

**MINUTES OF THE MEETING SEPTEMBER 18, 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:*

10 COUNCIL MEMBERS PRESENT: (JAMES BABCOCK, LOUIS GIAVASIS, GREG HAWK, BRENDA KIMBROUGH, CHRIS SMITH, ROBERT FISHER, KEVIN HALL, JOHN MARIOL, PETER FERGUSON & FRANK MORRIS)

TEN COUNCIL MEMBERS PRESENT. (MEMBERS SMUCKLER AND SCAGLIONE ABSENT)

CLERK WOOD: Ten present, two absent, Mr. President.

**EXCUSING MEMBERS**

PRESIDENT SHERER: Leader Babcock.

MEMBER BABCOCK: Mr. President, I move we excuse Member Smuckler and Member Scaglione from tonight's meeting.

MEMBER GIAVASIS: Second.

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

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Member Smuckler and Member Scaglione are excused from this evening's meeting. Tonight's invocation will be given by Ward 8 Council Member, Pete Ferguson...or...I take that back, Frank Morris. Sorry, about that. 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 September 18, 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 BABCOCK: Mr. President, I move Rule 22A be suspended to add second readings of Ordinances 26 through 34 to this evening's agenda.

MEMBER GIAVASIS: Second.

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PRESIDENT SHERER: It's been moved and seconded to suspend Rule 22A to add second readings to Ordinances 26 through 34 to this evening's agenda. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinances 26 through 34 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 have two speakers for this evening. I would like to remind our speakers, that you do get three minutes under Public Speaks. And our first speaker is Miss Kimberly Bell. Miss Bell, could you please state your name and residential address, please.

KIMBERLY BELL: Yes, Kimberly Bell 1733 Morris Ave. I like that...uh...prayer Mr. Morris. It will go with what I'm getting ready to speak about. Ok...I want to see if this boat is shipping...ship both ways in the water. Uh...I voted for you twice...Tom...I need \$20,000.00 dollars.

PRESIDENT SHERER: Miss Bell, could you please make comments to the chair, please.

KIMBERLY BELL: I didn't hear you sir.

PRESIDENT SHERER: Could you please...

KIMBERLY BELL: No, I'm talking to the Mayor.

PRESIDENT SHERER: Well you need too...

KIMBERLY BELL: I voted for him twice. I need \$20,000.00 dollars.

PRESIDENT SHERER: Miss Bell you need to address your comments to the chair, please.

KIMBERLY BELL: Ok, I will.

PRESIDENT SHERER: Thank you.

KIMBERLY BELL: Uh...uh...a friend...uh...uh...uh a relationship supposed to be mutual. And I voted for him twice. I need \$20,000.00, but anyway let's move on. But you said give in your prayer. You said make somebody happy today, he can make me happy. Ok...everybody asked me and only white people do this, ask me why are you so hard on the Mayor. I stop them in their tracks, I said...it's six little girls witness their father

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murdered in their home that they lived in after the murder for almost over two years...almost two years. They had to clean up the blood of their father and...Tom Bernabei and...and...and Robert Hurbert murdered that man. And those six little girls are having...issues today about this. And...you haven't even attempted to call them. So...I don't know your reason why you didn't check on them, that family after you murdered them. After you murdered their father. Cause that morning you got the call, you could of said...charge him with misuse of his service weapon. And you could of rolled over and went to sleep and then later on down the line add more charges. But you didn't, you chose to do what you did and those children will have that image in their head, the last time they saw their father. Would you like it if that was the last image of your grandkids...of you?

PRESIDENT SHERER: Miss Bell.

KIMBERLY BELL: What!

PRESIDENT SHERER: Please...address your comments to chair, if you would please.

KIMBERLY BELL: You know what...I wasn't going to do this, but you know what look at this photo. This is a racket. Nobody...nobody such as myself can get a job...get this position because it's already fixed. They're friends and family. This is a racket...right here. This is a racket. They are the only one who gets these positions. Them and their families.

PRESIDENT SHERER: Thank you, Miss Bell. Our last speaker for this evening is Miss Sadie Owens. Miss Owens, can you please state you name and residential address please.

