

FINAL
AGENDA
7:30 P.M.

CANTON CITY COUNCIL

SEPTEMBER 10, 2007

ROLL CALL: All Members Present

INVOCATION: Bill Smuckler, At Large Councilmember

PLEDGE OF ALLEGIANCE: President Allen Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 2nd Rdg O#9-#18 except O#15, #17 & #18; Adopted 2nd Rdg O#12 & #13; O#15 Returned to Planning Commission; O#17 & #18 Retained in Cmte)

PUBLIC HEARINGS:

7:30 P.M. AN ORDINANCE AMENDING VARIOUS CHAPTERS OF PART 11, PLANNING & ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON. PLANNING COMMISSION RECOMMENDED APPROVAL
See O#15 - RETURNED TO PLANNING COMMISSION FOR FURTHER REVIEW

7:31 P.M. 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; PLANNING COMMISSION RECOMMENDED APPROVAL
See O#166/2007

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

INFORMAL RESOLUTIONS:

MAJORITY LEADER DON CASAR:

EXCUSING MEMBERS. (ALL MEMBERS PRESENT)

64. CNCLMBR AT LARGE, CIRELLI, M:

SUPPORTING GEOTHERMAL HEAT SYSTEMS FOR CITY OF CANTON FOR FUTURE BUILDING PROJECTS. - POSTPONED

65. COUNCIL AS A WHOLE:

SUPPORTING THE EMPLOYEE FREE CHOICE ACT. - ADOPTED

66. HART, R., WARD 7 CNCLMBR:

CONGRATULATING MICHAEL FELDMAN ON HIS SUCCESS IN THE FIELD OF RADIO & WELCOME TO CANTON. - ADOPTED

COMMUNICATIONS:

466. AUDITOR MALLONN (CITY):

SUBMIT MO. RPT. BY FUND THRU 8/31/07. - RECEIVED & FILED

467. AUDITOR MALLONN (CITY):

SUBMIT YRLY. RPT. BY FUND THRU 8/31/07. - RECEIVED & FILED

468. AUDITOR PEREZ (STARK COUNTY):

SUBMIT COPY OF POPULAR ANNUAL FIN. RPT. FOR YR ENDED 12/31/06. - RECEIVED & FILED

469. C&ED DIRECTOR POORMAN:

REQ TO ACCEPT LAND PARCEL #02-02501, LT #8418 LOCATED ON 10TH ST NE FR: SOPHIE MANOS AS LAND DONATION. - COMMUNITY & ECONOMIC DEVELOPMENT CMTE

470. C&ED DIRECTOR POORMAN:

REQ TO CONVEY LAND PARCEL #02-15796, LT #15372 LOCATED @ 1717 MAPLE AVE., NE TO FREED HOUSING CORP. - COMMUNITY & ECONOMIC DEVELOPMENT CMTE

471. C&ED DIRECTOR POORMAN:

REQ EMERGENCY LEGISLATION TO ESTABLISH FMV OF \$4,200.00 FOR PARCEL #02-14667 LT #24200 LOCATED ON 22ND ST NE & AUTHORIZE DISPOSITION TO CONVEY PROPERTY TO CHESTER JACKSON. - COMMUNITY & ECONOMIC DEVELOPMENT CMTE

472. C&ED DIRECTOR POORMAN:

REQ EMERGENCY LEGISLATION TO ESTABLISH FMV OF \$900.00 FOR PARCEL #02-12824, LT # PT 741 LOCATED ON 7TH ST SW & AUTHORIZE DISPOSITION TO CONVEY PROPERTY TO STEPHEN & CONSTANCE BROWN. - COMMUNITY & ECONOMIC DEVELOPMENT CMTE

473. LAW DIRECTOR MARTUCCIO:

REQ AMENDING OF SEC 2 TO O#118/2007 CORRECTING ENTITY NAME TO RANDALL, RICHARD & MOORE LLC DBA CUTTER EQUIP CO. GRANTING 75% PERSONAL PROP. TAX EXEMPT. - COMMUNITY & ECONOMIC DEVELOPMENT CMTE

