

**FINAL**  
**A G E N D A**  
7:30 PM

CANTON CITY COUNCIL

FEBRUARY 23, 2009

**ROLL CALL:** Eleven Council Members Present, Member Casar Absent

**INVOCATION:** Karl "Butch" Kraus, Jr., Ward 8 Council Member

**PLEDGE OF ALLEGIANCE:** Led by President Allen Schulman

**AGENDA CORRECTIONS & CHANGES:** (Suspended Rule 22A to add 2<sup>nd</sup> Rdg O#8 & O#9; O#9 Adopted on 2<sup>nd</sup> Rdg; O#13 Adopted as Amended)

**PUBLIC HEARINGS:**

7:30 P.M. AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE DIANO ANNEXATION AREA CONTAINING APPROXIMATELY 51.228 ACRES; ASSIGNING SAID TERRITORY TO WARD 6 OF THE CITY; ZONING SAID TERRITORY AS I-1 (LIGHT INDUSTRIAL); AND DECLARING THE SAME TO BE AN EMERGENCY

**O#28/2009**

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

**INFORMAL RESOLUTIONS:**

ASSISTANT MAJORITY LEADER JOE CARBENIA: EXCUSING MEMBERS. (MEMBER CASAR)

15. BARTON, P. WARD 7 CNCL MEMBER: REQ PLACEMENT OF STREET LIGHT ON POLE #771D03-129 ON 22<sup>ND</sup> ST NW BTWN CLEVELAND AVE NW & MARKET AVE NW. - ADOPTED

**COMMUNICATIONS:**

78. AUDITOR MALLONN (CITY): CERT OF TOTAL AMT FROM ALL SOURCES. - RECEIVED & FILED

79. DEPUTY DIRECTOR WEST: REQ MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/THE GROUP WORKCAMP FOUNDATION TO PROVIDE GRANT NOT TO EXCEED \$50,000.00 UTILIZING CDBG FUNDS FOR "CALL CANTON HOME" PROG FOR PARTIAL YR 2009 & 2010. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

80. DIRECTOR TORRES: REQ MAYOR &/OR SERV DIR TO ENTER INTO AGMT W/CITY CENTER FITNESS GRANT IN THE AMT OF \$75,000.00 TO BE FORGIVEN AT RATE OF 20% PER YR FOR 5 YRS, LOCATED @ 121 CLEVELAND AVE SW & CREATING 10 - 14 NEW JOBS. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

81. DIRECTOR TORRES: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/CCIC TO PROVIDE GRANT UTILIZING CDBG FUNDS NOT TO EXCEED \$500,000.00 FOR GRANTS, LOANS, & ADMIN COSTS. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

82. HEALTH BENEFITS ADMIN., MCBRIDE: JANUARY 2009, MO COMPARATIVE RPT OF INSUR CLAIMS & JAN 2009 PAID CLAIMS & COMPARATIVE RPT. - RECEIVED & FILED

83. MAYOR WILLIAM J HEALY: ADVISE RE-APPT OF ANDREW BLACK TO CANTON PARK COMM FOR 3 YR TERM COMMENCING 1/1/09 - 12/31/2011. - RECEIVED & FILED

84. MAYOR WILLIAM J HEALY: ADVISE APPT OF DONALD R. SINGER TO AREA AGENCY ON AGING AREAWIDE ADVISORY COUNCIL FOR 3 YR TERM COMMENCING 1/1/09 - 12/31/11. - RECEIVED & FILED

85. MAYOR WILLIAM J HEALY: ADVISE RE-APPT OF DR. MERLE GRIFF & QUINZELLA HOBBS TO AREA AGENCY ON AGING AREAWIDE ADVISORY COUNCIL 3 YR TERM COMMENCING 1/1/09 - 12/31/11. - RECEIVED & FILED

86. MAYOR WILLIAM J HEALY: REQ AUTHORIZE RE-APPT OF VIRGINIA JEFFRIES & LOVIE HAILEY TO FAIR EMPLOYMENT PRACTICES BD FOR 3 YR TERM COMMENCING 3/1/09 - 2/1/11. - PERSONNEL COMMITTEE

87. MAYOR WILLIAM J HEALY: REQ PAYMT OF MORAL OB FOR \$7350.30 FOR 2008 INV RCVD LATE FOR BLACK, MCCUSKEY, SOEURS & ARBAUGH LPA. - FINANCE COMMITTEE

