

**FINAL**  
**A G E N D A**  
7:00 PM

CANTON CITY COUNCIL

DECEMBER 6, 2021

**ROLL CALL:** All Members Present

**MOTION TO EXCUSE MEMBERS:** Not Necessary

**INVOCATION:** Chris Smith, Ward 4 Council Member

**PLEDGE OF ALLEGIANCE:** President Sherer

**AGENDA CORRECTIONS & CHANGES:** (Suspended Rule 22A to add 1<sup>st</sup> Rdg O#4 – O#9; 2<sup>nd</sup> Rdg O#10 - O#11; O#4 & O#6 – O#9 Adopted on 1<sup>st</sup> Rdg; O#5 Adopted as Amended on 1<sup>st</sup> Rdg)

**PUBLIC HEARINGS:** None

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

**PUBLIC SPEAKS (CITY BUSINESS):** Kim Bell provided folders of information regarding her discussion at the last meeting. She explained that when she came to the Council Office last Thursday, she was arrested. She feels that the investigation was sloppy. Officer Diels was involved and she believes he files false charges against Blacks. She said that she changed her life by going to school, working for attorneys, yet she was treated better when she was in the streets.

**INFORMAL RESOLUTIONS:**

40. COUNCIL-AS-A-WHOLE: COMMEND DAVID KIRVEN FOR HIS SERVICE ON BEHALF OF UA LOCAL UNION 94 AND EAST CENTRAL OHIO BUILDING AND CONSTRUCTION TRADES COUNCIL. – ADOPTED
41. MAJORITY LEADER SMUCKLER: AUTH AND DIRECT SERV DIR TO OPEN ONE OR MORE PURCH ORDERS IN TOTAL AMT NOT TO EXCEED \$37,812.58 TO XYLEM DEWATERING SOLUTIONS, INC. FOR PURCH OF BYPASS PUMP AND APPURTENANCES. - ADOPTED
42. PERSONNEL COMMITTEE: CONFIRM REAPPT OF JOHN GIUA TO INCOME TAX REVIEW BOARD COMMENCING 1/1/22 TO 12/31/23. – ADOPTED
43. PERSONNEL COMMITTEE: CONFIRM REAPPT OF DARREN MAYLE TO INCOME TAX REVIEW BOARD COMMENCING 1/1/22 TO 12/31/23. - ADOPTED
44. PERSONNEL COMMITTEE: APPOINT TIMOTHY DUNBAR, JR. TO ADMINISTRATIVE ASSISTANT V POSITION IN CANTON CITY COUNCIL OFFICE. - ADOPTED

**COMMUNICATIONS:**

406. AGENT FOR PETITIONER WILLIAMS: COPY OF ANNEXATION PETITION DOCUMENTS FILED WITH STARK COUNTY COMMISSIONERS FOR THE AMBAFLEX 2021 ANNEXATION (APPROX 3.903 ACRES IN CANTON TWP). – RECEIVED & FILED
407. AGENT FOR PETITIONER WILLIAMS: COPY OF ANNEXATION PETITION DOCUMENTS FILED WITH STARK COUNTY COMMISSIONERS FOR THE 4595 KIRBY AVE NE ANNEXATION (APPROX 2.755 ACRES IN PLAIN TWP. – RECEIVED & FILED
408. ANNEXATION CHAIRMAN HAWK: REQ LEGISLATION FOR STATEMENT OF SERVICES FOR THE AMBAFLEX 2021 ANNEXATION (APPROX 3.903 ACRES IN CANTON TWP). – ANNEXATION COMMITTEE
409. AUDITOR MALLONN: REQ FOR ADDT'L AMENDED CERT DATED 11/30/21. – RECEIVED & FILED
410. AUDITOR MALLONN: STATEMENT OF CASH POSITION DATED 11/30/21. – RECEIVED & FILED
411. LIQUOR CONTROL DIV (OHIO): REQ NEW C1 PERMIT FOR DOLGEN MIDWEST LLC, DBA DOLLAR GENERAL STORE 22553, 2121 CLEVELAND AVE NW, WARD 7. – RECEIVED & FILED
412. LIQUOR CONTROL DIV (OHIO): REQ TRF OF C1, C2 PERMIT FROM WIRELESS OUTLET LLC, DBA RED CIRCLE WIRELESS, 1816 CLEVELAND AVE NW TO SFHAM LLC, CLEVELAND AVE MINI MART, 1816 CLEVELAND AVE NW, WARD 9. – RECEIVED & FILED
413. MAJORITY LEADER SMUCKLER  
LAW DIRECTOR BATES AYLWARD: REQ LEGISLATION TO RE-DIVIDE CANTON CITY WARDS WHERE DEVIATION IS GREATER THAN 10% IN FAIR MANNER WITH LEAST DISRUPTION AS POSSIBLE (WITHIN 90 DAYS OF OCTOBER 1 OF DECENNIAL CENSUS YEAR PER ORC 731.06(A)(1). – JUDICIARY COMMITTEE
414. MAYOR BERNABEI: APPROVE REAPPT OF MS. MAUREEN AUSTIN AS PUBLIC APPOINTEE TO STARK COUNTY REGIONAL PLANNING COMMISSION COMMENCING 1/1/22 TO 12/31/23. – PERSONNEL COMMITTEE

