

MINUTES OF THE MEETING JULY 26, 2021

PRESIDENT SHERER: Good evening, ladies and gentlemen, and welcome to Canton City Council. If...if everyone could please turn their cellphones to vibrate and we are also encouraging social distancing here in Council Chambers. With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call please, Mr. Clerk.

12 COUNCIL MEMBERS PRESENT: (WILLIAM SMUCKLER, JAMES BABCOCK, CHRISTINE SCHULMAN, GREG HAWK, BRENDA KIMBROUGH, JASON SCAGLIONE, CHRIS SMITH, ROBERT FISHER, KEVIN HALL, JOHN MARIOL, PETER FERGUSON & FRANK MORRIS)

TWELVE COUNCIL MEMBERS PRESENT.

CLERK DOUGHERTY: Twelve present, Mr. President.

PRESIDENT SHERER: Tonight's invocation would be...will be given by...by the Ward 4 Councilwoman, Chris Smith. If you would all please stand and remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on July 26, 2021 at 7:00 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 4 Council Member, Chris Smith. The Pledge of Allegiance was led by President Sherer.

PRESIDENT SHERER: Thank you, Member Smith.

AGENDA CORRECTIONS AND CHANGES

PRESIDENT SHERER: We are now under Agenda Corrections and Changes. Leader Smuckler.

MEMBER SMUCKLER: Mr. President, I move Rule 22A be suspended to add 2nd Reading Ordinances 10 through 15 to this evening's agenda.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend Rule 22A to add 2nd Readings to Ordinances 10 through 15 to this evening's Agenda. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinances 10 through 15 are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT SHERER: We are now under Public Hearings and we have no Public Hearings for this evening.

OLD BUSINESS

PRESIDENT SHERER: We are now under Old Business and there is no Old Business for this evening.

MINUTES OF THE MEETING JULY 26, 2021**PUBLIC SPEAKS**

PRESIDENT SHERER: We are now under Public Speaks and we have three speakers for tonight. Our first speaker is Ms Kimberly Bell. And I do not see Ms. Bell here tonight so we will move on to our next speaker. Our next speaker is Michael Heard. And...Clerk, is the mic on?

CLERK DOUGHERTY: Should be.

PRESIDENT SHERER: Ok.

MICHAEL HEARD: Good evening, Council.

PRESIDENT SHERER: Mr. Heard, could you please state your name and the residential address, please.

MICHAEL HEARD: Michael Walker Heard. Uh, 2027...I mean...uh...1021 7th St. NE, Canton, Ohio.

PRESIDENT SHERER: Alright, thank you.

MICHAEL HEARD: Um hum...what I'm here to address the meeting about is uh...where we live at, down on 7th and Gibbs, It has really become a nuisance down there. We have people down there running stop signs, and that means all day long. And we have called, I've called police, we've called police... "Oh, we'll get a car out there when we can." And you know, that's...that's fine and dandy. And my next call, it's about the prostitutes down there. It has really got outrageous. It and the drugs down on 7th and Gibbs. I mean, they've got so now, I had to tell them the other day that, "Hey, you're in front of my house, would you please leave." I mean, they don't live there. People bring them there, drop 'em off. I got into an altercation with a young man; he brought his girlfriend down there and dropped her off, and sit in front of our house, and I told him if he didn't leave I would call the police and he told me that I couldn't do that. But I told him, "hey, I took your tag number" and I called the police right in front of him. They said that they would send a car out. No car come out. This coming...this uh...Friday that just passed, we had an empty house that a prostitute was coming out of. Hey, call the police, the police come to the corner, they turned up in there where the empty house was, they talked to her, she walked on away from the police car and before you could get to the corner good, she was hopping in a car. I mean, this gotta stop. I have grandkids and I've told them if they're caught in front of my house at night, I will take their picture. I will take their cars down and I will call the police. I mean, the city needs to do something about it. I mean, this here just getting outrageous. I think if it was on the other end of town, then something would be done about it. But since it's down there, it doesn't seem that nobody cares to come down there. When you call 'em, they're not there, so what can we do? I mean, hey, we're...me and my wife are just at a standstill right now. I mean, she even took pictures of girls out there flagging cars down and everything. The only thing I'm asking...if you're not...even if you could just send more patrolmen down there. We only see a patrolman maybe twice a week. And, I mean, that don't make sense. We need to see more patrolmen. Maybe if we saw more patrolmen, they would stop it. Or they'll do something about it. The drug house around the street from us...hey, they come there, police officers don't do nothing. You call 'em...'Oh, you got proof?" Look out front. How much more proof you need? Look at all the cars parked out there. I mean, it's just getting to be a menace. And like I said, hey, I've already told 'em, don't be caught in front of my house because if they do, I will be taking pictures and I will be calling the police, you know, and I don't want to be in no altercation with 'em, but if I have to, I will.

