

MINUTES OF THE MEETING MAY 8, 2023

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

ROLL CALL TAKEN BY CLERK WOOD:

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

ELEVEN COUNCIL MEMBERS PRESENT. (MEMBER FERGUSON ABSENT)

CLERK WOOD: 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 WOOD: 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 9 Council Member, Frank Morris. If you would all please stand and remain standing for the Pledge of Allegiance, please.

The regular meeting of Canton City Council was held on May 8, 2023 at 7:00 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council, Jill M. Wood. The invocation was given by Ward 9 Council Member, Frank Morris. The Pledge of Allegiance was led by President Sherer.

PRESIDENT SHERER: Thank you, Member Morris.

AGENDA CORRECTIONS AND CHANGES

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

MEMBER SMUCKLER: Mr. President, I move Rule 22A be suspended to add second readings of Ordinances 14 through 18 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 Ordinances 14 through 18 to this evening's agenda. Are there any remarks? ...Hearing none, roll call vote, please.

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NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinances 14 through 18 are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT SHERER: We are now under Public Hearings and we have no Public Hearings for this evening.

OLD BUSINESS

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

PUBLIC SPEAKS

PRESIDENT SHERER: We are now under Public Speaks and we only have one speaker for the night, it's the one and only Mr. Dan Fonte. Mr. Fonte, would you please step forward and give us your name and residential address please.

DAN FONTE: My name is Dan Fonte and I reside at 4415 Dawnridge Circle NW, here in Canton. Mr. Chairman, Mayor, Members of the Administration, and Members of Council, I would like all of you to reconsider the installation of the two roundabouts on Tuscarawas St. West because it is the main East West artery through the city. Roundabouts are confusing, especially for the elderly who comprise the majority of the residents in Canton and Stark County. With a high volume of traffic that travels that road daily, it would also be very cumbersome. I believe a better, safer and cheaper alternative we...would be to widen the street, add more turn lanes, and a modern, up to date, traffic control system to adequately control the traffic in that area. There are two roundabouts that are going to be back to back. And those I think are very confusing. As an elderly person myself, I get confused in them. So, that's going to be high traffic, people going in and out of the hospital, and this...and stuff like that. So, I would hope you would...I'm sure you've done your due diligence, but I hope you think about it a little longer. And also I would like to say this again, and said it before, that whoever came up with the idea of angled parking in the city, was one of the most asinine ideas I have seen. When any one of us go into our driveway or our garage, do you any of you back in? I didn't think so, we all pull in. So, to me it's very confusing, it screws the lanes up. When...you know, turn lane, you're out into here so...you know for God's sakes that change that back to the old way. Sometimes the old ways are good. Thank you very much for time. Congratulations, all you winners. And for the losers, you know there's a next time. Thank you very much.

PRESIDENT SHERER: Thank you, Mr. Fonte.

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. MAJORITY LEADER SMUCKLER: PO TO CITY OF WADSWORTH FOR PURCH OF 1992 PIERCE ARROW AERIAL TRUCK FOR FIRE DEPT. – ADOPT

PRESIDENT SHERER: Leader.

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

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MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Informal Resolution #1. Are there any remarks? ...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, 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 MAY 8, 2023

2. REQ FOR ADDT'L AMENDED CERT DATED 4/28/23. - AUDITOR MALLONN
3. STATEMENT OF CASH POSITION DATED 4/28/23. - AUDITOR MALLONN
4. AUTH GRANT AGRMT WITH COMMUNITY BUILDING PARTNERSHIP FOR NEIGHBORHOOD REVITALIZATION PROG UTILIZING ISSUE 13 COMPREHENSIVE PLAN FUNDS; EMERGENCY. - MAYOR BERNABEI
5. AUTH PURCH OF 1992 PIERCE ARROW AERIAL TRUCK FOR FIRE DEPT. - SAFETY DIRECTOR PERRY
6. REQ SUGAR CREEK WATER TREATMENT PLANT RENOVATION PROJ - CHANGE ORDER #2; EMERGENCY. - SERVICE DIRECTOR HIGHMAN
7. REQ ELECTRIC EASEMENT TO AEP FOR SPIKER PARK FOUNTAIN; EMERGENCY. - SERVICE DIRECTOR HIGHMAN
8. REG NATURAL GAS FACILITIES EASEMENT TO EAST OHIO GAS CO FOR SANITATION BLDG PROJ, GP 1376; EMERGENCY. - SERVICE DIRECTOR HIGHMAN
9. AUTH NECESSARY FUNDS AND REMITTANCE OF APPROP SUMS TO PERRY TWP PER JEDD CONTRACT AND TAX AGRMT. - TREASURER PEREZ

