

MINUTES OF THE MEETING NOVEMBER 21, 2022

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.

ROLL CALL TAKEN BY CLERK WOOD:

11 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)

ELEVEN COUNCIL MEMBERS PRESENT. (MEMBER MORRIS ABSENT)

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

EXCUSING MEMBERS

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to excuse Member Morris 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 Morris is excused from this evening's meeting. Tonight's invocation will be given by Member-at-Large Council Member, Greg Hawk. ** If you would all please stand... (*inaudible voices*)... Reverend, please. ****Note: President Sherer inadvertently said "Member-at-Large," however Greg Hawk is Ward 1 Council Member.**

The regular meeting of Canton City Council was held on November 21, 2022 at 7:00 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council, Jill M. Wood. The invocation was given by Ward 1 Council Member, Greg Hawk. The Pledge of Allegiance was led by President Sherer.

PRESIDENT SHERER: Thank you, Member Hawk.

AGENDA CORRECTIONS AND CHANGES

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

MEMBER SMUCKLER: Mr. President, I move Rule 22 be suspended to add second readings of Ordinances 19 through 21 to this evening's agenda.

MEMBER BABCOCK: Second.

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PRESIDENT SHERER: *(Inaudible conversation with Clerk Wood)* It's been moved and seconded to suspend Rule 22A to add second readings to Ordinances 19 through 21 to this evening's agenda. 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 Ordinances 19 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.

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 I believe we only have one speaker for this evening, and that would be Miss Kimberly Bell. Miss Bell, could you please state your name and residential address, please.

KIMBERLY BELL: Yes. My name's Kimberly Bell, 1733 Morris Avenue. Um, I put on the agenda about the Hall of Fame, and I've been busy doing some... looking up some things. And, you know, it... it dawned on me, is... is there any ethical violations going on with this Hall of Fame? Mr. Mayor, did you be pushing for...for... uh, Mike Crawford to get the money? And I hope you don't have stock in it. Or, you probably do, and you probably have family have stock in it. Could you be pushing for them to get these millions of dollars? You know how... you all know how I feel about the Hall of Fame. I don't care for it because it costs too much to get going there and... and... and visit and it's... you think it's gonna bring money to the area. Well, it won't bring money to the area unless you bring the prices down inside of the... that's the... all the shopping centers or whatever you're buying. Nobody... nobody in Canton has that kind of money. It's... the Hall of Fame is like... uh, a bad movie. Once you see it, you don't want to see it again. And it's too expensive, so I hope there's no ethical violations going on because if it is, I'm coming after you. If you got stock in it, you better sell it, cause I'm gonna get you.

PRESIDENT SHERER: Thank you, Miss Bell.

KIMBERLY BELL: You're welcome.

INFORMAL RESOLUTIONS

PRESIDENT SHERER: We are now 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.

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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 21, 2022.

1. RPT OF DEPOSITS AND PAY-INS FOR OCTOBER 2022. – CHIEF OF POLICE GABBARD
2. AMEND APPROP O#68/2022; EMERGENCY (ADJ OUT OF BALANCE AND SHORT FUNDS). – FINANCE DIRECTOR CROUSE
3. REQ TO COMBINE SPECIAL FUNDS 2331 AND 2332 INTO FUND 2331. – HEALTH COMMISSIONERS ADAMS
4. REQ NEW D5J, D6 PERMIT FOR AVI FOOD SYSTEMS, INC. @ 1901 CHAMPIONS GATEWAY NW. – LIQUOR CONTROL DIV (OHIO)
5. REQ NEW D5J PERMIT FOR DUBB ENTERPRISES UNLIMITED LLC @ 331 CLEVELAND AVE NW. – LIQUOR CONTROL DIV (OHIO)
6. AUTH GRANT TO INVEST HEALTH FUNDING – CFAP – GONDER LLC (CANTON FOR ALL PEOPLE). – MAYOR BERNABEI
7. REQ LEG – 2022 FAIR HOUSING GRANT FUND CREATION AND GRANT ACCEPTANCE. – SERVICE DIRECTOR HIGHMAN
8. REQ LEG – 4TH ST SE SEWER REPLACEMENT PROJECT G.P. 1338 RIGHT-OF-WAY ACQUISITION AUTH. – SERVICE DIRECTOR HIGHMAN
9. REQ LEG – OHIO DEPT OF TRANSPORTATION (ODOT) SR43D (WALNUT AVE) SR172 (TUSCARAWAS), PID 102743, GP 1286 – ADDT'L CONTRACT AMOUNT. – SERVICE DIRECTOR HIGHMAN
10. RPTS OF BANK RECS AND OUTSTANDING INVESTMENTS AS OF 10/31/22. – TREASURER PEREZ
11. COMPARATIVE RPT OF CASH RECEIPTS AS OF 10/31/22. – TREASURER PEREZ
12. RPTS OF PARKING METER REVENUE FOR OCT 2022. – TREASURER PEREZ

