

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

CANTON CITY COUNCIL

NOVEMBER 26, 2007

ROLL CALL: All Members Present

INVOCATION: Karl Kraus, Ward 8 Councilmember

PLEDGE OF ALLEGIANCE: Led by President Allen Schulman

**AGENDA CORRECTIONS & CHANGES:** (Suspended Rule 22A to add 2<sup>nd</sup> Rdg O#17-19; Added O#16A 1<sup>st</sup> Rdg); Amended & Adopted O#3 on 1<sup>st</sup> Rdg; O#14 Postponed)

**PUBLIC HEARINGS:**

7:30 PM AN ORDINANCE VACATING A PORTION OF AN UNNAMED ALLEY IMMEDIATELY N. OF 526 SCHROYER AVE SW; AND DECLARING THE SAME TO BE AN EMERGENCY; ASSIGNED TO WARD 4; PLANNING COMMISSION RECOMMENDS APPROVAL OF SAME (CLASSIC COLLISION CENTER) NO SPEAKERS See O#218/2007

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

**INFORMAL RESOLUTIONS:**

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

**COMMUNICATIONS:**

595. CD & PLANNING DIR. POORMAN: REQ MAYOR OR SERV DIR TO ENTER INTO AGMT W/COOPER FIREARMS OF MONTANA INC. FOR NEW JOB CREATION INCENTIVE & NET PROFIT INCENTIVE PROG PURSUANT TO O#2/2006. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
596. HAWK, GREG, WARD 1 CNCLMBR: REQ DRAFT LEG FOR MAYOR &/OR SERV DIR TO CONVEY CITY PROPERTY @ 3<sup>RD</sup> NW & FULTON NW LT#42843 & 42844 TO CCIC. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
597. LIQUOR CONTROL DIV (OHIO): NOTICE WITHDRAWING CITY'S OBJECTION RE: C-1-2 NEW LIQ APPLICATION FOR MORAN FOODS, INC. DBA SAVE A LOT 627 @ 2905 MAHONING RD NE - RECEIVED & FILED
598. LIQUOR CONTROL DIV (OHIO): NOTICE WITHDRAWING CITY'S OBJECTION RE: C-1-2 NEW LIQ APPLICATION FOR MORAN FOODS, INC. DBA SAVE A LOT 612 @ 906 W. TUSC ST. - RECEIVED & FILED
599. LIQUOR CONTROL DIV (OHIO): REQ NEW C1 C2 LIQ PERMIT FR: VIRGINIA MARIA BYINGTON DBA BELLAS @ 310 4<sup>TH</sup> STR NW. - RECEIVED & FILED
600. SERVICE DIRECTOR CONCATTO: REQ TO AMEND CITY CODIFIED ORDINANCES, SECTIONS 921.01, 921.02 (a) (2), & 921.02 (b) (17) TO INCLUDE ADDITIONAL AREAS IN CITYSCAPE AREA. - JUDICIARY COMMITTEE
601. TAYLOR, MARY, CPA: NOTICE OF PRE-AUDIT CONFERENCE ON 11/29/07 @ 9:00 AM IN COUNCIL CHAMBERS RE: CITY OF CANTON AUDIT FOR 1/1/07 THRU 12/31/07. - RECEIVED & FILED

**ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:**

- 1<sup>ST</sup> RDG 1. AMEND O#177/2006, SEC 1 (P) ADDING PETTY CASH FD FOR GANG TASK FORCE; EMERGENCY  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 2. AUTHORIZE SERV DIR TO ENTER INTO LEGAL SVCS CONTRACT TO INDIGENTS W/STARK CO PUB DEFENDER EFF: 1/1/08 THRU 12/31/08; EMERGENCY  
Referred to Finance Committee

