vote, please.

NO REMARKS ROLL CALL 10 YEAS, 1 ABSTAIN (MEMBER CHESTER ABSTAINED)

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

#25 ADOPTED AS AMENDED AS ORDINANCE NO. 221/2018

PRESIDENT PRO TEM SMITH: The motion carries and Ordinance #25, as amended, is adopted. Ordinance #26, please.

#26. (3RD RDG) **ADOPTED AS ORDINANCE NO. 222/2018** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 64/2018; AND DECLARING THE SAME TO BE AN EMERGENCY (\$10,000.00 APPROP TRF FR 2318 301001 LOCAL AIDS PREVENTION - 600 PAYROLL TO 2318 301001 LOCAL AIDS PREVENTION - 700 OTHER DIRECT COSTS; \$4,2000 APPROP TRF FR 2312 301001 V.D. - I03 GONORRHEA - 600 PAYROLL TO 2312 301001 V.D. - I03 GONORRHEA - 700 OTHER DIRECT COSTS)

PRESIDENT PRO TEM SMITH: Leader.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #26.

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MEMBER SMUCKLER: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to adopt Ordinance #26. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Madam President.

#26 ADOPTED AS ORDINANCE NO. 222/2018

PRESIDENT PRO TEM SMITH: Ordinance #26 is adopted. Ordinance #27, please.

#27. (3RD RDG) **ADOPTED AS ORDINANCE NO. 223/2018** AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$3,087.20 TO EJ USA, INC. AND RETROACTIVELY AUTHORIZES A \$16,904.96 PAYMENT TO EJ USA, INC. AS A MORAL OBLIGATION; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM SMITH: Leader.

MEMBER BABCOCK: Madam President, I move we adopt Ordinance #27.

MEMBER SMUCKLER: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to adopt Ordinance #27. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Madam President.

#27 ADOPTED AS ORDINANCE NO. 223/2018

PRESIDENT PRO TEM SMITH: The motion carries and Ordinance #27 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM SMITH: We are now under Committee Meetings...

MEMBER MORRIS: Madam President.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER MORRIS: Finance will meet November 5th at 6:30 p.m.

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MEMBER SCAGLIONE: Madam President, Community & Economic Development will meet same time, same place.

CLERK DOUGHERTY: PPCI.

MEMBER SCAGLIONE: Public Property & Capital Improvement will meet same time, same place.

CLERK DOUGHERTY: Member Hawk.

MEMBER HAWK: Pardon me. Public Safety & Transportation will meet at the same time. (*Member Hawk should have said Public Safety & Thoroughfares*).

RESIDENT PRO TEM SMITH: Are those all the announcement of Committee Meetings?

MISCELLANEOUS BUSINESS

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

MEMBER MORRIS: Madam President.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER MORRIS: Real quick comments. Service Director. Myself and Member Mariol beg, steal, and borrowed, fought, cried, whimpered to get 30th Street repaved. One of my constituents put in my lap, and I shared them with uh...Member Ferguson and Member Mariol, cracks in 30th Street, big enough to get my fingers in 'em. I will share these photographs with you and I would like you to get with Engineer Moeglin and find out why this is occurring. This street cost us \$1,000,000.00 roughly? 30th? (*Inaudible*). Well, it's still real money. Even though it was the State's money, it was still real money. So...and I pray to God this doesn't happen on 19th Street. So, if you could look into this, I would appreciate it, and under Old Business, report back so Mr. Preston can hear your response. Thank you.

SERVICE DIRECTOR HIGHMAN: (*Inaudible*), Leader.

PRESIDENT PRO TEM SMITH: Yes, I'm sorry.

SERVICE DIRECTOR HIGHMAN: Um, just...just for a little update on this one...we passed the crack/seal informal resolution a couple of weeks ago and I can confirm that 30th Street is on the back seal list that should be starting either this week or next. Regarding the size and scope of the cracks, I will follow up with the engineers about that. I do know when I was asked the same question a few...maybe a couple months ago, I did have them to allow me to report that it was normal cracking for that type of pavement, but I will follow up and have him look at those specific areas to report back next week, sir.

