

FINAL
AGENDA
7:30 P.M.

CANTON CITY COUNCIL

NOVEMBER 19, 2007

ROLL CALL: All Councilmembers Present

INVOCATION: Richard Hart, Ward 7 Councilmember

PLEDGE OF ALLEGIANCE: Led by President Allen Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 2nd Rdg O#5 - #8; O#4 Retained in Committee; O#5 Adopted on 2nd Rdg; O#14 Postponed)

PUBLIC HEARINGS: (None)

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

INFORMAL RESOLUTIONS:

MAJORITY LEADER DON CASAR: EXCUSING MEMBERS. (Not Necessary)

COMMUNICATIONS:

562. AUDITOR MALLONN (CITY): SUBMIT MO RPT BY FUND THRU 10/31/07. - RECEIVED & FILED
563. AUDITOR MALLONN (CITY): SUBMIT YRLY. RPT BY FUND THRU 10/31/07. - RECEIVED & FILED
564. BECKER, R., SLIMAN, S., & HUMPHRIES, J., APPLICANTS: APPLICATION OF VACATION OF LEY COURT NW & A PORTION OF WELLS AVE NW. - PLANNING COMMISSION
565. CIRELLI, M., CNCLMBR AT LARGE: REQ LEG REQUIRING ALL CURRENT & NEW RENTAL PROP TO BE EQUIPT W/WORKING TAMPER PROOF SMOKE ALARMS W/A TEN YR LIFE SPAN. - JUDICIARY COMMITTEE
566. FINANCE COMMITTEE: REQ 2008 BUDGET/APPROPRIATIONS ORDINANCE BALANCE EXPENDITURES VERSUS REVENUES BE PRESENTED TO FINANCE CMTE. - FINANCE COMMITTEE
567. HART, R., WARD 7 CNCLMBR: REQ LEGISLATION TO EARMARK OR DIVERT A PORTION OF THE INHERITANCE TAX REVENUE TO A FUND WHICH WILL ASST ELIGIBLE LOW-MODERATE INCOME RESIDENTS W/HIGH EDUCATION APP FEES & MISC EXPENSES; REQ LAW DEPT & AUDITOR'S OFFICE TO ASST IN RESEARCH OF SAME. - FINANCE COMMITTEE
568. HEALTH BENEFITS ADMIN, BRESSON: OCT 2007 MO COMPARATIVE RPT OF INSUR CLAIMS & JAN - OCT 2007 PAID CLAIMS & COMPARATIVE RPT. - RECEIVED & FILED
569. LAW DIRECTOR MARTUCCIO: AUTHORIZE SERV DIR TO ENTER INTO CONTRACT W/THE STARK COUNTY PUBLIC DEFENDER COMMISSION FOR LEGAL SERVICES FOR INDIGENTS CHARGED W/CITY ORDINANCE VIOLATIONS IN CANTON MUNICIPAL COURT FR: 1/1/08 - 12/31/08, W/AN OPTION TO RENEW FOR AN ADDITIONAL 1-YR PERIOD COMMENCING 1/1/09 & TERMINATING 12/31/09; RATE FOR NEW CONTRACT WILL BE \$195/PER CASE. - FINANCE COMMITTEE
570. LAW DIRECTOR MARTUCCIO: REQ LEGISLATION TO PROVIDE VIDEO SERV PROVIDER FEE, IE: FRANCHISE FEE, BY ORDINANCE & AS ADOPTED BY CANTON CITY COUNCIL; EXPAND APPLICATION OF VIDEO SERVICE PROVIDER FEE ON ADVERTISING REVENUES IN COMPLIANCE W/HSB #117 AS AN EMERGENCY MEASURE. - FINANCE COMMITTEE
571. LIQUOR CONTROL DIV (OHIO): NOTICE OF HRG ON 11/8/07 @11:30 A.M. RE: TRANSFER OF C-2-2X LIQ PERMIT FOR FULTON 12TH ST DRIVE THRU LLC DBA FULTON DRIVE THRU @ 1ST FL, SOUTH UNIT & BASEMENT, 1133 FULTON RD NW. - RECEIVED & FILED
572. LIQUOR CONTROL DIV (OHIO): HRG CONTINUED RE: TRANSFER OF C-2-2X LIQ PERMIT FOR FULTON 12TH ST DRIVE THRU LLC DBA FULTON DRIVE THRU @ 1ST FL, SOUTH UNIT & BASEMENT, 1133 FULTON RD NW. - RECEIVED & FILED
573. LIQUOR CONTROL DIV (OHIO): NOTICE TO CANCEL HRG RE: C-1 LIQ APPLICATION FOR AZAEL, INC DBA LA REYNA @1123 - 12TH ST NW. - RECEIVED & FILED
574. LIQUOR CONTROL DIV (OHIO): REQ TRANSFER OF C1 C2 LIQ PERMIT FR: JOSEPH C BATTERSHELL DBA MARIOS DRIVE THRU @ 912 - 914 12TH ST NE TO: MOOCHS INC DBA MARIOS DRIVE THRU @ 914 12TH ST NE. - RECEIVED & FILED
575. MAYOR CREIGHTON: REQ TO AMEND O#40/2000, CLASSIFICATION PLAN FOR BARGAINING UNIT EMPLOYEES, TO MOVE THE CLASSIFICATION OF PREVAILING WAGE COORDINATOR FR: POSITION GROUP 50CD, DIV OF C&ED & PLANNING MANAGEMENT TO: POSITION GROUP 10BC, SAF DIR'S DEPT OF CODE ENFORCEMENT. - PERSONNEL COMMITTEE
576. PLANNING COMMISSION: RECOMMENDS DENIAL OF PROPOSED ZONE CHANGE OF WESTBROOK PK UNITED METHODIST CHURCH @ 2521 12TH ST NW FR: R-1a TO: PB-4 TO ALLOW AN ELECTRONIC MESSAGE UNIT. - JUDICIARY COMMITTEE

