

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

CANTON CITY COUNCIL

MAY 5, 2008

**ROLL CALL:** Eleven Councilmembers Present (Member Prater and President Schulman Absent)

**INVOCATION:** Greg Hawk, Ward 1 Councilman

**PLEDGE OF ALLEGIANCE:** Led by President Pro Tem Don Casar

**AGENDA CORRECTIONS & CHANGES:** (Suspended Rule 22A to add 2<sup>nd</sup> Rdg O#4 - O#12)

**PUBLIC HEARINGS:** (None)

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

**INFORMAL RESOLUTIONS:**

ASSISTANT MAJORITY LEADER JOE CARBENIA: EXCUSING MEMBERS. (MEMBER PRATER & PRESIDENT SCHULMAN ABSENT)

51. WEST, T., WARD 2 CNCLMN: SUPPORTING HONORARILY NAMING CHERRY AVE (BETWEEN 19<sup>TH</sup> ST NE & 17<sup>TH</sup> ST SE) & WALNUT AVE (BETWEEN 15<sup>TH</sup> ST NE & 3<sup>RD</sup> ST SE) THROUGH THE PLACEMENT OF INFORMATIONAL SIGNS LABELED "DR. MARTIN LUTHER KING, JR. CORRIDOR." - ADOPTED

**COMMUNICATIONS:**

204. AUDITOR MALLONN (CITY): YEARLY REPORT BY FUND FOR 1/1/08 - 4/30/08. - RECEIVED & FILED

205. AUDITOR MALLONN (CITY): MONTHLY REPORT BY FUND FOR 4/1/08 - 4/30/08. - RECEIVED & FILED

206. LAW DIRECTOR MARTUCCIO: REQ PERMISSION TO PREPARE & SUBMIT LEGISLATION ON BEHALF OF SERV DIRECTOR, IMPLEMENTING CURBSIDE RECYCLING ON A CITY-WIDE BASIS PURSUANT TO PAST ORDINANCES, ONGOING NEGOTIATIONS & A RECENT RESOLUTION. - RECYCLING COMMITTEE

207. LAW DIRECTOR MARTUCCIO & SERVICE DIRECTOR BERNABEI: REQ AUTHORIZATION TO AMEND COD ORD SEC 551.02, PROHIBITIONS & PENALTY, OF CHAPTER 551, WEEDS & LITTER, TO INCREASE PENALTY FOR REPEAT OFFENDERS FR: MINOR MISDEMEANOR (NON-JAILABLE) TO: 4<sup>TH</sup> DEGREE MISDEMEANOR (DISCRETIONARY JAIL SENTENCE OF UP TO 30 DAYS). - JUDICIARY COMMITTEE

208. LAW DIRECTOR MARTUCCIO: REQ AUTHORIZATION TO PREPARE & SUBMIT INFORMAL RESOLUTION APPROVING & RATIFYING THE USE OF EXISTING QUALIFYING STANDARDS NEARLY IDENTICAL TO THOSE USED BY COUNTIES TO GRANT EXEMPTIONS FOR UTILITY DISCOUNTS; REQ TO AMEND O#247/2007 TO SIMPLIFY LANGUAGE; REQ TO AMEND O#50/2008 TO ACCURATELY REFLECT DISCOUNTED RATE FOR HOMESTEAD EXEMPTIONS DUE TO AN INCORRECTLY CALCULATED RATE IN SECTION 1. - ENVIRONMENTAL & PUBLIC UTILITIES & JUDICIARY COMMITTEES

209. LIQUOR CONTROL DIVISION (OHIO): REQ TRANSFER OF D5 LIQ PERMIT FR: FINIKI INC DBA FLAMING PIT @ 3504 W TUSC ST TO: LUIGI TOZZI LLC DBA PICCIANOS @ 410 MARKET AVE N. - RECEIVED & FILED

210. LIQUOR CONTROL DIVISION (OHIO): ORDER THAT THE LEGISLATIVE OBJECTION BE OVERRULED & THE PROCESSING OF LIQUOR APP CONTINUE FOR DIANA LYNN ALBERT DBA RIDE TO FREEDOM BAR & GRILL @ 2001 KIMBALL RD SE. - RECEIVED & FILED

211. LIQUOR CONTROL DIVISION (OHIO): ORDER THAT THE LEGISLATIVE OBJECTION BE OVERRULED & THE PROCESSING OF LIQUOR APP CONTINUE FOR SUNKIN, INC DBA S & K MINI MART @ 2502 - 11<sup>TH</sup> ST SW, 1<sup>ST</sup> FL. - RECEIVED & FILED

