

MINUTES OF THE MEETING OCTOBER 2, 2023

PRESIDENT PRO TEM SMUCKLER: Let's get started, it's 7:15. Good evening ladies and gentlemen, welcome to Canton City Council. If everybody would please...shut off your cell phones. We have a quorum present, the Chair calls this meeting of Canton City Council to order. Roll call.

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

ELEVEN COUNCIL MEMBERS PRESENT (PRESIDENT SHERER AND MEMBER GIAVASIS ABSENT)

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

EXCUSING MEMBERS

PRESIDENT PRO TEM SMUCKLER: Leader Babcock.

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

MEMBER HAWK: Second.

PRESIDENT PRO TEM SMUCKLER: Are there any remarks? ...Hearing none, roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: The motion carries and President...Sherer and Member Giavasis are excused from this evening's meeting. Invocation...tonight's invocation will be given by Ward 1 Council Member Greg Hawk. If you all please stand and remain standing for...the...Pledge of Allegiance.

The regular meeting of Canton City Council was held on October 2, 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 1 Council Member, Greg Hawk. The Pledge of Allegiance was led by President Pro Tem Smuckler.

AGENDA CORRECTIONS AND CHANGES

PRESIDENT PRO TEM SMUCKLER: Uh...Leader Babcock we're under...uh...Agenda Corrections.

MEMBER BABCOCK: Mr. President, I move Rule 22A be suspended to add second reading Ordinances 17 through 27 to this evening's agenda. Ordinance #16 will be retained in committee.

MEMBER HAWK: Second.

PRESIDENT PRO TEM SMUCKLER: Are there any remarks? ...Hearing none, roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

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PRESIDENT PRO TEM SMUCKLER: The motion carries and Ordinances 17 through 27 are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT PRO TEM SMUCKLER: Public Hearings...we are now under Public Hearings. We have one Public Hearing for this evening's meeting. Uh...will you please read it.

CLERK WOOD: AN ORDINANCE AMENDING ORDINANCE NO. 55/77 AS AMENDED NONE AS THE CITY OF CANTON ZONING ORDINANCE.

PRESIDENT PRO TEM SMUCKLER: Isn't there anyone wishing to speak for or against the...on the...Pu...Public Hearing. Anyone wishing to speak for or against the Public Hearing. Is there any...uh...seeing no one step forward...forward, the Chair declares the Public Hearing over in regards to this matter. The...now... matter now rests in the hands of City Council.

OLD BUSINESS

PRESIDENT PRO TEM SMUCKLER: Old Business. Is there any Old Business for this evening? And there is none.

PUBLIC SPEAKS

PRESIDENT PRO TEM SMUCKLER: So we are now un...pon...under Public Speaks. We have three speakers signed up this evening. Please state your name and address as you...uh...get to the microphone. And you have three minutes. First speaker, Kimberly Bell. Kimberly Bell...and three times Kimberly Bell not here, we're going to move on, Pam Oster.

PAM OSTER: Hello, my name is Pam Oster. I reside at 2806 Blair Pl SW Canton. I am resident of Ward 3. I'm here today to speak a word of positivity about Ward 5 and their interest in controlling the cat community. However, doing it humanely. And I also would like to commend Ward 5 councilman Rob Fisher, for his interest in responding to the conversation and hearing his community residents. I recently attended a meeting that I saw on Facebook. It was he and like-minded folks at the Babe Stern. It was not just Ward 5 residents in the attendance, and that was much to my surprise, and joy. Discussing and problem solving for this topic is easier than ever these days. And the solution is well known. Maybe you've heard several low cost Spay Neuter Clinics have popped up in our tri county community. Our...or the county community at radius. Proudly, Canton can say they now have the options at low cost to our residents in Stark County. Spay and Neuter for our companion pets, are obtainable to all and perhaps some of you have already taking care of...of...of doing spay and neuter through one of these lower cost clinics. And TNR, which is Trap-Neuter-Return is also a huge part of these clinic services. Uh...let me explain about TNR for ferals, otherwise known as again, Trap-Neuter Return. Now practiced for decades in the US after being proven in...in Europe, scientific studies show that communities/neighborhood managed TNR; improves the lives of feral cats, improves their relationships with people they live nearby, and decreases the size of colonies overtime. This is proven. There are loads of behavior and advantages too like reduced roaming or aggression, I could go on. Bottom line to wrap this up few no new cats are attracted to an area managed by the neighbors. As there's no hanky panky to find among the altered. One such clinic is the Altered Clinic across from the iconic Woody's on Fulton Road. I volunteer for them. Yes, my unpaid services are provided and have been for years. Why, because I believe in this as a volunteer and local animal rescue since 2002. I'm a busy local real estate agent and make time for this because I see the results. I feel the passion. Please hop over to the Alter Clinic Facebook page and learn more. We post there on a regular basis. See our volume numbers reported weekly, it's really impressive. And Rob as you learned, I've recently placed several hundred dollars on the Ward 5 TNR...uh...account started. And I hope your colleagues here

