

FINAL
A G E N D A
7:30 PM

CANTON CITY COUNCIL

AUGUST 31, 2009

**** SWEARING-IN OF NEW WARD 9 COUNCIL MEMBER BRIAN HORNER**

TITLE & NAME:
Ward 9 Council Member
Brian Horner

HOLDING THE BIBLE:
Cynthia Timberlake

SWORN-IN BY:
Phil Giavasis
Clerk of Courts

ROLL CALL: Nine Members Present (Casar, Prater and Barton Absent)

INVOCATION: Chris Smith, Ward 4 Council Member

PLEDGE OF ALLEGIANCE: Led by President Allen Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 1st Rdg O#13 and 2nd Rdg O#17 - O#21; O#14, O#15 & O#16 Retained in Committee; O#13 Adopted on 1st Rdg)

PUBLIC HEARINGS:

7:30 PM 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 TO REZONE FROM I-1 (LIGHT INDUSTRIAL) AND R-1a (SINGLE FAMILY RESIDENTIAL) TO PI-2 (PLANNED HEAVY INDUSTRIAL; WARD 6 (CENTRAL ALLIED) **O#157/2009**

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

INFORMAL RESOLUTIONS:

- ASS'T MAJORITY LEADER DAVID DOUGHERTY: EXCUSING MEMBERS. (MEMBERS CASAR, PRATER & BARTON)
42. CIRELLI, M., CNCL-AT-LARGE: **REFERRED TO JUDICIARY CMTE 7/20/09** REQ ALL CITY ELECTED OFFICIALS PROVIDE COPY OF ANNUAL OHIO ETHICS COMMISSION FINANCIAL DISCLOSURE STATEMENTS TO CLERK OF COUNCIL. - ADOPTED AS AMENDED
43. CIRELLI, M., CNL-AT-LARGE: **REFERRED TO JUDICIARY CMTE 7/20/09** REQ ALL CITY ELECTED OFFICIALS PROVIDE COPY OF CAMPAIGN CONTRIBUTIONS & EXPENSES RPT TO CLERK OF COUNCIL. - DEFEATED
48. SMUCKLER, B., CNL-AT-LARGE: SUPPORTING JOB RETENTION IN CANTON, OHIO. - ADOPTED

COMMUNICATIONS:

374. AUDITOR MALLONN: CERT OF AMT FROM ALL SOURCES FOR 2009. - RECEIVED & FILED
375. COMPLIANCE DIRECTOR SMITH: INVITING CNCL MEMBERS TO ATTEND SEMINAR PRESENTED BY OH ETHICS COMM ENTITLED "CAN I DO THAT?" ON 9/9/09 FROM 9:00 - 11:00 AM AT THE EDWARD "PEEL" COLEMAN CENTER. - RECEIVED & FILED
376. COURT ADMINISTRATOR KOCHERA: AUTHORIZE SERV DIR TO ENTER INTO PROF SVCS CONTRACT W/JOHN PATRICK PICARD ARCHITECTS, INC FOR ARCHITECTURAL & ENGINEERING SVCS FOR THE MUNI COURT EXPANSION PROJ IN AN AMT NOT TO EXCEED \$136,000.00; AUTHORIZE SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR CONSTRUCTION OF MUNI COURT EXPANSION PROJ; AUTHORIZE \$1,400,000.00 APPROP TRANSFER TO ACCOMMODATE THE ARCHITECTURAL, ENGINEERING & CONSTRUCTION COSTS FOR THIS PROJ. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
377. DEVELOPMENT DIRECTOR TORRES: ESTABLISH FAIR MKT VALUE OF PARCEL OF REAL PROP & AUTHORIZING DISPOSITION OF SAID PROP (PARCEL #02-01642 ON BROWN AVE NW TO FRANK CILONA). - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE
378. DEVELOPMENT DIRECTOR TORRES: REQ AMENDMENT TO O#172/2008 TO CHANGE GRANT AWARD AMT FROM \$3,648,562.00 TO \$3,678,562.00; REQ \$520,000.00 SUPP APPROP FR: UNAPP 2112 506009 HUD NEIGHBORHOOD STABILIZATION 2009 STIMULUS FUND TO 2212 506009 HUD NEIGHBORHOOD STABILIZATION 2009 STIMULUS FUND - OTHER. - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES
379. DEVELOPMENT DIRECTOR TORRES: REQ \$23,000.00 APPROP TRANSFER FR: 2211 506009 COMM DEV 2009 STIMULUS FUND - OTHER TO 2211 506009 COMM DEV 2009 STIMULUS FUND - PERSONNEL (YOUTH DEV SALARIES FOR REMAINDER OF 2009; REQ \$3,000.00 APPROP TRANSFER FR: 2211 501601 YOUTH DEV ADMIN - PERSONNEL TO 2211 505001 COMPLIANCE ADMIN - PERSONNEL (COMPLIANCE DEPT SALARIES FOR REMAINDER OF 2009). - COMMUNITY & ECONOMIC DEVELOPMENT & FINANCE COMMITTEES

