

MINUTES OF THE MEETING OCTOBER 31, 2022

PRESIDENT PRO TEM SMUCKLER: Canton City Council is called to order. Good evening ladies and gentlemen welcome to Canton City Council. If everyone would please turn your cell phones to vibrate. Shut them off. Throw them in the water bucket. Do something. That drives me crazy here. With a quorum being present, the Chair calls this meeting... to order. Roll call Madam Clerk.

ROLL CALL TAKEN BY CLERK WOOD:

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

TEN COUNCIL MEMBERS PRESENT. (PRESIDENT SHERER, MEMBER SCAGLIONE, AND MEMBER MORRIS ABSENT)

CLERK WOOD: Ten present, two absent, Mr. President.

EXCUSING MEMBERS

PRESIDENT PRO TEM SMUCKLER: The motion carries...and...uh...Leader Babcock.

MEMBER BABCOCK: Mr. President, I move we excuse President Sherer, Member Scaglione, and Member Morris from tonight's meeting.

MEMBER GIAVASIS: Second.

PRESIDENT PRO TEM SMUCKLER: Are there any remarks? ...Hearing none, roll call please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: Motions carries for President Sherer, Member Scaglione and Member Morris are excused from this evenings meeting. I will be giving tonight's invocation, so if you could all please stand and remain standing for the Pledge of Allegiance.

The regular meeting of Canton City Council was held on October 31, 2022 at 7:00 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council, Jill M. Wood. The invocation was given by At-Large Council Member, William Smuckler. The Pledge of Allegiance was led by President Pro Tem Smuckler.

AGENDA CORRECTIONS AND CHANGES

PRESIDENT PRO TEM SMUCKLER: Member Babcock we now under Corrections and... Changes.

MEMBER BABCOCK: Mr. President, I move Rule 22A be suspended to add second readings of Ordinances 14 through 23 to this evening's agenda.

MEMBER GIAVASIS: Second.

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PRESIDENT PRO TEM SMUCKLER: Alright...yeah we still reading 24...Yeah...

MEMBER BABCOCK: Reading of Ordinances 14 through 24 to this evening's agenda.

PRESIDENT PRO TEM SMUCKLER: Any remarks?

MEMBER GIAVASIS: Second.

PRESIDENT PRO TEM SMUCKLER: Any remarks?...Uh, roll call.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten...ay...yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: Motion carries and Ordinances 14 through 24 are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT PRO TEM SMUCKLER: We are now under Public Hearings and there's no Public Hearings this evening.

OLD BUSINESS

PRESIDENT PRO TEM SMUCKLER: We are now under Old Business and there is... no Old Business this evening.

PUBLIC SPEAKS

PRESIDENT PRO TEM SMUCKLER: We are now under Public Speaks and we have one speaker signed up... Dr. Daniel Van Epps if you could please approach the microphone over here...and um...state your name and address for City Council...and we welcome you...and you have three minutes.

DANIEL VAN EPPS: (*Taps microphone*) Is this on? It's on.

PRESIDENT PRO TEM SMUCKLER: It's on.

DANIEL VAN EPPS: Thank you, uh...Council President, Members, Mayor...my name is Dr. Daniel Van Epps. I am the Executive Director of the nonprofit, Northeast Ohio Regional Improvement Corporation of Canton. Over the last week or so...

PRESIDENT PRO TEM SMUCKLER: Dr. Van Epps if I may stop you for a minute...um...in order for us to be able to take this clearly, I'm sorry I'm going to have to ask you to remove your mask, you can out it back on as soon as you're done.

DANIEL VAN EPPS: Sure...better?

PRESIDENT PRO TEM SMUCKLER: Better.

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DANIEL VAN EPPS: Sure...um...over the last week or so many of you and other administrations officials have received copies of our proposals for a new citywide le...public Last Mile Broadband Network initially named Canton Net. Hopefully you're able to open the files on the CV drives as the proposals and it's links. As noted in our proposal, we request the Council and administrations consider establishing a Broadband Task Force including community anchor institutions, stakeholders, and members of the public to investigate and deliberate improving the city's telecommunications. If you have any questions, I will remain until the conclusion of today's meeting to answer any questions you may have. Thank you for your time and your consideration.

PRESIDENT PRO TEM SMUCKLER: Thank you sir.

INFORMAL RESOLUTIONS

PRESIDENT PRO TEM SMUCKLER: We are now under Informal Resolutions...um... Madam Clerk, will you please read Informal Resolution #1, by title.

