

**FINAL
AGENDA
7:30 PM**

CANTON CITY COUNCIL

JULY 16, 2012

ROLL CALL: Ten Members Present

MOTION TO EXCUSE MEMBERS: Member Cole and Member Smith Absent

INVOCATION: Edmond Mack, Ward 8 Council Member

PLEDGE OF ALLEGIANCE: President Allen Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 2nd Rdg O#9 - O#15 and O#17 - O#20; O#16 Retained in Committee; O#21 (O#99/2012) Reconsidered and Amended; O#22 Postponed until 7/30/12)

PUBLIC HEARINGS: None

OLD BUSINESS (PUBLIC SPEAKS): None

PUBLIC SPEAKS (CITY BUSINESS): Leland Pettis, David Kaminski, Mike Chadsey, Tara Nelson, Skyler Lewis, Eric Boardman, Renee Bogue, Donna Carver, Lynn McSheeny, Jim Huebner, Ashley Covey, Bill Baker, Kristine Vaughan, Eric Vaughan, Colleen Unroe, Nancy Esway, Francesca Alguire, Jonathan Marrero, Pete DiGiacomo, John Stone, Shawn Bennett, Rose Hayne and Martin Zawacky re: Discussed Fracking; Patricia Kirk re: Discussed Ordinance #12 regarding Market Square; Carol Briney re: Expressed her gratitude to Members West and Mariol and introduced her group from the Re-entry Bridge Network; David Poston re: Asked for lights to be fixed at overpass on 6th St SW and 9th St SW and requested lighting at Veteran's Park; Pete DiGiacomo re: Shared his idea of how to bring in revenue by writing more speeding tickets; John Stone re: Stated that he feels that Canton needs a new image; Martin Zawacky re: Thought the 4th July event was great.

INFORMAL RESOLUTIONS:

51. COUNCIL-AS-A-WHOLE: COMMENDING AND CONGRATULATING CANTON MARATHON LLC FOR THE SUCCESS OF THE INAUGURAL RACE AND THE BENEFIT TO THIS COMMUNITY. - ADOPTED

52. COUNCIL-AS-A-WHOLE: COMMENDING ALL THOSE INVOLVED IN THE ULSTER PROJECT. - ADOPTED

COMMUNICATIONS:

261. AUDITOR MALLONN: YEARLY RPT BY FUND 1/1/12 - 6/29/12. - RECEIVED & FILED

262. AUDITOR MALLONN: MONTHLY RPT BY FUND 6/1/12 - 6/29/12. - RECEIVED & FILED

263. CONANT, DAVID, APPLICANT: ZONE CHANGE APPLICATION FOR 1836 8TH ST NE FROM B-3 TO PCS FOR CHURCH SERVICE. - PLANNING COMMISSION

264. DEPARTMENT OF COMMERCE: NOTIFYING OF CORRECT ADDRESS FOR MICHAEL NASVADI DBA BUZZBIN OF 337 CLEVELAND AVE NW. - RECEIVED & FILED

265. DEVELOPMENT DIRECTOR WILLIAMS: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/THE YMCA IN AMT NOT TO EXCEED \$50,000.00 FOR OVERALL MNGMT & SUPERVISION OF THE FACILITY & PROGRAMMING @ EDWARD "PEEL" COLEMAN COMM CENTER, RETRO TO 1/1/12 - 12/31/12. - FINANCE COMMITTEE

266. DEVELOPMENT DIRECTOR WILLIAMS: AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO AN ECONOMIC GROWTH INITIATIVE AGMT W/GENERAL ELECTRIC OIL & GAS PROVIDING JOB CREATION & NET PROFIT TAX INCENTIVES IF THE COMPANY LOCATES IN CANTON, AS AUTHORIZED BY CITY UNDER O#70/2012. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

267. FINANCE DIRECTOR DIRUZZA: AMEND APPROP O#220/2011 WITH \$65,000.00 APPROP TRANSFER TO CONTINUE TO PAY OVERTIME EXPENSES FROM FEDERAL FORFEITURE FUND. - FINANCE COMMITTEE

268. FISHER, K, WARD 5 CNCLMBR: REQ LEGISLATION CREATING LOCAL CONSTRUCTION & PREVAILING WAGE REQUIREMENTS ON ALL ECONOMIC DEV SUBSIDY & INCENTIVE AGMTS & CONTRACTS; AN ONLINE REPORTING PROG TO ALLOW EASY ACCESS FOR CITIZENS TO MONITOR EFFECTIVENESS OF CITY'S ECONOMIC DEV EFFORTS; REQUIRE DEV DIRECTOR TO PRODUCE & PROVIDE AN ANNUAL "ECONOMIC REPORT CARD" EACH YEAR NO LATER THAN 4/1/13. - COMMUNITY & ECONOMIC DEVELOPMENT & JUDICIARY COMMITTEES

