

MINUTES OF THE MEETING FEBRUARY 6, 2017

ROLL CALL TAKEN BY CLERK DOUGHERTY:

11 COUNCIL MEMBERS PRESENT: (FRANK MORRIS, CHRIS SMITH, JAMES BABCOCK, TOM HARMON, BILL SMUCKLER, GREG HAWK, NATHANIEL CHESTER, JASON SCAGLIONE, ROBERT FISHER, KEVIN HALL & JOHN MARIOL)

ELEVEN COUNCIL MEMBERS PRESENT. (PRESIDENT SCHULMAN & MEMBER MACK ABSENT)

(Recording begins as follows)

EXCUSING MEMBERS

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to excuse President Schulman and Member Mack from this evening's meeting. Any remarks? Hearing none, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas.

PRESIDENT PRO TEM MORRIS: Motion carries, and President Schulman and Member Mack are excused from this meeting. Tonight's invocation will be given by our Ward 3 Council Member, Jason Scaglione, and please remain standing for the Pledge of Allegiance afterwards.

The regular meeting of Canton City Council was held on February 6, 2017 at 7:30 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council, David R. Dougherty. The invocation was given by Ward 3 Council Member, Jason Scaglione. The Pledge of Allegiance was led by President Pro Tem Morris.

AGENDA CORRECTIONS & CHANGES

PRESIDENT PRO TEM MORRIS: Okay. We are now under Agenda Corrections and Changes. Leader.

MEMBER SMITH: Mr. President, I move we suspend Rule 22A to add second reading Ordinance #7 through Ordinance 16.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to suspend Rule 22A to add second readings Ordinances 7 through 16 to this evening's agenda. Are there any remarks? Hearing none, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

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

MINUTES OF THE MEETING FEBRUARY 6, 2017**PUBLIC HEARINGS**

PRESIDENT PRO TEM MORRIS: We're now under Public Hearings and we have none this evening.

OLD BUSINESS

PRESIDENT PRO TEM MORRIS: We're now under Old Business, and we have none. Be patient with me, this is not my job. Yes, and I'm a slow learner. *(Laughter)*

PUBLIC SPEAKS

PRESIDENT PRO TEM MORRIS: Okay. We are... we're under Public Speaks, and this evening we have one speaker signed up, Miss Irene MacDougall. Please state your name and your physical address for the record, please.

IRENE MACDOUGALL: Uh, my name is Irene MacDougall. My address is 2670 Substation Road, Medina, Ohio. Uh, thank you, Members of Council, Mr. Mayor, Members of the Administration, and the Law Director. I am here because I wanted to simply express my gratitude for what you have done so far. As most of you know, I am one of the attorneys working on behalf of the Hall of Fame Village on this transformational project. It is something that someone in my position truly enjoys being a part of because, in years to come, we will all be able to drive by and say, I helped make that happen, and it did something good for this community and for the people here. So, only too often do we, you know, we don't often enough stop and look around at the team that has come together to try and pull this sort of massive project off. The City's an integral part of this team. I know that we will have a lot more discussion. We will not always agree, that is just the fact of being part of a team. Everyone tries to look at something from a different perspective, and that's what makes it all work well, is everyone speaking up and trying to make it fit all the pieces. So, I simply wanted to express my gratitude, stop at this point in time, and say thank you for all of the hard work.

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

INFORMAL RESOLUTIONS

PRESIDENT PRO TEM MORRIS: Okay. We're now under Informal Resolutions. We have none.

COMMUNICATIONS

PRESIDENT PRO TEM MORRIS: We're now under Communications. Let the record know they've all been received and 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 FEBRUARY 6, 2017.

47. AUDITOR MALLONN: MNTHLY RPT BY FUND 1/1/17 - 1/31/17. - RECEIVED & FILED
48. COUNCIL MEMBER FISHER, WARD 5: REQ HONORARY NAME CHANGE ON 13TH ST SW FR CLARENDON AVE SW TO WERTZ AVE SW TO J. BABE STEARN WAY SW IN HONOR OF J. BABE STEARN. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
49. FINANCE DIRECTOR CROUSE: REQ LEGISLATION TO RENAME FUND #2774 BYRNE MEM JUSTICE ASSIST GR 09 TO FUND #2774 2016 COPS HIRING PROG GRANT FUND . - FINANCE

