

**MINUTES OF THE MEETING MARCH 8, 2021**

PRESIDENT SHERER: Good evening, ladies and gentlemen, and welcome to Canton City Council. Council Members, please make sure that your earbuds are in and I would encourage everybody to turn their cell phones to vibrate. We're encouraging social distancing tonight. With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call please, Mr. Clerk.

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

TWELVE COUNCIL MEMBERS PRESENT. (MEMBERS SCHULMAN, KIMBROUGH, MARIOL & MORRIS APPEARED VIA VIDEOCONFERENCE)

CLERK DOUGHERTY: Twelve present, Mr. President.

PRESIDENT SHERER: Tonight's invocation will be given by Ward 6 Council Member, Kevin Hall. If you would all please stand and remain standing for the Pledge of Allegiance.

*The regular meeting of Canton City Council was held on March 8, 2021 at 7:00 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council, David R. Dougherty. The invocation was given by Ward 6 Council Member, Kevin Hall. The Pledge of Allegiance was led by President Sherer.*

PRESIDENT SHERER: Thank you, Member Hall.

**AGENDA CORRECTIONS AND CHANGES**

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

MEMBER SMUCKLER: Mr. President, I move Rule 22A be suspended to add 2<sup>nd</sup> Reading of Ordinances 13 through 21 to this evening's agenda.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend Rule 22A to add 2<sup>nd</sup> Readings to Ordinances 13 through 21 to this evening's Agenda. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinances 13 through 21 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.

**MINUTES OF THE MEETING MARCH 8, 2021****OLD BUSINESS**

PRESIDENT SHERER: We are now under Old Business, and there is no Old Business for this evening.

**PUBLIC SPEAKS**

PRESIDENT SHERER: We are now under Public Speaks and we have one speaker for this evening. Our only speaker for tonight is Miss Jennifer Herring, I believe?

JENNIFER HERNING: (*Inaudible*)

PRESIDENT SHERER: Herring? Could you please step forward to the podium and give us your name and residential address, please.

JENNIFER HERNING: Jennifer Herring at 1731 3<sup>rd</sup> Street North...

CLERK DOUGHERTY: Can't hear you, can't hear you.

PRESIDENT SHERER: Here, hang tight for one second. I think he's gotta turn the mic on.

JENNIFER HERNING: Okay. It's on. (*Inaudible voice*) Jennifer Herring at 1731 3<sup>rd</sup> Street NE 44704, NE Canton. Um, basically I'm here to state about a public nuisance of housing and how it affects the city, and it's affecting everybody in the city. Um, it's everywhere, I know this, and... but I have lived at this property for like seven, eight years, and I've been dealing with these two properties beside me for about three years reporting to the City Health Board and Code Department and nothing's been done really or like that. And... um, they close the case, nonsense, they still have bugs, I've been told to report, report, report, I report, they've gave them bed bug stuff, also roach stuff, you know, bomb and stuff. I have... I pay out of pocket constantly. I have no bugs, but when a roach pops up in my house, I take care of it like that cause I'm not trying to be bug infested. But it also creates a nuisance for me and... um, a financial nuisance, and I'm trying to run a business out of my house and I can't do that if a roach is gonna pop up out of nowhere. And it happens everywhere. And people with mental illnesses are constantly living more together and there's not really enough housing going on. You guys tear down houses, but I don't see anybody really rebuilding them except Habitat for Humanity. There's houses that need to be put back in those places as well as something needs to be done about these landlords because they take advantage of tenants as well as they increase the income value of what they're gonna rent, but not everybody makes that or can afford that. The income has not increased. People on Social Security about seven years ago are still getting around the same amount, and there's many people on Social Security. And then there's people that are working eight dollars an hour to nine dollars an hour or fourteen dollars an hour, and it's still just not enough depending on the size and stuff like that and what's available, and what the credentials are. Something needs to be done. And if you took the population of the Stark County residents and accumulated that to all the houses, how many would you actually have? (*Inaudible*) lots of the houses that are there. You can see with your own eyes. And then you have trash built up everywhere. We're responsible for mowing the yards in front of the house, around the sidewalk, but the city is responsible for the sidewalk. The... why not go ahead and fine these people if they are not willing to pick up their trash.

