

FINAL
A G E N D A
7:30 PM

CANTON CITY COUNCIL

JULY 6, 2009

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

INVOCATION: C. David Morgan, Pastor

PLEDGE OF ALLEGIANCE: Led by President Allen Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add Resolution #41; 1st Rdg O#13; 2nd Rdg O#19 - O#34; O#13 Adopted on 1st Rdg; O#22, O#23, O#24, O#25, O#33 Adopted on 2nd Rdg; O#34 Postponed until 8/3/09)

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 7 (DUMONT'S SEED CO.) **O#108/2009**

7:31 P.M. AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE CENTRAL ALLIED ANNEXATION AREA CONTAINING APPROXIMATELY 19.075 ACRES; ASSIGNING SAID TERRITORY TO WARD 6 OF THE CITY; ZONING SAID TERRITORY AS I-1 (LIGHT INDUSTRIAL) AND R-1A (SINGLE FAMILY RESIDENTIAL); AND DECLARING THE SAME TO BE AN EMERGENCY; **O#110/2009**

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

INFORMAL RESOLUTIONS:

MAJORITY LEADER DON CASAR:

EXCUSING MEMBERS: MEMBER CARBENIA

41. COUNCIL-AS-A-WHOLE:

COMMENDING SAFETY DIRECTOR NESBITT. - ADOPTED

COMMUNICATIONS:

294. AUDITOR MALLONN (CITY):

CERTIFICATE OF AMT FROM ALL SOURCES FOR 2009. - RECEIVED & FILED

295. AUDITOR MALLONN (CITY):

MONTHLY RPT BY FUND 6/1/09 - 6/30/09. - RECEIVED & FILED

296. AUDITOR MALLONN (CITY):

YEARLY RPT BY FUND 1/1/09 - 6/30/09. - RECEIVED & FILED

297. CIRELLI, MARY, CNL-AT-LARGE:

REQ LAW DEPT TO AMEND SECTION 105.10, PROFESSIONAL OR PERSONAL SERVICE CONTRACTS. - JUDICIARY COMMITTEE

298. CIRELLI, MARY, CNL-AT-LARGE:

REQ ORDINANCE AMEND FOR SKIN EXPOSURE. - JUDICIARY COMMITTEE

299. CIRELLI, MARY, CNL-AT-LARGE:

REQ AN INFORMAL RESOLUTION REQUIRING ALL ELECTED OFFICIALS TO FILE THEIR ETHICS & CAMPAIGN ELECTION RPTS W/CLERK OF COUNCIL. - JUDICIARY COMMITTEE

300. DEVELOPMENT DIRECTOR TORRES:

AUTHORIZE AUDITOR TO PAY MORAL OB IN AMT NOT TO EXCEED \$5,600.00 TO CANTON SPORTS OFFICIALS FOR SUMMER HIGH SCHOOL BASKETBALL LEAGUE. - FINANCE COMMITTEE

301. HAWK, GREG, WARD 1 CNL MBR & KRAUS, KARL, WARD 8 CNL MBR:

REQ AMENDMENT TO SECTION OF PART THREE - TRAFFIC CODE. - JUDICIARY COMMITTEE

302. HEALTH COMMISSIONER, ADAMS:

CANTON CITY HEALTH DEPT 2008 ANNUAL RPT. - RECEIVED & FILED

303. HEALTH COMMISSIONER, ADAMS:

REQ APPROP TRANSFER OF \$45,000.00 FR: 2327 LEAD ASSESSMENT FUND TO: 2327 LEAD ASSESSMENT FUND. - FINANCE COMMITTEE

304. HEALTH COMMISSIONER, ADAMS:

BRD OF HEALTH GEN REVENUE FUND MID-TERM ESTIMATES. - RECEIVED & FILED

305. LIQUOR CONTROL DIVISION (OHIO):

ADVISING OF DENIAL OF 2009-2010 RENEWAL OF D5 LICENSE FOR MARK & FRANCES MILLS DBA FRIENDLY KORNER TAVERN @ 1503 HARRISON AVE SW, 1ST FL. - RECEIVED & FILED

306. LIQUOR CONTROL DIVISION (OHIO):

REQ TRANS OF D5 LIQ PERMIT FROM CFA INC. DBA LUCIAS RESTAURANT TO CANTONIAN LLC DBA CANTONIAN @ 1076 MAHONING RD NE. - RECEIVED & FILED

