

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

CANTON CITY COUNCIL

MARCH 30, 2009

**ROLL CALL:** Eleven Council Members Present (Joe Carbenia Absent)

**INVOCATION:** Thomas West, Ward 2 Council Member

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

**AGENDA CORRECTIONS & CHANGES:** (Suspended Rule 22A to add 2<sup>nd</sup> Rdg O#5 - O#14; O#5, O#10, O#12, O#13 & O#14 Adopted on 2<sup>nd</sup> Rdg; O#18 Adopted as Amended)

**PUBLIC HEARINGS:** (None)

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

**INFORMAL RESOLUTIONS:**

- MAJORITY LEADER DON CASAR: EXCUSING MEMBERS. (MEMBER CARBENIA)
23. HAWK, G. WARD 1 CNCLMN: SUPPORTING THE STARK COUNTY COURT OF COMMON PLEAS RE-ENTRY PROGRAM. - ADOPTED
24. PERSONNEL COMMITTEE: REQ CONFIRMATION OF APPT OF JOHN P. NADER TO HOUSING ADVISORY BOARD EXPIRING TWO YEARS AFTER AUTHORIZATION. - ADOPTED
25. SMUCKLER, W., CNCL-AT-LARGE: COMMENDING MATT REAVEN FOR RECEIVING 2009 GARY D. SHIFMAN AWARD. - ADOPTED
26. SMUCKLER, W., CNCL-AT-LARGE: COMMENDING JEFF ROSENGARD FOR RECEIVING 2009 SANFORD-JACOB FURMAN AWARD. - ADOPTED
27. SMUCKLER, W., CNCL-AT-LARGE: COMMENDING JEAN BERRY FOR RECEIVING 2009 SANFORD-JACOB FURMAN AWARD. - ADOPTED
28. SMUCKLER, W., CNCL-AT-LARGE: COMMENDING LINDA POOLE FOR RECEIVING 2009 DR. H.L. GINSBURG VOLUNTEER AWARD. - ADOPTED
29. SMUCKLER, W., CNCL-AT-LARGE: COMMENDING MARTY ORTMAN FOR RECEIVING 2009 DR. H.L. GINSBURG VOLUNTEER AWARD. - ADOPTED
30. SMUCKLER, W., CNCL-AT-LARGE: COMMENDING GABRIELLE WEISER ZOLDAN FOR RECEIVING 2009 HOWARD FREEDMAN AWARD. - ADOPTED
31. SMUCKLER, W., CNCL-AT-LARGE: COMMENDING MEREDITH SMUCKLER FOR RECEIVING 2009 HOWARD FREEDMAN AWARD. - ADOPTED

**COMMUNICATIONS:**

153. COMPLIANCE DIRECTOR MINOR SMITH: ADVISING OF CDBG WEEK 4/13 - 4/18; INVITING TO SPEAK @ OPENING CEREMONY ON 4/13/09 @ 11:00 AM IN COUNCIL CHAMBER; PROVIDING SCHEDULED EVENTS. - RECEIVED & FILED
154. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR AND/OR SERV DIR TO SUBMIT PROPOSAL & ENTER INTO CONTRACT W/WORKFORCE INITIATIVE ASSOC TO PROVIDE FUNDING FOR YOUTH WORKFORCE DEV SVCS FOR SUMMER EMPLOYMENT PROG. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
155. LIQUOR CONTROL DIVISION (OHIO): ADVISING THAT HRG RE: LIQ PERMIT FOR MARK & FRANCES MILLS DBA MARK'S TAVERN @ 1652 BRYAN AVENUE, SW, 1<sup>ST</sup> FLOOR, FRONT SCHEDULED FOR 3/23/09 HAS BEEN CONTINUED. - RECEIVED & FILED
156. LIQUOR CONTROL DIVISION (OHIO): ADVISING THAT HRG RE: LIQ PERMIT FOR MARK & FRANCES MILLS DBA FRIENDLY KORNER TAVERN @ 1503 HARRISON AVENUE, SW, 1<sup>ST</sup> FLOOR SCHEDULED FOR 3/23/09 HAS BEEN CONTINUED. - RECEIVED & FILED
157. LIQUOR CONTROL DIVISION (OHIO): ADVISING THAT HRG RE: LIQ PERMIT FOR MARK & FRANCES MILLS DBA MILLS INN @ 1537 HARRISON AVENUE, SW SCHEDULED FOR 3/23/09 HAS BEEN CONTINUED. - RECEIVED & FILED
158. SAFETY DIRECTOR NESBITT: REC OF FEB 2009 RPT OF INMATES INCARCERATED PROVIDED BY STARK CTY SHERIFF TIMOTHY SWANSON. - RECEIVED & FILED
159. SERVICE DIRECTOR PRICE: REQ VARIOUS SUPP APPROPS NECESSARY FOR CONSTRUCTION OF PHASE 2 OF THE 25<sup>TH</sup> NE STORM SEWER PROJ. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE COMMITTEES
160. SERVICE DIRECTOR PRICE: REC OF UPDATED BUDGET NUMBERS ON THURMAN MUNSON STADIUM. - RECEIVED & FILED

