

**FINAL**  
**AGENDA**  
7:30 P.M.

CANTON CITY COUNCIL

MAY 21, 2007

ROLL CALL: All Members Present

INVOCATION: Terry Prater, Ward 5 Councilmember

PLEDGE OF ALLEGIANCE: Led by President Allen Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 2<sup>nd</sup> Rdg #6-#10; Adopted O#8)

PUBLIC HEARINGS:

7:30 P.M. AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE REIFSNYDER PARK/PARK POULTRY ANNEXATION AREA CONTAINING APPROXIMATELY 72.782 ACRES; ASSIGNING SAID TERRITORY TO WARD 9 OF THE CITY; ZONING SAID TERRITORY AS OS (OPEN SPACE) AND I-2 (HEAVY INDUSTRIAL DISTRICT); AND DECLARING THE SAME TO BE AN EMERGENCY; PLANNING COMMISSION RECOMMENDED THE SAME (No Speakers) **O#109/2007**

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY): Julie Sparks re: Water Park

INFORMAL RESOLUTIONS: Councilman Richard Hart presented Informal Resolution #48 from 5/14/07 Agenda to Darlene Leghart. (Hammer & Nails)

MAJORITY LEADER DON CASAR: EXCUSING MEMBERS (Not necessary, all members present)

COMMUNICATIONS:

337. CHIEF OF STAFF, CONDE: REQ ADOPTION OF THE CITY'S TAX BUDGET AS REQUIRED BY ORC SEC 5705.30 - FINANCE COMMITTEE **PUB HRG 7/9/07 @ 7:30 P.M.**
338. LAW DIR., MARTUCCIO: REQ TO PROPOSE AN INFORMAL RESOLUTION & R-O-W LEGISLATION RE: TELECOMMUNICATION ISSUES. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
339. LIQUOR CONTROL DIV (OHIO): REQ TO CANCEL TRANSFER OF APPLICATION FOR STERN & MANN BAR & GRILLE, LLC DBA STERN & MAN BAR & GRILLE @ 220 MARKET AVE N. - RECEIVED & FILED
340. LIQUOR CONTROL DIV (OHIO): REQ TRANSFER OF OWNERSHIP OF D1, D2, D3, D3A LIQ PERMIT FR: HOLIDAY BAR & LOUNGE INC TO: STERN & MANN BAR & GRILLE LLC DBA STERN & MANN BAR & GRILLE LLC @ 101 CLEVELAND AVE., NW., SUITE 100. - RECEIVED & FILED
341. SAFETY DIR., HUNT: REQ TO ENTER INTO CONTRACT W/WARREN FIRE EQUIP, INC TO PURCHASE 19 SETS OF TURNOUT GEAR FOR FIRE DEPT PURSUANT TO ORC SEC 125.04, STATE COOP PURCH AGMT. - FINANCE COMMITTEE
342. SERVICE DIR., CONCATTO: REQ DETAILS W/CANTON PARK COMM., CANTON JOINT RECREATION DIST., RE: WATER PARK FACILITY TO INCLUDE ZONING, RELOCATION OF BASEBALL FIELDS, SITE PLANS & OPERATING COSTS. - PARKS & RECREATION COMMITTEE
343. SERVICE DIR., CONCATTO: REQ TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT TO REMOVAL ALL MATERIAL @ 9<sup>TH</sup> & SCHROYER AVE., SW. - FINANCE COMMITTEE
344. STARK CO 5<sup>TH</sup> DIST APPELLATE CT: JUDGMENT ENTRY RE: PLAIN TWP TRUSTEE VS. BD. OF COMMISSIONERS, ET AL PERMITTED TO 5/11/07 TO FILE BRIEF (DIANO ANNEX). - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1<sup>ST</sup> RDG 1. AUTHORIZE MAYOR TO ENTER INTO AN AMENDED ENTERPRISE ZONE AGREEMENT W/GLENN REAL ESTATE INVESTMENTS, LLC; EMERGENCY  
Referred to Community & Economic Development Committee
- 1<sup>ST</sup> RDG 2. AMENDING SEC 1 (P) OF O#177/2006; EMERGENCY (\$250 POLICE DEPT PETTY CASH)  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 3. AUTHORIZE SERV DIR TO ENTER INTO FEE MODIFICATION W/ME COMPANIES IN AN AMT NOT TO EXCEED \$169,206.00 FOR THE 30<sup>TH</sup> ST NE TRUNK SEWER & IMPROVEMENT PROJ, GP 1083; AMEND O#241/2006, AS AMENDED, BY MAKING APPROP TRANSFER FOR SAME FR: 4501 202001 - ENG ADMIN - OTHER TO: 4501 202067 30<sup>TH</sup> ST NE TRUNK SEWER IMPROVEMENT - OTHER; EMERGENCY  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 4. AUTHORIZE CITY AUDITOR TO PAY A MORAL OB IN AN AMT NOT TO EXCEED \$35,273.00 TO GPD ASSOC; AMEND O#241/2006, AS AMENDED, BY MAKING APPROP TRANSFER FOR SAME FR: 4501 202001 ENG ADMIN - OTHER TO: 4501 202065 - STEESE DRAINAGE AREA PROJ - OTHER; EMERGENCY  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 5. APPROVE SETTLEMENT OF DISPUTED HEALTH CARE BENEFITS PAID BY CANTON; AUTHORIZE SERV DIR TO ENTER INTO A SETTLEMENT AGMT W/AULTCARE; EMERGENCY  
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:

**SUSPENDED RULE 22A TO ADD O#6- #10; ADOPTED O#8;**

- 2<sup>ND</sup> RDG 6. AMENDING O#55/77, AS AMENDED KNOWN AS ZONING ORDINANCE; EMERGENCY (LT #2894 @ 907 11<sup>TH</sup> St., NW) (JUD) **PUB HRG 6/4/2007 @ 7:30 PM**

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING CONTINUED:

- 2<sup>ND</sup> RDG 7. AMENDING O#55/77, AS AMENDED KNOWN AS ZONING ORDINANCE; EMERGENCY (OL #799 @ 3004 Atlantic Blvd NE) (JUD) **PUB HRG 6/4/2007 @ 7:31 PM**
- 104/2007** 8. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO \$30,000.00 LEASE AGREEMENT W/GREATER AKRON ATHLETIC CLUB; EMERGENCY (FIN)
- 2<sup>ND</sup> RDG 9. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO \$40,000.00 CONTRACT W/CANTON SYMPHONY ORCHESTRA ASSN. FOR 2007 'CONCERT IN THE PARK'; EMERGENCY (FIN)
- 2<sup>ND</sup> RDG 10. AUTHORIZING SERVICE DIRECTOR TO ACCEPT \$445,000.00 GRANT FR: ODNR, CLEAN OH TRAILS FUND; ENTER INTO R-O-W AGMT W/AKRON METRO RAILWAY; AMENDING O#241/2006 AS AMENDED; EMERGENCY (FIN)

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

- 105/2007** 11. ESTABLISH FMV OF 3 PARCELS OF CITY-OWNED PROPERTY; AUTHORIZE SALE & CONVEYANCE OF SAID PROPERTIES PURSUANT TO CITY'S RESIDENTIAL LAND DISPOSITION PROG; EMERGENCY (2 @ WEBSTER AVE NE & 1 @ 2<sup>ND</sup> ST SE)
- 106/2007** 12. ESTABLISH FRV OF 2 PARCELS OF CITY-OWNED PROPERTY; AUTHORIZE SALE & CONVEYANCE OF SAID PROPERTIES PURSUANT TO THE CITY'S RESIDENTIAL LAND DISPOSITION PROG; EMERGENCY (2 @ TYLER AVE SE)
- 107/2007** 13. APPROVE & ACCEPT REPLATTING OF LOT #34879 & PART OF OL #73; EMERGENCY
- 108/2007** 14. APPROVE & ACCEPT REPLATTING OF PTS OF LOT #1611, #1613 & #1615; APPROVE & ACCEPT DEDICATION OF PT OF 3<sup>RD</sup> ST NW & PT OF FULTON RD NW; EMERGENCY
- 109/2007** 15. AUTHORIZE CANTON TO ANNEX THE TERRITORY KNOWN AS THE REIFSNYDER PARK/PARK POULTRY ANNEXATION AREA CONTAINING APPROX 72.782 ACRES; ASSIGNING SAID TERRITORY TO WARD 9; ZONING SAID TERRITORY AS OS (OPEN SPACE) & I-2 (HEAVY INDUSTRIAL DIST); EMERGENCY **PUB HRG. 5/21/07 @ 7:30 P.M.**
- 110/2007** 16. AUTHORIZE SERV DIR TO NEGOTIATE & ENTER INTO SUPPLEMENTAL AGMT W/ CITY OF N. CANTON & STARK CTY FOR CAPITAL IMPROV ASSOC W/WPCC; EMERGENCY

ANNOUNCEMENT OF COMMITTEE MEETINGS:**MONDAY, JUNE 4, 2007 in Council Caucus @ 6:30 P.M.**

