

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

CANTON CITY COUNCIL

AUGUST 24, 2015

**ROLL CALL:** All Members Present

**MOTION TO EXCUSE MEMBERS:** Not Necessary

**INVOCATION:** Living Hope Christian Prayer Group

**PLEDGE OF ALLEGIANCE:** President Schulman

**AGENDA CORRECTIONS & CHANGES:** (Suspended Rule 22A to add 1<sup>st</sup> Rdg O#4; 2<sup>nd</sup> Rdg O#5 - O#10; O#4 Adopted on 1<sup>st</sup> Rdg; O#5 Adopted as Amended on 2<sup>nd</sup> Rdg; O#10 Adopted on 2<sup>nd</sup> Rdg; O#13 Withdrawn)

**PUBLIC HEARINGS:** None

**OLD BUSINESS (PUBLIC SPEAKS):** None

**PUBLIC SPEAKS (CITY BUSINESS):** Mike Rukavina is opposed to the proposed ordinance amending the Building Code. He stated that in 2010 he served on the committee to drafting the proposal to bring Canton into compliance with State law regarding registration fees. He said this was working until staffing in the Code Department was reduced. He said most landlords do not own their own properties and they're net profits are low. He would like to see the IMPC put back and the laws on the books enforced. John Laughlin said that Councilman Mack did a good job at bringing the Charter issues before Council. He feels we should let the voters decide. With regard to the landlord registration fees, he feels if this amount were passed onto the tenants it would be approximately \$8.00 a month which is not a lot for good housing. He said that Mr. Burns whose rental is located at 1749 Market has not met the requirements, and apparently jail time was not enough for him. He encouraged Council to sponsor legislation to certify inspectors for the Health Department. Pete DiGiacomo commended the Law Department, Council and the Administration for prosecuting Mr. Burns and encouraged them to send a message and go after more of these landlords. He also encouraged them to fine people with high grass. Ed Devaul stated that recently Lawn Avenue was blacktopped between 4<sup>th</sup> and 7<sup>th</sup> Street one section at a time. He said it took all summer to complete. He also stated that the house next to him has been vacant for seven years and the grass is up to your knees. He just wanted to comment on how long it takes to get things done. David DeChiara stated that he has 50 rental units. He does not own them, however, the bank does. If the fees to landlords are raised it will cost him \$5,000.00 more a year. He agrees the neighborhoods are bad, but he blames the Mayor for not hiring more code inspectors and Council for not getting on the Mayor for the state of the neighborhoods. He said that when the fees were increased years ago it was not used for code enforcement and he would like to know where the money has gone. He said we've had no enforcement for years, and he doesn't like the landlords being used as scapegoats. He wants Council and the Administration to take responsibility for the condition of the neighborhoods, and put the current fees toward code enforcement. Jennifer Herning said she is there as a mom and is trying to make the system better. She feels we need new laws. Henry Preston spoke about dog owners allowing their dogs to urinate on other people's property. He feels this is vandalism, and would like this issue addressed. He circulated two pictures of trees damaged by dog urine and an article discussing how urine kills trees. He wants law enforcement to understand this is an act of vandalism. Dan Fonte stated that back in the early 90's landlords lobbied to have their own maintenance people do their work. Labor was opposed to this, but it was still passed by Council. He said Council has problems now because they wouldn't listen back then. He also spoke about the Comprehensive Plan, and said we have no jobs to pay for anything. If it cost each resident \$1.00 a day, that's \$30.00 a month which is a lot for seniors. He said sewer and water bills have gone up, and he wants Council to think about people on fixed incomes. He also spoke about the curb and gutter policy. He feels they are part of the street, not the sidewalk. The plows are tearing them up, and he feels it is city property. He also felt that it was crazy to chip and seal Frazer Avenue from 37<sup>th</sup> to 44<sup>th</sup> Street.

**INFORMAL RESOLUTIONS:**

30. COUNCIL-AS-A-WHOLE: COMMENDING FAMILY COURT, WORK CONNECTIONS AND SEVERAL YOUTH MEMBERS FOR THEIR BEAUTIFICATION OF WALKWAYS ALONG FULTON RD NW. - ADOPTED

