PRESIDENT SCHULMAN: Good evening ladies and gentlemen. Welcome to Canton City Council. Before we begin our meeting we have some special guests tonight, but we'll get to those in a few minutes. But on a... on a said note, we lost and the City lost a very dedicated person this morning. A wonderful man, Leroy Lynch, passed away last night and he will be sorely missed. And I want our Service Director to say a few words if you would, Mr. Bartos.

SERVICE DIRECTOR BARTOS: Thank you, Mr. President. Yes, I was a little late getting to the committee meeting because I was standing in line for approximately an hour, and I... I always think the true measure of a person is how long you have to wait at their calling hours. If that's the case then Leroy is definitely a larger than life figure because there were a lot of people waiting... waiting in line to pay their respects, and their family was very appreciative. His son, who is actually carrying on Leroy's legacy and working in our Water Department now, made... made special mention and asked that I thank the Mayor and all the Council people who came to the calling hours before me, and I told them I'd... I'd do so tonight at the Council meeting. So, Leroy was a long member of our family, and I was actually standing in line with Brent Burrier, our Assistant Superintendent, and he said you could already feel the affects of Leroy being gone because he was always so reliable, anything you needed done Leroy would do. And one thing was when any... anybody needed their car jumped Leroy was always there to do it, and somebody today needed their car jumped and everybody was kinda looking around saying well, who's... who's gonna take this on now that Leroy's gone. So he... he definitely will be missed. He was a great figure here, but his son will hopefully carry his legacy on, and so I think we'll just do a moment of silence.

PRESIDENT SCHULMAN: Sure. He was a very, very sweet man as we all know, and he will be greatly missed. So let's have a little moment of silence, please. (*Brief pause*) Okay. Thank you very much. With a quorum being present, the Chair calls this meeting of Canton City Council to Order. Roll call vote please, Mr. Clerk.

ROLL CALL TAKEN BY CLERK SHOWES:

11 COUNCIL MEMBERS PRESENT: (FRANK MORRIS, CHRIS SMITH, JAMES BABCOCK, TOM HARMON, BILL SMUCKLER, GREG HAWK, THOMAS WEST, JASON SCAGLIONE, ROBERT FISHER, DAVID DOUGHERTY & JOHN MARIOL)

ELEVEN COUNCIL MEMBERS PRESENT. (MEMBER MACK ABSENT)

CLERK SHOWES: We have eleven present, one absent, sir.

EXCUSING MEMBERS

PRESIDENT SCHULMAN: Thank you. Leader.

MEMBER MORRIS: Mr. President, I move that we excuse Member Mack from this evening's meeting.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to excuse Member Mack from this evening's meeting. Any remarks? Member Mack was unable to be here because of business today, so any other remarks? Hearing none, voice vote plea... or sorry. Vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, one absent, sir.

PRESIDENT SCHULMAN: Thank you. Motion carries. Member Mack is excused from this evening's meeting. We now turn to the invocation. Our invocation is going to be given through Jason Scaglione, I believe. And if you'll all stand and remain standing for our Pledge of Allegiance.

The regular meeting of Canton City Council was held on October 24, 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 Pastor David Morgan. The Pledge of Allegiance was led by President Schulman.

AGENDA CORRECTIONS & CHANGES

PRESIDENT SCHULMAN: Thank you, Pastor, very much for that prayer, and we hope the words are heard. We're now under Agenda Corrections and Changes. Leader.

MEMBER MORRIS: Mr. President, I move that Rule 22A be suspended to add 2nd Reading Ordinances #17 through 22, 24 and 25, and Ordinance #23 will be retained in committee.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend Rule 22A to add 2nd Reading Ordinances 17 through 22, 24, 25 to this evening's agenda. Ordinance #13 will be retained in committee? (*Inaudible voices*) I'm sorry, Ordinance #23 will be retained in committee. Any remarks? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, sir.

PRESIDENT SCHULMAN: Thank you. Rule 22A is suspended and the Ordinances 17 through 22, 24, 25 are a legal part of your Agenda. Ordinance 23 is retained in committee.

PUBLIC HEARINGS

PRESIDENT SCHULMAN: We turn to Public Hearings. We have no public hearings this evening.

OLD BUSINESS

PRESIDENT SCHULMAN: We turn to Old Business. We have no Old Business this evening.

PUBLIC SPEAKS

PRESIDENT SCHULMAN: We now turn to Public Speaks. We have one speaker tonight, and that is my friend, Henry Preston. Mr. Preston, good evening. Welcome as always to the Canton City Council.

