

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

CANTON CITY COUNCIL

JANUARY 9, 2017

RECOGNITION OF CENTRAL CATHOLIC HIGH SCHOOL STUDENTS

ROLL CALL: All Members Present

MOTION TO EXCUSE MEMBERS: Not Necessary

INVOCATION: Bill Smuckler, At-Large Council Member

PLEDGE OF ALLEGIANCE: President Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 1st Rdg O#9, O#10, O#13, O#14 & O#15; O#9, O#10, O#13, O#14 and O#15 Adopted on 1st Rdg)

PUBLIC HEARINGS:

- 7:30 P.M. AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE PILOT ANNEXATION AREA CONTAINING APPROXIMATELY 17.5163 ACRES; PLANNING COMMISSION RECOMMENDED APPROVAL, ASSIGNING SAID TERRITORY TO WARD 4 OF THE CITY; ZONING SAID TERRITORY AS B-4 (SPECIAL BUSINESS) (NO SPEAKERS) **O#6/2017**
- 7:31 P.M. AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE TRUMP SCHOOL ANNEXATION AREA CONTAINING APPROXIMATELY 10.726 ACRES; PLANNING COMMISSION RECOMMENDED APPROVAL, ASSIGNING SAID TERRITORY TO WARD 4 OF THE CITY; ZONING SAID TERRITORY AS I-1 (LIGHT INDUSTRIAL) (NO SPEAKERS) **O#7/2017**

OLD BUSINESS (PUBLIC SPEAKS): None

PUBLIC SPEAKS (CITY BUSINESS): Pete DiGiacomo asked how many committees were working on the Market Square plan, and how many people on these committees were average citizens. He questioned the proposed big screen TV because the Canton Brewery already has them. He also questioned the proposed restaurant because downtown already has 8 to 9 good restaurants, and he would prefer to see patrons supporting those. He is also concerned about the loss of parking places on Court Avenue. He does not feel this plan will bring people downtown, basically because downtown still holds an image of being unsafe.

INFORMAL RESOLUTIONS:

1. COUNCIL-AS-A-WHOLE: COMMENDING HOLY TRINITY CHURCH ON THEIR 100 YR ANNIVERSARY. - ADOPTED
2. COUNCIL-AS-A-WHOLE: COMMENDING DAVID R. DOUGHERTY FOR HIS YEARS OF PUBLIC SERVICE. - ADOPTED
3. PERSONNEL COMMITTEE: CONFIRMING MAYOR'S REAPPT OF MAUREEN AUSTIN TO TREE COMMISSION COMMENCING 3/1/17 THRU 12/31/18. - ADOPTED
4. PERSONNEL COMMITTEE: CONFIRMING MAYOR'S REAPPT OF LOIS ELLIS TO TREE COMMISSION COMMENCING 3/1/17 THRU 12/31/18. - ADOPTED
5. PERSONNEL COMMITTEE: CONFIRMING MAYOR'S REAPPT OF PATRICIA KIRK TO TREE COMMISSION COMMENCING 3/1/17 THRU 12/31/18. - ADOPTED

COMMUNICATIONS:

1. ASST MAJORITY LEADER SMITH: REQ INITIATION OF STATEMENT OF SERVICES FOR HOF VILLAGE #3 ANNEXATION LOCATED IN PLAIN TOWNSHIP. - ANNEXATION COMMITTEE
2. AUDITOR MALLONN: REQ FOR ADD'L AMENDED CERT DATED 12/30/16. - RECEIVED & FILED
3. AUDITOR MALLONN: MONTHLY RPT BY FUND FOR 12/1/16 THRU 12/30/16. - RECEIVED & FILED
4. AUDITOR MALLONN: YRLY RPT BY FUND FOR 1/1/16 THRU 12/30/16. - RECEIVED & FILED
5. AUDITOR MALLONN: REQ \$10,500.00 APPROP TRF FR OTHER - 2760 102001 FEDERAL FORFEITURE FUND TO PERSONNEL - 2760 102001 FEDERAL FORFEITURE FUND FOR 2017. - FINANCE COMMITTEE

COMMUNICATIONS CONTINUED:

6. DEPUTY MAYOR WILLIAMS: AUTHORIZE MAYOR AND/OR SERV DIR TO MAKE APPLICATION FOR AND ACCEPT FUNDS, EITHER DIRECTLY OR INDIRECTLY, FR OH HOUSING FINANCE AGENCY FOR NEIGHBORHOOD INITIATIVE PROGRAM (NIP) IN TOTAL AMT OF \$9,000,000.00 FOR ALL NIP PHASES; AUTHORIZE MAYOR AND/OR SERV DIR TO ACQUIRE BLIGHTED PROPERTIES THRU ANY AND ALL METHODS AVAILABLE AND AUTHORIZED BY LAW, INCLUDING, BUT NOT LIMITED TO, PURCH, DONATION, LAND REUTILIZATION PROGRAM OR TRF FR STARK CO LAND REUTILIZATION CORP; AUTHORIZE MAYOR AND/OR SERV DIR TO USE A CONTRACTOR ROTATION LIST AND/OR INFORMAL BID PROCESS AND ENTER INTO CONTRACTS FOR PRE-DEMO SRVS, DEMO SRVS, AND GREENING OF CLEARED LOTS FOR TOTAL AMT NOT TO EXCEED \$40,000.00 PER PROPERTY; AUTHORIZE MAYOR AND/OR SERV DIR TO USE CONTRACTOR ROTATION LIST AND/OR INFORMAL BID PROCESS AND ENTER INTO CONTRACTS FOR MAINTENANCE OF CLEARED LOTS FOR TOTAL AMT NOT TO EXCEED \$10,000.00 PER PROPERTY; AUTHORIZE MAYOR AND/OR SERV DIR TO ACQUIRE, MORTGAGE, MAINTAIN AND TRF PROPERTIES ALL PURSUANT TO NIP REQUIREMENTS AND GUIDELINES; AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO ANY AND ALL AGMTS NECESSARY TO ADMIN THE NIP; RETROACTIVELY RATIFY ANY ACTIONS TAKEN PRIOR TO PASSAGE OF ORDINANCE; EMERGENCY. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
7. DEPUTY MAYOR WILLIAMS: AUTHORIZE AUDITOR TO PAY MORAL OB IN AMT NOT TO EXCEED \$21,323.00 TO C.R.S. GENERAL CONTRACTING FOR EMERGENCY SRVS TO DEMO 617/619 CHERRY AVE NE. - FINANCE COMMITTEE
8. FINANCE DIRECTOR CROUSE: AMEND APPROP O#257/2016 WITH \$234,600.00 SUPP APPROP FR UNAPPROP BAL OF 2530 PARK OPERATING FUND TO 2530 401040 J BABE STEARN CENTER - OTHER FOR \$76,000.00, TO 2530 401045 EDWARD PEEL COLEMAN CENTER - OTHER FOR \$136,600.00, AND TO 2530 401060 SPECIAL PARKS - OTHER. - FINANCE COMMITTEE
9. LAW DIRECTOR MARTUCCIO: REQ INFORMAL RESOLUTION CONFIRMING PRES OF COUNCIL'S APPTS TO JOINT CEDA COMMITTEE WITH CANTON TWP. - RECEIVED & FILED
10. LIQUOR CONTROL DIV (OHIO): REQ NEW D1, D3, D3A PERMIT FOR RCZ ENTERPRISES LLC, DBA ROCSIZ CHICKEN & WAFFLES @ 1153 MCKINLEY AVE SW. - RECEIVED & FILED
11. LIQUOR CONTROL DIV (OHIO): REQ NEW C1, C2 PERMIT FOR EYAD LLC, DBA SHORB DRIVE THRU @829 12TH ST NW. - RECEIVED & FILED
12. LIQUOR CONTROL DIV (OHIO): REQ STOCK TRF OF D5 PERMIT FOR JOHNS BAR & GRILLE INC, DBA JOHNS BAR & GRILLE & PATIO @ 2749 CLEVELAND AVE NW, 1ST FL. - RECEIVED & FILED
13. MAYOR BERNABEI: REQ AUTHORIZATION TO REAPPT DAVID GRABOWSKI AS HVAC CONTRACTOR TO CANTON CONSTRUCTION BD FOR 3-YR TERM COMMENCING 1/1/17 THRU 12/31/19. - PERSONNEL COMMITTEE
14. MAYOR BERNABEI: REQ AUTHORIZATION TO REAPPT DAVE KIRVEN AS PLUMBING JOURNEYMAN TO CANTON CONSTRUCTION BD FOR 3-YR TERM COMMENCING 1/1/17 THRU 12/31/19. - PERSONNEL COMMITTEE
15. MAYOR BERNABEI: REQ AUTHORIZATION TO REAPPT JOSEPH FRIEDMAN AS HVAC CONTRACTOR TO CANTON CONSTRUCTION BD FOR 3-YR TERM COMMENCING 1/1/17 THRU 12/31/19. - PERSONNEL COMMITTEE
16. MAYOR BERNABEI: REQ AUTHORIZATION TO REAPPT DEBORAH SHAMLIN TO FAIR EMPLOYMENT PRACTICES BD FOR 3-YR TERM COMMENCING 1/1/17 THRU 12/31/19. - PERSONNEL COMMITTEE
17. MAYOR BERNABEI: REQ AUTHORIZATION TO RE-APPT DR. STEPHEN HICKMAN TO HEALTH BD FOR 5-YR TERM COMMENCING 4/1/17 THRU 3/31/22. - PERSONNEL COMMITTEE
18. PARK COMMISSION PRES BLACK: AUTHORIZE PARK COMMISSION TO PAY \$28,676.00 MORAL OB TO J. BABE STEARN COMMUNITY CTR (JBSC) FOR 2016 CERTIFIED LEVY REVENUES. - FINANCE COMMITTEE
19. SERVICE DIRECTOR BARTOS: ADVISE COUNCIL THAT CITY WILL NOT BE ENTERING INTO PROJECT LABOR AGMT (PLA) FOR TURBINE SERVICE PUMP REPAIR AND WELL MAINTENANCE PROGRAM. - RECEIVED & FILED
20. STARK CO. COMMISSIONERS: REQ ANNEXATION OF 13.078 ACRES IN PLAIN TWP TO CITY OF CANTON (HOF VILLAGE #2). - PLANNING COMMISSION

