

**MINUTES OF THE MEETING SEPTEMBER 25, 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:*

9 COUNCIL MEMBERS PRESENT: (JAMES BABCOCK, LOUIS GIAVASIS, GREG HAWK, BRENDA KIMBROUGH, JASON SCAGLIONE, CHRIS SMITH, ROBERT FISHER, KEVIN HALL & PETER FERGUSON)

NINE COUNCIL MEMBERS PRESENT. (MEMBER SMUCKLER, MEMBER MARIOL AND MEMBER MORRIS ABSENT)

CLERK WOOD: Nine present, three absent, Mr. President.

**EXCUSING MEMBERS**

PRESIDENT SHERER: Leader Babcock.

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

MEMBER GIAVASIS: Second.

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

NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS

CLERK WOOD: Nine yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Member Smuckler, Member Mariol and Member Morris are excused from this evening's meeting. Tonight's invocation will be given by Council Member-at-Large, the one and only Jimmy Babcock. 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 September 25, 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, Leader 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 readings Ordinances 26 through 29 to this evening's agenda. Ordinance #25 will be retained in committee.

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 26 through 29 to this evening's agenda. Ordinance #25 will be retained in committee. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS

CLERK WOOD: Nine yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinances 26 through 29 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.

**PUBLIC SPEAKS**

PRESIDENT SHERER: We are now under Public Speaks and we have one speakers for this evening. It's Miss Kimberly Bell. Miss Bell, before we get started on Public Speaks, I would have... under the Rules of Council, it would be greatly appreciated if you could make your comments to the Presiding Chair, which is myself. If you could, please. Thank you.

KIMBERLY BELL: You're welcome.

PRESIDENT SHERER: Could you please state your name and residential address, please.

KIMBERLY BELL: Kimberly Bell, 1733 Morris Avenue, Canton. Okay.

PRESIDENT SHERER: Thank you.

KIMBERLY BELL: Let me make something very clear, Mr. President. Let Mr. Reese know there... I am not gonna hurt anybody. Katie came and asked me... I happened to stop in Judge Poulos' to visit like I always do, asked was I gonna hurt anybody. It took me off... took me... I'm like, where did this come from? So, I am not gonna hurt the Mayor. I am not gonna hurt the Mayor... it's not on, I don't think. I am not gonna hurt the Mayor or anybody. I've been to prison a hundred times and I don't want to go back. So, anything I say and do, it's just me dictating what I've seen since I've been coming here. How... and how I've studied everybody in here, and I can pick and choose which ones I'm dictating about. But I'm not gonna hurt the Mayor. He's not a Kennedy, I'm not gonna hurt him. And I'm not gonna hurt anybody in here. I'm not gonna hurt nobody. I'm just dictating. So tell the dogs to back off. Thank you. But... but what I... the... the... the envelope you got today, the folder you got today from me is about what I'm dealing with at my house. I didn't tell you everything I'm dealing with because it's so much going on. I had a situation where I come home that night and I get in the tub, and my... my tub was full. I mean... my... it wouldn't drain. So I called a work order in that night. They didn't come that night, so they came the next morning and I'm... I'm in the bed asleep, it's about nine thirty... I'm in the bed asleep and I hear my toilet seat go down. I said, who's in my house? He said, maintenance. I said, no, you supposed to call before you come and your... you didn't have permission to enter, and... and I... and I don't have any clothes on, I'm naked. Well, I won't look. So I froze in my bed, and under my covers I slid a shirt on. I told my councilman, he told me what to do, which I did. Dave from... the head of

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security from Metropolitan, came and visited me about that situation. Then, I go in my closet to get a pair of shoes, I seen mold growing on my stuff again for the third time since I been there, I been there almost three years. On my clothes again. This time I took pictures. Last couple times, I cleaned it up. Okay, no problem. They came and looked, said they'll give me a humidifier, never got a humidifier. Then last Sunday I come home, I open the door at nine thirty, I stop in my house... splash. I'm like, what is going on? Pipe busted in the wall. They left me... they... they... they wouldn't give them overtime, so they left me and my neighbor to cover the holes with tape and cardboard because the plumber said he wasn't given overtime to finish the job. At four o'clock, he left, and maintenance had to be... I had to call in another work order for maintenance to come and plug the holes. This is what we're dealing with at Metropolitan.