SADIE OWENS: Sure, uh...Sadie Owens 3106 Trump Ave. Uh, good evening everyone I'm an educator in Canton. I teach in the 5<sup>th</sup> Ward of Canton. And I'm here tonight to share an experience I had, that I don't necessary think you can control, but I think that is appropriate that we react to as a community. Uh, I visited Canton Baptist Temple in Canton this Sunday and was horrified by an experience that I had there. Uh... I'm an educator because I believe in the pursuit of truth. You know the...the...uh...perception growing of children in our community in Canton. And I was met at a memorial service for a loved one, at the end, by the Pastor, getting up, on to state holding up sign that said "No On Issue One." Uh...he asked for all of the people in the audience there, hundreds of people that visit Canton Baptist Temple every day to repeat back, "We will vote no in November." He told everyone of those people in that church audience, that Issue One was a Bill allowing pornography to enter the lives of their children and their families. Something you will not find in the text of that Bill. I know that you can't control...you know...the things that people say in churches, the public speech that people do. And I know...uh...as Mayor Bernabei really kindly directed me on today over the phone, that the legality of 501(c)(3) nonprofit speaking about politics, about elections can be a little bit fuzzy. I know that there is a lot of grey area that you can't just say, "Ok you can't be a nonprofit church anymore in our community because you made a political stance." But I do think that it's the obligation of those who are elected to serve our community, who benefit from, and participate in...you know...electoral politics in Canton, Ohio, and the United States, to speak for truth. To uphold truth when it comes to the things that you know your constituents are voting on November 5<sup>th</sup>. Uh...so once again, I'm horrified. Not only as a person from Canton; a person who lives in Canton, a person with admittedly a political science degree; but a person who chose to be an educator because I believe in truth. I believe in perspective, I believe in building your own opinions. And instead, when I walked into Canton Baptist Temple on Sunday, I was met with a one sided political belief, being fed to hundreds and hundreds of people searching for hope, searching something to believe in...uh...without any context. And just an erroneous read of a bill that could really change the experiences of a lot of Ohioans. Not only in Canton, but across this state. Uh... so if anyone in this audience, if anyone who is sitting here today is interested in speaking with me about things we can do to make sure that these 501(c)(3)'s nonprofits who are

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not paying taxes because they are meant to be nonpartisan, you know community engaged organizations. If there's anything we can do, anything I can do to make this stop, to support truth, I'm happy to do that. Happy to speak with anyone here today. Uh...my name is Sadie Owens I'm horrified as an educator; as a person living in Canton; as a woman living in Ohio...uh...that this happened. Thank you for your time.

PRESIDENT SHERER: Thank you, Miss Owens.

**INFORMAL RESOLUTIONS**

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

1. MAJORITY LEADER SMUCKLER: AUTH PO TO BACHTEL EXCAVATING, INC. FOR HURSH PI & DEMARIO CT NW STORM SEWER INSTALLATION AND ROADWAY REPAIR PROJECT, GP 1436 – ADOPTED

PRESIDENT SHERER: Leader.

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

MEMBER GIAVASIS: 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. Informal Resolution #2, please.

1. PERSONNEL COMMITTEE: CONFIRM MAYOR'S REAPPT OF MR. DAVE GRABOWSKY TO CANTON CONSTRUCTION BD COMMENCING FROM 9/18/23 TO 12/31/25. - ADOPTED

PRESIDENT SHERER: Leader.

MEMBER BABCOCK: Mr. President, I move that we adopt Informal Resolution #2.

MEMBER GIAVASIS: Second.

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

NO REMARKS

RESOLUTION #2 PASSED UNANIMOUSLY BY VOICE VOTE

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

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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 SEPTEMBER 18, 2023.***

