

MINUTES OF THE MEETING NOVEMBER 27, 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.

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

TWELVE COUNCIL MEMBERS PRESENT

CLERK WOOD: Twelve present, Mr. President.

PRESIDENT SHERER: Tonight's invocation will be given by Ward 7 Council Member, John Mariol. 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 November 27, 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 7 Council Member, John Mariol. The Pledge of Allegiance was led by President Sherer.

PRESIDENT SHERER: Thank you, Member Mariol. Leader.

MEMBER SMUCKLER: Mr. President, I move...uh. That Canton City Council and only Canton City Council can go into Executive Session to discuss...the Canton City Office Personnel.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded for Canton City Council to go into Executive Session. Are there any remarks? Madam Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

PRESIDENT SHERER: For everybody that is in attendance, you guys can just stay right where you're at we'll be back in about five minutes.

Recording stops and restarts as follows:

MEMBER SMUCKLER: Got to wait until they're ready. Are they ready? Mr. President.

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Uh...I'd like to move that Canton City Council is coming out of Executive Session.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been motioned and seconded for Canton City Council to come out of Executive Session. Are there any remarks? Madam Clerk roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

MINUTES OF THE MEETING NOVEMBER 27, 2023

CLERK WOOD: You're out of Executive Session.

AGENDA CORRECTIONS AND CHANGES

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

MEMBER SMUCKLER: Mr. President I move, Rule 22A be suspended to add second reading of Ordinances 6 through 17 to this evening's agenda.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend Rule 22A to add second readings to Ordinances...6 through 17 to this evening's agenda. Are there any remarks? ...Hearing none, roll call vote.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinances 6 through 17 are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT SHERER: We are now under Public Hearings, and we have one Public Hearings this evening. Madam Clerk, would you please announce the Public Hearing.

CLERK WOOD: 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

PRESIDENT SHERER: Is there anyone in the audience wishing to speak for or against this Ordinance, please step forward. And I believe that we have two that signed up for public speaks, but this would be the time if uh...would like uh...say a few words. I would like...like to remind our speakers that you do get three minutes. Could you please state your name and residential address, please.

CATHERINE ELKINS: (*Inaudible*)

PRESIDENT SHERER: Hang on...hang on for one second.

CLERK WOOD: Yeah, go ahead. From the top.

PRESIDENT SHERER: Let's try that one more time.

CATHERINE ELKINS: Ok, can you hear?

PRESIDENT SHERER: We got you.

CATHERINE ELKIN: Hi, my name is Catherine Elkins and my address is 3200 39th St SW Canton. I'm here

MINUTES OF THE MEETING NOVEMBER 27, 2023

to address my opposition to the zoning change of the Faircrest parcel and concerns related to this project. The first concern with this parcel, along with part of my property, my neighbors, and the 11th St property is designated wetland by the fish and wildlife services equaling 30.95 acres. Wetlands provide many essential functions including flood protections, supporting wildlife, climate control, and protecting water quality. Wetlands regulate greenhouse gasses by storing carbon dioxide in the soil and plants when destroyed through human activities, vast amounts of carbon dioxide are released. The ground...the wetlands acts as it's sponge that asorbs excess water...uh in the ground and it releases it slowly over time. When wetlands are filled for development, this causes stress to the remaining wetlands, increasing water and polluting (*inaudible*). Meaning, if this land is filled, it will cause an increase in flooding on my land, my neighbors, and the 11th St property. The loss of wetlands and deforestation creates habitat loss for wildlife, reducing available food, shelter, and breeding habitats. This increases the accu...accurances of...traffic accidents (*inaudible*) and coyotes in backyards, affecting the health and safety of the community. Quoting the Ohio EPA, it is always recommened to avoid constructing in wetlands and build elsewhere if possible. Some construction projects may fail because they're both areas that are naturally prone to wetness. Uh... during the growing season water can be found at the surface level on these wetlands. Ninety percent of Ohio wetlands have been lost due to filling and (*inaudible*) making it important to protecting the existing wetland. In addition...uh...to this, let's begin with my neighbors, Samantha and Pat Stiener. Mutilple safety concerns were brought up. Including the safety of our children, trespassing onto our property, noise, lights...ATV traffic, theft, and crime possibilities, pollution, littering, and long term affect on our home values. We are concerned with the effect that this project has on our quiet and private neighborhood. And in buying our homes, we were drawn to this area for this reason. Other...furthermore, I'd like to discuss the spot zoning of this land. This land has been annexed in our city for approximately twenty years and is zoned as B-3. However, this land is surrounded directly by residential and agricultural land. It's been...It's sat vacant for the last twently years. Although it has been zoned as General Business. Uh...this zoning change for development of this land would not protect the surrounding properites or commu...promote community well being. The land has been zoned as B-3 and is not to...to be rezoned to accommodate for private interest of the owners, instead of protecting the land and the adjacent land owners. When...while not apparent in the blueprint, it does appear that...there are no setbacks along the property boarders. Eleven...uh....1198.13 of the Canton Codified Ordinance requires a 35 foot front yard...(BUZZER SOUNDS)

