

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

CANTON CITY COUNCIL

MAY 16, 2016

**ROLL CALL:** All Members Present

**MOTION TO EXCUSE MEMBERS:** Not Necessary

**INVOCATION:** Chaplain Forest Thorn, Military Order of the Purple Heart #699

**PLEDGE OF ALLEGIANCE:** President Schulman

**AGENDA CORRECTIONS & CHANGES:** (Suspended Rule 22A to add 1<sup>st</sup> Rdg O#5; 2<sup>nd</sup> Rdg O#6 - O#10; O#5 Adopted on 1<sup>st</sup> Rdg; O#10 Defeated on 2<sup>nd</sup> Rdg; O#11 & O#12 Adopted as Amended)

**PUBLIC HEARINGS:** None

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

**PUBLIC SPEAKS (CITY BUSINESS):** James Parker spoke about the power of a football game. He stated that after the Black College Championships in September of 1976 the perception of black quarterbacks shifted. This game compelled southern colleges to integrate. The Black College Football Hall of Fame now has a permanent home at the Canton Football Hall of Fame. He would like to see Canton show that it stands beside the Hall of Fame in these endeavors by supporting a Resolution naming a place of distinction, such as the Kresge lot, in honor of Marion Motley. He also suggested calling Dave Baker to pursue an American Indian Athletic Hall of Fame which would have a permanent home within the Canton Football Hall of Fame as well. We would then have an induction for American athletes and an induction for Black athletes as well as the others. He names several American Indian athletes who were all champions of the Canton Bulldogs. Pete DiGiacomo spoke about the hundred year old water and sewer lines in the City. His understanding is the roads will not be repaved until these sewer lines are replaced so as not to tear up new asphalt. He feels that waiting to repair the streets until all the sewer lines are fixed does not make any sense. Juanita Best spoke about a retaining wall on the back side of her property that is crumbling and coming onto her fence. She addressed this issue with Zoning and Code Enforcement, and Councilman West and Ernie Sellers also came out to inspect. Her legal counsel even said it is not safe. She would like to put up a new fence, but can't because the wall will cave in on her home. She paid a surveyor who said that it is her neighbor's responsibility. She has asked him to fix it, he has been fined, and a lien was put against his property. However, he did sell the property a couple months ago. She has left messages with Jennifer Fitzsimmons in the Law Department but to no avail. When her insurance company saw the issue, they refused to cover it. She is asking Council what can we done to help her. President Schulman asked her to please stay after the meeting and Law Director Martuccio would address it with her. Councilman West said that the Engineer was out to the property as well, and it is a terrible situation.

**INFORMAL RESOLUTIONS:**

39. COUNCIL-AS-A-WHOLE: RECOGNIZING & HONORING 5/16/16 AS PURPLE HEART DAY AND DECLARING CITY OF CANTON TO BE A PURPLE HEART CITY. - ADOPTED

**COMMUNICATIONS:**

199. ANNEXATION CHAIRMAN WEST: REQ STATEMENT OF SERVICES FOR VILLAGE #1 ANNEXATION. - ANNEXATION COMMITTEE
200. ANNEXATION CHAIRMAN WEST: REQ STATEMENT OF SERVICES FOR FACTORY OF TERROR ANNEXATION. - ANNEXATION COMMITTEE
201. MAYOR BERNABEI: AUTHORIZE MAYOR AND/OR SERV DIR TO AMEND GRANT AGMT BETWEEN OH DEVELOPMENT SRVS AGENCY (ODSA) AND CITY OF CANTON (PHASE II ENVIRONMENTAL ASSESSMENT @ "BROWNFIELD SITE", 2408 13<sup>TH</sup> ST NE). - FINANCE COMMITTEE
202. PLANNING COMMISSION: REQ REPLAT OF LOT 13337 AND 13338, AKA PARCELS 218830 AND 218831, 1500 BLOCK OF ALDEN SW (HABITAT FOR HUMANITY, WARD 5). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
203. PLANNING COMMISSION: REQ REPLAT OF ALL OF LOT 7641 AND LOT 7642, AKA PARCELS 224440 AND 244123, 600 BLOCK OF MARION SW (HABITAT FOR HUMANITY, WARD 4). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
204. PLANNING COMMISSION: AUTHORIZE ZONE CHANGE FOR MARATHON PETROLEUM FR R-1A ( SINGLE FAMILY RESIDENTIAL) TO PI-2 (PLANNED HEAVY INDUSTRIAL) SOUTH OF ST RT 30 AND NORTH OF 21<sup>ST</sup> ST SW FR EASTERN ST LINE OF BROOKS AVE SW TO WESTERN PROP LINE OWNED BY NORFOLK SOUTHERN RAILWAY CO. - JUDICIARY COMMITTEE
205. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO PROFESSIONAL SRVS CONTRACT WITH BRICKER & ECKLER LLP FOR LEGAL SRVS RELATED TO CONSTRUCTION PROJ @ WRF; REQ \$75,000.00 SUPP APPROP FR UNAPPROP BAL OF 5410 SEWER FUND TO 5410 206005 OPERATIONS AND MAINTENANCE; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE COMMITTEE
206. SERVICE DIRECTOR BARTOS: INFORM COUNCIL, PURSUANT TO CODIFIED ORDINANCES SUBSECTION 105.01(B)(5), THAT CITY WILL NOT BE ENTERING INTO PROJ LABOR AGMT (PLA) FOR 2016 CHIP AND SEAL PROG, G.P.1247. - RECEIVED & FILED

