

A G E N D A

CANTON CITY COUNCIL  
NOVEMBER 14, 2005

7:30 P.M.

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ROLL CALL: All 12 Councilmembers present  
INVOCATION: Given by Ward 5 Councilmember Terry Prater  
PLEDGE OF ALLEGIANCE: Led by President of Council Ray Denczak.

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 2<sup>nd</sup> Rdg O#4-10; Adopted 2<sup>nd</sup> Rdg O#5&8; Postponed O#21 )

PUBLIC HEARINGS:

7:30 PM AMENDING CITY ZONING ORDINANCE NO. 55/77 TO REFLECT CHANGES TO THE OFFICIAL ZONING MAP PROPOSED BY THE CITY OF CANTON. (PLANNING COMMISSION RECOMMENDS APPROVAL).  
No Public Speakers. See O.235/2005

7:31 PM VACATING PART OF 10<sup>TH</sup> STREET NE BETWEEN PAYNE COURT & WARNER AVENUE NE AS REQUESTED BY JOHN P. PICARD FOR STARK METROPOLITAN HOUSING AUTHORITY. (PLANNING COMMISSION RECOMMENDS APPROVAL).  
No Public Speakers. See O.238/2005

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY): No Public Speakers

INFORMAL RESOLUTIONS:

VICE PRESIDENT DONALD E. CASAR: EXCUSING MEMBERS (Not necessary, all Councilmembers present)

100. HART, WARD 7 COUNCILMEMBER: REQUESTING A STREET LIGHT AT THE REAR OF 1424 - 19<sup>TH</sup> STREET NW. - ADOPTED; SERVICE DIR. & SIDEWALK/STREET LIGHT CMTE

COMMUNICATIONS:

523. ANGELO & KURZINSKY, F.O.P.: PUBLICLY RETRACTING A STATEMENT IN A LETTER DATED 9/8/04 WHEREIN IT WAS NOT THEIR INTENT TO IMPLY THAT POLICE CHIEF MCKIMM MISUSED PUBLIC FUNDS. - RECEIVED & FILED

524. AUDITOR MALLONN: MONTHLY REPORT BY FUND FOR 10/1-31/05. - RECEIVED & FILED

525. AUDITOR MALLONN: YEARLY REPORT BY FUND FOR 1/1/05-10/31/05. - RECEIVED & FILED

526. AUDITOR MALLONN: IN CONJUNCTION W/MAYOR'S REQUEST TO INCREASE THE MANAGEMENT WAGE SCHEDULE, REQUESTING 3.4% INCREASES IN THE CHIEF DEPUTY, CHIEF INFORMATION OFFICER, DEPUTY AUDITOR III & DEPUTY INTERNAL AUDITOR'S POSITIONS; REQUEST QUALIFYING LANGUAGE BE ADDED TO THE MANAGEMENT PERSONNEL ORDINANCE TO PERMIT AUTOMATIC FUTURE INCREASES. - PERSONNEL & FINANCE CMTEs

527. CANTON PRESERVATION SOCIETY: SUPPORTING THE EFFORTS OF NEIGHBORS TO SAVE FROM DEMOLITION THE HOME LOCATED AT 3319 WEST TUSC. - WARD 3 COUNCILMEMBER & SAFETY DIRECTOR

528. HART, WARD 7 COUNCILMEMBER: LETTER TO THE LAW DIRECTOR REQUESTING TO CHANGE THE CITY'S DEMOLITION POLICY IN ORDER FOR THE CCIC TO ACCEPT DEMO-LIST HOMES FOR PURCHASE & RENOVATION BY DEVELOPERS. - RECEIVED & FILED

529. HART, WARD 7 COUNCILMEMBER: LETTER TO THE MAYOR & HEALTH COMMISSIONER WITH QUESTIONS AS TO THE CITY'S PREPAREDNESS FOR AN OUTBREAK OF THE BIRD FLU. - RECEIVED & FILED

530. HEALTH BENEFITS ADMIN BRESSON: OCTOBER 2005 MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS & JANUARY-OCTOBER 2005 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED

531. LIQUOR CONTROL DIVISION (OHIO): NOTICE TO LEGISLATIVE AUTHORITY THAT MURPHY OIL USA INC HAS REQUESTED A NEW C1 LIQUOR PERMIT AT 3220 ATLANTIC BOULEVARD NE. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

