

MINUTES OF THE MEETING NOVEMBER 7, 2022

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, GREG HAWK, BRENDA KIMBROUGH, JASON SCAGLIONE, CHRIS SMITH, ROBERT FISHER, JOHN MARIOL, PETER FERGUSON & FRANK MORRIS)

ELEVEN COUNCIL MEMBERS PRESENT. (MEMBER HALL ABSENT)

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

EXCUSING MEMBERS

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to excuse Member Hall 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 Hall is excused from this evening's meeting. Tonight's invocation will be given... be given by Council Member-at-Large, James Babcock. 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 November 7, 2022 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 At-Large Council Member, James Babcock. The Pledge of Allegiance was led by President Sherer.

PRESIDENT SHERER: Thank you, Member Babcock.

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 for 14 through 24 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 24 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 24 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.

INFORMAL RESOLUTIONS

PRESIDENT SHERER: Tonight I'm gonna change it up. Normally, we would do Public Speaks, but I think tonight is a very, very special occasion to recognize some of our own. So, we are now under Informal Resolutions and we have two Informal Resolutions for this evening. Madam Clerk, would you please read Informal Resolution #1, by title.

1. COUNCIL-AS-A-WHOLE: COMMENDING SCOTT TINLIN, JESSE BUTLER AND PRINCE LATHAN ANDERSON AS THE 2022 CANTON FIREFIGHTERS OF THE YEAR. - ADOPTED

PRESIDENT SHERER: Leader.

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

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, the motion carries and Informal Resolution #1 is adopted. Clerk, could you please read Resolution #1 in its entirety. And Member Smuckler... Majority Leader will present the Resolution.

CLERK WOOD: An Informal Resolution Respectfully Submitted by Council-As-A-Whole on this 7th day of November, 2022. **Whereas**, Scott Tinlin has been a Firefighter/Paramedic with the Canton City Fire Department since April 8, 2014; and **Whereas**, Jesse Butler has been a Firefighter/Paramedic with the Canton City Fire Department since May 8, 2015; and **Whereas**, Prince Lathan Anderson has been a Firefighter/Paramedic with the Canton City Fire Department since April 20, 2018; and **Whereas**, A structure fire was reported at 1023 14th Street NW in the early morning hours of August 28, 2022; and **Whereas**, A Rescue Team consisting of Firefighter Tinlin, Firefighter Butler and Firefighter Anderson was summoned to the scene to rescue the entrapped victims. These three firefighters were the first to access the upstairs rooms; and **Whereas**, In near zero visibility conditions, Firefighter Tinlin found a female and a dog near the entrance to a bedroom through the use of a Thermal Imager. From there Firefighters Tinlin, Anderson and Butler took the

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victim down the stairs to the safety of fellow firefighters; and **Whereas**, This three man rescue group proceeded back upstairs in search of other victims. Firefighter Anderson was able to locate a third victim, and with the assistance of fellow firefighters, moved the victim to the stairway and down the stairwell to the safety of other fellow firefighters. **Now, Therefore Be It Resolved:** that we, the Members of Canton City Council, do hereby go on public record commending and honoring **Scott Tinlin, Jesse Butler and Prince Lathan Anderson**, the 2022 Canton Firefighters of the Year, for their dedication to the citizens of Canton and their heroic devotion to saving lives. (*Applause*)

MEMBER SMUCKLER: Mr. President, if I could have the Chief and the three firefighters please join me upfront. And any picture takers are more than welcome upfront here also. We're gonna... we're gonna have them... you guys come around here with me so they can take some pictures up there. Chief, come on back here. Okay. We sorta did this a little wrong. Now you can. Facing them, they're the important people. Before we get started with these three, I'd like to do something that we don't do enough of in this city, and that is saying thank you.

UNIDENTIFIED VOICE: Thank you.

PRESIDENT SHERER: Absolutely.

