

FINAL
A G E N D A
7:30 PM

CANTON CITY COUNCIL

AUGUST 17, 2009

ROLL CALL: Ten Council Members Present (Member Smith Absent)

INVOCATION: James Griffin, Ward 3 Council Member

PLEDGE OF ALLEGIANCE: Led by President Allen Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add R#47, 1st Rdg O#7 & O#9 and 2nd Rdg O#11 - O#16; O#7 & O#9 Adopted on 1st Rdg; O#15 Adopted on 2nd Rdg; O#18 & O#25 Adopted as Amended; O#21 & O#22 Referred Back to Committee)

PUBLIC HEARINGS: (None)

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY): Debra Frame re: Explaining what she learned through the process of trying to obtain the lot nearby her property; Matthew Frame re: Expressing that he is very proud of his wife for everything she has done. Also stating that he and neighbors still have some questions regarding the development in their area and that he has signatures of those that are opposed to it.

INFORMAL RESOLUTIONS:

- MAJORITY LEADER DON CASAR: EXCUSING MEMBER. MEMBER SMITH
46. COUNCIL-AS-A-WHOLE: GIVING SPECIAL TRIBUTE AND COMMENDING WARD 9 COUNCIL MEMBER JOE CARBENIA. - ADOPTED
47. COUNCIL-AS-A-WHOLE: NOMINATING AND ELECTING DAVID R. DOUGHERTY AS FIRST VICE PRESIDENT. - ADOPTED

COMMUNICATIONS:

346. AUDITOR MALLONN: CERTIFICATE OF AMT FROM ALL SOURCES FOR 2009. - RECEIVED & FILED
347. AUDITOR MALLONN: MONTHLY RPT BY FUND 7/1/09 - 7/31/09. - RECEIVED & FILED
348. AUDITOR MALLONN: YEARLY RPT BY FUND 1/1/09 - 7/31/09. - RECEIVED & FILED
349. AUDITOR MALLONN: REQ AUTHORIZATION TO ISSUE BONDS TO REFINANCE THE 1998 CITY PENSION REFUNDING BONDS & 1999 CAPITAL PROJ BONDS. - FINANCE COMMITTEE
350. CANTON FIRE DEPARTMENT: 2008 ANNUAL RPT. - RECEIVED & FILED
351. CASAR, D., MAJORITY LEADER: REQ \$4,800.00 APPROP REDUCTION FR: 1001 601001 MEALS, LODGING, PLANE TO: GENERAL FUND. - FINANCE COMMITTEE
352. DEVELOPMENT DIRECTOR TORRES: AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO A LEASE AGMT W/STARK CNTY ED SVC CENTER FOR LEASE OF 2 CLASSROOMS LOCATED WITHIN THE EDWARD L "PEEL" COLEMAN COMMUNITY CENTER RETRO 9/1/09 - 6/30/10 AT THE RATED OF \$3,000.00/MONTH. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
353. DEVELOPMENT DIRECTOR TORRES: REQ \$749.23 SUPP APPROP TO YOUTH DEVELOPMENT DONATION FUND FOR DONATIONS REC'D TO PURCHASE SUPPLIES & EQUIPMENT FOR YOUTH DEV PROG. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
354. EGBERT, MARGRET, APPLICANT: APPLICATION FOR ALLEY VACATION OF SITES PL NE, LOCATED BETWEEN LOTS 1838 & 1831 FR: WALNUT ST NE TO: REX AVE NE. - PLANNING COMMISSION
355. FINANCE COMMITTEE: REQ PLAN FOR A REVENUE DRIVEN BALANCED BUDGET BY 9/2/09. - RECEIVED & FILED
356. FINANCE COMMITTEE: THANKING COURTS FOR RETURNING \$175,000.00 TO GENERAL FUND. - RECEIVED & FILED
357. HAWK, G., WARD 1 CNCL MBR: REQ TO PASS LEGISLATION REQUIRING PUBLIC BLDGS TO HAVE AUTOMATED EXTERNAL DEFIBRILLATORS ACCESSIBLE. - JUDICIARY COMMITTEE
358. HEALTH COMMISSIONER ADAMS: RECEIPT OF ASSESSMENT OF CANADA GEESE POPULATION. - RECEIVED & FILED
359. LAW DIRECTOR MARTUCCIO: REQ \$31,000.00 APPROP TRANS FR: 1001 753001 LAW DPT PERSONAL SERVS TO: 1001 753001 OTHER TO PAY OUTSTANDING BAL TO STARK CNTY PUB DEF. - FINANCE COMMITTEE
360. LAW DIRECTOR MARTUCCIO: REQ \$30,000.00 SUPP APPROP FR: UNAPPROP BAL OF 1105 POLICE SETTLEMENT FUND TO: 1105 753001 LAW DEPT. - FINANCE COMMITTEE