PRESIDENT SHERER: Miss Her... Miss Herring, you're permitted three minutes. Could you please bring your remarks to a close.

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JENNIFER HERNING: Okay. Um, so I'm just stating that basically something needs to be done in the financial level and also in the law level and people that are working in the system and not really doing their job. These things need to be looked at. There's no reason why I should be dealing with this for over three years. Thank you.

PRESIDENT SHERER: Alright. Thank you for coming tonight.

MEMBER SMITH: Mr. President, could we...

PRESIDENT SHERER: Member...

MEMBER SMITH: ... just have her to stay so that I can talk to her before she leaves cause she's a resident of my ward.

PRESIDENT SHERER: Okay. And, Miss... Miss Herning, if you could please...

MEMBER SMITH: (*Inaudible*)... I thought you said... didn't you say 3<sup>rd</sup> Street NE?

JENNIFER HERNING: You spoke last year.

MEMBER SMITH: Okay.

PRESIDENT SHERER: And I would encourage you to stay after the meeting, if you can, to talk to your councilman... or councilwoman.

JENNIFER HERNING: Okay.

PRESIDENT SHERER: Thank you.

**INFORMAL RESOLUTIONS**

PRESIDENT SHERER: We are now under Informal Resolutions and we have two for this evening. Mr. Clerk, would you please read Informal Resolution #4 by title.

#4. PERSONNEL COMMITTEE: CONFIRM REAPPOINTMENT OF PATRICK WYATT TO BOARD OF HEALTH FOR 5-YR TERM COMMENCING 4/1/21 THRU 3/31/26. – ADOPTED

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #4.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Informal Resolution #4. Are there any remarks? ...Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

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NO REMARKS

RESOLUTION #4 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it, the motion carries and Resolution #4 is adopted. Informal Resolution #5, please.

#5. PERSONNEL COMMITTEE: CONFIRM APPOINTMENT OF JANELLE LEE TO TAX INCENTIVE REVIEW BOARD COMMENCING 3/8/21 THRU 12/31/21. – ADOPTED

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #5.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Informal Resolution #5. Are there any remarks? ...Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #5 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it, the motion carries and Resolution #5 is adopted.

**COMMUNICATIONS**

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

***NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY IN THE COUNCIL OFFICE.***

- 64. AUDITOR MALLONN: STATEMENT OF CASH POSITION DATED 2/26/21. – RECEIVED & FILED
- 65. FINANCE DIRECTOR CROUSE: REQ ADOPTION OF GENERAL FUND BUDGET AND APPROPRIATIONS FOR CITY OF CANTON FOR 2021. – FINANCE COMMITTEE
- 66. LIQUOR CONTROL DIV (OHIO): REQ NEW C1 (PERMIT #2495210) FOR EL MERCADITO OHIO LLC @ 3107 TUSCARAWAS ST W. – RECEIVED & FILED
- 67. MAYOR BERNABEI: REQ AUTH FOR APPT OF JANELLE LEE TO TAX INCENTIVE REVIEW BOARD COMMENCING 3/8/21 THRU 12/31/21. – PERSONNEL COMMITTEE
- 68. SAFETY DIRECTOR PERRY: RATIFY ACTIONS TAKEN PRIOR TO PASSAGE OF ORDINANCE PURSUANT TO SEC 105.04 OF COD ORD; AUTH MAYOR AND/OR SAF DIR TO ENTER INTO CONTRACTS TO RESPOND TO EMERGENCY SITUATION; AUTH AND DIRECT AUDITOR TO PAY MORAL OBS RESULTING FR RESPONDING TO EMERGENCY SITUATION; EMERGENCY (701 REX AVE. NE - \$19,035.00). – FINANCE COMMITTEE

