

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

CANTON CITY COUNCIL

AUGUST 3, 2009

**ROLL CALL:** Eleven Council Members Present (Member 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 1<sup>st</sup> Rdg O#1; 2<sup>nd</sup> Rdg O#8 - O#18; O#1 Adopted on 1<sup>st</sup> Rdg; O#7 Retained in Cmte; O#14 Adopted on 2<sup>nd</sup> Rdg; O#18 Adopted on 2<sup>nd</sup> Rdg as Amended; O#19 & O#23 Postponed until 8/17/09)

**PUBLIC HEARINGS:**

7:30 P.M. AN ORDINANCE CREATING CHAP 1128, WINDMILLS & WIND TURBINES, OF PART ELEVEN - PLANNING & ZONING CODE; PLANNING COMMISSION RECOMMENDS APPROVAL **O#23 - POSTPONED UNTIL 8/17/09**

7:31 P.M. AN ORDINANCE AMENDING SECTION 1123.30, FAMILY, OF CODIFIED ORDINANCES; PLANNING COMMISSION RECOMMENDS APPROVAL **O#132/2009**

7:32 P.M. AN ORDINANCE AMENDING O#55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; (PARTS OF LOTS NOS. 2028 & 2029 @ 622 7<sup>TH</sup> ST NE - HABITAT FOR HUMANITY); PLANNING COMMISSION RECOMMENDS APPROVAL; ZONING FROM I-1 (LIGHT INDUSTRIAL) & R-2 (ONE & TWO FAMILY RESIDENTIAL) TO PR-1a (SINGLE FAMILY RESIDENTIAL); AND DECLARING THE SAME TO BE AN EMERGENCY **O#133/2009**

7:33 P.M. AN ORDINANCE AMENDING O#55/77, AS AMENDED, KNOWN AS THE CITY OF CANTON ZONING ORDINANCE; (PARTS OF LOTS NOS. 827, 828, 829 @ 1372 MARKET AVE S - EDWARD RAYNOR); PLANNING COMMISSION RECOMMEND APPROVAL; ZONING FROM B-3 (GENERAL BUSINESS) TO PB-4 (PLANNED SPECIAL BUSINESS); AND DECLARING THE SAME TO BE AN EMERGENCY (4 Speakers, Paul Burt; James Seran; Ed Raynor; Rick Zengler) **O#7 - RETAINED IN CMTE UNTIL 8/17/09**

