

**MINUTES OF THE MEETING OCTOBER 16, 2023**

*Note: Recording begins with Clerk taking the Roll Call as follows:*

11 COUNCIL MEMBERS PRESENT: (WILLIAM SMUCKLER, 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 HAWK ABSENT)

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

**EXCUSING MEMBERS**

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to excuse Member Hawk 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 Hawk is excused from this evening's meeting. Tonight's invocation will be given by Ward 2 Councilwoman, Brenda Kimbrough. 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 October 16, 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 2 Council Member, Brenda Kimbrough. The Pledge of Allegiance was led by President Sherer.*

PRESIDENT SHERER: Thank you, Member Kimbrough.

**AGENDA CORRECTIONS AND CHANGES**

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

MEMBER SMUCKLER: Mr. President, I move Rule 22A be suspended to add second readings of Ordinances 32 and 34 through 38 to this evening's agenda. Ordinance #33 will be retained in committee.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend Rule 22A to add second readings to Ordinances 32, thirty... and 34 through 38 to this evening's agenda, with Ordinance #33 being retained in committee. Are there any remarks? ...Hearing none, roll call.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

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CLERK WOOD: Eleven yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinances 32 and 34 through 38 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... we have three speakers for this evening. I would like to remind our speakers that you do have three minutes under Public Speaks. Um... our first speaker is Miss Kimberly Bell. Miss Bell, could you please state your name and residential address, please.

KIMBERLY BELL: Kimberly Bell, 1733... (*buzzer sounds*)... Morris Avenue. That's it?

PRESIDENT SHERER: That's all you have... you have the floor.

KIMBERLY BELL: Okay. You know, last time I was speaking, you said that (*inaudible*). Well, I had a couple ironworkers approach me and they said what's... you know what's the difference with Bill Sherer between a white ironworker and a black ironworker. I said no, what? He said... they said ten or twelve dollars. I said, huh. I have a... I'll have to do some research and see if that's some facts. So I want to ask you, is that true? Or, you can't answer? You won't answer today, but...

PRESIDENT SHERER: I'd be more than happy to find out (*inaudible*).

KIMBERLY BELL: Okay, okay. Yeah, okay. Now, Metropolitan. Mr. John came and did my inspection. Thank you, Mr. John. And, he found some discrepancies in everything I said complaining about Metropolitan. And they can't keep a director, and I think I gave you guys a flyer asking to help me obtain the position. I got hands as tough as leather, so I think I can take anything they... they... they dish out. So, I'm gonna ask that you all Council Members and everybody else up here who can help me get that position. Tom West got the Urban league so, give me... give me Metropolitan and I... I can show you all how to fix things.

PRESIDENT SHERER: Thank you, Miss Bell. Our next speaker is... uh... (*buzzer sounds*). Our next speaker is Miss Laura... Miss Laura Groves. Miss Groves, could you please state your name and residential address, please.

LAURA GROVES: Yes, my name is Laura Groves, 3-9... Laura Groves, 3922 Edgefield Avenue NW here in Canton. So good evening, all of you again. Um, as I said, my name is Laura Groves. I'm Director of Alter Clinic Animal Care here in Canton, as well as owner of the Alter Attic Resale Shop. I'm here again to provide further information on what we hope to accomplish in partnership with City Council. I'm coming to you simply to be a resource and assist you in walking through the process of beginning a targeted TNR program within the city. A calculated wave of trapping starting in one community and rolling over each neighborhood until the

