

**MINUTES OF THE MEETING SEPTEMBER 23, 2019**

PRESIDENT SHERER: With a quorum being... with a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call please, Mr. Clerk.

*ROLL CALL TAKEN BY CLERK DOUGHERTY:*

10 COUNCIL MEMBERS PRESENT: (CHRIS SMITH, JAMES BABCOCK, CHRISTINE SCHULMAN, BILL SMUCKLER, BRENDA KIMBROUGH, JASON SCAGLIONE, ROBERT FISHER, KEVIN HALL, PETER FERGUSON & FRANK MORRIS)

TEN COUNCIL MEMBERS PRESENT. (MEMBER HAWK AND MEMBER MARIOL ABSENT)

CLERK DOUGHERTY: Ten present, two absent, Mr. President.

**EXCUSING MEMBERS**

PRESIDENT SHERER: Leader Smith.

MEMBER SMITH: Mr. President, I move we excuse Members Hawk and Mariol from tonight's meeting.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded... seconded to excuse Members Hawk and Mariol 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, Mr. President.

PRESIDENT SHERER: The motion carries and Members Hawk and Mariol are excused from this evening's meeting. Tonight's invocation will be given by Ward... Ward 6 Council Member, Kevin Hall. If you would all please stand and remain standing for the Pledge of Allegiance.

*The regular meeting of Canton City Council was held on September 23, 2019 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 Kevin Hall, Ward 6 Council Member. The Pledge of Allegiance was led by President Sherer.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT SHERER: Thank you, Member Hall. We are now under Agenda Corrections and Changes, Leader.

MEMBER SMITH: Mr. President, I move Rule 22A be suspended to add 2<sup>nd</sup> Reading Ordinances 12 through 16 to this evening's agenda, and Ordinance #11 will be retained in committee.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend Rule 22A to add 2<sup>nd</sup> Readings for

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Ordinances 12 through 16 to this evening's agenda. Ordinance #11 will be retained in committee. Are there any remarks?... Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinances 12 through 16 are a legal part of your agenda.

**PUBLIC HEARINGS**

PRESIDENT SHERER: We are now under Public Hearings and we have no Public Hearings for this evening.

**OLD BUSINESS**

PRESIDENT SHERER: We are now under Old Business and we have no Old Business for this evening.

**PUBLIC SPEAKS**

PRESIDENT SHERER: We are now under Public Speaks and we have three speakers for tonight. Our first speaker is Bruce Nordman. Bruce, if you could please step forward and give us your name and residential address, please.

BRUCE NORDMAN: I'm Bruce Nordman. I reside at 1623 Logan Avenue NW in Canton, Ohio. Uh, I'm also here as a citizen of the fine City of Canton as well as the Grand Knight of Holy Martyrs Knights of Columbus and President of Vassar Park Neighborhood Association. And I'm here tonight to congratulate the Mayor, his staff and all of the City Council for all the flurry of activity that I see going around in the City of Canton. It is a pleasure to see this city really stepping forward and I, as a citizen, I wish to commend you. Several years ago when I stood before you as a member of Group 175, I said that it was a long time ambition of mine to see all of the public media, Money Magazine, Town and Country, etc. list Canton as one of the fifty most desirable medium sized cities to move into, and at the rate that we're seeing, that I'm seeing, and all of my fellow citizens, this looks like it is going to be an accomplishment. I congratulate all of, and keep up the good work. We're behind you one hundred percent. Thank you.

PRESIDENT SHERER: Thank you, Bruce. Our next speaker is Mr. Dan Fonte, and Dan, could you please step forward and give us your name and residential address, please.