COMMUNICATIONS CONTINUED:

21. TREASURER PEREZ: RPT OF NOV 2016 BANK RECONCILIATIONS AND CITY'S OUTSTANDING INVESTMENTS AS OF 12/13/16. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. AUTHORIZE CREATION OF POSITION OF DIR OF PLANNING AS CABINET-LEVEL POSITION UNDER MAYOR, AS RECOMMENDED BY STEERING COMMITTEE FOR IMPLEMENTATION OF COMPREHENSIVE PLAN; EMERGENCY
Referred to Personnel Committee
- 1ST RDG 2. EXPRESS INTENT OF COUNCIL TO RECEIVE ANNUAL PAYMENTS FR STARK CO AND STARK AREA REGIONAL TRANSIT AUTHORITY EQUAL TO INCREMENTAL SALES TAX GROWTH FR VENDORS LOCATED WITHIN PREVIOUSLY ESTABLISHED TOURISM DEVELOPMENT DISTRICT, PURSUANT TO SEC 5739.213 OF ORC; EMERGENCY
Referred to Community & Economic Development Committee
- 1ST RDG 3. AMEND TITLE NINE OF CANTON CITY TAX CODE TO ESTABLISH CHAPTER 187 ADMISSIONS TAX, OF FIVE PERCENT IN AREA OF CITY DESIGNATED AS TOURISM DEVELOPMENT DISTRICT IN SUPPORT OF REDEVELOPMENT ACTIVITIES WITHIN AREA OF CITY DESIGNATED AS TOURISM DEVELOPMENT DISTRICT AND IN SUPPORT OF HOF VILLAGE REDEVELOPMENT PROJ; EMERGENCY
Referred to Judiciary and Community & Economic Development Committees
- 1ST RDG 4. ESTABLISH SPECIAL FUND TO BE DESIGNATED AS "HOFV FUND"; EMERGENCY (TOURISM DEVELOPMENT DISTRICT)
Referred to Community & Economic Development Committee
- 1ST RDG 5. AMEND SEC 185.14 OF ADMINISTRATIVE CODE OF CANTON CITY CODIFIED ORDINANCES TO AUTHORIZE REALLOCATION OF EXISTING TRANSIENT LODGING TAX FUNDS TO SUPPORT REDEVELOPMENT OF HOF VILLAGE IN CONNECTION WITH CANTON'S TOURISM DEVELOPMENT DISTRICT; EMERGENCY
Referred to Judiciary and Community & Economic Development Committees
- 1ST RDG 6. FOSTER AND DEVELOP TOURISM IN AREA OF CANTON DESIGNATED AS TOURISM REDEVELOPMENT DISTRICT, PURSUANT TO SECS 715.014(D) AND 5739.101 OF ORC LEVYING TAX ON PRIVILEGE OF ENGAGING IN BUSINESS OF MAKING CERTAIN TYPES OF SALES IN TOURISM DEVELOPMENT DISTRICT; EMERGENCY
Referred to Community & Economic Development Committee
- 1ST RDG 7. AUTHORIZE ROLLIN SEWARD, CD DIR, TO RECEIVE 10 DAYS VACATION PER YR BEGINNING 2017, UNTIL HIS CITY ACCRUED TIME CORRELATES WITH APPLICABLE CITY VACATION SCHEDULE; EMERGENCY
Referred to Personnel Committee
- 1ST RDG 8. AUTHORIZE PARKS & REC DIR TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO ANY AND ALL CONTRACTS FOR PURCH OF (1) RESTROOM UNIT IN AMT NOT TO EXCEED \$70,000.00; OR ALTERNATIVELY PURCH SAID UNIT PURSUANT TO ANY COOP PURCH AGMT OR PURCH PROCESS AUTHORIZED BY LAW; EMERGENCY
Referred to Public Property Capital Improvement and Parks & Recreation Committees