1. COUNCIL-AS-A-WHOLE: CONGRATULATING NICOLE GRIMWOOD AS FOURTH GRADE WINNER OF THE 2022 FIRE PREVENTION ESSAY CONTEST. - ADOPTED

PRESIDENT PRO TEM SMUCKLER: Leader Babcock.

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

MEMBER GIAVASIS: Second.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Resolution #1.

MEMBER HAWK: Mr. President, may we have that read please?

CLERK WOOD: After the vote.

PRESIDENT PRO TEM SMUCKLER: Uh?

CLERK WOOD: After the vote.

PRESIDENT PRO TEM SMUCKLER: After the vote we'll...

MEMBER HAWK: Thank you.

PRESIDENT PRO TEM SMUCKLER: All those in favor signify by saying aye. There can't be anybody opposed so we're moving on. Adpoted.

NO REMARKS

RESOLUTION #1 PASSED UNANIMOUSLY BY VOICE VOTE

CLERK WOOD: Ready?

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PRESIDENT PRO TEM SMUCKLER: Go ahead.

CLERK WOOD: An Informal Resolution Respectfully Submitted by Council-As-A-Whole on this 31st day of October, 2022. **Whereas**, this year's Fire Prevention Week Kickoff Breakfast was held October 12, 2022. The theme for the Fourth Grade Essay Contest was "Fire Won't Wait, Plan Your Escape"; and **Whereas**, this year's winner of the essay contest is Nicole Grimwood, a fourth grade student from the Arts Academy at Summit School; and **Whereas**, in her essay, Nicole wisely points out the importance of a home escape plan in the case of a fire, and discusses her own family's unique fire safety plan. **Now, Therefore Be It Resolved:** that we, the Members of Canton City Council, do hereby go on public record congratulating and honoring Nicole Grimwood as the fourth grade winner of the 2022 Fire Prevention Essay Contest. Thank you, Nicole, for reminding us of the importance of a home escape plan in the case of a fire, and providing an excellent example of your own. *(Applause)*

PRESIDENT PRO TEM SMUCKLER: Mom and Dad you can come on up too, come on.

CLERK WOOD: Let mom up so they can take pictures.

PRESIDENT PRO TEM SMUCKLER: I don't think that's...what they are trying to do.

MEMBER HAWK: You can go up there and take pictures if you want to...here lets...here lets...Nicole, I would like to congratulate you on a very fine job...alright. You deserve this...you deserve it, and we are very proud to present it to you. Keep up the good *(Inaudible)* at Summit Academy. That's it! You want to say anything to anybody? *(Laughter)* Here we have a microphone, no? Alright *(Laughter)*, ok.. we'll let you go.

PRESIDENT PRO TEM SMUCKLER: Member Hawk this is a scary group. *(Laughter)*

MEMBER HAWK: It is Halloween, so... *(Laughter)* Alright, thank you guys very much...Congratulations. *(Applause) (Inaudible)*

1A. CONGRATULATING LAW DIRECTOR AYLWARD ON HER RETIREMENT

PRESIDENT PRO TEM SMUCKLER: Member Babcock.

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

MEMBER GIAVASIS: Second.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Informal Resolution #1A. Is there any discussion? We'll wait til after to vote and we'll have it read and...uh...All those in favor signify by saying aye. All those opposed, Jason you can vote on this one. *(Laughter)*

NO REMARKS

RESOLUTION #1A PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT PRO TEM SMUCKLER: The Resolution is adopted...and...while myself and Law Director go up here to the podium, anyone would like to say anything, you're more than welcome.

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LAW DIRECTOR BATES AYLWARD: I don't know about that. (*Laughter*)

PRESIDENT PRO TEM SMUCKLER: I got a few things to say.

MEMBER SMITH: Mr. President....I would just like to...uh...thank director, I mean law director Bates for all the help that she guided me through. There was never a chance that I call her and she did not take the time, to meet with me and guide me on anything that...that I...I, Jason...uh...I hope you ready to fill these shoes that you got to fill, because I will be calling you. (*Laughter*)

LAW DIRECTOR BATES AYLWARD: Thank you.

PRESIDENT PRO TEM SMUCKLER: You want to...be...be...before we do that, you want to read it...Jill?

