

FINAL
A G E N D A
7:30 PM

CANTON CITY COUNCIL

FEBRUARY 8, 2016

ROLL CALL: All Members Present

MOTION TO EXCUSE MEMBERS: Not Necessary

INVOCATION: Bill Smuckler

PLEDGE OF ALLEGIANCE: President Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 1st Rdg O#14; 2nd Rdg O#15 - O#22; O#14 Adopted on 1st Rdg; O#24 Adopted as Amended)

PUBLIC HEARINGS: None

OLD BUSINESS (PUBLIC SPEAKS): None

PUBLIC SPEAKS (CITY BUSINESS): Both Pete DiGiacomo and Dan Fonte spoke about the Trans-Pacific Partnership Free Trade Agreement. Pete DiGiacomo asked Council not to support the Agreement. He doesn't believe the U.S. can compete with other nations and thinks it's a bad idea. Dan Fonte said he wrote the Resolution to send a message to political leaders. He thanked the Council Members that signed on. He believes the Free Trade Agreement is the wrong way to go but instead thinks that there should be a Fair Trade Agreement.

INFORMAL RESOLUTIONS:

10. COUNCIL-AS-A-WHOLE: COMMENDING CYNTHIA TIMBERLAKE FOR HER SERVICE AS CLERK OF COUNCIL. - ADOPTED
11. COUNCIL-AS-A-WHOLE: COMMENDING OFFICER RYAN DAVIS FOR HIS DEVOTED SERVICE TO THE CITY OF CANTON AND THE K-9 UNIT. - ADOPTED
12. COUNCIL-AS-A-WHOLE: SALUTING K-9 OFFICER JETHRO FOR HIS LOYALTY AND DEVOTION IN PROTECTING HIS FELLOW OFFICERS AND THE CITY OF CANTON. - ADOPTED
13. COUNCIL MEMBERS:
MEMBER MORRIS (WARD 9)
MEMBER WEST (WARD 2)
MEMBER SCAGLIONE (WARD 3)
MEMBER SMITH (WARD 4)
MEMBER FISHER (WARD 5)
MEMBER DOUGHERTY (WARD 6)
MEMBER MARIOL (WARD 7)
MEMBER MACK (WARD 8)
REQUESTING U.S. SENATE AND U.S. HOUSE OF REPRESENTATIVES TO OPPOSE THE TRANS-PACIFIC PARTNERSHIP FREE TRADE AGREEMENT. - ADOPTED

COMMUNICATIONS:

50. AUDITOR MALLONN: MTHLY RPT BY FUND FOR 1/1/16 - 1/29/16. - RECEIVED & FILED
51. DEPUTY MAYOR WILLIAMS: AMEND APPROP O#259/2015 (\$148,215.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 506001 COMM. DEV. ADMIN-OTHER; \$148,215.00 SUPP APPROP FR UNAPPROP BAL OF 2817 JOBS OHIO FUNDS TO 2817 506001 COMM. DEV-OTHER; \$148,215 INTERFUND ADVANCE/ADVANCE REPAYMENT FR 1001 506001 COMM. DEV. ADMIN-ADV OUT TO 2817 506001 COMM. DEV. ADMIN-ADV IN; \$148,215.00 COMM. DEV. ADMIN ADV OUT TO 1001 506001 COMM. DEV. ADMIN-ADV IN - WEBER DENTAL FACILITY). - FINANCE COMMITTEE
52. DEPUTY MAYOR WILLIAMS: REQ WITHDRAWAL OF COM #15 FR 1/25/16 AGENDA (WEBER DENTAL FACILITY). - RECEIVED & FILED
53. DEPUTY MAYOR WILLIAMS: REQ WITHDRAWAL OF 1ST RDG O#2 FR 2/1/16 AGENDA (WEBER DENTAL FACILITY). - RECEIVED & FILED
54. FINANCE DIRECTOR DIRUZZA: AMEND O#38/2004 TO REDUCE THE PREMIUM RATE FOR COMPENSATED ABSENCES FROM 125% TO 105% FOR ALL PAYROLLS IN 2016, RETRO TO THE FIRST PAYROLL OF YR TO EXTENT COMPENSATED ABSENCES FUND WILL RETURN EXCESS CHARGES FOR PAYROLLS THAT HAVE ALREADY OCCURRED DURING YR BACK TO THE ORIGINAL FUND. - FINANCE COMMITTEE
55. MAYOR BERNABEI: ADVISING OF APP'T OF SAMUEL J. SLIMAN TO CANTON PARK COMMISSIONER , FOR 3-YR TERM COMMENCING ON 1/1/14 THRU 12/31/16. - RECEIVED & FILED
56. MAYOR BERNABEI: REQ AUTHORIZATION OF REAPP'T OF R. CLINT ZOLLINGER TO FAIR EMPLOYMENT PRACTICES BOARD FOR 3-YR TERM COMMENCING UPON AUTHORIZATION THRU 12/31/18. - PERSONNEL COMMITTEE
57. MAYOR BERNABEI: REQ AUTHORIZATION OF REAPP'T OF AMY G. WEISBROD TO FAIR EMPLOYMENT PRACTICES BOARD FOR 3-YR TERM COMMENCING UPON AUTHORIZATION THRU 12/31/18. - PERSONNEL COMMITTEE
58. MAYOR BERNABEI: REQ AUTHORIZATION OF REAPP'T OF VALERIE J. WATSON TO FAIR EMPLOYMENT PRACTICES BOARD FOR 3-YR TERM COMMENCING UPON AUTHORIZATION THRU 12/31/18. - PERSONNEL COMMITTEE

