

FINAL
A G E N D A
7:30 PM

CANTON CITY COUNCIL

FEBRUARY 24, 2014

ROLL CALL: All Council Members Present

MOTION TO EXCUSE MEMBERS: Not Necessary

INVOCATION: Richard Hart, Council-at-Large Member

PLEDGE OF ALLEGIANCE: President Schulman

AGENDA CORRECTIONS & CHANGES: (Suspend Rule 22A to add 1st Rdg O#12 & O# 13; 2nd Rdg O#14 - O#20; C#39 withdrawn from 1/27/14 agenda; O#12 adopted on 1st Rdg; O#13 adopted as amended on 1st Rdg; O#18 & O#19 adopted on 2nd Rdg; O#20 adopted as amended; O#21 reconsidered & amended as O#15/2014; O#26 & O#27 adopted as amended.)

PUBLIC HEARINGS: None

OLD BUSINESS (PUBLIC SPEAKS): None

PUBLIC SPEAKS (CITY BUSINESS): Linda Campbell spoke about an auto accident she had in February. She described how she attempted to avoid the accident, but with the icy road conditions had slid and collided with an uninsured motorist. Neither her or the other driver were cited, but she still had to pay \$250 to get her car out of the shop. She asked if the City cannot do their job, what is her right as a motorist with icy roads. She asked what can be done about future weather issues and the roads being clear of packed ice. Pete DiGiacomo asked about private plow operators and whether or not they have to be licensed in the city and where they can or cannot put the snow. He referenced a business near his property had 5 ft. of plowed snow on the corner of the business lot. Tim Porter spoke about Neighborhood Associations caring for vacant lots before the City got involved with paying for services of the lots. Asked if Neighborhood Associations can be considered for the bid to mow these lots since they have been mowing them for quite some time.

INFORMAL RESOLUTIONS: None

COMMUNICATIONS:

74. ABCD, INC.: THIS LETTER IS TO APPRISE YOUR OFFICE THAT THE ABCD, INC. PLANS TO BE THE GENERAL PARTNER OF A RESIDENTIAL REDEVELOPMENT PROJECT LOCATED IN OR WITHIN A ONE-HALF MILE RADIUS OF YOUR POLITICAL JURISDICTION TO SUBMIT A TAX CREDIT APPLICATION TO THE OHFA FOR THE REDEVELOPMENT OF VICTORY SQUARE. - RECEIVED & FILED
75. CNL-AT-LRG HART: ASKING CITY TO LOOK AT COST EFFECTIVE WAYS OF REPAIRING THE STREETS. - RECEIVED & FILED
76. CNL-AT-LRG HART: INQUIRING AS TO WHETHER A DRIVER OF A CITY PLOW TRUCK CAN BE ARRESTED OR FINED FOR PUTTING SNOW BACK ON THE SIDEWALK ONCE IT HAS BEEN SHOVELED. - RECEIVED & FILED
77. ICAN INC. THIS LETTER IS TO APPRISE YOUR OFFICE THAT ICAN INC. PLAN TO BE THE GENERAL PARTNER OF A RESIDENTIAL RENTAL DEVELOPMENT LOCATED IN OR WITHIN A ONE-HALF MILE RADIUS OF YOUR POLITICAL JURISDICTION, AND HAS SUBMITTED AN APPLICATION TO UTILIZE THE MULTIFAMILY FUNDING PRGRMS OF THE OHFA FOR THE DEVELOPMENT OF HARMONT PARK HOMES. - RECEIVED & FILED
78. MAYOR HEALY: AUTHORIZATION FOR ALL APPTNG AUTHORITIES TO GRANT ALL MGMT & NON-BARGAINING UNIT EMPLOYEES UP TO A 2% WAGE INCREASE THAT IS RETROACTIVE TO 1/1/2014; A 2% INCREASE TO THE SALARY MAXIMUM FOR ALL MGMT & NON-BARGAINING UNIT CLASSIFICATIONS. INCREASE WILL ALLOW APPTNG AUTHORITIES THE OPTION OF GRANTING UP TO A 2% WAGE INCREASE THAT IS RETROACTIVE TO 1/1/14 TO THOSE EMPLOYEES WHO HAVE REACHED THE TOP END OF THEIR SALARY RANGE; AN AMENDMENT OF THE SALARY RANGES FOR CLASSIFICATIONS BASED ON THE MINIMUM WAGE TO MATCH THE NEW STATE OF OHIO (CURRENTLY \$7.95) OR FEDERAL MINIMUM WAGE, WHICHEVER IS HIGHER; AUTHORIZE THE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY THE PROPER DEPARTMENTAL AUTHORITY; DECLARED AN EMERGENCY. - PERSONNEL & FINANCE COMMITTEES
79. PLANNING COMMISSION: AUTHORIZE A REPLAT OF CVS ON HARRISON AVE. AND TUSC. SW. - PUBLIC SAFETY & THOROUGHFARE COMMITTEE
80. SAFETY DIR PERRY: AUTHORIZE MAYOR AND/OR THE DIR OF PUBLIC SAF TO ENTER INTO A PROF SERV CONTRACTS WITH T.A.C. COMPUTER, INC. FOR THE CAD/RMS/JMS/MDT/FBR SUPPORT AND MAINTENANCE FOR THE SAFETY FORCES EFFECTIVE SEPTEMBER 1, 2013 FOR ONE YEAR. - FINANCE COMMITTEE
81. SAFETY DIR PERRY: REQ LEGISLATION BE PREPARED TO FORMALIZE A NEW THREE YEAR CONTRACT WITH THE CPFFA (FIRE) EFFECTIVE FR 1/1/2014 THRU 12/31/2016. - FINANCE & PERSONNEL COMMITTEES

