

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

CANTON CITY COUNCIL

JULY 25, 2016

**ROLL CALL:** All Members Present

**MOTION TO EXCUSE MEMBERS:** Not Necessary

**INVOCATION:** John Mariol, Ward 7 Council Member

**PLEDGE OF ALLEGIANCE:** President Schulman

**AGENDA CORRECTIONS & CHANGES:** (Suspended Rule 22A to add 1<sup>st</sup> Rdg O#5 and O#6; add 2<sup>nd</sup> Rdg O#7 - O#13; O#5 and O#6 Adopted on 1<sup>st</sup> Rdg; O#14 Postponed Indefinitely; O#18 Adopted as Amended)

**PUBLIC HEARINGS:** None

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

**PUBLIC SPEAKS (CITY BUSINESS):** Linda Campbell spoke about the safety concerns that she has for her neighborhood. There is a lack of pole lighting in her neighborhood. She's called about the burned-out lights numerous times because the streets and alleys are extremely dark. She also shared her concerns about the number of vacant properties in her neighborhood and a water line that has been broken for 4 weeks. Dan Phillips is running for the US House of Representatives as the Independent candidate and wanted to introduce himself. He is currently living in Akron but is from Canton, growing up on 3<sup>rd</sup> and Young and later living on Maxine. He owns a business, specializing in workforce development in the manufacturing field. He does most of his work in Kentucky, Indiana and Ohio, and believes there's a lot to be done in manufacturing.

**INFORMAL RESOLUTIONS:**

52. PERSONNEL COMMITTEE: CONFIRMING APPT OF BRENDA TURNER TO FAIR HOUSING COMMISSION FOR 5-YR TERM COMMENCING 7/25/16 TO 6/30/21. - ADOPTED
53. PERSONNEL COMMITTEE: CONFIRMING APPT OF JOHN J. LUCAS, JR. TO ZONING BOARD OF APPEALS FOR UNEXPIRED TERM COMMENCING 1/1/16 TO 12/31/18. - ADOPTED

**COMMUNICATIONS:**

267. AGENT, BRYAN ASHMAN: REQ ZONE CHANGE UNADDRESSED VACANT PROPERTY - 1600 BLK OF CLEVELAND AVE NW, COMMENCING APPROX. 94 FT N OF AUBURN PL NW AND GOING 220 FT. N, AND FR THE WESTERN RIGHT OF WAY OF CLEVELAND AVE NW TO THE EASTERN RIGHT OF WAY OF SHORB AVE NW FOR AUTO DEALERSHIP BODY SHOP FOR KEMPTHORN AUTO (WARD 9). - PLANNING COMMISSION
268. AGENT, BRIAN ZIMMERMAN: REQ ZONE CHANGE OF 1811 - 20<sup>TH</sup> ST NE, CANTON, OHIO 44714, APPROX 375 FT X 449 FT (PARCEL 245571) FOR BASE OF OPER FOR CONCRETE, EXCAVATING & DEMOLITION CO (WARD 9). - PLANNING COMMISSION
269. COMM DEV DIRECTOR MILLER: WITHDRAWAL OF COMMUNICATION #255. - RECEIVED & FILED
270. COURT ADMIN KOCHERA: AUTHORIZE MAYOR TO ENTER INTO AGMT WITH STATE OF OHIO, DEPT. OF MENTAL HEALTH & ADDICTION SERVS (ODMHAS) FOR RECEIPT OF FY2017 SPECIALIZED DOCKET SUBSIDY GRANT IN AMT OF \$42,700.70 FOR PERIOD COMMENCING 10/1/16 THRU 6/30/17 (\$42,700.70 SUPP APPROP FR SPECIALIZED DOCKET GRANT FUND #2797 UNAPPROP BAL TO SPECIALIZED DOCKET GRANT FUND #2797 PERSONNEL). - FINANCE COMMITTEE
271. FINANCE DIRECTOR CROUSE: AMEND APPROP O#44/2016 FOR VARIOUS DEPTS TO MEET 2016 BUDGET REQUIREMENTS, PAYROLL AND OTHER OBLIGATIONS FOR REMAINDER OF YR (\$144,400.00 SUPP APPROP FR UNAPPROP BAL OF 5701 BLDG CODE FUND TO 5701 101501 CODE ENFORCEMENT - PERSONNEL - \$93,900.00, TO 5701 307001 ENVIRONMENTAL HEALTH - PERSONNEL - \$20,000.00, TO 5701 101501 CODE ENFORCEMENT - OTHER - \$30,500.00; \$10,000.00 SUPP APPROP FR UNAPPROP BAL OF 4501 CAPITAL PROJECTS FUND TO 4501 501101 HUMAN RESOURCES - OTHER; \$163,000.00 APPROP TRF FROM 1001 101501 CODE ENFORCEMENT - OTHER - \$150,000.00, FR 1001 201201 PURCHASING ADMIN - PERSONNEL - \$13,000.00 TO 1001 102001 POLICE DEPT - OTHER - \$25,000.00, TO 1001 753020 LAW-NON-OPERATIONAL - OTHER - \$125,000.00, TO 1001 201201 PURCHASING ADMIN - \$13,000.00. - FINANCE AND PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
272. LIQUOR CONTROL DIV (OHIO): ADVISE OF HRG SCHEDULED FOR 7/25/16 REGARDING MARK A. MILLS DBA MILLS TAVERN HAS BEEN CONT'D; ALL PARTIES WILL BE NOTIFIED OF NEW DATE, TIME AND LOCATION WHEN RESCHEDULED (WARD 5). - RECEIVED & FILED

