

**FINAL
AGENDA
7:30 PM**

CANTON CITY COUNCIL

JULY 30, 2012

ROLL CALL: All Members Present

MOTION TO EXCUSE MEMBERS: Not Necessary

INVOCATION: Frank Morris, Ward 9 Council Member

PLEDGE OF ALLEGIANCE: President Allen Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 1st Rdg O#10; O#10 Adopted on 1st Rdg; add 2nd Rdg O#11 - O#19; O#22 Adopted as Amended; O#21 and O#26 Withdrawn)

PUBLIC HEARINGS:

7:30 P.M. AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY; (EAST SIDE OF HARMONT AVE NE FROM PI-1 (LIGHT INDUSTRIAL) TO PI-2 (HEAVY INDUSTRIAL) FOR CENTRAL ALLIED ET. AL.- PLANNING COMMISSION RECOMMENDED APPROVAL OF SAME - IN WARD 6) (6 SPEAKERS)**WITHDRAWN**

7:31 P.M. AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE BROAD AVENUE ANNEXATION AREA CONTAINING APPROXIMATELY 0.179 ACRES; ASSIGNING SAID TERRITORY TO WARD 1 OF THE CITY; ZONING SAID TERRITORY TO WARD 1 OF THE CITY; ZONING SAID TERRITORY AS R-1A (SINGLE FAMILY RESIDENTIAL); AND DECLARING THE SAME TO BE AN EMERGENCY; PLANNING COMMISSION RECOMMENDED APPROVAL OF SAME - IN WARD 1) **O#111/2012**

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

PUBLIC SPEAKS (CITY BUSINESS): James Parker brought article from Wall Street Journal regarding truck traffic from fracking. He feels that an Ordinance should be created to have drillers take out a bond to maintain roads. Andy Black says that the Canton Board of Park Commissioners decided unanimously that the Commission should not be dissolved and that the parks would suffer. The citizens of Canton created that Board by a 3 to 1 margin to care for the parks for future generations. Dick Drake feels that it is a bad idea to disband the Park Commission and that the parks are one of the city's greatest assets. Norma Mills urging Canton to pass the Ordinance regarding the foreclosure and vacant properties in the city because these can become havens for wrong doings. Jonathan Marrero discussed the property values dropping because the banks have no risk in the foreclosure process and asked all Members of Council to please pass this Ordinance when it comes up for vote. Pat Kirk says the Downtown Central Neighborhood Association built the retaining walls in the Kresge lot giving free labor to the city and she feels that Council is not listening to the people who live and work around this green space by rezoning the area. Genaeya Ellis-Byrom spoke on behalf of the Kresge lot and read comments from a survey taken. Leroy Lynch is worried about the water around his home becoming contaminated from fracking. Elizabeth Marrero says being anti-fracking does not mean anti-jobs. She is for jobs and tells the Mayor that should would much rather have Canton known as the solar capital instead of the Utica capital. Doyle Waker asking Council not to merge the Park Department with the Public Works Department. He feels that in the time it takes this to be reconfigured, people will get amnesia. George Snow has a blighted house in his area that Code enforcement feels could be rehabilitated but he feels city should take it down because it is full of mice. Suzanne Garver wants to strike a cord with everyone to change the minds about hydrofracking. This entire practice causes harm. Will you really sell our priceless resources to the driller. Darla Bruno wonders why the meeting was starting with the Pledge of Allegiance because there is no liberty or justice for the people if the government can't say no to fracking. Lynn McSheeney feels that fracking puts the whole community in danger. She asks Council if they will let down all of the people that voted them into office knowing all the times that fracking has failed. Casey Fay spoke about her brother, the geologist and how when the shale is disturbed, sink holes can be created allowing cracks to taint the water system underground and harming the wildlife, the agriculture and the children. This is not a solution to the city's bleakness. Tara Nelson asked the Mayor to please retract the statement of Canton being the Utica capital and asked that we get back the Hall of Fame city. Renee Bogue states that Nationwide Insurance has sent internal memos saying that they will not cover claims from problems caused by gas and oil drilling. The job projections from these projects do not include the jobs lost from tourism, agriculture, etc. Colleen Unroe says that everyone in the country is trying to figure out about the job situation and fracking is not the answer. C. David Morgan talks about the citizens expectations of how Council will protect them even from companies coming to town to drill. He feels that the people have elected Council and the administration to be the legislators and speak on behalf of the people so, they should be the ones approaching the State Assembly to make them accountable for the damage being done by drilling. Kristine Vaughan asks for support and yes votes on the foreclosure Ordinances to make banks accountable. She feels that some of the vacant lots in the city should become community gardens because this unites people and provides healthy foods for some that may not otherwise get it. There is an abundance of grants available for these projects.