ORDINANCES AND FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SHERER: We are now...now under Ordinances and Formal Resolutions for their First Reading. Madam Clerk, would you please begin with Ordinance #10.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #10 THROUGH #13 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- O#10. (1ST RDG) AN ORDINANCE AUTHORIZING UPDATES TO CANTON'S CITY-WIDE COMMUNITY REINVESTMENT AREA TO BE CURRENT AND CONSISTENT

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WITH THE CHANGES OUTLINED IN SUBSTITUTE SENATE BILL 33 AS REFLECTED WITHIN SECTIONS 3735.65 TO 3735.70 OF THE OHIO REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Community & Economic Development Committee

- O#11. (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; RECEIVE GRANT FUNDS IN THE AMOUNT OF \$881,000 AND ZERO PERCENT INTEREST LOAN IN THE AMOUNT OF \$590,000; AND ENTER INTO AGREEMENT WITH THE OHIO ENVIRONMENTAL PROTECTION AGENCY FOR A LOW-INTEREST LOAN FOR THE 4TH STREET SE SEWER REPLACEMENT PROJECT, GP 1338; 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; AUTHORIZING THE AUDITOR TO ESTABLISH THE 5421 4TH STREET SE SEWER REPLACEMENT PROJECT FUND; AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY. (\$4,550,061.00 SUP APPROP FR UNAPPROP BAL OF 5421 4TH STREET SE SEWER REPLACEMENT PROJECT, GP 1338 FUND TO 5421 206326 4TH STREET SE SEWER REPLACEMENT PROJECT, GP 1338 – OTHER)
Referred to Environmental & Public Utilities Committee

- O#12. (1st RDG) A RESOLUTION AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT ON BEHALF OF THE CITY OF CANTON FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF WASTEWATER FACILITIES; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Environmental & Public Utilities and Public Safety & Thoroughfares Committee

- O#13. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, LAW DIRECTOR, OR THEIR DESIGNEE TO: APPROPRIATE THE PROPERTY DESCRIBED IN EXHIBIT A IN FURTHERANCE OF THE 4TH STREET SW SEWER REPLACEMENT PROJECT, GP 1338 AND TO MAKE MINSTERIAL CHANGES TO CORRECT PROPERTY OWNER NAMES, PARCEL NUMBERS, AND OTHER NUMERICAL DESCRIPTIVE OR TYPOGRAPHICAL ERRORS; AND DECLARING THE SAME TO BE EMERGENCY
Referred to Environmental & Public Utilities and Public Safety & Thoroughfares 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 #14.

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

- O#14. (2nd RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF PART OF LOTS 1549 AND 1550; AND DECLARING THE SAME TO BE AN EMERGENCY (CHUCK FUCHS, WARD 2)
Referred to Public Safety & Thoroughfares Committee
- O#15. (2nd RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF LOT 9786 AND PART OF LOT 9787; AND DECLARING THE SAME TO BE AN EMERGENCY (SARAI PROPERTIES LLC, WARD 5)
Referred to Public Safety & Thoroughfares Committee
- O#16. (2nd RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF LOTS 1909, 1910 & 32457 AND PART OF LOTS 1907, 1908 & 1911-1913, PART OF LOTS 32455-32456 AND PART OF LOT 35125; AND DECLARING THE SAME TO BE AN EMERGENCY (HABITAT FOR HUMANITY, WARD 4)
Referred to Public Safety & Thoroughfares Committee
- O#17. (2nd RDG) **ADOPTED AS ORDINANCE NO. 67/2023** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCEL 232479, 1839 KIMBALL RD SE)
Referred to Community & Economic Development Committee
- O#18. (2nd RDG) **ADOPTED AS ORDINANCE NO. 68/2023** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY (PARCELS 10009758, 10009759, 10009760, 10009761 AND 10009762, FORD PROPERTY)
Referred to Community & Economic Development Committee

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we suspend Statutory Rules on Ordinances 17 and 18.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend the Statutory Rules on Ordinances 17 and 18. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

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

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

#17 ADOPTED AS ORDINANCE NO. 67/2023

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.

MEMBER MORRIS: Mr. President.

