

**MINUTES OF THE MEETING JANUARY 24, 2022**

PRESIDENT SHERER: Good evening, ladies and gentlemen, and welcome to Canton City Council. If that... everyone could please turn your cellphones to vibrate and I can only stress that please. We are 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, Madam Clerk.

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

TWELVE COUNCIL MEMBERS PRESENT.

CLERK WOOD: Twelve present, Mr. President.

PRESIDENT SHERER: Tonight's invocation will be given by Ward 8 Council Member, well I take that back it's the invocation going be given by Ward 3 Council Member, Jason Scaglione. If you would all please stand and remain standing for the Pledge of Allegiance, please.

*The regular meeting of Canton City Council was held on January 24, 2022 at 7:00 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council, Jill M. Wood. The invocation was given by Ward 3 Council Member, Jason Scaglione. The Pledge of Allegiance was led by President Sherer.*

PRESIDENT SHERER: Thank you, Member Scaglione.

**AGENDA CORRECTIONS AND CHANGES**

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

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 22A to add Ordinances 6 through 15 to this evening's agenda.

MEMBER BABCOCK: Second.

CLERK WOOD: Excuse me, that's 6 through 15.

MEMBER SMUCKLER: Yeah... I understand. I move Rule 22A be suspended to add 2<sup>nd</sup> Readings of Ordinances 6 through 15 to this evening's agenda.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend Rule 22A to add 2<sup>nd</sup> Readings to Ordinances 6 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 WOOD: Twelve yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinances 6 through 15 are a legal part of your agenda.

**MINUTES OF THE MEETING JANUARY 24, 2022****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.

**PUBLIC SPEAKS**

PRESIDENT SHERER: We are now under Public Speaks and we have two speakers for this evening. Our first speaker will be Ms. Kimberly Bell. Ms. Bell, could you please step forward and give us your name and residential address, please.

KIMBERLY BELL: Yes, Kimberly Bell, 1733 Morris Avenue, Canton. I'm here... mainly because of the uh... you're hiding a pickle, the officer who killed James Williams. Um... I have some handouts for you all. I was... I helped... I went to go help the protesters and I received a ticket, I only stopped for like a second to see if they needed gloves or cot...chocolate or anything. I wasn't there ten minutes, a cop... the cops pulled behind me and give me a tick, said is that your truck I said yes. Didn't say move it, ask for my ID and insurance I gave it to him, I felt threatened the way they approached me and I had my hands up. And I said I'm just offering hot chocolate and just seeing if anybody needed any gloves. You...Your getting a ticket. I can't pass them out, I'm not allowed on the floor but it's two things I want and the family wants. The family was trying to get here but they're not, they're... they're caught in... caught in the um... the roads are bad. It's two things they want, and I want, and the protestors want, and maybe more than...a lot of the community, I want your resignation, Jason and Mayor Tom Bernabei, we want yours. Nobody has checked on that family or those children, to see if those children were alright. Those were kids, do you understand what you did? You killed their father right in front of them. Do you think they will ever trust the police or if they'll have their kids ever trust the police? They killed they father and his wif... they killed...the... her... her husband and their father in front of them. And they have to come outside with their hands up and they're screaming my dad is in there bleeding. Did the police attend to him? No, they go searching the house and wouldn't let the wife ride to the hospital. You killed another black man. Do you understand what you did? And you want to give me a ticket because I stopped to ask if they needed gloves and hot chocolate. And you stopped them the other day and gave them a ticket because they had a carvan and he was giving out traffic tickets because they ran the light. Come on people, you killed another black man.

PRESIDENT SHERER: Thank you, Ms. Bell.

KIMBERLY BELL: I ain't allowed on the floor, I'll leave 'em here, sweetie.

PRESIDENT SHERER: Our next speaker is Ms. Skylark Bruce. And Ms. Bruce you are more than welcome to take your mask down to speak if you'd like. Could you please state your name and residential address please.

