

A G E N D A

CANTON CITY COUNCIL

7:30 P.M.

OCTOBER 16, 2006

ROLL CALL: 11 Councilmembers Present, 1 Absent (Kelly Zachary)

INVOCATION: Given by Thomas E. West, Ward 2 Council Member

PLEDGE OF ALLEGIANCE: Led by Council President Allen Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 2<sup>nd</sup> Rdg O#7 - 17; Suspended 22B to adopt 2<sup>nd</sup> Rdg O#15)

PUBLIC HEARINGS: (None)

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY): (None)

INFORMAL RESOLUTIONS:

VICE PRESIDENT DONALD CASAR: EXCUSING MEMBER KELLY ZACHARY

81. PERSONNEL COMMITTEE: REQUEST AUTHORIZATION TO APPOINT DENNIS TRENGER TO THE SYSTEMS PLANNING BOARD FOR A TWO-YEAR TERM WHICH WILL BE EFFECTIVE FROM OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2008. - ADOPTED

82. COUNCIL-AT-LARGE DON CASAR: COMMENDING RAYMOND DENCZAK'S YEARS OF SERVICE WITH THE CITY OF CANTON. - ADOPTED

COMMUNICATIONS:

467. ANDERSON, JAMES, APPLICANT: APPLICATION FOR STREET VACATION OF PORTION OF UNION AVE SW AND A 14' UNNAMED ALLEY, A 50 FOOT WIDE STREET AND A 14' WIDE ALLEY. - PLANNING COMMISSION

468. AUDITOR, MALLONN (CITY): SUBMITTING YEARLY REPORT BY FUND THRU 9/30/06. - RECEIVED & FILED

469. AUDITOR, MALLONN (CITY): SUBMITTING MONTHLY REPORT BY FUND THRU 9/30/06. - RECEIVED & FILED

470. CD& PLANNING DIR., POORMAN: AUTHORIZE MAYOR OR DIR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT WITH COT-PURITECH, INC. FOR THE NEW ECONOMIC GROWTH INITIATIVE INCENTIVES. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

471. CD& PLANNING DIR., POORMAN: AUTHORIZE THE ACCEPTANCE OF A \$120,000 PER YEAR GRANT FOR HUD FOR A 3 YR FAIR HOUSING ASSISTANCE PROGRAM; APPROVE THE MAYOR AND/OR DIR OF PUB SERVICE TO ENTER INTO A MONTH TO MONTH CONTRACT (NOT TO EXCEED 1 YEAR) W/STARK COUNTY REGIONAL PLANNING COMMISSION TO CONTINUE TO PROVIDE FAIR HOUSING SERVICES FOR THE CITY UNTIL SUCH TIME AS A FAIR HOUSING OFFICE & STAFF ARE OPERATIONAL FOR THE CITY. - COMMUNITY & ECONOMIC DEV and FINANCE COMMITTEES

472. CD& PLANNING DIR., POORMAN: AUTHORIZE THE MAYOR TO SUBMIT/FILE WITH THE US DEPT OF HOUSING & URBAN DEVELOPMENT (HUD) A FISCAL YEAR 2007 CONSOLIDATED PLAN ACTION PLAN & TO EXECUTE GRANT AGREEMENTS W/HUD & ACCEPT THE CITY'S 2007 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), 2007 HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) & 2007 EMERGENCY SHELTER GRANT (ESG); AUTHORIZE MAYOR TO REVISE AND/OR AMEND THE CONSOLIDATED PLAN & BUDGETS FOR CDBG, HOME AND ESG & TO PROVIDE SUCH ADDITIONAL INFORMATION AS MAY REQUIRE; AUTHORIZE & DIRECT CITY AUDITOR TO REVISE THE BUDGETS AS PERMITTED BY CDBG REGULATIONS, THE COMMUNITY, ECONOMIC DEVELOPMENT & PLANNING DEPT & THE US DEPT OF HUD; TO UTILIZE THE ESTABLISHED FUND ACCOUNTS KNOWN AS CDBG & HOME & TO DRAW HIS WARRANTS AGAINST THE CDBG FUND & HOME FUND BASED UPON RECEIPT OF VOUCHERS DULY APPROVED BY THE PROPER DEPARTMENTAL AUTHORITY. - COMMUNITY & ECONOMIC DEV COMMITTEE & FINANCE COMMITTEES