**COMMUNICATIONS:**

295. COM DEV DIR MILLER: REQ SUPP APPROP TO O#266/2014, AS AMENDED, WITH REGARD TO O#19/2015 WHICH AUTHORIZED MAYOR TO FILE 2015 ANNUAL ACTION PLAN WITH HUD AS FOLLOWS: \$2,359,472.00 FR UNAPPROP 2211 506001 COMMUNITY DEVELOPMENT FUND TO 2211 506001 COMMUNITY DEVELOPMENT FUND - OTHER, \$432,020.00 FR UNAPPROP 2214 506001 HOME FUND TO 2214 506001 HOME FUND - OTHER, AND \$214,860.00 FR UNAPPROP 2219 506001 EMERGENCY SHELTER GRANT FUND TO 2219 506001 EMERGENCY SHELTER GRANT FUND. - COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES
296. COUNCIL MBR SMITH, WARD 4: REQ HONORARY NAME CHANGE ON 2<sup>ND</sup> ST SE FR HARTFORD AVE SE TO WARNER RD SE TO MR. G'S AVE SE IN HONOR OF GEORGE SMITH, OWNER OF MR. G'S RESTAURANT. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
297. COUNCIL MBR SMITH, WARD 4: REQ HONORARY NAME CHANGE ON 3<sup>RD</sup> ST SE TO END OF HARTFORD AVE TO GEORGE DUNWOODY AVE SE IN HONOR OF PASTOR GEORGE DUNWOODY OF LIFE CHURCH. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
298. COUNCIL MBR MARIOL, WARD 7: REQ LEGISLATION AMENDING ORDINANCE NO. 917.05 TO CHANGE DISTANCE TREE BRANCHES MAY OVERHANG ONTO STREETS, SIDEWALKS & ALLEYS. - JUDICIARY COMMITTEE
299. COUNCIL MBR MARIOL, WARD 7: REQ LEGISLATION PROHIBITING BASKETBALL HOOPS FR OVERHANGING ONTO ROADWAY OR RIGHT-OF-WAY. - JUDICIARY COMMITTEE

**COMMUNICATIONS CONTINUED:**

300. COUNCIL MEMBERS:  
THOMAS WEST, WARD 2  
JOHN MARIOL, WARD 7  
FRANK MORRIS, WARD 9  
REQ LEGISLATION HOLDING PROP OWNERS ACCOUNTABLE FOR REPEAT OFFENSES OR VIOLATIONS AT THEIR PROPERTIES. - JUDICIARY COMMITTEE
301. DEPUTY MAYOR WILLIAMS:  
REQ TO WITHDRAW COM #284 FROM 8/10/15 AGENDA. - RECEIVED & FILED
302. DEPUTY MAYOR WILLIAMS:  
REQ TO WITHDRAW COM #285 FROM 8/10/15 AGENDA. - RECEIVED & FILED
303. DEPUTY MAYOR WILLIAMS:  
AUTHORIZE SAF DIR TO ENTER INTO REVISED PARKING LEASE AGMT WITH DAY KETTERER LAW FIRM TO LEASE PARKING SPACES IN MILLENIUM PARKING GARAGE @ RATE OF \$30.00. - FINANCE COMMITTEE
304. DEPUTY MAYOR WILLIAMS:  
AUTHORIZE MAYOR AND/OR SERV DIR TO GRANT DAY KETTERER LAW FIRM JOB RETENTION TAX INCENTIVE PURSUANT TO ECONOMIC GROWTH INITIATIVE REGULATIONS ADOPTED BY CANTON CITY COUNCIL THRU O#2/2006 AND CONTINUED THRU O#59/2013. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
305. DEPUTY MAYOR WILLIAMS:  
AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO ENTERPRISE ZONE AGMT WITH BALL METAL FOOD CONTAINER LLC TO PROVIDE REAL PROP TAX EXEMPTION AND AUTHORIZE AUDITOR TO MAKE PAYMENTS TO CANTON CITY SCHOOLS BD OF ED AS REQUIRED PURSUANT TO SEC 5709.92(c) OF REVISED CODE. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
306. DEPUTY MAYOR WILLIAMS:  
AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO COMMUNITY REINVESTMENT AREA AGMT WITH HISTORIC BLISS LLC TO PROVIDE REAL PROP TAX EXEMPTION AND AUTHORIZE AUDITOR TO MAKE PAYMENTS TO CANTON CITY SCHOOLS BD OF ED AS REQUIRED PURSUANT TO SEC 5709.82(c) OF REVISED CODE. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
307. DEPUTY MAYOR WILLIAMS:  
AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO ENTERPRISE ZONE AGMT WITH LAKEBROOK PROPERTIES LLC TO PROVIDE REAL PROP TAX EXEMPTION AND AUTHORIZE AUDITOR TO MAKE PAYMENTS TO CANTON CITY SCHOOLS BD OF ED AS REQUIRED PURSUANT TO SEC 5709.82(c) OF REVISED CODE. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
308. DEPUTY MAYOR WILLIAMS:  
AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO JOB CREATION TAX CREDIT AGMT WITH PHOENIX RISING BHR, INC. AS INCENTIVE TO RELOCATE 66 EMPLOYEES FROM JACKSON TWP TO 624 MARKET AVE N. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
309. DEPUTY MAYOR WILLIAMS:  
AUTHORIZE AND DIRECT CITY OF CANTON TO ENTER INTO GRANT AGMT WITH CANTON REGIONAL CHAMBER OF COMMERCE IN AMT OF \$175,000.00 TO ADVANCE, ENCOURAGE AND PROMOTE INDUSTRIAL, ECONOMIC, COMMERCIAL AND CIVIC DEVELOPMENT; MAKE \$175,000.00 APPROP TRANSFER FR 1001 506601 CIC EXPENSES - OTHER TO 1001 506001 COMMUNITY DEVELOPMENT ADMIN - OTHER. - FINANCE COMMITTEE
310. FINANCE DIR DIRUZZA:  
REQ LEGISLATION TO AMEND O#266/2014 WITH SUPP APPROP, APPROP REDUCTION AND APPROP TRANSFERS NECESSARY FOR RESPECTIVE DEPTS TO CONTINUE TO MEET 2015 BUDGET REQUIREMENTS (HEALTH FUND, FORECLOSURE FUND, PARKING LOT FUND). - FINANCE COMMITTEE
311. LAW DIRECTOR MARTUCCIO:  
APPROVE LEGISLATION AMENDING AND UPDATING EXISTING CODIFIED ORDINANCES IN CHAPTER 539 THAT APPLY TO PARKS AND PLAYGROUNDS. - JUDICIARY AND PARKS & RECREATION COMMITTEE
312. PLANNING COMMISSION:  
REQ TO WITHDRAW APP FOR ZONE CHANGE LOCATED AT 1224 FULTON RD NW, WARD 1 (AZURE STUDIO & ART GALLERY). - RECEIVED & FILED
313. PLANNING COMMISSION:  
RECOMMEND APPROVAL OF VACATION OF PORTION OF FARWICK PL NW FR NORTHERN RIGHT-OF-WAY LINE OF 11<sup>TH</sup> ST NW TO SOUTHERN RIGHT-OF-WAY LINE OF RICHARD PL NW, WARD 1 (ROBERT KNIGHT). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