SKYLARK BRUCE: My name is Skylark Bruce and I live at 2216 Bollinger Ave NE. I bought a house in the city of Canton, so you are stuck with me for a long time. James Williams did not need to die. His life ended six minutes after midnight. As hundreds, if not thousands of other Canton residents also shot their guns in honor of the new year. Celebratory gunfire is a minor misdemeanor, not a capital crime. I don't personal like the tradition but no one deserves to die for participating in it. No one deserved to die for shooting their guns on any other New Year's Day, or when the Cavs won and nobody did. So what makes Mr. Williams shooting his gun on his own property on January 1<sup>st</sup> special? An officer who is too scared to do his job right. The officer failed at many

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of the basic responsibilities an officer has in that moment. He failed to retreat and call for back up. He failed to make his presences known. He failed to order the person shooting to stop and surrender. He failed to make visual contact and assess if discharging his weapon actually made sense. He had no way to know if he was shooting through the fence at one adult or into a crowd of toddlers. As awful as Mr. Williams death is, the officer's actions could easily have resulted in the deaths of so many more people. If Mr. Williams was your father, your spouse, your brother, I highly doubt you chalk his death up to a police department "whoops". When I have a "whoops" in my job, I'm held accountable. If I screw up bad enough, I can lose my job and face criminal charges. I see no reason why someone whose salary is paid by my tax dollars and whose job auspiciously exist to serve and protect should be held to some wildly different standard. Especially when huge mistakes kill people. Marquetta Williams and six children will never be the same. If an officer is too scared to do their job right, they either need more training or a different job. And that should be noticed and addressed long before someone dies. You have influence as councilmembers, use it wisely to protect your citizens from your employees. Justice for James, Black Lives Matters.

PRESIDENT SHERER: Thank you, Ms. Bruce.

KIMBERLY BELL: (From Audience) Another avoidable murder.

**INFORMAL RESOLUTIONS**

PRESIDENT SHERER: We are now under Informal Resolutions and we have four for this evening. Madam Clerk, would you please read Informal Resolution #8, by title.

8. PERSONNEL COMMITTEE: CONFIRM REAPPT OF PATRICK MCCARTHY TO INVESTMENT BOARD COMMENCING 1/1/22 TO 12/31/23. - ADOPTED

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to a... adopt Informal Resolution #8. Are there any remarks? ... Hearing none, by voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #8 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it, the motion carries and Resolution #8 is adopted. Informal Resolution #14, please.

14. COUNCIL-AS-A-WHOLE: COMMENDING THE FETTMAN FAMILY AND DAVIES PHARMACY FOR THEIR GENEROSITY AND SERVICES TO CANTON RESIDENTS. - ADOPTED

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #14.

MEMBER BABCOCK: Second.

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PRESIDENT SHERER: It's been moved and seconded to adopt Informal Resolution #14. Are there any remarks?

MEMBER SMUCKLER: Mr. President.

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Uh... may I have the resolution read please.

PRESIDENT SHERER: Hang on for one quick second. Are there any additional remarks? Hearing none, by voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #14 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it and could we, at the request of the Majority Leader, have that resolution read please, Madam Clerk.

CLERK WOOD: An Informal Resolution Respectfully Submitted By Canton City Council on this 24<sup>th</sup> day of January, 2022. **WHEREAS**, In 1963 David A. Fettman purchased Davies Pharmacy which began operation in Canton, Ohio in the 1930's, and at present, remains the oldest independent pharmacy still operating in Canton; and **WHEREAS**, The Fettman Family and staff remain committed to providing the highest level of health care with a sense of accuracy while maintaining the highest ethical standards for customer care; and **WHEREAS**, The Fettman team always offers great advice and options for customers to obtain products and services at the best possible prices; and **WHEREAS**, Davies Pharmacy continues to give back to the community through support and involvement with the Rotary Club and the J. Babe Stearn Community Center, as well as various donations throughout the City; and **WHEREAS**, During the 2021 Holiday Season, Steve Fettman, on behalf of Davies Pharmacy, personally donated enough hand sanitizer and disinfecting wipes to provide to every department at the City of Canton; and **WHEREAS**, Davies Pharmacy plays an important role every day in the health care and quality of life of the citizens of Canton. **Now Therefore Be It Resolved:** That we, the Members of Canton City Council, do hereby go on record commending **THE FETTMAN FAMILY AND DAVIES PHARMACY** for their generosity and the services they so graciously provide to our Canton residents. (*APPLAUSE*)

PRESIDENT SHERER: And at this time uh... Member Scaglione and Majority Leader do you want to present the resolution, please

MEMBER SCAGLIONE: It's an absolute honor to do this for you folks. I would have had everyone from the pharmacy here, but we don't want people to be without their medicines at any time. So I just want to thank you for everything you do for this community, things you have done for my family personally and others that needed medical advise, you... you're always there for them. And that means a heck a lot to me and you... you're the pillar of that corner there, in Ward 3. You've done a nice job with the pharmacy, it looks great and we just really appreciate everything you do for everyone.

STEVE FETTMAN: Thank you Jason, appreciate it.