MEMBER MORRIS: Madam President.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER MORRIS: If I may. Yeah, uh, normal crack and going across two lanes that you can fit your fingers in...I don't...I don't do asphalt work, but I'll tell you what, if that was my driveway, I wouldn't by

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that. And, approximately, three...er...uh...a million dollars of tax payer dollars, that just looks like shoddy work.

PRESIDENT PRO TEM SMITH: Is there anyone else?

MEMBER SMUCKLER: Ms...Madam President.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER SMUCKLER: I can be loud, I can be quiet, but the time's come I can't be quiet anymore. During the 1960's, I got interested in politics watching...

(PHONE RINGS)

PRESIDENT PRO TEM SMITH: Thank you.

MEMBER SMUCKLER: Watching Bobby Kennedy get shot, watching Martin Luther King, Jr. get shot, watching two people from my faith go to Mississippi and the clan attacked them and killed them when they were trying to register people to vote. Since the Holocaust, my community's aware that, if they come for someone, sooner or later they come for you. A few weeks ago someone asked me, "Are you offended by the religion of the prayer here on Monday nights, depending on whenever anybody does"? And my answer was, "No, because I have a great deal of respect for a lot of religions in this room, and I have a great deal of respect for the people that are giving them". John Mariol called me today and reminded me of a 97 year old lady who went through the Holocaust and was shot and killed in her own holocaust again. Tomorrow I have some good news of an oldest daughter that's going to have my first grandchild, but the bad news is, I have to sit and worry about my three girls wherever they're at, because of what may befall them, because of their religious freedom. It is time for people to have respect for each other. It is time for people to care about each other. We recognized this during the holidays and during Christmas it's real easy, and Hanukkah and...to wrap around...your arms around another person and say, "Merry Christmas, Happy Holidays," but it seems like the rest of the year we forget about each other. We've got to change this world. And the revolution that we thought happened ten years ago with the Obama Presidency and being...being a little more tolerant of each other, has seemed all gone by the wayside. To the school that have been shot, to the students that have been shot, to the people in Pittsburgh that have been shot. Holiday time is approaching and we'll all be a lot more tolerant for a few months, but as a Jewish member of this Council, that sat here for here for thirty years, I'm just blown away by what's going on in the world. Seventy-five hundred people marching north for some type of freedom from Honduras. People dying in Africa and all these countries everyday. Everybody's got a right to be scared and everybody has a right to be scared about your kids or your grandkids because folks, what we learned this last weekend, if it can happen there, it can happen here.

PRESIDENT PRO TEM SMITH: Is there anyone else? Uh, at this time, Mr. DiGiacomo, I'm gonna head to what you said. I would like for us to take a moment of silence, not just for our city, but for our nation. And especially for the young people. On tomorrow, one of our city workers will be burying her nephew, which is 20 years old, and Mr. Ed Daniels, over at the Property Tax Department, for his 20 year old son, and Chav Ellis' nephew. A young man that, uh, was very dear to *(Inaudible)*. So in this moment of silence, let's keep them in prayer also.

(MOMENT OF SILENCE)

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PRESIDENT PRO TEM: Thank you. Now, Clerk Dougherty how about the thought for the week.

CLERK DOUGHERTY: *"One day your life will flash before your eyes. Make sure it's worth watching."*
- Unknown.

PRESIDENT PRO TEM SMITH: Thank you. Leader.

MEMBER BABCOCK: Madam President, I move to adjourn.

MEMBER SMUCKLER: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to adjourn. Mr. Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Madam President.

PRESIDENT PRO TEM SMITH: This meeting is adjourned. *(Gavel falls)*

ADJOURNMENT TIME: 7:43 PM

ATTEST:
DAVID R. DOUGHERTY
CLERK OF COUNCIL

APPROVED:
CHRIS SMITH
PRESIDENT PRO TEM