

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

CANTON CITY COUNCIL

OCTOBER 20, 2014

**ROLL CALL:** All Members Present

**MOTION TO EXCUSE MEMBERS:** Not Necessary

**INVOCATION:** Greg Hawk, Ward 1 Council Member

**PLEDGE OF ALLEGIANCE:** President Schulman

**AGENDA CORRECTIONS & CHANGES:** (Suspended Rule 22A to add 1<sup>st</sup> Rdg O#8; 2nd Rdg O#9 - O#15; O#8 Adopted on 1<sup>st</sup> Rdg.)

**PUBLIC HEARINGS:**

7:30 PM AN ORDINANCE VACATING AN UNNAMED ALLEY; EMERGENCY, PLANNING COMMISSION  
RECOMMENDED APPROVAL (ALLEN AVE SE FOR LEE DICOLA ON BEHALF OF FOLTZ REALTY, LLC IN  
ASSOCIATION WITH FOLTZ MACHINE IN WARD 4) (1 SPEAKER) **O#215/2014**

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

**PUBLIC SPEAKS (CITY BUSINESS):** Jason Scaglione stated there has been a good job with getting so much stuff off the streets but there was another drug death at the Factory of Terror. He read another letter that he sent to the State Legislators requesting monies to have dedicated police officers to Ward 3 and other Wards so that they would be more effective and have a better relationship with the citizens of that community. He has received a response that the Safe Neighborhood Initiative has some funds available so he will provide the Safety Director the contact information to reach out for these funds. Health Commissioner Jim Adams briefed all on the Health Departments efforts regarding Ebola. The Health Department, area hospitals, EMS and other first responders are all in close contact and watching all the alerts to keep on top of the situation. It is best to fight fear with facts. He encourages all to get their flu shot as this is also the beginning of flu season. Charles Killens asked all Council Members to please tell the truth if you are called as a witness because he has provided the information regarding his home to the federal court. James Parker says there is some type of noise pollution downtown which sounds like a bad bearing on one of the buildings. He asks why all are so afraid of Ebola when rabies is 90% fatal and 20% of teenagers would test positive for a type of meningitis and no one mentions this. He recommended taking vitamins C and K to help with your immune system. Henry Preston had a piece of asphalt crumbling on his street. He called the Street Department and they came out, inspected it and repaired it. He is very pleased. He feels all Council Members need to stay on top of things in their Wards. Dan Moeglin received a letter today that from the Ohio Department of Natural Resources stating that the city was awarded \$500,000.00. This will be part of National Bike Route 40. Bike Trails have been shown to increase property values. This will run down Cleveland Avenue and around the Malone University area.

**INFORMAL RESOLUTIONS:**

39. COUNCIL-AS-A-WHOLE: COMMENDING 2014 FIREFIGHTERS OF THE YEAR, RON JULIO, THOMAS TODD, SHAWN ROBINSON, FRANK WALTERS. - ADOPTED
40. COUNCIL-AS-A-WHOLE: COMMENDING 2014 FOURTH GRADE ESSAY WINNER OF THE YEAR, KY'ARA ROSS. - ADOPTED
41. PERSONNEL COMMITTEE: RE-APPT OF TERRY PRATER TO BOARD OF ZONING APPEALS FOR 3 YR TERM FROM 1/1/15 - 12/31/17. - ADOPTED
42. PERSONNEL COMMITTEE: RE-APPT OF JOHN STRAUSS TO ARCHITECTURAL REVIEW BOARD FOR 4 YR TERM FROM 1/1/15 - 12/31/18. - ADOPTED

