

**FINAL**  
**A G E N D A**  
7:30 PM

CANTON CITY COUNCIL

APRIL 8, 2013

**ROLL CALL:** Twelve Council Members Present

**MOTION TO EXCUSE MEMBERS:** Not Necessary

**INVOCATION:** Joe Cole, Council-at-Large

**PLEDGE OF ALLEGIANCE:** President Allen Schulman

**AGENDA CORRECTIONS & CHANGES:** (Suspended Rule 22A to add 2<sup>ND</sup> Rdg O#6 - O#8; C#163 Withdrawn; O#9 Adopted as Amended)

**PUBLIC HEARINGS:** None

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

**PUBLIC SPEAKS (CITY BUSINESS):** Rod Pisani re: Explained the after school & out of school alternatives for Summit Neighborhood youth; Bret Moore re: Relayed that he talked to Representative Schuring and was told that the funding from casinos has not yet been earmarked; Brandon Moore re: Talked about the safety in the Vassar Park Neighborhood Association area; Kenneth King re: Feels that drugs have to stop coming into neighborhoods in order to control crime. Also would like to see D.A.R.E. program come back; David Morgan re: Spoke about the Neighborhood Associations; Sklyark Bruce re: Explained that she volunteers for Canton Sunday Picnics that take place every Sunday at Market Square and expressed their need for an indoor facility to have the picnics; Leroy Lynch re: Discussed the settlement meeting that he attended last week; Connie Collings re: Relayed that she recently opened a business in the City and gave kudos to the several City departments that assisted her; James Parker re: Relayed that he would like to abolish Ordinance 785 to Ordinance 785.99; Patricia Howard re: Introduced Neighborhood Associations; Lee Cote re: Relayed that he opposed Ordinance #9; Jack Hawk re: Encouraged the City to find a way for people with handicaps to take the Civil Service test; Issa Salti re: Discussed his dismay with Member Hawk for objecting to his liquor license; Christopher Leach re: Concerned about bonfires and asked if they are legal; Law Director Martuccio re: Advised that there are restrictions on bonfires and that he should call the Fire Department if he has problems with bonfires; Richard Manson re: Spoke about blighted areas in the City.

**INFORMAL RESOLUTIONS:**

- |     |                      |  |
|-----|----------------------|--|
| 23. | PERSONNEL COMMITTEE: | REQ CONFIRMATION OF APPT OF KELLI SCOTT TO CANTON RECREATION BOARD FROM 4/25/13 TO 12/31/15. - ADOPTED |
| 24. | COUNCIL AS A WHOLE:  | CONGRATULATING DAVIES DRUGS FOR THEIR 50 <sup>TH</sup> ANNIVERSARY. - ADOPTED                          |