82. SERVICE DIR BARTOS: AUTHORIZE MAYOR AND/OR SERVICE DIR TO ADVERTISE, RECEIVE BIDS, AWARD & EXECUTE A CONSTRUCTION CONTRACT; AUTHORITY FOR THE MAYOR AND/OR SERVICE DIR TO ENTER INTO AN AGREEMENT WITH DOMINION EAST OHIO GAS FOR REQ GAS LINE RELOCATION WORK; MAKE A SUPPLEMENTAL APPROP OF \$135,000.00 FROM UNAPPROP BAL OF THE 4501(CAP FUND) TO 4501-206012 (NAVARRE RD BRIDGE & SANITARY SEWER REHAB PROJ GP 1159); MAKE AN APPROP TRANSFER OF \$120,000.00 FROM 5410-202010 (SANITARY SEWER FUND) TO 5410-206012 (NAVARRE RD BRIDGE & SANITARY SEWER REHAB PROJ GP 1159); AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY THE PROPER DEPT AUTH; DECLARE THIS TO BE AN EMERGENCY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
83. SERVICE DIR BARTOS: REQ TO WITHDRAW COMM #39 (MAHONING RD. NE CORR PROJ PHASE 1, GP 1103 PID 90361) FROM 1/27/2014 COUNCIL AGENDA; SAID COMM HAS BEEN REVISED & RESUBMITTED IN COMM #69 OF 2/10/2014 COUNCIL AGENDA. - RECEIVED & FILED
84. SERVICE DIR BARTOS: REQ AUTHORITY FOR MAYOR AND/OR SERVICE DIR TO ADVERTISE, RECEIVE BIDS, AWARD, & EXECUTE A CONSTRUCTION CONTRACT FOR 12TH ST. N. CORR PROJ, G.P. 1098, PID 85299; AUTHORIZING FOR MAYOR AND/OR SERVICE DIR TO EXECUTE A PROF SERVICES CONTRACT FOR CONSTRUCTION ENGINEERING SERVICES FOR PROJ; AUTHORIZING TO RECEIVE VARIOUS GRANTS FROM THE SCATS & ODOT TOTALING \$14,367,164.00 OF WHICH \$1,327,522.48 WAS PREVIOUSLY APPROP FOR PROJ; AUTHORITY TO REC A GRANT FROM THE OPWC IN THE AMT OF \$1,500,000.00 FOR THIS PROJ TO FUND THE COST OF BOTH THE CONSTRUCTION & CONSTRUCTION ENGINEERING CONTRACTS; MAKE SUPPLEMENTAL APPROP OF \$13,039,611.52 (PREVIOUSLY UNAPPROP SCATS/ODOT FUNDING): FROM UNAPPROP BAL OF 4563 (12TH ST. N. CORR PROJ, G.P. 1098 FUND) TO 4563-202077 (12TH ST. N. CORR PROJ, G.P. 1098 FUND & ORGANIZATION); MAKE ADDTL SUPP APPROP OF \$1,500,000.00 (OPWC FUNDING): FROM UNAPPROP BAL OF 4563 (12TH