COMMUNICATIONS CONTINUED:

532. LIQUOR CONTROL DIVISION (OHIO): NOTICE TO LEGISLATIVE AUTHORITY THAT RLK INC HAS REQUESTED A NEW D1 LIQUOR PERMIT AT RICKY LY'S 2, 101 CLEVELAND AVENUE. - INTERGOVERNMENTAL & PUBLIC SERVICE CMTE

533. LIQUOR CONTROL DIVISION (OHIO): NOTICE TO LEGISLATIVE AUTHORITY THAT AMVETS POST 0555 HAS REQUESTED A NEW D4 LIQUOR PERMIT AT 221 5<sup>TH</sup> STREET NW. -

## INTERGOVERNMENTAL &amp; PUBLIC SERVICE CMTE

534. MAYOR CREIGHTON: REQUEST A 3.4% INCREASE TO ALL STEPS IN ALL GRADES OF THE MANAGEMENT NON-BARGAINING PERSONNEL ORDINANCE EFFECTIVE 1/1/06; ALSO EFFECTIVE 1/1/06 AUTOMATIC CPI-U WAGE INCREASES FOR ELECTED OFFICIALS ARE NO LONGER SUSPENDED. - PERSONNEL & FINANCE CMTE
535. MAYOR CREIGHTON: REQUESTING CHANGES TO THE MANAGEMENT PERSONNEL ORDINANCE TO DELETE THE WPCC ASSISTANT SUPERINTENDENT & GENERAL FOREMAN POSITIONS & ADD A COLLECTION SYSTEMS DEPARTMENT WITH A SUPERINTENDENT, SANITARY SEWER ENGINEER & GENERAL FOREMAN IN ORDER TO MAKE PERMANENT THE SEPARATION OF THE WPCC & THE COLLECTION SYSTEMS DEPARTMENTS. - PERSONNEL & FINANCE CMTE
536. MAYOR CREIGHTON: REQUEST CHANGES IN THE BARGAINING UNIT PERSONNEL ORDINANCE IN BUILDING MAINTENANCE, PURCHASING & MIS DEPARTMENTS & INCLUDING THE SEPARATION OF COLLECTIONS SYSTEMS FROM THE WPCC AS PART OF CONTINUING EFFORTS TO REORGANIZE CITY OPERATIONS; ALSO INCLUDING CHANGES AS REQUESTED BY THE CITY AUDITOR & CITY TREASURER. - PERSONNEL & FINANCE CMTE
537. MUNICIPAL COURT ADMIN KOCHERA: REQUEST A \$2,297.87 TRANSFER FROM THE GENERAL FUND TO THE COMMUNITY SANCTIONS GRANT FUND; & REQUEST A \$23,662.99 SUPPLEMENTAL APPROPRIATION FROM THE COMMUNITY SANCTIONS GRANT FUND. - FINANCE CMTE
538. PLANNING COMMISSION: RECOMMENDING APPROVAL OF THE ACCEPTANCE OF A NEW UPDATED CITY ZONING MAP WHICH INCLUDES ALL ZONE CHANGES, ANNEXATIONS & NEW ZONING CATEGORIES ADOPTED BY COUNCIL. - JUDICIARY CMTE. **PUB HRG 12/19/05 @ 7:30 PM**
539. PLANNING COMMISSION: RECOMMENDING APPROVAL OF THE REPLAT OF OUTLOT 1005 ON COLUMBUS ROAD NE REQUESTED BY OSTER SAND & GRAVEL FOR RESIDENTIAL DEVELOPMENT. - PUBLIC SAFETY & THOROUGHFARES
540. PLANNING COMMISSION: RECOMMENDING APPROVAL OF THE REPLAT OF VARIOUS LOTS IN THE AREA OF 37<sup>TH</sup> & FRAZER NW AS REQUESTED BY T&K CAMPBELL FOR SINGLE-FAMILY HOUSING. - PUBLIC SAFETY & THOROUGHFARES
541. SAFETY DIRECTOR HUNT: REQUEST A \$2,800 SUPPLEMENTAL APPROPRIATION FROM THE STREET MAINTENANCE FUND FOR THE SIGN & PAINT DEPARTMENT TO PURCHASE ADDITIONAL SIGN-MAKING SUPPLIES. - FINANCE CMTE
542. SAFETY DIRECTOR HUNT: REQUEST A \$15,575 SUPPLEMENTAL APPROPRIATION FROM THE CAPITAL IMPROVEMENT FUND FOR THE CITY ENGINEERING DEPARTMENT TO PURCHASE A NEW TRAFFIC CONTROLLER AT 6<sup>TH</sup> & PROSPECT SW. - PPCI & FINANCE CMTE
543. SERVICE DIRECTOR CONCATTO: REQUEST TO AMEND O.226/2005 TO CHANGE THE EFFECTIVE DATES FOR CONTRACTS TO PROVIDE ELECTRIC ENERGY TO THE WPCC, SUGARCREEK WATER FIELD, HARRISBURG WATER FIELD & THE CITY HALL BUILDING. - EPU & FINANCE CMTE
544. SERVICE DIRECTOR CONCATTO: REQUEST TO ACCEPT 3 GRANTS FROM THE BUREAU OF WORKERS COMPENSATION IN THE TOTAL AMOUNT OF \$16,800 TO BE USED TO SECURE THE SERVICES OF TRANSITIONAL MANAGEMENT SOLUTIONS INC FOR A TRANSITIONAL WORK PROGRAM FOR CITY EMPLOYEES RECOVERING FROM WORK-RELATED INJURIES. - PERSONNEL & FINANCE

