

MINUTES OF THE MEETING OCTOBER 17, 2022

PRESIDENT SHERER: Good evening ladies and gentle...gentlemen and welcome to Canton City Council. If everyone would please turn your cell phones to vibrate. With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call please, Madam Clerk.

ROLL CALL TAKEN BY CLERK WOOD:

10 COUNCIL MEMBERS PRESENT: (WILLIAM SMUCKLER, JAMES BABCOCK, LOUIS GIAVASIS, GREG HAWK, BRENDA KIMBROUGH, JASON SCAGLIONE, CHRIS SMITH, ROBERT FISHER, PETER FERGUSON & FRANK MORRIS)

TEN COUNCIL MEMBERS PRESENT. (MEMBER MARIOL AND MEMBER HALL ABSENT)

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

EXCUSING MEMBERS

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we excuse Members Hall and...Member Mariol from tonight's meeting.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's has been moved and seconded to excuse Member Mariol and Member Hall from this evening's meeting. 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 and Member Hall and Member Mariol are excused from this evening's meeting. Tonight's invocation will be given by Ward 8 Council Member, Peter Ferguson. If you would all please stand and remain standing for the Pledge of Allegiance, please.

The regular meeting of Canton City Council was held on October 17, 2022 at 7:00 P.M. in the Canton City Council Chamber. The roll call was taken (see above) by Clerk of Council, Jill M. Wood. The invocation was given by Ward 8 Council Member, Peter Ferguson. The Pledge of Allegiance was led by President Sherer.

PRESIDENT SHERER: Thank you, Member Ferguson.

AGENDA CORRECTIONS AND CHANGES

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

MEMBER SMUCKLER: Mr. President, I move Rule 22A be suspended to add second readings of Ordinances 22 through 27 to this evening's agenda and Ordinance #28 will be retained in Committee.

MEMBER BABCOCK: Second.

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PRESIDENT SHERER: It's been moved and seconded to suspend Rule 22A to add second readings to Ordinances 22 through 27 to this evening's agenda. Ordinance #28 will be retained in Committee. 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 and Ordinances 22 through 27 are a legal part of your agenda.

PUBLIC HEARINGS

PRESIDENT SHERER: We are now under Public Hearings and we have no Public Hearings for this evening.

OLD BUSINESS

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

PUBLIC SPEAKS

PRESIDENT SHERER: We are now under Public Speaks and we have three speakers for tonight. I'd like to remind our speakers that you do get three minutes for Public Speaks. Our first speaker is Ms. Kimberly Bell. Ms. Bell, could you please state your name and residential address, please.

KIMBERLY BELL: Aww...yes. Kimberly Bell. 1733 Morris Ave. Uh...first I want to say that uh...it's only common courtesy to speak when somebody speaks to you, Mayor. We're in here...when here, I'm you're foe but outside, I'm your foe-friend. You didn't...you...I spoke to you and you walked away, turned around and looked at me and didn't return the greeting. But it's okay. Anyway...uh...I want to talk about...remember when I got kicked out of here and we spoke...I was talking about gun violence? I want to address that issue again because over the weekend Ms. Conners, who was with the Williams family, her son was...her...her nephew was killed. Gun downed. And then there was another child...what is a thirteen year old, two thirteen year old children doing with a gun? A thirteen year old little girl on the run and she should be playing with her baby...Barbie doll. What is she doing with a gun? I mean, there was act...there had to be signs inside the classroom that she was given, that should have been addressed for her to get access to a gun, at thirteen, when she's supposed to be playing with Barbie dolls. And then the other child that was with her, was on the run. How do they know to do this at thirteen? At thirteen I was trying to go get a glazed donut and some candy from the bakery around the corner by sweeping my neighbor's sidewalk. What are they doing...knowing how to get guns? Where...yeah, they probably got it from their parents, and the parents need to address, but there was also signs, had to be signs inside the school. So, this...it's not the city...it's not the Mayor, it's not the police...everybody needs to pay attention and address these issues. I..you know...when I become the Mayor, I'm going to make every last one of you Council people earn your money. You're going into those schools three times, two times a month. I had it up to three but other things I'm gonna have you doing, you won't have time. You're going inside those schools twice a month to...to address these issues about guns. Stop candy-coating things with these kids. These kids need to get it, scared straight, front and center, or you're going to prison. And...and...and there's...there's more...we're building more prisons instead of more colleges. I mean, we as adults, need to address these issues at the high school, at...at the middle school 'cause they're toting guns in the middle school and then the three...the three year old toddler is pointing up a gun, thinking that's cute. That's not cute. They want to be a beast, that's what they're saying in the streets. No...

