

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

CANTON CITY COUNCIL

SEPTEMBER 9, 2013

ROLL CALL: Eleven Council Members Present

MOTION TO EXCUSE MEMBERS: Member Morris Absent

INVOCATION: Pastor Carlos Morris

PLEDGE OF ALLEGIANCE: President Allen Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 1st Rdg O#8, 2nd Rdg O#9 - O#17; O#8 Adopted on 1st Rdg, O#15 and O#16 Adopted on 2nd Rdg, O#20 Adopted as Amended)

PUBLIC HEARINGS: None

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

PUBLIC SPEAKS (CITY BUSINESS): Chief Stephen Rich addressing concerns that the public expects certain levels of safety from the Canton Fire Department. He has received calls from Council Members and citizens regarding the closure of stations. The staffing levels and budgeted money just doesn't permit each station to be open every day. When the firefighters are at risk so are the citizens. Pete DiGiacomo is still not comfortable with the safety of the northbound bike lane on Walnut Avenue. A cyclist is 3 times more likely to be injured driving toward the oncoming traffic than with the flow of traffic. Canton is not a bike friendly city so he hopes that people can get used to it before there is an accident. Tim Porter is the Vice President of the Summit United Neighbors Association and they were awarded a grant for \$15,000.00 and now the city is trying to take that away from them. He has made contact with Lisa Miller and Thomas Burns but they have not gotten a response. Could the Council please help them to set up a meeting to determine what can be done in this matter. Bruce Nordman and Group 175 would now like for both the Police and Fire Departments to be staffed at 175 people. They feel that they should be invited to any meeting held in the city that involves safety because they represent the grass roots voters. He also feels that the Vassar Park Neighborhood Association should be invited to all meetings regarding safety at Ridgewood Castle. Mr. Nordman would like to see some fan support this year and some banners hung to display spirit before the Massillon/McKinley game. Pat Kirk is happy that a broken picnic table has been removed from the Market Square lot. She would like to see the recycle bin moved off of the grass and down on to the curb like the other ones in the city. The intersections on Walnut are not only dangerous for bicycles but for pedestrians as well. The next Tree Commission meeting will be on September 17, 2013 at 6:00 PM. Karen Byrd is the daughter of Ralph Byrd and was here to thank Council for renaming Seich Court in honor of her father. This will be a great legacy for all of the hard work that he did in both the church and the community. Carlos Morris likes seeing all of the leaders here have a heart for the city. He is a 3rd generation believer in Pastor Bryd and thanked all for naming the street that comes up to the church in his honor. David Fiser came to Canton last year and is trying to start a non-profit agency with Mt. Union alumni to help the homeless with jobs. The agency is coming along and will soon file with the state but they are having an issue with vendors license in the city because of the SID area. The cost of the license for inside and outside of the downtown district is so extreme that he asked to have the Ordinance modified to help those in need. Henry Preston commended the Mayor for his efforts in reaching out to the county, state and feds for help and this is what should have been done long ago. He would like to see video recording of the Council meetings so that the citizens that do not attend meetings could still see their Council person in action.

INFORMAL RESOLUTIONS:

45. COUNCIL-AS-A-WHOLE: APPROVING THE MANAGEMENT AGREEMENT FOR THE STARK COUNTY CRIME LAB BETWEEN SCOG AND THE CITY OF CANTON. - ADOPTED

COMMUNICATIONS:

348. APPLICANT, JAMES MILLER: REQ TO VACATE A PORTION OF GROVE PL SW FROM BEDFORD AVE TO ARLINGTON AVE AND MOSLEY CT FROM GROVE PL SOUTH APPROX 38' FOR AULTMAN HEALTH FOUNDATION. - PLANNING COMMISSION

349. APPLICANT, JAMES MILLER: REQ TO VACATE A PORTION OF GROVE PL SW FROM WEST APPROX 95' EAST OF EXETER AVE TO EAST END OF DEDICATED ROADWAY FOR AULTMAN HEALTH FOUNDATION. - PLANNING COMMISSION