**COMMUNICATIONS:**

- |      |  |  |
|------|--|--|
| 148. | APPLICANT, LRC-A-TUSC PROPERTIES, LLC: | REQ ZONE CHANGE @ SW CORNER OF DRYDEN AVE & GROVE PL SW FROM R-1a TO B-3 TO ADD A CVS/PHARMACY STORE. - PLANNING COMMISSION  |
| 149. | APPLICANT, LUBOV, INC:                 | REQ ZONE CHANGE @ 127/129 HARRISON AVE SW FROM R-1a TO B-3 TO ADD A CVS/PHARMACY STORE. - PLANNING COMMISSION  |
| 150. | APPLICANTS, RICHARD & SHARON MEDLA:    | REQ ZONE CHANGE @ 133 HARRISON AVE SW FROM R-1a TO B-3 TO ADD A CVS/PHARMACY STORE. - PLANNING COMMISSION  |
| 151. | APPLICANT, JOHN M. WOJTILA:            | REQ VACATION OF PORTION OF DRYDEN AVE SW (FROM W TUSC AVE DOWN ITS MOST SOUTHERN INTERSECTION W/GROVE PLACE) ALSO GROVE PL FROM DRYDEN AVE TO HARRISON AVE SW. - PLANNING COMMISSION   |
| 152. | AUDITOR MALLONN:                       | MONTHLY RPT BY FUND FROM 3/1/13 - 3/28/13. - RECEIVED & FILED  |
| 153. | AUDITOR MALLONN:                       | YEARLY RPT BY FUND FROM 1/1/13 - 3/28/13. - RECEIVED & FILED   |
| 154. | COMPLIANCE DIRECTOR PERRY:             | REQ TO ACCEPT \$1,500.00 GRANT RECEIVED BY THE WAL-MART FOUNDATION IN SUPPORT OF THE FAIR HOUSING MONTH'S ACTIVITIES TO PROVIDE GIFTS & PRIZES FOR WINNERS OF THE ESSAY CONTEST & COLORING CONTEST, DOOR PRIZES & FOOD FOR EVENTS. - FINANCE COMMITTEE   |
| 155. | COURT ADMINISTRATOR KOCHERA:           | REQ LAW DIR TO PREPARE LEGISLATION FOR SERV DIR TO ENTER INTO PROF SVCS AGMT IN AMT NOT TO EXCEED \$25,000.00 ON BEHALF OF CANTON MUNI COURT W/ZENITH SYSTEMS LLC AS A CONSULTANT TO DESIGN, PLAN, DEVELOP & PROVIDE PROJ SPECS & DRAWINGS, DEVELOP BID SPECS, PROVIDE ON-SITE ENGINEERING & RELATED RESPONSIBILITIES TO PROVIDE UPGRADE TO THE COURTROOMS W/ADA COMPLAINT ASSISTIVE HEARING DEVICES & EVIDENCE PRESENTATION SYSTEM. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE |
| 156. | DEPT OF COMMERCE:                      | INFORMING THAT CITY HAS WITHDRAWN ITS OBJECTION TO RENEWAL OF CLASS D-5 LIQ PERMIT FOR JOHN L. JONES @ 704 4 <sup>TH</sup> ST SW. - RECEIVED & FILED   |

**COMMUNICATIONS CONTINUED:**

157. DEVELOPMENT DIRECTOR WILLIAMS: REQ AUTHORIZATION FOR MAYOR OR SERV DIR TO ENTER INTO AGMT W/NEW DAWN DEVELOPMENT HERSHBERGER FAMILY LLC TO PROVIDE 10 YR, 75% PROP TAX ABATEMENT OF 79 UNIT HOTEL @ I-77 FAIRCREST EXIT. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
158. DEVELOPMENT DIRECTOR WILLIAMS: REQ AUTHORIZATION FOR MAYOR OR SERV DIR TO ENTER INTO AGMT W/CPX SOUTH CANTON LLC TO PROVIDE 10 YR, 75% PROP TAX ABATEMENT FOR CONSTRUCTION OF 85 UNIT HOTEL @ I-77 FAIRCREST EXIT. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
159. LIQUOR CONTROL DIVISION (OHIO): REQ NEW D1 D3 LIQ PERMIT FOR MKING LLC DBA SHERIS AT SHEARS @ 427 TUSCARAWAS E. - RECEIVED & FILED
160. MAYOR HEALY: REQ CONFIRMATION OF APPT OF BERNADINE SNELL (JENKINS) TO CANTON CITY HEALTH BD FROM 4/1/13 - 3/31/18. - PERSONNEL COMMITTEE
161. SERVICE DIRECTOR PRICE: REQ TO ENTER INTO 3 YR AGMT W/DELL/MCPC FOR THE KACE 1100 MANAGEMENT APPLIANCE IN AMT NOT TO EXCEED \$36,100.00. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
162. SERVICE DIRECTOR PRICE: REQ TO ENTER INTO 5 YR CONTRACT W/AT&T FOR UPGRADE OF CITY'S WIDE AREA NETWORK IN AMT NOT TO EXCEED \$100,000.00. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
163. SERVICE DIRECTOR PRICE: REQ \$50,000.00 SUPP APPROP FROM SARTA AREA IMPROVEMENT FUND - 2450 TO PARK ADMINISTRATION - 2450 401001 - OTHER FOR CONSTRUCTION OF TRAIL & PLAYGROUND EQUIPMENT IN CRENSHAW PARK & ADJACENT PROPERTIES; AUTHORIZE MAYOR &/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD & EXECUTE A CONSTRUCTION CONTRACT FOR CONSTRUCTION OF PLAYGROUND; AUTHORIZE CANTON PARK SYSTEM TO GENERAL CONTRACT REMAINING DEVELOPMENTS OF THIS PARK FACILITY THRU USE OF CITY FORCES &/OR LOCAL CONTRACTORS & SUPPLIES. - **WITHDRAWN**
164. TREASURER SCHIRACK: RPT OF DEPOSITS AND PAY INS TO AMBULANCE LOCK BOX FOR MARCH 2013. - RECEIVED & FILED
165. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR MARCH 2013. - RECEIVED & FILED
166. TREASURER SCHIRACK: RPT OF BANK RECONCILIATIONS AND CITY'S OUTSTANDING INVESTMENTS AS OF 3/29/13. - RECEIVED & FILED
167. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS AS OF 3/31/13. - RECEIVED & FILED

