

**MINUTES OF THE MEETING DECEMBER 1, 2014**

PRESIDENT PRO TEM MORRIS: Good evening and welcome to Canton City Council. With a quorum being present, the Chair calls this meeting of Canton City Council to Order. Roll call vote please, Madame Clerk.

*ROLL CALL TAKEN BY CLERK TIMBERLAKE:*

11 COUNCIL MEMBERS PRESENT: (FRANK MORRIS, CHRIS SMITH, JAMES BABCOCK, RICHARD HART, GREG HAWK, JAMES GRIFFIN, KEVIN FISHER, DAVID DOUGHERTY, JOHN MARIOL & EDMOND MACK)

ELEVEN COUNCIL MEMBERS PRESENT. (MEMBERS WEST & PRESIDENT SCHULMAN ABSENT)

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

**EXCUSING MEMBERS**

PRESIDENT PRO TEM MORRIS: Thank you. Leader.

MEMBER SMITH: Mr. President I move we excuse President Schulman from tonight's meeting, and Member West.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to excuse President Schulman and Member West from this tonight's meeting. Any remarks?

MEMBER FISHER: I ... I know that , I was on the phone just a little bit ago with Member West. He was in route back from Columbus, so, I'm sure he'd rather be here.

PRESIDENT PRO TEM MORRIS: Thank you.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

PRESIDENT PRO TEM MORRIS: Thank you. Motion carries and President Schulman and Member West are excused from this evening's meeting. Tonight's invocation will be given by, Ward 8 Council Member, Edmond Mack. Please stand and remain standing for our Pledge of Allegiance.

*The regular meeting of Canton City Council was held on December 1, 2014 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council Cynthia Timberlake. The invocation was given by Council Member Edmond Mack. The Pledge of Allegiance was led by President Pro Tem Morris.*

**AGENDA CORRECTIONS & CHANGES**

PRESIDENT PRO TEM MORRIS: We're now turn to Agenda Corrections and Changes, and we have none at this time.

**MINUTES OF THE MEETING DECEMBER 1, 2014****PUBLIC HEARINGS**

PRESIDENT PRO TEM MORRIS: Public Hearings. We are under Public Hearings. We have two this evening. The first one is scheduled for **7:30 PM** and it's AN ORDINANCE VACATING A PORTION OF HAVER CT SW; APPROVING AND ACCEPTING REPLAT ...what?

CLERK TIMBERLAKE: REPLAT...

PRESIDENT PRO TEM MORRIS: Oh, REPLAT... the grammar police got me...(Laughter)... OF VACATED STREET, ALL OF LOTS 7443 - 7451 & REMAINING PARTS OF LOTS 7473 AND 7474, IN WARD 5, PLANNING COMMISSION RECOMMENDED APPROVAL OF THE SAME. Is there anyone in the audience wishing to speak for or against this Zone Change, will you please step forward. And I must repeat myself...If there is anyone in the audience wishing to speak for or against this Zone Change, will you please step forward. Seeing no one step forward, the Chair declares the public hearing over in regard to this matter. The matter now rests in the hands of Council. The Ordinance will follow later this evening. The second hearing is scheduled for **7:51 PM** and it's AN ORDINANCE VACATING A PORTION OF 19<sup>TH</sup> ST SW, IN WARD 5, PLANNING COMMISSION HAS RECOMMENDED APPROVAL OF THE SAME. Is there anyone in the audience wishing to speak for or against this Zone Change, will you please step forward. I have to repeat it because it's on my script, if there is anyone in the audience wishing to speak for or against this Zone Change, will you please step forward. Again, seeing no one step forward, the Chair declares the public hearing over in regard to this matter. The matter now rests in the hands of Council. The Ordinance will follow later this evening.

**OLD BUSINESS**

PRESIDENT PRO TEM MORRIS: We're under Old Business, Deputy Mayor. No Old Business.

**PUBLIC SPEAKS**

PRESIDENT PRO TEM MORRIS: Now turning to Public Speaks. We have 2 speakers tonight. Our first speaker is Mr. Henry Preston. Please step up sir. Give us your name and address for the record, please.

HENRY PRESTON: My name is Henry Preston. I live at 326 - 31<sup>st</sup> St. NW, Canton. Several months ago I was up here speaking about noise, loud noise before 8:00 in the morning. I probably want to direct my comments to the Safety Director and the Law Director. Nobody got back with me on my concerns, about when I called the Police, that they were not able to respond unless it was a motor vehicle, and we got passed that because a lawnmower was being used as a motor vehicle to transport the person to another worksite. So, in that case, it was a motor vehicle. But I did know about Ordinance 509.11, Loud Noise and Disturbing Noises Prohibited. Down there in section C, it says *Motor Vehicle Exhaust. The discharge into the open air of the exhaust of any motor vehicle or internal combustion engine.* Well, tonight I'm talking about the noise from an internal combustion engine, whether it's on a lawnmower or it's on, whatever. Nobody got back with me. I checked with Edmond Mack. I thought maybe it might have gone to his committee for reviewing the Ordinance on noise, because I had a problem with the Police Officer on duty wanting to dispatch an officer because of loud noise from a lawnmower before 8:00, I didn't understand. But here, looking at 509.11, we see that's it's any internal combustion engine. Well, the issue I have tonight also is...a house 4 houses away from me, they have commercial generators and they do a test every month. Well, they do a preventative maintenance every month and it is not designed for residential operation. It is commercial, and I wondered why that was allowed to, in the first place, the building inspector, why that was allowed to be put there. And the second thing is, can we get them to put a better muffler on it. That's all it needs is a better muffler, then