MINUTES OF THE MEETING FEBRUARY 6, 2017

COMMITTEE

50. LIQUOR CONTROL DIV (OHIO): REQ NEW D1 D3 PERMIT FOR 3773 CLEVELAND INC DBA EURO GYRO @ 3717 CLEVELAND AVE NW. - RECEIVED & FILED
51. LIQUOR CONTROL DIV (OHIO): REQ TRAN OF B5 PERMIT FROM LA DICK IMPORTS LLC @ 400 CHERRY AVE SE UNIT 1 TO L A DICK IMPORTS LLC DBA L A DICK IMPORTS @ 935 MCKINLEY AVE NW. - RECEIVED & FILED
52. MAYOR BERNABEI: REQ RE-APPT OF MR. BRIAN SKILES TO CANTON RECREATION BOARD FOR 5-YR TERM COMMENCING RETRO FR 1/1/17 TO 12/31/21. - PERSONNEL COMMITTEE
53. SERVICE DIRECTOR BARTOS: WATER RECLAMATION FACILITY (WRF) 2016 ANNUAL RPT OF OPERATION. - RECEIVED & FILED
54. SERVICE DIRECTOR BARTOS: AUTHORIZE LAW DIRECTOR TO ENTER INTO SETTLEMENT AGMT WITH SHOOK CONSTRUCTION CO FOR SETTLEMENT OF CLAIMS ASSOCIATED WITH CONSTRUCTION AT CANTON WRF FACILITY; AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CHANGE ORDER NO. 3 TO THE CITY OF CANTON WRF PHOSPHORUS/TOTAL NITROGEN PROJ - CONTRACT NO. 26 WITH SHOOK CONSTRUCTION CO. IN AMT OF \$262,205.23; AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CHANGE ORDER NO. 4 TO CITY OF CANTON WRF PHOSPHORUS/TOTAL NITROGEN PROJ - CONTRACT NO. 26 WITH SHOOK CONSTRUCTION CO. IN AMT OF \$375,468.00; MAKE \$255,651.77 INTRA-FUND TRF FR UNAPPROP BAL OF 5410 SEWER OPERATING FUND TO UNAPPROP BAL OF 5442 WRF PHOSPHORUS PROJ FUND; \$637,673.23 SUPP APPROP FR UNAPPROP BAL OF 5442 WRF PHOSPHORUS PROJ FUND TO 5442 206054 WRF PHOSPHORUS PROJ (CONSTRUCTION) - OTHER; \$255,651.77 SUPP APPROP FR UNAPPROP BAL OF 5442 WRF PHOSPHORUS PROJ FUND TO 5442 206055 SHOOK CONSTRUCTION CO. INDEMNIFICATION - OTHER; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY (FINE SCREEN EQUIPMENT MALFUNCTION AND ADDITIONAL CHARGES IN PROJ SCOPE). - FINANCE COMMITTEE
55. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO PROF SERVS CONTRACT AMENDMENT WITH CT CONSULTANTS, INC. IN AMT NOT TO EXCEED \$384,000.00; MAKE \$384,000.00 SUPP APPROP FR UNAPPROP BAL OF 5442 WRF PHOSPHORUS PROJ FUND TO 5442 206054 WRF PHOSPHORUS (CONSTRUCTION) - OTHER; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY (ADDT'L ENGINEERING FEES). - FINANCE COMMITTEE
56. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO CONSTRUCTION CONTRACT; AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO PROF SERVS CONTRACT FOR CONSTRUCTION ENGINEERING SERVS; AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACTS WITH OHIO POWER COMPANY (AEP), TIME WARNER CABLE/CHARTER, AT&T, AND/OR ANY OTHER ASSOCIATED ENTITIES FOR UTILITY

