

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

CANTON CITY COUNCIL

AUGUST 8, 2016

ROLL CALL: All Members Present

MOTION TO EXCUSE MEMBERS: President Schulman Absent

INVOCATION: William Smuckler, At-Large Council Member

PLEDGE OF ALLEGIANCE: President Pro Tem Smuckler

PRAYER IN MEMORY OF LEE COTE

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 1st Rdg O#7; 2nd Rdg O#8 - O#11; O#7 Adopted on 1st Reading; O#10 & O#11 Adopted on 2nd Rdg; O#12 Adopted as Amended; O#18 Postponed to August 22, 2016)

PUBLIC HEARINGS: None

OLD BUSINESS (PUBLIC SPEAKS): None

PUBLIC SPEAKS (CITY BUSINESS): Jonathan Bailey asked if the Law Department checked on his vender's license questions. He believes the vender's license requirement should be for each vehicle, not each person. He also asked why the police department is not getting the people who are stealing from the scrap metal yards. Dan Moeglin is saddened by the passing of Lee Cote. He said Lee challenged us all to do better. He talked about AEP's quarterly magazine and how they have improved energy efficiency and maintenance costs. He announced that on Wednesday the pilot project for the Meter Feeder will start. The first hour will cost \$1.08, and the second hour will cost \$.78, for a total of \$1.86 for two hours. The fee can be charged to customers so it does not cost the city anything. He thanked all the people who helped out on the project. Pete DiGiacomo spoke about the free concert last Thursday at the Kresge lot. A group called Tripper was there, and he said they were really good. This Thursday a group is going to be there playing music from the 60's and 70's. He encouraged everyone to attend. Brenda Baylor spoke about restrictions in Georgeview Estates. She said that an association was formed to monitor these restrictions, but is asking for clarification as far as the city's involvement. She gave an example of a resident who wants to build a shed on his property against the restrictions. She spoke with Darla in Zoning who said that there is nothing on record with the city, and she should hire an attorney. As a long time resident and taxpayer, she feels these restrictions should be on record with the city and followed. She said she is still waiting to hear from the Law Department. Law Director Martuccio said he will see that Tom Burns returns her call. Member Smuckler confirmed this, and said she will hear from Mr. Burns this week. Lois Jacobson spoke about Dialogues on Diversity. During their past meetings this year several county leaders shared their programs in diversity. She invited Council to attend the next meeting which is August 24, 2016 at 2:00 PM at the Stark Community Foundation. She feels it is important to have Council's input.

INFORMAL RESOLUTIONS:

54. COUNCIL-AS-A-WHOLE: COMMENDING MINISTER JOHN B. WRIGHT, JR. FOR INSPIRING PEOPLE WITH HIS MUSICAL TALENT. - ADOPTED
55. PERSONNEL COMMITTEE: CONFIRMING RE-APPT OF AMY SHRIVER TO STARK REGIONAL PLANNING COMMISSION FOR 3-YR TERM COMMENCING 8/8/16 TO 7/31/19. - ADOPTED

COMMUNICATIONS:

286. AGENT FOR PETITIONER, SLIMAN: ANNEX PETITION DOCUMENTS FILED WITH STARK COUNTY COMMISSIONERS ON 7/27/16 IN THE 1400 GRACE AVE ANNEX. - RECEIVED & FILED
287. AGENT FOR PETITIONER, SLIMAN: ANNEX PETITION DOCUMENTS FILED WITH STARK COUNTY COMMISSIONERS ON 8/3/16 IN THE TRUMP SCHOOL ANNEX. - RECEIVED & FILED
288. ANNEXATION CHAIRMAN WEST: REQ LEGISLATION FOR STATEMENT OF SRVS FOR BARICH-MARKET AVE N ANNEX CONSISTING OF APPROX 0.703 ACRES IN PLAIN TWP. - ANNEXATION COMMITTEE
289. AUDITOR MALLONN: REQ FOR ADDT'L AMENDED CERTIFICATE DATED 7/29/16. - RECEIVED & FILED
290. DEPUTY MAYOR WILLIAMS: REQ CREATION OF POSITION OF DIRECTOR OF PLANNING AS CABINET-LEVEL POSITION IN MAYOR'S OFFICE. - PERSONNEL COMMITTEE
291. FINANCE DIRECTOR CROUSE: AUTHORIZE AND DIRECT AUDITOR TO PAY MORAL OB IN AMT NOT TO EXCEED \$148,215.00 TO BROWNFIELD RESTORATION GROUP FOR PHASE 2 ENVIRONMENTAL ASSESSMENT WORK PERFORMED AT FORMER WEBER DENTAL FACILITY, 2206 13TH ST NE; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE COMMITTEE
292. FINANCE DIRECTOR CROUSE: REQ \$2,000,000.00 SUPP APPROP FR UNAPPROP BAL 1155 NIP ACQ DEMO DEBT FUND TO 1155 506001 NIP ACQ DEMO DEBT FUND - OTHER FOR PARTICIPATION IN OH HOUSING FINANCE AGENCY'S NEIGHBORHOOD INITIATIVE PROGRAM (NIP2) DEMO PROGRAM. - FINANCE AND COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEES
293. LIQUOR CONTROL DIVISION (OHIO): REQ NEW C1, C2 LIQ PERMIT FOR KARUM GAS LLC, DBA BP GAS STATION, 1200 N MARKET AVE. - RECEIVED & FILED
294. LIQUOR CONTROL DIVISION (OHIO): REQ NEW C1, C2 LIQ PERMIT FOR EAST SIDE POP & DRIVE THRU, INC., GROUND & 1ST FL & DRIVE THRU, 2401 E TUSC ST. - RECEIVED & FILED