***\*(IN HOUSE RECESS BEGAN AT 7:41 PM COUNCIL RECONVENED AT 7:43 PM TO DISCUSS AMENDING & PASSAGE OF O#3)***

**AS AMENDED**

- 217/2007 3. DETERMINE FEES TO BE PAID BY ANY ENTITY FOR VIDEO SVC IN CITY PURSUANT TO STATE-ISSUED VIDEO SVC AUTHORIZATION & AUTHORIZE MAYOR TO GIVE NOTICE OF FEE TO VIDEO SVC PROVIDER; EMERGENCY  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 4. AMEND O#40/2000, EX 'A' TO CLASS PLAN FOR CITY OF CANTON BARG UNIT PERSONNEL RE: PREVAILING WAGE COORD; EMERGENCY  
Referred to Personnel Committee
- 1<sup>ST</sup> RDG 5. APPROVE & ACCEPT REPLAT OF LTS #250, 251 & 252 AND PORTION OF MCKINLEY AVE NW BY O#1350 ON 6/14/15; EMERGENCY  
Referred to Public Safety & Thoroughfares Committee
- 1<sup>ST</sup> RDG 6. APPROVE & ACCEPT REPLAT OF LT #5250 & 5251 & 10 FT WIDE ALLEY; EMERGENCY  
Referred to Public Safety & Thoroughfares Committee
- 1<sup>ST</sup> RDG 7. AMEND CHAPT 1513, SECS 1513.01 & 1513.02 "RECREATIONAL FIRES" OF CITY'S CODIFIED ORDINANCES  
Referred to Judiciary Committee
- 1<sup>ST</sup> RDG 8. AUTHORIZE SAF DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT TO DEMO &/OR CONSTRUCT 2 NEW FIRE STATIONS & RENOVATE EXISTING BLDG @ 25<sup>TH</sup> ST & CLEV AVE NW; EMERGENCY  
Referred to Finance & Public Property Capital Improvement Committees

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING - CONTINUED:

- 1<sup>ST</sup> RDG 9. AUTHORIZE SERV DIR TO ENTER INTO \$37,830.90 CH ORD W/AMERICAN SUNCRAFT CONST CO FOR WPCC WATER TOWER PAINTING PROJ; EMERGENCY  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 10. AUTHORIZE SERV DIR TO FILE APP & ACCEPT GRANT FR: ODOT FOR SAF ROUTES SCHOOL PROG & ENTER INTO COOP AGMTS W/ODOT & AKRON METRO RR TO CONSTRUCT PROJECTS; EMERGENCY  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 11. AMEND O#241/2006 TO MAKE \$36,000.00 SUPP APPROP TO 1001 201020 CITY SCENIC TRAIN STA; EMERGENCY  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 12. AUTHORIZE SERV DIR TO CONTRACT W/KENDERSON INC. FOR SPEC DEV & PROJ MGMT SVCS FOR ROOF REPLACE @ STR & SEWER BLDGS & ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR ROOF REPLAC FOR SAID BLDGS; EMERGENCY  
Referred to Finance & Public Property Capital Improvement Committees
- 1<sup>ST</sup> RDG 13. AMEND O#241/2006 TO MAKE \$32,150.00 SUPP APPROP; AUTHORIZE CITY AUDITOR TO PAY \$32,150.00 MORAL OB TO HILSCHER CLARKE ELECTRIC FOR EMERGENCY REP SVCS @ NE WATER TREATMENT PLANT; EMERGENCY  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 14. AUTHORIZE SERV DIR TO CONVEY CITY-OWNED PROPERTY NOT NEEDED FOR MUNI PURPOSES TO CCIC; EMERGENCY (Tonner Ct SW & Schroyer Ave., SW)  
Referred to Community & Economic Development Committee
- 1<sup>ST</sup> RDG 15. AUTHORIZE & CONSENT TO CONSTRUCT & SYSTEM INTEGRATE FREEWAY MGMT SYS ON I-77; EMERGENCY  
Referred to Public Safety & Thoroughfares Committee
- 1<sup>ST</sup> RDG 16. AUTHORIZE CITY AUDITOR TO PAY \$4,603.42 MORAL OB TO COUNTYWIDE LANDFILL FOR ADDITIONAL STREET DEPT EXPENSES; EMERGENCY  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 16A. APPROVING 3-YR TENTATIVE COLLECTIVE BARGAINING AGMT BETW CPFFA LOCAL 249 & CITY OF CANTON PERSONNEL  
Referred to Personnel Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:SUSPENDED RULE 22A TO ADD O#17-19;