COMMUNICATIONS CONTINUED:

380. FINANCE DIRECTOR ALGER: AUTHORIZE \$300,000.00 SUPP APPROP FROM UNAPP BAL OF TICKETMASTER FUND TO 7505 203001 CIVIC CENTER - ADMIN TO COVER FUTURE EXPENSES FOR CIVIC CENTER SHOWS THIS FALL. - FINANCE COMMITTEE
381. FINANCE DIRECTOR ALGER: AUTHORIZE VARIOUS APPROP REDUCTION, APPROP TRANSFERS, SUPP APPROP & INTERFUND TRANSFERS. - FINANCE COMMITTEE
382. FRIEDL, E., APPLICANT: APPLICATION TO VACATE A PORTION OF BORS CT SW & LINDENSMITH CT SW FOR CONSTRUCTION OF AN EMPLOYEE PARKING LOT OF 101 SPACES. - PLANNING COMMISSION
383. MAJORITY LEADER DON CASAR: APPOINTING COUNCIL MEMBER JAMES GRIFFIN TO CANTON COMMUNITY IMPROVEMENT CORPORATION (CCIC). - PERSONNEL COMMITTEE
384. MAYOR HEALY: AUTHORIZE REAPPTS OF REV RONALD KLINGER, REV DAVID MORGAN, JOEL OWENS & MIKE WILLIAMS TO HOUSING ADVISORY BD FOR 2 YR TERMS. - PERSONNEL COMMITTEE
385. MAYOR HEALY: AUTHORIZE REAPPT OF AMY SHRIVER DREUSSI TO STARK COUNTY REGIONAL PLANNING COMMISSION FOR 3 YR TERM. - PERSONNEL COMMITTEE
386. MAYOR HEALY: PROVIDING INFO FOR CONTINUATION OF FRINGE BENEFITS FOR FULL-TIME EMPLOYEES OF CITY WHOSE HOURS HAVE BEEN REDUCED DUE TO FISCAL NECESSITY (FURLOUGH). - PERSONNEL & FINANCE COMMITTEES
387. SAFETY DIRECTOR REAM: AUTHORIZE SAF DIR TO REC & APPROP VARIOUS GRANTS. - FINANCE COMMITTEE
388. SAFETY DIRECTOR REAM: AUTHORIZE VARIOUS SUPP APPROPS (FED FORFEITURE FUND & LAW ENFORCEMENT TRUST FUND FOR POLICE DEPT OVERTIME). - FINANCE COMMITTEE
389. SENATOR KIRK SCHURING: RECEIPT OF LETTER TO POSTMASTER GENERAL REQUESTING RECONSIDERATION DECISION TO CLOSE DUEBER AVE, NORTH INDUSTRY & EAST CANTON POST OFFICE. - RECEIVED & FILED
390. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR AND/OR SERV DIR TO DESIGNATE THE MAHONING RD ECONOMIC DEV PROJ AS A 1ST PRIORITY PROJ FOR 2009 OPWC FUNDING & TO APPLY FOR, ENTER INTO AN AGMT & ACCEPT FUNDS FOR THE 2009 PROG YR FROM OH PUB WORKS COMM. - FINANCE & PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEES
391. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS FILED AS OF 7/31/09. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. PROVIDE FOR ISSUANCE & SALE OF BONDS IN MAX PRINCIPLE AMT OF \$4,900,000.00 FOR PURPOSE OF REFUNDING AT A LOWER INTEREST COST CERTAIN OF THE CITY'S OUTSTANDING VARIOUS PURPOSE IMPROVEMENT BONDS, SERIES 1999, DATED AS OF 4/1/99 & STATED TO MATURE ON 12/1 IN YRS 2009 - 2012 & 2018; EMERGENCY
Referred to Finance Committee
- 1ST RDG 2. PROVIDE FOR ISSUANCE & SALE OF BONDS IN MAX PRINCIPLE AMT OF \$4,500,000.00 FOR PURPOSE OF REFUNDING AT A LOWER INTEREST COST CERTAIN OF THE CITY'S OUTSTANDING PENSION REFUNDING BONDS, SERIES 1998, DATED 12/1/98 & STATED TO MATURE ON 12/1 IN YRS 2009 - 2012 & 2018 WHICH WERE ISSUED FOR PURPOSE OF REFUNDING OBLIGATION OF CITY TO OH POLICE & FIREMAN'S DISABILITY & PENSION FUND FOR EMPLOYER'S ACCRUED LIABILITY; EMERGENCY
Referred to Finance Committee
- 1ST RDG 3. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING \$4,800.00 APPROP REDUCTION FROM 1001 601001 COUNCIL - OTHER TO UNAPP BAL 1001 GENERAL FUND; EMERGENCY (TRAVEL)
Referred to Finance Committee
- 1ST RDG 4. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO A LEASE AGMT W/STARK CNTY EDUCATION SVC CENTER; EMERGENCY (2 CLASSROOMS IN EDWARD L "PEEL" COLEMAN COMM CENTER)
Referred to Community & Economic Development & Finance Committees
- 1ST RDG 5. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING \$749.23 SUPP APPROP FROM UNAPP BAL OF 2656 YOUTH DEV DONATION FUND TO 2656 YOUTH DEV FUND - OTHER; EMERGENCY
Referred to Community & Economic Development & Finance Committees

