

**FINAL**  
**AGENDA**  
7:30 PM

CANTON CITY COUNCIL

MARCH 31, 2008

**ROLL CALL:** All Councilmembers Present

**INVOCATION:** Karl "Butch" 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#6, #7, #9, #10, #11, #12, #13, #14; O#4, #5 & #8 Retained in Committee; O#15 Postponed)

**PUBLIC HEARINGS:** (None)

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

**INFORMAL RESOLUTIONS:**

- MAJORITY LEADER DON CASAR: EXCUSING MEMBERS. (Not Necessary)
30. COUNCIL OF THE WHOLE: ENDORSING PROPOSED FEDERAL HOMEOWNERS & BANK PROTECTION ACT OF 2007. - ADOPTED
31. SMUCKLER, W., CNCL-AT-LARGE: CONGRATULATING HILLARY SMUCKLER FOR RECEIVING 2008 GARY SHIFMAN AWARD. - ADOPTED
32. SMUCKLER, W., CNCL-AT-LARGE: CONGRATULATING ADAM DICKSON FOR RECEIVING 2008 GARY SHIFMAN AWARD. - ADOPTED
33. SMUCKLER, W., CNCL-AT-LARGE: CONGRATULATING ERIC ORTMAN ON RECEIVING 2008 GARY SHIFMAN AWARD. - ADOPTED
34. SMUCKLER, W., CNCL-AT-LARGE: CONGRATULATING ALEX CAGHAN ON RECEIVING 2008 GARY SHIFMAN AWARD. - ADOPTED
35. SMUCKLER, W., CNCL-AT-LARGE: CONGRATULATING FRED RAPPORT FOR RECEIVING 2008 A.L. HELLING AWARD. - ADOPTED
36. SMUCKLER, W., CNCL-AT-LARGE: CONGRATULATING HYMIE COOPER ON RECEIVING 2008 DR. HYMIE GINSBURG AWARD. - ADOPTED
37. SMUCKLER, W., CNCL-AT-LARGE: CONGRATULATING CAITLYN SOLOMON ON RECEIVING 2008 HOWARD FREEDMAN AWARD. - ADOPTED
38. SMUCKLER, W., CNCL-AT-LARGE: CONGRATULATING CARL ADELMAN ON RECEIVING 2008 SANFORD AND JACOB FURMAN AWARD. - ADOPTED
39. SMUCKLER, W., CNCL-AT-LARGE: CONGRATULATING DR. DANIEL ERLANGER RECEIVING 2008 SANFORD AND JACOB FURMAN AWARD. - ADOPTED

**COMMUNICATIONS:**

137. AUDITOR MALLONN (CITY): REQ CHANGE OF SALARY RANGE FOR CHIEF DEPUTY AUDITOR POSITION (GARY YOUNG) FR: \$42,297.00 - \$75,270.00 (GRADE 3) TO: \$42,297.00 - \$82,221.00 (GRADE 2). - PERSONNEL COMMITTEE
138. AUDITOR MALLONN (CITY): CERTIFICATE OF TOTAL AMT FR: 2008 ALL SOURCES. - RECEIVED & FILED
139. HARRIS, J., APPLICANT: REQ TO WITHDRAW PROPOSED ZONE CHANGE FOR 802 - 25<sup>TH</sup> ST NW (SEE O#8). - RECEIVED & FILED
140. LIQUOR CONTROL DIVISION (OHIO): REQ NEW D1 LIQUOR PERMIT FOR BRIGHT PEARL LLC DBA TOP CHINA BUFFET @ 4309 TUSCARAWAS ST W. - RECEIVED & FILED
141. LIQUOR CONTROL DIVISION (OHIO): ADVISING THAT HRG SCHEDULED FOR 3/18/08 RE: LIQ PERMIT FOR PLATINUM DYNASTY LLC DBA CLUB BLUEPRINT @ 1016 - 12<sup>TH</sup> ST NE, 1<sup>ST</sup> FLOOR & BASEMENT HAS BEEN CONTINUED. - RECEIVED & FILED
142. LIQUOR CONTROL DIVISION (OHIO): ADVISING THAT COUNCIL HAS WITHDRAWN ITS OBJECTION RE: LIQ PERMIT RENEWAL FOR JOHN M. & MALIA J. ABEL DBA SMITTY'S PUB @ 2103 HARRISON AVE SW. - RECEIVED & FILED
143. LIQUOR CONTROL DIVISION (OHIO): ADVISING THAT CITY PRESENTED NO EVIDENCE FOR OBJECTION RE: LIQ PERMIT TRANSFER OF OWNERSHIP & LOCATION APP FOR DIANA LYNN ALBERT DBA RIDE TO FREEDOM BAR & GRILL @ 2001 KIMBALL RD SE; CITY GIVEN UNTIL 4/21/08 TO WITHDRAW ITS OBJECTION OR SAID OBJECTION WILL BE OVERRULED. - RECEIVED & FILED
144. LIQUOR CONTROL DIVISION (OHIO): ADVISING THAT CITY PRESENTED NO EVIDENCE FOR OBJECTION RE: LIQ PERMIT RENEWAL FOR SUNKIN, INC DBA S & K MINI MART @ 2502 - 11<sup>TH</sup> ST SW, 1<sup>ST</sup> FLOOR; CITY GIVEN UNTIL 4/21/08 TO WITHDRAW ITS OBJECTION OR SAID OBJECTION WILL BE OVERRULED. - RECEIVED & FILED