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population of feral cats are brought under control. I share this on the Community Cat Program Handbook developed by Best Friends Animal Society, Chapter 23, How to Address Various Complaints. Most community cat problems have only four possible solutions. Number one is to do nothing, which usually makes matters worse. Repeatedly trap the cats and take them to the shelter if the shelter will receive them. Often they are euthanized to make room for other cats to move into the deceased cat's territory. A temporary solution at best. Number three is to repeatedly trap the cats and relocate them. But to where? Often considered abandonment. Trap, neuter and return is a long term improvement program, not an immediate fix. It requires neighborhood volunteers, patience and understanding with long term continued advocacy and support. Tonight's request, educate yourselves, please, using caution as always, with the information found on unproven Internet sites. I would refer you to the Best Friends Animal Society's Community Cat Program. They have an extensive handbook addressing every possible issue, including a step by step guide to changing local ordinances and potential legal hurdles. The do nothing approach has not worked here or within other cities that I'm working with. I understand the history that this subject... or between this subject and this Council. I was not part of that debate then my goal is to simply help solve a problem and to remain completely neutral on past issues. I ask if we can set that aside and start new. Again, I invite you to meet with me, tour our clinic at your convenience. I look forward to discussing a potential partnership in creating healthy communities within our city. And I'm giving you back the 30 seconds that I took last meeting. (*Laughter*) Thank you.

PRESIDENT SHERER: Thank you. Thank you, Ms. Groves. Our last speaker tonight is Mr. David Kerestes. (*Buzzer sounds*) Mr. Kerestes, could you please state your name and residential address, please.

DAVID KERESTES: Uh... 715 Second Street NE, Canton, Ohio 44704, the Refuge of Hope. David Kerestes would be my name. I'm here tonight to talk about what I believe to be corruption in the system. Uh... for a long time, since last year, November 25<sup>th</sup>, when I moved into 1019 25<sup>th</sup> Street... (*inaudible due to background noise*)... the leach breached on day one when I moved in there, they were in violation of building codes, health codes. But my biggest thing, that they had a (*inaudible*)... water system hooked up to the three gauge... three gauge wire, which was a fire hazard. Wire nuts on wires pulled up the wood, no (*inaudible*)... it wasn't covered. And so as I looked into this... um, they're in violation. And so I'm reading my lease and it says they cannot have any of these violations whatsoever. Uh... it would be in breach of the lease. So, as I looked through the rental lease and as I spoke of this before... uh, someone said that there are minor infractions. There are no minor infractions, you're either following protocol or you're not. So I looked further into this, and I had a guy show up on November 29<sup>th</sup>. They're supposed to tell me people are coming to this place and they didn't do that, they didn't give me 24 hour notice and now we're violating that and... uh, they're violating the lease right out of the gate. So they took this funding to the Refuge of Hope and I started looking into that, and I looked under the criteria of being State funded (*inaudible*)... and you can't have any building or health code violations. So now I'm wondering how they get away with taking the State and Federal funded money for housing under illegal criteria. That's quite... uh, a Federal crime, I would believe. So I've tried to get help with these matters. So as I looked forward into all this, and see I've been watching this place since (*inaudible*) got fired in 1990 for taking bribes. I don't believe the guy took bribes cause I seen him threatened in Massillon for telling... (*inaudible*) he needed... (*inaudible*)... the bar would burn... (*inaudible*). Edward Elum kicked him out of there, told him if he wanted to keep his job, he better leave, and he did. But anyway to corroborate it back to the Building Department... (*chuckles*). Ninth Street and Cherry and I'm looking at Victory Square and it got (*inaudible*) running down it. There's no reason for that. The plywood runs dead center on that board three quarters of an inch, sealing off all air. So why you selling something your city is (*inaudible*) and charging money that you really don't need to do if you're not a thief. Thank you.

Thank you, Mr. Kerestes.

**MINUTES OF THE MEETING OCTOBER 16, 2023****INFORMAL RESOLUTIONS**

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

1. COUNCIL-AS-A-WHOLE: - DECLARING OCTOBER 2023 TO BE DYSAUTONOMIA AWARENESS MONTH. - ADOPTED

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Informal Resolution #1. Are there any remarks?

MEMBER SMITH: Yes, Mr. President.

PRESIDENT SHERER: Member Smith.

MEMBER SMITH: (*Inaudible*)

CLERK WOOD: For those who are wondering, Dysautonomia is a group of neuro... neurological conditions that result in a malfunction of the autonomic nervous system, which is responsible for automatic bodily functions such as respiration, heart rate, blood pressure, digestion, temperature control and more. It can be very disabling... uh, causes stress on families, can result in tremendous pain and suffering and can also result in death.

