

MINUTES OF THE MEETING OCTOBER 3, 2022

PRESIDENT SHERER: Good evening ladies and gentlemen and welcome to Canton City Council. If everyone would 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, KEVIN HALL, JOHN MARIOL & PETER FERGUSON)

ELEVEN COUNCIL MEMBERS PRESENT. (MEMBER MORRIS ABSENT)

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

EXCUSING MEMBERS

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to excuse Member Morris 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 Morris is excused from this evening's meeting. Tonight's invocation will be given by Ward 5 Council Member, Robert Fisher. 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 3, 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 Ward 5 Council Member, Robert Fisher. The Pledge of Allegiance was led by President Sherer.

PRESIDENT SHERER: Thank you, Member Fisher.

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 16 to...through 18 to this evening's agenda.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend Rule 22A to add second readings to Ordinances 16 through 18 to this eve...evening's agenda. Are there any remarks? ...Hearing none, roll call vote, please.

MINUTES OF THE MEETING OCTOBER 3, 2022

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinances 16 through 18 are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT SHERER: We are now under Public Hearings and we have three Public Hearings for this evening. Madam Clerk, would you please announce the first Public Hearing.

CLERK WOOD: AN ORDINANCE AMENDING SECTION 1134.02, FENCES AND WALLS OF PART ELEVEN PLANNING AND ZONING CODE

PRESIDENT SHERER: Is there anyone in the audience wishing to speak for or against this Ordinance, please step forward. I must repeat, is there anyone in the audience wishing to speak for or against this Ordinance, please step forward. Seeing no one step forward, the Chair declares the Public Hearing over in regards to this matter. The matter now rests in the hands of Council. Madam Clerk, Public Hearing number two, please.

CLERK WOOD: AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE REGENT AVE-CITY SERVICE CENTER ANNEXATION AREA CONTAINING APPROXIMATELY 0.091 ACRE, MORE OR LESS; ASSIGNING SAID TERRITORY TO WARD 6 OF THE CITY; ZONING SAID TERRITORY AS I-1 LIGHT INDUSTRY DISTRICT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Is there anyone in the audience wishing to speak for or against this Ordinance, please step forward. I must repeat, is there anyone in the audience wishing to speak for or against this Ordinance, please step forward. Seeing no one step forward, the Chair declares this...the Public Hearing over in regards to this matter. The matter now rests in the hands of Council. Madam Clerk, Public Hearing number three, please.

CLERK WOOD: AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE 3801 HARMONT AVE NE 2022 ANNEXATION AREA CONTAINING APPROXIMATELY 12.516 ACRES, MORE OR LESS; ASSIGNING SAID TERRITORY TO WARD 6 OF THE CITY; ZONING SAID TERRITORY AS B-6 SHOPPING CENTER DISTRICT; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: For the last Public Hearing, is there anyone in the audience wishing to speak for or against this Ordinance, please step forward. I must repeat, is there anyone in the audience wishing to speak for or against this Ordinance, please step forward. Seeing no one step forward, the Chair declares the Public Hearing over in regards to this matter and the matter now rests in the hands of Council.

OLD BUSINESS

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

MINUTES OF THE MEETING OCTOBER 3, 2022**PUBLIC SPEAKS**

PRESIDENT SHERER: We are now under Public Speaks and we have two speakers for this evening. Our first speaker would be Ms. Skylark Bruce. Ms. Bruce, could you please state your name and residential address, please.

