

MINUTES OF THE MEETING OCTOBER 23, 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.

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

ELEVEN COUNCIL MEMBERS PRESENT (MEMBER SCAGLIONE ABSENT)

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

EXCUSING MEMBERS

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to excuse Member Scaglione 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 Scaglione is excused from this evening's meeting. Tonight's invocation will be given by...our Majority Leader and Council Member-at-Large, Bill Smuckler. 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 October 23, 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 Majority Leader, Bill Smuckler. The Pledge of Allegiance was led by President Sherer.

PRESIDENT SHERER: Thank you, Majority Leader.

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 37 through 42 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 37...through 42 to this evening's agenda. Are there any remarks? ...Hearing none, roll call vote.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

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CLERK WOOD: Eleven yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinances 37 through 42 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 have three minutes under Public Speaks. And our first speaker is Ms. Kimberly Bell. Ms. Bell could you please...Ms. Bell could you please state your name and residential address please.

(BUZZER SOUNDS)

KIMBERLY BELL: I think I'm being set up! (*Laughter*) Ok, I'm not here to talk about...nothing other than...the uh (*inaudible*)...I have a question. It's been bothering me all weekend. Ok, so the Civil Rights Movement fought for...issues that happened with James Williams. And... you said to direct everything to you Mr. President, can you ask the African Americans that's sitting up there with you, why didn't they walk off the job...after nothing was done to...Robert Huber. Why didn't you just...walk off? I mean you saw that nothing had been done to this black man whose six little black girls saw him running. So if you can get an answer for me. And then can you...if...if you do become the Mayor, which I doubt, can you make arrangements to...change uh... a cer...one of the meetings out of each month...and make it so...that your Council Members can respond to us. Switch it up a bit. I mean you can't respond to us...when we up here so, set a certain meeting...out of...through the month...where...the...some...not, not anybody in particular, but whoever has to answer the question, raise their hand if they find a answer to the question that...one of the speakers is asking. So maybe put that on the agenda because that probably help you to solve a lot of issues in the community, that bothers...the uh...the uh residents and the business owners in the city. Answer some of the questions, it's just that simple. So maybe think about that, if you become the Mayor. Maybe make one day out of each mon...out of these meetings to answer some of these speakers questions. I know you're not doing it now because the current Mayor, because of current restrictions, and the current rules; but lets change the rules. Nothing...if...if...nothing changes, nothing changes. So if you can't answer the questions, nothing you can do in the community. Have a nice day.

PRESIDENT SHERER: Thank you, Ms. Bell. And our last speaker for tonight is Ms...Lauren Groves. Ms. Groves could you please state you name and residential address please.

LAURA GROVES: Laura Groves, 3922 Edgefield Ave, here in Canton. Uh...(*inaudible*) and I am hopeful that each of you have been receiving the emails I have been sending. Uh...and have had some time to look over yours. Uh...with the information... I've been trying to get to you. Uh...obviously TNR is the subject and Community Cat Program is a part of that subject. And I've been asked how many cats are we talking about. Well that's a tough question to answer without a proper Community Cat Program in place and doing research. It is generally accepted though...to estimate 1.8 cats per household. Very generally accepted, to use the same number for free roaming cats when estimating. According to the City's statistics page, for the City the population of Canton in 2021 was 70,426. Using the 1.8 cats per household and the estimated number for free

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roaming cats in the City would be at 126,766 cats. Uh... to give a bit of perspective the population in Stark County is 373,834 according to the 2020 census. The estimated free roaming cats in our county is 672,901. Our one (*inaudible*) in the City of Canton started a program to address this issue on November 9th of 2022. With just a few volunteers, they have been able to trap, neuter, and return 449 free roaming cats and it costs (*inaudible*) City \$4,229.00. Donations from the (*inaudible*) area are (*inaudible*) trucking (*inaudible*) \$275 is that cost. Uh...you may or may not be hearing from residents, but we hear from someone everyday both in and out of the City. And I have intentionally not ask every resident to come and speak before you to keep a sensitive subject peaceful. I realize I'm just one person, but there more of us out there just waiting for something to happen...or someone to do something. Tonight's request, make something happen. Meet with me and begin a dialog addressing this issue. Utilize the resources that you have right here in your area. Thank you. There is also other documents that you were given with a QR code, which is (*inaudible*) and so uh...learn more about our population of free roaming cats. Thank you.