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you're not going to hear it because my lawn man, he comes by and you barely hear him. He's got a nice riding lawnmower, and it does everything that (*Inaudible*) do. So, I'm wondering can we have some feed back about why Police officers don't want to respond to loud internal combustion noise? Thank you

PRESIDENT PRO TEM MORRIS: Thank you, Mr. Preston. (*Applause*). Next up is Mr. Pete DiGiacomo. Mr. DiGiacomo, welcome. If you could give us your name and residential address for the record.

PETE DIGIACOMO: Thank you. My name is Pete DiGiacomo. I live at 600 Dent Place SW, Canton, Ohio. I just read in Sunday's paper that the Mayor would like to give 5 million dollars to the Hall of Fame for re...for construction of the Hall of Fame Village and everything else that goes on there. First of all, I understand, yes, that Canton should have some skin in the game as they say. I don't know if this would be the right time or not, and what I mean by that is, for the last few years we've tried to get different things done in this city, but it's always, they don't have...we don't have the money, we don't have the money, we don't have the money. Crime, EMS, getting homes torn down that are eyesores, demolition, paving of roads, sidewalks, all these things here...I can't speak for anybody else, I can speak for me...that's more important than giving 5 million dollars to the Pro Football Hall of Fame. It is a lot to me and everybody else here. That's a hell of a lot of money. For the folks there, 5 million, you know, not that much. And that money, I feel, could be better spent right here in the city of Canton, taking care of the problems, some of the problems that we have here. Again, like I say, crime, being policed, EMS, the City getting the streets paved, things like that. I've heard quite a few time, that well, we're on a budget, we cannot do all the streets. Five million dollars, I think, would help do quite a bit of the streets and stuff like that. But I'm looking at some folks and I can see the way they're not looking, whatever, they're not happy with what I'm saying. I'm sorry, I speak my mind, what I feel is right. Doesn't mean I am right, but I'm speaking my mind. Thank you. (*Applause*).

PRESIDENT PRO TEM MORRIS: Thank you Mr. DiGiacomo.

**INFORMAL RESOLUTIONS**

PRESIDENT PRO TEM MORRIS: We turn now to Informal Resolutions.

#43. CNCL AS A WHOLE: URGING ADMIN TO PAVE CITY ROAD SURFACES BETWEEN MAY 1 AND OCTOBER 1, AND/OR DURING OPTIMAL CLIMATIC CONDITIONS.

PRESIDENT PRO TEM MORRIS: Leader.

MEMBER SMITH: Mr. President, I move we adopt Informal Resolution #43.

MEMBER SMITH: Second.

PRESIDENT PRO TEM MORRIS: There's a motion to adopt Informal Resolution #43. Are there any remarks?

MEMBER SMUCKLER: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Smuckler.

MEMBER SMUCKLER: I think we've all learned, especially a lesson this year, that the cold, the wet, the remarks by Central Allied about this isn't the optimum time to be paving. I understand that things were

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uncovered and we had to take care of it this year, but I hope we never do this again. I understand that, from the Law Director, there's no penalty I can pass down here, short of urging you do to this. But I do hope that you respect the wishes of this body and the bodies in the past that have said to you, this should be done this late in the year. And I think that the future is that the roads that we did do probably won't hold up. But, we're stuck with the way they are at this point in time. I hope this passes and I hope that in future we don't do anything after...when it starts to become cold and it usually does after October 1<sup>st</sup>.

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Hawk.

MEMBER HAWK: Thank you. This is something we really need to consider and take into how to do. The streets aren't getting paved properly. I had a comment from one of the Repository columnists who called me and said it looked like when they did 12<sup>th</sup> Street, looks like they put it down with black magic marker, that's how thin it was and it came up with a couple weeks. We're just not doing it right. There's something we need to do better. Inspections before we pay the bill. We need to take a better look at the quality of material we're getting and payed for under contracts. And I for one will no longer vote for, nor will support any piece of legislation or any paving contract that comes down here that does not have a completion date on it, prior to the dates we've outlined in this product. I may be the only one to vote against it, but I assure you, I will not support one. Thank you.

PRESIDENT PRO TEM MORRIS: Thank you. Anyone else? Law Director, I have a question for you, if you don't mind. I'm confused as to why this came down as an Informal Resolution rather than an Ordinance mandating that the paving be done between specific dates. Now, it's my understanding that Council does not have the right to negotiate contracts, but this Council has the authority to pass legislation such as local preference law mandating local preferences, and opening that up. So, this Council does have the authority to pass Ordinances that directly affect the way the contracts are written, so, could you please give us an explanation as to why we were not given that right this time?