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69. SAFETY DIRECTOR PERRY: REQ PART-TIME POSITION OF CIVILIAN CRIME ANALYST BECOME FULL-TIME POSITION. – PERSONNEL COMMITTEE
70. SERVICE DIRECTOR HIGHMAN: CERTIFY AMTS INCLUDED IN LIST OF PROPERTIES TO STARK CTY AUDITOR TO BE ENTERED UPON TAX DUPLICATES AS LIENS FOR UNPAID INVOICES TO ENGINEERING DEPT, URBAN FORESTRY DIVISION; AUTHORIZE APPROP OFFICIAL TO DELETE OWNER'S NAME FROM EXHIBIT PRIOR TO CERTIFICATION TO CITY AUDITOR, PROVIDED VERIFICATION BY SERV DIR OF PAYMENT OR THAT AMTS WERE UNJUST OR UNWARRANTED; AUTH MAYOR AND/OR SERV DIR TO WAIVE CERTIFIED LIEN AMTS ONCE PAID OR PROP OWNER PROVIDES SUFFICIENT PROOF THAT LIEN AMTS WERE UNJUST OR UNWARRANTED. – FINANCE COMMITTEE
71. SERVICE DIRECTOR HIGHMAN: AUTH MAYOR AND/OR SERV DIR TO ENTER INTO DESIGN AND/OR CONSTRUCTION OVERSIGHT CONTRACTS FOR PROJS; TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONSTRUCTION CONTRACTS FOR PROJ; ALTERNATIVELY TO ENTER INTO CONTRACT FOR CONSTRUCTION OF PROJS UTILIZING ANY PROCESS AUTH BY LAW; TO ENTER INTO CONTRACT FOR PURPOSES OF RECEIVING GRANT FUNDS FOR PROJS; TO ENTER INTO AGMTS NEEDED FOR TIMKEN PL./ CLARK AVE CONNECTOR PROJECT, GP 1313 INCLUDING BUT NOT LIMITED TO WHEELING & LAKE ERIE RAILROAD AND TIMKENSTEEL; TO SECURE ALL EASEMENTS NEEDED FOR PROJS; AUTH MAYOR AND/OR SAF DIR TO PERMANENTLY CLOSE RAILROAD CROSSING @ 19<sup>TH</sup> ST. SW WEST OF CLEVELAND AVE; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; AUTH AND DIRECT AUDITOR TO PAY MORAL OBS FOR CONTRACT CHANGE ORDER OTHERWISE APPV'D BY BOARD OF CONTROL PURSUANT TO CANTON COD ORD 105.14 WITHIN ESTABLISHED DOLLAR AMT THRESHOLDS FOR PROJS; EMERGENCY (COMP PLAN 2021 CAPITAL IMPROVEMENT PROJECTS). – PUBLIC PROPERTY CAPITAL IMPROVEMENT AND FINANCE COMMITTEES
72. SERVICE DIRECTOR HIGHMAN: AUTH MAYOR AND/OR SERV DIR TO EXECUTE PROF SERVS CONTRACT WITH IBI GROUP FOR DESIGN OF PERRY DRIVE NW WATER MAIN REPLACEMENT PROJ; MAKE \$38,445.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207075 PERRY DRIVE NW WATER MAIN REPLACEMENT PROJECT – OTHER; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. – FINANCE COMMITTEE
73. SERVICE DIRECTOR HIGHMAN: AUTH MAYOR AND/OR SERV DIR TO ENTER INTO EASEMENT AGMT WITH OHIO POWER CO, A UNIT OF AMERICAN ELECTRIC POWER (AEP), FOR INSTALLATION OF ELECTRIC DISTRIBUTION SYSTEM ON/ACROSS CITY PROP; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY (NEWTON AVE. SW – CANTON POLICE SURVEILLANCE CAMERA). – ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
74. TREASURER PEREZ: COMPARATIVE RPT OF CASH RECEIPTS AS OF 1/31/21. – RECEIVED & FILED
75. TREASURER PEREZ: RPT OF BANK RECONCILIATIONS AND OUTSTANDING INVESTMENTS AS OF 1/3/21. – RECEIVED & FILED

**MINUTES OF THE MEETING MARCH 8, 2021****ORDINANCES AND FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their First Reading. Mr. Clerk, would you please begin with Ordinance #1.