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PRESIDENT SHERER: Mr. Heard, I would encourage you to stay after the meeting, if you could, if you and your wife could and have a conversation with your Councilman and I'm sure there's something that we can do. But you're only allotted three minutes to speak.

MICHAEL HEARD: We've already talked to our Councilman.

PRESIDENT SHERER: Yeah...okay, but I thank you...I thank you for coming tonight...

MICHAEL HEARD: Thank you...

PRESIDENT SHERER...Thank you very much.

MICHAEL HEARD: You're welcome.

PRESIDENT SHERER: Our next speaker is Pete Carpico. And I think I'm getting that right now, right?

PETE CARPICO: Yep.

PRESIDENT SHERER: Mr. Carpico, could you please step forward and give us your name and residential address, please.

PETE CARPICO: Yes, my name's Pete Carpico. I live at 391 Whitetail Trail NE in...in Canton. Um...I was here two weeks ago and uh...I asked you...um...to come to the meeting about the lead and um...and I, I just wanted...you know, I, I, I feel like this, if, if I say, "Hey you need to be there" and you didn't show up, I'd be down here yelling at you, going "Why didn't you show up?" Um, but I said, "Hey you need to be there" and a bunch of you were there and I definitely want to do the other thing, which is give you my appreciation for seeing the Council and the Mayor step up and come to the meeting and see how important this is...uh...to the residents who live around...uh...Republic Steel. Uh...this has been going on for a long time. It continues. It...to me, it's one of those things that it's a continued battle...uh...but it is nice to have some of you make time out of your busy schedule...uh...in your...in an evening, and especially at a short notice. I know I only gave you sev...eight days'...uh...notice, so I wanted...I wanted to share my appreciation with you for coming down. I hope that we continue to move forward and, and, and...you know, there's been some talk of having another meeting. Uh, and also there's talk from the Ohio EPA that there's going to be another finding held against them, which will lead, I would assume, to another public meeting...um...with Ohio EPA and the residents. So, uh...like I said, it's just...I, I felt compelled to say thank you because you know, I'm sure all you hear is, "You're bad and you guys didn't do this and you didn't do that." I think sometimes you need that pat on the back. So, thank you very much. I appreciate that and I, I look for this to be a...an ongoing thing as we battle this company. Thank you.

PRESIDENT SHERER: Thank you, Mr. Carpico.

INFORMAL RESOLUTIONS

PRESIDENT SHERER: We are now under Informal Resolutions and we have none for this evening.

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PRESIDENT SHERER: 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.

