

MINUTES OF THE MEETING JULY 25, 2022

ROLL CALL TAKEN BY CLERK WOOD:

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

ELEVEN COUNCIL MEMBERS PRESENT. (MEMBER GIAVASIS ABSENT)

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

EXCUSING MEMBERS

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we excuse Member Giavasis this evening.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to excuse Member Giavasis 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: Motion carries and Member Giavasis is excused from this evening's meeting. Tonight's invocation will be given by At-Large Council Member, 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 July 25, 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 Council Member-at-Large, Bill Smuckler. The Pledge of Allegiance was led by President Sherer.

PRESIDENT SHERER: Thank you, Member Smuckler.

AGENDA CORRECTIONS AND CHANGES

PRESIDENT SHERER: We are now under Agenda Corrections and Changes. Leader.

MEMBER SMUCKLER: Mr. President, I move... move Rule 22A be suspended to add second readings of Ordinances #31 through #39 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 #31 through #39 to this evenings 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.

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PRESIDENT SHERER: The motion carries and Ordinances #31 through #39 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 this evening.

INFORMAL RESOLUTIONS

PRESIDENT SHERER: Um... right now I'm going to change it up a little bit, Member Smith and um... we are under Informal Resolutions. So, we are now under Informal Resolutions and we have one for this evening. Madam Clerk, would you please read Informal Resolution #1, by title.

1. COUNCIL-AS-A-WHOLE: CONGRATULATING CANTON REDS BASEBALL TEAM ON ACHIEVEMENTS IN BASEBALL AND HELPING KEEP BASEBALL IN CANTON'S INNER CITY – ADOPTED

PRESIDENT SHERER: Leader.

MEMBER SMITH: Yes, can we have that read... oh... we going to vote first.

MEMBER SMUCKLER: No, would you just give me a minute.

MEMBER SMITH: Okay well he called my name, so I just answered and went...

MEMBER SMUCKLER: You make the motion go ahead.

MEMBER SMITH: Go ahead. (*Inaudible*)

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 remarks? Member Smith you would like to hear it in its entirety...

MEMBER SMITH: Yes, its my turn right?

PRESIDENT SHERER: Yes.

MEMBER SMITH: Okay. Yes, could I have this read in its entirety cause I really want you to hear how outstanding this team is.

PRESIDENT SHERER: Madam Clerk.

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CLERK WOOD: An Informal Resolution respectfully submitted by Council-As-A-Whole on this 25th day of July, 2022. **Whereas**, Head Coach, Korey Stevens, began coaching the Canton Reds Baseball Team in 2012, when the children were approximately 5 years of age; and **Whereas**, At the ages of 7 and 8, the team played for two years in the Coach Pitch leagues, winning a second place trophy before transitioning to regular Kid Pitch Baseball; and **Whereas**, As 11 year olds, the team was awarded the Hall of Fame North Division Championship and the League Tournament runners-up with a record of 13-1; and **Whereas**, At 13, the same group of children were the Hall of Fame League Champions with a record of 10-1-1 and at 14, they recently won the Stark/Summit Baseball League National Division and were the League Tournament Champions, winning the championship game 20-1 and finishing the season with a record of 13-6; and **Whereas**, During their time together, not only have they been exceptional baseball players, these young players have transformed into amazing young men; achieving Student of the Month, Merit and Honor Roll status. **Now, Therefore Be It Resolved:** That we, the Members of Canton City Council, do hereby go on public record congratulating the **Canton Reds Baseball Team; Coach Korey Stevens, Coach Charles “CJ” Dinkins, Jr., Coach Perry Stevens, Coreon Brown, Evan Crissey, Xion Culver, Trai Tomas, Tyler Graves, Jacob King, Kajea Stokes, Devon Chester, Malcolm Dudley, Jr., Tyler Cook, Kimar Williams, Robert Blakely, Jr.** on their many achievements in the sport of baseball and for helping to keep baseball in the inner city of Canton. *(Applause)*

PRESIDENT SHERER: Majority Leader to officially... Are there any additional remarks?

MEMBER SMITH: Yes Mr.... Yes Mr. President. I am just so proud of these young men and I really wanted them to be recognized because this is the last time that they will play together. They're all going up to bigger leagues and they've been playing together since they was like what... what was it Korey five, six? Five, six years old and Frank can tell you, because he remember back when he threw out the first pitch, then it was uh... Munson stadium. Which one was that?

MEMBER MORRIS: That was you.

MEMBER SMITH: I know I threw out the first one but I'm saying where was we at?

MEMBER MORRIS: We were at Lee.

MEMBER SMITH: We was at Lee's park and so I just felt like the city needs to acknowledge them for even staying together as a team and becoming the Canton City Champs. So y'all can remember this day at City Council.

MEMBER MORRIS: Mr. President.

PRESIDENT SHERER: Member Morris.

MEMBER MORRIS: Korey... guys... these are memories that's going to stick with you for a life time. Okay what you accomplished on the field is irrelevant to what you're going to accomplish with friendships and the memories that you walk off the field with. So congrats men, hats off to you.

PRESIDENT SHERER: And before we... Member Smith, before we do the presentation we still need to vote on this.

MEMBER SMITH: That's what I was asking y'all.

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MEMBER HALL: Mr. President, I have one comment.

PRESIDENT SHERER: Member Hall.

MEMBER HALL: I want to talk to the young men in here. Uh... mighty mites is one of those things baseball, football, basketball, it's a stepping stone. You learn from it. You... You learn uh... respect. There's a lot to learn from it and grow from it and here I am at 50 almost 54 years old, I remember playing baseball. And to remember some of the things the coaches taught me and I live with today. So, I want you to carry all of this with you and... and this is an honor to sit here. I didn't get to do this, I mean not that we ever won anything (*laughter*)... but all of this is an honor that you can carry on with you for the rest of your life.

