

MINUTES OF THE MEETING DECEMBER 7, 2015

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

ROLL CALL TAKEN BY CLERK TIMBERLAKE:

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

TWELVE COUNCIL MEMBERS PRESENT. (PRESIDENT SCHULMAN ABSENT)

CLERK TIMBERLAKE: All present, Ms. President.

EXCUSING MEMBERS

PRESIDENT PRO TEM SMITH: Yes. Leader.

MEMBER MORRIS: Madame President, I move we excuse Member Schulman from tonight's meeting.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to excuse President Schulman from this evening's meeting. All there any remarks? If not, roll call vote please.

MEMBER MORRIS: Madame President.

PRESIDENT PRO TEM SMITH: Madame Cle- um, roll call vote please.

MEMBER MORRIS: Actually there is one remark.

PRESIDENT PRO TEM SMITH: Oh, yes.

MEMBER MORRIS: President Schulman is ill this evening, and he was having trouble speaking tonight in a committee meeting, so that's why he is not here.

PRESIDENT PRO TEM SMITH: Now, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Ms. President.

PRESIDENT PRO TEM SMITH: The motion carries, and President Schulman is excused from this evening's meeting. We will have the invocation given tonight by Ward 1 Council Member, Greg Hawk. Please stand and remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on December 7, 2015 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

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by Greg Hawk, Ward 1 Council Member. The Pledge of Allegiance was led by President Pro Tem Smith.

AGENDA CORRECTIONS & CHANGES

PRESIDENT PRO TEM SMITH: We're now under Agenda Corrections and Changes. Leader.

MEMBER MORRIS: Madame President, I move Rule 22A be suspended to add 2nd Reading Ordinance #7 through and include #8.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM SMITH: It's been properly moved and seconded to Suspend Rule 22A to add 2nd Reading Ordinances 7 and 8 to this evening's agenda. Are there any remarks? If not, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Ms. President.

PRESIDENT PRO TEM SMITH: Rule 22A is suspended and the Ordinances are now a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT PRO TEM SMITH: Public Hearings. We are now under Public Hearings, and we have none tonight.

OLD BUSINESS

PRESIDENT PRO TEM SMITH: We're now under Old Business. Deputy Mayor.

DEPUTY MAYOR WILLIAMS: Uh, Madame President, Members of Council, in our November 30th meeting Patricia Kirk had asked that we look into the allegation of SARTA not picking up residents at Meyers Lake Plaza. That was referred to Kirt Conrad at SARTA. We also heard from Mrs. Elaine Schaffran, a constituent with Member Grif... Member Griffin's ward in regards to the breeding of pit bulls in that ward. That is being looked at with the Prosecutor's Office as we speak, and we will update council as that progresses. Thank you.

PUBLIC SPEAKS

PRESIDENT PRO TEM SMITH: Thank you. We are now under Informal Resolutions. No, I'm sorry. We are now under Public Speaks, and we have six speakers signed up tonight. Our first speaker, Mr. Pete DiGiacomo. Would you please state your name and resident.

PETE DIGIACOMO: My name is Pete DiGiacomo. I live at 600 Dent Place SW, Canton, Ohio. Um, two things I wanted to talk about tonight. The first one is the, I don't know if it's called the Comprehensive Plan or if they changed the name of the plan, but it's the Plan. They come up with a proposal for a public input of 125 million dollars. I don't think anybody knew anything about that when council was going to vote on it to have the Comprehensive Plan. And what it says here is, I could be wrong, but I'm going on what's in the press, across ten years could be reached if each of the city's 30 thousand households contribute a dollar twenty a day. Doesn't sound like much, does it? Thirty-six dollars a month, four hundred and thirty two dollars more a year. Over ten years, four thousand three hundred and twenty dollars, that's for one household. I didn't bother going

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on anymore cause it's ridiculous. Um, it's... does the city need a plan? It definitely needs a plan. It's how... how are you gonna get businesses back? Here they added about the Timken Steel. That should be an asset. It should have been an asset when it was the Timken Roller Bearing Company. The city should have moved then, and I know nobody here's responsible for that, when the... the city lost probably about three to four thousand jobs from the Timken company. How are you gonna get them back? I don't know. It's gone, probably isn't gonna come back. So much for that. Next thing is gonna be, they're talking tonight, you're gonna vote on the hundred thousand dollar donation from the Rotary Club. First of all the Rotary Club is a very good organization. Not only do they do things statewide, countrywide, they do it worldwide. So, what I'm gonna say, I don't believe that the, what I call and a lot of the older Canton people call it, the Kresge lot, not the Marketplace. There was no building by the name of the Marketplace, it was Kresge's, okay? It would be nice to put a plaque there for them, but to change the name, I realize that there kicking in a good piece of money, but just because the money talks, it shouldn't talk to change the name of that lot. Thank you very much. (*Applause*)

PRESIDENT PRO TEM SMITH: Thank you very much also. Our next speaker, Julie Sparks. Could you please state your name and your resident.

JULIE SPARKS: Hi, I'm Julie Sparks. I live at 1514, and own, 1514 Vassar Avenue NW, Canton, Ohio.

PRESIDENT PRO TEM SMITH: Thank you.

JULIE SPARKS: Thank you. Hey, I had a chance to talk to some of you guys, but I would like to say publicly that I admire greatly all of you for a couple different reasons. Number one, the work that you do. The minute you get elected you got a target on your back, and so you have to have a lot of thick skin, so I appreciate that, and I also am very admiring of the way that folks are working together during this transition. But I call... I come to you today as a member of the Park Commission, the Canton Park Commission just to be sure we're all on the same page as to, you know, what's happening right now and why. Not the why, but the bottom line is I'm a bottom line kind of person. We have funding in parks and we have funding in rec through December 31st of next year, approximately. If we were to squeeze the dollars we might be able to go another month or two, and so from my perspective that is, call it a crisis or at the very least it's a fiercely urgent matter. And so I just want to make sure that this body is aware of that, which of course you have the higher probability of that awareness, and probably more importantly that the community become aware of that. I anticipate that the preponderance, the bulk of folks, would want to have continued parks and want to have continued recreation, so as a member of the Commission, and along with other supporters, you know, we take responsibility to move a levy forward this March, and to work to get it passed. It's unfortunate that it has to be taking place so quickly, but when there are elections, you guys all know this better than anybody, there are variables you simply cannot manage for. And so it would be foolhardy for us to wait until November, so it's important that we move forward now, and the intent as we're asking you tonight to support is that we move together... continue to move forward in a joint effort bringing rec and parks together. We have to teach the folks of Canton, as Don Peterson says, four plus one is five, one plus four is five. So, however you combine them it's a five mill project. Um, and I guess also some... Andy was telling me that, you know, it's statutorily on the books that there has to be parks, so I mean bottom line is as a community it doesn't... there's not one human being who's being asked to pay one penny more, so that's important for people to note. And the other... the negative side of things is we would lot a... lose a lot of community resources and opportunities, but most importantly, maybe, then the burden would be placed on the general fund. And so we have something in place, we need your support and everyone else's support to bring a few votes in so we can continue to offer quality parks and rec. So, anything you can do to help we very much appreciate. (*Applause*)

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PRESIDENT PRO TEM SMITH: Thank you so very much. Our next speaker, Chris Barker. Would you please state your name and your resident.