CLERK WOOD: An Informal Resolution Respectfully Submitted by Council-As-A-Whole on this 31st day of October, 2022. **Whereas**, in 2006, Kristen Bates Aylward became Deputy Chief Council for the city of Canton. In 2018, upon the retirement of the former Law Director, Mayor Thomas Bernabei appointed her as the Acting City Law Director. She earned the respect and support of elected and appointed officials, as well as the citizens of this great city and in 2019, was elected to become the first female Law Director for the city of Canton: **Whereas**, Kris obtained a Bachelor's Degree in Political Science and Business from Muskingum University where she pledged Love and Loyalty to Delta Gamma Theta...

LAW DIRECTOR BATES AYLWARD: How do you guys find that stuff out? (*Laughter*)

CLERK WOOD: ...she is also a graduate of the University Of Akron School Of Law. She has been a member of the Stark County Bar Association, local Democratic political groups and other nonpartisan...partisan community organizations. **Whereas**, (*clears throat*) prior to joining the City Law Department in 2006, Kris spent nearly 20 years in the Stark County Prosecutor's Office. She served as an Assistant Prosecutor in the Civil and Criminal Divisions and then as Chief of the Juvenile and Civil Divisions; and **Whereas**, Kris is married to Bill Meaden and is the proud mother of two sons, Michael, who's married to Ally, and Joseph. Kristen also has a beautiful granddaughter, Josie, who she is looking forward to spending time with. **Now Therefore Be It Resolved:** That we, the Members of Canton City Council, do hereby congratulate and commend Kristen Bates Aylward for her commitment and devotion to service on behalf of the city...of the people of the city of Canton and for her contributions to the legal profession and the greater Canton community. (*Applause*)

PRESIDENT PRO TEM SMUCKLER: People come and go, but people are always missed. Um...I gave her a hard time constantly about settling cases...because...perception, not reality is...sometimes..it...it's taking as were guilty and most of us don't like to settle but we also understand financial reality too. Especially those of us in business, but I can tell ya Kristen um everything that we talked about was done in a sense of respect um that we have as a council for you and the job that you did up there; because even though it didn't work out sometimes, you did keep us on the straight and narrow and we thank you as a whole body..umm..and...want to present this to you as a token of our appreciation and a going away gift and the microphone is yours.

LAW DIRECTOR BATES AYLWARD: Ah thank you. Um...I don't know how you found out all this stuff out. I hope you don't have any pictures from when I was in college. That's all I'm going to say about that. Um...I have to tell you that, working with this body and working with all of my wonderful department heads from the Directors to all of our other department heads, our chiefs um has been the pinnacle of my legal career. It's been my greatest honor and I really appreciate it and I don't take it lightly that the voters put me here and that all of you are...are...clients. It's been my honor and my privilege. I want to say that I am going, like you

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said, but I'm not going away and I am here for you anytime you need me. Ah Councilman Smith you call me anytime, if you need anything from me, if you... want to bounce anything off me...I...I... I'm always here because again I'm not going anywhere I'm a citizen of this great city. This is my chosen home for the last...mmm...thirty-five odd years and I love it very much. So thank you, I appreciate it. *(Applause)*

PRESIDENT PRO TEM SMUCKLER: Anyone else? ...Resolutions been adopted.

ORDINANCES AND FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT PRO TEM SMUCKLER: We are now under...First Reading. Fo..for the record...there are no communications. Now we're under first readings.

NOTE: PRESIDENT PRO TEM SMUCKLER CALLED UPON CLERK WOOD TO READ ORDINANCES #2 THROUGH #13 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

