

**ROLL CALL:** All Council Members Present

**MOTION TO EXCUSE MEMBERS:** Not necessary

**INVOCATION:** Jim Griffin, Ward 3 Council Member

**PLEDGE OF ALLEGIANCE:** President Allen Schulman

**AGENDA CORRECTIONS & CHANGES:** (Suspended Rule 22A to add 1<sup>st</sup> Rdg O#10 and 2<sup>nd</sup> Rdg O#12 - O#16; O#10 Adopted on 1<sup>st</sup> Rdg; O#11 Retained in Committee; O#24 Adopted as Amended)

**PUBLIC HEARINGS:**

7:30 PM AN ORDINANCE AUTHORIZING CANTON TO ANNEX THE TERRITORY KNOWN AS THE ARMORY ANNEXATION AREA CONTAINING APPROXIMATELY 1.368 ACRES; ASSIGNING SAID TERRITORY TO WARD 1 OF THE CITY; ZONING SAID TERRITORY AS PB-1 (PLANNED OFFICE BUSINESS); AND DECLARING THE SAME TO BE AN EMERGENCY **O#143/2011**  
\_\_\_\_\_(0 Speakers)

7:31 PM AN ORDINANCE AMENDING CHAPTER 1132, FLOOD HAZARD (FH) DISTRICT OF THE CODIFIED ORDINANCES; AND DECLARING THE SAME TO BE AN EMERGENCY; PLANNING COMMISSION RECOMMENDED APPROVAL OF SAME **O#144/2011**  
(0 Speakers)

**OLD BUSINESS (PUBLIC SPEAKS):** Reviewed Pending Issues from Public Speaks.

**PUBLIC SPEAKS (CITY BUSINESS):** Charles Killens re: Discussed a property behind Monroe that is filled up with trash and City property with high grass on 9<sup>th</sup> and Rex; Kathryn Ramsey re: Discussed shootings in her area and the need for more police presence. Also discussed the vacant lots and the article about the City of Massillon assisting their citizens in acquiring such lots; Patricia Kirk re: Reminded everyone that Canton will be hosting the 2012 Tree Commission Academy. Also discussed tree trimmer ads in the newspaper.

**INFORMAL RESOLUTIONS:**

24. COUNCIL AS A WHOLE: RECOGNIZING MELISSA JOHNSTON FOR HER EFFORTS IN THE APPREHENSION OF STEPHEN KELLY. - ADOPTED

**COMMUNICATIONS:**

- 304. AUDITOR MALLONN: REQ FOR ADDT'L AMENDED CERT DATED 8/31/11. - RECEIVED & FILED
- 305. AUDITOR MALLONN: MONTHLY RPT BY FUND 8/1/11 - 8/31/11. - RECEIVED & FILED
- 306. AUDITOR MALLONN: YRLY PRT BY FUND 1/1/11 - 8/31/11. - RECEIVED & FILED
- 307. BARTON, P, ANNEXATION CHAIRMAN: REQ TO INITIATE LEGISLATION TO AMEND GEORGETOWN RD CEDA BETWEEN CITY & CANTON TOWNSHIP TO INCLUDE .0179 PARCEL OF PROP INCLUDED IN BROAD AVE ANNEX. - ANNEXATION COMMITTEE
- 308. FINANCE DIRECTOR DIRUZZA: AMEND APPROP O#245/2010 BY MAKING VARIOUS SUPP APPROPS & APPROP TRANSFERS WHICH ARE NECESSARY TO CONTINUE TO OPERATE CITY EFFICIENTLY. - FINANCE COMMITTEE
- 309. HEALTH COMMISSIONER ADAMS: REQ VARIOUS APPROPS. - FINANCE COMMITTEE
- 310. LIQUOR CONTROL DIVISION: REQ TRANSFER OF D5 LIQ PERMIT FROM LARRY G LOVELESS DBA STUDIO 704 TO JOHN L JONES @ 704 4<sup>TH</sup> ST SW. - RECEIVED & FILED
- 311. LIQUOR CONTROL DIVISION: REQ NEW C1 C2 LIQ PERMIT FOR DOLGEN MIDWEST LLC DBA DOLLAR GENERAL STORE 7215 @ 3250 CLEVELAND AVE NW. - RECEIVED & FILED
- 312. THE MARTIN CENTER LLC, APPLICANT: PROPOSED ZONE CHANGE FOR 1253 THIRD ST SE FROM R-2 TO PCS TO PROVIDE YOUTH FOCUSED COMMUNITY PROGRAMS INCLUDING GED COURSE STUDY, RECREATION, HEALTH & WELLNESS & COMPUTER TRAINING. - PLANNING COMMISSION
- 313. MAYOR HEALY: AUTHORIZE APPT OF RICK GECKLER TO CANTON RECREATION BOARD UNTIL 12/31/11. - PERSONNEL COMMITTEE
- 314. PLANNING COMMISSION: ON 5/10/11 RECOMMENDED DENIAL OF PROPOSED ZONE CHANGE FOR 3625 W TUSCARAWAS ST. APPLICANT DID NOT SUBMIT AN ADEQUATE LISTING OF PROP OWNERS, THEREFORE THE ZONE CHANGE WAS WITHDRAWN. - RECEIVED & FILED