DAN FONTE: Yes, my name is Dan Fonte and I live at 4415 Dawnridge Circle NW in Canton. Mr. Chairman, Members of the Administration and Members of Council, I come here to speak tonight on behalf of a good friend of mine, Joe Carbenia, who was a Canton City firefighter for over twenty-five years. He served on this Council for quite a few years and then passed away. But there was an Informal Resolution passed in '09 about naming the new fire station #4 at 25<sup>th</sup> Street and Cleveland Avenue after Joe Carbenia, and as I happen to drive by there and I look at that firefighter statue there, I just swung in there and parked and walked around there, kinda looked and I was looking to see if there was a plaque there or something else, and I didn't see anything. And I got to thinking well, maybe there's something on the inside. Well there is something on the inside, but that was donated in behalf of the East Central Ohio Building Trades Council, not the City. So I'm wondering is, we passed an Infor... or this body passed an Informal Resolution in '09 that was adopted, but nothing was done. And I'm kinda curious who follows up on this stuff? Does anybody

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follow up and say, hey, we passed a Resolution and does anybody do anything? So, that's what my question is, and first of... next I'd like to see it done. I think ten years is long enough. My God, I mean, you know, you could have walked somewhere and bought a plaque and put it up there. So, I would ask Council to put this on their agenda, you've already adopted it, and let's get it done on behalf of Joe Carbenia and his family. I would love to see you do it as it was passed by this Council, or not... some of you probably weren't here, some of you were, but please take care of it. Thank you. *(Applause)*

PRESIDENT SHERER: Thank you, Dan. And our last speaker tonight is Mr. Pete DiGiacomo. Pete, could you please step forward and give us your name and residential address, please.

PETE DIGIACOMO: My name's Pete DiGiacomo, 600 Dent Place SW, Canton, Ohio, and I know the main things you're supposed to talk about is the City of Canton. This is kind of in the City of Canton. Uh, there's a certain individual comes up... I'm not gonna name names, but comes up here from the Board of Education and they chastise people up here that are sitting in the Council seats. I have a question. This past summer they blacktopped the entire parking lot where the buses park. I'm curious as heck how much that cost. We're always worrying about abatements, how can we get money. They had a gravel parking lot that was hard packed, but the buses don't care if they get a little mud on the tires. If the drivers get a little mud on their shoes, you wipe it off. But how much did it cost to blacktop the entire parking lot? We're not talking a little parking lot. They blacktopped where the buses go and park. They blacktopped behind them way back to the fence, around the building, and like I said, that wasn't a fifty thousand dollar job. If it is, let me know the company that did it, they can come down and black... I'll pay to blacktop my little alley beside my house. That couldn't be but ten or twenty dollars. Thank you.

PRESIDENT SHERER: Thank you, Pete.

**INFORMAL RESOLUTIONS**

PRESIDENT SHERER: We are now under Informal Resolutions and we have three for this evening. Mr. Clerk, would you please read Resolution 23 by title.

#23. MAJORITY LEADER SMITH: AUTHORIZE SAF DIR TO ENTER INTO ONE OR MORE PURCH ORDERS IN AMT NOT TO EXCEED \$40,000.00 TO SPITZER CHEVROLET COMPANY OF NORTH CANTON FOR PURCH OF ONE (1) SAFETY OFFICER VEHICLE. - ADOPTED

PRESIDENT SHERER: Leader.

MEMBER SMITH: Mr. President, I move we adopt Informal Resolution #23.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Informal Resolution #23. Are there any remarks? ...Hearing none, by voice vote all those in favor signify by saying aye. Those opposed, no.

NO REMARKS

RESOLUTION #23 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it, the motion carries, and Resolution #23 is adopted. Resolution



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that all purchases for non-professional services up to \$50,000.00 would require an Informal Resolution by Canton City Council in the interest of transparency of flow of information, so this is probably the... probably I think like the tenth one we've done this year.

MEMBER SMUCKLER: Okay. I'm... I understand that what you're trying to do, I... I just also know that, as I said, they're non-binding. No one is forced to do this, so, okay.

SERVICE DIRECTOR HIGHMAN: Mr. President.

PRESIDENT SHERER: Member Highman.

