

MINUTES OF THE MEETING MARCH 20, 2023

PRESIDENT SHERER: Good evening ladies and gentlemen, and welcome to Canton City Council. If everybody could please turn your cell phones to vibrate. With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call please, Madam Clerk.

ROLL CALL TAKEN BY CLERK WOOD:

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: Tonight's invocation will be given by Ward 2 Council Member, Brenda Kimbrough. 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 March 20, 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 2 Council Member, Brenda Kimbrough. The Pledge of Allegiance was led by President Sherer.

PRESIDENT SHERER: Thank you, Member Kimbrough.

AGENDA CORRECTIONS AND CHANGES

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

MEMBER SMUCKLER: Mr. President, I move Rule 22A to be suspended...to add second reading of Ordinance #22 to this evening's agenda.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend Rule 22A to add second readings to Ordinance #22 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 Ordinance #22 is a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT SHERER: We are now under Public Hearings and 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.

MINUTES OF THE MEETING MARCH 20, 2023**PUBLIC SPEAKS**

PRESIDENT SHERER: PRESIDENT SHERER: We are now under Public Speaks and we have 4 speakers for this evening. I would like to remind our speakers that you do...get 3 minutes under public speaks. And our first speaker is Miss Kimberly Bell. Miss Bell can you please state your name and residential address please.

KIMBERLY BELL: Yes. My name is Kimberly Bell, 1733 Morris Ave. Uh...I...I think I wrote down, about the streets and about Stark Metropolitan Housing. Uh...Tom we...we took that ride down...down 6 and...and uh...6 and uh...W.C. Henderson St. You have to drive down...you have to drive on the opposite side of the street. You can't drive down the street on the correct lane. You have to go on the opposite side of the street going down to 6th and Cherry and 6th and...and uh...W.C. Henderson. And...you said you've been on...in government since 1984, 30...30 years...uh Mr. Smuckler. For the last, for every year for the past 30 years that street has been like that. Nothing...nothing...you...they patch it up, but you want to be the Mayor and you want to do this. But that yea...that street for the past 30 years has been the same. You have to drive on the opposite...it's a two way, used to be a one way. But you...you can't even drive on the right side of the street on that...that when you're driving down that road because you're going to tear your car up. And then when we put in a claim for the pot holes, damage your rims or something you're going to deny it. So, if you couldn't change that, how can you change anything as a Mayor. I'm mean that was something simple as streets. And then Metropolitan, I asked you to come visit us, Mayor. And you have not came, I don't think, because nothing has been done. That...when we...go get our mail be have to drive on the opposite side of the allotment to go get your mail. Or you can walk, sometimes I walk too, but I drive mostly because I'm pulling in. The potholes are so huge that I have to drive my truck on the sidewalk to get over to the mailboxes because nobody's...listening to what we are complaining about at Metropolitan. The trees are still just laying there. I mean...you...your...your fining the one guy about the uh...the uh...you're suing the one guy about the uh...the place over here by Mercy Hospital. I forget the name of it. You're suing him, so what's the problem with you suing Metropolitan about ke...cleaning them trees up. Or helping the uh...the uh...residents. I mean we have a hard time paying our bills and then if we get car damages because of something going at Metropolitan, we can't go to work and we can't get the kids to school. I wonder if Stanley and Sam and Richard would like all this going on in Canton.

PRESIDENT SHERER: Thank you, Miss Bell. Our next speaker is Mr. James Parker. Mr. Parker could you please state your name and residential address, please.

JAMES PARKER: As you indicated, I am James Parker I do reside at 2953 Beverly Ave. NE in Canton, Ohio. Good evening Council President, I'd like to begin my...my remarks with saying Officer number 400...in the Civil Division is writing several parking tickets. Where the parking spot clearly does not have a meter corresponding to that space. Or any signage indicating not to park there. One acquaintance of mine got a parking ticket on a private spot off the street that he's been parking at for years. I will spare you further details, but hearing this said in Civil Court for my so called defense. Rather, I'm here to respectfully request Council President to consider legislation eliminating all parking meters downtown. Reason number one is from the consumer's perspective. That's what you want downtown, consumers. Not just people getting sued or going bankrupt, the consumer's perspective currently is that by going downtown for lunch, dinner they run a chance of a parking ticket. Therefore, that is a barrier to going downtown to do anything. So many just typically don't go. And many citizens, primarily the preferable in non-downtown going consumers, visitors still think that the parking meters need feed on weekends and after 5 o'clock. Which none of you care to advertise. Eliminate most all parking meters, yes. This would give a more user friendly visitor experience and have an exponential effect on business revenue. Making up taxes through other revenue streams. Akron has down it in many sectors. By the way I see that Council Members get their own specially reserved spots, out front of course. These mostly stay vacant I see during the day reducing potential revenue. And eliminating badly needed handicap access to City Hall here. My main point is that, anyone can drive three minutes or so in any direction and not be hassled