**COMMUNICATIONS:**

445. ANNEXATION CHAIRMAN WEST: REQ STATEMENT OF SERVICES FOR LESH-EVERETT ANNEXATION OF 0.4936 ACRES LOCATED IN PLAIN TOWNSHIP. - ANNEXATION COMMITTEE
446. AUDITOR MALLONN: REQ FOR ADDT'L AMENDED CERT DATED 10/15/14. - RECEIVED & FILED
447. COMM DEV DIR MILLER: AMEND O#264/2013 (\$1,275,000.00 APPROP TRANSFER FROM 2211 506001 CD ADMIN - OTHER TO 2211 506002 CD DEMO - OTHER AND \$110,805.10 FROM 2211 501601 CD YOUTH DEV - OTHER TO 2211 506001 CD ADMIN - OTHER). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
448. CNCL-AT-LRG HART: INQUIRING AS TO WHEN CITY WILL TRAIN FIRST RESPONDERS ON PROPER CDC PROCEDURES IN DEALING WITH PERSONS WHO MAY HAVE CONTACTED EBOLA VIRUS. - RECEIVED & FILED
449. DEPUTY MAYOR WILLIAMS: AUTHORIZE SERV DIR TO ENTER INTO JEDD WITH STOLLE MACHINERY INC FOR JOB CREATION TAX INCENTIVE . - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
450. FINANCE CHAIRMAN HAWK: REQ 2015 REVENUE DRIVEN BALANCED BUDGET TO BE SUBMITTED BY 12/8/14. - RECEIVED & FILED
451. MAYOR HEALY: ADVISE OF RE-APPT OF ANDREW BLACK TO CANTON PARK COMMISSION FOR 3 YR TERM COMMENCING 1/1/15 - 12/31/17. - RECEIVED & FILED

**COMMUNICATIONS CONTINUED:**

452. PLANNING COMMISSION: VACATION & REPLAT OF A PORTION OF HAVER CT SW BEGINNING AT THE NORTH RIGHT OF WAY OF 17<sup>TH</sup> ST SW RUNNING NORTH TO SOUTH LINE OF CANTON CITY LOT 7242 & REPLAT OF PORTION HAVER CT SW AND ALL CITY LOTS 7443 - 7451 AND REMAINING PARTS OF LOTS 7473 & 7474 IN WARD 5. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
453. PLANNING COMMISSION: VACATION OF PORTION OF 19<sup>TH</sup> ST SW WEST OF THE WEST RIGHT OF WAY LINE OF GARFIELD AVE SW, EAST OF EAST RIGHT OF WAY LINE OF DUEBER AVE SW, SOUTH OF SOUTH LINE OF OUTLOT 941 AND NORTH OF NORTH LINE OF OUTLOT 947, WARD 5. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
454. SAFETY DIRECTOR PERRY: AMEND O#177/2006, SECTION 1(a), TO APPROP \$600.00 FOR CHANGE DRAWERS FOR ADDT'L REGISTERS IN BLDG DEPT. - JUDICIARY & FINANCE COMMITTEES
455. SERVICE DIRECTOR BARTOS: REQ \$272,000.00 SUPP APPROP FROM UNAPPROP BAL 5201 WATER FUND TO \$4,000.00 5201 207003 - WATER BILLING - OTHER, \$42,000.00 5201 207010 - WATER PUMPING - PERSONNEL, \$51,000.00 5201 207012 - WATER MAINTENANCE - OTHER, \$175,000.00 5201 207022 - WATER DISTRIBUTION - OTHER AND A \$4,000.00 SUPP APPROP FROM 5410 SEWER FUND TO 5410 207003 - SEWER BILLING - OTHER AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE COMMITTEE
456. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONSTRUCTION CONTRACT CHANGE ORDER WITH CENTRAL ALLIED ENTERPRISES, INC NOT TO EXCEED \$146,909.21; AMEND APPROP O#264/2013 AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS (\$11,763.63 SUPP APPROP FROM UNAPPROP BAL 2181 GERVASI 1700 LLC TIF FUND TO 2181-202001 GERVASI 1700 LLC TIF FUND - ENG ADMIN - OTHER, \$78,2548.04 SUPP APPROP FROM UNAPPROP BAL 4501 CAPITAL FUND TO 4501-202087 CAPITAL FUND - 55<sup>TH</sup> ST PROJ, GP 1125 - OTHER; \$30,000.00 APPROP TRANSFER FROM 4501-202001 CAPITAL FUND - ENG ADMIN - OTHER TO 4501-202087 CAP FUND - 55<sup>TH</sup> ST PROJ, GP 1125 - OTHER AND \$30,000.00 APPROP TRANSFER FROM 4501-201001 CAPITAL FUND - SERV DIR ADMIN - OTHER TO 4501-202087 CAPITAL FUND - 55<sup>TH</sup> ST PROJ, GP 1125 - OTHER). - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
457. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO A ONE YR PROF SERV CONTRACT FOR COMPREHENSIVE NETWORK SERV WITH ACLARA TECH; MAKE A \$16,558.00 SUPP APPROP FROM UNAPPROP BAL 5201 WATER FUND TO 5201 207003 - WATER BILLING - OTHER & A \$11,038.00 SUPP APPROP FROM UNAPPROP BAL 5410 SEWER FUND TO 5410 207003 - SEWER BILLING - OTHER AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE COMMITTEE
458. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD AND ENTER INTO CONTRACT FOR CURBING OF BOULEVARDS LOCATED AT & AROUND THE INTERSECTION OF 19<sup>TH</sup> ST NE AND EDWARDS AVE NE; MAKE A \$70,000.00 SUPP APPROP FROM UNAPPROP BAL OF 4501 CAPITAL FUND TO 4501 202041 - 19<sup>TH</sup> & EDWARDS INTERSECTION IMPROVEMENTS, GP 1106 - OTHER AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
459. TREASURER PEREZ: RPT OF DEPOSITS & PAY INS FOR AMBULANCE LOCK BOX FOR SEPTEMBER 2014. - RECEIVED & FILED
460. TREASURER PEREZ: RPT OF PARKING METER REVENUE FOR SEPTEMBER 2014. - RECEIVED & FILED
461. TREASURER PEREZ: COMPARATIVE RPT OF CASH RECEIPTS FILED AS OF 9/30/14. - RECEIVED & FILED
462. TREASURER PEREZ: RPT OF BANK RECONCILIATIONS AND CITY'S OUTSTANDING INVESTMENTS AS OF 9/30/14. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:**