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today, will ask you more about this. And perhaps make a donation and a show of support. One cat can be altered for under forty dollars. Thank you, for the time to speak.

PRESIDENT PRO TEM SMUCKLER: Thank you. Next speaker, Laura Groves.

LAURA GROVES: Good evening, thank you for letting me speak this evening. Uh...my name is Laura Groves, Director of Alter Clinic Animal Care. Owner of Alter Attic Resale Shop and property owner of two residential properties within the City of Canton. Uh...on property is my home at, 3922 Edgefield Ave NW in Canton. Uh...the other is...a rental at 131 Roslyn uh...that my staff members are able to rent from me when needed. My clinic opened on Fulton Road, exactly 5 years ago today. So uh...in 2018 and I...believe that now is the time...uh...for us...uh for me to come forward and introduce myself. And let you know what Alter Clinic is all about. Uh...Alter Clinic Animal Care, is a nonprofit veterinary clinic offering affordable spay and neuter services to companion cats and dogs. We are working under the guidelines of the ASPCA. Alter Clinic also offers a trap, neuter, or spay and return program for felines classified as community...cats. It is the reason I am here tonight. We believe that it's our responsibly to our local communities, to assisting controlling the ov...over population of cats and dogs. We are members of the ASPCA's National Response Team for spay and neuter, as well as a recognized high volume you, high quality spay neuter clinic. We employ twenty-nine full...uh...full and part time employees. And this fiscal year we are nearing uh...1.6 million dollars in revenues. Alter Clinic is opened Monday through Friday from 7:30 to 5:00. We complete spay and neuter surgeries everyday. On an average day, we sterilize thirty – seven owned cats, ten to twenty – eight dogs depending on their gender, and we provide all the sterilization services for Stark County Dog Warden Division. Uh...we work with the City of Massillon who are funding TNR cats in their city, as well as owned cats. Uh...then the...from their neighborhoods to be spayed and neutered at our clinic. The City of Dover and New Philadelphia and they're Council have changed their Ordinances, allowing the care of community cats. I understand that the subject of TNR is a sensitive issue, but I believe with the resources, Alter Clinic can provide, it is a subject that if approached correctly...can be manage effectively and positively. Uh...the issue of feral cats has only continued to worsen and will continue to do so. We have a solution for you. And all though the results won't be seen immediately, they are affective and we need to start somewhere. Ev...uh points we'd like you ponder if you could, evaluating and changing local Ordinances if necessary, appointing a council member to research and discuss the issue with the group of local caretakers, business owners, and residents. And encourage citizens to become aware and help us to help them understand that there is a solution available. What are we doing, what is our clinic doing? Last October we hired a veterinarian and support staff dedicated to the sterilization of community cats. We redesigned and open a second wing in the clinic...devoted to caring for these cats. Plans are to implement a targeted TNR project within our city. This will require a team and support from our local government and community. We have removed most barriers...

PRESIDENT PRO TEM SMUCKLER: Ma'am.

LAURA GROVES: Yes.

PRESIDENT PRO TEM SMUCKLER: Your three minutes are long gone.

LAURA GROVES: May I ask for the three minutes of the person who is not here please? I'm about a minute...I have about a minute...

PRESIDENT PRO TEM SMUCKLER: I...I have to be fair to everybody.

LAURA GROVES: Okay, thank you so much...uh...

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PRESIDENT PRO TEM SMUCKLER: Thank you.

LAURA GROVES: I'd be happy to offer...uh...more information as necessary. Please come to the clinic...and...uh...

PRESIDENT PRO TEM SMUCKLER: Thank you.

LAURA GROVES: We'll talk more, thank you.