474. LAW DIRECTOR MARTUCCIO:

REQ TO HIRE PT-TIME EMPLOYEE, W/O FRINGE BENEFITS @ \$35.00 TO \$50.00 PAY RANGE IN LAW DEPT. SPECIFICALLY FOR THE FEDERAL COURT CASE OF PIROLOZZI VS. STANBRO, ET AL. - PERSONNEL CMTE

475. LAW DIRECTOR MARTUCCIO:

REQ TO AMEND CODIFIED ORD SECTIONS 127.03, VEHICULAR SELF-INS. FUND TO INCLUDE LOSS OR DAMAGE TO CITY VEHICLES & INCREASE SUM DEPOSITED; AMEND SEC 127.04 CLAIMS & JUDGMENTS, TO RAISE LIMITS TO SETTLE CLAIMS AGAINST OR IN FAVOR OF CITY. - JUDICIARY CMTE

476. LIQUOR CONTROL DIV. (OHIO):

REQ TRANSFER OF C1 C2 LIQ PERMIT FR: BP PRODUCTS N AMERICA INC. TO GIANT OIL INC. @1200 N. MKT & GAS PUMPS - RECEIVED & FILED

477. LIQUOR CONTROL DIV. (OHIO):

REQ NEW C1 C2 LIQ PERMIT FOR Z & A REALTY INC. DBA MY MARKET @ 125 12TH STREET NE. - RECEIVED & FILED

478. LIQUOR CONTROL DIV. (OHIO):

NOTICE OF HRG FOR AZAEL, INC, NEW PERMIT APPLICATION ON 9/13/07 @ 11:00 AM, JOB & FAM SVCS, 221 3RD ST SE. - RECEIVED &

FILED

COMMUNICATIONS - CONTINUED:

479. MAYOR JANET CREIGHTON: REQ TO RE-APPOINT MR. THOMAS LAROCHELLE TO FAIR HSG COMM RETRO. 9/1/07 THRU 8/31/12. - PERSONNEL CMTE
480. MAYOR JANET CREIGHTON: SUBMIT AMENDMENT TO EMPLOYMENT PROVISIONS OF CODIFIED ORD 151.22 PROVIDING FOR PAYMENT OF PENSION CONTRIBUTION FOR ALL CITY OF CANTON EMPLOYEES. - PERSONNEL AND FINANCE CMTE
481. SAFETY DIRECTOR HUNT: REQ \$5,666.99 SUPP APPROP FOR CANTON FIRE DEPT FR: UNAPP BAL OF 4502 MOTOR VEH PURCH. FUND. - FINANCE CMTE
482. SERVICE DIRECTOR CONCATTO: REQ SERV DIR TO ENTER INTO \$26,780.00 CONTRACT AMENDMENT W/COMP MGMT INC. TO ADMINSTRATE WORKER'S COMP SVCS EFF: 1/1/08. - FINANCE CMTE
483. SERVICE DIRECTOR CONCATTO: SUBMITTING RPT OF NECESSARY EMERGENCY REPAIR TO WATER DEPT. EQUIPMENT PURSUANT TO ORC 735.051 & O#76/76. TO PROVIDE CONTINUED OPERATION IN WATER DEPT.- RECEIVED & FILED
484. TREASURER, SCHIRACK: AUG 2007 PKING MTR REVENUE. - RECEIVED & FILED
485. TREASURER, SCHIRACK: AUG 2007 DEPOSITS & PAY INS FOR AMBULANCE LOCK BOX ACCT. - RECEIVED & FILED
486. TREASURER, SCHIRACK: AUG 31, 2007 COMPARATIVE REPORT OF CASH RECEIPTS. - RECEIVED & FILED
487. WARD 2 CNCLMBR, WEST, T. &
WARD 4 CNCLMBR, KACHARY, K: REQ ALL NEWSLETTERS & OTHER UNSOLICITED MASS MAILINGS BE SUBMITTED TO JUDICIARY CHAIR & MAJORITY LDR FOR APPROVAL PRIOR TO PRODUCTION. - **WITHDRAWN**

