

FINAL
AGENDA
7:30 P.M.

CANTON CITY COUNCIL

JUNE 18, 2007

ROLL CALL: 9 Councilmembers Present, 3 Absent (James Griffin, Kelly Zachary and Richard Hart)

INVOCATION: Karl "Butch" Kraus Ward 8 Councilmember

PLEDGE OF ALLEGIANCE: Led by President Allen Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 2nd Rdg O#10 - O#14; Suspended Rule 22A to add 1st Rdg O#2 and O#7; O#19 Adopted as Amended)

PUBLIC HEARINGS: (None)

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

INFORMAL RESOLUTIONS:

- MAJORITY LEADER DON CASAR: EXCUSING MEMBERS. (Griffin, Zachary & Hart Absent)
52. COUNCIL-AS-A-WHOLE: ADOPTION OF THE STARK COUNTY NATURAL HAZARDS MITIGATION PLAN. - ADOPTED
53. COUNCIL-AS-A-WHOLE: COMMENDING BILL BURGA FOR HIS HARD WORK & DEDICATION TO THE AFL-CIO. - ADOPTED
54. COUNCIL-AS-A-WHOLE: RECOGNIZING THE BENEFITS OF PARKS & RECREATION & THAT JULY IS PARKS & RECREATION MONTH. - ADOPTED

COMMUNICATIONS:

364. CANTON FIRE DEPARTMENT: 2006 ANNUAL REPORT. - RECEIVED & FILED
365. CARBENIA, J., WARD 9 CNCLMN: REQ AMENDMENT TO ORDINANCE RE: CIVIC CENTER FIREFIGHTER'S PAY. - PERSONNEL & JUDICIARY COMMITTEES
366. HEALTH BENEFITS ADMIN., BRESSON: MAY 2007, MONTHLY COMPARATIVE REPORT OF INSURANCE CLAIMS & JAN - MAY 2007 PAID CLAIMS & COMPARATIVE REPORT. - RECEIVED & FILED
367. HEALTH COMMISSIONER, PATTISON: REQ TO APPROP UNAPP FUNDS FOR 2007 IN AMT OF \$2,884.00 FR: UNAPP BAL OF 2329 SMOKE FREE OH FUND. - FINANCE COMMITTEE
368. HEALTH COMMISSIONER, PATTISON: REQ TO APPROP UNAPP FUNDS FOR 2007 IN AMT OF \$30,154.00 FR: UNAPP BAL OF 2328 PUBLIC HEALTH INFRASTRUCTURE FUND. - FINANCE COMMITTEE
369. HEALTH COMMISSIONER, PATTISON: REQ TO APPROP UNAPP FUNDS FOR WIC ADMIN GRANT IN AMT OF \$103,905.00 FR: UNAPP BAL OF THE 2316 WIC ADMIN FUND. - FINANCE COMMITTEE
370. LAW DIRECTOR, MARTUCCIO: REQ COUNCIL TO ADOPT THE STARK COUNTY HAZARD MITIGATION PLAN RESOLUTION. - RECEIVED & FILED
371. LIQUOR CONTROL DIV (OHIO): NOTICE OF CANCELLATION OF PERMIT FOR MEZE'S MARKET, INC DBA MEZE'S MARKET @ 1639 MAPLE AVE NE, THEREFORE A RULING WILL NOT BE ISSUED ON THE HRG HELD ON 3/5/07. - RECEIVED & FILED
372. LIQUOR CONTROL DIV (OHIO): REQ TRANSFER OF OWNERSHIP OF D5 D6 LIQ PERMIT FR: EST 97 INC, DBA HOB NOB TAVERN TO: PLW 2006 LLC, DBA HOB NOB TAVERN @ 1604 HARRISBURG RD NE 1ST FL. - RECEIVED & FILED
373. LIQUOR CONTROL DIV (OHIO): REQ TRANSFER OF OWNERSHIP OF D2 D2X D3 D3A D6 LIQ PERMIT FR: SKYLAND PINES INC, DBA SKYLAND PINES GOLF SWIM & TENNIS & BANQUET FACILITIES TO: SP LLQ LLC, DBA SKYLAND PINES GOLF SWIM & TENNIS & BANQUET FACILITIES @ 3550 COLUMBUS RD NE. - RECEIVED & FILED
374. MAYOR CREIGHTON: REQ TO RE-APPT MR. NEIL LIBSTER TO FAIR HOUSING BD. FOR 5 YR TERM EFF: 7/1/07 - 12/31/12. - PERSONNEL COMMITTEE
375. PLANNING COMMISSION: RECOMMENDS APPROVAL OF PROPOSED ZONE CHANGE @ THE NW CORNER OF MARKET AVE N & 30TH ST NW FR: R-1c (SINGLE FAMILY RESIDENTIAL) TO: PB-1 (PLANNED OFFICE) (RANDAZZO/MARCANTONIO). - JUDICIARY COMMITTEE
376. PLANNING COMMISSION: RECOMMENDS APPROVAL OF SEVERAL PROPOSED CITY-WIDE ZONE CHANGES (CITY OF CANTON). - JUDICIARY COMMITTEE
377. PLANNING COMMISSION: RECOMMENDS APPROVAL OF PROPOSED REPLAT OF 2801 FAIRCREST AVE SW (JAMES REED). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
378. PLANNING COMMISSION: RECOMMENDS APPROVAL OF PROPOSED FINAL PLAT OF QUEEN ESTHER'S SUBDIVISION (COOPER & ASSOC. FOR RICHARD