HENRY PRESTON: Good evening. My name is Henry Preston. I live at 326 31st Street, Canton, also known as Market Heights Neighborhood, also part of Frank Ward's... Frank Morris' ninth ward. I want to commend Councilman Morris and Councilman Fisher for their taking strong leadership in voting no on the 14th

amendment last week. I think Mr. Morris needs to be also commended to come up with a plan, an alternate plan, to help fund both with three entities, the fire department, police department, and the Chamber. It's very unfortunate in my opinion that he didn't get a chance to bring it to the floor. I find it really interesting that we have one, two, three, four, five Council Members that have businesses downtown. They all voted to vote for the amendment. I'm asking Mr. Martuccio if maybe that's a conflict of interest, if he can get back with us. I think because there's more of you that have businesses than don't have businesses, so in my opinion that can skew the voting. But anyway Canton, I've mentioned this before, Canton is number two in crime. Now how can you take away money from the fire department and the police department and expect to keep us safe. You can't. It's impossible. We have the sixth ward, we had the double murder the last ninety days. We had a double murder up on O'Jays Parkway. We had a man that halfway died on 6th Street downtown who's one of those leaders that's helped revitalize the downtown in the arts district. There was a woman that was raped downtown around the... uh, Timken High School. And so I'm just wondering where the real thinking is with the voting last week, and I think Mr. Bernabei, our Mayor, I think he needs to step up to the plate. Uh, Mr. Giuliani in New York City, he reduced crime quite a bit, and he had the broken windows policy. And one of the things is the police measure that had most constantly reduces crime is the arrest rate. Felony arrest rates except for motor vehicle rose fifty to seventy percent in the nineties. When the rest of the burglaries increased ten percent, the number of burglaries fell two to three percent. Okay? So, if you cut your police department how are you gonna arrest the criminals? You can't. So, thank you very much.

PRESIDENT SCHULMAN: Thank you, sir, very much. (Applause)

INFORMAL RESOLUTIONS

PRESIDENT SCHULMAN: We're now under Informal Resolutions. Mr. Clerk, would you please read Informal Resolution 61.

#61. COUNCIL-AS-A-WHOLE: CONFIRMING RE-APPT OF CATHY WYATT TO ARCHITECTURAL REVIEW BOARD COMMENCING 1/1/17 THRU 12/31/20. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move we adopt Informal Resolution #61.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Informal Resolution 61. Any remarks? Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS RESOLUTION #61 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. Motion carries. We now turn to 62, please.

#62. COUNCIL-AS-A-WHOLE: WISHING MCKINLEY HIGH SCHOOL LUCK IN 127TH ANNUAL MASSILLON/MCKINLEY FOOTBALL GAME. - ADOPTED

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: Mr. President, I move that we adopt Informal Resolution #62.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Informal Resolution 62. Are there any

remarks?

MEMBER MORRIS: Mr. President.

PRESIDENT SCHULMAN: Leader.

MEMBER MORRIS: If our Council Member at Large, Member Harmon, would be so kind as to step up to the podium and read this for these young people and this great institution we call McKinley High School, I'd appreciate it.

BY UNIDENTIFIED VOICE: Let's go Pups! (Applause)

PRESIDENT SCHULMAN: Member Harmon, the stage is yours.

MEMBER HARMON: I'm gonna read the Council proclamation to you. Whereas, for approximately 122 years the communities of Canton and Massillon have come together, in the spirit of intense competition, to renew the rivalry that is known as the biggest high school football rivalry in the world, and commonly referred to as "The War of 1894" or simply called "THE GAME"; and Whereas, the communities of Canton and Massillon have cherished this rivalry by recognizing McKinley/Massillon week and supporting their respective teams through numerous events; and Whereas, the 127th game to be played on Saturday, Oct 29, 2016 at 2pm at Paul Brown Tiger Stadium is for more than just bragging rights, this game is a reminder that McKinley is where "Champions are made and Success is tradition;" and Whereas, Coach Dan Reardon and the CANTON MCKINLEY BULLDOGS are hereby encouraged to put an old fashioned whoopin' on the Tigers in all phases of the game and bring home the victory bell for all Cantonian's to cherish; and Now Therefore Be It Resolved that we, Members of Canton City Council, do hereby go on public record wishing the best of luck to The McKinley High School Football Team & Head Coach Dan Reardon. Coach. (Applause)

PRESIDENT SCHULMAN: And before you begin, Coach, all those in favor signify by saying aye. Those opposed no.

NO REMARKS RESOLUTION #62 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SCHULMAN: The ayes have it. Coach, the floor is yours.

COACH REARDON: Thank you. Fellows, why don't you stand out here. Come in front of this table if you would. Okay, so first of all I would like to thank Mayor Bernabei and City Council Members for inviting us this evening and for that Resolution. I'd like to introduce our four captains who are in attendance here, and guys, when I call your name just stand up and waive to both sides, please. First is Dominique Robinson, he is

our quarter back. (Applause & shouts) Um, on the far end is Tyler Thatcher, plays receiver. (Applause & shouts) Next to Tyler is Josh Chandler, plays running back and line backer for us. (Applause & shouts) And last but not least is Reggie Corner, Jr. (Applause & shouts) So, and I'd like to talk about these four young men for a quick second. Um, all four of these guys are very, very good athletes. They are very good football players. But, along with that they're even better young men. While none of them are perfect and almost on a daily basis I remind them they are not perfect, (chuckles) none are perfect, they all exhibit characteristics that you should be proud of, and that the City should be proud of. They have great work ethic, integrity, character, they're loyal, and above all they are great student athletes. All four of these young men are... are well over a 3.0 GPA. Let's give them a round of applause for that. (Applause) And again, I say this a lot at banquets, during the season you don't necessarily have a... have a chance to tell them often enough, but I'm very, very proud of these young guys. Okay. Again, they work hard and they do things the right way, and all four of them are very good leaders for us, but I know they're going to make you proud on Saturday, but more importantly I can't wait to see what these guys do after graduation because theses four guys are gonna do big things down the road. So, thank you again for having us. We appreciate the Resolution. Go Pups! (Applause)

BY UNIDENTIFIED VOICE: No prisoners. (Laughter)

MAYOR BERNABEI: Mr. President.