212. SERVICE DIRECTOR BERNABEI: REQ APPROVAL OF RE-NAMING THE WATER POLLUTION CONTROL CENTER (WPCC) AS THE CITY OF CANTON WATER RECLAMATION FACILITY(WRF); AUTHORIZE LAW DIR TO CHANGE ALL CITY CODE REFERENCES FR: WPCC TO: WRF. - JUDICIARY COMMITTEE

213. SERVICE DIRECTOR BERNABEI: REQ \$175,000.00 SUPP APPROP FR: UNAPP BAL 5223 WATER INFRASTRUCTURE CAPITAL IMPROV FUND TO: 5223 207024 WATER - NW TREATMENT PLANT - OTHER (PLANNING LOAN FR: THE OHIO WATER DEVELOPMENT AUTHORITY TO FUND ENG DESIGN SERVICE FOR IMPROVEMENTS TO COLLECTOR WELL #2 AT NW WATER TREATMENT PLANT). - FINANCE & PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES

**COMMUNICATIONS CONTINUED:**

214. TIMBERLAKE, C., CLERK OF CNCL: REQ FORMAL RESOLUTION WITHDRAWING CITY'S OBJECTION TO ISSUANCE OF LIQ PERMIT FOR SUNKIN, INC DBA S & K MINI MART @ 2502 - 11<sup>TH</sup> ST SW. - INTERGOVERNMENTAL & PUBLIC SERVICE COMMITTEE

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

1<sup>ST</sup> RDG \_\_\_1. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO JOB CREATION TAX INCENTIVE & NET PROFITS INCENTIVE AGMTS W/HYDRODEC NORTH AMERICAN HOLDINGS, INC; EMERGENCY  
Referred to Community & Economic Development Committee

1<sup>ST</sup> RDG \_\_\_2. AUTHORIZE MAYOR TO ENTER INTO AGMT W/STATE OF OH, DEPT OF REHAB & CORRECTION FOR RECEIPT OF THE FY 2009 COMMUNITY CORRECTIONS ACT GRANT IN AMT NOT TO EXCEED \$80,261.00; EMERGENCY  
Referred Finance Committee

1<sup>ST</sup> RDG 3. AMEND APPROP O#1/2008, AS AMENDED, BY MAKING VARIOUS SUPP APPROPS; EMERGENCY (POLICE DEPT)

Referred to Finance Committee

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

**(SUSPENDED RULE 22A TO ADD O#4 - O#12)**

2<sup>ND</sup> RDG 4. RESOLUTION DECLARING NECESSITY & INTENT OF CITY TO ACQUIRE AN EASEMENT IN PROP OUTSIDE OF CITY'S CORP LIMITS PURSUANT TO O.R.C. CHAPTER 719 TO PROMOTE DRAINAGE OF CITY'S PUBLIC ROADWAY & STORM WATER SYSTEM IN AN ADJACENT PROP OWNED BY CANTON COMMERCE DEV LLC; EMERGENCY (PS&T)

2<sup>ND</sup> RDG 5. APPROVE & ACCEPT REPLAT OF LTS 15140 & 15141 & PARTS OF LTS 15137 - 15139; EMERGENCY (PS&T)

2<sup>ND</sup> RDG 6. APPROVE & ACCEPT FINAL SUBDIVISION PLAT FOR MILLS IND PK IN CITY OF CANTON; EMERGENCY (PS&T)

2<sup>ND</sup> RDG 7. APPROVE A CANTON CITY WATER MAIN EXTENSION TO PERRY TWP; AUTHORIZE SERV DIR TO ENTER INTO CONTRACT FOR EXT OF SAID WATER MAIN; EMERGENCY (E&PU)

2<sup>ND</sup> RDG 8. AUTHORIZE SERV DIR TO ACCEPT GRANT FR: ASHLAND, INC; AUTHORIZE AUDITOR TO ESTABLISH THE 5225 CARNWISE WATER MAIN EXT FUND; AMEND SUPP APPROP O#1/2008; AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR SAID WATER MAIN EXT; EMERGENCY (E&PU)

2<sup>ND</sup> RDG 9. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO JOB CREATION TAX INCENTIVE & NET PROFITS INCENTIVE AGMT W/KOCH KNIGHT LLC PURSUANT TO CITY'S ECONOMIC GROWTH INCENTIVE PROG; EMERGENCY (C&ED)

2<sup>ND</sup> RDG 10. AUTHORIZE SERV DIR TO ENTER INTO TWO-YR PROF SERV CONTRACT W/KIKO AUCTIONEERS, INC TO CONDUCT AUCTIONS @ CANTON SERV CENTER FOR SALE OF JUNK & SCRAP ITEMS & IMPOUNDED VEHICLES; EMERGENCY (FIN)

2<sup>ND</sup> RDG 11. AMEND APPROP O#1/2008, AS AMENDED, BY MAKING VARIOUS SUPP APPROPS & APPROP REDUCTIONS; EMERGENCY (SUMMER PROGRAMS)(FIN)

