

FINAL
A G E N D A
7:00 PM

CANTON CITY COUNCIL

JUNE 29, 2020

ROLL CALL: All Members Present

MOTION TO EXCUSE MEMBERS: Not Necessary

INVOCATION: Brenda Kimbrough, Ward 2 Council Member

PLEDGE OF ALLEGIANCE: President Sherer

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 1st Rdg O#6 – O#8; 2nd Rdg O#9 - O#15; O#6 – O#8 Adopted on 1st Rdg; O#15 Adopted on 2nd Rdg; O#116/2020 Reconsidered and Amended)

PUBLIC HEARINGS:

- 7:00 PM AN ORDINANCE DECLARING A DESIGNATED AREA OF THE CITY OF CANTON AS A TOURISM DEVELOPMENT DISTRICT, TO BE KNOWN AS THE HOF FITNESS TOURISM DEVELOPMENT DISTRICT, FOR THE PURPOSE OF FOSTERING AND DEVELOPING TOURISM IN THAT DISTRICT, PURSUANT TO OHIO REVISED CODE SECTION 715.014; AND DECLARING THE SAME TO BE AN EMERGENCY
(1 SPEAKER) (SEE O#9)
- 7:01 PM AN ORDINANCE DECLARING A DESIGNATED AREA OF THE CITY OF CANTON AS A TOURISM DEVELOPMENT DISTRICT, TO BE KNOWN AS THE DOWNTOWN CANTON TOURISM DEVELOPMENT DISTRICT FOR THE PURPOSE OF FOSTERING AND DEVELOPING TOURISM IN THAT DISTRICT, PURSUANT TO OHIO REVISED CODE SECTION 715.014; AND DECLARING THE SAME TO BE AN EMERGENCY
(NO SPEAKERS) (SEE O#10)

OLD BUSINESS (PUBLIC SPEAKS): None

PUBLIC SPEAKS (CITY BUSINESS): All 5 speakers spoke about policing within the city and think there should be some kind of accountability to a community disciplinary board. They also believe all police officers should be required to wear body cameras at all times. Kim Bell pointed out that there was nothing on the agenda to reflect any money going towards solving the current racial issues. She spoke about an officer that she feels should be removed from the police force because he “used his dog as a weapon” against two young men. She requested the Mayor look at every officer’s record and not wait on the Safety Director to do it. Skylark Bruce told Council that they couldn’t declare racism a health crisis and then walk away. She said Council Members are the police officer’s boss and their bad acts reflect on Council. Joseph Fisher stated that the wearing of body cameras would protect citizens and police officers when something goes wrong, and would protect the city in case of lawsuits. Since the HOF activities have been cancelled, he suggested using the funds that would have spent on paying overtime to police officers, be spent purchasing body cameras. Abby Henry said that the \$2 million spent on city lawsuit settlements could be used to purchase cameras. She mentioned that the city has 163 officers, 100 cameras, and only 80 of those cameras are in good condition, so only half of the officers are wearing them. Ms. Henry believes there should be a Disciplinary Review Board, a law where juveniles can’t be questioned without their parents being present and some type of police data center. Sierra Mason stated that she is head of the Ohio Community Coalition, which is the group of protesters in downtown Canton. She would also like to see a data base where police officer’s disciplinary acts are logged so they can’t be fired from one police force and get a job at another. She believes there should be more transparency and asked that Council enact the polices they spoke about tonight and make a change.

INFORMAL RESOLUTIONS:

27. MAJORITY LEADER SMUCKLER: AUTH AND DIRECT SAF DIR TO OPEN ONE OR MORE PURCH ORDERS IN TOTAL AMT NOT TO EXCEED \$26,000.00 FOR ANNUAL SUBSCRIPTION FR TARGET SOLUTIONS FOR FIRE/EMS CONTINUING EDUCATION. - ADOPTED

COMMUNICATIONS:

220. FINANCE DIRECTOR CROUSE: ADOPT ALTERNATIVE TAX BUDGET FOR FISCAL YR ENDING 12/31/21. – FINANCE COMMITTEE
221. HEALTH COMMISSIONER ADAMS: AMEND APPROP O#59/2020 (\$65,000.00 SUPP APPROP FR UNAPPROP BAL OF FUND 2328 PUBLIC HEALTH INFRASTRUCTURE TO FUND 2328.301019 PUBLIC HEALTH INFRASTRUCTURE – 600 PERSONNEL COSTS - \$20,000.00, TO FUND 2328,301019 PUBLIC HEALTH INFRASTRUCTURE – 700 OTHER DIRECT COSTS - \$45,000.00). – FINANCE COMMITTEE
222. LAW DIRECTOR AYLWARD: REQ AUTH TO PREPARE ORDINANCE SETTTLING CANTON’S CLAIM AGAINST DAY KETTERER LTD IN AMT OF \$51,978.71. – FINANCE COMMITTEE
223. MAYOR BERNABEI: LTR ADVISING OF APPT OF ROBERT S. GEORGE TO MAYOR’S NEIGHBORHOOD COMMISSION, FILLING REMAINDER OF JIM WOOFER’S TERM AND EXPIRING 5/31/21. – RECEIVED & FILED
224. MAYOR BERNABEI: REQ AUTH TO APPT JILL PFEIFFER-WARD TO TREE COMMISSION EFFECTIVE 6/29/20 THRU 12/31/20. – PERSONNEL COMMITTEE
225. SAFETY DIRECTOR PERRY: REQ INFORMAL RESOLUTION AUTH SAF DIR TO ENTER ONE OR MORE PURCHASE ORDERS IN AMT NOT TO EXCEED \$26,000.00 FOR ANNUAL SUBSCRIPTION WITH TARGET SOLUTIONS (FIRE/EMS). – RECEIVED & FILED

COMMUNICATIONS CONTINUED:

226. SERVICE DIRECTOR HIGHMAN: AUTH MAYOR AND/OR SERV DIR TO ENTER INTO PROF SERVS CONTRACT WITH BURGESS & NIPLE FOR ENGINEERING SERVS DURING PLANNING, DESIGN AND BIDDING PHASES OF SUGAR CREEK WATER TREATMENT PLANT RENOVATION PROJECT IN AMT OF \$2,670,000.00, CONTINGENT UPON RECEIVING OWDA FUNDING; AUTH MAYOR AND/OR SERV DIR TO ENTER INTO AGMT WITH OHIO WATER DEVELOPMENT AUTHORITY FOR PLANNING LOAN IN AMT NOT TO EXCEED \$2,670,000.00 TO FUND PLANNING, DESIGN AND BIDDING SERVS FOR PROJ; AUTH AUDITOR TO ESTABLISH AND CREATE FUND 5241 SUGAR CREEK WATER TREATMENT PLANT RENOVATION PROJECT FUND UPON APPV'L OF OHIO WATER DEVELOPMENT AUTHORITY, TO RECEIVE ALL LOAN AND REVENUE PROCEEDS AND TRACK PROJ EXPENDITURES; AMEND APPROP O#59/2020 (\$2,670,000.00 SUPP APPROP FR UNAPPROP BAL OF 5241 SUGAR CREEK WATER TREATMENT PLANT RENOVATION PROJECT FUND TO 5241 207069 SUGAR CREEK WATER TREATMENT PLANT RENOVATION PROJECT – OTHER); AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. – FINANCE AND ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEES
227. SERVICE DIRECTOR HIGHMAN: AUTH MAYOR AND/OR SERV DIR TO ENTER INTO EASEMENT AGMT WITH EAST OHIO GAS COMPANY D/B/A/ DOMINION ENERGY OHIO (DEO), FOR INSTALLATION OF GAS PIPE LINE ON CITY PROP; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
228. TREASURER PEREZ: COMPARATIVE RPT OF CASH RECEIPTS AS OF 5/31/20. – RECEIVED & FILED
229. TREASURER PEREZ: AMEND SECTION 125 OF COD ORD OF CANTON (NONPAYMENT CHECKS, DISHONORED REMITTANCE FEES). – JUDICIARY COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. AUTH MAYOR OR SERV DIR TO ACCEPT PARCEL NO. 243103 FR HOF VILLAGE HOTEL II, LLC FOR SUBSEQUENT TRF TO CANTON COMMUNITY IMPROVEMENT CORPORATION; EMERGENCY
Referred to Community & Economic Development Committee
- 1ST RDG 2. AUTH AUDITOR TO PAY MORAL OB IN AMT NOT TO EXCEED \$6,156.00 TO BLACK MCCUSKEY SOUERS & ARBAUGH LPA; EMERGENCY (PROF SERVS RENDERED)
Referred to Finance Committee
- 1ST RDG 3. APPROVE AND ACCEPT REPLAT OF LOTS 21925, 21926 AND 21927; EMERGENCY (GANESH CANTON LLC)
Referred to Public Safety & Thoroughfares Committee
- 1ST RDG 4. AUTH CANTON TO ANNEX TERRITORY KNOWN AS TIMKENSTEEL CORPORATION – 2505 SHEPLER CHURCH AVE SW ANNEXATION AREA CONTAINING APPROXIMATELY 7.431 ACRES, MORE OR LESS; ASSIGN SAID TERRITORY TO WARD 5; ZONING SAID TERRITORY AS I-2 HEAVY INDISTRY DISTRICT; EMERGENCY
PUB HRG 7/27/20 @ 7:00 PM
Referred to Annexation Committee
- 1ST RDG 5. AUTH AUDITOR TO PAY CENTRAL ALLIED ENTERPRISES, INC. A MORAL OB IN AN AMT NOT TO EXCEED \$21,405.74 RELATED TO SHORB AVE. SANITARY SEWER EXTENSION AND MANHOLE CONSTRUCTION; EMERGENCY
Referred to Finance Committee

