

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

CANTON CITY COUNCIL

SEPTEMBER 14, 2015

ROLL CALL: Eleven Members Present

MOTION TO EXCUSE MEMBERS: Member Mariol Absent

INVOCATION: James Griffin, Ward 3 Council Member

PLEDGE OF ALLEGIANCE: President Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 1st Rdg O#11 and O#12; add 2nd Rdg O#13 - O#15; O#11 Adopted As Amended and O#12 Adopted on 1st Rdg; O#15 Adopted on 2nd Rdg)

PUBLIC HEARINGS: None

OLD BUSINESS (PUBLIC SPEAKS): None

PUBLIC SPEAKS (CITY BUSINESS): Susan Bennett is having various problems with her neighbors which includes, but is not limited to, them putting in a fence which she believes is too high and provides no clearance for her when she comes out of her garage. She believes the fence will be even more of a hazard during the winter and wants someone to do something about it. Dan Sciury said he attended the meeting held by Member Smuckler to discuss the increase in landlord registration fees. He feels the fees are punitive and discriminatory. He believes actions should be directed towards the "bad" landlords, not the good ones. He said that he was at the meeting years ago when the code for landlords was watered down and now the chickens have come home to roost. David DeChiara stated that not one person knows exactly how many rental units are not registered which shows a huge failure in people doing their jobs. He commended Member Smuckler for taking the time to hold a meeting for the landlords to ask questions; however Member Smuckler was stuck on the fee increase of \$100.00. He said that he spoke with Gary Young and found out that the \$375,000.00 collected from the registration fees was mixed into the general fund. He doesn't think the fees should be raised until more research is done and more facts are presented. Mr. DeChiara invited Council and the Administration to attend a meeting on Thursday, from 6:00 - 8:00 in the Council Chamber with the Ohio Real Estate Association.

INFORMAL RESOLUTIONS:

31. COUNCIL MEMBER SMITH, WARD 4: RESOLUTION HONORING THE EFFORTS OF GEORGE SMITH BY HONORARILY NAMING 2ND ST. SE FR HARTFORD AVE. SE TO WARNER RD. SE, THROUGH THE PLACEMENT OF INFO SIGNS LABELED "MR. G'S AVE. SE". - ADOPTED
32. COUNCIL MEMBER SMITH, WARD 4: RESOLUTION HONORING THE EFFORTS OF PASTOR GEORGE DUNWOODY BY HONORARILY NAMING 3RD ST. SE TO THE END OF HARTFORD AVE. SE, THROUGH THE PLACEMENT OF INFO SIGNS LABELED "GEORGE DUNWOODY AVE. SE". - ADOPTED

COMMUNICATIONS:

320. AUDITOR MALLONN: MTHLY REPORT BY FUND FOR 8/1/15 THRU 8/31/15. - RECEIVED & FILED
321. AUDITOR MALLONN: YRLY REPORT BY FUND FOR 1/1/15 THRU 8/31/15. - RECEIVED & FILED
322. AUDITOR MALLONN: REQ LEGISLATION PROVIDING FOR AMENDMENT TO O#100/2011 EXHIBIT A REG SALARY RANGES FOR MANAGEMENT AND NON-BARGAINING UNIT PERSONNEL UNDER JURIS OF AUDITOR; REQ AUTHORIZATION TO MOVE 4 EMPLOYEES TO SALARIES OUTLINED; REQ TEMP INCREASE IN NUMBER OF CHIEF DEPUTY AUDITORS FROM ONE TO TWO FOR PERIOD NOT TO EXCEED 60 DAYS AND PROVIDE IT DOESN'T EXTEND BEYOND 12/31/15. - PERSONNEL COMMITTEE
323. COMM DEV DIRECTOR MILLER: ESTABLISH FAIR REUSE VALUE OF PARCEL OF REAL PROP & AUTHORIZE DISPOSITION (PARCEL 02-84893 LOCATED ON 3RD STREET N.E. - JAMES LEE LEDFORD JR.). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
324. COMM DEV DIRECTOR MILLER: REQ TO WITHDRAW COM #295 FROM 8/24/15 AGENDA. - RECEIVED & FILED
325. COMM DEV DIRECTOR 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: \$437,000.00 SUPP APPROP FR UNAPPROP 2211 506001 COMMUNITY DEVELOPMENT FUND TO 2211 506001 COMMUNITY DEVELOPMENT FUND - OTHER (APPROP REPRESENTS REMAINING BAL OF 2015 CDBG GRANT); \$214,860.00 SUPP APPROP FR UNAPPROP 2219 506001 EMERGENCY SHELTER GRANT FUND TO 2219 506001 EMERGENCY SHELTER GRANT FUND - OTHER (APPROP REPRESENTS AN INCREASE OVER ORIGINAL BUDGET PROJ). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

