

FINAL
A G E N D A
7:30 PM

CANTON CITY COUNCIL

SEPTEMBER 22, 2014

ROLL CALL: All Members Present

MOTION TO EXCUSE MEMBERS: Not necessary

INVOCATION: James Babcock, At-Large Council Member

PLEDGE OF ALLEGIANCE: President Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 2nd Rdg O#7 - O#12 and O#14; O#13 Retained in committee; O#14 Adopted as amended on 2nd Rdg; O#108/2014 Overridden & Reinstated; O#16 postponed until 9/29/14; O#23 Adopted as amended; O#26 postponed until 10/6/14)

PUBLIC HEARINGS: None

OLD BUSINESS (PUBLIC SPEAKS): Deputy Mayor Williams addressed Mr. Henry Preston's question of expanding the Noise Ordinance to cover lawnmowers, jackhammers, powered saws and other types of loud equipment. He stated that Mr. Preston had an initial conversation with Law Director Martuccio and that Asst. Law Director Nicodemo is looking into the request by Mr. Preston and will report back to Council.

PUBLIC SPEAKS (CITY BUSINESS): Lawrence Cheek complained about the house beside his being a drug house. He stated that it had been raided 3 times. He also said that the owner of the house is deceased but people are still going in and out of the house. He brought pictures of the house and passed them on to Council. Allen asked how long he had been a resident of Canton, to which Mr. Cheek replied over 50 years. Betty Bradley stated that she is 70 years old and has lived in Canton over 55 years. She does not want the traffic light at 9th & Mahoning removed. She also stated that if the name of Gibbs is changed to W.C. Henderson, she would ask that Council promise to clean up the area. She knew that \$2,000,000.00 was given to the Onesta Hotel project and thought the money could have been better spent cleaning up neighborhoods. Johnny Glenn stated that when he came to Canton in 1968 - 1969 that he became familiar with W.C. Henderson through his church. He thought that Mr. Henderson was a man of integrity and stature and thought that it was admirable that Council was considering naming a street after him and asked that they please adopt the measure. Henry Preston thought the condition of Canton streets were unsatisfactorily maintained. He believes the reasons for poor maintenance is that too much time was spent promoting and building the bike path and resurfacing 34th St., which is already full of cracks. He also stated that the only road that was paved and still has no cracks is 34th St. between Logan and Harvard. He asked Council if anyone had ever attended an Asphalt Expo in any city and told Council that they should engage in self-education.

INFORMAL RESOLUTIONS:

37. PERSONNEL COMMITTEE: APPT CHRISTY SHONK TO FAIR HOUSING COMM FR 10/1/14 - 9/30/19. - ADOPTED
38. PERSONNEL & JUDICIARY COMMITTEES: CHANGE IN RESIDENCY REQUIREMENTS FOR TAX REVIEW BOARD (ROBERT FAY). - ADOPTED

COMMUNICATIONS:

412. APPLICANT RICHARD CARPENTER: REQ AUTH FOR VACATION OF A PORTION OF 19TH ST SW, BEING WEST OF THE WEST RIGHT-OF-WAY LINE OF GARFIELD AVE SW TO THE EAST RIGHT-OF-WAY LINE OF DUEBER AVE SW, NORTH OF THE NORTH LINE OF OUT LOT 947 AND SOUTH OF THE SOUTH LINE OF OUT LOT 941. (ACCURATE TECHNOLOGIES). - PLANNING COMMISSION
413. APPLICANT RICHARD CARPENTER: REQ AUTH FOR VACATION OF A PORTION OF HAFER COURT SW, BEING NORTH OF THE NORTH RIGHT-OF-WAY LINE OF 17TH ST SW, EAST OF THE EAST LINES OF PART OF LOTS 7474, 7473 AND OUT LOT 939, WEST OF THE WEST LOT LINE OF LOTS 7451 THROUGH 7443 AND SOUTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 7442. (ACCURATE TECHNOLOGIES). - PLANNING COMMISSION
414. COMM DEV DIR MILLER: REQ AMEND O#156/2014, TO ESTABLISH BUSINESS NAME CHANGE FROM JRC (FORMERLY JR COLEMAN) TO J.R. COLEMAN FAMILY SERVICES CORP FOR PURPOSE OF DISPOSITION OF SAID PROPERTY, PARCEL #02-21072. - JUDICIARY COMMITTEE
415. LIQUOR CONTROL DIVISION: REQ TRANS D5 D6 PERMIT FROM SPORTS PAGE GROUP LLC DBA JERZEES S SPORTS GRILLE & PATIO @ 2531 FULTON RD NW TO FULTON PUB GROUP INC DBA JERZEES SPORTS GRILLE @ 2531 FULTON RD NW. - RECEIVED & FILED
416. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER TO A PROFESSIONAL SERV CONTRACT WITH LEONARD INSURANCE SERVICES AGENCY IN AN AMT NOT TO EXCEED \$175,000.00 FOR 1 YR FIRE, VANDALISM AND MALICIOUS MISCHIEF (PROP) INS POLICY FOR CITY-OWNED BUILDINGS AND CONTENTS; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON REC OF VOUCHERS. - FINANCE COMMITTEE
417. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CHANGE ORDER 2 IN THE AMT OF \$5,319.01 WITH BLACK HORSE BRIDGE COMPANY FOR NAVARRE ROAD SANITARY SEWER AND BRIDGE PROJECT, GP 1159; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS (FUNDING APPROP BY WATER DEPT., SANITARY SEWER OPER FUND; AND CAPITAL IMPROVE). - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

COMMUNICATIONS CONTINUED:

418. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO CONTRACT FOR PURCH OF TWO (2) ASPHALT PATCHERS; ALTERNATIVELY AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT FOR PURCHASE OF ITEMS IN ACCORD WITH ORC SEC 125.04 OR ORC SEC 5513.01 (\$65,000.00 FROM UNAPPROP BAL OF 4502 MOTOR VEHICLE PURCHASE FUND TO 4502 202210 - STREET MAINTENANCE- OTHER); AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT WITH BROWNFIELD RESTORATION GROUP IN AN AMT NOT TO EXCEED \$200,000.00 FOR WORK TO BE PERFORMED AT FORMER OHIO CAST PRODUCTS, INC. UNDER CLEAN OHIO ASSISTANCE FUND; AMEND APPROP O#264/2013; EMERGENCY(\$200,000.00 FROM UNAPPROP BAL OF 2814 CLEAN OHIO FUND TO 2814 506001 CLEAN OHIO - OTHER)
Referred to Finance Committee
- 1ST RDG 2. AMEND O#88/2012; EMERGENCY (STARK STATE PARKING - \$15.00 PER SPACE)
Referred to Finance and Judiciary Committees
- 1ST RDG 3. AUTHORIZE MAYOR, SERV DIR OR SAF DIR TO COMPLETE CONTRACT PROC FOR AULTCARE CORP AND UMR, INC. CONTRACTS PREV AUTHORIZED BUT NOT COMPLETED BY JAN 1, 2014; EMERGENCY
Referred to Finance Committee
- 1ST RDG 4. AUTHORIZE SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR SALE OF LAND AND STRUCTURE AT 1840 MARKET AVENUE NORTH; EMERGENCY
Referred to Public Property Capital Improvement Committee
- 1ST RDG 5. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO COOP AGMT WITH STARK COUNTY BOARD OF COMMISSIONERS FOR WERNER CHURCH ROAD AND BRIDGE REALIGNMENT JOINT PROJ; EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- 1ST RDG 6. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO CHANGE ORDER 2 IN AMT OF \$418,635.00 WITH ARCADIS US, INC. FOR 12TH ST. NW, BRIDGE REPLACEMENT AND STREETScape PROJECT, PID 90671, GP 1160; AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO COOP AGMT WITH OTHER PROJECT STAKEHOLDERS; EMERGENCY
Referred to Public Property Capital Improvement Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:

(SUSPENDED RULE 22A TO ADD O#7 - O#12 AND O#14; O#13 RETAINED IN COMMITTEE; O#14 ADOPTED AS AMENDED ON 2ND RDG)