MEMBER SMUCKLER: Well, not only this, but we have a number of other firefighters in the back of the room that we should be saying thank you to. (*Applause*) You know, we're all taught to leave a burning building. It's exceptional when someone goes back in to get people, animals, loved ones out. And for what you three firefighters did that day, truly, truly amazing and should be recognized not only by the City Council here, but recognized by the whole city of Canton. This is public safety at its finest, and thank you to all three of you. (*Applause*)

CHIEF BENNETT: I just want to say, gentlemen and ladies and gentlemen, everyday I'm so proud to say that I lead amazing men and women, and to the greatest city in the country, the best fire department in the country... (*inaudible voice from the audience*) I just want to say we're just getting started. And in 2022, 2023 beyond, we're gonna keep everyday working hard to make sure that we make the city of Canton the safest place in the United States. So, City Council, Mayor, thank you for your acknowledgement, and we appreciate it and we gonna keep right and tight and keep fighting for the citizens of Canton. Thank you very much. (*Applause*)

MEMBER SMUCKLER: You have a public speaker in the group.

CHIEF BENNETT: Anybody? Say something.

PRINCE LATHAN ANDERSON: I gotta be the one? (*Laughter*) Well...

PRESIDENT SHERER: You just got voluntold... (*Chuckles*)

PRINCE LATHAN ANDERSON: I just want to say I'm thankful for this opportunity. I'm thankful for being a part of this crew that day on shift. Thankful for everybody that helped me get to where I am today. Thankful for God, my family. I'm thankful for all of you having us here tonight. And I'm... I appreciate you all. (*Applause*)

SCOTT TINLIN: I am the talker of the group, so I might as well jump up here as well. Uh, first and foremost, thank you guys for the recognition. Um, it is... I'm humbled, honored at the same time, but I... we couldn't be

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up here without the people in the back. Uh, there was probably close to 35 firefighters there that day. Um, without everyone working together, we couldn't be here to accept that award. So, um... thank you guys. Um, always have our back and we know going into fires, that fire's gonna be put out, things will be moving in the appropriate way. Um, our training's phenomenal. Um, we know what to do when the bell strikes, if it's two, three in the morning. Um, and once again, really honored to be up here, so thank you. (*Applause*)

JESSE BUTLER: I'm actually the talker of the group here. (*Laughter*) Um, but I would also like to say thank you. Uh, it's a real honor. Uh, great group of guys to work with. Uh, very stressful situation, but I felt like we handled it very well. And I have to thank the Chiefs, uh.... Captain, Truck 4 crew, they all did good that day. And thank you, City Council. (*Applause*)

PRESIDENT SHERER: Uh, take your time. We'll wait for them to walk out.

CLERK WOOD: Informal Resolution #2.

2. MAJORITY LEADER SMUCKLER: PO TO KENWORTH OF CANTON FOR REPAIR TO TOWER TRUCK #686. - ADOPTED

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: 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.

PUBLIC SPEAKS

PRESIDENT SHERER: We are now under Public Speaks and we only have one speaker for this evening, and that's Miss Kimberly Bell. Ms. Bell, could you please state your name and residential address, please.

KIMBERLY BELL: Kimberly Bell, 1733 Morris Avenue. I gave you all a gift today, what I'm working on, so I'll be coming back next time for more signatures, but thank those... I want to thank those who signed my petition tonight. And, I wasn't here when my good friend, Jason Reese, was nom... was given the position of Law Director. He's a... he's been nothing but a gentleman to me. Ever since I met him, I was his favorite girl. But congratulations, Jason, and... um, that's the best thing you ever done in your whole career. But anyway, let's go to what I'm talking about. You know, you hear about prison reform and... and it or... it starts out getting arrested by the police before you get to the stage of prison. So in order to reform prison... to reform the prison system, you gotta change the laws. You gotta en... reform the police department. That's where you start at. You don't start inside the prison and with the... with the... with the, uh... defendants. You start with changing the laws and... and reforming the police cause the police, when they get the call, it escalates into more than... more violence. It escalates to somebody wanting to fight the police, with more charges, so you gotta reform the police departments then you reform and re... reform the laws. Change the laws. It's so... you

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know, Canton is so... uh, tied up in a time capsule. We... guys, it's time to open the time capsule and stop letting you all play musical chairs and I ain't allowed to say what I'm talking about, but you all... I've said it several times up here. I won't say it again. But you gotta change... you gotta get rid of them. Your time is up, get out of there, get to moving. Get the generation Z and X and the... um, the George Floyd generation has changed the game and... and... and it's time to open up that time capsule Canton's been in for so many... for decade... for so many dark ages. And... and then the Hall of Fame. I see you getting ready to put more money on the Westside. We need money on the Eastside. Chris has told you I was gonna get you, but you cleared it up, you clarified it with me tonight. Y... you... we need to put another... we need to put a grocery store in... on the Eastside of Canton. Don't put a little Minute Mart where there's donated food. We need a Davies... a Davies Supermarket. Mr. Fisher's going out of business. He... when he closed Cherry, we lost it. So, see you all next time.

