

FINAL
A G E N D A
7:30 PM

CANTON CITY COUNCIL

JUNE 22, 2009

ROLL CALL: Eleven Council Members Present (Member Carbenia Absent)

INVOCATION: Mary Cirelli, Council-at-Large

PLEDGE OF ALLEGIANCE: Led by President Allen Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add C#293, 1st Rdg O#10, O#13, O#16 & O#19 & 2nd Rdg O#21 - O#26; O#10, O#13, O#16, & O#19 Adopted on 1st 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; PLANNING COMMISSION RECOMMENDED APPROVAL; ASSIGNED TO WARD 1; (WESTBROOK PARK UNITED METHODIST CHURCH @ 2521 12TH ST NW) (1 Speaker, Rev. Johnathan Reese) **O#100/2009**

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

INFORMAL RESOLUTIONS:

MAJORITY LEADER DON CASAR: EXCUSING MEMBERS. MEMBER CARBENIA

COMMUNICATIONS:

268. AUDITOR MALLONN (CITY): CERTIFICATE OF AMT FROM ALL SOURCES FOR 2009. - RECEIVED & FILED
269. CANTON PARK COMMISSION: RECEIPT OF LETTER TO STATE REP STEPHEN SLESNICK ADVISING THAT THE BOARD VOTED UNANIMOUSLY TO OPPOSE H.B. 195. - RECEIVED & FILED
270. COMMUNICATIONS DIR, HERMAN: AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO 1YR SUPPORT CONTRACT W/MYTHICS IN AMT OF \$35,610.42 FOR ONGOING SVC & MAINTENANCE OF CITY'S ORACLE SOFTWARE LICENSES. - FINANCE COMMITTEE
271. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/CANTON REGIONAL CHAMBER OF COMMERCE TO PROVIDE A GRANT UTILIZING COMMUNITY DEV BLOCK GRANT FUNDS IN AMT NOT TO EXCEED \$175,000.00 FOR A COMPREHENSIVE ECONOMIC & DOWNTOWN DEV PROG. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
272. FINANCE DIRECTOR ALGER: AUTHORIZE SUPP APPROP & APPROP TRANSFERS. - FINANCE COMMITTEE
273. HEALTH BENEFITS ADMIN., MCBRIDE: MAY 2009, MONTHLY COMPARATIVE RPT. - RECEIVED & FILED
274. HEALTH COMMISSIONER ADAMS: REQ \$20,000.00 APPROP FR: UNAPPROP FUNDS OF THE 2317 MINORITY HEALTH FUND TO: 2317 MINORITY HEALTH FUND. - FINANCE COMMITTEE
275. KRAUS, K, WARD 8 CNCLMBR: REQ ORDINANCE EXPLORING ANY STREET PATCHING &/OR SMALL PAVING JOBS WITHIN CITY. - JUDICIARY & PUBLIC SAFETY & THOROUGHFARES COMMITTEE
276. KRAUS, K, WARD 8 CNCLMBR: REQ ORDINANCE BE DRAFTED TO ADDRESS CITY PERSONNEL THAT ARE PERMITTED TO DRIVE THEIR CITY VEHICLES TO & FROM WORK. - JUDICIARY COMMITTEE
277. LAW DIRECTOR MARTUCCIO & ASSISTANT LAW DIRECTOR CHESSLER: AUTHORIZE SERV DIR TO EXECUTE BOTH A LICENSE AGMT & EASEMENT AGMT ON CITY-OWNED LAND IN PIKE TWNP (FLORENCE MALOTT - ACCESS TO EAST SPARTA AVE SE). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
278. LIQUOR CONTROL DIVISION (OHIO): REQ NEW D1 D3 D6 LIQ PERMIT FOR LA PARRILLA INC @ 300 W TUSCARAWAS ST. - RECEIVED & FILED
279. PLANNING COMMISSION: RECOMMENDS APPROVAL OF PROPOSED REPLAT OF LOTS 36333, 36328 & 36329 (WEST OF HARRISON AVE NW ON 34TH ST NW - BUCKEYE SURVEYING FOR MARGARET MAGEE & DAREN & JODI FURNO). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
280. PLANNING COMMISSION: RECOMMENDS APPROVAL OF PROPOSED REPLAT OF PARTS OF OUT LOTS 306 - 309 (GATEWAY BLVD SE - GATEWAY ESTATES LLC). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
281. PLANNING COMMISSION: RECOMMENDS APPROVAL OF TEXT CHANGE TO CODIFIED ORDINANCES BY THE CREATION OF A SECTION REGULATING WINDMILLS OR WIND TURBINES. - JUDICIARY COMMITTEE

