

FINAL
AGENDA
7:30 P.M.

CANTON CITY COUNCIL

FEBRUARY 25, 2008

ROLL CALL: All Councilmembers Present

INVOCATION: James Griffin, Ward 3 Councilmember

PLEDGE OF ALLEGIANCE: Led by President Allen Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 2nd Rdg O#6 - O#9; O#9 Adopted as Amended)

PUBLIC HEARINGS:

7:30 P.M. AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE KOCH KNIGHT ANNEXATION AREA CONTAINING APPROXIMATELY 27.3292 ACRES; ASSIGNING SAID TERRITORY TO WARD 4 OF THE CITY; ZONING SAID TERRITORY AS I-2 (HEAVY INDUSTRIAL DISTRICT); AND DECLARING THE SAME TO BE AN EMERGENCY; PLANNING COMMISSION RECOMMENDED THE SAME **O#14/2008**
(No Speakers)

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY): Pete DiGiacomo re: Advising that since Pastime Inn has had their doors closed it has been so peaceful and asking City to please do everything possible to get establishment shut down indefinitely.

INFORMAL RESOLUTIONS:

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

15. COUNCIL OF THE WHOLE: COMMENDING ROBERT PATTISON FOR HIS DEDICATED PUBLIC SERVICE TO THE CITIZENS OF CANTON. - ADOPTED

16. COUNCIL OF THE WHOLE: REQ SPEEDY END TO COURT BATTLE INVOLVING LIQ LICENSE @ PASTIME INN. - ADOPTED

17. COUNCIL OF THE WHOLE: ALLOWING TREX LIQUOR PERMIT TRANSFER FR: MOZART RESTAURANT & BEER GARDEN TO: LAVILLITA DBA EL CAMPESINO ON CLEVELAND AVE NW. - ADOPTED

18. COUNCIL OF THE WHOLE: SUPPORTING ISSUE 22 FOR STARK COUNTY MRDD. - ADOPTED

19. PERSONNEL COMMITTEE: REQ CONFIRMATION OF RE-APPT OF DR. PETER FERGUSON TO CANTON CIVIL SERVICE COMMISSION. - ADOPTED

20. SMITH, C., WARD 4 CNCLMN: HONORING CANTON CHAPTER OF OH BLACK WOMEN'S LEADERSHIP CAUCUS, A.B.C.D. & THE LEILA GREEN ALLIANCE OF BLACK SCHOOL EDUCATORS. - ADOPTED

COMMUNICATIONS:

67. ABCD HOMES V LLC: APPRISING OF A RESIDENTIAL RENTAL DEVELOPMENT TO BE LOCATED IN OR WITHIN ½ MILE RADIUS OF THE CITY'S POLITICAL JURISDICTION & PLANS TO UTILIZE THE MULTIFAMILY FUNDING PROG OF OHFA FOR SAID DEVELOPMENT; ADVISING OF CITY'S RIGHT TO SUBMIT A WRITTEN STATEMENT OF DISAPPROVAL OR OBJECTION TO THE EXEC DIR OF OHFA BY CERTIFIED MAIL SUBMITTED WITHIN 30 DAYS OF RECEIPT OF NOTICE, SIGNED BY A MAJORITY OF VOTING MEMBERS OF LEGISLATIVE BODY GOVERNING CITY. - RECEIVED & FILED

68. AMERICAN ELEC POWER, APPLICANT: REQ VACATION OF PORTION OF SAVANNAH AVE NE BETWEEN 8TH ST NE & 7TH ST NE. - PLANNING COMMISSION

69. AMERICAN ELEC POWER, APPLICANT: REQ VACATION OF PORTION OF ENGLEHART CT NE BETWEEN 8TH ST NE & 7TH ST NE. - PLANNING COMMISSION

70. AUDITOR MALLONN (CITY): CERTIFICATE OF TOTAL AMT FR: 2008 ALL SOURCES. - RECEIVED & FILED

71. C&ED DEPUTY DIR., WEST: AMEND O#1/2008 BY MAKING \$198,000.00 SUPP APPROP TO NEW HORIZONS PARK FUND; AUTHORIZE MAYOR &/OR SERV DIR TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR THE NEW HORIZONS PARK PROJECT. - FINANCE & COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEES

72. C&ED DEPUTY DIR., WEST: REQ AUTHORIZATION FOR AUDITOR TO PAY MORAL OB IN AMT NOT TO EXCEED \$3,600.00 TO DESANTIS EXCAVATING FOR EMERGENCY SERVICES TO DEMOLISH 410 HOOVER AVE NW DUE TO FIRE. - FINANCE & COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEES

73. CANTON-STARK CTY CRIME LAB: 2007 ANNUAL RPT. - RECEIVED & FILED

74. CLERK OF COUNCIL, TIMBERLAKE: REQ FORMAL RESOLUTION WITHDRAWING CITY'S OBJECTION TO THE ISSUANCE OF LIQUOR PERMIT FOR JOHN M. & MALIA J. ABEL, DBA, SMITTY'S PUB @ 2103 HARRISON AVE SW, 1ST FLOOR & BASEMENT. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE

COMMUNICATIONS CONTINUED:

75. HEALTH BENEFITS ADMIN, BRESSON: JAN 2008 MO COMPARATIVE RPT OF INSUR CLAIMS & JAN 2008 PAID CLAIMS & COMPARATIVE RPT. - RECEIVED & FILED

76. HEALTH COMMISSIONER, ADAMS: REQ APPROP OF \$108,803.08 OF UNAPPROP FUNDS FOR REIMBURSEMENT TO THE OH DEPT OF HEALTH. - FINANCE COMMITTEE

77. LIQUOR CONTROL DIVISION (OHIO): ADVISING THAT HRG SCHEDULED FOR 2/14/08 RE: LIQ PERMIT FOR SUNKIN, INC DBA S & K MINI MART @ 2502 - 11TH ST SW, 1ST FLOOR HAS BEEN CONTINUED. - RECEIVED & FILED
78. LIQUOR CONTROL DIVISION (OHIO): NOTICE OF HRG ON 3/18/08 @ 9:00 A.M. RE: RENEWAL OF LIQ PERMIT FOR MARTIN JOSEPH STURIALE DBA PASTIME INN @ 606 - 9TH ST, SW, 1ST FLOOR. - RECEIVED & FILED
79. LIQUOR CONTROL DIVISION (OHIO): NOTICE OF HRG ON 3/18/08 @ 10:30 A.M. RE: RENEWAL OF LIQ PERMIT FOR SUNKIN, INC DBA S & K MINI MART @ 2502 - 11TH ST, SW, 1ST FLOOR. - RECEIVED & FILED
80. LIQUOR CONTROL DIVISION (OHIO): NOTICE OF HRG ON 3/18/08 @ 1:00 P.M. RE: RENEWAL OF LIQ PERMIT FOR PLATINUM DYNASTY LLC DBA CLUB BLUEPRINT @ 1016 - 12TH ST NE, 1ST FLOOR & BASEMENT. - RECEIVED & FILED
81. LIQUOR CONTROL DIVISION (OHIO): REQ NEW D3 LIQ PERMIT FOR VIRGINIA MARIA BYINGTON DBA BELLAS @ 310 4TH ST NW. - RECEIVED & FILED
82. MAYOR HEALY: REQ AUTHORIZATION OF APPT OF MR. DEREK GORDON TO THE CANTON RECREATION BD. - PERSONNEL COMMITTEE
83. MAYOR HEALY: ADVISING OF APPOINTMENT OF DANIEL MOEGLIN TO THE CANTON PARK COMMISSION. - RECEIVED & FILED
84. MILLER CHAD & COURTNEY, APPLICANTS: REQ ZONE CHANGE @ 1825 FERNDALE RD NW FR: R-1a TO: PR-2a. - PLANNING COMMISSION
85. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED REPLAT OF LOTS 6738 - 6741, PART OF OL 339 AND THE PROPOSED VACATED TIMKEN PL & MCGRAW PL SW ROADWAYS IN WARD 5 (GROFFRE INVESTMENTS) - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
86. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED VACATION OF MCGRAW PL SW BETWEEN HENRY AVE & BOLIVAR RD SW IN WARD 5 (GROFFRE INVESTMENTS). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
87. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED VACATION OF TIMKEN PL SW BETWEEN HENRY AVE & BOLIVAR RD SW IN WARD 5 (GROFFRE INVESTMENTS). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
88. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED VACATION OF SAVANNAH AVE NE BETWEEN 7TH ST NE & 8TH ST NE IN WARD 2 (AMERICAN ELECTRIC POWER). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
89. PLANNING COMMISSION: RECOMMENDING APPROVAL OF PROPOSED VACATION OF ENGLEHART AVE NE BETWEEN 7TH ST NE 8TH ST NE IN WARD 2 (AMERICAN ELECTRIC POWER). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
90. PLANNING COMMISSION: RECOMMENDING DENIAL OF PROPOSED ZONE CHANGE @ 802 - 25TH ST NW FR: R-1 (SINGLE FAMILY) TO: PR-4 (PLANNED DISTRICT MULTI-FAMILY) IN WARD 7 (JOEL HARRIS). - JUDICIARY COMMITTEE
91. SERV DIRECTOR BERNABEI: REQ APPROVAL OF EMERGENCY PURCHASE OF APPROX 2,000 TONS OF SALT FR: CARGILL, INC IN APPROX AMT OF \$72,520.00 AS MORAL OB; REQ \$175,000.00 SUPP APPROP FR: UNAPPROP BAL OF 2111 STREET MAINTENANCE FUND TO: 2111 202210 STREET MAINTENANCE FUND. - FINANCE COMMITTEE
92. WEST, T., WARD 2 CNCLMN: REQ LAW DEPT TO PURSUE THE DESIGNATION OF MARTIN LUTHER KING, JR WAY & CHERRY AVE. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