INFORMAL RESOLUTIONS

PRESIDENT PRO TEM SMUCKLER: We are now under Informal Resolutions...and we have none this evening.

COMMUNICATIONS

PRESIDENT SHERER: 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 OCTOBER 2, 2023.

1. AUTH PROF SERVS CONTRACT AMENDMENT TO RETAINER AGRMT FOR LEGAL SERVS IN WILLIAMS V. CITY OF CANTON CASE; AMEND O#51/2023; EMERGENCY (SUPP APPROP FROM GENERAL FUND TO LAW ADMIN - OTHER). - LAW DIRECTOR REESE
2. ADVISE OF APPTS TO CANTON CITY LANDMARK COMMISSION. - MAYOR BERNABEI
3. REO TO ACCEPT BJA FY 23 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT - LOCAL SOLICITATION; AMEND APPROP O#51/2023; EMERGENCY (SUPP APPROP FROM GRANT FUND TO POLICE ADMIN - OTHER). - SAFETY DIRECTOR PERRY
4. AUTH GRANT AGRMT WITH TIMKEN FOUNDATION OF CANTON TO ENHANCE COMMUNITY ENGAGEMENT EFFORTS OF POLICE DEPT; AMEND O#51/2023; EMERGENCY (SUPP APPROP TO TIMKEN FOUNDATION POLICING GRANT). - SAFETY DIRECTOR PERRY
5. REO TUSC ST W SAFETY CORRIDOR PROJ. GP1165. STA-SR172-12.91, PID 115723 EARLY RIGHT-OF-WAY ACQUISITION AUTH; EMERGENCY. - SERVICE DIRECTOR HIGHMAN
6. AUTH CERTIFICATION OF DELINQUENT CHARGES FOR WATER, SEWER AND/OR SANITATION SERVICES TO COUNTY AUDITOR; EMERGENCY. - SERVICE DIRECTOR HIGHMAN

ORDINANCES AND FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SHERER: We are now under First Readings of Ordinances. Madam Clerk, would you please begin with Ordinance #7.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #7 THROUGH #15 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

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- O#7. (1ST RDG) DECLARING THE NECESSITY OF ACQUIRING, CONSTRUCTING, MANAGING, OPERATING, AND MAINTAINING, IN COOPERATION WITH STARK COUNTY PORT AUTHORITY, CERTAIN PUBLIC STREET AND WATER STORMWATER AND SANITARY SEWER SYSTEM IMPROVEMENTS IN THE CITY, INCLUDING ACQUISITION OF THE SITES THEREOF OR INTERESTS THEREIN AND OF EXISTING FACILITIES THEREON AND THEREIN, ALL TOGETHER WITH NECESSARY APPURTENANCES; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- O#8. (1ST RDG) DETERMINING TO PROCEED WITH ACQUIRING, CONSTRUCTING, MANAGING, OPERATING, AND MAINTAINING, IN COOPERATION WITH THE STARK COUNTY PORT AUTHORITY, CERTAIN PUBLIC STREET AND WATER, STORMWATER AND SANITARY SEWER SYSTEM IMPROVEMENTS IN THE CITY INCLUDING THE ACQUISITION OF THE SITES THEREOF OR INTERESTS THEREIN AND OF EXISTING FACILITIES THEREON AND THEREIN ALL TOGETHER WITH NECESSARY APPURTENANCES; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- O#9. (1ST RDG) AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR AND/OR THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE AND DELIVER A COOPERATIVE ASSESSMENT AND TAX INCREMENT FINANCING AGREEMENT WITH STARK COUNTY PORT AUTHORITY, HALL OF FAME RESORT & ENTERTAINMENT COMPANY, HOF VILLAGE NEWCO, LLC AND CERTAIN AFFILIATED ENTITIES, TO ASSIGN AND PROVIDE ASSESSMENT AND NET SERVICE PAYMENT REVENUES TO SUPPORT THE PORT AUTHORITY'S ISSUANCE AND SALE OF SPECIAL OBLIGATION REVENUE BONDS TO FINANCE COSTS OF PUBLIC IMPROVEMENTS BENEFITING DEVELOPMENT OF PROPERTIES LOCATED WITHIN THE HALL OF FAME VILLAGE RESORT AND ENTERTAINMENT COMPLEX CURRENTLY UNDER DEVELOPMENT IN THE CITY AND TO PROVIDE FOR RELATED MATTERS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- O#10. (1ST RDG) LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING CONSTRUCTING, MANAGING, OPERATING, AND MAINTAINING, IN COOPERATION WITH THE STARK COUNTY PORT AUTHORITY, CERTAIN PUBLIC STREET AND WATER, STORMWATER AND SANITARY SEWER SYSTEM IMPROVEMENTS IN THE CITY, INCLUDING THE ACQUISITION OF THE SITES THEREOF OR INTERESTS THEREIN AND OF EXISTING FACILITIES THEREON AND THEREIN, ALL TOGETHER WITH NECESSARY APPURTENANCES; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committees
- O#11. (1ST RDG) AN ORDINANCE ESTABLISHING THE HOUSING DEVELOPMENT AND BEAUTIFICATION PROGRAM USING UP TO \$100,000 OF ISSUE 13 COMPREHENSIVE PLAN FUNDS; AUTHORIZING THE MAYOR OR DIRECTOR

