

MINUTES OF THE MEETING JULY 11, 2016

PRESIDENT SCHULMAN: Good evening ladies and gentlemen and welcome to Canton City Council. We have a very full meeting tonight. We appreciate everybody that's come down. I know that there is one issue which is resonating among a number of you and we appreciate you being here, but we would ask this, in Public Speaks, when you have an opportunity to speak for or against a particular issue, we would just ask that you would not repeat yourselves over and over again. We have a pretty good understanding of the issues that are coming down, but obviously we do want to hear from each of you. But, there's no crime in saying, you know what, I've heard the other person speak, my neighbor's spoken, pretty much said everything that I was going to say, so I'm going to defer on speaking. But, I don't tell anybody that they can't speak. That is our democracy and that is why you're here, that's why we're here and so we, we appreciate it. But if you could keep that in mind we would appreciate it similarly. There's a time limit of three minutes. Now, we're going to give the other side, the opponents, a little more time because we think they deserve that in light of the number of people that are speaking the other way. But everybody will have enough time, I promise you. I will not restrict anybody's time except to the extent that I will not permit it to be abused. That's all I ask. Let's be fair and we'd like to get out of here within a reasonable period of time. So, with that said and with a quorum being present, the Chair calls this meeting of Canton City Council to Order. Roll call vote please, Mister Clerk.

ROLL CALL TAKEN BY CLERK SHOWES:

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

ELEVEN COUNCIL MEMBERS PRESENT.

CLERK SHOWES: Eleven yeas and one absent, Sir.

EXCUSING MEMBERS

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President. Jesus....

PRESIDENT SCHULMAN: Just so, I forgot to mention...

MEMBER MORRIS: I almost slipped...

PRESIDENT SCHULMAN: ...There's something with the sounds system. They're working on it, so...while I sound melodious, you sound very harsh, so...*(Laughter)*...try to keep your voice down is all I can say!
(Laughter), (Inaudible).

MEMBER MORRIS: Mr. President, I move we excuse Member West and I'm going to avoid that microphone. *(Laughter)*.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to excuse Member West from this evening's meeting. I think Member West has some health issues. He doesn't feel well tonight, so that's the reason he's

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taking the night off, which we appreciate. Any remarks? Hearing none, roll call vote please, Mr. Clerk.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, one absent, Sir.

PRESIDENT SCHULMAN: Thank you. Motion carries and Member West is excused from this evening's meeting. Tonight's invocation will be given by our Ward 6 Council Member and my good friend, David Dougherty. If you'll stand and remain standing, please, for our Pledge of Allegiance.

The regular meeting of Canton City Council was held on July 11, 2016 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council, Kellen Showes. The invocation was given by Ward 6 Council Member, David Dougherty. The Pledge of Allegiance led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you Member Dougherty, very much, for those words. Our thoughts and prayers go out to all those affected by the terror that's occurring. It's too much a frequency in the United States. We are now under Agenda Corrections and Changes. Leader.

MEMBER MORRIS: Mr. President, I move Rule 22A be suspended to add 2nd Reading Ordinances #9 through 19.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to Suspend Rule 22A to add 2nd Reading Ordinances 9 through 19 to this evening's agenda. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, Sir.

PRESIDENT SCHULMAN: Motion carries. Rule 22A is suspended and the Ordinances are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We turn now to Public Hearings. We do have a Public Hearing scheduled tonight and we have one scheduled for **7:30 PM** and it's AN ORDINANCE AMENDING, sorry, ORDINANCE AMENDING O#55/77, AS AMENDED, KNOWN AS CITY OF CANTON ZONING ORDINANCE. AND DECLARING THE SAME TO BE AN EMERGENCY. This is located SOUTH OF ST RT 30 AND NORTH OF 21ST ST SW, FROM THE EASTERN STREET LINE OF BROOKS AVE SW TO THE WESTERN PROPERTY LINE OWNED BY NORFOLK AND SOUTHERN RAILWAY COMPANY, FROM R-1A (SINGLE FAMILY RESIDENTIAL) TO PI-2 (PLANNED HEAVY INDUSTRIAL) FOR MARATHON PETROLEUM CO. IN WARD 5. PLANNING COMMISSION HAS RECOMMENDED THE APPROVAL OF THE SAME. Is there anyone in the audience wishing to speak for or against these Zone Changes, would

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you please step forward. And I know we have at least one. So, if you'll step forward sir, and give us your name, your residential address, who you represent and welcome to Canton City Council.

STEVEN FUNK: Thank you Mr. President. My name is Steven Funk of the law firm of Roetzel & Andress in Akron, Ohio, 222 South Main Street. I'm here tonight on behalf of Marathon Petroleum Co. LP, which is the applicant of the proposed re-zoning. I thank Members of Council and Mayor, for your consideration. I'm going to keep this brief because I know you have a full agenda. The subject property in question is, as you pointed out, is basically this red area that's sandwiched in between the current Canton Refinery to the South and State Rt. 30 to the North. Essentially, the re-zoning request is looking to make that red area subject to the same zoning as the Canton Refinery so that it would be uniform zoning of that area. Marathon owns all the property and would be using the property for uses related to the refinery. It was unanimously approved by the Planning Commission and we'd ask for your approval tonight. Thank you.

PRESIDENT SCHULMAN: Thank you very much. Marathon has always been a very good neighbor and we appreciate you for coming here. If there is anyone else in the audience wishing to speak for or against this particular Zone Change? Anyone else? Seeing no one step forward, the Chair declares this public hearing over in regard to this matter. The matter now rests in the hands of Council and the Ordinance will follow later this evening.

OLD BUSINESS

PRESIDENT SCHULMAN: We are now under Old Business. There is no Old Business.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We now turn to Public Speaks. And it is at this point that we have a number of speakers. In fact, we have 15 speakers. So, I'm gonna...I'm gonna go to the, if I can find....go to the speakers that are not addressing the most contentious issue. So, our first speaker will be John Alge. John, good evening. Welcome again.

JOHN ALGE: Good evening, Mr. President. How are you and good evening Council. It's good to see all of you again.

PRESIDENT SCHULMAN: Please give us your name and your residential address.

JOHN ALGE: Yes, John Alge. 1600 27th St. NW, Canton, Ward 7. Initially I was going to discuss DORA recommendations, but with the events that have taken place this month in our country, and which Member Dougherty spoke in the invocation, we obviously have more pressing needs as a nation, to deal with. And with that being said, I want to speak on behalf of my church, Grace United Church of Christ. We are going to be holding a prayer vigil and blessing for our first responders this coming Sunday, July 17th at 4:00 p.m. and our address is 2300 Cleveland Ave. NW. I posted it on Facebook, this event, and we hope to see all of you there, if you're able to come and just offer prayers. So, that's basically all I want to speak about tonight, so, I thank all of you for your fine work for our city and God bless all of you. Thank you.

PRESIDENT SCHULMAN: Thank you very much. (*Applause*). Thank you very much. We need every prayer we can find. Our next speaker is Pete DiGiacomo. Mr. DiGiacomo, good evening as always. Welcome. If you'll step forward and give us your name and your residential address, please.

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PETE DIGIACOMO: My name is Pete DiGiacomo. I live at 600 Dent Pl. SW, Canton, Ohio. What I wanted to speak about is the purchase of the property for the...they're thinking about a salt dome, and also to run the bicycle Hike and Bike Trail through that property. If Council Members or anybody sitting up there has went to look at that property, for a bike trail, it's ridiculous. For the price, it's ridiculous. For what's there, it's ridiculous. I'm sure the city of Canton can find a better location because I know they want to build a salt dome and I can understand the reason for that, but there's other properties that can be used for that at a much less price. Also, the Hike/Bike Trail, if you look at where it's supposed to come down on 27th St. and then go into that property, it's ill-advised. It's a really bad plan and I've rode a lot of bike trails, helped with bike trails, it's...just don't do it. Don't do it. Thank you.

PRESIDENT SCHULMAN: Thank you, as always. Thank you very much. (*Applause*). Our next speaker is Frank Kemp. Mr. Kemp, I hope I'm pronouncing your name...Frank Kemp. Good evening, did I pronounce your name, sir?

FRANK KEMP: Yes sir, you did.

PRESIDENT SCHULMAN: Good. I'm sorry. Good evening. Welcome to Canton City Council. If you'll give us your name and your residential address, please.

FRANK KEMP: My name is Frank Kemp. I live at 603 Hannah Cir. NW and what I'm here for, as I share some land with the city, the city owns 30 foot on the other side...East side of me. For nine years now I've been mowing the city land. I'm almost 70 years old. I'm getting tired. I've talked to the City, I've talked to Mr. Mack. He recommended I call the Department of the...the city Street Department. I did, took me five weeks to finally get through. The first two weeks I got messages, the third week I got a lady to talk to. She said, "I'll put you on the list for mowing". That was three weeks ago. I called today and said, "Where am I on the list?" "You're not on the list". What do you mean? "Well, since you live next to that, we expect the residents to take of it." Excuse me, it's not my land. I've done it for nine years. I tried to vacate that land twice. Both times I was turned down. The Parks says, "We need access to our park system". I'm sorry, there is not going to be a path there because there is no right of way for you. I've talked to the gentleman at the park system and he still insists that the park needs that. I don't understand why. So, I'd either like to have the land vacated, I'd be glad to pay for it. If it was a house, it was tore down, I could get it in a year's time and pay the taxes or whatever; but since it's the City's, they work a different system. So either, please mow the grass or give me a good excuse why you don't. Thank you.

PRESIDENT SCHULMAN: Thank you very much, sir. (*Applause*). And we're sorry for the problems you've been experiencing and we'll try to take care of this as quickly as we can. Our next speaker is Patricia Kirk. Ms. Kirk, as always, welcome to Canton City Council. If you'll step forward and give us your name and your residential address.

PATRICIA KIRK: Thank you, President Schulman. I am here to let you know...first of all, my name is Patricia Kirk. 131 Fifth St. NE. I'm still President of Downtown Central Neighborhood Association, which still exists, and is still waiting to hear from the powers that be or MKSK about the future of Kresge Lot since we've adopted it's care for the past several years, as far as the walls and the landscaping, by hiring local businesses. We are continuing to hear...we are continuing to hear from people. I'm willing to give my number to someone directly involved. Believe it or not, I still see the elderly and young enjoying it as a park.

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Also, I'm here to remind Canton that we had qualified the city of Canton, for the second year in a row, for a...as a Tree City. Even though we don't get Tree City money, per se. We have very interesting meetings that are open to the public on the 2nd Tuesday of the month at the Engineering Office. And also, Malone College is also looking into becoming a Tree Campus, another qualification. And our Arbor Day was a great success. Thank you very much.

PRESIDENT SCHULMAN: Thank you, as always, Ms. Kirk. Thank you. (*Applause*). Now we're going to turn to this issue of the cell tower and again, what I'd ask is that the, I think there are opponents and proponents. There are more opponents that seem to be here tonight than there are for. So, again, if you just keep that in mind. I'm not going to cut anyone off, you can...you have three minutes each, but if you could not repeat one another, we'd appreciate it. So, we'll start with the, what I think are going to be the opponents, and our first is Mark Torkle...Turkeltaub, sorry. Mark. Good evening, welcome. If you'll step forward sir and give us your name and your residential address, please.