88. PLANNING COMMISSION: RECOMMENDING RAILROAD ANNEXATION BE ASSIGNED TO WARD 8 OF APPROX 22 ACRES & LAND CONSTITUTING THE RAILROAD LINE BE ZONED OS (OPEN SPACE) & APPROX 1 ACRE OF LAND KNOWN AS THE R M PROPERTY BE ZONED B-4 (SPECIAL BUSINESS) (JACKSON TOWNSHIP). - RECEIVED & FILED

89. PLANNING COMMISSION: RECOMMEND DENIAL OF ZONE CHG @ 351 CORNELIA AVE NE FROM R-1a (SINGLE FAMILY RESIDENTIAL) TO PR-4 (PLANNED MULTI-FAMILY) (TRENA & SOLADENE CURTIS). - JUDICIARY COMMITTEE

90. PLANNING COMMISSION: RECOMMEND APPROV OF TWO ALLEY VACATIONS ONE RUNNING SOUTH FR 31<sup>ST</sup> ST NW TO LOT # 39355 & ONE RUNNING WEST FR FRAZER NW TO LOT # 39355 & REPLAT LOTS

**COMMUNICATIONS CONTINUED:**

36949 - 36953, PART OF 36957 & LOTS 36958 - 36962 (DUMONT'S SEED CO). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

91. PLANNING COMMISSION: RECOMMEND APPROV OF ZONE CHG @ 1460 SHRIVER AVE NE FROM R-1a (SINGLE FAMILY RESIDENTIAL) TO PR-4 (PLANNED MULTI-FAMILY) W/ADDED STIPULATIONS OF LICENSING REQUIREMENTS (CYNTHIA WALKER). - JUDICIARY COMMITTEE
92. PLANNING COMMISSION: RECOMMEND APPROV OF ZONE CHG @ 1521 15<sup>TH</sup> ST NE FROM R-1a (SINGLE FAMILY RESIDENTIAL) TO PR-4 (PLANNED MULTI-FAMILY) W/ADDED STIPULATIONS OF LICENSING REQUIREMENTS (CYNTHIA WALKER). - JUDICIARY COMMITTEE
93. SAFETY DIRECTOR NESBITT: AUTHORIZE SAF DIR TO APPLY FOR & ACCEPT GRANT FROM DEPT OF JUSTICE FOR "GANG PREVENTION COORDINATION & ASSISTANCE PROGRAM" NOT TO EXCEED \$200,000.00. - FINANCE COMMITTEE
94. SAFETY DIRECTOR NESBITT: RPT OF INMATES INCARCERATED FOR JAN 2009. - RECEIVED & FILED
95. SERVICE DIRECTOR PRICE: ADVISING COUNCIL THAT STREET DEPT WILL HAVE COMPLETED SALT CONTRACT BY END OF FEBRUARY & IF CONDITIONS OCCUR ADDTL PURCHASING WILL BE NECESSARY. - RECEIVED & FILED
96. SERVICE DIRECTOR PRICE: 2008 ANNUAL RPT FOR WATER RECLAMATION FACILITY (WRF). - RECEIVED & FILED
97. SERVICE DIRECTOR PRICE: REQ CONSIDERATION OF SEWER RATE INCREASES. - RECEIVED & FILED
98. SLIMAN, S., AGENT FOR PETITIONER: ANNEXATION PETITION DOCUMENTS FOR 22.377 ACRES, EXPEDITED TYPE 2 ANNEXATION FOR AREA TO BE KNOWN AS "THE R M INVESTMENTS/METRO RTA ANNEXATION" (JACKSON TOWNSHIP). - RECEIVED & FILED

