CANTON CITY COUNCIL 7:30 PM JUNE 6, 2011

ROLL CALL: All Council Members Present
MOTION TO EXCUSE MEMBERS: Not Necessary
INVOCATION: Terry Prater, Ward 5 Council Member
PLEDGE OF ALLEGIANCE: President Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 1st Rdg O#7A & O#7B; 2nd Rdg O#8 - O#14, O#17 & O#19; O#10 Adopted on 2nd Rdg; Cmte Mtg not Held for O#15, O#16 & O#18)

PUBLIC HEARINGS:

7:30 PM AN ORDINANCE VACATING PORTIONS OF REX AVENUE NE; LODDY PLACE NE; AND AMERICAN PLACE

NE; APPROVING AND ACCEPTING THE REPLAT OF NUMEROUS LOTS; EMERGENCY. PLANNING COMMISSION RECOMMENDED APPROVAL FOR STANDARD PRINTING IN WARD 2 0#85/2011

OLD BUSINESS (PUBLIC SPEAKS): Reviewed Pending Issue from Public Speaks

PUBLIC SPEAKS (CITY BUSINESS): Rosario Carcione spoke about the closing of the Fire Stations and the lack of ambulance service in the city. In 2009 the ability to negotiate manpower was taken away and now the FEMA grant is in jeopardy of being lost if 11 firefighters are not hired by July 2012. Someone has to be accountable for these services not being provided to the city and it is time to have ambulance service everyday for the citizens of Canton. Frank Morris lost a family member over the weekend and since the Dueber Fire Station was closed the patrol officer transported the man to the hospital. What if this had been more than one victim? The city would not pay \$1,100.00 in overtime to provide ambulance service and the number of calls lost would have generated \$6,000.00 in revenue. Don Joliat asked what is the regulations for prostitution within 1000 ft of a school and asked the Mayor to explain his zero tolerance policy. On Richard Place NW, behind Mr. Joliat's home he photographed some activity between a prostitute and client including the license plate of the vehicle they were in. He notified the police and they told him that was not enough evidence to file a police report. He is concerned because the house next to him has small children that could be exposed to this behavior. Since the police staff has been reduced, what is the plan to prevent this activity? Patricia Kirk spoke about working with Brenda Kimbrough for 3 ½ hours pruning trees and pulling weeds in the Kresge Lot for the Color Canton event on Saturday. Canton needs to get beyond the items written on paper and start developing a plan to host the Tree Commission in 2012. Jerome Heard is an employee at the Cantonian Restaurant and he feels that The Repository took a bad stab at Councilman West printing an article on Saturday, June 4th. Mr. West does not owe back child support and he gives people in the area opportunities to have a better life. Clyde Mitchell feels that the newspaper article printed about Council Member West was incorrect and hurt the reputation of the Cantonian Restaurant and all employees. The information given in the paper is not true and was done in a negative fashion. Mr. West is permitting employment for some people that may otherwise not be employed as well as having a nice establishment for the community.

INFORMAL RESOLUTIONS:

18.	COUNCIL-AS-A-WHOLE:	CONGRATULATING SAND ROCK MINERAL WATER
		COMPANY FOR THEIR 100 TH ANNIVERSARY ADOPTED

19. COUNCIL-AT-LARGE SMUCKLER: ENCOURAGING THE DEVELOPMENT OF SISTER CITIES

WITH COMPATIBLE MUNICIPALITIES. - ADOPTED

20. PERSONNEL COMMITTEE:

REQ CONFIRMATION OF APPT OF MARK KINDEL TO
CANTON CONSTRUCTION BOARD FOR REMAINDER OF
TERM VACATED BY MIKE MCELFRESH EXPIRING 2/29/12. ADOPTED

COMMUNICATIONS:

205.	APPLICANT, MICHAEL RODRIQUES:	REQ ZONE CHANGE AT 634 WALKER CT NE FROM R-4
		(MULTI-FAMILY) TO PB-4 (SPECIAL BUSINESS DISTRICT)

