

FINAL
AGENDA
7:30 P.M.

CANTON CITY COUNCIL

MARCH 5, 2007

ROLL CALL: All Members Present, President Schulman Absent
INVOCATION: Richard Hart, Ward 7 Councilmember
PLEDGE OF ALLEGIANCE: Led by Council Majority Leader, Don Casar

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 1ST Rdg O#1 and 2nd Rdg O#4 - #11)

PUBLIC HEARINGS:

7:30 PM AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY; LOT 4524 LOCATED ON THE O'JAYS PARKWAY; ASSIGNING TO WARD 2; FR: B-3 (GENERAL BUSINESS) TO: PB-4 (PLANNED SPECIAL BUSINESS); PLANNING COMMISSION RECOMMENDED APPROVAL WITH CONDITIONS THAT ALL WORK BE INSIDE THE BUILDING AND NO CARS BE KEPT OUTSIDE THE BUILDING FOR EXTENDED PERIODS OF TIME.

O#48/2007

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

INFORMAL RESOLUTIONS:

ASS'T MAJORITY LEADER JOE CARBENIA: EXCUSING MEMBERS (PRESIDENT SCHULMAN ABSENT)

19. ENVIRONMENTAL & PUB UTIL: COUNCIL RECOMMENDING SANITATION RATE. - POSTPONED

20. ENVIRONMENTAL & PUB UTIL: COUNCIL RECOMMENDING SEWER RATE. - POSTPONED

21. PERSONNEL COMMITTEE: REQUEST APPROVAL TO REAPPOINT DEBORAH ROHRBACH TO THE FAIR EMPLOYMENT PRACTICES BD EFF: 3/1/07 THRU 2/28/10. - ADOPTED

22. PERSONNEL COMMITTEE: REQUEST APPROVAL TO HIRE MR. LARRY MACKEY IN STEP 3, GRADE 6 OF THE CRIMINALIST POSITION IN THE CANTON POLICE DEPT'S CRIME LAB EFF: 4/2/07. - ADOPTED

COMMUNICATIONS:

106. AUDITOR MALLONN (CITY): SUBMITTING YEARLY REPORT BY FUND THRU 02/28/07. - RECEIVED & FILED

107. AUDITOR MALLONN (CITY): SUBMITTING MONTHLY REPORT BY FUND THRU 02/28/07. - RECEIVED & FILED

108. BUDGET DIR., CONDE: REQUEST SUPP & REDUCTIONS OF APPRO FROM VARIOUS FUNDS FOR NECESSARY OPERATIONS OF THE CITY OF CANTON. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE CMTE

109. CANTON-STARK CNTY CRIME LAB: SUBMITTING ANNUAL REPORT 2006. - RECEIVED & FILED

110. CD& PLANNING DIR., POORMAN: REQUEST APPROVAL TO CONVEY PROPERTIES LOCATED @ 1618 GLENDALE AVE NE, 1923 BRYAN AVE SW (COMBINED W/VACANT LOT) & 1717 MAPLE AVE NE WHICH THE CITY RECENTLY ACCEPTED TO ABCD, AS A PART OF OUR NEIGHBORHOOD REVITALIZATION STRATEGY. - COMMUNITY & ECONOMIC DEVELOPMENT CMTE

111. ESLICH, RICHARD, APPLICANT: APPLICATION FOR STREET VACATION OF PORTION OF 17TH ST SE, A 45' WIDE STREET, A 25' PIECE OF ADDITIONAL R-O-W ATTACHED TO THE NORTH R-O-W LINE OF 17TH ST SE BETWEEN ALLEN AVE SE & SOMERSET AVE SE. - PLANNING COMMISSION

112. MAYOR CREIGHTON: REQUEST AUTHORIZATION TO APPOINT MR. ROBERT THOMPSON, SR. TO THE FAIR EMPLOYMENT PRACTICES BD. EFF. 3/1/07 - 2/28/10. - PERSONNEL CMTE

113. MAYOR CREIGHTON: REQUEST AUTHORIZATION TO APPOINT MS. PAULINE DOWNING TO THE FAIR EMPLOYMENT PRACTICES BD. TO FILL AN UNEXPIRED TERM UNTIL 4/30/08. - PERSONNEL CMTE

114. MAYOR CREIGHTON: REQUEST PASSAGE OF AN INFORMAL RESOLUTION RECOMMENDING THAT ALL COLLECTIVE BARGAINING AGREEMENTS, THROUGH THE NEGOTIATING PROCESS, CONTAIN THIS SAME PROHIBITION TO SECTION 151.07, VACATIONS AND SECTION 151.26, LONGEVITY BENEFITS FOR FUTURE EMPLOYEES. - PERSONNEL CMTE