PRESIDENT SHERER: Thank you Ms. Groves.

INFORMAL RESOLUTIONS

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

1. MAJORITY LEADER SMUCKLER: AUTH PURCH OF REPLACEMENT TOOLS AND EQUIPMENT FOR VARIOUS FIRE TRUCKS. - ADOPTED

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Informal Resolution #1. Are there any other 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.

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 OCTOBER 23, 2023.

2. RPT OF DEPOSITS AND PAY-INS TO AMBULANCE LOCK BOX FOR SEPTEMBER 2023. - CHIEF BENNETT
3. REO APPROP TRF IN COURT'S COMPUTER FUND #2413-702001. - CHIEF DEPUTY CLERK OF COURT GONZALEZ

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4. REQ WITHDRAWAL OF COMMUNICATION #5 FROM 10/16/23 AGENDA. - CHIEF DEPUTY CLERK OF COURT GONZALEZ
5. REQ TAX INCREMENT FINANCING (TIF) DESIGNATION FOR PARCEL 10016277 (FORMER KMART); EMERGENCY. - ECONOMIC DEVELOPMENT DIRECTOR HARDESTY
6. REQ TO AMEND APPROP O#51/2023; EMERGENCY (SUPP APPROP AND INTER-FUND TRF FROM STATE BODY WORN CAMERA GRANT FUND). - FINANCE DIRECTOR CROUSE
7. REQ TO AMEND APPROP O#51/2023; EMERGENCY (SUPP APPROP AND INTER-FUND TRF FROM 2780 FY 19 BULLET PROOF VEST GRANT FUND). - FINANCE DIRECTOR CROUSE
8. REQ TO AMEND APPROP O#51/2023; EMERGENCY (INTER-FUND TRF FROM ASST TO FIREFIGHTERS GRANT FUND). - FINANCE DIRECTOR CROUSE
9. REQ TO AMEND APPROP O#51/2023; EMERGENCY (SUPP APPROP AND INTER-FUND TRF FROM PROJ SAFE NEIGHBORHOOD GRANT FUND). - FINANCE DIRECTOR CROUSE
10. REQ TO AMEND APPROP O#51/2023; EMERGENCY (SUPP APPROP AND INTER-FUND TRF FROM US DEPT JUST/BUREAU ASST FUND). - FINANCE DIRECTOR CROUSE
11. AUTH APPT OF MR. DAVID PATTERSON TO CANTON BOARD OF BUILDING APPEALS COMMENCING 10/30/23 TO 12/31/24. - MAYOR BERNABEI
12. AUTH 3% COST OF LIVING RAISE FOR MGMT AND NON-BARGAINING UNIT EMPLOYEES AS OF 1/1/24; AMEND O#100/2011 TO INCREASE SALARY MIN AND MAX OF ALL SALARIED AND NON-BARGAINING EMPLOYEES BY 3%. - MAYOR BERNABEI
13. AUTH SUB-AWARD AGRMTS WITH NEWTON FAMILY APTS LTD PARTNERSHIP AND CANTON FOR ALL PEOPLE ACQUISITION HOLDINGS LLC; AUTH TRF OF REAL PROPERTY TO CANTON FOR ALL PEOPLE FOR CONSTRUCTION OF SINGLE-FAMILY HOUSING IN SHORB NEIGHBORHOOD; EMERGENCY. - MAYOR BERNABEI
14. REQ TO ACCEPT 2023 PRISONER EXTRADITION REIMBURSEMENT FUND GRANT; REQ TO AMEND APPROP O#51/2023; EMERGENCY (SUPP APPROP TO POLICE ADMIN - OTHER). - SAFETY DIRECTOR PERRY
15. REQ REPLACEMENT OF VARIOUS BROKEN AND/OR DAMAGED TOOLS AND EQUIPMENT FOR VARIOUS FIRE TRUCKS. - SAFETY DIRECTOR PERRY
16. REQ TO AMEND EXHIBIT A OF O#40/2000 TO ADD LANGUAGE REGARDING PAY FOR PROBATIONARY POLICE OFFICERS. - SAFETY DIRECTOR PERRY
17. RPT OF PARKING METER REVENUE FOR 9/30/23. - TREASURER PEREZ
18. RPTS OF 9/30/23 BANK RECONCILIATIONS AND OUTSTANDING INVESTMENTS - 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...hey, we got a bunch of them. Madam Clerk, would you please begin with Ordinance #19.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #19 THROUGH #36 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

