

**MINUTES OF THE MEETING FEBRUARY 7, 2022**

PRESIDENT SHERER: Good evening, ladies and gentlemen, and welcome to Canton City Council. If everyone could please turn their cellphones to vibrate, and we are also... try to encourage social distancing here in Council Chambers. With a quorum being present, the Chair calls this meeting of Canton City Council to order. Roll call please, Madam Clerk.

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

TWELVE COUNCIL MEMBERS PRESENT.

CLERK WOOD: Twelve present, Mr. President.

PRESIDENT SHERER: Tonight's invocation will be given by Ward 9 Council Member, Frank Morris. If you would all please stand and remain standing for the Pledge of Allegiance.

*The regular meeting of Canton City Council was held on February 7, 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 9 Council Member, Frank Morris. The Pledge of Allegiance was led by President Sherer.*

PRESIDENT SHERER: Thank you, Member Morris.

**AGENDA CORRECTIONS AND CHANGES**

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

MEMBER SMUCKLER: Mr. President, I move Rule 22A be suspended to add second readings of Ordinances 9 and 10 to this evening's agenda.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend Rule 22A to add 2<sup>nd</sup> Readings to Ordinances 9 and 10 to this evening's agenda. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinances 9 and 10 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.

MINUTES OF THE MEETING FEBRUARY 7, 2022PUBLIC SPEAKS

PRESIDENT SHERER: We are now under Public Speaks and we have five speakers for this evening. Uh, for our speakers tonight, I would just like to remind everybody that you do have three minutes to speak, and our first speaker tonight will be Ms. Kimberly Bell. Ms. Bell, could you please step forward and give us your name and residential address, please.

KIMBERLY BELL: Yes, Kimberly Bell, 1733 Morris Avenue, Canton. I'm gonna start... I'm gonna start off my list and everything since I only have three minutes. I gave you all a handout, and I want to say about the handout, I was being nice when I wrote a letter to settle the matter out of court, but now, the gloves come off. You're all getting busted because people are using social media and the internet to learn the truth and to do their own research. Chris, who... and who all signed the letter about the police mur... the police officer who murdered James Williams, did the Mayor tell you all BCI came to that family's home, took her phone a few weeks ago, and that they're trying to turn this on her and to charge her with the murder... charge her with something with the cri... with the crime. The length of time it's taken for the... the name of the officer to be released is saying that cops' lives... that the cop life was mea... was more valuable and more important than James' life was. Last year, Mayor, you and the police chief said there will be policy change and changes will... and the changes will not work until racism... the racists problem's addressed. Now the kids who think police officers' supposed to help people and not kill them, how can you... how can we change their mind when every time they look on social media and the news, it's another black man being killed by the police. Just like the other day (*inaudible*). It... it's... it's just so... it's just the new norm for you... for... for police to do this, and... and Mayor, you went... you got... you walked with the protestors, and... and... and told them what you were gonna do. And I told you the day I got kicked out of here because of a lie Greg Hawk and Christine Bates... uh, Christine... uh, uh, uh, what's her name?...

PRESIDENT SHERER: Ms. Bell...

KIMBERLY BELL: The other councilman...

PRESIDENT SHERER: Ms... Ms. Bell...

KIMBERLY BELL: ...that left.

PRESIDENT SHERER: Address... address your comments to the Chair, please.

KIMBERLY BELL: I am.

PRESIDENT SHERER: Continue on.

KIMBERLY BELL: So when they told that lie on me, you... oh, you don't know what you did. Now, you got this officer, Mark Diels, the handout I gave you, who arrested me on false charges. Do you think I... if I see any of your wives or kids or any of you, you think I'll stop and help them if they're in distress? No. Because what this officer did to me. Think about it.

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

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PHILLIP BROOKS: Yes. My name is Brooks... Phil Brooks... uh, two L's. Uh, address 5515 Glenhill Avenue, North Canton 44721.

PRESIDENT SHERER: Thank you.

PHILLIP BROOKS: I'm... um, the Commission... they... the lead counsel for the Legal Redress Committee for the NAACP. I'm not coming here to make accusations, but observations. Let's get that out the way. What I'm looking for is that you claimed you want transparency or fairness in this. The fairness would come from a reciprocation of information. Right now we're not getting anything here. Um, one of the definitions of sanity is looking at the same thing, same video, same people watching this and thinking it's gonna come up with a different conclusion. What we've already seen is grounds enough, I believe in my opinion, to release the information of the other person of interest, which would be your police officer. So we're hoping that... I met with Ms. Perry and your Mayor last week hoping to form a reciprocal relationship as far as a civil review board. Hopefully that's... um gonna be... um, a priority in the next week or two. Just let me say that the Legal Redress of NAACP will aggressively be monitoring and watching, number one, who's leading this parade as far as investigation, what are their credentials and do they have any accompanying relationships with the City of Canton. Thank you.

PRESIDENT SHERER: Thank you, Mr. Brooks. Our next speaker is Ms. Skylark Bruce. Ms. Bruce, could you please step forward and give us your name and residential address, please.

SKYLARK BRUCE: My name is Skylark Bruce and I live at 2216 Bollinger Avenue NE. I would like to thank the Street Department for working hard to clear my street this past week. I know of at least two snow plows prior to Friday at noon and another on Saturday morning. All the other people who may have been stuck in their homes don't matter cause my neighbors and I got what we needed, right? It's easy to see disparity when it's something like snow and ice, but many of us have been trained to see only what we need and want and to look right past the many streets where everyone is metaphorically snowed in. I'm talking to my fellow middle class white people. We look right past blatant racism because it's uncomfortable. We might have to do something about it and we can't fix it all immediately. Honey, get your shovel. Marquetta Williams and her children are snowed in. The City of Canton Police Department sent a storm to their door that will never go away. James Williams cannot be realived, but not only has this city government failed to stop a reckless officer before someone died, the City Council and Mayor have sat on their hands and done nothing. It took 28 days to get a weak sauce press release from a few on Council, and it wasn't a press release with much substance, any actual commitments to the Williams family. It looked more to me like, "please, I want to be re-elected" than anything else. And the other seven did even less. I have heard privately that some on Council believe that the press release did not go far enough. To them I ask, what's stopping you? What prevents you from saying what you believe is right? This is when we find out what your character really is. If you're too scared to possibly stand alone, you were never worthy of our votes in the first place. If you have no backbone behind your title, the least you can do is resign. For those who find the Christian Bible meaningful, consider James 4:17, "If anyone then knows the good they ought to do and doesn't do it, it is sin for them." The Williams family is snowed in. Ja'ron Nero's family has been snowed in for three years. And Darryl Ross's for over a decade. And most of this Council keep telling snow plow drivers to pretend those streets don't exist. We need better people to run this City cause y'all ain't it. One more thing, why would you add one of the most well known architects in this city, Steve Coon, to the Architectural Review Board? That's a conflict of interest and unacceptable.