COMMUNICATIONS CONTINUED:

93. YWCA EXEC DIR., EGBERT: APPRISING OF YWCA BEING PRIMARY MANAGING MEMBER OF A RESIDENTIAL DEV LOCATED IN OR WITHIN ½ MILE RADIUS OF THE CITY'S POLITICAL JURISDICTION & PLANS TO UTILIZE THE MULTIFAMILY FUNDING PROG OF OHFA FOR SAID DEVELOPMENT; ADVISING OF CITY'S RIGHT TO SUBMIT A WRITTEN STATEMENT OF DISAPPROVAL OR OBJECTION TO THE EXEC DIR OF OHFA BY CERTIFIED MAIL SUBMITTED WITHIN 30 DAYS OF RECEIPT OF NOTICE, SIGNED BY A MAJORITY OF VOTING MEMBERS OF LEGISLATIVE BODY GOVERNING CITY. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. AUTHORIZE MAYOR TO ENTER INTO AN AMENDED ENTERPRISE ZONE AGMT W/HYDRODEC NORTH AMERICA, INC.; EMERGENCY
Referred to Community & Economic Development Committee

- 1ST RDG 2. ESTABLISHING FAIR MKT VALUE OF ONE CITY OWNED PARCEL; AUTHORIZE SALE & CONVEYANCE OF PROP PURSUANT TO CITY'S RESIDENTIAL LAND DISPOSITION PROG; EMERGENCY (7TH ST SW)

(STEPHEN & CONSTANCE BROWN)

Referred to Community & Economic Development Committee

1ST RDG 3. AMEND APPROP O#1/2008, AS AMENDED, BY MAKING VARIOUS SUPP APPROP; EMERGENCY (FIRE)

Referred to Finance Committee

1ST RDG 4. AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR WATER TREATMENT PLANT UPGRADES & ENTER INTO CONTACT W/BURGESS & NIPLE FOR ENGINEERING SERVS; AUTHORIZE MAYOR OR SERV DIR TO APPLY FOR & ENTER INTO CONTRACT W/THE OHIO WATER DEV AUTHORITY FOR LOANS FOR PROJ; EMERGENCY

Referred to Finance Committee

1ST RDG 5. RESOLUTION WITHDRAWING OBJECTION TO RENEWAL OF LIQ PERMIT LOCATED WITHIN CITY; EMERGENCY (SMITTY'S PUB)

Referred to Intergovernmental & Public Service CommitteeORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**(SUSPENDED RULE 22A TO ADD O#6- O#9; O#9 ADOPTED AS AMENDED)**

2ND RDG 6. AUTHORIZE MAYOR &/OR SERV DIR TO COMPLETE THE CONTRACTING PROCESS FOR VARIOUS CONTRACTS PREVIOUSLY AUTHORIZED BUT NOT COMPLETED BY 1/1/08; EMERGENCY (C&ED)