(COUNCIL RECESSED AT 8:09 P.M. FOR THE FINANCE AND PARKS & RECREATION COMMITTEES TO DISCUSS ORDINANCE #9; RECONVENED AT 8:11 P.M.)

- 1/2017 9. AUTHORIZE PARKS & REC DIR TO ENTER INTO AGMT WITH J. BABE STEARN COMMUNITY CTR (JBSC) TO PROVIDE FUNDING FOR REC SRVS AT JBSC; EMERGENCY
Referred to Finance and Parks & Recreation Committees

(COUNCIL RECESSED AT 8:15 P.M. FOR THE FINANCE AND PARKS & RECREATION COMMITTEES TO DISCUSS ORDINANCE #10; RECONVENED AT 8:16 P.M.)

- 2/2017 10. AUTHORIZE PARKS & REC DIR TO ENTER INTO PROF SRVS AGMT WITH YMCA OF CENTRAL STARK COUNTY FOR MANAGEMENT OF EDWARD "PEEL" COLEMAN COMMUNITY CTR; EMERGENCY
Referred to Finance and Parks & Recreation Committees
- 1ST RDG 11. AMEND O#55/7, AS AMENDED, KNOWN AS CITY OF CANTON ZONING ORDINANCE; EMERGENCY (CITY WIDE, 1525 HENRY AVE SW, 4TH ST & WARNER RD NE, BELLFLOWER AVE SW & W TUSC)
Referred to Judiciary Committee
- 1ST RDG 12. AUTHORIZE SAFETY DIR TO MAKE APPLICATION FOR 2016 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT IN TOTAL AMT NOT TO EXCEED \$73,145.00 AND ACCEPT CITY'S PORTION OF FUNDS IN AMT NOT TO EXCEED \$36,572.50; AUTHORIZE AUDITOR TO RENAME FUND 2770 TO 2016 LOCAL SOLICITATION BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT; AMEND APPROP O#257/2016; EMERGENCY (\$36,572.50 SUPP APPROP FR UNAPPROP BAL OF 2770 2016 LOCAL SOLICITATION BYRNE GRANT FUND TO 2770 102001 POLICE ADMIN - OTHER)
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING CONTINUED:

(COUNCIL RECESSED AT 7:59 P.M. FOR THE FINANCE AND PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES TO DISCUSS ORDINANCES #13 AND #14; RECONVENED AT 8:02 P.M.)