ST. N. CORR PROJ, G.P. 1098 FUND) TO 4563-202077 (12TH ST. N. CORR PROJ, G.P.1098 FUND & ORGANIZATION); MAKE A SUPP APPROP OF \$210,020.55: FROM UNAPPROP BAL OF 2113 (MUNI ROAD FUND) TO 2113-202001 (MUNI RD FUND - ENGINEERING ADMIN ORG); MAKE SUPP APPROP OF \$450,635.16: FROM UNAPPROP BAL OF 4506 (INFRASTRUCTURE BOND FUND) TO 4506-202001 (INFRASTRUCTURE BOND FUND - ENGINEERING ADMIN ORG); AUTHORIZE THE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY THE PROPER DEPT. AUTH; DECLARE AN EMERGENCY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
85. SERVICE DIR BARTOS: AUTHORIZE MAYOR AND/OR SERVICE DIR TO ADVERTISE, RECEIVE, BIDS, AWARD, AND EXECUTE A CONSTRUCTION CONTRACT FOR MAHONING RD. CORR , STA-SR153-1.70, G.P. 1103, PID'S 90268 & 9036; AUTHORIZING FOR MAYOR AND/OR SERVICE DIR TO EXECUTE A PROF SERVICES CONTRACT FOR CONSTURCTION ENGINEERING SERVICES FOR MAHONING RD. CORR , STA-SR153-1.70, G.P. 1103, PID'S 90268 & 9036; AUTHORIZING TO RECEIVE VARIOUS GRANTS FROM SCATS & ODOT FOR THIS PROJ; AUTHORITY TO RECEIVE A GRANT FROM OPWC IN THE AMT OF \$600,000.00 & A LOAN OF UP TO \$900,000.00 FOR THIS PROJ; MAKE A SUPP APPROP OF \$7,000,000.00 (SCATS/ODOT FUNDING): FROM 4566 (MAHONING RD. CORR PROJ, GP 1103 FUND) UNAPPROP BAL TO 4566-202079 MAHONING RD. CORR PROJ, GP 1103 FUND & ORG; MAKE AN ADDTL SUPP APPROP OF \$1,500,000.00 (OPWC FUNDING: FROM 4566 MAHONING RD. CORR PROJ, GP 1103 FUND) UNAPPROP BAL TO 4566-202079 (MAHONING RD. CORR PROJ, GP 1103 FUND & ORG); AUTHORIZING THE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS DULY APPROVED BY THE PROPER DEPT AUTH; DECLARE TO BE AN EMERGENCY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
86. STARK CTY COMMISSIONERS: RECEIPT OF PAPERWORK FOR TASOS ELECTRIC ANNEXATION. - PLANNING COMMISSION
87. TREASURER PEREZ: RECEIPT OF DEPOSITS & PAY-INS FOR JAN. 2014 FOR AMBULANCE LOCK BOX. - RECEIVED & FILED

