

FINAL
A G E N D A
7:30 PM

CANTON CITY COUNCIL

APRIL 16, 2012

ROLL CALL: All Members Present

MOTION TO EXCUSE MEMBERS: President Schulman Absent

INVOCATION: Pat Barton, Ward 7 Council Member

PLEDGE OF ALLEGIANCE: President Pro Tem David Dougherty

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 1st Rdg O#6; add 2nd Rdg O#7, O#8 and O#10 -O#15; O#6 Adopted on 1st Rdg; O#9 Retained in Cmte; O#15 Adopted on 2nd Rdg)

PUBLIC HEARINGS: None

OLD BUSINESS (PUBLIC SPEAKS): Reviewed Pending Issues from Public Speaks

PUBLIC SPEAKS (CITY BUSINESS): James Parker discussed the top 12 playground hazards. The animal art that is on the corners downtown could be a potential lawsuit if a child climbing on these would fall to the concrete. He feels that all of the art pieces should be placed in one area such as the old Mother Goose Land or other green space to avoid any accidents since children can be adventurous. Richard Drake passed around pictures of a 432 year old tree in North Canton and also the fountain at the Garden Center. Mr. Drake spoke about the need for a 5 mile radius around the aquifers from drilling rather than the current 2 miles because the chemicals used to drill do go into the ground and sometimes are not discovered for 8 to 10 years. He has been receiving a lot of calls regarding trees since the Ordinance was discussed in the newspaper and again reminds all that there must be adequate personnel to care for the city's trees. Patricia Kirk letting all know that April 27th is Arbor Day and only 4 schools in Canton will have a celebration. While she is thankful for the Tree Ordinance, both the Tree Ordinance and the Tree Commission will only be as good as the people make it. Eric Mathias concerned about the baseball field at McKinley High School. The balls have come over the fence and hit his child, his dog and his car and when he calls the police he is told it is sheriff jurisdiction and when he calls the sheriff he is told it is city. Would someone please tell him who he needs to be in touch with because his street is also used as a drag strip and he is concerned for the children in the area. Robert Ledger has called the police about several houses in his neighborhood but he has a difficult time communicating his problems to them because he is deaf. Richard Manson asks for consideration of the redevelopment of the SWAN area. This neighborhood sees a lot of traffic from out of town during the Hall of Fame festivities and the sight of drug dealers and prostitutes is not putting our best foot forward. He also has had some problems with the Building Code Department and feels that he has been given the run around from Director Ream to Angela Cavanaugh to Fonda Williams to the Council Member.

INFORMAL RESOLUTIONS:

32. PERSONNEL COMMITTEE: REQ CONFIRMATION OF RE-APPT OF ROBERT FAY TO INCOME TAX REVIEW BOARD FROM 3/1/12 - 2/28/16. - ADOPTED
33. PERSONNEL COMMITTEE: REQ CONFIRMATION OF RE-APPT OF WILLIAM SHERER, II TO INCOME TAX REVIEW BOARD FROM 3/1/12 - 2/28/16. - ADOPTED

COMMUNICATIONS:

165. ANNEXATION CHAIRMAN HAWK: REQ COMMUNICATION #157 BE WITHDRAWN. - RECEIVED & FILED
166. AUDITOR MALLONN: REQ FOR ADDITIONAL AMENDED CERT DATE 4/5/12. - RECEIVED & FILED
167. COMM DEV DIRECTOR MILLER: AUTHORIZE MAYOR TO SUBMIT/FILE WITH HUD A SUBSTANTIAL AMENDMENT TO THE 2011 AND 2012 CITY OF CANTON CONSOLIDATED PLAN, ONE YR ACTION PLAN FOR CITY OF CANTON'S HOMELESS EMERGENCY SOLUTIONS GRANT (HESG) PROGRAM; REVISE OR AMEND THE CONSOLIDATED PLAN, ONE YR ACTION PLAN & HESG BUDGET FOR FY 2011 PHASE II AND FY 2012 TO COMPLY WITH REQUIREMENTS OF 24CFR PART 91, AS AMENDED BY INTERIM RULE; PERMIT CONTRACTS TO BE AWARDED TO SUCCESSFUL NON-PROFIT AGENCIES WHO RESPOND TO REQ FOR PROPOSAL (RFP) & MEET HESG REQUIREMENTS. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
168. COMM DEV DIRECTOR MILLER: AUTHORIZE MAYOR AND/OR SERV DIR TO ESTABLISH A HOUSING REHAB PROG UTILIZING HOME PROG FUNDS IN AMT NOT TO EXCEED \$240,000.00; TO ADOPT HOME PROG POLICY MANUAL & RESIDENTIAL REHAB STANDARDS APPROVED BY HUD; AUTHORIZE MAYOR AND/OR SERV DIR TO REVISE AND/OR AMEND CANTON'S HOME PROG TO CONFORM TO ANY CHANGES ADOPTED BY HUD IN THE FUTURE; REQ PERMIT CONTRACTS BE AWARDED TO LOW AND MODERATE INCOME APPLICANTS WHO MEET REQUIREMENTS OF MAXIMUM AMT OF \$27,000.00 FOR HOMEOWNERS ONLY OVER NINE YR PERIOD. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
169. LIQUOR CONTROL DIVISION (OHIO): REQ STOCK TRANSFER OF D2 D2X D3 AND D3A LICENSE FOR THREE DOORS LTD DBA THE CLOSET DOOR @ 520 4TH ST NE BSMT ONLY. - RECEIVED & FILED
170. MAYOR HEALY: REQ APPRVL OF APPT OF KYLE QUILLEN TO SYSTEMS PLANNING BOARD FOR RETRO TERM OF 4/1/12 - 3/31/14. - PERSONNEL COMMITTEE

COMMUNICATIONS CONTINUED:

171. MAYOR HEALY: ADVISING OF RE-APPT OF DONALD R SINGER TO AREA AGENCY ON AGING AREAWIDE ADVISORY COUNCIL FOR RETRO TERM OF 1/1/12 - 12/31/14. - RECEIVED & FILED
172. MAYOR HEALY: ADVISING OF RE-APPT OF MERLE GRIFF TO AREA AGENCY ON AGING AREAWIDE ADVISORY COUNCIL FOR RETRO TERM OF 1/1/12 - 12/31/14. - RECEIVED & FILED
173. PLANNING COMMISSION: RECOMMENDING APPROVAL OF ZONE CHANGE ON BEDFORD AVE SW (PARTS OF LOTS 14364 & 14365, LOTS 14366 - 14377, PARTS OF LOTS 14378 & 14379, LOTS 42971 - 42975; 25 PARCELS TOTAL) FROM R-1A (SINGLE FAMILY RESIDENTIAL) TO PCS (PLANNED COMMUNITY SERVICE) TO CONSTRUCT A BLDG TO HOUSE EMERGENCY GENERATORS VITAL TO HOSPITAL OPERATIONS IN WARD 3 (AULTMAN HOSPITAL). - JUDICIARY COMMITTEE
174. PLANNING COMMISSION: RECOMMENDING APPROVAL OF REPLAT OF LOTS 3052 - 3059, 39670, 40166 - 40176, 40207 - 40211, 6519 - 6521 AND PART OF OL 82 & 83 (NW CORNER OF 5TH ST SW & CECIL CT) (PARCEL NOS. 244441 & 244346) FOR FUTURE DEVELOPMENT & GROWTH OF EXISTING BUSINESS. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
175. SAFETY DIRECTOR REAM: DECLARE 7 BLDGS UNSAFE AND HAZARDOUS FOR WHICH DEMOLITION IS REQUIRED. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
176. SERVICE DIRECTOR PRICE: AUTHORIZE AMERICAN DEMOLITION, INC TO REMOVE THE RAIL, TIES & BALLAST AGGREGATE AT NO CHG TO THE CITY FROM THE WATER RECLAMATION FACILITY. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
177. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS AS OF 3/31/12. - RECEIVED & FILED
178. TREASURER SCHIRACK: RPT OF BANK RECONCILIATIONS AND CITY'S OUTSTANDING INVESTMENTS AS OF 3/31/12. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. ESTABLISH A CANTON MERCHANDISING & PROMOTIONAL PROG; AUTHORIZE SERV DIR TO ENTER INTO CONTRACTS FOR RETAIL SALE OF MERCHANDISE; AUTHORIZE AUDITOR TO ESTABLISH THE 2460 CANTON MERCHANDISING/PROMO FUND; AMEND APPROP O#220/2011; EMERGENCY (\$25,000.00 FROM 1001 GENERAL FUND TO 2460 CANTON MERCHANDISING/PROMO FUND - OTHER)
Referred to Finance Committee
- 1ST RDG 2. AUTHORIZE EXTENSION OF CITY OF CANTON ECONOMIC GROWTH INITIATIVE; EMERGENCY
Referred to Community & Economic Development Committee
- 1ST RDG 3. AMEND EXHIBIT A TO ORDINANCE #29/2012; EMERGENCY
Referred to Judiciary Committee
- 1ST RDG 4. AUTHORIZE SERV DIR TO ENTER INTO TWO YR CONTRACT WITH CAPITAL RECOVERY SYSTEMS FOR PURPOSES OF COLLECTING OUTSTANDING CITY DEBTS; EMERGENCY
Referred to Finance Committee
- 1ST RDG 5. PROVIDE FOR ISSUANCE AND SALE OF BOND ANTICIPATION NOTES IN AN AGGREGATE PRINCIPAL AMT NOT TO EXCEED \$1,600,000.00 FOR PURPOSE OF REFUNDING BOND ANTICIPATION NOTES PREVIOUSLY ISSUED FOR PURPOSE PROVIDING FUNDS TO PAY COURT APPROVED SETTLEMENT OF CLAIM AGAINST CITY; EMERGENCY (PIROLOZZI)
Referred to Finance Committee

