

**MINUTES OF THE MEETING JUNE 6, 2022**

PRESIDENT SHERER: Good evening ladies and gentlemen and welcome to Canton City Council. If everyone would please turn your cellphones 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:*

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

ELEVEN COUNCIL MEMBERS PRESENT. (MEMBER FERGUSON ABSENT)

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

**EXCUSING MEMBERS**

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move that Member Ferguson... be excused this evening.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to excuse Member Ferguson from this evening's meeting. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Member Ferguson is excused from this evening's meeting. Tonight's invocation will be given by Ward 6 Council Member, Kevin Hall. 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 June 6, 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 6 Council Member, Kevin Hall. The Pledge of Allegiance was led by President Sherer.*

PRESIDENT SHERER: Thank you, Member Hall.

**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 28, 29, and 31 and 33 to this evening's agenda. Ordinance #30 will be retained in Committee.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been... it's been moved and seconded to suspend Rule 22A to add second readings to Ordinances 28, 29, and 30 and 33.

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CLERK WOOD: 31 through 33.

PRESIDENT SHERER: 31 through 33... through 33 to this evening's agenda. Ordinance 30 will be retained in Committee. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinances 28 and 29 and 30 through 33 are a legal part...

CLERK WOOD: 31

PRESIDENT SHERER: 31 through 33, I'll get this right eventually, 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 five speakers for tonight. And just to make that sure everybody's aware that signs up for Public Speaks I would like to read the Rules of Council. The Public Speaks portion of the agenda shall be dictated to allow public at large to speak on issues pertaining City business at each regular Council meeting. Citizens should be permitted to speak only during Public Speaks... one time during "Public Speaks" per week. Citizens desiring to speak for "Public Speaks" shall sign up with the Clerk of Council by 6:45 p.m. on the evening of any regular Council Meeting on a first-come first-serve basis; except that persons who have spoken during any of the preceding four meetings will speak last after all other... other speakers. The individual shall print his or her name, home address no business or Post Office Box numbers and specific subject matter on which he or she intends to speak. The list shall be available at all times in the Council Office. If not completed as required, the Presiding Officer will not... recognize that particular speaker. During Public Speaks, each speaker shall identify him or herself by name, home address and shall state the subject matter on which he or she intends to speak. Each speaker shall be limited to a maximum of three minutes to present his or her comments. Each speaker shall direct his or her comments to the Presiding Officer. A speaker shall observe all rules... rules of decorum as prescribed in Roberts Rules of Order. No debate, disrespect or obscenities shall be tolerated. The Presiding Officer shall rule in such... shall rule any such indi... individual out of order. The Presiding Officer shall refer all matters raised by the speaker as follows: Any legislative questions may be answered by the appropriate Cou... Council Committee Chairman or affected Ward Councilmember. Any administrative questions may be answered by the Mayor or the appropriate administrative staff member and any other questions may be disposed of at the discretion of the Pre... Presiding Officer. I just want to make sure everyone that signs up for Public Speaks is aware of the Rules for Council. Our first speaker for tonight... thank you... is Ms. Jeana Dillard. Is Ms. Dillard in the... in the room this evening. Alright moving on, our next speaker will be Mr. Eric Resnick. Mr. Resnick could you please step forward and gives us your name and residential address please.

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ERIC RESNICK: Thank you, Mr. President. It is Eric Resnick and the residential address is 1828 Grace Ave. NE and it is good to be here. And tonight I come to speak to you about Ordinance #33. This is a subject that I have spoken about a number of times here and tonight I really just have a couple of requests. Number one, when you vote on this, understand that the money that you are abating on this property has absolutely zero adverse effect on the city's general revenue fund. But it does have an adverse effect on the Canton City School Districts general revenue fund. That said, I think that um... I understand the law that allows these things well enough to know that there is a... what is called a but for clause in them. Which essential says that this applicant business plan but for this tax abatement would fall flat on its face and fail. That is the req... I have never been told that I am wrong about that. People have argued with me about the merit of the general policy of tax abatements but never about that specific point. Now ironically I'm not going to stay here this evening. I'm going... I'm... I'm part of a program tomorrow that is about ensuring that the State in the next budget uh... fully funds this... the uh... the Fair School Funding program that... that our schools rely on tremendously and I still have a little bit of homework to do. So I'm not going to stick around for the vote but I'm asking you to be able to ask and answer for yourselves, as I talked to a couple of you about this. Be able to ask and answer for yourselves whether or not they've answered that question and more importantly to... to answer the public as to whether the applicants for this tax abatement have answered that question sufficiently. That their business plan is so... is such that were not for this abatement, they would fail wildly. And finally I would like to support... I would like to support the Williams family in their cause in getting justice from this City. Thank you.