COMMUNICATIONS CONTINUED:

326. COMM DEV DIRECTOR MILLER: REQ SUPP APPROP TO O#266/2014, AS AMENDED, WITH REGARD TO O#69/2014, WHICH AUTHORIZED MAYOR TO MAKE APPLICATION AND ACCEPT FUNDS FROM OHIO HOUSING FINANCE AGENCY FOR NIP AS FOLLOWS: \$1,100,000.00 SUPP APPROP FR UNAPPROP 1152 506001 NIP ACQUISITION DEMO DEBT FUND TO 1152 506001 NIP ACQUISITION DEMO DEBT FUND - OTHER - \$1,100,000.00. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
327. COURT ADMIN KOCHERA: REQ LEGISLATION AUTHORIZING MAYOR TO ENTER INTO AGMT WITH STATE OF OHIO DEPT. OF REHAB & CORRECTION (ODR&C) FOR RECEIPT OF FY 2016-2017 PROBATION IMPROVEMENT & INCENTIVE GRANT (PIIG) IN AMT OF \$88,822.00 COMMENCING 10/1/15 THROUGH 6/30/17; AUDITOR TO CREATE PROBATION INCENTIVE GRANT FUND. - FINANCE COMMITTEE
328. DEPUTY MAYOR WILLIAMS: REQ LEGISLATION AUTHORIZING ACCEPT OF FUNDS FROM JOBS OHIO IN AMT OF \$148,215.00 FOR EXPENSES ASSOCIATED WITH PHASE 2 ENVIRONMENTAL ASSESSMENT OF FORMER WEBER DENTAL FACILITY LOCATED AT 2206 13TH ST. NE. - FINANCE COMMITTEE
329. HEALTH COMM ADAMS: REQ TO APPROP TRANSFER OF \$36,000.00 FROM 2323 301001 - OTHER TO 2323 301001 - PERSONNEL; AMEND O#266/2014 (\$16,000.00 FROM UNAPPROP BAL OF FUND 2313 LOCAL HEALTH FUND TO 2313 LOCAL HEALTH FUND - PERSONNEL) TO EXPEDITE PAYMENT OF GRANT AND PAYROLL EXPENSES. - FINANCE COMMITTEE
330. LIQUOR CONTROL DIV (OHIO) REQ TRANSFER OF D1 D3 D3A D6 PERMIT FROM PITUFIN LLC TO GHR LLC @ 4123 TUSCARAWAS ST W (WARD 3). - RECEIVED & FILED
331. LIQUOR CONTROL DIV (OHIO) REQ NEW C1 C2 PERMIT FOR DOLGEN MIDWEST LLC DBA DOLLAR GENERAL STORE 15799 @ 3220 MAHONING RD NE (WARD 6). - RECEIVED & FILED
332. MAYOR HEALY: ADVISING OF APPT OF JULIE SPARKS TO CANTON PARK COMMISSION RETROACTIVE TO 7/10/15 THRU 12/31/15. - RECEIVED & FILED
333. PLANNING COMMISSION: RECOMMEND APPROVAL OF REPLAT OF LOTS 36904 AND 36905 AND PART OF LOT 36930 LOCATED AT 804 44TH ST NW (WARD 8). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
334. SAFETY DIRECTOR PERRY: AUTHORIZE MAYOR AND/OR SAF DIR TO RECEIVE AND APPROP GRANT FROM OHIO DEPT. OF PUBLIC SAFETY; AUTHORIZE AUDITOR TO CREATE FUND TO PLACE GRANT MONEY UPON RECEIPT TO BE USED BY POLICE DEPT. (IMPAIRED DRIVING ENFORCEMENT FFY 2016 GRANT #IDEP-2016-76-00-00-00317-00 IN AMT OF \$23,815.92). - FINANCE COMMITTEE
335. SAFETY DIRECTOR PERRY: AUTHORIZE MAYOR AND/OR SAF DIR TO RECEIVE AND APPROP GRANT FROM OHIO DEPT. OF PUBLIC SAFETY; AUTHORIZE AUDITOR TO CREATE FUND TO PLACE GRANT MONEY UPON RECEIPT TO BE USED BY POLICE DEPT. (SELECTIVE TRAFFIC ENFORCEMENT PROGRAM FFY 2016 GRANT #STEP-2016-76-00-00-00454 IN AMT OF \$17,738.03). - FINANCE COMMITTEE
336. TREASURER PEREZ: RPT OF PARKING METER REVENUE FOR AUGUST, 2015. - RECEIVED & FILED
337. TREASURER PEREZ: RPT OF AMBULANCE LOCK BOX ACCT FOR AUGUST, 2015. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. AMEND SECTION 917.05, TREES TO BE REMOVED AND/OR PRUNED ALONG PUBLIC WAYS, OF THE CODIFIED ORDINANCES
Referred to Judiciary Committee
- 1ST RDG 2. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO JOB RETENTION TAX INCENTIVE AGMT WITH DAY KETTERER LAW FIRM PURSUANT TO CITY'S INCENTIVE PROGRAMS; EMERGENCY (TO RETAIN APPROX 45 EMPLOYEES
Referred to Community & Economic Development Committee