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

**INFORMAL RESOLUTIONS:**

MAJORITY LEADER DON CASAR: EXCUSING MEMBER. MEMBER CARBENIA

**COMMUNICATIONS:**

328. COMMUNICATIONS DIRECTOR HERMAN: REQ AMEND COMM #270 FOR PRICE REDUCTION OF ORACLE SOFTWARE LICENSE OF \$707.65. - FINANCE COMMITTEE
329. COUNCIL-AT-LRG SMUCKLER: REQ LAW DEPT TO RESEARCH POSSIBLE LEGISLATION OF BANKS FORECLOSURE TITLE PROCESSING. - JUDICIARY COMMITTEE
330. DEVELOPMENT DIRECTOR TORRES: REQ TO WITHDRAW COMM #300 FOR MORAL OB TO CANTON SPORTS OFFICIALS. - RECEIVED & FILED
331. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/YWCA OF CANTON IN AMT NOT TO EXCEED \$100,000.00 PER YR FOR 3 YRS FOR FIRST PHASE OF GATEWAY HOUSE II PROJECT, HOME DOLLARS WILL FUND SITE PREP & CONSTRUCTION COSTS. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
332. FINANCE CHAIRMAN HAWK: REQ ORDINANCE SUSPENDING ALL TRAVEL UNLESS RELATED TO CERTIFICATION & LICENSING EFFECTIVE IMMEDIATELY THROUGH 12/31/10. - FINANCE COMMITTEE
333. FINANCE DIRECTOR ALGER: REQ SUPP FUNDS FROM UNAPPROP BAL 6017 HEALTH & LIFE INS FUNDS TO COVER MEDICAL & PRESCRIPTION CLAIMS FROM JAN - JUN 2009. - FINANCE COMMITTEE
334. FINANCE DIRECTOR ALGER: REQ APPROP ADJ OF GENERAL FUND REDUCTIONS BASED ON AUDITOR'S CERTIFIED FUNDS AMT. - FINANCE COMMITTEE
335. HEALTH ADMIN MCBRIDE: JUNE 2009, MONTHLY COMPARATIVE RPT INS CLAIMS. - RECEIVED & FILED
336. HEALTH COMMISSIONER ADAMS: REQ APPROP TRANSFER OF \$1,050.00 IN FUND 2313 PREVENTIVE HEALTH & \$520.00 IN FUND 2314 CHILD & FAMILY HEALTH. - FINANCE COMMITTEE
337. LIQUOR CONTROL DIVISION (OHIO): ADVISE OF DENIAL 2009-2010 D5 6 LIQ PERMIT FOR PLW 2006, LLC DBA HOB NOB TAVERN @ 1604 HARRISBURG RD NE, 1<sup>ST</sup> FL & PATIO. - RECEIVED & FILED
338. LIQUOR CONTROL DIVISION (OHIO): ADVISE OF DENIAL OF TRANSFER OF D5 6 LIQ PERMIT FROM PLW 2006, LLC DBA HOB NOB TAVERN @ 1604 HARRISBURG RD NE, 1<sup>ST</sup> FL & PATIO TO MIMI HMEIDAN DBA HOB NOB TAVERN @ 1604 HARRISBURG RD NE. - RECEIVED & FILED
339. MAYOR WILLIAM HEALY: REQ LAW DEPT REVIEW OF HIRING FREEZE ORDINANCE & REQ RESOLUTION TO IMPOSE FREEZE. - PERSONNEL COMMITTEE

**COMMUNICATIONS CONTINUED:**

340. SAFETY DIRECTOR NESBITT: DEMO LIST OF 11 PROPERTIES DETERMINED UNSAFE & HAZARDOUS IN VARIOUS WARDS. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
341. SAFETY DIRECTOR NESBITT: RECEIPT OF JUNE 2009 RPT OF INMATES INCARCERATED UNDER CITY ORDINANCE PROVIDED BY STARK CNTY SHERIFF. - RECEIVED & FILED
342. SERVICE DIRECTOR PRICE: REQ AUTHORIZATION FOR SERV DIR TO ENTER INTO CHANGE ORDER #1 W/NL CONSTRUCTION CORP., INC. FOR NEW COLLECTION SYSTEMS SERV CTR & ADMIN BLDG; REQ SUPP APPROP OF \$127,302.20 FROM 5406 2006 SEWER COLLECTION BLDG BOND FUND TO 5406 206006 OTHER. - FINANCE COMMITTEE
343. SERVICE DIRECTOR PRICE: REQ SUPP APPROP FROM 4501 CAPITAL IMPROVEMENT FUND TO SERV DIR ADMIN OTHER, STREET ADMIN OTHER, BLDG MAINT ADMIN OTHER & PARK ADMIN OTHER. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
344. TREASURER SCHIRACK: APRIL 2009, COMPARATIVE RPT OF CASH RECEIPTS. - RECEIVED & FILED
345. TREASURER SCHIRACK: MAY 2009, COMPARATIVE RPT OF CASH RECEIPTS. - RECEIVED & FILED