COMMUNICATIONS CONTINUED:

545. SERVICE DIRECTOR CONCATTO: REQUEST TO AMEND CITY CODE CHAPTER 947 TO INCLUDE AN "INDUSTRIAL" ACCOUNT SEWER RATE IN ORDER TO BE MORE COMPETITIVE IN SEEKING AREAS FOR ANNEXATION. - JUDICIARY CMTE
546. STARK COUNTY COMMISSIONERS: RESOLUTION ESTABLISHING THE COUNTY COMMISSIONERS' PUBLIC HEARING FOR 12/20/05 AT 11 AM IN THE COMMISSIONERS' BOARD ROOM RE: THE PROPOSED MOORE ANNEXATION AREA. - RECEIVED & FILED
547. TREASURER SCHIRACK: COMPARATIVE REPORT OF INCOME TAX RECEIPTS AS OF 10/31/05. - RECEIVED & FILED

548. TREASURER SCHIRACK: REPORTS OF TREASURER'S OFFICE BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF 10/31/05. - RECEIVED & FILED
549. TREASURER SCHIRACK: COMPARATIVE REPORT OF PARKING METER REVENUE FOR OCTOBER 2005. - RECEIVED & FILED
550. TREASURER SCHIRACK: COMPARATIVE REPORT OF THE AMBULANCE LOCK BOX ACCOUNT FOR OCTOBER 2005. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1<sup>ST</sup> RDG 1. AUTHORIZING THE SERVICE DIRECTOR TO CONTRACT W/STARK COUNTY PUBLIC DEFENDER COMMISSION FOR THE PROVISION OF LEGAL SERVICES TO INDIGENTS FOR THE PERIOD 1/1/06-12/31/07; EMERGENCY  
Referred to Intergovernmental & Public Service & Finance Cmtes
- 1<sup>ST</sup> RDG 2. AUTHORIZING THE MAYOR OR SERVICE DIRECTOR TO APPLY FOR & ACCEPT ASSESSMENT GRANT FUNDS FROM THE OHIO DEPARTMENT OF DEVELOPMENT FOR THE FORMER HERCULES ENGINES PROPERTY; EMERGENCY  
Referred to Community & Economic Development Cmte
- 1<sup>ST</sup> RDG 3. AUTHORIZING THE SAFETY DIRECTOR TO ACCEPT A \$1,000 GRANT FROM THE WAL-MART FOUNDATION FOR THE POLICE DEPARTMENT; AUTHORIZING THE AUDITOR TO RE-DESIGNATE THE SCHOOL PARTNERSHIP GRANT FUND AS THE SAFE NEIGHBORHOOD HERO'S GRANT FUND, & THE ARMORED VEHICLE FUND AS THE POLICE DONATION FUND; AMENDING O.253/2004 FOR A \$1,000 SUPPLEMENTAL APPROPRIATION FROM THE SAFE NEIGHBORHOOD HERO'S GRANT FUND; EMERGENCY  
Referred to Finance Cmte