PRESIDENT SHERER: Miss Bell, thank you.

KIMBERLY BELL: You're welcome. I got to go. I got (*inaudible*)... when I talk with you, Andrea.

**INFORMAL RESOLUTIONS**

PRESIDENT SHERER: We are now under Informal Resolutions and we have two for this evening. Madam Clerk, would you please read Informal Resolution #1, by title.

1. MAJORITY LEADER SMUCKLER: AUTHORIZE INSTALLATION OF REQUIRED EQUIPMENT ON 2022 RAM 2500 VEHICLE FOR BATTALION CHIEF. – ADOPTED

PRESIDENT SHERER: Leader.

MEMBER BABCOCK: Mr. President, I move we adopt Informal Resolution #1.

MEMBER GIAVASIS: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Informal Resolution #1. Are there any remarks? ...Hearing none, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #1 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it, the motion carries and Informal Resolu... Informal Resolution #1 is adopted. Resolution #2, please.

2. MAJORITY LEADER SMUCKLER: AUTHORIZE APPROVAL FOR BORING SERVICES FOR WATER DEPARTMENT. - ADOPTED

PRESIDENT SHERER: Leader.

MEMBER BABCOCK: Mr. President, I move we adopt Informal Resolution #2.

MEMBER GIAVASIS: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Informal Resolution #2. 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 #2 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it, the motion carries and Informal Resolution #2 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 WITH THE AGENDA ITEMS FILE DATED SEPTEMBER 18, 2023.***

3. RPT OF DEPOSITS AND PAY-INS TO AMBULANCE LOCK BOX FOR AUGUST 2023. – CHIEF BENNETT
4. AMEND APPROP O#51/2023; EMERGENCY (SUPP APPROP TO 2318.301001 HIV PREVENTION). – HEALTH COMMISSIONER ADAMS
5. AMEND APPROP O#51/2023; EMERGENCY (SUPP APPROP TO FUND 2312.301001 STD CONTROL PROGRAM). – HEALTH COMMISSIONER ADAMS
6. REQ LEG FOR HOF PORT AUTHORITY ASSESSMENT AND TIF REVENUE BONDS SPECIAL ASSESSMENT LEGISLATION AND COOP AGRMT ORD; EMERGENCY. – MAYOR BERNABEI
7. AUTH APPROVAL FOR HOUSING DEVELOPMENT AND BEAUTIFICATION PROGRAM. – PLANNING DIRECTOR ANGUS
8. REQ INSTALLATION OF REQUIRED EQUIP ON 2022 RAM 2500 VEHICLE FOR BATTALION CHIEF. – SAFETY DIRECTOR PERRY
9. REQ LEG FOR CRIME LAB MGMT AND NON-BARGAINING CLASSIFICATION PLAN. – SAFETY DIRECTOR PERRY
10. REQ LEG FOR FFY 2024 OHIO TRAFFIC SAFETY OFFICE IDEP/STEP GRANT; EMERGENCY (SUPP APPROP TO 1001 1020001 POLICE ADMIN). – SAFETY DIRECTOR PERRY
11. REQ LEG FOR PROPERTY ACQUISITION FOR CITY SERVICE CENTER, PARCEL 10010986; EMERGENCY (30<sup>TH</sup> ST NE). – SERVICE DIRECTOR HIGHMAN
12. REQ APPROVAL FOR BORING SERVS FOR WATER DEPT. – SERVICE DIRECTOR HIGHMAN

**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 #13.

***NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #13 THROUGH #24 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- O#13. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY IN THE CITY OF

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CANTON LAND REUTILIZATION PROGRAM TO 1827 GROUP LTD; AND  
DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