CHRIS BARKER: Name is Chris Barker. I live at 3717 12th Street SW, Canton. I'd like to thank you for allowing myself to speak on behalf of the Raff Road Neighborhood Association. We do not want the liquor license to be issued to B&B Drive Thru located at 1225 Raff Road SW, Canton. This drive thru belongs to Saheed Bhatti. On 9-17 of 2014 a newspaper article was published in the Canton Repository. The article was Canton man accused of food stand fraud. The person that was charged was Mohammed Ali. In the article it states that the investigation was led to A&K Lucky Star which Ali owns, does business as B&B Supermarket at 636 Cherry Avenue NE, Canton. Saheed Bhatti has been the sole owner of this address since 2004. So at the time of the food stamp fraud, Saheed Bhatti was the owner and responsible for the business. According to Ohio Revised Code 4303.292 is grounds for refusing to issue, transfer ownership or location, or renew liquor license permits. Section D, the Division of Liquor Control shall refuse to issue, renew or transfer the ownership of retail permit under this Chapter if the applicant is or has been convicted of a violation of Division C1 of Section 2913.46 of Ohio Revised Code. Ohio Revised Code 2913.46 is illegal use of food stamp or WIC Program benefits. (B)(C)1 is knowingly allowing an employee or agent to sell, transfer or trade items or services, the purchase of which is prohibited by the Food and Nutrition Act of 2008, cannot in exchange for supplemental nutrition assistant program, benefits with program, or any electronically transferred benefit. Referring back to the article on 10-30 of 2014 Mohammed Ali pled guilty to seven counts of illegal use of supplemental nutrition or WIC Program benefits. On 2-23 of 2005 Mohammed Ali was charged with furnishing liquor to underage person. On 4-18 of 2005 he pled no contest to these charge. Saheed Bhatti, owner of B&B Drive Thru located at 1225 Raff Road SW, Canton, has also admitted to a reliable source that he has been in trouble in the past. Our neighborhood does not want a liquor license issued to Saheed Bhatti, owner of the B&B Drive Thru located at 1225 Raff Road SW, Canton, whether Saheed Bhatti is otherwise known as Mohammed Ali, he was listed as the sole owner of B&B Supermarket and was knowingly placing money and cash into his accounts for the food stamp fraud activity. He knowingly violated the rules that were set by the Liquor License Commission according to Ohio Revised Code 4303.99(2)(D). Our neighborhood does not need these type of problems, and again, I want to thank you for listening to our concerns. (*Applause*)

PRESIDENT PRO TEM SMITH: Thank you so very much. Our next speaker, Diana Pugh. Thank you so very much and welcome to Canton City Council. Could you please state your name and your residence.

DIANA PUGH: I am Diana Pugh. I'm at 2000 Spring Avenue NE, Canton, Ohio.

PRESIDENT PRO TEM SMITH: Thank you.

DIANA PUGH: I am speaking about the reconstruction plan. I read (*clears throat*) excuse me. I read the whole plan as written in the Canton Repository. And I don't see how you can reconstruct Canton with no jobs. The instructors at the colleges are telling the graduates when they get their degree, leave Canton. There are no jobs. And that's true. There are no jobs in Canton. We have... how can you reconstruct something when there's no jobs here. We have to build jobs first before we can rebuild this Canton. And we have no money in the coffers. Get the Canton City Police Department off their duff and write tickets. We have speeders on Spring Avenue that feel that Spring Avenue is an expressway to Market Avenue. I have tried with this police department more times than not to get them over there to write tickets. All they do is cruise through the neighborhood. Well, cruising through the neighborhood is not writing tickets, and we could fill the city coffers with the money from those tickets, and the city would not be broke. I just think it's useless to have a police department that does

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nothing. And it's time they got off their duffs and did something. They're getting paid for doing nothing. And we cannot reconstruct a city with no jobs or money in the coffers. I think it's useless otherwise. And we wasted the money for a reconstruction plan if we can't do something about it. I rest my case. (*Applause*)

PRESIDENT PRO TEM SMITH: Thank you so much, Ms. Pugh. Our next speaker, Daniel (*pronounces it*) Cam-eel? Did I pronounce that right.

DANIEL COMO: That's close enough.

PRESIDENT PRO TEM SMITH: That's close enough?

DANIEL COMO: Yeah.

PRESIDENT PRO TEM SMITH: Well, thank you. Could you state your correct name for me...

DANIEL COMO: I'd be more than happy to.

PRESIDENT PRO TEM SMITH: ...and your resident. And I apologize.

DANIEL COMO: My name is Daniel Como and I am a resident...

PRESIDENT PRO TEM SMITH: Como.

DANIEL COMO: ...of 3804 10th Street. Uh, I represent the leadership of the Raff Road Neighborhood Association. We're made up of volunteers who live from Raff Road to Whipple, 13th to West Tusc. Our agenda's to dispute the approval of a liquor license for a new drive thru on Raff Road. Our organization has proposed a petition the business's sale of alcohol. In February we brought a packet that outlines our message and proof of our petition efforts with nearly two hundred and fifty signatures objecting this potential business practice. Our esteemed councilman, Jim Griffin, has gone over the procedure for objecting to a liquor permit for a new business. This past month the owner filed a liquor license for his establishment. Our goal is to make our intentions known in the public for our neighborhood. We wish to welcome this business, but with the welcome of limitations and a request of responsibility. We as a group have decided to bring this issue to the attention of our council and ultimately the Ohio Liquor Board. We believe in protecting our children. This business requesting to sell beer, wine, liquor, lotto and tobacco less than a hundred feet away from Garaux Park property. That's where there's a basketball court, a playground, a park that kids use regularly throughout the year for different things such as cheerleading, football, etc. We have a reason of concern about this particular business which my neighbor had talked about prior on... we're concerned. The properties have been brought to our attention and they may demonstrate alleged or now confirmed record of negligence and unethical behavior from the owner's current residence of business. We choose to allow other... the owner's reputation to speak for itself. Our goal is to limit situations that have the potential to become a disruption for our neighborhood. We value small business in our neighborhood. Examples include the relationship we have with the neighborhood businesses such as Central Allied Enterprise and Reed Funeral Home. We understand the importance of the revenue and employment opportunity that they create and the value it brings. We invite all these opportunities to our neighborhood. We don't want to lose any future opportunities based on uncontrollable factors that can be prevented. So we ask that these opportunities are carried out in responsible and a reasonable fashion that respects our neighborhood. As I conclude I ask that you put yourself in our shoes. If a drive thru were to be

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built in your back yard, how would you handle it? Would you allow it to go unnoticed? Would you move out of the city? Or would you take action? Today we decided to respectfully take action, and ask for your support and discussion and to set an example for the neighborhood and the children of this community. Please consider making a difference in our community and supporting these efforts. Thank you for our time and consideration. As a leader of Raff Road I take a non-partisan non-endorsement stance, but I also want to thank Mayor Healy for his eight years of service and all that you guys do. Thank you. (*Applause*)

PRESIDENT PRO TEM SMITH: And thank you so very much. Our last speaker, Mr. James Parker. And could you please state your name and your residence.