CATHERINE ELKINS: Sorry, the stopper...

PRESIDENT SHERER: Keep going.

CATHERINE ELKINS: Ok...uh...so part of that...uh Ordinance requires a 35 foot front yard, 25 ft yard along the sides and the rear of the property. In additional there is a pipeline along the east boarder that is still in use which requires a 50 ft boarder. However, (*inaudible*) blueprint...uh...the roadway is right against the property lines. Uh...to the owners that may not had been aware of this conditions or these plans, there are solutions...uh...where there are even programs to by the Natural Resource Conservation Service. that compensate the owners for the protection of wetlands. Uh...so to concluded, I urge Council to consider these concerns regarding this project and the effects of the destruction of the wetlands and it's impact on surrounding properties and environment. Please consider the multiple safety concerns and well being of the community, and thank you for your time.

MINUTES OF THE MEETING NOVEMBER 27, 2023

PRESIDENT SHERER: Thank you, Ms. Elkins. Uh...I believe we have a couple more speakers...uh...Mr. Ackerman. Mr. Ackerman can you please state your name and residential address please.

MR. ACKERMAN: My name is Steve Ackerman. I own a property at 1310 Faircrest SW (*inaudible*).

PRESIDENT SHERER: Thank you.

MR. ACKERMAN: (*Inaudible*)

PRESIDENT SHERER: Could you lift the mic up just a little? Ready to go, thank you.

MR. ACKERMAN: Uh...we've owned that property since 1969. And there's a reason that no one built there. It's because the water table is so high. It's high on our property. It's times when we can't plant corn...uh...until very late in the season because there's water laying on top of the ground. Uh...there's two...there's...three active pipelines, in ...the property that joins them...uh that was spoken about. Uh...one of them is closer to their property, two of them are on the far east side that come out of the refinery and go to East Sparta. Two of them do, two of them are product lines. One of them...is a...product line coming from Cadiz. That goes directly into the refinery, so they can refine...uh...condensate from the oil wells, down in that area from (*inaudible*). Uh...you know fifty years ago they tried to run cattle on that property. Cows aren't the smartest animals in the world, but they know to stay out of water and they wouldn't even go down there. So they stayed...on the west side of that property because it's a little bit higher. Uh...I think it's going to be a real white elephant problem for the city. You stop being able to control who comes in and goes out. And it doesn't sound like they're going to. They want to put a gate up at the zoning...uh hearing that they had. They want to put a gate up and give everybody the access that's going to come in there so they don't have to be there. And if there's nobody there...we're going to have problems on our properties because every...every part that I've ever been to and visited, there's four wheelers. I don't want four wheelers running across my crop land. I will stop them, one way or another. I will stop them. So if I have to call the city, if I have to call the sheriff, whatever I have to do. If they (*inaudible*) on it, I'll put signs up if I have too. I will stop them. So...I think it's just a bad, bad idea...uh...to put uh...a mobile...or a...uh...motor home there...uh a RV park. They're going to sell it as a push for...the Hall of Fame. Oh, we can have people come here and stay during the Hall of Fame. Don't buy it...it's...it's a ploy. Thank you.

PRESIDENT SHERER: Thank you. Is there anyone...one else in the audience that like to...that would like to speak for or against this Ordinance, please step forward. I must repeat, is there anyone in the audience wishing to speak for or against this Ordinance, please step forward. Seeing no one step forward, the Chair calls...declares the Public Hearing over in regards to this matter. The matter now rests in the hands of Council. The Ordinance will follow later this evening.

PRESIDENT SHERER: We are now...

MEMBER SMITH: Mr. President.

PRESIDENT SHERER: Member Smith.

