

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

CANTON CITY COUNCIL

JULY 20, 2009

**ROLL CALL:** Ten Council Members Present (Members Casar & Carbenia Absent)

**INVOCATION:** Greg Hawk, Ward 1 Council Member

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

**AGENDA CORRECTIONS & CHANGES:** (Suspended Rule 22A to add 2<sup>nd</sup> Rdg O#11-O#19 & O#21 - O#27; O#20 Retained in Cmte; O# 11, O#13 & O#23 Adopted on 2<sup>nd</sup> Rdg; O#28, O#29, O#33 & O#35 Adopted as Amended)

**PUBLIC HEARINGS:** (None)

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

**INFORMAL RESOLUTIONS:**

- COUNCIL-AT-LARGE BILL SMUCKLER: EXCUSING MEMBERS: MEMBER CASAR & MEMBER CARBENIA
42. CIRELLI, M., CNCL-AT-LARGE: ALL CITY ELECTED OFFICIALS PROVIDE COPY OF ANNUAL OHIO ETHICS COMMISSION FINANCIAL DISCLOSURE STATEMENTS TO CLERK OF COUNCIL. - REFERRED TO JUDICIARY COMMITTEE
43. CIRELLI, M., CNL-AT-LARGE: ALL CITY ELECTED OFFICIALS PROVIDE COPY OF CAMPAIGN CONTRIBUTIONS & EXPENSES RPT TO CLERK OF COUNCIL. - REFERRED TO JUDICIARY COMMITTEE
44. COUNCIL AS A WHOLE: OPPOSING THE CLOSING OF DUEBER AVE SW POST OFFICE. - ADOPTED
45. PERSONNEL COMMITTEE: REQ CONFIRMATION OF RE-APPT OF SHARON JOHNSON, JOHANNES KICKEN, & TIMOTHY MILLER TO MAYOR'S COMMUNITY RELATIONS COMMISSION FROM 7/1/09 - 6/30/11. - ADOPTED

**COMMUNICATIONS:**

318. AUDITOR MALLONN (CITY): CERTIFICATE OF AMT FROM ALL SOURCES FOR 2009. - RECEIVED & FILED
319. LAW DIRECTOR MARTUCCIO: REQ PROF SERV CONTRACT W/JUDGE REINBOLD IN AMT NOT TO EXCEED \$15,184.97. - FINANCE COMMITTEE
320. LAW DIRECTOR MARTUCCIO: REQ ORDINANCE APPROVING THE EDITING & INCLUSION OF CERTAIN ORDINANCES ADOPTED FROM 6/1/08 - 6/30/09 TO BE INCORPORATED INTO CODIFIED ORDINANCES OF THE CITY OF CANTON; & RESOLUTION TO AUTHORIZE LAW DIRECTOR TO DISTRIBUTE, FREE OF CHARGE TO PUBLIC OFFICIALS & INSTITUTIONS COPIES OF 2009 SUPPLEMENT TO CANTON CITY CODE & TO AFFIX PRICE FOR SALE OF 2009 SUPPLEMENT TO HOLDERS OF CANTON CITY CODE. - JUDICIARY COMMITTEE
321. LAW DIRECTOR MARTUCCIO: REQ ORDINANCE ADOPTING SCOG FUNDING AGMT FOR DECADE COVERING 2010 - 2019 UNDER CHAPTER 5747 O.R.C. - FINANCE COMMITTEE
322. LIQUOR CONTROL DIVISION (OHIO): REQ NEW C1 C2 D6 LIQ PERMIT FOR WALGREEN CO DBA WALGREENS 04044 @ 1223 CLEVELAND AVE NW. - RECEIVED & FILED
323. PLANNING COMMISSION: RECOMMENDS APPROVAL OF ZONE CHANGE FOR CENTRAL ALLIED PROPERTY ON COLUMBUS RD NE, OUT LOTS 1318 & 1319 OF 20 ACRES FROM I-1 (LIGHT INDUSTRIAL) & R-1a (SINGLE FAMILY RESIDENTIAL) TO PI-2 (PLANNED HEAVY INDUSTRIAL). - JUDICIARY COMMITTEE
324. SERVICE DIRECTOR PRICE: REQ AGMTS TO RATIFY THE CITY'S & YMCA SUMMER YOUTH PROG. - FINANCE COMMITTEE
325. TREASURER SCHIRACK: RPT OF TREAS OFC BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF 6/30/09. - RECEIVED & FILED
326. TREASURER SCHIRACK: RPT OF DEPOSITS & PAY INS TO AMBULANCE LOCK BOX ACCT FOR JUNE, 2009. - RECEIVED & FILED
327. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR JUNE, 2009. - RECEIVED & FILED

