

MINUTES OF THE MEETING DECEMBER 4, 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: Thank you, Madam Clerk. Tonight's invocation will be given by Ward 9 Council Member, Frank Morris. 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 December 4, 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 9 Council Member, Frank Morris. The Pledge of Allegiance was led by President Sherer.

PRESIDENT SHERER: Thank you, Member Morris.

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 14 through 17.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend Rule 22A to add second readings to Ordinances 14 through 17 to this evening's agenda. 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 and Ordinances 14 through 17 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.

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PRESIDENT SHERER: We are now under Public Speaks and we have one speaker for this evening, and it is Mr. David Kerestes. (*Buzzer sounds*) Mr. Kerestes, could you please state your name and residential address, please.

DAVID KERESTES: David Kerestes... uh, 715 Second Street NE, Refuge of Hope. I'm here tonight... um, cause I'm quite baffled at how hard it's been for me to kinda bring forth what I would call illegal conduct by A-List Properties. Here in my hand is a receipt where they took money from the Huntington SCF Grant.

PRESIDENT SHERER: Mr. Kerestes, could you speak into the mic, please.

DAVID KERESTES: Uh... A-List Properties have taken money from Huntington SCF Grant. Okay, and... uh, so as I go quick cause I only have three minutes, I called Mr. Rick Hoffman to come out on January 9th and take an evaluation of the property that I considered was in breach of the lease through building/code violations. So they were in breach of the lease for that as well as stealing grant moneys that wasn't applicable. When you're under building/code violations, you can't collect any state or federal funds. And he comes out and he wrote up something about the exterior and scraping, but really I'm wondering how he missed this two phase wire system that was connected to a three phase wire and the ground not connected, nor was it in a junction box hanging out with wires. And I wonder what code book he read. This is not the only fire violation in that place, and he wrote up some crap about scraping some paint (*chuckles*). Uh... he also had railing system violations, but quite frankly, really he had a lot more than that when they took the money from a fund that they weren't eligible to take in the first place, and then Rick Hoffman covered that up or didn't know how to do his job. Uh... so that would bring me to the lease where they say they could have no building/code violations right here. But they do. So I'm wondering how the Building Department missed that when they come out. And that would bring me to the state notary that notarized it on November 1st, and her name's Tabatha Hunter, stating that the property was ready for rental. So you got a lot of people here doing a lot of wrong things. And so now I gotta call Mr. Andy Gianelli and... uh, hope that he can get U.S. Title Code 18, Title 5, Section 601, immunity for these people you were trying to cover things up for. Thank you. You've been warned.

PRESIDENT SHERER: Thank you, Mr. Kerestes. (*Buzzer sounds*)

INFORMAL RESOLUTIONS

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

1. MAJORITY LEADER SMUCKLER: AUTHORIZE TO PURCHASE G&G FITNESS EQUIPMENT FOR FIRE DEPARTMENT WELLNESS CENTER. – ADOPTED

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #1... or I'm sorry, Resolution #1.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Informal Resolution #1. Are there any other remarks? ...Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

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NO REMARKS

RESOLUTION #1 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it, the motion carries and Informal Resolution #1 is adopted. Resolution #2, please.

2. MAJORITY LEADER SMUCKLER: AUTHORIZE TO PURCHASE GNSS SURVEYING EQUIPMENT FOR ENGINEERING DEPARTMENT. - ADOPTED

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #2.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Informal Resolution #2. Are there any remarks? ...Hearing none, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #2 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it, the motion carries and Resolution #2 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 WITH THE AGENDA ITEMS FILE DATED DECEMBER 4, 2023.

