

FINAL
A G E N D A
7:30 PM

CANTON CITY COUNCIL

MARCH 9, 2009

ROLL CALL: Twelve present

INVOCATION: Mary Cirelli, Council-at-Large

PLEDGE OF ALLEGIANCE: Led by President Allen Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 1st Rdg O#5, 2nd Rdg O#9 & O#10, O#5 Adopted on 1st Rdg, & O#11 Tabled until 3/23/09)

PUBLIC HEARINGS:

7:30 P.M. AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE CANTON AUTO ANNEXATION AREA CONTAINING APPROXIMATELY 0.696 ACRES; ASSIGNING SAID TERRITORY TO WARD 6 OF THE CITY; ZONING SAID TERRITORY AS B-4 (SPECIAL BUSINESS); AND DECLARING THE SAME TO BE AN EMERGENCY **O#31/2009**

7:31 P.M. AN ORDINANCE VACATING A PORTION OF ENGLE PLACE S.W.; AND DECLARING THE SAME TO BE AN EMERGENCY **O#32/2009**

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY): (NONE)

INFORMAL RESOLUTIONS:

MAJORITY LEADER DON CASAR:

EXCUSING MEMBERS (NONE)

17. COUNCIL AS A WHOLE:

REQ & SUPPORT A FULL AUDIT OF THE PENSION GUARANTEE CORP FOR US STEEL WORKERS - ADOPTED

18. COUNCIL AS A WHOLE:

COMMITTING TO PURCHASE PRODUCTS & SERVICES THAT ARE MADE OR PERFORMED BY THE USA AND WHEN POSSIBLE USE STIMULUS MONEY TO PROVIDE FOR CANTON, OHIO - ADOPTED

COMMUNICATIONS:

110. ANNEXATION CHAIRMAN, SMUCKLER:

REQ LEGISLATION FOR THE RM INVESTMENTS/METRO RTA ANNEXATION. - ANNEXATION COMMITTEE

111. AUDITOR MALLONN (CITY):

MONTHLY RPT BY FUND 2/1/09 - 2/27/09. - RECEIVED & FILED

112. AUDITOR MALLONN (CITY):

YRLY RPT BY FUND 1/1/09 - 2/27/09. - RECEIVED & FILED

113. CANTON-STARK CTY CRIME LAB:

2008 ANNUAL REPORT. - RECEIVED & FILED

114. COMMUNICATIONS DIRECTOR HERMAN:

AUTHORIZE SERV DIR TO ENTER INTO 5 YR CONTRACT W/AT&T FOR INTERNET CONNECTION. - FINANCE COMMITTEE

115. COMMUNICATIONS DIRECTOR HERMAN:

AUTHORIZE SERV DIR TO ACCEPT DONATIONS FROM ARTSINSTARK, CANTON REG CHAMBER, STARK-TUCS-WAYNE JOINT SOLID WASTE MGMT DIST TO FUND PORTIONS OF CANTON CONNECTION (FORMERLY CANTON QUARTERLY) EACH FOR \$2,500.00 TO PAY GATEHOUSE OHIO MEDIA, INC. - FINANCE COMMITTEE

116. DEVELOPMENT DIRECTOR TORRES:

AUTHORIZE AUDITOR TO PAY A MORAL OB NOT TO EXCEED \$5,000.00 TO COTTRILL WRECKING CO. FOR THE DEMO CLEARANCE, REMOVAL, & GRADING OF A FIRE DESTROYED PROP @ 735 HIGH AVE SW. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

117. DEVELOPMENT DIRECTOR TORRES:

AUTHORIZE AUDITOR TO PAY A MORAL OB NOT TO EXCEED \$5,600.00 TO COTTRILL WRECKING CO. FOR THE DEMO CLEARANCE, REMOVAL, & GRADING OF A FIRE DESTROYED PROP @ 1116 SHORB AVE NW. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

118. DEVELOPMENT DIRECTOR TORRES:

AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO AGRMT W/PROFILE PLASTICS INC FOR ECONOMIC GROWTH INITIATIVE INCENTIVE O#2/2006 TO MOVE BUSINESS INTO CANTON @ 1201 CAMDEN AVE SW IN 11 YR LEASE WITH TWO 5 YR OPTIONS HAVING A TOTAL OF 20 EMPLOYEES, & APPLYING FOR 5 YRS @ 50% OF THE 2% INCOME TAX. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