- O#14. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY IN THE CITY OF CANTON LAND REUTILIZATION PROGRAM TO GREENER PROPERTIES LLC; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- O#15. (1<sup>ST</sup> 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  
Referred to Judiciary Committee
- O#16. (1<sup>ST</sup> RDG) A RESOLUTION AUTHORIZING THE LAW DIRECTOR TO DISTRIBUTE FREE OF CHARGE TO PUBLIC OFFICIALS AND PUBLIC INSTITUTIONS COPIES OF THE 2023 SUPPLEMENT TO THE CANTON CODIFIED ORDINANCES; TO AFFIX PRICE FOR THE SALE OF SAME; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Judiciary Committees
- O#17. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONDITIONAL GRANT AGREEMENT IN AN AMOUNT NOT TO EXCEED \$68,440.00 FROM AMERICAN RESCUE PLAN ACT FUNDS TO ARTS IN STARK (AIS) FOR MATERIALS TO REPLACE THE ROOF OF THE "ZIEGLER TIRE BUILDING" AT 901 MARKET AVENUE NW, OWNED BY AIS, TO HELP RENOVATE THE FACILITY TO MOVE THE EN-RICH-MENT YOUTH PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- O#18. (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF LOT 28958 AND PART OF LOT 28959; AND DECLARING THE SAME TO BE AN EMERGENCY (BRIAN LEIBY, 1500 BLK 7<sup>TH</sup> ST NE)  
Referred to Public Safety & Thoroughfares Committee
- O#19. (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLT OF LOTS 22800, 22801 AND 39901; AND DECLARING THE SAME TO BE AN EMERGENCY (HABITAT FOR HUMANITY, 2300 BLK 7<sup>TH</sup> ST NE)  
Referred to Public Safety & Thoroughfares Committee
- O#20. (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF LOTS 780 AND 781; AND DECLARING THE SAME TO BE AN EMERGENCY (REFUGE OF HOPE, 609 E TUSC ST)  
Referred to Public Safety & Thoroughfares Committee

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- O#21. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT FOR EMS BILLING SERVICES; AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS RESULTING FROM THIS CONTRACT; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- O#22. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO: ENTER INTO CONTRACT WITH AMERICAN STRUCTUREPOINT, INC. IN AN AMOUNT NOT TO EXCEED \$527,350.00 FOR DESIGN AND OVERSIGHT OF THE CITY HALL HVAC AND EXECUTIVE GARAGE REPAIR PROJECT (PROJECT); ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO ONE OR MORE CONTRACTS FOR THE PROJECT OR TO ALTERNATIVELY ENTER INTO ALL CONTRACTS NECESSARY TO COMPLETE THE PROJECT UTILIZING ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; AUTHORIZES THE AUDITOR TO PAY ALL MORAL OBLIGATIONS FOR CONTRACT CHANGE ORDERS THAT ARE OTHERWISE APPROVED PURSUANT TO CANTON CODIFIED ORDINANCE 105.14; AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$400,000.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 204010 OTHER BUILDINGS – OTHER)  
Referred to Public Property Capital Improvement Committee
- O#23. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, OR THEIR DESIGNEE TO ACQUIRE STARK COUNTY AUDITOR PARCEL NO. 217050 UTILIZING ANY PROCESS AUTHORIZED BY LAW INCLUDING, BUT NOT LIMITED TO THE TARGETED ACQUISITION ASSISTANCE PROGRAM; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO ALL CONTRACTS NECESSARY TO ACQUIRE THE ABOVE-NAMED PARCEL; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Public Safety & Thoroughfares Committee
- O#24. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 129/2023** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$52,424.10 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL OPERATING FUND TO 1001 102001 POLICE ADMIN – OTHER)  
Referred to Finance Committee

PRESIDENT SHERER: At this time, the Chair would declare an in-house recess for the Finance Committee to meet in regards to Ordinance #24 on your agenda this evening. You are now in recess.

***(COUNCIL RECESSED AT 7:14 PM FOR THE FINANCE COMMITTEE TO MEET IN REGARDS TO O#24; RECONVENED AT 7:15 PM)***

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

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MEMBER BABCOCK: Mr. President, I move we suspend Rule 22A to place Ordinance 24 back on this evening's agenda.

MEMBER GIAVASIS: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend Rule 22A to place Ordinance #24 back on this evening's agenda. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS

CLERK WOOD: Nine yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinance #24 is a legal part of your agenda. Leader.

