

FINAL
A G E N D A
7:30 PM

CANTON CITY COUNCIL

SEPTEMBER 21, 2009

ROLL CALL: All Members Present

INVOCATION: Patrick Barton, Ward 7 Council Member

PLEDGE OF ALLEGIANCE: Led by President Allen Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 1st Rdg O#3 & O#6, 2nd Rdg O#14 - O#25, O#3 & O#6 Adopted on 1st Rdg, O#26 Postponed until 9/28/09)

PUBLIC HEARINGS: (None)

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

INFORMAL RESOLUTIONS:

MAJORITY LEADER DON CASAR:

EXCUSING MEMBERS. (Not necessary)

55. PERSONNEL COMMITTEE:

REQ CONFIRMATION OF RE-APPT OF CESAR VANDERPOOL, JR. TO THE FAIR HOUSING COMMISSION COMMENCING 9/1/09 - 8/31/14. - ADOPTED

COMMUNICATIONS:

421. FINANCE DIRECTOR ALGER:

REQ \$1,151,591.81 SUPP APPROP FROM UNAPP BAL OF 6017 HEALTH & LIFE INS FUND TO 6017 20-10-01 SERV DIR ADMIN PERSONNEL SVC TO PAY FOR MED & PRES CLAIMS. - FINANCE COMMITTEE

422. HEALTH COMMISSION ADAMS:

REQ \$370,000.00 SUPP APPROP FROM UNAPPROP 2328 PUBLIC HEALTH INFRASTRUCTURE FUND TO 2328 PUBLIC HEALTH INFRASTRUCTURE FUND. - FINANCE COMMITTEE

423. HEALTH COMMISSION ADAMS:

REQ \$2,771.81 APPROP TRANSFER FROM 2354 SOLID WASTE - OTHER TO 2354 SOLID WASTE - PERSONNEL. - FINANCE COMMITTEE

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

1ST RDG 1. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING APPROP REDUCTIONS & APPROP TRANSFER; EMERGENCY (AUDITOR)
Referred to Finance Committee

1ST RDG 2. AUTHORIZE CITY OF CANTON TO ACCEPT DONATION OF REAL PROPERTY FROM SAMUEL J MAZE (PARCEL #02-10421 ON GLENDALE PL NE)
Referred to Community & Economic Development Committee

(COUNCIL RECESSED @ 7:38 P.M. FOR FINANCE COMMITTEE TO DISCUSS ADOPTION OF O#3; RECONVENED @ 7:39 P.M.)

163/2009 3. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING \$61,000.00 APPROP TRANSFER; EMERGENCY (HEALTH DEPT)
Referred to Finance Committee

1ST RDG 4. VACATE LINDESMITH CT SW & PORTION OF BORS CT SW; APPROVE & ACCEPT REPLAT OF LOTS #15757, 15759 - 15766, PART OF LOT #15756 & THE TWO VACATED PORTIONS; EMERGENCY (AULTMAN)
Referred to Public Safety & Thoroughfares Committee **PUB HRG 10/19/09 @ 7:30 PM**

1ST RDG 5. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING \$200,000.00 APPROP TRANSFER FROM 2760 101001 FED FORFEITURE FUND - OTHER TO 2760 102000 FED FORFEITURE FUND - OTHER; EMERGENCY
Referred to Judiciary & Finance Committees

(COUNCIL RECESSED @ 7:42 P.M. FOR COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE TO DISCUSS ADOPTION OF O#6; RECONVENED @ 7:49 P.M.)

164/2009 6. DECLARING 29 BLDGS TO BE PUBLIC NUISANCES; AUTHORIZE 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 7. AUTHORIZE SAF DIR TO ACCEPT GRANT FROM COPS HIRING RECOVERY PROG IN AMT NOT TO EXCEED \$1,412,392.00; EMERGENCY
Referred to Finance Committee

1ST RDG 8. AUTHORIZE SAF DIR TO ACCEPT GRANT FROM 2009 EDWARD BYRNE MEMORIAL RECOVERY ACT COMPETITIVE GRANT IN AMT NOT TO EXCEED \$112,500.50; EMERGENCY
Referred to Finance Committee

