

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

CANTON CITY COUNCIL

NOVEMBER 10, 2014

ROLL CALL: All Council Members Present

MOTION TO EXCUSE MEMBERS: Not Necessary

INVOCATION: Kevin Fisher, Ward 5 Council Member

PLEDGE OF ALLEGIANCE: President Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 2nd Rdg O#6 - O#12; O#8 from 11-3-14 Agenda will be Retained in Committee, not Postponed Indefinitely, O#17 is Postponed until 11-17-14)

PUBLIC HEARINGS: None

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

PUBLIC SPEAKS (CITY BUSINESS): Pete DiGiacomo spoke about the shooting that recently took place and mentioned that most of these guys have extensive criminal records. He stated that the police officers are doing their jobs, only to have the criminals released after posting \$25.00 bonds. He said that parking tickets cost more than \$25.00. Dan Moeglin first apologized to the Service Director, Mayor Healy, Deputy Mayor Williams, and Council for the issue with 55th St. He stated that he was caught off guard by the extent of the Change Order and stated that they will do their best to insure that it does happen again and will improve communication with everyone while working on their construction projects. He stated that he just received a Certificate of Recognition for the City's energy efficiency project applications completed in 2003. He showed the certificate to Council and read the letter. Leon Cote stated that for the last dozen years he has attended the weekly Council meetings, only to hear the same complaints about the city streets not being paved until late October or November. He said that when they're paved this late, they start to crumble within a year or so. He is looking for accountability and wanted to know who is dropping the ball. He mentioned that this past Saturday, a crew from Central Allied paved Field Ave. NW while it was 38 degrees out. The road had been scraped down over two weeks ago. Four men were out again on Sunday. He stated that without curbs or gutters, the road doesn't look good and wanted to know if blacktop curbs should be installed when paving a road with no curb. He also had a list of questions that he wanted answered and passed around a hand-out with those questions. James Parker spoke about the history of the McKinley/Massillon football game and mentioned that instead of speaking about the game and the history, a certain Councilman was out humiliating the Mayor. He also stated that a Councilman parks in the handicapped section and maybe should receive a parking ticket in order to be stopped. He also stated that he believes the Mayor works extremely hard, unlike Council. He suggested that Council read the CZB report that was paid for. He mentioned that some people still put money in the parking meter after 4:00 p.m. and on weekends, and stated that it should be publicized that it is not necessary. He also mentioned that he has been told that the city of Akron has eliminated metered parking and suggested that the Akron Mayor has more influence over Akron's Council. Henry Preston spoke about the money that the city of Canton had received to fund the new bike trails that will start at Cleveland Ave. He mentioned that many of the current bike lanes are of poor design and construction. He believes that they are unsafe because they cause vehicle lane traffic to weave in and out of marked lanes. The Northbound bike lanes have bramble, grass, nails, thumbtacks and other debris because the grading of the road directs more water and debris to certain sides of the road and it's infrequently cleaned. He also believes that there is no separation or physical protection between the bike lanes and traffic on Walnut. He has noticed that the cyclists use the sidewalks and not the poorly designed bike lanes. He believes that prudent planning of the bike lanes could have resulted in protected or buffered bike lanes.

INFORMAL RESOLUTIONS: None

COMMUNICATIONS:

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| 475. | AUDITOR MALLONN: | MTHLY REPORT BY FUND FOR 10/01/14 THRU 10/31/14. - RECEIVED & FILED |
| 476. | AUDITOR MALLONN: | YRLY REPORT BY FUND FOR 01/01/14 THRU 10/31/14. - RECEIVED & FILED |
| 477. | CNCL-AT-LRG HART: | LTR TO LAW DIR MARTUCCIO REG ADOPT A BRICK STREET BY LOCAL RESIDENTS. - RECEIVED & FILED |
| 478. | CNCL-AT-LRG SMUCKLER: | REQ LEGISLATION FOR STREET PAVING AND STREET REPAIRS TO BE COMPLETED DURING 5/1 THRU 10/1. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE |
| 479. | COURT ADMIN KOCHERA: | REQ SUPP APPROP TO JUDGES ADMIN, INDIGENT DRIVER ALCOHOL TREATMENT FUND 2762 (\$40,000.00 FROM UNENCUMBERED BAL 2762-701001 INDIGENT DRIVER ALCOHOL TREATMENT FUND TO OTHER 2762-701001 INDIGENT DRIVER ALCOHOL TREATMENT FUND). - FINANCE COMMITTEE |
| 480. | COURT ADMIN KOCHERA: | REQ SUPP APPROP TO JUDGES ADMIN, JAIL DIVERSION GRANT FUND 2767 (\$68,000.00 FROM UNENCUMBERED BAL 2767-701001 JAIL DIVERSION GRANT FUND TO OTHER 2767-701001 JAIL DIVERSION GRANT FUND -\$18,000.00; PERSONNEL 2767-701001 JAIL DIVERSION GRANT FUND - \$50,000.00). - FINANCE COMMITTEE |
| 481. | FINANCE DIR DIRUZZA: | REQ CITY OF CANTON EXERCISE OPTIONAL ONE-YEAR EXTENSION OF FUEL CARD PROGRAM WHICH IS SET TO EXPIRE ON 12/31/14 (SPEEDWAY, LLC). - FINANCE COMMITTEE |
| 482. | FINANCE DIR DIRUZZA: | AUTHORIZE AUDITOR TO PAY MORAL OB TO HOME TEAM COMMUNICATIONS IN AMT NOT TO EXCEED \$55,000.00 FOR TELECOMMUNICATIONS AUDIT. - FINANCE COMMITTEE |
| 483. | LIQUOR CONTROL DIVISION: | REQ C1 C2 NEW PERMIT FOR SHA B INC DBA B 2 B DRIVE THRU 2 @ 636 CHERRY AV NE. - RECEIVED & FILED |

COMMUNICATIONS CONTINUED:

484. MAYOR HEALY: ADVISE OF RE-APPT OF DONALD PETERSON TO CANTON COMMUNITY IMPROVEMENT CORPORATION FOR 1 YR TERM COMMENCING 1/1/15 - 12/31/15. - RECEIVED & FILED
485. SERV DIR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD, AND ENTER INTO CONTRACT(S) FOR MOWING OF DESERTED/VACANT LOTS THROUGHOUT CITY AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. AMEND APPROP O#264/2013, AS AMENDED BY MAKING APPROP TRANSFERS; EMERGENCY (\$0.05 FR 4501 801001 AUDITOR - OTHER TO 4501 201004 2006 CONSTRUCT/RECONSTRUCT BOND - OTHER AND \$25,000.00 FR 1001 702001 CLERK OF COURTS ADMIN - PERSONNEL TO 1001 802001 AUDITOR - CLERK COURTS ATM - OTHER)
Referred to Public Property Capital Improvement and Finance Committees
- 1ST RDG 2. AUTHORIZE CITY AUDITOR TO PAY AMT NOT TO EXCEED \$21,907.20 FOR WORK PERFORMED AS PART OF THE NEIGHBORHOOD INITIATIVE PROGRAM; EMERGENCY (MOORE TITLE AGENCY - \$6,000.00; HERITAGE UNION TITLE AGENCY - \$3,000.00; PHILLIP D. SCHANDEL - \$1,200.00; AMERICAN TITLE AGENCY - \$8,400.00; THE PRESS NEWS - \$3,307.20)
Referred to Finance Committee
- 1ST RDG 3. ADOPT TWO (2) AMENDMENTS TO ECONOMIC GROWTH INITIATIVE REGULATIONS; EMERGENCY (JEDD & TAX INCENTIVES)
Referred to Community & Economic Development Committee
- 1ST RDG 4. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO SUPP AGMT WITH CITY OF NORTH CANTON FOR OPERATION, MAINT & REPLACEMENT COST SHARING AGMT FOR WATER RECLAMATION FACILITY; EMERGENCY
Referred to Finance Committee
- 1ST RDG 5. AUTHORIZE MAYOR OR SERV DIR TO PURCHASE EASEMENTS IN CONJUNCTION WITH FAIRCREST WATER MAIN EXTENSION PROJ; AMEND APPROP O#264/2013; EMERGENCY (JAMES REED ENTERPRISES LLC - \$8,850.00; ROBERT D. MARRACCINI - \$5,434.00; ZOLDAN FAMILY OHIO LIMITED PARTNERSHIP - \$6,825.00; DGS DEVELOPMENT CO., LTD - \$6,075.00; SYSTEM CAPITAL REAL PROPERTY CORP. - \$1,988.00)
Environmental & Public Utilities and Finance Committees