**COMMUNICATIONS CONTINUED:**

415. MAYOR BERNABEL: ADVISE OF REAPPT OF MS. NENYA ROSS TO STARK METROPOLITAN HOUSING AUTHORITY BOARD OF COMMISSIONERS COMMENCING 2/1/22 TO 1/31/27. – RECEIVED & FILED
416. MAYOR BERNABEL: AUTH MANAGEMENT AND NON-BARGAINING UNIT EMPLOYEES TO RECEIVE 3% COST OF LIVING RAISE AS OF 1/1/22; AMEND O#100/2011, AS AMENDED, TO INCREASE SALARY MINS AND MAXS OF ALL SALARIED AND NON-BARGAINING EMPLOYEES BY 3% TO ACCT FOR THESE INCREASES. – PERSONNEL AND FINANCE COMMITTEES
417. SERVICE DIRECTOR HIGHMAN: AUTH SERV DIR TO OPEN PURCH ORDER IN AMT OF \$37,812.58 TO XYLEM DEWATERING SOLUTIONS, INC. FOR PURCH OF BYPASS PUMP AND RELATED APPURTENANCES. – RECEIVED & FILED
418. SERVICE DIRECTOR HIGHMAN: DECLARE INTENT OF CITY OF CANTON TO APPROPRIATE ESTATES AND/OR INTERESTS IN PROPERTIES DESCRIBED IN EXHIBIT A, FOR PURPOSES ALSO DESCRIBED IN SAID EXHIBIT, IN FURTHERANCE OF CONSTRUCTION OF COLONIAL BLVD NE RECONSTRUCTION PROJ (PHASE 1, GP 1206, PID 11059) AND IN ACCORDANCE WITH PLANS ON FILE IN CANTON CITY ENGINEER'S OFFICE; AUTH MAYOR AND/OR SERV DIR, OR THEIR DESIGNEE, TO MAKE MINISTERIAL CHANGES TO ANY AND ALL DOCUMENTS RELATED TO PROJ BY CORRECTING ANY AND ALL NUMERICAL, DESCRIPTIVE OR TYPO ERRORS THAT MAY OCCUR, INCLUDING ERRORS RELATED TO PROPERTY OWNERS NAMES AND PARCEL NOS; EMERGENCY. – PUBLIC SAFETY & THOROUGHFARES COMMITTEE
419. SERVICE DIRECTOR HIGHMAN SAFETY DIRECTOR PERRY: RATIFY TENTATIVE AGMT BETWEEN CITY OF CANTON AND AFSCME LOCAL 3449; EMERGENCY. – PERSONNEL COMMITTEE
420. SERVICE DIRECTOR HIGHMAN SAFETY DIRECTOR PERRY: RATIFY TENTATIVE AGMT BETWEEN CITY OF CANTON AND AFSCME LOCAL 2937; EMERGENCY (EFFECTIVE 1/1/22 TO 12/31/22). – PERSONNEL COMMITTEE