MINUTES OF THE MEETING FEBRUARY 6, 2017

WORK; AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO AGMT FOR AND RECEIVE GRANTS AND/OR LOANS FR VARIOUS FUNDING SOURCES, INCLUDING BUT NOT LIMITED TO OHIO DEPT OF TRANS (ODOT), STARK CO. AREA TRANS STUDY (SCATS), STARK AREA REG TRANSIT AUTH (SARTA), OHIO PUB WORKS COMM (OPWC), AND STARK CO.; MAKE \$466,500.00 SUPP APPROP (SCATS/ODOT CMAQ FUNDING) FR UNAPPROP BAL OF 4566 MAHONING RD. CORRIDOR PROJ, GP 1103 FUND TO 4566 202079 MAHONING RD. CORRIDOR PROJ, GP 1103 - OTHER; \$6,900,000.00 SUPP APPROP (ODOT TRAC FUNDING) FR UNAPPROP BAL OF 4566 MAHONING RD. CORRIDOR PROJ, GP 1103 FUND TO 4566 202079 MAHONING RD. CORRIDOR PROJ, GP 1103 - OTHER; \$6,900,000.00 SUPP APPROP (ODOT TRAC FUNDING) FR UNAPPROP BAL OF 4566 MAHONING RD. CORRIDOR PROJ, GP 1103 FUND TO 4566 202079 MAHONING RD. CORRIDOR PROJ, GP 1103 - OTHER; \$1,500,000.00 SUPP APPROP (OPWC \$600,000.00 GRANT/\$900,000.00 LOAN FUNDING) FR UNAPPROP BAL OF 4566 MAHONING RD. CORRIDOR PROJ, GP 1103 FUND TO 4566 202079 MAHONING RD. CORRIDOR PROJ, GP 1103 - OTHER; \$500,000.00 SUPP APPROP (CITY WATER OPER FUNDING) FR UNAPPROP BAL OF 5201 WATER OPER FUND TO 5201 202079 MAHONING RD. CORRIDOR PROJ, GP 1103 - OTHER; \$250,000.00 SUPP APPROP (CITY SEWER OPER FUNDING) FR UNAPPROP BAL OF 5410 SEWER OPER FUND TO 5410 202079 MAHONING RD. CORRIDOR PROJ, GP 1103 - OTHER; \$1,357,203.00* SUPP APPROP (SARTA FTA FUNDING) FR UNAPPROP BAL OF 4501 CAPITAL FUND TO 4501 202079 MAHONING RD. CORRIDOR PROJ, GP 1103 - OTHER, *4501 CAP FUND WILL BE REIMBURSED THIS AMT BY SARTA FTA FUNDING; \$500,000.00 SUPP APPROP (CITY CAPITAL FUNDING) FR UNAPPROP BAL OF 4501 CAP FUND TO 4501 202079 MAHONING RD. CORRIDOR PROJ, GP 1103 - OTHER; \$275,000.00 SUPP APPROP (MUNICIPAL ROAD FUNDING) FR UNAPPROP BAL OF 2113 MUNICIPAL ROAD FUND TO 2113 202079 MAHONING RD. CORRIDOR PROJ, GP 1103 - OTHER; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY (MAHONING RD CORRIDOR, PHASE 2 STA-SR153-0.80, G.P. 1103, PID'S 90365 AND 91594 CONSTRUCTION AND CONSTRUCTION ENGINEERING). - PUBLIC PROPERTY CAPITAL IMPROVEMENT AND FINANCE COMMITTEES

57. TREASURER PEREZ: RPT OF BANK RECONCILIATIONS AS OF DECEMBER 2016 AND OUTSTANDING INVESTMENTS AS OF DECEMBER 31, 2016 AND FEBRUARY 1, 2017. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING

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

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

- #1. (1ST RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO ENTER INTO A THREE YEAR PROFESSIONAL SERVICES AGREEMENT WITH JULIAN & GRUBE, INC. IN AN AMOUNT NOT TO EXCEED \$25,400.00 ANNUALLY; AND DECLARING THE SAME TO BE AN EMERGENCY (COVER 2016, 2017, 2018

MINUTES OF THE MEETING FEBRUARY 6, 2017

AUDIT PERIODS)