ESLICH). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

COMMUNICATIONS CONTINUED:

379. PLANNING COMMISSION: RECOMMENDS APPROVAL OF PROPOSED REPLAT OF LOTS 23352 - 23354 & THE DEDICATION OF 25TH ST NE R-O-W FR: EAST LINES OF LOT 23355 TO WEST LINES OF LOT 23351. (HABITAT FOR HUMANITY). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
380. SERVICE DIRECTOR, CONCATTO: AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR THE WPCC TERTIARY FILTER PROJ IN AMT NOT TO EXCEED \$1,800.00; REQ SUPP APPROP FOR SAME FR: 5413 SEWER REPLACEMENT FUND TO: 5413-20-60-43 WPCC TERTIARY FILTER PROJ. - FINANCE COMMITTEE
381. SERVICE DIRECTOR, CONCATTO: AUTHORIZE SERV DIR TO PAY MORAL OB TO BITZEL EXCAVATING, INC IN AN AMT NOT TO EXCEED \$21,000.00 FOR ADDITIONAL WORK FOR THE SANITARY SEWER REPLACEMENT NEAR THE INTERSECTION OF WAYNESBURG RD SE & ED STEIN DR SE. - FINANCE COMMITTEE
382. SERVICE DIRECTOR, CONCATTO: AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR THE REPAIR OF SEVERAL BRICK STREETS IN AN AMT NOT TO EXCEED \$200,000.00. - FINANCE COMMITTEE
383. STARK CO 5TH DIST APPELLATE CT: JUDGMENT ENTRY RE: PLAIN TWP TRUSTEE VS BD. OF COMMISSIONERS, ET AL GRANTING EXT. OF TIME TO FILE REPLY BRIEF OF APPELLANT (DIANO ANNEX). - RECEIVED & FILED
384. TREASURER, SCHIRACK: MAY 2007 PARKING METER REVENUE. - RECEIVED & FILED
385. TREASURER, SCHIRACK: MAY 2007 DEPOSITS & PAY INS FOR AMBULANCE LOCK BOX ACCT. - RECEIVED & FILED
386. TREASURER, SCHIRACK: REPORTS OF TREASURER'S OFFICE BANK RECONCILIATION & CITY'S OUTSTANDING INVESTMENTS AS OF 5/31/07. - RECEIVED & FILED
387. TREASURER, SCHIRACK: MAY 31, 2007 COMPARATIVE REPORT OF CASH RECEIPTS. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO AGMT W/CANTON COMMUNITY IMPROVEMENT CORP TO PROVIDE A GRANT IN AN AMT NOT TO EXCEED \$125,000.00 FOR ECONOMIC DEVELOPMENT PROJECTS; EMERGENCY
Referred to Finance Committee

(*Recessed @ 7:50 PM; Reconvened @ 7:52 PM)