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OF PUBLIC SERVICE TO ENTER INTO HOUSING DEVELOPMENT AND BEAUTIFICATION PROGRAM CONTRACTS; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development and Finance Committee

O#12. (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 100/2011, AS AMENDED TO ESTABLISH THE ATTACHED EXHIBIT AS THE CLASSIFICATION PLAN FOR THE SAFETY DIRECTOR'S CRIME LAB POLICE DIVISION MANAGEMENT AND NON-BARGINING PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Personnel Committee

CLERK WOOD: Number thirteen...

MEMBER HAWK: Number eleven, did you say it was finance?

PRESIDENT PRO TEM SMUCKLER: Did I miss one?

CLERK WOOD: Community...

MEMBER HAWK: It's a joint committee?

CLERK WOOD: It's a joint committee, C&ED and Finance number eleven.

PRESIDENT PRO TEM SMUCKLER: Oh I'm sorry. CD and Finance. Alright number twelve now?

CLERK WOOD: Number thirteen.

PRESIDENT PRO TEM SMUCKLER: Thirteen...ok.

O#13. (1ST RDG) AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF THE FAIR MARKET VALUE (FMV) OF REAL PROPERTY FOR PURCHASE/ACQUISITION OF PARCEL 10010986 FOR FEE SIMPLE TAKE AND ACQUIRE ALL OR A PORTION OF SAID PARCEL UTILIZING AN PROCESS AUTHORIZED BY LAW, INCLUDING BUT NOT LIMITED TO, APPROPRIATION OF THE PARCEL; AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, OR THEIR DESIGNEE TO ENTER INTO AGREEMENT FOR THE PURCHASE/ACQUISITION OF SAID PARCEL UTILIZING FMV AND TO MAKE MINSTERIAL CHANGES TO CORRECT PROPERTY OWNER NAMES, PARCEL NUMBERS AND OTHER NUMERIAL, DESCRIPTIVE OR TYPOGRAPHICAL ERRORS; DECLARING THE INTENT TO APPROPRIATE THE PARCEL FOR CITY SERVICE CENTER IF A NEGOTIATED SETTLEMENT CANNOT BE REACHED FOR THE CITY TO ACCEPT TITLE TO SAID PARCEL; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Property Capital Improvement Committee

O#14. (1ST RDG) **ADOPTED AS ORDINANCE NO. 140/2023** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO

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BE AN EMERGENCY (\$44,000.00 SUPP APPROP FR UNAPPROP BAL OF 2318 301001 HIV PREVENTION- 600 PAYROLL TO 2318 301001 HIV PREVENTION – 700 OTHER DIRECT COSTS)
Referred to Finance Committee

O#15. (1ST RDG) **ADOPTED AS ORDINANCE NO. 141/2023** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$30,000.00 SUPP APPROP FR UNAPPROP BAL OF 2312 STD CONTROL PROGRAM FUND TO 2312 301001 STD CONTROL PROGRAM – 700 OTHER DIRECT COSTS)
Referred to Finance Committee

PRESIDENT PRO TEM SMUCKLER: We're going to go into a recess so the Finance Committee can meet for Ordinances #14 and 15.

(COUNCIL RECESSED AT 7:33 PM FOR THE FINANCE COMMITTEE TO MEET IN REGARDS TO O#14 and 15; RECONVENED AT 7:36 PM)

PRESIDENT PRO TEM SMUCKLER: Council is reconvening after the recess. Leader Babcock.