119. HEALTH BENEFITS ADMIN MCBRIDE:

FEB 2009 MO COMPARATIVE RPT OF INS CLAIMS & FEB 2009 PAID CLAIMS & COMPARATIVE RPT. - RECEIVED & FILED

120. LIQUOR CONTROL DIVISION (OHIO):

NOTICE OF HRG RESULTS RE: WITHDRAWL OF OBJECTION FOR ANGELA NEWMAN AT WHISTLE STOP @ 1215 W TUSC ST. - RECEIVED & FILED

121. LIQUOR CONTROL DIVISION (OHIO):

REQ STOCK HOLDER CHANGE ON C1 C2 LIQ PERMIT FROM SUNKIN INC DBA S & K MINI MART @ 2502 11TH ST SW 1ST FL FROM SATISH PATEL (99%) TO SATISH PATEL (40%). - RECEIVED & FILED

COMMUNICATIONS CONTINUED:

122. MAYOR WILLIAM HEALY: REQ AUTHORIZE RE-APPT OF MICHAEL MCELFRISH AS ELECTRICAL JOURNEYMAN TO CANTON CONSTRUCTION BOARD. - PERSONNEL COMMITTEE
123. MAYOR WILLIAM HEALY: REQ APPROVAL FOR APPT OF ERMA SMITH TO INCOME TAX REVIEW BOARD FOR TERM COMMENCING UPON APPROVAL FOR 4 YRS. - PERSONNEL COMMITTEE
124. MAYOR WILLIAM HEALY: ADVISE OF RE-APPT JACK HAWK TO COMMUNITY REINVESTMENT AREA HOUSING COUNCIL FOR 3 YR TERM 3/1/09 - 2/28/12. - RECEIVED & FILED
125. MAYOR WILLIAM HEALY: SUBMITTING 2009 BUDGET. - FINANCE COMMITTEE
126. SAFETY DIRECTOR NESBITT: AUTHORIZE PYMT TO EATON CORP IN THE AMT OF \$1,521.66 FOR THE REPLACE CIRCUIT BOARD & RESET THE SYSTEM AT CROMER TOWER SITE COMMUNICATION BLDG. - FINANCE COMMITTEE
127. SAFETY DIRECTOR NESBITT: REQ AUTHORIZATION FOR SAF DIR TO CREATE PART-TIME POSITION FOR COMMUNITY INITIATIVE TO REDUCE VIOLENCE (CIRV) PROJ MGR. - PERSONNEL & FINANCE COMMITTEES
128. SERVICE DIRECTOR PRICE: REQ SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT TO RELOCATE 200' OF 12" WATER LINE AS PART OF THE MCDOWELL RTA BRIDGE RELOCATION PROJ; \$40,000.00 FROM UNAPPROP BAL OF 5201 FUND TO 5201 207022 WATER DISTR FUND. - FINANCE & ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEES
129. SERVICE DIRECTOR PRICE: REQ AUTHORIZATION FOR MAYOR &/OR SERV DIR TO ADVERTISE, PUB REQS FOR ENG SERV & ENTER INTO CONTRACT FOR COMPLETION OF PRELIMINARY ENGINEERING FOR MAHONING RD CORRIDOR PROJ NOT TO EXCEED \$250,000.00 FROM 4506 202079 MAHONING RD CORR FUND; & IN ALTERNATIVE AUTHORIZE MAYOR &/OR SERV DIR TO NEG & ENTER INTO CONTRACT ESTB COOP AGRMT W/J R COLEMAN COMM RENOVATION CORP TO IMPLEMENT MAHONING RD ECONOMIC DEVELOPMENT & STREETScape PROJ ALLOCATING \$250,000.00 FROM MAHONING RD CORR PROJ FUND 4506 202079. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
130. TREASURER SCHIRACK: FEBRUARY 2009 DEPOSITS & PAY INS TO AMBULANCE LOCK BOX ACCT. - RECEIVED & FILED
131. TREASURER SCHIRACK: FEBRUARY 2009 PARKING METER REVENUE. - RECEIVED & FILED
132. TREASURER SCHIRACK: FEBRUARY 2009 RPT OF BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF 2/27/09. - RECEIVED & FILED
133. WEST, T. WARD 2 CNCL MBR: REQ ORDINANCE FOR PROP OWNERS TO PROVIDE DUMPSTER FOR ANY PERSONS BEING EVICTED OR FORECLOSED UPON. - JUDICIARY COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/GROUP WORKCAMP FOUNDATION TO PROVIDE GRANT IN AMT NOT EXCEED \$50,000.00; EMERGENCY
Referred to Community & Economic Development Committee
- 1ST RDG 2. AMEND O#17/89, AUTHORIZE MAYOR TO ENTER INTO AMENDED CONTRACT W/CCIC TO ADMINISTER ADDTL CDBG FUNDS IN AMT NOT TO EXCEED \$500,000.00; EMERGENCY
Referred to Community & Economic Development Committee
- 1ST RDG 3. AUTHORIZE MAYOR OR SAF DIR TO ENTER INTO PROJECT LABOR AGRMT FOR CONSTRUCTION OF NEW FIRE STATION NO 4; EMERGENCY
Referred to Community & Economic Development and Judiciary Committees
- 1ST RDG 4. RES WITHDRAWING OBJECTION TO RENWL OF LIQUOR PER @ WHISTLE STOP; EMERGENCY
Referred to Intergovernmental & Public Service Committee