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 #13.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #13 THROUGH #18 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- O#13. (1ST RDG) AN ORDINANCE DECLARING IMPROVEMENT TO REAL PROPERTY OWNED BY LEHMAN HOUSING PARTNERS, L.P., LOCATED IN THE CITY OF CANTON, TO BE A PUBLIC PURPOSE; EXEMPTING ONE HUNDRED PERCENT OF THE IMPROVEMENT FROM TAXATION FOR A PERIOD OF THIRTY YEARS; AUTHORIZING THE MAINTENANCE AND CONSTRUCTION OF PUBLIC INFRASTRUCTURE IMPROVEMENTS UNDER SECTION 5709.40, ET. SEQ., OF

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THE OHIO REVISED CODE; REQUIRING SERVICE PAYMENTS IN LIEU OF TAXES; ESTABLISHING THE OXFORD PLACE TIF FUND; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER ALL AGREEMENTS NECESSARY FOR THE MAINTENANCE AND CONSTRUCTION OF PUBLIC INFRASTRUCTURE; COMPENSATING THE SCHOOL DISTRICT FOR REVENUE NOT REALIZED; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

O#14. (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF LOTS 25949, 25950 AND 25951; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Safety & Thoroughfares Committee

O#15. (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF PART OF OUT LOT 783 AND ALL OF OUT LOT 784; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Public Safety & Thoroughfares Committee

O#16. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE OR DIRECTOR OF PUBLIC SAFETY TO APPLY FOR, ENTER INTO AGREEMENT FOR AND RECEIVE FUNDS FROM MULTIPLE POTENTIAL FUNDING SOURCES FOR VARIOUS CITY PROJECTS; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

O#17. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A FIVE-YEAR LEASE AGREEMENT FOR THE FARMING OF APPROXIMATELY 271 ACRES OF LAND AT THE SUGAR CREEK WATER TREATMENT PLANT; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Environmental & Public Utilities Committee

O#18 (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A GRANT AGREEMENT WITH CFAP – GONDER, LLC UTILIZING \$1.3 MILLION IN ARPA FUNDS; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development 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 #19.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES # 19 THROUGH #21 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

O#19. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AGREEMENT FOR THE PURCHASE OF A WALK-IN

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COOLER FROM COURT PUB GROUP INC. IN AN AMOUNT NOT TO EXCEED \$64,014.55; AMENDING APPROPRIATION ORDINANCE NO 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$64,014.55 SUPP APPROP FR UNAPPROP BAL OF 2178 CENTENNIAL PLAZA TDD FUND TO 2178 861101 TOURISM DEV DISTRICT – OTHER; \$47,867.78 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL OPERATING FUND TO 1001 200501 – GENERAL GOV'T ADMIN – ADV OUT; \$47,867.78 INTER-FUND ADV FR 1001 200501 – ADV OUT TO OTHER FUND TO 2178 861101 – ADV IN)

