

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

CANTON CITY COUNCIL

APRIL 29, 2013

ROLL CALL: All Members Present

MOTION TO EXCUSE MEMBERS: Not Necessary

INVOCATION: Kevin Fisher, Ward 5 Council Member

PLEDGE OF ALLEGIANCE: President Allen Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 2nd Rdg O#7 - O#9; O#6 Retained in Committee; O#8 Adopted in 2nd Rdg; O#10 Postponed until 5/13/13 and O#15 Postponed until 6/24/13)

PUBLIC HEARINGS:

7:30 P.M. AN ORDINANCE VACATING THE UNIMPROVED PORTIONS OF MAXINE AVENUE N.E., MARTHA AVENUE N.E., FAIRMONT STREET N.E., GRIDLEY AVENUE N.E., AND REGENT AVENUE N.E.; APPROVING AND ACCEPTING THE REPLAT OF THE VACATED STREETS AND OUTLOTS 1313 - 1316, 28728 - 28737 AND 42892 - 42969; AND DECLARING THE SAME TO BE AN EMERGENCY; THE PLANNING COMMISSION HAS RECOMMENDED APPROVAL OF THE SAME IN WARD 6. **O#83/2013**

OLD BUSINESS (PUBLIC SPEAKS): None

PUBLIC SPEAKS (CITY BUSINESS): James Parker again discussed the Ordinance regarding the fees for massage therapists and the degree of misdemeanors. He also suggested we study the Chinese methods of business like they have studied ours. Dick Drake thanked Member Cirelli, Kevin Monroe and Doug Perry for providing letters of recommendation he needed to get his ISA Arborists certification. There have been so many accidents and deaths in the tree trimming industry that OSHA is now checking for licensing and safety factors at job sites. Pete DiGiacomo sometimes speaks critically of things within the city but tonight he wanted to thank the Street Department and the members of S.W.A.N. Neighborhood group. They came in like a herd of buffalo cleaning up, trimming trees, etc. They were everywhere doing everything and it looks great. Bruce Nordman says Group 175 has been getting support from many people. He thanked Members Cirelli, Fisher and Morris for voting against money for the Chamber of Commerce because this was 13% of the money needed for the police officers they want hired. He wants all to keep in mind there were 177 officers when the Mayor took office. Bruce Brewer states that Group 175 has repeatedly asked for funding for the Police Department and he found a person with the Chamber of Commerce that makes over \$200,000.00 per year and the Council just gave them more money. Bret Moore says that Member Cole has bad mouthed both Group 175 and the Vassar Park Neighborhood Association on the internet and he feels that many people will come to the polls as a result. Henry Preston also thanked the Members who voted against the Chamber. The city has a dire need for Police and Fire as well as all the potholes around the city. The Council also approved almost \$500,000.00 for a study to verify the water and aquifers were safe from the fracking in the surrounding areas and the Chamber is working with the gas and oil industry who would cause the contamination of these aquifers.

INFORMAL RESOLUTIONS:

27. COUNCIL-AS-A-WHOLE: OPPOSING THE "RIGHT-TO-WORK" LAWS AND THE "WORKPLACE FREEDOM" CONSTITUTIONAL AMENDMENT. - ADOPTED

COMMUNICATIONS:

182. AGENT FOR PETITIONER, SLIMAN: NOTIFICATION THAT THE CITY OF CANTON HAS OFFICIALLY WITHDRAWN THE TACO BELL ANNEXATION. - RECEIVED & FILED

183. AUDITOR MALLONN: REQ FOR ADDTL AMENDED CERT DATED 4/16/13. - RECEIVED & FILED

184. COUNCIL MEMBER WEST, WARD 2: AUTHORIZE AND PREPARE AMENDMENTS TO THE FORECLOSURE ORDINANCE PASSED IN 2012. - JUDICIARY COMMITTEE

185. DEPT OF COMMERCE: NOTICE OF HRG FOR NEW LIQUOR PERMIT FOR BADRIYA, INC DBA FULTON DRIVE THRU @ 1133 FULTON DR NW, UNIT 2, 1ST FL ONLY ON 5/21/13, 10:00 AM AT STARK COUNTY DEPT OF JOB & FAMILY SERV, 221 3RD ST SE. - RECEIVED & FILED

