

**FINAL**  
**A G E N D A**  
7:30 PM

CANTON CITY COUNCIL

SEPTEMBER 19, 2011

**ROLL CALL:** Eleven Council Members Present  
**MOTION TO EXCUSE MEMBERS:** Member Horner Absent  
**INVOCATION:** Chris Smith, Ward 4 Council Member  
**PLEDGE OF ALLEGIANCE:** President Allen Schulman

**AGENDA CORRECTIONS & CHANGES:** (Suspended Rule 22A to add 1<sup>st</sup> Rdg O# 12; 2<sup>nd</sup> Rdg O#13 - O#20; O#12 Adopted on 1<sup>st</sup> Rdg; O#21 Retained in Committee; O#22 Postponed until 9/26/11)

**PUBLIC HEARINGS:** None

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

**PUBLIC SPEAKS (CITY BUSINESS):** Vicki Mitchell is concerned with the difficulty of purchasing property on a lot beside her where a house has been demolished. She has contacted the county, the city and then the county again. She has maintained this area by cleaning it and mowing it since it has been vacant but can't seem to get any straight answers about a price or a procedure for acquiring the lot. Ms. Mitchell doesn't understand why the city doesn't want her money for the land and the county doesn't want the money from the increased property taxes. James Parker is upset by the proposed fee of \$250.00 per day for the itinerant retailers. He feels this is a violation of rights and stifles innovation. This is another form of taxation without representation and he really hopes that the people who pass out free meals on Sunday morning in the Kresge lot will be exempt from this law. Mr. Parker thinks that allowing all persons to participate and offer varieties will help to stimulate the economic recovery of the city. Dan Phillips was at Council to discuss the vendors license issue and fees back in 2006. He can't believe that 5 years later he is having this same discussion. The fee of \$250.00 per day is just impossible for most vendors because they don't usually make \$250.00 per day. Mr. Phillips has a mobile truck that he will keep in his own neighborhood and not charge \$7.00 to \$20.00 for lunch but he would like to know the SID boundaries so that he can stay out of them.

**INFORMAL RESOLUTIONS:**

25. PERSONNEL COMMITTEE: REQ CONFIRMATION OF RICK GECKLER TO THE CANTON RECREATION BOARD TO TERM EXPIRING 12/31/11. - ADOPTED

26. WEST, THOMAS WARD 2 CNCL MBR: HONORING THE RSVP ORGANIZATION FOR THEIR VOLUNTEERS IN OUR COMMUNITY. - ADOPTED

**COMMUNICATIONS:**

329. DOWNTOWN MERCHANTS: SUPPORTING THE ORDINANCE TO AMEND CHAP 749, ITINERANT RETAILERS. - RECEIVED & FILED

330. LIQUOR CONTROL DIVISION (OHIO): REQ TRANSFER OF C1 C2 LIQUOR PERMIT FROM DAVID KNOTTS INC DBA MAGGIORES DRIVE THRU 23 TO ABU JASIM LLC DBA MAGGIORES DRIVE THRU 23 @ 3060 W TUSC . - RECEIVED & FILED

331. MAYOR WILLIAM HEALY: REQ APPROVAL OF APPT OF MR. MATTHEW C. HALTER TO ARCHITECTURAL REVIEW BOARD FOR RETRO TERM COMMENCING 1/1/11 - 12/31/14. - PERSONNEL COMMITTEE

332. SAFETY DIRECTOR REAM: DECLARE 2 BUILDINGS UNSAFE & HAZARDOUS FOR WHICH DEMO IS REQUIRED. - COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

333. SERVICE DIRECTOR PRICE: AUTHORIZE SERV DIR TO SELL CURRENT BASKETBALL FLOOR AND BACKBOARD UNITS AT CIVIC CTR AS THE CLEVELAND CAVALIERS HAVE PURCHASED NEW FLOORS AND BACKBOARD UNITS THAT WILL BECOME PROPERTY OF THE CITY. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

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

1<sup>ST</sup> RDG 1. AUTHORIZE MAYOR AND/OR SERV DIR TO AMEND THE GEORGETOWN RD COOP ECONOMIC DEVELOPMENT AGMT (CEDA) TO INCLUDE THE BROAD AVE ANNEXATION AREA; EMERGENCY  
Referred to Annexation Committee

1<sup>ST</sup> RDG 2. AMEND APPROP O# 245/2010, AS AMENDED, BY MAKING VARIOUS SUPP APPROP AND APPROP TRANSFERS; EMERGENCY (FOR CITY'S CONTINUING OPERATIONS)  
Referred to Finance Committee

1<sup>ST</sup> RDG 3. AMEND APPROP O#245/2010; EMERGENCY (HEALTH DEPT)  
Referred to Finance Committee