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like this. Am I the only one to see this? So, why they...so what they do is shop elsewhere. Since you're running for Mayor, William why not stand out this election year from the typical Bureaucrats? I encourage you to take a closer look at what drivers are needed to make doing business downtown a smoother experience for all people. I kinder, gentler, approach to parking enforcement is badly overdue. Perhaps warning cards phrased politely. How about frog stickers. Frog stickers can identify a city-parking pass, that way if you're not a frog you could be toad. Get it, towed? Thank you for your time. (*laughs*)

PRESIDENT SHERER: Our next speaker is Mr....uh...Mark Lancaster. Mr. Lancaster could you please state your name and residential address, please.

MARK LANCASTER: Yes I'm Rabbi Mark Lancaster and I liv...stay at 1421 E. Valentine Circle NW in Canton.

PRESIDENT SHERER: Thank you.

MARK LANCASTER: Yes. I'm here today because uh...two weeks ago there was an article published in the paper. Uh...saying how the city was going sue us because we occupy what is known as the Timken Stables or which was the Timken Stables. And we are Beit HaKavod Messianic Synagogue. The way that the...uh...paper presented.

PRESIDENT SHERER: Mr. Lancaster can you speak into the mic please.

MARK LANCASTER: I'm sorry.

PRESIDENT SHERER: No you're fine.

MARK LANCASTER: The way that the paper presented...uh...us...it cast us in a very negative light. Uh...as though we were negligent or uncaring or...or they really, really...didn't really care about the actual building itself. But I'm here to state that that's anything further from the truth. Uh... we ab...we absolutely...uh...have tried to make some repairs. Uh...but we have been hindered and hampered and uh...our hands are somewhat tied because of city regulations. We have actually started to work on the building, but then we...but then inspectors came and told us that we had to stop. Uh...because...uh...ma...maybe the st...uh...some of the workers that maybe we had working, weren't licensed and or...uh I guess we didn't pull various per...permits. Uh...and we did make some changes, but each time it seems we...we were trying to work. And it seem like the inspectors come or what not and said that we have to stop. And so because of that, uh...it appears that the building itself seems to be neglected. Uh...but that's further from the...uh...from the truth. Uh...we have tried to...uh address these...uh violations that the ci...city has brought up. We have made certain corrections. Uh...but again, uh...how we were cast in the Repository...uh...was not...uh...accurate. And so...we're grateful that the Canton Repository, namely Charita Goshay, gave us an opportunity to respond or to rebut that which was said. Uh...so we took the...the...the time write something up. Uh... and just so that you know, as I know my time is limited, and...and my wife she...she's going to follow after me and she'll give you more details, but...but we have for each Council Member a...uh...a paper listing uh...our rebuttal to some of the things. And so it's hard to say...say...say what we truly want to say in three minutes, but may give you a little more detail as to...to what...uh...our situation is and are complaints are. So I just wanted to just thank you for this opportunity just to respond. And also, to...to...to put a face to the actual name and let you know that we truly, truly do care about our place. And we truly want it to be restored and we will restore it. And also note this, I know my...my...time is up, we will not sell our building. No matter what the city says and...and how

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they...they you...they're going to try to us to court to make us sell it. Uh...we are a... we will not be selling it and we will try to depend ourselves there in court as well. Thank you.

PRESIDENT SHERER: Thank you, Mr. Lancaster. And our last speaker for tonight is Heidi Lancaster. Mrs. Lancaster could you please state your name and residential address, please.

