

FINAL
A G E N D A
7:30 PM

CANTON CITY COUNCIL

JUNE 21, 2010

ROLL CALL: Eleven Council Members Present

MOTION TO EXCUSE MEMBERS: Member Joe Cole Absent

INVOCATION: Brian Horner, Ward 9 Council Member

PLEDGE OF ALLEGIANCE: Led by President Allen Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 1st Rdg O#5 - O#8; 2nd Rdg O#9 - O#17; O#5 - O#8 Adopted on 1st Rdg; O#9 - O#17 Adopted on 2nd Rdg)

PUBLIC HEARINGS: None

PUBLIC SPEAKS (CITY BUSINESS): Charles Killins re: Discussed a letter he received from the Health Department; Pastor Walter Moss re: Is thankful that crime in the City is down and thankful that City Council does prayer before the Council Meetings; Kathryn Ramsey re: Discussed vacant homes in her neighborhood; David Poole re: Relayed that he was told he had to leave the Blues Festival because he had his service dog with him; Minnie Evans re: Expressing her dismay about problems in her neighborhood; Patricia Kirk re: Discussed the Tree Commission Academy; Brady Bulger re: Thanked City Council for the prayer during Council Meetings; Catherine Bules re: Spoke briefly about Peace Day and advised that she would be back on July 12th; Bob Murray re: Relayed that he has been contracted by Medline to build their facility and his company always tries to use local laborers.

INFORMAL RESOLUTIONS:

40. COUNCIL-AS-A-WHOLE:

COMMENDING PEACE DAY, JOY FEST & COMMUNITY OUTREACH OF LOVE FOR THEIR UNCOMPROMISING COMMITMENT TO UPLIFTING THE CANTON COMMUNITY THRU THEIR ACTS OF KINDNESS. - ADOPTED

COMMUNICATIONS:

245. BUTTERWORTH, M., WARD 8 CNCLMBR:

REQ LEGISLATION TO PUT FORTH THE QUESTION AS TO WHETHER OR NOT TO FORM A CHARTER GOV'T ON BALLOT. - JUDICIARY COMMITTEE

246. DEVELOPMENT DIRECTOR TORRES:

ESTABLISH FAIR REUSE VALUE OF PARCEL OF REAL PROP & AUTHORIZE DISPOSITION OF SAID PROP (LENA BENNETT - LOT #8837 - PARCEL 02-04459 ON LOUISIANA AVE NW). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

247. DEVELOPMENT DIRECTOR TORRES:

REQ LEGISLATION REPLACING O#91/2010 & AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/ECIVIS, INC FOR MASTER LICENSE & SERV AGMT IN AMT NOT TO EXCEED \$19,132.00 RETRO FROM 3/1/10 - 2/28/11. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES

248. DEVELOPMENT DIRECTOR TORRES:

REQ SUPP APPROPS TO EXPEDITE SALARY & BENEFIT PAYMENTS FOR YOUTH WORKERS & STAFF INVOLVED W/THE 2010 SUMMER YOUTH PROGS (\$113,409.12 AND \$31,810.29). - FINANCE & COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEES

249. DEVELOPMENT DIRECTOR TORRES:

ESTABLISH FAIR REUSE VALUE OF A PARCEL OF REAL PROP & AUTHORIZE DISPOSITION OF SAID PROP (CHRISTINA LONG - LOT PT 4476/ PT 4477 PARCEL 02-40455 ON 5TH STREET NW). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

250. DEVELOPMENT DIRECTOR TORRES:

MAYOR &/OR SERV DIR TO RE-AUTHORIZE TO ENTER INTO CONTRACT W/STARK CNTY BD OF COMMISSIONERS & ENTER INTO CONTRACT FOR PARCELS OF VISRE STREET IMAGERY IN AMT NOT TO EXCEED \$39,770.00 (O#98/2009) W/MODIFICATIONS NEW VENDOR IS I LOOK ABOUT & AMT WILL INCREASE BY \$233.00 TO \$40,000.00 (DUE TO THE FACT THAT THE CONTRACT WAS NOT COMPLETED). - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES

251. DEVELOPMENT DIRECTOR TORRES:

AUTHORIZE MAYOR TO ENTER INTO AN ENTERPRISE AGMT W/OLD DOMINION FREIGHT LINE INC FOR CONSTRUCTION OF NEW FACILITY TO BE LOCATED AT MILLS IND PK; AUTHORIZE & DIRECT AUDITOR TO ANNUALLY PAY CANTON LOCAL BD OF ED AMTS AS ARE AGREED UPON BETWEEN CITY AND CANTON LOCAL BD OF ED &/OR AS ARE REQUIRED TO BE PAID PURSUANT TO SEC 5709.82 (C) & (D) OF REV CODE. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

252. DEVELOPMENT DIRECTOR TORRES:

AUTHORIZE MAYOR &/OR SERV DIR ON BEHALF OF CITY TO ENTER INTO FUNDING AGMT W/ABCD INC UTILIZING NSP FUNDS IN AMT OF \$55,000.00 TO ADMINISTER & IMPLEMENT CITY'S NSP COUNSELING & HOMEOWNERSHIP PROG TO BENEFIT LOW, MODERATE & MIDDLE INCOME FAMILIES THRU 12/31/12. **O#108/2010** - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

253. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR &/OR SERV DIR ON BEHALF OF CITY TO ENTER INTO FUNDING AGMT W/MDS & ZEPHYR PROJ INC UTILIZING NSP FUNDS IN AMT OF \$343,484.00 FOR APPROX 4 TO 5 HOUSES TO BENEFIT LOW, MODERATE & MIDDLE INCOME FAMILIES THRU 9/30/12. **O#109/2010** - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
254. DEVELOPMENT DIRECTOR TORRES: AMEND O#97/2010 TO AUTHORIZE MAYOR &/OR SERV DIR ON BEHALF OF CITY TO ENTER INTO CONTRACT W/HABITAT FOR HUMANITY OF GREATER STARK & CARROLL COUNTIES TO PROVIDE AN ADDT'L GRANT OF \$161,112.00 FOR TOTAL AMT OF \$483,332.00 FOR APPROX 6 HOUSES UTILIZING NSP FUNDS THRU 9/30/12. **O#107/2010** - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
255. HAWK, G., FINANCE CHAIR: REQ A MTG TO REVIEW THE 1ST HALF OF THE 2010 BUDGET TO BE HELD ONE HOUR PRIOR TO USUALLY SCHEDULED COMMITTEE MTG ON MONDAY, JULY 26, 2010. - RECEIVED & FILED
256. HEALTH BENEFITS ADMIN, MCBRIDE: MAY 2010 MONTHLY COMPARATIVE RPT - INS CLAIMS. - RECEIVED & FILED
257. LIQUOR CONTROL DIVISION (OHIO): REQ C1 C2 LIQ PERMIT STOCK TRANSFER FOR D & S OF CANTON INC DBA A MART EXPRESS @ 2557 CLEVELAND AVE NW. - RECEIVED & FILED
258. MAYOR HEALY: REQ AUTHORIZATION OF APPT OF KENNETH SANDER TO BOARD OF BUILDING APPEALS COMMENCING UPON COUNCIL'S APPROVAL. - PERSONNEL COMMITTEE
259. PLANNING COMMISSION: RECOMMENDS APPROVAL OF PROPOSED ZONE CHANGE FOR 3145 W. TUSC ST FROM B-3 (GENERAL BUSINESS) TO PB-4 (SPECIAL BUSINESS) REQUESTED BY ORSO ENTERPRISES, MIKE PASTORE & ANN O'TOOL TO ALLOW FOR A DETAILING OPERATION FOR MOTORCYCLES, AN INTERNET CAFÉ, RETAIL STORE & COFFEE SHOP. - JUDICIARY COMMITTEE
260. SAFETY DIRECTOR REAM: REQ AMENDMENT TO O#102/2010 DUE TO COST REDUCTIONS TO ALTER THE LANGUAGE TO READ "TO PURCHASE NO LESS THAN 2000 TEN-YR LITHIUM SMOKE DETECTORS & 1000 FIRE EXTINGUISHERS ". - JUDICIARY COMMITTEE
261. SAFETY DIRECTOR REAM: REQ APPROVAL TO ACCEPT FUNDS FROM 2010 LOCAL SOLICITATION BYRNE GRANT IN AMT OF \$64,946.00 ON BEHALF OF CPD; REQ CREATION OF FUND 2785 NAMED 2010 LOCAL SOLICITATION BYRNE GRANT & AUTHORIZE SAF DIR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING W/STARK CTY COMMISSIONS REGARDING DISTRIBUTION OF GRANT FUNDS. - FINANCE COMMITTEE
262. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR &/OR SERV DIR TO APPLY FOR, ENTER INTO AGMT FOR & RECEIVE OHIO PUBLIC WORKS COMM FUNDS FOR 2011 PROG YR FOR VARIOUS CITY PROJECTS. - FINANCE & PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES
263. SERVICE DIRECTOR PRICE: REQ ADOPTION OF ALTERNATIVE TAX BUDGET OF CITY FOR FY ENDING 12/31/11 IN ACCORDANCE W/O.R.C. SECTION 5705. - FINANCE COMMITTEE
264. SERVICE DIRECTOR PRICE: IN ORDER TO COMPLY W/THE WATER RECLAMATION COMPLIANCE SCHEDULE TO MEET A PHOSPHORUS LIMIT REQ SERV DIR TO ENTER INTO SUPP AGMT W/STARK CNTY & THE CITY OF N. CANTON FOR THEIR SHARE OF PROJECT COSTS, ENTER INTO CONTRACT W/CT CONSULTANTS INC IN AMT NOT TO EXCEED \$4,216,000.00 FOR VARIOUS ENG & CONSTRUCTION OVERSIGHT SVCS, TO FILE AN APP & ENTER INTO CONTRACT W/OEPA FOR A LOW-INTEREST DESIGN LOAN AT AN AMT NOT TO EXCEED \$2,802,000, AUDITOR ESTABLISH THE 5442-206044 WRF PHOSPHORUS/TOTAL NITROGEN PROJ FUND FOR THIS PROJ AND A \$4,216,000.00 SUPP APPROP INTO 5442-206044 WRF PHOSPHORUS/TOTAL NITROGEN PROJ FUND. - FINANCE & PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES

COMMUNICATIONS CONTINUED:

265. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR &/OR SERV DIR TO ADV, REC BIDS, AWARD, & EXECUTE CONSTRUCTION CONTRACT FOR GUILFORD BRIDGE REPLACEMENT PROJ GP 1075; AUTHORIZE TO REC OPWC FUNDS IN AMT OF \$386,380.00 FOR PROJ TO FUND COST OF CONST; AUTHORIZE \$386,380.00 SUPP APPROP; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY PROPER DEPT AUTHORITY. - FINANCE & PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES
266. SERVICE DIRECTOR PRICE: ADVISING THAT THE CITY WILL NOT BE ENTERING INTO A PLA FOR GUILFORD BRIDGE REPLACEMENT PROJ GP 1075. - RECEIVED & FILED
267. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR &/OR SERV DIR TO ADV, REC BIDS, AWARD & EXECUTE CONSTRUCTION CONTRACT FOR WAYNESBURG RD SE, SANITARY SEWER REHAB PROJ GP 1137; AUTHORIZE \$150,000.00 APPROP TRANSFER; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY PROPER DEPT AUTHORITY. - FINANCE & PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES
268. SERVICE DIRECTOR PRICE: ADVISING THAT THE CITY WILL NOT BE ENTERING INTO A PLA FOR WAYNESBURG RD SE, SANITARY SEWER REHAB PROJ GP 1137. - RECEIVED & FILED
269. SERVICE DIRECTOR PRICE: REQ \$30,000.00 SUPP APPROP FROM UNAPP BAL OF 4501 - CAPITAL IMPROVEMENT FUND TO 4501 401001 PARK ADMIN - OTHER TO PROPERLY FUND THE CAPITAL IMPROVEMENT FUND. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
270. SMUCKLER, B., C&ED CHAIR: REQ LEGISLATION FOR CITY TO PURCHASE THE BOOSTER PUMP W/THE PUMPING STATION FROM THE QUARRY GOLF CLUB & PLACING IT IN THE MILLS IND PARK. - FINANCE COMMITTEE
271. STARK COUNTY COMMISSIONERS: RECEIPT OF PERTINENT DOCUMENTS FOR THE DELONG ANNEXATION. - PLANNING COMMISSION
272. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS FILED AS OF 4/30/10. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. RES APPROVING STATEMENT OF SVCS TO BE PROVIDED TO THE PROP OWNER IN THE ARMY NAVY ANNEXATION AREA, APPROXIMATE DATE SVCS WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO CITY; EMERGENCY
Referred to Annexation Committee
- 1ST RDG 2. PROVIDING FOR THE ISSUANCE OF A NOTE BY THE CITY IN ANTICIPATION OF THE COLLECTION & PAYMENT OF CITY INCOME TAXES, GENERAL PROP TAXES & MISC OTHER SOURCES TO CITY; DECLARING THE NECESSITY OF THE ISSUANCE OF SAID NOTE; EMERGENCY
Referred to Finance Committee
- 1ST RDG 3. AUTHORIZE MAYOR TO ENTER INTO AGMTS W/SMHA TO PROVIDE SVCS OF A SECTION 504 COORDINATOR & CONDUCT NEEDS ASSESSMENTS FOR SMHA TENANTS WITHIN THE CITY; EMERGENCY
Referred to Finance Committee
- 1ST RDG 4. APPROVING CANCELLATION OF INDEBTEDNESS OWNED BY NECC IN PRINCIPAL AMT OF \$25,000.00; EMERGENCY
Referred to Finance Committee