PRESIDENT SHERER: Thank you, Ms. Bruce.

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UNIDENTIFIED VOICES: Yes, yes.

PRESIDENT SHERER: Our next speaker is Mr. Tom Wackerly. Mr. Wackerly, could you please state your name and residential address, please.

TOM WACKERLY: Hi, my name is Tom Wackerly. I reside at 4823 Glenport Circle NW in Canton. I'm here for a twofold purpose, and one is to thank all of those snow plow drivers for the outstanding job that they did. I looked out my window one day and I saw three trucks go up 48<sup>th</sup> Street. As I said, I live on Glenport Circle. I've lived there 51 years and I've often wondered why our circle was seemingly one of the last streets to get plowed. And so I called my councilman, Dr. Ferguson, and he explained to me the procedure... that you have that procedure in place that cul-de-sacs get... are... are... are the last priority. And I'm sure that you have a good reason for that. I... I am certainly not an expert on the correct methodology for the plowing of streets, and it's pretty obvious from not only what's happened, but from the other speakers, that... uh, snow... and... and in the earlier session that... that snow plowing has been a major issue, and again, hats off to all of you that were involved with that. Uh, the other thing that I want to suggest is that maybe you at least rethink why you have a policy of cul-de-sacs being plowed last. Uh, in my case, after Dr. Ferguson told me of your policy and then we had the second big snow, I thought I better just use my snow plow... my snow blower, which I'm blessed to have, in order to plow my street because my wife had a doctor's appointment in... in the morning and I... I had already gotten stuck once and fortunately a neighbor helped me out. Um, I just urge you to perhaps rethink this procedure because it seems to me that while the trucks are in the area, it would be better to have them plow the cul-de-sacs rather than have them come back later and have to pay for additional time, gasoline and... and whatever. And that also it would make me happy. Thank you.

PRESIDENT SHERER: Thank you, Mr. Wackerly. And our last speaker tonight is Ms. Sierra Mason.

UNIDENTIFIED VOICE: Sierra, give 'em an atta-boy. Let 'em get an atta-boy.

UNIDENTIFIED VOICE: I think you're out of order.

PRESIDENT SHERER: Ms. Mason, could you please state your name and residential address, please.

SIERRA MASON: Uh, Sierra Mason, 812 18<sup>th</sup> Street NW. Um, I'm here to speak on behalf of the city who has been out to protest. Um, the last two times that we've protest, there has been an unnecessary bother with us. We have followed all of the quote-unquote rules that you guys want us to do. We haven't impeded traffic. We haven't cause disruptions. And yet the police still continue to mess with us for no reason even though we're protesting within your quote-unquote not written laws. Um, I also want to say that to anybody today who spoke on snow plowing, the reason your cul-de-sac isn't getting plowed first is because there are people who need to get to work. Um, I wish that I could speak on snow plowing today, but there is a family who's sitting here today with us with three of the six daughters that are now here without their father. James Williams was taken by the Canton City Police Department six minutes going into... coming into this new year. And we still don't even have confirmation from our police department. So I'm asking the City Council, the President, the Mayor and every single one of you who's in charge of a ward, where's the transparency that you told us that we were gonna have in 2020 and 2021? Because this family deserves answers. Because if it was one of us that killed one of your officers, y'all wouldn't of cared about no little rules about confidentiality and nothing. Our names would have been spilled and splattered all over The Repository. But because it's a police officer with a badge, for some reason there doesn't need to be accountability and transparency? We demand answers. This family deserves answers. James had six daughters. He was a stay at home father. He wasn't out here dealing drugs and... and doing criminal things. He was a stay at home dad. He cared about his children. And one of your

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officers took his life. So when are we going to get transparency? Because y'all can sit here and say you care, but like Skylark said, it screams "vote for me." And frankly I wouldn't want to vote for a single one of you knowing that you're not doing anything for this family, because a small press release is nothing when we couldn't even get an... an apology for what happened. A condolence letter from the Mayor, something, for the Williams family. Hold yourselves accountable so that the city is taken care of. This family deserves answers. Thank you.

PRESIDENT SHERER: Thank you, Ms. Mason.

**INFORMAL RESOLUTIONS**

PRESIDENT SHERER: We are now under Informal Resolutions and we have eleven for this evening. Madam Clerk, would you please read Informal Resolution #17, by title.

17. PERSONNEL COMMITTEE: CONFIRMING APPOINTMENT OF MS. CATHY WYATT TO ARCHITECTURAL REVIEW BOARD COMMENCING 2/7/22 TO 12/31/22. – ADOPTED

*(Brief pause)*

UNIDENTIFIED VOICE: Justice for James Williams.

*(Brief pause)*

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Informal Resolution #17. Are there any remarks? ... Hearing none, by voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #17 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it, the motion carries and Informal Resolution #17 is adopted. Informal Resolution #18, please.

18. PERSONNEL COMMITTEE: CONFIRMING APPOINTMENT OF MR. DAVID BECK TO ARCHITECTURAL REVIEW BOARD COMMENCING 2/7/22 TO 12/31/23. – ADOPTED

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Informal Resolution #18. Are there any remarks? ...Hearing none, by voice vote, all those in favor, sig... signify by saying aye. Those opposed no.

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NO REMARKS

RESOLUTION #18 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it, the motion carries and Informal Resolution #18 is adopted. Informal Resolution #19, please

19. PERSONNEL COMMITTEE: CONFIRMING APPOINTMENT MR. STEVE COON TO ARCHITECTURAL REVIEW BOARD COMMENCING 2/7/22 TO 12/31/25. – ADOPTED

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Informal Resolution #19. Are there any remarks? ... Hearing none, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #19 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it, the motion carries and Informal Resolution #19 is adopted. Resolution #20, please.

20. RULES COMMITTEE: AMENDING RULE #7 B, CLERK OF COUNCIL, OF RULES OF PROCEDURE FOR COUNCIL OF THE CITY OF CANTON, OHIO, 2022-2023 TERM. – REJECTED

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Informal Resolution 20 by... by roll call vote.

CLERK WOOD: Amend.

MEMBER BABCOCK: Second.

CLERK WOOD: Amend.

PRESIDENT SHERER: And for clarification, Majority Leader, we're amending, correct?

CLERK WOOD: Yes.

PRESIDENT SHERER: I believe that we are.

MEMBER SMUCKLER: I'm sorry. Mr. President, I move we amend Informal Resolution #20 by roll call vote.

MEMBER BABCOCK: Second.

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PRESIDENT SHERER: It's been moved and seconded to amend Informal Resolution #20 by roll call vote. Are there any remarks?

MEMBER SMITH: Yes, Mr. President.

PRESIDENT SHERER: Member Smith.

MEMBER SMITH: I'd just like to ask the Law Director a question. You know, sometimes it's often written when you misunderstand what a yes vote is and a no vote.

LAW DIRECTOR BATES AYLWARD: Yes.

MEMBER SMITH: Can you explain that, please?