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING CONTINUED:

- 1ST RDG 6. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING \$31,000.00 APPROP TRANSFER FROM 1001 753001 LAW DEPT PERSONAL SVCS TO 1001 753001 LAW DEPT - OTHER; EMERGENCY
Referred to Finance Committee
- 1ST RDG 7. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING \$30,000.00 SUPP APPROP FROM UNAPPROP BAL OF THE 1105 POLICE SETTLEMENT FUND TO 1105 753001 LAW DEPT - OTHER; EMERGENCY
Referred to Finance Committee
- 1ST RDG 8. WAIVING THE RESIDENCY REQUIREMENT OF SECTION 737.01 OF O.R.C. FOR THE DIR OF PUBLIC SAFETY
Referred to Personnel Committee
- 1ST RDG 9. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING VARIOUS SUPP APPROPS; EMERGENCY (WATER DEPT)
Referred to Finance Committee
- 1ST RDG 10. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING \$228,747.15 SUPP APPROP FROM UNAPP BAL OF 2113 MUNICIPAL RD FUND TO 2113 202001 ENG ADMIN - OTHER; EMERGENCY
Referred to Finance Committee
- 1ST RDG 11. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING VARIOUS APPROP REDUCTIONS, APPROP TRANSFERS, SUPP APPROP & INTERFUND TRANSFERS (DMV)
Referred to Finance Committee
- 1ST RDG 12. AUTHORIZE SERV DIR TO CONDUCT AN APPRAISAL & ADVERTISE, REC BIDS & SELL A PROP OWNED BY THE CITY PURSUANT TO ORC SEC 721.03; EMERGENCY (PARCEL #02-85878, 10TH ST NE)
Referred to Community & Economic Development Committee

(COUNCIL RECESSED @ 7:53 P.M. FOR PERSONNEL & FINANCE COMMITTEES TO DISCUSS ADOPTION OF O#13; RECONVENED @ 8:10 P.M.)

