CANTON CITY COUNCIL 7:00 PM DECEMBER 14, 2020

ROLL CALL: Ten Members President

MOTION TO EXCUSE MEMBERS: Member Schulman & Member Morris Absent

**INVOCATION:** Greg Hawk, Ward 1 Council Member **PLEDGE OF ALLEGIANCE:** President Sherer

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 1st Rdg O#5; 2nd Rdg O#6 - O#20; O#5 Adopted on 1st

Rdg; O#19 & O#20 Adopted as Amended on 2<sup>nd</sup> Rdg)

**PUBLIC HEARINGS:** None

**OLD BUSINESS (PUBLIC SPEAKS): None** 

<u>PUBLIC SPEAKS (CITY BUSINESS):</u> Ida Ross Freeman spoke about a drive-by shooting that occurred at her and her neighbor's homes. There was damage to her house, she hit the floor, and when she stood up, bullets fell off of her. No police report was filed regarding this and her insurance company won't do anything without documentation. She wants to know why a police report was not filed.

**INFORMAL RESOLUTIONS:** None

#### **COMMUNICATIONS:**

438. AUDITOR MALLONN: STATEMENT OF CASH POSITION (RPT BY FUND) DATED 11/30/20. –

**RECEIVED & FILED** 

439. AUDITOR MALLONN: REQ FOR ADDT'L AMENDED CERT DATED 12/7/20. – RECEIVED & FILED

440. AUDITOR MALLONN: REQ ISSUANCE OF COMMUNITY CENTER IMPROVEMENT NOTES IN

MAX AGGREGATE PRINCIPAL AMT NOT TO EXCEED \$1,200,000.00 TO PAY COSTS OF IMPROVEMENTS TO COMMUNITY CTR, INCLUDING FACILITIES TO PROVIDE COMMUNITY HEALTH AND RELATED SERVS. –

FINANCE COMMITTEE

441. CHIEF OF POLICE ANGELO: RPT OF DEPOSITS AND PAY-INS TO AMBULANCE LOCK BOX FOR NOV

2020. - RECEIVED & FILED

442. DOMINION ENERGY: NOTICE OF FILING APPLICATION WITH PUCO TO AMEND AMR

(AUTOMATED METER READING) COST RECOVERY CHARGE (CASE #20-1624-GA-RDR) AND NOTICE OF FILING NEW PIR (PIPELINE INFRASTRUCTURE REPLACEMENT) ADJUSTMENT CASE (PUCO CASE

#20-1625-GA-RDR). – RECEIVED & FILED

443. PUBLIC UTILITIES COMMISSION: STAFF REPORT OF FINDINGS SUBMITTED TO COMMISSIONERS OF

PUCO IN MATTERS OF OHIO POWER CO FOR INCREASE IN ELECTRIC DISTRIBUTION RATES (CASE #20-585-EL-AIR), FOR TARIFF APPROVAL

(CASE #20-586-EL-ATA) AND FOR APPROVAL TO CHANGE

ACCOUNTING METHODS (CASE #20-587-EL-AAM). - RECEIVED & FILED

444. SAFETY DIRECTOR PERRY: AUTH MAYOR OR SAF DIR TO AUTH PAYMENT TO OFFICER ROBERT

FLAHERTY FOR TEN (10) DAYS OF UNUSED VACATION IN 2020

EXEMPTING TIME FRAME REQUIREMENTS OF CANTON CODIFIED ORD 151.07(H); AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF

VOUCHERS. – FINANCE AND PERSONNEL COMMITTEES

445. SAFETY DIRECTOR PERRY: AUTH MAYOR AND/OR SAF DIR TO ENTER INTO AGMT FOR AND

ACCEPT \$8,720.00 IN GRANT FUNDS FR BUREAU OF JUSTICE ASSISTANCE, 2020 PATRICK LEAHY BULLETPROOF VEST

PARTNERSHIP, TO BE REC'D IN GENERAL FUND; AUTH AUDITOR TO

DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE

COMMITTEE

446. SERVICE DIRECTOR HIGHMAN: AUTH MAYOR AND/OR SERV DIR TO ADVERTISE, RECEIVE BIDS,

AWARD AND ENTER INTO CONTRACT FOR SALE OF CITY OWNED REAL PROPERTY LOCATED AT STARK CO AUDITOR PARCEL NUMBERS 231489 (1928 3<sup>RD</sup> ST SE, FIRST MENNONITE CH), 234120 (SENECA PL NE, SMHA), 206291 (7<sup>TH</sup> ST NE, SMHA), 283730 AND 214813 (LIPPERT RD NE, SMHA); AUTH MAYOR AND/OR SERV DIR TO ENTER INTO ANY AND ALL CONTRACTS NECESSARY TO FACILITATE SAID SALES; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. – COMMUNITY & ECONOMIC DEVELOPMENT AND

FINANCE COMMITTEES

#### **COMMUNICATIONS CONTINUED:**

447. SERVICE DIRECTOR HIGHMAN: AUTH MAYOR AND/OR SERV DIR TO ENTER INTO PRELIMINARY

PARTICIPATION AGMT STA SR-172-10.86 PID 111010 WITH ODOT TO REPLACE CITY WATER LINES PER ATTACHED SAMPLE LEGISLATION (WIDEN, RESURFACE & REVISE PAVEMENT MARKINGS PROJ ON SR-172 FR PERRY DR TO SARATOGA AVE NW & PERRY DR FR 12<sup>TH</sup> ST SW TO SR-172); AUTH MAYOR AND/OR SERV DIR TO ASSUME AND BEAR 100% OF COSTS OF WATER LINE CONSTRUCTION; AUTH AND DIRECT AUDITOR TO PAY ANY AND ALL MORAL OBS RESULTING FR HIGHER BID COSTS/NECESSARY CHANGE ORDERS ENCOUNTERED BY ODOT DURING PROJ; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. – FINANCE AND PUBLIC SAFETY & THOROUGHFARES

COMMITTEES

448. SERVICE DIRECTOR HIGHMAN: AUTH MAYOR AND/OR SERV DIR TO EXECUTE CONTRACT

AMENDMENT/MODIFICATION NO. 2 (SANITARY SEWER EPA ADMIN ORDER ON CONSENT) WITH BURGESS & NIPLE, INC. FOR AM (ASSET MGMT) & CMOM (CAPACITY, MGMT, OPERATION & MAINTENANCE) PLAN DEVELOPMENT & IMPLEMENTATION PROJ; REQ \$976,070.00 SUPP APPROP FR UNAPPROP BAL OF 5410 SEWER OPERATING FUND TO 5410 206320 SEWER OPERATING FUND – AOC COMPLIANCE ORG (OTHER); AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. – FINANCE AND ENVIRONMENTAL & PUBLIC UTILITIES

**COMMITTEES** 

449. SERVICE DIRECTOR HIGHMAN: AUTH MAYOR AND/OR SERV DIR TO NEGOTIATE AND ENTER INTO

AGMT FOR PURCH OF PARCEL 213133, VACANT LOT AT SW CORNER

OF 15<sup>TH</sup> ST AND CHERRY AVE NE; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. – FINANCE AND PUBLIC