MINUTES OF THE MEETING NOVEMBER 27, 2023

MEMBER SMITH: Can I ask if...uh...the two that spoke to in regards to that would wait until after the...uh... if you could wait until after Council meeting and discuss that with you further, if you don't mind. I'm Chris Smith, I'm Ward 4 Councilperson and I do sit in my Ward, I'd appreciate it, thank you.

PRESIDENT SHERER: Thank you, Member Smith.

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 3 speakers for this evening. Once again, I would like to remind our speakers that you get three minutes under Public Speaks. And our first speaker is Miss Kimberly Bell. Miss Bell, please give us your name and residential address, please.

KIMBERLY BELL: Yes, Kimberly Bell, 1733 Morris Ave. First of all...uh...said...ask how everybody's Thanksgiving was. As usual, I'm always checking on the Williams family and I took them Thanksgiving dinner. Wasn't sure if they had a turkey or ham so I...whatever I cooked for my family, I split it in half and shared it with the Williams family. But...I want to talk about...I sent...I gave you guys a letter when Tom was talking about...the curfew. And I was talking to Mr...Councilman Giavasis about this and Councilman Smith about this. When I gave you that letter about the curfew, it's...it...could've been used. I could've went to the barbers and the beauticians cause the kids...the...the young men and the young women they talk to their barbers and beauticians. They respect them more than they respect the police. So the curfew thing...we got the...the Light Up Downtown coming up and...I could've went to those barbers and those beauticians and ask them...listen we got the Light Up Downtown coming, and we had an issue with the curfew in the summer, can y'all come to Light Up Downtown and help us monitor the kids? Nobody...nobody called me about the letter concerning the curfew and this would be a good opportunity for me to go to those barbers and beauticians to have...instead of the police to have them help monitor Light Up Downtown. In Cleveland over the week, they just had kids at the square shooting other kids, thirteen and fourteen. If they're packing guns at thirteen and fourteen in Cleveland, trust and believe they're packing here too. And being that the marijuana got passed, they're going to be smoking marijuana downtown at First Friday. Had...you...had you allowed me to go to these barbers and beauticians with the curfew letter that I gave you, we could've had some kind of monitoring this week with the...uh...Light Up Downtown and the weather is going to be 45 degrees. They're going to be everywhere...with this Light Up Downtown and...and they're not going to be monitored and...and they're not going to respect police, but they would've respected their barbers and their beauticians had I went and got to these barbershops. And said...like (*inaudible*) barbershop, he gave out turkeys for Thanksgiving. He would've been more than happy to help me...help me get some other barbers and we monitor the Light Up Downtown on Thursday. And another thing is, I have...was her last week and the week before and I haven't...I haven't seen anything on here...I'm giving you time...I haven't seen anything on here about...the Enrichment Project that...they're...doing for the...uh...building that they're trying to create, but I'll give you time. I see a lot of other things money going to, but I haven't seen anything on that yet.

PRESIDENT SHERER: Thank you, Miss Bell. Our next speaker is Mr. David Kerestes. Mr. Kerestes could you please state your name and residential address please.

DAVID KERESTES: David Kerestes, 715 2nd St NE...uh Canton, Ohio, Refuge of Hope actually. I stay in a erroneous establishment were you have drug dealers in the back running out and...dropping stuff off to cars and driving away. I have pictures of people smoking stuff in a glass pipe out front. And the employees not wanting to call the cops and the cops not wanting to do their job because they might be called an erroneous

MINUTES OF THE MEETING NOVEMBER 27, 2023

establishment. Uh... then I'm also here because I plan on filing a breach of contract on A-List Properites, 1425 Whipple Ave...uh...NW in...uh Perry Township for lease breach agreement. Which means when they took the money from Refuge of Hope, they were under a criminal combat. Uh...this is the picture of the breach and the railing system was quite frankly a joke. Twenty-four inches. When I come around the corner, grab the railing, I hit the wall and almost went down with my metal knees. And this was inspected by a state inspector as far as Building Codes. I called Greg Hoffman he was suppose to come out and look into that. He talked about a carbon monoxide...uh detector and didn't know I was a contractor. Didn't know I knew the codes, so I took pictures of that. They had a three phase wire hooked to a two phase smaller wire with no ground. It quite frankly looked like a fire to me. But uh...to this point I guess I've been asked under the Freedom of Information Act for things for a long time. And uh...I just keep getting messed around. And so I'm going to play this here.