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

- 1<sup>ST</sup> RDG 1. CREATE TITLE ELEVEN, AUTOMATED TRAFFIC ENFORCEMENT, UNDER PART THREE - TRAFFIC CODE OF THE CODIFIED ORDINANCES; & CREATING CHAP 391, AUTOMATED TRAFFIC ENFORCEMENT SYSTEM, UNDER TITLE ELEVEN OF PART THREE - TRAFFIC CODE OF THE CODIFIED ORDINANCES, TO PROVIDE IMPLEMENTATION OF CIVIL AUTOMATED TRAFFIC ENFORCEMENT SYSTEM FOR TRAFFIC SIGNALS & SPEED LIMITS  
Referred to Finance & Public Safety & Thoroughfare Committees
- 1<sup>ST</sup> RDG 2. AUTHORIZE CANTON TO ANNEX THE TERRITORY KNOWN AS CANTON AUTO ANNEX APPROX 0.696 ACRES; ZONING TO WARD 6 SAID TERRITORY AS B-4 (SPECIAL BUSINESS); EMERGENCY  
Referred to Annexation Committee **PUB HRG 3/9/09 @ 7:30 PM**
- 1<sup>ST</sup> RDG 3. VACATING A PORTION OF ENGLE PL SW; EMERGENCY  
Referred to Public Safety & Thoroughfares Committee **PUB HRG 3/9/09 @ 7:31 PM**
- 1<sup>ST</sup> RDG 4. AUTHORIZE MAYOR OR SERV DIR TO ADVERTISE, REC BIDS, & ENTER INTO CONTRACT FOR CANTON RAIL STATION PROJ; AMEND O#193/2008 APPROP FROM UNAPPROP 2421 CANTON RAIL STATION FUND TO 2421 CANTON RAIL STATION FUND \$41,040.00; EMERGENCY  
Referred to Community & Economic Development & Finance Committees
- 1<sup>ST</sup> RDG 5. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO LEASE AGMT W/STARK COUNTY EDUCATIONAL SERVICE CENTER; EMERGENCY  
Referred to Public Property Capital Improvement & Finance Committees
- 1<sup>ST</sup> RDG 6. AUTHORIZE SERV DIR TO ACCEPT GRANTS FROM OHIO PUBLIC WORKS COMM FOR WATER TREATMENT PLANT UPGRADES; AMEND O#193/2008 SUPP APPROP FROM UNAPPROP 5223 WATER INFRASTRUCTURE CAP IMPRV FUND \$1,463,700.00 TO 5223 WATER INFRASTRUCTURE CAP IMPRV FUND & UNAPPROP 5223 WATER INFRASTRUCTURE CAP IMPRV FUND \$500,000.00 TO 5223 WATER INFRASTRUCTURE CAP IMPRV FUND; EMERGENCY  
Referred to Public Property Capital Improvement & Finance Committees
- 1<sup>ST</sup> RDG 7. AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS, & ENTER INTO CONTRACT FOR WATER TREATMENT PLANT UPGRADES & ENTER INTO CONTRACT W/BURGESS & NIPLE FOR ENGR SERV; AUTHORIZE MAYOR OR SERV DIR TO APPLY FOR & ENTER INTO CONTRACTS W/OHIO WATER DEVELOPMENT AUTHORITY FOR LOANS FOR PROJ; EMERGENCY  
Referred to Public Property Capital Improvement & Finance Committees

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**  
**(SUSPENDED RULE 22A TO ADD O#8 & O#9; ADOPTED O#9 ON 2<sup>ND</sup> RDG)**

- 2<sup>ND</sup> RDG 8. AMEND SECTION 515.05, FAIR HSING COMM AS CITY RESIDENTS

(PER &amp; JUD)

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

- 23/2009** 9. ESTABLISH FAIR MKT VALUE OF EASEMENTS IN REAL PROP; AUTHORIZE SERV DIR TO NEGOTIATE & ACQUIRE EASEMENTS; EMERGENCY (4020 Faircrest St SW) (C&ED)

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

- 24/2009** 10. AMEND O#174/2008, MIDTOWN CAFÉ LEASE; EMERGENCY
- 25/2009** 11. AUTHORIZE AUDITOR TO PAY MORAL OB NOT TO EXCEED \$85.00 TO CLEVELAND SECTION OPC; EMERGENCY
- 26/2009** 12. RATIFY PROF SVCS CONTRACT W/HOLLAND & KNIGHT; AUTHORIZE AMT IN EXCESS \$15,000.00 PAID AS MORAL OB; EMERGENCY