PLANNING COMMISSION

206. AUDITOR MALLONN: MONTHLY RPT BY FUND FOR 5/1/11 - 5/31/11. - RECEIVED

& FILED

207. AUDITOR MALLONN: YEARLY RPT BY FUND FOR 1/1/11 - 5/31/11. - RECEIVED &

FILED

208. BUTTERWORTH, M. WARD 8 CNCL MBR: REQ LEGISLATION FOR AMNESTY WEEK FOR UNPAID

PARKING TICKETS JULY 25 - 29, 2011. - JUDICIARY

COMMITTEE

209. ECONOMIC DEV DIRECTOR TORRES: AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO A JOB

CREATION & REDEVELOPMENT AGMT W/CANTON

CENTRE DEVELOPMENT LLC. - COMMUNITY & ECONOMIC

DEVELOPMENT COMMITTEE

210. ECONOMIC DEV DIRECTOR TORRES: AMEND O#61/2011 TO AUTHORIZE THE MAYOR OR SERV

DIR TO ENTER INTO ECONOMIC GROWTH INITIATIVE
AGMT W/CANTON CENTRE DEVELOPMENT LLC TO
PROVIDE JOB CREATION TAX INCENTIVE FOR NEW
EMPLOYEES HIRED BY COMPANIES LOCATING AT PROP
OWNED BY CANTON CENTRE DEVELOPMENT AT CANTON

CENTRE MALL. - COMMUNITY & ECONOMIC

DEVELOPMENT COMMITTEE

COMMUNICATIONS CONTINUED:

211. FINANCE DIRECTOR DIRUZZA: AMEND APPROP O#245/2010 FOR SUPP APPROP & APPROP TRANSFERS NECESSARY TO CONTINUE CITY

OPERATIONS: AUTHORIZE SAF DIR TO ACCEPT FIRE DEPT TRAINING & EQUIP GRANT FROM OHIO DEPT OF PUBLIC SAFETY IN AMT OF \$3,250.00; APPROP TRANSFER OF \$3,250.00 FROM UNAPPROP BAL 2812 EMS TRAINING &

EQUIPMENT FOR TRAINING PURPOSES. - FINANCE

COMMITTEE

212. LIQUOR CONTROL DIVISION (OHIO): REQ NEW D5 PERMIT FOR NIC NOL LTD @ 309

CLEVELAND AVE NW. - RECEIVED & FILED

AUTHORIZE SAF DIR TO PAY MORAL OB OF \$6,650.00 TO 213. SAFETY DIRECTOR REAM:

> SOUTHWAY FENCE CO FOR REPAIR TO ELECTRONIC GATE AT IMPOUND LOT. - FINANCE COMMITTEE

214. SAFETY DIRECTOR REAM: APPRV 2 YR CONTRACT EXTENSION TO 2012 CPPA

> CONTRACT FOR YRS 2013 AND 2014 WITH A WAGE REOPENER FOR EACH OF THOSE YRS. - PERSONNEL

AND FINANCE COMMITTEES

SAFETY DIRECTOR REAM: APPRV 1 YR CONTRACT EXTENSION TO 2012 CPFFA 215.

CONTRACT FOR NOV 2012 - OCT 2013. - PERSONNEL AND

FINANCE COMMITTEES

AMEND EXHIBIT A TO 0#40/2000 FOR PROBATIONARY SAFETY DIRECTOR REAM: 216

> POLICE OFFICERS WITH TRAINING CERTIFICATES BE PAID \$30,000.00 DURING PROBATIONARY PERIOD AND ALL OTHERS PAID \$26,000.00. - PERSONNEL AND

FINANCE COMMITTEES

217. SAFETY DIRECTOR REAM: AMEND EXHIBIT A TO O#40/2000 FOR CADET

FIREFIGHTERS/PARAMEDICS HIRED SHALL BE PAID ACCORDING TO FOLLOWING SCHEDULE DURING FIRST 12 MONTHS OF EMPLOYMENT, NO CERTIFICATES \$27,000.00: FIREFIGHTER OR EMT/BASIC CERTIFICATES \$28,500.00; AND EMT/PARAMEDIC OR EMT PARAMEDIC

AND FIREFIGHTER CERTIFICATES \$30,000.00. -PERSONNEL AND FINANCE COMMITTEES

218. SERVICE DIRECTOR PRICE: AUTHORIZE SERV DIR TO ENTER INTO 1 YR CONTRACT

W/THE JAMES GROUP IN AMT OF \$38,022.22 FOR SUPPORT & MAINTENANCE OF CITY'S ORACLE SOFTWARE LICENSES. - PUBLIC PROPERTY CAPITAL

IMPROVEMENT COMMITTEE

STARK METRO HOUSING AUTHORITY: NOTIFYING THAT SMHA WAS NOT AWARDED THE 2010 219.