***NOTE: PRESIDENT SHERER CALLED UPON CLERK DOUGHERTY TO READ ORDINANCES #1 THROUGH #12 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- O#1. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS FOR KEMPTHORN, INC. EXPENSES FOR A RENTAL VAN; AND DECLARING THE SAME TO BE AN EMERGENCY (FRESH START PROGRAM)  
Referred to Finance Committee
- O#2. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 239/2020; AND DECLARING THE SAME TO BE AN EMERGENCY (\$3,650.00 APPROP TRF FR 2760 102001 POLICE ADMIN – OTHER TO 2760 102001 POLICE ADMIN – PAYROLL (OVERTIME FOR FEDERAL FORFEITURE CASES)  
Referred to Finance Committee
- O#3. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 239/2020; AND DECLARING THE SAME TO BE AN EMERGENCY (\$50,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207074 SC LAGOON DECHLORINATION BUILDING – OTHER (SUGARCREEK WATER TREATMENT PLANT)  
Referred to Finance Committee
- O#4. (1<sup>ST</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF PART OF LOTS 12462-12466 AND ALL OF LOTS 41857, 41858 & 41860; AND DECLARING THE SAME TO BE AN EMERGENCY (JEFF MATTINGLY FOR PROP OWNERS @ 2321 CLEVE AVE NW, WARD 7)  
Referred to Public Safety Thoroughfares Committee
- O#5. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE CANTON SERVICE CENTER – 30<sup>TH</sup> ST NE ANNEXATION AREA CONTAINING APPROXIMATELY 6.389 ACRES, MORE OR LESS; ASSIGNING SAID TERRITORY TO WARD 6 OF THE CITY; ZONING SAID TERRITORY AS I-1 LIGHT INDUSTRY DISTRICT (I-1); AND DECLARING THE SAME TO BE AN EMERGENCY  
**PUB HRG 4/5/21 @ 7:00 PM**  
Referred to Annexation Committee \*\*

***\*\* Note: Clerk Dougherty inadvertently states “referred to Finance Committee,” however O#5 was referred to Annexation Committee.***

- O#6. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY B&H PHOTO VIDEO, LLC A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$1,819.79 FOR

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THE FIRE DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY (VIDEO EQUIP)

Referred to Finance Committee

- O#7. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO: ENTER INTO ALL SOLE SOURCE/PROFESSIONAL SERVICES CONTRACTS NECESSARY WITH WI-FIBER, LLC FOR ADDITIONAL CLOUD STORAGE, NOT TO EXCEED \$120,000.00 ANNUALLY; ENTER INTO ALL CONTRACTS NECESSARY IN ACCORDANCE WITH ANY PROCUREMENT PROCESS AUTHORIZED BY EITHER THE OHIO REVISED CODE OR CANTON CODIFIED ORDINANCES; AND TO ENTER INTO ALL PROFESSIONAL SERVICES CONTRACTS FOR THE INSTALLATION OF THE ABOVE-REFERENCED HARDWARE AND SOFTWARE NEEDED FOR THIS PROJECT; AUTHORIZES THE AUDITOR TO PAY ALL MORAL OBLIGATIONS THAT ARISE WITH THIS PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY (WI-FIBER NEIGHBORHOOD CAMERA PROJ, POLICE DEPT)  
Referred to Finance Committee
- O#8. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY MASIMOS AMERICAS, INC. A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$3,360.00 FOR THE FIRE DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY (PULSE OXIMETERS)  
Referred to Finance Committee
- O#9. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE APPROPRIATE OFFICIAL(S) TO: PURCHASE AND/OR LEASE VARIOUS TITLED VEHICLES; ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR THOSE PURCHASES AND ANY PROJECTS DESCRIBED IN EXHIBIT A THAT EXCEED ANY APPLICABLE DOLLAR AMOUNT THRESHOLDS(S); ALTERNATIVELY ENTER INTO CONTRACT FOR THE PURCHASES AND PROJECTS PURSUANT TO ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; ENTER INTO ALL PROFESSIONAL SERVICES CONTRACTS DESCRIBED IN EXHIBIT A; WAIVES THE INFORMAL RESOLUTION REQUIREMENTS OF CANTON CODIFIED ORDINANCE 105.09 FOR PURCHASES APPROVED THROUGH THIS ORDINANCE; AMENDING THE 2020 FINAL APPROPRIATION ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (\$2,010,346.00 SUPP APPROP FR UNAPPROP BAL OF 4501 CAPITAL PROJECTS FUND TO 4501 102001 POLICE ADMIN – OTHER - \$159,651.00, TO 4501 103001 FIRE ADMIN – OTHER - \$475,000.00, TO 4501 103501 CANCOM – OTHER - \$44,255.00, TO 4501 202001 ENGINEERING ADMIN – OTHER - \$150,000.00, TO 4501 202210 STREET MAINTENANCE – OTHER - \$313,625.00, TO 4501 204010 OTHER BUILDINGS – OTHER - \$505,000.00, TO 4501 208001 MOTOR VEHICLE ADMIN – OTHER - \$50,000.00, TO 4501 301001 HEALTH ADMIN – OTHER - \$124,615.00, TO 4501 504010 INFORMATION TECHNOLOGY – OTHER - \$100,000.00, TO 4501 702001