1ST RDG 9. AUTHORIZE SAF DIR TO ACCEPT GRANT FROM 2009 EDWARD BYRNE RECOVERY ACT GRANT LOCAL SOLICITATION IN AMT NOT TO EXCEED \$233,999.20; AMEND O#193/2008; AUTHORIZE AUDITOR TO ESTABLISH 2774 BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT 2009 FUND; EMERGENCY
Referred to Finance Committee

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING CONTINUED:

- 1ST RDG 10. AUTHORIZE SAF DIR TO ACCEPT GRANT FROM 2009 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT REGULAR SOLICITATION IN AMT NOT TO EXCEED \$157,112.20; EMERGENCY
Referred to Finance Committee
- 1ST RDG 11. AUTHORIZE SAF DIR TO ACCEPT GRANT FROM 2009 EDWARD BYRNE RECOVERY ACT JUSTICE ASSISTANCE GRANT IN AMT NOT TO EXCEED \$166,111.00; EMERGENCY
Referred to Finance Committee
- 1ST RDG 12. AMEND PART NINE - STREETS, UTILITIES & PUBLIC SVCS CODE, OF CODIFIED ORDINANCES (TO COMPLY W/NAT'L POLLUTANT DISCHARGE ELIMINATION SYSTEM)
Referred to Environmental & Public Utilities Committee
- 1ST RDG 13. AUTHORIZE CLERK OF COUNCIL TO CERTIFY TO COUNTY AUDITOR UNPAID & DELINQUENT CHRGS FOR WATER &/OR SEWER SVCS; EMERGENCY
Referred to Environmental & Public Utilities Committee

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**(SUSPENDED RULE 22A TO ADD O#14 - O#25)**

- 2ND RDG 14. AMEND SEC 975.07, LOCATION OF WASTE FOR PICKUP, OF CHAPTER 975, SOLID WASTE MGMT SYSTEM, OF THE CODIFIED ORDINANCES (JUD)
- 2ND RDG 15. AMEND VARIOUS CHAPTERS OF PART ELEVEN, PLANNING & ZONING CODE, OF THE CODIFIED ORDINANCES (FEE CHANGES) (FIN & JUD) **PUB HRG: 9/28/09 @ 7:31 PM**
- 2ND RDG 16. VACATING A PORTION OF SITES PL NE; APPROVE & ACCEPT REPLAT OF LOTS NOS 1836 - 1838 AND PART OF SITES PL NE; EMERGENCY (YWCA) (PS&T) **PUB HRG: 9/28/09 @ 7:30 PM**
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- 2ND RDG 17. AUTHORIZE SERV DIR TO ENTER INTO A PROF SVCS AGMT W/JOHN PATRICK PICARD ARCHITECTS, INC IN AMT NOT TO EXCEED \$136,000.00 FOR ARCHITECTURAL & ENGINEERING SVCS & TO ADVERTISE, REC BIDS & ENTER INTO CONTRACT FOR THE CONSTRUCTION OF THE MUNI COURT EXPANSION PROJ; AMEND APPROP O#193/2008, AS AMENDED; EMERGENCY__ (PPCI)
- 2ND RDG 18. ESTABLISH FAIR MKT VALUE OF ONE PARCEL OF CITY-OWNED PROP; AUTHORIZE SALE AND CONVEYANCE OF SAID PROP PURSUANT TO CITY'S RES LAND DISPOSITION PROG; EMERGENCY (PARCEL #02-01642, ON BROWN AVE NW, FRANK CILONA) (C&ED)
- 2ND RDG 19. AMEND O#172/2008; EMERGENCY (CHANGE NEIGHBORHOOD STABILIZATION GRANT AWARD TO \$3,678,562.00) (C&ED & FIN)
- 2ND RDG 20. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING \$520,000.00 SUPP APPROP FROM UNAPP BAL OF 2212 HUD NEIGHBORHOOD STAB 2009 STIMULUS FUND TO 2212 506009 HUD NEIGHBORHOOD STAB 2009 STIMULUS FUND - OTHER; EMERGENCY (C&ED & FIN)
- 2ND RDG 21. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING \$23,000.00 APPROP TRANSFER FROM 2211 506009 COMM DEV 2009 STIMULUS FUND - OTHER TO 2211 506009 COMM DEV 2009 STIMULUS FUND - PERSONNEL; EMERGENCY (C&ED & FIN)
- 2ND RDG 22. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING \$3,000.00 APPROP TRANSFER FROM 2211 501601 YOUTH DEV ADMIN - PERSONNEL TO 2211 505001 COMPLIANCE ADMIN - PERSONNEL; EMERGENCY (C&ED & FIN)
- 2ND RDG 23. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING \$300,000.00 SUPP APPROP FROM UNAPP BAL OF 7505 TICKETMASTER FUND TO 7505 203001 CIVIC CENTER - ADMIN - OTHER; EMERGENCY (FIN)
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- 2ND RDG 24. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING VARIOUS APPROP REDUCTIONS, APPROP TRANSFERS, SUPP APPROP & INTERFUND TRANSFERS; EMERGENCY (FIN)
- 2ND RDG 25. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING VARIOUS SUPP APPROPS; EMERGENCY (FED FORFEITURE FUND & LAW ENFORCEMENT TRUST FUND FOR POLICE DEPT) (FIN)

