

FINAL
A G E N D A
7:30 PM

CANTON CITY COUNCIL

JULY 29, 2013

ROLL CALL: Eleven Council Members Present

MOTION TO EXCUSE MEMBERS: Member Hawk Absent

INVOCATION: Mary Cirelli, Council-at-Large Member

PLEDGE OF ALLEGIANCE: President Allen Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 1st Rdg O#4, O#8 & O#9 and 2nd Rdg O#10 - O#17; O#4, O#8 & O#9 Adopted on 1st Rdg; O#22, O#23 & O#24 Adopted as Amended)

PUBLIC HEARINGS: None

OLD BUSINESS (PUBLIC SPEAKS): None

PUBLIC SPEAKS (CITY BUSINESS): Bret Moore re: Expressed his delight with the fireworks to kickoff the Hall of Fame; Frances Rich, Chris Barker, Roger Kintz, April Kintz, Shirley Dougherty, Mike Postlewaite and Beth Postlewaite re: Expressed their opposition to a drive thru going on Raff Road; David Morgan re: Stated that he feels that it is premature to put the park levy on the ballot in November until the explanation to the public is more accurate; James Parker re: Wants to know where the Cowboy's flag is on Central Plaza, it's missing. Also wants to know what role the Urban League plays in Ordinance #20; Dave Miday re: Asked for support of the Park Levy; Jim Adams re: Explained Ordinance #2 in regard to infant mortality.

INFORMAL RESOLUTIONS:

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| 37. | CNCL AT LG MBRS BABCOCK & COLE & WARD
CNCL MBRS HAWK, WEST, GRIFFIN,
DOUGHERTY, MARIOL & MORRIS: | REQ COUNTY AUDITOR TO CERTIFY TO CITY OF CANTON THE TOTAL CURRENT TAX VALUATION OF THE CITY & INCLUDE THE CALCULATION OF THE AVERAGE ANNUAL TAX RATE, EXPRESSED IN DOLLARS & CENTS FOR EACH ONE HUNDRED DOLLARS OF VALUATION AS WELL AS IN MILLS FOR EACH ONE DOLLAR OF TAX VALUATION & THE DOLLAR AMT OF REVENUE THAT WOULD BE GENERATED BY 3 MILLS. - TO BE WITHDRAWN |
| 38 | COUNCIL MEMBER WEST, WARD 2: | HONORING PASTOR REVEREND DR. ERIC C. JOHNSON. - ADOPTED |
| 39. | PERSONNEL COMMITTEE: | RE-APPT MARCIA ZAWACKY TO FAIR HOUSING COMMISSION FROM 1/1/13 - 12/31/17. - ADOPTED |
| 40. | PERSONNEL COMMITTEE: | RE-APPT CLASSIE GROCE TO FAIR HOUSING COMMISSION FROM 9/1/12 - 8/31/17. - ADOPTED |
| 41. | PERSONNEL COMMITTEE: | RE-APPT NEIL LIBSTER TO FAIR HOUSING COMMISSION FROM 7/1/12 - 6/30/17. - ADOPTED |
| 42. | WARD CNCL MBRS WEST, SMITH,
FISHER & MACK : | OPPOSING HOUSE BILL 203 & JOINING THE OHIO BLACK CAUCUS IN HOPES OF PREVENTING ANY LEGISLATIVE ACTION. - ADOPTED |

COMMUNICATIONS:

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| 296. | CNCL AT LG MBR CIRELLI & WARD CNCL MBRS
FISHER & MORRIS: | REQ FOR INFORMATION FROM CCIC (FINANCES, EXPENDITURES, SALARIES, AGENDAS & MINUTES). - RECEIVED & FILED |
| 297. | COUNCIL MEMBER FISHER, WARD 5: | REQ STREET NAME CHANGE FROM SEICH COURT SW TO RALPH BYRD COURT. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE |
| 298. | COUNCIL MEMBER MORRIS, WARD 9: | REQ LAW DEPT RESEARCH & PREPARE INFORMAL RESOLUTION STATING THAT IN THE EVENT THAT THE PARK LEVY PASSES COUNCIL SUPPORTS USING SAVINGS TO INCREASE SAFETY FORCES. - RECEIVED & FILED |
| 299. | LIQUOR CONTROL DIVISION (OHIO): | REQ NEW C1 C2 LIQ PERMIT FOR WIRELESS OUTLET LLC DBA RED CIRCLE WIRELESS @ 125 12 TH ST NE. - RECEIVED & FILED |
| 300. | MAYOR HEALY: | REQ RE-APPT OF ERMA SMITH TO INCOME TAX REVIEW BOARD FROM 3/1/13 - 2/28/17. - PERSONNEL COMMITTEE |
| 301. | MAYOR HEALY: | ADVISING OF RE-APPT OF SHARON JOHNSON TO MAYOR'S COMMUNITY RELATIONS COMMISSION FROM 7/1/13 - 6/30/15. - RECEIVED & FILED |
| 302. | MAYOR HEALY: | ADVISING OF RE-APPT OF SAMMY MILLER TO MAYOR'S COMMUNITY RELATIONS COMMISSION FROM 7/1/13 - 6/30/15. - RECEIVED & FILED |

