

FINAL
A G E N D A
7:30 PM

CANTON CITY COUNCIL

APRIL 6, 2009

ROLL CALL: Twelve Present, President Allen Schulman Absent

INVOCATION: James Griffith, Ward 3 Council Member

PLEDGE OF ALLEGIANCE: Led by President Pro Tem Don Casar

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 1ST Rdg O#4, 2ND Rdg O#5 - O#8; O#4 Adopted on 1ST Rdg; O#5 Adopted on 2ND Rdg)

PUBLIC HEARINGS:

7:30 P.M. AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (351 CORNELIA NE)

DEFEATED

7:31 P.M. AN ORDINANCE VACATING TWO UNNAMED ALLEYS; APPROVING AND ACCEPTING THE REPLATTING OF LOTS NOS. 36949 THRU 36953, PART OF LOT TNO. 36957, LOTS NOS. 36958 THRU 36962 AND THE TWO UNNAMED VACATED ALLEYS; AND DECLARING THE SAME TO BE AN EMERGENCY (DUMONTS SEED CO)

O#60/2009

7:32 P.M. AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (1460 SHRIVER NE)

O#61/2009

7:33 P.M. AN ORDINANCE AMENDING ORDINANCE NO. 55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; AND DECLARING THE SAME TO BE AN EMERGENCY (1521 15TH ST NE)

O#62/2009

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY): Frederick Meacham speaking about the Northeast section of Ward 4 vs the Southeast section of Ward 4 and stating that he has spoke to Mr. Moeglin regarding the repair of Henrietta Ave NE and while he is aware that Sherrick Road is in bad shape and needs fixed, it is not the only part of Ward 4 that has been neglected and deserves attention. The population of the Northeast portion of Ward 4 is more than the Southeast section and should be respected as well. Kathy Baylock against the zone change because of the senior citizens in the area. They have requested to keep this area residential and she agrees. Preston Young wants the community to remain the same. He feels that if the zone change takes place there will be a lot of trouble in the area. Trena Curtis states this is her livelihood and she is steadfast about working out of her home. There is a beauty shop and several group homes in the area that don't have problems and she does not understand why a daycare would cause issues. Julia Curtis wants everyone to understand that they were once children and the children will one day grow up and take over the neighborhood so people should be happy to help care for them. Her daughter lives in a nice neighborhood and wants it to remain a nice neighborhood but she thinks the kids should be allowed in the neighborhood and her daughter should be allowed to earn a living.

INFORMAL RESOLUTIONS:

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

COMMUNICATIONS:

161. AGENT, AKERS SIGN: REQ ZONE CHG FROM R-1a (SINGLE-FAMILY RESIDENTIAL) TO PB-4 (PLANNED SPECIAL BUSINESS DISTRICT) FOR MESSAGE CTR SIGN. - PLANNING COMMISSION
162. AUDITOR MALLONN (CITY): MONTHLY RPT BY FUND 3/1/09 - 3/31/09. - RECEIVED & FILED
163. AUDITOR MALLONN (CITY): YEARLY RPT BY FUND 1/2/09 - 3/31/09. - RECEIVED & FILED
164. DEVELOPMENT DIRECTOR TORRES: 2008 REVIEW OF TAX ABATEMENTS. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
165. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR TO SUBMIT/FILE W/HUD AN AMENDED CONSOLIDATED PLAN OR OTHER APPLICATIONS; EXECUTE & ACCEPT GRANTS FOR CDBG, ESG AND HPRP; AUTHORIZE AUDITOR TO ESTABLISH 2220 HOMELESS PREVENTION FUND; & SUPP APPROP TO FACILITATE. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
166. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR &/OR SERV DIR TO SUBMIT PROPOSAL & ENTER INTO CONTRACT W/WORKFORCE INITIATIVE ASSOC FOR YEAR-ROUND YOUTH WORKFORCE FROM 9/1/09 - 8/1/10. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
167. FINANCE DIRECTOR ALGER: REQ AUTHORIZE FROM COUNCIL FOR APPROP REDUCTIONS, TRANSFERS, & INTERFUND TRANSFERS FOR O#55/2009. - FINANCE COMMITTEE
168. LIQUOR CONTROL DIVISION (OHIO): ADVISING THAT RENEWAL APPLICATION FOR ANGELA NEWMAN DBA WHISTLE STOP @ 1215 WEST TUSCARAWAS ST WILL BE PROCESSED FOR D5 PERMIT. - RECEIVED & FILED
169. LIQUOR CONTROL DIVISION (OHIO): ADVISING THAT HRG RE: LIQ PERMIT RENEWAL FOR DIANE SCHOTT DBA HOB NOB TAVERN @ 1604 HARRISBURG ROAD NE HAS BEEN RESCHEDULED. - RECEIVED & FILED
170. LIQUOR CONTROL DIVISION (OHIO): ADVISING THAT HRG RE: TRANSFER OF OWNERSHIP FOR MIMI HMEIDAN DBA HOB NOB TAVERN @ 1604 HARRISBURG ROAD NE HAS BEEN RESCHEDULED. - RECEIVED & FILED