235. APPLICANT, VICTOR A. GEORGE: REQ VACATION OF PORTION OF 5TH ST NE, UNNAMED 12' ALLEY AND UNNAMED 10' ALLEY IN WARD 4 (PUB HRG WAIVED). – PLANNING COMMISSION
236. CHIEF OF POLICE ANGELO: RPT OF DEPOSITS AND PAY-INS TO AMBULANCE LOCK BOX FOR JUNE 2021. – RECEIVED & FILED
237. DEPUTY MAYOR WILLIAMS: AUTH MAYOR AND/OR SERV DIR TO ENTER INTO 0.5% LOW INTEREST LOAN AGMT IN AMT NOT TO EXCEED \$300,000.00 BETWEEN CITY OF CANTON AND CANTON LOGISTICS, LLC TO PROVIDE GAP FINANCING FOR NEW CONSTRUCTION PROJ; REQ \$100,000.00 SUPP APPROP FR UNAPPROP BAL OF 2170 NEIGHBORHOOD DEV FUND TO 2170 200501 GENERAL GOVERNMENT SUPPORT ADMIN – OTHER. – FINANCE AND COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEES
238. DEPUTY MAYOR WILLIAMS: AUTH MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT AS FOLLOWS: STARK COUNTY COMMUNITY ACTION AGENCY (SCCAA) IN AMT OF \$74,000.00 TO DEVELOP SENIOR TELEPHONE REASSURANCE AND INDEPENDENCE PROG, MALONE UNIVERSITY IN AMT OF \$50,000.00 TO PROVIDE HOUSING ASSISTANCE TO MALONE UNIVERSITY JUNIORS AND SENIORS, AND STARK COUNTY MINORITY BUSINESS ASSOC IN AMT OF \$169,000.00 FOR BUSINESS COUNSELING, MENTORSHIPS, ASSISTANCE TO OBTAIN STATE CERTS AND ENTREPRENEURIAL TRAINING TO MINORITY YOUTH; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS (AMERICAN RESCUE PLAN ACT FUNDS). – FINANCE AND COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEES
239. FINANCE DIRECTOR CROUSE: REQ \$2,051.11 INTER-FUND TRF FR 2772 BJA FY20 COVID-19 EMERGENCY SUPPLEMENT GRANT FUND TO 1001 GENERAL OPERATING FUND TO COVER ADDT'L POLICE OFFICER WAGES. – FINANCE COMMITTEE
240. HEALTH COMMISSIONER ADAMS: AUTH CANTON BD OF HEALTH TO ACCEPT RECYCLE OHIO GRANT FR OHIO EPA; AUTH MAYOR, SERV DIR OR CANTON CITY HEALTH BD TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO ANY AND ALL CONTRACTS NEEDED TO FACILITATE REPAIRS AT RECYCLING CENTER (INSTALL CONCRETE SLABS FOR DUMPSTER PLACEMENT, PURCH OF NEW DUMPSTERS, ADDT'L SIGNAGE); WAIVE INFORMAL RESOLUTION REQUIREMENTS OF CANTON CODIFIED ORD 105.09 FOR PURCH APPROVED THRU THIS ORDINANCE; REQ \$47,200.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL OPERATING FUND TO 1001 200501 GENERAL GOVERNMENT SUPPORT –

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OTHER, \$47,200.00 SUPP APPROP FR UNAPPROP BAL OF 2354 – SOLID WASTE PROGRAM FUND TO 2354.307001 ENVIRONMENTAL HEALTH ADMIN – OTHER AND \$47,200.00 INTER FUND ADV FR 1001 GENERAL OPERATING FUND TO 2354 – SOLID WASTE PROGRAM FUND; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. – FINANCE COMMITTEE

241. HEALTH COMMISSIONER ADAMS: REQ \$200,000.00 SUPP APPROP FR UNAPPROP BAL OF FUND 2314 – INFANT MORTALITY REDUCTION TO FUND 2314.301001 INFANT MORTALITY REDUCTION: 700 – OTHER DIRECT COSTS (THRIVE GRANT EXPENSES). – FINANCE COMMITTEE
242. LAW DIRECTOR BATES AYLWARD: RECONSIDER AND AMEND O#140/2021 ADOPTED ON 7/12/21. – RECEIVED & FILED
243. LIQUOR CONTROL COMM (OHIO): NOTICE OF HEARING FOR R BAR & GRILL LLC (PERMIT #71479900006, WARD 2) ON 8/3/21 @ 9:00 AM AT VERN RIFFE CENTER FOR GOVERNMENT AND ARTS, 77 S HIGH ST, 19TH FL, COLUMBUS OH. – RECEIVED & FILED
244. MAYOR BERNABEI: REQ AUTH OF RE-APPT OF MR. JOHN KUHNASH TO CANTON CONSTRUCTION BD COMMENCING UPON COUNCIL AUTHORIZATION TO 12/31/24. – PERSONNEL COMMITTEE
245. MAYOR BERNABEI: ADVISE OF APPT OF MS. ALLYSON BUSSEY AND MS. TONJA MARSHALL TO MAYOR'S COMMUNITY RELATIONS COMMISSION COMMENCING IMMEDIATELY TO 12/31/23. – RECEIVED & FILED
246. PLANNING COMMISSION: APPROVE REPLAT OF LOTS 3548, 3549, 3556-3558, 42875-42877, 6970-6974 AND PART OF LOTS 3559, 6934, 30473 AND 30474 AND VACATION OF 10' AND 12' ALLEYS AND PART OF 5TH ST NE FOR VICTOR GEORGE (WARD 4). – PUBLIC SAFETY & THOROUGHFARES COMMITTEE
247. PLANNING COMMISSION: APPROVE REPLAT OF LOT 43013 (PARCELS 10001477 & 10001449) FOR VENKAT ADUSUMILLI AT 3208 HARMONT AVE NE (WARD 6). – PUBLIC SAFETY & THOROUGHFARES COMMITTEE
248. PLANNING COMMISSION: APPROVE REPLAT OF LOTS 20216 AND 20217 (PARCELS 202563 & 202564) FOR STEPHANIE GIBSON AT 2423 10TH ST NW (WARD 1). – PUBLIC SAFETY & THOROUGHFARES COMMITTEE
249. PLANNING COMMISSION: APPROVE REPLAT OF PART OF OUTLOT 241 (PARCELS 200318, 245994 & 224750) FOR AMERICAN LEGION POST #44 AT 1633 CLEVELAND AVE NW (WARD 9). – PUBLIC SAFETY & THOROUGHFARES COMMITTEE
250. PLANNING DIRECTOR ANGUS: APPROVE AND ADOPT CANTON NEIGHBORHOOD