2<sup>ND</sup> RDG 12. AUTHORIZE SERV DIR &/OR SAF DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT(S) FOR PURCHASE &/OR LEASE OF VARIOUS MOTOR VEHICLES & OTHER ITEMS OF RELATED EQUIPMENT FOR VARIOUS CITY DEPTS; AUTHORIZING SAID DIRECTORS TO ALTERNATIVELY PURCHASE &/OR LEASE SAID VEHICLES & EQUIPMENT PURSUANT TO O.R.C. SEC 125.04 & 5513.01; AMEND APPROP O#1/2008; EMERGENCY (PPCI)

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

55/2008 13. AMENDING O#164/2001, EX A. CITY OF CANTON CLASS PLAN SALARIES MGMT & NON-BARG UNIT EMPLOYEES (GARY YOUNG); EMERGENCY &

56/2008 14. AMENDING O#164/2001, EX A, CITY OF CANTON CLASS PLAN & SALARIES MGMT & NON-BARG UNIT EMPLOYEES (CLK OF CNCL); EMERGENCY

57/2008 15. AMENDING O#164/2001 EX A, CITY OF CANTON CLASS PLAN & SALARIES MGMT & NON-BARG UNIT EMPLOYEES (OPERATIONS ANALYST); EMERGENCY

58/2008 16. APPROVE & ACCEPT REPLAT OF LTS 6966 - 6969, PARTS OF LTS 6964 & 6965 & PARTS OF LTS 6935 - 6940; EMERGENCY

59/2008 17. AUTHORIZE SERV DIR TO ENTER INTO CONTRACT W/CANTON MEDIA WORKS PUBLISHING, LLC FOR PUBLICATION OF CANTON QUARTERLY MAG FOR 2008; AUTHORIZE SERV DIR TO ENTER INTO CONTRACT W/CCIC FOR DISTRIBUTION OF CANTON QUARTERLY MAG; EMERGENCY

60/2008 18. AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR ASPHALT RESURFACING PROG FOR 2008; EMERGENCY

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

61/2008 19. AUTHORIZE SERV DIR TO ENTER INTO CONTRACT W/CANTON SYMPHONY ORCHESTRA ASSOC IN AMT NOT TO EXCEED \$30,156.37 FOR 2008 CONCERT IN PARK

**ANNOUNCEMENT OF COMMITTEE MEETINGS:**

**WEDNESDAY, MAY 7, 2008 in Council Caucus @ 5:30 P.M.**

1) Sidewalk & Street Light Committee

**MONDAY, MAY 12, 2008 in Council Caucus @ 5:00 P.M.**

1) Water Facilities Committee

**MONDAY, MAY 12, 2008 in Council Caucus @ 6:30 P.M.**

1) Law Director to discuss proposed Tree Ordinance

**MONDAY, MAY 12, 2008 in Council Caucus @ 6:45 P.M.**

1) Community & Economic Development Committee  
2) Finance Committee

**PUBLIC SPEAKS:** Elaine Irwin: Comparing putting a value on someone's right hand to the value of her business.

**MISCELLANEOUS BUSINESS:** Member Cirelli re: Asking the Mayor how many appointments he makes to the Canton Recreation Board; Mayor Healy re: Advising that the Mayor appoints three members to the Recreation Board and the Superintendent of the Canton City Schools appoints two members to the Board; Member Cirelli re: Asking the Mayor about the appointments to the Park Board; Mayor Healy re: Advising that all three Park Board Members are appointed by the Mayor and the funding for the Park Board is through the City; Member Cirelli re: Asking Mayor what the possibility is of merging Recreation Board and Park Board; Mayor Healy re: Advising that there are several complications of merging the two boards; Member Cirelli re: Asking the Mayor if he believes he can find some resolve to assist the Little League with the problems at the fields; Mayor Healy re: Advising that he had a meeting today with the Park and Recreation Directors, as well as some of the Board Members and are putting together plans to address questions that were brought up so some problems can be avoided in the future; Member Smith re: Asking the Mayor if he forgot that he was supposed to throw the first ball on Saturday at Thurman Munson Stadium. Also asking the Mayor if Malone College has precedence over anyone else that has paid the \$500.00 to rent the field. Mayor Healy re: Advising that he was of the understanding that Senator Boccieri was supposed to throw the first pitch Saturday. Also advising that Malone College put the tarp down on Saturday to protect the field and decided that because of the rain that it was not appropriate to remove the tarp. Further advising that the Mayor does not have any control over the Recreation Department there is a Director that does that and the City does not fund the Recreation Department; Member West re: Recognizing and commending all the people that were involved in the Dr. Martin Luther King, Jr. Corridor project with him.

**ADJOURNMENT:** 8:03 P.M.

**THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, MAY 12, 2008 @ 7:30 PM**