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

- 1<sup>ST</sup> RDG 1. AMEND EXHIBIT A TO O#164/2001, AS AMENDED, THE CLASSIFICATION PLAN & SALARIES FOR ALL MGMT & NON-BARG UNIT EMPLOYEES OF CITY; EMERGENCY (POLICE DEPT - CIRV PROJ MGR)  
Referred to Personnel & Finance Committees
- 1<sup>ST</sup> RDG 2. RES APPROVING STATEMENT OF SVCS TO BE PROVIDED TO PROP OWNER IN CANTON HOTEL & RESTAURANT SUPPLY ANNEXATION AREA, APPROX DATE OF SVCS WILL BE PROVIDED, PROCEDURE FOR INCOMPATIBLE ZONING USES UPON ITS BEING ANNEXED TO CITY; EMERGENCY  
Referred to Annexation Committee
- 1<sup>ST</sup> RDG 3. AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR PURCHASE OF LABOR, PLAY EQUIP & SURFACING FOR NEW HORIZONS PK OR TO ALTERNATIVELY ENTER INTO CONTRACT FOR PURCHASE OF LABOR, PLAY EQUIP & SURFACING W/THE US COMMUNITIES GOV'T PURCHASING ALLIANCE OR STATE COOP PURCHASING AGMT; EMERGENCY  
Referred to Parks & Recreation & Finance Committees
- 1<sup>ST</sup> RDG 4. AUTHORIZE PARTICIPATION BY CITY IN US COMMUNITIES GOV'T PURCHASING ALLIANCE; EMERGENCY  
Referred to Parks & Recreation & Finance Committees

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:****(SUSPENDED RULE 22A TO ADD O#5 - O#14; O#5, O#10, O#12, O#13 & O#14 ADOPTED)**

- 47/2009 5. RES DECLARING THE NECESSITY & INTENT OF CITY TO ACQUIRE AN EASEMENT IN PROP OUTSIDE CITY'S CORP LIMIT PURSUANT TO OHIO REVISED CODE CHAP 719 TO PROMOTE DRAINAGE OF CITY PUBLIC ROADWAY & STORM WATER SYSTEM IN ADJACENT PROP OWNED BY CANTON COMMERCE DEVELOPMENT LLC; EMERGENCY (4020 FAIRCREST SW) (C&ED)
- 2<sup>ND</sup> RDG 6. AMEND O#55/77 REZONE 351 CORNELIA AVE NE FROM R-1a (SINGLE-FAMILY RESIDENTIAL) TO PR-4 (PLANNED MULTI-FAMILY RESIDENTIAL); EMERGENCY (JUD) **PUB HRG 4/6/09 @ 7:30 PM**
- 2<sup>ND</sup> RDG 7. VACATE TWO UNNAMED ALLEYS; APPROVE & ACCEPT REPLAT OF LOT NOS. 36949 THRU 36953, PART OF LOT NO. 36957, LOTS NOS. 36958 THRU 36962 & THE TWO UNNAMED VACATED ALLEYS; EMERGENCY (DUMONTS) (PS&T) **PUB HRG 4/6/09 @ 7:31 PM**
- 2<sup>ND</sup> RDG 8. AMEND O#55/77 REZONE 1460 SHRIVER AVE NE FROM R-1a (SINGLE-FAMILY RESIDENTIAL TO PR-4 (PLANNED MULTI-FAMILY RESIDENTIAL); EMERGENCY (JUD) **PUB HRG 4/6/09 @ 7:32 PM**
- 2<sup>ND</sup> RDG 9. AMEND O#55/77 REZONE 1521 15<sup>TH</sup> ST NE FROM R-1a (SINGLE-FAMILY RESIDENTIAL TO PR-4 (PLANNED MULTI-FAMILY RESIDENTIAL); EMERGENCY (JUD) **PUB HRG 4/6/09 @ 7:33 PM**
- 48/2009 10. RES CONSIDER & APPROV PETITION FOR RENEWAL OF OPERATING ASSESSMENT OF DOWNTOWN CANTON SPECIAL IMPROVEMENT DISTRICT; EMERGENCY (JUD)
- 2<sup>ND</sup> RDG 11. AMEND O#97/2007; AUTHORIZE SAF DIR TO ADVERTISE, RECEIVE BIDS & ENTER INTO CONTRACT FOR THE CONSTRUCTION OF NEW #4 FIRE STATION; EMERGENCY (PPCI & FIN)
- 49/2009 12. AUTHORIZE & CONSENT TO REDECK STRUCTURE @ DUEBER AVE & REDECK & PAINT THE STRUCTURE UNDER CLEVELAND AVE; EMERGENCY (PS&T)
- 50/2009 13. AUTHORIZE & CONSENT TO REHAB OF TEN MAINLINE STRUCTURES & PAVING OF I-77 FROM THE STRUCTURE OVER NIMISHILLEN CREEK TO STRUCTURE OVER MARKET, CLEVELAND & 15<sup>TH</sup> ST; EMERGENCY (PS&T)
- 51/2009 14. AUTHORIZE SERV DIR TO ENTER INTO NINE LOCAL PUBLIC AGENCY AGMT W/STATE OF OHIO DIR OF TRANSPORTATION FOR LOCAL INFRASTRUCTURE PROJ; EMERGENCY (PPCI & PS&T)

