

**MINUTES OF THE MEETING JULY 12, 2021**

PRESIDENT SHERER: Mr. Morris, very nice to see you this evening. I would ask everybody if they could please... please grab some seats. Ms. Bell, thank you. Good evening, ladies and gentlemen, and welcome to Canton City Council. With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call please, Mr. Clerk.

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

ELEVEN COUNCIL MEMBERS PRESENT. (MEMBER FERGUSON ABSENT)

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

**EXCUSING MEMBERS**

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to excuse Member Ferguson from this evening's meeting. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Member Ferguson is excused from this evening's meeting. Tonight's invocation will be given by Ward 3 Council Member, Jason Scaglione. If you would all please stand and remain standing for the Pledge of Allegiance.

*The regular meeting of Canton City Council was held on July 12, 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 3 Council Member, Jason Scaglione. The Pledge of Allegiance was led by President Sherer.*

PRESIDENT SHERER: Thank you, Member Scaglione.

MEMBER SCAGLIONE: You're welcome.

**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> Readings of Ordinances 14 through 19 to this evening's agenda.

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MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend Rule 22A to add 2<sup>nd</sup> Readings to Ordinances 14 through 19 to this evening's Agenda. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinances 14 through 19 are a legal part of your agenda.

**PUBLIC HEARINGS**

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

CLERK DOUGHERTY: AN ORDINANCE AUTHORIZING CANTON TO ANNEX TERRITORY KNOWN AS HOF VILLAGE #7 ANNEXATION AREA CONTAINING APPROX 0.138 ACRES, ASSIGNING SAID TERRITORY TO WARD 7, ZONING SAID TERRITORY AS HALL OF FAME VILLAGE DISTRICT (HOFV).

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

**OLD BUSINESS**

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

**PRESENTATION**

PRESIDENT SHERER: Normally we do... would do Public Speaks next, but I would like to do the presentation next because we have some family members that are in the audience this morning. So at this time I would like to ask State Representative Thomas West if you could please step... come forward and if we can get our City Engineer, Dan Moeglin, to please come forward also.

STATE REPRESENTATIVE WEST: Good evening, President and Council. It's good to be home. Feels really good to be with you guys and to see each and every one of you this evening. Uh, let me also have Dick Drake come up with us if he would. Our office was contacted by Mr. Drake to talk about the extraordinary work that's been going on here in the City of Canton around trees. And we felt that it was fitting and suitable to honor Dan Moeglin for the work that he has done with the Tree Commission. Years ago when I was on City Council, I can recall sitting right over there, right there where Chrissy's at, I think I was in that chair, and I remember Pat Kirk standing right here fighting for those trees. And we were saying... thinking back and saying, wow, this woman's here every week talking about these trees. But then she got some momentum going, and it was this Council that supported her on that vision to let's start looking after our trees, let's start looking at our environment. And with that, I have to say Dan Moeglin, who has been very instrumental in making certain

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that not only we bring forth an arborist, but he supported having that in the City of Canton. And he has moved that along, so far along that today we are here to honor him. So I want to read this Proclamation. "On behalf of the 49<sup>th</sup> House District, I am very pleased to commend Dan Moeglin on your distinguished career serving as Canton City Engineer. Your life long passion for trees has not just enriched your own life and the lives of your family and friends, it has enriched the lives of thousand Canton residents since you began your service to our City. You have had a hand in so many decisions and accomplishments that have beautified our City, the hiring of a full time certified arborist in 2013, the revision of Canton's Tree Ordinance to include tree planting and maintenance specifications and the creation of the Tree Commission, the receipt of \$200,000.00 grant from the Unites States Department of Agriculture Forest Service, the City's annual designation as Tree City USA by the Arbor Day Foundation since 2015, the receipt of a growth award from the Foundation and so much more. I think I speak for our community when I say that we owe you a thanks for your tireless efforts to make our City greener. You should take great pride in the fact that your work has made Canton a better place to live, work and play for all of your neighbors. We look forward to your public service continuing well into the future." Uh, we like to present this, but also present this plaque that Dick Drake has brought forward, if you'd like to present that. Now, somebody get a picture of this. This looks good. (*Laughter*)

PRESIDENT SHERER: Tom, you guys want to come up here and get a picture or...

STATE REPRESENTATIVE WEST: Yeah, let's do that.

CLERK DOUGHERTY: Watch your step. (*Brief pause*)

PRESIDENT SHERER: Congratulations. (*Applause*)

(*Inaudible voice*)

PRESIDENT SHERER: Yeah, sure. You're not gonna get off that easy.

ENGINEER MOEGLIN: (*Laughter*) Well, thank you. Uh, I guess to start with I... I'll try and abide by the three minutes even though it's not... not clicking, so... Uh... (*laughter*). Well to start with, I guess this is a real surprise for me. Uh, today I was told that I need to be at Council tonight at seven. Usually that comes from this guy over here, one of his assistants. This time it came from one of my co-workers so I didn't quite know what to expect, so this is truly a surprise. I'm very grateful for it and really appreciate it. And I consider it a privilege not just to work on trees to improve our environment in the City, but everything that you guys collectively give us the opportunity to do and the support to do. So thank you for that. Uh, there was one person, and I guess as I was thinking as... as the Representative was speaking, I thought, you know, there's some words of wisdom that were given to me once upon a time by a woman named Linda Patterson, and she said when she retired, she said, Dan, you remember it's not projects that make you successful, it's people that make you successful, and surround yourself with good people. So I want to just say a quick thanks to some of those great people that have helped me along the way and the City in turn, of course my family, my wonderful wife Dawn, my three kids. My son there is actually a utility forester now cause he's... he's appreciated that. And... uh, and then of course, Dick Drake, who's really been along and really had the fight going before I even got here at the City, along with Pat Kirk that the Representative mentioned. But there's quite a few other folks too, Lola Lewis from ODNR, we couldn't have done any of this without her and her support at ODNR, and one

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other fellow that I want to mention, Allen Schulman. You know, what a huge supporter of the environment in... in his whole career, and that's one of the... the great things that Allen and I could always agree on is we need to work together collectively. It's... it's not a political thing making our planet better and leaving it better than we found it and being stewards of our environment. And that was a lesson he taught me and we hope to keep that going so thank you to Allen. Of course, Joe Martuccio, who helped us put the legislation together to do this, and then Kris here who's been able to keep that legal support going. And then of course all of you and... and all of the Administrations that came that I've had the pleasure to... to work with, so there's a lot of people that make things happen, and it's not one person, it's not one idea, but it's all of use working together and I really, really appreciate this recognition, but it really goes to everybody in my mind that's worked to make Canton, not just a prettier place, not just greener, but more environmentally friendly, cooler, taking up some of that storm water. Although we need to plant more trees to help out with some of the storm water, don't we? So again, thank you. I... I still have three minutes left, so... (*laughter*). I appreciate it. Have a great evening everybody and I look forward to many more years of... of hopefully doing great things with your support. (*Applause*)

PRESIDENT SHERER: Congratulations.

