

FINAL
A G E N D A
7:30 PM

CANTON CITY COUNCIL

OCTOBER 31, 2016

ROLL CALL: All Members Present

MOTION TO EXCUSE MEMBERS: Not Necessary

INVOCATION: Robert Fisher, Ward 5 Council Member

PLEDGE OF ALLEGIANCE: President Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 1st Rdg O#5 and O#6; 2nd Rdg O#8 - O#20; O#7 Retained in Committee; O#5 and O#6 Adopted on 1st Rdg; O#18 Adopted as Amended on 2nd Rdg; O#19 & O#20 Adopted on 2nd Rdg)

PUBLIC HEARINGS:

7:30 P.M. AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; EMERGENCY (PARCEL NO. 245571 LOCATED AT 1811 20TH ST NE FROM R-2 (TWO FAMILY RESIDENTIAL) AND B-1 (OFFICE BUSINESS) TO PI-1 (PLANNED LIGHT INDUSTRIAL) FOR SCOTT AND CHRISTIE BOSWELL IN WARD 9. PLANNING COMMISSION RECOMMENDED APPROVAL)
(NO SPEAKERS) **O#201/2016**

7:31 P.M. AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; EMERGENCY (APPROXIMATELY 74.2 ACRES WITHIN THE BOUNDARIES OF FULTON RD NW TO THE NORTH, HELEN ST NW TO THE SOUTH, INTERSTATE 77 TO THE EAST, AND THE CITY CORP LINE TO THE WEST FROM CS (COMMUNITY SERVICE) & OS (OPEN SPACE) TO HOFV (HALL OF FAME VILLAGE) FOR THE HALL OF FAME VILLAGE DISTRICT IN WARD 7. PLANNING COMMISSION RECOMMENDED APPROVAL)
(NO SPEAKERS) **O#202/2016**

7:32 P.M. AN ORDINANCE DECLARING A DESIGNATED AREA OF CITY OF CANTON AS A TOURISM DEVELOPMENT DISTRICT FOR THE PURPOSE OF FOSTERING AND DEVELOPING TOURISM IN THAT DISTRICT; PURSUANT TO OHIO REVISED CODE SECTION 715.014; EMERGENCY (NO SPEAKERS) **SEE O#7**

OLD BUSINESS (PUBLIC SPEAKS): None

PUBLIC SPEAKS (CITY BUSINESS): None

INFORMAL RESOLUTIONS:

63. COUNCIL-AS-A-WHOLE: STRONGLY OPPOSING THE ACQUISITION OF TIME WARNER CABLE BY AT&T FOR \$85,000,000,000. - ADOPTED

COMMUNICATIONS:

400. COUNCILMAN SMUCKLER: REQ LEGISLATION TO RAISE ADMINISTRATIVE FEES OF MOWING LAWNS ON VACANT PROPERTIES AND LOTS FROM \$100 TO \$200 PER MOW. - FINANCE COMMITTEE
401. DEPUTY MAYOR WILLIAMS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO TIF AGMT WITH BROADVIEW DEVELOPMENT LLC TO PROVIDE REAL ESTATE TAX EXEMPTION AND TO AUTHORIZE THE AUDITOR TO MAKE PAYMENTS TO CANTON CITY SCHOOL DISTRICT AS REQUIRED PURSUANT TO ORC SEC 5709.82(C) (HERCULES). - FINANCE COMMITTEE
402. DEVELOPMENT DIR MILLER: AUTHORIZE ISSUE OF REQUESTS FOR PROPOSALS FOR PROP MGMT OF RENTAL UNITS, ENTER INTO CONTRACT UPON SELECTION OF QUALIFIED ENTITY; AUTHORIZE SALE OF PROP ELIGIBLE TO BE SOLD THRU ORC 721.28 UNDER COUNCIL'S URBAN RENEWAL AND DEVELOPMENT AUTHORITY. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
403. FINANCE DIR CROUSE: AMEND APPROP O#44/2016 (\$72,558.77 APPROP TRF FR 1001 101501 CODE ENFORCEMENT - OTHER-\$70,000, 1001 102080 POLICE TRAFFIC - PERSONNEL-\$2,558.77 TO 1001 501101 HUMAN RESOURCES - PERSONNEL-\$10,000, 1001 852001 TREASURER - PERSONNEL-\$20,000, 1001 102001 POLICE ADMIN - OTHER-\$40,000, 1001 102090 POLICE CRIME LAB - PERSONNEL-\$2,558.77). - FINANCE COMMITTEE
404. LIQUOR CONTROL DIV (OHIO): REQ TRF C1, C2 PERMIT FR SUNNYS DRIVE THRU LLC TO SHAKHTRA HAYAKAYED LOCATED @ 1901 HARRISBURG RD NE (WARD 9). - RECEIVED & FILED
405. MAYOR BERNABEI: REQ AUTHORIZATION TO PAY \$6,500.00 STIPEND PER YR TO DIRECTOR OF HUMAN RESOURCES DURING TIME THAT SHE SERVES AS BOTH HEALTHCARE COORDINATOR AND HUMAN RESOURCES DIRECTOR (AMY SLATER). - FINANCE & PERSONNEL COMMITTEES
406. MAYOR BERNABEI: REQ AUTHORIZATION TO RE-APPT SUSAN ROSS TO CITY BD OF ZONING APPEALS COMMENCING 1/1/17 TO 12/31/19. - PERSONNEL COMMITTEE