LAW DIRECTOR BATES AYLWARD: Yes. Um, I think the way to frame this is that the Informal Resolutions 20 through 27 are amendments to our current rules. So you would be moving to amend, for example #20, the motion is to adopt the Resolution which would amend Rule #7 B per the copy before each of you. If you vote yes, then you are voting to amend Rule 7 B. If you vote no, you are voting to leave the rule as it currently stands. So as you go through these, just to keep everything orderly, and the reason we want to make sure we go through them one at a time because people might have different views, obviously, on different amendments to the rules. So it would be motion to adopt, by Information Resolution, the amendment to Rule 7 B is this first one. And if it's yes, you're amending. If it's no, you're leaving it as it is. Is that okay? Does it clarify? Okay.

PRESIDENT SHERER: Are there any additional remarks? ... Hearing none, roll call please, Madam Clerk.

NO REMARKS

ROLL CALL 5 YEAS, 7 NAYS  
(MEMBERS SMUCKLER, BABCOCK, HAWK,  
SCAGLIONE, FISHER, MARIOL & FERGUSON VOTED NO)

CLERK WOOD: That's five yeas, seven nays, Mr. President.

PRESIDENT SHERER: The motion fails and Resolution #20 is rejected. Informal Resolution #21, please.

21. RULES COMMITTEE: AMEND RULE #8 A, COUNCIL OFFICE PERSONNEL, OF RULES OF PROCEDURE FOR COUNCIL OF THE CITY OF CANTON, OHIO, 2022-2023 TERM. – ADOPTED

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we amend Resolution #21 by roll call vote.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to amend Informal Resolution #21 by roll call vote. Are there any remarks? ... Hearing none, roll call vote please, Madam Clerk.

NO REMARKS

ROLL CALL 9 YEAS, 3 NAYS  
(MEMBERS SCAGLIONE, MARIOL & FERGUSON VOTED NO)

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CLERK WOOD: Nine yeas, three nays, Mr. President.

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

22. RULES COMMITTEE: AMEND RULE #10 A, ORGANIZATIONAL MEETING, OF RULES OF RULES OF PROCEDURE FOR COUNCIL OF THE CITY OF CANTON, OHIO, 2022-2023 TERM. – REJECTED

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we amend Informal Resolution #21 by roll call vote.

PRESIDENT SHERER: Should be 22.

MEMBER BABCOCK: Twenty-two, Bill.

CLERK WOOD: Twenty-two.

PRESIDENT SHERER: Twenty-two.

MEMBER SMUCKLER: Sorry. I move we amend Resolution #22 by roll call vote.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to amend Informal Resolution #22 by roll call vote. Are there any remarks?

MEMBER MORRIS: Mr. President.

PRESIDENT SHERER: Member Morris.

MEMBER MORRIS: I just want to point out something on this rule because there was a statement made in committee that this would potentially put the Clerk in a political position. Let me remind each and every one of you, their position is a political position. If she was a Republican, she wouldn't be sitting here. If she didn't know a bunch of Democrats, she wouldn't be sitting here. Alright? It is a political position. So just to clarify that.

PRESIDENT SHERER: Thank you. Are there any additional remarks? ... Hearing none, roll call vote please, Madam Clerk.

NO REMARKS

ROLL CALL 5 YEAS, 7 NAYS  
(MEMBERS SMUCKLER, BABCOCK, HAWK,  
SCAGLIONE, FISHER, MARIOL & FERGUSON VOTED NO)

CLERK WOOD: Five yeas, seven nays, Mr. President.

PRESIDENT SHERER: Motion fails and Resolution #22 is rejected. Informal Resolution #23, please.

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23. RULES COMMITTEE: AMEND RULE #22 A, COMMUNICATIONS, FORMAL RESOLUTIONS AND ORDINANCES PROCEDURES FOR REGULAR MEETING, OF RULES OF PROCEDURE FOR COUNCIL OF THE CITY OF CANTON, OHIO, 2022-2023 TERM. – REJECTED

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we amend Informal Resolution #23 by roll call vote.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to amend Informal Resolution #23 by roll call vote. Are there any remarks?

MEMBER MARIOL: Mr. President.

PRESIDENT SHERER: Member Mariol.

MEMBER MARIOL: I'm sorry, is it 23 or 22?

LAW DIRECTOR BATES AYLWARD: Number 23...

PRESIDENT SHERER: We're on 23.

LAW DIRECTOR BATES AYLWARD: ...but Rule 22.

MEMBER MARIOL: Okay.

LAW DIRECTOR BATES AYLWARD: Resolution 23, Rule 22.

MEMBER MARIOL: Okay. (*Inaudible*)

PRESIDENT SHERER: Are there any additional remarks? ... Hearing none, roll call vote please, Madam Clerk.

NO REMARKS

ROLL CALL 7 YEAS, 5 NAYS

(MEMBERS HAWK, SCAGLIONE, MARIOL, FERGUSON & MORRIS VOTED NO)

CLERK WOOD: Seven yeas, five nays, Mr. President.

PRESIDENT SHERER: Motion fails and Resolution #23 is rejected.

CLERK WOOD: No, no.

PRESIDENT SHERER: No, wait. What's the count?

CLERK WOOD: That passed.

PRESIDENT SHERER: It passed?

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CLERK WOOD: Yeah, seven yeas, five nays.

UNIDENTIFIED VOICE: No.

PRESIDENT SHERER: You need eight.

UNIDENTIFIED VOICE: You need eight.

LAW DIRECTOR BATES AYLWARD: You need eight.

CLERK WOOD: Oh, sorry.

PRESIDENT SHERER: Okay.

CLERK WOOD: You're right.

PRESIDENT SHERER: For clarification.

CLERK WOOD: I'm sorry.

PRESIDENT SHERER: Motion fails and Resolution #23 is rejected. Informal Resolution #24, please.

24. RULES COMMITTEE: AMEND RULE #24 B, INFORMAL RESOLUTIONS, OF RULES OF PROCEDURE FOR COUNCIL OF THE CITY OF CANTON, OHIO, 2022-2023 TERM. – REJECTED

PRESIDENT SHERER: Leader.

MEMBER MORRIS: Uh, point of order.

PRESIDENT SHERER: Member Morris.

MEMBER MORRIS: Uh, twenty... or this... this is basically off the table. Correct, Law Director? Because we've actually already voted down Rule 22 A, which would extend the time to 2:00 P.M., so this is null and void going to the next rule.

LAW DIRECTOR BATES AYLWARD: Not necessarily. If you wanted to extend the deadline for these other types of communications that we think are the informals, etc., I guess you could. It would seem... it would seem kind of...

MEMBER MORRIS: Thank you.

LAW DIRECTOR BATES AYLWARD: ...unusual, but I think you probably should vote on it.

PRESIDENT SHERER: Okay. Thank you, Member Morris. Leader.

MEMBER SMUCKLER: Excuse me one second. Mr. President, I move we adopt Informal Resolution #24 by roll call vote.