MAYOR BERNABEI: Mr. President.

PRESIDENT SHERER: Mayor Bernabei.

MAYOR BERNABEI: And... and Dan, on behalf of the Administration, myself, John Highman, everyone that works with you, all the great guys out in the Engineering Department and the Parks Department, our Tree Commission people, we congratulate you for this particular honor tonight. And of course we thank you each and every day for the great stuff you do for us as City Engineer. Thank you.

ENGINEER MOEGLIN: Thank you. (*Applause*)

**PUBLIC SPEAKS**

PRESIDENT SHERER: We are now under Public Speaks and we have two speakers for this evening. Our first speaker is Miss Kimberly Bell. Miss Bell, could you please step forward and give us your name and residential address, please.

KIMBERLY BELL: Yes, Kimberly Bell. Um, Morris Avenue, 1733 Morris Avenue. I'm not gonna talk about Christine Schulman today. I had planned on, so I'm gonna... I was taken down the hallway and asked not to talk about her, and how the police was there within two minutes for her rescue when she lied on me, so we're not going into that, I'm gonna put it on hold for now.

PRESIDENT SHERER: Miss Bell.

KIMBERLY BELL: For now though.

PRESIDENT SHERER: Miss Bell.

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KIMBERLY BELL: Yes.

PRESIDENT SHERER: Here's warning number one.

KIMBERLY BELL: Okay. The lady that was up here talking about planning for the Shorb area, that's... she... they're doing that because it's near the Hall of Fame. Why don't they start the planning down in southeast and northeast of Canton? That's because it's a black area. That's where black people live, in the northeast and the southeast. They won't have that kind of planning for the black people, but being that the Shorb is getting closer to the Hall of Fame area, oh, they're gonna make it look so pretty. Mayor, I got a suggestion... (*microphone turns off*). You know, there's a lot of people... did I turn this off or (*inaudible*) muted me?

CLERK DOUGHERTY: Nobody muted you, Kim.

KIMBERLY BELL: Somebody muted me? (*microphone back on*) Oh, okay. The... you know there's a lot of people hiring and people don't want to go back to work. Uh, you know, I was thinking about this. I was watching something that made me think about this. And everybody... there... there's a lot of companies going under cause nobody wants to go back to work because all the monies that the government gave them and Mayor, you... you should offer someone... offer these people to go back to work. Offer them something to make them to back to work. Social Sec... I mean their unemployment's gonna run out soon. And they still probably got a lot of money, but offer them something to go back to work. You're the Mayor, give them... I offer you... if those people go back to work, I will offer them... uh, some of their tax money back that... that... that they've taken out of their pay or taken when they've paid city taxes. Offer some tax money back to them. Uh, I... you know, you... the... the incident outside just threw me off, so I don't have nothing else to say.

PRESIDENT SHERER: Thank you, Miss Bell.

KIMBERLY BELL: You're not welcome.

PRESIDENT SHERER: Our next speaker will be Pete Carpico? Did I get that right?

PETE CARPICO: Yes, sir, you did.

PRESIDENT SHERER: Alright, thank... Mr. Carpico, could you please state your name and residential address, please.

PETE CARPICO: Uh, my name is Pete Carpico. I live at 391 Whitetail Trail NE in Canton, on the east side. And one of the things I get to look at every day is Republic Steel, which was there when I moved in. Um, but ever since I've moved in, they've done a really good job of trying to get rid of everyone who lives over there by poisoning them. I just got an advisory in my e-mail, this is the second one I've received. Uh, two... three years ago, I received a different advisory saying that the Ohio EPA had caught Republic Steel admitting lead into the air in a high quantity and they said they deal with it. And we had a meeting, and unfortunately not very many people showed up, which I thought was a shame. So when I got this in my e-mail this time, I thought it's time to get more people to show up. I made copies of it, I walked door to door all through Georgeview Estates where I live and asked every neighbor to come to this meeting. And I'm here tonight to ask each and every one of you

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to be at this meeting also. It is next Tuesday evening, the 20<sup>th</sup>. It is at Garaux Hall at Canton Parks and Rec over on 13<sup>th</sup> Street SW. It starts at 6:00 P.M. The Ohio EPA will be there and the Canton City Public Health will be there, and as our elected officials, I think all of you should be there also, because it affects everyone. Lead is poisonous, and we're breathing it in because they're being irresponsible. And they've proven again and again that they are irresponsible. They are an irresponsible company and they do not follow directions. Re... repeatedly, I've had to call the Health Department and I've had to call their Community Support line at the mill to tell them that they have fugitive emissions again, and one of those occasions was this time when they were admitting lead, and their response to me was we didn't have fugitive emissions. And lo and behold, they exceeded the lead for a three month period. For a three month period they exceeded the lead within a couple days. That's ridiculous. So what I'm asking each of you and... oh, he left... Representative West was there the last time but I'd love to see him again there too, but I would love to see every one of you there at this meeting to show the Ohio EPA and Republic Steel that it not only means something to me and my neighbors who are breathing it in, but it means something to the people who represent me and my neighbors who are breathing it in, because it's a poison and we're breathing in lead when we shouldn't be, when we have an irresponsible company who will not follow directions. Thank you for your time.

PRESIDENT SHERER: Thank you, Mr. Carpico.

*(Inaudible Voice)*

PETE CARPICO: It is July 20<sup>th</sup>, which is next Tuesday night at 6:00 P.M. at Garaux Hall on 13<sup>th</sup> Street SW.

PRESIDENT SHERER: Thank you. Thank...

*(Inaudible Voices)*

PETE CARPICO: Garaux Hall, yes. It... it's, um...

*(Unidentified Voices pronouncing the name of the Hall )*

PETE CARPICO: Garaux (*pronounced Gare-oh*) Hall? Okay. Garaux (*pronounced Gare-ex*)?

UNIDENTIFIED VOICE: 13<sup>th</sup> and Raff.

PETE CARPICO: Everybody says it different. Mr. Garaux (*pronounced Gare-oh*) used to say Garaux (*pronounced Gare-oh*), so it's... I use... I use it the way that Mr. Garaux said his name.

PRESIDENT SHERER: Oh, alright, thank you.

PETE CARPICO: Thank you.