COMMUNICATIONS CONTINUED:

59. MAYOR BERNABEI: REQ AUTHORIZATION OF REAPP'T OF DAWN M. DEVINE TO INVESTMENT BOARD FOR 2-YR TERM COMMENCING UPON AUTHORIZATION THRU 12/31/17. - PERSONNEL COMMITTEE
60. MAYOR BERNABEI: REQ AUTHORIZATION OF REAPP'T OF MR. PATRICK G. WYATT TO THE HEALTH BOARD FOR 5-YR TERM COMMENCING 4/1/16 THRU 3/31/21. - PERSONNEL COMMITTEE
61. MAYOR BERNABEI: REQ AUTHORIZATION OF REAPP'T OF JACK I. BOLENDER TO INVESTMENT BOARD COMMENCING UPON AUTHORIZATION THRU 12/31/17. - PERSONNEL COMMITTEE
62. MEMBER SCAGLIONE: REQ LEGISLATION REQUIRING REGISTRATION OF QUALIFYING VACANT NON-RESIDENTIAL COMMERCIAL PROPERTIES. - JUDICIARY COMMITTEE
63. PERSONNEL COMMITTEE: REQ AUTHORIZATION FOR REAPP'T OF WILLIAM SHERER II TO INCOME TAX REVIEW BOARD FOR 4-YR TERM EFFECTIVE 3/1/16 THRU 2/28/20. - PERSONNEL COMMITTEE
64. PROP OWNER DARLENE LEGHART: REQ AUTHORIZATION FOR ZONE CHANGE OF PARCEL #232650 LOCATED AT 1101 - SHORB AVE NW, WARD 1 (HAMMER & NAILS). - PLANNING COMMISSION
65. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONSTRUCTION CONTRACT FOR 41ST STREET AND 49TH STREET AREA WATER IMPROVEMENT PROJECT (\$143,000.00 SUPP APPROP FR UNAPPROP BAL OF THE 5201 WATER FUND TO 5201 207041 41ST STREET AND 49TH STREET AREA WATER IMPROVEMENT PROJECT - OTHER); AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE COMMITTEE
66. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE A CONSTRUCTION CONTRACT FOR MONUMENT ROAD WATER MAIN REPLACEMENT PROJ; AUTHORIZE THE MAYOR AND/OR SERV DIR TO ENTER INTO PROF SERV CONTRACT FOR CONSTRUCTION OVERSIGHT SERVICES FOR MONUMENT ROAD WATER MAIN REPLACEMENT PROJ (\$1,200,000.00 SUPP APPROP FR UNAPPROP BAL OF THE 5201 WATER FUND TO 5201 207039 MONUMENT ROAD WATER MAIN REPLACEMENT PROJECT - OTHER); AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE COMMITTEE
67. TREASURER PEREZ: RPT OF PARKING METER REVENUE FOR JANUARY 2016. - RECEIVED & FILED
68. TREASURER PEREZ: RPT OF DEPOSITS AND PAY-INS FOR AMBULANCE LOCK BOX FOR JANUARY 2016. - RECEIVED & FILED
69. TREASURER PEREZ: RPT OF 2015 BANK RECONCILIATIONS FROM JANUARY 2015 TO DECEMBER 2015; AND RPT OF CITY'S OUTSTANDING INVESTMENTS FROM 1/30/15 TO 12/30/15. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. AMEND AND UPDATE CHAPTER 539 OF CODIFIED ORDINANCE OF THE CITY OF CANTON; EMERGENCY (PARKS AND PLAYGROUNDS)
Referred to Judiciary Committee
- 1ST RDG 2. AMEND O#259/2015; EMERGENCY (\$22,629.64 SUPP APPROP FR UNAPPROP BAL OF 4502 MOTOR VEHICLE PURCHASE FUND TO 4502 104020 TRAFFIC SIGNAL - PERSONNEL - \$11,649.61; TO 4502 104040 TRAFFIC ENGINEERING - PERSONNEL - \$4,980.03; TO 4502 202210 STREET MAINTENANCE - OTHER - \$6,000.00)
Referred to Public Property Capital Improvement Committee
- 1ST RDG 3. PROVIDE FOR ISSUANCE OF A NOTE IN ANTICIPATION OF COLLECTION AND PYMT OF INCOME TAXES, GENERAL PROP TAXES, AND OTHER REVENUE SOURCES; DECLARE NECESSITY OF ISSUANCE OF SAID NOTE; PROVIDE FOR RE-AUTHORIZATION, AMEND O#259/2015; EMERGENCY (\$400,000.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 801001 AUDITOR ADMIN - OTHER; \$600,000.00 SUPP APPROP FR UNAPPROP BAL OF 2120 INCOME TAX FUND TO 2120 852101 INCOME TAX ADMIN - OTHER)
Referred to Finance Committee
- 1ST RDG 4. AUTHORIZE SAF DIR TO PAY MORAL OB IN AMT NOT TO EXCEED \$2,400.00 TO KENT STATE UNIVERSITY; EMERGENCY (EXCEL TRAINING)
Referred to Finance Committees