COMMUNICATIONS CONTINUED:

303. MAYOR HEALY: ADVISING OF RE-APPT OF TIMOTHY MILLER TO MAYOR'S COMMUNITY RELATIONS COMMISSION FROM 7/1/13 - 6/30/15. - RECEIVED & FILED
304. MAYOR HEALY: ADVISING OF APPT OF SEAN WHITED TO MAYOR'S COMMUNITY RELATIONS COMMISSION FROM 7/1/13 - 6/30/15. - RECEIVED & FILED
305. MAYOR HEALY: ADVISING OF APPT OF EMIL ALECUSAN TO MAYOR'S NEIGHBORHOOD COMMISSION FROM 6/1/13 - 5/31/14. - RECEIVED & FILED
306. SAFETY DIRECTOR PRICE: REQ PAYMENT BE MADE FOR \$385.27 MORAL OB TO TO AIRGAS USA LLC FOR INVOICES FROM 2012 FOR SVCS & CYLINDER RENTALS THAT WERE OVERLOOKED FOR PAYMENT (TRAFFIC SIGN & PAVEMENT DIVISION OF ENGINEERING). - FINANCE COMMITTEE
307. SAFETY DIRECTOR PRICE: DECLARE VARIOUS BLDGS UNSAFE AND HAZARDOUS FOR WHICH DEMOLITION IS REQUIRED. - FINANCE COMMITTEE
308. SAFETY DIRECTOR PRICE: REQ TO ENTER INTO CONTRACT W/MORNING PRIDE MANUFACTURING INC FOR PURCHASE OF 15 SETS OF TURNOUT GEARS FOR FIRE DEPT AT COST NOT TO EXCEED \$35,000.00. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
309. SAFETY DIRECTOR PRICE: REQ TO RECEIVE & APPROP \$2,500.00 EMS GRANT TO BE PLACED IN FIRE DEPT EMS GRANT FUND 2812-103001-73417. - FINANCE COMMITTEE
310. SAFETY DIRECTOR PRICE: REQ INCREASE UP TO THE RATE CPI-U OR A MAXIMUM OF 3%, WHICHEVER IS LESSER FOR ANGELA CAVANAUGH, CHIEF BUILDING OFFICIAL. - PERSONNEL COMMITTEE
311. SAFETY DIRECTOR PRICE: REQ \$200,000.00 SUPP APPROP TO BE PLACED IN FUND 2760 FEDERAL FORFEITURE FUND IN POLICE DEPT. - FINANCE COMMITTEE
312. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR &/OR SERV DIR TO NEG & ENTER INTO AGMT W/THE FIRST TEE OF CANTON FOR THE LEASE OF ADJACENT PROPERTY; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY PROPER DEPT AUTHORITY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
313. SERVICE DIRECTOR BARTOS: AUTHORIZE THE ESTABLISHMENT OF POSITIONS OF DIR OF PURCHASING & ASST DIR OF PURCHASING; ELIMINATE POSITIONS OF OPERATIONS ANALYST & ADMIN ASST III BOTH WHICH CURRENTLY EXIST IN PURCHASING; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY THE PROP DEPT AUTHORITY. - PERSONNEL COMMITTEE
314. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR &/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD & EXECUTE A CONSTRUCTION CONTRACT FOR TRINITY PLACE & CAPRICE AVE NW SANITARY MANHOLE REHAB PROJ; MAKE \$130,000.00 APPROP TRANSFER FROM UNAPP BAL OF 5410 (SANITARY SEWER FUND) TO 5410-206313 (SANITARY SEWER FUND - TRINITY PL & CAPRICE AVE NW SANITARY MANHOLE REHAB, GP 1174); AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY PROPER DEPT AUTHORITY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
315. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR &/OR SERV DIR APPLY FOR, ENTER INTO AGMT FOR & REC OPWC FUNDS (BOTH GRANT & LOAN) FOR 2014 PROGRAM YR FOR VARIOUS CITY PROJECTS. - FINANCE COMMITTEE