JAMES PARKER: Name is James Parker, reside at 630 Penny Street SE, City of North Canton. I'm here tonight to say hello and to publicly thank Mayor Healy for his deft leading of Canton through the worst recession ever. I'm sure as one chapter closes for him a greater chapter begins, not unlike it did for Janet Weir Creighton that went to work for the President in the White House. I thank him especially for his attitude since 2011 espousing the notion that downtown Canton needed a big time Hall of Fame City presence. As we see the first two installments of the eleven now and hopefully the upcoming Pete Calac, Sr. Police Department entrance. I'd like to thank him for supporting the initial ideas of Ralph Hay Way and Ralph Hay Day. I can tell you that from the beginning I grew cahoonas after talking to Mayor Healy. He's a man's man. I'd like to thank him for the proclamation of retired Supreme Court Justice Alan Page. His support of enhancing Alan Page Drive, of considering more greatly honoring Marion Motley who broke the NFL color barrier while obtaining a life time rushing average greater than that of Jim Brown. Both of them, Motley and Page, Cantonians who should be honored more prestigiously than they have been. Thank you, Mayor Healy, for a sympathetic ear towards ideas that in 2011 were considered unpopular, rocking the boat and making waves, that we were in a time that was troubled enough already. He had a vision that we shared and he helped to harold in this new era that you're seeing coming worth five hundred million dollars. It's gonna be worth over a billion dollars in so many years for Canton. It goes to show you how an idea whose time has come cannot be stopped. Not by anyone or any army, or anything. And so thanks for nudging it along. To those who say these fine gentlemen Hall of Famers should not be glorified better for their contributions to football and life, and to those that feel that the Hall of Fame Village concept only helps the Hall of Fame, I say how myopic of them. I say they never played the game, never put on the pads, never felt the sting. Even flag football and the thrills and agonies. As the new mayor takes his position I hope he takes seriously how to use the Kresge space and Renkert Building to bridge the gap between the Hall of Fame and downtown Canton by footballizing or hall of faming the area. The Kresge lot looked so cool this summer hashed out as a football field. Drop in a few driving sleds. Voila! The Renkert Building can be video mapped upon using seasonal and football motifs. It's supposed to be the directional valet, the North Star, the downtown. So far there's no plans for it. In closing, the flag poles at Central Plaza once again are bare and forlorn next to Old Glory. Why don't we place playoff teams there that are surviving, and remove then one by one until a Super Bowl winner remains. This could start a fine city tradition. That's the welcome mat of our city. People that are staying at that hotel look down upon there and see the threadbare flag poles. It's an embarrassment. Am I the only one that sees this kind of stuff. I don't think so, now that the four years in the Hall of Fame Village is upon us. Thank you, Mayor Healy. Best wishes to Mayor Bernabei coming in. (*Applause*)

PRESIDENT PRO TEM SMITH: Thank you so very much, and thank you to all of the speakers this evening.

INFORMAL RESOLUTIONS

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

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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 DECEMBER 7, 2015.

415. AUDITOR MALLONN: REQ FOR ADDT'L AMENDED CERT DATED 11/30/15. - RECEIVED & FILED
416. AUDITOR MALLONN: MTHLY REPORT BY FUND FOR 11/01/15 THRU 11/30/15. - RECEIVED & FILED
417. AUDITOR MALLONN: YRLY REPORT BY FUND FOR 1/1/15 THRU 11/30/15. - RECEIVED & FILED
418. MAYOR HEALY: ADVISE OF APPT OF MS. MARANDA SALING TO CANTON PARK COMMISSION TO FILL UNEXPIRED TERM OF MR. WUYANBU ZUTALI. TERM COMMENCING 12/1/15 THRU 12/31/16. - RECEIVED & FILED
419. MAYOR HEALY: INFORM COUNCIL PURSUANT TO SECTION 105.01(b)(5) OF CODIFIED ORDINANCES, THE CITY WILL NOT ENTER INTO A PROJ LABOR AGMT (PLA) FOR THE 2016 TURBINE SERV PUMP REPAIR AND WELL MAINTENANCE PROG. - RECEIVED & FILED
420. TREASURER PEREZ: RPT OF PARKING METER REVENUE FOR NOVEMBER, 2015. - RECEIVED & FILED
421. TREASURER PEREZ: RPT OF AMBULANCE LOCK BOX ACCT FOR NOVEMBER, 2015. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SCHULMAN: First Reading Ordinances. We are now under Ordinances and Formal Resolutions for the First Readings. Madame Clerk, please read and begin with Ordinance #1.

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

- #1. (1ST RDG) A RESOLUTION OBJECTING TO THE RENEWAL OF THREE LIQUOR PERMITS LOCATED WITHIN THE CITY; AND DECLARING THE SAME TO BE AN EMERGENCY (PERMIT NO. 3960495, PERMIT NO. 4372684-0015, PERMIT NO. 2118297)
Referred to Judiciary Committee

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- #2. (1ST RDG) AN ORDINANCE SUSPENDING AUTOMATIC WAGE INCREASES FOR ALL CITY MANAGEMENT AND NON-BARGAINING UNIT PERSONNEL AND ELECTED OFFICIALS FOR 2016; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Personal and Finance Committees
- #3. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CHANGE ORDER NO. 2 IN AN AMOUNT NOT TO EXCEED \$766,518.00 WITH SHOOK CONSTRUCTION INC. FOR THE PHOSPHORUS/TOTAL NITROGEN PROJECT - CONTRACT NO. 26; AMENDING APPROPRIATION ORDINANCE NO. 266/2014; AND DECLARING THE SAME TO BE AN EMERGENCY (\$766,518.00 SUPP APPROP FR UNAPPROP BAL OF 5442 WRF PHOSPHORUS PROJ (MEMBRANE) FUND TO 5442 206054 WRF PHOSPHORUS (CONSTRUCTION) - OTHER)
Referred to Finance Committee

(COUNCIL RECESSED AT 7:58 PM FOR THE FINANCE COMMITTEE TO DISCUSS ORDINANCES #4, #5, AND #6; RECONVENED AT 8:03 PM)

- #4. (1ST RDG) **ADOPTED AS ORDINANCE NO. 239/2015** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 266/2014; AND DECLARING THE SAME TO BE AN EMERGENCY (\$2,024,930.56 SUPP APPROP FR UNAPPROP BAL OF 1153 HISTORIC ONESTO PROJ LOAN FUND TO 1153 501001 HISTORIC ONESTO PROJ LOAN - OTHER)
Referred to Finance Committee
- #5. (1ST RDG) **ADOPTED AS ORDINANCE NO. 240/2015** PROVIDING FOR THE ISSUANCE AND SALE OF REVENUE BOND ANTICIPATION NOTES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,000,000 TO PROVIDE FUNDS TO MAKE A LOAN FOR ECONOMIC DEVELOPMENT IN THE CITY; AUTHORIZING RELATED MATTER; AND DECLARING THE SAME TO BE AN EMERGENCY (ONESTO HOTEL)
Referred to Finance Committee
- #6. (1ST RDG) **ADOPTED AS ORDINANCE NO. 241/2015** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 266/2014; AND DECLARING THE SAME TO BE AN EMERGENCY (\$100,000.00 SUPP APPROP FR UNAPPROP BAL OF 2412 CRIME LAB FUND TO 2412 102090 CRIME LAB - OTHER)
Referred to Finance Committee

PRESIDENT PRO TEM SMITH: At this time, the Chair would declare an in house recess for the Finance Committee to meet in regards to Ordinances #4, 5 and 6.