PRESIDENT SHERER: And to make it... to make it official guys, 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.

MEMBER SMITH: Now can I go? I don't know what's wrong with y'all tonight. (*Inaudible*) You see what I go through up here Reds and I still be out there cheering for y'all. Alright, come on Reds get on up here, Coach Korey and also Coach Korey is Jill's nephew.

CLERK WOOD: That's my nephew.

KOREY STEVENS: And Coach Perry.

MEMBER SMITH: And Coach Perry...

CLERK WOOD: That's my nephew, one of the players is my nephew, that's the whole Stevens...

LAW DIRECTOR BATES AYLWARD: You got some talent. Good genes. (*VARIOUS CONVERSATIONS TAKING PLACE AS TEAM ASSEMBLES*) ...

KOREY STEVENS: Um... real quick um... I'd like to thank...

MEMBER HALL: Hold on one second. Anybody want to come take a picture from up front you can. (*Inaudible*)

KOREY STEVENS: Uh...I'd just like to say to City Council, thank you for uh... recognizing these young men. We put in a lot of work uh... like I said I had these kids since 5, most of them. Some of them we... we transitioned and I got some of them at 8 but then a couple additions after that. But to see the growth and to see where they come and where they're going. Uh... not on just in baseball, like I said if... if you heard what it said, a lot of these young men are student of the ... have won student of the month at their schools. On merit roll, on honor roll, or in early college and on their way to a high school degree and a college degree. So uh... I'd like to thank my coaches. You know for their tireless work. They came on I... we've been through some

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different coaches but these guys been with me for the last three four years and just the tireless uh... I told the kids that my goal is to keep them playing baseball. Uh... because it's not such a fun sport at times, especially when you play right field (*Laughter*). For the baseball players or left field or anywhere in the outfield when the ball is not coming out there. So, and for them to stick with it is... is a blessing. Um... I'm just happy, I'm glad that these young men made it out today. We also walked in the community parade yesterday. So, that... that was nice as well. I want to say to them they know that um... we are a family. We're not a team, we're a family. That's... that's the basis of the way I go about doing things. Um... these are all my sons, forever. Uh... once...once we become bonded you know, we are forever and I tell them my phone number has been the same for twenty years and I don't ever plan on changing it. So uh... thank you uh... we got and I will say this uh... Ms. Smith, Chris, Aunt... Aunt Chris, all the names she has uh... she was out there representing us. I want to thank the parents. Man these... you know it's... it's really... it's really humbling for me when parents give you their kids and don't have to worry. They can... they can... you know they just leave their kids with you because they know that their kids are safe and... and that's big. So, I want to thank the parents for always being there, the support, um... you know sometimes I think a couple games I had to keep the parents off the field, they we so rowdy. But that was because they kids was out there doing that. Um... and the last thing I'll say is that it was a joy for me. I knew we were... we were the better team in the championship and I knew we could win the championship, but I had no idea that we could win the championship in the way that we did. And it was a joy for me, for me to just to be a cheerleader that day. I didn't have to coach, I was just their cheerleader and that... that was my goal. For them to learn the game and for me to ultimately become their cheerleader and not their coach. And on that day, I wish y'all could have seen them. Top of the first inning we had eight runs before we even had an out. These kids and our pitchers pitched... pitched a... what 3 hits. They gave up three hits for the game. It was.... It was magnificent. So uh... I'm just proud of you boys. Remember it's about school. You know what I'm saying, it's the books first. If it was baseball first, then we would play baseball then go to school but it's school first, so academics. And I would say these kids are academically ready. Thank you. (*Applause*) And one last time, here we go, let's get this Reds on three, family on six. Remember if I'm louder than you what we gotta do? What we gotta do if I'm louder than you?

REDS BASEBALL TEAM: Run.

KOREY STEVENS: They can't hear y'all. What we gotta do if I'm louder than you?

REDS BASEBALL TEAM: Run.

KOREY STEVENS: Okay we'll run around City Hall. (*Laughter*) Reds on three, family on six. One, two, three.

REDS BASEBALL TEAM: Reds

KOREY STEVENS: Four, five, six.

REDS BASEBALL TEAM: Family.

COREY STEVENS: Alright. (*Applause*)

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PRESIDENT SHERER: Thank... thank you for coming tonight and you don't have to stick around for the meeting unless you want to. (*Laughter*) Thanks for coming tonight and congratulations. (*Inaudible*)

PUBLIC SPEAKS

PRESIDENT SHERER: Alright so right now we kinda waiting on uh... recordings technical difficulties but we're going to move on with Public Speaks.

MEMBER MORRIS: We're having technical difficulties?

PRESIDENT SHERER: Uh... it's not recording.

MEMBER MORRIS: We should go... we should take a short recess. (*Laughter*)

PRESIDENT SHERER: Hold on now. Alright so we're going to move with Public Speaks. We have two speakers for this evening. Our first speaker is Ms. Erika Eastman and I see she is not present tonight. Okay so she's good. And our last speaker tonight is Ms. Skylark Bruce. Ms. Bruce, could you please step forward and give us your name and residential address, please.