**Proceeds to play a recording on his phone*

PRESIDENT SHERER: Mr. Kerestes, that is not permitted to do that, you're permitted to speak.

DAVID KERESTES: Okay, well that's Edgar (*inaudible*) in the court and I'm talking about the garage kicking me out illegally with your cops who don't know the law or section 5005-491. I called the FBI because they wouldn't give me that transcript from that court one week later. The FBI was suppose to retrieve that, but Fred Sterges of the FBI has been a dirtball around here for a long time. Right off of (*inaudible*), boy, all of them come from there (*inaudible*) and all of them. So you know uh...quite frankly...uh I just think you guys been doing the wrong thing for a long time. And I want to thank you for letting my Uncle John die when Belden stole all the money that was suppose to connect 30 to Pittsburg. I want to thank you for harming...helping.. Prosecutor (*inaudible*) for making bar. I want to thank you for letting Ron Sacvicks kill my friend, as she sold drugs for other Delta Force. I want to thank you Veterans for running out of (*inaudible*) forgetting about death and poor dishonor and leave no one behind. So, I want to thank you all, you cowards. Have a nice day.

PRESIDENT SHERER: Thank you, Mr. Kerestes. And our last speaker of tonight is Mr. Chuck Seifer. Mr. Seifer could you please state your name and residential address please.

CHUCK SEIFER: My name is Chuck Seifer, address 7049 Bachelor Rd NW. I am here tonight as an Officer of Local...ASPE Local 2937 asked me to speak out...speak about employee raises. Uh...and I am here tonight because of the proposed raises for some upper management employees. And I'm not actually here to complain about them getting raises or even saying the don't deserve them, they do. But I'm here to point out my Union has been struggling for years. And barely keeping up with state average raises when we're already \$3, \$4, \$5, \$6 dollars an hour behind other places. We consistenly loose good employees to other municipal principalities. Uh...we have a very hard time hiring people. We're constantly under staffed. And I just wanted to...take this opportunity to come in...and ask everyone to remember us next year at contract time after giving out 16% raise to some employees. Thank you.

PRESIDENT SHERER: Thank you, Mr. Seifer.

INFORMAL RESOLUTIONS

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

COMMUNICATIONS

PRESIDENT SHERER: We are now under Communications. Let the journal show that all Communications are received as read.

MINUTES OF THE MEETING NOVEMBER 27, 2023

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 NOVEMBER 27, 2023.

1. AUTH ADOPTION OF TEMPORARY BUDGET FOR 2024; EMERGENCY – FINANCE
DIRECTOR CROUSE

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 #2.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #2 THROUGH #5 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- O#2. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$10,000.00 APPROP TRF FR 4501 202260 STREET PAVING – OTHER TO 4501 202260 STREET PAVING PERSONNEL; \$75,500.00 FR 5410 206006 COLLECTION SYSTEMS – OTHER TO 5410 202010 ENGINEER – DAILY OPERATIONS – PERSONNEL (\$75,000.00), TO 5410 202020 ENGINEER – URBAN FORESTRY – PERSONNEL (\$500.00); \$47,500.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL OPERATING FUND TO 1001 202020 ENGINEER – URBAN FORESTRY – PERSONNEL (\$400.00), TO 1001 501001 MAYOR – ADMIN – PERSONNEL (\$7,100.00), TO 1001 702001 CLERK OF COURTS – ADMIN – PERSONNEL (\$40,000.00); \$1,000,000.00 SUPP APPROP FR UNAPPROP BAL OF 7502 PAYROLL CLEARING FUND TO 7502 801001 AUDITOR – ADMIN – PERSONNEL)
Referred to Finance Committee
- O#3. (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 100/2011, AS AMENDED, TO ESTABLISH THE ATTACHED EXHIBITS A AND B AS THE CLASSIFICATION PLAN FOR THE OFFICE OF PUBLIC SERVICE AND OFFICE OF PUBLIC SAFETY MANAGEMENT AND NON-BARGAINING PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Personnel Committee
- O#4. (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF OUTLOTS 1345 AND 1346; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCELS 10004114 7 10004113, SIMON WARSTLER, 1120 CAMDEN AVE SW)
Referred to Public Safety & Thoroughfares Committee
- O#5. (1ST RDG) AN ORDINANCE VACATING ALL OF VERTOLLI-HARMON MEMORIAL LANE NE; APPROVING AND ACCEPTING THE REPLAT OF PART OF OUTLOTS 840 AND 841, AND THE VACATED ROADWAY; AND DECLARING THE SAME TO BE AN EMERGENCY (CANTON CITY & STARK COUNTY, 4500 ATLANTIC BLVD NE)
Referred to Public Safety & Thoroughfares Committee