PRESIDENT SHERER: Thank you.

**MINUTES OF THE MEETING JULY 12, 2021****INFORMAL RESOLUTIONS**

PRESIDENT SHERER: We are now under Informal Resolutions and we have three for this evening. Mr. Clerk, would you please read Informal Resolution #19, by title.

19. MAJORITY LEADER SMUCKLER: AUTHORIZE SERVICE DIRECTOR TO OPEN PURCHASE ORDER IN AMOUNT OF \$49,901.50 TO WENGER EXCAVATING, INC. FOR REPAIR OF WATER MAIN ON 38<sup>TH</sup> STREET NW. – ADOPTED

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Informal Resolution #19. Are there any remarks? Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #19 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it, the motion carries and Informal Resolution #19 is adopted. Informal Resolution #20, please.

20. MAJORITY LEADER SMUCKLER: AUTHORIZE SAFETY DIRECTOR TO OPEN ONE OR MORE PURCHASE ORDERS IN AMOUNT NOT TO EXCEED \$32,000.00 TO ZEIGLER DIESEL PERFORMANCE, LLC FOR REPAIR WORK FOR ONE (1) AMBULANCE (FIRE DEPT). – ADOPTED

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Informal Resolution #20. Are there any remarks?

MEMBER MORRIS: No.

PRESIDENT SHERER: Member Morris.

MEMBER MORRIS: Somebody tell us what the repair was for \$32,000.00. It sounds like a whole motor.

DEPUTY MAYOR WILLIAMS: Uh, Mr. President, can Mr. Morris repeat the question. We could not hear him.

CLERK DOUGHERTY: Use your mic. Use your mic.

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PRESIDENT SHERER: Uh, you might have to... there you go.

CLERK DOUGHERTY: Press the button.

PRESIDENT SHERER: You gotta hold the button in.

MEMBER MORRIS: Can somebody tell us... clarify what the expense of \$32,000.00 is at a diesel repair. It sounds like a motor.

DEPUTY MAYOR WILLIAMS: Mr. President. Uh yes, Mr. Morris, my understanding is there is problems with the engine on one of the ambulance in the Fire Department.

MEMBER MORRIS: Thank you.

DEPUTY MAYOR WILLIAMS: Thank you.

PRESIDENT SHERER: Are there any additional remarks? ...Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #20 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it, the motion carries and Informal Resolution #20 is adopted. Informal Resolution #21, please.

21. MAJORITY LEADER SMUCKLER: AUTHORIZE SAFETY DIRECTOR TO OPEN ONE OR MORE PURCHASE ORDERS IN TOTAL AMOUNT NOT TO EXCEED \$43,166.30 TO AMERICAN ROADWAY LOGISTICS FOR ANNUAL MAINTENANCE (STRIPING) ALONG US 30. – ADOPTED

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and second... seconded to adopt Informal Resolution #21. Are there any remarks? Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #21 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it, the motion carries and Informal Resolution #21 is adopted.

**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.***

206. AGENT FOR PETITIONER WILLIAMS: COPY OF ANNEX PETITION DOCS FILED WITH STARK CO. COMMISSIONERS ON 6/21/21 @ 2:15 PM FOR SKYLAND PINES 2021 ANNEX (APPROX 5.561 ACRES IN PLAIN TWP). – RECEIVED & FILED
207. AUDITOR MALLONN: REQ FOR ADDT'L AMENDED CERTIFICATE DATED 6/30/21. – RECEIVED & FILED
208. AUDITOR MALLONN: STATEMENT OF CASH POSITION DATED 6/30/21. – RECEIVED & FILED
209. FINANCE DIR. CROUSE: AMEND APPROP O#49/2021 (\$50,000.00 SUPP APPROP FR UNAPPROP BAL OF 2415 GUARDRAIL/ATTENUATOR FUND TO 2415 202210 MAINTENANCE – OTHER); EMERGENCY (FIX & REPLACE DAMAGED GUARDRAILS, STREET LIGHTS, ETC). – FINANCE COMMITTEE
210. FINANCE DIR. CROUSE: ADOPT ALTERNATIVE TAX BUDGET FOR CITY OF CANTON FOR FISCAL YR ENDING 12/31/22; REQ LAW DEPT PREPARE LEG TO BE ADOPTED AS EMERGENCY IN TIME FOR SUBMISSION TO STARK CO AUDITOR NO LATER THAN 8/20/21. – FINANCE COMMITTEE
211. FINANCE DIR. CROUSE: AMEND APPROP O#49/2021 (\$10,000.00 SUPP APPROP FR UNAPPROP BAL OF 7506 BLDG DEPT STATE ASSESS FUND TO 7506 101501 CODE ENFORCEMENT ADMIN – OTHER); EMERGENCY. – FINANCE COMMITTEE
212. LAW DEPARTMENT: LTR TO LIQUOR CONTROL COMM (OHIO) REQ CONTINUANCE OF HRG FOR R BAR & GRILL LLC DBA R BAR AND GRILL (PERMIT #71479900006, REJECTED TRF LOCATION). – RECEIVED & FILED
213. LAW DIR. AYLWARD: AUTH LAW DIR TO ENTER INTO AGMT TO SETTLE LAWSUIT; AUTH MAYOR OR SERV DIR TO ENTER INTO AGMTS NECESSARY TO COMPLY WITH TERMS OF SETTLEMENT AGMT; AUTH CITY TO RECEIVE ALL FUNDS RESULTING FR SETTLEMENT AGMT TO BE DEPOSITED IN WATER DEPT FUND; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS AND MAKE ALL PAYMENTS NECESSARY TO COMPLY WITH TERMS OF SETTLEMENT AGMT; EMERGENCY (ROVER PIPELINE LLC, ET AL, MEDIATION SCHEDULED FOR JULY). – FINANCE COMMITTEE
214. LIQUOR CONTROL COMM (OHIO): NOTICE OF HEARING FOR R BAR & GRILL LLC (PERMIT #71479900006, WARD 2) ON 7/16/21 @ 11:00 AM TO BE CONDUCTED VIRTUALLY. – RECEIVED & FILED

