

MINUTES OF THE MEETING MAY 15, 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: (JAMES BABCOCK, LOUIS GIAVASIS, BRENDA KIMBROUGH, JASON SCAGLIONE, CHRIS SMITH, ROBERT FISHER, KEVIN HALL, JOHN MARIOL, PETER FERGUSON & FRANK MORRIS)

ELEVEN COUNCIL MEMBERS PRESENT. (MEMBER SMUCKER ABSENT) (*Note: Member Smuckler arrived after Agenda Corrections and Changes*)

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

EXCUSING MEMBERS

PRESIDENT SHERER: Leader.

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

MEMBER GIAVASIS: Second.

PRESIDENT SHERER: It's been moved and seconded to excuse Member Smuckler 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 Smuckler is excused from this evening's meeting. Tonight's invocation was supposed to be given by Majority Leader Bill Smuckler. So, Member Babcock. Would you all please stand and remain standing for the Pledge of Allegiance, please.

The regular meeting of Canton City Council was held on May 15, 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 Council Member at Large, James Babcock. The Pledge of Allegiance was led by President Sherer.

PRESIDENT SHERER: Thank you, Member Babcock.

AGENDA CORRECTIONS AND CHANGES

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

MEMBER BABCOCK: Mr. President, I move Rule 22A be suspended to add second reading Ordinances 10 through 13 to this evening's agenda.

MEMBER GIAVASIS: Second.

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PRESIDENT SHERER: It's been moved and seconded to suspend Rule 22A to add second readings to Ordinances 10 through 13 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 Ordinances 10 through 13 are a legal part of your agenda. And for the record, I would like to say that Mr. Smuckler, the Majority Leader, is in attendance.

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 one speaker for this evening, Miss Kimberly Bell. And I'm not quite sure if Miss Bell...

UNIDENTIFIED VOICE: She left.

PRESIDENT SHERER: Okay. So, moving on.

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 MAY 15, 2023.

1. REQ ADJUSTMENTS TO CITY OF CANTON'S FINAL BUDGET ORDINANCE NO. 51/2023. – FINANCE DIRECTOR CROUSE
2. 2022 ANNUAL REPORT. – CANTON WATER DEPARTMENT
3. RPT OF BANK REC AND OUTSTANDING INVESTMENTS AS OF APRIL 28, 2023. TREASURER PEREZ
4. RPT OF PARKING METER REVENUE FOR APRIL, 2023. – TREASURER PEREZ

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 #5.

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NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #5 THROUGH #9 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- O#5. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A GRANT AGREEMENT WITH COMMUNITY BUILDING PARTNERSHIP OF STARK COUNTY, INC. IN AN AMOUNT NOT TO EXCEED \$200,000.00 UTILIZING ISSUE 13 COMPREHENSIVE PLAN NEIGHBORHOOD FUNDS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- O#6. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER #2 FOR THE SUGAR CREEK WATER TREATMENT PLANT RENOVATION PROJECT WITH THE GREAT LAKES CONSTRUCTION COMPANY; AMENDING APPROPRIATION ORDINANCE NO. 51/2023; RETROACTIVELY AUTHORIZES ALL ACTIONS TAKEN IN REGARDS TO SAID CHANGE ORDER; AND AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS RELATED TO THE SAME; AND DECLARING THE SAME TO BE AN EMERGENCY (\$81,428.62 SUPP APPROP FR UNAPPROP BAL OF 5241 SUGAR CREEK WATER TREATMENT PLANT RENOVATION PROJECT TO 5241 207069 SUGAR CREEK WATER TREATMENT PLANT RENOVATION PROJECT – OTHER)
Referred to Finance Committee
- O#7. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN EASEMENT AGREEMENT WITH THE OHIO POWER COMPANY, A UNIT OF AMERICAN ELECTRIC POWER, FOR THE INSTALLATION OF THEIR ELECTRIC FACILITIES AT SPIKER PARK NECESSARY FOR THE INSTALLATION OF POND FOUNTAINS AND ADDITIONAL LIGHTING; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Environmental & Public Utilities Committee
- O#8. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN EASEMENT AGREEMENT WITH THE EAST OHIO GAS COMPANY, DBA DOMINION ENERGY, FOR THE INSTALLATION OF THEIR NATURAL GAS FACILITIES ON THE CITY SERVICE CENTER PROPERTY NECESSARY FOR DELIVERING GAS SERVICE TO THE NEW SANITATION BUILDING; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Environmental & Public Utilities Committee
- O#9. (1ST RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO CREATE THE 7510 PERRY TOWNSHIP JOINT ECONOMIC DEVELOPMENT DISTRICT (JEDD) FUND AND TO REMIT ALL APPROPRIATE SUMS TO PERRY TOWNSHIP AS ARE CALLED FOR IN THE JEDD CONTRACT AND TAX AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

