

FINAL
A G E N D A
7:30 PM

CANTON CITY COUNCIL

JULY 15, 2013

ROLL CALL: Ten Members Present

MOTION TO EXCUSE MEMBERS: Members Cole, Smith and West Absent (Member Smith arrived after Roll Call)

INVOCATION: James Babcock, Council-at-Large Member

PLEDGE OF ALLEGIANCE: President Allen Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 2nd Rdg O#8 - O#19; O#19 Adopted on 2nd Rdg; O#20 Adopted as Amended)

PUBLIC HEARINGS: None

OLD BUSINESS (PUBLIC SPEAKS): None

PUBLIC SPEAKS (CITY BUSINESS): Pat Kirk is delighted that Canton now has a Tree Commission. All meetings are open to the public and she encourages people to attend. The next meeting is tomorrow evening at the Garden Center. Martin Zawacky is here for Harrison Hills and the folks on Trinity Place. He feels something proactive needs to be done and is asking the city leaders to tell them how they can help with these problems. Scott Knies lives across the street from Ridgewood Castle. There are many pit bulls and mastiffs and other dogs that he feels do not belong in apartments. He and his dog were attacked by a pit bull and this should never happen in a residential neighborhood. Dr. James King asked for support in the passage of the honorary naming of "Ralph Nay Way" on 2nd Street S after his grandfather. He was one of the founders of Canton Bulldogs and met with the others to create the football league. Roger Zachary thanked everyone for the completion of the project to prevent flooding in the Georgeview Estates. He appreciated all of the work from the various department heads and the fact that they listened to his needs and treated him with respect. Robert Hamilton thanked the city government for the innovative ideas that are coming out to help with the problems on Trinity Place NW. Carissa Kerestes was on her porch talking with the Mayor when a kid came up the street and ran through the stop sign. She was glad he got to witness the things she sees everyday and is afraid that when the cruisers leave, it will all be the same again. John Kerestes is glad the Mayor stepped forward and put his foot down with the drivers on their streets. If we don't have a police force or Fire Department to help us, what can we do. Douglas Vickers says thanks for everything that is going on but there is still more to be done. He would like another light put on Trinity Place NW so that the entire street is lit up. Nicole Vickers also wanted to thank everyone and asked if the speed limit could be painted on the street like is done on the interstates. Pete DiGiacomo says that the duck feces is so bad on the bike trails in the park, you cannot even ride on them. He congratulated the city for receiving an additional \$700,000.00 and he would like to see this used to hire more safety forces. John Neal Honaberger gave a big thank you to Council and the Mayor for helping on Trinity Place. Bruce Nordman says that Group 175 has canvassed many homes in the last couple of weeks and claims that many people want to put their homes up for sale because of the crime in the city. There are many causes being funded but no change in funding for the safety forces in the city. He wants money transferred in the General Fund to hire more officers immediately. He would also like to recognize Bob Harper for an excellent job with the 4th of July fireworks display. Lois DiGiacomo is with Coming Together Stark County. This organization was founded for diversity and is still one of the best kept secrets around. This Thursday, July 18, 2013 there will be a re-launching of the program at 6:00pm at Cork and Canvas on 3rd Street and she asks all to attend. James Parker says that Esther Hay and Jim King are very delighted that the Resolution passed. It is time to honor some of the pioneers of football. Marcia Zawacky mentions that there are tasks in society that must be completed to go on to the next higher task and when everyone is working together on a task it makes for a healthy community.

INFORMAL RESOLUTIONS:

36. CNCL MBRS WEST & SMITH: HONORARILY NAME A PORTION OF 2ND ST SW BETWEEN HIGH AVE SW AND CHERRY AVE SE AS "RALPH HAY WAY". - ADOPTED

COMMUNICATIONS:

279. AUDITOR MALLONN: MNTHLY RPT BY FUND FOR 6/1/13 - 6/28/13. - RECEIVED & FILED

280. AUDITOR MALLONN: YRLY RPT BY FUND FOR 1/1/13 - 6/28/13. - RECEIVED & FILED

281. HEALTH COMMISSIONERS ADAMS: REQ \$10,762.02 INTERFUND TRANSFER FROM 2313 301001 - OTHER TO 2313 301001 - PERSONNEL. - FINANCE COMMITTEE