PRESIDENT PRO TEM SMITH: Council is reconvened after the recess. Member Morris.

MEMBER MORRIS: Madame President, I move we suspend Rule 22A to place Ordinances #4, 5 and 6 back on this evening's agenda.

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MEMBER BABCOCK: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to suspend Rule 22A. Are there any remarks? If not, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS 0 NAYS

CLERK TIMBERLAKE: Twelve yeas Ms. President.

PRESIDENT PRO TEM SMITH: Ordinances 4, 5 and 6 are a legal part of your agenda. Member Morris.

MEMBER MORRIS: Madame President, I move we suspend Statutory Rules on Ordinance #4.

MEMBER SMITH: Second.

PRESIDENT PRO TEM SMITH: There's a move to suspend the Statutory Rules on Ordinance #4. Are there any remarks? If not, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Ms. President.

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

MEMBER MORRIS: Madame President, I move we adopt Ordinance #4.

PRESIDENT PRO TEM SMITH: Is.. second? Give a second?

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded that you adopt Ordinance #4. Any remarks under this Ordinance ? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Ms. President

#4 ADOPTED AS ORDINANCE NO. 239/2015

PRESIDENT PRO TEM SMITH: Ordinance #4 has been adopted. Leader Morris.

MEMBER MORRIS: Madame President, I move we suspend Statutory Rules for Ordinance #5.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM SMITH: There's a move to suspend Statutory Rules on Ordinance #5. Are there any remarks? If not, roll call vote please.

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NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

MEMBER MORRIS: Madame President, I move... oops, yeah, we adopt Ordinance #5.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded that you adopt Ordinance #5. Are there any remarks under this Ordinance ? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Ms. President

#5 ADOPTED AS ORDINANCE NO. 240/2015

PRESIDENT PRO TEM SMITH: Ordinance #5 has been adopted. Leader Morris.

MEMBER MORRIS: Madame President, I move we suspend Statutory Rules for... on Ordinance #6.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM SMITH: There's a move to suspend the Statutory Rules on Ordinance #6. Are there any remarks? If none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President.

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

MEMBER MORRIS: Madame President, I move we adopt Ordinance #6.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded that we adopt Ordinance #6. Are there any remarks under this Ordinance? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Mr. President

#6 ADOPTED AS ORDINANCE NO. 241/2015

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PRESIDENT PRO TEM SMITH: Ordinance 6 has been adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT PRO TEM SMITH: We're under Ordinances for their Second Reading. Madame Clerk, would you please read Ordinance #7.

NOTE: PRESIDENT PRO TEM SMITH CALLED UPON CLERK TIMBERLAKE TO READ ORDINANCE #7 THROUGH ORDINANCE #8 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #7. (2ND RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO PAY AN AMOUNT NOT TO EXCEED \$3,195.00 TO HOWLAND COMPANY; AND DECLARING THE SAME TO BE AN EMERGENCY (ASBESTOS ABATEMENT FOR 1542 OLIVE PL NE)
- #8. (2ND RDG) AN ORDINANCE AUTHORIZING THE CITY AUDITOR TO RECLASSIFY THE CODE AND BUILDING DEPARTMENT FUNDING FROM THE GENERAL FUND TO AN ENTERPRISE FUND; AUTHORIZING THE AUDITOR TO WORK IN CONJUNCTION WITH THE LAW DEPARTMENT AND THE BUILDING DEPARTMENT TO MAKE SAID CHANGES EFFECTIVE JANUARY 1, 2016 AND TO ADVANCE ANY INTERFUND MONIES NECESSARY TO COVER EXPENSES UNTIL SAID FUNDS ARE REPAID BY THE COLLECTION OF FEES; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT PRO TEM SMITH: We are now under Ordinances for their Third Reading and Final Reading. Madame Clerk, would you please begin with Ordinance #9.

NOTE: PRESIDENT PRO TEM SMITH CALLED UPON CLERK TIMBERLAKE TO READ THE FOLLOWING ORDINANCE #9 THROUGH ORDINANCE #13 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #9. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 242/2015** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 266/2014; AND DECLARING THE SAME TO BE AN EMERGENCY (\$3,000.00 APPROP TRF FR 1001 852001 TREASURER - OTHER TO 1001 852001 TREASURER - PERSONAL SERVICES; \$51,014.21 APPROP TRF FR 2120 852101 INCOME TAX - OTHER AND \$15,000.00 APPROP TRF FR 2120 852101 INCOME TAX - INCOME TAX REFUND TO 2120 852101 TREASURER - PERSONAL SERVICES IN AMT OF \$66,014.21)

PRESIDENT PRO TEM SMITH: Member Morris.

MEMBER MORRIS: Madame President, I move we adopt Ordinance #9.

MEMBER BABCOCK: Second.

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PRESIDENT PRO TEM SMITH: It's been moved and seconded to adopt Ordinance #9. Are there any remarks?

MEMBER MORRIS: Madame President, I move we amend Ordinance #9 per a copy that all Council Members have in front of them.

MEMBER BABCOCK: Second.

AMENDMENT

Pursuant to Council Rule 36, I move to amend Section 1 of Agenda Item No. 9 by substituting the word "Personnel" for the word "Personal".

MEMBER MORRIS: Could we have that summarized, please.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to amend Ordinance per copy that each one of you have in front of you. Any there any remarks?

LAW DIRECTOR MARTUCCIO: Madame President.

PRESIDENT PRO TEM SMITH: Yes.

LAW DIRECTOR MARTUCCIO: In order to summarize this, this is an amendment that simply substitutes the word personnel for personal in Section 1 of this Ordinance where it appears a couple of times. It was a typo that is to be corrected. Thank you.

PRESIDENT PRO TEM SMITH: Thank you. By voice vote, all those in favor signify by saying aye.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

MEMBER MORRIS: Madame President, I move we adopt Ordinance #9.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: Now, the question you are voting on in Ordinance 9 is as amended. Are there any remarks under this Ordinance as amended?

MEMBER MORRIS: Madame President.

PRESIDENT PRO TEM MORRIS: Yes.

MEMBER MORRIS: Question to our Treasurer. Can we please get a clarification as to why this came down as personal services and then was changed to personnel in the sum of \$66,000.00. As I spoke last week I said that this looked like somebody lost track of their payroll.

TREASURER PEREZ: Well, Mr. Morris, if you remember last year when I came down here and I used a supplement appropriation, you asked me not to use supplement appropriations anymore because it looked like I was overspending my budget. So this year I'm coming down taking money out of my line items within my

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budget already given to me, and I'm putting them in the proper line items in order to do the same things we did last year and the same thing that you'll be voting on in the next couple weeks for other departments. So all I'm doing is taking money within my budget, moving it around in order to make payroll for our people. I had a conversation with you and Mr. Mariol in January, and then I called Mr. Mariol in February and I told him I need to lay off people if, you know, you're not gonna give us enough money for the salaries. Mr. Mariol's answer to me is no, don't lay anybody off, we'll get you the money. I'm not even asking for the money. I made it up in my own budget, and that's how we're moving forward.