COMMUNICATIONS CONTINUED:

473. CD& PLANNING DIR., POORMAN: AUTHORIZE THE MAYOR TO ENTER INTO A FUNDING AGREEMENT WITH SCOPP TO PROVIDE HOME FUNDS IN THE AMOUNT OF \$240,000 FOR THE WILLOW PARK HOUSING PROJECT TO BENEFIT LOW/MODERATE INCOME FAMILIES. - COMMUNITY & ECONOMIC DEV and FINANCE COMMITTEES

474. HART, R., WARD 7 COUNCILMBR: CORRESPONDENCE TO JOE MARTUCCIO REGARDING RESEARCH FOR AN ORDINANCE TO ASSESS FINES FOR EXCESSIVE POLICE

## CALLS. - RECEIVED &amp; FILED

475. HEALTH BENEFITS ADMIN., BRESSON: SEPTEMBER 2006, MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS & JANUARY - SEPTEMBER 2006 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
476. LIQUOR CONTROL DIVISION (OHIO): SUBMITTING TRANSFER OWNERSHIP OF C1, C2 LIQUOR PERMIT FR: HOLLAND OIL CO. TO: MACS CONVENIENCE STORES LLC, DBA CIRCLE K 5626 @ 3920 TUSCARAWAS ST W. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
477. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED REZONE FR: B-2 TO PB-4 @ 1037 DUEBER AVENUE SW FOR THE CONSTRUCTION OF AN OFFICE/GARAGE COMPLEX FOR A ROOFING BUSINESS (WAYNE MARION). - JUDICIARY COMMITTEE
478. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED REPLAT FOR LOTS 7891 & 40796, THE S.E. CORNER OF 2<sup>ND</sup> ST SE & ECONOMY CT SE & THE DEDICATION RIGHT OF WAY (CITY OF CANTON. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
479. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED REPLAT OF PART OF LOT 793 (THE 600 BLOCK OF CLEVELAND AVE N, THE WEST SIDE) (STARK METROPOLITAN HOUSING) . - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
480. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED REPLAT OF PARK OF OL 215 JUST EAST OF THE N.E. CORNER OF 6<sup>TH</sup> ST SW & DUEBER AVENUE SW, THE EAST SIDE OF DUEBER AVENUE IN THE 200 BLOCK (JOHN ALDEN). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
481. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED VACATION OF A 10' ALLEY (UNNAMED) BETWEEN SHORB AVENUE SW & MARION AVENUE SW & A 10' UNNAMED ALLEY RUNNING BETWEEN LOTS 6524 & 6525 BETWEEN SHORB & MARION AVENUES (SPRING REALTY) - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
482. PLANNING COMMISSION: RECOMMENDING APPROVAL OF ASSIGNING THE RECENTLY ANNEXED LAND KNOWN AS THE DIANO ANNEXATION TO WARD 6 & CLASSIFYING THE ZONING DESIGNATION AS I-1 LIGHT INDUSTRIAL. - ANNEXATION COMMITTEE
483. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED VACATION OF A PORTION OF MOSLEY CT SW FROM THE NORTH LINE OF LOTS 42226 & 42235 TO A POINT 4.66' NORTH OF THE SOUTH LINE OF LOTS 10199 & 10188 (AULTMAN HEALTH FOUNDATION). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
484. SAFETY DIR., HUNT: AUTHORIZE DIR OF PUBLIC SAFETY TO PAY THE FOLLOWING MORAL OBLIGATIONS ON BEHALF OF THE CANTON POLICE DEPT.: \$3,155.96 TO EWING CHEVROLET FOR THE REPAIRS OF ONE-MAN CRUISERS; AND \$4,363.10 & \$499.71 FOR THE K-9 TRAINING FACILITY FOR FREIGHT THAT WERE APPROVED THROUGH A LOCAL HOMELAND SECURITY BUDGET. - FINANCE COMMITTEE
485. SERVICE DIR., CONCATTO: AMEND ORDINANCE 245/99 BY APPROVING DIR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT AMENDMENT WITH MERCY MEDICAL CENTER AND CONCERN IN THE AMOUNT OF \$20.00 PER EMPLOYEE FOR A TOTAL AMOUNT NOT TO EXCEED \$19,800.00. - FINANCE COMMITTEE