88. TREASURER PEREZ: RECEIPT OF DEPOSITS & PAY-INS FOR JAN. 2014 FOR PARKING METER. - RECEIVED & FILED
89. TREASURER PEREZ: RECEIPT OF BANK RECONCILIATIONS AND OUTSTANDING INVESTMENTS AS OF 1/31/14. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. AUTHORIZE SERV DIR TO PURCHASE NEW PM2.5 AIR MONITORING EQUIP FOR AIR POLLUTION CONTROL DEPT; EMERGENCY
Referred to Finance Committee
- 1ST RDG 2. AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO SEPARATE AGREEMENTS WITH THE OHIO POWER COMPANY, AKA AEP, IN AN AMT NOT TO EXCEED \$600,000.00; WITH TIME WARNER CABLE IN AN AMT NOT TO EXCEED \$36,523.00; AND WITH AT&T IN AN AMT NOT TO EXCEED \$115,127.00 FOR THE COMPENSATION FOR THE RELOCATION OF EXISTING OVERHEAD LINES INTO NEW UNDERGROUND FACILITIES; AMENDING APPROPRIATION ORDINANCE NO. 264/2013; EMERGENCY (MAHONING RD.)
Referred to Public Property Capital Improvement Committee
- 1ST RDG 3. AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO SEPARATE AGREEMENTS WITH THE OHIO POWER COMPANY, AKA AEP, IN AN AMT NOT TO EXCEED \$62,876.72; WITH TIME WARNER CABLE IN AN AMT NOT TO EXCEED \$40,000.00 FOR THE COMPENSATION FOR THE RELOCATION OF EXISTING OVERHEAD LINES INTO NEW UNDERGROUND FACILITIES; AMENDING APPROPRIATION ORDINANCE NO. 264/213; EMERGENCY (12TH ST.)
Referred to Public Property Capital Improvement Committee
- 1ST RDG 4. AUTHORIZING THE SERV DIR TO ENTER INTO A TWO-YEAR PROF SERVICES CONTRACT WITH RUSS KIKO ASSOCIATES, INC. FOR AUCTION SERVICES FOR THE SALE OF PROPERTY NO LONGER NEEDED FOR MUNICIPAL PURPOSES & IMPOUNDED VEHICLES; EMERGENCY
Referred to Finance Committee
- 1ST RDG 5. AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS, & ENTER INTO CONTRACT IN AN AMT NOT TO EXCEED \$350,000.00 FOR THE EVALUATION OF APPROX. 1,720 WATER DISTRIBUTION VALVES; AMENDING APPROP ORDINANCE NO. 264/2013; EMERGENCY
Referred to Finance Committee
- 1ST RDG 6. AMENDING EXHIBIT A TO ORDINANCE NO. 40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; EMERGENCY
Referred to Personnel Committee (WATER DEPT. UTILITY OPR. 3, LABORER 2)
- 1ST RDG 7. AMENDING ORDINANCE NO. 120/2013; EMERGENCY
Referred to Public Property Capital Improvement Committee
- 1ST RDG 8. AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO AGREEMENTS WITH THE WHEELING & LAKE ERIE RAILWAY CO. & AKRON METRO REGIONAL TRANSIT AUTHORITY TO SECURE RIGHTS-OF-WAY FOR THE 12TH ST. N. CORR PROJ & FACILITATE IMPROVEMENTS TO THE EXISTING CROSSING; AMENDING APPROP ORDINANCE NO. 264/2013; EMERGENCY
Referred to Public Property Capital Improvement Committee
- 1ST RDG 9. AUTHORIZE LAW DIR TO APPROPRIATE REAL PROPERTY IN CONJUNCTION WITH THE MAHONING RD. NE CORR PROJ, PHASE 1, G.P. 1103; EMERGENCY
Referred Environmental & Public Utilities Committees
- 1ST RDG 10. AMENDING CH. 155, DEPOSITORY & INVESTMENT PRACTICES, OF CODIFIED ORDINANCES
Referred to Judiciary & Finance Committees
- 1ST RDG 11. AUTHORIZING TREASURER TO ENTER INTO A PROF SERVICES AGREEMENT WITH UNITED AMERICAN CAPITAL CORP. FOR INVESTMENT ADVISORY SERVICES; EMERGENCY
Referred to Finance Committee

