

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

CANTON CITY COUNCIL

MARCH 23, 2015

ROLL CALL: Eleven Members Present

MOTION TO EXCUSE MEMBERS: Member Mack

INVOCATION: Chris Smith, Ward 4 Council Member

PLEDGE OF ALLEGIANCE: President Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 1st Rdg O#7, O#8, & O#9; 2nd Rdg O#10 - O#15; Adopted O#7, O#8, & O#9 on 1st Rdg)

PUBLIC HEARINGS: None

OLD BUSINESS (PUBLIC SPEAKS): None

PUBLIC SPEAKS (CITY BUSINESS): Robert Knight spoke again about his claim against the City. A sanitation truck hit a power line on January 14, 2015 and he lost electricity to his home. He filed a claim with the Law Department. He said that his house could have caught fire and he and his wife could have died. The truck did strike the wire, but the Law Department said there was no evidence that the driver was negligent. He urged the Law Department to take time to look at their policy for denying claims, especially the moral issue. Byron Dillon addressed Council with the help of deaf interpreter, Jack Hawk. Mr. Dillon's car hit a 4 in. deep pothole last Friday on 18th and Cleveland and broke the motor mount. His car is inoperable and will be an expense to fix, possibly several hundred dollars. Law Director Martuccio stated that any claim against the City must first be filed with his office, and he would give Mr. Dillon a card to call and make a claim. He explained that a form is completed regarding how it happened accompanied with a receipt for repairs. He also explained that the Law Department can only pay the deductible if the claim is approved. Leroy Lynch addressed Council with the help of deaf interpreter, Jack Hawk. Mr. Lynch attended the State of the City last Wednesday, but no interpreter was there. He felt discriminated against and left. He feels that as a voter and a city resident he should have a voice. Also he took the Civil Service test, passed everything, has waited six months, and would like a response. He does have an ODOT CDL truck license, but no job. Jack Hawk asked Law Director Martuccio to inform the Mayor that he needs to understand it's a public forum and the ADA law should also apply to him. He said that we are communicating to the deaf, but they aren't communicating to us. There are over 2,000 impaired individuals in the community, and the Mayor should have an interpreter present when he addresses the public. Bruce Nordman gave an update on the Blue Mass sponsored by the Knights of Columbus. Officer Solly and Fire Chief Rich were recognized. It was a striking event, and he urged Council to put it on their St. Patrick's Day calendar next year and support our emergency services. He mentioned that the first event Steve Coon held at the Onesto raised \$100,000 for ceiling repairs at the Stark County Library. Pam Vogt and Kathy Schaffer are board members for children with Prader-Willi syndrome. Children with this disorder have low muscle tone, shortness, and a 24 hour desire for food. They know of five such children in Stark County. Their Board is funded by membership and donations, and they encouraged Council to also give blood. Henry Preston reiterated what he said last week suggesting that Member Smuckler call "pothole central". Mr. Preston called them last Friday and spoke with Katy. He said she does an extremely good job. He indicated that many offices do not answer their phones, but that is not a reason to take out voice mail. He feels dispatch is one of the worst, and asked Safety Director Perry to look into it.

INFORMAL RESOLUTIONS:

14. COUNCIL-AS-A-WHOLE: COMMENDING DETECTIVE ROBERT REDLESKI ON HIS EXCHANGE CLUB OF CANTON RECOGNITION AS 2015 CANTON CITY POLICE OFFICER OF THE YEAR. - ADOPTED

COMMUNICATIONS:

113. COM DEV DIRECTOR MILLER: AUTHORIZE ACCEPTANCE OF WELLS FARGO BANK DONATION OF PROP TO BE DEMOLISHED AT 2904 CHRISTIAN PL NW, PARCEL #02-00574, AND \$10,000.00. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
114. COUNCIL-AT-LARGE HART: ESTABLISH POLICY FOR RESTORATION OF BRICK STREETS. - RECEIVED & FILED
115. COUNCIL-AT-LARGE HART: REQ FUNDING FR THE STATE FOR RESTORATION OF BRICK STREETS. - RECEIVED & FILED
116. SAFETY DIRECTOR PERRY: AUTHORIZE \$1,400.00 MORAL OB TO ACY COMMUNICATIONS TO MOVE DATA CABLES AND RELOCATE CCTV IN POLICE DEPT. - FINANCE COMMITTEE
117. SAFETY DIRECTOR PERRY: AUTHORIZE SAF DIR TO PAY \$342.60 MORAL OB TO REMINGTON ARMS CO, INC. FOR WORK PERFORMED IN NOV 2014. - FINANCE COMMITTEE
118. SAFETY DIRECTOR PERRY: REQ \$19,744.22 SUPP APPROP FR UNAPPROP BAL OF 2761 ENFORCEMENT AND EDUCATION FUND TO 2161 ENFORCEMENT AND EDUCATION FUND - OTHER TO CREATE LAW ENFORCEMENT EDUCATION FUND FOR POLICE DEPT. - FINANCE COMMITTEE
119. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE CONSTRUCTION CONTRACT FOR APPLGROVE ST/MIDDLEBRANCH AVE/WERNER CHURCH RD PROJ - CITY ONLY PORTION; AUTHORIZE MAYOR OR SERV DIR TO EXECUTE PROF SRVS CONTRACT FOR CONSTRUCTION OVERSIGHT SRVS FOR THIS PROJ; MAKE \$1,260,000 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207034 APPLGROVE/MIDDLEBRANCH/WERNER CHURCH WATER MAIN PART A - CITY ONLY PORTION - OTHER; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. - FINANCE COMMITTEE

COMMUNICATIONS CONTINUED:

120. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO 2ND SUPP AGMT TO CANTON/HARTVILLE CONTRACT 2002-66; AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO PROF SRVS AGMT FOR CONSTRUCTION OVERSIGHT FOR HARTVILLE PHASE III WATER MAIN EXT PROJ; MAKE \$1,060,497 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207026 HARTVILLE WATER MAIN EX FUND - OTHER AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS; EMERGENCY. - FINANCE COMMITTEE
121. SERVICE DIRECTOR BARTOS: CERTIFY PROP WITH UNPAID MAINTENANCE INVOICES TOTALING \$456,686.00 FOR STREET DEPT SRVS IN 2014 TO STARK COUNTY AUDITOR FOR LIENS (LIST ATTACHED). - FINANCE COMMITTEE
122. TREASURER PEREZ: COMPARATIVE RPT OF CASH RECEIPTS AS OF 2/28/15. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. AMEND APPROP O#266/2014; EMERGENCY (\$10,000.00 FR UNAPPROP BAL OF 4501 701001 CAPITAL PROJ FUND TO 4501 701001 75806 CAPITAL PROJ FUND - OTHER)
Referred to Public Property Capital Improvement Committee
- 1ST RDG 2. AUTHORIZE MAYOR OR SAF DIR TO ENTER INTO 1 YR PROF SRVS CONTRACT WITH COMPMANAGEMENT, INC. IN APPROX AMT OF \$29,000.00 FOR WORKERS' COMP ADMIN SRVS RETROACTIVE TO 1/1/15; EMERGENCY
Referred to Finance Committee
- 1ST RDG 3. AUTHORIZE MAY OR SERV DIR TO ENTER INTO PROF SRV CONTRACT WITH MANNICK & SMITH GROUP, INC. FOR ENG SRVS RELATED TO TUSC ST WEST CORRIDOR SAFETY PROJ, PID 92562, GP 1165; AUTHORIZE AUDITOR TO ESTABLISH AND CREATE 4578 TUSC ST (WEST) CORRIDOR SAFETY PROJ, PID 92562, GP 1165 FUND; AMEND APPROP O#266/2014; AUTHORIZE MAYOR OR SERV DIR TO APPLY FOR GRANTS AND ENTER INTO GRAND FUNDING AGMTS PERTAINING TO THIS PROJ; EMERGENCY (\$250,000.00 FR UNAPPROP BAL OF 4578 TUSC ST (WEST) CORRIDOR SAFETY PROJ, PID 92562, GP 1165 TO 4578 202043 TUSC ST (WEST) CORRIDOR SAFETY PROJ, PID 92562, GP 1165 - OTHER, AND \$44,563.65 FR UNAPPROP BAL OF 4501 CAPITAL FUND TO 4501 202043 TUSC ST (WEST) CORRIDOR SAFETY PROJ, PID 92562, GP 1165 - OTHER)
Referred to Public Property Capital Improvement Committee
- 1ST RDG 4. AUTHORIZE MAYOR OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR PURCH OF VARIOUS VEHICLES; OR TO ALTERNATIVELY PURCH SAID VEHICLES PURSUANT TO STATE CO-OP PURCH AGMTS; AND TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT FOR A 3-YR LEASE AGMT FOR 2 FORD FUSIONS, OR ALTERNATIVELY TO ENTER INTO CONTRACT FOR LEASE OF SAID VEHICLES IF SAID LEASE IS LESS THAN \$20,000.00 THRESHOLD WHICH REQUIRES COMPETITIVE BIDDING; EMERGENCY (1 FORD F-150, 1 FORD F-250, 1 FORD F-350, 1 FORD F-450)
Referred to Public Property Capital Improvement Committee
- 1ST RDG 5. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO A PROF SRVS CONTRACT WITH BURGESS & NIPL FOR DESIGN AND CONSTRUCTION ADMIN SRVS FOR 53RD ST RESERVOIRS REROOFING PROJ; AMEND APPROP O#266/2014; EMERGENCY (\$89,000.00 FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207033 - 53RD ST RESERVOIR ROOF - OTHER)
Referred to Finance Committee
- 1ST RDG 6. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO A PROF SRVS CONTRACT WITH PROF SRVS INDUSTRIES, INC. FOR DESIGN, ENG, CONTRACT ADMIN AND OTHER PROF SRVS AND ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO A CONSTRUCTION CONTRACT FOR CANTON MEMORIAL CIVIC CTR ROOF REPAIR/REPLACEMENT PROJ; EMERGENCY
Referred to Finance Committee

