

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

CANTON CITY COUNCIL

JANUARY 28, 2013

**ROLL CALL:** All Council Members Present

**MOTION TO EXCUSE MEMBERS:** Not Necessary

**INVOCATION:** Thomas West, Ward 2 Council Member

**PLEDGE OF ALLEGIANCE:** President Allen Schulman

**AGENDA CORRECTIONS & CHANGES:** (Suspended Rule 22A to add 1<sup>st</sup> Rdg O#4; 2<sup>nd</sup> Rdg O#5 - O#10; O#4 Adopted on 1<sup>st</sup> Rdg; O#10 Adopted on 2<sup>nd</sup> Rdg; O#11 Postponed until 2/11/13)

**PUBLIC HEARINGS:** None

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

**PUBLIC SPEAKS (CITY BUSINESS):** Leroy Lynch saying that he was at the intersection of 12<sup>th</sup> and Market Street and while he had the green light, a car coming from the east on 12<sup>th</sup> ran the red light and nearly hit him. He is now fully in support of the traffic cameras at this dangerous intersection because he knows there cannot be an officer at every intersection. Marcia Zawacky used to take her kids to Mother Gooseland but this is in a flood zone. Stark Parks has done quite a bit of development on the trails in that area so she had asked if Willie the Whale could be moved. She was informed that Willie is in a big base and it would take too much money and effort to move him. She feels that the city should seek out some grants and possibly talk to the people at the McKinley Museum to see about getting some of the items from Mother Gooseland moved out into areas where they can again be used for life lessons. Tara Nelson asks how many times Council is going to discuss the Redflex cameras before it is put on the ballot for the constituents to decide. Pete DiGiacomo thinks that to reinvest in Mother Gooseland is throwing good money after bad. He knows that the company next door made some type of land swap with the city and so something would need done with that before anything could ever be done anyway. He has heard that there is a fund but feels the money could be used for something more important like crime or Police. James Parker would like something in the contract that states the items for the leachate pipeline be made in America and the pipeline constructed by local labor. He feels the downtown merchants are not in favor of traffic cameras because the intersection of 12<sup>th</sup> and Market is already under surveillance. Mr. Parker feels the flags for the football teams participating in the Superbowl should already be waving on the Central Plaza. This is the 50<sup>th</sup> anniversary of the Pro Football Hall of Fame and the enshirees will be announced soon and there is nothing that shows we are the home of the Hall of Fame. He also would like to see the area that was previously Mother Gooseland turned into a land aquarium.

**INFORMAL RESOLUTIONS:**

7. COUNCIL AS A WHOLE: OPPOSING THE CLOSING OF THE STARK COUNTY JOB AND FAMILY SERVICES OFFICE IN CANTON, OHIO. - ADOPTED

**COMMUNICATIONS:**

36. AUDITOR MALLONN: CERT OF TOTAL AMT FROM ALL SOURCES FOR 2013. - RECEIVED & FILED
37. COMPLIANCE DIR PERRY: AUTHORIZE COMPLIANCE DIR TO PAY MORAL OB IN AMT OF \$1,762.00 TO BLACK, MCCUSKEY, SOUERS & ARBAUGH FOR LEGAL SERV RENDERED FOR WORKERS' COMP CASES. - FINANCE COMMITTEE
38. COMPLIANCE DIR PERRY: AUTHORIZE COMPLIANCE DIR TO PAY MORAL OB IN AMT OF \$2,700.00 TO US HEALTH EVALUATIONS, INC FOR COMPREHENSIVE MEDICAL FILE REVIEW. - FINANCE COMMITTEE
39. COMPLIANCE DIR PERRY: AUTHORIZE COMPLIANCE DIR TO PAY MORAL OB IN AMT OF \$167.00 TO PREMIER COURT REPORTING FOR SERV RENDERED FOR WORKERS' COMP HEARING. - FINANCE COMMITTEE
40. COUNCIL MEMBER WEST: REQ LEGISLATION TO MAKE A CLEAR & CONSISTENT PROCESS FOR ERECTING & REMOVING ROADSIDE MEMORIALS. - JUDICIARY COMMITTEE
41. DEPT OF COMMERCE: NOTIFICATION OF HEARING FOR D5 LIQ RENEWAL APPLICATION FOR JOHN L JONES @ 704 4<sup>TH</sup> ST SW BEING HELD 2/19/13 AT 1:00 PM AT STARK CTY DEPT OF JOB AND FAMILY SERVICES, 221 3<sup>RD</sup> ST SE. - RECEIVED & FILED
42. DEPT OF COMMERCE: NOTIFICATION OF HEARING FOR D2, 2X & 3 LIQ RENEWAL APPLICATION FOR DG HOLDING & MGMT CO., INC. DBA THE SPOT @ 2600 8<sup>TH</sup> ST NE & PATIO BEING HELD 2/19/13 AT 2:30 PM AT STARK CTY DEPT OF JOB AND FAMILY SERVICES, 221 3<sup>RD</sup> ST SE. - RECEIVED & FILED
43. DEVELOPMENT DIR WILLIAMS: AUTHORIZE REPLAT AT 1138 CAMDEN AVE SW SUBMITTED BY SIMON WARSTLER (LOTS 5213 THRU 5221, 30051, PART OF LOT 30052, AND PART OF OUT LOTS 351 AND 72). - PUBLIC SAFETY AND THOROUGHFARES COMMITTEE
44. DEVELOPMENT DIR WILLIAMS: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT WITH YMCA IN AMT NOT TO EXCEED \$50,000.00 FOR OVERALL MGMT & SUPERVISION OF FACILITY AND PROGRAMMING AT EDWARD "PEEL" COLEMAN COMMUNITY CENTER, RETROACTIVE 1/1/13 - 12/31/13. - FINANCE AND COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEES

**COMMUNICATIONS CONTINUED:**

45. FINANCE DIRECTOR DIRUZZA: AMEND APPROP O#209/2012 WITH SUPP APPROP OF 6 GRANTS WITH FUNDS GREATER THAN THE ORIGINAL BUDGET AMTS (NSP, NSP3, HOME AND BYRNE). - FINANCE COMMITTEE
46. HEALTH COMMISSIONERS ADAMS: AMEND APPROP O#209/2012 WITH \$20,000.00 SUPP APPROP FROM UNAPPROP BAL OF 2327 - LEAD ASSESSMENT FUND TO 2327 301001 OTHER. - FINANCE COMMITTEE
47. MAYOR HEALY: AUTHORIZE RE-APPT OF CLINT ZOLLINGER TO FAIR EMPLOYMENT PRACTICES BOARD FOR 3 YR RETRO TERM OF 1/1/13 - 12/31/15. - PERSONNEL COMMITTEE
48. MAYOR HEALY: AUTHORIZE RE-APPT OF AMY WEISBROD TO FAIR EMPLOYMENT PRACTICES BOARD FOR 3 YR RETRO TERM OF 1/1/13 - 12/31/15. - PERSONNEL COMMITTEE
49. MAYOR HEALY: AUTHORIZE RE-APPT OF VALERIE WATSON TO FAIR EMPLOYMENT PRACTICES BOARD FOR 3 YR RETRO TERM OF 11/22/12 - 12/31/15. - PERSONNEL COMMITTEE
50. MAYOR HEALY: AUTHORIZE RE-APPT OF JOHN PICARD TO BOARD OF BLDG APPEALS FOR 3 YR RETRO TERM OF 1/1/13 - 12/31/15. - PERSONNEL COMMITTEE
51. MAYOR HEALY: AUTHORIZE MAYOR TO ENTER INTO PROF SERV CONTRACT WITH BLACK, MCCUSKEY, SOUERS AND ARBAUGH LPA IN THE AMT OF \$45,000.00 FOR 2012 AND 2013 WORKERS' COMP REPRESENTATION. - FINANCE COMMITTEE
52. MAYOR HEALY: AUTHORIZE MAYOR AND/OR SERV DIR TO NEGOTIATE AND ENTER INTO AGMT FOR PURCHASE OF 44.452 ACRE PARCEL; AUTHORIZE MAYOR AND/OR SERV DIR TO NEGOTIATE AND ENTER INTO "FIRST-RIGHT-OF-REFUSAL" AGMT FOR PURCHASE OF 4.132 ACRE PARCEL IN FUTURE; ESTABLISH FAIR MKT VALUE OF \$11,000.00 PER ACRE OR \$459,998.00; ESTABLISH PURCHASE PRICE OF \$436,998.10; ACKNOWLEDGE DONATION OF \$22,999.90 IN PROP VALUE BY DIANO REALTY CORP TO THE CITY; MAKE SUPP APPROP OF \$262,198.86 FROM UNAPPROP BAL OF 5201 (WATER WORKS OPERATING FUND) TO 5201-207001 WATER WORKS OPERATING FUND - WATER ADMIN); MAKE SUPP APPROP OF \$174,799.24 FROM UNAPPROP BAL OF 5410 (SANITARY SEWER FUND) TO 5410-202010 (SANITARY SEWER FUND - ENGINEER DAILY OPERATIONS); AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS AND SECURE A COUNCILMATIC RESTRICTION ON EXPLOITATION OF ANY MINERAL RIGHTS ON PROP BY ORDINANCE FOR AS LONG AS THE NE CANTON WATER WELL FIELD IS IN PRODUCTION TO PROTECT & PRESERVE THIS AQUIFER. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
53. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD & EXECUTE CONSTRUCTION CONTRACT; AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO COOP AGMT WITH COUNTY, IF NEEDED, TO REIMBURSE THE CANTON PORTION OF WORK; MAKE A SUPP APPROP OF \$350,000.00 FROM UNAPPROP BAL 5410 (SANITARY SEWER FUND) TO 5410-206311 (SANITARY FUND - MILL ST SE, GP 1188) AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
54. SERVICE DIRECTOR PRICE: AUTHORIZE PAY MORAL OB IN AMT OF \$1,585.44 TO BEAVER EXCAVATING, INC. FOR ADDTL WORK ON MILL ST BRIDGE REPLACEMENT PROJ, GP 1116 AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE COMMITTEE
55. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, REC BIDS, AWARD & EXECUTE A CONSTRUCTION CONTRACT; AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO COOP AGMT WITH COUNTY & NORTH CANTON TO REIMBURSE THE CANTON PORTION OF WORK; MAKE SUPP APPROP OF \$220,000.00 FROM UNAPPROP BAL 5410 (SANITARY SEWER FUND) TO 5410-206310 (SANITARY FUND - ALLENFORD DR, GP 1113) AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

