

FINAL
A G E N D A
7:30 PM

CANTON CITY COUNCIL

OCTOBER 28, 2013

ROLL CALL: All Council Members Present

MOTION TO EXCUSE MEMBERS: Not Necessary

INVOCATION: David Dougherty, Ward 6 Council Member

PLEDGE OF ALLEGIANCE: President Allen Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 1st Rdg O#7; 2nd Rdg O#8 - O#18; O#7 Adopted on 1st Rdg; O#17 Adopted on 2nd Rdg; O#18 Adopted as Amended on 2nd Rdg)

PUBLIC HEARINGS:

7:30 PM AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE HOF ANNEXATION AREA CONTAINING APPROXIMATELY 5.776 ACRES; ASSIGNING SAID TERRITORY TO WARD 7 OF THE CITY; ZONING SAID TERRITORY AS CS (COMMUNITY SERVICE); AND DECLARING THE SAME TO BE AN EMERGENCY **O#201/2013**

OLD BUSINESS (PUBLIC SPEAKS): Reviewed Pending Business from Public Speaks

PUBLIC SPEAKS (CITY BUSINESS): Greg Sanford thanked the city for all the clean up crews that have been out from the Street Department but he still continues to find many things at the freeway underpass at Henry and 15th Street SW. It seems like people are having bonfires and breaking lots of bottles since the weather is cooler. There are several cars that speed in this area and he just knows that someone is going to get a flat and have an accident with all the broken glass. Bruce Nordman discussed the monumental event of the McKinley vs. Massillon football game this weekend. Group 175 raised the funds for 2 banners to be hung in downtown Canton. One is on the Chase Bank at the square and the other is on the 3rd Street SW overpass. It is time to bring this celebration back to our town and show the kids we care. A kickoff parade will be held Friday evening beginning at the old McKinley High School. Please let everyone know to come down and show their support.

INFORMAL RESOLUTIONS:

49. COUNCIL-AS-A-WHOLE: RECOGNIZE AND COMMEND LOUIE JOHNSON AS 2013 FIREFIGHTER OF THE YEAR. - ADOPTED
50. COUNCIL-AS-A-WHOLE: COMMENDING ZION MOORE, 4TH GRADE FIRE PREVENTION ESSAY WINNER. - ADOPTED

COMMUNICATIONS:

416. LIQUOR CONTROL DIVISION (OHIO): NOTICE OF HEARING FOR DOLLAR & MORE OF CANTON, LLC @ 824 12TH ST NW TO BE HELD ON 11/13/13 AT 1:00 PM @ STARK CTY JOB & FAMILY SERV, 221 3RD ST SE. - RECEIVED & FILED
417. SAFETY DIRECTOR PERRY: AUTHORIZE PURCHASE OF "TOTAL STATION" FROM TRIMBLE FOR TRAFFIC CRASH INVESTIGATION TEAM IN AMT NOT TO EXCEED \$24,662.31. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
418. SAFETY DIRECTOR PERRY: DECLARE 30 BLDGS UNSAFE & HAZARDOUS FOR WHICH DEMOLITION IS REQUIRED. - FINANCE COMMITTEE
419. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO NEGOTIATE AND ENTER INTO A FIVE YR CONTRACT (WITH 5 YR OPTION TO RENEW) WITH THE WORKSHOPS, INC. EFFECTIVE 12/15/13 FOR OPERATION, MGMT & SUPERVISION OF SNACK BAR LOCATED ON 1ST FL OF CITY HALL AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE COMMITTEE
420. SERVICE DIRECTOR BARTOS: AMEND CHAP 917 OF CANTON CODIFIED ORDINANCE FOR TREE COMMISSION TO CLARIFY THE ROLES THAT THE SERV DIR, CITY ENGINEER & CITY ARBORIST PLAY IN IMPLEMENTATION OF CHAP 917; CLARIFY SIGNIFICANCE OF & DISTINCTIONS BETWEEN LICENSE & PERMIT, ENSURING CONSISTENCY BETWEEN CHAP 917 AND OTHER SECTIONS OF CODIFIED ORDINANCES AND CLARIFY THE ROLES THE TREE COMMISSION AND CITY PLAY WHEN DEALING WITH TREES & CONTRACTORS ON PUBLIC VERSUS PRIVATE PROP. - JUDICIARY COMMITTEE
421. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO NEGOTIATE & ENTER EASEMENT AGMTS WITH AEP AUTHORIZING PLACEMENT OF TRANSMISSION POLES AND/OR LINES ON OR OVER CITY PROP; AUTHORIZE MAYOR AND/OR SERV DIR TO NEGOTIATE FAIR MKT VALUE OF OR DONATE TO AEP EASEMENTS AUTHORIZING THE PLACEMENT OF TRANSMISSION POLES AND/OR LINES ON OR OVER CITY PROP; AUTHORIZE MAYOR AND/OR SERV DIR TO MAKE TYPOGRAPHICAL CORRECTIONS OR EASEMENT DELINEATION ADJUSTMENTS BASED UPON NEGOTIATIONS & TRANSMISSION LINE PLACEMENT AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE

COMMUNICATIONS CONTINUED:

422. SERVICE DIRECTOR BARTOS: AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHER FOR OVERPAYMENT OF RENT BY STARK STATE COLLEGE IN AMT NOT TO EXCEED \$63,530.25. - FINANCE COMMITTEE
423. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR, OR THEIR DESIGNEE ON BEHALF OF THE CITY OF CANTON, TO ESTABLISH THE FMV OF ALL PARCELS, FOR FEE SIMPLE TAKES & TEMP EASEMENTS WHICH ARE NECESSARY FOR CONSTRUCTION OF THE PROJ; AUTHORIZE MAYOR AND/OR SERV DIR, OR THEIR DESIGNEE, TO NEGOTIATE W/PROP OWNERS FOR PURCHASE/ACQUISITION OF THEIR PARCELS UTILIZING FMV AS THE BASIS OF SAID NEGOTIATIONS, AND FOR CITY TO ACCEPT TITLE TO SAID PARCELS; AUTHORIZE MAYOR AND/OR SERV DIR ON BEHALF OF CITY OF CANTON, TO NEGOTIATE OR DONATE CITY-OWNED PROP FOR PERMANENT UTILITY EASEMENTS AND/OR TEMP CONSTRUCTION EASEMENTS WHICH ARE NECESSARY FOR THE CONSTRUCTION OF THE PROJ; AUTHORIZE MAYOR AND/OR SERV DIR, OR THEIR DESIGNEE, TO MAKE MINISTERIAL CHANGES TO CORRECT PROP OWNER NAMES, PARCEL NUMBERS & OTHER NUMERICAL DESCRIPTIVE OR TYPOGRAPHICAL ERRORS, SHOULD THEY OCCUR; COUNCIL DECLARATION OF INTENT TO APPROP PARCELS FOR PROJ IF A NEGOTIATED SETTLEMENT CANNOT BE REACHED WITH PARCEL OWNERS; AUTHORIZE THE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS DULY APPRVD BY PROPER DEPT AUTHORITY BASED ON NEGOTIATED SETTLEMENT PRICE AGREED TO BY THE PROP OWNER & MAYOR AND/OR SERV DIR, OR THEIR DESIGNEE; AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON THE RECEIPT OF VOUCHERS DULY APPRVD BY PROP DEPT AUTHORITY FOR FMV FOR THOSE PARCELS THAT REQUIRE PROP APPROPS TO BE DEPOSITED WITH THE COURTS (MAHONING RD CORRIDOR PROJ). - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. RENAME A PORTION OF FELLER COURT SE IN CITY OF CANTON, FLOYD SUMMERS COURT SE (BETWEEN 11TH ST SE AND 12TH ST SE)
Referred to Public Safety & Thoroughfares Committee
- 1ST RDG 2. AMEND O#209/2012; EMERGENCY (4 APPROP TRANSFERS AND 2 SUPP APPROPS - PURCHASING, ENGINEERING, MAINTENANCE, PARKS)
Referred to Finance Committee
- 1ST RDG 3. REPEAL SECTION 549.11, PERMIT FOR CONCEALABLE FIREARMS, OF THE CODIFIED ORDINANCES
Referred to Judiciary Committee
- 1ST RDG 4. AUTHORIZE THE SAF DIR TO ACCEPT AN ADVANCE FUNDING GRANT FROM THE OHIO DEPT OF PUBLIC SAFETY IN AN AMT NOT TO EXCEED \$1,500.00 AMENDING APPROP O#209/2012; EMERGENCY (FROM UNAPPROP BAL 2786 POLICE EMS GRANT FUND TO 2786 102001 POLICE ADMIN - OTHER)
Referred to Finance Committee
- 1ST RDG 5. AUTHORIZE SERV DIR TO ENTER INTO CONTRACT WITH MURPHY TRACTOR & EQUIP CO., INC. FOR PURCHASE OF ONE JOHN DEERE 650K BULLDOZER WITH ACCESSORIES IN AN AMT NOT TO EXCEED \$150,000.00 PURSUANT TO O.R.C. SECTION 125.04; AMENDING APPROP O#209/2012; EMERGENCY (\$75,000.00 FROM UNAPPROP BAL 5201 WATER FUND TO 5201 207022 WATER DISTRIBUTION FUND - OTHER)
Referred to Public Property Capital Improvement Committee
- 1ST RDG 6. AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO AGMT WITH H-P PRODUCTS (H-P) TO ACCEPT THE DONATION OF A 3.81 ACRE, MORE OR LESS, TRACT OF LAND; CANTON ACCEPTS THE DONATION OF \$80,000.00 IN VALUE OF REAL PROP FROM H-P; EMERGENCY
Referred to Community & Economic Development Committee