SAFETY & THOROUGHFARES COMMITTEES

450. SERVICE DIRECTOR HIGHMAN: AMEND O#100/2011, AS AMENDED, TO ADJUST LICENSURE

REQUIREMENTS OF SERV DIR'S WATER RECLAMATION FACILITY SUPERINTENDENT POSITION AS SHOWN IN EXHIBIT A FOR

PROMOTION OF DEBORAH HOUDESHELL; AUTH AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. – PERSONNEL AND

FINANCE COMMITTEES

451. SERVICE DIRECTOR HIGHMAN: AUTH MAYOR AND/OR SERV DIR TO NEGOTIATE AND ENTER INTO

AGMT FOR PURCH OF PARCEL #5210306, VACANT LOT ADJACENT TO

CITY SERVICE CTR ON 30<sup>TH</sup> ST NE; AUTH AUDITOR TO DRAW

WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE AND PUBLIC

PROPERTY CAPITAL IMPROVEMENT COMMITTEES

452. TREASURER PEREZ: RPT OF PARKING METER REVENUE FOR NOV 2020. – RECEIVED &

**FILED** 

453. TREASURER PEREZ: RPTS OF 11/30/20 BANK REC AND OUTSTANDING INVESTMENTS AS OF

11/30/20. – RECEIVED & FILED

454. TREASURER PEREZ: COMPARATIVE RPT OF CASH RECEIPTS AS OF 11/30/20. – RECEIVED &

**FILED** 

## **ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:**

1. VACATE PORTION OF 12' ALLEY; APPROVE AND ACCEPT REPLAT OF LOTS 13241, 13242 AND 20480 AND VACATED PORTION OF 12' ALLEY VACATED HEREIN; EMERGENCY (1508 CLARENDON 2014 MIGHT 12 AND 14 AND 15 AND 15

SW, MICHAEL & ANGELA HOWARD)

Referred to Public Safety & Thoroughfares Committee

1ST RDG 2. VACATE PORTION OF OLIVE PLACE NE AND UNNAMED 10' ALLEY; APPROVE AND ACCEPT REPLAT OF LOTS 14157 THRU 14162 AND LOT 43372 AND VACATED PORTIONS OF STREETS VACATED

HEREIN; EMERGENCY (FPT CANTON LAND LLC, 1500 MAPLE AVE NE)

Referred to Public Safety & Thoroughfares Committee

1ST RDG 3. APPROVE CANTON CITY WATER MAIN EXTENSION TO GRACE BAPTIST CHURCH; AUTH MAYOR OR SERV DIR TO ENTER INTO ANY AGMTS NECESSARY FOR EXTENSION OF SAID WATER MAIN;

**EMERGENCY** 

Referred to Environmental & Public Utilities and Finance Committees

1ST RDG 4. AUTH MAYOR OR SERV DIR TO ENTER INTO EASEMENT AGMT WITH EAST OHIO GAS CO DBA

DOMINION ENERGY OHIO (DEO) FOR INSTALLATION OF TWO GAS UTILITY PIPE LINES; EMERGENCY (SPIKER PARK, SE CORNER OF WESTMORELAND AVE & BROOKWAY RD NW)

Referred to Environmental & Public Utilities and Finance Committees

(COUNCIL RECESSED AT 7:12 PM FOR THE FINANCE AND PERSONNEL COMMITTEES TO DISCUSS O#5; RECONVENED AT 7:13 PM)

## **ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING CONTINUED:**

5. AUTH MAYOR OR SAF DIR TO AUTH PAYMENT TO OFFICER ROBERT FLAHERTY FOR TEN DAYS OF UNUSED VACATION AT 90% IN CALENDAR YR 2020 EXEMPTING TIME FRAME REQUIREMENTS OF CANTON CODIFIED ORD SEC 151.07(H)

Referred to Finance and Personnel Committees

# ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING: (SUSPENDED RULE 22A TO ADD 0#6 - 0#20; O#19 & O#20 ADOPTED AS AMENDED)