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING CONTINUED:

- 1ST RDG 3. AUTHORIZE MAYOR TO ENTER INTO ENTERPRISE ZONE AGMT WITH BALL METAL FOOD CONTAINER LLC TO PROVIDE REAL PROP TAX EXEMPTION; AUTHORIZE AUDITOR TO MAKE PAYMENTS TO CANTON CITY SCHOOL BD OF ED AS REQUIRED TO BE PAID PURSUANT TO SEC 5709.82(C) OF REVISED CODE; EMERGENCY
Referred to Community & Economic Development Committee
- 1ST RDG 4. AUTHORIZE MAYOR TO ENTER INTO COMMUNITY REINVESTMENT AREA AGMT WITH HISTORIC BLISS LLC TO PROVIDE REAL PROP TAX EXEMPTIONS FOR PARCEL #209886, #243353 AND #244732 IN CANTON CENTRAL NEIGHBORHOODS COMMUNITY REINVESTMENT AREA; AUTHORIZE GRANTING OF 10 YR REAL PROP TAX EXEMPTIONS; EMERGENCY
Referred to Community & Economic Development Committee
- 1ST RDG 5. AUTHORIZE MAYOR TO ENTER INTO ENTERPRISE ZONE AGMT WITH LAKEBROOK PROPERTIES LLC TO PROVIDE REAL PROP TAX EXEMPTION; AUTHORIZE AUDITOR TO MAKE PAYMENTS TO CANTON CITY SCHOOL BD OF ED AS REQUIRED TO BE PAID PURSUANT TO SEC 5709.82(C) OF REVISED CODE; EMERGENCY
Referred to Community & Economic Development Committee
- 1ST RDG 6. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO CONTRACT WITH CANTON REGIONAL CHAMBER OF COMMERCE TO PROVIDE A GRANT IN AMT NOT TO EXCEED \$175,000.00 FOR ECONOMIC AND CIVIC DEVEL; AMEND O#266/2014; EMERGENCY (APPROP TRANS OF \$175,000.00 FR 1001 506601 CIC EXPENSES - OTHER TO 1001 506001 COMMUNITY DEVELOPMENT ADMIN. - OTHER)
Referred to Finance Committee
- 1ST RDG 7. VACATE A PORTION OF FARWICK COURT NW; EMERGENCY (ROBERT KNIGHT)
Referred to Public Safety & Thoroughfares Committee
- 1ST RDG 8. APPROVE REPLAT OF PART OF LOTS 13830 AND 13831; EMERGENCY (JOHN & TRACY CROSBY @ 1701 EDWARDS AVE. NE)
Referred to Public Safety & Thoroughfares Committee
- 1ST RDG 9. AMEND O#55/77, AS AMENDED, KNOWN AS CITY OF CANTON ZONING ORD; EMERGENCY (3660 GREENTREE AVENUE S.W. (NEW DAWN DEVELOPMENT) FROM B-3 (GENERAL BUSINESS) TO PCS (PLANNED COMMUNITY SERVICE, WARD 4)
Referred to Judiciary Committee
- 1ST RDG 10. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO A 4-YR PROF SERV CONTRACT WITH ACLARA TECHNOLOGIES FOR MAINT OF CITY OF CANTON'S AUTOMATED METER READING SYSTEM; AMEND APPROP O#266/2014; EMERGENCY (\$17,353.80 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207003 WATER BILLING - OTHER; \$11,569.20 SUPP APPROP FR UNAPPROP BAL OF 5410 SEWER FUND TO 5410 207003 SEWER BILLING - OTHER); AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. -
Referred to Finance Committee