269. LIQUOR CONTROL DIVISION (OHIO): REQ FOR C2 C2X LIQ PERMIT TRANSFER FROM NICK SAMAD DBA FOODLINE MARKET TO CLASSIC DRIVE THRU INC DBA FOODLINE MARKET @ 1415 ALBERT AVE SE 1ST FL. - RECEIVED & FILED

270. MAYOR HEALY: ADVISING OF RE-APPT OF REV. ACE GILLEMS TO MAYOR'S COMMUNITY RELATIONS COMMISSION COMMENCING RETRO ON 7/1/12 - 6/30/14. - RECEIVED & FILED

271. MAYOR HEALY: ADVISING OF RE-APPT OF DIANE WISSUCHEK TO MAYOR'S COMMUNITY RELATIONS COMMISSION COMMENCING RETRO ON 7/1/12 - 6/30/14. - RECEIVED & FILED

COMMUNICATIONS CONTINUED:

272. SAFETY DIRECTOR REAM: AMEND VARIOUS CHAPTERS UNDER BLDG CODE & THE REPEAL OF CHAPTER 1307, REGISTRATION OF VACANT BLDGS. - JUDICIARY COMMITTEE
273. SERVICE DIRECTOR PRICE: AUTHORIZE TO ENTER INTO CONTRACT MODIFICATION #1 FOR PROF SVCS CONTRACT W/ARCADIS US INC FOR DEVELOPMENT OF COMPUTERIZED MAPPING SYSTEM OF CITY'S SANITARY SEWER. THE MODIFICATION COST IS \$130,000.00 & WILL BE PAID FOR W/SANITARY SEWER FUNDS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
274. SERVICE DIRECTOR PRICE: REQ LEGISLATION FOR MAYOR &/OR SERV DIR TO APPLY FOR, ENTER INTO AGMT FOR, & REC OPWC FUNDS FOR 2013 PROGRAM YEAR FOR VARIOUS CITY PROJECTS. - FINANCE COMMITTEE
275. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR &/OR SERV DIR TO EXECUTE \$37,402.83 CHANGE ORDER #2 FOR ABBOTT ELECTRIC LIGHTING RETROFIT CONTRACT, GP 1134 CONTRACT NO. 2011-25; AUTHORIZE \$42,033.66 SUPP APPROP; AUTHORIZE MAYOR &/OR SERV DIR TO APPLY FOR & TAKE RECEIPT OF AEP ENERGY EFFICIENCY GRANTS; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY PROPER DEPT AUTHORITY. - FINANCE COMMITTEE
276. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR &/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD & EXECUTE CONSTRUCTION CONTRACT FOR FAIRHOPE NATURE PRESERVE, GP 1128 SHELTER CONSTRUCTION; AUTHORIZE TO REC LWCF FUNDS (TRAC) IN AMT OF \$39,200.00 FOR THIS PROJ THRU ODNR TO HELP FUND THIS PROJ; MAKE \$55,000.00 APPROP TRANSFER; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY PROPER DEPT AUTHORITY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
277. TREASURER SCHIRACK: RPT OF DEPOSITS AND PAY INS FOR AMBULANCE LOCK BOX ACCT FOR JUNE 2012. - RECEIVED & FILED
278. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR JUNE 2012. - RECEIVED & FILED
279. TREASURER SCHIRACK: RPT OF BANK RECONCILIATIONS AND CITY'S OUTSTANDING INVESTMENTS AS OF 6/29/12. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. REPEALING THE INITIATED ORDINANCE ADOPTED BY THE ELECTORS OF CITY IN 1920 ESTABLISHING THE BOARD OF PARK COMMISSIONERS & DISSOLVING SAID BOARD; REPEALING SECTION 539.15, PARK POLICE, OF CHAPTER 530, PARKS & PLAYGROUNDS, OF CODIFIED ORDINANCES
Referred to Finance Committee
- 1ST RDG 2. AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO JOB CREATION TAX INCENTIVE AGMT W/CASE FARMS PROCESSING INC & CASE FARMS LLC; EMERGENCY
Referred to Community & Economic Development Committee
- 1ST RDG 3. ADOPTING CITY'S ALTERNATIVE TAX BUDGET FOR FISCAL YR ENDING 12/31/13; EMERGENCY
Referred to Finance Committee
- 1ST RDG 4. AUTHORIZE SERV DIR TO PURCHASE 14 EASEMENTS IN CONJUNCTION W/HARTVILLE/LAKE TOWNSHIP WATER MAIN EXTENSION PROJ; EMERGENCY
Referred to Environmental & Public Utilities Committee
- 1ST RDG 5. AUTHORIZE SERV DIR TO ENTER INTO AGMT W/ONE COMMUNITY TO CONSTRUCT FIBER OPTIC COMMUNICATION LINES WITHIN CITY; EMERGENCY
Referred to Finance Committee
- 1ST RDG 6. AUTHORIZE MAYOR &/OR SERV DIR TO EXECUTE FINAL CHANGE ORDER (#2) FOR 2011 CITY PAVING CONTRACT NO. 2011-50 GP 1162 W/CENTRAL ALLIED ENTERPRISES IN AMT OF \$15,000.00; AUTHORIZE AUDITOR TO PAY \$15,000.00 TO CENTRAL ALLIED ENTERPRISES; EMERGENCY
Referred to Finance Committee
- 1ST RDG 7. AUTHORIZE SERV DIR TO ENTER INTO CONSULTANT CONTRACT W/GLAUS, PYLE, SCHOMER, BURNS & DEHAVEN INC FOR ENGINEERING SVCS RELATED TO MAHONING RD CORRIDOR (MAPLE TO GRACE) GP 1103; APPLY FOR & REC GRANTS PERTAINING TO PROJ; AUTHORIZE AUDITOR TO ESTABLISH 4566 MAHONING RD CORRIDOR PROJ GP 1103 FUND; AMEND APPROP O#220/2011; EMERGENCY
Referred to Public Property Capital Improvement Committee

