

**MINUTES OF THE MEETING SEPTEMBER 23, 2024**

PRESIDENT BATES AYLWARD: Good evening ladies and gentlemen and welcome to Canton City Council. If everyone would please turn your cell phones to vibrate we would appreciate it. 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:*

12 COUNCIL MEMBERS PRESENT: (JOHN MARIOL, JAMES BABCOCK, LOUIS GIAVASIS, CRYSTAL SMITH, GREG HAWK, BRENDA KIMBROUGH, JASON SCAGLIONE, CHRIS SMITH, ROBERT FISHER, JONATHAN COOKS, RICHARD SACCO & FRANK MORRIS)

TWELVE COUNCIL MEMBERS PRESENT

CLERK WOOD: All present, Madam President.

PRESIDENT BATES AYLWARD: Thank you very much. This evening our invocation will be given by Ward 3, Council Member Jason Scaglione. If you'll please stand and remain standing for our Pledge of Allegiance. Member Scaglione.

*The regular meeting of Canton City Council was held on September 23, 2024 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 3 Council Member, Jason Scaglione. The Pledge of Allegiance was led by President Bates Aylward.*

PRESIDENT BATES AYLWARD: Thank you, Member Scaglione. At this point in our program, I'm going to be introducing our special guest. But before I do ...

KIM BELL: He ... He ain't special.

CLERK WOOD: Hey, hey, hey we are not going to do that this week, okay?

KIM BELL: Well I did, he ain't special.

PRESIDENT BATES AYLWARD: Listen ...now, listen...

JUSTIN NICELY: *(inaudible)*

PRESIDENT BATES AYLWARD: Not ... no, here's what we're going to do. We have a very full house, we have a lot of speakers. You will have your right to speak at Public Speaks and you can address it then. But let's at least give a chance to our speaker to give information to you. Now, many of you were not here last week, many were, but I want to just go over real quickly how we kind of got to where we are. We started giving some information last week about where things were standing with the four case of the most... I guess...concerned right now. The Fornash case, the Tyson case, and the two other cases that had lesser physical harm. I will just refer to them at this time as the dog bite case and the kick case. So, we talked about where all those stood from an employment possibility and what's happening there. And the Mayor is going to have an update for you in Old Bussiness on that.

KIM BELL: And we don't need...

PRESIDENT BATES AYLWARD: If I hear anybody else ... now c'mon, please.

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JUSTINCE NICELY: Well, what are you going to do?

PRESIDENT BATES AYLWARD: Well, I will have to have the removed and I don't want to, I don't. I want everybody to be here. Kyle Stone Is going to speak if you'll be quite and let him.

JUSTIN NICELY: Is he going to stick around and hear what we have to say?

PRESIDENT BATES AYLWARD: That's up to Mr. Stone. That is up to Mr. Stone, Mr. Nicely. (*Gavel*) That's it. Now I've had it, act like adults. Now this is enough. Now were going to get some information for you, you've been asking for it, receive it. And then you can make your comments. Now, how we got here is we were giving information and one thing that became clear is that one thing that the city does not have information about nor any control over, is the Grand Jury review of possible felony cases. That's State law, that applies to everyone. Not just to Police, but to me, you, anyone. Councilwomen Smith felt that that information needed to come forth from the source. The only person that controls the Grand Jury, in any County, is the County Prosecutor. They have control over the Grand Jury, they schedule it, they call witnesses, they present it, they run the Grand Jury. Okay. We do not do that. So, he was invited to come here and speak to you by Councilwomen Smith and he accept it. This not a question and answer period; however, as I said everyone who signed up for Public Speaks, can address the information that's given. There's also going to be information given in Old Business also uh ... on some of these cases that I think you would want to hear. So, that's where we are without further or do. I'm going to ask for Mr. Stone, our Prosecutor, to be given the microphone. And I ask you to respect him and give him the opportunity to speak to you.