MEMBER BABCOCK: Mr. President, I move we suspend Statutory Rules on Ordinance #24.

MEMBER GIAVASIS: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend the Statutory Rules on Ordinance #24. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS

CLERK WOOD: Nine yeas, Mr. President.

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

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

MEMBER GIAVASIS: Second.

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

NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS

CLERK WOOD: Nine yeas, Mr. President.

**#24 ADOPTED AS ORDINANCE NO. 129/2023**

PRESIDENT SHERER: The motion carries and Ordinance #24 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 #26.

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**NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #26 THROUGH #29 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (O#25 RETAINED IN COMMITTEE; O#28 ADOPTED AS AMENDED; O#29 ADOPTED):**

CLERK WOOD: Number 25 has been retained in committee.

- O#25. (2<sup>ND</sup> RDG) **RETAINED IN COMMITTEE** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AMERICAN RESCUE PLAN ACT SUBAWARD AGREEMENT WITH THE NORTHEAST WELLNESS AND BUSINESS CENTER IN AN AMOUNT NOT TO EXCEED \$250,000; AND DECLARING THE SAME TO BE AN EMERGENCY
- O#26. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDERS #2 IN AN AMOUNT NOT TO EXCEED \$165,152.92 AND #3 IN AN AMOUNT NOT TO EXCEED \$393,442.00 FOR THE ALLEN AVENUE SE AREA SANITARY SEWER REPLACEMENT, GP 1332 WITH HM MILLER CONSTRUCTION CO.; AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS RESULTING FROM THESE CHANGE ORDERS; AND DECLARING THE SAME TO BE AN EMERGENCY (\$261,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 206322 ALLEN AVENUE SANITARY SEWER / WATER PROJECT - OTHER)
- O#27. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE BOARD OF EDUCATION FOR THE CANTON CITY SCHOOL DISTRICT FOR THE 4<sup>TH</sup> ST. NW STORM AND SANITARY SEWER RELOCATION PROJECT AND ENTER INTO ALL CONTRACTS NECESSARY IN ORDER TO COMPLETE THE PROJECT; AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS THAT TOOK PLACE REGARDING THE PROJECT PRIOR TO THE AGREEMENTS BEING FINALIZED; AND DECLARING THE SAME TO BE AN EMERGENCY
- O#28. (2<sup>ND</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 130/2023** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AMENDING ORDINANCE NO. 60/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (APPROP TRFS & SUPP APPROPS TO ADJUST VARIOUS ACCOUNTS)
- O#29. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 131/2023** APPROVING A PETITION FOR SPECIAL ASSESSMENTS FOR SPECIAL ENERGY IMPROVEMENT PROJECT AND A SUPPLEMENTAL PLAN FOR THE CANTON REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT UNDER CHAPTER 1710 OF THE OHIO REVISED CODE; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO ANY AND ALL DOCUMENTS NECESSARY IN CONNECTION WITH THE PETITION AND SUPPLEMENTAL PLAN; TO AUTHORIZE AND LEVY SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF CANTON IN COOPERATION WITH THE



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CANTON REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT; AND TO APPROVE AN ENERGY PROJECT COOPERATIVE AGREEMENT IN CONNECTION WITH SUCH IMPROVEMENTS AND SPECIAL ASSESSMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

MEMBER BABCOCK: Mr. President, I move we adopt Ordinance... oh, I'm sorry. Mr. President, I move we adopt Ordinance #28.

CLERK WOOD: H-mm, we gotta suspend the rules.

PRESIDENT SHERER: What's that?

CLERK WOOD: He needs to suspend the rules, the Statutory Rules.

MEMBER BABCOCK: Yeah, I know.

PRESIDENT SHERER: You gotta adopt it first (*inaudible*)... right?

MEMBER BABCOCK: I'm sorry. Mr. President, I move we adopt Ordinance #28.

CLERK WOOD: Excuse me, we need to suspend the Statutory Rules.

MEMBER BABCOCK: Mis... uh, Mr. President, I move we adopt... right here.

MEMBER GIAVASIS: You gotta suspend Statutory Rules...

PRESIDENT SHERER: Leader.

MEMBER GIAVASIS: ...for #28.