MARK TURKELTAUB: Good evening. My name is Mark Turkeltaub. We live at 5228 Market Ave. N. in Canton. I'm here to reiterate our ongoing concerns with the flooding issue on North Market Ave, exasperated by the construction of the cellphone tower on the property of First Friends Church. We live directly across the street from the area where the tower will be built. Ladies and gentleman, we are now in thunderstorm season. I can almost guarantee that if we get a torrential rainstorm soon, that the water will flood across Market Ave. and enter our first floor living area, again. The construction of this tower will only make things worse. As what they're doing and what I've observed is that they're filling in the wetland area to accommodate this tower. We have spent close to \$80,000.00 in repairs, restorations, as well as new drainage. It's really all that we can do as a homeowner. We've done everything we could possibly do. It was also brought to my attention that the draining along Market Ave., the street drains themselves, don't really go anywhere. They don't seem to connect to any storm drain or catch basin. They're just there to handle the runoff water in case of a storm, and then when those get full they just go in people's yards. I'm asking the City Council to do everything possible to prevent the construction of this tower, as well as address any...address the draining situation on North Market. Thank you very much.

PRESIDENT SCHULMAN: Thank you very much, sir. We appreciate it. (*Applause*). Our next speaker is Pat Varn. Ms. Varn, good evening. Welcome to Canton City Council. If you'll step forward and give us your name and your professional.....address please.

PAT VARN: Good evening and thank you for welcoming me. My name is Pat Varn. I live at 500 Davide Cir. In Montebella, Ward 8. And my husband and I purchased our home in September of 2008. And in fact, I have a photograph of my front door, looking outwards, I'd like to share with Council.

PRESIDENT SCHULMAN: Absolutely. Thank you.

PAT VARN: When I look out my front door, the view is beautiful. I see trees, homes, flowers, and blue sky. And according to the nationally recognized HGTV, if you happen to watch it, which I do, and the appraisal institute, the view is the most important aspect of buying or selling a home. In December of 2009, twenty-seven Burbank, California real estate professionals signed a petition offering their professional opinion that cell towers would negatively impact surrounding homes. Last week, I visited seven cell tower sites and I photographed them, and I don't think anyone of you would want it in your front door. Miller's Junkyard on

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State St. is one of them, Humbert's Sewer Service is next to the old sheep barn, Evans Construction on Aultman and Greentown, Schaub Electric on Applegrove, Marathon Service Station on 30th St. and Market, Speedy Foods in Greentown, a car collision business at Middlebranch and Werner Church. As you can see, none of them were installed next to a youth sports facility or preserved wetlands where many species of birds and deer frequent. I've also photographed the area where the cell towers...excuse me...

PRESIDENT SCHULMAN: You have about one minute, so I don't, I don't want you to feel rushed.

PAT VARN: No. The home sites that you can see affect the view of all the homes in the area when the cell tower is installed. So, I am the President of the Montebella Estates Homeowner Association and a registered voter and taxpayer, as well as a Montebella Estates homeowner. I am begging and pleading that Canton City Council deny the easement to TowerCo to install a cell tower on First Friends property. I offer that Verizon provides cell service to their customers utilizing the tower at 55th and Market Ave. North, which is already utilized by AT&T. Which would...that in fact, that tower would not cause any inconvenience if it were to be painted as cited in our last meeting, nor would we really need to be worried about an attack by national...international terrorists. Thank you.

PRESIDENT SCHULMAN: Thank you very much. We appreciate that. (*Applause*). Our next speaker is Ray Haas. Mr. Haas, good evening. Welcome to Canton City Council. If you'll give us your name and your residential address, please, sir.

RAY HAAS: It doesn't like me either. My name is Ray Haas and I live at 416 Eastwood St., that's part of Montebella Estates, walking distance to Pat. But I'm here because I'm part of the Homeowner's Association and we feel that for the residents of Montebella, which is over 100 homes, that this cell tower being installed is going to have a negative affect. These people all live in Canton. We went to North Canton meetings, but I think because Montebella is in Canton, that we probably didn't get as much attention as would have been good. I don't want to take up the full three minutes. I did want to have my voice heard and talk to you about Montebella Estates and their concern of this tower. Thank you.

PRESIDENT SCHULMAN: Thank you very much, sir. We appreciate it. (*Applause*). Our next speaker is Mitchell Wagner. Mr. Wagner, good evening. Welcome to Canton City Council. We appreciate your being here. If you'll give us your name and your residential address, please.

MITCHELL WAGNER: My name is Mitchell Wagner and I live at 5225 Giacomo Ct. (*cough*)...excuse me. I'm married and I have two children, with one on the way. My wife and I purchased our hou...our home a year ago, January. When we bought our home, one of the selling points was the wonderful view of the backyard and the adjoining marsh and wetlands. When we saw this, we both said how nice this would be to maintain this wonderful view. My family and I sit on our deck often, enjoying the view and the wildlife. I served 6 ½ years in the United States Army as a Bradley Fighting Vehicle Commander. While overseas, one of my dreams was to purchase a home...in a nice neighborhood, with a good backyard...and to raise my family. Building this cellphone tower will tarnish what I call the American Dream. This includes decreasing the value of my home, one of the largest financial investments of a human being's life, as well as unknown health risks to my family. Not to mention the possibility of the tower collapsing and causing damage to my home, the marsh, a known wetland, or even the church. I have Verizon Wireless. I use them...me and my wife have them and we use them as our home phones. We experience no problems whatsoever. None. No dropped calls, nothing. At no point in time did the church, the city of North Canton, or TowerCo notify me of the

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erection of the cellphone tower. That being said, I feel like I need to put up a fight for my American Dream. I go to work everyday, I pay my bills, I take care of my family, why should I have fight again for my American Dream. Thank you. (*Applause*).

PRESIDENT SCHUMAN: Obviously sir, thank you, and we appreciate your service to our country. Thank you. Our next speaker is Mary Ann Gordon, is that correct?

MARY ANN GORDON: Yes.

PRESIDENT SCHULMAN: Good. Good evening, Ms. Gordon. If you'll step forward, take your time, and if you'll give us your name and your residential address, please, we would appreciate it. Take your time, there is no rush.

MARY ANN GORDON: My name is Mary Ann Gordon and I live at 247 Eastwood St. NW, in Montebella. Eleven years ago we built our home and we're very proud of where we live. We...my husband said to me the other day, we planted thirteen trees in this yard, and we have flowers and we have shrubbery, and he built a deck and a screened in porch on the back of our home, and we love it there. And It's wonderful. You sit on our back porch and you might want to watch a Cleveland Indians game and you can see forever. But, if we get a cellphone tower, it won't be pretty anymore. But, let me give a little demographics about our neighborhood. We have a current...right now we have a Captain of the Fire Department that lives there. We have a Deputy Sheriff. We have a Canton Police Officer. We have a retired Sheriff's Department, that's me, and my husband's a retired Captain from the Fire Department, and two Canton Police Officers live there also. So, we have teachers, professors, we have medical personnel, we have secretaries, we have professors, I've said that. Middle school teacher, principals of schools and at the medical personnel, if that fails, we have a friendly undertaker in our neighborhood. (*Laughter*). But it's very important for us to keep our neighborhood just as wonderful as it has been and we'd like you to know about everybody that lives in our neighborhood because that's very important. We are...we are true citizens. We love our country, we love our city, we love everything about it but we are not going to love a cellphone tower that will obstruct our view and be ugly. Thank you.

PRESIDENT SCHULMAN: Thank you very much. (*Applause*). Our next speaker is Joshua...something. I'm sorry, I cannot read your writing. Your name sir, is what?

JOSHUA GILLIAMS: Gilliams. It's like Williams with a "G".

PRESIDENT SCHULMAN: Oh, Gilliams. That's pretty easy. Good evening, Mr. Gilliams, welcome to Canton City Council. If you'll step forward sir and give us your name and your residential address, and I'm sorry I was unable to pronounce your name.

JOSHUA GILLIAMS: No worries, you're not the first person not to. My name is Josh Gilliams. I'm at 233 52nd St. NW, Canton, Ohio. My house actually butts up next to the Wetlands and so...I've got some of my notes taken in my cell phone, so, I'm going to read from my cellphone. I've been a resident of Montebella for thirteen years. I built my house...my first house at twenty-three years old. I saved working for almost three years, living with my parents to try to save up to build a house. Some of the residents, they haven't mentioned the health of...they've mentioned some of the health effects, but there have been studies done overseas and Europe that cancer is a major cause from the cell tower, living within even...within the first thirteen hundred feet of the tower. So, if you guys approve this, you'll putting a major cancer generating machine, affecting

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most of your residents, in Montebella. The residents of Montebella have also taken the liberty and built our kids a treehouse back in the wetlands. That cell tower will butt right next to our treehouse where many kids play during the summer months, into the fall, and then in the spring. There's no reason for them to play there anymore now if the cell tower is erected. One gentleman did mention about the flooding. Your Engineer presented to North Canton City meeting about the flooding and presented all the issues with the flooding that would take place. North...the city of North Canton basically...I don't know if they did not agree or whatever, but the city of North...the city North Canton Engin...er...the city of Canton Engineers were present at that meeting. You know, First Friends has also publicly stated in the Repository that they have been trying to get out of this contract. They don't want this deal. TowerCo is forcing their hand a little bit, in terms of that. Mr. Mayor, you sat in an HOA meeting of ours where over 40 members were present at that meeting, and they expressed their frustration with this cell tower as well. With the lack of representation from the...at the North Canton meetings...you know North Canton is really trying to tie our hands to this. If North Canton wants it, why isn't North Canton putting it back onto their lands. Lastly, we've had three members leave Montebella because of the cell tower, and I guarantee I will be the next one to leave if that's approved. I'm a technical director of a major chemical company in Akron, Ohio, and I will take my salary and go somewhere else. You will lose that tax money. I...I'm begging you, I'm pleading with you not to approve this tower. I will be in con...I've been in contact with the head of Verizon Wireless, the VP of Business Development in New York City as well. If I have to continue down that route, I will. I'm begging you to stop this. You are our last resort. You're the resident's last resort. Please stand up to big business, like we know you guys can. Thank you.

PRESIDENT SCHULMAN: Thank you very much. (*Applause*). Our next speaker is Brandon Blood. Mr. Blood, I think I'm pronouncing your name correctly.

BRANDON BLOOD: Yes Sir.

PRESIDENT SCHULMAN: Welcome to Canton City Council. If you'll step forward sir, and give us your name and your residential address, please.

BRANDON BLOOD: My name is Dr. Brandon Blood. I live at 337 Montebella Pl., kinda right in the heart of the neighborhood. Josh kind of just stole my thunder on the...on the health...health risks associated with this. A study was done in Germany saying about if you live within a 400 meter span of a cell phone tower, your cancer risks go up by 300...300 times. So, I'd like to just retouch on that and just say that I am oppo...against this and hopefully it goes that way. Thank you.

PRESIDENT SCHULMAN: Thank you very much, sir. (*Applause*). Our next speaker is Dustin Hennessy. Mr. Hennessy, good evening, welcome to Canton City Council. If you'll give us your name and your residential address, please.