HEIDI LANCASTER: Yes I can. I'm Heidi Lancaster and I reside at 1421 E. Valentine Circle NW Canton. Thank you. So my husband was detailing of some of the items of just saying what we're here for tonight. And the papers that you got was what we sent to Charita with some of our response. And then she put in the paper yesterday some of that, taken out. So this wasn't the entirety of what we actually gave Charita, we just thought we'd put you all on the same page. We are also asking ...City Council, to consider our property. Which we have been asking for years and you'll read it when you read it in there. We have asked for years. We've gone to different people. We've gone council persons some are here, some are not here. Uh...I've gone to the Mayor's office...uh...Mr. Bernabei has given me time to speak to him. It was a very brief time, but anyone we've talked to and any persons there...there is never any offering of anything, anything. To help in any way or to recommend or advise or wisdom. We are a business in the City of Canton. We are a Community Service Ministry. We have the desire to help and be uh...be a blessing to our community. We have so many plans, we have things we want to do. Our building has never felt like it's been ours every since we've even purchased it, because our hands were tied to do the things that we wanted to do. It's not like were...the Amish that can do the...you know uh...raise a church in a weekend, things like that. It's different in the city...and...we have a historical landmark that we all want. We want it more than you do, to see it restored. Every day goes by, it's not just negligence. We can't do what we'd like to do. When some of our people have...have...have...that have construction background, one that's an Engineer...doing things to (*inaudible*) patch, we were seen and stopped from doing the work. We...we want to be able to proceed. I'm asking for your help. This city has given great help to a dear person that we know, that we all know, Steve Coon, that does great restoration. We bend over backwards in our city to help him with what he's doing. The...the...the Preservation Society, our community funds them. If...if we could get funded we'd do the same funding that they do. They wouldn't exist...uh...uh...Joe Angle wouldn't have a job if people didn't give to him for what he does. We would like the community to come together to help in some fashion. So that we can make a beautiful...gateway to our community. With this building, with this structure that needs to be preserved. 30 years ago I was the person, Heidi...Heidi (*inaudible*), at the time 35 years ago that help save our...this building from the wrecking ball with Mary Cirelli. I'm asking our City Council, help us like you're helping the Hall of Village, which we support. It's our neighbor, we want this. Please, is there anything you can do? I'm asking the question, because we don't know. Is there anything you can do to help restore this building with us? Thank you.

PRESIDENT SHERER: Thank you, Mrs...Mrs. Lancaster.

INFORMAL RESOLUTIONS

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

1. PERSONNEL COMMITTEE: APPOINTING WARD 2 COUNCIL MEMBER, BRENDA KIMBROUGH, TO SERVE IN EX OFFICIO CAPACITY TO DOWNTOWN CANTON PARTNERSHIP, INC. BOARD OF TRUSTEES - ADOPTED

PRESIDENT SHERER: Leader.

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MEMBER SMUCKLER: Mr. President, I move that we adopt Informal Resolution #1.

MEMBER BABCOCK: Second.

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

NO REMARKS

RESOLUTION #1 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it, the motion carries and Informal Resolution #1 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 MARCH 20, 2023.

2. RPT OF DEPOSITS AND PAY-INS TO AMBULANCE LOCK BOX FOR FEBRUARY 2023. - CHIEF GABBARD
3. REQ NEW D1, D3 PERMIT FOR 2 SCOOPZ OF OHIO, LLC, DBA 2 SCOOPZ @ 138 5TH ST NW. - LIQUOR CONTROL DIV (OHIO)
4. REQ APPT OF WARD 2 COUNCIL PERSON, BRENDA KIMBROUGH, IN EX OFFICIO CAPACITY TO DOWNTOWN CANTON PARTNERSHIP, INC. BOARD OF TRUSTEES. - LAW DIRECTOR REESE
5. REQ WITHDRAWAL OF ORDINANCE #20 FROM JANUARY 30, 2023 AGENDA. - SAFETY DIRECTOR PERRY
6. REQ GRANT AGMT TO PROVIDE MENTAL HEALTH AND WELLNESS SERVICES TO CANTON FIREFIGHTERS; EMERGENCY (ARPA FIRST RESPONDER WELLNESS, RECRUITMENT, RETENTION & RESILIENCY GRANT). - SAFETY DIRECTOR PERRY
7. REQ CONTRACT TO PROVIDE MENTAL HEALTH AND WELLNESS SERVICES FOR CANTON POLICE OFFICERS; EMERGENCY (ARPA FIRST RESPONDER WELLNESS, RECRUITMENT, RETENTION & RESILIENCY GRANT). - SAFETY DIRECTOR PERRY
8. AMEND FIRE DEPT CLASSIFICATION PLAN FOR MGMT AND NON-BARGAINING PERSONNEL; EMERGENCY (FISCAL MANAGER). - SAFETY DIRECTOR PERRY
9. REQ SUGAR CREEK WATER TREATMENT PLANT RENOVATION PROJ - CHANGE ORDER #1; EMERGENCY. - SERVICE DIRECTOR HIGHMAN
10. RPT OF PARKING METER REVENUE FOR FEBRUARY, 2023. - TREASURER PEREZ
11. RPTS OF BANK REC AND OUTSTANDING INVESTMENTS AS OF FEB 28, 2023. - TREASURER PEREZ