KYLE STONE: Good evening everyone, uh ... Councilwomen...uh ... Chris Smith, thank you for the invite on all accounts. So Mayor, Law Director, thank you guys for allowing me this opportunity. Uh ... so, I just wanted to take the moment as you know, as uh... Madam President ... Council President said Chris Smith asked that I would come and share the process of...of our Grand Jury. Uh... like she said it's my responsibility in my office for all case that require uh...Grand Jury review. The Grand Jury is a function of the Common Pleads Court. They are...or...one of our Common Pleads Court Judges is the arrainging Judge, they reign over that. My office presents cases to that Grand Jury and then the Grand Jury decides. I...my office, our prosecutors walk out of the room and the nine individuals that's in the room, are the ones that decide what cases or what...um...felonies that's going to be charged, they decide. And so, that's the process that we have with all of our officer involved situations...uh...and officer involved deaths, we take that...those very seriously. And one of the reasons why it takes a little bit longer is because not only...uh...do I have the most senior of the staff review, but I also review all of those cases as well. To ensure that everything is thoroughly reviewed...uh...uh...thoroughly acknowledged and reviewed so that we can present the case as efficient and thoroughly as possible. Please understand also that some of the delays in time is for scheduling purposes as well as getting the right individuals to come and testify during that process. And so, while we understand that these case are really important to our community, it's even more important that you understand that we cannot uh...um...I cannot respond based on public outcry. Because if I can respond to public outcry, that means I will respond to other things. And I maintain a certain level of integrity, the highest level of integrity, throughout this entire time. This will be our sixth and seventh officer involved death since I've been in office. And we've maintained ...

*(Inaudible shout from audience)*

PRESIDENT BATES AYLWARD: Aht, aht.

KYLE STONE: We've maintained the highest level of quality and integrity in that process and presented it to the Grand Jury. Once again, just like other cases, it's always up to the Grand Jury to decide those charges. We

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present them, we present the information, and that's...it's up to them. That's with our Fifth Amendment, the Constitution requires that on one is charged with a uh...uh... felony, expect by way of the Grand Jury. And so, because of that, that's the process and we'll continue to follow and that's exactly what I'll do with these two cases coming up. They will be presented uh...um...to the Grand Jury soon. I'm not giving specific dates um...but they are going to be presented very soon. And I stand on that um...that...that we have to maintain a certain level of integrity. I'm not going to be moved by outside influence and so because I want you all to be able to freely share what you feel, and you're perspective, I will not stay for the comments and perspectives in regards to your opinions on those cases. So...

*(Justin Nicely and audience members yell out "wow" and outcries)*

PRESIDENT BATES AYLWARD: No ... no

KYLE STONE: So, okay uh...um...I want to make sure I...uh...you...you know stand on that process and however uh...things happen, they happen, according to the Grand Jury. And so, it was a courtesy for me to come and ...and present and share this information um...and the little that I can. But you guys this is the Criminal Justice System and it has to work with integrity and I'm going to maintain that. And so, alright.

*(Audience members yelling)*

PRESIDENT BATES AYLWARD: Thank you ... thank you Mr. Stone. Thank you, Prosecutor.

*(Audience members yelling)*

PRESIDENT BATES AYLWARD: Alright, well we are going to proceed now. We are going to proceed now. Thank you Mr. Stone, Prosecutor Stone for coming. Again, we're going to have some more information in Old Business. But, before we get to that we have some other thing to attend to.

**AGENDA CORRECTIONS AND CHANGES**

PRESIDENT BATES AYLWARD: We are now under Agenda Corrections and Changes. Uh oh, where did Leader Mariol go? *(Laughter)*

MEMBER BABCOCK: He'll be right back, pause for commercial.

PRESIDENT BATES AYLWARD: Pause for commercial.

CLERK WOOD: Go ahead, Babby.

PRESIDENT BATES AYLWARD: Babby you go ahead. Leader Babcock, can you please make a motion for Agenda Corrections and Changes.

MEMBER BABCOCK: Madam President, I move to suspend Rule 22A to add second reading Ordinances #18 through O#20 to this evening's agenda.

MEMBER GIAVASIS: Second.

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PRESIDENT BATES AYLWARD: Thank you. It's been moved and seconded to suspend Rule 22A to add our second readings to the ... Ordinances #18 through #20 to this evening's agenda. Are any remarks? Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Madam President.