COMMUNICATIONS CONTINUED:

282. PLANNING COMMISSION: RECOMMENDS APPROVAL OF TEXT CHANGE TO SECTION 1123.30 OF THE CODIFIED ORDINANCES BY DEFINING "FAMILY". - JUDICIARY COMMITTEE
283. PLANNING COMMISSION: RECOMMENDS APPROVAL OF PROPOSED ZONE CHANGE OF PART OF LOTS 2028 & 2029 @ 622 7TH ST NE FROM I-1, LIGHT INDUSTRIAL & R-2 ONE & TWO FAMILY RESIDENTIAL TO PR-1a, SINGLE FAMILY RESIDENTIAL TO CONSTRUCT A SINGLE FAMILY HOME (HABITAT FOR HUMANITY). - JUDICIARY COMMITTEE
284. PLANNING COMMISSION: RECOMMENDS APPROVAL W/A CAVEAT OF PROPOSED ZONE CHANGE @ 1372 MARKET AVE S FROM B-3, GENERAL BUSINESS TO PB-4, PLANNED SPECIAL BUSINESS TO ALLOW FOR MOTOR VEHICLE REPAIR WORK (EDWARD RAYNOR). - JUDICIARY COMMITTEE
285. SAFETY DIRECTOR NESBITT: AUTHORIZE TO MAKE PAYMENT IN AMT OF \$106,894.78 TO MOTOROLA, INC FOR 2009 SERVICE AGMT. - FINANCE COMMITTEE
286. SAFETY DIRECTOR NESBITT: RECEIPT OF MAY 2009 RPT OF INMATES INCARCERATED UNDER CITY ORDINANCE PROVIDED BY STARK CNTY SHERIFF. - RECEIVED & FILED
287. SAFETY DIRECTOR NESBITT: AUTHORIZE TO ADVERTISE, TAKE BIDS & SELL PROP OWNED BY CITY KNOWN AS 1251 GRENADA DR NE WHICH WAS FORFEITED AS A RESULT OF A DRUG INVESTIGATION & PROSECUTION. - FINANCE COMMITTEE
288. SAFETY DIRECTOR NESBITT: DEMO LIST OF 13 PROPERTIES DETERMINED UNSAFE & HAZARDOUS IN VARIOUS WARDS. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
289. SERVICE DIRECTOR PRICE: AUTHORIZE TO NEGOTIATE & ENTER INTO SUPP AGMT NO. 17 (CANTON/STARK CNTY SEWER AGMT). - ENVIRONMENTAL & PUBLIC UTILITIES & FINANCE COMMITTEES
290. SERVICE DIRECTOR PRICE: REQ TO MAKE APPLICATION, ENTER INTO CONTRACT FOR & REC FUNDS FOR OHIO PUB WORKS COMMISSION 2010 PROG YR. - FINANCE COMMITTEE
291. SERVICE DIRECTOR PRICE: REQ TO MAKE APPLICATION, ENTER INTO CONTRACT FOR & REC FUNDS FOR CLEAN OH CONSERVATION FUND 2010 PROG YR THRU OHIO PUB WORKS COMMISSION. - FINANCE COMMITTEE
292. SERVICE DIRECTOR PRICE: REQ TO ENTER INTO SUPP AGMT NO. 18 W/STARK CNTY METROPOLITAN SEWER DIST & NORTH CANTON FOR REHAB OF WEST SIDE INTERCEPTOR. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEES
293. CLERK OF COURTS, GIAVASIS: REQ \$175,000.00 APPROP REDUCTION. - FINANCE COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. AMEND VARIOUS SECTIONS IN PART THIRTEEN - BUILDING CODE OF THE CODIFIED ORDINANCES (CHANGE TO FEE STRUCTURE)
Referred to Judiciary Committee
- 1ST RDG 2. AUTHORIZE HIRING FREEZE FOR MGMT & NON-BARGAINING UNIT POSITIONS; EMERGENCY
Referred to Personnel Committee
- 1ST RDG 3. AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/HABITAT FOR HUMANITY OF GREATER STARK & CARROLL COUNTIES, INC TO PROVIDE GRANT IN AMT NOT TO EXCEED \$480,000.00 FOR DEV & CONSTRUCTION OF HOUSING UNDER NEIGHBORHOOD STABILIZATION PROG; EMERGENCY
Referred to Community & Economic Development Committee
- 1ST RDG 4. AMEND COMPENSATED ABSENCE PREMIUM RATES ESTABLISHED IN O#38/2004; AMEND APPROP O#193/2008; EMERGENCY
Referred to Finance Committee
- 1ST RDG 5. AUTHORIZE AUDITOR TO ENTER INTO PROF SVCS CONTRACTS W/AN INVESTMENT BANKING FIRM OR FIRMS, BOND LEGAL COUNSEL & RELATED SVCS FOR ADVANCE REFUNDING OF CITY'S PENSION REFUNDING BOND & 1999 CAPITAL PROJ BOND INDEBTEDNESS; AMEND APPROP O#193/2008; EMERGENCY
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING CONTINUED:

- 1ST RDG 6. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING APPROP REDUCTIONS, SUPP APPROPS & APPROP TRANSFER; EMERGENCY
Referred to Finance Committee
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- 1ST RDG 7. AUTHORIZE MAYOR TO ENTER INTO AGMT W/STATE OF OHIO, DEPT OF REHABILITATION & CORRECTION FOR RECEIPT OF THE FY 2010 COMMUNITY CORRECTIONS ACT GRANT IN AN AMT NOT TO EXCEED \$81,465,00; EMERGENCY
Referred to Finance Committee
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- 1ST RDG 8. AUTHORIZE MAYOR TO ENTER INTO A FUNDING AGMT W/STARK CNTY OUT OF POVERTY PARTNERSHIP, INC TO PROVIDE HOME FUNDS IN AMT OF \$35,000.00 FOR ADMINISTRATION OF THE CITY'S HOUSING PROGRAMS; EMERGENCY
Referred to Community & Economic Development Committee
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- 1ST RDG 9. AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT W/CCIC BLOCK GRANT AMERICAN RECOVERY ACT FUNDS IN AMT NOT TO EXCEED \$421,783.00 FOR GRANTS, LOANS AND ADMINISTRATIVE COSTS; EMERGENCY
Referred to Community & Economic Development Committee

(COUNCIL RECESSED @ 7:45 P.M. FOR COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE TO DISCUSS THE ADOPTION OF O#10; RECONVENED @ 7:50 P.M.)

- 91/2009 10. AUTHORIZE MAYOR TO SUBMIT AN APPLICATION TO US DEPT OF HOUSING & URBAN DEV TO REC FUNDS FR: NEIGHBORHOOD STABILIZATION PROG 2 UNDER THE AMER RECOVERY & REINVESTMENT ACT OF 2009; AUTHORIZE MAYOR TO ISSUE REQ FOR PROPOSALS, ACCEPT & EVALUATE PROPOSALS, SELECT & ENTER INTO CONTRACT W/AGENCIES QUALIFIED TO PROV NECESSARY OVERSIGHT & SVCS REQ TO PERFORM & ACHIEVE GOALS OF RECOVERY ACT; EMERGENCY
Referred to Community & Economic Development Committee
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- 1ST RDG 11. AUTHORIZE MAYOR TO ENTER INTO PROF SVCS AGMT W/BLACK, MCCUSKEY, SOUERS & ARBAUGH IN AN AMT NOT TO EXCEED \$25,000.00 TO PROV SPECIALIZED LEGAL ASST WORKERS' COMPENSATION CASES; AMEND APPROP O#193/2008 BY MAKING \$45,000.00 SUPP APPROP; EMERGENCY
Referred to Finance Committee
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- 1ST RDG 12. AUTHORIZE SAF DIR TO ENTER INTO COOP AGMT BETWEEN CITY OF CANTON & SMHA IN AMT NOT TO EXCEED \$40,000.00 FOR PURCHASE AND INSTALLATION OF SECURITY CAMERAS AT REFURBISHED SMHA SITES THROUGHOUT THE CITY; EMERGENCY
Referred to Finance Committee

COUNCIL RECESSED @ 7:50 P.M. FOR COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE TO DISCUSS THE ADOPTION OF O#13; RECONVENED @ 7:51 P.M.)

- 92/2009 13. DECLARING 12 BLDGS TO BE PUBLIC NUISANCES; AUTHORIZING SAF DIR TO ENTER INTO CONTRACT FOR DEMO OF SAID BLDGS; AUTHORIZE COUNCIL CLERK TO CERTIFY COSTS OF DEMOS TO STARK CTY AUDITOR; EMERGENCY
Referred to Community & Economic Development Committee
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- 1ST RDG 14. AUTHORIZE SAF DIR TO ENTER INTO CONTRACT W/FEDERAL SIGNAL CORP FOR PURCH & INSTALLATION OF 1 WARNING SIREN PURSUANT TO O.R.C. SEC 125.04; EMERGENCY (QUARRY)
Referred to Finance Committee
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- 1ST RDG 15. AMEND EXHIBIT A TO O#40/2000, AS AMENDED, CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY CITY; EMERGENCY (POLICE DEPT REDUCTION)
Referred to Personnel & Finance Committees

COUNCIL RECESSED @ 7:51 P.M. FOR PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE TO DISCUSS THE ADOPTION OF O#16; RECONVENED @ 7:53 P.M.)