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING CONTINUED:

- 1ST RDG 8. AUTHORIZE SERV DIR TO EXECUTE STORM SEWER EASEMENT AGMT W/DEVILLE DEVELOPMENTS TO REALIGN AN EXISTING STORM SEWER OWNED BY CITY; EMERGENCY
Referred to Environmental & Public Utilities Committee

ORDINANCE & FORMAL RESOLUTIONS FOR SECOND READING:**(SUSPENDED RULE 22A TO ADD O#9 - O#20)**

- 2ND RDG 9. AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS AND ENTER INTO A LEASE AGMT(S) FOR MINERAL RIGHTS ON SELECTED CITY OWNED PROPERTIES (FIN)
- 2ND RDG 10. AMEND SECTION 181.14, ALLOCATION OF FUNDS, OF CODIFIED ORDINANCES (STREET LIGHT UTILITY PAYMENTS) (FIN)
- 2ND RDG 11. AMEND SECTION 181.05, RETURN AND PAYMENT OF TAX; REFUND, AND SECTION 181.15, CREDIT FOR TAX PAID TO OTHER MUNICIPALITY AND JOINT ECONOMIC DEVELOPMENT DISTRICT, OF CODIFIED ORDINANCES (FIN)
- 2ND RDG 12. APPROVAL & ACCEPT THE REPLATTING OF LOTS 22, 23 AND 24; EMERGENCY (MARKET SQUARE @ 300 N MARKET FOR CITY OF CANTON) (PS&T)
- 2ND RDG 13. APPROVAL & ACCEPT THE REPLATTING OF LOT 42554; EMERGENCY (34TH AND MORRIS NE FOR DON MOORE) (PS&T)
- 2ND RDG 14. AMEND O#55/77, AS AMENDED, KNOWN AS CITY OF CANTON ZONING ORDINANCE; EMERGENCY (PARCELS 306138, 305896, 10002406 AND 305898 FOR CENTRAL ALLIED ON HARMONT NE)
(JUD) PUB HRG 7/30/12 @ 7:30 P.M.
- 2ND RDG 15. AUTHORIZE CANTON TO ANNEX THE TERRITORY KNOWN AS THE BROAD AVENUE ANNEXATION AREA CONTAINING APPROX .179 ACRES; ASSIGNING SAID TERRITORY TO WARD 1 AND ZONING AS R-1A (SINGLE FAMILY RESIDENTIAL); EMERGENCY (1315 BROAD AVE NW) (ANNEX)
PUB HRG 7/30/12 @ 7:31 P.M.

RETAINED**IN CMTE**

16. AUTHORIZE SERV DIR TO ENTER INTO 1 YR SUPPORT CONTRACT WITH THE JAMES GROUP IN AMT NOT TO EXCEED \$38,139.20 FOR ONGOING SUPPORT & MAINTENANCE OF CITY'S ORACLE SOFTWARE LICENSES PURSUANT TO O.R.C. SECTION 125.04; EMERGENCY (FIN)
- 2ND RDG 17. AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT IN AMT NOT TO EXCEED \$200,000.00 FOR EVALUATION OF LARGE & CRITICAL WATER VALVES AS PART OF THE WATER DEPT'S VALVE MAINTENANCE PROG & GEOGRAPHICAL INFORMATION SYSTEM (GIS) MAPPING PROG; AMEND APPROP O#220/2011; EMERGENCY (PPCI)
- 2ND RDG 18. AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD & ENTER INTO A CONSTRUCTION CONTRACT FOR CONSTRUCTION OF 38TH ST NW & GUILFORD AVE INTERSECTION IMPROVEMENT PROJ, GP 1175; AMEND APPROP O#220/2011; EMERGENCY (\$70,000.00) (PPCI)
- 2ND RDG 19. AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD & ENTER INTO A CONSTRUCTION CONTRACT FOR CONSTRUCTION OF 16TH STREET NW ROADWAY PROJ, GP 1176; AMEND APPROP O#220/2011; EMERGENCY (\$225, 000.00) (PPCI)
- 2ND RDG 20. AUTHORIZE & CONSENT TO RESURFACING OF HARRISON AVENUE (CR254) FROM SLM 9.41 TO SLM 9.57 WITHIN CITY OF CANTON; EMERGENCY (PS&T)