1<sup>ST</sup> RDG 4. AMEND APPROP O# 245/2010, AS AMENDED, BY MAKING \$10,000.00 SUPP APPROP FROM 1001 GENERAL FUND TO 1001 60-20-01 COUNCIL CITY STREET VACATE EXPENSE - OTHER; EMERGENCY  
Referred to Finance and Judiciary Committees

1<sup>ST</sup> RDG 5. AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO A COOP AGMT WITH AKRON METRO FOR CONSTRUCTION OF WEST SIDE PARKS TRAIL PROJ, GP 1093; EMERGENCY  
Referred to Public Safety & Thoroughfares Committee

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

- 1<sup>ST</sup> RDG 6. AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO A COOP AGMT WITH AKRON METRO FOR CONSTRUCTION OF WEST SIDE INTERCEPTOR SANITARY SEWER REHABILITATION PROJ, GP 1138; EMERGENCY  
Referred to Public Safety & Thoroughfares Committee
- 1<sup>ST</sup> RDG 7. AUTHORIZE MAYOR TO ENTER INTO CONTRACT WITH OHIO DEPT OF TRANSPORTATION FOR UPGRADING OF INTERSECTIONS; EMERGENCY (NAVARRE RD SIGNAL SYSTEM)  
Referred to Public Safety & Thoroughfares Committee
- 1<sup>ST</sup> RDG 8. AUTHORIZE & CONSENT TO REPAIR OF THE BRIDGE ON OFF RAMP FROM EASTBOUND US 62 TO NORTHBOUND I77 OVER I77; EMERGENCY  
Referred to Public Safety & Thoroughfares Committee
- 1<sup>ST</sup> RDG 9. AUTHORIZE & CONSENT TO RESURFACE US 30 FROM SR 43 TO EASTERN CORP LINE WITH MISCELLANEOUS BRIDGE WORK WITHIN CITY OF CANTON; EMERGENCY  
Referred to Public Safety & Thoroughfares Committee
- 1<sup>ST</sup> RDG 10. AUTHORIZE AUDITOR TO PAY \$36,950.00 TO BELL EQUIPMENT CO; EMERGENCY  
Referred to Finance Committee
- 1<sup>ST</sup> RDG 11. AUTHORIZE SERV DIR TO ENTER INTO CONTRACT WITH OHIO POWER CO TO PROVIDE ELECTRIC ENERGY TO THE N.E. WATER TREATMENT PLANT; EMERGENCY  
Referred to Environmental & Public Utilities Committee

***(COUNCIL RECESSED AT 7:57 P.M. FOR THE COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE TO DISCUSS ORDINANCE #12; RECONVENED AT 7:58 P.M.)***

- 154/2011 12. DECLARE 2 BLDGS PUBLIC NUISANCES; AUTHORIZE SAF DIR TO ENTER INTO CONTRACT FOR THE DEMOLITION OF SAID BLDGS; AUTHORIZE CLERK OF CANTON CITY COUNCIL TO CERTIFY THE COSTS OF DEMOLITION TO STARK COUNTY AUDITOR; EMERGENCY  
Referred to Community & Economic Development Committee

**ORDINANCES & FORMAL RESOLUTIONS FOR SECOND READING:**  
**(SUSPENDED RULE 22A TO ADD O#13 - O#20; O#21 RETAINED IN CMTE)**

- 2<sup>ND</sup> RDG 13. AUTHORIZE MAYOR AND/OR SAF DIR TO ENTER INTO LEASE AGMT W/AREF CANTON LP FOR PURPOSE OF UTILIZING CITY OWNED PARKING SPACE; EMERGENCY (FIN)
- 2<sup>ND</sup> RDG 14. 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) (C&ED)
- 2<sup>ND</sup> RDG 15. 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 (FIN)
- 2<sup>ND</sup> RDG 16. 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 (FIN)
- 2<sup>NS</sup> RDG 17. AUTHORIZE MAYOR &/OR SERV DIR TO APPLY FOR, ENTER INTO AGMTS & ACCEPT FUNDS FOR 2012 PROG YR FROM THE OHIO PUBLIC WORKS COMMISSION; EMERGENCY (FIN)
- 2<sup>ND</sup> RDG 18. 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) (FIN)
- 2<sup>ND</sup> RDG 19. AUTHORIZE SERV DIR TO ENTER INTO LOCAL PUBLIC AGENCY AGMTS W/THE OHIO DEPT OF TRANSPORTATION FOR LOCAL TRANSPORTATION INFRASTRUCTURE PROJECTS; EMERGENCY (PPCI & PS&T)
- 2<sup>ND</sup> RDG 20. 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 (FIN)
- 2<sup>ND</sup> RDG 21. **RETAINED IN COMMITTEE** AUTHORIZE THE AUDITOR TO ESTABLISH THE 2531 NIMISILLA PARK FUND (FIN)