PRESIDENT PRO TEM SMITH: Member Morris.

MEMBER MORRIS: Uh, I'm fine with the answer, and I commend you for moving the money around in your budget, but I do recall that meeting and the request from your department exceeded what we had in the budget for you so that's why the money was not included in your budget. I don't recall the conversation where Member Mariol told you well, no, don't lay anybody off. I do recall the conversation where we had tightened the strings on the budget, so I hope by the end of this year you're not having to move money around because I don't think we're all gonna have it. But thank you for your answer.

PRESIDENT PRO TEM SMITH: Are there any more remarks? If not, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Ms. President.

#9 ADOPTED AS AMENDED AS ORDINANCE NO. 242/2015

PRESIDENT PRO TEM SMITH: Ordinance 9 has been amended and adopted. Thank you.

#10. (3RD RDG) **ADOPTED AS ORDINANCE NO. 243/2015** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 266/2014; AND DECLARING THE SAME TO BE AN EMERGENCY (\$47,500.00 SUPP APPROP FR UNAPPROP BAL OF 2762 INDIGENT DRIVER ALCOHOL TREATMENT FUND TO 2762 701001 INDIGENT DRIVER ALCOHOL TREATMENT - OTHER)

PRESIDENT PRO TEM SMITH: Leader.

MEMBER MORRIS: Madame President, I move we adopt Ordinance #10.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM SMITH: It's been properly moved and seconded to adopt Ordinance #10. Roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Ms. President.

#10 ADOPTED AS ORDINANCE NO. 243/2015

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PRESIDENT PRO TEM SMITH: Ordinance #10 has been adopted.

#11. (3RD RDG) **ADOPTED AS ORDINANCE NO. 244/2015** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 266/2014; AND DECLARING THE SAME TO BE AN EMERGENCY (\$13,767.17 SUPP APPROP FR UNAPPROP BAL OF 2767 701001 JAIL DIVERSION GRANT FUND - PERSONNEL TO 2767 701001 JAIL DIVERSION GRANT FUND - OTHER)

PRESIDENT PRO TEM MORRIS: Member Morris.

MEMBER MORRIS: Madame President, I move we adopt Ordinance #11.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM SMITH: It's been properly moved and seconded to adopt Ordinance #11. Roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Ms. President.

#11 ADOPTED AS ORDINANCE NO. 244/2015

PRESIDENT PRO TEM SMITH: Ordinance 12... 11, I'm sorry, has been adopted.

#12. (3RD RDG) **POSTPONED UNTIL 12/14/15** AN ORDINANCE ACCEPTING A \$100,000.00 DONATION FROM THE ROTARY CLUB OF CANTON; AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE ROTARY TO ACCEPT SAID DONATION; AUTHORIZING AND DIRECTING THE CITY AUDITOR TO RE-ESTABLISH THE 2461 MARKET SQUARE DONATION FUND FOR THE PURPOSE OF ACCEPTING AND TRACKING SAID DONATION AND EXPENDITURES AND ANY RELATED DONATIONS MADE TO THE MARKET SQUARE PROJECT FROM COMMUNITY ORGANIZATIONS AND NON-PROFITS; AND DECLARING THE SAME TO BE EMERGENCY

PRESIDENT PRO TEM SMITH: Member Morris.

MEMBER MORRIS: Madame President, I move we adopt Ordinance #12.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM SMITH: It's been properly moved and seconded to adopt Ordinance #12. Are there any remarks?

MEMBER MORRIS: Madame President, I move we amend Ordinance #12 per a copy that all Council Members have in front of them.

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MEMBER BABCOCK: Second.

AMENDMENT

 Pursuant to Rule 36, I move to amend Section 2 of Agenda Item No. 12 by the modification of the last sentence to read as follows:

The acceptance of additional donations shall be subject to a similar memorandum of understanding between the donor and the city of Canton through the approval of councilmanic formal ordinances or resolutions in which said donations are specifically committed to the development of Market Square.

PRESIDENT PRO TEM SMITH: It's been properly moved that we amend Ordinance #12 per copy that all Council Members have in front of them. And could we have that summarized?

LAW DIRECTOR MARTUCCIO: Madame President.

PRESIDENT PRO TEM SMITH: Yes.

LAW DIRECTOR MARTUCCIO: Thank you. Members of Council, this adds an additional sentence to the existing 2 of the current Ordinance. It says the acceptance of additional donations will be subject to a similar memorandum of understanding between the donor and the city of Canton through the approval of councilmanic formal ordinances or resolutions in which said donations are specifically committed to the development of Market Square. What this is, is a religious adherence to the language from the State Auditor that says that these kinds of funds and the... and the acceptance of these kinds of donations for said funds have to be either externally restricted or internally committed. I want to thank Auditor Mallonn and his assistance for drilling that into my head as we drafted this, and sharing the State Auditor's bulletins where are necessary in order to approve something like this. So, thank you all very much for adding this amendment.

MEMBER FISHER: Madame President.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER FISHER: Director Martuccio, I just have a question on one bit of language that, I should have thought of this sooner, but on accepting donations from community organizations and non profits as we have this set up, does that language restrict us from, let's say if I was a rich guy like Dave Dougherty and I just wanted to write a huge check, are we not able to accept it under this Ordinance?

LAW DIRECTOR MARTUCCIO: Good ques... Madame President, Member Fisher, good question. I believe we still can. Uh, the choice here was the first two that were publicly presented to us were from the Rotary and the... and the Foundation. That's a good question. If it runs into a problem with the State Auditor obviously I'd be happy to offer another amendment to you. Any donor can make a legal donation to any public entity, and we have to honor the intentions of the donor provided they're legal. What this does is it says that the money has to be carefully received, carefully set in the proper fund, and... and carefully committed internally by the City Council. So, yes, if... if you or anyone felt so moved could accept the money and commit it through an ordinance.

MAYOR HEALY: Madame President.

PRESIDENT PRO TEM SMITH: Yes, Mayor.

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MEMBER FISHER: Thank you.

MAYOR HEALY: Uh, Councilman Dougherty, please make the check out to City of Canton, and we'll be happy to accept that. Thank you so much. (*Laughter*)

MEMBER FISHER: He's let me know that he is not for profit, so... (*Laughter*)

MEMBER WEST: Mr. President... Madame President.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER WEST: I'd also like to thank the Law Department for... for all the work that they've done on this Ordinance, and it's definitely appreciated.

PRESIDENT PRO TEM SMITH: Are there any more remarks? It's been moved and seconded to amend the Ordinance per copy before each of you. If... and there were remarks, we thank you for them. By voice vote, all those in favor signify by saying aye.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM SMITH: Member Morris.

MEMBER MORRIS: Madame President, I move we adopt Ordinance #12 as amended.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM SMITH: It's been properly moved and seconded we adopt Ordinance #12 as amended.

MEMBER DOUGHERTY: Madame President.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER DOUGHERTY: Yeah. In this Ordinance Canton Rotary has committed to donating this money with certain conditions and restrictions. Can someone speak to that?

LAW DIRECTOR MARTUCCIO: Madame President.

PRESIDENT PRO TEM SMITH: Yes.