- 116/2007 2. AUTHORIZE MAYOR AND/OR SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR THE STEIN REMEDIATION PROJ; EMERGENCY
Referred to Finance Committee

- 1ST RDG 3. AUTHORIZE MAYOR OR SERV DIR TO FILE AN APPLICATION FOR & ACCEPT A GRANT FR: THE DEPT OF HOUSING & URBAN DEVELOPMENT FOR THE CONSTRUCTION OF A HANDICAP ACCESSIBLE PARK; AUTHORIZE AUDITOR TO ESTABLISH THE 2529 NEW HORIZONS PARK FUND; AMEND APPROP O#241/2006, AS AMENDED, BY MAKING \$198,000.00 SUPP APPROP FR: UNAPP BAL OF THE 2529 NEW HORIZONS PARK FUND TO: 2529 NEW HORIZONS PARK FUND - OTHER; EMERGENCY
Referred to Finance Committee

- 1ST RDG 4. NAMING AN UNNAMED ALLEY RUNNING ALONG 1338 COTTAGE AVE NW & ENDING BEHIND A PROPERTY FACING 15TH ST NW "TAYLOR COURT"
Referred to Public Safety & Thoroughfares Committee

- 1ST RDG 5. AUTHORIZE LAW DIR TO ENTER INTO PROF SERVICES CONTRACTS W/MEDICAL SPECIALISTS TO ASSIST IN THE PREPARATION OF THE DEFENSE OF THE CASE CAPTIONED *TROY PIROLOZZI V. ERIC STANBRO, ET AL.*; EMERGENCY
Referred to Finance Committee

- 1ST RDG 6. AUTHORIZE SERV DIR TO EXECUTE & DELIVER TO DOMINION EAST OHIO GAS CO. AN EASEMENT ON PROPERTY OWNED BY THE CITY OF CANTON (11TH ST SE JUST W OF GONDER AVE); EMERGENCY
Referred to Finance Committee

(*Recessed @ 7:52 PM; Reconvened @ 7:54 PM)

- 117/2007 7. AUTHORIZE SERV DIR TO ENTER INTO PROF SERVICES CONTRACT W/ME COMPANIES IN AN AMT NOT TO EXCEED \$40,000.00 FOR THE 12TH ST NORTH CORRIDOR STUDY; AMEND APPROP O#241/2006, AS AMENDED, BY MAKING APPROP TRANSFER OF \$40,000.00 FR: 4506 201001 CITY INFRASTRUCTURE BOND FUND - OTHER TO: 4506 202077 CITY INFRASTRUCTURE - 12TH ST NORTH CORRIDOR PROJ - OTHER; EMERGENCY
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING CONTINUED:

- 1ST RDG 8. AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR THE EXTERIOR FACADE REPAIRS AT THE SEARS BLDG; AMENDING APPROP O#241/2006, AS AMENDED, BY MAKING THE APPROP TRANSFER OF \$74,000.00 FR: 4510 201001 CONSTRUCTION/RECONSTRUCTION BOND FUND - OTHER TO: 4510 201050 SEARS BLDG IMPROVEMENTS - OTHER; EMERGENCY
Referred to Finance Committee
- 1ST RDG 9. AMEND O#241/2006, AS AMENDED, BY MAKING \$7,161.65 SUPP APPROP FR: UNAPP BAL OF THE 2111 STREET MAINTENANCE FUND TO: 2111 104020 TRAFFIC SIGNAL - OTHER; EMERGENCY
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:SUSPENDED RULE 22A TO ADD O#10- #14;

- 2ND RDG 10. 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 (FIN)
- 2ND RDG 11. 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 (FIN)
- 2ND RDG 12. ADOPTING CITY OF CANTON PROPOSED 2008 TAX BUDGET ENDING 12/31/2008; EMERGENCY
(FIN) **PUB HRG. 7/9/07 @ 7:30 P.M**
- 2ND RDG 13. 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 (FIN)
- 2ND RDG 14. AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT TO REMOVE ALL TRASH & DEBRIS @ 9TH ST SW & SCHROYER AVE., SW; EMERGENCY (FIN)