PRESIDENT SCHULMAN: Yes.

MAYOR BERNABEI: That... that was me.

PRESIDENT SCHULMAN: Yes.

MAYOR BERNABEI: I just wanted to make one additional comment and that is, you know, once upon a time we had four high schools in the city of Canton. And now we only have one. And that's why I invited them down here tonight because I think that beginning this year and going into the future we need to place and give our full support to Canton McKinley, not only the week of the McKinley/Massillon game, but all year long. I think we will intend and we will continue to honor our other three high schools, Lehman, and I care about that cause I am a cake eater, Lincoln and Timken. And by the way this football team has a lot of kids from Timken and McKinley, so this is a combined team. But what we're doing and starting this week, and if you will look outside City Hall right in front of the steps, from City Hall all the way to 12th Street on Cleveland Avenue we have hung the banners of the twenty-four senior athletes, and those are hanging this week in honor of them and in honor of their commitment to excellence, and our prediction of a win this weekend. But we're also gonna do something in addition to that, we're also gonna honor in the future other sports, other athletes, but just as importantly kids at McKinley High School, you know, who excel at academics, who excel in choir, speech, debate, or whatever, and that is something that we are committed to do. We ask help from the booster clubs and from other entities at the school to provide us those posters or those banners, but we... we'll hang them, and on your way out of here tonight, please again and over the weekend and over this coming week take your families and take your friends and drive up Cleveland Avenue and look for your banners. We are very, very proud of you, and all we ask for in return is this Saturday and into the future make us all proud. Thanks very, very much. (Applause)

PRESIDENT SCHULMAN: Thank you very much. Good luck.

MEMBER SMITH: Mr. President, Mr. President. We can also recognize the Superintendent, Mr. Allison.

PRESIDENT SCHULMAN: Absolutely. There he is. Mr. Allison, welcome. Do you have any remarks? (*Applause*)

ADRIAN ALLISON: So I wish that Coach wasn't leaving. Um, to the President of Council, all the Members of Council, the Mayor, I wish Dan Reardon could hear this, but everything that he just said about those young men, they... they are indeed great people, but he is a great person. And he is a great football coach. And it has for me never been about X's and O's. I love to win, there is no question about that. Uh, but we were winning before, but we weren't winning the way we needed to win being Canton McKinley High School, and that was with class and with honor and integrity. And that's what Dan Reardon brings to the program. Last thought, you know, he made a statement in the paper not too long ago where he said that people always talk about how McKinley has great athletes, and you could tell he was a little annoyed because he said not only do we have great athletes, we have very intelligent football players. And I appreciated him saying that because it's one thing to always talk about our athletic ability, but what he was saying is that those young men are incredibly intelligent, and all of the young men that play there are not just athletes, but they are scholar athletes. And so I thank him for saying that. I thank this... this community for your support. Um, I agree with the Mayor a hundred percent in terms of we will always honor our... all of our schools because they're... we have great traditions in this city, but I do respect and appreciate the fact that this city will come together and support the kids at Canton McKinley. So thank you very much. Appreciate it.

PRESIDENT SCHULMAN: Thank you, Superintendent. (Applause) Good luck, everybody. See ya.

COACH REARDON: I appreciate it. Thank you.

PRESIDENT SCHULMAN: Thank you, Coach.

COMMUNICATIONS

PRESIDENT SCHULMAN: We're now under Communications. Let the journal show that all Communications are received as read.

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED OCTOBER 24, 2016.

- 391. ANNEXATION CHAIRMAN WEST: REQ INITIATION OF STATEMENT OF SERVICES FOR HOF VILLAGE #2 ANNEXATION LOCATED IN PLAIN TOWNSHIP . ANNEXATION COMMITTEE
- 392. FINANCE DIRECTOR CROUSE: AMEND APPROP O#44/2016 TO ALLOW FIRE DEPT TO PURCH SUPPLIES FOR EMS, ALLOW DEPT TO PAY FOR BLDG MAINT, AND PURCH TURN-OUT GEAR FOR NEWLY HIRED FIRE CADET (\$33,500.00 APPROP TRF FR GENERAL FUND #1001 103001 PERSONNEL TO GENERAL FUND #1001 103001 OTHER. FINANCE COMMITTEE