LAW DIRECTOR MARTUCCIO: Member Dougherty, Members of Council, as you know, Mike Gill on behalf of the Chamber and the Rotary has been negotiating with the city through Assistant Law Director Chessler in keeping all the folks in the Administration informed. They, for example, are simply saying they were looking for some sort of recognition that something in the Market Square development be named after them. Uh, they were looking for some type of parameters, and they were looking for a few other conditions that they mentioned when they appeared before Council. This Ordinance authorizes the Director of Public Service to enter into a memorandum of understanding in writing so that there is a meeting of the minds and those conditions are agreed

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to in advance of accepting the money and depositing in the appropriate account. Thank you.

MEMBER DOUGHERTY: So there is... there's nothing in writing at this point...

LAW DIRECTOR MARTUCCIO: It's in...

MEMBER DOUGHERTY: That'll come later.

LAW DIRECTOR MARTUCCIO: It's in final draft. It's been circulated. I believe it's been left with Mr. Gill for awhile now in terms of getting the proper execution. When it is in final form it can be accepted on behalf of the city pending your permission by our service director, then the money can be deposited in the account and dealt with accordingly.

MEMBER DOUGHERTY: But City Council doesn't have this in front of them before we're voting on this. So we don't know what the agreement's going to be.

LAW DIRECTOR MARTUCCIO: Member Dougherty, that's true. But the conditions are such that they had to do with naming rights, some sort of naming recognition, and a few other matters, none of which dictate the method in which the money's to be spent. Some of... if you desire to postpone it a week to get a copy, hopefully we'll have an executed by then.

MEMBER DOUGHERTY: Well, Madame... Madame President.

PRESIDENT PRO TEM SMITH: Yes, Member Dougherty.

MEMBER DOUGHERTY: I... I'm just concerned that I... I don't know the conditions and the restrictions and I'm not gonna be in the room when that apparently is going to be decided. But I'm to vote on this, and then what if I don't like the conditions and restrictions? Does this come back for a vote, or...?

LAW DIRECTOR MARTUCCIO: No, this is authorization.

MEMBER MARIOL: Madame President.

PRESIDENT PRO TEM SMITH: Member Mariol.

MEMBER MARIOL: If maybe Member Dougherty could let us know some of the things that he would be nervous about having included in the contract.

MEMBER DOUGHERTY: Well, one moment (*chuckles*)...

MEMBER MARIOL: I... I think what this does is this spells out...

MEMBER DOUGHERTY: I don't know what to be nervous about if I haven't seen it. That's all.

MEMBER MARIOL: Well, are... are there things that...

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MEMBER DOUGHERTY: They were here that night and... and were specifically saying you better do this and this and this.

MEMBER WEST: Yes, Mis... Mis... Madame President.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER WEST: Um, I... I also belong to the Special Improvement District, and this has been talked about. The agreement we talked about in depth. Uh, and I know there's a lot of rumors going around to... we're gonna name... rename Market Square and all those kind of things. Uh, what... what the Rotary wanted, and others, want simple recognition. If that means a plaque on a bench or a brick on a pavement. We're... and I want to be very clear. If we're gonna change Market Square's name it's gonna be a substantial amount, and I'm hoping it'll be an NFL team that would bring some cash to us. So, and... and I'm certain it's not gonna be Dougherty's pocket, but... but I do understand what Member Dougherty is saying is he wants to see an agreement, he wants to make sure that we are not going to give away, you know, these naming rights and all these other conditions and not have that before us. But I don't think that's what we're talking about. They want just simple recognition that they gave a hundred thousand dollars towards this project.

MEMBER DOUGHERTY: Madame President.

PRESIDENT PRO TEM SMITH: Member Dougherty.

MEMBER DOUGHERTY: I don't... I don't understand what these certain conditions and restrictions are. Restrictions is a big word. And conditions, and I'm just saying to do this and not have that in front of us before we vote on it is a little bit backwards to me. That's all.

MEMBER WEST: Makes sense.

MEMBER HAWK: Madame Chair.

PRESIDENT PRO TEM SMITH: Member Hawk.

MEMBER HAWK: Thank you. I got a call from Mike Gill this afternoon explaining this. This is simply going to be a memorandum of understanding with the Rotary Club that we spend the money accordingly, that is can't be transferred back out and used for other things other than Rotary Park or whatever we decide to call it. And the Rotary Club I should say, I misspoke here. And also it permits us to enter into the same memorandum of understanding with other donors who will then become specific as to what the money can and cannot be spent for. It does not permit anyone to take money back out of that account for any other reason than what is specified for by the donor, and it's very similar to some of the funds we have in parks in across the city. If you look down the list of accounts you'll see some parks where money was donated specifically to parks and would only be used in that park or in that region. It's the same type of memorandum of understanding. They're just assuring that their dollars go for use in that area. And I think that's really the key to it. And it will also open it up to other memorandums of understanding done through our Service Director's office to account for and make sure all the money's spent according to what it was gifted for. Thank you.

MEMBER DOUGHERTY: Madame President.

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PRESIDENT PRO TEM SMITH: Member Dougherty.

MEMBER DOUGHERTY: The problem I have is if these... if they come back and say no, I want our name to go here and I want it like this, this and this, and then we don't do it and they take the money back, we look foolish.

MEMBER MORRIS: Madame President.

MEMBER WEST: Madame President.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER MORRIS: You know, the time I spent on the Park Commission I seen situations just like Member Dougherty's talking about is where somebody gives you a donation, but it's under the stipulation that you use it for this, this or this, making the funds virtually useless because what they wanted you to use the funds for you didn't either A have the matching funds to see the project through, or B you... you just weren't going to put in a park on a square. So I see where Member Dougherty's going with this. It's kinda vague, and, you know, what happens if they want it called Rotary Park and then all of a sudden they pull the hundred thousand dollars from us. I mean, I think we do, we might look foolish.

MEMBER WEST: Madame President.

PRESIDENT PRO TEM SMITH: Yes, Member West.

MEMBER WEST: Yes. One of the things is the two hundred thousand dollars is going towards the soft costs. Soft costs is actually getting an architect, and right now we've already passed a res... we've already passed a resolution going out to bid. I think we passed a resolution for that, right? I believe so. Anyway, but with respect to donations, Member Hawk, I... I appreciate your... your input because that's exactly how it was spelled out to us at the meeting. And one thing they want to be certain is if the... if we do not move forward on this project. They want to know that that money is coming back to them. So, if Canton decides that two million dollars that we pledged to go forward, or future pledged to go forward, they want to make certain that, you know, we're gonna put an ante up, that this Council's going to follow through with Market Square as it was intended.

MEMBER MARIOL: Madame President.

PRESIDENT PRO TEM SMITH: Yes, Member Mariol.