LAW DIRECTOR MARTUCCIO: Mr. President and Members of Council, when presented with the question of how to encourage the Administration to stay within certain deadlines for paving, I engaged in some conversations, and as you all know, Council predominantly passes Ordinances. Most of them are what we call Formal Ordinances and Resolutions that don't end up in your Codified Ordinances, which become permanent law. You have some Ordinances that do go into the Green Book and become permanent law. The reason I didn't think those would succeed is there really is no sanction that Council can impose, other than the power of the purse. We all remember from civics lessons there are three branches of government, Legislative, Executive and Judicial. As long as the legislature is within its scope, passing legislation, it is fine and it can request things of the Administration, it can approve certain projects and not others. In essence, that's what I meant by the power of the purse. But in terms of what you said earlier, Council cannot engage in the Administration of the City. It cannot engage in negotiating the contracts or the penalties therein. So, again, gaging what I was being requested, did some research and found that those are the best months to pave, it can go outside those limits if the conditions are optimal, in terms of the temperature, the temperature of the mix, how soon it gets to the street, how soon it's compacted, and so on and so on, but warmer is better. This though, this method of an Informal Resolution is a way for Council to have its collective intent voiced. Your collective wishes can be voiced. And you can choose to do this by roll call vote, if you so please, but it gets in the record, in writing, a very clear desire that Council has and a very clear desire, in writing, that can be

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referred to. I understand that it's also led to some discussion with the Administration about preparing the bid specs sooner, getting some contracts in, and so on and so on, which has been healthy. So, in that sense, Mr. President, I think it's had it's intended effect.

PRESIDENT PRO TEM MORRIS: Okay, so let me, let me see if I can clarify this. We got this down as an Informal Resolution because this Council has no means of enforcing it if the Administration opted not to do it? Sort of like, mowing grass, loud music...we can pass the Ordinance, but that's what you're saying is, we have no means to...there was no ramifications if they stepped outside that scope?

LAW DIRECTOR MARTUCCIO: Mr. President, I heard you say as a quip recently, this Council is expert or beautiful as passing great legislation...

PRESIDENT PRO TEM MORRIS: ...and terrible at enforcing it...

LAW DIRECTOR MARTUCCIO: But it's not your job to. And you're right. Enforcement is part of the Administrative branch of government. And again, the hope is this leads to a healthy dialogue that includes financial support for such things.

PRESIDENT PRO TEM MORRIS: Thank you.

MEMBER SMUCKLER: Mr President.

PRESIDENT PRO TEM MORRIS: Member Smuckler.

MEMBER SMUCKLER: Leading along the lines of what Mr. Hawk said, Law Director, if we require in the contract, a date...a drop dead date. Is that possible to do when we're asked to pass the monetary version of this?

LAW DIRECTOR MARTUCCIO: Mr. President, Member Smuckler. It's...yes...you can certainly request that. The Administration can try to negotiate into the contract, a date beyond which liquidated damages are authorized. They've done that in other contracts that we've approved, as to form. And I think they have one in this as well.

MEMBER SMUCKLER: So this is...so the proper form of what you're suggesting would be to put that into the contract and to deal with it that way?

LAW DIRECTOR MARTUCCIO: Mr. President, Member Smuckler. Yes definitely. And Mr. Bartos, again fortunately, becoming a veteran at these, and an attorney works very closely with us in terms of designing the sanctions and so on.

MEMBER SMUCKLER: Mr. President, and just for the sake of clarity here, I think I would like to ask for a roll call vote on this.

PRESIDENT PRO TEM MORRIS: Okay. We'll hold that...Member Dougherty.

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MEMBER DOUGHERTY: I guess I'm still a little confused from the Law Director, that Council can't bring an Ordinance down here, make it law, and have it happen. I don't understand that. I'm not asking for an Informal Resolution. I'm asking for sponsors on an Ordinance that lays this out. We're legislators, correct? And we can sponsor legislation, and we're...you just...you just told me five minutes ago that we're not a strong Council. You're informing me that I'm a weak Council.

LAW DIRECTOR MARTUCCIO: Mr. President, Member Dougherty. I think I used the power of the purse a few times in my explanation, which makes you strong. You control the taxpayer's money.

MEMBER DOUGHERTY: So, we...so, Mr. President, so we don't give them any money to pave streets, that's the power of the purse? I only get it because Member Hawk already said he's not going to do it. So that doesn't get anything done. That doesn't make any sense at all.

LAW DIRECTOR MARTUCCIO: Mr. President, Member Dougherty. Again, given the fact that there is no sanction that the Council can impose, the person who I primarily spoke with in designing the Resolution, expressed a desire to have the intent of Council put in writing. It was my suggestion that it be done by Resolution. It's faster, and again, it can result in no sanction.