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

- 9/28/09 26. **POSTPONED FROM 9/14/09** SUSPEND ALL TRAVEL UNLESS RELATED TO MANDATORY CERTIFICATION, LICENSING OR LEGAL PROCEEDINGS; EMERGENCY
- 165/2009 27. AMEND SEC 139.01 OF TITLE FIVE - ADMIN CODE OF CODIFIED ORDINANCE (BOARDS & COMMISSIONS)
- 166/2009 28. AMEND SEC 1701.01 OF PART SEVENTEEN - HEALTH CODE OF CODIFIED ORDINANCES (BOARDS & COMMISSIONS)
- 167/2009 29. AUTHORIZE 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

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

- 168/2009** 30. 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
- 169/2009** 31. 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
- 170/2009** 32. 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)
- 171/2009** 33. 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)
- 172/2009** 34. 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
- 173/2009** 35. 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
- 174/2009** 36. 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
- 175/2009** 37. WAIVING THE RESIDENCY REQUIREMENT OF SECTION 737.01 OF O.R.C. FOR THE DIR OF PUBLIC SAFETY
- 176/2009** 38. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING VARIOUS SUPP APPROPS; EMERGENCY (WATER DEPT)
- 177/2009** 39. 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
- 178/2009** 40. AMEND APPROP O#193/2008, AS AMENDED, BY MAKING VARIOUS APPROP REDUCTIONS, APPROP TRANSFERS, SUPP APPROP & INTERFUND TRANSFERS (DMV)
- 179/2009** 41. 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)

ANNOUNCEMENT OF COMMITTEE MEETINGS:**MONDAY, SEPTEMBER 28, 2009 in Council Caucus @ 6:15 P.M.**

- 1) Finance Committee
- 2) Community & Economic Development Committee
- 3) Public Safety & Thoroughfares Committee
- 4) Environmental & Public Utilities Committee
- 5) Judiciary Committee

PUBLIC SPEAKS: Patricia Kirk speaking in regards to global warming and the additional rain in the late spring over the last couple of years. Shake-a-Leaf will be sponsoring a presentation on Global Warming on Thursday 9/24/09 at the Church of the Savior to inform all that the warming effects are here in the present, not part of the future. David Rood discussed the financial situation of our city with cut backs and possible increase in income taxes but feels the administration should put more effort into obtaining money from the Canton Legends for their use of the Civic Center. He also spoke regarding the Mayor and the ethics seminar attended by department heads.

MISCELLANEOUS BUSINESS: Director Price stating that he was the person within the administration that made the decision regarding the Canton Legends and the existing contract with a no rent clause through the 2010 season and did announce that if a paying customer came forward wanting to use the facility that the Legends contract would be re-evaluated. Mayor Healy has had monitoring of campaign funds and contributions and these do not fall under any ethics policies and are all used purely to run a political campaign. He feels that comments should not be made based on lack of knowledge. Member West announcing the Judiciary Committee meeting for 6:15 next week. Member Cirelli asked the Clerk to explain the new process of scanning Ordinances to send via email rather than making the hard copies and using the paper and labor for this task. Law Director Martuccio requesting a reconsideration of Ordinance #28 to correct a typographical error of an additional 'a'.

ADJOURNMENT: 9:00 P.M.