- O#2. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ACCEPT AND ENTER INTO A JOINT ECONOMIC DEVELOPMENT DISTRICT (JEDD) WITH PERRY TOWNSHIP; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICES TO ENTER INTO ALL NECESSARY JEDD AGREEMENTS AND ANY EGI RELATED AGREEMENTS FOR INCENTIVISING BUSINESS GROWTH WITHIN THE PROPOSED DISTRICT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- O#3. (1ST RDG) AN ORDINANCE ADOPTING AMENDMENTS TO THE ECONOMIC GROWTH INITIATIVE REGULATIONS; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Community & Economic Development Committee
- O#4. (1ST RDG) AN ORDINANCE AMENDING ORDINANCE NO. 100/2011, AS AMENDED, TO ESTABLISH THE ATTACHED EXHIBIT AS THE CLASSIFICATION PLAN FOR THE ADMINISTRATIVE DIVISION OF THE LAW DEPARTMENT'S MANAGEMENT AND NON-BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Personnel Committee
- O#5. (1ST RDG) AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR AND/OR THE DIRECTOR OF PUBLIC SERVICE TO EXECUTE AND DELIVER A COOPERATIVE TAX INCREMENT FINANCING AGREEMENT BY AND AMONG THE CITY, STARK COUNTY PORT AUTHORITY, HALL OF FAME RESORT & ENTERTAINMENT COMPANY AND HOF VILLAGE NEWCO, LLC, IN ORDER TO SUPPORT THE PORT AUTHORITY'S ISSUANCE AND SALE OF PORT AUTHORITY REVENUE BONDS TO PROVIDE FOR COSTS OF PUBLIC INFRASTRUCTURE IMPROVEMENTS CONSTITUTING PORT AUTHORITY FACILITIES BENEFITING THE DEVELOPMENT OF PROPERTIES LOCATED AND TO BE LOCATED WITHIN THE TAX INCREMENT FINANCING AREA

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ESTABLISHED BY THE CITY PURSUANT TO ORDINANCE NOS. 262/2015, 145/2017 AND 140/2021, AS AMENDED AND SUPPLEMENTED, INCLUDING REFUNDING REVENUE BONDS PREVIOUSLY ISSUED TO PROVIDE FOR A PORTION OF SUCH COSTS; APPROVING AND AUTHORIZING RELATED MATTERS; AND DECLARING AN EMERGENCY

Referred to Finance Committee

PRESIDENT PRO TEM SMUCKLER: Want some water?

O#6. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AGREEMENT FOR AND ACCEPT THE 2022 WALMART LOCAL COMMUNITY GRANT IN THE AMOUNT OF \$2,500.00 FOR THE CANTON FIRE DEPARTMENT; AMENDNG APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$2,500.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL OPERATING FUND TO 1001 103001 FIRE ADMIN – OTHER)

Referred to Finance Committee

O#7. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AGREEMENT FOR AND ACCEPT THE FY2022 COPS HIRING PROGRAM AWARD #15JCOPS-22-GG-03462-UHPX IN THE AMOUNT OF \$1,250,000.00 FROM THE U.S. DEPARTMENT OF JUSTICE; AUTHORIZING THE AUDITOR TO RENAME FUND 2787 2014 BYRNE GRANT FUND TO 2787 2022 COPS HIRING PROGRAM GRANT 15JCOPS-22-GG-03462-UHPX FUND; AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$200,000.00 SUPP APPROP FR UNAPPROP BAL OF 2787 2022 COPS HIRING GRANT FUND TO 2787 102001 POLICE ADMIN – OTHER)

Referred to Finance Committee

O#8. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AGREEMENT FOR AND ACCEPT FROM THE OFFICE OF CRIMINAL JUSTICE, AMERICAN RESCUE PLAN ACT, LAW ENFORCEMENT VIOLENCE REDUCTION AND STAFFING IN AN AMOUNT NOT TO EXCEED \$74,760.00 IN GRANT FUNDS; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE PURCHASE OF TWO MOBILE CRIME-PREVENTION TRAILERS VIA ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; AUTHORIZING THE AUDITOR TO CREATE FUND 2804 OFFICE OF CRIMINAL JUSTICE, AMERICAN RESCUE PLAN ACT (ARPA); AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$74,760.00 SUPP APPROP FR UNAPPROP BAL OF 2804 OFFICE OF CRIMINAL JUSTICE, AMERICAN RESCUE PLAN ACT (ARPA), LAW ENFORCEMENT VIOLENCE REDUCTION AND STAFFING TO 2804 102019 POLICE ADMIN – OTHER)

Referred to Community & Economic Development Committee

O#9. (1ST RDG) AN ORDINANCE ACKNOWLEDGING RECEIPT AND APPROVAL OF THE

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STARK-TUSCARAWAS-WAYNE JOINT SOLID WASTE MANAGEMENT DISTRICT SOLID WASTE MANAGEMENT PLAN; AND DECLARING THE SAME TO BE AN EMERGENCY

Referred to Environmental & Public Utilities Committee

- O#10. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH BURGESS & NIPLE TO PERFORM A PRELIMINARY STUDY AND PREPARE A DETAILED DESIGN OF A VARIABLE FREQUENCY DRIVE AT THE NORTHEAST WATER TREATMENT PLANT IN AN AMOUNT NOT TO EXCEED \$49,700.00; AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$49,700.00 SUPP APPROP FR UNAPPROP BAL OF THE 5201 WATER FUND TO 5201 207084 NORTHEAST WTP VARIABLE FREQUENCY DRIVE – OTHER
Referred to Finance Committee