MINUTES OF THE MEETING NOVEMBER 27, 2023**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 #6.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #6 THROUGH #17 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS: (O#16 & O#17 ADOPTED)

- O#6. (2nd RDG) AN ORDINANCE ESTABLISHING THE “KATO AUTOMOTIVE LLC NON-SCHOOL TIF,” AUTHORIZING THE FINANCING AND MAINTENANCE OF PUBLIC INFRASTRUCTURE IMPROVEMENTS UNDER SECTION 5709.40, ET. SEQ., OF THE OHIO REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY
- O#7. (2nd RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$50,000.00 SUPP APPROP FR UNAPPROP BAL OF 2176 DOWNTOWN CANTON TDD FUND TO 2176 861101 TOURISM DEVELOP DISTRICT – OTHER)
- O#8. (2nd RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO CREATE FUND 2805 2023 COPS HIRING PROGRAM GRANT 15JCOPS-23-GG-04598-UHPX; AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$625,000.00 SUPP APPROP FR UNAPPROP BAL OF 2805 2023 COPS HIRING GRANT FUND TO 2805 102001 POLICE ADMIN – OTHER)
- O#9. (2nd RDG) AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR SERVICES PERFORMED BY AND/OR ON BEHALF OF THE CITY OF CANTON BUILDING ND CODE DEPARTMENT DURING CALENDAR YEAR 2022 FOR MOWING AND LITTER CLEAN UP; AND DECLARING THE SAME TO BE AN EMERGENCY
- O#10. (2nd RDG) AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR SERVICES PERFORMED BY AND/OR ON BEHALF OF THE CITY OF CANTON BUILDING AND CODE DEPARTMENT DURING CALENDAR YEAR 2021 FOR MOWING AND LITTER CLEAN UP; AND DECLARING THE SAME TO BE AN EMERGENCY
- O#11. (2nd RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO: ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE ALL CONTRACTS NECESSARY FOR THE WATER SERVICE SHOP RENOVATION PROJECT; ENTER INTO ALL CONTRACTS NECESSARY FOR THIS PROJECT UTILIZING ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; 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; AUTHORIZES

MINUTES OF THE MEETING NOVEMBER 27, 2023

THE AUDITOR TO RECEIVE ALL LOAN AND REVENUE PROCEEDS AND TRACK PROJECT EXPENSES IN THE 5252 WATER SERVICE SHOP RENOVATION FUND; AND DECLARING THE SAME TO BE AN EMERGENCY

- O#12. (2nd RDG) A RESOLUTION AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO APPLY FOR, ACCEPT AND ENTER INTO A WATER SUPPLY REVOLVING LOAN ACCOUNT ON BEHALF OF THE CITY OF CANTON FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF DRINKING WATER FACILITIES; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN; AND DECLARING HE SAME TO BE AN EMERGENCY
- O#13. (2nd RDG) AN ORDINANCE AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, OR THEIR DESIGNEE TO: ENTER INTO AGREEMENTS WITH THE BOARD OF STARK COUNTY BOARD OF COMMISSIONERS (BOARD) AND/OR THE OHIO DEPARTMENT OF TRANSPORTATION NECESSARY FOR THE ACQUISITION OF THE 0.758 ACRE EXCESS LAND; NEGOTIATE WITH THE BOARD FOR THE DONATION/ACQUISITION OF THEIR EXCESS LAND PARCEL, AND FOR THE CITY TO ACCEPT TITLE TO SAID PARCEL; 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
- O#14. (2nd RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH BURGESS & NIPLE LTD FOR DESIGN OF THE 42" EAST SIDE INTERCEPTOR REHABILITATION, GP 1441 PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$46,800.00 APPROP TRF FR 5410 206006 COLLECTION SYSTEMS DEPARTMENT – OTHER TO 5410 202045 42" EAST SIDE INTERCEPTOR REHABILITATION, GP 1380 – OTHER)
- O#15. (2nd RDG) AN ORDINANCE AMENDING VARIOUS PORTIONS OF CHAPTER 182, MUNICIPAL INCOME TAX EFFECTIVE JANUARY 1, 2016; AND DECLARING THE SAME TO BE AN EMERGENCY
- O#16. (2nd RDG) **ADOPTED AS ORDINANCE NO. 210/2023** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$250,000.00 FOR THE E. TUSCARAWAS STREETScape PHASE 2 PROJECT – GP 1422 DESIGN; AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$510,000.00 APPROP TRF FR 4501 202001 ENGINEERING – ADMINISTRATION – OTHER TO 4501 202075 E. TUSCARAWAS STREETScape PHASE 2 – GP 1422 – OTHER FOR \$250,000.00 AND TO 4501 202033 NORMAN AVE NW STORM SEWER & ROAD RECONSTRUCTION – GP 1388 – OTHER; \$25,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER WORKS OPERATING FUND TO 5201 202033