COMMUNICATIONS CONTINUED:

316. SERVICE DIRECTOR BARTOS: REQ TO AMEND EXHIBIT A OF O#120/2013 (12TH ST N. CORRIDOR PROJECT, GP 1098, PID 85299 RIGHT-OF-WAY ACQUISITION AUTHORIZATIONS) TO INCLUDE ADDT'L PROPERTY APPRAISALS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
317. STARK COUNTY COMMISSIONERS: RECEIPT OF PERTINENT DOCUMENTS IN REGARD TO HOF ANNEXATION. - PLANNING COMMISSION

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. AMEND APPROP O#209/2012, AS AMENDED, BY MAKING APPROP TRANSFER; EMERGENCY (\$10,762.02 FROM 2313 301001 - OTHER TO 2313 301001- PERSONNEL)
Referred to Finance Committee
- 1ST RDG 2. AUTHORIZE HEALTH COMMISSIONER TO ENTER INTO PROF SVCS CONTRACT IN AMT OF \$20,000.00 W/NATIONAL ORGANIZATION OF URBAN MATERNAL & CHILD HEALTH LEADERS FOR PURPOSES OF PROVIDING TRAINING, FACILITATION & TECHNICAL ASSISTANCE FOR STARK COUNTY EQUITY INSTITUTE FOR INFANT MORTALITY; EMERGENCY
Referred to Finance Committee
- 1ST RDG 3. AMEND APPROP O#209/2012; EMERGENCY (\$81.32 FROM UNAPPROP BAL OF 2785 2010 BYRNE MEMORIAL GRANT FUND TO 2785 BYRNE MEMORIAL GRANT - OTHER)
Referred to Finance Committee

(COUNCIL RECESSED AT 8:20 P.M. FOR THE FINANCE COMMITTEE TO DISCUSS ORDINANCE #4; RECONVENED AT 8:25 P.M.)

- 124/2013 4. AMEND APPROP O#209/2012; EMERGENCY (\$1,000,000.00 UNAPPROP BAL OF 1151 LAND REUTILIZATION & NOTE FUND TO 1151 101501 CODE ENFORCEMENT - OTHER)
Referred to Finance Committee
- 1ST RDG 5. AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO AGMT W/THE WHEELING & LAKE ERIE RAILWAY &/OR THE RAIL DEVELOPMENT CORP TO UPGRADE CERTAIN RAILROAD CROSSINGS IN CANTON; AUTHORIZE MAYOR &/OR SERV DIR TO REC GRANTS & UTILIZE FUNDING MADE AVAILABLE FOR THE PROJ THROUGH AGMTS W/WHEELING & LAKE ERIE RAILWAY &/OR THE ORDC; AUTHORIZE THE MAYOR &/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD & EXECUTE A CONSTRUCTION CONTRACT & TO ADVERTISE, REC BIDS, AWARD & EXECUTE A MATERIALS PURCHASE CONTRACT OR TO PURCHASE SAID MATERIALS VIA THE STATE COOP PURCHASING AGMT; AUTHORIZE AUDITOR TO ESTABLISH & CREATE THE 4570 RAILROAD CROSSING/TRAFFIC SIGNAL UPGRADE PROJ GP 1149 FUND; AMEND APPROP O#209/2012; EMERGENCY (\$200,000.00 FROM UNAPPROP BAL OF THE 4570 RAILROAD CROSSING/TRAFFIC SIGNAL UPGRADE PROJ GP 1149 FUND TO 4570 202097 RAILROAD CROSSING/TRAFFIC SIGNAL UPGRADE PROJECT GP 1149 - OTHER)
Referred to Public Property Capital Improvement Committee
- 1ST RDG 6. AMEND APPROP O#209/2012; EMERGENCY (\$3,736.84 FROM UNAPPROP BAL OF THE 4501 CAPITAL FUND TO 4501 202032 HARMONT AVE SANITARY SEWER EXTENSION PROJ - OTHER)
Referred to Public Property Capital Improvement Committee
- 1ST RDG 7. AUTHORIZE CITY AUDITOR TO PAY \$6,000.00 TO HAYMAKER TREE AND LAWN; EMERGENCY
Referred to Finance Committee

(COUNCIL RECESSED AT 8:26 P.M. FOR THE PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE TO DISCUSS ORDINANCE #8; RECONVENED AT 8:29 P.M.)