- O#11. (1ST RDG) AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF THE FAIR MARKET VALUE OF REAL PROPERTY; AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE, OR THEIR DESIGNEE TO ENTER INTO AGREEMENT FOR PURCHASE/ACQUISITION OR DONATION/ACQUISITION OF PARCELS FOR FEE SIMPLE TAKES, OR STANDARD HIGHWAY EASEMENTS FOR THE ROBERTS AVE. NW AND 26TH ST. NW, GP 1323 RIGHT-OF-WAY ACQUISITION; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee

- O#12. (1ST RDG) AN ORDINANCE AUTHORIZING THE MAYOR, DIRECTOR OF PUBLIC SERVICE AND/OR LAW DIRECTOR, OR THEIR DESIGNEE, TO APPROPRIATE PROPERTY PURSUANT TO OHIO REVISED CODE, CHAPTER 719, FOR THE PURPOSE OF ACQUIRING WARRANTY DEEDS, STANDARD HIGHWAY EASEMENTS, AND/OR TEMPORARY EASEMENTS FOR THE 15TH ST. SW BRIDGE REPLACEMENT, GP1299, STA-15SW-13.50, PID 113153 PROJECT; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee

- O#13. (1ST RDG) **ADOPTED AS ORDINANCE NO. 245/2022** AN ORDINANCE AUTHORIZING WET REFLECTIVE PAYVEMENT MARKINGS ON US-62 FROM MORRIS RD. TO THE EAST CORP. LIMIT WITHIN CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY
Referred to Public Safety & Thoroughfares Committee

PRESIDENT PRO TEM SMUCKLER: We are now going to take a recess for the Public Service...uh...Safety & Thoroughfares Committee.

(COUNCIL RECESSED AT 7:24 PM FOR THE PUBLIC SAFETY & THOROUGHFARES COMMITTEE TO DISCUSS ORDINANCE 13; RECONVENED AT 7:27 PM)

PRESIDENT PRO TEM SMUCKLER: Council's reconvening. Leader Babcock.

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MEMBER BABCOCK: Mr. President, I move we suspend Rule 22A to place Ordinance 13 back on this eve...this evening's agenda.

MEMBER GIAVASIS: Second.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to place...uh...Ordinance 13 back on... the evening's agenda. Any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: The motion carries and Ordinance 13 is a legal part of your agenda. Leader Babcock.

MEMBER BABCOCK: Mr. President, I move we suspend the Statutory Rules on Ordinance 13.

MEMBER GIAVASIS: Second.

PRESIDENT PRO TEM SMUCKLER: Moved and seconded to suspend Rules on Ordinance 13. Any discussion? ...roll call.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: Uh...motions adopted. Leader Babcock.

MEMBER BABCOCK: Mr. President, I move we adopt Ordinance #13.

MEMBER GIAVASIS: Second.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded that you adopt Ordinance #13. Are there any remarks? ... Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

#13 ADOPTED AS ORDINANCE NO. 245/2022

PRESIDENT PRO TEM SMUCKLER: Ordinance #13 is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT PRO TEM SMUCKLER: We are now under Second Reading of Ordinances.

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NOTE: PRESIDENT PRO TEM SMUCKLER CALLED UPON CLERK WOOD TO READ ORDINANCES #114 THROUGH #24 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (O#23 ADOPTED):