PRESIDENT SHERER: Thank you, Miss Bell.

KIMBERLY BELL: You're welcome.

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.

3. REQ FOR ADDT'L AMENDED CERT DATED 8/31/22 - AUDITOR MALLONN
4. STATEMENT OF CASH POSITION AS OF 8/31/22 - AUDITOR MALLONN
5. AUTH MILLS BUSINESS PARK TIF DISTRICT AMENDMENT, CREATION AND COOPERATIVE DISBURSEMENT AGMT; EMERGENCY – ECONOMIC DEV DIRECTOR HARDESTY
6. AMEND APPROP O#68/2022; EMERGENCY (\$125,000.00 SUPP APPROP) – FINANCE DIRECTOR CROUSE
7. AUTH PURCH OF WALK IN COOLER AT CENTENNIAL PLAZA; AMEND APPROP O#68/2022; EMERGENCY (\$64,014.55 SUPP APPROP; \$47,867.78 ADV-IN) – FINANCE DIRECTOR CROUSE
8. AMEND APPROP O#68/2022 (\$3,000.00 SUPP APPROP & \$4,300.00 SUPP APPROP) – HEALTH COMMISSIONER ADAMS
9. AMEND COD ORD 151.12 CONTINUING DISABILITY LEAVE – LAW DIRECTOR AYLWARD
10. REQ FOR REPAIRS TO TOWER TRUCK #686 FOR FIRE DEPARTMENT – SAFETY DIRECTOR PERRY

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11. AUTH PURCH OF SUPPLY EQUIP, ITEMS, MATERIALS, SUPPLIES AND SERVICES FOR CALENDAR YEAR; EMERGENCY – SERVICE DIRECTOR HIGHMAN AND SAFETY DIRECTOR PERRY

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 read Ordinance #12.

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

- O#12. (1ST RDG) AN ORDINANCE AMENDING ORDINANCE 59/2011 TO ADJUST TERRITORY INCLUDED WITHIN MILLS INDUSTRIAL PARK TAX INCREMENT FINANCING DISTRICT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- O#13. (1ST RDG) AN ORDINANCE ESTABLISHING “MILLS BUSINESS PARK 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 CANTON COMMERCE DEVELOPMENT, LLC; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development 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, please.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #14 THROUGH #24 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- O#14. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ACCEPT AND ENTER INTO A JOINT ECONOMIC DEVELOPMENT DISTRICT (JEDD) WITH PERRY TOWNSHIP; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICES TO ENTER INTO ALL NECESSARY JEDD AGREEMENTS AND ANY EGI RELATED AGREEMENTS FOR INCENTIVISING BUSINESS GROWTH WITHIN THE PROPOSED DISTRICT; AND DECLARING THE SAME TO BE AN EMERGENCY **PUB HRG: 11/14/22 @ 7:00 PM**
- O#15. (2ND RDG) AN ORDINANCE ADOPTING AMENDMENTS TO THE ECONOMIC GROWTH INITIATIVE REGULATIONS; AND DECLARING THE SAME TO BE AN EMERGENCY
- O#16. (2ND RDG) AN ORDINANCE AMENDING ORDINANCE NO. 100/2011, AS AMENDED, TO ESTABLISH THE ATTACHED EXHIBIT AS THE CLASSIFICATION PLAN FOR THE ADMINISTRATIVE DIVISION OF THE LAW DEPARTMENT’S

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MANAGEMENT AND NON-BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