**COMMUNICATIONS CONTINUED:**

273. MAYOR BERNABEI: ADVICE OF HIRING OF JOHN M. RINALDI, EFFECTIVE MONDAY, 7/18/16 TO EXECUTIVE SPECIALIST, FIDUCIARY APPT. TO MAYOR AT SALARY OF \$69,259.70; ASSIGNED TO BUILDING & CODE ENFORCEMENT DIRECTLY UNDER CHIEF BUILDING OFFICIAL (CBO), DAVID MOLNAR. - RECEIVED & FILED
274. MAYOR BERNABEI: AUTHORIZE RE-APPT OF MS. AMY SHRIVER TO STARK REG PLANNING COMM FOR 3-YR TERM COMMENCING 8/8/16 TO 7/31/19. - PERSONNEL
275. PARKS AND REC DIR GORDON: AUTHORIZE SERV DIR AND/OR PARKS & REC DIR TO INITIATE PUBLIC BID FOR LEASE OF 1,872 SQ FT OF SPACE IN EDWARD "PEEL" COLEMAN COMMUNITY CENTER; REQ TO BID PARCEL TO SEEK NON-PROFIT ORG INTERESTED IN PROVIDING EDUCATIONAL SERVS IN CITY. - PARKS & RECREATION COMMITTEE
276. SAFETY DIRECTOR PERRY: REQ RECEIPT OF 2016-2017 EMS GRANT FOR TRAINING AND EQUIP IN AMT OF \$2,750.00 FR OHIO DEPT. OF PUBLIC SAFETY, DIVISION OF EMS; AMEND APPROP O#44/2016 (\$2,750.00 SUPP APPROP FR UNAPPROP BAL OF FUND #2812 EMS TRAINING AND EQUIP GRANT TO 2812.103001.734.17 FIRE DEPARTMENT - SUPPLIES EQUIPMENT). - FINANCE COMMITTEE
277. SAFETY DIRECTOR PERRY: AMEND O#44/2016 (\$200,000.00 SUPP APPROP FR UNAPPROP BAL OF FUND #2773 2015 COPS HIRING GRANT TO 2773.102001 POLICE DEPARTMENT - OTHER) (PAYROLL AND OTHER OBLIGATIONS FOR REMAINDER OF YR). - FINANCE COMMITTEE
278. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO CONTRACT FOR PURCH OF ONE (1) EXTENDED BED PICKUP TRUCK FOR SANITATION DEPT; ALTERNATIVELY AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT FOR PURCH DESCRIBED IN #1, VIA ANY COOP PURCH AGMT AUTHORIZED BY LAW; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
279. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO TRANSFER USE OF UNIT #5507, A USED PICKUP TRUCK NO LONGER NEEDED BY SANITATION DEPT TO CITY HEALTH DEPT; AUTHORIZE CANTON HEALTH DEPT TO REIMBURSE SANITATION DEPT FOR USE OF UNIT #5507 BY PAYING AMT NOT TO EXCEED \$20,062.87 TO 5601 REFUSE FUND FR 4501 301001 HEALTH ADMIN - OTHER; AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
280. TREASURER, PEREZ: RPT OF PARKING METER REVENUE FOR MAY 2016. - RECEIVED & FILED
281. TREASURER, PEREZ: RPT OF DEPOSITS AND PAY INS FOR AMBULANCE LOCK BOX FOR MAY 2016. - RECEIVED & FILED
282. TREASURER PEREZ: RPT OF PARKING METER REVENUE FOR JUNE 2016. - RECEIVED & FILED
283. TREASURER PEREZ: RPT OF DEPOSITS AND PAY INS FOR AMBULANCE LOCK BOX FOR JUNE 2016. - RECEIVED & FILED
284. TREASURER PEREZ: RPT OF BANK RECONCILIATIONS AND OUTSTANDING INVESTMENTS AS OF JULY 15, 2016. - RECEIVED & FILED
285. TREASURER PEREZ: RPT OF BANK RECONCILIATIONS AND OUTSTANDING INVESTMENTS AS OF JULY 15, 2016 INCLUDING PORTFOLIO INVENTORY FOR CUSTODY ACCT MANAGED BY UACC. - RECEIVED & FILED