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MEMBER BABCOCK: Second.

CLERK WOOD: Amend. (*Inaudible voice*) No, we're okay. We're okay.

PRESIDENT SHERER: Majority Leader, for clarification, we're amending Resolution #24, correct?

MEMBER SMUCKLER: Correct.

PRESIDENT SHERER: Mr. Babcock, did you second?

MEMBER BABCOCK: I did. Second.

PRESIDENT SHERER: Okay. It's been moved and seconded to amend Informal Resolution #24 by roll call vote. Are there any remarks? ... Hearing none, roll call vote please, Madam Clerk.

NO REMARKS

ROLL CALL 7 YEAS, 5 NAYS

(MEMBERS HAWK, SCAGLIONE, MARIOL, FERGUSON & MORRIS VOTED NO)

CLERK WOOD: Seven yeas, five nays, Mr. President.

PRESIDENT SHERER: The motion fails and Resolution #24 is rejected. Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt... I'm sorry. Mr. President, I move we amend Informal Resolution #25 by roll call vote.

MEMBER BABCOCK: Second.

CLERK WOOD: Excuse me, I haven't read it.

PRESIDENT SHERER: Madam Clerk.

CLERK WOOD: I need to read the amendment.

PRESIDENT SHERER: Okay.

25. RULES COMMITTEE: AMEND RULE #39 G, VOTING PROCEDURES, OF RULES OF PROCEDURE FOR COUNCIL OF THE CITY OF CANTON, OHIO, 2022-2023 TERM. – REJECTED

PRESIDENT SHERER: Thank you, Madam Clerk. Leader.

MEMBER SMUCKLER: Mr. President, I move we amend Informal Resolution #25 by roll call vote.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to amend Informal Resolution #25 by roll call vote. Are there any remarks? ... Hearing none, roll call vote please, Madam Clerk.

NO REMARKS

ROLL CALL 7 YEAS, 5 NAYS

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(MEMBERS HAWK, SCAGLIONE, FISHER, MARIOL & FERGUSON VOTED NO)

CLERK WOOD: Seven yeas, five nays, Mr. President.

PRESIDENT SHERER: Motion fails and Resolution #25 is rejected. Informal Resolution #26, please.

26. RULES COMMITTEE: AMEND RULE #47 D, COUNCIL CHAMBER DECORUM, OF RULES OF PROCEDURE FOR COUNCIL OF THE CITY OF CANTON, OHIO, 2022-2023 TERM. – ADOPTED

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we amend Informal Resolution 25 by roll call vote. Um...

PRESIDENT SHERER: Twenty-six.

MEMBER SMUCKLER: Twenty-six by roll call vote.

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 8 YEAS, 4 NAYS  
(MEMBERS HAWK, SCAGLIONE, FISHER & MARIOL VOTED NO)

CLERK WOOD: Five yeas... I'm sorry. Eight yeas, four nays, Mr. President.

PRESIDENT SHERER: Motion carries and Resolution #26 is adopted. Informal Resolution... and we're gonna get through this. Informal Resolution #27, please.

27. RULES COMMITTEE: AMEND RULE #47 E, COUNCIL CHAMBER DECORUM, OF RULES OF PROCEDURE FOR COUNCIL OF THE CITY OF CANTON, OHIO, 2022-2023 TERM. – ADOPTED

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we amend Resolution #27 by roll call vote.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to amend Informal Resolution #27 by roll call vote. Are there any remarks? ... Hearing none, roll call vote please, Madam Clerk.

NO REMARKS

ROLL CALL 9 YEAS, 3 NAYS  
(MEMBERS HAWK, SCAGLIONE & MARIOL VOTED NO)

CLERK WOOD: Nine yeas, three nays, Mr. President.

PRESIDENT SHERER: Motion carries and Resolution #27 is adopted.

**MINUTES OF THE MEETING FEBRUARY 7, 2022****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.***

37. AUDITOR MALLONN: CERT OF TOTAL AMT FR ALL SOURCES FOR 2022. – RECEIVED & FILED
38. AUDITOR MALLONN: REQ LEG FOR RE-ISSUANCE AND SALE OF ECONOMIC DEVELOPMENT REVENUE BOND ANTICIPATION NOTE IN MAX AGGREGATE PRINCIPAL AMT NOT TO EXCEED \$2,750,000.00 TO PAY OFF CURRENT ECONOMIC DEVELOPMENT REVENUE BOND ANTICIPATION NOTE (APPV'D VIA O#59/2021); PMT DUE 4/5/22 (FUND 1154). – FINANCE COMMITTEE
39. AUDITOR MALLONN: REQ LEG FOR ISSUANCE AND SALE OF REVENUE BOND ANTICIPATION NOTE IN MAX AGGREGATE PRINCIPAL AMT NOT TO EXCEED \$1,200,000.00 TO PAY OFF CURRENT REVENUE BOND ANTICIPATION NOTE OBLIGATION (APPV'D VIA O#62/2021); PMT DUE 4/5/22 (FUND 1156) (HERCULES REDEVELOP PROJ). – FINANCE COMMITTEE
40. AUDITOR MALLONN: REQ LEG FOR RE-ISSUANCE AND SALE OF GENERAL OBLIGATION JUDGMENT BOND ANTICIPATION NOTE IN MAX AGGREGATE PRINCIPAL AMT NOT TO EXCEED \$600,000.00 TO PAY OFF CURRENT GENERAL OBLIGATION JUDGMENT BOND ANTICIPATION NOTE (APPV'D VIA O#61/2021); PMT DUE 4/5/22 (FUND 1105). – FINANCE COMMITTEE
41. AUDITOR MALLONN: REQ LEG FOR RE-ISSUANCE AND SALE OF GENERAL OBLIGATION BUILDING IMPROVEMENT BOND ANTICIPATION NOTE IN MAX AGGREGATE PRINCIPAL AMT NOT TO EXCEED \$3,200,000.00 TO PAY OFF CURRENT GENERAL OBLIGATION BUILDING IMPROVEMENT BOND ANTICIPATION NOTE (APPV'D VIA O#60/2021); PMT DUE 4/5/22 (FUND 4504). – FINANCE AND PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES
42. HEALTH COMMISSIONER ADAMS: AMEND APPROP O#251/2021 (\$156,516.00 SUPP APPROP FR UNPPROP BAL OF 2330 – PUBLIC HEALTH WORKFORCE GRANT TO 2330 301001 – PUBLIC HEALTH WORKFORCE GRANT – 600 PERSONNEL FOR \$133,216.00 AND TO 2330 301001 – PUBLIC HEALTH WORKFORCE GRANT – 700 OTHER FOR \$23,300.00) (FOR TWO NEW EMPLOYEES AND OTHER DIRECT COST). – FINANCE COMMITTEE
43. FINANCE DIRECTOR CROUSE: APPROVE FUNDING OF CANTON COMMUNITY IMPROVEMENT CORP (CCIC) FOR TWO-YEAR PERIOD, BEGINNING 1/1/22 THRU 12/31/23, IN TOTAL AMT OF \$50,000.00 PER YR; ADOPT LEGISLATION APPROVING PROJS LISTED; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY (FUND OPER OF CCIC). – FINANCE COMMITTEE
44. LAW DIRECTOR BATES AYLWARD: REQ EXECUTIVE SESSION DURING FEBRUARY 7<sup>TH</sup> MEETING TO DISCUSS RPT OF FACTFINDER FOR COLLECTIVE BARGAINING AGMT