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CLERK OF COURTS – OTHER - \$23,000.00, TO 4501 753001 LAW ADMIN – OTHER - \$5,200.00, TO 4501 801001 AUDITOR ADMIN – OTHER - \$15,000.00, TO 4501 852001 TREASURER ADMIN – OTHER - \$45,000.00; \$579,671.00 SUPP APPROP FR UNAPPROP BAL OF 4502 MOTOR VEHICLE PURCHASES FUND TO 4502 102001 POLICE ADMIN – OTHER - \$286,171.00, TO 4502 103001 FIRE ADMIN – OTHER - \$64,000.00, TO 4502 202001 ENGINEERING ADMIN – OTHER - \$32,000.00, TO 4502 202210 STREET MAINTENANCE – OTHER - \$112,500.00, TO 4502 204010 OTHER BUILDINGS – OTHER - \$70,000.00, TO 4502 301001 HEALTH ADMIN – OTHER - \$15,000.00) (EXHIBIT A ATTACHED)

Referred to Public Property Capital Improvement and Finance Committees

O#10. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE LIGHTING IMPROVEMENTS AT THE STARK US-30/RAFF/WHIPPLE INTERCHANGES; AND DECLARING THE SAME TO BE AN EMERGENCY (PID 106204, RT 30)

Referred to Public Safety & Thoroughfares & Finance Committees

***(COUNCIL RECESSED AT 7:15 PM FOR THE PUBLIC PROPERTY CAPITAL IMPROVEMENT, FINANCE AND PUBLIC SAFETY & THOROUGHFARES COMMITTEES TO DISCUSS O#11 AND RE#12; RECONVENED AT 7:18 PM)***

O#11. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 41/2021** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO: ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR THE SALE OF CITY OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, LOCATED AT STARK COUNTY AUDITOR PARCEL NUMBER 202812 AND TO ENTER INTO ALL CONTRACTS NECESSARY TO FACILITATE SAID SALE; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Property Capital Improvement and Finance Committees

O#12. (1<sup>ST</sup> RDG) **ADOPTED AS RESOLUTION NO. 42/2021** A FINAL RESOLUTION ADOPTING PLANS, AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO COOPERATE WITH AND REQUEST THE DIRECTOR OF TRANSPORTATION TO PROCEED WITH THE PEDESTRIAN SAFETY IMPROVEMENTS AT VARIOUS INTERSECTIONS, INCLUDING MEDIANS, SIDEWALK, CURB RAMPS, SIGNALS SIGNAGE AND PAVEMENT MARKINGS, LYING WITHIN THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (PID 113278, GP 1326)

Referred to Public Safety & Thoroughfares Committee

CLERK DOUGHERTY: Mr. President.

PRESIDENT SHERER: At this time, the Chair would declare an in-house recess for Public Property Capital Improvement, Finance and Public Safety & Thoroughfares Committees to meet in regards to Ordinances 11 and 12 on your agenda this evening. You are now in recess.

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

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 22A and add Ordinances 11 and 12 back to this evening's agenda.

CLERK DOUGHERTY: Mr. President.

PRESIDENT SHERER: Clerk Dougherty.

CLERK DOUGHERTY: Just for clarification, #11 is an Ordinance, #12 is a Resolution.

PRESIDENT SHERER: Thank you.