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

- 1<sup>ST</sup> RDG 1. AMEND EXHIBIT A TO O#40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR THE BARGAINING UNIT PERSONNEL EMPLOYED BY THE CITY OF CANTON; EMERGENCY (DEPT 10WT - SERVICE DIRECTOR'S PUBLIC WORKS - WATER, CONSTR, REPAIR, MAINT, SUPPLY & TREATMENT DIVISION; ALLOW UP TO FOUR (4) TOTAL EMPLOYEES IN ANY COMBINATION - ENG. TECH 4, ENG. TECH 1, ENG. AIDE 3; REMOVE CLASSIFICATION OF DRAFTSPERSON)  
Referred to Personnel Committee
- 1<sup>ST</sup> RDG 2. AMEND APPROP O#44/2016; EMERGENCY (\$17,200,000.00 SUPP APPROP FR UNAPPROP BAL OF 7502 PAYROLL CLEARING FUND TO 7502 801001 PAYROLL CLEARING FUND - OTHER)  
Referred to Finance and Personnel Committees

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

- 1<sup>ST</sup> RDG 3. AMEND APPROP O#44/2016; EMERGENCY (\$900,000.00 SUPP APPROP FR UNAPPROP BAL OF 1152 NIP ACQUISITION DEMO DEBT FUND TO 1152 506001 - OTHER)  
Referred to Community & Economic Development and Finance Committees
- 1<sup>ST</sup> RDG 4. AUTHORIZE MAYOR, SERV DIR OR PARKS & REC DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE CONSTRUCTION CONTRACT FOR JOHN BAKER SPRING HOUSE REDEVELOPMENT PROJ; EMERGENCY  
Referred to Finance and Parks & Recreation Committees

***(COUNCIL RECESSED AT 7:45 PM FOR THE COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES TO DISCUSS ORDINANCE #5; RECONVENED AT 8:04 PM)***

