

FINAL
A G E N D A
7:30 PM

CANTON CITY COUNCIL

MAY 9, 2016

ROLL CALL: All Members Present

MOTION TO EXCUSE MEMBERS: President Schulman Absent

INVOCATION: Bill Smuckler, At-Large Council Member

PLEDGE OF ALLEGIANCE: President Pro Tem Morris

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 2nd Rdg O#6 - O#9; O#2 Retained in Committee; O#10 and O#11 Postponed to May 16, 2016)

PUBLIC HEARINGS: None

OLD BUSINESS (PUBLIC SPEAKS): None

PUBLIC SPEAKS (CITY BUSINESS): Pete DiGiacomo spoke about an article that he read in Sunday's Repository regarding the city's Traffic Bureau and the amount of citations issued/money collected compared to the amount of citations issued/money collected by the State Highway Patrol. The city's amount is significantly less. James Parker spoke about Chesapeake Energy declaring bankruptcy and the CEO committing suicide. He stated that there are zero wells producing in Stark County and maybe just 3 in the State of Ohio. He also suggested various mottos that he believes Canton should consider and make a Resolution for, other than Utica Capital which was bestowed upon Canton by former Mayor Healy. He believes Canton's self-image and identity should be celebrated here. He wants the playground on Alan Page Avenue must be replaced.

INFORMAL RESOLUTIONS: None

COMMUNICATIONS:

188. AUDITOR MALLONN: REQ FOR ADDT'L AMENDED CERTIFICATE DATED 4/29/16. - RECEIVED & FILED
189. AUDITOR MALLONN: MTHLY REPORT BY FUND FOR 4/1/16 THRU 4/29/16. - RECEIVED & FILED
190. AUDITOR MALLONN: YRLY REPORT BY FUND FOR 1/1/16 THRU 4/29/16. - RECEIVED & FILED
191. COMM DEV DIR MILLER: AUTHORIZE MAYOR TO ENTER INTO CONTRACTS FOR 2016 PROGRAM YEAR FOR AMTS FOR PROJECTS BASED ON REQUEST FOR PROPOSAL (RFP) CONDUCTED IN APRIL 2016 (\$391,000.00 CDBG FUNDS FOR SPECIAL REHAB PROJS, \$607,250.00 CDBG FUNDS FOR COMMUNITY BASED DEV ORG (CBDO), \$231,450.00 FOR PUBLIC SERV PROJS, \$212,400.00 ESG FUNDS FOR ELIGIBLE PROJECTS). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
192. COUNCIL MEMBERS:
KEVIN FISHER (WARD 5)
FRANK MORRIS (WARD 9) REQ LEGISLATION RAISING ADMIN PROCESSING FEE FOR IMPOUNDING AND STORING MOTOR VEHICLES FR \$30.00 TO \$50.00 PER VEHICLE; INCORPORATE CHANGES INTO CHAPTER 303 OF CODIFIED ORD OR WHERE MOST FUNCTIONAL. - FINANCE & JUDICIARY COMMITTEES
193. LIQUOR CONTROL DIV (OHIO): AMENDED ORDER RECEIVED FOR HILL MINI MART, LLC REVERSING DIVISION OF LIQUOR CONTROL'S ORDER - RECEIVED & FILED
194. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO STATE COOP PURCH/PROF SERVS CONTRACT WITH FEDERAL SIGNAL FOR PURCHASE AND INSTALLATION OF ONE (1) WARNING SIREN IN ACCORDANCE WITH ORC SECTION 125.04; AUTHORIZE MAYOR AND/OR SERV DIR TO ACT AS GENERAL CONTRACTOR AND CONTRACT FOR ALL GOODS AND SERVS RELATED TO PURCHASE, INSTALLATION, AND OPERATION OF WARNING SIREN; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE COMMITTEE
195. SERVICE DIRECTOR BARTOS: REQ LEGISLATION TO INCLUDE EXACT LANGUAGE CONTAINED IN DRAFT RESOLUTION/ORDINANCE REQUESTING 9,000 TONS OF ROAD SALT (ODOT WINTER ROAD SALT CONTRACT). - FINANCE COMMITTEE
196. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD, AND EXECUTE A CONSTRUCTION CONTRACT FOR PROJ; AUTHORIZING CITY TO ENTER INTO AGMT FOR AND RECEIVE GRANT FUNDS IN AMT OF \$735,000.00 AND A LOAN IN AMT OF \$765,000.00 FR OHIO PUBLIC WORKS COMMISSION; AUTHORIZE AUDITOR TO ESTABLISH AND CREATE 4579 30TH ST NW RESURFACING PROJECT, G.P. 1238, FUND FOR PURPOSE OF TRACKING PROJ REVENUES AND EXPENDITURES; \$1,500,000.00 SUPP APPROP FR UNAPPROP BAL OF 4579 30TH ST. NW RESURFACING PROJECT, G.P. 1238, FUND TO 4579 202044 30TH ST NW RESURFACING PROJECT, G.P. 1238 - OTHER; \$84,000.00 APPROP TRF FR 4501 202260 STREET PAVING TO 4501 202044 30TH ST NW RESURFACING PROJECT, G.P. 1238 - OTHER; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE COMMITTEES

