

FINAL
A G E N D A
7:30 PM

CANTON CITY COUNCIL

NOVEMBER 18, 2013

ROLL CALL: Eleven Members Present

MOTION TO EXCUSE MEMBERS: Member Cole Absent

INVOCATION: James Griffin, Ward 3 Council Member

PLEDGE OF ALLEGIANCE: President Allen Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 1st Rdg O#9 & 2nd Rdg O#10 - O#15; O#9 Adopted on 1st Rdg; O#15 Adopted on 2nd Rdg; O#19 & O#20 Adopted as Amended)

PUBLIC HEARINGS: None

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

PUBLIC SPEAKS (CITY BUSINESS): Jonathan Bailey re: Spoke about scrap companies accepting stolen bicycles; Patricia Kirk re: Explained the difference between a person with a license and a person with certification; Bruce Nordman re: Spoke about the initiative for McKinley vs. Massillon. Also asked the Mayor to present his plan to get the fire and police up to 175; Michael Miles re: Thanked Mayor and Council for entertaining a motion for naming a street after the late Reverend Floyd Summers.

INFORMAL RESOLUTIONS: None

COMMUNICATIONS:

- 424. AUDITOR MALLONN: REQ FOR ADDT'L AMENDED CERTIFICATE DATED 10/29/13. - RECEIVED & FILED
- 425. AUDITOR MALLONN: MONTHLY RPT BY FUND FROM 10/01/13 - 10/31/13. - RECEIVED & FILED
- 426. AUDITOR MALLONN: YRLY RPT BY FUND FROM 1/1/13 - 10/31/13. - RECEIVED & FILED
- 427. AUDITOR MALLONN: REQ \$35,616.00 SUPP APPROP FROM UNAPPROP BAL OF 2772 2013 BYRNE GRANT FUND TO 2772 2013 BYRNE GRANT FUND - OTHER; \$35,616.00 INTER-FUND ADVANCE/REPAYMENT FROM 1001 GENERAL FUND - OTHER TO 2772 2013 BYRNE GRANT FUND AND \$35,616.00 FROM 2772 2013 BYRNE GRANT FUND - OTHER TO 1001 GENERAL FUND - OTHER. - FINANCE COMMITTEE
- 428. COMM DEV DIRECTOR MILLER: ESTABLISH FAIR REUSE VALUE OF REAL PROP AND AUTHORIZE DISPOSITION OF SAID PROP LOCATED ON 11TH ST SE FOR DANIEL C & ELIZABETH A SUMMERS (PARCEL #0208490, LOT #14210). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
- 429. COUNCIL MEMBER WEST: REQ ORDINANCE OR INFORMAL RESOLUTION ADDRESSING DIVERSITY INCLUSION WITHIN OUR DEPTS BY ADOPTING & ADAPTING A VERSION OF THE "ROONEY RULE" FROM THE NFL. - RECEIVED & FILED
- 430. DEPARTMENT OF COMMERCE: NOTIFICATION OF EXPIRATION OF ALL LIQ PERMITS 2/1/14; MUST RCV OBJECTIONS BY 1/2/14. - RECEIVED & FILED
- 431. DEPARTMENT OF COMMERCE: ADVISING OF CANCELLATION OF HEARING SCHEDULED FOR 11/13/13 REGARDING NEW LIQ PERMIT APPLICATION FOR DOLLAR & MORE OF CANTON LLC. - RECEIVED & FILED
- 432. FINANCE DIRECTOR DIRUZZA: AUTHORIZE AUDITOR TO PAY \$7,845.21 & \$4,867.90 MORAL OB TO AT&T & \$3,080.68 MORAL OB TO VERIZON FOR CITY'S MAIN LINE & CELL PHONE SVS. - FINANCE COMMITTEE
- 433. HEALTH COMMISSIONER ADAMS: REQ \$145.14 INTRA-FUND TRANSFER FROM 1001 301001 TO 2312 301001. - FINANCE COMMITTEE
- 434. LAW DIRECTOR MARTUCCIO: AUTHORIZE SERV DIR TO ENTER INTO CONTRACT W/STARK COUNTY PUBLIC DEFENDER COMMISSION FOR LEGAL SVS FOR INDIGENTS CHARGED W/VIOLATIONS IN CANTON MUNI COURT. FROM 1/1/14 - 12/31/14 WITH OPTION TO RENEW FOR ADDT'L 1 YR PERIOD. - FINANCE COMMITTEE
- 435. LAW DIRECTOR MARTUCCIO: AUTHORIZE SERV DIR TO ENTER INTO MASTER SVCS AGREEMENT W/CONSTELLATION ENERGY GAS CHOICE INC FOR 2 YRS COMMENCING ON OR ABOUT 4/1/14 FOR NATURAL GAS AGGREGATION. - ENVIRONMENT & PUBLIC UTILITIES COMMITTEE
- 436. LAW DIRECTOR MARTUCCIO: AUTHORIZE AN AMENDMENT TO JACKSON-CANTON JOINT ECONOMIC DEV DISTRICT CONTRACT ENTERED INTO ON 8/23/11. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
- 437. LIQUOR CONTROL DIVISION: REQ C1 C2 LIQ PERMIT TRANSFER FROM SUNKIN INC DBA S & K MINI MART TO SIYAMAN INC DBA S & K MINI MART @ 2502 11TH ST SW 1ST FLOOR. - RECEIVED & FILED