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING CONTINUED:

- 1ST RDG 5. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO PROF SERV CONTRACT WITH FROST BROWN TODD LLC FOR LEGAL SERV RELATED TO OHIO ENVIRONMENTAL PROTECTION AGENCY'S REGULATION OF CANTON WATER RECLAMATION FACILITY; EMERGENCY
Referred to Finance Committee
- 1ST RDG 6. AMEND APPROP O#259/2015; EMERGENCY (\$725,340.00 SUPP APPROP FR UNAPPROP BAL OF THE 5231 53RD ST RESERVOIR ROOF REPLACEMENT PROJECT FUND TO 5231 207033 53RD ST. RESERVOIR ROOF REPLACEMENT PROJECT- OTHER)
Referred to Finance and Public Property Capital Improvement Committee
- 1ST RDG 7. AUTHORIZE MAYOR OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO CONTRACT FOR PURCHASE OF ONE (1) INTERNATIONAL TANDEM AXLE CAB/CHASSIS; OR TO ALTERNATIVELY PURCHASE SAID VEHICLE PURSUANT TO STATE COOPERATIVE PURCHASING AGMTS; EMERGENCY (WATER DEPT)
Referred to Public Property Capital Improvement Committee
- 1ST RDG 8. AUTHORIZE THE MAYOR AND/OR SERV DIR AND/OR PARK COMMISSION TO APPLY FOR , ENTER INTO AGMT FOR, AND RECEIVE FUNDS FR MULTIPLE POTENTIAL FUNDING SOURCES FOR VARIOUS PROJECTS; EMERGENCY
Referred to Finance Committee
- 1ST RDG 9. AUTHORIZE MAYOR OR SERV DIR TO EXECUTE CHANGE ORDER NO. 2 IN AN AMT NOT EXCEED \$37,291.00 WITH LOCKHART CONCRETE COMPANY FOR THE ALLENFORD SE SANITARY SEWER PROTECTION PROJ; EMERGENCY
Referred to Finance Committee
- 1ST RDG 10. AUTHORIZE AND CONSENT TO FINE GRADED POLYMER AC OVERLAY TO STA US 30 FROM 16.46 TO 18.35; EMERGENCY (PID NO. 100958)
Referred to Public Safety & Thoroughfares Committee
- 1ST RDG 11. AUTHORIZE AND CONSENT TO REALIGNING AND RECONFIGURING INTERSECTIONS US-62, MIDDLEBRANCH, HARRISBURG, AND 30TH STREET IN PLAIN TWP, STARK COUNTY, OHIO WITH CONSTRUCTION OF A ROUNDABOUT AT HARRISBURG AND 30TH STREET; EMERGENCY (PID 96346)
Referred to Public Safety and Thoroughfares Committee
- 1ST RDG 12. AUTHORIZE AND CONSENT TO RESURFACING FROM 22.19 TO 24.06 AND BRIDGES, MISC BRIDGE WORK TO NINE (9) STRUCTURES WITHIN CANTON; EMERGENCY (STA-US62-22.19, PID 84654,
Referred to Public Safety and Thoroughfares Committee