(COUNCIL RECESSED AT 7:44PM FOR THE FINANCE AND PERSONNEL COMMITTEES TO DISCUSS ORDINANCES #12 AND #13; RECONVENED AT 8:16 PM)

- 18/2014 12. APPROVE A THREE-YEAR COLLECTIVE BARGAINING AGRMNT BETWEEN THE CITY OF CANTON AND CPFFA LOCAL 249; EMERGENCY
Referred to Finance & Personnel Committees

AMENDED AS

- 19/2014 13. AN ORDINANCE AMENDING APPROP ORDINANCE NO. 264/2013; EMERGENCY (\$1,090,000.00 COMM DEV - ADMIN)
Referred to Finance Committee

ORDINANCE & FORMAL RESOLUTIONS FOR SECOND READING:

(SUSPENDED RULE 22A TO ADD O#14 - O#20; O#18 & O#19 ADOPTED; O#20 ADOPTED AS AMENDED)

- 2ND RDG 14. AMEND APPROP O#264/2013; EMERGENCY (\$8,000.00 FROM 2767 701001 COMM SANCTIONS GRANT FUND - PERSONNEL SERV TO 2767 701001 COMM SANCTIONS GRANT - OTHER) (FIN)
- 2ND RDG 15. AUTHORIZE THE CITY AUDITOR TO PAY \$165.00 TO EA GROUP; EMERGENCY (FIN)
- 2ND RDG 16. AMEND APPROP O#264/2013; EMERGENCY (5 GRANTS FOR HEALTH DEPT) (FIN)

- 2ND RDG 17. AUTHORIZE MAYOR AND/OR SAF DIR TO ADVERTISE, REC BIDS, AWARD & EXECUTE A CONSTRUCTION CONTRACT FOR MAIN CT SE SANITARY SEWER REPLACEMENT PROJ, GP 1202 & TO NEGOTIATE AND SECURE THE SANITARY SEWER EASEMENTS/PROP OWNERSHIP ON BEHALF OF THE CITY; EMERGENCY (E&PU)
- 20/2014 18. AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD AND ENTER INTO VARIOUS CONTRACTS FOR MOWING OF DESERTED/VACANT LOTS THROUGHOUT THE CITY; EMERGENCY (FIN)
- 21/2014 19. AMEND O#169/2013 AS RE-AUTHORIZED 7/2014; EMERGENCY (MUNI COURT AUDIO/VISUAL REHAB PROJ) (PPCI)

AMENDED AS

- 22/2014 20. AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT W/LEONARD INSURANCE SERV AGENCY INC IN AN AMT NOT TO EXCEED \$58,000.00 FOR A ONE YR BUILDER'S RISK INSURANCE POLICY FOR WRF PHOSPHORUS/TOTAL NITROGEN REMOVAL & MISC IMPROVEMENTS PROJ; EMERGENCY (FIN)

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

- 15/2014 21. AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACTS FOR PURCHASE OF VARIOUS VEHICLES FOR SANITATION DEPT.; AUTHORIZE DIR TO ALTERNATIVELY PURCHASE SAID VEHICLES PURSUANT TO STATE COOP PURCHASING AGMT; EMERGENCY
- 23/2014 22. AUTHORIZE THE CITY AUDITOR TO PAY \$5,000.00 TO COHHIO; EMERGENCY
- 24/2014 23. AUTHORIZE MAYOR AND/OR SAF DIR TO ADVERTISE, REC BIDS AND ENTER INTO CONTRACT(S) FOR LEASING OF FOUR UNMARKED POLICE VEHICLES IN AMT NOT TO EXCEED \$106,000.00; EMERGENCY
- 25/2014 24. AUTHORIZE DISCHARGE OF DEMOLITION LIEN, ASSESSMENTS, PENALTIES AND INTEREST ON THE PROP LOCATED AT 1461 9TH ST NE, REAR; EMERGENCY
- 26/2014 25. AUTHORIZE CLERK OF COUNCIL TO CERTIFY TO COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR REMOVAL OF NOXIOUS WEEDS AND DEBRIS; EMERGENCY