COMMUNICATIONS CONTINUED:

438. LIQUOR CONTROL DIVISION: REQ D5 LIQ PERMIT TRANSFER FROM PENGUIN REST & COCKTAIL LOUNGE INC DBA PENGUIN COCKTAIL LOUNGE TO THAHGMA LLC DBA PASSION BLUES DINING CLUB @ 1212 WALNUT AV NE. - RECEIVED & FILED
439. MAYOR HEALY: REQ APPROVAL OF REAPPT OF JACK BOLENDER TO CANTON INVESTMENT BD FROM 1/1/14 - 12/31/15. - PERSONNEL COMMITTEE
440. MAYOR HEALY: REQ APPROVAL OF REAPPT OF DAWN DEVINE TO CANTON INVESTMENT BD FROM 1/1/14 - 12/31/15. - PERSONNEL COMMITTEE
441. MAYOR HEALY: REQ APPROVAL OF REAPPT OF DAVE KIRVEN AS PLUMBING JOURNEYMAN TO CANTON CONSTRUCTION BD FROM 1/1/14 - 12/31/16. - PERSONNEL COMMITTEE
442. MAYOR HEALY: REQ APPROVAL OF REAPPT OF JOSEPH FRIEDMAN AS HVAC CONTRACTOR TO CANTON CONSTRUCTION BD FROM 1/1/14 - 12/31/16. - PERSONNEL COMMITTEE
443. MAYOR HEALY: REQ APPROVAL OF REAPPT OF DAVE GRABOWSKI AS HVAC CONTRACTOR TO CANTON CONSTRUCTION BD FROM 1/1/14 - 12/31/16. - PERSONNEL COMMITTEE
444. MAYOR HEALY: REQ APPROVAL OF REAPPT OF KENNETH SANDER TO BD OF BLDG APPEALS AS GENERAL CONTRACTOR RETRO FROM 7/12/13 - 7/11/16. - PERSONNEL COMMITTEE
445. MAYOR HEALY: REQ APPROVAL OF REAPPT OF SUE ROSS TO BD OF ZONING APPEALS FROM 1/1/14 - 12/31/16. - PERSONNEL COMMITTEE
446. MAYOR HEALY: REQ APPROVAL OF APPT OF DEBORAH SHAMLIN TO FAIR EMPLOYMENT PRACTICES BD FROM 1/1/14 - 12/31/16. - PERSONNEL COMMITTEE
447. PLANNING COMMISSION: RECOMMENDING REPLAT OF LOT 35853 & PART OF LOT 35852, PARCEL #302067 & #10004106 LOCATED AT & ABUTTING 369 47TH ST NW (MR & MRS THOMAS FORBES). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
448. PLANNING COMMISSION: RECOMMENDING REPLAT OF LOTS 30740, 38867 & 38868, PARCEL #209862, #209861 & #202512 LOCATED AT AND AROUND 3737 GREENWOOD PL SW (REED FUNERAL HOME). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