350. AUDITOR MALLONN: REQ FOR ADDTL AMENDED CERT DATED 8/20/13. - RECEIVED & FILED

351. AUDITOR MALLONN: REQ FOR ADDTL AMENDED CERT DATED 8/29/13. - RECEIVED & FILED

352. AUDITOR MALLONN: MNTHLY RPT BY FUND FOR 8/1/13 - 8/30/13. - RECEIVED & FILED

353. AUDITOR MALLONN: YRLY RPT BY FUND FOR 1/1/13 - 8/30/13. - RECEIVED & FILED

354. COUNCIL MEMBER WEST: REQ TO AMEND O#1/2005, CHAP 1107.04, MEMBERSHIP OF THE ARCHITECTURAL REVIEW BOARD. - JUDICIARY COMMITTEE

355. DEVELOPMENT DIRECTOR WILLIAMS: AUTHORIZE MAYOR TO SUBMIT & FILE W/HUD THE ATTACHED AMENDMENTS TO THE 2013 ANNUAL ACTION PLAN, NSP 1 SUBSTANTIAL AMENDMENT & NSP 3 SUBSTANTIAL AMENDMENT; AUTHORIZE MAYOR AND/OR SERV DIR TO ACCEPT FROM DDK 2 HOUSES & FROM FREED HOUSING 11 HOUSES; AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACTS FOR REHABILITATION & OTHER HOUSING EXPENSES OF EACH PROP, IN AMT NOT TO

COMMUNICATIONS CONTINUED:

355. CONTINUED: EXCEED \$500,000.00 BASED ON RFP'S AND/OR BIDS; AUTHORIZE SALE OF THESE PROP ONCE COMPLETED; AUTHORIZE AN EXPANSION OF THE HOUSING REHAB PROJ TO UTILIZE UP TO \$500,000.00 IN CDBG FUNDS TO ENTER INTO CONTRACT FOR ACQUISITION, REHAB AND RESALE OF HOME OWNER OCCUPIED UNITS NOT TO \$50,000.00 EACH; AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT WITH STARK COUNTY REGIONAL PLANNING COMMISSION IN AMT NOT TO EXCEED \$20,000.00 FOR ADMINISTRATION OF CITY'S EMERGENCY SOLUTIONS GRANT PROG; AND AUTHORIZE FOR MAYOR AND/OR SERV DIR ADVERTISE, REC BIDS AND ENTER INTO CONTRACTS FOR REMOVAL OF ASBESTOS FROM & DEMOLITION OF 2 COMMERCIAL STRUCTURES LOCATED AT 2408 13TH ST NE & 1446 W TUSCARAWAS. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
356. HEALTH COMMISSIONER ADAMS: REQ \$80,000.00 FROM UNAPPROP BAL 2323 PREP TO 2323 PREP GRANT FUND, \$60,000.00 AND 2323 PREP GRANT FUND - PERSONNEL, \$20,000.00. - FINANCE COMMITTEE
357. LIQUOR CONTROL DIVISION (OHIO): REQ NEW D3 PERMIT FOR MICHAEL NASVADI DBA BUZZBIN @ 337-339 CLEVELAND AVE NW. - RECEIVED & FILED
358. MAYOR HEALY: REQ LEGISLATION ACCEPTING MATCHING FUNDS FOR DEMOLITIONS IN CANTON AWARDED BY STARK COUNTY LAND REUTILIZATIONS CORP IN AMT OF \$353,107.00. - FINANCE COMMITTEE
359. MAYOR HEALY: AUTHORIZE MAYOR AND/OR SAF DIR TO ENTER INTO A MGMT AGMT WITH CHAIRMAN OF STARK COUNCIL OF GOVERNMENT (SCOG) FOR THE OVERSIGHT OF THE CRIME LAB. - RECEIVED & FILED
360. SAFETY DIRECTOR PERRY: AUTHORIZE SAF DIR TO PURCHASE SIXTY (60) TASER X2 MODELS FOR A COST OF \$65,490.00 WITH FEDERAL FORFEITURE FUNDS; ENTER INTO A FIVE YR REPLACEMENT AGMT AT A COST OF \$11,900.00 PER YR WITH TASER INTERNATIONAL. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
361. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO EASEMENT AGMT WITH ABLL REAL ESTATE, LLC TO GRANT EASEMENT IN CITY OF RIGHT-OF-WAY FOR PROP AT 309 COURT AVE NW. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
362. SERVICE DIRECTOR BARTOS: REQ SUPP APPROPS FROM WATER DEPT FOR WATER, SEWER & SANITATION BILLING AND WATER METER/MTU REPLACEMENT. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
363. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR AUGUST 2013. - RECEIVED & FILED
364. TREASURER SCHIRACK: RPT DEPOSITS AND PAY-INS TO AMBULANCE LOCK BOX FOR AUGUST 2013. - RECEIVED & FILED
365. TREASURER SCHIRACK: RPT OF BANK RECONCILIATIONS AND CITY'S OUTSTANDING INVESTMENTS AS OF 8/30/13. - RECEIVED & FILED
366. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS FILED AS OF 8/31/13. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