- 393. HEALTH COMM. ADAMS: AMEND APPROP O#44/2016 FOR PAYMENT OF GRANT EXPENSES FOR 2016 (\$20,000.00 SUPP APPROP FR UNAPPROP BAL OF FUND 2316 WIC SUPPLEMENTAL HEALTH TO FUND 2316 301001 WIC SUPPLEMENTAL HEALTH 700 OTHER). FINANCE COMMITTEE
- 394. HEALTH COMM. ADAMS: AMEND APPROP O#44/2016 FOR PAYMENT OF GRANT EXPENSES (\$26,000.00 SUPP APPROP FR UNAPPROP BAL OF FUND 2328 PUBLIC HEALTH INFRASTRUCTURE TO FUND 2328 301001 PUBLIC HEALTH INFRASTRUCTURE 700 OTHER). FINANCE COMMITTEE
- 395. HEALTH COMM. ADAMS: AMEND APPROP O#44/2016 FOR PAYMENT OF GRANT EXPENSES (\$1,129,322.00 FR UNAPPROP BAL OF FUND 2314 FAMILY HEALTH TO FUND 2314 301001 FAMILY HEALTH 700 OTHER). FINANCE COMMITTEE
- 396. LIQUOR CONTROL DIV. (OHIO): REQ TRF C1 C2 PERMIT FR DUEBER DRIVE THRU LLC DBA MAGGIORES DRIVE THRU TO DUEBER D T LLC DBA DUEBER DRIVE THRU LOCATED @ 1037 DUEBER AV SW. RECEIVED & FILED
- 397. TREASURER PEREZ: MNTHLY RPT PARKING METER REVENUE FOR SEPTEMBER 2016. RECEIVED & FILED
- 398. TREASURER PEREZ: MNTHLY RPT OF DEPOSITS AND PAY-INS FOR AMBULANCE LOCK BOX ACCT FOR MONTH OF SEPTEMBER 2016. RECEIVED & FILED
- 399. TREASURER PEREZ: RPT OF BANK RECONCILIATIONS AND CITY'S OUTSTANDING INVESTMENTS AS OF OCTOBER 17, 2016. RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: Turning now to First Reading Ordinances and Formal Resolutions for the first reading. Mr. Clerk, would you begin with Ordinance #1.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK SHOWES TO READ ORDINANCES #1 THROUGH #16 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #1. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACTS WITH HABITAT FOR HUMANITY EAST CENTRAL OHIO IN AN AMOUNT NOT TO EXCEED \$250,000.00 FOR THE CONSTRUCTION OF A MINIMUM OF SIX SINGLE-FAMILY HOMES FOR LOW-TO-MODERATE INCOME FAMILIES FOR THE HOME PROGRAM WITHIN THE CITY; AND DECLARING THE SAME TO BE AN EMERGENCY Referred to Community & Economic Development and Finance Committees
- #2. (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$50,000.00 TO STARKMHAR

FOR CENTRALIZED INTAKE AND ASSESSMENT PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY Referred to Community & Economic Development and Finance Committees

- #3. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LOAN AGREEMENT IN AN AMOUNT NOT TO EXCEED \$2,000,000.00 WITH HISTORIC HERCULES, LLC IN ORDER TO PROVIDE GAP FINANCING TO HISTORIC HERCULES, LLC NKA BROADVIEW DEVELOPMENT FOR PHASE ONE OF THE HERCULES REDEVELOPMENT PROJECT; AUTHORIZING THE AUDITOR TO CREATE THE 1156 HERCULES REDEVELOPMENT PROJECT FUND; AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AMENDING SECTION 182.013(C) AND WAIVING SECTION 1105.03(A) OF THE CODIFIED ORDINANCES; AND DECLARING THE SAME TO BE AN EMERGENCY (\$2,000,000.00 SUPP APPROP FR UNAPPROP BAL OF 1156 HERCULES REDEVELOPMENT PROJECT FUND TO 1156 501001 HERCULES REDEVELOPMENT PROJECT OTHER)
- #4. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$68.54 SUPP APPROP FR UNAPPROP BAL OF 2778 CANTON AUXILIARY POLICE FUND TO 2778 201001 POLICE ADMIN. OTHER; \$3,000.00 APPROP TRF FR 1001 101501 OTHER TO 1001 204010 OTHER)

 Referred to Finance Committee
- #5. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$29,000.00 APPROP TRF FR 5410 206005 SEWER FUND PERSONNEL TO 5410 206001 SEWER FUND PERSONNEL)

 Referred to Finance Committee
- #6. (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$1,000.00 TO OHIO PEACE OFFICER TRAINING ACADEMY FOR FIREARMS INSTRUCTOR TRAINING; AND DECLARING THE SAME TO BE AN EMERGENCY Referred to Finance Committee
- #7. (1ST RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$577.89 TO THE OHIO TREASURER OF STATE FOR VARIOUS CLASSES POLICE OFFICERS ATTENDED; AND DECLARING THE SAME TO BE AN EMERGENCY Referred to Finance Committee
- #8. (1ST RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO

RECEIVE THE 2016 COPS HIRING PROGRAM GRANT IN THE ESTIMATED AMOUNT OF \$1,125,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