- O#14. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH STEINWAY BLVD. LLC AND EMAXX NORTHEAST OHIO LLC DBA ECO-MAXX TO PROVIDE A REAL PROPERTY TAX EXEMPTION; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON CITY SCHOOL BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82(C) OF THE OHIO REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY
- O#15. (2ND RDG) A RESOLUTION CONSIDERING AND APPROVING THE PETITION FOR RENEWAL OF THE OPERATING ASSESSMENT OF THE DOWNTOWN CANTON SPECIAL IMPROVEMENT DISTRICT; AND DECLARING THE SAME TO BE AN EMERGENCY
- O#16. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ACCEPT THE 2021 ASSISTANCE TO FIREFIGHTER'S GRANT, ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO CONTRACT (S) FOR VARIOUS PURCHASES FOR THE FIRE DEPARTMENT; OR TO ALTERNATIVELY PURCHASE SAID ITEMS PURSUANT TO ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; AUTHORIZING THE AUDITOR TO CREATE FUND 2820 FOR THE 2021 DEPARTMENT OF HOMELAND SECURITY, ASSISTANCE TO FIREFIGHTERS GRANT; AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$207,309.50 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 103001 FIRE ADMIN; \$207,309.50 SUPP APPROP FR UNAPPROP BAL OF 2820 2021 ASSIST TO FIREFIGHTERS GRANT TO 2820 103001 FIRE ADMIN – OTHER; \$188,463.18 INTER-FUND TRF/ADV FR 1001 103001 FIRE ADMIN – OTHER ADV OUT TO 2820 103001 FIRE ADMIN – OTHER ADV IN; \$18,846.32 INTER-FUND TRF/ADV FR 1001 103001 FIRE ADMIN – OTHER TRF OUT TO 2820 103001 FIRE ADMIN – OTHER TRF IN)
- O#17. (2ND RDG) AN ORDINANCE AMENDING SECTION 139.02, AGE FOR SAFETY FORCES PERSONNEL APPOINTMENTS OF CHAPTER 139 CIVIL SERVICE COMMISSION OF THE ADMINISTRATIVE CODE
- O#18. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ACCEPT THE FFY 2023 IDEP (IMPAIRED DRIVING ENFORCEMENT PROGRAM) STEP (SELECTIVE TRAFFIC ENFORCEMENT PROGRAM) GRANT; AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$54,910.36 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL OPERATING FUND TO 1001 102001 POLICE ADMIN – PERSONNEL)

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- O#19. (2ND RDG) AN ORDINANCE APPROVING A CANTON CITY WATER MAIN EXTENSION TO SOUTHWAY STREET SW; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO ANY AGREEMENTS NECESSARY FOR THE EXTENSION OF SAID WATER MAIN; AND DECLARING THE SAME TO BE AN EMERGENCY
- O#20. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO AGREEMENT FOR AND ACCEPT \$55,490.00 IN GRANT FUNDS FROM THE OFFICE OF JUSTICE PROGRAM, BUREAU OF JUSTICE ASSISTANCE; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE PURCHASE OF ITEMS RELATED TO “WE BELIEVE IN CANTON” IN ACCORDANCE. WITH ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; AUTHORIZING THE AUDITOR TO RENAME FUND 2781 USE OF FORCE SOFTWARE UPGRADE GRANT TO 2781 FY 22 EDWARD BYRNE MEMORIAL GRANT; AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$55,490.00 SUPP APPROP FR UNAPPROP BAL OF 2781 FY 22 EDWARD BYRNE MEMORIAL GRANT FUND TO 2427 102001 POLICE ADMIN – OTHER)
- O#21. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER #2 WITH THE SHELLY COMPANY IN AN AMOUNT NOT TO EXCEED \$288,864.89 FOR THE CLEVELAND AVENUE WATER MAIN REPLACEMENT PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS AS PART OF THIS CHANGE ORDER THAT ARE OTHERWISE APPROVED BY THE BOARD OF CONTROL PURSUANT TO CANTON CODIFIED ORDINANCE 105.14; AND DECLARING THE SAME TO BE AN EMERGENCY (\$25,000.00 SUPP APPROP FR UNAPPROP BAL OF 5243 WATER FUND TO 5243 207055 CLEVELAND AVENUE WATER MAIN REPLACEMENT PROJECT – OTHER)
- O#22. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT CHANGE ORDER NO. 1 WITH WENGER EXCAVATING, INC. IN AN AMOUNT NOT TO EXCEED \$57,266.64 FOR THE TIMKEN PL./CLARK AVE. CONNECTOR PROJECT, GP 1313; AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS RELATED TO THIS CHANGE ORDER; AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$57,266.64 SUPP APPROP FR UNAPPROP FR UNAPPROP BAL OF 2175 COMPREHENSIVE PLAN IMPLEMENT FUND TO 2175 202001 ENGINEERING – ADMIN - OTHER)
- O#23. (2ND RDG) **ADOPTED AS ORDINANCE NO. 246/2022** AN ORDINANCE APPROVING AND ADOPTING THE EXTENSION OF AN ALTERNATIVE METHOD FOR APPORTIONING THE STARK COUNTY UNDIVIDED LOCAL GOVERNMENT FUND FOR 2023 THROUGH 2027; AUTHORIZING THE AUDITOR TO PAY THE CITY OF CANTON’S SHARE OF THE ANNUAL OPERATING EXPENSES OF THE

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STARK COUNCIL OF GOVERNMENT; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; AND DECLARING THE SAME TO BE AN EMERGENCY

O#24. (2ND RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A GRANT AGREEMENT WITH THE J BABA STEARN COMMUNITY CENTER UTILIZING \$300,000.00 IN ARPA FUNDS; AND DECLARING THE SAME TO BE AN EMERGENCY

CLERK WOOD: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Leader Babcock.