CAPITAL FUND EDUCATION & TRAINING FACILITIES GRANT BUT ASKING FOR SUPPORT IN APPLYING FOR 2011 GRANT TO ACQUIRE AND REHAB THE EDWARD

"PEEL" COLEMAN CENTER. - RECEIVED & FILED

COMPARATIVE RPT OF CASH RECEIPTS AS OF 4/30/11. -220. TREASURER SCHIRACK:

RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

1ST RDG 1. ESTABLISH THE CLASSIFICATION PLAN AND GENERAL SALARIES FOR MGMT AND NON-BARGAINING UNIT PERSONNEL EMPLOYED BY CITY OF CANTON; REPEAL WAGE FREEZES

AUTHORIZED BY O#195/2008; AUTHORIZE WAGE INCREASE FOR MGMT & NON-BARGAINING UNIT

PERSONNEL; EMERGENCY

Referred to Personnel and Finance Committees

1ST <u>RDG</u> 2. AMEND APPROP O#245/2010; EMERGENCY (35TH ST NE PROJECT; DOWNTOWN SID & AUDITOR

FUNDS)

Referred to Public Property Capital Improvement and Finance Committees

1ST <u>RDG</u> 3. AUTHORIZE MAYOR TO ENTER INTO AN AGMT TO EXCHANGE REAL PROP W/CANTON CITY

SCHOOL DISTRICT; AUTHORIZE DEED CONVEYANCE OF SAID PARCEL; EMERGENCY (LEHMAN

SCHOOL) Referred to Community & Economic Development Committee

1ST RDG AUTHORIZE SERV DIR TO CONVEY CITY-OWNED REAL PROP, NO LONGER NEEDED FOR

MUNICIPAL PURPOSES, TO THE CCIC; EMERGENCY (LEHMAN SCHOOL, OUT LOT 239)

Referrred to Community & Economic Development Committee

1ST RDG AUTHORIZE AUDITOR TO PAY MORAL OB OF \$1,313.00 TO SIGNATURE CONTROL SYSTEMS, LLC; 5.

EMERGENCY (MILLENNIUM PARKING DECK)