- O#17. (2ND RDG) AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR AND/OR THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE AND DELIVER A COOPERATIVE TAX INCREMENT FINANCING AGREEMENT BY AND AMONG THE CITY, STARK COUNTY PORT AUTHORITY, HALL OF FAME RESORT & ENTERTAINMENT COMPANY AND HOF VILLAGE NEWCO, LLC, IN ORDER TO SUPPORT THE PORT AUTHORITY'S ISSUANCE AND SALE OF PORT AUTHORITY REVENUE BONDS TO PROVIDE FOR COSTS OF PUBLIC INFRASTRUCTURE IMPROVEMENTS CONSTITUTING PORT AUTHORITY FACILITIES BENEFITING THE DEVELOPMENT OF PROPERTIES LOCATED AND TO BE LOCATED WITHIN THE TAX INCREMENT FINANCING AREA ESTABLISHED BY THE CITY PURSUANT TO ORDINANCE NOS. 262/2015, 145/2017 AND 140/2021, AS AMENDED AND SUPPLEMENTED, INCLUDING REFUNDING REVENUE BONDS PREVIOUSLY ISSUED TO PROVIDE FOR A PORTION OF SUCH COSTS; APPROVING AND AUTHORIZING RELATED MATTERS; AND DECLARING AN EMERGENCY
- O#18. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AGREEMENT FOR AND ACCEPT THE 2022 WALMART LOCAL COMMUNITY GRANT IN THE AMOUNT OF \$2,500.00 FOR THE CANTON FIRE DEPARTMENT; AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$2,500.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL OPERATING FUND TO 1001 103001 FIRE ADMIN – OTHER)
- O#19. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AGREEMENT FOR AND ACCEPT THE FY2022 COPS HIRING PROGRAM AWARD #15JCOPS-22-GG-03462-UHPX IN THE AMOUNT OF \$1,250,000.00 FROM THE U.S. DEPARTMENT OF JUSTICE; AUTHORIZING THE AUDITOR TO RENAME FUND 2787 2014 BYRNE GRANT FUND TO 2787 2022 COPS HIRING PROGRAM GRANT 15JCOPS-22-GG-03462-UHPX FUND; AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$200,000.00 SUPP APPROP FR UNAPPROP BAL OF 2787 2022 COPS HIRING GRANT FUND TO 2787 102001 POLICE ADMIN – OTHER)
- O#20. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AGREEMENT FOR AND ACCEPT FROM THE OFFICE OF CRIMINAL JUSTICE, AMERICAN RESCUE PLAN ACT, LAW ENFORCEMENT VIOLENCE REDUCTION AND STAFFING IN AN AMOUNT NOT TO EXCEED \$74,760.00 IN GRANT FUNDS; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE PURCHASE OF TWO MOBILE CRIME-PREVENTION TRAILERS VIA ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; AUTHORIZING THE AUDITOR TO CREATE FUND 2804 OFFICE OF CRIMINAL JUSTICE, AMERICAN RESCUE PLAN ACT (ARPA); AMENDING APPROPRIATION ORDINANCE NO.

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68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$74,760.00 SUPP APPROP FR UNAPPROP BAL OF 2804 OFFICE OF CRIMINAL JUSTICE, AMERICAN RESCUE PLAN ACT (ARPA), LAW ENFORCEMENT VIOLENCE REDUCTION AND STAFFING TO 2804 102019 POLICE ADMIN – OTHER)

- O#21. (2ND RDG) AN ORDINANCE ACKNOWLEDGING RECEIPT AND APPROVAL OF THE STARK-TUSCARAWAS-WAYNE JOINT SOLID WASTE MANAGEMENT DISTRICT SOLID WASTE MANAGEMENT PLAN; AND DECLARING THE SAME TO BE AN EMERGENCY
- O#22. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH BURGESS & NIPLÉ TO PERFORM A PRELIMINARY STUDY AND PREPARE A DETAILED DESIGN OF A VARIABLE FREQUENCY DRIVE AT THE NORTHEAST WATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED \$49,700.00; AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$49,700.00 SUPP APPROP FR UNAPPROP BAL OF THE 5201 WATER FUND TO 5201 207084 NORTHEAST WTP VARIABLE FREQUENCY DRIVE – OTHER
- O#23. (2ND RDG) AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF THE FAIR MARKET VALUE OF REAL PROPERTY; AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, OR THEIR DESIGNEE TO ENTER INTO AGREEMENT FOR PURCHASE/ACQUISITION OR DONATION/ACQUISITION OF PARCELS FOR FEE SIMPLE TAKES, OR STANDARD HIGHWAY EASEMENTS FOR THE ROBERTS AVE. NW AND 26TH ST. NW, GP 1323 RIGHT-OF-WAY ACQUISITION; AND DECLARING THE SAME TO BE AN EMERGENCY
- O#24. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE AND/OR LAW DIRECTOR, OR THEIR DESIGNEE, TO APPROPRIATE PROPERTY PURSUANT TO OHIO REVISED CODE, CHAPTER 719, FOR THE PURPOSE OF ACQUIRING WARRANTY DEEDS, STANDARD HIGHWAY EASEMENTS, AND/OR TEMPORARY EASEMENTS FOR THE 15TH ST. SW BRIDGE REPLACEMENT, GP1299, STA-15SW-13.50, PID 113153 PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