**COMMUNICATIONS CONTINUED:**

315. PRATER, T, WARD 5 CNCLMBR & HAWK, G, WARD 1 CNCLMBR: REQ TO CONSIDER CREATING A NEW ACCT FUND FOR \$10,000.00 FOR CITY DESIGNATED STREET VACATIONS. - FINANCE & JUDICIARY COMMITTEES
316. SAFETY DIRECTOR REAM: RECEIPT OF RE-OFFENDER LIST FROM STARK COUNTY JAIL. - RECEIVED & FILED
317. SERVICE DIRECTOR PRICE: REQ FOR MAYOR &/OR SERV DIR TO ENTER INTO COOP AGMT W/AKRON METRO FOR CONSTRUCTION OF WEST SIDE PARKS TRAIL PROJ GP1093 (38<sup>TH</sup> ST NW RR CROSSING). - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
318. SERVICE DIRECTOR PRICE: REQ FOR MAYOR &/OR SERV DIR TO ENTER INTO COOP AGMT W/AKRON METRO FOR CONSTRUCTION OF WEST SIDE INTERCEPTOR SANITARY SEWER REHAB PROJ GP1138. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
319. SERVICE DIRECTOR PRICE: REQ PARTICIPATORY COOP LEGISLATION W/ODOT THAT WILL ALLOW ODOT TO CONSTRUCT A PROJ THAT WILL UPGRADE/REPLACE 11 TRAFFIC SIGNALS ON THE SIGNAL SYSTEM IDENTIFIED AS THE "NAVARRE RD SIGNAL SYSTEM". - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
320. SERVICE DIRECTOR PRICE: REQ PARTICIPATORY COOP LEGISLATION W/ODOT THAT WILL ALLOW ODOT TO CONSTRUCT A BRIDGE REHABILITATION LOCATED ON THE OFF RAMP FROM EASTBOUND US62 TO NORTHBOUND I77 OVER I77. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
321. SERVICE DIRECTOR PRICE: REQ NEW PARTICIPATORY COOP LEGISLATION W/ODOT THAT WILL ALLOW ODOT TO CONDUCT AN URBAN PAVING PROJ ON US-30. - PUBLIC SAFETY & THOROUGHFARES COMMITTEE
322. SERVICE DIRECTOR PRICE: REQ AUTHORIZATION TO MAKE \$36,950.00 MORAL OB TO BELL EQUIPMENT CO FOR SHIPMENT OF 60 VARIOUS SIZED DUMPSTERS. - FINANCE COMMITTEE
323. SERVICE DIRECTOR PRICE: REQ TO ENTER INTO CONTRACT W/OHIO POWER COMPANY TO PROVIDE ELECTRIC ENERGY TO WATER TREATMENT PLANT. - ENVIRONMENTAL & PUBLIC UTILITIES COMMITTEE
324. SERVICE DIRECTOR PRICE: REQ TO APPROPRIATE CAPITAL MONIES WITHIN THE 4501 & 4502 CAPITAL IMPROVEMENT FUNDS TO FUND MUCH NEEDED IMPROVEMENTS & MAINTENANCE TO CITY PARKS, STREETS, BLDGS, ROOFS, VEHICLES, HEAVY EQUIPMENT & INFRASTRUCTURE. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
325. TREASURER SCHIRACK: RPT OF DEPOSITS & PAY INS FOR AUGUST 2011 TO AMBULANCE LOCK BOX. - RECEIVED & FILED
326. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR MONTH OF AUGUST 2011. - RECEIVED & FILED
327. TREASURER SCHIRACK: BANK RECONCILIATIONS & CITY'S OUTSTANDING INVESTMENTS AS OF 8/31/11. - RECEIVED & FILED
328. TREASURER SCHIRACK: COMPARATIVE RPT OF CASH RECEIVED AS OF 8/31/11. - RECEIVED & FILED