COMMUNICATIONS CONTINUED:

115. SAFETY DIR., HUNT: REQUEST AUTHORIZATION A SUPP APPRO OF \$8,728 FR: UNAPPRO BAL OF 2781 THERMAL IMAGING SYSTEM FUND TO: 2781, THERMAL IMAGING SYSTEM FUND. - FINANCE CMTE

116. SERVICE DIR., CONCATTO: REQUEST AUTHORIZATION FOR CITY TO ADVERTISE, REC BIDS &

ENTER INTO CONTRACT FOR THE CONSTRUCTION OF THE SUGARCREEK WATER TREATMENT PLANT'S SCADA UPGRADES & AUTHORIZE TO ENTER INTO CONTRACT W/BURGESS & NIPPLE FOR ENGINEERING SERVICES DURING BIDDING & CONSTRUCTION & RESIDENT PROJECT REPRESENTATION; REQUEST AUTHORIZATION TO FILE AN APPLICATION TO SECURE A 3.25% LOAN THRU WATER SUPPLY REVOLVING LOAN ACCT (WRSLA) IN CONJUNCTION W/OHIO

WATER DEV AUTHORITY (OWDA) FOR A LOAN IN THE AMT OF \$3,500,000.00 W/10% CONTINGENCY TO BE AMORTIZED OVER A PERIOD OF 20 YEARS WHICH INCLUDES THE \$3,121,000.00 FOR CONSTRUCTION & \$379,000.00 FOR THE ENGINEERING SERVICES TO BE PERFORMED BY BURGESS & NIPPLE; UPON APPROVAL OF LOAN REQUEST SUPP APPRO FR: 5201 207023 UNAPPRO WATER CAPITAL IMPROVEMENT FUND TO: 5201 207023 APPRO WATER CAPITAL IMPROVEMENT FUND. - FINANCE & PUBLIC PROPERTY CAPITAL IMPROVEMENT CMTE

117. SERVICE DIR., CONCATTO: REQUEST AUTHORIZATION TO ENTER INTO CONTRACT FOR THE CONSTRUCTION OF 14,700' OF EIGHT & TWELVE INCH WATER MAINS & THE INSTALLATION OF A BOOSTER PUMP W/A STANDBY GENERATOR TO EXTEND INTO OSNABURG TWNP.; AMEND O#29/2007 TO INCLUDE THIS REQUEST. - ENVIRONMENTAL & PUBLIC UTILITIES CMTE
118. STARK CTY COMM.: SUBMITTING ALL ANNEXATION MATERIALS RE: EAST HARMONT AVE. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

* **Recessed @7:40 PM; Reconvened @ 7:41 PM**

- 46/2007 1. AUTHORIZE MAYOR TO ENTER INTO AN ANNEXATION AGREEMENT W/PLAIN TWP ON PROPERTY LOCATED IN THE PARK FARMS ANNEXATION AREA; EMERGENCY
Referred to Annexation Committee
- 1ST RDG 2. AMEND THE CAPTION & SECTION 3 OF O#29/2007; EMERGENCY
Referred to Finance Committee
- 1ST RDG 3. AUTHORIZE THE CITY AUDITOR TO PAY MORAL OB IN AN AMOUNT NOT TO EXCEED \$9,600.00 TO COTTRILL WRECKING; EMERGENCY
Referred to Community & Economic Development Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:

SUSPENDED RULE 22A TO ADD O#4 - #11;