- O#20. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE AND SAFETY TO: ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO VARIOUS CONTRACTS FOR SUPPLY EQUIPMENT, ITEMS, MATERIALS, SUPPLIES AND SERVICES PURSUANT TO CODIFIED ORDINANCE SECTION 105.09; ENTER INTO PROFESSIONAL SERVICES CONTRACTS PURSUANT TO CODIFIED ORDINANCE SECTION 105.10; ENTER INTO CONTRACTS PURSUANT TO O.R.C. SECTION 735.05 WITH QUALIFIED NONPROFIT AGENCIES; ENTER INTO CONTRACT FOR THE PURCHASE OF SUPPLY EQUIPMENT, ITEMS, MATERIALS, SUPPLIES AND SERVICES UTILIZING ANY PURCHASING PROCESS AUTHORIZED BY EITHER THE O.R.C. OR CANTON CODIFIED ORDINANCES; ENTER INTO CHANGE ORDERS AND/OR CONTRACT AMENDMENTS FOR SAID PURCHASES DURING THE 2023 CALENDAR YEAR; AUTHORIZING THE ABOVE CONTRACTS TO BE MULTIPLE YEAR CONTRACTS AND/OR CONTAIN RENEWAL PROVISIONS; WAIVING THE INFORMAL RESOLUTION REQUIREMENTS; AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS FOR CONTRACT CHANGE ORDERS THAT ARE OTHERWISE APPROVED BY THE BOARD OF CONTROL PURSUANT TO ORDINANCE 105.14; AND DECLARING THE SAME TO BE AN EMERGENCY

- O#21. (2ND RDG) **ADOPTED AS ORDINANCE NO. 271/2022** AN ORDINANCE AMENDING SECTION 151.12, CONTINUING DISABILITY BENEFITS OF CHAPTER 151 OF THE ADMINISTRATIVE CODE

CLERK WOOD: Mr. President.

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we suspend Statutory Rules on Ordinance #21.

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

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PRESIDENT SHERER: The motion carries. You've heard the three readings, 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 under this Ordinance? ... Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

#21 ADOPTED AS ORDINANCE NO. 271/2022

PRESIDENT SHERER: The motion carries and Ordinance #21 has been adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their Third, Final Reading and Vote. Leader.

CLERK WOOD: (*Inaudible*)... I got to read them.

PRESIDENT SHERER: Oh, I'm sorry. Majority Leader, let me...

MEMBER SMUCKLER: (*Inaudible*)

PRESIDENT SHERER: Let me read... let her read them first. Sorry about that.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES O#22 THROUGH O#24 FOR THEIR THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

*O#22. (3RD RDG) **POSTPONED UNTIL 11/28/22** AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR AND/OR THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE AND DELIVER A COOPERATIVE TAX INCREMENT FINANCING AGREEMENT BY AND AMONG THE CITY, STARK COUNTY PORT AUTHORITY, HALL OF FAME RESORT & ENTERTAINMENT COMPANY AND HOF VILLAGE NEWCO, LLC, IN ORDER TO SUPPORT THE PORT AUTHORITY'S ISSUANCE AND SALE OF PORT AUTHORITY REVENUE BONDS TO PROVIDE FOR COSTS OF PUBLIC INFRASTRUCTURE IMPROVEMENTS CONSTITUTING PORT AUTHORITY FACILITIES BENEFITING THE DEVELOPMENT OF PROPERTIES LOCATED AND TO BE LOCATED WITHIN THE TAX INCREMENT FINANCING AREA ESTABLISHED BY THE CITY PURSUANT TO ORDINANCE NOS. 262/2015, 145/2017 AND 140/2021, AS AMENDED AND SUPPLEMENTED, INCLUDING REFUNDING REVENUE BONDS PREVIOUSLY ISSUED TO PROVIDE FOR A PORTION OF SUCH COSTS; APPROVING AND AUTHORIZING RELATED MATTERS; AND DECLARING AN EMERGENCY*

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

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #22. Are there any remarks? Leader.