COMMUNICATIONS CONTINUED:

361. LIQUOR CONTROL DIVISION (OHIO): REQ TRANSFER OF C1 C2 LIQ PERMIT FROM ID ABBOU INC DBA HALL OF FAME MARKET TO HALL OF FAME FUEL MART INC @ 704 SHERRICK RD. - RECEIVED & FILED
362. LIQUOR CONTROL DIVISION (OHIO): REQ D2 D2X D3 STOCK LIQ PERMIT FOR KD CLUB MANAGEMENT INC DBA THE SPOT @ 2600 8TH ST NE & PATIO. - RECEIVED & FILED
363. MAYOR HEALY: REQ WAIVING THE RESIDENCY REQUIREMENT OF SECTION 737.01 OF ORC FOR APPT OF THOMAS REAM AS SAF DIR. - PERSONNEL COMMITTEE
364. PLANNING COMMISSION: RECOMMENDS APPROVAL OF PROPOSED RATE INCREASES CONCERNING ZONING DEPT FEES. - FINANCE & JUDICIARY COMMITTEES
365. PLANNING COMMISSION: RECOMMENDS APPROVAL TO VACATE SITES PL NE BETWEEN WALNUT & REX AVENUES & THE REPLAT OF PROPOSED VACATED SITES PL & LOTS 1836 - 1838 (CANTON YWCA). - JUDICIARY & PUBLIC SAFETY & THOROUGHFARES COMMITTEE
366. SERVICE DIRECTOR PRICE: REQ SUPP APPROP FR: 5201 UNAPPROP BAL TO COVER INCREASED COST & USAGE OF WATER TREATMENT CHEMICALS, BANK FEES, UTILITIES, EQUIPMENT MAINT & REPAIR, GRAVEL & ASPHALT (WATER DEPT); REQ SUPP APPROPS FROM 5410 & 5601 TO COVER ANNUAL BANK FEES (SEWER & SANITATION BILLING). - FINANCE COMMITTEE
367. SERVICE DIRECTOR PRICE: REQ \$228,747.15 FR: 2113 MUNI ROADS FUNDS - UNAPPROP BAL TO: 2113 - 202001 MUNI ROADS FUNDS - ENG ADMINISTRATION FOR CITY'S SHARE OF MILL ST BRIDGE W/COUNTY & CLEV AVE RESURFACING PROJ. - FINANCE COMMITTEE
368. SERVICE DIRECTOR PRICE: REQ IMPLEMENTATION OF VARIOUS COST SAVINGS WHICH INCLUDE VARIOUS APPROP REDUCTIONS, TRANSFERS & INTERFUND TRANSFERS (DMV FUEL). - FINANCE COMMITTEE
369. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS FILED AS OF 6/30/09. - RECEIVED & FILED
370. TREASURER SCHIRACK: RPT OF PAY INS TO AMBULANCE LOCK BOX ACCT FOR JULY, 2009. - RECEIVED & FILED
371. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR JULY, 2009. - RECEIVED & FILED
372. TREASURER SCHIRACK: RPT OF TREAS OFC BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF 7/31/09. - RECEIVED & FILED
373. WEST, T., WARD 2 CNCL MBR: REQ APPRAISAL, ACCEPT BIDS & OFFER FOR SALE PARCEL #02-85878 (10TH ST NE) AT PUBLIC AUCTION UNDER APPLICABLE OH LAW. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. AMEND SEC 139.01 OF TITLE FIVE - ADMIN CODE OF CODIFIED ORDINANCES (BOARDS & COMMISSIONS)
Referred to Judiciary Committee
- 1ST RDG 2. AMEND SEC 1701.01 OF PART SEVENTEEN - HEALTH CODE OF CODIFIED ORDINANCES (BOARDS & COMMISSIONS)
Referred to Judiciary Committee
- 1ST RDG 3. AUTHOR MAYOR &/OR SERV DIR TO ENTER INTO CONTRACT W/YWCA OF CANTON TO PROVIDE GRANT IN AMT NOT TO EXCEED \$100,000.00/YR FOR THREE YRS FOR 1ST PHASE OF GATEWAY HOUSE II PROJ; EMERGENCY
Referred to Community & Economic Development & Finance Committees
- 1ST RDG 4. SUSPEND ALL TRAVEL UNLESS RELATED TO MANDATORY CERTIFICATION, LICENSING OR LEGAL PROCEEDINGS; EMERGENCY
Referred to Finance Committee
- 1ST RDG 5. AMEND O#193/2008, AS AMENDED, BY MAKING \$769,000.00 SUPP APPROP FR: UNAPPROP BAL OF 6017 HEALTH & LIFE INS FUND TO: 6017 201001 SERV DIR ADMIN - PERSONNEL SVCS; EMERGENCY
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING CONTINUED:

- 1ST RDG 6. AMEND O#193/2008, AS AMENDED, BY MAKING APPROP TRANSFERS; EMERGENCY (HEALTH DEPT)
Referred to Finance Committee

(COUNCIL RECESSED @ 7:56 P.M. FOR COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE TO DISCUSS ADOPTION OF O#7; RECONVENED @ 7:58 P.M.)

- 140/2009 7. DECLARING 11 BLDGS TO BE PUB NUISANCES; AUTHORIZE SAF DIR TO ENTER INTO CONTRACT FOR DEMOS OF SAID BLDGS; AUTHORIZE CLERK OF COUNCIL TO CERTIFY COSTS OF DEMOS TO STARK CNTY AUDITOR; EMERGENCY
Referred to Community & Economic Development Committee

- 1ST RDG 8. AUTHORIZE SERV DIR TO ENTER INTO CHANGE ORDER #1 W/NL CONSTRUCTION CORP, INC IN AMT NOT TO EXCEED \$127,302.20 FOR ADDT'L COSTS RELATED TO CONST OF NEW COLLECTION SYSTEMS SVC CENTER & ADMIN BLDG; AMEND APPROP O#193/2008, BY MAKING SUPP APPROP; EMERGENCY
Referred to Finance Committee

COUNCIL RECESSED @ 8:00 P.M. FOR PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE TO DISCUSS ADOPTION OF O#9; RECONVENED @ 8:06 P.M.)

- 141/2009 9. AMEND O#193/2008, AS AMENDED, BY MAKING SUPP APPROPS; EMERGENCY (CAPITAL IMPROV FUND)
Referred to Public Property Capital Improvement Committee

- 1ST RDG 10. APPOINTING A BOARD OF EQUALIZATION TO HEAR OBJECTIONS TO THE PROPOSED ASSESSMENTS FOR FUNDING OF "PUBLIC SVC PLAN" AS ADOPTED BY DOWNTOWN SID & APPROVED BY COUNCIL ON 7/20/09; EMERGENCY
Referred to Judiciary Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:

(SUSPENDED RULE 22A TO ADD O#11 - O#16; O#15 ADOPTED)

- 2ND RDG 11. 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)
_____(JUD) **PUB HRG 8/3/09 @ 7:33 P.M.**
- 2ND RDG 12. AUTHORIZE LAW DIRECTOR TO ENTER INTO PROF SERV CONTRACT W/RICHARD REINBOLD; EMERGENCY (FIN)
- 2ND RDG 13. AUTHORIZE EDITING & INCLUSION OF CERTAIN ORDINANCES AS PARTS OF VARIOUS COMPONENT CODES OF CODIFIED ORDINANCES OF CANTON, OHIO; EMERGENCY (JUD)
- 2ND RDG 14. 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 (JUD)
- 142/2009 15. APPROV & ADOPT AN ALTERNATIVE METHOD FOR APPORTIONING FUNDING FOR SCOG FOR 2010 - 2019; AUTHORIZE MAYOR TO EXECUTE SAID AGMT; EMERGENCY (FIN)
- 2ND RDG 16. 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.**
_____(JUD)

