

Village of East Canton Council Meeting
Meeting Date: January 3, 2023

Mayor Spencer called the regular council meeting to order at 7:00 pm and then led the Pledge of Allegiance to the American Flag.

Mayor Spencer calls for roll call:

Council members answering to the roll call are:

Councilman Nick Collins – Present
Councilman Robert Belew Sr. – Present
Councilman Derek Contos – Present
Councilman Paul Band – Present
Councilwoman Rachel Vrabec – Absent
Councilman Rob Buxton – Present

Others Attending the Council Meeting:

Village Administrator Collins – Present
Asst. Village Administrator Boyle – Absent
Village Solicitor Hall – Present
Police Chief Hinerman – Present

General Public Attendees:

Joe Hayes-Resident
Gary Antonacci-Resident

Reading of Minutes: Mayor Spencer asking if there were any amendments or corrections to the regular council meeting minutes of December 19, 2022. There were none so the minutes were approved.

Council reviewed the proposed 2023 Meeting Calendar for the year. With no changes or modifications Councilman Buxton made a motion to accept the 2023 Meeting Calendar with a second by Councilman Band. With no further discussion Roll Call was taken. Roll Call 5-0. Motion Passed

Mayor Spencer presented council with the committee assignments for 2023.

Prior to hearing the department reports village council needed to elect a council president for 2023. Councilman Band nominated Councilman Contos to serve as council president for 2023. With no other nominations for council president Councilman Band made a motion to elect Councilman Contos as 2023 East Canton Village Council President with a second by Councilman Buxton. Roll call was taken and was as follows: Collins-Yay, Belew-Yay, Contos-Abstained, Band-Yay, Vrabec-Absent, Buxton-Yay. Vote was 4-0. Councilman Contos was elected Council President for 2023

Public Speaks:

Nobody Spoke

Mayor Spencer Calls for Committee Reports

Service:

Roads:

- The 1st snow plowing of the year with the steel blades went better than expected. Overall, the roads still look the same with little or no damage.

Water:

- The village had another water break on W. Walnut St. by S. Plum St. It consisted of a horizontal break approximately 50 inches long. The damaged section of pipe was cut out and replaced.
- The village has had 4 water breaks in the month of December 2022 and a total of 12 water breaks for the year of 2022.

General:

- VA Collins informed council that the Ohio EPA had an available grant up to \$10,000.00 for the purchase of equipment to assist with the operation of the village water system. He passed the information onto village council to pursue the grant

Safety:

Police Chief Hinerman gives the call report for the 2nd half of December 2022

In the past two weeks the ECPD responded to 23 calls. They consisted of:

- 1 Domestic Call which resulted in a felony arrest
- 3 Assist the Public
- 4 Well-Being checks
- 2 Theft complaints
- 2 Child Custody Disputes
- 2 Assist Another Agency
- 2 Alarm Drops
- 2 Suspicious Persons
- 1 911 Hang Up
- 1 Juvenile Complaint
- 1 Neighbor Complaint
- 1 Property Damage Crash
- 1 Fight Call

- The village received the \$1,000.00 Safety Grant from USI / PEP. The grant was based on the body armor that was purchased for the village police officers so the grant money was deposited in the police department operating fund.
- The (2) - new car radios have arrived at the supplier and are being programmed. The village should receive them within the next month.
- The LEADS system is now active in all the village police cruisers.

Note to Public: This ordinance is a replacement for ordinance 2022-34 which was passed December 19, 2022. The Stark County Prosecutor and the Stark County Board of Elections had an issue with some wording in the original ordinance and asked that it be revised. This ordinance addresses and amends the wording as directed.

Judicial:

Councilman Collins presented Ordinance 2023-01

Ordinance No.: 2023-01

Introduced by Council as a legislative body:

An Ordinance amending and correcting Ordinance 2022-34 on the submission of the question of a renewal of an existing 6.6 mills tax levy and an increase of 1.5 mills of the tax levy to be certified to the Stark County Board of Elections for approval at the May 2, 2023 Primary Election for the benefit of the Village of East Canton Police Department, Village of East Canton, pursuant to Ohio Revised Code Section 5705.19(J) for a period of five years and declaring an emergency.