SERVICE DIRECTOR HIGHMAN: Just so everyone knows too how this works practically, the Auditor's Office, if they see a purchase order entered into the system between one and \$50,000.00 and we don't have an Informal Resolution attached, it doesn't get approved. So it's absolutely audited by the Auditor's Office. It is a requirement. It's in the Codified Ordinances so effectively it... there is no way for us to open a P.O. up to \$50,000.00 without this. It's in the Codified Ordinances.

PRESIDENT SHERER: Are there any additional remarks? ...Hearing none, by voice vote all those in favor signify by saying aye. Those opposed, no.

NO REMARKS

RESOLUTION #25 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it, the motion carries, and Resolution #25 is adopted.

**COMMUNICATIONS**

PRESIDENT SHERER: 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 SEPTEMBER 23, 2019.***

316. CHIEF DEPUTY CLERK GONZALEZ: REQ APPROP TRF IN GENERAL OPERATING FUND (\$9,000.00 APPROP TRF FR PERSONNEL, #702001-611 TO PROFESSIONAL SERVICES, #702001-706). - FINANCE COMMITTEE
317. DEPUTY MAYOR WILLIAMS: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO ALL CONTRACTS NECESSARY FOR EXPENDITURE OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS - NO SINGLE AWARD TO EXCEED \$300,000.00 FOR COMM DEV ELIGIBLE ACTIVITIES BENEFITTING LOW AND MODERATE-INCOME FAMILIES; AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACTS NECESSARY FOR EXPENDITURE OF EMERGENCY SOLUTIONS GRANT PROGRAM FUNDS - NO SINGLE AWARD TO EXCEED \$100,000.00 FOR HOMELESS PREV ACTIVITIES BENEFITTING LOW-INCOME FAMILIES; AUTHORIZE MAYOR AND/OR SERV DIR TO

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ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACTS NECESSARY FOR EXPENDITURE OF HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS - NO SINGLE AWARD TO EXCEED \$300,000.00 FOR ACTIVITIES PROVIDING HOUSING ACTIVITIES BENEFITTING LOW AND MODERATE-INCOME FAMILIES - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

318. LIQUOR CONTROL DIV (OHIO): REQ C1 PERMIT (#4860297) FOR KRATZER LLC DBA QUONSET HUT @ 3775 CLEVELAND AVE NW. - RECEIVED & FILED
319. MAYOR BERNABEI: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, AWARD, RECEIVE BIDS AND ENTER INTO LEASE AGMT FOR TENANCY AND OPERATION OF CAFE STRUCTURE AT CENTENNIAL PLAZA; RETRO AUTHORIZE ANY AND ALL ACTIONS TAKEN PRIOR TO COMPLETION OF LEASE RESULTING FROM ORDINANCE; EMERGENCY. - DOWNTOWN DEVELOPMENT & FINANCE COMMITTEES
320. SAFETY DIRECTOR PERRY: AMEND APPROP O#50/2019 (\$43,574.66 FR UNAPPROP BAL OF 1001 GENERAL FUND TO OTHER 1001 102001 POLICE ADMINISTRATION); EMERGENCY. - FINANCE COMMITTEE
321. SAFETY DIRECTOR PERRY: REQ INF RESOLUTION AUTHORIZING SAF DIR TO ENTER ONE OR MORE PURCH ORDERS IN AMT NOT TO EXCEED \$40,000.00 TO SPITZER CHEVROLET COMPANY OF NORTH CANTON FOR PURCH OF ONE (1) SAFETY OFFICER VEHICLE (FIRE DEPT). - FINANCE & PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES
322. SAFETY DIRECTOR PERRY: REQ INF RESOLUTION AUTHORIZING SAF DIR TO ENTER ONE OR MORE PURCH ORDERS IN AMT NOT TO EXCEED \$30,000.00 TO WESTERN BRANCH DIESEL OF CANTON, OH FOR REPAIR WORK FOR ONE (1) LADDER TRUCK 604 (FIRE DEPT). - FINANCE & PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES
323. SERVICE DIRECTOR HIGHMAN: REQ INF RESOLUTION AUTHORIZING SERV DIR TO ENTER INTO ONE OR MORE PURCH ORDERS IN AMT NOT TO EXCEED \$40,000.00 FOR REPAIR OF INTERSECTION AT 13<sup>TH</sup> ST NW, HARRISON AVE NW AND INTERSTATE 77. - FINANCE AND PUBLIC SAFETY & THOROUGHFARES COMMITTEES
324. SERVICE DIRECTOR HIGHMAN: AUTHORIZE AND DIRECT AUDITOR TO PAY MORAL OBS NECESSARY TO PAY BACK WATER AND SEWER FUNDS FR CAPITAL PROJS FUND FOR PAYMENT MADE TO CHANGE ORDER #5 OF THE 38<sup>TH</sup> ST NW WATER MAIN REPLACEMENT AND ROADWAY RECONSTRUCTION PROJ RETRO AUTHORIZE ANY AND ALL ACTIONS TAKEN PRIOR TO PASSAGE OF ORDINANCE; AMEND O#50/2019 (\$62,056.79 SUPP APPROP FR UNAPPROP BAL OF 4501 CAPITAL PROJECTS FUND TO 4501 207037 38<sup>TH</sup> ST NW IMPROV PROJ - OTHER); AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE COMMITTEES
325. SERVICE DIRECTOR HIGHMAN: AUTHORIZE CLERK OF COUNCIL TO CERTIFY