DUSTIN HENNESSY: Good evening City Council, my name is Dustin Hennessy and I'm a resident of 5046 Rebecca Ave. NW. I, as well, have lived in the neighborhood for about 11 years. I was one of the first...my wife and I were one of the first families to build a house in the neighborhood and we've been very fortunate that this neighborhood has seen great growth; a little bit of stalling during some of the housing crisis, and we actually recently decided to remain in the neighborhood instead of moving because we felt like it was kind of going through a renaissance. Quickly, I would just like to make a point about my concerns regarding property value. In June 2014 a survey was conducted by the National Institute for Science, Law and Public Policy, out

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of Washington, DC. The survey was titled “*Neighborhood cell towers and antennas-do they impact our property’s desirability?*” Quickly speaking, there was 1000 surveyed respondents within this article. 94% reported that cell towers and/or antennas in a neighborhood or close to it, would affect, negatively, their decision to move into that neighborhood. 79% said that under no circumstances would they ever purchase or rent a property within a few blocks of a cell tower or antennas. So, my concern is not only my property value, we’ve refinanced and committed to remaining in this neighborhood for the foreseeable future, my concerns would also be that we go back through the phase of homes remaining empty and on the market for far too long. Fortunately, over the past year, most of our homes have turned over pretty quickly. We have a very diverse neighborhood and I think it’s an accurate representation of what the city of Canton is. So, I would ask that you consider property value and the possibility that many of the homes that would sell in the neighborhood may not...er...many of the people who would move out of the neighborhood, may not have their home sell or turn over very quickly. Thank you.

PRESIDENT SCHULMAN: Thank you very much, sir. We appreciate it. (*Applause*). Our next speaker is Deborah Watters. Ms. Watters, good evening. Welcome to Canton City Council. Just step forward there and give us your name and your residential address, please.

DEBORAH WATTERS: Deborah Watters, 5315 Beverly Ave. NE. Okay. It is the property my...I own the home, my son and...it’s straight across the street from Canton City Schools...I meant straight across the street from Montebella, right across Market, the first block off of Market, which this cell tower will affect. I also have a daughter who lives in Montebella Estates and my concerns is the concerns for my son and daughter, for my grandchildren. Their health is my major concern. Also, property value to my home there, property value to my son-in-law and my daughter’s home there, that I believe will be affected. And just to reit...to reiterate everyone else, I am opposed to every single reason that anyone has given, but my major concern is the health of my entire family and property value for my family and myself. Thank you.

PRESIDENT SCHULMAN: Thank you very much, ma’am. (*Applause*). Our last speaker who is speaking against this is Asif Iqbal. Did I pronounce your name, sir?

ASIF IQBAL: Yes you did.

PRESIDENT SCHULMAN: Good. Welcome to Canton City Council.

ASIF IQBAL: Thank you.

PRESIDENT SCHULMAN: It’s nice of you to be here. If you’ll give us your name, sir, and your residential address, please.

ASIF IQBAL: It’s Asif Iqbal. I live in 307 52nd St. NW, Montebella Estates. Mr. Chairman, Mr. Mayor, distinguished Council Members, my neighbors, my distinguished opponents good evening. After two long debates in North Canton City Hall, I was actually debating myself whether I would come here tonight or not. Because, you see, this debate today is happening in Canton, Ohio. That’s my home, that’s my city. Now, we hear a lot of our...we have heard a lot of arguments about health effects, adverse health effects of cell towers, diminished property values. But I think that the major argument today that we have...that we are facing is the argument between life versus commerce. Life here, all of us and commerce, over there. Is commerce more important than life? Has it been so, ever, in the history of our country? Now, we also heard about adverse

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health effects, diminished property values, so let me ask you this...what is life without good health? What does that life look like? What is liberty without the liberty to be able to own a piece of property that appreciates and does not depreciate because of man-made reasons? What does that liberty look like? What is the pursuit of happiness? When happiness is defined that it effects a majority of people and not just some. Now, obviously, my opponents are going to say that there are bad signals. Well, I'm a Verizon customer. I'm a software engineer, I work from home. I have Verizon Wireless cell phone and home phone. No service interruptions at all. So I think, in order to get to the bottom of the resolution here, in my hometown of Canton, we have to answer those questions. Is life more important or commerce more important. What is life without good health and do we truly...are we losing the liberty to own a piece of property in this country that will only depreciate in value and won't appreciate, and what is this pursuit of happiness that we talk about? Thank you.

PRESIDENT SCHULMAN: Thank you very much. (*Applause*). Again, I want to thank those people that came down to speak, obviously, against this. The next speaker will be speaking for this, is Jim Matthews. Mr. Matthews, good evening, welcome. If you'll step forward and give us your name and your residential address, and who you represent. And in addition, so that everyone understands, I gotta allow Mr. Matthews some more time than is ordinarily given because of the number of people speaking against. I think it's only fair that the other side be afforded the same opportunity that all of you had. So, don't get mad at me, and don't...don't shake a fist at me. Mr. Matthews, will you give us your name and your residential address please, and who you represent.

JIM MATTHEWS: Sure. Good afternoon, or good evening Mr. Schulman. Again, my name is Jim Matthews, I'm a lawyer with Baker, Dubliar, a law firm in North Canton, 400 South Main. Resident of Alliance, Ohio. I'm here on behalf of the applicants, the TowerCo applicant, seeking the easement that's at issue in this matter. In light of what I've heard thus far this evening, I think it's important that we take a step back and actually address what it is that's under consideration before this body. Many of the issues, if not all of the issues that you've heard from opponents to the tower project itself, are matters that have already been aired in front of the North Canton officials. As each of you, I believe, is aware that the tower location in question is actually within the jurisdiction of North Canton, which meant that the permit process for proceeding with this tower went before the Planning Commission and Board of Zoning Appeals within the city of North Canton. It is important for you to also be aware that there was a direct appeal taken by the Homeowner's Association to the Board of Zoning Appeals in North Canton challenging the issuance of the permit for this tower to proceed. Many of the issues that you've heard, sort of these generalized health concerns, generalized property value concerns and the like, those are all matters that, quite frankly, and this may sound harsh, but quite frankly, those matters are not just issuable, even at the local township...er..township or city level...level of permit procedure because those issues are pre-empted under the Federal Telecommunications Act. But to the extent there is any local regulatory authority through the zoning officials, that matter, again, was handled all in the city of North Canton. My client has a lawfully issued permit and plans to proceed as soon as it can with it's tower project in North Canton. So, what are we here about? We're hear about seeking an easement across a small sliver of property that your city owns that extends on the West side of Market and it importantly is property that is held only for highway purposes. Part of the evidence that had been introduced in the North Canton procedure was the appropriations proceedings relating to the acquisition of that property. And it was very clear that the only reason that the city acquired that property along Market was for highway purposes. The easement that we're talking about would be a twenty foot easement. I believe the paperwork has been provided to you, in not only the proposed ordinance, but also the proposed easement that includes the property description for the easement. This will be for utility installation only. That's the sole purpose for the need for the easement. It will be utilized by boring procedures. In other

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words, there will be no disturbance of the surface. These underground utilities will be installed through a boring procedures without interfering with any of the existing structures or topography in the sliver of property that we're talking about. The one item that we've heard some about concerns the issue of the drainage problems or drainage issues that the city is encountering, which is along the drainage area there to the South of the church property. I do understand there are some drainage concerns, those however are concerns that need to be addressed in some other fashion, and have no bearing whatsoever on the proceeding with my client's tower project. I heard earlier from one of the opponents, that as part of the city of North Canton procedure, someone from the Engineer's Office appeared and made a presentation. I have the transcript of that proceeding and indeed there was an Assistant City Engineer from the city of Canton who did attend the North Canton pro...procedure. I had the opportunity to cross-examine Mr. Barnes and Mr. Barnes made it clear that he had made no calculation whatsoever of any...any problem that would be encountered by the installation of this tower in terms of increasing any runoff or concerns to the draining to the South. And moreover, when I finalized my cross-examination of Mr. Barnes, after pointing out that he had made no calculations, and that at best, the affect of drainage from a cell tower installation is negligible. He makes it clear here that he had no concerns about the development of the cell tower. He only appeared at the hearing to mention the fact that there are drainage concerns that will have to be resolved or addressed in some other fashion. It has nothing to do with this particular project proceeding. It is my understanding that the City Engineer Office...Engineer's Office has had a communication, a dialogue with representatives from my client to place this particular easement in a reasonable location. There was an initial proposal that had the proposed easement a bit farther to the South on Market. An accommodation was made to move the easement to the North, at the request of the City Engineer, and then we received an email. My client received an email from the Engineer's Office indicating that the location would not interfere with any possible future detention basin expansion in the South. So again, the placement of this easement that's going to involve underground installation of utilities will have no affect on any of the drainage work that may need to be done in the future. As part of the packages that were distributed some time ago, we included not only our correspondence with the Law Director's office, but also some provisions of state law, dealing with the easements for utilities within public rights-of-way, that are held for roadway purposes. If you've not looked at that law, if you've not made any inquiry of your Law Director's office about the law, I would like to spend just a final couple of moments and comment on...on that law. The law is very clear in a series of statutes that the general overlying or underlying of public policy expressed by the general assembly is to expand access to utilities and to expand economic development by allowing utility easements within public right-of-ways. So we start with that very broad and very clear expression of public policy. There are then very few exceptions for deviating from that public policy to allow for a...an easement within a public right-of-way to be rejected. Also, importantly with regards to municipal corporations such as Canton, state law is absolutely clear that a municipal corporation shall provide public utilities or cable operators with open, comparable, non-discriminatory and competitively neutral access to its public ways. I won't bore you with the rest of the provisions but I think the strength of that position is absolutely clear. In my mind, there is no legitimate, that's not to minimize the things you've heard, I understand the expressions of generalized concern. Those are matters that were properly addressed before North Canton Planning Officials and they've been dealt with in a final determination. But those matters aside, what's in front of this Council, dealing with the application for the easement across a public right-of-way, it is my position that the law very clearly allows my client this access, and we would very much appreciate it if you would proceed to allow this project to advance. If...Mr. Chairman, if there is a Public Hearing on this issue later, I do have client representatives here for the Members of the City Council if there are any particular questions at that time. Ok.

PRESIDENT SCHULMAN: That's fine, Mr. Matthews, thank you so much. Is there anything else?

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JIM MATTHEWS: That is all I have, thank you.

PRESIDENT SCHULMAN: We do appreciate your patience, thank you very much ,sir.

JIM MATTHEWS: Very well.

PRESIDENT SCHULMAN: Okay. And so for, members of the audience that are very interested in this issue and don't understand what the next step is, just briefly, later, hopefully not too much later but it's going to be some...we've got a very busy schedule, I apologize. But sometime later there's going to be a meeting of the Judiciary and the Environment & Public Utilities Committee. And at that time, there will be a meeting that will be on the record. You'll get to hear the discussion amongst the various members of Council about this issue. So, sit, stick around, sit tight and we'll get there as soon as we possibly can. But that's the next step. It's going to be a while so, I apologize for having you stay in the audience. And obviously, if you want to take a break, feel free to take a break. Any...anybody in the audience, at anytime. You don't have to...you're not going to intrude on our business. So, that concludes the Public Speaks portion tonight.