MEMBER BABCOCK: Right here.

PRESIDENT SHERER: The Clerk is correct, we do need...

CLERK WOOD: We need to suspend the Statutory Rules on 28 and 29.

PRESIDENT SHERER: Before we adopt.

MEMBER BABCOCK: See, they got this messed... okay, I... I move we...

CLERK WOOD: Suspend.

MEMBER BABCOCK: ...suspend Statutory... Statutory Rules on number... Ordinance #28 and 29.

MEMBER GIAVASIS: Second.

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PRESIDENT SHERER: It's been moved and seconded to suspend the Statutory Rules on Ordinances 28 and 29. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS

CLERK WOOD: Nine yeas, Mr. President.

PRESIDENT SHERER: The motion carries. Leader.

MEMBER BABCOCK: Mr. President, I move we adopt Ordinance #28.

MEMBER GIAVASIS: Second.

PRESIDENT SHERER: It's been moved and seconded to Ordinance #28. Are there any remarks?

CLERK WOOD: Leader.

PRESIDENT SHERER: Leader. Which I believe we need to amend Ordinance #28.

MEMBER BABCOCK: Yeah. Mr. President, I move we amend Rules... uh, wait a minute.

MEMBER GIAVASIS: *(Inaudible)*

MEMBER BABCOCK: Mr. President, I move we amend Ordinance #28 per copy of each...

MEMBER GIAVASIS: Second.

PRESIDENT SHERER: It's been moved and seconded to amend Ordinance #28 per the copy before each of you. Are there any remarks? ...Hearing none, by voice vote, all those in fav... 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 BABCOCK: Mr. President, I move we adopt Ordinance #28... as amended.

PRESIDENT SHERER: Yep.

MEMBER GIAVASIS: Second.

**AMENDMENT**

*Pursuant to Rule 36, I move to amend Agenda Item No. 28 by the substitution of the attached amended ordinance for the original pending ordinance.*

PRESIDENT SHERER: It's been moved & seconded to adopt Ordinance #28, as amended. Are there any remarks under this Ordinance as amended? ...Hearing none, roll call vote please.

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NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS

CLERK WOOD: Nine yeas, Mr. President.

**#28 ADOPTED AS AMENDED AS ORDINANCE NO. 130/2023**

PRESIDENT SHERER: The motion carries and Ordinance #28 as amended has been adopted. Leader.

MEMBER BABCOCK: Mr. President, I move we adopt Ordinance #29.

MEMBER GIAVASIS: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #29. Are there any remarks?  
...Hearing none...

MEMBER BABCOCK: Mr. President, I move we susp...

CLERK WOOD: No.

MEMBER BABCOCK Uh... Mr. President, I move...

CLERK WOOD: No.

PRESIDENT SHERER: No.

CLERK WOOD: We're just adopting.

PRESIDENT SHERER: We're just adopting right now. I think we're good, Leader, so...

MEMBER BABCOCK: Right. Mr. President, I move we adopt Ordinance #29 as amended per copy of each Council Member.

CLERK WOOD: No.

MEMBER GIAVASIS: There is no amendment.

PRESIDENT SHERER: No.

MEMBER BABCOCK: (*Inaudible*)... suspend it again?

CLERK WOOD: No, no.

PRESIDENT SHERER: The only ordinance I believe that is amended is Ordinance #28.

CLERK WOOD: This is just an adoption.

PRESIDENT SHERER: 29 is just an adoption.

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CLERK WOOD: Just go ahead and do roll call.

MEMBER BABCOCK: Mr. President, I move we adopt Ordinance #29.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #29. Are there any remarks?  
...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS

CLERK WOOD: Nine yeas, Mr. President.

**#29 ADOPTED AS ORDINANCE NO. 131/2023**

PRESIDENT SHERER: The motion carries and Ordinance #29 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 #30.