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

- 1<sup>ST</sup> RDG 1. AUTH MAYOR OR SERV DIR TO ENTER INTO LOAN AGMT, AND ANY OTHER RELATED AGMTS, IN AMT NOT TO EXCEED \$200,000.00 OF ISSUE 13 COMPREHENSIVE FUNDS WITH ONE AEP COMPANY, LLC IN ORDER TO PROVIDE GAP FINANCING FOR RENOVATION PROJ; EMERGENCY (420 4<sup>TH</sup> ST NW)  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 2. AMEND APPROP O#49/2021; EMERGENCY (\$521.80 APPROP TRF FR 2185 871002 INNOVATION DISTRICT TIF – OTHER TO 2185 871001 HISTORIC ONESTO TIF – OTHER; \$1,500.00 APPROP TRF FR 5601 205001 REFUSE ADMIN – PERSONNEL TO 5601 201001 SERVICE DIRECTOR ADMIN – PERSONNEL; \$130,000.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL OPERATING FUND TO 1001 102055 POLICE ADMIN – PERSONNEL FOR \$60,000.00, TO 1001 103001 FIRE ADMIN – PERSONNEL FOR \$50,000.00 AND TO 1001 753001 LAW ADMIN – PERSONNEL FOR \$20,000.00; \$10,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER OPERATING FUND TO 5201 207001 WATER ADMIN – PERSONNEL; \$2,500.00 SUPP APPROP FR UNAPPROP BAL OF 5410 SEWER OPERATING FUND TO 5410 201201 PURCHASING ADMIN – PERSONNEL) (ADDT'L OUT OF BALANCE ACCTS)  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 3. AUTH MAYOR OR SERV DIR TO ENTER INTO SANITARY SEWER JOINT USE/BILLING AGMT WITH BOARD OF STARK COUNTY COMMISSIONERS AND CITY OF NORTH CANTON; EMERGENCY  
Referred to Environmental & Public Utilities and Finance Committees

***(COUNCIL RECESSED AT 7:14 PM FOR PUBLIC PROPERTY CAPITAL IMPROVEMENT, FINANCE, PERSONNEL AND ANNEXATION COMMITTEES TO DISCUSS O#4 THROUGH O#9; RECONVENED AT 7:29 PM)***

- 250/2021 4. ADOPT PLANS, AUTHORIZING MAYOR OR SERV DIR TO COOPERATE WITH AND REQUEST DIRECTOR OF TRANSPORTATION TO PROCEED WITH RESURFACING U.S. 30 BETWEEN JUST EAST OF WARNER ROAD AND LINCOLN STREET E (S.R. 172) AND WAYNESBURG DRIVE SE (S.R. 43) AT U.S. 30 INTERCHANGE, INCLUDING MINOR BRIDGE WORK TO EIGHT (8) STRUCTURES AND PAVEMENT MARKINGS LYING WITHIN CITY OF CANTON; EMERGENCY  
Referred to Public Property Capital Improvement Committee

**AMENDED AS**

- 251/2021 5. ADOPT TEMP APPROPS FOR OPERATING AND CAPITAL EXPENDITURES OF CITY OF CANTON, OHIO FOR FISCAL YEAR 2022; EMERGENCY  
Referred to Finance Committee