MINUTES OF THE MEETING NOVEMBER 27, 2023

NORMAN AVE NW STORM SEWER & ROAD RECONSTRUCTION – GP 1388 – OTHER; \$15,000.00 SUPP APPROP FR UNAPPROP BAL OF 5410 SEWER OPERATING FUND TO 5410 202033 NORMAN AVE NW STORM SEWER & ROAD RECONSTRUCTION – GP 1388 – OTHER)

O#17. (2nd RDG) **ADOPTED AS ORDINANCE NO. 211/2023** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO: ENTER INTO CONTRACT WITH SOL HARRIS/DAY ARCHITECTURE, INC. IN THE AMOUNT OF \$200,000.00 FOR DESIGN AND OVERSIGHT OF THE CANTON MEMORIAL CIVIC CENTER UPGRADES PROJECT; ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO ONE OR MORE CONTRACTS FOR THE PROJECT AND/OR TO ALTERNATIVELY ENTER INTO ALL CONTRACTS NECESSARY TO COMPLETE THE ABOVE-NAMED PROJECT UTILIZING ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; 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 (\$165,000.00 SUPP APPROP FR UNPPROP BAL OF 1001 GENERAL FUND TO 1001 204010 OTHER BUILDINGS – OTHER)

CLERK WOOD: Mr. President.

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President...Mr. President, I move we suspend Statutory Rules of Ordinances 16 and 17.

MEMBER BABCOCK: Second.

PRESIDENT SHERER It's been moved and seconded to...uh suspended the Statutory Rules on Ordinances 16 and 17. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance 16.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #16. Are there any remarks under this Ordinance? ... Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

MINUTES OF THE MEETING NOVEMBER 27, 2023

CLERK WOOD: Twelve yeas, Mr. President.

#16 ADOPTED AS ORDINANCE NO. 210/2023

PRESIDENT SHERER: The motion carries and Ordinance #16 is adopted. Ordinance #17 please...uh... Leader. Sorry about that.

MEMBER SMUCKLER: It's alright. Mr. President, I move we adopt Ordinance #17.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #17. Are there any remarks under this Ordinance? ... Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 1 ABSTENTION
(MEMBER FISHER ABSTAINED)

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

#17 ADOPTED AS ORDINANCE NO. 211/2023

PRESIDENT SHERER: The motion carries and Ordinance #17 has been adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SHERER: We are now under Ordinances and Formal Resolu...Formal Resolutions for their Third, Final Reading and Vote. Madam Clerk, would you please begin with Ordinance #18.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #18 THROUGH #20 FOR THEIR THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

*O#18. (3rd RDG) **POSTPONED UNTIL 12/4/23 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***

PUB HRG 11/27/23 @ 7:00 PM

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #18.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #18. Are there any remarks? Leader.

MEMBER SMUCKLER: Mr. President, I move we postpone Ordinance #18 for one week until December 4, 2023.

PRESIDENT SHERER: It's been moved and seconded to postpone Ordinance #18 until our next meeting on December...Monday December 4, 2023. Are there any remarks?

MINUTES OF THE MEETING NOVEMBER 27, 2023

MEMBER SMUCKLER: Mr. President.

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: After discussion with the Mayor...and...the Ward Councilman...uh...everybody wants to get a handle on what's going on down there. And...uh...your message to at least look into this is why we're going to look into it in...the next week. And see what the situation is but there's no promises one way or the other, but thank you for coming.