MINUTES OF THE MEETING MARCH 20, 2023**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 #21 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

O#12. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO: ADVERTISE, RECEIVE BIDS, AWARD, AND EXECUTE A CONSTRUCTION CONTRACT; EXECUTE A PROFESSIONAL SERVICES CONTRACT FOR CONSTRUCTION OVERSIGHT SERVICES; AND RECEIVE GRANT FUNDS IN THE AMOUNT OF \$600,000 AND A ZERO PERCENT INTEREST LOAN IN THE AMOUNT OF \$900,000 FOR THE 34TH STREET NW AREA WATER MAIN REPLACEMENT AND ROADWAY IMPROVEMENTS PROJECT; AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS FOR RELATED CONTRACT CHANGE ORDERS THAT ARE OTHERWISE APPROVED BY THE BOARD OF CONTROL PURSUANT TO CANTON CODIFIED ORDINANCE 105.14; AUTHORIZING THE AUDITOR TO ESTABLISH THE 5251 34TH STREET WATER MAIN REPLACEMENT PROJECT FUND; AMENDING THE 2023 FINAL APPROPRIATION ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (\$1,500,000.00 SUPP APPROP FR UNAPPROP BAL OF 5251 34TH STREET WATER MAIN REPLACEMENT PROJECT FUND TO 5251 207067 34TH STREET WATER MAIN REPLACEMENT PROJECT – OTHER; \$1,333,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207067 34TH STREET WATER MAIN REPLACEMENT PROJECT – OTHER)

Referred to Environmental & Public Utilities and Finance Committees

O#13. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO: ADVERTISE, RECEIVE BIDS, AWARD, AND EXECUTE A CONSTRUCTION CONTRACT; EXECUTE A PROFESSIONAL SERVICES CONTRACT FOR CONSTRUCTION OVERSIGHT SERVICES; AND RECEIVE GRANT FUNDS IN THE AMOUNT OF \$750,000 AND A ZERO PERCENT INTEREST LOAN IN THE AMOUNT OF \$750,000 FOR THE FAIRMOUNT AREA WATER MAIN REPLACEMENT PHASE II AND ROADWAY IMPROVEMENTS PROJECT; AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS FOR RELATED CONTRACT CHANGE ORDERS THAT ARE OTHERWISE APPROVED BY THE BOARD OF CONTROL PURSUANT TO CANTON CODIFIED ORDINANCE 105.14; AUTHORIZING THE AUDITOR TO ESTABLISH THE 5250 FAIRMOUNT AREA WATER MAIN REPLACEMENT PROJECT FUND PHASE II; AMENDING THE 2023 FINAL APPROPRIATION ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (\$1,500,000.00 SUPP APPROP FR UNAPPROP BAL OF 5250 FAIRMOUNT AREA WATER MAIN REPLACEMENT PROJECT FUND – PHASE II TO 5250 207050 FAIRMOUNT AREA WATER MAIN REPLACEMENT PROJECT – PHASE II – OTHER; \$1,344,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO

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5201 207050 FAIRMOUNT AREA WATER MAIN REPLACEMENT PROJECT – PHASE II – OTHER)