**COMMUNICATIONS CONTINUED:**

207. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CHANGE ORDER NO. 1 FOR MAHONING RD NE CORRIDOR PROJ, PHASE 1, PID 90361, GP 1103, CONSTRUCTION ENGINEERING SRVS, CONTRACT NO. 2014-68, WITH MICHAEL BAKER, JR., INC. IN AMT OF \$149,745.84; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE COMMITTEE
208. TREASURER PEREZ: RPT OF PARKING METER REV FOR APRIL 2016. - RECEIVED & FILED

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

- 1<sup>ST</sup> RDG 1. ESTABLISH FAIR REUSE VALUE OF ONE PARCEL OF CITY OWNED PROP; AUTHORIZE SALE AND CONVEYANCE OF SAID PROP; EMERGENCY (PARCEL #02-39460, 2<sup>ND</sup> ST SW, TO LOCKSHIN ENTERPRISES)  
Referred to Community & Economic Development Committee
- 1<sup>ST</sup> RDG 2. AUTHORIZE MAYOR TO ENTER INTO VARIOUS CONTRACTS UTILIZING CDBG AND ESG FUNDS; EMERGENCY (\$391,000 CDBG FOR SPECIAL REHAB PROJ; \$607,243 CDBG FOR CBDO'S; \$231,450 FOR PUB SERV PROJ; \$212,400 ESG FOR ELIGIBLE PROJ)  
Referred to Community & Economic Development Committee
- 1<sup>ST</sup> RDG 3. AMEND SEC 303.07, ADMINISTRATIVE AND STORAGE FEES FOR IMPOUNDED VEHICLES, OF CODIFIED ORDINANCES (RAISE FEE FR \$30 TO \$50 PER VEHICLE; INCLUDE \$50 FEE IN AUCTION PURCH PRICE)  
Referred to Finance and Judiciary Committees
- 1<sup>ST</sup> RDG 4. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO STATE COOP PURCHASING/PROFESSIONAL SRVS CONTRACT WITH FEDERAL SIGNAL FOR PURCHASE AND INSTALLATION OF (1) WARNING SIREN; EMERGENCY (WRF)  
Referred to Finance Committee

***(COUNCIL RECESSED AT 7:47 P.M. FOR THE FINANCE COMMITTEE TO DISCUSS ORDINANCE #5; RECONVENED AT 7:49 P.M.)***

- 85/2016 5. AUTHORIZE PARTICIPATION IN ODOT WINTER CONTRACT (018-17) FOR ROAD SALT; EMERGENCY  
Referred to Finance Committee

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

***(SUSPENDED RULE 22A TO ADD 2<sup>ND</sup> RDG O#6 - O#10; O#10 DEFEATED ON 2<sup>ND</sup> READING)***

- 2<sup>ND</sup> RDG 6. 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 (ANNEX)
- 2<sup>ND</sup> RDG 7. 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) (FIN)
- 2<sup>ND</sup> RDG 8. AUTHORIZE HIRING OF ROBERT B. SOBNOSKY, P.E., AS FACILITIES ENGINEER OF WATER DEPARTMENT; EMERGENCY (PERS)
- 2<sup>ND</sup> RDG 9. 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) (FIN)
- DEFEATED** 10. WAIVE PROPOSED ANNUAL ADJUSTMENT TO BASE SEWER RATE PURSUANT TO SECTION 947.06 OF CODIFIED ORDINANCES; EMERGENCY (EPU)

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

- 86/2016 11. ADD CHAPTER 1352, VACANT COMMERCIAL PROPERTY MAINTENANCE AND STANDARDS, TO BLDG CODE OF CODIFIED ORDINANCES OF CITY OF CANTON

**AS AMENDED**

- 87/2016 12. 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

- 88/2016 13. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO AMENDED ENTERPRISE ZONE AGMT WITH HYDRODEC N.A., INC.; EMERGENCY

- 89/2016 14. 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

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

- 90/2016** 15. 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)
- 91/2016** 16. 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)

**ANNOUNCEMENT OF COMMITTEE MEETINGS:****MONDAY, May 23, 2016 in Council Caucus Room at 6:00 PM**

- 1) Finance Committee
- 2) Community & Economic Development Committee
- 3) Judiciary Committee

Healthcare Presentation

**MISCELLANEOUS BUSINESS:** Member Hawk thanked Chairman Mariol and the Administration for their openness regarding the City's financial situation. Service Director Bartos recognized two Street Department employees, Kirt Fach and Joel Souliere, who noticed a house fire while picking up barricades after the Marathon. They broke a window and helped the resident escape before the firefighters arrived. Member Hawk indicated that he is working with the Law Director to write a Resolution commending these two individuals as well as two Canton City police officers and Anthony Harris from Ironworkers Local 550 who provided the crowbar to break the window. Member Morris, on behalf of himself and Member Smith, asked the Law Director how soon there would be enforcement of the vacant commercial property Ordinance. They are especially concerned with the East Tusc area in Ward 4. Law Director Martuccio stated that the Ordinance will not go into effect for 30 days to give residents a right to referendum. After that time it will be enforced by inspections and citations. The first couple citations are fines. It's a civil matter at that point. There is also an appeal process. With subsequent offenses, it will escalate to a criminal offense which with the proper evidence may be prosecuted. He also indicated that one of his civil attorneys, Craig Chessler, will be helping the criminal division with high grass complaints. He will work with the Street Department on mowing and grass issues appropriate for prosecution. Code Inspector Rick Hoffman has been assigned to help gather evidence. He said more will follow in an e-mail. Member Mack indicated that the Chief Building Official, David Molnar, will move quickly to begin the process on the vacant commercial properties. He suggests that the Council Members look at the definition of vacant, make sure the property qualifies, then e-mail Mr. Molnar with the addresses. Mr. Molnar will then send letters to the owners regarding their obligation to register. Once there is a registration, an automatic inspection will take place the following year.

**ADJOURNMENT:** 8:26 P.M.

**NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, MAY 23, 2016 @ 7:30 PM**