MEMBER BABCOCK: Mr. President, I move we suspend Rule 22A to place Ordinances 14 and 15 back on this evening's agenda.

MEMBER HAWK: Second.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to place Ordinances 14 and 15 back on this evening's agenda. Are there any remarks? ...Hearing none, roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: The...14 and 15 are now a legal part of your agenda. Leader Babcock.

MEMBER BABCOCK: Mr. President, I move we sus...suspend the Statutory Rules on Ordinances #14 and 15.

MEMBER HAWK: Second.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to...suspend the Statutory Rules on Ordinances 14 and 15. Are there any remarks? ...Hearing none, roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: You've heard the three readings, Uh...Member Babcock.

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

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MEMBER HAWK: Second.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded that you adopt Ordinance #14. Any discussion?

MEMBER MORRIS: Certainly. Mr. President.

PRESIDENT PRO TEM SMUCKLER: Yes Mr...Member Morris.

MEMBER MORRIS: Okay...so...Trying to make sense out of this. So we're moving two funds...this one just happens to be...the STD Fund. We're moving that over into 700 other direct cost. Okay...next piece of legislation we are actually doing the same thing so, my concern is Finance Director, can you give me a understanding of what 700 direct costs actually is. Because my perception of this is, we just moved \$74,000.000 into a slush fund.

FINANCE DIRECTOR CROUSE: No slush fund. Uh...the accounting system is setup where personnel costs are six hundred level accounts. And all other type of expenditures be it utilities, professional services, contract services, supplies, travel, etc. Are seven hundred level...uh...accountants. So what...what...uh...Director Adams is doing is just moving money that he had originally allocated for payroll in the first ordinance, and he's putting it in...uh these other seven hundred level accounts either be supplies or professional services. That's usually where uh...majority of their funds are expended from for grant funds.

MEMBER MORRIS: Okay so, one follow up Mr. President if I may. So the 700 other direct costs, do they have specific 700 codes per say?

FINANCE DIRECTOR CROUSE: Yes, every...every level of expenditure utilities, supplies, etc. have different levels. So, for instance supplies are 734's accounts. Uh...professional services are 705 accounts. Uh...contract services are 706 accounts. So everything is specifically allocated once it gets in the 700 accounts. Just when you as Council do approvals, you either approve for payroll related services or other related services. Once it goes into either one of those, the monies can be expended on any of those same type or similar accounts.

MEMBER MORRIS: Thank you.

PRESIDENT PRO TEM SMUCKLER: Any further discussion?...Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

#14 ADOPTED AS ORDINANCE NO. 140/2023

PRESIDENT PRO TEM SMUCKLER: Ordinance #14 is been adopted. Ordinance 15.

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

MEMBER HAWK: Second.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #15. Is there any discussion? ... Roll call.

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NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

#15 ADOPTED AS ORDINANCE NO. 141/2023

PRESIDENT SHERER: Ordinance #15 is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SHERER: Okay...we are now under Second Readings of Ordinances.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #17 THROUGH #27 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (O#16 RETAINED IN COMMITTEE; O#26 & O#27 ADOPTED);

CLERK WOOD: Ordinance #16 has been retained in committee.

- O#16. (2nd 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#17. (2nd 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 1827 GROUP LTD; AND DECLARING THE SAME TO BE AN EMERGENCY
- O#18. (2nd 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
- O#19. (2nd RDG) AN ORDINANCE AUTHORIZING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY
- O#20. (2nd 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
- O#21. (2nd 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 7TH ST NE)

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- O#22. (2nd 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
- O#23. (2nd 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#24. (2nd 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)
- O#25. (2nd 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
- O#26. (2nd RDG) **ADOPTED AS ORDINANCE NO. 142/2023** 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
- O#27. (2nd RDG) **ADOPTED AS ORDINANCE NO. 143/2023** AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF LOT 28958 AND PART OF LOT 28959; AND

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DECLARING THE SAME TO BE AN EMERGENCY (BRIAN LEIBY, 1500 BLK RIDGE RD NW)

CLERK WOOD: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Leader Babcock.

MEMBER BABCOCK: Mr. President, I move we sus...suspend the Statutory Rules on Ordinances 26 and 27.

MEMBER HAWK: Second.