Referred to Finance Committee

- #2. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 257/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$27,600.00 INTER-FUND TRF FR 1001 GENERAL FUND TO 1105 POLICE SETTLEMENT FUND) (BOBBY JO WRIGHT SETTLEMENT)
Referred to Finance Committee
- #3. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ACCEPT AND ENTER INTO THE FITZPATRICK-JOINT ECONOMIC DEVELOPMENT DISTRICT AGREEMENT AREA IN JACKSON TOWNSHIP; AND DECLARING THE SAME TO BE AN EMERGENCY (JEDD)
Referred to Community & Economic Development Committee
- #4. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE, OR THEIR DESIGNEE, TO NEGOTIATE AND ENTER INTO AGREEMENTS FOR THE SALE OR DONATION OF CITY-OWNED PROPERTY FOR PERMANENT ROAD RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENTS AS PART OF THE MIDDLEBRANCH AND 30TH ST. RECONFIGURATION; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares and Finance Committees
- #5. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO: ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH DUBLIN TECHNOLOGIES, INC. FOR THE UPGRADE OF THE WATER DEPARTMENTS SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM AND TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO CONTRACT FOR THE PURCHASE OF COMPUTERS, LAPTOPS, SOFTWARE LICENSES, AND MISCELLANEOUS ASSOCIATED ITEMS REQUIRED FOR THE UPGRADE; ALTERNATIVELY AUTHORIZES THE FOREGOING PURCHASE IN ACCORDANCE WITH ANY COOPERATIVE PURCHASING PROGRAM OR PROCUREMENT PROCEDURE AUTHORIZED BY LAW; AMENDING APPROPRIATION ORDINANCE NO. 257/2016; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

(COUNCIL RECESSED AT 7:37 P.M. FOR THE FINANCE COMMITTEE TO DISCUSS ORDINANCE #6; RECONVENED AT 7:40 P.M.)

- #6. (1ST RDG) **ADOPTED AS ORDINANCE NO. 16/2017** AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY MORAL OBLIGATIONS TO CARGILL, INC. AND DRS SERVICES, INC.; AND DECLARING THE SAME TO BE AN EMERGENCY

MINUTES OF THE MEETING FEBRUARY 6, 2017

Referred to Finance Committee

PRESIDENT PRO TEM MORRIS: And at this time the Chair call... will call for a recess for the meeting of the Finance Committee.

(RECESS)

PRESIDENT PRO TEM MORRIS: Meeting after the recess. Leader Smith.

MEMBER SMITH: Mr. President, I move we suspend Rule 22A to place Ordinance 6 back on this evening's agenda.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to suspend Rule 22A to place Ordinance #6 on this evening's agenda. Are there any remarks? Hearing none, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

PRESIDENT PRO TEM MORRIS: Ordinance #6 is a legal part of your agenda. Leader Smith.

MEMBER SMITH: Mr. President, I move we suspend the Statutory Rules on Ordinance #6.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to suspend the Statutory Rule for Ordinance #6. Are there any remarks? Hearing none, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

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

MEMBER SMITH: Mr. President, I move we adopt Ordinance #6.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Ordinance #6. Are there any remarks? Hearing none, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

MINUTES OF THE MEETING FEBRUARY 6, 2017

CLERK DOUGHERTY: Eleven yeas, Mr. President.

#6 ADOPTED AS ORDINANCE NO. 16/2017

PRESIDENT PRO TEM MORRIS: Ordinance #6 has been adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT PRO TEM MORRIS: We are now under Ordinances and Formal Resolutions for their Second Reading. Mr. Clerk, could you please begin with #7.

NOTE: PRESIDENT PRO TEM MORRIS CALLED UPON CLERK DOUGHERTY TO READ ORDINANCES #7 THROUGH #16 FOR THE SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- #7. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 257/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$20,000.00 SUPP APPROP FR UNAPPROP BAL OF 4501 CAPITAL PROJ FUND TO 4501 102001 POLICE ADMIN - OTHER)
- #8. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 257/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$8,353,850.00 SUPP APPROP FR UNAPPROP BAL OF 4581 12TH ST BRIDGE REPLACEMENT FUND TO 4581 202091 12TH ST BRIDGE REPLACEMENT - OTHER; \$273,297.00 SUPP APPROP FR UNAPPROP BAL OF 2113 MUNICIPAL ROAD FUND TO 2113 202091 12TH ST BRIDGE REPLACEMENT - OTHER)
- #9. (2ND RDG) AN ORDINANCE AUTHORIZING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY (O#S 48/2016, 59/201 AN ORDINANCE 6, 86/2016, 101/2016, 111/2016, 136/2016 & 252/2016; TRAFFIC CODE SEC'S 501.04, 505.071, 52901 & 529.03)
- #10. (2ND RDG) A RESOLUTION AUTHORIZING THE LAW DIRECTOR TO DISTRIBUTE FREE OF CHARGE TO PUBLIC OFFICIALS AND PUBLIC INSTITUTIONS COPIES OF THE 2016 SUPPLEMENT TO THE CANTON CODIFIED ORDINANCES; TO AFFIX PRICE FOR THE SALE OF SAME; AND DECLARING THE SAME TO BE AN EMERGENCY
- #11. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING AND RENUMBERING OF PART OF LOTS 6538 AND 2460; AND DECLARING THE SAME TO BE AN EMERGENCY (HABITAT FOR HUMANITY, 1012 4TH ST SW, WARD 4)
- #12. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLATTING OF LOTS 22429 AND 22430; AND DECLARING THE SAME TO BE AN EMERGENCY