3. AUTH CONTRACTS FOR SALE OF PARCEL #217913 LOCATED IN 1900 BLK OF CLEVELAND AVE SW, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO 1827 GROUP LTD. - ECONOMIC DEVELOPMENT DIRECTOR HARDESTY
4. AUTH CONTRACTS FOR SALE OF PARCEL #209340 LOCATED IN 600 BLK OF COOK AVE SW, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO GREENER PROPERTIES LLC. - ECONOMIC DEVELOPMENT DIRECTOR HARDESTY
5. LTR ADVISING OF RETIREMENT IN JANUARY 2024. - HEALTH COMMISSIONER ADAMS
6. AUTH EDITING AND INCLUSION OF CERTAIN ORDINANCES ADOPTED FROM 1/30/23 TO 8/7/23 INTO CANTON CODIFIED ORDINANCES; AUTH TO DISTRIBUTE COPIES OF 2023 SUPPLEMENT FREE OR CHARGE TO PUBLIC OFFICIALS AND INSTITUTIONS AND AFFIX PRICE FOR SALE OF SAME. - LAW DIRECTOR REESE
7. REQ GRANT TO ARTS IN STARK FROM ARPA FUNDS FOR NEW ROOF ON "ZIEGLER TIRE BUILDING" FOR EN-RICH-MENT YOUTH PROGRAM. - MAYOR BERNABEI
8. REQ REPLAT OF LOT 28958 AND PART OF LOT 28959, PARCELS 229644 & 206788, WARD 7 (BRIAN LEIBY, 1500 BLK RIDGE RD NW). - PLANNING COMMISSION
9. REQ REPLAT OF LOTS 22800, 22801 AND 39901, PARCEL #243242, WARD 4 (HABITAT FOR HUMANITY, 2300 BLK 7TH ST NE). - PLANNING COMMISSION
10. REQ REPLAT OF LOTS 780 AND 781, PARCELS 211022, 284867 & 284868, WARD 2 (REFUGE OF HOPE, 609 E TUSC ST). - PLANNING COMMISSION
11. AUTH CONTRACT FOR EMS BILLING SERVICES FOR FIRE DEPT; EMERGENCY. - SAFETY DIRECTOR PERRY
12. AUTH CONTRACT FOR CITY HALL HVAC AND EXECUTIVE GARAGE REPAIR PROJECT; AMEND O#51/2023; EMERGENCY (SUPP APPROP FR GENERAL FUND TO OTHER BUILDINGS). - SERVICE DIRECTOR HIGHMAN
13. AUTH ACQUISITION FOR RIGHT-OF-WAY OF STARK CO. AUDITOR PARCEL #217050 USING TAAP; EMERGENCY. - SERVICE DIRECTOR HIGHMAN
14. REQ PO TO BACHTEL EXCAVATING, INC. FOR HURSH PL & DEMARIO CT NW STORM SEWER INSTALLATION AND ROADWAY REPAIR PROJ, GP 1436. - SERVICE DIRECTOR HIGHMAN
15. RPT OF PARKING METER REVENUE FOR 8/31/23. - TREASURER PEREZ
16. RPTS OF BANK RECONCILIATIONS AND OUTSTANDING INVESTMENTS AS OF 8/31/23. - TREASURER PEREZ

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17. COMPARATIVE RPT OF CASH RECEIPTS AS OF 8/31/23. - TREASURER PEREZ

**ORDINANCES AND FORMAL RESOLUTIONS FOR FIRST READING**

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their First Reading. Madam Clerk, would you please begin with Ordinance #18, please.

***NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #18 THROUGH #25 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- O#18. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AMERICAN RESCUE PLAN ACT SUBAWARD AGREEMENT WITH THE NORTHEAST WELLNESS AND BUSINESS CENTER IN AN AMOUNT NOT TO EXCEED \$250,000; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee
- O#19. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AMENDING ORDINANCE NO. 60/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (APPROP TRFS & SUPP APPROPS TO ADJUST VARIOUS ACCOUNTS)  
Referred to Finance and Public Property Capital Improvement Committees
- O#20. (1<sup>ST</sup> RDG) APPROVING A PETITION FOR SPECIAL ASSESSMENTS FOR SPECIAL ENERGY IMPROVEMENT PROJECT AND A SUPPLEMENTAL PLAN FOR THE CANTON REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT UNDER CHAPTER 1710 OF THE OHIO REVISED CODE; AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO ANY AND ALL DOCUMENTS NECESSARY IN CONNECTION WITH THE PETITION AND SUPPLEMENTAL PLAN; TO AUTHORIZE AND LEVY SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF CANTON IN COOPERATION WITH THE CANTON REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT; AND TO APPROVE AN ENERGY PROJECT COOPERATIVE AGREEMENT IN CONNECTION WITH SUCH IMPROVEMENTS AND SPECIAL ASSESSMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- O#21. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDERS #2 IN AN AMOUNT NOT TO EXCEED \$165,152.92 AND #3 IN AN AMOUNT NOT TO EXCEED \$393,442.00 FOR THE ALLEN AVENUE SE AREA SANITARY SEWER REPLACEMENT, GP 1332 WITH HM MILLER CONSTRUCTION CO.; AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATION RESULTING FROM THESE CHANGE ORDERS; AND DECLARING THE SAME TO BE AN EMERGENCY (\$261,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 206322 ALLEN AVENUE SANITARY SEWER / WATER PROJECT - OTHER)  
Referred to Environmental Public Utilities and Finance Committees