(COUNCIL RECESSED AT 7:29 PM FOR FINANCE COMMITTEE TO DISCUSS O#6 & O#7; RECONVENED AT 7:42 PM)

- 121/2020 6. AUTH AUDITOR TO PAY ALL MORAL OBS FOR HUNTINGTON BANK EXPENSES RESULTING PRIOR TO PASSAGE OF ORDINANCE; AMEND APPROP O#59/2020; EMERGENCY (\$40,000.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL OPERATING FUND TO 1001 852001 TREASURER ADMIN – OTHER; \$105,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER WORKS OPERATING FUND TO 5201 207003 BILLING AND RECORDS – OTHER)
Referred to Finance Committee
- 122/2020 7. AUTH SETTLEMENT OF CITY OF CANTON V DAY KETTERER LTD; EMERGENCY (\$51,978.71)
Referred to Finance Committee

(COUNCIL RECESSED AT 7:42 PM FOR JUDICIARY COMMITTEE TO DISCUSS O#8; RECONVENED AT 7:48 PM)

- 123/2020 8. AMEND SECTION 125.02, NONPAYMENT CHECKS; DISHONORED REMITTANCE FEES; EMERGENCY (TREASURER'S OFFICE)
Referred to Judiciary Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:
(SUSPENDED RULE 22A TO ADD O#9 – O#15; O#15 ADOPTED)

- 2ND RDG 9. DECLARE DESIGNATED AREA OF CITY OF CANTON AS TOURISM DEVELOPMENT DISTRICT, TO BE KNOWN AS THE HOF FITNESS TOURISM DEVELOPMENT DISTRICT, FOR PURPOSE OF FOSTERING AND DEVELOPING TOURISM IN THAT DISTRICT, PURSUANT TO ORC SEC 715.014; EMERGENCY
PUB HRGS 6/29/20 @ 7:00 PM AND 7/13/20 @ 7:00 PM (C&ED)
- 2ND RDG 10. DECLARE DESIGNATED AREA OF CITY OF CANTON AS TOURISM DEVELOPMENT DISTRICT, TO BE KNOWN AS THE DOWNTOWN CANTON TOURISM DEVELOPMENT DISTRICT, FOR PURPOSE OF FOSTERING AND DEVELOPING TOURISM IN THAT DISTRICT, PURSUANT TO ORC SEC 715.014; EMERGENCY
PUB HRGS 6/29/20 @ 7:01 PM AND 7/13/20 @ 7:01 PM (C&ED)
- 2ND RDG 11. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO ONE (1) YR CONTRACT WITH OPTION OF TWO (2) ONE (1) YR EXTENSIONS WITH STARK METRO HOUSING AUTHORITY FOR VEHICLE MAINTENANCE AND FUEL SERVICES; EMERGENCY (FIN)
- 2ND RDG 12. AUTHORIZE MAYOR OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO ALL CONTRACTS NECESSARY FOR PURCHASE AND DISTRIBUTION OF APPROX 25,000 WHEELED CARTS FOR SANITATION DEPT TO BE DISTRIBUTED FOR SINGLE FAMILY RESIDENTIAL USE; OR TO ALTERNATIVELY ENTER INTO ALL CONTRACTS NECESSARY USING ANY PROCUREMENT METHOD AUTHORIZED BY LAW; AND TO ENTER INTO LEASE TO PURCHASE AGMT TO FACILITATE SAID PURCHASE; EMERGENCY (FIN)
- 2ND RDG 13. AMEND CHAPTER 975, SOLID WASTE MGMT SYSTEM AND SEC 947.09, PAYMENT OF CHAPTER 947, SEWER RATES, OF PART 9 OF STREETS, UTILITIES & PUBLIC SERVICES CODE (JUD)
- 2ND RDG 14. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO CONTRACT AMENDMENT NO. 1 AND FINAL IN AMT NOT TO EXCEED \$56,182.00 WITH ARCADIS FOR WRF SLUDGE PROCESSING MODIFICATIONS PROJ; CONTRACT 27 PROF ENGINEERING SERVICES CONTRACT AMENDMENT NO. 1 AND FINAL; AUTHORIZES AUDITOR TO PAY ALL MORAL OBLIGATIONS RELATED TO SAID CONTRACT AMENDMENT; RETRO AUTHORIZES ALL ACTIONS TAKEN PRIOR TO PASSAGE OF ORDINANCE RELATED TO SAME; EMERGENCY (E&PU AND FIN)
- 124/2020 15. VACATE PORTION OF BEDFORD AVE SW, GROVE PL SW AND ENGLE PLACE SW AND PORTIONS OF MOSELY CT SW; APPROVING AND ACCEPTING REPLAT OF ALL OF LOTS 14355 THRU 14404, 42971 THRU 42975, 10176, 10178, 10179, 10192, 10193, 36944, OUTLOT 1392 AND PART OF LOTS 36943, 10175, 10177 & 10180 AND VACATED PORTIONS OF STREETS VACATED HEREIN; EMERGENCY (AULTMAN HEALTH FOUNDATION, WARD 3) **PUB HRG WAIVED** (PS&T)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD/FINAL READING & VOTE:

RECONSIDERED AND AMENDED

- 116/2020 16. AUTHORIZE AUDITOR TO RENAME 2810 CJIS TASK 48 FUND TO 2810 COVID-19 RELIEF FUND; AMEND APPROP O#59/2020; EMERGENCY (\$3,750,000.00 SUPP APPROP FR UNAPPROP BAL OF 2810 COVID-19 RELIEF FUND TO 2810 506019 COVID-19 STIMULUS – OTHER)
Referred to Finance Committee

ANNOUNCEMENT OF COMMITTEE MEETINGS:

MONDAY, JULY 13, 2020 in Council Caucus Room @ 6:15 PM

- 1) Community & Economic Development Committee
- 2) Finance Committee
- 3) Personnel Committee
- 4) Public Safety & Thoroughfares Committee
- 5) Annexation Committee

BANK NEGOTIATION UPDATE – TREASURER PEREZ

MISCELLANEOUS BUSINESS: Member Smuckler asked Chief Deputy Treasurer Michael McEnaney if Council decides which bank to use at the beginning of each term because he doesn't think the city should use Huntington anymore. Chief Deputy McEnaney stated that Council makes that designation every five years and said Huntington offers other specialized services that no other bank provides; however, his office will continue looking. Member Smuckler asked the Law Director if there is a state or local law about minors being questioned without an adult present. Law Director Aylward said there is Constitutional Law stating that a minor, aged 13 or older, depending on the setting (schools, etc.), may waive their right to an attorney but that a minor younger than that, cannot. Member Smuckler asked if it's contract or policy for officers to wear body cameras. The Law Director said that Canton was the first in the county to do body cameras. They are very expensive. The "beat cops" were the first to receive them. There were initial problems, such as cloud storage, but the bugs have been worked out and they are now getting one hundred thirty new body cameras. She said this has been discussed extensively with the protestors and wondered why they didn't mention this during public speaks. Member Hall said he thought there was some type of advisory or review board when he became a council member. The Law Director said, yes, there is one. Mayor Bernabei added that there is the Mayor's Community Relations Board and their job is to review internal discipline items documented by Internal Affairs. Member Mariol requested that Treasurer Perez attend the next Council Meeting to give an update on the bank negotiations. Clerk Dougherty suggested, and Majority Leader Smuckler agreed, to change the time for the Committee Meeting from 6:30 p.m. to 6:15 p.m. Mayor Bernabei invited Council, the Administration and the public to attend the Stark County Collaboration on Race Relations Town Hall Meeting where they will be discussing policing. It will be held at Faith Family Church, 8200 Freedom Drive NW, Canton at 7:00 p.m. The discussion can also be viewed on their Facebook page, Coming Together Stark County.

QUOTE OF THE WEEK: *“No one is born hating another person because of the colour of his skin, or his background, or his religion. People must learn to hate, and if they can learn to hate, they can be taught to love.”* – Nelson Mandela, Former President of South Africa

ADJOURNMENT: 8:23 PM

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, JULY 13, 2020 @ 7:00 PM

Canton City Council Meetings are available for online streaming on Mondays at 7:00 PM, at <https://www.cantonohio.gov/516/City-Council>