#9. $(1^{ST} RDG)$

AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO ONE OR MORE PROFESSIONAL SERVICES CONTRACTS FOR DESIGN, ENGINEERING, CONTRACT ADMINISTRATION, AND OTHER PROFESSIONAL SERVICES; AND TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO ONE OR MORE CONTRACTS FOR SUBSEQUENT ROOF REPAIRS FOR VARIOUS BUILDINGS AT THE WATER RECLAMATION FACILITY; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Property Capital Improvement and Finance Committees

#10. (1ST RDG)

AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A SOLE SOURCE PURCHASE AGREEMENT WITH CRAUN-LIEBING COMPANY FOR THE PURCHASE OF ONE PUMPING STATION CONTROL PANEL; AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$50,000.00 SUPP APPROP FR UNAPPROP BAL OF 5410 SEWER FUND TO 5410 206006 COLLECTION SYSTEMS DEPARTMENT - OTHER)
Referred to Public Property Capital Improvement and Finance Committees

#11 (1ST RDG)

AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO ALL CONTRACTS NECESSARY TO PURCHASE A SALT TRUCK FOR THE STREET DEPARTMENT; OR TO ALTERNATIVELY PURCHASE SAID VEHICLE PURSUANT TO ANY COOPERATIVE PURCHASING AGREEMENTS AUTHORIZED BY LAW; AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$38,335.00 SUPP APPROP FR UNAPPROP BAL OF 2111 STREET MAINTENANCE FUND TO 2111 202210 STREET MAINTENANCE - OTHER; \$33,750.00 APPROP TRF FR 2111 104010 TRAFFIC SIGN & PAINT - PERSONNEL, \$915.00 FR 2111 104020 TRAFFIC SIGNAL - OTHER, \$87,000.00 FR 2111 202210 STREET MAINTENANCE - PERSONNEL TO 2111 202210 STREET MAINTENANCE - OTHER - \$121,665.00) Referred to Public Property Capital Improvement and Finance Committees

CLERK SHOWES: Bear with me on this one.

PRESIDENT SCHULMAN: Yes.

#12 (1ST RDG)

AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO: ADVERTISE, RECEIVE BIDS, AWARD, AND EXECUTE A CONSTRUCTION CONTRACT; ENTER INTO A PROFESSIONAL SERVICES

CONTRACT FOR CONSTRUCTION ENGINEERING SERVICES: ENTER INTO CONTRACT MODIFICATION NUMBER 4 WITH ARCADIS FOR SHOP DRAWING REVIEW AND OTHER CONSTRUCTION RELATED SERVICES; AND AMEND ANY EXISTING AND/OR ENTER INTO ONE OR MORE NEW AGREEMENTS WITH STARK COUNTY REGARDING THE CONSTRUCTION AND FUTURE MAINTENANCE OF THE 12TH ST NW BRIDGE REPLACEMENT AND STREETSCAPE PROJECT, G.P. 1160; AUTHORIZING THE CITY TO ENTER INTO VARIOUS AGREEMENT(S) WITH STARK COUNTY AREA TRANSPORTATION STUDY, THE OHIO DEPARTMENT OF TRANSPORTATION, AND THE OHIO PUBLIC WORKS COMMISSION FOR AND TO RECEIVE GRANT FUNDS FOR THIS PROJECT; AUTHORIZING THE AUDITOR TO ESTABLISH AND CREATE THE 4581 12TH ST NW BRIDGE REPLACEMENT AND STREETSCAPE PROJECT, G.P. 1160; AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$6,853,850.00 SUPP APPROP FR UNAPPROP BAL OF 4581 12TH ST NW BRIDGE REPLACEMENT AND STREETSCAPE PROJECT, GP 1160 FUND TO 4581 202091 12TH ST NW BRIDGE REPLACEMENT AND STREETSCAPE PROJECT, G.P. 1160 - OTHER; \$1,500,00.00 SUPP APPROP FR UNAPPROP BAL OF 4581 12TH ST NW BRIDGE REPLACEMENT AND STREETSCAPE PROJECT, G.P. 1160 FUND TO 4581 202091 12^{TH} ST NW BRIDGE REPLACEMENT AND STREETSCAPE PROJECT, G.P. 1160 FUND - OTHER; \$273,297.00 SUPP APPROP FR UNAPPROP BAL OF 2113 MUNICIPAL ROAD FUND TO 2113 MUNICIPAL ROAD FUND - OTHER)

Referred to Public Property Capital Improvement and Finance Committees

#13 (1ST RDG) AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR A LIST OF UNPAID AND DELINQUENT CHARGES FOR SERVICES PERFORMED BY AND/OR ON BEHALF OF THE CITY OF CANTON ENGINEERING DEPARTMENT, URBAN FORESTRY DIVISION; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

(COUNCIL RECESSED AT 8:01 P.M. FOR THE PUBLIC PROPERTY CAPITAL IMPROVEMENT AND FINANCE COMMITTEES TO DISCUSS 0#14, 0#15 AND 0#16; RECONVENED AT 8:05 P.M.)

