

**MINUTES OF THE MEETING APRIL 17, 2023**

PRESIDENT SHERER: Good evening ladies and gentlemen, and welcome to Canton City Council. If everyone could please turn your cell phones to vibrate. With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call please, Madam Clerk.

*ROLL CALL TAKEN BY CLERK WOOD:*

11 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)

ELEVEN COUNCIL MEMBERS PRESENT. (MEMBER MORRIS ABSENT)

CLERK WOOD: Eleven present, One absent, Mr. President.

**EXCUSING MEMBERS**

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we excuse Member Morris from tonight's meeting.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to excuse Member Morris from this evening's meeting. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Member Morris is excused from this evening's meeting. Tonight's invocation will be given by Ward 6 Council Member, Kevin Hall. If you'll all please stand and remain standing for the Pledge of Allegiance, please.

*The regular meeting of Canton City Council was held on April 17, 2023 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 6 Council Member, Kevin Hall. The Pledge of Allegiance was led by President Sherer.*

PRESIDENT SHERER: At this time I would like to ask everybody to remain sta...standing. Can we have a moment of silence. Uh... Pat...Pat Barton's mother passed away recently, mother-in-law, I apologize. So if we could have a moment of silence please. Amen.

**AGENDA CORRECTIONS AND CHANGES**

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

MEMBER SMUCKLER: Mr. President, I move Rule 22A be suspended to add second reading of Ordinances 12 back to this evening's agenda.

MEMBER BABCOCK: Second.

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PRESIDENT SHERER: It's been moved and seconded to suspend Rule 22A to add second reading, a second reading, to Ordinance #12, to this evening's agenda. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinance #12 is a legal part of your agenda.

**PUBLIC HEARINGS**

PRESIDENT SHERER: We are now under Public Hearings and 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 would be Mr. Theodore Johnson. Mr. Johnson could you please state your name and residential address, please.

THEODORE JOHNSON: My name is Theodore Johnson. I reside at 332 Freedom Avenue NE, Canton, Ohio 44704.

PRESIDENT SHERER: Thank you.

THEODORE JOHNSON: I came here today because, first of all, I am uh...President of Affairs of Community. The area bounded by Tuscarawas, Belden Avenue, Georgetown Road, and Hamilton Avenue. I consider our neighborhood a...hidden gem. One of the problems that we have is for adequate, same housing, our neighborhood gets 25% to 35% less if you sell your house. One of the reasons is because people just don't know about us and there's some things that we...need done. Last year, the City of Canton did listen to us. They... paved some roads, they had street signs, they...up...updated our park. Even though we need a little bit more and we'll talk about that in the future. And once again we just got some things that we're very proud. And I came here to say thank you, to our...uh Council Lady, Chris Smith, and Mr. Smuckler in particular because they paid attention to us. One of the things that we can do help our neighborhood even more is...we know that the city is paving East Tuscarawas and we thank you for that. But we also need to keep our eye on the prize to make sure that Tusc is being landscaped. And you know...press the state of Ohio, to make sure that we spend some money to make sure that the corridor coming into Canton from the East, looks as good as anything else. It is...we need to invite people into Canton. And like I said, what we've done...what you've done in 2022, we thank you. I don't want to come here and just complain because you have listened. And once again we do have some members from Affairs of Community that are here and I'm going to ask them to stand at this time. *(Applause)* Once again, thank you, and we appreciate what you're doing and we hope that we can get even more done. Thank you.

PRESIDENT SHERER: Thank you, Mr. Johnson. And our last speaker for this evening is Mr. Chris Mack. Mr. Mack could you please state your name and residential address please.