449. PLANNING COMMISSION: RECOMMENDING REPLAT & DEDICATION OF PART OF LOT 31008 & PART OF LOT 31009, PARCEL #210680 & #210681 LOCATED AT & ABUTTING 955 RAFF RD SW. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
450. SAFETY DIRECTOR PERRY: AUTHORIZE TO PAY \$11,000.00 MORAL OB FROM EMERGENCY DEMO & CLEARANCE OF 604 HAZLETT AVE NW DUE TO A FIRE. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
451. SAFETY DIRECTOR PERRY: AUTHORIZE TO ACCEPT & APPROP A \$16,002.00 FIRE PREVENTION & SAF GRANT FROM FEMA THAT HAS BEEN AWARDED TO FIRE DEPT TO PURCHASE SMOKE DETECTORS FOR THE PUBLIC. - FINANCE COMMITTEE
452. SERVICE DIRECTOR BARTOS: REQ TO GRANT AUTHORITY TO SERV DIR TO ENTER INTO RELATIONSHIP WITH STARK COUNTY FOR INDIGENT BURIALS. - FINANCE COMMITTEE
453. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO AGMT W/ACLARA FOR PURCHASE OF METER TRANSMITTING UNITS & TECH SVCS TO PROVIDER OF EQUIPMENT FOR CANTON'S EXISTING AUTOMATED METER READING SYSTEM; AUTHORIZE MAYOR &/OR SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR PURCHASE OF WATER METERS; AUTHORIZE MAYOR &/OR SERV DIR TO REC BIDS & ENTER INTO CONTRACT W/PROF INSTALLATION FIRM TO SCHEDULE APPOINTMENTS, REPLACE METERS & MTUs BEFORE RECEIVING SAID BIDS & ENTER INTO SAID CONTRACT A REQ FOR QUALIFICATIONS WILL FIRST BE ADVERTIZED; AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO PROF SVCS CONTRACT W/BURGESS & NIPLE FOR PROJ OVERSIGHT SVCS DURING REPLACEMENT PERIOD FOR AMT NOT TO EXCEED \$324,000.00; AUTHORIZE MAYOR &/OR SERV DIR TO APPLY FOR & ENTER INTO CONTRACT W/OHIO ENVIRONMENTAL PROTECTION AGENCY THRU OWDA FOR A LOW INTEREST WATER SUPPLY REVOLVING LOAD ACCT FOR AN AMT NOT TO EXCEED \$15,000,000.00 TO BE AMORTIZED OVER A 20 YR PERIOD. \$14,676,000.00 WILL BE

COMMUNICATIONS CONTINUED:

453. CONTINUED: DESIGNATED FOR PURCHASE OF METERS & MTUs INSTALLATION SVCS, CONTINGENCIES, LOAN FEES & REPAYMENT OF THE PLANNING LOAN. \$324,000.00 WILL BE DESIGNATED FOR PROJ OVERSIGHT SVCS TO BE PERFORMED BY BURGESS & NIPLE AUTHORIZE AUDITOR TO REC ALL LOANS & REVENUE PROCEEDS & TRACK EXPENDITURES RELATED TO THE PROJ IN THE 5227 207030 WATER METER/MTU REPLACEMENT FUND; MAKE \$15,000,000.00 SUPP APPROP FROM UNAPPROP BAL OF 5227 207030 WATER METER/MTU REPLACEMENT FUND TO APPROP BAL OF 5227 207030 WATER METER/MTU REPLACEMENT FUND - OTHER; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY PROPER DEPARTMENTAL AUTHORITY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
454. SERVICE DIRECTOR BARTOS: REQ TO AMEND CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL BY ADDING THE CLASSIFICATIONS OF PIPEFITTER 3 & CONSTRUCTION SUPERVISOR TO COLLECTION SYSTEMS DEPARTMENT & INCLUDING THESE NEW CLASSIFICATIONS W/THOSE CLASSIFICATIONS ALREADY IN CSD THAT ARE LIMITED TO A COMBINED TOTAL OF 22 EMPLOYEES; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY THE PROPER DEPARTMENTAL AUTHORITY. - PERSONNEL COMMITTEE
455. TREASURER SCHIRACK: RPT OF BANK RECONCILIATIONS AND CITY'S OUTSTANDING INVESTMENTS AS OF 10/31/13. - RECEIVED & FILED
456. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS AS OF 10/31/13. - RECEIVED & FILED
457. TREASURER SCHIRACK: RPT OF DEPOSITS & PAY-INS FOR OCT 2013 TO AMBULANCE LOCK BOX ACCT. - RECEIVED & FILED
458. _____TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR OCT 2013. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. _____ AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO JOINT ECONOMIC DEVELOPMENT DISTRICT AGMT IN SPECIFIC AREAS IN PARTNERSHIP WITH JACKSON TOWNSHIP, THE CITY OF NORTH CANTON & PLAIN TOWNSHIP; EMERGENCY
Referred to Community & Economic Development Committee
- 1ST RDG 2. VACATE PORTION OF GROVE PL SW; EMERGENCY (20'WIDE FROM WEST LINE OF LOT 16058 TO EAST LINE OF LOTS 16059 & 10270 FOR AULTMAN HEALTH FOUNDATION)
Referred to Public Safety & Thoroughfares Committee **PUB HRG 12/2/13 @ 7:30 PM**
- 1ST RDG 3. _____ AMEND O#55/77, AS AMENDED, KNOWN AS ZONING ORDINANCE; EMERGENCY (REZONE 1809 22ND ST NE FROM R-2 (TWO FAMILY RESIDENTIAL) TO PB-4 (PLANNED SPECIAL BUSINESS) FOR ROBERT TABOR)
Referred to Judiciary Committee **PUB HRG 12/2/13 @ 7:31 PM**
- 1ST RDG 4. AUTHORIZE SAF DIR TO ENTER INTO CONTRACT W/TRIMBLE IN AMT NOT TO EXCEED \$24,662.31 FOR PURCHASE OF A TOTAL STATION PURSUANT TO ORC SEC 125.04; EMERGENCY
Referred to Public Property Capital Improvement Committee
- 1ST RDG 5. AUTHORIZE MAYOR &/OR SERV DIR TO NEGOTIATE & ENTER INTO 5-YR CONTRACT W/THE WORKSHOPS INC FOR THE OPERATION, MGMT & SUPERVISOR OF THE SNACK BAR LOCATED ON FIRST FLOOR OF CITY HALL; EMERGENCY
Referred to Finance Committee
- 1ST RDG 6. AUTHORIZE MAYOR &/OR SERV DIR TO: NEGOTIATE & ENTER INTO EASEMENT AGMTS W/AEP AUTHORIZE PLACEMENT OF TRANSMISSION POLES &/OR LINES ON OR OVER CITY PROP; NEGOTIATE FAIR MKT VALUE OF OR DONATE TO AEP THE EASEMENTS AUTHORIZING SAID PLACEMENT; MAKE TYPOGRAPHICAL CORRECTIONS OR EASEMENT DELINEATION ADJUSTMENTS BASED UPON NEGOTIATIONS & TRANSMISSION LINE PLACEMENT; EMERGENCY
Referred to Environmental & Public Utilities Committee
- 1ST RDG 7. AUTHORIZE AUDITOR TO PAY \$63,530.25 TO STARK STATE COLLEGE; EMERGENCY
Referred to Finance Committee
- 1ST RDG 8. ESTABLISH FAIR MKT VALUE OF REAL PROP; AUTHORIZE MAYOR &/OR SERV DIR OR THEIR DESIGNEE TO ENTER INTO AGMTS FOR PURCHASE/ACQUISITION OF PARCELS & TEMPORARY CONSTRUCTION EASEMENTS FOR MAHONING RD CORRIDOR PROJ; EMERGENCY
Referred to Public Property Capital Improvement Committee

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING CONTINUED:

(COUNCIL RECESSED AT 7:50 P.M. FOR ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE TO DISCUSS ORDINANCE #9; RECONVENED AT 7:52 P.M.)