SKYLARK BRUCE: My name is Skylark Bruce and I live at 2216 Bollinger Ave. NE. Last week, Thursday, my friend and fellow activist, Destiny Stark, was declared Not Guilty by the Canton court system, of Disorderly Conduct, during a political protest in April. Yes, we still do have First Amendment Rights in the city of Canton, as afforded by the U.S. Constitution. But, it cost the city and my friend ridiculous amounts of time and money to reach that superfluous conclusion. I hope that city employees, including police officers, will take that into account when considering if they want to arrest and charge people for actions that are perfectly legal. Since the Prosecutor, Jason Reese, seemed to be confused last Thursday, on several points, I will clear up a few things now. On June 30, 2020, then Captain Jack Angelo, told a Town Hall styled public meeting, that the Canton Police Department follows seven out of the eight, 8 Can't Wait policies promoted by the national organization, Campaign Zero. CPD isn't the gold standard of the 8 Can't Wait and Canton had to request review of its policies from Campaign Zero, like any other Municipality wishing to be rated by that organization. The only policy Angelo said CPD doesn't abide by, is the Use of Force Continuum. But seven of these policies were supposedly in effect in January when Officer Robert Huber shot and killed James Williams. Policies 2, 3 and 4 were the ones violated by Huber. According to Angelo, Huber had a responsibility to de-escalate, to give warning before shooting and to exhaust all alternatives before shooting. While celebratory gunfire is certainly ill-advised and a fourth degree misdemeanor, it's not the mass casualty event that some fear. How many tumbling down bullets, in the very celebratory city of Canton, have actually resulted in injury or death. The Aultman and Mercy E.R. records may provide some information there, but neither hospital has seen fit to put a notice on their website about the dangers of celebratory gunfire. Maybe it's so rare to be hurt by those bullets, it's not worth the fear that the notice would cause. As members of City Council are apparently meeting with the current Police Chief, I hope they're asking important questions about keeping an officer on staff who breaks such impactful policies to such consequences. I would not still be at my job if I broke three financial regulations. We're not asking for police to be held to some higher standard, just something akin to what the rest of us abide by in our professions. The lives of the people in this city depend on police not being above the law, as they seek to enforce it. Last week you approved overtime for police officers to crack down on certain housing complexes. Previously, police representatives had asked for overtime specifically to pursue infractions among juveniles, pre-teens. Our children's lives depend on police officers doing their jobs well, with accountability and transparency. Justice for James Williams.

PRESIDENT SHERER: Thank you, Ms. Bruce. And our last speaker for this evening is Mr. Anthony Parker. Mr. Parker, you're more than welcome to take your mask down when you're speaking and uh...could you please state your name and residential address, please.

ANTHONY PARKER: Yeah, my name's Anthony Parker. I live on 67 Dana Avenue, Columbus, Ohio. I'm here...my comments are specifically about H.C.R 14 Resolution. Um...thank you to...Mr. and Mrs. Kimbrough uh...for...er...helping bring this about today. So, I'm here to talk about H.C.R 14, this is a Resolution making its way through the ed...Education Committee in the Ohio State House; has bipartisan support, um...supported by local Representative, Thomas West. Um...so basically what this Resolution is seeking to do, is provide cities in Ohio with the resources to address childhood trauma in their communities. As we know, this is a massive issue in Canton, Ohio. Uh...to give you a sense of what this would look like at the local level, if approved by the legislature and the Governor, um...what this would look like...the declaration of State of Emergency further triggers an array of authorities and actions by State and our local governments.

MINUTES OF THE MEETING OCTOBER 3, 2022

Actions that will engage authorities by a State emergency declaration would be called to include activation of State emergency response plans and mutual aid agreements, authority to expend funds and deploy personnel equipment (*Inaudible*) stockpiles, suspension and waiver of rules and regulations and statutes (*Inaudible*) and streamlining of state administrative procedures such as procurement requirements. So, this legislation is essentially asking uh...for the legislature in the State, to give Canton and other cities the tools to address childhood trauma in our communities. So, why is this supported so bipartisanly? Well, it's not just, you know, for the implications itself of social justice and doing better for our children; um...it actually has clear economic impacts currently. It's estimated that abuse and neglect cost Americans eighty billion dollars in the direct costs of hospitalization, law enforcement and child welfare and the indirect costs of special education, juvenile and adult criminal justice, adult homelessness and lost work productivity. One study has predicted that the cost of violence in youths on the health care system ranges between thirty...three hundred-thirty billion dollars up to seven hundred fifty billion dollars annually, or 37.5% of our total healthcare expenses. You believe that? Um...so, our team has designed a State of Emergency on Childhood Trauma concept to incorporate the full range of direct and indirect forms of crime exposure that commonly affect children. Um...when evaluating these forms of crime exposure, our impact umbrella (*Inaudible*) used at the presence of significant (*Inaudible*) evidence to support and demonstrate essential harm to the child, which rises to the level like that caused by the gold standard of direct victimization. Our team has reviewed over one hundred fifty studies which examine different aspects of the effects of crime exposure on all child life's aspects. We've identified five exposure categories that are subject to change. I ask for a few more seconds just to share a quote from the leader of our team, Ronald (*Inaudible*). "In an ideal world, the safety and well-being of our children would be a first order and national priority. Legislators and policy makers would be motivated to act for the sole reason of bettering the lives of children and providing the optimal conditions to improve children's life outcomes. At the very least, the prospect of protecting children from harm or helping them heal from trauma, would be a sufficient cause to bring the state into action. Nevertheless, the reality is that children do not have voting power and their voices are rarely heard in political debate. Although their sweet faces grace election campaigns, they are not present to negotiate their share when the national budget is distributed. In the political sphere, the well-being of children and rarely...rarely appears to have sufficient, independently, intrinsic value to incentivize concrete state action and substantial investment. Unfathomably, even the notion that the nation's failure is inseparable from the success and productivity of its next generation, seems to be too intangible and remote from policy perspective and a more direct upside is required to support any governmental financial investment in the well-being of our children. So, I'd ask that we examine this Resolution, not just for the future and safety and health of our children, but also for the future of our city and our economy. Thank you.