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BETWEEN CITY AND CANTON PROFESSIONAL FIREFIGHTERS ASSOCIATION LOCAL 249.  
– PERSONNEL COMMITTEE

45. MAYOR BERNABEI: LTR ADVISING OF APPTS TO BOARD OF TRUSTEES OF CANTON COMMUNITY IMPROVEMENT CORPORATION (CCIC) AS AUTH PURSUANT TO ARTICLE III, SEC 1 AND 4 OF CODE OF REGULATIONS. – RECEIVED & FILED
46. MAYOR BERNABEI: AUTH MAYOR OR SAF DIR TO ENTER INTO SOLE SOURCE/PROFESSIONAL SERVS CONTRACT WITH WI-FIBER LLC FOR PURCH AND INSTALLATION OF SECURITY CAMERAS AND LICENSE PLATE READERS AND ASSOCIATED HARDWARE AND SOFTWARE; AUTH MAYOR AND/OR SAF DIR TO ENTER INTO ANY AND ALL ADDT'L CONTRACTS NECESSARY TO FACILITATE AND COMPLETE PROJECT; AUTH AND DIRECT AUDITOR TO PAY ANY AND ALL MOR OBS FOR RELATED PROJECT CHANGE ORDERS THAT ARE OTHERWISE APPROVED BY BOARD OF CONTROL PURSUANT TO CANTON COD O#105/14 WITHIN THE ESTABLISHED DOLLAR AMT THRESHOLDS; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY – FINANCE COMMITTEE
47. PLANNING DIRECTOR ANGUS: REQ STATEMENT OF SERVS FOR 4955 BROADWAY AVE. NE 2022 ANNEX IN NIMISHILLEN TOWNSHIP; TYPE 2 ANNEXATION. – ANNEXATION COMMITTEE
48. SERVICE DIRECTOR HIGHMAN: AUTH MAYOR AND/OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONSTRUCTION CONTRACT FOR MARKET AVENUE NORTH WATER MAIN REPLACEMENT PROJ; AUTH MAYOR AND/OR SERV DIR TO EXECUTE A PROFESSIONAL SERVS CONTRACT FOR CONSTRUCTION OVERSIGHT FOR THIS PROJ; AUTH AND DIRECT THE AUDITOR TO PAY ANY AND ALL MORAL OBS FOR CONTRACT CHANGE ORDERS OTHERWISE APPROVED BY BOARD OF CONTROL PURSUANT TO CANTON COD O#105.14 WITHIN ESTABLISHED DOLLAR AMT THRESHOLDS FOR PROJ; AUTH CITY TO RECEIVE GRANT FUNDS IN AMT OF \$900,000.00 AND A ZERO PERCENT INTEREST LOAN IN AMT OF \$600,000.00 FOR THIS PROJ FR OHIO PUBLIC WORKS COMMISSION; AUTH AUDITOR TO ESTABLISH AND CREATE SEPARATE FUNDS FOR TRACKING PROJ REVENUES AND EXPENDITURES AND APPROP TOTAL OHIO PUBLIC WORKS COMMISSION FUNDING AMT OF \$1,500,000.00; AMEND O#251/2021, (\$1,500,000.00 SUPP APPROP FR UNAPPROP BAL OF 5249 MARKET AVENUE WATER MAIN REPLACEMENT PROJECT FUND TO 5249 207054 MARKET AVENUE WATER MAIN REPLACEMENT PROJECT – OTHER); AMEND O#251/2021 (\$500,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207054 MARKET AVENUE WATER MAIN REPLACEMENT PROJECT – OTHER); AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. – ENVIRONMENTAL & PUBLIC UTILITIES AND FINANCE COMMITTEES
49. SERVICE DIRECTOR HIGHMAN: AUTH MAYOR AND/OR SERV DIR TO ENTER INTO A 5-YEAR SERV AGMT WITH OPTION FOR POTENTIAL RENEWALS WITH PAYMENTUS CORPORATION TO SUPPLY, IMPLEMENT, MANAGE AND SUPPORT THEIR ELECTRONIC BILLING AND PAYMENT SYSTEM (EBPP); AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. – FINANCE COMMITTEE

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50. SERVICE DIRECTOR HIGHMAN: AUTH MAYOR AND/OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONSTRUCTION CONTRACT FOR HARVARD AVENUE WATER MAIN REPLACEMENT PROJ; AUTH MAYOR AND/OR SERV DIR TO EXECUTE A PROFESSIONAL SERVS CONTRACT FOR CONSTRUCTION OVERSIGHT FOR THIS PROJ; AUTH AND DIRECT THE AUDITOR TO PAY ANY AND ALL MORAL OBS FOR CONTRACT CHANGE ORDERS OTHERWISE APPROVED BY BOARD OF CONTROL PURSUANT TO CANTON COD O#105.14 WITHIN ESTABLISHED DOLLAR AMT THRESHOLDS FOR PROJ; AUTH CITY TO RECEIVE GRANT FUNDS IN AMT OF \$750,000.00 AND A ZERO PERCENT INTEREST LOAN IN AMT OF \$750,000.00 FOR THIS PROJ FR OHIO PUBLIC WORKS COMMISSION; AUTH AUDITOR TO ESTABLISH AND CREATE SEPARATE FUNDS FOR TRACKING PROJ REVENUES AND EXPENDITURES AND APPROP TOTAL OHIO PUBLIC WORKS COMMISSION FUNDING AMT OF \$1,500,000.00; AMEND O#251/2021, (\$1,500,000.00 SUPP APPROP FR UNAPPROP BAL OF 5248 HARVARD AVENUE WATER MAIN REPLACEMENT PROJECT FUND TO 5248 207068 HARVARD AVENUE WATER MAIN REPLACEMENT PROJECT – OTHER); AMEND O#251/2021 (\$375,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207068 HARVARD AVENUE WATER MAIN REPLACEMENT PROJECT – OTHER); AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. – ENVIRONMENTAL & PUBLIC UTILITIES AND FINANCE COMMITTEES
51. SERVICE DIRECTOR HIGHMAN: REAUTH O#28/2021 AND O#227/2021; AUTH MAYOR, SERV DIR, SAF DIR, AND/OR APPROP APPOINTING AUTHORITY TO COMPLETE CONTRACTS PREVIOUSLY AUTHORIZED BY O#28/2021 AND O#227/2021; AUTH LAW DIR, IN CONJUNCTION WITH APPROP APPOINTING AUTHORITY, TO MAKE ANY MINISTERIAL CHANGES, SUCH AS CORRECTION OF DATES, TO FOREGOING REENACTED CONTRACTS PROVIDED CHANGES OR AMENDMENTS DO NOT INVOLVE ADDT’L COSTS OR RESULT IN SUBSTANTIVE CHARGES; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. – COMMUNITY AND ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES
52. SERVICE DIRECTOR HIGHMAN: AUTH AUDITOR TO PAY MORAL OB TO SEECLICKFIX, INC. IN AMT OF \$5,150.04; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. – FINANCE COMMITTEE
53. SERVICE DIRECTOR HIGHMAN: REAUTH O#217/2021; AMEND O#251/2021 (\$32,550.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL OPERATING FUND TO 1001 506001 COMMUNITY DEVELOPMENT ADMIN. – OTHER; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. – COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE
54. SERVICE DIRECTOR HIGHMAN: AUTH APPROP APPOINTING AUTHORITY, DURING YR 2022, TO SELL CITY OWNED PERSONAL PROP NOT NEEDED FOR PUBLIC USE, OBSOLETE OR UNFIT FOR USE FOR WHICH IT WAS ACQUIRED, BY INTERNET AUCTION PURSUANT TO ORC 721.15(D); AUTH INTERNET AUCTIONS TO BE CONDUCTED UNDER THE AUTHORITY AND DIRECTION OF SERV DIR AND/OR HIS DESIGNEE(S); AUTH INTERNET AUCTIONS TO BE CONDUCTED BY PUBLIC SURPLUS INTERNET AUCTION SERV, PO BOX 530861, HENDERSON, NV 89053; REQUIRES ALL INTERNET AUCTION SALES BE CONDUCTED PURSUANT TO RULES AND REGULATIONS PROMULGATED AND IN EFFECT