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ATTACHED LIST OF DELINQUENT CHARGES FOR WATER AND SEWER SRVS TO STARK CO. AUDITOR, TO BE ENTERED UPON TAX DUPLICATE AS LIEN UPON LAND FR DATE OF ENTRY TO BE COLLECTED AS OTHER TAXES AND ASSESSMENTS; AUTHORIZE APPROP OFFICIAL TO DELETE ANY ACCOUNTS FR CERTIFICATION LIST PRIOR TO PROVIDING IT TO CTY AUDITOR PROVIDED SERV DIR VERIFIES RECEIPT OF PMT IN FULL, ON APPR'D PMT PLAN, OR BEING PURSUED VIA ALTERNATE COLLECTION METHOD; EMERGENCY . ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE

326. TREASURER PEREZ: RPT OF BANK RECONCILIATIONS AND OUTSTANDING INVESTMENTS AS OF AUGUST 31, 2019. - RECEIVED & FILED
327. TREASURER PEREZ: COMPARATIVE RPT OF CASH RECEIPTED FILED AS OF AUGUST 31, 2019. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their First Reading. Mr. Clerk, please begin with Ordinance #1.

***NOTE: PRESIDENT SHERER CALLED UPON CLERK DOUGHERTY TO READ ORDINANCES #1 THROUGH #10 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 50/2019; AND DECLARING THE SAME TO BE AN EMERGENCY (\$85,000.00 SUPP APPROP FR UNAPPROP BAL OF 2818 FEMA SAFER GRANT 2017 FUND TO 2818 103001 FIRE ADMIN - OTHER)  
Referred to Finance Committee
- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 50/2019; AND DECLARING THE SAME TO BE AN EMERGENCY (\$76,000.00 SUPP APPROP FR UNAPPROP BAL OF 2774 2016 COPS HIRING PROG GRANT FUND TO 2774 102001 POLICE ADMIN - OTHER)  
Referred to Finance Committee
- #3. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 50/2019; AND DECLARING THE SAME TO BE AN EMERGENCY (APPROP TRFS IN AMT OF \$405,800.00 AND SUPP APPROPS IN AMT OF \$481,798.74 FOR VARIOUS ADJUSTMENTS TO ACCTS THAT ARE OUT OF BALANCE OF SHORT OF FUNDS)  
Referred to Finance and Public Property Capital Improvement Committees
- #4. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT WITH WSP USA, INC IN AN AMOUNT NOT TO EXCEED \$125,000 FOR COMPLETION OF A COMPREHENSIVE PLANNING STUDY FOR THE SHORB CORRIDOR AREA; AND DECLARING THE SAME TO BE AN EMERGENCY