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We're now under Informal Resolutions and we have four this evening and Mister Clerk, will you please read Informal Resolution #47 by title.

#47. COUNCIL-AS-A-WHOLE: COMMENDING DAVID PEFFER FOR HIS TIME & TALENT IN ENHANCING THE BEAUTY OF THE RAY DENCZAK CANTON CITY COUNCIL CHAMBERS.
- ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Informal Resolution #47.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Informal Resolution 47. Any remarks? Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed, no.

NO REMARKS

RESOLUTION #47 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries. Next.

#48. COUNCIL-AS-A-WHOLE: COMMENDING PAT AND BOB HARPER FOR THEIR LEADERSHIP IN PRESERVING THE ANNUAL INDEPENDENCE DAY FIREWORKS DISPLAY. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Informal Resolution #48.

MEMBER SMITH: Second.

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PRESIDENT SCHULMAN: It's been moved and seconded to adopt Informal Resolution 48. Any remarks? Yes, Member Harmon.

MEMBER HARMON: Mr. President. Mr. Harp...Patrick Harper and Bob Harper are here, may I invite them to join me at the podium.

PRESIDENT SCHULMAN: Absolutely. (*Inaudible*).

MEMBER HARMON: Ladies and gentleman, this is Bob Harper and this is Patrick Harper. I've known both for a long time. (*Applause*). (*Inaudible*). Their leadership saved the fireworks celebration for the 4th of July. And because they organized volunteers, because they worked with the city administration, and most importantly, they raised a lot of money...

BOB HARPER: We tried.

MEMBER HARMON: Money that the city of Canton didn't have, so the celebration went forward. And I'm not supposed to be up here just shaking your hand, I'm supposed to be giving you a plaque...

BOB HARPER: I'm not worried about that.

MEMBER HARMON: But we ran out of them.

BOB HARPER: Okay.

PATRICK HARPER: I'd rather shake your hand anyways, Tom. (*Laughter*).

BOB HARPER: Thanks Tom.

MEMBER HARMON: No. The plaques...the plaques...both plaques, with the resolutions are on order, isn't that right? Clerk? And I will personally deliver them to you. I would like to invite you to say a few words as well. On behalf of us, we're very grateful to you as well.

BOB HARPER: Thank you Tom. Thank you community.

PATRICK HARPER: Thank you. I guess you're welcome. (*Laughter*). You know what, this wasn't just us. This was the whole community coming together and I'd like to thank the foundations, the unions, the business community and a lot of individual people that made this happen. It was a...on June 21st a newspaper article came out and it had the Mayor and my brother saying that we weren't gonna to do this. And that morning I got a phone call from a friend saying, "You're in the paper, on the front page" and I said, "What'd I do"? But anyhow, by the end of that day we had probably 80% of the money we needed and it was just amazing. And again, it was a community effort. I'd like to thank all of the people that helped, particularly Bill Bartos and Andrea Perry...and...who were very helpful with this, and particularly the Mayor. The last time I saw him was...he was picking up trash after the event. He was one of our better volunteers. Thank you.

PRESIDENT SCHULMAN: Thank you. (*Applause*).

BOB HARPER: Hi, I'm Bob and I just want to say a few words. You know what? Really, the papers don't

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mean nothing. What's really going on in the world today. You seen last week, I'm glad a community like this can pull together. We went out and asked different foundations, unions, in fact I work in a union, but I went out and talked to them all, that we needed help, and with the Mayor's guidance, I'm going to tell you that, not just for picking up trash, and Bill's guidance, we collected a lot of money, what we needed to cover everything. It was a little more than \$25,000.00 because we kind of forgot porta-potties, so, we had to collect a little bit more money. But we had a good concert band down there and the fireworks, the people with the fireworks have really handled that a lot. They held on. In order...instead of getting the money up front like they do, half of it now...they worked with us because they really wanted to do this. I mean, look at the Monument down there. Joyce Utt keeps that place beautiful and the idea is, that's where we go. You know, it's...where else in the county do you want to go and see fireworks? I mean...I was told we had probably the biggest group ever showed up down there. But we did have over 100 volunteers. We ran out of shirts. Even the Mayor got one. We had to give him one to put him to work. If anybody else wants to next year, we plan on carrying this on. You know, this is something. The city has financial issues, I know I don't want Firemen and Policemen laid off if we can help it. I want to make sure this is something for the quality of the community. And there's a lot of other things that people can get out and get involved with in this community and we need to do that to show that we have Canton. You know, everybody talks about the Hall of Fame, but let's talk about the people that live here. I mean that's what...what we're here for. So, thank you. *(Applause)*.

MEMBER HARMON: Mr. President...

PRESIDENT SCHULMAN: Thank you so much gentlemen, we really appreciate it.

MEMBER HARMON: Thank you.

PRESIDENT SCHULMAN: This could not have been done without you. *(Inaudible)*. Thank you very much. But we should probably stop what we're doing and adopt this Resolution. *(Laughter)*.

MEMBER HARMON: Mr....In my excitement, I skipped a couple things. Perhaps with your permission, we could still ask the Clerk to write...to read the entire Resolution before we take the vote.

PRESIDENT SCHULMAN: Absolutely. Mister Clerk.

CLERK SHOWES: Presented by Council-As-A-Whole. An Informal Resolution respectfully submitted by Council-As-A-Whole on this 11th day of July, 2016. **Whereas**, The City of Canton began 2016 with a projected general fund shortfall of \$5.1 million and **Whereas**, Required budget cuts have resulted in a reduction of safety forces, layoffs and furloughs. It became prudent for the city to eliminate funding the annual fireworks display for the Independence Day celebration; and **Whereas**, Brothers Pat and Bob Harper voluntarily initiated an aggressive fund-raising campaign from individuals, local foundations, and organizations that resulted in sufficient funding for the Independence Day celebration that was held July 3, 2016 at the William McKinley Presidential Monument, Library and Museum grounds. **Now Therefore Be It Resolved:** that we, the Members of Canton City Council do hereby go on public record commending and thanking **Pat and Bob Harper** for their exceptional and outstanding leadership in preserving our annual Independence Day fireworks display celebration. *(Applause)*.

PRESIDENT SCHULMAN: So, all those in favor of Resolution 48, signify by saying aye. Those opposed, no.

NO REMARKS

RESOLUTION #48 PASSED UNANIMOUSLY BY VOICE VOTE

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PRESIDENT SCHULMAN: The ayes have it and the Resolution carries. I would ask, in regard to Resolution 47, not to belabor, but I do think the Pi...the Peffers would move to have some recognition. I don't know if you done it, maybe I wasn't here when you recognized him. Would you mind doing that for us please, Mr. Clerk.

CLERK SHOWES: An Informal Resolution respectfully submitted by Council-As-A-Whole. On this 11th day of July, 2016. **Whereas**, The locally owned Pepper Gallery, located at 4112 Cleveland Ave NW, was opened in 1972 by Harold and Justine Pepper; and **Whereas**, Currently owned by their son, David, the Gallery continues its fine outstanding service of custom picture framing and refurbishing; and **Whereas**, In the summer of 2015 Canton City Council commissioned the Pepper Gallery to restore the Albert Rosenthal portrait of President William McKinley which hung in the City Council Chambers since 1904. Having been beautifully restored to its original allure, the McKinley portrait was returned to its original place of honor in the Ray Denczak Canton City Council Chambers; and **Whereas**, Norman Rockwell's series of four oil paintings known as The Four Freedoms, having been graciously donated to City Council, were hanging in the back Council Caucus room where only Council Members and staff got an opportunity to admire them. In May of this year, as a public service at no cost to the City, David Pepper agreed to remove these paintings and rehang them in the Caucus room currently located in the back of the Council Chambers where the public as well as other city employees may appreciate this classic artwork. **Now Therefore Be It Resolved:** that we, the Members of Canton City Council do hereby go on public record recognizing and commending **David Pepper** for giving of his time and artistic talents to enhance the beauty of the Ray Denczak Canton City Council Chambers.

PRESIDENT SCHULMAN: Great, thank you very much. (*Applause*). We now turn to Resolution 49. Is that correct?

#49. COUNCIL-AT-LG MBR HARMON: REQUESTING CANTON MUNICIPAL COURT TO ESTABLISH PARKING VIOLATIONS BUREAU TO HANDLE PARKING INFRACTIONS OCCURRING WITHIN CITY OF CANTON PURSUANT TO ORC SEC 4521.04. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Informal Resolution #49.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Informal Resolution 49. Any remarks?

MEMBER HARMON: Mr. President. This Informal Resolution relates to Ordinance #1 on your agenda today, the legislation which we hope passes this Council, to decriminalize parking violations and make them a civil violation. This statute requires that we, by this Informal Resolution, actually request the Canton Municipal Court to accept the responsibility for the...for administering the parking violations. So, that's really what this is about.

PRESIDENT SCHULMAN: Thank you very much. Anything else? Any other comments? By voice vote, all those in favor signify by saying aye. Those opposed, no.

NO REMARKS

RESOLUTION #49 PASSED UNANIMOUSLY BY VOICE VOTE

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PRESIDENT SCHULMAN: The ayes have it. The motion carries. Thank you very much for that proposal and we now turn to Resolution 50.

#50. PERSONNEL COMMITTEE: CONFIRMING RE-APPT OF MICHAEL ABBOTT TO CANTON CONSTRUCTION BOARD COMMENCING 7/11/16 TO 12/31/19. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Informal Resolution #50.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Informal Resolution 50. Any remarks? Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed, no.

NO REMARKS

RESOLUTION #50 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: They ayes have it. The motion carries. We now turn to Resolution 51.

#51. PERSONNEL COMMITTEE: CONFIRMING RE-APPT OF RON BERGER TO CANTON CONSTRUCTION BOARD COMMENCING 7/11/16 TO 12/31/19. - ADOPT

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Informal Resolution #51.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Informal Resolution 51. Any remarks under this Ordinance? Again, hearing none, by voice vote, all those in favor signify by saying aye. Those opposed, no.

NO REMARKS

RESOLUTION #51 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries and Informal Resolution 51 has been adopted. We are now going to move on to Communications but before we do that, is anyone...does anybody need a break? It's been somewhat of a long meeting. Are you all right? Okay, let's go.

COMMUNICATIONS

PRESIDENT SCHULMAN: 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 JULY 11, 2016.