COMMUNICATIONS CONTINUED:

486. SERVICE DIR., CONCATTO: AMEND ORDINANCES 226/2005 AND 256/2005 BY MAKING THE EFFECTIVE DATE FOR THE HARRISBURG RD NE WATER FIELD CONTRACT RETROACTIVE TO AUGUST 14, 2006 AND MAKING THE EFFECTIVE DATE FOR THE SUGARCREEK WATER FIELD CONTRACT RETROACTIVE TO AUGUST 25, 2006. - JUDICIARY COMMITTEE
487. SERVICE DIR., CONCATTO: AUTHORIZE DIR OF PUBLIC SERVICE TO ENTER INTO A 5 YEAR LEASE/PURCHASE CONTRACT WITH DIGITAL & ANALOG DESIGN CORPORATION FOR THE NECESSARY EQUIPMENT TO REPLACE THE CITY'S CURRENT VOICE COMMUNICATION SYSTEM; AUTHORIZE DIR OF PUBLIC SERVICE TO ENTER INTO CONTRACT WITH KEY GOVERNMENT FINANCE, INC. FOR A TAX-EXEMPT MUNICIPAL GOVERNMENT LEASE TO COVER PURCHASE OF SAID EQUIPMENT. THE TOTAL AMOUNT NOT TO EXCEED \$750,000.00. - FINANCE COMMITTEE
488. SLIMAN, S., AGT FOR PETITIONER: SUBMITTING COPY OF ANNEXATION PETITION DOCUMENTS FILE W/STARK COUNTY COMMISSIONERS IN THE REIFSNYDER PARK/PARK

## POULTRY ANNEXATION AREA. - RECEIVED &amp; FILED

489. SLIMAN, S., AGT FOR PETITIONER: SUBMITTING COPY OF ANNEXATION PETITION DOCUMENTS FILED W/STARK COUNTY COMMISSIONERS IN THE HARMONT EAST ANNEXATION AREA. - RECEIVED & FILED
490. TREASURER, SCHIRACK: SEPTEMBER 2006 PARKING METER REVENUE. - RECEIVED & FILED
491. TREASURER, SCHIRACK: DEPOSITS & PAY INS FOR THE MONTH OF SEPTEMBER 2006 FOR THE AMBULANCE LOCK BOX ACCOUNT. - RECEIVED & FILED
492. TREASURER, SCHIRACK: BANK RECONCILIATIONS AND THE CITY'S OUTSTANDING INVESTMENTS AS OF 9/29/06. - RECEIVED & FILED
493. TREASURER, SCHIRACK: COMPARATIVE REPORT OF CASH RECEIPTS AS OF 9/30/06. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1<sup>ST</sup> RDG 1. VACATING PORTIONS OF MARYLAND AVE S.W., ROSLYN AVE S.W. & BELLFLOWER AVE S.W.; APPROVING & ACCEPTING THE REPLATTING OF 13.999 ACRES OF LAND; EMERGENCY (MARATHON)  
Referred to Public Safety & Thoroughfares Committee  
**PUBLIC HRG. 10/30/06 @ 7:30 P.M.**
- 1<sup>ST</sup> RDG 2. AMEND ORDINANCE NO 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; EMERGENCY (CITY OF CANTON)  
Referred to Judiciary Committee  
**PUBLIC HRG. 10/30/06 @ 7:31 P.M.**
- 1<sup>ST</sup> RDG 3. AMEND ORDINANCE NO 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; EMERGENCY (WXZ RETAIL)  
Referred to Judiciary Committee  
**PUBLIC HRG. 10/30/06 @ 7:32 P.M.**
- 1<sup>ST</sup> RDG 4. AMENDING SECTION 151.10, HEALTH & WELFARE BENEFITS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON.  
Referred to Judiciary Committee
- 1<sup>ST</sup> RDG 5. AMEND APPROPRIATION ORDINANCE NO. 1/2006 BY MAKING THE SUPPLEMENTAL APPROPRIATION OF \$5,429.45 FR: UNAPPROPRIATED BALANCE OF THE 2111 STREET MAINTENANCE FUND TO: 2111 10/40/20 MAJOR EQUIPMENT; EMERGENCY  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 6. AUTHORIZE THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$825.39 TO OFFICE MAX CONTRACT, INC.; EMERGENCY  
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**SUSPEND RULE 22A TO ADD O#7 - #17:**