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215. LIQUOR CONTROL DIV (OHIO): REQ TRF OF D5 PERMIT (#1171171) FR P&P JD LLC DBA NAPOLIS ITALIAN EATERY 1<sup>ST</sup> FL & BSMT & PATIO TO CT & B LLC DBA NAPOLIS ITALIAN EATERY 1<sup>ST</sup> FL & BSMT & PATIO @ 221 MARKET AVENUE N, WARD 2. – RECEIVED & FILED
216. LIQUOR CONTROL DIV (OHIO): REQ NEW D4 PERMIT (#1328880) FOR BROTHERS OF THE HAMMER DBA BROTHERS OF THE HAMMER CANTON CHAPTER @ 1110 12<sup>TH</sup> ST NE, WARD 2. – RECEIVED & FILED
217. LIQUOR CONTROL DIV (OHIO): REQ NEW D1 PERMIT (2850036) FOR 4<sup>TH</sup> STREET PIZZA LLC DBA JABLES @ 309 CLEVELAND AVE NW, WARD 2. – RECEIVED & FILED
218. MAYOR BERNABEI: REQ APPROVAL FOR CONTINUED OPERATION OF DORA FOR ADDT’L FIVE YEARS, RETRO TO APRIL 25, 2021. – DOWNTOWN DEVELOPMENT COMMITTEE
219. MAYOR BERNABEI: LTR ADVISING OF RE-APPT OF TIM MILLER TO MAYOR’S COMMUNITY RELATIONS COMMISSION; TERM COMMENCING RETRO FR 1/1/21 THRU 6/30/23. – RECEIVED & FILED
220. MAYOR BERNABEI: LTR ADVISING OF RE-APPT OF ALEXANDER HAAS TO PLANNING COMMISSION; TERM COMMENCING RETRO FR 7/1/21 THRU 12/31/23. – RECEIVED & FILED
221. SAFETY DIR. PERRY: REQ INFORMAL RESOLUTION AUTH SAF DIR TO ENTER ONE OR MORE PURCH ORDERS IN AMT NOT TO EXCEED \$32,000.00 TO ZEIGLER DIESEL PERFORMANCE, LLC FOR REPAIR WORK FOR ONE (1) AMBULANCE (FIRE DEPT). – RECEIVED & FILED
222. SAFETY DIR. PERRY: REQ INFORMAL RESOLUTION AUTH SAF DIR TO OPEN PURCH ORDER IN AMT OF \$43,166.30 TO AMERICAN ROADWAY LOGISTICS TO PERFORM STRIPING ON US30; COSTS TO BE PAID FR PREVIOUSLY APPROP ENGINEERING BUDGET; ENGINEERS WILL MANAGE AND INSPECT PROJ. – RECEIVED & FILED
223. SERVICE DIR. HIGHMAN: AMEND O#49/2021, AS AMENDED (\$25,000.00 SUPP APPROP FR UNAPPROP BAL OF 5601 REFUSE OPERATION FUND TO 5601 205001 – REFUSE ADMINISTRATION – OTHER); AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. – FINANCE COMMITTEE
224. SERVICE DIR. HIGHMAN: AUTH MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT CHANGE ORDER #1 WITH ARCADIS TO PERFORM TRANSIENT MODELING & EVALUATIONS FOR ADDT’L FEE OF \$54,302.00; \$54,302.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207066 WATER DISTRIBUTION SYSTEM HYDRAULIC MODEL PROJ – OTHER; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. – FINANCE COMMITTEE

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225. SERVICE DIR. HIGHMAN: AUTH MAYOR AND/OR SERV DIR TO EXTEND WATER MAIN TO ADVENT LUTHERAN CHURCH LOCATED IN LAKE TWP; AUTH MAYOR AND/OR SERV DIR TO ENTER INTO ALL AGMTS INCLUDING EASEMENT AGMTS NECESSARY FOR WATER MAIN EXTENSION; AUTH THE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. – ENVIRONMENTAL & PUBLIC UTILITIES AND FINANCE COMMITTEE
226. SERVICE DIR. HIGHMAN: REQ INFORMAL RESOLUTION AUTH SERV DIR TO OPEN PURCH ORDER IN AMT OF \$49,901.50 TO WENGER EXCAVATING, INC. (REPAIR OF WATER MAIN ON 38<sup>TH</sup> ST NW). – RECEIVED & FILED
227. SERVICE DIR. HIGHMAN: AUTH AUDITOR TO ESTABLISH AND CREATE 4594 3<sup>RD</sup> ST SE RESURFACING PROJ FUND TO TRACK PROJ REVENUES AND EXPENDITURES RELATED TO OPWC; AMEND O#49/2021, AS AMENDED (\$73,525.00 SUPP APPROP FR UNAPPROP BAL OF 4594 3<sup>RD</sup> ST RESURFACING PROJECT FUND TO 4594 202001 3<sup>RD</sup> ST. SE RESURFACING PROJECT FUND – OTHER); AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY (2021 PAVING PROGRAM, PHASE 2 (3<sup>RD</sup> ST. SE RESURFACING PROJECT)). – PUBLIC PROPERTY CAPITAL IMPROVEMENT AND FINANCE COMMITTEES
228. SERVICE DIR. HIGHMAN: AUTH MAYOR AND/OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONSTRUCTION CONTRACT FOR ALLEN AVE SE AREA SANITARY SEWER AND WATERLINE PROJ; AUTH MAYOR AND/OR SERV DIR TO EXECUTE PROF SERVS CONTRACT FOR CONSTRUCTION ENGINEERING SERVS FOR PROJ; AUTH MAYOR AND/OR SERV DIR TO ENTER INTO WORK LICENSE/EASEMENT AGMT WITH WHEELING & LAKE ERIE RAILWAY COMPANY TO FACILITATE PROJ; AUTH MAYOR AND/OR SERV DIR TO ENTER INTO AGMT WITH OHIO ENVIRONMENTAL PROTECTION AGENCY TO RECEIVE FR WPCLF, A LOW-INT LOAN TO BE AMORTIZED OVER 20-YR PERIOD FOR SANITARY SEWER PORTION OF PROJ; AUTH AUDITOR TO ESTABLISH AND CREATE FUND 5445 ALLEN AVE SANITARY SEWER PROJ, G.P. 1332 TO RECEIVE ALL LOAN AND REVENUE PROCEEDS AND TRACK PROJ EXPENDITURES; AMEND O#49/2021, AS AMENDED (\$3,640,000.00 SUPP APPROP FR UNAPPROP BAL OF 5445 ALLEN AVE. SANITARY SEWER PROJECT, G.P. 1332 TO 5445 206322 – ALLEN AVE SANITARY SEWER PROJECT, G.P. 1332 – OTHER; \$80,000.00 SUPP APPROP FR UNAPPROP BAL OF 5413 SEWER REPLACEMENT FUND TO 5413 206322 – ALLEN AVE SANITARY SEWER PROJECT, G.P. 1332 – OTHER; \$550,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 206322 – ALLEN AVENUE SE AREA SANITARY SEWER/WATERLINE FUND – OTHER); AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; AUTH AUDITOR TO PAY ALL MORAL OBS FOR CONTRACT CHANGE ORDERS OTHERWISE APPROVED BY BOARD OF CONTROL PURSUANT TO CANTON COD ORD 105.14 WITHIN ESTABLISHED DOLLAR AMT THRESHOLDS FOR PROJ; EMERGENCY. – FINANCE AND ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEES

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229. STARK CO. COMMISSIONERS: REQ ANNEXATION OF 0.091 ACRES IN PLAIN TWP TO CITY OF CANTON (REGENT AVE. NE – CITY SERVICE CENTER ANNEXATION). – PLANNING COMMISSION
230. STARK CO. COMMISSIONERS: LTR ADVISING MUNICIPAL ROAD FUNDS – 2022 APPLICATIONS AVAILABLE; ANTICIPATED TOTAL RECEIPTS FOR DISTRIBUTION IN 2022 APPROX \$925,000.00; APPLICATION DEADLINE FOR 2022 FUNDING - 10/1/21. – RECEIVED & FILED
231. TREASURER PEREZ: COMPARATIVE RPT OF CASH RECEIPTS FOR 1/1/21 - 5/31/21. – RECEIVED & FILED
232. TREASURER PEREZ: RPT OF BANK RECONCILIATIONS AND CITY’S OUTSTANDING INVESTMENTS AS OF 5/31/21. – RECEIVED & FILED
233. TREASURER PEREZ: MTHLY RPT PARKING METER REVENUE FOR MAY, 2021. – RECEIVED & FILED
234. TREASURER PEREZ: DESIGNATING ELIGIBLE DEPOSITORIES AND ACTIVE AND INTERIM FUNDS PURSUANT TO THE PROVISIONS OF RC 135 AND CHAPTER 155 OF THE CODIFIED ORDINANCES; EMERGENCY. – FINANCE COMMITTEE

**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 #13 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- O#1. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING ORDINANCE NO. 100/2011, AS AMENDED, TO ESTABLISH THE ATTACHED EXHIBIT AS THE CLASSIFICATION PLAN FOR THE AUDITORS OFFICE MANAGEMENT AND NON-BARGAINING PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (MERIT PAY INCREASES OF 3% TO FOUR MGMT EMPLOYEES)  
Referred to Finance and Personnel Committees
- O#2. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING ORDINANCE NO. 100/2011, AS AMENDED, TO ESTABLISH THE ATTACHED EXHIBIT AS THE CLASSIFICATION PLAN FOR THE AUDITORS OFFICE MANAGEMENT AND NON-BARGAINING PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND PERMIT THE AUDITOR TO GIVE A WAGE INCREASE OF 4.075% IN ADDITION TO THE 3% PERMITTED BY ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (FOR ONE

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GRADE AND ADDT'L PAY ADJUSTMENT FOR 3 AUDITOR OFFICE MGMT EMPLOYEES)

Referred to Finance and Personnel Committees

- O#3. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF REHABILITATION & CORRECTION FOR THE RECEIPT OF THE FY 2021-2023 JUSTICE REINVESTMENT & INCENTIVE PRETRIAL GRANT IN THE AMOUNT OF \$380,401.00; AND DECLARING THE SAME TO BE AN EMERGENCY (PERIOD COMMENCING 7/1/21 THRU 6/30/23)  
Referred to Finance Committee
- O#4. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A FUNDING AGREEMENT WITH ECONOMIC AND COMMUNITY DEVELOPMENT INSTITUTE, INC. IN AN AMOUNT NOT TO EXCEED \$1,150,000.00 AND DECLARING THE SAME TO BE AN EMERGENCY (ARPA)  
Referred to Finance and Community & Economic Development Committees
- O#5. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Judiciary Committee
- O#6 (1<sup>ST</sup> RDG) A RESOLUTION AUTHORIZING THE LAW DIRECTOR TO DISTRIBUTE FREE OF CHARGE TO PUBLIC OFFICIALS AND PUBLIC INSTITUTIONS COPIES OF THE 2021 SUPPLEMENT TO THE CANTON CODIFIED ORDINANCES; TO AFFIX PRICE FOR THE SALE OF SAME; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Judiciary Committee
- O#7. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 130/2021** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 49/2021; AND DECLARING THE SAME TO BE AN EMERGENCY (\$8,000.00 SUPP APPROP FR UNAPPROP BAL OF 2322 DENTAL SEALANT TO 2322 301001 DENTAL SEALANT – 700 OTHER DIRECT COSTS)  
Referred to Finance Committee
- O#8. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 131/2021** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 49/2021; AND DECLARING THE SAME TO BE AN EMERGENCY (\$822,200.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 202058 36<sup>TH</sup> STREET NW STORM, ROADWAY, WATER AND SEWER PROJECT FUND – OTHER)

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Referred to Finance Committee

O#9. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 132/2021** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A MULTIYEAR AGREEMENT WITH STARK COUNTY FOR THE LEASE OF STARK COUNTY PROPERTY; ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR THE LEASE OF A CITY OWNED BUILDING AT 215 W. TUSCARAWAS ST. AND A SUBLEASE FOR THE ADJACENT COUNTY OWNED REAL PROPERTY FOR THE PURPOSES OF OPERATING A RESTAURANT/SNACK BAR, MANAGING THE ICE INK, AND OTHER RELATED PURPOSES; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee

O#10. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 133/2021** AN ORDINANCE AUTHORIZING THE RESURFACING OF US-30 FROM JUST EAST OF WARNER ROAD TO SR-172/LINCOLN STREET E. AND SR-43 (WAYNESBURG DRIVE SE) AT THE US-30 INTERCHANGE, INCLUDING MINOR BRIDGE WORK TO EIGHT (8) STRUCTURES WITHIN CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (RT 30 PAVING AND BRIDGE WORK – PID 110615)  
Referred to Public Safety & Thoroughfares and Finance Committees

O#11. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 134/2021** AN ORDINANCE AUTHORIZING THE RESURFACING OF STA US 62 FROM MORRIS AVE NE TO THE EAST CORP. LIMIT WITHIN CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (RT 62 PAVING – PID 112748)  
Referred to Public Safety & Thoroughfares and Finance Committee

O#12. (1<sup>ST</sup> RDG) **ADOPTED AS RESOLUTION NO. 135/2021** A RESOLUTION APPROVING THE CONTINUED OPERATION OF THE DESIGNATED OUTDOOR REFRESHMENT AREA (DORA) (FOR ADDT'L FIVE YEARS, RETROACTIVE TO APRIL 25, 2021)  
Referred to Downtown Development Committee

O#13. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 136/2021** AN ORDINANCE AUTHORIZING THE SETTLEMENT OF THE PENDING CLAIM/LAWSUIT WITH ROVER PIPELINE LLC; AND DECLARING THE SAME TO BE AN EMERGENCY (MEDIATION SCHEDULED FOR JULY)  
Referred to Finance Committee

CLERK DOUGHERTY: Mr. President.