(COUNCIL RECESSED AT 8:17 PM FOR THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE TO DISCUSS ORDINANCES #5, #6 AND #7; RECONVENED AT 8:22 PM)

- 107/2010 5. AMEND CAPTION & SECTION 2 OF O#97/2010; EMERGENCY (CHANGE AMT TO \$483,332.00 - NSP)
Referred to Community & Economic Development Committee
- 108/2010 6. AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO A FUNDING AGMT W/ABCD INC UTILIZING NSP FUNDS IN AMT NOT TO EXCEED \$55,000.00 TO ADMIN & IMPLEMENT CITY'S NSP COUNSELING & HOME OWNERSHIP PROG TO BENEFIT LOW MODERATE & MIDDLE INCOME FAMILIES; EMERGENCY
Referred to Community & Economic Development Committee
- 109/2010 7. AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO A FUNDING AGMT W/MDS & ZEPHYR PROJS INC UTILIZING NSP FUNDS IN AMT NOT TO EXCEED \$343,484.00 TO BENEFIT LOW, MODERATE & MIDDLE INCOME FAMILIES; EMERGENCY
Referred to Community & Economic Development Committee

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING CONTINUED:

(COUNCIL RECESSED AT 8:23 PM FOR THE FINANCE AND PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES TO DISCUSS ORDINANCE #8; RECONVENED AT 8:24 PM)

- 110/2010** 8. ___ AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR THE PARKING LOT IMPROVEMENTS AT THE ARTHUR J CIRELLI UTILITY SVC CENTER IN AMT NOT TO EXCEED \$135,000.00; EMERGENCY
Referred to Finance & Public Property Capital Improvement Committees

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:
(SUSPENDED RULE 22A TO ADD O#9 - O#17; O#9 - O#17 ADOPTED)