- 1<sup>ST</sup> RDG 1. ESTABLISH FAIR REUSE VALUE OF TWO PARCELS OF CITY OWNED PROP; AUTHORIZE SALE & CONVEYANCE OF SAID PROPERTY; EMERGENCY (PARCEL #'S 02-16208 AND 02-16209 ON HARRISBURG AVE NE FOR LENA & JACK PORTER)  
Referred to Community & Economic Development Committee
- 1<sup>ST</sup> RDG 2. AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS, AWARD & ENTER INTO CONTRACT FOR SALE OF LAND & STRUCTURE AT 2506 CLEVELAND AVE S; EMERGENCY (SERV CENTER)  
Referred to Public Property Capital Improvement Committee
- 1<sup>ST</sup> RDG 3. AMEND APPROP O#264/2013 (\$35,000.00 FROM UNAPPROP BAL 2111 STREET MAINT FUND TO 2111 104020 TRAFFIC SIGNAL - OTHER; \$85,000.00 FROM UNAPPROP BAL 6041 DMV FUND TO 6041 208010 SERVICE & REPAIR - OTHER; \$12,000.00 APPROP TRANSFER FROM 2216 505010 FAIR HOUSING DEPT - PERSONNEL TO 2216 505010 FAIR HOUSING DEPT - OTHER)  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 4. AMEND APPROP O#264/2013; EMERGENCY (\$3,800.00 SUPP APPROP FROM 2312 301001 — OTHER TO 2312 301001 - PERSONNEL AND \$8,000.00 FROM 2321 301001 - OTHER TO 2321 301001 - PERSONNEL) (HEALTH DEPT)  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 5. APPROVE & ACCEPT THE REPLAT OF PART OF OUTLOT 577; EMERGENCY (LOCATED AT AND AROUND MAHONING RD NE AND HARMONT AVE NE FOR DOLLAR GENERAL - WARD 6)  
Referred to Public Safety & Thoroughfares Committee
- 1<sup>ST</sup> RDG 6. AUTHORIZE DISCHARGE OF DEMOLITION LIEN, ASSESSMENTS, PENALTIES & INTEREST ON PROP LOCATED 710 WILSON PL NW; EMERGENCY  
Referred to Community & Economic Development Committee
- 1<sup>ST</sup> RDG 7. AUTHORIZE SAF DIR TO REC 2014 COPS HIRING PROG GRANT IN ESTIMATED AMT OF \$1,125,000.00; EMERGENCY  
Referred to Finance Committee