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

- 1<sup>ST</sup> RDG 1. APPROV & ACCEPT REPLAT OF LOTS 36333, 36328, & 36329; EMERGENCY (WEST OF HARRISON AVE ON 34<sup>TH</sup> ST NW)  
Referred to Public Safety & Thoroughfares Committee

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

- 1<sup>ST</sup> RDG 2. APPROV & ACCEPT REPLAT OF PARTS OF OUT LOTS 306, 307, 308, & 309; EMERGENCY  
(GATEWAY BLVD SE)  
Referred to Public Safety & Thoroughfares Committee
- 1<sup>ST</sup> RDG 3. AMEND SECTION 105.10, PROFESSIONAL OR PERSONAL SERVICES CONTRACTS, OF CODIFIED ORDINANCES  
Referred to Judiciary Committee
- 1<sup>ST</sup> RDG 4. AMEND SECTION 353.03, TIME LIMIT METERED ZONES; NOTICE; HRS OF OPERATION OF PART THREE - TRAFFIC CODE  
Referred to Judiciary Committee
- 1<sup>ST</sup> RDG 5. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING APPROP TRANSFER; EMERGENCY (LEAD ASSESSMENT FUND/HEALTH DEPT)  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 6. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING APPROP TRANSFER; EMERGENCY (WORKERS' COMP RETRO FUND)  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 7. AUTHORIZE SERV DIR TO ENTER INTO AGMT W/CITY OF NORTH CANTON TO REVISE COST SHARING PERCENTAGE FOR OPERATION, MAINTENANCE & REPLACEMENT COSTS AT WATER RECLAMATION FACILITY; EMERGENCY  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 8. ADOPT CITY OF CANTON'S ALTERNATIVE TAX BUDGET FOR FISCAL YR ENDING 12/31/10; EMERGENCY  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 9. AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS, & ENTER INTO CONTRACT FOR LEASE OF SPACE LOCATED @ 215 W TUSCARAWAS ST; EMERGENCY  
Referred to Public Property Capital Improvement & Finance Committees
- 1<sup>ST</sup> RDG 10. AUTHORIZE SERV DIR TO ENTER INTO CONTRACT W/JACK DOHENY SUPPLIES OHIO, INC./VACTOR MANUFACTURING IN AN AMT NOT TO EXCEED \$299,464.29 FOR PURCHASE OF ONE VACTOR MANUFACTURING MODEL 2110 COMBO SEWER CLEANING TRUCK; EMERGENCY  
Referred to Public Property Capital Improvement Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:****(SUSPENDED RULE 22A TO ADD O#11 - O#19 & O#21 - O#27; O#20 RETAINED IN CMTE)**

- 113/2009 11. 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 (JUD)
- 2<sup>ND</sup> RDG 12. 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 (C&ED)
- 114/2009 13. 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 (C&ED)
- 2<sup>ND</sup> RDG 14. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING SUPP APPROP & APPROP TRANSFER; EMERGENCY (FORFEITURE FUND, CITY PARKING DECK, COMM DEV) (FIN)
- 2<sup>ND</sup> RDG 15. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING SUPP APPROP; EMERGENCY (MINORITY HEALTH) (FIN)
- 2<sup>ND</sup> RDG 16. AUTHORIZE SERV DIR TO EXECUTE LICENSE AGMT & EASEMENT AGMT ON CITY-OWNED LAND IN PIKE TWNSHP; EMERGENCY (PS&T)
- 2<sup>ND</sup> RDG 17. ORDINANCE CREATING CHAP 1128, WINDMILLS & WIND TURBINES, OF PART ELEVEN - PLANNING & ZONING CODE **PUB HRG 8/3/09 @ 7:30 P.M.**  
(JUD)
- 2<sup>ND</sup> RDG 18. AMEND SECTION 1123.30, FAMILY, OF CODIFIED ORDINANCES **PUB HRG 8/3/09 @ 7:31 P.M.**  
(JUD)
- 2<sup>ND</sup> RDG 19. AMEND O#55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; EMERGENCY (PARTS OF LOTS NOS. 2028 & 2029 @ 622 7<sup>TH</sup> ST NE) **PUB HRG 8/3/09 @ 7:32 P.M.**  
(JUD)
- RETAINED**  
**IN CMTE** 20. 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) **PUB HRG 8/3/09 @ 7:33 P.M.**  
(JUD)