MEMBER BABCOCK: Mr. President, I move we suspend the Statutory...Statutory Rules on Ordinance #23.

MEMBER GIAVASIS: Second.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to suspend the Statutory Rules on Ordinance #23. Any discussion? ...Hearing none, roll call.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: Um..motions adopted...uh...Leader Babcock.

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

MEMBER GIAVASIS: Second.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded to adopt Ordinance #23. Is there any discussion? ...roll call.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

#23 ADOPTED AS ORDINANCE NO. 246/2022

PRESIDENT PRO TEM SMUCKLER: Mo...uh...ordinance #23 is adopted.

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT PRO TEM SMUCKLER: We are now under Third Readings...of...Ordinances and Formal Resolutions.

NOTE: PRESIDENT PRO TEM SMUCKLER CALLED UPON CLERK WOOD TO READ ORDINANCE #25 FOR THEIR THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

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O#25. (3rd RDG) **ADOPTED AS ORDINANCE NO. 247/2022** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SAFETY TO ENTER INTO CONTRACT FOR THE PURCHASE OF APPROXIMATELY 48 BULLETPROOF VESTS FOR THE MEMBERS OF THE CANTON POLICE DEPARTMENT; AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT PRO TEM SMUCKLER: ...Uh...I'll go into that under miscellaneous business...uh... Leader Babcock

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

MEMBER GIAVASIS: Second.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded...to... adopt Ordinance #25. Is there any discussion?...Roll call.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

#25 ADOPTED AS ORDINANCE NO. 247/2022

PRESIDENT PRO TEM SMUCKLER: Ordinance #25 is adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT PRO TEM SMUCKLER: Committee Meetings for next week.

CLERK WOOD: 6:15.

MEMBER BABCOCK: Mr. President.

CLERK WOOD: 6:15.

PRESIDENT PRO TEM SMUCKLER:...Yes...

MEMBER BABCOCK: What time?

PRESIDENT PRO TEM SMUCKLER: 6:15. Member Babcock.

MEMBER BABCOCK: Ah... Personnel will meet at 6:15...same time, same place.

PRESIDENT PRO TEM SMUCKLER: It will be November 7th....Member Hall

MEMBER HALL: Uh... I will not be present, but Community & Economic Development will meet same time same place.

MEMBER FISHER: Mr. President.

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PRESIDENT PRO TEM SMUCKLER: Member Fisher.

MEMBER FISHER: Environment & Public Utilities will meet November 7th at 6:15.

MEMBER HAWK: Mr. President

PRESIDENT PRO TEM SMUCKLER: Member Hawk.

MEMBER HAWK: Finance Committee will meet Monday November 7th at 6:15.

PRESIDENT PRO TEM SMUCKLER: And with a bunch of ordinances. Member Kimbrough.

MEMBER KIMBROUGH: Yes...Public Safety & Thoroughfares will meet also on that day November 7th at 6:15.

MISCELLANEOUS BUSINESS

PRESIDENT PRO TEM SMUCKLER:...Ok....We are now under Miscellaneous Business, other than me. Is there any other Miscellaneous Business?

MEMBER HALL: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Hall.

MEMBER HALL: I have one...uh...the big fire we had the other day, the city on the hook for that?

MEMBER SMITH: Yes, cause it was a homeless man who did it.

SAFETY DIRECTOR PERRY: Mr. President, council, as we done in the past...uh... whenever we have to do a demolish we find out who the owner is of the property, rules of the Law Department to try to asses from there....and we will do the same.

LAW DIRECTOR BATES AYLWARD: Mr. President. Also...um...we will see if they have insurance. If there is, that is putting into escrow..uh that money to defray those cost. But if they don't have insurance we will still pursue it.

