

FINAL
A G E N D A
7:30 PM

CANTON CITY COUNCIL

JULY 1, 2013

ROLL CALL: All Members Present

MOTION TO EXCUSE MEMBERS: Not Necessary

INVOCATION: James Griffin, Ward 3 Council Member

PLEDGE OF ALLEGIANCE: President Allen Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 1st Rdg O#12 & O#13 & 2nd Rdg O#14, O#16 & O#17; O#12 & O#13 Adopted on 1st Rdg; O#15 Retained in Committee; O#19 (108/2013) Reconsidered and Amended; O#20 & O#21 Postponed Indefinitely)

PUBLIC HEARINGS:

- 7:30 PM 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 (RICHARD AND SHARON MEDLA - 133 HARRISON AVE SW FROM R-1A (SINGLE FAMILY RESIDENTIAL) TO PR-3 (PLANNED GENERAL BUSINESS) IN WARD 5 - PLANNING COMMISSION RECOMMENDED APPROVAL) **O#112/2013**
(4 Speakers)
- 7:31 PM 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 (LUBOV INC - 127/129 HARRISON AVE SW) FROM R-1A (SINGLE FAMILY RESIDENTIAL) TO PR-3 (PLANNED GENERAL BUSINESS) IN WARD 5 - PLANNING COMMISSION RECOMMENDED APPROVAL) **O#113/2013**
- 7:32 PM 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 (LRC-A TUSC PROPERTIES LLC) FROM R-1A (SINGLE FAMILY RESIDENTIAL) TO PR-3 (PLANNED GENERAL BUSINESS) IN WARD 5 - PLANNING COMMISSION RECOMMENDED APPROVAL) **O#114/2013**
- 7:33 PM AN ORDINANCE VACATING PORTIONS OF DRYDEN AVENUE SW AND GROVE PLACE SW; APPROVING AND ACCEPTING THE DEDICATION OF PARTS OF LOTS 9747 AND 9748 FOR STREET PURPOSES; AND DECLARING THE SAME TO BE AN EMERGENCY; THE PLANNING COMMISSION HAS RECOMMENDED APPROVAL OF THE SAME IN WARD 5. **O#115/2013**

OLD BUSINESS (PUBLIC SPEAKS): Reviewed pending issues from Public Speaks

PUBLIC SPEAKS (CITY BUSINESS): John Kerestes, Carissa Kerestes, Janice Hamilton, John Honabarger, Douglas Vickers and Nicole Vickers re: Discussed problems with speeding, loud music and other problems on Trinity Place NW; David Morgan re: Thanked the City and employees for the Beautify Neighborhood Program (BAN); Vicki Boatright re: Expressed her dismay with the Sanitation workers not picking up her garbage; Bruce Nordman re: Expressed his gratitude to the Police and Fire Departments and City workers for their assistance after the storm last week. Also asked for volunteers for the 4th of July event at the McKinley Monument.

INFORMAL RESOLUTIONS:

35. PERSONNEL COMMITTEE: CONFIRM RE-APPT OF ROBERT THOMPSON TO FAIR EMPLOYMENT PRACTICES BD RETRO FROM 3/1/13 TO 2/28/16. - ADOPTED

COMMUNICATIONS:

263. AUDITOR MALLONN: REQ FOR ADDT'L AMENDED CERTIFICATE DATED 6/12/13. - RECEIVED & FILED
264. AUDITOR MALLONN: REQ FOR ADDT'L AMENDED CERTIFICATE DATED 6/13/13. - RECEIVED & FILED
265. COMM DEV DIRECTOR MILLER: ESTABLISH FAIR REUSE VALUE OF REAL PROP AND AUTHORIZE DISPOSITION OF SAID PROP LOCATED ON 3RD ST NE (PARCEL #02-22450, PT LOT #310 TO TOMMIE L. BREWER). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
266. COMM DEV DIRECTOR MILLER: ESTABLISH FAIR REUSE VALUE OF REAL PROP AND AUTHORIZE DISPOSITION OF SAID PROP LOCATED ON 5TH ST SW (PARCEL #02-33013, PT LOT #962 TO JOYCE ANN POST). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
267. COUNCIL MEMBERS WEST & SMITH: REQ INFORMAL RESOLUTION TO DECLARE 2ND ST SW BETWEEN HIGH AVE SW & CHERRY AVE SE TO BE DESIGNATED AS "RALPH HAY WAY". - RECEIVED & FILED
268. COURT ADMINISTRATOR KOCHERA: AUTHORIZE MAYOR TO ENTER INTO AGMT W/STATE OF OHIO, DEPT OF REHAB & CORRECTION (ODR&C) FOR RECEIPT OF FY 2014 COMMUNITY CORRECTIONS ACT (CCA) GRANT IN THE AMT OF \$170,601.00 FOR PERIOD OF 7/1/13 - 6/30/14. - FINANCE COMMITTEE
269. DEPT OF COMMERCE: REQ TO CANCEL LIQ APPLICATION FOR BADRIYA INC DBA FULTON DRIVE THRU @ 1133 FULTON DRIVE NW, UNIT 2, 1ST FLOOR ONLY. - RECEIVED & FILED

COMMUNICATIONS CONTINUED:

270. FINANCE DIRECTOR DIRUZZA: REQ TO AMEND O#209/2012 BY MAKING \$12.86 FROM UNAPPROP BAL 2774 BYRNE MEMORIAL JUSTICE ASSIST GRANT 09 TO 2774 102009 POLICE - 2009 STIMULUS OTHER IN ORDER TO SPEND REMAINING BAL OF THIS FUND. - FINANCE COMMITTEE
271. FINANCE DIRECTOR DIRUZZA: REQ ADOPTION OF ALTERNATIVE TAX BUDGET FOR CITY FOR FISCAL YEAR ENDING 12/31/14. - FINANCE COMMITTEE
272. HEALTH COMMISSIONER ADAMS: RECEIPT OF STARK COUNTY PUBLIC HEALTH STUDY COMMISSION - PHASE ONE ANALYSIS. - RECEIVED & FILED
273. LIQUOR DIVISION CONTROL (OHIO): REQ D2 D2X D3 D3A LIQ TRANSFER TO HOOCHS PUB LLC FROM L SPARKYS INC DBA SPARKYS @ 1533 CLEVELAND AV SW. - RECEIVED & FILED
274. LIQUOR DIVISION CONTROL (OHIO): REQ D5 LIQ TRANSFER TO GRAPES IN A GLASS LLC @ 575 MARKET AV N FROM WESMAC LLC DBA PRIMOS & PATIO @ 216 4TH ST NW. - RECEIVED & FILED
275. PARK DIRECTOR GORDON: REQ TO PAY MORAL OB IN AMT OF \$2,400.00 FOR AN EMERGENCY REPLACEMENT OF A HEATING & COOLING UNIT ON 6/24/13 & GARAUX PARK SHELTER. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & PARKS & RECREATION COMMITTEES
276. SAFETY DIRECTOR PRICE: REQ TO APPROP \$31,268.05 INTO FUND 4502 (TO BE USED FOR 5 MOBILE DATA TERMINALS FOR INSIDE CRUISERS & REFURBISH 6 CRUISERS TO BE USED AS DETECTIVE BUREAU CARS). - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
277. SAFETY DIRECTOR PRICE: REQ APPROVAL OF DEMO OF 9 PROPERTIES ON BEHALF OF CANTON BLDG DEPT. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
278. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS FILED AS OF 5/31/13. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. AMEND SECS 723.01, 723.05 & 723.15 OF CHAPTER 723, AMUSEMENT & MUSICAL DEVICES, OF CODIFIED ORDINANCES OF CITY; EMERGENCY
Referred to Judiciary Committee
- 1ST RDG 2. AMEND SEC 2 OF O#61/2012 (CANTON MERCHANDISING/PROMO PROGRAM)
Referred to Judiciary Committee
- 1ST RDG 3. DETERMINE NECESSITY TO PROCEED W/IMPLEMENTATION OF PUBLIC SERVICE PLAN ADOPTED BY DOWNTOWN CANTON SPECIAL IMPROVEMENT DISTRICT; DECLARE NECESSITY TO PROCEED W/SPECIAL ASSESSMENT FOR THE FUNDING OF SAID PLAN FOR THE PERIOD OF 4 YEARS; EMERGENCY
Referred to Judiciary Committee
- 1ST RDG 4. AMEND O#209/2012; EMERGENCY (\$12,500.00 FROM UNAPPROP BAL OF THE 1105 POLICE SETTLEMENT FUND TO 1105 753001 LAW DEPARTMENT - OTHER)
Referred to Finance Committee
- 1ST RDG 5. AMEND RE#21/2013; EMERGENCY (PARK LEVY - CHANGES FOR BALLOT)
Referred to Judiciary Committee
- 1ST RDG 6. AUTHORIZE SAF DIR TO ACCEPT A GRANT FROM 2013 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT IN AN AMT NOT TO EXCEED \$35,616.00 FOR POLICE DEPT; RATIFY ANY AGMT ENTERED INTO W/STARK COUNTY COMMISSIONERS REGARDING DISTRIBUTION OF GRANT FUNDS; EMERGENCY
Referred to Finance Committee
- 1ST RDG 7. AUTHORIZE SERV DIR TO ENTER INTO CONTRACT AMENDMENT W/HZW ENVIRONMENTAL CONSULTANTS LLC TO INCREASE THE MAXIMUM CONTRACT AMT FOR CERTIFIED PROF SVCS FOR THE BISON REMEDIATION PROJ; EMERGENCY
Referred to Finance Committee
- 1ST RDG 8. AMEND SEC 2 OF O#70/2013; EMERGENCY (CHANGE DOLLAR AMT TO \$28,820,200.00)
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING CONTINUED:

- 1ST RDG 9. AUTHORIZE MAYOR &/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD & EXECUTE A CONTRACT IN AN AMT NOT TO EXCEED \$60,000.00 FOR PURCHASE & INSTALLATION OF THE BATHROOM FACILITY AT BUP REARICK PARK; EMERGENCY
Referred to Public Property Capital Improvement & Parks & Recreation Committees
- 1ST RDG 10. ESTABLISH FAIR MKT VALUE OF REAL PROPERTY; AUTHORIZE MAYOR &/OR SERV DIR, OR THEIR DESIGNEE, TO ENTER INTO AGMTS FOR PURCHASE/ACQUISITION OF PARCELS & TEMPORARY CONSTRUCTION EASEMENTS FOR THE 12TH ST N CORRIDOR PROJ; AMEND APPROP O#209/2012; EMERGENCY (\$579,637.58 - 2113 202001 MUNICIPAL RD - ENGINEERING ADMIN - OTHER & \$49,514.78 - 4506 202001 INFRASTRUCTURE BOND - ENGINEERING ADMIN - OTHER)
Referred to Public Property Capital Improvement Committee
- 1ST RDG 11. AUTHORIZE SERV DIR TO ENTER INTO CHANGE ORDERS W/HOBS ROOFING IN AMT NOT TO EXCEED \$32,350.00 FOR THE SEARS BLDG ROOF REPLACEMENT PROJ; EMERGENCY
Referred to Public Property Capital Improvement Committee

(COUNCIL RECESSED AT 8:16 P.M. FOR THE PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE TO DISCUSS ORDINANCE #12; RECONVENED AT 8:19 P.M.)

- 110/2013 12. AMEND O#209/2012; EMERGENCY (\$100,000.00 INFORMATION TECHNOLOGY MANGER - OTHER, \$40,000.00 BUILDING MAINTENANCE - PERSONNEL, \$17,020.00 CODE ENFORCEMENT - OTHER TO FIRE ADMINISTRATION - OTHER)
Referred to Public Property Capital Improvement Committee

(COUNCIL RECESSED AT 8:19 P.M. FOR THE COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE TO DISCUSS ORDINANCE #13; RECONVENED AT 8:22 P.M.)