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

**(COUNCIL RECESSED @ 7:55 P.M. FOR FINANCE COMMITTEE TO DISCUSS ADOPTION OF O#1; RECONVENED @ 7:57 P.M.)**

- 126/2009** 1. AUTHORIZE SERV DIR TO ENTER INTO CONTRACT W/ORACLE USA, INC IN AMT NOT TO EXCEED \$34,902.77 FOR ONE YR SUPPORT CONTRACT FOR SOFTWARE LICENSES; EMERGENCY  
Referred to Finance Committee
- 1<sup>ST</sup> RDG** 2. AUTHORIZE LAW DIRECTOR TO ENTER INTO PROF SERV CONTRACT W/RICHARD REINBOLD; EMERGENCY  
Referred to Finance Committee
- 1<sup>ST</sup> RDG** 3. AUTHORIZE EDITING & INCLUSION OF CERTAIN ORDINANCES AS PARTS OF VARIOUS COMPONENT CODES OF CODIFIED ORDINANCES OF CANTON, OHIO; EMERGENCY  
Referred to Judiciary Committee
- 1<sup>ST</sup> RDG** 4. RES AUTHORIZE LAW DIRECTOR TO DISTRIBUTE FREE OF CHARGE TO PUBLIC OFFICIALS & INSTITUTIONS COPIES OF 2008 SUPPLEMENT TO CANTON CODIFIED ORDINANCES; TO AFFIX PRICE FOR SALE OF SAME; EMERGENCY  
Referred to Judiciary Committee
- 1<sup>ST</sup> RDG** 5. APPROV & ADOPT AN ALTERNATIVE METHOD FOR APPORTIONING FUNDING FOR SCOG FOR 2010 - 2019; AUTHORIZE MAYOR TO EXECUTE SAID AGMT; EMERGENCY  
Referred to Finance Committee
- 1<sup>ST</sup> RDG** 6. AMEND O#55/77, AS AMENDED, KNOWN AS CITY OF CANTON ZONING ORDINANCE; EMERGENCY (OUTLOTS 1318 & 1319 ON COLUMBUS RD NE - CENTRAL ALLIED) **PUB HRG 8/31/09 @ 7:30 P.M.**  
Referred to Judiciary Committee

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

**(SUSPENDED RULE 22A TO ADD O#8 - O#18; O#7 RETAINED IN CMTE; O#14 ADOPTED; O#18 ADOPTED AS AMENDED)**

**RETAINED**

- IN CMTE** 7. **RETAINED IN CMTE 7/20/09** 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)
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- 2<sup>ND</sup> RDG** 8. APPROV & ACCEPT REPLAT OF LOTS 36333, 36328, & 36329; EMERGENCY (WEST OF HARRISON AVE ON 34<sup>TH</sup> ST NW) (PS&T)
- 2<sup>ND</sup> RDG** 9. APPROV & ACCEPT REPLAT OF PARTS OF OUT LOTS 306, 307, 308, & 309; EMERGENCY (GATEWAY BLVD SE) (PS&T)
- 2<sup>ND</sup> RDG** 10. AMEND SECTION 105.10, PROFESSIONAL OR PERSONAL SERVICES CONTRACTS, OF CODIFIED ORDINANCES (JUD)
- 2<sup>ND</sup> RDG** 11. AMEND SECTION 353.03, TIME LIMIT METERED ZONES; NOTICE; HRS OF OPERATION OF PART THREE - TRAFFIC CODE (JUD)
- 2<sup>ND</sup> RDG** 12. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING APPROP TRANSFER; EMERGENCY (LEAD ASSESSMENT FUND/HEALTH DEPT) (FIN)

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

- 2<sup>ND</sup> RDG 13. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING APPROP TRANSFER; EMERGENCY (WORKERS' COMP RETRO FUND) (FIN)
- 127/2009 14. AUTHORIZE SERV DIR TO ENTER INTO AGMT W/CITY OF NORTH CANTON TO REVISE COST SHARING PERCENTAGE FOR OPERATION, MAINT & REPLACEMENT COSTS AT WATER RECLAMATION FACILITY; EMERGENCY (FIN)
- 2<sup>ND</sup> RDG 15. ADOPT CITY OF CANTON'S ALTERNATIVE TAX BUDGET FOR FISCAL YR ENDING 12/31/10; EMERGENCY (FIN)
- 2<sup>ND</sup> RDG 16. AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS, & ENTER INTO CONTRACT FOR LEASE OF SPACE LOCATED @ 215 W TUSCARAWAS ST; EMERGENCY (PPCI&FIN)
- 2<sup>ND</sup> RDG 17. 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 (PPCI)
- AMENDED**
- 128/2009 18. **POSTPONED FROM 7/6/09** AUTHORIZE MAYOR TO ENTER INTO COOP ECONOMIC DEVELOPMENT AGMT W/JACKSON TOWNSHIP IN RM INVESTMENTS/METRO RTA ANNEXATION AREA; EMERGENCY (ANNEX)