- 93/2009 16. AUTHORIZE SERV DIR &/OR SAF DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT(S) FOR PURCH &/OR LEASE OF VARIOUS MOTOR VEHICLES &/OR EQUIP FOR VARIOUS CITY DEPTS; AUTHORIZE DIRECTORS TO ALTERNATIVELY PURCHASE &/OR LEASE SAID VEHICLES & EQUIP PURSUANT TO REV CODE SECTIONS 125.04 & 5513.01; AMEND APPROP O#293/2008; EMERGENCY
Referred to Public Property Capital Improvement Committee
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- 1ST RDG 17. APPROVING A CITY WATER MAIN EXT TO PLAIN TWP; AUTHORIZE SERV DIR TO ENTER INTO CONTRACT FOR EXT OF SAID WATER MAIN; EMERGENCY (SMHA - JASPER ST & ZIRCON AVE NE)
Referred to Environmental & Public Utilities Committee
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- 1ST RDG 18. AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONSTRUCTION CONTRACT FOR RETENTION BASIN ASSOC W/30TH ST NE/FAIRHOPE NATURE PRESERVE PROJ, GP 1083; AUTHORIZE SERV DIR TO ACCEPT GRANT FROM & ENTER INTO A COOP AGMT W/MUSKINGUM WATERSHED CONSERVANCY DIST FOR THE CONSTRUCTION OF RETENTION BASIN & ASSOCIATED WORK; AMEND APPROP O#193/2008, AS AMENDED; EMERGENCY
Referred to Public Safety & Thoroughfares Committee

COUNCIL RECESSED @ 7:53 P.M. FOR FINANCE COMMITTEE TO DISCUSS THE ADOPTION OF O#19; RECONVENED @ 7:56 P.M.)

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING CONTINUED:

- 94/2009** 19. AUTHORIZE SERV DIR TO ENTER INTO CONTRACT W/CANTON SYMPHONY ORCHESTRA ASSOC IN AMT NOT TO EXCEED \$31,100.00 FOR 2009 CONCERT IN THE PARK; EMERGENCY
Referred to Finance Committee
- 1ST RDG** 20. AUTHORIZE MAYOR TO ENTER INTO A COOP ECONOMIC DEV AGMT W/JACKSON TWP ON PROP LOCATED IN THE RM INVESTMENTS/METRO RTA ANNEXATION AREA; EMERGENCY
Referred to Annexation Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:
(SUSPENDED RULE 22A TO ADD O#21 - O#26)**

- 2ND RDG** 21. AUTHORIZE SERV DIR IN COLLABORATION W/STARK COUNTY REGIONAL PLANNING TO ISSUE JOINT REQ FOR PROPOSAL, ACCEPT & EVALUATE PROPOSALS, & SELECT & ENTER INTO CONTRACT W/LOCAL AGENCIES QUALIFIED TO PROVIDE NECESSARY SERV TO ACHIEVE GOALS OF HOMELESS PREVENTION PROG; EMERGENCY (C&E)
(C&E)
- 2ND RDG** 22. AMEND O#55/77, AS AMENDED, KNOWN AS ZONING ORDINANCE; EMERGENCY (LOT NOS. 42976 & 42978 & PART OF OUT LOT 1317 - DUMONT'S SEED CO) **PUB HRG: 7/6/09 @ 7:30 P.M.**
(JUD)
- 2ND RDG** 23. APPROVE & ACCEPT REPLAT OF PARTS OF OUT LOTS NOS. 397 & 398; EMERGENCY (13TH ST NE)
(PS&T)
- 2ND RDG** 24. AUTHORIZE CANTON TO ANNEX THE TERRITORY KNOWN AS CENTRAL ALLIED ANNEXATION AREA CONTAINING APPROX 19.075 ACRES; ASSIGNING SAID TERRITORY TO WARD 6; ZONING SAID TERRITORY AS I-1 (LIGHT INDUSTRIAL) & R-1A (SINGLE FAMILY RESIDENTIAL); EMERGENCY (ANNEX) **PUB HRG: 7/6/09 @ 7:31 P.M.**
- 2ND RDG** 25. AUTHORIZE SERV DIR TO ENTER INTO COOP AGMT W/BOARD OF STARK CNTY COMMISSIONERS FOR THE REPLACEMENT OF THE MILL STREET BRIDGE IN AMT NOT TO EXCEED \$200,000.00; EMERGENCY (PS&T)
- 2ND RDG** 26. AUTHORIZE MAYOR TO ENTER INTO ANNEXATION AGMT W/PLAIN TOWNSHIP ON PARK FARMS ANNEXATION AREA (ANNEX)