CLERK WOOD: Mr. President.

PRESIDENT SHERER: Thank you, Madam Clerk.

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 #25.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCE #25 THROUGH O#34 FOR THEIR THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

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O#25. (3rd RDG) **ADOPTED AS ORDINANCE NO. 248/2022** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH STEINWAY BLVD. LLC AND EMAXX NORTHEAST OHIO LLC DBA ECO-MAXX TO PROVIDE A REAL PROPERTY TAX EXEMPTION; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON CITY SCHOOL BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82(C) OF THE OHIO REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #25. 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.

#25 ADOPTED AS ORDINANCE NO. 248/2022

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

O#26. (3rd RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 249/2022** A RESOLUTION CONSIDERING AND APPROVING THE PETITION FOR RENEWAL OF THE OPERATING ASSESSMENT OF THE DOWNTOWN CANTON SPECIAL IMPROVEMENT DISTRICT; 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?
Leader.

MEMBER SMUCKLER: Mr. President, I move we... uh, amend Ordinance #26 by the amendment before every Council Member.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to amend Ordinance #26 per the copy before each of you. Are there any remarks? ...Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

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NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

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

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

MEMBER BABCOCK: Second.

AMENDMENT

Pursuant to Rule 36, I move to amend Agenda Item No. 26 by the substitution of the attached amended ordinance for the original pending ordinance.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #26, as amended. Are there any remarks under this ordinance as amended?

MEMBER MORRIS: Mr. President.

PRESIDENT SHERER: Member Morris.

MEMBER MORRIS: Just kinda help me understand this, if somebody could. I... I'm looking at all these figures, and it looks like people's assessment from 2017 to 2022. I'll go to the very first one on the second page. I don't want to call out any businesses' names. Help me understand these numbers. So, if you could, Finance Director, Mayor, somebody, walk through across the line.

MAYOR BERNABEI: I... I do not... uh, Member Morris, I do not have the exhibit in front of me. I can tell you that for the last approximate 20 plus years, they have had this assessment process in place. This is the first year, and again these are done every five years, so for the next five years they have gone to all property owners and they have recommended an increase in the amount of funding per parcel, and that is why there is a... a... a larger number probably in most cases. Um, again, that is also why this is a voluntary assessment. We are not imposing this assessment.

MEMBER MORRIS: Right.

MAYOR BERNABEI: Uh, by statute, if 60% of the front footage owners of these properties all agree to be assessed, it then brings in the other 40%, and so these are numbers that have been discussed. You know, that they have a number of meetings that they've called property owners and so forth to explain the purpose and rates that they have established. So I think that this will enable them to... uh, I think in the past they've raised approximately \$180,000.00 per year in real estate taxes for the operation of the SID. I think that with this... this increase I think it goes to something like 200 and... \$262,000.00. So there is a... you know, a substantial percentage increase to each property owner, but again, it is a voluntary assessment.

LAW DIRECTOR REESE: Mr. President, so you know, Councilman Morris, those numbers are put forth by the Auditor.

MEMBER MORRIS: Yeah.

LAW DIRECTOR REESE: So the Auditor meets... they've come up with these numbers, so it's not nothing pick... or put forth by the City. It's based on the Auditor's... or what they value the property at.

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MEMBER MORRIS: Correct. No problem. Got it.

ECONOMIC DEVELOPMENT DIRECTOR HARDESTY: And Mr. President, to add...

MEMBER MORRIS: I'm just trying to figure out the numbers, that's all.