MEMBER DOUGHERTY: Mr. President. I'm talking about an Ordinance, bringing an Ordinance down, sponsored by Council to make this happen. You're telling me we can't do that and I don't get it.

LAW DIRECTOR MARTUCCIO: Mr. President. Member Dougherty, what I'm telling you is, I was asked for you to have something in writing, that let's the Administration know your desires and that's what's before you.

MEMBER SMUCKLER: Mr. President. Point of Order. I sent a communication upstairs that was very clear. I asked for an Ordinance. You called me back and said there was no penalty based on that, that we could offer for an Ordinance and that the best way to go for this would be a Resolution because of the penalty clause. And that's what you told me. Now, did I misunderstand you?

LAW DIRECTOR MARTUCCIO: Mr. President, Member Smuckler. No, I stand by that. I suggested this would be the quickest way to get your collective intent on record and that if you wanted to, you could have a roll call vote to make it even clearer.

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Dougherty.

MEMBER DOUGHERTY: A roll call vote doesn't make it any clearer. It's just Council-as-a-Whole. I mean, that's ridiculous.

PRESIDENT PRO TEM MORRIS: Law Director, I'm going to go with Members Dougherty and Smuckler. I...for the life of me, I cannot put my hands around this thinking that we cannot pass an Ordinance stating that Service Director has between April and August to pave streets. No contract will be honored by Council outside of those boundaries. This is your window of opportunity. Now I understand that we have no way to enforce it, but an Informal Resolution signed on a roll call by each and every one of us tonight, doesn't mean

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anything in six years when we're not sitting here because nobody's going to remember that the Council, in 2014, unanimously voted in favor of an Informal Resolution, to quote one of my esteemed colleagues, "That isn't worth the paper it's wrote on". So, I personally would like to hold this or postpone it indefinitely, and I would like to see the request for an Ordinance come down for this Council.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT PRO TEM MORRIS: Law Director.

LAW DIRECTOR MARTUCCIO: If that's what is the wish of Council, then that's what I'll write, but again, it won't contain anything that is a sanction. The research that we've done has shown that there can be effective paving done, again, depending on the climatic conditions, the temperature, the humidity, the temperature of...and so on and so on. If you wish an Ordinance to say essentially what the Resolution says, then, you can say so and that's what we've got, but again, without interfering with the Administration, the roll of the Administration.

PRESIDENT PRO TEM MORRIS: Alright. Council Member Hart.

MEMBER HART: You know, it was once said that insanity is when you keep doing the same thing and expecting a different result. If you look at what science is saying, that your weather is going to be the norm coming up, with climate change, and I don't want to get into the politics of what's involved with that, it's nothing to do with the Administration. (*Inaudible*). What I find amazing is that we'll keep doing the same thing. We'll keep asphaltting and when Raff Rd. was done, I looked, the bricks were in good shape. There was even rows of white brick going up in between the line. You know, we will be...pave that over and in five or ten years, it'll be stripped off and paved again, stripped off and paved again. And I think what's cost effective for the taxpayers (*Inaudible*).

MEMBER DOUGHERTY: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Dougherty.

MEMBER DOUGHERTY: This way doesn't work. It's already been proven. We've done this before with several administrations, so this tonight, I'll vote for it, but it means nothing.

MAYOR HEALY: Mr. President.

PRESIDENT PRO TEM MORRIS: Mayor Healy.

MAYOR HEALY: Thank you Mr. President. As the Mayor and head of the Administration, I will make a statement right now to all of Council. We've heard your message, we will abide by your message, whether it's Resolution or Ordinance, or just a comment or phone call to our office. And I will make sure, personally, that all the paving we do from this point forward, under my Administration, will be done and completed by the time lines that you have requested on your documents. So regardless of how you write it up, the message has been delivered and I'm responding right now, letting you know that we will abide by your wishes from this point forward. Thank you.

PRESIDENT PRO TEM MORRIS: Thank you Mayor. (*Applause*).

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MEMBER FISHER: Mr. President.

PRESIDENT PRO TEM MORRIS: Where did that come from?

CLERK TIMBERLAKE: Member Fisher.

PRESIDENT PRO TEM MORRIS: Member Fisher:

MEMBER FISHER: I think...I'm no big fan of Informal Resolutions as a rule, but I think one of the issues on the Formal Resolutions, and I don't know, I could be wrong in this but you know, we talk about not being able to sanction. So, next year if Director Bartos brings something down on October 15<sup>th</sup>, there's nothing we can't stop him from doing, he can bring it down, and also a future Council. So if a future Service Director brings something down, we can't bind future Councils from not paying contracts out even if it comes down after the deadline. So, I don't know if that's correct and just trying to summarize what the Law Director was saying. That's what I was getting out of it. Whether it's formal or informal, a future Council could approve a contract that's done after that date because we can't bind them to not approve. Their ability to do so is as a legislative body nor could we sanction or penalize the Administration for bringing one down after that date, whether it's formal or informal. Am I correct in what you're saying, because personally I prefer something formal, but I'm just trying to understand your comment.