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FOR PUBLICSURPLUS.COM; REQUIRES EACH INTERNET AUCTION SALE, BIDDING SHALL REMAIN OPEN FOR NOT LESS THAN TEN (10) DAYS, INCLUDING SATURDAYS, SUNDAYS AND LEGAL HOLIDAYS; AUTH SERV DIR AND/OR HIS DESIGNEE(S) TO ESTABLISH MINIMUM PRICES FOR ITEMS BEING SOLD VIA INTERNET AUCTION; REQUIRES PRIOR TO PERFORMANCE OF ANY INTERNET AUCTION THAT SERV DIR AND/OR HIS DESIGNEE(S) PROVIDE NOTICES TO BE ADVERTISED AND POSTED PURSUANT TO ORC 721.15(D); EMERGENCY. – FINANCE AND PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES

55. SERVICE DIRECTOR HIGHMAN: AUTH MAYOR, SERV DIR, OR THEIR DESIGNEE TO UTILIZE THE TAAP, OTHER AVAILABLE PROGRAMS, OR TO NEGOTIATE WITH PROP OWNERS FOR ACQUISITION OR PURCH OF PROP AND FOR CITY TO ACCEPT TITLE TO SAID PROP, WITHIN BOUNDARY OF MIDDLE BRANCH GREENSPACE AREA; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS TO REIMBURSE COUNTY AND OTHER POTENTIAL PROJ PARTNERS FOR ACQUISITION EXPENSES INCURRED THROUGH TAAP OR OTHER PROGRAMS; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS BASED ON NEGOTIATED SETTLEMENT PRICES AGREED TO BY PROP OWNERS AND MAYOR, SERV DIR, OR THEIR DESIGNEE; EMERGENCY. – COMMUNITY AND ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES
56. TREASURER PEREZ: RPTS OF BANK RECS AND OUTSTANDING INVESTMENTS AS OF 12/31/21. – RECEIVED & FILED
57. TREASURER PEREZ: RPT OF PARKING METER REVENUE FOR MONTH OF DECEMBER 2021. – RECEIVED & FILED

**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 No. 1.

***NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #1 THROUGH 8 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (O#5 THRU O#7 ADOPTED, O#8 ADOPTED AS AMENDED):***

- O#1. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO CONVEY CITY-OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, TO THE CANTON COMMUNITY IMPROVEMENT CORPORATION; AND DECLARING THE SAME TO BE AN EMERGENCY (510 11<sup>TH</sup> ST NW, PARCEL 224188)  
Referred to Community & Economic Development Committee
- O#2. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE AMBAFLEX 2021 ANNEXATION AREA CONTAINING APPROXIMATELY 3.903 ACRES, MORE OR LESS; ASSIGNING SAID TERRITORY TO WARD 5 OF THE CITY; ZONING SAID TERRITORY AS I-1 LIGHT INDUSTRY DISTRICT (I-1); AND DECLARING THE SAME TO BE AN EMERGENCY (WARD 5)  
Referred to Annexation Committee **PUB HRG 2/28/22 @ 7:00 PM**

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- O#3. (1<sup>ST</sup> RDG) AN ORDINANCE ESTABLISHING THE PUBLIC REALM REINVESTMENT PROGRAM USING UP TO \$250,000.00 OF ISSUE 13 COMPREHENSIVE PLAN FUNDS; AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACTS WITH APPROVED PUBLIC REALM BUSINESSES; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance and Downtown Development Committees
- O#4. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO: ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR THE SALE OF CITY OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, LOCATED AT STARK COUNTY AUDITOR PARCEL NUMBER 207839 AND TO ENTER INTO ALL CONTRACTS NECESSARY TO FACILITATE SAID SALE; AND DECLARING THE SAME TO BE AN EMERGENCY (2020 3<sup>rd</sup> St NE)  
Referred to Finance Committee
- O#5. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 21/2022** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE CANTON CITY SCHOOL DISTRICT BOARD OF EDUCATION FOR THE 2022 PROMOTION OF EDUCATION & EMPLOYMENT PROJECT (PEEP) PROGRAM IN AN AMOUNT NOT TO EXCEED \$115,000.00; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- O#6. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 22/2022** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AGREEMENT WITH THE STARK COUNTY BOARD OF COMMISSIONERS FOR STARK COUNTY'S PAYMENT OF THEIR SHARE OF COSTS RELATED TO THE CLEANING AND TELEVISIONING OF LARGE DIAMETER SEWERS THAT TOOK PLACE PRIOR TO JANUARY 1, 2022; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred Finance Committee
- O#7. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 23/2022** AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$17,275.36 TO KIMBLE COMPANY DBA KIMBLE TRANSFER & RECYCLING; AND DECLARING THE SAME TO BE AN EMERGENCY(DISPOSAL OF SOLID WASTE & RECYCLING)  
Referred to Finance Committee
- O#8. (1<sup>ST</sup> RDG) **ADOPTED AS AMENDED AS ORDINANCE NO. 24/2022** AN ORDINANCE ACCEPTING THE REPORT OF THE FACTFINDER REGARDING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANTON AND CANTON PROFESSIONAL FIREFIGHTERS ASSOCIATION LOCAL 249; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Personnel Committee

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PRESIDENT SHERER: At this time, the Chair would declare an in-house recess for the Finance and Personnel Committees to meet in regards to Ordinances 5 through 8 on your agenda this evening. You are now in recess.