MEMBER SMITH: Wow. Thank you.

CLERK WOOD: Dysautonomia.

PRESIDENT SHERER: Are there any other remarks? ...Hearing none, by voice vote, 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 Resolution #1 is adopted.

**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 16, 2023.***

2. STATEMENT OF CASH POSITION DATED 9/29/23. – AUDITOR MALLONN

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3. REQ FOR ADDT'L AMENDED CERT DATED 9/27/23. – AUDITOR MALLONN
4. REQ APPROP TRF FROM PERSONNEL TO PROFESSIONAL SERVS (APPROP TRF WITHIN CLERK OF COURTS ADMIN FUND). – CHIEF DEPUTY CLERK OF COURT GONZALEZ
5. REQ APPROP TRF FROM PERSONNEL TO PROFESSIONAL SERVS (CLERK OF COURTS ADMIN FUND 611.20 TO CLERK OF COURTS ADMIN FUND 705.06). – CHIEF DEPUTY CLERK OF COURTS GONZALEZ
6. REQ FOR SUPP APPROP IN MUNICIPAL PROBATION SERVS FUND #2766 (SUPP APPROP WITHIN MUNICIPAL PROBATION FUND). – COURT ADMINISTRATOR KOCHERA
7. REQ JOB CREATION TAX INCENTIVE AGRMT WITH HOWMET AEROSPACE (1935 WARNER RD S, WARD 4). – ECONOMIC DEVELOPMENT DIRECTOR HARDESTY
8. REQ ARPA FUNDING FOR BEACON CHARITABLE PHARMACY; EMERGENCY. – ECONOMIC DEVELOPMENT DIRECTOR HARDESTY
9. AMEND APPROP O#51/2023; EMERGENCY (VARIOUS SUPP PPROP AND TRFS). – FINANCE DIRECTOR CROUSE
10. AMEND APPROP O#51/2023; EMERGENCY (SUPP APPROP TRF FR PACE FINANCING – OTHER TO TOURISM DEVELOP DISTRICT TDD – OTHER). – FINANCE DIRECTOR CROUSE
11. AMEND APPROP O#51/2023; EMERGENCY (SUPP APPROP FR 2331.301001 AIR POLLUTION – 600 PAYROLL TO 2319.301001 AIR POLLUTION – 700 OTHER DIRECT COSTS). – HEALTH COMMISSIONER ADAMS
12. REQ FOR ZONE CHANGE AT FAIRCREST ST SW (PARCEL 8300001). – APPLICANT KRISTOPHER SCHMID
13. REQ C1, C2, D6 LIQUOR PERMIT TRF FROM ALDI INC OHIO DBA ALDI 65 AT 3715 HARMONT AVE NE TO ALDI INC OHIO DBA ALDI 65 AT 2725 MARET ST NE (WARD 6). – LIQUOR CONTROL DIV
14. NOTICE OF HRG FOR TRF OF OWNERSHIP PERMIT APPLICATION ON TUESDAY, OCTOBER 24, 2023 AT 9:00 AM (MAIN STOP MART LLC, DBA MAIN STOP MART AT 1100 12<sup>TH</sup> ST NW, PERMIT #5462828, CLASS C-1-2; WARD 1). – LIQUOR CONTROL DIV
15. REQ FOR CASH DRAWER AT EDWARD “PEEL” COLEMAN COMMUNITY CENTER. – PARKS AND REC DIRECTOR FOLTZ
16. REQ ZONE CHANGE AT FAIRCREST ST SW (PARCEL 8300001) FROM B-3 (GENERAL BUSINESS) TO PB-4 (PLANNED SPECIAL BUSINESS DISTRICT) FOR RV PARK AND STATION, WARD 5. – PLANNING COMMISSION
17. REQ REPLAT OF OUTLOTS 1164 & 1411, PARCELS 8300070 & 10011225, WARD 4 (SHAWNEE DEVELOPMENT AND GILTZ AND ASSOCIATES, 2304 AND 2234 FAIRCREST ST SW). – PLANNING COMMISSION
18. REQ REPLAT OF LOT 2264 AND LOT 5299, PARCELS 201997, 201998, 201999, 225129, 235595 & 202209, WARD 2 (TERRY AND PEGGY MILLER, 1003 CHERRY AVE NE). – PLANNING COMMISSION