SKYLARK BRUCE: (*Inaudible, Technical Difficulties*) My name is Skylark Bruce and I live at 2216 Bollinger Ave NE. In the committee meeting prior to the official meeting, Member Bill Smuckler looked up an agenda item and said vote for it, don't vote it, nothing's going to change. It sounds like Smuckler is acknowledging we live in a democracy in name only. It also strikes me that every time there are guest to honor, the agenda for this meeting gets rearranged to move Public Speak til after the guest leave. Heaven forbid the kids learn what shenanigans the adults are trying to dodge responsibility for. I was hoping that when I went on a trip for a few weeks that something would've changed in Canton, Ohio. Any day is a great day to arrest Robert Huber and make progress on Justice for James. But no, not only has apparently nothing happened, our neighbor to the north, Akron is taking a que from Canton's inaction after a racist murder by police. The harassment of black citizens who speak their minds, the silence on injustice, the attempts to frame black citizens as the ones responsible for government sponsored violence. It's very familiar. It's almost like the problems are systemic. It's almost like we've been here, year after year, generation after generation, yet each time we hear, "No of course there was no pattern of racist police murder here." Absolute hogwash. The City's administration is hiding behind the same walls of process and delay, delay, delay, delay, that have insulated powerful wrongdoers and those who protect them for centuries. Based on who has and has not been arrested in the City of Canton, the only reasonable conclusion is that saying a word that some people don't like is worse murder. How can you worse than die upon hearing a word? James Williams died over something that wasn't a capital crime. Destiny Jackson and Jason Cousins were arrested basically for being annoying in public. But the constitution clearly states that, "Citizens may engage in political protest", and the Supreme Court has upheld that so called vulgar language is perfectly fine in a political protest context. If the public must be protected from hearing a word as we infer from Canton Police, then why not protect the public from murder by the police? Why insist on taking the protesting charges for Jackson and Cousins all the way to a trial? Why continue to keep the Williams' in the dark on the status of their father and husband's case? So many unanswered questions. These questions do have answers but there is no backbone in the front of this room to say them. Justice for James Williams.

PRESIDENT SHERER: Thank you, Ms. Bruce.

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PRESIDENT SHERER: We are now under... we good? We are now under Communications... 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.

2. RPT OF DEPOSITS AND PAY-INS TO AMBULANCE LOCK BOX FOR JUNE, 2022 - CHIEF OF POLICE GABBARD
3. APPROP OF FUNDS FOR CANTON HELPING CANTON - CLERK WOOD
4. APPROP OF FUNDS FOR HEALTH AND LIFE INSURANCE AND INCOME TAX - FIN DIR CROUSE
5. TRF PERMIT FROM CT&B LLC, DBA NAPOLIS ITALIAN EATERY TO CONTEMPORARY CULINARY LLC, DBA NAPOLIS ITALIAN EATERY @ 221 MARKET AVE N, 1ST FL & PATIO - LIQUOR CONTROL DIV (OH)
6. TRF PERMIT FROM DG HOLDING & MANAGEMENT CO, INC., DBA CITY LIMITS TO JENNER KILOSON MBOBI ENTERPRISE LIMITED LIABILITY, DBA CITY LIMITS @ 2600 8TH ST NE & PATIO - LIQUOR CONTROL DIV (OH)
7. NEW PERMIT FOR JT CARRYOUT INC., DBA 50/50 URBAN @ 503-511 O'JAYS PKWY - LIQUOR CONTROL DIV (OH)
8. NEW PERMIT FOR DOORDASH ESSENTIALS LLC @ 3100 CROMER AVE NW, SUITES 3052 & 3054 - LIQUOR CONTROL DIV (OH)
9. NEW PERMIT FOR AVI FOODSYSTEMS INC. @ 2626 FULTON DR NW - LIQUOR CONTROL DIV (OH)
10. NEW PERMIT FOR AVI FOODSYSTEMS INC. @ 2014 BLAKE AVE - LIQUOR CONTROL DIV (OH)
11. REQ FOR ADDT'L EXPANSION OF HOFV TDD - MAYOR BERNABEI
12. COOP AGMT FOR ISSUANCE OF HOFV TDD BONDS - MAYOR BERNABEI
13. AMEND COD ORD CHAPTER 919, SIDEWALK AND CURB REPLACEMENT PROGRAM - MBR MORRIS, WARD 9
14. WARD ASSIGNMENT & ZONE CLASSIFICATION FOR 2525 CLEARVIEW AVE NW 2022 ANNEXATION (B-3 - GENERAL BUSINESS, WARD 7) - PLANNING COMMISSION
15. PROJECT LABOR AGMT WAIVER - CITY HALL JAIL ELEVATOR REPAIR - SERV DIR HIGHMAN

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16. CONTRACT WITH AGENCIES FOR ADDT'L COMM DEV ARPA PROGRAMS; APPROP OF FUNDS FOR EX-NEWSBOYS CONTRACT; EMERGENCY - SERV DIR HIGHMAN
17. MORAL OB FOR EDGEFIELD PHASE II WATER MAIN REPLACEMENT PROJ; EMERGENCY - SERV DIR HIGHMAN
18. APPROP OF FUNDS FOR COLONIAL BLVD RECONSTRUCTION PROJ, EMERGENCY - SERV DIR HIGHMAN
19. SOLE SOURCE VEHICLE PURCHASING; APPROP FUNDS FOR 2 CANCELED VEHICLES; EMERGENCY - SERV DIR HIGHMAN
20. REQ ANNEXATION OF 12.516 ACRES IN PLAIN TWP TO CITY OF CANTON (3801 HARMONT AVE NE 2022) - STARK CO COMMISSIONERS
21. COMPARATIVE REPORT OF CASH RECEIPTS AS OF 6/30/22 - TREASURER PEREZ
22. REPORTS OF BANK REC AND OUTSTANDING INVESTMENTS AS OF 6/30/22 - TREASURER PEREZ
23. REPORT OF PARKING METER REVENUE FOR JUNE 2022 - TREASURER PEREZ

(Note: Member Ferguson left the meeting due to an emergency just prior to First Readings)