- 126/2016 5. ALLOW EXPENDITURES OF FEDERAL FUNDS UP TO \$70,000.00 TO BE SPENT ON HOME REHAB PROJ AT 1222 MARYLAND AVE SW AND \$71,500.00 TO BE SPENT ON HOME REHAB PROJ AT 1312 COTTAGE PLACE NW; AUTHORIZE CITY AUDITOR TO PAY MORAL OB IN TOTAL AMT NOT TO EXCEED \$11,500.00 TO D&H WAY CONSTRUCTION; EMERGENCY  
Referred to Community & Economic Development and Finance Committees

***(COUNCIL RECESSED AT 8:04 PM FOR THE FINANCE COMMITTEE TO DISCUSS ORDINANCE #6; RECONVENED AT 8:07 PM)***

- 127/2016 6. AUTHORIZE CITY AUDITOR TO PAY MORAL OB IN AMT NOT TO EXCEED \$45,000.00 TO CENTRAL ALLIED ENTERPRISES, INC; AMEND APPROP O#44/2016; EMERGENCY (\$45,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207022 DISTRIBUTION MAINTENANCE - OTHER)  
Referred to Finance Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**  
**(SUSPENDED RULE 22A TO ADD 2<sup>ND</sup> RDG O#7 - O#13)**

- 2<sup>ND</sup> RDG 7. AMEND PART THREE, TRAFFIC CODE, OF CODIFIED ORDINANCES OF CITY OF CANTON BY AMENDMENT OF CHAPTER 361, PARKING INFRACTIONS (JUD)
- 2<sup>ND</sup> RDG 8. APPROVE STATEMENT OF SRVS TO BE PROVIDED TO PROP OWNER IN TAMSAL-FULTON-BLAKE ANNEXATION AREA, THE APPROX DATE SRVS WILL BE PROVIDED, PROCEDURE TO RECONCILE INCOMPATIBLE ZONING USED UPON ITS BEING ANNEXED TO CITY OF CANTON; EMERGENCY (ANNEX)
- 2<sup>ND</sup> RDG 9. AUTHORIZE MAYOR TO ENTER INTO AGMT WITH STATE OF OHIO DEPT OF REHAB & CORRECTION FOR RECEIPT OF FY 2017 COMMUNITY CORRECTIONS ACT GRANT IN AMT NOT TO EXCEED \$170,601.00; EMERGENCY (FIN)
- 2<sup>ND</sup> RDG 10. AMEND APPROP O#44/2016; EMERGENCY (\$11,525.00 APPROP TRF FR 2767 701001 JAIL DIVERSION/MISDEMEANANT GRANT FUND - PERSONNEL TO 2767 701001 JAIL DIVERSION/MISDEMEANANT GRANT FUND - OTHER) (FIN)
- 2<sup>ND</sup> RDG 11. ADOPT CITY OF CANTON'S ALTERNATIVE TAX BUDGET FOR FISCAL YR ENDING 12/31/17; EMERGENCY (FIN)
- 2<sup>ND</sup> RDG 12. AMEND APPROP O#44/2016; EMERGENCY (\$100,000.00 SUPP APPROP FR UNAPPROP BAL OF 2412 CANTON DRUG FREE FUND TO 2412 102090 DRUG FREE FUND - OTHER) (FIN)
- 2<sup>ND</sup> RDG 13. AMEND PART ELEVEN, PLANNING AND ZONING CODE, OF CODIFIED ORDINANCES OF CITY OF CANTON BY ADOPTION OF NEW CHAPTER 1158, HALL OF FAME VILLAGE DISTRICT, EMERGENCY (JUD)

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

14. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO CONTRACT FOR PURCHASE OF REAL PROP FR STARK READY MIX & SUPPLY IN AMT NOT TO EXCEED \$182,500.00; AMEND APPROP O#44/2016; EMERGENCY (\$182,500.00 APPROP TRF FR 4501 202042 FULTON ROAD RESURFACING PROJ, GP1184 - OTHER TO 4501 202045 PIONEER TRAIL PROJ, GP1204 - OTHER)
- 128/2016 15. AUTHORIZE MAYOR OR SERV DIR TO AMEND GEORGETOWN RD COOP ECONOMIC DEVELOPMENT AGMT TO INCLUDE 1400 GRACE AVE ANNEXATION AREA; EMERGENCY
- 129/2016 16. AUTHORIZE MAYOR OR SERV DIR TO AMEND GEORGETOWN RD COOP ECONOMIC DEVELOPMENT AGMT TO INCLUDE TRUMP SCHOOL ANNEXATION AREA; EMERGENCY
- 130/2016 17. AUTHORIZE MAYOR OR SERV DIR TO AMEND I-77 FAIRCREST COOP ECONOMIC DEVELOPMENT AGMT TO INCLUDE PILOT ANNEXATION AREA; EMERGENCY