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

- 252/2021** 6. AUTH MAYOR OR SERV DIR TO SET SALARY OF CURRENT ASSISTANT SUPERINTENDENT OF PUBLIC WORKS AT \$85,000.00 ANNUALLY PRIOR TO ANY POTENTIAL 2022 COST OF LIVING ADJUSTMENTS; EMERGENCY (ADAM MELEGARI)  
Referred to Personnel Committee
- 253/2021** 7. APPROVE STATEMENT OF SERVICES TO BE PROVIDED TO PROPERTY OWNERS IN AMBAFLEX 2021 ANNEXATION AREA, APPROX DATE SERVICES WILL BE PROVIDED, PROCEDURE TO RECONCILE INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO CITY OF CANTON; EMERGENCY (APPROX 3.903 ACRES IN CANTON TWP)  
Referred to Annexation Committee
- 254/2021** 8. APPROVE COLLECTIVE BARGAINING AGMT BETWEEN CITY OF CANTON AND AFSCME LOCAL 3449 AND OHIO COUNCIL 8; EMERGENCY (EFFECTIVE 1/1/22 TO 12/31/22)  
Referred to Personnel Committee
- 255/2021** 9. APPROVE COLLECTIVE BARGAINING AGMT BETWEEN CITY OF CANTON AND AFSCME LOCAL 2937 AND OHIO COUNCIL 8; EMERGENCY (EFFECTIVE 1/1/22 TO 12/31/22)  
Referred to Personnel Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**  
**(SUSPENDED RULE 22A TO ADD O#10 – O#11)**

- 2<sup>ND</sup> RDG** 10. AUTH MAYOR OR SAF DIR TO: ENTER INTO AGMT FOR AND ACCEPT \$51,314.00 IN GRANT FUNDS FR OFFICE OF JUSTICE PROGRAM, BUREAU OF JUSTICE ASSISTANCE; ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR THE PURCH OF TECHNOLOGY APPLICATION FOR MESSAGING FOR SPIDR TECH SOFTWARE FOR POLICE DEPT; OR TO ALTERNATIVELY PURCH SAID SOFTWARE PURSUANT TO ANY PROCUREMENT PROCESS AUTHORIZED BY LAW; AUTH AUDITOR TO RENAME FUND 2427 BYRNE MEMORIAL MEDIATION FUND TO 2427 FY 21 EDWARD BYRNE MEMORIAL GRANT FUND; AMEND APPROP O#49/2021; EMERGENCY (\$51,314.00 SUPP APPROP FR UNAPROP BAL OF 2427 FY21 EDWARD BYRNE MEMORIAL GRANT FUND TO 2427 102001 POLICE ADMIN – OTHER) (FIN)
- 2<sup>ND</sup> RDG** 11. AUTH MAYOR OR SAF DIR TO: ENTER INTO AGMT FOR AND ACCEPT \$34,880.00 IN GRANT FUNDS FR OFFICE OF JUSTICE PROGRAM, BUREAU OF JUSTICE ASSISTANCE; AUTH AUDITOR TO RENAME FUND 2428 CONVENTION CTR FEASIBILITY GRANT FUND TO 2428 2021 BULLETPROOF VEST PARTNERSHIP FUND; ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR PURCH OF NATIONAL INSTITUTE OF JUSTICE COMPLIANT ARMORED VESTS FOR POLICE DEPT; OR TO ALTERNATIVELY PURCH SAID ITEMS IN ACCORDANCE WITH ORC OR CANTON CODIFIED ORD; AMEND APPROP O#49/2021; EMERGENCY (\$34,880.00 SUPP APPROP FR UNAPPROP BAL OF 2428 CONVENTION CTR FEASIBILITY GRANT FUND TO 2428 102001 POLICE ADMIN – OTHER; \$34,880.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 102001 POLICE ADMINISTRATIVE – OTHER; \$34,880.00 INTER-FUND TRF FR 1001 102001 POLICE ADMINISTRATIVE – ADVANCE OUT TO 2428 102001 POLICE ADMINISTRATIVE – ADVANCE IN) (FIN)