***(COUNCIL RECESSED AT 8:06 PM FOR THE PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE TO DISCUSS ORDINANCE #8; RECONVENED AT 8:10 PM)***

- 214/2014 8. AUTHORIZE MAYOR OR SERV DIR TO ADVERTISE, REC BIDS, AWARD & EXECUTE A CONSTRUCTION CONTRACT & ENTER INTO A COOP AGMT WITH AEP FOR ROADWAY LIGHTING CONSTRUCTION CONTRACT, GP 1219; AMEND APPROP O#264/2013; EMERGENCY (\$80,000.00 FROM UNAPPROP BAL 4501 CAPITAL FUND TO 4501 202001 CAPITAL FUND - ENGINEERING ADMIN - OTHER) (CHAPEL RIDGE & PLAIN CENTER ESTATES)  
Referred to Public Property Capital Improvement Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**

***(SUSPENDED RULE 22A TO ADD O#9 - O#15)***

- 2<sup>ND</sup> RDG 9. AMEND O#55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; EMERGENCY (CITY-WIDE ZONING) (JUD) **PUB HRG 10/27/14 @ 7:30 P.M.**
- 2<sup>ND</sup> RDG 10. AMEND O#55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; EMERGENCY (915 WERTZ AVENUE N.W., CANTON, OHIO FROM B-3 (NEIGHBORHOOD BUSINESS) TO PB-4 (PLANNED SPECIAL BUSINESS) DENNIS R. AND CAROLYN J. COPELAND - WARD 3) (JUD) **PUB HRG 10/27/14 @ 7:31 P.M.**
- 2<sup>ND</sup> RDG 11. AUTHORIZE LEGISLATION TO DISCHARGE LIENS FOR DEMOLITION, ASSESSMENTS, PENALTIES & INTEREST @ 1417 4<sup>TH</sup> STREET NE (C&ED)
- 2<sup>ND</sup> RDG 12. AMEND O#264/2013 (\$40,000.00 SUPP APPROP FROM UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 102001 POLICE ADMIN - OTHER) (FIN)
- 2<sup>ND</sup> RDG 13. AUTHORIZE MAYOR AND/OR SERV DIR TO PURCHASE ONE (1) VACALL AJV 1015 AT ESTIMATED COST OF \$332,000.00 THROUGH NATIONAL JOINT POWER ALLIANCE COOP PURCH AGMT IN ACCORDANCE WITH ORC 9.48 AND CANTON CODIFIED ORDINANCE SECTION 105.11 (PPCI)
- 2<sup>ND</sup> RDG 14. AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO PROF SERV CONTRACT WITH GREG MENCER FOR AMT NOT TO EXCEED \$30,000.00 (SANITARY SEWER ENGINEER) (FIN)
- 2<sup>ND</sup> RDG 15. ACCEPTING THE AMTS & RATES AS DETERMINED BY THE BUDGET COMMISSION & AUTHORIZING THE NECESSARY TAX LEVIES AND BUDGET COMMISSION & AUTHORIZING THE NECESSARY TAX LEVIES & CERTIFYING THEM TO THE COUNTY AUDITOR (FIN)