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

- 99/2012 21. AMEND APPROP O#220/2011, AS AMENDED, BY MAKING \$7,917.47 INTERFUND TRANSFER FROM UNAPPROP BAL OF 5216 207001 NORWOOD HILLS FUND TO UNAPPROP BAL OF 5201 207001 WATER FUND; EMERGENCY

POSTPONED TO

- 7/30/12 22. AUTHORIZE LAW DIR TO ENTER INTO CONTRACT W/N & T RAILROAD, REPUBLIC STEEL IN AMT OF \$1,672.00 TO PROVIDE PROSECUTORIAL SVCS RETRO TO 5/1/12 EFFECTIVE THROUGH 12/31/12; EMERGENCY

- 100/2012 23. DECLARE IMPROVEMENT OF CERTAIN REAL PROP LOCATED IN CITY OF CANTON TO BE A PUBLIC PURPOSE; DECLARE A PORTION OF SUCH PROP TO BE EXEMPT FROM REAL PROP TAXATION; COMPENSATE THE SCHOOL DISTRICT FOR REVENUE NOT REALIZED; DESIGNATE INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT WILL BENEFIT SUCH PROP; REQUIRE ANNUAL SERV PYMTS IN LIEU OF TAXES; ESTABLISH A MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND; EMERGENCY (WEST TUSC FROM WHIPPLE TO 3RD ST)

- 101/2012 24. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO A COOP DEVELOPMENT AGMT WITH D'AMICO SENIOR HEALTH CARE FOR DEVELOPMENT OF 3332 - 13TH ST NW; EMERGENCY

- 102/2012 25. ADOPT DEPARTMENT OF DEVELOPMENT'S CITIZEN PARTICIPATION PLAN; EMERGENCY

- 103/2012 26. AUTHORIZE SERV DIR TO ENTER INTO CONTRACT WITH GERMAIN FORD FOR PURCHASE OF ONE 2012 OR 2013 FORD F-250, WITH APPLICABLE OPTIONS AND TWO 2012 OR 2013 FORD F-450 CAB AND CHASSIS, WITH APPLICABLE OPTIONS, IN AMT NOT TO EXCEED \$100,000.00 PURSUANT TO O.R.C. SECTION 125.04; EMERGENCY (COLLECTIONS SYSTEMS)

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

- 104/2012** 27. AUTHORIZE SERV DIR TO ENTER INTO A CONTRACT AMENDMENT WITH M-E COMPANIES FOR ADDITIONAL AMT NOT TO EXCEED \$35,900.00 FOR ENGINEERING SERV DURING BIDDING & OVERSIGHT SERV DURING CONSTRUCTION OF PHASE II OF WATER MAIN EXTENSION INTO THE VILLAGE OF HARTVILLE; EMERGENCY

ANNOUNCEMENT OF COMMITTEE MEETINGS:**MONDAY, JULY 30, 2012 in Council Caucus Room at 6:00 P.M.**

- 1) Finance Committee
- 2) Environmental & Public Utilities Committee
- 3) Public Property Capital Improvement Committee
- 4) Community & Economic Development Committee

MISCELLANEOUS BUSINESS: Member Fisher re: Updated Council to the fact that Officer Tim Marks is back on the job; Member West re: Thanked Members Mariol and Cirelli for their participation in speaking to the Re-Entry Bridge Network group. Thanked the Council Staff for their hard work with the contest for naming Market Square. Also relayed that over 160 people participated in the Walk of Fame; Member Cirelli re: Asked why the water/sewer bills go together when the water that is used doesn't always go down the sewer; Director Price re: Advised that he will look into that; Member Hawk re: Thanked everyone for their cooperation and support with the 4th of July event in the park; Mayor Healy re: Congratulated Member Hawk and everyone that was involved in the Concert in the Park. Addressed Pete DiGiacomo's comments regarding the speeding tickets. Lastly, thanked the people who spoke in Public Speaks regarding mineral rights and advised them of the presentation that took place in Committee.

ADJOURNMENT: 9:58 PM _____

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