MINUTES OF THE MEETING FEBRUARY 6, 2017

(HABITAT FOR HUMANITY, 2222 8TH ST NE, WARD 4)

- #13. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH CTI ENGINEERS, INC. FOR THE 13TH STREET NW LIFT STATION ELECTRICAL PANEL REPLACEMENT, GP 1254; AMENDING APPROPRIATION ORDINANCE NO. 257/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$19,189.00 SUPP APPROP FR UNAPPROP BAL OF 5410 SANITARY SEWER FUND TO 5410 206319 13TH ST NW LIFT STATION ELECTRICAL PANEL REPLACEMENT, GP 1254 - OTHER)
- #14. (2ND RDG) AN ORDINANCE DECLARING: VARIOUS PARCELS OF CITY- OWNED PROPERTY TO BE VACATED AND THE INTENT OF CANTON TO SELL SAID PROPERTIES; AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, OR THEIR DESIGNEE TO GIVE NOTICE OF THE INTENTION TO SELL SAID PROPERTIES; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO PROFESSIONAL SERVICE CONTRACTS WITH ONE OR MORE PROFESSIONAL AUCTIONEERS NECESSARY TO EXECUTE THE SALE OF SAID PROPERTIES; AND DECLARING THE SAME TO BE AN EMERGENCY (UNUSED PARK PROP, 200 ECONOMY ST NE, 252 LAWN AVE SW, 1030 LAWN AVE SW, 740 MARION AVE SW, WAYNESBURG DR SE)
- #15. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO CONTRACT FOR THE PURCHASE OF ONE (1) CATERPILLAR 926M WHEEL LOADER AND ONE (1) CARGO VAN; OR TO ALTERNATIVELY PURCHASE SAID VEHICLES PURSUANT TO ANY COOPERATIVE PURCHASING PROGRAM OR PROCUREMENT PROCEDURE AUTHORIZED BY LAW; AND DECLARING THE SAME TO BE AN EMERGENCY (WATER DEPT)
- #16. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT WITH TASOS ELECTRIC COMPANY, INC. FOR A STORM SEWER CONNECTION AND PRIVATE DRAINAGE EASEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT PRO TEM MORRIS: We are now under Ordinances and Formal Resolutions for their Third and Final Reading. Mr. Clerk, could you please begin with #17.

NOTE: PRESIDENT PRO TEM MORRIS CALLED UPON CLERK DOUGHERTY TO READ THE FOLLOWING ORDINANCES #17 THROUGH #25 FOR THE THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS.

- #17. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 17/2017** AN ORDINANCE AMENDING TITLE NINE OF THE TAXATION CODE OF THE CITY OF CANTON

MINUTES OF THE MEETING FEBRUARY 6, 2017

TO ESTABLISH CHAPTER 187 ADMISSIONS TAX, OF FIVE PERCENT IN THE AREA OF THE CITY DESIGNATED AS A TOURISM DEVELOPMENT DISTRICT IN SUPPORT OF REDEVELOPMENT ACTIVITIES WITHIN THE AREA OF THE CITY DESIGNATED AS A TOURISM DEVELOPMENT DISTRICT AND IN SUPPORT OF THE HOF VILLAGE REDEVELOPMENT PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM MORRIS: Leader Smith.

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Ordinance #17. Are there any remarks?

MEMBER SMITH: Mr. President, I move we amend Ordinance #17 per copy that all Council Members should have in front of them.

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to amend Ordinance #17. Are there any remarks?

MEMBER SMITH: Could we have that summarized, please.

LAW DIRECTOR MARTUCCIO: Mr. President.

PRESIDENT PRO TEM MORRIS: Law Director.