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

- 256/2021** 12. AUTH CANTON MUNICIPAL COURT TO ENTER INTO ALL CONTRACTS AUTH BY LAW FOR DESIGN/BUILD OF JUDGES CORRIDOR RESTROOMS PROJ IN AMT NOT TO EXCEED \$300,000.00; AMEND APPROP O#49/2021; EMERGENCY (\$300,000.00 SUPP APPROP FR UNAPPROP BAL OF 2423 COURT CAPITAL/SPECIAL PROJECTS FUND TO 2423 701001 COURT CAPITAL/SPECIAL PROJECTS – OTHER) (FIN)
- 257/2021** 13. AUTH AUDITOR TO CREATE 2330 PUBLIC HEALTH WORKFORCE GRANT FUND; AMEND APPROP O#49/2021; EMERGENCY (\$10,000.00 INTER-ADV FR 7601 301001 HEALTH – ADMINISTRATION – OTHER ADVANCE OUT TO 2330 301001 PUBLIC HEALTH WORKFORCE GRANT UNAPPROPRIATED BALANCE; \$10,000.00 SUPP APPROP FR UNAPPROP BAL OF 2330 PUBLIC HEALTH WORKFORCE GRANT TO 2330 301001 PUBLIC HEALTH WORFORCE GRANT - \$3,000.00 TO 600 PERSONNEL, \$7,000.00 TO 700 OTHER)
- 258/2021** 14. WAIVE REQUIREMENTS OF ORD SEC 151.14, CREDITED BENEFITS AND AUTH TRF OF 700 HOURS OF SICK TIME TO BE CREDITED TO DANIEL GRAVILA; EMERGENCY (CANTON BOARD OF PARK COMMISSIONERS)
- 259/2021** 15. AUTH MAYOR OR SERV DIR TO ENTER INTO CONTRACT WITH SMG FOR MGMT OF CANTON MEMORIAL CIVIC CENTER; EMERGENCY
- 260/2021** 16. AUTH MAYOR OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE CONSTRUCTION CONTRACT FOR NORTHEAST WATER TREATMENT PLANT OFFICE REMODEL PROJ; EMERGENCY
- 261/2021** 17. AUTH MAYOR OR SERV DIR TO ENTER INTO CONTRACT CHANGE ORDER #2 OF 12<sup>TH</sup> ST NW WATER MAIN REPLACEMENT PROJ WITH WENGER EXCAVATING, INC. IN ADDT'L AMT NOT TO EXCEED \$36,261.56; AMEND APPROP O#49/2021; AUTH AUDITOR TO PAY ALL MORAL OBS AS PART OF THIS CHANGE ORDER; EMERGENCY (\$36,261.56 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207071 12<sup>TH</sup> STREET NW WATER MAIN REPLACEMENT PROJECT – OTHER)

**ANNOUNCEMENT OF COMMITTEE MEETINGS:****MONDAY, DECEMBER 20, 2021 in Council Caucus Room @ 6:30 PM**

- 1) Finance Committee
- 2) Personnel Committee
- 3) Environmental & Public Utilities Committee

**MISCELLANEOUS BUSINESS:** Member Smith invited everyone to the Southeast Community Center on December 18 for their Christmas #2. If anyone would like to volunteer or offer support, please see her. They have adopted 13 families, eight of which were families from Skyline Terrace that lost their homes to fire and three of which were from Canton City Schools. Deputy Mayor Williams talked about the Canton Outside Canton group who sponsored a food give away last year in conjunction with Diane Robinson, CEO from Stark County Urban League, and fed well over 12,000 families. This Saturday at 11:00 AM at St. Paul's at 1800 East Tusc, they will again be feeding numerous families. He encouraged Council Members to volunteer. Mayor Bernabei announced that there will be an informational meeting this Thursday at Malone University. Deputy Mayor Williams explained that this meeting involves a proposed 15-unit senior housing development behind the Jewish Center. The meeting will take place at 6:00 PM within the Silk Auditorium. There will also be a link for those who want to zoom in. Mayor Bernabei explained that this is a zone change that will come before Council and the Planning Commission, which involves a tax credit. Member Smuckler spoke about the gun shots at Light Up Downtown last week. He said that this was caused by people who don't know how to use guns and have no business carrying them. Because of the undeserved perception of downtown that this caused, there was not much of a crowd the following day at First Friday.

**ADJOURNMENT:** 8:45 PM

**THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, DECEMBER 20, 2021 @ 7:00 PM**