**COMMUNICATIONS CONTINUED:**

145. SAFETY DIRECTOR NESBITT: AUTHORIZE SAF DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR PURCHASE OF 165 SPECIALIZED BULLETPROOF VESTS FOR FIRE DEPT & 10 STANDARD

146. SERVICE DIRECTOR BERNABEI: SUBMITTING SANITATION RATES; ADVISING OF IMPLEMENTATION OF 2.5% RATE INCREASE APPROVED LAST YEAR WHICH HAS NOT YET BEEN PLACED INTO EFFECT; RECOMMENDING AN ADDITIONAL 13.6% RATE INCREASE. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
147. SERVICE DIRECTOR BERNABEI: AUTHORIZE CITY TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR LEASE OF A BACKHOE LOADER FOR 48 MONTHS W/OPTION TO PURCHASE (WATER DEPT). - FINANCE COMMITTEE
148. TORRES, R., DEPT OF DEV DIR: AUTHORIZE MAYOR TO ENTER INTO AN AMENDED ENTERPRISE ZONE AGMT W/RTI INT'L METALS, INC TO BE EXECUTED BY RMI TITANIUM CO. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
149. WALKER, C., APPLICANT: REQ ZONE CHANGE @ 1411 - 15<sup>TH</sup> ST NE FR: R-1A TO: PR-4. - PLANNING COMMISSION
150. WALKER, C., APPLICANT: REQ ZONE CHANGE @ 1513 - 15<sup>TH</sup> ST NE FR: R-1A TO: PR-4. - PLANNING COMMISSION

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

- 1<sup>ST</sup> RDG 1. VAC PORTIONS OF 4<sup>TH</sup> ST SW & WELLS AVE SW; APPROV & ACCEPT REPLAT OF 4.545 ACRES OF LAND FOR CANTON FEDERAL CENTER PROJ; EMERGENCY (CITY OF CANTON)  
Referred to Public Safety & Thoroughfares Committee **PUB HRG 4/14/08 @ 7:30 PM**
- 1<sup>ST</sup> RDG 2. AMEND O# 1/2008, AS AMENDED, BY MAKING \$90,026.14 SUPPLEMENTAL APPROPRIATION FR: UNAPP BAL OF 4509 2006 REC BOND FUND TO: 4509 401070 MALLONN MEM PK - OTHER; EMERGENCY  
Referred by Finance & Parks & Recreation Committees
- 1<sup>ST</sup> RDG 3. AUTHORIZE CITY AUDITOR TO PAY \$45,132.00 TO 3-D SERVICE LTD FOR REPAIR OF MOTOR @ NE WATER TREATMENT PLANT; AMEND O# 1/2008, AS AMENDED, BY MAKING \$45,132.00 SUPP APPROP FR: UNAPP BAL OF 5201 WATER FUND TO: 5201 207012 OUTSIDE REPAIRS - OTHER; EMERGENCY  
Referred to Finance Committee