PRESIDENT SHERER: Thank you, Mr. Parker. (*Applause*).

INFORMAL RESOLUTIONS

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

1. COUNCIL-AS-A-WHOLE: SUPPORTING H.C.R. 14 AND ITS PASSAGE THROUGH OHIO GENERAL ASSEMBLY – ADOPTED

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

MINUTES OF THE MEETING OCTOBER 3, 2022

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 and Mr. Parker, if you would like to stay after the meeting, we can get a copy of this for you. Thank you. *(Applause)*.

(MEMBER OF AUDIENCE YELLS OUT: You're doing something.)

PRESIDENT SHERER: Alright, you ready? *(Inaudible. Conversation with Law Director Aylward)*. Leader.

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

MEMBER BABCOCK: Second.

LAW DIRECTOR: Could I just have...just a second?

PRESIDENT SHERER: Sure.

(Inaudible. Conversation between Clerk Wood, Law Director Aylward and President Sherer)

PRESIDENT SHERER: So, he had...already had moved to approve...

CLERK WOOD: Yes...he just didn't ask for us to read it, which is fine with me, so on to Resolution #2.

PRESIDENT SHERER: Yeah. So, it's been moved and seconded, right Majority Leader, okay. It's been moved and seconded to adopt Informal Resolution #2.

CLERK WOOD: No, wait a minute. I haven't read it yet.

PRESIDENT SHERER: I'm sorry...getting sidetracked here, go ahead.

2. COUNCIL-AS-A-WHOLE: RECOGNIZING OCTOBER AS DOMESTIC VIOLENCE
AWARENESS MONTH AND THE PROGRAM "TAKE BACK THE NIGHT" – ADOPTED

PRESIDENT SHERER: Let's try that one more time.

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

MINUTES OF THE MEETING OCTOBER 3, 2022

NO REMARKS

RESOLUTION #2 PASSED UNANIMOUSLY BY VOICE VOTE

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

CLERK WOOD: Okay.

PRESIDENT SHERER: You good?

CLERK WOOD: Yep.

PRESIDENT SHERER: Okay. (*Inaudible*). Okay. No Problem. Okay. We're good.**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 3, 2022.

3. AUTH ENTERPRISE ZONE AGMT WITH MAGG PROPERTIES LLC AND 4262 PORTAGE-FREEDOM LLC TO PROVIDE 10-YEAR, 75% REAL PROPERTY TAX ABATEMENT; EMERGENCY - ECONOMIC DEV DIRECTOR HARDESTY
4. AUTH ALL JEDD AGMTS WITH PERRY TOWNSHIP; EMERGENCY - ECONOMIC DEV DIRECTOR HARDESTY
5. AUTH CONTRACT FOR PURCH OF 48 BULLETPROOF VESTS FOR POLICE DEPT; REQ SUPP APPROP FR 1001 GENERAL FUND; EMERGENCY (2022 PATRICK LEAHY BVP GRANT) – SAFETY DIRECTOR PERRY
6. ADVISE OF REPLACEMENT OF ADMIN CLERK III POSITION WITH FISCAL MANAGER IN BLDG/CODE DEPT - 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 begin with Ordinance #7.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #7 THROUGH #15 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- O#7. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (SUPP APPROPS, TRFS AND INTER-FUND TRF TO ADJUST ACCTS THAT ARE OUT OF BALANCE OR SHORT ON FUNDS)
Referred to Finance Committee