MEMBER SMUCKLER: For those of you who know... know about my medical problems, I'm the poster boy for this pharmacy. Um... He's kept me going on a retread for all these years. Uh... but I'm going to do a commercial now. It's great to have independent businesses in this community and someone you can go to, not

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only for dispensing the medicine, but also to get advice and also to help in the community. This family has helped this community year... for years whether it's been the J Babe Stearn Center. Whether it's been the Munson Scholarship Fund or it's... whether it's been the Domestic Violence Project, I could go on and on and on and they should be honored for the way they contribute back to this community.

MEMBER SCAGLIONE: Thank you, Zach.

STEVE FETTMAN: Thank you, Jason.

MEMBER SCAGLIONE: Thank you. (INAUDIBLE)

STEVE FETTMAN: I'd just like to thank City Council and the city. We gotta get our hands on... on this Covid-19 and get it eradicated, starting right here in Stark County. I appreciate the kind words that the two councilmen have shared about the pharmacy it's... it's nice to hear but we're part of this community and we really have to be involved in it to make it work. Um... Zach is my son, he's the next generation at Davies, he's a pharmacist there as well, and uh... Zach has learned well and he's going to carry on the tradition. One thing I do want to say about Jason. Jason called me up on Monday, I was just listening to all the kind things about the... how well the city moved the snow and everything. Jason called me up in the middle of the afternoon and he asked if we needed any help getting the deliveries out that day. He said he's got a four-wheel drive, he said he'll be happy to help us. That's what it takes, it takes the city working together. We appreciate it, thank you guys very much.

PRESIDENT SHERER: Thank you. (*APPLAUSE*), Member Scaglione, one... Member Ferguson has a comment.

MEMBER FERGUSON: Steve I just want to congratulate of course, but thank you very much for leading the drive to get Thurman Munson into the Hall of Fame. (INAUDIBLE) Not that I'm a Yankee fan but (*Laughter*). He most certainly deserves to be in the Hall of Fame, thank you for that.

STEVE FETTMAN: We got a big dinner planned this year so I'll come... come to you for a ticket Pete. Thank you very much.

PRESIDENT SHERER: Thank you... Madam Clerk, Informal Resolution #15, please.

15. PERSONNEL COMMITTEE: CONFIRM APPT OF MR. JEFF DAFLER TO TAX INCENTIVE REVIEW BOARD COMMENCING 1/24/22 TO 12/31/23. – ADOPTED

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Informal Resolution #15. Are there any remarks? ... Hearing none, by voice vote, all those in favor, signify by saying aye. Those opposed no.

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NO REMARKS

RESOLUTION #15 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it, the motion carries and Resolution #15 is adopted. Madam Clerk, Informal Resolution #16, please.

16. PERSONNEL COMMITTEE: CONFIRM REAPPT OF MS. JANELLE LEE TO TAX INCENTIVE REVIEW BOARD COMMENCING RETRO FR 1/1/22 TO 12/31/23. – ADOPTED

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #16.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Informal Resolution #16. Are there any remarks? ... Hearing none, by voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #16 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it, the motion carries and Resolution #16 is adopted.

**COMMUNICATIONS**

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.***

24. CHIEF OF POLICE ANGELO: RPT OF DEPOSITS AND PAY-INS TO AMBULANCE LOCK BOX FOR DECEMBER 2021. – RECEIVED & FILED
25. DEPUTY MAYOR WILLIAMS: AUTH AUDITOR TO PAY MORAL OB IN AMT OF \$175,000.00 FOR ECONOMIC DEVELOPMENT SERVICES TO CANTON REGIONAL CHAMBER OF COMMERCE; EMERGENCY. – COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES
26. DEPUTY MAYOR WILLIAMS: AUTH MAYOR AND/OR SERV DIR TO TFR PERMANENT PARCEL #224188 LOCATED AT 510 11<sup>TH</sup> ST NW WHICH IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES TO CANTON COMMUNITY IMPROVEMENT CORP FOR SUBSEQUENT TRF TO BW P&L HOLDINGS LLC PER ORC 761.02 AND 1724.10. – COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
27. DEPUTY MAYOR WILLIAMS, COUNCIL MBR MARIOL (WARD 7), COUNCIL MBR MORRIS (WARD 9), COUNCIL MBR-AT-LG GIAVASIS, COUNCIL MBR-AT-LG SMUCKLER: AUTH PROPERTY LOCATED AT 630 30<sup>TH</sup> ST NW, WHICH CONSISTS OF PARCELS 380308 AND 380309 AND IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES, BE CONVEYED TO CANTON COMMUNITY IMPROVEMENT CORP FOR ECONOMIC DEVELOPMENT PURPOSES