PRESIDENT SHERER: Are there any additional remarks? And I would also encourage you to stay after the meeting so we can have a conversation, but thank you for coming this evening.

MEMBER MORRIS: Mr. President.

PRESIDENT SHERER: Member Morris.

MEMBER MORRIS: Could we have somebody from the administration confirm that this lot is actually in...a registered wetland? Myself and Member Mariol have been looking at it on the...uh...map here and looks like it's relatively close and EPA has some serious restrictions on building on that property or even excavating it. So, can we confirm whether that is actually a registered wetland through Stark County or not?

PRESIDENT SHERER: Thank you, Member Morris

MAYOR BERNABEI: Member Morris and Members of Council...uh...one of the reasons for postponing this will be to get representatives from Planning and the Planning Commission as well as Engineering to answer some of the questions that have been raised tonight.

MEMBER MORRIS: Thank you, Mayor.

PRESIDENT SHERER: Thank you, Mayor. Are there any additional 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 ayes have it, the motion carries and Ordinance #18 will be postponed until December 4th. Ordinance #19 please.

O#19. (3RD RDG) **ADOPTED AS ORDINANCE NO. 212/2023** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$26,050.79 SUPP APPROP FR UNAPPROP BAL OF 2786 2023 STATE OF OHIO CAMERA GRANT FUND TO 2786 102001 POLICE ADMIN – OTHER; \$26,050.79 INTER-FUND TRF FR 2786 2023 STATE OF OHIO CAMERA GRANT FUND TO 1001 GENERAL OPERATING FUND)

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #19.

MEMBER BABCOCK: Second.

MINUTES OF THE MEETING NOVEMBER 27, 2023

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #19. Are there any remarks?
...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

#19 ADOPTED AS ORDINANCE NO. 212/2023

PRESIDENT SHERER: The motion carries and Ordinance #19 is adopted. Ordinance #20, please.

O#20. (3RD RDG) **ADOPTED AS ORDINANCE NO. 213/2023** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH THE CITY OF FAIRLAWN, DBA FAIRLAWNGIG, AND THE CANTON COMMUNITY IMPROVEMENT CORPORATION FOR THE PURPOSES OF PROVIDING INTERNET SERVICES TO QUALIFYING CUSTOMERS WITHIN THE INNOVATION DISTRICT AND TO ENTER INTO ALL CONTRACTS NECESSARY IN ORDER TO COMPLETE THE FOREGOING PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #20.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #20. Are there any remarks?
...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

#20 ADOPTED AS ORDINANCE NO. 213/2023

PRESIDENT SHERER: The motion carries and Ordinance #20 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SHERER: We are now under the Announcement of Committee Meetings. Our next meeting date, as we stated before will be Monday, December 4th. Committee will start at 6:45 PM and we will be back here hopefully for one more week...hopefully. We are taking it one week at a time. Next Council meeting will be here at the McKinley Room.

MEMBER HAWK: Mr. President.

PRESIDENT SHERER: Member Hawk.

MEMBER HAWK: Finance Committee will meet Monday, December 4th at 6:45 PM in this hall.

PRESIDENT SHERER: Thank you, Member Hawk.

MINUTES OF THE MEETING NOVEMBER 27, 2023

MEMBER BABCOCK: Mr. President.

PRESIDENT SHERER: Member Babcock.

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

PRESIDENT SHERER: Thank you, Member Babcock.

MEMBER KIMBROUGH: Mr. President.

PRESIDENT SHERER: Member Kimbrough.

MEMBER KIMBROUGH: Public Safety & Thoroughfares will meet here in this hall.

PRESIDENT SHERER: Thank you, Member Kimbrough.

MISCELLANEOUS BUSINESS

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

MEMBER KIMBROUGH: Mr. President.

PRESIDENT SHERER: Member Kimbrough.

MEMBER KIMBROUGH: I'm sorry. Light up Downtown is going to be on Thursday. And that's going to be...lighting up the city so we're looking forward to having that. And then also First Friday, come on out and have a good time downtown Canton, Ward 2.

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

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: , Mr. President.

PRESIDENT SHERER: Thank everybody for coming tonight. This meeting is adjourned. (*Gavel falls*)

ADJOURNMENT TIME: 7:49 PM

ATTEST:
JILL M. WOOD

APPROVED:
WILLIAM SHERER

MINUTES OF THE MEETING NOVEMBER 27, 2023

CLERK OF COUNCIL

PRESIDENT