- 111/2010** 9. ___ PROVIDE FOR THE ISSUANCE & SALE OF BOND ANTICIPATION NOTES IN THE AGGREGATE PRINCIPAL AMT OF \$1,800,000.00 FOR THE PURPOSE OF REFUNDING BOND ANTICIPATION NOTES PREVIOUSLY ISSUED FOR THE PURPOSE OF PROVIDING FUNDS TO PAY A COURT-APPROVED SETTLEMENT OF A CLAIM AGAINST THE CITY (ESTATE OF SHAWN PILOZZI) (FIN)
- 112/2010** 10. ___ AMEND APPROP O#1/2010; EMERGENCY (\$8,500.00 FAIR HOUSING TRAVEL) (FIN)
- 113/2010** 11. ___ ESTABLISH FAIR REUSE VALUE OF ONE PARCEL OF CITY-OWNED PROP; AUTHORIZE SALE & CONVEYANCE OF SAID PROP PURSUANT TO CITY'S RESIDENTIAL LAND DISPOSITION PROG; EMERGENCY (PARCEL # 02-28074 ON HAWK PL SE FOR TRINA L FRAZIER) (C&ED)
- 114/2010** 12. ___ ESTABLISH FAIR REUSE VALUE OF PARCEL OF REAL PROP; AUTHORIZE SALE & CONVEYANCE OF SAID PROP PURSUANT TO CITY'S RESIDENTIAL LAND DISPOSITION PROG; EMERGENCY (PARCEL #02-24997 ON PATTERSON AVE SW FOR PHILLIP & ROBIN SHOWALTER) (C&ED)
- 115/2010** 13. ___ AUTHORIZE MAYOR TO SUBMIT AN APPLICATION TO OHIO DEPT OF DEVELOPMENT (ODOD), EXECUTE A GRANT AGMT W/ODOD & ACCEPT UP TO \$250,000.00 IN 629 ROADWAY DEVELOPMENT FUNDS; EMERGENCY (PPCI & C&ED)
- 116/2010** 14. ___ AMEND APPROP O#1/2010; EMERGENCY (\$72,175.00 WIC ADMINISTRATION-HEALTH DEPT) (FIN)
- 117/2010** 15. ___ AUTHORIZE AUDITOR TO PAY MORAL OB IN AMT NOT TO EXCEED \$21,000.00 TO ESLICH WRECKING CO.; EMERGENCY (FIN)
- 118/2010** 16. ___ APPROVE SOLID WASTE MGMT PLAN OF STARK-TUSC-WAYNE JOINT SOLID WASTE MGMT DISTRICT; EMERGENCY (EPU)
- 119/2010** 17. ___ RESOLUTION DESIGNATING PUBLIC MONEYS AVAILABLE FOR ACTIVE & INTERIM DEPOSITS AND DESIGNATING DEPOSITORY BANKS FOR SAID DEPOSITS (FIN)

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

- 120/2010** 18. ___ AUTHORIZE MAYOR TO ENTER INTO AGMT W/STATE OF OH, DEPT OF REHAB & CORRECTIONS ACT GRANT IN AMT NOT TO EXCEED \$170,601.00; EMERGENCY
- 121/2010** 19. ___ ESTABLISH FAIR REUSE VALUE OF PARCEL OF REAL PROP; AUTHORIZE SALE & CONVEYANCE OF SAID PROP PURSUANT TO CITY'S RESIDENTIAL LAND DISPOSITION PROG; EMERGENCY (PARCEL #02-02091 ON WAYNESBURG RD SE FOR ELSIE MCCARTHAN)
- 122/2010** 20. ___ APPROVE & ACCEPT REPLAT OF OUT LOTS 1308 & 1309 IN MILLS INDUSTRIAL PARK NO. 1 & OUT LOT 1326 IN MILLS INDUSTRIAL PARK NO. 2; EMERGENCY
- 123/2010** 21. ___ AMEND O#97/2007 & O#63/2009; EMERGENCY (REVISED PROPOSAL FOR ARCHITECTURAL & ENG SVCS FOR NEW NO. 4 FIRE STATION)
- 124/2010** 22. ___ AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT IN AMT NOT TO EXCEED \$100,000.00 FOR PURCHASE OF AN INDUCTIVELY COUPLED PLASMA-OPTICAL EMISSION SPECTROMETER; EMERGENCY
- 125/2010** 23. ___ AUTHORIZE SERV DIR TO ENTER INTO A 3-YR CONTRACT W/US HEALTHWORKS MEDICAL GROUP FOR PROFESSIONAL MEDICAL SVCS FOR CITY JOB APPLICANTS & EMPLOYEES; EMERGENCY

ANNOUNCEMENT OF COMMITTEE MEETINGS:

MONDAY, JULY 12, 2010 in Council Chamber at 6:45 P.M.

- 1) Finance Committee
- 2) Personnel Committee
- 3) Annexation Committee

MISCELLANEOUS BUSINESS: Member Smith re: Announcing that John Schwartz is doing well; Member West re: Relayed that the playground is now being built at Nimisilla Park; Service Director Price re: Thanking the City employees and volunteers who helped prepare Thurman Munson Stadium for the softball tournament last week; President Schulman re: Discussed Medline and a conversation he had with Bill Abrams. Also announced that a rally will take place sponsored by the trade unions in our local community on July 1, 2010 from 9:00 A.M. to 12:00 P.M.

ADJOURNMENT: 8:54 P.M.

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, JULY 12, 2010 @ 7:30 PM