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

- 143/2009 17. 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

AMENDED

- 144/2009 18. ORDINANCE CREATING CHAP 1128, WINDMILLS & WIND TURBINES, OF PART ELEVEN - PLANNING & ZONING CODE **PUB HRG 8/3/09 @ 7:30 P.M.**

- 145/2009 19. APPROV & ACCEPT REPLAT OF LOTS 36333, 36328, & 36329; EMERGENCY (WEST OF HARRISON AVE ON 34TH ST NW)

- 146/2009 20. APPROV & ACCEPT REPLAT OF PARTS OF OUT LOTS 306, 307, 308, & 309; EMERGENCY (GATEWAY BLVD SE)

REFERRED BACK

- TO CMTE 21. AMEND SECTION 105.10, PROFESSIONAL OR PERSONAL SERVICES CONTRACTS, OF CODIFIED ORDINANCES

REFERRED BACK

- TO CMTE 22. AMEND SECTION 353.03, TIME LIMIT METERED ZONES; NOTICE; HRS OF OPERATION OF PART THREE - TRAFFIC CODE

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

- 147/2009** 23. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING \$45,000.00 APPROP TRANSFER; EMERGENCY (LEAD ASSESSMENT FUND/HEALTH DEPT)
- 148/2009** 24. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING \$20,000.00 APPROP TRANSFER; EMERGENCY (WORKERS' COMP RETRO FUND)
- AMENDED**
- 149/2009** 25. ADOPT CITY OF CANTON'S ALTERNATIVE TAX BUDGET FOR FISCAL YR ENDING 12/31/10; EMERGENCY
- 150/2009** 26. AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS, & ENTER INTO CONTRACT FOR LEASE OF SPACE LOCATED @ 215 W TUSCARAWAS ST; EMERGENCY
- 151/2009** 27. 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

ANNOUNCEMENT OF COMMITTEE MEETINGS:**MONDAY, AUGUST 31, 2009 in Council Caucus @ 6:00 P.M.**

- 1) Finance Committee
- 2) Community & Economic Development Committee
- 3) Judiciary Committee

PUBLIC SPEAKS: Patricia Kirk re: Stating that only 1% of our water is drinkable and we are polluting it and rain gardens are preferred over water retention ponds. Advising that on Thursday August 27, 2009 @ 6:30 at Church of the Savior Shake a Leaf will have information on the two subjects and Malia Watkins from Stark Regional Planning Commission will give a presentation on what we can do about this; Angela Mitchell re: Thanking Member Barton for his assistance with the stray cat issue in her neighborhood beside Deville Apartments and stating that the Animal Control Officer has been very helpful. Also she tried to contact Deville to try to rectify the problem but they have not been respondent and she believes that they should be held accountable; Harold Friedman re: Asking the Mayor to approach the President or Congressman Bocchieri for help for the safety of our City since our fire stations are being shut down; James Williams re: Stating that he was asked by senior citizens in his area to speak about the fire stations closing. Also read affidavits from the neighbors about the benefits of having the fire station near by; Rosario Carcione re: Expressing his belief that his fellow fire fighters and the residents of the City of Canton are not safe due to the fact that the Mayor chose to lay off 15 fire fighters before laying off any seasonal or part time employees. Since the layoffs on Friday, the fire department has been running with at least three engines and one medic unit closed. Advising that the authorized strength of the fire department is 203 fire fighters and right now the City is 47 fire fighters short, which places the City's residence and fire fighters in danger. Urging the Mayor and Council to bring the 15 fire fighters back and keep our residents safe.

MISCELLANEOUS BUSINESS: Member Cirelli, Mayor Healy, Safety Director Ream, President Schulman, Member Smuckler Member Hawk, Law Director Martuccio and Member West all discussing the lay offs of the 15 fire fighters and budgetary issues.

ADJOURNMENT: 9:35 P.M.

HE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, AUGUST 31, 2009 @ 7:30 PM