COMMUNICATIONS CONTINUED:

171. SAFETY DIRECTOR NESBITT: REQ PAYMENT OF MORAL OB TO MOTTER & MEADOWS FOR PROPOSALS OF FIRE STATION FOR \$23,480.00. - FINANCE COMMITTEE
172. SAFETY DIRECTOR NESBITT: AUTHORIZE SAF DIR TO ENTER INTO PROF SVCS CONTRACT W/PHILIP SEDLACKO FOR ANIMAL CONTROL SERVICES IN AMT NOT TO EXCEED \$17,600.00 FOR 5/1/09 - 12/31/09. - FINANCE COMMITTEE
173. SUPERINTENDENT WILLIAMS: 2008 WATER DEPARTMENT ANNUAL REPORT. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. AMEND O#164/2001, AS AMENDED, THE CLASSIFICATION PLAN & SALARIES FOR ALL MGMT NON-BARG UNIT EMPLOYEES OF CITY; EMERGENCY (POLICE DEPT - RECORD ROOM SUPR)
Referred to Personnel & Finance Committees
- 1ST RDG 2. AUTHORIZE MAYOR &/OR SERV DIR TO SUBMIT PROPOSAL & ENTER INTO CONTRACT W/WORKFORCE INITIATIVE ASSOCIATION (WIA) FOR SUMMER YOUTH EMPLOYMENT PROGRAM; EMERGENCY
Referred to Community & Economic Development Committee
- 1ST RDG 3. AMEND O#193/2008 BY MAKING SUPP APPROPS; EMERGENCY
Referred to Public Property Capital Improvement & Finance Committees
- 58/2008 4. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING APPROP RED, TRANSFERS & INTERFUND TRANSFERS; EMERGENCY
Referred to Finance Committee

****(COUNCIL RECESSED @ 7:50 P.M. FOR FINANCE COMMITTEE TO DISCUSS THE ADOPTION OF O#4; RECONVENED @ 8:12 P.M.)***

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:

(SUSPENDED RULE 22A TO ADD O#5 - O#8)

- 59/2009 5. 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)
(PER&FIN)
- 2ND RDG 6. 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
(ANNEX)
- 2ND RDG 7. 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
(PARKS&REC&FIN)
- 2ND RDG 8. AUTHORIZE PARTICIPATION BY CITY IN US COMMUNITIES GOV'T PURCHASING ALLIANCE; EMERGENCY
(PARKS&REC&FIN)

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

- DEFEATED 9. AMEND O#55/77 REZONE 351 CORNELIA AVE NE FROM R-1a (SINGLE-FAMILY RESIDENTIAL) TO PR-4 (PLANNED MULTI-FAMILY RESIDENTIAL); EMERGENCY **PUB HRG 4/6/09 @ 7:30 PM**
- 60/2009 10. 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) **PUB HRG 4/6/09 @ 7:31 PM**
- 61/2009 11. AMEND O#55/77 REZONE 1460 SHRIVER AVE NE FROM R-1a (SINGLE-FAMILY RESIDENTIAL TO PR-4 (PLANNED MULTI-FAMILY RESIDENTIAL); EMERGENCY **PUB HRG 4/6/09 @ 7:32 PM**
- 62/2009 12. AMEND O#55/77 REZONE 1521 15TH ST NE FROM R-1a (SINGLE-FAMILY RESIDENTIAL TO PR-4 (PLANNED MULTI-FAMILY RESIDENTIAL); EMERGENCY **PUB HRG 4/6/09 @ 7:33 PM**
- 63/2009 13. 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)

ANNOUNCEMENT OF COMMITTEE MEETINGS:

MONDAY, APRIL 13, 2009 in Council Caucus @ 6:30 P.M.