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- O#19. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$60,000.00 APPROP TRF FR 1001 702001 CLERK OF COURTS ADMINISTRATIVE FUND - PERSONNEL TO 1001 702001 CLERK OF COURTS ADMINISTRATIVE FUND – OTHER)
Referred to Finance Committee
- O#20. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$36,000.00 SUPP APPROP FR UNAPPROP BAL OF 2766 MUNICIPAL PROBATION FUND TO 2766 701001 MUNICIPAL PROBATION – OTHER)
Referred to Finance Committee
- O#21. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A JOB CREATION TAX INCENTIVE AGREEMENT WITH HOWMET AEROSPACE PURSUANT TO THE CITY’S INCENTIVE PROGRAMS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- O#22. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN AMERICAN RESCUE PLAN ACT SUB-WARD AGREEMENT WITH THE BEACON CHARITABLE PHARMACY, INC. IN AN AMOUNT NOT TO EXCEED \$200,000; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee
- O#23. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (VARIOUS SUPP APPROPS AND INTER-FUND TRFS)
Referred to Finance and Public Property Capital Improvement Committees
- O#24. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$85,000.00 APPROP TRF FR 2190 861102 PACE FINANCING – OTHER TO 2190 861101 TOURISM DEVELOP DISTRICT TDD - OTHER)
Referred to Finance Committee
- O#25. (1ST RDG) AN ORDINANCE AMENDING SECTION 1 (O) OF ORDINANCE NO. 177/2006; AND DECLARING THE SAME TO BE AN EMERGENCY (PARK CHANGE DRAWER)
Referred to Finance Committee
- O#26. (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF OUTLOTS 1164 AND 1411; AND DECLARING THE SAME TO BE AN EMERGENCY (SHAWNEE DEV AND GLITZ ASSOC, FAIRCREST ST SW)
Referred to Public Safety & Thoroughfares Committee

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- O#27. (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF LOTS 2264 AND 5299; AND DECLARING THE SAME TO BE AN EMERGENCY (TERRY & PEGGY MILLER, 1003 CHERRY AVE NE)
Referred to Public Safety & Thoroughfares Committee
- O#28. (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF PART OF LOTS 6340 AND 6342; DECLARING THE SAME TO BE AN EMERGENCY (HABITAT FOR HUMANITY, 200 BLK WARNER RD SE)
Referred to Public Safety & Thoroughfares Committee
- O#29. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AGREEMENT FOR AND ACCEPT \$12,690 IN GRANT FUNDS FROM THE 2023 PATRICK LEAHY BULLET PROOF VEST PARTNERSHIP GRANT AND TO ENTER INTO CONTRACT FOR THE PURCHASE OF APPROXIMATELY 27 BULLETPROOF VESTS FOR THE MEMBERS OF THE CANTON POLICE DEPARTMENT; AUTHORIZING THE AUDITOR TO RENAME FUND 2782 FY 17 BULLET PROOF VEST PARTNERS TO 2023 PATRICK LEAHY BULLET PROOF VEST PARTNERSHIP GRANT; AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$12,690.00 SUPP APPROP FR UNAPPROP BAL OF 2782 FY23 PATRICK LEAHY BULLETPROOF VEST PARTNERSHIP GRANT TO 2782 102001 POLICE ADMIN - OTHER)
Referred to Finance Committee
- O#30. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO: SUBMIT A SUBSTANTIAL AMENDMENT TO THE CITY'S 2022 ANNUAL ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, ENTER INTO ALL CONTRACTS NECESSARY FOR THE TIMELY EXPENDITURE OF HOME PROGRAMS FUNDS AND TO ENTER INTO ALL PROFESSIONAL CONTRACTS NECESSARY FOR THE EFFECTIVE OPERATION OF THE PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- O#31. (1ST RDG) 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 DUMPSTER HAULER TRUCK FOR THE SANITATION DEPARTMENT; OR TO ALTERNATIVELY PURCHASE SAID ITEM PURSUANT TO ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$110,000.00 SUPP APPROP FR UNAPPROP BAL OF 5601 REFUSE OP. FUND TO 5601 205001 REFUSE ADMINISTRATION – OTHER)
Referred to Finance Committee
- O#32. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$16.38 SUPP APPROP FR UNAPPROP BAL OF 5215 55TH STREET NE WATER LINE EXTENSION FUND TO