COMMUNICATIONS CONTINUED:

407. SERVICE DIR BARTOS: AUTHORIZE AUDITOR TO PAY ONE OR MORE MORAL OBS RELATED TO MAHONING RD NE CORRIDOR PROJ, GP 1103 TO WENGER EXCAVATING, INC. FOR AMT NOT TO EXCEED \$280,000; AUTHORIZE AUDITOR TO PAY ONE OR MORE MORAL OBS RELATED TO 12TH ST N CORRIDOR PROJ, GP 1098, TO CENTRAL ALLIED ENTERPRISES, INC FOR AMT NOT TO EXCEED \$215,000; REQ \$115,649 SUPP APPROP FR UNAPPROP BAL OF 2113 MUNICIPAL ROAD FUND TO 2113 MUNICIPAL ROAD FUND - OTHER, \$146,691 SUPP APPROP FR UNAPPROP BAL OF 4506 INFRASTRUCTURE BOND FUND TO 4506 INFRASTRUCTURE BOND FUND - OTHER. - FINANCE AND PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. PROVIDE FOR ISSUANCE AND SALE OF REVENUE BOND ANTICIPATION NOTES IN MAXIMUM AGGREGATE PRINCIPAL AMT NOT TO EXCEED \$2,000,000.00 TO PROVIDE FUNDS FOR LOAN FOR ECONOMIC DEVELOPMENT IN CITY; AUTHORIZE RELATED MATTERS; EMERGENCY (HISTORIC HERCULES)
Referred to Finance Committee
- 1ST RDG 2. AMEND APPROP O#44/2016; EMERGENCY (\$20,000.00 SUPP APPROP FR UNAPPROP BAL OF 2316 WIC SUPPLEMENTAL HEALTH FUND TO 2316 301001 WIC SUPPLEMENTAL HEALTH - 700 OTHER)
Referred to Finance Committee
- 1ST RDG 3. AMEND APPROP O#44/2016; EMERGENCY (\$1,129,322.00 SUPP APPROP FR UNAPPROP BAL OF 2314 FAMILY HEALTH FUND TO 2314 301001 FAMILY HEALTH - 700 OTHER)
Referred to Finance Committee
- 1ST RDG 4. APPROVE STATEMENT OF SERVICES TO BE PROVIDED TO PROP OWNER IN HOF VILLAGE #2 ANNEX AREA, APPROX DATE SERVICES WILL BE PROVIDED, PROCEDURE TO RECONCILE INCOMPATIBLE ZONING USES UPON BEING ANNEXED TO CITY OF CANTON, OH; EMERGENCY
Referred to Annexation Committee

(COUNCIL RECESSED AT 7:42 P.M. FOR THE FINANCE COMMITTEE TO DISCUSS ORDINANCES #5 AND #6; RECONVENED AT 7:44 P.M.)