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING CONTINUED:**

- 2<sup>ND</sup> RDG 21. AUTHORIZE AUDITOR TO PAY \$106,894.78 TO MOTOROLA, INC FOR 2009 SERV AGMT; EMERGENCY (FIN)
- 2<sup>ND</sup> RDG 22. AUTHORIZE SAF DIR TO ADVERTISE, REC BIDS & SELL PROP OWNED BY CITY OF CANTON; EMERGENCY (1251 GRENADA DR NE) (FIN)
- 115/2009 23. AUTHORIZE SERV DIR TO NEGOTIATE & ENTER INTO SUPP SEWER AGMT W/STARK COUNTY; EMERGENCY (E&PU&FIN)
- 2<sup>ND</sup> RDG 24. AUTHORIZE SERV DIR TO APPLY FOR, ENTER INTO AGMT, & ACCEPT FUNDS FOR 2010 PROG YR FROM OHIO PUBLIC WORKS COMMISSION; EMERGENCY (FIN)
- 2<sup>ND</sup> RDG 25. AUTHORIZE SERV DIR TO APPLY FOR, ENTER INTO AGMT & ACCEPT FUNDS FOR 2010 PROG YR FROM CLEAN OHIO CONSERVATION FUND; EMERGENCY (FIN)
- 2<sup>ND</sup> RDG 26. 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 (PPCI&E&PU)
- 2<sup>ND</sup> RDG 27. AMEND O#193/2008, AS AMENDED; EMERGENCY (JUDGES ADMIN, CLERK OF COURTS) (FIN)

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

- 116/2009 28. AMEND VARIOUS SECTIONS IN PART THIRTEEN - BUILDING CODE OF THE CODIFIED ORDINANCES (CHANGE TO FEE STRUCTURE)

**AMENDED**

- 117/2009 29. AUTHORIZE HIRING FREEZE FOR MGMT & NON-BARGAINING UNIT POSITIONS; EMERGENCY
- 118/2009 30. 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
- 119/2009 31. 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
- 120/2009 32. 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
- AMENDED**
- 121/2009 33. 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
- 122/2009 34. 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
- AMENDED**
- 123/2009 35. 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)
- 124/2009 36. AMEND EXHIBIT A TO O#40/2000, AS AMENDED, CLASSIFICATION PLAN FOR BARGAINING UNIT PERSONNEL EMPLOYED BY CITY; EMERGENCY (POLICE DEPT REDUCTION)
- 125/2009 37. APPROVING A CITY WATER MAIN EXT TO PLAIN TWNP; AUTHORIZE SERV DIR TO ENTER INTO CONTRACT FOR EXT OF SAID WATER MAIN; EMERGENCY (SMHA - JASPER ST & ZIRCON AVE NE)

**ANNOUNCEMENT OF COMMITTEE MEETINGS:****MONDAY, AUGUST 3, 2009 in Council Caucus @ 6:00 P.M.**

- 1) Annexation Committee
- 2) Finance Committee
- 3) Judiciary Committee
- 4) Public Safety & Thoroughfares Committee
- 5) Public Property Capital Improvement Committee