2ND RDG 7. AUTHORIZE SAF DIR TO ACCEPT \$3,000.00 DONATION FR: WALMART TO ASSIST IN PURCHASE OF WATER RESCUE EQUIPMENT; AMEND APPROP O#1/2008, AS AMENDED, BY MAKING THE SUPP APPROP OF SAME; EMERGENCY (FIN)

2ND RDG 8. AUTHORIZE SAF DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR THE PURCHASE OF FIFTEEN TACTICAL ASSAULT RIFLES FOR POLICE DEPT; AUTHORIZE SAF DIR TO ALTERNATIVELY PURCHASE THE RIFLES PURSUANT TO THE STATE COOPERATIVE PURCHASING AGMT; EMERGENCY

(FIN)

AMENDED

14/2008 9. **RETAINED IN CMTE 2/11/08** AMENDING O#164/2001 & O#164/2001, EX 'A', CLASS PLAN & SALARIES FOR MGMT & NON-BARG CITY EMPLOYEES; AMENDING CODIFIED ORDINANCE SEC 151.06, 151.07, 151.10, 151.11, 151.17 & 151.22; EMERGENCY (PER & FIN)

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

15/2008 10. AUTHORIZE ANNEXATION TERRITORY KNOWN AS KOCH KNIGHT ANNEXATION OF APPROX 27.3292 ACRES; ASSIGNING SAID TERRITORY TO WARD 4; ZONING SAID TERRITORY AS I-2 (HEAVY INDUSTRIAL DISTRICT); EMERGENCY **PUBLIC HRG 2/25/08 @ 7:30 PM**

16/2008 11. AUTHORIZE CITY AUD TO PAY \$2,490.00 MORAL OB TO CAROLINA ENVIRONMENTAL, INC FOR HEALTH DEPT LAB SVCS; EMERGENCY

17/2008 12. WAIVING RESIDENCY REQUIREMENT PURSUANT TO SEC 735.01 OF ORC FOR PUB SERV DIR

ANNOUNCEMENT OF COMMITTEE MEETINGS:MONDAY, MARCH 3, 2008 in Council Caucus @ 6:30 P.M.

- 1) Finance Committee
- 2) Community & Economic Development Committee
- 3) Intergovernmental & Public Service Committee
- 4) Personnel Committee

PUBLIC SPEAKS: Ruby Brogdon re: Problem with neighbors next door possibly rigging up utilities. Also house across the street needs cleaning up and requesting that someone find the owner.

MISCELLANEOUS BUSINESS: Chris Smith re: Discussed Ruby Brogdon's problem with Administration and someone will be out tomorrow to check on the houses in question; Safety Director Nesbitt re: Advising Ms. Brogdon that he will be there tomorrow to inspect the houses. Also advising that approximately 7 to 10 days ago the owner of Pastime Inn met with he and the Mayor and asked what he could do to keep his establishment open and was told by the Mayor that nothing would be acceptable but to close it down indefinitely. Since that time the establishment has not been re-opened; Chris Smith re: Telling Mr. DiGiacomo (a neighbor of Pastime Inn) that she is glad to know that he is at peace now with the establishment being closed; Thomas West re: Asking what the status is of Communication #55 regarding The YMCA and the Northeast Community Center; Greg Hawk re: advising Councilman West that he has not signed the Communication due to the fact that he is still waiting for additional information; Thomas West re: The delay of hiring a Grant Writer is delaying resources coming into the City; Allen Schulman re: Thanking Pat Barton for arranging for the room at Malone College for the Council Brainstorming meeting. Also thanking Majority Leader Casar for covering for him while he was away. Thanking Sam Sliman for the creation of the 2008 Year of Our Neighborhood Banner for Council Chamber. Lastly, advising Council that he would like to schedule another Brainstorming meeting; Mayor Healy re: Reminding of Mayor's Night meeting scheduled for Wednesday, February 27, 2008 from 5:30 - 7:30 PM in Council Chamber. Advising the purpose of these monthly meetings is to give citizens a chance to meet with him and department heads to address their concerns for the City. Also thanking Council, especially Greg Hawk, Don Casar, The Law Director and Linda Patterson for working with him on the Personnel Ordinance. Further introducing Robert Torres as the City's new Director of Development.

ADJOURNMENT: 8:19 PM

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, MARCH 3, 2008 @ 7:30 PM