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

- 1<sup>ST</sup> RDG 1. AUTHORIZE EDITING & INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODES OF THE CODIFIED ORDINANCES OF CANTON OH; EMERGENCY  
Referred to Judiciary Committee
- 1<sup>ST</sup> RDG 2. AUTHORIZE LAW DIR TO DISTRIBUTE FREE OF CHARGE TO PUBLIC OFFICIALS & PUBLIC INSTITUTIONS COPIES OF 2013 SUPPLEMENTAL TO CANTON CODIFIED ORDINANCES; TO AFFIX PRICE FOR THE SALE OF SAME; EMERGENCY  
Referred to Judiciary Committee
- 1<sup>ST</sup> RDG 3. AUTHORIZE SERV DIR TO ENTER INTO PROF SVCS CONTRACT IN AMT NOT TO EXCEED \$95,000.00 W/CTI ENGINEERS INC TO PREPARE PLANS & SPECS FOR REPLACEMENT OF FAILING WATER MAINS ON WESTMORELAND AVE NW & VICINITY; AMEND APPROP O#209/2012; EMERGENCY  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 4. AUTHORIZE SERV DIR TO AMEND EXISTING JACKSON-CANTON JOINT ECONOMIC DEV DISTRICT CONTRACT; EMERGENCY  
Referred to Judiciary Committee
- 1<sup>ST</sup> RDG 5. AMEND APPROP O#209/2012; AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO GRANT AGMT W/CCIC IN AMT NOT TO EXCEED \$175,000.00 FOR PURPOSE OF FUNDING CANTON REGIONAL CHAMBER OF COMMERCE ACTIVITIES; EMERGENCY  
Referred to Public Property Capital Improvement Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**  
**(SUSPENDED RULE 22A TO ADD O#6 - O#8)**

- 2<sup>ND</sup> RDG 6. TEMPORARILY SUSPENDING THE 3% CAP FOR THE FINANCE DIRECTOR'S POSITION (PER & FIN)
- 2<sup>ND</sup> RDG 7. AUTHORIZE A STIPEND, IN AMT NOT TO EXCEED \$12,000.00 PER YEAR, TO ANY INDIVIDUAL SERVING SIMULTANEOUSLY AS DIRECTOR OF PUBLIC SAFETY AND DIRECTOR OF PUBLIC SERVICE; EMERGENCY (FIN)
- 2<sup>ND</sup> RDG 8. AUTHORIZE SERV DIR TO ENTER INTO PROF SERV CONTRACT WITH BENNETT & WILLIAMS ENVIRONMENTAL CONSULTANTS, INC. IN AMT NOT TO EXCEED \$498,600.00 TO PERFORM A COMPREHENSIVE SOURCE WATER PROTECTION PROJ; AMEND APPROP O#209/2012; EMERGENCY (\$498,600.00 FROM UNAPPROP BAL OF 5201 WATER FUND TO 5201 207022 WATER FUND - OTHER) (FIN)