3/2017 13. AUTHORIZE MAYOR OR SERV DIR TO ADVERTISE, RECEIVE BIDS, AWARD, AND ENTER INTO CONTRACT FOR PURCH OF (3) SMALL SPORT UTILITY VEHICLES AND (1) PASSENGER VAN FOR WRF; OR TO ALTERNATIVELY PURCH SAID VEHICLES PURSUANT TO ANY COOP PURCH AGMTS OR PROCUREMENT PROCESSES AUTHORIZED BY LAW; EMERGENCY
Referred to Finance and Public Property Capital Improvement Committees

4/2017 14. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO CHANGE ORDER NO. 1 WITH PROF SERVICE INDUSTRIES, INC. IN AMT NOT TO EXCEED \$7,490.00 FOR DESIGN, ENGINEERING, CONTRACT ADMIN, AND OTHER PROF SRVS FOR SERVICE CTR BLDG C ROOF REPAIR/REPLACEMENT PROJ; EMERGENCY
Referred to Finance Committee and Public Property Capital Improvement Committees

(COUNCIL RECESSED AT 8:02 P.M. FOR THE FINANCE COMMITTEE TO DISCUSS ORDINANCE #15; RECONVENED AT 8:09 P.M.)

5/2017 15. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO ALL CONTRACTS, AGMTS, ETC WITH ENERVEST OPERATING, LLC, AS CONTRACTOR OPERATOR AND AGENT FOR CGAS PROPERTIES, LP, OR ANY OTHER NECESSARY ENTITIES, IN ORDER TO ASSIGN CITY'S WORKING INTEREST IN (10) OIL AND GAS WELLS IN EXCHANGE FOR FOREGIVENESS OF CITY'S CURRENT ACCT BAL(S) ASSOCIATED WITH SAID WELLS AND ALL FUTURE FINANCIAL OBS ASSOCIATED WITH SAID WELLS; EMERGENCY
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING: (None)

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

6/2017 16. AUTHORIZE CANTON TO ANNEX TERRITORY KNOWN AS PILOT ANNEXATION AREA CONTAINING APPROX 17.5163 ACRES; ASSIGN SAID TERRITORY TO WARD 4; ZONING SAID TERRITORY AS B-4 (SPECIAL BUSINESS); EMERGENCY **PUB HRG 1/9/17 @ 7:30 P.M.**

7/2017 17. AUTHORIZE CANTON TO ANNEX TERRITORY KNOWN AS TRUMP SCHOOL ANNEXATION AREA CONTAINING 10.726 ACRES; ASSIGN SAID TERRITORY TO WARD 4; ZONING SAID TERRITORY AS I-1 (LIGHT INDUSTRIAL); EMERGENCY **PUB HRG 1/9/17 @ 7:31 P.M.**

8/2017 18. CONSIDER & APPROVE PETITION FOR RENEWAL OF OPERATING ASSESSMENT OF DOWNTOWN CANTON SPECIAL IMPROVEMENT DISTRICT; EMERGENCY (SID)

ANNOUNCEMENT OF COMMITTEE MEETINGS:**MONDAY, January 23, 2017 in Council Caucus Room at 6:15 PM**

- 1) Finance Committee
- 2) Public Property Capital Improvement Committee
- 3) Community & Economic Development Committee
- 4) Personnel Committee
- 5) Judiciary Committee
- 6) Parks & Recreation Committee

BUDGET PRESENTATION

MISCELLANEOUS BUSINESS: Law Director Martuccio complimented Clerk Dougherty on his performance this evening and thanked him for his previous service. Service Director Bartos read a letter from Dr. David N. Linz to Street Superintendent Rorar commending employee, David Ballard, for assisting Dr. Linz following an auto accident. Director Bartos thanked Mr. Ballard for a job well done. (*Applause*) President Schulman commented that this was really nice to hear considering so much criticism of city employees, and that the commendation was well deserved. Law Director Martuccio gave a brief overview of the five "children" Ordinances to the "mother" TDD Ordinance that received their first reading this evening. He explained that three of them generate revenue, one is a Resolution expressing Council's intent to ask the County and SARTA to share some of the TIF money for the proposed projects, and the final one is a master auditing Ordinance which sets up a master account for the receipt of funds. All Ordinances have a sunset provision which is tied to the sunset provision in the original TDD Ordinance. He encourages Council to peruse theses Ordinances, and contact him with any questions. President Schulman thanked the Law Director, his staff, the Mayor and the Administration for all their work in getting that set up and arranged. Member Morris complimented Clerk Dougherty for his clean desk, and agreed that Clerk Dougherty was the best Council Member ever.

ADJOURNMENT: 8:32 P.M.

NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, JANUARY 23, 2017 @ 7:30 PM