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

**(SUSPENDED RULE 22A TO ADD O# 6, #7, #9, #10, #11, #12, #13 & #14; O#4, #5 & #8 RETAINED IN CMTE)**

**RETAINED IN**

- CMTE** 4. AUTHORIZE MAYOR TO ENTER INTO AN AMENDED ENTERPRISE ZONE AGMT W/HYDRODEC NORTH AMERICA, INC.; EMERGENCY (C&ED)

**RETAINED IN**

- CMTE** 5. AMEND O#1/2008 MAKING \$198,000.00 SUPP APP FR: UNAPP BAL OF 2529 NEW HORIZONS PK FD TO: 2529 NEW HORIZONS PK FD-OTHER; AUTHORIZE MAYOR &/OR SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR NEW HORIZONS PK PROJ; EMERGENCY (FIN, C&ED & PARKS)

- 2<sup>ND</sup> RDG 6. VAC MCGRAW PL SW & PORTION OF TIMKEN PL SW; APPROV & ACCEPT REPLAT OF LTS 6738, 6739, 6740, 6741, & PT OF OL 339; EMERGENCY (GROFFRE INVESTMENTS)  
(PS&T) **PUB HRGS 4/7/08 @ 7:30 & 7:31 PM**

- 2<sup>ND</sup> RDG 7. VAC PORTION OF SAVANNAH AVE NE & ENGLEHART AVE NE; APPROV & ACCEPT REPLAT OF LTS 1993 - 2002 & LTS 6248, 6249, & 28911 & VAC PORTIONS OF SAVANNAH AVE NE & ENGLEHART AVE NE; EMERGENCY (AEP) (PS&T) **PUB HRGS 4/7/08 @ 7:32 & 7:33 PM**

**RETAINED**

- CMTE** 8. AMEND O#55/77 FOR ZONE CH, PT OF LT 12667 @ 802 25<sup>TH</sup> ST NW FR: R-1A TO PR-4; EMERGENCY (JOEL HARRIS) (JUD) **PUB HRG 4/7/08 @ 7:34 PM**

- 2<sup>ND</sup> RDG 9. AUTHORIZE CITY AUD TO PAY \$15,800.00 MOR OB FOR EMERG DEMO @ 2408 13<sup>TH</sup> ST NE TO COTT-RILL WRECKING CO; EMERGENCY (FIN & C&ED)

- 2<sup>ND</sup> RDG 10. AUTHORIZE MAYOR TO ENTER INTO CRA AGMT W/CANTON ELDERLY LLC PROVIDING REAL PROP TAX EXEMPT FOR 40 UNIT MULTIFAM ELDERLY RESIDENT HSG CONST PROJ IN CRA; AUTHORIZE THE GRANTING OF 10-YR REAL PROP TAX EXEMPT; EMERGENCY (C&ED)

- 2<sup>ND</sup> RDG 11. APPROV & ACCEPT REPLAT OF LT 42765 & PT OF OL 1249 (QUARRY LAKE DR SE, QUARRY LAKE SUBDIVISION); EMERGENCY (MICHAEL & DEBRA MENEGAY) (PS&T)

- 2<sup>ND</sup> RDG 12. APPROV & ACCEPT REPLAT OF LTS 3620 - 3622; EMERGENCY (HAMMERLY CT SE & TYLER AVE SE)  
(PS&T)

- 2<sup>ND</sup> RDG 13. AMEND O#40/2000, EX 'A' CLASS PLAN FOR CITY OF CANTON BARG UNIT PERSONNEL; EMERGENCY (POLICE & FIRE) (PER)

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING CONTINUED:**

- 2<sup>ND</sup> RDG 14. AUTHORIZE & CONSENT BRIDGE HEAT STRAIGHTENING UNDER HARRISON AVE; EMERGENCY (PS&T)