- 2<sup>ND</sup> RDG 7. RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION & AUTHORIZING THE NECESSARY TAX LEVIES & CERTIFYING THEM TO THE COUNTY AUDITOR.  
(FIN CMTE)

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING CONTINUED:

- 2<sup>ND</sup> RDG 8. AUTHORIZE THE CITY AUDITOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH SQUIRE, SANDERS & DEMPSEY, LLP FOR LEGAL & FINANCIAL UNDERWRITING SERVICES ASSOCIATED WITH THE CITY'S 2006 BOND ISSUANCE; EMERGENCY. (FIN CMTE)
- 2<sup>ND</sup> RDG 9. PROVIDE FOR THE ISSUANCE & SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$2,030,000 FOR THE COSTS OF CONSTRUCTING & IMPROVING CITY RECREATION FACILITIES; EMERGENCY. (FIN CMTE)
- 2<sup>ND</sup> RDG 10. PROVIDE FOR THE ISSUANCE & SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$5,485,000 FOR THE COSTS OF CONSTRUCTING & IMPROVING CITY ROADS; EMERGENCY. (FIN CMTE)
- 2<sup>ND</sup> RDG 11. PROVIDE FOR THE ISSUANCE & SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$8,580,000 FOR THE COSTS OF ACQUIRING, CONSTRUCTING AND IMPROVING CITY BUILDINGS; EMERGENCY. (FIN CMTE)
- 2<sup>ND</sup> RDG 12. PROVIDE FOR THE ISSUANCE & SALE OF BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$7,535,000 FOR THE PURPOSE OF REFUNDING AT A LOWER INTEREST COST \$7,325,000 OF THE CITY'S OUTSTANDING WATERWORKS SYSTEM IMPROVEMENT BONDS, SERIES 1995, DATED AS OF 2/1/95 & STATED TO MATURE ON 12/1 IN 2010 & 2015, WHICH WERE ISSUED FOR THE PURPOSE OF IMPROVING & EXPANDING THE MUNICIPAL WATERWORKS SYSTEM BY ACQUIRING, CONSTRUCTING, RECONSTRUCTING & OTHERWISE IMPROVING STRUCTURES & FACILITIES FOR RAW WATER TREATMENT, FINISHED WATER STORAGE & DISTRIBUTION & WATERWORKS ADMINISTRATION & SERVICE; EMERGENCY. (FIN CMTE)