ECONOMIC DEVELOPMENT DIRECTOR HARDESTY: The calculations are predicated on size, so acreage associated with the parcel as well as its use. So the County Auditor takes in... that into account for each assessment based on each parcel that's present within the SID. So that's why you're gonna see the wild variance between parcel to parcel and the actual assessment based on each.

MEMBER MORRIS: Okay, thank you.

PRESIDENT SHERER: Are there any additional remarks?...Hearing none, roll call vote please, Madam Clerk.

CLERK WOOD: (*Inaudible*)

PRESIDENT SHERER: Yeah, Yep. As amended.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

#26 ADOPTED AS AMENDED AS ORDINANCE NO. 249/2022

PRESIDENT PRO TEM SMUCKLER: The motion carries and Ordinance #26, as amended, has been adopted. Ordinance #27, please.

O#27. (3RD RDG) **ADOPTED AS ORDINANCE NO. 250/2022** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ACCEPT THE 2021 ASSISTANCE TO FIREFIGHTER'S GRANT, ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO CONTRACT (S) FOR VARIOUS PURCHASES FOR THE FIRE DEPARTMENT; OR TO ALTERNATIVELY PURCHASE SAID ITEMS PURSUANT TO ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; AUTHORIZING THE AUDITOR TO CREATE FUND 2820 FOR THE 2021 DEPARTMENT OF HOMELAND SECURITY, ASSISTANCE TO FIREFIGHTERS GRANT; AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$207,309.50 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 103001 FIRE ADMIN; \$207,309.50 SUPP APPROP FR UNAPPROP BAL OF 2820 2021 ASSIST TO FIREFIGHTERS GRANT TO 2820 103001 FIRE ADMIN – OTHER; \$188,463.18 INTER-FUND TRF/ADV FR 1001 103001 FIRE ADMIN – OTHER ADV OUT TO 2820 103001 FIRE ADMIN – OTHER ADV IN; \$18,846.32 INTER-FUND TRF/ADV FR 1001 103001 FIRE ADMIN – OTHER TRF OUT TO 2820 103001 FIRE ADMIN – OTHER TRF IN)

PRESIDENT SHERER: Leader.

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

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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 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

#27 ADOPTED AS ORDINANCE NO. 250/2022

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

O#28. (3RD RDG) **ADOPTED AS ORDINANCE NO. 251/2022** AN ORDINANCE AMENDING SECTION 139.02, AGE FOR SAFETY FORCES PERSONNEL APPOINTMENTS OF CHAPTER 139 CIVIL SERVICE COMMISSION OF THE ADMINISTRATIVE CODE

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 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

#28 ADOPTED AS ORDINANCE NO. 251/2022

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

O#29. (3RD RDG) **ADOPTED AS ORDINANCE NO. 252/2022** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ACCEPT THE FFY 2023 IDEP (IMPAIRED DRIVING ENFORCEMENT PROGRAM) STEP (SELECTIVE TRAFFIC ENFORCEMENT PROGRAM) GRANT; AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$54,910.36 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL OPERATING FUND TO 1001 102001 POLICE ADMIN – PERSONNEL)

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

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NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

#29 ADOPTED AS ORDINANCE NO. 252/2022

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

O#30. (3RD RDG) **ADOPTED AS ORDINANCE NO. 253/2022** AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO SOUTHWAY STREET SW; 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 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 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

#30 ADOPTED AS ORDINANCE NO. 253/2022

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

O#31. (3RD RDG) **ADOPTED AS ORDINANCE NO. 254/2022** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AGREEMENT FOR AND ACCEPT \$55,490.00 IN GRANT FUNDS FROM THE OFFICE OF JUSTICE PROGRAM, BUREAU OF JUSTICE ASSISTANCE; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE PURCHASE OF ITEMS RELATED TO "WE BELIEVE IN CANTON" IN ACCORDANCE WITH ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; AUTHORIZING THE AUDITOR TO RENAME FUND 2781 USE OF FORCE SOFTWARE UPGRADE GRANT TO 2781 FY 22 EDWARD BYRNE MEMORIAL GRANT; AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$55,490.00 SUPP APPROP FR UNAPPROP BAL OF 2781 FY 22 EDWARD BYRNE MEMORIAL GRANT FUND TO 2427 102001 POLICE ADMIN – OTHER)

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: I move we adopt Ordinance #31.