INFORMAL RESOLUTIONS: None

COMMUNICATIONS:

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| 280. | COMM DEV DIRECTOR MILLER: | ESTABLISH FAIR REUSE VALUE OF PARCEL OF REAL PROP & AUTHORIZE DISPOSITION OF SAID PROP LOCATED ON 4 TH ST NE FOR FREDERICK L JR & HILDA BERNICE POORE (PARCEL #02-00349, LOT #26974). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE |
| 281. | COMM DEV DIRECTOR MILLER: | ESTABLISH FAIR REUSE VALUE OF PARCEL OF REAL PROP & AUTHORIZE DISPOSITION OF SAID PROP LOCATED ON 3 RD ST NE FOR PERRY & MARTHA A MILES (PARCEL #02-00913, LOT #1091). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE |
| 282. | COMM DEV DIRECTOR MILLER: | ESTABLISH FAIR REUSE VALUE OF PARCEL OF REAL PROP & AUTHORIZE DISPOSITION OF SAID PROP LOCATED ON WELLS AVE NW FOR JACK & PAULA J MCCOURY (PARCEL #02-24170, LOT #3009). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE |
| 283. | COMM DEV DIRECTOR MILLER: | ESTABLISH FAIR REUSE VALUE OF PARCEL OF REAL PROP & AUTHORIZE DISPOSITION OF SAID PROP LOCATED ON RAYNOLDS PL SW FOR KATHRYN VANDEBOGART (PARCEL #02-12182, PT LOT #641). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE |

COMMUNICATIONS CONTINUED:

284. COMM DEV DIRECTOR MILLER: AUTHORIZE MAYOR AND/OR SERV DIR TO ESTABLISH HOUSING REHAB PROG UTILIZING HOME PROG FUNDS IN AMT NOT TO EXCEED \$360,000.00 (INCREASE FROM PREVIOUSLY APPRVD \$240,000.00); PERMIT CONTRACTS TO BE AWARDED TO LOW AND MODERATE INCOME APPLICANTS THAT MEET HOME REQUIREMENTS; MAXIMUM GRANT OF \$40,000.00 TO EACH HOMEOWNER, 9 HOMES IN PROJECT. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
285. COMM DEV DIRECTOR MILLER: AUTHORIZE MAYOR AND/OR SERV DIR TO INCREASE AMT OF CONTRACT WITH HABITAT FOR HUMANITY FROM \$480,000.00 TO \$500,000.00 FOR CONSTRUCTION OF 7 HOMES FOR LOW TO MODERATE INCOME FAMILIES. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
286. COMM DEV DIRECTOR MILLER: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT WITH AREA AGENCY ON AGING IN AMT NOT TO EXCEED \$30,000.00 TO PURCHASE FARMER'S MARKET FOOD VOUCHERS FOR LOW TO MODERATE INCOME CANTON SENIORS. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
287. LIQUOR CONTROL DIVISION (OHIO): REQ TRANSFER OF D5 PERMIT FROM TUSCORA REALTY CO LLC & BSMT & ROOF TOP PATIO TO TUSCORA REALTY CO LLC @ 520 CLEVELAND AVE NW. - RECEIVED & FILED
288. LIQUOR CONTROL DIVISION (OHIO): REQ TRANSFER OF D2 D2X AND D3 PERMIT FROM KD CLUB MGMT INC DBA THE SPOT TO DG HOLDING & MANAGEMENT CO INC DBA THE SPOT @ 2600 8TH ST NE & PATIO. - RECEIVED & FILED
289. SAFETY DIRECTOR REAM: AUTHORIZE SAFE DIR TO RECEIVE & APPROP EMS GRANT FUNDS IN AMT OF \$2,500.00. - FINANCE COMMITTEE
290. SERVICE DIRECTOR PRICE: AUTHORIZE SERV DIR TO ACT ON BEHALF OF THE CITY FOR NECESSARY PURCHASE ORDERS ASSOCIATED WITH ALL ASPECTS OF IMPROVEMENTS AT BUP REARICK PARK NOT TO EXCEED \$20,000.00 PER VENDOR. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
291. SERVICE DIRECTOR PRICE: RATIFY CONTRACT OF AFSCME LOCAL 2937 WITH CITY OF CANTON EFFECTIVE 1/1/12 THROUGH 12/31/13. - FINANCE AND PERSONNEL COMMITTEES
292. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS AS OF 6/30/12. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. AMEND PART THIRTEEN - BUILDING CODE OF CODIFIED ORDINANCES OF THE CITY OF CANTON BY THE ADDITION OF CHAPTER 1353; FORECLOSED PROP & BLDGS
Referred to Judiciary Committee
- 1ST RDG 2. AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT WITH YOUNG MEN'S CHRISTIAN ASSOCIATION (YMCA) FOR AMT NOT TO EXCEED \$50,000.00 FOR OVERALL MGMT & SUPERVISION OF FACILITY AND PROGRAMMING AT EDWARD "PEEL" COLEMAN CENTER; EMERGENCY
Referred to Finance Committee
- 1ST RDG 3. AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO JOB CREATION TAX INCENTIVE AND NET PROFITS INCENTIVE AGMTS WITH GENERAL ELECTRIC OIL & GAS COMPANY; EMERGENCY
Referred to Community & Economic Development Committee
- 1ST RDG 4. AMEND APPROP O#220/2011; EMERGENCY (\$65,000.00 - POLICE ADMIN)
Referred to Finance Committee
- 1ST RDG 5. AMEND PART THIRTEEN - BUILDING CODE OF CODIFIED ORDINANCES
Referred to Judiciary Committee
- 1ST RDG 6. AUTHORIZE SERV DIR TO ENTER INTO \$130,000.00 CONTRACT MODIFICATION #1 WITH ARCADIS US, INC FOR NEXT PHASE OF SEWER MAPPING & MODELING PROJ, GP 1130; AMEND APPROP O#220/2011; EMERGENCY
Referred to Public Property Capital Improvement Committee
- 1ST RDG 7. AUTHORIZE MAYOR AND/OR SERV DIR TO APPLY FOR, ENTER INTO AGMT & ACCEPT FUNDS FOR 2013 PROG YEAR FROM OHIO PUBLIC WORKS COMMISSION; EMERGENCY
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING CONTINUED:

- 1ST RDG 8. AUTHORIZE MAYOR AND/OR SERV DIR TO EXECUTE CHANGE ORDER #2 WITH ABBOTT ELECTRIC, INC IN AMT NOT TO EXCEED \$37,402.83 FOR LIGHTING RETROFIT CONTRACT, GP 1134; AMEND APPROP O#220/2011; AUTHORIZE MAYOR AND/OR SERV DIR TO APPLY FOR & TAKE RECEIPT OF AEP ENERGY EFFICIENCY GRANTS; EMERGENCY
Referred to Finance Committee
- 1ST RDG 9. AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD & EXECUTE A CONSTRUCTION CONTRACT FOR THE CONSTRUCTION OF PICNIC SHELTER AS PART OF THE FAIRHOPE NATURE PRESERVE, GP 1128; REC LWCF FUNDS (TRAC) IN AMT OF \$39,200.00 FOR PROJ; AMEND APPROP O#220/2011; AUTHORIZE CITY ENGINEER TO GENERAL CONTRACT THE DEVELOPMENT OF TRAILS, PARKING AREAS & PARK FACILITIES; EMERGENCY
Referred to Public Property Capital Improvement Committee

(COUNCIL RECESSED AT 8:47 P.M. FOR THE FINANCE AND PERSONNEL COMMITTEES TO DISCUSS ORDINANCE #10; RECONVENED AT 9:23 P.M.)