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

**POSTPONED**

**TO: 4/7/08** 15. AMEND SEC 131.10, POLICE DEPT TRUST FUNDS, OF CODIFIED ORDINANCES.

**30/2008** 16. AUTHORIZE SERV DIR TO ACCEPT & EXECUTE \$55,170.00 RECYCLING MAKES SENSE GRANT FROM STARK-TUSC-WAYNE JOINT SOLID WASTE MANAGEMENT DIST; EMERGENCY

**31/2008** 17. AUTHORIZE SERV DIR OR MAYOR TO EXECUTE REAL ESTATE PURCH OPTION AGMT & LEASE W/ GEN SERVICES ADMIN FOR FED CTR PROJ; EMERGENCY

**32/2008** 18. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO AN AMENDED GRANT AGMT & RECEIVE SUPP FUNDS IN AMT OF \$8,500.00 FROM DEPT OF HSG & URBAN DEV; EMERGENCY

**33/2008** 19. AMEND APPROP O#1/2008 TO APPROPRIATE ADDT'L MONEYS NEEDED FOR OPERATING EXPENSES OF THE CITY FOR THE REMAINDER OF FISCAL YR 2008; EMERGENCY

**ANNOUNCEMENT OF COMMITTEE MEETINGS:****MONDAY, APRIL 7, 2008 in Council Caucus @ 6:30 P.M.**

- 1) Finance Committee
- 2) Public Safety & Thoroughfares Committee
- 3) Parks & Recreation Committee

**PUBLIC SPEAKS:** Patricia Kirk re: Passed out a 2004 Recycling & Community event calendar. Asking when Council will pass the Tree Ordinance. Also asking if anyone ever contacted the Green Building Coalition in Cleveland; Carrie Brown re: Advising that she is a homeowner, community leader and single parent that has had her house broken into and robbed time and time again to the extent that she and her children are sleeping on floors and couches at the homes of family members because of their fear of sleeping in their own home and being robbed or even killed; Sandy Dyer re: She is the sister of Carrie Brown and there to ask where the safety is for her sister and nephews and niece in their neighborhood. Pleading that something be done with the criminals and the vacant houses in the City of Canton; Jordan Perry re: Speaking on behalf of Pastor Carrie Brown who helped turn his life around and get him off the streets. Asking what the City is going to do about the problems Ms. Brown has incurred.

**MISCELLANEOUS BUSINESS:** Member Smith re: Advising Safety Director Nesbitt that Ms. Brown is the woman that he spoke to earlier today and she has been going through this since last year and she hopes that something can be done to ensure Ms. Brown and her family's safety; Member West re: Stating that Ms. Brown and her sister are advocates and he does not want to loose them to another City and this is a perfect example of why we need community policing. Also announcing that this is Minority Health Month and the event will be held on April 3<sup>rd</sup> at the Metropolitan Center; Member Cirelli re: Asking Mayor for clarification on the hiring of the new police officers; Mayor Healy re: Advising Member Cirelli that he is in the process of hiring 10 new officers and they are trying to hire ahead of time before more officers retire; Member Cirelli re: Asking how many officers his proposal says that we will have in full manpower; Safety Director Nesbitt: Advising Member Cirelli that the goal is to be close to the manpower we have now but the goal is to add 20 to 25 but meanwhile sustaining the budget; Advising Ms. Brown that he is very sorry for what she has gone through and that today is the first time this has been brought to his attention and that this is unacceptable behavior. He plans to follow up and look into this immediately. Also advising her that she will get a call from him tomorrow and everyday thereafter until this issue is addressed; President Schulman re: Advising that the problem is not just with the police when there are seven abandoned homes in the area, this makes for breeding grounds for criminals and the City is also going to get rid of these vacant homes; Member Casar re: Advising of his attendance to the National League of Cities Seminar and providing information; Complete breakdown to follow; President Schulman re: Complimenting Law Director Martuccio, Prosecutor Frank Forchione, Mayor and Safety Director Nesbitt on their success in getting The Pastime Inn shut down; Member Smith re: Advising the she too attended the hearings that resulted in getting The Pastime Inn shut down.

**ADJOURNMENT:** 8:25 P.M.

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