- 1ST RDG 13. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO CONTRACT WITH BROWNFIELD RESTORATION GROUP IN AMT NOT TO EXCEED \$148,215.00 FOR PHASE 2 ENVIRONMENTAL ASSESSMENT WORK PERFORMED AT FORMER WEBER DENTAL FACILITY; AMEND APPROP O#259/2015; EMERGENCY (\$148,215.00 SUPP APPROP FR UNAPPROP BAL OF 1001 GENERAL FUND TO 1001 506001 COMM. DEV. ADMIN. - OTHER; \$148,215.00 SUPP APPROP FR UNAPPROP BAL OF 2817 JOBS OHIO FUND TO 2817 506001 COMM. DEV. ADMIN. - OTHER; \$148,215.00 INTERFUND ADVANCE/ADVANCE REPAYMENT FR 1001 506001 COMM. DEV. ADMIN. - ADV. OUT TO 2817 506001 COMM. DEV ADMIN.-ADV. IN; \$148,215.00 INTERFUND ADVANCE/ADVANCE REPAYMENT FR 2817 506001 COMM. DEV. ADMIN. - ADV. OUT TO 1001 506001 COMM. DEV. ADMIN. - ADV. IN)
Referred to Finance Committee

(COUNCIL RECESSED AT 8:16 PM FOR THE JUDICIARY COMMITTEE TO DISCUSS ORDINANCE #14; RECONVENED AT 8:26 PM)

- 9/2016 14. AMEND O#260/2013; EMERGENCY (CODIFIED ORDINANCE CHAPTER 1353 "FORECLOSED PROPERTIES AND BUILDINGS")
Referred to Judiciary Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:

(SUSPENDED RULE 22A TO ADD 2ND RDG O#15 - O#22)

- 2ND RDG 15. AUTHORIZE MAYOR OR SERV DIR TO ACCEPT REIMBURSEMENT GRANT FUNDS FR JOBS OHIO IN AMT OF \$148,215.00 FOR EXPENSES ASSOC WITH PHASE 2 ENVIRONMENTAL ASSESSMENT OF FORMER WEBER DENTAL FACILITY; EMERGENCY (C&ED)
- 2ND RDG 16. AMEND APPROP O#259/2015; EMERGENCY (\$2,638,999.64 SUPP APPROP FR UNAPPROP BAL OF 4504 2015 CONSTR/RECONSTRUCTION NOTE FUND TO 4504 201001 SERVICE DIRECTOR ADMIN-OTHER; \$73,334.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207003 BILLING AND RECORDS - OTHER; \$73,334.00 SUPP APPROP FR UNAPPROP BAL OF 5410 SEWER FUND TO 5410 27003 BILLING AND RECORDS - OTHER; \$73,332.00 SUPP APPROP FR UNAPPROP BAL OF 5601 REFUSE FUND TO 5601 207003 BILLING AND RECORDS - OTHER) (PPCI & FIN)
- 2ND RDG 17. AUTHORIZE SERV DIR TO RENEW CITY'S CONTRACT WITH HYLANT ADMIN SERV, LLC IN AMT NOT TO EXCEED \$164,769.00 FOR GENERAL LIABILITY, AUTO LIABILITY, PUBLIC OFFICIALS LIABILITY, LAW ENFORCEMENT LIABILITY, EMPLOYER'S LIABILITY, EMPLOYEE BENEFITS LIABILITY AND CYBER LIABILITY INSURANCE; EMERGENCY (FIN)