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

- 1<sup>ST</sup> RDG 1. AUTHORIZE MAYOR AND/OR SAF DIR TO ENTER INTO LEASE AGMT W/AREF CANTON LP FOR PURPOSE OF UTILIZING CITY OWNED PARKING SPACE; EMERGENCY  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 2. AUTHORIZE MAYOR &/OR SERV DIR TO CONVEY A 25 FOOT STRIP OF LAND TO THE BD OF STARK CNTY COMMISSIONERS; EMERGENCY (FRANK T. BOW BLDG)  
Referred to Community & Economic Development Committee
- 1<sup>ST</sup> RDG 3. AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO MUTUAL AGMT(S) W/STARK COUNTY BD OF COMMISSIONERS NECESSARY FOR THE APPLICATION TO OPWC AS A JOINT SPONSOR & FOR COMPLETION OF THE 55<sup>TH</sup> ST WATER WORK PROJ; EMERGENCY  
Referred to Finance Committee

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

- 1<sup>ST</sup> RDG 4. AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO A CONSULTANT CONTRACT W/HAMMONTREE & ASSOC FOR THE ALLENFORD EMERGENCY SANITARY SEWER STABILIZATION & REHAB PROJ TO SOLICIT QUOTES FROM CONTRACTORS, TO EXPEDITIOUSLY AUTHORIZE THE WORK, TO ENTER INTO COOP AGMTS W/STARK CTY & CITY OF NORTH CANTON TO REIMBURSE CANTON FOR A PORTION OF THE WORK, TO ENTER INTO AGMTS W/THE USACE &/OR THE OHIO PUBLIC WORKS COMMISSION FOR BOTH TECHNICAL & FINANCIAL ASST; EMERGENCY  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 5. AUTHORIZE MAYOR &/OR SERV DIR TO APPLY FOR, ENTER INTO AGMTS & ACCEPT FUNDS FOR 2012 PROG YR FROM THE OHIO PUBLIC WORKS COMMISSION; EMERGENCY  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 6. AUTHORIZE AUDITOR TO REIMBURSE PLAIN TWP \$60,500.03; AMEND APPROP O#245/2010; EMERGENCY (PART OF THE 25<sup>TH</sup> ST NE STORM SEWER PROJ GP 1090 DESIGN WORK)  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 7. AUTHORIZE SERV DIR TO ENTER INTO LOCAL PUBLIC AGENCY AGMTS W/THE OHIO DEPT OF TRANSPORTATION FOR LOCAL TRANSPORTATION INFRASTRUCTURE PROJECTS; EMERGENCY  
Referred to Public Property Capital Improvement & Public Safety & Thoroughfares Committees
- 1<sup>ST</sup> RDG 8. AUTHORIZE MAYOR &/OR SERV DIR TO ENTER INTO CONSULTANT CONTRACT W/COOPER & ASSOCIATES FOR THE HAMILTON AVE STORM SEWER PROJ; AMEND APPROP O#245/2010 BY MAKING \$45,000.00 APPROP TRANSFER; EMERGENCY  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 9. AUTHORIZE THE AUDITOR TO ESTABLISH THE 2531 NIMISILLA PARK FUND  
Referred to Finance Committee