(COUNCIL RECESSED AT 7:55 P.M. FOR THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE TO DISCUSS ORDINANCE #6; RECONVENED AT 7:56 P.M.)

- 58/2012 6. DECLARE 7 BLDGS TO BE PUBLIC NUISANCES; AUTHORIZE SAF DIR TO ENTER INTO CONTRACT FOR DEMOLITION OF SAID BLDGS; AUTHORIZE CLERK OF CANTON CITY COUNTY TO CERTIFY COSTS OF DEMOLITION TO STARK COUNTY AUDITOR; EMERGENCY
Referred to Community & Economic Development Committee

ORDINANCE & FORMAL RESOLUTIONS FOR SECOND READING:

(SUSPENDED RULE 22A TO ADD O#7, O#8 AND O#10 - O#15; O#9 RETAINED IN CMtE; O#15 ADOPTED ON 2ND RDG)

- 2ND RDG 7. ESTABLISH FAIR MKT VALUE OF 1 PARCEL OF CITY-OWNED PROP; AUTHORIZE SALE & CONVEYANCE OF SAID PROP PURSUANT TO CITY'S RESIDENTIAL LAND DISPOSITION PROG; EMERGENCY (SHARON BENDER - PARCEL #02-29786 - LOUISIANA AVE NW) (C&ED)

ORDINANCE & FORMAL RESOLUTIONS FOR SECOND READING CONTINUED:

- 2ND RDG 8. ESTABLISH FAIR MKT VALUE OF 1 PARCEL OF CITY-OWNED PROP; AUTHORIZE SALE & CONVEYANCE OF SAID PROP PURSUANT TO CITY'S RESIDENTIAL LAND DISPOSITION PROG; EMERGENCY (LATONYA WALKER - PARCEL #02-85789 - OBY PL NW) (C&ED)