Referred to Environmental & Public Utilities and Finance Committees

- O#14. (1st RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICES TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO CONTRACT FOR THE PURCHASE OF ONE (1) ½ TON PICKUP TRUCK WITH PLOW PACKAGE AND ONE (1) LARGE DUMP TRUCK; OR TO ALTERNATIVELY PURCHASE SAID VEHICLES PURSUANT TO ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Property Capital Improvement Committee
- O#15. (1st RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS NEEDED TO RECORD THE EXPENSES FOR THE LAST LOAN PAYMENT FOR THE SHOOK CONSTRUCTION CO. PORTION OF THE WATER RECLAMATION FACILITY PHOSPHORUS/TOTAL NITROGEN PROJECT— CONTRACT NO. 26 OWDA LOAN; RETROACTIVELY APPROVES ALL ACTIONS TAKEN IN ORDER TO CLOSE OUT THE ABOVE NAMED PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- O#16. (1st RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH ARCADIS TO PERFORM THE WATER TRANSIENT MODELING AND SURGE MITIGATION EVALUATION PHASE II AN AMOUNT TO EXCEED \$48,100; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- O#17. (1st RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO SUBMIT ANY SUBSTANTIAL AMENDMENT TO THE CITY’S 2021 ANNUAL ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO ALL CONTRACTS NECESSARY FOR THE TIMELY EXPENDITURE OF CDBG AND HOME PROGRAM FUNDS; AND ENTER INTO ALL CONTRACTS NECESSARY TO ALLOW FOR EFFECTIVE OPERATION OF THE PROGRAM DURING THE GRANT PERIOD USING ANY AND ALL PROCUREMENT PROCESSES AUTHORIZED IN THE CODIFIED ORDINANCE OR OHIO REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- O#18. (1st RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO SUBMIT ANY SUBSTANTIAL AMENDMENT TO THE CITY’S 2022 ANNUAL ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO ALL CONTRACTS NECESSARY FOR THE TIMELY EXPENDITURE OF CDBG AND HOME PROGRAM FUNDS; AND

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ENTER INTO ALL CONTRACTS NECESSARY TO ALLOW FOR EFFECTIVE OPERATION OF THE PROGRAM DURING THE GRANT PERIOD USING ANY AND ALL PROCUREMENT PROCESSES AUTHORIZED IN THE CODIFIED ORDINANCES OR OHIO REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

- O#19. (1st RDG) AN ORDINANCE AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE OR DESIGNEE TO FILE WITH HUD A 2023 ANNUAL ACTION PLAN FOR THE 2023 COMMUNITY DEVELOPMENT BLOCK GRANT, 2023 HOME INVESTMENT PARTNERSHIP, AND 2023 EMERGENCY SOLUTIONS GRANT PROGRAMS; RATIFYING SUBMISSION AND FILING OF SAID PLAN; AUTHORIZING THE MAYOR TO EXECUTE GRANT AGREEMENTS WITH HUD AND TO ACCEPT FUNDING FOR THE THREE PROGRAMS; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO ALL CONTRACTS NECESSARY FOR THE TIMELY EXPENDITURE OF COMMUNITY DEVELOPMENT BLOCK GRANT, EMERGENCY SOLUTIONS GRANT, AND HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO ALL CONTRACTS TO IMPLEMENT THE 2023 ACTION PLAN UTILIZING ANY PROCESS AUTHORIZED BY THE OHIO REVISED CODE OR CANTON CODIFIED ORDINANCES; AMENDING THE 2023 FINAL APPROPRIATION ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (\$3,408,989.00 SUPP APPROP FR UNAPPROP BAL OF 2211 COMMUNITY DEV FUND TO 2211 506001 COMMUNITY DEVELOPMENT ADMIN – OTHER; \$1,158,833.40 SUPP APPROP FR UNAPPROP BAL OF 2214 HOME FUND TO 2214 506001 COMMUNITY DEVELOPMENT ADMIN – OTHER; \$228,145.00 SUPP APPROP FR UNAPPROP BAL OF 2219 EMERGENCY SHELTER FUND TO 2219 506001 COMMUNITY DEVELOPMENT ADMIN – OTHER; \$50,000.00 SUPP APPROP FOR UNAPPROP BAL OF 1001 GENERAL OPERATING FUND TO 1001 506001 COMMUNITY DEVELOPMENT ADMIN – TRANSFER OUT; \$50,000.00 INTER-FUND TRF FR 1001 TRANSFER OUT TO OTHER FUND TO 2211 TRANSFER IN FROM OTHER FUND)