3. STATEMENT OF CASH POSITION DATED 11/30/23. – AUDITOR MALLONN
4. AUTH PAY INCREASE FOR CLERK OF COUNCIL; EMERGENCY. – MAJORITY LEADER SMUCKLER
5. AUTH HOF TDD REVENUE BONDS AMENDMENT TO COOPERATIVE AGRMT AND AMENDMENT TO TDD INDENTURE ORDINANCE; EMERGENCY. – MAYOR BERNABEI
6. AUTH HOF VILLAGE WATERPARK AND HOTEL PACE FINANCING; EMERGENCY. – MAYOR BERNABEI
7. REQ TO PURCH WELLNESS EQUIPMENT FOR FIRE DEPT WELLNESS CENTER. – SAFETY DIRECTOR PERRY
8. REQ TO PURCH GNSS SURVEYING EQUIPMENT FOR ENGINEERING DEPT. – SERVICE DIRECTOR HIGHMAN
9. RPTS OF 10/31/23 BANK RECONCILIATIONS AND OUTSTANDING INVESTMENTS. – TREASURER PEREZ
10. RPT OF PARKING METER REVENUE FOR 10/31/23. – TREASURER PEREZ

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11. COMPARATIVE RPT OF CASH RECEIPTS AS OF 10/31/23. – 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 #12.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #12 THROUGH #13 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

O#12. (1ST RDG) AN ORDINANCE ADOPTING TEMPORARY APPROPRIATIONS FOR THE OPERATING AND CAPITAL EXPENDITURES OF THE CITY OF CANTON, OHIO, FOR FISCAL YEAR 2024; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

O#13. (1ST RDG) **ADOPTED AS ORDINANCE NO. 214/2023** AN ORDINANCE AUTHORIZING SETTING THE SALARY OF THE CURRENT CLERK OF COUNCIL AT \$68,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Personnel Committee

PRESIDENT SHERER: At this time, the Chair would declare an in-house recess for the Personnel Committee to meet in regards to Ordinance #13 on your agenda this evening. You are now in recess.

(COUNCIL RECESSED AT 7:16 PM FOR THE PERSONNEL COMMITTEE TO MEET IN REGARDS TO O#13; RECONVENED AT 7:18 PM)

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

MEMBER SMUCKLER: Mr. President, I move that we suspend Rule 22A to place Ordinance #13 back on this evening's agenda.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend Rule 22A to place Ordinance #13 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 WOOD: Twelve yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinance #13 is a legal part of your agenda. Leader.

MEMBER SMUCKLER: Mr. President, I move we suspend the statutory Rules of Ordinance #13.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend the Statutory Rules on Ordinance #13. Are there any remarks? ...Hearing none, roll call vote, please.

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NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

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

MEMBER SMUCKLER: Mr. President, it's my pleasure to move that we adopt Ordinance #13.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #13. Are there any remarks under this Ordinance? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

#13 ADOPTED AS ORDINANCE NO. 214/2023

PRESIDENT SHERER: The motion carries and Ordinance #13 has been adopted. And well deserved.

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 #14.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #14 THROUGH #17 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS: (O#15 ADOPTED)

O#14. (2nd 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)

O#15. (2nd RDG) **ADOPTED AS ORDINANCE NO. 215/2023** 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

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O#16. (2nd 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)

O#17. (2nd 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)
PUB HRG WAIVED

CLERK WOOD: Mr. President.

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we suspend Statutory Rules of Ordinance #15.

MEMBER BABCOCK: Second.

PRESIDENT SHERER It's been moved and seconded to suspend the Statutory Rules on Ordinance #15. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

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

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

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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #15.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #15. Are there any remarks under this Ordinance? ... Hearing none, roll call vote, please.

NO REMARKS

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

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

#15 ADOPTED AS ORDINANCE NO. 215/2023

PRESIDENT SHERER: The motion carries and Ordinance #15 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. Madam Clerk, would you please begin with Ordinance #18, please.

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NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #18 THROUGH #28 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 that you adopt Ordinance #18. Are there any remarks under this Ordinance?

MEMBER SMUCKLER: Mr. President.

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: We have a number of people here from the Administration to make a presentation about this Ordinance, but I want everyone to know that the ward councilman has told me he is opposed to this, and I know there is a long history of this body that... uh, goes along with what the ward councilman wants. Um... I do believe, though, in the interest of transparency that we have some type of presentation about this, and then you folks can all vote your conscience then.