251. AUDITOR MALLONN: MTHLY REPORT BY FUND FOR 6/1/16 THRU 6/30/16. - RECEIVED & FILED

252. AUDITOR MALLONN: YRLY REPORT BY FUND FOR 1/1/16 THRU 6/30/16. - RECEIVED &

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FILED

253. AUDITOR MALLONN: REQ \$17,200,000.00 SUPP APPROP FR UNAPPROP BAL OF 7502 801001 PAYROLL CLEARING FUND TO OTHER - 7502 801001 PAYROLL CLEARING FUND FOR CONTINUED OPERATION OF, ACCOUNTING FOR & FUNDING INTERNAL PAYROLL CLEARING ACCT. - PERSONNEL AND FINANCE COMMITTEES
254. AUDITOR MALLONN: REQ FOR ADDT'L AMENDED CERTIFICATE DATED 7/6/16. - RECEIVED & FILED
255. COMM DEV DIRECTOR MILLER: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACTS WITH HABITAT FOR HUMANITY EAST CENTRAL OH TO PROVIDE GRANT UTILIZING HOME FUNDS IN AMT NOT TO EXCEED \$250,000.00 TO BUILD 6 SINGLE-FAMILY HOMES WITH BASEMENTS, 3 BEDROOMS, 1 BATHROOM & SINGLE CAR GARAGE; AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT WITH HAMMER & NAILS TO PROVIDE GRANT UTILIZING CDBG FUNDS IN AMT NOT TO EXCEED \$150,000.00 FOR REHAB OF SINGLE-FAMILY HOMES IN NRSA AREA FOR LOW TO MODERATE INCOME FAMILIES. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
256. DEPUTY MAYOR WILLIAMS: RATIFY ACTIONS PURSUANT TO SEC 105.04 OF CANTON CODIFIED ORDINANCES FOR USE OF EMERGENCY CONTRACTUAL PROCEDURES BY ALLOWING FOR UP TO \$70,000.00 TO BE SPENT ON HOME REHAB PROGRAM PROJ AT 1222 MARYLAND AVE SW, & ALLOWING FOR UP TO \$71,500.00 TO BE SPENT ON HOME REHAB PROGRAM PROJ AT 1312 COTTAGE PL NW; AUTHORIZE AUDITOR TO PAY MORAL OB TO D&H WAY CONSTRUCTION IN AMT NOT TO EXCEED \$5,000.00 FOR WORK AT 1222 MARYLAND AVE SW; AUTHORIZE AUDITOR TO PAY MORAL OB TO D&H WAY CONSTRUCTION IN AMT NOT TO EXCEED \$6,500.00 FOR WORK AT 1312 COTTAGE PL NW; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES
257. FINANCE DIRECTOR CROUSE: REQ \$900,000.00 SUPP APPROP FR UNAPPROP BAL OF 1152 NIP ACQUISITION DEMO DEBT FUND TO 1152 506001 OTHER FOR CONTINUED OPERATION & COSTS OF REVITALIZATION THRU DEMO OF DETERIORATING STRUCTURES. - FINANCE AND COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEES
258. LAW DIRECTOR MARTUCCIO: REQ FINAL AUTHORITY TO PREPARE ORDINANCE SETTLING WRONGFUL DEATH/PERSONAL INJURY CASE OF BURLINGAME V. CITY OF CANTON FOR \$310,000.00. - FINANCE AND JUDICIARY COMMITTEES
259. LIQUOR CONTROL DIVISION (OHIO): NOTICE OF HEARING FOR MARK A. MILLS DBA MILLS TAVERN, 1649 HARRISON AVE SW, LIQ PERMIT TRANSFER SET FOR 7/25/16 @ 9:00 AM @ STARK COUNTY DEPT OF JOB & FAMILY SRVS, 221 3RD ST SE. - RECEIVED & FILED

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260. LIQUOR CONTROL DIVISION (OHIO): REQ TRANSFER OF D2, D2X, D3 LIQ PERMIT FR LOU A SMITH TO IDAS CAFÉ LLC, 1715 BRYAN AVE, SOUTHEND BLDG. - RECEIVED & FILED
261. MAYOR BERNABEI: ADVISE OF APPT'S TO CANTON COMMUNITY IMPROVEMENT CORP (CCIC) TO FILL UNEXPIRED TERMS COMMENCING 1/1/16 TO 12/31/16. - RECEIVED & FILED
262. MAYOR BERNABEI: AUTHORIZE APPT OF BRENDA TURNER TO FAIR HOUSING COMMISSION FOR 5-YR TERM COMMENCING 7/25/16 TO 6/30/21. - PERSONNEL COMMITTEE
263. MAYOR BERNABEI: ADVISE OF RE-APPT OF DIANE WISSUCHEK AND APPT OF REV CHARLES PRINCE TO MAYOR'S COMMUNITY RELATIONS COMMISSION FOR 2-YR TERMS COMMENCING 7/25/16 TO 6/30/18. - RECEIVED & FILED
264. MAYOR BERNABEI: AUTHORIZE APPT OF JOHN J. LUCAS, JR. TO ZONING BOARD OF APPEALS FOR UNEXPIRED TERM COMMENCING 1/1/16 TO 12/31/18. - PERSONNEL COMMITTEE
265. PARK DIRECTOR GORDON: AUTHORIZE MAYOR, SERV DIR AND/OR PARKS & REC DIR TO ADVERTISE, RECEIVE BIDS, AWARD & EXECUTE CONSTRUCTION CONTRACT FOR JOHN BARKER SPRING HOUSE REDEVELOPMENT PROJ; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE AND PARKS & RECREATION COMMITTEES
266. SERVICE DIRECTOR BARTOS: RATIFY ACTIONS PURSUANT TO SEC 105.04 OF CANTON CODIFIED ORDINANCES FOR USE OF EMERGENCY CONTRACTUAL PROCEDURES BY MAKING \$45,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207022 DISTRIBUTION MAINTENANCE - OTHER; AUTHORIZE AUDITOR TO PAY MORAL OB TO CENTRAL ALLIED ENTERPRISES FOR AMT NOT TO EXCEED \$45,000.00; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: We are now on First Reading Ordinance and Formal Resolutions for their First Reading. Mister Clerk would you please begin with Ordinance #1.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK SHOWES TO READ ORDINANCES #1 THROUGH #8 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS: (ORDINANCE #8 ADOPTED ON 1ST RDG)

- #1. (1ST RDG) AN ORDINANCE AMENDING PART THREE, TRAFFIC CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON BY THE AMENDMENT OF CHAPTER 361, PARKING INFRACTIONS
Referred to Judiciary Committee

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- #2. (1ST RDG) A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE TAMSAL-FULTON BLAKE ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE TO RECONCILE INCOMPATIBLE ZONING USED UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Annexation Committee
- #3. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF REHABILITATION & CORRECTION FOR RECEIPT OF THE FY 2017 COMMUNITY CORRECTIONS ACT GRANT IN AN AMOUNT NOT TO EXCEED \$170,601.00; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- #4. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$11,525.00 APPROP TRF FR 2767 701001 JAIL DIVERSION/MISDEMEANANT GRANT FUND - PERSONNEL TO 2767 701001 JAIL DIVERSION/MISDEMEANANT GRANT FUND - OTHER)
Referred to Finance Committee
- #5. (1ST RDG) AN ORDINANCE ADOPTING THE CITY OF CANTON'S ALTERNATIVE TAX BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2017; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
-
- #6. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$100,000.00 SUPP APPROP FR UNAPPROP BAL OF 2412 CANTON DRUG FREE FUND TO 2412 102090 DRUG FREE FUND - OTHER)
Referred to Finance Committee
- #7. (1ST RDG) AN ORDINANCE AMENDING PART ELEVEN, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY BY THE ADOPTION OF A NEW CHAPTER 1158, HALL OF FAME VILLAGE DISTRICT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Judiciary Committee
-
- (COUNCIL RECESSED AT 8:36 P.M. FOR THE FINANCE AND JUDICIARY COMMITTEES TO DISCUSS ORDINANCE NO. 8; RECONVENED AT 8:39 P.M.)*
- #8. (1ST RDG) **ADOPTED AS ORDINANCE NO. 117/2016** AN ORDINANCE AUTHORIZING THE SETTLEMENT OF BURLINGAME V. CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance and Judiciary Committee

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PRESIDENT SCHULMAN: And at this time the Chair would declare an in-house recess for the Finance and Judiciary Committees to meet in regard to Ordinance No. 8 on your agenda this evening. You're now in recess.

(RECESS)

PRESIDENT SCHULMAN: Alright, Council will reconvene after our recess. Leader.

MEMBER MORRIS: Mr. President, I move we suspend Rule 22A to place Ordinance #8 back on this evening's agenda.

MEMBER SMITH. Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend Rule 22A to place Ordinance 8 back on this evening's agenda. Any remarks? Hearing none, roll call vote please, Mister Clerk,.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, Sir.

PRESIDENT SCHULMAN: The motion carries and the Ordinance is a legal part of your agenda. Leader.

MEMBER MORRIS: Mr. President, I move we suspend the Statutory Rules on Ordinance #8.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend the Statutory Rules on Ordinance #8. Any remarks? Again, hearing none, Mister Clerk roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS, 1 ABSTAIN
(MEMBER MACK ABSTAINED)

CLERK SHOWES: Ten yeas, one abstention, Sir.

PRESIDENT SCHULMAN: Motion carries. Leader, you've heard the three readings.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #8.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #8. Any remarks under this? Hearing none again, roll call vote please, Mister. Clerk.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS, 1 ABSTAIN
(MEMBER MACK ABSTAINED)

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CLERK SHOWES: Ten yeas, one abstention, Sir.

#8 ADOPTED AS ORDINANCE NO. 117/2016

PRESIDENT SCHULMAN: Thank you. Ordinance #8 is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: Turning now to Second Reading Ordinances. We're now under Ordinances and Formal Resolutions for their Second Reading. Mister Clerk, would you please begin with Ordinance 9.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK SHOWES TO READ ORDINANCES #9 THROUGH #19 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS: (O#14, O#15, O#16, O#17, O#18 ADOPTED ON 2ND RDG; O#19 DEFEATED ON 2ND RDG)

#9. (2ND 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 \$1,000,000, 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...

CLERK SHOWES: Sorry about that. (CLERK SHOWES READ INCORRECT ORDINANCE. CORRECT ORDINANCE #9 FOLLOWS). Got them out of order. Sorry again.