LAW DIRECTOR MARTUCCIO: Thank you. Madam Chair, as was summarized in our working committee session, what is in front of you is an amendment to Ordinance 7... #17, the admissions tax, that has six... six series of amendments. Um, the first one ensures that one of the exclusions to the admissions tax are those events that benefit the Canton City School District or Board of Education. The second follows suit and makes it clear that... that school... local school events are excepted or exempted in the nature of exhibits and games, exhibitions and games. However, as was asked by some of you, the... anything also sponsored by the Ohio State Athletic Organization at the State level will... will have admissions taxes charged, as will college and university games will have admissions taxes. Um, parking was an issue that was raised, and it is addressed by making reference to an official agreement on record between all the parties involved, the schools, the Hall of Fame, port authority and so on. On the back, the third series is a number of suggestions made by the Treasurer, Deputy Treasurer, as to housekeeping in terms of timelines, electronic certification, and receipt of the forms that are required to process the admissions tax. The fourth is a provision that allows for the Treasurer's Office to retain a percent of the receipt of the collections of those taxes to cover the costs to the Income Tax Treasurer Division for collecting and processing these taxes, which is identical to what the State does for sales taxes. And the fifth is some clarification in making it understood as to the appeal rights to the existing Board of... of... of Appeals that already exists to hear such tax appeals, and clarifies the timeline there as the sixty days. And

MINUTES OF THE MEETING FEBRUARY 6, 2017

finally, in one section we meant to include the word "Treasurer." Where it now says "Auditor," it will read "Treasurer." Thank you so much.

PRESIDENT PRO TEM MORRIS: Thank you, Law Director. Any other questions? Okay, by voice vote, all those in favor say aye. Those opposed.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM MORRIS: The ayes have it. Leader Smith.

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

MEMBER BABCOCK: Second.

AMENDMENT

Pursuant to Rule 36, I move to amend several current sub-paragraphs of proposed Chapter 187, beginning on page 5 of Section 1 of Agenda Item No. 17, as follows:

1) *by adding the following new subparagraph to 187.04(a):*

(a) *No tax shall be levied with respect to any admission, all the proceeds of which inure:*

(7) ***Exclusively to the benefit of the Canton City School District or Board of Education.***

2) *Amend and re-letter current sub-paragraphs 187.04(a) on page 6 of Section 1 as follows:*

(b) *The exemption from tax provided in this section shall not be allowed for admissions to the following activities in addition to the provisions of Section 187.02 for this chapter: wrestling matches, prize fights or boxing, sparring on other pugilistic matches or exhibitions; nor in the case of admission to any playoff or championship athletic game, exhibition **or event sponsored by or held under the auspices of an Ohio High School Athletic Association**, the proceeds of which inure wholly or partly to the benefit of any high school, academy, preparatory or other school; **nor to admissions to any athletic game, exhibition or event, the proceeds of which inure** wholly or partly to the benefit of any college or university.*

(c) *The exemption from tax provided in this section shall not be allowed for admissions to any place that is owned, operated or used by the National Football Museum, Inc. **(doing business as the "Pro Football Hall of Fame")** or any entity affiliated with the Pro Football Hall of Fame, **provided however that the following shall remain exempt: (i) admission to any Canton City School District games, exhibitions or events other than any playoff or championship athletic game, exhibition or event sponsored by or held under the auspices of an Ohio High School Athletic Association, and (ii) parking to be provided at no cost pursuant to the agreement relating to the use of real property within the TDD and recorded in the real estate records of Stark County, Ohio as Instrument No. 201603110009295.***

The subparagraphs lettered (c) and (d) on page 6 shall be re-lettered (d) and (e) respectively.

MINUTES OF THE MEETING FEBRUARY 6, 2017

3) Amend 187.05 (b) on page 7 by substituting the word “last” for thirtieth (30th); and by adding the phrase “or electronically certify by a declaration under penalty of perjury,” between the words “shall sign...and” in the current third sentence; and by adding a new last sentence to (b) to read, “The failure of any such person to receive or procure any form prescribed by the Treasurer shall not excuse such person from filing the return due.”

4) Amend sub-paragraph 187.10 on page 8 of Section 1 by the addition of the following sentence:

The Treasurer shall deduct and retain one percent of the collection and receipt of said taxes to cover the costs to the City’s income tax revenue fund of administering the admissions taxes.