AMENDED AS

- 27/2014 26. AMEND SECTION 105.11, STATE COOP PURCHASING WITH ADMINISTRATIVE SERV AND REPEALING SECTION 105.13, STATE COOP PURCHASING WITH ODOT, OF CODIFIED ORDINANCES OF CITY OF CANTON

AMENDED AS

- 28/2014 27. AMEND CHAP 181, INCOME TAX, OF CODIFIED ORDINANCES OF CITY OF CANTON

ANNOUNCEMENT OF COMMITTEE MEETINGS:**MONDAY, March 3, 2014 in Council Caucus Room at 6:00 PM**

- 1) Public Property Capital Improvement Committee
- 2) Finance Committee
- 3) Environmental & Public Utilities Committee
- 4) Personnel Committee
- 5) Judiciary Committee

MISCELLANEOUS BUSINESS: Member West: Thanked Mike Rorar and Serv Dir Bartos for a great job filling in the potholes this past Saturday. He complimented Mike for having a proactive approach. Serv Dir Bartos: Stated most of the credit goes to Mike & Central Allied as Mike reached out to Central Allied to work in conjunction with his 6 crews and 18 workers whereas Central Allied remained open so the crews could get the asphalt needed to patch the holes. The crews used 50 tons of asphalt which was about 100,000 lbs of asphalt shoveled by hand. He thanked the residents as the crews stated that they felt like rock stars with the residents coming out & thanking them for patching. Serv Dir. Bartos referenced other emergency procedures that were being handled, 12th from Gibbs to Cleveland and 25th St. NW. He referenced the snow plows that are in terrible shape & the City needs 5 replaced immediately. Member Hawk: Suggested that on the 12th St. Project since they are already going to mill it, go further west to fix that area & combine the two. Serv Dir. Bartos: Stated that due to 25th St. not having anything under the pavement is why that area needs re-paved & 12th St is being milled because it has brick underneath. Member-At-Large Hart: Mentioned the area he lives Arnold & McGregor has bricks underneath & it would be cost effective to strip the asphalt & keep the brick streets. Council Member West: Asked Serv Dir Bartos, since we have had such a tough winter are they (Street Dept) going to re-score the roads. Serv Dir. Bartos: Replied they are going to go back & look & re-evaluate but would most definitely look into it. Law Dir Martuccio: Addressed the students who came from Jackson & Central Catholic that there was in fact a lot of work, research, & commitment that went into the great detail of work done before they got to the meeting. He referenced the many amendments & commended Council, Cindy, & Purchasing & thanked everyone for their patience. He referenced concerns from the public speakers & informed Mr. DiGiacomo that there are significant restrictions put on private plowers in which they are not allowed to put any snow on public streets or in driveways - the drivers will in fact be ticketed / fined for doing that. He referenced Ms. Campbell's concern of her auto accident stating that under Ohio Law, the City is immune from claims. He stated the City only has so many trucks, so many plows, & as in other areas of the country, we experienced a shortage of salt. He stated there was a limited amount of immunity. The General Assembly shifts the burden in which lets you be free from lawsuits when an uninsured driver is involved and that is why it is up to the insured's insurance carrier to cover that. He also mentioned that with the snow ordinances, they are not going to go out and arrest frail grandmas & we will be looking at & will be amending these specific archaic ordinances. President Schulman: Referenced the Wisconsin issue currently going on whereas the Wisconsin Republican Governor took away their rights where there is a minimum and maximum wage with no negotiation benefits so not collectively bargained.

ADJOURNMENT: 8:51pm