282. HEALTH COMMISSIONERS ADAMS: REQ AUTHORIZATION TO ENTER INTO PROF SVC CONTRACT IN AMT OF \$20,000.00 WITH NATL ORGANIZATION OF URBAN MATERNAL & CHILD HEALTH LEADERS (CITYMATCH) FOR INFANT MORTALITY REDUCTION PROJ. - FINANCE COMMITTEE

283. LIQUOR DIVISION CONTROL (OHIO): REQ NEW D1 D3 D3A LIQ PERMIT TO THREE BIG CHEESES LLC @ 315 CLEVELAND AVE NW. - RECEIVED & FILED

284. MAYOR HEALY: REQ RE-APPT OF MARCIA ZAWACKY TO FAIR HOUSING COMMISSION FOR RETRO TERM OF 1/1/13 - 12/31/17. - PERSONNEL COMMITTEE

285. MAYOR HEALY: REQ RE-APPT OF CLASSIE GROCE TO FAIR HOUSING COMMISSION FOR RETRO TERM OF 9/1/12 - 12/31/17. - PERSONNEL COMMITTEE

286. MAYOR HEALY: REQ RE-APPT OF NEIL LIBSTER TO FAIR HOUSING COMMISSION FOR RETRO TERM OF 7/1/12 - 6/30/17. - PERSONNEL COMMITTEE

COMMUNICATIONS CONTINUED:

287. SAFETY DIRECTOR PRICE: REQ TO APPROP UNAPPROP BAL OF \$81.32 INTO FUND 2785 ON BEHALF OF CANTON POLICE DEPT FOR 2010 BYRNE MEMORIAL GRANT FUND EXPIRING 9/30/13. - FINANCE COMMITTEE
288. SAFETY/SERVICE DIRECTOR PRICE: AMEND O#209/2012 WITH \$1,000,000.00 SUPP APPROP FROM UNAPPROP BAL 1151 - LAND REUTILIZATION & NOTE FUND TO 1151 101501 CODE ENFORCEMENT - OTHER TO CONTINUE REVITALIZATION PROG. - FINANCE COMMITTEE
289. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO AGMT WITH WHEELING & LAKE ERIE RAILWAY &/OR OHIO RAIL DEV CORP; AUTHORIZE CITY TO REC GRANTS & UTILIZE FUNDING MADE AVAILABLE FOR PROJ; AUTHORIZE MAYOR &/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD & EXECUTE A CONSTRUCTION CONTRACT; AUTHORIZE MAYOR &/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD & EXECUTE A MATERIALS PURCH CONTRACT OR TO PURCHASE SAID MATERIALS VIA STATE COOP PURCH AGMT; AUTHORIZE AUDITOR TO ESTABLISH & CREATE 4570 FUND (RAILROAD CROSSING/TRAFFIC SIGNAL UPGRADE PROJ, GP 1149); MAKE A \$200,000.00 SUPP APPROP FROM UNAPPROP BAL OF 4570 FUND (RAILROAD CROSSING/TRAFFIC SIGNAL UPGRADE PROJ, GP 1149) TO 4570-202097 (RAILROAD CROSSING/TRAFFIC SIGNAL UPGRADE PROJ, GP 1149 FUND & ORGANIZATION); AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
290. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR &/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD AND EXECUTE CONSTRUCTION CONTRACT FOR 41ST ST NW ROADWAY RECONSTRUCTION PROJ, GP 1126; AUTHORIZE TO ESTABLISH FAIR MARKET VALUE FOR PARCELS ON ENCLOSED EXHIBIT, TO NEGOTIATE & ENTER INTO AGMT WITH PROP OWNERS FOR PURCHASE OF SAID PARCELS & TO REC SAID PARCELS BY CITY; REAUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO AGMT W/OPWC FOR CITY TO REC GRANT FUNDS FOR PROJ; AUTHORIZE AUDITOR TO ESTABLISH & CREATE THE 4569 FUND (41ST ST NW ROADWAY RECONSTRUCTION PROJ, GP 1126); MAKE A \$452,252.00 SUPP APPROP FROM UNAPPROP BAL OF 4569 FUND (41ST ST NW ROADWAY PROJ) TO 4569-202088 (41ST ST NW RDWAY PROJ & ORGANIZATION); MAKE A \$140,000.00 SUPP APPROP FROM UNAPPROP BAL OF 5410 (SANITARY SEWER FUND) TO 5410-202088 (SANITARY FUND - 41ST ST NW RECONSTRUCTION RDWAY PROJ); MAKE A \$73,000.00 APPROP TRANSFER FROM 4501-201001 (CAPITAL FUND - SERV DIR ADMIN) TO 4501-202088 (CAPITAL FUND - 41ST ST NW RDWAY PROJ); MAKE A \$3,736.84 SUPP APPROP FROM UNAPPROP BAL 4501 (CAPITAL FUND) TO 4501-202032 (HARMONT AVE SANITARY SEWER EXT PROJ); AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; A PLA HAS BEEN SIGNED FOR THE PROJ. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
291. SERVICE DIRECTOR PRICE: AUTHORIZE AUDITOR TO PAY A MORAL OBLIGATION IN AMT NOT TO EXCEED \$6,000.00 TO HAYMAKER TREE AND LAWN FOR EMERGENCY TREE REMOVAL COSTS RESULTING FROM STORM DAMAGE AT NIMISILLA PARK AND NEARBY PARK PROPERTIES ON 6/25/13. - FINANCE COMMITTEE
292. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR JUNE 2013. - RECEIVED & FILED
293. TREASURER SCHIRACK: RPT OF DEPOSITS AND PAY INS FOR AMBULANCE LOCK BOX ACCOUNT FOR JUNE 2013. - RECEIVED & FILED
294. TREASURER SCHIRACK: RPT OF BANK RECONCILIATIONS AND CITY'S OUTSTANDING INVESTMENTS AS OF 6/28/13. - RECEIVED & FILED