PRESIDENT PRO TEM SMUCKLER It's been moved and seconded to suspended with the three readings of Ordinances...the Statutory Rules for Ordinances #26 and 27. Is there any discussion? ...Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: Uh...the motion pass...the... and you've heard the three readings...uh...Leader Babcock.

MEMBER BABCOCK: Mr. President, I move we adopt Ordinance #26.

MEMBER HAWK: Second.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded...uh...to adopt Ordinance #26. Are there any remarks? ... Hearing none, roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

#26 ADOPTED AS ORDINANCE NO. 142/2023

PRESIDENT PRO TEM SMUCKLER: Ordinance #26 is adopted. Ordinance #27, Leader Babcock.

MEMBER BABCOCK: Mr. President, I move we adopt Ordinance #27.

MEMBER HAWK: Second.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #27. Is there any discussion? ... Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President

#27 ADOPTED AS ORDINANCE NO. 143/2023

PRESIDENT PRO TEM SMUCKLER: Ordinance #27 is adopted.

MINUTES OF THE MEETING OCTOBER 2, 2023**ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING**

PRESIDENT PRO TEM SMUCKLER: We are now under Third Readings of Ordinances.

O#29. (3rd RDG) **RECONSIDERED AND AMENDED 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 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

CLERK WOOD: Leader Babcock starts this one.

PRESIDENT PRO TEM SMUCKLER: Pardon me?

CLERK WOOD: Leader Babcock starts this one.

PRESIDENT PRO TEM SMUCKLER: Leader Babcock.

MEMBER BABCOCK: Mr. President, I move we reconsider Ordinance #1...131/2023, adopted on September 25, 2023.

MEMBER HAWK: Second.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to reconsider Ordinance #28, Is there any discussion? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: The...uh...

CLERK WOOD: An amend.

PRESIDENT PRO TEM SMUCKLER: Where is this at on here? (*Inaudible*)

CLERK WOOD: Is it on here or on the long script?

PRESIDENT PRO TEM SMUCKLER: Leader Babcock.

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MEMBER BABCOCK: Mr. President, I move we amend Ordinance #131/2023 per the copy before each Council Member.

MEMBER HAWK: Second.

PRESIDENT PRO TEM SMUCKLER: It's been moved & seconded to amend Ordinance #...28. Any discussion?

MEMBER MORRIS: Mr. President, can we have that amendment clarified cause I have no idea what it is.

MAYOR BERNABEI: Mr. President and Members of Council this is a matter that was discussed last week in our committee meetings. Uh...and what i happening here is this is another example, and this will probably be the fourth time I think that we have done it. Where the city and it's statutory rule only, we're not a guarantor or a signer of any notes or obligations, but in our statutory rule assigned by the revised code, acts as a conduit through which funds for Pace Financing, those are energy efficiency funds, can be acquired. This is Hall of Fame Village, they are a hotel subsidiary. These are refinancing or additional financing of energy efficiency improvements that were made, I believe three years ago when they did the full...uh...renovation of the property. Uh...last week when we adopted this and this is part of this process...uh...again as we discussed these are very very complex...documents. Uh...legally and our Law Department to the great extent we, you know comprehend them but to a large extent we depend upon...on Council and people of that nature to put these documents together. But they sent us an Ordinance last week for adoption which they knew that it would require a change. That Ordinance last week and the only change in this Ordinance are two numbers. One number was last that week they were proposing or telling us that they thought that they were going out for Financing in the amount of \$5,166,000.00. They have now and we passed that based upon the assurances that Council had passed it; they have now the people involved in the selling of these, have gone out and placed them on the market. And induce... so doing they have determined that they only wish to finance, \$4.6 million dollars of new bonds rather than the 5.1. So what this reconsideration does...it changes that number and that is the only change in the Ordinance. There's also a schedule C, which contains the same change. By virtue of that change, their monthly payments of principle and interest I think go from \$168,000...

FINANCE DIRECTOR CROUSE: \$161,000.00 to 146,000.00...

MAYOR BERNABEI: \$161,000.00 to 146,000.00 so...but that's all on the same schedule as well. And that is the only change contained in...uh...tonight's Ordinance.

FINANCE DIRECTOR CROUSE: Complex as you can see.

MAYOR BERNABEI: Complex as you can see.