COMMUNICATIONS CONTINUED:

197. TREASURER PEREZ: RPT OF PARKING METER REV FOR APRIL 2016. - RECEIVED & FILED
198. TREASURER PEREZ: RPT OF DEPOSITS AND PAY INS FOR AMBULANCE LOCK BOX FOR APRIL 2016. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. APPROVE STATEMENT OF SERVS PROVIDED TO PROP OWNER IN TRUMP SCHOOL ANNEXATION AREA, APPROX DATE SERVS WILL BE PROVIDED, PROCEDURE TO RECONCILE INCOMPATIBLE ZONING USES UPON BEING ANNEXED TO THE CITY; EMERGENCY
Referred to Annexation Committee

(COUNCIL RECESSED AT 7:44 P.M. FOR THE ENVIRONMENTAL AND PUBLIC UTILITIES COMMITTEE TO DISCUSS ORDINANCE NO. 2; RECONVENED AT 7:44 P.M. WITH A REFUSAL BY THE CHAIRMAN TO HOLD A COMMITTEE MEETING ON THE ORDINANCE)

RETAINED IN COMMITTEE

2. WAIVE PROPOSED ANNUAL ADJUSTMENT TO BASE SEWER RATE PURSUANT TO SECTION 947.06 OF CODIFIED ORDINANCES; EMERGENCY
Referred to Environment & Public Utilities
- 1ST RDG 3. AMEND APPROP O#44/2016 (\$32,562.79 SUPP APPROP FR UNAPPROP BAL OF 2787 2014 BYRNE MEMORIAL GRANT FUND TO 2787 2014 BYRNE MEMORIAL GRANT - OTHER)
Referred to Finance Committee
- 1ST RDG 4. AUTHORIZE HIRING OF ROBERT B. SOBNOSKY, P.E., AS FACILITIES ENGINEER OF WATER DEPARTMENT; EMERGENCY
Referred to Personnel Committee
- 1ST RDG 5. AUTHORIZE MAYOR OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD, AND EXECUTE A CONSTRUCTION CONTRACT AND EXECUTE A PROF SERVS CONTRACT FOR HARRISON AVENUE/44TH ST N.W. WATER MAIN REPLACEMENT PROJ; AMEND APPROP O#44/2016; EMERGENCY (\$950,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207036 HARRISON AVENUE/44TH ST 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#9)

- 2ND RDG 6. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO AMENDED ENTERPRISE ZONE AGMT WITH HYDRODEC N.A., INC.; EMERGENCY (C&ED)
- 2ND RDG 7. AUTHORIZE MAYOR TO ENTER INTO AGMT WITH CANTON COMMUNITY IMPROVEMENT CORP TO PROVIDE GRANT UTILIZING GENERAL FUND DOLLARS IN AMT NOT TO EXCEED \$50,000.00; EMERGENCY (FIN)
- 2ND RDG 8. AMEND APPROP O#44/2016; EMERGENCY (\$69,709.00 SUPP APPROP FR UNAPPROP BAL OF 2769 2015 BYRNE MEMORIAL GRANT FUND TO 2769 2015 BYRNE MEMORIAL GRANT - OTHER) (FIN)
- 2ND RDG 9. AMEND APPROP O#44/2016; EMERGENCY (\$39.84 SUPP APPROP FR UNAPPROP BAL OF 2772 2013 EDWARD BYRNE GRANT FUND TO 2772 2013 EDWARD BYRNE GRANT - OTHER) (FIN)

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

- 5-16-16 10. ADD CHAPTER 1352, VACANT COMMERCIAL PROPERTY MAINTENANCE AND STANDARDS, TO BLDG CODE OF CODIFIED ORDINANCES OF CITY OF CANTON