LAW DIRECTOR: Mr. President, Member Fisher. Yes, you've understood it correctly. And again, this can be done on an individual contract basis. If a contract is brought before Council and the paved...the allowable time limit for paving goes beyond your requested October 1<sup>st</sup>, and you can assume it's another bizarre year and it's going to be cold instead of a warm October. If you don't want to put any leeway in there, you can reject the contract as a Council. If the contract before you has terms in it that are not favorable to you, and a majority of you say you don't like it, you can reject it. But it's up to the Administration to negotiate that contract and bring it to you. You then, have the final say. So, let me say it again. While you can't sanction in advance, if a contract comes to you with terms that you think are unfavorable to the money you're spending for it, or not good for the taxpayer, then you can vote no, and ask it to be renegotiated or amended, as a contract.

MEMBER SMUCKLER: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Smuckler.

MEMBER SMUCKLER: I guess, and I agree with Kevin Fisher and Dave Dougherty. What...it's not this Administration, let's forget them. What's the difference between a Formal Resolution and an Ordinance, when it doesn't have any sanctions in it?

LAW DIRECTOR MARTUCCIO: Mr. President, Member Smuckler. There really...there is no difference, other than the title it's known by.

MEMBER SMUCKLER: I guess that's the point you made to me on the phone and I don't know what the difference is here. I'm willing to withdraw this, I mean I wanted the Ordinance to start with, but I just don't...I just don't understand where this is all headed unless we deal with it in the contract stage.

MEMBER DOUGHERTY: Mr. President.

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PRESIDENT PRO TEM MORRIS: Member Dougherty.

MEMBER DOUGHERTY: I guess I'm confused about just having an Ordinance, having...pave the streets...the streets will be paved by October 1<sup>st</sup>, how that's a huge sanction. I don't understand. It's an Ordinance and it's law.

LAW DIRECTOR MARTUCCIO: Mr. President, Member Dougherty. The date is not the sanction. The date is the time you'd like it to be done by. The problem is, if it's not done by that date, other than looking at it contract by contract, there's no way to enforce it, except contract by contract.

MEMBER DOUGHERTY: Mr. President. Inside the Ordinance would be fines if not done by then, to give them incentive to get it done by then. So, that's what the Ordinance should say. If it's not done by October 1<sup>st</sup>, every day after that, it's this fine, this fine, this fine. And it is law, and you will pay.

LAW DIRECTOR MARTUCCIO: Yes, and that can be negotiated into the contract.

PRESIDENT PRO TEM MORRIS: And I do believe that Director Bartos is starting to do things like this, but I do believe we need to look past this Council. Six years from now, like I said, nobody's going to remember this Informal Resolution and I could be sitting out on my porch watching them pave 19<sup>th</sup> Street while the snow plow comes down the opposite side. So, I think this is...as member Hart says, "If you keep doing it the same way, you're going to get the same results". I think we need to change the way we're doing business. I think this Administration's on board. And I think an Informal Resolution is not the way to go. I'm going to make a motion that we withdraw this and request that the Law Director draft an Ordinance, outlining a time line.

MEMBER SMITH: Second.

PRESIDENT PRO TEM MORRIS: Thanks Chris. (*Inaudible*). Voice vote. Okay. Those in favor say aye. Those opposed no. The ayes have it.

NO REMARKS

RESOLUTION #43 WITHDRAWN UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM MORRIS: The ayes have it. Okay.

COMMUNICATIONS

PRESIDENT PRO TEM MORRIS: 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 DECEMBER 1, 2014.***

502. CHIEF COUNSEL L'HOMMEDIEU: AUTHORIZE CHIEF COUNSEL TO PREPARE ORDINANCE SETTling REMAINING CIVIL LITIGATION INVOLVING RETIRE/REHIRE. - FINANCE COMMITTEE
503. DEPUTY MAYOR WILLIAMS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO

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ENTERPRISE ZONE AGMT W/HISTORIC ONESTO, LLC TO PROVIDE REAL PROP TAX EXEMPTION; AUTHORIZE AUDITOR TO MAKE PAYMENTS TO CANTON CITY SCHOOLS BD OF ED AS REQUIRED PURSUANT TO SECTION 4709.82 (C) OF THE REVISED CODE. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