186. DEPT OF COMMERCE: NOTICE OF HRG FOR RENEWAL OF LIQUOR PERMIT FOR DG HOLDING & MGMT CO., INC. DBA THE SPOT @ 2600 8TH ST NE & PATIO ON 5/21/13, 11:00 AM AT STARK COUNTY DEPT OF JOB & FAMILY SERV, 221 3RD ST SE. - RECEIVED & FILED

187. DEVELOPMENT DIR WILLIAMS: AUTHORIZE ACCEPTANCE OF TRACTS OF LAND IN AREAS FORMERLY KNOWN AS "MOTHER GOOSELAND" AND DO ALL RELATED & ANCILLARY THINGS TO COMPLETE A LEASE TERMINATION AND TRANSFER RIGHTS & OWNERSHIP. - COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

188. FINANCE DIRECTOR DIRUZZA: AMEND O#209/2012 WITH \$21,600.00 SUPP APPROP FROM UNAPPROP BAL 1001 GENERAL FUND TO 1001 102001 POLICE - ADMIN OTHER FOR NEW POLICE CADETS TO ATTEND OHIO PEACE OFFICER TRAINING ACADEMY. - FINANCE COMMITTEE

189. FINANCE DIRECTOR DIRUZZA: AMEND O#209/2012 WITH \$33,500.21 SUPP APPROP FROM UNAPPROP BAL 6091 MGMT INFO SERV TO 6091 504010 INFO TECH - OTHER TO COMPLETE CLOSING OF 6091 FUND. - FINANCE COMMITTEE

COMMUNICATIONS CONTINUED:

190. LAW DIRECTOR MARTUCCIO: AUTHORIZE LAW DEPT TO PREPARE PROPOSED AMENDMENTS TO FEE STRUCTURES FOR AMUSEMENT & MUSICAL DEVICES AND AMUSEMENT ARCADES LOCATED WITHIN THE CITY. - JUDICIARY COMMITTEE
191. LIQUOR CONTROL DIV (OHIO): REQ TRANSFER OF D5 LICENSE FROM ONE HAK COMPANY LLC DBA IRISH EXCHANGE @ 3824 W TUSCARAWAS ST TO KAB 1 LLC DBA IRISH EXCHANGE @ 3824 W TUSCARAWAS ST. - RECEIVED & FILED
192. LIQUOR CONTROL DIV (OHIO): REQ TRANSFER OF D4 LICENSE FROM AMVETS POST 0555 @ 315 CLEVELAND AVE NW TO AMVETS POST 0555 @ 216 FOURTH ST NW. - RECEIVED & FILED
193. MAYOR HEALY: AUTHORIZE MAYOR AND/OR SERV DIR TO PAY \$2,400.00 MORAL OB TO LONNIE BOWLING'S USED CAR SALES FOR VEHICLES USED BY SPECIAL INVESTIGATION UNIT. - FINANCE COMMITTEE
194. MAYOR HEALY: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT WITH BOWMAN APPRAISAL SERV INC TO COMPLETE APPRAISAL REVIEW WORK FOR MAHONING RD CORRIDOR PROJ, GP 1103; MAKE A \$14,300.00 SUPP APPROP FROM 4566 MAHONING RD CORRIDOR PROJ, GP 1103 FUND UNAPPROP BAL TO 4566-202079 MAHONING RD CORRIDOR PROJ, GP 1103 FUND & ORGANIZATION; AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
195. MAYOR HEALY: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT WITH TRANSYSTEMS REAL ESTATE CONSULTING, INC TO COMPLETE THE RIGHT-OF-WAY ACQUISITION SERV FOR MAHONING RD CORRIDOR PROJ, GP 1103; MAKE A \$115,819.00 SUPP APPROP FROM 4566 MAHONING RD CORRIDOR PROJ, GP 1103 FUND UNAPPROP BAL TO 4566-202079 MAHONING RD CORRIDOR PROJ, GP 1103 FUND & ORGANIZATION; AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
196. SERVICE DIRECTOR PRICE: AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS, AWARD & EXECUTE A CONTRACT IN AMT NOT TO EXCEED \$42,500.00 FOR REPLACEMENT OF WRF MAINT BLDG BOILER; MAKE \$42,500.00 SUPP APPROP FROM 5410 SANITARY SEWER UNAPPROP BAL TO 5410 206048 WRF MAINT BLDG BOILER PROJ; AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. RESOLUTION APPROVING STATEMENT OF SERVICES TO BE PROVIDED TO THE PROP OWNER IN THE HALL OF FAME ANNEXATION AREA, THE APPROXIMATE DATE SERV WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; EMERGENCY
Referred to Annexation Committee
- 1ST RDG 2. RESOLUTION TO SUBMIT TO THE ELECTORS OF THE CITY OF CANTON REDUCING THE COMPOSITION OF THE MEMBERS OF CANTON CITY COUNCIL FROM 12 MEMBERS TO 9 WARD MEMBERS FOR THE 2016-2017 TERM AND THEREAFTER
Referred to Judiciary Committee
- 1ST RDG 3. AMEND APPROP O#209/2012; EMERGENCY (\$33,000.00 FROM UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 506001 COMMUNITY DEVELOPMENT ADMIN - PERSONNEL)
Referred to Finance Committee
- 1ST RDG 4. AMEND EXHIBIT B TO O#100/2011, AS AMENDED, CLASSIFICATION PLAN AND SALARIES FOR MGMT & NON-BARGAINING UNIT EMPLOYEES OF CITY OF CANTON; AMEND SALARY POLICY AND PROCEDURES FOR AUDITOR'S OFFICE AND LAW DEPT; EMERGENCY
Referred to Personnel Committee
- 1ST RDG 5. AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CHANGE ORDER #4 FINAL WITH INSITUFORM TECH IN AMT NOT TO EXCEED \$30,635.00 FOR WEST SIDE INTECEPTOR SANITARY SEWER REHAB PROJ, GP 1138; AMEND APPROP O#209/2012; EMERGENCY (\$15,623.85 FROM UNAPPROP BAL 5410 SANITARY SEWER FUND TO 5410 206046 SANITARY SEWER FUND - WEST SIDE INTERCEPTOR SANITARY SEWER REHAB PROJ, GP 1138 - OTHER AND \$15,011.15 FROM UNAPPROP BAL 5443 WEST SIDE INTERCEPTOR SANITARY SEWER REHAB PROJ, GP 1138 FUND TO 5443 206046 WEST SIDE INTERCEPTOR SANITARY SEWER REHAB PROJ, GP 1138 - OTHER)
Referred to Public Property Capital Improvement Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:
(SUSPENDED RULE 22A TO ADD O#7 - O#9; O#6 RETAINED IN COMMITTEE)