(COUNCIL RECESSED AT 7:50 PM FOR THE FINANCE COMMITTEE TO DISCUSS ORDINANCE #11; RECONVENED AT 7:54 PM)

AMENDED AS

- 171/2015 11. AMEND APPROP O#266/2014; EMERGENCY (\$1,125,000.00 SUPP APPROP FR UNAPPROP BAL 6017 HEALTH & LIFE INSURANCE TO 6017 201001 SERVICE DIRECTOR ADMIN - OTHER; \$1,320,000.00 FR UNAPPROP BAL 7509 VACANT/FORECLOSURE DEPOSITORY FD TO 7509 505010 FAIR HOUSING DEPT - OTHER; \$38,866.14 APPROP REDUCTION FR 2155 104040 TRAFFIC ENG/PARKING METER TO UNAPPROP BAL 2155 PARKING DECK FUND; \$50,000.00 APPROP TRANSFER FR 1001 101501 CODE ENFORCEMENT, \$10,000.00 APPROP TRF FR 1001 204010 BUILDING MAINT TO 1001 202210 STREET MAINTENANCE; \$15,000.00 APPROP TRF FROM 1001 601001 COUNCIL ADMIN TO 1001 601001 COUNCIL ADMIN - OTHER)
Referred to Finance Committee

(COUNCIL RECESSED AT 8:00 PM FOR THE COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE TO DISCUSS ORDINANCE #12; RECONVENED AT 8:03 PM)

- 172/2015 12. DECLARE 7 BUILDING LISTED ON EXHIBIT A AS PUBLIC NUISANCES; AUTHORIZE SAF DIR TO ENTER INTO CONTRACT FOR DEMO OF SAID BUILDINGS; AUTHORIZE CLERK OF CANTON CITY COUNTY TO CERTIFY COSTS OF DEMO TO STARK COUNTY AUDITOR; EMERGENCY
Referred to Community & Economic Development Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:

(SUSPENDED RULE 22A TO ADD 2ND RDG O#13 - O#15; O#15 ADOPTED ON 2ND RDG)

- 2ND RDG 13. AMEND SEC 1351.03 OF PART 13, BUILDING CODE, OF CODIFIED ORDINANCES OF CITY OF CANTON (REGISTRATION FEES) (JUD)
- 2ND RDG 14. AUTHORIZE MAYOR OR SERV DIR TO ENTER IN AGMT WITH GENTLEBROOK INC. FOR WATER MAIN EXTENSION WITHIN VILLAGE OF HARTVILLE; EMERGENCY (E&PU)
- 173/2015 15. AUTHORIZE CLERK OF COUNCIL TO CERTIFY TO COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR WATER AND/OR SEWER SERV; EMERGENCY (E&PU)