***(COUNCIL RECESSED AT 8:01 P.M. FOR THE PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE TO DISCUSS ORDINANCE #10; RECONVENED AT 8:13 P.M.)***

- 142/2011 10. AMEND APPROP O#245/2010, AS AMENDED; EMERGENCY (CAPITAL MONEY TO FUND MUCH NEEDED IMPROVEMENTS & MAINTENANCE TO CITY PARKS, STREETS, BLDGS, ROOFS, VEHICLES, HEAVY EQUIPMENT & INFRASTRUCTURE)  
Referred to Public Property Capital Improvement Committee

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

***(SUSPENDED RULE 22A TO ADD O#12 - O#16; O#11 RETAINED IN CMTE)***

**RETAINED IN**

- CMTE** 11. AMEND CHAPTER 917, TREES, OF CODIFIED ORDINANCES OF CITY OF CANTON (JUD)
- 2<sup>ND</sup> RDG 12. AMEND CHAPTER 749, ITINERANT RETAILERS, OF CODIFIED ORDINANCES OF CITY OF CANTON (JUD)
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- 2<sup>ND</sup> RDG 13. AMEND APPROP O#245/2010, AS AMENDED, BY MAKING THE SUPPLEMENTAL APPROPS & APPROP TRANSFERS HEREIN DESCRIBED (EXHIBIT A - VARIOUS 16 FUNDS) (FIN)
- 2<sup>ND</sup> RDG 14. AMEND SECTION 947.20, RATES FOR OUTSIDE CITY USERS, OF CODIFIED ORDINANCES OF CITY OF CANTON (JUD)
- 2<sup>ND</sup> RDG 15. AUTHORIZE SERV DIR TO ENTER INTO CONTRACT W/BOBCAT COMPANY IN AMT NOT TO EXCEED \$57,978.92 FOR PURCHASE OF ONE COMPACT EXCAVATOR, MODEL E80 PURSUANT TO O.R.C. SECTION 125.04; EMERGENCY (FIN & PPCI)
- 2<sup>ND</sup> RDG 16. AUTHORIZE CLERK OF COUNCIL TO CERTIFY TO COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR WATER AND/OR SEWER SERVICES; EMERGENCY (E&PU)

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

- 143/2011 17. AUTHORIZE CANTON TO ANNEX TERRITORY KNOWN AS THE ARMORY ANNEXATION AREA CONTAINING APPROX 1.368 ACRES; ASSIGNING SAID TERRITORY TO WARD 1; ZONING SAID TERRITORY AS PB-1 (PLANNED OFFICE BUSINESS); EMERGENCY **PUB HRG 9/12/11 @ 7:30 PM**
- 144/2011 18. AMEND CHAPTER 1132, FLOOD HAZARD (FH) DISTRICT OF CODIFIED ORDINANCES; EMERGENCY **PUB HRG 9/12/11 @ 7:31 PM**
- 145/2011 19. AUTHORIZE SERV DIR TO ENTER INTO A FIVE YEAR CONTRACT W/GREENER CORNERS LLC FOR PURPOSE OF INSTALLING RECYCLING RECEPTACLES ON CITY OWNED PROP; EMERGENCY
- 146/2011 20. AMEND APPROP O#245/2010, AS AMENDED, BY MAKING \$870,000.00 SUPP APPROP; EMERGENCY (POLICE & FIRE PERSONAL SVCS)
- 147/2011 21. AUTHORIZE MAYOR OR SERV DIR TO ENTER INTO CONTRACT W/CANTON REGIONAL CHAMBER OF COMMERCE TO PROVIDE A GRANT IN AMT NOT TO EXCEED \$175,000.00 FOR COMPREHENSIVE ECONOMIC & DOWNTOWN DEV PROG; EMERGENCY
- 148/2011 22. AUTHORIZE SAF DIR TO ACCEPT GRANT FROM THE OHIO DEPT OF PUB SAF IN AMT NOT TO EXCEED \$3,000.00; AMEND APPROP O#245/2010; EMERGENCY