**AMENDED**

- 27/2009** 13. AUTHORIZE MAYOR &/OR SERV DIR TO MAKE APPLICATION, EXECUTE GRANT AGMT, & ACCEPT FUNDS FOR VARIOUS GRANT PRGS FROM OHIO DEPT OF NATURAL RESOURCES; EMERGENCY
- 28/2009** 14. AUTHORIZE CANTON TO ANNEX TERRITORY KNOWN AS DIANO ANNEX APPROX 51.228 ACRES; ZONING WARD 6 SAID TERR AS I-1(LIGHT INDUSTRIAL); EMERGENCY **PUB HRG 2/23/09 @ 7:30 PM**

**ANNOUNCEMENT OF COMMITTEE MEETINGS:****MONDAY, MARCH 2, 2009 in Council Caucus @ 6:15 P.M.**

- 1) Public Safety & Thoroughfares Committee
- 2) Public Property Capital Improvement Committee
- 3) Finance Committee
- 4) Personnel Committee
- 5) Annexation Committee

**PUBLIC SPEAKS:** Trena & Soladene Curtis speaking to community about the misinformation received regarding the running of a childcare facility out of their home. They will be downsizing the existing business so they will have no increases in traffic on their street and property values will not be changing because of this zone change. Asking Council to revoke the Planning Commission recommendation. Katherine Baylock stating that she has nothing against the Curtis family and has known them for quite some time but is concerned about the zone change effecting the community for any other persons that may want to come into the area and start any other types of businesses. Frederick Meacham voicing his objections to a business forming in his back yard literally. He gave a couple of lots to the Curtis family to build their home not to build a business. Preston Young is trying to keep his area remaining a residential community and he knows that if this zone changes it will change the area forever. People will want to open beer joints, trucking companies, beauty & barber shops and other businesses. He asked that Council vote on the side of the Planning Commission and deny the zone change. Phip Papadopoulos thanked Council for the ability to speak and requesting that they not build a super Fire Station @ 25<sup>th</sup> St & Cleveland Ave NW because of the number of children that use this park. McKinley High School soccer team and several others still use this park for soccer and basketball. He also discussed the old oak trees and the number of Presidents that have served while these trees have been standing. He asked that Council rethink this project with part of the stimulus funds. Patricia Kirk also discussing the Oak trees on the lot at 25<sup>th</sup> & Cleveland NW. She stated that people do not all have the same personalities nor do trees or even cities. She passed around pictures of the two larger trees and the root structure of these trees being the size of the Chamber room. She has contacted the EPA and has found that the city will receive carbon credit for not cutting down these trees and keeping the green space. These trees create a large amount of oxygen for our city and there are even hospitals that are building green spaces for the healing process. Christine Peterson thanking all Members of Council and the Administration for the opportunity to speak. She mentioned all of the rumors and allegations that are going on and causing so much animosity within the city and interrupting the daily business that needs conducted by all. She passed out a booklet to all regarding the truth in forgiveness and ask that they each begin reading this book on Wednesday 2/25/09 (Ash Wednesday) and read daily until Palm Sunday. She thought that this may help them all through a bad time.

**MISCELLANEOUS BUSINESS:** Mayor Healy sharing 2008 crime statistics. A large reduction in crime within the city from past years. He thanked both Chief McKimm and Director Nesbitt for their efforts and stated that they will all try to continue to move in the same direction toward improving these numbers even more. Member Cirelli questioning Director Price regarding the President's Day sanitation pickup schedule. She states that she as well as some of the constituents in her area were confused and wanted to see if there was another method of notification to the public on which holidays the pickup schedule was on time or delayed. She also discussed the possibility of using the Fire Station at 25<sup>th</sup> & Cleveland as a Fire Museum and moving the building to a new location because sometimes it is cheaper to keep these buildings and restore them for the historical factors of the city than it is to demolish them. Director Price will look into the current sanitation schedule and the methods of notification. Member Barton wanted to address the persons discussing the trees at the 25<sup>th</sup> & Cleveland location and mention the number of times he has been without power during the past couple of storms because of these trees. He did state that his biggest concern was the safety of the citizens and how badly a new Fire Station was needed at that location. He asked about placing the new building where the old building was to save more of the trees. Safety Director Nesbitt states that he has arranged the design for most of the trees to remain and the oldest ones to stay intact at this location however the building does need moved so that the safety vehicles both ambulances and Fire trucks can come out onto Cleveland Ave in a better area to enter in with traffic.

**ADJOURNMENT:** 8:17 P.M.

**THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, MARCH 2, 2009 @ 7:30 PM**