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5215 55TH STREET NE WATER LINE EXTENSION – OTHER; \$16.38 INTRA FUND TRANSFER FR 5212 207001 55TH STREET NE WATER LINE EXTENSION – OTHER TO 5201 207001 WATER OPERATING FUND - OTHER)
Referred to Finance Committee

O#33. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$2,038.88 SUPP APPROP FR UNAPPROP BAL OF 5219 LAKE-HARTVILLE WATER LINE EXTENSION FUND TO 5219 LAKE-HARTVILLE WATER LINE EXTENSION – OTHER; \$2,038.88 INTRA FUND TRANSFER FR 5219 207001 LAKE-HARTVILLE WATER LINE EXTENSION FUND – OTHER TO 5201 207001 WATER OPERATING FUND - OTHER)
Referred to Finance Committee

O#34. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER #4 IN AN AMOUNT NOT TO EXCEED \$278,918.73 FOR THE ALLEN AVENUE SE AREA SANITARY SEWER REPLACEMENT, GP 1332 WITH HM MILLER CONSTRUCTION CO.; AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS RESULTING FROM THESE CHANGE ORDERS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Finance Committee

O#35. (1ST RDG) A RESOLUTION AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO APPLY FOR, ACCEPT, AND ENTER INTO A SUPPLEMENTAL 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 Finance Committee

O#36. (1ST RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 159/2023** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$75,000.00 SUPP APPROP FR UNAPPROP BAL OF 2331 301001 AIR POLLUTION – 600 PAYROLL TO 2319 301001 AIR POLLUTION – 700 OTHER DIRECT COSTS)
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 Ordinance #36 on your agenda. You are now in recess.

(COUNCIL RECESSED AT 7:16 PM FOR THE FINANCE COMMITTEE TO MEET IN REGARDS TO O#36; RECONVENED AT 7:19 PM)

PRESIDENT SHERER: Leader.

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MEMBER SMUCKLER: Mr. President, I move we suspend Rule 22A to place Ordinance 36 back on this evening's agenda.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend Rule 22A to place Ordinance... Ordinance #36 back on this evening's agenda. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinance #36 is a legal part of your agenda. Leader.

MEMBER SMUCKLER: Mr. President, I move we suspend the statutory Rules on Ordinance #36.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend the Statutory Rules on Ordinance #36. 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 you've heard the three readings. Leader

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

MEMBER GIAVASIS: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #36. Are there any remarks under this Ordinance? Leader.

MEMBER SMUCKLER: Mr. President, I move we amend Ordinance #36 per the copy that all Council Members have in front of them.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to amend Ordinance #36 per...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.

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 #36, as amended.

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MEMBER BABCOCK: Second.

AMENDMENT

Pursuant to Rule 36, I move to amend Agenda Item No. 36 by amending the fund number in the TO: portion of Section 1 from "2319" "2331.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #36 as amended. Are there any remarks...under this Ordinance...as amended? ...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 Ordinance #36 as amended 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 please begin with Ordinance #37.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #37 THROUGH #42 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- O#37. (2nd RDG) AN ORDINANCE ESTABLISHING THE HOUSING DEVELOPMENT AND BEAUTIFICATION PROGRAM USING UP TO \$100,000 OF ISSUE 13 COMPREHENSIVE PLAN FUNDS; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO HOUSING DEVELOPMENT AND BEAUTIFICATION PROGRAM CONTRACTS; AND DECLARING THE SAME TO BE AN EMERGENCY
- O#38. (2nd RDG) AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT AMENDMENT TO THE RETAINER AGREEMENT FOR LEGAL SERVICES RELATED TO THE *WILLIAMS V. CITY OF CANTON* CASE WITH BAKER, DUBLIKAR, BECK, WILEY & MATHEWS; AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$50,000.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL OPERATING FUND TO 1001753001 LAW ADMIN – OTHER)
- O#39. (2nd RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AGREEMENT FOR AND ACCEPT \$60,103.50 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 EIGHTEEN (18) GETAC GENERATION 7 MOBILE DATA TERMINALS IN ACCORDANCE WITH ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; AUTHORIZING THE AUDITOR TO CREATE THE 2823 FY 23 EDWARD BYRNE MEMORIAL GRANT FUND; AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND

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- DECLARING THE SAME TO BE AN EMERGENCY (\$60,103.50 SUPP APPROP FR UNAPPROP BAL OF 2823 FY 23 EDWARD BYRNE MEMORIAL GRANT FUND TO 2328 102001 POLICE ADMIN – OTHER)
- O#40. (2nd RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A GRANT AGREEMENT WITH THE TIMKEN FOUNDATION OF CANTON TO ENHANCE COMMUNITY ENGAGEMENT EFFORTS OF THE POLICE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$85,000.00; AMENDING APPROPRIATION ORDINANCE NO. 51/2023; AND DECLARING THE SAME TO BE AN EMERGENCY (\$85,000.00 SUPPP APPROP FR UNAPPROP BAL OF 1001 GENERAL OPERATING FUND TO 1001 102008 TIMKEN FOUNDATION POLICING GRANT – OTHER)
- O#41. (2nd RDG) AN ORDINANCE AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, OR THEIR DESIGNEE TO: ESTABLISH THE FAIR MARKET VALUE (FMV) FOR THE FEE SIMPLE TAKES OF PARCEL NOS. 203027 AND 226438; NEGOTIATE WITH PROPERTY OWNERS FOR THE PURCHASE/ACQUISITION OF THEIR PARCELS UTILIZING FAIR MARKET VALUE AS THE BASIS OF SAID NEGOTIATIONS AND TO ENTER INTO AGREEMENTS FOR THE PURCHASE OF AND ACCEPT TITLE TO SAID PARCELS; DECLARING THE INTENT OF THE CITY OF CANTON TO APPROPRIATE THE ESTATES AND/OR INTERESTS IN FURTHERANCE OF THE TUSCARAWAS ST W SAFETY CORRIDOR PROJECT, GP 1165; AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, OR THEIR DESIGNEE TO MAKE MINISTERIAL CHANGES TO CORRECT PROPERTY OWNER NAMES, PARCEL NUMBERS, AND OTHER NUMERICAL DESCRIPTIVE OR TYPOGRAPHICAL ERRORS; AND DECLARING THE SAME TO BE AN EMERGENCY
- O#42. (2nd RDG) AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR WATER, SANITATION AND SEWER SERVICES; 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 Resolutions for their Third, Final Reading and Vote. Madam Clerk, would you please begin with Ordinance #43, please.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #43 THROUGH #45 FOR THEIR THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- O#43 (3rd RDG) ***POSTPONED INDEFINITELY LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING CONSTRUCTING, MANAGING, OPERATING, AND MAINTAINING, IN COOPERATION WITH THE STARK COUNTY PORT AUTHORITY, CERTAIN PUBLIC STREET AND WATER, STORMWATER AND SANITARY SEWER SYSTEM IMPROVEMENTS IN THE CITY, INCLUDING THE ACQUISITION OF THE SITES THEREOF OR INTERESTS THEREIN AND OF EXISTING FACILITIES THEREON AND THEREIN, ALL TOGETHER WITH NECESSARY APPURTENANCES; AND DECLARING THE SAME TO BE AN EMERGENCY***

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PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #43.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #43. Are there any remarks?
Leader.

MEMBER SMUCKLER: Mr. President, I move we postponed Ordinance #43 indefinitely.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to postpone Ordinance #43 indefinitely. Are there any remarks?

MEMBER SMUCKLER: Uh...just so the Mayor knows, we'll pull it back up when...if and when...you don't have a firm date...right?

MAYOR BERNABEI: Right. Now to clarify that the purpose of the postponement This was anticipated even last week, we had a second reading on that. This...no way will this have a personal effect on the Ordinances you adopted last week. Those Ordinances are now the Stark County (*inaudible*). The (*inaudible*) until (*inaudible*) specifically identify purpose...purpose of the Ordinance until (*inaudible*) example, but (*inaudible*). After that happens, we then will come back to Law.... (*inaudible*) request from the Law Department to discuss specifically to fill in those numbers what the exact amounts of specific assessments will be. And that is the reason for the request in postponement.

PRESIDENT SHERER: Thank you, Mayor. Are there any additional remarks?...If not, by voice vote, all those in favor signify by saying aye. Those opposed no.