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- O#22. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE BOARD OF EDUCATION FOR THE CANTON CITY SCHOOL DISTRICT FOR THE 4<sup>TH</sup> ST. NW STORM AND SANITARY SEWER RELOCATION PROJECT AND ENTER INTO ALL CONTRACTS NECESSARY IN ORDER TO COMPLETE THE PROJECT; AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS THAT TOOK PLACE REGARDING THE PROJECT PRIOR TO THE AGREEMENTS BEING FINALIZED; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Environmental Public Utilities Committee
- O#23. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 121/2023** AN ORDINANCE AUTHORIZING THE JUDGES OF THE CANTON MUNICIPAL COURT TO ENTER INTO AGREEMENT WITH THE STATE OF OHIO DEPARTMENT OF MENTAL HEALTH & ADDICTION SERVICES FOR RECEIPT OF THE SFY2024 SPECIALIZED DOCKET PAYROLL SUBSIDY GRANT IN THE AMOUNT OF \$90,000; AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$90,000.00 SUPP APPROP FR UNAPPROP BAL OF THE 2797 SPECIALIZED DOCKET PAYROLL SUBSIDY GRANT FUND TO 2797 701001 SPECIALIZED DOCKET PAYROLL SUBSIDY GRANT - PERSONNEL)  
Referred to Finance Committee
- O#24. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 122/2023** AN ORDINANCE AUTHORIZING THE JUDGES OF THE CANTON MUNICIPAL COURT TO ENTER INTO AGREEMENT WITH THE STATE OF OHIO, DEPARTMENT OF MENTAL HEALTH & ADDICTION SERVICES FOR RECEIPT OF THE SFY2024 RECOVERY COURT ATP GRANT IN THE AMOUNT OF \$6,351; AMENDING APPROPRIATION ORDINANCE NO 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$15,086.00 SUPP APPROP FR UNAPPROP BAL OF THE 2792 SPECIALIZED RECOVERY COURT ATP GRANT FUND TO 2797 701001 RECOVERY GRANT COURT ATP - OTHER)  
Referred to Finance Committee
- O#25. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 123/2023** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$5,000.00 SUPP APPROP FR UNAPPROP BAL OF 2330 PUBLIC HEALTH WORKFORCE GRANT FUND TO 2330 301001 PUBLIC HEALTH WORKFORCE GRANT TO 2330 301001 PUBLIC HEALTH WORKFORCE GRANT – 700 OTHER DIRECT COST)  
Referred to Finance Committee

PRESIDENT SHERER: At this time, the Chair would declare an in-house recess for the Finance Committee to meet in regards to Ordinances #23 through #25 on your agenda this evening. You are now in recess.

***(COUNCIL RECESSED AT 7:17 PM FOR THE FINANCE COMMITTEE TO MEET IN REGARDS TO O#23 THROUGH #25; RECONVENED AT 7:21 PM)***

PRESIDENT SHERER: Leader.

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MEMBER BABCOCK: Mr. President, I move we suspend Rule 22A to place Ordinances 23 through 25 back on this evening's agenda.

MEMBER GIAVASIS: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend Rule 22A to place Ordinances 23 through 25 back on this evening's agenda. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinances 23 through 25 are a legal part of your agenda. Leader.

MEMBER BABCOCK: Mr. President, I move we suspend the statutory Rules on Ordinances 23 through 25.

MEMBER GIAVASIS: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend the Statutory Rules on Ordinances 23 through 25. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

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

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

MEMBER GIAVASIS: Second.

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

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

**#23 ADOPTED AS ORDINANCE NO. 121/2023**

PRESIDENT SHERER: The motion carries and Ordinance #23 has been adopted. Leader.

MEMBER BABCOCK: Mr. President, I move we adopt Ordinance #24.