1ST RDG 1. AMEND CHAP 1353, FORECLOSED PROP AND BLDGS OF CODIFIED ORDINANCES OF CANTON
Referred to Judiciary Committee

1ST RDG 2. ESTABLISH FAIR MARKET VALUE OF ONE PARCEL OF CITY-OWNED PROP; AUTHORIZE SALE AND CONVEYANCE OF SAID PROP PURSUANT TO CITY'S RESIDENTIAL LAND DISPOSITION PROG; EMERGENCY (JESSE JONES, PARCEL # 02-08850 ON 4TH ST NE)
Referred to Community & Economic Development Committee

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING CONTINUED:

- 1ST RDG 3. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO A JOB CREATION TAX INCENTIVE AGMT WITH CASE FARMS PROCESSING, INC. & CASE FARMS, LLC PURSUANT TO CITY'S INCENTIVE PROG; EMERGENCY
Referred to Community & Economic Development Committee
- 1ST RDG 4. AMEND O#209/2012; EMERGENCY (\$80,000.00 FROM UNAPPROP BAL 2328 PHEP GRANT FUND TO 2328 301001 PHEP GRANT - OTHER)
Referred to Finance Committee
- 1ST RDG 5. AMEND SECTION 1 OF O#177/2006; EMERGENCY (CHANGE DRAWER FOR IMPOUND LOT)
Referred to Judiciary Committee
- 1ST RDG 6. AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO PROF SERV CONTRACT WITH BRICKER & ECKLER, LLP IN AMT NOT TO EXCEED \$29,800.00 RELATED TO WATER RECLAMATION FACILITY UPGRADE; EMERGENCY
Referred to Finance Committee
- 1ST RDG 7. AUTHORIZE CLERK OF COUNCIL TO CERTIFY TO COUNTY AUDITOR UNPAID & DELINQUENT CHARGES FOR WATER AND/OR SEWER SERV; EMERGENCY
Referred to Environmental & Public Utilities Committee

(COUNCIL RECESSED AT 8:07 P.M. FOR THE FINANCE COMMITTEE TO DISCUSS ORDINANCE #8; RECONVENED AT 8:09 P.M.)