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING CONTINUED:

- 2ND RDG 18. APPROVE AND ACCEPT RECORD PLAT OF NEW DAWN DEVELOPMENT NO. 2, REPLATTING ALL OF OUTLOT 1071 AND PART OF OUTLOT 1072 AND DEDICATION OF PUBLIC STREET; EMERGENCY (GREENTREE AVE SW, WARD 4) _____ (PS&T)
- 2ND RDG 19. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO PROF SERV CONTRACTS WITH PROF SERV INDUSTRIES, INC. FOR DESIGN, ENGINEERING, CONTRACT ADMIN, AND OTHER PROF SERV FOR SERVICE CENTER BLD B & C ROOF REPAIR/REPLACEMENT PROJ AND TO ADVERTISE, RECEIVE BIDS, AWARD AND ENTER INTO CONSTRUCTION CONTRACTS FOR SAID PROJ; EMERGENCY _____ (PPCI)
- 2ND RDG 20. ADOPT PLANS, AUTHORIZE MAYOR OR SERV DIR TO COOPERATE WITH AND REQUEST DIRECTOR OF TRANSPORTATION TO PROCEED WITH MINOR REHAB ON US 30 FROM CANTON'S WEST CORP LINE TO SR 43 (WAYNESBURG DR); AMEND APPROP O#259/2015; EMERGENCY (\$60,000.00 SUPP APPROP FROM UNAPPROP BAL OF 4501 CAPITAL FUND TO 4501 202001 ENGINEERING ADMIN - OTHER) _____ (PPCI)
- 2ND RDG 21. AMEND APPROP O#259/2015; EMERGENCY (\$185,168.06 SUPP APPROP FR UNAPPROP BAL OF 7501 AUDITOR/TREASURER TRANSFER FUND TO 7501 852101 INCOME TAX ADMIN REFUNDS; \$1,000,000.00 SUPP APPROP FR UNAPPROP BAL OF 2120 INCOME TAX FUND TO 2120 852101 INCOME TAX ADMIN REFUNDS) _____ (FIN)
- 2ND RDG 22. AMEND APPROP O#259/2015; EMERGENCY (\$2,723.54 SUPP TRF FR 2767 701001 JAIL DIVERSION GRAND FUND - PERSONNEL TO 2767 701001 JAIL DIVERSION GRANT FUND - OTHER) _____ (FIN)

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

- 10/2016 23. AUTHORIZE LAW DIR TO ENTER INTO CONTRACT WITH CITIES AND VILLAGES TO PROVIDE LEGAL REPRESENTATION IN PROSECUTION OF CRIMINAL CASES AND RELATED MATTERS BY PROSECUTOR'S OFFICE; EMERGENCY (EAST CANTON - \$11,900.00; EAST SPARTA - \$5,500.00; HARTVILLE - \$13,300.00; LOUISVILLE - \$28,000.00; MAGNOLIA - \$4,800.00; NORTH CANTON - \$39,000.00; WAYNESBURG - \$6,400.00)

AMENDED AS

- 11/2016 24. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO PROF SERVS CONTRACTS FOR ARCHITECTURAL SERVS, ENGINEERING SERVS, CONSTRUCTION OVERSIGHT SERVS, AND ALL OTHER PROF SERVS NECESSARY FOR MARKET SQUARE ENHANCEMENT PROJ FOR AMT NOT TO EXCEED \$200,000.00; EMERGENCY

ANNOUNCEMENT OF COMMITTEE MEETINGS:**MONDAY, February 22, 2016 in Council Caucus Room at 6:15 PM**

- 1) Rules Committee
- 2) Finance Committee
- 3) Public Property Capital Improvement Committee
- 4) Public Safety & Thoroughfares Committee

MISCELLANEOUS BUSINESS: President Schulman mentioned that he was appointed 10 years ago to the position of President of Council. Former Clerk of Council, Cynthia Timberlake, took him under her wings. He believes he's done a pretty good job, thanks to Cindy. He also believes she performed with dignity and integrity because of not only the love of her job, but the love of her city. He also commended the new Clerk, Kellen Showes.

ADJOURNMENT: 8:38 P.M.