**COMMUNICATIONS CONTINUED:**

314. PLANNING COMMISSION: RECOMMEND APPROVAL OF REPLAT OF LOTS 13830 AND 13831 LOCATED AT 1701 EDWARDS AVE NE, WARD 6 (JOHN & TRACY CROSBY). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
315. PLANNING COMMISSION: RECOMMEND APPROVAL OF ZONE CHANGE FOR 3660 GREENTREE AVE SW FR B-3 - GENERAL BUSINESS TO PCS - PLANNED COMMUNITY SERVICE (DAN HERSHBERGER OF NEW DAWN DEV, LTD). - JUDICIARY COMMITTEE
316. SAFETY DIR PERRY: REQ TO WITHDRAW O#13 AUTHORIZING AUDITOR TO PAY \$9,844.25 MORAL OB TO US POSTAL SERV. - RECEIVED & FILED
317. SAFETY DIR PERRY: REQ TO WITHDRAW COM #280 FROM 7/27/15 AGENDA. - RECEIVED & FILED
318. SAFETY DIR PERRY: APPROVE DEMO OF BLDGS LOCATED AT 1924 3<sup>RD</sup> ST NE, 1635 BANK PL SW, 1714 BANK PL SW, 2943 KIRBY AVE NE, 3928 MAHONING RD NE, 616 PARK AVE SW, & 1435 PEARL PL SW ON BEHALF OF BLDG DEPT. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
319. SERV DIR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO 4 YR PROF SERV CONTRACT WITH ACLARA TECHNOLOGIES FOR MAINTENANCE OF AUTOMATED METER READING SYSTEM; MAKE \$17,353.80 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207003 - WATER BILLING - OTHER, AND \$11,569.20 SUPP APPROP FR UNAPPROP BAL OF 5410 SEWER FUND TO 5410 207003 - SEWER BILLING - OTHER. - FINANCE COMMITTEE