Referred to Finance Committee

CANTON	CITY (COUNCIL AGENDA - PAGE 3 - JUNE 6, 2011	_
1 ST RDG	6	_AUTHORIZE SERV DIR TO ENTER INTO AGMT W/STARK COUNTY TRANSPORTATION IMPROVEMENT DISTRICT AND RECV GRANT REIMBURSEMENT AS PART OF RECONSTRUCTION OF 12 TH STREET N; EMERGENCY Referred to Finance Committee	
1 ST RDG	7.	AMEND APPROP O#245/2010; EMERGENCY (MUNI RD FUND) Referred to Finance Committee	
1 ST RDG	7A.	AMEND O#55/77, AS AMENDED, KNOWN AS CITY OF CANTON ZONING ORDINANCE; EMERGENCY (3120 PARKWAY ST NW, DR. DOMINGO) Referred to Judiciary Committee	
1 ST RDG	7B	_AMEND O#55/77, AS AMENDED, KNOWN AS CITY OF CANTON ZONING ORDINANCE; EMERGENCY (2213 CLEVELAND AVE NW, GROFFRE INVESTMENTS) Referred to Judiciary Committee	
		FORMAL RESOLUTIONS FOR SECOND READING: ULE 22A TO ADD 0#8 - 0#14, 0#17 & 0#19; CMTE MTG NOT HELD ON 0#15, 0#16, & 0#18)	
1000			
2 ND RDG	8.	RETAINED IN CMTE 3/7/11 AUTHORIZE SERV DIR TO ENTER INTO AGMT W/GATEHOUSE OHIO MEDIA INC FOR PROF SVCS TO MANAGE THE LAYOUT, AD SALES, PRODUCTION & PHYSICAL DISTRIBUTION OF THE CITY'S QUARTERLY NEWS PUBLICATION; EMERGENCY (FIN	1)
2 ND RDG	9.	AMEND SECTION 1313.01, DEFINITIONS & SECTION 1315.01, DEFINITIONS OF CODIFIED ORDINANCES OF CITY OF CANTON (PLUMBING & ELECTRICAL APPRENTICE) (JUL))
84/2011	10.	PROVIDE FOR ISSUANCE AND SALE OF BOND ANTICIPATION NOTES IN AGGREGATE PRINCIPAL AMT NOT TO EXCEED \$1,700,000.00 FOR PURPOSE OF REFUNDING BOND ANTICIPATION NOTES PREVIOUSLY ISSUED FOR THE PURPOSE OF PROVIDING FUNDS TO PAY A COURT APPROVED SETTLEMENT OF A CLAIM AGAINST THE CITY (FIN	1)
2 ND RDG	11	_AUTHORIZE SERV DIR TO ENTER INTO PROF SERV CONTRACT FOR CONSTRUCTION ENGINEERING SERV FOR WATER PARK FACILITY PROJ AT EDWARD "PEEL" COLEMAN CTR; AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR CONSTRUCTION PHASE OF THIS PROJ; EMERGENCY (FIN	
2 ND RDG	12.	AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO FUNDING AGMT W/JUMP START IN AMT NOT TO EXCEED \$100,000.00; EMERGENCY (C&EC	
2 ND RDG	13	_AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO AGMT W/CCIC TO PROVIDE A GRANT UTILIZING COMM DEV BLOCK GRANT (CDBG) FUNDS IN AMT NOT TO EXCEED \$500,000.00 FOR ECONOMIC DEV PROJS, LOANS AND ADMIN COSTS; EMERGENCY (C&EE))
2 ND RDG	14.	AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO AN AGMT W/STARK COUNTY BOARD OF COMMISSIONERS FOR TRANSFER OF A STORM SEWER WITHIN THE PARK FARMS PROP; EMERGENCY (PS&T	Γ)
2 ND RDG	15.	AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO A CONSULTANT CONTRACT W/GPD GROUP FOR THE 41 ST ST NW STORM SEWER PROJ, GP 1126; AMEND APPROP 0#245/2010; EMERGENCY (\$80,956.00 INFRASTRUCTURE BOND FUND) (PPC	1)
2 ND RDG	16.	AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO A CONSULTANT CONTRACT W/HAMMONTREE AND ASSOC, LTD. FOR NE CANTON INDUSTRIAL PARK PROJ & ENTER INTO COOP PROJ AGMT W/CCIC FOR FUNDING AND ADMIN OF DESIGN AND CONSTRUCTION OF NE CANTON INDUSTRIAL PARK PROJ AND TO RECV REIMBURSEMENT FOR CITY SERV PROVIDED TO CCIC; AMEND APPROP O#245/2010; EMERGENCY (\$212,175.00 INFRASTRUCTURE BOND FUND) (PPC	
2 ND RDG	17	_AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO A CONTRACT & LICENSE AGMT W/DOWNTOWN SPECIAL IMPROVEMENT DISTRICT AND KING PROPERTIES, INC.; EMERGENCY (FIN	,
2 ND RDG	18.	AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONSULTANT CONTRACT W/CTI ENGINEERS, INC. FOR 55 TH ST NE STORM SEWER PROJ, G.P. 1125; AMEND APPROP O#245/2010; EMERGENCY (\$193,300.00 INFRASTRUCTURE BOND FUND) (PPC	1)
2 ND RDG	19.	AMEND APPROP O#245/2010, AS AMENDED; EMERGENCY (\$128,594.50 UNAPPROP BAL 5201 WATER FUND)	Γ)
ORDINA	ICES &	FORMAL RESOLUTIONS FOR THIRD/FINAL READING & VOTE:	
85/2011	20.	VACATE PORTIONS OF REX AVE NE, LODDY PL NE & AMERMAN PL NE; APPROVE & ACCEPT THE REPLAT OF NUMEROUS LOTS; EMERGENCY (STANDARD PRINTING) PUB HRG: 6/6/11 @ 7:30 P	M
86/2011	21.	AUTHORIZE CLERK OF COURTS TO ENTER INTO A PROFESSIONAL SVCS CONTRACT W/EXTRAC SYSTEMS IN AN AMT NOT TO EXCEED \$31,999.00 FOR THE PURCHASE OF REDACTION SOFTWARE; EMERGENCY	Т
87/2011	22	_AMEND APPROP O#245/2010, AS AMENDED, BY MAKING \$50,000.00 APPROP TRANSFER; EMERGENCY (NEIGHBORHOOD STABILIZATION PROG - PERSONNEL)	
88/2011	23.	AMEND APPROP O#245/2010, AS AMENDED, BY MAKING \$50,000.00 APPROP TRANSFER; EMERGENCY (NEIGHBORHOOD STABILIZATION 3 FUND - PERSONNEL)	