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19. REQ REPLAT OF LOTS 6340 AND 6342, PARCEL 221757, WARD 4 (HABITAT FOR HUMANITY, 200 BLK WARNER RD SE).. – PLANNING COMMISSION
20. AUTH AGRMT FOR 2023 PATRICK LEAHY BULLETPROOF VEST PARTNERSHIP (BVP); EMERGENCY (SUPP APPROP FR 2782 FY23 PATRICK LEAHY BVP GRANT FUND TO 2782 102001 – POLICE ADMIN). – SAFETY DIRECTOR PERRY
21. REQ SUBSTANTIAL AMENDMENT TO 2022 ANNUAL ACTION PLAN (NEWTON FAMILY APARTMENTS); EMERGENCY. – SERVICE DIRECTOR HIGHMAN
22. REQ SANITATION DEPT DUMPSTER HAULER; AMEND O#51/2023; EMERGENCY (SUPP APPROP FR 5601 REFUSE OP. FUND TO 5601 205001 REFUSE ADMIN). – SERVICE DIRECTOR HIGHMAN
23. REQ SUPP APPROP AND INTRA FUND TRF 5215 OWDA 55<sup>TH</sup> ST NE WATER LINE EXTENSION; EMERGENCY (SUPP APPROP WITHIN 5215 55<sup>TH</sup> ST NE WATER LINE EXTENSION FUND; INTRA FUND TRF FR 55<sup>TH</sup> ST NE WATER LINE EXTENSION FUND TO 5201 207001 WATER OPERATING FUND). – SERVICE DIRECTOR HIGHMAN
24. REQ SUPP APPROP AND INTRA FUND TRF 5219 OWDA LAKE-HARTVILLE WATER LINE EXTENSION; EMERGENCY (SUPP APPROP WITHIN 5219 LAKE-HARTVILLE WATER LINE EXTENSION FUND; INTRA FUND TRF FR LAKE-HARTVILLE WATER LINE EXTENSION FUND TO 5201 207001 WATER OPERATING FUND). – SERVICE DIRECTOR HIGHMAN
25. REQ ALLEN AVE SE AREA SANITARY SEWER REPLACEMENT, GP 1332 CHANGE ORDER NO. 4 WITH HM MILLER CONSTRUCTION CO; EMERGENCY. – SERVICE DIRECTOR HIGHMAN
26. REQ WPCLF SUPPLEMENTAL LOAN AGRMT FOR ALLEN AVE SE AREA SANITATION SEWER REPLACEMENT, GP 1332; EMERGENCY. – 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 #27.

***NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #27 THROUGH #31 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- O#27. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT AMENDMENT TO THE RETAINER AGREEMENT FOR LEGAL SERVICES RELATED TO THE *WILLIAMS V. CITY OF CANTON* CASE WITH BAKER, DUBLIKAR, BECK, WILEY & MATHEWS; AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$50,000.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL OPERATING FUND TO 1001753001 LAW ADMIN – OTHER)  
Referred to Finance Committee
- O#28. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AGREEMENT FOR AND ACCEPT \$60,103.50 IN GRANT FUNDS FROM THE OFFICE OF JUSTICE PROGRAM, BUREAU OF

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JUSTICE ASSISTANCE; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE PURCHASE EIGHTEEN (18) GETAC GENERATION 7 MOBILE DATA TERMINALS IN ACCORDANCE WITH ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; AUTHORIZING THE AUDITOR TO CREATE THE 2823 FY 23 EDWARD BYRNE MEMORIAL GRANT FUND; AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$60,103.50 SUPP APPROP FR UNAPPROP BAL OF 2823 FY 23 EDWARD BYRNE MEMORIAL GRANT FUND TO 2328 102001 POLICE ADMIN – OTHER)