MEMBER SMUCKLER: Okay. Mr. President, I move we postpone Ordinance #22 until 11/28/22.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to postpone Ordinance #22 till 11/28/2022. Are there any remarks?...If not, 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 motion carries and Ordinance #22 is postponed to November 28, 2022. Ordinance #23 please.

*O#23. (3RD RDG) **POSTPONED UNTIL 12/5/22** AN ORDINANCE AMENDING ORDINANCE 59/2011 TO ADJUST TERRITORY INCLUDED WITHIN MILLS INDUSTRIAL PARK TAX INCREMENT FINANCING DISTRICT; AND DECLARING THE SAME TO BE AN EMERGENCY*

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move that we postpone Ordinance #23... I'm sorry 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? Leader.

MEMBER SMUCKLER: Mr. President, I move we postpone Ordinance #23 until 12/5.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to postpone Ordinance #23 till December 5, 2022. Are there any 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 motion carries and Ordinance #23 is postponed till December 5, 2022. Ordinance #24 please.

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O#24. (3RD RDG) **POSTPONED UNTIL 12/5/22** AN ORDINANCE ESTABLISHING “MILLS BUSINESS PARK NON-SCHOOL TIF,” AUTHORIZING FINANCING OF PUBLIC INFRASTRUCTURE IMPROVEMENTS UNDER SECTION 5709.40, ET. SEQ., OF THE OHIO REVISED CODE, AND AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A TAX INCREMENT FINANCING COOPERATIVE DISBURSEMENT AGREEMENT WITH CANTON COMMERCE DEVELOPMENT, LLC; 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?
Leader.

MEMBER SMUCKLER: Mr. President, I move we postpone Ordinance #24 until December 5, 2022.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to postpone Ordinance #24 until December 5, 2022. Are there any 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 motion carries and Ordinance #24 is postponed until December 5, 2022.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SHERER: We are now under Announcement of Committee Meetings. Our next meeting date will be Monday, November 28th and I believe Committee starts at 6:30 p.m.

MEMBER FISHER: Mr. President.

MEMBER HAWK: Mr. President.

PRESIDENT SHERER: Member Fisher.

MEMBER FISHER: Environmental & Public Utilities will meet November 28th at 6:30 PM?

PRESIDENT SHERER: Yes. Thank you, Member Fisher. Member Hawk.

MEMBER HAWK: Mr. President, Finance Committee will meet Monday, November 28th at 6:30. Thank you.

PRESIDENT SHERER: Thank you, Member Hawk.

MEMBER HALL: Mr. President.

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PRESIDENT SHERER: Member Hall.

MEMBER HALL: Community & Economic Development will meet same time, same place.

PRESIDENT SHERER: Thank you, Member Hall.

MEMBER KIMBROUGH: Mr. President.

PRESIDENT SHERER: Member Kimbrough.

MEMBER KIMBROUGH: Public Safety & Thoroughfares will also meet that 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?

MEMBER KIMBROUGH: I do, Member...

PRESIDENT SHERER: Member... Member Kimbrough.

MEMBER KIMBROUGH: Oh. I was just gonna say that the Motown Christmas Pra... uh, Concert was awesome, and if you didn't get to go in Ward 2, it was really a great time we had. And... um, I'd all... encourage you all to enjoy that next year.

PRESIDENT SHERER: Thank you, Member Kimbrough. Leader.

MEMBER SMUCKLER: Mr. President, I'd like to take this opportunity. I think we have a lot to be thankful for in Canton, and I would like to take this opportunity from my family to all your families, to wish you all a very Happy Thanksgiving. Enjoy yourself this week, and 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: This meeting is adjourned. Happy Thanksgiving, everyone. Thank you for coming.
(Gavel falls)

ADJOURNMENT TIME: 7:17 PM

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ATTEST: November 22, 2022

APPROVED:

JILL M. WOOD
CLERK OF COUNCIL

WILLIAM SHERER
PRESIDENT