PLANNING SECRETARY BAILEY: Mr. President, Members of Council... uh, in this zone change we are requesting... it has been requested that we change the zoning of this property on Faircrest Street SW from B-3, which is a General Business zoning, to a PB-4, which is a Planned Special Business District to allow use as an RV Park and Service Station located in Ward 5. The applicant in this case is Kris Schmid. Uh... as far as the wetland concerns go, he was aware that there is a stream running through the property. He's aware that there are some potential wetland issues with the property that would need mitigation. The Planning Department and the Planning Commission also understand that the applicant is hesitant to spend that amount of money needed for an extensive engineering reports and designs for a project that would essentially be a moot point if the city of Canton will not legislatively allow him to proceed through these zoning restrictions. The wetland maps that were discussed at the last Council meeting... excuse me, Committee meetings... or Council... uh, the wetland maps basically are found in U.S. Fish and Wildlife, as well as many other sources on line that you'll find are really just a suggestion. The wetlands are under the initial jurisdiction of the U.S. Army Corps of Engineers. The U.S. Army Corps of Engineers will review each proposed project within these wetland areas on a case by case basis. The first step in gaining permits or permission to develop it once identified as a wetland area is to hire an environmental consultant. This should prepare a wetland delineation which is also known as a wetland review. This document would then be submitted to the U.S. Car... Core... U.S. Army Corps of Engineers and they would determine one of three things, that the area is not actually a wetland, that the area is a wetland and is regulated by the U.S. Army Corp of Engineers and then they would provide their conditions or... excuse me, their requirements that they would have to obtain a permit or be able to develop in that area, or their gonna determine that the wetland is actually a wetland, but it's not under their jurisdiction, it would be under the jurisdiction of the Ohio EPA and then the Ohio EPA would provide their conditions or requirements for

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obtaining or developing in that area. Basically, development in a wetland area is absolutely possible. It may just be a little more expensive than was initially thought. Uh... the current zoning (*inaudible*) once again is B-3, so if a developer were to come along with a plan for the property and that plan were something that is permissible in a B-3 district, then that same process that I just described with the wetland delineation and all that stuff is the same process that person would follow. The only difference between then and now is Council wouldn't have a voice as to whether or not it happens or not because it's already voted... it's already been decided that it's a B-3 zoning. It's also worth noting that if this Council approves the planned district zone change, then the applicant would be required to implement their plan within one year. If they don't implement that plan, the Zoning Office will revoke the zoning and it will return back to the original, in this case, be B-3. Um... is there any questions for me?

MEMBER HALL: Yes. Under the current zoning, what could be built there, and again, like you just said, we would have no say over it, correct?

PLANNING SECRETARY BAILEY: Correct. The lang... the list is long of things that could go there. Um... just one second. (*Slight pause*) Under the General... uh, General Zoning that this is... I mean, you could do parking lots, government buildings, home occupations, multi-family dwellings... uh, business offices, medical and dental clinics, funerals... funeral parlors and mortuaries, eating and drinking establishments, retail service shops, barber shops or beauty salons, banks, greenhouses or nurseries, a dry cleaner, motels and hotels, bakery, an amusement arcade, wholesale merchandise, home repair contractor, a print shop or automotive and boat sales.

MEMBER MORRIS: Mr. Bailey.

PLANNING SECRETARY BAILEY: Yes.

MEMBER MORRIS: Could you please clarify something. You said that based on all the maps that we were pulling up, these are merely suggestions, however the one that I pulled up from Stark County clearly stated, "registered wetlands in Stark County." So what is the difference between a registered wetland and a suggested wetland?

PLANNING SECRETARY BAILEY: I think for that question you would probably be better served to ask Sarah Clutter from our Engineer's Office to field that question, if that's okay.