**PUBLIC SPEAKS:** Patricia Kirk has a solution for the baggy pants problem in the city because she sees the young people having difficulties getting on and off the busses with their pants down and feels the police should just issue belts when they see this. She also wanted to know who decides where festivals are held in downtown area because she seen for Joyfest that the roads were blocked off and still the Kresge lot was used for all the tents and heavy equipment which does damage to the green area. Michael Swintosky as a member of the North Lehman Neighborhood Alliance having problems with the structure that was the old Lehman High building and the elements that now come around to hang at that facility. He sees that there has been a severe drop in homes values in the area and homes selling for below market values and feels that this building is a large part of

the problem and he wants to see some action. Cindy Hall lives across the street from the football field at the old Lehman school and sees the grown men exiting the building in the early morning hours. She sees and hears the rumours of the kids going in and using the facility for sex. Cindy did want to thank the Safety Director for the quick response to board up the basement windows and doors to stop some of the traffic. She thinks the School Board may have cut off the electricity to the building now because there is no lighting to help with some of the safety around the area. Richard Jones has only lived in Canton for 12 years but it has been in the north Lehman neighborhood. He walks the streets for the neighborhood crime watch and is gravely concerned for this area. He took his video camera to document the problems with Lehman school to present to Council and also to the Board of Education. He was taught the three principals in public education were reading, writing, & arithmetic but feels the School Board gets and F in responsibility. They have not even fixed a broken window that was reported over 6 months ago. Kris Krisanda moved from Akron to Canton because of the run down neighborhoods where he grew up. He knows that people leave cities because of problems just like in the Lehman area and this is how cities lose tax money. He knows of nice people that do use the football field for both football and soccer when the trouble makers are not around. These guys would be happy to help turn this into a park or even update the football field if they could get help to maintain it and not have the problem people tearing it back up. Kris also finds it a large problem to be ignored by the Police Dept when calls are made early in the morning about people being loud and profane when kids can hear what is being said. Deloris Angeli both lives and works in this area and stated that the time is now to make a change with this building and this area. She stated that back in 1975 there was a newspaper article showing the area full of rubbish and needing cleaned up. The residents of the area have done this time and time again but the City never follows through with their end. She wants to see some action with returning this area to a neighborhood that is clean and safe. Linda Tuttle is addressing City Council because they have addressed the Board of Education on several occasions and wants Council to uphold the Board of Education to all of the same building code enforcements that a home owner would have to abide by. She sees that they are not having to comply with any of the violations with the building like the other owners in the neighborhood and wants Council to push the board to clean and secure this facility on a regular basis until a decision is made with it.

**MISSCELLANEOUS BUSINESS:** Director Price responding to Patricia Kirk that the organizations having the festivals in downtown request the area they would like to use for specific events. The city then reviews for availability. He has established a youth group for the summer to help with the maintenance and clean up of some of these green areas downtown. Mayor Healy addressing the group from the North Lehman Neighborhood Alliance and thanking them for coming down. He wanted to introduce Chief Deputy Ream as the gentleman that will be the new Safety Director and let the group know that they were free to discuss any issues in the area with him. Mayor Healy also volunteered to do a walk through with persons from the Health Dept, Code Enforcement, Police Dept and the Council Members to document just what all problems they are seeing. He has been inside of the old Lehman school 8 or 10 times over the last year and has assisted in trying to find buyers for this property. Member Cirelli inquiring about the amount of money available for sidewalk repairs and replacement. She knows that Member Barton has been working hard on legislation for this project and seen awhile ago that the sidewalk account had about \$65,000.00 available and now has between \$10,000.00 and \$13,000.00. She would like to know where this money has gone. Member West wanting to see if some top soil or something could be added to the Kresge lot because even when this was made into a green area, the ground was very hard and he knows that many organizations like to use this property for events as well as the number of people that use it on a daily basis in the summer months. Member Hawk reporting that there have been many shots fired randomly in his Ward over the last week or so with persons walking down the streets and shooting in homes. He wants to know when the administration will be replacing the Police officers to take the limits back to the number that we need on patrol to curb this behavior. Mayor Healy letting Member Hawk know that monies should be available the end of this month for the hiring of additional officers. When this money is in hand the hiring will proceed. Member West mentioning that Vince Watts is holding a talk on violence in the area at SouthEast Community Center on Saturday, July 25<sup>th</sup> and is looking for input from any concerned parties. President Schulman thanking the neighborhood association for coming and stating that the need to continue to come until their problem is solved. He stated that Council will try to help with the issues with the Board of Education.

**ADJOURNMENT:** 8:46 P.M.