- 196/2016 5. AMEND APPROP O#44/2016; EMERGENCY (\$33,500.00 APPROP TRF FR 1001 103001 GENERAL FUND - PERSONNEL TO 1001 103001 GENERAL FUND - OTHER)
Referred to Finance Committee
- 197/2016 6. AMEND APPROP O#44/2016; EMERGENCY (\$26,000.00 SUPP APPROP FR UNAPPROP BAL OF 2328 PUBLIC HEALTH INFRASTRUCTURE FUND TO 2328 301001 PUBLIC HEALTH INFRASTRUCTURE - 700 OTHER)
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:

(SUSPENDED RULE 22A TO ADD 2ND RDG O#8 - O#20; O#7 RETAINED IN COMMITTEE; O#18 ADOPTED AS AMENDED ON 2ND RDG; O#19 & O#20 ADOPTED ON 2ND RDG)

RETAINED IN COMMITTEE

7. DECLARE DESIGNATED AREA OF CITY OF CANTON AS TOURISM DEVELOPMENT DISTRICT FOR PURPOSE OF FOSTERING AND DEVELOPING TOURISM IN THAT DISTRICT; PURSUANT TO ORC SEC 715.014; EMERGENCY **PUB HRGS 10/31/16 @ 7:32 P.M. & 11/7/16 @ 7:30 P.M.**
(C&ED)
- 2ND RDG 8. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO CONTRACTS WITH HABITAT FOR HUMANITY EAST CENTRAL OHIO IN AMT NOT TO EXCEED \$250,000.00 FOR CONSTRUCTION OF MINIMUM OF SIX SINGLE-FAMILY HOMES FOR LOW-TO-MODERATE INCOME FAMILIES FOR HOME PROG WITHIN CITY; EMERGENCY (C&ED & FIN)
- 2ND RDG 9. AUTHORIZE AUDITOR TO PAY MORAL OB IN AMT NOT TO EXCEED \$50,000.00 TO STARKMHAR (STARK MENTAL HEALTH AND ADDICTION RECOVERY) FOR CENTRALIZED INTAKE AND ASSESSMENT PROG; EMERGENCY (C&ED & FIN)
- 2ND RDG 10. AMEND APPROP O#44/2016; EMERGENCY (\$68.54 SUPP APPROP FR UNAPPROP BAL OF 2778 CANTON AUXILIARY POLICE FUND TO 2778 201001 POLICE ADMIN. - OTHER; \$3,000.00 APPROP TRF FR 1001 101501 - OTHER TO 1001 204010 - OTHER) (FIN)
- 2ND RDG 11. AMEND APPROP O#44/2016; EMERGENCY (\$29,000.00 APPROP TRF FR 5410 206005 SEWER FUND - PERSONNEL TO 5410 206001 SEWER FUND - PERSONNEL) (FIN)
- 2ND RDG 12. AUTHORIZE AUDITOR TO PAY MORAL OB IN AMT NOT TO EXCEED \$1,000.00 TO OHIO PEACE OFFICER TRAINING ACADEMY FOR FIREARMS INSTRUCTOR TRAINING; EMERGENCY (FIN)
- 2ND RDG 13. AUTHORIZE AUDITOR TO PAY MORAL OB IN AMT NOT TO EXCEED \$577.89 TO OHIO TREASURER OF STATE FOR VARIOUS CLASSES POLICE OFFICERS ATTENDED; EMERGENCY (FIN)
- 2ND RDG 14. AUTHORIZE SAF DIR TO RECEIVE 2016 COPS HIRING PROG GRANT IN ESTIMATED AMT OF \$1,125,000.00; EMERGENCY (FIN)

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING CONTINUED:

- 2ND RDG 15. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO ONE OR MORE PROF SERVS CONTRACTS FOR DESIGN, ENGINEERING, CONTRACT ADMIN, AND OTHER PROF SERVS; TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO ONE OR MORE CONTRACTS FOR SUBSEQUENT ROOF REPAIRS FOR VARIOUS BLDGS AT WATER RECLAMATION FACILITY; EMERGENCY (PPCI & FIN)
- 2ND RDG 16. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO SOLE SOURCE PURCH AGMT WITH CRAUN-LIEBING CO FOR PURCH OF ONE PUMPING STATION CONTROL PANEL; AMEND APPROP O#44/2016; EMERGENCY (\$50,000.00 SUPP APPROP FR UNAPPROP BAL OF 5410 SEWER FUND TO 5410 206006 COLLECTION SYSTEMS DEPARTMENT - OTHER) (PPCI & FIN)
- 2ND RDG 17. AUTHORIZE CLERK OF COUNCIL TO CERTIFY TO COUNTY AUDITOR A LIST OF UNPAID AND DELINQUENT CHARGES FOR SERVS PERFORMED BY AND/OR ON BEHALF OF CITY OF CANTON ENGINEERING DEPT, URBAN FORESTRY DIVISION; EMERGENCY (FIN)