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DEVELOPMENT MASTER PLAN AND REDEVELOPMENT STRATEGY (GREATER SHORB CORRIDOR AREA). – COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

251. SAFETY DIRECTOR PERRY: AUTH AND DIRECT AUDITOR TO PAY ANY AND ALL MORAL OBS FOR PRADCO EXPENSES RESULTING PRIOR TO PASSAGE OF THIS ORDINANCE; RETRO AUTH ANY AND ALL ACTIONS TAKEN IN ORDER TO ENSURE MORAL OBS IN QUESTION ARE PAID IN TIMELY MANNER; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; REQ \$75,000.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL OPERATING FUND TO 1001.501101 HUMAN RESOURCES ADMIN – OTHER. – FINANCE COMMITTEE
252. SERVICE DIRECTOR HIGHMAN: REQ \$80,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207074 – SUGARCREEK LAGOON DECHLORINATION BUILDING – OTHER; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS (INCREASED COST OF CONSTRUCTION). – FINANCE COMMITTEE
253. SERVICE DIRECTOR HIGHMAN: AUTH FINAL PARTICIPATORY LEGISLATION THAT ALLOWS ODOT TO CONSTRUCT D04 LG FY2022, PID 106204, GP 1355 PROJ (LIGHTING @ US 30/RAFF RD INTERCHANGE) AND MAYOR AND/OR SERV DIR TO ENTER INTO AGMT WITH ODOT FOR CONSTRUCTION OF SAID PROJ PER ATTACHED SAMPLE LEGISLATION; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. – PUBLIC SAFETY & THOROUGHFARES AND FINANCE COMMITTEES
254. SERVICE DIRECTOR HIGHMAN: AUTH MAYOR AND/OR SERV DIR TO ENTER INTO CHANGE ORDERS 14 AND 15 (FINAL) WITH SET, INC. IN AMT OF \$570,594.27; AUTH MAYOR AND/OR SERV DIR TO ENTER INTO CHANGE ORDER 3 (FINAL) WITH MICHAEL BAKER JR., INC. IN AMT OF \$9,585.65 (MAHONING RD CORRIDOR PROJ, GP 1103); REQ \$540,383.91 SUPP APPROP FR UNAPPROP BAL OF 4566 MAHONING RD CORRIDOR PROJECT, GP 1103 TO 4566 202079 MAHONING RD CORRIDOR PROJECT, GP 1103 OTHER; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; AUTH AND DIRECT AUDITOR TO PAY ANY AND ALL MORAL OBS RELATED TO THESE CONTRACTS NEEDED TO FINALIZE PROJ. – FINANCE AND ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEES
255. SERVICE DIRECTOR HIGHMAN: AMEND SERV DIR'S DIV OF PUBLIC WORKS CLASSIFICATION PLAN FOR BARGAINING PERSONNEL AS SHOW IN EXHIBIT A (ADD PIPEFITTER 3 CLASSIFICATION TO STREET DEPT); AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. – PERSONNEL COMMITTEE
256. SERVICE DIRECTOR HIGHMAN: AUTH MAYOR AND/OR SERV DIR TO ENTER INTO CHANGE ORDER 1 AND (FINAL) WITH CENTRAL ALLIED ENTERPRISES, INC IN AMT OF \$21,500.00 FOR ST GEORGE'S STREETScape PROJ, GP 1333; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; AUTH AND DIRECT AUDITOR TO PAY ANY AND ALL MORAL OBS FOR THIS CONTRACT NEEDED TO FINALIZE PROJ. – FINANCE AND

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PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES

ORDINANCES AND FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their First Reading. Mr. Clerk, would you please begin with Ordinance #1.