**COMMUNICATIONS CONTINUED:**

56. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT WITH ODOT FOR CONSTRUCTION OF E TUSC BRIDGE AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - FINANCE AND PUBLIC SAFETY & THOROUGHFARES COMMITTEE
57. SERVICE DIRECTOR PRICE: AMEND CODIFIED ORDINANCES OF CITY OF CANTON TO PERMIT USE OF CAPITAL IMPROVEMENT FUNDS FOR PURPOSE OF DEMOLISHING RESIDENTIAL STRUCTURES PURSUANT TO DEMO GRANT PROG; ORDINANCE AUTHORIZING ISSUANCE OF UP TO \$2,000,000.00 IN MANUSCRIPT DEBT TO FUND DEMO PROG; AND AUTHORIZE & DIRECT SAFE DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT TO COMPLETE THE ACTUAL DEMOS, ONCE THE ENABLING FINANCIAL RELATED LEGISLATION HAS BEEN EXECUTED. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

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

- 1<sup>ST</sup> RDG 1. AUTHORIZE AUDITOR TO ESTABLISH TWO FUNDS FOR THE RECEIPT AND DISBURSEMENT OF REVENUES COLLECTED IN CONJUNCTION WITH AUTOMATED TRAFFIC ENFORCEMENT PROG  
Referred to Judiciary Committee
- 1<sup>ST</sup> RDG 2. FINAL RESOLUTION ADOPTING PLANS, AUTHORIZE SERV DIR TO COOPERATE WITH AND REQUEST DIR OF TRANSPORTATION TO PROCEED WITH THE RESURFACING OF US RT 30, FROM ST RT 43 TO TRUMP AVE & ENTER INTO CONTRACT; EMERGENCY  
Referred to Public Safety & Thoroughfares Committee
- 1<sup>ST</sup> RDG 3. AMEND APPROP O#209/2012 FOR \$285,000.00 FROM UNAPPROP BAL 5410 SEWER OPERATING FUND TO 5410 202010 ENGINEER - DAILY OPERATIONS - PERSONNEL  
Referred to Finance Committee

***(COUNCIL RECESSED AT 7:43 P.M. FOR THE FINANCE AND PERSONNEL COMMITTEES TO DISCUSS ORDINANCE #4; RECONVENED AT 7:53 P.M.)***

- 9/2013 4. AUTHORIZE SERV DIR TO ENTER INTO PROF SERV CONTRACTS FOR HEALTH CARE BENEFITS ADMIN AND STOP-LOSS INSURANCE FOR CITY EMPLOYEES AND THEIR DEPENDENTS; EMERGENCY  
Referred to Finance & Personnel Committee