MINUTES OF THE MEETING OCTOBER 3, 2022

- O#8. (1ST RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF LOTS 22484 & 22485; AND DECLARING THE SAME TO BE AN EMERGENCY (2200 BLK 7TH ST NE, HABITAT FOR HUMANITY)
Referred to Public Safety & Thoroughfares Committee
- O#9. (1ST RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO CREATE THE 2808 ARPA 2022 WELLNESS AND RECRUITMENT FUND; AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (APPROP TO POLICE ADMIN)
Referred to Community & Economic Development Committee
- O#10. (1ST RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS FOR JOE CAPLEA OF CAPLEA STUDIO ARCHITECTS FOR EXPENSES RESULTING PRIOR TO THE PASSAGE OF THIS ORDINANCE; AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (APPROP TO CODE ENFORCEMENT ADMIN)
Referred to Finance Committee
- O#11. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (APPROP TO POLICE ADMIN FOR K-9 KENNEL, WALMART LOCAL COMMUNITY GRANT)
Referred to Finance Committee
- O#12. (1ST 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
Referred to Environmental & Public Utilities Committee
- O#13. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH MAGG PROPERTIES, LLC AND 4262 PORTAGE-FREEDOM, LLC 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 REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- O#14. (1ST RDG) **ADOPTED AS ORDINANCE NO. 223/2020** AN ORDINANCE VACATING A PORTION OF CENTURY CIR. SW; APPROVING AND ACCEPTING THE REPLAT OF ALL OF OUTLOTS 1305, 1325 & 1330 AND VACATION OF A PORTION OF CENTURY CIR. SW; AND DECLARING THE SAME TO BE AN EMERGENCY (MILLS INDUSTRIAL PARK, 3900 BLK FAIRCREST SW, DEHOFF DEV)
Referred to Public Safety & Thoroughfares Committee
- O#15. (1ST RDG) **ADOPTED AS ORDINANCE NO. 224/2020** AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF ALL OF OUT LOTS 40094 & 40095; AND

MINUTES OF THE MEETING OCTOBER 3, 2022

DECLARING THE SAME TO BE AN EMERGENCY (1500 BLK HOWINGTON CIR
SE, JOE CORAM FOR CANTON RECOVERY)

Referred to Public Safety & Thoroughfares Committee

At this time, the Chair would declare an in-house recess for the Public Safety & Thoroughfares Committee to meet in regards to Ordinances 14 and 15 on your agenda this evening. You are now in recess.

(COUNCIL RECESSED AT 7:23 PM FOR THE PUBLIC SAFETY & THOROUGHFARES COMMITTEE TO DISCUSS ORDINANCES #14 AND #15; RECONVENED AT 7:25 PM)

PRESIDENT SHERER: Council is reconvening after the recess. Leader.

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 22A to place Ordinances 14 and 15 back on this evening's agenda.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend Rule 22A to place Ordinances 14 and 15 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 Ord...Ordinances 14 and 15 are a legal part of your agenda. Leader.

MEMBER SMUCKLER: Mr. President, I move we suspend the Statutory Rules of Ordinances 14 and 15.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend the Statutory Rules on Ordinances 14 and 15. 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: You've heard the three readings, Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #14.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #14. Are there any remarks under this Ordinance? ... Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

MINUTES OF THE MEETING OCTOBER 3, 2022

CLERK WOOD: Eleven yeas, Mr. President.

#14 ADOPTED AS ORDINANCE NO. 223/2022

PRESIDENT SHERER: The motion carries and Ordinance #14 has been adopted. Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #15.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #15. 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.

