

A G E N D A

CANTON CITY COUNCIL

7:30 P.M.

OCTOBER 23, 2006

ROLL CALL: 10 Councilmembers Present, 2 Absent (Don Casar and Kelly Zachary)

INVOCATION: Given by James Griffin, Ward 3 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#15 - 20)

PUBLIC HEARINGS: (None)

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

INFORMAL RESOLUTIONS:

FIRST VICE PRESIDENT JOE CARBENIA: EXCUSING MEMBERS DON CASAR AND KELLY ZACHARY

COMMUNICATIONS:

494. ANNEXATION DIR., SLIMAN: REQUEST TO INITIATE AN ORDINANCE FOR THE STATEMENT OF SERVICES FOR THE REIFSNYDER PARK/PARK POULTRY ANNEXATION. - RECEIVED & FILED
495. ANNEXATION DIR., SLIMAN: REQUEST TO INITIATE AN ORDINANCE FOR THE STATEMENT OF SERVICES FOR THE HARMONT EAST ANNEXATION. - RECEIVED & FILED
496. LAW DIR., MARTUCCIO: JUDICIARY COMMITTEE AUTHORIZE THE PREPARATION OF LEGISLATION TO AMEND CHAPTER 157 OF THE CODIFIED ORDINANCES. - JUDICIARY COMMITTEE
497. LIQUOR CONTROL DIVISION (OHIO): REQUEST TRANSFER OF OWNERSHIP OF C1, C2 LIQUOR PERMIT FR: HOLLAND OIL CO. TO: MACS CONVENIENCE STORES LLC, DBA CIRCLE K 5618 @ 1212 - 12<sup>TH</sup> ST NW. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
498. LIQUOR CONTROL DIVISION (OHIO): REQUEST TRANSFER OF OWNERSHIP OF D2, D2X, D3 LIQUOR PERMIT FR: DENISE MUCCI DBA LITTLE CHICAGO TO: JAMES A. PASTORE, JR., LITTLE CHICAGO INVESTMENTS INC DBA LITTLE CHICAGO BISTRO @585 MARKET AV N. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE
499. LIQUOR CONTROL DIVISION (OHIO): DENYING AND REJECTING THE 2006-2007 RENEWAL APPLICATION FOR THE RENEWAL OF LIQUOR PERMIT FOR MARTIN JOSEPH STURIALE DBA PASTIME INN @ 606 9<sup>TH</sup> ST SW. - RECEIVED & FILED
500. LIQUOR CONTROL DIVISION (OHIO): ADVISING THAT HEARING SCHEDULED FOR 10/18/06 HAS BEEN CONTINUED REGARDING CANTON SOUTH DRIVE THRU, INC. @1837 CLEVELAND AVE., SW. - RECEIVED & FILED
501. OHIO EPA: SUBMITTING PUBLIC NOTICE REGARDING NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMITS OR MODIFICATIONS. - RECEIVED & FILED
502. SAFETY DIR., HUNT: REQUEST TO ADOPT LEGISLATION FOR THE DIR OF PUBLIC SAFETY TO ACCEPT A DONATION FROM WALMART ON BEHALF OF THE CANTON FIRE DEPT IN THE AMOUNT OF \$1,000.00 TO ASSIST IN THE PURCHASE OF SMOKE DETECTORS; REQUEST A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$1,000.00 FR: UNAPPROPRIATED BALANCE TO: 2783 FIRE DONATION FUND. - FINANCE COMMITTEE
503. SERVICE DIR., CONCATTO: AUTHORIZE DIR OF PUBLIC SERVICE TO PURCHASE SANITARY SEWER CONVEYANCE RIGHTS FOR THE AFOREMENTIONED AREAS IN AN AMOUNT OF \$91,136.09. - FINANCE AND ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEES
504. WINN, RADELY, APPLICANT: ZONE CHANGE APPLICATION FOR 1607 MAY PL., NE FR: SINGLE ZONING DISTRICT TO: DUPLEX ZONING DISTRICT. - PLANNING COMMISSION

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1<sup>ST</sup> RDG 1. APPROVE & ACCEPT THE REPLAT OF LOTS 4682 THRU 4684; APPROVE & ACCEPT THE DEDICATION OF A PORTION OF THE INTERSECTION OF TYLER AVENUE SE & 4<sup>TH</sup> STREET SE; EMERGENCY  
Referred to PUBLIC SAFETY & THOROUGHFARES COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING CONTINUED:

- 1<sup>ST</sup> RDG 2. AUTHORIZE THE MAYOR OR DIR OF PUBLIC SERVICE TO ENTER INTO AN AGREEMENT W/COT-PURITECH PURSUANT TO THE CITY'S JOB CREATION INCENTIVE PROGRAM; EMERGENCY.  
Referred to COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

- 1<sup>ST</sup> RDG 3. AUTHORIZE THE MAYOR OR DIR OF PUBLIC SERVICE TO ACCEPT A \$120,000 PER YEAR GRANT FOR A 3-YEAR FAIR HOUSING ASSISTANCE PROGRAM; AUTHORIZE THE MAYOR OR DIR OF PUBLIC SERVICE TO ENTER INTO A MONTH TO MONTH CONTRACT W/STARK COUNTY REGIONAL

PLANNING COMMISSION TO PROVIDE FAIR HOUSING SERVICES FOR THE CITY OF CANTON;  
EMERGENCY.