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

**149/2011** 23. ESTABLISH FAIR MKT VALUE OF REAL PROP; ESTABLISH PURCHASE PRICE OF PARCEL INCLUDING MINERAL RIGHTS OF \$11,300.00; AUTHORIZE SERV DIR TO ENTER INTO AGMT FOR PURCHASE OF SAID PARCEL; AUTHORIZE MAYOR &/OR SVC DIR TO APPLY FOR, ENTER INTO AGMT & RECEIVE FUNDS IN AMT OF \$12,062.00 FROM CLEAN OH CONSERVATION FUND; RESERVE PROP FOR PURPOSES OF PRESERVATION OF WATER FORESTRY & OTHER NATURAL RESOURCES; EMERGENCY (MALLONN PARK)

**AMENDED**

**150/2011** 24. ESTABLISH FAIR MKT VALUE OF EASEMENTS IN REAL PROP; AUTHORIZE MAYOR OR SERV DIR TO NEGOTIATE & ACQUIRE EASEMENTS; EMERGENCY (NAVARRE ROAD SIGNAL SYSTEM PROJ)

**151/2011** 25. AUTHORIZE AUDITOR TO PAY MORAL OB IN AMT NOT TO EXCEED \$94,594.50 TO STANLEY MILLER CONSTRUCTION & \$34,000.00 TO BURGESS & NIPLE; EMERGENCY

**152/2011** 26. APPROVE A CANTON CITY WATER MAIN EXTENSION TO PLAIN TWP; AUTHORIZE SERV DIR TO ENTER INTO CONTRACT FOR EXTENSION OF SAID WATER MAIN; EMERGENCY

**153/2011** 27. AUTHORIZE SERV DIR TO ENTER INTO AN AMENDED CONTRACT WITH M-E COMPANIES FOR ADDT'L AMT NOT TO EXCEED \$95,560.00 FOR EASEMENT WORK; AMENDING APPROP O#245/2010 BY MAKING \$1,779,953.70; EMERGENCY

**ANNOUNCEMENT OF COMMITTEE MEETINGS:****MONDAY, SEPTEMBER 19, 2011 in Council Chamber at 6:15 P.M.**

- 1) Finance Committee
- 2) Community & Economic Development Committee
- 3) Personnel Committee
- 4) Public Safety & Thoroughfares Committee
- 5) Public Property Capital Improvement Committee

**MISCELLANEOUS BUSINESS:** Member Cirelli re: Relayed ongoing problems at 2512 8<sup>th</sup> St NW; Member Hawk re: Stated that he would like the landlord of 2512 8<sup>th</sup> St NW to do something with the property; Safety Director Ream re: Relayed that the Code Department is handling issues with 2512 8<sup>th</sup> St NW; Member Cirelli re: Asked if the Safety Director would go out to the property and look at it himself; Safety Director Ream re: Agreed to go to the property; Member West re: Advised that there is a memorial fund set up at all Key Banks for Kenny Lawrence who was shot on 13<sup>th</sup> and Cleveland. Also relayed the need for more police patrol and citizens' involvement to make the neighborhoods safer. Commended Brenda Kimbrough for doing her share to make the neighborhood nicer by painting over graffiti. Lastly, asked Service Director Price if there is any more money available for demolitions; Service Director Price re: Advised that there is no money left for any more demolitions this year; Law Director Martuccio re: Echoed Member West's praise for Brenda Kimbrough. Explained the article in the newspaper to Kathryn Ramsey. Commended the Administration and Police and Fire for the 9/11 Memorial; President Schulman re: Held a moment of silence; Service Director Price re: Provided another update on 2512 8<sup>th</sup> St NW; Member Smuckler re: Asked if the City has prosecuted any landlord for code violations similar to the ones at 2512 8<sup>th</sup> St NW; Law Director Martuccio re: Advised that yes the City has prosecuted landlords; Member West re: Asked the Service Director if he can give him a report on the railroad ties along the railroad tracks that he has turned in previously; Member Hawk re: Wanted Service Director Price to know that he did an excellent job with 2512 8<sup>th</sup> St NW property; President Schulman re: Congratulating Patricia Kirk for making a difference in our community. Also discussed AEP trimming trees and destroying them.

**ADJOURNMENT:** 9:20 PM

**THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, SEPTEMBER 19, 2011 @ 7:30 PM**