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

- 174/2015** 16. APPROVE REPLAT OF LOTS 42991 & 42992; EMERGENCY (ED DOMER FOR CLIFF JUMPERS, LLC @ 1325 17TH ST. NE)
- 175/2015** 17. AUTHORIZE AUDITOR TO PAY A MORAL OB IN AN AMT NOT TO EXCEED \$12,800.00 TO DELL MARKETING L.P.; EMERGENCY (POLICE DEPT.)
- 176/2015** 18. 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)
- 177/2015** 19. 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)

ANNOUNCEMENT OF COMMITTEE MEETINGS:**MONDAY, September 21, 2015 in Council Caucus Room at 6:30 PM**

- 1) Finance Committee
- 2) Community & Economic Development Committee
- 3) Judiciary Committee
- 4) Public Safety & Thoroughfares Committee

MISCELLANEOUS BUSINESS: Member Dougherty reminded everyone that the Feed The Needy project will be this Saturday. He welcomed any help for setting up on Friday and for the event on Saturday. He also let everyone know that donations are still being accepted. Member Mack commended Member Smuckler on making some great points during the Committee Meeting and offer to help prepare an amendment on SMHA paying registration fees. Mayor Healy stated that although the registration fee money was put into the General Fund, it was only done so because there was no separate enterprise fund to put it in. He said the funds were used as intended, for the Building Code Department, not on other things. He stated that the Building Code Department had been in the red by approximately \$300,000.00 each year, but are now living within their means. They have had a \$17,000.00 carryover for the last couple of years, but this is not enough to hire another inspector. He said if Council wants more inspectors, new revenue streams are needed because more money is needed. Member Smuckler stated that he and his family run a successful business because they take into consideration all possible revenue streams, which is why he mentioned checking into SMHA. He also commended Member Mack for taking this on. He spoke to Mr. Sciury and stated that some rules involving the interior were lax but they are currently having problems with the exterior of homes. He was recently asked by a constituent if would he live next to a particular property and he replied no and stated if he wouldn't live in the property, why would he let anybody else. He said we need those 6 inspectors and will be voting to get them. Member Mack stated that removing the restriction of paying registration fees, pending the opinion of the Law Department, would only generate between \$44,016.00 and \$108,000.00. The amount needed to hire 6 inspectors is \$515,781.00. Mayor Healy stated that SMHA inspects their own properties and if we take away the restriction on the registration fees, another inspector will be needed just for those sites. Member Hawk stated that the inspections for SMHA are complaint driven and that the City does the inspections. He also asked Mayor Healy if a rumor that he's heard, that there will be layoffs in the City Safety Forces. Mayor Healy stated that although the General Fund is stressed, there has been no discussion of layoffs. Member West reiterated that the Ohio Real Estate Association will be here on Thursday, September 17th at 6:00 to offer solutions to the landlord registration fee problem. President Schulman mentioned that the landlords benefit from city services and that they are a part of this community. He said that the community is at a tipping point. He mentioned that he is from Columbus, but has been a part of this city for 40 years and has watched it decay. He said that one landlord thought that the property taxes go to the City of Canton, which they do not. He also mentioned that the City is short \$17,000,000.00 from the State of Ohio because they're sitting on 2.3 billion dollars which should be sent to Ohio communities. He said he supports the \$100.00 registration fee and that it would be placed in a restricted fund and designated. He also spoke to Member Smuckler and stated that if a property is a dump on the outside, he can't imagine what it would look like on the inside. It's time to bring the Building Department into the 21st Century and then they will be able to tell us how many rental units there are. This money will allow us to get some answers. Member Smuckler clarified what he meant by allowing landlords to get lax on the interior of their buildings by saying they allowed landlords to put in plastic pipes instead of copper.

ADJOURNMENT: 8:28 PM

NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, SEPTEMBER 21, 2015 @ 7:30 PM