5) Proposed Section 187.12 on pages 8 and 9 shall be amended as follows:

187.12 BOARD TO HEAR APPEALS; RIGHT OF APPEAL

The local board of tax review established by O.R.C. Section 718.11 and Codified Ordinance Section 182.18 shall hear appeals under this chapter. In accordance with procedures established by the Board of Review, any person dissatisfied with any administrative ruling issued by the Treasurer that is made under the authority conferred by this chapter may appeal therefrom to the Board of Review, as provided in Section 182.18, within sixty (60) days from the issuance of such ruling. The board of Review shall, upon hearing, have jurisdiction to affirm, reverse or modify any such administrative ruling, or any part thereof. Such appeal shall be deemed filed when postmarked by the United States Postal Services or the date of receipt recorded by authorized delivery service as defined in Section 5703.056 of the Ohio Revised Code. Appeals otherwise delivered to the Treasurer during normal business hours shall be deemed filed on the date received. Any person and/or the Treasurer may appeal decisions of the Board of Review to a court of common pleas as provided by law.

6) Amend subparagraph 187.15(d) on page 10 with the substitution of the word “Treasurer” for “Auditor.”

PRESIDENT PRO TEM MORRIS: It’s been moved and seconded to adopt Ordinance #17, as amended. Any remarks? Hearing none, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

#17 ADOPTED AS AMENDED AS ORDINANCE NO. 17/2017

PRESIDENT PRO TEM MORRIS: Ordinance #17 has been adopted, as amended. Ordinance #18, please.

#18. (3RD RDG) **ADOPTED AS ORDINANCE NO. 18/2017** AN ORDINANCE ESTABLISHING A SPECIAL FUND TO BE DESIGNATED AS THE “HOFV FUND”; AND DECLARING THE SAME TO BE AN EMERGENCY (TOURISM DEVELOPMENT DISTRICT)

PRESIDENT PRO TEM MORRIS: Leader Smith.

MINUTES OF THE MEETING FEBRUARY 6, 2017

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Ordinance #18. Are there any remarks? Hearing none, roll call please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

#18 ADOPTED AS ORDINANCE NO. 18/2017

PRESIDENT PRO TEM MORRIS: Ordinance #18 has been adopted. Ordinance #19, please.

#19. (3RD RDG) **ADOPTED AS ORDINANCE NO. 19/2017** AN ORDINANCE AMENDING SECTION 185.14 OF THE ADMINISTRATIVE CODE OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON IN ORDER TO AUTHORIZE THE REALLOCATION OF EXISTING TRANSIENT LODGING TAX FUNDS TO SUPPORT REDEVELOPMENT OF THE HALL OF FAME VILLAGE IN CONNECTION WITH THE CITY OF CANTON'S TOURISM DEVELOPMENT DISTRICT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM MORRIS: Leader Smith.

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

#19 ADOPTED AS ORDINANCE NO. 19/2017

PRESIDENT PRO TEM MORRIS: Ordinance #19 has been adopted. Ordinance #20.

#20. (3RD RDG) **ADOPTED AS ORDINANCE NO. 20/2017** AN ORDINANCE, FOR THE PURPOSE OF FOSTERING AND DEVELOPING TOURISM IN THE AREA OF THE CITY OF CANTON DESIGNATED AS A TOURISM DEVELOPMENT DISTRICT, PURSUANT TO SECTIONS 715.014(D) AND 5739.101 OF THE OHIO REVISED CODE, LEVYING A TAX ON THE PRIVILEGE OF ENGAGING IN THE BUSINESS OF MAKING CERTAIN TYPES OF SALES IN THE TOURISM DEVELOPMENT DISTRICT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM MORRIS: Leader Smith.

MINUTES OF THE MEETING FEBRUARY 6, 2017

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

#20 ADOPTED AS ORDINANCE NO. 20/2017

PRESIDENT PRO TEM MORRIS: Ordinance #20 has been adopted. Ordinance #21, please.

#21. (3RD RDG) **ADOPTED AS ORDINANCE NO. 21/2017** A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE HOF VILLAGE #3 ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE TO RECONCILE INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM MORRIS: Leader Smith.

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

#21 ADOPTED AS ORDINANCE NO. 21/2017

PRESIDENT PRO TEM MORRIS: Thank you. Ordinance 21 has been adopted. Ordinance #22.

#22. (3RD RDG) **ADOPTED AS ORDINANCE NO. 22/2017** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 257/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$10,500.00 APPROP TRF FR 2760 102001 FEDERAL FORFEITURE FUND - OTHER TO 2760 102001 FEDERAL FORFEITURE FUND - PERSONNEL)

PRESIDENT PRO TEM MORRIS: Leader Smith.