- 1) Finance Committee
- 2) Personnel Committee
- 3) Community & Economic Development Committee
- 4) Public Property Capital Improvement Committee

PUBLIC SPEAKS: Victor LaValla speaking on behalf of the American Rescue Workers. They are a faith based organization that have a homeless shelter and try to cycle people in and train them not to have addictive behaviors so they can return to society as productive citizens. He stated that they do not have any type of door to door solicitation for the organization so if you are approached by someone in one of the shirts with their logo, it is a fraud. They are the only store in the area from 4th to 8th St NE and people are shopping there because that is what they can afford. Patricia Kirk loves Canton and has lived here for over 50 years. She has read some of the responses to the articles in the newspaper asking her to give up her mission against the fire station and for the trees and she says never. Stark County has left the running for water shed issues and she is concerned about the EDPD (Eco Driven Power Driven) decisions that the community is making. City dwellers have black lungs like a smoker when the trees are not available to combat the pollution. David George speaking for the neighbors surrounding the Hob Nob Tavern and wondering if the average of 4 police calls per month is enough to declare the bar a public nuisance. He states that the customers continue to be in the yards and outdoors saying words that would get him put in jail. He has met with Brian Hmidon the manager on several occasions and the items that he said he would do have not been done such as fencing in the parking lot and hiring security. He wants to know just how much longer this will go on before the place will be shut down. Corey Minor Smith talking about Community Development Block Grant week from 4/13 - 4/18/09. There will be many events and projects at various locations to celebrate the community. A kick-off will be in the Council Chambers at 11:00 A.M. on April 13th and the final event will be a cleanup at Nimisilla Park. Wear your neon shirts to help celebrate 41 years of Fair Housing. Brian Hmidon states the neighbors are now asking for unreasonable items at the Hob Nob Tavern such as chaining off the parking lot. He wanted information on the number of police calls that are counted as actual police calls because of issues such as a man taking the keys from a drunk woman to prevent her from driving and her calling the police to get her keys back. Brian does not feel that this should be labeled as a call for the bar because the issue could have been handled without the police. He has also hired security but the man is from an Akron firm because he has been unable to get any assistance from anyone in the Canton area because of the Vice Dept & the Law Dept telling people they should not work for the Hob Nob.

MISCELLANEOUS BUSINESS: Member West reminding everyone that on Thursday, April 9th there will be a free dinner at Skyland Pines for the start of Stark County Minority Health Month. You just need to call and reserve your plate. Leader Casar asking if 25th St NW between Market & Cleveland Ave is on the blacktop list for the summer. This is a main street within the city with a University that should be in better shape. Director Price stating that the Engineering Department is still prioritizing the summer paving list and he will check on any streets that Council would like submitted. Member Cirelli says that you can only drive down the middle of the road on High between 4th & 6th St around the Federal Project and that needs repaired also. Member Smuckler asking if the repairs to Cleveland Ave NW would be done with stimulus money. Mayor Healy says Cleveland will be redone up to 50th St., Member Smuckler also speaking regarding the Hob Nob Tavern and that he had gone out there on Saturday evening at the request of Mr. George to witness what the neighbors were dealing with. He seen about 10 people outside and watched as one vehicle sat running while a person ran back and forth from the car to the bar on a couple of occasions over a 20 minute period. He has also viewed tapes from the activities outside and says that they are way too many issues so Brian needs to consider moving his location or losing the bar. Member Smith appreciates Trena Curtis wanting to work from her home and hopes she can find a suitable building in the area by working with Community & Economic Development Department to meet her needs and the communities. Member Carbenia has spoke to Brian Hmidon regarding the Hob Nob Tavern and thought that many of the problems could be worked out and might come to an end but knows that everyone is not working together and Brian cannot always help what the customers go outside and do so that is why he has not signed off on the liquor permit. Member West asking Member Kraus about a list of paving projects for 2009. He states that 12th St will again be his #1 priority of need. Member Kraus says that as Council submits lists to the administration for paving and pot hole repair, the Engineering Department is still making the decisions of which streets need done first. He said that they are also telling citizens that call in to contact their Council Member. Member West asks the Service Director if Council could review the current rankings that have the engineers have assigned for paving. Service Director Price will be happy to check into the ranking system that the Engineering Department has in place.

ADJOURNMENT: 8:54 P.M. _____

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, APRIL 13, 2009 @ 7:30 PM

MONDAY APRIL 20, 2009, STATE OF THE CITY ADDRESS IN COUNCIL CHAMBERS AT 7:00 P.M.