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

- 1<sup>ST</sup> RDG 1. AMEND SEC 1351.03 OF PART 13, BUILDING CODE, OF CODIFIED ORDINANCES OF CITY OF CANTON (REGISTRATION FEES)  
Referred to Judiciary Committee
- 1<sup>ST</sup> RDG 2. AUTHORIZE MAYOR OR SERV DIR TO ENTER IN AGMT WITH GENTLEBROOK INC. FOR WATER MAIN EXTENSION WITHIN VILLAGE OF HARTVILLE; EMERGENCY  
Referred to Environmental & Public Utilities Committee
- 1<sup>ST</sup> RDG 3. AUTHORIZE CLERK OF COUNCIL TO CERTIFY TO COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR WATER AND/OR SEWER SERV; EMERGENCY  
Referred to Environmental & Public Utilities Committee

**(COUNCIL RECESSED AT 8:05 PM FOR THE PERSONNEL COMMITTEE TO DISCUSS ORDINANCE #4; RECONVENED AT 8:07 PM)**

- 161/2015 4. AMEND EXHIBIT A TO O#100/2011, AS AMENDED, THE CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL; EMERGENCY (DEPT OF COMM DEV & FAIR HOUSING)  
Referred to Personnel Committee

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

**(SUSPENDED RULE 22A TO ADD 2<sup>ND</sup> RDG O#5 - O#10; O#5 ADOPTED AS AMENDED ON 2<sup>ND</sup> RDG; O#10 ADOPTED ON 2<sup>ND</sup> RDG)**

**AMENDED**

- 162/2015 5. SUBMIT, PURSUANT TO INITIATIVE PETITION, TO ELECTORS OF CITY OF CANTON THE QUESTION, "SHALL A COMMISSION BE CHOSEN TO FRAME A CHARTER?" AND FOR ELECTION OF MEMBERS OF CHARTER COMMISSION; EMERGENCY (JUD)
- 2<sup>ND</sup> RDG 6. APPROVE REPLAT OF LOTS 42991 & 42992; EMERGENCY (ED DOMER FOR CLIFF JUMPERS, LLC @ 1325 17<sup>TH</sup> ST. NE) (PS&T)
- 2<sup>ND</sup> RDG 7. AUTHORIZE AUDITOR TO PAY A MORAL OB IN AN AMT NOT TO EXCEED \$12,800.00 TO DELL MARKETING L.P.; EMERGENCY (POLICE DEPT.) (FIN)
- 2<sup>ND</sup> RDG 8. AUTHORIZE SAF DIR TO ACCEPT REIMBURSEMENT GRANT FR OHIO DEPT OF PUBLIC SAFETY IN AMT NOT TO EXCEED \$3,500.00; AMEND APPROP O#266/2014; EMERGENCY (\$3,500.00 SUPP APPROP FR UNAPPROP BAL OF 2812 FIRE DEPARTMENT EMS GRANT FUND TO 2812 103001 FIRE DEPARTMENT EMS GRANT - OTHER) (FIN)
- 2<sup>ND</sup> RDG 9. AUTHORIZE AND CONSENT TO FINE GRADED POLYMER AC OVERLAY TO STA US 30 FR 9.58 TO 13.10, MINOR BRIDGE WORK; EMERGENCY (PROJ - PID NO. 84627) (FIN & PS&T)
- 163/2015 10. APPROVE REPLAT OF LOTS 184, 185, & 186; EMERGENCY (STANDARD HEATING & PLUMBING AND CANTON REP @ WALNUT AVE SE BTWN 4<sup>TH</sup> & 5<sup>TH</sup> SE) (PS&T)