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

MINUTES OF THE MEETING FEBRUARY 6, 2017

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

#22 ADOPTED AS ORDINANCE NO. 22/2017

PRESIDENT PRO TEM MORRIS: Ordinance #22 has been adopted. Ordinance #23, please.

#23. (3RD RDG) **ADOPTED AS ORDINANCE NO. 23/2017** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO MAKE APPLICATION FOR AND ACCEPT FUNDS FROM THE OHIO HOUSING FINANCE AGENCY FOR THE NEIGHBORHOOD INITIATIVE PROGRAM; TO DEMOLISH AND MAINTAIN ACQUIRED, BLIGHTED PROPERTIES; TO ENTER INTO VARIOUS CONTRACTS AND COOPERATIVE AGREEMENTS WITH VARIOUS ENTITIES TO EFFECTIVELY ADMINISTER THE PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM MORRIS: Leader Smith.

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

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Ordinance #23. Are there any remarks under this Ordinance? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

#23 ADOPTED AS ORDINANCE NO. 23/2017

PRESIDENT PRO TEM MORRIS: Ordinance #23 has been adopted. Ordinance #24.

#24. (3RD RDG) **ADOPTED AS ORDINANCE NO. 24/2017** AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$21,323.00 TO C.R.S. GENERAL CONTRACTING; AND DECLARING THE SAME TO BE AN EMERGENCY (DEMO 617/619 CHERRY AVE NE)

PRESIDENT PRO TEM MORRIS: Leader Smith.

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

MEMBER BABCOCK: Second.

MINUTES OF THE MEETING FEBRUARY 6, 2017

PRESIDENT PRO TEM MORRIS: It's been moved and seconded to adopt Ordinance #24. Are there any remarks under this Ordinance? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

#24 ADOPTED AS ORDINANCE NO. 24/2017

PRESIDENT PRO TEM MORRIS: Ordinance #24 has been adopted. Ordinance #25, please.

#25. (3RD RDG) **ADOPTED AS ORDINANCE NO. 25/2017** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 257/2016; AND DECLARING THE SAME TO BE AN EMERGENCY (\$234,600.00 SUPP APPROP FR UNAPPROP BAL OF 2530 PARK OPERATING FUND TO 2530 401040 J BABE STEARN CENTER - OTHER - \$76,000.00 TO 2530 401045 EDWARD PEEL COLEMAN CENTER - OTHER - \$136,600.00; TO 2530 401060 SPECIAL PARKS - OTHER - \$22,000.00)

PRESIDENT PRO TEM MORRIS: Leader Smith.

MEMBER SMITH: Mr. President, I really move we adopt Ordinance #25. (*Laughs*)

MEMBER BABCOCK: Second.

PRESIDENT PRO TEM MORRIS: She really moved and he really seconded Ordinance #25. Any real remarks under this Ordinance? Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

#25 ADOPTED AS ORDINANCE NO. 25/2017

PRESIDENT PRO TEM MORRIS: Ordinance #25 is really adopted. (*Laughter*)

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM MORRIS: We are now under the Announcement of Committees.

MEMBER MARIOL: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Mariol.

MEMBER MARIOL: Finance will meet February 13th at 6:46 here in the Council Chambers.

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

MEMBER HAWK: Mr. President.

PRESIDENT PRO TEM MORRIS: Member Hawk.

MINUTES OF THE MEETING FEBRUARY 6, 2017

MEMBER HAWK: Thank you, good sir. Public Safety and Transportation will meet Monday, February 13th, at 6:45 P.M. (*Note: Member Hawk stated "Public Safety and Transportation;" however the proper name of the committee is "Public Safety and Thoroughfares."*)

PRESIDENT PRO TEM MORRIS: Anybody else?

MISCELLANEOUS BUSINESS

PRESIDENT PRO TEM MORRIS: Okay. We are now under Miscellaneous Business. (*Brief pause*) Leader Smith.

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

MEMBER BABCOCK: I really, really second this. (*Laughter*)

PRESIDENT PRO TEM MORRIS: It's been moved and seconded. Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas.

PRESIDENT PRO TEM MORRIS: (*Gavel falls*) Meeting adjourned. Have a safe trip.

ADJOURNMENT TIME: 7:57 P.M.

ATTEST:

APPROVED:

DAVID R. DOUGHERTY
CLERK OF COUNCIL

FRANK MORRIS
PRESIDENT PRO TEM