Referred to Community & Economic Development Committee

- O#20. (1st RDG) AN ORDINANCE AUTHORIZING THE APPROPRIATE OFFICIAL(S) TO: PURCHASE AND/OR LEASE VARIOUS TITLED VEHICLES; ENTER INTO CONTRACT OR GOVERNMENTAL LEASES/LOANS TO ASSIST WITH THE PURCHASE OF VEHICLES AND EQUIPMENT; ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO CONTRACT FOR THOSE PURCHASES AND ANY PROJECTS DESCRIBED IN EXHIBIT A THAT EXCEED ANY APPLICABLE DOLLAR AMOUNT THRESHOLD(S); ALTERNATIVELY ENTER INTO CONTRACT FOR THE PURCHASES AND PROJECTS PURSUANT TO ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; ENTER INTO ALL PROFESSIONAL SERVICES CONTRACTS DESCRIBED IN EXHIBIT A; WAIVES THE INFORMAL RESOLUTION REQUIREMENTS OF CANTON CODIFIED ORDINANCE 105.09 FOR PURCHASES APPROVED THROUGH THIS ORDINANCE; PAY ALL MORAL OBLIGATIONS FOR CONSTRUCTION

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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; AMENDING THE 2023 FINAL APPROPRIATION ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (\$1,673,950.00 SUPP APPROP FR UNAPPROP BAL OF 4501 CAPITAL PROJECTS FUND TO 4501 102001 POLICE ADMIN – OTHER – \$260,650.00, TO 4501 103001 FIRE ADMIN – OTHER – \$563,000.00, TO 4501 202210 STREET MAINTENANCE – OTHER – \$95,000.00, TO 4501 204010 OTHER BUILDINGS – OTHER - \$542,800.00, TO 4501 208001 MOTOR VEHICLE ADMIN – OTHER – \$38,500.00, TO 4501 504010 INFORMATIONAL TECHNOLOGY – OTHER – \$55,000.00, TO 4501 506001 COMMUNITY DEVELOPMENT ADMIN – OTHER - \$15,000.00, TO 4501 701001 JUDGES ADMIN – OTHER - \$22,000.00, TO 4501 753001 LAW ADMIN – OTHER - \$ 7,000.00, TO 4501 852001 TREASURER ADMIN – OTHER – \$75,000.00; \$888,750.00 SUPP APPROP FR UNAPPROP BAL OF 4502 MOTOR VEHICLE PURCHASES FUND TO 4502 102001 POLICE ADMIN – OTHER - \$437,750.00, TO 4502 103001 FIRE ADMIN – OTHER - \$118,000.00, TO 4502 202001 ENGINEERING ADMIN – OTHER - \$45,000.00, TO 4502 202210 STREET MAINTENANCE – OTHER - \$230,000.00, TO 4502 204010 OTHER BUILDINGS - OTHER - \$58,000.00; \$61,300.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL OPERATING FUND TO 1001 200501 GENERAL GOV'T SUPPORT ADMIN – TRF OUT; \$61,300.00 SUPP APPROP FR UNAPPROP BAL OF 7601 HEALTH FUND TO 7601 301011 HEALTH ASSETS – OTHER; \$61,300.00 INTER-FUND TRF FR 1001 200501 GENERAL GOV'T SUPPORT ADMIN – TRF OUT TO 7601 301011 HEALTH ASSETS – TRF IN)

Referred to Public Property Capital Improvement Committee

O#21. (1st RDG)

AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO: ADVERTISE, RECEIVE BIDS, AWARD, AND EXECUTE A CONSTRUCTION CONTRACT FOR THE 30TH STREET AND CROMER AVENUE WATER MAIN REPLACEMENT AND SEWER IMPROVEMENTS PROJECT; EXECUTE A PROFESSIONAL SERVICES CONTRACT FOR CONSTRUCTION OVERSIGHT SERVICES; AMENDING THE 2023 FINAL APPROPRIATION; AND DECLARING THE SAME TO BE AN EMERGENCY (\$850,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER WORKS FUND TO 5201 207088 30TH STREET AND CROMER AVENUE WATER MAIN REPLACEMENT & SEWER IMPROVEMENTS PROJECT – OTHER; \$67,100.000 SUPP APPROP FR UNAPPROP BAL OF 5410 SEWER OPERATING FUND TO 5410 207088 30TH STREET AND CROMER AVENUE WATER MAIN REPLACEMENT & SEWER IMPROVEMENTS PROJECT – OTHER)