RETAINED IN CMTE

- 2ND RDG 9. RESOLUTION ACCEPTING TAX INCENTIVE REVIEW COUNCIL'S RECOMMENDATIONS REGARDING ENTERPRISE ZONE TAX ABATEMENT AGMTS; EMERGENCY (C&ED)
- 2ND RDG 10. AUTHORIZE DISCHARGE OF DEMO LIEN, ASSESSMENT, PENALTY & INTEREST ON PROPERTY @ 712 HOOVER PL NW; EMERGENCY (JUD)
- 2ND RDG 11. AUTHORIZE & CONSENT TO REPAIRING & UPGRADE OF LIGHT TOWERS, UNDERPASS LIGHTING & CONTROL CENTER ON 1-77 UNDER THE SUPERVISION OF DIR OF TRANSPORTATION OF STATE OF OHIO; EMERGENCY (PS&T)
- 2ND RDG 12. AUTHORIZE SERV DIR TO ENTER INTO PROF ENGINEERING AGMT W/BURGESS & NIPLE IN AMT NOT TO EXCEED \$171,700.00 FOR PURPOSE OF PREPARING PLANS & SPECIFICATIONS FOR A CITY OF CANTON WATER, SEWER & STREET IMPROVEMENT PROJ ON 37TH ST NW; AMEND O#220/2011; EMERGENCY (PPCI)
- 2ND RDG 13. AMEND EXHIBIT A TO O#100/2011, AS AMENDED, CLASSIFICATION PLAN & SALARIES FOR MGMT & NON-BARGAINING UNIT EMPLOYEES OF CITY; EMERGENCY (ADMIN III IN WATER DEPT) (PER)
- 2ND RDG 14. AMEND APPROP O#220/2011; EMERGENCY (\$100,000.00 - AUDITOR - ADMINISTRATION - PERSONNEL) (FIN)
- 59/2012 15. AUTHORIZE SERV DIR TO ENTER INTO PROF SVCS AGMT W/SQUIRE, SANDERS (US) LLP FOR PROVISION OF LEGAL SVCS ASSOCIATED W/BOND ISSUANCE & BOND FINANCING ALTERNATIVES RELATED TO ECONOMIC DEV; EMERGENCY (FIN)

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

- 60/2012 16. AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS AND ENTER INTO CONTRACT FOR ONE 2012 OR NEWER HEAVY DUTY CREW TRUCK CAB & CHASSIS IN AMT NOT TO EXCEED \$42,000.00 FOR WATER DEPT; AUTHORIZE SERV DIR TO ENTER INTO VARIOUS CONTRACTS FOR PURCHASE OF VEHICLES PURSUANT TO ORC SECTIONS 125.04 AND 5513.01; AMEND O#220/2011; EMERGENCY

ANNOUNCEMENT OF COMMITTEE MEETINGS:**MONDAY, APRIL 23, 2012 in Council Caucus Room at 6:00 P.M.**

- 1) Finance Committee
- 2) Judiciary Committee
- 3) Community & Economic Development Committee
- 4) Personnel Committee

MONDAY, APRIL 23, 2012 in Council Caucus Room at 6:30 P.M.

Presentation for City Merchandising Program

MISCELLANEOUS BUSINESS: Member Fisher went to the All City Dance and Induction ceremony on Saturday night at the Moonlight Ballroom for the J. Babe Stearn Center. Former 9th Ward Council Member Joe Carbenia was inducted in their Hall of Fame. The community center used to receive about \$150,000.00 annually from the city and now because of budget cuts, receives about \$15,000.00 to fund the staff. The city has had community centers fall one by one and he would like to see this one continue their success having been there for over 60 years. He thanked Member Babcock and James Ergon for their assistance with some infrastructure and plumbing issues at the facility. Member Cirelli wondered if homeowners insurance from the family whose child damaged the fountain at the park could be used to file for repairs. Law Director Martuccio stated if the Park Board requested this action he could look in to it but doubted that it would cover something like this. Member West was at the Park Board meeting and the family did come forward so they are reviewing what options they have to get the fountain fixed. Member Cirelli hoped that there could be some type of concrete repair to the structure. She was also questioning IGS Energy canvassing the neighborhood against First Energy for the electric aggregation program. Law Director Martuccio said the price is 10% below the "price to compare" so it is not a set rate. He will look into the solicitation and cautions anyone to verify small print from someone coming door to door. Member Cirelli asks Director Ream what the plan is for cats since the Humane Society will no longer be taking them after April 30th. Who should we be directed to call? Safety Director Ream states that Mr. Sedlacko declined to extend his contract so the city is currently seeking a new Animal Control Officer. They will be looking for a plan once this person is in place. Member Cirelli stated that we made need to have trappers in place for the wildlife animals. Member Smith informs all that the young man that was killed over the weekend was a former Councilman's grandson and to please keep the family in your prayers. She also requests that the administration try to get crime on crime under control. Member West says that the Park Board had some costs and that the way the fountain at the Garden Center was built, it cannot be repaired it would need replaced and the cost would be in the hundreds of thousands. Member Hawk complimented the Fire Department for their quick action in transporting a victim from a BMX accident.

ADJOURNMENT: 8:16 P.M.

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, APRIL 23, 2012 @ 7:30 PM