RETAINED UNTIL

- 5/13/13 6. AUTHORIZE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGMT WITH NEW DAWN DEVELOPMENT HERSBERGER FAMILY LLC TO PROVIDE A REAL PROP TAX EXEMPTION; AUTHORIZE AUDITOR TO MAKE PYMTS TO CANTON LOCAL BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82(C) OF THE REVISED CODE; EMERGENCY (C&ED)
- 2ND RDG 7. AMEND TITLE ONE, STREETS & SIDEWALK AREAS, OF PART NINE-STREETS, UTILITIES & PUBLIC SVCS CODE OF THE CODIFIED ORDINANCES BY THE ADDITION OF CHAPTER 923, ROADSIDE MEMORIAL PROG (TANNY BURT ROADSIDE MEMORIAL PROGRAM) (JUD)
- 81/2013 8. AUTHORIZE & APPROVE THE IMPLEMENTATION OF THE NEIGHBORHOOD REVITALIZATION STRATEGY AREA PLANS; AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO VARIOUS CONTRACTS W/COMMUNITY BASED DEVELOPMENT ORGANIZATIONS, SUBRECIPIENTS, DEVELOPERS &/OR OTHER LOCAL AGENCIES OR INDIVIDUALS FOR VARIOUS PROJS USING CDBG FUNDS; EMERGENCY (C&ED)
- 2ND RDG 9. AUTHORIZE SERV DIR TO ENTER INTO AN AMENDMENT TO EXTEND SERV AGMT W/KEYBANK NAT'L ASSOC FOR AN ATM TERMINAL @ THE MILLENNIUM PARKING DECK; EMERGENCY (FIN)