WHEREAS, the East Canton Village Council filed Ordinance 2022-34, a ballot issue on the submission of the question of a renewal of an existing 6.6 mills tax levy and an increase of 1.5 mills of the tax levy to be certified to the Stark County Board of Elections for approval at the May 2, 2023 Primary Election for the benefit of the Village of East Canton Police Department, Village of East Canton, pursuant to Ohio Revised Code Section 5705.19(J) for a period of five years and declaring an emergency, with the Stark County Board of Elections on December 20, 2022 (Exhibit One); and

WHEREAS, the Stark County Auditor on December 30, 2022, issued an amended certification to the East Canton Village Council certifying the millage necessary to generate \$200,000 for the East Canton Police Department. A copy is attached as Exhibit Two (2); and

BE IT HEREBY ORDAINED BY THE COUNCIL OF THE VILLAGE OF EAST CANTON, OHIO:

Section 1: Council for the Village of East Canton, Stark County, Ohio, does hereby declare and certify to the Stark County Board of Elections that the amount of taxes that may be raised within the ten mill limitation will be insufficient to provide for the necessary requirements of the subdivision and that it is necessary to levy a renewal of 6.6 mills and an increase of 1.5 mills totaling 8.1 mills for each \$1 of taxable value to constitute a tax for the benefit of the East Canton Police Department, Village of East Canton, Stark County, that the county auditor estimates will collect \$200,000 annually, at a rate not exceeding eight and one-tenth (8.1) mills for each \$1 of taxable value, which amounts to \$245 for each \$100,000 of the county auditor's appraised value, for a five year period of time commencing in 2023, first due in calendar year 2024.

Section 2: Pursuant to Ohio Revised Code Section 5705.19(J) the proposed renewal and increase of the levy shall be for the for the benefit of the East Canton Police Department, Village of East Canton, Stark County, for the purpose of providing and maintaining motor vehicles, communications, other equipment, buildings, and sites for such buildings used directly in the operation of a police department, for the payment of salaries of permanent or part-time police, communications, or administrative personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.33 of the Revised Code, for the payment of the costs incurred by townships as a result of contracts made with other political subdivisions in order to obtain police protection, for the provision of ambulance or emergency medical services operated by a police department, or for the payment of other related costs; for a period of five years. The proposed levy, if passed, shall be certified effective January 1, 2023 and continue until December 31, 2027.

Section 3: That the Fiscal Officer and Clerk of this Council be, and he hereby is, directed and authorized to proceed forthwith the certification hereof to the Board of Elections of Stark County, Ohio, no later than the 90th day prior to the May 2, 2023 Primary Election, pursuant to the provisions of Sections 5705.19(J), 5705.191, 5705.192, and 5705.25 and other related statutes and to proceed with all things necessary to be done in order to accomplish the purpose of this Ordinance.

Section 4: That pursuant to Ohio Revised Code Section 5705.25(C) the form of the ballot shall be:

PROPOSED TAX LEVY – (RENEWAL AND INCREASE)

EAST CANTON POLICE DEPARTMENT,

VILLAGE OF EAST CANTON, STARK COUNTY

A Majority Affirmative Vote is Necessary for Passage.

A renewal of 6.6 mills and an increase of 1.5 mills for each \$1 of taxable value to constitute a tax for the benefit of the East Canton Police Department, Village of East Canton, Stark County, for the purpose of providing and maintaining motor vehicles, communications, other equipment,

buildings, and sites for such buildings used directly in the operation of a police department, for the payment of salaries of permanent or part-time police, communications, or administrative personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.33 of the Revised Code, for the payment of the costs incurred by townships as a result of contracts made with other political subdivisions in order to obtain police protection, for the provision of ambulance or emergency medical services operated by a police department, or for the payment of other related costs, that the county auditor estimates will collect \$200,000 annually, at a rate not exceeding 8.1 mills for each \$1 of taxable value, which amounts to \$245 for each \$100,000 of the county auditor’s appraised value, for a five year period of time commencing in 2023, first due in calendar year 2024.

FOR THE TAX LEVY	
AGAINST THE TAX LEVY	

Section 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any part of its committees that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 6: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the residents of the Village of East Canton, and must be certified to the Stark County Board of Elections no later than the 90th day before the May 2, 2023 Primary Election, upon an affirmative vote of two-thirds of the members of Council and that it shall take effect and be in force immediately upon its passage and approval by the Mayor, and shall take effect at the earliest date provided by law.