- #14 (1ST RDG) <u>ADOPTED AS ORDINANCE NO. 192/2016</u> AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$3,000.00 APPROP TRF FR 4501 202020 CAPITAL FUND OTHER TO 4501 202020 CAPITAL FUND PERSONNEL) (TO MEET 2016 BUDGET REQUIREMENTS)
 - Referred to Public Property Capital Improvement Committee
- #15. (1ST RDG)

 ADOPTED AS ORDINANCE NO. 193/2016 AN ORDINANCE AMENDING
 EXHIBIT A OF ORDINANCE NO. 168/2016; AND DECLARING THE SAME TO BE
 AN EMERGENCY (MAHONING RD NE CORRIDOR PROJ, PHASE 2, G.P. 1103)

Referred to Public Property Capital Improvement Committee

#16 (1ST RDG)

ADOPTED AS ORDINANCE NO. 194/2016 AN ORDINANCE AUTHORIZING THE AUDITOR, MAYOR, AND/OR THE DIRECTORS OF PUBLIC SERVICE OR SAFETY TO: ENTER INTO ONE OR MORE PROFESSIONAL SERVICES CONTRACTS AND/OR CONTRACT AMENDMENTS WITH NEW WORLD SYSTEMS, TYLER TECHNOLOGIES, AND/OR ANY ASSOCIATED ENTITY FOR ALL COSTS AND ANNUAL MAINTENANCE FEES ASSOCIATED WITH THE NEW WORLD SYSTEMS WORKERS' COMPENSATION AND MYINSPECTION MODULES AND FOR TRAINING, SUPPORT, AND IMPLEMENTATION RELATED TO NEW WORLD SYSTEMS; AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$35,164.00 APPROP TR FR 5701 101501 CODE ENFORCEMENT ADMINISTRATION - PERSONNEL TO 5701 101501 CODE ENFORCEMENT ADMINISTRATION - OTHER)

Referred to Finance Committee

PRESIDENT SCHULMAN: And at this time the Chair would declare an in-house recess for the Public Property Capital Improvement Committee and the Finance Committee to meet in regard to Ordinances 14, 15, 16 on your agenda this evening. You're now in recess.

(RECESS)

PRESIDENT SCHULMAN: Okay. Council will reconvene after its recess. Leader.

MEMBER MORRIS: Mr. President, I move we suspend Rule 22A to add Ordinances 14, 15 and 16 back on this evening's agenda.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to place Ordinances 14, 15 and 16 back on this evening's agenda. Any remarks? Hearing none...

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 for Ordinance #14, 15 and 16.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to suspend the Statutory Rules for Ordinances 14,

15 and 16. Any remarks? Hearing none...

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, sir.

PRESIDENT SCHULMAN: Thank you. The motion carries, and the Ordinances are a legal part of your agenda. 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 under this Ordinance? Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, sir.

#14 ADOPTED AS ORDINANCE NO. 192/2016

PRESIDENT SCHULMAN: Ordinance 14 is adopted. Ordinance 15, please.

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 under this Ordinance? Again hearing none, voice... or roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, sir.

#15 ADOPTED AS ORDINANCE NO. 193/2016

PRESIDENT SCHULMAN: Ordinance 15 is 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 that you adopt Ordinance 16. Any remarks under this Ordinance? Again hearing none, roll call... roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, sir.

 $(2^{ND} RDG)$

#22

#16 ADOPTED AS ORDINANCE NO. 194/2016

PRESIDENT SCHULMAN: Motion carries and Ordinance 16 is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SCHULMAN: We now turn to Ordinances for the Second Reading, Formal Resolutions for the Second Reading. Mr. Clerk, will you please begin with Ordinance 17.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK SHOWES TO READ ORDINANCES #17 THROUGH #25 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (ORDINANCE #23 WAS RETAINED IN COMMITTEE):

FOLLOWS (ORDINANCE #23 WAS RETAINED IN COMMITTEE):		
#17.	(2 ND RDG)	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 (1811 20 TH ST NE, BOSWELL) PUB HRG 10/31/16 @ 7:30 P.M.
#18	(2 ND RDG)	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 (CITY WIDE FOR HOF VILLAGE) PUB HRG 10/31/16 @ 7:31 P.M.
#19	(2 ND RDG)	RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR
#20	(2 ND RDG)	A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE 77 GULLIVERS - 2414 FAIRCREST ST. SW ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE TO RECONCILE INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY
#21	(2 ND RDG)	AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO NEGOTIATIONS TO FORM A JOINT ECONOMIC DEVELOPMENT DISTRICT AGREEMENT IN SPECIFIC AREAS IN PARTNERSHIP WITH JACKSON TOWNSHIP; AND DECLARING THE SAME TO BE AN EMERGENCY

AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO NEGOTIATIONS TO FORM A JOINT ECONOMIC

