

FINAL
A G E N D A
7:30 PM

CANTON CITY COUNCIL

FEBRUARY 22, 2016

MOMENT OF SILENCE FOR FIREFIGHTER, TONYA JOHNSON

ROLL CALL: Eleven Members Present

MOTION TO EXCUSE MEMBERS: President Schulman & Member Mariol Absent

INVOCATION: Greg Hawk, Ward 1 Council Member

PLEDGE OF ALLEGIANCE: President Pro Tem Morris

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 2nd Rdg O#6 - O#16; O#6 Adopted on 2nd Rdg; O#17 Reconsidered and Amended)

PUBLIC HEARINGS: None

OLD BUSINESS (PUBLIC SPEAKS): None

PUBLIC SPEAKS (CITY BUSINESS): Henry Preston spoke about the poor snow plowing on 31st Street last week. He said his drive was blocked in twice, and after the street was clear the snow plow scraped snow from the side onto the street and left it. Dana Vargo spoke on behalf of the teamsters and other retirees that are in multiemployment pension plans. She feels the proposed cuts will have a tremendous impact on many Americans and the country as a whole. She referred to the Multiemployer Pension Reform Act as a criminal un-American act. She said it takes away the promises given in the Income Security Act of 1974 which protects earned and paid for pensions. She specifically mentions Central States pension whose trustees are proposing 35% to 75% cuts. This will affect men who have built this country and served this country, and this is not a good way to repay them. She also mentions that the voting process is unfair. Absentee ballots are considered as a yes even if the voter didn't receive it. Also, if the majority vote no, the Treasury may still enforce the cuts. The Treasury will decide by May 6th to approve, reject or modify the act. The cuts will go into affect on July 1st. She encourages everyone to contact their Senators and Representatives and ask them to support the Keep Our Pension Promises Act, which gives the people back their right to vote, or propose a bipartisan plan. She also suggests contacting Kenneth Feinberg at the Treasury and ask him to reject the plan. The deadline for that is February 28th. The next speaker, Greg Van Dress, deferred back to Dana Vargo. Dana continued explaining more about Central States and their consent decree for management of the funds. In addition, the Pension Benefit Guarantee Corp insures the money so claims may be paid. They are now saying they're underfunded. She concludes by saying the law was passed in the dead of night, there was no discussion or meetings, and many Congressman never actually read it.

INFORMAL RESOLUTIONS:

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| 14. | COUNCIL-AS-A-WHOLE: | APPROVING AND ADOPTING RULES OF PROCEDURE FOR CANTON CITY COUNCIL EFFECTIVE 2/22/16. - ADOPTED |
| 15. | COUNCIL-AS-A-WHOLE: | URGING TRUSTEES NOT TO REDUCE THE PENSIONS OF RETIREES AFFECTED BY THE MULTIEMPLOYER PENSION REFORM ACT OF 2014. - ADOPTED |
| 16. | PERSONNEL COMMITTEE: | CONFIRMING RE-APP'T OF R. CLINT ZOLLINGER TO FAIR EMPLOYMENT PRACTICES BOARD COMMENCING 2/22/16 THRU 12/31/18. - ADOPTED |
| 17. | PERSONNEL COMMITTEE: | CONFIRMING RE-APP'T OF AMY WEISBROD TO FAIR EMPLOYMENT PRACTICES BOARD COMMENCING 2/22/16 THRU 12/31/18. - ADOPTED |
| 18. | PERSONNEL COMMITTEE: | CONFIRMING RE-APP'T OF VALERIE J. WATSON TO FAIR EMPLOYMENT PRACTICES BOARD COMMENCING 2/22/16 THRU 12/31/18. - ADOPTED |
| 19. | PERSONNEL COMMITTEE: | CONFIRMING RE-APP'T OF DAWN M. DEVINE TO INVESTMENT BOARD COMMENCING 2/22/16 THRU 12/31/17. - ADOPT |
| 20. | PERSONNEL COMMITTEE: | CONFIRMING RE-APP'T OF PATRICK G. WYATT TO BOARD OF HEALTH COMMENCING 4/1/16 THRU 3/31/21. - ADOPTED |
| 21. | PERSONNEL COMMITTEE: | CONFIRMING RE-APP'T OF JACK I. BOLENDER TO INVESTMENT BOARD COMMENCING 2/22/16 THRU 12/31/17. - ADOPTED |
| 22. | PERSONNEL COMMITTEE: | CONFIRMING RE-APP'T OF WILLIAM SHERER, II TO INCOME TAX REVIEW BOARD COMMENCING 1/1/16 THRU 12/31/17. - ADOPTED |

COMMUNICATIONS:

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| 70. | FINANCE DIRECTOR DIRUZZA: | AUTHORIZE AUDITOR TO PAY MORAL OBS TOTALING \$4,231.18 ON PO'S CLOSED AT END OF 2015 (MORROW CONTROL \$786.37; SA COMUNALE \$903.60; B&C COMMUNICATIONS \$863.21; ARROW INTERNAT'L \$1,568.00; MARTINEZ \$110.00). - FINANCE COMMITTEE |
| 71. | HEALTH COMMISSIONER ADAMS: | AMEND O#177/2006 (INCREASE CHANGE DRAWER FUNDS FR \$100.00 TO \$200.00). - FINANCE COMMITTEE |
| 72. | LAW DIRECTOR MARTUCCIO: | REQ AUTHORIZATION TO MOVE \$27,600.00 ANNUAL SETTLEMENT PAYMENT FR GENERAL FUND TO POLICE SETTLEMENT FUND NO. 1105. - FINANCE COMMITTEE |

COMMUNICATIONS CONTINUED:

73. LIQUOR CONTROL DIV: REQ C1, C2 LIQUOR PERMIT TRF FR WAYNE EDWARD MARION, DBA MAGGIORES DRIVE THRU TO DUEBER DRIVE THRU LLC, DBA MAGGIORES DRIVE THRU @ 1037 DUEBER AVE SW (WARD 5). - RECEIVED & FILED
74. LIQUOR CONTROL DIV: NOTICE OF HRG FOR NEW C1 PERMIT FOR SHA B, INC., DBA B & B DRIVE THRU #3 @ 1225 RAFF RD SW TO BE HELD 3/15/16 @ 9:00 AM AT STARK CTY JOB & FAMILY SRVS (WARD 3). - RECEIVED & FILED
75. MAYOR BERNABEL: ADVISING OF APP'T OF DAVID C. KAMINSKI TO PLANNING COMMISSION COMMENCING 1/1/16 THRU 12/31/21. - RECEIVED & FILED
76. MAYOR BERNABEL: ADVISING OF APP'T OF BRENDA G. TURNER TO PLANNING COMMISSION COMMENCING 4/1/12 THRU 12/31/17. - RECEIVED & FILED
77. MAYOR BERNABEL: ADVISING OF APP'T OF MICHAEL E. HANKE TO CANTON PARK COMMISSION FOR 3 YR TERM COMMENCING 1/1/16 THRU 12/31/18. -RECEIVED & FILED
78. MAYOR BERNABEL: REQ AUTHORIZATION FOR APP'T OF RONALD LEMMO TO CANTON RECREATION BOARD FOR 5 YR TERM COMMENCING 1/1/16 THRU 12/31/20. - PERSONNEL COMMITTEE
79. PERSONNEL COMMITTEE: REQ AUTHORIZATION FOR APP'T OF JOHN GIUA TO INCOME TAX MEMBER FISHER (WARD 5) REVIEW BOARD FOR 2 YR TERM RETROACTIVE TO 1/1/16 THRU 12/31/17. - PERSONNEL COMMITTEE
80. PLANNING COMMISSION: REQ REPLAT & RENUMBERING PLAT BEING PART OF OUTLOT 487 & PART OF LOT 13145 (DALE JONES FOR PIN OAK TREE, 2702 CLEVELAND AVE SW, WARD 4). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
81. PLANNING COMMISSION: REQ REPLAT OF LOTS 36904 & 36905 AND PART OF LOT 36930 (MICHAEL & ANNA DRAKE AND DAVID & LUCINDA ASHLEY, CORNER OF 44TH ST NW & NORMAN AVE NW, WARD 8). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
82. PLANNING COMMISSION: REQ ZONE CHANGE FR PB-4, PLANNED SPECIAL BUSINESS, AND R-1A, SINGLE FAMILY RESIDENTIAL, TO PB-4, PLANNED SPECIAL BUSINESS FOR 907 - 11TH ST NW (PARCELS 230614, 213860, 247996 & 230355 FOR DARLENE LEGHART OF HAMMER & NAILS, WARD 1). - JUDICIARY COMMITTEE
83. PLANNING COMMISSION: REQ WITHDRAWAL OF COM #25 FR 1/25/16 AGENDA (HAMMER & NAILS REZONE). - RECEIVED & FILED
84. SAFETY DIRECTOR PERRY: REQ AUTHORIZATION TO PAY \$1,005.25 MORAL OB TO HARRISON PAINT CO FOR TRAFFIC SIGN & PAINT DEPT REPAIRS TO GRECO PAINTING MACHINE. - FINANCE COMMITTEE
85. SAFETY DIRECTOR PERRY: AUTHORIZE MAYOR AND/OR SAF DIR TO RECEIVE AND APPROP COMMUNITY GRANT IN AMT OF \$2,400.00 FR WALMART FOR FIRE DEPT TO PURCHASE GAS DETECTORS AND MONITORS; AUTHORIZE AUDITOR TO CREATE FUND IN WHICH TO PLACE GRANT MONEY UPON RECEIPT. - FINANCE COMMITTEE
86. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO EXTEND WATER MAIN TO LEXINGTON FARMS NORTH NO. 1; AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO ANY AGMTS NECESSARY FOR SAID WATER MAIN EXTENSION. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
87. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO EXECUTE PROF SRVS CONTRACT WITH BURGESS & NIPLE FOR DESIGN AND CONSTRUCTION OVERSIGHT FOR SUGARCREEK WATER TREATMENT PLANT BACKWASH WATER SLUDGE LAGOON PROJ; REQ \$325,000 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207042 SUGARCREEK WATER TREATMENT PLANT BACKWASH WATER SLUDGE LAGOON PROJ - OTHER. - FINANCE COMMITTEE
88. TREASURER PEREZ: REPORT OF JANUARY 2016 BANK RECONCILIATIONS AND OUTSTANDING INVESTMENTS AS OF 1/31/16. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. 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 2. AMEND O#55/77, AS AMENDED, KNOWN AS CITY OF CANTON ZONING ORDINANCE; EMERGENCY (907 - 11TH ST NW FOR DARLENE LEGHART, HAMMER & NAILS FR PB-4 PLANNED SPECIAL BUSINESS AND R-1A SINGLE-FAMILY RESIDENTIAL TO PB-4 PLANNED SPECIAL BUSINESS)
Referred to Judiciary Committee **PUB HRG 3/7/16 @ 7:30 PM**
- 1ST RDG 3. AMEND O#38/2004; EMERGENCY (REDUCE THE PREMIUM RATE FOR COMPENSATED ABSENCES FROM 125% TO 105% FOR ALL PAYROLLS IN 2016)
Referred to Finance Committee
- 1ST RDG 4. AUTHORIZE MAYOR OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD, AND EXECUTE CONSTRUCTION CONTRACT FOR 41ST ST AND 49TH ST AREA WATER IMPROVEMENT PROJ; AMEND APPROP O#259/2015; EMERGENCY (\$143,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207041 41ST ST AND 49TH ST AREA WATER IMPROVEMENT PROJ - OTHER)
Referred to Finance Committee
- 1ST RDG 5. AUTHORIZE MAYOR OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE CONSTRUCTION CONTRACT AND TO EXECUTE PROF SRVS CONTRACT FOR CONSTRUCTION OVERSIGHT FOR MONUMENT RD WATER MAIN REPLACEMENT PROJ; AMEND APPROP O#259/2015; EMERGENCY (\$1,200,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207039 MONUMENT ROAD WATER MAIN REPLACEMENT PROJ - OTHER)
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**(SUSPENDED RULE 22A TO ADD 2ND RDG O#6 - O#16; O#6 ADOPTED ON 2ND RDG)**