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AND FOR SUBSEQUENT CONVEYANCE TO A. ALTMAN DEVELOPMENT CO FOR \$1.00; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY (CIRELLI BLDG, FOR AKRON CHILDREN'S HOSP BEHAVIOR HEALTH CARE CTR). – COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

28. MAYOR BERNABEI: ADVISE OF APPT OF MR. HECTOR MCDANIEL TO MAYOR'S COMMUNITY RELATIONS COMMISSION COMMENCING IMMEDIATELY TO 12/31/23. – RECEIVED & FILED
29. MAYOR BERNABEI: REQ AUTH OF APPTS OF MS. CATHY WYATT, MR. DAVID BECK AND MR. STEVE COON TO ARCHITECTURAL REVIEW BOARD; MS. WYATT'S TERM COMMENCING 2/7/22 TO 12/31/22; MR. BECK'S TERM COMMENCING 2/7/22 TO 12/31/23; MR. COON'S TERM COMMENCING 2/7/22 TO 12/31/25. – PERSONNEL COMMITTEE
30. MAYOR BERNABEI: AUTH MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT WITH CANTON CITY SCHOOL DISTRICT BOARD OF EDUCATION FOR 2022 PROMOTION OF EDUCATION & EMPLOYMENT PROJ (PEEP) PROG FOR AMT NOT TO EXCEED \$115,000.00; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. – FINANCE COMMITTEE
31. PLANNING COMMISSION: RECOMMEND APPROVAL OF ZONE CHANGE AT 1819 MARKET AVE N (PARCELS 230241, 230242 & 230243) FR R-4 (MULTI-FAMILY RESIDENTIAL DISTRICT) TO PB-1 (PLANNED BUSINESS OFFICE DISTRICT) FOR SMALL ANIMAL VET CLINIC, WARD 9 (ATTY CHARLES HALL FOR DR. MICHELLE N. HALL). – JUDICIARY COMMITTEE
32. PLANNING COMMISSION: APPROVE WARD ASSIGNMENT AND ZONE CLASSIFICATION FOR THE AMBAFLEX 2021 ANNEXATION (I-1 LIGHT INDUSTRY DISTRICT, WARD 5). – ANNEXATION COMMITTEE
33. PLANNING DIRECTOR ANGUS: ESTABLISH PUBLIC REALM REINVESTMENT PROG USING UP TO \$250,000.00 OF ISSUE 13 COMPREHENSIVE PLAN FUNDS; AUTH MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACTS WITH APPROVED PUBLIC REALM BUSINESSES; AUTH AUDITOR TO DRAW WARRANTS FROM ISSUE 13 COMPREHENSIVE PLAN FUND IN AMT NOT TO EXCEED \$250,000.00; EMERGENCY. – FINANCE AND DOWNTOWN DEVELOPMENT COMMITTEES
34. SERVICE DIRECTOR HIGHMAN: AUTH MAYOR AND/OR SERV DIR TO ENTER INTO AGMT WITH STARK COUNTY BOARD OF COMMISSIONER'S FOR STARK COUNTY'S PAYMENT OF THEIR SHARE OF COSTS RELATED TO CLEANING AND TELEVISIONING OF LARGE DIAMETER SEWERS THAT TOOK PLACE PRIOR TO 1/1/22; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY (30% OF TOTAL COST OF \$1,620,745.07 - \$486,223.52). – FINANCE COMMITTEE
35. SERVICE DIRECTOR HIGHMAN: AUTH AUDITOR TO PAY MORAL OB TO KIMBLE CO DBA KIMBLE TRANSFER & RECYCLING IN AMT OF \$17,275.36; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY (DISPOSAL OF SOLID WASTE & RECYCLING). – FINANCE COMMITTEE

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36. SERVICE DIRECTOR HIGHMAN: AUTH MAYOR AND/OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR SALE OF CITY OWNED REAL PROPERTY LOCATED AT STARK COUNTY AUDITOR PARCEL #207839; AUTH MAYOR AND/OR SERV DIR TO ENTER INTO ANY AND ALL CONTRACTS NECESSARY TO FACILITATE SAID SALE; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY (2040 3<sup>RD</sup> ST NE). – FINANCE COMMITTEE
37. STARK CO COMMISSIONERS: REQ ANNEXATION OF 2.755 ACRES IN PLAIN TWP (4595 KIRBY AVE NE ANNEX). – PLANNING COMMISSION

**ORDINANCES AND FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for... for their First Reading. Madam Clerk would you please begin with Ordinance No. 1.

***NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #1 THROUGH 5 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (O#3 THRU O#4 ADOPTED, O#5 ADOPTED AS AMENDED):***

- O#1. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOW AS THE BROADWAY AVE 2021 ANNEXATION AREA CONTAINING APPROIMATELY 67.904 ACRES, MORE OR LESS; ASSIGNING SAID TERRITORY TO WARD 6 OF THE CITY; ZONING SAID TERRITORY AS I-1 LIGHT INDUSTRY; AND REQUIRING THE OWNER OF THE ANNEXED TERRITORY TO PROVIDE A BUFFER SEPARATING THE USE OF THE ANNEXED TERRITORY AND THE ADJACENT LAND REMAINING WITHIN THE TOWNSHIP; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Annexation Committee
- O#2. (1<sup>ST</sup> RDG) AN ORDINANCE RE-ESTABLISHING THE STOREFRONT REINVESTMENT PROGRAM (“SRP”) AND AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO SRP GRANT AGREEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance and Community & Economic Development Committees
- O#3. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 12/2022** AN ORDINANCE AUTHORIZING FIFTEEN (15) DAYS OF VACATION AND GRANTING MS. JESSICA LOGOTHETIDES CREDIT FOR SEVEN (7) YEARS OF SERVICE UNTIL SHE ACHIEVES HER NEXT STEP WHICH BEGINS AT 11 YEARS, AND DECLARING THE SAME TO BE AN EMERGENCY (LAW DEPT, BLDG/CODE ASST PROSECUTOR)  
Referred to Personnel Committee
- O#4. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 13/2022** AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY CANTON REGIONAL CHAMBER OF COMMERCE A MORAL OBLIGATION IN THE AMOUNT OF \$175,000.00 FOR SERVICES PERFORMED IN 2021; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred Community & Economic Development and Finance Committees



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O#5. (1<sup>ST</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 14/2022** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCELS 380308 & 380309, CIRELLI BLDG, 630 30<sup>TH</sup> ST. NW)  
Referred Community & Economic Development Committee

MEMBER SMUCKLER: Mr. President.

PRESIDENT SHERER: Majority leader.

MEMBER SMUCKLER: I think it might be appropriate if we referred number four to Community & Economic Development and Finance. Uh... we just had a clerical error... it would...

PRESIDENT SHERER: So for the record, Ordinance #4 will be referred to Finance Committee and Commu... Community & Economic...

MEMBER SMUCKLER: Actually the opposite way, CD would be the lead on this.

PRESIDENT SHERER: CD would be the lead, ok. At this time, the Chair would declare an in-house recess for Personnel, Finance, and Community & Economic Committees to meet in regards to Ordinance 3, 4, and 5 on your agenda this evening. You are now in recess.

***(COUNCIL RECESSED AT 7:26 PM FOR THE PERSONNEL, FINANCE, AND COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEES TO DISCUSS ORDINANCES #3 THROUGH ORDINANCES #5; RECONVENED AT 7:39 PM)***

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

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 22A to place Ordinances 3 through 5 back on this evening's agenda.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been move... moved and seconded to suspend Rule 22A to place Ordinances 3 through 5 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 WOOD: Twelve yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinances 3 through 5 is a legal part of your agenda. Leader.

MEMBER SMUCKLER: Mr. President, I move we suspend the Statutory Rules of Ordinance 3 through 5.

MEMBER BABCOCK: Second.

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PRESIDENT SHERER: It's been moved and seconded to suspend the Statutory Rules on Ordinances 3 through 5. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #3.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #3. Are there any remarks under this Ordinance? ... Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

**#3 ADOPTED AS ORDINANCE NO. 12/2022**

PRESIDENT SHERER: The motion carries and Ordinance #3 is adopted. Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #4.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #4. Are there any remarks under this Ordinance?

MEMBER MORRIS: Mr. President.

PRESIDENT SHERER: Member Morris.

MEMBER MORRIS: I actually cracked a smile when I saw this one because last time we passed this, Leader you are correct we passed you... a two-year contract. I always kind of figured that the two-year contract was so you guys only had to listen to me gripe and complain one year. And you didn't have to listen to me the second year but due to a clerical issue you get to listen to me in year two. So let's ask ourselves before we uh... approve this moral ob on a contract. How did the chamber actual fulfil their contract in 2020? You were in the middle of a pandemic, nothing was moving, Hall of Fame events were shut down, there was no ribs burnoff, there was no jazz festival, there was no farmers market, there was nothing. We were in a complete lockdown. So what did they do with the money? Cause you... you know for sure it wasn't to market Nationwide because if they spent \$175,000.00 of our dollars on that, well that was an epic fail, cause we ended up bailing em out buying it. So I... I know we'll rubber stamp this one, we'll just push it on down the line but just think about it. Where did your money go in 2020? Thank you, Mr. President.