NO REMARKS

POSTPONEMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The motion carries and Ordinance #43 is postponed indefinitely. Ordinance #44 please.

O#44. (3RD RDG) **ADOPTED AS ORDINANCE NO. 160/2023** AN ORDINANCE AMENDING ORDINANCE NO. 100/2011, AS AMENDED TO ESTABLISH THE ATTACHED EXHIBIT AS THE CLASSIFICATION PLAN FOR THE SAFETY DIRECTOR'S CRIME LAB POLICE DIVISION MANAGEMENT AND NON-BARGAINING PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #44.

MEMBER BABCOCK: Second.

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PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #44. 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.

#44 ADOPTED AS ORDINANCE NO. 160/2023

PRESIDENT SHERER: The motion carries and Ordinance #44 is adopted. Ordinance #45, please.

O#45. (3RD RDG) **ADOPTED AS ORDINANCE NO. 161/2023** AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF THE FAIR MARKET VALUE (FMV) OF REAL PROPERTY FOR PURCHASE/ACQUISITION OF PARCEL 10010986 FOR FEE SIMPLE TAKE AND ACQUIRE ALL OR A PORTION OF SAID PARCEL UTILIZING AN PROCESS AUTHORIZED BY LAW, INCLUDING BUT NOT LIMITED TO, APPROPRIATION OF THE PARCEL; AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, OR THEIR DESIGNEE TO ENTER INTO AGREEMENT FOR THE PURCHASE/ACQUISITION OF SAID PARCEL UTILIZING FMV AND TO MAKE MINISTERIAL CHANGES TO CORRECT PROPERTY OWNER NAMES, PARCEL NUMBERS AND OTHER NUMERICAL, DESCRIPTIVE OR TYPOGRAPHICAL ERRORS; DECLARING THE INTENT TO APPROPRIATE THE PARCEL FOR CITY SERVICE CENTER IF A NEGOTIATED SETTLEMENT CANNOT BE REACHED FOR THE CITY TO ACCEPT TITLE TO SAID PARCEL; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #45.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #45. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

#45 ADOPTED AS ORDINANCE NO. 161/2023

PRESIDENT SHERER: The motion carries and Ordinance #45 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SHERER: We are now under Announcement of Committee Meetings. Our next meeting date will be Monday, October 30th. On the October 30...30th which will still be down here...in the McKinley Room at the Civic Center and Committee starts at 6:00 PM.

MEMBER HAWK: Thank you, (*inaudible*) Finance will meet Monday, October 30th at 6:00 PM, here in the Chambers.

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PRESIDENT SHERER: Thank you, Member Hawk.

MEMBER SMITH: Mr. President.

PRESIDENT SHERER: Member Smith.

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

PRESIDENT SHERER: Thank you, Member Smith.

MEMBER BABCOCK: Mr. President.

PRESIDENT SHERER: Member Babcock.

MEMBER BABCOCK: Personnel will meet same time, same place.

PRESIDENT SHERER: Thank you, Member Babcock.

MEMBER HALL: Mr. President.

PRESIDENT SHERER: Member Hall.

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

PRESIDENT SHERER: Thank you, Member Hall.

MEMBER KIMBROUGH: Public Safety & Thoroughfares will meet same time, same place.

PRESIDENT SHERER: Thank you, Member Kimbrough. (*Inaudible*) For Council Members for the purpose of being here at 6:00, will be to discuss...uh the completion of the medical package... for the City.

MISCELLANEOUS BUSINESS

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

MEMBER SMITH: Mr. President. I just want...uh...to invite everyone to the Trunk or Treat. the Southeast Community Center on Saturday...uh... from 1:00 PM to 4:00PM.

PRESIDENT SHERER: Thank you, Member Smith.

MEMBER KIMBROUGH: Mr. President.

PRESIDENT SHERER: Member Kimbrough.

MEMBER KIMBROUGH: Just want to remind everybody that on the 26th at the Stadium Park there's also going to be Trunk or Treat...uh at 5:00 PM to 7:00 PM at Stadium Park on the 26th.

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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: I'd like to thank everybody for coming tonight. This meeting is adjourned. (*Gavel falls*)

ADJOURNMENT TIME:

ATTEST:
JILL M. WOOD
CLERK OF COUNCIL

APPROVED:
WILLIAM SHERER
PRESIDENT