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**(SUSPENDED RULE 22A TO ADD O#6 - O#12)**

- 2ND RDG 6. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO A JOB CREATION TAX INCENTIVE AGMT WITH STOLLE MACHINERY INC. PURSUANT TO CITY'S INCENTIVE PROG; EMERGENCY (C&ED)
- 2ND RDG 7. AUTHORIZE SERV DIR TO ENTER INTO JEDD WITH JACKSON TOWNSHIP; EMERGENCY (STOLLE MACHINERY INC) (C&ED)
- 2ND RDG 8. AUTHORIZE SERV DIR TO CONVEY CITY-OWNED REAL PROP, NO LONGER NEEDED FOR MUNI PURPOSES, TO CCIC; EMERGENCY (PARCEL #02-26890 @ 902 CHERRY AVE NE) (C&ED)
- 2ND RDG 9. AUTHORIZE MAYOR TO ENTER INTO AGMT WITH STATE OF OHIO, DEPT OF MENTAL HEALTH & ADDICTION SERV FOR RECEIPT OF FY 2015 DRUG COURT FUNDING GRANT IN AMT OF \$41,495.00; EMERGENCY (FIN)
- 2ND RDG 10. AUTHORIZE MAYOR OR SAF DIR TO ENTER INTO CONTRACT WITH COMM BLDG PARTNERSHIP OF STARK COUNTY, INC IN AMT NOT TO EXCEED \$15,000.00 FOR WORK TO BE PERFORMED & COMPLETED AS PART OF STARK COUNTY LAND BANK SIDE LOT PROG; EMERGENCY (FIN)
- 2ND RDG 11. AMEND APPROP O#264/2013; EMERGENCY (\$10,000.00 APPROP TRANSFER FROM 2318 301001 - PERSONNEL TO 2318 301001 - OTHER, \$3,000.00 FROM 2354 301001 - OTHER TO 2354 301001 - PERSONNEL AND \$7,000.00 FROM 2323 301001 - OTHER TO 2323 301001 - PERSONNEL; EMERGENCY (HEALTH DEPT) (FIN)
- 2ND RDG 12. AUTHORIZE CITY AUDITOR TO PAY AMT NOT TO EXCEED \$75.00 TO OHIO PEACE OFFICER TRAINING ACADEMY; EMERGENCY. (FIN)

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

- 236/2014 13. APPROVE STATEMENT OF SERVICES BE PROVIDED TO PROP OWNER IN LESH-EVERETT ANNEXATION AREA, APPROX DATE SERV WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON BEING ANNEXED TO CITY OF CANTON (ANNEXATION OF 0.4936 ACRES LOCATED IN PLAIN TOWNSHIP)
- 237/2014 14. AMEND APPROP O#264/2013; EMERGENCY (\$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)
- 238/2014 15. AMEND SECTION 1 (a) OF O#177/2006 (PETTY CASH - \$100.00, CHANGE DRAWERS - \$600.00)

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

239/2014 16. AMEND APPROP O#264/2013; EMERGENCY (\$272,000.00 SUPP APPROP FROM UNAPPROP BAL 5201 WATER FUND TO 5201 207003 - WATER BILLING - OTHER - \$4,000.00; 5201 207010 - WATER PUMPING - PERSONNEL - \$42,000.00; 5201 207012 - WATER MAINTENANCE - OTHER - \$51,000.00, 5201 207022 - WATER DISTRIBUTION - OTHER - \$175,000.00 AND A \$4,000.00 SUPP APPROP FROM UNAPPROP BAL OF 5410 SEWER FUND TO 5410 207003 - SEWER BILLING - OTHER)