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

- 118/2007 15. AUTHORIZE MAYOR TO ENTER INTO AN AMENDED ENTERPRISE ZONE AGREEMENT W/GLENN REAL ESTATE INVESTMENTS, LLC; EMERGENCY
- 119/2007 16. AMENDING SEC 1 (P) OF O#177/2006; EMERGENCY (\$250 POLICE DEPT PETTY CASH)
- 120/2007 17. 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
- 121/2007 18. 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

AS AMENDED

- 122/2007 19. APPROVE SETTLEMENT OF DISPUTED HEALTH CARE BENEFITS PAID BY CANTON; AUTHORIZE SERV DIR TO ENTER INTO A SETTLEMENT AGMT W/AULTCARE; EMERGENCY

ANNOUNCEMENT OF COMMITTEE MEETINGS:**MONDAY, JULY 9, 2007 in Council Caucus @ 6:15 P.M.**

- 1) Public Safety & Thoroughfares Committee
- 2) Finance Committee
- 3) Personnel Committee

PUBLIC SPEAKS: Willie Thompson re: resident from area of 2nd and Young SE, recommending the need for a supermarket and service station in the area he lives in; Rebecca Shrewsbury re: neighborhood problems such as a young kid walking the streets with a gun and police response was horrible; also problems with prostitutes standing in front of the new Summit Elementary School; also the desire to have a block party and block street off; Geoffrey Lorbach re: echoing Ms. Shrewsbury's comments and relaying that it took police 30 - 35 minutes to get there when someone shot a dog in the street; Stephen Tomic re: owner of Atomic Transmission on 12th St NE, stating that the Repository makes downtown look so bad that no one wants to come downtown to do business and asking Council what they can do to get people to come back downtown again; Pete DiGiacomo re: Thanking Councilmen Smuckler and Hawk for coming down to the Pastime Inn to observe the activity during the closing of the bar; also asking Councilman Carbenia how the dangerous animals/dogs issue is proceeding; Edyth Stinson re: requesting support to replace Jackson Pool in SE area, stating that Weiss Park is already developed and believes that putting the water park there would be a waste of taxpayer's dollars; Kameela Farrakhan re: stating that if Thurman Munson Stadium is turned into a racetrack there should be a public hearing and she believes that Little League should be put there instead because a racetrack would cause noise problems for the elderly; also wondering why the O'Jays are going to Belden Village when they are from Canton.

MISCELLANEOUS BUSINESS: Thomas West re: stating that the O'Jays will be downtown at Nimisilla Park on the 29th and announcing that the Joy Fest will take place on July 7th on Cherry Ave; Joe Carbenia re: asking the Law Director to tell us at what stage the request to amend the vicious animal ordinance is; Joe Martuccio re: advising Councilman Carbenia that his department is in the process of drafting an Ordinance for the amendment to the vicious animal ordinance; also announcing that the dog warden issues are still in research and involve weekends and evenings, law enforcement or peace officer and carrying a gun; Joe Carbenia re: stating that Marilyn from the Mayor's office sent Council Office a correspondence stating that about 500 pit bulls were

confiscated in Toledo within the first 5 months of the year; Mayor Creighton re: advising Ms. Farrakhan in regards to the O'Jays being in Jackson Township, the Chamber of Commerce makes that decision; Also advising that there is a Blues Festival this weekend downtown, the Joyfest on July 5th, 6th, 7th and 8th and then the free concert; advising Ms. Farrakhan that the decision about the Thurman Munson Stadium is not even close to being made yet but there will be a public hearing; Don Casar re: asking Law Director Martuccio if he said that he had a dog warden meeting and what the time frame is that we may have legislation for that enabling us to hire someone. Stating that this was started in January and here it is June; Thomas West re: asking the Mayor if there is someone looking at the Bonded Station on 12th St; announcing his agreement with Mr. Thompson that there is a need for more in his area; Don Casar re: thanking the Law Department and Administration for the clean up of the cigarette and beer signs in the City, stating that it really cleaned up the our city; Mayor Creighton re: Bringing attention to the fact that the little yellow signs are disappearing too.

ADJOURNMENT TIME: 8:42 PM

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, JULY 9, 2007 @ 7:30 PM