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 #24.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #24 THROUGH #30 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- O#24. (1ST RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 68/2022; DECLARING THE SAME TO BE AN EMERGENCY (\$1,128,500.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER OPERATING FUND TO 5201 207003 WATER UTILITY BILLING – OTHER FOR \$33,500.00; 5201 207010 WATER PUMPING – OTHER FOR \$55,000.00; 5201 207022 WATER DISTRIBUTION – OTHER FOR \$915,000.00; 5201 207054 MARKET AVE WATER MAIN REPL PROJ – OTHER FOR \$125,000.00; \$16,500.00 SUPP APPROP FR UNAPPROP BAL OF 5410 SEWER OPERATING FUND TO 5410 207003 SEWER UTILITY BILLING – OTHER; \$10,800.00 SUPP APPROP FR UNAPPROP BAL OF 5601 REFUSE OPERATION FUND TO 5601 207003 SANITATION UTILITY BILLING – OTHER)
Referred to Finance Committee
- O#25. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH MOTTER & MEADOWS ARCHITECHTS FOR DESIGN AND CONSTRUCTION OVERSIGHT OF THE

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HEALTH DEPARTMENT RENOVATION PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Finance Committee

- O#26. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO FILE WITH HUD A 2022 ANNUAL ACTION PLAN FOR THE 2022 COMMUNITY DEVELOPMENT BLOCK GRANT, 2022 HOME INVESTMENT PARTNERSHIP, AND 2022 EMERGENCY SOLUTIONS GRANT PROGRAMS; RATIFYING SUBMISSION AND FILING OF SAID PLAN; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO EXECUTE GRANT AGREEMENTS WITH HUD AND TO ACCEPT FUNDING FOR THE THREE PROGRAMS; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO ALL CONTRACTS NECESSARY FOR THE TIMELY EXPENDITURE OF COMMUNITY DEVELOPMENT BLOCK GRANT, EMERGENCY SOLUTIONS GRANT, AND HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS; AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$3,331,908.00 SUPP APPROP FR UNAPPROP BAL OF 2211 COMMUNITY DEVELOPMENT FUND TO 2211 506001 COMMUNITY DEVELOPMENT ADMIN – OTHER; \$2,887,922.90 SUPP APPROP FR UNAPPROP BAL OF 2214 HOME FUND TO 2214 506001 COMMUNITY DEVELOPMENT ADMIN – OTHER; \$225,340.00 SUPP APPROP FR UNAPPROP BAL OF 2219 EMERGENCY SHELTER GRAND FUND TO 2219 506001 COMMUNITY DEVELOPMENT ADMIN – OTHER)
- Referred to Community & Economic Development and Finance Committees

- O#27. (1ST RDG) **ADOPTED AS ORDINANCE NO. 160/2022** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH BLACK MCCUSKEY FOR LEGAL SERVICES RELATED TO WORKERS' COMPENSATION CASES IN AN AMOUNT NOT TO EXCEED \$55,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY
- Referred to Finance Committee

- O#28. (1ST RDG) **ADOPTED AS ORDINANCE NO. 161/2022** AN FINAL RESOLUTION ADOPTING PLANS, AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO COOPERATE WITH AND REQUEST THE DIRECTOR OF TRANSPORTATION TO PROCEED WITH RESURFACING S.R. 43 BETWEEN JUST NORTH OF S.R. 43D AND JUST SOUTH OF 4TH STREET SE, S.R. 43D BETWEEN AMERMAN PLACE AND JUST NORTH OF S.R. 43, AND S.R. 172 BETWEEN DUEBER AVENUE AND CHERRY AVENUE AND BETWEEN RIVERSIDE DRIVE AND COLE AVENUE, INCLUDING PAVEMENT REPAIR, CURB RAMPS, AND PAVEMENT MARKINGS, LYING WITHIN THE CITY OF CANTON; AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$550,000.00 SUPP APPROP FR UNAPPROP BAL OF 4501 CAPITAL PROJECTS FUND TO 4501 202001 ENGINEERING-ADMINISTRATION – OTHER)
- Referred to Public Safety & Thoroughfares and Finance Committee

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O#29. (1ST RDG) **ADOPTED AS ORDINANCE NO. 162/2022** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT WITH THE OHIO EPA TO RECEIVE A LOAN FOR THE SUGAR CREEK WATER TREATMENT PLANT RENOVATION PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$10,844,519.00 SUPP APPROP FR UNAPPROP BAL 5241 SUGAR CREEK WTP RENOVATION PROJECT FUND TO 5241 207069 SUGAR CREEK WTP RENOVATION PROJECT FUND – OTHER)
Referred to Finance Committee

O#30. (1ST RDG) **ADOPTED AS ORDINANCE NO. 163/2022** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 68/2022; DECLARING THE SAME TO BE AN EMERGENCY (\$500,000.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL OPERATING FUND TO 1001 202063 SALT STORAGE FACILITY PROJECT, GP 1371 – OTHER; \$500,000.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENRAL OPERATING FUND TO 1001 202001 ENGINEERING – ADMINISTRATION – OTHER)
Referred to Finance Committee

PRESIDENT SHERER: For the record, I would like to acknowledge that Member Ferguson had to be excused from the meeting for an emergency and he said he might be back. So, just for the record. At this time the Chair would declare an in-house recess for the Finance and Public Safety & Thoroughfares Committees to meet in regards to Ordinances 27 through 30 on your agenda this evening. You are now in recess.

(COUNCIL RECESSED AT 7:36 PM FOR THE FINANCE AND PUBLIC SAFETY & THOROUGHFARES COMMITTEE TO DISCUSS ORDINANCE #27 THROUGH #30; RECONVENED AT 7:42 PM)

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

MEMBER SMUCKLER: Mr. President, I move we suspend Statutory Rules I'm sorry... Mr. President, I move we suspend Rule 22A to place Ordinances 27 through 30 back on this evening's agenda.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend Rule 22A to place Ordinances 27 through 30 back on this evening's agenda. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS 1 ABSTAIN
 (MEMBER FERGUSON ABSTAINED)

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

PRESIDENT SHERER: The motion carries and Ordinances 27 through 30 are a legal part of your agenda, Leader.