PRESIDENT SHERER: Thank you Mr. Resnick and Mr... Eric just for clarification Council is not voting on that tonight. So just to let you know so...thank you... but thank you for coming. Alright out next speaker is Mr. Jason Cousins. Mr. Cousins could you please step forward and gives us your name and residential address please.

JASON COUSINS: Jason Cousins, 2307 10<sup>th</sup> St Canton SW.

PRESIDENT SHERER: Thank you.

JASON COUSINS: I'm here on behalf of the Williams family, my cousin that was killed by police here in January. We've had issues with people here said oh we reached out to the family, oh we been to the family's house. And still six months later none of you all reached out and if you do reach out Mr. Mayor. You reach out for your false... false pretenses for whatever choice you made three or four week ago when you called. When you had someone contact Mrs. Williams and say you would like to have a conversation with her. We have the attorney call you because you won't get a one on one to make up nothing that nobody has said and you tell the attorney oh I have no wishes to talk with you at all. So... what is it that you could say to Mrs. Williams that you couldn't say in front of hi... her Council. Secondly, BCI's report is what we have been waiting on, May 17<sup>th</sup> BCI made their ruling. Y'all still haven't informed this family what BCI's ruling is instead oh the prosecutor sent it over to the grand jury to see what the grand jury is going to want. What the grand jury is going to do, if they are going to indict or not. You know fair is fair and Right is right man. Like I said they say you suppose to look men in the eyes when you talk to men. So I'm making sure each one of you all know I'm looking y'all in the eyes man. Y'all very disrespectful to be people that supposed to run the city and uphold righteousness. Y'all sitting around talking about oh we don't have these funds, we don't have that. I got all your records on what you spend yearly down here... billions. Y'all got the Hall of Fame here, y'all got something great here man. Y'all got a legacy here that if you don't do the right things, your legacy going to be destroyed in Canton. Because this

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not going to stop, this going to keep on going to Washington. This going to keep on going, and going, and even when y'all get through. It's going to keep on going because even if justice does come it's going to be no justice until the laws change and until you make the right choices about who you put in our community to police us. It took y'all six months for BCI to make a decision bout a man running from this side of the house to this house saying he felt his life was treated. Well if I feel my life is treated I don't run towards the treat I run away from it. Y'all can sit here and play these games and keep on playing like we ignorant. Man no, we far fetch from it. Justice needs to be given to my family. Secondly, peaceful protest we ain't tore up nothing, we ain't acted weird, we ain't did nothing wrong. Hall of Fame Centennial Plaza is a part of that. They have a clause in their laws and their rules for them that you are allowed. Freedom of Speech and protest and press on their property. I was arrested on their property for saying a word, during my protest. Violation of my first and fourth cons... amendment rights. Then we go to court about it and instead of them saying oh well look we're going to deal with this. No we...it... it came from higher up they... they told us to pursue it the furthest... to the furthest most. So we going to trial about something that y'all know our police officers wrongfully arrested us for. We had videos of saying the same things over and over in front of y'all police and we never been arrested for it. Until it gets at Centennial Plaza, where my rights say that I have the right where I was standing at to say what I'm saying.

PRESIDENT SHERER: Mr. Cousins could you please bring your remarks to a close, please.

JASON COUSINS: Y'all need to recognize what is real in this city and what isn't real. Justice is not some money. Justice is right, it just don't change for just us. It need to change all the people. So we asking y'all to do the right thing and pick out how y'all picking y'all police to commun... to run our community because we don't have a community because they scared of the people shooting and scared of the police shooting...

PRESIDENT SHERER: Out of respect for the rest of the speakers tonight, Thank you.

JASON COUSINS: You only had two you had no program remember.

PRESIDENT SHERER: Thank you... Thank you Mr...

JASON COUSINS: So rush the people.

PRESIDENT SHERER: Thank you Mr. Cousins. Our next speaker is Ms. Skylark Bruce. Ms. Bruce could you please state your name and residential address please.