504. DEPUTY MAYOR WILLIAMS: AUTHORIZE SERV DIR TO ENTER INTO GRANT AGMT IN AMT NOT TO EXCEED \$5,000,000.00 BETWEEN CITY OF CANTON AND PRO FOOTBALL HALL OF FAME, INC. TO PROVIDE GAP FINANCING; REQ APPROVAL OF ISSUANCE OF REVENUE BOND ANTICIPATION NOTE IN AMT OF \$5,000,000.00 FOR PURPOSE OF FUNDING GRANT (HALL OF FAME VILLAGE). - FINANCE COMMITTEE
505. COMM DEV DIR MILLER: AUTHORIZE AUDITOR TO PAY ADDT'L MORAL OB IN AMT OF \$14,175.55 FOR WORK PERFORMED AS PART OF NEIGHBORHOOD INITIATIVE PROGRAM. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
506. FINANCE DIR DIRUZZA: BUDGET APPROPRIATION RECOMMENDATIONS FOR 2015 CALENDAR YR. - FINANCE COMMITTEE
507. SAFETY DIRECTOR PERRY: AUTHORIZE SAF DIR TO RECEIVE AND APPROP 2-YR GRANTS; REQ FUND 2773 BE RENAMED TO 2014-2015 SMART POLICING VIOLENCE REDUCTION PROJECT (NOVCC, FED PROJ #2013-GP-BX-0011). - FINANCE COMMITTEE

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT PRO TEM MORRIS: Turning now to First Readings Ordinances and Formal Resolutions for the First Reading. Madame Clerk would you please begin with Ordinance 1.

***NOTE: PRESIDENT PRO TEM MORRIS CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCES #1 THROUGH #6 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- #1. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$400,000.00 SUPP APPROP FROM UNAPPROP BAL OF 4509 RECREATION BOND TO 4509 506001 COMMUNITY DEVELOPMENT DEPT. - OTHER) (SPRAY PARK)  
Referred to Public Property Capital Improvement Committee
- #2. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO AMEND THE HYDRODEC N.A., INC. ENTERPRISE ZONE AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- #3. (1<sup>ST</sup> RDG) AN ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF CANTON TO BE A PUBLIC

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PURPOSE; DECLARING A PORTION OF SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; COMPENSATING THE SCHOOL DISTRICT FOR REVENUE NOT REALIZED; DESIGNATING INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT WILL BENEFIT SUCH PROPERTY; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DANNER PRESS DEVELOPMENT PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

- #4. (1<sup>ST</sup> RDG) AN ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF CANTON TO BE A PUBLIC PURPOSE; DECLARING A PORTION OF SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; COMPENSATING THE SCHOOL DISTRICT FOR REVENUE NOT REALIZED; DESIGNATING INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT WILL BENEFIT SUCH PROPERTY; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE MCKINLEY GRAND DEVELOPMENT PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

- #5. (1<sup>ST</sup> RDG) AN ORDINANCE DECLARING THE IMPROVEMENT OF CERTAIN REAL PROPERTY LOCATED IN THE CITY OF CANTON TO BE A PUBLIC PURPOSE; DECLARING A PORTION OF SUCH PROPERTY TO BE EXEMPT FROM REAL PROPERTY TAXATION; COMPENSATING THE SCHOOL DISTRICT FOR REVENUE NOT REALIZED; DESIGNATING INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT WILL BENEFIT SUCH PROPERTY; REQUIRING ANNUAL SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE 13<sup>TH</sup> ST. NE DEVELOPMENT PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

- #6. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE DISCHARGE OF THE DEMOLITION LIEN, ASSESSMENTS, PENALTIES AND INTEREST ON THE PROPERTY LOCATED AT 1409 - 17<sup>TH</sup> STREET N.E., AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

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**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT PRO TEM MORRIS: Turning now to Ordinances and Formal Resolutions for the Second Reading. We have no second readings this evening.

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

PRESIDENT PRO TEM MORRIS: We are now under Ordinances and Formal Resolutions for their Third, Final Reading and Vote. Madame Clerk, will you please begin with Ordinance 7.

***NOTE: PRESIDENT PRO TEM MORRIS CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCES #7 THROUGH #11 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

#7. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 254/2014** AN ORDINANCE VACATING A PORTION OF HAFFER COURT S.W.; APPROVING AND ACCEPTING THE REPLAT OF THE VACATED STREET, ALL OF CANTON CITY LOTS 7443, 7444, 7445, 7446, 7447, 7448, 7449, 7450, 7451 AND THE REMAINING PARTS OF CANTON CITY LOTS 7473 AND 7474; AND DECLARING THE SAME TO BE AN EMERGENCY (TIMKEN STEEL CORP)

PRESIDENT PRO TEM MORRIS: Leader.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #7.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Ordinance 7. Any remarks under this Ordinance?

MEMBER FISHER: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Fisher.

MEMBER FISHER: Again, I said this in Committee last week, but again, this is Ward 5. This is an important project for Timken Steel over there, for the way they handle their truck traffic, in and out. I would ask everybody to please support this and the Ordinance to follow.

PRESIDENT PRO TEM MORRIS: Thank you. Anyone else? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

**#7 ADOPTED AS ORDINANCE NO. 254/2014**

PRESIDENT PRO TEM MORRIS: Thank you Madame Clerk. Ordinance 7 is adopted. Ordinance 8 please.

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#8. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 255/2014** AN ORDINANCE VACATING A PORTION OF 19<sup>TH</sup> STREET S.W.; AND DECLARING THE SAME TO BE AN EMERGENCY (TIMKEN STEEL CORP)

PRESIDENT PRO TEM MORRIS: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded that you adopt Ordinance 8. Any remarks under this Ordinance? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

**#8 ADOPTED AS ORDINANCE NO. 255/2014**

PRESIDENT PRO TEM MORRIS: Thank you Madame Clerk. Ordinance 8 is adopted. Ordinance 9 please.