307. LIQUOR CONTROL DIVISION (OHIO):

REQ TRANS OF D5 D6 LIQ PERMIT FROM AVANT GARDE, CREATIVE CULINARY CONCEPTS LLC DBA PETER SHEARS & PATIO TO LITTLE CHICAGO LTD DBA PETER SHEARS & PATIO @ 427 E TUSCARAWAS ST. - RECEIVED & FILED

308. LIQUOR CONTROL DIVISION (OHIO):

REQ TRANS OF C1 C2 LIQ PERMIT FROM GIANT OHIO LLC TO MARKET STREET STATION @ 1200 N MARKET ST & GAS PUMPS. - RECEIVED & FILED

COMMUNICATIONS CONTINUED:

309. MAYOR WILLIAM HEALY: REQ AUTHORIZATION FOR RE-APPT OF SHARON JOHNSON, JOHANNES KICKEN, & TIMOTHY MILLER TO MAYOR'S COMMUNITY RELATIONS COMMISSION, 2 YR TERM FROM 7/1/09 - 6/30/11. - PERSONNEL COMMITTEE
310. MAYOR WILLIAM HEALY: REQ SUPP APPROP TO ESTABLISH FUNDS FOR INDEPENDENT MEDICAL EXAMS. - FINANCE COMMITTEE
311. SERVICE DIRECTOR PRICE: AUTHORIZE SERV DIR TO ENTER INTO AGMT W/CITY OF NORTH CANTON TO REVISE COST SHARING PERCENT FOR OPERATION, MAINTENANCE & REPLACEMENT COSTS AT WATER RECLAMATION FACILITY. - FINANCE COMMITTEE
312. SERVICE DIRECTOR PRICE: REQ COUNCIL TO ADOPT ALTERNATIVE TAX BUDGET FOR YR END 12/31/10. - FINANCE COMMITTEE
313. SERVICE DIRECTOR PRICE: AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS, & ENTER INTO CONTRACT FOR LEASE OF APPROX 282 SQ FT OF COMMERCIAL SPACE @ 215 W TUSCARAWAS ST. - PUBLIC PROPERTY CAPITAL IMPROVEMENT & FINANCE COMMITTEES
314. SERVICE DIRECTOR PRICE: AUTHORIZE SERV DIR TO ENTER INTO CONTRACT FOR PURCHASE OF 1 COMBO SEWER CLEANING TRUCK. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
315. SLIMAN, SAM, AGENT FOR PETITIONER: ANNEXATION PETITION DOCUMENTS FOR AREA TO BE KNOWN AS "THE S & S ENTERPRISES ANNEXATION". - RECEIVED & FILED
316. TREASURER SCHIRACK: RPT OF TREAS OFC BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF 4/30/09. - RECEIVED & FILED
317. TREASURER SCHIRACK: RPT OF TREAS OFC BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS 5/29/09. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. RES DETERMINING NECESSITY TO PROCEED W/IMPLEMENTATION OF PUBLIC SERV PLAN ADOPTED BY DOWNTOWN CANTON SPECIAL IMPROVEMENT DISTRICT; DECLARE NECESSITY TO PROCEED W/SPECIAL ASSESSMENT FOR FUNDING PLAN FOR 4 YRS; EMERGENCY
Referred to Judiciary Committee
- 1ST RDG 2. AUTHORIZE MAYOR TO FILE APPLICATION W/HUD FOR CHDO FUNDS, EXECUTE GRANT AGMTS, & ACCEPT \$250,000.00 IN HOME CHDO FUNDS TO EXPAND SUPPLY OF ENERGY EFFICIENT & ENVIRONMENTALLY FRIENDLY HOUSING; AUTHORIZE MAYOR TO ENTER INTO CONTRACT W/FREED HOUSING CORP IN AMT NOT TO EXCEED \$500,000.00 TO IMPLEMENT GREEN HOME PROG; EMERGENCY
Referred to Community & Economic Development Committee
- 1ST RDG 3. AUTHORIZE MAYOR & OR SERV DIR TO ENTER INTO CONTRACT W/CANTON REGIONAL CHAMBER OF COMMERCE TO PROVIDE A GRANT IN AN AMT NOT TO EXCEED \$175,000.00 FOR COMPREHENSIVE ECONOMIC & DOWNTOWN DEVELOPMENT PROG; EMERGENCY
Referred to Community & Economic Development Committee
- 1ST RDG 4. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING SUPP APPROP & APPROP TRANSFER; EMERGENCY (FORFEITURE FUND, CITY PARKING DECK, COMM DEV)
Referred to Finance Committee
- 1ST RDG 5. AMEND APPROP O#193/3008, AS AMENDED, BY MAKING SUPP APPROP; EMERGENCY (MINORITY HEALTH)
Referred to Finance Committee
- 1ST RDG 6. AUTHORIZE SERV DIR TO EXECUTE LICENSE AGMT & EASEMENT AGMT ON CITY-OWNED LAND IN PIKE TWNSHP; EMERGENCY
Referred to Public Safety & Thoroughfares Committee
- 1ST RDG 7. ORDINANCE CREATING CHAP 1128, WINDMILLS & WIND TURBINES, OF PART ELEVEN - PLANNING & ZONING CODE
Referred to Judiciary Committee **PUB HRG 8/3/09 @ 7:30 P.M.**
- 1ST RDG 8. AMEND SECTION 1123.30, FAMILY, OF CODIFIED ORDINANCES
Referred to Judiciary Committee **PUB HRG 8/3/09 @ 7:31 P.M.**
- 1ST RDG 9. AMEND O#55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; EMERGENCY (PARTS OF LOTS NOS. 2028 & 2029 @ 622 7TH ST NE)
Referred to Judiciary Committee **PUB HRG 8/3/09 @ 7:32 P.M.**
- 1ST RDG 10. AMEND O#55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; EMERGENCY (PARTS OF LOTS NOS. 827, 828, 829 @ 1372 MARKET AVE S)
Referred to Judiciary Committee **PUB HRG 8/3/09 @ 7:33 P.M.**