- 2ND RDG 4. APPROVING & ACCEPTING R-O-W DEDICATION PLAT OF PORTION OF 26TH ST SW; APPROVING & ACCEPTING REPLATTING OF PARTS OF OL483 THRU 485; EMERGENCY (WXZ RETAIL) (PS&T)
- 2ND RDG 5. AUTHORIZE MAYOR OR SERV DIR TO APPLY FOR & ACCEPT GRANT FUNDS FR: OH DEPT OF DEV. FOR STEIN INDUSTRIAL PK; EMERGENCY (C&ED)
- 47/2006 6. AUTHORIZE MAYOR TO ENTER INTO ANNEXATION AGRMT W/CANTON TWP ON PROPERTY IN THE PPC ANNEXATION AREA; EMERGENCY (Annex)
- 2ND RDG 7. AMENDING SEC 181.12, VIOLATIONS; PENALTY, CHAPTER 181, INCOME TAX (Jud)
- 2ND RDG 8. AUTHORIZE SAF DIR TO DONATE USED POLICE WORKOUT MATS TO STARK STATE COLLEGE OF TECHNOLOGY (PPCI)
- 2ND RDG 9. AUTHORIZE SERV DIR TO ENTER INTO \$249,492.14 CH. ORD. #2 W/OH TECHNICAL SVS., INC. FOR REMOVAL OF ASBESTOS FR: ONESTO HOTEL PROJECT; EMERGENCY (Fin)
- 2ND RDG 10. **(RETAINED IN CMTE ON 2/26/07)** AUTHORIZE CITY AUDITOR TO PAY A MORAL OB IN AN AMOUNT NOT TO EXCEED \$350.00 TO BARCO SECURITY SVS INC.; \$121.50 MORAL OB TO SILCO FIRE PROTECTION CO & \$138.84 MORAL OB TO MEGGIT DEFENSE SYSTEMS; EMERGENCY (Fin)
- 2ND RDG 11. **(RETAINED IN CMTE ON 2/5/07 & 2/26/07)** AUTHORIZE CITY AUDITOR TO PAY \$3,308.38 MORAL OBLIGATION TO PET SUPPLIES PLUS FOR OUTSTANDING INVOICES FOR K-9 UNIT OF POLICE DEPT; EMERGENCY (Fin)

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

- 48/2007 12. AMENDING O#55/77, AS AMENDED, KNOWN AS ZONING ORDINANCE (THE O'JAYS PARKWAY); EMERGENCY **PUB HRG. 3/5/07 @ 7:30 PM**
- POSTPONED** 13. AMENDING EX. A O#40/2000 THE CLASSIFICATION PLAN FOR BARGAINING UNIT FOR CITY OF CANTON PERSONNEL IN POLICE DIVISION; EMERGENCY
- 49/2007 14. AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR 41ST ST NE (STEESE) STORM SEWER CONSTRUCTION PROJ GP 1082; AUTHORIZE MAYOR OR SERV DIR TO ACCEPT \$1,158,840 GRANT FR: OPWC; AMEND O#241/2006 TO MAKE \$1,158,840 SUPP APPRO; EMERGENCY
- 50/2007 15. AUTHORIZE SERV DIR TO ENTER INTO PROF SVS CONTRACT FOR TUSC ST RECONSTR. PROJ., GP 1064; AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR TUSC

ST RECONSTR. PROJ., GP 1064; AUTHORIZE MAYOR OR SERV DIR TO ACCEPT \$5,636,900 GRANTS FR: OPWC, ODOT & SCATS; AMENDING O#241/2006, AS AMENDED MAKING \$5,636,900 SUPP APPRO; EMERGENCY

POSTPONED 16. (**POSTPONED FR: 2/12/07 & 2/26/07**) AMEND SEC 151.07, 151.08, 151.09, 151.12, 151.13, 151.14 & 151.26 & REPEAL SEC 151.091 & 151.092 OF CHAPTER 151, EMPLOY PROV, OF CODIFIED ORD OF CITY OF CANTON; EMERGENCY

ANNOUNCEMENT OF COMMITTEE MEETINGS:

MONDAY, MARCH 12, 2007, COUNCIL CAUCUS ROOM @ 6:45 PM

- 1) Finance Committee
- 2) Community & Economic Development Committee
- 3) Personnel Committee

PUBLIC SPEAKS: (None)

MISCELLANEOUS BUSINESS: Butch Kraus and Joe Concatto re: announcing a Paving Meeting next Monday, March 12, 2007 at 6:15 PM; Bill Smuckler re: Questioning whether or not there is a bottom ceiling on City Income Tax collected from people working on a part time basis; Law Director Martuccio re: Answering Mr. Smuckler's question by explaining that since Canton is a Statutory City we have to abide by the Ohio Revised Code and the Ohio Revised Code does not allow the City to create exemptions; Treasurer Schirack re: Agreeing with Law Director Martuccio's answer and adding that if the City wants to change this that the State Senator would have to be contacted; Dave Dougherty re: Reminding and inviting everyone to The Community Forum this Thursday, March 8, 2007 at 6:00 PM at the Northeast Community Center; Mary Cirelli re: Commending the Mayor for people working for her such as Kevin Monroe, Chief Steve Rich and John Labriola; Mayor Creighton re: Thanking Mary Cirelli but reminding her that these gentlemen work for the taxpayers.

ADJOURNMENT TIME: 8:00 PM

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, MARCH 12, 2007 @ 7:30 PM

****DAYLIGHT SAVINGS TIME EFFECTIVE MARCH 11, 2007**