MEMBER GIAVASIS: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #24. Are there any remarks under this Ordinance?... Hearing none, roll call vote, please.



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NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

**#24 ADOPTED AS ORDINANCE NO. 122/2023**

PRESIDENT SHERER: The motion carries and Ordinance #24 has been adopted. Leader.

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

MEMBER GIAVASIS: Second.

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

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

**#25 ADOPTED AS ORDINANCE NO. 123/2023**

PRESIDENT SHERER: The motion carries and Ordinance #25 has been adopted.

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their Second Reading. Madam Clerk, would you now start with Ordinance #26.

***NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #26 THROUGH #34 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

O#26. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION IN CONJUNCTION WITH THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO ALL CONTRACTS NECESSARY FOR THE TIMKEN GATEHOUSE RENOVATION PROJECT; OR TO ALTERNATIVELY ENTER INTO ALL CONTRACTS NECESSARY USING ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; AUTHORIZES THE AUDITOR TO PAY ALL MORAL OBLIGATIONS FOR CONTRACT CHANGE ORDERS THAT ARE OTHERWISE APPROVED BY THE BOARD OF CONTROL PURSUANT TO CANTON CODIFIED ORDINANCE 105.14 WITHIN THE ESTABLISHED DOLLAR AMOUNT THRESHOLDS; AUTHORIZING THE CITY TO RECEIVE ANY AND ALL GRANT/OUTSIDE FUNDS AVAILABLE FOR THE COMPLETION OF THE PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

O#27. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (ANGEL SO FOR PARKVIEW CANTON APTS,

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2701 HARRISON AVE NW, 2704 HARRISON AVE NW & 2006 HILLCREST RD NW)

- O#28. (2<sup>ND</sup> RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF PART OF LOT 2962 AND ALL OF LOTS 2963-2964; AND DECLARING THE SAME TO BE AN EMERGENCY (ROBERT THOMPSON, 927 WC HENDERSON AVE NE)
- O#29. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR THE INSTALLATION OF A VARIABLE FREQUENCY DRIVE AT THE NORTHEAST WATER TREATMENT PLANT AND TO EXECUTE A PROFESSIONAL SERVICES CONTRACT FOR INSTALLATION OVERSIGHT SERVICES FOR THE PROJECT; AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS FOR CONTRACT CHANGE ORDERS THAT ARE OTHERWISE APPROVED BY THE BOARD OF CONTROL PURSUANT TO CANTON CODIFIED ORDINANCE 105.14 WITHIN THE ESTABLISHED DOLLAR AMOUNT THRESHOLDS; AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$625,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207084 NORTHEAST WTP VARIABLE FREQUENCY DRIVE – OTHER)
- O#30. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER #1 WITH WENGER EXCAVATING, INC. IN AN AMOUNT NOT TO EXCEED \$114,771.40 FOR THE 34<sup>TH</sup> STREET NW AREA WATER MAIN REPLACEMENT AND ROADWAY IMPROVEMENTS PROJECT; AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS RELATED TO THIS CHANGE ORDER THAT TAKE PLACE PRIOR TO THE FINALIZATION OF SAID CHANGE ORDER; AND DECLARING THE SAME TO BE AN EMERGENCY
- O#31. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER #1 AND FINAL WITH CTI ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED \$31,730.02 FOR DESIGN OF THE 4<sup>TH</sup> STREET SE SEWER REPLACEMENT PROJECT, GP 1338; AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS RELATED TO THIS CHANGE ORDER THAT TAKE PLACE PRIOR TO THE FINALIZATION OF SAID CHANGE ORDER; AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$31,730.02 APPROP TRF FR 5410 206006 COLLECTION SYSTEMS DEPARTMENT – OTHER TO 5410 206326 4<sup>TH</sup> ST SE SEWER REPLACEMENT PROJECT, GP 1338 – OTHER)
- O#32. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING SECTION 105.01, CONSTRUCTION CONTRACTS, SECTION 105.09, NOTICE AND BIDDING REQUIRED, WHEN, AND SECTION 105.12 LOCAL BIDDER PREFERENCE OF CHAPTER 105, CONTRACTS OF THE ADMINISTRATIVE CODE
- O#33. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A TAX INCREMENT FINANCING COOPERATIVE