COMMUNICATIONS CONTINUED:

577. PLANNING COMMISSION: RECOMMENDS APPROVAL OF PROPOSED REPLAT OF LOTS 250 - 252 & A PORTION OF THE VACATED MCKINLEY AVE NW (CANTON ELDERLY LLC). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
578. PLANNING COMMISSION: RECOMMENDS APPROVAL OF PROPOSED REPLAT OF LOTS 5250 & 5251 & THE PROPOSED ALLEY VACATION TO THE N. OF 1431 6TH ST SW (CLASSIC CAR COLLISION). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
579. SAFETY DIRECTOR HUNT: REQ TO AMEND SECTIONS OF CHAPTER 1513, RECREATIONAL FIRES OF THE CODIFIED ORDINANCES TO BRING THE CITY ORDINANCES MORE IN LINE W/THE OHIO FIRE CODE WHILE STILL MAINTAINING A SAFE DISTANCE. - JUDICIARY COMMITTEE
580. SAFETY DIRECTOR HUNT: AUTHORIZE SAF DIR TO APPLY FOR & ACCEPT A \$2,000.00 GRANT FR: WALMART TO ASST IN THE PURCHASE OF CHILD IDENTIFICATION KITS FOR THE INDENTIKID PROG; REQ SUPP APPROP FOR SAME FR: UNAPPROP BAL OF 2775 SAFE NEIGHBORHOOD HERO'S GRANT FUND. - FINANCE COMMITTEE
581. SAFETY DIRECTOR HUNT: AUTHORIZE SAF DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR VARIOUS DEMO & CONSTRUCTION PROJECTS. (FOR NEW FIRE STATIONS) - FINANCE & PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES
582. SERVICE DIRECTOR CONCATTO: AUTHORIZE SERV DIR TO EXECUTE CHANGE ORDER W/AMERICAN SUNCRAFT CONSTRUCTION CO IN AMT NOT TO EXCEED \$37,830.90 FOR WPCC WATER TOWER PAINTING PROJ. - FINANCE COMMITTEE
583. SERVICE DIRECTOR CONCATTO: AUTHORIZE SERV DIR TO SUBMIT & REC A GRANT FR: ODOT FOR SAFE ROUTES TO SCHOOL PROG; REQ AUTHORIZATION TO ENTER INTO COOPERATIVE AGREEMENTS W/ODOT & AKRON METRO RAILROAD FOR CONSTRUCTION OF RESULTING PROJ. - FINANCE COMMITTEE
584. SERVICE DIRECTOR CONCATTO: REQ \$36,000.00 SUPP APPROP FR: 1001 GENERAL FUND UNAPPROP BAL TO: 1001 201020 CITY SCENIC TRAIN STATION FOR THIS YR'S POLAR EXPRESS PROGRAM. - FINANCE COMMITTEE
585. SERVICE DIRECTOR CONCATTO: AUTHORIZE SERV DIR TO ENTER INTO PROF SERVICES CONTRACT W/KENDERSON INC FOR SPECIFICATION DEV & PROJ MANAGEMENT SERVICES FOR ROOF REPLACEMENT FOR STREET & SEWER BUILDING; REQ TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR ROOF REPLACEMENT OF SAME. - FINANCE & PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES
586. SERVICE DIRECTOR CONCATTO: REQ TRANSFER OF \$32,150.00 MORAL OB FR: UNAPP FUNDS OF WATER DEPT TO: 5210 207012 75812 - OUTSIDE CONTRACTORS FOR EMERGENCY REPAIRS OF VARIOUS EQUIPMENT @ WATER DEPT NORTHEAST WATER TREATMENT PLANT. - FINANCE COMMITTEE
587. SERVICE DIRECTOR CONCATTO: AUTHORIZE SERV DIR TO CONVEY CITY OWNED REAL PROP @ TONNER CT SW & SCHROYER AVE SW, KNOWN AS LOT 42846 & PARCEL #0247982 TO CCIC. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