POSTPONED UNTIL

11/17/14 17. AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONSTRUCTION CONTRACT CHANGE ORDER IN AN AMT NOT TO EXCEED \$146,909.21 WITH CENTRAL ALLIED ENTERPRISES, INC. FOR THE 55TH ST. STORM SEWER AND ROADWAY PROJECT, GP 1125; AMEND APPROP O#264/2013 (\$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, \$78,248.04 SUPP APPROP FROM UNAPPROP BAL 4501 CAPITAL FUND TO 4501-202087 CAPITAL FUND - 55TH ST PROJ, GP 1125 - OTHER; \$30,000.00 APPROP TRANSFER FROM 4501-202001 CAPITAL FUND - ENG ADMIN - OTHER TO 4501-202087 CAP FUND - 55TH 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 - 55TH ST PROJ, GP 1125 - OTHER)

240/2014 18. AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO A ONE YR PROF SERV CONTRACT WITH ACLARA TECH IN AN AMT NOT TO EXCEED \$27,596.00 TO PROVIDE COMPATIBLE MAINT FOR CANTON'S EXISTING AUTOMATED METER READING SYSTEM; AMEND APPROP O#264/2013 (\$16,558.00 SUPP APPROP FROM UNAPPROP BAL 5201 WATER FUND TO 5201 207003 - WATER BILLING - OTHER; \$11,038.00 SUPP APPROP FROM UNAPPROP BAL 5410 SEWER FUND TO 5410 207003 - SEWER BILLING - OTHER)

ANNOUNCEMENT OF COMMITTEE MEETINGS:**WEDNESDAY, November 12, 2014 in Council Caucus Room at 5:30 PM**

Public Property Capital Improvement Committee

MONDAY, November 17, 2014 in Council Caucus Room at 6:30 PM

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

MISCELLANEOUS BUSINESS: Member Hart mentioned that the President of City Council made a comment on the car he was driving and that he was totally shocked to see the Council President driving an all electric Tesla. He thanked the President for a great looking car and for being environmentally conscious. Mayor Healy spoke in reference to Pete DiGiacomo's comments about the Police Department making arrests and for \$25.00 the criminals are back on the streets. He mentioned that it is a real issue. He mentioned that the Police Department is doing a fantastic job in prevention and addressing issues after the fact. He mentioned that an individual who was killed at the Marathon shooting had recently been released from serving only less than 2 years on a prior homicide. He stated that we have a serious issue involving our Court system; not enough space, not enough evidence, and early releases. He stated that there doesn't seem to be any deterrents and as a society we need to look at every facet of our safety system. Member Dougherty spoke about a Veteran's event that they had on Saturday in Ward 6. A new sign was put up in the Memorial Garden Park on Mahoning Rd. He wanted to thank the Police and Fire Departments for their donation and for their presence that day. He also thanked the Mayor, Member Babcock and the Clerk of Council for their attendance. He wished the Veterans a nice day tomorrow and asked for a show of hands of the Veterans in attendance. Member Hawk mentioned Mr. Parker's comments and stated that he should spend as much time getting his stats correct as he does on his vocabulary and it would be a better world. He also stated that in honor of our Veterans, he had a very fine uncle who was a POW of World War II, who was severely wounded and eligible for 100% disability but refused to take it because he thought he was never 100% disabled. He also firmly rejected a handicapped parking placard for years because he thought someone else might need it more. President Schulman wished the Veterans the best and thanked them for their service to the Country. He also mentioned that House Bill 5 has been removed from Senator Oelslager's Finance Committee and now is in the hands of the Ways and Means Committee and it is sure to pass. He said that as an individual working in Canton, having a law office, he could probably manufacture losses in a certain year and be able to carry forward those losses for 5 years into the future, potentially never paying another dime to the City of Canton, in taxes. Any company could do this. If you work out of town, you may never have to pay another dime to the city that you live in. He stated that this bill is draconian, and that it starves and chokes cities to make it so punitive for citizens living in cities that they will be forced to join forces with surrounding areas.

ADJOURNMENT: 8:18 P.M.