AS AMENDED

- 198/2016 18. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO LOAN AGMT IN AMT NOT TO EXCEED \$2,000,000.00 WITH HISTORIC HERCULES, LLC TO PROVIDE GAP FINANCING TO HISTORIC HERCULES, LLC NKA BROADVIEW DEVELOP FOR PHASE ONE OF HERCULES REDEVELOP PROJ; AUTHORIZE AUDITOR TO CREATE 1156 HERCULES REDEVELOP PROJ FUND; AMEND APPROP O#44/2016; AMEND SEC 182.013(C) AND WAIVE SEC 1105.03(A) OF CODIFIED ORD; EMERGENCY (\$2,000,000.00 SUPP APPROP FR UNAPPROP BAL OF 1156 HERCULES REDEVELOPMENT PROJECT FUND TO 1156 501001 HERCULES REDEVELOPMENT PROJECT - OTHER) (FIN & JUD)
- 199/2016 19. AUTHORIZE MAYOR OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO ALL CONTRACTS NECESSARY TO PURCH SALT TRUCK FOR STREET DEPT; OR ALTERNATIVELY PURCH SAID VEHICLE PURSUANT TO ANY COOP PURCH AGMTS AUTHORIZED BY LAW; AMEND APPROP O#44/2016; EMERGENCY (\$38,335.00 SUPP APPROP FR UNAPPROP BAL OF 2111 STREET MAINTENANCE FUND TO 2111 202210 STREET MAINTENANCE - OTHER; \$33,750.00 APPROP TRF FR 2111 104010 TRAFFIC SIGN & PAINT - PERSONNEL, \$915.00 FR 2111 104020 TRAFFIC SIGNAL - OTHER, \$87,000.00 FR 2111 202210 STREET MAINTENANCE - PERSONNEL TO 2111 202210 STREET MAINTENANCE - OTHER - \$121,665.00) (PPCI & FIN)
- 200/2016 20. AUTHORIZE MAYOR OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD, AND EXECUTE CONSTRUCTION CONTRACT; ENTER INTO PROF SERVS CONTRACT FOR CONSTRUCTION ENGINEERING SERVS; ENTER INTO CONTRACT MOD NUMBER 4 WITH ARCADIS FOR SHOP DRAWING REVIEW AND OTHER CONSTRUCTION RELATED SERVS; AMEND ANY EXISTING AND/OR ENTER INTO ONE OR MORE NEW AGMTS WITH STARK CO REGARDING CONSTRUCTION AND FUTURE MAINTENANCE OF 12TH ST NW BRIDGE REPLACEMENT AND STREETScape PROJ, G.P. 1160; AUTHORIZE CITY TO ENTER INTO VARIOUS AGMTS WITH STARK CO AREA TRANSPORTATION STUDY, OH DEPT OF TRANSPORTATION, AND OHIO PUBLIC WORKS COMMISSION FOR AND TO RECEIVE GRANT FUNDS FOR PROJ; AUTHORIZE AUDITOR TO ESTABLISH AND CREATE 4581 12TH NW BRIDGE REPLACEMENT AND STREETScape PROJECT, G.P. 1160; AMEND APPROP O#44/2016; EMERGENCY (\$6,853,850.00 SUPP APPROP FR UNAPPROP BAL OF 4581 12TH ST NW BRIDGE REPLACEMENT AND STREETScape PROJECT, GP 1160 FUND TO 4581 202091 12TH ST NW BRIDGE REPLACEMENT AND STREETScape PROJECT, G.P. 1160 - OTHER; \$1,500,00.00 SUPP APPROP FR UNAPPROP BAL OF 4581 12TH ST NW BRIDGE REPLACEMENT AND STREETScape PROJECT, G.P. 1160 FUND TO 4581 202091 12TH ST NW BRIDGE REPLACEMENT AND STREETScape PROJECT, G.P. 1160 FUND - OTHER; \$273,297.00 SUPP APPROP FR UNAPPROP BAL OF 2113 MUNICIPAL ROAD FUND TO 2113 MUNICIPAL ROAD FUND - OTHER) (PPCI & FIN)