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Referred to Community & Economic Development Committee

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 #10.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #10 THROUGH #13 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS):

- O#10. (2ND RDG) AN ORDINANCE AUTHORIZING UPDATES TO CANTON'S CITY-WIDE COMMUNITY REINVESTMENT AREA TO BE CURRENT AND CONSISTENT WITH THE CHANGES OUTLINED IN SUBSTITUTE SENATE BILL 33 AS REFLECTED WITHIN SECTIONS 3735.65 TO 3735.70 OF THE OHIO REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY
- O#11. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO: ADVERTISE, RECEIVE BIDS, AWARD, AND EXECUTE A CONSTRUCTION CONTRACT; EXECUTE A PROFESSIONAL SERVICES CONTRACT FOR CONSTRUCTION OVERSIGHT SERVICES; RECEIVE GRANT FUNDS IN THE AMOUNT OF \$881,000 AND ZERO PERCENT INTEREST LOAN IN THE AMOUNT OF \$590,000; AND ENTER INTO AGREEMENT WITH THE OHIO ENVIRONMENTAL PROTECTION AGENCY FOR A LOW-INTEREST LOAN FOR THE 4TH STREET SE SEWER REPLACEMENT PROJECT, GP 1338; 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; AUTHORIZING THE AUDITOR TO ESTABLISH THE 5421 4TH STREET SE SEWER REPLACEMENT PROJECT FUND; AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY. (\$4,550,061.00 SUPP APPROP FR UNAPPROP BAL OF 5421 4TH STREET SE SEWER REPLACEMENT PROJECT, GP 1338 FUND TO 5421 206326 4TH STREET SE SEWER REPLACEMENT PROJECT, GP 1338 – OTHER)
- O#12. (2ND RDG) A RESOLUTION AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT ON BEHALF OF THE CITY OF CANTON FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF WASTEWATER FACILITIES; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN; AND DECLARING THE SAME TO BE AN EMERGENCY
- O#13. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, LAW DIRECTOR, OR THEIR DESIGNEE TO: APPROPRIATE THE PROPERTY DESCRIBED IN EXHIBIT A IN FURTHERANCE OF THE 4TH STREET SW SEWER REPLACEMENT PROJECT, GP 1338 AND TO MAKE MINISTERIAL CHANGES TO CORRECT PROPERTY OWNER NAMES, PARCEL NUMBERS, AND OTHER NUMERICAL DESCRIPTIVE OR TYPOGRAPHICAL ERRORS; AND DECLARING THE SAME TO BE EMERGENCY

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CLERK WOOD: Mr. President.

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 #14, please.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #14 THROUGH #16 FOR THEIR THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

O#14. (3RD RDG) **ADOPTED AS ORDINANCE NO. 72/2023** AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF PART OF LOTS 1549 AND 1550; AND DECLARING THE SAME TO BE AN EMERGENCY (CHUCK FUCHS, WARD 2)

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #14. Are there any remarks? ... 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. 72/2023

PRESIDENT SHERER: Motion carries and Ordinance #14 is adopted. Ordinance #15, please.

O#15. (3RD RDG) **ADOPTED AS ORDINANCE NO. 73/2023** AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF LOT 9786 AND PART OF LOT 9787; AND DECLARING THE SAME TO BE AN EMERGENCY (SARAI PROPERTIES LLC, WARD 5)

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #15. Are there any remarks? ... 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. 73/2023

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PRESIDENT SHERER: Motion carries and Ordinance #15 is adopted. Ordinance #16, please.