PRESIDENT BATES AYLWARD: Thank you. The motion carries and Ordinances #18 through O#20 are a legal part of your agenda.

**PUBLIC HEARINGS**

PRESIDENT BATES AYLWARD: We are now under Public Hearings, and we have none this evening.

**OLD BUSINESS**

PRESIDENT BATES AYLWARD: We are now under Old Business, and as I stated, I will now call on Mayor Sherer, who has so updates in the business that we discussed with all of you last week. Mayor Sherer.

MAYOR SHERER: Thank you, Madam President. Today, Detective Brandon Momirov's employment with the City of Canton was terminated. As I stated before, the behavior seen in the video was unacceptable. And let me be clear about this, I respect every one of our officers that put their lives on the line every day to keep this community safe. But, that respect has to come with responsibility and commitment and...and it doesn't matter how difficult the situations is, there will be a level of profession ... professionalism and integrity maintained by every department in this city, including Canton PD. I fully support the decision made by our Safety Director Andrea Perry, and I will continue to support Police Chief, John Gabbard as we continue to move this community forward. Thank you, Madam President.

PRESIDENT BATES AYLWARD: Thank you, Mayor Sherer. Um...I do want to just follow up with something briefly to, as we've discussed. The Grand Jury is not within our purview and you have heard Mr. Stone's comments um...we have attempted to follow up with the Bureau of Criminal Intelligence, who investigated these cases. Um...they are reluctant to speak with us, they want to speak only with Mr. Stone, which I totally understand, but they did complete their work and I know that they took a long time. But, they did complete their work and um...informed us that Fornash was turned over approximately June 20<sup>th</sup>, and the Tyson case was turned over approximately four weeks ago. So, I just want to give you that as a context of what little we know. We have not seen the reports um...they will not give them to us. So, we have not seen those as of yet. So that's the update on as...as...as we know it right now. Okay. Alright. Thank you for your patience.

**PUBLIC SPEAKS**

PRESIDENT BATES AYLWARD: Now, we are now under Public Speaks. We have 11 speakers this evening. You all know, most of you have spoken before. Um...you have three minutes, please give your name and residential address when I call you to the podium. And um...our first speaker is David Kerestes. Mr. Kerestes.

DAVID KERESTES: David Kerestes, 626 Walnut Avenue NE. I'm here tonight to talk about ...

MEMBER BABCOCK: Talk in the mic.

DAVAID KERESTES: (*inaudible*) It's been put upon the Mayor and the City Council and their incompetence and so on, but for me I ... I have a problem with the DEA here. DEA up in Summit, I tracked forty keys of meth

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down in Massillon and it pertains to Matt Schuring at 3500 Lincoln Way. I got evict number code (*inaudible*). This is totally ridiculous that I had to write to the Senate about the DEA threatening (*inaudible*) arrest me for turning in veterans (*inaudible*). Not that that even matters. That is just totally ridiculous. I called Washington and spoke on (*inaudible*). So, then I go to the FBI (*inaudible*) their agents go back, go way back to my father when marijuana came in the neighborhood, he was trying o get rid of that. And we're watching uh ... Sam Cazon and Nick McKinny out of Sam's (*inaudible*) sell marijuana, couple Korean Combat guys. Takes that to the FBI, I think they put him into Brecksville. And me I'm listening to my Uncle John through the cold air return, I don't know how much of this is true but I know that I listened to him. I listen to him talk about the Mayor named Babcock, Judge named Belden and Prosecutor named Harmon and they're having conversation's about federal funds that have disappeared (*inaudible*). That was probably in the seventies. Now I'm moved into 25<sup>th</sup> Street and I see 2-phase wire running into a 3-phase wire with no ground (*inaudible*) and I say something about that and what happens? Tgey sell the place and I get evicted. The only way they can sell...or evict me, was by selling the place. So they did a quit deed, (*inaudible*) except he sold it to his partner (*inaudible*). So, when you think about all the things that go on, I'm quite flabbergasted that when I go to the Stark County Auditor (*inaudible*) and taxes not being paid at this property. And...uh...quite frankly I'm forced to be at a public building, asking public questions about the city being robbed by drug dealers laundering money at their properties. And you know, when you think about all of this, you have to lay this on the Federal Government. They're the ones that created it. For me, I sit here and I look at the 1917 Espionage Act, 19 and 17, Section 2 (*Inaudible*) whoever with (*inaudible*) may be used for injuries to the United States of America, or to advance any foreign nation. How did Bush get away with (*Inaudible*) in Florida? Because he was the son of a CIA who got caught running drugs (*Inaudible*). That's three of 'em and there's still never been an investigation from our government.