Upon a roll call the vote resulted as follows:

- Mr. Collins _____
- Mr. Belew _____
- Mr. Contos _____
- Mr. Band _____
- Ms. Vrabec _____
- Mr. Buxton _____

ADOPTED and APPROVED: January 3, 2023.

, Council President

David Spencer, Mayor

CERTIFICATE OF CLERK

STATE OF OHIO)
)
COUNTY OF STARK) SS:

I, Kurt Geis, Fiscal Officer and Clerk of the Board of Trustees of Village of East Canton, Stark County, Ohio, in whose custody and control the files and records of said Board are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original Resolution now on file, and that the foregoing has been compared by me with said original Resolution, and that the same is a true and correct copy thereof.

WITNESS my signature this 3d day of January, 2023.

Kurt Geis, Fiscal Officer for
the Village of East Canton, Stark County, Ohio

Approved as to form and legal sufficiency by Charles D. Hall III, Solicitor,
for Village of East Canton, Stark County, Ohio.

Charles D. Hall III (#0017316)
East Canton Village Solicitor

1st reading motion by Collins with a second by Contos. Vote 5-0 Passed
Motion to Suspend the Rules by Collins with a second by Contos. Vote 5-0 Passed
3rd reading motion by Collins with a second by Band. Vote 5-0 Passed.

Councilman Collins presented Ordinance 2023-02 An Ordinance allowing the Fiscal Officer to amend the annual appropriations and do fund transfers up to \$5,000.00

Appropriation Amendment and Fund Transfer Ordinance

Ordinance Number: 2023- 02

Adopted: January 3, 2023

An ORDINANCE to authorize the East Canton Fiscal Officer to re-appropriate, amend or supplement an amount up to but not more than Five Thousand Dollars (\$5,000.00), from one

fund to another fund, provided that such amendment or supplement shall comply with all provisions of law governing the taxing authority in making the original appropriation and that no appropriation for any purpose shall be reduced below an amount sufficient to cover all unliquidated and outstanding contracts or obligations certified from or against the appropriation, for Current Expenses and other unanticipated expenditures of the Village of East Canton, Stark County, State of Ohio, during the fiscal year ending December 31, 2023.

BE IT ORDAINED by The Council of the Village of East Canton, State of Ohio:

Section 1: To provide for the current expenses and other unanticipated expenditures of the Village of East Canton during the fiscal year ending December 31, 2023 and pursuant to Ohio Revised Code section 5705.40 Amending or supplementing appropriation ordinance - transfer - unencumbered balance - appropriation for contingencies; any appropriation ordinance or measure may be re-appropriated, amended or supplemented upon the adoption of a resolution to transfer funds from one appropriation item to another appropriation item, that the East Canton Fiscal Officer is hereby authorized to make a re-appropriation, amendment or supplement from one fund to another fund, in an amount up to but not more than Five Thousand Dollars (\$5,000.00), provided that such amendment or supplement shall comply with all provisions of law governing the taxing authority in making the original appropriation and that no appropriation for any purpose shall be reduced below an amount sufficient to cover all unliquidated and outstanding contracts or obligations certified from or against the appropriation, for Current Expenses and other anticipated expenditures of the Village of East Canton, Stark County, State of Ohio, during the fiscal year ending December 31, 2023.

Section 2: The Village Fiscal Officer is hereby authorized to draw warrants on the Village Treasury for payments from any of the appropriations upon receiving proper certificates and vouchers therefor, as previously approved by the Council or officers authorized by law to approve the same, or under authority of this ordinance of the council to make the expenditures of up to but not more than Five Thousand Dollars (\$ 5,000.00) provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance; and,

Section 3: The Village Fiscal Officer shall file a report of any such transfer with the East Canton Village Council within thirty (30) days of making any such re-apportionment, amendment or supplement from fund to fund; and,

Section 4: Provided further that the appropriations for contingencies of more than Five Thousand Dollars (\$ 5,000.00) shall only be expended upon approval of a two-thirds vote of Council for items of expense constituting a legal obligation against the Village, and for purposes other than those covered by other specific appropriations previously made.

BE IT FURTHER ORDAINED, it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

BE IT FURTHER ORDAINED, that this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety,

convenience and welfare of the Village of East Canton and shall be in full force and effect from and after its passage and at the earliest date allowable by law.

1st reading motion by Collins with a second by Band. Vote 5-0 Passed
Motion to Suspend the Rules by Collins with a second by Band. Vote 5-0 Passed
3rd reading motion by Collins with a second by Band. Vote 5-0 Passed.