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PRESIDENT SHERER: Thank you, Ms. Bell. Our next speaker is Ms. Stephanie Sweany. Ms. Sweany, could you please state your name and residential address, please.

STEPHANIE SWEANY: Stephanie Sweany. I am at 123 17th St. NW, Canton, Ohio. Um...I'm not here as a Canton city citizen today, I'm here in my capacity as Executive Director of Stark County Hunger Task Force. If you're not familiar with our organization, we have been fighting hunger in Stark County for forty-one years, through a network of thirty-five pantries across the county, ten of which are in Canton city and we provide monthly budgets to twenty-six of those pantries. We also have a backpack program. That's a weekend meal program for children across our county. We have the largest backpack program in the whole entire county. We are currently serving 1,350 children each and every week through this program. With around 650 of those children who are in Canton City Schools. But I'm also here to talk about something that I know is really important to everyone here in the room. And that is beating Massillon at everything! (*Laughter*). So, we are in our eleventh year of coordinating with Mix 94.1 and WHBC on an event called "Food Fight," and that is a food battle between McKinley and Massillon. McKinley has a solid lead overall. We've done this for...our eleventh year and I believe they've won eight times, total, so they're...they're kind of dominating. But in order to keep the momentum rolling and to keep their streak rolling, we need support from the whole, entire Canton community. And so I have some information for everybody. I would encourage you to check out our Facebook page, you can share our...our links...um...no matter what team you're supporting, the real winner will be the folks who come through our pantries every single day. We're serving thirty-four thousand people a month in our pantry network. Four thousand just at our hub that we have at the Goodwill campus, over in Chris Smith's Ward. There's a huge need in the community. There's close to fifty-thousand individuals in Stark County who are struggling with food insecurity and so, I think we're doing a good job with those thirty-four thousand, but there's a lot more that we can do so any support would be greatly appreciated. One way you could donate is online, you can find that all on our Facebook page, you can also do a text to donate. You can text McKinley to 44321 and then again, all those funds go to support McKinley and then winning our 11th Annual Food Fight and going into our pantry network and our backpack program. So, I'm going to go ahead and pass these around. I'm going to hand them off to my Councilman, Frank Morris, to pass around to the group. Thank you very much.

PRESIDENT SHERER: Thank you, Stephanie. I would like...I would like to thank you for everything you guys are doing. You guys are doing a fantastic job.

STEPHANIE SWEANY: Thank you.

PRESIDENT SHERER: Thank you. And our last speaker for this evening is Mr. Richard Manson. Mr. Manson, could you please state your name and residential address, please.

RICHARD MANSON: Certainly. My name's Richard Manson. I reside at 601 High Ave. SW. This is about an in...an inappropriate/unlawful tow of my vehicles. This kind of started back a couple months ago when I had a first vehicle towed for being a couple inches over the sidewalk. Um...sidewalk's three and a half feet wide. Unless you're three...you're a person that's three feet wide, you can still pass on that sidewalk, but that's not really the issue I'm talking about now. The issue today was...occurred on Monday, October 10th when at 2014 Kia Soul of mine and a Ford Explorer was towed after 6:30 p.m. after I left the house to go...to go eat. There's a second and third tow brought on by John Mariol, the Building Department, and uh...we had previously had a meeting with Rick Nicodemus...er...Nicodemo of the Law Department...I...I might have got his last name wrong. So, I contact Rick on Wednesday the 12th and asked him if he would uh...contact Mr. Mariol and ask him if he had anything to do with the...the tows and he said uh...I mean...as uh...he...Mr. Mariol was at my house the previous Friday and I didn't think I would get a straight answer from him. We have a little bit of

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uh...uh...friction between us. Rick...Rick said he would. But, as Friday rolled around, two days after I talked to Rick, I called Mr. Mariol myself and asked him if he had anything to do with the latest tows of my two vehicles. He admitted uh...that he had everything to do with the first vehicle being towed months ago, but noth...he said he had nothing to do with the current vehicles being towed. Rick, from the Law Department, called me today and he enlightened me on his conversation with Mr. Mariol. He proceeded to tell me that uh...Mr. Mariol did in fact tell me that he alerted the city to the Kia Soul and Ford Explorer of mine, the previous week, and had them come out and tow it. He cited that it had expired registration, which...which is in fact, not true. It was in fact, a lie. I have the current registration right here. The Kia Soul was registered on August 10th and expires on 6/11 of 2023. The Ford Explorer was renewed of (*sic*) June of this year. So, neither one of them were expired. I had the facts...I have the facts right here to prove it. I have the other receipt in my car. Um...any officer that came out either before or during the call would have known that the registration was not expired. I know I can't prove it, but I'm pretty sure Mr. Mariol is pretty...is well enough connected with the police department where he...he could have found out whose vehicles these were and who they belonged to. And uh...what I'm asking for right now is for the city to uh...uh...dissolve those uh...um...the fees...the uh...impound fees, so I can get my vehicles back. I'd like them to return them, but I'm...I'm not even going to ask for that. I'll have them towed myself. I'd just like to get this matter taken care of since they were cited as, you know, expired registration, which was not true. I'd just like to have...