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DISBURSEMENT AGREEMENT WITH CHAMBER AVE LLC AND EMAXX NORTHEAST OHIO LLC DBA ECO-MAXX; AND DECLARING THE SAME TO BE AN EMERGENCY

O#34. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A COMMUNITY REINVESTMENT AREA AGREEMENT WITH CHAMBER AVE LLC AND EMAXX NORTHEAST OHIO LLC DBA ECO-MAXX TO PROVIDE REAL PROPERTY TAX EXEMPTIONS; AND DECLARING THE SAME TO BE AN EMERGENCY

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

PRESIDENT SHERER: We are now under Ordinances and Formal Res... Resolutions for their Third, Final Reading and Vote. Madam Clerk, would you please begin with Ordinance #35.

O#35. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 124/2023** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$1,200,000.00 SUPP APPROP FR UNAPPROP BAL OF 6017 HEALTH & LIFE INSURANCE TO 6017 201001 SERVICE DIRECTOR ADMIN – OTHER)

PRESIDENT SHERER: Leader.

MEMBER BABCOCK: Mr. President, I move we adopt Ordinance #35.

MEMBER GIAVASIS: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #35. Are there any remarks?  
...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

**#35 ADOPTED AS ORDINANCE NO. 124/2023**

PRESIDENT SHERER: The motion carries and Ordinance #35 is adopted. Ordinance #36, please.

O#36. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 125/2023** AN ORDINANCE VACATING A PORTION OF MINERVA COURT NW; APPROVING AND ACCEPTING THE REPLAT OF LOTS 4305, 4306, 4307, 4308, 4309, 4310, 4311, 4312, 4313, AND THE VACATED PORTION OF MINERVA COURT NW; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

MEMBER BABCOCK: Mr. President, I move we adopt Ordinance #36.

MEMBER GIAVASIS: Second.

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PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #36. Are there any remarks under this Ordinance? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

**#36 ADOPTED AS ORDINANCE NO. 125/2023**

PRESIDENT SHERER: The motion carries and Ordinance #36 is adopted. Ordinance #37, please.

O#37. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 126/2023** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION IN CONJUNCTION WITH THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO ALL CONTRACTS NECESSARY FOR THE WEST PARK BIKE PARK PROJECT; OR TO ALTERNATIVELY ENTER INTO ALL CONTRACTS NECESSARY USING ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; AUTHORIZES THE AUDITOR TO PAY ALL MORAL OBLIGATIONS FOR CONTRACT CHANGE ORDERS THAT ARE OTHERWISE APPROVED BY THE BOARD OF CONTROL PURSUANT TO CANTON CODIFIED ORDINANCE 105.14 WITHIN THE ESTABLISHED DOLLAR AMOUNT THRESHOLDS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

MEMBER BABCOCK: Mr. President, I move we adopt Ordinance #37.

MEMBER GIAVASIS: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #37. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

**#37 ADOPTED AS ORDINANCE NO. 126/2023**

PRESIDENT SHERER: The motion carries and Ordinance #37 is adopted. Ordinance #38, please.

O#38. (3<sup>RD</sup> RDG ) **ADOPTED AS ORDINANCE NO. 127/2023** AN ORDINANCE DEDICATING STARK COUNTY PARCELS 4880024, 4880032, 4880033, 4880013, 4880010, 4880031, 4880011, AND 4880014 (NIMISHILLEN CREEK PARK) AS PARK LAND; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A JOINT FACILITY DEVELOPMENT AND USE AGREEMENT WITH THE STARK COUNTY PARK DISTRICT FOR THE DEVELOPMENT, MAINTENANCE, OVERSIGHT, AND USE OF NIMISHILLEN CREEK PARK; AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE OR DIRECTOR OF PARKS AND RECREATION TO ENTER INTO ALL CONTRACTS NECESSARY TO FACILITATE THIS PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

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PRESIDENT SHERER: Leader.

MEMBER BABCOCK: Mr. President, I move we adopt Ordinance #38.

MEMBER GIAVASIS: Second.

PRESIDENT SHERER: It’s been moved and seconded to adopt Ordinance #38. Are there any remarks under this Ordinance? ...Hearing none, roll call vote please.

MEMBER HAWK: Yes. I would like to thank Mr. Moeglin, Director Moeglin for what he’s doing down there. It’s a wonderful idea and thank you Dan, very much. I appreciate it. See, it wasn’t that bad, was it sir?