PRESIDENT SHERER: At this time, the Chair would declare an in-house recess for Finance, Public Safety & Thoroughfares and Downtown Development Committees to meet in regards to Ordinances 7 through 11, Resolution #12 and Ordinance #13 on your agenda this evening. You are now... you are now in recess.

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***(COUNCIL RECESSED AT 7:32 PM FOR THE FINANCE, PUBLIC SAFETY & THOROUGHFARES AND DOWNTOWN DEVELOPMENT COMMITTEES TO DISCUSS O#7 THRU O#11, RE#12 AND O#13; RECONVENED AT 7:42 PM)***

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

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 22A to Place Ordinances 7 through 11, Resolution #12 and 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 Ordinances 7 through 11, Resolution #12 and Ordinance #13 back on this evening's agenda. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinances 7 through 11, Resolution #12 and Ordinance #13 are a legal part of your agenda. Leader.

MEMBER SMUCKLER: Mr. President, I move we ad... um...

PRESIDENT SHERER: Suspend.

MEMBER SMUCKLER: Suspend the Statutory Rules of Ordinances 7 through 11 Resolution 12 and Ordinance 13.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend the Statutory Rules on Ordinances 7 through 11, Resolution #12 and Ordinance #13. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #7.

MEMBER BABCOCK: Second.

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PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #7. Are there any remarks under this Ordinance? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

**#7 ADOPTED AS ORDINANCE NO. 130/2021**

PRESIDENT SHERER: The motion carries and Ordinance #7 is adopted. Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #8.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #8. Are there any remarks under this Ordinance? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

**#8 ADOPTED AS ORDINANCE NO. 131/2021**

PRESIDENT SHERER: The motion carries and Ordinance #8 has been adopted. Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #9.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #9. Are there any remarks under this Ordinance? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

**#9 ADOPTED AS ORDINANCE NO. 132/2021**

PRESIDENT SHERER: The motion carries and Ordinance #9 has been adopted. Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #10.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #10. Are there any remarks under this Ordinance? ...Hearing none, roll call vote, please.



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NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

**#10 ADOPTED AS ORDINANCE NO. 133/2021**

PRESIDENT SHERER: The motion carries and Ordinance #10 has been adopted. 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 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

**#11 ADOPTED AS ORDINANCE NO. 134/2021**

PRESIDENT SHERER: The motion carries and Ordinance #11 has been adopted. Leader.

MEMBER SMUCKER: 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 under this Resolution? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

**#12 ADOPTED AS RESOLUTION NO. 135/2021**

PRESIDENT SHERER: The motion carries and Resolution #12 has been adopted. Leader.

MEMBER SMUCKLER: Mr. President, I 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 11 YEAS, 0 NAYS

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CLERK DOUGHERTY: Eleven yeas, Mr. President.

**#13 ADOPTED AS ORDINANCE NO. 136/2021**

PRESIDENT SHERER: The motion carries and Ordinance #13 has been 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 #14.

***NOTE: PRESIDENT SHERER CALLED UPON CLERK DOUGHERTY TO READ ORDINANCES #14 THROUGH #19 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS: (ORDINANCES #17, #18 AND #19 ADOPTED)***

- O#14. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND EXECUTE A CONSTRUCTION CONTRACT AND EXECUTE A PROFESSIONAL SERVICES CONTRACT FOR CONSTRUCTION OVERSIGHT SERVICES FOR THE VIOLA ESTATES SANITARY SEWER PROJECT, G.P. 1336; AMENDING APPROPRIATION ORDINANCE NO. 49/2021; AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS FOR RELATED PROJECT CHANGE ORDERS THAT ARE OTHERWISE APPROVED BY THE BOARD OF CONTROL PURSUANT TO CANTON CODIFIED ORDINANCE 105.14; AND DECLARING THE SAME TO BE AN EMERGENCY (\$462,000.00 SUPP APPROP FR UNAPPROP BAL OF 5413 SEWER REPLACEMENT FUND TO 5413 206323 VIOLA ESTATES SANITARY SEWER PROJECT, GP 1336 – OTHER)
- O#15. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND EXECUTE A CONSTRUCTION CONTRACT AND ENTER INTO A WORK LICENSE/EASEMENT AGREEMENT WITH THE WHEELING & LAKE ERIE RAILWAY COMPANY FOR THE BURNHAM HILLS SANITARY SEWER REALIGNMENT PROJECT, G.P. 1220; AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS FOR RELATED PROJECT CHANGE ORDERS THAT ARE OTHERWISE APPROVED BY THE BOARD OF CONTROL PURSUANT TO CANTON CODIFIED ORDINANCE 105.14; AMENDING APPROPRIATION ORDINANCE NO. 49/2021; AND DECLARING THE SAME TO BE AN EMERGENCY (\$200,000.00 APPROP TRF FR 5410 202010 ENGINEER – DAILY OPERATIONS – OTHER TO 5410 206318 BURNHAM HILLS SAN SWR PROJ, GP 1220 – OTHER)
- O#16. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND EXECUTE A CONSTRUCTION CONTRACT FOR THE PARKRIDGE CIRCLE NW WATER MAIN EXTENSION PROJECT; AMENDING APPROPRIATION ORDINANCE NO.

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49/2021; AND DECLARING THE SAME TO BE AN EMERGENCY (\$260,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207076 PARKRIDGE CIRCLE NW WATER MAIN EXTENSION PROJECT - OTHER)

O#17. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 137/2021** AN ORDINANCE AMENDING EXHIBIT A TO ORDINANCE NO. 100/2011, AS AMENDED, THE CLASSIFICATION PLAN FOR NON-BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (CIVIL SERVICE GENERALIST)

O#18. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 138/2021** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 49/2021; AND DECLARING THE SAME TO BE AN EMERGENCY (\$14,000.00 APPROP TRF FR 2351 301001 FOOD PROTECTION PROGRAM – 600 PAYROLL TO 2351 301001 FOOD PROTECTION PROGRAM – 700 OTHER)

O#19. (2<sup>ND</sup> RDG) **ADOPTED AS ORDINANCE NO. 139/2021** AN ORDINANCE AMENDING SECTION 155.07, INVESTING INTERIM MONEYS OF CHAPTER 155 OF THE ADMINISTRATIVE CODE

CLERK DOUGHERTY: Mr. President.