MEMBER SMUCKLER: I move we suspend Rule 22A and Ord... add Ordinance 11 and Resolution #12 back to the agenda.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend Rule 22A to place Ordinance #11 and Resolution #12 back on this evening's agenda. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinance #11 and Resolution #12 are a legal part of your agenda. Leader.

MEMBER SMUCKLER: Mr. President, I move we suspend the Statutory Rules of Ordinance 11 and Resolution #12.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend the Statutory Rules on Ordinance #11 and Resolution #12. Are there any remarks?

MEMBER SMUCKLER: Mr. President.

PRESIDENT SHERER: Leader. Well, hang on.

MEMBER SMUCKLER: Never mind. Go on.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

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CLERK DOUGHERTY: Twelve yeas, Mr. President.

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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #11.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #11. Are there any remarks under this Ordinance? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

**#11 ADOPTED AS ORDINANCE NO. 41/2021**

PRESIDENT SHERER: Motion carries and Ordinance #11 is adopted. Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #12.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Resolution #12. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

**#12 ADOPTED AS RESOLUTION NO. 42/2021**

PRESIDENT SHERER: The motion carries and Resolution #12 is adopted.

**ORDINANCES AND FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their Second Reading. Mr. Clerk, would you please begin with Ordinance #13.

***NOTE: PRESIDENT SHERER CALLED UPON CLERK DOUGHERTY TO READ ORDINANCES #13 THROUGH #21 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

O#13. (2<sup>ND</sup> RDG) ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF REVENUE BOND ANTICIPATION NOTES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$3,250.00 TO PROVIDE FUNDS TO PAY A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, IMPROVING, FURNISHING

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OR EQUIPPING AN ECONOMIC DEVELOPMENT PROJECT IN THE CITY;  
AUTHORIZING RELATED MATTERS; AND DECLARING THE SAME TO BE AN  
EMERGENCY

- O#14. (2<sup>ND</sup> RDG) ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES IN AN AGGREGATE AMOUNT NOT TO EXCEED \$3,300,000.00 FOR THE PURPOSE OF PAYING THE COST OF ACQUIRING, CONSTRUCTING RECONSTRUCTING AND IMPROVING CITY BUILDINGS, INCLUDING, WITHOUT LIMITATION, THE REPLACEMENT OF THE CITY HALL ROOF, THE CIVIC CENTER ROOF AND IMPROVEMENTS TO OTHER CITY FACILITIES
- O#15. (2<sup>ND</sup> RDG) ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$700,000.00 FOR THE PURPOSE OF PROVIDING FUNDS TO PAY A COURT-APPROVED SETTLEMENT OF A CLAIM AGAINST THE CITY
- O#16. (2<sup>ND</sup> RDG) ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF REVENUE BOND ANTICIPATION NOTES IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,325,000.00 TO PROVIDE FUNDS TO MAKE A LOAN FOR ECONOMIC DEVELOPMENT IN THE CITY; AUTHORIZING RELATED MATTERS; AND DECLARING THE SAME TO BE AN EMERGENCY
- O#17. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS FOR ENVIROSERVE, INC. FOR EXPENSES RESULTING PRIOR TO THE PASSAGE OF THIS ORDINANCE AND DECLARING THE SAME TO BE AN EMERGENCY (ENVIRONMENTAL CLEAN UP IN 2020)
- O#18. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO ANY AND ALL CONTRACTS NECESSARY FOR THE PURCHASE OF ONE (1) FULL SIZE CARGO VAN, ONE (1) 4X4 SUV, ONE (1) SMALL CARGO VAN, ONE (1) 4X4 PICKUP TRUCK, ONE (1) VALVE OPERATOR, ONE (1) MINI EXCAVATOR, AND ONE (1) SKID STEER WITH TRAILER; OR TO ALTERNATIVELY PURCHASE SAID ITEMS PURSUANT TO ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; AND DECLARING THE SAME TO BE AN EMERGENCY (APPROX TOTAL \$276,500.00 – WATER DEPT)
- O#19. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS FOR CONSTRUCTION SERVICES RELATED TO THE 44<sup>TH</sup> STREET WATER MAIN REPLACEMENT/ROADWAY RECONSTRUCTION PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