(COUNCIL RECESSED AT 8:03 P.M. FOR THE FINANCE AND COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEES TO DISCUSS ORDINANCES #7, #8, & #9; RECONVENED AT 8:13 P.M.)

- 57/2015 7. AMEND APPROP O#266/2014; EMERGENCY (\$1,000,000.00 FR UNAPPROP BAL OF 1152 NIP ACQ. DEMO DEBT TO 1152 506001 NIP ACQ. DEMO DEBT - OTHER)
Referred to Finance and Community & Economic Development Committees
- 58/2015 8. PROVIDE FOR ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, IN ONE OR MORE SERIES, IN AGGREGATE PRINCIPAL AMT NOT TO EXCEED \$1,000,000.00 FOR COSTS OF REVITALIZATION WITHIN CITY AND ADDRESSING PROP CONDITIONS FOR PUBLIC HEALTH AND SAFETY THRU DEMO OF DETERIORATING STRUCTURES AND IMPROVEMENT OF THOSE SITES; EMERGENCY (RETIRE OUTSTANDING NOTES MATURING ON 7/10/15; REVITALIZATION NOTES, SERIES 2015B)
Referred to Finance and Community & Economic Development Committees
- 59/2015 9. PROVIDE FOR ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, IN ONE OR MORE SERIES, IN AGGREGATE PRINCIPAL AMT NOT TO EXCEED \$1,000,000.00 FOR COSTS OF REVITALIZATION WITHIN CITY AND ADDRESSING PROP CONDITIONS FOR PUBLIC HEALTH AND SAFETY THRU DEMO OF DETERIORATING STRUCTURES AND IMPROVEMENT OF THOSE SITES; EMERGENCY (REVITALIZATION NOTES, SERIES 2015C)
Referred to Finance and Community & Economic Development Committees

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:
(SUSPENDED RULE 22A TO ADD 2ND RDG O#10 - O#15)