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

POSTPONED UNTIL

- 5/13/13 10. AUTHORIZE SERV DIR TO AMEND EXISTING JACKSON-CANTON JOINT ECONOMIC DEV DISTRICT CONTRACT; EMERGENCY
- 82/2013 11. ESTABLISH FAIR MARKET VALUE OF REAL PROP; AUTHORIZE MAYOR AND/OR SERV DIR TO ACCEPT DONATION OF \$22,999.90 IN VALUE OF REAL PROP; NEGOTIATE, ENTER INTO A PURCH AGMT & PURCHASE A 44.452 ACRE PARCEL FROM DIANO REALTY CORP IN AMT NOT TO EXCEED \$436,998.10 AND TO NEGOTIATE & ENTER INTO FIRST RIGHT OF REFUSAL AGMT FOR PURCHASE OF A 4.132 ACRE PARCEL OWNED BY DIANO REALTY CORP; AMEND APPROP O#209/2012; RESTRICTING EXPLOITATION OF MINERAL RIGHTS ON PROP; EMERGENCY
- 83/2013 12. VACATE THE UNIMPROVED PORTIONS OF MAXINE AVE NE; MARTHA AVE NE; FAIRMONT ST NE; GRIDLEY AVE NE AND REGENT AVE NE; APPROVE & ACCEPT REPLAT OF VACATED STREETS AND OUTLOTS 1313 THROUGH 1316, 28728 THROUGH 28737 AND 42892 THROUGH 42969; EMERGENCY
PUB HRG 4/29/13 @ 7:30 PM
- 84/2013 13. AMEND CHAP 105, CONTRACTS, OF CODIFIED ORDINANCES OF CITY OF CANTON TO INCLUDE A LOCAL PURCHASE PREFERENCE FOR VEHICLES
- 85/2013 14. AUTHORIZE SERV DIR TO ENTER INTO PROF SVCS AGMT WITH ZENITH SYSTEMS, LLC IN AMT NOT TO EXCEED \$25,000.00 TO PROVIDE CONSULTANT SERV FOR UPGRADES TO THE COURTROOMS; EMERGENCY

POSTPONED UNTIL

- 6/24/13 15. AUTHORIZE MAYOR TO ENTER INTO AN ENTERPRISE ZONE AGMT WITH CPX SOUTH CANTON, LLC TO PROVIDE A REAL PROP TAX EXEMPTION; AUTHORIZE AUDITOR TO MAKE PYMTS TO CANTON LOCAL BOARD OF EDUCATION AS REQUIRED TO BE PAID PURSUANT TO SECTION 5709.82(C) OF THE REVISED CODE; EMERGENCY
- 86/2013 16. AUTHORIZE SERV DIR TO ENTER INTO A THREE YEAR AGMT WITH DELL/MCPC IN AMT NOT TO EXCEED \$36,100.00 FOR THE KACE 1100 MGMT APPLIANCE PURSUANT TO ORC SECTION 125.04; EMERGENCY
- 87/2013 17. AUTHORIZE SERV DIR TO ENTER INTO A FIVE YEAR CONTRACT WITH AT&T IN AMT NOT TO EXCEED \$100,000.00 FOR UPGRADE OF CITY WIDE AREA NETWORK (WAN) PURSUANT TO ORC SECTION 125.04; EMERGENCY

ANNOUNCEMENT OF COMMITTEE MEETINGS:

MONDAY, MAY 13, 2013 in Council Caucus Room at 6:15 P.M.

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

MISCELLANEOUS BUSINESS: Member Mariol asks when the remainder of the demolition of the building that was the car dealership on Cleveland Avenue will be completed from last week's fire. There is a burnt car close to the sidewalk and also a portion of the building that kids from Worley school are wandering around in. Mayor Healy is not sure when the demolition will be finished but he stated there was discussion of adding more fence around the area when they received a call about the children. Member West thanked all of the people that helped with the clean up at Nimisilla Park on Saturday for B-Earth Day. Project Rebuild gave them some tools to work with and Subway provided some sandwiches which also helped in the efforts. He also let everyone know that tomorrow, April 30, 2013 at noon, Stand Up Ohio will be in Nimisilla Park speaking on the foreclosure issues and anyone is welcome to attend.

ADJOURNMENT: 8:08 P.M.

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, MAY 13, 2013 @ 7:30 PM