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:SUSPENDED RULE 22A TO ADD O#4-10:

- 2ND RDG 4. AMENDING CODIFIED ORDINANCES CHAPTER 105, CONTRACTS, TO INCREASE THE COMPETITIVE BIDDING THRESHOLD FOR MUNICIPAL CONTRACTS FOR THE PURCHASE OF SUPPLIES & SERVICES FROM \$15,000 TO \$20,000 IN VARIOUS SUB-SECTIONS. (Jud & Fin)
- 228/2005 5. AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT W/ODOT FOR THE IMPROVEMENT OF I-77 WITHIN THE CITY LIMITS; EMERGENCY. (PS&T & Fin)
- 2ND RDG 6. DECLARING 22 BUILDINGS (1002 3<sup>RD</sup> ST NW, ETC) TO BE PUBLIC NUISANCES; AUTHORIZING THE SAFETY DIRECTOR TO CONTRACT FOR THEIR DEMOLITION; AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY DEMOLITION COSTS TO THE COUNTY AUDITOR; EMERGENCY. (CED & Fin)
- 2ND RDG 7. AUTHORIZING THE CITY AUDITOR TO PAY A \$4,607.32 MORAL OBLIGATION TO BLOCHER'S AUTO BODY, INC. FOR REFURBISHING 3 BLACK & WHITE CRUISERS TO BE USED AS UNMARKED VEHICLES BY THE DETECTIVE BUREAU; EMERGENCY. (Fin)
- 229/2005 8. AMENDING O.181/2005 BY INCREASING THE CITY'S SHARE OF THE CONTRACT AMOUNT W/ODOT FROM \$90,690 TO \$102,660 RE: MARKET AVENUE TRAFFIC SIGNAL IMPROVEMENTS; EMERGENCY. (PST & Fin)

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING - CONTINUED:

- 2ND RDG 9. APPROVING A WATER MAIN EXTENSION TO THE WICKER CREEK SUBDIVISION IN PLAIN TWP; AUTHORIZING THE SERVICE DIRECTOR TO CONTRACT FOR THE EXTENSION; EMERGENCY. (EPU)
- 2ND RDG 10. (RETAINED IN CMTE 10/24/05) AUTHORIZING THE SERVICE DIRECTOR TO ENTER INTO A SUPPLEMENTAL SEWER AGREEMENT W/STARK COUNTY FOR ALL ANNEXED AREAS SINCE 1/1/95; EMERGENCY. (IPS & Fin)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD & FINAL READING:

- 230/2005 11. AMENDING O.17/89 AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED CONTRACT WITH THE CANTON COMMUNITY IMPROVEMENT CORP (CCIC) TO ADMINISTER \$445,000 ADDITIONAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR GRANTS, LOANS & ADMINISTRATIVE COSTS; EMERGENCY
- 231/2005 12. AUTHORIZING THE MAYOR OR SERVICE DIRECTOR TO CONVEY CITY-OWNED REAL PROPERTY LOCATED ON 10<sup>TH</sup> ST NE TO THE CANTON COMMUNITY IMPROVEMENT CORP (CCIC) FOR THE AMOUNT OF \$1.00; EMERGENCY
- 232/2005 13. AMENDING APPROPRIATION O.253/2004 FOR FIRE DEPT VEHICLE REPAIRS, CIVIL SERVICE WAGES & POLICE TEST COSTS BY MAKING A \$37,000 SUPPLEMENTAL APPROPRIATION FROM THE 1001