- 2ND RDG 7. AUTHORIZE AUDITOR TO PAY AN AMT NOT TO EXCEED \$147,618.55 TO BROWNFIELD RESTORATION GROUP (RTI); EMERGENCY (FIN)
- 2ND RDG 8. AUTHORIZE MAYOR OR SERV DIR TO ADVERTISE, REC BIDS AND ENTER INTO A CONTRACT FOR LEASE OF APPROXIMATELY 382 SQ FT OF COMM SPACE LOCATED @ 204 WALNUT AVE SE IN ORDER TO PROVIDE A SNACK BAR/CONCESSION STAND; EMERGENCY (FIN)
- 2ND RDG 9. AMEND APPROP O#264/2013; EMERGENCY (\$25,000.00 FROM UNAPPROP BAL OF 2323 PREP GRANT TO 2323 PREP GRANT - OTHER) (FIN)
- 2ND RDG 10. AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD AND ENTER INTO CONTRACT FOR PURCHASE OF TWO TANDEM VIBRATORY ROLLERS AND TWO TRAILERS FOR TRANSPORTATION OF SAID ROLLERS; AUTHORIZE MAYOR AND/OR SERV DIR TO ALTERNATIVELY PURCHASE SAID EQUIPMENT PURSUANT TO STATE COOP PURCHASE AGMT; AMEND APPROP O#264/2013; EMERGENCY (\$44,000.00 FROM UNAPPROP BAL OF 4502 MOTOR VEHICLE PURCHASES FUND TO 4502 202210 STREET MAINTENANCE - OTHER) (PPCI)
- 2ND RDG 11. AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD AND EXECUTE A CONSTRUCTION CONTRACT FOR ALLENFORD DR WEST SIDE SANITARY SEWER REPAIR AND STREAM BANK STABILIZATION PROJ, GP 1114 AND ENTER INTO COOP AGMTS WITH STARK COUNTY COMMISSIONERS AND NORTH CANTON; AMEND APPROP O#264/2013; EMERGENCY (\$2,500,000.00 FROM UNAPPROP BAL 5410 SANITARY SEWER FUND TO 5410 206310 ALLENFORD DR SANITARY SEWER REPAIR, GP 1114 - OTHER) (PPCI)
- 2ND RDG 12. AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD AND ENTER INTO CONTRACT FOR PURCHASE OF ALL WHEEL DRIVE SUV OR ENTER INTO CONTRACT FOR PURCHASE OF SAID VEHICLE IF IT CAN BE PURCHASED FOR LESS THAN \$20,000.00 THRESHHOLD WHICH REQUIRES COMPETITIVE BIDDING; AUTHORIZE MAYOR OR SERV DIR TO ALTERNATIVELY PURCHASE SAID VEHICLE PURSUANT TO STATE COOP PURCH AGMT; EMERGENCY (ENGINEERING DEPT) (PPCI)

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

2ND RDG 13. **RETAINED IN COMMITTEE** AMEND SECTION 181.08, DUTIES, OF TREASURER AND INCOME TAX DIR AND SECTION 181.09, INVESTIGATIONS; INFORMATION CONFIDENTIAL; PENALTY FOR DIVULGENCE; RECORDS TO BE KEPT FOR FIVE YEARS; OF THE CODIFIED ORDINANCES ____ (JUD)

AMENDED AS

184/2014 14. AUTHORIZE MAYOR OR SERV DIR TO APPLY FOR, ENTER INTO AGMT FOR AND ACCEPT THE 2014 RECYCLING MAKES SENSE GRANT FROM THE STARK-TUSC-WAYNE JOINT SOLID WASTE MGMT DISTRICT; EMERGENCY _____ (FIN)

OVERRIDDEN & REINSTATED

108/2014 AMEND SECTION 181.05 RETURN & PAYMENT OF TAX; REFUND, AND SECTION 181.15, CREDIT FOR TAX PAID TO OTHER MUNI AND JEDD, OF CODIFIED ORDINANCES

185/2014 15. REPEAL SECTION 133.051; CHARGE FOR PUBLIC SAFETY SERV AT SCENES OF MOTOR VEHICLE ACCIDENTS; APPEAL, OF THE CODIFIED ORDINANCES

POSTPONED UNTIL

9/29/2014 16. AMEND PART ELEVEN, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON (CITY-WIDE ZONING) _____ **PUB HRG 9/29/14 @ 7:30 PM**

