

FINAL
A G E N D A
7:30 PM

CANTON CITY COUNCIL

DECEMBER 07, 2009

ROLL CALL: All Council Members Present

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& CHANGES: (Suspended Rule 22A to add 1st Rdg O#5 and 2nd Rdg O#8- O#10; O#5 Adopted on 1st Rdg; C#504, C#509, C#510 Withdrawn)

PUBLIC HEARINGS:

7:30 P.M. 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 R-1a (SINGLE FAMILY RESIDENTIAL TO PR-2 PLANNED TWO FAMILY; WARD 4 (JOSEPH & DEBORAH LAW) **O#235/2009**

7:31 P.M. AN ORDINANCE AMENDING SECTION 1157.02, PERMITTED USES, OF THE CODIFIED ORDINANCES OF THE CITY OF CANTON; PLANNING COMMISSION RECOMMENDED APPROVAL (TRUCK TERMINALS) **O#236/2009**

PUBLIC SPEAKS (ORDINANCES OR RESOLUTIONS FOR ADOPTION ONLY): Daniel Fonte re: Expressing his dislike of the angled parking in Downtown area.

INFORMAL RESOLUTIONS:

MAJORITY LEADER DON CASAR:

EXCUSING MEMBERS. (Not necessary)

60. CASAR, D, CNCL-AT-LARGE & COUNCIL-AS-A- WHOLE:

DIRECTING SAF DIR & PARKING MGMT DIV TO RESTORE PARALLEL PARKING OR IMPLEMENT ANGLE PARKING IN WHICH THE DRIVER DRIVES FORWARD INTO AN ANGLED PARKING SPACE UPON ALL CANTON CITY STREETS WHERE "BACK IN" PARKING IS IMPLEMENTED BY 7/1/10. - ADOPTED

61. COUNCIL-AS-A-WHOLE:

REQ US SENATORS VOINOVICH & BROWN INFLUENCE CMS TO GRANT OH PROVIDER TAX WAIVER REQUEST FOR NURSING HOMES. - ADOPTED

62. COUNCIL-AS-A-WHOLE:

OPPOSING CLOSURE OF STARK COUNTY DISTRICT LIBRARY COMMUNITY CENTER. - ADOPTED

COMMUNICATIONS:

500. AUDITOR MALLONN:

MONTHLY RPT BY FUND FR: 11/1/09 - 11/30/09. - RECEIVED & FILED

501. AUDITOR MALLONN:

YRLY RPT BY FUND FR: 1/1/09 - 11/30/09. - RECEIVED & FILED

502. AUDITOR MALLONN:

CERTIFICATE OF TOTAL AMT FROM ALL SOURCES FOR 2009. - RECEIVED & FILED

503. COUNCIL CLERK TIMBERLAKE:

ADVISING ALL COUNCILMEMBERS & ORIGINATORS OF 2008-2009 TERM LEGISLATION THAT PURSUANT TO COUNCIL RULE 29 ANY ORDINANCE REMAINING UNREPORTED OUT OF COMMITTEE AT THE CONCLUSION OF A TERM SHALL REQUIRE RE-SUBMISSION TO THE NEXT TERM OF COUNCIL. - RECEIVED & FILED

504. DEVELOPMENT DEPUTY DIR WEST:

AUTHORIZE MAYOR &/OR SERV DIR TO PURCHASE & DEPOSE OF PROP @ 902 CHERRY AVE NE UNDER THE NEIGHBORHOOD STAB PROG IN AMT NOT TO EXCEED \$60,000.00. - **WITHDRAWN**

505. DEVELOPMENT DEPUTY DIR WEST:

AUTHORIZE MAYOR &/OR SERV DIR TO PURCHASE & DEPOSE OF PROP @ 1911 TUSCARAWAS ST, W UNDER THE NEIGHBORHOOD STAB PROG IN AMT NOT TO EXCEED \$30,000.00. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

506. DEVELOPMENT DIRECTOR TORRES:

AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO AGMT W/MEDLINE INDUSTRIES, INC FOR ECONOMIC GROWTH INITIATIVE. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

507. PLANNING COMMISSION:

RECOMMENDING APPROVAL OF REPLAT OF OUT LOTS 1306 & 1307 IN MILLS IND PARK (GBC DESIGN). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

508. PLANNING COMMISSION:

RECOMMENDING APPROVAL OF REPLAT OF ALL OF LOT 42587 & PART OF LOT 37251 & THE DEDICATION OF PART OF HARMONT AVE (EAST ACROSS HARMONT AVE FROM WAL MART STORE - BAYER BECKER). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE

509. PLANNING COMMISSION:

RECOMMENDING APPROVAL OF PROPOSED ZONE CHANGE @ 1658 SUPERIOR AVE NE (LOTS 10475 - 10477) FR: R-1a (SINGLE FAMILY RESIDENTIAL TO: PR-2 (PLANNED TWO FAMILY RESIDENTIAL) FOR TRANSITIONAL HOUSING SPACE FOR WOMEN (FAMILY CHRISTIAN CENTER). - **WITHDRAWN**

COMMUNICATIONS CONTINUED:

510. PLANNING COMMISSION: RECOMMENDING DENIAL OF PROPOSED ZONE CHANGE @ 1639 MAPLE AVE NE (LOT #9126) FR: R-1a (SINGLE FAMILY RESIDENTIAL TO: PB-3 (PLANNED GENERAL BUSINESS) (MUNIR RASDAN). - **WITHDRAWN**
511. TREASURER SCHIRACK: RPT OF DEPOSITS & PAY INS TO AMBULANCE LOCK BOX ACCT FOR NOV 2009. - RECEIVED & FILED
512. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR NOV 2009. - RECEIVED & FILED
513. TREASURER SCHIRACK: RPT OF TREAS OFC BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF 11/30/09. - RECEIVED & FILED
514. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIPTS AS OF 11/30/09. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. AMEND TITLE FIVE - ADDT'L PUBLIC SVCS TO PART NINE - STREETS, UTILITIES & PUBLIC SVCS CODE OF CODIFIED ORDINANCES BY THE ADDITION OF CHAPTER 972, SPECIAL EVENTS
Referred to Judiciary Committee
- 1ST RDG 2. AUTHORIZE SETTLEMENT OF *TROY PIROLOZZI V. ERIC STANBRO, ET AL.*; AMEND APPROP O#193/2008, AS AMENDED, BY APPROPRIATING FROM THE UNAPPROP BAL & ALLOCATING SAME TO ITEM HEREIN DESCRIBED; EMERGENCY
Referred to Finance Committee
- 1ST RDG 3. AUTHORIZE AUDITOR TO ENTER INTO AGMTS W/SQUIRES, SANDERS & DEMPSEY TO ISSUE A ONE YR BOND ANTICIPATION NOTE; EMERGENCY (*TROY PIROLOZZI V. ERIC STANBRO, ET AL*)
Referred to Finance Committee
- 1ST RDG 4. AMEND APPROP O#193/2008, AS AMENDED BY MAKING VARIOUS SUPP APPROPS & INTERFUND TRANSFER; EMERGENCY (*TROY PIROLOZZI V. ERIC STANBRO, ET AL* \$1,800,000.00)
Referred to Finance Committee

***(COUNCIL RECESSED @ 7:43 PM FOR COMMUNITY & ECONOMIC DEVELOPMENT CMTE TO DISCUSS THE ADOPTION OF O#5; RECONVENED @ 7:44 PM)**

- 234/2009 5. DECLARING 39 BLDGS TO BE PUBLIC NUISANCES; AUTHORIZE SAF DIR TO ENTER INTO CONTRACT FOR DEMO OF SAID BLDGS; AUTHORIZE CLERK OF COUNCIL TO CERTIFY COSTS OF DEMO TO STARK CTY AUDITOR; EMERGENCY
Referred to Community & Economic Development Committee
- 1ST RDG 6. AUTHORIZE MAYOR &/OR SERV DIR TO ADVERTISE, REC BIDS & ENTER INTO CONSTRUCTION CONTRACT FOR SHERRICK RD IMPROV PROJ, GP 1121; EXECUTE A PROF SVCS CONTRACT FOR CONSTRUCTION ENGINEERING SVCS W/OMNI PRO SVCS LLC; REC AMER RECOVERY & REINVESTMENT ACT FUNDS IN AMT OF \$1,500,000.00 FOR PROJ THRU ODOT TO FUND THE COST OF BOTH THE CONSTRUCTION & CONSTRUCTION ENGINEERING CONTRACTS; AUTHORIZE AUDITOR TO ESTABLISH THE 4559 SHERRICK RD IMPROV FUND GP 1121; AMEND APPROP O#193/2008; EMERGENCY
Referred to Finance and Public Safety & Thoroughfares Committees
- 1ST RDG 7. AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO AGMTS FOR GRANTS W/US DEPT OF ENERGY & AEP & TO RECEIVE THE SUBSEQUENT GRANTS; ENTER INTO PROF SVCS CONTRACT WITH URS CORP FOR COMPLETION OF A COMPREHENSIVE DETAILED ENERGY AUDIT IN AMT NOT TO EXCEED \$75,000.00; ADVERTISE, REC BIDS & ENTER INTO VARIOUS MATERIALS, SUPPLIES & CONSTRUCTION CONTRACTS NEEDED TO CONSTRUCT IMPROV PROJ &/OR ENTER INTO CONTRACTS FOR PURCHASE OF MATERIALS & SUPPLIES PURSUANT TO REV CODE SECTIONS 125.04 & 5513.01; AUTHORIZE AUDITOR TO ESTABLISH THE 2236 ENERGY EFFICIENCY & CONSERVATION GRANT FUND; AMEND APPROP O#193/2008; EMERGENCY
Referred to Finance & Environmental & Public Utilities Committees

ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:

(SUSPENDED RULE 22A TO ADD O#8- O#10)