- 2ND RDG 6. AMEND O#100/2011 AS AMENDED TO: REMOVE DIR OF PLANNING FR MAYOR'S OFFICE MGMT AND NON-BARGAINING CLASSIFICATION PLAN AND PLACE IT INTO NEWLY CREATED DEPT OF PLANNING AND ZONING; ADD POSITION OF PLANNING ADMIN TO NEWLY CREATED DEPT OF PLANNING AND ZONING; AMEND O#40/2000, AS AMENDED, TO UPDATE BARGAINING UNIT CLASSIFICATION PLAN FOR DIVISION OF COMMUNITY & ECONOMIC DEVELOPMENT & PLANNING MGMT; SAFETY DIR'S DEPT OF CODE ENFORCEMENT AND ESTABLISH CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL FOR DEPT OF PLANNING AND ZONING; EMERGENCY (PERS & FIN)
- 2<sup>ND</sup> RDG 7. AUTH CANTON TO ANNEX TERRITORY KNOWN AS THE 3000  $8^{TH}$  ST. NE ANNEXATION AREA CONTAINING APPROX 1.745 ACRES, MORE OR LESS; ASSIGNING SAID TERRITORY AS I-1 LIGHT INDUSTRIAL; EMERGENCY (WARD 4) PUB HRG 1/4/21 @ 7:00 PM (ANNEX)
- 2ND RDG 8. APPROVE AND ACCEPT REPLAT OF LOTS 35841, 35842 & 35843; EMERGENCY (RICHARD ABBRUZZI ON BEHALF OF VICTORIA & JACQUELINE BERBELIS AND RICHARD & TRISHA ABBRUZZI, 4801 4817 ELLINDA CIR NW, WARD 8) (PS&T)
- 2<sup>ND</sup> RDG 9. APPROVE AND ACCEPT REPLAT OF LOTS 2416 AND 2417; EMERGENCY (TERRENCE HUDSON ON BEHALF OF JESSE HUDSON, 625 O'JAY'S PKWY NE, WARD 2) (PS&T)
- 2<sup>ND</sup> RDG 10. AMEND O#68/2019, CLASSIFICATION PLAN FOR MANAGEMENT AND NON-BARGAINING UNIT PERSONNEL; EMERGENCY (HUMAN RESOURCES COORDINATOR) (PERS & FIN)
- 2ND RDG 11. AUTH APPROP APPOINTING AUTHORITY, DURING CALENDAR YR 2021, TO SELL CITY OWNED PERS PROP WHICH IS NOT NEEDED FOR PUBLIC USE, IS OBSOLETE OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED, BY INTERNET AUCTION PURSUANT TO O.R.C. 721.15 (D); EMERGENCY (FIN & PPCI)
- 2ND RDG 12. AUTH MAYOR OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACTS FOR PURCH OF ONE (1) SMALL PACKER, ONE (1) BOOM LOADER TRUCK AND ONE (1) ROLL-OFF TRUCK FOR SANITATION DEPT; ALTERNATIVELY PURCH VEHICLES PURSUANT TO ANY PROCUREMENT PROCESS AUTH BY LAW; EMERGENCY (PPCI & FIN)
- 2ND RDG 13. AUTH MAYOR OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE CONSTRUCTION CONTRACT FOR BLDG NEW DECHLORINATION BLDG FOR LAGOONS AT CANTON WATER DEPT'S SUGAR CREEK WATER TREATMENT PLANT; EMERGENCY (FIN & E&PU)
- 2<sup>ND</sup> RDG 15. AUTH MAYOR OR SERV DIR TO EXECUTE CHANGE ORDER #2 AND FINAL WITH HM MILLER CONSTRUCTION COMPANY IN AMT NOT TO EXCEED \$26,671.55 FOR 4<sup>TH</sup> ST. SW SEWER RELOCATION PROJ, GP 1303; RETRO AUTH ACTIONS TAKEN PRIOR TO FINALIZATION OF CHANGE ORDER TO FACILITATE PROJ; AUTH AUDITOR TO PAY ANY MORAL OBS RELATED; EMERGENCY (FIN & E&PU)
- 2ND RDG 16. AUTH MAYOR OR SERV DIR TO EXECUTE CHANGE ORDER #3 AND FINAL WITH S.E.T., INC. IN AMT NOT TO EXCEED \$17,047.17 FOR FAWCETT CT. NW DRAINAGE PROJ, GP 1300; RETRO AUTH ACTIONS TAKEN PRIOR TO FINALIZATION OF CHANGE ORDER TO FACILITATE PROJ; AUTH AUDITOR TO PAY ANY MORAL OBS RELATED; EMERGENCY (FIN)
- 2<sup>ND</sup> RDG 17. AUTH MAYOR OR SERV DIR TO EXECUTE CHANGE ORDER #2 AND FINAL WITH FIRST CHOICE ELECTRIC SOLUTIONS, LLC IN AMT NOT TO EXCEED \$6,317.76 FOR EAST TUSCARAWAS ELECTRIC VEHICLE CHARGING STATIONS PROJ, GP 1316; RETRO AUTH ACTIONS TAKEN PRIOR TO FINALIZATION OF CHANGE ORDER TO FACILITATE PROJ; AUTH AUDITOR TO PAY ANY MORAL OBS RELATED; EMERGENCY (FIN)
- 2ND RDG 18. AUTH AND CONSENT TO INSTALLATION OF WET REFLECTIVE PAVEMENT MARKINGS ALONG US-62; EMERGENCY (ODOT) (PS&T)