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PRESIDENT SHERER: Thank you, Member Morris Are there any additional remarks under this Ordinance? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 10 YEAS, 1 NAYS, 1 ABSTAIN  
(MEMBER MORRIS VOTED NAY, MEMBER GIAVASIS ABSTAINED)

CLERK WOOD: Twelve yeas, one no, one abstention Mr. President.

**#4 ADOPTED AS ORDINANCE NO. 13/2022**

PRESIDENT SHERER: The motion carries and Ordinance #4 is adopted. Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #5.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #5. Are there any remarks under this Ordinance? Leader.

MEMBER SMUCKLER: Mr. President, I move we amend Ordinance #5 by the substitute Ordinance before every Council Member.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and second to amend Ordinance #5 per the copy before each of you. Are there any remarks?

MEMBER MORRIS: Mr. President.

PRESIDENT SHERER: Member Morris.

MEMBER MORRIS: Compliments to the Mayor and the entire administration for facilitating such an awesome deal. We welcome you gentlemen into our community and as I said in our meeting, you are the first to come here and want to do something good for our community, economic and development wise, without your hand out asking for money. Uh... you guys are a blessing, thank you.

PRESIDENT SHERER: Thank you, Member Morris. Are there any additional remarks?

MEMBER GIAVASIS: Mr. President.

PRESIDENT SHERER: Member Giavasis.

MEMBER GIAVASIS: I also like to congratulate the Mayor, his administration, and the Economic Development Department for uh... bringing this development to the city of Canton. It's going to be a huge asset to not only the city but that entire area, 30<sup>th</sup> street.

PRESIDENT SHERER: Thank you, Member Giavasis. Are there any additional remarks?

MEMBER MARIOL: Mr. President.

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PRESIDENT SHERER: Member Mariol.

MEMBER MARIOL: The Cirelli Building has been a concern for... uh... 7<sup>th</sup> Ward and 30<sup>th</sup> street... uh in general. Uh... Having this... development happen there... uh... not only solidifies a problem on 30<sup>th</sup> street but is something we can build off of. And not only is this good for the city, good for 30<sup>th</sup> street, but its offering um...our constituents access to, what I feel is... is one of the best um... medical facilities you can find in the area. I was just at Akron Children's Hospital, in the Akron uh... branch today. The facilities are unbelievable, if anyone hasn't been in uh... one of their facilities. Uh... I encourage you go check it out but this is going to be such addition to 7<sup>th</sup> Ward and the city as whole, and really excited to see this thing built. Thank you.

PRESIDENT SHERER: Thank you, Member Mariol. Are there any additional 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, the motion carries, Leader.

MEMBER SMUCKLER: Mr. President, I move that we adopt Ordinance #5, as amended with the substitute Ordinance.

MEMBER BABCOCK: Second.

**AMENDMENT**

*Pursuant to Rule 36, I move to amend Agenda Item No. 5 by the substitution of the attached ordinance for the original pending ordinance.*

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #5 as amended. Are there any remarks under this Ordinance as amended? ...Hearing none, roll call vote, please.

NO REMARKS

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

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

**#5 ADOPTED AS AMENDED AS ORDINANCE NO. 14/2022**

PRESIDENT SHERER: The motion carries and Ordinance #5, as amended, has been adopted.

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their Second Reading. Madam Clerk, would you please begin with Ordinance #6.

O#6. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE STARK COUNTY PUBLIC DEFENDER COMMISSION FOR THE PROVISION OF LEGAL SERVICES TO INDIGENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