- #9. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO AMEND THE GEORGETOWN ROAD COOPERATIVE ECONOMIC DEVELOPMENT AGREEMENT TO INCLUDE THE 1400 GRACE AVE. ANNEXATION AREA; AND DECLARING THE SAME TO BE AN EMERGENCY
- #10. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO AMEND THE GEORGETOWN ROAD COOPERATIVE ECONOMIC DEVELOPMENT AGREEMENT TO INCLUDE THE TRUMP SCHOOL ANNEXATION AREA; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO AMEND THE I-77 FAIRCREST COOPERATIVE ECONOMIC DEVELOPMENT AGREEMENT TO INCLUDE THE PILOT ANNEXATION AREA; AND DECLARING THE SAME TO BE AN EMERGENCY
- #12. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO AMEND PREVIOUS AND/OR ENTER INTO NEW AGREEMENTS(S) WITH AND SECURE RIGHT-OF-WAY FROM MRTA RELATED TO ENCROACHMENTS ONTO MRTA PROPERTY BY THE WEST BRANCH TRAIL AND THE UPCOMING 12TH STREET NW BRIDGE REPLACEMENT AND STREETScape PROJECT, GP 1160; AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO

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EXCEED \$2,918.76 TO MRTA; AND DECLARING THE SAME TO BE AN EMERGENCY (AKRON METRO)

- #13. (2ND 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) FORD F-250 PICKUP TRUCK AND ONE (1) GMC SAVANA CARGO VAN; OR TO ALTERNATIVELY PURCHASE SAID VEHICLES PURSUANT TO STATE COOPERATIVE PURCHASING AGREEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

CLERK SHOWES: Ordinance #9. (CLERK SHOWES MISTAKENLY READS NUMBER AS #9 INSTEAD OF #14; HOWEVER, CORRECT ORDINANCE WAS READ)

- #14. (2ND RDG) **ADOPTED AS ORDINANCE NO. 118/2016** 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 \$1,000,000, 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 (O#59/2015 PASSED 3/23/15, OUTSTANDING NOTES)
- #15. (2ND RDG) **ADOPTED AS ORDINANCE NO. 119/2016** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$94,000.00 SUPP APPROP FR UNAPPROP BAL OF 2423-701001 COURT CAPITAL/SPECIAL PROJECTS FUND TO 2423-701001 COURT CAPITAL/SPECIAL PROJECTS FUND - OTHER)
- #16. (2ND RDG) **ADOPTED AS ORDINANCE NO. 120/2016** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO EASEMENT AGREEMENTS WITH TIME WARNER CABLE, WINDSTREAM KDL, ZAYO BANDWIDTH, AND ALL COMMUNICATIONS AND/OR UTILITY PROVIDERS FOR THE PLACEMENT OF COMMUNICATION AND/OR UTILITY LINES ON, OVER, AND/OR UNDER CITY OF CANTON PROPERTY LOCATED IN OR AROUND STADIUM PARK; AND DECLARING THE SAME TO BE AN EMERGENCY
- #17. (2ND RDG) **ADOPTED AS ORDINANCE NO. 121/2016** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT MODIFICATION WITH GPD GROUP FOR THE MAHONING ROAD NE CORRIDOR PROJECT, PHASE 2 (MIDDLEBRANCH TO GRACE), GP 1103, PIDS 90365 (ROADWAY) AND 91594 (UTILITIES), ENGINEERING DESIGN CONTRACT; AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$82,000.00 APPROP TRF FR 4501 202042 FULTON ROAD RESURFACING PROJECT, GP 1184 TO 4501 202079

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MAHONING ROAD NE CORRIDOR PROJECT, GP 1103 - OTHER; \$57,845.00
 APPROP TRF FR 4501 202001 ENGINEERING ADMINISTRATION TO 4501
 202079 MAHONING ROAD NE CORRIDOR PROJECT, GP 1103 - OTHER)

- #18. (2ND RDG) **ADOPTED AS ORDINANCE NO. 122/2016** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND EXECUTE A CONSTRUCTION CONTRACT AND ENTER INTO AGREEMENT(S) FOR AND RECEIVE GRANT FUNDS IN THE AMOUNT OF \$94,818.00 AND LOAN FUNDS IN THE AMOUNT OF \$98,689.00 FROM THE OHIO PUBLIC WORKS COMMISSION FOR THE OVERBROOK AVENUE NW STORM SEWER REHABILITATION PROJECT, GP 1217; AUTHORIZING THE AUDITOR TO ESTABLISH THE 4580 OVERBROOK AVENUE NW STORM SEWER REHABILITATION PROJECT, GP 1217 FUND; AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$193,507.00 FR UNAPPROP BAL OF 4580 OVERBROOK AVENUE NW STORM SEWER REHABILITATION PROJECT, GP 1217, FUND TO 4580 202046 OVERBROOK AVENUE NW STORM SEWER REHABILITATION PROJECT, GP1217 - OTHER)

CLERK SHOWES: And lastly...

COUNCIL RECESSED AT 8:52 P.M. FOR THE JUDICIARY AND ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEES TO DISCUSS ORDINANCE NO. 19; RECONVENED AT 9:03 P.M.)

- #19. (2ND RDG) **DEFEATED** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO NEGOTIATE AND ENTER INTO AN EASEMENT AGREEMENT WITH TowerCo 2013, LLC OR A PUBLIC UTILITY COMPANY FOR A UTILITY EASEMENT ACROSS PARCEL NO. 9480001; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Would you please read again, number 14. I'm not sure that was read. It may have been, but I apologize. Let's just make sure we get that clear.

CLERK SHOWS: #14, one more time...

- #14. (2ND 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 \$1,000,000, 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 (O#59/2015 PASSED 3/23/15, OUTSTANDING NOTES)

PRESIDENT SCHULMAN: Great. Thank you very much. Now, Leader.

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MEMBER MORRIS: Mr. President, I move we suspend the Statutory Rules for Ordinances #14, 15, 16, 17, 18 and 19.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules for Ordinances 14, through 19. Any remarks?

MEMBER FISHER: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER FISHER: For the TowerCo, which we still need to hold a Committee hearing on, should we do that Committee before we actually suspend the rules, because it's...technically, wouldn't be back on our agenda until after we've held the Committee hearings, we have to suspend Rule 22A to place it back on the agenda.

PRESIDENT SCHULMAN: In Committee?

MEMBER FISHER: We'll do Committee meetings before we can suspend the Statutory Rules.

PRESIDENT SCHULMAN: You know, I think you're pretty smart. *(Laughter)*.

MEMBER MORRIS: He has his moments!

PRESIDENT SCHULMAN: I've have this small group of papers organized, until you spoke. Alright, I don't disagree with that, so is there a motion on the floor?

MEMBER MORRIS: I can...

MEMBER FISHER: We just need to call a recess.

MEMBER MORRIS: No, no, no. Hold on. I'm really good at this starting over. Mr. President, I move we suspend Statutory Rules on Ordinance #14, through 18.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Statutory Rules for Ordinance...Ordinances 14 through 18. Any remarks? Hearing none, a voice...roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, Sir.

PRESIDENT SCHULMAN: So that motion carries. And now, we want to go...what I'd like to do is to...for members of the audience who have sat here patiently, waiting for your particular issue to come through, what

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I'd like to do is now go to that, if I'm capable of doing that. So that would be...Member Mack, would you help me here? We're going to go to those two so we would want to call a recess at this time for the Judiciary Committee and...

MEMBER HARMON: Environmental & Public Utilities...

PRESIDENT SCHULMAN: Environmental & Public Utilities Committee. So you are now in recess.

MEMBER MACK: Thank you Mr. President and I believe one thing I would like to do is to stay on the record with the recording and have this meeting included as a part of our minutes, with the President's permission.

PRESIDENT SCHULMAN: Absolutely. That will be done.

MEMBER MACK: Thank you Mr. President. The time is now...

MEMBER FISHER: Wow!

MEMBER MACK: 8:51...(Laughter) 8:52. We will call the joint Committee of Judiciary and Environmental & Public Utilities Committee. This Committee meeting will be co-chaired by myself and Chairman Harmon. Through the exercise of our discretion as the chair, given the issues at issue tonight, what we will do...the residents obviously have had chance to address this body, which we appreciate more than they know. We will allow Tower Company additional time, as much time as they feel they need to present whatever information they feel will be appropriate to this body's deliberation. We will allow the attorney for the Homeowner's Association to provide any information or remarks and if Tower Company hears something that's completely...they have to address...understanding that it's 8:50 at night, we'll give you an opportunity to do so. We certainly want everyone...the opportunity to present their information as they believe germane to this body's consideration. So, if that's acceptable to Chairman Harmon?

MEMBER HARMON: Yes.

MEMBER MACK: Tower Company.

JIM MATTHEWS: Mr. Chairman, thank you. Again, it's Jim Matthews, on behalf of TowerCo. I won't reiterate the points I made earlier. I would add one point though that you should take into consideration. As part of the process of negotiating with the City Engineer's office, the move of the proposed easement to the North, the...my client has also committed to the fact that if, in the future, there is some change to the drainage basin to the South of the church property, and for whatever reason there may need to be some movement or change of the installation of the utilities within the easement, my client is willing to bear that expense. If that future event happens to occur. So, with that final additional point, and again, only because my remarks are on the record otherwise, and there's no need to belabor them, I don't have anything further. But I would mention that the client is here in the event there are any questions by any of the Council Members. Again Mr. Chairman, thank you.

MEMBER MACK: Thank you, Atty. Matthews. And we will give you the opportunity to speak one more time, if you would like.

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JIM MATTHEWS: Thank you.

MEMBER MACK: Atty. Violand. And Atty. Violand, since you've not addressed this body before, if you would, please say your name, your address and the capacity that you're appearing before this body.

AARON VIOLAND: Thank you Councilman Mack. My name is Aaron Violand. I live at 6333 Groton St. NW, Canton, Ohio. I'm the attorney for Montebella Estates Homeowner's Association regarding this issue with the cell tower that we're addressing here tonight. I'll be pretty brief. I just want address some of the issues that opposing Council brought up. One being that any decision by Council tonight cannot be based on the statements of the residence or anything to do with property valuation, other issues of that nature. I would argue that the opposite of that. He stated that, that was pre-empted under a Telecommunications Act. I would argue that the Federal Telecommunications Act specifically preserves authority of this local governing body to make those decisions, absent violating any of the limitations set out in the Telecommunications Act. If you read the Act itself, Sec. 704(a)(7)(a), it's fairly...very broadly construed, says, "Except as provided in this paragraph, nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding placement, construction, modification of personal wireless service." I would argue to the Council that the denial of an easement which is proposed to you tonight would in fact, be protected under this particular section. That being said, it must be shown that none of the other limitations have been violated. Those two being that City Council doesn't unreasonably discriminate against this particular provider in relation to other providers and that it does not completely prohibit service. You heard testimony tonight by some residents in the Public Speaks that there doesn't seem to be a need for that. That there isn't a gap in coverage, which is required, in order to allege that by denying the easement, you would be preventing...er...prohibiting service altogether. The last point being that although I don't feel this decision can be made based on environmental factors, per se, unless as long as it's in, you know, compliance with SEC Regulations, I do believe that Council has the authority to take in the evidence spoke of by the residents of Montebella Estates, with regard to the aesthetic value of their property being devalued by this. So, I would also plead with the Council when it comes to whether or not to grant the easement to TowerCo. We would ask that you deny that easement. Thank you for your time. (*Applause*).

MEMBER MACK: Atty. Matthews, anything else you'd like to add or anything else your clients would like to add?

JIM MATTHEWS: Thank you. Issues that aren't exempt or pre-empted by the Telecommunications Act are property within the authority of the planning officials in the jurisdiction for the situs of the cell tower. This cell tower is not going to be located in the city of Canton. None of those planning issues, whether pre-empted or not, under the Telecommunications Act are applicable to this proceeding. This is about simply a utility easement through a public right-of-way that is held for roadway purposes only. That's it. I want our record to be absolutely clear. That's the only issue that's in front of you. It's the only request that my client has made, is an easement for underground utilities through a public right-of-way, held for roadway purposes only. Under the state's statutes that deal with that particular issue, the highlights of which I read for you, only to try and stress and get across the key points of the statute enacted by the General Assembly. That generally speaking, you start with the preference for development of utility access for economic growth in the state of Ohio. And more importantly, cities cannot deny access to these roadway easements on some discriminatory or other reas...rationale that has no good reason behind it. There is nothing in this record that been made tonight that substantially indicates there is any realistic problem to be encountered by the installation of underground utilities in a 20 foot easement. So I do respectfully ask that you approve this matter on behalf of our client so that this project can proceed and then my client can lawfully proceed to utilize the permit that it's already

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obtained from the city of North Canton Planning Officials. And Mr. Chairman, thanks again for the time.