MEMBER MARIOL: I have a... I have the rough draft of the agreement. Under Section 4, Conditions and Requirements, Canton agrees and promises that the funds described here and donated by the Rotary shall be used for what... for what the parties hereto identify as the related soft costs, which are by way of example and not limitation the cost of engineering, survey and design. At the time of entering into this agreement, Canton through its legislative body has informally committed funding of approximately two million dollars to this project. The donation to be made by the Rotary is contingent upon the commitment of Canton to be formalized and the project to proceed. The parties hereto acknowledge and agree that the donated funds are subject to being paid back to the donor if all or any of the portion of the funds have not been properly expended, with a

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blank because it's the rough draft. The Rotary shall be entitled to request and receive any such remaining funds upon written request, and Canton shall return such amount within 45 days of said written request. (B) If all or any portion of the donated funds are discovered to have been spent outside the scope of permitted uses, Rotary shall be entitled to request and receive reimbursement of such funds upon written request, and Canton shall reimburse such amount within 45 days of receipt of the written request. (C) If for whatever cause or reason the Market Square does not go forward in relation to the naming rights, they are requesting some type of naming rights. They're not specific in what they want. If there is any concern at least previous to this, I don't know if any requests have been made to get this, but I would imagine the Law Director wouldn't have had any issues sending that request out, correct?

LAW DIRECTOR MARTUCCIO: Madame President.

PRESIDENT PRO TEM SMITH: Yes.

LAW DIRECTOR MARTUCCIO: Member Mariol, we did circulate some draft among a number of people involved in negotiations. However, to Member Dougherty's point I was under the impression that there was an urgent need to pass this. If Council believes that it can wait one more week I'm certain we'll have an executed copy to present by next Monday. I'll leave that to your discretion.

MEMBER WEST: Mr. Pre... uh, Madame Chair.

PRESIDENT PRO TEM SMITH: Uh, Member Smuckler.

MEMBER SMUCKLER: Um, I was just gonna say I can't understand what a week would hurt. If we can... we got a whole lot of stuff that's important on here, so one week to my estimation wouldn't be that awful to wait to just get the... this thing down, especially on the naming rights of this whole thing. *(Applause)*

MEMBER WEST: Madame Chair.

PRESIDENT PRO TEM SMITH: Yes, Member West.

MEMBER WEST: I... I would support that it wait a week. Uh, I don't think that that's a big... I don't think there's a big issue with that if we can wait till next week and pass it. So I would have no... I'm not against that.

MEMBER MORRIS: Madame Chair.

PRESIDENT PRO TEM SMITH: Yes, Leader Morris.

MEMBER MORRIS: I move we po... I move we postpone Ordinance #12 until our next meeting which I don't...

CLERK TIMBERLAKE: 14th. 12-14-15.

MEMBER MORRIS: 12-14-2015.

MEMBER BABCOCK: Second.

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PRESIDENT PRO TEM SMITH: It's been properly moved and seconded to hold... postpone, I'm sorry, Ordinance #12. All those in favor. Do we have anyone oppose it?

NO REMARKS

POSTPONEMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM SMITH: Then the ayes have it. So that for 12...

MEMBER HAWK: Madame President.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER HAWK: Please, I'd like to make one more comment, and I did support this holding it by the way, and I think it's a good idea. But the other thought we need to have into this is that there will be memorandums of understanding based on other donations from other individuals. This one is just a stab... really what we're doing here, we're not... we're accepting the first hundred thousand dollars establishing the fund. There will be a memorandum of understanding for the Rotary Club with how the money can be spent. This fund will not be open to other people contributing to it with separate memorandums of understanding, so that's one of the things we really need to consider. Are we gonna come back down here and review every memorandum of understanding? I mean, okay, I'm just... that's fine and dandy then. I just wanted to clear that up that there will be separate memorandums of understanding as other people donate money. This is a just a first in hopefully a long line. Thank you.

MEMBER WEST: Madame Chair.

PRESIDENT PRO TEM SMITH: Yes, Member West.

MEMBER WEST: Just real quick. Un, Law Director, are... are you then gonna come back down here with the specific language and review that next week so that we can get this moving forward or is other Council Members going to contact the Law Department and address this issue individually?

LAW DIRECTOR MARTUCCIO: Madame President.

PRESIDENT PRO TEM SMITH: Yes.

LAW DIRECTOR MARTUCCIO: Member West, we'll circulate it as soon as it's in our possession, and yes, we'll explain it next week in advance of the vote. And yes to Member Hawk's point. Each donation will be separately accepted by the city fully aware of the conditions they're accepting.

PRESIDENT PRO TEM SMITH: At this time Ordinance #12 has been postponed until 12/14.

CLERK TIMBERLAKE: 15.

PRESIDENT PRO TEM SMITH: That's 12-14-15. Ordinance #13 please.

#13. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 246/2015** A RESOLUTION TO

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SUBMIT BEFORE THE ELECTORATE OF THE CITY OF CANTON A RENEWAL OF THE 4.0 MILL LEVY OUTSIDE THE 10 MILL LIMITATION FOR THE CANTON PARK SYSTEM FOR A PERIOD NOT TO EXCEED FIVE YEARS

PRESIDENT PRO TEM SMITH: Leader Morris.

MEMBER MORRIS: Madame President, I move we adopt Ordinance #13.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM SMITH: It's been moved and seconded to adopt Ordinance #13. Are there any remarks?

MEMBER MORRIS: Madame President.

PRESIDENT PRO TEM SMITH: Yes.

MEMBER MORRIS: I move we amend Ordinance #13 per a copy that all Council Members have in front of them.

MEMBER BABCOCK: Second.

AMENDMENT

_____ Pursuant to Council Rule 36, I move to amend Agenda Item No. 13 by substituting the attached amended ordinance for the version currently pending before Council in order to reflect the changes related to the combined millage.

PRESIDENT PRO TEM SMITH: Could we have the amendment summarized, please.

LAW DIRECTOR MARTUCCIO: Madame President, Members of Council, as you are aware a meeting took place in these chambers last week at which the discussion ensued about whether to pursue what is currently before you, and this is a 5 mill 4... a 5 year 4 mill levy as a Park Commission renewal, or to do what was done a month ago and this is to pursue a 5 year 5 mill levy which includes the 4 mill renewal that the Park Commission currently is existing on and saving from the general fund, and adding to it a 1 mill for recreational purposes which will stand in place of the 1 mill that would be sought otherwise by the Joint Rec Board. So it is... we are being asked, and I won't speak for the Park Commission in the event that any of you want to hear from... from them cause some members are present. But the... the amendment before you changes the Ordinance from 5 years and 4 mills to 5 years and 5 mills, and includes the necessary language required by the local Board of Elections and the Secretary of State to get it on the ballot in March. The deadline is looming to submit the legislation. If this passes I also want to commend County Auditor Harold and his assistant Mr. Oates for turning around the valuation very quickly. Last week you asked for the valuation and millage of 4 mills and 5 mills in case you wanted to go with either one. It's in our possession. Our Clerk of Council has informed us and circulated it. That valuation will be attached to whichever form you pass tonight, and it will be timely at the Board of Elections so it will be on the primary ballot in March. Again, the amendment in front of you is for 5 years 5 mills.

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PRESIDENT PRO TEM SMITH: It's been moved and seconded to amend Ordinance that you have before you. Are there any remarks? If not, by voice vote, all those in favor signify by saying aye.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM SMITH: Leader Morris.

MEMBER MORRIS: Madame President, I move we adopt Ordinance #13 as amended.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM SMITH: Excuse me, are there anyone opposed? Hearing none, and that was a second. I had to do that for the record, you all, excuse me. The question now that you are voting on, Ordinance #13, is as amended. Are there any remarks under Ordinance as amended?