PRESIDENT PRO TEM SMUCKLER: Anyone else?

MAYOR BERNABEI: Mr. President.

PRESIDENT PRO TEM SMUCKLER: Member Bernabei...er..Mayor Bernabei. He's been member here before too.

MAYOR BERNABEI: It is my honor tonight to announce that...uh effective...actually at midnight tonight...I will appointing Jason P. Reese as acting Director for the city of Canton and as the Law Director for the city of Canton...umm...pursuant to the Revised Code, I have that authority. It was my honor and pleasure to have done that 4 ½ years ago for Kris...and we are looking forward to great things from Jason. I did not comment earlier

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on Kris, but again I thank her for her 4 ½ years of service, her excellent legal expertise that she has brought to the city and the Law Department and I wish her and I did then...I told... I said that I was proud to make an interim appointment of her and strongly encourage her to spend as much time with your grandbaby and grandbabies to come as you can, while you can. With regard to Jason...it is in one way shape or another...all my fault. I appointed Jason to the Canton Law Department as Assistant Prosecutor, Assistant Law Director in 1997. So that is an extraordinary 25 years ago and it is also my great honor pleasure to appoint him to the interim capacity. He holds a position as intro Law Director until such date...uh...Central Committee...Democratic Central Committee, made of persons of...of the City of Canton, meet and make the formal appointment which will probably be within the next approximate...uh... two week period of time. But again we look forward to great things from Jason and 25 years he has held numerous positions...uh... in the Law Department, (*Inaudible*), Assistant Prosecutor and Law Director in charge of many different kinds of litigation. He maintained a private practice for much of that time. He is now a full time city Law Director and...um... we wish him well and we are looking forward to great things from Jason for the next 5-10 years.

LAW DIRECTOR BATES AYLWARD: He's younger than me, he can do it longer.

MAYOR BERNABEI: Yes...and anyways...Congratulations to Jason. (*Applause*)

PRESIDENT PRO TEM SMUCKLER: Where's the swearing in at 12:01?

MAYOR BERNABEI: My...my office.

PRESIDENT PRO TEM SMUCKLER: Ok...I won't be there, I'm just asking. Any other Miscellaneous Business? At the request of the Mayor, we held Ordinance #24 for a third meeting next week and...uh...uh...always try to honor the request as the people submitting these Ordinances. Any other questions?...Uh..I want to congratulate Member Hall and Member Smith for two great events yesterday.

MEMBER SMITH: Saturday.

PRESIDENT PRO TEM SMUCKLER: I'm sorry, Saturday. My days run together. Um...and...one of the things I really want to compliment Member Hall on is the Crenshaw teachers participation down there just struck a cord. And I think that was absolutely fantastic that we were all working together for the betterment of the kids and I take my hat off to you, Member Hall, for that. (*Applause*).

PRESIDENT PRO TEM SMUCKLER: Anyone else?

MEMBER SMITH: Mr. President.

PRESIDENT PRO TEM SMUCKLER: You tried with it...you tried.

MEMBER SMITH: Who was it, Babby? No, you go ahead, Babby.

PRESIDENT PRO TEM SMUCKLER: No he's going to adjourn, you go ahead. Member Smith.

MEMBER SMITH: Ok, I just like to...uh...recognize...uh...Mrs. Evelyn over there. She just buried her husband and it's just strange seeing her without him and we are still praying for your strength and comfort and peace, at this difficult time.

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PRESIDENT PRO TEM SMUCKLER: Evelyn I didn't see you come in and our expressed condolences to you on behalf of all City Council. We enjoyed your husband down here for all these years. Anyone else?

MEMBER BABCOCK: Mr. President. I would like to with my good friend over there, Kevin Hall, an early congratulations you know. The 5th is a big day for him, he's tying the knot. *(Applause)*

PRESIDENT PRO TEM SMUCKLER: Anyone else? Member Babcock.

MEMBER BABCOCK: Mr. President, I move we adjourn.

MEMBER GIAVASIS: Second.

PRESIDENT PRO TEM SMUCKLER: It's been moved and seconded we adjourn. Any discussion? Roll call.

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

PRESIDENT PRO TEM SMUCKLER: Canton City Council is adjourned. *(Gavel falls)*

ADJOURNMENT TIME:

ATTEST: 11/2/2022
JILL M. WOOD
CLERK OF COUNCIL

APPROVED:
WILLIAM SMUCKLER
PRESIDENT PRO TEM