**MINUTES OF THE MEETING SEPTEMBER 23, 2019****Referred to Finance and Community & Economic Development Committees**

- #5. (1<sup>ST</sup> RDG) AN ORDINANCE VACATING THE UNIMPROVED PORTION OF FRAZER AVENUE NW; APPROVING AND ACCEPTING THE REPLAT OF LOT 42479 PLUS THE VACATED PORTION OF FRAZER AVENUE NW; AND DECLARING THE SAME TO BE AN EMERGENCY (603 HANNAH CIR NW FOR FRANK KEMP, WARD 8)  
Referred to Public Safety & Thoroughfares Committee
- #6. (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF LOTS 3604 AND 3605; AND DECLARING THE SAME TO BE AN EMERGENCY (200 BLOCK OF TYLER AVE SE FOR HABITAT FOR HUMANITY, PARCELS 242348 & 211273, WARD 4)  
Referred to Public Safety & Thoroughfares Committee
- #7. (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF ALL OF LOTS 25259, 25278, 25279 AND OUT LOT 564 AND DEDICATION OF ADDITIONAL ROADWAY AT MAPLE AVENUE NE; AND DECLARING THE SAME TO BE AN EMERGENCY (2200 BLOCK OF MAPLE AVE NE FOR HABITAT FOR HUMANITY, PARCEL 280019, WARD 9)  
Referred to Public Safety & Thoroughfares Committee
- #8. (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF ALL OF LOTS 16513 AND 16514; AND DECLARING THE SAME TO BE AN EMERGENCY (1717 BEDFORD AVE SW FOR LESLIE MILLER, PARCELS 223127 & 223128, WARD 5)  
Referred to Public Safety & Thoroughfares Committee
- #9. (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF LOT 36888 AND PART OF OUT LOT 769; AND DECLARING THE SAME TO BE AN EMERGENCY (600 BLOCK OF 44<sup>TH</sup> ST NW AND 4200 BLOCK OF NAN BET CIR NW FOR WAYNE ARNOLD AND BETTY SPALDING, PARCELS 302987, 305013 AND 305009, WARD 8)  
Referred to Public Safety & Thoroughfares Committee
- #10. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$16,049.50 TO BLACK-MCCUSKEY-SOUERS & ARBAUGH LPA; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

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

***NOTE: PRESIDENT SHERER CALLED UPON CLERK DOUGHERTY TO READ ORDINANCES***

**MINUTES OF THE MEETING SEPTEMBER 23, 2019****#12 THROUGH #16; FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (O#11 RETAINED IN COMMITTEE; O#16 ADOPTED):**

- #11. (2<sup>ND</sup> RDG) **RETAINED IN COMMITTEE** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO DISSOLVE THE PERRY TOWNSHIP/CANTON JOINT ECONOMIC DEVELOPMENT DISTRICT AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY (O#206/2016)
- #12. (2<sup>ND</sup> RDG) 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 \$1,500,000.00 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
- #13. (2<sup>ND</sup> RDG) 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 \$1,200,000.00 FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING, FURNISHING, EQUIPPING AND OTHERWISE IMPROVING A CITY COMMUNITY CENTER, INCLUDING FACILITIES TO PROVIDE COMMUNITY HEALTH AND RELATED SERVICES
- #14. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH LESH PROPERTIES, LLC AND OHIO AUTO WAREHOUSE, LLC TO PROVIDE A REAL PROPERTY TAX EXEMPTION; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON CITY SCHOOL BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82(C) OF THE REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY
- #15. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE OR DONATE CITY-OWNED PROPERTY FOR STANDARD HIGHWAY EASEMENTS AND A TEMPORARY CONSTRUCTION EASEMENT AS PART OF THE SPANGLER ST. NE BRIDGE REPLACEMENT PROJECT STA-SPANGLER ST. BRIDGE, PID 104822; AND DECLARING THE SAME TO BE AN EMERGENCY
- #16. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 170/2019** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO: ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO ALL