MEMBER BABCOCK: Second.

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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 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

#31 ADOPTED AS ORDINANCE NO. 254/2022

PRESIDENT SHERER: Motion carries and Ordinance #31 is adopted. Ordinance #32, please.

O#32. (3RD RDG) **ADOPTED AS ORDINANCE NO. 255/2022** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER #2 WITH THE SHELLY COMPANY IN AN AMOUNT NOT TO EXCEED \$288,864.89 FOR THE CLEVELAND AVENUE WATER MAIN REPLACEMENT PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS AS PART OF THIS CHANGE ORDER THAT ARE OTHERWISE APPROVED BY THE BOARD OF CONTROL PURSUANT TO CANTON CODIFIED ORDINANCE 105.14; AND DECLARING THE SAME TO BE AN EMERGENCY (\$25,000.00 SUPP APPROP FR UNAPPROP BAL OF 5243 WATER FUND TO 5243 207055 CLEVELAND AVENUE WATER MAIN REPLACEMENT PROJECT – OTHER)

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #32.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #32. 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.

#32 ADOPTED AS ORDINANCE NO. 255/2022

PRESIDENT SHERER: Motion carries and Ordinance #32 is adopted. Ordinance #33, please.

O#33. (3RD RDG) **ADOPTED AS ORDINANCE NO. 256/2022** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER NO. 1 WITH WENGER EXCAVATING, INC. IN AN AMOUNT NOT TO EXCEED \$57,266.64 FOR THE TIMKEN PL./CLARK AVE. CONNECTOR PROJECT, GP 1313; AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS RELATED TO THIS CHANGE ORDER; AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$57,266.64 SUPP APPROP FR UNAPPROP FR UNAPPROP BAL OF 2175 COMPREHENSIVE PLAN IMPLEMENT FUND TO 2175 202001 ENGINEERING – ADMIN – OTHER)

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PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #33.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #33. 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.

#33 ADOPTED AS ORDINANCE NO. 256/2022

PRESIDENT SHERER: Motion carries and Ordinance #33 is adopted. Ordinance #34, please.

*O#34. (3RD RDG) **POSTPONED UNTIL 11/14/22** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A GRANT AGREEMENT WITH THE J BABA STEARN COMMUNITY CENTER UTILIZING \$300,000.00 IN ARPA FUNDS; AND DECLARING THE SAME TO BE AN EMERGENCY*

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #34.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #34. Are there any remarks? Leader.

MEMBER SMUCKLER: Mr. President, I move we postpone Ordinance #34 until November 14, 2022.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to postpone Ordinance #34 until November 14, 2022. Are there any remarks? ...Hearing none, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

ORDINANCE #34 POSTPONED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The motion carries and Ordinance #34 is postponed until next Monday, which will be November 14, 2022.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SHERER: We are now under Announcement of Committee Meetings. Our next meeting date will be, just like I stated, Novem... November 14th and Committee starts at 6:30 PM.

CLERK WOOD: Chris.

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PRESIDENT SHERER: Chris.

MEMBER SMITH: Yes, Mr. President, CD will...

PRESIDENT SHERER: Member Smith...

MEMBER SMITH: ...will meet that day, same time, 6:30.

PRESIDENT SHERER: Yes. Yes, ma'am.

MEMBER SMITH: Okie doke.

PRESIDENT SHERER: Thank you, Member Smith.

CLERK WOOD: That's the only one.

PRESIDENT SHERER: Yep. Should be a short committee meeting.

MISCELLANEOUS BUSINESS

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

MEMBER KIMBROUGH: Leader?

PRESIDENT SHERER: Member Kimbrough.

MEMBER KIMBROUGH: Oh, I just wanted to thank the Pull Over and Stop event that happened at Mt. Pleasant Church on Sunday. And Chief Gabbard was there and the Law Director and... uh... uh, Judge Forchione. They were all there and it was a very great opportunity for young people to find out how to act if you get pulled over by the police. So I'm just saying kudos to them for a prevention item for our youth. Thank you for all you did. (*Applause*)

PRESIDENT SHERER: Thank... 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, 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: 7:45 PM

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ATTEST:

JILL M. WOOD
CLERK OF COUNCIL

APPROVED:

WILLIAM SHERER
PRESIDENT