(COUNCIL RECESSED AT 7:53 P.M. FOR THE FINANCE COMMITTEE TO DISCUSS ORDINANCE #7; RECONVENED AT 7:56 P.M.)

- 198/2013 7. DECLARE 30 BLDGS LISTED ON EXHIBIT A TO BE PUBLIC NUISANCES; AUTHORIZE SAF DIR TO ENTER INTO CONTRACT FOR DEMOLITION OF SAID BLDGS AND AUTHORIZE CLERK OF CANTON CITY COUNCIL TO CERTIFY THE COSTS OF DEMOLITION TO STARK COUNTY AUDITOR; EMERGENCY
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**(SUSPENDED RULE 22A TO ADD O#8 - O#18; O#17 ADOPTED; O#18 ADOPTED AS AMENDED)**

- 2ND RDG 8. AMEND APPROP O#209/2012; EMERGENCY (\$300,000.00 FROM UNAPPROP BAL OF 2316 WIC GRANT FUND \$230,000.00 TO 2316 WIC GRANT FUND - OTHER & \$70,000.00 TO 2316 WIC GRANT FUND - PERSONNEL) (FIN)
- 2ND RDG 9. AMEND O#209/2012; EMERGENCY (\$1,459.54 FROM 2323 301001 - OTHER TO 2323 301001 - PERSONNEL - HEALTH DEPT) (FIN)
- 2ND RDG 10. AUTHORIZE SAF DIR TO ENTER INTO CONTRACT W/LENCO ARMORED VEHICLES IN AN AMT NOT TO EXCEED \$79,623.50 TO REFURBISH THE SWAT ARMORED VEHICLE; EMERGENCY (PPCI)
- 2ND RDG 11. AUTHORIZE SAF DIR TO REC THE 2012 COPS HIRING PROG GRANT IN AMT NOT TO EXCEED \$821,489.00; EMERGENCY (FIN)
- 2ND RDG 12. AUTHORIZE SAF DIR TO REC THE 2013 COPS HIRING PROG GRANT IN AMT NOT TO EXCEED \$851,949.00; EMERGENCY (FIN)
- 2ND RDG 13. AUTHORIZE SERV DIR TO ENTER INTO AGMT W/THE OHIO DEPT OF TRANSPORTATION FOR THE ABILITY TO CONDUCT MAINTENANCE OPERATIONS/CONTACTS ON 1-77 WITHIN CANTON CORP LIMITS; EMERGENCY (PS&T)
- 2ND RDG 14. AUTHORIZE & CONSENT TO REPAIR OF STRUCTURE #7606516 (FAIRCREST BRIDGE) ON SR 627 OVER THE STREAM AT SEC 4.32; EMERGENCY (PS&T)
- 2ND RDG 15. AUTHORIZE & CONSENT TO GUARDRAIL UPGRADES ON SR 43, SR 687, SR 800, US 30 & US 62; EMERGENCY (PS&T)
- 2ND RDG 16. AUTHORIZE & CONSENT TO MISCELLANEOUS WORK ON 30TH ST; EMERGENCY (PS&T)
- 199/2013 17. ACCEPTING THE AMTS & RATES AS DETERMINED BY THE BUDGET COMMISSION & AUTHORIZING THE NECESSARY TAX LEVIES & BUDGET COMMISSION & AUTHORIZING THE NECESSARY TAX LEVIES & CERTIFYING THEM TO THE COUNTY AUDITOR (FIN)