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CONTRACTS NECESSARY WITH WI-FIBER LLC; ALTERNATIVELY ENTER INTO ALL CONTRACTS NECESSARY FOR THE PURCHASE OF SAID ITEMS IN ACCORDANCE BY LAW; AND ENTER INTO ALL PROFESSIONAL SERVICES CONTRACTS FOR IMPLEMENTATION OF WI-FIBER LLC CONTRACT, PHASE 2; AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS THAT ARISE WITH THIS PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 50/2019; AND DECLARING THE SAME TO BE AN EMERGENCY (\$60,000.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL OPERATING FUND TO 1001 102001 POLICE ADMIN - OTHER)

PRESIDENT SHERER: Leader.

MEMBER SMITH: Mr. President, I move we suspend the Statutory Rules on Ordinance #16.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend the Statutory Rules on Ordinance #16. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Mr. President.

PRESIDENT SHERER: You've heard the three readings, Leader.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #16.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #16. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Mr. President.

**#16 ADOPTED AS ORDINANCE NO. 170/2019**

PRESIDENT SHERER: The motion carries and Ordinance #16 is adopted.

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

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their Third/Final Reading and Vote. Mr. Clerk, please begin with Ordinance #17.

***NOTE: PRESIDENT SHERER CALLED UPON CLERK DOUGHERTY TO READ THE FOLLOWING ORDINANCES #17 THROUGH #29 FOR THEIR THIRD READING BY TITLE AS***

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***REQUIRED BY STATE LAW, AS FOLLOWS:***

#17. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 171/2019** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY (800 BLK OF CLEVELAND AVE SW)

PRESIDENT SHERER: Leader.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #17.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It’s been moved and seconded to adopt Ordinance #17. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Mr. President.

**#17 ADOPTED AS ORDINANCE NO. 171/2019**

PRESIDENT SHERER: Motion carries and Ordinance #17 is adopted. Ordinance #18, please.

#18. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 172/2019** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 50/2019; AND DECLARING THE SAME TO BE AN EMERGENCY (\$1,300,000.00 APPROP REDUCTION FR 2211 506001 COMMUNITY DEVELOPMENT ADMIN - OTHER TO UNAPPROP BAL OF 2211 COMMUNITY DEVELOPMENT FUND)

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It’s been moved and seconded to adopt Ordinance #18. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Mr. President.

**#18 ADOPTED AS ORDINANCE NO. 172/2019**

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PRESIDENT SHERER: Motion carries and Ordinance #18 is adopted. Ordinance #19, please.

#19. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 173/2019** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 50/2019; AND DECLARING THE SAME TO BE AN EMERGENCY (\$100,000.00 SUPP APPROP FR UNAPPROP BAL OF 7508 JACKSON-CANTON JEDD CLEARING FUND TO 7508 852006 DISTRICT 18-001 COMDOC JEDD - OTHER - \$50,000.00, TO 7508 852007 DISTRICT 19-001 KECK PARK JEDD - OTHER - \$25,000.00, TO 7508 852008 DISTRICT TOS JEDD - OTHER - \$25,000.00)

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been move... moved and seconded to adopt Ordinance #19. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Mr. President.

**#19 ADOPTED AS ORDINANCE NO. 173/2019**

PRESIDENT SHERER: Motion carries and Ordinance #19 is adopted. Ordinance #20, please.

#20. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 174/2019** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 50/2019; AND DECLARING THE SAME TO BE AN EMERGENCY (\$100,000.00 SUPP APPROP FR UNAPPROP BAL OF 6041 MOTOR VEHICLE DEPT FUND TO 6041 208010 SERVICE AND REPAIR - OTHER; \$33,000.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL OPERATING FUND TO 1001 102001 POLICE ADMIN - OTHER)

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #20. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

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CLERK DOUGHERTY: Ten yeas, Mr. President.