MEMBER SMUCKLER: Mr. President, I move we suspend the Statutory Rules on Ordinances 27 through 30.

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MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend the Statutory Rules on Ordinances 27 through 30. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS 1 ABSTAIN
(MEMBER FERGUSON ABSTAINED)

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

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

MEMBER SMUCKLER: Mr. President, before we do that uh... based on now start voting on Ordinances, I move that Member Ferguson, due to an emergency be excused for the rest of the meeting tonight.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: There's a motion and seconded to excuse Member Ferguson from this evenings meeting. Are there any remarks? ...Roll call please, Madam Clerk.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

PRESIDENT SHERER: Member Ferguson is excused from this evenings meeting and just uh... housekeeping item. Right now it seems like everybody's mics is working over and nobody's mics are working over here so... I'm sure John you don't have a problem talking louder. So... Leader.

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

#27 ADOPTED AS ORDINANCE NO. 160/2022

PRESIDENT SHERER: The motion carries and Ordinance #27 has been adopted. Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #28.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that adopt Ordinance #28. Are there any remarks under this Ordinance? ...Hearing none, roll call vote please.

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NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

#28 ADOPTED AS ORDINANCE NO. 161/2022

PRESIDENT SHERER: The motion carries and Ordinance #28 is... is adopted. Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #29.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #29. Are there any remarks under this Ordinance? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President. *(CLERK WOOD SAID ELEVEN YEAS, HOWEVER THERE WAS TEN YEAS)***#29 ADOPTED AS ORDINANCE NO. 162/2022**

PRESIDENT SHERER: The motion carries and Ordinance #29 is adopted. Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #30.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #30. Are there any remarks under this Ordinance? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

#30 ADOPTED AS ORDINANCE NO. 163/2022

PRESIDENT SHERER: The motion carries and Ordinance #30 is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their Second Reading. Madam Clerk, will you please begin with Ordinance #31.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #31 THROUGH #39 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

O#31. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$42,000.00 SUPP APPROP FR UNAPPROP BAL OF 2155 CITY PARKING DECK FUND TO 2155 104040 TRAFFIC ENG/PARKING METER – OTHER)

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- O#32. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$236,500.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL OPERATING FUND TO 1001 102001 POLICE ADMIN – OTHER FOR \$85,000.00 AND TO 1001 103001 FIRE ADMIN – OTHER FOR \$151,500.00; \$50,000.00 SUPP APPROP FR UNAPPROP BAL OF 5601 REFUSE OPERATING FUND TO 5601 205001 REFUSE ADMIN – OTHER)
- O#33. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$300,000.00 SUPP APPROP FR UNAPPROP BAL OF FUND 2314 INFANT MORTALITY REDUCTION TO 2314 301001 INFANT MORTALITY REDUCTION – 700 OTHER DIRECT COSTS; \$20,000.00 SUPP APPROP FR UNAPPROP BAL OF FUND 2319 EARLY INTERVENTION SERVICES TO 2319 301001 EARLY INTERVENTION SERVICES – 700 OTHER DIRECT COSTS)
- O#34. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF LOTS 22947 – 22949; AND DECLARING THE SAME TO BE AN EMERGENCY (HABITAT FOR HUMANITY, 400 BLK GIRARD AVE SE, WARD 4)
- O#35. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF LOTS 20661 AND 20662; AND DECLARING THE SAME TO BE AN EMERGENCY (JOHN & ELLEN OGRISSEG, 1635 TANNER AVE SW, WARD 5)
- O#36. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF LOT 43083 AND PART OF OUTLOT 672; DEDICATION OF RIGHT-OF-WAY ALONG THE WEST SIDE OF RAFF RD SW; AND DECLARING THE SAME TO BE AN EMERGENCY (DANIEL VALOT, 939 & 955 RAFF RD SW, WARD 3)
- O#37. (2ND RDG) AN ORDINANCE AMENDING SECTION 151.10 HEALTH AND WELFARE BENEFITS OF CHAPTER 151 OF THE ADMINISTRATIVE CODE
- O#38. (2ND RDG) **ADOPTED AS ORDINANCE NO. 164/2022** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A SUBAWARD GRANT AGREEMENT WITH CANTON FOR ALL PEOPLE ACQUISITION AND HOLDINGS LLC UTILIZING \$1 MILLION DOLLARS IN ARPA FUNDS; AND DECLARING THE SAME TO BE AN EMERGENCY
- O#39. (2ND RDG) **ADOPTED AS ORDINANCE NO. 165/2022** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A LOAN AGREEMENT, AND ANY OTHER RELATED AGREEMENTS, IN AN AMOUNT NOT TO EXCEED \$300,000.00 OF ISSUE 13 COMPREHENSIVE FUNDS WITH CANTON LOGISTICS, LLC IN ORDER TO PROVIDE GAP FINANCING FOR A NEW CONSTRUCTION PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY

CLERK WOOD: Mr. President.

PRESIDENT SHERER: Leader.

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MEMBER SMUCKLER: Mr. President, I move we suspend Statutory Rules on Ordinances 38 and 39.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend the Statutory Rules on Ordinances 38 and 39. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

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

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

#38 ADOPTED AS ORDINANCE NO. 164/2022

PRESIDENT SHERER: The motion carries and Ordinance #38 is adopted. Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #39. Are there any remarks under this Ordinance? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

#39 ADOPTED AS ORDINANCE NO. 165/2022

PRESIDENT SHERER: The motion carries and Ordinance... #39 has been adopted. ...For the record are you talking Ordinance #39.