SKYLARK BRUCE: My name is Skylark Bruce and I live at 2216 Bollinger Ave NE. I'm sure everyone of you is tired of hearing the same thing with slight variations at every Council Meeting. I sure don't like bringing the same message about the murder of James Williams, how Robert Huber should be fired arrested, and charged. I would love to move on beyond the ridiculous charges brought against Jason Cousins and Destiny Jackson. I would be thrilled to have a totally new and different matter to address. I'd like to be able to congratulate you for something... anything. But I can't help that all this continues to be relevant. The inaction and taskless support for injustice systems in this room, are to blame for that. Every time you reorganize the meeting agenda to put accommodations before public speaks, something is fishy. You don't want the people that you pat on the back to hear what else is going on in the city. Someone or something apparently has you all

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quaking in your boots. Previously I believed that some of you on Council might be decent people with backbones, it's very hard to believe that now. Who has so much control over you that you don't even raise your voice to injustice. There is still time to prove me wrong. Urge the prosecutor to drop the charges against Destiny Jackson and Jason Cousins. Don't give me the opportunity to... to testify in court as a witness to these alleged crimes. The correct person to arrest and charge is Robert Huber. Saying words on a public street in a political protest is not a crime but murder is. An officer breaking police policy shouldn't be swept under the rug either. Stop hiding the truth. The lies and the deception are attempts at cover ups and it's disgusting. Marquetta Williams and her children deserve better. The black residents and visitors to this city deserve better. Everyone who's suffered police brutality in this city deserves better. Justice for James.

PRESIDENT SHERER: Thank you Mr. Bruce and our last speaker for this evening is Ms. Ida Ross Freeman. Ms. Freeman could you please state your name and residential address please.

IDA ROSS FREEMAN: Yes. Good evening, Ida Ross Freeman 1129 7<sup>th</sup> NW Canton, Ohio. I want to talk about the police. Our Police Department needs to be reformed. I was hoping that a police retire... as... hoping that as police retire in... and the new ones that are replacing them will bring about changes we need. Old officers had an ingrained attitude that those being arrested were all dirt bags and therefore treated as such. We must remember why the Police Department was developed, to regulate, control, and catch run away enslaved people... population. Each generation of police improved to... to some degree. You would think that the retiring and leaving out bad officers by now there would be a complete change. My concern is that we have... we here do not follow the national guidelines and rules in policing. Last week the DOG... the DOJ passed an executive rule in regards to the no chokehold in reference to George Floyd and no knock warrant in ref... in reference to Briana Taylor. Which is a voluntary guide for national policing to follow... follow... was signing up to follow. You have to volunteer... a... which is a volunteer guide for national policing to follow was signing up to follow this. It's not mandatory but with... with our policing by the way I am... I and my group are... by the way I and my group are concerned about and re... and reject uh... Eight Can't Wait rules. Without our input or discussion rules like this should be discussed in the community by the community, inclusively of the community. We could really learn from something from George... John Lewis philosophies Good Trouble. Thank You.

PRESIDENT SHERER: Thank you, Ms. Freeman.

**INFORMAL RESOLUTIONS**

PRESIDENT SHERER: We are now under Informal Resolutions and we have three for this evening. Madam Clerk, would you please read Informal Res... Resolution #1, by title.

1. MAJORITY LEADER SMUCKLER: AUTHORIZE AND DIRECT THE SERVICE DIRECTOR TO OPEN ONE OR MORE PURCHASE ORDERS IN AN AMOUNT NOT TO EXCEED \$49,730.66 TO WENGER EXCAVATING, INC FOR THE YALE AVE. NW STORM SEWER INSTALLATION. – ADOPTED

PRESIDENT SHERER: Leader.

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

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MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Informal Resolution #1. Are there any remarks? ...Hearing none, by... by voice vote, all those in favor, signify... (*Yelling from Audience*)... hang on for a second. Let's try that one more time. ...Hearing none, by voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #1 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it. The motion carries and Informal Resolution #1 is adopted. Informal Resolution #2, please.

2. MAJORITY LEADER SMUCKLER: AUTHORIZE AND DIRECT THE SERVICE DIRECTOR TO OPEN ONE OR MORE PURCHASE ORDERS IN A TOTAL AMOUNT NOT TO EXCEED \$42,840.78 TO WENGER EXCAVATING, INC FOR THE HARVARD AVE. NW STORM SEWER INSTALLATION. - ADOPTED

MEMBER SMUCKLER: Mr. President.

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: I move we adopt Resolution #2.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Informal Resolution #2. Are there any remarks? ...Hearing none, by voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

RESOLUTION #2 PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it. The motion carries and Informal Resolution #2 is adopted. Informal Resolution #3, please.