#9 (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 256/2014** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 264/2013; AND DECLARING THE SAME TO BE AN EMERGENCY (\$40,000.00 FROM UNAPPROP BAL 2762 701001 INDIGENT DRIVER ALCOHOL TREAT FUND TO 2762 701001 INDIGENT DRIVER ALCOHOL TREAT - OTHER & \$68,000.00 FROM UNAPPROP BAL 2767 JAIL DIVERSION GRANT FUND TO 2767 701001 JAIL DIVERSION GRANT - OTHER \$18,000.00 & 2767 701001 JAIL DIVERSION GRANT - PERSONNEL \$50,000.00)

PRESIDENT PRO TEM MORRIS: Leader.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #9.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded that you adopt Ordinance 9. Any remarks under this Ordinance? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

**#9 ADOPTED AS ORDINANCE NO. 256/2014**

RESIDENT PRO TEM MORRIS: Thank you Madame Clerk. Ordinance 9 is adopted. Ordinance 10 please.

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#10.\_\_\_\_(3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 257/2014** AN ORDINANCE APPROVING THE EXERCISE OF A ONE-YEAR OPTION OF THE FUEL CREDIT CARD PROGRAM WITH SPEEDWAY, LLC; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM MORRIS: Leader.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #10.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded that you adopt Ordinance 10. Any remarks under this Ordinance?

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Hawk.

MEMBER HAWK: This will come back before us again next year? Is that what we're saying?

FINANCE DIRECTOR DIRUZZA: Yes.

MEMBER HAWK: Thank you very much, I appreciate that. Thank you, Mr. DiRuzza. I appreciate that, greatly.

PRESIDENT PRO TEM MORRIS: Roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

**#10 ADOPTED AS ORDINANCE NO. 257/2014**

PRESIDENT PRO TEM MORRIS: Thank you Madame Clerk. Ordinance 10 is adopted. Ordinance 11 please.

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#11. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 258/2014** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO ONE OR MORE CONTRACTS FOR THE MOWING OF DESERTED/VACANT LOTS THROUGHOUT THE CITY; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM MORRIS: Leader.

MEMBER SMITH: Mr. President, I move we adopt Ordinance #11.

MEMBER BABCOCK: Second.

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PRESIDENT PRO TEM MORRIS: It's been moved and seconded that you adopt Ordinance 11. Any remarks under this Ordinance? Hearing none, Madame Clerk, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas, Mr. President.

**#11 ADOPTED AS ORDINANCE NO. 258/2014**

PRESIDENT PRO TEM MORRIS: Thank you Madame Clerk. Ordinance 11 is adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT PRO TEM MORRIS: We now move to Announcements of Committee meetings.

MEMBER SMITH: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Smith:

MEMBER SMITH: Community & Economic Development will meet December 8<sup>th</sup> at 6:30.

PRESIDENT PRO TEM MORRIS: Okay. Anybody else?

MEMBER MARIOL: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Mariol.

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

PRESIDENT PRO TEM MORRIS: Sure. No other committees?

**MISCELLANEOUS BUSINESS**

PRESIDENT PRO TEM MORRIS: Any Miscellaneous Business?

MEMBER DOUGHERTY: Mr. President. Are we going to have a presentation next week?

PRESIDENT PRO TEM MORRIS: Yes sir, Member Dougherty...

MEMBER DOUGHERTY: ...So, what time do you want...?

PRESIDENT PRO TEM MORRIS: Superintendent Rorar had some family issues. Member Smith, 6...?

MEMBER SMITH: 6:15.

PRESIDENT PRO TEM MORRIS: Committee will be at 6:15. Law Director.

LAW DIRECTOR MARTUCCIO: Mr. President, thank you. I will be asking that one of our Assistant Law Directors go into Executive Committee with Council...Executive Session, with Council next week to discuss a matter of pending litigation. With regards to Mr. Preston's concerns about internal combustion engines and

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noise...those kinds of things are best addressed by amendments to existing codified ordinances. For example, snow blowers are internal combustion engines and some people really want to run those at 4 or 5 in the morning before they...so they can get out of their driveways and get to work after a big snow storm. So, this...if there's any tooling to be done with what time internal combustion engines can be used and how many decibels they can be, and exceptions for snow blowers, and that kind of thing will need a sponsor and some re-tooling. So far I haven't had any request for that, but I understand your concerns. Thank you.

PRESIDENT PRO TEM MORRIS: Thank you Law Director. Mayor.