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we suspend Statutory Rules on Ordinances 17 through 19.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend the Statutory Rules on Ordinances 17 through 19. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #17.

MEMBER BABCOCK: Second.

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

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NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

**#17 ADOPTED AS ORDINANCE NO. 137/2021**

PRESIDENT SHERER: The motion carries and Ordinance #17 has been adopted. 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? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

**#18 ADOPTED AS ORDINANCE NO. 138/2021**

PRESIDENT SHERER: The motion carries and Ordinance #18 has been adopted. Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #18. I'm sorry, #19.

MEMBER BABCOCK: Thank you. Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

**#19 ADOPTED AS ORDINANCE NO. 139/2021**

PRESIDENT SHERER: The motion carries and Ordinance #19 has been adopted.

**ORDINANCES AND FORMAL RESOLUTIONS FOR THIRD AND FINAL READING**

PRESIDENT SHERER: We are now under... we are now under Ordinances and Formal Resolutions for their Third/Final Reading and Vote. Mr. Clerk, would you please begin with Ordinance #20.

***NOTE: PRESIDENT SHERER CALLED UPON CLERK DOUGHERTY TO READ ORDINANCE #20 THROUGH ORDINANCE #23 FOR THEIR THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

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O#20. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 140/2021** AN ORDINANCE AMENDING ORDINANCE NOS. 262/2015 AND 145/2017 TO INCLUDE CERTAIN PROPERTY OF THE HALL OF FAME VILLAGE PROJECT SITE AS “EXISTING PROPERTY” IN THE AREA COVERED BY THE TAX INCREMENT FINANCING PROVISIONS OF OHIO REVISED CODE SECTION 5709.40, EXEMPTING THE IMPROVEMENTS TO SAID “PROPERTY” FROM TAXATION DURING THE TERM OF THAT CERTAIN COMPENSATION AGREEMENT AUTHORIZED BY ORDINANCE NOS. 262/2015 AND 145/2017 (COLLECTIVELY, THE “COMPENSATION AGREEMENT”), AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #20. Are there any remarks?  
Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ord... I'm sorry, I move amend Ordinance #20 per the amendment before every Council Member.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been and seconded to amend Ordinance #20 per the copy before each of you. Are... are there any remarks?

MEMBER MORRIS: Mr. President.

PRESIDENT SHERER: Member Morris.

MEMBER MORRIS: I have a question pertaining to Exhibit C. All the property owners listed on this are not the Hall of Fame Village. It's companies and individuals. Can somebody clarify why?

DEPUTY MAYOR WILLIAMS: Mr. President.

PRESIDENT SHERER: Deputy Mayor.

DEPUTY MAYOR WILLIAMS: Mr. President, Members of Council, on Exhibit C, those are various parcels that are being annexed and they all will turn into Exhibit A. So there was two Exhibits initially, Exhibit B and Exhibit C, and with this Ordinance all the parcels will turn into Exhibit A, and that will be the final Exhibit that goes with this Ordinance.

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PRESIDENT SHERER: Member Morris, good?

MEMBER MORRIS: I... I'm straight.

PRESIDENT SHERER: Okay. Are there any additional remarks? ...Hearing none, by voice vote...

MAYOR BERNABEI: Um...

PRESIDENT SHERER: Mayor Bernabei.

MAYOR BERNABEI: May I... I want to just check one thing. Has this Ordinance been given a second reading for sure? I know we've postponed it several times, I just want to make sure...

DEPUTY MAYOR WILLIAMS: Mis...

MAYOR BERNABEI: ...that we didn't move a postponement to third reading. Yeah.

CLERK DOUGHERTY: We're fine.

DEPUTY MAYOR WILLIAMS: Mr. President, Mr. President.

PRESIDENT SHERER: Deputy Mayor.

DEPUTY MAYOR WILLIAMS: Yeah, I spoke with the Law Department and also the Clerk today and this was given a second reading on June 7<sup>th</sup>.

MAYOR BERNABEI: Thank you.

PRESIDENT SHERER: Thank you, Deputy Mayor. Are there any additional remarks? ...Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

MEMBER MORRIS: No.

NO REMARKS

AMENDMENT PASSED BY MAJORITY VOICE VOTE  
(MEMBER MORRIS VOTED NO)

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

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

MEMBER BABCOCK: Second.

AMENDMENT

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*Pursuant to Rule 36, I move to amend Agenda Item No. 20 by the substitution of the attached amended exhibits for the original pending exhibits.*

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

NO REMARKS

ROLL CALL 10 YEAS, 1 NAY  
(MEMBER MORRIS VOTED NO)

CLERK DOUGHERTY: Ten yeas, one nay, Mr. President.

**#20 ADOPTED AS AMENDED AS ORDINANCE NO. 140/2021**

PRESIDENT SHERER: The motion carries and Ordinance #20 as amended has been adopted. Ordinance #21, please.

O#21. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 141/2021** AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF LOTS 22884 – 22886 AND PART OF LOT 22887; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCELS 208807, 208806 & 209039 @ 400 BLOCK OF CRESTMONT AVE SE, WARD 4, FOR HABITAT FOR HUMANITY

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

**#21 ADOPTED AS ORDINANCE NO. 141/2021**

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

O#22. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 142/2021** AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF OUTLOT 984; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL 246349 @ 3510 W. TUSC, WARD 3, FOR ALTMAN BUCKEYE COMPANY II PARTNERSHIP)

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

**#22 ADOPTED AS ORDINANCE NO. 142/2021**

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

O#23. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 143/2021** AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE HOF VILLAGE #7 ANNEXATION AREA CONTAINING APPROXIMATELY 0.138 ACRES, MORE OR LESS; ASSIGNING SAID TERRITORY TO WARD 7 OF THE CITY; ZONING SAID TERRITORY AS HALL OF FAME VILLAGE DISTRICT (HOFV); AND DECLARING THE SAME TO BE AN EMERGENCY

**PUB HRG 7/12/21 @ 7:00 PM**

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move that 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 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

**#23 ADOPTED AS ORDINANCE NO. 143/2021**

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

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SHERER: We are now under announcement of Committee Meetings. Our next meeting date will be July 26, 2021 and it will be at 6:30 P.M.

MEMBER MARIOL: Mr. President.



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PRESIDENT SHERER: Member Mariol.

MEMBER MARIOL: Finance will meet in Council Chambers July 26<sup>th</sup>, 6:30.

PRESIDENT SHERER: Thank you, Member Mariol.

MEMBER SCAGLIONE: Mr. President.

PRESIDENT SHERER: Member Scaglione.

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

PRESIDENT SHERER: Thank you, Member Scaglione.