3. RULES COMMITTEE: AMENDING RULE #2 REGULAR MEETINGS OF THE RULES OF PROCEDURE FOR THE COUNCIL OF THE CITY OF CANTON 2022-2023 TERM. – ADOPTED

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Resolution #3.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Informal Resolution #3. Are there any remarks? ...Hearing none, roll call vote please.

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NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Informal Resolution #3 is adopted.

**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.***

4. STATEMENT OF SERVICES FOR 3801 HARMONT AVE NE 2022 ANNEXATION - CHAIRMAN MARIOL
5. TRF PERMIT FROM PRIDE 821 @ 401 CHERRY AVE NE TO 19TH HOLE @ 101 CENTRAL PLAZA S - LIQUOR CONTROL DIV (OH)
6. PETITION DOCUMENTS FILED WITH STARK COUNTY COMMISSIONERS FOR 3801 HARMONT AVE NE 2020 ANNEXATION - AGT FOR PETITIONER BAILEY
7. TRANSFER OF FUNDS FOR VIOLA ESTATES SANITARY SEWER REPLACEMENT, GP 1336 - SERV. DIR. HIGHMAN
8. PETITION FOR ANNEXATION OF SERVICE CENTER PROPERTY - SERV. DIR. HIGHMAN
9. YALE AVE NW STORM SEWER INSTALLATION - SERV. DIR. HIGHMAN
10. HARVARD AVE NW STORM SEWER INSTALLATION - SERV. DIR. HIGHMAN
11. PURCHASE CLOSED CIRCUIT TV VAN FOR COLLECTION SYSTEMS DEPT - SERV. DIR. HIGHMAN
12. STATEMENT OF CASH POSITION DATED 5/31/22 - AUDITOR MALLONN
13. REQUEST FOR ADDITIONAL AMENDED CERTIFICATE DATED 5/31/22 - AUDITOR MALLONN
14. RECONSIDER O#118/2022 (SICK LEAVE HOURS FOR CHRISTOPHER HARDESTY) - MAYOR BERNABEI
15. AMEND COD. ORD. CHAPTER 919 (SIDEWALK AND CURB REPLACEMENT PROGRAM) - SERV. DIR. HIGHMAN
16. STATEMENT OF SERVICES FOR REGENT AVE NE (CITY SERVICE CENTER) - AGT FOR PETITIONER BAILEY

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17. WEIS PARK TENNIS COURT RECONSTRUCTION - PARKS & REC DIR. FOLTZ AND SERV. DIR. HIGHMAN

**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 #18.

***NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #18 THROUGH #27 FOR THEIR FIRST READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

- O#18. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE 4955 BROADWAY AVE. NE 2022 ANNEXATION AREA CONTAINING APPROXIMATELY 3.998 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  
Referred to Annexation Committee
- O#19. (1<sup>ST</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$250,000.00 SUPP APPROP FR UNAPPROP BAL OF 2190 HOFV FUND TO 2190 861 102 PACE FINANCING – OTHER) (SPECIAL ASSESSMENT FOR HOF VILLAGE HOTEL)  
Referred to Finance Committee
- O#20. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE AUDITOR TO CREATE THE 2405 ONEOHIO OPIOID FUND; AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$25,000.00 SUPP APPROP FR UNAPPROP BAL OF 2405 ONEOHIO OPIOID FUND TO 2405 200501 GENERAL GOVERNMENT SUPPORT ADMIN – OTHER) (OPIOID SETTLEMENT CASE)  
Referred to Finance Committee
- O#21. (1<sup>ST</sup> RDG) AN ORDINANCE RETROACTIVELY AUTHORIZING THE APPROPRIATIONS IN FUND 2809 FOR THE AMERICAN RESCUE PLAN ACT BE BUDGETED AT THE FUND LEVEL TO JANUARY 1, 2022; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- O#22. (1<sup>ST</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH THE GREATER STARK COUNTY URBAN LEAGUE UTILIZING ARPA FUNDS IN AN AMOUNT NOT TO EXCEED \$574,341.39; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Community & Economic Development Committee