MAYOR HEALY: Thank you Mr. President. This is in response to Mr. Giacomo...*(Inaudible)*. Mr. DiGiacomo, I'm sorry. I should know that by now. I have a close friend whose name is Giacomo, so I was getting confused. Anyway, I wanted to reference to the comments about the concern of the 5 million dollar investment by the City. In and on the surface it is something that you would say, yes it's a lot of money, and point to other things we could be spending money on. Especially in the last 5 or 10 years where we've been struggling from the recession and other reasons. It is part of our job to set priorities and to steer the City towards those priorities, whether it's the Administration or Council or in combination, together we do this. The 5 million dollar investment that we have, it started out as a Stadium Project, needed to be done. This is my opinion, but I'll share with you why we came up with this. The stadium itself is in very, very poor maintenance right now, and there are some sections of that stadium that are very close to being roped off from being unsafe. Without a major renovation or rebuild, we're not going to be able to use most of that stadium, if not all of it at some point in time, in the near future. So, one of the issues that we had, is that we have a stadium which is used for McKinley, for Timken, for universities, for the Hall of Fame events, that's very important for our community. That may not be able to be used in the very near future, and so we needed to figure out how to come up with money to fix that. The initial conversations we had estimated that the repairs or, in fact to tear down and replace because the structure was so bad, would cost in the vicinity of about 22 - 23 million dollars. The city of Canton, in these conversations, was looking for outside resources to figure out how we could pay for that in addition with the Canton City Schools, and one of the things we did was went to the State and asked for money from the Capital Budget. This was a collaboration with the Chamber of Commerce and outside communities of Canton and Stark County deciding what the priority was going to be for this region. We collaboratively decided that we were going to put our resources towards that stadium, understanding how important it is to Canton, the Hall of Fame, and our school system. And so, the City was asked to make a commitment in order to leverage those dollars to get others to commit. We had made a verbal commitment at that time, which technically is not binding until it passes Council, but the verbal commitment we made was to get others to step up to the plate. The Stark County Commissioners then matched our 5 million dollar verbal commitment with a verbal commitment of theirs in reference to how they would try to come up with 5 million dollars to match that. So those dollars were doubled instantly and then we went to Columbus. We were approved, this was through our State legislature, that they came through and got us 10 more million dollars from the Capital Budget this past year. So now we're up to 20 million dollars committed to this Stadium Project. And the local foundations then put up another 2 ½ million dollars in commitments. So very quickly we got to 22 ½ million dollars which is what we thought we needed to redo the stadium as is. So, we could pay 5 millions dollars on the roads and be done, or we can take that money and put it here, and leverage that to get 22 ½ million. And if you watch the Monday night football game or read the newspaper in the past week, you saw that Tom Benson, from the New Orleans Saints, committed another 10 million dollars towards that project, so now we're up to 32 ½ million dollars. We delayed the start of it. It was supposed to break ground this August, right after the Hall of Fame week, but before we got to that point, new conversations started happening with the new director, with Dave Baker. We started talking about doing more than just repairing or replacing the stadium, and actually taking the next step, which would create a much bigger, bolder environment for us to celebrate the Hall of Fame activities in, and all of these that we have in our community.

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And that's what developed the Hall of Fame Village Project. So that 5 million turned into 10, turned into 20, turned into 32, has now turned into an unbelievable, exciting village project that we have multiple different entities that are investing and wanting to be a part of. The first phase of this project is in the hundreds of millions range, and there's going to be a second phase that is going to be equal to that or bigger. We're talking about an impact on our community that is going to be one of the biggest we've ever seen. This will create numerous new jobs, which will create tax dollars, which will generate revenue for us for years to come that we can use for all those other things that you're concerned with...that we're all concerned with, as well. From safety to infrastructure and other things that are important to our community. But we do have to have revenue. This will create an opportunity for us to not only take care of a need for our community that will keep us on the map, but it will also generate new revenue on a regular, ongoing basis. So, that...a little bit more to the story. I can't divulge too much more than that, but the facts are that this is turning into one of the biggest projects in the City's history and that was part of the project that we had, and making a commitment was leveraging those dollars to get more outside dollars to be able to do much more for our city than just 5 million dollars worth. So, that's a little bit more to it and part of our decision making power up here and responsibility is trying to figure out where the best place to put what limited resources we have. I believe that is one of the best investments that we can make at this point in time, which is why we're pushing that project. If you'd like to talk personally, one on one, to hear more information, I'd be happy to give you much more. Publicly we're limited on what we can say at this point. I hope that helps. Thanks.

PRESIDENT PRO TEM MORRIS: Thank you, Mayor. Anyone else? Leader.

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

MEMBER BABCOCK: Second.

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

CLERK TIMBERLAKE: I'd like to make note that Member West just walked in.

PRESIDENT MORRIS: What's up Tom? *(Laughter)*.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK TIMBERLAKE: Eleven yeas Mr. President.

PRESIDENT PRO TEM MORRIS: Meeting adjourned. *(Gavel falls)*

ADJOURNMENT TIME: 8:17 P.M.

ATTEST:  
CYNTHIA TIMBERLAKE  
CLERK OF COUNCIL

APPROVED:  
FRANK MORRIS  
PRESIDENT PRO TEM