**#20 ADOPTED AS ORDINANCE NO. 174/2019**

PRESIDENT SHERER: Motion carries and Ordinance #20 is adopted. Ordinance #21, please.

#21. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 175/2019** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 50/2019; AND DECLARING THE SAME TO BE AN EMERGENCY (\$100,000.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 852002 TREASURER-GROWTH INIT SETTLEMENT - OTHER)

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #21. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Mr. President.

**#21 ADOPTED AS ORDINANCE NO. 175/2019**

PRESIDENT SHERER: Motion carries and Ordinance #21 is adopted. Ordinance #22, please.

#22. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 176/2019** AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF ALL OF OUT LOTS 1382 AND 1418; AND DECLARING THE SAME TO BE AN EMERGENCY (3000 BLOCK OF GREENTREE AVE SW, WARD 4 - NEW DAWN DEV & JEFFREY HEIN)

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #22. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Mr. President.

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**#22 ADOPTED AS ORDINANCE NO. 176/2019**

PRESIDENT SHERER: Motion carries and Ordinance #22 is adopted. Ordinance #23, please.

#23. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 177/2019** AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF PART OF LOTS 4227, 4228 AND 4229; AND DECLARING THE SAME TO BE AN EMERGENCY (700 BLOCK OF 12<sup>TH</sup> ST NE, WARD 2 FOR MAZEN ALBHAISI)

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

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

NO REMARKS ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Mr. President.

**#23 ADOPTED AS ORDINANCE NO. 177/2019**

PRESIDENT SHERER: Motion carries and Ordinance #23 is adopted. Ordinance #24, please.

#24. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 178/2019** AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF OUT LOT 1347; AND DECLARING THE SAME TO BE AN EMERGENCY (2725 MARET ST NE, WARD 6 FOR J&S PROP ACQUISITIONS)

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

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

NO REMARKS ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Mr. President.

**#24 ADOPTED AS ORDINANCE NO. 178/2019**

PRESIDENT SHERER: Motion carries and Ordinance #24 is adopted. Ordinance #25, please.

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#25. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 179/2019** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 50/2019; AND DECLARING THE SAME TO BE AN EMERGENCY (\$443,232.82 INTERFUND TRF FR 5401 202061 I-77/FAIRCREST ANNEX SANITARY SWR - TRF OUT TO 5410 206005 OPERATION AND MAINTENANCE - TRF IN)

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It’s been moved and seconded to adopt Ordinance #25. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Mr. President.

**#25 ADOPTED AS ORDINANCE NO. 179/2019**

PRESIDENT SHERER: Motion carries and Ordinance #25 is adopted. Ordinance #26, please.

#26. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 180/2019** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONSTRUCTION CONTRACT AND TO EXECUTE A PROFESSIONAL SERVICES CONTRACT FOR CONSTRUCTION OVERSIGHT SERVICES FOR THE WOODLAWN AVE NW WATER MAIN EXTENSION PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 50/2019; AND DECLARING THE SAME TO BE AN EMERGENCY (\$670,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207063 WOODLAWN AVENUE NW WATER MAIN EXTENSION PROJECT - OTHER)

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

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

NO REMARKS ROLL CALL 10 YEAS, 0 NAYS

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CLERK DOUGHERTY: Ten yeas, Mr. President.

**#26 ADOPTED AS ORDINANCE NO. 180/2019**

PRESIDENT SHERER: Motion carries and Ordinance #26 is adopted. Ordinance #27, please.

#27. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 181/2019** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 50/2019; AND DECLARING THE SAME TO BE AN EMERGENCY (\$3,841,200.00 UNAPPROP BAL OF 5238 CANTON SOUTH WATER MAIN EXTENSION - PHASE 1 PROJECT FUND TO 5238 207064 CANTON SOUTH WATER MAIN EXTENSION - PHASE I PROJECT - OTHER)

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

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

NO REMARKS ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Mr. President.