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

- 215/2014 16. VACATING AN UNNAMED ALLEY; EMERGENCY (LEE DICOLA FOR FOLTZ MACHINE - ALLEN AVE SE) **PUB HRG 10/20/14 @ 7:30 PM**

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

- 216/2014** 17. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO A PROF SERV CONTRACT WITH LEONARD INSURANCE SERV AGENCY, INC IN AMT NOT TO EXCEED \$175,000.00 FOR A ONE (1) YR FIRE, VANDALISM & MALICIOUS MISCHIEF (PROP) INS POLICY FOR THE CITY-OWNED BLDGS AND CONTENTS; EMERGENCY
- 217/2014** 18. AUTHORIZE THE MAYOR OR SERV DIR TO ENTER INTO CHANGE ORDER 2 IN AMT OF \$5,319.01 WITH BLACK HORSE BRIDGE CO FOR NAVARRE ROAD SANITARY SEWER & BRIDGE PROJ, GP 1159; EMERGENCY
- 218/2014** 19. AUTHORIZE MAYOR OR SERV DIR TO ADVERTISE, REC BIDS, AWARD AND ENTER INTO CONTRACT FOR PURCHASE OF TWO (2) ASPHALT PATCHERS; AUTHORIZE MAYOR OR SERV DIR TO ALTERNATIVELY PURCHASE SAID ASPHALT PATCHERS PURSUANT TO STATE COOP PURCH AGMTS; AMEND APPROP O#264/2013; EMERGENCY (\$65,000.00 FROM UNAPPROP BAL 4502 MOTOR VEHICLE PURCHASES FUND TO 4502 202210 STREET MAINT - OTHER)

**ANNOUNCEMENT OF COMMITTEE MEETINGS:****MONDAY, October 27, 2014 in Council Caucus Room at 6:45 PM**

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

**MISCELLANEOUS BUSINESS:** Law Director Martuccio appreciated Jim Adams remembering all of the information regarding Mr. Killens home. While Mr. Killens has visited the Law Department a few times in the last couple of years, none of the paperwork that he has brought in is current. Mr. Martuccio will be happy to look into things and respond if he receives any current papers on this matter. Jim Adams spoke about a home of William McKinley's that was relocated in the 1930's and was later demolished because it was not being kept up to code. Any home can fall into this problem. Mayor Healy attended the first event held at the Onesto Hotel on Saturday. The ballroom was opened and there were 100's of people there. It was just beautiful. He thanked all Council Members for being on board with this project because it is a huge positive for the city. He also attended church with Chris Smith on Sunday morning and then celebrated Sunday evening with Brother Dave at Trinity Gospel Church. He has been the Pastor of Trinity Church for 50 years. There were thousands of people there to join in this celebration. Member Smuckler says for over a decade he has been a part of Canton's slime with letters being delivered to City Hall and his home labeled as "Kill Jews". He is embarrassed that the city knows who this is and they live in this community. This has gone beyond any First Amendments rights. The person sending them is a coward that will not come to Council or sign these letters. Member Smuckler asks Law Director Martuccio to go to the Northeastern Ohio Attorney General and get a written response as to whether this qualifies as a hate crime. He feels it is unfair for him and others, along with their families to go through this. Member Dougherty agrees that it is time for a written response to this matter. Member West applauds Member Smuckler for stepping up in this matter. He also has received this information and is requesting that the sender stop sending any form of communication in the form of a letter, email, etc. as he does not want to hear this hateful and hurtful talk. Member Hart asks if Ebola puts the city of Canton at a risk of loss since it could be very expensive if personnel has several days off. He asks what if any, the financial liability would be to the city. Law Director Martuccio thanked Commissioner Adams for continuing to keep everyone aware of the Ebola updates. If any employee contracts anything while on the clock is covered by Workers' Compensation. If it would be any other time, it would be covered by insurance. He also stated that he would follow up on Bill's request.

**ADJOURNMENT:** 8:30 P.M. \_\_\_\_\_