Referred to Finance Committee

O#29. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A GRANT AGREEMENT WITH THE TIMKEN FOUNDATION OF CANTON TO ENHANCE COMMUNITY ENGAGEMENT EFFORTS OF THE POLICE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$85,000.00; AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$85,000.00 SUPPP APPROP FR UNAPPROP BAL OF 1001 GENERAL OPERATING FUND TO 1001 102008 TIMKEN FOUNDATION POLICING GRANT – OTHER)

Referred to Finance Committee

O#30. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, OR THEIR DESIGNEE TO: ESTABLISH THE FAIR MARKET VALUE (FMV) FOR THE FEE SIMPLE TAKES OF PARCEL NOS. 203027 AND 226438; NEGOTIATE WITH PROPERTY OWNERS FOR THE PURCHASE/ACQUISITION OF THEIR PARCELS UTILIZING FAIR MARKET VALUE AS THE BASIS OF SAID NEGOTIATIONS AND TO ENTER INTO AGREEMENTS FOR THE PURCHASE OF AND ACCEPT TITLE TO SAID PARCELS; DECLARING THE INTENT OF THE CITY OF CANTON TO APPROPRIATE THE ESTATES AND/OR INTERESTS IN FURTHERANCE OF THE TUSCARAWAS ST W SAFETY CORRIDOR PROJECT, GP 1165; AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, OR THEIR DESIGNEE TO MAKE MINISTERIAL CHANGES TO CORRECT PROPERTY OWNER NAMES, PARCEL NUMBERS, AND OTHER NUMERICAL DESCRIPTIVE OR TYPOGRAPHICAL ERRORS; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Safety & Thoroughfares Committee

O#31. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR WATER, SANITATION AND SEWER SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Environmental & Public Utilities 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 #32.

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***NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #32 AND #34 THROUGH #38 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (ORDINANCE #33 RETAINED IN COMMITTEE; ORDINANCES #36 THROUGH #38 ADOPTED):***

- O#32. (2<sup>nd</sup> 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
- O#33. (2<sup>nd</sup> RDG) **RETAINED IN COMMITTEE** 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 OF PUBLIC SERVICE TO ENTER INTO HOUSING DEVELOPMENT AND BEAUTIFICATION PROGRAM CONTRACTS; AND DECLARING THE SAME TO BE AN EMERGENCY \*\*
- \*\* Note: Clerk Wood inadvertently read Ordinance #33, which was retained in committee.**
- O#34. (2<sup>nd</sup> 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-BARGAINING PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
- O#35. (2<sup>ND</sup> 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 MINISTERIAL CHANGES TO CORRECT PROPERTY OWNER NAMES, PARCEL NUMBERS AND OTHER NUMERICAL, 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
- O#36. (2<sup>nd</sup> RDG) **ADOPTED AS ORDINANCE NO. 147/2023** 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



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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

- O#37. (2<sup>nd</sup> RDG) **ADOPTED AS ORDINANCE NO. 148/2023** 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
- O#38. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 149/2023** 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

CLERK WOOD: Mr. President.

PRESIDENT SHERER: Thank you, Madam Clerk. Leader.

MEMBER SMUCKLER: Mr. President, I move we suspend the Statutory Rules of Ordinance #36 through 38.

MEMBER BABCOCK: Second.

PRESIDENT SHERER It's been moved and seconded to suspended the Statutory Rules on Ordinances 36 through 38. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 10 YEAS, 1 NAY  
(MEMBER MORRIS VOTED NAY)

CLERK WOOD: Ten yeas, one nay, Mr. President.

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

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 1 NAY  
(MEMBER MORRIS VOTED NAY)

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

**#36 ADOPTED AS ORDINANCE NO. 147/2023**

PRESIDENT SHERER: Motion carries and Ordinance #36 has been adopted. Leader.