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

- 164/2015** 11. APPROVE STATEMENT OF SERV TO BE PROVIDED TO PROP OWNER IN FIRST TEE #2 ANNEX AREA, APPROX DATE SERV WILL BE PROVIDED, PROCEDURE TO RECONCILE INCOMPATIBLE ZONING USES UPON BEING ANNEXED TO CITY OF CANTON, OH; EMERGENCY
- 165/2015** 12. AMEND EXHIBIT A TO O#100/2011, AS AMENDED, CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY CITY OF CANTON; EMERGENCY (CHANGE REPORTING STRUCTURE OF PREVAILING WAGE COORDINATOR TO SERV DIR DEPT OF PROCUREMENT)
- WITHDRAWN**
- \_\_\_\_\_ 13. AUTHORIZE AUDITOR TO PAY AMT NOT TO EXCEED \$9,844.25 TO US POSTAL SERV; EMERGENCY (MORAL OB FOR INVOICES FOR PARKING GARAGE ATTENDANTS)
- 166/2015** 14. AUTHORIZE AUDITOR TO PAY AMT NOT TO EXCEED \$8,101.33 TO AEP; EMERGENCY (MORAL OB FOR TRAFFIC SIGNAL ELECTRIC BILL)
- 167/2015** 15. AUTHORIZE AUDITOR TO PAY AMT NOT TO EXCEED \$125,142.41 TO CARGILL, INC.; EMERGENCY (MORAL OB FOR MINIMUM SALT PURCH FOR STREET DEPT)
- 168/2015** 16. AUTHORIZE AUDITOR TO PAY AMT NOT TO EXCEED \$19,950.00 TO HD SUPPLY WATERWORKS, LTC; EMERGENCY (MORAL OB FOR PIPE FITTINGS FOR WATER DEPT)
- 169/2015** 17. APPROVE CANTON CITY WATER MAIN EXT TO PERRY TWP; AUTHORIZE SERV DIR TO ENTER INTO CONTRACT FOR EXT OF SAID WATER MAIN; EMERGENCY (KOLP MGMT CORP TO SERV PROP AT NW CORNER OF NAVARRE RD & WHIPPLE AVE SW)
- 170/2015** 18. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO COOP AGMT WITH STARK COUNTY FOR CITY OF CANTON'S SHARE OF STARK COUNTY'S MAPLEWOOD (NEW DAWN SUBDIVISION) SANITARY SEWER PROJ, GP 1236; AMEND APPROP O#266/2014; EMERGENCY (\$305,000.00 SUPP APPROP FR UNAPPROP BAL OF 5410 SANITARY SEWER FUND TO 5410 206317 MAPLEWOOD (NEW DAWN) PROJ, GP 1236 - OTHER)

**ANNOUNCEMENT OF COMMITTEE MEETINGS:****MONDAY, SEPTEMBER 14, 2015 in Council Caucus Room at 6:45 PM**

- 1) Environmental & Public Utilities Committee
- 2) Judiciary Committee
- 3) Public Safety & Thoroughfares Committee

**MISCELLANEOUS BUSINESS:** Member Dougherty would like to know Judge Forchione's exact words, and said it would have been nice for him to be here tonight to explain why he threatened them. He feels it's because they are low on the totem pole. Member West said that no one from Ward 2 has ever been a council-at-large member, and he hopes some people from Ward 2 will be able to sit on the Charter Commission. Member Babcock stated that in the last 60 years only four people have won council-at-large seats south of 12<sup>th</sup> Street. Member Hart congratulated Brenda Turner for opening a new store for woman next to That's a Wrap. He also congratulated Member Smuckler for 32 years of marriage to his wife Randi. He said that he ran as an independent for an at-large seat and won, and we elected a President regardless of skin color. Therefore, he encouraged everyone to pursue what they want. Member Mack said, in response to Member Morris' earlier comments, that the Charter process was not contaminated. He said we are starting another chapter, and that Carol Vaughn who is in the audience, is a big reason why we're here. He feels we are obligated to make sure the Commission represents the City. He said that petitions may be turned in tomorrow until September 1<sup>st</sup>. He said he has copies of petitions, and will do anything to help. He said if it's okay he would leave some in the Council office. Clerk Timberlake indicated they could not be left in the Council Office as it would be a conflict of interest. Member West applauded Member Mack's efforts on the Charter issue. Member Smith reiterated some earlier comments by Council members hoping that the residents will get educated on what the Charter is all about. She hopes that it will work for Ward 4 and they will not be forgotten. Member Smuckler offered any help with the petitions, including getting signatures. He said it is very important to give the people the opportunity to vote whether it passes or not. He also offered to meet with landlords at a mutually agreeable time to discuss their situations. Mayor Healy indicated that in 2010 the landlord fees did not generate enough funds for the Code Department to operate on its own. Since that time all the money generated has gone to that Department. He said they currently employ four different positions, two building code inspectors and two property maintenance inspectors. He said the additional revenue is to potentially bring in more inspectors. He thanked Mr. Rukavina for his testimony. President Schulman indicated that the one speaker has not paid his fees and still owes the City over \$1,000.00. He wants people to live in decent homes, and he's tired of hearing that \$100.00 is so onerous. He feels if a landlord can't afford it, he or she should get out of the City. In response to an earlier comment, he stated that he is not running for the Charter Commission. He is a plaintiff in the lawsuit against the Board of Elections because he wants to give people the right to vote, and he feels Judge Forchione did a great job on his decision. He also feels Joe Martuccio does an outstanding job. He said that the members won't be here forever but the institution will, and he just does what the people elected him to do, and that's uphold the law.

**ADJOURNMENT:** 9:42 P.M.