COMMUNICATIONS CONTINUED:

295. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS FILED AS OF 6/30/13. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. ESTABLISH FAIR MARKET VALUE OF ONE PARCEL CITY-OWNED PROP; AUTHORIZE SALE & CONVEYANCE OF SAID PROP PURSUANT TO CITY'S RESIDENTIAL LAND DISPOSITION PROG; EMERGENCY (TOMMIE L. BREWER, PARCEL #02-22450, LOT #310 ON 911 3RD ST NE)
Referred to Community & Economic Development Committee
- 1ST RDG 2. ESTABLISH FAIR MARKET VALUE OF ONE PARCEL CITY-OWNED PROP; AUTHORIZE SALE & CONVEYANCE OF SAID PROP PURSUANT TO CITY'S RESIDENTIAL LAND DISPOSITION PROG; EMERGENCY (JOYCE ANN POST, PARCEL #02-33013, PART OF LOT #962 ON 710 5TH ST SW)
Referred to Community & Economic Development Committee
- 1ST RDG 3. AUTHORIZE MAYOR TO ENTER INTO AGMT WITH STATE OF OHIO, DEPT OF REHABILITATION & CORRECTION FOR RECEIPT OF FY 2014 COMMUNITY CORRECTIONS ACT GRANT IN AMT NOT TO EXCEED \$170,601.00; EMERGENCY
Referred to Finance Committee
- 1ST RDG 4. AMEND APPROP O#209/2012; EMERGENCY (\$12.86 FROM UNAPPROP BAL 2774 BYRNE MEMORIAL JUSTICE ASST GRANT 09 FUND TO 2774 102009 POLICE - 2009 STIMULUS - OTHER)
Referred to Finance Committee
- 1ST RDG 5. ADOPT CITY OF CANTON'S ALTERNATIVE TAX BUDGET FOR FISCAL YEAR ENDING DECEMBER 31, 2014; EMERGENCY
Referred to Finance Committee
- 1ST RDG 6. AUTHORIZE CITY AUDITOR TO PAY \$2,400.00 TO SOUTH CITY HEATING AND COOLING; EMERGENCY
Referred to Public Property Capital Improvement and Parks & Recreation Committees
- 1ST RDG 7. AMEND APPROP O#209/2012; EMERGENCY (\$31,268.05 FROM UNAPPROP BAL 4502 MOTOR VEHICLE PURCHASE FUND TO 4502 MOTOR VEHICLE PURCHASE - OTHER)
Referred to Public Property Capital Improvement Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**(SUSPENDED RULE 22A TO ADD O#8 - O#19; O#19 ADOPTED)**