- 111/2013 13. DECLARE 9 BLDGS PUBLIC NUISANCES; AUTHORIZE SAF DIR TO ENTER INTO CONTRACT FOR DEMOLITION OF SAID BLDGS; AUTHORIZE CLERK OF CANTON CITY COUNCIL TO CERTIFY COSTS OF DEMOLITION TO STARK COUNTY AUDITOR; EMERGENCY
Referred to Community & Economic Development Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:

(SUSPENDED RULE 22A TO ADD O#14, O#16 & O#17; O#15 RETAINED IN COMMITTEE)

- 2ND RDG 14. AUTHORIZE MAYOR &/OR SERV DIR TO NEGOTIATE AND ENTER INTO THREE OHIO WATER POLLUTION CONTROL FUND WATER RESOURCE RESTORATION SPONSOR PROGRAM
SPONSORSHIP AGMTS; EMERGENCY (FIN)
- RETAINED IN**
COMMITTEE 15. AUTHORIZE MAYOR &/OR SAF & SERV DIR TO NEGOTIATE AND ENTER INTO CONTRACT WITH HALL OF FAME CITY CHALLENGE, LLC FOR SERV TO BE RENDERED BY CITY OF CANTON IN SUPPORT OF RACES; EMERGENCY (FIN)
- 2ND RDG 16. AUTHORIZE SERV DIR TO ENTER INTO CONTRACT WITH WALT SWEENEY FORD FOR PURCHASE OF 1 FORD F-250 PICKUP TRUCK IN AMT NOT TO EXCEED \$22,798.70 PURSUANT TO O.R.C. SECTION 125.04; EMERGENCY (PPCI)
- 2ND RDG 17. AMEND RES #58/2013; EMERGENCY (TACO BELL ANNEXATION - CHG ACREAGE TO 1.547) (ANNEX)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD/FINAL READING & VOTE:**NO ACTION TAKEN ON**

- 105/2013 18. AMEND EXHIBIT A TO O#40/2000; AS AMENDED, CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY CITY OF CANTON; EMERGENCY (10PO PROBATIONARY POLICE OFFICERS)

RECONSIDERED & AMENDED

- 108/2013 19. AUTHORIZE SERV DIR AND/OR SAF DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR PURCHASE OR LEASE OF VARIOUS VEHICLES AND/OR EQUIP FOR DEPTS OF PUBLIC SAFETY & SERVICE; AUTHORIZE SERV AND/OR SAF DIR TO ENTER INTO VARIOUS CONTRACTS FOR PURCHASE OF VARIOUS VEHICLES AND/OR EQUIP IN ACCORDANCE WITH ORC SECTION 125.04; EMERGENCY

POSTPONED

- INDEFINITELY** 20. 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

POSTPONED

- INDEFINITELY** 21. APPROVE AND ACCEPT LOT SPLIT/REPLAT OF LOT NO. 35852; EMERGENCY (415 47TH ST NW, PARCEL #301329, THOMAS & LIESL FORBES AND GERALD & MARCIA CRAMER)