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

PUBLIC SPEAKS: Edythe Stinson re: Inquiring as to whether the Gang Task Force use cameras in their vehicles or not and if every police vehicle will have cameras; Kameela Farrakhan re: Questioning the discrepancies between the Mayor and Chief of Police; Ida Ross Freeman re: Took police 2 hours to respond to an incident. Also questioning where the foot patrol and community policing are; Cassandra Marion - Bey re: Hoping that we can intelligently become problem solvers. Wondering if the City could have a review board for the Police and their actions; Monique Conner re: Stating that since Mayor Creighton has been Mayor there have been over 51 homicides in the City and asking what her plan is for high crime and homicides if she is re-elected; Susan Seiler re: Resident near Pastime Inn stating that Rated R Gang has taken over the bar and neighbors of the bar are still experiencing excessive problems even because the bar is still open because of appeals even though the City revoked their liquor license. Also experiencing problems with pit bulls belonging to neighbors; Deborah Roland re: Disagreeing with the water park being located Market and 25<sup>th</sup> St NE and stating there are areas in our City that are much more in need of a water park; Pete DiGiacomo re: Resident near Pastime Inn stating that he witnesses prostitution, fights, public urination and drug transactions at the bar; Eric Resnick re: Finds it disturbing that the Park Commission was not notified about the possibility of water park going in at Weiss park.

MISCELLANEOUS BUSINESS: Don Casar re: Stating that it is of the Water Facility Committee's opinion that Weiss Park is the right location for the water park; Joe Concatto re: Explaining that a letter was sent to Council identifying the Water Facility Committee who discussed the location and the creation of a water park since the closing of Jackson Pool. Explaining that the Communication on this agenda, identified as Communication #342 is simply that, a communication, not an Ordinance to bid out for a water park; Thomas West re: Stating that he has a problem with the Water Facility Committee looking at taking out 2 baseball fields to put the water park in; Joe Concatto re: Explaining that the communication clearly states that IF this water park goes in at Weiss Park the committee intends to relocate the 2 baseball fields and not close them as Councilmember West stated; Kelly Zachary re: Stating that she is a member of the Water Facility Committee but has missed the last 2 meetings and wants to go on record opposing the proposed location of the new water park. Also thanking Susan Seiler and Pete DeGiacomo for coming regarding Pastime Inn and relaying her own frustrations because the patrons of Pastime Inn are terrorizing neighbors and they need to stop this; Joe Martuccio re: Addressing several things brought up: 1) Stating that eventually all police cruisers will have digital cameras in them. 2) Announcing that the dispute between the Police Chief and the Administration is not a Council matter. 3) Letting Ms. Marion - Bey know that there is already a review board in place and was put into place by the previous Mayor of the City. 4) Advising that Tyrone Hauritz, the Chief Deputy Prosecutor was sent to Columbus regarding Pastime Inn because the owner filed an appeal and asked that the license not be revoked during the appeal process. 5) Stating that when the Animal Control Officer is hired this person will handle the pit bulls and currently the hiring of the Animal Control Officer is still in research stages. 6) Announcing that when and if the location and all other aspects of a new water park in the City is decided on that an Ordinance will need to be passed and the Water Facility Committee will work closely with the Boards, the Administration and Council during the process; Bernie Hunt re: Advising Ms. Seiler that the Police Department is aware of the problems at Pastime Inn and there are currently vice investigations in that area and he will make sure that officers are moved to where they are needed most and he will let the Chief know that there is more police presence needed near Pastime Inn. Also advising that as the City buys more vehicles, they are all equipped with cameras and the Gang Task Force do not have cameras in their vehicles because they are in unmarked cars but agreeing that they need cameras as well and that is one reason that they are being moved to black and white cars; David Dougherty re: Announcing that he wants everyone to know that the decision was not unanimous about the location of the new water park and he was not for it being located at Weiss Park; Richard Hart re: Advising audience that the water park being located at

Weiss Park is not a done deal, that this will need voted on by Council if it becomes an Ordinance. Also congratulating David Dougherty and Aultman Hospital for the recent event that took place assisting children with bike helmets and safety; Joe Carbenia re: Asking the Law Director to investigate the determination of what constitutes a "vicious dog" and if pit bulls fall under that category; Joe Martuccio re: Advising Councilman Carbenia that he will do the research but also will research how to prove that a particular dog is a pit bull and not a mixed breed; Thomas West re: Advising that he had a problem just today with a pit bull outside of his office; Allen Schulman re: Announcing that since becoming president of Council he has not heard 2 people come in to speak about a bar and how they should not have to live like that. Police car should sit out front of this bar for 3 weeks.

ADJOURNMENT TIME: 8:47 P.M.

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, JUNE 4, 2007 @ 7:30 PM

**NO MEETING HELD ON MONDAY, MAY 28, 2007 DUE TO MEMORIAL DAY HOLIDAY!**