MEMBER HALL: No, Ordinance #29. (*Inaudible*)

PRESIDENT SHERER: Member Hall, do you wish to abstain from Ordinance...

MEMBER HALL: 29...

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PRESIDENT SHERER: 29...

MEMBER HALL: Yes.

PRESIDENT SHERER: Okay for the record.

MEMBER HALL: Yes.

PRESIDENT SHERER: Okay. Thank you. Member Hall... and Ordinance #39 has been adopted, just to clarify.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SHERER: Alright, we are now under Ordinances and Formal Resolutions for their Third, Final Reading and Vote. Madam Clerk, will you please begin with Ordinance #40.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCE #40 THROUGH ORDINANCE #45 FOR THEIR THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

O#40. (3rd RDG) **ADOPTED AS ORDINANCE NO. 166/2022** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION IN CONJUNCTION WITH THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACTS NECESSARY FOR THE WILLIG FIELD UPGRADES PROJECT; OR TO ALTERNATIVELY ENTER INTO ALL CONTRACTS NECESSARY PURSUANT TO ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; AUTHORIZES THE AUDITOR TO PAY ALL MORAL OBLIGATIONS FOR CONTRACT CHANGE ORDERS THAT ARE OTHERWISE APPROVED BY THE BOARD OF CONTROL; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #40.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #40 Are there any remarks?

MEMBER MORRIS: Mr. President:

PRESIDENT SHERER: Member Morris.

MEMBER MORRIS: I know you guys are shocked I'm speaking on this. Okay, back history on Willig Field. At one point there were eight teams, ages nine through twelve, practicing in that complex. At 6:00 PM they had to vacate the field in order for the adult softball players. So, the City of Canton announced the big remodel here it comes, we're going to put in 4 fields back to back, concession stands, press box, everybody was elated. We were thrilled. Guess what? No kids were allowed on that field. So the first question I asked coach this evening, "Hey Korey, did you guys play at Willig this year." He said we ain't never play on Willig. I know you haven't. It's preserved for travel leagues. Irregardless of what your thoughts are on this, one thing completely baffles me,

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totally baffled by this. Why? I have in ten years, I've seen some lobbying and I've seen some back in forth. I've seen some deals and I've seen some promises made, but I've never seen anything as aggressive as on a project or recreation to get something passed. It baffles me, Member Mariol once... once told me Frank you always got a conspiracy theory. My brother I can't come up with one on this. I am that baffled as to why, we find a need to spend this kind of money on a complex. We... I know what we're going to say it's going to bring people in. We're going to attract people. Maybe so and maybe I'll just follow the lead of that Ward Councilmen and if he supports it, I'll support it. But right here compliments to the Majority Leader, thirty-nine wish list items that the Majority Leader has told me and Member Mariol and I'm not... I don't want to speak for anybody else. That the Mayor and the administration is going to make sure we get done. Pardon me, well let me rephrase that I don't want to over speak we will get quite a few of these done. Okay some may be realistic, some may not but we are going to get quite a few done. So as I close my statement, I just want to make sure everybody was aware that on this list of thirty-nine, ain't one damn baseball field.

PRESIDENT SHERER: Thank you, Member Morris. Are there any additional remarks? ...Hearing none...

MEMBER SMUCKLER: Mr... Mr. President...

MAYOR BERNABEI: Mr. President.

PRESIDENT SHERER: Mayor.

MAYOR BERNABEI: I... I just want to put on record for Member Morris comments. I do not know what the Majority Leader has presented to you but I have not presented to you, please confirm this when I'm done, or to anyone else sitting at this table that any of these items on your wish list would get completed if you were to vote on this item. This item as with every piece of legislation, stands on own... its own. I've had several conversations today and I have advised both Council members I spoke with, that they should go with their conscious. There is no horse trading on this, there's no horse trading on anything, even the years you've been Councilmen. Something I simply don't do and I would like to ask you on whether or not you and I have had a conversation on which I promised completion on any of these items.

PRESIDENT SHERER: Thank you, Mayor. Member Morris.

MEMBER MORRIS: May I respond.

PRESIDENT SHERER: Member Morris.

MEMBER MORRIS: Mayor, no we have not. We have not had conversation nor have we entered any negotiations or any horse trading and thank you for your clarification.

MEMBER SMUCKLER: Mr. President.

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Nor did I offer Member Mariol any quid pro quo but I will work hard to see a number of these issues are done. I think that most of us thought that these were reasonable issues. They don't have anything to do with Willig Field. That's why I said vote it up or vote it down. It's now down to the point where this project stands on its own merit. You wanna do it vote for it, you don't want to do it, don't vote for it.

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It's now down to... it's not going to stop me from working on... list you folks all gave me but I think this... this project deserves to pass on its own merits. Thank you.

PRESIDENT SHERER: Alright, one last remark. Even though I haven't had the pleasure of voting on anything since I been here, maybe someday it will happen but I don't see it happening anytime soon.

MEMBER SMUCKLER: Maybe today (*Laughter*)

PRESIDENT SHERER: I think Willig is a good idea but I want everyone to think about this. The more we can invest in our parks, I'm sure with the wish list that the majority items on there are probably involving parks. Probably spray parks, destination parks and everybody talks about North Canton but I also want to remind everybody that about three years... a little over three years from now we're going to have to get that park levy passed again. Which it's going to be very important, and it is and I mean we need a voluble park system. Doug I think you're doing a fantastic job. I respect the fact that when I do jobs I can't... I can't make everybody happy. Yeah you're just trying to get the majority right. But (*inaudible*) you get that (*inaudible*) pass three years from now, it's going to be very critical for our community centers and everything. So, I'll just kind of leave it at that. Are there any addition... Member Smith.