#15 ADOPTED AS ORDINANCE NO. 224/2022

PRESIDENT SHERER: The motion carries and Ordinance #15 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 #16.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #16 THROUGH #18 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (O#16 AND O#18 ADOPTED; O#17 ADOPTED AS AMENDED):

O#16. (2ND RDG) **ADOPTED AS ORDINANCE NO. 225/2020** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE, IN CONJUNCTION WITH THE CANTON PARK COMMISSION OR THEIR DESIGNEE, TO: ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO ALL CONTRACTS NECESSARY FOR THE PROJECTS IDENTIFIED IN EXHIBIT A OR TO ALTERNATIVELY ENTER INTO ALL CONTRACTS NECESSARY FOR SAID PROJECTS UTILIZING ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; WAIVING THE INFORMAL RESOLUTION REQUIREMENTS OF CANTON CODIFIED ORDINANCE 105.09; AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS FOR CONSTRUCTION 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; THE MAYOR OR DIRECTOR OF PUBLIC SERVICE, IN CONJUNCTION WITH THE CANTON PARK COMMISSION OR THEIR DESIGNEE IS AUTHORIZED TO ENTER INTO ALL CONTRACTS NECESSARY TO ESTABLISH A "3 ON 3" BASKETBALL PROGRAM; AND DECLARING THE SAME TO BE AN EMERGENCY (CANTON PARKS & REC ARPA LIST)

O#17. (2ND RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 226/2020** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (11TH ST IMPROVEMENT PROJ)

MINUTES OF THE MEETING OCTOBER 3, 2022

O#18. (2ND RDG) **ADOPTED AS ORDINANCE NO. 227/2020** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER #1 WITH STANLEY MILLER CONSTRUCTION CO. IN AN AMOUNT NOT TO EXCEED \$120,000.00 FOR THE 9TH STREET NE SALT STORAGE FACILITY RENOVATIONS PROJECT, GP 1371; AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS RELATED TO THIS CHANGE ORDER THAT TOOK PLACE PRIOR TO THE FINALIZATION OF SAID CHANGE ORDER; AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY6 (APPROP TRF FR ENGINEERING)

CLERK WOOD: Mr. President.

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we suspend the Statutory Rules of Ordinances #16 through 18.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend the Statutory Rules on Ordinances 16 through 18. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #16.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #16. 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.

#16 ADOPTED AS ORDINANCE NO. 225/2022

PRESIDENT SHERER: The motion carries and Ordinance #16 has been adopted. Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #17. Are there any remarks?

MEMBER SMUCKLER: Mr. President.

MINUTES OF THE MEETING OCTOBER 3, 2022

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we amend Ordinance #17 by the amendment that was just passed out in front of everybody in City Council.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to amend Ordinance #17 before the copy before each of you. Are there any remarks? 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 Ordinance #17, as amended.

MEMBER BABCOCK: Second.

AMENDMENT

Pursuant to Rule 36, I move to amend Agenda Item No. 17 by amending the dollar amounts in Section 1 from "\$500,000.00" to \$700,000.00".

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #17 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.

#17 ADOPTED AS AMENDED AS ORDINANCE NO. 226/2022

PRESIDENT SHERER: The motion carries and Ordinance #17, as amended, has been adopted. Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #18.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #18. 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.

#18 ADOPTED AS ORDINANCE NO. 227/2022

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

MINUTES OF THE MEETING OCTOBER 3, 2022**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 #19.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCE #19 THROUGH ORDINANCE #27 FOR THEIR THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

O#19. (3rd RDG) **ADOPTED AS ORDINANCE NO. 228/2020** AN ORDINANCE AMENDING SECTION 1134.02, FENCES AND WALLS OF PART ELEVEN PLANNING AND ZONING CODE **PUB HRG 10/3/22 @ 7:00 PM**

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

#19 ADOPTED AS ORDINANCE NO. 228/2022

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

O#20. (3rd RDG) **ADOPTED AS ORDINANCE NO. 229/2020** AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE REGENT AVE-CITY SERVICE CENTER ANNEXATION AREA CONTAINING APPROXIMATELY 0.091 ACRE, MORE OR LESS; ASSIGNING SAID TERRITORY TO WARD 6 OF THE CITY; ZONING SAID TERRITORY AS I-1 LIGHT INDUSTRY DISTRICT; AND DECLARING THE SAME TO BE AN EMERGENCY **PUB HRG 10/3/22 @ 7:01 PM**

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #20.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #20. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