- 12/2016 6. 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) (PPCI)
- 2ND RDG 7. 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) (FIN)
- 2ND RDG 8. AUTHORIZE SAF DIR TO PAY MORAL OB IN AMT NOT TO EXCEED \$2,400.00 TO KENT STATE UNIVERSITY; EMERGENCY (EXCEL TRAINING) (FIN)
- 2ND RDG 9. 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 (FIN)
- 2ND RDG 10. 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) (FIN & PPCI)
- 2ND RDG 11. 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) (PPCI)
- 2ND RDG 12. AUTHORIZE MAYOR OR SERV DIR TO EXECUTE CHANGE ORDER NO. 2 IN AN AMT NOT EXCEED \$37,291.10 WITH LOCKHART CONCRETE COMPANY FOR THE ALLENFORD SE SANITARY SEWER PROTECTION PROJ; EMERGENCY (FIN)
- 2ND RDG 13. AUTHORIZE AND CONSENT TO FINE GRADED POLYMER AC OVERLAY TO STA US 30 FROM 16.46 TO 18.35; EMERGENCY (PID NO. 100958) (PS&T)
- 2ND RDG 14. 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) (PS&T)
- 2ND RDG 15. 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) (PS&T)

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING CONTINUED:

- 2ND RDG 16. 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) (FIN)

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

- 9/2016 17. AMEND O#260/2013; EMERGENCY (CODIFIED ORDINANCE CHAPTER 1353 "FORECLOSED PROPERTIES AND BUILDINGS")
- 13/2016 18. 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
- 14/2016 19. 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)
- 15/2016 20. 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
- 16/2016 21. 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)
- 17/2016 22. 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
- 18/2016 23. 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)
- 19/2016 24. 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)
- 20/2016 25. 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)

ANNOUNCEMENT OF COMMITTEE MEETINGS:**MONDAY, February 29, 2016 in Council Caucus Room at 6:30 PM**

- 1) Finance Committee
- 2) Judiciary Committee

MISCELLANEOUS BUSINESS: Member West asked when the 12th Street project will resume. Service Director Bartos was unsure of a date certain, but will get a time line. Member Dougherty asked why they are not working since the weather is so good. Service Director Bartos indicated there may be a set down time for the project, but he will check and call both members. Law Director Martuccio pointed out a transcription error on 3rd reading Ordinance #25 on the agenda. He indicated since it is a typographical error, it does not affect their adoption of the ordinance. He asks for a motion to strike the text from the number 19 and the following four lines. Member Smith made the motion, which was seconded by Member Babcock to strike the text described by Law Director Martuccio. By voice vote, all were in favor.

ADJOURNMENT: 8:19 P.M.

NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, FEBRUARY 29, 2016 @ 7:30 PM