MEMBER SMITH: Yes, Mr. President um... I know that we've been talking about a wish list and all that, and the wish list that I turned in, I don't consider it as being a wish list, I considered it being something that needs to be done for the neighborhoods. I have no problem with Willig Field. It is a great deal of money but I just want to see us do somethings for the neighborhood and for some of the things that's not wanted, but is needed. So that's my feeling about that. I am going to support Willig Field. Uh... you say vote your conscious, my conscious is saying one thing but I'm going to support and I hope that we can look at our neighborhoods a little different than what we have been, and put some of that money into them to make them better for our residents. Thank you.

PRESIDENT SHERER: Thank you, Member Smith. Are there any additional comments or remarks?
...Hearing none, ro... roll call please, Madam Clerk.

NO REMARKS

ROLL CALL 8 YEAS, 2 NAYS
(MEMBER KIMBROUGH AND MEMBER MORRIS VOTED NAY)

CLERK WOOD: Eight yeas, two nays, Mr. President.

#40 ADOPTED AS ORDINANCE NO. 166/2022

PRESIDENT SHERER: The motion carries, and Ordinance #40 is adopted. Ordinance #41, please.

O#41. (3rd RDG) **ADOPTED AS ORDINANCE NO. 167/2022** AN ORDINANCE ADOPTING THE CITY OF CANTON'S ALTERNATIVE TAX BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt #41.

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MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #41. Are there any remarks?
...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

#41 ADOPTED AS ORDINANCE NO. 167/2022

PRESIDENT SHERER: Motion carries and Ordinance #41 is adopted. Ordinance #42, please.

O#42. (3RD RDG) **ADOPTED AS ORDINANCE NO. 168/2022** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$1,402,700.00 APPROP TRF FR 5413 206059 WRF ELECTRICAL IMPROVEMENTS – OTHER TO 5413 206053 WRF ELECTRICAL IMPROVEMENTS – OTHER)

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #42.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #42. Are there any remarks?
...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

#42 ADOPTED AS ORDINANCE NO. 168/2022

PRESIDENT SHERER: Motion carries and Ordinance #42 is adopted. Ordinance #43, please.

O#43. (3RD RDG) **ADOPTED AS ORDINANCE NO. 169/2022** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO ALL PROFESSIONAL SERVICE CONTRACTS FOR CANTON MEMORIAL CIVIC CENTER FACILITY NEEDS ASSESSMENT STUDY IN AN AMOUNT NOT TO EXCEED \$125,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY

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

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NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS 1 ABSTAIN
(MEMBER FISHER ABSTAINED)

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

#43 ADOPTED AS ORDINANCE NO. 169/2022

PRESIDENT SHERER: Motion carries and Ordinance #43 is adopted. Ordinance #44, please.

O#44. (3RD RDG) **ADOPTED AS ORDINANCE NO. 170/2022** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ACCEPT THE USPCA AKC REUNITE K9 GRANT IN THE AMOUNT OF \$13,500.00 AND TO ENTER INTO CONTRACT FOR THE PURCHASE OF TWO (TWO) POLICE K9'S IN ACCORDANCE WITH ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #44. Are there any remarks?
...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

#44 ADOPTED AS ORDINANCE NO. 170/2022

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

O#45. (3RD RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 171/2022** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO ALL NECESSARY AGREEMENTS FOR THE ISSUANCE AND PAYBACK OF A LOAN, NOT TO EXCEED \$5,000,000.00, TO HALL OF FAME RESORT & ENTERTAINMENT CO. FOR INFRASTRUCTURE CONSTRUCTION OF PHASE II OF THE HOFV PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #45. Are there any remarks?
Leader.

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MEMBER SMUCKLER: Mr. President, I move we amend Ordinance #45 by the amendment before everybody.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to amend Ordinances... Ordinance #45 per the copy before each of you. Are there any remarks? ... Would the Council members like to have the amendment explained.

MEMBER SMUCKLER: We explained it at the table back there.

PRESIDENT SHERER: Okay, alright.

MEMBER HALL: Can we have it explained again.

PRESIDENT SHERER: Okay... Law Director.

LAW DIRECTOR BATES AYLWARD: Um yes... um can you hear me, probably not. Uh... as you uh... were told a little bit earlier uh... we had already said we were conditioned this loan on two other loans being given. One, the Stark County Foundations they have signed off and uh... signed off their loans paper. The Stark County Commissioners have not yet done that. They are set to do that I believe next week Mayor. However, um... this amendment formally not just what we say, formally does not allow us to make the loan unless Stark County also makes the loan. I can read real briefly if you'd like, the language that was added um... to you have before you. So prior to this uh... hazard loan, we were given the Mayor or Director of Public Service the right to enter into loan agreement. What we have added is the said loan to be conditioned on Hall of Fame Resort & Entertainment company obtaining, closing and disbursement of a loan from Stark County Funds directly or through any authorized intermediary. It may go through court authority or through the Stark County uh... development you know. Uh... in the amount of 5 million dollars for infrastructure construction of phase 2. So that... that is why that amendment was added.

PRESIDENT SHERER: Thank you, Law Director. Are there any additional remarks?

MEMBER MORRIS: Mr. President.

PRESIDENT SHERER: Member Morris.

MEMBER MORRIS: Law Director stated the Stark County Commissioners are set to do it next week. Elaborate on what that means. Does that mean someone has already counted votes, we already got people committed to vote or they're voting on it or?

LAW DIRECTOR BATES AYLWARD: I um... am pretty good but I'm not a mind reader...

MEMBER MORRIS: There you go...

LAW DIRECTOR BATES AYLWARD: ...With the Commissioners and that's why we wanted to add this language. Um... we are hearing that it is being positively received and it's going to be worked out and I certainly hopeful that is the case. If it turns out not to be the case, some cynical people might believe um... then, well then it states we will not be taking out the loan either.