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- O#7. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO ENTER INTO CONTRACT WITH THE BELOW-NAMED CITIES AND VILLAGES TO PROVIDE LEGAL REPRESENTATION IN THE PROSECUTION OF CRIMINAL CASES AND RELATED MATTERS BY THE CITY PROSECUTOR'S OFFICE; AND DECLARING THE SAME TO BE AN EMERGENCY (2-YR CONTRACTS W/ E. CANTON, E. SPARTA, HARTVILLE, LOUISVILLE, MAGNOLIA, N. CANTON, WAYNESBURG; 1/1/22 TO 12/31/24)
- O#8. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR A LIST OF UNPAID AND DELINQUENT CHARGES FOR SERVICES PERFORMED BY AND/OR ON BEHALF OF THE CITY OF CANTON ENGINEERING DEPARTMENT, URBAN FORESTRY DIVISION; AND DECLARING THE SAME TO BE AN EMERGENCY
- O#9. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH CT CONSULTANTS, INC. FOR DESIGN OF THE 25<sup>TH</sup> STREET NE TRANSMISSION WATER MAIN REPLACEMENT PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 251/2021; AND DECLARING THE SAME TO BE AN EMERGENCY (\$144,500.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207080 25<sup>TH</sup> STREET NE TRANSMISSION WATER MAIN REPLACEMENT PROJECT – OTHER)
- O#10. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH MOTTER & MEADOWS ARCHITECTS FOR DESIGN OF THE WATER SERVICE SHOP BUILDING RENOVATIONS; AMENDING APPROPRIATION ORDINANCE NO. 251/2021; AND DECLARING THE SAME TO BE AN EMERGENCY (\$325,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207079 WATER SERVICE SHOP BUILDING RENOVATIONS FUND – OTHER)
- O#11. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH IBI GROUP FOR DESIGN OF THE PERRY HEIGHTS WATER MAIN REPLACEMENT PROJECT – PHASE I; AMENDING APPROPRIATION ORDINANCE NO. 251/2021; AND DECLARING THE SAME TO BE AN EMERGENCY (\$283,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207081 PERRY HEIGHTS WATER MAIN REPLACEMENT PROJECT – OTHER)
- O#12. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE RESURFACING OF STA SR 43D (WALNUT AVE) FROM JUST SOUTH OF 12<sup>TH</sup> ST NE TO THE NORTHERN APPROACH SLAB OF THE CHERRY OVERPASS BRIDGE (JUST NORTH OF 6<sup>TH</sup> ST SE), STA SR 43 (CHERRY AVE SE) FROM THE NORTHERN APPROACH SLAB OF THE CHERRY OVERPASS BRIDGE TO THE NEWLY RESURFACED SECTION (JUST SOUTH OF 4<sup>TH</sup> ST SE) AND STA SR 172 FROM LINCOLN AVE TO CHERRY AVE (SR 43) AND FROM RIVERSIDE DR TO COLE AVE/E CORP LIMIT, INCLUDING MINOR BRIDGE REHABILITATION TO TWO STRUCTURES

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WITHIN CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (PID 102743)

O#13. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 15/2022** AN ORDINANCE AUTHORIZING AND CONSENTING TO THE RESURFACING OF SR687 FROM CLARENDON TO CLEARVIEW AVE; AND DECLARING THE SAME TO BE AN EMERGENCY (PID 114922)

O#14. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 16/2022** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 251/2021; AND DECLARING THE SAME TO BE AN EMERGENCY (\$500,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207072 US 62 ODOT WATER MAIN RELOCATION PROJECT – OTHER)

O#15. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 17/2022** AN ORDINANCE AUTHORIZING THE AUDITOR TO RENAME FUND 5246 THE CANTON SOUTH WATERLINE EXTENSION PHASE 2 AND 3 FUND; AMENDING APPROPRIATION ORDINANCE NO. 251/2021; AND DECLARING THE SAME TO BE AN EMERGENCY (\$6,500,000.00 SUPP APPROP FR UNAPPROP BAL OF 5246 CANTON SOUTH WATERLINE EXTENSION PHASE 2 AND 3 FUND TO 5246 207082 CANTON SOUTH WATERLINE EXTENSION PHASE 2 AND 3 FUND – OTHER)

MEMBER SMUCKLER: Mr. President.

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: I move we suspend the Statutory Rules of Ordinances 13 through 15.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend the Statutory Rules on Ordinances 13 through 15. Are there any remarks? ...Hearing none, b... roll call... roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: 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 #13.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #13. Are there any remarks? ...Hearing none, roll call vote, please.

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NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

**#13 ADOPTED AS ORDINANCE NO. 15/2022**

PRESIDENT SHERER: The motion carries and Ordinance #13 has been adopted. Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #14.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #14. Are there any remarks under this Ordinance? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

**#14 ADOPTED AS ORDINANCE NO. 16/2022**

PRESIDENT SHERER: The motion carries and Ordinance #14 has been adopted. 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 under this Ordinance? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

**#15 ADOPTED AS ORDINANCE NO. 17/2022**

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

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

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their Third, Final Reading and Vote. Madam Clerk, would you please begin with Ordinance #16, please.

***NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCE #16 THROUGH ORDINANCE #18 FOR THEIR THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

O#16. (3<sup>rd</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH THE J. BABE STEARN COMMUNITY CENTER (JBSC) TO PROVIDE FUNDING FOR RECREATIONAL SERVICES AT THE JBSC; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #16.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #16. Are there any remarks?  
...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

**#16 ADOPTED AS ORDINANCE NO. 18/2022**

PRESIDENT SHERER: Motion carries and Ordinance #16 is adopted. Ordinance #17, please.

O#17. (3<sup>rd</sup> RDG) AN ORDINANCE VACATING PORTIONS OF 21<sup>ST</sup> STREET SW. LINWOOD AVE. SW, 19<sup>TH</sup> STREET SW, AND BELLFLOWER AVE. SW, ROSLYN AVE. SW AND MARYLAND AVE. SW; APPROVING AND ACCEPTING THE REPLAT OF 13.941 ACRES OF LAND; AND DECLARING THE SAME TO BE AN EMERGENCY  
**PUB HRG WAIVED**

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 WOOD: Twelve yeas, Mr. President.

**#17 ADOPTED AS ORDINANCE NO. 19/2022**

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

O#18. (3<sup>rd</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ACCEPT THE 2021 COPS HIRING PROGRAM GRANT #15JCOPS-21-GG-03479-UHPX; AUTHORIZING THE AUDITOR TO CREATE THE 2802 – 2021 COPS HIRING PROGRAM GRANT #15JCOPS-21-GG-03479-UHPX FUND; AMENDING APPROPRIATION ORDINANCE NO. 251/2021; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

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



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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 WOOD: Twelve yeas, Mr. President.

**#18 ADOPTED AS ORDINANCE NO. 20/2022**

PRESIDENT SHERER: Motion carries and Ordinance #18 is adopted. Thank you, Madam Clerk.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SHERER: We are now under Announcement of Committee Meetings. Our next meeting date will be February 7th, at 6:30 P.M.

MEMBER BABCOCK: Personnel will meet Mr. Chairman... I mean Mr. President, I'm sorry... Personnel will meet at same time... or... at... what was the date?

PRESIDENT SHERER: 6... it would be February 7<sup>th</sup> at 6:30.

MEMBER BABCOCK: February 2<sup>nd</sup>...

PRESIDENT SHERER: 7<sup>th</sup>.

MEMBER BABCOCK: 7<sup>th</sup> at 6:30.

PRESIDENT SHERER: Thank you, Mem... Member Babcock.

MEMBER MARIOL: Mr. President.

PRESIDENT SHERER: Member Mariol.

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

PRESIDENT SHERER: Thank you, Member Mariol.

MEMBER HAWK: Mr. President.

PRESIDENT SHERER: Member Hawk.

MEMBER HAWK: Finance will meet same time, same place.

PRESIDENT SHERER: Thank you, Member Hawk.

MEMBER HALL: Mr. President.

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PRESIDENT SHERER: Member Hall.

MEMBER HALL: Community & Economic Development same time, same place.

PRESIDENT SHERER: Thank you, Member Hall.

**MISCELLANEOUS BUSINESS**

PRESIDENT SHERER: We are now under any Miscellaneous Business. Is there any Miscellaneous Business for this evening? ... Hearing none... Leader.

MEMBER SMUCKLER: Mr. President, before we end this evening, I... want to get on to the positive. And the positive tonight is... we're redoing water lines that are over 100 years old in this community and we passed them tonight. And these water lines have to be redone. And needless to say to go along with our other two medical facilities, that are very fine facilities in this community of Aultman Hospital and Cleveland Clinic, we've now entered a phase where we're getting a third facility in here with Akron Children's Hospital. I, like you, are excited that we've... been able to cross the bridge at 30<sup>th</sup> street and do something that I think is positive for the whole community. Uh... tonight I think we did a great job, in taking this community to the next step. And I thank you all for being here this evening to help do that. And with that, I move we adjourn.

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

MEMBER SMITH: Excuse me... Excuse me.

PRESIDENT SHERER: Guys... Guys hang on for a second.

MEMBER SMITH: Go head Mr. President, I know what you getting ready to say.

PRESIDENT SHERER: If we could just to be... politically correct. Everybody should be seated till this meeting is adjourned, if we could

MEMBER SMITH: Thank you Mr. President.

PRESIDENT SHERER: This meeting is now adjourned. Thank you (*Gavel falls*).

ADJOURNMENT TIME: 8:00 PM

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ATTEST: 1/26/22

APPROVED:

JILL M. WOOD  
CLERK OF COUNCIL

WILLIAM SHERER  
PRESIDENT