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

- 8/17/09 19. 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
- 129/2009 20. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING SUPP APPROP & APPROP TRANSFER; EMERGENCY (FORFEITURE FUND, CITY PARKING DECK, COMM DEV)
- 130/2009 21. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING SUPP APPROP; EMERGENCY (MINORITY HEALTH)
- 131/2009 22. AUTHORIZE SERV DIR TO EXECUTE LICENSE AGMT & EASEMENT AGMT ON CITY-OWNED LAND IN PIKE TWNSHP; EMERGENCY

**POSTPONED UNTIL**

- 8/17/09 23. ORDINANCE CREATING CHAP 1128, WINDMILLS & WIND TURBINES, OF PART ELEVEN - PLANNING & ZONING CODE **PUB HRG 8/3/09 @ 7:30 P.M.**
- 132/2009 24. AMEND SECTION 1123.30, FAMILY, OF CODIFIED ORDINANCES **PUB HRG 8/3/09 @ 7:31 P.M.**
- 133/2009 25. 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.**
- 134/2009 26. AUTHORIZE AUDITOR TO PAY \$106,894.78 TO MOTOROLA, INC FOR 2009 SERV AGMT; EMERGENCY
- 135/2009 27. AUTHORIZE SAF DIR TO ADVERTISE, REC BIDS & SELL PROP OWNED BY CITY OF CANTON; EMERGENCY (1251 GRENADA DR NE)
- 136/2009 28. AUTHORIZE SERV DIR TO APPLY FOR, ENTER INTO AGMT & ACCEPT FUNDS FOR 2010 PROG YR FROM OHIO PUBLIC WORKS COMMISSION; EMERGENCY
- 137/2008 29. AUTHORIZE SERV DIR TO APPLY FOR, ENTER INTO AGMT & ACCEPT FUNDS FOR 2010 PROG YR FROM CLEAN OHIO CONSERVATION FUND; EMERGENCY
- 138/2009 30. 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
- 139/2009 31. AMEND O#193/2008, AS AMENDED; EMERGENCY (JUDGES ADMIN, CLERK OF COURTS)

**ANNOUNCEMENT OF COMMITTEE MEETINGS:****MONDAY, AUGUST 17, 2009 in Council Caucus @ 6:30 P.M.**

- 1) Finance Committee
- 2) Judiciary Committee

**PUBLIC SPEAKS:** Patricia Kirk regarding the meeting at Church of the Savior on August 27, 2009 at 6:30 P.M. about polluting the drinkingwater. The speaker will be Malia Watkins of the Stark County Commissioners office.

**MISCELLANEOUS BUSINESS:** Council Member West applauding the Mayor for the trip last Tuesday to Columbus and visiting various departments. This was very informative to all. Also thanking Carmen West for inviting him to visit Green Homes in both Dayton and Cincinnati to see the green areas on the tops of homes. President Schulman congratulating Thomas Ream for

being sworn in as the new Safety Director on August 4, 2009 and wishing him the best of luck in the new role after all of his history with the city. Member Casar inquiring why Clerk Timberlake was not included or invited to an emergency meeting of the department heads as she is a department head and needs to obtain this and any information for Council. He stated that she does need to be a part of any meetings involving department heads in the future. Member Cirelli requesting that Clerk Timberlake be provided with all documentation and information from this meeting.

**ADJOURNMENT:** 9:13 P.M.

**THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, AUGUST 17, 2009 @ 7:30 PM**