NOTE: PRESIDENT SHERER CALLED UPON CLERK DOUGHERTY TO READ ORDINANCES #1 THROUGH #9 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS: (ORDINANCE #7, ORDINANCE #8 AND ORDINANCE #9 ADOPTED)

- O#1. (1ST RDG) AN ORDINANCE ADOPTING THE CITY OF CANTON'S ALTERNATIVE TAX BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2022; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- O#2. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 49/2021; AND DECLARING THE SAME TO BE AN EMERGENCY (\$10,000.00 SUPP APPROP FR UNAPPROP BAL OF 7506 BLDG DEPT STATE ASSESS FUND TO 7506 101501 CODE ENFORCEMENT ADMIN – OTHER)
Referred to Finance Committee
- O#3. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER #1 WITH ARCADIS IN AN AMOUNT NOT TO EXCEED \$54,302.00 FOR THE WATER DISTRIBUTION SYSTEM HYDRAULIC MODEL TO PERFORM TRANSIENT MODELING & EVALUATIONS; AMENDING APPROPRIATION ORDINANCE NO. 49/2021; AND DECLARING THE SAME TO BE AN EMERGENCY (\$54,302.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207066 WATER DISTRIBUTION SYSTEM HYDRAULIC MODEL PROJECT – OTHER)
Referred to Finance Committee
- O#4. (1ST RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO ADVENT LUTHERAN CHURCH; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO ANY AGREEMENTS NECESSARY FOR THE EXTENSION OF SAID WATER MAIN; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Environmental & Public Utilities and Finance Committees
- O#5. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO: ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO A CONSTRUCTION CONTRACT; EXECUTE A PROFESSIONAL SERVICES CONTRACT FOR CONSTRUCTION ENGINEERING SERVICES; ENTER INTO A WORK LICENSE/EASEMENT AGREEMENT WITH WHEELING & LAKE ERIE RAILWAY COMPANY FOR THE ALLEN AVENUE SE AREA SANITARY SEWER

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AND WATERLINE PROJECT G.P. 1332; AND ENTER INTO AN AGREEMENT WITH THE OHIO ENVIRONMENTAL PROTECTION AGENCY TO RECEIVE A LOW-INTEREST LOAN FOR THE SANITARY SEWER PORTION OF THE PROJECT; AUTHORIZE THE AUDITOR TO ESTABLISH THE 5445 ALLEN AVE. SANITARY SEWER PROJECT, G.P. 1332 FUND; AMENDING APPROPRIATION ORDINANCE NO. 49/2021; AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS FOR CONTRACT CHANGE ORDERS; AND DECLARING THE SAME TO BE AN EMERGENCY (\$3,640,000.00 SUPP APPROP FR UNAPPROP BAL OF 5445 ALLEN AVE SANITARY SEWER PROJECT, GP 1332 TO 5445 206322 ALLEN AVE SANITARY SEWER PROJECT, GP 1332 – OTHER; \$80,000.00 SUPP APPROP FR UNAPPROP BAL OF 5413 SEWER REPLACEMENT FUND TO 5413 206322 ALLEN AVE SANITARY SEWER PROJECT, GP 1332 – OTHER; \$550,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 206322 ALLEN AVENUE SE AREA SANITARY SEWER/WATERLINE FUND – OTHER)

Referred to Finance and Environmental & Public Utilities Committees

O#6 (1ST RDG) A RESOLUTION DESIGNATING PUBLIC MONEYS AVAILABLE FOR ACTIVE AND INTERIM DEPOSITS AND DESIGNATING DEPOSITORY BANKS FOR SAID DEPOSITS; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

O#7. (1ST RDG) **ADOPTED AS ORDINANCE NO. 144/2021** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 49/2021; AND DECLARING THE SAME TO BE AN EMERGENCY (\$50,000.00 SUPP APPROP FR UNAPPROP BAL OF 2415 GUARDRAIL/ATTENUATOR FUND TO 2415 202210 MAINTENANCE – OTHER)

Referred to Finance Committee

O#8. (1ST RDG) **ADOPTED AS ORDINANCE NO. 145/2021** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 49/2021; AND DECLARING THE SAME TO BE AN EMERGENCY (\$25,000.00 SUPP APPROP FR UNAPPROP BAL OF 5601 REFUSE OPERATION FUND TO 5601 205001 REFUSE ADMINISTRATION – OTHER)