AS AMENDED

- 200/2013 18. AUTHORIZE SERV DIR TO ENTER INTO AN AMENDMENT OF THE PROF SVCS AGMT W/CT CONSULTANTS INC IN AN AMT NOT TO EXCEED \$756,200.00 & TO FILE AN APP & ENTER INTO AN AGMT W/OHIO EPA FOR A SUPPLEMENTAL LOW-INTEREST LOAN FROM THE WATER POLLUTION CONTROL LOAN FUND; AMEND APPROP O#209/2012; EMERGENCY (FROM UNAPPROP BAL OF 5410 SEWER FUND TO 5410 206044 WRF PHOSPHORUS/TOTAL NITROGEN PROJ - OTHER) (PPCI)

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

- 201/2013 19. AUTHORIZE CANTON TO ANNEX THE TERRITORY KNOWN AS THE HOF ANNEXATION AREA CONTAINING APPROX 5.776 ACRES; ASSIGNING SAID TERRITORY TO WARD 7 OF THE CITY; ZONING SAID TERRITORY AS CS (COMMUNITY SERVICE); EMERGENCY
PUB HRG 10/28/13 @ 7:30 PM
- 202/2013 20. ORDINANCE TO PROCEED WITH IMPLEMENTATION OF PUBLIC SERV PLAN ADOPTED BY DOWNTOWN CANTON SPECIAL IMPROVEMENT DISTRICT; ADOPTING THE ESTIMATED ASSESSMENT PREPARED & FILED WITH THE RESOLUTION OF NECESSITY; EMERGENCY
- 203/2013 21. AMEND APPROP O#209/2012; EMERGENCY (\$295,081.00 FROM UNAPPROP BAL 5442 WRF PHOSPHORUS/NITROGEN PROJ FUND TO 5442 206044 WRF PHOSPHORUS/NITROGEN PROJ - OTHER)
- 204/2013 22. AUTHORIZING THE CITY AUDITOR TO PAY \$12,152.84 TO CENTRAL ALLIED ENTERPRISES; EMERGENCY (PATCHING - STREET DEPT)
- 205/2013 23. AUTHORIZING THE CITY AUDITOR TO PAY \$23,195.00 TO LAKE ERIE CONSTRUCTION COMPANY; EMERGENCY (DMDG. ATTENUATOR)

ANNOUNCEMENT OF COMMITTEE MEETINGS:**MONDAY, NOVEMBER 18, 2013 in Council Caucus Room at 6:45 P.M.**

- 1) Finance Committee
- 2) Public Safety & Thoroughfares Committee
- 3) Judiciary Committee
- 4) Public Property Capital Improvement Committee
- 5) Community & Economic Development Committee

MISCELLANEOUS BUSINESS: Mayor Healy says there was a nice article and endorsement in the Repository about the Park Levy. He also announced his endorsement for the Park Levy (Issue 1) on the ballot next week. This is the first step in combining the Parks and Recreation Departments. There will be money earmarked from the passage of this levy for the Parks Department and the money that will be saved from the General Fund can be used for the increase of the city safety forces. Member West thanked Steve Koons, Dave Kirven and the gentlemen from the Building Trades for rebuilding a shelter at Nimisilla Park on Saturday. This shelter had come down in a storm at the beginning of summer and there was not enough money to rebuild it. These men volunteered their time and supplies to get the shelter back up. Pastor Tommy Brewer also came down and provided free lunch to all the workers. A special thanks to all involved. Member Dougherty told Member West to get with the office staff and be sure a thank you letter went out to all that helped with the shelter. He also thanked Derek

Gordon, Director of the Parks Department for all of his hard work on getting out the information for the Park Levy.

ADJOURNMENT: 8:11 PM

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, NOVEMBER 18, 2013 @ 7:30 PM