SARAH CLUTTER: Good evening. Um... the map that you're registering... you're talking about the U.S. Fish and Wildlife map? Is that what you're looking at? The wetland mapper. So they base their maps on biologies. They're simply saying it holds water. It has wildlife. It can pertain to wildlife. But, what you have to defer to ultimately is the regulatory authority of the Army Corp of Engineers, in that they're looking for three specific things. They're looking for the contours, is it a ball shape? They're looking for the type of soils. Does it have wet soils, mucky soils? And then they're looking at the vegetation. Take those three things, and if it meets those three things, they consider it a wetland. And so as far as a registered wetland, I don't know where that term came from. Um... I don't know if they're taking from the wetland mapper and then from a GIS layer saying okay, these are what we know as a wetland or potentially a wetland in our area. They're a recommendation, they're a suggestion, but you can't really truly go off of them. From a construction standpoint, you'd be looking at needing that delineation, needing a permit, seeing if the Army Corps is saying yes or no to what this really is.

MEMBER MORRIS: Thank you.

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SARAH CLUTTER: You're welcome.

(Inaudible voice)

MEMBER SMUCKLER: Sure. Just for the record, give them your background, please.

SARAH CLUTTER: Absolutely. Um... so my name is Sarah Clutter, and I am formerly the Storm Water Manager at Stark Sewer and Water. My... see my name... Sarah Matheny was my previous name. I got married in the Spring. Um... but I was four years Storm Water Manager there, so basically throughout the County, any construction that was an acre or more, I was reviewing and approving the storm water pollution prevention plans, making sure they were in environmental compliance, getting all the proper permits and then inspecting those sites on a monthly basis to keep in compliance, not so much with the county regulations, but the city as well.

MEMBER SMUCKLER: Thank you.

PRESIDENT SHERER: Is there... *(clears his throat)*... is there any other remarks or any other discussion? ...Thank you, Mr. Bailey. Hearing no other discussion...

MEMBER GIAVVIS: Mr. President.

PRESIDENT SHERER: Member Giavasis.

MEMBER GIAVVIS: Um... you know, based... based on the conversation, what I just heard and I think other Members of Council heard, I would recommend if the Leader would entertain a week out... uh, *(inaudible)* holding this over for another week so we can get some more information.

MEMBER SMUCKLER: Absolutely. Mr. President.

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: I move we postpone Ordinance #18 until... what's next week's date, 12/11? 12/11/2023.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to postpone Ordinance #18 to our... our next meeting which will be Monday *(inaudible)*... December 11th. Are there any remarks? ...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 #18 is postponed for one more week. Ordinance #19, please.

O#19. (3RD RDG) **ADOPTED AS ORDINANCE NO. 216/2023** AN ORDINANCE ESTABLISHING THE "KATO AUTOMOTIVE LLC NON-SCHOOL TIF," AUTHORIZING THE FINANCING AND MAINTENANCE OF PUBLIC INFRASTRUCTURE

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IMPROVEMENTS UNDER SECTION 5709.40, ET. SEQ., OF THE OHIO REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas... I'm sorry, twelve yeas, Mr. President.

#19 ADOPTED AS ORDINANCE NO. 216/2023

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

O#20. (3RD RDG) **ADOPTED AS ORDINANCE NO. 217/2023** 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)

PRESIDENT SHERER: 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.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

#20 ADOPTED AS ORDINANCE NO. 217/2023

PRESIDENT SHERER: The motion carries and Ordinance #20 is adopted. Ordinance #21, please.

O#21. (3RD RDG) **ADOPTED AS ORDINANCE NO. 218/2023** 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)

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PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

#21 ADOPTED AS ORDINANCE NO. 218/2023

PRESIDENT SHERER: The motion carries and Ordinance #21 is adopted. Ordinance #22, please.

O#22. (3RD RDG) **ADOPTED AS ORDINANCE NO. 219/2023** 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 2022 FOR MOWING AND LITTER CLEAN UP; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

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 under this Ordinance? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

#22 ADOPTED AS ORDINANCE NO. 219/2023

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

O#23. (3RD RDG) **ADOPTED AS ORDINANCE NO. 220/2023** 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

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

#23 ADOPTED AS ORDINANCE NO. 220/2023

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

O#24. (3RD RDG) **ADOPTED AS ORDINANCE NO. 221/2023** 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 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

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 WOOD: Twelve yeas, Mr. President.