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. ESTABLISHING FMV OF CITY OWNED PROPERTY; AUTHORIZE SALE & CONVEYANCE OF PROPERTY PURSUANT TO CITY'S RESIDENTIAL LAND DISPOSITION PROG; EMERGENCY (PARCEL # 02-22188 ON 12TH ST NE)
Referred to Community & Economic Development Committee
- 1ST RDG 2. AUTHORIZE EDITING & INCLUSION OF VARIOUS COMPONENT CODES OF ORDINANCES TO THE CITY OF CANTON CODIFIED ORDINANCES; EMERGENCY
Referred to Judiciary Committee
- 1ST RDG 3. RESOLUTION AUTHORIZING LAW DIRECTOR TO DISTRIBUTE FREE PUB OFFICIALS & PUB INSTITUTIONS COPIES OF 2006 SUPPLEMENTAL TO CANTON CODIFIED ORDINANCES; TO AFFIX PRICE FOR SALE OF SAME; EMERGENCY
Referred to Judiciary Committee
- 1ST RDG 4. AMENDING O#241/2006 MAKING VARIOUS SUPP APPROP, REDUCTIONS, TRANSFERS & INTERFUND CASH TRANSFERS TO CONTINUE OPERATIONS OF CITY; EMERGENCY
Referred to Finance Committee
- 1ST RDG 5. AUTHORIZE CITY AUDITOR TO PAY \$4,000.00 MORAL OB TO CENTER FOR MARKETING & OPINION RESEARCH; EMERGENCY
Referred to Finance Committee
- 1ST RDG 6. AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO \$7,500.00 5-YR LEASE AGMT W/OPTION TO PURCHASE 2, 10-TON HEAVY DUTY DUMP TRKS IN WATER DEPT; AMENDING O#241/2006, TO MAKE \$7,500.00 SUPP APP; EMERGENCY
Referred to Finance Committee
- 1ST RDG 7. AUTHORIZE CITY AUDITOR TO ESTABLISH 2234 STEIN PROJ FUND; AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT TO CONSTRUCT INFRASTRUCTURE IMPROV FOR STEIN INDUSTRIAL PK GP 1094; AMENDING O#241/2006 TO MAKE \$400,000.00 SUPP APPROP & TRANSFERS; EMERGENCY
Referred to Finance Committee
- 1ST RDG 8. AUTHORIZE MAYOR TO ENTER INTO AMENDED ENTERPRISE ZONE AGMT W/GLENN REAL ESTATE INVESTMENTS DBA CUTTER EQUIP CO; EMERGENCY
Referred to Community & Economic Development

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:SUSPENDED RULE 22A TO ADD O#9 - #18 except O#15, #17 & #18; Adopted O#12 & #13)

- 2ND RDG 9. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO JOB CREATION TAX INCENTIVE & NET PROFITS INCENTIVE AGMTS W/COATING SERV., INC. PURSUANT TO THE CITY'S ECONOMIC GROWTH INITIATIVE PROG; EMERGENCY
(C&ED)

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING - CONTINUED:

- 2ND RDG 10. ESTABLISH FMV & AUTHORIZE SALE & CONVEYANCE OF PARCEL #02-35101 ON CLARENDON AVE SW TO TODD & LISA HIXSON (ABUTTING PROP OWNERS); EMERGENCY (C&E)
- 2ND RDG 11. AMEND APPROP O#241/2006, AS AMENDED, BY MAKING \$15,000.00 SUPP APPROP FR: 1001 UNAPPROP GENERAL FUND BAL; EMERGENCY (Fin)
- 163/2007 12. AUTHORIZE MAYOR TO APPLY FOR, ENTER INTO AGMT & ACCEPT FUNDS FOR THE 2008 PROG YEAR FR: THE CLEAN OH CONSERVATION FUND; EMERGENCY (Fin)
- 164/2007 13. AUTHORIZE MAYOR TO SUBMIT THE NECESSARY APPLICATIONS TO DIR OF OH PUB WORKS COMM & TO EXECUTE CONTRACTS FOR CURRENT STATE CAPITAL IMPROV & LOCAL TRANSPORTATION IMPROV PROG FUNDING FOR CAPITAL IMPROV PROJ; EMERGENCY (Fin)
- 2ND RDG 14. AMEND APPROP O#241/2006, AS AMENDED, MAKING \$43,555.00 SUPP APPROP FR: UNAPP BAL OF 2328 PUBLIC HEATH INFRASTRUCTURE FUND TO: 2328 PUBLIC HEALTH INFRASTRUCTURE GRANT - OTHER; EMERGENCY (Fin)
- RETAINED IN CMTE** 15. **(RETAINED IN CMTE FR: 8/20/07)**
AMEND VARIOUS CHAPTERS OF PART 11, PLANNING & ZONING CODE, OF THE CODIFIED ORDINANCES OF CITY OF CANTON (CITY OF CANTON) (Jud) **PUB HRG 9/10/07 @ 7:30 PM**
- 2ND RDG 16. AMEND APPROP O#241/2006, AS AMENDED, MAKING \$45,000.00 SUPP APPROP FR: UNAPP BAL OF 2763 LAW ENFORCEMENT TRUST FUND TO: 2763 LAW ENFORCEMENT TRUST - OTHER; EMERGENCY (Fin)
- RETAINED IN CMTE** 17. **(RETAINED IN CMTE FR: 8/20/07)**
AMEND APPROP O#241/2006, AS AMENDED, MAKING \$500,000.00 APPROP TRANS. FR: 4506 201001 - CITY INFRASTRUCTURE BOND FUND - OTHER TO: 4501 202260 PAVING - OTHER; EMERGENCY (Fin)
- RETAINED IN CMTE** 18. **(RETAINED IN CMTE FR: 8/20/07)**
ESTABLISH THE FAIR MKT VALUE OF REAL PROP. IN CONJUNCTION W/49TH ST & GARDENDALE AVE NE STORM SEWER IMPROV, GP 1074; AUTHORIZE SERV DIR TO NEGOTIATE & PURCHASE SAID PARCELS AT THE ESTABLISHED FAIR MKT VALUES & ENTER INTO PERMANENT STORM SEWER/PEDESTRIAN TRAIL EASEMENTS; EMERGENCY (C&E)

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

- 165/2007 19. AMEND EXHIBIT A TO CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY CITY OF CANTON O#40/2000, AS AMENDED; EMERGENCY
- 166/2007 20. AMEND ZONING O#55/77, AS AMENDED; EMERGENCY (CAR WASH ON HARMONT)
PUB HRG 9/10/07 @ 7:31 PM

ANNOUNCEMENT OF COMMITTEE MEETINGS:

MONDAY, SEPTEMBER 17, 2007 in Council Caucus @ 6:15 P.M.

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

PUBLIC SPEAKS: Nick Conley & Kim Speakman - Publicly requested extension on the city towing contract which has had no review since 2001; Walter Hood - Thanked Administration, Kelly Zachary & all Councilmembers for fulfilling request of no parking signs in his neighborhood; Susan Walker - Vicious Dog attack on Aug. 25th; Jim McCourry - Junk vehicles in his neighborhood & requesting investigation; Ruby Brogdon - Request help from city for her neighborhood which is getting more crime-infested.

MISCELLANEOUS BUSINESS: Greg Hawk - Expressed feelings of visitors stating they loved Canton and feel very safe in the downtown area. Cnclmn Hawk is proud of Canton and we are on the right track; Richard Hart - Complimented the Shakespeare Play in Downtown Canton & congratulated Law Director Martuccio on his shining performance; Joe Carbenia - Expressed kind words towards General Body & requested we grant their request for an extension; Butch Kraus - Agreed w/Carbenia re: extending contract extension w/Conley; Don Casar - Agreed w/Joe Carbenia & Butch Kraus re: Conley contract; Kelly Zachary thanked Mrs. Mrs. Walker & Mr. Hood for coming to Council mtg. The dog laws should be investigated; Joe Martuccio - explained the vicious dog laws & thanked the public speaker for coming to the meeting, announced ceremony for 9/11 @ main fire station; Thomas West - Expressed concerns for Wd #2 having no recreational facilities, future projects need to be considered; Mary Cirelli - expressed concerns for notices sent out in phone bills & 'do not register' information; Allen Schulman - Congratulated the city on all the fine festivals that are taking place downtown, advised Mrs. Brogdon to remain after meeting.

ADJOURNMENT: 8:26 P.M.

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, SEPTEMBER 17, 2007 @ 7:30 PM