**ORDINANCE & FORMAL RESOLUTIONS FOR SECOND READING:**

***(SUSPENDED RULE 22A TO ADD O#5 - O#10; O#10 ADOPTED)***

- 2<sup>ND</sup> RDG 5. AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/SMITH & NEJEDLICK, INC TO COMPLETE APPRAISAL REVIEW WORK FOR 12<sup>TH</sup> ST N. CORRIDOR PROJ, GP 1098, PID 85299; AMEND APPROP O#209/2012 BY MAKING \$194,500.00 SUPP APPROP TO 4501 202077 CAPITAL FUND - 12<sup>TH</sup> ST N. CORRIDOR PROJ GP 1098 - OTHER (PPCI)
- 2<sup>ND</sup> RDG 6. RATIFY AUTHORITY GRANTED IN O#194/2012; AMEND APPROP O#209/2012 BY MAKING \$247,920.00 & \$61,980.00 SUPP APPROPS; EMERGENCY (11<sup>TH</sup> STREET SE INTERSECTION & ROADWAY IMPROVEMENT PROJECT) (PPCI)
- 2<sup>ND</sup> RDG 7. AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO AN AGMT W/OHIO POWER COMPANY, AKA AMERICAN ELECTRIC POWER (AEP) IN AMT NOT TO EXCEED \$53,031.00 FOR USE OF EXISTING AEP CONDUITS & INSTALLATION/REMOVAL OF CITY OWNED ELECTRICAL CONDUCTORS IN SAID CONDUITS TO FACILITATE THE WALNUT/CHERRY COMPLETE STREETS PROJ, PID 91592, GP 1153; AUTHORIZE MAYOR &/OR SERV DIR TO REC TRANSPORTATION REVIEW ADVISORY COUNCIL FUNDS THROUGH ODOT; AMEND APPROP O#209/2012 BY MAKING \$755,260.99 & \$53,031.00 SUPP APPROPS; EMERGENCY (PPCI)
- 2<sup>ND</sup> RDG 8. AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CHANGE ORDER #1 W/CTI ENGINEERS, INC IN AMT NOT TO EXCEED \$37,600.00 FOR 55<sup>TH</sup> ST NE STORM SEWER PROJ GP 1125; AMEND APPROP O#209/2012 BY MAKING \$37,600.00 SUPP APPROP; EMERGENCY (PPCI)
- 2<sup>ND</sup> RDG 9. AUTHORIZE SERV DIR TO ADVERTISE FOR & REC PROF QUALIFICATIONS FOR PROJ MGMT CONSULTING SVCS FOR MAHONING RD CORRIDOR ECONOMIC DEV PROJ & ENTER INTO CONTRACT IN AMT NOT TO EXCEED \$50,000.00 PER YR FOR 2 YRS; EMERGENCY (PPCI)
- 10/2013 10. AUTHORIZE CITY AUDITOR TO PAY \$16,450.00 TO OHIO BILLING, INC; EMERGENCY (MORAL OB) (FIN)

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

- 2/11/13 11. RESOLUTION TO SUBMIT BEFORE ELECTORATE OF CITY A 4.0 MILL LEVY OUTSIDE THE 10 MILL LIMITATION FOR CANTON PARK SYSTEM FOR PERIOD NOT TO EXCEED THREE YRS

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

- 11/2013** 12. AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO AN ENGINEERING CONSULTANT CONTRACT W/RICHLAND ENGINEERING LTD FOR 3<sup>RD</sup> ST SE BRIDGE REHABILITATION PROJ; PID 91972, GP 1167; AMEND APPROP O#209/2012; AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO COOP AGMT WITH OTHER PROJ STAKEHOLDERS; EMERGENCY

**ANNOUNCEMENT OF COMMITTEE MEETINGS:****MONDAY, FEBRUARY 4, 2013 in Council Caucus Room at 6:45 P.M.**

- 1) Finance Committee
- 2) Public Safety & Thoroughfares Committee
- 3) Judiciary Committee

**MISCELLANEOUS BUSINESS:** Member West was very excited to see on the agenda that over \$1,000,000.00 would be coming into Ward 2 for the 12<sup>th</sup> Street, Walnut and Cherry projects. He is sad about all of the negative vibe that continues about the traffic cameras and that people did not come out to his meeting to get educated. He has received a report from the Police Chief and the area of Market and 12<sup>th</sup> Street receives the highest number of crime calls in the city. The Chamber of Commerce had a meeting with some of the business owners in that area and many of them have been hit with crime involving guns. Member West would like to meet with the Safety Director and maybe go into that area to see what can be improved. Law Director Martuccio discussed the Civil Service Commission's vote to now accept applications from felons. There will still be restrictions for certain positions but they will be posted up front. A felon may test and if they pass the test and go on to the interview stage, they must then disclose the crime. A judgement will then be made based on the actual crime, the time since the crime occurred and any type of rehabilitation that took place. Many cities and some private contractors are now moving on to allow felons to rejoin the work force. Member Cirelli asks if we are hiring an Assistant Sanitary Engineer. There has been an advertisement running with a PO Box address that seems to indicate a public position and she wants to verify if this is a legal ad. Service Director Price states we do not have a position of Assistant Sanitary Engineer in the city and are not hiring anyone but he would like to review the advertisement.

**ADJOURNMENT:** 8:10 P.M.