PRESIDENT PRO TEM SMUCKLER: Anything else? By voice vote, all those in favor signify by saying aye. All those opposed.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM SMUCKLER: The ayes have it. Leader Babcock.

MEMBER BABCOCK: Mr. President, I move we adopt Ordinance #131/2023, as amended.

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MEMBER HAWK: Second

AMENDMENT

Pursuant to Rules 41 and 36 respectively, I move to reconsider and amend Ordinance No. 131/2023 by amending the ordinance in its entirety and Exhibit pages C-1 and C-2 with the attached ordinance and Exhibit pages C-1 and C-2.

PRESIDENT PRO TEM SMUCKLER: It's been moved & seconded to adopt Ordinance #28, as amended. Is there anymore discussion? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

ORDINANCE #28 RECONSIDERED AND AMENDED AS ORDINANCE NO. 131/2023

PRESIDENT PRO TEM SMUCKLER: Uh...Ordinance #28 is reconsidered and adopted as amended Ordinance #29, please.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #29 THROUGH #31 FOR THEIR THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

O#29. (3RD RDG) **ADOPTED AS ORDINANCE NO. 144/2023** 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 PRO TEM SMUCKLER: Member Babcock.

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

MEMBER HAWK: Second.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #29. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

#29 ADOPTED AS ORDINANCE NO. 144/2023

PRESIDENT PRO TEM SMUCKLER: Ordinance #29 is adopted. Ordinance #30.

O#30. (3RD RDG) **ADOPTED AS ORDINANCE NO. 145/2023** 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

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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)

PRESIDENT PRO TEM SMUCKLER: Leader Babcock.

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

MEMBER HAWK: Second.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #30. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

#30 ADOPTED AS ORDINANCE NO. 145/2023

PRESIDENT PRO TEM SMUCKLER: Ordinance #30 is adopted. Ordinance #31.

O#31. (3RD RDG) **ADOPTED AS ORDINANCE NO. 146/2023** 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 4TH 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

PRESIDENT PRO TEM SMUCKLER: Leader Babcock.

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

MEMBER HAWK: Second.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #31. Is there any discussion? Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAY

CLERK WOOD: Eleven yeas, Mr. President.

#31 ADOPTED AS ORDINANCE NO. 146/2023

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PRESIDENT PRO TEM SMUCKLER: Ordinance #31 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM SMUCKLER: We are now under Announcement of Committee Meetings. ‘

MEMBER HAWK: Mr. President. Finance Committee will meet at Monday on October 2...6...Monday, October 16th at 6:15...PM

PRESIDENT PRO TEM SMUCKLER: I remind everybody there is not a Council Meeting on October 9th. Oh...and one other thing. Beginning October 16th Council Meeting will be at the Civic Center until further notice.

MEMBER BABCOCK: Mr. President.

PRESIDENT SHERER: Member Babcock.

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

MEMBER SCAGLIONE: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Go ahead.

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

MEMBER HALL: Mr. President. Community and Economic Development, same time, same place.

CLERK WOOD: That’s everybody.

PRESIDENT PRO TEM SMUCKLER: That’s everybody?

MISCELLANEOUS BUSINESS

PRESIDENT SHERER: We are now under Miscellaneous Business. Is there any Miscellaneous Business? Member Kimbrough.

MEMBER KIMBROUGH: I just want to thank everybody that participated in the Latino Festival. It was the 2nd Annual and it was very good. And I thought it went very well in Ward 2. Just want to applaud all those that had a part in that, Miss Johanna Escobar. (*Inaudible*)

PRESIDENT PRO TEM SMUCKLER: Anyone else? As I said we don’t meet the 9th we do meet the 16th. We meet at the Civic Center, McKinley Room...to be exact. Uh...there’s a lot of sickness going around. Member Giavasis has Covid...uh...you’ll see some people with masks. Please be safe. And understand that please call the Council Office if you cannot attend the meeting. Uh...you’re sick you don’t feel good, I don’t want you here to start with. So let us know. Anyone else? Member Babcock.

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

MEMBER HAWK: Second.

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PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded that Canton City Council will adjourn.
Roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

PRESIDENT SHERER: Canton City Council is adjourned. (*Gavel falls*)

ADJOURNMENT TIME: 8:00 PM

ATTEST: October 2, 2023
JILL M. WOOD
CLERK OF COUNCIL

APPROVED:
WILLIAM SMUCKLER
PRESIDENT PRO TEM