186/2014 17. ESTABLISH FAIR REUSE VALUE OF FOUR PARCELS OF CITY OWNED PROPERTY; AUTHORIZE SALE AND CONVEYANCE OF SAID PROP; EMERGENCY (PARCELS #225695; #228723; #202030, AND #233228)

187/2014 18. AMEND EXHIBIT A TO O#40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; EMERGENCY (DEPT 50CD DIV OF COMMUNITY & ECONOMIC DEVELOPMENT & PLANNING MANAGEMENT)

188/2014 19. AMEND APPROP O#264/2013; EMERGENCY (\$7,035.00 FR 2423 701001 COURT CAPITAL/SPECIAL PROJECTS - OTHER TO 2423 701001 COURT CAPITAL/SPECIAL PROJECTS - PERSONNEL - \$5950.00; TO 2423 701001 COURT CAPITAL/SPECIAL PROJECTS - \$832.00; TO 2423 701001 COURT CAPITAL/SPECIAL - PERSONNEL - \$165.00; TO 2423 701001 COURT CAPITAL/SPECIAL - PERSONNEL - \$88.00); (\$8,275.00 FR 2766 701001 MUNICIPAL PROBATION SERVICE - OTHER TO 2766 701001 MUNICIPAL PROBATION SERVICE - PERSONNEL - \$7,000.00; TO 2766 701001 MUNICIPAL PROBATION - PERSONNEL - \$980.00; TO 2766 701001 MUNICIPAL PROBATION - PERSONNEL - \$193.00; TO 2766 701001 MUNICIPAL PROBATION - PERSONNEL - \$102.00).

189/2014 20. AMEND APPROP O#264/2013; EMERGENCY (\$250,000.00 FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 852002 TREAS. GROWTH INIT SETTLEMENT - OTHER)

190/2014 21. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO CONTRACT WITH AMBAFLEX MANUFACTURING, INC TO PROVIDE ECONOMIC DEVELOPMENT GRANT BASED ON JOB CREATION IN AMT NOT TO EXCEED \$125,000.00; EMERGENCY

191/2014 22. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO CONTRACT WITH I²R POWER COMPANY TO PROVIDE ECONOMIC DEVELOPMENT GRANT BASED ON JOB CREATION IN AMT NOT TO EXCEED \$125,000.00; EMERGENCY

AMENDED AS

192/2014 23. AMEND APPROP O#264/2013, AS AMENDED, BY MAKING SUPPLEMENTAL APPROP, APPROP TRANSFER AND INTRAFUND TRANSFER HEREIN DESCRIBED; EMERGENCY (\$2,000.00 FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 201015 ANNEXATION; \$25,000.00 FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 852001 TREASURER - ADMIN; \$40,000.00 FR UNAPPROP BAL OF 6041 DMV FUND TO 6041 103001 FIRE-ADMINISTRATION; \$23,000.00 FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 753001 LAW-ADMINISTRATION; INTRAFUND TRANS OF \$40,000.00 FR 1001 GENERAL FUND TO 1105 POLICE SETTLEMENT FUND; APPROP TRANS OF \$17,000.00 FR 1001 801010 AUDITOR - LEGALLY BINDING EXP TO 1001 753001 LAW-ADMINISTRATION)

193/2014 24. AUTHORIZE CANTON CITY BOARD OF HEALTH AND/OR HEALTH COMM TO ENTER INTO PROF SERV CONTRACT IN AMT NOT TO EXCEED \$40,000.00 WITH NATIONAL ORGANIZATION OF URBAN MATERNAL AND CHILD HEALTH LEADERS (CITYMATCH), OF THE UNIVERSITY OF NEBRASKA MEDICAL CENTER, FOR PURPOSES OF PROVIDING TRAINING, FACILITATION AND TECHNICAL ASSISTANCE FOR STARK COUNTY EQUITY INSTITUTE FOR INFANT MORTALITY; EMERGENCY