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O#20. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 43/2021** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT AMENDMENT/CHANGE ORDER WITH IBI GROUP IN AN AMOUNT NOT TO EXCEED \$83,956.00 FOR ENGINEERING SERVICES RELATED TO THE COLONIAL BLVD. RECONSTRUCTION PROJECT, PHASE I, G.P. 1206, PID 111059; AMENDING APPROPRIATION ORDINANCE NO. 239/2020; AND DECLARING THE SAME TO BE AN EMERGENCY (\$26,500.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER WORKS FUND TO 5201 202062 COLONIAL BLVD RECONSTRUCTION PROJECT, GP 1206 – OTHER)

O#21. (2<sup>ND</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 44/2021** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CHANGE ORDER #2 AND FINAL WITH CENTRAL ALLIED ENTERPRISES, INC. IN AN AMOUNT NOT TO EXCEED \$93,593.67 FOR THE HARMONT AVE. RESURFACING PROJECT, GP 1322, AMENDING APPROPRIATION ORDINANCE NO. 239/2020; AND DECLARING THE SAME TO BE AN EMERGENCY (\$21,890.29 SUPP APPROP FR UNAPPROP BAL OF 4592 HARMONT AVE. NE RESURFACING PROJECT, GP 1322 FUND TO 4592 202059 HARMONT AVE. NE RESURFACING PROJECT GP 1322 - OTHER

CLERK DOUGHERTY: Mr. President.

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we suspend Statutory Rules on Ordinances 20 and 21.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend the Statutory Rules on Ordinances 20 and 21. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: 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 #20.

MEMBER BABCOCK: Second.

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

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NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

**#20 ADOPTED AS ORDINANCE NO. 43/2021**

PRESIDENT SHERER: Motion carries and Ordinance #20 has been adopted. Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #21.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #21. Are there any remarks? Leader.

MEMBER SMUCKLER: Mr. President, I move to amend Ordinance 21 by the amendment before every Council Member.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to amend Ordinance #21 per the copy before each of you. Are there any remarks? ...Hearing none, by voice vote, all those in favor signify... signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it. The motion carries. Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #21, as amended.

MEMBER BABCOCK: Second.

**AMENDMENT***Pursuant to Rule 36, I move to amend Agenda Item No. 21 by amending Section 3 to change the dollar amount "\$21,890.29" to "\$.29."*

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #21 as amended. Are there any remarks under this Ordinance as amended?... Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

**#21 ADOPTED AS AMENDED AS ORDINANCE NO. 44/2021**

PRESIDENT SHERER: Motion carries and Ordinance #21, as amended, has been adopted.

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PRESIDENT SHERER: We are now under Ordinance and Formal Res... Ordinances and Formal Resolutions for their Third/Final Reading and Vote. Mr. Clerk, would you please begin with Ordinance #22.

***NOTE: PRESIDENT SHERER CALLED UPON CLERK DOUGHERTY TO READ ORDINANCE #22 THROUGH ORDINANCE #25 FOR THEIR THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

O#22. (3<sup>RD</sup> RDG) **ADOPTED AS RESOLUTION NO. 45/2021** A RESOLUTION WITHDRAWING CANTON'S OBJECTION TO THE TRANSFER OF A LIQUOR PERMIT LOCATED WITHIN THE CITY; AND DECLARING THE SAME TO BE AN EMERGENCY (PERMIT #6547855, C-1-2, 12<sup>TH</sup> STREET MARKET LLC DBA 12<sup>TH</sup> STREET MARKET @ 1100 12<sup>TH</sup> STREET NW, WARD 1)

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #22.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and sec... it's been moved and seconded to adopt Ordinance #22. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

**#22 ADOPTED AS RESOLUTION NO. 45/2021**

PRESIDENT SHERER: Motion carries and Ordinance #22 is adopted. Ordinance #23, please.

O#23. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 46/2021** AN ORDINANCE AMENDING SECTION 1305.01(A), MEMBERS; APPOINTMENT, QUALIFICATIONS AND VACANCY OF CHAPTER 1305, BOARD OF BUILDING APPEALS

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #23.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #23. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

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CLERK DOUGHERTY: Twelve yeas, Mr. President.