***(COUNCIL RECESSED AT 7:46 PM FOR THE FINANCE AND PERSONNEL COMMITTEES TO DISCUSS ORDINANCE #5 THROUGH ORDINANCE #8; RECONVENED AT 7:58 PM)***

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

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 22A to place Ordinances 5 through 8 back on this evening's agenda.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend Rule 22A to place Ordinances 5 through 8 back on this evening's agenda. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinances 5 through 8 are a legal part of your agenda. Leader.

MEMBER SMUCKLER: Mr. President, I move we suspend the Statutory Rules on Ordinance 5 through 8.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: There's a motion to suspend the Statutory Rules on Ordinances 5 through 8. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

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

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #5.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #5. Are there any remarks under this Ordinance? ... Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

**#5 ADOPTED AS ORDINANCE NO. 21/2022**

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PRESIDENT SHERER: The motion carries and Ordinance #5 has been adopted. Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #6.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #6. Are there any remarks under this Ordinance? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

**#6 ADOPTED AS ORDINANCE NO. 22/2022**

PRESIDENT SHERER: The motion carries and Ordinance #6 has been adopted. Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #7.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #7. Are there any remarks under this Ordinance? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

**#7 ADOPTED AS ORDINANCE NO. 23/2022**

PRESIDENT SHERER: The motion carries and Ordinance #7 has been adopted. Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #8.

PRESIDENT SHERER: You're right. You're right.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #8. Are there any remarks under this Ordinance? Leader.

MEMBER SMUCKLER: Mr. President, I move we amend Ordinance #8 by the amendment before everybody in City Council.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to amend Ordinance #8 per the copy before each of you. Are there any remarks? ...Hearing none, by voice vote, all those in favor, signify by saying aye. Those opposed no.

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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 #8, as amended.

MEMBER BABCOCK: Second.

**AMENDMENT***Pursuant to Rule 36, I move to amend Agenda Item No. 8 by the substitution of the attached ordinance for the original pending ordinance.*

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #8 as amended. Are there any remarks under this Ordinance as amended?

MEMBER SMUCKLER: Mr. President.

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Since the Ordinance says adopt or reject, I just want to make sure that everybody understands that a yes vote will be to accept the contract the way it is.

PRESIDENT SHERER: Thank you, Leader. Are there any additional remarks under this Ordinance as amended. ...Hearing none, roll call vote please, Madam Clerk.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

**#8 ADOPTED AS AMENDED AS ORDINANCE NO. 24/2022**

PRESIDENT SHERER: The motion carries and Ordinance #8, has... as amended, has been adopted.

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their Second Reading. Madam Clerk, would you please begin with Ordinance #9.

***NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #9 THROUGH 10 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

O#9. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOW AS THE BROADWAY AVE 2021 ANNEXATION AREA CONTAINING APPROXIMATELY 67.904 ACRES, MORE OR LESS; ASSIGNING SAID TERRITORY TO WARD 6 OF THE CITY; ZONING SAID TERRITORY AS I-1 LIGHT INDUSTRY; AND REQUIRING THE OWNER OF THE ANNEXED TERRITORY TO PROVIDE A BUFFER SEPARATING THE USE OF THE ANNEXED TERRITORY AND THE ADJACENT LAND REMAINING WITHIN THE TOWNSHIP; AND DECLARING THE SAME TO BE AN EMERGENCY

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O#10. (2<sup>ND</sup> RDG) AN ORDINANCE RE-ESTABLISHING THE STOREFRONT REINVESTMENT PROGRAM (“SRP”) AND AUTHORIZING THE MAYOR AND/OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO SRP GRANT AGREEMENTS; AND DECLARING THE SAME TO BE AN EMERGENCY (\$250,000.00 – ISSUE 13 COMP FUNDS PLAN)

**ORDINANCES & FORMAL RESOLUTIONS FOR THIRD AND FINAL READING**

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their Third, Final Reading and Vote. Madam Clerk, would you please begin with Ordinance #11.

***NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCE #11 THROUGH ORDINANCE #17 FOR THEIR THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

O#11. (3<sup>rd</sup> RDG) **ADOPTED AS ORDINANCE NO. 25/2022** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE STARK COUNTY PUBLIC DEFENDER COMMISSION FOR THE PROVISION OF LEGAL SERVICES TO INDIGENTS; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #11.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It’s been moved and seconded to adopt Ordinance #11. Are there any remarks?  
...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

**#11 ADOPTED AS ORDINANCE NO. 25/2022**

PRESIDENT SHERER: Motion carries and Ordinance #11 is adopted. Ordinance #12, please.

O#12. (3<sup>rd</sup> RDG) **ADOPTED AS ORDINANCE NO. 26/2022** AN ORDINANCE AUTHORIZING THE LAW DIRECTOR TO ENTER INTO CONTRACT WITH THE BELOW-NAMED CITIES AND VILLAGES TO PROVIDE LEGAL REPRESENTATION IN THE PROSECUTION OF CRIMINAL CASES AND RELATED MATTERS BY THE CITY PROSECUTOR’S OFFICE; AND DECLARING THE SAME TO BE AN EMERGENCY (2-YR CONTRACTS W/ E. CANTON, E. SPARTA, HARTVILLE, LOUISVILLE, MAGNOLIA, N. CANTON, WAYNESBURG; 1/1/22 TO 12/31/24)

PRESIDENT SHERER: Leader.

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MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #12.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #12. Are there any remarks?  
...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

**#12 ADOPTED AS ORDINANCE NO. 26/2022**

PRESIDENT SHERER: Motion carries and Ordinance #12 is adopted. Ordinance #13, please.

O#13. (3<sup>rd</sup> RDG) **ADOPTED AS ORDINANCE NO. 27/2022** AN ORDINANCE AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY TO THE COUNTY AUDITOR A LIST OF UNPAID AND DELINQUENT CHARGES FOR SERVICES PERFORMED BY AND/OR ON BEHALF OF THE CITY OF CANTON ENGINEERING DEPARTMENT, URBAN FORESTRY DIVISION; AND DECLARING THE SAME TO BE AN EMERGENCY

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ord... Ordinance #13. Are there any remarks?  
...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

**#13 ADOPTED AS ORDINANCE NO. 27/2022**

PRESIDENT SHERER: Motion carries and Ordinance #13 is adopted. Ordinance #14, please.