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- O#23. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 132/2022** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$3,200,000.00 SUPP APPROP FR UNAPPROP BAL OF 4504 2015 CONSTR/RECONSTR NOTE FUND TO 4504 201001 SERV DIR – OTHER) (BUILDING IMPROVEMENT NOTES)  
Referred to Public Property Capital Improvement & Finance Committees
- O#24. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 133/2022** AN ORDINANCE AUTHORIZING THE AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$5,790.00 TO BAKER, DUBLIKAR, BECK, WILEY & MATHEWS; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Finance Committee
- O#25. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 134/2022** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH CT CONSULANTS, INC. FOR CONSTRUCTION ADMINISTRATION AND INSPECTION SERVICES FOR THE 36<sup>TH</sup> STREET NW STORM SEWER AND ROADWAY RECONSTRUCTION PROJECT, PHASE 2, GP 1270; AUTHORIZING THE AUDITOR TO PAY MORAL OBLIGATIONS RELATED TO SAID CONTRACT; AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$83,600.00 APPROP TRF FR 4501 202001 ENGINEERING – ADMINISTRATION – OTHER TO 4501 202058 36<sup>TH</sup> ST NW STRM, RDWY, WTR, SWR – OTHER) (\$15,500.00 APPROP TRF FR 5410 202010 ENGINEERING – DAILY OPERATIONS – OTHER TO 5410 202058 36<sup>TH</sup> ST NW STRM, RDWY, WTR, SWR – OTHER)  
Referred to Public Property Capital Improvement & Finance Committees
- O#26. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 135/2022** A RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNERS IN THE 3801 HARMONT AVE NE 2022 ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE TO RECONCILE INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Annexation Committee
- O#27. (1<sup>ST</sup> RDG) **ADOPTED AS ORDINANCE NO. 136/2022** AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO SIGN A PETITION FOR ANNEXATION FOR PARCEL NO. 5210306; AND DECLARING THE SAME TO BE AN EMERGENCY  
Referred to Annexation Committee

CLERK WOOD: Mr. President.

PRESIDENT SHERER: Thank you, Madam Clerk. We are now under Ordinances and Formal Resolutions for their second reading... (*Inaudible*). Oh I'm sorry about that. At this time the Chair would declare an in-house recess for Public Property Capital Improvement, Finance, and Annexation Committees to meet in regards to Ordinances 23 through 27 on your agenda this evening. You are now in recess and I do apologize.

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***(COUNCIL RECESSED AT 7:23 PM FOR THE PUBLIC PROPERTY CAPITAL IMPROVEMENT, FINANCE, AND ANNEXATION COMMITTEES TO DISCUSS ORDINANCE #23 THROUGH ORDINANCE #27; RECONVENED AT 7:34 PM)***

MEMBER SMUCKLER: Mr. President, I move we suspend Rule 22A to place Ordinances 23 through 27 back on this evening's agenda.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: Hang tight for one quick second Leader. It's been moved and seconded to suspend Rule 22A to place Ordinances 23 through 27 back on this evening's agenda. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

PRESIDENT SHERER: The motion carries and Ordinances 23 through 27 are a legal part of your agenda, Leader.

MEMBER SMUCKLER: Mr. President, I move we suspend Statutory Rules on Ordinances 23 through 27.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to suspend the Statutory Rules on Ordinances 23 through 27. Are there any remarks? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

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

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #23. Are there any remarks under this Ordinance? ... Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Nine yeas, Mr. President. *(CLERK WOOD SAID NINE YEAS, HOWEVER THERE WAS ELEVEN YEAS)*

**#23 ADOPTED AS ORDINANCE NO. 132/2022**

PRESIDENT SHERER: The motion carries and Ordinance #23 has been adopted. Leader.

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MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #24.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #24. Are there any remarks under this Ordinance? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

**#24 ADOPTED AS ORDINANCE NO. 133/2022**

PRESIDENT SHERER: The motion carries and Ordinance #24 is adopted. Leader.

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

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #25. Are there any remarks under this Ordinance? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

**#25 ADOPTED AS ORDINANCE NO. 134/2022**

PRESIDENT SHERER: Motion carries and Ordinance #25 is adopted. Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #26.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded that you adopt Ordinance #26. Are there any remarks under this Ordinance? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

**#26 ADOPTED AS ORDINANCE NO. 135/2022**

PRESIDENT SHERER: Motion carries and Ordinance #26 is adopted. Leader.

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

MEMBER BABCOCK: Second.

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

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NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

**#27 ADOPTED AS ORDINANCE NO. 136/2022**

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

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING**

PRESIDENT SHERER: We are now under Ordinances and Formal Resolutions for their Second Reading. Madam Clerk, will you please begin with Ordinance #28.

***NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCES #28 THROUGH #33 FOR THEIR SECOND READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS (O#30 RETAINED IN COMMITTEE):***

- O#28. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$16,800.00 SUPP APPROP FR UNAPPROP BAL OF 2794 PROJ SAFE NEIGHBORHOOD GRANT FUND TO 2794 102001 POLICE ADMIN – ADV OUT) (RETURN OF ADVANCED MONEY TO GENERAL FUND)
- O#29. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$58,756.00 SUPP APPROP FR UNAPPROP BAL OF 2793 US DEPT JUST/BUREAU ASST FUND TO 2793 102001 POLICE ADMIN – ADV OUT) (RETURN OF ADVANCED MONEY TO GENERAL FUND)
- O#30. (2<sup>ND</sup> RDG) ***RETAINED IN COMMITTEE*** AN ORDINANCE AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION IN CONJUNCTION WITH THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACTS NECESSARY FOR THE WILLIG FIELD UPGRADES PROJECT; OR TO ALTERNATIVELY ENTER INTO ALL CONTRACTS NECESSARY PURSUANT TO ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; AUTHORIZES THE AUDITOR TO PAY ALL MORAL OBLIGATIONS FOR CONTRACT CHANGE ORDERS THAT ARE OTHERWISE APPROVED BY THE BOARD OF CONTROL; AND DECLARING THE SAME TO BE AN EMERGENCY
- O#31. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO ALL CONTRACTS NECESSARY FOR THE PURCHASE OF ONE (1) FULL SIZE CARGO VAN, ONE (1) 4X4 HEAVY DUTY CHASSIS CAB, ONE (1) HEAVY DUTY CARGO BOX AND ONE (1) 4X4 SUV; OR TO ALTERNATIVELY PURCHASE SAID ITEMS PURSUANT TO ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; AND DECLARING THE SAME TO BE AN EMERGENCY (WATER DEPT)
- O#32. (2<sup>ND</sup> RDG) AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$150,000.00 SUPP APPROP

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FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207022 – WATER DISTRIBUTION FUND – OTHER) (WATER PORTION OF HURSH PL NW ROADWAY AND WATER PROJ)

O#33. (2<sup>ND</sup> RDG) AN ORDINANCE AUTHORIZING THE MAYOR OR DIRECTOR OF PUBLIC SERVICE TO ENTER INTO AN ENTERPRISE ZONE AGREEMENT WITH B&T ASSOCIATES, LLC AND TERYDON INCORPORATED 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 (PURCH OF AEP BILLING CTR @ 420 4<sup>TH</sup> ST SW)

CLERK WOOD: Mr. President.

PRESIDENT SHERER: Thank you, Madam Clerk.

**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. Leader.

CLERK WOOD: I have to read. Ordinance #35, An ordinance amending appropriation ordinance no. 68/2022; and declaring the same to be an emergency... oh I'm sorry...

MEMBER SMUCKLER: Hang on a minute...

PRESIDENT SHERER: Hang on for a minute.

MEMBER SMUCKLER: Okay, um... Mr. President, I move we reconsider Ordinance #118/2022 adopted on May 23, 2022.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to reconsider Ordinance #118/2022 adopted on May 23, 2022. Are there any remarks? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

PRESIDENT SHERER: The motion carries, Leader.

MEMBER SMUCKLER: Mr. President, I move we amend Ordinance #118/2022 per the copy before each Council member.

MEMBER BABCOCK: Second.

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PRESIDENT SHERER: It's been moved and seconded to amend Ordinance #118/2022 per the copy before each of you. Are there any remarks?

MEMBER MORRIS: Mr. President.

PRESIDENT SHERER: Member Morris.

MEMBER MORRIS: Question for the Mayor, is it common for our employees to incur this much sick time over a four-year period. Because I'm... I'm pretty supportive of uh... Director Highman when he says we need to be more competitive with the private sector. But seems like we are getting kinda... God this is going to be anti-city worker but raked on this.

MAYOR BERNABEI: No... No to clarify that's very important that everyone understand this is probably in place for decades literally. Um... we have a City Ordinance which creates... or generates for all city employees 4.6 hours of sick leave every pay and we... there's a state statute that mandates the same requirement. So this is state law, this has been in place for many, many, many, many years and uh... the City Ordinance merely copies the state law in this particular case. So, this is the amount of sick leave that every full-time city employee is earning and accruing.