O#30. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 132/2023** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION IN CONJUNCTION WITH THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO ALL CONTRACTS NECESSARY FOR THE TIMKEN GATEHOUSE RENOVATION PROJECT; OR TO ALTERNATIVELY ENTER INTO ALL CONTRACTS NECESSARY USING ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; AUTHORIZES THE AUDITOR TO PAY ALL MORAL OBLIGATIONS FOR CONTRACT CHANGE ORDERS THAT ARE OTHERWISE APPROVED BY THE BOARD OF CONTROL PURSUANT TO CANTON CODIFIED ORDINANCE 105.14 WITHIN THE ESTABLISHED DOLLAR AMOUNT THRESHOLDS; AUTHORIZING THE CITY TO RECEIVE ANY AND ALL GRANT/OUTSIDE FUNDS AVAILABLE FOR THE COMPLETION OF THE PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

MEMBER BABCOCK: Mr. President, I move we adopt Ordinance #30.

MEMBER GIAVASIS: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #30. Are there any remarks?  
...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS

CLERK WOOD: Nine yeas, Mr. President.

**#30 ADOPTED AS ORDINANCE NO. 132/2023**

PRESIDENT SHERER: The motion carries and Ordinance #30 is adopted. Ordinance #31, please.

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O#31. (3<sup>RD</sup> RDG) **POSTPONED UNTIL 10/2/23** AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (ANGEL SO FOR PARKVIEW CANTON APTS, 2701 HARRISON AVE NW, 2704 HARRISON AVE NW & 2006 HILLCREST RD NW)

PRESIDENT SHERER: Leader.

MEMBER BABCOCK: Mr. President, I move we adopt Ordinance #31.

MEMBER GIAVASIS: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #31. Are there any remarks? Leader.

MEMBER BABCOCK: Mr. President, I move we postpone Ordinance #31 until October 2, 2023.

MEMBER GIAVASIS: Second.

PRESIDENT SHERER: It's been moved and seconded to postpone Ordinance #31 until October 2, 2023. Are there any remarks?...Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

POSTPONEMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The motion carries and Ordinance #31 is postponed until October 2, 2023. Ordinance #32 please.

O#32. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 133/2023** AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF PART OF LOT 2962 AND ALL OF LOTS 2963-2964; AND DECLARING THE SAME TO BE AN EMERGENCY (ROBERT THOMPSON, 927 WC HENDERSON AVE NE)

PRESIDENT SHERER: Leader.

MEMBER BABCOCK: Mr. President, I move we adopt Ordinance #32.

MEMBER GIAVASIS: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #32. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS

CLERK WOOD: Nine yeas, Mr. President.

**#32 ADOPTED AS ORDINANCE NO. 133/2023**

PRESIDENT SHERER: The motion carries and Ordinance #32 is adopted. Ordinance #33, please.

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O#33. (3<sup>RD</sup> RDG ) **ADOPTED AS ORDINANCE NO. 134/2023** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR THE INSTALLATION OF A VARIABLE FREQUENCY DRIVE AT THE NORTHEAST WATER TREATMENT PLANT AND TO EXECUTE A PROFESSIONAL SERVICES CONTRACT FOR INSTALLATION OVERSIGHT SERVICES FOR THE PROJECT; AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS FOR CONTRACT CHANGE ORDERS THAT ARE OTHERWISE APPROVED BY THE BOARD OF CONTROL PURSUANT TO CANTON CODIFIED ORDINANCE 105.14 WITHIN THE ESTABLISHED DOLLAR AMOUNT THRESHOLDS; AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$625,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207084 NORTHEAST WTP VARIABLE FREQUENCY DRIVE – OTHER)

PRESIDENT SHERER: Leader.

MEMBER BABCOCK: Mr. President, I move we adopt Ordinance #33.

MEMBER GIAVASIS: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #33. Are there any remarks under this Ordinance? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS

CLERK WOOD: Nine yeas, Mr. President.

**#33 ADOPTED AS ORDINANCE NO. 134/2023**

PRESIDENT SHERER: The motion carries and Ordinance #33 is adopted. Ordinance #34, please.

O#34. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 135/2023** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER #1 WITH WENGER EXCAVATING, INC. IN AN AMOUNT NOT TO EXCEED \$114,771.40 FOR THE 34<sup>TH</sup> STREET NW AREA WATER MAIN REPLACEMENT AND ROADWAY IMPROVEMENTS PROJECT; AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS RELATED TO THIS CHANGE ORDER THAT TAKE PLACE PRIOR TO THE FINALIZATION OF SAID CHANGE ORDER; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

MEMBER BABCOCK: Mr. President, I move we adopt Ordinance #34. Thirty...