#24 ADOPTED AS ORDINANCE NO. 221/2023

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

O#25. (3RD RDG) **ADOPTED AS ORDINANCE NO. 222/2023** 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

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OF DRINKING WATER FACILITIES; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN; AND DECLARING HE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

#25 ADOPTED AS ORDINANCE NO. 222/2023

PRESIDENT SHERER: The motion carries and Ordinance #25 is adopted. Ordinance #26, please.

O#26. (3RD RDG) **ADOPTED AS ORDINANCE NO. 223/2023** 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

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #27.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: Six. It's been moved...

MEMBER SMUCKLER: Oh, I got jumped ahead... I'm sorry, Ordinance #26.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: Thank you, Majority Leader. It's been moved and seconded to adopt Ordinance #26. Are there any remarks under this Ordinance? ...Hearing none, roll call vote, please.

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NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

#26 ADOPTED AS ORDINANCE NO. 223/2023

PRESIDENT SHERER: The motion carries and Ordinance #26 is adopted. Ordinance #27, please.

O#27. (3RD RDG) **ADOPTED AS ORDINANCE NO. 224/2023** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH BURGESS & NIPL 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)

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move now that we adopt Ordinance #27.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: Duly noted. It's been moved and seconded to adopt Ordinance #27. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

#27 ADOPTED AS ORDINANCE NO. 224/2023

PRESIDENT SHERER: The motion carries and Ordinance #27 is adopted. Ordinance #28, please.

O#28. (3RD RDG) **ADOPTED AS ORDINANCE NO. 225/2023** AN ORDINANCE AMENDING VARIOUS PORTIONS OF CHAPTER 182, MUNICIPAL INCOME TAX EFFECTIVE JANUARY 1, 2016; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #28.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #28. Are there any remarks under this Ordinance? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

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PRESIDENT SHERER: The motion carries and Ordinance #28 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SHERER: We are now under Announcement of Committee Meetings. Our next meeting date will be Monday, December 11th, next Monday, and Committee starts at 6:30 PM. And we will be back at newly renovated Council Chambers.

MEMBER HAWK: Mr. President.

PRESIDENT SHERER: Member Hawk.

MEMBER HAWK: Finance Committee will meet Monday, December 11th at 6:30 PM in the newly renovated Council Chambers.

PRESIDENT SHERER: Thank you, Mr. Chairman.

MISCELLANEOUS BUSINESS

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

MEMBER SCAGLIONE: Mr. President.

PRESIDENT SHERER: Member Scaglione.

MEMBER SCAGLIONE: I'd just like to take a second to say what a great job our Fire Department's doing. I know... uh, here last week there was a scene of a house fire in my ward. And I also seen on the news that in... in two fires this happened. Not only did our firefighters work to take care of the people there, but they also did what they can to take care of the pets too, saving some of them. I think this is just a great fire department that we have and when someone's in a situation like that, the last thing they want to do is lose their pet as well. So, I'd just like to take time to thank the Fire Department for what they do and for everything they do.

PRESIDENT SHERER: Thank you, Member Scaglione. Is there anything... any other Miscellaneous Business?

MEMBER KIMBROUGH: Yes.

PRESIDENT SHERER: Member Kimbrough.

MEMBER KIMBROUGH: Um... I just want to say that was wonderful... the Light Up Downtown Canton was a wonderful event, it was greatly visited and I just want to thank the Street Department, the Sanitation Department, the Police Department, everybody that was involved in putting it on, the Chamber. It was a very wonderful event. Kudos for (*inaudible*).

PRESIDENT SHERER: Is there any other Miscellaneous Business for this evening?

MEMBER SMUCKLER: Mr. President.

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PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: I move we adjourn, but next week, not here but down at City Council.

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

PRESIDENT SHERER: I want to thank everybody for coming tonight. This meeting is adjourned. (*Gavel falls*)

ADJOURNMENT TIME: 7:46 PM

ATTEST: December 5, 2023

APPROVED:

JILL M. WOOD
CLERK OF COUNCIL

WILLIAM SHERER
PRESIDENT