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING CONTINUED:

- 1ST RDG 11. AUTHORIZE AUDITOR TO PAY \$106,894.78 TO MOTOROLA, INC FOR 2009 SERV AGMT;
EMERGENCY
Referred to Finance Committee
- 1ST RDG 12. AUTHORIZE SAF DIR TO ADVERTISE, REC BIDS & SELL PROP OWNED BY CITY OF CANTON;
EMERGENCY (1251 GRENADA DR NE)
Referred to Finance Committee

(COUNCIL RECESSED @ 8:15 P.M. FOR COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE TO DISCUSS THE ADOPTION OF O#13; RECONVENED @ 8:18 P.M.)

- 101/2009 13. DECLARING 9 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 COUNTY AUDITOR; EMERGENCY
Referred to Community & Economic Development Committee
- 1ST RDG 14. AUTHORIZE SERV DIR TO NEGOTIATE & ENTER INTO SUPP SEWER AGMT W/STARK COUNTY;
EMERGENCY
Referred to Environment & Public Utilities & Finance Committees
- 1ST RDG 15. AUTHORIZE SERV DIR TO APPLY FOR, ENTER INTO AGMT, & ACCEPT FUNDS FOR 2010 PROG YR FROM OHIO PUBLIC WORKS COMMISSION; EMERGENCY
Referred to Finance Committee
- 1ST RDG 16. AUTHORIZE SERV DIR TO APPLY FOR, ENTER INTO AGMT & ACCEPT FUNDS FOR 2010 PROG YR FROM CLEAN OHIO CONSERVATION FUND; EMERGENCY
Referred to Finance Committee
- 1ST RDG 17. AUTHORIZE SERV DIR TO NEGOTIATE & ENTER INTO SUPP AGMTS W/CITY OF NORTH CANTON & STARK COUNTY FOR CAPITAL IMPROVEMENTS ASSOCIATED W/WEST SIDE INTERCEPTOR;
EMERGENCY
Referred to Public Property Capital Improvement & Environmental & Public Utilities Committees
- 1ST RDG 18. AMEND O#193/2008, AS AMENDED; EMERGENCY (JUDGES ADMIN, CLERK OF COURTS)
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:

(SUSPENDED RULE 22A TO ADD O#19-O#34)