PRESIDENT SHERER: Mr. Manson, um...your three minutes is complete. Um...I would encourage you, if you'd like to talk to your Council Member or talk at...stick around for after the meeting, you're more than welcome. But...

RICHARD MANSON: Sure, thank you.

PRESIDENT SHERER: But...thank you for your comments.

INFORMAL RESOLUTIONS

PRESIDENT SHERER: We are now under Informal Resolutions and we have no Informal Resolutions for this evening.

COMMUNICATIONS

PRESIDENT SHERER: We are now under Communications. Let the journal show that all Communications are received as read.

NOTE: ALL COMMUNICATIONS WHICH FOLLOW, LISTED BY AGENDA TITLE, ARE ON FILE IN THEIR ENTIRETY, IN THE COUNCIL OFFICE WITH THE AGENDA ITEMS FILE DATED OCTOBER 17, 2022.

1. STATEMENT OF CASH POSITION DATED 9/30/22 - AUDITOR MALLONN
2. REQ FOR ADDT'L AMENDED CERT DATED 9/30/22 – AUDITOR MALLONN
3. REPORTS OF DEPOSITS AND PAY-INS TO AMBULANCE LOCK BOX FOR SEPT. 2022 – CHIEF OF POLICE GABBARD
4. AUTHORIZE ENTERPRISE ZONE AGREEMENT WITH STEINWAY BLVD LLC AND EMAXX NORTHEAST OHIO LLC, DBA ECO-MAXX; EMERGENCY – ECONOMIC DEVELOPMENT DIRECTOR HARDESTY

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5. SID RENEWAL MATERIALS (2023 THRU 2027) – EXECUTIVE DIRECTOR HERBERGHS
6. AUTH RENEWAL OF SID LEVY (OPERATING ASSESSMENT) FOR 5 YEARS - LAW DIRECTOR BATES AYLWARD
7. REQ C1, C2 PERMIT TRF TO PLF DRIVE THRU @ 1037 DUEBER AVE SW - LIQUOR CONTROL DIV (OHIO)
8. AUTH LEGISLATION FOR APPORTIONING COUNTY UNDIVIDED LOCAL GOVERNMENT FUND AND PAYMENT OF CANTON'S COST SHARE TO SCOG; EMERGENCY - MAYOR BERNABEI
9. AUTH LEGISLATION FOR ASSISTANCE TO FIREFIGHTER'S GRANT; EMERGENCY - SAFETY DIRECTOR PERRY
10. REVISE CITY ORD 139.02 (INCREASE AGE LIMITS FOR APTS TO POLICE AND FIRE DEPTS) - SAFETY DIRECTOR PERRY
11. AUTH LEGISLATION FOR FFY 2023 OHIO TRAFFIC SAFETY OFFICE IDEP/STEP GRANT; EMERGENCY - SAFETY DIRECTOR PERRY
12. AUTH LEGISLATION FOR EDWARD BYRNE MEMORIAL GRANT; EMERGENCY - SAFETY DIRECTOR PERRY
13. AUTH LEGISLATION FOR SOLE SOURCE POLICE INTERCEPTOR PURCHASE; EMERGENCY - SAFETY DIRECTOR PERRY
14. AUTH WATER MAIN EXTENSION TO PERRY LOCAL SCHOOLS IN PERRY TWP; EMERGENCY - SERVICE DIRECTOR HIGHMAN
15. AUTH LEGISLATION FOR CLEVELAND AVE WATER MAIN REPLACEMENT PROJ - CHANGE ORDER #2; EMERGENCY - SERVICE DIRECTOR HIGHMAN
16. AUTH LEGISLATION FOR TIMKEN PL/CLARK AVE CONNECTOR PROJ, GP 1313 - CHANGE ORDER #1; EMERGENCY - SERVICE DIRECTOR HIGHMAN
17. PROJECT LABOR AGMT (PLA) WAIVER FOR ARPA PLAYGROUND INSTALLATIONS - SERVICE DIRECTOR HIGHMAN
18. COMPARATIVE RPT OF CASH RECEIPTS DATED 9/30/22 - TREASURER PEREZ
19. RPT OF PARKING METER REVENUE FOR SEPT 2022 - TREASURER PEREZ
20. RPTS OF BANK RECONCILIATIONS AND OUTSTANDING INVESTMENTS AS OF 9/30/22 - TREASURER PEREZ