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

**AMENDED**

- 66/2013 9. AUTHORIZE WAGE INCREASE FOR MNGMT & NON-BARG UNIT PERSONNEL; AMEND EXHIBIT A TO O#100/2011, AS AMENDED, CLASSIFICATION PLAN & SALARIES FOR MNGMT & NON-BARG UNIT EMPLOYEES OF CITY OF CANTON; EMERGENCY
- 67/2013 10. AMEND SEC 707.02 LICENSE: FEE; DURATION; ISSUANCE & REVOCATION, OF CODIFIED ORDINANCES OF CITY
- 68/2013 11. AUTHORIZE AUDITOR TO PAY \$14,857.98 TO SUNPRO INC; EMERGENCY
- 69/2013 12. PROVIDE FOR ISSUANCE & SALE OF BOND ANTICIPATION NOTES IN AN AGGREGATE PRINCIPAL AMT NOT TO EXCEED \$1,500,000 FOR PURPOSE OF REFUNDING BOND ANTICIPATION NOTES PREVIOUSLY ISSUED FOR PURPOSE OF PROVIDING FUNDS TO PAY COURT APPROVED SETTLEMENT OF CLAIM AGAINST CITY; EMERGENCY (PIROLOZZI)
- 70/2013 13. AUTHORIZE SERV DIR IN CONJUNCTION W/THE WRF PHOSPHORUS/TOTAL NITROGEN REMOVAL & MISCELLANEOUS IMPROVEMENTS PROJ TO: FILE APPLICATION & ENTER INTO CONTRACT W/OHIO ENVIRONMENTAL PROTECTION AGENCY FOR LOW-INTEREST LOAN; ENTER INTO CONTRACT W/OVIVO USA LLC FOR PURCHASE OF MEMBRANE BIOREACTOR EQUIPMENT & ASSOCIATED COMPONENTS; ADVERTISE, REC BIDS & ENTER INTO CONSTRUCTION CONTRACT FOR PROJ; FILE APPLICATION & ENTER INTO CONTRACT W/OEPA FOR LOW-INTEREST LOAN TO FUND CONSTRUCTION PHASE OF PROJ; AMEND APPROP O#209/2012 BY MAKING \$28,500,000.00 SUPP APPROP FROM UNAPPROP BAL OF 5442 WRF PHOSPHORUS/NITROGEN PROJ FUND; EMERGENCY

**ANNOUNCEMENT OF COMMITTEE MEETINGS:**

**MONDAY, APRIL 15, 2013 in Council Caucus Room at 6:30 P.M.**

- 1) Finance Committee
- 2) Judiciary Committee
- 3) Public Property Capital Improvement Committee
- 4) Personnel Committee

**MISCELLANEOUS BUSINESS:** Member Hawk re: Expressed his dismay with the way the demolition process is going and requested that Angela Cavanaugh be present at the next Council Meeting to answer questions; Service Director Price re: Advised that he would have Ms. Cavanaugh present; Member West re: Asked for a moment of silence for Constance Brown who recently passed away. Also asked Law Director Martuccio if what Shirley Moore relayed to him, that the massage fees were only for people that do not have a State license, is true; Law Director Martuccio re: Relayed that he believes what she said to be correct. Also thanked Tina for her support and relayed that Mr. Killens received a letter from the President of the United States; Member Cirelli re: Asked the Service Director if the Safety Director discussed the LAD lights with him; Service Director Price re: Advised Member Cirelli that Director Ream did discuss the same with him and they will be meeting on the issue Tuesday; Member Cirelli re: Stated that she doesn't think texting should be permitted at Meetings; Member Hawk re: Addressed Mr. Salti's statements.

**ADJOURNMENT:** 9:19 PM

**THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, APRIL 15, 2013 @ 7:30 PM**