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

- 112/2013** 22. AMEND O#55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; EMERGENCY (RICHARD & SHARON MEDLA - 133 HARRISON AVE SW, PARCEL #228696, LOT #9775) **PUB HRG: 7/1/13 @ 7:30 PM**
- 113/2013** 23. AMEND O#55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; EMERGENCY (LUBOV INC - 127/129 HARRISON AVE SW, PARCEL #214861, EAST END OF PT LOT #9774) **PUB HRG: 7/1/13 @ 7:31 PM**
- 114/2013** 24. AMEND O#55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; EMERGENCY (LRC-A TUSC PROPERTIES LLC - SW CORNER OF DRYDEN AVE SW & GROVE PL SW, PARCEL #222629, PT LOT #9774) **PUB HRG: 7/1/13 @ 7:32 PM**
- 115/2013** 25. VACATE PORTIONS OF DRYDEN AVE SW & GROVE PL SW; APPROVE & ACCEPT THE DEDICATION OF PARTS OF LOTS 9747 & 9748 FOR STREET PURPOSES; EMERGENCY (JOHN WOJTLA OF THE ZAREMBA GROUP LLC, AGENT FOR DEARBORN LAND INVESTMENT LLC) **PUB HRG: 7/1/13 @ 7:33 PM**
- 116/2013** 26. AUTHORIZE MAYOR &/OR SAF DIR TO ENTER INTO AGMT TO PURCHASE SWAT TACTICAL VESTS & HELMETS IN AMT NOT TO EXCEED \$56,900.00 PURSUANT TO ORC SEC 125.04; EMERGENCY
- 117/2013** 27. AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR LEASE OF APPROX 282 SQ FT OF COMMERCIAL SPACE @ 215 W TUSC ST IN ORDER TO PROVIDE A SNACK/BAR CONCESSION STAND; EMERGENCY
- 118/2013** 28. AUTHORIZE MAYOR &/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD & ENTER INTO CONSTRUCTION CONTRACT FOR CONSTRUCTION OF FRAZER ESTATES STORM SEWER REPAIR GP 1189; EMERGENCY
- 119/2013** 29. AUTHORIZE SERV DIR TO ENTER INTO PROF SVCS CONTRACT W/BURGESS & NIPLE FOR ENGINEERING SVCS DURING THE PLANNING, DESIGN & BIDDING PHASES OF WATER METER & METER TRANSMITTING UNIT (MTU) REPLACEMENT PROG IN AMT NOT TO EXCEED \$348,500.00; AUTHORIZE SERV DIR TO APPLY FOR & ENTER INTO CONTRACT W/THE OHIO WATER DEVELOPMENT AUTHORITY FOR A PLANNING LOAN FOR THE PROJ; AUTHORIZE AUDITOR TO ESTABLISH & CREATE THE 5227 WATER METER/MTU REPLACEMENT PROJ FUND; AMEND APPROP O#209/2012; EMERGENCY

ANNOUNCEMENT OF COMMITTEE MEETINGS:**MONDAY, JULY 15, 2013 in Council Caucus Room at 6:15 P.M.**

- 1) Finance Committee
- 2) Judiciary Committee
- 3) Parks & Recreation Committee
- 4) Public Property Capital Improvement Committee

MISCELLANEOUS BUSINESS: Member West re: Asked if the City should get an umbrella insurance policy to cover damages such as trees after storms like the one last week; Law Director Martuccio re: Advised that the City does have liability insurance but the deductible is \$125,000.00. He stated that he does not think that trees that fall on soil can be claimed through insurance since there is was no damage done to anything; Member Fisher re: Commended and thanked the Timken Company for soundproofing their equipment after receiving a complaint from a resident about the noise; Member Smith re: Commended the City, Chief of Staff, the Mayor and Kevin Monroe for the system that was set up after the recent storm; Member West re: Thanked the City workers for a job well done. Also advised that he would like to have a meeting regarding Charter Government to educate the public; Mayor re: Complimented the city employees for the excellent job they did after the storm; Member Morris re: Commended the City workers and Director Price for a job well done. Also commended and thanked the citizens of Ward 9 for starting to clear the streets before the City workers arrived. Lastly, he gave props to the Police Department for an arrest due to ShotSpotter; Director Price re: Advised the residents on Trinity Place that he will be getting more enforcement on the street. He advised that he would like to schedule a time to meet with them during the times this activity usually takes place. Also advised that Member Fisher was personally involved in the CVS project and he appreciates that; President Schulman re: Requested that the building on Cleveland Avenue that recently had a fire be put on the demolition list. Also stated that he would like to see the bad landlords in the City be held accountable for their renters; Mayor re: Advised that the problem property near Trinity Place recently changed hands and he plans to track down the new owners and meet with them; Member Cirelli re: Advised that someone lost a key fob at her house during the storm clean up; Member Griffin re: Advised that the Tree Commission met on June 18th and they will be meeting on the 3rd Tuesday of every month. He advised that the next meeting will be held on July 16th; Member Dougherty re: Commended the City workers for the amazing job they did after the storm. Also, wished everyone a safe holiday.

ADJOURNMENT: 9:04 P.M.

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