Referred to Environmental & Public Utilities and Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their Second Reading. Madam Clerk, would you please begin with Ordinance #22.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCE #22 FOR ITS SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

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O#22. (2nd RDG) AN ORDINANCE ADOPTING THE 2023 ANNUAL APPROPRIATIONS FOR THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

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 #23.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #23 THROUGH #31 FOR THEIR THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

O#23. (3rd RDG) **ADOPTED AS ORDINANCE NO. 41/2023** AN ORDINANCE ESTABLISHING THE “AVI GREENTREE NON-SCHOOL TIF” AUTHORIZING FINANCING OF PUBLIC INFRASTRUCTURE IMPROVEMENTS UNDER SECTION 5709.40, ET. SEQ., OF THE OHIO REVISED CODE, AND AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A TAX INCREMENT FINANCING COOPERATIVE DISBURSEMENT AGREEMENT WITH AVI HOSPITALITY, LLC; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

#23 ADOPTED AS ORDINANCE NO. 41/2023

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

O#24. (3rd RDG) **ADOPTED AS ORDINANCE NO. 42/2023** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AN AGREEMENT WITH THE CANTON CITY BOARD OF HEALTH FOR REIMBURSEMENT OF THE COST OF WAGES ASSOCIATED WITH CITY CLEAN-UPS USING THE 5701 BUILDING CODE 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.

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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. 42/2023

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

O#25. (3rd RDG) **ADOPTED AS ORDINANCE NO. 43/2023** A RESOLUTION TO AUTHORIZE THE MAYOR OR DIRECTOR OF PUBLIC SERVICE OR SAFETY TO EXECUTE THE FIVE NEW PROPOSED NATIONAL OPIOID SETTLEMENTS WITH TEVA, ALLERGAN, CVS, WALGREENS, AND WALMART ("NEW NATIONAL OPIOID SETTLEMENTS") AND TO ACCEPT THE MATERIAL TERMS OF THE NEW NATIONAL OPIOID SETTLEMENTS PURSUANT TO THE ONEOHIO MEMORANDUM OF UNDERSTANDING AND CONSISTENT WITH THE TERMS OF THE JULY 21, 2021 NATIONAL OPIOID SETTLEMENT AGREEMENT; AND DECLARING THE 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 to adopt Ordinance #25. Are there any remarks? ... Hearing none, roll call vote, please.

MEMBER MORRIS: Mr. President.

PRESIDENT SHERER: Member Morris.

MEMBER MORRIS: Question to the administration or the Health Department. With the influx of funds coming in from this, do we have any new proposed programs that we're going to start with these funds and utilize them for what they are...uh appropriated for?

MAYOR BERNABEI: Member Morris...uh to date and again this is a slightly different source of this funding. But I think we discussed in Committee meeting last week that when approximately \$140,000.00...uh to date...uh approximately \$20,000.00 to \$25,000.00 of that has been expended per request received from the Health Department...uh for the Swap Program. Uh...we have a Stark County appointed Opi...Opioid Task Force. In fact, it meets tomorrow...uh...Law Director Reese is a part of that...uh...passed Law Director...uh...uh...Ayward has also been a part of that. It...it includes Rep...Representatives from Stark County...uh...Townships...uh...and other municipalities. But the bulk of the money and that we continue to discuss each month will be flowing through the Columbus entity, which has been created. And they will make determinations, we will make applications to them, they will make determinations, probably much in a quorums with what we ask for a larger scale programs. Uh...they have received monies to date; they have not disbursed any monies to date. Uh...they have actually been tied up in some litigation as to whether or not they can be a

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private versus a public operations, which some has some issues associated with it. As to whether they can be a profit or non-profit cooperation or a governmental entity. So, their work as been a little bit on the slow side...uh we receive reports from them every month. One of our Stark County Board Members, which is very, very important, actually sits on their Executive Committee. The Columbus entity has composed of 29 representatives from all across the state of Ohio. So again it has been...uh...disappointing...uh I think to everyone that the Columbus entity has been has been tied up in court. I think that the court cases still are pending, but it something that we continue to look at and...uh we are optimistic that money will flow, but it will be later in this year.