DEVELOPMENT DISTRICT AGREEMENT IN SPECIFIC AREAS IN

PARTNERSHIP WITH PERRY TOWNSHIP; AND DECLARING THE SAME TO BE AN EMERGENCY

- #23 (2ND RDG) <u>RETAINED IN COMMITTEE</u> AN ORDINANCE DECLARING A DESIGNATED AREA OF THE CITY OF CANTON AS A TOURISM DEVELOPMENT DISTRICT FOR THE PURPOSE OF FOSTERING AND DEVELOPING TOURISM IN THAT DISTRICT, PURSUANT TO OHIO REVISED CODE SECTION 715.014; AND DECLARING THE SAME TO BE AN EMERGENCY
- #24 (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH MICHAEL BAKER INTERNATIONAL FOR THE DESIGN AND RELATED ENGINEERING SERVICES FOR THE BURNHAM HILLS SANITARY SEWER REPLACEMENT PROJECT, GP 1220, AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY
- #25 (2ND RDG) AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR A LIST OF UNPAID AND DELINQUENT CHARGES FOR SERVICES PERFORMED BY AND/OR ON BEHALF OF THE CANTON STREET DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SCHULMAN: Thank you, Mr. Clerk, very much.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SCHULMAN: We now turn to Ordinances and Formal Resolutions for their Third Final Reading and Vote. Would you please begin with the only one on the agenda tonight which is Ordinance 16, please.

CLERK SHOWES: It'd be #26.

PRESIDENT SCHULMAN: 20... I'm sorry, 26.

NOTE: PRESIDENT SCHULMAN CALLED UPON CLERK SHOWES TO READ THE FOLLOWING ORDINANCE #26 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

#26. (3RD RDG)

ADOPTED AS ORDINANCE NO. 195/2016 AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND EXECUTE A CONSTRUCTION CONTRACT FOR THE GEORGEVIEW ESTATES NO. 3 SIDEWALKS AND ADA CURB RAMPS PROJECT, G.P. 1253; AMENDING APPROPRIATION ORDINANCE NO. 44/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$39,225.00 SUPP APPROP FR UNAPPROP BAL OF 4506 INFRASTRUCTURE BOND FUND TO 4506 202001 ENGINEERING ADMINISTRATION - OTHER)

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

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adopt Ordinance 26. Any remarks under this

Ordinance? Again hearing none, roll call vote please, Mr. Clerk.

NO REMARKS ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, sir.

#26 ADOPTED AS ORDINANCE NO. 195/2016

PRESIDENT SCHULMAN: Ordinance 26 is adopted. I just want to go back and make sure that the record reflects that Second Reading Ordinance #23 has been extended one week, so it was not heard this evening. So I want the record to reflect that.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SCHULMAN: Now we're under Announcement of Committee Meetings.

MEMBER MARIOL: Mr. President.

PRESIDENT SCHULMAN: Yes, Chairman.

MEMBER MARIOL: Finance will meet October 31st at 6:00 P.M.

PRESIDENT SCHULMAN: Thank you.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER DOUGHERTY: Public Property Capital Improvement will meet October 31st at 6:00 P.M.

PRESIDENT SCHULMAN: Thank you, Chairman Dougherty. Any other announcements?

MEMBER SMITH: Mr. President, CD will also meet at the same time.

PRESIDENT SCHULMAN: Thank you, Member Smith.

CLERK SHOWES: Judiciary.

PRESIDENT SCHULMAN: Judiciary?

MEMBER MARIOL: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER MARIOL: Judiciary will meet same time, same place.

PRESIDENT SCHULMAN: Thank you.

MISCELLANEOUS BUSINESS

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

MEMBER SMITH: Mr. President.

PRESIDENT SCHULMAN: Yes.

MEMBER SMITH: Yes. You know, there are... there is a very special Council person that always stepped to the plate for anything, and the young lady, Ms. Janelle Freeman, wanted him to be recognized. And that's none other than William "Bill" Smuckler. And it says William "Bill" Smuckler, Councilman at Large, public servant for over twenty years. She would like to thank you with this trophy. (*Applause*)

PRESIDENT SCHULMAN: Member Smuckler, would you like to say anything?

MEMBER SMUCKLER: Mr. President, I'd like to say a lot tonight. (Chuckles) Um, well number...

PRESIDENT SCHULMAN: Well, congratulations on your award.

MEMBER SMUCKLER: Thank you. Thank you. Um, the over twenty years though is pretty appropriate because unfortunately in some instances it means that I've seen too many of these things go round trip as I call it. Um, sort of like the movie Groundhog Day, the longer I stay here, the more these things keep coming back and back and back. And for the record, Council Clerk, I'm going to ask for a couple things to happen here cause I'm getting tired of Groundhog Day. Will you find the Burnham Hills Ordinance, when it was passed, who recommended it, and who the engineer and all the other good stuff that was involved in this in the 1980's of selling this goods to us. And will you please do the same thing for the Cirelli Building and find out who came down here and sold the bill of goods for that and everything else. And this is now the tip of the iceberg because if you stay here long enough we all have different facets of life we're involved in. And some of us are experts in some things and some of us aren't quite experts in others, but we depend on the people that come down here and share their expertise with us. And now we're finding out that this body who makes decisions every Monday night, they're only as good as what they're given. And in the 1980's we were sold a sewer line in Burnham Hills and I'm assuming in the 90's we were sold the building on 30th Street, the Cirelli Building, and that'll come into play in the future here. But it's getting old, and what disturbs me is the same names appearing on that mowing list year after year, and yes, Mr. Law Director, I will turn a letter in to raise the rates of mower cutting this week, and let them sue us for it being too high. Because I understand in the political system where people get frustrated with us because they say didn't you just spend \$400,000.00 on this, or in this case \$251,000.00. And yeah, because we were told through their expertise that this is the way to do it. Well it's now time where I'm going to start holding some people accountable for their expertise. And I want them called out publicly for their expertise, because this is costing the City a whole lot of money that it doesn't have to expend. Thank you. (Applause)

PRESIDENT SCHULMAN: Thank you.