O#14. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 28/2022** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH CT CONSULTANTS, INC. FOR DESIGN OF THE 25<sup>TH</sup> STREET NE TRANSMISSION WATER MAIN REPLACEMENT PROJECT; AMENDING APPROPRIATION ORDINANCE NO. 251/2021; AND DECLARING THE SAME TO BE AN EMERGENCY (\$144,500.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207080 25<sup>TH</sup> STREET NE TRANSMISSION WATER MAIN REPLACEMENT PROJECT – OTHER)

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

**#14 ADOPTED AS ORDINANCE NO. 28/2022**

PRESIDENT SHERER: Motion carries and Ordinance #14 is adopted. Ordinance #15, please.

O#15. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 29/2022** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH MOTTER & MEADOWS ARCHITECTS FOR DESIGN OF THE WATER SERVICE SHOP BUILDING RENOVATIONS; AMENDING APPROPRIATION ORDINANCE NO. 251/2021; AND DECLARING THE SAME TO BE AN EMERGENCY (\$325,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207079 WATER SERVICE SHOP BUILDING RENOVATIONS FUND – OTHER)

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #15. Are there any remarks?  
...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

**#15 ADOPTED AS ORDINANCE NO. 29/2022**

PRESIDENT SHERER: Motion carries and Ordinance #15 is adopted. Ordinance #16, please.

O#16. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 30/2022** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH IBI GROUP FOR DESIGN OF THE PERRY HEIGHTS WATER MAIN REPLACEMENT PROJECT – PHASE I; AMENDING APPROPRIATION ORDINANCE NO. 251/2021; AND DECLARING THE SAME TO BE AN EMERGENCY (\$283,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207081 PERRY HEIGHTS WATER MAIN REPLACEMENT PROJECT – OTHER)

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PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #16. Are there any remarks?  
...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 1 NAY  
(MEMBER MORRIS VOTED NO)

CLERK WOOD: Eleven yeas, one nay, Mr. President.

**#16 ADOPTED AS ORDINANCE NO. 30/2022**

PRESIDENT SHERER: Motion carries and Ordinance #16 is adopted. Ordinance #17, please.

O#17. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 31/2022** AN ORDINANCE AUTHORIZING THE RESURFACING OF STA SR 43D (WALNUT AVE) FROM JUST SOUTH OF 12<sup>TH</sup> ST NE TO THE NORTHERN APPROACH SLAB OF THE CHERRY OVERPASS BRIDGE (JUST NORTH OF 6<sup>TH</sup> ST SE), STA SR 43 (CHERRY AVE SE) FROM THE NORTHERN APPROACH SLAB OF THE CHERRY OVERPASS BRIDGE TO THE NEWLY RESURFACED SECTION (JUST SOUTH OF 4<sup>TH</sup> ST SE) AND STA SR 172 FROM LINCOLN AVE TO CHERRY AVE (SR 43) AND FROM RIVERSIDE DR TO COLE AVE/E CORP LIMIT, INCLUDING MINOR BRIDGE REHABILITATION TO TWO STRUCTURES WITHIN CANTON; AND DECLARING THE SAME TO BE AN EMERGENCY (PID 102743)

PRESIDENT SHERER: Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #17. Are there any remarks?  
...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

CLERK WOOD: Twelve yeas, Mr. President.

**#17 ADOPTED AS ORDINANCE NO. 31/2022**

PRESIDENT SHERER: Motion carries and Ordinance #17 is adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SHERER: We are now under Announcement of Committee Meetings. Our next meeting date will be Monday, February 14th, and Committee starts at 6:30 P.M.

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MEMBER HAWK: Mr. President.

PRESIDENT SHERER: Chairman Hawk.

MEMBER HAWK: Thank you. The Finance Committee will meet Monday, February 14<sup>th</sup> at 6:30 P.M.

PRESIDENT SHERER: Thank you, Member Hawk.

MEMBER MARIOL: Mr. President.

PRESIDENT SHERER: Member Mariol.

MEMBER MARIOL: Annexation will meet same time, same place.

PRESIDENT SHERER: Thank you, Member Mariol.

MEMBER HALL: Mr. President.

PRESIDENT SHERER: Member Hall.

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

PRESIDENT SHERER: Thank you, Member Hall.

MEMBER KIMBROUGH: Um, Downtown Development will meet the same time, same place.

PRESIDENT SHERER: Thank you, Member Kimbrough.

**MISCELLANEOUS BUSINESS**

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

MEMBER GIAVASIS: Mr. President.

PRESIDENT SHERER: Member Giavasis.

MEMBER GIAVASIS: I'd like to bring it to Council's attention. I don't know if any members have driven down 30<sup>th</sup> Street. I know Director Highman's probably aware of this, the way that the road is separating, the seams. If we don't get something into those cracks, that road is going to deteriorate before Spring, and I know the City just spent a decent amount of money resurfacing that not too long ago, but we need to get some type of expandable rubberized material into those cracks soon or we're gonna have some wide openings here soon.

PRESIDENT SHERER: Thank you, Member Giavasis. Is there anything else under Miscellaneous Business? ... Hearing none... um, before we adjourn, I'd like to remind the Council Members to remain in their seats until roll call is completed.

MEMBER SMITH: Did that pass?

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UNIDENTIFIED VOICE: Under the fire.

PRESIDENT SHERER: Not yet, not yet. (*Laughter*) They're still...they're still gonna sit in their seats.

MEMBER SMITH: Oh, okay.

PRESIDENT SHERER: How's that?

MEMBER SMITH: No, thank you, Mr. President.

PRESIDENT SHERER: You're wel... you're welcome. It'll be fine.

PRESIDENT SHERER: Huh?

CLERK WOOD: It did.

MEMBER SMITH: It didn't pass.

UNIDENTIFIED VOICE: I think it did.

MEMBER MARIOL: No, it's...

PRESIDENT SHERER: It did... didn't pass. (*Inaudible voices, several people talking at once*) Listen...

MEMBER SMUCKLER: Mr. President.

PRESIDENT SHERER: The bottom line... look, the bottom line, it's still in the rules. And Leader.

MEMBER SMUCKLER: We appropriately meet next Monday on Valentine's Day. Just what I heard in here is appropriate why we meet on Valentine's Day. (*Inaudible voices*) About... already we're arguing. (*Inaudible voices*) I think I have the floor. Going to ask you all to do some inspection and see what happened here tonight. To the Mayor and to the Law Director, you heard the 12:00 deadline. I will not go past 12:00 after what I saw here tonight unless I have a motion on the floor to suspend rules. Please, please look in your hearts and souls tonight. I move we adjourn.

MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 12 YEAS, 0 NAYS

PRESIDENT SHERER: Uhh, uhh, uhh, uhh, uhh! Uhh!

CLERK WOOD: It was... it's already in the rules. That's already in the rules. (*Laughter*)

PRESIDENT SHERER: Thank you, Member Hall. This meeting is adjourned. (*Gavel falls*).

CLERK WOOD: Twelve yeas, Mr. President.

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ADJOURNMENT TIME: 8:15 PM

ATTEST: 2/9/22

JILL M. WOOD  
CLERK OF COUNCIL

APPROVED:

WILLIAM SHERER  
PRESIDENT