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

- 52/2009 15. AUTHORIZE SERV DIR TO ACCEPT DONATIONS TO FUND PORTIONS OF CANTON CONNECTION FOR FISCAL YEAR 2009; AMEND O#193/2008, AS AMENDED, BY MAKING \$7,500.00 SUPP APPROP FR: UNAPP BAL OF 1001 GENERAL FUND TO: 1001 200501 GENERAL GOVT SUPPORT ADMIN - OTHER; EMERGENCY
- 53/2009 16. AUTHORIZE AUDITOR TO PAY ONE MORAL OB IN AMT NOT TO EXCEED \$5,000.00 & ONE MORAL OB IN AMT NOT TO EXCEED \$5,600.00 TO COTTRILL WRECKING CO; EMERGENCY (DEMOS OF 735 HIGH AVE & 1116 SHORB AVE NW)
- 54/2009 17. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO JOB CREATION TAX INCENTIVE & NET PROFITS INCENTIVE AGMTS W/PROFILE PLASTICS, INC; EMERGENCY
- AMENDED**
- 55/2009 18. AMEND O#193/2008 TO APPROPRIATE ADDT'L MONEYS NEEDED FOR THE OPERATING EXPENSES OF THE CITY FOR THE REMAINDER OF FISCAL YR 2009; EMERGENCY
- 56/2009 19. AUTHORIZE AUDITOR TO PAY MORAL OB IN AMT NOT TO EXCEED \$1,521.66 TO EATON CORP; EMERGENCY (CROMER TOWER)
- 57/2009 20. AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT TO RELOCATE A WATER MAIN AS PART OF THE MCDOWELL RTA BRIDGE RELOCATION PROJ; AMEND O#193/2008, AS AMENDED, BY MAKING \$40,000.00 SUPP APPROP FR: UNAPP BAL OF 5201 WATER DISTRIBUTION FUND TO: 5201 207022 WATER DISTRIBUTION - OTHER; EMERGENCY

**ANNOUNCEMENT OF COMMITTEE MEETINGS:****MONDAY, APRIL 6, 2009 in Council Caucus @ 6:30 P.M.**

- 1) Finance Committee
- 2) Parks & Recreation Committee
- 3) Personnel Committee
- 4) Annexation Committee

**PUBLIC SPEAKS:** John Welch re: Advising that the playground next to Fire Station #4 was named after his grandfather, E.J. Welch and would like to see a plaque there with his name on it; John Regula re: Wondering why there are no seats at bus stops; Nick Mussulin and Mike Johnson re: Discussing details about Child & Adolescent Behavioral Health Agency and also passed out information about the agency; Charles Killins re: Discussing flooding on Mahoning Rd; Christina Pastore Buchee re: Discussing outstanding issues regarding Park Farms Annexation; Ruby Brogdon re: Believes the 4<sup>th</sup> Ward has been neglected for a long time; Brian Hmidan re: Manager of the Hob Nob discussing problems in the neighborhood other than the bar and relaying that the northeast problems will not end if the Hob Nob gets shut down.

**MISCELLANEOUS BUSINESS:** Member West re: Thanking Mike Johnson and Nick Mussulin for coming down. Advising Charles Killins that Dan Moeglin is addressing the flooding issues. Addressing Brian Hmidan and the issues with the Hob Nob; Member Cirelli re: Stating that the problems with Sherrick Road started in 1970 and this project is long overdue; Member Smith re: Thanking Member Cirelli for all that she said and wanted to thank the Ward residents. Announcing that this is the 1<sup>st</sup> step in revitalizing the 4<sup>th</sup> Ward; Member Kraus re: Thanking Ms. Brodgon for her comments; Mayor Healy re: Thanking council for supporting the budget. Congratulating Member Smith for the Sherrick Road Project and announcing that he will continue fighting for other projects and that The Mahoning Road Project is at the top of his list. Informing of fire that occurred just moments ago that resulted in a casualty of a resident and asking for a moment of silence and a prayer for all the Firefighters on the scene.

**ADJOURNMENT:** 8:31 P.M. \_\_\_\_\_

**THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, APRIL 6, 2009 @ 7:30 PM**