SAFETY DIRECTOR PERRY: Mr. President.

PRESIDENT SCHULMAN: Yes.

SAFETY DIRECTOR PERRY: The city of Canton in conjunction with the Canton Special Improvement District on next Tuesday, November 1st, at 10:00 A.M. at the Stark County... or I'm sorry, the Stark Community Foundation in the Goldsmith Room, is going to have a meeting to discuss the downtown safety issues. Um, we're gonna have a presentation by the Canton Police Department and the Administration with an opportunity for questions and answers. And the goal is to discuss the downtown safety plan and to have some dialogue with the citizens. Thank you.

PRESIDENT SCHULMAN: Thank you, Safety Director.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT SCHULMAN: Yes.

LAW DIRECTOR MARTUCCIO: Thank you. I wanted to respond to the issue raised by Mr. Preston where he wondered out loud if it was a conflict of interest for Council to vote on giving money to the Chamber of Commerce when some Council Members have businesses downtown. Many of you may recall, speaking of things that repeat themselves, we had a Council Member for awhile whose spouse was a member of a union that worked for the City, and that union contract would come before the City from time to time, and we in the Law Department were asked is that a conflict. How can a Council Member vote on a union contract through which their spouse will possibly get a raise or enhanced benefits? And the Ohio Ethics Commission has an answer for that. In a similar case on a Board of Education a board member had a spouse who was in the Teacher's Union and the contract came before the board member. The Ohio Ethics Commission said it's a member of... it's a matter of, if you will, dilution or concentration. If the spouse is a member of a union with a hundred people in it, then the amount of benefit is difficult to calculate, and they don't have to abstain from voting on a contract when a spouse is a member of a large union. In our case that same person had a spouse move up through the ranks and became a person in their own rank, and when that came before Council obviously that was a conflict because it was a significant portion of their household income and it was one person. So, the same analogy applies to Council. Even if you may have a business or do business in the city of Canton, it's not necessarily tied directly to benefitting the Chamber of Commerce or vice versa measurably benefitting you in some way by voting for an ordinance to help the Chamber further develop commerce and economic development. So again, based on those opinions that we've looked at in the past and analyzing this situation, it... the question was brought forward and I... I don't think it's an issue under all of the conflicts opinions I've ever read through the Ohio Ethics Commission. Um, on another note, I wanted to give a shout out to a person who works for The Repos... who volunteers for The Repository named Jane Spear. Some of you may know that she volunteers her time to put that little blip in the paper every day about fifty years ago, a hundred years ago, and twenty-five years ago. She researches those and donates that for free as I understand it. And just recently, speaking about nothing new under the sun, what goes around comes around, Dee Rogers, a former code enforcement officer some of us may remember, said if I had twenty-five more code enforcement officers I could clean up this city. That was in the twenty-five years ago recently, and now we're talking about enhancing code enforcement with the addition of additional officers thanks to your proprietary fund. Uh, same thing with layoffs and so many things, they... they do come around in that section, a hundred years ago, fifty years ago, and twenty-five years ago. Obviously it's up to each generation to figure out the best way to deal with situations they have at hand. And lastly, go Pups, go Tribe.

PRESIDENT SCHULMAN: Thank you, Law Director. Um, anyone else? Before we adjourn tonight I just want to make a note that today it was announced that AT&T has made a purchase offer to Time Warner for \$85 billion dollars. That's billion, with a B, and I can't think of anything worse that could happen to our community or communities across the United States in a merger of this magnitude, so I would ask you to consider, for what

it's worth, and I think it's worth something when public officials voice their objection to these types of deals, that we consider an informal resolution condemning this. I would say it's just a giant colossus that was going to crush people. And it's not going to certainly help our abilities to, you know, to put this in the way it should be. So anyway, anything else? Leader.

MEMBER MORRIS: Move to adjourn.

MEMBER SMITH: Second.

PRESIDENT SCHULMAN: It's been moved and seconded to adjourn.

NO REMARKS ROLL CALL 11 YEAS, 0 NAYS

CLERK SHOWES: Eleven yeas, sir.

PRESIDENT SCHULMAN: Thank you. Meeting's adjourned, everybody. (Gavel falls). Drive carefully on the

way home.

ADJOURNMENT TIME: 8:27 P.M.

ATTEST: APPROVED:

KELLEN SHOWES ALLEN SCHULMAN CLERK OF COUNCIL PRESIDENT