Referred to Finance Committee

O#9. (1ST RDG) **ADOPTED AS ORDINANCE NO. 146/2021** AN ORDINANCE AUTHORIZING THE AUDITOR TO CREATE THE 4594 3RD STREET SE RESURFACING PROJECT FUND; AMENDING APPROPRIATION ORDINANCE NO. 49/2021; AND DECLARING THE SAME TO BE AN EMERGENCY (\$73,525.00 SUPP APPROP FR UNAPPROP BAL OF 4594 3RD ST SE RESURFACING PROJECT FUND TO 4594 202001 3RD ST SE RESURFACING PROJECT FUND – OTHER)

Referred to Public Property Capital Improvement and Finance Committees

CLERK DOUGHERTY: Mr. President.

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PRESIDENT SHERER: At this time, the Chair would declare an in-house recess for Finance, Public Property Capital Improvement Committees to meet in regards to Ordinances 7, 8 and 9 on your agenda this evening. You are now in recess.

(COUNCIL RECESSED AT 7:13 PM FOR THE FINANCE AND PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES TO DISCUSS ORDINANCE #7, ORDINANCE #8 AND ORDINANCE #9; RECONVENED AT 7:18 PM)

PRESIDENT SHERER: Council is reconvening after the recess. Leader.

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 22A to place Ordinances 7, 8 and 9 back on this evening's agenda.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend Rule 22A to place Ordinances 7, 8 and 9 back on this evening's agenda. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas.

PRESIDENT SHERER: The motion carries and Ordinances 7, 8 and 9 are a legal part of your agenda. Leader.

MEMBER SMUCKLER: Mr. President, I move we suspend the Statutory Rules of Ordinances 7, 8 and 9.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend the Statutory Rules on Ordinances 7, 8 and 9. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

PRESIDENT SHERER: You've heard the three readings, Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #7. Are there any remarks under this Ordinance? ...Hearing none, roll call vote, please.

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NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

#7 ADOPTED AS ORDINANCE NO. 144/2021

PRESIDENT SHERER: The motion carries and Ordinance #7 is adopted. Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #8. Are there any remarks under this Ordinance? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

#8 ADOPTED AS ORDINANCE NO. 145/2021

PRESIDENT SHERER: The motion carries and Ordinance #8 is adopted. Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #9. Are there any remarks under this Ordinance? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, with 1 definitely. (*Laughter*).**#9 ADOPTED AS ORDINANCE NO. 146/2021**PRESIDENT SHERER: Eleven yeas and one definitely yes, for the record! (*Laughter*). The motion carries and Ordinance #9 has been adopted.**ORDINANCES AND FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their Second Reading. Mr. Clerk, would you please begin with Ordinance #10.

NOTE: PRESIDENT SHERER CALLED UPON CLERK DOUGHERTY TO READ ORDINANCES #10 THROUGH #15 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS: (ORDINANCE #15 ADOPTED)

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- O#10. (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO. 100/2011, AS AMENDED, TO ESTABLISH THE ATTACHED EXHIBIT AS THE CLASSIFICATION PLAN FOR THE AUDITORS OFFICE MANAGEMENT AND NON-BARGAINING PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (MERIT PAY INCREASES OF 3% TO FOUR MGMT EMPLOYEES)
- O#11. (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO. 100/2011, AS AMENDED, TO ESTABLISH THE ATTACHED EXHIBIT AS THE CLASSIFICATION PLAN FOR THE AUDITORS OFFICE MANAGEMENT AND NON-BARGAINING PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND PERMIT THE AUDITOR TO GIVE A WAGE INCREASE OF 4.075% IN ADDITION TO THE 3% PERMITTED BY ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (FOR ONE GRADE AND ADDT'L PAY ADJUSTMENT FOR 3 AUDITOR OFFICE MGMT EMPLOYEES)
- O#12. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF REHABILITATION & CORRECTION FOR THE RECEIPT OF THE FY 2021-2023 JUSTICE REINVESTMENT & INCENTIVE PRETRIAL GRANT IN THE AMOUNT OF \$380,401.00; AND DECLARING THE SAME TO BE AN EMERGENCY (PERIOD COMMENCING 7/1/21 THRU 6/30/23)
- O#13. (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#14. (2ND RDG) A RESOLUTION AUTHORIZING THE LAW DIRECTOR TO DISTRIBUTE FREE OF CHARGE TO PUBLIC OFFICIALS AND PUBLIC INSTITUTIONS COPIES OF THE 2021 SUPPLEMENT TO THE CANTON CODIFIED ORDINANCES; TO AFFIX PRICE FOR THE SALE OF SAME; AND DECLARING THE SAME TO BE AN EMERGENCY
- O#15. (2ND RDG) **ADOPTED AS ORDINANCE NO. 147/2021** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A FUNDING AGREEMENT WITH ECONOMIC AND COMMUNITY DEVELOPMENT INSTITUTE, INC. IN AN AMOUNT NOT TO EXCEED \$1,150,000.00 AND DECLARING THE SAME TO BE AN EMERGENCY (ARPA)