PRESIDENT SHERER: Are there any additional remarks?... ..Hearing none, by voice vote, all those in favor, signify by saying aye. Those opposed no.

NO REMARKS

AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE

PRESIDENT SHERER: The ayes have it, Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #118/2022 as amended.

MEMBER BABCOCK: Second.

**AMENDMENT**

*Pursuant to Rule 41 and 36 respectively, I move to reconsider and amend Ordinance No. 118/2022 by amending the caption and section 2 to read as follows.*

**CAPTION TO READ:**

***AN ORDINANCE WAIVING THE REQUIRMENT OF CITY RESIDENCY FOR DIRECTOR OF ECONOMIC DEVELOPMENT CONTAINED IN ORDINANCE NO. 100/2011; AUTHORIZING CREDIT OF PAST SERVICE FOR VACATION TIME; WAIVING CITY CODE SECTION 151,14 AND AUTHORIZING PREVIOUSLY ACCRUED SICK LEAVE; AND DECLARING THE SAME TO BE AN EMERGENCY***

**SECTION 2 TO READ:**

***SECTION 2 . Council authorizes and grants Mr. Christopher J. Hardesty Credit for his previous years of service (3/20/17 to 1/4/21) with the City of Canton for computation of vacation time and further authorizes and grants a waiver of City Code Section 151,14 and approves transfer/reinstatement of 427 hours of sick leave previously accrued while employed in the City of Canton.***

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PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #118/2022 as amended. Are there any remarks under this Ordinance? ...Hearing none, roll call vote please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

PRESIDENT SHERER: The motion carries, and Ordinance #118/2022, as reconsidered, is amended and adopted. Alright, your good.

***NOTE: PRESIDENT SHERER CALLED UPON CLERK WOOD TO READ ORDINANCE #35 THROUGH ORDINANCE #38 FOR THEIR THIRD READING BY TITLE AS REQUIRED BY STATE LAW, AS FOLLOWS:***

O#35. (3<sup>rd</sup> RDG) **ADOPTED AS ORDINANCE NO. 137/2022** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$88,863.64 SUPP APPROP FR UNAPPROP BAL OF 2819 2019 ASSISTANCE TO FIREFIGHTERS GRANT FUND TO 2819 103001 FIRE ADMIN – OTHER; \$88,863.64 INTER-FUND ADV REPAYMENT FROM 2819 103001 FIRE ADMIN – ADVANCE OUT TO 1001 103001 FIRE ADMIN – ADVANCE IN) (REIMBURSE GEN FUND FOR PURCH OF EXHAUST SYSTEMS)

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #35.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #25. Are there any remarks under this Ordinance? ...Hearing none, roll call vote, please. (*PRESIDENT SHERER SAID ORDINANCE #25, HOWEVER THERE IT WAS ORDINANCE #35*)

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

**#35 ADOPTED AS ORDINANCE NO. 137/2022**

PRESIDENT SHERER: Motion carries and Ordinance #35 is adopted. Ordinance #36, please.

O#36. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 138/2022** AN ORDINANCE AMENDING APPROPRIATION ORDINANCE NO. 68/2022; AND DECLARING THE SAME TO BE AN EMERGENCY (\$218,000.00 SUPP APPROP FR UNAPPROP BAL OF 2185 URBAN TIF FUND TO 2185 871001 HISTORIC ONESTO TIF – OTHER - \$8,000.00, TO 2185 871002 INNOVATION DISTRICT TIF – OTHER - \$25,000.00 AND TO 2185 871003 BROADVIEW DEVELOPMENT TIF – OTHER - \$185,000.00) (FIRST HALF TIF PAYMENTS FOR 2022)

PRESIDENT SHERER: Leader.

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MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #36.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #36. Are there any remarks?  
...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

**#36 ADOPTED AS ORDINANCE NO. 138/2022**

PRESIDENT SHERER: Motion carries and Ordinance #36 is adopted. Ordinance #37, please.

O#37. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 139/2022** AN ORDINANCE APPROVING AND ACCEPTING THE REPLAT OF PART OF LOTS 10447 AND 10448; AND DECLARING THE SAME TO BE AN EMERGENCY (HABITAT FOR HUMANITY, 1700 BLK 17<sup>TH</sup> ST NE)

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Mr. President, I move we adopt Ordinance #37.

MEMBER BABCOCK: Second.

PRESIDENT SHERER: It's been moved and seconded to adopt Ordinance #37. Are there any remarks under this Ordinance? ...Hearing none, roll call vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

**#37 ADOPTED AS ORDINANCE NO. 139/2022**

PRESIDENT SHERER: Motion carries and Ordinance #37 is adopted. Ordinance #38, please.