- 2<sup>ND</sup> RDG 17. 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 (Pks & Rec)
- 2<sup>ND</sup> RDG 18. 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 (Fin)
- 2<sup>ND</sup> RDG 19. AUTHORIZE SAF DIR TO ACCEPT THE NORTHERN OH VIOLENT CRIME CONSORTIUM INITIATIVE GRANT ISSUED BY THE EDWARD BYRNE MEMORIAL GRANT FY 2007; EMERGENCY (Fin)

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

- 218/2007 20. VACATING A PORTION OF AN UNNAMED ALLEY IMMEDIATELY N. OF 526 SCHROYER AVE SW; EMERGENCY (CLASSIC COLLISION CENTER) **PUB. HRG. 11/26/07 @ 7:30 P.M.**
- 219/2007 21. 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
- 220/2007 22. 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)
- POSTPONED 23. **POSTPONED FR: 11/19/07 & 11/26/07:** 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, DECEMBER 3, 2007 in Council Caucus @ 6:00 P.M.

- 1) Community & Economic Development Committee
- 2) Judiciary Committee
- 3) Finance Committee
- 4) Public Safety & Thoroughfares Committee
- 5) Personnel Committee
- 6) Public Property Capital Improvement Committee

**PUBLIC SPEAKS:** **SPEAKER #1:** Eric Resnick questioned the 'rush' on passing legislation before the new Administration is seated into office, specifically siting Ordinances Nos. 23, 4, 16A & others in the pipeline. He indicated the transition team is being emailed questions re: these issues because the expectation is that the new Administration should be dealing with these issues. Serv. Dir. Concatto indicated that the current Administration is not rushing anything & explained that O#4 has been on the table for several months at the request of Council. O#16A is a contract that has been in negotiations for months with Firefighters, and the contract expired Nov. 1<sup>st</sup> 2007. O#23 is due on January 1, 2008. These issues must be concluded before completion of the current Administration. Majority Leader Casar agreed with the Director Concatto confirming that when legislation is presented to Council, Council has the duty to investigate the issue (s) which can take time. Most often, ordinances will be passed by the 3<sup>rd</sup> reading. Leader Casar also indicated that some issues such as O#16A will some times be passed on the first ready depending on urgency & also noted that O#23 has been postponed for 2 weeks pending investigation before passage. President Schulman spoke indicating the insinuation of 'rushing' items through are politically inept. If the next Administration has problems with something this Council is doing then they should be coming to the leadership to discuss these issues privately instead of raising them at a public meeting. President Schulman indicated this question to be obnoxious and insulting to the current Administration & Council. President Schulman further indicated that there will be a combined effort to bring all parties together next year at the seating of the new Council & Administration which everyone is looking forward to. To publicly come in and insinuate that this Council & Administration is rushing into issues is very unfair & unwarranted which this Council does not deserve. Councilman Hawk indicated he has been highly insulted at this allegation. Mr. Resnick indicated that he did not make an allegation but merely asked a question. He indicated he made an error in the Ordinance being questioned which was O#8, not O#4 and made an apology. President Schulman thanked Mr. Resnick for his comments. Director Concatto indicated that members of Council & Fire Dept. have been meeting for months with input re: O#8. The decision will be made by Council when the vote comes up. Nothing is or has been pushed through. No one is forcing anyone into anything. Director Hunt also indicated that the Administration has met w/the neighborhood associations & council discussing suggestions re: O#8. Director Hunt said Resnick is uninformed in this situation. Law Director Martuccio said that on January 1<sup>st</sup>, a new phoenix will arise from the ashes and begin anew. Any ordinance not executed at the close of this year will have to be brought back to Council with new communications & re-ratifications. Any items that are funded & executed must be completed so nothing has to be re-born with the new phoenix. Councilwoman Cirelli said that Councilmembers & the Law Director have been through many administration changes and this is the way things have been done in the past for many years.

**SPEAKER #2:** JAN URBAN: Brought concerns re: code issues in the neighborhood and is questioning the efficiency and competency of city departments. She made several calls to city offices and the water drainage is still coming onto her property. She requested help & answers to her problem.

**MISCELLANEOUS BUSINESS:** Director Martuccio: His office will be coming out to witness & take photos of Ms. Urban's problems and concerns for documentation. Councilman Griffin: Requested a moment of silence for Dr. Harry Guist who passed away last week of which was given.

**ADJOURNMENT:** 8:25 PM

**THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, DECEMBER 3, 2007 @ 7:30 PM**