194/2014 25. AMEND APPROP O#264/2013; EMERGENCY (\$9,000.00 FR UNAPPROP BAL OF 2323 PREP GRANT FUND TO 2323 PREP GRANT - OTHER; \$16,000.00 FR UNAPPROP BAL OF 2313 PREVENTATIVE HEALTH FUND TO 2313 PREVENTATIVE HEALTH - PERSONNEL; \$70,000.00 FR UNAPPROP BAL OF 2314 CHILD & FAMILY HEALTH FUND TO 2314 CHILD & FAMILY HEALTH - OTHER (\$50,000.00); - PERSONNEL (\$20,000.00)

POSTPONED UNTIL

10/6/2014 26. AMEND O#55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; EMERGENCY. (1501 HENRY AVENUE SW., CANTON, OHIO FROM B-2 (NEIGHBORHOOD BUSINESS) TO PB-4 (PLANNED SPECIAL BUSINESS) _____ **PUB HRG 10/6/14 @ 7:30 PM**

195/2014 27. AMEND APPROP O#264/2013; EMERGENCY (\$13.92 FR UNAPPROP BAL OF 2769 BYRNE GRANT FUND TO 2769 102001 POLICE ADMIN - OTHER; \$20.39 FR UNAPPROP BAL OF 2771 BYRNE GRANT FUND TO 2771 102001 POLICE ADMIN - OTHER)

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

- 196/2014** 28. AUTHORIZE SAF DIR TO ENTER INTO A THREE YEAR AGMT WITH GREENTOWN VOLUNTEER FIRE DEPT TO LEASE AVAILABLE SPACE ON THE CITY'S COMMUNICATION SYSTEM; EMERGENCY
- 197/2014** 29. AMEND SECTION 1(K) OF O#177/2006; EMERGENCY (PETTY CASH - \$50.00; CHANGE DRAWER - \$3,000.00- TREASURER'S OFFICE)
- 198/2014** 30. AMEND APPROP O#264/2013; EMERGENCY (\$125,000.00 FR UNAPPROP BAL OF 4501 CAPITAL IMPROVEMENT FUND TO 4501 85-21-01 TREAS - INCOME TAX - OTHER)
- 199/2014** 31. RENAME PORTION OF GIBBS AVENUE N.E. IN THE CITY OF CANTON, W.C. HENDERSON AVENUE N.E. (FROM HIGHLAND AVENUE N.E. TO TUSCARAWAS STREET)

ANNOUNCEMENT OF COMMITTEE MEETINGS:**MONDAY, September 29, 2014 in Council Caucus Room at 6:00 PM**

Tyler Converse - Water Line Presentation

MONDAY, September 29, 2014 in Council Caucus Room at 6:30 PM

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

MISCELLANEOUS BUSINESS: Member Mariol mentioned to Henry Preston that he was not on City Business when he was in Chicago, he was on his honeymoon. He also stated that because he's so concerned about the street conditions, he contacted the Street Dept. Supt. twice while he was there. Member Dougherty thanked all volunteers that helped during the Feed the Needy Program on September 20th. President Schulman and Member Morris thanked Member Dougherty for another successful Feed the Needy. Member Fisher also commended Member Dougherty for beginning the Feed the Needy program. He also commended Clerk Timberlake for all of her hard work. He stated that when anyone asked what they could do to help, his son replied, "Whatever Cindy tells you to do!" Member Smuckler asked Law Director Martuccio why North Canton was getting a better rate on their gas. They're paying \$4.19 MCF and Canton is paying \$4.59 MCF. Law Director Martuccio stated that it comes down to timing. He said that Canton participates in a Gas Aggregation program. People are permitted to opt in or out to receive cheaper prices. Last year North Canton payed a higher price than Canton. We are currently locked into a two year price at \$4.55 per cubic feet. North Canton signed their contract 2 weeks later and received the \$4.19 price. They are currently the lowest in the State of Ohio and may be th lowest in the country. Member Hart mentioned that he had observed Member Dougherty's family growing up and participating in the Feed the Needy program and how he hears that W.C. Henderson was a "fisher of men". He stated that when communities are in need, the people respond. He stated that although money is important, it's people that make an impact on neighborhoods. He also thanked Member Dougherty for the Feed the Needy program.

ADJOURNMENT: 8:50 P.M.**THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, SEPTEMBER 29, 2014 @ 7:30 PM**