

FINAL
AGENDA
7:30 P.M.

CANTON CITY COUNCIL

JUNE 4, 2007

ROLL CALL: All Members Present

INVOCATION: David Dougherty, Ward 6 Councilmember

PLEDGE OF ALLEGIANCE: Led by President Allen Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 2nd Rdg O#6 - O#10; Suspended Rule 47; O#14 and O#15 Adopted as Amended)

PUBLIC HEARINGS:

7:30 P.M. AN ORDINANCE AUTHORIZING A REQUEST TO REZONE THE PROPERTY KNOWN AS & BEING LOT #2894 IN THE CITY OF CANTON, STARK COUNTY, OHIO, & LOCATED @ 907 11TH ST., NW FR: R-1a, SINGLE FAMILY RESIDENTIAL TO PR-4, PLANNED MULTI-FAMILY RESIDENTIAL; PLANNING COMMISSION RECOMMENDS APPROVAL (No Speakers) **O#111/2007**

7:31 P.M. AN ORDINANCE AUTHORIZING A REQUEST TO REZONE THE PROPERTY KNOWN AS & BEING PART OF OUTLOT 799 IN THE CITY OF CANTON, STARK COUNTY, OHIO, & LOCATED @ 3004 ATLANTIC BLVD. NE., CANTON, OH FR: B-3, GENERAL BUSINESS TO PB-4 PLANNED SPECIAL BUSINESS; PLANNING COMMISSION RECOMMENDS APPROVAL (No Speakers) **O#112/2007**

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

INFORMAL RESOLUTIONS:

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

50. COUNCIL-OF-THE WHOLE: OPPOSING OHIO SENATE BILL #117; SUPPORTING LOCAL CABLE FRANCHISE PROCESS & HOME RULE. - ADOPTED

51. WEST, T., WARD 2 CNCLMBR: COMMENDING KENTRELL TAYLOR, BRIANA ROSS, VICTORIA DAVIS, KAYLA COX, ADONNAKA WHERRY, JADA JONES, ALEXA ROSS, AMBER JUTE & SOMMER BROBST AS WINNERS OF 2007 GOVERNMENT DAY ESSAY CONTEST. - ADOPTED

COMMUNICATIONS:

345. ASST. LAW DIRECTOR BATES-AYLWARD: NOTIFICATION TO MAINTAIN ANY & ALL RECORDS RE: LEAD PAINT AND/OR LEAD PAINT LITIGATION. - RECEIVED & FILED

346. AUDITOR MALLONN (CITY): CERTIFICATE OF TOTAL AMT FR: 2007 ALL SOURCES. - RECEIVED & FILED

347. AUDITOR MALLONN (CITY): SUBMITTING MONTHLY REPORT BY FUND THRU 05/31/07. - RECEIVED & FILED

348. AUDITOR MALLONN (CITY): SUBMITTING YEARLY REPORT BY FUND THRU 05/31/07. - RECEIVED & FILED

349. CARBENIA, JOE., WARD 9 CNCLMBR: REQ TO AMEND CODIFIED ORD #505.18, SEC © TO ADD 'PIT BULLS' TO LIST OF DANGEROUS ANIMALS. - JUDICIARY COMMITTEE

350. CD& PLANNING DIR., POORMAN: REQ LEGISLATION FOR MAYOR &/OR SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR STEIN REMEDIATION PROJ FUNDED BY OH DEPT OF DEV. - FINANCE COMMITTEE

351. CD & PLANNING DIR., POORMAN: AUTHORIZE MAYOR &/OR SERV DIR TO MAKE APPLICATION & REC \$198,000.00 FR: H.U.D. TO CONSTRUCT HANDICAP PARK @ CITY OF CANTON WATERWORKS PARK ; AUTHORIZE CITY AUDITOR TO ESTABLISH 'NEW HORIZONS PARK' FUND; AMEND O#1/2007 TO MAKE \$198,000 SUPP APPROP TO NEW HORIZONS PARK FUND. - FINANCE COMMITTEE

352. HART, RICHARD., WARD 7 CNCLMBR.: REQ TO NAME UNNAMED ALLEY RUNNING ALONG 1338 COTTAGE AVE. NW ENDING BEHIND PROPERTY @ 15TH St NW TO BE "TAYLOR CT". - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

353. HART, RICHARD., WARD 7 CNCLMBR.: STATING OPPOSITION TO PROPOSED WATER PARK @ WEISS PARK. - RECEIVED & FILED

354. HART, RICHARD., WARD 7 CNCLMBR.: PROPOSAL FOR CITY TO CONTINUE & MAKE PERMANENT THE SCHROYER AVE DROP-OFF SITE FOR HOUSEHOLD HAZARDOUS ITEMS INCLUDING TIRES ETC. - RECYCLING COMMITTEE