POSTPONED UNTIL

- 5-16-16 11. APPROVE STATEMENT OF SERVS TO BE PROVIDED TO PROP OWNER IN 1400 GRACE AVE. ANNEXATION AREA, APPROX DATE SERVS WILL BE PROVIDED, PROCEDURE TO RECONCILE INCOMPATIBLE ZONING USES UPON BEING ANNEXED TO CITY; EMERGENCY
- 83/2016 12. AUTHORIZE ADOPTION OF PROPOSED CANTON PARKS MASTER PLAN AS SUBORDINATE PLAN TO COMPREHENSIVE PLAN FOR CITY OF CANTON; EMERGENCY
- 84/2016 13. AUTHORIZE CLERK OF COUNCIL TO CERTIFY TO COUNTY AUDITOR LISTS OF UNPAID AND DELINQUENT CHARGES FOR ALL COSTS ASSOCIATED WITH SERVS PERFORMED BY AND/OR ON BEHALF OF THE CANTON STREET DEPT AND URBAN FORESTRY DIVISION OF ENGINEERING DEPT IN 2015

ANNOUNCEMENT OF COMMITTEE MEETINGS:**MONDAY, May 16, 2016 in Council Caucus Room at 6:30 PM**

- 1) Finance Committee
- 2) Personnel Committee
- 3) Annexation Committee
- 4) Environmental & Public Utilities Committee

Finance Committee Presentations
Purple Heart Presentation

MISCELLANEOUS BUSINESS: Member West asked Law Director Martuccio how much money from the traffic citations written by the Ohio State Patrol Officers goes into the General Fund. Law Director Martuccio stated that he wasn't sure precisely, but as a rule, when the State writes the tickets, the money goes to the State. He believes there is something that the local Court can retain for processing the case. Member Fisher reminded Council that a few weeks back they passed an Informal Resolution urging the United States Treasury to reject a proposed cut to some retired Teamsters allocation of the Central States Pension Fund. He announced that the Treasury rejected the proposed cuts proposed by Central States. It's not the final answer but it does prevent the immediate reduction of 35%. He also mentioned that it was 4 years ago that Member Mariol was appointed by the Democratic Central Committee. Member Harmon explained that he refused to hold a Committee Meeting on the issue of the sewer rate in 1st Reading because the City Administration's very detailed, lengthy presentation was held 5 weeks ago regarding the increase and they knew that there was only 45 days to repeal it. He doesn't know why they waited until the 11th hour to bring it to a vote, which he doesn't feel comfortable doing. He believes there is a lot to consider and deliberate on and doesn't want to rely on his memory to cast a vote. He also took notice that the Water Superintendent, Tracy Mills was not in attendance to answer any questions. Member Harmon also answered Member West's questions regarding money collected for citations written by the State Highway Patrol. He stated that only court costs are kept by the city. The County gets 45%, the State gets 45%, the remaining goes to the Stark County Law Library. If a city officer writes a ticket, 100% goes to the City, but not of the money all into the General Fund. The Court has some specialized funds that some goes into. The percentage going into the General Fund varies by violation. President Pro Tem Morris stated that the sponsors of the sewer rate legislation did not sit on it. The Communication was sent to the Law Department of April 19th. The Law Director then sent an email on April 20th, which he responded to; however the Communication didn't come down until two weeks later. He feels that over 400 days in the Sewer Department's reserve fund is plenty of money and the residents are taxed hard enough. Council had no say in an 8% water increase, but they can push the sewer rate to a vote. That's an 11% increase on the resident's public utilities. That's why he and Member Fisher brought the Communication down, because it's something that can be put before a vote. Taxpayers got stuck with an 8% water increase, he didn't want them to get stuck with another 3% on the sewer bill. He was shocked that it took the Ordinance so long to come down from the Law Department, but it's not uncommon for him, as the Majority Leader to let things get passed on 1st Reading; however he will use some discretion from now on maybe Council does need to talk things over a little more often. Member Harmon stated that he is also a resident, and although he doesn't like anybody's bill going up, including his, he also doesn't like having to vote on something on the last possible day. Law Director Martuccio stated that although he has been slow to act on some things, he did inform the sponsors that there was an automatic 45 day period where Council has to act, and normally it's done by way of Informal Resolution. The Committee Chair would hold a meeting and through an Informal Resolution would say yes or no. He explained this could also be done by a Communication but left that up to the sponsors. He also let them know what could be included in the Communication. He's not sure this is one of those times when he acted slowly. There are now two things that can happen and one is an Amendment to the Codified Ordinance, pursuant to the Chairman's suggestion if Council wants that "automatic" clause to be amended. Member West wanted to know the affect of the 3%. President Pro Tem Morris stated that if it's not passed there is a 3% increase in the sewer rate, which will most likely go into effect because it needed to be done by Sunday. Council will no longer be able to take action on it, coming up a day short.

ADJOURNMENT: 8:10 P.M.