O#16. (3RD RDG) **ADOPTED AS ORDINANCE NO. 74/2023** AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF LOTS 1909, 1910 & 32457 AND PART OF LOTS 1907, 1908 & 1911-1913, PART OF LOTS 32455-32456 AND PART OF LOT 35125; AND DECLARING THE SAME TO BE AN EMERGENCY (HABITAT FOR HUMANITY, WARD 4)

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 under this ordinance? ... 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. 74/2023

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

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SHERER: We are now under Announcement of Committee Meetings. Our next meeting date will be Monday, May 22nd, and Committee starts at 6:15 PM.

MEMBER HAWK: Mr. President.

PRESIDENT SHERER: Member Hawk.

MEMBER HAWK: Finance Committee will meet Mon... Monday, May 22nd at 6:15 PM.

PRESIDENT SHERER: Thank you, Member Hawk.

MEMBER FISHER: Mr. President.

PRESIDENT SHERER: Member Fisher.

MEMBER FISHER: Environmental & Public Utilities, same day, same place.

PRESIDENT SHERER: Thank you, Member Fisher, and Member Hall.

MEMBER HALL: Mr. President (*chuckles*). Community & Economic Development, same whatever time and same place, 6:15.

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PRESIDENT SHERER: And... and there will be a presentation by Maureen Austin with Community Building Partnership. So... thank you, Member Hall.

MISCELLANEOUS BUSINESS

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

MEMBER SCAGLIONE: Mr. President.

PRESIDENT SHERER: Member Scaglione.

MEMBER SCAGLIONE: Just like to take a moment to let everyone know we have a new business opening up. Uh, this is Judy's Family Restaurant at 3824 Tuscarawas Street West in the old Irish Exchange building. Um, nice to have a full building and making a little bit of taxes and not sitting there empty. So it's good to see them. Uh, if you've ever been to Lindsey's, you'll see a lot of likeness from employees to the... uh, type of restaurant there at this new Judy's Family Restaurant. I think that, you know, we all should support these, you know, new local places that open up and are gonna try to make a go of it in these tough times. Um, on another note, I'd like to thank John Highman and President Sherer. We're nearing the completion of the Hursh Avenue Project that is a game changer. We took a road that was, quite frankly, dangerous, if somebody had a heart attack or something, an ambulance likely couldn't even get down the road to get them, to where it is now to where garbage trucks and ambulances and all the vehicles that need to get down through there can. And it sure does make a nice appearance in that two-block section of road. So I'd just like to thank also Engineering for their work there on that road because it's a project that's really come together nicely.

PRESIDENT SHERER: How's... how's the response from the residents?

MEMBER SCAGLIONE: The residents are very happy. They have worked very well around the construction.

PRESIDENT SHERER: Yeah.

MEMBER SCAGLIONE: Um, everybody has really been pleasant to deal with for the most part and I... I think it's gonna be a great project for us to have in our city and might be something we need to do in other places as well.

PRESIDENT SHERER: I agree. Thank you, Member Scaglione. Is there any other Miscellaneous Business for this evening?

MEMBER KIMBROUGH: Yes... um, I would like to make sure that everyone knew that in Ward 2 there's gonna be a... held tailgate party at Mt. Pleasant Church between twelve and three o'clock on Saturday.

PRESIDENT SHERER: Thank you, Member Kimbrough. Is there any other Miscellaneous Business? Leader.

MEMBER SMUCKLER: Mr. President, I want to thank Member Bob... Babcock for filling in for me for the first few minutes.

PRESIDENT SHERER: He had his hands full, Majority Leader.

MEMBER SMUCKLER: I see (*chuckles*). Um, but I move we adjourn.

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MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

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

ADJOURNMENT TIME: 7:15 PM

ATTEST: May 16, 2023

APPROVED:

JILL M. WOOD
CLERK OF COUNCIL

WILLIAM SHERER
PRESIDENT