***COUNCIL RECESSED @ 7:44 PM FOR PERSONNEL & FINANCE COMMITTEES TO DISCUSS THE ADOPTION OF O#5; RECONVENED @ 7:45 PM)**

- 30/2009 5. ORDINANCE APPRV 3 YR COLLECTIVE BARG AGMT BETWEEN CITY OF CANTON & CPPA LOCAL #98; EMERGENCY

Referred to Personnel & Finance Committees

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING CONTINUED:

- 1ST RDG 6. ORDINANCE AUTHORIZING AUDITOR TO PAY MORAL OB NOT TO EXCEED \$14,950.00 TO OSBORN ENGINEERING CO; EMERGENCY
Referred to Finance Committee
- 1ST RDG 7. ORDINANCE AMENDING SECT 947.06 SEWER RATES; EMERGENCY
Referred to Environmental & Public Utilities and Finance Committees
- 1ST RGD 8. ORDINANCE AUTHORIZING SERV DIR TO NEG & ENTER INTO COOP AGRMT W/J R COLEMAN COMM RENOVATION CORP FOR ENG & RELATED CONSTRUCTION SERV FOR MAHONING RD ECONOMIC DEV & STREETScape PROJ; EMERGENCY
Referred to Public Property Capital Improvement Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:

(SUSPENDED RULE 22A TO ADD O#9 AND O#10)

- 2ND RDG 9. AUTHORIZE AUDITOR TO PAY MORAL OB IN AMT NOT TO EXCEED \$7,350.30 TO BLACK, MCCUSKEY, SOUERS & ARBAUGH; EMERGENCY (FIN)
- 2ND RDG 10. AUTHORIZE SAF DIR TO MAKE APPLICATION FOR & ACCEPT A GRANT FR: DEPT OF JUSTICE TITLED "GANG PREVENTION COORDINATION & ASST PROG"; EMERGENCY (FIN)

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

TABLED UNTIL

- 3/23/09 11. 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 _____
- 31/2009 12. 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
PUB HRG 3/9/09 @ 7:30 PM
- 32/2009 13. VACATING A PORTION OF ENGLE PL SW; EMERGENCY
PUB HRG 3/9/09 @ 7:31 PM
- 33/2009 14. 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
- 34/2009 15. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO LEASE AGMT W/STARK COUNTY EDUCATIONAL SERVICE CENTER; EMERGENCY
- 35/2009 16. 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
- 36/2009 17. 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

ANNOUNCEMENT OF COMMITTEE MEETINGS:

MONDAY, MARCH 16, 2009 in Council Caucus @ 6:00 P.M.