- 154/2013 8. ACCEPT ADDITIONAL MATCHING FUNDS FOR DEMOLITIONS FROM THE STARK COUNTY LAND REUTILIZATION CORP (SCLRC); AUTHORIZE SERV DIR TO SUBMIT AN APPLICATION AND/OR ANY OTHER NECESSARY DOCUMENTATION FOR ADDITIONAL GRANT FUNDS AND TO ENTER INTO A SUBRECIPIENT AGMT WITH SCLRC IN ORDER TO EFFECT THE DEMOLITION OF NUISANCE RESIDENTIAL STRUCTURES WITHIN CANTON; EMERGENCY
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:

(SUSPENDED RULE 22A TO ADD O#9 - O#17; O#15 & O#16 ADOPTED)

- 2ND RDG 9. AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS FOR CANTON MUNICIPAL COURT AUDIO/VISUAL REHABILITATION PROJ; EMERGENCY (PPCI)
- 2ND RDG 10. AMEND APPROP O#209/2012; EMERGENCY (\$8,574.00 FROM 2767 701001 COMM SANCTIONS GRANT - PERSONNEL SERV TO 2767 701001 COMM SANCTIONS GRANT - OTHER) (FIN)
- 2ND RDG 11. AUTHORIZE MAYOR AND/OR SERV DIR TO AMEND EXISTING CITY OF CANTON/CANTON TOWNSHIP I-77 CEDA AGMT; EMERGENCY (ANNEX)
- 2ND RDG 12. AUTHORIZE SERV DIR TO ENTER INTO A ONE-YR SUPPORT CONTRACT WITH DLT SOLUTIONS IN AN AMT NOT TO EXCEED \$40,270.00 FOR ONGOING SUPP & MAINTENANCE OF CITY'S ORACLE SOFTWARE LICENSES PURSUANT TO O.R.C. SECTION 125.04; EMERGENCY (FIN)
- 2ND RDG 13. AUTHORIZE CITY AUDITOR TO PAY \$60,393.85 TO CENTRAL ALLIED ENTERPRISES; AMEND APPROP O#209/2012, AS AMENDED, BY MAKING THE SUPP APPROP HEREIN DESCRIBED; EMERGENCY (FROM UNAPPROP BAL 5201 WATER FUND TO 5201 207022 - OTHER) (FIN)
- 2ND RDG 14. AUTHORIZE THE MAYOR AND/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD & EXECUTE A CONTRACT FOR USE OF FUEL CARDS FOR FUELING ALL CITY VEHICLES; EMERGENCY (FIN)
- 155/2013 15. AUTHORIZE MAYOR AND/OR SERV TO ADVERTISE, REC BIDS, AWARD & EXECUTE A CONSTRUCTION CONTRACT FOR THE HARRISBURG RD RESURFACING PROJ, GP 1139; ENTER INTO COOP AGMT WITH BOARD OF STARK COUNTY COMMISSIONERS TO REIMBURSE CANTON FOR A PORTION OF THE WORK AND REC GRANT FUNDS; REC OHIO PUBLIC WORKS COMMISSION GRANT FUNDS IN AMT OF \$150,000.00; AUTHORIZE AUDITOR TO ESTABLISH THE 4571 PROJ FUND; AMEND APPROP O#209/2012; EMERGENCY (\$150,000.00 FROM UNAPPROP BAL 4571 HARRISBURG RD RESURFACING PROJ, GP 1139 FUND TO 4571 202098 HARRISBURG RD RESURFACING PROJ, GP 1139 - OTHER & \$101,359.59 FROM UNAPPROP BAL 2113 MUNICIPAL RD FUND TO 2113 202001 MUNICIPAL RD FUND - ENGINEERING ADMIN - OTHER) (PPCI)
- 156/2013 16. AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD & EXECUTE A CONSTRUCTION CONTRACT FOR THE 55TH ST NE STORM SEWER & RDWAY IMPROVEMENT PROJ, GP 1125; REC OHIO PUBLIC WORKS COMMISSION GRANT/LOAN FUNDS FOR PROJ; REC GRANT FUNDS FROM BOARD OF STARK COUNTY COMMISSIONERS; AUTHORIZE AUDITOR TO ESTABLISH 4565 PROJ FUND; AMEND APPROP O#209/2012; EMERGENCY (SUPP APPROPS OF \$895,000.00 FROM UNAPPROP BAL 4565 55TH ST NE STORM SEWER PROJ FUND GP 1125 TO 4565 202087 55TH ST NE STORM SEWER PROJ; GP 1125 - OTHER & \$160,000.00 FROM UNAPPROP BAL 4501 CAPITAL PROJ FUND TO 4501 202087 CAPITAL PROJ FUND - 55TH ST NE STORM SEWER PROJ, GP 1125 - OTHER; APPROP TRANSFERS OF \$30,000.00 FROM 4501 504010 CAP PROJ FUND - INFO TECH - OTHER TO 4501 202087 CAP PROJ FUND - 55TH ST NE STORM SEWER PROJ, GP 1125 - OTHER & \$110,000.00 FROM 4501 202210 CAP PROJ FUND - STREET MAINT - OTHER TO 4501 202087 CAP PROJ FUND - 55TH ST NE STORM SEWER PROJ, GP 1125 - OTHER) (PPCI)