588. SERVICE DIRECTOR CONCATTO: AUTHORIZE THE OHIO DEPT OF TRANSPORTATION TO CONSTRUCT A FREEWAY MANAGEMENT SYSTEM ON I-77 WITHIN THE CANTON CITY LIMITS AT NO COST TO CANTON. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
589. SERVICE DIRECTOR CONCATTO: AUTHORIZE SERV DIR TO PAY \$4,603.42 MORAL OB ON BEHALF OF STREET DEPT TO COUNTRYWIDE LANDFILL FOR DISPOSAL COSTS FROM CLEAN-UPS THROUGHOUT THE CITY. - FINANCE COMMITTEE
590. TREASURER SCHIRACK: 10/31/07 COMPARATIVE RPT OF CASH RECEIPTS. - RECEIVED & FILED
591. TREASURER SCHIRACK: OCT 2007 PKING MTR REVENUE. - RECEIVED & FILED
592. TREASURER SCHIRACK: OCT 2007 DEPOSITS & PAY INS FOR AMBULANCE LOCK BOX ACCT. - RECEIVED & FILED
593. TREASURER SCHIRACK: REPORT OF TREAS OFC BANK RECONCILIATION & CITY'S OUTSTANDING INVESTMENTS AS OF 10/31/07. - RECEIVED & FILED
594. YELLOW CAB LEASING, INC. NOTIFYING THAT IN COMPLIANCE W/O# 763.04 e EFFECTIVE 11/5/07 TAXICAB RATES WILL DECREASE TO 2.20 FOR THE FIRST 1/10 MILE & .20 FOR EACH ADDITIONAL 1/10 MILE. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. AUTHORIZE PARK & SERV DIRECTORS TO ENTER INTO LICENSE AGMT W/PINNACLE PRESS TO PERMIT INGRESS & EGRESS OF DELIVERY TRUCKS ACROSS UNUSED WILLIG PARK PROP; EMERGENCY
Referred to Parks & Recreation Committee
- 1ST RDG 2. AUTHORIZE SAF DIR TO ACCEPT \$3,000.00 GRANT FR: OHIO DEPT OF PUB SAF FOR FIRE DEPT; AMEND APPROP O#241/2006, AS AMENDED, BY MAKING \$3,000.00 SUPP APPROP FR: UNAPPROP BAL OF 2812 EMS TRAINING & EQUIP FUND; EMERGENCY
Referred to Finance Committee
- 1ST RDG 3. AUTHORIZE SAF DIR TO ACCEPT THE NORTHERN OH VIOLENT CRIME CONSORTIUM INITIATIVE GRANT ISSUED BY THE EDWARD BYRNE MEMORIAL GRANT FY 2007; EMERGENCY
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**SUSPENDED RULE 22A TO ADD O#5-O#8; O#4 RETAINED IN COMMITTEE; O#5 ADOPTED****RETAINED**

- IN CMTE** 4. AMEND EXHIBITS A & B TO O#164/2001, AS AMENDED, THE CLASSIFICATION PLAN & SALARIES FOR ALL MGMT & NON-BARGAINING UNIT EMPLOYEES OF THE CITY OF CANTON; REPEALING SEC 151.22, PERS PICKUP, OF THE CODIFIED ORDINANCES; EMERGENCY (PERS & FIN)
- 211/2007** 5. AMEND APPROP O# 241/2006, AS AMENDED, BY MAKING \$42,000.00 SUPP APPROP FR: UNAPP BAL OF 1001 GENERAL FUND TO: 1001 30-10-01 HEALTH DEPT - OTHER; EMERGENCY (FIN)
- 2ND RDG 6. VACATING A PORTION OF AN UNNAMED ALLEY IMMEDIATELY N. OF 526 SCHROYER AVE SW; EMERGENCY (CLASSIC COLLISION CENTER) (PS&T) **PUB. HRG. 11/26/07 @ 7:30 P.M.**
- 2ND RDG 7. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO JOB CREATION TAX INCENTIVE & NET PROFITS INCENTIVE AGMTS W/THE QUARRY GOLF CLUB, LLC PURSUANT TO THE CITY'S ECONOMIC GROWTH INITIATIVE PROG; EMERGENCY (C&ED)
- 2ND RDG 8. APPROVE & ACCEPT THE DEDICATION PLAT OF A PORTION OF CLEVELAND AVENUE S.W.; APPROVE & ACCEPT THE REPLAT OF PARTS OF OL 325, 327 & 328; EMERGENCY (GROFFRE INVESTMENTS) (PS&T)