COMMUNICATIONS CONTINUED:

295. SERVICE DIRECTOR BARTOS: AUTHORIZE MAYOR AND/OR SERV DIR TO EXECUTE PROF SRVS CONTRACT WITH BENNETT AND WILLIAMS ENVIRONMENTAL CONSULTANTS, INC FOR DESIGN AND CONSTRUCTION OVERSIGHT FOR INSTALLATION OF GROUNDWATER MONITORING WELLS; REQ \$54,000.00 SUPP APPROP FR UNAPPROP BAL OF 5201 WATER FUND TO 5201 207010 WATER PUMPING AND FILTRATION - OTHER; AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE COMMITTEES
296. SERVICE DIRECTOR BARTOS: AMEND CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL BY REMOVING DOWNTOWN SERVICE SPECIALIST CLASSIFICATION FR SERV DIR'S DIVISION OF PUBLIC WORKS (STREET DEPT). - PERSONNEL COMMITTEE
297. SERVICE DIRECTOR BARTOS: AUTHORIZE CLERK OF COUNCIL TO CERTIFY ATTACHED LIST OF DELINQUENT CHARGES FOR WATER AND SEWER SRVS TO STARK COUNTY AUDITOR, TO BE ENTERED UPON TAX DUPLICATE AS LIEN UPON SUCH LAND FR DATE OF ENTRY TO BE COLLECTED AS OTHER TAXES AND ASSESSMENTS. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. AUTHORIZE MAYOR TO ENTER INTO AGMT WITH STATE OF OHIO, DEPT OF MENTAL HEALTH & ADDICTION SRVS FOR RECEIPT OF FY 2017 SPECIALIZED DOCKET SUBSIDY GRANT IN AMT OF \$42,700.70; AMEND APPROP O#44/2016; EMERGENCY (\$42,700.70 SUPP APPROP FR UNAPPROP BAL OF 2797 SPECIALIZED DOCKET GRANT FUND TO 2797 701001 SPECIALIZED DOCKET GRANT - PERSONNEL)
Referred to Finance Committee
- 1ST RDG 2. AUTHORIZE SERV DIR AND PARKS & REC DIR TO INITIATE PUBLIC BID FOR LEASE OF 1,872 SQ FT OF SPACE IN EDWARD "PEEL" COLEMAN COMMUNITY CTR; EMERGENCY
Referred to Parks & Recreation Committee
- 1ST RDG 3. AUTHORIZE SAFETY DIR TO ACCEPT REIMBURSEMENT GRANT FR OH DEPT OF PUBLIC SAFETY IN AMT NOT TO EXCEED \$2,750.00; AMEND APPROP O#44/2016; EMERGENCY (\$2,750.00 SUPP APPROP FR UNAPPROP BAL OF 2812 EMS TRAINING & EQUIP GRANT FUND TO 2812 103001.734.17 FIRE DEPT - SUPPLIES EQUIP - OTHER)
Referred to Finance Committee
- 1ST RDG 4. AMEND APPROP O#44/2016; EMERGENCY (\$200,000.00 SUPP APPROP FR UNAPPROP BAL OF 2773 2015 COPS HIRING GRANT FUND TO 2773 102001 POLICE DEPT - OTHER)
Referred to Finance Committee
- 1ST RDG 5. AUTHORIZE MAYOR OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD, ENTER INTO CONTRACT FOR PURCHASE OF (1) EXTENDED BED PICKUP TRUCK; OR TO ALTERNATIVELY PURCHASE SAID VEHICLE PURSUANT TO ANY COOP PURCHASING AGMTS AUTHORIZED BY LAW; EMERGENCY (SANITATION DEPT)
Referred to Public Property Capital Improvement Committee
- 1ST RDG 6. AUTHORIZE MAYOR OR SERV DIR TO TRF USE OF UNIT #5507, USED PICKUP TRUCK NO LONGER NEEDED BY SANITATION DEPT, TO CANTON CITY HEALTH DEPT; AUTHORIZE REIMBURSEMENT FOR SAID VEHICLE IN AMT NOT TO EXCEED \$20,062.87; EMERGENCY
Referred to Public Property Capital Improvement Committee

(COUNCIL RECESSED AT 8:01 PM FOR THE FINANCE AND COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEES TO DISCUSS ORDINANCE #7; RECONVENED AT 8:06 PM.)