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

- 9/26/11 22. AMEND CHAPTER 749, ITINERANT RETAILERS, OF CODIFIED ORDINANCES OF CITY OF CANTON
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- 155/2011 23. AMEND APPROP O#245/2010, AS AMENDED, BY MAKING VARIOUS SUPP APPROPS & APPROP TRANSFERS (FOR THE CITY'S CONTINUING OPERATIONS)
- 156/2011 24. AMEND SECTION 947.20, RATES FOR OUTSIDE CITY USERS, OF CODIFIED ORDINANCES OF CITY OF CANTON

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

**157/2011** 25. 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

**158/2011** 26. AUTHORIZE CLERK OF COUNCIL TO CERTIFY TO COUNTY AUDITOR UNPAID AND DELINQUENT CHARGES FOR WATER AND/OR SEWER SERVICES; EMERGENCY

**ANNOUNCEMENT OF COMMITTEE MEETINGS:****MONDAY, SEPTEMBER 26, 2011 in Council Chamber at 6:30 P.M.**

- 1) Finance Committee
- 2) Public Safety & Thoroughfares Committee
- 3) Environmental & Public Utilities Committee
- 4) Personnel Committee
- 5) Judiciary Committee
- 6) Annexation Committee

**MISCELLANEOUS BUSINESS:** Member West is encouraged by the number of people who spoke out about the traveling restaurants in the downtown area. He excluded himself from the vote because he occasionally comes downtown for special events as a vendor. Member Cirelli has had several people call her because they had tried to call the non-emergency phone number for the Police Department and it just rang and rang without an answer. One of them called 9-1-1 and was told there was a possible problem with AT & T. Could someone please check on this? She explained to President Schulman that his earlier comments about retailers being poachers offended her because her family used to sell fruit to make ends meet. She felt that he owed both the Honorable Body and the audience an apology. President Schulman stated that some of the vendors are looking for the best deal they can find and by coming into downtown they diminish the retailers that are committed to downtown. The business owners pay taxes, utilities and employee people on a regular basis not just for the day. There needs to be a fee for those that come in, get a bang for their buck, then leave. He never meant to offend her or anyone else but he feels it is important to support those that support the community. Member Cirelli asks Law Director Martuccio if there were any calculations provided to him to create this Ordinance. Law Director Martuccio states that there was not a mathematic analysis provided to come up with the figures for the fee amounts. Member Cirelli says some of these vendors are competing with restaurants in Belden Village area. She will also be looking up the number of restaurants that have come to the city for financial assistance then still gone out of business and left the city stuck with an unpaid loan. Member Smuckler, as the sponsor of the Ordinance, states it is not only about restaurants but any business that sets up to compete with other businesses but does not have any overhead or pay any taxes. The city cannot fund Police or Fire without any businesses paying taxes. We are opening up the door for anyone to set up shop wherever they want and this hurts the city. He will provide figures next week to discuss why these fees are essential to the city. Member Smith supports a young man that runs a T-shirt business and knows that he is not in a position to pay \$250.00 per day. She also wanted to apologize to Ms. Mitchell for all of the problems she has run into trying to purchase the property next to her. Member Cole feels this legislation if passed will outlaw any vendors coming into the city. He wants to review all figures to determine just where the amount for fees was decided upon. Member West asks the Law Director where we stand with the Tree Ordinance. Law Director Martuccio stated he was waiting on any other requests for amendments for the Tree Ordinance. Member West asked all Council Members to please get any requests regarding the Tree Ordinance to the Law Director so that this Ordinance can be completed. Member West also thanked Mr. Parker for coming and asked for an update on Jim Thorpe. Mayor Healy apologized to Vicki Mitchell for the city adding to her confusion. He feels that the city, county and state need to determine a simpler process for neighbors wishing to acquire property rather than leave the vacant lots unattended. Mayor Healy thanked Member Dougherty for another year of an outstanding Feed the Needy picnic. He attended the event and was again amazed by the number of citizens in attendance. Majority Leader Dougherty thanked the Mayor for his comments. This event was created by Council as a means to give back to the community. This was the 19<sup>th</sup> annual picnic. It takes the efforts of a lot of people to make this event happen. He expressed thanks to the Council office staff, Auditor's office, Law Department, Chief of Staff and his family and all others that participated. The day ran very smooth this year. There are many local businesses that help to make this a success such as WalMart who came out and did eye exams for anyone that wanted one, the Aultman WOW van, the city Health Department provides valuable information and the Health Commissioner was there for the entire day. Family Time Entertainment always donates their time for the day and assists in making the event a good time. Member Dougherty does appreciate the efforts by all.

**ADJOURNMENT:** 8:36 P.M.

**THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, SEPTEMBER 26, 2011 @ 7:30 PM**