#### **AMENDED**

238/2020 19. AMEND APPROP O#59/2020; EMERGENCY (\$35,000.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 GENERAL FUND – PERSONNEL (FOR CONTINUED OPERATION OF BANKED VACATION PROVISIONAL ACCT) (FIN)

#### **AMENDED**

20. ADOPT TEMPORARY APPROP FOR OPERATING AND CAPITAL EXPENDITURES OF CITY OF CANTON FOR FISCAL YR 2021; EMERGENCY (FIN)

## ORDINANCES & FORMAL RESOLUTIONS FOR THIRD/FINAL READING & VOTE:

- 21. AMEND O#100/2011, AS AMENDED, TO ESTABLISH ATTACHED EXHIBIT A AS CLASSIFICATION PLAN FOR CIVIL SERVICE COMMISSION MGMT AND NON-BARGAINING PERSONNEL EMPLOYED BY CITY OF CANTON; EMERGENCY
- 22. AUTH MAYOR OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR PURCH OF (2) PICKUP TRUCKS; OR TO ALTERNATIVELY PURCH SAID VEHICLES PURSUANT TO ANY COOP PURCH AGMTS AUTHORIZED BY LAW; EMERGENCY (COLLECTION SYSTEMS DEPT)
- 23. AUTH MAYOR, SERV DIR OR SAF DIR TO APPLY FOR, ENTER INTO AGMT FOR AND RECEIVE FUNDS FROM MULTIPLE POTENTIAL FUNDING SOURCES FOR VARIOUS CITY PROJECTS; EMERGENCY
- 24. AUTH MAYOR OR SERV DIR TO: ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR SALE OF CITY OWNED REAL PROPERTY, NO LONGER NEEDED FOR MUNICIPAL PURPOSES, LOCATED AT STARK CO AUDITOR PARCEL #246024 AND TO ENTER INTO ALL CONTRACTS NECESSARY TO FACILITATE SAID SALE; EMERGENCY (15<sup>TH</sup> ST & DUEBER AVE SW, WARD 5)
- 25. AUTH MAYOR AND/OR SERV DIR AND SAF DIR TO: ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO VARIOUS CONTRACTS FOR SUPPLY EQUIP, ITEMS, MATERIALS, SUPPLIES AND SERVS PURSUANT TO CODIFIED ORD SEC 105.09; ENTER INTO PROF SERVS CONTRACTS PURSUANT TO CODIFIED ORD SEC 105.10; ENTER INTO CONTRACTS PURSUANT TO ORC SEC 735.05 WITH QUALIFIED NONPROFIT AGENCIES; ENTER INTO CONTRACT FOR PURCH OF SUPPLY EQUIP, ITEMS, MATERIALS, SUPPLIES AND SERVS UTILIZING ANY PURCH PROCESS AUTHORIZED BY EITHER ORC OR CANTON CODIFIED ORD; ENTER INTO CHANGE ORDERS AND/OR CONTRACT AMENDMENTS FOR SAID PURCH DURING 2021 CALENDAR YR; EMERGENCY