- 2ND RDG 10. RENAME A PORTION OF TIMKEN PLACE S.W. IN THE CITY OF CANTON, TIMKENSTEEL DRIVE S.W. (PST)
- 2ND RDG 11. AUTHORIZE AUDITOR TO ESTABLISH 2335 EARLY HEAD START FUND; EMERGENCY (\$34,000.00 IN FUND MONEY REC'D FR YWCA TO SUPPORT ONSITE SERV) (FIN)
- 2ND RDG 12. AMEND APPROP O#266/2014; EMERGENCY (\$42,200.00 FR UNAPPROP BAL OF 4501 CAPITAL FUND TO 4501 301001 HEALTH ADMINISTRATION - OTHER; \$9,000.00 FR UNAPPROP BAL OF 2318 HIV GRANT FUND TO 2318 301001 - OTHER FOR PURCH EXAM TABLES FOR CLINIC ROOMS AND LAPTOPS FOR SANITARIANS) (PPCI)
- 2ND RDG 13. AMEND APPROP O#266/2014; EMERGENCY (\$85,072.28 FR UNAPPROP BAL OF THE 2763 LAW ENFORCEMENT TRUST FUND TO 2763 102001 POLICE ADMINISTRATION - OTHER TO OFFSET COST ASSOC WITH PURCH OF TASER CARTRIDGES) (FIN)
- 2ND RDG 14. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO COOP AGMT WITH STARK CO FOR CITY OF CANTON'S SHARE OF STARK CO'S FAIRHOPE SANITARY SEWER LIFT STATION REHAB PROJ; AMEND APPROP O#266/2014; EMERGENCY (\$120,000.00 FR UNAPPROP BAL OF THE 5410 SANITARY SEWER FUND TO 5410 206315 SANITARY SEWER - OTHER) (FIN)
- 2ND RDG 15. AUTHORIZE MAYOR OR SERV DIR TO NEGOTIATE AND ACCEPT DONATION OF 2 PARCELS OF LAND VALUED AT COMBINED TOTAL OF \$5,600.00 FROM PEPPERTREE FARMS, LLC; EMERGENCY (PARCEL NOS. 305205 AND 305206 FOR LAND CONSERVATION AND STORM WATER DETENTION OR RETENTION) (C&ED)

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

- 60/2015 16. AUTHORIZE AUDITOR TO PAY AMT NOT TO EXCEED \$3,305.95 TO AKRON VETERINARY REFERRAL; EMERGENCY (VET SRVS FOR POLICE CANINE K-9 LUCO)
- 61/2015 17. AMEND APPROP O#266/2014; EMERGENCY (\$350,000.00 FROM UNAPPROP BAL OF 4501 CAPITAL FUND TO 4501 103001 FIRE ADM - OTHER FOR \$250,000.00 AND 4501 102001 POLICE ADM - OTHER FOR \$100,000.00)
- 62/2015 18. AUTHORIZE MAYOR OR SAF DIR TO ENTER INTO A 60 MONTH LEASE TO OWN PURCH/MAINT CONTRACT WITH COPECO, INC. FOR COPY, PRINT, SCAN AND FAX MACHINE AT ESTIMATED COST OF \$440.00 PER MO THRU THE NAT'L JOINT POWERS ALLIANCE CO-OP PURCH AGMT IN ACCORDANCE WITH ORC SEC 9.48 AND CODIFIED ORDINANCE SEC 105.11; EMERGENCY
- 63/2015 19. AMEND APPROP O#266/2014; EMERGENCY (\$165,100.00 FROM UNAPPROP BAL OF 4501 CAPITAL FUND TO 4501 208001 DMV ADM - OTHER FOR \$5,100.00, 4501 504010 INFO TECH MGR - OTHER FOR \$100,000.00, AND 4501 202210 STREET MAINT - OTHER FOR \$60,000.00)
- 64/2015 20. AUTHORIZE MAYOR OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONTRACT(S) FOR THE PURCH OF VARIOUS VEHICLES AND/OR EQUIP FOR THE COLLECTION SYSTEMS DEPT; AUTHORIZE MAYOR OR SERV DIR TO ALTERNATIVELY PURCH SAID VEHICLES AND/OR EQUIP PURSUANT TO STATE CO-OP PURCH AGMTS; EMERGENCY (1 FORD F-350, 1 JOHN DEERE 85G EXCAVATOR, 1 FORD E-450)
- 65/2015 21. AUTHORIZE MAYOR OR SERV DIR TO EXECUTE A PROF SRVS CONTRACT WITH OMNIPRO SRVS FOR CONSTRUCTION ENGINEERING FOR THE APPLGROVE ST/MIDDLEBRANCH AVE/WERNER CH RD PROJ; AMEND APPROP O#266/2014; EMERGENCY (\$627,000.00 FROM UNAPPROP BAL OF 5201 WATER FUND TO 5201 207032 APPLGROVE/MIDDLEBRANCH/WERNER CH WATER MAIN PART B - JOINT PROJ - OTHER)