MEMBER MORRIS: Thank you.

PRESIDENT SHERER: Are there any additional 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. 43/2023

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

O#26. (3rd RDG) **ADOPTED AS ORDINANCE NO. 44/2023** 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

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #26.

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

#26 ADOPTED AS ORDINANCE NO. 44/2023

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

O#27. (3rd RDG) **ADOPTED AS ORDINANCE NO. 45/2023** A RESOLUTION AUTHORIZING THE LAW DIRECTOR TO DISTRIBUTE FREE OF CHARGE TO PUBLIC OFFICIALS AND PUBLIC INSTITUTIONS COPIES OF THE 2022 SUPPLEMENT TO CANTON CODIFIED ORDINANCES; TO AFFIX PRICE FOR THE SALE OF SAME; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: 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. 45/2023

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

O#28. (3rd RDG) **ADOPTED AS ORDINANCE NO. 46/2023** AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF LOTS 23016 AND 23017; 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? ... Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

#28 ADOPTED AS ORDINANCE NO. 46/2023

PRESIDENT SHERER: The motion carries and Ordinance #28 is adopted. Ordinance #29, please.

O#29. (3rd RDG) **ADOPTED AS ORDINANCE NO. 47/2023** AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF PART OF OUT LOT 38; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #29.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #29. 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.

#29 ADOPTED AS ORDINANCE NO. 47/2023

PRESIDENT SHERER: The motion carries and Ordinance #29 is adopted. Ordinance #30, please.

O#30. (3rd RDG) **ADOPTED AS ORDINANCE NO. 48/2023** AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF LOTS 35176, 37084, 37586, 38915, 3837, 3838, 3839-3843, 3844-3848, 3849-3851, 3852-3855, 3856-3859, 3860-3861, PART OF LOT 3836 AND PART OF A VACATED ALLEY; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #30.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #30. Are there any remarks? ... Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

#30 ADOPTED AS ORDINANCE NO. 48/2023

PRESIDENT SHERER: The motion carries and Ordinance #30 is adopted. Ordinance #31, please.

O#31. (3rd RDG) **ADOPTED AS ORDINANCE NO. 49/2023** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO ALL CONTRACTS NECESSARY FOR THE PURCHASE OF A REAR LOADING PACKER; PASSENGER VAN, AND 4X4 PICKUP TRUCK FOR THE SANITATION DEPARTMENT; OR TO ALTERNATING PURCHASE SAID ITEMS PURSUANT TO ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #31.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #31. Are there any remarks? ... Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

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CLERK WOOD: Twelve yeas, Mr. President.

#31 ADOPTED AS ORDINANCE NO. 49/2023

PRESIDENT SHERER: The motion carries and Ordinance #31 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SHERER: We are now under Announcement of Committee Meetings. Our next meeting date will be next Monday, March 27th and Committee starts at 6:15 P.M.

MEMBER HAWK: Mr. President.

PRESIDENT SHERER: Member Hawk.

MEMBER HAWK: Thank you, sir. Finance Committee will mee...will meet Monday, March 27th at 6:15 PM, right here in the Council Chambers.

PRESIDENT SHERER: Thank you, Member Hawk.

MEMBER SCAGLIONE: Mr. President.

PRESIDENT SHERER: Member Scaglione.

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

PRESIDENT SHERER: Thank you, Member Scaglione.

MEMBER FISHER: Mr. President.

PRESIDENT SHERER: Member Fisher.

MEMBER FISHER: Environmental Public & Utilities will meet March 27th at 6:15 PM.

PRESIDENT SHERER: Thank you, Member Fisher.

MEMBER HALL: Mr. President.

PRESIDENT SHERER: Member Hall.

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

PRESIDENT SHERER: Thank you, Member Hall.

MISCELLANEOUS BUSINESS

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

MEMBER SMUCKLER: Mr. President, I move we adjourn.

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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: Eleven yeas, Mr. President. **(Clerk Wood said "eleven" in error)*

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

ADJOURNMENT TIME: 7:42PM

ATTEST:
JILL M. WOOD
CLERK OF COUNCIL

APPROVED:
WILLIAM SHERER
PRESIDENT