MINUTES OF THE MEETING OCTOBER 3, 2022**#20 ADOPTED AS ORDINANCE NO. 229/2022**

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

O#21. (3rd RDG) **ADOPTED AS ORDINANCE NO. 230/2020** AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE 3801 HARMONT AVE NE 2022 ANNEXATION AREA CONTAINING APPROXIMATELY 12.516 ACRES, MORE OR LESS; ASSIGNING SAID TERRITORY TO WARD 6 OF THE CITY; ZONING SAID TERRITORY AS B-6 SHOPPING CENTER DISTRICT; AND DECLARING THE SAME TO BE AN EMERGENCY

PUB HRG 10/3/22 @ 7:02 PM

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

#21 ADOPTED AS ORDINANCE NO. 230/2022

PRESIDENT SHERER: The motion carries and Ordinance #21 is adopted. Ordinance #22, please.

O#22. (3rd RDG) **ADOPTED AS ORDINANCE NO. 231/2020** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DELCARING THE SAME TO BE AN EMERGENCY (LEGAL RESEARCH & PROBATION SERVICES FUNDS FOR COURT)

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #22.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #22. 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.

#22 ADOPTED AS ORDINANCE NO. 231/2022

PRESIDENT SHERER: The motion carries and Ordinance #22 is adopted. Ordinance #23, please.

MINUTES OF THE MEETING OCTOBER 3, 2022

O#23. (3rd RDG) **ADOPTED AS ORDINANCE NO. 232/2020** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (INDIGENT INTERLOCK MONITORING & INDIGENT TREATMENT FUNDS FOR COURT)

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

#23 ADOPTED AS ORDINANCE NO. 232/2022

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

O#24. (3rd RDG) **ADOPTED AS ORDINANCE NO. 233/2020** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (EARLY HEAD START PROG)

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

#24 ADOPTED AS ORDINANCE NO. 233/2022

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

O#25. (3rd RDG) **ADOPTED AS ORDINANCE NO. 234/2020** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (MARKET AVE WATER MAIN REPLACEMENT PROJ)

PRESIDENT SHERER: Leader.

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

MINUTES OF THE MEETING OCTOBER 3, 2022

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you 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. 234/2022

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

O#26. (3rd RDG) **ADOPTED AS ORDINANCE NO. 235/2020** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO CONVEY THE SANITARY SEWER RIGHTS FOR THE AREA KNOWN AS THE 3801 HARMONT AVE. NE ANNEXATION AND TO COMPENSATE THE COUNTY FOR SAID CONVEYANCES AND TO ENTER INTO AGREEMENT(S) WITH STARK COUNTY FOR THE OWNERSHIP, OPERATION, AND MAINTENANCE OF SANITARY SEWERS AND FACILITIES IN SAID AREA; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

#26 ADOPTED AS ORDINANCE NO. 235/2022

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

O#27. (3rd RDG) **ADOPTED AS ORDINANCE NO. 236/2020** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO: ENTER INTO A CHANGE ORDER WITH OMNI PRO SERVICES, LLC FOR CONSTRUCTION INSPECTION OF U.S. ROUTE 62 WHERE IT INTERSECTS WITH REBAR AVE. NE AND KIRBY AVE. NE AND ENTER INTO ALL CONTRACTS NEEDED WITH THE OHIO DEPARTMENT OF TRANSPORTATION OR DEVELOPER TO FACILITATE THESE PROJECTS; AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS RELATED TO THESE PROJECTS; AUTHORIZING THE CITY TO RECEIVE REIMBURSEMENTS FROM THE DEVELOPER OR ANY OTHER SOURCES FOR TH CITY'S COSTS RELATED TO THESE PROJECTS; AND DECLARING THE SAME TO BE AN EMERGENCY

MINUTES OF THE MEETING OCTOBER 3, 2022

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #27. Are there any remarks under this Ordinance? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 1 ABSTAIN
(MEMBER MARIOL ABSTAINED)

CLERK WOOD: Ten yeas, one abstention, Mr. President.

#27 ADOPTED AS ORDINANCE NO. 236/2022

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

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SHERER: We are now under Announcement of Committee Meetings. Our next meeting date will be October 17th and Committee will start at 6:15 p.m.

MEMBER HAWK: Mr. President.