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

- <u>89/2011</u> 24. ACCEPTING THE TAX INCENTIVE REVIEW COUNCIL'S RECOMMENDATIONS REGARDING ENTERPRISE ZONE TAX ABATEMENT AGMTS; EMERGENCY
- 90/2011 25. AMEND APPROP O#245/2010, AS AMENDED, BY MAKING \$229,696.00 SUPP APPROP; EMERGENCY (TO EXPEND FUNDS FROM PRIOR YEAR PURCHASE ORDERS THAT WERE CANCELLED IN 2011)
- <u>91/2011</u> 26. AUTHORIZE EDITING & INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; EMERGENCY
- <u>92/2011</u> 27. AUTHORIZE LAW DIRECTOR TO DISTRIBUTE FREE OF CHARGE TO PUB OFFICIALS & PUBLIC INSTITUTIONS COPIES OF 2011 SUPP TO THE CANTON CODIFIED ORDINANCES; TO AFFIX PRICE FOR THE SALE OF SAME: EMERGENCY
- <u>93/2011</u> 28. AUTHORIZE SERV DIR TO ENTER INTO CONTRACT W/THE OHIO POWER CO TO PROVIDE ELECTRIC ENERGY SERVICES TO THE WATER REC FACILITY @ 3650 CENTRAL AVE SE; EMERGENCY

ANNOUNCEMENT OF COMMITTEE MEETINGS:

MONDAY, JUNE 20, 2011 in Council Chamber at 5:30 P.M.

Public Property Capital Improvement Committee
 2) Finance Committee
 3) Personnel Committee