MEMBER GIAVASIS: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #34. Are there any remarks? ...Hearing none, roll call vote please.

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NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS

CLERK WOOD: Nine yeas, Mr. President.

**#34 ADOPTED AS ORDINANCE NO. 135/2023**

PRESIDENT SHERER: The motion carries and Ordinance #34 is adopted. Ordinance #35, please.

O#35. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 136/2023** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER #1 AND FINAL WITH CTI ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED \$31,730.02 FOR DESIGN OF THE 4<sup>TH</sup> STREET SE SEWER REPLACEMENT PROJECT, GP 1338; AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS RELATED TO THIS CHANGE ORDER THAT TAKE PLACE PRIOR TO THE FINALIZATION OF SAID CHANGE ORDER; AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$31,730.02 APPROP TRF FR 5410 206006 COLLECTION SYSTEMS DEPARTMENT – OTHER TO 5410 206326 4<sup>TH</sup> ST SE SEWER REPLACEMENT PROJECT, GP 1338 – OTHER)

PRESIDENT SHERER: Leader.

MEMBER BABCOCK: Mr. President, I move we adopt Ordinance #35.

MEMBER GIAVASIS: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #35. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS

CLERK WOOD: Nine yeas, Mr. President.

**#35 ADOPTED AS ORDINANCE NO. 136/2023**

PRESIDENT SHERER: The motion carries and Ordinance #35 is adopted. Ordinance #36, please.

O#36. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 137/2023** AN ORDINANCE AMENDING SECTION 105.01, CONSTRUCTION CONTRACTS, SECTION 105.09, NOTICE AND BIDDING REQUIRED, WHEN, AND SECTION 105.12 LOCAL BIDDER PREFERENCE OF CHAPTER 105, CONTRACTS OF THE ADMINISTRATIVE CODE

PRESIDENT SHERER: Leader.

MEMBER BABCOCK: Mr. President, I move we adopt Ordinance #36.

MEMBER GIAVASIS: Second.

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PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #36. Are there any remarks under this Ordinance? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS

CLERK WOOD: Nine yeas, Mr. President.

**#36 ADOPTED AS ORDINANCE NO. 137/2023**

PRESIDENT SHERER: The motion carries and Ordinance #36 is adopted. Ordinance #37, please.

O#37. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 138/2023** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A COMMUNITY REINVESTMENT AREA AGREEMENT WITH CHAMBER AVE LLC AND EMAXX NORTHEAST OHIO LLC DBA ECO-MAXX TO PROVIDE REAL PROPERTY TAX EXEMPTIONS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

MEMBER BABCOCK: Mr. President, I move we adopt Ordinance #37.

MEMBER GIAVASIS: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #37. Are there any remarks? Leader.

MEMBER BABCOCK: Mr. President, I move we amend Ordinance #37 per the copy that all Council Members have in front of them.

MEMBER GIAVASIS: Second.

PRESIDENT SHERER: It's been moved and seconded to amend Ordinance #37 per the copy before each of you. We're good, right? Okay. 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. The motion carries. Leader.

MEMBER BABCOCK: Mr. President, I move we adopt Ordinance #37, as amended.

MEMBER GIAVASIS: Second.

**AMENDMENT**

*Pursuant to Rule 36, I move to amend Agenda Item No. 37 by amending the parcel number in Section 3 from "10016330" "10017336."*



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PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #37, as amended. Are there any remarks under this Ordinance as amended? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS

CLERK WOOD: Nine yeas, Mr. President.

**#37 ADOPTED AS AMENDED AS ORDINANCE NO. 138/2023**

PRESIDENT SHERER: The motion carries and Ordinance #37 as amended has been adopted. Ordinance #38, please.

O#38. (3<sup>RD</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 139/2023** AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A TAX INCREMENT FINANCING COOPERATIVE DISBURSEMENT AGREEMENT WITH CHAMBER AVE LLC AND EMAXX NORTHEAST OHIO LLC DBA ECO-MAXX; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

MEMBER BABCOCK: Mr. President, I move we adopt Ordinance #38.