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

- 212/2007** 9. AMEND APPROP O# 241/2006, AS AMENDED, BY MAKING \$125,000.00 SUPP APPROP FR: UNAPP BAL OF 2328 PUBLIC HEALTH INFRASTRUCTURE FUND TO: 2328 PUBLIC HEALTH INFRASTRUCTURE - OTHER; EMERGENCY
- 213/2007** 10. AMEND EXHIBIT A TO O#40/2000, AS AMENDED, THE CLASSIFICATION PLAN FOR BARG UNIT PERSONNEL EMPLOYED BY THE CITY; EMERGENCY (PROBATIONARY POLICE & FIREFIGHTERS)
- 214/2007** 11. APPROVE & ACCEPT REPLAT OF ALL OF LTS 1410 & PARTS OF LTS 1411 & 1412; EMERGENCY (7TH ST NE & YOUNG AVE NE) (HABITAT FOR HUMANITY)
- 215/2007** 12. AUTHORIZE SAF DIR TO MAKE APPLICATION FOR & ACCEPT A GRANT IN AN AMT NOT TO EXCEED \$27,347.69 FR: STATE FOR A SELECTIVE TRAFFIC ENFORCEMENT PROG; EMERGENCY
- 216/2007** 13. AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO A LEASE AGMT FOR LAND OWNED BY THE CITY; EMERGENCY (SUGAR CREEK WELL FIELD)
- POSTPONED** 14. AUTHORIZE SERV DIR TO ENTER INTO AN AMENDED PRESCRIPTION BENEFIT SVCS AGMT W/CAREMARK, LLC FKA CAREMARK, INC THROUGH THE EMPLOYERS HEALTH PURCHASING CORP OF OH, INC FOR ADMINISTRATION OF THE PRESCRIPTION DRUG PROGRAM FOR CITY EMPLOYEES & THEIR DEPENDENTS; EMERGENCY

ANNOUNCEMENT OF COMMITTEE MEETINGS:

MONDAY, NOVEMBER 19, 2007 in Council Caucus @ 6:45 P.M.

- 1) Parks & Recreation Committee
- 2) Finance Committee

PUBLIC SPEAKS: Philip Papadopoulos re: Asking Council to reconsider proposal to build a new fire station at 25th and Cleveland Ave., N.W. out of concern for the elderly and the trees in that area.

MISCELLANEOUS BUSINESS: Greg Hawk re: Thanking Jim Griffin for donating Christmas tree to the City again this year; Butch Kraus re: Reminder that Canton's Ex Newsboy's Banquet will be held on Wednesday, December 12th and to contact him for tickets. He will also be selling newspapers the following Friday at City Hall; Joe Carbenia re: Advising that he received a call from Victor Dubina of the Postal Service refusing his invitation to come to Council tonight; Mary Cirelli re: Asking the Law Director to explain the advertisement in today's newspaper regarding Dominion East Ohio; Law Director Martuccio re: Stating that the article in the paper on page A6 was Dominion East Ohio putting citizens on notice of costs to recover and raised rates. Further, Mr. Martuccio explained the City's aggregation program, stating that the rate now through 12/31/07 is \$10.99 per mcf including transportation charges and for the months of January, February and March the prices have yet to be determined because they

are holding out for a better price. In April the City will have Vectron again with no cancellation fees; Richard Hart re: The reason he submitted Communication #567 on this evenings agenda was to develop a fund for students with low to moderate income to pay application fees for college from the inheritance tax. Asking councilmembers to let him know if they would like to sponsor this legislation with him. Also offering to have the Recycling kickoff at Harter School; Law Director Martuccio re: Advising that he did the requested research on plastic bottles and found that this would be effected by the Interstate Commerce Clause and suggests that the City encourage citizens to recycle their own plastic bottles or some sort of deposit program. Also advising Mr. Papadopulos that he is aware of how old the trees are at the location for the new fire station and he was told by Rod Meadows, the architect for the fire station project, that he will do everything he can to save the trees. Allen Schulman re: Announcing that we have copies of Canton's Sustaniability Collaborative reports if anyone should want one and emphasizing that he believes 2008 will be the year of the neighborhoods.

ADJOURNMENT: 8:02 P.M.

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, NOVEMBER 26, 2007 @ 7:30 PM