O#38. (3<sup>RD</sup> RDG) **ADOPTED AS ORDINANCE NO. 140/2022** AN ORDINANCE AUTHORIZING AND CONSENTING TO THE SYSTEMATIC SIGN UPGRADES INCLUDING ROUTE SHIELDS AND MILE MARKERS ON SR 43 FROM 17<sup>TH</sup> ST. N. TO THE NORTH CORP LIMIT (55<sup>TH</sup> ST.) AND FROM US 30 (EXPRESSWAY) TO THE S CORP LIMIT (WAYNESBURG DR.), ON SR 687 (FULTON AVE.) FROM THE W CORP LIMIT (CLEARVIEW AVE.) TO THE MALONE PARKWAY (US62); AND ON SR800 FROM THE S CORP LIMIT TO I77; AND DECLARING THE SAME TO BE AN EMERGENCY (D04 SIGN FY2023 (SYSTEMATIC) PID 110489)

PRESIDENT SHERER: Leader.

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



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MEMBER BABCOCK: Second.

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

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

**#38 ADOPTED AS ORDINANCE NO. 140/2022**

PRESIDENT SHERER: Motion carries and Ordinance #38 is adopted.

**ANNOUNCEMENT OF COMMITTEE MEETINGS**

PRESIDENT SHERER: We are now under Announcement of Committee Meetings. Our next meeting day will be June 13 and committee starts at 6:30 P.M.

MEMBER HAWK: Mr. President.

PRESIDENT SHERER: Member Hawk.

MEMBER HAWK: Finance Committee will meet Monday June 13<sup>th</sup> at 6:30 PM at Council Chambers.

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: C & ED, will meet same time, same place.

PRESIDENT SHERER: Thank you, Member Hall.

MEMBER MORRIS: Mr. President.

PRESIDENT SHERER: Member Morris.

MEMBER MORRIS: Parks & Rec will call a work session for June 15<sup>th</sup> at 6:00 PM in Council Chambers. To discuss playgrounds, splash pads and improvements to exist recreational facilities and uh... Mr... Director Foltz will be in attendance for that. So we would appreciate the administration if you could come down.

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PRESIDENT SHERER: Thank you, Member Morris.

**MISCELLANEOUS BUSINESS**

PRESIDENT SHERER: We are now under Miscellaneous Business. Is there any Miscellaneous Business for this evening? I would like to wish Mr. Bryd, hope... hopefully your birthday was uh... you had a... had really good turnout. Happy Birthday, 90 years young. Happy Birthday. Is there any other Miscellaneous Business for this evening?... Man nobody got nothing to say. Alright...

MEMBER SMUCKLER: Mr. President.

PRESIDENT SHERER: Leader.

MEMBER SMUCKLER: Um... please take note that after Labor Day we will be now going to every week sessions. I thank Member Smith for uh... getting this back off the ground post Covid if there is such thing and uh... we will continue that through Summer and go back to every other week. With the exceptions of holidays, please consult with the clerk. There is one new holiday uh... that we will be honoring, it's a Federal Holiday and uh... we won't be meeting that day also. Uh... I think that the Brycer compliance engine for the Fire Department will help out a great deal. I was sort of shocked to hear that our compliance is so low in the City and I think it will help with eventually insurance rates for everybody also. Uh... On that note I move we adjourn. Oh... hold on.

PRESIDENT SHERER: Majority Leader, Member Hall.

MEMBER HALL: Uh... Council, I just want to let everybody know that I had reached out, what he was probably talking about. I had reached out to the Williams Family to just sit down and have a brief discussion with them and in the meantime the Mayor had offered even to come too. And they were advised by their attorney not to do it, so we just kinda backed off. It wasn't that the Mayor didn't want to meet. If that's how they felt the meeting was going to go me and the Mayor both decided that we would just let it go.

PRESIDENT SHERER: Thank you, Member Hall. Is there any other Miscellaneous Business for this evening? 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 vote, please.

NO REMARKS

ROLL CALL 11 YEAS, 0 NAYS

CLERK WOOD: Eleven yeas, Mr. President.

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

ADJOURNMENT TIME: 7:54 PM

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ATTEST:

APPROVED:

JILL M. WOOD  
CLERK OF COUNCIL

WILLIAM SHERER  
PRESIDENT