ANNOUNCEMENT OF COMMITTEE MEETINGS:

MONDAY, March 30, 2015 in Council Caucus Room at 6:45 PM

- 1) Finance Committee
- 2) Public Property Capital Improvement Committee

MISCELLANEOUS BUSINESS: Member Smith addressed the issue of the adoption of O#48 with the amendment that came down at the last minute. While Clerk Timberlake was passing out documents regarding that issue, Law Director Martuccio thanked Member Smuckler for keeping them on their toes regarding procedure. In the Law Department someone always answers the phone, but if the attorneys aren't in it goes to their voice mail. He does appreciate that people can leave detailed messages on the voice mail. With regard to the claim issue, he stated that according to the codified ordinances, they may process claims under \$15,000. They have a duty to analyze all issues in order to pay a claim and it involves more than negligence. If a claimant disagrees with the ruling, they may file a Small Claims suit. Member Smith continued regarding O#48. She again mentioned that the ordinance come down at the last minute, and if you look at the Caucus Minutes, \$65,137.36 came out of the Firefighters Assistance Grant, and there is no description for the other amount, numbers but no fund. It was not apparent that it came from Council's budget, leaving their balance at zero. Member Smith asked who brought down the amendment that depleted the budget. Member Morris stated that everyone agreed to pave roads, so he and Member Mariol had to move money from the paving fund in order to use it. He said he did make a mistake in moving funds, but paving is a huge concern and it was the only way. Member Smith feels that as a member of the Finance and Public Property Capital Improvement Committees, she and the other members should have been advised. Member Morris indicated that he and Member Mariol met with the Service Director, Engineer and Street Dept Superintendent. They could not spend the money if it was not in Council's fund, so they put an amendment to the ordinance and brought it down. Member Dougherty feels everyone is missing the point. The amendment was brought down at the last minute, and there should have been a conversation. No

one summarized where the money came from. Member Mariol said that the number indicating Council's budget was on the amendment in writing before each member. He said that any money in the capital fund needs to go to paving. The consensus was to do the paving and it can't be done if the money's sitting in Council's budget. He asked Service Director Bartos to summarize the process on how roads are chosen. Service Director Bartos said each member has an input, then the Street Department does a rating, and a list is put together from that. Member Morris said he will not apologize for attending meetings. If he and the PPCI chairman would meet with Member Smith and Member Dougherty the Sunshine Law would come into play. As majority leader he needs ample time to attend these meetings and he cannot always keep everyone in the loop. He apologized for not communicating better, but not for the meetings. Member Smith does not expect Member Morris to apologize, just communicate about the money and be fair. If she had known the money was coming out of Council's budget leaving a zero balance, there would have been discussion. Member Hart thanks Service Director Bartos for the patching that's been completed, and asks him to consider brick streets again due to climate change. Member Smuckler agrees with Leroy Lynch about an interpreter, and recognizes that Leroy cannot get anything from meetings without an interpreter present. Member West supports brick streets, but says that it will work for some, others will need completely replaced. He asks Service Director Bartos for an update. Service Director Bartos provides weekly updates. This week they used 247 tons of asphalt mix. Member Hart suggests appropriating money for interpreters and meeting the needs of citizens with challenges. Member West recognizes Clerk Timberlake for obtaining the deaf interpreter service, and mentions with a zero balance, they may not be able to afford services at this time. Member Smith is still not satisfied with what happened regarding the moving of money for paving and reiterates that the chairman must communicate with all members. She moves for reconsideration of the ordinance. President Schulman doesn't believe the intent of any member was to be deceiving.

ADJOURNMENT: 9:23 P.M.