PRESIDENT BATES ALYWARD: Thank you, Mr. Kerestes. Our next speaker is Ms. Skylark Bruce, Ms. Bruce.

SKYLARK BRUCE: My name is Skylark Bruce and I live at 2216 Bollinger Ave. NE. I would like to hold a moment of silence for Derrick Hill, who passed away one year ago yesterday. (*Moment of Silence*). Thank you. I know most of you are wondering, "who the heck is Derrick Hill?" He was a 35 year old Black man in Canton, who died in a car crash in Perry Township. He bled out in the car, with officers on scene, from multiple departments, including Canton PD. The only person who attempted to save Hill's life was a neighbor to the crash, who happened to be a nurse. After a few minutes of the nurse calling for more help for him, the officers forced the nurse out and made her leave the scene. When the MT's arrived, officers prohibited them to attend to Hill until it was definitely too late. His widow and fatherless children grieved his loss. So did the nurse, who lives this experience daily. Mr. Hill should have lived until an old age and died with his loved ones around him. Sometimes people die because of police inaction. Sometimes people die because of direct action that the police choose to take. City Council has the ability to force the Police Department to the table to make meaningful changes to a policy and policy enforcement. You control the money that the police department cannot function without. You can vote no on a bunch of items that relate to the police department. Clearly Chief Gabbard isn't going to change anything because he wants to, in the police department. He is so very proud to be publicly associated with these brutal murderers and abusers on staff. I don't think Gabbard has lost control of the police department like some say. By his own telling, he stills focuses on the good, he says, that the police department does that he can't be bothered to do anything about the bad. That tells me he doesn't really see police brutality as an actual problem. Every once in a while, there's a PR scapegoat, like Officer Nicholas Casto or Brandon Momirov, to lose his job, but probably face no other consequences. Assault charges would be a great next step. Of course, the Prosecutor can choose to present a really bad case, if he wants to. As (*Inaudible*), mother of Zachary Fornash, has recently told this Council, nothing will bring her son back. She wants to keep other families whole. As much as the family of Frank Tyson wants justice for his death, they know that the anguish

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they have endured for the past five months, should not become any other family's reality You hold the levers of power in your hands, given to this Council, by the State of Ohio. If you chose not to use those levers of power for good, we will find someone else who will. Justice for Zachary Fornash and Frank Tyson. (*Applause*).

PRESIDENT BATES AYLWARD: Thank you Ms. Bruce. Our next speaker is Mr. Daniel Gates.

*(Someone yells, "Come on Daniel")*

CLERK WOOD: Is it on?...

DANIEL GATES: Hello...

PRESIDENT BATES AYLWARD: Yeah, it's on.

*(Someone says, "I don't think this is on...")*

PRESIDENT BATES AYLWARD: Yes, it's on.

DANIEL GATES: My name is Daniel, uh...I live in the United States Constitutional Republic. I want to talk about your three percent tax. You guys remember the Tea Party? Yeah, alright! You talk about a three percent tax on admissions, right? How did you pick the events that you're going to tax? No answer? No answer, alright. So, it's just...it's really troubling that you guys just think that that's going to improve our problems here in Canton, our economic development. What are you going to do with the money to economically develop? You going to bring industry back? You going to bring jobs to us, actually in the city, so I don't have to work out of the city, then I can pay you guys taxes.