- 2ND RDG 8. AUTHORIZE SERV DIR TO ENTER INTO CONTRACT W/STARK COUNTY PUBLIC DEFENDER COMMISSION FOR THE PROVISION OF LEGAL SVCS TO INDIGENTS; EMERGENCY (FIN)
- 2ND RDG 9. AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO AGMT W/OHIO EPA & OHIO WATER DEVELOPMENT AUTHORITY FOR ARRA FUNDS & WATER POLLUTION CONTROL LOAN FUNDS ; DESIGNATING 4501 CAPITAL IMPROVEMENT FUND AS LOAN REPAY SOURCE; AUTHORIZE AWARD OF CONSTRUCTION CONTRACT & MAYOR &/OR SERV DIR TO EXECUTE SAID CONTRACT; AMEND APPROP O#193/2008; EMERGENCY (PPCI & FIN)
- 2ND RDG 10. AUTHORIZE MAYOR &/OR SERV DIR TO PURCHASE A 12 ACRE TRACT OF LAND INCLUDING MINERAL RIGHTS IN AMT NOT TO EXCEED \$186,313.50; ACCEPT DONATION OF REAL PROPERTY IN AMT OF \$60,436.50; ENTER INTO AGMT TO PURCHASE SAID PARCEL; RCV FUNDS IN AMT OF \$186,313.50 FROM CLEAN OHIO CONSERVATION FUND FOR PURCHASE OF SAID PARCEL; RESERVE THE PARCELS FOR PRESERVATION PURPOSES & PASSIVE RECREATIONAL & EDUCATION ACTIVITIES; EMERGENCY (C&ED & FIN)

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

- 235/2009** 11. AMEND O#55/77, AS AMENDED, ZONING; EMERGENCY (JOSEPH & DEBORAH LAW - 2015 E TUSC - PART OF OUTLOT 196 & PART OF LOT 6265 PARCEL 0234958) **PUB HRG: 12/7/09 @ 7:30 P.M.**
- 236/2009** 12. AMEND SEC 1157.02, PERMITTED USES, OF CODIFIED ORDINANCES (TRUCK TERMINALS) **PUB HRG: 12/7/09 @ 7:31 P.M.**
- 237/2009** 13. AUTHORIZE AUDITOR TO PAY MORAL OB IN AMT NOT TO EXCEED \$12,000.00 TO SQUIRE, SANDERS & DEMPSEY LLP; EMERGENCY

ANNOUNCEMENT OF COMMITTEE MEETINGS:**MONDAY, DECEMBER 14, 2009 in Council Chamber @ 5:00 P.M.**

Special Meeting with landlords to discuss International Property Maintenance Code

MONDAY, DECEMBER 14, 2009 in Council Caucus @ 6:00 P.M.

- 1) Finance Committee
- 2) Judiciary Committee
- 3) Environmental & Public Utilities Committee
- 4) Public Safety & Thoroughfares Committee

PUBLIC SPEAKS: Kevin Byrd re: Stating that his neighbor at 708 Smith Av SW is a nuisance to the neighborhood; Rosario Carcione re: Expressing thanks to people who have been calling the union phone line regarding the members that are facing layoffs. Also thanking the resident that sent the turkeys to the firefighters and police officers. And thanking the gentleman that has been demonstrating outside of City Hall; Daniel Fonte re: Thanking Member Casar for his great leadership on Council. Also thanking Member Kraus for everything he has done in the 8th Ward and stating that no one has done more for the ward.

MISCELLANEOUS BUSINESS: Member Cirelli re: Asking what is going to become of the Frank T. Bow Bldg; Mayor Healy re: Stating that there is a procedure when a Federal Building is vacated. It's available first to any Federal offices that may want to move into it, if none take it then it goes to the State, if the State doesn't take it then it goes to the County and from there it then offered to the City. Stating that he understands there maybe interest from the County level; Member Cirelli re: Asking the Mayor if he knows anything about a fuel cell center and if the City is on top of that for jobs for the area; Mayor Healy re: Advising that he would be happy to meet with Member Cirelli but cannot discuss specifics right now because of confidentiality; Member Casar re: Advising Member Smuckler that it bothers him that he talked to the press regarding Council pay decreases before he brought it to other members; Member Smuckler re: Advising that the press called him and that he did talk to some members and the next Majority Leader; Member Casar re: Stated that he spoke to five Council Members and not one of them knew about this; Member West re: Discussed HEAP and their assistance with new furnaces. Also thanking the Mayor and the Community Development Department for inviting he and other Members to meet with some of the NSP group; Member Kraus re: Advising that he will be hitting the streets collecting for the Ex NewsBoys on Friday December 11th; Member Griffin re: Advising that he will be at Key Bank on 30th Street collecting for the Ex NewsBoys on Friday from 9:00 to 11:00; Member Cirelli re: Advising that she will be at Taggerts and the old Kennedy Barbeque place collecting for the Ex NewsBoys. Also advising Member West that she sent a letter requesting information on stimulus money for furnaces. Lastly, asking Member West if he could share with those Members that were not at the meeting with the NSP how they plan on spending those dollars; Robert Torres re: Announcing that the Dept of Development will be presenting its 2009 accomplishments and 2010 budget on Tuesday at 5:30 P.M.

ADJOURNMENT: 8:16 PM

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, DECEMBER 14, 2009 @ 7:30 PM