MEMBER MACK: Thank you Atty. Matthews. I have no further questions. Chairman Harmon, any questions from you? Do you have any further questions?

MEMBER HARMON: Any further questions? No I don't.

MEMBER MACK: Any questions from any other member of this body?

MEMBER FISHER: Mr. Chairman. Just real quickly. As I was listening to the uh...some of the residents come up, it bore in mind the last time we had a...major rainfall in the area for you and Member Smuckler...came in drenched head to toe (*Inaudible*), I recall someone coming in a few weeks after that complaining of the draining and the storm water runoff in that area. And I believe this is the same area we're referring to with this easement. If I recall, Member Smuckler, maybe you would help with that...I think that you had even offered, because you said, poor planning that we've done in the city, have offered to testify against the city if she had ever wanted to bring legal action. Is this the same area that you were referring to when the woman came in Public Speaks?

MEMBER MACK: Member Fisher, this...this is the same area and I'll express some thoughts prior to the vote, further. I'm not ready on that but you're actually right, it is the same area.

MEMBER FISHER: Thank you. It just seems to me that the easement is what is under our purview that would offer us the ability to try to contain some planning in this area if this easement..er..the installation of the cell phone tower, if anything would..would cause further runoff or drainage issue, this is under our power.

MEMBER MACK: Thank you Member Fisher. Very good comments, as always. The time is now 9:02 P.M. and that will conclude the joint committee of Judiciary and the Environmental & Public Utilities Committee. I will...I'm sure some members will have comments before we take a vote. I will just remind the body that there is an amendment to this Ordinance. Made some small changes to the exhibits to the ordinance and so I think obviously, deferring to the Leader, if you...I have the amendment in front of me, probably because it's included in my packet. Ok, you're good.

MEMBER MORRIS: Thanks.

MEMBER MACK: But as we do, as our customary tradition under our rules, I will assume that the Leader will defer comments to the end of the motion to adopt the amended ordinance rather than first null ordinance. So, that concludes the joint committee. The time is 9:03.

PRESIDENT SCHULMAN: And again, while the signatures are being gathered, I want to reiterate for the record that technically Council wasn't recessed, but for purposes of preserving the record, all proceedings held during this Committee meeting are being recorded and will become a written part of tonight's Council meeting's minutes. We all ready? Gentlemen? Okay. Council will reconvene after its recess. Leader.

MEMBER MORRIS: Mr. President, I move we suspend the Statutory Rule for Ordinance #19.

MEMBER SMITH: Second. (*Inaudible*).

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PRESIDENT SCHULMAN: What is the...I'm sorry. (*Inaudible*). To place it back on the agenda?

MEMBER MORRIS: Oh...

PRESIDENT SCHULMAN: It's alright. It's been a...it's getting to be a long (*Inaudible*).

MEMBER MORRIS: I'm tired, I need a cigarette, I'm hungry. Mr. President, I move we suspend...er...wait. Yeah, suspend Rule 22A to place Ordinance #19 back on this evening's agenda.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you suspend Rule 22A to place Ordinance #19 back on this evening's agenda. Any remarks? Hearing none, Mister Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, Sir.

PRESIDENT SCHULMAN: Motion carries. Leader.

MEMBER MORRIS: Mr. President. I move we suspend Statutory Rules on Ordinance #19.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules for Ordinance 19. Any remarks? Hearing none, Mister Clerk.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, Sir.

PRESIDENT SCHULMAN: Motion carries. Leader.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance #19. Any remarks? Leader.

MEMBER MORRIS: Mr. President, I move we amend Ordinance #19 per copy all Council Members have in front of them.

MEMBER SMITH: Second.

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PRESIDENT SCHULMAN: It's been moved & seconded to amend Ordinance 19 by virtue of copy before each member of Council. Are there any remarks?

MEMBER MACK: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER MACK: With your permission, will Prosecutor...Law...Assistant Law Director L'Hommedieu explain to this body what the applicable legislative standard is in voting on this ordinance.

PRESIDENT SCHULMAN: Well, are we...we have amendments. So, do we want to do that now or do we want to get through the amendment?

MEMBER MACK: Let's amend it.

PRESIDENT SCHULMAN: Okay. Is...are there any remarks in regard to the amendment? Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #19 as amended.

MEMBER SMITH: Second.

AMENDMENT

Pursuant to Rule 41 and 36, I move to amend Agenda Item No. 19 by the substitution of the attached revised Exhibits "A" and "B" for the original proposed Exhibits "A" and "B".

PRESIDENT SCHULMAN: It's been moved and seconded (*Inaudible*) to amend Ordinance 19 and to adopt Ordinance 19 as amended. Are there any remarks? Law Director.

ASSISTANT LAW DIRECTOR L'HOMMEDIEU: Thank you, Mr. President.

PRESIDENT SCHULMAN: Thank you.

ASSISTANT LAW DIRECTOR L'HOMMEDIEU: Your standard is simply that you shall not unreasonably withhold or deny consent.

MEMBER MACK: If I then understand that statutory standard correctly, is it fair to say that this body may deny consent provided it does so reasonably?

ASSISTANT LAW DIRECTOR L'HOMMEDIEU: Yes.

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MEMBER MACK: Thank you.

PRESIDENT SCHULMAN: Are there any other remarks?

MEMBER MACK: Yes, Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER MACK: I do some...have some...

PRESIDENT SCHULMAN: Chairman Mack.

MEMBER MACK: ...Additional comments to make. I will be voting no on this ordinance before this body and there are multiple reasons for my casting of that vote. This is one of the most sensitive areas in the city of Canton, with respect to flooding. As Assistant Engineer Barns articulated during the hearings before the North Canton Planning Commission, we have flooding issues in that area and constructing that cell phone tower next to the drainage basin at First Friends Church does impact our ability, or can impact our ability to remediate those draining problems. And just as a matter of simple logic, if we build a cell phone tower next to a drainage basin, any ability to expand that draining basin can be compromised. And rather than me try to articulate what it is that Engineer Barns' professional opinion was during the North Canton Planning Commission hearings, this body's previously been provided, prior to this meeting, a copy of the entire transcript from Engineer Barns' testimony, as well as a copy of his written opinion. That's one of 35 different documents that's already been presented to this body and provided to our Clerk, with request, and actually, to make that part of our legislative record in going through this evaluative process. In addition to the flooding concerns that are very real, one element and one policy of the city of Canton and of almost all communities is the concept of co-location. Co-location concerns the combining of cell phone tower carrier facilities with existing facilities. As we explained in the North Canton Planning Commission hearings, the city of Canton owns a water tower approximately 1100 feet from the location of this cell phone tower in our area. We currently have a lease with AT&T to utilize our facilities. We've not been contacted by TowerCo or Verizon with a request to co-locate their facilities on our water tower. I confirmed with our Water Department personnel and Superintendent Tyler Converse and our Engineer, should that request have happened or should it happen in the future, there's nothing that would prohibit us from being able to place the facilities that TowerCo intends to construct in the drainage basin on our water tower facilities. And again, the actual photographs of the water tower are included in your...the documents that have previously been circulated. One...an additional concern that has been raised before and really been raised repeatedly, concerns the safety of the children that are utilizing this First Friends Church. Excuse me. Certainly, all of us have constituents that are part of the leagues at First Friends Church and are...they prob...attend the congregation at First Friends Church, our constituents are a good part of that. There were concerns raised by the leadership at First Friends Church about what would happen in the possibility of collapse, given that the cell phone tower is to be constructed very close to little league baseball fields. Those are concerns that I strongly agreed with and share with. I think another point or another basis as to why I will not be supporting this is because public record has been very clear that the Church itself, does not want this cell phone tower. Certainly the lease has already been signed and they didn't realized many of the issues that we've discussed today until it was too late. And included in your materials before this body is the email from the Head Pastor expressing that. And Mr. Stan Hershaw...Hinshaw expressing that and also the transcript to where the church actually had a...a...an attorney at the hearing, discussing this very issue. As we can obviously tell, our constituents do not want this cell phone tower. Certainly something that I believe is very persuasive particularly

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contrasted with the fact that not a single Canton city resident appeared before this body, urging its passage. As far as I understand, Tower Company is a...not a Canton resident, they're a limited liability company organized under the laws of the state of Delaware and they're headquartered at, I believe, out of North Carolina. No one from Canton spoke in favor of this. I too have Verizon Wireless service. I live very close to the area where this proposed cell phone tower is to be located, at 4816 Ellinda Circle NW. My cell phone coverage is very good with Verizon and I'm happy of that fact. When we turn to the actual terms of the easement itself, obviously that's more broad, but when we look at the actual easement document, I oppose this easement narrowly, broadly, in both the same respects. First off, while I understand and appreciate TowerCo's position that the easement itself is only for underground facilities, the terms of the easement they're asking us to grant allows overhead wires. I don't believe that overhead wires, and I know this is a view shared by my constituents, should be installed there, if for no other reason than because of the greater mass visual clutter. Another basis for my voting no on this ordinance is the actual size of the utility easement itself. Their plans call for a 10 foot utility easement and those plans are, of course, a part of materials that are a part of this legislative record. But the easement that they're requesting from this body is 20 feet. I believe that, or at least it appears that they may become...this easement may consist of a combined access easement and utility easement to allow for, in your ingress and egress with motor vehicles through the easement that we would be granting. Now, that's just based on the language, I'll allow the language of the easement to speak for itself. That's another basis for the objections that I have. The...moving forward, in terms of...I have great concerns that allowing this to be constructed, whether through trenching or whether through actual utility poles, that it will limit our ability to effectively manage flooding. There is severe flooding that occurs in that area. This space is certainly far more than just a strip of land, it actually serves a very important function in our water runoff system in the city of Canton. There's photographs that are a part of your materials but it actually is a very important ditch. There's a lot of runoff that comes off of First Friends Church and allowing telephone poles, allowing utility infrastructure and potentially even an access road to be cut in there, I feel it can impact our drainage as it is now and certainly impact our ability to expand at a later date. The amount of money that's being offered by TowerCo, is further basis for my voting no, is only \$10.00. I feel like that is too low. And I...while I do appreciate that the Tower Company is agreeing to hold the city of Canton harmless, with respect to...well, it's not entirely clear whether it's in respect to the entire operation of the cell phone tower or it's the easement portion itself. I've not seen enough evidence, the financial viability or the security of the city of Canton would have in approving this. So in conclusion, for these reasons, those reasons reflected in the additional materials, those reasons stated by the residents that we heard from tonight, those reasons stated by Montitello's...Montibella's Counsel, and those reasons that may be stated by any other Council Member, but excluding any reasons that may not be appropriately considered under law, I am voting no. And Mr. President, I would ask that the photographs that were circulated by Ms. Varn be included in our legislative record, as well. Thank you everyone for your patience.

PRESIDENT SCHULMAN: And it will be placed in the legislation. *(Applause)*.

MEMBER FISHER: Mr. President.

MEMBER HARMON: Mr. President.

PRESIDENT SCHULMAN: I'm sorry. Yes. Member Fisher.