- 2ND RDG 19. AMEND VARIOUS SECTIONS IN PART THIRTEEN - BUILDING CODE OF THE CODIFIED ORDINANCES (CHANGE TO FEE STRUCTURE) (JUD)
- 2ND RDG 20. AUTHORIZE HIRING FREEZE FOR MGMT & NON-BARGAINING UNIT POSITIONS; EMERGENCY (PER)
- 2ND RDG 21. 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 (C&ED)
- 102/2009 22. AMEND COMPENSATED ABSENCE PREMIUM RATES ESTABLISHED IN O#38/2004; AMEND APPROP O#193/2008; EMERGENCY (FIN)
- 103/2009 23. 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 (FIN)
- 104/2009 24. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING APPROP REDUCTIONS, SUPP APPROPS & APPROP TRANSFER; EMERGENCY (AUDITOR, STREET, TRAFFIC ENG/SIGNAL) (FIN)
- 105/2009 25. 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 (FIN)
- 2ND RDG 26. 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 (C&ED)
- 2ND RDG 27. 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 (C&ED)
- 2ND RDG 28. 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 (FIN)

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING CONTINUED:

- 2ND RDG 29. 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 (FIN)
- 2ND RDG 30. 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) (FIN)
- 2ND RDG 31. AMEND EXHIBIT A TO O#40/2000, AS AMENDED, CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY CITY; EMERGENCY (POLICE DEPT REDUCTION) (PER&FIN)
- 2ND RDG 32. 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) (E&PU)
- 106/2009 33. 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 (PS&T)

POSTPONED UNTIL 8/3/09

- 2ND RDG 34. 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 (ANNEX)

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

- 107/2009 35. 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
- 108/2009 36. 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.**
- 109/2009 37. APPROVE & ACCEPT REPLAT OF PARTS OF OUT LOTS NOS. 397 & 398; EMERGENCY (13TH ST NE; URBAN TRAINING)
- 110/2009 38. 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 **PUB HRG: 7/6/09 @ 7:31 P.M.**
- 111/2009 39. 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
- 112/2009 40. AUTHORIZE MAYOR TO ENTER INTO ANNEXATION AGMT W/PLAIN TOWNSHIP ON PARK FARMS ANNEXATION AREA

ANNOUNCEMENT OF COMMITTEE MEETINGS:**MONDAY, JULY 20, 2009 in Council Caucus @ 6:00 P.M.**

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

PUBLIC SPEAKS: Health Commission Adams expressing his appreciation of the support given by Council and the Administration for the critical funding to keep our city healthy. This funding is necessary for vaccinations and programs like WIC to keep our children healthy. There is only 27% per capita funded by the state and all other income for Health Dept is appropriated by city or grants. Willie Thompson asking about having the sidewalk in front of his home repaired because it has been broken by trucks and traffic that was rerouted down 4th Street while construction of the railroad tracks was done. He had previously fixed the sidewalk and had a tree removed and now the slabs are broken from the vehicles. Patricia Kirk discussing the upcoming Christmas in July event at the Kresge Lot on Sunday, July 12, 2009 from 9:00am to 2:00 pm. This will be sponsored by the Arcadia Grille and a portion of the proceeds will help the Downtown Central Neighborhood Association.

MISCELLANEOUS BUSINESS: Member Cirelli thanking Council for voting to demo more homes within the City to help improve our neighborhoods. Member Hawk congratulating Chief McKimm and the entire Police Department for quick response and quick apprehension of a criminal over the weekend that took a real bad guy off our streets. Member West asked all Council Members to review an Ordinance draft that was provided to them for the trash containers for evictions and also commending Police Department for the positive outcome and catching all of the suspects in the recent serious crimes in our city. Law Director Martuccio sending a claim form to Willie Thompson to have his sidewalk inspected for possible help or reimbursement of the repairs to the sidewalk in front of his home, and also thanking and wishing the best of luck to Tom Nesbitt and the Nesbitt

family in the future. Member Smith speaking to Willie Thomspen regarding potholes in his neighbor and telling him that she will contact the correct people to get these repaired. She also reminded Safety Director Nesbitt that when he came on board she was labeled as his favorite pest but she is glad to have that titled because with this help they were able to accomplish many things for the citizens of Ward 4.

ADJOURNMENT: 8:54 P.M.

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, JULY 20, 2009 @ 7:30 PM