- 133/2016 7. AMEND APPROP O#44/2016; EMERGENCY (\$144,400.00 SUPP APPROP FR UNAPPROP BAL OF 5701 BUILDING CODE FUND TO 5701 101501 CODE ENFORCEMENT - PERSONNEL FOR \$93,900.00, 5701 307001 ENVIRONMENTAL HEALTH - PERSONNEL FOR \$20,000.00 & 5701 101501 CODE ENFORCEMENT - OTHER FOR \$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 FR 1001 101501 CODE ENFORCEMENT - OTHER FOR \$150,000.00 & 1001 201201 PURCHASING ADMIN - PERSONNEL FOR \$13,000.00 TO 1001 102001 POLICE DEPT - OTHER FOR \$25,000.00, 1001 753020 LAW - NON-OPERATIONAL - OTHER FOR \$125,000.00 & 1001 201201 PURCHASING ADMIN - OTHER FOR \$13,000.00)
Referred to Finance and Public Property Capital Improvement Committees

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:

(SUSPENDED RULE 22A TO ADD 2ND RDG O#8 - O#11)

- 2ND RDG 8. 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) (PERS)

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:

- 2ND RDG 9. 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) (FIN & PERS)
- 134/2016 10. 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) (C&ED & FIN)
- 135/2016 11. AUTHORIZE MAYOR, SERV DIR OR PARKS & REC DIR TO ADVERTISE, RECEIVE BIDS, AWARD AND EXECUTE CONSTRUCTION CONTRACT FOR JOHN BARKER SPRING HOUSE REDEVELOPMENT PROJ; EMERGENCY (FIN & PARKS & REC)

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

- 136/2016 12. AMEND PART THREE, TRAFFIC CODE, OF CODIFIED ORDINANCES OF CITY OF CANTON BY AMENDMENT OF CHAPTER 361, PARKING INFRACTIONS (JUD)
- 137/2016 13. 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)
- 138/2016 14. 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)
- 139/2016 15. 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)
- 140/2016 16. ADOPT CITY OF CANTON'S ALTERNATIVE TAX BUDGET FOR FISCAL YR ENDING 12/31/17; EMERGENCY (FIN)
- 141/2016 17. 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)

POSTPONED TO 8/22/16

- _____ 18. 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)

ANNOUNCEMENT OF COMMITTEE MEETINGS:**MONDAY, August 22, 2016 in Council Caucus Room at 6:00 PM**

- 1) Finance Committee
- 2) Public Property Capital Improvement Committee
- 3) Parks & Recreation Committee

State of Fire Department Presentation
NIP (Neighborhood Initiative Program) Presentation

MISCELLANEOUS BUSINESS: Member Fisher announced that he and his family bought a home on Colonial Boulevard and will be moving from Ward 5 in the next few weeks. On August 23, 2016 he will officially resign as Ward 5 Council Member. He that the rumors that he is going to run for Treasurer, Ward 9 Council spot, Council-at-Large, or President of Council are not true. He said it's been a pleasure to serve on Council. Member Morris mentioned that the pot holes have been filled on Colonial Boulevard, and teased Member Fisher about his cat and kicking off a trap, neuter, release program. Member Smuckler thanked Member Fisher for his years of service. Member West said that he attended several Hall of Fame events, and everyone did a spectacular job. Safety Director Perry thanked the safety forces and service workers for a great job during the Hall of Fame. Law Director Martuccio offered his condolences to everyone on Lee Cote's passing. He said that Superintendent Dan Moeglin saved the city a lot of money, which is an honor. He told Mr. Bailey that he has spoken with the Zoning Department, and they will look more closely at the ordinance regarding vender's licenses. He told Ms. Baylor that the city can enforce laws under the Codified Ordinances. They can regulate the size and set back of storage sheds, but cannot ban them. He also mentioned that the city cannot enforce personnel deed restrictions. It's up to the Homeowners Association to discuss and decide whether to sue, but he will take a closer look. He invited everyone to come to the Palace Theater this Saturday to see many local attorneys perform in a play about a civil war trial. All proceeds will go to the Palace Theater. Service Director Bartos gave a special thanks to all safety and services forces for their work during the Hall of Fame, and particularly thanked Jim DiMarzio for his assistance with a sewer backup. Member West inquired about the money spent for services at the Hall of Fame. Service Director Bartos said they do keep track of that every year, and he can present that figure to Council. Member Smuckler thanked all those who come to Council meetings, and assured them that they are appreciated and recognized. He thanked them for trying to make a difference. He spoke about how difficult it must have been to face all those people at the Hall of Fame game and tell them their money is being refunded, there will be no game. He said, however, if you saw what it looks like, the field, the goal posts, you will see it is becoming a Hall of Fame Village to be proud of. He feels that David Baker has done an excellent job.

ADJOURNMENT: 8:43 PM

NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, AUGUST 22, 2016 @ 7:30 PM