MEMBER FISHER: I was wondering if Member Mack could repeat all of that for me. *(Laughter)*. No, I...in addition to the reasons that Member Mack gave and to me it keep coming back to planning, you know, we just

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spent \$350,000.00 on a Comprehensive Plan and we've heard for years what lack of planning has done to storm water runoff and drainage in this area. Improvement...er...approving this easement without knowing really what the impact that's going to be on this issue is to me, is not prudent. Without having all the proper studies done from, whether it's our Engineering Department or elsewhere on what the impact this holds for future development as a result of that easement because the easement could result in other development down around that. I will also be voting no.

PRESIDENT SCHULMAN: Thank you Member Fisher. (*Applause*). Chairman Harmon.

MEMBER HARMON: Mr. President. I also will not be voting for the ordinance. The word reasonable means so much in the interpretation of the statute here, and I find that I would be unreasonable in my duties to the citizens of Canton and the residents of that area to knowingly support this easement when I really believe that it is going to have a detrimental impact on property values, on the stability of the neighborhood, the ability to resale. I'm just thinking about myself. I wouldn't want to look out my window and see it and I think that, that has an affect and I think when we talk about reasonable, when I think about my duties, I think that's within those parameters. And I also share my concerns about additional drainage problems in an area that al..al..already has drainage problems. (*Applause*).

PRESIDENT SCHULMAN: Any other remarks? So what you are voting upon then is Ordinance #...sorry, 19 as amended. Right? So, hearing no other remarks, Mr. Clerk, roll call vote please.

NO REMARKS

ROLL CALL 0 YEAS, 11 NAYS

CLERK SHOWES: Eleven nays, thank you.

#19 DEFEATED

PRESIDENT SCHULMAN: Ordinance #19 as amended then, has been defeated. (*Applause*). Now we are going to...by the way folks, if you're...if anybody wants to leave, you're more than welcome to do so. We've got a number of other...other than the Members themselves. (*Laughter*). Thank you for coming down. Thank you for participating in your democracy leadership. Okay, with that said, we have about 3 people left and is everyone alright to continue on or would you like to take a 5 minute break?

UNRECOGNIZABLE VOICE: We'll plow through.

PRESIDENT SCHULMAN: We're now going to Ordinance 14. Is that correct? Clerk? Okay. Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #14.

MEMBER SMITH: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

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CLERK SHOWES: Eleven years, Sir.

#14 ADOPTED AS ORDINANCE NO. 118/2016

PRESIDENT SCHULMAN: Thank you. Ordinance #14 is adopted. Ordinance 15, please, Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #15.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 15. Any remarks? Hearing none.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven years, Sir.

#15 ADOPTED AS ORDINANCE NO. 119/2016

PRESIDENT SCHULMAN: Ordinance #15's adopted. Ordinance 16, please.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 16. Any remarks? Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven years, Sir.

#16 ADOPTED AS ORDINANCE NO. 120/2016

PRESIDENT SCHULMAN: Ordinance #16 is adopted. Ordinance 17, Leader.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 17. Any remarks? Hearing none, voice...roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

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CLERK SHOWES: Eleven years, Sir.

#17 ADOPTED AS ORDINANCE NO. 121/2016

PRESIDENT SCHULMAN: Thank you. Ordinance 17 is adopted. Ordinance 18, please.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 18. Any remarks? Hearing none, again, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven years, Sir.

#18 ADOPTED AS ORDINANCE NO. 122/2016

PRESIDENT SCHULMAN: Ordinance 18's adopted. We've adopted Ordinance 19.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: Now we turn to Ordinances for their Third, Final Reading and Vote. And we begin with 20.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK SHOWES TO READ THE FOLLOWING ORDINANCES #20 THROUGH #24 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

#20. (3RD RDG) **RECONSIDERED AND AMENDED AS ORDINANCE NO. 104/2016 AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE BYLAWS OF THE BOARD OF DIRECTORS OF THE JACKSON/CANTON JOINT ECONOMIC DEVELOPMENT DISTRICT; AND DECLARING THE SAME TO BE AN EMERGENCY**

PRESIDENT SCHULMAN: Ordinance 20 Leader.

MEMBER MORRIS: Mr. President, I move we reconsider Ordinance #104/2016 adopted on June 20, 2016.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you reconsider Ordinance 104/2016, adopted on June 20, 2016. Are there any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

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CLERK SHOWES: Eleven yeas, Sir.

PRESIDENT SCHULMAN: Motion carries. And the Ordinance is...the Ordinance will be reconsidered. Is that correct? We now turn to Ordinance...

MEMBER MORRIS: Mr. President, I move we amend Ordinance #104/2016 per a copy all Council Members have before them.

PRESIDENT SCHULMAN: Sorry, thank you Leader. So now there's a motion and a second to amend Ordinance 104/2016 by virtue of the copy before each Member of Council. Any remarks? Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries, so Leader.

MEMBER MORRIS: Mr. President, I move we adopt Ordinance #104/2016, as amended.

MEMBER SMITH: Second.

AMENDMENT

Pursuant to Rule 41 and 36, I move to reconsider and amend Ordinance No. 104/2016 by substituting the current ordinance with the revised ordinance attached hereto.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 1014/2016, as amended. Any remarks? Hearing none, roll call vote please. (*Inaudible*). 1014...I'm sorry, 104/2016 as amended. Thank you.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, Sir.

#20 RECONSIDERED & AMENDED AS ORDINANCE NO. 104/2016

PRESIDENT SCHULMAN: Motion carries and Ordinance 104/2016 as amended, has been adopted. Ordinance...the next ordinance, please.

#21. (3RD RDG) **ADOPTED AS ORDINANCE NO. 123/2016** AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (MARATHON PETROLEUM, WARD 5)

PRESIDENT SCHULMAN: Leader.

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

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MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 21. Any remarks? Hearing none, voice vote, er...roll call vote.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas Sir.

#21 ADOPTED AS ORDINANCE NO. 123/2016

PRESIDENT SCHULMAN: Ordinance 21 has been adopted. Ordinance 22.

#22. (3RD RDG) **ADOPTED AS ORDINANCE NO. 124/2016** AN ORDINANCE AUTHORIZING THE ADOPTION OF THE 2013 DOWNTOWN MASTER PLAN FOR THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Leader.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 22. Any remarks under this ordinance? Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, Sir.

#22 ADOPTED AS ORDINANCE NO. 124/2016

PRESIDENT SCHULMAN: Thank you. Ordinance 22 is adopted. Ordinance 23.

#23. (3RD RDG) **ADOPTED AS ORDINANCE NO. 125/2016** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$580,314.15 SUPP APPROP FR UNAPPROP BAL OF 2113 MUNICIPAL ROAD FUND TO 2113 MUNICIPAL ROAD FUND - OTHER)

PRESIDENT SCHULMAN: Leader.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been properly moved and seconded that you adopt Ordinance 23. Any remarks? Hearing none, roll call vote, please.

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NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, Sir.

#23 ADOPTED AS ORDINANCE NO. 125/2016

PRESIDENT SCHULMAN: Ordinance 24, please.

#24. (3RD RDG) ***POSTPONED UNTIL 7/25/16 AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT FOR THE PURCHASE OF REAL PROPERTY FROM STARK READY MIX & SUPPLY IN AN AMOUNT NOT TO EXCEED \$182,500.00; AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$182,500.00 APPROP TRF FR 4501 202042 FULTON ROAD RESURFACING PROJ, GP1184 - OTHER TO 4501 202045 PIONEER TRAIL PROJ, GP1204 - OTHER)***

PRESIDENT SCHULMAN: Leader.

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you adopt Ordinance 24. Any remarks? Leader.

MEMBER MORRIS: Mr. President, I move we postpone Ordinance #24 to 7/25/2016.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded that you postpone Ordinance 24 to July 25, 2016. Any remarks? Hearing none, by voice vote all those in favor signify by aye..saying aye. Those opposed no.

NO REMARKS

POSTPONEMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. The motion carries. Ordinance 24 is postponed for two weeks.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: Now we turn to Announcements of Committee Meetings.

MEMBER MARIOL: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER MARIOL: Finance will meet July 25th at 6:30.

PRESIDENT SCHULMAN: Thank you Chairman.

MEMBER BABCOCK: Mr. President.

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PRESIDENT SCHULMAN: Yes.

MEMBER BABCOCK: Annexation and Personnel will meet at the same time, same place.

MEMBER MARIOL: Mr. President.

PRESIDENT SCHULMAN: Chairman.

MEMBER MARIOL: Finance will meet at Council Chambers. I left that part out, thank you.

PRESIDENT SCHULMAN: Thank you, Chairman Mariol.

MEMBER MACK: Mr. President.

PRESIDENT SCHULMAN: Chairman Mack.

MEMBER MACK: Judiciary will meet at the same time and the same place.

PRESIDENT SCHULMAN: Great, thank you. Anyone else?

MISCELLANEOUS BUSINESS

PRESIDENT SCHULMAN: Turning now to Miscellaneous Business. Is there any?

MEMBER SMITH: Yes, Mr. President. I came in strong didn't I? Woke y'all up, didn't I!

PRESIDENT SCHULMAN: Yes!

MEMBER SMITH: Yes, Mr. President, I would just like to comment on the meeting that yourself and Member Morris was not here.

PRESIDENT SCHULMAN: Yes.

MEMBER SMITH: (*Inaudible*). And I just wanted to explain to them about suspending the rules. And I really don't think... I appreciate what Fisher talked in this change of the rule, but I don't think it should be done once you're sitting up there. I think it should be done previously so that the rest...the audience and the Council Members, such as Babby, who was in my spot, that we really didn't...he really didn't know what was going on. So, I just want to clarify that so that other Council Members that was going around saying that the meeting was messed up because of Chris, Chris wants to straighten it out because it was like changing courses in the middle of the stream. So, therefore, it should be done just the way Member Morris did tonight. Explaining that's the way it's going to happen because we purposely came in so that we would be on one accord and know how the meeting was going to be ran. So, I just wanted to clarify that and put it on record actually what happened.

PRESIDENT SCHULMAN: Yeah, and I'll also so this job is...it looks easy, it's not that easy. You've got a great staff and things move quickly. You're trying to do what's right and you're trying to follow the rules, and often times it's difficult and I do appreciate everything you're saying. Trust me, believe me, in spades. So, any other remarks?

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MEMBER FISHER: I'd like to say, Mr. President, Madame Leader, I think you did a great job last week.

MEMBER SMITH: Thank you.

MEMBER MORRIS: Mr. President.

PRESIDENT SCHULMAN: I always think you do a good job.

PRESIDENT SCHULMAN: Yes.

MEMBER MORRIS: I would like to thank Chris for covering for us.

MEMBER SMITH: Oh, y'all don't have to give me those thank you's. I just wanted to clarify being that certain Council Members was going around speaking on it, that's all.

PRESIDENT SCHULMAN: Anything else? Alright.

MEMBER MORRIS: Move to adjourn.

MEMBER SMITH: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, Sir.

PRESIDENT SCHULMAN: *(Gavel falls)* Meeting's adjourned. Thank you everybody very much coming.

ADJOURNMENT TIME: 9:44 P.M.

ATTEST:
KELLEN SHOWES
CLERK OF COUNCIL

APPROVED:
ALLEN SCHULMAN
PRESIDENT