MEMBER BABCOCK: Mr. President.

PRESIDENT SHERER: Member Babcock.

MEMBER BABCOCK: Personnel will meet July 19<sup>th</sup> at 5:00 in Council Chambers.

PRESIDENT SHERER: Thank you, Member Babcock.

CLERK DOUGHERTY: Yeah, they are.

MEMBER SCHULMAN: Mr. President, Judiciary will meet same time, same place.

PRESIDENT SHERER: Thank you, Member Schulman.

**MISCELLANEOUS BUSINESS**

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

MEMBER BABCOCK: Mr. President.

PRESIDENT SHERER: Member Babcock.

MEMBER BABCOCK: I want to change that date to the... well, hang on... hang on for a minute. No, wait a minute. (*Inaudible voice*) Fine, we'll leave it like it is. Thanks.

PRESIDENT SHERER: Okay.

MEMBER SCAGLIONE: Mr. President.

PRESIDENT SHERER: Member Scaglione.

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MEMBER SCAGLIONE: Just want to take a moment to thank again Dan Moeglin and everybody here, the Mayor, everybody that's worked on the drainage issues throughout our City, and specific Fawcett Court. I know as of lately we've seen more and more drainage problems through our entire City, and then when we talked about this particular project, we talked about the 30 to 50 year range that might have been three to four inches, and now it seems like we're getting those every year now. Which is unfortunate.

PRESIDENT SHERER: It seems like... yeah, it seems like every week, you know.

MEMBER SCAGLIONE: Seems like... yes, lately it has been every week. Um, so I... I just want to again thank everyone for the work on this project that's made it better. Uh, basements weren't filled to fuse boxes. There were still some water issues in basements, but I just want to stress with all these projects that happened in our City, that we really consider through Planning and Zoning and whoever we need to, to start thinking about building everything for the 200 year storm because obviously the 50 year storms we're getting almost weekly. So, I want to thank everyone for their efforts. It's... uh, it's something you can't really plan for, you can't really forecast. We don't know really where this gonna go all the time, but these rains have just really been a drain on our City, and I... I know there's gonna be many, many drainage issues we're gonna have to deal with as these rains keep just pounding the City.

PRESIDENT SHERER: Absolutely. Thank you, Member Scaglione. Leader?

MEMBER SMUCKLER: Yeah, um... part of the confusion and why Chris Smith and myself ran out there was to... it's hard enough to get residents to come to something in their own neighborhood let alone go to the other side of town. And this thing was just thrown at us by the EPA today. And one thing I disagreed with your late husband was the efficiency of the EPA and how they operate. Um, and we explained to the residents that it's gonna be difficult to get residents to drive across town there. This right now is scheduled for Tuesday of next week. Pending some last minute shuffling here, and I don't know what the Councilwoman has in mind, but we've got to figure this out because this is not user friendly for the residents that live in that area by any stretch of the imagination.

MEMBER SMITH: Mr. President.

PRESIDENT SHERER: Member Smith.

MEMBER SMITH: My opinion is to just go on with the meeting that's scheduled. I would take it upon myself to personally, possibly try to call everyone and stress how important that it be there... that they be there because it wasn't scheduled on us, it was scheduled on the EPA. And I think at this point we can't change anything, but we'll do our best to try to get them there. That's all I can say, and I would hope that the Council Members, how they stress of us being there, that it will make a difference. So that's about all we can really go for because I understand that they tried to get other places and a lot of places are still not booking because of the COVID, so that was maybe all that they could get.

PRESIDENT SHERER: And Member Smith, I would agree with that, but I would also encourage every Council Member that could be available to attend that meeting also. I think it's very, very important. If they

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can't... the residents can't be there, we could speak for them. Absolutely. Is there any other Miscellaneous Business for this evening?

MEMBER SMUCKLER: Uh, before... oh, go ahead, go ahead.

MEMBER KIMBROUGH: Oh...

PRESIDENT SHERER: Member Kimbrough.

MEMBER KIMBROUGH: Yes, I was just gonna say that I was really excited about what happened with the Blues Festival this week. That was a very well visited event downtown and I think that it was fantastic, and I just want to give the Arts, those who took care of that, a shout out for another wonderful event downtown.

PRESIDENT SHERER: Absolutely. Thank you, Member Kimbrough. Leader.

MEMBER SMUCKLER: And I was gonna say besides the Blues Festival, those of you who attended McKinley Monument for July 4<sup>th</sup>, there was a wonderful program there. We had something a little different. We didn't have marching bands. We had Jimmy and the Soul Blazers. And it turned out to a very nice evening, very nice fireworks program, and from what every... everything I've heard the peace was kept and there were no major safety problems. So that was wonderful to have that in the community too. Um, I can tell you that the Committee is considering doing the exact same thing again next July 4<sup>th</sup>, and I've encouraged them that that's the route that we should go. Um, also it was nice to welcome home our State Representative to this area where he cut his political teeth on, and it was very nice to see him back here and representing us at the great State of Ohio. Um, we have a lot of things on the agenda coming up and we need his help, the State Representative Schuring, and I want to give him a shout out. He has worked tirelessly on bringing money back to Canton, Ohio and getting things done. Uh, there are a number or projects on the table and no one can say enough good things about how he works with us down in Columbus. Based on that, if nobody has anything else, we're back to up front.

PRESIDENT SHERER: That sounds like a motion to adjourn.

MEMBER SMUCKLER: No, you don't have any quotes this week?

PRESIDENT SHERER: (*Chuckles*) No.

CLERK DOUGHERTY: Sure. (*Laughter*)

MEMBER SMUCKLER: So...

CLERK DOUGHERTY: "*When I was a kid my parents moved a lot, but I always found them.*" – Rodney Dangerfield. (*Laughter*) That's for you, Bill.

PRESIDENT SHERER: There you go.

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CLERK DOUGHERTY: You only got three more from me.

PRESIDENT SHERER: Now that sounds like a motion to adjourn.

MEMBER SMUCKLER: Excuse me, but who's counting? I am. Also, welcome back, Member Morris. Nice to see you here today.

MEMBER MORRIS: I had a riot!

MEMBER SMUCKLER: (*Chuckles*) Move we adjourn.

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK DOUGHERTY: Eleven yeas, Mr. President.

PRESIDENT SHERER: This meeting is adjourned. Thank you for coming this evening. (*Gavel falls*).

ADJOURNMENT TIME: 8:11 PM

ATTEST: 7/14/21

APPROVED:

DAVID R. DOUGHERTY  
CLERK OF COUNCIL

WILLIAM SHERER, II  
PRESIDENT