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CHRIS MACK: Yes, my name is uh...C...see most of my friends call me C Mack, but legally Chris Mack, of 2430 4<sup>th</sup> Street. I'm here tonight uh...representing both myself and my father who has lived at that address for...uh the past sixty years. Uh...as a tax paying citizen of Canton. And uh...like Mr. Johnson, let me say that I am also here with Affairs of the Community, with a message of simply saying thank you. Uh...to...uh...to...uh uh Mr. Council President...uh Mayor Bernabei uh...to those who work in the administration, and of course to all of our esteemed Council Members. In over twelve month period, we came before the Canton City Council three times uh...asking for your help and you delivered. And we wanted to come here today and say thank you. Uh... we wanted to say thank you and that uh...in response you helped us to get street pa...streets paved. There were street signs missing, you helped us to get those street signs replaced. Uh...there were uh...issues with our local park, you helped us to make improvements to that local park. Uh...some of you uh...made phone calls, some of you uh...came out actually even walked the neighborhood with us so we could show you what was going on. And you made a difference. Uh...and again tonight uh...is one of those few times when we're not coming with complaints, what we simply wanted to say thank you to every single person here. Again uh...with our City Council President, Mayor Bernabei, with all of those who work in administration and particularly to those of you who are Members of City Council. You've delivered for us. Some of you have made phones calls on our behave, others of you have wrote letters on our behave. And we want you to know that know this and that we're grateful for it. So it's with tremendous gratitude, that those who are...are live in that part of Canton, we come to you today to say thank you. Thank you sir.

PRESIDENT SHERER: Thank you, Mr. Mack. *(Applause)*

**INFORMAL RESOLUTIONS**

PRESIDENT SHERER: We are now under Informal Resolutions and we have no Informal Resolutions for this evening.

**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 WITH THE AGENDA ITEMS FILE DATED APRIL 17, 2023.***

1. REO PROPERTY TRF TO CCIC FOR ECONOMIC DEV PURPOSES; EMERGENCY (1839 KIMBALL RD SE). - ECONOMIC DEV DIRECTOR HARDESTY
2. REO FORD PROPERTY TRF TO CCIC FOR ECONOMIC DEV PURPOSES; EMERGENCY. - ECONOMIC DEV DIRECTOR HARDESTY
3. REO D1, D3 LIQUOR PERMIT FOR EL FOGON CARRIBEAN GRILL LLC @ 918 CHERRY AVE NE. - LIQUOR CONTROL DIV (OHIO)
4. REO REPLAT OF PART OF LOTS 1549 AND 1550 (PARCELS 214202 & 219058) FOR CHUCK FUCHS, WARD 2. - PLANNING COMMISSION
5. REO REPLAT OF LOT 9786 AND PART OF LOT 9787 (PARCELS 207825 - 207827) FOR SARAI PROPERTIES LLC, WARD 5. - PLANNING COMMISSION
6. REO REPLAT OF LOTS 1909, 1910 AND 32457, PART OF LOTS 1907, 1908 AND 1911-1913, PART OF LOTS 32455-32456 AND PART OF LOT 35125 (PARCELS 237762, 237766, 245612, 213533 AND 246368) FOR HABITAT FOR HUMANITY, WARD 4. - PLANNING COMMISSION

**MINUTES OF THE MEETING APRIL 17, 2023****ORDINANCES AND FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their First Reading. Madam Clerk, would you please begin with Ordinance #7.

***NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #7 THROUGH #11 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- O#7. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH BOSWELL CONCRETE, INC. TO PROVIDE A REAL PROPERTY TAX EXEMPTION; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON CITY SCHOOL BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSANT TO SECTION 5709.82 (C) OF THE OHIO REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- O#8. (1<sup>ST</sup> RDG) A RESOLUTION ACCEPTING THE TAX INCENTIVE REVIEW COUNCIL'S RECENT RECOMMENDATIONS REGARDING ENTERPRISE ZONE AGREEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- O#9. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING CHAPTER 1727 OF THE HEALTH CODE  
Referred to Judiciary Committee
- O#10. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE OR THEIR DESIGNEE TO NEGOTIATE AND/OR DONATE THE GRANTING OF AN ELECTRICAL FACILITIES EASEMENT AGREEMENT WITH THE OHIO POWER COMPANY, A UNIT OF AMERICAN ELECTRIC POWER NECESSARY FOR THE INSTALLATION OF THEIR ELECTRIC FACILITIES ON THE CITY SERVICE CENTER PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Environmental & Public Utilities Committee
- O#11. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 65/2023** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO ALL CONTRACTS NECESSARY IN ORDER TO IMPLEMENT THE 2023 SUMMER WORK EXPERIENCE PROGRAMS UTILIZING ARPA FUNDS AND TO ENTER INTO ALL CONTRACTS NECESSARY IN ORDER TO IMPLEMENT THE 2023 SUMMER CAMP/LEARNING PROGRAMS UTILIZING ARPA FUNDS; AND DECLARING THE SAME TO BE AN EMERGENCY.  
Referred to Community & Economic Development Committee

PRESIDENT SHERER: At this time, the Chair would declare an in-house recess for the Community & Economic Development Committee to meet in regards to Ordinance 11 on your agenda this evening. You are now in recess.

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***(COUNCIL RECESSED AT 7:12 PM FOR THE COMMUNITY & ECONOMIC COMMITTEE TO MEET IN REGARDS TO O#11; RECONVENED AT 7:22 PM)***

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

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 22A and add Ordinance #11 back to the agenda.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend Rule 22A to place Ordinance #11 back on this evening's agenda. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinance #11 is a legal part of your agenda. Leader.

MEMBER SMUCKLER: Mr. President, I move we suspend Statutory Rules on Ordinance #11.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend the Statutory Rules on Ordinance #11. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

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

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #11. Are there any remarks under this Ordinance? ... Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

**#11 ADOPTED AS ORDINANCE NO. 65/2023**

PRESIDENT SHERER: The motion carries and Ordinance #11 has been adopted.

**MINUTES OF THE MEETING APRIL 17, 2023****ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for its Second Reading. Madam Clerk, would you please begin with Ordinance #12.

***NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCE #12 FOR ITS SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (ORDINANCE #12 ADOPTED):***

O#12. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 66/2023** A RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT ROAD SALT CONTRACT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we suspend the Statutory Rules on Ordinance #12.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend the Statutory Rules on Ordinance #12. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #12.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #12. Are there any remarks under this Ordinance? ... Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

**#12 ADOPTED AS ORDINANCE NO. 66/2023**

PRESIDENT SHERER: The motion carries and Ordinance #12 has been adopted.

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

PRESIDENT SHERER: We are now Ordinances and Formal Resolutions for their Third, Final Reading and Vote and we have no Third Readings for this evening.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SHERER: We are now under Announcement of Committee Meetings. Our next meeting date will be April...Monday April 24, and Committee starts at 6:15 PM. (*Inaudible*)

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PRESIDENT SHERER: Member Hall.

MEMBER HALL: Uh...Community & Economic Development will meet at 6:15 on April...24<sup>th</sup>.

PRESIDENT SHERER: Thank you, Member Hall.

MEMBER GIAVASIS: Mr. President.

PRESIDENT SHERER: Member Giavasis.

MEMBER GIAVASIS: Judiciary meets the same time, same place.

PRESIDENT SHERER: Thank you, Member Giavasis.

CLERK WOOD: Environmental.

MEMBER FISHER: Environmental will meet same time, same place.

PRESIDENT SHERER: Thank you. Member Fisher.

**MISCELLANEOUS BUSINESS**

PRESIDENT SHERER: We are now under Miscellaneous Business. Is there any Miscellaneous Business for this evening? Leader.

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

PRESIDENT SHERER: This meeting is adjourned. And thank...thank you for coming this evening. (*Gavel falls*)

ADJOURNMENT TIME: 7:27 PM

ATTEST:  
JILL M. WOOD  
CLERK OF COUNCIL

APPROVED:  
WILLIAM SHERER  
PRESIDENT