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

- 201/2016 21. AMEND O#55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; EMERGENCY (1811 20TH ST NE, BOSWELL) **PUB HRG 10/31/16 @ 7:30 PM**
- 202/2016 22. AMEND O#55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; EMERGENCY (CITY WIDE FOR HOF VILLAGE) **PUB HRG 10/31/16 @ 7:31 PM**
- 203/2016 23. ACCEPTING THE AMTS & RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR
- 204/2016 24. APPROVE STATEMENT OF SERVICES TO BE PROVIDED TO PROP OWNER IN 77 GULLIVERS - 2414 FAIRCREST ST SW ANNEX AREA, APPROX DATE SERVICES WILL BE PROVIDED, PROCEDURE TO RECONCILE INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO CITY OF CANTON, OH; EMERGENCY
- 205/2016 25. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO NEGOTIATIONS TO FORM JOINT ECONOMIC DEVELOPMENT DISTRICT AGMT IN SPECIFIC AREAS IN PARTNERSHIP WITH JACKSON TWP; EMERGENCY
- 206/2016 26. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO NEGOTIATIONS TO FORM JOINT ECONOMIC DEVELOPMENT DISTRICT AGMT IN SPECIFIC AREAS IN PARTNERSHIP WITH PERRY TWP; EMERGENCY
- 207/2016 27. AUTHORIZE MAYOR OR SERV DIR TO EXECUTE PROF SRVS CONTRACT WITH MICHAEL BAKER INTERNATIONAL FOR DESIGN AND RELATED ENGINEERING SRVS FOR BURNHAM HILLS SANITARY SEWER REPLACEMENT PROJ, GP 1220; AMEND APPROP O#44/2016; EMERGENCY (\$30,029.00 SUPP APPROP FR UNAPPROP BAL OF 5410 SANITARY SEWER FUND TO 5410 206318 BURNHAM HILLS SANITARY SEWER REPLACEMENT PROJ, GP 1220 - OTHER)

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

- 208/2016** 28. AUTHORIZE CLERK OF COUNCIL TO CERTIFY TO COUNTY AUDITOR A LIST OF UNPAID AND DELINQUENT CHARGES FOR SRVS PERFORMED BY AND/OR ON BEHALF OF CANTON STREET DEPT; EMERGENCY

ANNOUNCEMENT OF COMMITTEE MEETINGS:**MONDAY, November 7, 2016 in Council Caucus Room at 6:45 PM**

- 1) Finance Committee
- 2) Personnel Committee
- 3) Annexation Committee

MISCELLANEOUS BUSINESS: Member Smuckler asked when he could expect the first reading Ordinance on his communication regarding fees for grass cutting. Law Director Martuccio said it would be next week. Member Smuckler addressed Henry Preston's concern from last week's public speaks. He said it was erroneous about a gift to the Chamber of Commerce which was published in The Repository last week. He explained that City government is like an octopus with a lot of arms and tentacles that gets involved with areas of safety, health and other issues, however currently the City does not have an economic development department. As he sees it, the Chamber is our economic development department, and we must fend for permanent future revenue. He explained that he and other council members, such as Member Dougherty, are very police oriented, but the reality is any future revenue will be done on an economic development basis. He also explained that employees at the Chamber are hired annually, but Council doesn't get to vote on them until October. He believes we must count on the professionals for a helping hand. These are the reasons he voted for the money, and he will continue to support it. He again stressed this is no gift, it is for work being done, and the first time it is not done, he will scrutinize it and no longer vote for it. President Schulman agreed with Member Smuckler, and expressed again that he is sick of being starved for resources from the State. They are not only sitting on two billion dollars, but are giving us the resources rightfully deserved ten years ago. Nobody can grow and prosper under those conditions. He stated that the City is not squandering money, yet the State is doing nothing to help us. He believes that when we prosper, everyone prospers. Member Smith announced that she was recently voted President of the Jefferson Jackson Club. President Schulman congratulated her. Safety Director Perry reminded everyone about the downtown safety meeting November 1st at 10:00 A.M. at the Stark Community Foundation, 401 Market Avenue North, in the Goldsmith Room.

ADJOURNMENT: 8:11 P.M.