MAYOR HEALY: Madame President.

PRESIDENT PRO TEM SMITH: Yes. Member... Mayor.

MAYOR HEALY: Thank you. One of the questions that I have is when we did this in November the language that was put on the ballot I think may have been confusing because it was specifically looking at a park levy going from a 4 mill to a 5 mill with the understanding of those who do that the recreation 1 mill levy would go away. But it didn't really say that in the language so it looked like it was an increase. Are we... and this may be to the Law Director, do we have any ability to... to rephrase that so that it clearly shows that we're merging two departments and we're turning a 4 and 1 into a 5, or is it going to show up as a 4 going to a 5 on the ballot? Can you help us with that?

LAW DIRECTOR MARTUCCIO: Madame President.

PRESIDENT PRO TEM SMITH: Yes.

LAW DIRECTOR MARTUCCIO: Mr. Mayor, that's a good question, and we were asked in advanced by the Park Commission to consider alternative language that would make it clearer that this was a combined effort. And we spoke with the counsel for the Stark County Board of Elections and one of their executive directors and they in turn spoke with the State Secretary of State, and the answer was no, you have to live with the language within the Revised Code. Now it will read park and recreational purposes. It will clearly read park and recreational purposes, but it will say 5 mills, yes, yes, yes.

PRESIDENT PRO TEM SMITH: Are there any more questions or remarks? If not, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Ms. President.

#13 ADOPTED AS AMENDED AS ORDINANCE NO. 245/2015

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PRESIDENT PRO TEM SMITH: Ordinance #13 as amended has been adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM SMITH: Now...

MEMBER HAWK: Madame President.

PRESIDENT PRO TEM SMITH: Will you wait and give me a chance to say it, Greg.

MEMBER HAWK: *Inaudible*

PRESIDENT PRO TEM SMITH: (*Laughs*) I knew you was gonna say that. Announcements of Committee Meetings. Member Hawk.

MEMBER HAWK: Madame President, thank you. Finance Committee will meet Monday, December 14th at 6:45 P.M.

PRESIDENT PRO TEM SMITH: Thank you. We are now under Miscellaneous Bus...

CLERK TIMBERLAKE: No, no no.

PRESIDENT PRO TEM SMITH: Did I miss somebody?

MEMBER MACK: Madame President.

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

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

PRESIDENT PRO TEM SMITH: Are there any more committee meetings? Alright.

MISCELLANEOUS BUSINESS

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

MEMBER GRIFFIN: Madame President.

PRESIDENT PRO TEM SMITH: Member Hart.

MEMBER HART: Yes, I just wanted to compliment my super distinguished looking member to my right, Member Smuckler, on his new glasses. Um, according to Member Hawk there's a rumor that he's gonna be trying out for the new Harry Potter movie. (*Laughter*) But I... I just want to compliment all the city workers. On Thursday I brought my two granddaughters downtown for the Light Up Downtown Canton, and...

MEMBER SMUCKLER: Did you have your wallet?

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MEMBER HART: Yes, I had my wallet. (*Laughter*)

CLERK TIMBERLAKE: Not his phone, though, he lost it.

MEMBER HART: And they just... they had a wonderful time, and you looked at the faces of a lot of the kids down there and... and they were just lit up and excited, and it, you know, did my heart very... you know, when you watch everybody go up on Santa's lap and you're looking at those little faces, how they light up, and, you know, it did my heart good when I was waiting in line and I saw Member Hawk and Member Babcock go up on Santa's lap, and as a special ed teacher I learned to read lips, and both times, you know, you watch Santa ask each of them if they had been good and of course they both shook their heads yes, and Santa shook his head no, and I don't know why the discrepancy, but it was wonderful time, and, you know, compliments to the city employees.

PRESIDENT PRO TEM SMITH: Member Griffin.

MEMBER GRIFFIN: Madame President, this coming Friday, December the 11th, the Canton Ex Newsboys for the 56th straight year will be out on the streets pushing their tabloid for a free will donation. So far since 1960 we've spent three million seven hundred thousand dollars on clothing for the children at school. Of course, our motto is... (*Applause*). Thank you. No child shall miss school for the lack of clothing. So I have some here today, I happened to pick them up today. If you want to start early go right ahead, but they will be out Friday all day collecting. And we should have good weather this year, we're due. Man, we been freezing our ears off. (*Laughter*) And other parts of our anatomy. Okay. Thank you.

LAW DIRECTOR MARTUCCIO: Madame President.

PRESIDENT PRO TEM SMITH: Yes.

LAW DIRECTOR MARTUCCIO: For those folks who came from the Raff Road neighborhood and are concerned about the new permit for the drive thru, I appreciate what's been delivered to us through your outgoing Councilman, Member Griffin, what's been delivered by your incoming Councilman, Mr. Scaglione, and what's been delivered by electronic mail through Mr. Como. All of that material has been turned over to our Chief Prosecutor Ty Hauritz, and it's being analyzed. He's also been in communication with the folks from the Park Commission by way of their director, and they are scheduled to discuss this and consider an objection, and producing someone to testify at a hearing yet to be scheduled. It'll be prosecuted, again, by Chief Prosecutor Ty Hauritz. Thank you for coming. And for those of you who observe the honorable traditions, Happy Hanukkah.

DEPUTY MAYOR WILLIAMS: Madame President.

PRESIDENT PRO TEM SMITH: Yes, Deputy Mayor.

DEPUTY MAYOR WILLIAMS: Just a reminder to the audience and Members of Council, there will be a fire department alignment update meeting. It switched from the library to the Civic Center at 6:00. We have plenty of seating available. That's why we moved the venue from the library so that we can anticipate a larger attendance, and the fire department will be giving out free smoke detectors to encourage people to attend and voice their concerns. Thank you.

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PRESIDENT PRO TEM SMITH: Are there any more Miscellaneous Business?

MEMBER WEST: Madame Chair.

PRESIDENT PRO TEM SMITH: Member West.

MEMBER WEST: I just wanted to say you did a good job tonight. (*Applause*)

PRESIDENT PRO TEM SMITH: Oh, thank you. Thank you all for your patience also. I see what President Schulman be going through up here. Okay. Yes, Member Morris. (*Laughter*)

MEMBER MORRIS: Well... (*Laughter*). I won't go there. I think you did an outstanding job, Chris.

PRESIDENT PRO TEM SMITH: Thank you.

MEMBER MORRIS: And I don't think anybody can recall ever having a woman run Canton City Council meeting.

PRESIDENT PRO TEM SMITH: Wow. (*Applause*)

MEMBER MORRIS: And, I am honored to serve with you, and I think you did a great job. Move to adjourn.

PRESIDENT PRO TEM SMITH: Thank you so very much.

UNKNOWN VOICE: (*Inaudible*)... fourth ward!

PRESIDENT PRO TEM SMITH: Fourth Ward, thank you.

MEMBER BABCOCK: Second.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK TIMBERLAKE: Twelve yeas, Ms. President.

ADJOURNMENT TIME: 8:44 P.M.

ATTEST:
CYNTHIA TIMBERLAKE
CLERK OF COUNCIL

APPROVED:
CHRIS SMITH
PRESIDENT PRO TEM