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING CONTINUED:

- 2ND RDG 17. AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO PURCH AGMT IN AMT NOT TO EXCEED \$21,000.00 WITH NORMAN & BARBARA LORD FOR PURCH OF PARCEL #304459 & ENTER INTO COOP AGMT WITH GERVASI VINEYARDS AND/OR OTHER PROJ STAKEHOLDERS FOR DEVELOPMENT & MAINTENANCE OF TRAILHEAD; AUTHORIZE ENGINEERING & PARKS DEPTS TO GENERAL CONTRACT AS NEEDED TO DEVELOP TRAILHEAD THROUGH USE OF CITY FORCES AND/OR LOCAL CONTRACTORS & SUPPLIERS; AMEND APPROP O#209/2012; EMERGENCY (\$5,547.35 FROM UNAPPROP BAL 2181 GERVASI 1700 LLC TIF FUND TO 2181 202001 GERVASI 1700 LLC TIF - ENGINEERING ADMIN - OTHER) (PPCI)

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

- 157/2013 18. RENAMING A PORTION OF SEICH COURT SW IN THE CITY, RALPH BYRD COURT SW (BETWEEN 15TH ST SW & 16TH ST SW)

- 158/2013 19. AUTHORIZE AUDITOR TO PAY \$385.27 TO AIRGAS USA LLC; EMERGENCY

AS AMENDED

- 159/2013 20. AUTHORIZE SAF DIR TO ENTER INTO CONTRACT W/MORNING PRIDE MANUFACTURING INC IN AMT NOT TO EXCEED \$35,000.00 FOR PURCHASE OF TURNOUT GEAR PURSUANT TO ORC 125.04; EMERGENCY

- 160/2013 21. AUTHORIZE SAF DIR TO ACCEPT A REIMBURSEMENT GRANT FROM THE OHIO DEPT OF PUB SAF IN AMT NOT TO EXCEED \$2,500.00; AMEND APPROP O#209/2012; EMERGENCY (FROM UNAPPROP BAL OF 2812 FIRE DEPT EMS GRANT FUND TO 2812 103001 FIRE DEPT EMS GRANT - OTHER)

- 161/2013 22. AMEND APPROP O#209/2012; EMERGENCY (\$200,000.00 FROM UNAPPROP BAL OF 2760 FEDERAL FORFEITURE FUND TO 2760 102001 FEDERAL FORFEITURE - OTHER)

- 162/2013 23. AUTHORIZE MAYOR AND/OR SERV DIR TO NEGOTIATE & ENTER INTO AGMT W/FIRST TEE OF CANTON FOR LEASE OF CITY-OWNED PROP; EMERGENCY (DIANO PROPERTY)

- 163/2013 24. AMEND EXHIBIT A TO O#100/2011, AS AMENDED, THE CLASSIFICATION PLAN AND SALARIES FOR MGMT & NON-BARG UNIT EMPLOYEES; EMERGENCY (REORGANIZING PURCHASING DEPT)