ORDINANCES AND FORMAL RESOLUTIONS FOR FIRST READING

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their First Reading. Madam Clerk, would you please read Ordinance #21.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCE #21 FOR ITS FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:

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- O#21. (1ST RDG) 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 (\$22,080.00 SUPP APPROP FR UNAPPROP BALA OF 1001 GENERAL OPERATING FUND TO 1001 102001 POLICE ADMIN – OTHER)
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their Second Reading. Madam Clerk, would you please begin with Ordinance #22.

NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCE #22 THROUGH #27 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS: (O#28 RETAINED IN COMMITTEE)

- O#22. (2ND RDG) AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF LOTS 22484 & 22485; AND DECLARING THE SAME TO BE AN EMERGENCY (2200 BLK 7TH ST NE, HABITAT FOR HUMANITY)
- O#23. (2ND RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO CREATE THE 2808 ARPA 2022 WELLNESS AND RECRUITMENT FUND; AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (APPROP TO POLICE ADMIN)
- O#24. (2ND RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY ALL MORAL OBLIGATIONS FOR JOE CAPLEA OF CAPLEA STUDIO ARCHITECTS FOR EXPENSES RESULTING PRIOR TO THE PASSAGE OF THIS ORDINANCE; AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (APPROP TO CODE ENFORCEMENT ADMIN)
- O#25. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (APPROP TO POLICE ADMIN FOR K-9 KENNEL, WALMART LOCAL COMMUNITY GRANT)
- O#26. (2ND RDG) AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR WATER, SANITATION, AND SEWER SERVICES; AND DECLARING THE SAME TO BE AN EMERGENCY
- O#27. (2ND RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (SUPP APPROPS, TRFS AND INTER-FUND TRF TO ADJUST ACCTS THAT ARE OUT OF BALANCE OR SHORT ON FUNDS)

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O#28. (2ND RDG) **RETAINED IN COMMITTEE** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH MAGG PROPERTIES, LLC AND 4262 PORTAGE-FREEDOM, LLC TO PROVIDE A REAL PROPERTY TAX EXEMPTION; AUTHORIZING THE AUDITOR TO MAKE PAYMENTS TO THE CANTON CITY SCHOOL BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82(C) OF THE REVISED CODE; AND DECLARING THE SAME TO BE AN EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their Third, Final Reading and Vote and we have no Third Readings for this evening.

ANNOUNCEMENT OF COMMITTEE MEETINGS

PRESIDENT SHERER: We are now under Announcement of Committee Meetings. Our next meeting date will be October 24th and Committee will start at 6:30 p.m.

MEMBER HAWK: Mr. President.

PRESIDENT SHERER: Member Hawk.

MEMBER HAWK: Finance will meet October 24th at 6:30 p.m.

PRESIDENT SHERER: Thank you, Member Hawk. And I believe that the Law Director will be having an Executive Session. That's the purpose of...

MEMBER SMUCKLER: Yeah, there will be an Executive Session, before the meeting, to discuss pending legislation on

LAW DIRECTOR AYLWARD: No...

MEMBER SMUCKLER: The...at the next meeting.

LAW DIRECTOR AYLWARD: pending litigation...

MEMBER SMUCKLER: I'm sorry, pending...

PRESIDENT SHERER: Litigation...litigation...yes.

MEMBER SMUCKLER: And I said legislation. Litigation.

MISCELLANEOUS BUSINESS

PRESIDENT SHERER: Alright, we are now under...pretty quick meeting tonight...we are under Miscellaneous Business. Is there any Miscellaneous Business for this evening besides the Indians playing tonight? And I still called them the Indians. (*Inaudible*).

MEMBER MORRIS: It's raining right now.

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PRESIDENT SHERER: There you go ...Is there anything under Miscellaneous Business? Hearing none, Leader.

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 10 YEAS, 0 NAYS

CLERK WOOD: Ten yeas, Mr. President.

PRESIDENT SHERER: This meeting is adjourned. I would like to thank everybody, including the high school senior, right...there she is...(Laughter)...for coming this evening. Thank you for coming. (Gavel falls)

ADJOURNMENT TIME: 7:19 PM

ATTEST: 10/18/22
JILL M. WOOD
CLERK OF COUNCIL

APPROVED:
WILLIAM SHERER
PRESIDENT