#### **ANNOUNCEMENT OF COMMITTEE MEETINGS:**

## MONDAY, JANUARY 4, 2021 in Council Caucus Room @ 6:45 PM

- 1) Finance Committee
- 2) Environmental & Public Utilities Committee
- 3) Public Safety & Thoroughfares Committee

MISCELLANEOUS BUSINESS: Member Smuckler thanked all the Council Members for getting through such a trying year. With the holidays upon us, he asked that everyone take a moment of silent prayer for those who are struggling due to COVID-19 and loss of jobs. Member Smith asked everyone to keep the Paul Martin family in prayer as he will be laid to rest tomorrow. He was an outstanding youth development director in Canton, he gave Member Smith her first job at City Hall, and was active with Operation Positive. She thanked everyone for all their help during the give-away this past weekend. She thanked the Lord for the wonderful weather on Friday. She also thanked Deputy Mayor Williams, Mayor Bernabei and Member Babcock for all their hard work. She also recognized Safety Director Perry and Member Hall for their help. She read a note she received from a lady who has been quarantined due to COVID-19 and could not come to the give-away. There are six kids in the home and she is asking for help. If anyone is interested in helping this family, Member Smith will provide the lady's phone number or they may call Member Smith directly. Mayor Bernabei also recognized Deputy Mayor Williams and Member Babcock for their hard work and said it's the first time he ever saw them sweating. He thanked Member Smith and stated that everything that happens at the Southeast Community Center goes through her. He said the give-away was a tremendous effort by the United Methodist Churches, and Pastor Don Ackerman from Crossroads was instrumental in bringing in many other churches that provided thousands of toys and numerous volunteers. He said that the give-away on Saturday was the biggest he's ever seen and there was a tremendous line of traffic. He recognized the athletes from McKinley High School who helped spearhead this event, Giant Eagle that contributed 1,000 turkeys and Food Soldiers that contributed 1,000 boxes of perishable food. He advised that Last Wednesday the Health Department in conjunction with the Ohio Department of Aging, Ohio Department of Health and National Guard offered drive-up COVID testing at no cost. Of 661 persons tested, 136 were positive. The Health Department will be doing this again this coming Wednesday. He thanked Health Commissioner Adams and Patty McConnell from the Health Department. The Health Department is now gearing up to administer vaccines when received. He said this is a very critical time for COVID and encouraged everyone to wear masks, social distance and consider taking the vaccine. He thanked everyone for all the good stuff accomplished this year and wished everyone a Happy Hanukkah, a Happy Kwanzaa and a Merry Christmas. Member Fisher thanked Clerk Dougherty for allowing him to appear personally tonight, and said he had to use Google maps to remember how to get here. He wished everyone a Merry Christmas, Happy Hanukkah and Happy Kwanzaa. Member Mariol thanked the Administration and his Council colleagues for their support of the Lehman Project. Member Kimbrough thanked everyone for everything, especially the Parks Department. She said the parks have never looked better and it has been uplifting to many people. The City has pulled together as a group and she believes they will have even better success next year. Kim Bell (from the audience) thanked Council, the Mayor and active members of the community. President Sherer wished happy holidays to his colleagues, everyone in attendance and the constituents. Positive things are happening in the City, and we are still dealing with COVID-19. It is a real thing, but we will get through it. He quoted his father that the secret of life is when you fall down, you pick yourself back up.

QUOTE OF THE WEEK: "2020 is almost over. It was a tough year for all and you look back and say, what the heck was that."

– Anonymous

After the quote, Clerk Dougherty recognized the birthdays of Administrative Assistants Beth (Dec. 16) and Jill (Dec 24), Member Babcock (Dec 22) and President Sherer (Dec 25)

ADJOURNMENT: 7:45 PM

## THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, JANUARY 4, 2021 @ 7:00 PM

Canton City Council Meetings are available for online streaming on Mondays at 7:00 PM, at <a href="https://www.cantonohio.gov/516/City-Council">https://www.cantonohio.gov/516/City-Council</a>