- 207/2013** 9. AUTHORIZED SERV DIR TO ENTER INTO AGMT W/CONSTELLATION ENERGY GAS CHOICE INC FOR PROVISION OF DISCOUNTED NATURAL GAS TO ELIGIBLE RESIDENTS & SMALL BUSINESSES IN CITY OF CANTON; EMERGENCY
 Referred to Environmental & Public Utilities Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:
(SUSPENDED RULE 22A TO ADD O#10 - O#15; O#15 ADOPTED)

- 2ND RDG** 10. AMEND O#209/2012; EMERGENCY (4 APPROP TRANSFERS AND 2 SUPP APPROPS - PURCHASING, ENGINEERING, MAINTENANCE, PARKS) (FIN)
- 2ND RDG** 11. REPEAL SECTION 549.11, PERMIT FOR CONCEALABLE FIREARMS, OF THE CODIFIED ORDINANCES (JUD)
- 2ND RDG** 12. AUTHORIZED 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) (FIN)
- 2ND RDG** 13. AUTHORIZED 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) (PPCI)
- 2ND RDG** 14. AUTHORIZED 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 (C&ED)
- 206/2013** 15. RENAME A PORTION OF FELLER COURT SE IN CITY OF CANTON, FLOYD SUMMERS COURT SE (BETWEEN 11TH ST SE AND 12TH ST SE) (PS&T)

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

- 208/2013** 16. 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)
- 209/2013** 17. AMEND O#209/2012; EMERGENCY (\$1,459.54 FROM 2323 301001 - OTHER TO 2323 301001 - PERSONNEL - HEALTH DEPT)
- 210/2013** 18. AUTHORIZED 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

AMENDED

- 211/2013** 19. AUTHORIZED SAF DIR TO REC THE 2012 COPS HIRING PROG GRANT IN AMT NOT TO EXCEED \$821,489.00; EMERGENCY

AMENDED

- 212/2013** 20. AUTHORIZED SAF DIR TO REC THE 2013 COPS HIRING PROG GRANT IN AMT NOT TO EXCEED \$851,949.00; EMERGENCY

- 213/2013** 21. AUTHORIZED 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

- 214/2013** 22. AUTHORIZED & CONSENT TO REPAIR OF STRUCTURE #7606516 (FAIRCREST BRIDGE) ON SR 627 OVER THE STREAM AT SEC 4.32; EMERGENCY

- 215/2013** 23. AUTHORIZED & CONSENT TO GUARDRAIL UPGRADES ON SR 43, SR 687, SR 800, US 30 & US 62; EMERGENCY

- 216/2013** 24. AUTHORIZED & CONSENT TO MISCELLANEOUS WORK ON 30TH ST; EMERGENCY

ANNOUNCEMENT OF COMMITTEE MEETINGS:**MONDAY, NOVEMBER 25, 2013 in Council Caucus Room at 6:30 P.M.**

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

MISCELLANEOUS BUSINESS: President Schulman re: Asked the Mayor to explain HB 5; Mayor re: Explained HB 5 and how it affects Municipalities; Law Director Martuccio re: Thanked Service Director Bartos and Randy Dublikar for their help with the gas aggregation program; Member Cirelli re: Expressed her concern for the bicycles that are being stolen; President Schulman re: Discussed Walmart asking for Thanksgiving donations and he feels that the City should revisit legislation regarding minimum wage; Mayor Healy re: Asking for assistance in getting people on various City boards and commissions.

ADJOURNMENT: 8:19 PM

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, NOVEMBER 25, 2013 @ 7:30 PM