355. LAW DIRECTOR MARTUCCIO: REQ \$15,000.00 TO PREPARE FOR FED LAWSUIT RE: ESTATE OF SHAWN PIROLOZZI ALLEGING WRONGFUL DEATH BY CITY POLICE OFFICERS. - FINANCE COMMITTEE

356. LIQUOR CONTROL DIV (OHIO): NOTICE OF HRG OBJECTING TO STOCK TRANSFER OF A H N, INC. DBA STORE @ W TUSC. TO BE HELD ON JUNE 26, 2007, 10:30 AM @ 221 3RD ST SE., CANTON, OH. - RECEIVED & FILED

357. RANDAZZO, M.C & MARCANTONIO, A.: APPLICATION TO REZONE LTS #32534, 32535, 32536 & 32537 LOCATED @ NW CORNER OF N. MKT AVE., & 30TH ST FOR BANK W/DRIVE THRU. - PLANNING COMMISSION

COMMUNICATIONS - CONTINUED:

358. SERVICE DIRECTOR CONCATTO: REQ TO ENTER INTO AGMT TO GRANT MEASURING & REGULATING STATION ON CITY OF CANTON LAND NEAR 11TH ST SE, W. OF GONDER AVE., W/ DOMINION EAST OH GAS CO. - FINANCE COMMITTEE
359. SERVICE DIRECTOR CONCATTO: REQ SERV DIR TO ENTER INTO \$40,000.00 PROF SVS W/ ME COMPANIES TO PERFORM STUDY OF 12TH ST N. CORRIDOR STUDY INCLUDING MONUMENT RD EXTENDING TO GIBBS AVE; \$40,000.00 TRANSFER FR: 4506 201001 75812 TO 4506 202077 70507. - FINANCE COMMITTEE
360. SERVICE DIRECTOR CONCATTO: REQ SERV DIR TO ADVERTISE REC BIDS & ENTER INTO \$74,000.00 CONTRACT FOR SEARS BLDG EXTERIOR FACADE REPAIRS; REQ \$74,000.00 TRANSFER FR: 4510 201001 TO 4510 201050. - FINANCE COMMITTEE
361. SERVICE DIRECTOR CONCATTO: REQ \$7,161.65.00 SUPP APPROPRIATION FR: UNAPP BAL OF 2111 STR MAINT FUND TO 2111 104020 73458 MISC SUPPLIES FOR REPAIR OF NOSTALGIC POLE @ 2311 MKT AVE., N. - FINANCE COMMITTEE
362. STARK CO 5TH DIST APPELLATE CT: JUDGMENT ENTRY RE: PLAIN TWP TRUSTEE VS. BD. OF COMMISSIONERS, ET AL PERMITTED TO 5/24/07 TO FILE BRIEF (DIANO ANNEX). - RECEIVED & FILED
363. TREASURER, SCHIRACK: APR 30, 2007 COMPARATIVE REPORT OF CASH RECEIPTS. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. AUTHORIZE SERV DIR TO ENTER INTO \$171,600.00 CONTRACT W/HEXAGRAM INC. TO UPGRADE AUTOMATED METER RDG SYS.; AMENDING O#241/2006 TO MAKE SUPP APPROP FR; UNAPP BAL OF 5201 WATER DIST FUND & UNAPP BAL OF 5410 SEWER BILLING FUND; EMERGENCY
Referred by Finance Committee
- 1ST RDG 2. AMEND O#241/2006 TO MAKE VARIOUS SUPP APPROP FR: UNAPP BAL OF 5201, 5410 & 5601 TO UPGRADE AUTOMATED METER RDG SYS TO DIGITAL SVC; EMERGENCY
Referred to Finance Committee
- 1ST RDG 3. ADOPTING CITY OF CANTON PROPOSED 2008 TAX BUDGET ENDING 12/31/2008; EMERGENCY
Referred by Finance Committee **PUB HRG. 7/9/07 @ 7:30 P.M.**
- 1ST RDG 4. AUTHORIZE SAF DIR TO ENTER INTO \$30,479.42 CONTRACT W/WARREN FIRE EQUIP INC TO PURCHASE TURNOUT GEAR PURSUANT TO ORC SEC 125.04; EMERGENCY
Referred to Finance Committee
- 1ST RDG 5. AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT TO REMOVE ALL TRASH & DEBRIS @ 9TH ST SW & SCHROYER AVE., SW; EMERGENCY
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**SUSPENDED RULE 22A TO ADD O#6 - #10;**