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 1 NAY  
(MEMBER MORRIS VOTED NAY)

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

**#37 ADOPTED AS ORDINANCE NO. 148/2023**

PRESIDENT SHERER: The motion carries and Ordinance #37 has been adopted. Leader.

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 1 NAY  
(MEMBER MORRIS VOTED NO)

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

**#38 ADOPTED AS ORDINANCE NO. 149/2023**

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

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

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for the their Third Final Reading and Vote. Madam Clerk, would you please begin with Ordinance #39, please.

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***NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #39 THROUGH #47 FOR THEIR THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

O#39. (3<sup>rd</sup> RDG) **ADOPTED AS ORDINANCE NO. 150** 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

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #39.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #39. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

**#39 ADOPTED AS ORDINANCE NO. 150/2023**

PRESIDENT SHERER: The motion carries and Ordinance #39 is adopted. Ordinance #40, please.

O#40. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 151/2023** 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

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #40.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #40. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

**#40 ADOPTED AS ORDINANCE NO. 151/2023**

PRESIDENT SHERER: Ordinance #40 is adopted. Ordinance #41, please.

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O#41. (3<sup>rd</sup> RDG) **ADOPTED AS ORDINANCE NO. 152/2023** 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

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #41.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #41. 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.

**#41 ADOPTED AS ORDINANCE NO. 152/2023**

PRESIDENT SHERER: The motion carries and Ordinance #41 is adopted. Ordinance #42, please.

O#42. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 153/2023** 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

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #42.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #42. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

**#42 ADOPTED AS ORDINANCE NO. 153/2023**

PRESIDENT SHERER: Motion carries and Ordinance #42 is adopted. Ordinance #43, please.

O#43. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 154/2023** 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)

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PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #43.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #43. 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.

**#43 ADOPTED AS ORDINANCE NO. 154/2023**

PRESIDENT SHERER: The motion carries and Ordinance #43 is adopted. Ordinance #44, please.

O#44. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 155/2023** 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)

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #44.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #44. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

**#44 ADOPTED AS ORDINANCE NO. 155/2023**

PRESIDENT SHERER: The motion carries and Ordinance #44 is adopted. Ordinance #45, please.

O#45. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 156/2023** 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

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #45.

MEMBER BABCOCK: Second.

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PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #45. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

**#45 ADOPTED AS ORDINANCE NO. 156/2023**

PRESIDENT SHERER: The motion carries and Ordinance #45 is adopted. Ordinance #46, please.

O#46. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 157/2023** 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)

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #46.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #46. 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.

**#46 ADOPTED AS ORDINANCE NO. 157/2023**

PRESIDENT SHERER: The motion carries and Ordinance #46 is adopted. Ordinance #47, please.

O#47. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 158/2023** 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

**MINUTES OF THE MEETING OCTOBER 16, 2023****CONTRACTS NECESSARY TO ACQUIRE THE ABOVE-NAMED PARCEL; AND  
DECLARING THE SAME TO BE AN EMERGENCY**

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #47.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #47. 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.

**#47 ADOPTED AS ORDINANCE NO. 158/2023**

PRESIDENT SHERER: The motion carries and Ordinance #47 is adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SHERER: We are now under Announcement of Committee Meetings. Our next meeting date will be Monday, October twenty... 23<sup>rd</sup>, and Committee starts at 6:30 PM, and the meeting will be down here in the McKinley Room at the Civic Center for approximately the next six weeks while Council Chambers is under construction.

MEMBER SMITH: Finance will meet on the 23<sup>rd</sup> at 6:30.

PRESIDENT SHERER: Thank you, Member Smith.

MEMBER FISHER: Mr. President.

PRESIDENT SHERER: Member Fisher.

MEMBER FISHER: Environmental & Public Utilities will meet October 23<sup>rd</sup> at 6:30.

PRESIDENT SHERER: Thank you, Member Fisher.

MEMBER KIMBROUGH: Mr. President.