Referred to COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES

- 1<sup>ST</sup> RDG 4. AUTHORIZE THE MAYOR TO FILE W/THE US DEPT OF HOUSING & URBAN DEVELOPMENT A 2007 CONSOLIDATED PLAN FOR THE 2007 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, 2007 HOME INVESTMENT PARTNERSHIP PROGRAM & 2007 EMERGENCY SHELTER GRANT PROGRAM; RATIFYING SUBMISSION & FILING OF SAID PLAN; AUTHORIZE THE MAYOR TO EXECUTE GRANT AGREEMENTS W/THE US DEPT OF HOUSING & URBAN DEVELOPMENT & TO ACCEPT FUNDING FOR THE 3 PROGRAMS; EMERGENCY  
Referred to COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
- 1<sup>ST</sup> RDG 5. AUTHORIZE THE MAYOR TO ENTER INTO A FUNDING AGREEMENT W/STARK COUNTY OUT OF POVERTY PARTNERSHIP, INC., TO PROVIDE HOME FUNDS IN AN AMOUNT NOT TO EXCEED \$240,000 FOR THE WILLOW PARK HOUSING PROJECT; EMERGENCY.  
Referred to COMMUNITY & ECONOMIC DEVELOPMENT AND FINANCE COMMITTEES
- 1<sup>ST</sup> RDG 6. APPROVE & ACCEPT REPLAT OF LOTS 7891 AND 40796; APPROVE & ACCEPT THE DEDICATION OF ADDITIONAL RIGHT-OF-WAY FOR A 15 FOOT TURN-OUT RADIUS; EMERGENCY.  
Referred to PUBLIC SAFETY & THOROUGHFARES COMMITTEE
- 1<sup>ST</sup> RDG 7. APPROVE & ACCEPT REPLAT OF PART OF LOT 793; EMERGENCY.  
Referred to PUBLIC SAFETY & THOROUGHFARES COMMITTEE
- 1<sup>ST</sup> RDG 8. APPROVE & ACCEPT REPLAT OF PART OF OUTLOT 215; EMERGENCY.  
Referred to PUBLIC SAFETY & THOROUGHFARES COMMITTEE
- 1<sup>ST</sup> RDG 9. AUTHORIZE THE AUDITOR TO PAY MORAL OBLIGATIONS IN AMOUNTS NOT TO EXCEED \$3,155.96 TO EWING CHEVROLET & \$4,862.81 TO TREAD CORP; EMERGENCY.  
Referred to FINANCE COMMITTEE
- 1<sup>ST</sup> RDG 10. AUTHORIZE THE DIR OF PUBLIC SERVICE TO ENTER INTO A CONTRACT AMENDMENT W/MERCY MEDICAL CENTER & CONCERN; EMERGENCY.  
Referred to FINANCE COMMITTEE
- 1<sup>ST</sup> RDG 11. AUTHORIZE THE DIR OF PUBLIC SERVICE TO ENTER INTO AMENDED CONTRACTS W/OHIO POWER CO., TO PROVIDE ELECTRIC ENERGY TO THE HARRISBURG RD., N.E., WATER FIELD & SUGARCREEK WATER FIELD; EMERGENCY.  
Referred to JUDICIARY COMMITTEE
- 1<sup>ST</sup> RDG 12. AUTHORIZE THE DIR OF PUBLIC SERVICE TO ENTER INTO A 5 YEAR LEASE/PURCHASE CONTRACT W/DIGITAL & ANALOG DESIGN CORP. FOR VOICE COMMUNICATION SYSTEM EQUIPMENT PURSUANT TO O.R.C. SECTION 125.04; AUTHORIZE THE DIR OF PUBLIC SERVICE TO ENTER INTO CONTRACT W/KEY GOVERNMENT FINANCE, INC. FOR A TA-EXEMPT MUNICIPAL GOVERNMENT LEASE FOR THE PURCHASE OF SAID EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$750,000; EMERGENCY.  
Referred to FINANCE COMMITTEE
- 1<sup>ST</sup> RDG 13. RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY TO THE PROPERTY OWNER IN THE REIFSNYDER PARK/PARK POULTRY ANNEXATION AREA UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; EMERGENCY  
Referred to ANNEXATION COMMITTEE
- 1<sup>ST</sup> RDG 14. RESOLUTION APPROVING THE STATEMENT OF SERVICES TO BE PROVIDED TO THE PROPERTY OWNER IN THE HARMONT EAST ANNEXATION AREA, THE APPROXIMATE DATE SERVICES WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO THE CITY OF CANTON, OHIO; EMERGENCY.  
Referred to ANNEXATION COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:

SUSPENDED RULE 22A TO ADD O#15 - #20:

- 2<sup>ND</sup> RDG 15. 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). (PS&T) **PUBLIC HRG. 10/30/06 @ 7:30 P.M.**

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING CONTINUED:

- 2<sup>ND</sup> RDG 16. AMEND ORDINANCE NO 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; EMERGENCY (CITY OF CANTON). (Jud) **PUBLIC HRG. 10/30/06 @ 7:31 P.M.**
- 2<sup>ND</sup> RDG 17. AMEND ORDINANCE NO 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; EMERGENCY (WXZ RETAIL). (Jud) **PUBLIC HRG. 10/30/06 @ 7:32 P.M.**
- 2<sup>ND</sup> RDG 18. AMENDING SECTION 151.10, HEALTH & WELFARE BENEFITS, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON. (Jud)
- 2<sup>ND</sup> RDG 19. 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. (Fin)
- 2<sup>ND</sup> RDG 20. AUTHORIZE THE CITY AUDITOR TO PAY A MORAL OBLIGATION IN AN AMOUNT NOT TO EXCEED \$825.39 TO OFFICE MAX CONTRACT, INC.; EMERGENCY. (Fin)

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

- 187/2006** 21. RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION & AUTHORIZING THE NECESSARY TAX LEVIES & CERTIFYING THEM TO THE COUNTY AUDITOR.
- 188/2006** 22. 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.
- 189/2006** 23. 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.
- 190/2006** 24. 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.
- 191/2006** 25. 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.
- 192/2006** 26. 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.
- 193/2006** 27. AUTHORIZE THE AUDITOR TO ESTABLISH THE 2410 EMPLOYEE RECOGNITION FUND; AMENDING APPROPRIATION ORDINANCE NO. 1/2006, AS AMENDED; EMERGENCY
- 194/2006** 28. 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.
- 195/2006** 29. 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.
- 196/2006** 30. 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.

ANNOUNCEMENT OF COMMITTEE MEETINGS:MONDAY, OCTOBER 30, 2006 @ 6:00 P.M. IN CAUCUS ROOM

1. Community & Economic Development Committee
2. Annexation Committee
3. Finance Committee
4. Judiciary Committee
5. Public Safety & Thoroughfares Committee

PUBLIC SPEAKS: Vincent Watts re: Area murders; Mari Moss re: Area Violence; Robert Mitchet re: Youth and drugs in the City.

MISCELLANEOUS BUSINESS: Mayor Creighton re: Advising of the Water Facility Committee meeting on October 30, 2006 at 5:00 P.M.; Bill Smuckler re: The recent death of the letter carrier in the City and the need to start the hiring process of the next police people in this area. The need for Community Policing (Bike Patrol), the need for jobs in this area for young people at the Civic Center to get some of the kids off the streets; Dave Dougherty re: Asking Mayor for clarification on the Water Facility Committee meeting. Advising of the N.E.A.R. Community Mahoning Rd. Corridor Project meeting at the William Hunter Bldg. On Tuesday, October 24, 2006 at 5:30 P.M.; Richard Hart re: Thanking all City employees for a great job on Thursday with the Community Forum at the Civic Center. Also advising of his opinion that the City may need to increase starting pay for the Police Officers; Bill Smuckler re: Asked if it were true that 2 more people were recently killed in the City; Mayor Creighton re: Advising that she did just receive word that 2 more people were killed; Thomas West re: The killings in his ward and Dave Dougherty's ward, advising that in his opinion more police is not the only answer to stop this violence but also the need for recreation for kids. Also advising that Youth City Council is taking applications at the Wells Bldg.; Mayor Creighton re: Advising that "Our entire City needs to join hands to stop this violence" and not pass blame to anyone or anything in particular and our City is not the only City with crime. Stating that the crime doesn't stop at the City Lines; Bill Smuckler re: Advising Mayor Creighton that his intent was not to lay blame; Mayor Creighton re: Annexations in the City; Thomas West re: Advising of Pastor Moss holding a prayer session @ 12:00 on Friday where the young lady got shot; Joe Martuccio re: Appraising Mari Moss for her place in the Arts and Community. Also statements about the Natural Gas wars in the area; Thomas West re: Introducing a group of students from Walsh College (they were actually from Central Catholic) and asking them to stand to be introduced; Joe Carbenia re: The existing list of possible new police hires and hopeful that the Mayor will look into hiring more police for the City; Greg Hawk re: Agreeing with Joe Carbenia and asking that we concentrate on putting these police on the streets (Community Policing).

ADJOURNMENT TIME: 8:38 p.m.

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