*(Audience member continues to interrupt)*

DANIEL GATES: That's alright though. We'll move on to the next matter, okay. So, I have a problem with your policies and your integrity of my Second Amendment. Once again, you guys are attacking me. The Parks Departments has an active policy that no firearms, except for the officers, are allowed in the parks. That's an unlawful policy and I'm challenging your integrity right now. Right now...to change that policy in the parks. You can only restrict government buildings. You cannot restrict the public airspace. And the Monument Park, furthermore, has a bi-way, right through it. You can't restrict that. You cannot restrict it. You do not own the running water. That is the water of the land. That is my water, that is your water, that is everyone's water as a collective.

*(Audience member interrupts – "From the Father.")*

DANIEL GATES: From the Father. Amen.

*(Audience member interrupts – "Not from...")*

DANIEL GATES: Hallelujah!

PRESIDENT BATES AYLWARD: Ma'am, ma'am, you're gonna have to be quiet. Go ahead.

DANIEL GATES: She has a right.

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PRESIDENT BATES AYLWARD: No, she doesn't.

DANIEL GATES: She has a right under the First Amendment, to express...express herself...

PRESIDENT BATES AYLWARD: And she can sign up for Public Speaks and express.

DANIEL GATES: You gonna stop the time everytime you interrupt? No...no you're not.

*(Audience interrupts with cheers and jeers)*

DANIEL GATES: *(Inaudible)* jurisdiction to handle that. If you start speaking, that takes away from my time, so please, shut your mouth. Respectfully. Respectfully, please shut your mouth. Reset my timer at 1:00.

PRESIDENT BATES AYLWARD: No.

DANIEL GATES: One minute...

PRESIDENT BATES AYLWARD: You are not being...

DANIEL GATES: I had one whole minute.

PRESIDENT BATES AYLWARD: You are not being respectful and if you don't be quite...

DANIEL GATES: I said, "Please shut your mouth."

PRESIDENT BATES AYLWARD: ...we're going to cut

DANIEL GATES: You're interrupt...I did not...I said...

PRESIDENT BATES AYLWARD: *(Gavel falls)*. That's enough. Cut him off.

DANIEL GATES: You're taking away my time.

PRESIDENT BATES AYLWARD: Yeah, we're taking away your time. That's enough. Sorry. That's enough.

*(Audience begins to yell again)*

PRESIDENT BATES AYLWARD: *(Gavel falls)*. That's it! He's done. He's done.

JUSTIN NICELY: That is an outrage.

PRESIDENT BATES AYLWARD: That's fine. He's done. I don't care. He's done. You're done. Okay.

*(Audience continues to yell)*

DANIEL GATES: This is a violation of our First Amendment of the Constitution.

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PRESIDENT BATES AYLWARD: Our next...our next speaker is Mr. Roger Gates. Our next speaker is Mr. Roger Gates. Go.

DANIEL GATES: Hey, Mr. (*Inaudible*), you stay away from man, you're the one who pulled a gun on me. Yeah, you want to try and intimidate me, now?

*(Audience continues to yell)*

PRESIDENT BATES AYLWARD: It's fine. Have a seat.

*(Audience continues to yell)*

COUNCILMEMBER: Recess, recess.

PRESIDENT BATES AYLWARD: Recess? (*Gavel falls*). We...alright...we're going to take a...we're going to take a recess. We're taking a recess. Council, recess. We'll come back when everyone can behave themselves. Come on, recess. Yeah, we're going to take a five minute recess. When we come back...

ROGER GATES: Will I have my time?

PRESIDENT BATES AYLWARD: Of course you will. You will absolutely have your time.

*(Audience continues to yell. No Justice, No Peace, etc.)*

MEMBER MARIOL: Madam President, I move we adjourn.

MEMBER BABCOCK: Second.

PRESIDENT BATES AYLWARD: It's been moved and seconded to adjourn. Madam Clerk.

*(Councilmember Hawk's chair rolled and he tumbled to the floor. Council Members and Clerk took a pause to check on him).*

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Madam President.

PRESIDENT BATES AYLWARD: Thank you, the motion carries, we are adjourned. (*Gavel falls*)

ADJOURNMENT TIME: 7:35 PM

ATTEST:  
JILL M. WOOD  
CLERK OF COUNCIL

APPROVED:  
KRISTEN BATES AYLWARD  
PRESIDENT