PRESIDENT SHERER: Member Hawk.

MEMBER HAWK: Thank you, sir. Finance will meet October 17th at 6:15 p.m.

PRESIDENT SHERER: Thank you, Member Hawk.

MEMBER FISHER: Mr. President.

PRESIDENT SHERER: Member Fisher.

MEMBER FISHER: Environmental & Public Utilities will meet October 17th at 6:15.

PRESIDENT SHERER: Thank you, Member Fisher.

MEMBER HALL: Mr. President.

PRESIDENT SHERER: Member Hall.

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

PRESIDENT SHERER: Thank you, Member Hall.

MEMBER KIMBROUGH: Mr. President.

PRESIDENT SHERER: Member Kimbrough.

MINUTES OF THE MEETING OCTOBER 3, 2022

MEMBER KIMBROUGH: Uh...Public Safety & Thoroughfares will also meet, that same time and same place. Thank you.

PRESIDENT SHERER: Thank you, Member Kimbrough.

MISCELLANEOUS BUSINESS

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

MEMBER KIMBROUGH: I'd like to thank everyone that participated in uh...the uh...first Latino Festival at Centennial Plaza. It was a wonderful event and if you didn't get to come, it was really wonderful. It rained a little bit but it didn't stop the music. It was a great opportunity.

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

MEMBER SMUCKLER: Mr. President. Um...couple things. I think that uh...it was a great thing working with the Administration and getting Parks and Recreation (*Inaudible*) this evening and I think we all have a lot to look forward to in our wards, especially would like to thank the Mayor and John Mariol for arguing over this for the last year and making it all work. On another note, um...you notice I have purple on this evening. This is not because Jimmy Babcock dressed me this evening! (*Laughter*)...Um...this is because my wife dressed me! And this is in recognition of what you passed this evening. October is Domestic Violence Awareness Month. And uh...October 12th...uh...at Centennial Plaza, they're doing a program...program called Take Back The Night. And I heard a very emotional speaker who drove up from Dayton today, who talked about how she was battered and beaten for most of her adult life and uh...it's sad but one in four women and one in seven men face this on an ongoing basis. And um...our shelter is one of the busiest and best shelters in the state and if you haven't had the chance to go over and see it, it's no secret, it's over at 19th and Spring Avenue. You're all welcome to tour anytime and the Director there is phenomenal. And uh...there's a lot of good things happening there for a lot of bad things happening in the world right now. So, if any of you can make it, I sure would like you to make it. Also, I'm going to let two people here who neglected...um...Trick or Trunk, Trick or Treat, October...come on...

MEMBER KIMBROUGH: 27th...

MEMBER SMUCKLER: October 27th in Ward 2, at where?

MEMBER KIMBROUGH: It's gonna be at Stadium Park, that's not in Ward 2, but it's at Stadium Park (*Inaudible*).

MEMBER SMUCKLER: And that will be from when to when?

MEMBER KIMBROUGH: 5:00 – 7:00.

MEMBER SMUCKLER: Thank you.

MEMBER KIMBROUGH: Yes, sir.

MEMBER SMUCKLER: Member Smith.

MINUTES OF THE MEETING OCTOBER 3, 2022

MEMBER SMITH: I'm getting it together right now. Um, the last Saturday, what date is that?

(AUDIENCE MEMBERS YELL: The 29th, the 1st ...)

MEMBER SMITH: The 29th?

CLERK WOOD: The 29th.

MEMBER SMITH: The 29th at the Southeast...Southeast Community Center and it's a Trick or Trunk and it's...

MEMBER FISHER: What Ward is that?

MEMBER SMITH: That's Ward 4. And that's at 2:00.

MEMBER SMUCKLER: And for those people that want to help kids, and be around kids, this is a great place to start. And last but not least, I have bugged you all tonight about um...with a few exceptions and I will get to you exceptions later, about Canton Ex-Newsboys dinner, December 7th, um...see me if you can go; you want tickets. Some...most of you have seen me already and um...I will be, like Babe Stearn, and hounding everybody to help the kids. Appreciate it. On that note, 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: 7:49 PM

ATTEST:
JILL M. WOOD
CLERK OF COUNCIL

APPROVED:
WILLIAM SHERER
PRESIDENT