PRESIDENT SHERER: Are there any additional remarks?

MEMBER GIAVASIS: Mr. President, yes I just want to...uh...reiterate...uh Member Hawk’s...uh...comments.

PRESIDENT SHERER: Thank you, Member Giavasis.

MEMBER HAWK: I think also, we should thank our Saf...excuse me our Service Director for the hard work he put in and joining that together and getting it done.

PRESIDENT SHERER: Alright...is there any additional remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

**#38 ADOPTED AS ORDINANCE NO. 127/2023**

PRESIDENT SHERER: The motion carries and Ordinance #38 is adopted. Ordinance #39, please.

O#39. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 128/2023** AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO SPARWOOD FARMS DEVELOPMENT; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO ANY AGREEMENTS NECESSARY FOR THE EXTENSION OF SAID WATER MAIN; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

MEMBER BABCOCK: Mr. President, I move we adopt Ordinance #39.

MEMBER GIAVASIS: Second.

PRESIDENT SHERER: It’s been moved and seconded to adopt Ordinance #39. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

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CLERK WOOD: Ten yeas, Mr. President.

**#39 ADOPTED AS ORDINANCE NO. 128/2023**

PRESIDENT SHERER: The motion carries and Ordinance #39 is adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SHERER: We are now under Announcement of Committee Meetings. Our next meeting date will be...Monday, September 25th, and Committee starts at 6:30 PM.

MEMBER HAWK: Mr. President.

PRESIDENT SHERER: Member Hawk.

MEMBER HAWK: Finance Committee will meet Monday, September 24<sup>th</sup>...25<sup>th</sup> at 6:30 PM, thank you.

PRESIDENT SHERER: Thank you, Member Hawk.

MEMBER FISHER: Mr. President.

PRESIDENT SHERER: Member Fisher.

MEMBER FISHER: The Environmental & Public Utilities, September 25<sup>th</sup> at 6:30 PM.

PRESIDENT SHERER: Thank you, Member Fisher.

MEMBER HALL: Mr. President.

PRESIDENT SHERER: Member Hall.

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

PRESIDENT SHERER: Thank you, Member Hall

MEMBER SMITH: Mr. President.

PRESIDENT SHERER: Member Smith.

MEMBER HAWK: Uh...Public Property Capital Improvement will also meet that day. Same time, same station.

PRESIDENT SHERER: Thank you, Member Smith

**MISCELLANEOUS BUSINESS**

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

MEMBER SMITH: Yes Mr. President. Oh...

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PRESIDENT SHERER: Member...

MEMBER SMITH: Ya'll just go ahead.

MEMBER KIMBROUGH: Ok, well I was just going to say.

PRESIDENT SHERER: Member Kimbrough.

MEMBER KIMBROUGH: I was just going to say, hats off to Ward 2 because we had that wonderful Canton Serving Canton downtown. And the Police and the Fire Department did another wonderful job. It's a great...opportunity for our kids that lined up this whole summer with that beautiful activities that they had downtown. So I just wanted to commend the Fire Chief and the Police Department for what they've been doing all summer.

PRESIDENT SHERER: Thank you, Member Kimbrough. Member Smith.

MEMBER SMITH: Yea...I would just like to...uh...make sure that everyone saw Sunday's paper. And on the front page...I'd like to personally thank Mayor Bernabei for supporting the grant that Stark Metropolitan Housing...uh...applied for. And we received the 5 hundred, you see I said we, we received the \$500,000.00. And I know and I hope that, you know I know you won't be in office at the time, but I want you to be right beside us when we receive that \$550,000,000.00 million dollars to make sure that the Southeast end will be taking care of. I'd just like to thank you so very much for all of your support that you do...for the Southeast and Ward 4 and really for the entire city. Thank you so very much.

PRESIDENT SHERER: Thank you, Member Smith. (*Applause*) Is there any other Miscellaneous Business for this evening? Hearing none, Leader.

MEMBER BABCOCK: I move we adjourn.

MEMBER GIAVASIS: Second.

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

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

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

ADJOURNMENT TIME: 7:37 PM

ATTEST:  
JILL M. WOOD  
CLERK OF COUNCIL

APPROVED:  
WILLIAM SHERER  
PRESIDENT