**AMENDED AS**

- 131/2016 18. AUTHORIZE MAYOR OR SERV DIR TO AMEND PREVIOUS AND/OR ENTER INTO NEW AGMT(S) WITH AND SECURE RIGHT-OF-WAY FR MRTA RELATED TO ENCROACHMENTS ONTO MRTA PROP BY WEST BRANCH TRAIL AND UPCOMING 12<sup>TH</sup> ST NW BRIDGE REPLACEMENT AND STREETSCAPE PROJECT, GP 1160; AUTHORIZE CITY AUDITOR TO PAY MORAL OB IN AMT NOT TO EXCEED \$2,918.76 TO MRTA; EMERGENCY (AKRON METRO)

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

- 132/2016** 19. AUTHORIZE MAYOR OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO CONTRACT FOR PURCHASE OF ONE (1) FORD F-250 PICKUP TRUCK AND ONE (1) GMC SAVANA CARGO VAN; OR TO ALTERNATIVELY PURCHASE VEHICLES PURSUANT TO STATE COOP PURCH AGMTS; EMERGENCY

**ANNOUNCEMENT OF COMMITTEE MEETINGS:****MONDAY, August 8, 2016 in Council Caucus Room at 6:30 PM**

- 1) Finance Committee
- 2) Personnel Committee
- 3) Community & Economic Development Committee
- 4) Parks & Recreation Committee

**MISCELLANEOUS BUSINESS:** Safety Dir. Perry announced that there will be a forum on Community & Police Relations on July 28, 2016 from 6:00 - 8:00 at the Canton Civic Center, in the McKinley Room. She extended the invitation to Council and the community. She named the various topics that will be discussed and also named the sponsors of the event. Member West thanked Linda Campbell for coming to Council and sharing her concerns about her neighborhood. He also asked the Service Dir. to look into the water main break that Ms. Campbell mentioned on 1000 Gibbs. Member Fisher talked about a discussion that he and various Council Members and City Administrators had with the EPA in regards to the asbestos remediation, which we're continued to be required to carry out on residential demos. He has been contending for years that the Federal Register does not require that. The EPA Regulation in 40 CFR, 61, Subpart M specifically says that "an entire city should not be considered a job site", "a neighborhood within the city should not be a job site." He said that he's heard the term "Urban Renewal Project" but when he asked for a definition of it, he was told that there isn't really a definition for it. He was also told that since we plan ahead before tearing down a house, the residential exemption doesn't apply. Since he has been a part of Council, there has been at least \$2 million spent following a regulation that neither he, our Congressman or our Senator's office can find in the Federal Code. They have asked the EPA to send a letter to the Federal EPA asking for guidance to define what an Urban Renewal Project is. He contends that although the city is following the HUD guidelines, he believes that we, along with other cities, are being forced to spend money following a regulation that is not on the books. He thanked the Chairman, Member Hawk and members of the administration for sitting in and helping out. Service Director Bartos informed Member West that he had already sent the water main issue to Superintendent Converse. He also advised the audience and anyone in general that if they see a main break or anything that doesn't look right, to contact the Water Department. He gave the 24-hour service line phone number of 330-489-3315. The phone operates 24 hours a day, 7 days a week. He stated that the Dispatch Office could be called because they dispatch for the Water Department at night.

**ADJOURNMENT:** 8:21 PM

**NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, AUGUST 8, 2016 @ 7:30 PM**