MEMBER GIAVASIS: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #38. Are there any remarks? Leader.

MEMBER BABCOCK: Mr. President, I move we amend Ordinance #38 per the copy that all Council Members have in front of them.

MEMBER GIAVASIS: Second.

PRESIDENT SHERER: It's been moved and seconded to amend Ordinance #38 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. The motion carries. Leader.

MEMBER BABCOCK: Mr. President, I move we adopt Ordinance #38, as amended.

MEMBER GIAVASIS: Second.

**AMENDMENT**

*Pursuant to Rule 36, I move to amend Agenda Item No. 38 by amending the parcel number in Section 3 from "10016330" "10017336."*

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PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #38, as amended. Are there any remarks under this Ordinance as amended? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS

CLERK WOOD: Nine yeas, Mr. President.

**#38 ADOPTED AS AMENDED AS ORDINANCE NO. 139/2023**

PRESIDENT SHERER: The motion carries and Ordinance #38 as amended has been adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SHERER: We are now under Announcement of Committee Meetings. Our next meeting date will be Monday, October 2<sup>nd</sup>, at six... and Committee starts at 6:30 PM.

MEMBER HALL: Mr. President.

PRESIDENT SHERER: Member Hall.

MEMBER HALL: Community & Economic Development at 7:30 PM on December 2<sup>nd</sup>. \*\*

**\*\*Note:** Member Hall inadvertently said December 2<sup>nd</sup>. The correct date is October 2<sup>nd</sup>.

CLERK WOOD: Six thirty.

UNIDENTIFIED VOICE: Six thirty.

PRESIDENT SHERER: Six thirty, there.

MEMBER HALL: Six thirty.

PRESIDENT SHERER: Thank you, Member Hall.

MEMBER HAWK: Mr. President.

PRESIDENT SHERER: Member... Member Hawk.

MEMBER HAWK: Finance will meet Monday, October 2<sup>nd</sup> at 6:30.

PRESIDENT SHERER: Thank you, Member Hawk.

MEMBER GIAVASIS: Mr. President.

MEMBER SCAGLIONE: Mr. President.

PRESIDENT SHERER: Member Giavasis.

MEMBER GIAVASIS: Judiciary Committee will meet same time, same place.

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PRESIDENT SHERER: Thank you, Member Giavasis.

MEMBER SCAGLIONE: Mr. President.

PRESIDENT SHERER: Member Scaglione.

MEMBER SCAGLIONE: Public Property Capital Improvement, same time, same place.

PRESIDENT SHERER: Thank you, Member Scaglione.

MEMBER KIMBROUGH: Mr. President.

PRESIDENT SHERER: Member Kimbrough.

MEMBER KIMBROUGH: Public Safety & Thoroughfares will also meet at that same time, same place.

PRESIDENT SHERER: Thank you, Member Kimbrough. Is... is there... no.

CLERK WOOD: What's that, what did he say?

MEMBER BABCOCK: Are we meeting here or up at the Civic Center.

CLERK WOOD: Next week's meeting will be here, and that'll be the last meeting here.

MEMBER BABCOCK: Thank you.

**MISCELLANEOUS BUSINESS**

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

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

MEMBER GIAVASIS: Second. (*Brief pause*)

PRESIDENT SHERER: Okay. Before we adjourn, I just want to clarify for the audience that the next... our next Council meeting will be here, will be next Monday, but the following meeting...

CLERK WOOD: The 16<sup>th</sup>.

PRESIDENT SHERER: ...the 16<sup>th</sup>, will be at the Canton Civic Center. So, just for a point of clarification to everybody that's in... in attendance tonight.

PRESIDENT SHERER: So we have a motion and second to adjourn. Roll call please, Madam Clerk.

NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS

CLERK WOOD: Nine yeas, Mr. President.

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

ADJOURNMENT TIME: 7:37 PM

ATTEST: September 27, 2023

APPROVED:

JILL M. WOOD  
CLERK OF COUNCIL

WILLIAM SHERER  
PRESIDENT