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

- 95/2009** 27. AMEND CHAPTER 150, SYSTEMS PLANNING BD, OF CODIFIED ORDINANCES _____
- 96/2009** 28. AMEND APPROPRIATION O#193/2008, AS AMENDED, BY MAKING SUPP APPROPS, ADVANCE & ADVANCE REPAYMENT; EMERGENCY (COMMUNITY SERVICE)
- 97/2009** 29. ESTABLISH FAIR MKT VALUE OF 1 PARCEL OF CITY-OWNED PROP; AUTHORIZE SALE & CONVEYANCE OF SAID PROP PURSUANT TO CITY'S RESIDENTIAL LAND DISPOSITION PROG; EMERGENCY (PARCEL# 02-01928, SIXTH ST SW, LINDA WILLIAMS)
- 98/2009** 30. AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/STARK CTY BD OF COMMISSIONERS FOR VISRE STREET LEVEL IMAGERY SVCS; EMERGENCY
- 99/2009** 31. AMEND O#193/2008, AS AMENDED, BY MAKING \$5,085.02 SUPP APPROP TO: 2328 PUBLIC HEALTH INFRASTRUCTURE; EMERGENCY
- 100/2009** 32. AMEND O#55/77, AS AMENDED, KNOWN AS ZONING ORDINANCE; EMERGENCY (WESTBROOK CHURCH - 2521 12TH ST NW) **PUB HRG: 6/22/09 @ 7:30 P.M.**

ANNOUNCEMENT OF COMMITTEE MEETINGS:**MONDAY, JULY 6, 2009 in Council Caucus @ 6:00 P.M.**

- 1) Finance Committee
- 2) Annexation Committee
- 3) Judiciary Committee
- 4) Personnel Committee
- 5) Public Safety & Thoroughfares Committee
- 6) Environmental & Public Utilities Committee
- 7) Community & Economic Development Committee

PUBLIC SPEAKS: Ida Ross Freeman re: Would like the monthly warning system checked because they can't hear it in her neighborhood. Also would like Council to consider cameras at the meetings so they can be viewed for those unable to attend. Lastly, advising that there are south side gang members residing at 1130 8th St NW and stealing and destroying other people's property; Ruby Brogdon re: Expressing disappointment over her neighborhood not getting cleaned up and asking who the person is that would be responsible for cleaning it up; Bettie Bell re: Stating that houses next door to her is nothing but weeds and tree stumps and that no one can even walk on the sidewalks on 2nd St and 3rd St; Phil Giavasis re: Thanking Council staff for adding Communication #293 to the agenda. Advising that in an effort to offset budgetary shortages for 2009 the Clerk of Courts is asking for a \$115,000.00 budget reduction; Mike Kochera re: Advising that the Judges Administration is asking for a \$60,000.00 budget reduction; President Schulman, Mayor Healy, Member Smuckler and Member Hawk all thanking Mr. Giavasis and Mr. Kochera.

MISCELLANEOUS BUSINESS: Member Cirelli re: Asking Law Director Martuccio what the status is of the sidewalk Ordinance; Law Director Martuccio re: Stating that Attorney Chessler presented a draft of the Ordinance to Member Barton; Member West re: Thanking Carmen West for her work on the project on Cherry Ave; Member Smith re: Advising Mrs. Brogdon and Ms. Bell that she is trying to get their areas cleaned up; Member West re: Stating that there are times that constituents call Council Members regarding high grass and when the grass doesn't get mowed they call the Council at Large Members stating that their Council Members are not doing their job; Joe Martuccio re: Thanking Phil Giavasis and Mike Kochera and also advising that the Law Department is returning \$50,000.00. Also Stating that there are a number of actors that are working in conjunction with 2nd April and will be performing at 1st Fridays; Service Director Price re: Advising that the Street Department is dealing with 150 vacant lots added to the high grass list per month; Member Hawk re: Stating that last year Council passed an Ordinance dealing with the high grass which give the City the ability to cite the homeowners for not mowing their properties and this needs to be enforced.

ADJOURNMENT: 8:35 P.M.

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