Councilman Collins presented to village council Ordinance 2023-03 An Ordinance amending the Mayor's Court fine and fee schedule for the Village of East Canton Mayor's Court

Ordinance No.: 2023- 03

AN ORDINANCE TO AMEND AND UPDATE THE MAYOR'S COURT FINE AND FEE SCHEDULE FOR ALL VIOLATIONS WITHIN THE JURISDICTION OF THE MAYOR'S COURT FOR THE VILLAGE OF EAST CANTON, STARK COUNTY, OHIO

BE IT HEREBY ORDAINED BY THE COUNCIL OF THE VILLAGE OF EAST CANTON, OHIO

WHEREAS, the Village Council for the Village of East Canton has not updated the Mayor's Court Fine and Fee schedule for a considerable period of time; and

WHEREAS, the Mayor and the Village Solicitor recommend an increase in the current Fine and Fee Schedule for the East Canton Mayor's Court by an increase of Five and One-half per cent (5.5%), an increase equal to the current cost of living increase (COLA), and to become effective upon the earliest date allowable by law; and

NOW THEREFORE BE IT ORDAINED by the Village of East Canton, Stark County Ohio:

Section 1 – To increase the current Fine and Fee Schedule for the East Canton Mayor's Court, a copy of which is attached hereto as Exhibit One and fully incorporated by reference as if fully rewritten herein, by an increase of Five and One-half per cent (5.5%), and increase equal to the current cost of living increase (COLA), and to become effective upon the earliest date allowable by law; and,

Section 2 – To authorize the Mayor of the Village of East Canton on behalf of the Village to apply the revised and amended fee and fine schedule for the East Canton Mayor's Court, at his discretion and upon this Ordinance becoming effective and enforceable at law; and,

Section 3 – This Ordinance is hereby declared to be an emergency measure to expedite the highway project and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon passage and approval, otherwise it shall take effect and be in full force from and after the earliest period allowed by law.

1st reading motion by Collins with a second by Band. Vote 5-0 Passed
Motion to Suspend the Rules by Collins with a second by Contos. Vote 5-0 Passed
3rd reading motion by Collins with a second by Band. Vote 5-0 Passed.

Parks and Recreation:

- Nothing to Report.

Buildings:

- Nothing to Report

Grants:

- Nothing to Report.

Finance:

- Councilman Buxton moved to approve invoices in the amount of \$35,112.32 as presented by Fiscal Officer Geis with a second by Collins. Vote 5-0 Passed.
- Councilman Buxton moved to approve the 12/4/2022 to 12/17/2022 payroll in the amount of \$14,236.94 as presented by Fiscal Officer Geis with a second by Collins. Vote 5-0 Passed.

Other:

Mayor Spencer presented council with the Mayor's Court report for December 2022 as well as the Annual Mayor's Court Report for 2022

- Mayor's Court Report for December 2022. Total collected for the month \$1,885.00 which breaks down as follows: \$885.00 in Fines, \$419.00 in Local Costs & \$581.00 in State Costs
- Mayor's Court Annual Report for 2022. Total collected for the year was \$27,802.00 which breaks down as follows: \$13,053.00 in Fines, \$6,047.00 in Local Costs & \$8,702.00 in State Costs

Mayor Spencer requested an Executive Session

- At 7:56 pm Councilman Collins requested an executive session pursuant to ORC 121.22(G)(1) Compensation. The motion was seconded by Councilman Band. Roll Call was taken. The vote was 5-0. Motion Passed
- At 8:10 pm Councilman Buxton made a motion to exit out of executive session with a second by Councilman Contos. Roll Call was taken. The vote was 5-0. Motion Passed

Mayor Spencer requested a 2nd Executive Session

- At 8:12 pm Councilman Buxton requested an executive session pursuant to ORC 121.22(G)(1) Compensation. The motion was seconded by Councilman Band. Roll Call was taken. The vote was 5-0. Motion Passed
- At 9:37 pm Councilman Buxton made a motion to exit out of executive session with a second by Councilman Band. Roll Call was taken. The vote was 5-0. Motion Passed

Adjournment:

- With no other business to discuss, Councilman Collins made a motion to adjourn with a second by Councilman Band. Roll Call was taken and the vote was 5-0. Meeting was adjourned at 9:38 pm.



David Spencer, Mayor



Derek Contos, Council President