- 2ND RDG 6. AUTHORIZE MAYOR TO ENTER INTO AN AMENDED ENTERPRISE ZONE AGREEMENT W/GLENN REAL ESTATE INVESTMENTS, LLC; EMERGENCY (C&ED)
- 2ND RDG 7. AMENDING SEC 1 (P) OF O#177/2006; EMERGENCY (\$250 POLICE DEPT PETTY CASH) (FIN)
- 2ND RDG 8. AUTHORIZE SERV DIR TO ENTER INTO FEE MODIFICATION W/ME COMPANIES IN AN AMT NOT TO EXCEED \$169,206.00 FOR THE 30TH 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 30TH ST NE TRUNK SEWER IMPROVEMENT - OTHER; EMERGENCY (FIN)
- 2ND RDG 9. 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 (FIN)
- 2ND RDG 10. APPROVE SETTLEMENT OF DISPUTED HEALTH CARE BENEFITS PAID BY CANTON; AUTHORIZE SERV DIR TO ENTER INTO A SETTLEMENT AGMT W/AULTCARE; EMERGENCY (FIN)

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

- 111/2007** 11. AMENDING O#55/77, AS AMENDED KNOWN AS ZONING ORDINANCE; EMERGENCY (LT #2894 @ 907 11TH St., NW) **PUB HRG 6/4/2007 @ 7:30 PM**
- 112/2007** 12. AMENDING O#55/77, AS AMENDED KNOWN AS ZONING ORDINANCE; EMERGENCY (OL #799 @ 3004 Atlantic Blvd NE) **PUB HRG 6/4/2007 @ 7:31 PM**
- 113/2007** 13. AUTHORIZING SERVICE DIRECTOR TO ENTER INTO \$40,000.00 CONTRACT W/CANTON SYMPHONY ORCHESTRA ASSN. FOR 2007 'CONCERT IN THE PARK'; EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD/FINAL READING & VOTE CONTINUED:**AS AMENDED**

114/2007 14. 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

AS AMENDED

115/2007 15. **POSTPONED FROM 5/14/07** AMENDING CITY OF CANTON CODIFIED ORD. SEC 1129.02 OFF-STREET PKG & SEC 1153, HEIGHT REG **PUB HRG 4/30/07 @ 7:32 PM**

ANNOUNCEMENT OF COMMITTEE MEETINGS:**MONDAY, JUNE 18, 2007 in Council Caucus @ 6:30 P.M.**

1) Finance Committee

PUBLIC SPEAKS: Angela Newman re: owner of A & R Whistle Stop and here to complain about running a good business in a bad section of the City and having problems with the Canton City Police Department; Peter DiGiacomo re: Past Time Inn Bar and having seen more black and white police cars going by but still just as much problems at the bar and suggesting a reverse sting; Henry Mack re: Problems with Vice, Police and Code Department; Kenneth Ash, Jr. re: Nimisilla Park and Cook Park, comparing these parks from years ago to now. Suggesting the need for a park in the inner city not on outer parks; Preston Young re: residing on Freedom Avenue and the need for resurfacing the streets as opposed to patching them; Walter Hood re: grateful that the house across the street from him at 321 Freedom that had high grass was taken care of. Also complaining about cars parking on both sides of the street blocking traffic where kids play and thinks that they should only be allowed to park on 1 side or the other or not be allowed to park there at all; Michael Snell re: Complaining about abandoned house next to his on 3rd Street NE where people are stealing aluminum siding off the house; Susan Seiler re: Came to update Council on Past Time Inn since speaking at the last Council Meeting, the following Saturday was the worst night ever there. She took video camera tape to review with police. When she called the it took them 8 minutes to get there then laid on his horn while waiting for backup. Thanking Safety Director Hunt for his cooperation with trying to help with problems with the Past Time Inn.

MISCELLANEOUS BUSINESS: Don Casar re: Announcing that the Ohio Veterans Memorial Park representative will be here for a presentation on Monday, June 18, 2007 at 6:15 PM in Council Caucus; Mayor Creighton re: announcing that the Street Department received an award in recognition of the BAN Program (Beautify a Neighborhood Program); Law Director Martuccio re: Thanking Mr. DiGiacomo and Ms. Seiler for coming to speak and advising that these minutes will be used and the City will not give up with getting the Past Time Inn closed. Also thanking Member Casar for passing Resolution #50; Kelly Zachary re: The need for Parks and Recreation Committee to replace equipment and clean up. Also thanking Community Affairs for coming tonight; Greg Hawk re: Announcing that Saturday there were 2 wonderful things that took place: folks out planting flowers and the concert put on sponsored by the Arts and Chamber where people brought children and that being a sign that the City is safe; Law Director Martuccio calling Council to Executive Session.

ADJOURNMENT TIME: 9:07 PM

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, JUNE 18, 2007 @ 7:30 PM