- 164/2013 25. AUTHORIZE MAYOR &/OR SERV TO ADVERTISE, REC BIDS, AWARD & EXECUTE A CONSTRUCTION CONTRACT FOR THE TRINITY PL & CAPRICE AVE NW SANITARY MANHOLE REHABILITATION PROJ GP 1174; AMEND APPROP O#209/2012; EMERGENCY (\$130,000.00 FROM UNAPPROP BAL OF 5410 SANITARY SEWER FUND TO 5410 206313 SANITARY SEWER - TRINITY PL & CAPRICE AVE NW SANITARY MANHOLE REHAB GP 1174 - OTHER)

- 165/2013 26. AUTHORIZE MAYOR &/OR SERV DIR TO APPLY FOR, ENTER INTO AGMT FOR & REC OHIO PUB WORKS COMMISSION FUNDS FOR 2014 PROG YR FOR VARIOUS CITY PROJECTS; EMERGENCY

ANNOUNCEMENT OF COMMITTEE MEETINGS:**MONDAY, SEPTEMBER 16, 2013 in Council Caucus Room at 6:30 P.M.**

- 1) Finance Committee
- 2) Judiciary Committee
- 3) Community & Economic Development Committee
- 4) Environmental & Public Utilities Committee

MISCELLANEOUS BUSINESS: Member Cirelli asks the Law Director if they have locked in the gas rates for this year and if the residents of the city are allowed to participate in the county program. Law Director Martuccio believes that the rate for the winter season will be .4975 cents. Technically people in the city should be a part of the city program but the city and county rates are negotiated by the same broker. If a person has left the city program and is solicited by the provider for the county, they could then join that group. Member Cirelli asks if there is a fee for them to leave the city program. She is confused by the sellers of the product on how they can approach all customers. Law Director Martuccio states that there is no fee to leave the program but a time window of when they can exit. Mayor Healy and others had a meeting with Ohio Attorney General Mike DeWine today. The Attorney General had requested the people that he wanted to attend this meeting and it was not open to the public or the press at his request. It did allow them to hear the impact that the reduction of dollars is having on the cities to pay Police and Firemen. The Mayor has met with over 400 business owners during his time in office and he is permitted to have meetings with people that are personal and not public. Law Director Martuccio thanked Mr. Fiser for his efforts to start a non-profit agency. While the licensing fees are different in the Special Improvement District there can always be exceptions to a rule and if someone in Council would like to sponsor an amendment, he would be happy to discuss it with them. He stated that most of us have grown up and been taught that you always ride your bicycle on the right side of the road with the traffic and while the city Ordinances do say that is how a bike lane should be designed, ODOT and the Federal Highway Administration now have regulations of contraflow lanes if they are all properly labeled and signed. All of the necessary entities were contacted prior to the start of the project on Walnut Avenue. Member Cirelli says that this project was designed and completed and then a new Safety Director signed off on it when it was done. Member West had concerns about the traffic and the number of crashes that occurred in the intersections of Walnut Avenue but knows that reckless driving is also a factor on this street. That is part of why he wanted to put traffic cameras in that area. He knows that the Engineer's office did make all of the required contacts to do this project and feels that if people just give it time they will adjust as they do with any other change. President Schulman was infuriated that the press and the public were not permitted to be in attendance at the meeting with Ohio Attorney General Mike DeWine today. He should be ashamed of this request. There are two houses in very bad shape on Cleveland Avenue which is a main corridor of the city and these need to come down. It is time to embarrass the owners of these houses. Member Dougherty thanked all Members for voting for the expansion at the First Tee. They will continue to work with the school systems to get more children involved. He reminded all of the 21st Annual Feed the Needy picnic coming up on September 21,

2013 and stated that there will be more events this year. He also thanked President Schulman for the use of his parking lot since the picnic continues to grow.

ADJOURNMENT: 8:54 PM

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, SEPTEMBER 16, 2013 @ 7:30 PM