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PRESIDENT SHERER: Are there any additional 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 Ordinance #45 as amended.

MEMBER BABCOCK: Second.

AMENDMENT

Pursuant to Rule 36 respectively, I move to amend Agenda Item No 45 by the substitution of the attached amended ordinance for the original pending ordinance.

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

NO REMARKS

ROLL CALL 9 YEAS, 0 NAYS 1 ABSTAIN
(MEMBER HALL ABSTAINED)

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

#45 ADOPTED AS AMENDED ORDINANCE NO. 154/2022

PRESIDENT SHERER: Motion carries and Ordinance #45 as amended, has been adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SHERER: We are now under Announcement of Committee Meetings. Our next meeting day will be August 8th and committee starts at 6:30 P.M.

MEMBER HAWK: Mr. President.

PRESIDENT SHERER: Member...

MEMBER HAWK: Finance Committee will meet Monday August 8th at 6:30 PM.

PRESIDENT SHERER: Thank you, Member Hawk.

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.

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

SAFETY DIRECTOR PERRY: Mr. President.

PRESIDENT SHERER: Safety Director.

SAFETY DIRECTOR PERRY: Thank you, Mr. President. I just want to invite all of Council and everyone in the audience that the Police Department and the Fire Department are having their third community event, We Believe in Canton. That will take place at Vassar Park starting at 3 o'clock. Thank you.

PRESIDENT SHERER: Thank you, Safety Director.

SERVICE DIRECTOR HIGHMAN: Mr. President.

PRESIDENT SHERER: Service Director.

SERVICE DIRECTOR HIGHMAN: Uh... just an update, I know it was asked a couple weeks ago about the senior sidewalk program. Uh... everything the Finance Director said to my understanding was generally accurate. Uh... but just to reiterate... so far we've had fourteen applications, eight have been uh... approved the entire way through. We actually have PO and agreement uh... for eight of them. The average cost of a sidewalk is just under \$5,000.00. We... so we have \$38,885.00 under PO, up to six remaining, four of them have had the actually sidewalk approved that's part of the process engineering has to look at the sidewalk, two are pending, I talked to Sharon Whaley today in billing and she said in the last uh... week she's had uh... a couple phone calls where she has walked a couple people through the process. So, uh... that is where we are at um... and what we're trying to do to get good pricing is to get quotes on this is to package these together so, that we can get multiple sidewalks done at the same time. So that (*Inaudible*).

PRESIDENT SHERER: Thank you, Service Director. Is there anything else under Miscellaneous Business?

MEMBER MORRIS: Mr. President.

PRESIDENT SHERER: Member Morris.

MEMBER MORRIS: Service Director... awesome, awesome news. Now another obstacle for you. Speed bumps, Route 62. Right just past the Board of Elections, once you're coming back in to Canton, you hit about two or three speed bumps heading west. Yes, I'm not sure why they put them in the left lane.

SERVICE DIRECTOR HIGHMAN: Okay I will have to...

MEMBER MORRIS: Drive it, you'll see what I'm saying.

SERVICE DIRECTOR: Yeah no, I want to check with ODOT on that one but (*inaudible*)

MEMBER HALL: Service Director.

SERVICE DIRECTOR HIGHMAN: Yes.

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MEMBER HALL: The same ones on the eastbound lanes too but didn't we say they're supposed to resurface 62?

SERVICE DIRECTOR HIGHMAN: In certain sections yes. So, let... let me look into that and see where they're at and how they relate to the other projects and we'll get with ODOT and figure that one out. So both ways and yeah I just rode that the other day and no, I don't know what has happened but I will look into that.

MEMBER MARIOL: And just off Member Morris to clarify Service Director it's not a man made.

SERVICE DIRECTOR HIGHMAN: No, I understand, yeah...

MEMBER MARIOL: Okay

PRESIDENT SHERER: Member... Member Kimbrough...

SERVICE DIRECTOR HIGHMAN: No I get it.

PRESIDENT SHERER: Member Kimbrough.

MEMBER KIMBROUGH: Okay, I just wanted to say that it was a wonderful weekend and that the African American Arts Festival entertainment food was fantastic during that week. For all of those who participated thank you. And also the Community Parade was an awesome event and we had 700 children, 1700 children participated and 110 (*Inaudible*) and what about those fireworks. So, I think that was a wonderful event that has taken place and I just want to thank everybody who participated. It was in Ward 2.

PRESIDENT SHERER: Is there anything else under Miscellaneous Business? You sure about that Member Morris. I do have one thing um... we're gearing up for the Canton Helping Canton and so we're going to need help from everybody in the house, especially the Administration, Council. It used to be formally called Feed the Needy (*Inaudible*) Council. So things are gearing up. Thank you Member Hall. So we're going to need help from everybody and Member Kimbrough and Member Hawk, I want to talk with after the meeting about going to need your help to take care of a few things for that, so... Alright, Leader.

MEMBER SMUCKLER: Um... I want to thank everybody tonight for their support of Willig Field. I want to thank you tonight for uh... the support for the Hall of Fame and the loan contingency. I think we all going to be together on this with the County to make this all work. It will also be... and I just... Doug Foltz it will be also... I will put quarterly updates in writing where you'll all see what's coming down for this and where it's at. Uh... on all these projects that stand only by themselves. Um... the communications for some of the projects that we all agreed on, I'm sure will be forth coming and we'll try to get a new... what we can do hopefully for 2023. Mr. President, I move we adjourn.

MEMBER BABCOCK: Second

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

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

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PRESIDENT SHERER: This meeting's adjourned, thank you for coming this evening. (*Gavel falls*)

ADJOURNMENT TIME: 8:16 PM

ATTEST:

JILL M. WOOD
CLERK OF COUNCIL

APPROVED:

WILLIAM SHERER
PRESIDENT