PRESIDENT SHERER: Thank you... uh, Member Kimbrough.

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

PRESIDENT SHERER: Thank you, Member Kimbrough.

**MISCELLANEOUS BUSINESS**

PRESIDENT SHERER: We are now under Miscellaneous Business. Is there any Miscellaneous Business for this evening? I'd like to wish Chris Smith a Happy Birthday.

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MEMBER SMITH: Thank you. (*Laughter*) (*Applause*)

PRESIDENT SHERER: You're welcome, Chris. Mayor.

MAYOR BERNABEI: I would like to remind everyone this is McKinley/Massillon week. I believe it's the 134<sup>th</sup> meeting. I urge everyone to go to the game. Urge everyone to step forward for our only public high school in the City of Canton. I remind you that they will have a parade and pep rally at the Civic Center on Friday night at 6:00 PM with the pep rally at Centennial Plaza immediately following it. I presume we will have some of the women members of Council dancing in the parade this year as we have in the past, and I would urge you alternatively or in combination with doing all of that, please consider giving blood and/or food to other competitions that occur every McKinley/Massillon week. The other thing is I would like to thank the team that put together our forum tonight and appropriately relocating Council from Council Offices here... uh, in particular to Blake, who does a great job with the Civic Center. And this room... and the McKinley Room, and the set up looks great for the sound system which sounds great, and better than what we're generally used to, I think. And thank you for cooperating and organizing this (*inaudible*)... Clerk of Courts and with their team that put this together tonight. Thank you.

PRESIDENT SHERER: Thank you, Mayor Bernabei.

MEMBER HALL: Mr. President. Yes, this is just kind of an FYI for the Economic Development Committee and Council-as-a-Whole. I've been (*inaudible*)... this communication with Mr. Anderson, the owner of the Northeast Community Center and trying to convince him to reconsider the intentions of the (*inaudible*)... and I'm.. it's slowly moving forward, but I hope we can (*inaudible*).

PRESIDENT SHERER: Thank you, Member Hall.

MEMBER SMITH: Mr. President.

PRESIDENT SHERER: Member Smith.

MEMBER SMITH: I would just like to invite the entire City to our Southeast Community Center Trunk or Treat. I have flyers here. It's gonna be Saturday, October the 28<sup>th</sup> and we (*inaudible*)... to do several other things and with the (*inaudible*)... in the area and the Park and Recs. So I do have some flyers. That's from 2:00 to 4:00 on October the 28<sup>th</sup>. So come out, bring the kids and have some fun.

PRESIDENT SHERER: (*Inaudible*)

MEMBER SMITH: U-mm.

PRESIDENT SHERER: Thank you, Member Smith. Is there any other Miscellaneous Business for this evening? And before we adjourn, I'd like to ask everybody (*inaudible*)... you know, there's trash cans under there. The City has agreed to (*inaudible*)... for us, it's the least we can do for them. Leader.

MEMBER SMUCKLER: Mr. President... um, to echo the Mayor's words, on behalf of City Council, we thank the Civic Center and thank Jill for going the extra mile in making sure that this was all set up correctly. And... um, it has been a tremendous asset with the new sound system that we're hoping when we get back, we'll be in the same position again with a better sound quality also. Um... we're here till at least November 27<sup>th</sup>. Uh... please remember that on Monday nights. Um... and please, if you're not going to be here, please check with



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the Clerk because it helps with trying to figure out committees and helps with trying to figure out how many votes we have when we meet here on Monday nights. On that note, I would also ask you all to please think about what's going on in the world now, and a little prayer for peace would go a long way in this whole world right now.

PRESIDENT SHERER: Amen.

MEMBER SMUCKLER: Amen is right. 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: I'd like to thank everybody for coming out tonight. Thank you for coming. (*Gavel falls*)

ADJOURNMENT TIME: 7:38 PM

ATTEST: October 18, 2023

APPROVED:

JILL M. WOOD  
CLERK OF COUNCIL

WILLIAM SHERER  
PRESIDENT