- 2ND RDG 8. 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 9. AMEND SECS 723.01, 723.05 & 723.15 OF CHAPTER 723, AMUSEMENT & MUSICAL DEVICES, OF CODIFIED ORDINANCES OF CITY; EMERGENCY (JUD)
- 2ND RDG 10. AMEND SEC 2 OF O#61/2012 (CANTON MERCHANDISING/PROMO PROGRAM) (JUD)
- 2ND RDG 11. 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 (JUD)
- 2ND RDG 12. AMEND O#209/2012; EMERGENCY (\$12,500.00 FROM UNAPPROP BAL OF THE 1105 POLICE SETTLEMENT FUND TO 1105 753001 LAW DEPARTMENT - OTHER) (FIN)
- 2ND RDG 13. AMEND RE#21/2013; EMERGENCY (PARK LEVY - CHANGES FOR BALLOT) (JUD)
- 2ND RDG 14. 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 (FIN)
- 2ND RDG 15. 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 (FIN)
- 2ND RDG 16. AMEND SEC 2 OF O#70/2013; EMERGENCY (CHANGE DOLLAR AMT TO \$28,820,200.00) (FIN)
- 2ND RDG 17. 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 (PPCI AND PARKS & REC)
- 2ND RDG 18. 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 (PPCI)

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING CONTINUED:

- 120/2013** 19. 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) (PPCI)

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

- 121/2013** 20. AUTHORIZE MAYOR &/OR SERV DIR TO NEGOTIATE AND ENTER INTO THREE OHIO WATER POLLUTION CONTROL FUND WATER RESOURCE RESTORATION SPONSOR PROGRAM SPONSORSHIP AGMTS; EMERGENCY
- 122/2013** 21. 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
- 123/2013** 22. AMEND RES #58/2013; EMERGENCY (TACO BELL ANNEXATION - CHG ACREAGE TO 1.547)

ANNOUNCEMENT OF COMMITTEE MEETINGS:**MONDAY, JULY 22, 2013 in Council Caucus Room at 6:30 P.M.**

- 1) Judiciary Committee - Discussion on Charter Government

MONDAY, JULY 29, 2013 in Council Caucus Room at 6:30 P.M.

- 1) Finance Committee
2) Parks & Recreation Committee
3) Public Property Capital Improvement Committee
4) Community & Economic Development Committee
5) Personnel Committee

MISCELLANEOUS BUSINESS: Member Griffin discussed the regional and national softball tournaments that are now being held at Willig Field. This field is a jewel and word is spreading that this is a great place for National tournaments. There will be a mens tournament of over 65 teams that will be here over Labor Day weekend. The Canton ASA and the Recreation Department are becoming recognized and this is something to be proud of. Member Fisher thanked the Mayor, Chief Lawver and Director Barton for speaking at his recent town hall meeting. There was a very good turn out and they explained a lot about the city's newest technology to his constituents. Mayor Healy says tonight was a different type of meeting because some people came out with thanks and it is nice to hear when the city accomplishes things. Law Director Martuccio states that sometimes state government can be a double edge sword and removing pit bulls from the vicious animal list may be one of them. The city officials are meeting with the owners of Ridgewood Castle again next week and will add this to the discussion list. Canton does ask firefighters and EMS from other cities to help out in certain situations but we also send help back to these areas as well when they need it. Member Cirelli asks if a mediator will be brought in regarding the issues with the Mayor on Trinity Place NW. Law Director Martuccio says there are other cities that we look into matters for without charge and we are now asking another city to look at this for us. President Schulman says the state sales tax is increasing because Governor Kasich raised this with the state budget. He eliminated real estate credits and rollback used by many in an effort to break the middle class. There is a \$2,000,000,000.00 surplus at the state level and still tax breaks to the wealthy while items like sales tax slide under the radar. Member Smith thanked all Members of Council for voting for Resolution 36 in her absence. She also was thankful that not one house had flooding in Georgeview Estates during the recent storms since this project was completed.

ADJOURNMENT: 8:39 P.M.

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, JULY 29, 2013 @ 7:30 PM