- 105/2012 10. APPROVE TWO-YEAR COLLECTIVE BARGAINING AGMT BETWEEN THE CITY OF CANTON AND AFSCME LOCAL 2937/OHIO COUNCIL 8; EMERGENCY
Referred to Finance and Personnel Committees

ORDINANCE & FORMAL RESOLUTIONS FOR SECOND READING:

(SUSPENDED RULE 22A TO ADD O#11 - O#19)

- 2ND RDG 11. **RETAINED IN CMTE FR: 7/16/12** 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 12. 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 (FIN)
- 2ND RDG 13. AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO JOB CREATION TAX INCENTIVE AGMT W/CASE FARMS PROCESSING INC & CASE FARMS LLC; EMERGENCY (C&ED)
- 2ND RDG 14. ADOPTING CITY'S ALTERNATIVE TAX BUDGET FOR FISCAL YR ENDING 12/31/13; EMERGENCY(FIN)
- 2ND RDG 15. AUTHORIZE SERV DIR TO PURCHASE 14 EASEMENTS IN CONJUNCTION W/HARTVILLE/LAKE TOWNSHIP WATER MAIN EXTENSION PROJ; EMERGENCY (E&PU)
- 2ND RDG 16. AUTHORIZE SERV DIR TO ENTER INTO AGMT W/ONE COMMUNITY TO CONSTRUCT FIBER OPTIC COMMUNICATION LINES WITHIN CITY; EMERGENCY (FIN)
- 2ND RDG 17. 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 (FIN)
- 2ND RDG 18. 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 (PPCI)
- 2ND RDG 19. AUTHORIZE SERV DIR TO EXECUTE STORM SEWER EASEMENT AGMT W/DEVILLE DEVELOPMENTS TO REALIGN AN EXISTING STORM SEWER OWNED BY CITY; EMERGENCY(E&PU)

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

- 106/2012 20. **POSTPONED FR: 6/18/12 AND 7/16/12** 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

- WITH**
DRAWN 21. AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS AND ENTER INTO A LEASE AGMT(S) FOR MINERAL RIGHTS ON SELECTED CITY OWNED PROPERTIES

- AS AMENDED**
107/2012 22. AMEND SECTION 181.14, ALLOCATION OF FUNDS, OF CODIFIED ORDINANCES (STREET LIGHT UTILITY PAYMENTS)

- 108/2012 23. 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

- 109/2012 24. APPROVAL & ACCEPT THE REPLATTING OF LOTS 22, 23 AND 24; EMERGENCY (MARKET SQUARE @ 300 N MARKET FOR CITY OF CANTON)

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

110/2012 25. APPROVAL & ACCEPT THE REPLATTING OF LOT 42554; EMERGENCY (34TH AND MORRIS NE FOR DON MOORE)

WITH

DRAWN 26. 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)
PUB HRG 7/30/12 @ 7:30 P.M.

111/2012 27. 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)
PUB HRG 7/30/12 @ 7:31 P.M.

112/2012 28. 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

113/2012 29. 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)

114/2012 30. 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)

115/2012 31. AUTHORIZE & CONSENT TO RESURFACING OF HARRISON AVENUE (CR254) FROM SLM 9.41 TO SLM 9.57 WITHIN THE CITY OF CANTON; EMERGENCY

ANNOUNCEMENT OF COMMITTEE MEETINGS:**MONDAY, AUGUST 13, 2012 in Council Caucus Room at 6:30 P.M.**

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

MISCELLANEOUS BUSINESS: Member Hawk thanking all for the condolences received during his recent loss. Law Director Martuccio telling the Service Director that if he would like to bring Reese's for all to the next meeting, he would reimburse him. Safety Director Ream stating that all city services are prepared for the upcoming Hall of Fame events.

ADJOURNMENT: 10:08 P.M. _____

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, AUGUST 13, 2012 @ 7:30 PM