PRESIDENT SHERER: Member Morris.

MEMBER MORRIS: Thank you. Ok so, when we passed Issue 13, we said that we were going to use these funds for Economic & Community Development. But, here we have a piece of property, multiple parcels, ninety-six acres, that is...could be potentially be shovel ready property owned by the City of Canton. We've already invested a half a million dollars of State money. Taking an access road to it with the utilities. We owned it, we gave it to CCIC...they gave it back. Now we're taking it back from CCIC and now we're giving it to another investor, for a mere \$10,000.00 dollars. This does not make any sense to me, fiscally. If we have a potential of fifth, thirty to forty-five acres of property that could be developed by the City of Canton, using Comprehensive Plan dollars, passed on Issue 13, then why on God's green earth would we off this property for a mere \$10,000.00. That's not even a thousand dollars an acre. We're giving the property away. Thank you.

PRESIDENT SHERER: Thank you, Member Morris. Are there any remarks? ... Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 9 YEAS, 10 NAYS
(MEMBER GIAVASIS AND MEMBER MORRIS VOTED NAY)

CLERK WOOD: Nine yeas, Two nays, Mr. President.

#18 ADOPTED AS ORDINANCE NO. 68/2023

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

MINUTES OF THE MEETING MAY 8, 2023**ORDINANCES & 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. Madam Clerk, would you please begin with Ordinance #19.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCE O#19 THROUGH #21 FOR ITS THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

O#19. (3rd RDG) **ADOPTED AS ORDINANCE NO. 69/2023** A RESOLUTION ACCEPTING THE TAX INCENTIVE REVIEW COUNCIL'S RECENT RECOMMENDATIONS REGARDING ENTERPRISE ZONE AGREEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

#19 ADOPTED AS ORDINANCE NO. 69/2023

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

O#20. (3RD RDG) **ADOPTED AS ORDINANCE NO. 70/2023** AN ORDINANCE AMENDING CHAPTER 1727 OF THE HEALTH CODE

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? ... Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

#20 ADOPTED AS ORDINANCE NO. 70/2023

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

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O#21. (3RD RDG) **ADOPTED AS ORDINANCE NO. 71/2023** AN ORDINANCE AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE OR THEIR DESIGNEE TO NEGOTIATE AND/OR DONATE THE GRANTING OF AN ELECTRICAL FACILITIES EASEMENT AGREEMENT WITH THE OHIO POWER COMPANY, A UNIT OF AMERICAN ELECTRIC POWER NECESSARY FOR THE INSTALLATION OF THEIR ELECTRIC FACILITIES ON THE CITY SERVICE CENTER PROPERTY; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

#21 ADOPTED AS ORDINANCE NO. 71/2023

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

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SHERER: We are now under Announcement of Committee Meetings. Our next meeting date will be Monday, May 15, and Committee starts at 6:30 PM. Member Hall.

MEMBER HALL: Mr. President. Community & Economic Development will meet Monday, May 15th at 6:30 PM.

PRESIDENT SHERER: Thank you, Member Hall.

MEMBER FISHER: Mr. President.

PRESIDENT SHERER: Member Fisher.

MEMBER FISHER: Uh...Public Utilities and...Environmental & Public Utilities will meet same time, same place.

PRESIDENT SHERER: Thank you, Member Fisher.

MEMBER KIMBROUGH: Uh...Public Safety & uh...Thoroughfares Committee will also meet on that day, at that time.

PRESIDENT SHERER: Thank you, Member Kimbrough.

MINUTES OF THE MEETING MAY 8, 2023**MISCELLANEOUS BUSINESS**

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

MEMBER KIMBROUGH: Uh...

PRESIDENT SHERER: Member Kimbrough.

MEMBER KIMBROUGH: Uh...yes. I just wanted to say that this weekend was a fantastic weekend for the city, and all of the 10K race and that to happen downtown in Ward 2, was very...and uh...I was very happy to talk with people who are not from here, that were excited to be in the City of Canton. That we are becoming that place to be. And I'm just totally excited about what's going on and I think it was a good idea.

PRESIDENT SHERER: Thank you, Member Kimbrough. Is there any other Miscellaneous Business for this evening? Leader.

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

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

ADJOURNMENT TIME: 7:18 PM

ATTEST:
JILL M. WOOD
CLERK OF COUNCIL

APPROVED:
WILLIAM SHERER
PRESIDENT