**#27 ADOPTED AS ORDINANCE NO. 181/2019**

PRESIDENT SHERER: Motion carries and Ordinance #27 is adopted. Ordinance #28, please.

#28. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 182/2019** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO A CONSTRUCTION CONTRACT FOR THE 2019 WRF ROOF REPAIR/REPLACEMENT PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It’s been moved and seconded to adopt Ordinance #28. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Mr. President.

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**#28 ADOPTED AS ORDINANCE NO. 182/2019**

PRESIDENT SHERER: Motion carries and Ordinance #28 is adopted. Ordinance #29, please.

#29. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 183/2019** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONSTRUCTION CONTRACT FOR THE 44<sup>TH</sup> STREET WATER MAIN REPLACEMENT/ROADWAY RECONSTRUCTION PROJECT; AUTHORIZING THE AUDITOR TO ESTABLISH THE 5240 44<sup>TH</sup> STREET NW WATER MAIN REPLACEMENT/ROADWAY RECONSTRUCTION PROJECT FUND; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #29.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It’s been moved and seconded to adopt Ordinance #29. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Mr. President.

**#29 ADOPTED AS ORDINANCE NO. 183/2019**

PRESIDENT SHERER: Motion carries and Ordinance #29 is adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SHERER: We are now under announcement of Committee Meetings.

MEMBER MORRIS: Mr. President.

PRESIDENT SHERER: Member Morris.

MEMBER MORRIS: Finance and Public Safety & Thoroughfares Committees will meet on Monday, September 30<sup>th</sup> at 6:30 P.M.

MEMBER FERGUSON: Mr. President.

PRESIDENT SHERER: Member Ferguson.

MEMBER FEGUSON: Economic Development will meet at the same time, 6:30 on the 30<sup>th</sup>.

PRESIDENT SHERER: Thank you.

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MEMBER SCAGLIONE: Mr. President.

PRESIDENT SHERER: Member Scaglione.

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

PRESIDENT SHERER: Thank you.

MISCELLANEOUS BUSINESS

PRESIDENT SHERER: We are now under Miscellaneous Business. Is there any Miscellaneous Business for this... for this evening?

CLERK DOUGHERTY: Mr. President.

PRESIDENT SHERER: Clerk.

CLERK DOUGHERTY: Yeah, Saturday was our... our picnic for feed those in need. Very successful, I want to thank everyone for their help, whether they participated, donated, time, money. It was the 28<sup>th</sup> year we've done this and I appreciate everybody's help. We got the cooks in here from... from the 8<sup>th</sup> floor all the way down to the 2<sup>nd</sup> floor. Fonda, Andrea, R.A., everybody behind there. We had Member Scaglione back there making me burn hamburgers. *(Laughter)* As a thank you, I guess, I don't know. But it was successful, and Giant Eagle really steps up, folks, you wouldn't believe stuff that they donate and the people that come. Uh, it's... it's really went to the next level with them participating in this event. And we'll... we'll be sure to send out thank you's to everybody. Thank you.

PRESIDENT SHERER: And thanks for your help, Dave. Absolutely. Is there any other Miscellaneous Business for this evening? Hearing none, Clerk Dougherty, our quote for the week, please.

CLERK DOUGHERTY: *"If you can't be a good example, then you'll just have to be a horrible warning."* - Catherine Aird *(Talking and laughter)*

PRESIDENT SHERER: Leader Smith.

MEMBER SMITH: Mr. President, I move we adjourn.

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK DOUGHERTY: Ten yeas, Mr. President.

PRESIDENT SHERER: This meeting is adjourned. Thank you for coming this... this evening. *(Gavel falls)*.

ADJOURNMENT TIME: 7:30 P.M.

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ATTEST: 9/25/19

DAVID R. DOUGHERTY  
CLERK OF COUNCIL

APPROVED:

WILLIAM SHERER, II  
PRESIDENT