- 1) Community & Economic Development Committee
- 2) Judiciary Committee
- 3) Finance Committee
- 4) Intergovernmental & Public Service Committee
- 5) Environmental & Public Utilities Committee
- 6) Personnel Committee
- 7) Public Property Capital Improvement Committee

PUBLIC SPEAKS: David George re: The Hob Nob Tavern has had 38 Police calls since February and he has gone to all surrounding properties and 100% have signed a petition to have the establishment closed because they are creating an unsafe neighborhood condition. There is always fighting, loud music, drug deals, assaults, public urination and the clientele is a general public nuisance. He requests that Council make something happen quickly to stop this action before someone is hurt. John Regula would like some straightening up done at the City level. Does not think the Police or politicians should be for sale. Ken King has witnessed three drug deals in the last two weeks in his neighborhood (6th & Wertz NW) and states that they call themselves "Drug Lords". He has contacted City Vice Squad and the Stark County Metro on different occasions and was told by the Sheriff that if the City can't get it done that Metro would. He just wants his neighborhood cleaned up before he has to take matters into his own hands. Requests that a safe entity take care of this serious situation and respond when they are called.

MISCELLANEOUS BUSINESS: Member Kraus asks protocol for another member of the audience to speak that was not signed up for tonight and making a motion to hear the gentleman. Member Casar stating that the person requesting to speak needs to be aware that the Resolution in question has passed already. Paul Santelli just thanking Council for adopting the

Steelworkers Resolution. He went to Washington DC in 1984 to help get the benefits and pension that some steel workers now receive and is opposed to the way that the negotiations are now going for the defined benefit plan for the persons now retiring. He says that things are not being done fairly any longer and they are taking away pensions from widows and in some cases reducing the incomes from \$1,400.00 monthly to \$200.00. This has caused Stark County to lose \$3,000,000.00 in Income Tax per year. Member Carbenia regarding his objection to Hob Nob renewal of liquor license in December 2008 and then again objecting to the transfer of license on February 9, 2009. He has been in touch with the Vice Squad, Gang Task Force, and working closely with the Police and Law Depts but it takes time to gather all the necessary evidence to close down an establishment. Law Director Martuccio also stating that Member Carbenia, the Police & Law Departments have been reviewing the evidence and closely watching all activity at the Hob Nob Tavern and want to make sure everything is in place for a case. He also commended the CPPA for a good round of negotiations and a good contract for all involved. Majority Leader Casar asking Jim Adams if there has been any progress on what to do about all of the geese in the park since spring is coming and he would like the people to be able to enjoy the parks. Health Commissioner Adams has done research on the problem and different ways of repellent to the geese. He has been contacted by some vendors and have some ideas that are not socially acceptable. Jim has been trying to contact persons at the Park Board to see what their thoughts are and just what is appropriate for the community as a whole. Member Casar mentioning that it is now breeding season for the geese and that each mother has 7 to 9 chicks which will increase the population and they will also become adults. He also would like to see the pastel tires removed from the yards on Fulton Road because they are now breeding grounds for mosquitos and are not attractive to the site. Member West questioning the Service Director about the road being torn up on 14th & Jones NW to replace a gas line and then no one ever repair the street. Wants an estimated date when the street will be replaced. He also touched on the topic of the Hob Nob Tavern and stated that Council and the Administration need to address this situation so that this clientele does not continue to transfer from bar to bar. This may be some of the same group that used to frequent the Pastime that was closed down last year and he does not want to see the City chasing away businesses instead of taking care of a bad group of people. Member Cirelli asking the Law Director if legislation can be passed to force an establishment to have a Police officer on duty after a certain number of calls to their location. Law Director Martuccio will check into that possibility and he knows that Member West has been asking for a registry for quite some time of persons that have been in trouble at bars before. Member Carbenia asking about the legality of a BYOB party across the street from the Hob Nob at the Old Glory Tattoo parlor that advertised in the newspaper, if this could happen without a liquor license? Law Director Martuccio will also be checking on this.

ADJOURNMENT: 8:22 P.M.

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, MARCH 16, 2009 @ 7:30 PM