4) Community & Economic Development Committee

MISCELLANEOUS BUSINESS: Member Hawk has received many calls about threats and fears in his Ward and the police not responding and not accepting reports. He feels that we need more patrolman out in the neighborhoods and has seen no sign of zero tolerance. Member Cirelli says police reports are not being taken in many situations so this is why the crime statistics are showing crime is down. It is just a numbers game. She is very concerned about the lack of EMS services and can't figure out why this service is not provided to the citizens. The Council Members are who receive the calls when there is a problem and the administration does not contact them when the closures are taking place. It is a poor choice to not have ambulance service in the city and she feels that the Mayor owes Council and the public an explanation why the fire stations continue to be closed and EMS not available. Mayor Healy reminded all that before his administration took office, there were rolling closures of the fire station and the budget was about \$8,000,000.00 higher than it is now. There is less money to work with but also less citizens and while no one wants to see any type of tragedy he can't spend money that the city does not have. He makes recommendations and puts them before Council but it will never be good enough. Member Cirelli asks if the Safer Grant is in jeopardy because of the number of firefighters. Mayor Healy says that the city has until July 12, 2011 to backfill the positions in the Fire Department and the administration is not going to let the grant fall through. They are currently looking at how many police and fire could be brought on board with the current budget figures but know that there will be a loss of about 1.5 million in 2012 and about \$3,000,000.00 in 2013. He must factor in all the variables because anyone brought on board now may have to be laid off in less than a year and we will be right back to where we are now. Member Cirelli asks why people were told in a budget meeting that revenues were going up and now the administration wants to give raises to management. Mayor Healy states that the management people were the first ones to get a wage freeze, increased health care costs and take furloughs. They are now the last to be compensated and he will not say that any employee is more valuable than another employee. All unions have received at least one raise while the management freeze was in place. Member Hawk says that Mr. Joliat is still waiting on his answer of the zero tolerance policy. Mayor Healy is doing everything possible to take back the city and when one area of crime pushes back another one crops up. He does not feel that there is any acceptable level or any crime deemed as acceptable however he is aware that it is not possible to stop everything. The Police and Fire Departments work very hard on a daily basis and remain professional. This is the political stance and has not changed during his entire time in office. Member West wants the Safety Director to address if and why police reports are not being taken. Safety Director Ream will have to have more information from the where and when they were not taken to have the Chief do some investigation. Member Butterworth asks the Safety Director to please report back the findings of this investigation at the next Council meeting. Member Smuckler asks all Council Members to gather any questions they may have about Project Venus before the next meeting so that he can address the administration to make the Committee meeting go much quicker. Law Director Martuccio lets Mr. Joliat know that prostitution is not legal anywhere in the city regardless of how far away from a school. He does caution Mr. Joliat about confronting the people involved because this could lead to danger. The Law Director has seen Pat Kirk out on Saturdays hard at work pulling weeds very quietly to keep the city beautiful. Member Butterworth requested that Ordinance #15 be voted on tonight because of the time that it has already been in process. Since the Committee meeting was not held, this will delay it a minimum of 21 more days and this project needs started. Member Dougherty will not have a meeting or consider this tonight. Mayor Healy wanted to thank all of the volunteers that helped with Color Canton this past Saturday. The Hall of Fame Queen and Court and many others participated to plant flowers and beautify the downtown area. Member Smith thanked the city, the donors and the volunteers for the hard work in Ward 4 on Saturday with the C.O.O.L. organization. There were 3300 volunteers that worked on 250 homes. If you get a chance go see 3rd and 4th Street SE by Warner Road. Mayor Healy thanked the C.O.O.L. organization for once again coming to Canton and giving another neighborhood a facelift. This is the third year that they have been here and always make a huge difference in just a days time. Member Butterworth respects the Majority Leader's opinion but wanted to check with the Law Director to see if Ordinance #15 could be voted on tonight. Member Dougherty explains that this motion had not been seconded. Law Director Martuccio says he will review Rule 22A to see the guidelines for bringing something out of Committee. President Schulman states that he will deny the motion on Ordinance #15 for tonight. Member Butterworth asks if \$1,100.00 is an accurate figure for a firefighter's overtime to keep a Fire Station open. Safety Director Ream says that is the average overtime for a 24 hour period. Member Griffin asks if that is for 3 people to keep open a station or if that is for one firefighter. Safety Director Ream informs this is for just one. Member Cirelli asks about rules of meeting for boards after resignation received. Member Butterworth asks how much the city saved by not having the Fire Station opened for a day. Safety Director Ream states that on Sunday the amount would have been about \$2,200.00. President Schulman makes is clear that no one on Council or in the administration wants to have accidents or tragedies in the city and if any one of them had money the safety forces would be increased. He wants people to keep in mind that it is the people above them in Columbus that is taking the funds from urban areas and making it difficult to survive. President Schulman hates to see Council and the administration going after each other and feels that some of the comments tonight were unjustified because it will get worse next year.

Majority Leader Dougherty wanted to let everyone know that when the kids of Canton were looking for something to do there is a great facility over at the First Tee. He will be happy to speak with Member Butterworth after the meeting to discuss what can now happen to move Ordinance #15 along. In the future he would like Committee meetings scheduled accordingly so that they end at 7:00 PM because there are things that need done between Committee and Council meetings.

ADJOURNMENT: 8:57 P.M.