GENERAL FUND, \$20,000 FROM THE 6041 FUND, \$10,000 FROM THE 1001 GENERAL FUND, & A \$20,000 TRANSFER; EMERGENCY

- 233/2005** 14. DECLARING THE BUILDING LOCATED AT 601 NEWTON AVE NW TO BE A PUBLIC NUISANCE; AUTHORIZING THE SAFETY DIRECTOR TO ENTER INTO CONTRACT FOR DEMOLITION OF SAME; AUTHORIZING THE CLERK OF COUNCIL TO CERTIFY THE COSTS OF DEMOLITION TO STARK COUNTY AUDITOR; EMERGENCY
- 234/2005** 15. AMENDING APPROPRIATION O.253/2004 BY MAKING AN \$80,000 SUPPLEMENTAL APPROPRIATION FROM THE 2328 PHI FUND & \$222,500 FROM THE 2316 WIC FUND IN CONJUNCTION WITH OHIO DEPARTMENT OF HEALTH GRANTS; EMERGENCY
- 235/2005** 16. AMENDING CITY ZONING O.55/77 TO REFLECT CHANGES TO THE OFFICIAL ZONING MAP PROPOSED BY THE CITY OF CANTON (SW CORNER 37<sup>TH</sup> & FRAZER; GEORGEVIEW ESTATES AREA; NE CORNER LINWOOD & WINDSOR SW; CONCORD & DALTON PL SW; & I-1 ZONING BOUNDARY LINE IMMEDIATELY S. OF SOUERS JR HIGH) **PUB HRG 11/14/05 @ 7:30 PM**
- 236/2005** 17. APPROVING & ACCEPTING THE REPLATTING OF LOT NO. 41821 IN THE 700 BLOCK OF MARKET AVE SOUTH AS REQUESTED BY THE CITY OF CANTON IN CONJUNCTION WITH THE FEDERAL CAMPUS PROJECT; EMERGENCY
- 237/2005** 18. APPROVING & ACCEPTING THE REPLATTING OF PART OF LOT NO. 1654 & ALL OF LOT NO. 1655 LOCATED ON 8<sup>TH</sup> ST SW BETWEEN UNION & SHORB SW AS REQUESTED BY HABITAT FOR HUMANITY; EMERGENCY
- 238/2005** 19. VACATING PART OF 10<sup>TH</sup> ST NE BETWEEN PAYNE COURT & WARNER AVENUE NE AS REQUESTED BY JOHN P. PICARD FOR STARK METROPOLITAN HOUSING AUTHORITY; EMERGENCY  
**PUB HRG 11/14/05 @ 7:31 PM**
- 239/2005** 20. AUTHORIZING THE SERVICE DIRECTOR TO ACCEPT A \$1,000 GRANT FROM THE CANTON/STARK COUNTY CONVENTION & VISITOR'S BUREAU FOR THE CIVIC CENTER FOR PROMOTION & MARKETING OF LOCAL PROJECTS; AMENDING O.253/2004 FOR A \$1,000 SUPPLEMENTAL APPROPRIATION FOR SAME FROM THE 1001 GENERAL FUND; EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS - POSTPONED MATTER:

**POSTPONED TO**

- 11/21/05** 21. ORDINANCE NO. 94/2005 AUTHORIZING THE DEMOLITION OF 22 PROPERTIES WAS AMENDED ON THE COUNCIL FLOOR DURING THE MAY 16, 2005 COUNCIL MEETING TO POSTPONE ONE PROPERTY LOCATED AT 2039 EAST TUSCARAWAS STREET FOR A PERIOD OF SIX MONTHS TO MONDAY, NOVEMBER 14, 2005.

ANNOUNCEMENT OF COMMITTEE MEETINGS:

Thursday, November 17, 2005, 9:30 a.m., Council Caucus Room

- 1) Finance Committee re: Discussion of Budget

Monday, November 21, 2005 @ 6:30 PM, Council Caucus Room

1. Community & Economic Development Committee
2. Intergovernmental & Public Service Committee
3. Finance Committee

PUBLIC SPEAKS (OPEN FORUM--CITY BUSINESS ONLY):

(Council heard 5 public speakers)

MISCELLANEOUS BUSINESS: Member Zachary re: Predatory Lending legislation; Member West re: status of 12<sup>th</sup> St. RR crossing & security cameras; Member Carbenia re: Repository photo of elected officials printed in disgraceful manner; Member Dougherty re: Noon dedication of city clock & financing of homes for demolition; Director Concatto re: BIA's receipt of 501C3 status; Mayor Creighton re: light-up of Park displays on Thursday; Law Director Martuccio thanked all Veterans who served/serving our Country.

ADJOURNMENT TIME: 8:26 PM

**THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, NOVEMBER 21, 2005 @ 7:30 PM**