- 2<sup>nd</sup> RDG 13. AUTHORIZE THE AUDITOR TO ESTABLISH THE 2410 EMPLOYEE RECOGNITION FUND; AMENDING APPROPRIATION ORDINANCE NO. 1/2006, AS AMENDED; EMERGENCY (FIN CMTE)
- 2<sup>nd</sup> RDG 14. AUTHORIZE THE MAYOR TO ACCEPT A GRANT IN THE AMOUNT OF \$723,975.00; AUTHORIZE THE AUDITOR TO ESTABLISH THE 2428 "CONVENTION CENTER FEASIBILITY GRANT FUND"; AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH CORMONY DEVELOPMENT, LLC; AMENDING APPROPRIATION ORDINANCE 1/2006, AS AMENDED; EMERGENCY. (FIN CMTE)
- 182/2006** 15. APPROVE A CONTRACT AMENDMENT TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF CANTON & THE CANTON PROFESSIONAL FIREFIGHTERS ASSOC. LOCAL 249; EMERGENCY. (FIN & PERS CMTES )
- 2<sup>nd</sup> RDG 16. AUTHORIZE THE DIR OF PUBLIC SERVICE TO ENTER INTO CHANGE ORDER #4 WITH TAB CONSTRUCTION CO., INC. IN AN AMOUNT NOT TO EXCEED \$85,742.45 FOR THE 4<sup>TH</sup> STREET/SHORB AVE NW IMPROVEMENT PROJECT; EMERGENCY. (FIN CMTE)
- 2<sup>nd</sup> RDG 17. AUTHORIZE THE DIR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT WITH SBC GLOBAL SERVICES, INC. DBA AT&T GLOBAL SERVICES TO PROVIDE PHONE CARRIER SERVICES TO THE CITY OF CANTON; EMERGENCY.(FIN CMTE)

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

- 183/2006** 18. AUTHORIZE THE DIR OF PUBLIC SAFETY TO ENTER INTO A PROFESSIONAL SERVICE CONTRACT WITH ANGELA JACOBY CAVENAUGH FOR PLANS EXAMINATION DUTIES FOR THE BUILDING DEPT.; EMERGENCY
- 184/2006** 19. APPROVING & ACCEPTING REPLATTING OF OL 696 & 682; EMERGENCY (Zion Evangelical Lutheran Church)
- 185/2006** 20. APPROVING & ACCEPTING REPLATTING OF LOTS 14661 THRU 14663 & DEDICATION OF PORTION OF 7<sup>TH</sup> ST NE; EMERGENCY
- 186/2006** 21. AUTHORIZE LAW DIRECTOR TO APPROPRIATE REAL PROPERTY W/THE COLUMBUS RD/HARMONT AVE NE INTERSECTION PROJECT; EMERGENCY

ANNOUNCEMENT OF COMMITTEE MEETINGS:

MONDAY, OCTOBER 23, 2006 @ 6:30 PM IN CAUCUS ROOM

1. Judiciary Committee
2. Public Safety & Thoroughfares Committee
3. Finance Committee

PUBLIC SPEAKS: Veronica Callahan (NAVE) re: Community Forum to be held @ Civic Center on Thursday, October 19<sup>th</sup>, doors open @ 4:30PM; Brenda Kimbrough (NAVE) re: neighborhood cleanups; Barb Schneider (NAVE) re: trash pick up and container sizes; Diane Wissuchek (NAVE) re: Recycling Program; Amy Stertzbach (NAVE) re: being proud of her neighborhood & made further suggestions

MISCELLANEOUS BUSINESS: Butch Kraus - Requested Ms. Schneider's trash be picked up, thanked NAVE members for being @ Council meeting; Mayor introduced Brian Leven as new EEO Officer, City recognized by Canton Garden Center with an "Award of Excellence" for park beautification; Thomas West thanked Safety Director & Police Dept. For their "sting operations" and asked if they will continue; Richard Hart - Thanks to NAVE people in attendance & informed everyone to look for the initiation of the "recycling program" in the near future; Joe Concatto announced the re-opening of the West Tuscarawas Street Bridge is on target for October 24<sup>th</sup>; Joe Martuccio informed everyone of the recycling & tree ordinance being in the works, gave explanation of ordinance for size of trash cans;

ADJOURNMENT TIME: 8:38 PM

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, OCTOBER 23, 2006 @ 7:30PM