**#23 ADOPTED AS ORDINANCE NO. 46/2021**

PRESIDENT SHERER: Motion carries and Ordinance #23 is adopted. Ordinance #24, please.

O#24. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 47/2021** AN ORDINANCE AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, OR THEIR DESIGNEE TO APPROPRIATE THE ESTATE AND/OR INTEREST IN THE PROPERTIES DESCRIBED IN EXHIBIT A IN FURTHERANCE OF THE N.E. CANTON INDUSTRIAL PARK PROJECT G.P. 1148; 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

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

**#24 ADOPTED AS ORDINANCE NO. 47/2021**

PRESIDENT SHERER: Motion carries and Ordinance #24 is adopted. Ordinance #25, please.

O#25. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 48/2021** AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY VERIZON WIRELESS A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$4,434.01 FOR THE WATER DEPARTMENT; AND DECLARING THE SAME TO BE AN EMERGENCY (NOV & DEC ACTIVATION OF CELLPHONES)

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #25.

MEMBER BABCOCK: Second.

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PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #25. Are there any remarks?  
...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: Twelve yeas, Mr. President.

**#25 ADOPTED AS ORDINANCE NO. 48/2021**

PRESIDENT SHERER: Motion carries and Ordinance #25 is adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SHERER: We are now under announcement of Committee Meetings.

MEMBER MARIOL: Mr. President.

PRESIDENT SHERER: Member Mariol.

MEMBER MARIOL: Finance will meet March 22<sup>nd</sup> at 6:15 in Council Chambers.

PRESIDENT SHERER: Thank you, Member Mariol.

MEMBER SCAGLIONE: Mr. President.

PRESIDENT SHERER: Member Scaglione.

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

PRESIDENT SHERER: Thank you, Member Scaglione.

MEMBER KIMBROUGH: Mr. President.

PRESIDENT SHERER: Member Kimbrough.

MEMBER KIMBROUGH: Public Property... uh, Public Safety & Thoroughfares Committee will meet at the same time, same place. Thank you.

PRESIDENT SHERER: Thank you, Member Kimbrough. Annexation.

MEMBER HAWK: Annexation will meet same time, same place.

PRESIDENT SHERER: Thank you, Member Hawk. We are now under Miscellaneous...

CLERK DOUGHERTY: Mr. President.

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PRESIDENT SHERER: Clerk Dougherty.

CLERK DOUGHERTY: Also, the Administration will be giving a financial presentation at the next meeting, same time, same place.

PRESIDENT SHERER: Thank you. Thank you, Clerk Dougherty.

**MISCELLANEOUS BUSINESS**

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

MEMBER SMUCKLER: Mr. President.

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Uh, Law Director.

LAW DIRECTOR BATES AYLWARD: Yes, Majority Leader. This is Kris Bates, Law Director.

MEMBER SMUCKLER: I understand we have to go into Executive Session?

LAW DIRECTOR BATES AYLWARD: Yes. I would appreciate a motion to go into Executive Session to discuss pending and imminent litigation and it would include the Members of Council, the Mayor and his Cabinet, Clerk and his staff. It'll be brief.

MEMBER SMUCKLER: I so move.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: Motion has been made and seconded to go into Executive Session. I believe... Clerk Dougherty, do we need to call a roll?

CLERK DOUGHERTY: Yep.

ROLL CALL 12 YEAS, 0 NAYS

CLERK DOUGHERTY: You are in Executive Session.

PRESIDENT SHERER: At this time, I... I would like to ask everybody to step out of the room if they could so Council could go into Executive Session, please.

CLERK DOUGHERTY: Also, there'll be no other business.

PRESIDENT SHERER: And there will be no other business that will be addressed during Executive Session.

CLERK DOUGHERTY: Or after.

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PRESIDENT SHERER: Or after.

UNIDENTIFIED VOICE: I'm not leaving.

MEMBER SMUCKLER: Oh, you're not leaving. Okay.

*(Recording ends)*

ADJOURNMENT TIME: 7:45 PM

ATTEST: 3/10/21

APPROVED:

DAVID R. DOUGHERTY  
CLERK OF COUNCIL

WILLIAM SHERER, II  
PRESIDENT