CLERK DOUGHERTY: Mr. President.

PRESIDENT SHERER: Leader.

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MEMBER SMUCKLER: Mr. President, I move we suspend Statutory Rules on Ordinance #15.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend the Statutory Rules on Ordinance #15. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

PRESIDENT SHERER: The motion carries. You've heard the three readings, Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #15. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 1 ABSTAIN
(MEMBER SCAGLIONE ABSTAINED)

CLERK DOUGHERTY: Eleven yeas, one abstention, Mr. President.

#15 ADOPTED AS ORDINANCE NO. 147/2021

PRESIDENT SHERER: The motion carries and Ordinance #15 has been adopted.

ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their Third/Final Reading and Vote. Leader.

NOTE: PRESIDENT SHERER CALLED UPON CLERK DOUGHERTY TO READ ORDINANCE #17 THROUGH ORDINANCE #19 FOR THEIR THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

O#16. (3RD RDG) **RECONSIDERED AND AMENDED AS ORDINANCE NO. 140/2021** AN ORDINANCE AMENDING ORDINANCE NOS. 262/2015 AND 145/2017 TO INCLUDE CERTAIN PROPERTY OF THE HALL OF FAME VILLAGE PROJECT SITE AS "EXISTING PROPERTY" IN THE AREA COVERED BY THE TAX INCREMENT FINANCING PROVISIONS OF OHIO REVISED CODE SECTION 5709.40, EXEMPTING THE IMPROVEMENTS TO SAID "PROPERTY" FROM TAXATION DURING THE TERM OF THAT CERTAIN COMPENSATION AGREEMENT AUTHORIZED BY ORDINANCE NOS. 262/2015 AND 145/2017

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(COLLECTIVELY, THE “COMPENSATION AGREEMENT”), AND DECLARING THE SAME TO BE AN EMERGENCY

MEMBER SMUCKLER: Mr. President, I move we reconsider Ordinance #140/2021, adopted on July 12, 2021.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It’s been moved and seconded to reconsider Ordinance...Ordinance #140/2021, adopted on July 12, 2021. Are there any remarks?

LEADER SMUCKLER: I move we amend Ordinance 140...

PRESIDENT SHERER: Well, hang...Majority Leader, we still need to vote on that first.

LEADER SMUCKLER: I know, I’m jumping the gun.

PRESIDENT SHERER: Are there any additional remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

PRESIDENT SHERER: The motion carries. Leader.

MEMBER SMUCKLER: Now...Mr. President, I move we amend Ordinance #140/2021 per the copy before each Council Member.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It’s been and seconded to amend Ordinances...Ordinance #140/202...2021 per the copy before each of you. Are there any remarks? ...Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it. Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #140/2021, as amended.

MEMBER BABCOCK: Second.

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Pursuant to Rules 41 and 36, respectively, I move to reconsider and amend Ordinance No. 140/2021 by replacing the ordinance with the attached ordinance in its entirety. The exhibits will remain the same as passed on July 12, 2021.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #140/2021 as amended. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 1 NAYS
(MEMBER MORRIS VOTED NAY)

CLERK DOUGHERTY: Eleven yeas, one nay, Mr. President.

#16 RECONSIDERED AND AMENDED AS ORDINANCE NO. 140/2021

PRESIDENT SHERER: The motion carries and Ordinance #140/2021, as amended, is adopted. Mr. Clerk, would you please read Ordinance #17, please.