- 152/2009 13. PROVIDE INFO FOR FRINGE BENEFITS FOR FULL-TIME EMPLOYEES OF CITY WHOSE HOURS HAVE BEEN REDUCED DUE TO FISCAL NECESSITY; EMERGENCY
Referred to Personnel & Finance Committees

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:

(SUSPENDED RULE 22A TO ADD O#17 - O#21; O#14, O#15 & O#16 RETAINED IN CMTE)

RETAINED

- IN CMTE 14. AMEND SEC 139.01 OF TITLE FIVE - ADMIN CODE OF CODIFIED ORDINANCES (BOARDS & COMMISSIONS) (JUD)

RETAINED

- IN CMTE 15. AMEND SEC 1701.01 OF PART SEVENTEEN - HEALTH CODE OF CODIFIED ORDINANCES (BOARDS & COMMISSIONS) (JUD)

RETAINED

- IN CMTE 16. 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 (C&ED & FIN)

- 2ND RDG 17. SUSPEND ALL TRAVEL UNLESS RELATED TO MANDATORY CERTIFICATION, LICENSING OR LEGAL PROCEEDINGS; EMERGENCY (FIN)

- 2ND RDG 18. 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 (FIN)

- 2ND RDG 19. AMEND O#193/2008, AS AMENDED, BY MAKING APPROP TRANSFERS; EMERGENCY (HEALTH DEPT) (FIN)

- 2ND RDG 20. 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 (FIN)

- 2ND RDG 21. 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 (JUD)

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

- 153/2009 22. 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.

- 154/2009 23. AUTHORIZE LAW DIRECTOR TO ENTER INTO PROF SERV CONTRACT W/RICHARD REINBOLD; EMERGENCY

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

- 155/2009** 24. AUTHORIZE EDITING & INCLUSION OF CERTAIN ORDINANCES AS PARTS OF VARIOUS COMPONENT CODES OF CODIFIED ORDINANCES OF CANTON, OHIO; EMERGENCY
- 156/2009** 25. 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
- 157/2009** 26. 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.**

ANNOUNCEMENT OF COMMITTEE MEETINGS:**MONDAY, SEPTEMBER 14, 2009 in Council Caucus @ 6:15 P.M.**

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

PUBLIC SPEAKS: Tom Meister re: Is a member of the Harter Heights Area Neighborhood Association and was asked to speak on behalf of the Association. Over the summer and in the past, they held a landscape competition to encourage residents to maintain their properties. Believes this was a success and wants to encourage other neighborhood associations to do the same; Patricia Kirk re: Brought a tree cage that was found when a tree was dug in the City up by an arborist. Asking where the picnic tables are that were on the Kresge lot; Gloria Talarico re: Is a part of the Mayor's Literacy Commission. Advising that the Commission mans a samaritan's table that is housed at St. John's Church where they feed and help between 400 and 600 people every Thursday; Heather Curtice re: Discussing problem with easement and shared drive on Lawn Ave SW.

MISCELLANEOUS BUSINESS: Member West re: Advising Patricia Kirk that he believes the Arcardia has some of the picnic tables that were being used for a fund raiser and will make certain that they get returned. Also asking if the City has a tree advisory committee; Law Director Martuccio re: Advising Member West that we have a tree Ordinance but it does not go as far as the model tree Ordinance that was worked on for awhile, which would include an actual tree commission; Member Kraus re: Wanted the record to show that the President of the OUR Group is Linda Poole. Also asking the Mayor or Safety Director to give an update on the cadet firemen that were laid off and the closing of the fire stations; Safety Director Ream re: Advising that they will be meeting with the fire fighter's Union Representatives on Thursday at 11:00 AM; Member Kraus re: Believes that there should be a meeting to look at possibly passing the closing of the Fire Stations around instead of one being closed more than others; President Schulman re: Discussing his recent question about raising the City Income Tax.

ADJOURNMENT: 8:45 PM