- 125/2013 8. AUTHORIZE MAYOR &/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD & EXECUTE A CONSTRUCTION CONTRACT FOR THE 41ST ST NW ROADWAY RECONSTRUCTION PROJ GP 1126; ESTABLISH FAIR MKT VALUE OF REAL PROP; AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO AGMTS FOR PURCHASE OF SAID PARCELS FOR THE PROJ; AUTHORIZE AUDITOR TO ESTABLISH 4569 PROJ FUND; AMEND APPROP O#209/2012; EMERGENCY (SUPP APPROPS - \$452,252.00 & \$140,000.00 AND APPROP TRANSFER - \$73,000.00)
Referred to Public Property Capital Improvement Committee

(COUNCIL RECESSED AT 8:20 P.M. FOR THE FINANCE COMMITTEE TO DISCUSS ORDINANCE #9; RECONVENED AT 8:25 P.M.)

- 126/2013 9. DECLARE VARIOUS BLDGS TO BE PUBLIC NUISANCES; AUTHORIZE SAF DIR TO ENTER INTO CONTRACT FOR DEMO OF SAID BLDGS; AUTHORIZE CLERK OF COUNCIL TO CERTIFY COSTS OF DEMO TO STARK COUNTY AUDITOR; EMERGENCY
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:
(SUSPENDED RULE 22A TO ADD O#10 - O#17)

- 2ND RDG 10. AMEND SEC 749.02, PERMIT REQUIRED, OF CODIFIED ORDINANCES OF CITY OF CANTON (ITINERANT RETAILERS) (JUD)
- 2ND RDG 11. 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) (C&ED)
- 2ND RDG 12. 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) (C&ED)
- 2ND RDG 13. 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 (FIN)
- 2ND RDG 14. 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) (FIN)
- 2ND RDG 15. ADOPT CITY OF CANTON'S ALTERNATIVE TAX BUDGET FOR FISCAL YEAR ENDING DECEMBER 31, 2014; EMERGENCY (FIN)
- 2ND RDG 16. AUTHORIZE CITY AUDITOR TO PAY \$2,400.00 TO SOUTH CITY HEATING AND COOLING; EMERGENCY (PPCI & PARKS & REC)
- 2ND RDG 17. AMEND APPROP O#209/2012; EMERGENCY (\$31,268.05 FROM UNAPPROP BAL 4502 MOTOR VEHICLE PURCHASE FUND TO 4502 MOTOR VEHICLE PURCHASE - OTHER) (PPCI)

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

- 127/2013 18. 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
- 128/2013 19. AMEND SECS 723.01, 723.05 & 723.15 OF CHAPTER 723, AMUSEMENT & MUSICAL DEVICES, OF CODIFIED ORDINANCES OF CITY; EMERGENCY
- 129/2013 20. AMEND SEC 2 OF O#61/2012 (CANTON MERCHANDISING/PROMO PROGRAM)
- 130/2013 21. 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

AMENDED

- 131/2013 22. AMEND O#209/2012; EMERGENCY (\$12,500.00 FROM UNAPPROP BAL OF THE 1105 POLICE SETTLEMENT FUND TO 1105 753001 LAW DEPARTMENT - OTHER)

AMENDED

- 132/2013 23. AMEND RE#21/2013; EMERGENCY (PARK LEVY - CHANGES FOR BALLOT)

AMENDED

- 133/2013 24. 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

- 134/2013 25. 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

- 135/2013 26. AMEND SEC 2 OF O#70/2013; EMERGENCY (CHANGE DOLLAR AMT TO \$28,820,200.00)

- 136/2013 27. 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

- 137/2013 28. 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

ANNOUNCEMENT OF COMMITTEE MEETINGS:

MONDAY, AUGUST 12, 2013 in Council Caucus Room at 6:30 P.M.

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

MISCELLANEOUS BUSINESS: None

ADJOURNMENT: 9:38 PM

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, AUGUST 12, 2013 @ 7:30 PM