O#17. (3RD RDG) **ADOPTED AS ORDINANCE NO. 148/2021** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND EXECUTE A CONSTRUCTION CONTRACT AND EXECUTE A PROFESSIONAL SERVICES CONTRACT FOR CONSTRUCTION OVERSIGHT SERVICES FOR THE VIOLA ESTATES SANITARY SEWER PROJECT, G.P. 1336; AMENDING APPROPRIATION ORDINANCE NO. 49/2021; AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS FOR RELATED PROJECT CHANGE ORDERS THAT ARE OTHERWISE APPROVED BY THE BOARD OF CONTROL PURSUANT TO CANTON CODIFIED ORDINANCE 105.14; AND DECLARING THE SAME TO BE AN EMERGENCY (\$462,000.00 SUPP APPROP FR UNAPPROP BAL OF 5413 SEWER REPLACEMENT FUND TO 5413 206323 VIOLA ESTATES SANITARY SEWER PROJECT, GP 1336 – OTHER)

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #17. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

#17 ADOPTED AS ORDINANCE NO. 148/2021

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PRESIDENT SHERER: Motion carries and Ordinance #17 is adopted. Ordinance #18, please.

O#18. (3RD RDG) **ADOPTED AS ORDINANCE NO. 149/2021** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND EXECUTE A CONSTRUCTION CONTRACT AND ENTER INTO A WORK LICENSE/EASEMENT AGREEMENT WITH THE WHEELING & LAKE ERIE RAILWAY COMPANY FOR THE BURNHAM HILLS SANITARY SEWER REALIGNMENT PROJECT, G.P. 1220; AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS FOR RELATED PROJECT CHANGE ORDERS THAT ARE OTHERWISE APPROVED BY THE BOARD OF CONTROL PURSUANT TO CANTON CODIFIED ORDINANCE 105.14; AMENDING APPROPRIATION ORDINANCE NO. 49/2021; AND DECLARING THE SAME TO BE AN EMERGENCY (\$200,000.00 APPROP TRF FR 5410 202010 ENGINEER – DAILY OPERATIONS – OTHER TO 5410 206318 BURNHAM HILLS SAN SWR PROJ, GP 1220 – OTHER)

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

#18 ADOPTED AS ORDINANCE NO. 149/2021

PRESIDENT SHERER: Motion carries and Ordinance #18 is adopted. Ordinance #19, please.

O#19. (3RD RDG) **ADOPTED AS ORDINANCE NO. 150/2021** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND EXECUTE A CONSTRUCTION CONTRACT FOR THE PARKRIDGE CIRCLE NW WATER MAIN EXTENSION PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 49/2021; AND DECLARING THE SAME TO BE AN EMERGENCY (\$260,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207076 PARKRIDGE CIRCLE NW WATER MAIN EXTENSION PROJECT - OTHER)

PRESIDENT SHERER: Leader.

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

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MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

#19 ADOPTED AS ORDINANCE NO. 150/2021

PRESIDENT SHERER: Motion carries and Ordinance #19 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SHERER: We are now under announcement of Committee Meetings and our next meeting date will be August 9 at 6:30. Finance

MEMBER MARIOL: Finance will meet 6:30, August 9th.

PRESIDENT SHERER: Thank you, Member Mariol.

MEMBER BABCOCK: Mr. President. Personnel will meet same time, same place.

PRESIDENT SHERER: Thank you, Member Babcock. Environmental.

MEMBER FISHER: Environmental...Environmental & Public Utilities, August 9th, 6:30.

PRESIDENT SHERER: Thank you, Member Fisher.

MISCELLANEOUS BUSINESS

PRESIDENT SHERER: We are now under Miscellaneous Business. Is there any Miscellaneous Business for this evening? Wow, no Miscellaneous Business. (*Laughter*). Alright, hearing none, Clerk Dougherty, our quote for the week, please.

CLERK DOUGHERTY: "*When your children are teenagers, it's important to have a dog so that someone in the house is happy to see you.*" – Nora Ephron (*Laughter*).

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: I move we adjourn.

CLERK DOUGHERTY: I had a dog, yeah. (*Laughter*).

MEMBER SMUCKLER: I know you did!

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PRESIDENT SHERER: I got two dogs! (*Laughter*).

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adjourn. Mr. Clerk, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

PRESIDENT SHERER: This meeting is adjourned and I want to thank everybody for coming this evening. (*Gavel falls*).

ADJOURNMENT TIME: 7:32 PM

ATTEST: 7/27/21

APPROVED:

DAVID R. DOUGHERTY
CLERK OF COUNCIL

WILLIAM SHERER, II
PRESIDENT